



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, MARCH 14, 2019

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Hon. Speaker
4. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following Communications –

(i) **Recognition of a Visiting Delegation from the Parliament of Malawi**

Honourable Members, I wish to recognize a delegation from the Parliament of Malawi, seated in the Speaker's Gallery. The Delegation comprises of-

1. Hon. Werani Chilenga - Member and leader of the delegation; and
2. Hon. Alex Major - Member.

The delegation is accompanied by a team from the International Conservation Caucus Foundation (ICCF), who include-

1. Mr. David Baron, ICCF Chairperson;
2. Ms. Jill Barasa, ICCF Program Officer; and
3. Ms. Agnes Mosiany, ICCF Country Director, Kenya.

The Delegation is in the country attending the United Nations Environment Assembly (UNEA) being held in Nairobi and also meet and exchange views with our Kenya Parliamentary Conservation Caucus, Chaired by the Member for North Horr, the Hon. Francis Chachu Ganya, MP. The delegation is welcome to observe proceedings of the National Assembly.

(ii) **On Admissibility of the Recommendations of the Report of the Public Accounts Committee on its Examination of the Report of the Auditor General on the Financial Statements for the Independent Electoral and Boundaries Commission (IEBC) for the year ended 30th June 2017**

‘Honourable Members, You will recall that on Thursday 7th March 2019 and before debate on the Motion for the adoption of the Report of the Public Accounts Committee on its examination of the Report of the Auditor General on the Financial Statements for the Independent Electoral and Boundaries Commission (IEBC) for the year ended 30th June, 2017, the Leader of the Majority Party, the Hon. Aden Duale, rose on a Point of Order seeking direction from the Speaker on the admissibility of one of the recommendations in the Report. His Point of Order relates to the General Recommendation No. 3 of the Report, and for clarity, I quote-

“To that end, the Commissioners, Chief Executive Officer and the Directors who were involved in the unlawful procurement should vacate office immediately upon adoption of this report to allow for much needed reforms to be effected to restore public confidence in the Independent Electoral and Boundaries Commission”

Honourable Members, according to the Leader of the Majority Party, since the recommendation seeks the removal from office of the IEBC Commissioners and staff, it expressly flouts the provisions of Article 251 of the Constitution of Kenya on the procedure for the removal of a member of a Constitutional Commission and Article 236 of the Constitution which guarantees public officers protection in the exercise of their duties. It was therefore his view that the House should not proceed to make a determination on the impugned recommendation.

Honourable Members, at the time the matter was raised by the Member, you will also recall that no less than nineteen interventions from other Members of the House both in support or opposition to the points raised by the Leader of the Majority Party were recorded. In the ensuing debate, the Leader of the Minority Party (Hon. John Mbadi), the Minority Party Whip (Hon. Junet Mohammed), the Chairperson of the Public Accounts Committee (Hon. Opiyo Wandayi), the Chairperson of the Justice and Legal Affairs Committee (Hon. William Cheptumo), the Hon. Otiende Amollo, the Hon. Adan Keynan, the Hon. (Dr.) Chrisanthus Wamalwa, the Hon. Ngunjiri Wambugu, the Hon. Jeremiah Kioni, the Hon. William Kamket, the Hon. Jared Okello, the Hon. Dido Raso, the Hon. Bashir Sheikh, the Hon. (Dr.) James Nyikal, the Hon. Kangogo Bowen, the Hon. Kimani Kuria, the Hon. Peter Kaluma and the Hon. Jimmy Angwenyi canvassed various points of view.

Honourable Members, at the close of the debate, I undertook to give a considered ruling on the matter raised and to guide the House on the important question of the consideration of the Report containing the said recommendation. From the point raised by the Leader of the Majority Party and the ensuing debate, I have isolated the following issues as requiring determination—

1. *The extent of the mandate of the Public Accounts Committee under Standing Order 205 of the National Assembly Standing Orders as read together with Standing Order 197 on the limitation of the mandate of Committees;*
2. *Whether a question on the constitutionality of a recommendation of the House should be left for determination by the House through a vote or potential amendment;*
3. *The extent of the mandate of the House to review the conduct in office of a State Officer and initiate their removal from office under Article 95 of the Constitution vis-à-vis the removal procedure under Article 251 of the Constitution;*
4. *The extent to which the House or its Committees may delve into disciplinary matters of staff of a Constitutional Commission or an Independent Office; and,*
5. *Whether the findings and recommendations contained in the Report by the Public Accounts Committee concerning the Auditor-General's Examination of the Financial Statements for the Independent Electoral and Boundaries Commission are admissible.*

Honourable Members, on the first issue, the Public Audit Act of 2015 and the Standing Orders provide adequate guidance on the scope of the mandate of the Public Accounts Committee and the limits of its exercise of such mandate. Standing Order 205 (2) states, and I quote—

- (2) The Public Accounts Committee shall be responsible for the examination of the accounts showing the appropriations of the sum voted by the House to meet the public expenditure and of such other accounts laid before the House as the Committee may think fit.*

A clear reading of the Standing Order and the Public Audit Act reveals that the primary role of the Public Accounts Committee is that of interrogating the accounts of the expenditure of public funds appropriated by the House. The examination of public accounts by the Committee is informed by reports tabled by the office of the Auditor-General on the use of public funds. Necessarily, the work of the Committee therefore includes holding to account any public officer, and in particular, to ensure prudent use of funds appropriated by Parliament, and to clarify any queries raised by the Office of the Auditor-General pertaining to such use or otherwise. Where the Committee, after affording all concerned parties an opportunity to be heard, is of the view that the queries raised by the Auditor General have not been explained to its satisfaction, it recommends to the House appropriate remedial measures in accordance with the law.

Honourable Members, Standing Order 197 limits the deliberations of a Committee of the House to only the matters falling under its mandate, unless the mandate is extended by a resolution of the House. The Standing Order provides, and I quote—

- (1) The deliberations of a select committee shall be confined to the mandate of the committee and any extension or limitation of that mandate as may be directed by the Assembly and, in the case of a select committee on a Bill, to the Bill committed to it and relevant amendments.*

(2) In the exercise of its functions, a select committee may not consider any matter that is not contemplated within the mandate of the National Assembly under the Constitution.

The import of Standing Order 197 is not to curtail the deliberation of any matters of concern noted by a Committee. The essence of this rule is to prevent a Committee from misdirecting its efforts to the detriment of its core work. In relation to the work of the Public Accounts Committee, consideration of the day-to-day administration of public bodies would clearly be a misdirection of effort. The key test in determining whether the findings and recommendations of the Committee in the instant case fall within the mandate of the Committee would be the extent to which they address or seek to address any unresolved audit queries raised by the Office of the Attorney General in accordance with the law. In this regard, and addressing myself to the point raised by the Leader of the Majority Party, a finding or recommendation by the Public Accounts Committee in the report tabled before the House which expressly falls outside the mandate of the Committee would be inadmissible. This dispenses with the first issue.

Honourable Members, In prosecuting his Point of Order, the Leader of the Majority Party, while urging the Chair to determine the admissibility of the recommendations of the Motion on the Report before the House could proceed to debate it, did refer to the provisions of Standing Order No. 47(3). Standing Order provides, and I quote,—

- (3) If the Speaker is of the opinion that any proposed Motion—*
- (a) is one which infringes, or the debate on which is likely to infringe, any of these Standing Orders;*
 - (b) is contrary to the Constitution or an Act of Parliament, without expressly proposing appropriate amendment to the Constitution or the Act of Parliament;*
 - (c) is too long;*
 - (d) is framed in terms which are inconsistent with the dignity of the House;*
 - (e) contains or implies allegations which the Speaker is not satisfied that the Mover can substantiate; or*
 - (f) calls for the commitment of public funds for which no provision is made in the Annual Estimates as adopted by the National Assembly, the Speaker may direct either that, the Motion is inadmissible, or that notice of it cannot be given without such alteration as the Speaker may approve or that the motion be referred to the relevant committee of the Assembly, pursuant to Article 114(2) of the Constitution.*

Honourable Members, Ideally therefore, before any business comes to the House, it is approved by the Speaker on the basis of its constitutionality, among the other criteria for admissibility. Standing Order 47(3) is an extension of the requirement placed on the Speaker under Articles 3 and 10 of the Constitution to respect, uphold and defend the Constitution.

Honourable Members, the question that arises now is whether the Motion by the Chairperson of the Public Accounts Committee having been approved and the Report of the Committee having been tabled, the Chair can consider the issue of the constitutionality of the findings and recommendations of the Report. You will recall that I have previously guided the House that notwithstanding the approval of any business by the Chair under the Standing Orders, the issue of constitutionality can be raised by a Member at any stage of consideration of any business by the House. The only condition such a request would have to meet is that it must be specific in order to capacitate the Chair to revisit the issue with precision and to cure a procedural or constitutional anomaly.

Hon. Members, In this respect, the Chair has had the occasion to re-look at the arguments advanced by the Leader of the Majority Party and noted that he indeed raises a constitutional issue which should, ideally, be dispensed with before the House proceeds with the consideration of a Report with the risk of making a resolution in vain.

Hon. Members, you will also recall that following the request, various Members of the House urged that the Report be allowed to proceed to debate and that any anomaly or otherwise be left for the House to decide. I am fully cognizant of the fact that the decisions of this House are expressed with the endorsement of the votes of a majority of the Members. Whereas I hold no vote, the Constitution and the Standing Orders of this House oblige me to address any questions of unconstitutionality at any time and not fold my arms and preside over deliberations.

I do agree that the possibility exists of the required majority of Members voting against the recommendation in issue or a Member proposing an amendment to expunge the recommendation with the support of the required majority. But what if neither of the two events come to pass? I think the House would stand indicted not just because of the untenable recommendation being adopted, but also for the failure on my part to act to arrest a patently incongruous outcome. It is therefore my considered opinion that a question on the Constitutionality or otherwise of business ought not be left to a vote by the House or potential amendment, but should be resolved by the Speaker once raised.

Hon. Members, The point raised by the Leader of the Majority Party and the interventions by other Members thereafter crystallized the third issue of the mandate of the House with regard to the removal from office of State and Public Officers under the Constitution pursuant to the provisions of Articles 95 and 251 of the Constitution. Article 95 of the Constitution outlines the role of the National Assembly with regard to the issue at hand as follows, and I quote,—

.....

(2) *The National Assembly deliberates on and resolves issues of concern to the people.*

.....

(5) *The National Assembly—*

- (a) reviews the conduct in office of the President, the Deputy President and other State officers and initiates the process of removing them from office; and*
- (b) exercises oversight of State organs.*

On its part, Article 251 of the Constitution provides a specific procedure for the removal from office of a member of a Constitutional Commission or the holder of an Independent Office. The Article provides, and I quote,—

.....

(2) A person desiring the removal of a member of a commission or of a holder of an independent office on any ground specified in clause (1) may present a petition to the National Assembly setting out the alleged facts constituting that ground.

(3) The National Assembly shall consider the petition and, if it is satisfied that it discloses a ground under clause (1), shall send the petition to the President.

.....

Hon. Members, the bone of contention, as discerned from the submissions made by Members with regard to the point raised by the Leader of the Majority Party is whether the removal of a member of a Constitutional Commission, in this case the Independent Electoral and Boundaries Commission, can be legally initiated through a resolution of the House.

Hon. Members, On this matter I am constrained to agree with the view that the only procedure that the Constitution envisages for the initiation of the removal of a member of a Constitutional Commission or holder of an Independent Office is through a Petition to the House in accordance with Article 251 of the Constitution. As ably noted in the submissions by the Hon. Kaluma, the provisions of Article 95(5) are couched in general terms whereas those of Article 251 are specific to a particular class of State Officers. Indeed, as Members are aware, the House only initiates the removal from office of the President, the Deputy President and a Cabinet Secretary through a motion filed by any Member under the specific provisions of Articles 144 and 145, Article 150 and Article 152 of the Constitution, respectively.

Hon. Members, Conversely, specific provisions of the Constitution provide removal procedures peculiar to other State Officers. Members will note that the Constitution provides specific methods of removal from office of other State Officers as follows—

- (i)** Members of Parliament may only vacate office in specific circumstances including recall under Article 103 and upon determination by court by declaring the seat vacant under Article 105(1)(b) of the Constitution;
- (ii)** Judges and Magistrates may only be removed from office via a petition lodged with the Judicial Service Commission under Article 168 and 172 (1) (c) of the Constitution;

- (iii) The Secretary to the Cabinet is appointed with the approval of Parliament but may only be dismissed by the President under Article 154 of the Constitution;
- (iv) The Director of Public Prosecutions is appointed with the approval of Parliament but his or her removal may only be initiated via a petition lodged with the Public Service Commission under Article 158 of the Constitution; and,
- (v) A County Governor may only be removed from office in line with a procedure prescribed by legislation enacted pursuant to Article 181 of the Constitution.

Hon. Members, If the House were to be persuaded by the argument that it does rely on Article 95(5) generally to initiate the removal of IEBC Commissioners, the House must also convince itself that the same argument would hold in the event any Committee were to table a report recommending the removal of the President, the Deputy President, a Cabinet Minister, a Judge, a Member of Parliament, a Governor or the Director of Public Prosecutions. This would, clearly, be illogical and procedurally untenable. In addition, section 10 of the Independent Electoral and Boundaries Commission Act, 2011 provides the procedure for the removal of the Chief Executive Officer which can only be done by the Commission on, among other grounds, gross misconduct. Section 31 of the same law gives power to the Commission to prescribe regulations for termination of appointment of officers of the Commission. The employment of such officers may also be governed by the relevant employment laws including the Employment Act on dismissal of employees. In this regard, the Committee's recommendation relating to removal of staff offends the provisions of sections 10 and 35 of the IEBC Act and the relevant regulations in respect of other senior staff of the IEBC.

Hon. Members, The argument that Article 95(5) provides an avenue for the initiation of the removal of a member of a Constitutional Commission also patently fails with regard to the procedural safeguards afforded to State and Public Officers in the exercise of their public duties. As was noted in the ensuing debate on the point raised by the Leader of the Majority Party, the procedure set out under Article 251 of the Constitution grants the House a specific role to play in the process of the removal of a member of a Constitutional Commission or holder of an Independent Office. Under Article 251(3) the House must determine whether a petition discloses any ground for removal before transmitting the petition to the President recommending the establishment of a Tribunal to investigate the facts. The role of the House in the processing of a petition for removal therefore does not result in a final determination of the matter. All the specific methods of removal from office outlined in the Constitution grant a fair hearing to the affected state officers who are given prior notice of the case for their removal, a fair opportunity to answer it, and the opportunity to present their own case. This, Hon. Members, mirrors the rights to fair administrative action and fair hearing as set out in Articles 47 and 50 of the Constitution and the protection of public officers as outlined in Article 236 of the Constitution. It is therefore my considered opinion that the mandate of the House to review the conduct in office of a member of a Constitutional Commission or a holder of an Independent Office may only

be done in accordance with Article 251 of the Constitution when it considers a petition filed for the removal of the affected state officer. I commend the work of the Committee in their interrogation and presentation of grave allegations attributable to the Commissioners and staff of the IEBC. However, the Committee has proceeded to utilize that information to propose the removal from office of the Commissioners and staff in an entirely untenable manner.

Hon. Members, I shall now address myself to the admissibility of the findings and recommendations in the Report tabled by the Public Accounts Committee. As you will recall, the point raised by the Leader of the Majority Party, though directed at one of the recommendations of the Report, in essence sought that I declare the findings and recommendations at pages 7 and 130 of the Report as inadmissible in their entirety. As I have noted in this Communication, a finding or recommendation would only be inadmissible if it addresses itself to a matter outside the mandate of the Committee; or if it offends the provisions of Standing Order No. 47(3). I have perused the Report of the Committee at the cited pages. From the perusal I note that the second paragraph of General Recommendation No. 3 accords with the concern raised by the Leader of the Majority Party that the Report recommends the removal of the Members and Staff of a Constitutional Commission in manner not contemplated by the Constitution. Apart from a portion of this recommendation and the section of the Report titled “Basis for Committee Recommendation for Vacation of Office” which, on the face of it, is intended to explain the thinking behind the recommendation, a cursory glance at the other recommendations of the Report does not reveal any relation to the concern raised by the Leader of the Majority Party and several other Members. I note that the General Recommendations and section 4.0 of the Report on the “Basis for Committee Recommendation for Vacation of Office” are replicated both at the beginning and at the end of the Report.

Hon. Members, in summary, it is therefore my considered finding —

1. **THAT,** a question on the constitutionality or otherwise of business ought not to be left to a vote by the House or addressed by an amendment which is also subject to a vote, but should be addressed by the Speaker once raised;
2. **THAT,** the mandate of the House to review the conduct in office of a member of a Constitutional Commission or a holder of an Independent Office may only be exercised in accordance with Article 251 of the Constitution when it considers a petition duly filed for the removal of the affected state officer;
3. **THAT,** a finding or recommendation by the Public Accounts Committee in the report tabled before the House which expressly falls outside the mandate of the Committee, or one that offends the provisions of Articles 47 or 251 or section 10 of the Independent Electoral and Boundaries Commission Act, 2011, would be inadmissible;
4. **THAT,** the words *“To that end, the Commissioners, Chief Executive Officer and the Directors who were involved in the unlawful procurement should vacate office immediately upon adoption of this report to allow for much needed reforms to be effected to restore public confidence in the Independent*

- Electoral and Boundaries Commission*” in the General Recommendation No. 3 appearing at pages 4 and 127, of the Report in so far as it relates to the IEBC Commissioners are inadmissible. This is because the text is recommending a mode of removal from office of constitutional office holders in a manner that is not contemplated by the Constitution;
5. **THAT**, sections 4.0 and 34.0 of the Report relating to “*Basis for Committee Recommendation for Vacation of Office*” appearing on pages 6, 7, 129 and 130 of the Report in so far as it relates to the IEBC Commissioners are also inadmissible;
 6. **THAT**, the second sub-paragraph of paragraph 3 of the General Recommendation No. 3, appearing at page 4, which states that “*To that end, the, Chief Executive Officer and the Directors (emphasis on staff) who were involved in the unlawful procurement should vacate office immediately upon adoption of this report to allow for much needed reforms to be effected to restore public confidence in the Independent Electoral and Boundaries Commission*” is also inadmissible. This is because, while this section is supported by admissible observations of the Committee, the recommendation is proposing the removal from office of staff of a constitutional Commission in a manner that is neither contemplated by the Constitution nor supported by the relevant statute providing for the manner of vacation of office of such staff and governing their discipline;
 7. **THAT**, the observations and findings of the Committee with respect to the staff of the Commission having been found to be admissible, I will now expect the Chairperson of the Public Accounts Committee to take into account this Communication and move the motion for the adoption of the Report in an appropriately amended form pursuant to Standing Order 48 (Amendment of Notice of Motion); and,
 8. **THAT**, the cited text of “General Recommendation No. 3” and sections 4.0 and 34.0 of the Report having been found to be offensive to the Constitution and therefore inadmissible for debate by the House are forthwith expunged from the Report. The House shall make no reference to either text in its consideration of the Report.

Hon. Members, as I conclude, may I clarify that, expunging the offensive parts of the Report is not to mean that the entire report is discredited. As a matter of fact, the rest of the Report is admissible and will proceed for consideration by the House upon rescheduling by the House Business Committee. The Committee has duly executed its mandate satisfactorily and carried out commendable task of taking evidence and compiling their Report to the House. That is an accomplishment worthy of credit of this House. Please be guided accordingly. I thank you!”

5. PAPERS LAID

The following Papers were laid on the Table –

- a) Performance Audit Report on Provision of Housing to Prison Officers in Kenya from the Office of the Auditor General;
- b) Report on the Special Audit of the Receipts and Disbursements of the Eurobond proceeds in the Consolidated Fund from the National Treasury;
- c) The Reports of the Auditor-General on the Financial Statements in respect of the following Constituencies for the year ended 30th June, 2018 and the certificates therein -
 - (i) Embakasi Central;
 - (ii) Starehe;
 - (iii) Manyatta;
 - (iv) North Imenti.

(The Leader of the Majority Party)

6. QUESTIONS

a) The following Questions were asked –

- (i) **Question No.114/2019** by the Member for Bomachoge Borabu Constituency (Hon. Zadoc Ogutu) on existing policy guidelines regarding buying of tea leaves from farmers by tea factories;

(to be replied by Cabinet Secretary for Agriculture, Livestock, Fisheries and Irrigation before the Departmental Committee on Agriculture and Livestock)

- (ii) **Question No.116/2019** by the Member for Gilgil Constituency (Hon. Martha Wangari) on alleged physical assault and injury of Hon. Pauline Maina, of Identification Card Number 24640362, a Member of Nyeri County Assembly in Arusha, Tanzania on 9th May 2018;

(to be replied by Cabinet Secretary for Interior & Coordination of National Government before the Departmental Committee on Administration and National Security)

- (iii) **Question No.117/2019** Member for Kamukunji Constituency (Hon. Yusuf Hassan) the outcome of an investigation on the fire in Gikomba Market that destroyed goods and properties worth millions of shillings in Kamukunji Constituency on 28th June, 2018.

(to be replied by Cabinet Secretary for Interior & Coordination of National Government before the Departmental Committee on Administration and National Security)

- (iv) **Question No.118/2019** by the Nominated Member (Hon. David Sankok) regarding police road blocks along the Limuru-Maai Mahiu Road that inconvenience motorists leading to road accidents.

(to be replied by Cabinet Secretary for Interior & Coordination of National

Government before the Departmental Committee on Administration and National Security)

b) The following Questions were deferred –

- (i) **Question No.115/2019** by the Member for Suna West Constituency (Hon. Peter Francis Masara) regarding eight artisanal miners from Suna West Constituency who lost their lives as a result of collapse of mines.

- (ii) **Question No.113/2019** by the Member for Funyula Constituency (Hon. (Dr.) Wilberforce Ojiambo Oundo) on disciplinary measures being taken by the Inspector General of Police against Police Officers at Sio Port Police Station in Busia County who used live bullets and lobbied teargas canisters at innocent women on 22nd, 23rd and 24th November, 2018.

7. STATEMENT PURSUANT TO STANDING ORDER 44(2)(c)

Pursuant to Standing Order 44(2)(c), the Member for Kimilili Constituency (Hon. Didmus Barasa) sought a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding the proliferation of fake currency scams commonly referred to as ‘wash wash’ in Kenya.

8. STATEMENT PURSUANT TO STANDING ORDER 44(2)(a)

Pursuant to the provision of Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, March 19, 2019.

9. SPECIAL MOTION - APPROVAL OF NOMINEES FOR APPOINTMENT TO THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND BOARD

Motion made and Question proposed –

THAT, taking into consideration the findings of the Select Committee on the National Government Constituencies Development Fund in its Report on the Vetting of Nominees for appointment as Members of the National Government Constituencies Development Fund Board, laid on the Table of House on Tuesday, March 12, 2019, and pursuant to section 15(1)(e) of the National Government Constituencies Development Fund Act, 2015 and section 8(1) of Public Appointments (Parliamentary Approval) Act, 2011, approves the appointment of the following persons to the National Government Constituencies Development Fund Board-

Mr. Robert Nyariki Momanyi Masese

- (i)
- (ii) Ms. Irene C. Masit;
- (iii) Mr. Abdiaziz Bulle Yarrow;
- (iv) Ms. Isabel Nyambura Waiyaki;
- (v) Ms. Maria Lekoloto;
- (vi) Hon. Peter Edick Omondi Anyanga; and
- (vii) Mr. George Kasatua Ole Meshuko.

(Chairperson, Select Committee on the National Government Constituencies Development Fund – 13.03.2019)

Debate on the Motion having been concluded on Wednesday, March 13, 2019 (Afternoon Sitting);

Question put and agreed to.

10. THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2019)

Order for Second Reading read;

Order deferred.

11. MOTION – SENATE AMENDMENTS TO THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2017)

Motion made and Question proposed –

THAT, the Senate amendments to the Kenya Roads Bill (National Assembly Bill No. 47 of 2017) be now considered.

(The Leader of the Majority Party)

(Change of Chair from the Speaker to the Third Chairperson)

Debate arising;

Mover replied;

Question put and negatived.

12. MOTION - REPORT ON ALLEGED IRREGULAR SPECIALIST RECOGNITION OF DR. SAMIRA SONI BY THE KENYA MEDICAL PRACTITIONERS AND DENTISTS BOARD

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Departmental Committee on Health on alleged irregular specialist recognition of Dr. Samira Soni by the Kenya Medical Practitioners and Dentists Board, laid on the Table of the House on Wednesday, October 17, 2018.

(Chairperson, Departmental Committee on Health – 12.03.2019)

Debate interrupted on Wednesday, March 13, 2019 (Afternoon Sitting) resumed;

(Change of Chair from the Third Chairperson to the First Chairperson)

Mover replied;

Question deferred.

13. MOTION - INQUIRY INTO THE KENYA-SOMALIA BORDER SECURITIZATION PROJECT

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on the Inquiry into the Kenya-Somalia Border Securitization Project, *laid on the Table of the House on Tuesday, 20th November 2018*.

*(Chairperson, Departmental Committee on Defence and Foreign Relations
– 12.03.2019)*

Debate interrupted on Wednesday, March 13, 2019 (Afternoon Sitting) resumed;

Amendment proposed–

THAT, the Motion be amended as follows –

- (i) By deleting the word “adopts” appearing immediately after the expression –THAT, this House and substituting therefor with the word “notes”;
- (ii) By deleting the words "Inquiry into" after the words "Foreign Relations on the" and substituting therefore with the words “Status of”; and
- (iii) By inserting the following expression immediately after the expression “20th November, 2018”-

Subject to deletion-

The title of the Report “Report of the Inquiry into the Status, Viability and Efficacy in the Implementation of the Kenya-Somalia Border Securitization Project” and substituting therefore with the new title “Report of the Status of the Kenya-Somalia Border Securitization Project”

THAT, the Motion be amended by deleting the word “union” appearing immediately before the phrase “stadium in the country.”

Debate on the amendment arising;

(Change of Chair from the First Chairperson to the Third Chairperson)

Question of the amendment deferred.

14. MOTION – PROGRESS REPORT ON THE INQUIRY INTO THE PROPOSED TAKEOVER OF JOMO KENYATTA INTERNATIONAL AIRPORT BY KENYA AIRWAYS

Order deferred.

15. MOTION-INQUIRY INTO LEGISLATIVE AND REGULATORYGAPS AFFECTING COMPETITION IN THETELECOMMUNICATIONS SUB-SECTOR

Order deferred.

16. MOTION-REPORT ON A MEETING TO PROMOTE AND POPULARIZE THE RATIFICATION OF THE PROTOCOL ON THE FREE MOVEMENT OFPERSONS AND ITS IMPLEMENTATION ROADMAP

Order deferred.

17. HOUSE ROSE - at twenty two minutes past Six O'clock,

And the time being twenty two minutes ^{_____} past Six O'clock, the First Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

MEMORANDUM

The Speaker will take the Chair on
Tuesday, March 19, 2019 at 2.30 p.m.

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