



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

VOL. II NO. 76

THE HANSARD

Wednesday, 23rd August 2023

The House met at 9.30 a.m.

[The Deputy Speaker (Hon. Gladys Boss) in the Chair]

PRAYERS

QUORUM

Hon. Deputy Speaker: I direct that the Quorum Bell be rung for 10 minutes.

(The Quorum Bell was rung)

Hon. Members, we now have quorum. We may proceed.

Hon. Members, we are going to begin the Sitting. Hon. Kamket, you should now break up your *kamukunji*. Let us proceed. Order, Hon. Didmus Barasa.

PAPERS

Hon. Deputy Speaker: Chairperson, Departmental Committee on Blue Economy, Water and Irrigation, Hon. Bowen Kangogo.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Deputy Speaker, I beg to lay the following Papers on the Table:

1. Report of the Departmental Committee on Blue Economy and Irrigation on a study visit to Namibia from 12th to 15th June 2023.
2. Report of the Departmental Committee on Blue Economy and Irrigation on its consideration of the Water (Amendment) Bill (National Assembly Bill No.33 of 2023)

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Next is the Chairperson of the Departmental Committee on Environment. Do you have a Paper? Proceed, Hon. Gikaria.

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Deputy Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Environment, Forestry and Mining on its consideration of the National Climate Change (Amendment) Bill (National Assembly Bill No.42 of 2023)

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Next Order. Hon. Chairman, I noticed that you have a Paper to table.

Hon. Wachira Karani (Laikipia West, UDA): Yes.

Hon. Deputy Speaker: Proceed.

Hon. Wachira Karani (Laikipia West, UDA): Hon. Deputy Speaker, I beg to lay the following Paper on the Table:

Report of the Select Committee on Members' Services and Facilities on its study visit to the House of Commons, United Kingdom from 6th to 13th May 2023.

Hon. Deputy Speaker: Next Order.

QUESTIONS AND STATEMENTS

Hon. Deputy Speaker: Chairperson, Select Committee on Implementation.

STATEMENT

AGREEMENT BETWEEN GOVERNMENT OF KENYA AND GOVERNMENT OF ITALY ON LUIGI-BROGLIO MALINDI SPACE CENTRE

Hon. Raphael Wanjala (Budalangi, ODM): Hon. Deputy Speaker, I rise to issue a Statement to the House regarding the implementation status of the Agreement between the Government of the Republic of Kenya and the Government of the Italian Republic on the Luigi-Broglio Malindi Space Centre, as requested by Hon. Owen Baya, Member for Kilifi North Constituency on Tuesday 13th June 2023.

The matter seems to have taken inordinately long to respond to. This is due to a delayed response from the Management of the Italian Space Centre in Malindi. Nevertheless, we have received the response and shared it with Hon. Owen Baya. Even as I table the response as received and appended, allow me to give the House a brief history of the issue for the benefit of all Members.

This House ratified the Kenya-Italy Bilateral Agreement on the Luigi-Broglio Malindi Space Centre on 15th October 2020. It came into effect on 16th December 2020 following the completion of the exchange of diplomatic notes on the Agreement between the two governments. The implementing parties on this Agreement, which guides the management of the Space Centre, located at Malindi Space Centre, are the Kenya Space Agency and the Italian Space Agency.

The Centre sits on 3.5 hectares of land under the Ministry of Defence. The Agreement provides a framework of collaboration between Kenya and Italy on the peaceful use of outer space for both nations' scientific, technological, and socio-economic development, among others. It also provides for joint management of the Luigi-Broglio Malindi Space Centre. The cooperation framework is premised on five implementing arrangements as follows:

1. Support to the Kenya Space Agency.
2. Access to earth observation and space science data.
3. Education and training.
4. Telemedicine.
5. Establishment of a centre for earth observation.

Hon. Deputy Speaker, the Government of Kenya is concerned about the slow implementation of the Agreement. I want to inform the House that, as a result, the Committee on Implementation has been following up on the implementation of the same. Unfortunately, Kenya has yet to see significant tangible benefits from the cooperation. Truth be told, there is nothing much to show either at the national level or even in the local community around the Space Centre in Ngomeni and Malindi, Kilifi County.

Hon. Deputy Speaker, the current activities at the Malindi Space Centre are exclusively benefiting the Italian Space Agency and its Western partner agencies through tracking telemetry, command services, and provision of space science and astronomical data to the Western scientific community. The facility is currently undertaking several commercial activities in support of satellite launches and provision of telemetry tracking and command services to a number of clients, including the French Arianespace, European Space Agency, National Aeronautics and Space Administration (NASA), Space X, Chinese Aerospace Administration and other international clients with no significant share or profits accruing to

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

the Government of Kenya. Three years into the new Agreement, there is no traction on the implementation of the Agreement. The Italian side has made only token fulfillment on select obligations while avoiding the substantive ones.

I am informing the House that the Committee on Implementation visited the Centre on 11th August 2023 to follow up on the status of implementation of a report tabled by the Departmental Committee on Defence, Intelligence and Foreign Relations regarding this emotive matter. The Agreement under Article 5 mandates the Space Centre's Chief Executive Officer (CEO) to be part of the Joint Chairing Committee. The CEO from the Italian side was not present for that particular meeting. Thus, no one from the Italian side would adequately answer the Members who had been called upon. The Italian Ambassador clarified that he had replied to the questions sent a day before the meeting. The Committee agreed to meet them at a later date. In the next two weeks, we are supposed to meet them again.

The Ministry of Defence is equally dissatisfied and has since raised concern. The Ministry is seeking this House's intervention in pushing for our country to have its significant share of the benefits that accrue from the activities at the Malindi Space Centre. The matters raised include:

1. Full disclosure and visibility of the commercial contracts entered into by the Malindi Space Centre with third parties.
2. Establishment of a Centre of Earth Observation for access to crucial earth observation data and capacity building on the development of applications.
3. More places for Kenyan Government personnel and visibility into the facility's operations, including the commercial contracts.
4. Tangible capacity building and support for the growth of Kenya's Space Sector.
5. Joint project that is impactful and beneficial to Kenya.

Hon. Deputy Speaker, that is a synopsis of the response. I hereby submit the entire Report as received from the Ministry of Defence and the Management of the Italian Republic through the Ministry of Foreign and Diaspora Affairs.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Yes, Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Deputy Speaker. I want to thank the Chairperson of the Committee on Implementation for the work they are doing. I requested the Statement on the premise that the Luigi-Broglio Space Centre has been there for many years but has not benefited the people of Malindi, specifically the residents of Ngomeni in Magarini Constituency, where the Space Centre is situated. Ngomeni is still a very impoverished place despite the revenue that the Centre generates.

I want to thank the Committee because, for the first time in the history of this country, Parliament has been allowed into that Centre. I want to applaud the Chairman of the Committee for that effort and the Ministry of Defence for pushing to ensure that we get information from that secretive Space Centre. I know the Ambassador has been trying to make the Committee understand what they are doing. I want you to be tough and get to the bottom of this matter. Kenyans must benefit from that Centre.

The 12th Parliament, in which I sat, approved the bilateral Agreement. We debated it in this House and agreed in principle that we would approve on the premise of the many projects that were to be undertaken in that Agreement. If you read it, you will see that there are community projects and scholarships. I have read the *note verbale* from the Ministry of Foreign Affairs in Italy. In that letter, they have said they have offered hundreds of scholarships. I have not seen anybody from Magarini, Malindi, or Kilifi who has benefited from those scholarships. So, who are the people being given the scholarships the Ambassador has discussed? We should interrogate all agreements that come to this House and ensure they benefit the community. In

the two weeks you have asked for, I am sure you will unearth these issues and ensure that the people of Ngomeni in Magarini Constituency benefit from the Luigi-Broglio Space Centre.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Bowen.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Deputy Speaker. I want to appreciate the Chairperson for the Report. The Departmental Committee on Blue Economy and Irrigation visited Ngomeni to see the landing site around that area. Before getting to the site, we passed the Italian Satellite Centre. We were there for some days. The community around that Space Station is among the poorest in Kenya. There is no tarmac road to Ngomeni. The landing site we visited was built by the State Department for the Blue Economy and has a water pipeline. There is water at the Centre, but the community does not have water. I wish the Italian Centre would help the community with just one water kiosk. I support the Report by Hon. Wanjala that we should ensure the people of Ngomeni, Magarini, and Malindi benefit from that Centre. I hope Hon. Wanjala will follow up on this matter to the letter and ensure that the community around that Space Station benefits from its presence.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Let us proceed to the next order.

PROCEDURAL MOTION

EXEMPTION OF BUSINESS FROM STANDING ORDER 40(3)

Hon. Deputy Speaker: Leader of the Majority Party. My apologies. Apparently, there is a Question by the Member for Turkana North. Is he in the House? He is not present. Let us proceed with the Procedural Motion.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. I hope that Question has been dropped. A Member cannot have their business lined up in the Order Paper and then they fail to come to the House.

Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, this House resolves to exempt the business appearing as Order No.14 in today's Order Paper from the provisions of Standing Order 40(3), today being a Wednesday morning, a day allocated for Business not sponsored by the Majority or Minority Party or Business sponsored by a committee.

Hon. Deputy Speaker, as Members will note, the Business listed as Order No.14 is Committee of the whole House on critical government business, including the Climate Change (Amendment) Bill, the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill, and the Food and Feed Safety Control Coordination Bill. The House Business Committee (HBC) resolved that we have this Procedural Motion this morning to allow us to transact the Business listed as Order No.14. This being a procedural Motion, I do not have much to say.

I beg to move and ask the Deputy Leader of the Majority Party to second.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Deputy Speaker. This being a Procedural Motion and a Wednesday morning, I second the Motion and ask that Members support it so that we transact the Business ahead of us.

I thank you.

(Question proposed)

Hon. Members: Put the Question!

Hon. Deputy Speaker: Is it the mood of the House that I put the Question?

(Loud consultations)

Order! Order, Hon. Members!

(Hon. Millie Odhiambo-Mabona consulted loudly)

Order, Hon. Millie! Hon. Millie Odhiambo, please do not shout. Is it the mood of the House that I put the Question?

Hon. Members: Yes!

Hon. Members: No!

Hon. Deputy Speaker: The “Ayes” have it.

(Question put and agreed to)

(Several Members stood up in their places)

Hon. Members, unfortunately, you do not have sufficient numbers. Let us proceed.

(Hon. (Dr) James Nyikal consulted loudly)

Hon. (Dr) Nyikal, you are out of order. If you want to make a point of order, just do so and I will allow you.

(Hon. (Dr) James Nyikal stood up in his place)

Hon. (Dr) Nyikal, you are out of order. Please, be seated. You can request to rise on a point of order.

Hon. (Dr) Makali, you can raise your point of order.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Hon. Deputy Speaker, with all due respect, we are not opposing this Motion. It is important that you allow us to raise the issues we have. The Climate Change (Amendment) Bill and the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill were debated yesterday afternoon. The Leader of the Majority Party has said here many times that he listens to the proceeding of the House even when he is not present. Why do we want to have double standards?

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of Order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Allow him to finish. Finish submitting your point of Order, Hon. (Dr) Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): It is not a must for me to sit here to listen to this House's proceedings. Just to confirm, I was listening to the proceedings of this House. Hon. TJ Kajwang' indicated he would bring amendments to these Bills. That was said yesterday afternoon. Even as these Bills have been brought for debate this morning, the Standing Orders are clear that Members should be given time to move amendments to Bills. What are we doing to this House and our Standing Orders?

We are being unfair to Private Members Bills. Today is Wednesday, and we should be discussing Private Members Bills. I have a Bill in the queue and have not been allocated time to prosecute it. The only time we have for Private Members' business - Wednesday morning - is being used on Bills being rushed through. We need to be serious. That is why we have bilateral agreements that do not add any value to the country. We continue supporting such bilateral agreement without proper scrutiny because Members keep shouting, "Put the Question!"

Hon. Deputy Speaker: What is your point of Order, Hon. Millie?

Hon. Millie-Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Deputy Speaker. There is a dangerous trend in this House. We know that we have a majority in the House, as it has been proven by the "Ayes." We also have a minority. The practice is that we should let the minority have their say even as the majority have their way. However, we are proceeding in a dictatorial manner and thus muzzling the voices of Members in the minority. Sometimes, we have valid issues that we want to raise. We would still reach the same conclusions after our voices have been heard.

The concern I am raising - in respect of which I was not given a chance - is that I have forwarded amendments on the two Bills subject to the Procedural Motion.

(Hon. Kimani Ichung'wah spoke off the record)

Hon. Deputy Speaker, I am on a point of Order. Therefore, the Leader of the Majority Party cannot overrule my point of Order. I have amendments to the Climate Change (Amendment) Bill and the Food and Feed Safety Control Bill. We are moving at supersonic speed. I would like to know whether the House has received my amendments. Are we going to prosecute my amendments this morning?

From the history of this House, I rarely come here in the morning, but I have been here since we began because I take my work seriously, especially on the business of the Committee of the whole House to scrutinise Bills clause by clause.

I also want to correct the Leader of the Majority Party that we are at the Committee of the whole House stage, not the Third Reading. When we move at supersonic speed and deny Members a chance to prosecute their amendments...

Hon. Deputy Speaker: What is your point of Order, Leader of the Majority Party?

Hon. Millie-Odhiambo-Mabona (Suba North, ODM): Hon. Deputy Speaker, I am on a point of Order. How can you overrule my point of Order? Do we no longer have rules in this House? If I am on a point of Order, you do not overrule it.

Hon. Deputy Speaker: You are done with your point of Order.

Hon. Millie-Odhiambo-Mabona (Suba North, ODM): Okay, but you should not allow him to stand while I am still on my feet. That is not procedural. Hon. Deputy Speaker, you should be fair. I will sit down and follow the rules, but only when you tell me my time is over. He should not stand when I am still on my feet. It does not matter whether he is the Leader of the Majority Party or the heavenly leader.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. You have made your point. Yes, Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. I chose to ignore the unnecessary tirade from Hon. Millie Odhiambo. She has issues that have nothing to do with the House or the Leader of the Majority Party. She can deal with her issues at home and not here. Standing Order 85 is very clear. We were at Order 8.

(Hon. Millie Odhiambo-Mabona spoke off the record)

Hon. Deputy Speaker, protect me from the spewing you are hearing from the Member for Suba something. We were at Order 8. On the issues I have heard canvassed by Hon. Makali, Hon. Millie....

(Hon. Millie Odhiambo-Mabona spoke off the record)

Hon. Deputy Speaker: Order, Hon. Millie Odhiambo. I will order you to leave the House if you continue shouting from there.

(Hon. Millie Odhiambo-Mabona spoke off the record)

Please, be orderly. This is the last warning I am giving you. Proceed, Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, I said we were at Order 8 when I listened to Hon. Makali. He is a decent Member who prosecutes his issues with a lot of decorum and maturity without having to shout or spew the things you have heard being spewed. Order 8 was a Procedural Motion. We are yet to get to Order 14. If I count, we have another five other Orders or Motions before we get to Order 14. I was wondering why we were jumping Orders 9, 10, 11, 12, and 13 to prosecute Order 14. Hon. Millie was speaking about the procedure. The procedure requires that she waits until we reach business under Order 14 to raise the issues she has on it. It is the same with my good brother and friend, Hon. Makali. He knows. That is why you see him smiling. He is not as emotional as Hon. Millie. He knows what he is doing is not the right thing.

I beg that we proceed with the Orders listed on the Order Paper. What I see now is filibustering and trying to waste our valuable time. We woke up very early to be here. I am usually here, but Hon. Millie usually comes at 6.00 p.m. It is now 9.00 a.m., not 6.00 p.m.

(Several Members spoke off the record)

Hon. Samwel Chepkonga (Ainabkoi, UDA): On a point of order.

Hon. Deputy Speaker: Hon. Chepkonga, what is your point of Order?

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you very much, Hon. Deputy Speaker.

I rise pursuant to Standing Order 85 as read together with Standing Order 83. There is a trend in this House where everybody stands on a point of Order. Standing Order 83 is very clear. You must not allow any Member, including the Member for Kitui Central, who is serving his third term, to shout "point of order" without referring to any Standing Order that has been breached. He is a ranking Member. He has not quoted any Standing Order. I have listened very carefully.

(Hon. (Dr) Makali Mulu spoke off the record)

Do not worry about my going home. Going home is natural, including going to heaven. In fact, one day, you will go home to heaven. Forget about the home on earth.

(Laughter)

Hon. Deputy Speaker, I request you to ensure that we have Order in this House. Otherwise, we will entertain chaos from some very senior Members of this House, who include my very junior learned friend, Hon. Millie Odhiambo.

(Hon. Millie Odhiambo-Mabona spoke off the record)

No! You are my junior. You must know I am serving my 33rd year in the legal profession.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Millie Odhiambo has never appeared in court.

Hon. Samwel Chepkonga (Ainabkoi, UDA): No, she has never appeared in court or prosecuted any case. I must say that.

(Laughter)

Secondly, Standing Order 85 is very clear on anticipating debate on a matter that has not been called for debate. Thirdly, no Member should be acting for and on behalf of another Member without written permission from the Member. Particularly, the Member for Kitui Central does not represent Hon. TJ Kajwang' who is a lawyer. He cannot be represented by an accountant unless there is a problem with accounts.

Hon. Kimani Ichung'wah (Kikuyu, UDA): He is not an accountant.

Hon. Samwel Chepkonga (Ainabkoi, UDA): What is he?

Hon. Kimani Ichung'wah (Kikuyu, UDA): He is an economist.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Is he an economist? He is even worse!

Hon. Kimani Ichung'wah (Kikuyu, UDA): Economists work with assumptions.

Hon. Deputy Speaker: You have made your point, Hon. Chepkonga. Let us proceed.

Hon. Members: On a Point of Order.

Hon. Deputy Speaker: No, Hon. KJ. Please proceed.

*(Hon. Millie Odhiambo-Mabona stood
in her place and consulted loudly)*

Hon. Millie, you are on the last warning. You cannot stand there and shout. You can press the intervention button.

Hon. John Kiarie (Dagoretti South, UDA): Thank you very much, Hon. Deputy Speaker.

Hon. Deputy Speaker: No! I have not given you opportunity to speak, Hon. KJ.

Hon. John Kiarie (Dagoretti South, UDA): You said, "KJ proceed."

Hon. Deputy Speaker: No! I said you should be orderly. Let us proceed to the next Order.

MOTIONS

ESTABLISHMENT OF NATIONAL CANCER PREVENTION AND CONTROL FUND

THAT, aware that Article 42(1)(a) of the Constitution provides for the right of every person to access the highest attainable standard of health, which includes the right to health care services; further aware that cancer is among the leading causes of death in the country; noting that although the budgetary allocation for health care services is progressive, it is inadequate to cater for cancer prevention and care across the country; further noting that cancer control in the country is hampered by inadequate cancer care infrastructure and limited specialised human resource capacity; recognising that a significant number of cancer patients do not complete prescribed treatment due to the high cost of cancer management; further recognising that the Cancer Prevention and Control Act, 2012 seeks to promote access to quality and affordable diagnostic and treatment services for persons with cancer and to ensure sustainable capacity for the

prevention and control of cancer; this House resolves that the Government, through the National Treasury, establish a National Cancer Prevention and Control Fund to promote prevention, control, and treatment of cancer in the country.

(Moved by Hon. Timothy Kipchumba on 2.8.2023 – Morning Sitting)

(Debate concluded on 9.8.2023 – Morning Sitting)

(Question put and agreed to)

DEVELOPMENT AND IMPLEMENTATION OF CHILDCARE PROGRAMME
FOR CHILDREN WHOSE PARENTS ARE IN LAWFUL CUSTODY

THAT, aware that, Article 53 of the Constitution provides for the rights of children, including the right to free and compulsory basic education; further aware that Section 22 of the Persons Deprived of Liberty Act and the Childcare Policy provides for the care of a child whose parent is deprived of liberty, until the child still require parental support; further recognising that majority of these children often suffer from emotional distress, social stigma and economic hardships; cognisant of the fact that all children should be accorded a means of maintaining their relationship with their incarcerated parents; noting that, children have restricted economic resources available for their support which in turn negatively impacts their lives; this House therefore urges the Government, through the State Department for Social Protection and Senior Citizen Affairs, to develop and implement a programme for the care of children above the age of four years whose parents are under lawful custody.

(Moved by Hon. Brighton Yegon on 9.8.2023 – Morning Sitting)

(Debate concluded on 9.8.2023 – Morning Sitting)

(Question put and agreed to)

Hon. Deputy Speaker: What is your point of order, Hon. Wangwe?

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Deputy Speaker. I rise on a point of order to seek clarification on whether the Chief Whip of the Majority Party and the Chairperson of the Committee on Delegated Legislation are in order to continue talking while you are on your feet. Are they exempt from the decision that the House has just made? What is the implication of their actions?

Hon. Deputy Speaker: Let us proceed. They have noted your advice.
Next Order.

NATIONAL POLICY ON DEWORMING OF
SCHOOL-GOING CHILDREN

THAT, aware that, Article 43(1)(a) of the Constitution provides that every person has the right to the highest attainable standard of health including the right to health care services; further aware that the relationship between health and education plays a significant role in school attendance rates; concerned that the

negative effects of poor sanitation, such as parasite infestations, particularly among school children lead to anaemia, stunted-growth and other salient problems which in turn lead to low school attendance and impact education standards; recognising that according to research, school-based deworming is one of the most cost effective interventions that provides a huge range of holistic and social benefits, such as increased school attendance and healthier kids who do better in school, while utilising already-existing school structures in administering deworming treatments to school pupils; recalling that previous programmes conducted by the Ministry of Health in partnership with a non-governmental organisation called Evidence Action have only been piloted in a few selected counties and that the deworming efforts have been uncoordinated and dependent on external support with no clear policy or budgetary framework; now therefore, this House urges that the National Government, through the Ministry of Health, develops a national policy on deworming school-going children as a crucial part of mainstreaming of healthcare access in the Country.

(Moved by Hon. John Waithaka on 9.8.2023 – Morning Sitting)

(Debate concluded on 16.8.2023 – Morning Sitting)

Hon. Deputy Speaker: I am sorry, Hon. Members. My Order Paper seems to have been mixed up. It is different from the one everyone else has.

(Question put and agreed to)

Next Order.

PUBLIC HEALTH CONCERNS AT LANGATA CEMETERY

THAT, aware that, Article 42 of the Constitution provides for the right of every person to a clean and healthy environment; further aware that Article 69 of the Constitution obligates the State to ensure sustainable utilisation of the environment and natural resources including land; recognising that the Fourth Schedule to the Constitution assigns to the national Government the function of land planning, including the general principles of land planning and the coordination of the planning by counties, as well as matters of health policy; further recognising that there is ongoing public outcry regarding the neglect of Langata public cemetery, which was declared full close to two decades ago; concerned that this matter has been left unaddressed and poses significant health risks to the public; deeply concerned that this situation has led to overcrowding and double-allocation of burial sites, with bodies being buried in shallow graves leading to frequent uncovering by wild animals from the nearby national park; further concerned that this has caused untold anguish, pain and suffering to bereaved families and psychological torment to the neighbouring community; now therefore, this House urges the national Government, through the Ministry of Health, to urgently conduct an assessment of the public health risks posed by the continued use of the Langata Cemetery, and to institute mitigatory measures and collaborate with other stakeholders, including the Nairobi County Government, to identify suitable alternative land for use as a cemetery.

(Moved by Hon. Phelix Odiwuor on 16.8.2023 – Morning Sitting)

(Debate concluded on 16.8.2023 – Morning Sitting)

(Question put and agreed to)

Next Order.

DEVELOPMENT AND IMPLEMENTATION OF PROGRAMME
FOR VOLUNTARY REGULARIZATION OF LAND OCCUPIED
BY SQUATTERS FOR PRESCRIBED PERIOD

THAT, aware that lack of access to ownership of productive assets, in particular to land, is one of the very serious sources of economic and social insecurity for Kenyans; further aware that many communities particularly in rural income dwellers, the only way of accessing land to put up their dwellings has been to take up residence on land that is unfit for human habitation; aware that the Bill of Rights in Chapter Four of the Constitution guarantees every citizen the right to adequate housing and reasonable standards of sanitation; noting that there are very many squatters who have settled on land that belongs to either absentee landlords, unadjudicated land, public land or community land for long periods of times, with some disputed while others are undisputed; concerned that the issue of land settlement in many urban areas, particularly in the informal settlements, has remained unresolved with numerous persons remaining squatters; further aware that Section 7 of the Limitation of Actions Act, 2010 provides for the right to claim for settlement on certain land after the prescribed period; recognising the need for the Ministry of Lands to hasten the process of identifying parcels of land occupied by squatters where there are no disputes from any party; this House resolves that the Government develops and implements a policy for voluntary regularisation of land occupied by squatters for a prescribed period, including negotiations for financial settlements across the country to address the challenges facing the said squatters.

(Moved by Hon. Mark Mwenje on 16.8.2023 – Morning Sitting)

(Debate concluded on 16.8.2023 – Morning Sitting)

(Question put and agreed to)

What is your point of order, Hon. Nyikal?

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Deputy Speaker, for giving me this opportunity. As we move to Order No.14 on the Committee of the whole House, I rise to seek your guidance. The first Bill for consideration is the Climate Change (Amendment) Bill. The Second Reading of that Bill happened yesterday afternoon. It was concluded towards 6.00 p.m. This morning, we approved a Procedural Motion that allowed us to consider that Bill in the Committee of the whole House. That process does not give Members the opportunity to propose amendments if they wish to do so. Looking at it properly and logistically, anybody who wanted to propose an amendment was already time-barred when we debated this Bill during its Second Reading stage. With the speed at which we are considering Bills, Members do not get enough time to contribute and propose amendments.

I have proposed amendments to the Climate Change (Amendment) Bill. I do not know whether they are in the Order Paper because I took them to the Table Office this morning. When I did that, I was advised that they were time-barred. Where then is the time for Hon. Members to propose amendments, if necessary, given that they finished debating the Bill at 7.00 p.m. and it is in the House this morning at 9.00 a.m. for consideration by a Committee of the whole House? It is a Bill that has a lot of contentious issues. Hon. Members indicated that they would propose amendments. Some may say that this Bill has been in the House for some time and that one would have proposed amendments earlier. The truth is that we come and sit in the House when a Bill is being moved. The most important time for a Bill is when the Mover is prosecuting it. You get a lot of information from what he says. You get educated. Other Members make contributions. From that, Members can make up their minds as to whether they want to propose amendments or not. If that time is not allowed, when then do the Members get the time to propose the amendments?

Hon. Deputy Speaker, I have three amendments on this Bill, but they are not in the Order Paper. Therefore, I propose that you give direction. Just give me time.

Hon. Deputy Speaker: I want to explain that your amendments came after the Order Paper had been printed but were approved.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you very much. Can the amendments be moved on the Floor of the House?

Hon. Deputy Speaker: Yes.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Deputy Speaker, while I thank you for that...

Hon. Deputy Speaker: Many Members have brought their amendments despite your argument that there was insufficient time to do so. I was surprised I had ten amendments on my desk for approval early this morning by 8:00 a.m.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you very much, Hon. Deputy Speaker. I like that. Thank you for approving them out of time, which is good. Let us not run the House in such a way that sometimes, even from the important seat of the Speaker, we have to do things that are out of order because we do not follow the procedure. Thank you for that, but we can see a trend that will make it difficult. Let me make a point.

Hon. Deputy Speaker: Hon. Nyikal, you are misleading the House.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Deputy Speaker, I have thanked you. However, let me make this point.

Hon. Deputy Speaker: Hon. Nyikal, you are misleading the House. None of those amendments were approved out of time. They were within time. I said that your amendments were approved after printing the Order Paper. What you are canvassing has already been overtaken by events.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Deputy Speaker, I agree with you. Let me make one last point. Thank you again.

Super majority is good because it can make the Executive do a lot of good things for the country in good time. However, it is a double-edged sword. It can also make the Executive do many bad things very quickly in a situation like this. I thank you for this particular one but keep in mind the procedure.

Hon. Deputy Speaker: We stick to the process at all times. Let us move to the next Order.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Hon. Millie? At least, you are being polite now.

Proceed.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Deputy Speaker, you need to understand that God endowed us very differently. Some people speak softly, but some of us do not do so. My loud voice is not a sign of rudeness. It is just the way I was born. Please, get used to my loud voice.

I want to determine whether my amendments to the Climate Change (Amendment) Bill and the Food and Feed Safety Control Coordination Bill are in the Order Paper.

Hon. Deputy Speaker: I must congratulate you. I approved them very early this morning.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Nyikal, you can see that Members are active. They all brought their amendments despite the short time.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I did not have the time to propose amendments to the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill.

Finally, for the record, sometimes things are not put in order. I want to remind the Member for Ainabkoi that I am senior. As a lawyer, you know what it means. I was sworn in before him. I am his senior. I have been a litigation counsel in the State Law Office, the Federation of Women Lawyers, and the Cradle Children's Foundation. "Litigation" means going to court. I am sure he does not know that.

(Laughter)

Hon. Deputy Speaker: Thank you. Hon. Members, allow me to recognise visitors in the Public Gallery. We have members of a church group, Neno Evangelism, from Laikipia West Constituency, Laikipia County; and members of the Higher Calling Church Group from Laikipia West, Laikipia County. I also wish to recognise - seated in the Speaker's Gallery - students and teachers of St. Joseph's Primary School from Dagoretti South Constituency, Nairobi County.

On my behalf and that of the entire House, I wish to welcome them to Parliament.
Next Order.

COMMITTEE OF THE WOLE HOUSE

(Order for Committee read)

[The Deputy Speaker (Hon. Gladys Boss) left the Chair]

IN THE COMMITTEE

[The Temporary Chairman (Hon. David Ochieng' in the Chair)]

The Temporary Chairman (Hon. David Ochieng'): Hon. Members, we are in the Committee of the whole House to consider the Bills listed in the Order Paper. We will start with the Climate Change (Amendment) Bill (National Assembly Bill No.42 of 2023). As you have been informed, there are amendments which are not in the Order Paper, but they have been approved. All of them shall be considered when we reach them.

Let us start.

THE CLIMATE CHANGE (AMENDMENT) BILL
(National Assembly Bill No.42 of 2023)

The Temporary Chair (Hon. David Ochieng’): Members, I request all of us to be keen at this stage because this is the crux of the work of this House. This is the most important part of law making because we go through the Bill clause by clause. I request you to be very keen, especially those Members who have amendments to the various Bills we are going to consider this morning so that you are ready when we reach you.

Thank you.

(Clause 3 agreed to)

The Temporary Chairman (Hon. David Ochieng’): Hon. Gikaria, move your amendment.

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting clause 4 and substituting therefore the following new clause—

Amendment of
section 4 of No.
11 of 2016

4. Section 4 of the principal Act is amended in subsection (1) by deleting the word “level” appearing immediately after the words “bind all” and substituting therefor the word “levels”.

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

The Temporary Chairman (Hon. David Ochieng’): Clause 4 of this Bill has two proposed amendments by the Hon. Millie Odhiambo and Hon. Nyikal. They are both proposing a deletion.

Hon. Millie Odhiambo, this is your chance.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman for giving me this opportunity.

(Hon. Kangogo Bowen and Hon. Ruku GK stood up in their place)

The Temporary Chairman (Hon. David Ochieng’): Just hold. Hon. Kangogo and Hon. Ruku, please take your seats. I request Members that whenever a Member is speaking, do not come between the person speaking and the Hon. Speaker. I see that happening every day. Go ahead.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Temporary Chairman—my point of order is about the proposed amendments that are not in the Order Paper. We are seeking to know if there is a Supplementary Order Paper so that we understand beforehand what the amendments are seeking to do. We seek your indulgence so that the Supplementary Order Paper is availed to us if it is available.

The Temporary Chairman (Hon. David Ochieng’): The proposed amendments by Members are being circulated. The ones the Hon. Member proposes are being circulated as I speak. They will reach you just now. The effect of the proposed amendments by Hon. Nyikal and Hon. Millie Odhiambo is to delete Clause 4.

(Hon. Opiyo Wandayi raised his hand)

Hon. Wandayi, is it a point of order?

Hon. Opiyo Wandayi (Ugunja, ODM): Just for good order, Hon. Temporary Chairman, could you listen to me? I know that you are consulting with the lead Clerk-at-the-Table.

(The Temporary Chairman consulted the Lead Clerk-at-the-Table)

If you say the proposed amendments are coming in a short while, how long is a short while? We cannot proceed with this business unless we have the amendments on our desks. We need all the proposed amendments on our desks to prosecute them appropriately. We can still take time and wait for them to come. There is no hurry. The world is not ending today. We can just have some good time.

The Temporary Chairman (Hon. David Ochieng’): I am aware that as we speak, the amendments are being circulated.

(Hon. Kimani Ichung’wah spoke off the record)

Order, Hon. Ichung’wah. I have said that the proposed amendments not in the Order Paper are being circulated. I request Members to be patient in their seats. They are going to be brought to you. In any case, I have just said that the proposed amendment to Clause 4 is for deletion.

Yes, Hon. Makali.

Hon. John Makali (Kanduyi, Ford-K): Thank you very much, Hon. Temporary Chairman. We raised some fundamental issues earlier, but the Leader of the Majority Party and Hon. Chepkonga took it casually. The truth of the matter is that the reason why there is a requirement for the Order Paper to be published several hours before the day of the debate is for Members to prepare themselves. Even as we say that we are approving these amendments this morning, we need to note that we have the Standing Orders to have a well-structured way of doing business as a House. We are now in a situation where you want us to debate amendments not in the Order Paper. I appreciate that the amendments are being circulated, but even after being circulated, there is still no time for one to internalise those amendments and do any research on them. So, today, we can agree that we want to do things this way, but in future, we need to stick to our rules on a good way of conducting business in this House.

I submit.

The Temporary Chairman (Hon. David Ochieng’): Members, I have to make this very clear. Hon. Makali and I have been in this House for the last three terms now. We know this is not the first time Members will request the Hon. Speaker to approve their amendments even when a matter is already on the Floor. You have often had your amendment approved by the Hon. Speaker even when the matter is on the Floor being debated. Let us not split the hairs on this matter. The Hon. Speaker already ruled on how we are going to proceed. I will not entertain any further points of order on this matter. We shall proceed as per the Order Paper.

Hon. Millie Odhiambo, move your amendment.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. The amendment is not yet on the Order Paper. Therefore, it is impossible for me to read it word for word.

Hon. Temporary Speaker, I beg to move:

THAT, the Bill be amended by deleting Clause 4.

Hon. Temporary Speaker, the effect of the amendment by the Leader of the Majority Party is to remove the issue of public participation as contained in the Schedule. I seek to retain the elaborate public participation in climate change matters as contained in the current Act.

I, therefore, move.

The Temporary Chairman (Hon. David Ochieng'): Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairman, I rise to support the amendment by Hon. Millie.

The Temporary Chairman (Hon. David Ochieng'): Order. Just take your seat for a minute, Hon. Ichung'wah.

(Question of the amendment proposed)

Hon. Kimani Ichung'wah (Kikuyu, UDA): I am sorry, Hon. Temporary Chairman. I rose before you proposed the Question.

I rise to support the amendment by Hon. Millie. It is similar to an amendment that the Chairperson also has. If it passes, then we are good to go because it is buttressing what is already provided for in our Constitution. Public participation is cardinal to everything that relates to our people.

I, therefore, support the amendment. Please, you can put the Question.

The Temporary Chairman (Hon. David Ochieng'): Leader of the Majority Party, you need to consult with the Chairperson because he is proposing to do something different from what you have just said.

Proceed, Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Chairman. I had a similar amendment, which means that if this amendment is concluded, the same will apply to my amendment.

I support the proposed similar amendment. We cannot hurry when we make laws to kill the law that is very pertinent to the spirit of our Constitution, like public participation. I said yesterday that we were hurrying the passage of this law, and it was to no good.

I, therefore, support that the particular section be deleted as proposed.

The Temporary Chairman (Hon. David Ochieng'): Departmental Committee Chairperson, remember you are prosecuting this amendment.

Hon. David Gikaria (Nakuru Town East, UDA): Yes, Hon. Temporary Chairman. Firstly, I thank Hon. Millie, the Member for Suba North. I agree with her. She went through the Bill and understood it. As the Leader of the Majority Party said, I agree that the cardinal aspect of this country's legislation is public participation. We totally agree with her. Mine is different. It is on a typo and not on what Hon. Millie has proposed. That is the difference.

Thank you, Hon. Temporary Chairman.

(Question, that the words to be left out be left out, put and agreed to)

The Temporary Chairman (Hon. David Ochieng'): The effect of this amendment is that the Chairman of the Departmental Committee cannot move his amendment because there is no longer a clause to be further amended.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

(Clause 4 deleted)

(Clause 5 agreed to)

Clause 6

The Temporary Chairman (Hon. David Ochieng’): There are proposed amendments by Hon. Nyikal, Hon. Millie and the Chairperson of the Departmental Committee.

We will start with Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 6.

Hon. Temporary Speaker, this amendment seeks to delete the whole of Clause 6, which seeks to amend Section 7 of the Bill on members of the council. As it is, the council is constituted as follows:

1. Cabinet Secretary responsible for Environment and Climate;
2. Cabinet Secretary responsible for National Treasury;
3. Cabinet Secretary responsible for Economic Planning;
4. Cabinet Secretary responsible for Energy;
5. The Chairperson of the Council of Governors;
6. A representative of the Private Sector nominated by a body representing the largest number of private institutions;
7. A representative from the Civil Society nominated by the most representative registered national umbrella association of civil societies,
8. Representative of a marginalized community within the meaning of Article 260 of the Constitution who has knowledge and experience in matters relating to this; and,
9. A representative of the academia nominated by the Commission of the University Education (CUE).

Hon. Temporary Chairman, this Amendment Bill seeks to ensure that all the Cabinet Secretaries sit in the council. Still, the actual stakeholders, who would include representatives of the Private Sector Alliance to be nominated by the body with the largest number of institutions in the private sector, will not appoint, select, or identify a nominee to represent them in the council. Instead, the nomination will be done by the President. The same thing happens when you come to the Civil Society Organizations representative. The civil societies themselves will, again, not nominate, select, or appoint, but one of them shall be selected by the President to represent them in the council. Coming to the representative of the academia, again, he will not be nominated by the Commission of University Education.

Hon. Temporary Chairman, we will end up with a council that the President will nominate. There is a saving grace: all the nominees will be brought to Parliament for vetting. However, if you have an institution where the President nominates all the council members, you are just making it a department of Government. The stakeholders will have no say because their representatives in the council will be indebted to the person who would have appointed them. Even though they will be representing their various institutions, the institutions would not have brought them on board. That way, we will weaken the council to the extent that it will be an arm of the Government. In fact, it will be an instrument of the President. It may be good that the President will have too much power over the council, but he needs varied views from various stakeholders to make a decision.

Therefore, I propose we delete this Clause and leave the council as it is in the previous Bill.

With those remarks, I beg to move.

The Temporary Chairman (Hon. David Ochieng’): Thank you so much.

(Question of the amendment proposed)

Hon. Members: Put the Question!

(Hon. Millie Odhiambo-Mabona spoke off the record)

The Temporary Chairman (Hon. David Ochieng’): We will come to you, Hon. Millie.

Hon. Members: Put the Question!

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Chairman.

The Temporary Chairman (Hon. David Ochieng’): What is your point of order, Hon. Millie? We are coming to yours. You know, the effect of the Question I am putting is that if it is carried, your proposed amendment to this Clause will automatically become negatory. That is the point I am trying to make to you. So, allow me to put the Question on this one. If it is carried, you achieve what you want anyway.

(Question, that the words to be left out be left out, put and negated)

The Temporary Chairman (Hon. David Ochieng’): Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. David Ochieng’): Hon. Millie, take your seat for a minute because the Departmental Committee Chairperson has amendments. Chairperson of the Committee?

(Hon. Millie Odhiambo-Mabona spoke off the record)

The Temporary Chairman (Hon. David Ochieng’): Hon. Millie, allow a minute so that the Chairperson of the Departmental Committee...

(Hon. Millie Odhiambo-Mabona spoke off the record)

My life is already easy, Hon. Millie.

(Laughter)

Just give it a minute, Hon. Millie. You are going to come in. Hon. Chairperson of the Departmental Committee.

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Temporary Chairman. I beg to drop my amendment on Clause 6, which proposes that we have two nominees from the Private Sector Alliance. Looking at the numbers, if this proposal goes through, the council will have an even number, which is not good. We are, therefore, dropping this amendment to retain the composition contained in the Bill. However, I have an amendment to paragraph (5) of Clause 6, where we disagree with the Bill regarding Article 260. This is where a person from marginalised communities is appointed. We are deleting and retaining that bit as it is in the original Bill.

Thank you, Hon. Temporary Chairman.

(Proposed amendment by Hon. David Gikaria to Clause 6(a) withdrawn)

The Temporary Chairman (Hon. David Ochieng’): Hon. Chairperson, would you, therefore, move the amendment you are proposing to delete sub-paragraph (v)?

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Temporary Chairman.

Hon. Temporary Chairman, I beg to move:

THAT, Clause 6 of the Bill be amended by—

(b) deleting sub-paragraph (v).

Hon. Temporary Chairman, the justification for this amendment is that we do not want to affect any constitutional provision through an amendment. Even as we propose to nominate a person from a marginalised group, such a person will be nominated as per the provisions of Article 260 of the Constitution. Deleting such provision and saying that the President can appoint without considering Article 260 would be unconstitutional. So, we are deleting sub-paragraph (v) of Clause 6.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. David Ochieng’): Thank you.

(Question of the amendment proposed)

(Question, that the words be left out be left out, put and agreed to)

The Temporary Chairman (Hon. David Ochieng’): Hon. Millie, this is now your chance to move your amendments with the rider that you will not move on what has just been deleted.

Go ahead.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. This is where I wanted to make your life easier. I wanted to indicate that the proposed amendments by Hon Nyikal affect some of my amendments. It affects my proposed amendment to Clause 6(a)(ii) on the private sector. Therefore, I drop that amendment. I wanted to retain that the private sector has a say. Secondly, I drop my amendment to Clause 6 (a)(iii), which also retained the voice of the civil society. It also falls because Hon. Nyikal’s amendment has been carried.

Hon. Temporary Chairman, you may have noticed that I tried to speak on the amendment by the Chair of the Departmental Committee because I had a similar amendment. Apart from the constitutional issue, I had a different issue on indigenous knowledge. For example, in my constituency, older men can tell the weather patterns. They can tell you it will rain when there is no sign of rain, yet they are not witches. It is just because they have years of experience. So, because that has been carried, my proposed amendment is also carried.

Under Clause 6 on the nomination by the Commission on University Education, I am dropping my amendment because Hon. Nyikal’s amendment has failed.

Finally, the amendment to Clause 6(b) has not been... However, it is not very important. Therefore, I drop it. Some of the amendments I was keen on have been carried, and others have not. I am okay with that. So, I drop the ones that are remaining.

Thank you.

(Proposed amendments by Hon. Millie Odhiambo-Mabona dropped)

The Temporary Chairman (Hon. David Ochieng’): Thank you for making my life easier.

(Clause 6 as amended agreed to)

Clause 7

The Temporary Chairman (Hon. David Ochieng’): Hon. Nyikal has an amendment.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 7.

That means, in the Bill, Clause 7 will partly read as follows:

“Section 8 of the principal Act is amended in subsection (2) by—

(a) inserting the following new paragraphs immediately after paragraph (b)—

...”

Section 8 of the Climate Change Act is on the powers and duties of the Cabinet Secretary. In the Act, the Cabinet Secretary shall —

(a) formulate and periodically review the climate change policy, which is okay.

(b) coordinate negotiations on climate change, which is okay.

(c) formulate a national gender and inter-generational responsive public education, which is okay.

These duties go up to (e). What the proposed amendment is doing is adding the powers of the Cabinet Secretary. For example, he will advise the council on the carbon budget for trading based on Kenya’s international obligations, which is a bit of a reversal from what we know of councils. Quite often, councils advise cabinet secretaries. This is in the reverse. Secondly, the Cabinet Secretary will approve international transfers of mitigation outcomes and emission reduction based on advice from the Directorate of Climate Change.

The appointment of all the council members was basically an Executive affair. Now, the Cabinet Secretary has all the powers you would expect the council to have. As I said earlier, it would have been wiser to forget about this Bill and create a Directorate under the Ministry of Environment. If we pass this Bill, the council will be rendered powerless because the Cabinet Secretary will be doing everything.

Therefore, I propose an amendment to delete Section 7.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and negated)

(Clauses 7, 8 and 9 agreed to)

Clause 10

The Temporary Chairman (Hon. David Ochieng’): There is an amendment by the Chair of the Departmental Committee on Environment, Forestry and Mining.

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 10 of the Bill be amended by inserting the following new paragraph immediately after the opening statement—

(a) in subsection (3) by deleting the word “county” appearing in paragraph (a) and substituting therefor the word “country”;

Hon. Temporary Chairman, this is just a typographical error.

The Temporary Chairman (Hon. David Ochieng’): This is a straightforward amendment.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted put and agreed to)

(Clause 10 as amended agreed to)

(Clauses 11 and 12 agreed to)

Clause 13

The Temporary Chairman (Hon. David Ochieng’): There is an amendment by the Chair of the Departmental Committee on Environment, Forestry and Mining.

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting clause 13 and substituting therefor the following new clause—

Amendment of
section 24 of No.
11 of 2016.

4. Section 24 of the principal Act is amended by deleting subsection (3).

(Question of the amendment proposed)

The Temporary Chairman (Hon. David Ochieng’): Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairman, can the Chairperson of the Committee explain to the House the import of the amendment he has moved?

(A Member spoke off the record)

Why is it necessary? So that we can participate.

The Temporary Chairman (Hon. David Ochieng’): Hon. Gikaria.

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Temporary Chairman, it has been said here and the Leader of the Majority Party agreed that it is about public participation. Public participation is a constitutional requirement and it is fundamental that every Kenyan should be given an opportunity to give their input when this kind of legislation is being processed.

The amendment seeks to delete what the Bill had intended to remove, public participation, and instead of the 60 days that is provided for, we propose in the new clause to reduce it to about 28 days.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. David Ochieng’): Thank you.

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Clause 13 as amended agreed to)

Clause 14

The Temporary Chairman (Hon. David Ochieng’): There is an amendment by the Chairperson of the Committee.

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Temporary Chairperson, I beg to move:

THAT, the Bill be amended by deleting Clause 14 and substituting therefore the following new clause-

Amendment of
section
36 of No. 11 of
2016.

14. Section 36 of the Principal Act is amended in subsection (2) by inserting the following new paragraphs immediately after paragraph (b)

- (ba) the regulation of carbon markets;
- (bb) the regulation of carbon trading;
- (bc) the regulation of carbon registries; and
- (bd) the regulation of non-market approaches;

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Clause 14 as amended agreed to)

Clause 15

The Temporary Chairman (Hon. David Ochieng’): The Chairperson has an amendment.

Hon. David Gikaria (Nakuru Town East, UDA): I beg to move:

THAT, Clause 15 of the Bill be amended

(a) in the proposed new Section 23B by inserting the words “in accordance with the relevant carbon standards” immediately after the word “time” appearing in paragraph (c);

(b) in the proposed new section 23E by inserting the words “environmental” immediately after the words “improve the” appearing in subsection (7); and

(c) by inserting the following new section immediately after the proposed new section 23H-

Fees

23I. The Designated National Authority shall charge such fees as may be prescribed by the Cabinet secretary in regulations for the proper administration of the Act.

Hon. Temporary Chairman, do I read the justification?

The Temporary Chairman (Hon. David Ochieng’): Part of the reason we give you a chance is to explain what you are amending. Just explain the import of the amendment.

Hon. David Gikaria (Nakuru Town East, UDA): The amendment seeks to ensure that carbon off-set project emissions are kept out of the atmosphere for a reasonable length of time in accordance with the relevant carbon projects aimed at improving the environment and in addition to economic, social and cultural well-being of the community around the project. The Cabinet Secretary will make regulations on matters touching on certain carbon trading.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. David Ochieng’): Before I propose that amendment, the Chairperson had a further amendment which I ask him to now move so that I can propose them together.

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 15 of the Bill be amended in the proposed new Section 23G by inserting the following new sub-section immediately after sub-section 3-

The National Carbon Registry shall be accessible to the public.

Hon. Temporary Chairman, under the Access to Information Act, we cannot have a registry that is not accessible to the public. So, we are making a provision that information of the registry be available to the public as and when they make a request.

Thank you, Hon. Temporary Chairman.

(Question of the amendment proposed)

Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairman, whereas I support (a), (b) and (c) which the Chairperson has explained, we are also amending the 23I which he has not explained. He only explained 23H. What I get there again and what is happening here is that the Cabinet Secretary has put the regulations. You see, the national authority is to a large extent not doing much because even here what we are seeing is tied with what the Cabinet Secretary has done. I oppose that, but I support (a), (b) and (c). I propose that these amendments are separately moved because I may support (a), (b) or (c) and I may not support another one, to enable us to distinguish each and support or oppose appropriately.

The Temporary Chairman (Hon. David Ochieng’): Thank you. Hon. Makali.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you Hon. Temporary Chairman. On this issue of accessibility of the registry to the public, I thought this House passed a law on access to information. There is a general understanding that as long as it is public information, it should be accessible to every Kenyan. As I support it, it is a fact that it must be accessible to the public.

The Temporary Chairman (Hon. David Ochieng’): Thank you.

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(Clause 15 as amended agreed to)

The Temporary Chairman (Hon. David Ochieng’): Before we proceed, I wish to recognise pupils from Highland Education Centre Primary School from Turbo in Uasin Gishu County and students from Njenga Karume Secondary School, Molo, in Nakuru County. They

are welcome to follow our proceedings this morning. I request Members to join me in welcoming them to the House today.

Clause 16

Hon. (Dr) James Nyikal (Seme, ODM): On a point of order.

The Temporary Chairman (Hon. David Ochieng’): Hon. Nyikal, you can now proceed with your point of order.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairman, my point of order is based on Clause 16. I think you are well aware that the practice has been that where there is an amendment that has many parts, it is better to move them separately. You notice that Hon. Millie struggled to look at the parts that have been passed and those that she wants to support. If you generalise the amendment, how does a Member know what they want to support or oppose? I want to bring to your notice that where there are several parts of an amendment, they should be moved separately so that we can participate.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. David Ochieng’): Hon. Nyikal, if you look at Clause 15, you will find that it had no parts. The amendment by the Chairperson is a block amendment. Of course, that is the practice. But Clause 15 had no parts to be moved separately.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order.

The Temporary Chairman (Hon. David Ochieng’): Hon. Millie, what is your point of order?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, just so that we can move together, are we at Clause 16?

The Temporary Chairman (Hon. David Ochieng’): Yes.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Clause 16 proposes to...

The Temporary Chairman (Hon. David Ochieng’): Allow the Mover to move the amendment first before you debate.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Is it a proposed deletion? That is what I want to know.

The Temporary Chairman (Hon. David Ochieng’): Allow the Mover to move the amendment first. Thereafter, you can rise on your point of order.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I will raise my point of order then.

The Temporary Chairman (Hon. David Ochieng’): That is okay. Chairperson, move your amendment.

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon Temporary Chairman. I beg to move:

THAT, the Bill be amended by deleting Clause 16 and substituting thereof with the following new clauses—

The Schedule to the principal Act be amended in Section 1(2) by deleting the words 60 appearing in paragraph (e) and substituting thereof with the words 28.

Hon. Temporary Chairman, the justification for this amendment is that as a Committee, we are not in agreement with the Ministry to do away with public participation. The Ministry justified that public participation takes too much time. They are requesting a further amendment to the number of days from 60 to 28, which is the justifiable time for enhancing the speed at which we will address some of these issues. We are retaining public participation.

The Temporary Chairman (Hon. David Ochieng’): Hon. Chairperson, approach the Table.

(Hon. David Gikaria approached the Table)

The Temporary Chairman (Hon. David Ochieng’): Sorry, Members. The consultation is to ensure that we do the right thing. Hon. Chairperson, proceed to move the amendment on Clause 16 as per the Order Paper.

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 16 and substituting thereof with the following new clauses—

The Schedule to the principal Act be amended in Section 1(2) by deleting the words 60 appearing in paragraph (e) and substituting thereof with the words 28.

(Question of the amendment proposed)

The Temporary Chairman (Hon. David Ochieng’): Leader of the Majority Party.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Thank you, Hon. Temporary Chairman. I support that amendment. Just to be clear, the Bill had proposed to delete the Schedule on public participation. The deletion is what Hon. Gikaria is proposing so that the Schedule remains. He will then move a further amendment to the Schedule, reducing the number of days for public participation from 60 to 28.

I support.

The Temporary Chairman (Hon. David Ochieng’): Thank you very much. Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairman, this is one way we could call in too, but I think it may not be necessary. The principal issue that comes here is that we are fighting public participation in any way we can. We removed it in Clause 4, so deleting it in Clause 16 makes sense. But then you say, okay, even if you are going to do it, we will not allow you those many days. On the 28 days, we are making it perfunctory, just that so that it is there. I, therefore, oppose the deletion. If I want to oppose the changing of 28 days while I support the other, how do I do it? I want 28 days to be removed so that the clause remains as it is. Sometimes, you have to look at it again. I agree that it should be deleted, but the 28 days should remain at 60. Kindly, guide me on how to do it.

The Temporary Chairman (Hon. David Ochieng’): This is the guidance.

Hon. (Dr) James Nyikal (Seme, ODM): Yes, Hon. Temporary Chairman

The Temporary Chairman (Hon. David Ochieng’): If you had been keen, you would have moved an amendment to retain it at 60.

Hon. (Dr) James Nyikal (Seme, ODM): With your guidance, Hon. Temporary Chairman, there are times such is allowed on the Floor. I, therefore, pray to be given time to move a further amendment so that 60 days is retained.

The Temporary Chairman (Hon. David Ochieng’): You do not have to do that. You just have to vote against it. Hon. Makali.

Hon. John Makali (Kanduyi, FORD-K): Hon. Temporary Chairman, we are in agreement that we need to have public participation, but what we are talking about is the time being allowed to do it. If we are really serious with it, 28 days might not be enough. I am pleading with the Chairperson of the Committee, because he is the one who is moving the amendment, to change the number from 28 to 40 or 45 days so that we are also fair to the public. We are talking about public participation in the whole country where need be and 28 days would be such a small number that might not be fair. Hon. Gikaria, if you want effective

public participation, I plead with you, because you are the Mover, to move from 60 to 45 days, please.

(Hon. Kimani Ichung'wah rose in his place)

The Temporary Chairman (Hon. David Ochieng'): Hon. Millie, kindly allow the Leader of the Majority Party a minute.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairman, sorry to interrupt, but you probably did not get the gist of the argument by (Dr) Nyikal. You were asking the way in which Hon. Gikaria has moved that particular amendment. He is okay with the first part of deletion, but he has a problem with the further amendment. I wish to propose that we then first vote for the first part of the amendment as it is in the Order Paper, then vote for the further amendment so that where Hon. Nyikal and Hon. Makali do not agree with the Chairman, they can vote in the negative. I think it will be sorted that way.

The Temporary Chairman (Hon. David Ochieng'): We will give that indulgence at the right time. Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. I also want to join Hon. Nyikal and Hon. Makali in support of the amendment as per the Order Paper.

*(Hon. Temporary Chairman consulted
with the Clerks-at-the-Table)*

Hon. Temporary Chairman, I request to borrow your ear. I know that men are not very good at multitasking, so I beg to borrow your ear.

I just want to request and agree with Hon. Ichung'wah that you move section by section, because we are supporting the first part, which retains public participation. However, I want to make a further appeal to you because this process... As you already know, because of the time constraints, it may not be possible, especially because the Chairman has just moved a further amendment, which we are not aware about. We would have moved an amendment the amendment. I encourage that you allow us to proceed. Personally, I would not want to put it at 60 days, but to meet somewhere in the middle. Let us put it at 40 days. If you can allow us to bring a further amendment to the Chairperson's amendment so that we can put it at 40 days, it then becomes meaningful participation.

Hon. Temporary Chairman, with your indulgence, because it happens all the time, we can bring amendments here and you approve. If you can allow Hon. Nyikal to bring an amendment to put it may be at 40 days, which I also persuade him, let him move away from the 60 days. Otherwise, I support the amendment as per the Order Paper of 16 to retain public participation.

The Temporary Chairman (Hon. David Ochieng'): Hon. Members, if you have been following, I will guide as follows: That we vote on the Chairman's amendments twice. We will vote first on the first amendment and thereafter vote on the further amendment. I will also allow Hon. Nyikal to bring a further amendment to Hon. Gikaria's further amendment.

Hon. Members you know, this is a House of rules and you always have to follow them. If you look at the Order Paper, there is only a single amendment on Clause 16 and if we vote on that clause and we carry it, then there will be nothing against us to carry Hon. Gikaria's amendment and his further amendments.

Hon. Nyikal, we will, therefore, go back to what you said earlier, that there are times when you have to move the Question together. This is one of the times that if you do not move it together, we will not have any foot to stand on to move the further amendment. Therefore, I

want us to put the Question together, but before we do that, I will allow Hon. Nyikal to move his further amendment to the Hon. Gikaria's amendment on the number of days. Hon. Millie, go ahead.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, you are one of the diligent Members, but at this stage, we sometimes persuade each other.

The Temporary Chairman (Hon. David Ochieng'): Yes.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): If Hon. Nyikal moves his amendment and it is not popular with the majority, it will fail. If they agree, it would be better for the Chairperson to move the amendment instead of Hon. Nyikal.

The Temporary Chairman (Hon. David Ochieng'): I will give Hon. Nyikal, Hon. Gikaria and the Leader of the Majority Party a minute each to consult on this matter.

Hon. Millie Odhiambo-Mabona (Suba North): One minute so that we can move together.

*(Hon. (Dr) James Nyikal, Hon. David Gikaria and
Hon. Kimani Ichun'gwah consulted)*

The Temporary Chairman (Hon. David Ochieng'): This is not a Bomas matter. It is a very small matter. This does not belong to Bomas, we will just clear it and move on.

(Loud consultations)

Okay, great.

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Clause 16 as amended agreed to)

New Clause 13A

The Temporary Chairman (Hon. David Ochieng'): Chairperson to move new clause 13A.

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after Clause 13—

Amendment of
section 33 of No.
11 of 2016.

13A. Section 33 of the principal Act is amended by inserting the following new subsection immediately after subsection (1)—

(1A) A person who—

- (a) willingly conducts unauthorized trade in carbon credit;
- (b) knowingly gives false or misleading information with respect to environmental or financial gains from the carbon market investment;
- (c) manipulates carbon credit measurements in order to claim addition measurements;
- (d) engages in money laundering through carbon trading;

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

- (e) knowingly sells carbon credits to unauthorized entities; or
 - (f) fails to maintain carbon records,
- commits an offence and is liable, on conviction, to a fine not exceeding five hundred million shillings or to imprisonment for a period not exceeding ten years or to both.

(The new clause was read a First Time)

The Temporary Chairman (Hon. David Ochieng’): Hon. Gikaria you are doing well, but start your statement by saying that New Clause 13A be now read a second time. Then, you proceed to explain.

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Temporary Deputy Chairman, I beg to move that New Clause 13A be now read a Second Time.

The Temporary Chairman (Hon. David Ochieng’): Hon. Gikaria, I propose you just explain to us the import of the amendment. You do not have to read every section so we can proceed.

Hon. David Gikaria (Nakuru Town East, UDA): The import of the amendment is to provide offenses and penalties with respect to the carbon market which had not been provided for.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. David Ochieng’): Thank you.

(Question, that the new clause be read a Second Time, proposed)

Hon. Nyikal, one minute.

Hon. James Nyikal (Seme, ODM): Hon. Temporary Chairman, Members look tensed. I support because we have to put sanctions. Carbon trading will be a very important issue and can be abused. So, this is addressing such abuses. I support.

The Temporary Chairman (Hon. David Ochieng’): Hon. Nyamai.

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Thank you very much, Hon. Temporary Chairman. I support this very important amendment because carbon credits are being misused and can be used for money laundering.

The Temporary Chairman (Hon. David Ochieng’): Thank you.

(Question, that the new clause be read a Second Time, put and agreed to)

Hon. Makali, one minute.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Hon. Temporary Chairman, I support this amendment to be part of this law. I know this is a drafting issue of a fine not exceeding Ksh500 million which looks very good. The sentence of ten years also looks very good, but when you say not exceeding, it means you can get a minimum sentence. I think we need to think through this. I thought it would have more specific terms so that it serves as a deterrent.

I support.

Thank you, Hon. Temporary Deputy Chairman.

(Question, that the new clause be added to the Bill, put and agreed to)

New Clause 13B

The Temporary Chairman (Hon. David Ochieng’): Mover, the Chairperson of the Committee.

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after Clause 13—

Amendment of section 35 of No. 11 of 2016.

13B. Section 35 of the principal Act is amended—

- (a) by renumbering the existing provision as subsection (1); and
 - (b) inserting the following new subsection immediately after subsection (1)—
- (2) Sections 2, 3, 5, 7, 10 and 15 of this Act, shall not apply, to entities that have existing carbon projects for a period of one year.

(The new clause was read a First Time)

Hon. Temporary Chairman, the justification is that this had not been provided for in the Bill. Already, we have existing players/investors and if we do not give them this transition period, they might be rendered out of business. So, we are giving a provision of one year for them to comply with the new Act, so that they are not stopped from going on with their business.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. David Ochieng’): Thank you.

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and agreed to)

(Question, that the new clause be added to the Bill, put and agreed to)

Hon. Members, I request we be attentive so that we can vote audibly.

Clause 2

The Temporary Chairman (Hon. David Ochieng’): Chairperson, you had an amendment to Clause 2.

Hon. David Gikaria (Nakuru Town East, UDA): Yes. Thank you, Hon. Temporary Chairman, I beg to move:

THAT, Clause 2 of the Bill be amended—

- (a) in the definition of “carbon market” by inserting the word “products,” immediately after the word “initiatives”;
- (b) in the definition of “carbon offset” by inserting the words “with equivalent number of emissions” immediately after the word “compensate”;
- (c) by deleting the definition of “carbon projects” and substituting therefor the following new definition—
“Carbon projects” means interventions including programs, projects, and

products designed to remove, reduce, sequester or avoid carbon emissions;
(d) in the definition of “stakeholder” by inserting the word “community” immediately after the word “business”.

This is just to further strengthen the respective clause.

(Question of the amendment proposed)

*(Question, that the words to be inserted
be inserted, put and agreed to)*

*(Question, that the words to be left out be left
out, put and agreed to)*

*(Question, that the words to be inserted in
place thereof be inserted, put and agreed to)*

(Clause 2 as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairman (Hon. David Ochieng’): Hon. Members, before I finish, allow me to welcome students from Njenga Karume Secondary School, Molo Secondary School and Sachangwan Secondary School all from Molo Constituency, Nakuru County. They are welcome to follow the proceedings of the House this morning. Hon. Members, welcome our children. As is always a tradition, Members, we welcome our pupils by thumping our feet. I also wish to recognise, in the Speakers Gallery, children from Koiwa Central Secondary School from Konoin Constituency in Bomet County. They are welcome to follow our proceedings this morning.

(Applause)

May I now call the Mover of the Bill to move reporting? Leader of the Majority Party is the Mover of this Bill.

Hon. Kimani Ichung’wah (Kikuyu, UDA): I beg to move that the Committee do report to the House its consideration of the Climate Change (Amendment) Bill (National Assembly Bill No.42 of 2023) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

Hon. Members, we will not move to reporting. We will move to the next Bill, which is the Anti-Money Laundering Bill.

THE ANTI-MONEY LAUNDERING AND COMBATING
OF TERRORISM FINANCING LAWS (AMENDMENT) BILL
(National Assembly Bill No.35 of 2023)

The Temporary Chairman (Hon. David Ochieng’): Hon. Murugara, I request you to be very attentive on this so that we can bury it fast. Is Hon. Shakeel Shabbir in the House?

Hon. Members, you will realise that the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill (National Assembly Bill No.35 of 2023) has provisions that capture or cut across many other Acts of Parliament. That is what you would call an omnibus Bill. Therefore, I request Members who have amendments on this to be very attentive so that we can move fast.

Provisions Relating to the Extradition (Contiguous and Foreign Countries) Act (Cap.76)

We will start with Hon. Shakeel Shabbir, if he is in the House. We will drop amendments relating to him if he is not there.

(Proposed amendment by Hon. Shakeel Shabbir dropped)

New Section 10A

Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Temporary Chairman. I beg to move:

THAT, the Schedule to the Bill be amended—

- (a) in the proposed amendments to the Extradition (Contiguous and Foreign Countries) Act (Cap. 76) in the proposed new section 10A by inserting the following new subsections immediately after subsection (4)—

“(5) Prior to executing a consent under this section, a fugitive criminal shall be afforded—

- (a) the opportunity to seek independent legal advice; and
(b) an interpreter at no cost if the fugitive criminal is unable to understand the language used.

(6) A consent obtained under this section shall—

- (a) outline the extraditable charges that it relates to; and
(b) be witnessed by an adult of sound mind.

(7) For the purposes of this section “consent” means the manifestation of express, unequivocal, free, specific and informed indication of the fugitive criminal’s wishes by a statement or by a clear affirmative action, signifying agreement to be extradited to the requesting state.”

The justification is that we have to harmonise the expeditious disposal of the matter and protect the human rights of a fugitive who has to be extradited.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(New Section 10A as amended agreed to)

(Provisions Relating to the Extradition (Contiguous and Foreign Countries) Act (Cap.76) as amended agreed to)

Provisions Relating to the Extradition (Commonwealth Countries) Act (Cap.77)

New Section 13A

Hon. George Murugara (Tharaka, UDA): Hon. Temporary Chairman, I beg to move: THAT, the Schedule to the Bill be amended—

(b) in the proposed amendments to the Extradition (Commonwealth Countries) Act (Cap.77) in the proposed new Section 13A by inserting the following new subsections immediately after subsection (4)—

“(5) Prior to executing a consent under this section, a fugitive criminal shall be afforded—

- (a) the opportunity to seek independent legal advice; and
- (b) an interpreter at no cost if the fugitive criminal is unable to understand the language used.

(6) A consent obtained under this section shall—

- (a) outline the extraditable charges that it relates to; and
- (b) be witnessed by an adult of sound mind.

(7) For the purposes of this section “consent” means the manifestation of express, unequivocal, free, specific and informed indication of the fugitive criminal’s wishes by a statement or by a clear affirmative action, signifying agreement to be extradited to the requesting state.”

The proposal is similar to what we have done to the Extradition (Contiguous and Foreign Countries) Act (Cap.76). It is purely to propose that Section 13(A) be amended as per the Order Paper. The rationale is the same, to have expeditious disposal of persons to be extradited. We also have to ensure that their human rights, legal rights and all rights are protected.

(Question of the amendment proposed)

The Temporary Chairman (Hon. David Ochieng’): Do we have any takers on this? Yes, Hon. TJ Kajwang’.

Hon. TJ Kajwang’ (Ruaraka, ODM): The amendment is proper especially because fugitives do not have competent legal representation many a times. Could I ask the Chairman, in his amendments, to include something in the area of consent where he is saying that consent obtained under this section shall outline the extraditable charges it relates to and be witnessed by an adult of sound mind? If you do not mind, add words to the effect that the consent should be in writing. It will only reinforce what you have. That way we avoid situations of deriving these consents orally by way of extrajudicial means that include torture and so on. If you could further amend, add that the consent will be in writing. It just reinforces the amendment you have. I hope we will be in a better footing.

The Temporary Chairman (Hon. David Ochieng’): Hon. George Murugara, just take your seat for a minute. Hon. Justice Kemei.

Hon. Justice Kemei (Sigowet/Soin, UDA): Thank you, Hon. Temporary Chairman. I support the amendment by Hon. Murugara. As much as we recognise that fugitives may have committed crimes here and there, we must honour their constitutional rights while we expedite their extradition.

I support the amendment.

The Temporary Chairman (Hon. David Ochieng’): Thank you. Hon. Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you. I have heard the proposal by Hon. TJ, but I wish to confirm that this consent is in writing. The consent will be witnessed by an adult of sound mind. Oral consent cannot be witnessed. However, there may come a time

when consent has to be given in court through oral proceedings. The court will probably be the witness. We should leave it as it is because there is latitude for both variances.

The Temporary Chairman (Hon. David Ochieng’): Thank you. Members, if you want to request a Member to further amend their amendments, just talk to them before, and not on the Floor of the House. Just talk to them before and agree so that when you contribute, the person being requested for additional information also has knowledge. It makes a lot of sense and makes work easier.

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(New Section 13A as amended agreed to)

There was another amendment to New Section 13A of the Extradition (Commonwealth Countries) Act by Hon. Shakeel Shabbir. Since he is not in, the amendment is dropped.

(Proposed amendment by Hon. Shakeel Shabbir dropped)

*(Provisions Relating to the Extradition (Commonwealth Countries)
Act (Cap.77) as amended agreed to)*

Hon. TJ Kajwang’ (Ruaraka, ODM): Hon. Temporary Chairman, we are dealing with an omnibus legislation. The reports of committees and the Bill are fairly big. If you want us to move together, please, point to us which areas of the Bill you are handling at any given time and the page you are on, if possible. We are simultaneously considering the Order Paper and reports of committees. Several committees have handled the Bill. Please, guide us on the specific pages that the amendments we are considering are found, so that we can move with you.

The Temporary Chairman (Hon. David Ochieng’): That is very much in order, senior. We are now on Page 1067 of the Bill and Page 936 of the Order Paper. Since there are no amendments to that Act, you will not find it on the Order Paper.

(Provisions Relating to the State Corporations Act agreed to)

Provisions Relating to the Capital Markets Act

Section 12

The Temporary Chairman (Hon. David Ochieng’): Hon. Members, this is on page 1067 of the Bill. Mover, Hon. Kuria Kimani.

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman. I beg to move:

THAT, the Schedule to the Bill be amended—

(a) in the proposed amendments to the Capital Markets Act—

(i) in the opening statement by deleting the expression “Section 12—” and substituting therefor the expression “section 12A—”;

The Temporary Chairman (Hon. David Ochieng’): What is the import of the amendment?

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, the amendment is to align the Act with the Bill of Rights, so that we ensure that the rights of people affected by the Act are not infringed upon as per the Bill of Rights.

The Temporary Chairman (Hon. David Ochieng’): Thank you. Any takers on that?

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Section 12 as amended agreed to)

New Section 12B

The Temporary Chairman (Hon. David Ochieng’): Hon. Kuria.

Hon. Kuria Kimani (Molo, UDA): Thank you. Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended—

(a) in the proposed amendments to the Insurance Act—

(i) in the proposed amendment to section 128 by deleting the word “five” and substituting therefor the word “seven”;

This is cutting across several sectors of the Insurance Act. The amendment mainly aligns the Act with Article 24 of the Constitution on the limitation of...

The Temporary Chairman (Hon. David Ochieng’): Hon. Kuria, we are still considering the Capital Markets Act. We are considering the amendment to renumber the proposed new Section 12A as 12B.

Hon. Kuria Kimani (Molo, UDA): Okay. Sorry.

Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended—

(a) in the proposed amendments to the Capital Markets Act—

(ii) by renumbering the proposed new section 12A as 12B;

The explanation is the same above. It is in terms of the limitation of rights.

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof, put and agreed to)

(New Section 12B as amended agreed to)

New Sections 35A and 35B

The Temporary Chairman (Hon. David Ochieng’): Mover.

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman I beg to move:

THAT, the Schedule to the Bill be amended—

(a) in the proposed amendments to the Capital Markets Act—

(iii) by inserting the following new item immediately after the proposed new section 12B—

Insert the following new section immediately after Section 35—

New	Rights and fundamental freedoms	35A. All persons subject to this Act shall enjoy all rights and fundamental freedoms enshrined in the Constitution unless limited to the extent specified in Article 24 of the Constitution, this Act or any other Act.
-----	---------------------------------	---

New	Limitation of right to privacy	35B. (1) The right to privacy guaranteed under Article 31 of the Constitution is hereby limited under Article 24 of the Constitution only to the nature and extent contemplated under subsection (2).
-----	--------------------------------	---

(2) Where a person is suspected or accused of an offence under this Act—

- (a) the person's home or property may be searched;
- (b) he person's possessions may be seized;
- (c) information relating to that person's financial, family or private affairs where required may be revealed; or
- (d) the privacy of a person's communications may be investigated or otherwise interfered with.

(3) A limitation of a right under subsection (1) shall apply only for the purpose of the prevention, detection, investigation and prosecution of proceeds of crime, money laundering and financing of terrorism.

Again, it is for the same reasons I have given above. The amendments are to align the Act with the Constitution on the justification of human rights, so that the rights of these people are not infringed upon. This is just to align the Act with the Constitution in terms of infringement of human rights.

(Question of the amendment proposed)

The Temporary Chairman (Hon. David Ochieng'): Yes, Hon. TJ. Give Hon. Kajwang' the microphone.

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Chairman, in good wisdom, you said that we should approach the chairpersons of committees to discuss these issues. As you know, we have just explained that they come from several committees. We are interacting with many of them. You can see the speed with which this legislation is moving. Indulge us on a few things. We want to make a good legislation in particular areas.

I am looking at Section 35B. I agree this is a beautiful way of entrenching people's fundamental rights and limiting them by statutes. That is what the courts ruled before. If you consider Section 35B(2)(a), where a person is suspected or accused of an offence under this Act, his home or property may be searched. Make a further small amendment that states the person's home or property may be searched with a warrant. Just add the words "with a warrant". That will make sure that these people who are looking fugitives or harassing people in their homes will obtain a warrant before a magistrate or a judge. Therefore, there will be some proceedings in which these people will protect their rights. Just add the words so that a person's home or property may be searched with a warrant.

Thank you, Hon. Temporary Chairman.

An Hon. Member: That is in the law.

Hon. TJ Kajwang' (Ruaraka, ODM): I know that it is already in the law, including the provisions in Section 35A which are in the Constitution. This is why we are repeating it. The entire Section 35A says that persons will enjoy fundamental freedoms and rights which are in the Constitution. We are just being very clear and particular, especially if you followed what happened to Mr. Miguna Miguna.

An Hon. Member: You abandoned him!

(Laughter)

Hon. TJ Kajwang' (Ruaraka, ODM): We abandoned him because he abandoned us. I do not want to waste Hon. Temporary Chairman's time. Mr. Miguna Miguna was visited by people who searched his home without a warrant. Searching a home is distasteful. Getting a warrant brings those proceedings before a magistrate or a court.

Thank you, Hon. Temporary Chairman.

Hon. Jared Okello (Nyando, ODM): Hon. Temporary Chairman.

The Temporary Chairman (Hon. David Ochieng'): I want to hear from Hon. Kuria. I will come to you, Hon. Okello.

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, I agree with my senior, Hon. TJ Kajwang'. When we make these laws, we should make them for posterity. Therefore, if adding the word "warrant" assures that the rights of these people will be taken care of in a better way, it is an amendment that we are willing to accommodate. I agree that we adopt Hon. TJ Kajwang's amendment and add that 'the person's home or property may be searched with a warrant'.

I beg to move the further amendment-

THAT, 'the person's home or property may be searched with a warrant'.

The Temporary Chairman (Hon. David Ochieng'): Thank you very much. I really appreciate, Hon. Chairperson.

(Question of the further amendment proposed)

(Hon. Jared Okello spoke off the record)

Do you want to deal with the same issue?

Hon. Jared Okello (Nyando, ODM): Yes.

The Temporary Chairman (Hon. David Ochieng'): Okay. Hon. Okello.

Hon. Jared Okello (Nyando, ODM): Hon. Temporary Chairman, thank you very much. I thank the Chairperson of the Departmental Committee on Finance and National Planning for accepting the change. We have seen areas where certain sections of the law are susceptible to abuse by powers that be. We have lately seen how, without proper definition, a Government can interfere in the name of political vendetta. If a warrant will come from a competent court of law, then that is the line to take.

I support the amendment.

The Temporary Chairman (Hon. David Ochieng'): Thank you. Contribute for one minute, Hon. Martin, Member for Ndhiwa.

Hon. Martin Owino (Ndhiwa, ODM): Hon. Temporary Chairman, this is very important. Can this be applied in Section 35B(2)(c)? Information relating to person's financial, family or private affairs is very important. If it is left open, this is a very important document that families and individual have.

The Temporary Chairman (Hon. David Ochieng'): Hon. Kuria.

Hon. Kuria Kimani (Molo, UDA): I will indulge my honourable colleagues. Since we have accommodated the need to search a person's home or property with a warrant, we do not necessarily have to add that information.

All these laws must be within the confines of the Constitution. We expect that sharing of this information will be within the Data Protection Act. Therefore, passing this law does not give any powers to break any other law of the land. With that, I do not think we need to add that. The amendment by Hon. TJ Kajwang' suffices, in terms of enshrining the rights of these people.

The Temporary Chairman (Hon. David Ochieng'): Perfect. I like the spirit. Bipartisan spirit is the best. I will now go ahead to put the Question.

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(New Sections 35A and 36B as amended agreed to)

The Temporary Chairman (Hon. David Ochieng'): Mover.

Section 128

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended—

(b) in the proposed amendments to the Insurance Act—

(i) in the proposed amendment to Section 128 by deleting the word “five” and substituting therefor the word “seven”;

Essentially, this amendment is aligning the Bill with the existing tax laws where we are required to keep records of any business for seven years. We are deleting the word “five” and replacing it with the word “seven” so that it is in line with our tax laws that require any company or business to hold its records for seven years.

(Question of the amendment proposed)

*(Question, that the word to be left out
be left out, put and agreed to)*

*(Question, that the word to be inserted in
place thereof be inserted, put and agreed to)*

(Section 128 as amended agreed to)

New Sections 196C, 196D and 196E

Hon. Kimani Kuria (Molo, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended—

(b) in the proposed amendments to the Insurance Act—

(i) in the proposed amendment to section 128 by deleting the word “five” and substituting therefor the word “seven”;

(ii) by inserting the following items immediately after the proposed new section 196B—

Penalties for violations relating to money laundering, terrorism financing.

196C. (1) No institution, director, officer, employer, agent or any other person shall violate or fail to comply with any provision of the Proceeds of Crime and Anti-Money Laundering Act, 2009, or any regulation, guideline, rule, direction or instruction issued under the said Act or under this section.

(2) A person who violates or fails to comply with the provisions of subsection (1) shall be liable—

- (a) in case of a legal person, to a penalty not exceeding twenty million shillings;
- (b) in the case of a natural person, to a penalty not exceeding one million shillings; and
- (c) to additional penalties not exceeding one hundred thousand shillings in each case for each day or part thereof during which such violation or non-compliance continues.

New Rights and fundamental freedoms

196D. All persons subject to this Act shall enjoy all rights and fundamental freedoms enshrined in the Constitution unless limited to the extent specified in Article 24 of the Constitution, this Act or any other Act.

New Limitation of right to privacy

196E. (1) The right to privacy guaranteed under Article 31 of the Constitution is hereby limited under Article 24 of the Constitution only to the nature and extent contemplated under subsection (2).

(2) Where a person is suspected or accused of an offence under this Act—

- (a) the person's home or property may be searched;
- (b) the person's possessions may be seized;
- (c) information relating to that person's financial, family or private affairs where required may be revealed; or
- (d) the privacy of a person's communications may be investigated or otherwise interfered with.

(3) A limitation of a right under subsection (1) shall apply only for the purpose of the prevention, detection, investigation and prosecution of proceeds of crime, money laundering and financing of terrorism.

Hon. Temporary Chairman, this is again what I explained above in ensuring that this Bill aligns with Article 24 of our Constitution on the Bill of Rights.

(Question of the amendment proposed)

The Temporary Chairman (Hon. David Ochieng’): Hon. Kajwang’.

Hon. TJ Kajwang’ (Ruaraka, ODM): Just like what we did in Section 35B(2)(a) of the Capital Markets Act, Section 196E of the Insurance Act can also be amended. Where a person is suspected or accused of an offence under this Act, his home or property may be searched with a warrant.

Hon. Temporary Chairman, I do not begrudge the Chair. He had moved (c), (d), (e), together and so he could not have been particular to the amendment. Part (e) just bespeaks where we have come from in the other one. If the Chair could indulge me, he could put a further amendment and we can vote it together.

The Temporary Chairman (Hon. David Ochieng’): Let us have the Hon. Chair.

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, we heed to Hon. T.J Kajwang’s amendment as we decide on the other section before.

I beg to move:

THAT, the section be amended by inserting the words; “with a warrant of arrest” as proposed by Hon. TJ Kajwang’.

With that, I beg to move.

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(New Sections 196C, 196D and 196E as amended agreed to)

Section 205

Hon. Kuria Kimani (Molo, UDA): I beg to move:

THAT, the Schedule to the Bill be amended-

(b) in the proposed amendments to the Insurance Act—

(iii) by deleting the proposed amendment to section 205 and substituting therefor the following—

Number the existing provision as “1” Insert the following new subsection—

(2) Where a person was registered under Section 19 prior to commencement of the Anti-Money Laundering Laws and Combating of Terrorism Financing Laws (Amendment) Act, 2023, that person shall be deemed to have been licensed under this Act.

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in
place thereof be inserted, put and agreed to)*

(Section 205 as amended agreed to)

(Provisions Relating to the Capital Markets Act as amended agreed to)

Provisions Relating to the Banking Act Cap 488

Section 2

Hon. Kuria Kimani (Molo, UDA): I beg to move:

THAT, the Schedule to the Bill be amended-

(c) in the proposed amendments to the Banking Act—

(i) by deleting the proposed new definition “beneficial owner” and substituting therefor the following new definition—No. 17 of 2015. “beneficial owner” has the meaning assigned to it under the Companies Act.

The proposed definition is seeking to define the terms as contained in the Bill. This enables the vetting of beneficial owners who are significant shareholders in money remittance providers. This requires that Central Bank of Kenya (CBK) money remittance providers and digital providers be identified.

I beg to move.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Section 2 as amended agreed to)

Section 33E (1)

Hon. Kuria Kimani (Molo, UDA): I beg to move:

THAT, the Schedule to the Bill be amended-

(c) in the proposed amendments to the Banking Act—

(ii) in the proposed new Section 33E (1) by deleting the words “this section” and substituting therefor the words “section 33D of this Act”.

This is in line with Article 24 of the Human Rights.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Section 33E (1) as amended agreed to)

New Sections 54A and B

Hon. Kuria Kimani (Molo, UDA): I beg to move:

THAT, the Schedule to the Bill be amended-

(c) in the proposed amendments to the Banking Act—

- (i) by inserting the following new items immediately after the proposed new section 33E—

		Insert the following new section immediately after section 54
New	Rights and fundamental freedoms	54A. All persons subject to this Act shall enjoy all rights and fundamental freedoms enshrined in the Constitution unless limited to the extent specified in Article 24 of the Constitution, this Act or any other Act.
New	Limitation of right to privacy	54B. (1) The right to privacy guaranteed under Article 31 of the Constitution is hereby limited under Article 24 of the Constitution only to the nature and extent contemplated under subsection (2). (2) Where a person is suspected or accused of an offence under this Act— (a) the person’s home or property may be searched; (b) the person’s possessions may be seized; (c) information relating to that person’s financial, family or private affairs where required may be revealed; or (d) the privacy of a person’s communications may be investigated or otherwise interfered with. (3) A limitation of a right under subsection (1) shall apply only for the purpose of the prevention, detection, investigation and prosecution of proceeds of crime, money laundering and financing of terrorism.

If I am correct this will require that we amend the words “the person home or property may be searched” to include “warrant” as proposed by Hon. TJ Kajwang’. I beg to move the amendment that we add the words “search with warrant”.

(Question of the amendment proposed)

The Temporary Chairman (Hon. David Ochieng’): Yes, Hon. TJ Kajwang’.

Hon. TJ Kajwang’ (Ruaraka, ODM): Just for the record. The Chair is referring you to 54 (B) Subsection 2(a), the words “with warrant”

The Temporary Chairman (Hon. David Ochieng’): Yes, I am with you totally. Thank you.

(Question, that the words to be inserted be inserted, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Section 4A as amended agreed to)

The Temporary Chairman (Hon. David Ochieng’): I will request the Chairman to come back.

(Loud consultations)

(Hon. Kuria Kimani stood in his place)

Just take your seat. I will be proposing the question that provisions relating to Section 2 of the Central Bank of Kenya Act, be part of the Bill. Then you now can move. Just move the way you had moved.

Hon. Kuria Kimani (Molo, UDA): So, I repeat what I did?

The Temporary Chairman (Hon. David Ochieng’): Yes, same thing.

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule be amended—

(i) by inserting the following new item immediately before the proposed amendments to section 4A (1)—

S. 2
No. 17 of 2015
Cap.488

Insert the following definitions in their proper alphabetical sequence—

“beneficial owner” has the meaning assigned to it under the Companies Act;

“significant shareholder” has the meaning assigned to it under the Banking Act;

I do not think I need to give the justification.

The Temporary Chairman (Hon. David Ochieng’): No. Thank you.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Section 2 as amended agreed to)

New Sections 51A, 51B, 51C and 51D

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule be amended —

(i) by inserting the following new row immediately after the proposed amendments to section 4A (1)—

Insert the following new sections immediately after section 51—

NEW

Powers on anti-money laundering, combating the financing of terrorism and countering proliferation financing matters.

51A. (1) Pursuant to sections 2A, 36A, 36B and 36C of the Proceeds of Crime and Anti-Money Laundering Act, 2009, the Central Bank shall regulate, supervise and enforce compliance for anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes by all reporting

institutions regulated and supervised by the Central Bank and whom the provision of the Proceeds of crime apply.

(2) In undertaking its mandate under subsection (1), the Central Bank may—

- (a) vet proposed significant shareholders, proposed beneficial owners, proposed directors and senior officers of a reporting institution;
- (b) conduct onsite inspection;
- (c) conduct offsite surveillance;
- (d) undertake consolidated supervision of a reporting institution and its group;
- (e) compel the production of any document or information the Central Bank may require for the purpose of discharging its supervisory mandate under the Proceeds of Crime and Anti-Money Laundering Act, 2009;
- (f) impose monetary, civil or administrative sanctions for violations related to anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes;
- (g) issue regulations, guidelines, directions, rules or instructions for anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes;
- (h) cooperate and share information for anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes; and
- (i) take such action as is necessary to supervise and enforce compliance by reporting institutions in line with the provisions of the Proceeds of Crime and Anti-Money Laundering Act and any regulations, guidelines, rules, instruction or direction made or issued thereunder.

(3) For purposes of this section, “reporting institution” has the meaning assigned to it under section 2 of the Proceeds of Crime and Anti-Money Laundering Act, 2009.

Penalties for violations relating to money laundering, terrorism financing

51B. (1) No money remittance, foreign exchange bureau, digital credit provider, director, officer, employer, agent or any other person shall violate or fail to comply with any provision of the Proceeds of Crime and Anti-Money Laundering Act, 2009, or any regulation, guideline, rule, direction or instruction issued under the said Act or under this section.

(2) A person who violates or fails to comply with the provisions of subsection (1) shall be liable—

- (a) in case of a legal person, to a penalty not exceeding five million shillings;
- (b) in the case of a natural person, to a penalty not exceeding one million shillings; and
- (c) to additional penalties not exceeding one hundred thousand shillings in each case for each day or part thereof during which such violation or non-compliance continues.

Rights and
fundamental freedoms

51C. All persons subject to this Act shall enjoy all rights and fundamental freedoms enshrined in the Constitution unless limited to the extent specified in Article 24 of the Constitution, this Act or any other Act.

Limitation of
right to privacy

51D. (1) The right to privacy guaranteed under Article 31 of the Constitution is hereby limited under Article 24 of the Constitution only to the nature and extent contemplated under subsection (2).

(2) Where a person is suspected or accused of an offence under this Act—

(a) the person's home or property may be searched;
(b) the person's possessions may be seized;
(c) information relating to that person's financial, family or private affairs where required may be revealed; or
(d) the privacy of a person's communications may be investigated or otherwise interfered with.

(3) A limitation of a right under subsection (1) shall apply only for the purpose of the prevention, detection, investigation and prosecution of proceeds of crime, money laundering and financing of terrorism.

The Temporary Chairman (Hon. David Ochieng'): What is the justification for this?

Hon. Kuria Kimani (Molo, UDA): The new provision of 51A, 51B and 51D is seeking to give powers on anti-money laundering, combating and enhancing terrorism and counterfeit proliferation in terms of their financial matters.

The Temporary Chairman (Hon. David Ochieng'): Thank you.

(Question of the amendment proposed)

*(Question, that the words to be inserted
be inserted, put and agreed to)*

Can I put the question? Do you want to say something, Hon. Kajwang'? Go ahead.

Hon. TJ Kajwang' (Ruaraka, ODM): I am just reminding the Temporary Chairman that page... I do not know which page this is on the Order Paper

The Temporary Chairman (Hon. David Ochieng'): It is 51D. Right?

Hon. TJ Kajwang' (Ruaraka, ODM): It is 51D, 'with warrant to subsection 2A'.

The Temporary Chairman (Hon. David Ochieng'): Hon. Chairman, 51D, if you want to do the same honours again.

Hon. Kuria Kimani (Molo, UDA): Yes. Again, Hon. Temporary Chairman, in the spirit of making sure that we protect the rights of every Kenyan, I propose that we add the new words 'with warrant' as proposed by my good friend, TJ Kajwang', and as I had proposed in the earlier amendment. This is so that no search can be done to anyone's property or home without a search warrant being issued.

The Temporary Chairman (Hon. David Ochieng'): Thank you. Hon. Nyamai.

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Thank you very much, Hon. Temporary Chairman. I would like to support the Chairman and also agree with Hon. TJ Kajwang'. Looking at what is stated in A, B, C and D, it is quite heavy. So, it is important that it is done with a warrant.

The Temporary Chairman (Hon. David Ochieng'): Thank you.

(New Sections 51A, 51B, 51C and 51D as amended agreed to)

(Provisions Relating to the Central Bank of Kenya Act Cap.491 as amended agreed to)

Provisions Relating to the Microfinance Act

Section 2

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule be amended—

(i) by inserting the following new item immediately before the proposed new section 36B—

- | | |
|-----------------|---|
| s. 2 | Insert the following definitions in their proper alphabetical sequence— |
| No. 17 of 2015. | “beneficial owner” has the meaning assigned to it under the Companies Act; |
| Cap. 488. | “significant shareholder” has the meaning assigned to it under the Banking Act; |

This is to keep it in line with Article 24 of our Constitution in terms of infringement of human rights. In the same spirit of the other amendments that we have done before, I would propose that 48B...

The Temporary Chairman (Hon. David Ochieng’): We are not there yet. We are still at Section 2. Hon. Members, as explained, the Microfinance Act deals with the microfinance institutions and the Banking Act deals with banks. However, in terms of the explanations about the beneficial owner and the significant shareholder, they are totally the same.

(Question of the amendment proposed)

Any takers?

(Question, that the words to be inserted be inserted, put and agreed to)

(Section 2 as amended agreed to)

Section 36C

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule be amended —

- (ii) in the proposed new section 36C by deleting the word “twenty” appearing in subsection 2(a) and substituting therefor the word “five”;
- (iii) by inserting the following new items immediately after the proposed new section 36C—

Rights and
fundamental
freedoms

Insert the following new section immediately after section 47—
47A. All persons subject to this Act shall enjoy all rights and fundamental freedoms enshrined in the Constitution unless limited to the extent specified in Article 24 of the Constitution, this Act or any other Act.

Limitation of
right to
privacy

47B. (1) The right to privacy guaranteed under Article 31 of the Constitution is hereby limited under Article 24 of the Constitution only to the nature and extent contemplated under subsection (2).

(2) Where a person is suspected or accused of an offence under this Act—

(a) the person's home or property may be searched;

(b) the person's possessions may be seized;

(c) information relating to that person's financial, family or private affairs where required may be revealed; or

(d) the privacy of a person's communications may be investigated or otherwise interfered with.

(3) A limitation of a right under subsection (1) shall apply only for the purpose of the prevention, detection, investigation and prosecution of proceeds of crime, money laundering and financing of terrorism.

(Loud consultations)

Hon. Temporary Chairman, if I may indulge you, I propose a further amendment to the Microfinance Act on 47B(2)(a) where we are saying the person's home or property may be searched to add the words, 'that the person's home or property may be searched with a warrant.'

The Temporary Chairman (Hon. David Ochieng'): Hon. Kuria, you realise that 36C has two parts. The first part talks about deleting the word 'twenty'. Would you want to explain that?

Hon. Kuria Kimani (Molo, UDA): This is deleting the word 'twenty' appearing on subsection 2(a) and substituting it with the word 'five'. That will be the first part. Then part...

The Temporary Chairman (Hon. David Ochieng'): What is your justification for that?

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, give me a second.

(Hon. Kuria Kimani consulted with the technical team)

The Temporary Chairman (Hon. David Ochieng'): Hon. Chairman, after that you will allow us to put the question on that one first before we go to the next.

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Chairman, thank you for your indulgence. This amendment seeks to reduce the penalty from Ksh20 million to Ksh5 million. It is to make the penalties less punitive in the event someone finds that they may not have done as per the Act. The decision of deleting 'twenty' and replacing it with 'five' is to make the penalty less punitive.

(Question of the amendment proposed)

*(Question, that the word to be left out
be left out, put and agreed to)*

*(Question, that the word to be inserted in
place thereof be inserted, put and agreed to)*

*(Question, that the words to be inserted
be inserted, put and agreed to)*

The Temporary Chairman (Hon. David Ochieng’): Go ahead, Hon. Shakeel.

Hon. Shakeel Shabir (Kisumu East, Independent): Hon. Temporary Chairman, as much as I appreciate the attempt to try and reduce the burden of non-compliance, I think the reason Ksh20 million was put there was to be a warning sort of action. It was put there as a warning. People are likely to take Ksh20 million more seriously, but if we now reduce it to the proposed Ksh5 million, people will take it with a pinch of salt. I feel that we have to come back to the society where we lead and work within rules.

I oppose the reduction from Ksh20 million to Ksh5 million.

Hon. Temporary Chairman (Hon. David Ochieng’): This can go either way, Hon. Members. Hon. Wangwe.

Hon. Emmanuel Wangwe (Navakholo, ODM): I support the Chair of the Departmental Committee on Finance and National Planning in reducing the penalty from Ksh20 million to Ksh5 million. It is not that when you are fined more you will have to comply. Complying does not originate from the amount that is fined, but how flexible you are in terms of complying with the law. Therefore, I wish to support that, Hon. Temporary Chairman.

The Temporary Chairman (Hon. David Ochieng’): I want this to go either way.

*(Question, that the word to be left out
be left out, put and agreed to)*

*(Question, that the word to be inserted in
place thereof be inserted, put and agreed to)*

(Section 36C as amended agreed to)

(Provisions Relating to the Microfinance Act as amended agreed to)

Provisions Relating to the Finance Act of 2006

New Sections 47A and 47B

Hon. Temporary Chairman (Hon. David Ochieng’): Mover.

Hon. Kimani Kuria (Molo, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule of the Bill be amended in the proposed amendments to the Micro Finance Act by inserting the new Sections immediately after Section 47-

New	Rights and fundamental freedoms	47A. All persons subject to this Act shall enjoy all rights and fundamental freedoms enshrined in the Constitution unless limited to the extent specified in Article 24 of the Constitution, this Act or any other Act.
-----	---------------------------------------	---

New	Limitation of right to privacy	47B. (1) The right to privacy guaranteed under Article 31 of the Constitution is hereby limited under Article 24 of the Constitution only to the nature and extent contemplated under subsection (2).
-----	-----------------------------------	---

(2) Where a person is suspected or accused of an offence under this Act—

- (a) the person's home or property may be searched;
- (b) the person's possessions may be seized;
- (c) information relating to that person's financial, family or private affairs where required may be revealed; or
- (d) the privacy of a person's communications may be investigated or otherwise interfered with.

(3) A limitation of a right under subsection (1) shall apply only for the purpose of the prevention, detection, investigation and prosecution of proceeds of crime, money laundering and financing of terrorism.

These are amendments to the Micro Finance Act

Hon. Temporary Chairman, I beg to move a further amendment:

THAT, Section 47B be further amended in Section 2(a) by adding the words "with a warrant"

It will therefore read, "the person's home or property may be searched with a warrant as proposed in the other clauses".

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(New Sections 47A and 47B as amended agreed to)

(Provisions Relating to the Finance Act of 2006)

(Provisions Relating to the Anti-Corruption and Economic Crimes Act No.3 of 2003 agreed to)

Provisions Relating to the Proceeds of Crime and Anti-Money Laundering Act No.9 of 2009

The Temporary Chairman (Hon. David Ochieng'): Hon. Members, this is to notify you that the Proceeds of Crime and Anti-Money Laundering Act of 2009 has a number of amendments.

Section 2

The Temporary Chairman (Hon. David Ochieng'): Mover

Hon. George Murugara (Tharaka, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended-

(c) in the proposed amendments to the Proceeds of Crime and Anti-Money Laundering Act, No.9 of 2009 by inserting the following additional amendments in proper chronological sequence—

<i>Provision</i>	<i>Amendment</i>
s.2	Insert the following new definition in proper alphabetical sequence— “Self-regulatory body” means the Law Society of Kenya;

This is purely to have a definition of ‘self-regulatory body’ meaning the Law Society of Kenya as proposed by the Law Society of Kenya itself.

(Question of the amendment proposed)

The Temporary Chairman (Hon. David Ochieng’): Hon. Kajwang’.

Hon. TJ Kajwang’ (Ruaraka, ODM): Hon. Temporary Chairman remind us where we are so that we move together.

The Temporary Chairman (Hon. David Ochieng’): It is on Page 936 of the Order Paper?

Hon. TJ Kajwang’ (Ruaraka, ODM): Things have moved from paper to digital making some of us very unhappy.

Hon. Temporary, I generally want to support the Chair that the extent that the Law Society of Kenya has been made a self-regulatory entity in this Bill serves many purposes. It eases a lot of problems that we have had before. I would just be waiting at the particular amendment on the self-regulatory body to make sure that the Law Society of Kenya also has powers to make regulations that would self-regulate it effectively as it has been proposed.

The Chairman of the Departmental Committee on Justice and Legal Affairs is listening. I am waiting for the specific amendment bringing in the Law Society of Kenya as a self-regulating body with powers to make regulations. The Chairman of the Departmental Committee on Justice and Legal Affairs was in the Committee on Delegated Legislation and he knows that if the Section does not expressly provide for powers to make regulations under it, then it would not be useful even if they were to regulate. So, I am waiting for that provision in which you expressly said that the Law Society of Kenya has powers to make regulations under that Section.

[The Temporary Chairman (Hon. David Ochieng’) left the Chair]

[The Temporary Chairlady (Hon. (Dr) Rachael Nyamai) took the Chair]

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Murugara.

Hon. George Murugara (Tharaka, UDA): That is an observation that may come in when we amend the Law Society of Kenya Act. It is not relevant to this particular proposal or what I have moved. What I have moved remains what I have moved, which is amendment to Section 2 to insert this definition of ‘self-regulatory body’ to mean the Law Society of Kenya.

[The Temporary Chairlady (Hon. (Dr) Rachael Nyamai) left the Chair]

[The Temporary Chairman (Hon. David Ochieng') took the Chair]

The Temporary Chairman (Hon. David Ochieng'): Thank you. Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you Hon. Temporary Chairman. I do not know if the Chairman of the Departmental Committee on Justice and Legal Affairs was actually listening to Hon. Kajwang' who was just throwing a caution that when you come to the part of self-regulating by the Law Society of Kenya later, you need to put regulations. As a lawyer, I think that is important. Perhaps I noticed you were a little bit distracted when you were consulting the Leader of Majority the Party. It would be nice if you listen. It will come later and not now.

The Temporary Chairman (Hon. David Ochieng'): Hon. Murugara, the two Hon. Members are with you on your proposal. They are not opposing it. They are just giving you a proposal that when the right time comes...

(Laughter)

Hon. George Murugara (Tharaka, UDA): They are just being pre-emptive. Let us cross the bridge when we get there. The Law Society of Kenya has a Section on making regulations.

The Temporary Chairman (Hon. David Ochieng'): Order, Hon. Murugara. We are moving very well, especially with the bipartisan spirit since morning. I would encourage the same as we go on with this debate. Let us go on Members.

(Question, that the words to be inserted be inserted, put and agreed to)

(Section 2 as amended agreed to)

Section 8

The Temporary Chairman (Hon. David Ochieng'): Mover.

Hon. George Murugara (Tharaka, UDA): Hon. Temporary Chairman, I beg to move:
s.8 THAT, the Schedule to the Bill be amended-
Insert the following new subsection immediately after the proposed new subsection (3) —

(4) The act of a lawyer, notary and other independent legal professional seeking to dissuade a client from engaging in an illegal activity does not constitute the offence of tipping-off under this section.

This is to ensure that advocates, notaries, public, and other independent legal professionals are not guilty of the offence of tipping off, if they do what this section provides. Tipping off is an offence under various laws in the country.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Section 8 as amended agreed to)

Schedule

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. George Murugara (Tharaka, UDA: Hon. Temporary Chairman, I beg to move: THAT, the Schedule to the Bill be amended in the proposed amendments to the Proceeds of Crime and Anti-Money Laundering Act (No.9 of 2009) by inserting the following additional amendments in proper chronological sequence—

- s.36 (1) Insert the words “or Self-regulatory body” immediately after the words “supervisory body” wherever they appear.
- s. 36 (2) Insert the words “or Self-regulatory body” immediately after the words “supervisory body”.
- s.36A (2) Insert the words “or Self-regulatory body” immediately after the words “supervisory body”.
- s.36A (3) Insert the words “or Self-regulatory body” immediately after the words “supervisory body” wherever they appear.
- s. 36A Insert the words “or Self-regulatory body” immediately after the words “supervisory body” in the proposed new subsection (3A).
- s. 36A (4) Insert the words “or Self-regulatory body” immediately after the words “supervisory body” wherever they appear.
- s. 36A (5) Insert the words “or Self-regulatory body” immediately after the words “supervisory body” in the opening statement.
- s. 36A (5) (c) Insert the words “or Self-regulatory body” immediately after the words “supervisory body”.
- s. 36A (5) (d) Insert the words “or Self-regulatory body” immediately after the words “supervisory body”.
- s. 36A (6) Insert the words “or Self-regulatory body” immediately after the words “supervisory body”.
- s. 36A (7) Insert the words “or Self-regulatory body” immediately after the words “supervisory body”.

This is purely routine to ensure that the self-regulatory body is captured in the Act. This refers to the Law Society of Kenya.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

Hon. George Murugara (Tharaka, UDA: Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Proceeds of Crime and Anti-Money Laundering Act (No. 9 of 2009) by inserting the following additional amendments in proper chronological sequence—

- s.44 Insert the following proviso in subsection (3)—
“Provided that lawyers, notaries and other independent legal professionals may submit reports under this subsection through the Law Society of Kenya which shall establish reporting channels to the Centre.”

This is to ensure that lawyers, notaries, public, and other independent legal professionals may submit their reports to the Law Society of Kenya, which now becomes a self-regulating body.

(Question of the amendment proposed)

*(Question, that the words to be inserted
be inserted, put and agreed to)*

Hon. George Murugara (Tharaka, UDA: Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Proceeds of Crime and Anti-Money Laundering Act (No.9 of 2009) by inserting the following additional amendments in proper chronological sequence—

Insert the following new subsections immediately after subsection (3)—

“(3A) Lawyers, notaries and other independent legal professionals are not required to report suspicious transactions if the relevant information was obtained in circumstances where they are subject to professional secrecy or legal professional privilege.

(3B) The information referred to in subsection (3A) refers to information received from or obtained by the lawyer, notary or other independent legal professional from a client—

(a) in the course of ascertaining the legal position of their client, or

(b) in performing their task of defending or representing that client in, or concerning judicial, administrative, arbitration or mediation proceedings.

(3C) The Law Society of Kenya and the Centre shall establish appropriate mechanisms to cooperate for exchange of information relating to suspicious transaction reporting and supervision.”

This is to ensure that the Act aligns with requirements of LSK, being a self-regulating body. It may take up matters of the Act on behalf of advocates.

The Temporary Chairman (Hon. David Ochieng’): Justification.

Hon. George Murugara (Tharaka, UDA): I have just given it. The essence of the amendment is to ensure that the Law Society of Kenya takes up the matters on behalf of the lawyers. It is the one to establish appropriate mechanisms to co-operate for exchange of information relating to suspicious transactions and money laundering.

s.44 Insert the following proviso in subsection (3)—

“Provided that lawyers, notaries and other independent legal professionals may submit reports under this subsection through the Law Society of Kenya which shall establish reporting channels to the Centre.”

Insert the following new subsections immediately after subsection (3) —

“(3A) Lawyers, notaries and other independent legal professionals are not required to report suspicious transactions if the relevant information was obtained in circumstances where they are subject to professional secrecy or legal professional privilege.

- (3B) The information referred to in subsection (3A) refers to information received from or obtained by the lawyer, notary or other independent legal professional from a client—
- (a) in the course of ascertaining the legal position of their client, or
 - (b) in performing their task of defending or representing that client in, or concerning judicial, administrative, arbitration or mediation proceedings.
- (3C) The Law Society of Kenya and the Centre shall establish appropriate mechanisms to cooperate for exchange of information relating to suspicious transaction reporting and supervision.”

(Question of the amendment proposed)

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(Schedule as amended agreed to)

*(Provisions Relating to the Proceeds of Crime and Anti-Money
Laundering Act No.9 of 2009 as amended agreed to)*

The Temporary Chairman (Hon. David Ochieng’): Hon. Members, I wish to recognise students from Molo Secondary School, Molo Constituency, Nakuru County who are seated in the Speaker’s Gallery. We also have students from Ndalani Primary, Yatta Constituency, Machakos County who are in the Public Gallery. They are all welcome to follow our Proceedings this afternoon.

Order Members. We are now moving to the next stage of reporting and I wish to call upon the Mover of the Bill to move reporting.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Chairperson I beg to move that the Committee do report to the House its consideration of the Anti-Money Laundering and Combating of Terrorism Financing Laws Amendment Bill (National Assembly) Bill No.35 of 2023 and the provisions relating to proceeds of crime and anti-money laundering Acts of 2009 and its approval thereof with amendments and seek leave to sit again.

The Temporary Chairman (Hon. David Ochieng’): Any takers?

(Question proposed)

(Question put and agreed to)

(House resumed)

[The Temporary Chair (Hon. David Ochieng’) left the Chair]

[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) took the Chair]

*(The Temporary Speaker (Hon. (Dr) Rachael Nyamai
consulted with the Clerks-at-the-Table)*

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, I would like to recognise pupils who are seated in the Public Gallery. They are from Namirembe Parents Primary School, Kampala Constituency, Uganda. You are welcome to the National Assembly.

MOTION

CONSIDERATION OF REPORT ON THE CLIMATE CHANGE (AMENDMENT) BILL (National Assembly Bill No.42 of 2023)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): The Chairperson to report on the Climate Change (Amendment) Bill (National Assembly Bill No.42 of 2023).

Hon. David Ochieng' (Ugenya, MDG): Thank you very much, Hon. Temporary Speaker. I beg to report that the Committee of the whole House has considered the Climate Change (Amendment) Bill (National Assembly Bill No.42 of 2023) and approved the same with amendments.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to move that the House do agree with the Committee in the said report. I also request Hon. Naomi Waqo to second the Motion for agreement with the Report of the Committee of the whole House.

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Temporary Speaker, I second.

(Question proposed)
(Question put and agreed to)

BILL

Third Reading

THE CLIMATE CHANGE (AMENDMENT) BILL (National Assembly Bill No.42 of 2023)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Mover to move the Third Reading.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to move that the Climate Change (Amendment) Bill (National Assembly Bill No.42 of 2023) be now read a Third Time. I request Hon. Prof. Bartoo to second.

Hon. Phylis Bartoo (Moiben, UDA): Hon. Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Kajwang'.

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Speaker, sometimes being a senior person is not good enough. The Leader of the Majority Party knows that we do not have quorum. Let us handle the Third Reading when we have quorum. I am a bit senior to raise that but it is a fact. I think we need to deal with it before we...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Take your seat Hon. Kajwang'. I was just going to say that putting of the Question will be done in another sitting as will be scheduled by the House Business Committee (HBC).

(Putting of the Question deferred)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Chairperson, you may now move the reporting on the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill (National Assembly Bill No.35 of 2023).

MOTION

CONSIDERATION OF REPORT ON THE ANTI-MONEY LAUNDERING AND COMBATING OF TERRORISM FINANCING LAWS (AMENDMENT) BILL

Hon. David Ochieng' (Ugenya, MDG): Thank you very much, Hon. Temporary Speaker. I beg to report that the Committee of the whole House has considered the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill (National Assembly Bill No.35 of 2023) up to the provisions relating to the Proceeds of Crime and Anti-Money Laundering Act of 2009 and approved the same with amendments and seeks leave to sit again.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with Committee in the said report. I ask Hon. Bowen Kangogo to second the Motion for agreement with the report of the Committee of the whole House.

Hon. Kangogo Bowen (Marsabit East, UDA): I second.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Kangogo.

(Question proposed)

Hon. Members: Put the Question!

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Is it the mood of the House that I put the question?

Hon. Members: Yes!

(Question put and agreed to)

ADJOURNMENT

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Members. The time being 1.05 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.05 p.m.

Published by
Clerk of the National Assembly
Parliament Buildings
Nairobi