



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

**SPECIAL SITTING
SUPPLEMENTARY**

(Convened vide Kenya Gazette Notice No. 12053 of 8th September, 2023)

THURSDAY, SEPTEMBER 14, 2023 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*. PROCEDURAL MOTION – EXTENSION OF SITING TIME

(The Leader of the Majority Party)

THAT, pursuant to Standing Order 30(3)(a), this House orders that, should the time appointed for adjournment of the House today, Thursday, 14th September 2023 be reached before conclusion of all business listed in the Order Paper for the Sitting, the sitting shall stand extended until conclusion of the listed business.

9*. THE PRIVATISATION BILL (NATIONAL ASSEMBLY BILL NO. 22 OF 2023)

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Thursday, September 14, 2023 – Morning Sitting)

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10*. SPECIAL MOTION - CONSIDERATION OF A NOMINEE FOR APPOINTMENT AS THE DIRECTOR OF PUBLIC PROSECUTIONS

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

THAT, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in its Report on the vetting of a nominee for approval as the Director of Public Prosecutions, *laid on the Table of the House on Thursday, 14th September 2023*, and pursuant to Article 157(2) of the Constitution as and section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of **Mr. Renson Mulele Ingonga, OGW** as the Director of Public Prosecutions.

11*. SPECIAL MOTION - CONSIDERATION OF NOMINEES FOR APPOINTMENT TO THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND BOARD

(The Chairperson, Select Committee on the National Government Constituencies Development Fund)

THAT, taking into consideration the findings of the Select Committee on the National Government Constituencies Development Fund in its Report on the vetting of nominees for appointment as members of the National Government Constituencies Development Fund Board, *laid on the Table of the House on Thursday, 14th September 2023*, and pursuant to section 15(1)(e) of the National Government Constituencies Development Fund Act, 2015 and section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of the following persons as members of the National Government Constituencies Development Fund Board –

- (i) **Hon. Olago Aluoch, CBS;**
- (ii) **Hon. Janet Teyiaa; and**
- (iii) **Ms. Masitsa Naomi Shiyonga.**

12*. COMMITTEE OF THE WHOLE HOUSE

- (i) The Privatisation Bill (National Assembly Bill No. 22 of 2023)
(The Leader of the Majority Party)

(With leave of the House)

- (ii) The Sugar Bill (National Assembly Bill No. 34 of 2022)
(The Hon. Emmanuel Wangwe, M.P.)

13*. MOTION - CONSIDERATION OF THE MEMORANDUM BY THE NATIONAL TREASURY AND ECONOMIC PLANNING ON ACTION PLANS TO REVIVE AND COMMERCIALIZE STATE-OWNED SUGAR COMPANIES

(The Co-Chairperson, Joint Departmental Committee on Finance and National Planning and the Departmental Committee on Agriculture and Livestock)

THAT, this House adopts the Joint Report of the Departmental Committee on Finance and National Planning and the Departmental Committee on Agriculture and Livestock on its consideration of the Memorandum by the National Treasury and Economic Planning on Action Plans to Revive and Commercialize State-owned Sugar Companies, *laid on the Table of the House on Thursday, 14th September 2023.*

Denotes Orders of the Day

NOTICES

I. THE PRIVATISATION BILL (NATIONAL ASSEMBLY BILLS NO. 22 OF 2023)

Notice is given that the Chairperson of the Departmental Committee on Finance and National Planning intends to move the following amendments to the Privatisation Bill (National Assembly Bills No. 22 of 2023) at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended by deleting the definition “privatisation” and substituting therefor the following new definition—

“privatisation” means a transaction that results in a transfer, other than to a public entity, of the assets of a public entity including the shares in a public entity.”

CLAUSE 4

THAT, clause 4 of the Bill be amended by deleting subclause (2).

CLAUSE 9

THAT, clause 9 of the Bill be amended by inserting the following new paragraph immediately after paragraph (e)—

“(ea) prepare long-term divestiture sequence plan;

(eb) monitor and evaluate the implementation of privatization programs in Kenya;”

CLAUSE 10

THAT, clause 10 of the Bill be amended by in sub-clause (1) by—

(a) inserting the following new paragraph immediately after paragraph (d)—

“(de) the secretary to the State Corporations Advisory Committee or a representative designated in writing;”

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

“(e) four other persons members, not being public officers, nominated by the Cabinet Secretary through a competitive process and approved by the National Assembly, each possessing a degree in either economics, accounting, finance or any other relevant degree from a recognized institution and having ten years of work experience of which five shall be at senior management level in a relevant field;”

CLAUSE 12

THAT, clause 12 of the Bill be amended in subclause 1(c)—

- (a) by deleting the words “has been absent” appearing in subparagraph (i) and substituting therefor the word “absence”;
- (b) by deleting the words “is unable” appearing in subparagraph (ii) and substituting therefor the word “inability”;
- (c) by inserting the words “or her” immediately after the words “the functions of his” appearing in paragraph (vi);

NEW CLAUSES

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

Delegation by the Board.

13A. The Board may, by resolution either generally or in a particular case, delegate to a subcommittee of the Board or to a member, officer, employee or agent of the Authority, the exercise of any of the powers or performance of any of the functions of the Board.

Co-option of members.

13B. The Board may, by resolution either generally or in particular case, co-opt an additional member with relevant expertise for purposes of performance of any of the functions of the Board.

CLAUSE 15

THAT, clause 15 of the Bill be amended by deleting subclause (3) and substituting therefor the following new subclause—

“(3) A person shall be qualified to be appointed as the Managing Director if the person—

- (a) holds a degree in either economics, accounting, finance or any other relevant degree from a recognized institution;
- (b) has ten years of work experience of which five shall be at senior management level in a relevant field;
- (c) meets the requirements of Chapter six of the Constitution.”

CLAUSE 18

THAT, clause 18 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (a)—

“(ab) be annually audited and reported on;”

CLAUSE 19

THAT, clause 19 of the Bill be amended in subclause (1) by inserting the word “shall” immediately after the words “under subsection (1)”.

CLAUSE 21

THAT, clause 21 of the Bill be amended—

- (a) in subclause (1) by deleting the word “Parliament” appearing immediately after the words “approved privatization programme to” and substituting therefor the words “the National Assembly”;
- (b) in subclause (3) by deleting the word “Parliament” appearing at the beginning of the subclause and substituting therefor the words “The National Assembly”;
- (c) in subclause (4) by deleting the word “Parliament” appearing immediately after the words “privatisation programme to” and substituting therefor the words “the National Assembly”;
- (d) in subclause (5) by deleting the word “Parliament” and substituting therefor the words “the National Assembly”.

CLAUSE 24

THAT, clause 24 of the Bill be amended—

- (a) by numbering the existing provision as subclause “1”;
- (b) by inserting the following new subclause immediately after the renumbered subclause (1)—

“(2) A privatization that entails the transfer of a public interest in a public entity shall not be implemented unless it is included in the privatization programme.”

CLAUSE 27

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

Steering Committee.

27. (1) For each privatisation, there shall be a steering committee to implement the privatization on behalf of the Authority subject to any directions of the Authority.

(2) A steering committee shall comprise the following members—

- (a) the members of the Authority described in paragraphs (b) and (c) of section 5(1);

- (b) the Principal Secretary of the ministry with responsibility over the asset or service being privatised; and
- (c) such members of the Authority as the Authority specified.

CLAUSE 28

THAT, clause 28 of the Bill be amended by deleting paragraph (d) and substituting therefor the following new paragraph—

“(d) such other method determined by the Cabinet.”

CLAUSE 29

THAT, clause 29 of the Bill be amended in subclause (2) by deleting paragraph (1).

CLAUSE 30

THAT, clause 30 of the Bill be deleted.

CLAUSE 31

THAT, the Bill be amended by deleting clause 31 and substituting therefor the following new clause—

Approval of privatization
proposal.

31. (1) For each privatisation included in the privatisation programme, the Authority shall make a specific proposal for privatisation to the Cabinet Secretary.

(2) The Cabinet Secretary shall present the privatisation proposal specified in subsection (1) to the Cabinet for approval.

CLAUSE 32

THAT, clause 32 of the Bill be amended—

- (a) by numbering the existing provision as subclause “1”;
- (b) by inserting the following new subclause immediately after the renumbered subclause (1)—

“(2) The method of privatisation specified in section 28(d) shall be effected in the manner determined by the Cabinet.”

CLAUSE 33

THAT, clause 33 of the Bill be amended in subclause (1) by inserting the words “business and assets” immediately after the words “shall undertake a”.

CLAUSE 35

THAT, clause 35 of the Bill be amended—

- (a) in the opening statement by deleting the words “A state corporation” and substituting therefor the words “A public entity”;
- (b) in paragraph (b) by inserting the words “or procure any assets” immediately after the words “incur any liabilities”

CLAUSE 36

THAT, the Bill amended by deleting clause 36 and substituting therefor the following new clause—

Control of investments.

36. A public entity undergoing privatization shall not undertake any new capital investment or disposal, other than those under ordinary course, had been approved prior to the entry into the privatization programme, or are critical to business continuity, unless approved by the Cabinet and ratified by the National Assembly.

CLAUSE 37

THAT, clause 37 of the Bill be amended by deleting the words “The National Government or”.

CLAUSE 38

THAT, clause 38 of the Bill be amended by inserting the following new paragraph immediately after paragraph (a)—

“(aa) continue to operate in its ordinary course of business without prejudice to the Government or potential purchaser;”

CLAUSE 44

THAT, the Bill be amended by deleting clause 44 and substituting therefor the following new clause—

Proceeds from the sale of a public entity’s shareholding.

44. Any proceeds from the sale of a public entity’s shareholding shall be deposited in a special interest-bearing account established for that public entity in order to protect the erosion of the balance sheet of the public entity.

CLAUSE 46

THAT, clause 46 of the Bill be amended in subclause (1) by deleting the expression “46” and substituting therefor the expression “45”.

CLAUSE 54

THAT, clause 54 of the Bill be amended in paragraph (a) by deleting the words “allocated by Parliament” and substituting therefor the words “appropriated by the National Assembly”.

CLAUSE 61

THAT, clause 61 of the Bill be amended by inserting the following new subclause immediately after subclause (3)—

“(4) Any person who contravenes this section commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months or to both”.

CLAUSE 68

THAT, clause 68 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

“(2) Notwithstanding subsection (1), any ongoing privatisation under the repealed Act shall be determined and finalized in accordance with this Act.”

SECOND SCHEDULE

THAT, the Second Schedule be amended in paragraph 2—

- (a) in subparagraph (4) by inserting the words “technical” immediately after the words “shall constitute a”;
- (b) in subparagraph (6) by inserting the words “within seven days after the evaluation” at the end of the subparagraph;
- (c) by deleting subparagraph (7) and substituting therefor the following new subparagraphs—

“(7) Upon approval of the evaluation report by the Board, the Managing Director shall—

- (a) issue all shortlisted persons with a request for proposal; and
- (b) concurrently notify persons not shortlisted of the outcome of the evaluation indicating the reasons thereof.

(7A) The shortlisted persons referred to under subparagraph 7(a) shall fill and submit their proposal within fourteen days of receipt of the request for proposal.

(7B) The request for proposal referred to subparagraph 7(a) shall set out the following—

- (a) instructions for the preparation and submission of the proposal;

- (b) evidence of qualifications of the persons submitting the proposal;
 - (c) an explanation of where and when proposals shall be submitted;
 - (d) a statement of the period during which proposals shall remain valid;
and
 - (e) the procedures and criteria to be used to evaluate and compare the proposals.”
- (d) in subparagraph (8) by inserting the words “technical” immediately after the words “shall constitute a”;
 - (e) in subparagraph (9) by inserting the words “, within thirty days of opening of the proposals,” immediately after the words “paragraph (8) shall”;
 - (f) in paragraph (11) by inserting the words “, within twenty one days,” immediately after the words “Managing Director shall”;
 - (g) in paragraph (12) by inserting the words “, within seven days,” immediately after the word “shall”;
 - (h) in paragraph (13) by inserting the words “, within seven days,” immediately after the word “the Managing Director shall”.
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II. THE SUGAR BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2022)

- 1) Notice is given that the Chairperson of the Departmental Committee on Agriculture and Livestock intends to move the following amendments to the Sugar Bill (National Assembly Bill No. 34 of 2022) 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—
 - (i) “jaggery mill” means bare minimum technology equipment used to crush sugarcane to produce sugarcane juice which is processed through boiling to produce jiggery;
 - (ii) “industrial sugar” means a white crystalline carbohydrate used as a sweetener and preservative sugar, which complies with the specifications set by the body for the time being responsible for setting standards;

- (iii) “sugar beet” means any plant or part of a plant of the genus Beta or any of its hybrid that is grown for sugar production;
 - (iv) “sugar crop” means a crop grown for the purpose of sugar production including sugarcane and sugar beet;
 - (v) “sugar manufacturers’ apex body” means a national body, composed of sugar and jaggery millers registered under the Societies Act, with the main objective being to lobby for the interests of the registered millers;
- (b) by deleting definition of “agreements” and substituting therefor the following new definition —
- “agreements” means agreements specifying the standard provisions governing the rights and obligations of growers, millers, out-growers, transporters and other value chain actors in the sugar industry;
- (c) by deleting definition of “farm gate.”
- (d) by deleting definition of “mill gate” and substituting therefor the following new definition—
- “mill gate” means a site designed as such by the Board where sugar crops are received, weighed or tested;
- (e) in the definition of “Institute” by deleting the words “Kenya Sugar Research Institute” and substituting therefor the words “Kenya Sugar Research and Training Institute.”
- (f) by deleting definition “sugar” and substituting therefor the following new definition—
- “sugar” means crystalline or liquid sucrose derived from sugar crop in any of its recognized commercial forms, intended for human consumption or other uses and includes jaggery, raw, brown, plantation (mill) white and industrial sugar;
- (g) by deleting definition of “sugarcane growers apex body” and substituting therefor the following new definition—
- “sugarcane growers apex body” means a national organization registered under the Societies Act whose membership shall comprise of mill level registered and contracted farmers’ institutions and groups championing the rights under a cane supply agreement and in the catchment areas listed under the First Schedule and gazetted as such by the Cabinet Secretary for the time being responsible for agriculture;

(h) by deleting definition of “stakeholder” and substituting therefore the following new definition-

“stakeholder” means “a person with significant interest in the sugar industry and includes growers, out-growers, millers, transporters and other value chain actors in the sugar industry.”

CLAUSE 4

THAT, Clause 4 of the Bill be amended—

(a) in sub-clause (1), by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) co-ordinate the activities of value chain actors within the industry; and”

(b) in sub-clause (2)—

(i) by deleting paragraph (c) and substituting therefor the following new paragraph-

“(c) establish linkages with other government agencies and research institutions to enhance quality assurance and research and facilitate flow of research findings to the interested parties.”

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

“(d) monitor and regulate the domestic market with a view to identifying any distortions in the sugar market and advise the Government and interested parties on any corrective measures to be taken.”

(iii) by inserting the following new paragraph immediately after paragraph (d)—

“(da) advise the national and county governments on agricultural levies for purposes of planning, enhancing harmony and promotion of equity in the sugar industry.”

(iv) by deleting paragraph (e);

(v) by deleting paragraph (f) and substituting therefor the following new paragraph—

“(f) facilitate the sale, import and export of sugar and sugar products.”

(vi) by deleting the paragraph (i) and substituting therefor the following new paragraph—

“(i) in collaboration with county governments, implement an equitable mechanism for the pricing of sugar crop and appropriation of proceeds from the disposal of the by-products of sugar production between millers and growers as stipulated in the guidelines.”

- (vii) by deleting paragraph (j) and substituting therefor the following new paragraph—
- “(j) collaborate with national and international trade bodies on sugar related matters.”
- (viii) by deleting paragraph (m) and substituting therefor the following new paragraph—
- (ix) “(m) register and license sugar and jaggery mills, exporters, importers and dealers.”
- (x) by deleting paragraph (o) and substituting therefor the following new paragraph—
- “(o) promote and advise on strategies for value addition and product diversification in the sugar industry.”
- (xi) by deleting paragraph (p) and substituting therefor the following new paragraph—
- “(p) in consultation with the county governments and other stakeholders, formulate a strategic plan for the sugar sub-sector at least once every five years.”
- (xii) by deleting paragraph (q) and substituting therefor the following new paragraph—
- “(q) in consultation with the county governments, formulate guidelines on an efficient, safe and economical transportation of sugar, sugar crop and disposal of unutilized by-products.”
- (xiii) by deleting paragraph (r) and substituting therefor the following new paragraph—
- “(r) gather and disseminate market information on regional and global supply chain dynamics for the benefit of stakeholders.”
- (xiv) by deleting paragraph (u) and substituting therefor the following new paragraph—
- “(u) perform such functions as may be conferred on it by this Act or any other written law”.

CLAUSE 5

THAT, Clause 5 of the Bill be amended—

- (a) by deleting paragraph (a) and substituting therefor the following new paragraph—
- “(a) issue certificates and inspect sugar crop nurseries in collaboration with the Kenya Sugar Research and Training Institute.”

(b) by deleting paragraph (b) and substituting therefor the following new paragraph—
“(b) offer and coordinate extension services on sugar crop production in the respective county.”

(c) by deleting the word “establish” and substituting therefor the word “maintain” in paragraph (e);

CLAUSE 6

THAT, Clause 6 (1) of the Bill be amended—

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

“(a) a non-executive chairperson appointed by the President.”

(b) by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) two representatives each elected by private and public owned sugar mills who are knowledgeable in sugar technology and value addition.”

CLAUSE 7

THAT, Clause 7 of the Bill be amended in sub-clause (2), by deleting the expression “*under section 6 (1) (b), (c) and (e)*” and substituting therefor the following new expression “*under section 6 (1) (a), (b), (c) and (e)*.”

CLAUSE 8

THAT, Clause 8 of the Bill be amended by deleting the word “*of*” appearing immediately after the words “*of the Board*”

CLAUSE 14

THAT, Clause 14 of the Bill be amended by deleting sub clause (1) and substituting therefor the following new sub clause (1) —

“(1) There shall be a Chief Executive Officer of the Board who shall be appointed through a competitive process by the Board and whose terms and conditions of service shall be determined by the Board in consultation with the Public Service Commission in the instrument of appointment or otherwise in writing from time to time.”

NEW CLAUSE 17A

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

Registration of
millers.

- 17A.** (1) A person shall not conduct the business of a miller unless he or she is registered by the Board and the premises in which the business is conducted is specified in the register in accordance with regulations made under this Act.
- (2) The Board shall issue to every miller registered under this section, a certificate of registration specifying the premises at which milling may be carried on by the miller.
- (3) No fee shall be charged in respect of any registration or certification of registration made or issued under this section.
- (4) In issuing certificates of registration under sub-section (3), the Board shall satisfy itself that the premises upon which milling may be carried out meets the environmental standards set by the National Environmental Management Authority and the miller has been issued with a certificate of safety by the relevant county government.
- (5) A miller may offer extension or other services to growers.
- (6) Every miller registered under this section shall conduct business in accordance with this Act and any regulations made thereunder.
- (7) A person who contravenes the provisions of this section commits an offence and shall upon conviction be liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten million shillings or to both.

NEW CLAUSE 17B

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

Registration of a
grower to a
factory.

- 17B.** (1) A miller shall not purchase sugar crop from, or accept sugar crop delivered by, a grower and a grower shall not sell or deliver sugar crop to a miller, unless that grower is registered in respect of the factory of the miller for the supply of sugar crop.
- (2) No miller shall, without reasonable cause, refuse to accept or collect sugar crop for the manufacture of sugar delivered by a grower in accordance with a cane supply agreement.
- (3) A miller or a grower who contravenes the provisions of this section commits an offence and shall be liable, on conviction, to a fine not less than one million shillings or three times the market value of the sugar in respect of which the offence is committed, whichever is greater, or to imprisonment for a term not less than one year, or to both such fine and imprisonment.

CLAUSE 19

THAT, Clause 19 of the Bill be amended—

- (a) by deleting sub-clause (4);
- (b) by deleting sub-clause (6);
- (c) by deleting sub-clause (8).

NEW CLAUSE 19A

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

Conditions of a license.

19A. (1) A license issued under this Act shall be subject to such conditions as the Board may determine and as prescribed in regulations.

(2) Every license shall, unless earlier revoked, expire on the 30th June next following the date of issue.

CLAUSE 20

THAT, Clause 20 of the Bill be amended—

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

“(1) A person shall not import or export sugar crop, sugar or sugar by-products without a valid licence issued by the Board in accordance with regulations made under this Act.”

- (b) by inserting the following new sub-clauses immediately after sub-clause (1)—

“(2) A holder of a valid import or export licence shall not import or export sugar crop, sugar or sugar by-products unless they have obtained a pre-import or pre-export approval from the Board in accordance with regulations made under this Act.”

“(3) A person who imports sugar into Kenya shall, prior to importation —

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

NEW CLAUSE 20A

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

Safeguard
measures.

20A. (1) The Board shall ensure, subject to such regional and international trade agreements to which Kenya is a party, that all sugar imports into the country are subject to all the prevailing import duties, taxes and other tariffs.

(2) Despite sub-section (1), the Board shall ensure that—

- (a) sugar shall be imported in the country only when there is sugar deficit and for a specific tonnage; and
- (b) importers report to the Board on their imports, sales and stock as may be determined by the Board.

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

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

CLAUSE 22

THAT, the Bill be amended by deleting clause 22.

PART IV

THAT, the title under PART IV be amended by deleting the words “ESTABLISHMENT OF THE KENYA SUGAR RESEARCH INSTITUTE” and substituting therefor the words “ESTABLISHMENT OF THE KENYA SUGAR RESEARCH AND TRAINING INSTITUTE”.

CLAUSE 23

THAT, Clause 23 be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause-

“(1) There is hereby established a body to be known as the Kenya Sugar Research and Training Institute.”

MARGINAL NOTE

THAT, the marginal note be amended to read as follows, “Establishment of the Kenya Sugar Research and Training Institute.”

CLAUSE 24

THAT, Clause 24 of the Bill be amended—

(a) in sub-clause (1)—

(i) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) promote, co-ordinate and regulate research in sugar, sugar crop, sugar by-products, sugar technologies and management practices.”

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

“(b) expedite equitable access to research information, resources, sugar technologies and innovations and promote the application of research findings in the development of sugar industry.”

(b) in sub-clause (2)—

(i) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) formulate policy and make policy recommendations in respect of sugar research, development and training to the Board in line with the national policy on sugar.”

(ii) delete paragraph (b);

(iii) by deleting the word “Government” and substituting therefor the word “Board” in paragraph (c).

(iv) by deleting the word “agricultural” and substituting therefor the words “sugar industry” in paragraph (g);

(v) by inserting the word “industry” immediately after the words “made in sugar” in paragraph (i);

(vi) by inserting the word “industry” immediately after the words “field of sugar” in paragraph (k);

(vii) by inserting the words “and promote” immediately after the word “breed” in paragraph (l);

- (viii) by deleting paragraph (m) and substituting therefor the following new paragraph—
 - “(m) conduct research on nutritional requirements of sugar crop in order to provide recommendations on the appropriate inputs.”
- (ix) by inserting the word “sugar crop” immediately after the words “economical cane” in paragraph (n).
- (x) by deleting the word “sugarcane” and substituting therefor the words “sugar crop” in paragraph (o).
- (xi) by deleting the word “sugarcane” and substituting therefor the word “sugar crop” in paragraph (p).
- (xii) by inserting the word “transport” immediately after the words “farm machinery” in paragraph (r).
- (xiii) by deleting paragraph (s) and substituting therefor the following new paragraph —
 - “(s) promote transfer of sugar industry technology based on applied research through relevant training and extension mechanisms.”
- (xiv) by deleting paragraph (v) and substituting therefor the following new paragraph—
 - “(v) charge fees or levies for rendered services and products.”
- (xv) by deleting paragraph (w) and substituting therefor the following new paragraph —
 - “(w) offer modular courses on various aspects of sugar industry technologies, innovations and management practices.”

CLAUSE 25

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

Management of the
Institute.

25.The management of the Institute shall vest in the Board of Directors which shall consist of —

- (a) a chairperson appointed by the President who shall have a background in agricultural research or related field;
- (b) one person nominated by sugarcane growers’ organization apex body;

- (c) one person nominated by sugarcane manufacturers apex body;
- (d) one person nominated by the input supply system;
- (e) one person nominated by universities;
- (f) the Principal Secretary for the time being responsible for the National Treasury or a representative appointed in writing;
- (g) the Principal Secretary for the time being responsible for Agriculture or a representative appointed in writing;
- (h) the Director General of the Kenya Agricultural Livestock and Research Organization; and
- (i) the Managing Director who shall be an ex-officio member.

CLAUSE 27

THAT, Clause 27 of the Bill be amended—

- (a) by deleting paragraph (b) and substituting therefor with the following paragraph—

“(b) such monies as may accrue to or vest in the Board in the course of the exercise of its powers or the performance of its functions under this Act.”
- (b) by deleting paragraph (c) and substituting therefor with the following paragraph—

“(c) monies from any other source as approved by the Board of Directors and Ministry responsible.”
- (c) by inserting the following new paragraph (d)—

“(d) levies and fees accrued from rendered services and products.”

CLAUSE 28

THAT, Clause 28 of the Bill be amended—

- (a) in sub-clause (1), by deleting the words “Director General” and substituting therefor the words “Managing Director.”
- (b) in the marginal note by deleting the words “Director General” and substituting therefor the words “Managing Director”;

- (c) by deleting sub-clause (2) and substituting therefor the following new sub-clause—

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

- (a) holds a doctorate degree in agricultural studies, soil and seed research, soil science or a related field from a university recognized in Kenya;
- (b) has at least ten years knowledge and experience from a relevant field;
- (c) has at least five years’ experience in a position of senior management; and
- (d) meets the provision of Chapter Six of the Constitution.”

CLAUSE 33

THAT, Clause 33 of the Bill be amended by inserting the following new paragraph immediately after paragraph (c) —

“(d) Sugar Development Levy.”

CLAUSE 34

THAT, Clause 34 of the Bill be amended—

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

“(1) The Cabinet Secretary shall in consultation with the Board, by order in the Gazette, impose a levy on domestic Sugar not exceeding four per centum of the value and a four per centum of CIF value on imported sugar to be known as the Sugar Development Levy”.

- (b) by deleting sub clause (6);

- (c) by deleting sub clause (7) and substituting therefor the following new sub-clause —

“(7) The Sugar Development Levy collected under sub-section (2) shall be appropriated as follows—

- (a) fifteen per centum shall be applied for factory development and rehabilitation;
- (b) fifteen per centum shall be applied for research and training;
- (c) forty per centum shall be applied for cane development and maintenance;

- (d) ten per centum shall be applied for infrastructure development and management;
- (e) fifteen per centum shall be applied for the administration of the Board; and
- (f) five per centum shall be applied for the furtherance and exercise of the functions of sugarcane farmers organisations”.

(d) by deleting sub clause (8).

CLAUSE 35

THAT, Clause 35 of the Bill be amended—

- (a) by deleting sub clause (1) and substituting therefor the following new sub clause—
“(1) There is established a Fund to be known as the Sugar Development Fund”.
- (b) by inserting the following new sub clause immediately after sub clause (1)—
“(1A) The Fund shall be managed by a Board of Trustees established under section 9 of the Crops Act, 2013 in consultation with the Board”.

CLAUSE 36

THAT, Clause 36 of the Bill be amended by inserting the word “of” immediately after the word “thirtieth”.

CLAUSE 41

THAT, Clause 41 of the Bill be amended—

- (a) in sub-clause (1)—
 - (i) by deleting the word “sugarcane” and substituting therefor the word “sugar crop” in paragraph (a);
 - (ii) by deleting paragraph (b) and substituting therefor the following new paragraph—
“(b) disputes between sugar crop farmers and the following—
 - (i) out grower institutions;
 - (ii) millers;
 - (iii) other interested parties”
- (b) by inserting the following paragraphs immediately after paragraph (d)—
 - “(e) disputes between millers; and
 - (f) disputes between any other interested parties”.

CLAUSE 42

THAT, Clause 42 of the Bill be amended by deleting sub clause (1) and substituting therefor the following new sub clause—

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

CLAUSE 49

THAT, Clause 49 of the Bill be amended—

(a) in sub-clause (1), by deleting paragraph (c) and substituting therefor the following new paragraph-

“(c) environmental standards and issues as set by the body for the time being responsible for public health; and”

(b) by deleting sub-clause (2).

CLAUSE 51

THAT, the Bill be amended by deleting Clause 51

CLAUSE 52

THAT, Clause 52 of the Bill be amended—

(a) by deleting sub-clause (4); and

(b) by deleting sub-clause (5);

CLAUSE 53

THAT, Clause 53 of the Bill be amended —

(a) by deleting sub-clause (2);

(b) in sub-clause (3) by deleting the expression “sub section (2) and substituting therefor the expression “sub section (1);

NEW CLAUSE 53A

THAT, the Bill be amended by inserting the following new clause immediately after clause 53—

General penalty. 53A(1) A person who contravenes any of the provisions of this Act commits an offence.

(2) A person convicted of an offence under this Act for which no other penalty is provided shall be liable—

- (a) in the case of a first conviction, to a fine not less than one million shillings or three times the market value of the sugar in respect of which the offence is committed, whichever is greater, or to imprisonment for a term not less than one year; and
- (b) in the case of a second or subsequent conviction, to a fine not less than three million shillings or three times the market value of the sugar in respect of which the offence is committed, whichever is greater, or to imprisonment for a term not less than two years.

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—

- (a) in sub-clause (1) by inserting the words “county governments and” immediately after the words “in consultation with.”
- (b) in sub-clause (2)-
 - (i) by inserting the words “and collection centres” immediately after the words “weighbridges” in paragraph (d);
 - (ii) by inserting the following new paragraphs immediately after paragraph (i)-
 - “(j) the conditions with respect to the delivery, measurement, examination and testing of sugarcane;
 - (k) the seizure by an inspector of books, documents and sugar cane which, in the opinion of the inspector, may afford evidence of a contravention of this Act and the doing of such other things as may appear to the inspector to be necessary for ascertaining whether compliance has been made with this Act;

(l) penalties for non-adherence to sugar industry agreements”

(c) by deleting sub-clause (3).

(d) in sub-clause (4) by deleting the words “*twelve months*” and substituting therefor the words “*six months*”

SECOND SCHEDULE

THAT, the Second Schedule be amended by deleting paragraph (1).

THIRD SCHEDULE

THAT, the Bill be amended by deleting the Third Schedule.

- 2) Notice is given that the Member for Tinderet (Hon. Julius Melly) intends to move the following amendments to the Sugar Bill, 2022 at the Committee Stage—

CLAUSE 34

THAT, Clause 34 of the Bill be amended by deleting sub clause (1) and substituting therefor the following new sub clause—

“(1) The Cabinet Secretary shall, in consultation with the Board, by order in the Gazette, impose a levy on domestic Sugar not exceeding two per centum of the value and a four per centum of CIF value on imported sugar to be known as the Sugar Development Levy”.

- 3) Notice is given that the Member for Suba South (Hon. Caroli Omondi) intends to move the following amendments to the Sugar Bill, 2022 at the Committee Stage—

CLAUSE 2

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

“National Environment Management Authority” means the National Environment Management Authority established under section 7 of the Environmental Management and Co-ordination Act, No. 8 of 1999;

“Salaries and Remuneration Commission” means the Salaries and Remuneration Commission established under Article 230 of the Constitution;”

CLAUSE 6

THAT the Bill be amended in clause 6 by inserting the words “fifteen years” immediately before the word “relevant” appearing in sub clause (3).

CLAUSE 7

THAT Clause 7 of the Bill be amended —

- (a) by inserting the words “upon election or nomination as the case may be” appearing in sub clause (1) immediately after the words “ further term”; and
- (b) by deleting sub clause (2).

CLAUSE 12

THAT Clause 12 of the Bill be amended by deleting the words “or to any member, officer, employee or agent of the Board”.

CLAUSE 13

THAT Clause 13 of the Bill be amended by deleting the word “remuneration” appearing immediately after the word “such”.

CLAUSE 18

THAT Clause 18 of the Bill be amended by deleting the words “a jaggery” and substituting therefor the words “an industrial jaggery” appearing in sub clause (1).

CLAUSE 19

THAT Clause 19 of the Bill be amended in sub clause (2) by deleting paragraph (a) and substituting therefor the following new paragraph —

“(a) it is satisfied that the applicant is financially sound and solvent”;

NEW CLAUSE 20A

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

Annual
report on
sugar
forecasting
by the
Board.

20A. (1) The Board shall at the beginning of every year prepare an annual report which shall include a forecast of national cane harvest, milled sugar, consumption of sugar, deficit in sugar production and the period of importing sugar to cover the deficit and it shall be laid before the National Assembly.

(2) Subject to section 19 (8), the Board may only allow licensed and registered sugar millers to import sugar where there is a deficit in sugar production.

NEW CLAUSE 53A

THAT the Bill be amended by inserting the following new clause immediately after clause 53—

Long term
leasing of
government
owned
sugar
millers.

No. 2 of
2005.

53A. (1) The Privatization Commission established under section 3 of the Privatization Act, shall establish a programme for the long term leasing of government owned and controlled sugar millers by strategic investors which shall be concluded within a period of three years from the commencement of this Act.

(2) The programme under sub section (1) shall provide for the mechanism for participation of outgrowers in the management of leased sugar mills.

4) Notice is given that the Member for Seme (Hon. (Dr.) James Nyikal) intends to move the following amendments to the Sugar Bill, 2022 at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended by inserting the following new definition in its proper alphabetical sequence—

“sugar crop” means a crop that is cultivated primarily for the manufacture of sugar or secondarily for the production of alcohol.”

CLAUSE 24

THAT, clause 24 of the Bill be amended—

- (a) in sub clause (1) by deleting the words “sugar and sugar” appearing in paragraph (a) and substituting therefor the words “sugar-cane and other sugar crop” immediately after the words “research in”;
- (b) in sub clause (2)—
 - (i) by deleting the word “sugar” appearing in paragraph (a) and substituting therefor the words “sugarcane and any other sugar crop” immediately after the words “Cabinet Secretary on”
 - (ii) by deleting the word “sugar” appearing in paragraph (d) and substituting therefor the words “sugarcane and any other sugar crop” immediately after the words “ensure that all”
 - (iii) by deleting the word “sugar” appearing in paragraph (h) and substituting therefor the words “sugar-cane and any other sugar crop” immediately after the words “involved in”

- (iv) by deleting the word “sugar” appearing in paragraph (i) and substituting therefor the words “sugar-cane and any other sugar crop” immediately after the words “made in”;
- (v) by inserting the words “and any other sugar crop” immediately after the word “breed” in paragraph (l)
- (vi) by inserting the words “and any other sugar crop” immediately after the words “requirements of sugar” in paragraph (m);
- (vii) by deleting the word “cane” appearing in paragraph (n) and substituting therefor the words “sugar-cane and any other sugar crop” immediately after the words “that affect”;
- (viii) by inserting the words “and any other sugar crop” immediately after the word “sugar-cane” in paragraph (o);
- (ix) by inserting the words “and any other sugar crop” immediately after the word “sugar-cane” in paragraph (p); and
- (x) by deleting the word “cane” appearing in paragraph (w) and substituting therefor the words “sugar-cane and any other sugar crop” immediately after the words “aspects of”;

CLAUSE 34

THAT, clause 34 of the Bill be amended in sub clause (5) by deleting the word “five” and substituting therefor the word “three” immediately after the words “a sum equal to”.

CLAUSE 55

THAT, clause 55 of the Bill be amended in sub clause (3) by deleting the word “two” and substituting therefor the word “three” immediately after the words “term not exceeding”.

5) Notice is given that the Member for Kimilili (Hon. Didmus Barasa) intends to move the following amendments to the Sugar Bill, 2022 at the Committee Stage—

CLAUSE 53

THAT the Bill be amended in clause 53 by inserting the following new subclauses immediately after subclause 3—

- (4) There shall be no zoning to compel a farmer to sell his or her sugarcane to a particular miller;
- (5) Notwithstanding the provisions of subclause (4), where an agreement subsists between a farmer and a miller in which certain incentives have been advanced to the farmer under an agreement, the contractual obligation shall be observed.

THIRD SCHEDULE

THAT the Third Schedule to Bill be amended in paragraph 8(1) by inserting the following new sub-paragraphs immediately after sub-paragraph (e)—

(f) assume responsibility of the sugarcane immediately it is loaded to the transportation vehicle and any liabilities or losses resulting henceforth shall not be borne by the farmer;

(g) be obliged to agree with the farmer the duration within which the farmer is to be paid upon harvesting the sugarcane and such duration shall not exceed 30 calendar days;

(f) incur an interest payable to the farmer at the rate of 3% for any amounts due and owing to the farmer after the prescribed period in subparagraph (g).

6) Notice is given that the Member for Likuyani (Hon. Innocent Mugabe) intends to move the following amendments to the Sugar Bill, 2022 at the Committee Stage—

CLAUSE 4

THAT, clause 4 of the Bill be amended by introducing a new paragraph (fa)—

(fa) import sugar on behalf of the government whenever there is sugar shortage in the country;

CLAUSE 20

THAT, clause 20 of the Bill be amended by—

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

“(1) The Board shall authorize any person seeking to import sugar into the country by requiring that prior to importation the person shall—

(a) provide a sample of the sugar to be imported and pre-import verification certificate from the country of origin; and

(b) obtain pre-import approval from the Board.”

(b) inserting the following new sub clause immediately after sub clause (3)—

“(4) Profit gained by the Board while importing sugar on behalf of the government shall be used—

(a) to promote and co-ordinate research in line with national policy on sugar; and

(b) support and promote training and capacity building in relation to sugarcane development; and

(c) support sugar cane growers or growers of any crop used for the manufacture of sugar.”

7) Notice is given that the Member for Funyula (Hon. (Prof) Wilberforce Oundo) intends to move the following amendments to the Sugar Bill, 2022 at the Committee Stage—

CLAUSE 2

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

“retailer” means any person licensed to carry out retail business in Kenya and includes a supermarket, departmental store, retail shop, wholesale shop, distribution agency or a

hawker.”

“sugar producing crop” means a crop that is cultivated primarily for the production and manufacture of sugar and secondarily for the production of alcohol”

CLAUSE 6

THAT, Clause 6 of the Bill be amended by inserting the following new sub clause immediately after sub clause (3)—

“(4) A person shall not be elected to represent growers under sub-clause 1(b) unless such a person is a grower with a parcel of land of not less than two hectares or produces a sugar producing crop of a quantity not less than that prescribed by the Cabinet Secretary in regulations.”

CLAUSE 8

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

“(h) does not comply with the requirements provided under section 6(4).”

CLAUSE 14

THAT, clause 14 of the Bill be amended in sub clause (1), by inserting the words “in consultation with the Salaries and Remuneration Commission” immediately after the words “in the instrument of appointment.”

CLAUSE 19

THAT, Clause 19 of the Bill be amended—

(a) in sub clause (2) by inserting the following new paragraph immediately after paragraph (b)—

“(c) it is satisfied that the applicant has sufficient financial capacity to commence milling and support growers and retailers.”

- (b) in sub clause (4), by deleting the words “30th June” and substituting therefor the words “31st December;”
- (c) in sub clause (6), by deleting the words “1st June” and substituting therefor the words “1st December.”

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 22 —

Duties of millers and retailers to the domestic market in a package that satisfies the trade principle of traceability. “**22A.** (1) Every miller shall supply sugar and other sugar products to the domestic market in a package that satisfies the trade principle of traceability.

(2) Every retailer shall sell sugar and sugar products in a package that satisfies the trade principle of traceability.

(3) The Cabinet Secretary shall within six months of the enactment of this Act, make regulations for the better implementation of the provisions of this Section.

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

CLAUSE 24

THAT, Clause 24 of the Bill be amended —

- (a) by deleting sub clause (1) and substituting therefor the following new sub clause—
 - (1) The Institute shall—
 - (a) undertake research and coordinate research to enhance the development of the sugar industry in order to meet national development goals;
 - (b) promote, co-ordinate and regulate research in sugar producing crops and attendant diseases and pests;
 - (c) expedite equitable access to research opportunities, information, resources and technology;
 - (d) disseminate research findings and technology to the Board, growers, millers, the government, training institutions and other key stakeholders; and
 - (e) participate in the development and periodic review of training curriculum for the key technical skills in the sugar industry.

(b) in sub clause (2) by—

- (i) inserting the following new words “and other sugar producing crops” immediately after the word “sugarcane” appearing in paragraph (l);
- (ii) inserting the following new words “and other sugar producing crops” immediately after the word “sugarcane” appearing in paragraph (m);and
- (iii) inserting the following new words “and other sugar producing crops” immediately after the word “sugarcane” appearing in paragraph (o);
- (iv) inserting the following paragraphs immediately after paragraph (x);
 - (y) prescribe qualifications for persons to be appointed as inspectors;
 - (z) maintain a register of persons qualified to be appointed as inspectors; and
 - (aa) register persons who meet the required professional and ethical standards to be registered as inspectors
- (v) deleting the word “and” appearing in paragraph (w) after the word “practices”

CLAUSE 28

THAT, clause 28 of the Bill be amended in sub clause (1), by inserting the following new words “in consultation with the Salaries and Remuneration Commission” immediately after the words “instruments of appointment”

PART V

THAT, the heading of Part V of the Bill be amended by deleting the words “APPOINTMENT OF CROP INSPECTORS” and substituting therefor words **APPOINTMENT OF SUGAR INDUSTRY INSPECTORS.**”

CLAUSE 29

THAT, the Bill be amended by deleting clause 29 and substituting therefor the following new clause.

Appointment
of Inspectors

“29. (1) The Board shall appoint qualified sugar industry inspectors for purposes of undertaking its functions under this Act or any other written law.”

(2) Notwithstanding any other provisions of this Act or any other written law, the sugar industry inspector shall comprise of –

(2) Notwithstanding any other provisions of this Act or any other written law, the sugar industry inspector shall comprise of –

- (a) a crop inspector;
 - (b) a factory inspector;
 - (c) a warehousing and transportation inspector; and
 - (d) any other inspector that the Board may consider necessary.”
- (3) A person shall not be appointed as a sugar industry inspector unless such person holds an academic or professional qualification prescribed by the Kenya Sugar Research Institute.
- (4) The Kenya Sugar Research Institute shall maintain a register of persons qualified to be appointed as sugar industry inspectors.
- (5) A person shall not be appointed as a sugar industry inspector unless such person is registered by the Kenya Sugar Research Institute.
- (6) The Board may appoint any other government agency as a sugar industry inspector for purposes of this Act.
- (7) The Cabinet Secretary shall make Regulations for the better implementation of the provisions of this Section”

CLAUSE 40

THAT, clause 40 of the Bill be amended in sub clause 2 by deleting paragraph (b) and substituting therefor the following new paragraph –

“(b) four other members, being persons with expert knowledge in economics, trade, law, agriculture, research and engineering with at least five years’ experience in arbitration, all of who shall be appointed by Chief Justice through a competitive recruitment process.”

CLAUSE 41

THAT, clause 41 of the Bill be amended in sub clause (1) paragraph (b) by inserting the following words “and other sugar producing crop” immediately after the word “sugarcane”

CLAUSE 54

THAT, Clause 54 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b) —

- (a) 5% shareholding of private sugar milling company.

THIRD SCHEDULE

THAT, Part 3 of the Third Schedule to the Bill be amended —

- (a) in paragraph 7(3)(a) by inserting the words “ and other sugar producing crops” immediately after the word “sugarcane;”

- (b) in paragraph 7(4)(c) by inserting the following new paragraph immediately after paragraph 4—

“(4A) Within six months of its appointment, the Committee shall set sugar cane prices based on the pricing formula.”

- 8) **Notice is given that the Member for Lugari (Hon. Nabii Nabwera) intends to move the following amendments to the Sugar Bill, 2022 at the Committee Stage—**

CLAUSE 2

THAT, Clause 2 of the Bill be amended by deleting the definition of the term “mill gate” and substituting therefor the following new definition—

“mill gate” means a site where sugarcane is received at the respective weighbridge;

FIRST SCHEDULE

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

FIRST SCHEDULE

[S.2, 6(1)(b) and 25(b)]

DELINEATION OF SUGAR CATCHMENT**AREAS****SUGAR CATCHMENT AREA****COUNTIES**

Central Region

Kisumu, Kericho and Nandi

Upper Western Region

Bungoma and Trans nzoia

Lower Western Region

Uasin Gishu, Kakamega, Busia and Siaya

Southern Region

Homabay, Kisii, Migori and Narok

Coastal Region

Kwale, Lamu and Tana River

THIRD SCHEDULE

THAT, Part 3 of the Third Schedule to the Bill be amended—

(a) in paragraph 7(2) by—

- (i) deleting the words “the Chief Executive Officer” appearing in subparagraph (a) and substituting therefor the words “a nominee”;
- (ii) inserting the words “one of whom shall be from a public mill” immediately after the word “Association” appearing in subparagraph (b);
- (iii) inserting the words “apex body of” immediately after the words “nominated by the” appearing in sub-paragraph (c);
- (iv) deleting sub-paragraph (d); and
- (v) deleting the word “one” appearing in subparagraph (f) and substituting therefor the word “two”

(b) in paragraph 7(4) by inserting the following new sub-paragraph immediately after sub-paragraph 4(c)—

“(d) inflation and adjusted cost of production.”

9) Notice is given that the Member for Kisumu East (Hon. Shakeel Shabbir) intends to move the following amendments to the Sugar Bill, 2022 at the Committee Stage—

CLAUSE 4

THAT, clause 4 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (s)—

“(sa) ensure that there is adequate public participation and consultation with growers in its decision making affecting the sugar industry and its stakeholders;”

CLAUSE 42

THAT, clause 42 of the Bill be amended in subclause (2) by inserting the words “within thirty days” immediately after the words “High Court”.

CLAUSE 53

THAT, clause 53 of the Bill be amended in subclause (3) by inserting the following new paragraph immediately after paragraph (a)—

“(aa) the right of a grower to grow a sugar crop on their land;”

CLAUSE 57

THAT, clause 57 of the Bill be amended in subclause (2) by inserting the following new paragraphs immediately after paragraph (g)—

“(ga) long-term leasing of state-owned mills by private investors including capping of leases to fifteen years and structured review every five years and rights and obligations of parties to such leases;”



LIMITATION OF DEBATE

The House resolved on Wednesday, February 15, 2023 as follows—

Limitation of Debate on Bills sponsored by Parties or Committees

- I. **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 Motions

- II. **THAT**, each speech in a debate on any **Motion, including a Special motion** shall be limited in the following manner: A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

Limitation of Debate on Other Committee Reports

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