



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, MARCH 29, 2018 AT 9.30 A.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

8*. COMMITTEE OF THE WHOLE HOUSE

The Statute Law (Miscellaneous Amendments)(No. 3) Bill (National Assembly Bill No. 44 of 2017)

(The Leader of the Majority Party)

9*. MOTION – DESIGNATION AND GAZETTMENT OF AREAS AND STREETS FOR DEMONSTRATIONS AND PICKETING

(The Hon. Simon N. King'ara, M.P.)

THAT, aware that Article 37 of the Constitution guarantees every person the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities; noting that there is need to guarantee that the enjoyment of rights and fundamental freedoms by any individual should not prejudice the rights and fundamental freedoms of others; noting that demonstrations and picketing in cities and major towns in the Country, particularly in Nairobi, Mombasa and Kisumu have on many occasions resulted in destructions, loss of lives and property, public disorder, and creation of an unfavourable business environment; noting that the rights and freedoms are *not* unconditional because the Government has a duty and responsibility to ensure maintenance of peace and public order, and protection of the rights, life and property of all its citizens; this House **resolves** that the Government should designate and gazette specific areas

and streets for demonstrations and picketing with a view to ensuring that individuals enjoy their rights and freedoms as enshrined in the Constitution without infringing on the freedoms and rights of others.

(Resumption of debate interrupted on Wednesday, March 28, 2018 – Morning sitting)

(Balance of time 2hrs 37 min)

10*. MOTION – WAIVER OF CHARGES AND ESTABLISHMENT OF EMPLOYMENT DATABASE

(The Hon. Faith Wairimu Gitau, M.P.)

THAT, aware that the average youth population in Kenya is thirty five (35) percent of the total population of the country; further aware that majority of this population is in the job market entry level; noting that Article 55 of the Constitution obligates the State to take measures to ensure that the youth access employment; concerned that this access is hindered by the requirement to produce numerous documentation including a *tax compliance certificate (KRA)*, *certificate of good conduct (DCI)*, *higher education loan clearance certificate (HELB)*, *EACC clearance*, *Credit Reference Certificate (CRB)*; further concerned that these documents cost not less than four thousand five hundred shillings (Ksh.4,500) to acquire; deeply concerned that most of the jobseekers in the youth bracket cannot raise this prohibitive amount for purpose of job application; this House urges the Government through the Ministry of Public Service, Youth and Gender Affairs to waive the payment of these fees by job-seeking youth in the country, and further urges the Ministry to immediately fast-track implementation of the National Employment Authority Act which requires the establishment and maintenance of integrated and up-to-date database of all persons seeking employment.

11*. MOTION – ESTABLISHMENT OF PROGRAMMES AND INTERVENTIONS TO ENCOURAGE UPTAKE OF COUNSELING SERVICES

(The Hon. Rose M. Museo, M.P.)

THAT, aware that there are over 200 classified types of mental disorders, the most common ones being clinical depression, Post-traumatic Stress Disorder (PTSD), bipolar disorder, anxiety disorders, schizophrenia and Attention Deficit Hyperactivity Disorder (ADHD); concerned that Kenya's mental health policy estimates that about twenty five(25) percent of out-patients and about forty (40) percent of in-patients suffer from mental health conditions with the most frequent diagnosis of mental illnesses made in general hospital settings being depression, substance abuse, stress and anxiety disorders; deeply concerned that the current worrying trend of increased domestic violence among Kenyan families has resulted

cases of suicide, homicides and violence at household level; further noting that despite the strategies and guidelines that the Government has put in place towards achieving the highest standard of mental health, prevalence of mental disorders remains high, this House **urges** the Government to urgently establish programmes and interventions to encourage uptake of counseling services among individuals, families and communities to mitigate effects of mental disorders.

12*. MOTION – ESTABLISHMENT OF CIVIL REGISTRATION CENTRES IN EVERY CONSTITUENCY

(The Hon. Martha Wangari, M.P.)

THAT, aware that every birth in Kenya must be registered by the Department of Civil Registration and documented through a Birth Certificate; further aware that subsequent registration of citizens and acquisition of documentation such as identity cards and passports, school admissions, registration of exams, and access to opportunities such as employment depends and relies on Birth Certificates; deeply concerned that the Department of Civil Registration Services has over time experienced backlogs in the issuance of Birth Certificates as a result of among other factors, inadequate personnel, unwillingness to embrace Information Communication and Technology (ICT), inadequate funding, and inadequate materials used in registration of persons; further deeply concerned that registration services are not easily accessible to majority of Kenyans owing to the few registration centers in place, this House urges the Government to consider establishing Civil Registration Centres in every Constituency and ensure full implementation of the Kenya Citizens and Foreign Nationals Management Service Act 2011.

*** Denotes Orders of the Day**

NOTICES

I. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO. 3) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2017)

(Amendments appear in the order in which the Statutes appear in the Bill)

A. THE PENSIONS ACT (CAP. 189)

Notice is given that the Chairperson of the Departmental Committee on Finance and National Planning (Hon. Joseph Limo) intends to move the following amendment to the Statute Law (Miscellaneous Amendments)(No.3) Bill, 2017 at the Committee Stage—

SCHEDULE

THAT, the Schedule to the Bill be amended in the proposed amendments to the Pensions Act, Cap. 189 by deleting the proposed amendments to section 5(3).

B. THE PHARMACY AND POISONS ACT (CAP. 244)

Notice is given that the Chairperson for the Departmental Committee on Health (Hon. Sabina Chege) intends to move the following amendment to the Statute Law Miscellaneous (Amendments) (No. 3) Bill, 2017 at the Committee Stage—

SCHEDULE

THAT, the Bill be amended in the Schedule in the proposed amendments to the Pharmacy and Poisons Act, Cap. 244 by deleting the proposed amendment to section 5(1).

C. THE CLINICAL OFFICERS (TRAINING, REGISTRATION LICENSING) ACT, 1988

Notice is given that the Chairperson for the Departmental Committee on Health (Hon. Sabina Chege) intends to move the following amendment to the Statute Law Miscellaneous (Amendments) (No. 3) Bill, 2017 at the Committee Stage—

SCHEDULE

THAT, the Bill be amended in the Schedule in the proposed amendments to the Clinical Officers (Training, Registration and Licensing) Act by deleting the marginal note and inserting therefor the following new marginal note—

“The Clinical Officers (Training, Registration and Licensing) Act Cap. 260”

D. THE SALARIES AND REMUNERATION COMMISSION ACT, 2011

Notice is given that the Chairperson of the Departmental Committee on Finance and National Planning (Hon. Joseph Limo) intends to move the following amendments to the Statute Law (Miscellaneous Amendments)(No.3) Bill, 2017 at the Committee Stage—

SCHEDULE

THAT, the Schedule to the Bill be amended in the proposed amendments to the Salaries and Remuneration Commission Act, No. 10 of 2011 by deleting—

- (i) the proposed amendment to section 4(3);
- (ii) the proposed amendment to section 7;
- (iii) the proposed amendment to section 7(10); and
- (iv) the proposed amendment to section 7(11).

E. THE STATUTORY INSTRUMENTS ACT, 2013

Notice is given that the Chairperson for the Committee on Delegated Legislation (Hon. Gladys Boss-Shollei) intends to move the following amendment to the Statute Law Miscellaneous (Amendments) (No. 3) Bill, 2017 at the Committee Stage—

SCHEDULE

THAT the Schedule to the Bill be amended in the proposed amendment to the Statutory Instruments Act, (*No. 23 of 2013*) by inserting the following items in their proper chronological sequence—

Provision

Amendment

- s. 2 (a) Insert the following new definition in its proper alphabetical sequence —

“Public participation” means involvement by the regulation making authority of persons or stakeholders that the statutory instrument may directly or indirectly apply to;

- (b) delete the definition of “explanatory memorandum” and substitute therefor the following new definition—
 “explanatory memorandum” means a statement, prepared by the regulation-making authority that explains the purpose and operation of the statutory instrument and it includes any documents incorporated in the statutory instrument by reference and indicates how they may be obtained;”

- s.5 Insert the following new section immediately after section 5 —

An explanatory memorandum to accompany every statutory instrument.

5A. (1) Every statutory instrument shall be accompanied by an explanatory memorandum which shall contain—

- (a) a statement on the proof and demonstration that sufficient public consultation was conducted as required under Articles 10 and 118 of the Constitution;
- (b) a brief statement of all the consultations undertaken before the statutory instrument was made;
- (c) a brief statement of the way the consultation was carried

consultation;

- (e) a brief explanation of any changes made to the legislation as a result of the consultation.

(2) Where no such consultations are undertaken as contemplated in subsection (1), the regulation-making authority shall explain why no such consultation was undertaken.

(3) The explanatory memorandum shall contain such other information in the manner specified in the Schedule and may be accompanied by the regulatory impact statement prepared for the statutory instrument.

Provision

Amendment

s.11(2) Delete subsection (2) and substitute therefor the following new subsection-

- (1) Notwithstanding subsection (1) and pursuant to the legislative powers conferred on the National Assembly under Article 109 of the Constitution, all Regulation making authorities shall submit copies of all statutory instruments for tabling before the National Assembly.

Insert the word “sitting” immediately after the words “twenty eight”.

Insert the following new sub-section immediately after sub-section (2)-

(3) Despite the provision of this Act or any other written law, where a time is prescribed for doing an act or taking a proceeding by the National Assembly relating to the handling of a statutory instrument, the National Assembly may, by resolution, extend that time by a period not exceeding twenty one days.

F. THE OCCUPATIONAL THERAPISTS (TRAINING, REGISTRATION AND LICENSING) ACT, 2017

Notice is given that the Chairperson for the Departmental Committee on Health (Hon. Sabina Chege) intends to move the following amendment to the Statute Law Miscellaneous (Amendments) (No. 3) Bill, 2017 at the Committee Stage—

SCHEDULE

THAT the Bill be amended in the Schedule in the proposed amendments to the Occupational Therapists (Training, Registration and Licensing) Act, No. 31 of 2017 by deleting the proposed amendment to section 4(1)(g).

The House resolved on Wednesday, February 14, 2018 as follows:-

- II. THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion**, including a Special motion be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
- III. THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
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NOTICE PAPER

Tentative business for

Thursday (Afternoon), March 29, 2018

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee, at their last meeting, approved the following *tentative* business to appear in the Order Paper for Thursday (Afternoon), March 29, 2018:-

A. THE PUBLIC TRUSTEE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 32 OF 2017)

(The Leader of the Majority Party)

Third Reading
(Question to be put)

B. THE COMPUTER AND CYBERCRIMES BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2017)

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Thursday, March 22, 2018)

C. THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2017)

(The Leader of the Majority Party)

Second Reading



REPUBLIC OF KENYA
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THURSDAY, MARCH 29, 2018 AT 2.30 P.M.

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8*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE PUBLIC TRUSTEE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 32 OF 2017)

(The Leader of the Majority Party)

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Public Trustee (Amendment) Bill (National Assembly Bill No. 32 of 2017).

(Question to be put and Third Reading)

9*. THE COMPUTER AND CYBERCRIMES BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2017)

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Thursday, March 22, 2018)

9*. THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2017)

(The Leader of the Majority Party)

Second Reading

(No. 24)

THURSDAY, MARCH 29, 2018

(118)

NOTICES

The House resolved on Wednesday, February 14, 2018 as follows:-

- I. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

ADJOURNMENT

II. NOTIFICATION OF RECESS (MARCH 30 - APRIL 9, 2018)

Pursuant to the provisions of Standing Order 28(3) relating to *Calendar of the Assembly*, the Speaker notifies that upon rise of the House today at the appointed time, regular sittings will resume on **Tuesday, April 10, 2018 at 2:30 p.m.**

(Thereafter, the House to adjourn without question put)
