



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, APRIL 06, 2017 AT 2.30 P.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*. PROCEDURAL MOTION - ADDITIONAL SITTING OF THE HOUSE
(The Leader of the Majority Party)**

THAT, pursuant to the provisions of Standing Order 30(3)(b), this House resolves to hold another Sitting today, Thursday, April 06, 2017, for not more than three hours to commence fifteen (15) minutes following the adjournment of the current Sitting.

**9*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 15 OF 2017)
(The Chairperson, Budget and Appropriations Committee)**

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Appropriation Bill (National Assembly Bill No. 15 of 2017).

(Question to be put and Third Reading)

**10*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE EQUALIZATION FUND APPROPRIATION BILL NATIONAL ASSEMBLY BILL NO. 12 OF 2017)
(The Chairperson, Budget and Appropriations Committee)**

...../10* (contd).

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Equalization Fund Appropriation Bill (National Assembly Bill No. 12 of 2017).

(Question to be put and Third Reading)

11*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE FIVE ELECTIONS-RELATED REGULATIONS

(The Chairperson, Committee on Delegated Legislation)

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Draft Elections-related Regulations and:-

- a) **adopts** the Reports of the Committee on Delegated Legislation on its consideration of the Elections-related Regulations laid on the Table of the House on Wednesday, March 29, 2017; and
- b) pursuant to provisions of sections 44(6) and 109(3) of the Elections Act, 2011, **approves** the following Elections-related Regulations:-
 - (i) The Draft Elections (*Technology*) Regulations, 2017 (*as amended*);
 - (ii) The Draft Elections (*Registration of Voters*) (*Amendment*) Regulations, 2017;
 - (iii) The Draft Elections (*Voter Education*) Regulations, 2017;
 - (iv) The Draft Elections (*General*) (*Amendment*) Regulations, 2017; and
 - (v) The Draft Elections (*Party Primaries and Party Lists*) Regulations, 2017.

(Question to be put)

12*. COMMITTEE OF THE WHOLE HOUSE

The Prevention of Torture Bill (National Assembly Bill No. 47 of 2016)

(The Leader of the Majority Party)

13*. MOTION - NOTING OF PROGRESS REPORT ON PETITION FOR REMOVAL OF THE AUDITOR GENERAL

(The Chairperson, Departmental Committee on Finance, Planning and Trade)

THAT, this House **notes** the Progress Report of the Departmental Committee on Finance, Planning and Trade on the Petition for the Removal from office of the Auditor-General, Mr. Edward R.O. Ouko, CBS, laid on the Table of the House on Thursday, March 30, 2017.

*** Denotes Orders of the Day**

...../Notices

NOTICES

I. THE PREVENTION OF TORTURE BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2016)

Notice is given that the Member for Kibra (Hon. Kenneth Okoth) intends to move the following amendments to the Prevention of Torture Bill, 2017 at the Committee Stage—

CLAUSE 1

THAT, Clause 1 of the Bill be amended by deleting the words “on such a date as the Cabinet Secretary may, by notice in the Gazette appoint” appearing after the word “operation” and substituting therefor the words “upon publication in the Gazette.”

CLAUSE 4

THAT, Clause 4 of the Bill be amended in paragraph (a) by deleting the words “him or her” appearing in paragraph (i), (ii) and (iii) and substituting therefor the words “that person.”

CLAUSE 13

THAT, Clause 13 of the Bill be amended—

(a) by inserting the following new sub-clause immediately after sub-clause (7)—

“(7a) Where there are any visible signs of torture, the court shall record and shall, on its motion issue an order of investigation immediately and order submissions of an investigation report within seven days.

(7b) An order made under sub-section (7) and (7a) shall be directed to an officer commanding a police station within whose jurisdiction the torture occurred”; and

(b) in sub-clause (9) in sub-clause (9) by inserting the words “take all necessary measures.” immediately before the word “protect” appearing in paragraph (a).

CLAUSE 15

THAT, Clause 15 of the Bill be amended by inserting the following new paragraph immediately after paragraph (a)—

“(aa) for purposes of making a determination on the victims protection and welfare.”

CLAUSE 16

THAT, Clause 16 of the Bill be amended in sub-clause (1) by inserting the following new paragraph immediately after paragraph (c)—

“(d) a person who is under protection by the Witness Protection Agency established under section 3A of the witness Protection Act.”

CLAUSE 19

THAT, that clause 19 of the Bill be deleted.

CLAUSE 20

THAT, Clause 20 of the Bill be amended by deleting sub-clause 3.

CLAUSE 21

THAT, Clause 21 of the Bill be amended in sub-clause (1) by deleting the words “intentionally or recklessly” appearing immediately after the words “detainee shall not.”

CLAUSE 22

THAT, Clause 22 of the Bill be amended in sub-clause 4 by inserting the words “who is suspected to have committed an offence under this Act” immediately after the words “Where a person”

CLAUSE 24

THAT, the Bill be amended by deleting clause 24 and substituting therefor the following new clause—

“24. The Cabinet Secretary may, in consultation with the Commission and with the approval of the National Assembly, make regulations generally for the better carrying into effect of the provisions under this Act.”

CLAUSE 26

THAT, the Bill be amended by deleting clause 26 and substituting therefor the following new clause—

“26. (1) The Commission shall submit an annual report to the National Assembly and may, at any time submit special reports to the Cabinet Secretary on any matter relating to its functions.

(2) The annual report submitted by the Commission under sub-section (1) shall include an overall assessment of Government’s performance with regard to prevention of torture and cruel, inhumane and degrading treatment during the period under review by the Commission.

(3) The Cabinet Secretary shall every year be required to report to the National Assembly, steps which the government has taken in implementing the recommendations made by the Commission.”

CLAUSE 30

THAT, the Bill be amended by deleting clause 30.

(No.038)

THURSDAY, APRIL 06, 2017

(386)

II. ADJOURNMENT OF THE HOUSE IN ACCORDANCE WITH THE CALENDAR OF THE NATIONAL ASSEMBLY (2017)

The Speaker will today call upon the Leader of the Majority Party to move a Motion for Adjournment of the House to a day other than the next normal Sitting Day, in accordance with the Calendar of the Assembly (Regular Sessions).

(Thereafter, the House to adjourn without question put)

MOTION – (The Leader of the Majority Party)

THAT, pursuant to the provisions of Standing Order 28 on the Calendar of the Assembly (Regular Sessions), this House adjourns until Tuesday, 9th May, 2017.

The House resolved on Wednesday, January 25, 2017 as follows:-

- III. THAT,** notwithstanding the provisions of Standing Order 97(4), this House orders that, each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House, be limited as follows: -A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, 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 (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.
- IV. THAT,** notwithstanding the provisions of Standing Order 97(4), this House orders that, 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.
- V. THAT,** notwithstanding the provisions of Standing Order 97(4), this House orders that, the debate on any Motion for the **Adjournment** of the House to a day other than the next normal Sitting Day in accordance with the Calendar of the Assembly, be limited to a maximum of three (3) hours with not more than five (5) minutes for each Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of ten (10) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order; provided

that, when the period of Recess proposed by any such motion does not exceed ten (10) days, the debate shall be limited to a maximum of thirty minutes (30), and shall be strictly confined to the question of the adjournment.

...../Notice Paper

NOTICE PAPER

Tentative business for

Thursday, April 06, 2017

(Published pursuant to Standing Order 38(1))

It is notified that the Speaker has approved the following *tentative* business to appear in the Order Paper for the Second Sitting of Thursday, April 06, 2017:-

A. THE INSURANCE (AMENDMENT) BILL, 2017

(The Leader of the Majority Party)

First Reading

B. APPROVAL OF EALA ELECTION REGULATIONS

(The Co-Chairperson, Joint Parliamentary Select Committee on EALA)

C. NOTING OF PROGRESS REPORT ON PETITION FOR REMOVAL OF THE AUDITOR GENERAL

(The Chairperson, Committee on Finance, Planning and Trade)

(If not concluded on Thursday, April 06, 2017 – Afternoon sitting)

D. ADJOURNMENT OF THE HOUSE
