

FIRST ASSEMBLY
(100)

SECOND SESSION
(300)



COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY

FIRST ASSEMBLY - (SECOND SESSION)

VOTES AND PROCEEDINGS

WEDNESDAY, OCTOBER, 22ND 2014 AT 2.30 PM

1. The House assembled at thirty minutes past Two o'clock.
2. The proceedings were opened with prayer.
3. Hon. Speaker on the Chair
4. MOTION ON APPROVAL OF COMMITTEE REPORT ON CONSIDERATION OF THE KITUI COUNTY ABATTOIRS BILL, 2014(ASSEMBLY BILL NO.8, 2014)

(Chairperson- Committee on Agriculture, Water and Irrigation)

THAT, Pursuant to the Provisions of the Interim Standing Order No. 130 (2) this house approves the report of the committee on Agriculture, Water and Irrigation on consideration of the Kitui County Abattoirs Bill, 2014(Assembly Bill No. 8, 2014)

(Hon. Titus M. Kasinga)

(Resumption of debate interrupted on 22nd October, 2014 - morning sitting)

Question on the motion put and **agreed to**

Resolve accordingly

THAT, Pursuant to the Provisions of the Interim Standing Order No. 130 (2) this house approves the report of the committee on Agriculture, Water and Irrigation on consideration of the Kitui County Abattoirs Bill, 2014(Assembly Bill No. 8, 2014).

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5. COMMITTEE OF THE WHOLE COUNTY ASSEMBLY

IN THE COMMITTEE

(Chairperson- Committee on Agriculture, Water and Irrigation)

THE KITUI COUNTY ABATTOIRS BILL, 2014(ASSEMBLY BILL NO. 8, 201

CLAUSE 6 and 7

agreed to

CLAUSE 3 amendment proposed -

THAT, amend Clause 3 as follows;

- (i) Renumber Clause 3 to Clause 4
- (ii) Rephrase sub clause 3 (1) to read - the Board shall appoint a director who in effect shall recommend to the board for appointment of meat inspectors or veterinarians for purposes of implementing the provisions in this Act.
- (iii) Delete Sub clause 3(2) entirely

Question on the amendment proposed, put and **agreed to.**

CLAUSE 3 –

as amended agreed to

CLAUSE 4

Motion made and question proposed;

THAT, amend Clause 4 as follows;

- (i) Renumber Clause 4 to Clause 5
- (ii) Merge Clauses 4, 5, 8 and 9 to become Clause 5 and rephrase the new clause 5 to read as follows-

5(1) - No person shall maintain or operate an abattoir from which meat is sold or processed for export or local consumption unless such a person has obtained a licence for operating such an abattoir under this Act.

5(2) - A licensing officer shall not grant a licence under this Act unless and until the committee is satisfied as to the following:

- (i) the premises are enclosed on all sides with a wall of permanent or semi-permanent materials, the interior of which shall be smooth, imperishable, waterproof, unbreakable and non-corrodible;

- (ii) all corners of the interior of the premises are so constructed as to be concave or convex to facilitate cleaning;
 - (iii) the roof is of semi-permanent or permanent material and there shall be no space between roof and walls;
 - (iv) the floors are of permanent, waterproof, non-slip materials and drained by means of gutters covered by removable gratings and provided with an adequate slope;
 - (v) all drainage from the premises is led underground for a distance of at least one hundred meters and then disposed of in such a manner as not to cause nuisance by reason of the breeding of flies or other insects and so as to prevent access by any person or animal;
 - (vi) The premises is adequately lighted by windows or open spaces separated from the outside by fly-proof screens. If opening glass windows are provided, the space must be separated from the outside by fly-proof screens;
 - (vii) artificial lighting of such type and intensity as not to modify or distort colours shall be provided in any areas which are inaccessible to daylight and shall be adequate for all work to be performed therein;
 - (viii) Adequate ventilation is provided and any spaces leading to the outside will be protected by fly-proof screens. If at ground level, these spaces shall also be rat-proof; and
 - (ix) Entry for animals is regulated in such a way that no animal can enter the dressing area until it has been killed, washed and bled.
- (3) An application for licence under this section shall be made in a prescribe form in triplicate and shall be endorsed by the county veterinary office before being forwarded to the licensing committee.
- (4) a licence issue pursuant to this section shall relate to only one abattoir premises.
- (5) a change in ownership or management of an abattoir licensed under this Act shall be notified to the director within fourteen days of such change.
- (6) a person who contravenes the provisions of this section commits an offence and is liable upon conviction to;
- (a) a fine not exceeding five hundred thousand Kenya shillings or imprisonment for a period not exceeding three years or to both such fine and imprisonment

(b) in case of a subsequent offence, to a fine of five thousand Kenya shillings every day during which the offence continues until and in addition the court may make an order of closure of the abattoir.

(7) Provisions of this Clause shall not apply to the Abattoirs under section 3(2) and 3(3) of this Act

Debate arising;

Question of the amendment put and **agreed to**

CLAUSE 4 – as amended **agreed to**

CLAUSE 10

THAT, amend Clause 10 as follows;

- (i) Renumber Clause 10 to clause 8.
- (ii) Correct the marginal notes to read - Responsibilities of the director
- (iii) Delete the repeated numbering of paragraphs (b) and (c).

Question of the amendment proposed, put and **agreed to**

CLAUSE 10 – as amended **agreed to**

CLAUSE 11

THAT, amend Clause 11 as follows;

- (i) Renumber Clause 11 to clause 9.
- (ii) Include the Marginal note to this clause to read - Duties of a meat inspector.

Question of the amendment proposed, put and **agreed to**

CLAUSE 11 – as amended **agreed to**

CLAUSE 12

THAT, amend Clause 12 as follows;

- (i) Clause 12 be renumbered to clause 10

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- (ii) Insert the marginal note - Registration and licencing of meat export processing establishment.

Question of the amendment proposed, put and **agreed to**

CLAUSE 12 – as amended **agreed to**

CLAUSE 13

THAT, amend Clause 13 as follows;

- (i) Clause 13 be renumbered to clause 11.
- (ii) Delete the erroneously placed margin note and replace it thereof with - Application for a licence.

Question of the amendment proposed, put and **agreed to**

CLAUSE 13 – as amended **agreed to**

CLAUSE 14

THAT, amend Clause 14 as follows;

- (i) Clause 14 be renumbered to clause 12.
- (ii) Insert the margin note - Illegal manufacture, processing etc.

Question of the amendment proposed, put and **agreed to**

CLAUSE 14 – as amended **agreed to**

CLAUSE 15

THAT, amend Clause 15 as follows;

- (i) Clause 15 be renumbered to clause 13.
- (ii) Delete the erroneously placed margin note and replace it thereof with - issue of licences.
- (iii) 13(3) – delete all the words after the words “fees as” and replace thereof with per the approved finance Act.

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(304)

Question of the amendment proposed, put and **agreed to**

CLAUSE 15 – as amended **agreed to**

CLAUSE 16

THAT, amend Clause 16 as follows;

- (i) Clause 16 be renumbered to clause 14
- (ii) Delete the erroneously placed margin note and replace it thereof with - Application for renewal of a licence.
- (iii) Delete the word “June” in the third sentence and replace it thereof with December.
- (iv) Delete all the words immediately after the words “fees as” and replace thereof with provided in the finance Act.

Question of the amendment proposed, put and **agreed to**

CLAUSE 16 – as amended **agreed to**

CLAUSE 17

THAT, amend Clause 17 as follows;

- (i) Clause 17 be renumbered to clause 15.
- (ii) Delete the erroneously placed margin note “issue of licences” and replace it thereof with conditions of a licence
- (iii) 15(2)(b) – insert the words as provided in this Act or regulations made under this Act at end of the sentence.

Question of the amendment proposed, put and **agreed to**

CLAUSE 17 – as amended **agreed to**

CLAUSE 18

THAT, amend Clause 18 as follows;

- (i) Clause 18 be renumbered to clause 16.
- (ii) Merge Clause 18 of the Bill with clause 38 to become new clause 16 to appear as follows:-

16(1) Meat shall be inspected by either a meat inspector or veterinary officer at the abattoir at the time of slaughter for the purpose of ascertaining whether it is fit for human

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(305)

consumption. The whole carcass together with all the offal, head, feet and hide shall be presented for inspection and be identified with the animal previously notified as intended for slaughter in accordance with section 34.

(2) In the event of any abnormal cutting or removal of parts before inspection the whole carcass may be seized and destroyed by the meat inspector after written notice to the owner or his agent in charge of the abattoir of his intention to do so, stating his reasons.

(3) All abattoirs approved under this Act shall be liable to inspection at any time by a meat inspector or veterinary officer who may issue instructions to ensure that the provisions of this Act are carried out.

Introduce new sub clause 16(4) - "the licensing committee may revoke, suspend or alter a licence issued under this Act if upon inspection it is satisfied that:

- (a) an offence under this Act or any other relevant law has been committed ;or
- (b) a condition of the licence has been breached.

Question of the amendment proposed, put and **agreed to**

CLAUSE 18 – as amended **agreed to**

CLAUSE 19

THAT, amend Clause 19 as follows;

- (i) That renumber Clause 19 to Clause 18
- (ii) Delete the margin note and replace with surrender of licence

Question of the amendment proposed, put and **agreed to**

CLAUSE 19 – as amended **agreed to**

CLAUSE 20

THAT, amend Clause 20 as follows;

- (i) Clause 20 be renumbered to clause 19.

- (ii) Delete the erroneously placed margin note “surrender of licence” and replace it thereof with appeals.

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(306)

Question of the amendment proposed, put and **agreed to**

CLAUSE 20 – as amended **agreed to**

CLAUSE 21

THAT, amend Clause 21 as follows;

- (i) Clause 21 be renumbered to clause 20.
- (ii) Insert the marginal note Lighting.

Question of the amendment proposed, put and **agreed to**

CLAUSE 21 – as amended **agreed to**

CLAUSE 22

THAT, amend Clause 22 as follows;

- (i) Clause 22 be renumbered to clause 21.
- (ii) Insert the marginal note Water supply.

Question of the amendment proposed, put and **agreed to**

CLAUSE 22 – as amended **agreed to**

CLAUSE 23

THAT, amend Clause 23 as follows;

- (i) Clause 23 be renumbered to clause 22.
- (ii) Delete the erroneously placed margin note “lighting” and replace it thereof with Layout.

Question of the amendment proposed, put and **agreed to**

CLAUSE 23 – as amended **agreed to**

CLAUSE 24

THAT, amend Clause 24 as follows;

- (i) Clause 24 be renumbered to clause 23.

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(307)

- (ii) Delete the erroneously placed margin note “water supply” and replace it thereof with Equipment.

Question of the amendment proposed, put and **agreed to**

CLAUSE 24 – as amended **agreed to**

CLAUSE 25

THAT, amend Clause 25 as follows;

- (i) Clause 25 be renumbered to clause 24.
- (ii) Delete the erroneously placed margin note “Layout” and replace it thereof with separate rooms for washing internal.
- (iii) Delete the words “a county” immediately before abattoir and replace thereof with an.

Question of the amendment proposed, put and **agreed to**

CLAUSE 25 – as amended **agreed to**

CLAUSE 26

THAT, amend Clause 26 as follows;

- (i) Clause 26 be renumbered to clause 25.
- (ii) Delete the erroneously placed margin note “equipment” and replace it thereof with Cold storage.

Question of the amendment proposed, put and **agreed to**

CLAUSE 26– as amended **agreed to**

CLAUSE 27

THAT, amend Clause 27 as follows;

- (i) Clause 27 be renumbered to clause 26.
- (ii) Delete the erroneously placed margin note “separate rooms for washing internal organs” and replace it thereof with Stand by facilities.

Question of the amendment proposed, put and agreed to

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(100)

(308)

CLAUSE 27 – as amended agreed to

CLAUSE 28

THAT, amend Clause 28 as follows;

- (i) Clause 28 be renumbered to clause 27.
- (ii) Delete the erroneously placed margin note “cold storage” and replace it thereof with Sterilizer.

Question of the amendment proposed, put and agreed to

CLAUSE 28 – as amended agreed to

CLAUSE 29

THAT, amend Clause 29 as follows;

- (i) Clause 29 be renumbered to clause 28.
- (ii) Delete the erroneously placed margin note “standby facilities” and replace it thereof with Provision of animal enclosures.

Question of the amendment proposed, put and agreed to

CLAUSE 29 – as amended agreed to

CLAUSE 30

THAT, amend Clause 30 as follows;

- (i) Clause 30 be renumbered to clause 29
- (ii) Delete the erroneously placed margin note “sterilizer” and replace it thereof with “provision of transport.

Question of the amendment proposed, put and agreed to

CLAUSE 30 – as amended agreed to

CLAUSE 31

THAT, amend Clause 31 as follows;

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(309)

- (i) Clause 31 be renumbered to clause 30.
- (ii) Delete the erroneously placed margin note “provision of animal enclosures” and replace it thereof with Provision of clothing.

Question of the amendment proposed, put and **agreed to**

CLAUSE 31 – as amended **agreed to**

CLAUSE 32

THAT, amend Clause 32 as follows;

- (i) Clause 32 be renumbered to clause 31
- (ii) Delete the erroneously placed margin note “provision of transport” and replace it thereof with Personal hygiene.

Question of the amendment proposed, put and **agreed to**

CLAUSE 32 – as amended **agreed to**

CLAUSE 33

THAT, amend Clause 33 as follows;

- (i) Clause 33 be renumbered to clause 32.
- (ii) Delete the erroneously placed margin note “provision of clothing” and replace it thereof with Cattle to be rested before slaughter.
- (iii) 32(1) - Delete the words “section 20” and replace it thereof with clause 28.

Question of the amendment proposed, put and **agreed to**

CLAUSE 33 – as amended **agreed to**

CLAUSE 34

THAT, amend Clause 34 as follows;

- (i) Clause 34 be renumbered to clause 33.
- (ii) Delete the erroneously placed margin note “personal hygiene” and replace it thereof with slaughtering of pigs.

Question of the amendment proposed, put and **agreed to**

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CLAUSE 34— as amended **agreed to**

CLAUSES 35

THAT, amend Clause 35 as follows;

- (i) Merge Clauses 35 with clause 36 to become new clause 34
- (ii) Delete the erroneous margin note and replace it thereof with notification of slaughter and inspection of animals.
- (iii) Rephrase the new Clause 34 to read as follows-

34(1) - an owner of an approved abattoir shall notify or cause to be notified a meat inspector of any intention to slaughter any animal (s) within his slaughterhouse for purposes of inspecting the animal (s) intended for slaughtering.

- Renumber 36(1) to 34(2)
- Renumber 36(2) to 34(3)
- Sub clause 36(3) be further amended by splitting it to give new sub clauses as follows:-

34(4) - Any animal found by a meat inspector to be suffering from any contagious disease shall be removed from the premises of the abattoir and detained for further observation and destruction if need be at the cost of the owner

34(5) - the veterinary officer may demand vaccination and isolation for specified period of time for other animals which have come into contact with infected animal.

34(7) - in consultation with the county director in charge of veterinary services, the veterinary officer may order for a closure of an abattoir where contagious disease has been detected

- Renumber 36(4) to 34(6)
- Renumber 36(5) to 34(5)

Question of the amendment proposed, put and **agreed to**

CLAUSE 35 – as amended **agreed to**

CLAUSE 37

THAT, amend Clause 37 as follows;

- (i) Clause 37 be renumbered to clause 35.

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- (ii) Delete the erroneously placed margin note “notification of slaughter” and replace it thereof with use of container for viscera

Question of the amendment proposed, put and **agreed to**

CLAUSE 37 – as amended **agreed to**

CLAUSE 39

THAT, amend Clause 39 as follows;

- (i) Clause 39 be renumbered to clause 36.
- (ii) Delete the erroneously placed margin note “use of container for viscera” and replace it thereof with destruction of unfit meat.
- (iii) The Clause to be sub divided into two sub clauses as follows:
- 36(1) - a meat inspector may, after giving written notice of his reasons for so doing to the owner of an abattoir or his agent declare meat to be unfit for human consumption and further insert to this sub clause the words and the stock breeder in between the words “agent” and “declare”.
 - 36(2) - such meat shall be destroyed by burning or such other suitable means of disposal as soon as possible after the written notice has been received by the owner of the abattoir or his agent and the stock breeder.
- (iv) Introduce a new sub clause 36(3) reading - the cost of disposal under this section shall be at the cost of the stock breeder.

Question of the amendment proposed, put and **agreed to**

CLAUSE 39 – as amended **agreed to**

CLAUSE 40

THAT, amend Clause 40 as follows;

- (i) Clause 40 be renumbered to clause 37.

- (ii) Delete the erroneously placed margin note “meat inspection” and replace it thereof with register of animals slaughtered.
- (iii) Introduce new paragraphs as follows:
 - (h) Stock breeder or agent’s personal identification and postal address.

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- (i) Colour of the animal.
- (iv) Renumber paragraph (h) of this clause to (j).

Question of the amendment proposed, put and **agreed to**

CLAUSE 40 – as amended **agreed to**

CLAUSE 41

THAT, amend Clause 41 as follows;

- (i) Renumber and shift the Clause to be clause 17
- (ii) Rephrase the Clause as follows:-

17(1)“Notwithstanding the provisions of section 18, if upon inspection of any approved abattoir a meat inspector or veterinary officer finds that either the premises, the equipment installed or the operations carried out in the abattoir fail to comply with the provisions of this Act, they shall serve on the owner or his agent responsible for the operation of the approved abattoir a written notice specifying all alterations or improvements to the abattoir necessary to ensure that the premises, equipment and operations comply with the provisions of this Act.

(2) Such notification shall specify the period of time which the owner shall be given for the purpose of effecting the said alterations or improvements, provided that such period shall not exceed 3 months from the date of the notification being received by the owner or his agent.

(3)Should the specified period be exceeded, the county executive may apply to the court for an order that the abattoir be closed until such time as the required alterations or improvements have been completed to the satisfaction of the principal veterinary officer:

(4) it shall always be open to the holder of the certificate to show cause why such order should not be made.

(iii) Insert margin note to the clause - "revocation, alteration or suspension of licence".

Question of the amendment proposed, put and agreed to

CLAUSE 41 – as amended agreed to

CLAUSE 42

THAT, amend Clause 42 as follows;

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- (i) Clause 42 be renumbered to clause 38.
- (ii) Delete the erroneously placed margin note "register of animals slaughtered" and replace it thereof with condemnation of soiled meat.

Question of the amendment proposed, put and agreed to

CLAUSE 42 – as amended agreed to

CLAUSE 43

THAT, amend Clause 43 as follows;

- (i) Clause 43 be renumbered to clause 39.
- (ii) Delete the erroneously placed margin note "notice to remedy defaults" and replace it thereof with human diseases.
- (iii) Rephrase sub – clauses 1, 2 and 3 as follows.
 - (1) A person who, having the knowledge that he or she suffers from any notifiable infectious or contagious disease, or is knowingly exposed to infection from any such disease within 12 hours immediately before assuming duty shall not engage in the slaughter of animals, dressing of carcasses or handling or conveyance of meat intended for human consumption.
 - (2) No employer shall permit any person in their employment who has been confirmed by a medical officer to be suffering from infection or who has been exposed to infection to be engaged in any activity within the approved abattoir

unless the employer has obtained a prior written confirmation from a medical officer that the subject person is fit for such engagement.

- (3) A medical officer shall, upon issuing a reasonable notification to the owner of an abattoir, have the power to examine, which may include the examination of blood of any person engaged in the slaughtering of animals, the dressing of carcasses or handling or conveyance of meat, whenever he deems it necessary to do so. This is for the purpose of ascertaining whether such person suffers

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from any disease or condition liable to contaminate the meat, as a result of which serious consequences to the health of others may occur; And may prohibit any such person found to be suffering from being so engaged until the person again has been examined and certified by a medical officer to be free from such disease or condition.

(iv). Introduce new sub clause (4) - Provided that the lack of notice under this subsection shall not invalidate any legal action taken by the medical officer in the circumstance.

(v). renumber sub clause (4) of the Bill to sub clause (5)

Debate arising;

Question of the amendment proposed, put and **agreed to**

CLAUSE 43 – as amended **agreed to**

CLAUSE 44

THAT, amend Clause 44 as follows;

- (i) Clause 44 be renumbered to clause 40.
- (ii) Delete the erroneously placed margin note “condemnation of soiled meat” and replace it thereof with disposal of unclaimed animals.
- (iii) rephrase sub – clauses 1 and 2 as follows:
 - (1) Any animal in an abattoir which may be unclaimed or as to the ownership which there is a dispute, the carcass thereof shall be disposed off by way of sale by the owner or the person in charge of the abattoir.
 - (2) In the event the slaughterhouse is owned by the County Government, on ascertaining the rightful owner of the animal under subsection(1), the county

government shall pay to the owner the proceeds from such sale less the cost incurred in disposing the animal.

Question of the amendment proposed, put and **agreed to**

CLAUSE 44 – as amended **agreed to**

CLAUSE 45

THAT, amend Clause 45 as follows:

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- (i) Clause 45 be renumbered to clause 41.
- (ii) Insert the correct margin note dogs, etc prohibited

Question of the amendment proposed, put and **agreed to**

CLAUSE 45– as amended **agreed to**

CLAUSE 46

THAT, amend Clause 46 as follows;

- (i) Clause 46 be renumbered to clause 42.
- (ii) Delete the erroneously placed margin note “disposal of unclaimed animals” and replace it thereof with – exclusion of persons under the age of eighteen years
- (iii) Replace “16 years” with 18 year in the first sentence of the clause

Question of the amendment proposed, put and **agreed to**

CLAUSE 46– as amended **agreed to**

CLAUSE 47 & 48

THAT, amend Clauses 47 and 48 as follows;

- (i) Merge the two Clauses to become Clause 43
- (ii) Rephrase the renumbered Clause 43 as follows:
 - 43. A person commits an offence if-
 - (a) Smokes in any part of the abattoir where animals are slaughtered, inspected or kept

- (b) Enters an abattoir while intoxicated
- (c) Remains in an abattoir while intoxicated
- (d) Brings any alcohol into an abattoir
- (iii) Introduce a new paragraph (e) - Chews khat while in an abattoir
- (iv) Delete the erroneously placed margin note “dogs, etc. prohibited” and replace it thereof with the corrected margin note – smoking, alcohol and khat chewing prohibited

Debate arising;

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Question of the amendment proposed, put and **agreed to**

CLAUSE 47 & 48 – as amended **agreed to**

CLAUSE 49

THAT, amend Clause 49 as follows;

- (i) Clause 49 be renumbered to clause 44.
- (ii) Delete the erroneously placed margin note “smoking prohibited” and replace it thereof with corrected margin note – restrictions for removal of an animal.

Question of the amendment proposed, put and **agreed to**

CLAUSE 49 – as amended **agreed to**

CLAUSE 50

THAT, amend Clause 50 as follows;

- (i) Clause 50 be renumbered to clause 45.
- (ii) Introduce a new margin note licensing of flayers.

Question of the amendment proposed, put and **agreed to**

CLAUSE 50 – as amended **agreed to**

Rising in his place on a point of order, the Member for Tseikuru Ward (Hon. Dominic K Kauthi) claimed to move that the quorum of the House was not present which was ascertained. The Chairperson directed the Division Bell be rung pursuant to Standing Order 32(2) and there being no quorum present, the Chairperson left the Chair to report the fact to the Hon. Speaker pursuant to Standing order 32(2)(b).

6. REPORT ON PROGRESS – CHAIRPERSON COMMITTEE OF THE WHOLE
COUNTY ASSEMBLY

The Chairperson reported progress of the committee consideration of the Bill and sought leave to sit again in the following sitting to finalise the business.

And the time being forty minutes past Five O'clock, the Hon. Speaker adjourned the house pursuant to Standing Order 32(2) (b)

7. HOUSE ROSE- At forty minutes past Five O'clock

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MEMORANDUM

*The Honourable Speaker will take the chair on
Thursday, 23rd October, 2014 at 2.30 pm*