



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – (FIFTH SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**SUPPLEMENTARY**

**THURSDAY, APRIL 06, 2017 AT 2.30 P.M.**

**ORDER OF BUSINESS**

**PRAYERS**

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

**8\*. PROCEDURAL MOTION - ADDITIONAL SITTING OF THE HOUSE  
(The Leader of the Majority Party)**

**THAT**, pursuant to the provisions of Standing Order 30(3)(b), this House resolves to hold another Sitting today, Thursday, April 06, 2017, for not more than three hours to commence fifteen (15) minutes following the adjournment of the current Sitting.

**9\*. PROCEDURAL MOTION - EXTENSION OF TIME  
(The Chairperson, Departmental Committee Lands)**

**THAT**, notwithstanding the provisions of Standing Order 230(4), this House resolves to extend the period prescribed for consideration of the Petition for the removal from Office of the Chairperson of the National Land Commission by the Departmental Committee on Land, by a further four (4) Sitting days from April 6, 2017.

**10\*. PROCEDURAL MOTION - REDUCTION OF PUBLICATION PERIOD OF A BILL**

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

**THAT**, pursuant to the provisions of Standing Order 120, this House resolves to reduce the publication period of the Insurance (Amendment) Bill (National Assembly Bill No. 17 of 2017), from fourteen days to a day.

**11\*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 15 OF 2017)**

(The Chairperson, Budget and Appropriations Committee)

**THAT**, this House do agree with the Report of the Committee of the Whole House on its consideration of the Appropriation Bill (National Assembly Bill No. 15 of 2017).

*(Question to be put and Third Reading)*

**12\*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE EQUALIZATION FUND APPROPRIATION BILL NATIONAL ASSEMBLY BILL NO. 12 OF 2017)**

(The Chairperson, Budget and Appropriations Committee)

**THAT**, this House do agree with the Report of the Committee of the Whole House on its consideration of the Equalization Fund Appropriation Bill (National Assembly Bill No. 12 of 2017).

*(Question to be put and Third Reading)*

**13\*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE FIVE ELECTIONS-RELATED REGULATIONS**

(The Chairperson, Committee on Delegated Legislation)

**THAT**, this House do agree with the Report of the Committee of the Whole House on its consideration of the Draft Elections-related Regulations and:-

- a) **adopts** the Reports of the Committee on Delegated Legislation on its consideration of the Elections-related Regulations laid on the Table of the House on Wednesday, March 29, 2017; and
- b) pursuant to provisions of sections 44(6) and 109(3) of the Elections Act, 2011, **approves** the following Elections-related Regulations:-
  - (i) The Draft Elections (*Technology*) Regulations, 2017 (*as amended*);
  - (ii) The Draft Elections (*Registration of Voters*) (*Amendment*) Regulations, 2017;
  - (iii) The Draft Elections (*Voter Education*) Regulations, 2017;
  - (iv) The Draft Elections (*General*) (*Amendment*) Regulations, 2017; and
  - (v) The Draft Elections (*Party Primaries and Party Lists*) Regulations, 2017.

*(Question to be put)*

**14\*. THE INSURANCE (AMENDMENT) BILL, NATIONAL ASSEMBLY BILL, NO. 17 OF 2017**

(The Leader of the Majority Party)

First Reading

**15\*. COMMITTEE OF THE WHOLE HOUSE**

The Prevention of Torture Bill (National Assembly Bill No. 47 of 2016)

(The Leader of the Majority Party)

**16\*. MOTION – APPROVAL OF EALA ELECTIONS RULES**

(The Co-Chairperson, Joint Parliamentary Select Committee on EALA matters)

**THAT**, this House adopts the Report of the Joint Parliamentary Select Committee to Review the Procedure and Rules for Election of Members to the East African Legislative Assembly (EALA), laid on the Table of the House Thursday, April 6, 2017, and pursuant to the provisions of Article 50 of the Treaty for the Establishment of the East African Community and section 12 of the East African Legislative Assembly Elections Act, 2011, **approves** the East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017.

**17\*. MOTION - NOTING OF PROGRESS REPORT ON PETITION FOR REMOVAL OF THE AUDITOR GENERAL**

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

**THAT**, this House **notes** the Progress Report of the Departmental Committee on Finance, Planning and Trade on the Petition for the Removal from office of the Auditor-General, Mr. Edward R.O. Ouko, CBS, laid on the Table of the House on Thursday, March 30, 2017.

---

**\* Denotes Orders of the Day**

---

# **N O T I C E S**

## **I. THE PREVENTION OF TORTURE BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2016)**

1. Notice is given that the Leader of the Majority Party (Hon Aden Duale) intends to move the following amendment to the Prevention of Torture Bill, 2016 at the Committee Stage-

### NEW CLAUSE 30A

**THAT** the Bill be amended by inserting following new Clause immediately after clause 30-

Amendment of  
section 129 of No 8  
of 1999.

**30A.** The Environmental Management and Co-ordination Act, 1999 is amended in section 129 by deleting subsection (4) and substituting therefor the following new subsection-

(4) Upon any appeal to the Tribunal under this section, the Tribunal may if satisfied-

(a) upon application by any party, issue orders maintaining the status quo of any matter or activity which is the subject of the appeal until the appeal is determined;

(b) upon application by any party, review any orders made under paragraph(a).

(5) Any status quo automatically maintained by virtue of the filing of any appeal prior to the commencement of subsection (4) shall lapse upon commencement of this Act unless the Tribunal, upon application by a party to the appeal, issues fresh orders maintaining the status quo in accordance with subsection (4)(a).

2. Notice is given that the Member for Kibra (Hon. Kenneth Okoth) intends to move the following amendments to the Prevention of Torture Bill, 2017 at the Committee Stage—

**CLAUSE 1**

**THAT**, Clause 1 of the Bill be amended by deleting the words “on such a date as the Cabinet Secretary may, by notice in the Gazette appoint” appearing after the word “operation” and substituting therefor the words “upon publication in the Gazette.”

**CLAUSE 4**

**THAT**, Clause 4 of the Bill be amended in paragraph (a) by deleting the words “him or her” appearing in paragraph (i), (ii) and (iii) and substituting therefor the words “that person.”

**CLAUSE 13**

**THAT**, Clause 13 of the Bill be amended—

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

“(7a) Where there are any visible signs of torture, the court shall record and shall, on its motion issue an order of investigation immediately and order submissions of an investigation report within seven days.

(7b) An order made under sub-section (7) and (7a) shall be directed to an officer commanding a police station within whose jurisdiction the torture occurred”; and

(b) in sub-clause (9) in sub-clause (9) by inserting the words “take all necessary measures.” immediately before the word “protect” appearing in paragraph (a).

**CLAUSE 15**

**THAT**, Clause 15 of the Bill be amended by inserting the following new paragraph immediately after paragraph (a)—

“(aa) for purposes of making a determination on the victims protection and welfare.”

**CLAUSE 16**

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

“(d) a person who is under protection by the Witness Protection Agency established under section 3A of the witness Protection Act.”

**CLAUSE 19**

**THAT**, that clause 19 of the Bill be deleted.

**CLAUSE 20**

**THAT**, Clause 20 of the Bill be amended by deleting sub-clause 3.

**CLAUSE 21**

**THAT**, Clause 21 of the Bill be amended in sub-clause (1) by deleting the words “intentionally or recklessly” appearing immediately after the words “detainee shall not.”

**CLAUSE 22**

**THAT**, Clause 22 of the Bill be amended in sub-clause 4 by inserting the words “who is suspected to have committed an offence under this Act” immediately after the words “Where a person”

**CLAUSE 24**

**THAT**, the Bill be amended by deleting clause 24 and substituting therefor the following new clause—

“24. The Cabinet Secretary may, in consultation with the Commission and with the approval of the National Assembly, make regulations generally for the better carrying into effect of the provisions under this Act.”

**CLAUSE 26**

**THAT**, the Bill be amended by deleting clause 26 and substituting therefor the following new clause—

“26. (1) The Commission shall submit an annual report to the National Assembly and may, at any time submit special reports to the Cabinet Secretary on any matter relating to its functions.

(2) The annual report submitted by the Commission under sub-section (1) shall include an overall assessment of Government’s performance with regard to prevention of torture and cruel, inhumane and degrading treatment during the period under review by the Commission.

(3) The Cabinet Secretary shall every year be required to report to the National Assembly, steps which the government has taken in implementing the recommendations made by the Commission.”

**CLAUSE 30**

**THAT**, the Bill be amended by deleting clause 30.

**II. ADJOURNMENT OF THE HOUSE IN ACCORDANCE WITH THE CALENDAR OF THE NATIONAL ASSEMBLY (2017)**

The Speaker will today call upon the Leader of the Majority Party to move a Motion for Adjournment of the House to a day other than the next normal Sitting Day, in accordance with the Calendar of the Assembly (Regular Sessions).

*(Thereafter, the House to adjourn without question put)*

**MOTION – (The Leader of the Majority Party)**

**THAT, pursuant to the provisions of Standing Order 28 on the Calendar of the Assembly (Regular Sessions), this House adjourns until Tuesday, 9<sup>th</sup> May, 2017.**

**The House resolved on Wednesday, January 25, 2017 as follows:-**

- III. THAT,** notwithstanding the provisions of Standing Order 97(4), this House orders that, each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House, be limited as follows: -A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.
- IV. THAT,** notwithstanding the provisions of Standing Order 97(4), this House orders that, each speech in a debate on any **Motion**, including a Special motion be limited in the following manner:-A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
- V. THAT,** notwithstanding the provisions of Standing Order 97(4), this House orders that, the debate on any Motion for the **Adjournment** of the House to a day other than the next normal Sitting Day in accordance with the Calendar of the Assembly, be limited to a maximum of three (3) hours with not more than five (5) minutes for each Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of ten (10) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order; provided that, when the period of Recess proposed by any such motion does not exceed ten (10) days, the debate shall be limited to a maximum of thirty minutes (30), and shall be strictly confined to the question of the adjournment.

# NOTICE PAPER

## **Tentative business for**

**Thursday, April 06, 2017**

---

*(Published pursuant to Standing Order 38(1))*

It is notified that the Speaker has approved the following tentative business to appear in the Order Paper for the Second Sitting of Thursday, April 06, 2017:-

### **A. COMMITTEE OF THE WHOLE HOUSE**

The Prevention of Torture Bill (National Assembly Bill No. 47 of 2016)  
(The Leader of the Majority Party)

*(If not concluded on Thursday, April 06, 2017 – Afternoon sitting)*

### **B. APPROVAL OF EALA ELECTION REGULATIONS**

(The Co-Chairperson, Joint Parliamentary Select Committee on EALA)

*(If not concluded on Thursday, April 06, 2017 – Afternoon sitting)*

### **C. NOTING OF PROGRESS REPORT ON PETITION FOR REMOVAL OF THE AUDITOR GENERAL**

(The Chairperson, Committee on Finance, Planning and Trade)

*(If not concluded on Thursday, April 06, 2017 – Afternoon sitting)*

### **D. ADJOURNMENT OF THE HOUSE**



# **APPENDIX**

## **PETITIONS to be presented on**

**Thursday, April 06, 2017**

---

It is notified that, pursuant to Standing Order 225, the following Petitions will be presented to the House **today, Thursday, April 06, 2017:-**

<b>NO.</b>	<b><u>PETITION TO BE PRESENTED BY</u></b>	<b><u>SUBJECT</u></b>	<b><u>PETITIONER(S)</u></b>
	The Member for Meru County (The Hon. Florence Kajuju , M.P.), <i>Pursuant to Standing Order 225(2)(a)</i>	Erecting of speed bumps along Mboroga-Kiborione stretch of Meru Nanyuki Road	Residents of Buuri Constituency

---