



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, MARCH 21, 2018 (AFTERNOON)

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

The Speaker conveyed the following Petition –

Conveyance of a Petition on Amendments to the Consumer Protection Act

“Honourable Members,

Standing Order 225(2)(b) requires that the Speaker reports to the House any Petition other than those presented through a Member. I therefore wish to convey to the House that my office has received a Petition signed by Mr. Allen Waiyaki Gichuhi C. Arb. of ID No. 11061762 from Wamae & Allen Advocates.

Honourable Members,

The Petitioner avers that Article 46 of the Constitution recognises and upholds the protection of Consumer rights especially from public and private entities and that part VII of the Consumer Protection Act has inherently failed to protect consumers from oppressive lending practices by banks and other credit lending institutions hence going contrary to the spirit of the Constitution.

Honourable Members,

The Petitioner further contends that various Acts under which credit services are provided namely the Microfinance Act, 2006, the Housing Act Cap 117 and Section 44A of the

Banking Act have limitations and are largely unregulated and they do not protect borrowers from unscrupulous lenders and shylocks.

Honourable Members,

The Petitioner therefore prays that the National Assembly: -

- (i) intervenes and considers amending the Consumer Protection Act to include the *in duplum* provisions to apply to all credit providers and credit agreements notwithstanding nature of the parties to the credit agreement; and
- (ii) makes any other order or direction that it deems fit in the circumstance of this matter.

Honourable Members,

Pursuant to the provisions of Standing Order 227, this Petition therefore stands committed to the Departmental Committee on Finance and National Planning for consideration. The Committee is requested to consider the Petition and report its findings to the Petitioners and the House in accordance with Standing Order 227(2). May I also encourage the Committee to propose a Bill for consideration by the House in addressing the lacunas in the three Acts of Parliament as raised by the Petitioner.

I thank you.”

5. **PAPERS LAID**

The following Papers were laid on the Table –

- a) The 4th Quarter Report of the Ethics and Anti-Corruption Commission for the period covering 1st October, 2017 to 31st December, 2017;
- b) The Reports of the Auditor-General on the Financial Statements in respect of the following Constituencies for the year ended 30th June, 2016 and the certificates therein: -
 - i) Nyakach Constituency;
 - ii) Mbita Constituency;
 - iii) KitutuChache North Constituency;
 - iv) Roysambu Constituency;
 - v) Dagoretti North Constituency;
 - vi) Suna West Constituency; and
 - vii) BomachogeBorabu Constituency

(The Leader of the Majority Party)

6. **NOTICE OF MOTION**

The following Notice of Motion was given –

THAT, aware that every birth in Kenya must be registered by the Department of Civil Registration and documented through a Birth Certificate; further aware that subsequent

registration of citizens and acquisition of documentation such as identity cards and passports, school admissions, registration of exams, and access to opportunities such as employment depends and relies on Birth Certificates; deeply concerned that the Department of Civil Registration Services has over time experienced backlogs in the issuance of Birth Certificates as a result of among other factors, inadequate personnel, unwillingness to embrace Information Communication and Technology (ICT), inadequate funding, and inadequate materials used in registration of persons; further deeply concerned that registration services are not easily accessible to majority of Kenyans owing to the few registration centers in place, this House urges the Government to consider establishing Civil Registration Centres in every Constituency and ensure full implementation of the Kenya Citizens and Foreign Nationals Management Service Act 2011.

(Hon. Martha Wangari)

7. **THE NAIROBI METROPOLITAN AREA TRANSPORT AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO.41 OF 2017)**

Motion having been made and Question having been proposed on 15.03.2018 –

THAT, the Nairobi Metropolitan Area Transport Authority Bill (National Assembly Bill No.41 of 2017) be now read a Second Time.

(The Leader of the Majority Party)

Debate on the Second Reading having been concluded on 20.03.2018;

Question deferred to another day pursuant to Standing Order 53(3).

8. **MOTION – APPOINTMENT OF MEMBERS TO THE COMMITTEE ON APPOINTMENTS**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 204 and the resolution of the House of Thursday, December 14, 2017 appointing Members into the Committee on Appointments, this House further approves the appointment of the following Members to the Committee –

- (i) The Hon. Peter Kaluma, MP;
- (ii) The Hon. Tom Joseph Kajwang, MP;
- (iii) The Hon. Getrude Mbeyu, MP;
- (iv) The Hon. Esther Passaris, MP;
- (v) The Hon. Joshua Kimilu, MP;
- (vi) The Hon. Eseli Simiyu, MP; and
- (vii) The Hon. Oku Kaunya, MP.

(The Leader of the Majority Party, on behalf of the House Business Committee)

Debate arising;

Question put and agreed to;

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

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Computer and Cybercrimes Bill (National Assembly Bill No.36 of 2017) be now read a Second Time.

(The Leader of the Majority Party)

Debate arising;

(Change of Chair from the Speaker to the Second Chairperson [Hon. Patrick Mariru])

The Member for Ndia Constituency (Hon. George Macharia Kariuki) rose on a Point of Order claiming that the House did not have the requisite quorum;

The Chair ascertained that indeed the House did not quorate, but noted that it was unnecessary to order the ten-minute bell to be rang since less than two minutes remained to the rise of the House;

The Chair directed that the Member interrupted by the quorum claim, namely Hon. Patrick Musimba, be accorded the balance of his time when the debate resumes at the next sitting, in addition to any extra time that the next Chair might add him as per the earlier directive by the Honourable Speaker;

The Chair adjourned the House forthwith.

And the time being Seven O'clock, the Second Chairperson interrupted the proceedings and adjourned the House pursuant to the Standing Orders.

10. **HOUSE ROSE** - at Seven O'clock

MEMORANDUM

The Speaker will take the Chair on
Thursday, March 22, 2018 at 2.30 p.m.

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