



**REPUBLIC OF KENYA**  
**TWELFTH PARLIAMENT – (SIXTH SESSION)**  
**THE SENATE**  
**ORDER PAPER**

**TUESDAY, MARCH 01, 2022 AT 2.30 P.M.**

**PRAYER**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (as listed in the Appendix)
6. Notices of Motion
7. Statements (as listed in the Appendix)
8. **\*\*\*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)***

9. **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)***

...../Bills

10. **COMMITTEE OF THE WHOLE**  
**\*THE LAW OF SUCCESSION (AMENDMENT) BILL, (SENATE BILLS NO. 15 OF 2021)**  
(Sen. Abshiro Halake, MP)
11. **COMMITTEE OF THE WHOLE**  
**\*\*THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 7 OF 2021)**  
(Chairperson, Standing Committee on Tourism, Trade and Industrialization)
12. **COMMITTEE OF THE WHOLE**  
**\*THE LIFESTYLE AUDIT BILL (SENATE BILLS NO. 36 OF 2021)**  
(Sen. Farhiya Haji, MP)
13. **COMMITTEE OF THE WHOLE**  
**\*THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 53 OF 2021)**  
(Sen. Naomi Shiyonga, MP)
14. **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.

15. **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;

...../Motion

**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.

**--xxx--**

...../Notice

**NOTICE**

- 1) **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).
- 2) **NOTICE** is given that on 9<sup>th</sup> February, 2022, the Senate resolved –

**THAT**, pursuant to Standing Order 106 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner – a maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

**--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

**A. THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL, 2021  
(SENATE BILLS NO. 37 OF 2021)**

(Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

**i.) NOTICE** is given that the Chairperson, Standing Committee on Devolution and Intergovernmental Relations, intends to move the following amendments to the Intergovernmental Relations (Amendment) Bill, 2021, at the Committee Stage –

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by inserting the following new paragraph immediately after the proposed paragraph (n) –

(na) conditions for the termination of the agreement.

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended by inserting the following new section immediately after the proposed section 26F –

Role of  
Technical  
Committee in  
transfer or  
delegation of  
powers,  
functions and  
competencies  
.

**26G.** The Technical Committee shall, in undertaking duties under this Part –

(a) witness the execution of a transfer or delegation of a power, function or competency;

(b) provide administrative support to the parties to the transfer agreement during the transfer process; and

(c) prepare and maintain an inventory of assets and liabilities of the transferred functions.

**ii.) NOTICE** is given that Sen. Erick Okong'o Mogeni intends to move the following amendments to the Intergovernmental Relations (Amendment) Bill, Senate Bills No. 37 of 2021, at the Committee Stage —

**NEW CLAUSE 1A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 1 –

Amendment  
of section 2  
of No. 2 of  
2012.

**1A.** Section 2 of the Intergovernmental Relations Act, hereinafter referred to as the “principal Act”, is amended by inserting the following new definition immediately after the definition of the word “Council” —

...../Amendments

“Council Secretariat” means the Secretariat to the Council of County Governors established under section 23A.

### **NEW CLAUSE 1B**

**THAT** the Bill be amended by inserting the following new clause immediately after new clause 1A –

Amendment  
of section  
12 of No. 2  
of 2012.

**1B.** The principal Act is amended by deleting section 12 and substituting therefor the following new section –

Functions  
of the  
Technical  
Committee.

**12.** The Technical Committee shall—

(a) be responsible for the day-to-day administration of the Summit and in particular—

(i) facilitate the activities of the Summit; and

(ii) implement the decisions of the Summit;

(b) take over the residual functions of the transition entity established under the law relating to transition to devolved government after dissolution of such entity; and

(c) perform any other function as may be assigned to it by the Summit or any other law.

### **NEW CLAUSE 1C.**

**THAT** the Bill be amended by inserting the following new clause immediately after new clause 1B –

Amendment  
of section  
14 of No. 2  
of 2012.

**1C.** Section 14 of the principal Act is amended in paragraph (b) by deleting the words “and to the Council” appearing immediately after the words “to the Summit”.

### **NEW CLAUSE 1D**

**THAT** the Bill be amended by inserting the following new clause immediately after new clause 1C –

...../Amendments

Amendment  
of section  
15 of No. 2  
of 2012.

**1D.** Section 15 of the principal Act is amended in subsection (5) by –

(a) deleting the words “the Council” appearing immediately after the words “of the Summit” in paragraph (a);

(b) deleting the words “the Council” appearing immediately after the words “of the Summit” in paragraph (e); and

(c) deleting the words “the Council” appearing immediately after the words “by the Summit” in paragraph (f).

### **NEW CLAUSE 1E**

**THAT** the Bill be amended by inserting the following new clause immediately after new clause 1D –

Amendment  
of section  
17 of No. 2  
of 2012.

**1E.** Section 17 of the principal Act is amended by deleting the words “the Council” appearing immediately after the words “the Technical Committee”.

### **NEW CLAUSE 1F**

**THAT** the Bill be amended by inserting the following new clause immediately after the new clause 1E –

Insertion of  
new section  
23A in No. 2  
of 2012.

**1F.** The principal Act is amended by inserting the following new section immediately after section 23 —

The Council  
Secretariat.

**23A.** (1) There shall be a Secretariat of the Council of County Governors to be known as the Council Secretariat.

(2) The Council Secretariat shall be headed by a chief executive officer and comprise such other staff as may be determined by the Council.

(3) The chief executive officer shall be competitively recruited and appointed by the Council.

...../Amendments

(4) A person is qualified to be appointed as a chief executive officer if that person-

(a) holds a degree from a university recognised in Kenya;

(b) has at least five years relevant professional experience;

(c) has demonstrable competence of not less than five years in an administrative position; and

(d) satisfies the requirements of leadership and integrity provided for under Chapter Six of the Constitution.

(5) The chief executive officer shall be –

(a) the secretary to the Council;

(b) the accounting officer of the Council Secretariat; and

(c) responsible to the Council for the day-to-day administration of the affairs of the Council Secretariat and the implementation of the decisions arising from the Council.

(6) Without prejudice to the generality of the provisions of subsection (5), the chief executive officer shall be responsible for-

(a) the implementation of the decisions of the Council;

(b) the establishment and development of an efficient administration of the Council Secretariat;

...../Amendments



- (c) the organisation, control and management of staff of the Council Secretariat;
  - (d) maintaining accurate records of all affairs of the Council, including records on financial matters and resource use;
  - (e) ensuring the preparation and approval of the budget for the required funding of the operational expenses of the Council;
  - (f) providing technical support to the sectoral working groups or committees of the Council; and
  - (g) performing such other functions as may be assigned by the Council, this Act or any other legislation.
- (7) The chief executive officer shall be appointed for a single term of six years and shall not be eligible for reappointment.

## **CLAUSE 2**

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

**2.** Section 26 of the principal Act is amended —

**B. 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)

—

(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.

...../Amendments

**CLAUSE 8**

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

(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. PAPERS**

- i.) Report of the Auditor General on the financial statement of Nyandarua County Bursary Fund for the year ended 30th June, 2020.
- ii.) Report of the Auditor General on the financial statement of Nyandarua County Assembly Staff Car Loan and Mortgage Fund for the year ended 30th June, 2020.
- iii.) Report of the Auditor General on the financial statement of Kajiado County Disability Mainstreaming Fund for the year ended 30th June, 2020.
- iv.) Report of the Auditor General on the financial statement of Baringo County Assembly Member's Car Loan and Mortgage Fund for the year ended 30th June, 2020.
- v.) Report of the Auditor General on the financial statement of Meru County Alcoholic Drinks Control Board for the year ended 30th June, 2020.
- vi.) Report of the Auditor General on the financial statement of Iten Tambach Water and Sewerage Company Limited County for the year ended 30th June, 2020.
- vii.) Report of the Auditor General on the financial statement of Ololaiser Water and Sewerage Company Limited for the year ended 30th June, 2018.
- viii.) Report of the Auditor General on the financial statement of Ololaiser Water and Sewerage Company Limited for the year ended 30th June, 2019.
- ix.) Report of the Auditor General on the financial statement of Ololaiser Water and Sewerage Company Limited for the year ended 30th June, 2020.

*(The Senate Majority Leader)*

- x.) 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).
- xi.) 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)*

...../Appendix

**2. STATEMENTS PURSUANT TO STANDING ORDER 48(1)**

- i.) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Roads and Transportation regarding the increase in the cost of construction of the Nairobi Expressway by Kshs. 7.6 billion.
- ii.) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Tourism, Trade and Industrialization concerning an alleged failure by the Ministry of Tourism and Wildlife to utilize the Tourism Promotion Fund (TPF) to market Kenya in sports tourism.

...../Notice Paper

## **NOTICE PAPER**

### **Tentative Business for**

**Wednesday, March 02, 2022 (Morning Sitting)**

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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 Wednesday, March 02, 2022 (morning sitting).

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

- i) The Preservation of Human Dignity and Protection of Economic and social Rights Bill (Senate Bills No. 21 of 2021)  
(Sen. Abshiro Halake, MP)
- ii) The Special Needs Education Bill (Senate Bills No. 44 of 2021)  
(Sen. (Dr.) Getrude Musuruve and Sen. (Prof.) Margaret Kamar, MP)

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