



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, NOVEMBER 27, 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*. PROCEDURAL MOTION – EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)

(The Leader of the Majority Party)

THAT, this House resolves to exempt the business appearing as **Order Nos. 11, 12, 13, 14, 15, 16(i) and 17** in today's Order Paper from the provisions of Standing Order 40(3), being a Wednesday Morning, a day allocated for Business not sponsored by the Majority or Minority Party or Business sponsored by a Committee.

9*. THE ENVIRONMENTAL MANAGEMENT AND COORDINATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 66 OF 2023)

(The Hon. Irene Mayaka, M.P.)

Second Reading

(Question to be put)

10*. MOTION: 006/2024 – COMPREHENSIVE REFORM OF EDUCATION BURSARY SCHEMES TO ENSURE FREE BASIC EDUCATION IN KENYA

(The Hon. Esther Passaris, M.P.)

THAT, aware that Article 43(1) as read together with the Article 53(1)(b) of the Constitution provides that every person has the right to education and enshrines the right of every child to free and compulsory basic education; further aware that Kenya Vision 2030 identifies education as a crucial component for transforming the country into a globally competitive nation; appreciating that bursaries play a vital role in supplementing funding for enhancing access to education, particularly for students from disadvantaged backgrounds and contributes to the realization of universal basic education; noting that various education bursaries

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exist in the country including ward-based level bursary, County Government's bursary, National Government Constituencies Development Fund (NG-CDF), the National Government Affirmative Action Fund (NGAAF) and the Presidential Secondary School bursary (PSSB); further noting that the evolution of bursary schemes from centralized to community-based administration aimed to enhance educational access, equity and responsiveness to local needs; concerned that despite these efforts, the current bursary system faces numerous challenges including lack of standardized and transparent selection criteria, delay in disbursement of funds and insufficient coverage of education costs leading to gaps in support; further concerned that these challenges have resulted in persistent disparities in education access, increased dropout rates particularly in secondary schools due to financial constraints and strain on household incomes as families struggle to meet educational expenses not covered by bursaries; acknowledging that the implementation of community-based bursary scheme has not fully achieved its intended objective hence the need to re-evaluate the current bursary systems with a view to ensure equitable and free access to quality education for all students; cognizant that the duty of the government to provide free basic education can best be achieved by consolidating education funds and directly remitting to public schools; now therefore, this House **urges** that the government, through the Ministry of Education, in collaboration with the relevant stakeholders, undertakes a comprehensive overhaul of the education bursary system with a view to collapse all bursary schemes and allocate the funds to the State Department of Education for provision of free basic education through capitation to be directly remitted to schools.

(Question to be put)

11*. **MOTION-** **CONSIDERATION OF MEDIATED VERSION OF THE DIVISION OF REVENUE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2024)**

(The Chairperson, Mediation Committee on the Division of Revenue (Amendment) Bill, 2024)

THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150(3), this House **adopts** the Report of the Mediation Committee on the Division of Revenue (Amendment) Bill (National Assembly Bill No. 38 of 2024), *laid on the Table of the House on Monday, 25th November 2024*, and **approves** the Mediated version of the Division of Revenue (Amendment) Bill (National Assembly Bill No. 38 of 2024).

(The Mediated version of the Bill is published in the Notices)

(Question to be put)

12*. **MOTION –** **REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE COFFEE BILL (SENATE BILL NO. 10 OF 2023)**

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

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Coffee Bill (Senate Bill No. 10 of 2023), subject to recommittal of Clauses 8 and 79.

(Question to be put)

13*. SPECIAL MOTION – CONSIDERATION OF NOMINEES FOR APPOINTMENT TO THE INDEPENDENT POLICING OVERSIGHT AUTHORITY

(The Chairperson, Departmental Committee on Administration and Internal Security)

THAT, taking into consideration the findings of the Departmental Committee on Administration and Internal Security in its Report on the vetting of nominees for appointment as Chairperson and as Members of the Board of the Independent Policing Oversight Authority, *laid on the Table of the House on Tuesday, 26th November 2024*, and pursuant to Article 250(2)(b) of the Constitution as read together with section 11(6) of the Independent Policing Oversight Authority Act, CAP 86 & sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, CAP 7F, this House **approves** the appointment of the following persons to the Board of the Independent Policing Oversight Authority–

- (1) **Mr. Ahmed Issack Hassan, CBS** - Chairperson;
- (2) **Ms. Ann Wanjiku Mwangi** - Member;
- (3) **Dr. Micah Onyiego Nyakego, PhD, OGW** - Member;
- (4) **Mr. Boniface Kipkemoi Samati** - Member;
- (5) **Dr. Annette Mudola Mbogoh** - Member;
- (6) **Hon. John Muchiri Nyaga, HSC** - Member;
- (7) **Mr. Kenwilliams Nyakomitah, OGW** - Member; and
- (8) **Ms. Jackline Lukalo Mwenesi** - Member.

14*. SPECIAL MOTION – CONSIDERATION OF NOMINEES FOR APPOINTMENT TO THE COMMISSION ON ADMINISTRATIVE JUSTICE

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

THAT, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in its Report on the vetting of nominees for appointment as Chairperson and Members of the Commission on Administrative Justice, *laid on the Table of the House on Tuesday, 26th November 2024*, and pursuant to Article 250(2)(b) of the Constitution as read together with section 11(7) of the Commission on Administrative Justice Act, CAP 7J & sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, CAP 7F, this House **approves** the appointment of the following persons to the Commission on Administrative Justice

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- (1) **Mr. Charles Orinda Dulo** – Chairperson;
- (2) **Hon. Charles Njagua Kanyi** – Member; and
- (3) **Ms. Dorothy Jemator Kimengech** – Member.

15*. SPECIAL MOTION – CONSIDERATION OF NOMINEES FOR APPOINTMENT TO THE NATIONAL GENDER AND EQUALITY COMMISSION

(The Chairperson, Departmental Committee on Social Protection)

THAT, taking into consideration the findings of the Departmental Committee on Social Protection in its Report on the vetting of nominees for appointment as Chairperson and as a Member of the National Gender and Equality Commission, *laid on the Table of the House on Tuesday, 26th November 2024*, and pursuant to Article 230 of the Constitution, section 11(7) of the National Gender and Equality Act, CAP 7K, and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, CAP 7F, this House **approves** the appointment of the following persons to the National Gender and Equality Commission –

- (i) **Hon. Rehema Dida Jaldesa** - Chairperson; and
- (ii) **Mr. Michael Nzomo Mbithuka** - Member.

16*. COMMITTEE OF THE WHOLE HOUSE

- (i) The Coffee Bill (Senate Bill No. 10 of 2023)
(The Leader of the Majority Party – *Co-Sponsor*)

(Subject to recommitment under Order No. 12)

- (ii) The Assisted Reproductive Technology Bill (National Assembly Bill No. 61 of 2022)
(The Hon. Millie Odhiambo-Mabona, M.P.)

17*. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (No. 3) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2024)

(The Leader of the Majority Party)

Second Reading

18*. THE CROPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 8 OF 2023)

(The Hon. Tandaza Sawa, M.P.)

Second Reading

19*. THE INSTITUTE OF SOCIAL WORK PROFESSIONALS BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2023)

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

Second Reading

20*. THE GOLD PROCESSING BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2023)

(The Hon. Bernard Shinali, M.P.)

Second Reading

21*. 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.

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

(The Hon. Peter Nabulindo, 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

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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.

23*. MOTION: 031/2023 – PROVISION OF APPROPRIATE ACCESS TO MARKETS IN THE COUNTRY

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

THAT, aware that, the Kenya Roads Act, 2007 mandates the various road authorities to, among other functions, control roads and road reserves, and access to roadside developments; further aware that, market centres are ordinarily constructed along road developments across the country; noting that, due to improper planning, some of the marketplaces have no access roads leading buyers and traders to encroach on the roads and road reserves; further noting that, there have been instances of accidents leading to multiple deaths due to this unregulated use of road development; appreciating that, proper access roads to market places would ease access by buyers and thereby avert accidents due to the converging of traders and buyers on roadsides, thus enhancing road safety and service delivery while providing opportunities for economic engagement for the traders; now therefore, this House **resolves** that the Government, through the Ministry of Roads & Transport, develops a framework to ensure that where market centres exist along road developments, appropriate access is provided including service lanes and access roads.

24*. 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

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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.

25*. 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 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.

26*. 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.

27*. 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 order to guarantee optimal use of agriculture; now therefore, this House **resolves**

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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.

28*. 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.

29*. 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

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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 Jamiii 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 Jamiii Programme* from seventy (70) years to sixty (60) years in line with the Constitution.

30*. 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 – 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

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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.

31*. 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 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 and 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.

32*. 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

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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.

33*. 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.

34*. 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 COFFEE BILL (SENATE BILL NO. 10 OF 2023)

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

CLAUSE 2

THAT, Clause 2 of the Bill be amended by—

- (a) deleting the definition of “broker” and substituting therefor the following new definition—
“broker” means a person cleared by the exchange and licensed by the Capital Markets Authority, appointed by a grower or an association of growers in accordance with the Capital Markets Act, to offer their coffee on their behalf through the Exchange”; Cap 485A
- (b) deleting the definition of “clearing and settlement”.
- (c) deleting the definition of “coffee grower” and substituting therefor the following new definition—
“coffee grower” means a person who cultivates coffee in Kenya, and may for purposes of licensing, include a co-operative society, coffee union, association and estate.”
- (d) deleting the definition of “sales catalogue” and substituting therefor the following new definition—
“sales catalogue” means a standard document prepared by a grower or a broker appointed by a grower, in consultation with an exchange, for sale of clean coffee at an exchange”;
- (e) deleting the definition of “secondary processing” and substituting therefor the following new definition—
“secondary processing” means parchment and *buni* de-husking, polishing, grading and may include grinding, and packaging of clean coffee beans”;
- (f) deleting the definition of “small holder” and substituting therefor the following new definition—
“small holder” means a person cultivating coffee in a small parcel of land or in small parcels of land who does not own a pulping station.”
- (g) inserting the following new definitions in their proper alphabetical sequence—
“Authority” means Capital Markets Authority established under the Capital Markets Act” (Cap.485);

“miller” means a person who is involved in the process of de-husking and possible grading of coffee and includes grading of clean coffee”; and

“roaster” means a person who is in the business or process of turning green coffee into usable coffee products”;

CLAUSE 3

THAT, Clause 3 of the Bill be amended—

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

“(e) promote integration of the value chain actors for purposes of achieving economies of scale;”

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

“(f) promotion of coffee research and training for the development of the coffee sector;”

(c) in paragraph (g), by deleting sub-paragraph (i) and substituting therefor the following new sub-paragraph—

“(i) the establishment and management of coffee development levy”;

CLAUSE 6

THAT, Clause 6 of the Bill be amended—

(a) in subclause (1), by inserting the words “or bank accounts” immediately after the word “account” appearing in paragraph (e).

(b) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) The Board may, if it considers necessary, enter into association with such bodies or organisations whose objects and purpose support the promotion of the coffee industry.”

CLAUSE 7

THAT, Clause 7 of the Bill be amended—

(a) in subclause (1)—

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

“(da) the Principal Secretary responsible for National Treasury or a designated representative;”

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

“(e) two persons of the opposite gender, representing smallholder and large-scale coffee growers’ associations nominated by their umbrella body;”

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

“(f) one person nominated by coffee cooperative societies.”

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

“(g) one person with knowledge of the coffee industry nominated by county governments;”

(v) by inserting the following new paragraphs immediately after paragraph (g)—

“(ga) one person representing coffee millers;

(gb) one person representing coffee traders;”

(b) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) The Cabinet Secretary shall observe the principle of gender balance when appointing the members under subsection (1) (e), (f), (g), (ga) and (gb)”.

CLAUSE 8

THAT, Clause 8 of the Bill be amended by inserting the following new subclause immediately after subclause (1)—

“(2) for purposes of this section, “coffee management” means the process of increasing coffee production per tree, including appropriate agroecology, determination of plant population, planting, crop husbandry, harvesting and conveying through pulping stations.

CLAUSE 9

THAT, Clause 9 of the Bill be amended by deleting the expression “7(1)(a), (c), (f), (g)” and substituting therefor the following new expression “7(1)(a), (e), (f), (g) (ga), (gb)”.

CLAUSE 11

THAT, Clause 11 of the Bill be amended—

(a) in subclause (1)—

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

“(e) collect, collate and maintain a data base to ensure ease of access to information on the coffee industry;”

- (ii) by deleting paragraph (f) and substituting therefor the following new paragraph—
“(f) conduct national and international coffee market intelligence and surveys to facilitate market access and inform promotional and branding strategies including the application of the Kenya Coffee Mark of Origin;”
- (iii) by deleting paragraph (p) and substituting therefor the following new paragraph—
“(p) source for and market Kenyan coffee internationally;”
- (iv) by inserting the following new paragraph immediately after paragraph (p)—
“(pa) adopt marketing strategies that leverage digital platforms to reach broader audience and boost coffee sales;”
- (b) by deleting subclause (2) and substituting therefor the following new subclause—
“(2) The Board shall, in the performance of its functions under this Act, consult and collaborate with the relevant licensing authority and other industry players”.

CLAUSE 12

THAT, Clause 12 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclauses—

“(2) The Board of directors may co-opt persons whose knowledge and skills are necessary for resolution of any pertinent matter under consideration by the committee or the Board for performance of its function and exercise of its powers under this Act.

(3) Notwithstanding subclause (2), the Board shall not co-opt more than five (5) persons at any particular time.”

CLAUSE 14

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

“14. The members of the Board of Directors shall be paid such remuneration as the Salaries and Remuneration Commission shall determine”.

Remuneration of the board of directors.

CLAUSE 15

THAT, Clause 15 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

“(2) A person is qualified for appointment under subsection (1) if the person—

- (a) holds a post graduate degree in agriculture, business, law or any other relevant field from a university recognized in Kenya;
- (b) has at least ten years' knowledge and experience from a relevant field;
- (a) has at least five years' experience in a senior management position; and
- (b) meets the requirements of Chapter Six of the Constitution”.

CLAUSE 23

THAT, Clause 23 of the Bill be amended—

- (a) by deleting subclause (2) and substituting therefor the following new subclause—
“(2) A county government may impose levies and fees as may be necessary for the registration and issuance of licences in accordance with the respective county legislation and such standards as may be prescribed by the Cabinet Secretary under this Act.”
- (b) by deleting subclause (3) and substituting therefor the following new subclause—
“(3) The Cabinet Secretary shall, in consultation with the Board and the respective county government, prescribe standards and guidelines for the setting of levies and fees by the county government under subsection (2).”

CLAUSE 24

THAT, Clause 24 of the Bill be amended by—

- (a) re-numbering the existing provision as subclause (1); and
- (b) inserting the following new subclause immediately after subclause (1)—
“(2) The Cabinet Secretary shall, in consultation with the Board and county governments prescribe standards and guidelines to be adhered to while enacting specific county legislations.”

CLAUSE 25

THAT, Clause 25 of the Bill be amended—

- (a) in subclause (2), deleting the words “county executive committee member” and substituting therefor the words “county government.”
- (b) by inserting the following new subclause immediately after subclause (3)—
“(4)A county government shall maintain the necessary statistical information with respect to the coffee sector and avail such information to the Board where necessary for proper planning.”

CLAUSE 26

THAT, Clause 26 of Bill be amended—

(a) by deleting paragraph (a) and substituting therefor the following new paragraph—
“(a) promoting production and productivity;”

(b) by deleting subclause (2) and substituting therefor the following new subclause—
“(2) A county government shall regularly share the necessary statistical information with respect to the coffee sector with the Board and such information shall form the basis for proper planning by the Board.

CLAUSE 27

THAT, Clause 27 of the Bill be amended in subclause (8) by inserting the word “annually” immediately after the expression “subsection (6)”.

CLAUSE 28

THAT, Clause 28 of the Bill be amended—

- (a) in subclause (2), by deleting paragraph (a);
- (b) by deleting subclause 4;
- (c) by deleting subclause 5;
- (d) by deleting subclause 6; and
- (e) by deleting subclause 7

CLAUSE 30

THAT, Clause 30 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

Cap.485A

“(2) A person shall not conduct the business of a coffee exchange, agent or offer brokerage services at the exchange unless that person is licensed by the Authority in accordance with the provisions of the Capital Markets Act”.

CLAUSE 32

THAT, Clause 32 of the Bill be amended by deleting the word “monthly” and substituting therefor the word “quarterly”.

CLAUSE 33

THAT, Clause 33 of the Bill be amended in subclause (5), by deleting the words “county executive committee member” and substituting therefor the words “county government”.

CLAUSE 37

THAT, Clause 37 of the Bill be amended—

(a) in subclause (1), by deleting the words “county executive committee member” and substituting therefor the words “county government”.

(b) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) The Board shall submit to the respective county government a report on the registered and licensed dealers and other service providers within the respective county at the end of each month or within such timelines as may be agreed upon with the respective county government.”

CLAUSE 38

THAT, the Bill be amended—

(a) by moving Part IX - COFFEE RESEARCH AND TRAINING INSTITUTE OF KENYA (Clauses 69 to 84) to appear immediately after Clause 38; and

(b) by moving Part X-FINANCIAL PROVISIONS OF THE INSTITUTE (Clauses 85 to 91) to appear immediately after the following new Part VA - COFFEE RESEARCH AND TRAINING INSTITUTE OF KENYA.

CLAUSE 39

THAT, Clause 39 of the Bill be amended—

(a) by deleting subclause (1);

(b) in subclause (2), by deleting the words “county executive member” and substituting therefor the words “county government”.

CLAUSE 40

THAT, Clause 40 of the Bill be amended in subclause (1) by inserting the words “and licensed” immediately after the words “been registered”

CLAUSE 42

THAT, Clause 42 of the Bill be amended—

(a) in subclause (3), by deleting the words “county executive committee member” and substituting therefor the words “county government”.

- (b) in subclause (4), by deleting the words “county executive committee member” and substituting therefor the words “county government”.

CLAUSE 43

THAT, Clause 43 of the Bill be amended—

- (a) in subclause (4), by deleting the words “county executive committee member” appearing in paragraph (b) and substituting therefor the words “county government”.
- (b) in subclause (5), by deleting the words “county executive committee member” and substituting therefor the words “county government”.

CLAUSE 44

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

“44. The processing of coffee shall be carried out at designated, standard approved facilities in accordance with established and approved Coffee Standards and Industry Code of Practice.”

Requirements relating to coffee processing.

CLAUSE 45

THAT, Clause 45 of the Bill be amended in subclause (3) by deleting the words “comprehensive” appearing in paragraph (b).

NEW CLAUSE 45A

THAT, the Bill be amended by inserting the following new clause immediately after Clause 45—

- 45A.** (1) A coffee miller may bulk parchment or *buni* or coffee of the same quality and characteristics in order to attain millable quantities.
- (2) A coffee miller who bulks coffee shall avail information, in the prescribed form, to an exchange and the direct settlement system provider on the proportions of the bulked coffees for purposes of processing payments.
- (3) The Board and the respective county government shall, separately or jointly undertake regular inspections to ensure compliance with this Act by the coffee millers.
- (4) A coffee grower may deliver coffee samples not exceeding five hundred grams of parchment or *buni* for independent quality analysis by a laboratory before delivery to a commercial coffee miller.
- (5) A laboratory to which a sample is submitted under subsection (4) shall issue to the coffee grower a report on quality compliance in the prescribed form.

Bulking of coffee.

(6) A coffee miller shall remit two hundred- and fifty-grams samples for each grade of an out-turn to the Board for quality analysis and assessment of conformity with coffee standards.

(7) A co-operative society or association comprising smallholder growers that intends to obtain milling services shall competitively procure the services of a miller or other service providers to whom the coffee is intended to be delivered for milling.

(8) Any charges imposed for the delivery of services to a coffee grower shall be communicated in the prescribed form to the direct settlement system provider before the sale of coffee for the purpose of settlement after the sale has been conducted.

CLAUSE 47

THAT, Clause 47 of the Bill be amended by deleting subclause (2).

CLAUSE 48

THAT, the Bill be amended by deleting Clause 48.

CLAUSE 49

THAT, Clause 49 of the Bill be amended in subclause (1), by deleting paragraph (d) and substituting therefor the following new paragraph—

“(d) such other methods as the Cabinet Secretary in consultation with the relevant licensing authority may prescribe”.

CLAUSE 53

THAT, Clause 53 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause—

“(1) A grower or a broker appointed by a grower shall, in consultation with an exchange, prepare a sales catalogue for coffee destined for sale at exchange in a licensed warehouse in accordance with the Act”.

CLAUSE 54

THAT, Clause 54 of the Bill be amended—

(a) in subclause (2) by deleting the words “county executive committee member” and substituting therefor the words “county government”; and

(b) in subclause (5) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) insure all coffee in the warehouse or under their custody against fire, theft and other insurable risks;”

CLAUSE 57

THAT, Clause 57 of the Bill be amended—

- (a) in subclause (1), by inserting the words “of quality analysis” immediately after the word “certificate” appearing in paragraph (a); and
- (b) in subclause (3), by inserting the word “analysis” immediately after the words “certificate of quality” appearing in paragraph (b).

CLAUSE 60

THAT, the Bill be amended in Clause 60—

- (a) by deleting subclause (1) and substituting therefor the following new subclause—
 - “(1) The Board, in collaboration with the respective licencing authority shall, enforce of coffee industry standards along the value chain for purposes of quality assurance.”
- (b) by deleting subclause (2) and substituting therefor the following new subclause—
 - “(2) The Board, in consultation with the Kenya Institute of Curriculum Development established under the Kenya Institute of Curriculum Development Act and accredited universities may develop a training curriculum, conduct examinations and jointly issue certificates for coffee liquorers.”
- (c) by deleting subclause (5) and substituting therefor the following new subclause—
 - “(5) The Board shall, in collaboration with the respective county governments establish cupping centers in the counties for purposes of conducting coffee quality analysis and capacity building.”
- (d) by deleting subclause (7) and substituting therefore the following new subclause—
 - “(7) The Board may sample coffee at any stage of the value chain to ascertain permissible maximum residual pesticide levels for compliance with set national and international standards”.
- (e) in subclause (8) by deleting the words “county executive committee member” and substituting therefor the words “county government”.
- (f) by deleting subclause (9) and substituting therefor the following new subclause
 - “(9) The Board shall in collaboration with the licencing authorities and other relevant bodies conduct periodic surveillance on the application of pesticide to ensure compliance with set standards and best practices.”

Cap 211A

CLAUSE 61

THAT, Clause 61 of the Bill be amended in—

- (a) in subclause (1) by deleting the words “county executive committee member” and substituting therefor the words “county government”; and
- (b) in subclause (2) by deleting the words “county executive committee member” and substituting therefor the words “county government”.

CLAUSE 64

THAT, Clause 64 of the Bill be amended—

- (a) by deleting the marginal note and substituting therefor the following new marginal note—
“Coffee development and marketing levy”;
- (b) in subclause (1) by deleting the words “two per centum” and substituting therefor the words “two and a half per centum”;
- (c) by deleting subclause (2) and substituting therefor the following new subclause—
“(2) The levy imposed under subsection (1) shall be apportioned as follows—
 - (a) thirty-five per centum to the Institute;
 - (b) twenty per centum to the Board for regulatory purposes;
 - (c) fifteen per centum to the Board for marketing purposes; and
 - (d) ten per centum to the counties growing areas on pro-rata basis as a conditional grant for coffee development.”

CLAUSE 67

THAT, Clause 67 of the Bill be amended in subclause (3) by deleting the words “the National Assembly and Senate” and substituting therefor the word “Parliament”.

CLAUSE 71

THAT, the Bill be amended in Clause 71 subclause (1) by deleting the words “a bank account” and substituting therefor the words “bank accounts” in paragraph (c).

CLAUSE 72

THAT, Clause 72 of the Bill be amended—

- (a) in subclause (1)—
 - (i) by deleting paragraph (d) and substituting therefore the following new paragraph—
“(d) the Director General of Kenya Agricultural and Livestock Research Organization”

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

“(g) the chief executive officer of the Board appointed in accordance with section 15”;

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

“(ga) one person representing the county governments;
 (gb) one person representing coffee traders nominated by the apex body representing coffee traders.”

(b) in subclause (3) by deleting the word “three” and substituting therefor the word “five”.

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

“(4) In making appointments under subsection (1), the appointing authority shall take into consideration the principle of gender balance.”

CLAUSE 73

THAT, the Bill be amended by deleting Clause 73 and substituting therefor the following new clause—

Term of appointment. of **“73.** The persons appointed under section 72 (1) (a), (e), (f), (g), (ga), (gb) and (h) shall serve for a term of four years renewable for one further term.”

CLAUSE 74

THAT, Clause 74 of the Bill be amended in paragraph (f) by deleting the word “his” and substituting therefor the word “the”

CLAUSE 75

THAT, the Bill be amended in Clause 75—

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

“(1) The Institute shall—

(a) develop appropriate systems to promote balanced, diversified and sustainable coffee development and to optimise coffee production through adaptive and investigative research;

(b) prioritise areas for, and co-ordinate, coffee research including research in coffee diseases and new coffee varieties;

- (c) facilitate the use of improved production technology and establish adequate feedback systems from agricultural producers in order to achieve and maintain national self-sufficiency and export capacities in agricultural products;
- (d) advise the National and county governments on the resource requirements for coffee research;
- (e) develop curriculum and offer training on research, innovations and technology; and
- (f) disseminate, in collaboration with the Board, the Kenya Agricultural and Livestock Research Organisation established under the Kenya Agricultural and Livestock Research Organisation Act and other organizations, knowledge, information and application of research findings in relation to coffee.”

(b) in subclause (2)—

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

“(c) identify and disseminate, in collaboration with other relevant agencies, appropriate systems of mechanisation and technology options to improve coffee production and productivity and provide answers to foreseeable problems facing coffee;”

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

“(m) provide a climate resilient coffee crop and coffee that is resistant to diseases and pests.”

CLAUSE 76

THAT, the Bill be amended by deleting Clause 76 and substituting therefor the following new clause—

Power to co-opt.

76. The Council of the Institute may co-opt persons whose knowledge and skills are necessary for resolution of any pertinent matter under its consideration for performance of its function and exercise of its powers under this Act.”

CLAUSE 78

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

Remuneration
of members of
the council of
the Institute.

78. The members of the Council of the Institute shall be paid such remuneration as the Salaries and Remuneration Commission shall determine.

CLAUSE 79

THAT, Clause 79 of the Bill be amended by deleting subclause (3) and substituting therefor the following new subclause—

“(3)A person is qualified for appointment under subsection (1) if the person—

- (a) is a citizen of Kenya;
- (b) holds a Doctor of Philosophy or its equivalent in a relevant field from a university recognised in Kenya;
- (c) has at least ten years’ experience and knowledge in management;
- (d) has at least five years’ experience in a position of senior management; and
- (e) meets the requirements of Chapter Six of the Constitution.”

CLAUSE 90

THAT, Clause 90 of the Bill be amended in subclause (1) by deleting the word “seven” appearing immediately after the words “a period of” and substituting therefor the word “three”.

CLAUSE 93

THAT, Clause 93 of the Bill be amended—

- (a) in subclause (1), by deleting the words “county executive committee member” and substituting therefor the words “respective county government”; and
- (b) in subclause (2), by deleting the words “county executive committee member” and substituting therefor the words “respective county government”.

CLAUSE 94

THAT, Clause 94 of the Bill be amended in subclause (2), by deleting the words “three months” and substituting therefor the words “six months” appearing in paragraph (b).

CLAUSE 95

THAT, Clause 95 of the Bill be amended in subclause (4)—

- (a) by deleting the words “thirty thousand” and substituting therefor the words “fifty thousand”; and
- (b) by deleting the words “two years” and substituting therefor the words “six months”.

CLAUSE 97

THAT, Clause 97 of the Bill be amended by inserting the words “whichever is higher” immediately after the words “or coffee products or”.

CLAUSE 99

THAT, Clause 99 of the Bill be amended—

(a) in subclause (1)—

(i) by deleting the words “Council of County Governors” appearing in the opening statement and substituting therefore the words “licensing authorities”; and

(ii) by deleting paragraph (a);

(b) in subclause (2), by inserting the following new paragraphs immediately after paragraph (l)—

“(m) qualifications for appointment and powers of inspectors; and

(n) co-option of expert members to the Board.”

CLAUSE 101

THAT, Clause 101 of the Bill be amended—

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

“Assets and liabilities”

(b) by renumbering the existing provision as subclause (1);

(c) by inserting the following new subclause immediately after subclause (1)—

“(2) All property, except such property as the Cabinet Secretary may specify in writing, which immediately before the commencement of this Act, was vested in the government for the use of the Coffee Directorate of the Agriculture and Food Authority, shall, on the date of commencement of this Act, vest in the Board subject to all interests, liabilities, charges, obligations and trusts affecting that property.”

CLAUSE 104

THAT, Clause 104 of the Bill be amended by deleting the word “Authority” appearing immediately after the words “made by the” and substituting therefor the word “Board.”

CLAUSE 105

THAT, Clause 105 of the Bill be amended by inserting the words “and shall undergo a skills audit to determine suitability” immediately after the words “Cabinet Secretary”.

SECOND SCHEDULE**THAT**, the Second Schedule to the Bill be amended by—

(a) deleting in paragraphs 9 and substituting therefor the following new paragraph—

No.	Type of Licence/ Permit or Certificate	Issuing Authority
9.	Warehouse licence	Board in consultation with the county government

(b) deleting paragraph 10 and substituting therefor the following new paragraph—

No.	Type of Licence/ Permit or Certificate	Issuing Authority
10.	Coffee nursery certificates	Board in consultation with the county government

(c) by deleting paragraph 11 and substituting therefor the following new paragraph—

No.	Type of Licence/ Permit or Certificate	Issuing Authority
11.	Pulping station licence	Board in consultation with the county government

(d) by deleting paragraph 13 and substituting therefor the following new paragraph—

No.	Type of Licence/ Permit or Certificate	Issuing Authority
13.	Pulping station licence	County government in consultation with the Board

(e) by insert the following new paragraphs immediately after paragraph 17—

No.	Type of Licence/ Permit or Certificate	Issuing Authority
18.	Coffee Marketing Agents License	Capital Markets Authority
19.	Trading License”	Capital Markets Authority

2) **Notice is given that the Member for Funyula (Hon. Ojiambo Oundo) intends to move the following amendments to the Coffee Bill, 2023 at the Committee Stage—**

CLAUSE 8

THAT, Clause 8(1) of the Bill be amended in paragraph (b) by deleting the words “secondary school education” appearing in subparagraph (ii) and substituting therefor the words “post-secondary school education”.

CLAUSE 11

THAT, Clause 11 of the Bill be amended in subclause (1) by deleting the words “the Kenya Bureau of Standards” appearing in paragraph (j) and substituting therefor the words “a body mandated by a national legislation to set standards”.

CLAUSE 25

THAT, Clause 25 of the Bill be amended in subclause (3) by deleting the words “county executive committee member” and substituting therefor the words “licensing authority”.

CLAUSE 32

THAT, Clause 32 of the Bill be amended by deleting the word “monthly” and substituting therefor the word “quarterly”.

CLAUSE 50

THAT, Clause 50 of the Bill be amended in subclause (6) by deleting the word “monthly” and substituting therefor the word “quarterly”.

CLAUSE 72

THAT, the Bill be amended in Clause 72 by inserting the following new subclause immediately after subclause (3)—

“(4)A person is qualified for appointment under section (1)(e) and (f) if that person holds a post-secondary education certificate.

- 3) **Notice is given that the Member for Gichugu (Hon. Robert Gichimu) intends to move the following amendments to the Coffee Bill, 2023 at the Committee Stage—**

CLAUSE 2

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

“buyer means a person or entity licensed by the Board to buy clean coffee at an exchange from a cooperative society, registered grower, coffee union, grower-miller or coffee estate for export, local sale, value addition or import clean coffee for secondary processing in Kenya”;

CLAUSE 8

THAT, Clause 8 of the Bill be amended in subclause (1) by inserting the following new paragraph immediately after paragraph (c)—

“(ca) the requirement of subsection (1)(b) shall not apply to member appointed under subsection 7(e) and (f)”.



II. THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (NATIONAL ASSEMBLY BILL NO. 61 OF 2022)

- 1) Notice is given that the Chairperson of the Departmental Committee on Health intends to move the following amendments to the Assisted Reproductive Technology Bill, 2022 at the Committee Stage—

CLAUSE 2

THAT, Clause 2 of the Bill be amended —

- (a) by deleting the definition of the term “assisted reproductive technology” and substituting therefor the following new definition—

“assisted reproductive technology” means the manipulation of eggs, sperm or embryos outside the human body and transferring the gamete or embryo into the reproductive system of a woman to increase the likelihood of a successful pregnancy;

- (b) in the definition of the term “assisted reproductive technology expert” by inserting the words “and includes other professionals whose expertise is required in assisted reproductive technology” immediately after the words “fertility medicine”;

- (c) by deleting the definition of the term “child” and substituting therefor the following new definition—

“child” means an individual who has not attained the age of eighteen years;

- (d) in the definition of the term “couple” by inserting the words, “or intersex person” immediately after the word “female”;

- (e) by deleting the definition of the term “cryo-preservation” and substituting therefor the following new definition—

“cryo-preservation” means the assisted reproductive technology of freezing and storing of gametes, zygotes, embryos, ovarian and testicular tissues;

- (f) by deleting the definition of the term “donor” and substituting therefor the following new definition—

“gamete donor” means a person who provides sperm or oocyte with the objective of enabling an infertile person to have a child and the person need not be the spouse of the person he or she is donating the gametes to;

- (g) by deleting the definition of the term “embryo” and substituting therefor the following new definition—

“embryo” means a cell or group of cells containing a diploid complement of chromosomes or group of such cells, not a gamete or gametes, that has the potential to develop into a live born human being if transferred into the body of a person under conditions in which gestation may be reasonably expected to occur;

- (h) in the definition of the term “embryologist” by inserting the words “the creation, development, storage and transfer of embryos, and” immediately after the words “deals with”;
- (i) in the definition of the term “embryology” by deleting the words “gametes and development of embryos” and substituting therefor the words “creation, development, storage and transfer of gametes or embryos”;
- (j) in the definition of the term “endoscopic surgery” by deleting the words, “and passing a telescope with a video camera through the incision into the body cavity”;
- (k) in the definition of the term “father” by —
 - (i) deleting the words “placing in the woman an embryo or sperm and eggs or the artificial insemination” appearing in the opening sentence of that definition and substituting therefor the words “transferring into a uterus an embryo or sperm and eggs or the intrauterine insemination”;
 - (ii) deleting the words “placing in the woman the embryo or the sperm and eggs or artificial insemination” appearing in paragraph (a) and substituting therefor the words “transferring into a uterus the embryo or the sperm and eggs or intrauterine insemination”; and
 - (iii) deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) the man did not donate his sperms for the process of assisted reproduction, and at the time of transferring into a uterus, the embryo or the sperm and eggs or intrauterine insemination of the woman—

 - (i) the man was party to a marriage with the woman; or
 - (ii) man has in agreement with the woman, written a parental agreement acquiring parental rights of a father;
 - (iii) the man is a commissioning or intending parent at the time of assisted reproductive technology”;
- (l) in the definition of the term “in-vitro fertilization” by deleting the words “in a test-tube or elsewhere”;

- (m) by deleting the definition of the term “mother” and substituting therefor the following new definition—

“mother” means a woman who—

- (i) is carrying or has carried a child as a result of placing in her an embryo or sperms;
- (ii) was party to a marriage with the man whose sperm was utilized to create an embryo;
- (iii) has in agreement with the man, written a parental agreement acquiring parental rights of a mother; or
- (iv) is a commissioning or intending parent at the time of assisted reproductive technology;

- (n) in the definition of the term “oocyte” by deleting the word “oocyte” and substituting therefor the word “egg”;

- (o) by deleting the definition of the term “parties to a marriage”;

- (p) in the definition of the term “pre-implantation genetic diagnosis” by deleting the words “and eliminating the same”;

- (p) in the definition of the term “pre-implantation screening” by deleting the words “to determine the number of chromosomes” and substituting therefor the words “to determine the viability or euploidy of an embryo before transferring to the woman’s womb”;

- (q) by deleting the definition of the term “primitive streak”;

- (r) by deleting the definition of the term “sperm” and substituting therefor the following new definition—

“sperm” means the mature male human gamete;

- (s) in the definition of the term “surrogacy” by deleting the words “a commissioning parent or couple” and substituting therefor the words “an intended parent”;

- (t) in the definition of the term “surrogate mother” by deleting the words “another woman” and substituting therefor the words “another person or a couple”

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

“abandonment” means failure to continue to pay for cryopreservation storage of gametes or embryos;

- Cap. 141. “best interest of the child” has the meaning assigned to it under section 2 of the Children Act;

“clinic” means a health facility licensed under this Act for the purpose of conducting assisted reproduction procedures;

“cryo bank” means a facility set up to store and supply human gametes or embryos;

“foetus” means the developing human offspring after the embryonic stage prior to birth;

“gestational surrogacy” means the process where a woman who did not provide or donate an egg, carries a pregnancy for the intended parents;

“intended parents” means a couple or commissioning parents who enter into a surrogacy arrangement seeking assistance in procreation through the help of a surrogate mother or donor;

“intersex” means a person with a congenital condition in which the biological sex characteristics cannot be exclusively categorized in the common binary male or female due to inherent and mixed anatomical, hormonal, gonadal or chromosomal patterns;

“ovum” means a single cell released from either of the female reproductive organs that is capable of developing into a new organism when fertilized with a sperm cell;

“pre-implantation genetic testing” means all techniques used to identify genetic defects and aneuploidy in embryos created through in-vitro fertilization before transfer;

“supervisor” means the person responsible for activities authorized under the licence issued under this Act;

“surrogacy agreement” means an agreement between a surrogate and an intended parent or intended parents that the surrogate is to undergo an assisted reproduction procedure for purposes of having a child born as a result of such procedure being treated in law as—

- (a) the child of the intended parent or parents; and
- (b) not being the child of the surrogate or any other individual; and

“zygote” means a diploid cell resulting from the fusion of two haploid gametes.

CLAUSE 3

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

- Application. 3. This Act applies to a medically assisted reproductive process whether or not the process is completed outside the human body.

CLAUSE 4

THAT, Clause 4 of the Bill be amended by—

- (a) deleting the words “object and purpose” appearing in the marginal note and substituting therefor the word “objects”; and
- (b) inserting the following new paragraphs immediately after paragraph (c) —
 - “(d) ensure the best interest of children;
- (e) facilitate the registration of children born out of gestational surrogacy arrangements;
- (f) promote research into the incidence, causes and prevention of infertility;
- (g) provide a framework for surrogacy arrangements;
- (h) prohibit commercial surrogacy; and
- (i) establish an assisted reproduction Directorate”.

NEW CLAUSE 4A

THAT, the Bill be amended by inserting the following new clause immediately after clause 4—

Guiding
principles.

4A. The application of this Act shall be guided by principles including—

- (a) the best interest of the child born as a result of assisted reproductive procedures;
- (b) non-exploitation of parties;
- (c) non-discrimination including on marital status; and
- (d) affordability of procedures under this Act.

CLAUSE 7

THAT, Clause 7 of the Bill be amended by deleting the words “National Government” and substituting therefor the words “Cabinet Secretary”.

CLAUSE 8

THAT, Clause 8 of the Bill be amended—

- (a) inserting the word “training,” immediately after the words “National Government in” appearing in paragraph (a);
- (b) deleting the word “adequate” appearing in paragraph (b); and
- (c) deleting the words “sufficient” and “adequately” appearing in paragraph (c).

CLAUSE 9

THAT, Clause 9 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2)—

- “(3) A person shall be qualified for appointment as a Director if the person—
 - (a) holds a bachelor’s degree in medicine from a university recognized in Kenya;

- (b) holds a master's degree in obstetrics, gynaecology, embryology, fertility medicine or other relevant field from a university recognized in Kenya;
- (c) has at least ten years' experience in assisted reproductive technology;
- (d) has served in a senior management position for at least five years;
- (e) is a member in good standing of a professional body; and
- (f) meets the requirements of Chapter Six of the Constitution."

CLAUSE 12

THAT, Clause 12 of the Bill be amended in sub-clause (1) by deleting the words "written consent, in accordance with the prescribed Regulations, to its use for that purpose" and substituting therefor the words "written informed consent".

CLAUSE 13

THAT, Clause 13 of the Bill be amended in—

- (a) the marginal note by inserting the word "informed" immediately before the word "consent"; and
- (b) sub-clause (1) by deleting the words "written consent, in a manner prescribed by Regulations, to its removal for that purpose" and substituting therefor the words "written informed consent".

CLAUSE 14

THAT, Clause 14 of the Bill be amended by deleting the words "medical doctor that the person requires assisted reproductive technology on medical or health grounds" and substituting therefor the words "a doctor who is an assisted reproductive technology expert, that the person requires assisted reproductive technology".

CLAUSE 16

THAT, Clause 16 of the Bill be amended in sub-clause (1) by inserting the following new paragraph immediately after paragraph (b)—

“(c) a gamete or embryo other than that consented to by the woman;”

CLAUSE 17

THAT, Clause 17 of the Bill be amended by—

- (a) deleting the word "minor" appearing in the marginal note and substituting therefor the words "a child".
- (b) deleting sub-clause (1) and substituting therefor the following new sub-clause (1)—

“(1) A person shall not obtain a sperm or ovum from a child or use any sperm or ovum obtained from a child except for medical reasons and future human procreation by the child and with informed consent of the minor, parent or legal guardian of the child.”

CLAUSE 18**THAT**, Clause 18 of the Bill be amended by—

- (a) deleting the marginal note and substituting the following new marginal note—
“Restrictions on the use of embryos”.
- (b) deleting sub-clause (1) and substituting therefor the following new sub-clause (1)—
“(1) A person shall not—
 - (a) keep or use an embryo other than a human embryo;
 - (b) place a human embryo in any animal;
 - (c) transfer an embryo in a woman other than a human embryo;
 - (d) keep or use a human embryo in circumstances prohibited under this Act or as prescribed by regulations;
 - (e) replace any part of a human embryo with another part from a cell of any person or embryo or any subsequent development of an embryo except where such replacement is for purposes of solving a medical problem; or
 - (f) undertake any form of human cloning.”

CLAUSE 19**THAT**, Clause 19 of the Bill be amended in sub-clause (1) by—

- (a) inserting the word “informed” immediately after the words “without his” appearing in paragraph (b)”;
- (b) inserting the word “informed” immediately after the words “without her” appearing in paragraph (c);
- (c) deleting the words “place sperm and eggs or embryo in a woman” appearing in paragraph (e) and substituting therefor the words “transfer sperms or embryo into a womb”; and
- (d) inserting the following new paragraph immediately after paragraph (e)—
“(f) in the course of providing assisted reproductive treatment services for any woman, use the sperm of any man without the woman’s informed consent”.

NEW CLAUSES 19A., 19B. AND 19C.**THAT**, the Bill be amended by inserting the following new clauses immediately after clause 19—

Number of
times one can
donate gametes
or embryos or
be a surrogate.

19A. (1) A person shall not donate their gametes or embryos more than ten times.

(2) A person shall not perform a treatment procedure using gametes or an embryo produced by a donor if such procedure may result in more than ten children who are genetic siblings.

(3) A surrogate mother shall not enter into a surrogacy agreement more than three times in her lifetime and shall be required to wait for two years between each birth to be eligible for another surrogacy agreement.

Donation
of
gametes
or
embryos.

19B. (1) A cryo bank shall obtain—

- (a) male gametes from males between twenty-one years of age and thirty-five years of age; or
- (b) oocytes from females between twenty-three years of age and thirty-five years of age.

(2) An assisted reproductive clinic under this Act shall examine donors for diseases as may be prescribed by the Directorate.

Disposal
of
gametes.

19C. (1) The Directorate may, under such conditions as may be prescribed, permit—

- (a) disposal of gametes after ten years of preservation;
- (b) donation of gametes to other couples pursuing assistive reproductive technology; or
- (c) the conduct of research on stem cells and zygotes that are not more than fourteen days old on a written application and where;
 - (i) the applicant undertakes to document the research for record purposes; and
 - (ii) prior consent is obtained from the donor of the stem cells or zygotes.

(2) A person who contravenes this provision is guilty of an offence and is liable on conviction, to a fine not exceeding five million shillings or to imprisonment for a term not exceeding five years, or to both.

CLAUSE 20

THAT, Clause 20 of the Bill be amended by—

- (a) deleting the marginal note and substituting therefor the following new marginal note—
 - “Posthumous reproduction”
- (b) renumbering the existing clause as sub-clause (1);

(c) deleting paragraph (b) of the renumbered sub- clause (1) and substituting therefor the following new paragraph (b) —

“(b) there was informed consent in writing by the man.”

(d) inserting the following new sub-clause immediately after the renumbered sub-clause (1) —

“(2) Where the ovum of a woman or an embryo, the creation of which resulted from the ovum of that woman, was used after the death of that woman, that woman shall not be treated as the mother of the child born out of that ovum or embryo unless the —

- (a) father was married to the woman at the time of the death of the woman; and
- (b) woman had given informed consent in writing”.

NEW CLAUSE 22A.

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

Right to assisted reproductive technology by persons with disability.	22A. The national and county governments shall put in place measures to ensure that persons with disability have access to appropriate assisted reproductive technology services.
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CLAUSE 23

THAT, Clause 23 of the Bill be amended—

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

“(2) The consent under subsection (1) shall make express provisions on—

- (a) the ownership of the gametes or embryos;
- (b) the number of embryos to be implanted; and
- (c) what should be done with the gametes or embryos in case of—
 - (i) the death of any of the parties seeking assisted reproductive technology services;
 - (ii) incapacity of any of the parties seeking assisted reproductive technology services;
 - (iii) abandonment of the gametes or embryos;
 - (iv) dispute;
 - (v) divorce; or
 - (vi) separation.”

- (b) in sub-clause (3) by deleting the words “death or incapacity of any of the parties” and substituting therefor the words “the circumstances set out in subsection 2(c)”;
- and
- (c) in sub-clause (4) by deleting the word “implanting” and substituting therefor the words “transfer of”.

CLAUSE 24

THAT, Clause 24 of the Bill be amended in—

- (a) sub-clause (1) by deleting the word “all” appearing in paragraph (b) and substituting therefor the words “possible hereditary”;
- (b) sub-clause (2) by—
 - (i) inserting the words “if any” immediately after word “skills” appearing in paragraph (g); and
 - (ii) inserting the following new paragraphs immediately after paragraph (g) —
 - “(h) consent or otherwise to disclosure of identity to possible offspring”;
 - “(i) consent or otherwise for the use of donated material for research”.

NEW CLAUSE 24A.

THAT, the Bill be amended by inserting the following new clause immediately after clause 24—

Pre-implantation
diagnosis or
testing.

24A. (1) A donor shall undergo a pre-implantation diagnosis or testing for purposes of screening the human embryo or gamete for known, pre-existing, heritable or genetic diseases.

(2) The donation of an embryo after pre-implantation genetic diagnosis to an approved research laboratory for research purposes shall be done

—

- (a) with the approval of the commissioning couple or woman; and
- (b) when the embryo suffers from pre-existing, heritable, life-threatening or genetic diseases.

CLAUSE 25

THAT, the Bill be amended by deleting Clause 25.

CLAUSE 26

THAT, Clause 26 of the Bill be amended by—

- (a) deleting the words “sexual intercourse” appearing in sub-clause (1) and substituting therefor the words “natural conception”;
- (b) deleting the words “both partners reserve the right to withdraw consent of the implantation of the embryo which has been created by their own sperm or ovum” appearing in sub-clause (3) and substituting therefor the words “both parties will be bound by the agreement and the consent given for the procedure”; and

- (c) deleting sub-clause (5) and substituting therefor the following new sub-clause (5)—

“(5) A child born out of surrogacy or any procedure under this Act shall acquire the citizenship of the intended parent.”

CLAUSE 27

THAT, Clause 27 of the Bill be amended—

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

“(1) A woman who—

- (a) has attained the age of twenty-five years;
- (b) is below the age of forty years;
- (c) has given birth at least to one child;
- (d) understands the rights and obligations accruing under a surrogacy agreement; and
- (e) has undergone comprehensive mental and physical health assessments

may consent to a process of assisted reproduction for purposes of surrogate motherhood.”

- (b) in sub-clause (2) by—

- (i) deleting the word “child “appearing immediately after the words “carry the” and substituting therefor the word “foetus”; and
- (ii) deleting the words “parties to a marriage or couple” and substituting therefor the words “intended parents” .

NEW CLAUSES 27A AND 27B

THAT, the Bill be amended by inserting the following new clauses immediately after clause 27—

Intended
parents.

27A. An intended parent may use assisted reproduction where the person—

- (a) is a Kenyan; and
- (b) has attained the age of twenty-five years; and
- (c) is below the age of fifty-five years.”

Leave related to
surrogacy.

27B. (1) A surrogate mother under this Act shall be entitled to three months lochia leave.

(2) An intended mother under this Act shall be entitled to three months maternity leave.

(3) An intended father under this Act shall be entitled to two weeks paternity leave.

CLAUSE 28

THAT, Clause 28 of the Bill be amended—

(a) in sub-clause (1) by deleting the words “Parties to a marriage” and substituting therefor the words “intending parents”;

(b) in sub-clause (3) by— inserting the following new paragraphs immediately after paragraph (g)—

“(h) where the surrogate appoints a next of kin and provides the identity information of the appointed guardian;

(i) where the intending parents appoint a guardian and provides the identity information of the appointed guardian;”

(c) by deleting sub-clause (5) and substituting therefor the following new sub-clause—

“(5) The Directorate shall carry out pre-approval checks and shall satisfy itself that the—

(a) surrogate and the intended parent or parents have undergone appropriate medical assessments including an assessment on the health of the surrogate, pre-implantation genetic testing or diagnosis;

(b) surrogate and the intended parent or parents have received appropriate counselling and legal advice about the implications of signing the surrogacy agreement and that a report by a counsellor reveals the positive welfare of a child who may be born as a result of an assisted reproduction procedure and the positive welfare of other children who may be affected by any such birth; and

(c) intended parents have taken out an appropriate insurance policy to cover the surrogate becoming ill, with protection under the policy starting no later than the day on which the first assisted reproduction procedure is to be carried out under the surrogacy agreement and ending five years after the surrogate has given birth.”

(d) by inserting the following new sub-clause immediately after the new sub-clause (5)—

“(6) A person may apply to the High Court for any necessary orders on matters relating to—

(a) the validity of a surrogacy agreement;

(b) a dispute relating to parentage of a child born as a result of an assisted reproduction procedure; or

(c) the citizenship of a child born as a result of an assisted reproduction procedure.”

(e) in sub-clause (7) , by deleting the words “in the process” and substituting therefor the words “as a consequence”; and

(f) by inserting the following new sub-clauses immediately after sub-clause (7)—

“(8) A surrogacy agreement may indicate the terms of the agreement including terms prohibiting the surrogate from—

(a) partaking alcohol;

(b) smoking;

(c) using unprescribed drugs;or

(d) engaging in dangerous activity that may affect the health or life of a child conceived through assisted reproduction technology.

(9) The terms of the agreement under subsection (8) shall not be overly tasking or prejudicial to the surrogate.

(10) The Cabinet Secretary shall make regulations for the better carrying out of the provisions of subsection (8).”

NEW CLAUSES 28A AND 28B

THAT, the Bill be amended by inserting the following new clauses immediately after clause 28—

Surrogacy
agreements by third
parties.

28A. (1) No person shall on a commercial basis engage in acts in Kenya or knowingly cause another person to engage in acts on a commercial basis including—

(a) initiating or taking part in any negotiations with the intention of the making of a surrogacy arrangement;

(b) offering or agreeing to negotiate the making of a surrogacy arrangement; or

(c) compiling any information with the intent of using such information in making or negotiating the making of surrogacy arrangements.

(2) For the purposes of this section, a person engages in an act on commercial basis where—

(a) any payment is at any time received by himself or another in respect of that act; or

(b) the person engages in that act with the purpose of any payment being received by himself or another in respect of making, negotiating or facilitating the making of any surrogacy arrangement.

(3) In this section, “payment” does not include payment to or for the benefit of a surrogate mother or prospective surrogate mother.

Commercialization
of surrogacy.

28B. (1) No person, organization, surrogacy clinic, laboratory or clinical establishment of any kind shall—

- (a) undertake commercial surrogacy, provide commercial surrogacy or its related component procedures or services in any form or run a racket or an organized group to empanel or select surrogate mothers or use individual brokers or intermediaries to arrange for surrogate mothers and for surrogacy procedures at such clinics, laboratories or at any other place;
- (b) issue, publish, distribute, communicate or cause to be issued, published, distributed or communicated, any advertisement in any manner regarding commercial surrogacy by any means, scientific or otherwise;
- (c) abandon or disown or exploit or cause to be abandoned, disowned or exploited in any form, the child or children born through surrogacy;
- (d) exploit or cause to be exploited the surrogate mother or the child born through surrogacy in any manner whatsoever;
- (e) sell human embryo or gametes for the purpose of surrogacy and run an agency, a racket or an organization for selling, purchasing or trading in human embryos or gametes for the purpose of surrogacy;
- (f) import or assist in the importation in any manner of human embryos or human gametes for surrogacy or for surrogacy procedures; and
- (g) conduct sex education in any form for surrogacy.

(2) A person who contravenes subsection (1) commits an offence and shall on conviction be liable to pay a fine not exceeding ten million shillings or to imprisonment for a term not exceeding ten years, or to both.

(3) For the purposes of this section, the term “advertisement” includes any notice, circular, label, wrapper or any other document including advertisement through internet or any other media, in electronic or print form.

(4) A registered medical practitioner, fertility expert, embryologist or a person who owns a fertility clinic or is employed by a fertility clinic, centre or laboratory and renders his or her professional or technical services to or at such a clinic or centre or laboratory including on honorary basis or otherwise, and who contravenes any of the provisions of this section, commits an offence and shall on conviction, be liable to pay a fine not exceeding five million shillings or to imprisonment for a term not exceeding five years, or to both.

CLAUSE 29

THAT, Clause 29 of the Bill be amended—

(a) in sub-clause (1) by—

- (i) deleting the words “this Act or any other written law” appearing in paragraph (a) and substituting therefor the words “the Constitution”;
- (ii) deleting the word “implantation” appearing in paragraph (b) and substituting therefor the word “transfer”.

(b) by inserting the following new sub-clause immediately after sub-clause (2)—

“(3) Where a dispute arises over matters related to assisted reproductive technology, the disputes may be resolved through mediation, arbitration or court intervention, as may be appropriate.”

CLAUSE 30

THAT, Clause 30 of the Bill be amended—

(a) by deleting subclause 2 and substituting therefor the following new clause —

“(2) In the event of multiple pregnancies arising out of a surrogacy agreement or where a child born out of a surrogacy agreement has congenital abnormalities all the children born out of the pregnancy shall be the children of the commissioning parent or commissioning parents and the rights and obligations for all parties shall vest as if the pregnancy had borne only one child or normal child.”

(b) in sub-clause (4) by—

- (i) deleting the words “Notwithstanding the provisions of section 28(7) appearing immediately before the words “the surrogate”;
- (ii) inserting the following new paragraph immediately after paragraph (c)—

“(d) compensation irrespective of the pregnancy outcome”;

(c) in sub-clause (5) by—

- (i) deleting the word “law” appearing immediately after the words “provisions of the law” in paragraph (a) and substituting therefor the word “Constitution”; and
- (ii) inserting the following new paragraph immediately after paragraph (d)—

“(e) be entitled to psychological support during and after the pregnancy, provided by the intended parents”.

(d) by inserting the following new sub-clause immediately after sub-clause (7)—

“(8) The intending couple or intending parent shall not abandon the child, born out of a surrogacy procedure, whether within Kenya or outside, for any reason including—

- (a) genetic defect;
- (b) birth defect;
- (c) defects developing subsequent to the birth;
- (d) the sex of a child born out of surrogacy;
- (e) conception of more than one child; or
- (f) any other medical condition.

NEW CLAUSE 30A

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

Payments relation surrogacy.	in to	30A. (1) The surrogate and the intended parent or parents may include within a surrogacy agreement—
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- (a) a description of permitted costs;
- (b) a description of discretionary costs; and
- (c) the length of the payment period in relation to a particular cost.

(2) The surrogate may claim permitted costs incurred for any duration of time as agreed with the intended parent or parents.

(3) Discretionary costs shall be made during the protected period.

(4) An intended parent shall give notice to the Directorate, in accordance with this Act and the regulations made under this section, where the intended parent wants to make a discretionary payment to a surrogate within the protected period.

- (5) Parties to a surrogate agreement shall not vary the discretionary payment during the protected period unless with the mutual consent of all parties and after proof of consultation with an advocate.
- (6) Nothing in this Act shall prohibit a party from providing greater protections to a surrogate.
- (7) The Cabinet Secretary shall make regulations on the discretionary and permitted payments to be made under a surrogacy agreement.
- (8) The Cabinet Secretary shall, in making regulations under subsection (7) determine the maximum sum of discretionary costs based on the principles of affordability, non-exploitation of the surrogate and non-exploitation of the intended parents.
- (9) In this section—
- “discretionary payment” means a payment prescribed in regulations made by the Cabinet Secretary and includes the compensatory consideration paid in addition to the permitted payment;
- “permitted costs” includes—
- (a) the costs of travel and subsistence including accommodation incurred in connection with the surrogate—
 - (i) meeting with the intended parent or parents; or
 - (ii) attending medical appointments in connection with surrogacy matters;
 - (b) the costs of medical care and legal costs incurred in connection with surrogacy matters;
 - (c) the costs incurred in ensuring the surrogate’s physical, mental and emotional well-being in connection with surrogacy matters including the costs of counselling, physiotherapy, antenatal classes and fitness classes;
 - (d) the costs of pregnancy-related items for use by the surrogate including maternity clothes;
 - (e) any increase in food costs attributable to the surrogate pregnancy or to the surrogate entering the surrogacy agreement;
 - (f) any costs incurred in securing assistance with the performance of any day-to-day household task that would normally be performed by the surrogate and which she is unable to perform as a result of carrying or giving birth to a child conceived as a result of surrogacy; and
 - (g) the costs of compensating for loss of earnings suffered as a result of the surrogate entering into the surrogacy agreement;

“permitted payments” means the payment incurred by the surrogate to cover the costs of the surrogate pregnancy that must be paid by the intended parents except where the surrogate waives that payment; and

“protected period” means the period beginning when the surrogacy agreement is entered into and ending when the—

- (a) surrogate gives birth to a child, at the end of the period of twelve weeks beginning with the day of the birth;
- (b) surrogacy agreement expires without a child having been conceived, on the expiry of the agreement; or
- (c) resulting child is stillborn or miscarried at the end of twelve weeks of death.

CLAUSE 31

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

Prohibition of sex
selection.

31. (1) A person shall not intentionally do any act, at any stage of an assisted reproductive process, to select or determine the sex or physical characteristics or features of a child to be born though the process of assisted reproductive technology.

(2) A person shall not perform any procedure or provide, prescribe or administer anything that shall ensure or increase the probability that an embryo shall be of a particular sex, or that shall identify the sex of an in vitro embryo, except to diagnose, prevent or treat a sex-linked disorder or disease.”

CLAUSE 32

THAT, Clause 32 of the Bill be amended by—

- (a) deleting sub-clause (1);
- (b) inserting the words “except in the case of transfer of own gametes and embryos for personal use” immediately after the word “Kenya” in sub-clause (2);
- (c) renumbering the existing sub-clause (2) as sub-clause (1) and inserting the following new sub-clause immediately after the renumbered sub-clause (1)—

“(2) The sale or transfer of gametes and embryos to any party outside Kenya shall be prohibited except in the case of transfer of a person’s own gametes and embryos for personal use”.

NEW CLAUSES 32A AND 32B

THAT, the Bill be amended by inserting the following new clauses immediately after clause 32—

Offences relating to matching services.

32A. (1) A person who provides surrogacy matching services in return for a payment commits an offence and on conviction, shall be liable to pay a fine not exceeding five hundred thousand shillings or to imprisonment to a term not exceeding one year, or to both, and to a fine not exceeding ten million shillings in the case of a body corporate.

(2) Despite subsection (1), a person does not commit an offence by making use of services which another person is prohibited by this section from providing.

(3) In this section—

“surrogacy matching services” means services provided for purposes of assisting a person who wants to enter into a surrogacy agreement to find a person or persons with whom to enter into the surrogacy agreement.

Prohibition on certain publications.

32B (1) A person shall not publish, or cause to be published, an advertisement or notice to the effect that a person—

- (a) is or may be willing to enter into a surrogacy arrangement;
- (b) is seeking another person who is or may be willing to enter into a surrogacy arrangement, to act as a surrogate mother or to arrange a surrogacy arrangement;
- (c) is or may be willing to accept any benefit under a surrogacy arrangement for himself or herself;
- (d) is or may be willing to accept any benefit under a surrogacy arrangement for another person that is intended or likely to counsel or procure a person to agree to act as a surrogate.

(2) A person who contravenes this section commits an offence and on conviction, shall be liable to pay a fine not exceeding five hundred thousand shillings or to imprisonment to a term not exceeding one year, or to both, and to a fine not exceeding ten million shillings in the case of a body corporate.

CLAUSE 33

THAT, Clause 33 of the Bill be amended by—

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

“(f) the destruction or disposal by a registered assisted reproductive technology provider of any gametes or an embryo formed outside the body of a woman.”;

(b) renumbering the clause as sub-clause (1);

(c) inserting the following new sub-clauses immediately after the re-numbered sub-clause (1)—

“(2) The Directorate shall ensure that all information contained in the register is protected and maintained in a confidential manner in accordance with the relevant data protection and privacy laws.

(3) The Directorate shall maintain all records, charts, forms, reports, consent letters, agreements.

(4) All the documents under this Act shall be preserved for a period of twenty-five years or such period as may be prescribed:

provided that where any criminal or other proceedings are instituted against any surrogacy clinic, the records and all other documents of such clinic shall be preserved until the final disposal of such proceedings.

(5) All records under subsection (3) and (4) shall, at all reasonable times, be made available for inspection to the appropriate authority or to any other person authorized by the appropriate authority.”

CLAUSE 34

THAT, Clause 34 of the Bill be amended by deleting the words “twenty-one” appearing in sub-clause (1) and substituting therefor the word “eighteen”.

CLAUSE 42

THAT, Clause 42 of the Bill be amended in sub-clause (1) by—

(i) inserting the word “authorized” immediately before the word “member” appearing in paragraph (b); and

(ii) deleting the words “unless authorized by the Directorate” appearing in paragraph (d);

CLAUSE 43

THAT, Clause 43 of the Bill be amended—

(a) in sub-clause (1) by inserting the following new paragraphs immediately after paragraph (f)—

“(g) the cryo bank makes provision for adequate safety and security for the stored gametes or embryos;

(h) the storage tubes are labelled with a unique identifier;

(i) there is a register linking the unique identifier to the identity of the donors, date of storage and any other relevant information;

(j) there is maintenance of a movement register of storage and retrieval of stored gametes or embryos; and

(k) the cryo bank has adequate facilities to ensure privacy and confidentiality of the owner of the stored gamete or embryo and the identity of the donor.”

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

“(2) Where a donor or person wishing to store their gamete or embryo in a cryo bank through cryo-preservation, the cryo bank shall only store such gamete or embryo for as long as the owners of the gamete or embryo are alive or for a period not exceeding ten years, and the end of this period the embryo or gamete shall be allowed to perish or be donated to a research organization registered under this Act for research purposes with the consent of the commissioning couple or parent in such manner as may be prescribed”.

(c) by inserting the following new sub-clauses immediately after the new sub-clause (2)—

“(3) Where a child wishes to store their gametes or embryo pursuant to this Act, a cryo bank shall preserve such embryo or gamete for a period of twenty years.

(4) A person wishing to store their gametes or embryo for a longer period than the period specified in subsection (2) and (3) shall make an application to the Directorate to approve longer or further storage of a gamete or embryo.

(5) The Directorate may approve the longer storage period where it considers that there are reasonable grounds to do grant a longer period including in the case of a chronic illness or any other ground as prescribed in regulations.

(6) The Directorate shall, in deciding to approve a longer or further storage period under subsection (5), have regard to the age of the applicant and ensure that the applicant shall not exceed the age of fifty-five years in the proposed extension period.

(7) A person may, in case of a pending application to the Directorate under this section, cause or permit gametes or embryos to remain in storage until the Directorate makes a decision on the application.”

CLAUSE 46

THAT, Clause 46 of the Bill be amended in sub-clause (1) by—

(a) deleting paragraph (d);

(b) deleting paragraph (e) and substituting therefor the following new paragraph —
 “(e) that the person responsible has committed a professional malpractice or has been removed from office for contravening the provisions of the Constitution or any other written law”; and

(c) inserting the words “or any other law and sentenced to imprisonment for a term exceeding six months” immediately after the word “Act” appearing in paragraph (f).

CLAUSE 50

THAT, Clause 50 of the Bill be amended in sub-clause (1) by inserting the following proviso immediately after paragraph (c)—

“and is liable upon conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding five years, or to both”.

NEW CLAUSE 51A

THAT, the Bill be amended by inserting the following new clause immediately after clause 51—

Transitional provisions.

51A. (1) Every clinic or cryo bank which conducts assisted reproductive technology, partly or exclusively shall, within a period of sixty days from the date of establishment of the Directorate, apply for licences provided that such clinics and cryo banks shall cease to conduct any assisted reproduction procedures on the expiry of six months from the date of commencement of this Act, unless such clinics and cryo banks have applied for registration.

(2) On receipt of the application under subsection (1), the Directorate shall, subject to the provisions of this Act and within a period of thirty days—

- (a) issue a certificate of registration and a registration number to the applicant; or
- (b) reject the application in writing with reasons for the rejection.

CLAUSE 52

THAT, Clause 52 of the Bill be amended —

- (a) in paragraph (c) by deleting the words “planted in” and substituting therefor the words “transferred into”;
- (b) in paragraph (g) by inserting the word “informed” immediately after the words “giving of”;
- (c) in paragraph (h) by deleting the word “children” and substituting therefor the word “embryos”; and
- (d) by renumbering the existing clause as sub-clause (1) and inserting the following new sub-clause immediately after the renumbered sub-clause (1)—
 - “(2) The power to make regulations shall be exercised only after a draft of the proposed regulations has been approved by Parliament.”

NEW PART X- CONSEQUENTIAL AMENDMENTS

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

PART X- CONSEQUENTIAL AMENDMENTS**NEW CLAUSES 52A, 52B AND 52C**

Amendment of section 2 of Cap. 149. **52A.** The Births and Deaths Registration Act is amended in section 2 by inserting the following new definitions in the proper alphabetical sequence—

“intended parent” has the meaning assigned to it under the Assisted Reproductive Technology Act;

“surrogate mother” has the meaning assigned to it under the Assisted Reproductive Technology Act.

Amendment of section 12 of Cap. 149. **52B.** The Births and Deaths Registration Act is amended in section 12 by inserting the words “or by presenting a surrogacy agreement indicating the particulars of the intended father” immediately after the words “some recognized custom”.

Insertion of a new section into Cap. 149.

52C. The Births and Deaths Registration Act is amended by inserting the following new section immediately after section 12—

Register of persons born through assisted reproductive technology.

12A. The registrar shall cause to be entered in a certificate of birth of a child born out of assisted reproductive technology procedure, the name of the intended parents upon presentation of a valid surrogacy agreement and verification of the agreement by the Directorate established under section 5 of the Assisted Reproductive Technology Act”.

2) **Notice is given that the Member for Homa Bay Town (Hon. Peter Kaluma) intends to move the following amendments to the Assisted Reproductive Technology Bill, 2022 at the Committee Stage—**

LONG TITLE

THAT, the Long Title of the Bill be amended by deleting the words “to establish an Assisted Reproductive Technology Directorate”.

CLAUSE 2

THAT, Clause 2 of the Bill be amended —

(a) by deleting the definition of the term “assisted reproductive technology ” and substituting therefor the following new definition—

“assisted reproductive technology” means all techniques that attempt to obtain a pregnancy by handling the sperm or the oocyte outside the human body and transferring the gamete or the embryo into the reproductive system of a woman;

(b) in the definition of the term “assisted reproductive technology services” by deleting the words “infertile and sub- fertile man or woman” and substituting therefor the words “infertile couple”;

(c) by deleting the definition of the term “child” and substituting therefor the following new definition—

“child” means any individual born through the use of assisted reproductive technology;

(d) by deleting the definition of the term “couple” and substituting therefor the following new definition—

“couple” means a Kenyan male and female who are in a marriage contracted under the Laws of Kenya;

(e) by deleting the definition of the term “directorate”;

(f) by deleting the definition of the term “donation”and substituting therefor the following new definition—

- “donation” means a process in assisted reproductive technology of voluntarily giving gametes for purposes of procreation;
- (g) in the definition of the term “donor” by deleting the words “and the person need not be the spouse of the person she or he is donating the gametes to”;
- (h) by deleting the definition of the term “embryo” and substituting therefor the following new definition—
“embryo” means a developing or developed organism after fertilization till the end of fifty-six days from the day of fertilization;
- (i) by deleting the definition of the term “father ” and substituting therefor the following new definition—
“father” means a male parent;
- (j) by deleting the definition of the term “gamete ” and substituting therefor the following new definition—
“gamete” means a sperm and oocyte or a mature sperm from a man and a mature egg from a woman;
- (k) in the definition of the term “infertility” by deleting the words “one year” and substituting therefor the words “five years”;
- (l) in the definition of the term “in-vitro fertilization” by deleting the words “an egg is fertilized by a sperm in a test-tube or elsewhere outside the body” and substituting therefor the words “fertilization takes place outside the body”;
- (m) by deleting the definition of the term “mother” and substituting therefor the following new definition—
“mother” means a female parent or woman whose egg is fertilized to produce a child;
- (n) by deleting the definition of the term “sperm” and substituting therefor the following new definition—
“sperm” means the mature male gamete;
- (o) by deleting the definition of the term “surrogacy” and substituting therefor the following new definition—
“surrogacy” means a practice whereby one woman bears and gives birth to a child for an intending couple with the intention of handing over such a child to the intending couple after the birth;
- (p) by deleting the definition of the term “surrogate mother” and substituting therefor the following new definition—
“surrogate mother” means a woman who agrees to bear a child, who is genetically related to the intending couple, through surrogacy from the implantation of an embryo in her womb; and
- (q) by inserting the following new definitions in their proper alphabetical sequence—
“abandoned child” means a child born out of a surrogacy procedure who has been deserted by his or her intending parents and the surrogate and declared as such by the court after due process;

“altruistic surrogacy” means the surrogacy in which no charges, expenses, fees, remuneration or monetary incentive of whatever nature, except the medical expenses or the insurance coverage for the surrogate mother, are given to the surrogate mother or her dependents or her representative;

“assisted reproductive technology bank” means an organization that is responsible for the collection and storage of gametes and embryos and the supply of gametes to the assisted reproductive technology clinics or their patients;

“assisted reproductive technology clinic” means a premise equipped with the requisite facilities and medical practitioners registered with the Council for purposes of carrying out the procedures related to assisted reproductive technology;

“commercial surrogacy” means the commercialization of surrogacy services or procedures or its component services or component procedures including the selling or buying of human embryo or trading in the sale or purchase of human embryo or gametes or hiring, selling or buying or trading the services of surrogate motherhood by way of giving payment, reward, benefit, fees, remuneration or monetary incentive in cash or in kind, to the surrogate mother or her dependents or her representative, except the medical expenses or the insurance coverage for the surrogate mother;

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253.

“Council” means the Kenya Medical Practitioners and Dentists Council established under section 3 of the Medical Practitioners and Dentists Act;

“fertilization” means the penetration of the ovum by the spermatozoa and fusion of genetic materials resulting in the development of a zygote;

“foetus” means a human organism during the period of its development beginning on the fifty-seventh day following fertilization or conception until birth;

“gamete donor” means a person who provides a sperm or oocyte with the objective of enabling an infertile couple or woman to have a child;

“gestational surrogacy” means a practice whereby a woman carries a child for the intending couple through implantation of an embryo in her womb and the child is not genetically related to the surrogate mother and when it is only for altruistic surrogacy purposes, it is not for commercial purposes or for producing children for sale, prostitution or any other form of exploitation;

“implantation” means the attachment and subsequent penetration by the zona-free blastocyst, which starts five to seven days following fertilization;

“intending couple” means a couple who have a medical indication necessitating gestational surrogacy and who intend to become parents through surrogacy;

“intending woman” means a Kenyan woman who is a widow or divorcee between the age of thirty five to forty five years and who intends to avail the surrogacy;

“intending parents” means an infertile married couple who approach an assisted reproductive technology clinic or assisted reproductive technology bank to obtain the services authorized in respect of that clinic or bank;

“patients” means an individual or a couple who goes to a registered assisted reproductive technology clinic for the management of infertility;

“surrogacy clinic” means a surrogacy clinic, centre or laboratory conducting assisted reproductive technology services, in-vitro fertilization services, genetic counselling centre, genetic laboratory and assisted reproductive technology banks conducting a surrogacy procedure or any clinical establishment conducting surrogacy procedures in any form;

“surrogacy procedures” means all gynecological, obstetrical or medical procedures, techniques, tests, practices or services involving the handling of human gametes and human embryo in surrogacy;

“woman” means any woman above the age of twenty-one years who approaches an assisted reproductive technology clinic or an assisted reproductive bank for purposes of obtaining the authorized services of that clinic or bank;

“prescribed” means prescribed by rules made under this Act;

“zygote” means the fertilized oocyte prior to the first cell division.

CLAUSE 3

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

- Application. 3. This Act applies to—
- (a) all processes of facilitated human fertilization undertaken outside the human body, whether or not the process is completed outside the human body; and
 - (b) heterosexual Kenyan couples, divorced, widowed or single parent Kenyans who have been certified by an assisted reproductive technology expert as infertile or as having other proven medical conditions preventing natural conception.

CLAUSE 4

THAT, Clause 4 of the Bill be amended by deleting paragraphs (a), (b) and (c) and substituting therefor the following new paragraphs—

- (a) permit altruistic surrogacy;
- (b) prohibit commercial surrogacy; and
- (c) make consequential provisions thereto.

CLAUSE 5

THAT, the Bill be amended by deleting Clause 5.

CLAUSE 6

THAT, Clause 6 of the Bill be amended by —

- (a) deleting the opening sentence and substituting therefor the following new opening sentence—

“The functions of the Council, in respect of the regulation of the use assisted reproductive technology, shall be to—”

- (b) deleting the words “in consultation with the Medical Practitioners and Dentist Council,” appearing in paragraph (i).

CLAUSE 7

THAT, the Bill be amended by deleting Clause 7.

CLAUSE 8

THAT, the Bill be amended by deleting Clause 8.

CLAUSE 9

THAT, the Bill be amended by deleting Clause 9.

CLAUSE 10

THAT, the Bill be amended by deleting Clause 10.

CLAUSE 12

THAT, Clause 12 of the Bill be amended in sub-clause (1) by deleting the words “in accordance with the prescribed Regulations, to its use for that purpose”.

CLAUSE 13

THAT, Clause 13 of the Bill be amended in sub-clause (1) by deleting the words “unless the donor of the material had given written consent, in a manner prescribed by Regulations, to its removal for that purpose” appearing immediately after the words “technology”.

CLAUSE 14

THAT, Clause 14 of the Bill be amended by inserting the words “is infertile, cannot conceive or carry a pregnancy to term,” immediately after the words “medical doctor that the person”.

CLAUSE 15

THAT, Clause 15 of the Bill be amended in sub-clause (1) by deleting the word “purely” appearing in paragraph (c).

CLAUSE 17

THAT, Clause 17 of the Bill be amended by deleting sub clause (1) and substituting with the following new sub clause—

“(1) No person shall obtain a sperm or ovum from a child or a deceased child.”

CLAUSE 18

THAT, Clause 18 of the Bill be amended by deleting the word “Directorate” and substituting therefor the word “Council”.

CLAUSE 20

THAT, the Bill be amended by deleting Clause 20.

CLAUSE 21

THAT, Clause 21 of the Bill be amended—

(a) by deleting the word “Directorate” appearing in sub-clause (2) and substituting therefor the word “Council”; and

(a) in sub-clause (3) by inserting the following new sub paragraph immediately after sub paragraph (iv) —

“(v) the right of a child born through assisted reproductive technology to parental care and protection, which includes equal responsibility of the mother and father to provide for the child, whether they are married to each other or not”.

CLAUSE 22

THAT, the Bill be amended by deleting Clause 22.

CLAUSE 23

THAT, Clause 23 of the Bill be amended by—

(a) inserting the following new sub-clause immediately after sub-clause (2)—

“(3) The consent under subsection (1) shall provide for the right of the child born through assisted reproductive technology to parental care and protection, which includes equal responsibility of the mother and father to provide for the child, whether they are married to each other or not”.

(b) deleting the existing sub-clause (3) and substituting therefor the following new sub-clause—

“(3) The assisted reproductive technology clinics and assisted reproductive technology banks shall not cryo preserve any gamete without specific instructions and consent in writing from all the parties seeking assisted reproductive technology in respect of what should be done with the gametes in case of death or incapacity of any of the parties”.

(c) deleting the words, “the embryos or” appearing in sub-clause (4).

CLAUSE 24

THAT, Clause 24 of the Bill be amended in sub-clause (1) (c) by inserting the words “under Article 53 of the Constitution including the right to parental care and protection, which includes equal responsibility of the mother and father to provide for the child, whether they are married to each other or not” immediately after the word “process”.

CLAUSE 25

THAT, the Bill be amended by deleting Clause 25.

CLAUSE 26

THAT, Clause 26 of the Bill be amended —

- (a) in sub-clause (1) by deleting the words “sexual intercourse” and substituting therefor the words “natural conception”;
- (b) by deleting sub-clauses (2), (3), (4) and (5).

CLAUSE 27

THAT, Clause 27 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause (2)—

“(2) The surrogate mother under subsection (1) shall carry the child on behalf of the couple and where the surrogate mother has no genetic connection with the child shall subject to a court order relinquish all parental rights and responsibilities at birth over the child to the intended parents”.

CLAUSE 28

THAT, Clause 28 of the Bill be amended in—

- (a) sub-clause (1) by deleting the words “Parties to a marriage or commissioning parents” and substituting therefor the words “A couple or intended parents”;
- (b) sub-clause (3)(c) by—
 - (i) deleting sub-paragraph (i) and substituting therefor the following new subparagraph —
 - (i) death of the intended parent, or if a couple, death of one of the intended parents before the birth of the child;
 - (ii) deleting sub-paragraph (ii) and substituting therefor the following new subparagraph —
 - (ii) separation or divorce of the intended parents who were a couple, before the birth of the child;
- (c) sub-clause (3)(d) by deleting the words “commissioning parent or commissioning parents” and substituting therefor the words “intended parent or intended parents”;

- (d) sub-clause (3)(g) by deleting the words “commissioning parent, commissioning parents or parties to marriage” and substituting therefor the words, “intended parent, intended parents or couple”; and
- (e) sub-clause (7) by deleting the words “Parties to a marriage” and substituting therefor the word “couple ”

CLAUSE 30

THAT, Clause 30 of the Bill be amended —

- (a) in sub-clause (1) by—
 - (i) deleting the word “commissioning” and substituting therefor the word “intended”; and
 - (ii) inserting the words “where the child is connected to them or subject to a court order” immediately after the word “shall”;
- (b) in sub-clause (2) by deleting the word “commissioning” and substituting therefor the word “intended” wherever it appears;
- (c) by deleting subclause (3) and substituting therefor the following new subclause—

“(3) Where a child is born out of a surrogacy arrangement—

(a) where the creation of an embryo was brought about with a sperm and an egg of a couple, or where the couple or intended parent is genetically connected to the child, the couple or intended parent shall be the parents of the child and shall be listed as the parents in the birth notification and in the birth certificate; or

(b) where the creation of an embryo was brought about with the gametes other than the gamete of a couple or the intended parent or where the couple or intended parent is not genetically connected to the child, the couple or intended parent shall only be the parents of the child and shall be listed as the parents in the birth notification and in the birth certificate following a court order;

- (d) by deleting sub-clauses (4), (5), and (6).

CLAUSE 33

THAT, Clause 33 of the Bill be amended by deleting the word “Directorate” and substituting therefor the word “Council”.

CLAUSE 34

THAT, Clause 34 of the Bill be amended—

- (a) by deleting the word “Directorate” wherever it appears and substituting therefor the word “Council”; and

(b) in subclause (1) by deleting the word “twenty-one” and and substituting therefor the word “twenty-five”.

CLAUSE 35

THAT, Clause 35 of the Bill be amended by deleting the word “Directorate” wherever it appears and substituting therefor the word “Council”.

CLAUSE 36

THAT, Clause 36 of the Bill be amended by deleting the word “Directorate” wherever it appears and substituting therefor the word “Council”.

CLAUSE 37

THAT, Clause 37 of the Bill be amended by deleting the word “Directorate” wherever it appears and substituting therefor the word “Council”.

CLAUSE 38

THAT, Clause 38 of the Bill be amended by deleting the words “Directorate in consultation with the Medical Practitioners and Dentists”.

CLAUSE 40

THAT, Clause 40 of the Bill be amended by deleting the word “Directorate” wherever it appears and substituting therefor the word “Council”.

CLAUSE 41

THAT, Clause 41 of the Bill be amended by deleting the word “Directorate” wherever it appears and substituting therefor the word “Council”.

CLAUSE 42

THAT, Clause 42 of the Bill be amended by deleting the word “Directorate” wherever it appears and substituting therefor the word “Council”.

CLAUSE 43

THAT, Clause 43 of the Bill be amended —

(a) in sub-clause (1) by—

(i) deleting the words, “or embryos” appearing in the opening sentence;

(ii) deleting paragraph (a),(b), (c) and (d);

(iii) deleting the words, “or embryos” appearing in paragraph (e); and

(iv) deleting paragraph (f) and substituting therefor the following new paragraph

—
“(f) information regarding persons whose consent is required under this Act, the terms of their consent and the circumstances of the storage shall be included in the records maintained”.

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

“(2) The storage period in respect of gametes shall be a period not exceeding three years”.

CLAUSE 44

THAT, Clause 44 of the Bill be amended by deleting the word “Directorate” wherever it appears and substituting therefor the word “Council”.

CLAUSE 45

THAT, Clause 45 of the Bill be amended in sub-clause (2) by deleting the word “Directorate” appearing in paragraph (b) and substituting therefor the word “Council”.

CLAUSE 46

THAT, Clause 46 of the Bill be amended by deleting the word “Directorate” wherever it appears and substituting therefor the word “Council”.

CLAUSE 47

THAT, Clause 47 of the Bill be amended by deleting the word “Directorate” appearing in sub-clause (1) and substituting therefor the word “Council”.

CLAUSE 49

THAT, Clause 49 of the Bill be amended by deleting the word “Directorate” wherever it appears and substituting therefor the word “Council”.

CLAUSE 50

THAT, Clause 50 of the Bill be amended by deleting the words “knowingly or recklessly” appearing in sub-clause (1).

CLAUSE 52

THAT, Clause 52 of the Bill be amended by—

(a) deleting the opening sentence and substituting therefor the following new opening sentence—

“The Cabinet Secretary, in consultation with the Council, may, with the prior approval of Parliament, make regulations generally for the better carrying out of the provisions of this Act, and without prejudice to the generality of the foregoing, may make regulations —

(b) deleting paragraph (a),(b), (c), (d),(f) (g), (h) and (p).

LIMITATION OF DEBATE

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

Limitation of Debate on Motions

III. 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

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

Limitation of Debate on Bills sponsored by Parties or Committees

V. THAT, each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** be limited as follows: A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

NOTICE PAPER

Tentative business for

Wednesday (Afternoon), November 27, 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), November 27, 2024 –

A. **SPECIAL MOTION – CONSIDERATION OF NOMINEES FOR APPOINTMENT TO THE SALARIES AND REMUNERATION COMMISSION**

(The Chairperson, Departmental Committee on Labour)

B. **SPECIAL MOTION – CONSIDERATION OF NOMINEE FOR APPOINTMENT AS THE DEPUTY GOVERNOR OF THE CENTRAL BANK OF KENYA**

(The Co-Chairperson, Joint Parliamentary Committee on the vetting of a nominee for appointment as the Deputy Governor of the Central Bank of Kenya)

(Subject to Tabling of the Report and Notice of Motion)

C. **THE UNCLAIMED FINANCIAL ASSETS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 15 OF 2024)**

(The Leader of the Majority Party)

Second Reading

D. **THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (No. 3) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2024)**

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, 27, 2024 – Morning Sitting)

E. **THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (No. 4) BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2024)**

(The Leader of the Majority Party)

Second Reading

F. **THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2024)**

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

Second Reading

G. COMMITTEE OF THE WHOLE HOUSE

- (i) The Ethics and Anti-Corruption Commission (Amendment) Bill (National Assembly Bill No. 11 of 2024)
(The Leader of the Majority Party and the Leader of the Minority Party)
- (ii) The Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024)
(The Leader of the Majority Party)
- (iii) The Kenya Revenue Authority (Amendment) (No. 2) Bill (National Assembly Bill No. 35 of 2024)
(The Leader of the Majority Party)

H. THE LAND CONTROL BILL (NATIONAL ASSEMBLY BILL NO. 39 OF 2023)

(The Hon. (Dr.) Wilberforce Oundo, M.P.)

Second Reading

(Resumption of debate interrupted on Wednesday, November 6, 2024 - Afternoon Sitting)
(Balance of time - 1 hour 26 minutes)

I. THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 58 OF 2022)

(The Hon. Joyce Kamene, M.P.)

Second Reading

(Resumption of debate interrupted on Wednesday, November 6, 2024 - Afternoon Sitting)
(Balance of time - 3 hour 21 minutes)

J. MOTION – CONSIDERATION OF REPORTS ON FINANCIAL STATEMENTS OF STATE CORPORATIONS (NYANZA REGION)

(The Chairperson, Public Investments Committee on Governance and Education)

(Resumption of debate interrupted on Wednesday, November 6, 2024 - Afternoon Sitting)

K. THE POLITICAL PARTIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2022)

(The Vice Chairperson, Procedure and House Rules Committee)

Second Reading

L. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2022)

(The Vice Chairperson, Procedure and House Rules Committee)

Second Reading

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

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

Second Reading

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

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

O. MOTION – THIRD REPORT ON CONSIDERATION OF THE AUDITED ACCOUNTS OF SPECIFIED STATE CORPORATIONS

(The Chairperson, Public Investments Committee on Social Services, Administration and Agriculture)

P. THE UNIVERSITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2023)

(The Chairperson, Public Investments Committee on Governance and Education)

Second Reading

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

(Member of the Pan-African Parliament)

R. MOTION - REPORT ON THE PERFORMANCE AUDIT REPORT ON THE PROVISION OF SERVICES TO PERSONS WITH DISABILITIES BY THE NATIONAL COUNCIL FOR PERSONS WITH DISABILITIES

(The Chairperson, Public Investments Committee on Social Services, Administration and Agriculture)

S. THE NATIONAL POLICE SERVICE COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 23 OF 2024)

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

Second Reading
