



PARLIAMENT
OF KENYA
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KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT – THIRD SESSION (2009)

THE DEPARTMENTAL COMMITTEE

ON

ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS

**REPORT ON THE APPOINTMENT OF ASSISTANT DIRECTORS TO THE
KENYA ANTI-CORRUPTION COMMISSION.**

Clerks Chambers,
Parliament Buildings,
NAIROBI.

MAY, 2009

PREFACE

Mr. Speaker, Sir,

The Departmental Committee on Administration of Justice and Legal Affairs is established under Standing Order No.151. Its mandate pursuant to Standing Order 151(4) is:-

- a) to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;***
- b) to study the programme and policy objectives of the Ministries and departments and the effectiveness for implementation;***
- c) to study and know all legislation after First Reading, subject to the exceptions under Standing Order 101A (4);***
- d) to study, assess and analyze the relative success of Ministries and departments as measured by the results obtained as compared with its stated objective;***
- e) to investigate and inquire into all matters relating to all assigned Ministries and Departments as they may deem necessary, and as may be referred to them by the House or a Minister and;***
- f) to make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.***

The Committee comprises of the following members:-

- (i) Hon. Abdikadir Mohammed, M.P - Chairperson
- (ii) Hon. Millie Odhiambo, M.P.
- (iii) Hon. George Nyamweya, M.P.
- (iv) Hon. Amina Abdalla, M.P.
- (v) Hon. Olago Aluoch, M.P.
- (vi) Hon. Isaac K.Ruto, M.P.
- (vii) Hon. Alfred Sambu, M.P.
- (viii) Hon. Wamalwa Eugene, M.P.
- (ix) Hon. Mutava Musyimi, M.P
- (x) Hon. Ababu Namwamba, M.P.
- (xi) Hon. Peter Baiya, M.P.

REPORT ON THE APPOINTMENT OF ASSISTANT DIRECTORS TO THE KENYA ANTI-CORRUPTION COMMISSION (KACC).

1.0 BACKGROUND

- 1.11 **Mr. Speaker, Sir**, the Kenya Anti-corruption Commission is a body corporate established under Section 6(1) of the Anti-Corruption and Economic Crimes Act(No 3 of 203)
- 1.12 Provisions of Part III of the Act deals with the Powers and Functions of the Commission.
- 1.13 The provisions of Section 8 (1) & (2) provides for the positions of Director and Assistant Directors as follows:-

8.(1) The Commission shall have a Director who shall be the chief executive officer of the Commission and who shall be responsible for its direction and management.

(2)The Commission shall have up to four Assistant Directors to assist the Director.

1.20 MANDATE OF THE COMMITTEE

- 1.21 **Mr. Speaker, Sir**, the Committee derives its mandate from the provisions of Section 8 (3) & (4) of the Anti-Corruption and Economic Crimes Act which states as follows:

(3) The Director and Assistant Directors shall be persons recommended by the Advisory Board and approved by the National Assembly for appointment to their respective positions.

(4) On the approval of a person by the National Assembly under subsection (3), the President shall appoint the person concerned to the office in respect of which the approval was given

- 1.22 Pursuant to the provisions of Paragraph 1 of the First Schedule of the Anti-corruption and Economics Crimes Act, the Kenya Anti-Corruption Advisory Board advertised, in May 2008 and carried out interviews in

July 2008 aimed at identifying a suitable person to fill the position of **Assistant Director-Finance and Administration.**

1.23 Similarly, the Advisory Board advertised in September 2008 and carried out interviews in November 2008 aimed at identifying a suitable person to fill the position of **Assistant Director-Investigations and Asset Tracing.**

1.24 The Advisory Board recommended the followings persons for the two positions of Assistant Directors as follows:-

- (i) Mr. Wilson Kiprotich C.Shollei - Finance and Administration
- (ii) Dr.John Parmenus Mutonyi -Investigation and Asset Tracing

1.25 The Advisory Board submitted its report to the National Assembly through the Ministry of Justice, National Cohesion and Constitutional Affairs.

1.30 COMMITTEES' DELIBERATIONS AND OBSERVATIONS

1.31 At its meeting held on February 19, 2009, the Committee received the recommendations from the Advisory Board, discussed the matter and resolved that the new Advisory Board should be the one to interview and recommend names of the Assistant Directors.

1.32 At its sitting held on May 21, 2009, the Committee reconsidered this matter following revelations that the Kenya Anti-Corruption Commission was not operating optimally.

1.33 The Committee observed that vacant positions were that of Assistant Director-Finance and Administration and Assistant Director-Investigations and Asset Recovery.

1.34 In accordance with the provisions Section 8 (3) of the Anti-corruption and Economics Crimes Act, the Committee scrutinized the qualifications and credentials of the nominees and confirmed that the two were qualified for the positions.

1.35 The two nominees are:-

- (i) Mr. Wilson Kiprotich C.Shollei
- (ii) Dr.John Parmenus Mutonyi

MINUTES OF THE FORTIETH SITTING OF THE DEPARTMENTAL COMMITTEE G - ON ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON THURSDAY , MAY 21, 2009 IN COMMITTEE ROOM 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, AT 9.00 AM.

PRESENT

The Hon. Abdikadir Mohammed, M.P - **Chairperson**
The Hon. Isaac Ruto, M.P
The Hon. Alfred Sambu, M.P
The Hon. Mutava Musyimi, M.P
The Hon. Amina Abdalla, M.P
The Hon. Millie Odhiambo, M.P
The Hon. Nyamweya George, M.P

ABSENT WITH APOLOGY

The Hon. Ababu Namwamba, M.P
The Hon. Olago Aluoch, M.P
The Hon. Baiya Peter, M.P
The Hon. Wamalwa Eugene, M.P

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi	Clerk Assistant
Mr. Peter Kitheka	Parliamentary Intern
Mr. Willis Otieno	Parliamentary Intern

MIN.NO. 165/2009

PRAYER

The meeting started with a word of prayer.

MIN.NO. 166/2009

ADOPTION OF THE AGENDA

The Agenda was amended to include the following two items:

1. Consideration of the Anglo-leasing Contracts
2. Appointment of Directors to the Kenya Anti Corruption Commission

MIN.NO. 167/2009

CONSIDERATION OF ANGLO-LEASING CONTRACTS

The Committee noted that this matter had been referred to the Committee for further scrutiny .It was resolved that a Sub-Committee be to scrutinize the contracts and related documents be constituted. It was also noted that the Committee has two months to report back to the House.

**MIN.NO. 168/2009 APPOINTMENT OF ASSISTANT DIRECTORS-
KACC**

The Committee observed that this matter had been pending for sometime and should be dispensed with without further delay to allow KACA to function properly.

**MIN.NO. 169/2009 CONSIDERATION OF NOMINEES TO THE
TRUTH, JUSTICE AND RECONCILIATION COMMISSION**

The Committee observed that in accordance with the Truth, Justice and Reconciliation Act, 2008, the Selection Panel had invited applications from persons for nomination as commissioners. The Selection Panel had also considered the applications, ranked and provided comments regarding each of the finalists and forwarded the nominees to the National Assembly.

In accordance with Section 10 (1) (a) and (b) paragraph 5 of the First Schedule of the Truth, Justice and Reconciliation Act, 2008, the Committee scrutinized the summaries of the fifteen nominees forwarded by the Selection Panel and confirmed that most of the nominees were qualified. The fifteen nominees were:-

1. Amb. Bethuel Kiplagat, MBS
2. Benjamin Nzimbi, MBS
3. Dr. Maria Nzomo, MBS
4. Dr. Elizabeth Muli
5. Tom Ojienda
6. Timothy Njoya
7. Dr. Joseph Aluoch
8. Betty Murungi
9. Margaret Shava
10. Thomas Letangule
11. Abubakar Zein Abubakar
12. Joyce Miguda Majiwa, OGW
13. Tecla Namachanja
14. Maj.Gen. (rtd) Ahmed Sheikh Farah, CBS
15. Dr. Daadab Mohammed

In keeping with the provisions of the Law, the Committee selected nine persons for nomination taking into consideration the requirements as set out in the relevant provisions of the law namely:-

- a) Knowledge of and at least fifteen (15) years experience in matters relating to human rights law
- b) Knowledge of and experience in forensic audit, investigations, psycho-sociology, management, religion or gender issues

Pursuant to the provisions of paragraph 5 of the first schedule which states that:-

“The National Assembly shall, upon receipt of recommendations of the selection panel under paragraph 3, nominate nine persons for appointment as commissioners and shall submit the list of nominees to the Minister or onward transmission to the President”

The Committee nominated nine persons for appointment as commissioners as follows:-

<u>Name</u>	<u>Category</u>
(i) Amb. Bethuel Kiplagat, MBS	Conflict Management
(ii) Benjamin Nzimbi, MBS	Religion
(iii) Dr. Elizabeth Muli	Human Rights Law
(iv) Tom Ojienda	Human Rights Law
(v) Timothy Njoya	Religion
(vi) Betty Murungi	Human Rights Law/C/M
(vii) Abubakar Zein Abuba	Conflict Management
(viii) Tecla Namachanja	Gender / Conflict Management
(ix) Maj.Gen. (rtd) Ahmed Sheikh Farah, CBS	- Conflict Management

Pursuant to the provisions of the Act the Committee also noted the nominees by the Panel of Eminent Persons as follows:

- (i) Judge Getrude Chawatama (Zambia)
- (ii) Mr. Berhanu Dinka (Ethiopia)
- (iii) Mr. Ronald Slye (United States of America)

MIN.NO. 170/2009

ANY OTHER BUSINESS

Report on the Nomination of Commissioners to the National Cohesion and Integration Commission

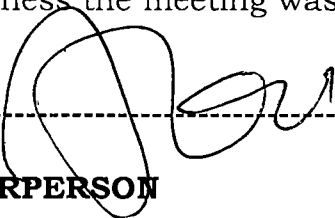
It was reported that the Committee Report tabled on the floor of the House on April 30, 2009 and debated thereafter had an error on one of the recommended names. The secretariat reported that the name of Dr. Mzalendo Kibunjia was inadvertently included in the final list that was tabled at the expense of Mr. Kiogora Mbogori's name.

MIN.NO. 171/2009

ADJOURNMENT

And there being no other business the meeting was adjourned at fifteen minutes past twelve O'clock.

SIGNED -----



CHAIRPERSON

DATE-----

28.05.09

MINUTES OF THE FORTY - FIRST SITTING OF THE DEPARTMENTAL COMMITTEE G - ON ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON THURSDAY , MAY 26, 2009 IN COMMITTEE ROOM 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, AT 10.00 AM.

PRESENT

Hon. Abdikadir Mohammed, MP.
Hon. Sambu Alfred, MP.
Hon. Mutava Musyimi, MP.
Hon. Amina Abdalla, MP.
Hon. Isaac Ruto, MP.
Hon. Nyamweya George, MP.
Hon. Millie Odhiambo, MP.
Hon. Wamalwa Eugene, MP.
Hon. Njoroge Baiya, MP.

Chairperson

ABSENT WITH APOLOGIES

Hon. Olago Aluoch, MP.
Hon. Ababu Namwamba, MP.

IN ATTENDANCE

Ms Consolata Munga	Deputy Director- Committee Services
Mrs. Lucy Wanjohi	Clerk Assistant
Mr. Julius Ariwomoi	Clerk Assistant
Mr. Willis Otieno	Parliamentary Intern.

MIN.NO. 172/09 PRAYER

The Meeting started with a word of prayer.

MIN.NO. 173/09 ADOPTION OF THE AGENDA

The Committee adopted the agenda of the meeting.

MIN.NO. 174/09 CONFIRMATION OF PREVIOUS MINUTES

Confirmation of minutes of the previous sitting was deferred to allow corrections to be made to reflect the accurate deliberations of the meeting.

MIN.NO. 175/09 MATTERS ARISING

Under Min.NO 168/09 - It was observed that the Committee had concluded the matter on the appointment of Assistant Directors to the Kenya Anti-corruption Commission and resolved that a report on the same be prepared to be considered in the next meeting

Under Min.No. 170/09 – It was noted that the matter on the Report for the nomination of Commissioners to the National Cohesion and Integration Commission had been concluded and a memo forwarded to the Speaker.

MIN.NO 176/09 ANGLO LEASING CONTRACTS

The Deputy Director(Committee Services) gave a brief explanation on the work already done by previous committees including investigations on four of the eighteen contracts and a visit to Spain.

The Committee resolved that, a sub-committee be formed to scrutinize previous reports and documents with a view to preparing a work plan and the way forward for the Committee. The following members were nominated to serve in the sub-committee;

- (i) Hon. Alfred Sambu,M.P.
- (ii) Hon. Baiya Peter,MP
- (iii) Hon. Nyamweya George,MP
- (iv) Hon. Olago Aluoch,MP

MIN.NO.177/09 REPORT ON THE NOMINATION OF COMMISSIONERS TO THE TRUTH JUSTICE AND RECONCILIATION COMMISSION

The Committee discussed a draft report on the nomination of Commissioners to the Truth, Justice and Reconciliation Commission and resolved to subject the list of the nominees to further discussion with a view to making appropriate changes, putting into consideration crucial factors that were earlier not considered. It was further agreed that this matter would not be subjected to any further debate.

The Committee agreed by consensus to recommend the following persons;

- (i) Amb. Bethwel Kiplagat
- (ii) Mr. Thomas Letangule
- (iii) Ms. Margaret Shava
- (iv) Mr. Tom Ojienda
- (v) Rev.Dr. Timothy Njoya
- (vi) Ms. Betty Murungi
- (vii) Mr. Abubakar Zein Abubakar

- (viii) Ms. Tecla Namachanja
- (ix) Maj. Gen (rtd) Ahmed Sheikh Farah

MIN.NO. 178/09 ANY OTHER BUSINESS

a) Outstanding Bills

It was agreed that the Committee would consider the Arbitration (Amendment) Bill,2009 and the Statute Law (Miscellaneous Amendments) Bill, 2009 in its next sitting.

b) Appointment of Assistant Directors-Kenya Anti-Corruption Commission.

It was agreed that a report on the matter would be ready for adoption in the next sitting.

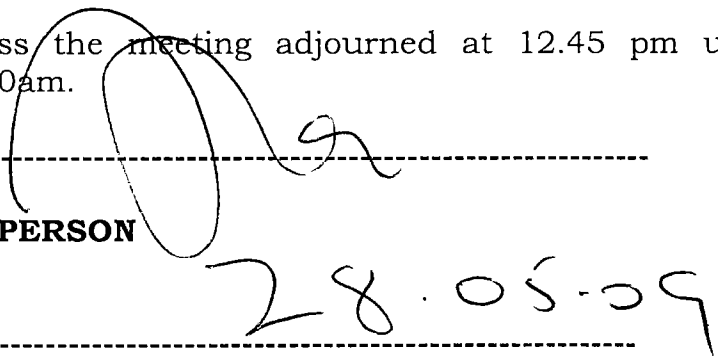
MIN.NO. 179/09 ADJOURNMENT

There being no other business, the meeting adjourned at 12.45 pm until Thursday May 28, 2009 at 11.00am.

SIGNED -----

CHAIRPERSON

DATE-----



The signature is a large, stylized cursive mark. Below it, the date '28.05.09' is handwritten in a simple, bold style.

MINUTES OF THE FORTY – SECOND SITTING OF THE DEPARTMENTAL COMMITTEE G - ON ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON THURSDAY , MAY 28, 2009 IN COMMITTEE ROOM 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, AT 10.00 AM.

PRESENT

Hon. Abdikadir Mohammed, MP.
Hon. Mutava Musyimi, MP.
Hon. Amina Abdalla, MP.
Hon. Isaac Ruto, MP.
Hon. Nyamweya George, MP
Hon. Njoroge Baiya, MP.

Chairperson

ABSENT WITH APOLOGIES

Hon. Olago Aluoch, MP.
Hon. Ababu Namwamba, MP.
Hon. Sambu Alfred, MP.
Hon. Millie Odhiambo, MP.
Hon. Wamalwa Eugene, MP.

IN ATTENDANCE

Mrs. Lucy Wanjohi Clerk Assistant
Mr. Peter Kitheka Parliamentary Intern.

MIN.NO. 180/09 PRAYER

The Meeting started with a word of prayer.

MIN.NO. 181/09 ADOPTION OF THE AGENDA

The Committee adopted the agenda of the meeting.

MIN.NO. 182/09 ADOPTION OF REPORTS

The Committee considered the following two reports and adopted them for tabling in the House:-

1. Report on the Nomination of Commissioners to the Truth, Justice and Reconciliation Commission.
2. Report on the appointment of assistant Directors to the Kenya Anti-Corruption Commission.

MIN.NO. 183/09

ADJOURNMENT

There being no other business the meeting adjourned at 1.00pm pm until Friday
May 29, 2009 at 11.00am.

SIGNED -----


CHAIRPERSON

DATE-----

28.05.09.

REPUBLIC OF KENYA



NATIONAL ASSEMBLY OF KENYA

NINTH PARLIAMENT

**DEPARTMENTAL COMMITTEE ON HEALTH,
HOUSING, LABOUR AND SOCIAL WELFARE**

REPORT ON THE EMPLOYMENT BILL, 2007

**CLERKS CHAMBER,
PARLIAMENT BUILDINGS,
NAIROBI**

MAY, 2007

PROPOSED AMENDMENTS TO THE EMPLOYMENT BILL, 2007

1.0 PREFACE

Mr. Speaker Sir,

The Departmental Committee on Health, Housing, Labour and Social Welfare was constituted at the commencement of the Ninth Parliament pursuant to the provisions of Standing Order No. 151. The said Standing Order No. 151 (1) (c) mandates the Committee to among other things:-

(c) to study and review all legislation after the First Reading subject to the exemptions under Standing Order No. 101 A (4)

2.0 SUBJECTS

The Committee's subjects are as follows:-

- (a) Health
- (b) Housing
- (c) Labour
- (d) Social Welfare

The Committee oversees the performance of the following Ministries:-

- (a) Health
- (b) Labour and Human Resource Development
- (c) Housing
- (d) Sports, Gender, Culture and Social Services

3.0 MEMBERSHIP

The Committee comprises the following Members:-

The Hon. (Dr.) Hezron Manduku, MP – **Chairman**
The Hon. Tobias Ochola Ogur, MP
The Hon. Reuben Ndolo, MP
The Hon. Norman M. G. K. Nyagah, MP
The Hon. (Dr.) Naomi Shaaban, MP
The Hon. Zebedeo J. Opore, MP

The Hon. Abdalla Ngozi, MP
The Hon. (Prof.) Julia Ojiambo, MP
The Hon. William Boit, MP
The Hon. Benson Mbai, MP
The Hon. David Koros, MP

4.0 SUMMARY

Mr. Speaker Sir,

On behalf of the Departmental Committee on Health, Housing, Labour and Social Welfare, I am pleased to present to the House the Committee's recommendations on the Employment Bill, 2007, pursuant to the provisions of Standing Order 162. The Bill was referred to the Committee after it was tabled in the House for the First Reading on April 18, 2007.

I take this opportunity to thank all the Members of the Committee and the secretariat for their dedication and hard work and their desire to improve the Bill.

The Committee held several sittings to deliberate on the Bill and also discussed it with various stakeholders some of whom sent in their memoranda. The stakeholder's views have been integrated in the form of proposed amendments.

5.0 BACKGROUND

Mr. Speaker Sir,

This Bill seeks to repeal and replace the Employment Act and to establish minimum terms and conditions of employment.

Most of the Kenyan workforce puts up long hours with low wages, without safety gear, maternity leave for women and other workers being maintained for many years as casual labourers. All this has been made possible by the weak and poor labour laws in the country. This bill upon enactment will go along way in addressing some of these challenges facing our workers.

Child labour is rampant in the agricultural and other labour subsectors. This has affected the well being of our children, denying them the

opportunity to acquire knowledge through attending formal education. Due to weak labour laws employers appropriated this cheap labour to their gain. The proposed bill outlaws child labour and puts in place stiff penalties for those who employ children.

We have heard of allegations of sexual harassment and of women performing sexual favours to their employers and bosses to keep job and gain promotion. This is morally wrong and ethically unacceptable. Sexual harassment does not only happen to women, men are also sexually harassed by their female bosses and employers. This bill has provisions that guard against sexual harassment in the workplace for both public and private. Other than sexual harassment the bill also protects workers from any form of discrimination based on gender, race, colour, language, disability pregnancy ethnic or HIV status just to mention a few.

The enactment of Labour Laws in Kenya date back to the colonial and independence era when the settlers appropriated African labour for their gain. These laws have remained as they were with all the elements of colonialism.

The enactment of these laws is long over due. As the Committee was touring various places of work in the country it found out that the major obstacle to the realisation of justice and upholding of human rights in the labour sector was the archaic labour laws in force which are a relic of colonialism. Indeed in our reports we recommended the overhaul of the labour laws in Kenya and the expeditious enactment of more humane laws in tandem with major labour treaties that Kenya is a signatory and international best labour practices.

Mr. Speaker Sir,

This bill provides for the minimum basic conditions of employment where the employer is required to provide some minimum standards in the form of rest, annual leave, decent housing, sick leave, water supply, maternity leave and medical attention among others.

Further the bill provides for the protection of wages, in this case employers who default will be penalized and in the case of insolvency of an employer the employee's wages are secured.

6.0 CONCLUSION

Our failure to review labour laws in Kenya has led to the continued suffering and abuse of human rights in the labour sector contrary to the Constitution of Kenya and International Conventions that Kenya has ratified. The Committee recommends the enactment of this Bill into law but with the attached amendments.

**HON. DR. HEZRON MANDUKU, MP
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON HEALTH, HOUSING, LABOUR
AND SOCIAL WELFARE COMMITTEE**

PROPOSED AMENDMENTS TO THE EMPLOYMENT BILL, 2007

SHORT TITLE: - agreed to

CLAUSE 1: - agreed to

CLAUSE 2: That Clause 2 be amended as follows:

- (i) That the interpretation of **contract of service** be amended by inserting the words **in return for remuneration** after the word **employee** appearing in the third line.
- (ii) That the interpretation of **dependent** be amended by inserting the words **or her** after the word **his** appearing in the second line.
- (iii) That the interpretation of **disability** be amended by deleting the words **being HIV positive or** appearing after the word **means** in the first line.
- (iv) That the interpretation of **strike** be amended by deleting all the words after the word **means** and substituting therefor with the words **the cessation of work by employees acting in combination, or a concerted refusal or a refusal under a common understanding of employees to continue to work for the purpose of compelling their employer or an employer's organisation of which their employer is a member to accede to any demand in respect of a trade dispute.**

CLAUSE 3: That Clause 3 be amended as follows:

That subsection (5) be amended by renumbering the second subsection (5) to become subsection (6).

CLAUSE 4: That Clause 4 be amended as follows:

- (i) That subsection (2) (b) be amended by inserting the word **voluntary** after the word **normal** in the second line.
- (ii) That subsection (2) (e) be amended by inserting the word **voluntary** after the word **communal** appearing in the first line.

CLAUSE 5: - agreed to

CLAUSE 6: That Clause 6 be amended as follows:

- (i) That subsection (1) be amended by deleting the word **employee's** appearing in the second line and substituting therefor with the word **employee** followed by a coma.

- (ii) That subsection (2) be amended by deleting the word **twenty** appearing after the word **employs** in the second line and substituting therefor with the word **ten**.

CLAUSE 7: - agreed to

CLAUSE 8: - agreed to

CLAUSE 9: - agreed to

CLAUSE 10: - agreed to

CLAUSE 11: That Clause 11 be amended as follows:

That subsection (5) be amended by deleting the word **the** appearing after the word **outside** in the third line and further deleting the words **so to** appearing after the word **begin** in the sixth line.

CLAUSE 12: - agreed to

CLAUSE 13: That Clause 13 be amended as follows:

That subsection (6) (a) be amended by deleting the word **identify** appearing in the second line and substituting therefor with the word **identity**.

CLAUSE 14: - agreed to

CLAUSE 15: - agreed to

CLAUSE 16: That Clause 16 be amended as follows:

- (i) That subsection (4) be amended by deleting the word **condition** appearing in the third line and substituting therefor with the word **conviction**.

CLAUSE 17: - agreed to

CLAUSE 18: - agreed to

CLAUSE 19: - agreed to

CLAUSE 20: - agreed to

CLAUSE 21: - agreed to

CLAUSE 22: - agreed to

CLAUSE 23: - agreed to

CLAUSE 24: - agreed to

CLAUSE 25: - agreed to

CLAUSE 26: - agreed to

CLAUSE 27: - agreed to

CLAUSE 28: - agreed to

CLAUSE 29: - agreed to

CLAUSE 30: - agreed to

CLAUSE 31: That Clause 31 be amended as follows:

That subsection (1) be amended by inserting the words **and decent** after the word **reasonable** appearing in the second and sixth line respectively.

CLAUSE 32: - agreed to

CLAUSE 33: - agreed to

CLAUSE 34: That Clause 34 be amended as follows:

That subsection (4) be amended by deleting subsection (c).

CLAUSE 35: - agreed to

CLAUSE 36: - agreed to

CLAUSE 37: - agreed to

CLAUSE 38: - agreed to

CLAUSE 39: - agreed to

CLAUSE 40: That Clause 40 be amended as follows:

- (i) That subsection (1) (a) be amended by deleting the words **a month** appearing after the word **than** in the seventh line and substituting therefor with the words **three months**.
- (ii) That subsection (1) (d) be amended by inserting the word **of** after the word **existence** appearing in the first line.
- (iii) That subsection (1)(f) be amended by deleting the words **not less than one month's notice or one month's wages in lieu of notice** and substitute therefor with the words **three months salary in lieu of notice**.

CLAUSE 41: That Clause 41 be amended as follows:

- (i) That subsection (1) be amended by deleting the words **poor performance or physical incapacity** appearing after the word **misconduct** in the third line.
- (ii) That subsection (2) be amended by deleting the words **or poor performance** appearing after the word **misconduct** in the fifth line.

CLAUSE 42: That Clause 42 be amended as follows:

That subsection (4) be amended by deleting the words

- (a) **seven days** appearing after the word **than** in the second line and substituting therefor with the words **one month's**.
- (b) **seven days** appearing in the fourth line and substituting therefor with the words **one month's**.

CLAUSE 43: - agreed to

CLAUSE 44: - agreed to

CLAUSE 45: That Clause 45 be amended as follows:

- (i) That subsection (2) (b) (i) be amended by deleting the words **capacity or compatibility** appearing after the word **conduct** in the first line.
- (ii) That subsection (5) (b) be amended by deleting the words **and capability** appearing after the word **conduct** in the first line.

CLAUSE 46: - agreed to

CLAUSE 47: - agreed to

CLAUSE 48: - agreed to

CLAUSE 49: - agreed to

CLAUSE 50: That Clause 50 be amended as follows:

That Clause 50 be amended by deleting the proviso in its entirety.

CLAUSE 51: - agreed to

CLAUSE 52: - agreed to

CLAUSE 53: - agreed to

CLAUSE 54: That Clause 54 be amended as follows:

That subsection (4) be amended by deleting all the words appearing after the word **law** in fourth line.

CLAUSE 55: That Clause 55 be amended as follows:

That subsection (5) be amended by:

- (i) deleting the words **in the employment to which the notice relates, or any similar employment**, appearing after the word **child** in the sixth line.
- (ii) inserting the words **and shall on conviction be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years or to both** after the word **offence** appearing in the eighth line.

CLAUSE 56: - agreed to

CLAUSE 57: - agreed to

CLAUSE 58: That Clause 58 be amended as follows:

That subsection (2) be amended by deleting the words **or edit** appearing after the word **shaft** in the third line.

CLAUSE 59: - agreed to

CLAUSE 60: - agreed to

CLAUSE 61: - agreed to

CLAUSE 62: - agreed to

CLAUSE 63: - agreed to

CLAUSE 64: That Clause 64 be amended as follows:

- (i) That subsection (1) be amended by inserting the words **and shall on conviction be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years or to both** after the word **offence** appearing in the third line.
- (ii) That subsection (2) be amended by deleting the words:
 - (a) **in child** appearing in the first line and substituting therefor with the words **child in**.
 - (b) **twelve months** appearing after the word **exceeding** in the fifth line and substituting therefor with the words **two years**.

CLAUSE 65: That Clause 65 be amended as follows:

That subsection (1) be amended by deleting the word **part** appearing in the third line and substituting therefor with the word **Act**.

CLAUSE 66: That Clause 66 be amended as follows:

That subsection (1)(c) be amended by deleting the words **section 70** appearing after the word **to** in the fourth line and substituting therefor with the word **section 69**.

CLAUSE 67: - agreed to

CLAUSE 68: - agreed to

CLAUSE 69: - agreed to

CLAUSE 70: That Clause 70 be amended as follows:

- (i) That subsection (3) be amended by inserting the words **under section 66** immediately after the word **payment** appearing in the fifth line.

CLAUSE 71: That Clause 71 be amended as follows:

That subsection (1) be amended by deleting the words **section 67** appearing after the word **under** in the first line and substituting therefor with the words **section 66**.

CLAUSE 72: That Clause 72 be amended as follows:

- (i) That subsection (1) be amended by deleting the words **section 67** appearing in the first line and substituting therefor with the words **section 66**.
- (ii) That subsection (2) be amended by deleting the words **section 67** and substituting therefor with the words **section 66**.

CLAUSE 73: That Clause 73 be amended as follows:

- (i) That subsection (4) be amended by inserting the words **and shall on conviction be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years or to both** immediately after the word **offence** appearing in the third line.
- (ii) That subsection (5)(b) be amended by inserting the words **and shall on conviction be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years or to both** immediately after the word **offence** appearing in the seventh line.

CLAUSE 74: - agreed to

CLAUSE 75: That Clause 75 be amended as follows:

That Clause 75 be amended by deleting the words **or to imprisonment for a term not exceeding six months or to both** appearing after the words **six months** in the eleventh line.

CLAUSE 76: - agreed to

CLAUSE 77: - agreed to

CLAUSE 78: - agreed to

CLAUSE 79: - agreed to

CLAUSE 80: That Clause 80 be amended as follows:

That Clause 80 be amended by inserting the words **in consultation with the board** after the word **may** appearing in the first line.

CLAUSE 81: - agreed to
CLAUSE 82: - agreed to
CLAUSE 83: - agreed to
CLAUSE 84: - agreed to
CLAUSE 85: - agreed to
CLAUSE 86: - agreed to
CLAUSE 87: - agreed to
CLAUSE 88: - agreed to
CLAUSE 89: - agreed to
CLAUSE 90: - agreed to
CLAUSE 91: - agreed to
CLAUSE 92: - agreed to
CLAUSE 93: - agreed to

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