



**REPUBLIC OF KENYA**  
**THIRTEENTH PARLIAMENT – (SECOND SESSION)**  
**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**WEDNESDAY, AUGUST 23, 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\*. COMMITTEE OF THE WHOLE HOUSE**

- (i) The Climate Change (Amendment) Bill (National Assembly Bill No. 42 of 2023)  
(The Leader of the Majority Party)
- (ii) The Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill (National Assembly Bill No.35 of 2023)  
(The Leader of the Majority Party)
- (iii) The Food and Feed Safety Control Coordination Bill (National Assembly Bill No. 21 of 2023)  
(The Leader of the Majority Party)  
*(If not concluded on Wednesday, August 23, 2023 - Morning Sitting)*
- (iv) The Water (Amendment) Bill (National Assembly Bill No. 33 of 2023)  
(The Leader of the Majority Party)
- (v) The Sugar Bill (National Assembly Bill No. 34 of 2022)  
(The Hon. Emmanuel Wangwe, M.P.)

*(Subject to conclusion of Second Reading on Wednesday, August 23, 2023- Morning Sitting)*

9\*. THE CANCER PREVENTION AND CONTROL (AMENDMENT) (No. 2) BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2022)

(The Hon. Abdul Dawood, M.P.)

Second Reading

10\*. THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 59 OF 2022)

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

Second Reading

11\*. THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2023)

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

Second Reading

12\*. MOTION – REPORT OF THE KENYA DELEGATION TO THE 146<sup>TH</sup> ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN THE KINGDOM OF BAHRAIN

(Member of the Delegation)

**THAT**, this House **notes** the Report of the Kenya Delegation to the 146<sup>th</sup> Assembly of the Inter-Parliamentary Union (IPU) and related Meetings, held in Manama, Kingdom of Bahrain from 11<sup>th</sup> to 15<sup>th</sup> March 2023, laid *on the Table of the House on Wednesday, 14<sup>th</sup> June 2023*.

*(Resumption of debate interrupted on Tuesday, August 22, 2023)*

*(Balance of time – 2 hours 10 minutes)*

13\*. MOTION – REPORT OF THE 4<sup>TH</sup> GENERAL ASSEMBLY OF THE EASTERN AFRICA PARLIAMENTARY ALLIANCE ON FOOD SECURITY AND NUTRITION (EAPA-FSN) HELD IN KIGALI, RWANDA

(The Chairperson, EAPA-FSN Caucus)

**THAT**, this House **notes** the Report of the Kenya Delegation to the 4<sup>th</sup> General Assembly of the Eastern Africa Parliamentary Alliance on Food Security and Nutrition, held in Kigali, Rwanda from 7<sup>th</sup> to 9<sup>th</sup> December 2022, laid *on the Table of the House on Tuesday, 11<sup>th</sup> April 2023*.

14\*. MOTION – REPORT ON THE INSPECTION OF VARIOUS ONE STOP BORDER POSTS IN THE NORTHERN CORRIDOR IN THE EAST AFRICAN COMMUNITY REGION

(The Chairperson, Select Committee on Regional Integration)

**THAT**, this House **adopts** the Report of the Select Committee on Regional

...../14\*(Cont'd)

Integration on its Inspection of Various One-Stop Border Posts in the Northern Corridor in the East African Community Region, *laid on the table of the House on Wednesday, 5<sup>th</sup> July 2023.*

**15\*. MOTION – REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS**

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

**THAT**, this House **adopts** the First Report of the Committee on National Cohesion and Equal Opportunity on the Employment Diversity Audit in Public Institutions, *laid on the Table of the House on Thursday, 6<sup>th</sup> July, 2023.*

**16\*. MOTION – CONSIDERATION OF THE REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND FOR TWELVE CONSTITUENCIES IN KAKAMEGA COUNTY**

(The Chairperson, Decentralized Funds Accounts Committee)

**THAT**, this House **adopts** the Report of the Decentralized Funds Accounts Committee on its consideration of the Reports of the Auditor-General on the Financial Statements for the National Government Constituencies Development Fund for twelve constituencies in Kakamega County for Financial Years 2013/2014, 2014/2015 and 2015/2016, *laid on the Table of the House on Thursday, 27<sup>th</sup> July 2023.*

**17\*. MOTION – PROBABLE LOSS OF INVESTMENTS IN CYTONN HIGH YIELDS SOLUTIONS PLATFORM**

(The Chairperson, Public Petitions Committee)

**THAT**, this House **adopts** the Report of the Public Petitions Committee on its consideration of a Public Petition No. 07 of 2022 regarding Probable Loss of Investments in Cytonn High Yields Solutions Platform, *laid on the Table of the House on Thursday, 4<sup>th</sup> May, 2023.*

**18\*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 60 OF 2022)**

(The Leader of the Majority Party)

Second Reading

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**\*Denotes Orders of the Day\***

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# NOTICES

## **I. THE CLIMATE CHANGE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 42 OF 2023)**

- 1) Notice is given that the Chairperson of the Departmental Committee Environment, Forestry and Mining intends to move the following amendments to the Climate Change (Amendment) Bill, 2023 at the Committee Stage —

### **CLAUSE 2**

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

- (a) in the definition of “carbon market” by inserting the word “products,” immediately after the word “initiatives”;
- (b) in the definition of “carbon offset” by inserting the words “with equivalent number of emissions” immediately after the word “compensate”;
- (c) by deleting the definition of “carbon projects” and substituting therefor the following new definition—

“Carbon projects” means interventions including programs, projects, and products designed to remove, reduce, sequester or avoid carbon emissions;
- (d) in the definition of “stakeholder” by inserting the word “community” immediately after the word “business”.

### **CLAUSE 4**

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

Amendment of  
section 4 of No.  
11 of 2016.

4. Section 4 of the principal Act is amended in subsection (1) by deleting the word “level” appearing immediately after the words “bind all” and substituting therefor the word “levels”.

### **CLAUSE 6**

**THAT**, clause 6 of the Bill be amended in paragraph (a) by—

- (a) deleting sub-paragraph (ii) and substituting therefor the following new sub-paragraph—
  - (ii) deleting paragraph (f) and substituting therefor the following new paragraph—
    - (f) two representatives of the private sector representing the manufacturing and trading sectors;
- (b) deleting sub-paragraph (v).

### **CLAUSE 10**

**THAT**, clause 10 of the Bill be amended by inserting the following new paragraph immediately after the opening statement—

- (a) in subsection (3) by deleting the word “county” appearing in paragraph (a) and substituting therefor the word “country”;

**CLAUSE 13**

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

Amendment of  
section 24 of No.  
11 of 2016.

**4.** Section 24 of the principal Act is amended by deleting subsection (3).

**NEW CLAUSES**

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

**NEW CLAUSE 13A**

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

Amendment of  
section 33 of No.  
11 of 2016.

**13A.** Section 33 of the principal Act is amended by inserting the following new subsection immediately after subsection (1)—

(1A) A person who—

- (a) willingly conducts unauthorized trade in carbon credit;
- (b) knowingly gives false or misleading information with respect to environmental or financial gains from the carbon market investment;
- (c) manipulates carbon credit measurements in order to claim addition measurements;
- (d) engages in money laundering through carbon trading;
- (e) knowingly sells carbon credits to unauthorized entities; or
- (f) fails to maintain carbon records,

commits an offence and is liable, on conviction, to a fine not exceeding five hundred million shillings or to imprisonment for a period not exceeding ten years or to both.

**NEW CLAUSE 13B**

Amendment of  
section 35 of No. 11  
of 2016.

**13B.** Section 35 of the principal Act is amended—

- (a) by renumbering the existing provision as subsection (1); and
- (b) inserting the following new subsection immediately after subsection (1)—
  - (2) Sections 2, 3, 5, 7, 10 and 15 of this Act, shall not apply, to entities that have existing carbon projects for a period of one year.

**CLAUSE 14**

**THAT**, the Bill be amended by deleting clause 14 and substituting therefor the following new clause—

Amendment of  
section 36 of No.  
11 of 2016.

**14.** Section 36 of the principal Act is amended in subsection (2) by inserting the following new paragraphs immediately after paragraph (b)—

- (ba) the regulation of carbon markets;
- (bb) the regulation of carbon trading;
- (bc) the regulation of carbon registries; and
- (bd) the regulation of non-market approaches;

**CLAUSE 15**

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

- (a) in the proposed new section 23B by inserting the words “in accordance with the relevant carbon standards” immediately after the word “time” appearing in paragraph (c);
- (b) in the proposed new section 23E by inserting the words “environmental” immediately after the words “improve the” appearing in subsection (7); and
- (c) by inserting the following new section immediately after the proposed new section 23H—

Fees.

**23I.** The Designated National Authority shall charge such fees as may be prescribed by the Cabinet secretary in regulations for the proper administration of the Act

**CLAUSE 16**

**THAT**, the Bill be amended by deleting clause 16.

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## **II. THE ANTI-MONEY LAUNDERING AND COMBATING OF TERRORISM FINANCING LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2023)**

- 1) Notice is given that the Chairperson of the Departmental Committee on Justice and Legal Affairs intends to move the following amendments to the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill, 2023 at the Committee Stage —

**SCHEDULE**

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

- (a) in the proposed amendments to the **Extradition (Contiguous and Foreign Countries) Act (Cap. 76)** in the proposed new section 10A by inserting the following new subsections immediately after subsection (4)—

“(5) Prior to executing a consent under this section, a fugitive criminal shall be afforded—

- (a) the opportunity to seek independent legal advice; and
- (b) an interpreter at no cost if the fugitive criminal is unable to understand the language used.

(6) A consent obtained under this section shall—

- (a) outline the extraditable charges that it relates to; and
- (b) be witnessed by an adult of sound mind.

(7) For the purposes of this section “consent” means the manifestation of express, unequivocal, free, specific and informed indication of the fugitive criminal’s wishes by a statement or by a clear affirmative action, signifying agreement to be extradited to the requesting state.”

- (b) in the proposed amendments to the **Extradition (Commonwealth Countries) Act (Cap. 77)** in the proposed new section 13A by inserting the following new subsections immediately after subsection (4)—

“(5) Prior to executing a consent under this section, a fugitive criminal shall be afforded—

- (a) the opportunity to seek independent legal advice; and
- (b) an interpreter at no cost if the fugitive criminal is unable to understand the language used.

(6) A consent obtained under this section shall—

- (a) outline the extraditable charges that it relates to; and
- (b) be witnessed by an adult of sound mind.

(7) For the purposes of this section “consent” means the manifestation of express, unequivocal, free, specific and informed indication of the fugitive criminal’s wishes by a statement or by a clear affirmative action, signifying agreement to be extradited to the requesting state.”

- (c) in the proposed amendments to the **Proceeds of Crime and Anti-Money Laundering Act, No. 9 of 2009** by inserting the following additional amendments in proper chronological sequence—

***Provision***

***Amendment***

s.2

Insert the following new definition in proper alphabetical sequence—

“Self-regulatory body” means the Law Society of Kenya;

s.8

Insert the following new subsection immediately after the proposed new subsection (3) —

(4) The act of a lawyer, notary and other independent legal professional seeking to dissuade a client from engaging in an illegal activity does not constitute the offence of tipping-off under this section.

- s.36 (1) Insert the words “or Self-regulatory body” immediately after the words “supervisory body” wherever they appear.
- s. 36 (2) Insert the words “or Self-regulatory body” immediately after the words “supervisory body”.
- s.36A (2) Insert the words “or Self-regulatory body” immediately after the words “supervisory body”.
- s.36A (3) Insert the words “or Self-regulatory body” immediately after the words “supervisory body” wherever they appear.
- s. 36A Insert the words “or Self-regulatory body” immediately after the words “supervisory body” in the proposed new subsection (3A).
- s. 36A (4) Insert the words “or Self-regulatory body” immediately after the words “supervisory body” wherever they appear.
- s. 36A (5) Insert the words “or Self-regulatory body” immediately after the words “supervisory body” in the opening statement.
- s. 36A (5) (c) Insert the words “or Self-regulatory body” immediately after the words “supervisory body”.
- s. 36A (5) (d) Insert the words “or Self-regulatory body” immediately after the words “supervisory body”.
- s. 36A (6) Insert the words “or Self-regulatory body” immediately after the words “supervisory body”.
- s. 36A (7) Insert the words “or Self-regulatory body” immediately after the words “supervisory body”.
- s.44 Insert the following proviso in subsection (3)—
- “Provided that lawyers, notaries and other independent legal professionals may submit reports under this subsection through the Law Society of Kenya which shall establish reporting channels to the Centre.”
- Insert the following new subsections immediately after subsection (3) —
- “(3A) Lawyers, notaries and other independent legal professionals are not required to report suspicious transactions if the relevant information was obtained in circumstances where they are subject to professional secrecy or legal professional privilege.



(3B) The information referred to in subsection (3A) refers to information received from or obtained by the lawyer, notary or other independent legal professional from a client—

(a) in the course of ascertaining the legal position of their client, or

(b) in performing their task of defending or representing that client in, or concerning judicial, administrative, arbitration or mediation proceedings.

(3C) The Law Society of Kenya and the Centre shall establish appropriate mechanisms to cooperate for exchange of information relating to suspicious transaction reporting and supervision.”

(d) in the proposed amendments to the to the **National Police Service Act, No. 11A of 2011** in the proposed new section 56A by—

(i) inserting the following new subsection immediately after subsection (1)—

“(1A) The Cabinet Secretary shall prescribe, in regulations, the procedure and safeguards applicable to a controlled delivery.”

(ii) deleting the definition “authorised officer” in the proposed subsection (2) and substituting therefor the following new definition—

“authorised officer” means a Gazetted officer of the rank of inspector and above;”

(e) in the proposed amendments to the **Companies Act, No. 17 of 2015** in the proposed new section 992A by deleting the word “six” appearing immediately after the words “at least” and substituting therefor the word “seven”.

(f) in the proposed amendments to the to the **Prevention of Terrorism Act, No. 30 of 2012**—

(i) in the proposed new section 40D(2) by inserting the following new paragraph immediately after paragraph (g)—

“(ga) the Director of the National Counter Terrorism Centre;”

(ii) in the proposed new Schedule by inserting the following new paragraph immediately after paragraph (f)—

“(fa) Office of the Director of Public Prosecutions;”

(g) by inserting the following new amendments in proper chronological sequence—

**Written law**

Law Society of Kenya Act, 2014 (No. 21 of 2014)

**Provision Amendment**

New

Insert the following new section immediately after section 4—

Powers on anti-money laundering and combating the financing of terrorism.

**4A.** (1) Pursuant to section 36A of the Proceeds

of Crime and Anti-Money Laundering Act, 2009, the Society shall regulate, supervise and enforce compliance for anti-money laundering, combating the financing of terrorism and countering proliferation financing for lawyers, notaries and other legal professionals.

(2) In undertaking its mandate under subsection (1), the Society may—

(a) conduct onsite inspection;

(b) compel the production of any document or information the Society may require for the purpose of discharging its supervisory mandate under the Proceeds of Crime and Anti-Money Laundering Act, 2009;

(c) impose monetary, civil or administrative sanctions for violations relating to anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes;

(d) issue regulations, guidelines,

directions, rules or instructions for anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes;

(e) cooperate and share information for anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes; and

(f) take such action as is necessary to supervise and enforce compliance by lawyers, notaries and other legal professionals with the provisions of the Proceeds of Crime and Anti-Money Laundering Act, 2009 and any regulations, guidelines, rules, instruction or direction made or issued thereunder.

No. 9 of 2009.

(2) The provisions of this section shall come into effect six months from the date of commencement of this section.

2) Notice is given that the Chairperson of the Departmental Committee on Finance and National Planning intends to move the following amendments to the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill, 2023 at the Committee Stage —

SCHEDULE

THAT, the Schedule to the Bill be amended—

- (a) in the proposed amendments to **the Capital Markets Act—**
  - (i) in the opening statement by deleting the expression “section 12—” and substituting therefor the expression “section 12A—”;
  - (ii) by renumbering the proposed new section 12A as 12B;
  - (iii) by inserting the following new item immediately after the proposed new section 12B—

Insert the following new section immediately after section 35—

New	Rights and fundamental freedoms	<b>35A.</b> All persons subject to this Act shall enjoy all rights and fundamental freedoms enshrined in the Constitution unless limited to the extent specified in Article 24 of the Constitution, this Act or any other Act.
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New	Limitation of right to privacy	<b>35B.</b> (1) The right to privacy guaranteed under Article 31 of the Constitution is hereby limited under Article 24 of the Constitution only to the nature and extent contemplated under subsection (2).
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(2) Where a person is suspected or accused of an offence under this Act—

- (a) the person’s home or property may be searched;
- (b) the person’s possessions may be seized;
- (c) information relating to that person’s financial, family or private affairs where required may be revealed; or
- (d) the privacy of a person’s communications may be investigated or otherwise interfered with.

(3) A limitation of a right under subsection (1) shall apply only for the purpose of the prevention, detection,

investigation and prosecution of proceeds of crime, money laundering and financing of terrorism.

- (b) in the proposed amendments to **the Insurance Act**—
- (i) in the proposed amendment to section 128 by deleting the word “five” and substituting therefor the word “seven”;
  - (ii) by inserting the following items immediately after the proposed new section 196B—

Penalties for violations relating to money laundering, terrorism financing.

**196C.** (1) No institution, director, officer, employer, agent or any other person shall violate or fail to comply with any provision of the Proceeds of Crime and Anti-Money Laundering Act, 2009, or any regulation, guideline, rule, direction or instruction issued under the said Act or under this section.

(2) A person who violates or fails to comply with the provisions of subsection (1) shall be liable—

- (a) in case of a legal person, to a penalty not exceeding twenty million shillings;
- (b) in the case of a natural person, to a penalty not exceeding one million shillings; and
- (c) to additional penalties not exceeding one hundred thousand shillings in each case for each day or part thereof during which such violation or non-compliance continues.

New Rights and fundamental freedoms

**196D.** All persons subject to this Act shall enjoy all rights and fundamental freedoms enshrined in the Constitution unless limited to the extent specified in Article 24 of the Constitution, this Act or any other Act.

New Limitation of right to privacy

**196E.** (1) The right to privacy guaranteed under Article 31 of the Constitution is hereby limited under Article 24 of the Constitution only to the nature and extent contemplated under subsection (2).

(2) Where a person is suspected or accused of an offence under this Act—

- (a) the person’s home or property may be searched;

- (b) the person’s possessions may be seized;
- (c) information relating to that person’s financial, family or private affairs where required may be revealed; or
- (d) the privacy of a person’s communications may be investigated or otherwise interfered with.

(3) A limitation of a right under subsection (1) shall apply only for the purpose of the prevention, detection, investigation and prosecution of proceeds of crime, money laundering and financing of terrorism.

(iii) by deleting the proposed amendment to section 205 and substituting therefor the following—

s. 205      Number the existing provision as “1”  
 Insert the following new subsection—

(2) Where a person was registered under section 19 prior to commencement of the Anti-Money Laundering Laws and Combating of Terrorism Financing Laws (Amendment) Act, 2023, that person shall be deemed to have been licensed under this Act.

(c) in the proposed amendments to **the Banking Act**—

(i) by deleting the proposed new definition “beneficial owner” and substituting therefor the following new definition—

“beneficial owner” has the meaning assigned to No. 17 of it under the Companies Act, 2015.

(ii) in the proposed new section 33E (1) by deleting the words “this section” and substituting therefor the words “section 33D of this Act”.

(iv) by inserting the following new items immediately after the proposed new section 33E—

Insert the following new section immediately after section 54

New      Rights and fundamental freedoms

**54A.** All persons subject to this Act shall enjoy all rights and fundamental freedoms enshrined in the Constitution unless limited to the extent specified in Article 24 of the Constitution, this Act or any other Act.

New      Limitation of right to privacy

**54B.** (1) The right to privacy guaranteed under Article 31 of the

Constitution is hereby limited under Article 24 of the Constitution only to the nature and extent contemplated under subsection (2).

(2) Where a person is suspected or accused of an offence under this Act—

- (a) the person’s home or property may be searched;
- (b) the person’s possessions may be seized;
- (c) information relating to that person’s financial, family or private affairs where required may be revealed; or
- (d) the privacy of a person’s communications may be investigated or otherwise interfered with.

(3) A limitation of a right under subsection (1) shall apply only for the purpose of the prevention, detection, investigation and prosecution of proceeds of crime, money laundering and financing of terrorism.

(d) in the proposed amendments to **the Microfinance Act**—

(i) by inserting the following new item immediately before the proposed new section 36B—

s. 2                                      Insert the following definitions in their proper alphabetical sequence—

No. 17 of 2015.                            “beneficial owner” has the meaning assigned to it under the Companies Act;

Cap. 488.                                      “significant shareholder” has the meaning assigned to it under the Banking Act;

(ii) in the proposed new section 36C by deleting the word “twenty” appearing in subsection 2(a) and substituting therefor the word “five”;

(iii) by inserting the following new items immediately after the proposed new section 36C—

Insert the following new section immediately after section 47—

New

Rights and  
fundamental  
freedoms

**47A.** All persons subject to this Act shall enjoy all rights and fundamental freedoms enshrined in the Constitution unless limited to the extent specified in

Article 24 of the Constitution, this Act or any other Act.

New

Limitation of right to privacy

**47B.** (1) The right to privacy guaranteed under Article 31 of the Constitution is hereby limited under Article 24 of the Constitution only to the nature and extent contemplated under subsection (2).

(2) Where a person is suspected or accused of an offence under this Act—

(a) the person’s home or property may be searched;

(b) the person’s possessions may be seized;

(c) information relating to that person’s financial, family or private affairs where required may be revealed; or

(d) the privacy of a person’s communications may be investigated or otherwise interfered with.

(3) A limitation of a right under subsection (1) shall apply only for the purpose of the prevention, detection, investigation and prosecution of proceeds of crime, money laundering and financing of terrorism.

(e) in the proposed amendments to **the Central Bank of Kenya Act—**

(i) by inserting the following new item immediately before the proposed amendments to section 4A (1)—

s. 2

Insert the following definitions in their proper alphabetical sequence—

No. 17 of 2015.

“beneficial owner” has the meaning assigned to it under the Companies Act;

Cap. 488.

“significant shareholder” has the meaning assigned to it under the Banking Act;

(ii) by inserting the following new row immediately after the proposed amendments to section 4A (1)—

Insert the following new sections immediately after section 51—

New

Powers on anti-money laundering, combating the financing of

**51A.** (1) Pursuant to sections 2A, 36A, 36B and 36C of the Proceeds of Crime and Anti-Money Laundering Act,



terrorism  
countering  
proliferation  
financing matters.

and

2009, the Central Bank shall regulate, supervise and enforce compliance for anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes by all reporting institutions regulated and supervised by the Central Bank and whom the provision of the Proceeds of Crime Act apply.

(2) In undertaking its mandate under subsection (1), the Central Bank may—

- (a) vet proposed significant shareholders, proposed beneficial owners, proposed directors and senior officers of a reporting institution;
- (b) conduct onsite inspection;
- (c) conduct offsite surveillance;
- (d) undertake consolidated supervision of a reporting institution and its group;
- (e) compel the production of any document or information the Central Bank may require for the purpose of discharging its supervisory mandate under the Proceeds of Crime and Anti-Money Laundering Act, 2009;
- (f) impose monetary, civil or administrative sanctions for violations related to anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes;
- (g) issue regulations, guidelines, directions, rules or instructions for anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes;
- (h) cooperate and share information for anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes; and
- (i) take such action as is necessary to supervise and enforce compliance

by reporting institutions in line with the provisions of the Proceeds of Crime and Anti-Money Laundering Act and any regulations, guidelines, rules, instruction or direction made or issued thereunder.

(3) For purposes of this section, “reporting institution” has the meaning assigned to it under section 2 of the Proceeds of Crime and Anti-Money Laundering Act, 2009.

New Penalties for violations relating to money laundering, terrorism financing.

**51B.** (1) No money remittance, foreign exchange bureau, digital credit provider, director, officer, employer, agent or any other person shall violate or fail to comply with any provision of the Proceeds of Crime and Anti-Money Laundering Act, 2009, or any regulation, guideline, rule, direction or instruction issued under the said Act or under this section.

(2) A person who violates or fails to comply with the provisions of subsection (1) shall be liable—

- (a) in case of a legal person, to a penalty not exceeding five million shillings;
- (b) in the case of a natural person, to a penalty not exceeding one million shillings; and
- (c) to additional penalties not exceeding one hundred thousand shillings in each case for each day or part thereof during which such violation or non-compliance continues.

New Rights and fundamental freedoms

**51C.** All persons subject to this Act shall enjoy all rights and fundamental freedoms enshrined in the Constitution unless limited to the extent specified in Article 24 of the Constitution, this Act or any other Act.

New Limitation of right to privacy

**51D.** (1) The right to privacy guaranteed under Article 31 of the Constitution is hereby limited under Article 24 of the Constitution only to the

nature and extent contemplated under subsection (2).

(2) Where a person is suspected or accused of an offence under this Act—

- (a) the person’s home or property may be searched;
- (b) the person’s possessions may be seized;
- (c) information relating to that person’s financial, family or private affairs where required may be revealed; or
- (d) the privacy of a person’s communications may be investigated or otherwise interfered with.

(3) A limitation of a right under subsection (1) shall apply only for the purpose of the prevention, detection, investigation and prosecution of proceeds of crime, money laundering and financing of terrorism.

- (f) in the proposed amendments to **the National Payment Systems Act—**
- (i) by inserting the following new item immediately before the proposed new section 17A—

s. 2                                              Insert the following definitions in their proper alphabetical sequence—

No. 17 of 2015.                                 “beneficial owner” has the meaning assigned to it under the Companies Act;

Cap. 488.                                        “significant shareholder” has the meaning assigned to it under the Banking Act;

- (ii) in the proposed new section 17B (1) by deleting the word “institution” and substituting therefor the words “payment service provider”;
- (iii) in the proposed new section 17B (1) by deleting the words “this section” and substituting therefor the words “section 17A of this Act”;
- (iv) by inserting the following new items immediately after the proposed new section 17B—

New                                              Rights and fundamental freedoms

**17C.** All persons subject to this Act shall enjoy all rights and fundamental freedoms enshrined in the Constitution unless limited to the extent specified in Article 24 of the Constitution, this Act or any other Act.

New

Limitation of right  
to privacy

**17D.** (1) The right to privacy guaranteed under Article 31 of the Constitution is hereby limited under Article 24 of the Constitution only to the nature and extent contemplated under subsection (2).

(2) Where a person is suspected or accused of an offence under this Act—

- (a) the person's home or property may be searched;
- (b) the person's possessions may be seized;
- (c) information relating to that person's financial, family or private affairs where required may be revealed; or
- (d) the privacy of a person's communications may be investigated or otherwise interfered with.

(3) A limitation of a right under subsection (1) shall apply only for the purpose of the prevention, detection, investigation and prosecution of proceeds of crime, money laundering and financing of terrorism.

- (g) in section 2 of proposed amendments to the Limited Liability Partnerships Act by deleting the proposed new definition "beneficial owner" and substituting therefor the following new definition—

No. 17 of 2015.

"beneficial owner" has the meaning assigned to it under the Companies Act;

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- 3) Notice is given that the Member for Kisumu East (Hon. Shakeel Shabbir) intends to move the following amendments to the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill, 2023 at the Committee Stage—

**SCHEDULE**

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

- (h) in the proposed amendments to the **Extradition (Contiguous and Foreign Countries) Act (Cap. 76)**—

- (i) by inserting the following additional amendment in proper chronological sequence—

<i>Provision</i>	<i>Amendment</i>
New	Insert the following new section immediately after section 7—
Time limit for extradition proceedings.	<b>7A.</b> Without prejudice to section 10A, when a fugitive criminal is brought before a magistrate, the hearing of the case shall conclude within three months of the institution of the proceedings.

- (ii) in the proposed new section 10A by inserting the following new subsections immediately after subsection (4)—

“(5) Prior to executing a consent under this section, a fugitive criminal shall be afforded—

- (c) the opportunity to seek independent legal advice; and  
(d) an interpreter at no cost if the fugitive criminal is unable to understand the language used.

(6) A consent obtained under this section shall—

- (c) outline the extraditable charges that it relates to; and  
(d) be witnessed by an adult of sound mind.

(7) For the purposes of this section “consent” means the manifestation of express, unequivocal, free, specific and informed indication of the fugitive criminal’s wishes by a statement or by a clear affirmative action, signifying agreement to be extradited to the requesting state.”

- (a) in the proposed amendments to the **Extradition (Commonwealth Countries) Act (Cap. 77)**—

- (i) by inserting the following additional amendment in proper chronological sequence—

<i>Provision</i>	<i>Amendment</i>
s.9	Insert the following new subsection immediately after subsection (6)—  “(7) Extradition proceedings shall conclude within six months of institution at the relevant court.”

(ii) in the proposed new section 13A by inserting the following new subsections immediately after subsection (4)—

“(5) Prior to executing a consent under this section, a fugitive criminal shall be afforded—

(c) the opportunity to seek independent legal advice; and

(d) an interpreter at no cost if the fugitive criminal is unable to understand the language used.

(6) A consent obtained under this section shall—

(c) outline the extraditable charges that it relates to; and

(d) be witnessed by an adult of sound mind.

(7) For the purposes of this section “consent” means the manifestation of express, unequivocal, free, specific and informed indication of the fugitive criminal’s wishes by a statement or by a clear affirmative action, signifying agreement to be extradited to the requesting state.”

(b) in the proposed amendments to the to the **National Police Service Act, No. 11A of 2011** in the proposed new section 56A by inserting the following new subsection immediately after subsection (1)—

“(1A) The Cabinet Secretary shall prescribe, in regulations, the procedure and safeguards applicable to a controlled delivery.”

(c) in the proposed amendments to the **Companies Act, No. 17 of 2015** in the proposed new section 992A by deleting the word “six” appearing immediately after the words “at least” and substituting therefor the word “seven”.

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### **III. THE FOOD AND FEED SAFETY CONTROL COORDINATION BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2023)**

1) Notice is given that the Chairperson of the Departmental Committee on Agriculture and Livestock intends to move the following amendments to the Food and Feed Safety Control Co-ordination Bill, 2023 at the Committee Stage—

#### **CLAUSE 4**

**THAT**, Clause 4 of the Bill be amended by deleting the words “and every person conducting food business or feed business”.

**CLAUSE 5**

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

(a) in paragraph (a), by deleting the words “life and”; and

(b) by inserting the following new paragraphs immediately after paragraph (f)—

“(g) the promotion of sustainable production, processing and handling of food and feed; and

(h) the protection of animal health.”

**CLAUSE 9**

**THAT**, Clause 9 of the Bill be amended—

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

“(d) liaise with competent authorities to identify and advise on policy gaps and inadequate regulation on food safety and feed safety official control;”

(b) in paragraph (i), by inserting the words “coordination of official control of” immediately after the words “necessary to ensure”

**CLAUSE 20**

**THAT**, Clause 20 of the Bill be amended in sub clause (3), by inserting the words “and each County Government” immediately after the words “competent authority”.

**CLAUSE 27**

**THAT**, Clause 27(1) of the Bill be amended in paragraph (b), by inserting the word “of” immediately after the words “makes copies”

**FIRST SCHEDULE**

**THAT**, the First Schedule to the Bill be amended by inserting the following new paragraph immediately after paragraph 10—  
“11. Veterinary Medicines Directorate.”

- 2) **Notice is given that the Member for Suba South (Hon. Caroli Omondi) intends to move the following amendments to the Food and Feed Safety Control Co-ordination Bill, 2023 at the Committee Stage—**

**TITLE**

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

**“THE NATIONAL FOOD SAFETY CONTROL AND  
CO-ORDINATION BILL, 2023”**

**LONG TITLE**

**THAT**, the Bill be amended by deleting the Long Title and substituting therefor the following new Long Title—

**“AN ACT of Parliament to provide for the national control and co-ordination of food safety; to establish the Office of the Food Safety Controller; and for connected purposes”**

**CLAUSE 1**

**THAT**, Clause 1 of the Bill be amended by deleting the words “Food and Feed Safety Control Co-ordination” and substituting therefor the words “National Food Safety Control and Co-ordination”.

**CLAUSE 2**

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

(a) by deleting the following definitions—

- (i) “feed;”
- (ii) “feed business;”
- (iii) “feed ingredient;” and
- (iv) “feed safety.”

(b) in the definition of “hazard” by deleting the words “or feed” appearing immediately after the word “food”; and

(c) in the definition of “official control” —

- (i) by deleting the words “or feed” appearing immediately after the word “food” in paragraph (a);
- (ii) by deleting the words “or feed” appearing immediately after the word “food” in paragraph (b); and
- (iii) by deleting the words “or feed business” appearing immediately after the word “food business” in paragraph (b).

**CLAUSE 3**

**THAT**, the Bill be amended by deleting Clause 3 and substituting therefor the following new Clause —

Object of this Act.

**3.** The object of this Act is to—

- (a) establish a national framework, through the Office of the Food Safety Controller, for the effective co-ordination of the competent authorities in the performance of their functions; and
- (b) enhance transparency and accountability in the implementation of official control.



**CLAUSE 4**

**THAT**, Clause 4 of the Bill be amended by deleting the words “or feed business” appearing immediately after the words “food business.”

**CLAUSE 5**

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

- (a) in paragraph (b) by deleting the words “and feed business”;
- (b) in paragraph (d) by deleting the words “and feed safety”; and
- (c) in paragraph (e) by deleting the words “and feed business”.

**CLAUSE 8**

**THAT**, Clause 8 of the Bill be amended —

- (a) in paragraph (a) by deleting the words “or feed safety”; and
- (b) in paragraph (b) by deleting the words “or feed safety”.

**CLAUSE 9**

**THAT**, Clause 9 of the Bill be amended —

- (a) in paragraph (d) by deleting the words “and feed safety”;
- (b) in paragraph (e) by deleting the words “and feed safety”;
- (c) in paragraph (f) by deleting the words “and feed safety”;
- (d) in paragraph (i) by deleting the words “and feed safety”;
- (e) by inserting the following new paragraphs immediately after paragraph (h)

—  
“(ha) co-ordinate the formulation and enforcement of all national food safety standards;

(hb) establish and maintain a national certification and registration system for all food safety specialists;

(hc) establish and maintain a national food safety labelling and traceability system;”

**PART III**

**THAT**, the Heading to Part III be amended by deleting the words “AND FEED SAFETY”.

**CLAUSE 16**

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

- (a) in sub clause (1) —
  - (i) by deleting the words “and feed safety” appearing immediately after the words “food safety” in the opening statement;
  - (ii) by deleting the words “and feed safety” appearing immediately after the words “food safety” in paragraph (a);
  - (iii) by deleting the words “and feed business” appearing immediately after the words “food business” in paragraph (b);
  - (iv) by deleting the words “and feed safety” appearing immediately after the words “food safety” in paragraph (c);

- (v) by deleting the words “and feed safety” appearing immediately after the words “food safety” in paragraph (d);
  - (vi) by deleting the words “and feed safety” appearing immediately after the words “food safety” in paragraph (e);
  - (vii) by deleting the words “and feed safety” appearing immediately after the words “food safety” in paragraph (g); and
  - (viii) by deleting the words “and feed safety” appearing immediately after the words “food safety” in paragraph (h).
- (b) in sub clause (2) by deleting the words “and feed safety” appearing immediately after the words “food safety”.

**PART IV**

**THAT**, the Heading to Part IV be amended by deleting the words “AND FEED SAFETY”.

**CLAUSE 18**

**THAT**, Clause 18 of the Bill be amended by deleting sub clause (1) and substituting therefor the following new sub clause —

Verification mechanisms enforce food requirements.	of to safety	<b>18.</b> (1) The Controller shall verify that a competent authority has mechanisms to enforce the requirements of food safety in accordance with international standards of food safety.
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**CLAUSE 20**

**THAT**, Clause 20 of the Bill be amended in sub clause (1) by deleting the words “or feed safety” appearing immediately after the words “food safety”.

**CLAUSE 21**

**THAT**, Clause 21 of the Bill be amended in sub clause (1) —

- (a) by deleting paragraph (h); and
- (b) by deleting paragraph (j).

**CLAUSE 22**

**THAT**, Clause 22 of the Bill be amended—

- (a) in sub clause (1) by deleting the words “and feed hazards” appearing immediately after the words “food hazards”; and
- (b) in sub clause (4) by deleting the words “and feed safety” appearing immediately after the words “food safety”.

**CLAUSE 23**

**THAT** Clause 23 of the Bill be amended by deleting the words “or feed business” appearing immediately after the words “food business”.

**CLAUSE 24**

**THAT**, Clause 24 of the Bill be amended in sub clause (2) by deleting the words “and feed” appearing immediately after the word “food”.

**CLAUSE 25**

**THAT**, Clause 25 of the Bill be amended —

- (a) in sub clause (1) by deleting the words “or feed safety” appearing immediately after the words “food safety”; and
- (b) in sub clause (2) by deleting the words “or feed safety” appearing immediately after the words “food safety” in paragraph (b).

**SECOND SCHEDULE**

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

- (a) in the proposed amendments to **the Public Health Act (Cap. 242)**:
  - (i) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “Controller”; and
  - (ii) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “multi-annual control plan”;
- (b) in the proposed amendments to **the Food, Drugs and Chemical Substances Act (Cap. 254)**:
  - (i) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “Controller”; and
  - (ii) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “multi-annual control plan”;
- (c) in the proposed amendments to **the Dairy Industry Act (Cap. 336)**:
  - (i) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “Controller”; and
  - (ii) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “multi-annual control plan”;
- (d) in the proposed amendments to **the Fertilizers and Animal Foodstuffs Act (Cap. 345)**:
  - (i) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “Controller”; and
  - (ii) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “multi-annual control plan”;

- (iii) by deleting the words “or feed safety” appearing immediately after the words “food safety” in the proposed new section 2BA (1);
  - (iv) by deleting the words “or feed safety” appearing immediately after the words “food safety” in the proposed new section 2BA (2); and
  - (v) by deleting the words “or feed safety” appearing immediately after the words “food safety” in the proposed new section 2BA (3);
- (e) in the proposed amendments to **the Pest Control Products Act (Cap. 346)**:
- (i) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “Controller”;
  - (ii) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “multi-annual control plan”;
  - (iii) by deleting the words “or feed safety” appearing immediately after the words “food safety” in the proposed new section 6A (1);
  - (iv) by deleting the words “or feed safety” appearing immediately after the words “food safety” in the proposed new section 6A (2); and
  - (v) by deleting the words “or feed safety” appearing immediately after the words “food safety” in the proposed new section 6A (3);
- (f) in the proposed amendments to **the Meat Control Act (Cap. 356)**:
- (i) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “Controller”; and
  - (ii) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “multi-annual control plan”;
- (g) in the proposed amendments to **the Standards Act (Cap. 496)**:
- (i) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “Controller”;
  - (ii) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “multi-annual control plan”;
  - (iii) by deleting the words “or feeds” appearing immediately after the word “foods” in the proposed new paragraph 4 (1) (da);
  - (iv) by deleting the words “or feed safety” appearing immediately after the words “food safety” in the proposed new section 4A (1);
  - (v) by deleting the words “or feed safety” appearing immediately after the words “food safety” in the proposed new section 4A (2); and
  - (vi) by deleting the words “or feed safety” appearing immediately after the words “food safety” in the proposed new section 4A (3);

- (h) in the proposed amendments to **the Biosafety Act, 2009:**
- (i) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “Controller”;
  - (ii) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “multi-annual control plan”;
  - (iii) by deleting the words “or feed safety” appearing immediately after the words “food safety” in the proposed new section 7A (1);
  - (iv) by deleting the words “or feed safety” appearing immediately after the words “food safety” in the proposed new section 7A (2); and
  - (v) by deleting the words “or feed safety” appearing immediately after the words “food safety” in the proposed new section 7A (3);
- (i) in the proposed amendments to **the Kenya Plant Health Inspectorate Service Act, 2012:**
- (i) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “Controller”;
  - (ii) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “multi-annual control plan”;
  - (iii) by deleting the words “or feed safety” appearing immediately after the words “food safety” in the proposed new section 5A (2); and
  - (iv) by deleting the words “or feed safety” appearing immediately after the words “food safety” in the proposed new section 5A (3);
- (j) in the proposed amendments to **the Agriculture and Food Authority Act, 2013:**
- (i) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “Controller”; and
  - (ii) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “multi-annual control plan”;
- (k) in the proposed amendments to **the Fisheries Management and Development Act, 2016:**
- (i) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “Controller”; and
  - (ii) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “multi-annual control plan”;
- (l) in the proposed amendments to **the Water Act, 2016:**

- (i) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “Controller”; and
  - (ii) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “multi-annual control plan”;
  - (m) in the proposed amendments to **the Health Act, 2017**:
    - (i) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “Controller”; and
    - (ii) by deleting the words “Food and Feed Safety Control Coordination Act” and substituting therefor the words “ National Food Safety Control and Co-ordination Act” in the definition of “multi-annual control plan”.
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#### **IV. THE WATER (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 33 OF 2023)**

- 1) Notice is given that Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation intends to move the following amendments to the Water (Amendment) Bill, 2023 at the Committee Stage—

##### **CLAUSE 2**

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

(aa) by deleting the definition of “bulk water” and substituting therefor with the following new definition—

“bulk water” means supply of water in bulk by a water works development agency or the Water Storage Authority to water service providers for retail;

##### **CLAUSE 5**

**THAT**, clause 5 of the Bill be amended in the proposed new section 68A—

- (a) in subsection (1) by deleting the expression “68(b) and (c)” and substituting therefor the expression “68(ba)”; and
- (b) in subsection (2) by inserting the word “in the *Gazette* and on its website” immediately after the word “publish”.

**CLAUSE 8**

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

Amendment of  
section 8 of No. 43 of  
2016.

**8.** Section 75 of the principal Act is amended in subsection (1)—

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

(a) their names, telephone numbers, electronic mail and postal addresses;

(b) in paragraph (c) by deleting the word “accredited” and substituting therefor the word “licensed”.

**CLAUSE 9**

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

Amendment of  
section 93 of No. 43 of  
2016.

**9.** Section 93 of the principal Act is amended by—

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

(1) A contracting authority may enter into a public private partnership or public partnerships for the exercise and performance by another person as a licensee, of some or all of its functions with respect to a part or the whole of its area of water service provision.

(d) deleting subsection (3) and substituting therefor the following new subsection—

(3) Where the person entering into an agreement with the contracting authority owns or possesses assets or infrastructure used for the provision of water services, the agreement shall set out the terms and conditions under which the assets may continue to be used.

**NEW CLAUSES**

**THAT**, the Bill be amended by inserting the following new clauses immediately after clause 10—

Amendment of  
section 114 of No. 43  
of 2016.

**11.** Section 114 of the principal Act is amended in the opening statement by inserting the words “or any water works development agency” immediately after the word “counties”.

Repeal and  
replacement of  
section 119 of No. 43  
of 2016.

**12.** The principal Act is amended by deleting section 119 and substituting therefor the following new section—

Establishment of the  
water tribunal.

**119.** (1) There is established a Water Tribunal.

(2) The Water Tribunal shall consist of the following members appointed by the Judicial Service Commission—

- (a) a Chairperson who shall be an advocate of the High Court of Kenya with not less than ten years' post qualification experience;
- (b) two persons one of whom shall be a registered civil engineer and the other a registered water engineer, with at least ten years' experience; and
- (c) two persons who possess a degree from university recognized in Kenya and at least five years' experience in a relevant field.

(3) The Chairperson and members of the Water Tribunal shall be appointed for a term of three years and shall be eligible for reappointment for one further term of three years.

(4) The Chairperson and members of the Water Tribunal shall be paid such remuneration and allowances as the Judicial Service Commission may, in consultation with the Salaries and Remuneration Commission, determine.

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**V. 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 recognised 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—

“(m) register and license sugar and jaggery mills, exporters, importers and dealers.”

(ix) 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.”

(x) 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.”

(xi) 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.”

(xii) 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.”

(xiii) 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.”

**CLAUSE 18**

**THAT**, the Bill be amended by inserting a new clause immediately before clause 17—

Registration  
millers.

- of **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.

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);
- (d) by inserting a 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”.

(c) 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);

(c) 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.

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- 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”.

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**NOT LATER THAN 3.00 P.M.****VI. QUESTION TIME IN PLENARY**

PURSUANT to the provisions of Standing Order 42A(6B), the Speaker will today, not later than 3.00 p.m., invite the **Cabinet Secretary for Youth, Sports and the Arts** to respond to Questions as appearing in the Appendix.

**LIMITATION OF DEBATE**

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

**Limitation of Debate on Individual Members' Bills**

- VII.** THAT, each speech in a debate on **Bills NOT sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows: A maximum of three hours and thirty minutes, with not more than thirty (30) minutes for the Mover, in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen minutes (15) each; and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

**Limitation of Debate on Bills sponsored by Parties or Committees**

- VIII.** 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 Other Committee Reports**

- IX.** 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.

**Limitation of Debate on Reports of Audit Committees**

- X. THAT**, each speech in debate on **Reports of Audit Committees shall** be limited as follows: A maximum of sixty (60) minutes for the Mover in moving and thirty (30) **minutes** in replying, 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 (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.



# **NOTICE PAPER**

## **Tentative business for** **Thursday, August 24, 2023**

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

It is notified that the following business is ***tentatively*** scheduled to appear in the Order Paper for Thursday, August 24, 2023–

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

- (i) The Climate Change (Amendment) Bill (National Assembly Bill No. 42 of 2023)  
(The Leader of the Majority Party)
- (ii) The Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill (National Assembly Bill No. 35 of 2023)  
(The Leader of the Majority Party)
- (iii) The Food and Feed Safety Control Coordination Bill (National Assembly Bill No. 21 of 2023)  
(The Leader of the Majority Party)
- (iv) The Water (Amendment) Bill (National Assembly Bill No. 33 of 2023)  
(The Leader of the Majority Party)
- (v) The Sugar Bill (National Assembly Bill No. 34 of 2022)  
(The Hon. Emmanuel Wangwe, M.P.)

*(If not concluded on Wednesday, August 23, 2023 - Afternoon Sitting)*

### **B. MOTION – REPORT OF THE KENYA DELEGATION TO THE 146<sup>TH</sup> ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN THE KINGDOM OF BAHRAIN**

(Member of the Delegation)

*(If not concluded on Wednesday, August 23, 2023 - Afternoon Sitting)*

### **C. MOTION – REPORT OF THE 4<sup>TH</sup> GENERAL ASSEMBLY OF THE EASTERN AFRICA PARLIAMENTARY ALLIANCE ON FOOD SECURITY AND NUTRITION (EAPA-FSN) HELD IN KIGALI, RWANDA**

(The Chairperson, EAPA-FSN Caucus)

*(If not concluded on Wednesday, August 23, 2023 - Afternoon Sitting)*

**D. MOTION – REPORT ON THE INSPECTION OF VARIOUS ONE-STOP BORDER POSTS IN THE NORTHERN CORRIDOR IN THE EAST AFRICAN COMMUNITY REGION**

(The Chairperson, Select Committee on Regional Integration)

*(If not concluded on Wednesday, August 23, 2023 - Afternoon Sitting)*

**E. MOTION – REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS**

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

*(If not concluded on Wednesday, August 23, 2023 - Afternoon Sitting)*

**F. MOTION – CONSIDERATION OF THE REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND FOR TWELVE CONSTITUENCIES IN KAKAMEGA COUNTY**

(The Chairperson, Decentralized Funds Accounts Committee)

*(If not concluded on Wednesday, August 23, 2023 - Afternoon Sitting)*

**G. MOTION – PROBABLE LOSS OF INVESTMENTS IN CYTONN HIGH YIELDS SOLUTIONS PLATFORM**

(The Chairperson, Public Petitions Committee)

*(If not concluded on Wednesday, August 23, 2023 - Afternoon Sitting)*

**H. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 60 OF 2022)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Wednesday, August 23, 2023 - Afternoon Sitting)*

**I. ADJOURNMENT OF THE HOUSE IN ACCORDANCE WITH THE CALENDAR OF THE HOUSE**

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...../Appendix\*

# **APPENDIX**

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

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### **ORDER NO. 7 - QUESTIONS**

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It is notified that, pursuant to the provisions of Standing Order 42A (6B), **the Cabinet Secretary for Youth, Sports and the Arts** will respond to questions in plenary on Wednesday (Afternoon), August 23, 2023 relating to—

- (i) The role of the Ministry in facilitating the Kenya Team that attended the Special Olympics held in Berlin, Germany in June 2023 on the following issues:
    - (a) how and why the Kenya's team to the Special Olympic Games jetted out of the country without neither the Cabinet Secretary for Youth Affairs, Sports and the Arts nor a representative from the Ministry flagging them off?
    - (b) how and why the Cabinet Secretary did not deem it reasonable to receive and celebrate the team for their monumental performance during their arrival into the country from the Games?
    - (c) what measures is the Ministry putting in place to ensure the anomaly of ill-treating athletes doesn't recur again?
  
  - (ii) On management of Aquatic Sports in the Country—
    - (a) explain why Kenya Aquatics has historically been unable to comply with rules and decisions of World Aquatics including holding of elections even after a Stabilization Committee was established in 28<sup>th</sup> June 2022?
    - (b) enumerate efforts that the Ministry has put in place to ensure that Kenya Aquatics Stabilization Committee conducts elections and state when the elections will be conducted so that World Aquatics can lift the suspension of Kenya Aquatics since 2022 from participating in any activities within World Aquatics?
    - (c) give an undertaking that the Ministry will facilitate Kenyan swimmers to participate in the World Aquatics event scheduled for February 2024 in Doha, Qatar and in the 2024 Summer Olympics in Paris, France?
    - (d) state how the Ministry plans to address discrimination, unfairness and opaqueness in selection criteria of swimmers participating in various local, regional, continental and international swimming competitions?
-