

**REPUBLIC OF KENYA**



**ELEVENTH PARLIAMENT - (FOURTH SESSION)**

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**THE NATIONAL ASSEMBLY**

**MESSAGE (NO.1 OF 2016)**

**REFERRAL BY H.E. THE PRESIDENT OF THE NATIONAL  
EMPLOYMENT AUTHORITY BILL, 2015 AND THE SMALL CLAIMS  
COURT BILL, 2015**

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**Honourable Members,**

I wish to welcome you back to the House for the Fourth Session of this Eleventh Parliament after the long recess. It is my hope that Members are rested and rejuvenated for what promises to be another busy Session. As an overview, we have a number of Bills with a constitutional deadline that require to be passed by August 2016, some of which need to also be considered by the Senate. We are also at the beginning of the Budget Cycle and have various other important matters before us.

**Honourable Members,**

Having said that, I wish to convey two messages from H.E. the President. The Messages relate to: -

- (i) The National Employment Authority Bill, 2015; and
- (ii) The Small Claims Court Bill, 2015.

You may recall that on 8<sup>th</sup> October, 2015, the National Assembly passed the National Employment Authority Bill, 2015 which was sponsored by the Hon. Johnson Sakaja, MP. Subsequently, the Bill was presented for Assent to H.E. the President in accordance with the provisions of the Constitution and our Standing Orders.

However, H.E. the President, by way of Memorandum has referred this Bill back to the National Assembly for reconsideration pursuant to the provisions of Article 115(1)(b) of the Constitution. In his reservations to the National Assembly, he observes that the National Employment Authority Bill as passed failed to incorporate transitional provisions to facilitate the legal transformation of the existing National Employment Bureau, which is a department in the Ministry of Labour and East African Affairs, into the new body being created. In this regard, while referring the Bill back to the House for reconsideration, H.E. the President has indicated that it may have been an oversight by the House, to fail to provide for the transition.

**Honourable Members,**

H.E. the President has also referred the Small Claims Court Bill, 2015 back to the National Assembly for reconsideration. The said Bill, being among those with a constitutional deadline, was passed by the House on 18<sup>th</sup> November, 2015, and subsequently presented for assent. However, H.E. the President has referred the Bill back to the House for further consideration. His reservations on the Bill relate to Clause 37 which provides for the enforcement of orders made by the Small Claims Court. You may note that the House deleted sub-clauses (3) to (6) which rendered the entire clause un-implementable. Indeed, I noticed the error during the preparation of the Vellum for presentation to the President but could not effect any corrections as it was beyond the power of the Speaker under the Standing Orders. I was obliged to notify the President of this, and it was determined that the only avenue available to correct the error was referral of the Bill back to the National Assembly for review.

**Honourable Members,**

In conclusion, Standing Order 154 requires the National Assembly to consider the President's reservations within 21 days. In this regard, the National Employment Authority Bill, 2015 stands committed to the Departmental Committee on Labour and Social Welfare, while the Small Claims Court Bill, 2015 is committed to the

Departmental Committee on Justice and Legal Affairs for further consideration. The Committees should table their reports by February 22, 2016. In considering the Memoranda, regard will be given to the guidance given by the Speaker in a Communication delivered on July 28, 2015 concerning consideration of Presidential Memorandum and amendments thereto, particularly my guidance, that amendments by a Committee or an individual Member that have the effect of fully accommodating the Presidential reservations will not attract two thirds requirement for passage.

**Honourable Members,**

I wish to remind the House and the Committees that only clauses of the Bills that have reservations will be considered.

**Thank you!**

**THE HON. JUSTIN B. MUTURI, EGH, MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**

**TUESDAY, FEBRUARY 9, 2016**