



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – FIFTH SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS-**

**THURSDAY, MAY 13, 2021**

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

The Member for Kibwezi East Constituency (Hon. Jessica Mbalu) presented a petition regarding Human Wildlife Conflict in Kibwezi East Constituency.

Petition referred to the relevant Departmental Committee pursuant to Standing Order 227.

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) Legal Notice No. 55, regarding The Public Finance Management (*Biashara Kenya Fund*) Regulations, 2021;
- (ii) The Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30<sup>th</sup> June, 2020 and the certificates therein:-
  - . National Land Commission–Staff Car Loan Scheme Fund for the Eighteen (18) Months;
  - a. National Land Commission on Staff Housing Scheme Fund for the Eighteen (18) Months;
  - b. State Law Office and Department of Justice;
  - c. National Council for Nomadic Education in Kenya (NACONEK);
  - d. Tom Mboya University College; and,
  - e. Kenya Space Agency.

- (iii) The Reports of the Judiciary in respect of the following: -  
    . The Court of Appeal Practice direction Civil Appeals and Applications 2015;  
    a. The Court of Appeal of Kenya 2019-2020;  
    b. The Court of Appeal Strategic Plan 2020-2024;  
    c. The Court of Appeal Criminal Appeals and Applications Practice Directions 2020; and  
    d. The Court of Appeal Registry Manual.
- (iv) Report of the Central Bank of Kenya in respect to the Twenty Second Bi-Annual Report of the Monetary Policy Committee on April 2019

*(Leader of the Majority Party)*

6. **QUESTIONS**

a) The following Questions were asked –

- (i) **Question No.131/2021** by the Member for Mumias East (Hon. Benjamin Washiali) regarding the cause of the constant increase in the price of petroleum products in the Country;

*(To be replied to by the Cabinet Secretary for Petroleum and Mining before the Departmental Committee on Energy)*

- (ii) **Question No.137/2021** by the Member for Uriri (Hon. Mark Nyamita) regarding perennial delays in the disbursement of Free Secondary Education (FSE) Funds by the Ministry to public learning institutions in the country;

*Replied to by the Cabinet Secretary for Education before the Departmental Committee on Education and Research)*

- (iii) **Question No.168/2021** by the Member for Funyula (Hon. (Dr.) Ojiambo Oundo) regarding perennial delays in the disbursement of Free Secondary Education (FSE) Funds by the Ministry to public learning institutions in the country;

*(To be replied to by the Judicial Service Commission before the Departmental Committee on Justice and Legal Affairs)*

- (iv) **Question No.169/2021** by the Member for Teso North (Oku Kaunya) on behalf of Sirisia (Hon. Maj. (Rtd) John Waluke) regarding measures being put in place to mitigate challenges faced by Public Universities in the country due to inadequate funding which has led to among other concerns, increased debts, failure to remit statutory dues from employees' deductions and failure to meet other financial obligations

*(To be replied to by the Cabinet Secretary for Education before the  
Departmental Committee on Education and Research)*

b) The following Questions were deferred –

- (i) **Question No.166/2021** by the Member for Kitui County (Hon. (Dr.) Irene Kasalu) regarding the status of rolling out and uptake of the Adult Education Programme in the Country; and
- (ii) **Question No.167/2021** by the Member for Kwanza (Hon. Ferdinand Wanyonyi) regarding provide the status of the ongoing works at Kitale Airstrip involving expansion and re-construction of the Airstrip.

7. **STATEMENTS**

**a) Request for Statements**

Pursuant to Standing Order 44(2) (c), Requests for Statements were made by:-

- (i) the Member for Malava Constituency (Hon. Malulu Injendi) regarding stringent requirements and selection for applicants to Teachers Training Colleges for diploma Courses in the country;
- (ii) the Member for Ikolomani Constituency (Hon. Benard Shinali) regarding miners who lost their lives in Ikolomani Constituency;
- (iii) the Member for Igembe South Constituency (Hon. Paul Mwirigi) regarding closure of markets for *Miraa* farmers;
- (iv) the Member for Marakwet East Constituency (Hon. David Bowen) regarding traffic control in Nairobi City; and
- (v) the Member for Wajir East Constituency (Hon. Hon. Rashid Amin) regarding the conflict between Israel and Palestine.

**b) Personal Statement**

Pursuant to Standing Order 84, the Member for Laisamis Constituency (Hon. Marselino Arbelle) issued a Personal Statement regarding personal threats.

**c) Response to Statements**

The Chairperson, Departmental Committee on Administration and National Security (Hon. Peter Mwathi) issued responses to Statements requested by: -

- (i) the Member for Wajir East Constituency (Hon. Rashid Amin) regarding increased incidences of indefinite detention of residents of Wajir East Constituency;
- (ii) the Member for Molo Constituency (Hon. Kimani Kuria) regarding the recent ban of planting of maize in parts of Molo and Njoro Constituencies by the County Commissioner, Nakuru; and
- (iii) the Member for Samburu North Constituency (Hon. Alois Lentoimanga) regarding the killing of Police Officers in Kapedo area, Baringo County.

- d) Pursuant to Standing Order 44(2) (b), the Leader of the Majority Party issued a statement regarding Business to be transacted when the House resumes from recess on Tuesday 8<sup>th</sup> June, 2021.

**8. PROPER DRESS**

Pursuant to the Speaker's Rules requiring Members not to enter the Chamber, Lounge or Dining Room without being properly dressed, the Member for Laisamis Constituency (Hon. Marselino Arbelle) and the Member for Kiambu Constituency (Hon. Jude Njomo) were ordered to leave the House.

Thereafter, both Members were allowed back into the Chamber after having complied with the Speaker's Rules.

**9. NAMING OF A MEMBER**

Pursuant to the provisions of Standing Order 108 (1), during the Sitting of Tuesday, Afternoon, 11<sup>th</sup> May 2021, the Member for Hon (Dr.) Makali Mulu stood on a Point of Order, on regard to disparaging remarks by some Members during the Sitting of Thursday, 6<sup>th</sup> May 2021; the Speaker had been invited to name the Member for Gatundu South (Hon. Moses Kuria), the Member for Kiharu (Hon. Ndindi Nyoro) and the Member for Nyali (Hon. Mohamed Ali). The Speaker had asked the three Members to attend the afternoon Sitting of Thursday 13<sup>th</sup> May, 2021 to speak on the matter.

The Speaker informed the House that he had received a letter from the Member for Nyali (Hon. Mohamed Ali) that he would not be able to attend the sitting. The other two Members were present in the House were given a chance to speak on the matter.

The Member for Gatundu South (Hon. Moses Kuria) asserted that his allegations were not made in the Chamber, while the Member for Kiharu (Hon. Ndindi Nyoro) admitted that he had made the disparaging remarks against Members in the chamber, that the Members were cowards, sell outs and traitors and in addition sycophants.

The Speaker held that he found the Member for Gatundu South was not guilty and the Member for Kiharu culpable of Gross Disorderly Conduct for the disparaging remarks he made.

Thereupon the Speaker proceeded to name the Member for Kiharu;

That having been convinced that the Hon. Ndindi Nyoro has conducted himself in a manner that is not in keeping with the dignity of the House, the provisions of Standing Order 108 was invoked and named Mr. Ndindi Nyoro, for reprimand for his conduct. Any Member was at liberty to move a Motion for Member's suspension from the House in keeping with the provisions of Standing Orders 108 (2) (a)

*(Speaker of the National Assembly)*

Motion made and Question proposed –

That Mr. Ndindi Nyoro be now suspended from the House pursuant to Standing Order 108 (2) (a) and Standing Order 110.

*(Majority Whip- Hon. Wangwe)*

Pursuant to the provisions of Standing Order 72 (b), a number of Members rose in their place to contest that the Member be now suspended from the House/ claim division. The required threshold of thirty or more Members was not attained;

Question put and agreed to.

The Motion having been carried; The Member for Kiharu was suspended under Standing Order 108 for four days including the day of suspension, being the first occasion during the session.

10. **PROCEDURAL MOTION- CONSIDERATION OF CERTAIN BUSINESS RECEIVED DURING THE RECESS PERIOD**

Motion made and Question proposed –

**THAT**, notwithstanding the provisions of Standing Orders 120, 122 and 126 relating to Publication, Procedure upon Publication and First Reading of Bills and Standing Order 210(2) relating to Tabling of Statutory Instruments, this House orders that during the period of the May Long Recess (14<sup>th</sup> May to 7<sup>th</sup> June, 2021)-

should a Bill be published during the said period, or a published Bill become due for First Reading during the period, the Speaker shall, upon

- (i) lapse of at least seven days following the publication of the Bill, the fulfillment of the provisions of Article 110(3) of the Constitution and following a determination that such Bill is of priority, forthwith refer the Bill to the relevant Committee for consideration pursuant to the provisions of Standing Order 127 (Committal of Bills to Committees and public participation) and upon resumption of the House, cause the Bill to be read a First Time and the Second Reading may be taken forthwith, or on such other day as the House Business Committee may determine;
- (ii) should any statutory instrument be transmitted for tabling before the House during the period, the Speaker shall, following a determination that the statutory instrument is of priority, forthwith refer the statutory instrument to the relevant Committee for consideration and cause the statutory instrument to be tabled in the House during its next Sitting in accordance with the provisions of section 11 of the Statutory Instruments Act (No. 3 of 2013);
- (iii) should any Paper be transmitted for tabling before the House during the period, the Speaker shall, following a determination that the Paper is of priority, forthwith refer the Paper to the relevant Committee for consideration and cause the Paper to be tabled in the House during its next Sitting; and,
- (iv) upon the submission of the Report of the relevant Committee on the Vetting of a nominee for appointment as the Chief Justice of the Republic of Kenya as envisaged under Article 166(1) of the Constitution, the Speaker shall, upon approval of the Report, forthwith cause the Report to be circulated to all Members (in electronic form) ahead of any Special Sittings of the House convened pursuant to the provisions of Standing Order 29 to consider the said business, so as to accord Members time to apprise themselves on the contents of the Report.

*(The Leader of the Majority Party)*

There being no debate arising;

Question put and agreed to.

11. **MOTION-FORMULATION OF PARLIAMENTARY BROADCASTING CHANNELS**

**THAT**, this House adopts the Report of the Select Committee on Parliamentary Broadcasting and Library on the Formulation of Parliamentary Broadcasting Channels, laid on the Table of the House on Thursday, December 03, 2020.

*(The Chairperson, Committee on Parliamentary Broadcasting and Library)*

Debate on the Motion having been concluded on 11th May, 2021.;

Question put and agreed to.

12. **THE PUBLIC PRIVATE PARTNERSHIPS BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2021)**

Order for Second Reading Read;

Motion made and Question proposed;

**THAT,** the Public Private Partnerships (Amendment) Bill (National Assembly Bill No. 6 of 2021) be now read a Second Time

*(The Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

*(Change of Chair from Speaker to the First Chairperson)*

And the time being half past Six O'clock, the First Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

13. **HOUSE ROSE** - at half past Six O'clock.

**M E M O R A N D U M**

The Speaker will take the Chair on  
Thursday, May 13, 2021 at 07.00 p.m.

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