

(No. 076)



(956)

**REPUBLIC OF KENYA**  
**TWELFTH PARLIAMENT – (FIFTH SESSION)**  
**THE NATIONAL ASSEMBLY**  
**ORDERS OF THE DAY**  
**WEDNESDAY, AUGUST 04, 2021 AT 2.30 P.M.**  
**ORDER OF BUSINESS**

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

**8\*. COMMITTEE OF THE WHOLE HOUSE**

The Parliamentary Pensions (Amendment) (No. 3) Bill (National  
Assembly Bill No. 57 of 2019)

(The Chairperson, Parliamentary Pensions Committee)

*(Committee to consider only proposed New Clause 18, Clause 3, Title, Clause 1 and  
recommitted clause(s), if any)*

**9\*. THE WAQF BILL (NATIONAL ASSEMBLY BILL NO. 73 OF 2019)**

(The Leader of the Majority Party)

Second Reading

*(Resumption of debate interrupted on Tuesday, August 03, 2021 – Afternoon Sitting)*

**10\*. THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT)  
BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2021)**

(The Leader of the Majority Party)

Second Reading

**11\*. THE HEALTH LAWS (AMENDMENT) BILL (NATIONAL  
ASSEMBLY BILL NO. 2 OF 2021)**

(The Leader of the Majority Party)

Second Reading

**12\*. THE SOCIAL ASSISTANCE (REPEAL) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2020)**

(The Leader of the Majority Party)

Second Reading

**13\*. THE KENYA ROADS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 13 OF 2021)**

Second Reading

**14\*. THE LANDLORD AND TENANT BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2021)**

(The Leader of the Majority Party)

Second Reading

**15\*. THE JUDICIAL SERVICE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 33 OF 2020)**

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

Second Reading

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**\* Denotes Orders of the Day**

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**NOTICES****I. THE PARLIAMENTARY PENSIONS (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2019)**

- 1) Notice is given that the Chairperson of the Departmental Committee on Finance and National Planning intends to move the following amendments to the Parliamentary Pensions (Amendment) (No.3) Bill, 2019 at the Committee Stage—

**CLAUSE 2**

**THAT**, the Bill be amended in clause 2 by deleting the proposed new section 2 (2).

**CLAUSE 3**

**THAT**, the Bill be amended in clause 3 by inserting the following paragraph immediately after paragraph (d)–

(e) by inserting the following new definition–

“Commission” has the meaning assigned to it under the Parliamentary Service Act;

**CLAUSE 8**

**THAT**, the Bill be amended –

- (a) in the proposed new section 7 by deleting sub-section (4) and substituting therefor the following sub-section (4) –

(4) If after receiving gratuity under subsection (2) the Member elects to pay pension contributions under section 4, the Member may if he so desires–

(a) repay all the gratuity paid to the member plus, interest at the rate of three percent per month for a period of fifteen months, from the date he elects to be pensionable; and

(b) pay the contributions under section 4 for the entire period of non-contribution to match up with existing contributors.

(b) by deleting sub-section (8).

**CLAUSE 11**

**THAT**, the Bill be amended in clause 11 (b) in the proposed paragraph (a) by deleting the word “that” appearing immediately after the word “less” and substituting therefor the word “than”.

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 13-

Insertion of new section 13A. in Cap. 196

**13A.** The principal Act is amended by inserting the following new sections immediately after section 18-

Administration of the Act.

18A. (1) The Administration of this Act shall be by the Commission.

(2) The payment of pension, gratuity, refund of contributions and other allowances payable shall be provided for in the estimates of the Commission pursuant to Article 127 of the Constitution.

Post-retirement medical scheme

18B. (1) The Commission may establish voluntary post-retirement medical scheme for Members of Parliament.

(2) Without prejudice to the generality of sub-section (1), the Scheme shall make provision to allow Members of Parliament to make voluntary contributions in respect of funding a post-retirement medical Fund.

**CLAUSE 14**

**THAT**, the Bill be amended in clause 14 -

(a) in paragraph (a) in the proposed new sub-section (1) by deleting paragraphs (g) and (h); and

(b) by deleting paragraph (e) and substituting therefor the following new paragraph-

(e) in sub-section (5) by -

(a) deleting the words “the National Assembly” and substituting therefor the word “Parliament”; and

(b) deleting the words “through the Treasury” appearing immediately after the words “by the Committee.

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 17-

Insertion of new section 23 in Cap.196

18. The principal Act is amended by inserting the following new section immediately after section 22-

Regulations by the Commission.

23. (1) The Commission may make regulations for prescribing anything required by this Act to be prescribed and generally for the better carrying out of the purposed of this Act.

(2) Without prejudice to the generality of sub-section (1), regulations under this Act may provide for-

(a) the administration of pension, gratuity and other benefits to Members of Parliament;

(b) the establishment, regulation and supervision of the management of a post-retirement medical fund scheme for Members of Parliament;

2) **Notice is given that the Member for Homa Bay Town (Hon. Peter Kaluma, MP) intends to move the following amendment to the Motion for Agreement with the Committee of the whole House—**

**THAT**, the Motion for Agreement with the Report of the Committee of the whole House be amended by inserting the words **“subject to Recommittal of New Clause 13A.”**

3) **Notice is given that the Member for Kanduyi (Hon Wafula Wamunyinyi, MP) intends to move the following amendments to the Parliamentary Pensions (Amendment) (No.3) Bill, 2019 at the Committee Stage—**

**CLAUSE 8**

**THAT**, clause 8 of the Bill be amended in the proposed new section 7(4) by deleting the words “and interest on the gratuity at the rate of within a period of fifteen months from the date he elects to be pensionable”.

**CLAUSE 9**

**THAT**, clause 9 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b) —

(c) by inserting the following new subsection immediately after subsection (3) —

(3) Where a member of Parliament entitled to pension under subsection (1) ceases to hold office pursuant to the provisions of the Constitution or any other written law, but is subsequently re-elected into office, for purposes of subsection (2) the aggregate period of reckonable service for such a member shall be the sum total of all the terms of Parliament the member has served, notwithstanding that the period of service may be interrupted.

*(Amendments are subject to Standing Order 131 and Recommittal)*

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## **LIMITATION OF DEBATE**

The House resolved on Wednesday, February 10, 2021 as follows-

### Limitation of Debate on Bills sponsored by Parties or Committees

- II. THAT**, each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and **THAT** priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in **THAT** order.

# **NOTICE PAPER I**

## **Tentative business for**

### **Thursday (Afternoon), August 5, 2021**

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*(Published pursuant to Standing Order 38(1))*

It is notified that the House Business Committee has approved the following *tentative* business to appear in the Order Paper for Thursday (Afternoon), August 5, 2021-

**A. THE CONSTITUTION OF KENYA (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILL NO. 19 OF 2019)**

(The Hon. Florence Mutua, M.P.)

Second Reading

*(Resumption of debate interrupted on Thursday, March 25, 2021 – Morning Sitting)  
(Balance of time – 3 hours 10 minutes)*

*(If not concluded on Wednesday, August 04, 2021 Morning Sitting)*

**B. COMMITTEE OF THE WHOLE HOUSE**

The Referendum (No.2) Bill (National Assembly Bill No. 14 of 2020

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

**C. THE BREASTFEEDING MOTHERS BILL (NATIONAL ASSEMBLY  
BILL NO. 74 OF 2019)**

(The Hon. Sabina Chege, M.P.)

Second Reading

*(If not concluded on Wednesday, August 04, 2021 Morning Sitting)*



# **APPENDIX**

## **NOTICE OF PETITIONS, QUESTIONS & STATEMENTS**

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### **ORDER NO.4 -PETITIONS**

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It is **notified** that, pursuant to the provisions of Standing Order 225 the following Petitions will be presented -

<b>No.</b>	<b>Subject</b>	<b>Petitioner(s)</b>	<b>Relevant Committee</b>
<b>030/2021</b>	Integrity of the process of marking and release of KCPE examinations ( <i>to be presented pursuant to S.O.225(2)(b)</i> )	Ms. Mary Njoki and Mr. Isaac Njoroge	D.C on Education and Research

# ORDER NO.7 -QUESTIONS

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It is **notified** that, pursuant to the provisions of Standing Order 42A(5), the following Members will ask questions for reply before the specified Committees-

## **QUE NO.**

## **ORDINARY QUESTIONS**

261/2021

**The Member for Wundanyi (Hon. Danson Mwashako, MP) to ask the Cabinet Secretary for ICT, Innovation and Youth Affairs: -**

- (i) Could the Cabinet Secretary provide names of all firm who own communication masts and installations at the *Vuria Hill* in Wundanyi Constituency?
- (ii) Could the Cabinet Secretary explain why the road leading to the said installations has not been maintained and why the owners of the masts have failed to carry out Corporate Social Responsibility (CSR) projects for the community living in the area particularly in *Mghange Area* considering that the masts and installations have occupied and disenfranchised the community off a recreational site and viable area for tourism purposes?
- (iii) Could the Cabinet Secretary clarify whether environmental impact assessment on health and safety of the masts and installed equipment was carried out, particularly on the effect and nature of network and waves transmissions before installation of the masts?
- (iv) Could the Cabinet Secretary consider involving the area community on employment of technicians from amongst the locals for jobs such as routine maintenance of the masts and equipment, the surrounding environment and pathways leading to the said installations?

*(To be replied before the Departmental Committee on Communication, Information and Innovation)*

262/2021

**The Member for Mwingi West (Hon. Charles Nguna, MP) to ask the Cabinet Secretary for Labour and Social Protection: -**

- (i) Could the Cabinet Secretary outline how funds allocated for the Older Persons Cash Transfer Programme in Mwingi West Constituency for the Financial Years 2016/2017, 2017/2018, 2018/2019, 2019/2020 and 2020/2021 were utilized and provide details of the beneficiaries?
- (ii) Could the Cabinet Secretary clarify whether data regarding the Older Persons Cash Transfer Programme in Mwingi West Constituency is up to date and if not, indicate the measures put in place by the Ministry to ensure that the same is updated?
- (iii) What steps the Ministry is taking to reinstate the 176 individuals who were left out of the programme during the migration of payroll details from *Manual* to *Bank Card-Based* payments in 2018?
- (iv) Could the Cabinet Secretary consider introducing a system whereby eligible persons who attain the age of 70 years are automatically registered for the Programme?

*(To be replied before the Departmental Committee on Labour and Social Welfare)*

264/2021

**The Member for Lamu County (Hon. (Capt.) Ruweida Obo, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -**

- (i) Could the Cabinet Secretary outline measures that the Government has put in place to effectively address Gender Based Violence (GBV) cases in the country?
- (ii) What intervention measures are in place at the various Police Stations and Police Posts to handle GBV cases and support victims of GBV?

*(To be replied before the Departmental Committee on Administration and National Security)*

**The Member for Ndhiwa (Hon. Martin Owino, MP) to ask the Cabinet Secretary for the Energy: -**

- (i) What measures has the Ministry put in place to ensure that all areas in *Ndhiwa Central Constituency* are connected to electricity power through the National Grid under the last mile project programme, streetlights programme and power connectivity to schools, health facilities and other public institutions and places?
- (ii) What steps is the Ministry taking to ensure all health Centres in Ndhiwa Constituency are also connected to electricity power noting that without power, the said facilities are negating on the government's efforts of implementing Universal Health Care (UHC) for the area residents?
- (iii) What action is the Ministry taking by to ensure the replacement of over 84 faulty transformers at various areas of Ndhiwa Constituency?

*(To be replied before the Departmental Committee on Energy)*

# **ORDER NO.7 -STATEMENTS**

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It is **notified** that, pursuant to the provisions of Standing Order 44(2) (C) the following Statements will be requested –

<b>No.</b>	<b>Subject</b>	<b>Member</b>	<b>Relevant Committee</b>
1.	Payment of internal examination fees in Primary Schools.	The Hon. Owen Baya Yaa, MP	D.C on Education and Research
2.	The breach of the Statistics Act by the Kenya National Bureau of Statistics in performance of its functions.	The Hon. Aden Duale, MP	D.C on Finance and National Planning
3.	Student's 100% transition to Secondary Schools in the country and available infrastructure.	The Hon. Alfred Keter, MP	D.C on Education and Research

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