



REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY

FIRST ASSEMBLY – (FOURTH SESSION)

ORDERS OF THE DAY

WEDNESDAY, NOVEMBER 23, 2016 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

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

8. * COMMITTEE OF THE WHOLE ASSEMBLY

**A) The Nairobi City County Office of the County Attorney Bill, 2016
(Assembly Bill No. 4 of 2016)**

**B) The Nairobi City County Animal Control and Abattoirs Management Bill,
2016 (Assembly Bill No. 3 of 2016)**

**9. * THE NAIROBI CITY COUNTY REVENUE (AMENDMENT) BILL,
2016 (ASSEMBLY BILL NO. 8 OF 2016)**

(Chairperson, Select Committee on Finance, Budget & Appropriations)

(Second Reading)

(Resumption of debate interrupted on Thursday 17th November, 2016 at 2.30 p.m.)

NOTICES**I. THE NAIROBI CITY COUNTY OFFICE OF THE COUNTY ATTORNEY BILL, 2016 (ASSEMBLY BILL NO. 4 OF 2016)**

NOTICE is given that the Chairman of the Sectoral Committee on Justice and Legal Affairs Hon. Jaffer Kassam intends to move the following amendments to the Nairobi City Office of the County Attorney Bill, 2016, at the Committee Stage-

LONG TITLE

THAT the Long Title of the Bill be amended by inserting the words “to provide for the establishment of the Office of the Nairobi City County Attorney” after the words “AN ACT of the County Assembly of Nairobi City”.

CLAUSE 2

THAT, Clause 2 be amended by;

- (i) inserting the following new definition in its proper alphabetical order- “County Government” for the purpose of this Act means the County Executive Committee, all the County Government entities and departments and does not include the County Assembly of Nairobi City.
- (ii) In paragraph 3 by deleting the words “and includes the Deputy County Attorney”

CLAUSE 3

THAT, Clause 3 be amended by deleting the clause in its entirety and substituting it with the following new clause:-

“This Act shall apply to the Office of the Nairobi City County Attorney and shall not apply to the Nairobi City County Assembly”.

CLAUSE 6

THAT, Clause 6 be amended:

- i) In sub-clause (1) (d) by deleting the words “offices discharging legal duties in the county public service” and substituting therefor the words “legal entities”.
- ii) In sub-clause 2 by inserting the words “upon appointment” before the words “take and subscribe to”

...../Notices

CLAUSE 7

THAT, Clause 7 be amended:

- i) In paragraph (a) by deleting the word “Government” and replacing therefor the word “Executive”
- ii) In paragraph (c) by deleting the word “Government” and replacing therefor the word “Executive”
- iii) By inserting the following new paragraph immediately after paragraph (f) “shall be responsible for drafting of legislation emanating from the Nairobi County Executive Committee”
- iv) By inserting the following new paragraph immediately after paragraph (g) “shall be responsible for rectification of mistakes in legislation through a rectification order published in the Kenya Gazette or County Gazette which shall thereafter be tabled in the County Assembly in accordance with the provisions of the law in place for management of Statutory Instruments”.
- v) By inserting a new paragraph as follows:-“may perform prosecutorial functions in cases involving violation of Acts of the County Assembly of Nairobi City”
- vi) By inserting a new paragraph as follows:-“shall publish all legislation passed by the Nairobi City County Assembly”

CLAUSE 8

THAT, Clause 8 be amended:

- (i) In sub clause (1) (a) by inserting the words “with leave of Court” before the word “appear”.
- (ii) In sub clause (2) (a) by inserting the words “in consultation with and on the recommendation of the County Public Service Board” immediately after the word “establish”

CLAUSE 9

THAT, Clause 9 be amended:

- (i) In sub-clause (2) (a) by inserting the words “and seek leave of Court” before the words “to be enjoined in the suit”.
- (ii) By deleting sub-clause 3 in its entirety.

CLAUSE 10

THAT, Clause 10 be amended by inserting the words “in their personal capacity, for acts done or omissions made in official capacity” before the words “in respect of any proceedings”.

CLAUSE 14

THAT, Clause 14 be amended:

- (i) In sub-clause (1) (a) by deleting the word “serious” appearing before the word “violation” and substituting thereof the word “any”.
- (ii) In sub-clause 2 by deleting the word “upon” between the words “may,” and “election” and substituting with the words “90 days after”.

CLAUSE 15

THAT, Clause 15 be amended:

- (i) In sub-clause 1 by inserting the words “and execution of documents” after the words “except the power of delegation”.
- (ii) By deleting sub-clause 3 in its entirety.

CLAUSE 16

THAT, Clause 16 be amended in sub-clause 1 by deleting the word “Government” and substituting thereof the word “Executive”.

CLAUSE 17

THAT, Clause 17 be amended in sub-clause 1 by deleting the words “relating to the functions of the County Attorney”.

CLAUSE 18

THAT, Clause 18 be amended by deleting sub-clause 2 in its entirety.

CLAUSE 19

THAT, Clause 19 be amended by deleting sub-clause 3 in its entirety and substituting therefor the following new sub-clause-

“The County Solicitor shall be the accounting officer of the Office of the County Attorney”.

CLAUSE 22

THAT, Clause 22 be amended in sub-clause (2) (a) by deleting the words “agency, organization or institution” and substituting thereof the words “County Public Service Board”

CLAUSE 23

THAT, Clause 23 be amended:

- (i) By deleting sub clause 2 in its entirety.
- (ii) In sub-clause 3 by inserting the words “subject to the guarantees of Article 47 of the Constitution of Kenya” after the words “be liable to disciplinary action”.

CLAUSE 31

THAT, Clause 31 be amended by deleting sub-clause 2 in its entirety.

CLAUSE 32

THAT, Clause 32 be amended:

- (i) In sub-clause 1 by deleting the words “as soon as practicable after the thirtieth of June” and substituting thereof the words “on or before the 15th day of July”.
- (ii) By inserting a new sub-clause as follows:-

The County Attorney shall submit quarterly reports on the operations of the Office of the County Attorney to the Clerk of the County Assembly for tabling before the County Assembly.

II. THE NAIROBI CITY COUNTY ANIMAL CONTROL AND ABATTOIRS MANAGEMENT BILL, 2016 (ASSEMBLY BILL NO. 3 OF 2016)

NOTICE is given that the Chairperson of the Sectoral Committee on Agriculture, Environment and Natural Resources intends to move the following amendments to the Nairobi City County Animal Control and Abattoirs Management Bill, 2016, at the Committee Stage-

LONG TITLE

THAT, the Long Title be amended by deleting the words “Nairobi City County Animal Control and Abattoirs Management Bill, 2016” and substituting therefor the following new words- “The Nairobi City County Abattoirs Bill, 2016”.

CLAUSE 1

THAT, Clause 1 be amended by deleting the words “Animal Control and Abattoirs Management” appearing immediately after the word “the” and substituting therefor the word “Abattoirs”

CLAUSE 2

THAT, Clause 2 be amended:

- (i) in the definition of “Abattoirs” by inserting the words “purpose of the” before the word “slaughter” and the words “and includes a slaughterhouse approved under section 2 of the Meat Control Act Chapter 356 Laws of Kenya” after the word “consumption”.
- (ii) in the definition of “Approved abattoirs” by deleting the words “director of agriculture” and replacing therefor the words “Nairobi City County director of veterinary services”.
- (iii) in the definition of “County executive”
 - a) by inserting the words “Nairobi City” after the words “means the”.
 - b) by deleting the word “agriculture” and substituting therefor the words “veterinary services”.
- (iv) in the definition of “Department”
 - a) by inserting the words “the Nairobi City” after the word “means”.
 - b) by deleting the words “health and” appearing before the word “services”.
- (v) in the definition of “Director”
 - a) by inserting the words “the Nairobi City” after the word “means”.

- b) by deleting the word “health” appearing before the word “veterinary” and replacing therefor the word “services”.
- (vi) in the definition of “meat” by inserting the words “and includes poultry” after the word “species”.
- (vii) in the definition of “meat inspector”
 - a) by inserting the words “qualified to inspect meat under the Meat Control Act Chapter 356 Laws of Kenya and” after the word “person”.
 - b) by inserting the definite article "the" “before the word “provision”.
 - c) by deleting the words “or products of animal origin by the county executive member” appearing after the word “meat”.
- (viii) in the definition of “executive member” by deleting the words “agriculture, fisheries and livestock” and replacing therefor the words “veterinary services”.
- (ix) in the definition of “officer” by deleting the words “county officer” and replacing therefor the words “officer and meat inspector”.
- (x) by inserting the following new definitions in their proper alphabetical sequence-
 - a) ‘certification’ means inspection, auditing of quality assurance systems and examination of finished products.
 - b) ‘export certification’ means certification of meat and meat products by the National Government”.
 - c) local certification’ means certification of meat and meat products by the Nairobi City County Government”.
 - d) ‘viscera container’ means a container to put all internal organs from an animal’s abdominal cavity.”
 - e) ‘veterinarian’ means a meat inspector or a veterinary officer.

NEW CLAUSE

THAT, the following New Clause be inserted immediately after clause 2

Object and Purpose. **2A.** “This Act is additional to and does not derogate from the provisions of the Meat Control Act, the Public Health Act, the Food, Drugs and Chemical Substances Act and the Veterinary Surgeons and Veterinary Paraprofessionals Act, and any other written law on meat hygiene”.

CLAUSE 3

THAT, Clause 3 be amended-

- (i) in sub-clause (1) by inserting the words “Nairobi City” before the words “County Public Service Board”.
- (ii) by deleting sub-clause (2) in its entirety.

NEW CLAUSE

THAT, the following New Clause be inserted immediately after clause 3

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County Director of Veterinary Services	3A 1) There shall be appointed a Director in charge of veterinary services who shall be the head of the department in charge of veterinary services in the County. 2) The Director shall be a veterinarian. 3) The Director shall be responsible for the control and inspection of slaughter and processing of livestock ensuring that any person operating an abattoir observes the appropriate hygienic requirements in the abattoir. 4) The Director may in writing designate official veterinarians, meat inspectors and other officers to carry out any function under this Act. 5) The Director shall specify the health standard requirement for all persons working in an abattoir including the requirement for routine medical examination for all persons working in an abattoir.”
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CLAUSE 4

THAT Clause 4 be amended-

- (i) by introducing a new title before clause 4 as follows: -
“PART III – REGISTRATION OF AN ABATTOIR”
- (ii) by deleting the words “requirements as spelt out in the first schedule” appearing after the words “complies with the” and substituting therefor the words “prescribed form”.

CLAUSE 6

THAT, Clause 6 be amended by deleting the clause in its entirety.

CLAUSE 7

THAT, Clause 7 be amended by deleting the clause in its entirety.

CLAUSE 8

THAT, Clause 8 be amended in sub clause (2) by deleting the word “department” appearing at the end thereof and substituting therefor the words “County director”.

CLAUSE 9

THAT, Clause 9 be amended in sub clause (2) by inserting the word “County” immediately before the word “director”

CLAUSE 10

THAT, Clause 10 be amended by deleting the clause in its entirety.

CLAUSE 11

THAT, Clause 11 be amended by deleting the clause in its entirety.

CLAUSE 12

THAT, Clause 12 be amended by deleting the title appearing before clause 12 as

“PART III- REGISTRATION AND LICENSING OF MEAT PROCESSING ESTABLISHMENTS” and replacing therefor the title “PART IV: LICENSING OF ABATTOIR ESTABLISHMENTS”.

CLAUSE 13

THAT, Clause 13 be amended in sub clause (2) (a) by deleting the words “a processing” appearing before the word “issue” and substituting therefor the words “an abattoir”.

CLAUSE 21

THAT, Clause 21 be amended-

- (i) In sub-clause (1) (b) by deleting the words “at the point of slaughter” appearing at the end thereof and substituting therefor the words “in an approved abattoir”.
- (ii) In sub-clause 3 by deleting the sub-clause in its entirety.
- (iii) In sub-clause 5 by deleting the words “and is removed from the premises of the abattoir and treated” appearing after the words “contagious diseases” and substituting therefor the words “shall be condemned and destroyed in accordance with the prescribed procedure” and further by deleting the words “such animal may be allowed in the abattoir upon satisfaction by the veterinary officer that the animal is healthy” appearing at the end thereof.

CLAUSE 22

THAT, Clause 22 be amended by deleting the clause in its entirety and substituting therefor the following new clause: -

“Equipment and utensils used for preparing, processing or otherwise handling carcasses and meat shall be of such material as will make them easily cleaned, and disinfected and shall, except for chopping blocks and handles of utensils made of metal or other durable material as prescribed by a veterinary officer.”

CLAUSE 23

THAT, Clause 23 be amended in sub clause (2) by deleting the words “any abnormal cutting or” appearing after the words “in the event of”

NEW CLAUSE

THAT, the following New Clause be inserted immediately after clause 23-

Duties of 23A (1) The meat inspector shall: -

- a meat inspector** (a) brand or stamp with the official stamp mark of the department in such places and in such ways as they deem advisable or necessary all carcasses and meat submitted for examination and passed as healthy and fit for human consumption.
- (b) at the time of inspection, issue an inspection certificate which shall be displayed at the Butchery sale point.
- (c) apply and enforce the provisions of the code of hygienic practice for meat that is set out under the Public Health Act and Meat Control Act.
- (2) A person shall not, other than an authorized officer, stamp, brand or mark or attach to or impress on any meat or offal with any official stamp or mark or similar marking.
- (3) A person shall not attach to or impress on any meat or offal any forged stamp or mark or any stamp or mark intended or liable to deceive the public or induce the belief that such meat or offal has been inspected and approved by regulations or slaughtered at the abattoir.
- (4) All carcasses declared fit for human consumption shall be tagged and stamped by a meat inspector or veterinary officer, according to the standard prescribed by the department.

CLAUSE 24

THAT, Clause 24 be amended by deleting the clause in its entirety and substituting therefor the following clause-

“A meat inspector shall, upon declaration of meat to be unfit for human consumption, order that such meat be destroyed by burning or such other means of disposal as soon as possible. A written notice and reasons for so doing shall be issued to the owner of the animal and the abattoir or his agent.”

CLAUSE 25

THAT, Clause 25 be amended: -

- (i) by introducing new paragraphs in the existent list as follows: -
 - a) the identity number of the animal or the number of the lot,
 - b) the movement permit number ,
 - c) the name of animal owner or supplier
 - d) the identity of the vessel that delivered the animals.
- (ii) by deleting paragraph of the existent list.

CLAUSE 26

THAT, Clause 26 be amended-

- (i) in sub-clause (3) by deleting the words “the county executive may apply to the Court for an order” appearing after the word “exceed” and substituting therefor the words “the Director of Veterinary Services shall order”.
- (ii) in sub-clause (4) by deleting the words “of section 35” appearing after the words “under the provisions of”

CLAUSE 29

THAT, Clause 29 be amended-

- (i) in sub-clause (1) by deleting the words “and shall in the case of any slaughter dispose of the carcass on behalf of the department” appearing in the end thereof and substituting therefor the words “the carcass thereof shall be disposed by way of sale by the owner or the person in charge of the abattoir”.
- (ii) In sub-clause (2) by deleting the word “department” appearing before the words “shall pay” and substituting therefor the words “owner of the abattoir”.

CLAUSE 30

THAT, Clause 30 be amended by inserting the word “rodent” after the word “bird”.

CLAUSE 31

THAT, Clause 31 be amended by deleting the words “A person under the age of 16 years shall not” and substituting thereof the words “No person shall”.

CLAUSE 35

THAT, Clause 35 be amended by inserting the following new sub-clause-

35(2) (a) A County officer is personally liable for any loss sustained by the county government that is attributable to the fraudulent or corrupt conduct, of the officer.

(b) The County Treasury may, by civil proceedings brought in a court of competent jurisdiction, recover damages from a County officer for any loss for which the officer is liable under subsection (1).

CLAUSE 36

THAT, Clause 36 be amended by inserting the following new sub-clause -

36(2) A person who wilfully disobeys or obstructs or hinders or knowingly makes any false or misleading statements either orally or in writing to an officer engaged in carrying out his duties or functions under this Act or regulations commits an offence and shall be liable on conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for two years or to both.”

CLAUSE 37

THAT, Clause 37 of the Bill be amended-

- (i) By deleting the word “may” appearing before the words “make regulations” and substituting therefor the word “shall”.
- (ii) By inserting the following new paragraph after the words “provisions of this Act”:-
Such regulations may include:
(1) Categories of abattoirs;

III. Assembly resolved on Wednesday, February 10, 2016 as follows:-

THAT, notwithstanding the provisions of Standing Order 94(4), this Assembly orders 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 be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order.

*** Denotes Orders of the Day**
