



**REPUBLIC OF KENYA**  
**TWELFTH PARLIAMENT – (SIXTH SESSION)**

**THE SENATE**  
**ORDER PAPER**

**THURSDAY, FEBRUARY 24, 2022 AT 2.30 P.M.**

**PRAYER**

1. Administration of Oath
2. Communication from the Chair
3. Messages (as listed in the Appendix)
4. Petitions (as listed in the Appendix)
5. Papers (as listed in the Appendix)
6. Notices of Motion
7. Statements (as listed in the Appendix)
8. **\*\*\*THE SUGAR BILL (NATIONAL ASSEMBLY BILL NO. 68 OF 2019)**  
(The Senate Majority Leader)  
*(First Reading)*
9. **\*\*\*THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2019)**  
(The Senate Majority Leader)  
*(First Reading)*
10. **\*\*\*THE LANDLORD AND TENANT BILL (NATIONAL ASSEMBLY BILLS NO. 3 OF 2021)**  
(The Senate Majority Leader)  
*(Second Reading)*  
***(Resumption of debate interrupted on Wednesday, 23<sup>rd</sup> February, 2022-  
Morning Sitting)***  
***(Division)***
11. **COMMITTEE OF THE WHOLE**  
**\*THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL**  
**(SENATE BILLS NO. 53 OF 2021)**  
(Sen. Naomi Shiyonga, MP)

12. **COMMITTEE OF THE WHOLE****\*THE LAW OF SUCCESSION (AMENDMENT) BILL, (SENATE BILLS NO. 15 OF 2021)**

(Sen. Abshiro Halake, MP)

13. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE SPECIAL AUDIT REPORT ON UTILIZATION OF COVID-19 FUNDS BY TWENTY EIGHT (28) COUNTY GOVERNMENTS**

(The Chairperson, Standing Committee on Health)

**THAT** the Senate adopts the Report of the Standing Committee on Health on the special audit report on utilization of COVID-19 funds by twenty eight (28) county governments, laid on the Table of the Senate on Wednesday, 9th February, 2022.

14. **MOTION - RECOGNIZING AND APPRECIATING THE ELDERLY BY COUNTY GOVERNMENTS**

(Sen. Rose Nyamunga, MP)

**THAT, AWARE** that in 2006, the National Government initiated the Older Persons Cash Transfer (OPCT) Programme, popularly known as Pesa ya Wazee, which is an unconditional cash transfer programme to destitute elderly persons above the age of 65 years to cater for their subsistence needs;

**NOTING THAT** the beneficiaries receive a monthly stipend of Kshs. 2,000, delivered every two months through appointed payment agents, and also entitled to medical insurance through the National Health Insurance Fund (NHIF);

**CONCERNED HOWEVER THAT** the programme's credibility is marred by issues of delayed payments to beneficiaries, difficulties in processing of payments through the stipulated agents and payments to unregistered persons;

**NOW THEREFORE**, the Senate recommends that the County Governments complement the efforts of the National Government and assist in resolving these challenges by-

- (i) Developing legislation and policies to protect the elderly including ensuring all elderly persons in their counties are registered in the OPCT programme; and
- (ii) Organise value addition mechanisms such as financial training to help the beneficiaries of the programme to efficiently utilize this allowance.

**NOTICE**

**NOTICE** is given that, pursuant to Standing Order 251A and 251B, the sitting will be a hybrid sitting consisting of Senators who are physically present in the Senate Chamber and Senators participating virtually from a remote location through **Zoom** online meeting platform, as per guidelines issued by the Speaker pursuant to Standing Order 251A (4).

**--XXX--**

**KEY**

\*\*\*\*- Denotes a Majority / Minority Party Bill

\*\*\*- Denotes a National Assembly Bill

\*\* - Denotes a Committee Bill

\*- Denotes any other Bill

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...../Notice of Amendments

**THE LAW OF SUCCESSION (AMENDMENT) BILL, SENATE BILLS NO. 15 OF 2021**

(Sen. Abshiro Halake, MP)

**NOTICE** is given that the Chairperson to the Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Law of Succession (Amendment) Bill, Senate Bills No. 15 of 2021, at the Committee Stage —

**CLAUSE 2**

**THAT** the Bill be amended by deleting clause 2 and substituting therefor the following new clause —

Amendment of  
section 3 of Cap  
160.

**2.** Section 3 of the Law of Succession Act, hereinafter referred to as the “principal Act”, is amended —

- (a) in subsection (1) by inserting the following new definitions in their proper alphabetical sequence —

“child” includes an adopted child and a child who is conceived during the lifetime of a deceased person and is subsequently born after the death of the deceased person;

“intermeddling” means —

- (a) taking possession of, disposing off, charging, receiving, distributing, leasing or using property of a deceased without authority under this Act or any other applicable law;
- (b) ejecting a surviving spouse or child from the matrimonial home; or
- (c) any unlawful dealing with a deceased person’s estate;

“matrimonial home” means any property that is owned or leased by one or both spouses and occupied or utilized by the spouses as their family home, and includes any other attached property;

- (b) by deleting subsection (2); and
- (c) by deleting subsection (3).

...../Amendments

**CLAUSE 3**

**THAT** the Bill be amended by deleting clause 3.

**CLAUSE 4**

**THAT** the Bill be amended by deleting clause 4 and substituting therefor the following new clause —

Repeal of section 32 of Cap 160. **4.** The principal Act is amended by repealing section 32.

**CLAUSE 5**

**THAT** the Bill be amended by deleting clause 5 and substituting therefor the following new clause —

Repeal of section 33 of Cap 160. **5.** The principal Act is amended by repealing section 33.

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended —

(a) by deleting paragraph (b) and substituting therefor the following new paragraph —

(b) by inserting the following new subsections immediately after subsection (1)—

(1A) The interest of the surviving spouse under subsection (1)(b) shall determine upon remarriage.

(1B) Notwithstanding subsection (1), —

(a) where the surviving child is not a child of the surviving spouse—

(i) the surviving spouse shall be entitled to the personal and household effects of the deceased absolutely and a life interest in one-half of the whole residue of the net intestate estate; and

...../Amendments

- (ii) the surviving child shall be entitled to one-half of the whole residue of the net intestate estate which shall be held in accordance with section 41, and if there be more than one child they shall share equally;
- (b) where the surviving children include a child who is not a child of the surviving spouse —
  - (i) the surviving spouse shall be entitled to the personal and household effects of the deceased absolutely;
  - (ii) the net intestate estate shall, in the first instance, be divided equally amongst the surviving spouse and all the surviving children;
  - (iii) the surviving spouse shall have a life interest in his or her share and that of his or her children under subsection (1B)(b)(ii); and
  - (iv) the share of the surviving child who is not a child of the surviving spouse under subsection (1B)(b)(ii) shall be held in accordance with section 41, and if there be more than one child they shall share equally.
- (b) by inserting the following new paragraph immediately after paragraph (b)
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- (c) by deleting subsection (5) and substituting therefor the following new subsection -
  - (5) Subject to the provisions of sections 41 and 42 and to any appointment or award made under this section, the whole residue of the net intestate estate shall, on the death or re-marriage of the surviving spouse, devolve upon the surviving child, if there be only one, or be equally divided among the surviving children.

## **CLAUSE 8**

**THAT** clause 8 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph —

...../Amendments

(a) by deleting paragraph (a) and substituting therefor the following new paragraph—

(a) father and mother in equal share; or, if either is dead;

**CLAUSE 9**

**THAT** the Bill be amended by deleting clause 9.

**INSERTION OF NEW CLAUSE 8A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 8 —

Amendment of  
section 40 of Cap  
160.

**8A.** Section 40 of the principal Act be amended by inserting the following new subsection immediately after subsection (2) —

(3) Notwithstanding subsection (1), where any of the surviving children is not a child of any of the wives of the deceased, that child shall —

(a) be considered a house in determining the share of dependants in the net intestate estate under subsection (1); and

(b) the share of such child shall be held in accordance with section 41, and if there be more than one child they shall share equally.

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**APPENDIX****1. MESSAGES**

- i) Message from the National Assembly on the passage, by the National Assembly, of the Sugar Bill (National Assembly Bills No. 68 of 2019).
- ii) Message from the National Assembly on the passage, by the National Assembly, of the Assisted Reproductive Technology Bill (National Assembly Bills No. 34 of 2019).

*(The Speaker of Senate)*

**2. PETITION**

Petition to the Senate by Mr. Naphas Mengesa Mmenya of Muamala Enterprises, concerning non-payment of Kenya shillings, Three Million, Two Hundred and Six Thousand, Six Hundred and Seventeen (Ksh. 3,206,617), by the Ministry of Transport, Infrastructure, Housing and Urban Development (State Department of Urban Development) for the proposed construction of Economic Stimulus Project Market in Naivasha.

*(The Speaker of Senate)*

**3. PAPERS**

- i) Report of the Auditor General on the financial statement of Kiambu County Jijenge Fund for the year ended 30th June, 2020;
- ii) Report of the Auditor General on the financial statement of Kiambu County Assembly Staff Mortgage Scheme Fund for the year ended 30th June, 2020;
- iii) Report of the Auditor General on the financial statement of Ruiru-Juja Water and Sewerage Company Limited for the year ended 30th June, 2020;
- iv) Report of the Auditor General on the financial statement of Naromoru Water and Sanitation Company Limited for the year ended 30th June, 2020;
- v) Report of the Auditor General on the financial statement of Tetu Aberdare Water and Sanitation Company Limited for the year ended 30th June, 2020;
- vi) Report of the Auditor General on the financial statement of Nanyuki Water and Sewerage Company Limited for the year ended 30th June, 2020;
- vii) Report of the Auditor General on the financial statement of Laikipia County Revenue Board for the year ended 30th June, 2020;
- viii) Report of the Auditor General on the financial statement of Laikipia County Executive Members Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2020;

...../Appendix



- ix) Report of the Auditor General on the financial statement of Laikipia County Development Authority for the year ended 30th June, 2020;
- x) Report of the Auditor General on the financial statement of Kapenguria Water and Sewerage Services Company Limited for the year ended 30th June, 2020;
- xi) Report of the Auditor General on the financial statement of Eldoret Water and Sanitation Company Limited for the year ended 30th June, 2020;
- xii) Report of the Auditor General on the financial statement of Kikuyu Water Company Limited for the year ended 30th June, 2020;
- xiii) Report of the Auditor General on the financial statement of Uasin Gishu County Bursary and Skills Development Support Fund for the year ended 30th June, 2020;
- xiv) Report of the Auditor General on the financial statement of West Pokot County Assembly Car Loan and Mortgage Fund for the year ended 30th June, 2020;
- xv) Report of the Auditor General on the financial statement of Nanyuki Water and Sewerage Company Limited for the year ended 30th June, 2020;
- xvi) Report of the Auditor General on the financial statement of Kwale County Trade Revolving Fund for the year ended 30th June, 2020;
- xvii) Report of the Auditor General on the financial statement of Kwale County Disaster Management Fund for the year ended 30th June, 2020;
- xviii) Report of the Auditor General on the financial statement of Kwale County Youth, Women and Persons with Disabilities Revolving Fund for the year ended 30th June, 2020;
- xix) Report of the Auditor General on the financial statement of Taita Taveta County Assembly Mortgage Scheme Fund for the year ended 30th June, 2020;
- xx) Report of the Auditor General on the financial statement of Taita Taveta County Education Fund for the year ended 30th June, 2020;
- xxi) Report of the Auditor General on the financial statement of Baringo County Executive Car Loan Scheme Fund for the year ended 30th June, 2020;
- xxii) Report of the Auditor General on the financial statement of Baringo County Executive Mortgage Scheme Fund for the year ended 30th June, 2020;

- xxiii) Report of the Auditor General on the financial statement of Coast Development Authority for the year ended 30th June, 2020;
- xxiv) Report of the Auditor General on the financial statement of Mombasa County Alcoholic Drinks Control Fund for the year ended 30th June, 2020;
- xxv) Report of the Auditor General on the financial statement of Mombasa Water Supply and Sanitation Company Limited for the year ended 30th June, 2020;
- xxvi) Report of the Auditor General on the financial statement of Mombasa County Elimu Fund for the year ended 30th June, 2020;
- xxvii) Report of the Auditor General on the financial statement of Mombasa County Consolidated Revolving Fund for the year ended 30th June, 2020;
- xxviii) Report of the Auditor General on the financial statement of Kilifi County Health Services Improvement Fund for the year ended 30th June, 2020;
- xxix) Report of the Auditor General on the financial statement of Githunguri Water and Sanitation Company Limited for the year ended 30th June, 2020;
- xxx) Report of the Auditor General on the financial statement of Tavevo Water and Sewerage Company Limited for the year ended 30th June, 2020;
- xxxi) Report of the Auditor General on the financial statement of Malindi Water and Sewerage Company Limited for the year ended 30th June, 2020;
- xxxii) Report of the Auditor General on the financial statement of Elgeyo Marakwet County Executive Car and Mortgage Revolving Fund for the year ended 30th June, 2020;
- xxxiii) Report of the Auditor General on the financial statement of Iten Tambach Water and Sewerage Company Limited for the year ended 30th June, 2020;
- xxxiv) Report of the Auditor General on the financial statement of Murangá Water and Sanitation Company Limited for the year ended 30th June, 2020;
- xxxv) Report of the Auditor General on the financial statement of Murangá South Water and Sanitation Company Limited for the year ended 30th June, 2020;
- xxxvi) Report of the Auditor General on the financial statement of Karuri Water and Sanitation Company Limited for the year ended 30th June, 2020;
- xxxvii) Report of the Auditor General on the financial statement of Tana Water Works Development Agency for the year ended 30th June, 2020;

- xxxviii) Report of the Auditor General on the financial statement of Diani Municipality for the year ended 30th June, 2020;

*(The Senate Majority Leader)*

- xxxix) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 27 of 2021).
- xl) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Elections (Amendment) (No. 3) Bill (Senate Bills No. 48 of 2021).

*(The Chairperson Standing Committee on Justice, Legal Affairs and Human Rights)*

#### **4. STATEMENTS**

**a) Pursuant to Standing Order 47(1)**

Nominated Senator (Sen. (Dr) Gertrude Musuruve, MP) to make a Statement regarding the World Day of Social Justice.

**b) Pursuant to Standing Order 48(1)**

The Senator for Nakuru County (Sen. Susan Kihika, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the fatal shooting of Mr. Simon Thuku by officers from the Kenya Coast Guard Services (KCGS) at Karagita area, in Naivasha on Wednesday, 16<sup>th</sup> February, 2022.

**c) Pursuant to Standing Order 52 (1)**

The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 1<sup>st</sup> March, 2022.

...../Notice Paper

## **NOTICE PAPER**

### **Tentative Business for**

**Tuesday, March 01, 2022**

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

It is notified that the Senate Business Committee has approved the following **tentative** business to appear in the Order Paper for Tuesday, March 01, 2022.

#### **A. COMMITTEE OF THE WHOLE**

##### **\*\*THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILLS NO. 37 OF 2021)**

(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

***(Resumption of debate interrupted on Wednesday, 22<sup>nd</sup> December, 2021 –  
Morning Sitting)***

***(Division)***

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