

# PARLIAMENT OF KENYA

## THE NATIONAL ASSEMBLY

### THE HANSARD

Thursday, 28<sup>th</sup> November 2019

The House met at 2.30 p.m.

*[The Speaker (Hon. Justin Muturi) in the Chair]*

#### PRAYERS

#### PETITIONS

**Hon. Speaker:** Let us have the Member for Cherangany, Hon. Joshua Kutuny. We are considering Petitions. Where is he? At Orange House? The matter is deferred. Let us move to the next Order.

#### PAPERS LAID

**Hon. Speaker:** Let us have the Chair of the Departmental Committee on Communication, Information and Innovation, Hon. Kisang.

**Hon. William Kisang** (Marakwet West, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Communication, Information and Innovation on its Consideration of the Kenya Information and Communication (Amendment) Bill (National Assembly Bill No.61 of 2019).

**Hon. Speaker:** Very well.

#### ORDINARY QUESTIONS

**Hon. Speaker:** There is a Question by the Member for Kisumu Central, Hon. Ouda.

*Question No.520/2019*

#### PAYMENT OF SUPPLIERS TO KIBOS AND KODIAGA PRISONS

**Hon. Fred Ouda** (Kisumu Central, ODM): Thank you very much, Hon. Speaker, for giving me the opportunity to ask this Question on behalf of the good and hardworking people of this Republic called Kenya. It is Question No.520 of 2019 directed to the Cabinet Secretary for the Interior and Coordination of National Government:

Could the Cabinet Secretary explain why Kibos and Kodiaga Prisons in Kisumu County have not paid their suppliers for goods procured since 2012? It is very sad.

**Hon. Speaker:** Ask the Question. You can deal with the rest later. You are barely audible.

**Hon. Fred Ouda** (Kisumu Central, ODM): I am just asking the Question.

(i) Could the Cabinet Secretary explain why Kibos and Kodiaga Prisons in Kisumu County have not paid their suppliers for goods procured since 2012?

(ii) When will the said suppliers be paid?

**Hon. Speaker:** Very well. The Question is referred for reply before the Departmental Committee on Administration and National Security.

The next Question is by the nominated Member, Hon. Gideon Keter.

*Question No.521/2019*

ADMINISTRATION OF HPV VACCINE

**Hon. Gideon Keter** (Nominated, JP): Thank you, Hon. Speaker. I would like to ask Question No.521 of 2019 to the Cabinet Secretary for Health:

(i) Could the Cabinet Secretary confirm the safety of the Human Papilloma Virus (HPV) vaccine being administered by the Ministry given that the vaccine uses portions of the infective agents compared to the older vaccine which used more of the attenuated or weakened antigens?

(ii) Could the Cabinet Secretary further confirm whether proper public participation and mobilisation was undertaken before the introduction and administration of the HPV vaccine among the medical fraternity, health stakeholders and Government institutions?

(iii) What plans are there, if any, by the Ministry to carry out a sensitisation exercise on the role, advantages and benefits of the HPV vaccine with all medical, public and health stakeholders?

**Hon. Speaker:** The Question is referred to the Departmental Committee on Health for reply.

The next Question is by the Member for Kaiti, Hon. Joshua Kimilu. The Member is absent and not desiring to be present. The Question is dropped.

*Question No.522/2019*

CONNECTION OF ELECTRICITY IN  
PUBLIC SCHOOLS IN KAITI CONSTITUENCY

*(Question dropped)*

Let us go to the next Order. There is a request for a statement by Hon. Abdul Rahim Dawood.

**REQUEST FOR STATEMENTS**

IRREGULAR APPOINTMENT OF COUNCIL MEMBERS  
TO THE MERU NATIONAL POLYTECHNIC

**Hon. Rahim Dawood** (North Imenti, JP): Thank you, Hon. Speaker. My request for a statement is on the irregular appointment of council members to the Meru National Polytechnic in Meru County.

Pursuant to Standing Order No.44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Education and Research regarding irregular appointment of council members to the Meru National Polytechnic in Meru. The Ministry policy guidelines on the nomination of the board of governors or council panels require that, at least, one-third of the nominated persons are drawn from out of the region where the technical and vocational education and training (TVET) institution is located. In the list for the Meru National Polytechnic, the requirement is reversed because only one person is from the community and that one has been removed this week. Further, one member was retained and this will affect the continuity of the council service.

Notably, the former chairperson's leadership steered a strategic investment plan on which the institution successfully received donor funds from the World Bank for development. It is against this background that I seek a statement from the Chairperson of the Departmental Committee on Education and Research to address the following:

(i) How was the appointment of council members for the Meru National Polytechnic in Meru constituted? One member was appointed to the Council contrary to Circular Ref No.OP/SCAC9/73/VOL1/84 dated 30<sup>th</sup> July 2015 by the Chief of Staff and Head of Public Service and Circular Ref No.MOEST/CONF/2/VOL1/1550 dated 9<sup>th</sup> January by the Ministry of Education regarding appointment of civil servants.

(ii) Could the Ministry reconsider reconstituting the council members of the Meru National Polytechnic to reflect fair regional representation in adherence to laid down procedures as provided for in the Second Schedule of the TVET Act?

(iii) Could the Ministry consider reappointing the former chairperson of the council, noting her leadership skills?

I await the Chair of Departmental Committee on Education and Research to reply. The one we already had was removed this week after I submitted this request.

**Hon. Speaker:** The Chair of the Departmental Committee on Education and Research has just walked in while you were reading your request for a statement. Hon. Melly, how long do you think you will take to get that Statement?

**Hon. Julius Melly** (Tinderet, JP): Thank you, Hon. Speaker. The issue which the Member for Imenti has just read is facing a number of national polytechnics and TVET institutions. This is something that has caught our attention as a Committee. We have even sent a number of issues to them. My Committee will treat this as a matter of urgency. We are going for recess soon. If it will be possible, I will ask them to speed it up.

**Hon. Speaker:** What about next week?

**Hon. Julius Melly** (Tinderet, JP): I will make sure that they respond to it next week.

**Hon. Speaker:** Very well. Let us have the Member for Molo.

#### UNFAIR DISMISSAL OF EMPLOYEES OF TIMSALES COMPANY LIMITED

**Hon. Kuria Kimani** (Molo, JP): Thank you, Hon. Speaker. On 8<sup>th</sup> August this year, I rose on a point of order pursuant to Standing Order No.44 (a).

**Hon. Speaker:** Was it 8<sup>th</sup> of August?

**Hon. Kuria Kimani** (Molo, JP): Before the end of this Session, Hon. Speaker. I may not remember the exact date. I rose on a point of order under Standing Order No.44 (3)(c) seeking a statement about the summary dismissal of 557 employees of Timsales Company Limited in Elburgon. Even after the court gave a ruling that they should be reinstated to work, they were still dismissed and not paid their gratuity and dues.

In your wisdom, you referred the Statement to the Departmental Committee on Labour and Social Welfare. Three months down the line, I have not received any feedback from them. I seek your guidance and direction, because as we break for our recess next week, I do not know what to tell the great people of Molo that sent me to represent them. Therefore, I seek this Statement on their behalf.

**Hon. Speaker:** Let us have the Chairman or the Vice-Chairperson of the Departmental Committee on Labour and Social Welfare. The Vice-Chairperson is here. Are you engaged by the Member for Nakuru Town East? Is it a meeting? You must pay attention especially when you know you are either a chairperson or a vice-chair. The Member sought a statement three months ago.

**Hon. (Ms.) Joyce Korir** (Bomet CWR, JP): Hon. Speaker, I request that you give us up to Tuesday.

**Hon. Speaker:** Very well. To get the details, just walk across to the Member for Molo. He will give you the details so that you can get a proper response.

**Hon. (Ms.) Joyce Korir** (Bomet CWR, JP): Thank you, Hon. Speaker.

**Hon. Speaker:** Let us have the Member for Kigumo.

## STATEMENTS

### DEMISE OF HON. ONESMUS KIHARA MWANGI

**Hon. (Ms.) Wangari Mwaniki** (Kigumo, JP): Thank you, Hon. Speaker.

Pursuant to Standing Order No.43, I wish to make a general statement regarding the passing away of the former Member of Parliament for Kigumo Constituency – the late Hon. Onesmus Kihara Mwangi, which occurred today morning, Thursday, November 28<sup>th</sup> 2019 at a hospital in Nairobi.

We sadly received the heart-breaking news that our former leader is no more. On behalf of the people of Kigumo Constituency, on behalf of my family and on my own behalf, I take this opportunity to convey our sincere condolences to the family and friends of the late great son of Kigumo, Hon. Kihara Mwangi. May his soul rest in eternal peace.

The late Hon. Kihara Mwangi served in the Eighth and Ninth Parliaments and was well known for his service to the public and his dedication for constituency development. His profession as Land Economist and Land Surveyor greatly changed the lives of many through his service. More importantly, he served as the “Bishop” of Parliament where he relentlessly offered and led prayers in almost all parliamentary gatherings.

The late Hon. Kihara Mwangi has been ailing for some time until his demise in the hospital where the family has incurred huge medical bills. On behalf of the family, I appeal for financial support or any other support from the Honourable Members and well-wishers towards the assistance for payment of the medical bills which has run to over Kshs5 million. With your indulgence, Hon. Speaker, I wish to request the House to pay tribute to this distinguished former Member of Parliament with one minute of silence.

I thank you, Hon. Speaker.

**Hon. Speaker:** I am sure there are Members like Hon. Jimmy Angwenyi and Hon. Katoole Metito who would recall the late Hon. Kihara Mwangi. He was popularly known here in Parliament as the Bishop. She was making a general statement by way of announcing the sudden demise of Hon. Mwangi this morning. I am sure that, if all of them had been paying attention, they would have heard something. I can see Hon. Sabina Chege wishes to say something, being the mother of the county.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Grandmother of the country!

**Hon. Speaker:** Grandmother of the county! Hon. Chris Wamalwa, she is still very young to be a grandmother.

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): Hon. Speaker, you know Hon. Chris Wamalwa is even my in-law. So, there are some words that he should not exchange with me because we can take back the girl that we gave him.

Hon. Speaker, allow me to take this opportunity and pass a word of condolence to the family of Hon. Kihara Mwangi. I was born and bred in Kigumo Constituency, and I thank Hon. Ruth Mwaniki for bringing the attention of the demise of Hon. Kihara Mwangi to this House. He was a dedicated man. As Hon. Ruth Mwaniki has said, being a former Member of Parliament, he has been in and out of hospital for a long time. I would like to support Hon. Ruth Mwaniki in calling for support of the family in any way possible as we plan to give him a decent send-off. This was a dedicated son of Kigumo Constituency and Murang'a County at large. At the same time, he is a man who served the people. At this time, this is when, as a House, we should stand with one of our own who was a Member of this House. I pray that the Lord condole his family.

I thank you, Hon. Speaker.

**Hon. Speaker:** This is the problem when there are too many people consulting. That is why the other week I was not able to hear some altercation that was happening there because there was loud consultation. I did not get the last bit of what Hon. Ruth Mwaniki said.

**Hon. (Ms.) Wangari Mwaniki** (Kigumo, JP): Hon. Speaker, I was just requesting your indulgence for this House to pay tribute to the late Hon. Member by observing a minute of silence. I thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Members, I think it is only fair to remember one of our departed colleagues.

*(Hon. Members observed a moment of silence)*

May his soul rest in eternal peace. Let us have the Member for Igembe South.

**Hon. John Paul Mwirigi** (Igembe South, Independent): Thank you, Hon. Speaker. Pursuant to Standing Order No.44(2)(c), last month, I sought a statement from a joint committee consisting of the Departmental Committee on Lands and Departmental Committee on Administration and National Security. Up to now, I have not got the Statement and on Thursday, next week we are breaking for recess, meaning that if we break, I will not get the answer.

**Hon. Speaker:** That is the problem of seeking a statement from joint committees. Is it Hon. Rachael Nyamai to whom the Statement request was referred or is it to Hon. Koinange?

**Hon. John Paul Mwirigi** (Igembe South, Independent): It was to both committees, Hon. Speaker.

**Hon. Speaker:** Hon. Nyamai, do you have any knowledge of the request?

**Hon. (Ms.) Rachael Nyamai** (Kitui South, JP): Thank you, Hon. Speaker. I would like to say that I am aware that a statement was sought by the Hon. Member and he has been asking me. However, as you have just said, it is a challenge when we have to deal with an urgent statement. I know that our Committee is following up on the matter. I had earlier assured him that I am going to follow up on the matter. I would also like to request you, Hon. Speaker that right now, I am going to call again and find out how far the matter has gone. I am aware that our clerk felt that it was more of a security matter. So, that is the status that we are in and I would like to seek your indulgence that we be given a little more time to consult so that we can bring this matter to a conclusion.

I would also like to say that the Hon. Member has just told me that another person has been killed in the same area concerning security and land issues. I would like him to know that, as a Committee, we are seized of the matter. But it is a matter that I would like to seek for more time.

Thank you, Hon. Speaker, for indulging me.

**Hon. Speaker:** Maybe, Hon. Koinange could address the security aspect.

**Hon. Paul Koinange** (Kiambaa, JP): Thank you, Hon. Speaker. This petition by the Hon. Member did not come to our Committee as Hon. Racheal Nyamai has said. However, if it is brought to our Committee, we will deal with it. But many security issues are also caused by land issues. So, it will come to a point where we need to work together with the Departmental Committee on Lands when serious issues of land and security are raised. Thank you, Hon. Speaker.

**Hon. Speaker:** The Member is alleged to have reported another person was killed in connection with the same land dispute.

**Hon. Paul Koinange** (Kiambaa, JP): He did not raise the matter with me but if you may allow me, after this, I can talk to him. I can also speak to Hon. Racheal Nyamai because I am not aware of the case.

**Hon. Speaker:** Hon. John Paul Mwirigi, please, actively engage the two Chairs so that you can find out whether a solution can be found.

Let us now hear Hon. Osotsi.

**Hon. Godfrey Osotsi** (Nominated, ANC): Thank you, Hon. Speaker. In the same vein, I had also requested for a statement just before we went for the last recess from the Departmental Committee on Lands. The last time I spoke to the Chairperson, she said that the matter has been oscillating between security and the Ministry of Lands and Physical Planning.

Hon. Speaker, we will go for the long recess next week and yet this matter is very urgent. So, I would like to know the status and direction from you on what needs to be done.

**Hon. Speaker:** Hon. Rachael Nyamai, it is your chance.

**Hon. (Ms.) Rachael Nyamai** (Kitui South, JP): Hon. Speaker, I would like to acknowledge that we have been engaging Hon. Osotsi. This Statement was forwarded to the Ministry of Lands and Physical Planning first and then they felt that it was a security matter. In the same line and due to the urgency of the matter, I would like to request that you give us time to engage with the Chair of the Departmental Committee on Administration and National Security, so that we can put the two matters together; that is Hon. Osotsi's matter and the one that has been raised by Hon. J. P. Mwirigi, so that we can deal with them together. I promise that we will take action right away. I express my apology to Hon. Osotsi, Hon. Speaker.

**Hon. Speaker:** I hope Hon. Koinange also gets seized of that. There is yet another Statement which has land and insecurity issue. In the last two days, all of you have been seized

of some matters which are happening in the country. I saw that many of you were quite excited about the possibility of having Cabinet Secretaries (CSs) answering questions from the Floor of the House. I hope that the country can see these difficulties. Hon. Nyamai said that the Statement was forwarded to the Ministry of Lands and Physical Planning. It felt that the matter was more of security than land and then they forwarded it to the Ministry of Interior and Coordination of National Government. If those people were here, we would admonish them from the Floor of the House. We would deal with them so that they can sit together. Hon. Nyamai and Hon. Koinange have to sit now and then sit with the other CSs, which is a complex situation.

Do you have an intervention, Hon. Maanzo?

**Hon. Daniel Maanzo** (Makueni, WDM-K): Hon. Speaker, with your kind permission, I seek your indulgence to reply under Order No.11. I will only use two words.

**Hon. Speaker:** We are not there yet.

**Hon. Daniel Maanzo** (Makueni, WDM-K): I seek your intervention to re-arrange the business because I will only reply with one word.

**Hon. Speaker:** No! Next is the Leader of the Majority Party.

#### BUSINESS FOR THE WEEK COMMENCING 3<sup>RD</sup> TO 5<sup>TH</sup> NOVEMBER 2019

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, the Chair of the Constitution Implementation Oversight Committee will be the most powerful man, as we move forward. The Building Bridges Initiative (BBI) Report will come to him. There is nothing called the Committee of Experts. It will be tabled in the House. That is the procedure. I told him that he should be ready and bring people together. The first thing we need to approve is the CSs to come from the House.

Pursuant to the provisions of Standing Order No.44(2)(a), I rise to give the following Statement on behalf of the House Business Committee (HBC) following its meeting held on Tuesday, 26<sup>th</sup> November 2019. The House will consider the First Reading of the Supplementary Appropriation Bill, 2019 next week. All the other stages of that Bill will be dealt with.

In addition, in the course of next week, the House is expected to consider the Reports of two nominees who were referred to the House for approval: The nominee for the Salaries and Remuneration Commission (SRC), Hon. Amina Abdalla and the Controller of Budget. I, therefore, urge the Chairperson of the Departmental Committee on Finance and National Planning to ensure that the vetting is concluded and the Report is submitted within the set timelines.

Hon. Speaker, the House is also scheduled to consider the following important Bills at the Second Reading, if they are not concluded today:

- (i) The Tea Bill (Senate Bill No.36 of 2018);
- (ii) The Impeachment Procedure Bill (Senate Bill No.15 of 2018);
- (iii) The Parliamentary Pension (Amendment) Bill No.3 of 2019; and,
- (iv) The Kenya Roads Boards (Amendment) Bill, 2019.

I expect the Chair of the Departmental Committee on Transport, Public Works and Housing to have tabled the Report by then.

Next week, the House is scheduled to consider the following reports:

(i) the Report of the Public Investments Committee (PIC) on the Extension of Time Limit to Submit and Publish the Central Bank of Kenya (CBK) Annual Reports for the Financial Year 2018/2019, if we do not conclude it today;

(ii) the Report of the Committee on Delegated Legislation on the Consideration of the CBK Mortgage Refinancing Companies Regulations, 2019;

(iii) the Report of the Public Accounts Committee (PAC) on the Examination of the Financial Statements for the National Government for the Financial Year 2016/2017, and I want to thank Hon. Wandayi who is the Chair of PAC for a job well done; and,

(iv) the Report on the Implementation Status of the Resolution of the House on Conditional Approval of a Nominee for Appointment as an Ambassador which is in the Order Paper. If we do not conclude it, we will do it next week.

In accordance with the provisions of Standing Order No.42A (5 and 6), I wish to convey that the following CSs are scheduled to appear before the committees, being the last week before we go on the long recess:

(i) The CS for Petroleum and Mining will appear before the Departmental Committee on Environment and Natural Resources on Tuesday, 3<sup>rd</sup> December 2019 to answer Questions from Hon. Peter Masara and Hon. Tom Odege.

*(Loud consultations)*

(ii) The CS for Lands and Physical Planning will appear before the Departmental Committee on Lands on 3<sup>rd</sup> December to answer Questions from the following Members: Hon. Elijah Memusi, Hon. Jeremiah Lomorukai, Hon. Isaac Waihenya and Hon. Ruweida Obo.

(iii) The CS for Education and Research will appear before the Departmental Committee on Education and Research on Tuesday, 3<sup>rd</sup> December...

**Hon. Speaker:** Order Members! The Members of this 12<sup>th</sup> Parliament need another induction workshop to train them on how to conduct business. When you laugh, do it in a controlled manner. Do not laugh as if you are cackling in the village. I can hear the laughter from some corners there. I am sure you are excited about something, but do it in a manner that also allows us to transact business.

*(Hon. Benjamin Washiali consulted loudly)*

**Hon. Aden Duale** (Garissa Township, JP): They released the BBI Report. If you are a loser, you will go and weep at home. When the acting Prime Minister is talking, you consult in low tones. When the acting Prime Minister is on the Floor of the House, the Majority Whip is the one who is distracting Members.

*(Laughter)*

The acting Prime Minister is speaking. Hon. Charles Kilonzo remembers that when Hon. Raila was speaking in the House, he used to be very quiet in the 10<sup>th</sup> Parliament.

The CS for Education and Research will answer Questions from the following Members: Hon. Gladwell Jesire, Hon. Geoffrey Omuse, Hon. Dennitah Ghata, Hon. Kawira Mwangaza, Hon. Malulu Injendi, Hon. Michael Kingi, Hon. David ole Sankok and Hon. Charles Njagaua.

(iv) The CS for Public Service, Youth and Gender Affairs will appear before the Departmental Committee on Administration and National Security on Thursday, 5<sup>th</sup> December 2019 to answer Questions from the following Members: Hon. Alfah Ondieki and Hon. John Oroo.



We want to make sure that all the pending questions are answered next week.

(v) The CS for Energy will appear before the Departmental Committee on Energy on Thursday, 5<sup>th</sup> December to answer Questions from the following Members: Hon. Mohamed Hire and Hon. Mark Lomunokol.

(vi) The Cabinet Secretary for Foreign Affairs and International Trade will appear before the Departmental Committee on Defence and Foreign Relations on Thursday, 5<sup>th</sup> December 2019 to answer a Question from Hon. Kubai Iringo.

Hon. Speaker, the HBC will reconvene on Tuesday, 3<sup>rd</sup> December 2019 at the rise of the House to schedule business for the rest of the week.

Hon. Speaker, I want Committee Chairs to listen to me. There are Members whose names I have read but are not in the House. They will not appear before the committees because they are not here. Hon. Speaker, I want you to ask Chairs of Committees that if a Member does not attend a Committee meeting when a Cabinet Secretary is present, his or her Question should be dropped there and should not be brought back. All Members whose names I have read, apart from Hon. Gladwell and Mark, are not here. If a Member is not here and is not following the HBC resolution, he or she will not know when his or her Question will be answered. Chairs of Committees must be very firm. If a Member does not attend a Committee meeting on the date he or she is supposed to get the answer, the Chair of the Committee must have the liberty and power to drop that Question.

I beg to lay this Statement on the Table of the House.

*(Hon. Aden Duale laid the document on the Table)*

**Hon. Speaker:** And that is as it should be. A Chair of a Committee should do as I do here. When I call out Questions and the Members who are listed to ask them are not present first time and then second time, the Question is dropped. I implore the Chair of the Departmental Committee on Lands now that I have heard that there are questions to be responded to by the Cabinet Secretary for Lands on Tuesday, 3<sup>rd</sup> December 2019, she should respond alongside the other issues raised by both Hon. Osotsi and Hon. John Paul Mwirigi, although Hon. Osotsi has already finished his sitting for today. He appears to have taken leave. Even Hon. John Paul Mwirigi is nowhere. Is he here?

I am saying this because this week and last week, there are Members who rose in their places claiming that they had asked Questions, but they have not been answered. I challenge them to always listen on Thursdays when the Leader of the Majority Party is reading the Questions to be responded to on which day and before which Committee.

*(Hon. Lentoimaga and Hon. Yusuf Hassan raised their hands)*

When a Member is doing his third term and another one is doing his second term and they are busy raising their fingers, I do not know whether it is in salutation or it is to say the political party one belongs to. What does it mean when you raise one finger, Hon. Lentoimaga?

**Hon. Alois Lentoimaga** (Samburu North, JP): Hon. Speaker, committees have a secretariat. Instead of going with the suggestion of the Leader of the Majority Party that

Questions to be dropped, the secretariat of the Committee can also notify the Member since not all Members are in the House.

**Hon. Speaker:** What are you suggesting?

**Hon. Alois Lentoimaga** (Samburu North, JP): I suggest that the clerks of a committee can notify a Member whose Question is scheduled to be answered on a particular day.

**Hon. Speaker:** If we take that route, then every Member will say that they were not notified by the clerks. We have no way of knowing that they have talked to the clerks. If a Member does not appear and he is not here on Thursday for one reason or another, you must try to find out. It is your business. You are the one who asked the question. You must try to find out whether your Question has been read out as coming for response on any particular date. You cannot just come and file a Question and then take leave of absence.

Hon. Hassan, you have the Floor.

**Hon. Yusuf Hassan** (Kamukunji, JP): Thank you, Hon. Speaker. I also rise to question the viability of that ruling because a Member could be travelling or be engaged in some Committee activities outside town. As the National Assembly of the Republic of Kenya, we must have other means of confirming that, in fact, a Question is going to be answered.

*(Hon. Aden Duale and Hon. Amos  
Kimunya consulted loudly)*

**Hon. Speaker:** Sorry! I cannot hear you because the Leader of the Majority Party and Hon. Kimunya are consulting very loudly. I cannot hear what you are saying, Hon. Hassan Yusuf. What are you suggesting?

**Hon. Yusuf Hassan** (Kamukunji, JP): Hon. Speaker, it would be fair as the Hon. Member has said that we have another means other than... Members of Parliament can be away on missions or they could be engaged in committee work or may not be well and are not here. To say that a Member has to be here at the exact moment when the Leader of the Majority Party is reading his statement of who is going to answer what question the following week is not by itself sufficient notification.

**Hon. Speaker:** Sorry. I am not likely to be persuaded by the argument you are trying to advance. It is your duty. Having filed a question and having risen in your place here and read out the question, you should take interest to know from the Clerk's Office when the question will be responded to. What the Leader of the Majority Party reads out here every Thursday, on behalf of the HBC is something that has been processed through the Table Office.

**Hon. Yusuf Hassan** (Kamukunji, JP): Hon. Speaker, there is a tradition in parliaments around the world where they...

**Hon. Speaker:** You are not going to teach us traditions which we have not found.

**Hon. Yusuf Hassan** (Kamukunji, JP): There are standards in other parliaments where you can be notified other than on a particular day. Why is our tradition different from all other parliaments, particularly from the Commonwealth?

**Hon. Speaker:** Sorry, Hon. Yusuf Hassan. I do not know which Commonwealth you belong to. But what you are suggesting is not known anywhere in the Commonwealth that I know as the Chair of the Commonwealth Parliamentary Association (CPA), African Region. Let us not allow laziness. You asked a question because you have a concern for the people you represent or for whatever the special interests. It is a matter of concern. We make sure that you come here and read out the question and you are aware. It is your duty to find out when it is

coming up for response so that, indeed, if you have some other engagements, you can alert the Table Office not to have your question responded to on the proposed dates and suggest a date when you will be available yourself. We are taking it lightly. It is the same thing. Now we have relaxed our rules.

I see Members busy communicating with their constituents on phone and not following what is happening in the House. Please, consult with them, but all you need to tell them is that if they are near a television set and you can see that the House is sitting, call them and tell them to wait for you. Do not become a slave. I sometimes see a Chair of a Committee bending down responding to something while moving a Motion and a villager is busy calling telling him that he can see they are speaking very well. Do not allow that. They will make you a slave. There is life after being a Member of Parliament. Tell them to let you do what they sent you to do in the House and you will deal with the rest of the issues out in the evening or when you retire to the constituency. We are not going to bend that rule.

Let us hear the Member for Bomachoge Chache.

**Hon. Alfah Ondieki** (Bomachoge Chache, KNC): Thank you, Hon. Speaker. On the same note, when your name has been mentioned on the Floor, you attend the committee sitting punctually, but you find that the Cabinet Secretary has written an apology that he is not attending the same day. But the Committee never communicated. You go and wait for another century for communication. What happens? I seek your clarity. You are punctual but the Cabinet Secretary is not there and the Committee has not responded to you.

**Hon. Speaker:** That is the business of the Chair of the Committee to deal with. If it were here in the Plenary, I would show you how it is done. If the Cabinet Secretary is not going to appear, the Chair should notify the Member in good time.

If the Cabinet Secretary does not come, I do not have to keep reminding you about Article 125 of the Constitution and the provisions of the Parliamentary Powers and Privileges Act. The Chairs of committees including all Members, please, make use of those provisions so that people, who are supposed to give answers, give answers. When you come and lament and I am not seized of any particular incidence of a failure to appear, it means that somewhere within the committee, there is something which is not being transacted properly. There are many interventions. Are we not going to do business?

Hon. Members, before we go to the next Order, I want to rearrange the business of the House for its convenience. We want to rearrange so that Order No.11 on annulment which was going to be very brief... I thought Hon. Daniel Maanzo Kitonga, the Member for Makueni had indicated that... Or he has already completed his sitting for today? Maybe the Member is travelling to the constituency. He can respond another time.

Next Order!

## MOTIONS

### EXTENSION OF PERIOD FOR CONSIDERATION OF A SPECIFIED PUBLIC PETITION

**Hon. David Pkosing** (Pokot South, JP): Hon. Speaker, I beg to move the following Motion:

THAT, notwithstanding the provisions of Standing Order 227(2) (*Committal of petitions*), this House resolves to extend the period for consideration of the public petition before the Departmental Committee on Transport, Public Works and Housing regarding the Approval,

Application and use of New Builds Low Cost Construction Technology for a further period of 21 days with effect from 1<sup>st</sup> December, 2019.

As I was giving notice yesterday, I further amended that to read that we are asking for 14 days after the resumption of the House in February. The reasons are two. One, the Committee was trying to prosecute the Supplementary Estimates in good time before we go for recess. Two, we also have the Roads Bill which was committed to the Committee and requires urgent attention so that we are able to complete, hopefully and God-willing, before the House breaks for recess next week.

With those two reasons, we plead with the House to agree with us and give us those 14 days after we come back in February so that we can prosecute this Petition. All petitions are important, including this one.

With those remarks, I beg to move and ask my colleague, Hon. Kemosi Mogaka, to second. Thank you.

**Hon. Speaker:** Hon. Kemosi, you have the Floor.

**Hon. Vincent Kemosi** (West Mugirango, FORD-K): Thank you, Hon. Speaker. I beg to second the Motion. This Petition was put before us early enough but we have been dealing with Supplementary Estimates Therefore, we were unable to deal with it. It will be in order that we are given 14 days after we resume the new session so that we are able to deal with this Motion and dispense with it.

With those few remarks, I second.

**Hon. Speaker:** The Motion should not read as is drafted. It should be “for a further period of 14 days after the House resumes in the Fourth Session.”

*(Question proposed)*

*(Question put and agreed to)*

ADOPTION OF REPORT ON THE SUPPLEMENTARY ESTIMATES I  
FOR FINANCIAL YEAR 2019/2020

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Supplementary Estimates I for the Financial Year 2019/2020, laid on the Table of the House on Tuesday, November 26, 2019, and pursuant to the provisions of Article 223 of the Constitution of Kenya, Section 44 of the Public Finance Management Act, 2012, Public Finance Management Regulation 40 and Standing Order 243-

- (i) approves a reduction of the total recurrent expenditure for Financial Year 2019/2020 by Kshs.329,017,004 in respect of the Votes as contained in the First Schedule;
  - (ii) approves an increase of the total development expenditure for Financial Year 2019/2020 by Kshs.74,875,403,054 in respect of the Votes as contained in the First Schedule;
  - (iii) approves an overall increase in the total budget for Financial Year 2019/2020 by Kshs.74,546,386,050 in respect of the Votes as contained in the First Schedule;
- and,

(iv) further makes the policy resolutions contained in the Second Schedule to the Order Paper.

### FIRST SCHEDULE

<b><u>(REVISED) FY 2019/20 SUPPLEMENTARY I ESTIMATES</u></b>			
<b><u>PROGRAMME CODES &amp; TITLE</u></b>	<b><u>GROSS CURRENT ESTIMATES</u></b>	<b><u>GROSS CAPITAL ESTIMATES</u></b>	<b><u>GROSS TOTAL ESTIMATES</u></b>
The Presidency	131,793,000	(92,100,000)	39,693,000
0702000 Cabinet Affairs	-	(51,000,000)	(51,000,000)
0703000 Government Advisory Services	-	-	-
0704000 State House Affairs	131,793,000	(21,100,000)	110,693,000
0734000 Deputy President Services	-	(20,000,000)	(20,000,000)
State Department for Interior	278,982,619	1,158,500,000	1,437,482,619
0601000 Policing Services	257,998,445	1,090,000,000	1,347,998,445
0602000 Planning, Policy Coordination and Support Service	440,760,056	830,000,000	1,270,760,056
0603000 Government Printing Services	(62,516,191)	-	(62,516,191)
0625000 Road Safety	-	-	-
06256000 Population Management Services	(357,259,691)	(761,500,000)	(1,118,759,691)
State Department for Correctional Services	281,559,010	-	281,559,010
0604000 Correctional services	313,203,492	-	313,203,492
0623000 General	(31,644,482)	-	(31,644,482)

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<b><u>(REVISED) FY 2019/20 SUPPLEMENTARY I ESTIMATES</u></b>			
<b><u>PROGRAMME CODES &amp; TITLE</u></b>	<b><u>GROSS CURRENT ESTIMATES</u></b>	<b><u>GROSS CAPITAL ESTIMATES</u></b>	<b><u>GROSS TOTAL ESTIMATES</u></b>
Administration, Planning and Support Services			
State Department for Immigration and Citizen Services	112,470,350	(150,000,000)	(37,529,650)
0605000 Migration and Citizens Services Management	112,470,350	(150,000,000)	(37,529,650)
State Department for Devolution	982,105,000	77,900,000	1,060,005,000
0712000 Devolution Services	(43,928,703)	77,900,000	33,971,297
0732000 General Administration, Planning and Support Services	(63,828,764)	-	(63,828,764)
0713000 Special Initiatives	1,089,862,467	-	1,089,862,467
State Department for Development of the ASAL	(86,100,000)	2,817,286,516	2,731,186,516
0733000 Accelerated ASAL Development	(86,100,000)	2,817,286,516	2,731,186,516
Ministry of Defence	(119,516,505)	-	(119,516,505)
0801000 Defence	-	-	-
0802000 Civil Aid	-	-	-
0803000 General Administration, Planning and Support Services	(119,516,505)	-	(119,516,505)
0805000000 National Space Management	-	-	-
Ministry of Foreign Affairs	<b>152,377,975</b>	-	<b>152,377,975</b>

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<b><u>(REVISED) FY 2019/20 SUPPLEMENTARY I ESTIMATES</u></b>			
<b><u>PROGRAMME CODES &amp; TITLE</u></b>	<b><u>GROSS CURRENT ESTIMATES</u></b>	<b><u>GROSS CAPITAL ESTIMATES</u></b>	<b><u>GROSS TOTAL ESTIMATES</u></b>
0714000 General Administration Planning and Support Services	15,872,490	-	15,872,490
0715000 Foreign Relation and Diplomacy	(182,572,969)	-	(182,572,969)
0741000 Economic and Commercial Diplomacy	324,279,723	-	324,279,723
0742000 Foreign Policy Research, Capacity Dev and Technical Cooperation	(5,201,269)	-	(5,201,269)
State Department for Vocational and Technical Training	(38,421,786)	608,541,000	570,119,214
0505000 Technical Vocational Education and Training	(8,864,887)	571,500,000	562,635,113
0507000 Youth Training and Development	(5,004,126)	37,041,000	32,036,874
0508000 General Administration, Planning and Support Services	(24,552,773)	-	(24,552,773)
State Department for University Education	(97,470,931)	(3,471,676)	(100,942,607)
0504000 University Education	(12,957,652)	14,040,000	1,082,348
0506000 Research, Science, Technology and Innovation	(16,482,004)	(17,511,676)	(33,993,680)
0508000 General Administration, Planning and Support Services	(68,031,275)	-	(68,031,275)

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<b><u>(REVISED) FY 2019/20 SUPPLEMENTARY I ESTIMATES</u></b>			
<b><u>PROGRAMME CODES &amp; TITLE</u></b>	<b><u>GROSS CURRENT ESTIMATES</u></b>	<b><u>GROSS CAPITAL ESTIMATES</u></b>	<b><u>GROSS TOTAL ESTIMATES</u></b>
State Department for Early Learning & Basic Education	(365,326,656)	1,315,000,000	949,673,344
0501000 Primary Education	(55,085,396)	1,285,000,000	1,229,914,604
0502000 Secondary Education	(25,639,235)	30,000,000	4,360,765
0503000 Quality Assurance and Standards	(7,416,199)	-	(7,416,199)
0508000 General Administration, Planning and Support Services	(277,185,826)	-	(277,185,826)
State Department for Post Training and Skills Development	(74,600,000)	-	(74,600,000)
0508000 General Administration, Planning and Support Services	(29,115,000)	-	(29,115,000)
0512000 Workplace Readiness Services	(23,250,000)	-	(23,250,000)
0513000 Post-Training Information Management	(22,235,000)	-	(22,235,000)
The National Treasury	(1,789,962,640)	(294,673,787)	(2,084,636,427)
0717000 General Administration Planning and Support Services	(1,524,431,331)	(50,000,000)	(1,574,431,331)
0718000 Public Financial Management	(235,672,220)	(244,673,787)	(480,346,007)
0719000 Economic and Financial Policy Formulation and Management	(29,859,089)	-	(29,859,089)

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<b><u>(REVISED) FY 2019/20 SUPPLEMENTARY I ESTIMATES</u></b>			
<b><u>PROGRAMME CODES &amp; TITLE</u></b>	<b><u>GROSS CURRENT ESTIMATES</u></b>	<b><u>GROSS CAPITAL ESTIMATES</u></b>	<b><u>GROSS TOTAL ESTIMATES</u></b>
0720000 Market Competition	-	-	-
State Department for Planning	(137,441,931)	(313,008,312)	(450,450,243)
0706000 Economic Policy and National Planning	(2,962,481)	(263,008,312)	(265,970,793)
0707000 National Statistical Information Services	-	-	-
0708000 Monitoring and Evaluation Services	(34,971,443)	(50,000,000)	(84,971,443)
0709000 General Administration Planning and Support Services	(99,508,007)	-	(99,508,007)
Ministry of Health	4,819,981,304	2,216,976,787	7,036,958,091
0401000 Preventive, Promotive & RMNCAH	2,178,701,640	638,638,601	2,817,340,241
0402000 National Referral & Specialised Services	846,491,295	100,000,000	946,491,295
0403000 Health Research and Development	-	70,000,000	70,000,000
0404000 General Administration, Planning & Support Services	(99,619,351)	-	(99,619,351)
0405000 Health Policy, Standards and Regulations	1,894,407,720	1,408,338,186	3,302,745,906
State Department of Infrastructure	(115,589,577)	6,230,000,000	6,114,410,423
0202000 Road Transport	(115,589,577)	6,230,000,000	6,114,410,423
State Department of	(77,910,960)	26,989,003,944	26,911,092,984

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<b><u>PROGRAMME CODES &amp; TITLE</u></b>	<b><u>GROSS CURRENT ESTIMATES</u></b>	<b><u>GROSS CAPITAL ESTIMATES</u></b>	<b><u>GROSS TOTAL ESTIMATES</u></b>
Transport			
0201000 General Administration, Planning and Support Services	(45,398,135)	166,000,000	120,601,865
0203000 Rail Transport	-	28,918,003,944	28,918,003,944
0204000 Marine Transport	(21,544,503)	(2,155,000,000)	(2,176,544,503)
0205000 Air Transport	(8,281,384)	60,000,000	51,718,616
0216000 Road Safety	(2,686,938)	-	(2,686,938)
State Department for Shipping and Maritime	(47,221,038)	-	(47,221,038)
0220000 Shipping and Maritime Affairs	(47,221,038)	-	(47,221,038)
State Department for Housing, Urban Development	(69,667,174)	514,493,736	444,826,562
0102000 Housing Development and Human Settlement	(25,963,725)	-	(25,963,725)
0105000 Urban and Metropolitan Development	(17,010,156)	514,493,736	497,483,580
0106000 General Administration Planning and Support Services	(26,693,293)	-	(26,693,293)
State for Public Works	(52,192,522)	590,787,661	538,595,139
0103000 Government Buildings	(9,705,641)	706,285,046	696,579,405
0104000 Coastline Infrastructure and Pedestrian Access	(6,240,249)	(115,497,385)	(121,737,634)

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<b><u>PROGRAMME CODES &amp; TITLE</u></b>	<b><u>GROSS CURRENT ESTIMATES</u></b>	<b><u>GROSS CAPITAL ESTIMATES</u></b>	<b><u>GROSS TOTAL ESTIMATES</u></b>
0106000 General Administration Planning and Support Services	(26,897,857)	-	(26,897,857)
0218000 Regulation and Development of the Construction Industry	(9,348,775)	-	(9,348,775)
Ministry of Water and Sanitation	(49,351,695)	3,701,981,918	3,652,630,223
1001000 General Administration, Planning and Support Services	(36,007,035)	-	(36,007,035)
1004000 Water Resources Management	(9,268,049)	(440,000,000)	(449,268,049)
1017000 Water and Sewerage Infrastructure Development	(4,076,611)	4,141,981,918	4,137,905,307
1015000 Water Storage and Flood Control	-	-	-
Ministry of Environment and Forestry	(85,350,564)	79,000,000	(6,350,564)
1002000 Environment Management and Protection	(13,965,718)	(5,000,000)	(18,965,718)
1010000 General Administration, Planning and Support Services	(38,621,860)	-	(38,621,860)
1012000 Meteorological Services	(28,415,432)	-	(28,415,432)
1018000 Forests and Water Towers Conservation	(4,347,554)	84,000,000	79,652,446
Ministry of Lands and	(90,160,991)	-	(90,160,991)

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<b><u>PROGRAMME CODES &amp; TITLE</u></b>	<b><u>GROSS CURRENT ESTIMATES</u></b>	<b><u>GROSS CAPITAL ESTIMATES</u></b>	<b><u>GROSS TOTAL ESTIMATES</u></b>
Physical Planning			
0101000 Land Policy and Planning	(90,160,991)	-	(90,160,991)
State Department for Information Communication and Technology	(632,959,270)	614,920,327	(18,038,943)
0207000 P1: General Administration Planning and Support Services	(34,251,442)	-	(34,251,442)
0210000 ICT Infrastructure Development	(47,422,400)	(1,000,000,000)	(1,047,422,400)
0217000 E-Government Services	(524,541,894)	1,614,920,327	1,090,378,433
0221000 Film Development Services	(26,743,534)	-	(26,743,534)
State Department for Broadcasting & Telecommunications	(233,242,236)	(166,000,000)	(399,242,236)
0207000 General Administration Planning and Support Services	(32,183,761)	-	(32,183,761)
0208000 Information And Communication Services	(201,058,475)	(166,000,000)	(367,058,475)
0209000 Mass Media Skills Development	-	-	-
State Department for Sports	(53,562,340)	100,000,000	46,437,660
0901000 Sports	(53,562,340)	100,000,000	46,437,660
State Department for Culture	(122,151,828)	17,000,000	(105,151,828)

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<b><u>PROGRAMME CODES &amp; TITLE</u></b>	<b><u>GROSS CURRENT ESTIMATES</u></b>	<b><u>GROSS CAPITAL ESTIMATES</u></b>	<b><u>GROSS TOTAL ESTIMATES</u></b>
and Heritage			
0902000 Culture Development	(52,886,234)	17,000,000	(35,886,234)
0903000 The Arts	(30,150,487)	-	(30,150,487)
0904000 Library Services	(7,491,000)	-	(7,491,000)
0905000 General Administration, Planning and Support Services	(31,624,107)	-	(31,624,107)
State Department for Energy	562,666,844	1,571,948,803	2,134,615,647
0211000 General Administration Planning and Support Services	-	-	-
0212000 Power Generation	-	(670,000,000)	(670,000,000)
0213000 Power Transmission and Distribution	562,666,844	741,948,803	1,304,615,647
0214000 Alternative Energy Technologies	-	1,500,000,000	1,500,000,000
State Department for Livestock	(71,811,437)	50,000,000	(21,811,437)
0112000 Livestock Resources Management and Development	(71,811,437)	50,000,000	(21,811,437)
State Department for Crop Development	(11,193,404)	295,000,000	283,806,596
0107000 General Administration Planning and Support Services	6,959,981	325,000,000	331,959,981
0108000 Crop Development	(13,285,341)	(30,000,000)	(43,285,341)

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<b><u>PROGRAMME CODES &amp; TITLE</u></b>	<b><u>GROSS CURRENT ESTIMATES</u></b>	<b><u>GROSS CAPITAL ESTIMATES</u></b>	<b><u>GROSS TOTAL ESTIMATES</u></b>
and Management			
0109000 Agribusiness and Information Management	(4,868,044)	-	(4,868,044)
State Department for Fisheries, Aquaculture & the Blue Economy	(116,206,663)	-	(116,206,663)
0111000 Fisheries Development and Management	(45,395,200)	-	(45,395,200)
0117000 General Administration, Planning and Support Services	(30,720,604)	-	(30,720,604)
0118000 Development and Coordination of the Blue Economy	(40,090,859)	-	(40,090,859)
State Department for Irrigation	(82,860,214)	20,975,746	(61,884,468)
1014000 Irrigation and Land Reclamation	(55,901,736)	20,975,746	(34,925,990)
1016000 General Administration, Planning and Support Services	(22,747,324)	-	(22,747,324)
1022000 Water Harvesting and Storage for Irrigation	(4,211,154)	-	(4,211,154)
State Department for Agricultural Research	(102,666,684)	-	(102,666,684)
0120000 Agricultural Research & Development	(102,666,684)	-	(102,666,684)
State Department for	(81,000,060)	(230,000,000)	(311,000,060)

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<b><u>PROGRAMME CODES &amp; TITLE</u></b>	<b><u>GROSS CURRENT ESTIMATES</u></b>	<b><u>GROSS CAPITAL ESTIMATES</u></b>	<b><u>GROSS TOTAL ESTIMATES</u></b>
Cooperatives			
0304000 Cooperative Development and Management	(81,000,060)	(230,000,000)	(311,000,060)
State Department for Trade	(45,953,444)	-	(45,953,444)
0307000 Trade Development and Promotion	(45,953,444)	-	(45,953,444)
State Department for industrialisation	(55,134,392)	3,959,166,089	3,904,031,697
0301000 General Administration Planning and Support Services	(35,778,671)	-	(35,778,671)
0302000 Industrial Development and Investments	(19,355,721)	3,362,398,089	3,343,042,368
0303000 Standards and Business Incubation	-	596,768,000	596,768,000
State Department for Labour	(257,567,983)	(100,000,000)	(357,567,983)
0910000 General Administration Planning and Support Services	(76,575,293)	-	(76,575,293)
0906000 Promotion of the Best Labour Practice	(105,618,321)	45,000,000	(60,618,321)
0907000 Manpower Development, Employment and Productivity Management	(75,374,369)	(145,000,000)	(220,374,369)
State Department for Social Protection,pensions & senior	(461,625,912)	950,000,000	488,374,088

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<b><u>PROGRAMME CODES &amp; TITLE</u></b>	<b><u>GROSS CURRENT ESTIMATES</u></b>	<b><u>GROSS CAPITAL ESTIMATES</u></b>	<b><u>GROSS TOTAL ESTIMATES</u></b>
citizens affairs			
0908000 Social Development and Children Services	5,809,495	-	5,809,495
0909000 National Social Safety Net	(353,888,382)	950,000,000	596,111,618
0914000 General Administration, Planning and Support Services	(113,547,025)	-	(113,547,025)
State Department for Mining	(80,837,500)	(126,219,961)	(207,057,461)
1007000 General Administration Planning and Support Services	(44,782,628)	-	(44,782,628)
1009000 Mineral Resources Management	(12,079,058)	(131,000,000)	(143,079,058)
1021000: Geological Surveys and Geo Information	(23,975,814)	4,780,039	(19,195,775)
State Department for Petroleum	(32,037,500)	-	(32,037,500)
0215000 Exploration and Distribution of Oil and Gas	(32,037,500)	-	(32,037,500)
State Department for Tourism	(94,004,573)	(919,000,000)	(1,013,004,573)
0306000 Tourism Development and Promotion	(94,004,573)	(919,000,000)	(1,013,004,573)
State Department for Wildlife	(51,691,157)	100,000,000	48,308,843
1019000 Wildlife Conservation and Management	(51,691,157)	100,000,000	48,308,843

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<b><u>PROGRAMME CODES &amp; TITLE</u></b>	<b><u>GROSS CURRENT ESTIMATES</u></b>	<b><u>GROSS CAPITAL ESTIMATES</u></b>	<b><u>GROSS TOTAL ESTIMATES</u></b>
State Department for Gender	(138,550,000)	-	(138,550,000)
0911000 Community Development	-	-	-
0912000 Gender Empowerment	(57,290,829)	-	(57,290,829)
0913000 General Administration, Planning and Support Services	(81,259,171)	-	(81,259,171)
State Department for Public Service	(208,289,602)	(416,571,713)	(624,861,315)
0710000 Public Service Transformation	(134,068,800)	(416,571,713)	(550,640,513)
0709000 General Administration Planning and Support Services	(74,220,802)	-	(74,220,802)
State Department for Youth	(362,365,824)	-	(362,365,824)
0711000 Youth Empowerment	(362,365,824)	-	(362,365,824)
State Department for East African Community	(51,660,615)	-	(51,660,615)
0305000 East African Affairs and Regional Integration	(51,660,615)	-	(51,660,615)
State Department for Regional & Northern Corridor Development	(54,500,012)	(352,850,000)	(407,350,012)
1013000 Integrated Regional Development	(54,500,012)	(352,850,000)	(407,350,012)
State Law Office and	(286,140,252)	(104,000,000)	(390,140,252)

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<b><u>PROGRAMME CODES &amp; TITLE</u></b>	<b><u>GROSS CURRENT ESTIMATES</u></b>	<b><u>GROSS CAPITAL ESTIMATES</u></b>	<b><u>GROSS TOTAL ESTIMATES</u></b>
Department of Justice			
0606000 Legal Services	(81,380,405)	-	(81,380,405)
0607000 Governance, Legal Training and Constitutional Affairs	(44,540,906)	(100,000,000)	(144,540,906)
0609000 General Administration, Planning and Support Services	(160,218,941)	(4,000,000)	(164,218,941)
The Judiciary	-	-	-
0610000 Dispensation of Justice	-	-	-
Ethics and Anti-Corruption Commission	-	10,026,465	10,026,465
0611000 Ethics and Anti-Corruption	-	10,026,465	10,026,465
National Intelligence Service	-	-	-
0804000 National Security Intelligence	-	-	-
Office of the Director of Public Prosecutions	150,000,000	-	150,000,000
0612000 Public Prosecution Services	150,000,000	-	150,000,000
Office of the Registrar of Political Parties	(32,556,074)	-	(32,556,074)
0614000 Registration, Regulation and Funding of Political Parties	(32,556,074)	-	(32,556,074)
Witness Protection Agency	-	-	-

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<b><u>(REVISED) FY 2019/20 SUPPLEMENTARY I ESTIMATES</u></b>			
<b><u>PROGRAMME CODES &amp; TITLE</u></b>	<b><u>GROSS CURRENT ESTIMATES</u></b>	<b><u>GROSS CAPITAL ESTIMATES</u></b>	<b><u>GROSS TOTAL ESTIMATES</u></b>
0615000 Witness Protection	-	-	-
Kenya National Commission on Human Rights	-	-	-
0616000 Protection and Promotion of Human Rights	-	-	-
National Land Commission	(120,992,425)	-	(120,992,425)
0116000 Land Administration and Management	(120,992,425)	-	(120,992,425)
Independent Electoral and Boundaries Commission	(219,000,000)	(43,000,000)	(262,000,000)
0617000 Management of Electoral Processes	212,762,597	(43,000,000)	169,762,597
0618000 Delimitation of Electoral Boundaries	(431,762,597)	-	(431,762,597)
The Commission on Revenue Allocation	(28,938,369)	-	(28,938,369)
0737000 Inter-Governmental Transfers and Financial Matters	(28,938,369)	-	(28,938,369)
Public Service Commission	185,500,000	-	185,500,000
0725000 General Administration, Planning and Support Services	185,500,000	-	185,500,000
0726000 Human Resource Management and Development	-	-	-
0727000 Governance and	-	-	-

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<b><u>(REVISED) FY 2019/20 SUPPLEMENTARY I ESTIMATES</u></b>			
<b><u>PROGRAMME CODES &amp; TITLE</u></b>	<b><u>GROSS CURRENT ESTIMATES</u></b>	<b><u>GROSS CAPITAL ESTIMATES</u></b>	<b><u>GROSS TOTAL ESTIMATES</u></b>
National Values			
0744000 Performance and Productivity Management	-	-	-
Salaries and Remuneration Commission	-	-	-
0728000 Salaries and Remuneration Management	-	-	-
Teachers Service Commission	(310,327,238)	891,000,000	580,672,762
0509000 Teacher Resource Management	(5,961,298)	945,000,000	939,038,702
0510000 Governance and Standards	(32,574,034)	-	(32,574,034)
0511000 General Administration, Planning and Support Services	(271,791,906)	(54,000,000)	(325,791,906)
National Police Service Commission	(83,790,900)	-	(83,790,900)
0620000 National Police Service Human Resource Management	(83,790,900)	-	(83,790,900)
Auditor General	-	-	-
0729000 Audit Services	-	-	-
Office of the Controller of Budget	(51,829,201)	-	(51,829,201)
0730000 Control and Management of Public finances	(51,829,201)	-	(51,829,201)

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<b><u>(REVISED) FY 2019/20 SUPPLEMENTARY I ESTIMATES</u></b>			
<b><u>PROGRAMME CODES &amp; TITLE</u></b>	<b><u>GROSS CURRENT ESTIMATES</u></b>	<b><u>GROSS CAPITAL ESTIMATES</u></b>	<b><u>GROSS TOTAL ESTIMATES</u></b>
Commission on Administrative Justice	-	-	-
0731000 Promotion of Administrative Justice	-	-	-
National Gender and Equality Commission	(98,221,027)	600,000	(97,621,027)
0621000 Promotion of Gender Equality and Freedom from Discrimination	(98,221,027)	600,000	(97,621,027)
Independent Policing Oversight Authority	(1,500,000)	-	(1,500,000)
0622000 Policing Oversight Services	(1,500,000)	-	(1,500,000)
<b><u>TOTAL</u></b>	<b>(274,017,004)</b>	<b>51,569,213,543</b>	<b>51,295,196,539</b>
The Judiciary	-	(220,000,000)	(220,000,000)
0610000 Dispensation of Justice	-	(220,000,000)	(220,000,000)
Judicial Service Commission	-	-	-
0619000 General Administration, Planning and Support Services	-	-	-
<b><u>Total Judiciary</u></b>	<b>-</b>	<b>(220,000,000)</b>	<b>(220,000,000)</b>
Parliamentary Service Commission	(360,000,000)	-	(360,000,000)
0722000 Senate Affairs	(360,000,000)	-	(360,000,000)
0723000 General Admin, planning and support services	-	-	-

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<b><u>(REVISED) FY 2019/20 SUPPLEMENTARY I ESTIMATES</u></b>			
<b><u>PROGRAMME CODES &amp; TITLE</u></b>	<b><u>GROSS CURRENT ESTIMATES</u></b>	<b><u>GROSS CAPITAL ESTIMATES</u></b>	<b><u>GROSS TOTAL ESTIMATES</u></b>
National Assembly	(150,000,000)	-	(150,000,000)
0721000 National Legislation, representation and oversight	(150,000,000)	-	(150,000,000)
Parliamentary Joint Services	(15,000,000)	(780,000,000)	(795,000,000)
0723000 General Admin, planning and support services	(15,000,000)	(780,000,000)	(795,000,000)
Total Legislature	(525,000,000)	(780,000,000)	(1,305,000,000)
Total Budget	(799,017,004)	50,569,213,543	49,770,196,539

### **SECOND SCHEDULE**

#### **POLICY RESOLUTIONS RELATING TO THE SUPPLEMENTARY ESTIMATES FOR THE FY 2019/2020**

The House Further resolves as follows-

- (i) THAT, in view of the emerging concerns of rising debt, the National Assembly initiates a legislation to operationalise establishment of an Independent Debt Management Office within first quarter of 2020;
- (ii) THAT, the Ministries, State Departments and Agencies initiates comprehensive plans (by ring-fencing funds in FY 2020/21 budget estimates) to ensure completion of all stalled and incomplete projects before starting any new projects. No new projects are to be introduced mid-year, by way of supplementary estimates;
- (iii) THAT, each financial year, upon approval of the annual estimates, the Cabinet Secretary for National Treasury ensures that the National Treasury uploads the approved Budget into Integrated Financial Management Information System (IFMIS) in accordance with the PFM Regulations (2015), within seven days of the enactment of the Appropriations Act so as to ease implementation of annual work plans, procurement plans and clearance of pending bills and that a status report be submitted to National Assembly every quarter;
- (iv) THAT, the Office of Auditor General carries out a special forensic audit of the National Integrated Identity Management Systems (NIIMS) to establish the value for money and submit a report to National Assembly by end of March 2020;
- (v) THAT, in their quarterly reporting, all the Ministries, State Departments and Agencies do report, not only on financial performance, but also non-financial performance by

- programmes/projects and further that the Office of the Controller of Budget complies with Section 9 of Controller of Budget Act, 2016 in Reporting;
- (vi) THAT, the Universal Health Care (UHC) funding should be channeled through counties as Conditional grants by amending the Division of Revenue Act, 2019. In addition, there is need to strengthen and revamp the National Hospital Insurance Fund (NHIF) as a vehicle of implementing UHC given that it is a more sustainable channel;
  - (vii) THAT, the State Department for Labour fast tracks development of labour export/migration policy to provide a framework for labour export with favourable terms for Kenyans seeking opportunities abroad. The Cabinet Secretary submits a status report on this resolution to the National Assembly by February, 2020;
  - (viii) THAT, the Cabinet Secretary for the National Treasury institutionalises the *Street Children Rehabilitation Trust Fund* and releases Ksh.153.9 million held in suspense account to enable the Trust Fund to execute its mandate and thereafter submit a status report on this resolution to the National Assembly by February, 2020;
  - (ix) THAT, the State Department for Industrialisation conducts a feasibility study with respect to modernisation programme of the Numerical Machine Complex and submits the report on the findings to the National Assembly within 90 days;
  - (x) THAT, the Office of the Auditor General to submits a special audit report on the deemed Generation of the Lake Turkana Wind Power and submits a report to National Assembly by end of February 2020;
  - (xi) THAT, the approval of payment of Ksh.1.16 Billion to the Loiyangalani - Suswa Transmission Line under the Lake Turkana wind power project be deferred awaiting the findings of the special forensic audit, the recommendation of the relevant Committee and decision of the House;
  - (xii) THAT, the National Treasury provides sufficient counter-part funding in FY 2020/21 budget towards the commencement of Loiyangalani-Marsabit-Isiolo and Thika-Nairobi-East power transmission lines. This will safeguard the Kshs2.6 billion already paid as insurance, failure to which the National Treasury finds ways and means of recovering the insurance amount;
  - (xiii) THAT, the Cabinet Secretary for National Treasury submits to the Houses of Parliament, the comprehensive matrix on the implementation of the GoK's Big Four Agenda before the submission of the 2020 Budget Policy Statement. This matrix should include the total cost of the projects, how much has been spent so far and the expected annual allocations until the completion of the projects; and,
  - (xiv) THAT, the National Treasury should not effect, through the IFMIS and/or through Treasury Circulars, any reduction in the approved Budget of Judiciary, Parliament and/or any Ministries, State Departments or Agency before approval by the House as doing is illegal.

*(Hon. Kimani Ichung'wah on 27.11.2019 – Afternoon Sitting)*

*(Resumption of Debate interrupted on 27.11.2019)*

**Hon. Speaker:** Hon. Makali Mulu, you have a balance of four minutes.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Speaker. I wish I had more than four minutes, but I will try to say what I want to say within four minutes. I said yesterday that we discussed the Supplementary Budget as the Budget and Appropriations Committee and we made a number of observations which, to me, are very important. As a House, we must push for the implementation of some of these observations.

Looking at the Supplementary Budget this time, there are a number of programmes where the law has not been adhered to. The law is very clear that when you are adjusting the programme or even the total budget, you should not go beyond 10 per cent. But a number of programmes have gone beyond 10 per cent adjustment. We cannot be a House which makes laws and, at the same time, assist the National Treasury to break the law. We need to be firm in our position to say that in terms of programmes, budgetary adjustment should not go beyond 10 per cent.

Another important issue is that of new projects and implementation. We are about six months to the end of the financial year. From my experience, nothing much happens in terms of implementation in the last two months of the financial year. The question I am asking myself, even as I discuss this Supplementary Budget, is why we are bringing in too many new projects. The question is: Do we even have the time to implement the projects? Even as we add these figures and increase the Budget, we are likely to have another Supplementary Budget where the figures will be revised downwards. That is not good. I think the Executive must take time, do a proper analysis of the projects and consider implementation timeframes so that whatever projects are in this Budget are those that can be implemented within the time allowed.

The third point relates to the budgets of the Judiciary and Parliament. The Government has three arms – the Executive, Parliament and the Judiciary. It is very clear that when it comes to Budget submission, the Judiciary and Parliament submit their budgets directly to the Budget and Appropriations Committee (BAC). Why do they do that? It is because the Executive is not supposed to be making the budgets for the Judiciary and Parliament. It is very bad when we see the budgets for the Judiciary and Parliament being adjusted by the National Treasury without consultation with the respective arms of the Government. It is important for us, as a House, to pass this information to the National Treasury that, when it comes to the budgets of the Judiciary and Parliament, there is need for proper consultation before any adjustments are made. We all appreciate that there is need for austerity measures but that does not mean people just change the figures without consultation. It is because we must protect the independence of the institutions.

The other important point is on the National Government Constituencies Development Fund (NG-CDF). We realised there was an attempt to reduce the NG-CDF's allocations. What makes it worse is the fact that the law is very clear that 2.5 per cent of national Government's allocation goes to the NG-CDF. When you change it to below the law which is 2.5 per cent, I think we are sending the wrong signals. I want to assure Hon. Members that this is not the time to start interfering with the NG-CDF. Kenyans believe in the NG-CDF and it is important that its allocations are allowed to be as approved by this House. That is because this is the only money which reaches all parts of this country. So, this is an area we will be urging the House to support the BAC on, so that the figures remain as they were approved in the month of June. That is going to be very important.

The other important point is on Universal Health Care (UHC). I will be saying very little on this because of time. When we look at the BBI report, Kenyans have said devolution is very good for them. They have only said that the only thing they want to be done to devolution is to improve the way things are being done in implementation. However, every Kenyan is happy with devolution. If you look at the UHC programme, you will find that there are some elements or components of the programme which should be implemented at the county level so that we promote devolution. When we see most of this money remaining at the headquarters, it is like we are undermining devolution. So, even as we pass this Supplementary Budget, it is important that we isolate programmes which can be implemented at the county level so that the money can go



to counties. I think it is a basic principle that money should follow functions. The Constitution expects those functions to be implemented at the county level.

With those remarks, I support the Report. Thank you.

**Hon. Speaker:** The Chair of the BAC, you have the Floor.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Thank you, Hon. Speaker. I beg to give notice of two changes to the Report we are debating:

THAT, the Motion be amended by inserting the following immediately after the words "Order Paper"—

“subject to:

- (i) Insertion of the following new paragraph (XV) under the Policy Recommendations on the Second Schedule of the Order Paper:

“That, prior to the disbursement of Kshs.10,544,456,947 for county primary health care facilities (within the conditional grant framework under the roll out of the Universal Health Coverage) the National Treasury submits a report on the expected disbursement of these resources per county to the National Assembly.”

Hon. Speaker, there are changes to the second amendment that I am going to read that relate to that first amendment which is money that we are adding back to the UHC. We are only requesting, as a policy recommendation, that the National Treasury submits a report on the expected disbursement of these resources per county to the National Assembly. That is just to ensure that there is parity and equitable distribution of these resources across all counties.

The second amendment relates to changes in the First Schedule on the Order Paper. I beg to move:

THAT, the following amendments be instituted to the First Schedule of the Order Paper –

#### VOTE 1081: MINISTRY OF HEALTH

##### Programme 0405000 Health Policy, Standards and Regulations

- (i) THAT, the proposed allocation in respect of PROGRAMME CAPITAL Estimates Kshs.14,228,338,186 be deleted and substituted thereof with the figure Kshs.17,275,813,948.
- (ii) THAT, the proposed total allocation, in respect of the VOTE CAPITAL Estimates, Kshs.15,036,976,787 be deleted and substituted thereof with the figure Kshs.18,084,452,549.
- (iii) THAT, the proposed total allocation in respect of VOTE 1081 GROSS TOTAL Estimates, Kshs.19,856,958,091, be deleted and substituted thereof with the figure Kshs.22,904,433,853.

Hon. Speaker, as I explained, this relates to the UHC coverage budget under the programme of Health Policy Standards and Regulations that was understated by the amounts that we seek to correct with that amendment. The second is on Vote 2043: Parliamentary Joint Services. This relates to Parliament reinstating a figure of Kshs500 million towards development programmes in Parliament. The Programme is 0723000 and is General Administration, Planning and Support Services. I beg to move:

- (i) THAT, the proposed allocation in respect of PROGRAMME CAPITAL Estimates Kshs.(780,000,000) be deleted and substituted thereof with the figure Kshs.(230,000,000).

(ii) THAT, the proposed total allocation, in respect of VOTE CAPITAL Estimates, Kshs.(780,000,000) be deleted and substituted thereof with the figure Kshs.(230,000,000).

(iii) THAT, the proposed total allocation in respect of VOTE 2043 GROSS TOTAL Estimates, Kshs.(795,000,000) be deleted and substituted thereof with the figure Kshs.(245,000,000).

Thank you, Hon. Speaker. Let me request the Leader of the Majority Party to second.

**Hon. Aden Duale** (Garissa Township, JP): I second.

**Hon. Speaker:** Can I propose the Question? So, the Leader of the Majority Party seconds both proposed amendments. Hon. Kimani Ichung'wah, could you explain? This thing looks a bit weird.

Hon. Ichung'wah, can you indicate how these amendments...

*(Hon. Ichung'wah approached the Chair)*

*(The Hon. Speaker consulted the Clerks-at-the-Table)*

**Hon. Speaker:** Very well, it is now clear that the first proposed amendment relates to the policy which is on the Order paper.

It looks like it is the feeling of the House that I put the Question.

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Question of the Motion as amended proposed)*

**Hon. Speaker:** Hon. Members, debate will proceed on the Motion as amended. Proceed, Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Thank you, Hon. Speaker. I beg to support the report of the BAC on the Supplementary Estimates I of 2019. First, I want to say very clearly that we must follow the law when formulating the Supplementary Budget as provided for in Article 223 of the Constitution and Section 44 of the PFM Act. The National Treasury and the National Assembly have two distinct roles in the Budget-making process or even in dealing with supplementary estimates. That is why we have the BAC together with the Departmental Committees which ensure that the Report before this House this afternoon has undergone all the legal tests underpinning how a Supplementary Budget is dealt with. I am sure if there is anything contrary to the laws and regulations, they have been dealt with at the level of the committees and at the level of the BAC, as the lead Committee.

It is very clear that the law allows the Executive, in the course of a financial year, to request the National Assembly to appropriate funds for various reasons. The main reason why the national Executive will always bring supplementary estimates is because of the need to meet

additional costs in some votes where little money was appropriated in the main Budget. So, if there is a need to increase amounts to certain sectors, the national Executive through the National Treasury will send Supplementary Estimates for the National Assembly to discuss. If there are emerging financial needs for which no amount was appropriated, for example, the floods taking place in our country now and roads destroyed and there were no emergency funds specifically for that matter, then there is need for supplementary estimates to be brought.

Reallocation within the budget of funds which could not be absorbed by certain Government agencies or ministries and because of the low absorption, the Government wants to reallocate its budgeted funds to other sectors also creates a need. So, there are a number of reasons that can make the National Treasury to submit supplementary estimates.

There is no doubt that the Supplementary Estimates as tabled in this House were mainly because of the shortfall in revenue which was necessitated by the revision of the fiscal framework for the FY 2019/2020 and the Medium-Term Framework which the National Treasury has already submitted to the House. These changes are now being effected in the context of the Supplementary Estimates I which we are dealing with in this FY, with the aim of rationalising the Budget, realigning the Budget and enhancing the provisions for programmes under the Big Four Agenda as reallocated.

I think we need to speak candidly to the National Treasury and the national Executive. If you go to the HANSARD and look at the report of BAC, during the tabling of the BPS 2019, you will find that the Committee raised fundamental questions: How do you implement the Big Four Agenda of the President when you have not allocated enough resources? There is no way you can implement the Big Four Agenda of the President when the 2019/2020 Budget did not have specific resources for the same. So, what the acting CS is doing now is that they have realised, barely five months later that they want to implement the Big Four Agenda of the President and they forgot to allocate resources. Hon. Mbadi will agree with me. The Committee cited this in the BPS report that they tabled before the House.

Before I even go further, Hon. Makali Mulu said it and I really want to repeat it for record. County government allocation was done by this House and by the Senate and the Constitution has protected those resources. Nobody can bring in supplementary estimates to reduce the allocation for county governments. From where I sit, nobody can reduce the allocation for NG-CDF because it is a percentage. The law says at least 2.5 per cent of the national revenue. So, I think when the CS wanted to slash Kshs5 billion of CDF... Even when you go hunting, you hunt with some strategy and make sure that you get some food on the table. You cannot go hunting—and Hon. Mbui knows because he and I come from hunting communities—and you do not have the tools of trade. So, the CS is coming for approval, and he is slashing Kshs5 billion. I told him that was a very bad strategy. But, at least, we have agreed and the Committee has convinced him and he has rescinded.

This morning, I was watching a Senate committee discussing how to give money to other arms of Government. I saw the Registrar of the Judiciary appearing before the Legal Affairs Committee of the Senate. I was shocked. The Budget-making process for Parliament, the national Executive and the Judiciary lies with the National Assembly. It is a function of this House. The Senate absolutely has no role. I saw some Senators who are very good lawyers saying that they are going to talk to their colleagues in the National Assembly. Since when did we appoint them as the middlemen to advise other arms of Government on what resources they should get? The Chief Registrar of the Judiciary, Anne Amadi—a person I have a lot of respect for—by going to the Senate to ask for them to help her with the supplementary estimates, is

wasting time. This is the House that deals with budgeting. The Senate has no role. This is within the reading of the Constitution and sections of the PFM Act.

Article 221, more specifically, gives the National Assembly exclusive authority to receive estimates of revenue and expenditure of the national Government and, to be more specific, the estimates of expenditure of the Judiciary. Article 221(6) requires each estimate of the Judiciary alongside that of Parliament, to be submitted to the National Assembly. This is the Constitution. It does not say Senate. It does not say certain offices in Nairobi. It says the National Assembly.

We received a report yesterday suggesting a number of amendments. First, we must comply with the existing Constitution and Acts of Parliament. The bicameral Parliament that was contemplated in the Constitution gave specific roles to the two Houses. I want to ask CSs... I saw one getting stressed on the corridors from the Senate. I asked him, "My friend, what is your problem? These people have no powers to impeach you. The worst that can happen to you is to be impeached. So, even if they want to impeach you, they must come and talk to a Member of Parliament of the National Assembly. So, you relax. You will be on the headlines, but the worst that can..."

Even for the President and the Deputy President, the Motion must start from here. It must originate from the National Assembly. The Senate cannot impeach the President. It has to look for a surrogate Member from the National Assembly to carry the baby.

Hon. Mbadi, surrogate is another form of procreation. You know procreation comes in different forms. Maybe, for you it is an easy thing. It is sometimes a difficult job to do.

Hon. Speaker, I want to agree with you that we are making Parliament look bad in the eyes of the public. We must perform our functions as provided for in the Constitution. Again, it is only the National Assembly that can pass the Appropriation Bill for the national Government entities without reference to the Senate. The same process is repeated in the Public Finance Management Act. See Section 38. There is no reference to the Senate.

I am happy and I want to thank the BAC. I saw in the BBI Report a recommendation that in this country, we must have a vibrant and independent Judiciary. You cannot be independent if you do not have enough resources. I really want to thank the BAC because this afternoon, we have safeguarded that independence of the Judiciary. The Chief Justice should listen to me:

"Please, there is a committee in this House that oversees the budget and operations of the judiciary. Do not bother about press conferences. Tell your Chief Registrar to come to Parliament and talk to the Departmental Committee on Justice and Legal Affairs."

*(Loud consultations)*

Hon. Speaker, can you tell the Chair of BAC and the MP for Kirinyaga that the way they are talking is not parliamentary? In fact, even how close they are... You know this is the National Assembly. It is not a club in Westlands or Kikuyu. When you enter this Chamber, you must leave your behaviour outside. You are supposed to come here as an Hon. Member. They are my good friends, but it is like there is another game they have been playing.

*(Laughter)*

The Chairman of the Powers and Privileges Committee is the Speaker himself. You could easily find yourself being discussed on the Floor through a report. I have been here close to 13 years and I have never been discussed.

Hon. Speaker, apart from the Division of Revenue Bill and the County Allocation of Revenue Bill, the rest of the budget-making process is an exclusive domain of the National Assembly. If you want to participate in it, then you need to be in the House. So, I thank the BAC. They have allocated good resources that will help the President and the national Government to achieve the Big Four Agenda. Serious allocation has been done with regard to universal health care. There were four pilot counties, that is, Kisumu, Nyeri, Isiolo and Machakos. Today, the Departmental Committee on Health... The Chair of that Committee is also busy in the House. The Chair of that Committee must visit those pilot counties and file a report whether the universal healthcare implementation matrix is going on well before we roll it to other counties. Today, the healthcare system in Isiolo, Nyeri, Kisumu and Machakos must be different from Kiambu, Garissa, Murang'a and Marsabit.

More important, we have allocated good resources to the Naivasha Industrial Park, the Dogo Kundu Industrial Park, and the express highway and so on. I want the Chair of BAC to ask without...

*(An hon. Member consulted loudly)*

**Hon. Speaker:** Yes, what is it?

**Hon. A.B. Duale** (Garissa Township, Jubilee): You know, Hon. Speaker, even if this Tanga Tanga group has won in terms of the BBI, some of us lost badly...

**Hon. Speaker:** You are eating into your extra time.

**Hon. A.B. Duale** (Garissa Township, JP): He should leave me alone. He is disturbing me. He is telling me something here.

Hon. Speaker, we want the committees of the House to do follow-ups. The Cabinet Secretary should bring an implementation matrix so that when we go to the next budget or supplementary budget, we can ably determine the success of the universal healthcare, the Naivasha Industrial Park and the express highway. We cannot be allocating resources and yet, we do not see the projects on the ground. I really want this House to help the President in the oversight role. The President is serious on the war against corruption, but every penny that this House allocates must be overseen by the relevant committees of this House. As you can see, Kshs7 billion has been allocated to the Ministry of Health. This budget has an element of increasing the debt...

**Hon. Speaker:** Let us now hear the Member for Nambale.

**Hon. Sakwa Bunyasi** (Nambale, ANC): Thank you, Hon. Speaker. I rise to add my voice to this very useful discussion on the Supplementary Budget for the Financial Year 2019/2020. We have had an extremely intense engagement between the BAC and other key stakeholders, including committees and people from the ministries, particularly those from the National Treasury.

It is always surprising when you get a high priority area of investment such as the Big Four Agenda. For any justification it was: "Oops, we did not budget for this!" How could that possibly happen? Either people are disorganised in the Ministry or... But the so-called matrix that has been talked about will hopefully help them understand what needs to go into it so that they do not miss out and come back as if it is an after-thought.

One reason I am unable to get a proper matrix, and I do not think I will get a proper one soon, is that many people do not have a clear idea of what is in those pillars. They have not thought through enough to extract from it the critical investments. So, things are coming out as if it is incremental, that is, bit by bit. I think that was the disappointing part of this process. Hopefully, they will crack that as we move forward.

The second big area I would like to comment on is the issue of realism. How real are the estimates? There are several parts of the estimates. One part of the estimates, where we must begin, is the revenue. It is a perennial story that they are unable to get a good handle of the expected revenue. If you do a statistical analysis, you will find certain stable numbers emerging. Those are the numbers we expect to surely collect, but are much less than the revised and again-revised projections. You can see there is an element of optimism which is not funded. Still, within the area of realism, nations depend on taxes paid by citizens. It means you must be able to work around... You cannot leave debt to be a consequence. You cannot simply say that this is what you want to do and so you have your wish-list of projects. You exaggerate your revenue knowing you will not get it. The consequential debt is even higher than those projections were. It is important to understand the debt and work around it at the beginning. Let it be the determinant of the size of budget; the debt you can manage should be the determinant on the size of budget.

In Kenya we have begun to think that a large budget is a matter of pride. Such a budget is unfunded and will be funded by deficit. This simply means you do not have enough money to pay for it; you have to borrow or increase taxes. Those are consequences that the citizens of this country should expect to face. Both are dire consequences in a country where poverty is struggling to keep us at the base, instead of letting us fly off. So, when you have a deficit in the budget, you are either going to increase taxes which will be very unpopular, and it happened recently, when we had a big discussion on VAT. You remember even citizens for the first time were rising up and objecting, but the debt has to be paid. If the debt has to be paid, it means that the funds that we would have used to fund development will no longer be available because the significant part of it will go to debt payment.

We are talking about debt payment obligation that is well above 60 per cent of the monies we will raise in actual revenue. That is not a matter we should gloss over. I am appealing to the new Cabinet Secretary for National Treasury who is new on the block and who initially impressed the Committee as being open minded... They put everything on the table and said, we agree as a nation on what to do, but it turned out that not everything was on the table. This is because the way we have managed this process clearly indicates that there are certain sacred cows that can be broadly classified in the new priorities of the Big Four Agenda. The Big Four Agenda will only work if the funds allocated to it will add production of goods and services that this country needs. It will not work simply because you have thrown money in there under that blanket.

I have a feeling based on the numbers we have and I cannot go into all the details because we do not have the time. On the Universal Health Care (UHC), the Committee has been generous. It has prioritised it but there is only one request; you had a pilot, evaluate the pilot and then let us see as you want to rollout, what should be rolled out more and what can be corrected. This pilot ended in June and we are now in November and we have no report. There is a serious push to have funds allocated. We will not grow these pillars to support the Agenda Four simply by putting heads of expenditures. It is only by where the funds are taken to, whether they will have a multiplier effect in that area and that one we should not lose account of.

Hon. Speaker, this year we have heard from public pronouncements that it is a year which we must face austerity measures. This means you do not have money to spend on what you normally spend on and you are asked to cut back. This Budget process both the initial one and particularly the supplementary one gives you a pointer because it is now specifying specific things and not the complex budget as we dealt with, which does not show that we are in the year of austerity. I have not seen the austerity measures in the austerity budget. In fact the budget grew substantially through the Supplementary Budget Estimates. Despite the efforts of the committee to lower it, there is enormous pressure to go to the wrong direction.

The next result, therefore, is that we do not have an austerity budget. If we had a deficit funded budget, it would not be as if we had our resources in overseas instruments where we invested. We will call on our resources so that we can expand our budget and do what we want to do.

We do not have that option. This will be a deficit financed growth in the size of the budget. When that happened, the impact on the population had consequences. Let me mention two things which are alive. Recently, we removed the cap on funds borrowed in the domestic market. What will happen is this. When we have the deficit the Government must rollover the domestic debt they have got which is about Kshs 1.3 Trillion. If they are going to roll it over; it would mean you borrow it again that year. Now you will not borrow it at the old rates because there is no cap and the new rates have gone up. The pressure in the market will be big and so we are going to roll it over at even a higher cost.

If you will rollover at a higher cost to the Government the private borrowers are going to be paying rates that are even higher than they had before. When you do that, you kill our Small Micro-Enterprises (SMEs) and our start-up businesses. We depress the income of households; anybody who borrows will be paying a lot more. That is happening because there is budget for which we celebrated by its sheer size and is putting pressure on people instead of facilitating growth. This is not the right time to let go the controls that were there. However, be it as it may, this is a warning sign that going forward we will have to... I am told perhaps in another Supplementary Budget Estimate. But we will have the new Budget Estimates coming in soon. What we have done indicates that it is not business as usual; it is even better than usually. So that is a very serious trend.

Hon. Speaker, the Parliament looks at the Budget Policy Statement (BPS) and agrees on where priorities will be as happened in the previous financial year. The conformity to that BPS tracking the subsequent steps to ensure that they are consistent gets lost along the way. We have very competent office, they actually produce the numbers. However, it looks like the National Treasury works in a completely different dynamic. That dynamic is not what they say is in the BPS, it is something else.

Our Treasury which is manned by persons, who are very well schooled and exposed, cannot be doing that out of ignorance. It is a wilful process and direction therefore that is consequential from what they are doing. That wilful process is not helping us. So, we have serious issues there that I would hope... I want to say this to the President. If you are looking for a legacy with the Big Four Agenda, it must not be supported through how big numbers have been put in, but what numbers are put in to do what outcomes. If you trace the outcomes in these processes, they are not what we think they are. Therefore, the chance of achieving the Big Four Agenda is going to a very elusive process.

As I conclude, let us help this nation by having budgets that are consistent with the biggest buck we can get with our shilling. Let us not seek to maximise allocations on

programmes that are not going to have a big pay off. I am disappointed in that respect and I am hoping that in the remaining steps in the Supplementary Budget Estimates, if it comes...

**Hon. Speaker:** Hon. Members for Murang'a, you have the Floor.

**Hon. (Ms.) Sabina Chege** (Muranga CWR, JP): Thank you, Hon. Speaker for giving me this opportunity to contribute to this Motion. At the outset, I want to support and thank the BAC for reconsidering and giving back the money for UHC to the Health. When I appeared before the Committee, I explained to them the implementation and I know Hon. Members have questions on how the UHC is going to be implemented.

Hon. Speaker, we spent many hours in the entire week trying to go through with the Ministry of Health on the implementation. It is good to let this House know that by 13<sup>th</sup> December that is when we will end the pilot.

The Ministry already provided us parts of the report on the experiences and lessons learnt. That is why they have diverted from doing UHC for all and they have gone preventive. It is good for me also to inform this House that as we roll out the UHC, we are not going to give a card where we will have it free for all, but right now they are focusing on trying to work with the counties and several memoranda are being signed to ensure that they will focus on the community health workers level 1, 2 and 3 so that when the ordinary Kenyan goes to the dispensary they will find a doctor and the commodities that will come. The big sum of money is going to KEMSA so that we have enough medicines and commodities at our dispensaries, which are the lowest level of our health care institutions.

Just to let Kenyans know, from Levels 5 and 6 going up, you will still have to use your NHIF card. So, it will not be free for all, but we want to make sure that health facilities at Levels 1, 2 and 3 are well facilitated with enough personnel. As we talk about UHC, it is about affordability, accessibility and good quality healthcare. Members of the various departmental committees are the ones who do the presentations. If the Budget and Appropriations Committee needs to change what we have recommended, it is good for it to also communicate. Sometimes we are only given 10 or 15 minutes. All of us, as Chairs, go and line up there. The Chair has been kind enough to actually give me a first chance every time I request. This is because my Committee is also dealing with functions that are under county governments. So, if there is something that is not clear, it is important that they recall us. This is because we spend so much time with the Ministry. If I go for 10 or 15 minutes and present to the Budget and Appropriations Committee and something is not clear, it does not mean that we should throw the baby with the bath water.

Once again, I thank you because we have the money back. I also want to tell the Chair that I have heard of the recommendation contained in the report from the Treasury, but in our Report, we actually said... As we went through the Budget, we found that there are several ministries which are also supporting UHC. For example, the Ministries of Water, Infrastructure, Energy and ICT have over Kshs1 in support of UHC. I requested the Cabinet Secretary for Health that we should have, maybe, within next week, a meeting with all the stakeholders, together with the Committee from the Senate. They are the ones who do oversight. They are the ones who will go to the counties to see whether what we give as conditional grants to the counties are being utilised well. They are the ones who do oversight. We cannot go to the counties.

Therefore, I will be reporting back to this House when we have that meeting with the Ministry, the CEC of Health at the county level; the Chairs of health committees at the county level, the governors, senators and us. I also wish the Budget and Appropriations Committee



could join us, together with the Ministry of Health and the National Treasury, so that the matter can be made clear. We said we are looking at the austerity measures; we do not want money to be misused. We even pointed out to the Budget and Appropriations Committee some of the activities that were budgeted for under health. It is not clear to us whether there is any agreement on that money when it goes to counties.

For example, when the Budget and Appropriations Committee decides that they are going to support a specific dispensary or hospital at the county level, if there is no agreement between the county government and the national Government, even if we give out that money – Kshs20 million or Kshs30 million – will it be use for infrastructure or human resource? What is it for? It is, therefore, important even when we go out to the public we have a clear agreement among the county governments on matters of health, especially if you are going to implement projects that touch on county functions.

I thank you, Hon. Speaker. I support.

**Hon. Speaker:** The Member for Kathiani, you have the Floor.

**Hon. Robert Mbui** (Kathiani, WDM-K): Thank you, Hon. Speaker, for this opportunity. The National Treasury is actually like an engine in the running of Government because without funds you cannot do anything. So, it is imperative that they get organised. You have seen in the recent past that the National Treasury has put this country in a very bad place. We have a huge debt that goes against what this House has proposed. There are these arbitrary changes in the budgets. Going forward, it is important that the National Treasury be very careful, when it does its budgets and the plans for this nation.

This Report has a reduction in Recurrent Expenditure and an increase in Development Expenditure, which is basically good. In total, there is an average increase of Kshs74 billion. It is only four months since this House passed the Budget. The things that are coming out within those four months are making me wonder how much planning was done before the Budget was presented to this House. How is it possible that within four months, we are already looking at making serious changes? We are already on Supplementary Estimates. There is already a plan for other Supplementary Estimates as we move forward. The Committee has done a commendable job in terms of looking at the Report and the proposals. It has done an excellent job.

Going forward, my proposal is that before they present the Budget, let them sit with each department. Let them make sure that the proposals they are putting forward for the nation are very clear. I know there is a lot of excitement, and my colleagues also want to contribute to this debate. I want to finish by saying that the recommendations that have been given by the Committee are good. The idea of creating an independent debt management office is critical and long overdue. You saw when we were dealing with the issue of raising the debt ceiling, we realised that the formulation that was there before had been abused by the National Treasury. They had already borrowed beyond what they were expected to borrow. It is important to have that office. The Committee has proposed that by 2020, there should be such an office. That is really commendable. It has to be done because it is important to look at the debt ceiling of the nation and the amount of debt that the country goes into.

Of course, there is the completion of stalled projects. There is an observation that there are many projects that have not been completed. It is important that all these projects are completed because every time the National Treasury gets money, they come up with new projects, and some of them are not completed. There is also a proposal that once this Supplementary Budget is passed, the National Treasury should load it onto the IFMIS within

seven days. That is an important proposal. If you do not set timelines, some money remains uncommitted. That is the money in respect of which they later on propose changes.

I am also happy about the proposal that there should be no budget reduction in respect of the Judiciary, the Parliamentary Service Commission and State Departments before such action gets approval of this House in the form of an approved Supplementary Budget.

With those few remarks, I would like to thank the Committee for a job well done.

**Hon. Speaker:** Let us now have the Chair of Departmental Committee on Defence and Foreign Relations, Hon. ole Metito.

**Hon. Katoole Metito** (Kajiado South, JP): Thank you, Hon. Speaker. I rise to support this Motion. I do not want to repeat what my colleagues have said. The only thing I want to add relates to the work of the Departmental Committee on Defence and Foreign Relations, and more so the four ministries that we oversee – Defence, Foreign Affairs, East Africa Community and the National Intelligence Service (NIS). The NIS has not been affected by Supplementary Estimates I. The most affected are the Ministry of East Africa Community and Regional Development, and the Ministry of Foreign Affairs. The Ministry of East Africa Community and Regional Development has a pending bill of over Kshs6 billion whereas the Ministry of Foreign Affairs has a pending bill of Kshs112 million.

It is also good that when we have austerity measures, as much as they are applied across Government, we should consider the functions and activities of the Ministry of Foreign Affairs. I am talking to the Chair of the Budget and Appropriations Committee. Government austerity measures always affect travel and hospitality. In foreign affairs, diplomacy is about travel and hospitality. Therefore, we should always try to exempt the Ministry of Foreign Affairs from Budget cuts.

Finally, I urge the Budget and Appropriations Committee, still on the Ministry of Foreign Affairs that there is need to ring fence the Budget that is meant for this Ministry because at times we have unforeseen international conferences, like the one that just ended in Nairobi, the International Conference on Population and Development (ICPD25). It is the Ministry of Foreign Affairs which always caters for the costs of such conferences. At times when the nation is given the honour to host such international conferences, we find that we do not have provision for such activities in the original Budget. Therefore, the Supplementary Estimates need to consider such eventualities.

I can see the Leader of the Majority Party saying we end. Because of time, I want to end there. I support the Committee's decision with regard to the Development Votes of the Ministry of Defence and the National Intelligence Service, which have not been affected. However, the cuts on the Recurrent Expenditure that affects foreign travel for the Ministry of Foreign Affairs and the Ministry of East Africa Community and Regional Development are about the region. Every time, we say that we are the economic bloc and the region kingpin. That Ministry is required to attend these conferences where decisions that affect the region are made. Therefore, such austerity measures should always take cognisance of the fact that those two ministries cannot operate without frequent travel and hospitality in diplomacy.

I support the Motion, Hon. Speaker.

**Hon. Speaker:** The Member for Kiminini, you have the Floor.

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD – K): Thank you, Hon. Speaker. I rise to support this Report. The new acting Cabinet Secretary for the National Treasury, Mr. Ukur Yatani, needs some orientation so that he knows that there are some areas which are no-go zones. Wherever he is, he should listen to me. You cannot touch the National Government-

Constituencies Development Fund (NG-CDF) without consulting this Parliament. Once the Appropriation Bill is passed, Mr. Ukur Yatani needs to know that he can only touch the funds for the Executive. However, Parliamentary Service Commission (PSC) and the Judiciary are no-go zones.

Once we pass the Appropriation Bill on this Floor of the House, any amendment can only be done with concurrence of this House. Under the presidential system, the National Treasury must ask Parliament for concurrence. These are not the days of Hon. Amos Kimunya who could do anything that he wanted because that was a parliamentary system. There is a big difference in the presidential system. Wherever he is, he must listen to me. The Judiciary complained. The Chief Justice lamented. Hon. Speaker, you are here and you are not lamenting. You are the Chair of the PSC. He should know where his territories are. As we move forward, we must respect each other's boundaries.

I want to thank Hon. Ichung'wah for the good work that he has done. As we move forward, there is the issue of Huduma Namba. A lot was said about it. All of a sudden, it has died. We want to know whether we got value for money. We want the Auditor-General to do a forensic audit. We want to be told what happened to this much publicised Huduma Namba. We have not seen the card and data protection. They took our data and we do not know what they are doing with it. I am a very worried man.

I thank you, Hon. Speaker. I support this Report on the Supplementary Estimates 1 for the Financial Year 2019/2020.

**Hon. Speaker:** The Member for Tigania West, you have the Floor.

**Hon. John Mutunga** (Tigania West, JP): Thank you, Hon. Speaker for giving me the opportunity to contribute to this Motion. I will highlight a few issues. We would like to see more reductions in Recurrent Expenditure and an increase in Development Expenditure which is a move in the positive direction.

I want to add my voice to those others who have spoken before me. The Executive needs to respect the other arms of Government. The Budget should not be used as one of the ways to suppress others. I want to highlight that the Budget Policy Statement (BPS) is different from the printed estimates and also the recent Supplementary Budget is different. What brings the difference are omissions and alterations that are brought about through negotiations which we should not see, if our Budget-making process is prudent. We would like to also call upon the cost centres to be a bit more accurate and articulate in their Budget-making process, so that these issues do not come up.

The other issue is that there is a breach of the law when the National Treasury presupposes that we can have an increase of 10 per cent within the Supplementary Budget. This needs to be observed in future. There were 12 votes which they could have increased. However, I want to thank the Members of the Budget and Appropriations Committee for standing firm and saying that some of these increases should not be allowed in future.

Finally, I would like to mention something to do with the Big Four Agenda, especially on the UHC. Our hospitals and health centres lack drugs, facilities and commodities to administer treatment. With this kind of budgetary support, we hope that we will see more of this happening. We will see medicine and medical supplies in Kiburine, Merokanga, Konene and Muchujuri where we do not normally have enough of this.

Thank you. I support the Motion.

**Hon. Speaker:** Let us hear the Chair of the Departmental Committee on Justice and Legal Affairs. He oversees the Judiciary.

**Hon. William Cheptumo** (Baringo North, JP): Thank you, Hon. Speaker. I will be brief. I will mention two issues. One, through this Supplementary Budget, this House has asserted its authority in the Budget-making process. I want to thank the Committee for standing firm.

For example, in the proposed Supplementary Budget, the Judiciary was to lose Kshs1.4 billion for Development Expenditure. I am happy because the Budget and Appropriations Committee brought back that amount. We can complete the construction of the ongoing courts and start new courts in the next financial year. The Judiciary knows that the Departmental Committee on Justice and Legal Affairs oversees them. It is not proper and possible for the Judiciary to go to the Senate and appear before them. They appeared before my Committee last week and made their request known. We discussed with them. I appeared before the Budget and Appropriations Committee and defended the Judiciary budget.

Finally, this money was returned to them. I want to thank the Committee. The money for the Judiciary cannot be reduced in any Supplementary Budget.

I support the Report and I thank the Committee.

**Hon. Speaker:** The Member for Mwea, you have the Floor.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Speaker. I stand on Standing Order No. 95. We have a number of Members who have spoken to this particular Motion. We can see that we are all in agreement that these Supplementary Estimates need to be approved. Therefore, according to Standing Order No. 95, I propose that the Mover be called upon to reply.

*(Question, that the Mover be now called upon to reply, put and agreed to)*

**Hon. Speaker:** Let us have the Mover.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Thank you, Hon. Speaker. I thank all the Members who have contributed. There are issues that have been raised. I appreciate what Hon. Sakwa Bunyasi stated in his contribution. Many contributions were good. Many of the issues that have been raised, including what Hon. Chris Wamalwa has raised on the Budget of Parliament and the Judiciary are things that we have canvassed with the National Treasury. We agreed with them that they must restrict themselves within the provisions of the law and keep away from the budgets of the Judiciary and Parliament.

Establishment of a debt management office was also raised yesterday in the contributions. If you look at the Report, part of our policy recommendations is to push for the establishment of an independent debt management office. The huge deficit that we create necessitates such an office. We also appreciate the concerns that have been raised by many Members in view of new projects which are introduced in the Supplementary Budget. I am in agreement with many Members that we should see more austerity measures than introduction of new projects in a Supplementary Budget.

Understandably, with the Big Four Agenda, the National Treasury explained that a total of Kshs143 billion worth of projects had been left out in the Budget. We expressed the concern. Despite the resolution of this House, the National Treasury will table before the House an implementation matrix of the Big Four Agenda. It will give us the total cost of each of the Big Four Agenda projects, how much they have spent to date and how much needs to be spent in the coming years. We have implored the National Treasury to ensure that they provide that before the House before they bring a second Supplementary Budget in the next financial year.

With those remarks, I beg to reply.

**Hon. Speaker:** Hon. Members, sometimes it is good to stay until close to 5.00 p.m. or 6.00 p.m. Today, I have noticed that the Member for Kilgoris is in the House. I encourage him to be sitting closer to the Chair so that I keep seeing him. He is a ranking Member of the House.

*(Question of the Motion as amended put and agreed to)*

*Resolved accordingly:*

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Supplementary Estimates I for the Financial Year 2019/2020, laid on the Table of the House on Tuesday, November 26, 2019, and pursuant to the provisions of Article 223 of the Constitution of Kenya, Section 44 of the Public Finance Management Act, 2012, Public Finance Management Regulation 40 and Standing Order No.243-

(i) approves a reduction of the total Recurrent Expenditure for Financial Year 2019/2020 by Kshs329,017,004 in respect of the Votes as contained in the First Schedule;

(ii) approves an increase of the total development expenditure for Financial Year 2019/2020 by Kshs78,472,878,816 in respect of the Votes as contained in the First Schedule;

(iii) approves an overall increase in the total budget for Financial Year 2019/2020 by Kshs78,143,861,812 in respect of the Votes as contained in the First Schedule; and,

(iv) further makes the policy resolutions contained in the Second Schedule to the Order Paper.

Subject to insertion of a new paragraph:

(xv) prior to the disbursement of Kshs10,544,456,947 for county primary healthcare facilities, (within the Conditional Grant Framework and the rollout of the Universal Health Coverage) the National Treasury submits a report on the expected disbursement of these resources per county to the National Assembly.

*(Several Hon. Members stood in their places)*

Hon, Members, business is not over. I want to make the following announcement. When we move to Order No.10, the Committee of the whole House, given that the business appearing as (ii) and (iii) are fairly short Bills, the House will consider the Competition (Amendment) Bill followed by the Insurance (Amendment) Bill and thereafter proceed on to deal with the Nuclear Regulatory Bill, in that order.

Let us to the next Order!

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[The Speaker (Hon. Justin Muturi) left the Chair]*

## IN THE COMMITTEE

*[The Temporary Deputy Chairman  
(Hon. Patrick Mariru took the Chair)]*

## THE COMPETITION (AMENDMENT) BILL

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Members, we are now in the Committee of the whole House. As directed by the Hon. Speaker, we shall start with the Competition (Amendment) Bill, (National Assembly Bill No.49 of 2019).

*(Clauses 2 and 3 agreed to)*

*Clause 4*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): There is an amendment by the Chair of the Committee. Where is he? Let us have the Vice-Chair, Hon. Waihenya.

**Hon Isaac Ndirangu** (Roysambu, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended in Clause 4 in the proposed new section 24A by —

(a) deleting subsection (2);

(b) deleting the words “this section” appearing in sub-section (10) and substituting therefor the words “subsection (1)”.

The Clause has been deleted because it has moved to Clause 1(a). It clarifies that the offence is not contravening the whole Clause 24A but is only contravening sub-clause 24(a) (1).

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 4 as amended agreed to)*

*Clause 5*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Vice-Chair, you have an amendment.

**Hon Isaac Ndirangu** (Roysambu, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 5 and substituting therefore the following New Clause—

Amendment  
of section 29  
of No. 12 of  
2010.

5. The principal Act is amended in Section 29 by inserting the following new Sub-section immediately after sub-section (7) —

(8) Any professional association—

(a) whose rules contain a restriction that has the effect of preventing, distorting or lessening competition in a market in Kenya and which fails to apply for an exemption as required by subsection (1) and

(2); or

(b) which having applied for exemption under subsection (1) fails to comply with the Authority's decision rejecting its application, commits an offence, and any official thereof or any person who issues guidelines or rules in contravention of that provision shall be liable, upon conviction, to imprisonment for a term not exceeding five years or to a fine not exceeding ten million shillings, or both.

The justification for this amendment is that the proposed Clause 29 (a) was proposing a penal provision for Section 29 of the Act. The amendment is generally a clean-up so that a penal provision is in the same section with the prohibition.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 5 as amended agreed to)*

*(Clause 6 agreed to)*

#### *Clause 7*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Vice Chair, you have an amendment.

**Hon Isaac Ndirangu** (Roysambu, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 7.

The justification for this amendment is that the Clause would be a subject of abuse by the Authority by giving a blanket cheque to the Authority. This would encourage gatekeeping. The Clause is subject to abuse by the Authority. That is the justification for the amendment.

*(Question, that the words to be left out, be left out, put and agreed to)*

*(Clause 7 deleted)*

#### *New Clause*

**Hon. Isaac Ndirangu** (Roysambu, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after clause 1—

Amendment of s.2 of  
No. 12 of 2010

1A. Section 2 of the principal Act is amended by inserting the following new definition in the proper alphabetical sequence—

“buyer power” means the influence exerted by an undertaking or group of undertakings in the position of purchaser of a product or service to—

(a) obtain from a supplier more favourable terms; or

(b) impose a long term opportunity cost including harm or withheld benefit, which, if carried out, would be significantly disproportionate to any resulting long term cost to the undertaking or group of undertakings.

*(Question of the new Clause proposed)*

*(New Clause read the First Time)*

*(Question, that the new Clause be read  
a Second Time, proposed)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Waihenya, you need to give justification.

**Hon. Isaac Ndirangu** (Roysambu, JP): Hon. Temporary Deputy Chairman, this Clause seeks to give definition of the abuse of buyer power. As had been discussed earlier, there are organisations and companies that have been abusing buyer power because of their dominance. That is the concept of the New Clause.

*(Question, that the new clause be read  
a Second Time, put and agreed to)*

*(The new clause was read a Second Time)*

*(Question, that the new clause be added to  
the Bill, put and agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Members, we are done with that Bill. We shall have the Mover.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Chairperson, I beg to move that the Committee doth report to the House its considerations of the Competition (Amendment) Bill (National Assembly Bill No. 49 of 2019) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*



**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Members, we shall not report because we want to combine three Bills. We will get to the next Bill.

THE INSURANCE (AMENDMENT) BILL

*(Clauses 2, 3, 4, 5 and 6 agreed to)*

Clause 7

**Hon. Isaac Ndirangu** (Roysambu, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 7 of the Bill be amended in the proposed new subsection (4A) by deleting the word “shall” and substituting therefor the word “may”

The justification for this is the removal of the word “shall” to state “may” in subsection (4A). This allows the Chairman and the Members appointed under paragraphs 4 (e), (f) and (g) to be appointed from various disciplines other than insurance, finance, law and accounting.

*(Question of the amendment proposed)*

*(Question, that the word to be left out, be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 7 as amended agreed to)*

*(Clauses 8 and 9 agreed to)*

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): On a point of order, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Millie Odhiambo, what is your point of order?

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Deputy Chairman, I just wanted to get your direction. When you put the Question on the matter that just passed, Hon. Duale said “aye” and I said “nay” and you said the “ayes” have it. Is it because Hon. Duale’s voice is a bass and mine is a soprano? We need to know what guides in that case. Otherwise, that is discrimination based on gender and how shrill my voice is.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Order, Hon. Millie! You had a very animated conversation with your neighbour and Hon. Duale said “aye”. You do not seem to have noted that. The “ayes” had it.

*(Title agreed)*

*(Clause 1 agreed to)*

Let us have the Mover.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Chairperson, I beg to move that the Committee doth report to the House its considerations of the Insurance (Amendment) Bill (National Assembly Bill No.50 of 2019) and its approval thereof with amendment.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): We are done with that Bill. We shall not report now. We will go to the third Bill. So, we will do our small transition here. We are now into the Nuclear Regulatory Bill (National Assembly Bill No.27 of 2018).

#### THE NUCLEAR REGULATORY BILL

##### *Clause 3*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): There is an amendment by the Chairperson. Hon. David Gikaria, you have quite a number of amendments. So, make sure you organise yourself.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 3(a) of the Bill be amended by deleting the word “ionising” appearing immediately after the word “generating”;

The justification for that is that the Bill covers both ionising and non-ionising radiation.

*(Question of the amendment proposed)*

*(Question, that the word to be left out  
be left out, put and agreed to)*

*(Clause 3 as amended agreed to)*

##### *Clause 4*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 4 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “iodising” appearing immediately after the word “generating”;

(b) in sub-clause (2) by deleting the word “Commission” appearing immediately after the word “The” and substituting therefor the word “Authority”;

One is a typing error – iodising is a typo. The second one is that the Committee resolved to rename the Kenya Nuclear Regulatory Commission the Kenya Nuclear Regulatory Authority. We are trying to avoid the commission with the wider name, as per the Constitution. So, we are going back to “authority”.

Thank you, Hon. Temporary Deputy Chair.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the word to be inserted in  
place thereof be inserted, put and agreed to)*

*(Clause 4 as amended agreed to)*

Clause 5

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 5 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

This is from a commission to an authority.

*(Question of the amendment proposed)*

*(Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the word to be inserted in  
place thereof be inserted, put and agreed to)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Gichimu, you have the Floor for the second amendment.

**Hon. Gichimu Githinji** (Gichugu, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 5 be amended by—

(a) deleting the expression “and lending money” appearing in sub-clause (2)(c);

(b) deleting sub-clause (3).

I have two amendments. However, after consulting the Chair, I want to drop the first amendment, which is Clause 5(a).

*(Hon. Gichimu Githinji’s amendment to Clause 5(a) dropped)*

I stick to the amendment to Clause 5(b). The amendment to this is justified because deleting sub-clause 3 would otherwise have elevated this authority to the standard of an independent commission under the Constitution. This is an authority under the parent ministry. Therefore, it cannot be taken to be independent. I have consulted the Chair and I believe in the concurrence with that amendment by deleting Clause 5(b).

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Clause 5 as amended agreed to)*

*Clause 6*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): There are two amendments. One is by the Chair of the Departmental Committee on Energy and the other by the Chair of the Departmental Committee on Health. We shall start with the amendment by the Chair of the Departmental Committee on Energy.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 6 of the Bill be amended—

(a) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(b) in paragraph (c)(i) by deleting the word “siting” appearing immediately before the word “design” and substituting therefor the word “sitting”.

One is deleting “commission” and replacing with “authority” and the other is a typing mistake. It is not “siting”, it is “sitting”. So, it is just grammar and typing errors.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Let us have the Chair of the Departmental Committee on Health. Please, you have the Floor. Hon. Owino moves on your behalf. Hon. Owino, you seem to have express instruction.

**Hon. Martin Owino** (Ndhiwa, ODM): Yes, I obey. Thank you, Hon. Temporary Deputy Chair. I beg to move:

THAT, Clause 6 of the Bill be amended-

(a) in paragraph (c) by deleting the words “any other activities” appearing in sub paragraph (iii) and substituting therefor the words “such other activities as may, with the prior approval of the National Assembly, be prescribed”;

(b) in paragraph (h) by deleting the words “in the furtherance of the provisions of” and substituting therefor the words “as may be provided for in”.

The justification for this is that this amendment brings out clarity in the two paragraphs. The words “any other activities” is ambiguous and may extend to having the Authority exercise a mandate beyond what is provided in the Act. Also, the approval of the National Assembly is necessary to provide checks and balances on activities of the Authority.

Lastly, the words “in the furtherance of the provisions of” are superfluous. By substituting it with “as may be provided for in” renders the clause restricted to the mandate of the Authority.

Thank you, Hon. Temporary Deputy Chair.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 6 as amended agreed to)*

*Clause 7*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): The Chairperson of the Departmental Committee on Energy, you have the Floor.

**Hon. David Gikaria** (Nakuru Town East, JP): Thank you, Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 7 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

Thank you.

*(Question of the amendment proposed)*

*(Question, that the word to be left out  
be left out, put and agreed)*

*(Question, that the word to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 7 as amended agreed to)*

*Clause 8*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Members, there are two sets of amendments. It is important to organise them in a logical manner. Hon. Chairperson and Hon. Gichimu you both have amendments on sub-clauses (1) and (2). On Clause 8(1) we shall start with the Chairperson amendment. If it is carried, the amendment by Hon. Gichimu falls. I will give directions on the amendment to sub-clause (2). So, Hon. Chair, move the amendment on Clause 8(1).

**Hon. David Gikaria** (Nakuru Town East, JP): Thank you, Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 8 of the Bill be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) The management of the Authority shall be vested in a Board comprising—

- (a) a non-executive Chairperson who shall be appointed by the President;
- (b) the Principal Secretary of the Ministry responsible for internal security or his or her representative;
- (c) the Principal Secretary of the National Treasury or his or her representative;
- (d) the Principal Secretary of the Ministry responsible for energy or his or her representative;
- (e) the Principal Secretary of the Ministry responsible for education or his or her representative;
- (f) the Principal Secretary of the Ministry responsible for health or his or her representative;
- (g) the Principal Secretary of the Ministry responsible for defence or his or her representative;
- (h) the Attorney General or his or her representative;
- (i) three members appointed by the Cabinet Secretary by virtue of their knowledge and experience of not less than ten years in matters relating to engineering, law, radiation or nuclear related science, environmental or public safety, or finance; and
- (j) the Director General, who shall be an ex-officio member.”

If you look at the original Bill, it had indicated the number of members of the Authority. However, the Committee resolved that we amend that by deleting sub-clause (1) and substituting thereof with the new sub-clause. The import was to reduce the number of members of the Authority and cover the principal ministries and professions relevant to the nuclear energy.

Thank you.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Osotsi, do you want to speak to this?

**Hon. Godfrey Osotsi** (Nominated, ANC): Hon. Temporary Deputy Chairman, the Chair of the Committee needs to elaborate further. First, if you count members of the board, you will find that they are 11. That exceeds the Mwongozo Guidelines. Second, according to international best practice, bodies dealing with matters of nuclear are usually lean. So, he needs to explain to the House the basis of 11 members in view of Mwongozo Guidelines and international best practices.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Very well. Hon. Chair, that is a fair request from Hon. Osotsi.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I agree with what Hon. Osotsi is saying. However, the Mwongozo Guidelines are just guidelines. When we were looking at this, we were guided by the fact that nuclear is a complex issue. It touches on safety, security and health. That is why we have the Ministry of Defence and Ministry of Interior and Coordination of National Government involved. We deliberated on this. Before that, if you look at (i) of the new sub-clause on members to be appointed by the Cabinet Secretary, they were supposed to be seven. We have reduced that to three and removed some ministries. We removed the National Intelligence Service (NIS) which was part of this. Every department that is involved with security at the borders or internally, like the Ministry of Defence, requested that they be there. Security, safety and health are matters of national importance.

Thank you.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Can we have two more comments then we progress? Hon. Gichimu, you have the Floor.

**Hon. Gichimu Githinji** (Gichugu, JP): Thank you, Hon. Temporary Deputy Chairman. I agree with the Chairperson of the Departmental Committee on Energy. They have tried to make this Board lean. It cuts across various ministries. Some ministries that are affected are not included, like the Ministry of Environment and Forestry. In the same vein, I agree, having consulted the Chair, to drop my amendment on Clause 8 so that we can be in concurrence.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Are you speaking about sub-clause (2)? Your amendment will have a natural fate depending on how the House will decide. So, hold your horses. The House has to vote on that. Your options are limited.

**Hon. Gichimu Githinji** (Gichugu, JP): Hon. Temporary Deputy Chairman, I agree with the Chairperson of the Departmental Committee on Energy on the amendment on making the Board lean to by having 11 members.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Barasa, do you want to speak on this?

**Hon. Didmus Barasa** (Kimilili, JP): Yes, Hon. Temporary Deputy Chairman. I want to support the Chairperson of the Departmental Committee on Energy. This is a special regulatory authority. I want to ask my brother Hon. Osotsi to support it. I do not know what are “Mwongozo Guidelines” They are just guidelines to guide us on what to do, but if you look at radioactive elements, they are very dangerous. Therefore, we need to ensure that the Board is properly balanced as it has been proposed. I, therefore, support the position of the Chair that we leave it as he has proposed.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Members, we must make progress on this.

*(Question, that the words to be left out be left out, put and agreed)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Gichimu, before I put the global Question on sub-clause (1), now that this amendment has been carried, your amendment falls. I hope those words are comforting.

Hon. Members, let us proceed to sub-clause (2). On this one, Hon. Gichimu, the procedure will be the other way round. We will start with your amendment. If it will be carried, then the amendment of the Chairperson will fall. So, let us start with Hon. Gichimu’s amendment.

**Hon. Gichimu Githinji** (Gichugu, JP): Thank you, Hon. Temporary Deputy Chairman. On the amendment to Clause 8(2), I have consulted with the Chairperson of the Departmental Committee on Energy and we have agreed that it is necessary to retain the position of a secretary. So, I drop my amendments to the advantage of Chair’s amendment.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Very well. Your amendment is considered withdrawn.

*(Proposed amendment to Clause 8(2))*

*by Hon. Gichimu Githinji withdrawn)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Chairperson, your amendment is saved by that stroke. Please move it.

**Hon. David Gikaria** (Nakuru Town East, JP): Thank you, Hon. Temporary Deputy Chairman. I beg to move:

THAT, Clause 8 of the Bill be amended—

(b) in sub-clause (2) by deleting the word “Commission” appearing immediately after the word “The” and substituting therefor the word “Board”;

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 8 as amended agreed to)*

*Clause 9*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): We have some amendments on that. We start with that of the Chair then we come to the one of Hon. Gichimu.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, clause 9 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) There shall be a Director General who shall be the chief executive officer of the Authority appointed by the Board and whose terms and conditions of service shall be determined by the Board in the instrument of appointment or otherwise in writing from time to time.”

The justification is to delete reference to commission. The committee resolved to rename that to authority. Thank you.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Gichimu, you have an amendment to sub-clause (1).



**Hon. Gichimu Githinji** (Gichugu, JP): Yes, Chair. But having consulted the Chair as earlier indicated, this is another amendment that I seek to withdraw. We agreed that there is necessity to have the secretary under the previous clause. I had sought that the CEO and the DG be the same as the secretary, but we thought that that would be too big a burden for a single person. So, I seek to withdraw.

*(Proposed amendment by Hon. Gichimu Githinji withdrawn)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): In the circumstances, Chair, you may want to move the amendment to Clause 9(2)(a).

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, clause 9 of the Bill be amended in sub-clause (2)(a) by inserting the words “nuclear science” immediately after the words “physical science”.

This is one of the qualifications that the committee thought should be included as a qualification for the DG. Thank you, Hon. Temporary Deputy Chairman.

*(Question of the amendment proposed)*

*Question, that the words to be inserted  
be inserted, put and agreed to)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Chair, there is sub-clause (3). Let us handle that, please.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, clause 9 of the Bill be amended by deleting sub-clause (3) and substituting therefor the following new sub-clause—

(3) The Director General shall, subject to the directions of the Board, be responsible for the day to day management of the affairs and staff of the Authority.

This is to change the name from commission to authority. Thank you, Chair.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Let us have the two, Hon. Kimunya then Hon. Osotsi.

**Hon. Amos Kimunya** (Kipipiri, JP): Chair, just to be clear, from the amendment I have here, the amendment is to define the functions of the DG, but what the Chair has explained is that it is to change the name from commission to authority. Just for the record, we better

understand that Clause 9(3), according to my Order Paper, says that the DG shall be subject to the direction of the Board and be responsible for the day-to-day management. But what the Chair has explained is that we are amending this to change the name from commission to authority, which I think had already been done earlier, unless we are looking at two different Order Papers. And I think it was the same thing for Clause 9(2)(a). The explanation and the Order Paper do not match.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Are you talking of how the Chair is explaining the import of what is in the Order Paper? Chair, do you want to have another stab on that?

**Hon. David Gikaria** (Nakuru Town East, JP): I want to draw the attention of my brother Amos. It says the DG shall, subject to the direction of the commission... And since we started, it is no longer the commission; it is an authority. So, what we are changing is the word commission to authority, so that it reads 'direction of the authority be responsible for...'

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Kimunya has understood. Hon. Osotsi then we make progress.

**Hon. Godfrey Osotsi** (Nominated, ANC): Chair, mine was just to seek clarification from the Chair on the board and the authority. If you look at the amendment in Clauses 7 and 8, it introduces authority in place of commission; and then 8 introduces the board in place of a commission. When they are used in the same manner, it is a bit confusing. Maybe the Chair can clarify that.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Chair, if you could take a minute, because this is going to be recurring in the same Bill, so that Hon. Osotsi and other Members are able to understand the whole of what you are doing. I guess when you have an authority, you will also have a board that becomes the decision part. Anyway, say it yourself.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I cannot say it any further than what you have just said. That is exactly what it is. When we were changing it from a commission...if you have a commission then you do not have a board. So, the authority has a board, just the way you have explained it. Thank you, Chair.

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 9 as amended agreed to)*

*Clause 10*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): There is an amendment by the Chairperson of energy.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by deleting clause 10 and substituting therefor the following new clause—

Staff of the Authority.

10. The Board may appoint such professional and technical staff for the proper discharge of the functions of the Authority under this Act, on such terms and conditions of service as the Board may determine on the advice of the Salaries and Remuneration Commission.

Again, it is from commission to authority. Thank you.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 10 as amended agreed to)*

#### *Clause 11*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): The Chair.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, clause 11 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Board”;

This is where again I draw the attention of Hon. Osotsi. Now it is not the authority but the board; from commission to board. Thank you.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 11 as amended agreed to)*

*Clause 12*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): The Chair.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

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

Remuneration of the Board.

12. The members of the Board shall be paid such remuneration, fees or allowances as the Cabinet Secretary, in consultation with the Salaries and Remuneration Commission, may determine.

Again, the word commission reappears, but most important is the inclusion of the SRC. We had not taken that into consideration. Any allowances of the board will be subject to SRC.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 12 as amended agreed to)*

*Clause 13*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 13 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): It is important to put in a sentence for record, that is, why you are moving the amendment. Even if you have to repeat yourself; remember there is HANSARD.

**Hon. David Gikaria** (Nakuru Town East, JP): It is for the same reason of the Commission and the Authority.

*(Question of the amendment proposed)*

*(Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the word to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 13 as amended agreed to)*

*Clause 14*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 14 of the Bill be amended by deleting the word “Commission” appearing immediately after the words “relieve the” and substituting therefor the word “Authority”;

It is for the same reason as above.

*(Question of the amendment proposed)*

*(Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the word to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 14 as amended agreed to)*

*Clause 15*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 15 of the Bill be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) The common seal of the Authority shall be kept in such custody as the Board may direct and shall not be affixed to any instrument or document except as authorised by the Board.”

(b) in sub-clause (2) by deleting the word “Commission” appearing immediately after the words “of the” and substituting therefor the word “Authority”;

(c) by deleting sub-clause (3) and substituting therefor the following new sub-clause—

“(3) The common seal of the Authority, when affixed to a document and duly authenticated shall be judicially and officially noticed and unless and until the contrary is proved, any necessary order or authorisation by the Board under this section shall be presumed to have been duly given.”

It is for the same reason, Hon. Temporary Deputy Chairman.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 15 as amended agreed to)*

*Clause 16*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 16 of the Bill be amended—

(a) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority

(b) in sub-clause (1)(a) by deleting the word “Parliament” appearing immediately after the words “allocated by” and substituting therefor the words “the National Assembly”;

Hon. Temporary Deputy Chairman, the justification is that the National Assembly is the House of Parliament that appropriates funds for state organs.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 16 as amended agreed to)*

*Clause 17*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 17 of the Bill be amended by deleting the word “Commission” appearing immediately after the words “of the” and substituting therefor the word “Authority”;

Hon. Temporary Deputy Chairman, this will affect a number of clauses. I do not know whether it will apply in subsequent clauses and I do not know whether my explanation will apply to other amendments in other clauses. I beg your indulgence.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Well, I understand your situation, desire and your wish. I also understand your prayer on this one. It seems the justification for every clause applies to many other subsequent clauses.

However, I am afraid that we have to deal with each clause at a time. What you may do, because you have already done an elaborate explanation on those clauses, is to be brief on the subsequent clauses now that it is the same reason. We cannot do an omnibus operation on all the clauses. Each clause must be dealt with on its own because Members must be given an opportunity to vote on each. We shall be quicker, maybe.

*(Question of the amendment proposed)*

**Hon. Patrick Makau** (Mavoko, WDM-K): Hon. Temporary Deputy Chairman, I was supporting the Chairman of the Departmental Committee on Energy that instead of going

through all the clauses now that the justification is the same, he could just say, “As per the Order Paper.” It will be faster that way.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): That is in order, but it is good for him to say, “It is for the same reason.” It is just for record. I completely agree and appreciate your desires. He seems to be repeating the same justification for each clause. However, we will try to move fast on this one.

*(Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the word to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 17 as amended agreed to)*

#### Clause 18

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 18 of the Bill be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Authority for that year.”

(b) in sub-clause (2) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(c) in sub-clause (3) by deleting the word “Commission” appearing immediately after the words “by the” and substituting therefor the word “Authority”;

(d) by deleting sub-clause (4) and substituting therefor the following new sub-clause—

“(4) No expenditure shall be incurred for the purposes of the Authority except in accordance with the annual estimates approved under subsection (3).”

The explanation is the same as the one I made earlier on.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 18 as amended agreed to)*

#### Clause 19

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 19 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “Commission” appearing immediately after the word “The” and substituting therefor the word “Board”;

(b) by deleting sub-clause (2) and substituting therefor the following new sub-clause—  
“(2) Within a period of three months after the end of a financial year, the Board shall submit to the Auditor- General the accounts of the Authority for that year together with—

(a) a statement of income and expenditure during the year; and

(b) a statement of assets and liabilities of the Authority as on the last day of that year.”

(c) in sub-clause (3) by deleting the word “Commission” appearing immediately after the words “of the” and substituting therefor the word “Authority”;

The justification is to delete the authorisation given to the Cabinet Secretary to approve expenditure above the estimates approved by Parliament.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 19 as amended agreed to)*

#### Clause 20

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 20 of the Bill be amended by deleting the word “Commission” appearing immediately after the word “The” and substituting therefor the word “Authority”;

The explanation is as I had earlier given.

*(Question of the amendment proposed)*

*(Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the word to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 20 as amended agreed to)*

#### Clause 21



**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 21 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

The justification is the same as earlier given.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 21 as amended agreed to)*

#### Clause 22

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 22 of the Bill be amended—

(a) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(b) in sub-clause (2) (b) by deleting the words “of individuals” appearing immediately after the word “measures”;

(c) in sub-clause (4) by deleting the expression “(5)” wherever it appears;

With the exception of sub-clause (4), where there was a typo error... Otherwise, the justification is the same as explained earlier on.

Thank you.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 22 as amended agreed to)*

#### Clause 23

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 23 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 23 as amended agreed to)*

*Clause 24*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 24 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 24 as amended agreed to)*

*(Clause 25 agreed to)*

*Clause 26*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 26 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 26 as amended agreed to)*

*Clause 27*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 27 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 27 as amended agreed to)*

*Clause 28*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 28 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 28 as amended agreed to)*

*Clause 29*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 29 of the Bill be amended in paragraph (b) by deleting the word “Commission” appearing immediately after the words “of the” and substituting therefor the word “Authority”.

*(Question of the amendment proposed)*

*(Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the word to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 29 as amended agreed to)*

*Clause 30*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 30 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

*(Question of the amendment proposed)*

*(Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the word to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 30 as amended agreed to)*

*Clause 31*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 31 of the Bill be amended—

(a) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(b) in sub-clause (1) by deleting the expression “28” and substituting therefor the expression “30”.

Hon. Temporary Deputy Chairman, Part (a) of the amendment is for the same reason I advanced earlier while Part (b) is correcting a cross-referencing error.

*(Question of the amendment proposed)*

*(Question, that the words to be left out*

*be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 31 as amended agreed to)*

*Clause 32*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 32 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “licensee” and substituting therefor the words “authorised person”;

(b) in sub-clause (2) (a) by inserting the word “no” immediately after the words “be of”.

Hon. Temporary Deputy Speaker, the purpose of Part (a) of this amendment is to reflect the correct subject of the clause as defined under the Bill while Part (b) is an insertion of a missing word.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Question, that the word to be inserted be inserted, put and agreed to)*

*(Clause 32 as amended agreed to)*

*Clause 33*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 33 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 33 as amended agreed to)*

*Clause 34*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 34 of the Bill be amended -

(a) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(b) in sub-clause (4) by deleting the expression “(5)” appearing immediately after the word “five”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 34 as amended agreed to)*

*Clause 35*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 35 of the Bill be amended—

(a) in sub-clause (1)(a) by deleting the words “a referring medical practitioner” appearing immediately after the words “requested by” and substituting therefor the words “an appropriately qualified and registered clinician or medical practitioner within their respective care level”;

(b) in sub-clause (3) by deleting the word “Commission” Appearing immediately after the words “to the” and substituting therefor the word “Authority”.

Hon. Temporary Deputy Chairman, the purpose of Part (a) of the amendment is to allow for appropriately qualified and registered persons.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 35 as amended agreed to)*

*Clause 36*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 36 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

This is for the same reason.

*(Question of the amendment proposed)*

*(Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the word to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 36 as amended agreed to)*

*Clause 37*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 37 be amended by deleting the word “Commission” appearing immediately after the word “the” and substituting therefor the word “Authority”.

This is for the same reason.

*(Question of the amendment proposed)*

*(Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the word to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 37 as amended agreed to)*

*(Clause 38 agreed to)*

*Clause 39*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 37 be amended by deleting the word “Commission” appearing immediately after the word “The” and substituting therefor the word “Authority”.

This is for the same reason.

*(Question of the amendment proposed)*

*(Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the word to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 39 as amended agreed to)*

*Clause 40*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 40 of the Bill be amended by deleting the word “Commission” appearing immediately after the words “to the” and substituting therefor the word “Authority”. This is for the same reason.

*(Question of the amendment proposed)*

*(Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the word to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 40 as amended agreed to)*

*Clause 41*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 41 of the Bill be amended by deleting the word “Commission” appearing immediately after the word “The” and substituting therefor the word “Authority”. This is for the same reason.

*(Question of the amendment proposed)*

*(Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the word to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 41 as amended agreed to)*



*Clause 42*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 42 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) The Authority shall develop requirements and guidelines to be met before the issuance of a mining or milling license in relation to uranium, thorium or other radioactive elements.”

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Osotsi, you have the Floor.

**Hon. Godfrey Osotsi** (Nominated, ANC): Thank you, Hon. Temporary Deputy Chairman. I just want the Chairman of the Committee to clarify to what extent this amendment conflicts with the Mining Act now that the parent Act of mining is the one that provides for the licensing of mining and the milling. So, to what extent does this provision conflict with the Mining Act?

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Are you speaking about Clause 42?

**Hon. Godfrey Osotsi** (Nominated, ANC): Yes.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Chair, please, would you speak to that?

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I am not privy to the Mining Act and what it says and whether there is a conflict, but this is just a regulatory authority to regulate the industry. It has nothing to do with mining. Regarding the Mining Act, I am not privy to that. Maybe he can inform me accordingly.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Clause 42 is about the Authority, which shall develop requirements and guidelines to be met before the issuance of a mining or milling licence in relation to uranium, thorium or other radioactive elements. I guess that is why Hon. Osotsi was asking. Hon. Osotsi, is there some information you would like to share with the Chair and the House around possible conflict or were you just asking whether there is any?

**Hon. Godfrey Osotsi** (Nominated, ANC): Hon. Temporary Deputy Chairman, I do not have any specific information, but you remember when we passed the Mining Act here, it gave the mining body the authority to make regulations and issue licences on all minerals. That is why I am asking whether it has any conflict because we are talking about uranium, thorium or any radioactive elements. Those are minerals. So, I just wanted clarity or maybe for the House to note if there is any conflict with another Act, in this case the Mining Act.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I think Hon. Osotsi is right and the wording of Clause 42(1) is very specific. It says: “subject to the provisions of any other written law.” He could be right. I think that answers what Hon. Osotsi is referring to. If it is there, then this is subject to that.

Thank you.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): I think it is a good explanation on that. That rider that it is subject to any other written law talks about the Mining Act.

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 42 as amended agreed to)*

*Clause 43*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): We have two amendments on that. We shall start with that of the Chairperson. The next is by Hon. Gichimu.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 43 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

This is for the same reason.

*(Question of the amendment proposed)*

*(Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the word to be inserted in place  
thereof be inserted, put and agreed to)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Gichimu, you have the Floor.

**Hon. Gichimu Githinji** (Gichugu, JP): Hon. Temporary Deputy Chairman, my amendments were informed by the fact that safety in nuclear energy is very crucial owing to the adverse effects that can result due to flouting of safety rules and regulations. However, after a second thought and reconsidering my amendment, I felt that I should not limit the judicial mind which might have the obligation to determine a matter that may arise out of that because the situation varies under the circumstances. I felt that any judicial officer, either a magistrate, a judge or anyone sitting in the tribunal, must be given that leeway to have the discretion to determine a matter based on the circumstances. In the circumstances, I beg to drop that amendment.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): That is marked as dropped.

*(Proposed amendment by  
Hon. Gichimu Githinji dropped)*

*(Clause 43 as amended agreed to)*

*(Clause 44 agreed to)*

*Clause 45*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 45(2) of the Bill be amended in Paragraph (d) by deleting the words “additional matters” and substituting therefor the word “particulars”.

This is just to bring clarity into that clause.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 45 as amended agreed to)*

*[The Temporary Deputy Chairman (Hon. Patrick Mariru) left the Chair]*

*[The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya) took the Chair]*

*Clause 46*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 46 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

This is for the same reason.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 46 as amended agreed to)*

*Clause 47*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 47 of the Bill be amended by deleting sub-clause (3) and substituting therefor the following new sub-clause—

“(3) The Authority shall ensure the safe management of a reactor that is in extended shutdown.”

This is for the same reason.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 47 as amended agreed to)*

#### Clause 48

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 48 of the Bill be amended—

(a) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

(b) in sub-clause (1) by deleting paragraph (b) and substituting therefor the following paragraph—

“(b) require the applicant for an authorisation to construct and operate a nuclear facility to—

(i) perform a baseline survey of the site, including radiological conditions, prior to construction; and

(ii) develop information prior to construction for comparison with the end state after decommissioning”.

This is for the same reason.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 48 as amended agreed to)*

#### Clause 49

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 49 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

This is for the same reason.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 49 as amended agreed to)*

*Clause 50*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 50 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

This is for the same reason.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 50 as amended agreed to)*

*(Clauses 51 and 52 agreed to)*

*Clause 53*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 53 (a) of the Bill be amended by deleting the word “Parliament” appearing immediately after the words “appropriated by” and substituting therefor the words “the National Assembly”.

The justification for this is that the National Assembly is the House which appropriates money to public bodies.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left  
out, put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 53 as amended agreed to)*

*Clause 54*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 54 of the Bill be amended by deleting the word “Commission” appearing immediately after the words “by the” and substituting therefor the word “Authority”.

This is for the same reason.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 54 as amended agreed to)*

*(Clauses 55 and 56 agreed to)*

*Clause 57*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): Chairperson.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 57 of the Bill be amended—

(a) by deleting the word “Commission” appearing immediately after the word “the” and substituting therefor the word “Authority”.

(b) in Paragraph (b) by deleting the words “the licensee” appearing immediately after the words “developed by” and substituting therefor the words “an authorised person”.

This is for the same reason which I had explained.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 57 as amended agreed to)*

*Clause 58*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 58 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

This is for the same reason I had explained.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out,  
put and agreed to)*

*(Question, that the word to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 58 as amended agreed to)*

#### Clause 59

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 59 of the Bill be amended—

(a) in sub-clause (1) by deleting the words “that could give rise to a need for emergency intervention” appearing immediately after the word “source”;

(b) in sub-clause (3) by deleting the word “Commission” appearing immediately after the words “by the” and substituting therefor the word “Authority”;

This is for the same reason which I had explained.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the word to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 59 as amended agreed to)*

#### Clause 60

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 60 of the Bill be amended by deleting the word “Commission” appearing immediately after the words “by the” and substituting therefor the word “Authority”.

This is for the same reason which I had explained.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out,*

*put and agreed to)*

*(Question, that the word to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 60 as amended agreed to)*

*Clause 61*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 61 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

This is for the same reason which I had explained.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out,  
put and agreed to)*

*(Question, that the word to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 61 as amended agreed to)*

*Clause 62*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 62 of the Bill be amended by inserting the words “and the Authority” immediately after the word “public”.

This is where communication should be relaid to both the public and the Authority.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

*(Clause 62 as amended agreed to)*

*Clause 63*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): Chair.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I beg to move:



THAT, Clause 63 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”;

This is for the same reason which I had explained.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out,  
put and agreed to)*

*(Question, that the word to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 63 as amended agreed to)*

#### Clause 64

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): I can see Hon. Gichimu Githinji has an amendment.

**Hon. Gichimu Githinji** (Gichugu, JP): Hon. Temporary Deputy Chairlady, the intention of the proposed amendment was to give seriousness to the transportation of radioactive materials. Upon a second thought and consideration, we should give discretion to judicial minds. We should not give the lower limit of the fine.

I hereby withdraw my amendment and leave it as it was.

*(Proposed amendment by Hon. Gichimu Githinji on Clause 64 withdrawn)*

*(Clauses 64, 65 and 66 agreed to)*

#### Clause 67

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Chairperson.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 67 of the Bill be amended in sub-clause (1) by deleting the word “Commission” appearing immediately after the words “by the” and substituting therefor the word “Authority”.

This is for the same reason which I had explained.

*(Question of the amendment proposed)*

*(Question, that the word to be left  
out be left out, put and agreed to)*

*(Question, that the word to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 67 as amended agreed to)*

*(Clause 68 agreed to)*

*Clause 69*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I beg to move: -

THAT, Clause 69 of the Bill be amended in sub-clause (2) by deleting the word “Commission” appearing immediately after the word “The” and substituting therefor the word “Authority”.

Hon. Temporary Deputy Chairman, the justification for the amendment is the same as in Clause 68.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 69 as amended agreed to)*

*Clause 70*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 70 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

The justification is the same as Clause 69.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 70 as amended agreed to)*

*Clause 71*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 71 of the Bill be amended in paragraph (b) by deleting the word “Commission” appearing immediately after the words “by the” and substituting therefor the word “Authority”.

This is for the same reason.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 71 as amended agreed to)*

*(Clause 72 agreed to)*

#### *Clause 73*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 73 of the Bill be amended in sub-clause (1) by deleting the word “Commission” appearing immediately after the words “by the” and substituting therefor the word “Authority”.

The justification for the amendment is the same as the above clause.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 73 as amended agreed to)*

#### *Clause 74*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 74(2) of the Bill be amended in Paragraph (d) by deleting the word “Commission” appearing immediately after the words “by the” and substituting therefor the word “Authority”.

The justification of the amendment is as explained in the above clauses.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 74 as amended agreed to)*

*Clause 75*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 75 of the Bill be amended by deleting the word “Commission” appearing immediately after the word “the” and substituting therefor the word “Authority”.

The justification of the amendment is as explained above.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 75 as amended agreed to)*

*Clause 76*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 76 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) Every authorised person shall submit a waste management plan to the Authority for approval prior to the grant of an authorisation.”

The justification of the amendment is as explained in the above clauses. The second reason for the amendment is to require an authorised person to submit a waste management plan to the Authority before the grant of authorisation.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Hon. Wanyonyi, the Member for Kwanza, you have the Floor.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Hon. Temporary Deputy Chairlady, for clarity, could the Chair of the Committee explain or give some details? Some of us have not had opportunity to read the original Bill. If an authorised person has not given a waste

management plan to authorised persons, what penalty has he suggested? It is very dangerous to have waste materials thrown all over. People can easily get away with it. Is there any penalty that has been suggested, Hon. Chair?

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Let us now hear Hon. Chairperson.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, there is a penalty. Clause 75 talks about waste management plan. Every authorised person shall submit a waste management plan to the Authority for approval. It also talks about the management plan and how it should look like. I am trying to look at it. We know that if one does not submit a waste management plan, there is a penalty. I cannot pinpoint it exactly. I know it is very dangerous. One must have a waste management plan. If you do that without a plan, there is a penalty. It is only that it is not stipulated in Clause 76, but it is there. I will give you an answer before we finish.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Hon. Chair, in my reading of Clause 76, it is clear that the authorised person shall submit a management plan to the Authority prior to the grant of authorisation. Where does the penalty arise? I am not sure if the Member for Kwanza is satisfied with the explanation you have given.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, under Clause 96, there is a general penalty which will be applicable to any person who does not do that.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Then it does not arise on Clause 76. So, Hon. Member for Kwanza, you are out of order for anticipating something that we are yet to get to.

**Hon. Ferdinand Wanyonyi** (FORD-K, Kwanza): Hon. Temporary Deputy Chairlady, it is not that I am anticipating. It is procedural that we finish one clause before we go to the next. I cannot assume it is there, but if there is a penalty for the same, I have no issue. I want to see whether it refers to Clause 76. It is very dangerous. It happened in Japan. I do not want it to happen here because we are rushing to pass this Bill which is very good for our country. If the penalty is there, I do not have an issue, but it must refer to Clause 76.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, Hon. Wanyonyi is right. There is a general penalty. It says that where a contravention of any of the provisions of this Act is made for which no fine or penalty is expressly stated, the person so defaulting shall, on conviction, be liable to a fine not exceeding Kshs1 million or to an imprisonment for a term not exceeding 12 months or to both. It continues to spell out penalties under Clause 77(4) on offences relating to radioactive waste and spent fuel.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Hon. Chair, I direct that we wait until we get to that point. Let us continue and I am sure the Member for Kwanza will have his fears addressed as we progress.

*(Question, that the words to be left out,  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 76 as amended agreed to) Clause 77*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 77 of the Bill be amended in sub-clause (1) by deleting the word “Commission” appearing immediately after the words “from the” and substituting therefor the word “Authority”.

It is for the same reason.

*(Question of amendment proposed)*

*(Question, that the word to be left out, be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 77 as amended agreed to)*

#### Clause 78

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 78 of the Bill be amended in sub-clause (2) by deleting the words “conditioning process” appearing immediately after the words “selecting a” and substituting therefor the words “method of processing radioactive waste”.

This is to bring clarity to the clause.

*(Question of amendment proposed)*

*(Question, that the words to be left out, be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof put and agreed to)*

*(Clause 78 as amended agreed to)*

#### Clause 79

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 79 of the Bill be amended—

(a) by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

(b) in sub-clause (1) by deleting Paragraph (b) and substituting therefor the following paragraph—

“(b) the discharge is confirmed to be below the radioactivity clearance level prescribed by the Authority”.

It is for the same reason.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Hon. Osotsi, you have the Floor.

**Hon. Godfrey Osotsi** (Nominated, ANC): Hon. Temporary Deputy Chairlady, this amendment on Clause 79(b) seeks to amend what is in the parent Act that says the activity discharged is confirmed to be below the clearance level, but this amendment goes further to say that radioactivity clearance level will be prescribed by the Authority. I would like to get clarity from the Chairperson as to whether or not this contradicts with the NEMA Act given that NEMA is given the coordinating role on all matters to do with environmental activities. To what extent does this amendment contradict the NEMA Act? I am saying that because we do not want a situation where we are going to have turf wars between authorities, namely, this new Authority and NEMA on matters of environmental protection.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Yes, Hon. Chairperson.

**Hon. David Gikaria** (Nakuru Town East, JP): For the first one, I have an answer. It was clear, but I am not privy to the other one. On the first one, he had asked whether there is a conflict, and it was explicit. It had said “subject to any other written law”. I am not sure about this one. This is radioactive. What does it have to do with the Mining Act? That is what I am thinking. I doubt whether in mining any radioactive waste is discharged. This is explicit on radioactive and not on mining. It could be waste from mining, but not related to radioactive. That could be the clarity.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Let us have Hon. Wanyonyi.

**Hon. Ferdinand Wanyonyi** (FORD-K): Hon. Osotsi is saying that this is going to affect the environment. It is only fair that NEMA is mentioned. The written law could be anything else, but NEMA is authorised to look at whatever is there. That is what Hon. Osotsi is asking. Where is NEMA coming in to ensure there is an Authority counterchecking whatever we are having? We do not want this Bill to be passed and at the end of the day, we are not sure what has happened.

Then it becomes a contradiction and there will be court cases. The NEMA must be mentioned. I think that is what Hon. Osotsi was trying to say because, as it is, it is just blank.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): All right. Chair, I do not know whether you want to consult further with the technical team. That is for purposes of cross-referencing the nuclear law against the NEMA Act. You can take a walk to the technical team and get some input.

*(Hon. David Gikaria consulted the technical team)*

**Hon. David Gikaria** (Nakuru Town East, JP): The Legal Counsel has advised. I strongly believe that is the position. There is no contradiction, whatsoever, with the NEMA Act. Again, it is a very complicated issue concerning nuclear. They thought hard. If you look at the composition, we have people who have many qualifications. The clearance is to be given by the Authority. If you exceed that level, then you lose. So, according to the Legal Counsel, there is no contradiction. The Authority has the mandate to own radioactive waste.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): The Member for Bumula, Hon. Mabongah Mwambu, you have the Floor.

**Hon. Mwambu Mabongah** (Bumula, Independent): Thank you, Hon. Temporary Deputy Chair.

I wish the Chair could have exactly quoted the specific Act. You know the NEMA Act talks of all environmental issues. If you quote exactly what it says to us, it will be better because we do not have it here. You are generalising and we do not specifically know what your clause is addressing. Can you, maybe, just quote a part of the Act if you have it?

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): So you want to know what the NEMA law says about radioactive matter.

**Hon. Mwambu Mabongah** (Bumula, Independent): Kindly, that is what I was asking.

**Hon. David Gikaria** (Nakuru Town East, JP): I am an Accountant by profession, but that does not stop me from being a legislator. Honestly, I do not know that one.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): But you have the back-up of a technical Committee. So, the Member for Bumula, you want to know what the NEMA law says about radioactive waste? That is if at all it has anything to be specific on radioactive waste. The microphone is letting you down. You can move to the next one. There is one next to you.

**Hon. Mwambu Mabongah** (Bumula, Independent): Exactly. That is what I want to know. Of late, we are passing some laws and tomorrow, people are in court disputing them. So, it should be very clear. This is the right way of making laws, so that we can understand, so that when anybody goes to court, you have the facts to show that you did the right thing.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I had indicated the first issue that was raised about conflict, the drafters of this Bill were very clear. They said “subject to any other written law”. Because it is not written, I want to believe that the drafters of this Bill knew that there is nothing like that in the NEMA Act unless you, as a Member of Parliament, specifically tell me which law we are contravening. That way, we could make some progress.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): I see the Member for Ndhiwa. Are you a Member of the Committee?

**Hon. Martin Owino** (Ndhiwa, ODM): No. I just have an opinion. I have some expertise on environmental health. This is reinforcing the regulation. It is dealing with radioactivity, but there is no conflict whatsoever. In fact, it is a complementing regulation rather than contradicting.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): Yes. I would imagine the NEMA law would be generic, but this is specific. So, we move on.

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 79 as amended agreed to)*

*(Clauses 80 and 81 agreed to)*



*Clause 82*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Chair.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 82 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

It is for the same reason.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): The Leader of the Majority Party, you have the Floor.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Chairlady, you were in our meeting and one of the issues the courts are raising is that an amendment is being passed. The Chair must explain even if it is the same. He must explain. It must be on record in the HANSARD, so that in case this law is challenged, then the judge can see the rationale. I think that is what our Litigation Department said. At least, this can pass, but going forward, even if it is changing from commission to authority, he needs to explain. You were our Chair when we were discussing that matter.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): That is true, the Leader of the Majority Party. You are reporting the Chair. It is nothing but the truth, only that when it is repetitive, sometimes you would give the Chair some leeway. The only disadvantage occurs when we have new Members trickling into the Chamber. Fortunately enough, I think we have maintained the same group of Members who are in tandem with what is under discussion. So, this is a special case. It is true, Hon. Members, Chairs specifically must be very precise and categorical in explaining their amendments. I think we can proceed.

*(Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the word to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 82 as amended agreed to)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Hon. Chairperson, the Floor is yours. Hon. Members, I beg your pardon. Clause 83 has no amendment.

*(Clause 83 agreed to)*

*Clause 84*

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Temporary Deputy Chairlady, I seek your guidance on this. The Leader of the Majority Party has asked, but it is okay.

I beg to move:

THAT, Clause 84 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Authority”.

*(Question of the amendment proposed)*

*(Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the word to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 84 as amended agreed to)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Hon. Members, I now call upon the Mover to report progress.

### **PROGRESS REPORTED**

#### THE NUCLEAR REGULATORY BILL

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Chairlady, I beg to move that the Committee doth report progress to the House on its consideration of the Nuclear Regulatory Bill (National Assembly Bill No.27 of 2018) and seek leave to sit again tomorrow.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[The Temporary Deputy Speaker (Hon.  
Patrick Mariru) in the Chair]*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, we considered a number of Bills in the Committee of the whole House. So, we take them one after another. Should we start with the Competition (Amendment) Bill (National Bill No.49 of 2019)? Let us have the Committee Chairperson?

### **REPORTS**

#### THE COMPETITION (AMENDMENT) BILL

**Hon. (Ms.) Soipan Tuya** (Narok CWR JP): Yes, Hon. Temporary Deputy Speaker. I beg to report that a Committee of the whole House has considered the Competition Amendment Bill (National Assembly Bill No.49 of 2019) and approved the same with amendments.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Mover:

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, I beg to move that this House doth agree with the Report of the Committee of the whole House on the consideration of the Competition (Amendment) Bill, National Assembly Bill No.49 of 2019. I also request Hon. Wanyonyi MP Kwanza to second.

**Hon. Ferdinand Wanyonyi** (Kwanza FORD-K) seconded.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, we pend putting the Question on that Bill until a subsequent time.

*(Putting of the Question deferred)*

Let us go to the Insurance (Amendment) Bill, National Assembly No.50 of 2019.

#### THE INSURANCE (AMENDMENT) BILL

**Hon. (Ms.) Soipan Tuya** (Narok CWR, JP): Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the Insurance (Amendment) Bill, National Assembly Bill No.50 of 2019 and approved the same with amendments.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Mover:

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, I beg to move that this House doth agree with the Report of the Committee of the whole House on its consideration of the Insurance (Amendment) Bill, National Assembly No.50 of 2019. I also request the Vice-Chair and Member for Roysambu to second.

**Hon. Isaac Ndirangu** (Roysambu, JP) seconded.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, we pend putting the Question on that Bill until a subsequent time.

*(Putting of the Question deferred)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): We will get to the final one on the Nuclear Regulatory Bill, National Assembly Bill No.27 of 2018. Chairperson, you have the Floor.

#### THE NUCLEAR REGULATORY BILL

**Hon. (Ms.) Soipan Tuya** (Narok CWR, JP): Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the Nuclear Regulatory Bill, National Assembly Bill No.27 of 2018 up to Clause 84 and approved the same with amendments, and seek leave to sit again.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Mover:

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, I beg to move that this House doth agree with the said Report. I also request Hon. Gikaria, the Chair of Energy Committee, to second the Motion for agreement with the Report of the Committee of the whole House.

**Hon. David Gikaria** (Nakuru Town East, JP) seconded.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, we shall pend putting the Question on this Bill as well as the Insurance (Amendment) Bill to a later time.

*(Putting of the Question deferred)*

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, the time being 20 seconds to 7.00 p.m., this House stands adjourned until Tuesday, 3<sup>rd</sup> December 2019, at 2.30p.m.

The House rose at 7.00 p.m.