



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, JUNE 21, 2023**

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Honourable Speaker
4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker issued the following Communications on: -

**(i) A visiting delegation from the Parliament of Uganda**

**“Honourable Members,**

I wish to introduce to you a delegation of Staff from Parliament of Uganda who are seated in the Speaker’s Gallery. The delegation comprises: -

- |        |                        |                 |
|--------|------------------------|-----------------|
| (i)    | Simon Peter Waiswa     | - Legal Counsel |
| (ii)   | John Fredrick Buteraba | - Legal Counsel |
| (iii)  | Benedict Arinaitwe     | - Legal Counsel |
| (iv)   | Gloria Acayo           | - Legal Counsel |
| (v)    | Ivy Kemigisha          | - Legal Counsel |
| (vi)   | Racheal Ampirwe        | - Legal Counsel |
| (vii)  | Colline Nakiranda      | - Legal Counsel |
| (viii) | Dennis Okuno           | - Legal Clerk   |
| (ix)   | Tom Inyalio            | - Legal Clerk   |

Honourable Members, the delegation which is drawn from the Department of Litigation and Compliance of the Parliament of Uganda, is in the country on a benchmarking study visit to our Parliament, specifically to share best practices.

Honourable Members, on my own behalf and that of the House, I wish to welcome them to the National Assembly and wish them fruitful engagements during their stay in the Country. I thank you!”

**(ii) A visiting delegation from Zimbabwe Joint Command Staff College**

**“Honourable Members,**

I wish to introduce to you a delegation from the Zimbabwe Joint Command Staff College who are seated in the Speaker's Gallery. The delegation comprises: -

- |     |                                      |                                       |
|-----|--------------------------------------|---------------------------------------|
| (a) | Brig. Gen. (Dr) Joe Muzvidziwa       | - Commandant (Head of Delegation)     |
| (b) | Col. Waluza Alipole                  | - Director of Study                   |
| (c) | Lt. Col Chance Mkwanzani             | - Directing Staff Term 2              |
| (d) | Lt. Col Titus T Wallace              | - Directing Staff Term 2              |
| (e) | Maj. Tommy Midzi                     | - General Staff Officer (Coordinator) |
| (f) | Lt. Col. Kenneth MT Malaka           | - Student                             |
| (g) | Squadron. Leader Ackroid Moyo        | - Student                             |
| (h) | Maj. Simbarashe Chapungu             | - Student                             |
| (i) | Squadron. Leader Mufaro Motsi        | - Student                             |
| (j) | Maj. Smart A Mutorera                | - Student                             |
| (k) | Maj. Puleng Macheli                  | - Student                             |
| (l) | Maj. Albert Mukinda                  | - Student                             |
| (m) | Maj. Godknows S Mawela               | - Student                             |
| (n) | Maj. Stein Kusizani                  | - Student                             |
| (o) | Squadron. Leader Munyaradzi Madombwe | - Student                             |
| (p) | Maj. Brighton Shana                  | - Student                             |
| (q) | Maj. Washington Barwa                | - Student                             |
| (r) | Squadron. Leader Nigel Dube          | - Student                             |
| (s) | Maj. Kennias Mugiya                  | - Student                             |

The delegation is accompanied by the following persons from Kenya: -

- |       |                                  |                                   |
|-------|----------------------------------|-----------------------------------|
| (i)   | Lt. Colonel S. Kyeva Munyao      | - Senior Escorting Officer        |
| (ii)  | Maj. Ndwiga                      | - Assistant Escorting Officer     |
| (iii) | Warrant Officer I Nelson Mukolwe | - Defence Relations Officer (MFA) |

Honourable Members, the delegation which is drawn from various countries among them, Republic of Zimbabwe, Republic of South Africa, Republic of Zambia and the Kingdom of Lesotho, is in the country on a Geo-Political study tour to various Ministries and State Departments, specifically to share best practices.

Honourable Members, on my own behalf and that of the House, I wish to welcome them to the National Assembly and wish them fruitful engagements during their stay in the Country. Thank you!"

## **5. PAPERS**

The following Papers were laid on the Table –

- (i) Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its participation at the 36<sup>th</sup> Ordinary Session of the African Union held in Addis Ababa, Ethiopia from 14<sup>th</sup> to 20<sup>th</sup> February, 2023.

*(Chairperson, Departmental Committee on Defence, Intelligence  
& Foreign Relations)*

- (ii) Report of the Departmental Committee on Environment, Forestry & Mining on its consideration of the Ratification of the Minamata Convention on Mercury.

*(Chairperson, Departmental Committee on Environment, Forestry & Mining)*

(iii) Report of the Public Debt and Privatization Committee on its consideration of: -

- (a) Consolidated Fund Service Expenditure under the FY2023/2024 Budget Estimates; and
- (b) The Public Finance Management (Amendment) Bill (National Assembly Bill No. 16 of 2023).

*(Vice-Chairperson, Public Debt and Privatization Committee)*

(iv) Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (National Peace Support Operations Fund) Regulations, 2023.

*(Chairperson, Committee on Delegated Legislation)*

(v) Report of the Departmental Committee on Justice and Legal Affairs on the vetting of Ms. Salome Wairimu Muhia-Beacco for appointment as Principal Secretary, State Department for Correctional Services.

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

## **6. NOTICES OF MOTION**

The following Notices of Motion were given –

### **(i) Development of a Satellite-Based Climate Change Monitoring Policy**

**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 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.

*(Hon. Abdul Haro, MP)*

(ii) **Establishment of a Science Museum**

**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 transformation 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 industrialised nation; now therefore, this House **resolves** that, the national Government through the relevant Ministries establishes and operationalizes a science museum in the country.

*(Hon. John Kiarie, MP)*

(iii) **Ratification of the Minamata Convention on Mercury**

**THAT**, this House **adopts** the Report of the Departmental Committee on Environment, Forestry and Mining on its consideration of the ratification of the Minamata Convention on Mercury, *laid on the Table of the House on Wednesday, 21<sup>st</sup> June, 2023* and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** the *ratification of the Minamata Convention on Mercury*.

*(The Hon. David Gikaria, MP, Chairperson, Departmental Committee  
on Environment, Forestry & Mining)*

(iv) **Consideration of the Public Finance Management (National Peace Support Operations Fund) Regulations, 2023**

**THAT**, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (National Peace Support Operations Fund) Regulations, 2023 (LN. No. 58 of 2023), *laid on the Table of the House on Wednesday, 21<sup>st</sup> June, 2023*, and pursuant to the provisions of section 24 (4) of the Public Finance Management Act, 2012, **approves** the Public Finance Management (National Peace Support Operations Fund) Regulations, 2023 (LN. No. 58 of 2023).

*(The Hon. Samuel Chepkonga, CBS, MP, Chairperson, Committee on  
Delegated Legislation)*

(v) **Appointment of Principal Secretary – State Department for Correctional Services**

**THAT**, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in its Report on the Vetting of a Nominee for Appointment as Principal Secretary, State Department for Correctional Services, *laid on the Table of the House on Wednesday, 21<sup>st</sup> June 2023*, and pursuant to the provisions of Article 155(3)(b) of the Constitution and section 8(1) of the Public Appointments (Parliamentary Approval)

Act, 2011, **approves** the appointment of **Ms. Salome Wairimu Muhia-Beacco** as Principal Secretary, State Department for Correctional Services.

*(The Hon. George Murugara, MP, Chairperson, Departmental Committee on Justice & Legal Affairs)*

(vi) **Consideration of the Consolidated Fund Service Expenditures under the FY 2023/2024 Budget Estimates**

**THAT**, this House adopts the Report of the Public Debt and Privatization Committee on its consideration of the Consolidated Fund Service Expenditures under the financial year 2023/2024 Budget Estimates, *laid on the Table of the House on Wednesday, 21<sup>st</sup> June 2023.*

*(The Hon. (Dr.) Makali Mulu, MP, Vice-Chairperson, Public Debt & Privatization Committee)*

**7. PROCEDURAL MOTION – EXTENSION OF SITTING TIME**

Motion made and Question proposed -

**THAT**, pursuant to the provisions of Standing Order 30 (3) (a), this House orders that, should the time appointed for adjournment of the House today, Tuesday 20th June 2023, be reached before conclusion of the business appearing under Order No. 10 of today's Order Paper, being Committee of the Whole House on the Finance Bill, 2023, the Sitting of the House shall stand extended until conclusion of the said business.

*(The Leader of the Majority Party)*

There being no Member desiring to contribute;

Question put and agreed to.

**8. PROCEDURAL MOTION – RESOLUTION TO HOLD A SITTING ON THURSDAY MORNING**

Motion made and Question proposed -

**THAT**, pursuant to the provisions of Standing Order 30(3)(b), this House resolves to hold a Morning Sitting on Thursday, June 22, 2023 commencing at 9.30 am for purposes of considering the Finance Bill, 2023 and other priority budget related business.

*(The Leader of the Majority Party)*

There being no Member desiring to contribute;

Question put and agreed to.

**9. COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

**IN THE COMMITTEE**

The First Chairperson in the Chair

**The Finance Bill (National Assembly Bill No. 14 of 2023)**

*(Resumed from Clause 25)*

Clauses 25, 26 & 27 - agreed to;

**New Clause 17A proposed-**

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

Amendment of **17A.** Section 28A of the Income Tax Act is  
section 28A of amended-  
Cap.470.

- (a) in paragraph (b), by inserting the words  
“or other manufacturing activities  
including refining” immediately after  
the words “human vaccines”; and
- (b) by inserting the word “and” at the end  
of paragraph

*(Chairperson, Departmental Committee on Finance and National Planning)*

Motion made and Question proposed-

THAT, New Clause 17A be now read a Second Time.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

Question put and agreed to;

Motion made and Question proposed-

THAT, New Clause 17A be part of the Bill.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

Question put and agreed to.

**New Clause 21A proposed-**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 21—

Amendment of **21A.** The Income Tax Act is amended in section  
section 133 of Cap. 133(6), by deleting the expression 31st December,  
470. 2023” and substituting therefor the expression “31st  
December, 2024.”

*(Chairperson, Departmental Committee on Finance and National Planning)*

Motion made and Question proposed-

THAT, New Clause 21A be now read a Second Time.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

Question put and agreed to;

Motion made and Question proposed-

THAT, New Clause 21A be part of the Bill.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

Question put and agreed to.

Clause 28 - amendment proposed-

**THAT**, clause 28 of the Bill be deleted.

*(The Hon. Anthony Oluoch)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, clause 28 of the Bill be deleted.

*(The Hon. (Dr.) James Nyikal)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, clause 28 of the Bill be deleted.

*(The Hon. (Dr.) Makali Mulu)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, clause 28 of the Bill be amended by deleting paragraph (a).

*(The Hon. Naisula Lesuuda)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, clause 28 of the Bill be amended by deleting paragraph (a).

*(The Hon. Naisula Lesuuda)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, clause 28 of the Bill be amended by deleting paragraph (a).

*(The Hon. Peter Kaluma)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, clause 28 of the Bill be amended by deleting paragraph (a).

*(The Hon. Majimbo Kalasinga)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, clause 28 of the Bill be amended by deleting paragraph (a).

*(The Hon. Majimbo Kalasinga)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, clause 28 of the Bill be amended by deleting paragraph (a).

*(The Hon. Robert Basil)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, clause 28 of the Bill be amended by deleting paragraph (b).

*(The Hon. Caleb Amisi)*

Proposed amendment dropped;

Over thirty Members stood in their places claiming division pursuant to Standing Order 72(1)(b);

The First Chairperson directed that the division bell be rung for five minutes pursuant to Standing Order 70(2);

Division on the Motion undertaken;

The Chair directed that Roll Call Division be undertaken pursuant to Standing Order 71;

Hon. Geoffrey Ruku and Hon. Eric Mwangi nominated as the Vote Tellers for “Ayes”;

Hon. Maurice K. Bisau and Hon. Dick Maungu nominated as the Vote Tellers for “Noes”;

Roll Call Voting conducted and concluded;

Results of the Roll Call Vote:



AYES – 184

<b>S/NO.</b>	<b>CONSTITUENCY AND SPECIAL INTERESTS (ARTICLE 95(1) CoK)</b>	<b>MEMBER'S NAME</b>
1.	Ainabkoi	Chepkonga, Kiprono Samwel
2.	Ainamoi	Langat, Benjamin Kipkirui
3.	Aldai	Kitany, Marianne Jebet
4.	Bahati	Mrembo, Irene Njoki
5.	Baringo Central	Kandie, Joshua Chepyegon
6.	Baringo North	Kipkoros, Joseph Makilap
7.	Baringo South	Kamuren, Charles
8.	Belgut	Koech, Nelson
9.	Bomachoge Chache	Alfah, Miruka Ondieki
10.	Bomet (CWR)	Linnet, Chepkorir
11.	Bomet Central	Kilel, Richard Cheruiyot
12.	Bomet East	Yegon, Richard Kipkemoi
13.	Bondo	Ogolla, Gideon Ochanda
14.	Buuri	Murwithania, Rindikiri Mugambi
15.	Chepalungu	Koech, Victor Kipngetch
16.	Chesumei	Biego, Paul Kibichy
17.	Chuka/Igambang'ombe	Ntwiga, Patrick Munene
18.	Dadaab	Maalim, Farah
19.	Dagoretti South	Waweru, John Kiarie
20.	Eldama Ravine	Sirma, Musa Cherutich
21.	Eldas	Wehliye, Adan Keynan
22.	Elgeyo Marakwet (CWR)	Caroline, Jeptoo Ng'elechei
23.	Embakasi Central	Gathiru, Mejjadonk Benjamin
24.	Embakasi North	Gakuya, James Mwangi
25.	Embu (CWR)	Double N, Pamela Njoki Njeru

S/NO.	CONSTITUENCY AND SPECIAL INTERESTS (ARTICLE 95(1) CoK)	MEMBER'S NAME
26.	Emgwen	Lelmengit, Josses Kiptoo Kosgey
27.	Emuhaya	Omboko, Milemba Jeremiah
28.	Emurua Dikirr	Kipyegon, Johana Ng'eno
29.	Endebess	Pukose, Robert (Dr.)
30.	Fafi	Yakub, Farah Salah
31.	Ganze	Tungule, Charo Kenneth Kazungu
32.	Garissa Township	Barrow, Dekow Mohamed
33.	Gatanga	Muriu, Wakili Edward
34.	Gem	Odhiambo, Elisha Ochieng
35.	Gichugu	Githinji, Robert Gichimu
36.	Gilgil	Wanjira, Martha Wangari
37.	Igembe Central	Karitho, Kiili Daniel
38.	Igembe North	M'Anaiba, Julius Taitumu
39.	Igembe South	Mwirigi, John Paul
40.	Ijara	Abdi, Abdi Ali
41.	Isiolo (CWR)	Bonaya, Mumina Gollo
42.	Juja	Ndung'u, George Koimhuri
43.	Kabete	Wamacukuru, James Githua Kamau
44.	Kacheliba	Titus, Lotee
45.	Kajiado (CWR)	Sankaire, Leah Sopiato
46.	Kajiado North	Nguro, Onesmus Ngogoyo
47.	Kajiado West	Risa, Sunkuyia George
48.	Kamukunji	Hassan, Abdi Yusuf
49.	Kandara	Njuguna, Chege
50.	Kanduyi	Makali, John Okwisia
51.	Kangema	Kihungi, Peter Irungu
52.	Kangundo	Muli, Fabian Kyule

<b>S/NO.</b>	<b>CONSTITUENCY AND SPECIAL INTERESTS (ARTICLE 95(1) CoK)</b>	<b>MEMBER'S NAME</b>
53.	Kapenguria	Chumel, Samwel Moroto
54.	Keiyo North	Korir, Adams Kipsanai
55.	Kericho (CWR)	Kemei, Beatrice Chepng'eno
56.	Kesses	Rutto, Julius Kipletting
57.	Kiambaa	Wanjiku, John Njuguna
58.	Kiambu	Waithaka, John Machua
59.	Kibwezi West	Mutuse, Eckomas Mwenzi
60.	Kieni	Wainaina, Antony Njoroge
61.	Kigumo	Munyoro, Joseph Kamau
62.	Kiharu	Nyoro, Samson Ndindi
63.	Kikuyu	Ichung'wah, Anthony Kimani
64.	Kilifi North	Baya, Owen Yaa
65.	Kimilili	Mutua, Didmus Wekesa Barasa
66.	Kinango	Rai, Samuel Gonzi
67.	Kinangop	Kwenya, Thuku Zachary
68.	Kipkelion East	Chererot, Joseph Kimutai
69.	Kipkelion West	Kosgei, Hilary Kiplangat
70.	Kirinyaga (CWR)	Maina, Jane Njeri
71.	Kirinyaga Central	Gitari, Joseph Gachoki
72.	Kitui South	Nyamai, Rachael Kaki
73.	Kitutu Chache North	Mokaya, Nyakundi Japheth
74.	Konoin	Yegon, Brighton Leonard
75.	Kuresoi South	Tonui, Joseph Kipkosgei
76.	Kuria East	Kemero, Maisori Marwa Kitayama
77.	Kuria West	Robi, Mathias Nyamabe
78.	Kwanza	Wanyonyi, Ferdinand Kevin
79.	Laikipia (CWR)	Kagiri, Jane Wangechi

<b>S/NO.</b>	<b>CONSTITUENCY AND SPECIAL INTERESTS (ARTICLE 95(1) CoK)</b>	<b>MEMBER'S NAME</b>
80.	Laikipia East	Kiunjuri, Festus Mwangi
81.	Laikipia North	Korere, Sarah Paulata
82.	Laikipia West	Karani, Stephen Wachira
83.	Laisamis	Lekuton, Joseph
84.	Lamu (CWR)	Marubu, Monicah Muthoni
85.	Lamu East	Obo, Ruweida Mohamed
86.	Lamu West	Muiruri, Muthama Stanley
87.	Limuru	Chege, John Kiragu
88.	Loima	Akuja, Protus Ewesit
89.	Lungalunga	Chiforomodo, Mangale Munga
90.	Machakos Town	Mule, Caleb Mutiso
91.	Mandera North	Abdullahi, Bashir Sheikh
92.	Mandera South	Haro, Abdul Ebrahim
93.	Mandera West	Yussuf, Adan Haji
94.	Manyatta	Mukunji, John Gitonga Mwaniki
95.	Maragwa	Njoroge, Mary Wamaua Waithira
96.	Marakwet East	Bowen, David Kangogo
97.	Marakwet West	Toroitich, Timothy Kipchumba
98.	Marsabit (CWR)	Waqo, Naomi Jillo
99.	Masinga	Mwalyo, Joshua Mbithi Mutua
100.	Mathioya	Gichuki, Edwin Mugo
101.	Mathira	Kahugu, Eric Mwangi
102.	Matuga	Tandaza, Kassim Sawa
103.	Mbeere North	Ruku, Geoffrey Kariuki Kiringa
104.	Mbeere South	Nebart, Bernard Muriuki
105.	Meru (CWR)	Kailemia, Elizabeth Karambu
106.	Mogotio	Kipngor, Reuben Kiborek

<b>S/NO.</b>	<b>CONSTITUENCY AND SPECIAL INTERESTS (ARTICLE 95(1) CoK)</b>	<b>MEMBER'S NAME</b>
107.	Moiben	Bartoo, Phylis Jepkemoi
108.	Molo	Kimani, Francis Kuria
109.	Msambweni	Bader, Salim Feisal
110.	Mukurweini	Gichohi, Kaguchia John Philip
111.	Muranga (CWR)	Maina, Betty Njeri
112.	Mwala	Musau, Vincent Musyoka
113.	Mwea	Maingi, Mary
114.	Nairobi City (CWR)	Passaris, Esther Muthoni
115.	Naivasha	Kihara, Jayne Wanjiru Njeri
116.	Nakuru (CWR)	Chelule, Liza Chepkorir
117.	Nakuru Town East	Gikaria, David
118.	Narok (CWR)	Tonkei, Rebecca Noonaiishi
119.	Narok East	Aramat, Lemanken
120.	Narok North	Pareyio, Agnes Mantaine
121.	Narok South	Kitilai, Ole Ntutu
122.	Narok West	Tongoyo, Gabriel Koshal
123.	Ndaragwa	Gachagua, George N
124.	Ndia	GK, George Macharia Kariuki
125.	Njoro	Chepkwony, Charity Kathambi
126.	North Imenti	Abdul, Rahim Dawood
127.	North Mugirango	Nyamoko, Joash Nyamache
128.	Nyali	Mohamed, Mohamed Ali
129.	Nyandarua (CWR)	Gitau, Faith Wairimu
130.	Nyaribari Chache	Jhanda, Zaheer
131.	Nyaribari Masaba	Manduku, Daniel Ogwoka
132.	Nyeri (CWR)	Wachira, Rahab Mukami
133.	Nyeri Town	Mathenge, Duncan Maina

<b>S/NO.</b>	<b>CONSTITUENCY AND SPECIAL INTERESTS (ARTICLE 95(1) CoK)</b>	<b>MEMBER'S NAME</b>
134.	Ol Jorok	Muchira, Michael Mwangi
135.	Ol Kalou	Kiaraho, David Njuguna
136.	Othaya	Wainaina, Micheal Wambugu
137.	Rabai	Mupe, Anthony Kenga
138.	Rongai	Chebor, Paul Kibet
139.	Roysambu	Mwafrika, Augustine Kamande
140.	Ruiru	Kingara, Simon Ng'ang'a
141.	Runyenjes	Karemba, Eric Muchangi Njiru
142.	Sabatia	Logova, Sloya Clement
143.	Saku	Raso, Dido Ali
144.	Samburu (CWR)	Lenguris, Pauline
145.	Samburu North	Letipila, Dominic Eli
146.	Samburu West	Lesuuda, Josephine Naisula
147.	Siaya (CWR)	Oduor, Christine Ombaka
148.	Sigowet/Soin	Kemei, Justice Kipsang
149.	Sirisia	Koyi, John Waluke
150.	Sotik	Sigei, Francis Kipyegon arap
151.	South Imenti	Ithinji, Dr. Shadrack Mwiti
152.	South Mugirango	Onyiego, Silvanus Osoro
153.	Soy	Kiplagat, David
154.	Subukia	Gachobe, Samuel Kinuthia
155.	Taita Taveta (CWR)	Mizighi, Lydia Haika Mnene
156.	Tarbaj	Barre, Hussein Abdi
157.	Teso South	Otucho, Mary Emaase
158.	Tetu	Mwangi, Geoffrey Wandeto
159.	Tharaka	Murugara, George Gitonga
160.	Thika Town	Ng'ang'a, Alice Wambui

<b>S/NO.</b>	<b>CONSTITUENCY AND SPECIAL INTERESTS (ARTICLE 95(1) CoK)</b>	<b>MEMBER'S NAME</b>
161.	Tiaty	Kassait, William Kamket
162.	Tigania West	Mutunga, John Kanyuithia
163.	Tinderet	Kipbiwot, Julius Melly
164.	Trans Nzoia (CWR)	Siyoi, Lillian Chebet
165.	Turbo	Sitienei, Janet Jepkemboi
166.	Turkana (CWR)	Ngitit, Cecilia Asinyen
167.	Turkana Central	Emathe, Joseph Namuar
168.	Turkana West	Nanok, Daniel Epuyo
169.	Uasin Gishu (CWR)	Boss, Gladys Jepkosgei
170.	Ugenya	Ochieng, David Ouma
171.	Uriri	Nyamita, Mark Ogolla
172.	Vihiga	Kagesi, Kivai Ernest Ogesi
173.	Vihiga (CWR)	Adagala, Beatrice Kahai
174.	Wajir East	Mohamed, Aden Daudi
175.	Webuye East	Wanyonyi, Martin Pepela
176.	Webuye West	Sitati, Daniel Wanyama
177.	West Mugirango	Mogaka, Stephen M
178.	Nominated	Ali, Abdisirat Khalif
179.	Nominated	Harun, Suleka Hulbale
180.	Nominated	Ikiara, Dorothy Muthoni
181.	Nominated	Iraya, Joseph Wainaina
182.	Nominated	Kosgei, Jackson Kipkemoi
183.	Nominated	Mwangi, Teresia Wanjiru
184.	Nominated	Talib, Abubakar Ahmed

NOES – 88

S/NO.	CONSTITUENCY AND SPECIAL INTERESTS (ARTICLE 95(1) CoK)	MEMBER'S NAME
1.	Alego Usonga	Atandi, Samuel Onunga
2.	Bobasi	Momanyi, Innocent Obiri
3.	Bomachoge Borabu	Barongo, Nolfason Obadiah
4.	Bonchari	Mamwacha, Onchoke Charles
5.	Borabu	Osero, Patrick Kibagendi
6.	Budalangi	Wanjala, Raphael Sauti Bitta
7.	Bumula	Wamboka, Nelson Jack Wamboka
8.	Butere	Mwale, Nicholas S. Tindi
9.	Butula	Oyula, Joseph H. Maero
10.	Changamwe	Shimbwa, Omar Mwinyi
11.	Cherangany	Barasa, Patrick Simiyu
12.	Dagoretti North	Elachi, Beatrice Kadeveresia
13.	Embakasi East	Ongili, Babu Owino Paul
14.	Embakasi South	Mawathe, Julius Musili
15.	Embakasi West	Mwenje, Mark Samuel Muriithi
16.	Funyula	Oundo, Wilberforce Ojiambo
17.	Galole	Hiribae, Said Buya
18.	Githunguri	Wamuchomba, Gathoni
19.	Homa Bay (CWR)	Osogo, Bensuda, Joyce Atieno
20.	Homa Bay Town	Kaluma, George Peter Opondo
21.	Ikolomani	Shinali, Bernard Masaka
22.	Isiolo South	Tubi, Bidu Mohamed
23.	Kabondo Kasipul	Obara, Eve Akinyi
24.	Kabuchai	Kalasinga, Joseph Simiyu Wekesa Majimbo
25.	Kajiado Central	Kanchory, Elijah Memusi



<b>S/NO.</b>	<b>CONSTITUENCY AND SPECIAL INTERESTS (ARTICLE 95(1) CoK)</b>	<b>MEMBER'S NAME</b>
26.	Kajiado East	Hamisi, Kakuta Maimai
27.	Kakamega (CWR)	Muhanda, Elsie Busihile
28.	Kaloleni	Katana, Paul Kahindi
29.	Karachuonyo	Okuome, Andrew Adipo
30.	Kasipul	Were, Charles Ong'ondo
31.	Kathiani	Mbui, Robert
32.	Khwisero	Wangaya, Christopher Aseka
33.	Kibwezi East	Mbalu, Jessica Nduku Kiko
34.	Kilgoris	Sunkuli, Julius Lekakeny ole
35.	Kilifi (CWR)	Mwanyanje, Gertrude Mbeyu
36.	Kilome	Nzambia, Thuddeus Kithua
37.	Kimini	Bisau, Maurice Kakai
38.	Kisauni	Bedzimba, Rashid Juma
39.	Kisii (CWR)	Aburi, Donya Dorice
40.	Kisumu (CWR)	Busia, Ruth Adhiambo Odinga
41.	Kisumu Central	Oron, Joshua Odongo
42.	Kitui (CWR)	Kasalu, Irene Muthoni
43.	Kitui Central	Mulu, Makali Benson
44.	Kitui Rural	Mboni, David Mwalika
45.	Kitui West	Nyenze Vethi Edith
46.	Kitutu Chache South	Kibagendi, Antoney
47.	Kwale (CWR)	Masito, Fatuma Hamisi
48.	Likoni	Mboko, Mishi Juma Khamisi
49.	Luanda	Oyugi, Dick Maungu
50.	Lugari	Nabii, Nabwera Daraja
51.	Machakos (CWR)	Kamene, Joyce
52.	Magarini	Kombe, Harrison Garama

<b>S/NO.</b>	<b>CONSTITUENCY AND SPECIAL INTERESTS (ARTICLE 95(1) CoK)</b>	<b>MEMBER'S NAME</b>
53.	Makadara	Omwera, George Aladwa
54.	Makueni (CWR)	Mumo, Rose Museo
55.	Malindi	Mnyazi, Amina Laura
56.	Mandera East	Abdirahman, Husseinweytan Mohamed
57.	Mathare	Oluoch, Anthony Tom
58.	Mbooni	Nzioka, Erastus Kivasu
59.	Mombasa (CWR)	Chimba, Zamzam Mohamed
60.	Moyale	Jaldesa, Guyo Waqo
61.	Mumias East	Salasya, Peter Kalerwa
62.	Mumias West	Naicca, Johnson Many
63.	Mvita	Machele, Mohamed Soud
64.	Mwingi Central	Mulyungi, Gideon Mutemi
65.	Mwingi North	Nzengu, Paul Musyimi
66.	Navakholo	Wangwe, Emmanuel
67.	Ndhiwa	Owino, Martin Peters
68.	Nyakach	Owuor, Joshua Aduma
69.	Nyando	Oduor, Okello Jared
70.	Nyatike	Odege, Tom Mboya
71.	Pokot South	Pkosing, David Losiakou
72.	Rarieda	Amollo, Paul Otiende
73.	Saboti	Luyai, Caleb Amisi
74.	Samburu East	Lentoijoni, Jackson Lekumontare
75.	Samburu West	Lesuuda, Josephine Naisula
76.	Seme	Nyikal James Wambora
77.	Siaya (CWR)	Oduor, Christine Ombaka
78.	Starehe	Maina, Mwago Amos
79.	Suna East	Mohamed, Junet Sheikh Nuh

S/NO.	CONSTITUENCY AND SPECIAL INTERESTS (ARTICLE 95(1) CoK)	MEMBER'S NAME
80.	Suna West	Masara, Peter Francis
81.	Taveta	Bwire, John Okano
82.	Turkana South	Namoit, John Ariko
83.	Ugunja	Wandayi, James Opiyo
84.	Voi	Abdi, Khamis Chome
85.	Westlands	Wetangula, Timothy Wanyonyi
86.	Wundanyi	Mwakuwona, Danson Mwashako
87.	Yatta	Basil, Robert Ngui
88.	Nominated	Ngongo, John Mbadi

#### **ABSTENTIONS - 0**

Clause 28 - agreed to;

Clauses 29 - agreed to;

Clause 30 - amendment proposed-

**THAT**, the Bill be amended by deleting clause 30.

*(The Hon. Robert Mbui)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, clause 30 of the Bill be amended by deleting paragraph (a).

*(The Hon. John Waluke)*

Proposed amendment dropped;

Clause 30 - agreed to;

Clause 31 - amendment proposed-

**THAT**, clause 31 of the Bill be deleted.

*(The Hon. Caleb Amisi)*

Proposed amendment dropped;

Clause 31 - agreed to;

Clause 32 - agreed to;

Clause 33 - amendment proposed-

**THAT**, Clause 33 of the Bill be amended—

- (a) in paragraph (a)-
  - (i) by deleting the expression “and 3003.90.00” appearing in sub-paragraph (xiii);
  - (ii) by deleting sub-paragraph (xv);
  - (iii) by deleting the words “one hundred” appearing in sub-paragraph (xvi) and substituting therefor the words “fifty”;
  - (iv) by deleting sub-paragraph (xix);
  - (v) by inserting the following new sub-paragraph immediately after sub-paragraph (xxviii)-
    - (xxviiiia) by amending paragraph 145 in paragraph (b) by inserting the words “or other manufacturing activities including refining” immediately after the words “human vaccines”;
  - (vii) by deleting paragraph (xxix);
  - (vii) in sub-paragraph (xxx) by-
    - (i) deleting paragraph 147;
    - (ii) deleting paragraph 148;
    - (iii) deleting paragraph 149;
    - (iv) deleting paragraph 150;
    - (v) deleting paragraph 151;
    - (vi) deleting paragraph 152;
    - (vii) deleting paragraph 153;
    - (viii) deleting paragraph 154;
  - (viii) in sub-paragraph (xxx) by inserting the following new paragraph immediately after paragraph 154-
    - 155. Taxable supplies made to or by a school feeding programme recognised by the Cabinet Secretary responsible for education.
- (b) in paragraph (b) by-
  - (i) deleting sub-paragraph (i);
  - (ii) deleting sub-paragraph (ii);
  - (iii) deleting sub-paragraph (iii);
  - (iv) deleting sub-paragraph (iv) and substituting therefore the following new sub-paragraph-
    - (iv) in paragraph 34 -
      - (a) by deleting the words “goods, inputs and raw materials” and substituting therefor the word “services”;

- (b) by inserting the words “or other manufacturing activities including refining” immediately after the words “human vaccines” in paragraph (b); and

(v) by deleting sub-paragraph (v).

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed-

**THAT**, clause 33 of the Bill be amended in paragraph (a)—

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

- (i) by deleting paragraph 20;

- (b) by deleting sub-paragraph (xv).

*(The Hon. Caleb Amisi)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, clause 33 of the Bill be amended-

- (a) in paragraph (a) by deleting sub-paragraph (xv); and

- (b) in paragraph (b) by deleting sub-paragraph (i).

*(The Hon. Naisula Lesuuda)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, the Bill be amended in clause 33 (a) by deleting sub-paragraph (xiv).

*(The Hon. Robert Basil)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and negatived;

Further amendment proposed-

**THAT**, clause 33 of the Bill be amended in paragraph (a) by deleting sub-paragraph (xiv) and substituting therefore the following new sub-paragraph -

- (xiv) by deleting paragraph 49;

*(The Hon. Samuel Atandi)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, clause 33 of the Bill be amended in paragraph (a)—

(a) in sub-paragraph (xxx) by-

- (i) deleting paragraph 147;
- (ii) deleting paragraph 148;
- (iii) deleting paragraph 149;
- (iv) deleting paragraph 150;
- (v) deleting paragraph 151;
- (vi) deleting paragraph 152;

(b) by deleting sub-paragraph (xiv) and substituting therefor the following new sub-paragraph—

(xiv) by deleting paragraph 49.

*(The Hon. Anthony Oluoch)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, clause 33 of the Bill be amended in paragraph (a) —

- (a) by deleting the words “approved by the Cabinet Secretary upon the recommendation by the Cabinet Secretary responsible for health who may issue guidelines for determining eligibility for the exemption” appearing in subparagraph (xvi);
- (b) by deleting the words “upon approval by the Cabinet Secretary responsible for matters relating to health” appearing in subparagraph (xxi) in the proposed new paragraph 119;
- (c) by deleting the words “upon approval by the Cabinet Secretary responsible for matters relating to health” appearing in subparagraph (xxii) in the proposed new paragraph 120;
- (d) by deleting the words “upon approval by the Cabinet Secretary responsible for matters relating to health” appearing in subparagraph (xxiii) in the proposed new paragraph 122;
- (e) by deleting the words “upon approval by the Cabinet Secretary responsible for matters relating to health” appearing in subparagraph (xxiv) in the proposed new paragraph 125;
- (f) by deleting the words “upon approval by the Cabinet Secretary responsible for matters relating to health” appearing in subparagraph (xxv) in the proposed new paragraph 128;
- (g) by deleting the words “upon approval by the Cabinet Secretary responsible for matters relating to health” appearing in subparagraph (xxvi) in the proposed new paragraph 129;
- (h) in subparagraph (xxx) -
  - (i) by deleting the words “as approved by the Cabinet Secretary in consultation with the Cabinet Secretary responsible for matters relating to health” appearing in the proposed new paragraph 147;

- (ii) by deleting the words “upon recommendation of the Cabinet Secretary responsible for matters relating to agriculture” appearing in the proposed new paragraph 148;
- (iii) by deleting the words “upon recommendation of the Cabinet Secretary responsible for matters relating to agriculture” appearing in the proposed new paragraph 152;
- (iv) by deleting the words “subject to approval by the commissioner of customs” appearing in the proposed new paragraph 154.

*(The Hon. Robert Mbui)*

Proposed amendment dropped.

Clause 33 - as amended agreed to;

Clause 34 - amendment proposed-

**THAT**, clause 34 (a) of the Bill be amended-

- (a) by deleting sub-paragraph (i);
- (b) by deleting sub-paragraph (ii);
- (c) by deleting sub-paragraph (iii);
- (d) by deleting sub-paragraph (v);
- (e) by deleting sub-paragraph (vi) and substituting therefor the following new sub-paragraph-
  - (vi) by deleting paragraph 23 and substituting therefor the following new paragraph
    - 23. The exportation of taxable services.
- (f) by deleting sub-paragraph (vii);
- (g) by deleting sub-paragraph (viii).
- (h) by inserting the following paragraphs in sub-paragraph (ix) immediately after the new paragraph 26-
  - 27. Liquified Petroleum gas.
  - 28. All tea and coffee locally purchased for the purpose of value addition before exportation subject to approval by the Commissioner-General.
  - 29. The supply of locally assembled and manufactured mobile phones.
  - 30. The supply of motorcycles of tariff heading 8711.60.00
  - 31. The supply of lithium-ion batteries.
  - 32. The supply of electric buses of tariff heading 87.02.
  - 33. Inputs or raw materials locally purchased or imported for the manufacture of animal feeds.
  - 34. Bioethanol vapour (BEV) Stoves classified under HS Code 7321.12.00 (cooking appliances and plate warmers for liquid fuel).

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the amendment proposed;

Debate arising;

Amendment to amendment proposed-

**THAT**, clause 34 be further amended in sub-paragraph (ix) by inserting the following new item immediately after item 30-

30A. The supply of electric bicycles.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate on the amendment to the amendment arising;

Question of the amendment to the amendment put and agreed to;

Question of the amendment put and agreed to;

Further amendment proposed-

**THAT**, clause 34 of the Bill be amended in paragraph (a) by—

- (i) deleting sub-paragraph (i);
- (ii) deleting sub-paragraph (ii);
- (iii) deleting sub-paragraph (iii);
- (iv) deleting sub-paragraph (vii);
- (v) deleting sub-paragraph (viii).

*(The Hon. Anthony Oluoch)*

Proposed amendment dropped.

Further amendment proposed-

**THAT**, clause 34 of the Bill be amended in paragraph (a) by deleting sub-paragraph (iv).

*(The Hon. Peter Kaluma)*

Proposed amendment dropped;

Clause 34 - as amended agreed to.

**New Clause 29A proposed-**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 29-

Amendment of section 12 of No. 35 of 2013.

**29A.** Section 12 of the Value Added Tax Act, 2013 is amended by inserting the following new subsection immediately after subsection (1) –

(1A) Subject to sub-section (1), in the case of the national carrier, the time of supply shall be the date on which the goods are delivered or services performed.



*(Chairperson, Departmental Committee on Finance and National Planning)*

Motion made and Question proposed-

THAT, New Clause 29A be now read a Second Time.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

Question put and agreed to;

Motion made and Question proposed-

THAT, New Clause 29A be part of the Bill.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

Question put and agreed to.

**New Clause 30A proposed-**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 30-

Amendment  
section 31 of No.  
35 of 2013.

**30A.** Section 31 of the Value Added Tax Act, 2013 is amended by deleting sub-section (1) and substituting therefor the following new sub-section –

(1) Where a registered person has made a supply and has accounted for and paid tax on that supply but has not received any payment from the person liable to pay the tax on that supply and that person-

- (a) has not received any payment from the person liable to pay the tax, he may, after a period of three years from the date of the supply; or
- (b) the person to whom the supply was made has been placed under statutory management through the appointment of an administrator, receiver or liquidator

he may apply to the Commissioner for refund of the tax involved:

Provided that-

- (a) no application for a refund shall be made under this section after the expiry of ten years from the date of supply;
- (b) the refund shall be made in compliance with section 47(5) of the Tax Procedures Act;
- (c) or the amounts may be credited to the tax payer’s record for use against future value added tax liabilities;

- (d) where the tax refunded under sub-section (1) and (2) is subsequently recovered from the recipient of the supply, the registered person shall refund the tax to the Commissioner with sixty days of the date of recovery;
- (e) if the payment is made within the time specified under subsection (1) and (2), an interest of two per cent per month or part thereof of the tax refunded shall forthwith be due and payable and the interest shall not exceed one hundred per cent of the refunded amount.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Motion made and Question proposed-

THAT, New Clause 30A be now read a Second Time.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

Question put and agreed to;

Motion made and Question proposed-

THAT, New Clause 30A be part of the Bill.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

Question put and agreed to.

Clause 35 - agreed to;

Clause 36 - amendment proposed-

**THAT**, clause 36 of the Bill be deleted.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed -

**THAT**, clause 36 of the Bill be deleted.

*(The Hon. Anthony Oluoch)*

Proposed amendment dropped;

Further amendment proposed -

**THAT**, clause 36 of the Bill be deleted.

*(The Hon. (Dr.) Makali Mulu)*

Proposed amendment dropped;

Further amendment proposed -

**THAT**, clause 36 of the Bill be deleted.

*(The Hon. (Dr.) Oundo Ojiambo)*

Proposed amendment dropped;

Further amendment proposed -

**THAT**, clause 36 of the Bill be deleted.

*(The Hon. Peter Kaluma)*

Proposed amendment dropped;

Further amendment proposed -

**THAT**, the Bill be amended by deleting clause 36.

*(The Hon. Robert Mbui)*

Proposed amendment dropped;

Further amendment proposed -

**THAT**, Clause 36 of the Bill is amended—

- a) in paragraph (a) by inserting the words “, surety equivalent to twenty percent of the disputed tax” immediately after the words “an amount equivalent to twenty per cent of the disputed tax”;
- b) in paragraph (b) by inserting the word “surety” immediately after the words “credit that amount”.

*(The Hon. Didmus Barasa)*

Proposed amendment withdrawn by the Member;

Clause 36 - deleted.

Clauses 37, 38 & 39 - agreed to.

Clause 40 - amendment proposed-

**THAT**, clause 40 of the Bill be amended in the proposed sub-section (6)-

- (a) by deleting the words “commits an offence, if that person” and substituting therefor the word “who”;

- (b) in paragraph (b) by deleting the words “is in possession of” and substituting therefor the words “knowingly is in possession of”;
- (c) in paragraph (e) by deleting the words “is in possession of” and substituting therefor the words “knowingly is in possession of”;
- (d) in paragraph (f) by deleting the words “is in possession of” and substituting therefor the words “knowingly is in possession of”;
- (e) by inserting the words “commits an offence” immediately after paragraph (g).

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed -

**THAT**, clause 40 of the Bill be amended in the proposed subsection (6) by inserting the following new paragraph immediately after paragraph (b)—

- (ba) knowingly purchases or trades in goods for which excise stamps have not been affixed.

*(The Hon. Caleb Amisi)*

Proposed amendment dropped;

Clause 40 - as amended agreed to;

Clause 41 - amendment proposed-

**THAT**, the Bill be amended by deleting clause 41.

*(The Hon. Robert Mbui)*

Proposed amendment dropped;

Clause 41 - agreed to;

Clause 42 - agreed to;

Clause 43 - amendment proposed-

**THAT**, Clause 43 of the Bill be amended—

- (a) in paragraph (a) -

(i) by inserting the word “Imported” immediately after the expression “1704;” in sub-paragraph (ii);

(ii) by deleting sub-paragraph (iv);

(iii) by deleting sub-paragraph (v);

(vi) by inserting the following new sub-paragraph immediately after paragraph (v)-

(va) by deleting the following description “Motorcycles of tariff 87.11 other than motorcycle ambulances and locally assembled motorcycles” and substituting

therefor the following new description “Motorcycles of tariff 87.11 other than motorcycle ambulances, locally assembled motorcycles and electric motorcycles”;

(vb) in the item of tariff description “Imported Glass bottles (excluding imported glass bottles for packaging of pharmaceutical products)” by deleting the rate of excise duty of “25%” and substituting therefor the rate of excise duty of “35%”;

(vc) in the item of tariff description “Imported Alkyd” by deleting the rate of excise duty of “10%” and substituting therefor the rate of excise duty of “20%”;

(vd) in the item of tariff description “Imported Unsaturated polyester” by deleting the rate of excise duty of “10%” and substituting therefor the rate of excise duty of “20%”;

(ve) in the item of tariff description “Imported Emulsion VAM” by deleting the rate of excise duty of “10%” and substituting therefor the rate of excise duty of “20%”.

(vf) in the item of tariff description “Imported Emulsion - styrene Acrylic” by deleting the rate of excise duty of “10%” and substituting therefor the rate of excise duty of “20%”;

(vg) in the item of tariff description “Imported Homopolymers” by deleting the rate of excise duty of “10%” and substituting therefor the rate of excise duty of “20%”;

(vh) in the item of tariff description “Imported Emulsion B.A.M.” by deleting the rate of excise duty of “10%” and substituting therefor the rate of excise duty of “20%”.

(v) in subparagraph (vi)-

(a) in the item of description “Imported fish” by amending the rate of excise duty by deleting the expression “Shs 100,000 per metric tonne or” and by deleting “20%” and substituting therefor “10%”;

(b) by deleting the description “sugar excluding sugar imported or locally purchased by a registered pharmaceutical manufacturer” and substituting therefor “Imported sugar excluding imported sugar purchased by a registered pharmaceutical manufacturer”;

(c) by deleting the item of description “Human hair and other products of tariff heading 6703” and the corresponding rate of excise duty;

(d) by deleting the item of description “Wigs, false beards, eyebrows and eyelashes, switches and the like, and other products of heading 6704” and the corresponding rate of excise duty;

(e) by deleting the item of description “Artificial nails of tariff no.3926.90.90” and the corresponding rate of excise duty;

(f) by deleting the description “Imported furniture excluding furniture excluding furniture originating from East African Community State that meet the East

- (g) African Community Rules of Origin” and substituting therefor the following description “Imported furniture of tariff heading 9403 excluding furniture
- (h) excluding furniture originating from East African Community State that meet the East African Community Rules of Origin”;
- (i) in the item “Imported Test liner of heading 4805.24.00” by inserting the word “non-virgin” immediately after the word “Imported”;
- (j) in the item “Imported Fluting medium of heading 4805.19.00” by inserting the word “non-virgin” immediately after the word “Imported”;
- (k) by inserting the following new items in subparagraph (vi) immediately after the item of tariff description “Imported fluting medium of heading 4805.19.00”–

<i>Description</i>	<i>Rate of excise duty</i>
Imported cartons, boxes and cases of corrugated paper or paper board and imported folding cartons, boxes and case of non-corrugated paper or paper board and imported skillets, free-hinge lid packets of tariff heading 4819.10.00, 4819.20.10 and 4819.20.90	25%
Imported plates of plastic of tariff heading 3919.90.90, 3920.10.90, 3920.43.90, 3920.62.90 and 3921.19.90	25%
Imported paper or paper board, labels of all kinds whether or not printed of tariff heading 4821.10.00 and 4821.90.00	25%

(b) in paragraph (b)-

- (l) by deleting the words “twenty per cent” appearing in sub-paragraph (iv) and substituting therefor the words “twelve point five per cent”;
- (ii) by deleting the words “twenty per cent” appearing in sub-paragraph (v) and substituting therefor the words “twelve point five per cent”;
- (iii) by deleting the words “twenty per cent” appearing in sub-paragraph (vi) and substituting therefor the words “twelve point five per cent”
- (iv) by deleting the words “twenty per cent” appearing in sub-paragraph (vii) and substituting therefor the words “twelve point five per cent”;
- (v) by deleting sub-paragraph (viii);

(c) in paragraph (c) by deleting sub-paragraph (ii).

*(Chairperson, Departmental Committee on Finance and National Planning)*  
Question of the amendment proposed;

Debate arising

*[Change of chair from First to Second Chairperson]*

Question of the amendment put and agreed to;

Further amendment proposed-

**THAT**, clause 43 of the Bill be amended in paragraph (a)(vi) by deleting the item of description “Imported fish” and the corresponding rate of excise duty.

*(The Hon. Samuel Atandi)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, clause 43 of the Bill be amended in paragraph (a)(vi) by deleting the proposed new item of the tariff description “imported fish” and substituting therefor the following new tariff description—

Imported fresh fish, frozen fish, fresh and frozen fish fillets and fish products of tariff heading 0302.71.00, 0302.72.00, 0303.23.00, 0303.24.00,0304.31.00,0304.32.00, 0304.61.00, 0304.62.00,0305.31.00, 0305.44.00 ,0305.52.00, 0305.64.00	20%
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excluding imported fresh fish, frozen fish, fresh and frozen fish fillets and fish products originating from East African Community Partner States that meet the East African Community Rules of Origin and the Common Market for East and Southern Africa

*(Chairperson, Departmental Committee on Blue Economy, Water and Irrigation)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, Clause 43 of the Bill be amended in paragraph (a) (vi) in the item of description “Imported fish” by amending the rate of excise duty by deleting the expression “Shs 100,000 per metric tonne or 20%, whichever is higher” and substituting therefor “5%”.

*(The Hon. Jared Okelo)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, clause 43 of the Bill be amended -

(a) in paragraph (a) (vi) -

- (i) by deleting the item of description “Human hair and other products of tariff heading 6703” and the corresponding rate of excise duty;
- (ii) by deleting the item of description “Wigs, false beards, eyebrows and eyelashes, switches and the like, and other products of heading 6704” and the corresponding rate of excise duty;
- (iii) by deleting the item of description “Artificial nails of tariff no.3926.90.90” and the corresponding rate of excise duty;

(b) in paragraph (b) by deleting sub-paragraph (iii).

*(The Hon. Anthony Oluoch)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, Clause 43 of the Bill be amended in paragraph (a) in sub-paragraph (vi) by deleting the following tariff description and the corresponding rate of excise duty—

<i>Description</i>	<i>Rate of excise duty</i>
Human hair and other products of heading 6703	10%
Wigs, false beards, eyebrows and eyelashes, switches and the like, and other products of heading 6704	10%
Artificial nails of tariff no. 3926.90.90	10%

*(The Hon. Didmus Barasa)*

Proposed amendment withdrawn by the Member;

Further amendment proposed-

**THAT**, clause 43 of the Bill be amended in the proposed paragraph (vi) of the proposed amendment to Part 1 of First Schedule to the Excise Duty Act, 2015 by deleting the expressions-

“Human hair and other products of heading 6703	5%
Wigs, false beards, eyebrows and eyelashes, switches and the like, and other products of heading 6704;	5%
Artificial nails of tariff no. 3926.90.90	5%
Imported cement	10% of the value or shs 1.50 per kg, whichever is higher.
Imported cellular phones	10%

*(The Hon. Robert Mbui)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, clause 43 of the Bill be amended—

(a) in paragraph (a) in the item of description “Imported cellular phones” appearing in sub-paragraph (vi) by amending the rate of excise duty by deleting “10%” and substituting therefor “5%”;

(b) in paragraph (b) by deleting the words “shall be twelve percent” appearing in sub-paragraph (iii) and substituting therefor the words “five percent”.

*(The Hon. John Waluke)*



Proposed amendment dropped;

Further amendment proposed-

**THAT**, clause 43 of the Bill be amended in paragraph (a) by inserting the following new table after the second table appearing in paragraph (a) (vi)-

<i>Description</i>	<i>Rate of excise duty</i>
Imported bathing soap or toilet soap of tariff no. 3401.11.00	10%
Imported detergent powder of tariff no. 3402.50.00	10%
Imported linear alkydbenzene sulphonic acid of tariff no. 3402.31.00	10%

*(The Hon. George Sunkuiya)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and negatived;

Clause 43 - as amended agreed to;

**New Clause 40A proposed-**

**THAT**, the Bill be amended by inserting the following new clause immediately after Clause 40-

Amendment of section 36 of No. 23 of 2015.

**40A.** Section 36 of the Excise Duty Act, 2015, is amended by inserting the following new subsection immediately after subsection (1)-

(1A) Despite subsection (1), in the case of a licensed manufacturer of alcoholic beverages, excise duty shall be payable to the Commissioner within twenty-four hours upon removal of the goods from the stockroom.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Motion made and Question proposed-

THAT, New Clause 40A be now read a Second Time.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

Question put and agreed to;

Motion made and Question proposed-

THAT, New Clause 40A be part of the Bill.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

Question put and agreed to.

**New Clause 43A proposed-**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 43-

Amendment of the Second Schedule to No. 35 of 2015.

**43A.**The Second Schedule to the Excise Duty Act, 2015 is amended in Part A by inserting the following new paragraph immediately after paragraph 16-

17. Disassembled or unassembled kits for local assembly or manufacture mobile phones.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Motion made and Question proposed-

THAT, New Clause 43A be now read a Second Time.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

Question put and agreed to;

Motion made and Question proposed-

THAT, New Clause 43A be part of the Bill.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

Question put and agreed to.

Clauses 44, 45 & 46 - agreed to;

Clause 47 - amendment proposed-

**THAT**, clause 47 of the Bill amended in the proposed section 23A by inserting the words “airline passenger ticketing” immediately after the word “interest” appearing in sub section (4).

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed-

**THAT**, clause 47 of the Bill be amended in the proposed new section 23A by deleting subsection (5).

*(The Hon. Caleb Amisi)*

Proposed amendment dropped;

Clause 47 - as amended agreed to;

Clause 48 - agreed to;

Clause 49 - amendment proposed-

**THAT**, clause 49 of the Bill be amended in the proposed new section 32A by renumbering the second subsection (3) and subsections (4), (5), (6), (7), (8), (9) as (4), (5), (6), (7), (8), (9) and (10).

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 49 - as amended agreed to;

Clause 50 - agreed to;

Clause 51 - amendment proposed-

**THAT**, clause 51 of the Bill be amended in the proposed new section 37E-

- (a) in subsection (1) by deleting the words “or fines” immediately after the words “or interest”;
- (b) in subsection (2) by deleting the words “, penalties or fines” immediately after the words “amnesty of interest” and substituting therefor the words “or penalties”;
- (c) in subsection (3) (a) by deleting the words “, penalties or fines” immediately after the words “amnesty of interest” and substituting therefor the words “or penalties”;
- (d) by deleting subsection (4) and substituting therefor the following new subsections-

(4) Despite subsection (2), any amount of principal tax as at 31st December, 2022 that remains unpaid on the 30<sup>th</sup> June, 2024, shall attract interest and penalties for which no amnesty shall be granted under this section.

(5) Despite subsection (1) the Commissioner shall not remit, in whole or in part, any penalty or interest payable by a person, imposed under section 85.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed-

**THAT**, clause 51 of the Bill be deleted.

*(The Hon. Peter Kaluma)*

Proposed amendment dropped;

Clause 51 - as amended agreed to;

Clause 52 - amendment proposed-

**THAT**, clause 52 of the Bill be deleted.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 52 - deleted;

Clause 53 - amendment proposed-

**THAT**, clause 53 of the Bill be amended by deleting paragraph (d).

*(The Hon. Wanami Wamboka)*

Proposed amendment dropped;

Clause 53 - agreed to;

Clause 54 - amendment proposed-

**THAT**, clause 54 of the Bill be amended—

- (a) by deleting paragraph (a) and substituting therefor the following new paragraph—
  - (a) in the proviso to subsection (1), by deleting the words “commencement of this Act” and substitute therefor the expression “1<sup>st</sup> July, 2022”.
- (b) in paragraph (b) by deleting the words “three days” and substituting therefor the words “five working days”;
- (c) by inserting the following new paragraph immediately after paragraph (b)—
  - (c) in subsection 4C (b) by deleting the words “twentieth day of the month following that in which” and substituting therefor the words “fifth working day after”.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 54 - as amended agreed to;

Clauses 55, 56, 57 & 58 - agreed to;

Clause 59 - amendment proposed;

**THAT**, clause 59 of the Bill be deleted.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 59 - deleted;

Clause 60 - agreed to;

Clause 61 - amendment proposed-

**THAT**, clause 61 of the Bill be deleted.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed-

**THAT**, the Bill be amended by deleting the words “double the amount” and substituting therefor the words “the full amount”.

*(The Hon. Caleb Amisi)*

Proposed amendment dropped;

Clause 61 - deleted;

Clause 62 - amendment proposed-

**THAT**, clause 62 of the Bill be amended in the proposed new section 86 by deleting the words “of one million shillings or an amount equal to ten times the amount of the tax due, whichever is higher” appearing in sub-section (2) and substituting therefor the words “two times the tax due”.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 62 - as amended agreed to;

Clauses 63, 64 & 65 - agreed to;

Clause 66 - amendment proposed-

**THAT**, clause 66 of the Bill be deleted.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 66 - deleted;

Clause 67 - agreed to;

Clause 68 - amendment proposed-

**THAT**, clause 68 of the Bill be amended in the proposed new section 7A by deleting the word “to” appearing in subsection (4) immediately after the word “not”.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 68 - as amended agreed to;

Clause 69 - amendment proposed-

**THAT**, clause 69 of the Bill be amended in paragraph (a) by deleting the words “two point five” and substituting therefor the word “two”.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 69 - as amended agreed to;

Clause 70 - amendment proposed-

**THAT**, clause 70 of the Bill be amended-

- (a) in paragraph (b) by deleting the expression “USD 0.52” and substituting therefor the expression “USD 0.55/kg”;
- (b) in paragraph (d) by deleting the expression “USD0.52” and substituting therefor the expression “USD 0.55/kg”;
- (c) in paragraph (e) by deleting the expression “USD 0.52” and substituting therefor the expression “USD 0.55/kg”;

- (d) in paragraph (f) by deleting the expression “USD 0.52” and substituting therefor the expression “USD 0.55/kg”;
- (e) in paragraph (g) by deleting the expression “USD 0.52/kg” and substituting therefor the expression “USD 0.55/kg”;
- (f) in paragraph (h) by deleting the expression “USD 0.52” and substituting therefor the expression “USD 0.55/kg”;
- (g) in paragraph (i) by deleting the expression “USD 0.52” and substituting therefor the expression “USD 0.55/kg”;
- (h) in paragraph (j) by deleting the expression “USD 0.52” and substituting therefor the expression “USD 0.55/kg”;
- (i) in paragraph (k) by deleting the expression “USD 0.52” and substituting therefor the expression “USD 0.55/kg”;
- (j) in paragraph (l) by deleting the expression “USD 0.52” and substituting therefor the expression “USD 0.55/kg”;
- (k) in paragraph (m) by deleting the expression “USD 0.52” and substituting therefor the expression “USD 0.55/kg”;
- (l) in paragraph (n) by deleting the expression “USD 0.52” and substituting therefor the expression “USD 0.55/kg”;
- (m) in paragraph (o) by deleting the expression “USD 0.52” and substituting therefor the expression “USD 0.55/kg”;
- (n) in paragraph (p) by deleting the expression “USD 0.52” and substituting therefor the expression “USD 0.55/kg”;
- (o) in paragraph (q) by deleting the expression “USD 0.52” and substituting therefor the expression “USD 0.55/kg”;
- (p) by inserting the following new paragraphs immediately after paragraph (i)-
  - (ia) by deleting the expression “80% or USD 0.55” appearing in tariff no. 4301.60.00 and substituting therefor the expression “50% or USD 0.32/kg whichever is higher”;
  - (ib) by deleting the expression “80% or USD 0.55” appearing in tariff no. 4301.30.00 and substituting therefor the expression “50% or USD 0.32/kg whichever is higher”;
  - (ic) by deleting the expression “80% or USD 0.55” appearing in tariff no. 4302.30.00 and substituting therefor the expression “50% or USD 0.32/kg whichever is higher”;
- (q) by inserting the following new paragraph immediately after paragraph (w)--
  - (x) by deleting the tariff description together with the rate of export levy corresponding to tariff number “4101.40.00”;
  - (y) by deleting tariff description together with the rate of export levy corresponding to the tariff number “8109.39.00”.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed-

**THAT**, clause 70 of the Bill be amended—

- (a) in paragraph (a) by deleting the tariff description together with the rate of export levy corresponding to tariff number “4101.20.00”;
- (b) in paragraph (c) by deleting the tariff description together with the rate of export levy corresponding to tariff number “4102.29.00”.

*(The Hon. Aden Daudi Mohamed)*

Proposed amendment dropped;

Clause 70 - as amended agreed to;

Clause 71 - amendment proposed-

**THAT**, clause 71 of the Bill be amended –

- (a) in paragraph (a) by inserting the following sub-paragraphs immediately after sub-paragraph (iii)-
  - (iiia) by inserting the following new paragraph immediately after paragraph(xv)—
    - (xva) Any other aircraft spare parts including aircraft engines imported by aircraft operators or persons engaged in the business of aircraft maintenance upon recommendation by the competent authority responsible for civil aviation.
  - (iiib) in paragraph (xxvc) (b) by inserting the words “or other manufacturing activities including refining” immediately after the words “human vaccines”;
- (b) in paragraph (a) (iv) by inserting the following new paragraphs immediately after paragraph (xxviii)-
  - (xxix) the supply of denatured ethanol of tariff number 2207.20.00;
  - (xxx) bioethanol vapour (BEV) stoves classified under HS Code 7321.12.00 (cooking appliances and plate warmers for liquid fuel).
- (c) in paragraph (b), by inserting the following new items immediately after item (ii)—
  - (iia) in paragraph (viiic)(b), by inserting the words “or other manufacturing activities including refining” immediately after the words “human vaccines”;
- (d) in paragraph (b) (iv) by inserting the following new paragraphs immediately after paragraph (xiii)-
  - (xiv) the supply of denatured ethanol of tariff number 2207.20.00;
  - (xv) bioethanol vapour (BEV) stoves classified under HS Code 7321.12.00 (cooking appliances and plate warmers for liquid fuel);
  - (xvi) any other aircraft spare parts including aircraft engines imported by aircraft operators or persons engaged in the business of aircraft maintenance upon recommendation by the competent authority responsible for civil aviation.



*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 71 - as amended agreed to;

Clause 72 - amendment proposed-

**THAT**, clause 72 of the Bill be amended in the proposed new Third Schedule -

- (a) in the item of tariff description “cement clinker” by deleting the corresponding Export and investment promotion levy rate of “10%” and substituting therefor the rate of “17.5%”;
- (b) in the item of tariff description “Semi -finished products of iron or non-alloy steel containing, by weight, <0.25% of carbon; of rectangular (including square) cross-section, the width measuring less than twice the thickness” by deleting the corresponding Export and investment promotion levy rate of “10%” and substituting therefor the rate of “17.5%”;
- (c) in the item of tariff description “Bars and rods of iron or non-alloy steel, hot-rolled, in irregularly wound coils of circular cross-section measuring less than 14mm in diameter of cross section measuring less than 8mm” by deleting the corresponding Export and investment promotion levy rate of “10%” and substituting therefor the rate of “17.5%”;
- (d) in the item of tariff description “Bars and rods of iron or non-alloy steel, hot-rolled, in irregularly wound coils of circular cross- section measuring less than 14mm in diameter; other” by deleting the corresponding Export and investment promotion levy rate of “10%” and substituting therefor the rate of “17.5%”;

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 72 - as amended agreed to;

**New Clause 66A proposed-**

**THAT**, the Bill be amended by inserting the following new clause immediately before Clause 67 -

Amendment of **66A.** Section 5 of the Miscellaneous Fees and  
 section 5 of No. 29 of Levies Act, 2016, is amended by deleting subsection  
 2016. 4.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Motion made and Question proposed-

THAT, New Clause 66A be now read a Second Time.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

Question put and agreed to;

Motion made and Question proposed-

THAT, New Clause 66A be part of the Bill.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

Question put and agreed to.

Clauses 73, 74 & 75 - agreed to;

Clause 76 - amendment proposed-

**THAT**, clause 76 of the Bill be deleted.

*(The Hon. Caleb Amisi)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, clause 76 of the Bill be deleted.

*(The Hon. Anthony Oluoch)*

Question on amendment proposed;

Debate arising;

Question of amendment put and negatived;

Further amendment proposed-

**THAT**, clause 76 of the Bill be deleted.

*(The Hon. (Dr.) James Nyikal)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, clause 76 of the Bill be deleted.

*(The Hon. (Dr.) Makali Mulu)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, clause 76 of the Bill be deleted.

*(The Hon. (Dr.) Oundo Ojiambo)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, clause 76 of the Bill be deleted.

*(The Hon. Peter Kaluma)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, the Bill be amended by deleting clause 76.

*(The Hon. Robert Mbui)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, the Bill be amended by deleting clause 76.

*(The Hon. Robert Basil)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, clause 76 of the Bill be amended by deleting clause 76 and substituting therefor the following new clause-

Insertion of a new section of No. 11 of 2007.

**76.** The Employment Act, 2007, is amended by inserting the following new sections immediately after section 31A -

**31B.** (1) Notwithstanding the provisions of section 3(2)(a), (b), (c) and (d) of the Act, each employee and employer shall pay a monthly levy to be known as the Affordable Housing Levy.

(2) The purpose of the Affordable Housing Levy shall be to provide funds for the development of affordable housing and associated social and physical infrastructure as well as the provision of affordable home financing to Kenyans.

(3) The monthly levy payable by the employer and employee shall be -

(a) one point five per centum of the employee's gross monthly salary for the employee;

(b) one point five per centum of the employee's monthly gross salary for the employer.

Obligations of the employer

**31C.** (1) An employer shall—

(a) deduct an employee's monthly payment from the employee's gross monthly salary;

(b) set aside the employer's monthly payment for each employee; and

(c) not later than nine working days after the end of the month in which the payments are due, remit an amount comprising the employee and the employer's payment.

(2) An employer who fails to comply with this section shall be liable to payment of a penalty equivalent to two per cent of the unpaid funds for every month the same remains unpaid.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question on the amendment proposed;

Debate arising;

Amendment to an amendment proposed-

**THAT**, clause 76 be further amended in the proposed section 31B by inserting the following new sub-section immediately after sub-section (2)-

(2a) The Affordable Housing Levy shall not be used for any other purpose other than the development of affordable housing and associated social and physical infrastructure as well as the provision of affordable home financing to Kenyans.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question on the amendment to the amendment proposed;

Debate arising;

Question on the amendment to the amendment put and agreed to;

Question on the amendment put and agreed to;

Further amendment proposed-

**THAT**, clause 76 of the Bill be amended by deleting the proposed new section 31B and substituting therefor the following new section 31B-

Insertion of a new section of No. 11 of 2007.

**76.** The Employment Act, 2007, is amended by inserting the following new sections immediately after section 31A-

Affordable Housing Levy.

**31B. (1)** Notwithstanding the provisions of section 3(2)(a), (b), (c)

and (d) of the Act, each employee and employer shall pay a monthly levy to be known as the Affordable Housing Levy.

(2) The purpose of the Affordable Housing Levy shall be to provide funds for the development of affordable housing and associated social and physical infrastructure as well as the provision of affordable home financing to Kenyans.

(3) The Affordable Housing Levy shall not be used for any other purpose other than the development of affordable housing and associated social and physical infrastructure as well as the provision of affordable home financing to Kenyans.

(4) The monthly levy payable by the employer and employee shall be –

- (a) one point five per centum of the employee's gross monthly salary for the employee;
- (b) one point five per centum of the employee's monthly gross salary for the employer.

Obligations of  
the employer.

**31C.** (1) An employer shall –

- (a) deduct an employee's monthly payment from the employee's basic monthly salary;
- (b) set aside the employer's monthly payment for each employee; and
- (c) not later than nine working days after the end of the month in which the payments are due, remit an amount comprising the employee and the employer's payment.

(2) An employer who fails to comply with this section shall be liable to payment of a penalty equivalent to two per cent of the unpaid funds for every month the same remains unpaid.

*(The Hon. Caleb Mule)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, Clause 76 of the Bill be amended in the proposed new section 31B—

- a) in subsection (1) by inserting the words “and shall be remitted before the tenth day of every pay month” at the end of the proviso;
- b) in subsection (2)—
  - (i) in sub-paragraph (a) by inserting the following proviso to sub-paragraph (a)—

“Provided that an employee who has accumulated contributions may enter into a joint house purchase agreement with another contributor to the Fund to finance purchase of a home under the affordable housing scheme.”
- (i) by inserting the words “and shall be paid by the Commissioner within sixty days” at the end of the proviso to sub-paragraph (iv).

*(The Hon. Didmus Barasa)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, clause 76 of the Bill be amended by –

- (a) by deleting the new proposed paragraph (1) and substituting therefor the following new paragraph (1) –

**31B.** (1) An employer shall pay to the National Housing Development Fund established under section 7 of the Housing Act such amount as specified in subsection (2), in respect of each employee who voluntarily chooses to make contributions under this section.

(2) Subject to subsection (1), an employer shall pay into the Fund-

- (a) the employer’s contribution at one point five per centum of the employee’s monthly basic salary;
- (b) the employee’s contribution at one point five per centum of the employee’s monthly basic salary:

Provided that the sum of the employer and employee contributions shall not exceed three thousand shillings a month;

(3) An employee may opt to increase their contribution into the Fund by writing to the employer and the Cabinet Secretary responsible for matters of housing, specifying the higher monthly per centum in their respect above the rate prescribed in subsection (2) (b).

(4) Where an employee opts to make a higher contribution under sub-section (3), the employer shall not be required to make a corresponding contribution.

- (b) by deleting the new proposed paragraph (2) and substituting therefor the following new paragraph (2) –

(2) The benefits to an employee who voluntarily opts into the Fund shall accrue as follows –

- (a) for an employee who qualifies for affordable housing, the contributions shall be used to finance the purchase of a home under the affordable housing scheme; or
- (b) upon the expiry of seven years from the date of the start of making the contributions or after the attainment of retirement age, whichever is earlier -
- (i) a transfer of their contributions to a retirement benefits scheme or pension scheme registered with the Retirement Benefits Authority;
  - (ii) a transfer of their contributions to their spouse or dependent children; or
  - (iii) to receive their contributions in cash at the prevailing interest rate:

Provided that contributions paid out in cash shall be included in the contributor's taxable income for the year and be subjected to tax at the prevailing rates.

*(The Hon. Majimbo Kalasinga)*

Proposed amendment dropped;

Over thirty Members stood in their places claiming division pursuant to Standing Order 72(1)(b);

The First Chairperson directed that the division bell be rung for five minutes pursuant to Standing Order 70(2);

Division on the Motion undertaken;

The Chair directed that Roll Call Division be undertaken pursuant to Standing Order 71;

Hon. Gabriel Kagombe and Hon. Japheth Nyakundi nominated as the Vote Tellers for "Ayes";

Hon. Khamis Chome Abdi and Hon. Babu Owino nominated as the Vote Tellers for "Noes";

Roll Call Voting conducted and concluded;

Results of the Roll Call Vote:

**AYES – 184**

S/NO.	CONSTITUENCY AND SPECIAL INTERESTS (ARTICLE 95(1) CoK)	MEMBER'S NAME
1.	Ainabkoi	Chepkonga, Kiprono Samwel
2.	Ainamoi	Langat, Benjamin Kipkirui
3.	Aldai	Kitany, Marianne Jebet
4.	Bahati	Mrembo, Irene Njoki
5.	Baringo Central	Kandie, Joshua Chepyegon
6.	Baringo North	Kipkoros, Joseph Makilap

S/NO.	CONSTITUENCY AND SPECIAL INTERESTS (ARTICLE 95(1) CoK)	MEMBER'S NAME
7.	Baringo South	Kamuren, Charles
8.	Belgut	Koech, Nelson
9.	Bobasi	Momanyi, Innocent Obiri
10.	Bomachoge Chache	Alfah, Miruka Ondieki
11.	Bomet (CWR)	Linet, Chepkorir
12.	Bomet Central	Kilel, Richard Cheruiyot
13.	Bomet East	Yegon, Richard Kipkemoi
14.	Bondo	Ogolla, Gideon Ochanda
15.	Buuri	Murwithania, Rindikiri Mugambi
16.	Chepalungu	Koech, Victor Kipngetich
17.	Chesumei	Biego, Paul Kibichy
18.	Chuka/Igambang'ombe	Ntwiga, Patrick Munene
19.	Dadaab	Maalim, Farah
20.	Dagoretti South	Waweru, John Kiarie
21.	Eldama Ravine	Sirma, Musa Cherutich
22.	Eldas	Wehliye, Adan Keynan
23.	Elgeyo Marakwet (CWR)	Caroline, Jeptoo Ng'elechei
24.	Embakasi Central	Gathiru, Mejjadonk Benjamin
25.	Embakasi North	Gakuya, James Mwangi
26.	Embu (CWR)	Double N, Pamela Njoki Njeru
27.	Emgwen	Lelmengit, Josses Kiptoo Kosgey
28.	Emurua Dikirr	Kipyegon, Johana Ng'eno
29.	Endebess	Pukose, Robert (Dr.)
30.	Fafi	Yakub, Farah Salah
31.	Ganze	Tungule, Charo Kenneth Kazungu
32.	Garissa Township	Barrow, Dekow Mohamed
33.	Gatanga	Muriu, Wakili Edward



S/NO.	CONSTITUENCY AND SPECIAL INTERESTS (ARTICLE 95(1) CoK)	MEMBER'S NAME
34.	Gatundu North	Kururia, Elijah Njore Njoroge
35.	Gatundu South	Kagombe, Gabriel Gathuka
36.	Gem	Odhiambo, Elisha Ochieng
37.	Gichugu	Githinji, Robert Gichimu
38.	Gilgil	Wanjira, Martha Wangari
39.	Hamisi	Gimose, Charles Gumini
40.	Igembe North	M'Anaiba, Julius Taitumu
41.	Igembe South	Mwirigi, John Paul
42.	Ijara	Abdi, Abdi Ali
43.	Isiolo (CWR)	Bonaya, Mumina Gollo
44.	Juja	Ndung'u, George Koimburi
45.	Kabete	Wamacukuru, James Githua Kamau
46.	Kajiado North	Nguro, Onesmus Ngogoyo
47.	Kajiado West	Risa, Sunkuyia George
48.	Kandara	Njuguna, Chege
49.	Kanduyi	Makali, John Okwisia
50.	Kangema	Kihungi, Peter Irungu
51.	Kangundo	Muli, Fabian Kyule
52.	Kapenguria	Chumel, Samwel Moroto
53.	Kapseret	Sudi, Oscar Kipchumba
54.	Kasarani	Karauri, Ronald Kamwiko
55.	Keiyo North	Korir, Adams Kipsanai
56.	Keiyo South	Kipkoech, Gideon Kimaiyo
57.	Kericho (CWR)	Kemei, Beatrice Chepng'eno
58.	Kesses	Rutto, Julius Kipletting
59.	Kiambaa	Wanjiku, John Njuguna
60.	Kiambu	Waithaka, John Machua

S/NO.	CONSTITUENCY AND SPECIAL INTERESTS (ARTICLE 95(1) CoK)	MEMBER'S NAME
61.	Kiambu (CWR)	Muratha, Anne Wanjiku Mugo
62.	Kibwezi West	Mutuse, Eckomas Mwengi
63.	Kieni	Wainaina, Antony Njoroge
64.	Kigumo	Munyoro, Joseph Kamau
65.	Kiharu	Nyoro, Samson Ndindi
66.	Kikuyu	Ichung'wah, Anthony Kimani
67.	Kilifi North	Baya, Owen Yaa
68.	Kimilili	Mutua, Didmus Wekesa Barasa
69.	Kinango	Rai, Samuel Gonzi
70.	Kinangop	Kwenya, Thuku Zachary
71.	Kipkelion East	Cherorot, Joseph Kimutai
72.	Kipkelion West	Kosgei, Hilary Kiplangat
73.	Kirinyaga (CWR)	Maina, Jane Njeri
74.	Kirinyaga Central	Gitari, Joseph Gachoki
75.	Kitui South	Nyamai, Rachael Kaki
76.	Kitutu Chache North	Mokaya, Nyakundi Japheth
77.	Konoin	Yegon, Brighton Leonard
78.	Kuresoi North	Kiprono, Mutai Alfred
79.	Kuresoi South	Tonui, Joseph Kipkosgei
80.	Kuria East	Kemero, Maisori Marwa Kitayama
81.	Kuria West	Robi, Mathias Nyamabe
82.	Kwanza	Wanyonyi, Ferdinand Kevin
83.	Lagdera	Mohamed, Abdikadir Hussein
84.	Laikipia (CWR)	Kagiri, Jane Wangechi
85.	Laikipia East	Kiunjuri, Festus Mwangi
86.	Laikipia West	Karani, Stephen Wachira
87.	Laisamis	Lekuton, Joseph

S/NO.	CONSTITUENCY AND SPECIAL INTERESTS (ARTICLE 95(1) CoK)	MEMBER'S NAME
88.	Lamu (CWR)	Marubu, Monicah Muthoni
89.	Lamu East	Obo, Ruweida Mohamed
90.	Lamu West	Muiruri, Muthama Stanley
91.	Lari	Kahangara, Joseph Mburu
92.	Limuru	Chege, John Kiragu
93.	Loima	Akuja, Protus Ewesit
94.	Lungalunga	Chiforomodo, Mangale Munga
95.	Maara	Mbiuki, Japhet Miriti Kareke
96.	Machakos Town	Mule, Caleb Mutiso
97.	Mandera North	Abdullahi, Bashir Sheik
98.	Mandera South	Haro, Abdul Ebrahim
99.	Manyatta	Mukunji, John Gitonga Mwaniki
100.	Maragwa	Njoroge, Mary Wamaua Waithira
101.	Marakwet East	Bowen, David Kangogo
102.	Marakwet West	Toroitich, Timoth Kipchumba
103.	Marsabit (CWR)	Waqo, Naomi Jillo
104.	Masinga	Mwalyo, Joshua Mbithi Mutua
105.	Mathioya	Gichuki, Edwin Mugo
106.	Mathira	Kahugu, Eric Mwangi
107.	Matuga	Tandaza, Kassim Sawa
108.	Mbeere North	Ruku, Geoffrey Kariuki Kiringa
109.	Mbeere South	Nebart, Bernard Muriuki
110.	Meru (CWR)	Kailemia, Elizabeth Karambu
111.	Mogotio	Kipngor, Reuben Kiborek
112.	Moiben	Bartoo, Phylis Jepkemoi
113.	Molo	Kimani, Francis Kuria
114.	Msambweni	Bader, Salim Feisal

S/NO.	CONSTITUENCY AND SPECIAL INTERESTS (ARTICLE 95(1) CoK)	MEMBER'S NAME
115.	Mt. Elgon	Chesebe, Fred Kapondi
116.	Mukurweini	Gichohi, Kaguchia John Philip
117.	Muranga (CWR)	Maina, Betty Njeri
118.	Mwala	Musau, Vincent Musyoka
119.	Mwea	Maingi, Mary
120.	Nairobi City (CWR)	Passaris, Esther Muthoni
121.	Naivasha	Kihara, Jayne Wanjiru Njeri
122.	Nakuru (CWR)	Chelule, Liza Chepkorir
123.	Nakuru Town East	Gikaria, David
124.	Nandi Hills	Kitur, Bernard Kibor
125.	Narok (CWR)	Tonkei, Rebecca Noonaishi
126.	Narok East	Aramat, Lemanken
127.	Narok South	Kitilai, Ole Ntutu
128.	Ndaragwa	Gachagua, George N
129.	Ndia	GK, George Macharia Kariuki
130.	Njoro	Chepkwony, Charity Kathambi
131.	North Imenti	Abdul, Rahim Dawood
132.	North Mugirango	Nyamoko, Joash Nyamache
133.	Nyali	Mohamed, Mohamed Ali
134.	Nyandarua (CWR)	Gitau, Faith Wairimu
135.	Nyaribari Masaba	Manduku, Daniel Ogwoka
136.	Nyeri (CWR)	Wachira, Rahab Mukami
137.	Ol Jorok	Muchira, Michael Mwangi
138.	Ol Kalou	Kiaraho, David Njuguna
139.	Othaya	Wainaina, Micheal Wambugu
140.	Rabai	Mupe, Anthony Kenga
141.	Rongai	Chebor, Paul Kibet

S/NO.	CONSTITUENCY AND SPECIAL INTERESTS (ARTICLE 95(1) CoK)	MEMBER'S NAME
142.	Rongo	Paul, Abuor
143.	Roysambu	Mwafrika, Augustine Kamande
144.	Ruiru	Kingara, Simon Ng'ang'a
145.	Runyenjes	Karemba, Eric Muchangi Njiru
146.	Sabatia	Logova, Sloya Clement
147.	Saku	Raso, Dido Ali
148.	Samburu (CWR)	Lenguris, Pauline
149.	Samburu North	Letipila, Dominic Eli
150.	Shinyalu	Ikana, Fredrick Lusuli
151.	Sirisia	Koyi, John Waluke
152.	Sotik	Sigei, Francis Kipyegon arap
153.	South Imenti	Ithinji, Dr. Shadrack Mwiti
154.	South Mugirango	Onyiego, Silvanus Osoro
155.	Soy	Kiplagat, David
156.	Subukia	Gachobe, Samuel Kinuthia
157.	Taita Taveta (CWR)	Mizighi, Lydia Haika Mnene
158.	Tarbaj	Barre, Hussein Abdi
159.	Teso South	Otucho, Mary Emase
160.	Tetu	Mwangi, Geoffrey Wandeto
161.	Tharaka	Murugara, George Gitonga
162.	Thika Town	Ng'ang'a, Alice Wambui
163.	Tiaty	Kassait, William Kamket
164.	Tigania West	Mutunga, John Kanyuithia
165.	Tinderet	Kipbiwot, Julius Melly
166.	Tongaren	Chikati, John Murumba
167.	Trans Nzoia (CWR)	Siyoi, Lillian Chebet
168.	Turbo	Sitienei, Janet Jepkemboi

S/NO.	CONSTITUENCY AND SPECIAL INTERESTS (ARTICLE 95(1) CoK)	MEMBER'S NAME
169.	Turkana (CWR)	Ngitit, Cecilia Asinyen
170.	Turkana Central	Emathe, Joseph Namuar
171.	Turkana West	Nanok, Daniel Epuyo
172.	Uasin Gishu (CWR)	Boss, Gladys Jepkosgei
173.	Vihiga	Kagesi, Kivai Ernest Ogesi
174.	Vihiga (CWR)	Adagala, Beatrice Kahai
175.	Webuye East	Wanyonyi, Martin Pepela
176.	Webuye West	Sitati, Daniel Wanyama
177.	West Mugirango	Mogaka, Stephen M
178.	Nominated	Ali, Abdisirat Khalif
179.	Nominated	Denar, Joseph Hamisi
180.	Nominated	Harun, Suleka Hulbale
181.	Nominated	Ikiara, Dorothy Muthoni
182.	Nominated	Iraya, Joseph Wainaina
183.	Nominated	Kosgei, Jackson Kipkemoi
184.	Nominated	Mwangi, Teresia Wanjiru

NOES – 72

S/NO.	CONSTITUENCY AND SPECIAL INTERESTS (ARTICLE 95(1) CoK)	MEMBER'S NAME
1.	Alego Usonga	Atandi, Samuel Onunga
2.	Bomachoge Borabu	Barongo, Nolfason obadiah
3.	Bonchari	Mamwacha, Onchoke Charles
4.	Budalangi	Wanjala, Raphael Sauti Bitta
5.	Bumula	Wamboka, Nelson Jack Wamboka
6.	Changamwe	Shimbwa, Omar Mwinyi
7.	Cherangany	Barasa, Patrick Simiyu
8.	Dagoretti North	Elachi, Beatrice Kadeveresia
9.	Embakasi East	Ongili, Babu Owino Paul
10.	Embakasi South	Mawathe, Julius Musili
11.	Embakasi West	Mwenje, Mark Samuel Muriithi
12.	Funyula	Oundo, Wilberforce Ojiambo
13.	Galole	Hiribae, Said Buya
14.	Homa Bay (CWR)	Osogo, Bensuda, Joyce Atieno
15.	Homa Bay Town	Kaluma, George Peter Opondo
16.	Jomvu	Bady, Bady Twalib
17.	Kabondo Kasipul	Obara, Eve Akinyi
18.	Kabuchai	Kalasinga, Joseph Simiyu Wekesa Majimbo
19.	Kaiti	Kimilu, Joshua Kivinda
20.	Kajiado Central	Kanchory, Elijah Memusi
21.	Kajiado East	Hamisi, Kakuta Maimai
22.	Kakamega (CWR)	Muhanda, Elsie Busihile
23.	Kaloleni	Katana, Paul Kahindi
24.	Karachuonyo	Okuome, Andrew Adipo
25.	Kasipul	Were, Charles Ong'ondo

<b>S/NO.</b>	<b>CONSTITUENCY AND SPECIAL INTERESTS (ARTICLE 95(1) CoK)</b>	<b>MEMBER'S NAME</b>
26.	Kathiani	Mbui, Robert
27.	Khwisero	Wangaya, Christopher Aseka
28.	Kilifi (CWR)	Mwanyanje, Gertrude Mbeyu
29.	Kilome	Nzambia, Thuddeus Kithua
30.	Kisauni	Bedzimba, Rashid Juma
31.	Kisii (CWR)	Aburi, Donya Dorice
32.	Kisumu (CWR)	Busia, Ruth Adhiambo Odinga
33.	Kisumu Central	Oron, Joshua Odongo
34.	Kitui (CWR)	Kasalu, Irene Muthoni
35.	Kitui Central	Mulu, Makali Benson
36.	Kitui Rural	Mboni, David Mwalika
37.	Kitui West	Nyenze, Edith Vethi
38.	Kitutu Chache South	Kibagendi, Antoney
39.	Kwale (CWR)	Masito, Fatuma Hamisi
40.	Likoni	Mboko, Mishi Juma Khamisi
41.	Luanda	Oyugi, Dick Maungu
42.	Lugari	Nabii, Nabwera Daraja
43.	Lurambi	Mukhwana, Titus Khamala
44.	Machakos (CWR)	Kamene, Joyce
45.	Makadara	Omwera, George Aladwa
46.	Malindi	Mnyazi, Amina Laura
47.	Mandera East	Abdirahman, Husseinweytan Mohamed
48.	Mathare	Oluoch, Anthony Tom
49.	Mbooni	Nzioka, Erastus Kivasu
50.	Mombasa (CWR)	Chimba, Zamzam Mohamed
51.	Moyale	Jaldesa, Guyo Waqo
52.	Mumias East	Salasya, Peter Kalerwa



<b>S/NO.</b>	<b>CONSTITUENCY AND SPECIAL INTERESTS (ARTICLE 95(1) CoK)</b>	<b>MEMBER'S NAME</b>
53.	Mwingi Central	Mulyungi, Gideon Mutemi
54.	Mwingi North	Nzengu, Paul Musyimi
55.	Nyakach	Owuor, Joshua Aduma
56.	Nyando	Odoyo, Okello Jared
57.	Nyatike	Odege, Tom Mboya
58.	Pokot South	Pkosing, David Losiakou
59.	Rarieda	Amollo, Paul Otiende
60.	Samburu West	Lesuuda, Josephine Naisula
61.	Seme	Nyikal, James Wambura
62.	Starehe	Maina, Mwago Amos
63.	Suna East	Mohamed, Junet Sheikh Nuh
64.	Suna West	Masara, Peter Francis
65.	Taveta	Bwire, John Okano
66.	Turkana South	Namoit, John Ariko
67.	Ugunja	Wandayi, James Opiyo
68.	Voi	Abdi, Khamis Chome
69.	Westlands	Wetangula, Timothy Wanyonyi
70.	Wundanyi	Mwakuwona, Danson Mwashako
71.	Yatta	Basil, Robert Ngui
72.	Nominated	Ngongo, John Mbadi

**ABSTENTIONS - 0**

Clause 76 - as amended agreed to;

Clause 77 - agreed to;

Clause 78 - amendment proposed-

**THAT**, the Bill be amended by deleting clause 78.

*(The Hon. Robert Mbui)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, the Bill be amended by deleting clause 78 and substituting therefor the following new Clause —

**78.** The Statutory Instruments Act, 2023 is amended by deleting the heading to Part V and substituting therefor the following new heading —

“PART V – PURPOSE FOR REVIEW OF STATUTORY INSTRUMENTS”

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the amendment proposed;

Debate arising;

Amendment to an amendment proposed-

**THAT**, the clause 78 be further amended by deleting the figure “2023” and substituting it thereof with “2013”

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the amendment to the amendment proposed;

Question of the amendment to the amendment put and agreed to;

Question of the amendment put and agreed to;

Further amendment proposed-

**THAT**, the Bill be amended by deleting clause 78 and substituting therefor the following new Clause —

**78.** The Statutory Instruments Act, 2023 is amended by deleting the heading to Part V and substituting therefor the following new heading —

“PART V – PURPOSE FOR REVIEW OF STATUTORY INSTRUMENTS”

*(Chairperson, Committee on Delegated Legislation)*

Proposed amendment dropped;

Clause 78 - as amended agreed to;

Clause 79 - amendment proposed-

**THAT**, clause 79 of the Bill be deleted.

*(The Hon. (Dr.) Oundo Ojiambo)*

Proposed amendment dropped;

Further amendment proposed-

**THAT**, the Bill be amended by deleting clause 79.

*(The Hon. Robert Mbui)*

Proposed amendment dropped;

Clause 79 - agreed to;

Clause 80 - amendment proposed-

**THAT**, the Bill be amended by deleting clause 80 and substituting therefor the following new clause—

Repeal of section 4 of No. 8 of 2015. **80.** The Retirement Benefits (Deputy President and Designated State Officers) Act, 2015 is amended by repealing section 4.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 80 - as amended agreed to;

Clause 81 - amendment proposed-

**THAT**, clause 81 of the Bill be amended—

- (a) In the opening words by deleting the words “The Retirement Benefits (Deputy President and State Officers) Act, 2016” and substituting therefor the words “The Retirement Benefits (Deputy President and Designated State Officers) Act, 2015”;
- (b) in the proposed new section 4A by deleting the proposed subsections (2) and (3).

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed-

**THAT**, Clause 81 of the Bill be amended in the proposed new section 4A in subsection (1) by inserting the words “including an office in a political party or coalition” at the end of paragraph (a).

*(The Hon. Didmus Barasa)*

Proposed amendment dropped;

Clause 81 - as amended agreed to;

Clause 82 - amendment proposed-

**THAT**, clause 82 of the Bill be amended in paragraph (a) by deleting the words “subsection (1)” and substituting therefor the words “subsection (1) (f)”.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 82 - as amended agreed to;

Clauses 83 & 84 - agreed to;

**New Clause 73A proposed-**

**THAT**, the Bill be amended by inserting the following new clause immediately after Clause 73 -

Amendment of section 7 of No. 7 of 1999. of **73A.** Section 7 of the Kenya Roads Board Act, 1999, is amended in subsection (1) by -  
a) deleting paragraph (g); and  
b) deleting the word “eight” appearing at the beginning of the paragraph and substituting therefor the word “five”.

*(Chairperson, Departmental Committee on Transport and Infrastructure)*

Motion made and Question proposed-

THAT, New Clause 73A be now read a Second Time.

*(Chairperson, Departmental Committee on Transport and Infrastructure)*

Debate arising;

Question put and agreed to;

Motion made and Question proposed-

THAT, New Clause 73A be part of the Bill.

*(Chairperson, Departmental Committee on Transport and Infrastructure)*

Debate arising;

Question put and agreed to.

**New Clause 74A proposed-**

**THAT** the Bill be amended by inserting the following new clause immediately after Clause 74—

Amendment of the First Schedule to No. 7 of 1999. **74A.** The First Schedule to the Kenya Roads Board Act, 1999, is amended by -

- a) deleting paragraph 4;
- b) deleting paragraph 5 and
- c) deleting paragraph 6.

*(Chairperson, Departmental Committee on Transport and Infrastructure)*

Motion made and Question proposed-

THAT, New Clause 74A be now read a Second Time.

*(Chairperson, Departmental Committee on Transport and Infrastructure)*

Debate arising;

Question put and agreed to;

Motion made and Question proposed-

THAT, New Clause 74A be part of the Bill.

*(Chairperson, Departmental Committee on Transport and Infrastructure)*

Debate arising;

Question put and agreed to.

**New Clauses 75A, B, C and D proposed-**

**THAT**, the Bill be amended by inserting the following new clauses immediately after clause 75—

Amendment to Section 13 of No. 2 of 1995. **75A.** Section 13 of the Kenya Revenue Authority Act, 1995, is amended -

- (a) in subsection (1) by inserting the words “and Deputy Commissioners” immediately after the word “Commissioners”;
- (b) by deleting subsection (2)

Amendment of  
the First  
Schedule to No.  
2 of 1995.

**75B.** The First Schedule to the Kenya Revenue Act, 1995 is amended by inserting the following new item immediately after item 12-

13. The Alcoholic Drinks Act, 2010

Amendment of  
No. 3 of 1997

**75C.** Section 25B of the Retirement Benefits Act, 1997 is amended in subsection (1) by deleting the words “sixty per cent” appearing in paragraph (eb) and substituting therefor the words “thirty three percent”.

Amendment of  
section 38 of  
No.3 of 1997

**75D.** Section 38 of the Retirement Benefits Act, 1997 is amended by inserting the following new subsection immediately after subsection (1)-

(1A) Subject to subsection (1) (b), where a fund is set up exclusively for the purpose of investing sharia complaint funds, the fund shall be exempted from the guidelines.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Motion made and Question proposed-

THAT, New Clauses 75A, B, C and D be now read a Second Time.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

Question put and agreed to;

Motion made and Question proposed-

THAT, New Clauses 75A, B, C and D be part of the Bill.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

Question put and agreed to.

**New Clauses 76A and B proposed-**

**THAT,** the Bill be amended by inserting the following new clauses immediately after clause 76-

Amendment of section  
2 of No. 4 of 2010.

**76A.** Section 2 of the Alcoholic Drinks Act, 2010, is amended by inserting the following definition in its proper alphabetical sequence-

“minimum input cost” means input cost published by Kenya Revenue authority through excise regulations;

Amendment of section 31 of No. 4 of 2010 of **76B.** Section 31 of the Alcoholic Drinks Control Act, 2010, is amended in subsection (2) by inserting the following new paragraph immediately after paragraph (b)-

(c) a person shall not sell, manufacture, pack or distribute alcoholic drinks at a price below the minimum input cost.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Motion made and Question proposed-

THAT, New Clauses 76A and B be now read a Second Time.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

Question put and agreed to;

Motion made and Question proposed-

THAT, New Clauses 76A and B be part of the Bill.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

Question put and agreed to.

**New Clauses 82A, B, C, D and E proposed-**

**THAT**, the Bill be amended by inserting the following new clauses immediately after Clause 82—

Amendment of section 5A of No. of 2015. of **82A.** Section 5A of the Retirement Benefits (Deputy President and Designated State Officers) Act, 2015 is amended in paragraph (f) by deleting the words “and the entitled person’s spouse” and substituting therefor the words “, the entitled person’s spouse and the entitled person’s child who is below eighteen years or is under twenty-five years of age and is undergoing a course of full-time education, and in the case of a female child is not married or is not cohabiting with any person;”

Amendment  
of section 5B  
of No. of  
2015.

**82B.** Section 5B of the Retirement Benefits (Deputy President and Designated State Officers) Act, 2015 is amended in paragraph (f) by deleting the words “and the entitled person’s spouse” and substituting therefor the words “, the entitled person’s spouse and the entitled person’s child who is below eighteen years or is under twenty-five years of age and is undergoing a course of full-time education, and in the case of a female child is not married or is not cohabiting with any person;”

Amendment of  
section 6 of No.  
of 2015.

**82C.** Section 6 of the Retirement Benefits (Deputy President and Designated State Officers) Act, 2015 is amended in paragraph (f) by deleting the words “and the entitled person’s spouse” and substituting therefor the words “, the entitled person’s spouse and the entitled person’s child who is below eighteen years or is under twenty-five years of age and is undergoing a course of full-time education, and in the case of a female child is not married or is not cohabiting with any person;”

Amendment of  
section 7 of No.  
of 2015.

**82D.** Section 7 of the Retirement Benefits (Deputy President and Designated State Officers) Act, 2015 is amended in paragraph (f) by deleting the words “and the entitled person’s spouse” and substituting therefor the words “, the entitled person’s spouse and the entitled person’s child who is below eighteen years or is under twenty-five years of age and is undergoing a course of full-time education, and in the case of a female child is not married or is not cohabiting with any person;”

Amendment of  
the First  
Schedule to  
No.8 of 2015.

**82E.** The First Schedule to the Retirement Benefits (Deputy President and Designated State Officers) Act, 2015 is amended —

- (a) in paragraph (b) by inserting the words “or one chief liaison officer” immediately after the words “one personal assistant”; and
- (b) in paragraph (c) by inserting the words “or one assistant liaison officer” immediately after the words “one secretary.”

*(Chairperson, Departmental Committee on Finance and National Planning)*

Motion made and Question proposed-

THAT, New Clauses 82A, B, C, D and E be now read a Second Time.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;



Question put and agreed to;

Motion made and Question proposed-

THAT, New Clauses 82A, B, C, D and E be part of the Bill.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

Question put and agreed to.

**New Clauses 85, 86 and 87 proposed-**

**THAT**, the Bill be amended by inserting the following New Clauses immediately after Clause 84-

Amendment to Section 4 of No. 16 of 2015.

**85.** Section 4 of the Special Economic Zones Act, 2015, is amended by deleting subsection 4 and substituting therefor the following new subsection -

(4) A special economic zone shall be a designated geographical area which may include both customs controlled area and non-customs controlled area where business enabling policies, integrated land uses and sector-appropriate on-site and off-site infrastructure and utilities shall be provided, or which has the potential to be developed, whether on a public, private or public-private partnership basis, where development of zone infrastructure and goods introduced in customs-controlled area are exempted from customs duties in accordance with customs laws.

Amendment of section 6 of No. 16 of 2015.

**86.** Section 6 of the Special Economic Zones Act, 2015, is amended in paragraph (b) by -

(b) deleting the word “Kenya” and substituting therefor the words “the customs territory”;

(c) inserting the following proviso-  
Provided that -

Goods whose content originates from the customs territory shall be exempt from payment of import duties;

(ii) Goods whose content partially originates from the customs territory shall pay import duties on the non-originating component subject to the customs procedures.

Amendment of section 24 of Cap. 517.

**87.** Section 24 of the Export Processing Zones Act, 1990, is amended by inserting the following proviso at the end of paragraph (b) -

Provided that –

- (i) goods whose content originates from the customs territory shall be exempt from payment of import duties; and
- (ii) goods whose content partially originate from the customs territory shall pay import duties on the non-originating component subject to customs procedures.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Motion made and Question proposed-

THAT, New Clauses 85, 86 and 87 be now read a Second Time.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

Question put and agreed to;

Motion made and Question proposed-

THAT, New Clauses 85, 86 and 87 be part of the Bill.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

Question put and agreed to.

Title - agreed to;

Clause 1 - agreed to.

Bill to be reported with amendments.

**10. HOUSE RESUMED** - the Hon. Speaker in the Chair

**The Finance Bill (National Assembly Bill No. 14 of 2023)**

Bill reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

Question put and agreed to.

Motion made and Question proposed –

THAT, the Finance Bill (National Assembly Bill No.14 of 2023) be now read a Third Time.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

Question put and agreed to;

Bill read a Third Time and **passed**.

And the time being twenty nine minutes past Eleven O'clock, the Hon. Speaker adjourned the House without Question put pursuant to the Standing Orders.

**11. HOUSE ROSE** - at twenty-nine minutes past Eleven O'clock.

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**M E M O R A N D U M**

The Speaker will take the Chair on  
Thursday, June 22, 2023 at 9.30am

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