



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

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

**WEDNESDAY, FEBRUARY 09, 2022 AT 2.30 P.M.**

**PRAYER**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the Appendix)
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Statements (as listed in the Appendix)
8. **PROCEDURAL MOTION – LIMITATION OF DEBATE ON MOTIONS**  
(The Senate Majority Leader)

**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.

9. **PROCEDURAL MOTION – LIMITATION OF DEBATE ON ADJOURNMENT MOTION**  
(The Senate Majority Leader)

**THAT**, notwithstanding the provisions of Standing Order 106 (1), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put; Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

...../Motion

10. **PROCEDURAL MOTION – LIMITATION OF DEBATE ON MOTION ON THE ADDRESS BY HIS EXCELLENCY THE PRESIDENT**

(The Senate Majority Leader)

**THAT**, pursuant to Standing Order 106 (1), the Senate resolves that the debate on the Motion on the Presidential Address shall be limited to a maximum of three sitting days with not more than fifteen minutes for each Senator speaking, excluding the Mover in moving and replying who shall be limited to thirty minutes in either case and that the Senate Majority Leader and the Senate Minority Leader shall be limited to thirty minutes each.

11. **MOTION - APPROVAL OF THE SENATE CALENDAR FOR THE SIXTH SESSION**

(The Senate Majority Leader)

**THAT**, pursuant to Standing Order 29(1), this House approves the Senate Calendar (Regular Sessions) for the Sixth Session (February to June, 2022), laid on the Table of the House on Wednesday, 9<sup>th</sup> February, 2022.

12. **MOTION - APPROVAL OF SITTINGS ON WEDNESDAY MORNING WITH RESPECT TO PART 1 OF THE SENATE CALENDAR**

(The Senate Majority Leader)

**THAT**, pursuant to Standing Order 31(3), the Senate resolves to hold Sittings on Wednesday mornings with effect from 16<sup>th</sup> February, 2022 to 9<sup>th</sup> March, 2022; and that the Sittings shall commence at 10.00 a.m. and end at 12.30 p.m.

13. **COMMITTEE OF THE WHOLE**  
**\*THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 22 OF 2021)**

(Sen. (Dr.) Alice Milgo, MP)

*(Resumption of debate interrupted on Tuesday, 25<sup>th</sup> January, 2022)*

*(Division)*

14. **COMMITTEE OF THE WHOLE**  
**\*THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 17 OF 2021)**

(Sen. Ledama Olekina, MP)

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

*(Division)*

15. **COMMITTEE OF THE WHOLE**  
**\*THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2021)**

(Sen. Moses Kajwang’, MP)

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

*(Division)*

- 16. **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)

- 17. **\* THE ELECTION CAMPAIGN FINANCING (AMENDMENT) BILL (SENATE BILLS NO. 51 OF 2021)**  
 (Sen. Ledama Olekina, MP)  
*(Second Reading)*

- 18. **\*THE POLITICAL PARTY PRIMARIES BILL (SENATE BILLS NO. 35 OF 2020)**  
 (Sen. (Dr.) Isaac Mwaura, MP)  
*(Second Reading)*

- 19. **\*THE NATIONAL COHESION AND PEACE BUILDING BILL (SENATE BILLS NO. 19 OF 2021)**  
 (Sen. Judith Pareno, MP)  
*(Second Reading)*

- 20. **\*THE PRESERVATION OF HUMAN DIGNITY AND PROTECTION OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 21 OF 2021)**  
 (Sen. Abshiro Halake, MP)  
*(Second Reading)*

- 21. **\*THE SPORTS (AMENDMENT) BILL (SENATE BILLS NO. 40 OF 2021)**  
 (Sen. Aaron Cheruiyot,MP)  
*(Second Reading)*

- 22. **COMMITTEE OF THE WHOLE**  
**\*\*THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 7 OF 2021)**  
 (The Chairperson, Standing Committee on Tourism, Trade and Industrialization)

- 23. **COMMITTEE OF THE WHOLE**  
**\*THE LIFESTYLE AUDIT BILL, (SENATE BILLS NO. 36 OF 2021)**  
 (Sen. (CPA) Farhiya Haji, MP)

- 24. **COMMITTEE OF THE WHOLE**  
**\*THE LAW OF SUCCESSION (AMENDMENT) BILL, (SENATE BILLS NO. 15 OF 2021)**  
 (Sen. Abshiro Halake, MP)

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**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).

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**KEY**

- \*\*\*\*- Denotes a Majority /Minority Party Bill
- \*\*\*- Denotes a National Assembly Bill
- \*\* - Denotes a Committee Bill
- \*- Denotes any other Bill

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**A. \*THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 22 OF 2021)**  
(Sen. (Dr.) Alice Milgo, MP)

**NOTICE** is given that the Chairperson, Standing Committee on Labour and Social Welfare, intends to move the following amendment to the Heritage and Museums Bill, 2021, Senate Bills No. 22 of 2021, at the Committee Stage—

**CLAUSE 4**

**THAT** the Bill be amended by deleting clause 4.

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended by—

- (a) inserting the following new paragraph immediately after paragraph (b) –
  - (ba) identify and manage grade I heritage resources in accordance with this Act; and
- (b) deleting paragraphs (d) and (e).

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b) –

- (ba) identify and manage grade II heritage resources in accordance with this Act.

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended—

- (a) in subclause (1) by deleting paragraph (d) and substituting therefor the following new paragraph—
  - (d) three persons representing scientific, arts and general outstanding interest in, and contribution to the work of, the national heritage, one of whom shall be nominated by Nature Kenya;

**CLAUSE 34**

**THAT** the Bill be amended by deleting clause 34.

**CLAUSE 35**

**THAT** the Bill be amended by deleting clause 35.

**CLAUSE 36**

**THAT** the Bill be amended by deleting clause 36.

**CLAUSE 37**

**THAT** the Bill be amended by deleting clause 37.

**CLAUSE 38**

**THAT** the Bill be amended by deleting clause 38.

**CLAUSE 39**

**THAT** the Bill be amended by deleting clause 39.

**NEW CLAUSES**

**THAT** the Bill be amended by inserting the following new clauses immediately after clause 2—

**PART IA - SYSTEM FOR MANAGEMENT OF NATIONAL HERITAGE RESOURCES**

General principles.

**2A.** (1) Every person shall, in the management of heritage resources, take into account —

- (a) the lasting value of natural resources to the Kenyan society;
- (b) the valuable, finite, non-renewable and irreplaceable nature of the resources and the need to ensure their survival;
- (c) the responsibility by every generation to act as trustee of the national heritage for succeeding generations;
- (d) the need to promote the interests of all Kenyans;
- (e) the need to promote reconciliation, understanding and respect, take account of all relevant cultural values and indigenous knowledge systems;
- (h) the involvement of communities in the management of heritage resources;
- (i) the respect of cultural values and the dignity of the communities to whom the resource is connected;
- (j) the need ensure that the process and resources are researched, documented and recorded; and
- (k) the need to guard against the use of heritage for sectarian purposes or political gain.

(2) To ensure that heritage resources are effectively managed—

- (a) the skills and capacities of persons and communities involved in heritage resources management shall be developed; and
- (b) provision shall be made for the ongoing education and training of existing and new heritage resources management workers.

Heritage  
assessment  
criteria and  
grading.

**2B.** The National Museums of Kenya shall, in consultation with the Cabinet Secretary and the county executive committee member in each county prescribe a system of grading of places and objects which form part of the national heritage and shall distinguish between—

- (a) grade I category consisting of heritage resources with qualities so exceptional that they are of special national significance;
- (b) grade II consisting of heritage resources which, although forming part of the national heritage, can be considered to have special qualities which make them significant within the context of a county or a region; and
- (c) such other grade assessment criteria as the National Museum of Kenya shall consider appropriate.

**NEW CLAUSE 7A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 7—

County  
museum.

**7A.** (1) A county executive committee member may establish a county museum for the management of the heritage resources within the respective county.

(2) Notwithstanding the generality of subsection (1), a county museum shall—

- (a) advise the county executive committee member on the implementation of this Act or relevant county legislation;
- (b) submit an annual report to the county executive committee member regarding its activities for each financial year;
- (c) promote the systematic identification, recording and assessment of heritage resources and heritage objects which form part of the national heritage in a county;
- (d) protect and manage heritage resources in a county which fulfil the heritage assessment criteria prescribed under this Act for grade II status;
- (e) notify the National Museums of Kenya of the presence of any heritage resource in the county which fulfils the heritage assessment criteria prescribed under this Act for grade I status;
- (f) maintain data bases on heritage resources in accordance with national standards, and at regular intervals furnish the National Museums of Kenya with such data; and
- (g) establish policy, objectives and strategic plans for heritage resources management in the county.

**NEW CLAUSES**

**THAT** the Bill be amended by inserting the following new clauses immediately after clause 33—

Petition for declaration of National and county heritage sites.

- 33A.** (1) A person may petition –
  - (a) the National Museums of Kenya for a place to be declared a national heritage site; or
  - (b) the respective county museum for a place to be declared a county heritage site.

(2) The Cabinet Secretary shall develop regulations on petitions for declaration of National and county heritage sites.

Inventory of national heritage.

**33B.** (1) The National Museums of Kenya shall keep and maintain an inventory of national heritage.

(2) The inventory of national heritage shall be in the form of a data base of information on heritage resources, including—

- (a) an object, monument or protected area declared this Act to be a protected object, monument or protected area;
- (b) all places and objects protected through the publication of notices in the *Gazette* or *county gazette*, whether under this Act or a county legislation; and
- (c) places and objects subject to general protection under this Act or a county legislation for the management of heritage resources.

(3) The National Museums of Kenya shall list heritage resources in the inventory under the categories prescribed under this Act.

(4) The National Museums of Kenya shall from time to time, and in consultation with the relevant county museum review and update the inventory of national heritage.

(5) The National Museums of Kenya shall make the inventory of national heritage accessible to members of the public.

(6) The National Museums of Kenya shall, at regular intervals, publish a summary and analysis of the inventory of national heritage.

Heritage registers.

**33C.** (1) A county museum shall compile and maintain heritage register specifying the heritage resources in the respective county in accordance with this Act.

(2) A county museum shall, in the heritage register, set out the heritage resources in accordance with—

- (a) the sub categories prescribed under this Act;
- (b) the area of jurisdiction; and
- (c) such other categories as the Cabinet Secretary shall prescribe.



(3) The respective county executive committee member shall prescribe the procedure and information required for—

- (a) the entry of a resource into the heritage register; and
- (b) the compilation of an inventory of heritage resources.

(4) A county museum may approve an application for the entry of heritage resource in the heritage register submitted to it by any person in the prescribed form.

(5) A county museum shall not enter a place in a heritage register unless the museum has consulted with owner of such place regarding the protection of that place.

National heritage resources assistance programme.

**33D.** (1) The National Museums of Kenya may provide financial assistance in the form of a grant or a loan to an approved body or an individual for a project in line with the provisions and the principles prescribed under this Act.

(2) The Cabinet Secretary shall, in consultation with the National Museums of Kenya, prescribe the procedure for the application for approval and granting of financial assistance and the criteria for the assessment of projects.

Heritage agreements.

**33E.** (1) The National Museums of Kenya or a county museum may enter into an agreement with a conservation body, a person, or a community for the conservation or improvement of a heritage resource.

(2) A heritage agreement may provide for—

- (a) the maintenance and management of a heritage resource;
- (b) the custody of the resource;
- (c) the occupation or use of the place by the owner;
- (d) the facilities of access to be permitted to the public;
- (e) the payment of any expenses incurred by the owner in connection with the maintenance of the heritage resource;
- (f) the duration of the agreement; and
- (g) the procedure for the resolution of any dispute arising out of the agreement.

Compulsory repair order.

**33F.**The National Museums of Kenya or a county museum may, where it appears that any place or object is in imminent danger of serious damage or destruction and requires to be protected by a declaration under this Act, make an order protecting the said place or object in the prescribed manner.

Heritage areas.

**33G.** (1) The National and county governments shall at the time of revision of a national or county planning laws, or the compilation or revision of a spatial plan, take into account the need for the designation of heritage areas to protect any place of environmental or cultural interest.

(2) A county government may, by notice in the *county gazette*, designate any area or land to be a heritage area if such area or land is of environmental or cultural interest or has heritage resources.

(3) A county government shall provide for the protection of a heritage area through the provisions of its planning laws or legislation.

Burial grounds and graves.

**33H.** (1) Where it is not the responsibility of any other body, the National Museums of Kenya shall conserve and generally care for burial grounds and graves protected under this Act.

(2) The National Museums of Kenya shall identify and record the graves of victims of conflict and any other graves which it considers to be of cultural significance and may, for this purpose, erect memorials associated with the graves and maintain such memorials.

(3) A person shall not, unless such person has applied for and obtained a permit from by the National Museums of Kenya or a county museum—

- (a) destroy, damage, alter, exhume or remove from its original position or otherwise disturb the grave of a victim of conflict, or any burial ground or part thereof which contains such graves;
- (b) destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than sixty years which is situated outside a formal cemetery administered by a county government; or
- (c) bring onto or use at a burial ground or grave referred to in paragraph (a) or (b) any excavation equipment, or any equipment which assists in the detection or recovery of metals.

(4) The National Museums of Kenya or a county museum may not issue a permit for the destruction or damage of any burial ground or grave referred to in subsection (3) unless it is satisfied that the applicant has made satisfactory arrangements for the exhumation and re-interment of the contents of such graves, at the cost of the applicant.

Establishment of research institutions No. 28 of 2013.

**33I.** (1) The Cabinet Secretary may, on the recommendation of the National Museums of Kenya, by notice in the *Gazette* establish research institutes and grant a Certificate of Registration in accordance with the provisions of the Science, Technology and Innovation Act.

(2) The research institutes established under subsection (1) may research and conduct other activities of –

- (a) scientific, natural, cultural or technological importance by means of exploration and field investigations, data analysis, public programmes, exhibitions, tours or publications;

- (b) biomedical importance by use of non-human primates and other animal models;
  - (c) importance to conservation of biodiversity, including identification, documentation, establishment and curation of a national biodiversity inventory;
  - (d) research in fields of ancient, historical, scientific, cultural, natural, technological, biomedical and human interest; and
  - (e) dissemination and transmission of knowledge from research on cultural heritage, natural heritage, biomedical, ancient and historical monuments and sites of national importance.
- (3) An order under this section may specify—
- (a) that the institute to which it relates shall have corporate personality;
  - (b) the duties, powers and functions of the institute;
  - (c) the manner in which the institute shall be governed; and
  - (d) such other matters with respect to the conduct and management of the institute, as the Cabinet Secretary may find it necessary or desirable to provide for.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by inserting the following new definition immediately after the definition of the word “heritage”—

“living heritage” means the intangible aspects of inherited culture, and may include—

- (a) cultural tradition;
- (b) oral history;
- (c) performance;
- (d) ritual;
- (e) popular memory;
- (f) skills and techniques;
- (g) indigenous knowledge systems; or
- (h) the holistic approach to nature, society and social relationships;

**B. THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL, 2021 (SENATE BILLS NO. 17 OF 2021)**

(Sen. Lekama Olekina, MP)

**NOTICE** is given that the Chairperson, Standing Committee on Devolution and Intergovernmental Relations, intends to move the following amendments to the County Oversight and Accountability Bill, Senate Bills No. 17 of 2021, at the Committee Stage –

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended –

- (a) in subclause (1) by deleting the word “shall” appearing immediately after the words “each county government” and substituting therefor the word “may”;
- (b) in subclause (2) by deleting the word “shall” appearing immediately after the words “A county government” and substituting therefor the word “may”;

**CLAUSE 17**

**THAT** clause 17 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause –

- (1) A Senator may facilitate public participation through public awareness campaigns in the respective county.

**CLAUSE 19**

**THAT** clause 19 of the Bill be amended in subclause (2) by deleting the words “County Assembly” appearing immediately after the words “The Clerk of the” and substituting therefor the word “Senate”.

...../Amendments

**C. THE COUNTY GOVERNMENTS (AMENDMENT) BILL, 2021 (SENATE BILLS NO. 38 OF 2021)**

(Sen. Moses Kajwang' MP)

**NOTICE** is given that the Chairperson, Standing Committee on Devolution and Intergovernmental Relations, intends to move the following amendments to the County Governments (Amendment) Bill, Senate Bills No. 38 of 2021, at the Committee Stage –

**CLAUSE 4**

**THAT** clause 4 of the Bill be amended –

(a) in the proposed new section 91A(1) by deleting paragraph (h); and

(b) in the proposed new section 91B by deleting the word “determine” appearing at the beginning of the paragraph (a) and substituting therefor the words “consult on”.

...../Amendments

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

(Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

**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.

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

Chairperson to the Standing Committee on Justice, Legal Affairs and Human Rights

**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).

**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

(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.

**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. PETITIONS**

- i.) Petition to the Senate by the Consumers Federation of Kenya (COFEK) concerning the Ministry of Mining and Petroleum “Open Tender System” for fuel supply.

*(The Speaker of the Senate)*

- ii.) Petition to the Senate regarding alleged unlawful and arbitrary deprivation of land, internal displacement of persons, trespass on land, delayed and non-compensation in respect of way leaves and public rights of way required for irrigation infrastructure and unnecessary, prolonged and inordinate delay in undertaking full implementation of the Lower Kuja irrigation development project in Nyatike Sub County of Migori County, by the management of the National Irrigation Authority.

*(Sen. George Ochilo Ayacko, MP)*

**2. PAPERS**

- i.) The Senate Calendar for the Sixth Session (February to June, 2022).
- ii.) Report by the National Treasury and Planning on the status of the Kenyan economy (December, 2021).
- iii.) Report by the National Treasury on all new loans contracted by Government from 1st September, 2021 to 31st December, 2021.
- iv.) Annual Report and Financial Statements for the Office of the Controller of Budget for the Financial Year 2019/2020.
- v.) Report of the Controller of Budget on the National Government Budget Implementation Review for the Financial Year 2020/2021.
- vi.) Report of the Controller of Budget on the National Government Budget Implementation Review for the First Quarter for the Financial Year 2021/2022.
- vii.) Report of the Controller of Budget on the County Governments Budget Implementation Review, for the First Quarter for the Financial Year 2021/2022.
- viii.) The Annual Report of the National Police Service Commission, for Financial Year 2020/2021.
- ix.) The Ninth Report on status of the Public Service Compliance with the values and principles in Articles 10 and 232 of the Constitution.
- x.) The Annual Report on the State of Judiciary and the Administration of Justice for the Financial Year 2020/2021.

...../Appendix

- xi.) The Commission on Revenue Allocation Recommendation on the County Governments’ recurrent expenditure budget ceilings for Financial Year 2022/2023.
- xii.) The Annual Report of the Commission on Revenue Allocation for the Financial Year 2019/2021.
- xiii.) The Controller of Budget Regulations (Legal Notice No. 254 of 2021).
- xiv.) The Designation of Basin Areas (Legal Notice No. 235 of 2021).
- xv.) Report of the Auditor General on the financial statement of Kilifi County Assembly car loan and mortgage scheme fund for the year ended 30th June, 2014;
- xvi.) Report of the Auditor General on the financial statement of Kilifi County Assembly car loan and mortgage scheme fund for the year ended 30th June, 2015;
- xvii.) Report of the Auditor General on the financial statement of Kilifi County Assembly car loan and mortgage scheme fund for the year ended 30th June, 2016;
- xviii.) Report of the Auditor General on the financial statement of Baringo County Education Bursary Fund for the year ended 30th June, 2016;
- xix.) Report of the Auditor General on the financial statement of Baringo County Small and Medium Enterprise for the year ended 30th June, 2016;
- xx.) Report of the Auditor General on the financial statement of Baringo County Executive members mortgage scheme fund for the year ended 30th June, 2016;
- xxi.) Report of the Auditor General on the financial statement of Kilifi County Assembly car loan and mortgage scheme fund for the year ended 30th June, 2017;
- xxii.) Report of the Auditor General on the financial statement of Baringo County Education Bursary fund for the year ended 30th June, 2017;
- xxiii.) Report of the Auditor General on the financial statement of Nyeri County Assembly car loan and mortgage fund for the year ended 30th June, 2018;
- xxiv.) Report of the Auditor General on the financial statement of Kilifi County Assembly car loan and mortgage scheme fund for the year ended 30th June, 2018;

- xxv.) Report of the Auditor General on the financial statement of Baringo County Education Bursary fund for the year ended 30th June, 2018;
- xxvi.) Report of the Auditor General on the financial statement of Kericho County Assembly Members car loan and mortgage scheme fund for the year ended 30th June, 2018;
- xxvii.) Report of the Auditor General on the financial statement of County Assembly of Nakuru car loan and mortgage fund for the year ended 30th June, 2018;
- xxviii.) Report of the Auditor General on the financial statement of Baringo County Small and Medium Enterprise Fund for the year ended 30th June, 2018;
- xxix.) Report of the Auditor General on the financial statement of Baringo County Executive Members mortgage scheme fund for the year ended 30th June, 2018;

*(The Senate Majority Leader)*

- xxx.) 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)*

**3. NOTICES OF MOTION**

- (i) **APPROVAL OF THE SENATE CALENDAR FOR THE SIXTH SESSION**  
(The Senate Majority Leader)

**THAT**, pursuant to Standing Order 29(1), this House approves the Senate Calendar (Regular Sessions) for the Sixth Session (February to June, 2022), laid on the Table of the House on Wednesday, 9<sup>th</sup> February, 2022.

- (ii) **APPROVAL OF SITTINGS ON WEDNESDAY MORNING WITH RESPECT TO PART 1 OF THE SENATE CALENDAR**  
(The Senate Majority Leader)

**THAT**, pursuant to Standing Order 31(3), the Senate resolves to hold Sittings on Wednesday mornings with effect from 16<sup>th</sup> February, 2022 to 9<sup>th</sup> March, 2022; and that the Sittings shall commence at 10.00 a.m. and end at 12.30 p.m.

(iii) **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 9<sup>th</sup> February, 2022.

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

- i.) The Senator for Siaya County (Sen. James Orengo, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the circumstances surrounding the death of Mr. Vitalis Mark Tanga Okinda; and
- ii.) The Senator for Kericho County (Sen. Aaron Cheruiyot, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding alleged discrimination in issuance of national identity cards in secondary schools across the country.

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