

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

**PARLIAMENT
OF KENYA
LIBRARY**

**REPORT OF THE DEPARTMENTAL COMMITTEE ON SPORTS
CULTURE AND TOURISM ON THE CONSIDERATION OF STATUTE
LAW (MISCELLANEOUS AMENDMENTS) BILL, 2019 (NATIONAL
ASSEMBLY BILLS NO. 21)**

DIRECTORATE OF COMMITTEE SERVICES

CLERK'S CHAMBERS

NAIROBI

MAY, 2019

LIST OF ABBREVIATIONS AND ACRONYMS

- CUE - Commission for University Education
- TPA - Tourism Professional Association,
- NAPUK - National Association of Private Universities in
Kenya

LIST OF ANNEXURES

- Annexure 1:** Minutes of Committee sittings on the consideration of the Bill
- Annexure 2:** Newspaper advertisement inviting the public to submit memoranda on the Bill
- Annexure 3:** Written submission received from stakeholders following newspaper advertisement

CHAIRPERSON’S FOREWORD

On behalf of the Departmental Committee on Sports, Culture and Tourism and pursuant to provisions of Standing Order 207 (6), it is my pleasant privilege and honor to present to the Justice and Legal Affairs Committee the report of the Committee on its considerations of the Statute Law (Miscellaneous Amendments) Bill, 2019. The Bill was committed on 3rd April 2019, and it is on this basis that the Committee makes this report pursuant to Standing Order 127.

The Statute Law (Miscellaneous Amendments) Bill, 2019 (National Assembly Bills No. 21) was published on 29th March, 2019 and underwent First Reading in the National Assembly on 3rd April, 2019. After First Reading, the Bill was committed to relevant Departmental Committees for review and report to the House pursuant to the provisions of Standing Order 216(5)I.

The National Assembly through local daily newspapers of 10th April, 2019 invited the public to make representations on the Bill. Members of the public either individually or representing institutions and organizations submitted memoranda which the Committee took into account while reviewing the Bill.

The Committee held a total of one sitting considering the Bill. The Committee considered and unanimously adopted its report on 30th April, 2019. Minute of the sitting of the Committee on the review of the Bill is annexed to this report.

The Committee considered amendments to the Tourism Act (No. 28 of 2011) in the Statute Law (Miscellaneous Amendments) Bill, 2019 (National Assembly Bills No. 21).

I wish to appreciate the Committee Members for their valuable contributions in the consideration of the Bill. I also wish to thank the Speaker and Clerk of the National Assembly for facilitating the Committee during the process. Lastly, I thank the Committee’s secretariat for their diligence in providing technical and logistical support to Committee.

Signed..........Date.....02/05/2019.....

HON (DR.) VICTOR K, MUNYAKA, M.P.

**CHAIRPERSON, DEPARTMENTAL COMMITTEE ON SPORTS,
CULTURE AND TOURISM**

PART 1

1. PREFACE

1.0 Mandate of the Committee

The Departmental Committee on Sports, Culture and Tourism is one of the fifteen departmental committees of the House established pursuant to Article 124 of the Constitution of Kenya 2010 and Standing Order 216 of the National Assembly and mandated to—

- (a) 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) Study the programs and policy objectives of ministries and departments and the effectiveness of the implementation;*
- (c) Study and review all legislation referred to it;*
- (d) Study, assess and analyze the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
- (e) Investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary and as may be referred to them by the House;*
- (f) Vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments); and*
- (g) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.*

The Departmental Committee on Sports, Culture and Tourism oversees the following Ministries/Departments/Agencies:

1. State Department of Sports Development
2. State Department of Heritage; and
3. State Department of Tourism

1.1 Committee Membership

The Committee comprises the following Honourable Members-

The Hon. (Dr.) Victor Kioko Munyaka, M.P.

Member of Parliament for Machakos Town Constituency

Chairperson Departmental Committee on Sports, Culture and Tourism

Jubilee Party

The Hon. (Dr.) Korei Ole Lemein, M.P.

Member of Parliament for Narok South Constituency

Vice-Chairperson Departmental Committee on Sports, Culture and Tourism

Jubilee Party

The Hon. Christopher Omulele, M.P.

Member of Parliament for Luanda Constituency

Member Departmental Committee on Sports, Culture and Tourism

Orange Democratic Movement Party (ODM)

The Hon. (Dr.) Christine Ombaka, M.P.

Member of Parliament for Siaya County

Member Departmental Committee on Sports, Culture and Tourism

Orange Democratic Movement Party (ODM)

The Hon. Cyprian Kubai Iringo, M.P.

Member of Parliament for Igembe Central Constituency

Member Departmental Committee on Sports, Culture and Tourism

Jubilee Party

The Hon. Jones Mlolwa, M.P.

Member of Parliament for Voi Constituency

Member Departmental Committee on Sports, Culture and Tourism

Orange Democratic Movement Party (ODM)

The Hon. Daniel Wanyama Sitati, M.P.

Member of Parliament for Webuye West Constituency

Member Departmental Committee on Sports, Culture and Tourism

Jubilee Party

The Hon. Benard Masaka Shinali, M.P.

Member of Parliament for Ikolomani Constituency

Member Departmental Committee on Sports, Culture and Tourism

Jubilee Party

The Hon. (Prof.) Jacqueline Oduol, M.P.

Nominated Member of Parliament

Member Departmental Committee on Sports, Culture and Tourism

Orange Democratic Movement Party (ODM)

The Hon. (Dr.) Tecla Chebet Tum, M.P.

Member of Parliament for Nandi County

Member Departmental Committee on Sports, Culture and Tourism

Jubilee Party

The Hon. Jane Jepkorir Kiptoo Chebaibai, M.P.

Member of Parliament for Elgeyo Marakwet County

Member Departmental Committee on Sports, Culture and Tourism

Jubilee Party

The Hon. Lydia Haika Mnene Mizighi, M.P.

Member of Parliament for Taita Taveta County

Member Departmental Committee on Sports, Culture and Tourism

Jubilee Party

The Hon. George Risa Sunkuyia, M.P.

Member of Parliament for Kajiado West Constituency

Member Departmental Committee on Sports, Culture and Tourism

Jubilee Party

The Hon. Annie Wanjiku Kibeh, M.P.

Member of Parliament for Gatundu North Constituency

Member Departmental Committee on Sports, Culture and Tourism

Jubilee Party

The Hon. Sylvanus Maritim, M.P.

Member of Parliament for Ainamoi Constituency

Member Departmental Committee on Sports, Culture and Tourism

Jubilee Party

The Hon. Jeremiah Lomorukai, M.P.

Member of Parliament for Loima Constituency

Member Departmental Committee on Sports, Culture and Tourism

Orange Democratic Movement Party (ODM)

The Hon. Charles Ngusya Nguna, M.P.

Member of Parliament for Mwingi West Constituency

Member Departmental Committee on Sports, Culture and Tourism

Wiper Democratic Party (WDP)

The Hon. Titus Mukhwana Khamala, M.P. (Bishop)

Member of Parliament for Lurambi Constituency

Member Departmental Committee on Sports, Culture and Tourism

Amani National Congress Party (ANC)

The Hon. Charles Kamuren, M.P.

Member of Parliament for Baringo South Constituency

Member Departmental Committee on Sports, Culture and Tourism

Jubilee Party

1.2 Committee Secretariat

Helen Kina	-	Second Clerk Assistant
Fredrick Otieno	-	Third Clerk Assistant
Salem Lorot	-	Legal Counsel II
Vitus P.O Owino	-	Research Officer III
Catherine Gati	-	Fiscal Analyst
Martin Mutua	-	Media Relations Officer
Sheila Chebotibin	-	Sergeant At-Arms

PART 2

2. INTRODUCTION AND BACKGROUND

2.1 MEMORANDUM OF OBJECTS AND REASONS ON THE BILL

The Bill seeks to amend various statutes but the one that falls within the mandate of the Committee is the proposed amendment to the Tourism Act (No. 28 of 2011).

The Tourism Act (No. 28 of 2011)

The Bill seeks to amend the Act to include universities among institutions offering tourism-related courses.

The Bill does not concern county governments within the meaning of Article 110 of the constitution.

The enactment of the Bill shall not occasion expenditure of public funds.

2.2 PUBLIC PARTICIPATION IN THE REVIEW OF THE BILL

Article 118 (1) (b) of the Constitution of Kenya provides as follows: -

“Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees”

Standing Order 127(3) provides as follows-

“The Departmental Committee to which a Bill is committed shall facilitate public participation and shall take into account the views and

recommendations of the public when the Committee makes its recommendations to the House''

In line with the Constitution and Standing Orders, the National Assembly in the local daily newspapers of April 10th 2019 invited the public to make representations on the proposed amendments in the Bill as per annexure 2 of the report. Several members of the public either individually or representing institutions and organizations submitted their views to the Committee by way of written and oral submissions.

The Committee received written submissions on the proposed amendments to the Tourism Act (No. 28 of 2011).

The following stakeholders submitted written submissions –

- (i) Tourism Professional Association (TPA);
- (ii) National Association of Private Universities in Kenya (NAPUK)

The written submissions received are contained in Annexure 3 of the report.

PART 3

3. CONSIDERATION OF THE BILL BY THE COMMITTEE

Having considered the Bill, clause by clause, the Committee made the following recommendations including amendments to be moved during the Committee of the whole House -

3.1 THE TOURISM ACT (NO. 28 OF 2011)

3.1.1 Proposed amendment to section 2 of the Act

Insert the following new definition in its proper alphabetical sequence—

“university” has the meaning assigned to it under the Universities Act, 2012 (No. 42 of 2012).

(i) Stakeholders’ submissions

The National Association of Private Universities in Kenya proposed that section 2 of the Act be amended by deleting the definition of the term “College” and replace it with “institutions training hospitality and tourism”. The justification for the amendment is that the term “College” discriminates against universities and other institutions accredited to train hospitality and tourism programmes.

The Association has also proposed deletion of the definition of the term “Council” and substitution with “Councils of Accredited Institutions training hospitality and tourism programmes. The justification for the amendment is that the Kenya Utalii College is not the single accredited institution in training hospitality and tourism programmes. Further, the proposed amendment will introduce and recognize councils and other governance authorities of institutions accredited to train hospitality and tourism programmes.

The Association has also proposed an amendment to the definition of the term “tourism agencies” by deleting the word “College” and replacing it with the words “universities and institutions accredited to train hospitality and tourism programmes. The justification for the amendment is that recognizing the College which the Act implies the Kenya Utalii College discriminates against universities accredited to train hospitality and tourism programmes.

The Association has also proposed an introduction of accrediting authorities of universities and institutions accredited to train hospitality and tourism programmes. The justification for this is that training hospitality and tourism programmes in higher education is accredited and

regulated by various authorities including the Commission for University Education (CUE).

(i) Observation

The Committee made the following observations:

- (a) The purpose of the amendment is to define the term “University” since it is used in the subsequent proposed amendment to section 68(f) of the Act;
- (b) Section 17 of the Tourism Act (No. 28 of 2011) establishes the Kenya Utalii College and pursuant to section 18 the College undertakes tourism and hospitality training and capacity building for the tourism sector;
- (c) Universities and other colleges also offer tourism and hospitality training besides the Kenya Utalii College;
- (d) The term “College” cannot be deleted as proposed by the National Association of Private Universities in Kenya but their concerns can be addressed by amending section 2 of the Act by defining the term “technical and vocational college” with the meaning assigned to it under the Technical and Vocational Education and Training Act (No. 29 of 2013);
- (e) The proposal by the National Association of Private Universities in Kenya to delete the term “Council” and to substitute it with “Councils of Accredited Institutions training hospitality and tourism programmes” is a substantive amendment and will necessitate an amendment to section 20, 21, 22 and other similar provisions which falls outside the subject matter of the Bill contrary to standing order 133(5) and fundamentally alters the existing Act;
- (f) There is need to define the term “tourism hospitality training institutions” in order to cater for other institutions that offer training in tourism and hospitality apart from the Kenya Utalii College, universities and technical and vocational colleges which will relate to amendments to section 68(f).

(iv) Recommendation

The Committee recommends that the proposed amendment to section 2 of the Act be agreed to for the following reasons:

- (a) The purpose of the amendment is to define the term “University” since it is used in the subsequent proposed amendment to section 68(f) of the Act;
- (b) Universities and other colleges also offer tourism and hospitality training besides the Kenya Utalii College;

The Committee proposes an amendment to section 2 to insert the following new definitions in their proper alphabetical sequence-

“technical and vocational college” has the meaning assigned to it under the Technical and Vocational Education and Training Act (No. 29 of 2013);

“tourism hospitality training institutions” are institutions that are accredited to offer courses on tourism and hospitality and they don’t include the Kenya Utalii College, universities or technical and vocational colleges.

3.1.2 Proposed amendment to section 68(f) of the Act

Insert the expression “, university offering training in tourism hospitality” immediately after the word “College”.

Stakeholders’ submissions

The National Association of Private Universities in Kenya proposed that section 68(f) be amended by deleting the word “College”. The justification of the amendment is that the term “the College” implies “the Kenya Utalii College”.

(i) Observation

The Committee made the following observations:

- (a) Section 68 of the Act provides for the object and purpose of the Tourism Fund established under section 66 of the Act;
- (b) Section 68(f) of the Act provides for one of the purposes of the Tourism Fund as to “finance training and capacity development activities of the College and of such other tourism hospitality training institutions as may be established under this Act”;
- (c) The amendment seeks to include universities offering training in tourism hospitality as beneficiaries of the Tourism Fund since the purpose of the Fund is to finance training and capacity development activities of institutions offering training in tourism hospitality;

- (d) Owing to interpretational challenges that may arise on “tourism hospitality training institutions as may be established under this Act” as used in paragraph (f), an express inclusion of universities offering training in tourism hospitality cures the defect;
- (e) The proposal by the National Association of Private Universities in Kenya to delete the word “College” in section 68(f) would have the consequence of locking out the Kenya Utalii College from receiving the Tourism Fund to finance its training and capacity development activities yet the proposal does not give a position on the intended inclusion of universities offering training in tourism hospitality;
- (f) Section 68(f) needs to be amended—
 - (i) to include technical and vocational colleges offering training in tourism hospitality;
 - (ii) to delete the words “and of such other tourism hospitality training institutions as may be established under this Act” and substitute therefor with the words “and of tourism hospitality training institutions”.

(iv) Recommendation

The Committee recommends that the amendment be agreed to.

General stakeholder submissions

The Tourism Professional Association proposed amendments to the Tourism Act (No. 28 of 2011) to entrench the Tourism Professional Associations in the Act and to expressly lay out its mandate as a separate entity with distinct functions from other players within the sector. They indicate that currently the requirement for the establishment of such an association is provided for in the Tourism Regulatory Authority Regulations 2014. They further indicate that the proposed development of a substantive provision in the Tourism Act is critical in order to enable TPA operation line with international best practice for professional associations as self-regulating entities.

(i) Committee’s observations

The Committee made the following observations:

- (a) The proposed amendments are substantive and its merits should be considered in a substantive amendment bill to the Tourism Act (No. 28 of 2011);
- (b) The amendments expand the subject matter of the Bill contrary to Standing Order 133(5).

(ii) Committee's recommendation

The Committee recommends that the proposed amendment be rejected but be considered as a substantive amendment to the Tourism Act (No. 28 of 2011).

The National Association of Private Universities in Kenya has proposed amendments to section 67 (d) (ii) to provide as follows—

67. (d) (ii) four shall be persons qualified and competent in the field of tourism, financial accounting, management or marketing two of who shall be drawn from private universities.

The justification for the amendment is that private universities are significant players in human resource development and capacity building in the fields of hospitality and tourism. The absence of private universities representation in the Board of Trustees would negate their significance in training associated programmes and in contributing to prudent management of the Fund.

(iii) Committee's observations

The Committee made the following observations:

- (a) The proposed amendment refers to section 67(d)(ii) which is non-existent in the Act;
- (b) Despite the error in quoting the correct provision, the proposed amendments are substantive and its merits should be considered in a substantive amendment bill to the Tourism Act (No. 28 of 2011);
- (c) The amendments expand the subject matter of the Bill contrary to Standing Order 133(5).

(iv) Committee's recommendation

The Committee recommends that the proposed amendment be rejected but be considered as a substantive amendment to the Tourism Act (No. 28 of 2011).

MINUTES OF THE 23RD SITTING OF THE DEPARTMENTAL COMMITTEE ON SPORTS, CULTURE AND TOURISM HELD ON TUESDAY 30TH APRIL, 2019 IN THE BOARD, 2ND FLOOR, PROTECTION HOUSE, PARLIAMENT BUILDINGS AT 10:15 AM

PRESENT

1. The Hon. (Dr.) Victor Kioko Munyaka, MP. - Chairperson
2. The Hon. (Dr.) Korei Ole Lemein, MP. - Vice Chairperson
3. The Hon. Christopher Omulele, MP
4. The Hon. Dr. Christine Ombaka, MP.
5. The Hon. Kubai Iringo, MP.
6. The Hon. Daniel Wanyama Sitati, MP.
7. The Hon. (Prof.) Jacqueline Oduol, MP.
8. The Hon. (Dr.) Tecla Chebet Tum, MP.
9. The Hon. Titus Mukhwana Khamala, MP.
10. The Hon. Charles Ngusya Nguna, MP.
11. The Hon. Sylvanus Maritim, MP.
12. The Hon. George Risa Sunkuyia, MP.
13. The Hon. Lydia Haika Mnene Mizighi, MP.
14. The Hon. Charles Kamuren, MP.

APOLOGY

1. The Hon. Jones Mlolwa, MP.
2. The Hon. Benard Masaka Shinali, MP.
3. The Hon. Jeremiah Lomorukai, MP.
4. The Hon. Annie Wanjiku Kibeh, MP.
5. The Hon. Jane Jepkorir Kiptoo Chebaibai, MP

IN-ATTENDANCE

NATIONAL ASSEMBLY

1. Ms. Helen Kina - Second Clerk Assistant
2. Mr. Fredrick Otieno - Third Clerk Assistant
3. Mr. Salem Lorot - Legal Counsel

- | | | |
|--------------------------|---|------------------|
| 4. Mr. Vitus Okech | - | Research Officer |
| 5. Ms. Sheila Chebotibin | - | Sergeant At-Arms |
| 6. Mr. Onesmus Kiragu | - | Sergeant At-Arms |

MIN.NO.NA/SCT/2019/093: PRELIMINARIES

The Chairperson called the meeting to order at fifteen minutes past ten O'clock followed by a prayer.

MIN.NO.NA/SCT/2019/094: CONFIRMATION OF MINUTES

Confirmation of the minutes of the previous sitting was deferred to the next meeting

MIN.NO.NA/SCT/2019/095: CONSIDERATION OF THE STATUTE LAW (MISCELLANEOUS AMENDMENT) BILL, 2019 AND ADOPTION OF ITS REPORT

The Committee considered the Bill and unanimously adopted its report with the following recommendations:

1. The Committee recommends that the proposed amendment to section 2 of the Act be agreed to for the following reasons:
 - (a) The purpose of the amendment is to define the term "University" since it is used in the subsequent proposed amendment to section 689f) of the Act;
 - (b) Universities and other colleges also offer tourism and hospitality training besides the Kenya Utalii College;

2. The Committee proposes an amendment to section 2 to insert the following new definitions in their proper alphabetical sequence-

"technical and vocational college" has the meaning assigned to it under the Technical and Vocational Education and Training Act (No. 29 of 2013);

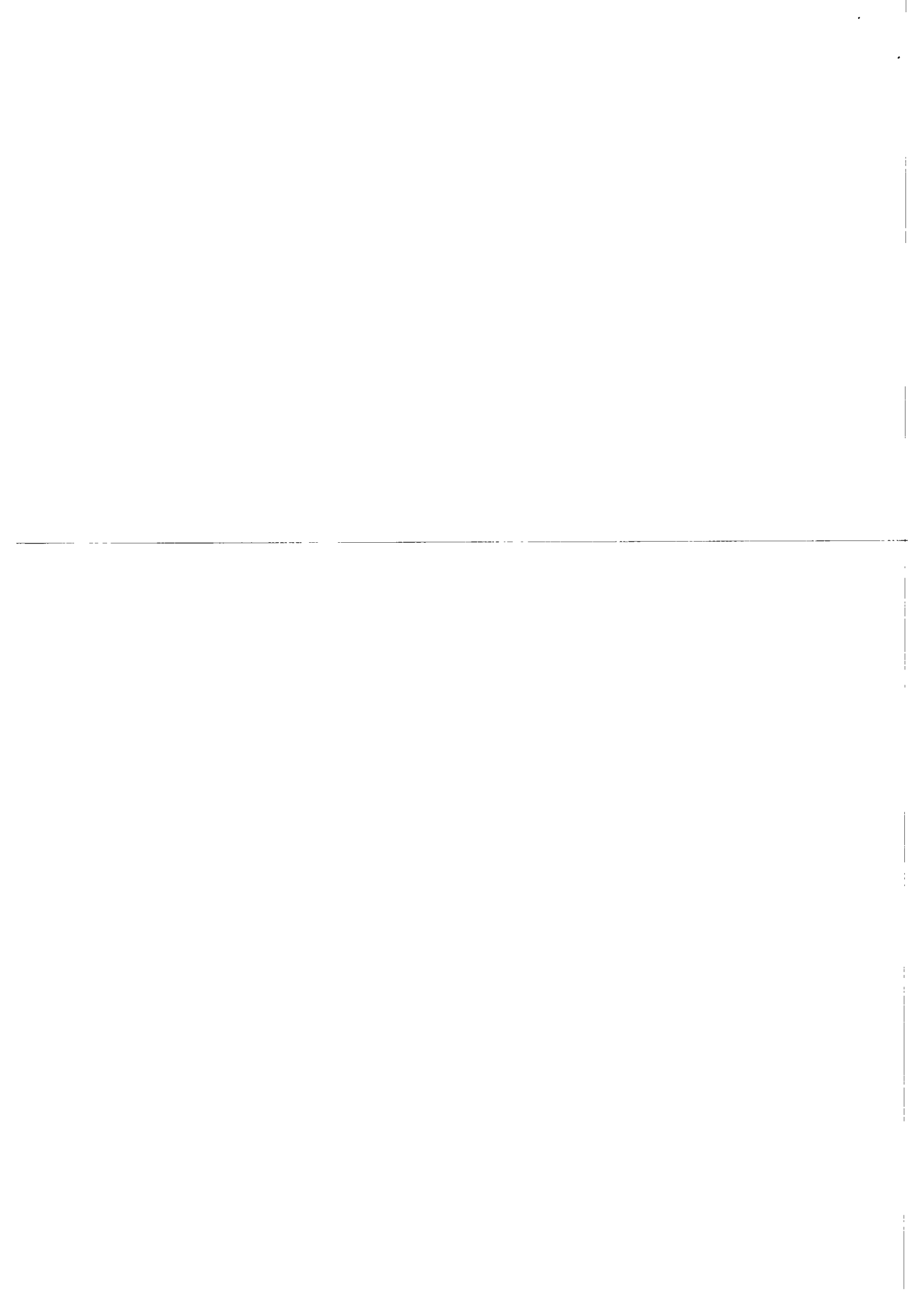
"tourism hospitality training institutions" are institutions that are accredited to offer courses on tourism and hospitality and they don't include the Kenya Utalii College, universities or technical and vocational colleges.

MIN.NO.NA/SCT/2019/096: ADJOURNMENT

There being no other business, the meeting was adjourned at eleven O'clock.

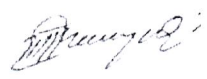

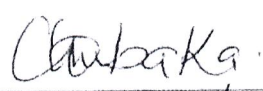
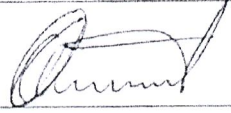
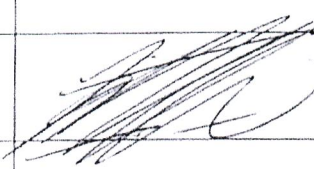

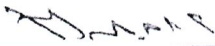
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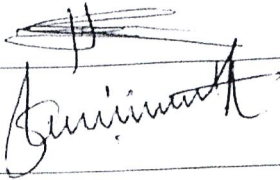
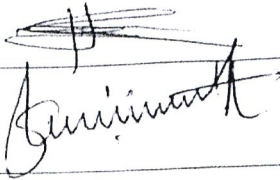
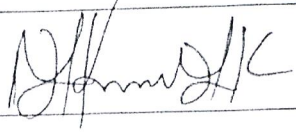
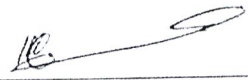

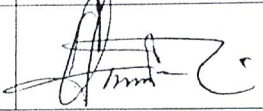
CHAIRPERSON



**ADOPTION OF THE REPORT OF THE DEPARTMENTAL
COMMITTEE ON SPORTS, CULTURE AND TOURISM ON
THE STATUTE LAW (MISCELLANEOUS AMENDMENTS)
BILL, 2019**

We the Honourable Members of the Departmental Committee on Sports Culture and Tourism today Tuesday 30th day of April 2019, do hereby affix our signatures to this report on the Statute Law (Miscellaneous Amendments) Bill, 2019 (National Assembly Bills No. 21) to affirm our approval and support.

No.	NAME OF MEMBER	SIGNATURE
1.	Hon. (Dr.) Victor Kioko Munyaka, MP. – <i>Chairperson</i>	
2.	Hon. (Dr.) Korei Ole Lemcin, M.P., M.P. – <i>Vice Chairperson</i>	
3.	Hon. Christopher Omulele, M.P.	
4.	Hon. (Dr.) Christine Ombaka, MP, M.P.	
5.	Hon. Cyprian Kubai Iringo, M.P.	
6.	Hon. Jones Mlolwa, M.P.	
7.	Hon. Daniel Wanyama Sitati, M.P.	
8.	Hon. Benard Masaka Shinali, M.P.	
9.	Hon. (Prof) Jacqueline Oduol, M.P.	
10.	Hon. (Dr.) Tecla Chebet Tum, M.P.	

11.	Hon. Jane Jepkorir Kiptoo Chebaibai, M.P.	
12.	Hon. Lydia Haika Mnene Mizighi, M.P.	
13.	Hon. George Risa Sunkuyia, M.P.	
14.	Hon. Annie Wanjiku Kibeh, M.P.	
15.	Hon. Sylvanus Maritim, M.P.	
16.	Hon. Jeremiah Lomurukai, M.P.	
17.	Hon. Charles Ngusya Nguna, M.P.	
18.	Hon. Titus Mukhawana Khamala, M.P.	
19.	Hon. Charles Kamuren, M.P.	

REPUBLIC OF KENYA



**NATIONAL ASSEMBLY
TWELFTH PARLIAMENT – THIRD SESSION**

In the matter of consideration by the National Assembly of the Statute Law (Miscellaneous Amendment) Bill (National Assembly Bill No. 21 of 2019)

SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". The National Assembly Standing Order 127(3) provides that, "the Departmental Committee to which a Bill is committed shall facilitate public participation and shall take into account views and recommendations of the public when the Committee makes its report to the House".

The Statute Law (Miscellaneous Amendment) Bill, 2019 seeks to make various amendments to the statutes, which is in keeping with the practice of making various amendments that do not merit the publication of separate Bills and consolidating them into one Bill.

The Bill has undergone First Reading and pursuant to the provisions of Standing Order 127(1) of the National Assembly Standing Orders which provides that, "a Bill having been read a First Time shall stand committed to the relevant Departmental Committee", the proposed amendments to various Acts of Parliament stand committed to the following Departmental Committees of the National Assembly:

No. Act to be amended	Relevant Committee
1. The District and Provinces Act, 1992 (No. 9 of 1992)	Administration and National Security
2. The Alcoholic Drinks Control Act, 2010 (No. 4 of 2010)	
3. The Prevention of Terrorism Act, 2012 (No. 30 of 2012)	
4. The Companies Act, 2015 (No. 17 of 2015)	Justice and Legal Affairs
5. The Insolvency Act, 2015 (No. 18 of 2015)	
6. The Court of Appeal (Organization and Administration) Act, 2015 (No. 28 of 2015)	
7. The Kenya Law Reform Commission Act, 2013 (No. 19 of 2013)	
8. The Legal Education Act, 2012 (No. 27 of 2012)	
9. The Kenya School of Law Act, 2012 (No. 26 of 2012)	
10. The Value Added Tax Act, 2013 (No. 35 of 2013)	Finance and National Planning
11. The Microfinance Act, 2006 (No. 19 of 2006)	
12. The Public Finance Management Act, 2012 (No. 18 of 2012)	
13. The Tourism Act, 2011 (No. 28 of 2011)	Sports, Culture and Tourism
14. The Merchant Shipping Act, 2009 (No. 4 of 2009)	Transport, Public Works and Housing
15. The Wildlife Conservation and Management Act, 2013 (No. 47 of 2013)	Environment and Natural Resources

Following public participation and consideration by the respective Committees, the Departmental Committee on Justice and Legal Affairs shall thereafter consolidate the reports of the respective Committees and compile one report to the House on the said Bill.

Pursuant to the provisions of Article 118(1)(b) of the Constitution and Standing Order 127(3), the Committee invites members of the Public to submit representations they may have on the said Bill. The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke; to be received not later than Tuesday, 16th April, 2019 at 5.00 pm.

MICHAEL R. SIALAL, EBS
CLERK OF THE NATIONAL ASSEMBLY

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REPUBLIC OF KENYA



**TWELFTH PARLIAMENT
THE SENATE**

**SESSIONAL COMMITTEE ON COUNTY PUBLIC
ACCOUNTS AND INVESTMENTS**

**NOTICE OF SITTINGS FOR THE MONTHS OF
APRIL AND MAY, 2019**

Pursuant to the provisions of Articles 96 (3) and 229 (7) and (8) of the Constitution and standing order 220 of the Senate Standing Orders, in exercise of its mandate of oversight over county public accounts and investments, the Senate Sessional Committee on County Public Accounts and Investments informs and invites the Chief Executives of the entities listed in the Schedule below of the sittings for the months of April and May, 2019.

**CONSIDERATION OF THE REPORT OF THE AUDITOR- GENERAL ON THE
FINANCIAL STATEMENTS FOR THE FINANCIAL YEAR 2017/2018**


DAY/ DATE	TIME	ENTITY
Thursday, 25 th April, 2019	9.30am	Embu County Executive
Friday, 26 th April, 2019	9.30am	Lamu County Executive
Monday, 29 th & Tuesday, 30 th April, 2019	9.30am	Nairobi County Executive
Thursday, 2 nd May, 2019	9.30am	Kiambu County Executive
Friday, 3 rd May, 2019	9.30am	Wajir County Executive
Monday, 13 th May, 2019	9.30am	Migori County Executive
Tuesday, 14 th May, 2019	9.30am	Homabay County Executive
Wednesday, 15 th May, 2019	9.30am	Kisii County Executive
Thursday, 16 th May, 2019	9.30am	Taita- Taveta County Executive
Friday, 17 th May, 2019	9.30am	Murangá County Executive
Monday, 20 th May, 2019	9.30am	Tana River County Executive
Tuesday, 21 st May, 2019	9.30am	Meru County Executive
Wednesday, 22 nd May, 2019	9.30am	Isiolo County Executive
Thursday, 23 rd May, 2019	9.30am	Turkana County Executive
Monday, 27 th May, 2019	9.30am	Kirinyaga County Executive
Tuesday, 28 th May, 2019	9.30am	Mombasa County Executive
Wednesday, 29 th May, 2019	9.30am	West Pokot County Executive
Thursday 30 th , May, 2019	9.30am	Kilifi County Executive

NOTES:

- All County Executives are requested to submit written responses (in hard and soft copy) and all supporting documents to the specific issues raised in the Auditor General's Report on Financial Operations of the respective County Executive for the Financial Year 2017/2018 to the relevant Auditor-General, Regional Hub Offices and to the Office of the Clerk of the Senate, First Floor, Main Parliament Buildings, within the timelines communicated in our previous letters; and
- Meetings will be held in Committee Room 5, First Floor, Main Parliament Buildings, Nairobi or such other venue as shall be communicated.

CLERK OF THE SENATE/ SECRETARY,
PARLIAMENTARY SERVICE COMMISSION.

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY
TWELFTH PARLIAMENT - THIRD SESSION

In the matters of consideration by the National Assembly:-
 1. The Narcotics Drugs and Psychotropic Substances (Control) (Amendment) Bill (National Assembly Bill, 2019)
 2. The National Disaster Management (Authority) Bill (National Assembly Bill, 2019)

SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and of Parliament and its Committees". The National Assembly Standing Order 127(3) provides that, "the Departmental Committee to which a Bill is committed shall facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House".


The Narcotics Drugs and Psychotropic Substances (Control) (Amendment) Bill, 2019 seeks to amend the Narcotics Drugs and Psychotropic Substances (Control) Act No. 4 of 1994 in order to - enhance the penalties of the offence of trafficking narcotic drugs, define who law enforcement officers are in respect to the Act; and prescribe offences for a law enforcement officer who aids or abets or is an accessory to any offence under the Act.

The National Disaster Management (Authority) Bill (National Assembly Bill, 2019) seeks to establish a centralized system of responding to and managing disasters in the country. The above mentioned Bills have undergone First Reading pursuant to Standing Order 127(3) and stands committed to the Departmental Committee on Administration and National Security for consideration and thereafter report to the House.

Pursuant to Article 118 (1)(b) of the Constitution and Standing Order 127, the Committee invites interested members of the public to submit any representations they may have on the said Bills. The Submissions may be forwarded to the Clerk, of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Building, Nairobi; or emailed to clerk@parliament.go.ke; to be received on or before Tuesday, 16th April, 2019 at 5:00 pm.

MICHAEL SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY
TWELFTH PARLIAMENT - THIRD SESSION

In the matters of consideration by the National Assembly:-
 1. The Employment (Amendment) Bill (National Assembly Bill, 2019)
 2. The National Cohesion and Integration (Amendment) Bill (National Assembly Bill, 2019)

SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and of Parliament and its Committees". The National Assembly Standing Order 127(3) provides that, "the Departmental Committee to which a Bill is committed shall facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House".

The Employment (Amendment) Bill (National Assembly Bill, 2019) seeks to amend the Employment Act, 2007 in order to afford pre-adoptive leave to parents who apply for the adoption of children who are not their natural children born to them by birth.


The National Cohesion and Integration (Amendment) Bill (National Assembly Bill, 2019) seeks to amend section 17 of the National Cohesion and Integration Act, 2008 which deals with the procedure of appointing Commissioners.

The above mentioned Bills have undergone First Reading pursuant to Standing Order 127(3) and stands committed to the Departmental Committee on Labour & Social Welfare and the Select Committee on National Cohesion & Equal Opportunity respectively for consideration and thereafter report to the House.

Pursuant to the provisions of Article 118(1)(b) of the Constitution and Standing Order 127(3), the respective Committees invite members of the Public to submit representations they may have on the said Bills. The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke; to be received on or before Tuesday, 16th April, 2019 at 5.00 pm.

MICHAEL SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA



NATIONAL ASSEMBLY
TWELFTH PARLIAMENT - THIRD SESSION

In the matter of consideration by the National Assembly of the Statute Law (Miscellaneous Amendment) Bill (National Assembly Bill No. 21 of 2019)

SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". The National Assembly Standing Order 127(3) provides that, "the Departmental Committee to which a Bill is committed shall facilitate public participation and shall take into account views and recommendations of the public when the Committee makes its report to the House".

The Statute Law (Miscellaneous Amendment) Bill, 2019 seeks to make various amendments to the statute, which is in keeping with the practice of making various amendments that do not merit the publication of separate Bills and consolidating them into one Bill.

The Bill has undergone First Reading and pursuant to the provisions of Standing Order 127(1) of the National Assembly Standing Orders which provides that "a Bill having been read a First Time shall stand committed to the relevant Departmental Committee", the proposed amendments to various Acts of Parliament stand committed to the following Departmental Committees of the National Assembly:-

No.	Act to be amended	Relevant Committee
1.	The District and Prisons Act, 1992 (No. 8 of 1992)	Administration and National Security
2.	The Alcoholic Drinks Control Act, 2010 (No. 4 of 2010)	
3.	The Prevention of Terrorism Act, 2012 (No. 30 of 2012)	
4.	The Companies Act, 2015 (No. 11 of 2015)	Justice and Legal Affairs
5.	The Insolvency Act, 2015 (No. 18 of 2015)	
6.	The Court of Appeal (Organization and Administration) Act, 2015 (No. 28 of 2015)	
7.	The Kenya Law Reform Commission Act, 2013 (No. 19 of 2013)	
8.	The Legal Education Act, 2012 (No. 27 of 2012)	
9.	The Kenya School of Law Act, 2012 (No. 26 of 2012)	Finance and National Planning
10.	The Value Added Tax Act, 2013 (No. 35 of 2013)	
11.	The Microfinance Act, 2008 (No. 19 of 2008)	Sports, Culture and Tourism
12.	The Public Finance Management Act, 2012 (No. 18 of 2012)	
13.	The Tourism Act, 2011 (No. 28 of 2011)	
14.	The Merchant Shipping Act, 2009 (No. 4 of 2009)	Transport, Public Works and Housing
15.	The Wildlife Conservation and Management Act, 2013 (No. 47 of 2013)	Environment and Natural Resources

Following public participation and consideration by the respective Committees, the Departmental Committee on Justice and Legal Affairs shall thereafter consolidate the reports of the respective Committees and compile one report to the House on the said Bill.

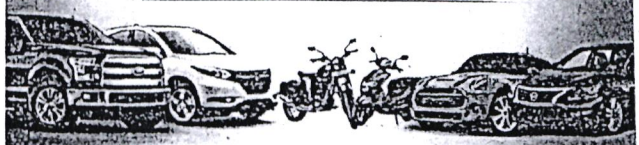
Pursuant to the provisions of Article 118(1)(b) of the Constitution and Standing Order 127(3), the Committee invites members of the Public to submit representations they may have on the said Bill. The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke; to be received not later than Tuesday, 16th April, 2019 at 5.00 pm.

MICHAEL R. SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY

MOTOR WEDNESDAY

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020 328 8614, 020 328 8630, 020 328 8694, 020 328 8626.



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(3) Emergent
pls note
for 24/4/19

(1) Hellen
pls check
for 24/4/19

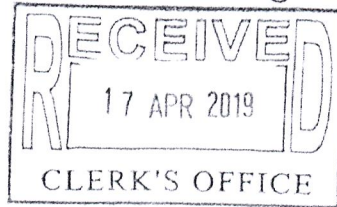


NATIONAL ASSOCIATION OF PRIVATE UNIVERSITIES IN KENYA (NAPUK)

24/4/19

Loita Street, Uniafric House • 3rd Floor, Rm 317 • P.O. BOX 13495-001000 NAIROBI.
Tel: +254 (0) 739 331 899 • Email: napuk.kenya@gmail.com

16th April 2019
Mr. Michael Sialai, EBS
The Clerk of the National Assembly
Office of the Clerk, Main Parliament Buildings
P.O. Box 41842-00100
Nairobi



(1) 9/1 committee
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17/4

Dear Mr. Michael Sialai, EBS

Submission of Memoranda in the Matter of Miscellaneous Amendment of Tourism Act NO. 28 of 2011

The above matter refers,

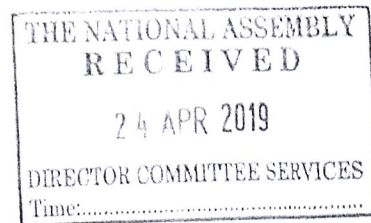
The National Association of Private Universities (NAPUK) in Kenya being a forum for Private Universities Founders/Sponsors wishes to introduce Miscellaneous Amendments in the Tourism Act NO. 28, of 2011.

The proposed Amendments are considered necessary for the purpose making the Act inclusive and nondiscriminatory among institutions accredited to train hospitality and tourism programmes in Kenya.

It is the prayer of NAPUK members that this proposal will receive the highest consideration possible

Yours sincerely,

Dr. Vincent G. Gaiho
Secretary General
National Association of Private Universities in Kenya
+254722536902
Ggaiho.foundation@gmail.com



MEMORANDUM ON THE PROPOSED MISCELLANEOUS AMENDMENT OF TOURISM ACT
NO. 28 OF 2011

INTERPRETATION OF THE ACT		
The ACT	Proposed Amendments	Justification
'College'	Delete "college" Replace with "Institutions training Hospitality and Tourism"	The term "College" discriminates against "Universities" and other institutions accredited to train hospitality and tourism programmes
"College" means the Kenya Utalii College established by section 17 of this Act;	Delete "The Kenya Utalii College" to be consistent with proposed amendment above	The Kenya Utalii College is not the single accredited institution in training hospitality and tourism programmes
"Council" means the Council of the Kenya Utalii College established by section 20 of this Act;	"Delete" the Council of the Kenya Utalii College and replace with Councils of Accredited Institutions training hospitality and tourism programmes	Proposed amendment will introduce and recognize councils other governance authorities of institutions accredited to train hospitality and tourism programmes
"Tourism Agencies"	"Delete" the College by replacing with Universities and Institutions accredited to train hospitality and tourism programmes	Recognizing the College which in the Act implies the Kenya Utalii College discriminates against Universities accredited to train hospitality and tourism programmes
	Introduce :Accrediting Authorities of Universities and Institutions accredited to train hospitality and tourism programmes"	Training hospitality and tourism programmes in Higher Education is accredited and regulated by various authorities including the Commission for University Education (CUE)
ESTABLISHMENT OF BOARD OF TRUSTEES		
67 (d) (ii) four shall be persons qualified and competent in the field of tourism, financial accounting, management or marketing.	67 (d) (ii) four shall be persons qualified and competent in the field of tourism, financial accounting, management or marketing "two of who shall be drawn from private universities"	Private Universities are significant players in human resource development and capacity building in the fields of hospitality and tourism. The absence of private universities representation said Board would negate their significance in training associated programmes and in contributing to prudent management of the Fund
OBJECT AND PURPOSE OF THE FUND		
(f) finance training and capacity development	Delete "the College"	"the College" in the Act implies "the Kenya Utalii College".

activities of the College and of such other tourism hospitality training institutions as may be established under this Act;

Mobilize resources for capacity development activities for a single institution in a field where universities and other institutions are accredited to train programmes is discriminative.

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TOURISM
PROFESSIONAL
ASSOCIATION

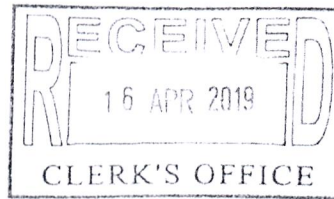
① D/Com-1/1000
8/16/04

② HERRICK
pls check
FA
24/4/19

15th April 2019

Tourism Professional Association,
P.O. Box 46987 - 00100
Nairobi, Kenya

The Clerk,
Kenya National Assembly
P.O. Box 41842 - 00100
NAIROBI, KENYA



③ GUTTER
pls note
FA
24/4/19

RE: SUBMISSION OF MEMORANDA ON THE TOURISM ACT, 2011 (No. 28 of 2011)

INTRODUCTION

Tourism Professional Association (TPA) is a self-regulating professional association for professionals in the Tourism and Hospitality sector. Drawing its membership from Tourism and Hospitality professionals both in practice and academia, TPA exists to promote the highest professional standards of Tourism and Hospitality Practice and Education in Kenya. It was officially registered under the Societies Act (section 10) on 29th July 2016 in fulfillment of Tourism Act 2011 and Tourism Regulations (TRA) Act. This was after complying with all the requirements of registration of an association. Like many professions the world over, this development is significant in realizing the full potential of the tourism industry in Kenya by getting the involvement of the professionals in the industry.

The Tourism Act 2011 is the legislation responsible for the development, management, marketing and regulation of sustainable tourism and tourism-related activities and services in Kenya. Section 3 of the aforesaid statute establishes the Tourism Regulatory Authority. In Section 11 of the Tourism Regulations Act- TRA, it further establishes a Tourism Professional and Practitioner's Body known as **Tourism Professional Association**. Though the move towards the establishment of TPA began way back before the enactment of these legislations, their enactment led to the realization of the dream to have a professional association for the industry.

☐ +254 722 942 054
☐ info@tpa.co.ke
☐ www.tpa.co.ke

☐ Tourism Professional Association
P.O Box 46987-00100
Nairobi, Kenya.

Prior to registration of TPA, adequate public participation was undertaken through forums held in different regions within the country in which different stakeholder expressed support for establishment of a self-regulating professional body for Tourism and Hospitality sector. These forums were sponsored by the Ministry of Tourism and Wildlife through the Tourism fund. Upon registration, the association under the leadership of an interim executive committee launched an online platform www.tpa.co.ke for recruitment and registration of sector professionals. To date, a total of 400 professionals of different cadres have signed up as members. A number of students in different colleges and universities have also been recruited and linked to HOSCO-the largest international networking platform created in 2011 with one idea in mind: to unite, inspire, and provide opportunities to all hospitality professionals worldwide who have built a unique network that connects qualified talent, companies, and schools around the globe.

On 1st March 2018 TPA had its formal launch and first annual general meeting at Utalii College Nairobi. During the 1st AGM, an executive committee consisting of 6 officials was elected to steer the Association for three years in line with the association's constitution. To be able to serve its members more efficiently, a functioning secretariat is being set up and capacity built. The second AGM was held on 29th March 2019 at the Boma Hotel, Nairobi. TPA has also submitted its yearly returns to the AG as required by law.

TPA has sought formal recognition from a number of state and non-state actors with a view of establishing strategic partnerships aimed at enhancing a united platform for ALL tourism and hospitality professionals and practitioners. The concrete results of this phase of engagement are:

- a) Establishment of programs that seeks to build a strong collaborative partnerships between government, industry and academia.
- b) Realization of TRA's mandate through TPA as provided for in TRA Regulations Section 11.

The association has signed, registered and is now a Member of the Code. The Code (short for "The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism") is a multi-stakeholder initiative with the mission to provide awareness, tools and support to the tourism industry to prevent the sexual exploitation of children. This was necessitated by the need to position professionals at the centre of preservation of culture and community empowerment which is in itself a key pillar to the development of tourism and the destination Kenya.

To facilitate the realization of TPA's Mandate, the association established different levels of membership to represent the diversity of the sector. Continuous Professional Development (CPD) policy, was developed, approved by the board and has since been guiding the Association towards professional development programs for its membership. From November, 2018 over 200 professionals have undertaken the 1st CPD training in the coastal, Rift valley, Nyanza, Central and Nairobi regions of the country.

The issue: TPA's Proposals on the amendments of the Tourism Act 2011.

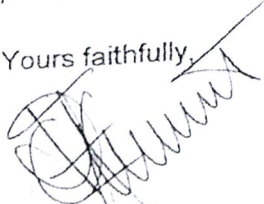
With these developments and many more that are anticipated, and after operating for the past two years, TPA is of the opinion that it is time for the association to be entrenched in the substantive Tourism Act. In amending the current Tourism Act, there is need to develop a substantive provision establishing the Tourism Professionals Association expressly laying out its mandate as a separate entity with distinct functions from other players within the sector. Currently, the requirement for the establishment of such an association is provided for in the Tourism Regulatory Authority Regulations 2014. The proposed development of a substantive provision in the Tourism Act is critical in order to enable TPA operation line with international best practice for professional associations as self-regulating entities.

It is in this regard that we write to request the committee of Sports, Culture and Tourism to consider, in the process of amending the Tourism Act 2011, to anchor TPA in the Tourism Act, with clear mandate of organizing sector professionals into a well-structured program for development and growth. This has been the missing link in the management of the diverse tourism sector in Kenya. For example, all other professions have a near definite knowledge of the number of its professionals locally and in diaspora. This has made planning and development of relevant policies and programs for these professions possible. However, in the tourism industry, which is one of the largest sectors, employing over 20,000 Kenyans directly and many more indirectly, this is missing. The sector probably having operated for so long without a professional body is not well organized, both at training and practice levels. Currently in Kenya, it is common to find tourism and hospitality training being offered at every corner college in all towns across the country. Worse, there is no standardized or agreed curriculum for the different levels of professional and manpower development. Then there are those training institutions including universities that ordinarily will never be allowed to offer certain programs if they lack specific training infrastructure including laboratories and practical facilities. In the case of tourism and hospitality training, we have many colleges and universities training for example in food production without kitchens and related requisite facilities. The presence of TPA with requisite legal backing will provide the requisite professional foundation for checking training standards and practice.

In addition, the sector is plagued by human capital management gaps in need of attention. Whereas, Kenya is considered one of the countries within the region and globally with some of the best human resource capacity credited for providing world class services locally, regionally and internationally, there are investors within the country who still prefer bringing in expatriates to engage in jobs that have adequate Kenyan capacity. This according to some observers has been attributed to lack of a clear human capital transfer policy framework. Currently, the agencies concerned appear to lack the level of engagements expected before expatriates are allowed in Kenya to serve in strict adherence to best practices. A self-regulating professional association would provide the required expertise thus the need to entrench TPA in the legislation.

While the existing legislation provided for the background and registration of TPA, we believe it is ill equipped to anchor the association as self-regulating professional association. It is our hope that as you make provisions for amending the Tourism act 2011, we can take advantage of this timely process to institutionalize and facilitate the establishment of the instruments and subsequently facilitate the realization of the vision through the National Assembly. We are available to make any such presentations and expound on these proposals if called upon by the committee.

Yours faithfully,



Sam Ikwaye
Secretary

TOURISM PROFESSIONAL ASSOCIATION