



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, NOVEMBER 27, 2024 AT 2.30 P.M.

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **Presiding** – the Hon. Speaker.
4. **LACK OF QUORUM AT COMMENCEMENT**

There being no Quorum present to commence business, the Speaker ordered that the Quorum Bell be rung for ten minutes;

And Quorum having been attained within ten minutes, business commenced.

5. **COMMUNICATION FROM THE CHAIR**

The Speaker issued the following Communications to the House –

(i) Authenticity and Admissibility of Papers tabled by the Member for Mukurweini Constituency

“**Honourable Members**, You will recall that during the Afternoon Sitting of Wednesday, 20th November 2024, the Cabinet Secretary for Education appeared before the House to respond to Questions asked by Members. In that Sitting, while asking a Supplementary Question to Question No. 096 of 2024, relating to the University of Nairobi, the Member for Mukurweini, the Hon. John Kaguchia, MP made various claims on management and operational issues at the University of Nairobi. In line with Standing Order 91, the Hon. Kaguchia tabled copies of documents from the Ethics and Anti-Corruption Commission (EACC), the Commission for University Education (CUE), the University of Nairobi (UoN), and the *Pontifical Urbaniana University*, to substantiate the claims.

Honourable Members, I directed the Clerk to examine the documents and advise on their authenticity and admissibility, and the Clerk has since discharged that responsibility. In this regard, I have determined that the documents from the EACC and the CUE as submitted by the Hon. Kaguchia are authentic, admissible and now form part of the record of the House. I will guide the House on the remaining documents once they are authenticated. I thank you!”

(ii) Proposed amendments to the Ethics and Anti-Corruption (Amendment) Bill (National Assembly Bill No. 11 of 2024)

“**Honourable Members**, Before we proceed to the next Order, being the Committee of the Whole House to consider the Ethics and Anti-Corruption (Amendment) Bill (National Assembly Bill No. 11 of 2024), I wish to make the following guidance relating to consideration of the proposed amendments to the said Bill.

Honourable Members, As you may have observed, the Notices annexed to the Supplementary Order Paper for this afternoon's sitting contains several amendments that have been proposed to the Ethics and Anti-Corruption (Amendment) Bill (National Assembly Bill No. 11 of 2024). The amendments have been proposed by the Leader of the Majority Party; the Chairperson of the Justice and Legal Affairs Committee; the Hon. Caroli Omondi, MP; and the Hon. Shakeel Shabbir, MP.

Honourable Members, Standing Order 47(3) obligates the Speaker to exclude a Motion from being debated or direct the amendment of a Motion in an appropriate format where the Motion either offends the Constitution, an Act of Parliament or the Standing Orders. The Standing Order provides, and I quote —

(3) If the Speaker is of the opinion that any proposed Motion—

(a) is one which infringes, or the debate on which is likely to infringe, any of these Standing Orders;

(b) is contrary to the Constitution or an Act of Parliament, without expressly proposing appropriate amendment to the Constitution or the Act of Parliament;

.....

the Speaker may direct either that, the Motion is inadmissible, or that notice of it cannot be given without such alteration as the Speaker may approve or that the motion be referred to the relevant committee of the Assembly, pursuant to Article 114(2) of the Constitution.

Honourable Members, With respect to amendments proposed to a Bill under consideration by the House, the Speaker is obligated to ensure that the Bill under consideration by the House is insulated from any amendment or revision that may place it at odds with either a constitutional or statutory provision or violate the procedural prescriptions of the Standing Orders.

Both I and my predecessors have ruled on the solemn duty outlined in Standing Order 47(3). On several occasions, we have reiterated that a Speaker cannot fold his or her arms and preside over deliberations that may lead to an unconstitutional or absurd result. Additionally, we have also consistently ruled that the question of the constitutionality of a matter under consideration by the House should NOT be put to a vote.

Honourable Members, the Ethics and Anti-Corruption (Amendment) Bill (National Assembly Bill No. 11 of 2024) is one of the Bills that were co-sponsored by the Leader of the Majority Party and the Leader of the Minority Party to actualize the recommendations of the National Dialogue Committee (NADCO).

The Bill seeks to amend the Ethics and Anti-Corruption Act, Cap. 7H to review the qualifications for appointment of the Chairperson of the Ethics and Anti-Corruption Commission. Clause 2 of the Bill outlines the proposed new qualifications. Additionally, Hon. Members, Clause 3 of the Bill saves the person currently serving as the EACC Chairperson from the effect of the reviewed qualifications if the same are passed by the House. This is in keeping with the practice of this House when reviewing the provisions relating to the qualifications or terms of persons appointed to public office.

Honourable Members, In the Notice in the Order Paper for this sitting, the Chairperson of the Departmental Committee on Justice and Legal Affairs, the Hon. Caroli Omondi, MP and the Hon. Shakeel Shabbir, MP all propose amendments to delete Clause 3 of the Ethics and Anti-Corruption (Amendment) Bill, 2024 (National Assembly Bill No. 11 of 2024). The implication of their proposed amendments is that, if the House were to pass the new qualifications contained in the Bill, the qualifications would immediately apply to the current holder of the office.

Honourable Members, The proposed deletion of Clause 3 by the Chairperson of the Departmental Committee on Justice and Legal Affairs, the Hon. Caroli Omondi, MP and the Hon. Shakeel Shabbir, MP flies directly in the face of the provisions of Article 250 of the Constitution on the composition, appointment and terms of office of members of a Commission or holders of independent Offices.

In particular, Article 250(3) of the Constitution provides that for a person to be appointed as a member of a Commission or the holder of an Independent Office, such person must have the specific qualifications required by this Constitution or national legislation.

Honourable Members, This House approved the appointment of the EACC Chairperson based on the specific qualification required by the Constitution and the Ethics and Anti-Corruption Commission Act, Cap. 7H. It would, therefore, patently offend the Constitution for the House to contemplate amending the qualifications midstream and to subject a current office-holder to new qualifications without providing an appropriate saving or transitional provision.

In this regard, Hon. Members, I have declined to approve the amendments proposed by the Chairperson of the Departmental Committee on Justice and Legal Affairs, the Hon. Caroli Omondi, MP, and the Hon. Shakeel Shabbir, MP, for the deletion of Clause 3 of the Bill.

I have approved the amendment proposed by the Leader of the Majority Party to Clause 3 of the Bill for consideration by the Committee of the Whole House. The proposed amendment is in keeping with the requirements of the Constitution and the established practice of the House cited in this Communication. The House is accordingly guided.”

6. PAPERS

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

- (a) Reports of the Auditor-General and Financial Statements for the years ended 30th June 2021, 30th June 2022 & 30th June 2023 and the certificates therein in respect of:
- (i) Griftu Secondary School;
 - (ii) Makwa Boys Secondary School;
 - (iii) Nairobi School; and
 - (iv) Limuru Girls Secondary School.

(Deputy Majority Party Whip)

- (b) Reports of the Public Petitions Committee on its consideration of:

- (i) Public Petition No. 3 of 2023 by Mr. Amos Nyasani regarding the management of Standard Gauge Railway (SGR) services;
- (ii) Public Petition No. 31 of 2023 by the Hon. Ali Wario, MP regarding a review of boundaries of the Tana Delta Irrigation Project;
- (iii) Public Petition No. 33 of 2023 by the Hon. Bady Twalib Bady, MP regarding compensation of persons affected by Mombasa-Mariakani Road dualling Project;
- (iv) public Petition No. 41 of 2023 by the Hon. Francis Nguga, MCA, regarding punitive charges levied by the Kenya National Highways Authority;
- (v) Public Petition No. 43 of 2023 by the Hon. Adams Kipsanai, MP regarding Human-Wildlife Conflict in Keiyo North Constituency;
- (vi) Public Petition No. 45 of 2023 by the Hon. Chiforomodo Mangale, MP regarding delayed adjudication and settlement of residents of Kidomaya/Miungoni Village in Vanga Ward, Kivwegu Sub Location;
- (vii) Public Petition No. 50 of 2023 by the Hon. (Dr.) Charles Onchoke, MP regarding delayed payment of pension by Kenya Railways Corporation;
- (viii) Public Petition No. 82 of 2023 by the Hon. Bady Twalib, MP regarding the delay in the completion of Jomvu Kuu-Jitoni-Rabai Road in Jomvu Sub-County; and
- (ix) Public Petition No. 6 of 2024 by the Hon. (Dr.) Robert Pukose, MP regarding delays in posting medical interns, absorption of Universal Health Coverage (UHC) contract staff, conclusion of Collective Bargaining Agreement (CBA) and recognition of agreement in The Health Sector in the country.

(Chairperson, Public Petitions Committee)

- (c) Report of the Departmental Committee on Communication, Information and Innovation on its consideration of the Public Relations and Communication Management Bill (National Assembly Bill No. 17 of 2024).

(Vice Chairperson, Departmental Committee on Communication, Information and Innovation)

- (d) Reports of the Departmental Committee on Finance and National Planning on its consideration of:
 - (i) The Unclaimed Financial Assets (Amendment) Bill (National Assembly Bill No. 15 of 2024); and
 - (ii) The Kenya Revenue Authority (Amendment) (No.2) Bill (National Assembly Bill No. 35 of 2024).

(Chairperson, Departmental Committee on Finance and National Planning)

- (e) Response to a Statement requested by the Member for Konoin (Hon. Brighton Yegon) on discrepancies in tea farmers' bonuses in some parts of Rift Valley.

(Chairperson, Departmental Committee on Agriculture and Livestock)

7. RE-ORGANIZATION OF BUSINESS

8. Pursuant to Standing Order 40(2), the Speaker reordered the sequence of proceedings as follows –

Consideration of **Order No. 8** (*Report of the Committee of the Whole House on the Coffee Bill (Senate Bill No. 10 Of 2023)*), **Order No.9** (*Consideration of nominees for appointment to the National Gender and Equality Commission*), and **Order No. 10** (*Consideration of nominees for appointment to the Salaries and Remuneration Commission*) to be undertaken before consideration of **Order No. 7** (*Questions and Statements*).

9. MOTION - REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE COFFEE BILL (SENATE BILL NO. 10 OF 2023)

Motion made and Question proposed –

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Coffee Bill (Senate Bill No. 10 of 2023).

(Leader of the Majority Party – Co-Sponsor)

Question put and agreed to.

Motion made and Question proposed –

THAT, the Coffee Bill (Senate Bill No. 10 of 2023) be now read a Third Time.

(Leader of the Majority Party – Co-Sponsor)

There being no debate arising;

Question put and agreed to.

Bill read a Third Time and **passed**.

10. SPECIAL MOTION – CONSIDERATION OF NOMINEES FOR APPOINTMENT TO THE NATIONAL GENDER AND EQUALITY COMMISSION

Motion made and Question proposed –

THAT, taking into consideration the findings of the Departmental Committee on Social Protection in its Report on the vetting of nominees for appointment as Chairperson and as a Member of the National Gender and Equality Commission, *laid on the Table of the House on Tuesday, 26th November 2024*, and pursuant to Article 250 of the Constitution, section 11(7) of the National Gender and Equality Act, CAP 7K, and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, CAP 7F, this House **approves** the appointment of the following persons to the National Gender and Equality Commission –

- (i) Hon. Rehema Dida Jaldesa** - Chairperson; and
- (ii) Mr. Michael Nzomo Mbithuka** - Member

(Chairperson, Departmental Committee on Social Protection – 27.11.2024)

And debate having been concluded on Wednesday, November 27, 2024 (Morning Sitting);

Question put and agreed to.

11. SPECIAL MOTION – CONSIDERATION OF NOMINEES FOR APPOINTMENT TO THE SALARIES AND REMUNERATION COMMISSION

(Chairperson, Departmental Committee on Labour)

Order read;

Order deferred.

12. GENERAL STATEMENT PURSUANT TO STANDING ORDER 43(1)

The Member for Uasin Gishu County (Hon. Gladys Boss, EGH) issued a General Statement regarding the UN Women’s Report on statistics of Gender-Based Violence (GBV) and femicide in Kenya as we mark the 16 days of activism against Gender-Based Violence.

13. TRIBUTES OF THE HOUSE PURSUANT TO STANDING ORDER 259D

The Member for Bobasi (Hon. Innocent Momanyi) reported the demise of the former Member for the then Bassi/Majoge Constituency, the late Hon. Andrew Nyananga Rosana.

14. REQUESTS FOR STATEMENTS PURSUANT TO STANDING ORDER 44(2)(c)

Pursuant to the provisions of Standing Order 44(2)(c)—

- (i) The Member for Kajiado South (Hon. Samuel Parashina) requested for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on theft of a safe box belonging to *Mbirikani* Group Ranch in *Kajiado* South Sub-county;
- (ii) The Member for Embakasi West (Hon. Mark Mwenje) requested for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on dismissal of *Mr. Joseph Wamugunda*, a Police Constable of Police Force No. 64064.

15. RESPONSES TO STATEMENTS PURSUANT TO STANDING ORDER 44(2)(c)

The Chairperson of the Departmental Committee on Agriculture and Livestock responded to a Statement requested by the Member for Kisii County (Hon. Dorice Donya) on payment of annual bonuses to tea farmers.

16. SPECIAL MOTION – CONSIDERATION OF NOMINEES FOR APPOINTMENT AS THE DEPUTY GOVERNOR OF THE CENTRAL BANK OF KENYA

Motion made and Question proposed –

THAT, taking into consideration the findings of the Joint Committee of the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget in its Report on the vetting of a nominee for appointment as the Deputy Governor of the Central Bank of Kenya, *laid on the Table of the House on Wednesday, 27th November 2024*, and pursuant to section 13B(1) of the Central Bank Act, CAP 491 and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the

appointment of **Mr. Gerald Nyaoma Arita** as the Second Deputy Governor of the Central Bank of Kenya

(Co-Chairperson, Joint Parliamentary Committee on the vetting of a nominee for appointment as the Deputy Governor of the Central Bank of Kenya)

(Change of Chair from the Rt. Hon. Speaker to the Fifth Chairperson of Committees)

There being no debate arising;

Question put and agreed to.

17. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (No.3) BILL (NATIONAL ASSEMBLY NO. 44 OF 2024)

Order for Second Reading read;

Motion made and Question proposed —

THAT, the Public Finance Management (Amendment) (No.3) Bill (National Assembly Bill No. 44 of 2024) be now read a Second Time.

(The Leader of Majority Party)

Debate arising;

Mover replied;

Question deferred.

18. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (No.4) BILL (NATIONAL ASSEMBLY NO. 45 OF 2024)

Order for Second Reading Read;

Motion made and Question proposed —

THAT, the Public Finance Management (Amendment) (No.4) Bill (National Assembly Bill No. 45 of 2024) be now read a second time.

(The Leader of Majority Party)

Debate arising;

(Change of Chair from the Fifth Chairperson of Committees to the Fourth Chairperson of Committees)

Mover replied;

Question deferred.

19. THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2024)

Order for Second Reading Read;

Motion made and Question proposed —

THAT, the Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bill No. 48 of 2024) be now read a second time.

(Chairperson, Departmental Committee on Finance and National Planning)

Debate arising;

(Change of Chair from the Fourth Chairperson of Committees to the Fifth Chairperson of Committees)

Mover replied;

Question deferred.

20. THE UNCLAIMED FINANCIAL ASSETS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 15 OF 2024)

Order for Second Reading Read;

Motion made and Question proposed —

THAT, the Unclaimed Financial Assets (Amendment) Bill (National Assembly Bill No. 15 of 2024) be now read a second time.

(Leader of the Majority Party)

Debate arising;

Mover replied;

Question deferred.

21. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The Fifth Chairperson of Committees in the Chair

(i) The Ethics and Anti-Corruption Commission (Amendment) Bill (National Assembly Bill No. 11 of 2024)

Clause 2 - amendment proposed

THAT, the Bill be amended by deleting Clause 2

(Hon. Caroli Omondi)

Proposed amendment dropped;

Further amendment proposed;

THAT, the Bill be amended by deleting Clause 2.

(Hon. Shakeel Shabbir)

Proposed amendment dropped

Clause 2 - agreed to.

Clause 3 - amendment proposed;

THAT, the Bill be amended by deleting Clause 3 and substituting therefore the following new Clause –

“3. Despite the provisions of section 2 of this Act, a person serving as a chairperson of the Ethics and Anti-Corruption Commission on the date this Act comes into force shall continue to serve in that position for their unexpired term of office.

(Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed;

THAT, the Bill be amended by deleting Clause 3.

(Chairperson, Justice and Legal Affairs)

Proposed amendment withdrawn

Further amendment proposed;

THAT, the Bill be amended by deleting Clause 3.

(Hon. Caroli Omondi)

Proposed amendment withdrawn

Further amendment proposed;

THAT, the Bill be amended by deleting Clause 3.

(Hon. Shakeel Shabbir)

Proposed amendment withdrawn

Clause 3 - as amended agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments.

(ii) The Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024)

Clauses 3 & 4 - agreed to.

Clause 2 - agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported without amendments.

(iii) **The Kenya Revenue Authority Bill (Amendment) (No.2) (National Assembly Bill No. 35 of 2024)**

Clause 2 - agreed to.

Clause 3 - amendment proposed;

THAT, clause 3 of the Bill be amended in paragraph (b) by deleting the proposed new subsection (1A) and substituting therefor the following new subsection-

“1(B) The Commissioner General shall appoint Deputy Commissioners subject to the approval of the Board”

(Chairperson, Departmental Committee on Finance and National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed;

THAT, the Bill be amended by deleting Clause 3.

(Leader of the Majority Party)

Question of the amendment proposed;

Proposed amendment withdrawn;

Clause 3 - as amended agreed to.

Clause 4 - agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments.

22. HOUSE RESUMED - the Fifth Chairperson of Committees in the Chair

(i) **The Ethics and Anti-Corruption Commission (Amendment) Bill (National Assembly Bill No. 11 of 2024)**

Bill reported with amendments;

Motion made and Question proposed –

THAT, this House do agree with the Report of the Ethics and Anti-Corruption Commission (Amendment) Bill (National Assembly Bill No. 11 of 2024).

(Leader of the Majority Party)

Debate arising;

Question deferred.

(ii) **The Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024)**

Bill reported without amendments;

Motion made and Question proposed –

THAT, this House do agree with the Report of the Kenya Roads Board Bill (National Assembly Bill No. 18 of 2024).

(Leader of the Majority Party)

Debate arising;

Question deferred.

(iii) **The Kenya Revenue Authority Bill (Amendment) (No.2) (National Assembly Bill No. 35 of 2024)**

Bill reported with amendments;

Motion made and Question proposed –

THAT, this House do agree with the Report of the Kenya Revenue Authority Bill (Amendment) (No.2) (National Assembly Bill No. 35 of 2024).

(Leader of the Majority Party)

Debate arising;

Question deferred.

23. THE LAND CONTROL BILL (NATIONAL ASSEMBLY BILL NO. 39 OF 2023)

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Land Control Bill (National Assembly Bill No. 39 of 2023) be now read a Second Time.

(Hon. (Dr.) Wilberforce Oundo)

Debate interrupted on Wednesday; November 6, 2024 (Afternoon Sitting) resumed;

Mover replied;

Question deferred.

24. THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 58 OF 2022)

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Higher Education Loans Board (Amendment) Bill (National Assembly Bill No. 58 of 2022) be now read a Second Time.

(Hon. Joyce Kamene)

Debate interrupted on Friday; October 18, 2024 (Morning Sitting) resumed;

Mover replied;

Question deferred.

And the time being Nine O'clock, the Fifth Chairperson adjourned the House without Question put pursuant to the Standing Orders.

M E M O R A N D U M

The Speaker will take the Chair on,
Thursday, 28th November 2024 at 9.30 a.m.

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