

(No. 103)



(1294)

REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FIFTH SESSION)
THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, OCTOBER 14, 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*. PROCEDURAL MOTION –

**EXEMPTION OF BUSINESS FROM
THE PROVISIONS OF STANDING
ORDERS**

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

THAT, pursuant to the provisions of Standing Order 256 relating to Exemption of business from the Standing Orders, this House **resolves** to **exempt** the Report of the Departmental Committee on Finance and National Planning on the Public Petition No.39 of 2021 regarding **Review of Abnormal Increments in Prices of Petroleum and Petroleum Products in the Country**, and **Public Petition No.40 of 2021** regarding **Amendment to the Finance Act, 2018 in Order to Address Drastic Increase in Prices of Petroleum and Petroleum Products**, *laid on the Table of the House on Tuesday, October 12, 2021*, from the provisions of Standing Order 227 (2) (*Committal of Petitions*) so as to allow debate on the report of the Committee.

9*. MOTION – SESSIONAL PAPER NO. 1 OF 2021 ON THE NATIONAL WATER POLICY

(The Chairperson, Departmental Committee on Environment
and Natural Resources)

THAT, this House **adopts** the Report of the Departmental Committee on Environment and Natural Resources on Sessional Paper No. 1 of 2021 on the National Water Policy, *laid on the Table of the House on Wednesday, August 4, 2021*, and further approves Sessional Paper No. 01 of 2021.

(Question to be put)

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10*. MOTION – CONSIDERATION OF THE PETROLEUM DEVELOPMENT LEVY (AMENDMENT) ORDER, 2021
(The Chairperson, Committee on Delegated Legislation)

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Petroleum Development Levy (Amendment) Order, 2021, *laid on the Table of the House on Wednesday, September 29, 2021*, and pursuant to the provisions of section 18 of the Statutory Instruments Act, 2013 and Standing Order 210 (4)(b), **annuls in entirety** the Petroleum Development Levy (Amendment) Order, 2021, published as *Legal Notice No. 77 of 2021*.

(Question to be put)

11*. COMMITTEE OF THE WHOLE HOUSE

- (i) The Central Bank of Kenya (Amendment) Bill (National Assembly Bill No. 10 of 2021)
(The Chairperson, Departmental Committee on Finance and National Planning)
- (ii) The Trustees (Perpetual Succession) (Amendment) Bill (National Assembly Bill No. 23 of 2021)
(The Chairperson, Departmental Committee on Finance and National Planning)

12*. MOTION - REPORT ON A PUBLIC PETITION BY RESIDENTS OF WAJIR AND GARISSA COUNTIES REGARDING LACK OF ACCESS TO CITIZEN REGISTRATION SERVICES

(The Chairperson, Departmental Committee on Administration and National Security)

THAT, this House **adopts** the Report of the Departmental Committee on Administration and National Security on its consideration of a Public Petition by residents of Wajir and Garissa Counties regarding lack of access to Citizen Registration Services, *laid on the Table of the House on Wednesday, August 11, 2021*.

13*. THE RADIOGRAPHERS BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2019)

(The Chairperson, Departmental Committee on Health)

Second Reading

14*. MOTION - ESTABLISHMENT OF A PARLIAMENTARY HEALTH SERVICES UNIT

(The Chairperson, Committee on Members' Services and Facilities)

THAT, this House **adopts** the Report of the Select Committee on Members' Services and Facilities on Establishment of a Parliamentary Health Services Unit, *laid on the Table of the House on Wednesday, August 11, 2021.*

15*. MOTION - STUDY VISIT TO THE LEGISLATIVE ASSEMBLY OF ALBERTA, CANADA

(The Chairperson, Committee on Members' Services and Facilities)

THAT, this House **adopts** the Report of the Committee on Members' Services and Facilities on a Study Visit to the Legislative Assembly of Alberta, Canada undertaken from 14th to 18th October 2020, *laid on the Table of the House on Tuesday, December 1, 2020.*

16*. MOTION - THIRD REPORT ON IMPLEMENTATION STATUS OF INQUIRIES, PETITIONS AND RESOLUTIONS OF THE HOUSE

(The Chairperson, Committee on Implementation)

THAT, this House **adopts** the Third Report of the Committee on Implementation on its consideration of the Submissions from stakeholders regarding Implementation Status of Inquiries, Petitions and Resolutions passed by the House, *laid on the Table of the House on Tuesday, September 28, 2021.*

17*. THE NATIONAL COHESION AND PEACE BUILDING BILL (SENATE BILL NO. 35 OF 2018)

(The Chairperson, Committee on National Cohesion and Equal Opportunity)

Second Reading

18*. MOTION - ROLL-OUT OF COVID-19 ECONOMIC STIMULUS PROGRAMME (Party-Sponsored Motion)

(The Hon. Abdullswamad Nassir, M.P.)

THAT, **aware** that the COVID-19 Pandemic continues to devastate the Kenyan economy as exemplified by its staggering effects on economic growth that have led to massive losses of jobs and unprecedented layoffs, an underperforming financial market, distortion of monetary and fiscal policies,

instability of the Kenyan shilling, fluctuating global trade, and general strain on medical facilities countrywide; **concerned that** reports from the Kenya National Bureau of Statistics reveal a substantial decline in the number of employed Kenyans as well as reduced employment opportunities; **deeply concerned that** the frequent lockdowns instituted by the Executive with the objective of countering the spread of the pandemic are a key cause of the underperforming economy despite the noble intention behind their implementation; **further aware that** the current unprecedented challenges call for extraordinary but necessary solutions, **this House urges the National Government to roll out a COVID-19 Economic Stimulus Programme that incorporates an enhanced *Kazi Mtaani* concept in urban areas and a new *Kazi Mashambani* concept in rural areas, enhances Cash Transfer Packages to the elderly, orphans, the vulnerable and the destitute, eliminates all forms of lockdowns, curfews and travel restrictions and replaces them with less stringent yet equally effective and economy-friendly containment measures including provision of Personal Protective Equipment and sanitization protocols, and rolls out a mass vaccination campaign that includes restriction of access to work premises by non-vaccinated employees, among other similarly effective interventions to stimulate economic recovery and national growth.**

*** Denotes Orders of the Day**

NOTICES**I. THE CENTRAL BANK OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 10 OF 2021)**

Notice is given that Chairperson of the Departmental Committee on Finance and National Planning intends to move the following amendments to the Central Bank (Amendment) Bill, 2021 at the Committee Stage-

CLAUSE 4

THAT, clause 4 of the Bill be amended—

(a) in the proposed new clause 33R by—

- (i) deleting paragraph (b);
- (ii) deleting paragraph (c);
- (iii) deleting the words “and business models” appearing in paragraph (d);
- (iv) inserting the following new paragraph immediately after paragraph (c)-

(ca) determine parameters for pricing of digital credit;

(b) in the proposed new clause 33S -

(i) by inserting the following new subsection immediately after subsection (2)-

(2A) An application under subsection (2) shall be accompanied by-

- (a) a copy of the certificate of incorporation under the Companies Act;
- (b) a certified copy of the applicant’s memorandum and articles of association;
- (c) a notification of the company’s registered address;
- (d) a certificate of issued pursuant to section 19 of the Data Protection Act;
- (e) a statement as to compliance with the provisions of Part VII of the Consumer Protection Act; and
- (f) such other documents as may be prescribed by the Bank.

(2B) Without prejudice to subsection (2A)(e), an applicant shall provide the terms and conditions applicable to the digital credit and which must be accepted by the borrower before activation of a mobile loan account.

(2C) The Bank may grant or reject an application for a licence by written notice addressed to the applicant within sixty days from the date of receipt of an application.

(2D) A licence granted under this section shall remain valid unless suspended or revoked by The Bank in accordance with this Act, but upon expiry of the prescribed period may be renewed.

(2E) The Bank may suspend or revoke a licence by written notice to the holder of the licence, if-

- (a) the licensee does not meet the conditions prescribed by The Bank;
- (b) the licensee is in breach of subsection (2A) or the conditions of the Data Protection Act or the Consumer Protection Act;
- (c) the licensee is found to have given false information during the application;
- (d) the licensee goes into liquidation or an order for winding up is issued;
- (e) the licensee carries out activities outside the scope of the licensed activities;
- (f) the licensee is in breach of any of the provisions of this Act and the regulations made thereto relating to digital lending.

(2F) Without prejudice to subsection (2D), an applicant may apply for renewal of the licence at least three months before expiry of the licence.

(2G) The Bank shall cause to be published in the Gazette and The Bank's website –

- (a) before the thirtieth day of March in each year, the names and addresses of all licenced digital lenders under this section;
- (b) within thirty days of suspension or revocation of a license, the name and address of the digital lenders whose licences have been suspended or revoked.

(c) by inserting the following clauses immediately after the proposed new clause 33S-

33T. The Bank shall consult with other regulators including but not limited to-

- (a) the Office of the Data Protection Commissioner; and
- (b) the Communications Authority.

33U. Notwithstanding the provisions of this section, a digital lender shall disclose any positive or negative information of its customers to the licensed credit reference bureaus, where such information is reasonably required for the discharge of the functions of the digital lenders and the licensed credit reference bureaus.

CLAUSE 6

THAT, clause 6 of the Bill be amended—

(a) in subsection (3) by-

- (i) deleting the word “registration” appearing in paragraph (a) and substituting therefor the word “licensing”;
- (ii) deleting paragraph (b);
- (iii) inserting the following new paragraph immediately after paragraph (h)-
 - (ha) dispute resolution mechanisms;

(b) by inserting the following new subsection immediately after subsection (3)-

(4) Without prejudice to the generality of subsection (3)(i) , The Bank may, in regulations, prescribe penalties to be paid by digital lenders who fail or refuse to comply with the provisions of this Act and the regulations made thereunder relating to digital credit, which penalties shall not exceed five hundred thousand shillings, and may prescribe additional penalties, not exceeding ten thousand shillings in each case for each day or part thereof during which such failure or refusal continues.

CLAUSE 7

THAT, clause 7 of the Bill be amended in the proposed new clause 59 by deleting subsection (2) and substituting therefor the following new subsection-

(2) Any person who before the coming into force of this Act was in digital credit business and is not regulated under any other law, shall apply for a licence in accordance with section 33S, within six months of publication of the regulations under subsection (1).

II. THE TRUSTEES (PERPETUAL SUCCESSION) (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 23 OF 2021)

Notice is given that Chairperson of the Departmental Committee on Finance and National Planning intends to move the following amendments to the Trustee (Perpetual Succession) (Amendment) Bill, 2021 at the Committee Stage-

CLAUSE 2

THAT, clause 2 of the Bill be amended –

- (a) in the definition of the term “enforcer” by inserting the words “or replaced” immediately after the word “appointed, and by inserting the word “of” immediately after the word “benefits”; and
- (b) in the definition of the term “family trust” by deleting the expression “section 3C” and substituting therefor the expression “section 3D”;

CLAUSE 3

THAT, the Bill be amended by deleting the clause 3 and substituting therefor the following new clause-

Amendment of
section 3 of Cap.
164.

3.The principal Act is amended in section 3 by -

- (a) deleting subsection (1) and substituting therefor the following new subsection-

(1) Any person or body of persons who have lawfully constituted themselves for the purpose of forming a trust may apply to the Principal Registrar for a certificate of incorporation.

(b) deleting subsection (2) and substituting therefor the following subsections-

(2) The Principal registrar shall within sixty days of receipt of an application for incorporation of a trust grant or reject the application.

(2A) Where an application is rejected, the Principal registrar shall give written notice to the applicant and the notice shall state the reason for rejecting the application.

(2B) Where an application for incorporation is approved by the Principal registrar, he may grant a certificate accordingly, subject to such conditions or directions.

CLAUSE 4

THAT, clause 4 of the Bill be amended—

(a) in the proposed clause 3B (2) by deleting paragraph (b) and substituting therefor the following paragraph-

(b) the objects are beneficial to the general public or section of the public;

(b) in the proposed clause 3C (1) by inserting the words “non-charitable” immediately after the word “A”;

(c) in the proposed clause 3D in subsection (2) -

(i) by deleting the words “other than the settlor” appearing in paragraph (a);

(ii) by deleting the word “multiple” appearing in paragraph (b);

(d) in the proposed clause 3E -

(i) in subsection (2) by inserting the words “beneficially or” immediately before the word “legally”;

(ii) in subsection (3) by inserting the word “title” immediately before the word “better”;

(e) in the proposed clause 3F by—

(i) renumbering the second subsection (4) appearing after subsection (5) as (6);

(ii) inserting the following new subsection immediately after subsection (6)-

(7) The provision of subsection 2(b) do not apply to a trust established under section 3C.

(f) in the proposed clause 3J -

(i) by deleting subsections (1) and (2) and substituting therefore the following new subsections-

(1) An enforcer may be appointed in accordance with the terms of the trust.

(2) The functions of an enforcer shall be to-

(a) enforce the terms of the trust;

(b) inquire into the status of implementation of the trust;

(c) require the trustee to take remedial action, where there is breach of the terms of the trust;

(d) report to the settlor or the beneficiaries any financial or other breaches by the trustees; and

(e) pursue legal actions against the trustees, whether criminal or civil.

(2A) The enforcer may act in the place of the trustees during the hearing and determination of any suit under subsection (2).

(ii) by inserting the following subsection immediately after subsection (7)-

(8) The trustees shall notify the Principal Registrar, in writing, of any change of enforcers at least thirty days from the date of the notice under subsection (7).

CLAUSE 5

THAT, the Bill be amended by deleting clause 5 and substituting therefor the following new clause-

Amendment of
section 6 of
Cap. 164

5. Section 5 of the principal Act is amended –

- (a) by deleting the word “Minister” and substituting therefor the words “Principal Registrar” wherever it appears;
- (b) in subsection (1) by deleting the words “or by any conditions or directions inserted by the Minister under subsection (2) of section 3; and
- (c) by deleting subsection (2).

CLAUSE 9

THAT, the Bill be amended by deleting clause 9 and substituting therefor the following new clause –

Amendment of
section 16 of
Cap. 164

9. Section 16 of the principal Act is amended -

- (a) by deleting the word “Minister” wherever it appears and substituting therefor the words “Principal Registrar”;
- (b) in subsection (2) by deleting the words -

“whereupon any land vested in it shall escheat-

- (a) if the land is trust land, to the county council in whose are of jurisdiction the land is situated;
- (b) if the land is not Trust land, to the Government:

Provided that this shall not apply where such corporate body is wound up under the provisions of section 33 of the Societies Act (Cap.108).”

LIMITATION OF DEBATE

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

Limitation of Debate on Motions

- I. **THAT**, each speech in a debate on any **Motion, including a Special motion** shall be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each 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 (15) minutes each, and **THAT** ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; 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.

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.

Limitation of Debate on Committee Reports

- III. **THAT**, each speech in a debate on **Committee Reports (except for Reports of Audit Committees)**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, shall be limited as follows:- A maximum of two and a half hours, with not more than twenty (20) minutes for the Mover in moving and five (5) minutes for any other Member speaking, **including** the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Committee (if the Committee Report is not moved by the Chairperson of the relevant Committee), and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and further **THAT** priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in **THAT** order.

The House further resolved on Thursday, September 23, 2021 as follows-

Limitation of Debate on Reports of Petitions

- IV. THAT**, following the resolution of the House of August 17, 2021 with respect to debate on three specified Reports of Petitions, each speech in a debate on **Reports of Petitions** shall be limited as follows:- A maximum of one hour and twenty minutes, with not more than fifteen (15) minutes for the Mover in moving and five (5) minutes for any other Member speaking, **including** the Leader of the Majority Party and the Leader of the Minority Party, and **THAT** five (5) minutes before the expiry of the time, the Mover shall be called upon to reply; and further **THAT** priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in **THAT** order.
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NOTICE PAPER

Tentative business for **Tuesday, October 19, 2021**

(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 Tuesday, October 19, 2021-

A. **MOTION - RATIFICATION OF THE BILATERAL AIR SERVICES AGREEMENTS BETWEEN THE REPUBLIC OF KENYA AND THE REPUBLIC OF SOUTH AFRICA; AND BETWEEN THE REPUBLIC OF KENYA AND THE REPUBLIC OF BOTSWANA**

(The Chairperson, Departmental Committee on Transport, Public Works and Housing)

B. **MOTION – RATIFICATION OF THE BILATERAL AIR SERVICES AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION**

(The Chairperson, Departmental Committee on Transport, Public Works and Housing)

C. **THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2020)**

(The Chairperson, Constitutional Implementation Oversight Committee)

Second Reading

D. **COMMITTEE OF THE WHOLE HOUSE**

The Waqf Bill (National Assembly Bill No. 73 of 2019)

(The Leader of the Majority Party)

E. **THE MEDIATION BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2020)**

(The Leader of the Majority Party)

Second Reading

F. **THE COMMUNITY GROUPS REGISTRATION BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2020)**

(The Leader of the Majority Party)

Second Reading

APPENDIX

NOTICE OF PETITIONS, QUESTIONS & STATEMENTS

ORDER NO.7 - QUESTIONS

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-

424/2021 The Member for Kisumu West (Hon. Olago Aluoch, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development & Public Works:-

- (i) What steps is the Ministry taking to stop the frequent accidents occurring at the *Mawembe Mbili, Riat, Kona Mbaya* and *Coptic Roundabout* sections of the *Kisumu - Kakamega Highway*, situated between *Kiboswa* and *Coptic Church* in Kisumu West Constituency taking into account the steep incline of the highway at a section known as *Riat Hills*, the amount of traffic, and the poor design of the said road?
- (ii) Could the Cabinet Secretary provide details of all the road accidents that have occurred along the said highway since it was opened to the public, indicating the nature of the accidents, dates and names of victims who may have died or been injured as a result?
- (iii) Are there plans by the Ministry to have the road redesigned to make it safe for motorists and members of the public?

(To be replied before the Departmental Committee on Transport, Public Works and Housing)

425/2021 The Member for Kajiado North (Hon. Joseph Manje, MP) to ask the Cabinet Secretary for Labour and Social Protection: -

- (i) What action is the Ministry taking to address cases of mistreatment and harassment of Kenyans working in the Middle East countries, particularly Saudi Arabia and Qatar?

- (ii) What steps is the Ministry taking to safeguard the welfare of Kenyans and improve the services offered to them in these countries, particularly Saudi Arabia and Qatar?

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

426/2021 The Member for Nakuru Town East (Hon. David Gikaria, MP) to ask the Attorney General: -

- (i) What is the status of the payment of compensation for the loss of life which was awarded by a *Nakuru Law Court* vide case No. 11540F2019 to the family of the late *John Munyiri Waikwa* of ID No. 11474127 who passed on following a tragic road accident at *Kikopey, Nakuru County* on 22nd March, 2019 after a trailer rammed into a 2NK Sacco Matatu killing all passengers on board?
- (ii) When will the said compensation be paid to the dependants of the deceased?

(Question for Written Reply by the Attorney General)

429/2021 The Member for Kirinyaga Central (Hon. John Wambugu, MP) to ask the Cabinet Secretary for Education: -

- (i) What measures has the Ministry put in place to urgently bridge the digital literacy divide among learners particularly, those in the public schools across the country, specifically in Kirinyaga Central Constituency considering that digital literacy is one of the core competencies to be attained by learners under the Competency-Based Curriculum (CBC)?
- (ii) What challenges has the Ministry been facing in the implementation of digital literacy in the education curriculum in both the 8-4-4 and CBC systems?
- (iii) What steps has the Ministry taken to ensure there are continuous in-service training programmes on digital literacy to all teachers to ensure they are equipped to meet the needs of the education curriculum?

(To be replied before the Departmental Committee on Education and Research)

434/2021 The Member for Kitui Rural (Hon. Mboni Mwalika, MP) to ask the Cabinet Secretary for ICT, Innovation and Youth Affairs: -

- (i) Could the Cabinet Secretary provide details of ownership of all business names and mobile money *pay bill* numbers registered under various networks that undertake betting and gaming activities in the country?
- (ii) Could the Cabinet Secretary also provide the value of transactions carried out on the said platforms in the last two years?
- (iii) Could the Cabinet Secretary further provide details of any cases of money laundering activities that may have been undertaken through the betting activities in broadcast media in the country, and indicate the steps taken to monitor, deter, arrest and prosecute the culprits?

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



ORDER NO.7 - STATEMENTS

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

No.	Subject	Member	Relevant Committee
1.	Mandatory use of the Standard Gauge Railway (SGR) for transport of goods from Mombasa to the Nairobi Inland Container Depot (ICD)	<i>The Hon. Abdullswamad Nassir, MP (Mvita Constituency)</i>	D.C. on Finance and National Planning
2.	Design flaws in the Western Bypass under construction in Kiambu County	<i>The Hon. Githua Wamacukuru, MP (Kabete Constituency)</i>	D.C. on Transport, Public Works and Housing
