



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FIFTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

SPECIAL SITTING

WEDNESDAY, SEPTEMBER 01, 2021

1. The House assembled at Ten O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Hon. Speaker
4. **CONVOCATION**

The Speaker conveyed the following Convocation –

Special Sittings of the National Assembly of Kenya on Wednesday, September 01, 2021

“Honourable Members,

I take this opportunity to welcome you to the Special Sittings of the House of Today, Wednesday, 1st September, 2021, which have been convened pursuant to the provision of Standing Order 29 relating to the procedure for convening of Special Sittings of the House during recess.

Indeed, Hon. Members, I wish to report to the House that on 27th August, 2021, I received a request from the Leader of the Majority Party asking me to convene Special Sittings of the National Assembly to consider certain urgent business.

Honourable Members, having taken cognizance of the urgency of the business so specified in the request by the Leader of the Majority Party, I acceded to the request to convene Special Sittings today, Wednesday, 1st September, 2021 commencing at 10.00 am for the Morning Sitting and at 2.30 pm in the case of the Afternoon Sitting. Consequent and in keeping with the requirements of Standing Order 29, I did Gazette the said Special Sittings of the House vide Kenya *Gazette Notice No. 9078 of 30th August, 2021*. In this regard, the Sittings of the House this morning and afternoon are properly convened. As specified in the said *Gazette*, the purpose of the Sittings is as follows-

1. Tabling of the Report of the Departmental Committee on Justice and Legal Affairs on the *Vetting of Nominees for appointment to the position of Member of the Independent Electoral and Boundaries Commission (IEBC)* and notification of the attendant notice of motion;
2. Tabling of the Report of the Departmental Committee on Education and Research on the *Vetting of the Nominees for appointment to the position of Member of the Teachers Service Commission (TSC)* and notification of the attendant notice of motion;
3. Tabling of any other Papers with statutory timelines;
4. Conveyance of any urgent Messages from the National Executive and/or the Senate, *which I will do during the afternoon Sitting*;
5. First Reading of the following five Bills –
 - a) The Sustainable Waste Management Bill, (National Assembly Bill No. 22 of 2021);
 - b) The National Disaster Risk Management Bill, (National Assembly Bill No. 28 of 2021);
 - c) The Public Procurement and Asset Disposal (Amendment) Bill, (National Assembly Bill No. 32 of 2021);
 - d) The Universities (Amendment) Bill, (National Assembly Bill No. 35 of 2021); and
 - e) The Public Procurement and Asset Disposal (Amendment) (No.2) Bill, (National Assembly Bill No. 36 of 2021);
6. Voting on the Motion for Second Reading of the Central Bank of Kenya (Amendment) Bill, (National Assembly Bill No. 10 of 2021), whose debate was concluded on 11th of August, 2021;
7. Consideration of Special Motion on appointment of nominees to the position of Member of the Independent Electoral and Boundaries Commission (IEBC); and
8. Consideration of Special Motion on appointment of nominees to the position of Member of the Teachers Service Commission (TSC).

Honourable Members, for the convenience of the House, the last two items that I have mentioned will be considered during the afternoon sitting.

Having said that, may I remind the House that today's Sittings has come at a time when the country is experiencing an increase in the number of cases of COVID-19 Pandemic infections. In this regard, I urge Honourable Members to strictly adhere to the Ministry of Health's protocols issued for the prevention and control of the Pandemic. In particular, Hon. Members are advised to observe social distance while in the Chamber and in the other facilities, have our face masks properly worn at all times, strictly sit only in the designated places in the Chamber and avoid changing seats or having close physical interactions.

The House is accordingly guided.

I thank you".

5. **PAPERS LAID**

The following Papers were laid on the Table –

- i) Legal Notice No.115 of 2021 relating to Income Tax Exemption on the Send-Off Package Paid to Employees of the Kenya Airways Limited from the National Treasury and Planning;
- ii) Monetary Policy Statement for June 2021 from the Central Bank of Kenya;
- iii) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2019 and the certificates therein: -
 - a) Tetu Technical and Vocational College
 - b) Kieni Technical and Vocational College;
 - c) Kaimosi Friends University College;
 - d) Kiirua Technical Training Institute;
 - e) Kenya Tourism Board;
 - f) Pest Control Products Board;
 - g) National Youth Council;
 - h) Kenya National Bureau of Statistics;
 - i) Kenya Ferry Services Limited;
 - j) Bomas of Kenya;
 - k) Kenya Veterinary Vaccines Production Institute;
 - l) Lamu Water and Sewage Company Limited;
 - m) Trans Nzoia County Public Service Board; and
 - n) County Assembly of Tana River Car Loan and Mortgage Scheme Fund.
- iv) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2020 and the certificates therein: -
 - a) Kenya National Bureau of Statistics;
 - b) Jaramogi Oginga University of Science and Technology; and
 - c) Agriculture and Food Authority.

(The Leader of the Majority Party)

- v) Report of Departmental Committee on Justice and Legal Affairs on the Approval of Nominees for appointment as Members of the Independent Electoral and Boundaries Commission.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

- vi) Report of the Departmental Committee on Education and Research on the Vetting of Nominees for appointment to the Teachers Service Commission.

(Chairperson, Departmental Committee on Education and Research)

6. **NOTICES OF MOTION**

The following Notices were given –

(a) **THAT**, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in its Report on the Approval Hearing for Appointment of *Ms. Juliana Whonge Cherera, Mr. Francis Mathenge Wanderi, Ms. Irene Cherop Masit and Mr. Justus Abonyo Nyang'aya* as Members of the Independent Electoral and Boundaries Commission, *laid on the Table of the House on Wednesday, September 1, 2021*, and pursuant to the provisions of Article 250(2)(b) of the Constitution, section 7A of the Independent and Electoral Boundaries Commission Act, 2011 and section 8 (1) of the Public Appointments (Parliamentary Approval Act (No.33 of 2011)), this House **Approves** the appointment of the following persons to the Independent Electoral and Boundaries Commission: -

- | | |
|-----------------------------------|---------------|
| (i) Ms. Juliana Whonge Cherera | - Member; |
| (ii) Mr. Francis Mathenge Wanderi | - Member; |
| (iii) Ms. Irene Cherop Masit | - Member; and |
| (iv) Mr. Justus Abonyo Nyang'aya | - Member. |

(Chairperson, Departmental Committee On Justice And Legal Affairs)

(b) **THAT**, taking into consideration the findings of the Departmental Committee on Education and Research in its Report on the Vetting of Nominees for appointment to the Teachers Service Commission, *laid on the Table of the House on Wednesday, September 1, 2021*, and pursuant to the provisions of Article 250(2)(b) of the Constitution, section 8(8) of the Teachers Service Commission Act, 2012 and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of the following persons to the **Teachers Service Commission**: -

- | | |
|---------------------------------|---------------|
| (i) Dr. Nicodemus Ojuma Anyang | - Member; |
| (ii) Ms. Christine K. Kahindi | - Member; |
| (iii) Ms. Sharon Jelagat Kisire | - Member; |
| (iv) Ms. Anneta G. Wafukho | - Member; and |
| (v) Mr. Salesa Adano Abudo | - Member. |

(Chairperson, Departmental Committee on Education and Research)

7. **THE CENTRAL BANK OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL No.10 OF 2021)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Central Bank of Kenya (Amendment) Bill (National Assembly Bill No.21 of 2021) be now read a Second Time

(Chairperson, Departmental Committee on Finance and Planning – 11.08.2021)

Debate on the Second Reading having been concluded on

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the whole House tomorrow.

8. **POINT OF ORDER**

The Member of Parliament for Garissa Township Constituency, the Hon. Aden Duale, M.P, through a Point of Order, sought guidance from the Speaker on the implication of the *Court of Appeal Judgment in Civil Appeal No. E291 Of 2021* on Constitution Amendment Bills pending before the House and Legislative Proposals to amend the Constitution. In particular, Hon. Duale submitted that the learned Judges of the Court of Appeal held that the **Basic Structure Doctrine** is applicable in Kenya, and subsequently therefore, a majority of the Constitution Amendment Bills pending before the House are likely to be affected by the application of this doctrine as an aftermath of the ruling. In summary, he invited the Honourable Speaker to rule on the following: -

1. What is the implication of the Court of Appeal Judgement on the Bills & Legislative Proposals pending before the House?
2. At what legislative stage should the Question of the Basic Structure Doctrine be determined and by who?
3. Would it be possible to suspend any further processing of the Constitution Amendment Bills and Legislative Proposals before the House until the question relating to the application of the Basic Structure Doctrine in the legislative process is determined?

Thereupon, the Hon. Speaker undertook to issue a considered ruling on the same at an appropriate time.

9. **POINT OF ORDER PURSUANT TO SO 218**

The Member for Kikuyu (The Hon. Kimani Ichung'wah) rose on a Point of Order Pursuant to Standing Order 218 regarding Committee to be limited to mandate on which the Departmental Committee on Administration and National Security was inquiring on a matter touching on the security of the Deputy President whilst they had a number of businesses that includes Questions and Statements referred by the House and are yet to conclude and report back to the House.

The Speaker ruled that under Standing Order 216 (5) (a), (b) and (c) Committees are at liberty to undertake any matter under their mandates with the facilitation of the Clerk; but the Committee should table the reports of the undertakings for the benefit of the House as those are the Committee of the House.

And the time being minutes past seven Minutes to One O'clock, the Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

10. **HOUSE ROSE** - at seven Minutes to One O'clock.

MEMORANDUM

The Speaker will take the Chair today,
Wednesday, September 01, 2021 at 2.30 p.m.