



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, AUGUST 7, 2024 AT 9.30 A.M.

ORDER OF BUSINESS

PRAYERS

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

8*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE PENSIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2022)

(The Hon. Didmus Barasa, M.P.)

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Pensions (Amendment) Bill (National Assembly Bill No. 44 of 2022).

(Question to be put and Third Reading)

9*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILL NO. 5 OF 2023)

(The Hon. Mary Emaase, M.P. – *Co-Sponsor*)

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Cotton Industry Development Bill (Senate Bill No. 5 of 2023), up to clause 48 and seeks leave to sit again.

(Question to be put)

10*. THE ASSEMBLY AND DEMONSTRATION BILL (NATIONAL ASSEMBLY BILL NO. 28 OF 2024)

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

First Reading

11*. COMMITTEE OF THE WHOLE HOUSE

The Cotton Industry Development Bill (Senate Bill No. 5 of 2023)

(The Hon. Mary Emaase, M.P. – *Co-Sponsor*)

(To resume from Clause 49)

12*. MOTION: 019/2023 – POLICY FOR THE PROVISION OF MENTAL HEALTH SERVICES IN ALL HEALTHCARE FACILITIES

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

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

(Resumption of debate adjourned on Wednesday, July 31, 2024 – Morning Sitting)

(Balance of time – 2 hours 40 minutes)

13*. THE MUNG BEANS BILL (SENATE BILL NO. 13 OF 2022)

(The Hon. Paul Nzengu, M.P. – *Co-sponsor*)

Second Reading

14*. MOTION: 024/2023 – POLICY AND FUNDING FOR SUGARCANE FARMING IN THE COUNTRY

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

THAT, aware that, commercial sugarcane production in Kenya was introduced in the early years of independence with an aim of eliminating dependence on sugar importation and contributing to economic transformation in the sugar belt and the country at large through agriculture; acknowledging that, at its pinnacle, the sugar industry significantly contributed to the country's National Gross Domestic Product (GDP) and became one of the largest employers which supported livelihoods of many Kenyans both directly and indirectly; concerned that, over the last 25 years, sugarcane farming particularly in Western Kenya has been declining significantly, thereby dipping sugar production from over 600,000 metric tonnes per year in the 1990s to less than 300,000 metric tonnes in recent years; noting that, the decline in sugarcane farming has forced local millers to operate far below their milling capacities and pushed the country to over-rely on net importation of sugar, which negatively impacts on the balance of trade; noting that, the decline in sugar production is attributable to factors such as mismanagement, interference and unfair competition from cheap imported sugar; further concerned that, state-owned sugar

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millers like Mumias Sugar Company and Nzoia Sugar Company ceased milling while owing farmers hundreds of millions of shillings; appreciating that, the Government has been putting in place strategies, policies and regulations to define roles of millers and major players and stakeholders in the sugar industry in a bid to revamp the sector; concerned that, the acute shortage of sugarcane resulting from mass abandonment of sugarcane farming continues to roll back initiatives for reviving sugar milling; recognizing that, further investment in revamping sugar companies before reviving sugarcane farming would occasion loss of the invested public funds instead of yielding success; now therefore, this House **resolves** that, the National Government, through the Ministry of Agriculture and Livestock Development, reviews the sugar development policies to provide that every investor-miller sets aside definite funds for development of sugarcane farming, incentivizing farmers to embrace sugarcane growing and to enhance cane production in each of the respective zones.

15*. MOTION: 026/2023 – **NATIONAL SENSITIZATION AND SUPPORT FOR COMBATING SICKLE CELL AND HAEMOPHILIA DISEASES**

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

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

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

16*. MOTION: 028/2023 – ESTABLISHMENT OF A SCIENCE MUSEUM
(The Hon. John Kiarie, M.P.)

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

17*. MOTION: 033/2023 – SUPPORTING AND PROMOTING LOCAL FERTILIZER MANUFACTURING INDUSTRIES
(The Hon. Samuel Atandi, M.P.)

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

18*. MOTION: 035/2023 – GOVERNMENT-TO-GOVERNMENT (G2G) MODEL TO ACQUIRE AND SUPPLY FERTILIZERS TO FARMERS AT SUBSIDIZED COST

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

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

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

19*. MOTION: 038/2023 – DEVELOPMENT OF MEASURES TO MITIGATE DIGITAL EXCLUSION

(The Hon. Marianne Kitany, M.P.)

THAT, aware that the Government of Kenya has prioritized digitization and automation of government processes and services as part of the Kenya Digital Master Plan (2022-2030), the blueprint for leveraging and deepening the contribution of information and communications technology (ICT) to accelerate the country's economic growth; further aware that, the Government is committed to consolidating the industrial, academic institutions and other innovators to co-invest in emerging technologies to create high-quality jobs that leverage on artificial intelligence, robotics and other technologies; cognizant of the fact that, the Government intends

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to increase internet broadband connectivity across the country through construction of 100,000 km of national fiber optic connectivity network; concerned that, as the country rapidly digitizes services and processes, the high costs of data, internet services as well as purchase of internet-enabled digital devices may lead to digital exclusion of a majority of Kenyans; recognizing that, there is need to bridge the existing gap in ICT to ensure inclusivity in access to internet make Kenya a regional ICT hub while keeping pace with shifting technological changes; noting that, the Government's plan for a digital superhighway may not be realized without deliberate interventions to lower data costs; now therefore, this House **resolves** that, the Government, through the Ministry of Information, Communication and the Digital Economy formulates a policy to:

- (a) regulate internet billing by Internet Service Providers (ISPs) by providing for metered billing of internet use based on consumption in order to mitigate exploitation and secure economic interests of internet users in line with Article 46 of the Constitution; and,
- (b) require Internet Service Providers to develop and deploy quality metered billing systems capable of monitoring customer usage, convert to readable details and creating invoices based on consumption and align their metrics with the value the customers get from various internet services.

20*. MOTION: 039/2023 – FORMULATION OF A REGULATORY FRAMEWORK ON ARTIFICIAL INTELLIGENCE IN THE COUNTRY

(The Hon. Marianne Kitany, M.P.)

THAT, aware that the world is rapidly embracing Artificial Intelligence (AI), which is the use of a digital computer or computer-controlled robots to perform tasks commonly associated with intelligent beings; acknowledging that, the 2022 Government Artificial Intelligence Readiness Index report ranked Kenya fifth in Africa and 90th globally in readiness to adopt Artificial Intelligence (AI); further acknowledging that the Oxford Insights Survey 2022 pegged Kenya's readiness to adopt AI at 40.3%; appreciating that AI has brought forth positive benefits that have increased efficiency in different sectors such as healthcare, manufacturing and robotics; concerned that, the exponential rate at which Artificial Intelligence is being embraced in the society without proper regulatory mechanisms has caused various negative consequences such as rising cases of disinformation and fake news; noting that there is need to protect Kenyans from the potential AI-instigated harms such as privacy breaches, AI-powered fake technology algorithms, algorithmic discrimination, autonomous weapons, job displacement and economic inequality, social manipulation and misinformation, financial market manipulation, and privacy invasion; now therefore, this House **urges** the Government, through the Ministry of Information, Communication and the Digital Economy to:

- (a) formulate a regulatory framework and ethical guidelines for implementation of Artificial Intelligence (AI) in the country to control its potential misuse; and,
- (b) develop and execute a public awareness programme on Artificial Intelligence to raise understanding of AI, foster transparency and promote responsible use of AI for the benefit of all.

21*. MOTION: 040/2023 – ESTABLISHMENT OF A NATIONAL POLICY TO COMBAT DISRESPECTFUL CHILDBIRTH PRACTICES IN KENYA
(The Hon. Gathoni Wamuchomba, M.P.)

THAT, aware that, Article 43(1)(a) of the Constitution provides for the right of every person to access the highest attainable standard of health; further aware that, poor quality of health services especially maternal care has been a recurring concern among women in the country; noting that, there is increased pre- and post-partum mistreatment and dehumanized care of women by healthcare providers, also known as *obstetric violence (OBV)*; further noting that, obstetric violence includes, but is not limited to, disrespectful and abusive behaviour, physical and verbal abuse, neglect, forced medical procedures, humiliation and assault in healthcare settings; concerned that, sustained class-based disparities shape different maternal and infant health outcomes with women of low socio-economic status experiencing greater levels of obstetric violence; further concerned that, this not only affects women's physical and mental health, but also impacts on the overall health outcomes of mothers and their newborns, significantly contributing to high maternal mortality rates; cognizant of the fact that, there exists no national policy or framework to address and prevent obstetric violence; now therefore, this House **resolves** that, the National Government, through the Ministry of Health, develops a policy on prevention of obstetric violence in healthcare facilities in the country and provides a framework for regular monitoring and reporting of cases to curb incidences of pre- and post-partum mistreatment of women seeking health services.

22*. MOTION: 044/2023 – FORMULATION OF A LAND USE POLICY ON ZONING OF LAND FOR AGRICULTURE AND BUILT DEVELOPMENT
(The Hon. Timothy Wanyonyi, M.P.)

THAT aware that land is a critical but limited factor of production that supports human habitation and food production; noting that, agriculture is Kenya's main economic mainstay; appreciating that, that the Central Bank of Kenya (CBK) *Monetary Policy Committee Agriculture Sector Survey 2022* estimated the contribution of the agriculture sector to the country's Gross Domestic Product (GDP) to be 22% directly and 27% indirectly, through its linkages with other sectors; further appreciating that, the Survey showed that the sector employs over 40% of the Kenya's total population; concerned that, in the *Land Reform, Vol. 3* publication, the Kenya Land Alliance Land estimated that only 17% of the country's land mass is classified as suitable for rain-fed agriculture land while the remainder is either semi-arid or arid; further concerned that, the country's agricultural productivity has been decreasing over the years; cognizant of the fact that, the decline in agricultural productivity is partly attributable to the shrinking agricultural land due to unplanned settlements that encroach on agricultural lands; further concerned that, agricultural lands in rural areas are continually being subdivided into small portions for built development, thereby diminishing the size of land available for agriculture; noting that, there is need to put in place measures for effective land use in the country in

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order to guarantee optimal use of agriculture; now therefore, this House **resolves** that, the Government, through the Ministry of Lands, Public Works, Housing and Urban Development puts in place a policy framework for effective land use in rural areas by consolidating and designating zones for built development for commercial and residential developments with shared public utilities and separate zones for agricultural use in order to arrest further diminishing of agricultural land and steady the country's agricultural productivity.

23*. MOTION: 045/2023 – REVIEW OF THE ELIGIBILITY AGE FOR ENROLMENT OF OLDER MEMBERS OF SOCIETY TO THE INUA JAMII CASH TRANSFER PROGRAMME

(The Hon. Majimbo Kalasinga, M.P.)

THAT, aware that Article 57 of the Constitution provides that the State shall take measures to secure the rights of older persons to live in dignity and to receive reasonable care and assistance from the State; noting that to actualize the provisions of Article 57 of the Constitution, the Government rolled out the *Inua Jamii* Cash Transfer Programme in 2015 to provide regular and predictable cash transfers to older persons aged seventy (70) years and above and who are not in receipt of a civil service pension; appreciating the success that the programme has recorded in alleviating poverty and suffering among older members of the society since its inception; noting that the government intends to progressively net more vulnerable and under-privileged members of the society with a view to reaching 2.5 million beneficiaries in the next three (3) years; concerned that, with respect to eligibility to the programme for older members of society, the guidelines requires them to have attained the age of seventy years; noting that, Article 260 of the Constitution defines an “older member of society” as one who has attained the age of sixty (60) years; concerned that capping the eligibility for enrolment to the *Inua Jamii Programme* at the age of seventy years is discriminatory to the older members of society and negates the spirit of the Constitution entitling support to older members of the society; **now** therefore, this House **urges** the national Government, through the Ministry of Labour and Social Protection, to revise the age requirement for eligibility of elderly members to be enrolled to the *Inua Jamii Programme* from seventy (70) years to sixty (60) years in line with the Constitution.

24*. MOTION: 001/2024 – FORMULATION OF A REWARD SCHEME FOR ACCOMPLISHMENTS BY SPORTS PERSONS IN INTERNATIONAL COMPETITIONS

(The Hon. Charles Ngusya, M.P.)

THAT, aware that, sports play an integral role in promoting cultural heritage, national identity, national development, the well-being of the people and sustenance of livelihoods, particularly of the youth; appreciating that, *Sessional Paper No. 3 of 2005* provides a framework for sports development and operationalization in the country; further appreciating that the *Sector Plan for Sports, Culture and Arts* –

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2018 by the Ministry of Sports, Culture and Arts mainstreamed sports development in the Third Medium Term Plan (MTP III) for 2018-2022, under Kenya's Vision 2030; recognizing that, the Vision 2030 aims at capitalizing on the country's international reputation as a world-class sports powerhouse whose sportsmen and women have won international accolades and recognition, especially for their prowess in athletics; concerned that, despite bringing honour and national pride to the country, most sports men and women face a myriad of challenges such as lack of psychosocial support and social protection, hence pushing many to alarming levels of mental health challenges during their careers and even after retirement; noting that *Sessional Paper No. 3 of 2005* contemplated motivation of sportspersons by the State through cash and material prizes, conferring State Honours, appointments as goodwill ambassadors and establishing contributory insurance and savings schemes among other forms of motivation; cognizant of the fact that, the prospect of receiving State recognition, financial grants, and other perks inspires sportsmen to push their limits in attaining their full potential as well as fostering a collective sense of pride in sporting achievements; now therefore, this House **urges** that the Government, through the Ministry of Youth Affairs, Sports and Arts, develops a policy and standardized sports reward scheme for recognizing the achievements made by sports persons in internationally recognized competitions, through—

- (i) financial rewards of Kshs. 6 million for setting new world records; Kshs. 4 million for Gold medalists; Kshs. 3 million for Silver medalists and Kshs. 2 million for Bronze medalists;
- (ii) non-financial motivation, including facilitation with issuance of diplomatic passports for established sportsmen and women, appointment as goodwill ambassadors and conferring national honours and privileges; and,
- (iii) establishing medical cover and a post-retirement social protection scheme, including establishing contributory insurance and savings schemes to support sports persons who retire from active sporting due to injuries or age.

25*. MOTION: 002/2024 – EXPANSION OF MAJOR ROADS IN THE COUNTRY TO DUAL CARRIAGEWAYS

(The Hon. Faith Gitau, M.P.)

THAT, aware that the Kenya Roads Act, 2007 provides for the establishment of road authorities responsible for, among other functions, the management and development of roads under their respective purview and for developing and providing adequate transport infrastructure that guarantees safe and efficient movement of people, goods and services across the country and beyond; further aware that the First Schedule of the Kenya Roads Act provides for the classification of national trunk roads into Classes A, B and Class C; recognizing that the Fourth Schedule to the Constitution assigns to the national government the function of the construction and operation of national trunk roads; noting that a significant portion of highways in the national trunk road network are currently single carriageways; concerned that single carriageway roads pose multifaceted challenges

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including traffic congestion during peak periods which limits movement of people, goods and services across regions and increases vulnerability to road accidents; further concerned that the lack of footbridges and safe pedestrian crossing areas on these high-traffic roads has been a leading contributor to the surge in road accidents in the recent past; cognizant of the duty of the government to provide a reliable transport system for efficient traffic management, economic development and bolstering interconnectivity among all regions in the country and beyond; now therefore, this House **resolves** that the government, through the Ministry of Roads & Transport, undertakes an expansion programme of national trunk roads with a view of upgrading all classes A, B and C roads in the country from two-way lanes to dual carriageway (one-way roads) with the necessary infrastructure that include footbridges, safe crossing zones at regular intervals, proper drainage systems, and other requisite infrastructure for their optimal operation.

26*. HOJA: 003/2024 –

**UUNDAJI WA SERA ZA KUSHUGHULIKIA
MATUKIO YA UBAGUZI DHIDI YA
WANAFUNZI WA DINI MBALIMBALI
KATIKA TAASISI ZA ELIMU NCHINI**

(Mhe. Mohamed Ali, M.P.)

KWAMBA, tukifahamu kuwa, Ibara ya 27(5) ya Katiba inaeleza kwamba hakutakuwepo na ubaguzi wa moja kwa moja au kwa njia isiyokuwa ya moja kwa moja dhidi ya mtu yeyote kwa msingi wowote, ikiwemo misingi ya dini; tukitambua kwamba taasisi za elimu za kidini kote nchini zinatekeleza wajibu muhimu katika utoaji wa elimu kwa wanafunzi wa imani mbalimbali za kidini; tukiwa na shauku kuwa kumekuwepo na ripoti za wanafunzi wa dini tofauti katika taasisi fulani za kielimu za kidini kukabiliwa na desturi za ubaguzi wa kidini, ikiwemo kushurutishwa kuhudhuria ibada zisizolingana na dini zao; tukiwa na shauku zaidi kwamba pia kumekuwepo na matukio ya wanafunzi Waislamu kukatazwa kuvaa kulingana na mahitaji ya imani zao za kidini ambako kunawaathiri wanafunzi hawa kwa njia hasi, ikiwemo kukwazika katika kaida zao za kiimani, kuathirika kwa utendaji masomoni na mfadhaiko wakisaikolojia; tukitambua kuwa ni muhimu kuunda mazingira jumuishi ya elimu na yenye heshima ambapo wanafunzi wote wanaweza kufanikiwa bila hofu ya chuki; pia tukitambua kwamba shule haziruhusiwi kuunda au kutekeleza kanuni zinazokiuka uhuru wa kuabudu, kama ilivyobainishwa katika Katiba; tukitambua ukweli kwamba hakuna sera ya kitaifa au mfumo wa kushughulikia na kuzia ubaguzi wa dini dhidi ya wanafunzi wa dini mbali mbali katika taasisi za kielimu za Kidini; hivyo basi sasa, Bunge hili **linaamua** kwamba Serikali ya Kitaifa, kupitia kwa Wizara ya Elimu, iunde sera ambayo itaharamisha kwa njia bayana ubaguzi kwa msingi wa dini na kuhakikisha heshima kwa uanuwai wa dini kwa shule zote nchini na kutoa mfumo wa kufanya ukaguzi wa mara kwa mara na kuripoti matukio ili kushughulikia hali za ubaguzi na kuhakikisha ulinzi wa haki za wanafunzi.

27*. MOTION: 005/2024 – INTRODUCTION OF MANDATORY COMMUNITY SERVICE TO ALL LEARNERS UPON COMPLETION OF SECONDARY SCHOOL EDUCATION
 (The Hon. Amos Mwago, M.P.)

THAT, aware that there are minimum requirements for enrolment of students to tertiary education in the country; further aware that not all students qualify for university or Technical and Vocational Education Training (TVET) institutions due to lack of minimum grades for direct enrolment or financial constraints; acknowledging that there is need to provide technical skills to students who do not progress to university to reduce the ever increasing unemployment rate among the youth; cognizant of the fact that the lack of advanced education has led to a high rate of unemployment among the youth; appreciating that mandatory community service for all students upon completion of secondary school education would equip them with technical and life skills for the marketplace; further noting that the community service training will encourage learners to develop an understanding of civic responsibility to support and strengthen communities; this House therefore **resolves** that the government through the Ministry of Education introduces mandatory community service to all learners upon completion of secondary school education.

28*. THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL (SENATE BILL NO. 37 OF 2023)
 (The Hon. Jack Wamboka, M.P. – *Co-Sponsor*)

Second Reading

Denotes Orders of the Day

NOTICES

I. THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILL NO. 5 OF 2023)

- 1) Notice is given that the Chairperson of the Departmental Committee on Agriculture and Livestock Development intends to move the following amendments to the Cotton Industry Development Bill, 2023 at the Committee Stage—

LONG TITLE

THAT, the Bill be amended by deleting the long title and substituting therefor the following new long title—

“AN ACT of Parliament to provide for the regulation, production, value addition, marketing and distribution of cotton in Kenya and its products; establish the Cotton Industry Development Board, provide a framework for cotton farming; ensure value addition to cotton and its related products; and for connected purposes”.

CLAUSE 2

THAT, Clause 2 of the Bill be amended—

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

“collection centre” means centres designated by county governments to serve as buying stations for cotton;

“cotton plant” means *Gossypium ssp* and its varieties;

“ginning” means the process of removing cotton seed from the cotton balls;

“processing” means the process of value addition to cotton, cotton seed or cotton by-products and includes cleaning, grading, spinning, weaving or knitting; and

“spinning” means the process of producing yarns from extracted cotton fibre;

- (b) by deleting the definition of “Cotton industry” and substituting therefor the following new definition—

“Cotton industry” includes growers, ginners, spinners, cotton value addition industries and marketers;

CLAUSE 3

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

“(a) to promote a globally competitive cotton industry through regulation in collaboration with the County Governments;”.

CLAUSE 7

THAT, Clause 7 of the Bill be amended—

(a) in subclause (1)—

(i) by deleting paragraph (c) and substituting therefore the following new paragraph—

“(c) The Principal Secretary responsible for matter relating to Industrialization”

(ii) by inserting a new paragraph immediately after paragraph (c)—

“(ca) the Principal Secretary responsible for National Treasury”

(b) by inserting the following new subclause immediately after subclause (3)—

“(4) In making appointments of members to the Board, the appointing authority shall observe the principle gender balance.”

CLAUSE 11

THAT, Clause 11 of the Bill be amended in subclause (1)—

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

“(a) regulate and promote the development of the cotton industry;”

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

“(e) regulate and promote import and export of cotton products and by-products;”

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

“(g) in consultation with the Kenya Bureau of Standards and other relevant institutions, formulate standards and code of practice acceptable in international markets to ensure the competitiveness and reliability of the country as a producer of cotton products.”

(d) by deleting paragraph (n);

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

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

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

“(p) liaise with the national agricultural research systems to develop suitable and affordable cotton seeds;”

CLAUSE 14

THAT, Clause 14 of the Bill be amended by deleting the words “fees or allowance” appearing immediately after the word “remuneration”.

CLAUSE 15

THAT, Clause 15 of the Bill be amended in paragraph (b) by deleting the word “degree” and substituting therefor new words “master’s degree”.

CLAUSE 17

THAT Clause 17 of the Bill be amended in paragraph (c) by inserting the word “of” immediately after the word “contravention”.

CLAUSE 23

THAT, Clause 23 of the Bill be amended—

(a) in sub-clause (1)—

(i) by deleting paragraph (b);

(ii) by deleting paragraph (c);

(iii) by deleting paragraph (d); and

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

“(e) promote the organisation of cotton farmers cooperatives, associations and link them with credit and financing support;”

(b) in sub clause (2)—

(i) by deleting paragraph (b);

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

“(c) promote production and productivity of cotton in the respective county;”

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

“(d) offer extension services on cotton production and processing;”

(iv) by deleting paragraph (e);

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

“(f) provide training and dissemination of information to cotton farmers and processors on technologies, innovations and management practices”

(vi) by deleting paragraph (g);

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

“(h) promote farm productivity through suitable seed varieties and integrated cotton farming systems;”

(viii) by deleting paragraph (i);

(ix) by deleting paragraph (j)

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

“(m) establish cotton collection aggregation centres in collaboration with the national government;”

(xi) by deleting paragraph (n);

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

“(o) link cotton farmers with agricultural mechanization centres for affordable machinery;”

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

“(p) link the farmers with affordable farm inputs.

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

“(q) carry out other functions as may be conferred upon by this law or any other written law.”

(c) by deleting subclause (3)

CLAUSE 24

THAT, Clause 24 of the Bill be amended—

(a) in subclause (1), by deleting the words “for the better carrying out of the functions under this Act,” appearing immediately before the word “committee”;

(b) in subclause (2), by deleting the words “that the county executive committee member shall deem fit” appearing immediately after the word “county”;

(c) in subclause (3), by deleting the words “executive committee member” appearing immediately after the word “county”;

(d) by deleting subclause (4);

(e) by deleting subclause (5);

(f) by deleting subclause (6); and

(g) by deleting subclause (7).

CLAUSE 25

THAT, Clause 25 of the Bill be amended—

(a) by deleting subclause (3);

(b) by deleting subclause (4), and substituting therefor the following new subclause—

“(4) A registered cooperative society or cotton association shall submit a register of its members to the respective county government and shall furnish the county government with information on any changes of its membership within thirty (30) days of a change in membership”;

- (c) in subclause (5), by deleting the words “under subsection (1)” appearing immediately after the word “applicant” and substituting therefor the words “under this section”;
- (d) in subclause (6), by deleting the words “subsection (1)” appearing immediately after the word “under” and substituting therefor the words “this section”;
- (e) in subclause (7)—
 - (i) by deleting the words “subsection (6)” appearing in the opening statement and substituting therefor the words “this section”; and
 - (ii) by deleting the words “or that” appearing immediately after the word “business” in paragraph (b);
- (f) in subclause (8), by deleting the words “under subsection (6)” appearing immediately after the word “register”;
- (g) in subclause (10), by deleting the words “subsection (1)” appearing immediately after the word “under” and substituting therefor the words “this section”;

CLAUSE 26

THAT, Clause 26 of the Bill be amended—

- (a) by deleting the marginal note and substituting the following new marginal note—

“Licensing of ginners, spinners and processors.”
- (b) in sub-clause (1) by inserting the word “processing” immediately after the word “spinning”;
- (c) by deleting subclause (2) and substituting the following new subclause—

“(2) A person who intends to engage in the business of cotton ginning, spinning, processing or value addition and has been registered by the respective County Government for that purpose shall submit an application in the prescribed form to the Board together with—

 - (a) such documents and information as the Board may prescribe; and
 - (b) the prescribed fees;”
- (d) in sub-clause (3) by deleting the words “a county executive committee member” and substituting therefore the word “The Board”;
- (e) by deleting subclause (5) and substituting therefor the following new subclause—

“(5) Where the Board refuses to grant an application for a licence, the Board shall specify the reasons for the refusal”
- (f) by deleting sub-clause (6) and substituting therefor the following new subclaus—

“(6) The Board shall, at least thirty days before granting a new licence under this Act, publish a notice of the proposed grant by notice in the gazette and in such other manner as the Board may determine.”

- (g) in subclause (7), by deleting the words “county executive committee member” and substituting therefor the word “Board”;
- (h) by deleting subclause (8) and substituting therefor the following new subclause—
“ (8) The Board shall consider any objection and may grant the licence applied for subject to such terms and conditions as the Board may consider appropriate.”; and
- (i) in subclause (10) by deleting the words “of subsection (1)” appearing immediately before the word “commits” and replacing therefor the word “this section”.

CLAUSE 27

THAT, Clause 27 of the Bill be amended—

- (a) by deleting subclause (1) and substituting therefor the following new subclause—
“ (1) The Board may refuse to grant a licence where the application does not comply with the requirements imposed under this Act.”; and
- (b) by deleting sub-clause (2) and substituting therefor the following new subclause—
“ (2) The Board shall notify the applicant of the decision within fourteen days of such refusal.”

CLAUSE 28

THAT, Clause 28 of the Bill be amended—

- (a) by deleting the opening statement in subclause (1) and substituting therefor the following new opening statement—
“ (1) The Board may revoke license under this Act if the licensee—” ; and
- (b) by deleting the opening statement in subclause (2) and substituting therefor the following new opening statement—
“ The Board shall not revoke a licence unless the Board—“

CLAUSE 29

THAT, Clause 29 of the Bill be amended—

- (a) by deleting the opening statement in subclause (1) and substituting therefor the following new opening statement—
“ (1) A compliance notice issued under subsection 28(2)(b) shall—”
- (b) by deleting subclause in sub-clause (2) and substituting therefor the following new subclause—
“ (2) The Board may, upon request by the licensee and, where there are sufficient grounds shown by the licensee, extend the period of compliance for such period as the Board may consider to ensure necessary to ensure compliance”

CLAUSE 30

THAT, Clause 30 of the Bill be amended—

- (a) by deleting the opening statement in subclause (1) and substituting therefor the following new opening statement—
 - “(1) Where a person who receives compliance notice under section 29 fails to comply with such notice, the Board may—”
- (b) by deleting subclause (2) and substituting therefor the following new subclause—
 - “(2) For purposes of this Act, a revocation of licence takes effect on the date on which the licence is revoked by the Board.”

CLAUSE 31

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

Cotton Industry Tribunal

- “**31** (1) There is hereby established a Tribunal to be known as the Cotton Industry Arbitration Tribunal.
- (2) The Tribunal shall consist of—
 - (a) a chairperson appointed by the Chief Justice who shall be a person qualified to be appointed as a judge of the High Court; and
 - (b) four other members, being persons with expert knowledge in economics, trade, law, agriculture, research and engineering with at least five years’ experience in arbitration, all of who shall be appointed by the Chief Justice through a competitive recruitment process.
- (3) The Chairperson and members of the Tribunal shall serve on a part-time basis.
- (4) The members of the Tribunal appointed under subsection (2) shall hold office for such period, not exceeding three years, on such terms and conditions as shall be specified in the instrument of appointment but shall be eligible for re-appointment for one further term of a period not exceeding three years.
- (5) A person shall not be qualified to be appointed as a member of the Tribunal if that person is a public servant or takes an active part in the activities of a political party.
- (6) A person shall not qualify for appointment under this section unless the person has met the requirement of Chapter Six of the Constitution.
- (7) The Tribunal shall regulate its own procedure as to the conduct of meetings.
- (8) The Tribunal shall determine—

- (a) disputes between cotton crop farmers;
 - (b) disputes between cotton farmers and the following-
 - (i) cooperative societies;
 - (ii) cotton associations;
 - (iii) other interested parties;
 - (c) disputes relating to cotton pricing;
 - (d) disputes relating to contract farming;
 - (e) disputes between ginnerers and processors; and
 - (f) disputes between any other interested parties.
10. The Tribunal shall expeditiously determine any dispute before, but in any case, shall determine a dispute within a period of three months from the date the dispute is lodged.
11. An Appeal shall lie from the decision of the Tribunal to the High Court within thirty days on points of law and facts and on points of law to the Court of Appeal.
12. A decision of the Tribunal shall be enforced in the same manner as a decision of a Magistrates Court.
13. The Tribunal shall apply the rules of evidence and procedure under the Evidence Act (Cap. 80) and the Civil Procedure Act (Cap. 21), with the necessary modifications, while ensuring that its proceedings do not give undue regard to procedural technicalities.
14. The Tribunal shall have the powers of the High Court—
- (a) to administer oaths to the parties and witnesses to the proceedings;
 - (b) to summon witnesses and to require the production of documents;
 - (c) to order the payment of costs; and
 - (d) to order that the provisions of the law relating to Commissions of Inquiry in Kenya with respect to—
 - (i) the protection of the members of the Tribunal from suit;
 - (ii) the form of summonses to witnesses;
 - (iii) to giving or fabricating of false evidence;
 - (iv) the duty and indemnity of witnesses, and the penalty for contumacy, insult or interruption of proceedings; and
 - (v) the appearance of advocates;

shall with any necessary adaptations or modifications, apply to the members of, the witnesses before, and the proceedings before, the Tribunal in like manner as they apply to Commissions of Inquiry.

15. A member of the Tribunal may be removed if the member—

- (a) becomes an undischarged bankrupt;
- (b) is convicted of a criminal offence and sentenced to imprisonment for a period exceeding six months without the option of a fine;
- (c) is incapacitated by reason of prolonged physical or mental illness from performing the duties of the office;
- (d) violates the Constitution; or
- (e) is otherwise unable or unfit to discharge the functions of the office.

16. Where the office of any member becomes vacant, whether by death or otherwise, the Chief Justice may appoint another person to be a member of the Tribunal and such member shall serve for his or her full term.

17. The Chief Justice shall appoint a Secretary and such other staff of the Tribunal necessary for the proper functioning of the Tribunal.

18. The remuneration of the staff of the Tribunal and the expenses of the Tribunal shall be paid out of monies allocated by the National Assembly to the Judiciary Fund.

19. The Chairperson and members of the Tribunal shall be paid such allowances and be reimbursed such expenses as shall be determined by the Judicial Service Commission on the recommendation of the Salaries and Remuneration Commission.

CLAUSE 32

THAT, Clause 32 of the Bill be amended—

- (a) by deleting subclause (1) and substituting therefor the following new subclause;
 - “(1) The county government shall designate collection centres in consultation with cotton growers and other stakeholders.”
- (b) in subclause (2)—
 - (i) by deleting the words “county executive committee member” and substituting therefor the words “county government;” appearing in the opening statement; and
 - (ii) in paragraph (a) by deleting the words “Cabinet Secretary” and substituting therefor the word “Board”.

CLAUSE 33

THAT, Clause 33 of the Bill be amended—

- (a) by deleting sub-clause (3);
- (b) by deleting sub-clause (4);
- (c) by deleting sub-clause (5);
- (d) in sub-clause (6) by deleting the word “subsection (2)” appearing immediately after the word “under” and substituting therefor the words “subsection (6)”;
- (e) by deleting sub-clause (7);
- (f) in clause (9) by deleting the words “subsection (4)” appearing immediately after the word “under” and substituting therefor the words “subsection (6)”;
- (g) by deleting subclause (10) and substituting therefor the following new subclause—

“(10) A person who is not satisfied with the decision of the Board may appeal to the Cabinet Secretary; and where such a person is not satisfied with the decision of the Cabinet Secretary, shall appeal to the High Court.

CLAUSE 34

THAT, Clause 34 of the Bill be amended—

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

“(1)A license issued under this Act shall be valid for a period of one year from the date it was issued.”;
- (b) by deleting sub-clause (2) and substituting therefor the following new subclause—

“(2)A person who intends to renew a license under sub-section (1) shall submit an application to the Board in the prescribed form at least thirty days before the date of expiry of the current license”.
- (c) in subclause (3) by deleting the words “section 32” and substituting therefor the words “section 33” .

CLAUSE 35

THAT, Clause 35 of the Bill be amended—

- (a) in subclause (1) by deleting the opening statement and substituting therefor the following new opening statement—

“(1) The Board may revoke a licence issued or renewed under this Act if the licensee—”
- (b) in sub-clause (2) by deleting the opening statement and substituting therefor the following new opening statement—

“(2) The Board may revoke a licence issued under subsection (1) unless the Board—“.

CLAUSE 36

THAT, Clause 36 of the Bill be amended in sub-clause (1) by deleting the words “section 34(2)” appearing immediately after the word “under” and substituting therefor the words “section 35(2)(b)”

CLAUSE 37

THAT, Clause 37 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “section 34” appearing immediately after the word “under” and substituting therefor the words “section 36”;
- (b) by deleting sub-clause (2) and substituting therefor the following new subclause—
“(2) For purposes of this Act, a revocation of licence takes effect on the date on which the licence is revoked by the Board.”

CLAUSE 38

THAT, Clause 38 of the Bill be amended by inserting the following a new sub-clause immediately after subclause (1)—

- “(2) The Board shall apply the money received under this section for the furtherance of the objects and performance of the functions of the Board.”

CLAUSE 39

THAT, Clause 39 of the Bill be amended by deleting the words “the county government” appearing immediately after the word “Board”.

CLAUSE 42

THAT, Clause 42 of the Bill be amended in subclause (3), by deleting the words “the National Assembly and the Senate” appearing before the word “to” and substituting therefor the word “Parliament”.

CLAUSE 44

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

Incentives

- “44. The Cabinet Secretary responsible for Agriculture may, in consultation with the Cabinet Secretary for Treasury initiate implementation of such measures, including tax incentives in order to promote the development of the cotton industry.

CLAUSE 45

THAT, Clause 45 of the Bill be deleted.

CLAUSE 46

THAT, Clause 46 of the Bill be amended in subclause (1) by deleting the words “twenty thousand” and substituting therefor the words “one hundred thousand”.

CLAUSE 47

THAT, Clause 47 of the Bill be amended in subclause (2) by deleting the words “under section 7(1)(c)” appearing in paragraph (a).

CLAUSE 49

THAT, Clause 49 of the Bill be amended by deleting the word “*Gossypium aap*” appearing and substituting therefor the words “*Gossypium ssp*”.

CLAUSE 55

THAT, Clause 55 of the Bill be amended by deleting the word “Authority” appearing immediately after the words “made by the” and substituting therefor the word “Board”.

FIRST SCHEDULE

THAT, the First Schedule to the Bill be amended—

- (a) in paragraph 1 (1)—
 - (i) by deleting the word “ten” appearing immediately after the word “least” and substituting therefor the word “four”;
 - (ii) by deleting the word “two” appearing immediately after the word “than” and substituting therefor the word “four”
- (b) in sub-paragraph (2), by deleting the words “and such places” appearing immediately before the word “as” and substituting therefor the words “at the headquarters or elsewhere in Kenya”.
- (c) in paragraph (5) by deleting the word “subsection” wherever it occurs and substituting therefor the word “sub-paragraph”

2) Notice is given that the Member for Kibwezi West (Hon. Mwengi Mutuse) intends to move the following amendments to the Cotton Industry Development Bill, 2023 at the Committee Stage—

CLAUSE 39

THAT, the Bill be amended by deleting clause 39 and substituting therefor the following new clause—

Cotton
Development
Levy.

39. (1) The Cabinet Secretary shall, in consultation with the Board and the Cabinet Secretary responsible for the National Treasury, and by order in the Gazette, impose a levy to be known as the Cotton Development Levy.

(2) The levy shall be applicable to all imported textiles and shall be payable at such rate as may be specified in the order.

(3) An order under this section may contain provisions as to the time at which any amount payable by way of the levy shall become due.

(4) All monies received in respect of the levy shall be paid to the Board and if not paid on or before the date prescribed by the order, the amount due and any sum payable under subsection (5) shall be a civil debt recoverable summarily by the Board.

(5) If a person fails to pay any amount payable by him or her by way of the levy on or before the date prescribed by the order, a sum equal to five per centum of the amount shall be added to the amount due for each month or part thereof during which the amount due remains unpaid.

(6) The Board shall apply the money received under this section for the furtherance of the objects of the Board.

(7) The monies received by the Board under this section shall be apportioned as follows—

(a) an amount not exceeding seventy per cent for the development of constituency textile value addition and garment manufacturing centres, to be developed in every constituency; and

(b) an amount not exceeding thirty per cent to provide for sustainable, affordable credit and advances to cotton farmers for all or any of the following purposes—

(i) farm improvement;

(ii) farm inputs;

(iii) farming operations; and

(iv) price stabilization.

NEW PART

THAT, the Bill be amended by inserting the following new Part immediately after Part V—

**PART VA- ESTABLISHMENT OF THE COTTON
ARBITRATION TRIBUNAL**

Establishment of the
Cotton Arbitration
Tribunal.

43A. (1) There is established a Tribunal to be known as the Cotton Arbitration Tribunal.

(2) The Tribunal shall consist of—

(a) a chairperson appointed by the Chief Justice who shall be a person qualified to be appointed as a judge of the High Court; and

(b) four other members, being persons with expert knowledge of the matters likely to come before the Tribunal and who are not persons with a direct material interest in the cotton industry, all of whom shall be appointed by the Chief Justice in consultation with the Attorney-General and the Council of County Governors.

(3) The Chairperson and members of the Tribunal shall serve on a part-time basis.

(4) The members of the Tribunal appointed under subsection (2) shall hold office for a period of three years, on such terms and conditions as shall be specified in the instrument of appointment and shall be eligible for re-appointment for one further term of three years.

(5) A person shall not be qualified to be appointed as a member of the Tribunal if that person is a public servant or takes an active part in the activities of a political party.

(6) A person shall not qualify for appointment under this section unless the person meets the requirements of Chapter Six of the Constitution.

(7) The provisions set out in the Third Schedule shall have effect with respect to the meetings and procedure of the Tribunal.

(8) Except as provided in the Third Schedule, the Tribunal shall regulate its own procedure as to the conduct of meetings.

Jurisdiction of the
Tribunal.

43B. The Tribunal shall hear and determine disputes between the cotton industry players on any matter relating to the cotton industry.

Determination of
disputes.

43C. (1) The Tribunal shall determine any dispute before it expeditiously, but in any case, shall determine a dispute within a period of three months from the date the dispute is lodged.

(2) An appeal shall lie from the decision of the Tribunal to the High Court on points of law and facts and on points of law only to the Court of Appeal.

Cap. 80.
Cap. 21.

(3) A decision of the Tribunal shall be enforced in the same manner as a decision of a Magistrates Court.

(4) The Tribunal shall apply the rules of evidence and procedure under the Evidence Act and the Civil Procedure Act, with the necessary modifications, while ensuring that its proceedings do not give undue regard to procedural technicalities.

Powers of the
Tribunal.

43D. The Tribunal shall have the powers of the High Court—

- (a) to administer oaths to the parties and witnesses to the proceedings;
- (b) to summon witnesses and to require the production of documents;
- (c) to order the payment of costs; and
- (d) to order that the provisions of the law relating to Commissions of Inquiry in Kenya with respect to—
 - (i) the protection of the members of the Tribunal from suit;
 - (ii) the form of summons to witnesses;
 - (iii) to giving or fabricating of false evidence;
 - (iv) the duty and indemnity of witnesses, and the penalty for contumacy, insult or interruption of proceedings; and
 - (v) the appearance of advocates;

shall with any necessary adaptations or modifications, apply to the members of, the witnesses before, and the proceedings before, the Tribunal in like manner as they apply to Commissions of Inquiry.

Removal of members of the Tribunal.

43E. A member of the Tribunal may be removed from office if the member—

- (a) becomes an undischarged bankrupt;
- (b) is convicted of a criminal offence and sentenced to imprisonment for a period exceeding six months without the option of a fine;
- (c) is incapacitated from performing the duties of the office by reason of prolonged physical or mental illness;
- (d) violates the Constitution; or
- (e) is otherwise unable or unfit to discharge the functions of the office.

Vacancy.

43F. Where the office of a member of the Tribunal becomes vacant, whether by death or otherwise, the Chief Justice shall appoint another person to be a member of the Tribunal and such member shall serve for his or her full term.

Secretary of the Tribunal.

43G. The Chief Justice shall appoint a Secretary and such other staff of the Tribunal necessary for the proper functioning of the Tribunal.

Remuneration of members and staff of the Tribunal.

43H. (1) The remuneration of the staff of the Tribunal and the expenses of the Tribunal shall be paid out of monies allocated by the National Assembly.

(2) The Chairperson and members of the Tribunal shall be paid such allowances and be reimbursed such expenses as shall be determined by the Board on the advice of the Salaries and Remuneration Commission.

NEW SCHEDULE

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

THIRD SCHEDULE (s. 43A)

PROVISIONS AS TO THE MEETINGS AND PROCEDURE OF THE TRIBUNAL

Resignation.

1. Any member of the Tribunal may, at any time, by notice in writing to the Chief Justice, resign his office.

Vacation of office.

2. (1) If a member of the Tribunal becomes a member of the Board or, in any case where a member other than the Chairperson is appointed to the service of the Government, his or her office shall become vacant.

(2) The Chairperson or a member of the Tribunal may be removed from office by the Chief Justice if the member is—

- (a) unable to discharge the functions of his office by reason of mental or physical infirmity;
- (b) an undischarged bankrupt; or
- (c) convicted of an offence involving fraud or dishonesty; or
- (d) convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months without the option of a fine.

(3) In the event of the inability of any member of the Tribunal to attend for the purpose of any particular proceedings, the Chief Justice may appoint another person to be a member of the Tribunal for the remainder of the term of the member whose vacancy caused the appointment.

Disclosure of interest.

3. If any member of the Tribunal has any interest in any particular proceedings before the Tribunal he or she shall so inform the Chief Justice and the Chief Justice may, after considering that interest, appoint another member in his place for the purpose of the particular proceedings.

Majority decisions.

4. A decision of the Tribunal shall be by a majority of the members of the Tribunal present and voting and shall be signed by the members thereof agreeing thereto.

Quorum.

5. The quorum of the Tribunal shall be three members.

Proceedings to be valid.

6. No proceedings of the Tribunal shall be invalid by reason only of a vacancy among the members thereof.

Venue.

7. The Tribunal shall sit at such place as it may consider convenient having regard to all the circumstances of the particular proceedings.

Rules.

8. Subject to the provisions of this Schedule, the Tribunal shall have power to make rules governing its procedure.

Proof of document.

9. A document purporting to be a copy of any order of the Tribunal, and certified by the Chairperson to be a true copy thereof, shall in any legal proceedings be *prima facie* evidence of the order.

LIMITATION OF DEBATE

The House resolved on Wednesday, February 14, 2024 as follows—

Limitation of Debate on Motions

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

Limitation of Debate on Individual Members' Bills

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



NOTICE PAPER

Tentative business for

Wednesday (Afternoon), August 7, 2024

(Published pursuant to Standing Order 38(1))

It is notified that the following business is *tentatively* scheduled to appear in the Order Paper for Wednesday (Afternoon), August 7, 2024 –

A. THE DIVISION OF REVENUE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2024)

(The Chairperson, Budget and Appropriations Committee)

Second Reading

(Question to be put)

B. MOTION - ALTERATION OF THE CALENDAR OF THE HOUSE

(The Leader of the Majority Party)

C. SPECIAL MOTION - CONSIDERATION OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

(The Chairperson, Committee on Appointments)

(Subject to tabling of Committee Report and Notice of Motion)

D. COMMITTEE OF THE WHOLE HOUSE

The Division of Revenue (Amendment) Bill (National Assembly Bill No. 38 of 2024)

(The Chairperson, Budget and Appropriations Committee)

E. MOTION – INSPECTION VISIT TO SEMI-AUTONOMOUS INSTITUTIONS OF THE EAST AFRICAN COMMUNITY IN UGANDA

(The Chairperson, Committee on Regional Integration)

(Resumption of debate interrupted on Tuesday, August 6, 2024)

(Balance of time – 2 hours 26 minutes)

F. MOTION – ENHANCING REPORTING OF PARLIAMENTARY BUSINESS ON ONLINE PLATFORMS

(The Chairperson, Committee on Parliamentary Broadcasting and Library)

G. MOTION – REPORT ON THE CONSOLIDATED FUND SERVICES EXPENDITURES FOR THE SUPPLEMENTARY ESTIMATES I FOR THE FY 2024/2025

(The Chairperson, Public Debt and Privatization Committee)

H. THE COFFEE BILL (SENATE BILL NO. 10 OF 2023)

(The Leader of the Majority Party – *Co-sponsor*)

Second Reading

(If not concluded on Tuesday, August 6, 2024)

I. MOTION – PUBLIC PETITION ON FUNDS SPENT CONTRARY TO THE PROVISIONS OF ARTICLE 223 OF THE CONSTITUTION

(The Chairperson, Public Petitions Committee)

J. MOTION – IMPLEMENTATION STATUS OF REPORTS ON PETITIONS AND RESOLUTIONS PASSED BY THE HOUSE

(The Chairperson, Committee on Implementation)

K. MOTION – ALLEGED UNFAIR TRADE PRACTICES BY FOREIGN INVESTORS IN KENYA

(The Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

L. MOTION – SECOND REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS

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

M. MOTION – REPORT OF THE EXTRAORDINARY SESSION OF THE SIXTH PAN-AFRICAN PARLIAMENT (PAP)

(Member of the Pan-African Parliament)

N. THE EQUALISATION FUND (ADMINISTRATION) BILL (SENATE BILL NO. 14 OF 2023)

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

Second Reading

A P P E N D I X

NOTICE OF PETITIONS, QUESTIONS & STATEMENTS

ORDER NO. 7 - STATEMENTS

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

No.	Subject	Member	Relevant Committee
1.	Status on operationalization of <i>Liwatoni</i> Fisheries Complex	<i>Hon. Mishi Mboko, MP (Likoni)</i>	Blue Economy, Water and Irrigation
2.	Implementation of a Nuclear Power Plant Project in <i>Uyombo Village</i> , Kilifi North Constituency	<i>Hon. Owen Baya, MP (Kilifi North)</i>	Energy
3.	Harmful effects of chemical agents used by law enforcement agencies	<i>Hon. Martin Owino, MP (Ndhiva)</i>	Health
