



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FIFTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, SEPTEMBER 23, 2021

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

4. **COMMUNICATION FROM THE CHAIR**

The Speaker issued the Communication –

On the Review of the National Assembly Standing Orders

“Honourable Members, As you are aware, it is the practice of every House to undertake a review of the rules of procedure towards the end of its term for use by subsequent Houses. The review process, which takes about a year and culminates with submission and adoption of a report by the House, is largely steered by senior parliamentary staff with the guidance of the Procedure and House Rules Committee chaired by the Speaker. Further, Standing Order 264 requires the Procedure and House Rules Committee to review the Standing Orders and recommend any amendments at least once every term of Parliament for consideration by the House.

Honourable Members, this practice, principally adopted from other established commonwealth jurisdictions, has been useful in affording Members an opportunity to enrich the rules of procedure based on their experiences and empirical interaction with the various provisions. The regular usage of the rules by Members, both in plenary and in Committee work, undoubtedly provides Members with first-hand experience on their applicability.

It is on this basis **Honourable Members,** that the review process becomes important for future Parliaments as it is premised on views of the actual users of the rules of procedure. Members are therefore best placed to highlight gaps which help in continually improving and making the rules more practical and responsive to the ever-evolving environment within the institution apart from learning from legislatures in comparable jurisdictions where individual Hon. Members and Committees have visited, and how the rules of procedure remain anchored within our nascent constitutional framework.

Honourable Members, from the foregoing and in keeping with this practice, the Clerk of the National Assembly, in consultation with the Procedure and House Rules Committee has

constituted a **technical team** to commence the process of collation of views and any proposed amendments to the Standing Orders as part of the end-of-term review. In this regard, Committees of the House, Members and staff are encouraged to proffer any proposed amendments they may have on the current rules of procedure. Specifically, Committees are called upon to candidly look into and review the workings of our committee system, including ensuring constitutional and statutory compliance, and to make proposals for improvement. Additionally, Committees may consider the legislative oversight mechanisms currently in place and highlight any gaps or neglected areas that require improvement. Suffice to say that individual **Honourable Members** are free to propose amendments to any part of the Standing Orders for collation by the technical team and consideration by the Procedure and House Rules Committee.

The proposed amendments or general views should be channeled to the Committee through the office of the Clerk of the National Assembly by way of written submissions. Additionally, views will also be sought from the public and other external stakeholders in keeping with the requirements of Article 118 of the Constitution. The Committee will thereafter report to the House, isolating any provisions it may recommend for amendment or repeal. It is envisaged that this process of collation will be concluded by **15th November, 2021**. You are therefore encouraged to give your views before then.

Honourable Members, In considering the proposals from the various stakeholders, I implore the Procedure and House Rules Committee under the leadership of my very able deputy, the Hon. Moses Cheboi, CBS, MP, not to shy away from genuinely relooking at all the provisions in our current Standing Orders, including –

- (a) The system of governance and bicameral nature of our legislature;
- (b) The subsisting committee system focusing on areas such as size, composition, operations, effectiveness and efficiency of our Committees;
- (c) Areas of improvement in the general parliamentary oversight focusing on any aspects or areas that may not have received due attention, including but not limited to our budget processes and oversight mechanisms over the national debt;
- (d) The place of and mechanisms for consideration of the reports submitted to the House by Cabinet Secretaries under Article 153(4)(b) of the Constitution;
- (e) The place of Constitutional Commissions & Independent Offices and their place in our rules of procedure including the consideration of their reports submitted to the House pursuant to the provisions of Article 254 of the Constitution; and,
- (f) Consideration of the various Speaker's rulings, as well as judicial decisions that have a bearing on the procedures of the House.

In this regard **Honourable Members**, as your Speaker and the Chairperson of the Procedure and House Rules Committee, I therefore –

1. **Notify the House of the commencement of this important exercise being the end-of-term review of the rules of procedure of the House;**
2. **Invite all Hon. Members to make written submissions to the Committee on ANY areas they feel require review or repeal;**
3. **Require the Procedure and House Rules Committee to arrange meetings with the Leaderships of the House, including Committee Leadership, to seek their views on areas requiring review in our rules of procedure; and,**

4. Require the Clerk of the National Assembly to facilitate the process of seeking views of the public and other external stakeholders, by way of invitations in the media.

The House is accordingly guided. **I thank you!"**

5. PETITIONS

Nominated Member (Hon. Wilson Sossion) presented a petition regarding the implementation of the Competency-Based Curriculum (CBC) in the country by the Ministry of Education.

Rising in his place on a Point of Order pursuant to Standing Order 89 (*Matters sub judice*), the Member for Rarieda (Hon. Dr. Otiende Amollo) sought the Speaker's guidance on the consideration of the petition in view of the ongoing High Court *Petition E371 of 2021, Esther Awuor Adero Ang'awa v Cabinet Secretary responsible for Basic Education & 7 Others*.

The Speaker directed that the pleadings on the HC Petition No. E371 of 2021 be availed for his consideration and determination on the committal, or otherwise, of the petition by the Hon. Wilson Sossion to the relevant Committee.

6. PAPERS LAID

The following Papers were laid on the Table of the House –

- a) 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: -
- (i) Pharmacy and Poisons Board;
 - (ii) Kenya Marine & Fisheries Research Institute;
 - (iii) University of Embu;
 - (iv) Kenya Safari Lodges & Hotels Limited;
 - (v) Kenya Utalii College;
 - (vi) National Government Constituencies Development Fund – Kajiado South;
 - (vii) Jaramogi Oginga Odinga University of Science and Technology;
 - (viii) Kenya Medical Research Institute;
 - (ix) Murang'a University of Technology;
 - (x) National Hospital Insurance Fund (NHIF);
 - (xi) Kenya Medical Laboratory Technicians and Technologists Board;
 - (xii) Export Promotion Council; and
 - (xiii) National Quality Control Laboratory.
- b) 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: -
- (i) Egerton University;
 - (ii) Kenya Safari Lodges and Hotels Limited;
 - (iii) South Eastern Kenya University;
 - (iv) Moi University;
 - (v) Nursing Council of Kenya;
 - (vi) African Institute for Capacity Development; and
 - (vii) A Case Study on Integrated Delivery of Selected Non- Communicable Diseases in Kenya – Moi Teaching Referral Hospital.
- (Leader of the Majority Party)*
- c) Report of the Departmental Committee Transport, Public Works & Housing on the Ratification of –

- (i) The 2014 and 2018 amendments to the Maritime Labour Convention, 2006;
- (ii) The International Labour Organization Convention C185 (Amended Convention on Seafarers Identity Documents, 2003);
- (iii) The International Labour Organization Convention C188 (Work in Fishing Convention, 2007);
- (iv) The International Convention on the Standards of Training, Certification and Watch-Keeping for Fishing Vessel Personnel, 1995; and
- (v) The Cape Town Agreement of 2021 on Safety of Fishing Vessels.

(Chairperson, Departmental Committee Transport, Public Works & Housing)

7. NOTICES OF MOTION

The following Notices of Motion were given –

- (i) **THAT**, this House **adopts** the Report of the Departmental Committee on Transport, Public Works and Housing on the Ratification of the 2014 and 2018 Amendment to the Maritime Labour Convention, 2006; the International Labour Organization Convention C185 (Amended Convention on Seafarers Identity Documents, 2003); the International Labour Organization Convention C188 (Work in Fishing Convention, 2007); the International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995; and the Cape Town Agreement of 2021 on Safety of Fishing Vessels, *laid on the Table of the House on Thursday, September 23, 2021*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** the *Ratification of the 2014 and 2018 Amendment to the Maritime Labour Convention, 2006; the International Labour Organization Convention C185 (Amended Convention on Seafarers Identity Documents, 2003); the International Labour Organization Convention C188 (Work in Fishing Convention, 2007); the International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995; and the Cape Town Agreement of 2021 on Safety of Fishing Vessels.*

(Chairperson, Departmental Committee Transport, Public Works & Housing)

- (ii) **THAT**, this House **adopts** the Report of the Select Committee on Members' Services and Facilities on a Study Visit to the Legislative Assembly of Alberta, Canada undertaken on 14th to 18th October 2020, *laid on the Table of the House on Tuesday, December 01, 2020.*

(Chairperson, Select Committee on Members' Services & Facilities)

- (iii) **THAT**, pursuant to the provisions of Standing Order 33, the House **do adjourn** for purposes of discussing a definite matter of urgent national importance regarding the security situation in Laikipia County.

(Hon. David Sankok)

- *And the requirements of Standing Order 33(3) having been met, the Speaker directed that the House adjourns today, Thursday, September 23, 2021 at six o'clock for purposes of discussing the security situation in Laikipia County.*

8. QUESTIONS

- (a) The following Questions were asked –

- (i) **Ordinary Question No. 344/2021** by the Member for Kabuchai (Hon. Majimbo Kalasinga) on behalf of the Member for Laikipia County (Hon. Catherine Waruguru) regarding frequency of update of the *Inua Jamii Cash Programme* register for the registration of new beneficiaries who meet the eligibility criteria and deregistration of deceased beneficiaries and the criteria for the update.

(To be replied to by the Cabinet Secretary for Labour & Social Protection before the Departmental Committee on Labour & Social Welfare)

- (ii) **Ordinary Question No. 364/2021** by the Member for Makueni (Hon. Daniel Maanzo) regarding the stalling of the Government's housing project for civil servants in *Wote Town, Makueni Constituency* since 1989.

(To be replied to by the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development & Public Works before the Departmental Committee on Transport, Public Works & Housing)

- (iii) **Ordinary Question No. 372/2021** by the Member for Tigania West (Hon. Dr. John Mutunga) regarding insecurity in Tigania West Constituency.

(To be replied to by the Cabinet Secretary for Interior & Coordination of National Government before the Departmental Committee on Administration & National Security)

- (b) The following Question was deferred –

- (i) **Ordinary Question No. 369/2021** by the Member for Maragua (Hon. Mary Wamau) to the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development & Public Works regarding charging of fees for interim driving licences by the *National and Transport Safety Authority (NTSA)*.

- (ii) **Ordinary Question No. 371/2021** by the Member for Homa Bay Town (Hon. Peter Kaluma) to the Cabinet Secretary for Education regarding delay in the release of funds by the Higher Education Loans Board (HELB) to students joining universities and other institutions of higher learning for the 2021/2022 academic year across the country.

- (c) The following Question was dropped –

- (i) **Ordinary Question No. 364/2021** by the Member for Matuga (Hon. Kassim Tandaza) to the Cabinet Secretary for Education regarding any measures that the Ministry of Education measures has put in place to ensure smooth implementation of the Competency Based Curriculum (CBC) in all schools.

9. REQUEST FOR STATEMENT PURSUANT TO STANDING ORDER 44(2)(c)

The following Statements were requested–

- (i) The Member for Teso North (Hon. Oku Kaunya) requested for a Statement from the Chairperson of the Departmental Committee on Agriculture & Livestock regarding delayed distribution of BT cotton seeds to farmers.
- (ii) The Member for Kirinyaga Central (Hon. John Munene Wambugu) requested for a Statement from the Chairperson of the Departmental Committee on Finance & National Planning regarding the upsurge of unregulated investment schemes and financial scams in the country.

(iii) The Member for Marakwet East (Hon. Kangogo Bowen) requested for a Statement from the Chairperson of the Departmental Committee on Environment & Natural Resources regarding Land ownership in Embobut/Embolot areas in Marakwet East Constituency.

10. STATEMENT PURSUANT TO STANDING ORDER 44(2)(a)

Pursuant to the provisions of Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, September 28, 2021.

11. PROCEDURAL MOTION - LIMITATION OF DEBATE ON SPECIFIED REPORTS OF PETITIONS

Motion made and question proposed –

THAT, pursuant to the provisions of Standing Order 97(1) and following the resolution of the House of August 17, 2021 with respect to debate on three specified Reports of Petitions, this House orders that, each speech in a debate on **Reports of Petitions** 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 be called upon to reply; and further that priority in speaking be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

(The Leader of the Majority Party)

There being no Members desiring to contribute;
Question put and agreed to.

12. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE IRRIGATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2021)

Motion made and question proposed –

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Irrigation (Amendment) Bill (National Assembly Bill No. 12 of 2021).

(The Leader of the Majority Party)

Debate on the motion having been concluded on Wednesday, September 22, 2021 (Afternoon sitting);

Question put and agreed to.

Motion made and question proposed –

THAT, the Irrigation (Amendment) Bill (National Assembly Bill No. 12 of 2021) be now read a Third time.

(The Leader of the Majority Party)

Question put and agreed to.

Bill read a Third time and passed.

13. THE SOCIAL ASSISTANCE (REPEAL) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2020)

Motion made and question proposed –

THAT, the Social Assistance (Repeal) Bill (National Assembly Bill No. 16 of 2020) be now read a Second time.

(The Leader of the Majority Party)

Debate on the motion having been concluded on Wednesday, September 22, 2021 (Afternoon sitting);

Question put and negatived.

14. THE TAX APPEALS TRIBUNAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 19 OF 2021)

Motion made and question proposed –

THAT, the Tax Appeals Tribunal (Amendment) Bill (National Assembly Bill No. 19 of 2021) be now read a Second time.

(The Leader of the Majority Party)

Debate on the motion having been concluded on Wednesday, September 22, 2021 (Afternoon sitting);

Question put and agreed to.

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

15. MOTION – APPROVAL OF NOMINEES TO THREE NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND COMMITTEES

Motion made and question proposed –

THAT, pursuant to the provisions of section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, this House **approves** the list of nominees for appointment to the following three (3) Constituency Committees of the National Government Constituency Development Fund, *laid on the Table of the House on Tuesday, August 3, 2021 and Tuesday, August 17, 2021*, respectively –

1. NAMBALE CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Tryphosa Ngobiro Muyodi	<i>Female Youth Representative</i>	Fresh appointment, pursuant to Sec.43(3)

2. SIRISIA CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	David Watwati 1 Bunguswa	<i>Male Adult Representative</i>	Fresh appointment, pursuant to Sec.43(3)

3. BONCHARI CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Jared Achando Nyakeya	<i>Male Youth Representative</i>	Fresh appointment, pursuant to Sec.43(3)
2.	Joseph Mokua Somoni	<i>Male Adult Representative</i>	Fresh appointment, pursuant to Sec.43(3)
3.	Helina Kemunto Morang'a	<i>Female Youth Representative</i>	Fresh appointment, pursuant to Sec.43(3)
4.	Christine Bonareri Mbeki	<i>Female Adult Representative</i>	Fresh appointment, pursuant to Sec.43(3)
5.	Hellen Bonareri Ondieki	<i>Representative of Persons with Disability</i>	Fresh appointment, pursuant to Sec.43(3)
6.	Charles Ogaro Nyangoto	<i>Nominee of the Constituency Office (Male)</i>	Fresh appointment, pursuant to Sec.43(3)
7.	Monicah Mwangi Suleiman	<i>Nominee of the Constituency Office (Female)</i>	Fresh appointment, pursuant to Sec.43(3)

(The Chairperson, Select Committee on the National Government Constituencies Development Fund)

There being no Members desiring to contribute;
Question put and agreed to.

16. MOTION – THE DRAFT ELECTION CAMPAIGN FINANCING REGULATIONS

Motion made and question proposed –

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Draft Election Campaign Financing Regulations submitted by the Independent Elections and Boundaries Commission on 5th August, 2021 *laid on the Table of the House on Tuesday, August 17, 2021* and pursuant to the provisions of Articles 10, 118 and 259 of the Constitution, the Interpretation and General Provisions Act (Cap. 2), sections 5, 12, 18, 19 and 29(2) of the Election Campaign Financing Act, 2013 and section 18 of the Statutory Instruments Act, 2013 –

- (a) **annuls in entirety** *The Contributions and Spending limits for Political Parties and Candidates for the purposes of the General Election to be held on 9th August, 2022 notified and published as Gazette Notice No. 8024 of 9th August 2021; and,*
- (b) **rejects** the *Draft Election Campaign Financing Regulations* submitted to the National Assembly by the Independent Elections and Boundaries Commission on 5th August 2021.

(The Vice Chairperson, Committee on Delegated Legislation)

Debate arising;

(Change of Chair from the Speaker to the Deputy Speaker)

Rising in his place on a Point of Order pursuant to Standing Order 95, the Member for Saku (Hon. Dido Raso) claimed to move, *“THAT the Mover be now called upon to reply”*;

And the Speaker acceding to the claim;

Question put and agreed to;

Thereupon the Mover replied;

Question deferred.

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

Order for Second reading read;

Motion made and question proposed –

THAT, the Trustees (Perpetual Succession) (Amendment) Bill (National Assembly Bill No. 23 of 2021) be now read a Second time.

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

Debate arising;

Rising in his place on a Point of Order pursuant to Standing Order 95, the Member for Isiolo County (Hon. Rehema Jaldesa) claimed to move, *“THAT the Mover be now called upon to reply”*;

Thereupon, Question put and agreed to;

Mover replied;

Question put and agreed to.

Question deferred.

18. MOTION – REPORT ON A PUBLIC PETITION REGARDING INSECURITY IN SAKU CONSTITUENCY AND THE LARGER MARSABIT COUNTY

Motion made and question proposed –

THAT, this House **adopts** the Report of the Departmental Committee on Administration and National Security on its consideration of a Public Petition regarding insecurity in Saku Constituency and the larger Marsabit County, *laid on the Table of the House on Wednesday, August 11, 2021*.

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

Debate arising;

Debate adjourned at 6.00 pm pursuant to standing Order 33(3) to debate a definite matter of urgent national importance regarding the security situation in Laikipia County.

19. MOTION - DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE REGARDING THE SECURITY SITUATION IN LAIKIPIA COUNTY

Motion made and Question proposed –

THAT, the House do now adjourn;

(Hon. David Sankok)

Debate arising;

And the time being one minute past Seven O'clock, the Deputy Speaker adjourned the House without Question put pursuant to the Standing Orders.

20. HOUSE ROSE - at Seven O'clock

—

MEMORANDUM

The Speaker will take the Chair on
Tuesday, September 28, 2021 at 2.30 p.m.

---x---