



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, AUGUST 23, 2023 AT 9.30 A.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

8*. PROCEDURAL MOTION - EXEMPTION OF BUSINESS FROM STANDING ORDER 40(3)

(The Leader of the Majority Party)

THAT, this House resolves to exempt the business appearing as Order No. 14 in today’s Order Paper from the provisions of Standing Order 40(3), being a Wednesday Morning, a day allocated for Business not sponsored by the Majority or Minority Party or Business sponsored by a committee.

9*. MOTION – ESTABLISHMENT OF A NATIONAL CANCER PREVENTION AND CONTROL FUND

(The Hon. Timothy Toroitich, M.P.)

THAT, aware that Article 42(1)(a) of the Constitution provides for the right of every person to access the highest attainable standard of health, which includes the right to health care services; further aware that cancer is among the leading causes of death in the country; noting that although the budgetary allocation for health care services is progressive, it is inadequate to cater for cancer prevention and care across the country; further noting that, cancer control in the country is hampered by inadequate cancer care infrastructure and limited specialized human resource capacity; recognizing that, a significant number of cancer patients do not complete the prescribed treatment due to the high cost of cancer management; further recognizing that, the Cancer Prevention and Control Act, 2012 seeks to promote access to quality and affordable diagnostic and treatment services for persons with cancer; and to ensure sustainable capacity for the prevention and control of cancer; this House **resolves** that the Government through the National Treasury, establishes a national cancer prevention and control fund to promote prevention, control, and treatment of cancer in the country.

(Question to be put)

10*. **MOTION – DEVELOPMENT AND IMPLEMENTATION OF A
CHILDCARE PROGRAMME FOR CHILDREN WHOSE
PARENTS ARE IN LAWFUL CUSTODY**

(The Hon. Brighton Yegon, M.P.)

THAT, aware that, Article 53 of the Constitution provides for the rights of children, including the right to free and compulsory basic education; further aware that, section 22 of the Persons Deprived of Liberty Act and the Childcare Policy provides for the care of a child whose parent is deprived of liberty, until the child still require parental support; further recognizing that, majority of these children often suffer from emotional distress, social stigma and economic hardships; cognizant of the fact that, all children should be accorded a means of maintaining their relationship with their incarcerated parents; noting that, children have restricted economic resources available for their support which in turn negatively impacts their lives; this House therefore **urges** the Government, through the State Department for Social Protection and Senior Citizen Affairs, to develop and implement a programme for the care of children above the age of four years whose parents are under lawful custody.

(Question to be put)

11*. **MOTION – NATIONAL POLICY ON DEWORMING OF SCHOOL-
GOING CHILDREN**

(The Hon. Machua Waithaka, M.P.)

THAT, aware that, Article 43(1)(a) of the Constitution provides that every person has the right to the highest attainable standard of health including the right to health care services; further aware that, the relationship between health and education plays a significant role in school attendance rates; concerned that, the negative effects of poor sanitation, such as parasite infestations, particularly among school children lead to anaemia, stunted-growth and other salient problems which in turn lead to low school attendance and impact education standards; recognizing that, according to research, school-based deworming is one of the most cost-effective interventions that provides a huge range of holistic and social benefits, such as increased school attendance and healthier kids who do better in school, while utilizing already-existing school structures in administering deworming treatments to school pupils; recalling that, previous programmes conducted by the Ministry of Health in partnership with a non-governmental organization called *Evidence Action* have only been piloted in a few selected counties and that the deworming efforts have been uncoordinated and dependent on external support with no clear policy or budgetary framework; now therefore, this House **urges** that the National Government, through the Ministry of Health, develops a national policy on deworming school-going children as a crucial part of mainstreaming of healthcare access in the Country.

(Question to be put)

12*. MOTION – PUBLIC HEALTH CONCERNS AT LANG’ATA CEMETERY

(The Hon. Phelix Odiwuor, M.P.)

THAT, aware that, Article 42 of the Constitution provides for the right of every person to a clean and healthy environment; further aware that, Article 69 of the Constitution obligates the State to ensure sustainable utilization of the environment and natural resources including land; recognizing that, the Fourth Schedule to the Constitution assigns to the national government the function of land planning including the general principles of land planning and the coordination of the planning by counties, as well as matters of health policy; further recognizing that, there is ongoing public outcry regarding the neglect of Lang’ata public cemetery was declared full close to two decades ago; concerned that, this matter has been left unaddressed and poses a significant health risks to the public; deeply concerned that, this situation has led to overcrowding and double-allocation of burial sites with bodies being buried in shallow graves leading to frequent uncovering by wild animals from the nearby national park; further concerned that, this has caused untold anguish, pain and suffering to bereaved families, and psychological torment to the neighbouring community; now therefore, this House **urges** the National Government through the Ministry of Health to urgently conduct an assessment of the public health risks posed by the continued use of the Lang’ata Cemetery, and to institute mitigatory measures and collaborate with other stakeholders, including the Nairobi City County Government, to identify suitable alternative land for use as a cemetery.

(Question to be put)

13*. MOTION – DEVELOPMENT AND IMPLEMENTATION OF A PROGRAMME FOR VOLUNTARY REGULARIZATION OF LAND OCCUPIED BY SQUATTERS

(The Hon. Mark Mwenje, M.P.)

THAT, aware that, lack of access to ownership of productive assets, in particular to land is one of the very serious sources of economic and social insecurity for Kenyans; further aware that many communities particularly, in rural income dwellers, the only way of accessing land to put up their dwellings has been to take up residence on land that is unfit for human habitation; aware that, the Bill of Rights in Chapter Four of the Constitution guarantees every citizen the right to adequate housing and reasonable standards of sanitation; noting that, there are very many squatters who have settled on land that belongs to either absentee landlords, unadjudicated land, public land or community land for long periods of times, with some disputed while others are undisputed; concerned that, the issue of land settlement in many urban areas particularly in the informal settlements has remained unresolved, with numerous persons remaining squatters; further aware that, section 7 of the Limitation of Actions Act, 2010 provides for the right to claim for settlement on certain land after the prescribed period; recognizing the need for the Ministry of Lands to hasten the process of identifying parcels of land

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occupied by squatters where there are no disputes from any party(s); this House **resolves** that the Government develops and implements a policy for voluntary regularization of land occupied by squatters for a prescribed period, including negotiations for financial settlements across the country to address the challenges facing the said squatters.

(Question to be put)

14*. 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)

15*. THE SUGAR BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2022)

(The Hon. Emmanuel Wangwe, M.P.)

Second Reading

(Resumption of debate interrupted on Wednesday, August 16, 2023 – Afternoon Sitting)

(Balance of time – 2 hours 23 minutes)

16*. MOTION – EXPANSION OF DRUG AND SUBSTANCE ABUSE REHABILITATION CENTRES

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

THAT, aware that, according to the National Protocol for Treatment of Substance Use Disorders in Kenya by the Ministry of Health, drug abuse has been increasing in Kenya especially among the youth with statistics indicating that more than half of drug users are aged between 10 and 19 years; further aware that, research released by the National Authority for the Campaign Against Drug Abuse (NACADA) in December 2022 placed western region as the leading region in alcohol and substance abuse at 23.8%, followed by the coast region at 13.9% and the central region at 11.9%; recognizing that, the high level of drug abuse in the western region is attributable to illegal entry points from neighbouring countries and unlicensed establishments especially in Bungoma and Busia counties with statistics indicating two out of every five establishments in Bungoma operate illegally; further recognizing that, a majority of the consumers of illegal substances are school-going children who end up dropping out of school; cognizant of the fact that the Alcoholic Drinks Control Act, 2010 established the Alcoholic Drinks Control Fund whose purpose is to, among other things, facilitate the dissemination of information on alcoholic drinks, and promote rehabilitation programmes in the country; this House **urges** the Government to institute intensive programmes for

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the dissemination of information on alcohol and substance abuse in line with the Alcoholic Drinks Control Act, 2010 and to increase the number of rehabilitation centres across the counties.

17*. MOTION – BANNING THE GROWING OF EUCALYPTUS TREES IN THE COUNTRY

(The Hon. Moses Kirima, M.P.)

THAT, aware that, the eucalyptus tree species are popular among large scale and commercial tree farmers in Kenya; noting that, these tree species are grown in most ecological zones in the country and in particular in the *Western, Central Rift Valley, Central Kenya, parts of Eastern and the Coastal Regions* of the country; acknowledging that, farming of the eucalyptus trees has been on the rise due to their fast growth, good economic returns and diverse commercial uses such as transmission poles, fuelwood, timber, plywood, pulp, fencing posts and building materials among others; concerned that, eucalyptus trees species are majorly cited as high water depleting agents through high consumption, transpiration and evaporation thus causing the drying up of streams, rivers and depletion of groundwater water sources; deeply concerned that, the high depletion of water by the said trees has caused adverse negative effects on soil fertility, land degradation and are a serious threat to the biodiversity; recognizing that, due to the serious threats posed by the Eucalyptus trees to the biodiversity, there is need therefore for their removal and replacement with other types of trees to improve conservation of water sources and the ecosystem; this House **resolves** that the National Government through the Ministry of Environment, Climate Change and Forestry –

- (i) orders absolute banning of planting eucalyptus trees and encourages planting of indigenous species across the country;
- (ii) orders the uprooting of all eucalyptus trees and replacement with other varieties of trees particularly, indigenous species to ensure conservation of water sources and preserve the ecosystem; and
- (iii) initiates the process of putting in place punitive measures against persons who defy the above orders.

18*. MOTION – ESTABLISHMENT OF STRATEGIC GRAIN STORAGE RESERVES AND SILOS IN CLOSE PROXIMITY TO SMALLHOLDER FARMERS

(The Hon. Jessica Mbalu M.P.)

THAT, aware that, agriculture is the backbone of the Kenya's economy contributing approximately 33% of the GDP and employing more than 40 percent of the total population and 70 percent of the rural population; noting that the sector's performance has been declining as a result of adverse effects of climate change, resulting in droughts, famine and food insecurity; further noting that Smallholder farming is predominantly rain-fed cereal grain farming and farmers experience boom harvest every time there is adequate rains; concerned that such farmers majorly lack proper post-harvest grain handling and modern storage

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facilities and resort to selling their harvest almost immediately after harvesting at low prices when market is flooded to reduce the risk of suffering losses through spoilage; cognizant of the fact that the current state of affairs exacerbates poverty in rural areas and there is need for instituting measures that boost local production to augment our grain reserves as stipulated under the National Food and Nutrition Security Policy, which would also lead to a reduction of grains imports in the country; this House now **resolves** that the Government through Ministry of Agriculture and Livestock Development establishes strategic grain storage reserves and silos in close proximity to smallholder farmers so as to address post-harvest inefficiencies.

19*. MOTION – POLICY ON INTEGRATING A CURRICULUM FOR ENVIRONMENTAL CONSERVATION IN PRIMARY AND SECONDARY SCHOOLS

(The Hon. Umul Ker Kassim, M.P.)

THAT, aware that, Article 42 of the Constitution accords every person the right to a clean and healthy environment and that Article 69(1)(d) of the Constitution also mandates the State to encourage public participation in the management, protection conservation of the environment; concerned that, the prevailing climate change and global warming has adversely affected our ecosystems and biodiversity causing unprecedented droughts, food insecurity and famine thus affecting livelihoods and our economy, further concerned that, there is a general lack of awareness or insensitivity among our citizens regarding the place of environmental conservation in preserving our biodiversity; noting that, there is need to inculcate a culture of environmental conservation practices to restore and maintain balanced natural ecosystems, and ensure protection of biodiversity, including reducing the effects of pollution and conserving natural resources for our future generations; this House **resolves** that the Government through the Ministry of Environment, Climate Change and Forestry develops and implements a policy on integrating a curriculum for environmental conservation in primary and secondary schools in the Country.

20*. MOTION – REGULATION OF THE SUGAR INDUSTRY TO DISCOURAGE BRANDING OF SUGAR BY NON-MILLERS

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

THAT, aware that, the importation and exportation of sugar is regulated by various laws including the Crops Act and the Agriculture and Food Authority Act, 2013; further aware that, the Agriculture and Food Authority is charged with the responsibility of regulating the importation and exportation of sugar in the country in accordance with the law; noting that, the importation of sugar is also negotiated within the regional trade blocs' frameworks and agreements to enable the country to meet the demand for sugar; further noting that, individuals or entities are allowed to import sugar provided they obtain the necessary permits and meet the required standards; concerned that, despite these regulations, there have been instances of illegal importation of low quality sugar or adulterated sugar;

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further concerned that, unscrupulous traders have been found to rebrand the sugar which does not meet the standards of the Kenya Bureau of Standards specifications; deeply concerned that, this poses significant health risk to consumers as well as undermining the efforts to regulate and strengthen the sugar industry to protect local millers; acknowledging that, the country has the potential to produce enough sugar to meet its domestic demand as the sector has been a key driver of economic growth; further acknowledging that there is need for concerted efforts by stakeholders to discourage the branding of sugar by non-millers and promote the development of the local sugar industry; now therefore, this House **resolves** that the Government through the Ministry of Trade, Investments and Industry ensures strict operationalization of the regulatory frameworks governing sugar importation into the country.

21*. MOTION – POLICY FOR THE PROVISION OF MENTAL HEALTH SERVICES IN ALL HEALTHCARE FACILITIES

(The Hon. Mishi Mboko, M.P.)

THAT, aware that Article 43(1)(a) of the Constitution provides that every person has the right to the highest attainable standard of health including the right to health care services; further aware that, mental health is a key determinant of overall health and socio-economic development; recognizing that, the Constitution assigns to the national government the responsibility of matters of health policy; concerned that, according to the World Health Organization (WHO), mental and neurological disorders are common and about ten (10) percent of the global population suffer from at least one mental health disorder at any given time; concerned that, psychiatric units are only available in a few facilities in the country and patients requiring psychiatric services have limited or no access to these facilities; acknowledging that, access to healthcare facilities would lead to improved overall health, increased economic productivity, social equity and improved quality of life for all; now therefore, this House **urges** the National Government, through the Ministry of Health, to collaborate with County Governments to develop a policy integrating mental health services in all healthcare facilities in the country.

22*. MOTION – IMPLEMENTATION OF FIRST AID TRAINING AS A CORE SUBJECT IN SCHOOLS

(The Hon. Caleb Amisi, M.P.)

THAT, aware that first-aid training is a key component of Emergency Medical Response (EMR); further aware that first-aid response promotes a safer and healthier community by reducing accidents and injuries; noting that lack of first-aid training and skills among the general public has contributed to the aggravation of preventable injuries and accidents which, in some cases, has led to loss of lives; further noting that the current education system does not include first-aid training as a compulsory subject in the curriculum which deprives students of essential knowledge and skills necessary for their personal safety and that of persons around them; acknowledging that it is critical to equip students with the ability to assess and handle day-to-day emergencies in schools and at home; now therefore, this House **urges** the National Government through the

Ministry of Education to develop and implement a comprehensive first-aid curriculum for schools across the country.

23*. MOTION – ESTABLISHMENT OF A NATIONAL FUND TO SUPPORT VICTIMS OF GENDER-BASED VIOLENCE

(The Hon. Mary Emaase, M.P.)

THAT, aware that Article 29 of the Constitution provides the right of every person to freedom from any form of violence; further aware that, gender-based violence (GBV) is a serious violation of human rights with records indicating that one in every three women will experience sexual or physical violence in their lifetime; noting that according to the UN Refugee Agency (UNHCR), gender-based violence includes sexual, physical, mental and economic harm inflicted in public or in private and may involve threats of violence, coercion and manipulation in the form of intimate partner violence, sexual violence, child marriage, and female genital mutilation; further noting that, timely response to and effective post-management of GBV incidences is critical in curbing the effects of these incidences to victims; concerned that at present, there are inadequate gender-based violence response centres and shelters in the country with limited resources being provided for victims seeking assistance; further concerned that, there are inadequate rehabilitation and reintegration programmes for victims and perpetrators of gender-based violence; recognizing that, victims of gender-based violence as well as perpetrators require specialized professional assistance for full reintegration into the community; this House therefore **resolves** that the Government through the relevant Ministry establishes a national fund to ensure all survivors of GBV have adequate, timely and unhindered access to quality services that meet their needs, and support victims of GBV to have access to timely and unhindered quality services.

24*. MOTION – ACTION TO ADDRESS THE RECENT SURGE IN ROAD ACCIDENTS IN THE COUNTRY

(The Hon. Naomi Waqo, M.P.)

THAT, aware that, the National Transport and Safety Authority Act 2012, provides for the establishment of the National Transport and Safety Authority (NTSA); further aware that, the Authority in line with section 4 of this Act plays a critical role in ensuring the provision of safe, reliable and efficient road transport services; concerned that, there has been an alarming surge in road accidents in the recent past resulting in loss of life, injuries and damage to properties; further concerned that, the Authority has not effectively and fully performed its functions of regulating safe and reliable transport service especially in dealing with public service vehicles; noting that, poor maintenance of motor vehicles and a lack of deeply concerned that, school-going children are increasingly becoming victims of these road accidents; recognizing that, it is the responsibility of the Authority to ensure adherence to the road traffic rules, and to establish systems and procedures for, and oversee the training, testing and licensing of drivers; now therefore, this House **resolves** that the government through the Ministry of Roads & Transport undertakes a comprehensive overhaul of the transportation sector to provide for

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proper regulation of the sector and ensure strict operationalization of the Traffic regulations to provide a safer and more reliable transport sector.

25*. MOTION – ADOPTION OF GOVERNMENT-TO-GOVERNMENT (G2G) MODEL TO ACQUIRE AND SUPPLY FERTILIZERS TO FARMERS AT SUBSIDISED COST

(The Hon. Geoffrey Ruku, M.P.)

THAT, aware that, Kenya is an agricultural-based economy with a significant portion of its population relying on farming for their livelihood; noting that, the quality and quantity of crop yields in Kenya has been hampered to a large extent by lack of adequate and quality fertilizers leading to decreased agricultural productivity and economic losses; further noting that, the government has committed to improving agricultural productivity through various initiatives including provision of subsidized fertilizers; concerned that the cost, quantity and quality of fertilizers and subsequently the cost of production of food crops and cash crops including coffee, tea and *Miraa* has increased due to a number of factors, among them high cost of fertilizers due to markup by private suppliers of fertilizers; further concerned that, threat to food security is a threat to national security; recognizing that the Government-to-Government (G2G) model has been noted to lower cost of products; further recognizing that, there are countries willing to enter into a G2G agreements; appreciating that G2G has been proven to be effective in the provision of services that have a direct impact on citizens' livelihood including the cost of living such as the supply of fertilizers, particularly in countries with similar agricultural conditions as Kenya; this House, therefore, **resolves** that, the government, through the Ministry of Agriculture and Livestock Development and its agencies adopts –

- (i) the Government-to-Government (G2G) model in the acquisition and supply of fertilizers by identifying potential partner countries that have surplus and quality fertilizers;
- (ii) a comprehensive programme for government-to-government (G2G) acquisition and distribution of fertilizers through among others, Kenya Farmers Association (KFA), Kenya Tea Development Agency (KTDA), Coffee Board of Kenya, Kenya Planters Cooperative Union (KPCU), Kenya Grain Growers Cooperation Union (KGGCU), Pyrethrum Board of Kenya among others for increased agricultural productivity.

26*. MOTION – POLICY AND FUNDING FOR SUGARCANE FARMING IN THE COUNTRY

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

THAT, aware that, commercial sugarcane production in Kenya was introduced in the early years of independence with an aim of eliminating dependence on sugar importation and contributing to economic transformation in the sugar belt and the country at large through agriculture; acknowledging that, at its pinnacle, the sugar industry significantly contributed to the country's National Gross Domestic Product (GDP) and became one of the largest employers which

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supported livelihoods of many Kenyans both directly and indirectly; concerned that, over the last 25 years, sugarcane farming particularly in Western Kenya has been declining significantly, thereby dipping sugar production from over 600,000 metric tonnes per year in the 1990s to less than 300,000 metric tonnes in recent years; noting that, the decline in sugarcane farming has forced local millers to operate far below their milling capacities and pushed the country to over-rely on net importation of sugar, which negatively impacts on the balance of trade; noting that, the decline in sugar production is attributable to factors such as mismanagement, interference and unfair competition from cheap imported sugar; further concerned that, state-owned sugar millers like Mumias Sugar Company and Nzoia Sugar Company ceased milling while owing farmers hundreds of millions of shillings; appreciating that, the Government has been putting in place strategies, policies and regulations to define roles of millers and major players and stakeholders in the sugar industry in a bid to revamp the sector; concerned that, the acute shortage of sugarcane resulting from mass abandonment of sugarcane farming continues to roll back initiatives for reviving sugar milling; recognizing that, further investment in revamping sugar companies before reviving sugarcane farming would occasion loss of the invested public funds instead of yielding success; now therefore, this House **resolves** that, the National Government, through the Ministry of Agriculture and Livestock Development, reviews the sugar development policies to provide that every investor-miller sets aside definite funds for development of sugarcane farming, incentivizing farmers to embrace sugarcane growing and to enhance cane production in each of the respective zones.

27*. MOTION – PROVIDING A SAFETY NET FOR CAREGIVERS OF PERSONS WITH SEVERE DISABILITIES

(The Hon. Dorothy Ikiara, M.P.)

THAT, aware that, Article 21(3) of the Constitution provides that all State Organs have the duty to address the needs of vulnerable groups within the society; further aware that the persons with severe disabilities cash transfer programme (PWSD-CT) is one of the four cash transfer programmes implemented by the government as part of the overall social protection interventions; noting that caregivers undertaking the immense responsibility of providing daily care and assistance to persons with severe disabilities (PWSD) are oftentimes the immediate family members of the PWSD; concerned that, this causes a disproportionate burden on these families as persons who would otherwise be engaged in gainful employment or other activities to provide for the families are limited by these immense responsibilities; further concerned that, this loss of income opportunities and resources exacerbates the challenges faced by these families; cognizant that, the government ought to take action to recognize the invaluable contributions of caregivers and support them in caring for individuals with severe disabilities; now therefore, this House **resolves** that the government, through the Ministry of Labour & Social Protection, recognizes primary caregivers of persons with severe disabilities (PWSD) as a distinct category requiring social protection and support, and further, develops and implements a cash transfer programme for these primary caregivers.

28*. MOTION – NATIONAL SENSITIZATION AND SUPPORT FOR COMBATING SICKLE CELL AND HAEMOPHILIA DISEASES

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

THAT, aware that Article 43(1) of the Constitution entitles every person to the right to the highest attainable standard of health, which includes the right to health care services; further aware that, every year, an estimated 14,000 children born in Kenya suffer from sickle cell and haemophilia diseases, with the highest prevalence rate being within Western, Nyanza and Coastal Regions; concerned that, failure to undertake sickle cell and haemophilia screening at birth hinders timely administration of appropriate treatment and other mitigation measures to forestall high infant mortality caused by preventable diseases like malaria; cognizant that, national population surveys does not include data on sickle cell and haemophilia diseases; concerned that, the dearth of data and information negatively hinders prioritization of resources and implementation of sickle cell disease management programs; recognizing that, the number infant deaths caused by the disease continues to grow as a result of underfunding due to lack of data on the number of cases of the killer disease; now therefore, this House **resolves** that the National Government, through the Ministry of Health, and in conjunction with county governments –

- (a) conducts awareness and sensitization programmes on sickle cell and haemophilia diseases and supports research and training for medical personnel on the two diseases; and
- (b) puts in place measures for mandatory screening of newborns sickle cell and haemophilia diseases in all public health facilities in the country in order to create a database to guide funding and other interventions aimed at curbing the diseases and reducing infant mortalities resulting from the diseases.

29*. MOTION – DEVELOPMENT OF A SATELLITE-BASED CLIMATE CHANGE MONITORING POLICY

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

THAT, aware that the Constitution recognizes the people’s respect for the environment as the country’s heritage and the commitment to sustaining the environment for future generations; further aware that the cyclic drought in the country has caused devastating effects and serious disruption to the economy; recognizing that climate change is a global problem with developing countries being the most affected as these regions are dependent on climate-sensitive sectors such as agriculture and forestry; further recognizing that the severe effects of climate change are already being experienced in the form of frequent droughts, flooding and other extreme weather occurrences; concerned that the current climate change monitoring mechanisms in the country are based on traditional methods which rely on ground observations and climate models which have limitations in terms of accuracy, timeliness and spatial coverage; noting that the country recently launched its first operational satellite to collect and transmit high- quality data; further noting that this technology can help in accurately monitoring

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and forecasting climatic and weather patterns; cognizant of the fact that other jurisdictions have made use of this technology to monitor climate change with marked positive impacts; appreciating that the use of technology especially satellite technology would allow enhanced monitoring that can have significant impact on sustainable environmental management; further appreciating that this technology would be useful in monitoring difficult-to-reach, expansive and unsafe areas; now therefore, this House **resolves** that the Ministry of Environment, Climate Change & Forestry develops a policy on IT that deploys the use of satellites in the monitoring and forecasting of climatic conditions with the objective of ensuring timely and accurate data collection to enhance the country's capacity to respond to weather-related risks and vulnerabilities including climate change.

30*. MOTION – ESTABLISHMENT OF A SCIENCE MUSEUM

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

THAT, aware that, Article 11(2)(b) of the Constitution provides that the government shall recognize the role of science and indigenous technologies in the development of the nation; further aware that the Vision 2030 provides for the integration of information, communication and technology in the country's transformative agenda; concerned that, there exists no science museum for consolidating indigenous scientific and technological innovations, training and research purposes in the East Africa Region; appreciating that, integration of science and technology would greatly enhance Kenya's economic and societal success; noting that there is potential for growth in the technology sector by establishing a science museum; further noting that, the informal science education plays a key role in the progression of Science, Technology, Engineering and Mathematics (STEM); acknowledging that science museums operate as the nexus between science practitioners, policy-makers and the public; cognizant of the fact that, a science museum in the country would greatly impact on the economy of the country in the quest to become an industrialized nation; now therefore, this House **resolves** that, the national Government through the relevant Ministries establishes and operationalizes a science museum in the country.

31*. MOTION – AFFIRMATIVE ACTION PLAN FOR THE PROVISION OF WATER IN ARID AND SEMI-ARID AREAS

(The Hon. Mwengi Mutuse, M.P.)

THAT, aware that, Article 43 of the Constitution as read together with section 9 of the Water Act, 2016 provide for the access to clean, safe and adequate water for all citizens; further aware that, access to water guarantees human and animal health, food security, clean and sustainable environment among other socio-economic drivers; acknowledging that, with a population of nearly 53 million, about 28 million Kenyans lack access to safe water while 41 million lack access to improved sanitation; further acknowledging the rising water demand in the country and the growing water scarcity due to climate change, population growth, urbanization, water pollution, and poor management of water resources; noting that, the lack of clean, safe and adequate water affects economic activities, food security, education, and health and that the effects are especially evident in

rural areas and urban slums; further noting that, with recurring drought, the country experiences acute water shortage resulting in loss of lives, livelihoods, as well as environmental degradation with arid and semi-arid (ASAL) areas being the most affected; recognizing that this has led to economic decline in these areas partly due to successive marginalization and/or under investment in water; further recognizing that, during rainy seasons, these areas experience destructive immense surface water flow sometimes leading to flooding, and that with adequate supply of water, these ASAL areas can greatly contribute to food security, employment and wealth creation hence reduce poverty and accelerate national economic growth; this House therefore **urges** the National Government through the relevant Ministry, to –

- (i) institutionalize rainwater harvesting and storage in the country and particularly in the Arid and Semi-Arid areas; and
- (ii) develop an affirmative action programme for investment in water harvesting, purification, storage and distribution in the Arid and Semi-Arid areas.

32*. MOTION – DEVELOPMENT OF A FRAMEWORK TO MITIGATE FLOOD HAZARDS

(The Hon. Umulkher Harun, M.P.)

THAT, aware that the Constitution recognizes the people’s respect for the environment and the determination to sustain it for the benefit of future generations; further aware that the country has been experiencing some of its worst flood events during the rainy season in recent years; concerned that the effects of climate change will exacerbate the frequency and intensity of these extreme flood events; further concerned that floods pose a direct threat to the safety and security of Kenyans causing significant loss of life and mass displacement which leads to severe economic setbacks; recognizing that there is need to take proactive measures by developing an actionable framework to implement strategic water harvesting techniques to mitigate against perennial flooding; acknowledging that rainwater harvesting would not only alleviate the destructive impacts of excessive runoff rainwater but also contribute to long-term water availability; now therefore, this House **urges** the national government through the Ministry of Environment, Climate Change and Forestry to develop a national framework providing for, among other things, the prevention and control of flooding in flood-prone areas in the country, emergency response coordination and evacuation, and long-term rainwater management systems through harvesting and storage.

33*. MOTION – PROVISION OF APPROPRIATE ACCESS TO MARKETS IN THE COUNTRY

(The Hon. Beatrice Kemei, M.P.)

THAT, aware that, the Kenya Roads Act, 2007 mandates the various road authorities to, among other functions, control roads and road reserves, and access to roadside developments; further aware that, market centres are ordinarily constructed along road developments across the country; noting that, due to

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improper planning, some of the marketplaces have no access roads leading buyers and traders to encroach on the roads and road reserves; further noting that, there have been instances of accidents leading to multiple deaths due to this unregulated use of road development; appreciating that, proper access roads to market places would ease access by buyers and thereby avert accidents due to the converging of traders and buyers on roadsides, thus enhancing road safety and service delivery while providing opportunities for economic engagement for the traders; now therefore, this House **resolves** that the Government, through the Ministry of Roads & Transport, develops a framework to ensure that where market centres exist along road developments, appropriate access is provided including service lanes and access roads.

34*. MOTION – REVIEW OF THE SCOPE OF EDUCATION BURSARY SCHEME UNDER NG-CDF AND CAPITATION FOR LEARNERS IN PRIMARY AND JUNIOR SECONDARY SCHOOLS

(The Hon. Wakili Edward, M.P.)

THAT, aware that Article 43(1)(f) of the Constitution as read together with Article 53(1)(b) entitles every child to free quality and compulsory basic education; cognizant of the fact that, access to funding for education immensely contributes to the realization of universal access to basic education in the country; appreciating that, section 48 of the National Government Constituency Development Fund (NG-CDF) Act, 2015 establishes education bursary schemes for every constituency towards access to basic education; noting that section 48A of the NG-CDF Act further allows for affirmative action mechanisms of allocating additional funds to cater for education bursary schemes and other teaching and learning related activities; concerned that, the NG-CDF Act caps allocation to bursary schemes under the Fund at not more than 35% of total Constituency allocation in a financial year, thereby limiting the number of cases that may be supported to access basic education; further concerned that, the NG-CDF Board has only been approving bursary support for secondary and tertiary education and not primary schools and the recently created Junior Secondary Schools; cognizant of the fact that, the failing to extend bursaries to primary and Junior Secondary Schools on the assumption that the two levels of education are *‘free’* is a misnomer since the Government’s capitation per pupil is inadequate to cater for the mandatory materials required for Competency Based Curriculum (CBC), thereby affecting pupils whose parents are unable to meet the attendant costs; deeply concerned that, continued exclusion of allocation of bursary to Primary and Junior Secondary Schools violates the provisions of Article 27 of the Constitution and slows down attainment of universal basic education in Kenya; now therefore, this House **resolves** that:

- (i) the education bursary schemes under section 48 of the National Government Constituency Development Fund (NG-CDF) Act, 2015 be extended to support learners in Primary and Junior Secondary Schools to cater for Competency Based Curriculum requirements;
- (ii) pursuant to section 48A of National Government Constituency

...../34*(Cont’d)

Development Fund Act, 2015, the NG-CDF Board in each Constituency approves additional allocation to the education bursary scheme in order to Support for teaching and learning related activities associated with the CBC education including School Feeding Programmes; and

- (iii) the Government revises the capitation per student in primary schools from the current Kshs. 1,420 per year to at least Kshs. 7,760, being the minimum optimal capitation factoring the new CBC education system and the prevailing high cost of living.

35*. MOTION – SUPPORTING AND PROMOTING LOCAL FERTILIZER MANUFACTURING INDUSTRIES

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

THAT, aware that, the Fertilizer and Animal Foodstuff Act, 2015 provides for the regulation of fertilizer importation in the country; further aware that, the Fertilizer and Animal Foodstuffs Board regulates the fertilizer and animal foodstuffs industry including the manufacture and production of fertilizers; noting that, the country currently relies heavily on imported fertilizer due to inadequate local production capacity; further noting that, the low local production leads to high costs for farmers, reducing their profits and results in an unhealthy reliance on imported fertilizer; concerned that, this scenario threatens the country's food security in case of supply disruptions and discourages local production; recognizing that local fertilizer production could lead to improved fertilizer quality, increased crop yields and a reduction in environmental harm caused by the use of substandard fertilizers; recalling that the country has the potential to produce fertilizer that could meet the country's domestic demand and also supply the regional market; further recognizing that there is need for the government to work with local producers to develop high quality fertilizer tailored to the needs of Kenyan farmers and crops; now therefore this House **resolves** that the National Government through the Ministry of Agriculture and Livestock Development, supports and promotes local fertilizer manufacturing industries by investing in research and development to bolster the domestic fertilizer manufacturing sector.

36*. MOTION – REGULATORY FRAMEWORK FOR THE MONEYLENDER INDUSTRY IN THE COUNTRY

(The Hon. Beatrice Kemei, M.P.)

THAT, aware that the Consumer Protection Act, 2012 provides for the protection of the consumer and prevention of unfair trade practices in consumer transactions in line with Article 46 of the Constitution; further aware that there exists unregulated moneylenders, commonly referred to as '*shylocks*', that provide loans outside the scope of formal financial institutions; noting that with the repeal of the Moneylenders Act in 1984, unscrupulous business people have exploited the loopholes to the detriment of the general public; concerned that these lenders operate outside of the formal financial sector and as such, engage in predatory practices such as high interest rates, hidden fees, unclear terms and conditions and aggressive loan recovery methods; further concerned that the absence of clear and enforceable regulations is untenable and requires immediate remedy; recognizing

...../36*(Cont'd)

that the effects of these unregulated operations extend beyond financial implications but are also social and emotional with reports of depression, family breakups and even instances of suicide by borrowers due to excessive penalties and harsh recovery methods; now therefore, this House **resolves** that the government, through the National Treasury and Economic Planning develops a framework to regulate unlicensed money lenders to promote a fair and sustainable financial system.

37*. MOTION – FORMULATION OF A GOVERNMENT-TO-GOVERNMENT FRAMEWORK FOR IMPORTATION AND DISTRIBUTION OF ESSENTIAL FOODSTUFF AND GOODS

(The Hon. Geoffrey Ruku, M.P.)

THAT, aware that, Kenya National Trading Corporation (KNTC) Ltd. is a State Corporation in the Ministry of Industry, Trade & Investment; **recalling that**, KNTC was established under Session Paper No. 1 of 1965 in recognition of the importance of trade and industry in economic development of the then newly independent Kenya; noting that, among other functions, the corporation acts as the procurement agent for the government and participates in promotion of wholesale and retail trade with a view to strengthening and promoting supply chain of essential products in the country; appreciating that the corporation plays a crucial role in supporting Micro, Small & Medium Enterprises (MSME) sector through the supply of raw materials, provision of consultancy services and the identification of markets for their products; concerned that the price of foodstuffs and other essential basic commodities in the country have incredibly risen, causing majority of Kenyan households financial distress in the face of surging inflationary pressures, weakening shilling, high cost of fossil fuels, supply chain gaps, declining agricultural productivity orchestrated by high input prices, climate change and variability; concerned that, the decline in local food production has been progressively pushing Kenya to the edge of becoming a net importer of foodstuff; noting that the prices of foodstuff and other essential goods imported into the country by merchants have also been on the rise; acknowledging that Government-to-Government arrangements and frameworks are important divers in trade, economic integration and bears better outcomes in pushing downward pressure on costs for goods and stabilizing market supply conditions; now therefore, this House now **resolves** that the Ministry of Industry, Trade & Investment urgently establishes a framework for Government-to-Government contractual agreements for importation and distribution of foodstuff and other essential goods in the country through the Kenya National Trading Corporation Ltd. with a view to normalizing market supply conditions and prices for such basic food commodities.

38*. MOTION – POLICY FRAMEWORK FOR GOVERNMENT-TO-GOVERNMENT SOURCING OF ELECTRICITY EQUIPMENT AND ON CONNECTION AND BILLING OF ELECTRICITY INFRASTRUCTURE

(The Hon. Geoffrey Ruku, M.P.)

THAT, acknowledging that, Kenya Vision 2030 identifies energy as an

...../38*(Cont'd)

enabler to achieving social, economic and political pillars and that access to affordable, reliable and quality power is crucial for economic growth and development; aware that, prompt connectivity to affordable and stable electricity power is an essential enabler for spurring rural economies, thus contributing to national growth and development towards attainment of the Vision 2030; recognizing that, the Kenya Power Company Ltd. is the national electricity utility company responsible for connection and billing of electricity to customers throughout the country and it also undertakes electricity licensing, metering, billing, offering emergency electricity services and customer relations; concerned that, the cost of electricity in the country has increased significantly over the years thus burdening households and industrial users with high costs of production; further concerned that the protracted chain of stages that characterize the processing of new electricity connections, coupled with delays in importation of critical electricity connection equipment such as transformers, conductors and meters overseas causes a red tape that results in inordinate delays in concluding new connections to electricity; considering that the convoluted process of connection to electricity and attendant management challenges that grapple the Kenya Power in managing electricity in the country bear serious implications on cost of living and retard economic growth by making businesses less competitive thereby diverting potential investments to other economies in the region; cognizant of the fact that, Government-to-Government procurement is an important factor in trading and efforts towards increased economic integration and bears better outcomes in curbing supplies hitches, in order to increase operational efficiency and impacting the overall prices of electricity, this House **resolves** that the Ministry of Energy to

—

- (i) formulate a policy framework Government-to-Government agreements to facilitate local assembly of essential equipment for electricity connections such as transformers, conductors, meters and attendant equipment in order to address unwarranted supply hitches and to guarantee quality assurance of the equipment; and,
- (ii) formulates management contracts with contractors with private entities to manage power connections and billing services on behalf of the Kenya Power with a view to enhancing efficiency.

Denotes Orders of the Day

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 on 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 clause 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.

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

35A. 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

35B. (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.

- (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 terrorism and countering proliferation financing matters.

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

- 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.	7A. 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”.

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	18. (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”.



LIMITATION OF DEBATE

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

Limitation of Debate on Motions

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

Limitation of Debate on Bills sponsored by Parties or Committees

- V.** **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 Individual Members' Bills

- VI.** **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.

The House resolved on Wednesday, August 9, 2023 as follows—

Limitation of Debate on Motions sponsored by Individual Members

- VII.** **THAT**, each speech in a debate on any Motion introduced by an Individual Member shall be limited in the following manner:- A maximum of one and a half hours with not more than ten (10) minutes for the Mover in moving and five (5) minutes in replying, and a maximum of five (5) minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party; and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

NOTICE PAPER

Tentative business for

Wednesday (Afternoon), August 23, 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 Wednesday (Afternoon), August 23, 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)
- (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)

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

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

Second Reading

C. THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 59 OF 2022)

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

Second Reading

D. THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2023)

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

Second Reading

E. MOTION – REPORT OF THE KENYA DELEGATION TO THE 146TH ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN THE KINGDOM OF BAHRAIN

(Member of the Delegation)

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

(Balance of time – 2 hours 10 minutes)

F. MOTION – REPORT OF THE 4TH GENERAL ASSEMBLY OF THE EASTERN AFRICA PARLIAMENTARY ALLIANCE ON FOOD SECURITY AND NUTRITION (EAPA-FSN) HELD IN KIGALI, RWANDA

(The Chairperson, EAPA-FSN Caucus)

G. 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)

H. MOTION – REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS

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

I. 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)

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

(The Chairperson, Public Petitions Committee)

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

(The Leader of the Majority Party)

Second Reading

APPENDIX

NOTICE OF PETITIONS, QUESTIONS & STATEMENTS

ORDER NO. 7 – QUESTIONS

(Questions to Constitutional Commissions and Independent Offices pursuant to Standing Order 42G)

It is notified that, pursuant to the provisions of Standing Order 42G, the following Members will ask questions to Constitutional Commissions for reply before the specified Committees-

QUE. NO.

ORDINARY QUESTIONS

369/2023

The Member for Turkana North (Hon. Paul Nabuin) to ask the Teachers Service Commission: -

Could the Commission —

- (i) explain why it revoked its decision to transfer *Mr. Emuria Moses Ebong'on*, TSC No. 460301 from *Lokitaung Mixed Primary School* to *St. John's Lokichoggio Primary School*?
- (ii) confirm that *The Salvation Army of Turkana District*, the sponsor of *Lokitaung Mixed Primary School* has written a letter requesting TSC not to return *Mr. Emuria Moses Ebong'on* to the school and that parents had staged protests to have *Mr. Ebong'on* leave the school because he had overstayed and misappropriated school funds?
- (iii) consider investigating *Mr. Emuria Moses Ebong'on* for alleged misappropriation of school funds, non-payment of school subordinate staff and suppliers, absence from Parent-Teacher Association meetings, sexual exploitation of school girls and sale of school food including for other schools because the storage was within his school compound, when he was headteacher for *Lokitaung Mixed Primary School*?
- (iv) state the role that *Mr. Alex Cheruiyot*, the Rift Valley Regional Education Director played in the revocation of the transfer of *Mr. Emuria Moses Ebong'on*?
- (v) state when his transfer from *Lokitaung Mixed Primary school* will be effected?

(To be replied before the Departmental Committee on Education)

The Member for Matuga (Hon. Kassim Tandaza, MP) to ask the Judicial Service Commission: -

Could the Commission —

- (i) What steps has the Judiciary taken to address the 521,823 cases published in the Judiciary and the Administration of Justice Annual Report (SOJAR Report) for the FY 2021/2022 as pending in various Magistrates Courts as at 30th June 2022?
- (ii) Could the Judiciary provide a status report regarding construction of new court infrastructure in every sub-county to enhance timely access to justice and speed up conclusion of cases pending in various Magistrates' Courts countrywide?
- (iii) When will the stalled Court building in Kwale, Matuga Constituency be completed and how much money has been allocated to the project?

(To be replied before the Departmental Committee on Justice and Legal Affairs)



ORDER NO.7 - STATEMENTS

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

Subject	Member	Relevant Committee
Agreement between the Government of the Republic of Kenya and the Government of the Italian Republic on the <i>Luigi Broglio – Malindi</i> Space Centre	<i>Hon. Owen Baya, M.P. (Kilifi North Constituency)</i>	Chairperson, Committee on Implementation
