

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 15th June 2017

The House met at 10.00 a.m.

*[The Temporary Deputy Speaker
(Hon. Cheboi) in the Chair]*

PRAYERS

QUORUM

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, on the face of it, we do not have the required quorum? Therefore, I order that the Bell be rung.

(The Quorum Bell was rung)

Okay, Order Members. Order, Hon. Kajuju. We have the requisite quorum and, therefore, business will begin.

REPORTS AND THIRD READINGS

THE NAIROBI INTERNATIONAL FINANCIAL CENTRE BILL

The Temporary Deputy Speaker (Hon. Cheboi): On this particular one, what remained was for the Question to be put.

(Question put and agreed to)

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I beg to move that the Nairobi International Financial Centre Bill (National Assembly Bill No.5 of 2017), be now read a Third Time.

I want to request the Member for Subukia, Hon. Nelson to second.

Hon. Gaichuhie: Thank you, Hon. Temporary Deputy Speaker. I second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Cheboi): Having confirmed that there is requisite quorum in the House for purposes of making this decision, I put the Question.

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

THE LEGAL METROLOGY BILL

(Question put and agreed to)

Hon. A.B Duale: Hon. Temporary Deputy Speaker, I beg to move that the Legal Metrology Bill (National Assembly Bill No.8 of 2017), be now read a Third Time.

I request Hon. Nelson, Member for Subukia to second.

Hon. Gaichuhie: Thank you, Hon. Temporary Deputy Speaker, I wish to second the Legal Metrology Bill. It is good for the public to know that this law is about weights and measures and not about weather forecast.

Thank you, Hon. Temporary Deputy Speaker.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

MOTION

ADOPTION OF THE SPECIAL REPORT ON IMPLEMENTATION OF
THE TOURISM FUND RONALD NGALA UTALII COLLEGE PROJECT

THAT, this House adopts the Special Report of the Public Investments Committee (PIC) on the implementation of the Tourism Fund Ronald Ngala Utalii College Project in Kilifi County, laid on the Table of the House on Wednesday, 24th May, 2017.

(Hon. Keynan on 14.6.2017)

(Debate concluded on 14.6.2017)

The Temporary Deputy Speaker (Hon. Cheboi): Having confirmed that we have the numbers, I put the Question.

(Question put and agreed to)

BILLS

First Reading

THE SUPPLEMENTARY APPROPRIATION (NO. 2) BILL

(Order for First Reading read - Read the First Time and ordered to be referred to the relevant Departmental Committee)

Second Reading

THE BREASTFEEDING MOTHERS BILL

(Hon. (Ms.) S.W. Chege on 31.5.2017)

(Resumption of Debate interrupted on 14.6.2017 – Morning Sitting)

The Temporary Deputy Speaker (Hon. Cheboi): I can see Hon. Sabina Chege is not here. I do not know whether Hon. Shukran or the gracious lady from Laikipia is going to reply. I thought it was not going to be Hon. Kajuju for obvious reasons. Let us have Hon. Kajuju. I am told she is the one to reply.

Hon. (Ms.) Kajuju: Hon. Temporary Deputy Speaker, the Leader of the Majority Party has been begging me, for the first time in my life, that I donate a minute to him. Since he is my boss, I will agree as long as he supports the Bill.

The Temporary Deputy Speaker (Hon. Cheboi): Knowing the status of the Leader of the Majority Party, he will obviously support you on this one. Let him proceed and I will add him two more minutes using Standing Order 1 so that he gets three.

Hon. A.B. Duale: Thank you, Hon. Temporary Deputy Speaker. That is why the people of Kuresoi must elect you on the 8th of August. I have not been begging Hon. Kajuju. I have never begged in my entire life. Even today, I am not begging. I am only telling her to donate two minutes. “Begging” is a serious term.

This is a very serious Bill even though I will bring one or two amendments at the Committee of the whole House. For those of us who are still in the process of procreation and breastfeeding, there must be a situation in which we take care of the mother and the child. Clause 7 says:

‘A person who owns, leases, or rents a public or private building accessible to the public, which has a maximum occupancy of thirty persons, shall install a baby changing facility.’

That is ridiculous. That cannot happen. For those of us who will be investors after we leave Parliament, and who will be in the construction industry, the only thing that is allowed under the law is for the people with disabilities at the entrance. Now, if you are told you must create a whole floor for any lady who is walking around your building to come and enter and breastfeed, it has never happened. I read this Bill last night and I looked at other jurisdictions. Corporate companies which employ huge number of people usually create a place for that kind of service, but not anybody constructing any building. Next time, you will tell us when building a mosque, we must create a place for breastfeeding.

Members will agree with me that when we get to the Committee of the whole House, we must delete Clause 7. We were very magnanimous in making sure that our mothers, sisters and

other friends get a place for 30 or 40 minutes to breastfeed their children. Taking it too far completely touches on what is before the House: the Sessional Paper on Housing and Construction. So, there will be two or three amendments.

I want to thank Hon. Sabina Chege. I am sure she must have experienced... She brought this Bill out of experience. Hon. Kajuju is only supporting for the sake of it. Hon. Sabina Chege, Hon. Nyokabi, Hon. Sarah and Hon. Soipan are the great women in the 11th Parliament who did serious procreation. Of course, many other men here, including me, also had an opportunity during the 11th Parliament to procreate in one way or the other.

This is a very good Bill coming at the tail-end of the House. I want to ask my colleagues, after the Speaker puts the Question, then we can...

The Temporary Deputy Speaker (Hon. Cheboi): There are some very serious allegations you make, Leader of the Majority Party. When you say “who procreated in one way or the other”, procreation is okay but which is the “other”? The reason I added you two minutes is because it is on record that the Leader of the Majority Party has begotten only sons. I knew you would be looking forward to getting a daughter or two.

Proceed anyway.

Hon. A.B. Duale: I will finish, Hon. Temporary Deputy Speaker. The other way is outside the legal ways. There are ways which are found in the Bible and the Quran as far as procreation is concerned. But there are those who procreate through *mpango wa kando*. That is also procreation.

I support. I will bring an amendment to delete Clause 7. I am sure I will convince Hon. Sabina Chege. I thank Hon. Kajuju for giving me the two minutes and the Speaker for adding me one minute.

The Temporary Deputy Speaker (Hon. Cheboi): Proceed, Hon. Kajuju. You, therefore, have eight minutes maximum.

Hon. (Ms.) Kajuju: Thank you, Hon. Temporary Deputy Speaker. I have listened carefully to what the Leader of the Majority Party has said, but the allegation he is making is that you and me do not have the capacity to procreate.

The Temporary Deputy Speaker (Hon. Cheboi): Maybe you.

(Laughter)

Please, let us be very specific. Proceed.

Hon. (Ms.) Kajuju: I believe, Hon. Temporary Deputy Speaker, we did not succeed in doing that in the 11th Parliament but, since we are coming back in the 12th Parliament, we can give it a shot.

On behalf of Hon. Sabina Chege, the great lady from Murang'a County, I beg to move that this House accepts the Breastfeeding Mothers Bill, 2017. First of all, I sat here as this Bill was being debated. Almost everyone accepted that this is a very good Bill that has come in this century. It is important that mothers are given the opportunity to take care of their babies - whether they are infants - so that they can grow up in a good manner.

It is also important that this House recognises, much as we were able to procreate, especially those of us who were able to do it in this Parliament - there are others who will be able to do it in the 12th Parliament. I know it because the Leader of the Majority Party confesses that he still hopes he is going to get a daughter. He is allowed under the Islamic law anyway.

I thank everybody who supported this Bill. I am sure whatever amendments that the Leader of the Majority Party is proposing to make cannot fundamentally change the intent and the spirit of this Bill.

I, therefore, beg to move.

The Temporary Deputy Speaker (Hon. Cheboi): Okay. Hon. Members. I have confirmed that we have numbers.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House today by leave of the House)

MOTION

ADOPTION OF THE REPORT ON AMENDMENTS TO THE STANDING ORDERS

THAT, pursuant to provisions of Standing Order 264 and 265, this House adopts the Report of the Procedure and House Rules Committee, laid on the Table of the House on Tuesday, 13th June, 2017, and further-

- (i) approves the amendments proposed to the Standing Orders as contained in the Schedule of the report;
- (ii) resolves that the amendments to the Standing Orders shall, upon approval by the House, take effect at the commencement of the next Parliament; and,
- (iii) in view of the amendment proposed in Standing Order 212B (*Committee on Members' Services and Facilities*) rescinds the decision of the House of 14th March, 1967 as amended on 29th November 2011 which established the National Assembly's Catering and Health Services Committee.

(Hon. Cheboi on 14.6.2017)

(Resumption of Debate adjourned on 14.6.2017 – Afternoon Sitting)

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the Hon. Leader of the Majority Party.

Hon. A.B Duale: Thank you, Hon. Temporary Deputy Speaker, I beg to support the proposed amendments to the Standing Order.

I want to start with the amendment that Hon. Musimba wanted to bring yesterday, but he was thrown out of the House. He was proposing an amendment that would create the office of the leader of Independent candidates. I was not in the House and so, I read the HANSARD and asked people who were here to tell me what happened. I know that he is a fine gentleman. His must have been an anticipation because Hon. Serut, Hon. Gatobu and himself are the only three

independent candidates in this House. Hon. Wesley walked away from Jubilee and came back running as an independent candidate. So, they are only the four of them, but they anticipate that the numbers will be high. I am sure there are many people who are jostling to become leaders of the independent candidates in the 12th Parliament, with Hon. Jakoyo being the front-runner in the event that he wins his seat. So, Hon. Musimba feels that the number of independent candidates is going to increase, but I doubt it. That is my opinion because we are under obligation to protect parliamentary and political parties' democracy.

Article 108 of the Constitution is very clear on party leaders. The only party leaders recognised in the Constitution are the leadership of the majority and the minority. There is no way you can sneak a provision of creating the position of a leader of the independent candidates via a Standing Order. Hon. Musimba needs to amend Article 108 of the Constitution so that he can enjoy the position of the leader of independent candidates. I think that is why Hon. Speaker was very categorical that the amendment he was moving was unconstitutional. He had not done enough research so he had to be thrown out of the House. I totally agree with the Hon. Speaker and we must oppose Hon. Musimba's proposed amendment.

Secondly, on Part IV of the Standing Orders, which deals with the calendar and the sitting of the House, the Committee proposed a number of amendments, one of which will affect the current Wednesday morning sitting hours which begin at 9.30 a.m. and end at 1.00 p.m. The Committee has proposed an extension of the afternoon sitting by 30 minutes. So, if this is adopted, the House will be rising at 7.00 p.m. on Wednesdays. That is because with the numbers that we have in this House, 349 Members, it is important that each and every Member gets an opportunity to speak. In any case, even if we rise at 6.30 p.m., we would still be within the precincts of Parliament because of the traffic jam. So, we will support that the House be given an extension of 30 minutes for business to move from 6.30 p.m. to 7.00 p.m.

There is a matter that deals with statements. The Committee proposed an amendment that seeks to change the time for Members to make general statements. It proposes Tuesday at 6.00 p.m. and not 6.30 p.m. as has been the case. This is so as to create time for the transaction of the business of the House. That is a small amendment.

There is a proposed amendment on how to deal with Special Motions. It provides for the removal of the Hon. Speaker and the Deputy Hon. Speaker from office through a Special Motion. It also provides clear timelines for that consideration. The other thing is about the removal of the President and other State officers such as Cabinet Secretaries (CSs) and Principal Secretaries (PSs). The issue of dealing with the impeachment of the Hon. Speaker is not well stated in the current Standing Orders and that is why we feel that this amendment is important. We need to have procedures and timelines on how to deal with Special Motions, especially those ones on the removal of the Speaker or the Deputy Speaker.

There is a new section that deals with issues of committees. The number of Members in committees has reduced from the current 29 to 17 Members. This is something every Member in this House has been praying for so that we have a small membership in every committee. That way, it will be even easier to raise the required quorum.

There is also Part V that deals with the proceedings of the Address by the President, visiting dignitaries or other persons. The Committee proposes an amendment to the Standing Orders to provide that the Speaker may designate a suitable place in the Chamber or at the Bar of the House for the Cabinet Secretary responsible for Finance to make a public pronouncement on the budget policy highlights and other persons to make submissions. So, in the event that we have a visiting Head of State or Prime Minister or for a local scenario, the CS for National

Treasury, this amendment gives the Hon. Speaker powers to designate a special place within the Chamber for them.

There is a matter on Standing Order that deals with public Bills. The Committee made amendments to prescribe, among other things, the manner of handling legislative proposals and also provide for the forms of public participation. It defines public participation. How many people read the adverts placed in the newspapers? So, that has been defined.

Finally, it is important, as per the law, that every time a Session is ending, the Standing Orders are revised. Now that we have been using our Standing Orders for five years, I am sure the Committee knows the places where that shoe pinches most. Indeed, there are places where the suit is not fitting well.

The terminology “broadcast” has been defined to include live transmission of the proceedings of the House by radio, television or webcast. As you are now aware, the House proceedings are already being broadcasted live via YouTube. It also codifies the significance of the Mace which is not any item put on the Table by providing that it symbolises the authority of the Speaker, the sanctity and authority of this House.

Finally, Part II of the Standing Orders which deals with the swearing in of Members and the election of the Speaker have also been amended to provide for the swearing in of Members of the East African Legislative Assembly (EALA). It has prescribed the process for the removal of the Speaker and the Deputy Speaker which was not provided for in the Standing Orders unlike the 10th Parliament where they brought the amendments to the Standing Orders almost at midnight when we were not aware and there was a lot of mischief. We were also not consulted on how to deal with various committees like Standing and Select Committees.

I want to thank the Chair of the Procedure and House Rules which dealt with these amendments, and hope the House will adopt these amendments. There is the establishment of a Committee on Service and Facilities to consider, advice and report on Members’ welfare. This is very important because we were victims of the Catering and Health Services Committee. The biggest problem is how the services of the 11th Parliament have deteriorated. You go to the gym, restaurant or lounge and the kind of services provided are not to the standard of the legislature. They have now brought a higher upscale Committee which will raise concerns to do with our welfare.

The Committee also amended the Standing Orders to separate the ordinary petitions for the removal of members of constitutional commissions and other petitions which come to the House to be dealt with in two different ways.

In totality, the amendments are good and I am sure when we reach the Committee of the whole House, Members will bring more amendments to enrich them. Of course, the amendment by Hon. Musimba is unconstitutional. He is not here, but I will look for him. He is a very good friend of mine. He has won his seat twice as an independent candidate. I am sure Hon. Serut, himself and other independent candidates must have their space. I am sure in the new Standing Orders there is a place given to independent candidates to chair a committee which will deal with special funds like the National Government Constituencies Development Fund (NG-CDF), the Auditor-General accounts, Affirmative Action accounts and Uwezo Fund. This shows the House is slowly trying to integrate and assimilate the role which independent candidates play in the House.

I beg to support.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Amina.

Hon. (Ms.) Abdalla: Thank you, Hon. Temporary Deputy Speaker. I also want to congratulate the Procedure and House Rules Committee for coming up with amendments to the Standing Orders. I have read this Report and I have a few points which I wish to share that might not have been included in this Report.

Firstly, we probably need to amend the component on the handling of the Budget for purposes of dealing with the fact that some of our budgetary reports are not reflected in the Appropriation Bill. We need to address that anomaly and to ensure that committees do not present and convince the Budget and Appropriations Committee on matters which do not end up in the Order Paper.

Secondly, I am concerned about the Second Schedule. We have said in many of our reports in this House that irrigation is an infrastructure matter and not an agricultural one. So, I will suggest an amendment to the functions of the Departmental Committee on Agriculture, Livestock and Co-operatives to delete the functions of irrigation and place it under the Departmental Committee on Environment and Natural Resources because how we invest in infrastructure and agriculture is totally different. So, when irrigation is under the Departmental Committee on Agriculture, Livestock and Co-operatives, it suffers in terms of budgeting.

Thirdly, is the issue of petitions. This is a wonderful inclusion in our Constitution and Standing Orders which we are missing the point. We administratively tried to address the matter through reporting after the petitions have been dealt with but, this died. There is no point of raising the prayers which somebody has presented in their petition and giving no opportunity, in live coverage, for the committee to present their answers to the prayers. The Standing Orders need to accommodate the fact that the process is not complete if you do not give the findings of the committee to the prayers presented by members of the public. It is true that the report of the committee is usually sent to the specific petitioners, but the members of the public end up not knowing what has happened to the same.

Fourthly, is the issue of how we handle mediation committee reports on legislative matters between the Senate and the National Assembly. The way we usually handle it is wrong in that the Mover of the Bill usually wants to own the mediation committee report which he has not played a part in and does not know what has taken place. This needs to be addressed. I really welcome the reduction of numbers of members of committees because it has not been easy to handle 29 Members, especially when dealing with extremely technical matters. So, this is welcomed.

Finally, Hon. Temporary Deputy Speaker, I want you to listen because you are the Vice-Chair of the Liaison Committee. The Standing Orders need to be a bit brave and state whether the Liaison Committee serves any function or not. Let us be brave and remove it because there is no point of having a Committee that is toothless and meets once a year and does not do much. My suggestion is we either give better functions to the Liaison Committee or just remove it from the Standing Orders.

With those many remarks, I support the new Standing Orders.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Wandayi.

Hon. Wandayi: Thank you, Hon. Temporary Deputy Speaker. I will be very brief. I want to commend the Committee for having come up with these proposed amendments to the Standing Orders. I want to speak to two matters. One is the proposal on Standing Order No.178. It is, indeed, commendable that we are reserving the leadership of the Committees of Public Accounts Committee, Public Investments Committee and now the Committee on Implementation to parties other than those which form the Government. That is in line with best practice

worldwide. There is a further improvement that this time round there is a proposal to have majority of Members in those Committees to come from other parties other than those which have formed the Government.

That is a big improvement. It is pointless to claim that the minority side is chairing a Committee, for instance, the Public Accounts Committee or the Public Investments Committee, while the membership of those committees come almost entirely from the Government side or the majority side. It defeats the purpose of those Committees being chaired by Members from the minority side.

But having said so, I still believe there should have been further improvement. What do I mean? It is still not right that the Chairpersons of the Public Accounts Committee, the Public Investments Committee and the Committee on Implementation should come from the minority side and yet still, allow the entire membership of those committees to participate in the election of the Chairperson. I would have preferred a situation where the minority side nominates specific Members to chair those Committees. Those Committees play a very key role in oversight of the Executive. The minority has an idea of which of its Members has the capacity to chair those very key committees. If you leave the decision to an election in a normal manner, you subject those committees to a lot of probabilities. We have seen this happening in this House in the 11th Parliament where the majority side gang up and elect---

Hon. Francis Waititu: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Order. What is it Member for Juja?

Hon. Francis Waititu: Hon. Temporary Deputy Speaker, I respect my good friend Hon. Wandayi who knows very well that when we joined this Parliament, we allowed them to have the chairmanship of the Public Accounts Committee which oversees all committees. Is he in order to say that we assumed the chairmanship of all committees when they know we gave them the most important Committee for them to chair and oversee the Government?

Hon. Wandayi: I did not say that. You did not understand me well. He was not listening.

Having said what I said, I still maintain that we should allow the minority side, which next time round I am sure will be composed of that other side, to chair those committees. So, I am really helping them. It should be given the leeway to nominate people to chair those key committees rather than subject it to a normal election which will result in a majority ganging up to elect for the minority people to chair those committees, as it has happened in the term of this Parliament.

In conclusion, I do not agree with the proposal to have the so-called independent Members chairing this new Committee that will oversee the National Government Constituencies Development Fund (NG-CDF) and what have you. If we continue to legitimise or institutionalise this issue of independents, we shall, in effect, be killing multi-party democracy in this country. In our Constitution, Kenya is a multi-party democracy. We cannot use the backdoor to introduce some foreign terminologies which are alien to the Constitution. You cannot institutionalise the issue of independents in this House and yet, you continue to appropriate monies to support political parties. It is not right. In any case---

Hon. Murungi: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Order! What is it Hon. Kathuri?

Hon. Murungi: Hon. Temporary Deputy Speaker, my good friend Opiyo Wandayi is really misleading this House and the nation. The issue of independents is not being introduced by this Parliament. It is anchored in the Constitution of Kenya. He should table proposals to change the Constitution so that we can remove it. It is anchored in the Constitution. The political parties

hold shambolic nominations and that is why independents will ever be in Parliament. More than 100 independent MPs will be in this House in the next Parliament. The first one will be Hon. Kathuri Murungi.

The Temporary Deputy Speaker (Hon. Cheboi): The only curious thing is when Hon. Wandayi and the Leader of the Majority Party agree very happily. It is very interesting.

Proceed, Hon. Wandayi.

Hon. Wandayi: Hon. Temporary Deputy Speaker, I want to educate my friend Hon. Kathuri that the independents envisaged in the Constitution are not the independents we are witnessing. They are all losers. What we have here are losers who have failed to accept defeat in party primaries. I want to repeat that. If you lose in a party primary, you do not become independent. What are you independent of? You cannot jump ship from a political party and then call yourself an independent. I will reject this.

In conclusion, the bulk of the proposed amendments are good. The other few sections which I have highlighted need to be reviewed.

I support the Motion.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have Hon. Maanzo.

Hon. Maanzo: Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to comment on these very important amendments.

On the matter of independents, currently, it has happened because of an accident of the law. There are gaps within the law which do not recognise independents as they are known in the Constitution. But looking at the experience in other jurisdictions like Zambia and Malawi - countries which have many independent Members of Parliament ranging above 50 - it is something we need to begin thinking about in future. We need to put in the Constitution or make a law such that it is quite clear who is an independent Member of the Assembly. That is something to think about in the future.

Generally, it is always good to revise the Standing Orders so that in every experience we go through, we are able to know where the gaps are in the law. It will make Houses run more efficiently so that, at times, we do not have to go to Standing Order No.1 for everything or leave certain matters not hinged on the law.

I have looked at the new amendments, especially the ones on broadcast. But most important, what happens to petitions when they are referred to the Committee on Implementation? We have presented many petitions here, but the results have never been seen. What can we do to make the Committee on Implementation have teeth which can bite? Currently, it is more of a toothless bulldog which is unable to bite. Also, what happens to motions? We pass many Motions here. Are they ever implemented to make sure that the petitioners or movers of those Motions serve the public? All that has been missing. It is good to make it better.

There is a new expected Committee on Members' Services and Facilities. There are facilities in this Parliament, including a church, which have never been utilised. At least, the Muslims utilise the mosque. I do not know whether Members are aware that there is a church in this Parliament which has never been utilised. Probably, we need to think of that in future when we have a Committee in place to deal with it.

For removal of members of commissions, that particular process is an improvement. Finally, when we deliberate on reducing the number of Members of a Committee from 29 to any other number, we need to be aware of the fact that this House has many Members of Parliament.

Therefore, it needs serious consideration at the Committee stage so that we can make sure that every Member is accommodated.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have Hon. Gikaria.

Hon. Gikaria: Thank you, Hon. Temporary Deputy Speaker. I did not know that there were so many amendments that we needed to look at.

First, I want to thank the Committee that was involved in terms of looking at the Standing Orders and the amendments therein. Madam Amina had talked about the Liaison Committee. We are also concerned. I am in the Committee on Implementation. We are finding it very difficult.

We were thinking of introducing a clause in the Standing Orders that would require a Motion to go through committee for scrutiny and research so that we do not waste a lot of Parliament's time discussing things and, particularly, functions that have already been devolved. We have had problems making follow-ups with the respective Cabinet Secretaries (CSs) and other Government agencies expected to implement certain recommendations. Those people are handicapped because most of the functions they are being asked to undertake are not within the national Government. Sometimes, it becomes very difficult for any person to act.

I was looking at a few of the new parts, like Part 12A, which says that if the Speaker wants to resign, he has to write a letter addressed to the House. I do not know what it means by the "House". Should it be addressed to the House or to the Clerk? These are some of the issues we need to look at because the "House" is more of a general nature. The letter should be addressed to the Clerk.

Under new Part 12B, on the removal of a Speaker, the word used is "incompetent." If we are to use that Clause to remove a Speaker from office on ground of incompetence, then what is the definition of "incompetence"? We do not want the word "incompetence" to be used without a definition. The other provisions for removal of a Speaker from office are weighty. That is what we need to do. Maybe, a Speaker has done something unconstitutional. Therefore, the word "incompetence" needs to be expounded and given meaning so that I do not wake up one day and think that the Speaker is incompetent and decide to use that part of the Standing Orders to have him removed from office. It is important for us to say that, that word needs to be given proper meaning so that it is not misused.

Regarding the removal of the Speaker from office, Part 12B says that before a member moves a Motion, he has to be supported by a certain number of Members. Once a Member has appended his signature on a Motion for removal of a Speaker, he or she will not be allowed to withdraw the signature. Something like that happened previously in this House. If I am not allowed to withdraw my signature after realising that the allegations that made me to append my signature on the Motion are not factual, what will happen? Once I realise that the allegations that had been made by the Mover of the motion are not factual, I may decide to rescind my decision to support the Motion. I should, as a Member, be given an opportunity to withdraw my signature. It would be very bad for me, just because I have appended my signature after being given false information, to be denied a chance to withdraw my signature from such a Motion.

Part 12B (6) talks of a select committee. It says that if the House sees that there is reason to remove a Speaker from office, it will form a select committee of 11 members. It only talks of 11 Members. It does not talk about the composition of the 11 members. Suppose the 11 Members come from one side of the House? It is important for us to specify the composition of the 11 members. It will be pointless if we are going to have all members coming from one side of the House. It will not be of any use.

One of the biggest improvements of these amendments is the inclusion of Standing Order No.44, which says that a Member of Parliament can seek a statement from the chairperson of a committee. That is a very good improvement. We have had issues where we have tried to seek statements from Cabinet Secretaries, which have not been forthcoming. The provision for members of Parliament to seek statements on matters related to the Committee, or on issues affecting their constituencies, is an added advantage.

There are many issues we will be looking at. We will be making proposals for further amendments.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Cheboi): Let us hear Hon. Makali Mulu, the Member for Kitui Central. Your gadget seems not to be proper. You may need to seek an alternative one close to yours.

Hon. Mulu: Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to also join my colleagues in commenting on these changes to the Standing Orders. I want to start by appreciating the work that has been done by the Committee, which looked at these amendments. The amendments are very important, more so, for the 12th Parliament. We know they will be applicable when the 12th Parliament starts its work.

I want to comment on three areas. The first one is on the committee's membership. The amendments propose a reduction in the committee's membership from 29 to 17. This is very important because, as we are aware, many details of the work of this House are discussed at the committee level. It is very important that the numbers we have at the committee level are manageable so that in terms of effective participation, we are able to get the right input in the debates. At the same time, we will be able to factor in the technical considerations. These amendments are good. We still remain 349 Members of Parliament.

Alongside the reduction of the number of members of a committee, an attempt has been made to increase the number of committees. It is very important that, at least, each Member sits in one of the technical committees, which we call departmental committees. Currently, in this House...

Hon. Gichigi: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): What is it, Hon. Gichigi?

Hon. Gichigi: Hon. Temporary Deputy Speaker, looking at the work that is ahead of us, and today being the last day of the 11th Parliament; and, having heard my colleagues canvass on the Motion before the House, I ask under Standing Order No.95, if it pleases the membership of this House, that the Mover be now called upon to reply.

The Temporary Deputy Speaker (Hon. Cheboi): That is definitely a valid point of order, but I will allow Hon. Mulu to wind up before I put the Question to your Motion.

Hon. Mulu: From the experience that I acquired in the current Parliament, I know that it is important for every Member of this House to belong to a committee.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Gichigi, did I hear you claiming clearly that you were moving under Standing Order No.95? You did not go on record, unfortunately. Go on record so that we are clear.

Hon. Gichigi: Hon. Temporary Deputy Speaker, for avoidance of doubt, I rise under Standing Order No.95 to move that the Mover be called upon to reply.

The Temporary Deputy Speaker (Hon. Cheboi): Okay, wind up.

Hon. Mulu: *It would be very important that in the 12th Parliament, every Member of Parliament should belong to a departmental committee because in this 11th Parliament, some*

Members did not manage to get a departmental committee. At the end of the day, you find they are only in select committees. My experience is that it is in the departmental committees where a lot of technical work is being done more so relating to Ministries, Departments and Agencies (MDAs). I would propose that even as we increase the number of departmental committees, it is important that we make sure that in the 12th Parliament, every Member is a member of a departmental committee.

In terms of the committees like the Public Accounts Committee (PAC) and Public Investments Committee (PIC), and now I hear that Implementation Committee is joining that lot, it is important that this amendment has the chairpersons of those committees coming from the minority side. It is also important that we make sure that the minority side has the majority of the membership. That would be very important. That will cure the problem Hon. Wandayi was discussing where you find that because the majority are from the majority side, then we have the majority deciding who chairs the Committee from the minority. That is what we have to achieve as a House. If we want to be effective in oversight, it is important that these committees are chaired and also deputised by people from the minority so that the House does a good job and it helps this country in terms of moving forward.

The last point which I want to discuss is the issue of the Liaison Committee. It might be that this 11th Parliament did not have the Liaison Committee working very well. I hear Hon. Amina saying they used to meet only once in a year. This is a very important Committee because it is supposed to coordinate the work of all committees. We have met challenges where committees are working in what I call suicidal approach to working. If you have a strong Liaison Committee, then you get the operations of Parliament being coordinated properly. I propose that the Liaison Committee remains but as we move forward, the Liaison Committee is given a very clear mandate so that their work is coordinated properly. That will help the House and more so the 12th Parliament.

As I conclude, I have also realised that because of Members of Parliament being very busy, not many of them take time to read the Standing Orders. I propose that during induction of new Members, we take longer to induct these Members more so on the Standing Orders because Members are so busy, they do not have time to sit and read. The induction should be a bit longer so that they are able to be taken through all the Standing Orders and appreciate them from the word go. If we do that, 12th Parliament will be very effective and it will help move us to the next level.

I conclude by wishing all my colleagues all the best as we defend our seats. Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Let me dispose of Hon. Gichigi's Motion that the Mover be now called upon to reply.

(Question, that the Mover be now called upon to reply put and agreed to)

I am informed very reliably that the person who will be replying is Hon. Kajuju.

Hon. (Ms.) Kajuju: Hon. Temporary Deputy Speaker, my colleague here, Hon. Gaichuhie, has requested for a minute. Today I am very generous. I am going to donate a minute to him.

The Temporary Deputy Speaker (Hon. Cheboi): The only problem is you used very serious terms including "generosity" and others. You cannot do that. Have you replied? When

that has been done, you cannot donate minutes to anybody. If you do not have a lot to say, you can just proceed and reply in brief thanking your Members.

Hon. (Ms.) Kajuju: Hon. Temporary Deputy Speaker, I am reminded and educated because we have a history. I beg to reply and also to raise an issue. I congratulate the committee that has been working on this most importantly because it has been able to recognise the East African Legislative Assembly (EALA) and also the duties of regional integration.

One of the things that I have found to be very important in this amendment to the Standing Orders is Standing Order No. 107 that a Speaker deals with disorderly conduct. This Standing Order has been able to expound on the meaning of what disorderly conduct is because at this Parliament, we have seen various actions by Members that do not give this House the dignity that it deserves. Therefore, it would be important that we expand what disorderly conduct is.

I have also seen that in the event that a Member is suspended from this House, and he or she feels that they are aggrieved with the suspension, then there is a process through which they can appeal through the House for either the suspension to be reduced or waived. That would be a good process. I believe the House in the 12th Parliament will conduct itself in a better manner.

As a Chair of a committee, I sat in the Liaison Committee. One of the questions that we dealt with was the issue of conflict between the committees. There are situations where the mandates of the committees were not spelt out properly especially between PIC and PAC. That conflict was not properly resolved in the Liaison Committee. I also agree with Members that it is important that the mandate of the Liaison Committee is well spelt out especially when a Chairperson is about to be removed. We had a situation where at the Committee, we had resolved to remove the Chair but the process was not clear. Therefore, it realised issues that the Liaison Committee could not be able to deal with.

I beg to reply and pray that this is taken up as the proper process.

The Temporary Deputy Speaker (Hon. Cheboi): Before I proceed, let me recognise in the Speaker's Gallery, pupils and teachers from Uthiru Genesis Boarding and day school from Kikuyu Constituency of the larger Kiambu County. They are here of course to familiarise themselves with the rules and procedure of the National Assembly. I wish them fruitful learning process.

Hon. Gikaria: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): What is it Hon. Gikaria again? What is out of order?

Hon. Gikaria: Hon. Temporary Deputy Speaker, when this thing was being moved, it was said that we are going to amend these Standing Orders for purposes of being used in the next Parliament. We need to have the requisite number of Members of Parliament in the House so that we pass this thing today. So, it is important for us to request you to have the Quorum Bell rung so that we can dispose of this matter.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Gikaria, when you rise up, all you need to do is to indicate to the Speaker that there is no quorum. The issue of the bell is done by a different person; that is the Speaker himself. Now that you have stated that there is no quorum, I order that the bell be rung for 10 minutes.

(The Quorum Bell was rung)

Hon. Members, we now have the required quorum.

(Question put and agreed to)

BILL

Second Reading

THE SUPPLEMENTARY APPROPRIATION BILL

Hon. Musyimi: Hon. Temporary Deputy Speaker, I beg to move that the Supplementary Appropriation Bill (No.2) (National Assembly Bill No.30 of 2017) be read a Second Time.

We have spent a lot of time debating this Bill. In the interest of refreshing our memories, let me just indicate the four areas where we intend to spend this money. We have the issue of drought mitigation. Secondly, we have the statutory obligations under the Consolidated Fund Services (CFS), which is taking about Kshs15 billion. We have the issue of the general elections, which will cost Kshs2.5 billion. I hope the Members remember that the cost of the general elections came in an amendment that was properly addressed eventually. There is also the issue of security. These are issues we have canvassed more than adequately on the Floor of this House.

I, therefore, beg to move and request the Member of Parliament for the great people of Kipipiri, Hon. Gichigi, to kindly second.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Gichigi.

Hon. Gichigi: Hon. Temporary Deputy Speaker, I second.

The Temporary Deputy Speaker (Hon. Cheboi): We will re-do that Bill because we did not put the Question. I think we are very eager to adjourn *sine die*. Let me rectify the procedure, for purposes of record.

(Question proposed)

Hon. Members: Put the Question!

The Temporary Deputy Speaker (Hon. Cheboi): Is that your decision, Hon. Members?

Hon. Members: Yes!

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House today by leave of the House)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

*[The Temporary Deputy Speaker
(Hon. Cheboi) left the Chair]*

IN THE COMMITTEE

*[The Temporary Deputy Chairman
(Hon. Cheboi) took the Chair]*

THE SUPPLEMENTARY APPROPRIATION BILL

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Members, we are in the Committee of the whole House to consider the Supplementary Appropriation Bill (No.2) (National Assembly Bill No.30 of 2017)

(Clauses 2, 3, 4 and 5 agreed to)

First Schedule

The Temporary Deputy Chairman (Hon. Cheboi): On this one, we have the Chair of the Budget and Appropriations Committee. Are you the one who is moving the amendment on that one? Hon. Mutava, you have an amendment on that one.

Hon. Musyimi: Hon. Temporary Deputy Chairman, let me just consult.

(Hon. Musyimi walked to the Clerk-At-The-Table)

I stand guided. Hon. Temporary Deputy Chairman. I beg to move:

THAT, the First Schedule to the Bill be amended by inserting the expression "SECOND SCHEDULE (ss. 4 and 5)" immediately before the words "Recurrent Expenditure" appearing before the proposed reductions to Vote R1033 (Page 744).

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Makali Mulu, do you want to speak to that one? I can see you are not ready. I proceed to put the Question.

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

(First Schedule as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Deputy Chairman (Hon. Cheboi): Chairperson, kindly move reporting.

Hon. Musyimi: Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the Supplementary Appropriation (No.2) Bill (National Assembly Bill No.30 of 2017) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Members, we will move to the President's Award Bill (National Assembly Bill No.7 of 2017).

THE PRESIDENT'S AWARD BILL

(Clauses 3 and 4 agreed to)

Clause 5

The Temporary Deputy Chairman (Hon. Cheboi): I can see there is a proposed amendment by Hon. Sabina, who seems to be absent. So, the amendment is dropped.

(Consultations)

Just for clarity, do we have a Member who is supposed to move any amendment on behalf of the Committee? Is that the Member for Matayos? Order, Hon. Members, we have information that the Committee amendments are being processed by Hon. Odanga. So, we will start with Clause 5 again.

Let us have Hon. Odanga.

Hon. Odanga: Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 5 of the Bill be amended—

(a) in sub-clause (1) by —

(i) inserting the words “or a representative designated in writing by the Cabinet Secretary” immediately after the word “education” in paragraph (b);

(ii) inserting the words “or a representative designated in writing by the Cabinet Secretary” immediately after the word “youth” in paragraph (c);

(iii) inserting the following new paragraph immediately after paragraph (c) —

“(ca) the Principal Secretary to the National Treasury or a representative designated in writing by the Principal Secretary;”

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

“(d) five persons appointed by the Cabinet Secretary.

(a) by inserting the following new sub clauses immediately after sub-clause 1—

“(1A). A person shall qualify for appointment as the chairperson or a member of the Board under subsection 1(d), if that person —

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

(b) in the case of a member appointed under subsection (1(d), has at least five years experience in matters relating to resource mobilisation, governance and public administration, community and social development, planning and devolution, advocacy and communication skills or research; and

(c) has a proven record of personal integrity, competency and accountability.

(1B). In appointing persons as members of the Board, the appointing authority shall ensure that—

(a) not more than two thirds of the members are of one gender;

(b) at least one member represents persons with disabilities;

- (c) at least one member represents the youth; and
- (d) the appointments reflect ethnic and regional diversity of the people of Kenya.
- (a) in sub-clause (2) by deleting the word “of” appearing immediately after the word “under”;
- (b) by inserting the following new sub clauses immediately after sub clause 2—
 - (2A). The office of the Chairperson or a member of the Board shall become vacant if the Chairperson or member—
 - (a) dies;
 - (b) resigns from office by way of a notice in writing addressed to the President in the case of the Chairperson or to the Cabinet Secretary in the case of a member of the Board;
 - (c) is absent, without the permission of the Chairperson, from three consecutive meetings of the Board;
 - (d) is convicted of a criminal offence and is sentenced to imprisonment for a term exceeding six months without the option of a fine;
 - (e) is incapacitated, unable or unfit to discharge his functions as a member of the Board; or
 - (f) is adjudged bankrupt.
 - (2B). The Chairperson or a member of the Board may be removed from office on the ground of gross misconduct or behavior that is incompatible with the functions of the Board or that brings disrepute to the President’s Award- Kenya.

(2C). Where there is a vacancy in the Board, the appointing authority shall, subject to the provisions of this Act and within three months of such vacancy, appoint another person to fill the vacancy for the remaining period of the term of office of the person in whose place he or she was appointed.

(2D). Trustees and committee members shall serve as volunteers to the President’s Award-Kenya and shall not be entitled to remuneration of any kind but shall be entitled to be reimbursed for expenses incurred in the conduct of the business of the President’s Award-Kenya.

It is important to allow the CS to designate representatives to the board and the Principal Secretary (PS) for the National Treasury is proposed to be part of the board as it will be receiving public funds. The PS will advise the board on the use of the funds. Further, the PS or his representative will advise the CS for the National Treasury on any matters relating to the exemption of the board from certain fees and charges as proposed.

(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 5 as amended agreed to)

(Clause 6 agreed to)

Clause 7

Hon. Odanga: Hon. Temporary Deputy Chairman, I beg to move:
THAT, Clause 7 of the Bill be amended by deleting paragraph (j).

(Question of the amendment proposed)

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

(Clause 7 as amended agreed to)

Clause 8

Hon. Odanga: Hon. Temporary Deputy Chairman, I beg to move:
THAT, Clause 8 of the Bill be amended by deleting the expression (18) appearing in paragraph (e) and substituting therefor the expression (26).
This is to correct the erroneous cross-referencing.

(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 8 as amended agreed to)

(Clause 9 agreed to)

Clause 10

Hon. Odanga: Hon. Temporary Deputy Chairman, I beg to move:
THAT, Clause 10 of the Bill be amended in sub-clause (1) by —
(a) deleting the words “the constitution of the Presidents Awards-Kenya” appearing in paragraph (d) and substituting therefor the words “the Constitution of Kenya, this Act or Regulations made under this Act”; and
(b) inserting the following new paragraph immediately after paragraph (d) —
“(e) bankruptcy.”

The proposal is in line with Article 232 of the Constitution on values and principles of public service. The Chief Executive Officer (CEO) should not violate the Constitution and the Act. It is proposed that a CEO should be a person that is not bankrupt.

(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)*

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

(Clause 10 as amended agreed to)

(Clauses 11, 12, 13 and 14 agreed to)

Clause 15

Hon. Odanga: Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 15 of the Bill be deleted and substituted with the following new clause—

Protection from

Personal liability

(15) A member, officer, agent or employee of the Board shall not be personally liable for any omission or act done in good faith in the course of carrying out any of the functions of the Board under this Act”.

This amendment is a redraft of the provision in the Bill in simpler terms in order to offer clarity with regard to the protection of members, agents and employees of the Board from personal liabilities for omissions or acts done in good faith in the ordinary course of their duty.

(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 15 as amended agreed to)

(Clauses 16, 17, 18, 19, 20, 21, 22, and 23 agreed to)

Clause 24

Hon. Odanga: Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 24 of the Bill be amended in sub-clause (2) by deleting the word “Institute” and substituting therefor the word “Board”.

This is meant to correct a typographical error.

(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)*

(Clause 24 as amended agreed to)

(Clauses 25, 26, 27 and 28 agreed to)

Clause 29

Hon. Odanga: Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 29 of the Bill be amended—

(a) in sub clause (1) by deleting the words “the constitution of the President’s Award Kenya” and substituting therefor the words “this Act”;

(b) in sub clause (2) by —

(i) inserting the words “contravenes the provisions of subsection (1)” immediately after the words “A person who”; and;

(ii) deleting the words “under subsection (1)” and substituting therefor the word “and”.

(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)*

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

(Clause 29 as amended agreed to)

Clause 30

Hon. Odanga: Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 30 of the Bill be amended by deleting the words “Secretariat in a manner and form as may be prescribed from time to time” and substituting therefor the words “Board in such manner and form as may be prescribed”.

The periodic reports will be submitted by participating institutions to the Board which takes ultimate responsibility. It is obvious that the participating institutions will submit the reports to the secretariat for onward transmission to the Board.

(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 30 as amended agreed to)

Clause 31

Hon. Odanga: Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 31 of the Bill be amended by —

- (a) deleting the word “Cabinet Secretary” and substituting therefor the word “Board”;
- (b) renumbering the existing provision as sub-clause (1); and
- (c) inserting the following new sub-clause immediately after the renumbered sub-clause (1) —

“(2) Without prejudice to the generality of subsection (1) the Regulations made under this section may provide for—

- (a) the requirements for registration of a participant;
- (b) the specific activities that a participant can undertake within each of the four sections of a level of the award program;
- (c) the minimum entry age requirements of participants at each level of the award program;
- (d) the criteria to be used by the Board in assessment and determination of a qualifying participant;
- (e) the implementation mechanisms to be adopted by the Board including the evaluation criteria to be adopted and the qualifications for evaluators;
- (f) the licensing rules and procedure;
- (g) rules to be observed by participants and participating institutions;
- (h) forms required to be prescribed under this Act;
- (i) fees payable to the Board; and
- (j) any other matter that requires to be prescribed under this Act.

Regulation-making is proposed to be done by the Board and the Cabinet Secretary should play a crucial role in regulation-making through the membership of the Board. Further, the Cabinet Secretary is responsible for submission of regulations to Parliament for scrutiny. The Committee has proposed a list of specific regulations that the Board may issue other than the general regulations to bring effect to the provisions of the 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)*

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

(Clause 31 as amended agreed to)

Clause 32

Hon. Odanga: Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 32 of the Bill be amended—

(a) in paragraph (a) by inserting the words “before the commencement of this Act” immediately after the word “Kenya”;

(b) in paragraph (b) by deleting the word “Board” and substituting therefor the words “President’s Award-Kenya”;

(c) in paragraph (d) by inserting the words “office that had seconded him” immediately after the words “return to the Government”.

This amendment offers clarity in the sense that orders or notice made on issues that are intended to be saved are the orders or notices made or issued before the commencement of the Act. It is necessary because such orders and notices issued by the Board should not be rendered invalid due to the enactment of the Act.

The other proposed amendment is to make it clear that an officer seconded to the President’s Award Committee by a Government office may continue to serve for the remainder of the secondment or opt to return to the Government office that had seconded him.

(Question of the amendment proposed)

*(Question, that the word 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)*

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

(Clause 32 as amended agreed to)

New Clause 20A

Hon. Odanga: Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by inserting the following new part immediately after Clause 20 -

Requirement for
licensing of
participating institutions.

20A. A person or institution shall not purport, claim or pass himself or itself as working in connection with the Award programme without authority and license granted by the board in accordance with this Act.

(Question of the new clause proposed)

(New clause read the First Time)

The Temporary Deputy Chairman (Hon. Cheboi): Let me call Hon. Odanga to move for Second Reading. You can proceed.

Hon. Odanga: Hon. Temporary Deputy Chairman, I beg to move that the new clause 20A be now read a Second Time.

(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)

(The new clause was read a Second Time)

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

New Clause 20B

Hon. Odanga: Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by inserting the following new part immediately after Clause 20 -

Application for
licensing

20B. (1) An institution that intends to conduct the award programme in such capacity as the Board may prescribe shall submit an application for accreditation and licensing to the Board in the prescribed form.

(2) An applicant under subsection (1) shall, together with the application, submit—

(a) a certificate of registration or in the case of a company, a copy of the memorandum and articles of association of the company;

- (b) duly completed and signed application forms in the prescribed form;
- (c) supporting documents as prescribed by the Board, where applicable;
- (d) the prescribed fees; and
- (e) any other document that may be required by the Board.

(Question of the new clause proposed)

(New clause read the First Time)

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Odanga, the Mover.

Hon. Odanga: Hon. Temporary Deputy Chairman, I beg to move that the new clause be now read a Second Time.

(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)

(The new clause was read a Second Time)

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

New Clause 20C

Hon. Odanga: Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by inserting the following new part immediately after Clause 20 -

Accreditation of
existing participating institutions.

20C. Where an institution accredited and licensed as a participating institution immediately before the commencement of this Act intends to continue as a participating institution, such institution shall apply for re-accreditation in the prescribed manner.

(Question of the new clause proposed)

(New clause read the First Time)

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Odanga.

Hon. Odanga: Hon. Temporary Deputy Chairman, I beg to move that the new clause be now read a Second Time.

(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)

(The new clause was read a Second Time)

Hon. Dido: On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Cheboi): What is your point of order, Hon. Rasso.

Hon. Dido: Thank you very much, Hon. Temporary Deputy Chairman. I realise that these are new clauses. The Mover should try to explain their import to the Bill.

The Temporary Deputy Chairman (Hon. Cheboi): That is a valid point. Prepare yourself, Hon. Odanga, so that as we move on, you try and explain. It is thought that probably some Members may not have time to go through the Order Paper and see the import of the new clauses.

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

New Clause 20D

Hon. Odanga: Hon. Temporary Deputy Chairman, I beg to move:
THAT, the Bill be amended by inserting the following new part immediately after Clause 20 -

Accreditation and
licensing.

20D. Where the Board is satisfied that an applicant meets the requirements for accreditation, it shall accredit and licence the institution under specified terms and conditions and issue a certificate to the institution.

(Question of the new clause proposed)

(New clause read the First Time)

The Temporary Deputy Chairman (Hon. Cheboi): I call the Mover to move Second Reading.

Hon. Odanga: Hon. Temporary Deputy Chairman, I beg to move that the new clause be now read a Second Time. Since all the new clauses from Clause 20A to 20F, are about licensing, accreditation and fees, I will provide the justification at the end of the process for all of them.

The Temporary Deputy Chairman (Hon. Cheboi): If you can do it now, it will explain to the Members as we go along if it is the same explanation.

Hon. Odanga: Thank you. The justification is that whereas the Bill makes reference to licensing of participating institutions, it does not contain substantive provisions on the licensing

procedure. The Committee has proposed the missing provisions in a new Part IIIA of the Bill, namely, new clauses 20A to 20F, which relate to application formalities, accreditation criteria, rules for accreditation and licensing, among other crucial provisions.

(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)

(The new clause was read a Second Time)

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

New Clause 20E

Hon. Odanga: Hon. Temporary Deputy Chairman, I beg to move: THAT, the Bill be amended by inserting the following new part immediately after Clause 20 -

20E. (1) The Board may prescribe rules for the purpose of licensing of participating institutions.

Rules on
licensing

(2) Without prejudice to the generality of subsection (1) the regulations may provide for—

- (a) any forms required to be submitted to the Board;
- (b) supporting documents to be submitted by an applicant;
- (c) the criteria to be used in determining whether an applicant qualifies to be accredited and licensed;
- (d) terms and conditions of a licence; and
- (e) any other matter that requires to be prescribed under this Part.

(Question of the new clause proposed)

(New clause read the First Time)

Hon. Odanga: I beg to move that the new Clause 20E be read a second Time. This is about the rules for purposes of licensing of the participating institutions.

(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)

(The new clause was read a Second Time)

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

New Clause 20F

Hon. Odanga: Hon. Temporary Deputy Chairman, I beg to move:
THAT, the Bill be amended by inserting the following new part immediately after Clause 20 -

Appeal from decision of the Board.

20F (1) A person who is aggrieved by the decision of the Board under this Part may, within thirty days of being notified of the decision, appeal to the Cabinet Secretary.

(2) The Appeal shall be in the prescribed form.

(Question of the new clause proposed)

(New clause read the First Time)

Hon. Odanga: I beg to move that the New Clause 20F be read a Second Time. This is about giving any aggrieved party an avenue for appeals against the decisions made by the Board.

(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)

(The new clause was read a Second Time)

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

Schedule

Hon. Odanga: Hon. Temporary Deputy Speaker, I beg to move:

THAT, the Schedule to the Bill be amended by deleting Paragraph 1.

The Temporary Deputy Chairman (Hon. Cheboi): Very well, do you have any explanations?

Hon. Odanga: No.

(Question of the amendment proposed)

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

(Schedule as amended agreed to)

Clause 2

Hon. Odanga: Hon. Temporary Deputy Speaker, I beg to move:

THAT, Clause 2 of the Bill be amended—

(a) by inserting the following new definition in proper alphabetical sequence—
“Participant” means a person who has attained the age of fourteen years but has not attained the age of twenty-five years and who is taking part in the Award programme.”

(b) in the definition of the word “participating institution” by inserting the words “or any other institution” immediately after the words “educational institution”.

(Question of the amendment proposed)

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

(Clause 2 as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Deputy Chairman (Hon. Cheboi): Let us have the Mover to move reporting.

Hon. Odanga: Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the President’s Award Bill and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Members we will proceed to the National Assembly Standing Orders of 2017.

MOTION

ADOPTION OF REPORT ON AMENDMENTS TO
NATIONAL ASSEMBLY STANDING ORDERS

Standing Order No.1

Hon. Gichigi: Hon. Temporary Deputy Chairman, I beg to move:

THAT, Standing Order 1 be amended in paragraph (2) by inserting the word

“practices” immediately after the word “traditions”.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): I do not see any interest.

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

(Standing Order No.1 as amended agreed to)

Standing Order No.3

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Gichigi.

Hon. Gichigi: Hon. Temporary Deputy Chairman, I beg to move:

THAT, Standing Order 3 be amended in paragraph (2) by inserting —

- (a) the words “East African Legislative Assembly” immediately after the words “National Assembly” appearing in subparagraph (b);
- (b) the words “Members with the” immediately before the word “longest” appearing in subparagraph (c).

(Question of the amendment proposed)

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

(Standing Order No. 3 as amended agreed to)

*[The Temporary Deputy Chairman (Hon. Cheboi)
left the Chair]*

[Hon. Deputy Chairman (Hon. Muturi) took the Chair]

*(Standing Orders Nos. 4, 5, 6, 7, 8, 9, 10,
11, 12 and 13 agreed to)*

Standing Order No.14

Hon. Gichigi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 14 be amended by deleting paragraph (1) and substituting therefor the following paragraph—

“(1) After taking and subscribing to the Oath or Affirmation of Office under Standing Order 12 (*Swearing-in of the Speaker*), the Speaker shall notify the Members of the place, date and time of the opening of Parliament, which shall be not more than thirty days after the first sitting of the House.”

The justification is to ensure that not more than 30 days pass after the first sitting of Parliament before we hold the next sitting.

(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)*

(Standing Order No. 14 as amended agreed to)

(Standing Orders Nos. 15, 16, 17 and 18 agreed to)

Standing Order No.19

Hon. Gichigi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 19 be amended by deleting paragraph (4).

The intention is to remove the cost implication because going by the current wording it gives chance to a very prolonged argument which is punishment to Parliament.

(Question of the amendment proposed)

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

(Standing Order No.19 as amended agreed to)

Standing Order No.20

Hon. Gichigi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 20 be amended by deleting paragraph (4).

The justification is that the existence of that paragraph creates room for a frivolous and prolonged replacement process.

(Question of the amendment proposed)

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

(Standing Order No.20 as amended agreed to)

PART V

Hon. Gichigi: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended in the title to PART V by deleting the words “AND VISITING DIGNITARY” and substituting therefor the words “VISITING DIGNITARY OR OTHER PERSONS”

The justification is that instead of the words “Visiting Dignitary” we also wish to include other persons.

(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)*

(PART V as amended agreed to)

(Standing Orders Nos. 21, 22, 23, 24, 25, 26 and 27 agreed to)

Standing Order No.28

Hon. Gichigi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 28 be amended in paragraph (3) by deleting the words “the Leader of the Majority Party or the Leader of the Minority Party or any other member of the House Business Committee shall move a motion of adjournment which shall be debated for not more than three hours after which the House” appearing immediately after the word “Calendar” and substituting therefor the words “the Speaker shall notify Members of the same, and at the appointed time, the Assembly shall adjourn without question put”.

The justification is that after Motion of Adjournment is moved there is no need for debate.

(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)*

(Standing Order No. 28 as amended agreed to)

(Standing Order No. 29 agreed to)

Standing Order No.30

Hon. Gichigi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order No.30 be amended—

(a) in paragraph (1) by deleting the expression “9.00 am” appearing immediately after the words “meet at” and substituting therefor the expression “9.30 am”;

(b) in paragraph (2) by deleting the expression “6.30 p.m. or (if it is an Allotted Day) at 7.00 p.m.” and substituting therefor the expression “7.00 p.m. or (if it is an Allotted Day) at 7.30 p.m.

I justify this by indicating that we are just reflecting the situation as it currently is by putting it in the Standing Orders and moving the time to 9.30 a.m. for the morning session on Wednesdays and ending at 1 p.m. Further, we propose to extend the sittings in the afternoon to 7.00 p.m. from 6.30 p.m.

(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)*

(Standing Order No.30 as amended agreed to)

(Standing Order No.31 agreed to)

Standing Order No.32

Hon. Gichigi: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order No.32.

The intention is to cluster similar standing orders in the same area.

Hon. Deputy Chairman: Hon. Gichigi, that amendment was for a deletion.

Hon. Gichigi: Hon. Deputy Chairman, it is being removed from here and inserted elsewhere where it properly belongs.

(Question of the amendment proposed)

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

(Standing Order No.32 deleted)

(Standing Orders Nos.33, 34, 35, 36 and 37 agreed to)

Standing Order No.38

Hon. Gichigi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order No.38 be amended in paragraph (1) by inserting the words “proposed to be transacted” immediately after the word “business”.

The intention is to give allowance for the possibility of a supplementary Order Paper being made in the event of a change of business to be considered after the Order Paper has already been published.

(Question of the amendment proposed)

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

(Standing Order 38 as amended agreed to)

(Standing Order No.39 agreed to)

Standing Order No.40

Hon. Gichigi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order No.40 be amended in paragraph (3) by deleting the words “or a member belonging to the Majority or Minority Party” appearing immediately after the words “sponsored by the Majority or Minority Party”.

The only reason it is here is to remove a repetition.

(Question of the amendment proposed)

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

(Standing Order 40 as amended agreed to)

(Standing Order No.41 agreed to)

Standing Order No.42

Hon. Gichigi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order No.42 be amended by inserting the following new paragraph immediately after paragraph (3)—

“(4) Paragraphs (1), (2) and (3) shall apply, with necessary modifications, to a message delivered to the Speaker by a Cabinet Secretary for communication to the House pursuant to any written law providing for conveyance of messages from the Cabinet.”

The intention here is to handle messages that come from Government officers other than the President.

(Question of the amendment proposed)

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

(Standing Order No.42 as amended agreed to)

Standing Order No.43

Hon. Gichigi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order No.43 be amended in paragraph (1) by deleting the expression “6.00 pm” appearing immediately after the words “Tuesday at” and substituting therefor the expression “6.30 pm”.

The intention is to change the timing for Members to make general statements from Tuesday at 6.00 p.m. to 6.30 p.m. to accommodate the time for interruption of business of the House.

(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)*

(Standing Order No.43 as amended agreed to)

Standing Order No.44

Hon. Gichigi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order No.44 be amended in paragraph (2) by inserting the following new subparagraph immediately after subparagraph (b)–

“(c) A Member may request for a statement from the Committee chairperson relating to matters under the mandate of the Committee and the Speaker may either appoint a day for the statement or direct that the statement be issued on the same day.

The intention is to provide a chance to any Member to request a statement from a Committee chairperson, which provision was not there.

Hon. Deputy Chairman: Member for Nakuru Town East, do you want to say something? Let me propose the Question first.

(Question of the amendment proposed)

Hon. Gikaria: Hon. Deputy Chairman, this is one of the best amendments that we have. In the past we have had a lot of problems seeking statements from the Cabinet Secretary. This way now our questions will be coming in faster and with the Chair just close to me, I will be able to make a follow up. It is one of the best amendments we have.

Hon. Deputy Chairman: Do I see the Member for Kwanza desirous of making a contribution?

Hon. F.K. Wanyonyi: Hon. Deputy Chairman, just as my colleague has mentioned, this is a very good provision so that chairpersons become responsible. They should be given more time so that when they make statements, they are inclusive rather than people just coming to the

Floor of the House and making statements that are not very clear. This is good but there should be a timeframe for the chairpersons to be given enough time so that they know that they have been called to answer questions rather than having them come here and giving us wrong answers to questions.

I support the amendment.

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

(Standing Order No.44 as amended agreed to)

Standing Order No.47

Hon. Gichigi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order No.47 be amended by inserting the following new paragraph immediately after paragraph (4)—

“(4A) A notice of motion under Part XIV (*Procedure for removal from State Office*) shall be given in the House within three sitting days following approval by the Speaker, and if not, such motion shall be deemed to have been withdrawn and shall not be moved again in the same terms in the same session, except with the leave of the Speaker.”

This particular amendment is supposed to take care of situations where people initiate a process for removal of officers from State office. Once the Speaker has approved that particular initiative, some Members take a lot of time and therefore in a sense have a hanging noose around the neck of an officer. Therefore, this particular amendment is supposed to limit the period within which the Member must bring that particular Motion to the House.

(Question of the amendment proposed)

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

(Standing Order No.47 as amended agreed to)

*(Standing Orders Nos. 48, 49, 50, 51, 52, 53,
54, 55, 56, 57, 58, 59 and 60 agreed to)*

Standing Order No.61

Hon. Gichigi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 61 be amended in paragraph (1)(b) by inserting the following new sub-subparagraph immediately after sub-subparagraph (iii)—

“(iii) *Article 106 (resolution for removal of Speaker or Deputy Speaker from office.)*”

As we speak, the current Standing Orders do not have provisions for removal of the Speaker and the Deputy Speaker. This has now been brought in as a Special Motion.

(Question of the amendment proposed)

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

(Standing Order No.61 as amended agreed to)

(Standing Order No.62 agreed to)

Standing Order No.63

Hon. Gichigi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 63 be amended—

(a) by inserting the following new paragraph immediately after paragraph (1)—

“(1A) A motion under this Standing Order shall have its subject matter indicated on every sheet.”;

(b) in paragraph (5) by inserting the words “Upon receipt of the Motion by the Clerk” immediately before the word “any”.

This is in respect of Motions, for example, brought by Members. There are situations where Members sign on a plain paper and the heading or the subject matter is not there. It can be abused. This particular amendment insists that before the Members can sign, at the top of that particular sheet, the subject matter must be there.

(Question of the amendment proposed)

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

(Standing Order No.63 as amended agreed to)

Standing Order No.64

Hon. Gichigi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 64 be amended—

(a) by inserting the following new paragraph immediately after paragraph (1)—

“(1A) The grounds specified in a motion under this Standing Order shall be admissible if—

(a) framed clearly to particularise and disclose a gross violation of the Constitution or other written law, where gross violation of the Constitution or other written law is indicated as a ground for the intended removal;

(b) stating with precision, the provisions of the Constitution or other written law that are alleged to have been grossly violated, where gross violation of the Constitution or other written law is indicated as a ground for the intended removal; and

(c) accompanied by necessary evidence, including annexures or sworn testimonies in respect of the allegations.”

(b) in subparagraph (5) by inserting the words “Upon receipt of the Motion by the Clerk” immediately before the word “any”.

Hon. Deputy Chairman, as members can see on today's Order Paper, the amendments require further details to be given in the Motion to remove State officers such that the particulars of a gross violation of the Constitution or any other written law are there before we can actually debate that Motion. The intention is to make the Members aware of the objective of the Motion they intend to support and ensure the credibility of the Motion.

(Question of the amendment proposed)

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

(Standing Order No.64 as amended agreed to)

(Standing Order No.65 agreed to)

Standing Order No.66

Hon. Gichigi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 66 be amended—

(a) by deleting paragraph (2) and substituting therefore the following new paragraph—

“(2) The provisions of Standing Order 64 (*Procedure for removal of President by impeachment*) shall apply to a Motion under paragraph (1).

(b) in paragraph (4) by inserting the phrase “Upon receipt of the Motion by the Clerk” immediately before the word “any”.

Hon. Deputy Chairman, the same explanation I had given earlier in the previous amendment applies. This is a procedure for removal of the President. We do not want to have spurious Motions being brought. Therefore, the explanations must be given in the petition or Motion.

(Question of the amendment proposed)

Hon. Deputy Chairman: Hon. Ferdinand Wanyonyi, Member for Kwanza.

Hon. F.K. Wanyonyi: Hon. Deputy Chairman, I agree with the provision here. If you are not specific on the reasons as to why you want to remove the President or the CSs, some people may come to this House with personal issues, without enough grounds to remove the CSs. I support the new proposal in these Standing Orders.

*(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)*

(Standing Order No.66 as amendment agreed to)

(Standing Orders Nos.67, 68 and 69 agreed to)

Standing Order 70

Hon. Gichigi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 70 be amended by deleting paragraph (7).

The intention to delete paragraph (7) is justified because we no longer have voting lobbies in the House. So, this is a superfluous provision.

(Question of the amendment proposed)

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

(Standing Order 70 as amended agreed to)

*(Standing Orders 71,72,73,74,75,76,77,78,79,80,81,82,
83, 84,85,86,87,88,89,90, and 91 agreed to)*

Standing Order 92

Hon. Gichigi: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order 92

We are just changing the positions of these Standing Orders to take them where they properly belong. It is a rearrangement initiative. It has nothing to do with complete deletion.

(Question of the amendment proposed)

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

(Standing Order 92 deleted)

Standing Order 93

Hon. Gichigi: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order 93.

The same explanation applies here. We are rearranging the Standing Orders, not deleting them.

(Question of the amendment proposed)

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

(Standing Order 93 deleted)

Standing Order 94

Hon. Gichigi: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order 94. A similar explanation applies. We are rearranging these Standing Orders.

Hon. Deputy Chairman: Is this a deletion, Hon. Gichigi?

Hon. Gichigi: Yes. We are deleting but putting it elsewhere.

(Question of the amendment proposed)

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

(Standing Order 94 deleted)

(Standing Orders 95 and 96 agreed)

Standing Order 97

Hon. Gichigi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 97 be amended by inserting the following new paragraph immediately after paragraph (4)—

“(5) The Speaker may give priority to Members specified in a party list submitted by a Party Whip to speak during debate on a particular matter.”

As it clearly states, the intention is to give priority to Members if the party has submitted a list through the party whip so that there can be meaningful debate. If the party feels that these are the persons who can canvass properly on a particular issue, the party will be allowed to provide a list from which the Speaker can choose the debaters.

(Question of the amendment proposed)

Hon. F.K. Wanyonyi: I am not comfortable with this. Much as we want to allow this to enrich the debate and make it more meaningful, some Members may not be in good books with the whip of a particular party. So, they may be excluded in this debate. I am not comfortable that the party whips be given priority to say who should talk on what topics. Sometimes the contrary opinion may carry the day. Why should we restrict this? It should be open. This is an open House and a debating Chamber. I am not comfortable with this amendment to Standing Orders. We may have people dictating on what to be said when people have a different opinion on whatever subject. I oppose.

Hon. Wario: Hon. Temporary Deputy Chairman, it is not about being in good relations with the whips. The whips at times might decide who can best represent the interests of the parties. I do not see any problem there.

Hon. Odanga: Thank you, Hon. Temporary Deputy Chairman. I also oppose this amendment because we are here as Members representing our people. On equal footing, I see this amendment as being mischievous and denying us the right to speak on behalf of the people we represent. I oppose.

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Temporary Deputy Chairman. Perhaps just for information of Members, what normally happens is that you can sit as a caucus

of parties or coalition of parties on an issue of interest to you and then you prioritise and agree as that coalition, which we have done severally before. So, it is not mischievous. We did in previous parliaments. You hand it over to the Speaker and the Speaker will give that ranking. It does not mean that it is something that the majority or minority leader does on a daily basis. The whip will do it when Members have sat and agreed. It is a very common Parliamentary practice.

I support.

Hon. Gikaria: Thank you, Hon. Temporary Deputy Chairman. Now that Millie is saying it has been happening, why bring it as amendment? I agree with what Hon. Wanyonyi is saying.

Hon. Deputy Chairman, we also want to make an impact as Members of Parliament. It is not right for a priority list to be given by a party whip. In the past, you have been giving Members priority to speak during debate on your own volition and you balance it. It is better to do it that way instead of having it under Standing Order No. 97.

I oppose the amendment.

Hon. Deputy Chairman: Hon. Wamunyinyi.

Hon. Wamunyinyi: Thank you, Hon. Deputy Chairman. We all understand tradition which is unwritten law. This is the practice we have gone through over the period. We agree on issues, where precedent has been set and where the Speaker can use discretion. The practice has been going on smoothly. You use discretion even on when you are giving Members an opportunity to contribute. I do not think it is necessary to have this in law provided for expressly in the Standing Order.

I, therefore, oppose the amendment.

Hon. Deputy Chairman: Hon. Keynan.

Hon. Keynan: Thank you, Hon. Deputy Chairman. As much as I appreciate the misgivings by Hon. Gikaria and other Members, it is also good to appreciate that we cannot operate in isolation. The National Assembly of the Republic of Kenya will borrow traditions, practices and other precedents that have been applied in other parliaments. Therefore, this is consistent. There is nothing to worry about. It formalises the issue of seniority, expertise and organisation within a party, so that a party can just sit and say we authorise so and so or we prioritise so and so in the Speaker's priority list to speak on this. There is nothing wrong in this and there is nothing to fear. Therefore, I urge my colleagues here who have a bit of misgiving on this to accept the amendment. It will enhance our democracy and vibrance as the National Assembly. It is consistent and it makes sense.

Therefore, I support the proposed amendment.

Hon. Deputy Chairman: Hon. Nakara.

Hon. Nakara: Thank you, Hon. Deputy Chairman. I support this amendment because it brings order and priority to the subject of the day. As long as we know the kind of the subject ahead of us, even if the whip gives priority to a Member, it gives order and then the deliberation will be clear to the subject.

I support the amendment.

Hon. Deputy Chairman: Hon. Members, I have no option now but to put the Question.

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

(Standing Order No. 97 agreed to)

(Standing Order No. 98 agreed to)

Standing Order No. 99

Hon. Gichigi: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order 99 and substituting therefor the following standing Order—

“99. (1) A Member shall be subjected to a security check or screening before entering the Chamber.

(2) The security check or screening under paragraph (1) shall extend to a handbag or other accessory that a Member intends to enter with into the chamber.”

This is self-explanatory. It is meant to ensure that the House is secure when it is sitting. Every Member who is coming in the Chamber must allow the items he or she is carrying to be checked.

(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)

(Standing Order No. 99 as amended agreed to)

(Standing Orders Nos. 100, 101, 102, 103, 104, 105 and 106 agreed to)

Hon. Gichigi: Hon. Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the National Assembly Standing Orders up to Standing Order No.106 with amendments and seek leave to sit again today.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Speaker (Hon. Muturi) in the Chair]

Hon. Speaker: Mover of the Supplementary Appropriation Bill, Hon. Mutava Musyimi.

Hon. Musyimi: Hon. Speaker, I beg to move that the House doth agree with the Committee in the said Report. I also request Hon. Gichigi to second the Motion for agreement with the report of the Committee of the whole House.

Hon. Gichigi: Hon. Speaker, I second.

(Question proposed)

Hon. Speaker: Hon. Members, we will not go beyond there because we do not have quorum. May I call on the Chairperson of the President's Award Bill?

(The Speaker consulted the Clerks-at-the-Table)

REPORT

THE PRESIDENT'S AWARD BILL

Hon. Speaker: Let us have the Chairperson, Hon. Wamunyinyi.

Hon. Wamunyinyi: Hon. Speaker, I beg to report that the Committee of the whole House has considered the President's Award Bill 2017 (National Assembly Bill No. 7 of 2017) and approved the same with amendments.

Hon. Speaker: Hon. Odanga.

Hon. Odanga: Hon. Speaker, I beg to move that the House doth agree with the Committee in the said Report. I also request Hon. (Dr.) Ombaka to second the Motion for agreement with the Report of the Committee of the whole House.

Hon. Speaker: Hon. (Dr.) Christine Ombaka has taken leave of absence.

Hon. Odanga: Okay. I request Hon. Naicca from Mumias West to second.

Hon. Speaker: Hon. Johnson Naicca.

Hon. Naicca: I second.

(Question proposed)

Hon. Speaker: Hon. Members, once again, we will not proceed beyond the proposal. Let us leave it for the afternoon.

PROGRESS REPORTED

ADOPTION OF REPORT ON AMENDMENTS TO NATIONAL ASSEMBLY STANDING ORDERS

Hon. Speaker: Let us have the chairperson again.

Hon. Wamunyinyi: Hon. Speaker, I beg to report that the Committee of the whole House has considered the National Assembly Standing Orders up to Standing Order No. 106 and approved the same with amendments and seek leave to sit again.

Hon. Speaker: Hon. Gichigi.

Hon. Gichigi: Hon. Speaker, I beg to move that the House doth agree with the Committee in the said Report. I also request Hon. Gikaria to second the Motion for agreement.

Hon. Speaker: Hon. Gikaria.

Hon. Gikaria: I second.

(Question proposed)

Hon. Speaker: We do not need to put the Question on this one because it is seeking leave to sit again.

I am informed that there are some Papers to be laid. Let us have Hon. Wamunyinyi.

PAPERS LAID

Hon. Wamunyinyi: Hon. Speaker, I beg to lay the following Paper on the Table of the House today, Thursday, 15th June 2017:

The Report of the Joint Parliamentary Select Committee on the Election of Members to the East African Legislative Assembly (EALA).

Hon. Speaker: The next Paper is to be laid by Hon. Mutava Musyimi.

Hon. Musyimi: Hon. Speaker, I beg to lay the following Paper on the Table of the House today, Thursday, 15th June 2017:

The Report of the Mediation Committee on the Division of Revenue (No. 2) Bill 2017

Thank you, Hon. Speaker.

NOTICES OF MOTIONS

Hon. Speaker: I am told that Hon. Wamunyinyi is to give notice of Motion. Hon. Wamunyinyi, please proceed.

ADOPTION OF REPORT OF THE JOINT PARLIAMENTARY SELECT COMMITTEE ON ELECTION OF MEMBERS TO EALA

Hon. Wamunyinyi: Hon. Speaker, I beg to give notice of the following Motion:

THAT, pursuant to Article 50 of the Treaty for the Establishment of the East African Community Rule 13(5) of the East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017, this House adopts the Report of the Joint Parliamentary Select Committee on the Election of Members to the East African Legislative Assembly on its consideration of the nominees for the election as Members of East African Legislative Assembly, laid of the Table of the House today, Thursday, 15th June 2017.

I thank you.

APPROVAL OF THE MEDIATED VERSION OF THE DIVISION OF REVENUE BILL, 2017

Hon. Musyimi: Hon. Speaker, I beg to give notice of the following Motion:

THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150, this House adopts the Report of the Mediation Committee on its consideration of the Division of Revenue Bill (National Assembly Bill No. 2 of 2017), laid on the Table of the House today, Thursday 15th June 2017, and approves the mediated version of the Division of Revenue No. 2 Bill 2017.

I thank you, Hon. Speaker.

ADJOURNMENT

Hon. Speaker: Hon. Members, the time being 1.07p.m., the House stands adjourned until 2.30 p.m., today.

House rose at 1.07p.m.