



REPUBLIC OF KENYA

TWELFTH PARLIAMENT - (SECOND SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, JULY 26, 2018 AT 2.30 P.M.

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer
3. **Presiding** – the Speaker
4. **Communication from the Chair**

The speaker conveyed the following Communication on-

Investigatory mandate of House Committees and the conduct of Members in Committees

“Honourable Members, You will recall that on Tuesday, 12th June 2018 the Member for Igembe North Constituency, the Hon. Maoka Maore stood on a point of order, pursuant to Standing Order No. 83 and sought the guidance of the Speaker on the scope of investigatory functions of the committees of the House. In particular, the Hon. Member invited the Speaker to pronounce himself on whether the ‘*power to investigate*’ as enshrined in our Standing Orders contemplates the Committees of the House undertaking a parallel investigation of matters under investigation by investigative agencies of the State such as the Directorate of Criminal Investigations (DCI), the Ethics and Anti-Corruption Commission (EACC) and the Directorate of Public Prosecutions (DPP).

Honourable Members, in his submission, the Member for Igembe North was concerned that Committees of this August House are, in his words “*of late seemingly engaged in chasing newspaper headlines*”.

This means that the Committees may be reactively basing the subject of their inquiries on media reports rather than proactive work plans or reports of specialized offices such as that of Auditor-General, the Controller of Budget and other offices established by law and which submit statutory reports to the National Assembly, especially with regard to cases of alleged misuse of public funds. Further, the Hon. Maoka Maore was concerned that audit committees were seemingly deviating from their mandate of considering reports by the Auditor General and instead undertaking preliminary inquiries which fall within the purview of the Auditor-General’s Office. He sought direction from the Speaker on whether the undertaking of parallel investigations by House Committees amounts

to duplication, noting that the end result of investigations by the Committee would be recommendations that the relevant investigatory agencies proceed to investigate the same matters.

Honourable Members, as you may recall, the Leader of the Majority Party, the Hon. Aden Duale, the Hon. Olago Aluoch, the Hon. (Dr.) Eseli Simiyu, the Hon. Kimani Ichungwah and the Hon. Opiyo Wandayi ventilated at length in reaction to the matter upon which I undertook to issue a considered ruling.

Honourable Members, you will also recall that on Wednesday July 4, 2018 during the afternoon session, the Leader of Majority Party similarly rose on a Point of Order and sought the Speaker's guidance on the conduct of Members in Committees. In his submission, the Leader of the Majority Party highlighted various instances where, in his opinion, the conduct of Members with regard to commenting on matters active before the Courts, attendance and usurpation of meetings as "friends of Committees" and cosyng with witnesses portrayed the House in bad light. He concluded by seeking that the Speaker guide the House on how Members and Committees should conduct themselves while participating in the activities of the House in accordance with the Constitution and the Standing Orders.

Honourable Members, from the ensuing debate, Members, including the Leader of the Minority Party, the Hon. John Mbadi, the Hon. Olago Aluoch, the Hon. Mark Nyamita and the Hon. Charles Kilonzo contributed in support of the point raised by the Leader of the Majority Party, raising further issues for the guidance of the Speaker which I summarise as follows–

- (i) the issue raised by the Hon. Maore over the apparent reactive nature of House Committees in basing their work on media reports instead of generating their own business;
- (ii) the manner of interrogating and questioning witnesses appearing before Committees;
- (iii) the repeated failure by Members to declare their interest in matters under consideration by Committees as required under the Parliamentary Powers and Privileges Act and the Standing Orders;
- (iv) the apparent failure by Members to relate at 'arms-length' with witnesses appearing before Committees before they enter meetings, during interrogation and in the course of their exit from meetings;
- (v) the repeated and unreported failure by Members to attend Committee meetings;
- (vi) the apparent conflict of interest and alleged compromise of Committees where Committee activities are partly or wholly funded by State or private entities; and
- (vii) the attendance and indecorous participation by non-Committee Members in Committee meetings.

Honourable Members, at the close of debate on the point raised the Leader of the Majority Party, I undertook to give a comprehensive Communication to guide the House

on the conduct of Members in Committees. I shall proceed to dispose of the points raised by the Leader of the Majority Party and the Hon. Maore in this Communication.

Honourable Members, on the question as to whether the investigatory work of the Committees of the House may lead to unnecessary duplication and result in futile recommendations, I wish to note that the House has an inherent investigatory mandate. This mandate is discharged through Committees, which, as Hon. Maore did rightly contend, 'are the turbines, which move the House.' The manner in which the House and its Committees carry out investigations is fundamentally different from the manner in which an agency such as the Directorate of Criminal Investigations (DCI), the Ethics and Anti-Corruption Commission (EACC) conducts investigations. Indeed, a probe by the House in the public interest may unearth more information than an investigation by either of the two agencies in which a witness may be wary of self-incrimination.

The House can investigate on its own motion by seeking primary evidence, or rely on secondary evidence as do the Special Funds Accounts Committee, Public Investments Committee and the Public Accounts Committee with regard to audited reports submitted by the Office of the Auditor General.

Honourable Members, the investigatory power of the House is drawn directly from the authority granted by the people, who have unequivocally entrusted it with the role of appropriating public revenue, approving revenue-raising measures and exercising oversight over public expenditure. As a guardian of the public purse, it would be inimical of Parliament to turn a blind eye to the manner in which public monies that it voted are utilized by constitutional commissions and independent offices, and the Executive and its agencies. Indeed, a Legislature which assumes the role of a bystander waiting to consume reports from other quarters before taking action, will, to say the least, be dancing on quick sand.

Honourable Members, the Standing Orders are clear on the investigatory mandate of the House and its Committees. With respect to the Public Accounts Committee, Standing Order 205(1)(2) provides that, and I quote,–

(2) The Public Accounts Committee shall be responsible for the examination of the accounts showing the appropriation of sum voted by the House to meet the public expenditure and such other accounts laid before the House as the Committee may think fit. I put emphasis on the words "accounts" and "laid before the House"

For the newly created Special Funds Accounts Committee, Standing Order 205A(2) states that, and I quote–

(2) The Committee shall be responsible for the examination of the accounts of –

(a) The equalization Fund;

(b) The political parties fund;

(c) The judiciary fund;

(d) The National Government Constituencies Development fund; and

(e) Any other Fund established by law as the Speaker may direct.

Finally, Standing Order 206(2) relating to the Public Investments Committee provides that, and I quote–

(2) The Public Investments Committee shall be responsible for the examination of the working of public investments on the basis of audited reports and accounts. I put emphasis on the expression "on the basis of audited reports and accounts".

Honourable Members, a close reading of the said Standing Orders suggest that the primary source of information for the work of audit is the Office of the Auditor-General. Hence, the three audit-related Committees may only commence an inquiry into alleged misuse of public revenue upon receipt of an audit report on the accounts from the Auditor-General, or other specially appointed auditors, on the accounts from which funds are alleged to have been misused.

Honourable Members, as you are aware, the Auditor General submits reports to the House on an annual basis. Nevertheless, audit committees, to wit, the Special Funds Accounts Committee, the Public Accounts Committee and the Public Investments Committee are not precluded from requesting the Auditor-General to undertake a special audit as and when the need arises to examine accounts of a public entity to ascertain whether or not monies are being managed according to sound financial principles. Indeed, the Public Accounts Committees of the previous Parliaments effectively investigated allegations of misuse of public funds that came to light in course of their work or examination of issues and upon guided preliminary inquiries, asked the Auditor-General to undertake special audits. However, it is the special audit that ultimately became the basis of subsequent in-depth investigations. In my considered opinion, there exists no justification for deviating from this established practice.

Honourable Members, under the Standing Orders, Departmental Committees have been granted latitude to investigate specified matters under state departments agencies falling within their mandate at any time. Standing Order 216(5) provides that, and I quote–

(5) The functions of a Departmental Committees shall be 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;

Honourable Members, this House has therefore charged Departmental Committees with the duty to conscientiously inquire into and report on the administration, operations, management, activities and indeed the estimates of the assigned line ministries, departments and agencies. Accordingly, Standing Order 216(5) does not contemplate Departmental Committees inquiring into accounts of line ministries, departments and agencies, but the programmes and policy objectives of the line ministries, departments and agencies and the effectiveness of the implementation, as part of their routine oversight function on behalf of Parliament.

Honourable Members, allow me to share with the House the conclusions of a study carried out by two parliamentary scholars, *Brazier & Ram*, in 2006 which are

instructive in this matter. The two observed that the government is accountable to the people through parliament for raising and using public funds. They also noted that the concept of financial accountability is as old as parliament and that, since the thirteenth century, the raising and use of public funds has been subject to parliament. Finally, Brazier and Ram emphasized that in modern times, one of the important functions of parliament is to hold the government accountable for its spending of public money.

Indeed, it is a general public expectation that Parliament should keep an eye on the government expenditure. Consequently, parliament, through its committees, is obligated to look for instances of misuse of public money and prescribe the necessary remedies. But that responsibility must be dispensed with in accordance with the rules set out in our Standing Orders, which assign different responsibilities to the various committees of the House.

Honourable Members, the Parliamentary Service Commission has assigned qualified and competent staff to support Committees for the effective and efficient running of committee affairs in line with their oversight mandate. This is more so with regard to the conduct of inquiries. In addition, some Committees consume the services of other agencies that are attached to Parliament including from the Office of the Auditor-General, the Controller of Budget and the Inspectorate of State Corporations. For the effective conduct of inquiries, Chairpersons and Members are expected to accord these officers the opportunity to render their advice before the commencement and during hearings. Committees may hold preparatory meetings in this regard in order to structure their engagement with witnesses and efficiently utilize their time. This is crucial to effective interrogation and questioning of witnesses.

Honourable Members, the existence of parallel investigations does not preclude the Committees of the House from discharging their constitutional mandate. Further, Committees have no way of dictating the timelines applicable to investigations outside Parliament. This House has had occasion to conduct various inquiries in the public interest which culminated in evidence-based recommendations and formed the basis for prosecution of cited perpetrators. It rests upon each Committee to decide and resolve on the urgency of the inquiry they propose to undertake, but, where persons who are being investigated are charged in court and prosecution commences on the same matters that are before a committee, I see no use in the particular committee proceeding with the matter, unless there is new information different from those being prosecuted in court.

Honourable Members, with regard to the "chasing of headlines", I note that the mandate of debating and resolving issues of concern to the people ultimately calls upon the House to be both proactive and reactive. As highlighted to Members during the comprehensive induction programme at both House and individual Committee level, the major issues of the business of the House are transacted through Committees. The Standing Orders clearly outline the mandate of each Committee. Members have been sensitized on the need to formulate Committee work-plans covering their mandate for the optimal use of the time afforded by the calendar of the House. Nevertheless, a work-plan cannot predict when an accident, tragedy or emergency will occur or when a whistleblower decides to come forward. Formulation of a proper work-plan assists a

Committee to discharge its mandate effectively in ordinary times. Since a Committee is also be expected to discharge its mandate in extraordinary times, the true test of the discharge of its mandate is how well it adjusts its existing work-plan to effectively navigate any matters arising. The administrative mechanisms that the House has put in place have rationalized Committee operations. Any inquiry that a Committee undertakes is structured with defined reporting timelines, including requirements for submission of progress reports.

Honourable Members, In his contribution on the point raised by the Leader of the Majority Party, the Hon. Olago Aluoch touched on the apparent lack of interrogation skills by some Members during Committee meetings. While I may not entirely agree with the Honourable Member, I do note that the art of effective interrogation is a skill acquired over time. There is no harm in Members studying how ranking members of the House, senior legal practitioners, judges of superior Courts and indeed their colleagues in other Parliaments effectively interrogate witnesses. Members have to remember at all times that the aim of an interrogation is to bring out or reveal information relevant to the matter under consideration by the Committee. Coercion, intimidation and embracing of witnesses rarely aids this objective.

Honourable Members, I need not reiterate the rules relating to the declaration of interests. As you will recall, upon assuming office, by dint of paragraph 10 of the Fourth Schedule to the Parliamentary Powers and Privileges Act, 2017, each one of you was deemed to have signed the Code of Conduct for Members contained in the that Fourth Schedule to the said Act, 2017 upon taking oath of office. Indeed, paragraph 6 of the Code provides, and I quote,—

(1) Members of the House shall—

- (a) register with the relevant Speaker all financial and non-financial interests that may reasonably influence their parliamentary actions;*
- (b) before contributing to debate in the House or its Committees, or communicating with State Officers or other public servants, declare any relevant interest in the context of parliamentary debate or the matter under discussion; and*
- (c) observe any rules agreed of the House in respect of financial support for Members or the facilities of the House.*

Further, Standing Order 90 states, and I quote,

- (1) A Member who wishes to speak on any matter in which the Member has a personal interest shall first declare that interest.*
- (2) Personal interests include pecuniary interest, proprietary interest, personal relationships and business relationships.*

Honourable Members, these rules are self-explanatory. It is therefore incumbent upon every Chairperson to ensure that, prior to the commencement of every meeting, that Members declare their interest in any matter falling with the agenda items of that particular sitting. At no time may you be seen as advancing a personal interest. Failure to disclose an interest creates a presumption that any contribution made to a matter

under consideration by the House or a Committee, however relevant, advances your personal interest as a Member.

Honourable Members, Article 73 of the Constitution outlines the nature and responsibilities of leadership. It states, and I quote,—

(1) Authority assigned to a State officer—

(a) is a public trust to be exercised in a manner that—

(i) is consistent with the purposes and objects of this Constitution;

(ii) demonstrates respect for the people;

(iii) brings honour to the nation and dignity to the office; and

(iv) promotes public confidence in the integrity of the office; and

(b) vests in the State officer the responsibility to serve the people, rather than the power to rule them.

(2) The guiding principles of leadership and integrity include—

(a) selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;

(b) objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices;

(c) selfless service based solely on the public interest, demonstrated by—

(i) honesty in the execution of public duties; and

(ii) the declaration of any personal interest that may conflict with public duties;

Honourable Members, the authority granted to you by the people of Kenya is a public trust. The manner in which you exercise this authority must reflect the dignity of the office the people have called upon you to perform. Consequently, Members must relate with persons appearing as witnesses before the Committees at "arms-length". The advent of participation of the public in the processes of the House pursuant to Article 118 of the Constitution has thrust the conduct of Members in the full glare of the public like never before, more so when proceedings are streamed live online, or broadcast live by the various TV stations. Members must conduct themselves with utmost respect while interacting with witnesses. In this regard, while appearing before Committees, witnesses should be ushered in and escorted out by the secretariat or the Serjeant-at-Arms. Chairpersons are reminded of their responsibilities in this regard.

Honourable Members, as you are aware, Committees are an extension of the House whose creation is mandated by Article 124 of the Constitution. Just as failure to attend eight sittings of the House may lead to the vacation of a Members' seat, the House thought it fit to sanction the discharge of a Member who fails to attend four consecutive sittings of a Committee without permission or sufficient reason. The Clerk of the National Assembly has put in place mechanisms for the recording and reporting of the attendance of Committee Meetings. In this regard, I am in receipt of a current report and shall request the Liaison Committee and the House leadership to review it and take action on any errant Members as appropriate. Cases abound of members barely sitting

through a public hearing. It is time we confronted this reality and choose to enforce order and decorum.

Honourable Members, during the ensuing debate on the point raised by the Leader of the Majority Party, the Hon. Mark Nyamita and the Hon. Charles Kilonzo queried the propriety of State or private entities funding Committee activities and whether such funding may conflicts or compromise the inquiry process.

Honourable Members, as you are aware, the Parliamentary Service Commission is allocated adequate funds to facilitate the two Houses and their organs to discharge their respective mandates as provided for under the Constitution. Each Committee of the House is allocated adequate funds to enable it carry out its programmes. This is meant to insulate Parliament from external direction or control. The office of the Clerk receives and processes requests for facilitation of Committee activities in line with the adopted workplans and budgets. Any engagement with Committees outside their planned activities should be channeled through the office of the Clerk who will review the nature of the engagement and any details related to the welfare of Members. As a rule, the House caters for all expenses relating to a matter under inquiry by a Committee to dispel any perception of undue influence, conflict of interest or bias.

Honourable Members, nevertheless, you will recall that the work of the House and its Committees is not limited to inquiry. The Executive may, on its own motion, wish to engage the House and its Committees in consultation on matters of policy or review ongoing programmes and activities. In this regard, co-funding such an engagement is permissible as long as the relationship is maintained at "arms length". My office and that of the Clerk shall consider any such requests from the Executive and private entities and use our discretion, on a case-by-case basis.

Honourable Members, of late some Committees seem to have many non-committee Members, commonly referred to as 'friends of committee'. Indeed, in some instances as alluded to by the Leader of the Majority Party and other Members, these 'friends' have adopted the behavior of the proverbial camel. The camel begged and received permission to insert only its nose into a traveler's tent, but proceeded to insert its entire body and subsequently evict the traveler from his lodging. There is no bar to non-Committee Members attending the proceedings of a Committee. Indeed Standing Order 195 allows this, only barring non-Committee Members from voting. Members would refrain from attending the meetings of other Committees in previous Parliaments despite this permission. The scenes recently witnessed where Committee Members are outnumbered by their 'friends' to the extent that they lack sitting space and adequate time allocation to prosecute their mandate are unfortunate and unacceptable. This is an abuse of the spirit of Standing Order 195 and has cast the House in very negative light with regard to the seriousness and decorum of Committee proceedings. Consequently, to remedy this I therefore direct that the Clerk of the National Assembly immediately put in place administrative measures to reserve marked sitting places for each Committee Member at any meeting properly convened. It shall be upon each Chairperson to determine the number of non-committee Members to allow to participate in a Committee sitting at any given time, taking into account the available sitting space. In light of the fact that all Members have the opportunity to discuss any

matter reported to the House by a Committee, Chairpersons of Committees shall give priority to Committee Members in examination of matters before the Committee, including asking questions and a non-Committee Member may only speak with the permission of the Chairperson and may be ordered to withdraw from the committee sitting for disorderly conduct. Further, a non-Committee Member is not permitted to sit in the Committee during the internal sittings of the Committee, including the pre-inquiry sittings, confirmation of minutes or report writing meetings.

Honourable Members, it has come to my attention that some Committees are insistent on Cabinet Secretaries appearing before them in person to answer queries directed to the Ministry. I am fully cognizant of the provisions of Article 153(3) and (4)(b) of the Constitution which oblige a Cabinet Secretary to attend before a committee of the National Assembly when required by the committee, and answer any question concerning a matter for which the Cabinet Secretary is responsible and provide Parliament with full and regular reports concerning matters under their control, respectively. Nevertheless, Hon. Members, Committees ought to be alive to the possibility that awaiting the eventual appearance of a Cabinet Secretary to answer all queries in person may prejudice the effective discharge of their mandate. In this regard, I urge Committees, on a case-by-case basis, to consider allowing either the Principal Secretary or a Senior Officer of the Ministry, to attend and answer queries where the personal attendance of the Cabinet Secretary can be excused. Indeed, technical officers are the best placed to respond to issues of technical nature.

Honourable Members, as I conclude, the House is reminded that the Constitution places strict obligations on the conduct of Members in the discharge of their role as leaders. Parliament is under constant scrutiny. Committee meetings are open to the public and proceedings are now streamed live online and in televisions. The actions, comments, body language, gestures and even grooming of Members is under constant evaluation by the people. The partial or indecorous conduct of an individual Member or a Committee of the House is deemed, by extension, as the conduct of the House. Let us strive to do better and uphold the dignity of the House.

In summary, I therefore direct the following—

1. THAT it rests upon each Committee to decide and resolve on the urgency of the inquiry they propose to undertake if an investigative agency is conducting a parallel investigation, and where prosecution has preferred charges on individuals of interest to the Committee on matters similar to those before it, the inquiry before the Committee should be suspended. Any further inquiry may only be proceeded with the leave of the Speaker;
2. THAT, prior to the commencement of every meeting, every Chairperson must require that Members declare their interest in any matter under consideration;
3. THAT, Members should relate with persons appearing as witnesses before Committees at "arms-length". In this regard, while appearing before Committee witnesses should be ushered in and escorted out by the secretariat or the Serjeant-at-Arms. Members should also endeavor to avoid making any contacts with witnesses prior or during hearings;

4. THAT, as a rule, the House shall cater for all expenses relating to a matter under inquiry by a Committee. Any proposal by any organisation to co-fund a Committee activity should be treated with caution and if such co-funding or funding shall be considered necessary, requests should be directed to the Office of the Clerk for review and approval on a case-by-case basis;
5. THAT, the Clerk of the National Assembly immediately put in place administrative measures to reserve marked sitting places for each Committee Member at any meeting of a Committee;
6. THAT, it shall be upon the Chairperson of a Committee to determine the number of non-Committee Members to allow to participate in a Committee sitting at any given time, taking into account the available sitting space and convenience of the committee;
7. THAT, a Chairperson of a Committee shall give priority to Committee Members in the asking of questions in a Committee sitting. In this regard, a non-Committee Member may only speak with the permission of the Chairperson;
8. THAT, a Chairperson shall report to the Speaker any incident where a non-Committee Member grossly misconducts him or herself during a Committee sitting for disciplinary action in the House;
9. THAT, forthwith, contravention of Standing Order 86 that prohibits premature reference to proceedings before committees constitutes an act of gross disorderly conduct pursuant to Standing Order 107A(1)(i) attracting suspension or discharge from a Committee;
10. THAT, Committees consider allowing either the Principal Secretary or a Senior Officer of the Ministry, to attend and respond to queries where the personal attendance of the Cabinet Secretary can be excused, save for examination of matters before the audit committees, that is the Public Accounts committee, the Public Investments committee and the Special Funds Accounts Committee where accounting officers must appear to respond to audit queries as required by law.

The House is so guided."

5. PETITIONS

The Member for Dagoretti South Constituency (Hon. Simba Arati) presented a Petition on behalf of employees of Uchumi Supermarket Limited regarding non-payment of salaries and intimidation of employees by the management of Uchumi Supermarket Limited.

Petition referred to the relevant Committee pursuant to Standing order 227(1).

6. PAPERS

The following Paper was laid on the Table of the House –

- (i) Business transacted by the 4th East African Legislative Assembly (EALA) at the 5th Meeting of the 1st Session, held in Arusha Tanzania, as follows: -
 - a) Report of the Committee on General Purpose on the Supplementary Budgetary proposals of the East African Community for the Financial Year 2017/2018;
 - b) Report of the Committee on General Purpose on the budgetary proposals of the East African Community for the Financial year 2018/2019;
 - c) Report of the Committee on Accounts on the East African Community Audited Financial Statements for the Financial Year ended 30th June, 2016;
 - d) The East African Community Annual Report of activities for the period 2015/2016;
 - e) The East African Community Supplementary Appropriation Bill, 2018; and
 - f) The East African Community Appropriation Bill, 2018.
- (ii) Reports to the National Assembly on the Kenya Defence Forces Deployment to the Solai Dam Disaster and the Gikomba Fire incident.
- (iii) The Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2017 and the certificates therein:-
 - a) Council of Governors Secretariat;
 - b) Consolidated Fund Services - Public Debts;
 - c) Meru University of Science and Technology;
 - d) Chuka University;
 - e) Kenya Trade Network Agency; and
 - f) Consolidated Fund Services - Salaries, Allowances and Miscellaneous Services.
- (iv) The Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 30th June, 2017 and the certificates therein:-
 - a) Kitui Rural Constituency; and
 - b) Manyatta Constituency.
- (v) The Report of the Auditor-General and Financial Statements of the Webuye East Constituency for the year ended 30th June, 2016 and the certificate therein.

(The Leader of Majority Party)

7. STATEMENTS

- (i) The Leader of Majority Part made a Statement pursuant to Standing Order 44(2)(a) on the business of the House for the week commencing 31st June 2018.
- (ii) Pursuant to Standing Order 44(2)(c), the Member for Cherengany (Hon. Joshua Kutuny) requested a Statement from the Public Investments

- (iii) Committee on the Implementation of the Excisable Goods Management System (EGMS) by Kenya Revenue Authority. He sought indulgence of the House to cause the Public Investments Committee, which is investigating the matter, to prevail upon the National Treasury to put on hold forthwith the implementation of the EGMS until the Committee concludes its investigations into the procurement of SICPA Security Solutions SA Limited to implement the EGMS.

Statement referred to the Public Investments Committee.

- (iv) Pursuant to Standing Order 44(2)(c), the Member for Mwea Constituency (Hon. Col (Rtd.) Geoffrey King'ang'i) requested a Statement from Chairperson of the Departmental Committee on Lands regarding allocation of land in the Mwea Settlement Scheme in Mbeere South Constituency in Embu County.

Statement referred to the Departmental Committee on Lands

8. MOTION – REPORT ON THE VETTING OF NOMINEES FOR APPOINTMENT AS CHAIRPERSON AND MEMBERS OF THE COMMISSION ON ADMINISTRATIVE JUSTICE

Motion having been made and question proposed on Wednesday, July 25, 2018;

THAT, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in their Report on the *Vetting of the Nominees for approval as Chairperson and Members of the Commission on Administrative Justice*, laid on the Table of the House on Wednesday, July 25, 2018, and pursuant to the provisions of Article 250(2)(b) of the Constitution and Section 11(7) of the Commission on Administrative Justice Act, this House **approves** the appointment of the following persons to the Commission on Administrative Justice:

- | | | | |
|-------|---------------------------|---|-------------|
| (i) | The Hon. Florence Kajuju | - | Chairperson |
| (ii) | Mr. Washington Opiyo Sati | - | Member |
| (iii) | Mrs. Lucy Kamunye Ndung'u | - | Member |

(The Chairperson, Departmental Committee on Justice & Legal Affairs)

Debate interrupted on Wednesday, July 25, 2018 - Afternoon sitting resumed;

Rising in his place on a Point of Order pursuant to Standing Order 95, the Majority Party Whip (Hon. Benjamin Washiali) claimed to move that the mover be now called upon to reply;

And the Speaker acceding to the claim, thereupon question put and agreed to;

Mover replied;

Question put and agreed to.

Mover replied;

Question put and agreed to.

9. COMMITTEE OF THE WHOLE HOUSE

IN THE COMMITTEE

(Second Chairperson – In the chair)

The Public Private Partnerships (Amendment) Bill (National Assembly Bill No. 52 of 2017)

Clause 3 - agreed to.

Clause 4 - amendment proposed;

THAT, clause 4 of the Bill be amended by deleting the proposed new section 3A and substituting therefor the following new section—

Exemption. **3A.** The provisions of the Public Procurement and Asset Disposal Act, 2015 shall, be exercised subject to the relevant provision of this Act and apply to contracts under this Act only in the event where there is no express provision setting out the applicable procurement procedures under this Act.

(Chairperson of the Departmental Committee on Finance and National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to.

Clauses 5 and 6 - agreed to.

Clause 7 - amendment proposed;

THAT, clause 7 of the Bill be amended-

(a) in paragraph (a) by deleting the proposed new subsection (2) and substituting therefor the following new subsection—

(2) Upon receipt of the project lists from the national government contracting authorities, the Cabinet Secretary shall consider the lists together with the recommendations of the Unit and prepare and submit to the Cabinet for approval a national priority list which shall include county approved priority lists of public private partnership projects that have been submitted to the Unit.

(b) by inserting the following new paragraph immediately after paragraph (b)—

(c) in subsection (3) by inserting the words “in consultation with county governments” immediately after the words “Cabinet Secretary shall.”

(Chairperson of the Departmental Committee on Finance and National Planning)

Proposed amendment withdrawn.

Clause 7 - agreed to

Clauses 8, 9, 10 & 11 - agreed to.

Clause 12 - amendment proposed;

THAT, the Bill be amended by deleting clause 12 and substituting therefor the following new clause—

Amendment of section 54 of No. 15 of 2013. **12.** The principal Act is amended by deleting section 54 and substituting therefor the following new section—

Submission of memorandum to Cabinet for approval. **54.** (1) The Unit shall submit the project report and the financial risk assessment report submitted to it under section 53 and its recommendations to the Cabinet Secretary for consideration and approval.

(2) For County projects, the project report and the financial risk assessment report shall be submitted to the Contracting Authority together with its recommendations for consideration and approval.

(3) The Contracting Authority shall, upon receiving approval under subsection (1) and (2), execute the project agreement.

(Chairperson of the Departmental Committee on Finance and National Planning)

Proposed amendment withdrawn.

Clause 12 - agreed to.

Clause 13 - amendment proposed;

THAT, clause 13 of the Bill be amended in the proposed new section **54A** by—

(a) inserting the following new subsection immediately after subsection (3)—

(3A) A county government shall within thirty days of approval of a project under subsection (3) submit a report to the county assembly; and

(b) inserting the words "in consultation with county governments" immediately after the words "Cabinet Secretary" appearing in subsection (6).

(Chairperson of the Departmental Committee on Finance and National Planning)

Proposed amendment withdrawn;

Further amendment proposes -

CLAUSE 13 - amendment proposed

THAT, the Bill be amended by deleting clause 13 and substituting therefor the following new clause—

Insertion of sections in No.15 of 2013. **13.** The principal Act is amended by inserting the following new sections immediately after section 54 —

Procedure for county government public private partnership projects. **54A.** (1) A county government may enter into a public private partnership agreement and shall be responsible for the administration of the overall project development cycle in accordance with this section.

(2) Where a county government intends to enter into a public private partnership arrangement, it shall cause its user departments or county corporations, as the case may be, to prepare project proposals for approval at the county government level, detailing the strategic and operational benefits of entering into such an arrangement.

(3) Where the county approves that a project may be undertaken as a public private partnership, it shall cause the project to be subjected to detailed feasibility study assessment in accordance with section 33.

(4) The County Contracting Authority may liaise with the Unit as necessary in developing the PPP Feasibility Study

(5) A Feasibility Study completed pursuant to sub-section (3) shall be approved by the County Government, prior to initiation of procurement processes for the project, provided that:

(a) where such studies show that the project will require national government support measures or any other project specific guarantees that cannot be granted by the County Government or

(b) exceeds the thresholds that have been prescribed by the Cabinet Secretary, the county government contracting authority shall obtain the approval of the National Treasury prior to commencement of the tender processes.

County Government Contracting Authority to seek approval. **54B.** (1) Subject to sub-section 54(A) (4) (b), a County Government Contracting Authority shall seek and obtain the approval from the county assembly where no national government support measures are required for the project prior to the execution of a project agreement at the county level, the contracting authority.

(2) Where the project requires national government support measures or other project guarantees which cannot be granted at the county level, or exceeds the threshold prescribed by the Cabinet Secretary by way of regulations, the county government shall not execute a project agreement without first seeking and obtaining the approval of the National Treasury.

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Clause 13 - as amended agreed to;

Clause 14 - amendment proposed;

THAT, the Bill be amended by deleting clause 14 and substituting therefor the following new clause-

Repeal of section 56 of No. 15 of 2013. **14.** The principal Act is amended by repealing section 56.

(Chairperson of the Departmental Committee on Finance and National Planning)

Proposed amendment withdrawn.

Clause 14 - agreed to.

Clause 15 - amendment proposed;

THAT, the Bill be amended by deleting clause 15 and substituting therefor the following new clause

Amendment of section 57 of No.15 of 2013. Execution of contract. **57.** After the approval of the project and financial risk assessment report under section 56, the contracting authority shall execute the contract awarded to that bidder.

(The Leader of the Majority Part)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Further amendment proposed –

THAT, the Bill be amended by deleting clause 15 and substituting therefor the following new clause –

Amendment 15. Section 57 of the principal Act is amended by deleting the word of section “Cabinet” and substituting therefor the word “Cabinet Secretary”.
57 of No.15
of 2013.

(Chairperson of the Departmental Committee on Finance and National Planning)

Proposed amendment withdrawn;

Clause 15 - as amended agreed to.

Clause 16 - amendment proposed –

THAT, the Bill be amended by deleting clause 16 and substituting therefor the following new clause—

- Amendment of section 67 of No. 15 of 2013.
- 16.** Section 67 of the principal Act is amended—
- (a) in subsection (2)—
 - (i) by inserting the words “appointed by the Cabinet Secretary” immediately after the words “Kenya” appearing in paragraph (a);
 - (ii) by deleting paragraph (b) and substituting therefor the following new paragraph—
 - (b) six other persons with such knowledge and experience as the Cabinet Secretary shall, in consultation with the Unit, consider appropriate;
 - (iii) by inserting the following new paragraph immediately after paragraph (b)—
 - (ba) two persons of the opposite gender appointed by the Council of Governors.
 - (iv) by deleting paragraph (c);
 - (c) in subsection (3) by deleting the words “and shall be eligible” and substituting therefor the words “and may be eligible”;
 - (d) by deleting subsection (5) and substituting therefor the following new subsection—

(5) A person aggrieved by the decision of the Committee may appeal to

the High Court within seven days from the date of the Committee's decision.

(No. 63)

(606)

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(Chairperson, Departmental Committee on Finance and National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, the Bill be amended by inserting the following new paragraph immediately after paragraph (b)-

(c) by deleting paragraph (d);

(The Leader of the Majority Party)

Proposed amendment withdrawn;

Clause 16 - as amended agreed to.

New Clauses 4A –

THAT, the Bill be amended by inserting the following new clause immediately after clause 4—

Repeal of **4A**. The principal Act is amended by repealing section 4.
section 4 of
No. 15 of
2013.

(Chairperson, Departmental Committee on Finance and National Planning)

Proposed amendment withdrawn.

New Clauses 4B –

THAT, the Bill be amended by inserting the following new clauses immediately after clause 4—

Repeal of **4B**. The principal Act is amended by repealing section 5.
section 5 of
No. 15 of
2013.

(Chairperson, Departmental Committee on Finance and National Planning)

Proposed amendment withdrawn.

New Clauses 4C -

THAT, the Bill be amended by inserting the following new clauses immediately after clause 4—

Repeal of **4C**. The principal Act is amended by repealing section 6 of section 6 of No. 15 of 2013.

(Chairperson, Departmental Committee on Finance and National Planning)

Proposed amendment withdrawn.

New Clauses 4D -

THAT, the Bill be amended by inserting the following new clauses immediately after clause 4—

Amendment of **4D**. The principal Act is amended by deleting section 7 and section 7 of substituting therefor the following new section—
No. 15 of 2013.

The functions of the Cabinet Secretary.	to— 7. The functions of the Cabinet Secretary shall be
	<ul style="list-style-type: none"> (a) formulate policy guidelines on public private partnerships; (b) ensure that all projects are consistent with the national priorities specified in the relevant policy on public private partnerships; (c) approve project lists submitted to it in under section 24; (d) formulate or approve standards, guidelines and procedures for awarding contracts and standardized, bid documents; (e) review the legal, institutional and regulatory framework of public private partnerships; and (f) ensure approval of, and fiscal accountability in the management of financial and any other form of support granted by the Government in the implementation of projects under this Act.

(Chairperson, Departmental Committee on Finance and National Planning)

Proposed amendment withdrawn.

New Clauses 4E -

THAT, the Bill be amended by inserting the following new clauses immediately after clause 4—

Insertion of **4E**. The principal Act is amended by inserting the following new section in section immediately after section 7—
No.15 of 2013.

Report by **7A**. The Cabinet Secretary shall, every six months, submit to Parliament a report of the estimated value of government obligations, risks, undertakings, subsidies, revenue guarantees, and other types of government guarantees and support linked to every public private partnership project together with the value of each public private partnership project agreement signed under this Act.

(Chairperson, Departmental Committee on Finance and National Planning)

Proposed amendment withdrawn.

New Clauses 4F -

THAT, the Bill be amended by inserting the following new clauses immediately after clause 4—

Repeal of **4F**. The principal Act is amended by repealing section 8 of section 8 of No. 15 of 2013.

(Chairperson, Departmental Committee on Finance and National Planning)

Proposed amendment withdrawn.

New Clauses 4G -

THAT, the Bill be amended by inserting the following new clauses immediately after clause 4—

Repeal of **4G**. The principal Act is amended by repealing section 9 of section 9 of No. 15 of 2013.

(Chairperson, Departmental Committee on Finance and National Planning)

Proposed amendment withdrawn.

New Clauses 4H -

THAT, the Bill be amended by inserting the following new clauses immediately after clause 4—

Repeal of **4H**. The principal Act is amended by repealing section 10.
section 10 of
No. 15 of
2013.

(Chairperson, Departmental Committee on Finance and National Planning)

Proposed amendment withdrawn.

New Clauses 4H –

THAT, the Bill be amended by inserting the following new clauses immediately after clause 4—

(Chairperson, Departmental Committee on Finance and National Planning)

Proposed amendment withdrawn.

New Clauses 4I –

THAT, the Bill be amended by inserting the following new clauses immediately after clause 4—

- (a) serve as a resource centre on matters relating to public private partnerships;
- (b) conduct civic education to promote awareness and understanding of the public private partnerships process amongst stakeholders;
- (c) provide capacity building to, and advise contracting authorities or other parties involved in the planning, co-ordinating, undertaking or monitoring of projects under this Act;
- (d) rate, compile and maintain an inventory of public private partnership projects that are highly rated and which are likely to attract private sector investment;
- (e) develop an open, transparent, efficient and equitable process for managing the identification, screening, prioritization, development, procurement, implementation and monitoring of projects, and ensure that the process is applied consistently to all projects;
- (f) conduct research and gap analysis to ensure continuous performance improvement in the implementation of public private partnerships;
- (g) collate, analyse and disseminate information including data on the contingent liabilities of the Government in relation to a project;
- (h) make recommendations on the approval or rejection of projects prior to submission to the Cabinet Secretary for approval;
- (i) assist contracting authorities, where the unit considers it necessary, to design, identify, select, prioritise, appraise, evaluate and negotiate projects;
- (j) maintain a record of all project documentation;
- (k) review and assess requests for Government support in relation to a project and advise the Cabinet Secretary on the support that should be accorded in relation to the project;
- (l) assist the Cabinet Secretary in formulating guidelines and standard documentation required under this Act;
- (m) liaise with and assist the contracting authorities in their roles in the various stages of a project cycle;
- (n) ensure that the tendering process relating to a project conforms to this Act and to procurement best practices;
- (o) put in place measures to eliminate constraints limiting the realisation of benefits expected from a public private partnership;
- (p) monitor contingent liabilities and accounting and budgetary issues related to public private partnerships with the relevant offices within the State department responsible for finance;
- (q) approve project proposals submitted by Contracting Authorities;
- (r) ensure that each project agreement is consistent with the provisions of this Act;
- (s) examine and approve a feasibility study conducted by a contracting authority under this Act;
- (t) ensure efficient implementation of any project agreement entered into by contracting authorities;
- (u) require any information from any party to a project on any matter relating to a public private partnership; and

(v) carry out such other functions as may be conferred on it by the Cabinet Secretary and this Act.

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(611)

(2) The unit shall prepare financial accounts and an inventory of any monies allocated to it, any financial support received by it and any success fees received by it from a private party or project company as the case may be, under this Act.

The Chairperson, Departmental Committee on Finance & National Planning)

Proposed amendment withdrawn.

NEW CLAUSE 5A

THAT, the Bill be amended by inserting the following new clauses immediately after clause 5—

Amendment **5A.** Section 17 of the principal Act is amended in of section subsection (1) by deleting the word "Committee" appearing 17 of No. in paragraphs (a) and (j) and substituting therefor the 15 of 2013. words "Cabinet Secretary".

(Chairperson of the Departmental Committee on Finance and National Planning)

Proposed amendment withdrawn.

NEW CLAUSE 6A

THAT, the Bill be amended by inserting the following new clause after clause 6—

6A. Section 23 of the principal Act is amended by inserting the following subsection immediately after subsection (2) –

(3) In the preparation of project lists under subsection (1), a contracting authority may reserve certain projects for disadvantaged groups.

(Member for Trans Nzoia County (Hon. Janet Nangabo)

Motion made and question proposed

THAT, the New Clause 6A be now read a second time

Question put and agreed to:

Motion made and Question Proposed;

THAT, the New Clause 6A be part of the Bill.

Question put and agreed to:

NEW CLAUSE 7A, 7B, 7C & 7D

THAT, the Bill be amended by inserting the following new clauses immediately after clause 7—

Amendment of section 27 of No. 15 of 2013. **7A.** The principal Act is amended by deleting section 27 and replacing it with the following new section—

Guarantee or letter of comfort by the Government. **27.** The Cabinet Secretary may, in consultation with the Debt Management Office, where he or she considers it necessary to support a project and in order to reduce premiums factored for political risks, issue a guarantee, undertaking or binding letters of comfort in relation to a project.

Insertion of new section into No. 15 of 2013. **7B.** The principal Act is amended by inserting the following new section immediately after section 27—

Contingent liabilities linked to private partnership agreements. **27A.** (1) The Cabinet Secretary shall ensure that the accumulation of contingent liabilities linked to public private partnerships by the government is consistent with debt sustainability objective set out in the medium term debt management strategy submitted to Parliament under section 33 of the Public Finance Management Act, 2012.

No. 18 of 2012. (2) The National Assembly shall, taking into consideration the medium term debt management Strategy, approve a limit on the cumulative value of all contingent liabilities that may be incurred through public private partnership agreements.

7C. Section 28 of the principal Act is amended by deleting subsection (3) and substituting therefor the following new subsection—

Amendment of section 28 of No. 15 of 2013. (3) The Cabinet Secretary may impose a success fee on a transaction to be paid by a successful bidder in accordance with the tender documents

Amendment of section 30 of No. 15 of 2013. **7D.** Section 30 of the principal Act is amended by deleting the word "Committee" and substituting therefor the word "Cabinet Secretary."

(Chairperson of the Departmental Committee on Finance and National Planning)

Proposed amendment withdrawn.

NEW CLAUSE 8A

THAT, the Bill be amended by inserting the following new clause immediately after clause 8—

Amendment of section 33 of deleting the word "Committee" and substituting therefor the word No. 15 of "Unit." 2013. **8A.** Section 33 of the principal Act is amended in subsection (1) by

(Chairperson of the Departmental Committee on Finance and National Planning)

Proposed amendment withdrawn.

NEW CLAUSE 9A

THAT, the Bill be amended by inserting the following new clauses immediately after clause 9—

Amendment of section 37 of deleting the words "upon approval by the Committee". 2013. **9A.** Section 37 of the principal Act is amended in subsection (1) by

(Chairperson of the Departmental Committee on Finance and National Planning)

Motion made and question proposed

THAT, the New Clause 9A be now read a second time

Question put and agreed to:

Motion made and Question Proposed;

THAT, the New Clause 9A be part of the Bill.

Question put and agreed to:

NEW CLAUSE 9B

THAT, the Bill be amended by inserting the following new clause after clause 9—
9B. Section 43 of the principal Act be amended by inserting the following subsection immediately after subsection (1)-

(1a) Subject to section 23 (3), a contracting authority may invite bids for certain reserved projects from disadvantaged groups.

Member for Trans Nzoia County (Hon. Janet Nangabo)

Proposed amendment withdrawn.

NEW CLAUSE 9C

THAT, the Bill be amended by inserting the following new clauses immediately after clause 9—

Amendment of section 45 of the Public Private Partnerships Act is amended by deleting subsection (1) and substituting therefor the following new subsection—
No. 15 of subsection—
2013.

(1)A contracting authority may, in consultation with the unit, hold a competitive dialogue with each bidder to define the technical or financial aspects of the project in the manner prescribed under this Act and in consistence with an policy guidance issued by the Committee from time to time.

(Leader of the Majority)

Motion made and question proposed

THAT, the New Clause 9C be now read a second time

Question put and agreed to:

Motion made and Question Proposed;

THAT, the New Clause 9C be part of the Bill.

Question put and agreed to:

THAT, the Bill be amended by inserting the following new clauses immediately after clause 9—

Amendment of section 45 of the Public Private Partnerships Act is amended by deleting subsection (1) and substituting therefor the following new subsection—
No. 15 of subsection—
2013.

(1) A contracting authority may, hold a competitive dialogue with each bidder to define the technical or financial aspects of the project in the manner prescribed under this Act.

Proposed amendment withdrawn.

Amendment of section 48 of the Public Private Partnerships Act is amended by deleting subsection (4).

No. 15 of *(Chairperson of the Departmental Committee on Finance and National Planning)*
2013.

Proposed amendment withdrawn.

NEW CLAUSE 11 A

THAT, the Bill be amended by inserting the following new clause immediately after clause 11—

Amendment of section 52 of No. 15 of 2013. **11A.** Section 52 of the principal Act is amended in subsection (1) by deleting the words “with the approval of the Committee”.

(Chairperson of the Departmental Committee on Finance and National Planning)

Proposed amendment withdrawn.

NEW CLAUSES 15 A, 15B, 15C, 15D & 15E

THAT, the Bill be amended by inserting the following new clause immediately after clause 15—

Amendment of section 58 of No. 15 of 2013. **15A.** The principal Act is amended by deleting section 58 and substituting therefor the following new section—

Cancellation of tender. **58.** (1) A contracting authority may, at any time, terminate procurement proceedings before execution of the contract.

(2) The bidders in a tender which is cancelled under this section shall not be entitled to compensation for the cancellation of the tender.

Amendment of section 61 of No. 15 of 2013. **15B.** Section 61 of the principal Act is amended in subsection (2) by—

(a) deleting paragraph (b) and substituting therefor a new paragraph—

(b) submit the proposal to the Unit for consideration and approval; and

(b) deleting paragraph (c).

(c)

Amendment of section 63 of No. 15 of 2013. **15C.** Section 63 of the principal Act is amended by deleting subsection (3) and substituting therefor the following new subsection—

(2) The parties to the project agreement may agree to resolve disputes arising under the project agreement through arbitration, or any other non-judicial means

- (3) of dispute resolution agreed upon in the agreement as specified in paragraph 18 of the Third Schedule.

Amendment of section 64 of No. 15 of 2013. **15D.** The principal Act is amended by deleting section 64 and substituting therefor the following new section—

Amendment and variation of project agreements.

64. (1) A party who intends to make material any amendment or variation to a project agreement in relation to the term and conditions specified therein, the outputs of a project or any waivers specified in the agreement shall—

(a) for national level projects apply for, and obtain the approval of the Cabinet Secretary;

(b) for county projects, require the concurrence of the Cabinet Secretary, where the relevant project is supported by a letter of comfort or such risk mitigation instruments from the national government

(2) The Cabinet Secretary shall issue guidelines on thresholds on what can be deemed material amendments.

(3) The approval of the Cabinet Secretary under subsection (1) shall be in writing.

Amendment of section 65 of No. 15 of 2013. **15E.** Section 65 of the principal Act is amended in subsection (5) by deleting the word "Committee" and substituting therefor the word "Unit".

(Chairperson of the Departmental Committee on Finance and National Planning)

Proposed amendment withdrawn

NEW CLAUSE 17, 18 & 19

THAT, the Bill be amended by inserting the following new clauses immediately after clause 16—

Insertion of new section in to No. 15 of 2013. **17.** The principal Act is amended by inserting the following new section immediately after section 70—

Public participation. **70A.** (1) A contracting authority that intends to enter into a public private partnership shall observe the principle of public participation.

(2) The Cabinet Secretary may make regulations for conduct of public participation in public private partnership arrangements.

Amendment of section 71 of No. 15 of 2013. **18.** Section 71 of the Public Private Partnerships Act is amended—
(a) in subsection (1) by deleting paragraph (d); and
(b) by deleting subsection (2).

Repeal of First Schedule to No.15 of 2013. **19.** The principal Act is amended by repealing the First Schedule.

The Chairperson, Departmental Committee on Justice & Legal Affairs)

Proposed amendment withdrawn

CLAUSE 2 - amendment proposed:

THAT, clause 2 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph-

(b) deleting the definition of "committee".

(Chairperson of the Departmental Committee on Finance and National Planning)

Proposed amendment withdrawn

Further Amendment proposes

THAT, clause 2 of the Bill be amended by inserting the following new definition in the proper alphabetical sequence-

"disadvantaged group" means a group of persons perceived to be denied by mainstream society of access to resources and tools which are useful for their survival in a way that disadvantages them, or individuals who have been

subjected to prejudice or cultural bias because of their identity as members of a certain group without regard to their individual qualities, and includes enterprises in which a majority of the members or shareholders are youth, women or persons with disability;

(Member for Trans Nzoia County (Hon. Janet Nangabo)

Proposed amendment withdrawn

Clause 2 agreed to

Title agreed to

Clause 1 agreed to

Bill to be reported with amendments

10. HOUSE RESUMED- the Second Chairperson in the Chair

The Public Private Partnerships (Amendment) Bill (National Assembly Bill No. 52 of 2017)

Bill reported with amendments;
Motion made and Question proposed that-

THAT, the House do agree with the Committee in the said report

(Hon. Leader of Majority party)

Question deferred to another day

11. THE LAND VALUE INDEX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2018)

Order for second reading read;

Motion made and question proposed;

THAT, the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018) be now read a Second time

(The Leader of the Majority Party)

Debate interrupted on Tuesday, July 24, 2018) resumed;

Mover replied;

Question deferred to another day

12. MOTION - REPORT ON THE INQUIRY INTO FORES RESOURCES MANAGEMENT AND LOGGING ACTIVITIES IN KENYA

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on the Inquiry into Forest Resources Management and Logging Activities in Kenya, laid on the Table of the House, Thursday, May 3, 2018.

(The Chairperson, Departmental Committee on Environment & Natural Resources)

Order deferred to another day

13. THE WAREHOUSE RECEIPT SYSTEM BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2018)

Order for second reading read;

THAT, the Warehouse Receipt System Bill (National Assembly Bill No. 2 of 2018) be now read a Second time

(The Leader of the Majority Party)

Order deferred to another day

14. THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2018)

(The Leader of the Majority Party)

Order for second reading read;

Order deferred to another day

15. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2018)

(The Leader of Majority Party)

Order for second reading read;

Order deferred to another day

16. THE HEALTH LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2018)

(The Leader of Majority Party)

Order for second reading read;

Order deferred to another day

And the time being twenty five minutes past Six O'clock the Second Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

17. HOUSE ROSE - at Twenty Five minutes Six O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday July 31, 2018 at 2.30 p.m