



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (SECOND SESSION)
THE NATIONAL ASSEMBLY
ORDERS OF THE DAY
SUPPLEMENTARY
WEDNESDAY, MARCH 28, 2018 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 - RESOLUTION TO HOLD A SITTING ON THURSDAY MORNING
(The Leader of the Majority Party)

THAT, pursuant to the provisions of Standing Order 30(3)(b), this House resolves to hold a Morning Sitting on Thursday, March 29, 2018 commencing at 9.30am for purposes of considering individual Members' motions and any other business.

9*. MOTION – EXTENSION OF THE PERIOD FOR CONSIDERATION OF NOMINEE TO THE JUDICIAL SERVICE COMMISSION
(The Chairperson, Departmental Committee on Justice & Legal Affairs)

THAT, pursuant to the provisions of Section 13 of the Public Appointments (Parliamentary Approval) Act, 2011 relating to extension of period for consideration of nominees for appointment to a public office, this House resolves to extend the period for consideration of the nominee submitted by H.E. the President for appointment to the Judicial Service Commission by a **further period of fourteen (14) days** from 3rd April, 2018.

10*. MOTION – REPORTS OF THE COMMITTEE ON DELEGATED LEGISLATION ON THREE SETS OF REGULATIONS

(The Chairperson, Committee on Delegated Legislation)

THAT, this House adopts the Reports of the Committee on Delegated Legislation laid on the Table of the House on Tuesday, March 27, 2018, and pursuant to the provisions of Standing Order 210 (4)(b) **annuls in entirety** the following regulations-

- (i) The National Land Commission (Investigation of Historical Injustices) Regulations, 2017;
- (ii) The Traffic (Amendment) (No. 3) Rules, 2017; and
- (iii) The Kenya Defence Forces (Pensions and Gratuities)(Officers and Service Members) Regulations, 2017.

11*. MOTION – REPORT ON GENERAL OPERATIONS AT THE KENYATTA NATIONAL HOSPITAL

(The Chairperson, Departmental Committee on Health)

THAT, this House adopts the Report of the Departmental Committee on Health on the Alleged Sexual Assault, Breakdown of Equipment, Surgical Mix-up and General Operations of Kenyatta National Hospital, laid on the Table of the House on Tuesday, March 20, 2018, pursuant to the provisions of Standing Order 216 (5)(e)- ***subject to deletion of paragraph 255 appearing on page 61 of the report and substituting therefor the following new paragraph: -***

255. The Ministry of Health should:

- (a) compensate Mr. Samuel Kimani Wachira for the risk he was exposed to, trauma and permanent deformity caused by the surgical mix-up, and Mr. John Nderitu Mbugua for the delayed surgery that exposed him to fatality likely to result from the blood clot; and***
- (b) institute remedial action on the two patients with a view to ensuring their full recovery.***

Amendment proposed:

THAT, the motion be amended by inserting a new paragraph on page 60 of the report after paragraph 245 as follows: -

245A. The Cabinet Secretary responsible for Health constitutes a Taskforce on KNH to undertake, among other matters, the following:-

- i) Receive and consider the Report of the Directorate of Criminal Investigations on various allegations on the KNH;*
- ii) Investigate, inquire into and report on-*
 - a) the General management of patients both in- and out-patient in order to address overcrowding;*
 - b) general financial management and funding of the Hospital;*
 - c) the status of equipment and other hospital facilities including their suitability; and*
 - d) staffing matters at the Hospital.*
- iii) Make such recommendations as may deem appropriate in respect of the matters under paragraphs (i) and (ii).*

(Resumption of debate interrupted on Tuesday, March 27, 2018)

(Debate on amendment to resume)

12*. COMMITTEE OF THE WHOLE HOUSE

The Public Trustee (Amendment) Bill (National Assembly Bill No. 32 of 2017)
(The Leader of the Majority Party)

13*. MOTION – APPROVAL OF NOMINEES FOR APPOINTMENT AS AMBASSADORS/HIGH COMMISSIONERS

(The Chairperson, Departmental Committee on Defence and Foreign Relations)

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the Vetting of three Nominees to the positions of Ambassador/High Commissioner, laid on the Table of the House on Wednesday March 28, 2018, and pursuant to the provisions of Article 132(2)(e) of the Constitution, **approves** the appointment of **Amb. Richard Titus Ekai, Hon. Wilfred Gisuka Machage** and **Hon. Mohamed Muktar Shidiye** as Ambassadors/High Commissioners.

*** Denotes Orders of the Day**

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(103)

N O T I C E S

I. THE PUBLIC TRUSTEE (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 32 OF 2017)

Notice is given that the Chairperson of the Departmental Committee on Justice and Legal Affairs (Hon. William Cheptumo) intends to move the following amendments to the Public Trustee (Amendment) Bill, 2017 at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended—

(a) by deleting paragraph (a);

(b) in paragraph (b) by—

(i) deleting the proposed definition of the term “Principal Secretary”;

(ii) inserting the following new definitions in proper alphabetical sequence—

No 25 of
2012.

“enemy” has the meaning assigned to it under the Kenya Defence Forces Act;

“missing person” means a person whose whereabouts are unknown despite reasonable efforts to locate the person and—

(a) who is no longer in communication or contact with those persons who the missing person would likely or ordinarily be in communication or contact with; or

(b) whose safety and welfare are feared for given the person’s physical or mental capabilities or the circumstances surrounding the individual’s absence; and

(c) who had not made provision for the administration of his or her property.

“Public Guardian” means the Public Trustee acting as trustee for a person who has impaired capacity and has no one willing or able to act on behalf of the person;

CLAUSE 6

THAT, the Bill be amended in clause 6 —

- (a) by deleting the proposed new section 5B and substituting therefor the following new section 5B—

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(104)

Office of
the Public
Trustee to
be a body
corporate.

5B. There is established an office of the Public Trustee which —

- (a) shall be a body corporate with perpetual succession and a common seal;
(b) may acquire, hold and dispose of property; and
(c) is capable of suing and being sued in its corporate name.

(b) in the proposed new section 5C by—

- (i) inserting the words “for at least one hundred and eighty days” immediately after the words “person is missing” in the prefatory statement in subsection (1); and
(ii) inserting the following new subsections immediately after subsection (5) —

“(5A) Where a court is seized of an application under this section, the court may only grant an order or consent to the sale, charge, transfer, exchange or disposal of any property if the total value does not exceed two hundred and fifty thousand shillings or ten percent of the gross value of the estate of the missing person whichever is lower.”

(c) in the proposed new section 5E —

- (i) in subsection (2) by deleting paragraphs (b) and (c) and substituting therefor the following new paragraphs—

“(b) the person for the time being in charge of public investment and portfolio management at the ministry responsible for matters relating to finance or a designated representative;

(c) one advocate having at least ten years’ experience nominated by the Law Society of Kenya;

(d) three persons with knowledge and at least fifteen years’ experience in matters relating to finance, economics and investments—

- (i) one of whom shall be of opposite gender from the other two;
(ii) not being public officers; and
(iii) not being full time employees or directors of a public company.”

- (ii) in subsection (2) by renumbering paragraph (d) as (e); and
(iii) inserting a new subsection immediately after subsection (2) —

"2A. The members of the Board under subsection 2 (c) and (d) shall be appointed by the Attorney-General."

(d) in the proposed new section 5F –

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(105)

(i) by deleting subsection (1) and substituting therefor the following new subsection (1)—

"(1). The functions of the Board shall be to—

- (a) review and oversee matters pertaining to the investment of estate and trust funds;
- (b) formulate, review and oversee the implementation of the Public Trustee Investment Policy; and
- (c) advise the Attorney-General on the management of the investment portfolio."

(ii) by deleting subsection (3) and substituting therefor the following new subsection(3) -

"(3) A member of the Board appointed under section 5E (2) (c) and (d) shall hold office for a term of three years and shall be eligible for reappointment for one further term."

CLAUSE 7

THAT Clause 7 of the Bill be amended—

- (a) in the marginal note by deleting the words "report of death" and substituting therefore the words "consent of a missing person"; and
- (b) by deleting the proposed new section 6A and substituting therefor the following new section 6A—

"6A. Where the consent of a person is required before the appointment of the Public Trustee as an administrator or trustee and the person required to give consent is declared to be missing by a Court of law, the appointment of the Public Trustee may be made without the consent from the missing person having been obtained."

CLAUSE 8

THAT the Bill be amended in Clause 8 —

- a. by inserting the following new paragraph immediately after paragraph (b)
—
(ba) in subsection (2) by deleting the words "twenty thousand" and substituting therefor the words "one hundred thousand"

CLAUSE 10

THAT the Bill be amended in Clause 10—

- (b) by deleting subparagraph (i) in paragraph (a); and
- (c) in paragraph (a) by deleting the word "administers" in subparagraph (ii) and substituting therefor the word "administering".

CLAUSE 13

THAT the Bill be amended in Clause 13 by inserting the following new paragraph immediately after paragraph (i)—

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(106)

“(j) formulate, implement and oversee programmes to raise awareness on law of succession and trusteeship”.

CLAUSE 14

THAT the Bill be amended in Clause 14—

(a) by deleting the words “living with mental disability” appearing after the word “person” in paragraph (a) and substituting therefor the words “suffering from mental disorder”; and

(b) by deleting the words “living with mental disability” appearing after the word “person” in paragraph (b) and substituting therefor the words “ suffering from mental disorder”.

CLAUSE 17

THAT Clause 17 of the Bill be amended by deleting the proposed section 28 and substituting therefor the following new section 28—

Application
of
Unclaimed
Financial
Assets Act
No. 40 of
2011.

“28. The provisions in the Unclaimed Financial Assets Act that require institutions to remit unclaimed assets to the Unclaimed Financial Assets Authority shall not apply to the Public Trustee.”



The House resolved on Wednesday, February 14, 2018 as follows:-

- II. **THAT**, notwithstanding the provisions of Standing Order 97(4), 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.
- III. **THAT**, notwithstanding the provisions of Standing Order 97(4), 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.
- IV. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), 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 Minutes (15) each (if the Bill is not sponsored by either of them); 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.

The House resolved on Wednesday, March 28, 2018 as follows:-

- V. **In respect of Special Motions for approval for appointment of persons to various state and public offices, appearing in the Order Papers for the period before the short recess**, debate shall be limited as follows:- A maximum of forty five (45) minutes, with not more than ten (10) minutes for the Mover in moving and five (5) minutes in replying, and not more than five (5) minutes for any other Member speaking, including

the Leader of the Majority Party and the Leader of the Minority Party; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

...../Notice Paper I

NOTICE PAPER I

Tentative business for

Thursday (Morning), March 29, 2018

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee, at their last meeting, approved the following tentative business to appear in the Order Paper for Thursday (Morning), March 29, 2018:-

A. COMMITTEE OF THE WHOLE HOUSE

The Statute Law (Miscellaneous Amendments)(No. 3) Bill (National Assembly Bill No. 44 of 2017)
(The Leader of the Majority Party)

B. MOTION – DESIGNATION AND GAZETTMENT OF AREAS AND STREETS FOR DEMONSTRATIONS AND PICKETING
(The Hon. Simon N. King'ara, M.P.)

(Resumption of debate interrupted on Wednesday, March 28, 2018 – Morning sitting)

(Balance of time 2hrs 37 mins)

C. MOTION – WAIVER OF CHARGES AND ESTABLISHMENT OF EMPLOYMENT DATABASE
(The Hon. Faith Wairimu Gitau, M.P.)

D. MOTION – ESTABLISHMENT OF PROGRAMMES AND INTERVENTIONS TO ENCOURAGE UPTAKE OF COUNSELING SERVICES
(The Hon. Rose M. Museo, M.P.)

E. MOTION – ESTABLISHMENT OF CIVIL REGISTRATION CENTRES IN EVERY CONSTITUENCY
(The Hon. Martha Wangari, M.P.)

NOTICE PAPER II

Tentative business for

Thursday (Afternoon), March 29, 2018

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee, at their last meeting, approved the following tentative business to appear in the Order Paper for Thursday (Afternoon), March 29, 2018:-

A. THE COMPUTER AND CYBERCRIMES BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2017)

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Thursday, March 22, 2018)

B. THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2017)

(The Leader of the Majority Party)

Second Reading

APPENDIX

PETITION to be presented on

Wednesday (Afternoon), March 28, 2018

It is notified that, pursuant to Standing Order 225, the following Petition will be presented to the House **today, Wednesday (Afternoon) February 28, 2018:-**

<u>NO.</u>	<u>PETITION TO BE PRESENTED BY</u>	<u>SUBJECT</u>	<u>PETITIONER(S)</u>
I.	The Hon. Speaker, MP, <i>pursuant to Standing Order 225(2)(b)</i>	Recruitment and deployment female primary teachers	Mr. Julius Kipkoech Bores
II.	The Hon. Jude K. Njomo, MP, <i>pursuant to Standing Order 225(2)(a)</i>	Acquisition of Chase Bank & Imperial Bank by a Mauritian Company	Residents of Kiambu Constituency.
