



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

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**THE HANSARD****Tuesday, 2<sup>nd</sup> June 2026**

The House met at 2.30 p.m.

*[The Speaker (Hon. Moses Wetang'ula) in the Chair]*

## PRAYERS

## QUORUM

**Hon. Speaker:** Hon. Members, there is no quorum. Serjeant-at-Arms, ring the Quorum Bell.

*(The Quorum Bell was rung)*

Hon. Members, we now have quorum to transact business.

*(Several Members entered the Chamber)*

Members on their feet, take your seats.

**COMMUNICATION FROM THE CHAIR**APPOINTMENT OF MEMBERS TO MEDIATION  
COMMITTEE ON THE DIVISION OF REVENUE BILL

**Hon. Speaker:** Hon. Members, as you are aware, on Tuesday, 26<sup>th</sup> May 2026, the House rejected the Motion on Consideration of the Senate amendments to the Division of Revenue Bill, (National Assembly Bill No. 2 of 2026). This decision consequently remitted the Bill to a mediation committee, in accordance with the provisions of Article 112(2)(b) of the Constitution and Standing Order 149(1)(a).

Hon. Members, Article 113(1) of the Constitution provides that whenever a Bill is referred to a mediation committee, the Speakers of both Houses of Parliament shall appoint an equal number of Members from each House to attempt to develop a version of the Bill that will be passed by both Houses. In this regard, having consulted with the Leader of the Majority Party and Leader of the Minority Party, I have appointed the following Members to represent the National Assembly in the Mediation Committee to consider the said Bill:

1. Hon. Samuel Atandi, whom I have designated to be the Co-Chairperson.
2. Hon. (Dr) Robert Pukose
3. Hon. Naisula Lesuuda
4. Hon. Jane Kagiri
5. Hon. Mwengi Mutuse
6. Hon. Christopher Aseka
7. Hon. Japheth Nyakundi

Hon. Members, the aforementioned Members will await the appointment of Senators to the Mediation Committee for the Committee to be fully constituted for purposes of commencing the mediation process. Once I receive a Message from the Senate to that effect, I will report it to the House. Thereafter, the Mediation Committee will embark on an attempt to

develop a mediated version of the Bill for consideration by the Houses of Parliament, in accordance with the provisions of Article 113 of the Constitution.

The House is accordingly guided.

Hon. Members, while still on my feet, allow me to acknowledge, seated in the Speaker's Gallery, students from Thika High School, Thika Town Constituency, Kiambu County. I am reliably informed that it is the school where our Clerk, Mr Samuel Njoroge, went to. Secondly, we have St. Angela Kiriaini Girls' High School from Mathioya Constituency, Murang'a County.

Seated in the Public Gallery are Mugona Girls' Secondary School from Maara Constituency in Tharaka Nithi County and Noonkopir Girls' High School from Kajiado East Constituency, Kajiado County. On my behalf and on behalf of the House, I welcome the students, their teachers and those accompanying them to the House of Parliament.

Thank you. Next Order.

### PAPER

**Hon. Speaker:** The Chairperson of the Budget and Appropriations Committee. Hon. Atandi, had informed me that he would be slightly late. Therefore, we will accord him an opportunity to table his report as soon as he comes into the Chamber. The Chairperson of the Public Debt and Privatisation Committee, Hon. Shurie.

**Hon. Abdi Shurie** (Balambala, JP): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Public Debt and Privatisation Committee on its consideration of the expenditures of the Consolidated Fund Services under the Financial Year 2026/2027 Budget Estimates.

**Hon. Speaker:** Next Order.

### NOTICE OF MOTION

**Hon. Speaker:** The Chairperson of the Budget and Appropriations Committee. This notice of Motion suffers the same fate. When Hon. Atandi arrives, we will allow him to table the report and present the notice of motion. The Chairperson of the Public Debt and Privatisation Committee.

#### APPROVAL OF EXPENDITURES OF THE CONSOLIDATED FUND SERVICES FOR FY 2026/2027

**Hon. Abdi Shurie** (Balambala, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Public Debt and Privatisation Committee on its consideration of the Expenditures of the Consolidated Fund Services under the Budget Estimates for Financial Year 2026/2027, laid on the Table of the House on Tuesday, 2<sup>nd</sup> June 2026. I thank you, Hon. Speaker.

**Hon. Speaker:** Next Order.

## QUESTIONS AND STATEMENTS

## REQUESTS FOR STATEMENTS

## COLLAPSE OF A BUILDING IN KAJIADO COUNTY

**Hon. Speaker:** Hon. Onesmus Ngogoyo.

**Hon. Onesmus Ngogoyo** (Kajiado North, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Housing, Urban Planning and Public Works regarding the collapse of a storey building under construction at Ole Nairi area, Oloolua Ward in Kajiado County.

On Friday, 8<sup>th</sup> May 2026, an eight-storey building that was under construction in the Ole Nairi area on land parcel No. Ngong/107078, registered under Mr Matthew Kipkoech Keter, partially collapsed, trapping four construction workers beneath the rubble. A multi-agency rescue operation was launched to attempt to rescue the trapped construction workers. Regrettably, at the conclusion of the rescue mission on Tuesday, 12<sup>th</sup> May 2026, four bodies were recovered. They were identified as:

1. Mr Douglas Simiyu Wesonga;
2. Mr Emmanuel Mumunya Maende;
3. Mr Jeremiah Mutunga; and,
4. Mr Moses Otieno Ng'ongi.

Preliminary findings raise serious concerns about non-compliance with regulatory requirements and standards. The quality of works prior to the collapse of the building also raised doubt as to whether the contractor, Cost-Link Building Works Limited, was duly registered by the National Construction Authority (NCA).

Further, the Ole Nairi area lies within a flight path zone where construction height is restricted to a maximum of four storeys. Yet, the collapsed structure had reached eight floors, raising concerns about whether the project had been approved by the relevant agencies.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Housing, Urban Planning and Public Works on the following:

1. A report on the circumstances that led to the collapse of the eight-storey building at the Ole Nairi area on 8<sup>th</sup> May 2026, including copies of the approvals granted for the project, and whether M/S Cost-Link Building Works Limited was registered at the time of the collapse of the building and whether the construction complied with the approvals and the NCA standards.
2. An explanation on how the collapsed building had risen as high as eight storeys at the time of collapse, yet the area is within a flight path zone restricted to four storeys, and actions taken for violation.
3. The steps taken to resettle tenants and homeowners who moved as a result of the collapse, and the support being extended to families of the deceased workers.
4. The measures being taken to restore the access road, Ole Nairi-Oloolua, destroyed during the clearance of rubble from the site of the collapsed building.
5. The measures in place to ensure that construction workers across Kenya are covered by adequate occupational safety and health protections and compensation frameworks.

I thank you, Hon. Speaker.

**Hon. Speaker:** The Chair, Departmental Committee on Housing, Urban Planning and Public Works? Leader of the Majority Party, inform the Chair, Departmental Committee on Housing, Urban Planning and Public Works, to bring a response in two weeks.

*(Hon. Onesmus Ngogoyo spoke off the record)*

Yes, Hon. Ngogoyo.

**Hon. Onesmus Ngogoyo** (Kajiado North, UDA): Thank you, Hon. Speaker. In light of the building collapse, residents within a radius of approximately 500 metres were evacuated. One week would be too long for this matter, considering that the National Disaster Management Authority (NDMA) is expected to determine whether there is any danger. The affected residents have been displaced from their homes and are currently outside without a clear plan in place. I, therefore, request that the response be expedited, as the affected persons remain displaced and unable to return home.

**Hon. Speaker:** Leader of the Majority Party, can you endeavour to have this matter addressed by Wednesday next week or, at least, provide a preliminary report?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): We can have the Committee provide a preliminary report by next Tuesday or Wednesday at the latest.

**Hon. Speaker:** Thank you. Hon. Brighton Yegon, Member for Konoin.

#### MURDER OF MR BRIAN KIPROTICH

**Hon. Brighton Yegon** (Konoin, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the brutal killing of Mr Brian Kiprotich in Konoin Constituency. Mr Brian Kiprotich, a 17-year-old minor, lost his life under unclear circumstances.

It is reported that the minor succumbed to injuries sustained following an assault by the security guard while harvesting tea leaves at Browns East Africa Limited, formerly Unilever Tea in Konoin Constituency. The matter was reported at the Konoin Police Station under OB No.11/25/5/2026. However, the family of the deceased is yet to receive any information regarding the arrest and prosecution of the person alleged to have been involved in the incident.

It is unfortunate that the minor lost his life in such a cruel and unlawful manner. The incident raises serious concerns regarding the protection of the right to life, the observance of children's rights, and adherence to the rule of law. It has also triggered widespread anger, fear, and grief among residents of Konoin Constituency, who demand justice for Brian. This is not an isolated case, as there are several other cases of killings reported in the Company.

It is against this background that I request the Chairperson of the Departmental Committee on Administration and Internal Security to apprise the House on the following:

1. A report on the circumstances surrounding the killing of a 17-year-old boy at Browns East Africa Limited in Konoin Constituency.
2. The progress made in the investigation into the death and measures being taken against those responsible for the incident.
3. The interventions that are being implemented to curb cases of mob justice and violence against children across the country.
4. The measures that are being taken to ensure companies and institutions observe human rights standards and legal procedures in handling suspected wrongdoings.

I thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. It was directed to the Chair of the Departmental Committee on Administration and Internal Security. *Wapi* Hon. Tongoyo or his Vice-Chair? Inform them that they should respond in two weeks.

Hon. Martha Wangari, Member for Gilgil.

## PERSONAL STATEMENT

### FIRE TRAGEDY AT UTUMISH GIRLS' SENIOR SCHOOL

**Hon. Martha Wangari** (Gilgil, UDA): Thank you, Hon. Speaker. As I make this statement, allow me to thank you and the House for observing a moment of silence for the victims of the incident at Utumishi Girls Senior School. I also appreciate the Members who visited and offered their support, both those present in the House and those who are not here today, but took the time to visit.

Pursuant to the provisions of Standing Order 43, I rise to make a General Statement regarding the fire tragedy that occurred at Utumishi Girls' Senior School in Gilgil Constituency.

On the night of Thursday, 28<sup>th</sup> May 2026, 16 innocent young lives were lost following a tragic fire incident that occurred at Utumishi Girls' Senior School, while 79 learners sustained injuries and were admitted to different hospitals in the country. This unfortunate incident has left scores of students, parents, guardians, teaching staff, support staff and members of the wider community traumatised. To many, life will never be the same again.

As you are aware, our country has experienced similar tragic incidents in learning institutions over the years, each leaving behind grief, disruption and repeated pleas for reform. Various commissions of inquiry, task forces, and investigative bodies have previously made recommendations aimed at strengthening safety and preventing recurrence of such incidents. However, the implementation of those recommendations has remained inconsistent. The Utumishi Girls' Senior School has now joined the statistics of another tragedy caused by failure to implement previous reports of the safety of our children in schools.

I wish to acknowledge and commend the Government of Kenya, through the Ministry of Education, Ministry of Interior and National Administration, Ministry of Defence, National Police Service (NPS), Directorate of Criminal Investigations (DCI), the Red Cross team, medical personnel, county health services, emergency responders, counsellors, school leadership and all stakeholders who have been involved in rescue operations, medical intervention, psychosocial support and ongoing coordination following that tragedy.

As we reflect on this painful tragedy, we must also acknowledge a difficult reality. The responsibility for raising, guiding and protecting our children cannot rest solely on our schools or the Government. The moulding of a child begins at home, is reinforced in school, and is strengthened by the wider community. This event should compel the public to undertake a national reflection on whether every stakeholder is fully discharging their responsibilities.

That tragic incident raises urgent and recurring national concerns requiring comprehensive attention, particularly in regard to—

1. Fire safety preparedness and compliance standards in boarding schools across the country.
2. The effectiveness of surveillance systems, including CCTV installation, monitoring and response protocols in learning institutions.
3. The adequacy and timeliness of emergency response mechanisms during such incidents.
4. The roles and responsibilities of school administrators and relevant Government agencies in safeguarding learners.

5. The psychosocial support systems for learners, parents, teachers and other stakeholders who are exposed to trauma.

Finally, the broader issue of discipline and lack thereof in our institutions. Hon. Speaker, I urge the Ministry of Education, through the Committee of this House, to strengthen oversight by fully decentralising and operationalising safety, security and welfare monitoring mechanisms at the constituency level.

Every constituency should have a clearly defined framework that brings together education officers, school administrations, boards of management, parent representatives, security agencies, and local leadership to regularly review compliance with safety standards, learner welfare and discipline management.

Prevention must become a local responsibility before it becomes a national crisis. It is also imperative that we empower our learners to be actively involved in the implementation of key recommendations by the relevant ministries and agencies, with a specific focus on their security. May that tragedy serve as a turning point in our national commitment to the safety, security and well-being of every learner.

I wish to honour and pay tribute to the 16 learners who perished in that tragedy. May their souls rest in eternal peace, and may their families find peace.

I thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Martha. As I give one or two of you the opportunity to comment, the Member for the area has requested that I note that there are serious ongoing homicide investigations. Therefore, those of you who want to make interventions should avoid the risk of prejudicing the ongoing investigations.

The Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. Once again, allow me to begin by conveying my very deep condolences to the families of the young girls who lost their lives in Gilgil at Utumishi Academy.

Even this afternoon, as we welcome the students in the Speaker's Gallery from Thika High School, Mugona Girls', Noonkopir from Kajiado East and St. Angela from Kiria-ini in Murang'a, I take this opportunity to speak to these students and ask them to honour not just the schools they attend, but also their parents, teachers and colleagues in school.

As you have said, cognisant of the fact that there is an ongoing investigation into the tragedy at Utumishi Academy, we must also, as a nation, come together at this time, not only to speak to ourselves as parents, but also to speak to our students as our children and implore them to grow up as responsible citizens.

I say that because, at least, I have had time to engage with some of these students today. I have just met the students' president from Thika High, Terence Githuku, who is in the Speaker's Gallery, along with two of his deputies. I also visited Thika High together with you about a week or two ago, actually last Friday but one. Today, you have presented the contributions of Members of Parliament, including yourself and a number of us, to support students.

When I went through the list of the students who are being supported, I saw some students with fee arrears of up to Ksh120,000 and who, out of the benevolence of Members of Parliament, now have support to continue their education. Those are the sacrifices parents and leaders make to support many of these students.

When we went to Thika High School, there was a young man seated in the Speaker's Gallery today, Isaac Mwai, who attended the school I attended, Kikuyu Township Primary School. He reminded the President, when he met him at the science exhibition, that when he went to commission Kenya Certificate of Primary Education (KCPE) examinations at Kikuyu Township Primary School three years ago, he was a student there. But out of sheer discipline,

he has now found himself at Thika High School, a very good school, and, together with Terence Githuku and the other students, he is leading the student body.

I want to speak to these young ones and ask them: Please, maintain discipline in school, as you do at home. Many of the cases you hear about, especially in this second term, are because students are probably fatigued and want to go home. If you want to go home, you do not need to burn down anything, not a dormitory, not a classroom, not a school bus, nothing!

I heard the Governor of Nakuru pose the question over the weekend: Could these young ones be learning from us? That whenever we want to protest, we must burn down buildings, peoples' shops and peoples' cars. I saw the other week people protesting in Githurai, and they had to burn down somebody's car. We must lead by example as leaders, parents or aspiring parents. If we want to protest anything as a country, let us not set fires everywhere, because these children could be copying us or the country.

Therefore, I say this, careful not to condemn anybody, but to plead with the nation that we learn from our past mistakes. When the school in Ukambani, I think it was Kyanguli High School, lost 67 students, measures were taken, some of which I believe were already in place at this school.

But we have a deeper problem than the physical things that we do. I do not know whether it will even be enough to install fire detectors and fire suppression systems in all those schools. Can we afford it as a country? Will parents be able to afford fire suppression systems in every dormitory in our schools? Therefore, it calls for a deeper conversation. It is not enough today to point fingers at each other. I heard somebody say that Parliament was praying when there was a fire in the school. I think it is reckless for anybody, whether in the media or a leader in whatever sphere, to claim that Parliament was praying at a time when our children were burning in school. The National Prayer Breakfast is on our Parliamentary Calendar. It is known. It is a set date, and we set that date last year. Nobody had planned for that fire.

Therefore, that person, I do not wish to dignify them by naming them, because they do not deserve to be dignified from this Floor, may I say, shame on you for taking advantage of such an unfortunate incident to throw brickbats at this House. Even prayers, I want to say, work. We must pray for our children in schools and our homes, even as we pray for our nation. This is a time when we are called upon to converse individually with our children in our homes, collectively in schools, and even on the various platforms we have, including in our churches.

Many of our church leaders have become more political than politicians. That is why I continue to honour the Muslim faith, because I never hear anybody in a mosque speaking politics. But for us as Christians, this must be our time for introspection; to ask ourselves, even as we point fingers at administrators in schools and political leaders, whether those of us who serve in the Church are failing in shepherding those young ones in the right manner. This is because there is a failure somewhere.

I say that without pointing fingers at anybody. It is time that we came together as Kenyans and had a conversation. We have a big problem, which, if we do not address, will result in major problems in future. Small incidents such as school fires, accidents and demonstrations that turn violent, resulting in loss of lives, are just manifestations of bigger problems that we must address.

I wish to extend my condolences to the parents. I have seen their anguish and pain, which I identify with. A parent sends their young girl to school to secure her future, but due to somebody else's actions, their child dies. It is painful. We must be careful with what we say about this incident, as parents are grieving. Those girls' siblings are also grieving. Yesterday, I saw a young man on Facebook share the pain that he is going through after losing his sister. He also shared pictures of the times he spent with his sister just before she went back to school, but now she is no more. It is painful. We share in the grief and pain of the parents and the entire school fraternity.

We must recognise that the students of Utumishi Girls Academy have been traumatised. Perhaps, they never imagined that matters would escalate to this level. This tragedy will affect them for a long time. The Chairperson of the Departmental Committee on Education should engage the Ministry of Education to provide counselling for the students and the entire school fraternity.

**Hon. Speaker:** The other Members will have two minutes each to contribute. Let us have Hon. Robert Mbui. Do you want to contribute to this or something else? There is a microphone next to you.

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Speaker, for giving me this opportunity. I once handled a school arson case in my previous life. Surprisingly, the majority of the children who took part in that arson case had no idea why they were involved. Only one child had the plan because their intention was for the school to be closed, so that they could restock their drug supply. Sometimes, arson cases are caused by very flimsy reasons.

Arson is a crime. Unfortunately, an arson incident that results in loss of lives becomes murder. How do we try a crime that results in murder? The perpetrators may be children, but what about the children who lost their lives? This is a very sensitive issue.

I agree with Hon. Martha that we should not go into too much detail about the incident, but the Government should set up a commission of inquiry. A while back, schools reported cases of devil worship, which a commission of inquiry handled. We need to find out why our children are engaging in arson. Arson in schools is not a global problem; it is a Kenyan problem. Will we do away with boarding schools, yet some parents and children have no other alternatives? I sympathise with the families whose children lost their lives, but the Government must find a solution in the future.

Finally, the last time we had such cases, the Ministry of Education introduced a raft of measures that addressed the symptoms, but not the underlying problems. The Ministry's statement that it will not allow wooden beds in schools is not a solution, as some international schools already have very beautiful wooden furniture. If we insist on metallic beds, what about the mattresses? Can we obtain metallic mattresses and curtains? We must find permanent solutions, not half-baked measures.

Thank you, Hon. Speaker.

**Hon. Speaker:** Let us have Hon. Dorothy Ikiara. There is a lot of interest and so, each Member will contribute for one minute.

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you, Hon. Speaker. Allow me to join Hon. Martha Wangari, the Member for Gilgil, in condoling with the families that have lost their loved ones. The parents, teachers and classmates are going through immeasurable pain, torture and torment. I sincerely condole with those families and wish those in the hospital a quick recovery.

Commissions of inquiry were set up following the fires at Bombolulu Girls Secondary School and Kyanguli Secondary School. Very few of the recommendations proposed by those commissions were implemented. We must find out why our children are dying in schools. We must propose recommendations to address this issue, even if that means only having day schools. Life is more precious.

**Hon. Speaker:** Let us have Hon. Otiende Amollo.

**Hon (Dr) Otiende Amollo** (Rarieda, ODM): Thank you, Hon. Speaker. I condole with the families that lost their little ones. We must accept that we have all failed the children who perished. The school, Government policies and Parliament failed them. We must collectively apologise.

We must examine the trend of school unrest that leads to school burnings. I agree with the Leader of the Majority Party that we must examine the values that we are instilling in our children. We must examine the role of religion. While we were growing up, raising a child was

a collective responsibility. Now, it has been left to parents and teachers. Teachers are disempowered because there is little they can do beyond warning students about bad behaviour. Many parents take their children to school and wash their hands. The internet raises children. Some of the activities they engage in can only be learned online. We must examine the role of the internet.

In conclusion, Parliament must form an Ad-hoc committee to examine school unrest. It is not enough to leave the matter to the Departmental Committee on Education. We must also re-examine school infrastructure. Utumishi Girls Academy is a high-end school and yet, the dormitory was highly congested, with beds lining the corridors and along the doors. The 100 per cent transition of learners from primary school to secondary school without proper infrastructure is part of the problem.

**Hon. Speaker:** Hon. Melly, yield the Floor. You will speak later. Listen to others first. Yes, Hon. Mwalimu Taitumu.

**Hon. Julius M’Anaiba** (Igembe North, UDA): Thank you, Hon. Speaker, for giving me this opportunity. First, I tender my condolences to the families who lost their young ones. That tragedy exhibited the high levels of moral decadence in our society. Our moral social fabric is wanting. Some principals live in ivory towers, with little information flow from teachers, particularly in girls’ schools. Male teachers do not pass information to principals because they are victimised, resulting in gaps between the administrators and the teachers who should be managing those institutions. As the Leader of the Majority Party said, “Monkey see, monkey do”.

**Hon. Speaker:** Your time is up. *Mama Zamzam*.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Ahsante sana, Mhe. Spika.

Ningependa kutoa rambirambi zangu kwa watoto walioteketea moto katika shule ya Utumishi. Mhe. Spika, ni jukumu letu sisi sote. Hasa, naeleza wazazi kwamba kuwacha waalimu wanafunzi ni jukumu ambalo bado linabaki kuwa la wazazi. Mambo haya yametokea. Si mara ya kwanza. Wakati umefika mambo haya yaangaliwe.

Pia namweleza mwalimu kwamba tuisukume sana ikiwa mwanafunzi anaonekana kuwa na uzito wakati wa mtihani. Pia naeleza wanafunzi ambao wengi wako hapa. Kuanguka mtihani si mwisho wa maisha. Pengine mtihani kutolewa kufanywa tarehe kumi na sita hadi tarehe mbili ndiyo inafanya mtoto aone msongo halafu anaamua kuchoma shule.

Hawa ni *criminals*. Wanafaa kuwa ndani na wazazi *watake responsibility*. Tumepoteza watoto wengi sana, akiwemo mtoto kutoka Mombasa.

**Hon. Speaker:** Hon. Kangogo Bowen.

**Hon. Kangogo Bowen** (Marakwet East, UDA): I join my colleagues in condoling with the families of the 16 girls who lost their lives. We, as a Parliament and a country, need to reflect and re-examine boarding schools. There are very few, if any, boarding schools in developed countries. We need to relook at boarding schools.

The country and the Ministry need to come up with something. The Chairman of the Departmental Committee on Education, Hon. Melly, must listen to this. We need a standardised policy, especially regarding dormitories. The dormitories were very congested, as we saw from the incident. There were more than 12 girls in a cubicle.

**Hon. Speaker:** Hon. Wangwe.

**Hon. Emmanuel Wangwe** (Navakholo, UDA): Thank you, Hon. Speaker. Allow me to join my colleagues to console the families of the 16 girls who lost their lives during the inferno.

Whereas the fire occurred in Utumishi, it also affected two or three schools in my constituency—Emulama Primary School, Ingotse Boys High School and Chebuyusi High School. We are seeing this bad precedent. Maybe, through Parliament and any other investigative authority, we should consider whether we can seek a comprehensive

understanding. Parliament should set up an Ad-hoc Committee, as my colleague has said, to examine the situation with fires across the country.

Listening to what is happening and quoting my place, a few of my students had issues, but the principal did not address them on time. Can we have a way of understanding?

**Hon. Speaker:** Thank you.

*(A Member spoke off the record)*

Death has no gender. Hon. Makilap.

**Hon. Joseph Makilap** (Baringo North, UDA): My sincere condolences to the parents who lost their loved ones and quick recovery to the students who still have injuries.

I was one of the first Members of Parliament to be at that school, together with the Cabinet Secretary for Education, the Principal Secretary, and the Cabinet Secretary for the Interior and National Administration. What I saw is not very good for this country.

I am still affected because one of the students comes from Barwessa. Raymond Kangogo Chepkonga is her father. They do not know where their daughter is up to today. Out of the 16 students, 11 have not been identified. I ask forensic experts to speed up the process.

**Hon. Speaker:** Your time is up. We should try to end on this one. Hon. Wanjala.

**Hon. Raphael Wanjala** (Budalangi, ODM): Thank you, Hon. Speaker. First, I send my condolences to the parents and Kenyans who have lost their young children. I advise Kenyans not to burn tyres on the roads during demonstrations. Those are some of the things the children are seeing. When they have a problem, they may also think that they must burn schools the way their parents and protesters burn roads. I saw the children's parents at the police station. They behaved like children. That means show me your friend, and I will tell you who you are.

**Hon. Speaker:** Hon. Naomi.

**Hon. Naomi Waqo** (Marsabit County, UDA): Thank you, Hon. Speaker. My sincere condolences to the families who have lost their loved young ones. Unfortunately, we have lost so many lives because of fire in schools. Again, my sincere wishes and a quick recovery to go to those in the hospital. I also pray that the students and their parents will receive sufficient counselling. What they are going through is serious. They need proper attention.

Again, as a nation, we need to address the issue of boarding schools seriously, so that we can develop clear strategies to protect our children from such incidents.

**Hon. Speaker:** Hon. Millie Odhiambo.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Speaker. I give my condolences to the families of the girls who lost their lives. This is not the first time we have faced this as a country. Let us not have knee-jerk reactions to this situation by condemning parents, teachers and everyone when the problem might be much bigger than this.

After this, let us look at the situation comprehensively. It is not necessarily about boarding schools. It may not necessarily be about people burning tyres. We could be facing a much deeper problem. After this, let us look at what is bedevilling our country. Especially our young ones.

**Hon. Speaker:** Can we end here? Omong'ina.

**Hon. Dorice Donya** (Kisii County, ODM): There are two omong'inas.

*(Laughter)*

**Hon. Speaker:** Not you, Hon. Donya. You are omosubati. You are not omong'ina.

**Hon. Dorice Donya** (Kisii County, ODM): They have given me the microphone.

**Hon. Jerusha Momanyi** (Nyamira County, JP): Obviously, this is omong'ina. Thank you, Hon. Speaker.

This afternoon, I also want to send my condolences to the families that have lost their loved ones, the very young souls, who would have been very vibrant in our country. We say *pole sana* for what has happened. I want to talk to parents. My dear parents, wherever you are, let us take up our role as parents to advise our children. We need to talk to our children whenever they go to boarding schools. Those children need our guidance. They need to be taught how to behave and live with others. For sure, this has been the greatest setback we have had as Kenyans. A forensic investigation should be done.

**Hon. Speaker:** Okay, Hon. Donya.

**Hon. Dorice Donya** (Kisii County, ODM): Thank you, Hon. Speaker. We, as Members of Parliament, can pass a law that addresses boarding schools. I suggest that we should not have boarding schools because many deaths have come from them. When our children return to school, Members remember we are always told that certain buses have been involved in accidents in all the directions our children travel. That is number one, the safety of our learners.

Two, we must have suggestion boxes in our schools, so that our learners can express their dissatisfaction. The Committee, which will be formed, can go around and know what learners are going through.

**Hon. Speaker:** Hon. Melly. *Tutafungia hapo.*

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Speaker.

*(Hon. Caroli Omondi spoke off the record)*

**Hon. Speaker:** Order, Hon. Melly. Whom do you want to inform, Hon. Caroli Omondi? He has not said anything worth being informed. Go on, Hon. Melly. I give you two minutes more as the Chair.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Speaker. I want to join my colleagues and Kenyans in conveying my condolences to the parents and families of Utumishi Academy and the Republic for the loss of the 16 children. Hon. Members have spoken here and I want to join them and agree with them on a number of issues. More importantly, fires in schools and riots are not a new thing in this country. You remember the Kilifi incident, where we lost so many students. A few years ago, we had a fire at Enderasha, and now we have a fire in Utumishi Academy.

Hon. Speaker, schools are actually a reflection of our families and societies. What has really happened has been recommended all these years. I remember the Kilemi Mwiria Report of 2015/2016, which investigated schools. There is also the Koech Report of 2007/2008. One of the things they discussed was the safety of dormitories, safety of learners and how the doors and windows of dormitories should be structured. In fact, they recommended that windows of school infrastructure should not have grills and that doors should open outside, among many other recommendations. The biggest issue we have is that the implementing agencies do not stick to policy. More, importantly, so many students are congested in school dormitories.

A few months ago, we admitted Grade 10 learners. A majority of day schools in this country, with so many classrooms and enough teachers, do not have students because there was no proper admission criterion. A number of C1 and C2 schools are cramped with thousands or hundreds of students. They even went against the advice of the Departmental Committee on Education. I know the homicide group is investigating...

**Hon. Speaker:** Give him one more minute.

**Hon. Julius Melly** (Tinderet, UDA): The homicide team is investigating. I had a discussion with the Inspector General (IG) of Police. They are doing a good job. I even discussed the matter with the area Member of Parliament, Hon. Wangari. However, the idea at

hand is to crack the whip, especially with regard to the management of the issue of overcrowding. More importantly, let us see how we can carry out the discipline process in our homesteads. Not just in schools but even across the country.

**Hon. Omboko Milemba** (Emuhaya, ANC): On a point of order, Hon. Speaker.

**Hon. Speaker:** Hon. Milemba, what is out of order?

**Hon. Omboko Milemba** (Emuhaya, ANC): The Honourable Member, who is also the Chairman of the Departmental Committee on Education, is very aware that he is the one who presided over the intake process of Grade 10 students. It was done in a manner that did not provide for limits. Schools are under serious pressure. Preliminary investigation shows that the girls who burned the dormitory were in Grade 10. He presided over the admission process, together with the Minister. Is he in order to say...

**Hon. Speaker:** Hon. Milemba, I have already directed that you do not say anything that would prejudice the ongoing homicide investigation.

**Hon. Omboko Milemba** (Emuhaya, ANC): I apologise, Hon. Speaker. Please, let me ask him to be candid that there is something wrong in the policy of intake, which resulted in congestion. By the way, that problem is in all the boarding schools. Let us do away with boarding schools.

Thank you.

**Hon. Caroli Omondi** (Suba South, ODM): On a point of order, Hon. Speaker.

**Hon. Speaker:** Hon Caroli Omondi, what is your point of order?

**Hon. Caroli Omondi** (Suba South, ODM): Hon. Speaker, I just want to inform Hon. Melly that all we have been discussing is the hardware, but we have the software, which I did present successfully before his Committee. The Education Laws (Amendment) Bill would enshrine our national values in the curriculum. What we are dealing with is failure of national values. What we are now discussing is the hardware bit of the problem. If you look at the situation at Utumishi Academy, you will appreciate that it is the collapse of the value system that has led to this crisis.

I request the Leader of the Majority Party to speed up the tabling of the Education Laws (Amendment) Bill so that we can entrench nationhood science as a mandatory subject in our education curriculum to deal with that kind of problem.

Thank you.

**Hon. Speaker:** Hon. Melly, finish up.

**Hon. Julius Melly** (Tinderet, UDA): Thank you. I do agree overly with the Hon. Member for Suba South Constituency. He appeared before the Committee and presented a very good idea. However, I do not agree with my good friend, Hon. Milemba, because I do not preside over admission processes in this country. We oversee the Ministry of Education. We mentioned to them about that problem of overcrowding. I do not want to go into it because we have ongoing investigations on the matter. However, I can confirm that it is not an issue of boarding. A majority of us here, including the Speaker, went to boarding schools. No schools were burned during our time. We need to review the way we are implementing policies and education programs in this country.

I thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. We will end it here. Hon. Melly, you heard Hon. Members talk of establishing an *ad hoc* committee to deal with this matter. Your Committee derives its mandate from Standing Order 216(5). We do not need an *ad hoc* committee. Your committee can enquire into this matter and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments. You can move your Committee, without being caused by the House to do so, to not only look at Utumishi Academy, but all the other schools that are going up in flames and tell the country what the problem is and what the possible solutions are.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Speaker. I will take it up. I think that has been the issue. Even when I was discussing the matter with the IG of Police yesterday, he told us that the homicide investigation report was out. We are going to sit down and see how to deal with the issues not only for Utumishi Academy, but for schools in the whole country.

Thank you.

**Hon. Speaker:** Member for Thika Town, what is it?

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Thank you, Hon. Speaker. I just want to inform Hon. Melly that, as we look into all those things, we need to have therapists or counsellors in schools. Some children need somebody to talk to. I think the pressure is too much and they do not know where to air their issues. As we look into this matter, let us also consider the mental wellness of students because, at times, they have too much pressure, but they do not know where to vent the pressure.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Members, one Member has raised an important issue, in respect of which I want to encourage you to talk to your constituents. Parents have surrendered their children to social media completely. There are hardly any parents who sit with their children to tell them the 'dos' and 'do nots' of life. Parents feel that once you give your child a smartphone, your problem is over. It is the beginning of an even bigger problem, and we need to deal with it.

Hon. Members, allow me to acknowledge, in the Public Gallery, HGM Ting'ang'a School from Kiambu Town, Kiambu County; Mwanyalo Comprehensive School from Wundanyi, Taita Taveta County; Mutuang'ombe School from Mwingi Central, Kitui County; Kiriti Senior School from Tetu, Nyeri County; and in the Speaker's Gallery, Rwathia Girl School from Kangema, Murang'a County.

On my behalf, and on behalf of Parliament, we welcome the students, their teachers and those accompanying them to Parliament.

We now move to Response to Statement Request. Are Hon. Gitari and the Chair of the Departmental Committee on Administration and Internal Security in the House? I have been informed that Hon. Ng'elechei is holding brief for the Chair. Are you? Are you ready with the Response for Statement? Go ahead.

## RESPONSE TO REQUEST FOR STATEMENT

### OPERATIONALISATION OF ADMINISTRATIVE UNITS IN KIRINYAGA CENTRAL

**Hon. Caroline Ng'elechei** (Elgeyo Marakwet, Independent): Hon. Speaker, the Member for Kirinyaga Central Constituency, Hon. Joseph Gitari, requested to be appraised on the delay in the operationalization of administrative units in his constituency.

Particularly, the Hon. Member sought to be informed of:

1. The reasons for the delay in the operationalization of the administrative units within Kirinyaga County, specifically Kenyei, Kathare and Kiaga Administrative Units.
2. The expected timeline for the full operationalisation of the administrative units, including deployment of personnel and provision of the necessary infrastructure.

Hon. Speaker, as regards the delay in the operationalization of the administrative units within Kirinyaga County, specifically, Kenyei, Kathare and Kiaga administrative units, the Ministry has adopted a phased approach to operationalization of newly created administrative units across the country to ensure equitable distribution of resources among all counties. The

phased implementation is necessitated by budgetary constraints that affect deployment of personnel, establishment of offices and provision of the necessary infrastructure and logistical support for the units. Consequently, the operationalization of Kenyei, Kathare and Kiaga administrative units in Kirinyaga County has experienced delays due to inadequate funding.

Additionally, the Ministry is developing regulations to guide the process and modalities for creation and gazettelement of new administrative units across the country. A key requirement in the gazettelement process is demonstration of adequate public participation in line with the provisions of the Constitution of Kenya. Further, the Government must consider financial implications associated with the establishment of new administrative units, including the issuance of Authority to Incur Expenditure (AIE) to authorised officers to cater for personnel emoluments and facilitation of officers who are deployed to new stations. Other considerations include expected timelines for full operationalization of administrative units, including deployment of personnel and provision of the necessary infrastructure. The timeline for full operationalisation of administrative units is dependent on availability of adequate budgetary resources. Once additional funding is provided, the Ministry will immediately commence deployment of personnel and provision of necessary infrastructure and logistical support that is required for the operationalization of gazetted administrative units.

The Ministry remains committed to bringing Government services closer to the people. It, therefore, appeals to the National Assembly to allocate additional resources to enable the Ministry to operationalize all gazetted administrative units across the country.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Hon. Gitari, that is very clear. Is there anything else you would wish to prosecute?

**Hon. Joseph Gitari** (Kirinyaga Central, UDA): Thank you, Hon. Speaker. I thank the Chairperson for the response that we have received. The only clarification I would like to request is that public participation was conducted for all the sub-locations. We may talk about budget constraints and the other issues, but public participation was undertaken.

**Hon. Speaker:** Hon. Ng'elechei.

**Hon. Caroline Ng'elechei** (Elgeyo Marakwet County, Independent): Hon. Speaker, the Chairperson is present and I believe he can comment on that one.

**Hon. Speaker:** Once you start, you go up to the end. This is not a relay.

**Hon. Caroline Ng'elechei** (Elgeyo Marakwet County, Independent): Thank you.

**Hon. Speaker:** Yes. We will end it there. Yes, Hon. Junet.

## POINT OF ORDER

### KENYA'S PREPAREDNESS TO DEAL WITH EBOLA DISEASE

**Hon. Junet Mohamed** (Suna East, ODM): Thank you, Hon. Speaker. I rise to seek your indulgence on a matter of national importance. We are living at a time when this House is expected to address matters of concern to the people. That is what the Constitution of Kenya says. We are also living in an era of misinformation, disinformation and all manner of misleading content that is distributed through social media and other media platforms.

There is this issue of Ebola preparedness in the country. Much concern has been raised regarding this matter, including the establishment of quarantine facilities in some parts of the country. As a House, however, we do not have clear information from the Executive on how the matter began, what is currently happening, what the plan is and what the way forward is.

Therefore, I seek your indulgence to summon the Cabinet Secretary for Health to appear before the House so that he can explain the matter and provide the correct information to the representatives of the people, so that we can disseminate the right information to the public.

Thank you, Hon. Speaker.

*(Applause)*

**The Speaker:** Thank you, Hon. Junet. Hon. Members, I was visited in my Chambers by the Chairperson of the Departmental Committee on Health, Hon. (Dr) Nyikal, who sought direction on this matter. He wanted to deal with the matter in the Committee. The matter was also raised in the House Business Committee. The House Business Committee resolved, and I have directed that tomorrow, 3<sup>rd</sup> June 2026, at 2.45 p.m., we will have the Cabinet Secretary for Health, Hon. Duale, in the House, for strictly one hour, because tomorrow is an Allotted Day.

I have instructed the Leader of the Majority Party to communicate with Hon. Duale and ensure that he is in Parliament not later than 2.30 p.m. so that at 2.45 p.m. we give him one hour. Members with concerns will intervene after he gives a statement to the House.

*(Hon. Caroli Omondi raised his hand)*

Hon. Caroli, is it on the same matter? What is it?

**Hon. Caroli Omondi** (Suba South, ODM): Hon. Speaker, for the benefit of the general public, and pursuant to Article 35 of the Constitution and Section 23 of the Parliamentary Powers and Privileges Act, could we also request the Cabinet Secretary to bring to the House all relevant agreements and subsequent protocols regarding the country's co-operation with the United States of America (USA) on matters of health?

**Hon. Speaker:** You will ask him when he comes here.

**Hon. Caroli Omondi** (Suba South, ODM): Let him bring those documents tomorrow. Thank you.

**Hon. Speaker:** Hon. (Dr) Nyikal.

**Hon. Dr. James Nyikal** (Seme, ODM): Thank you, Hon. Speaker.

**Hon. Speaker:** I hope it is on a separate issue. We have dealt with the Ebola issue. Wait for it tomorrow.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Speaker, I would like to only add a little on Ebola. As we have indicated at the Committee level, while the matter will be addressed in the House, there is still need for the Committee to go into a lot more details.

**Hon. Speaker:** Dr. Nyikal, let us deal with the matter tomorrow. Thereafter, I will give direction.

**Hon. (Dr) James Nyikal** (Seme, ODM): Okay. Thank you.

**Hon. Speaker:** I gave you the Floor on what you had requested.

## STATEMENTS

### PERSONAL STATEMENT

#### APPRECIATION OF SUPPORT OF THE HOUSE AND GOVERNMENT INSTITUTIONS

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you Hon. Speaker for giving me this opportunity to make a Personal Statement on the death of my father, Mzee Liu Nyikal Okaka,

who died on 11<sup>th</sup> April 2026 at the grand old age estimated to be 104 years. He was buried on 2<sup>nd</sup> May this year at our home in Seme Constituency, Kisumu County.

First of all, on behalf of our family, I wish to sincerely thank this august House and express our family's deep appreciation for the support we received from this House, other arms of Government and institutions of the Republic of Kenya. Starting with you, Hon. Speaker, the Clerks of the National Assembly and the Senate, the leadership of both Houses and all Members on both sides of the political divide, I express great appreciation.

I also express more appreciation to three Members of Parliament, namely; Hon. Patrick Munene, Hon. Oron and Hon. Martin, who worked very closely with our family during the preparations for Mzee's funeral.

I also received a message of condolence from His Excellency the President. Many Cabinet Secretaries and Principal Secretaries sent messages of condolence. Some Principal Secretaries also visited our home in Seme to grieve with our family. I did not expect some of that support at all. Governors from various counties conveyed their condolences and support to our family. Numerous colleagues of this House visited our home. Members of the medical fraternity, professional bodies and the academia also condoled with us.

Hon. Speaker, it is rare for a person who is neither a sitting nor a former Member of Parliament to be eulogized or even mentioned in this august House. You offered my father that rare opportunity to be mentioned and eulogized in this House. As a man who valued education, hard work, integrity and good governance, I believe his spirit would appreciate this. The presence of so many Members of Parliament, many of you my colleagues, at the burial on 2<sup>nd</sup> May left me humbled and members of our family speechless. They did not expect it. Many governors also attended.

It was a great and solemn occasion, though tainted by a sad incident towards the end. The incident occurred when a political leader arrived at the function with a large group of rowdy followers who proceeded to disrupt the funeral. The group harassed political leaders, some of whom had to leave before the service ended. Many mourners were frightened and scattered. The incident raises a serious national issue regarding how we, as political leaders, conduct ourselves at funerals. Funerals are sad and painful occasions for families. They need utmost peace to grieve.

Are funerals really occasions to settle political scores with other leaders or demonstrate political might at the expense of grieving families, visitors and mourners? Should they not simply be occasions for leaders to console families and wish them well in their difficult circumstances?

Is humility not at the core of service to the people?

Is our habit of moving around with large and rowdy crowds, disturbing families and the public in general, really in order? Is it not possible that our Standing Orders should also address our conduct in public, particularly where there is serious interference with public order? I leave these questions in the minds of all of us as leaders for serious debate now or in the future.

Above all, I rose to thank this House. Thank you, and thank all my colleagues for the support you showed me when I lost my father.

Thank you very much, Hon. Speaker, and the entire House.

**Hon. Speaker:** Thank you, Hon. (Dr) Nyikal. Hon. Robert Mbui, you had requested to raise something, or is it over?

**POINT OF ORDER**

## ABUSE OF POINTS OF ORDER

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Speaker. I rise pursuant to Standing Order 83.

*(Loud consultations)*

**Hon. Speaker:** Order, Members. Can you disband those *Kamukunjis*?

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Speaker. I rise under Standing Order 83 regarding the orderly conduct of debate in the House. Standing Order 83 allows Members to raise points of order when another Member is making contributions.

*(Hon. Joseph Makilap gestured  
at a Member across the Floor)*

**Hon. Speaker:** Hon. Makilap, you are out of order. Who are you menacing at? Take your seat.

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Speaker. Standing Order 83 deals with a point of order that can be raised at any point when a Member is on the Floor contributing to a debate on either a Motion or a Bill. I note that Members are often interrupted during debate through frivolous points of order. The Standing Orders are clear on matters upon which a Member may be interrupted. For instance, where a Member is being irrelevant or is required to substantiate a statement. However, many times, Members rise on points of order without even mentioning the point of order and proceed to execute them. My concern is how we handle this so that Members have a fair opportunity to debate, given that this is a debating Chamber.

I also wish to refer to Standing Order 97, which deals with limitation of debate and the amount of time allocated to a Member to be able to execute their discussion. When another Member rises on a point of order while one is on the Floor, and the Member has a maximum of five minutes, does it mean that if the intervening Members spend five minutes on frivolous points of order, that time is deducted from the Member who was debating? I want you to give us direction so that as we organize ourselves to debate, we can know how to do it in an orderly manner. This is so that Members do not take advantage of the Standing Orders, which are very clear and try and attempt to circumvent debate on the Floor of the House.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Robert Mbui. I have heard you. The rules of the House are very clear. If a Member is on the Floor debating and embarks on a misadventure that is irrelevant to the matter before the House, that Member will attract interventions and interruptions from colleagues. When they do so, you will not be spared by being added time.

However, whoever is in the Chair has the discretion, if the points of order are evidently frivolous as you have put it, or calculated at wasting time, to grant additional time to the Member on the Floor and even curtail frivolous points of order. Indeed, if you look at the Standing Orders, you will appreciate that a Member who consistently and persistently raises frivolous points of order can be ruled out of order and grossly disorderly in conduct. This decorum should be observed. I have always told you that the candour and banter of debate is such that we are not in church, where the priest's homily is not interfered with. We are in a House of debate. Sometimes, interventions, interjections and cross-floor exchanges enliven the House. What we will not encourage are Members who deliberately interrupt others in a manner

that is inconsistent with the subject matter on the Floor. In such cases, the Chair will always give you additional time.

I will also speak to my team, from the Deputy Speaker to the Panel of Chairpersons, to ensure that this is done.

**Hon. Omboko Milemba** (Emuhaya, ANC): On a point of order, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Milemba.

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Speaker, this is not frivolous! The Hon. Member who has stood on that point of order had the opportunity, together with me, to be sponsored by Parliament to visit Westminster and Australia. He was there when we witnessed the nature of debate in the Westminster Parliament. The debates are thorough, investigative and Members come armed with real facts and substantive points.

It is very unfortunate that he now wants to take us back to boring debates where one cannot be challenged for lack of facts. When we came back, Hon. Speaker, we agreed that even those of us serving on the Speaker's Panel under your leadership must allow robust debate, facts and challenges. I wish to remind the Hon. Mbui that...

**Hon. Speaker:** Hon. Milemba, you are saying exactly what I have just said. Therefore, you are being irrelevant.

*(Laughter)*

That is precisely what I said. When you are in the Chair, remember that this is not a church where the priest's homily is not interfered with. This is a House of debate. If somebody is irrelevant, they will attract the wrath of colleagues. If somebody is raising good points, that is different. I remember when I served in the Senate, I would finish a one-hour speech and Members would demand that I be given additional time to continue because I was speaking relevantly and educating colleagues on issues before the House. If you stand here and start attacking your DO., who is not the subject of debate in this House, you will certainly attract Members who will tell you off. Thank you for raising that matter, Hon. Robert. We want quality debate and Members to be given sufficient opportunity to debate matters meaningfully.

Yes, Hon. Millie.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Speaker. I largely agree with you. Probably, what the Hon. Member is referring to was last week when Hon. Ndindi Nyoro was being taken on by several Members. I think that was one of the liveliest moments in the House.

The proceedings of this House are not a funeral. I even told Hon. Ndindi Nyoro that he had actually learned the art of opposition very well. We should not personalize issues too much and take them to heart. Instead, we should raise our issues of concern in a manner that will also make the House lively. Debate is not a 'do' or 'die' affair. We used to call a similar scenario in the other House "Comedy Hour." There are many serious things that are said in jest. So, we can say our serious issues in jest. Hon. Omboko should not be worried because he does a good job when he is sitting as the Temporary Speaker.

Thank you.

**Hon. Speaker:** Thank you. I can tell you, Hon. Millie and others that, it is perfectly in order to challenge a Member and ask him or her when his or her Saul moment was or when he or she transformed from Saul to Paul. That is part of debate in the House and I do not see anything wrong with it. If you somersault like a chameleon in your debate in the House, you will attract your colleagues to challenge you.

Next Order.

*(Hon. Rindikiri remained upstanding)*

**Hon. Speaker:** Hon. Rindikiri, take your seat.

*(Hon. Rindikiri resumed his seat)*

### **BILL**

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL  
(National Assembly Bill No.17 of 2025)

*(Moved by Hon. Kimani Ichung'wah on 28.5.2026)*

*(Debate concluded on 28.5.2026)*

*(Question put and agreed to)*

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

**Hon. Speaker:** Next Order.

### **MOTION**

ADOPTION OF REPORT ON ACCESS TO  
HEALTHCARE BY CANCER PATIENTS

*(Moved by Hon. Patrick Ntwiga on 23.4.2026)*

*(Resumption of Debate interrupted on 26.5.2026)*

**Hon. Speaker:** Hon. Nyikal, you are replying to debate.

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Speaker. I rise to reply to the debate on the Motion for Adoption of the Report on Public Petition No.21 of 2025, regarding access to health care of cancer patients in the country.

I wish to sincerely thank all the Members who contributed to the Motion and shared valuable insights on the challenges that are facing cancer patients and their families across the country. Cancer remains one of the leading causes of morbidity and mortality in Kenya. It continues to impose immense social, emotional and financial burden on the affected households. The issue raised by the petitioner, therefore, touched on matters of great national concern.

In considering the Petition, the Committee engaged relevant stakeholders, including the Ministry of Health, the Social Health Authority (SHA), health care professionals and patient advocacy groups. The Committee carefully examined the systemic challenges affecting access to cancer care, including inadequate screening for early detection; unequal contribution of oncology facilities across the country; shortages of specialised health care personnel; high costs of diagnosis, treatment and supportive care; delays in accessing treatment services; and limited public awareness on cancer prevention, management and financial hardships that are faced by patients.

The Members who contributed to this Motion rightly emphasized the need to strengthen preventive health care and screening. The Committee agrees that early detection is the answer and it is part of the recommendations that we have. The Committee further notes that there were concerns raised regarding the concentration of special cancer units in a few centres. Members expressed the need to have cancer facilities and cancer centres equitably

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distributed across the country to reduce the distances that patients have to travel to access such services and thus reduce the expenses incurred.

The Committee also appreciates the concerns raised on affordability of treatment. Despite ongoing reforms in the health sector, many cancer patients continue to incur significant out-of-pocket expenses. The Members noted – and rightly so – that the benefit package that we have for cancer patients is small. We recommend increasing it from Ksh450,000 per year to Ksh800,000. I can actually report that the recommendation is captured in the Report of the Committee.

Additionally, Members highlighted the importance of investing in human resource. The Committee concurs that increasing the number of oncologists and oncology nurses is extremely important. The Committee's recommendations are intended to support ongoing efforts of the Government and other stakeholders.

Members also rightly noted that there is need to amend some laws, particularly in relation to SHA. One of the issues that came out is that SHA is not performing because many patients with cancer enrol and they do not get treatment at the same time. So, there is need to look at the waiting period. The Committee has made proposals on the laws that need to be reviewed, which is part of the Report. If we pass this Report as it is, then the next move is to get the proposed amendments in place to improve the services that are rendered to cancer patients and all other patients in our country.

With those remarks, I beg to reply.

**Hon. Speaker:** Thank you.

*(Hon. (Prof.) Guyo Jaldesa and  
other Members were upstanding)*

**Hon. Speaker:** Members on your feet, take your seats. Professor, take the nearest seat.

*(Question put and agreed to)*

Hon. Members, the House Business Committee directed that due to the continuing influx of proposed amendments to the Fisheries Management and Development Bill, (National Assembly Bill No.29 of 2023), the Bill will be stayed for Committee of the whole House consideration to next week. So, when we go to the Committee of the whole House stage – as we will right away – we will only deal with the Quality Healthcare and Patient Safety Bill, (National Assembly Bill No.41 of 2025).

Leading Clerk-at-the-Table, can you call out the next Order?

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[The Speaker (Hon. Muturi) left the Chair]*

## IN THE COMMITTEE

*[The Chairlady (Hon. Gladys Boss) took the Chair]*

THE QUALITY HEALTHCARE AND PATIENT SAFETY BILL  
(National Assembly Bill No. 41 of 2025)

*(Loud consultations)*

**Hon. Chairlady:** Order, Hon. Members. Order, Hon. Bowen. Leader of the Majority Party, help me get the attention of the House.

*(Loud consultations)*

Order, Hon. Members. No one is concentrating and, therefore, nobody is responding to the Question. Could you disband that *kamukunji*?

*(Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,  
13, 14, 15, 16 and 17 agreed to)*

*Clause 18*

**Hon. Chairlady:** Mover, Chair of the Departmental Committee on Health.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Chairlady, I beg to move:

THAT, Clause 18 of the Bill be amended in—

(a) subclause (1) by inserting the words “on the recommendation of the Director-General” immediately after the term “Cabinet Secretary” appearing in paragraph (c); and,

(b) subclause (2) by deleting the words “fifty million shillings or to imprisonment for a term not exceeding ten years, or to both” and substituting therefor the words “ten million shillings.”

The justification is that the Director-General needs to perform the role of developing the scope of practice. This will officially be in the hands of the Cabinet Secretary, but in consultation with the Director-General.

**Hon. Chairlady:** Thank you.

*(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 18 as amended agreed to)*

*(Clauses 19, 20, 21 and 22 agreed to)*

*Clause 23*

**Hon. Chairlady:** Mover.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Chairlady, I beg to move:

THAT, Clause 23 of the Bill be amended in paragraph (b) by inserting the words “for their employees” immediately after the word “training”.

Previously, this addressed the training needs of the health facilities employees. However, it was not clear who was being trained. If we insert the words, “training of the employees”, it becomes more specific.

**Hon. Chairlady:** Thank you.

*(Question of the amendment proposed)*

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

*(Clause 23 as amended agreed to)*

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

**Hon. Chairlady**: Hon. Millie Odhiambo, what is your point of order?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Chairlady. I may have been a bit distracted, but are we on Clause 27 or Clause 26?

**Hon. Chairlady**: We are on Clauses 24 to 26.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Sorry.

**Hon. Chairlady**: Okay.

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

*(Clauses 24, 25 and 26 agreed to)*

*Clause 27*

**Hon. Chairlady**: Mover.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Chairlady, I beg to move:

THAT, Clause 27 of the Bill be amended by deleting paragraph (j).

We are deleting paragraph (j) which outlined what the Authority does. If inspection was done, subsequently, we would remove it from other regulatory authorities. However, the other regulatory authorities would still need to inspect, but for purposes of internship training. This reinstates inspection but particularly, for training of interns.

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

**Hon. Chairlady**: Yes, Hon. Millie. Let me propose the Question, and then I will give you time to debate it.

*(Question of the amendment proposed)*

**Hon. Chairlady**: You may proceed, Hon. Millie.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Chairlady.

I need clarification from the Chair of the Departmental Committee on Health. Their proposed amendment is to delete paragraph (j), but they have not given a good reason for the deletion. Clause 27 says: "The function of the authority shall be to inspect and accredit health facilities for purposes of internship and training". Unless I misunderstood his amendment, I do not know why they think they should not be doing that.

**Hon. Chairlady**: Chair, you may clarify.

**Hon. (Dr) James Nyikal** (Seme, ODM): The explanation is that this Authority deals with management of facilities. We still have other regulatory authorities that deal with issues of internship and training. If we have this in both facilities, there would be a conflict. If it is removed here, it resorts to the regulatory authorities that deal with training and internship.

**Hon. Chairlady**: Hon. Millie, are you satisfied?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Chairlady.

I want to persuade the Chair of the Committee. Even though there are many regulatory authorities that deal with training, they deal with general health training. This is specifically regarding health care and patient safety. It is not about general medical care.

This is a good Bill, especially for those of us who are concerned with human rights. If we are specifically focused on the health care of patients, then we are looking at an authority that focuses on tailored training. I request the Chair to reconsider that because this is a very specialised training.

**Hon. Chairlady:** Yes, Hon. Makali Mulu.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you, Hon. Chairlady.

In addition to what Hon. Millie has said, instead of deleting, you can qualify paragraph (j) by indicating that the training is specific to the safety issues. That will still sort out the issue.

**Hon. Chairlady:** Okay, Chair.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Chairlady, it is about facilities. When you look at (d), you will see enforced compliance with quality of health care and inspect their facilities for compliance with the quality of health standards. Let me try to explain further what we are doing here. We are creating this Authority to look at the quality of care in facilities. The inspection is in terms of service delivery.

There are other regulatory authorities in this field, such as the Kenya Medical Practitioners and Dentists Council (KMPDC), the Nursing Council of Kenya (NCK) and the Clinical Officers Council (COC), which are specifically concerned with training. Their role is to visit those facilities and inspect whether they are suitable for training. Facilities may be adequate for offering services but not for training. What we were trying to avoid is a situation where one person can say: "I qualify this facility for training", while another may say: "I do not qualify this facility for training." We made this very clear because if we are talking about service provision, the quality of care is addressed in all the other parts. So, this matter of training, particularly internship training, is specific, and we do not want it to be managed by more than one authority at the same time. That is why it is actually being removed from there.

**Hon. Chairlady:** Hon. Millie, are you satisfied now? There seems to be a conflict with different accreditations.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Chairlady, I am not convinced. Using the same argument, the other paragraphs in this section do not only talk of infrastructure. For instance, paragraph (g) establishes and implements a system for accreditation of health facilities for quality of health care. So, it is not only the infrastructure.

I am an expert in mainstreaming human rights, and one of the challenges we face when mainstreaming human rights is that when they are overly placed within broader categories, they tend to disappear. For example, we have a specific Bill on the rights of patients. Otherwise, the Health Act already contains a section on the rights of patients. However, to assist us in moving forward, there is really no harm in leaving it there, so that you have a specific body dealing with training rights. Just as Hon. (Dr) Makali Mulu has suggested, perhaps, we could qualify it to state that the training is specifically on the rights of patients. But to help us move forward, I can let it pass.

**Hon. Chairlady:** Okay. Thank you, Hon. Millie, for being gracious.

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

*(Clause 27 as amended agreed to)*

*(Clause 28 agreed to)*

*Clause 29*

**Hon. Chairlady:** Mover, the Chairperson of the Departmental Committee on Health?

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Chairlady, I beg to move:

THAT, Clause 29 of the Bill be amended in subclause (1) by—

- (i) inserting the words “in the health sector” immediately after the word “improvement” appearing in paragraph (f);
- (ii) deleting the words “to represent” appearing in paragraph (g) and substituting therefor the words “nominated by”;
- (iii) deleting paragraph (h) and substituting therefor the following new paragraph (h)—
  - (h) one person nominated by consumer rights bodies in the health sector, appointed by the Cabinet Secretary to represent the public interest; and,
- (iv) inserting the following new paragraph immediately after paragraph (h)—
  - (ha) a representative of statutory regulatory bodies appointed by the Cabinet Secretary.

The import of this is that in paragraph (f), when dealing with experience, you want the experience of the person appointed to be in relation to the health sector. That is why that word is being inserted. In paragraph (ii), when we talk about representation, we are considering that if people are represented and the appointment is done by the Cabinet Secretary, that representation is actually lost. Therefore, it is usually better for the group being represented to nominate their representative. The person representing is nominated by the group they represent, but is appointed by the Cabinet Secretary.

The other point is regarding the word, 'Public' in relation to consumer bodies. We want representation of consumer bodies so that the board does not solely consist of health professionals. We also want consumers to be represented. Additionally, by inserting a new paragraph (ha), as I indicated, those regulatory statutory bodies are now being removed from regulating facilities and are left to primarily regulate the personnel and professionals. However, it is important they have a say in what is happening.

For example, we should not expect surgeons to be the ones inspecting and determining how maternity or theatres should operate. That duty falls under this body, but they need to have representation in the process so that they can provide input.

**Hon. Chairlady:** Thank you.

*(Question of the amendment proposed)*

Let us have Hon. Mulu followed by Hon. Millie.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you, Hon. Chairlady. Even as I support these amendments, I am looking at paragraphs (h) and (ha) and from a drafting perspective, (ha) should also be drafted in the same way as (h), where the statutory regulatory bodies nominate, and the person is then appointed by the Cabinet Secretary. This would clarify the process. Otherwise, the Cabinet Secretary could simply appoint one of them and claim representation. In terms of drafting, we could say: “A person nominated by the regulatory bodies and then appointed by the Permanent Secretary.” Thank you.

**Hon. Chairlady:** Yes, Hon. Millie. Let Hon. Millie speak and then you can respond to both.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you. I support this. The proposed amendments by the Chairperson are strengthening the voice, especially regarding

patients' rights. It is just unfortunate that due to the *Mwongozo* code, we have to limit the amendments. Otherwise, I would have preferred that we even have a stronger voice.

I dealt with the Fisheries Management Bill and was not able to bring my amendments. I would have suggested that when appointing persons under paragraphs (g), (h) and (i), consideration should be given to gender, age and regional representation. This should always be a standard provision as provided in our Constitution. Otherwise, I support.

**Hon. Chairlady:** Hon. Chairperson.

**Hon. (Dr) James Nyikal** (Seme, ODM): I actually agree with the comment by Hon. Makali. If we are looking at the formatting, we could say: "Nominated by the regulatory authority and appointed by the Cabinet Secretary." I have no problem with that. We can move it as a further amendment as well, that reads:

"(ha), a representative of statutory regulatory bodies nominated by the regulatory bodies and appointed by the Cabinet Secretary."

Is that correct?

**Hon. (Dr) James Nyikal** (Seme, ODM): Yes. Do you want me to sign on it or that is adequate?

**Hon. Chairlady:** It is okay. It is on *The Hansard*.

*(Question of the further 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)*

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

*(Clause 29 as further amended agreed to)*

Clause 30

**Hon. Chairlady:** Mover.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Chairlady, I beg to move:

THAT, Clause 30 of the Bill be amended in—

(a) subclause (1) by—

(i) deleting the words "a healthcare related field" appearing in paragraph (b) and substituting therefor the words "healthcare sciences";

(ii) deleting paragraph (c) and substituting therefor the following new paragraph (c)—

"(c) has professional practice, knowledge and experience of, at least, ten years in health governance, leadership, health administration or public policy"; and,

(iii) deleting the word "ten" appearing in paragraph (d) and substituting therefor the word "five"; and,

(b) subclause (2) by inserting the words "healthcare sciences" immediately after the words "social sciences" appearing in paragraph (c).

Basically, the amendment seeks to review the qualifications for appointment of the Chairperson of the Board. Since we are referring to a "health related field", which is quite

broad, we are substituting those words with "healthcare sciences", which makes the requirement more specific.

Under paragraph (c), we are deleting the existing provision and substituting it with the following: The person must have professional practice, knowledge and experience of, at least, 10 years. We are reducing the requirement from 15 years which is quite long. When such a lengthy experience is required, it often becomes difficult to find suitable candidates. It tends to be restrictive, and may exclude qualified individuals.

Under paragraph (d), the requirement of serving in a senior management position for 10 years is also somewhat restrictive. We are, therefore, reducing it to five years. Five years' experience at the senior management level is adequate for appointment, provided the other qualifications are met.

We have also retained the reference to "healthcare sciences" as indicated above, to ensure that the field of qualification is clearly specified.

Thank you, Hon. Chairlady.

*(Question of the amendment proposed)*

**Hon. Chairlady:** Let us have Hon. Oundo, Hon. Millie and Hon. Makali in that order.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Chairlady, I support the amendments. However, there appears to be a contradiction, which the Chair needs to clarify. Under paragraph (c), we require professional practice, knowledge and experience of at least 10 years. However, under paragraph (d), the requirement is five years of management experience. We need to be clear on how these requirements are to be interpreted. Is the person required to have 10 years of experience and in addition, five years of management experience? Would that mean that the individual needs 15 years of experience in total?

That is a constructive way to look at it because the 10 years of professional practice may necessarily not be at the senior management level. One would not be appointed to a senior management position without first acquiring the requisite experience. A clarification on this point would help us understand.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Chairlady. My apologies. I know we need to move quickly but, those of us who do a lot of mainstreaming work tend to look at the interests of different sectors. I, therefore, wish to support this amendment and particularly, the reduction of the age requirement, as it takes into account the interests of young people.

I support.

**Hon. Chairlady:** Hon. Makali.

*(Hon. (Dr) James Nyikal spoke off the record)*

Let Hon. Makali speak and then you can respond to the three Members.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you. I agree with this amendment. However, I do not think the Chairperson of the Board must necessarily be a healthcare professional. I have served on boards where the Chairperson came from a completely different professional background, including lecturers, and they performed exceptionally well.

I would support the requirement for the Secretary to have a health-related background. However, in regards to the Chairperson of the Board, we should leave the position open to individuals who possess leadership, experience and capacity to guide the Board effectively while discharging its functions.

Thank you, Hon. Chairlady.

**Hon. Chairlady:** Hon. Chair.

**Hon. (Dr) James Nyikal** (Seme, ODM): To answer Hon. Oundo, the requirement does not necessarily amount to 15 years of experience. It could be 10 years. Within those 10 years, a person may have acquired the professional experience and the five years required to the management level. Therefore, while the total experience could be as much as 15 years in some cases, it could also be as low as 10 years.

As for Hon. Makali's concern, if you look at the amendment, it refers to professional practice, knowledge and experience of at least 10 years in health governance, leadership, health administration or public policy. The amendment is broad enough and is not restricted solely to healthcare practitioners.

*(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 30 as amended agreed to)*

*(Clauses 31,32,33 and 34 agreed to)*

*Clause 35*

**Hon. Chairlady:** Mover.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Chairlady, I beg to move:

THAT, Clause 35 of the Bill be amended in subclause (2) by deleting the words “a healthcare related field” appearing in paragraph (b) and substituting therefor the words “healthcare sciences”.

Basically, we are addressing the use of the term, “Health-related field,” which is rather broad. We need to be more specific. “Healthcare sciences” is also a broad term but it appropriately captures all health professionals within its scope. In contrast, “Health related field” may extend too far. For that reason, we consider, “Health care sciences” to be a more precise and suitable term than “Health related field”. So, essentially, we are reinforcing the same argument.

**Hon. Chairlady:** Thank you.

*(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 35 as amended agreed to)*

*(Clause 36 agreed to)*

*Clause 37*

**Hon. Chairlady:** Mover.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Chairlady, I beg to move:

THAT, Clause 37 of the Bill be amended by deleting subclause (3) and substituting therefor the following new subclause (3)—

(3) The Corporation Secretary shall be the Secretary to the Board and shall—

- (a) in consultation with the Chairperson of the Board, issue notices for the meetings of the Board;
- (b) take minutes of the meetings of the Board;
- (c) keep, in custody, the records of the deliberations, decisions and resolutions of the Board;
- (d) transmit the decisions and resolutions of the Board to the Chief Executive Officer for execution, implementation and other relevant action;
- (e) provide guidance on legal compliance and governance matters to the Board;
- (f) provide guidance to the Board on its duties and responsibilities on matters relating to governance; and,
- (g) perform such other duties as the Board may direct. The clause currently states that the Corporation Secretary shall be the Secretary to the Board and leaves it at that. We are amending the Clause so that the Corporation Secretary will not only be the secretary to the Board, but will also have a mandate. The amendment is giving more details on what the Corporation Secretary will do.

*(Question of the amendment proposed)*

**Hon. Chairlady:** Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Chairlady, while I welcome the expansion of subclause (3), I seek the wisdom of the Chairperson of the Committee because Clause 29 stipulates that the Chief Executive Officer (CEO) is a member of the Board. However, part (d) of the amendment states that the Corporation Secretary shall transmit the decisions and resolutions of the Board to the Chief Executive Officer for execution, implementation and other relevant action. That beats logic. If the CEO sits on the Board, he or she must be part and parcel of the deliberations, and must be privy to the directions given. If the Corporation Secretary gives directions to the CEO, will we not be usurping the role of the Board?

Secondly, the Chairperson of the Committee also needs to clarify Clause 37(3)(f), which states that the Corporation Secretary shall provide guidance to the Board on its duties and responsibilities on matters relating to governance. Anybody who sits on the Board must have been adequately trained or capacitated to understand the tenets of corporate governance. Are we providing a situation where the Corporation Secretary directs the Board?

**Hon. Chairlady:** Does the Chairperson of the Committee want to clarify?

**Hon. (Dr) James Nyikal** (Seme, ODM): Yes, Hon. Chairlady. We discussed the issue of transmitting the decisions and resolutions of the Board quite a bit. Basically, the Corporation Secretary takes minutes of the meetings. Therefore, as much as the CEO is also in the meetings, the actual minutes and resolutions of the meetings are written down by the Corporation Secretary.

Clause 37(3)(f) states that the Corporation Secretary shall provide guidance to the Board on its duties and responsibilities on matters relating to governance. That goes hand in hand with Clause 37(3)(e) which states that the Corporation Secretary shall provide guidance on legal compliance and governance matters to the Board. This provision is based on the Mwongozo Code of Governance for State Corporations, which dictates that all corporations should have a Corporation Secretary.

The Committee's understanding is that if one is providing legal guidance on decisions being made, it is your duty to inform the Board on what it can or cannot do. If you have attended governance meetings, you will understand why that provision is necessary. There should always be someone to look at the letter of the law as the board makes decisions. It is similar to how we have legal officers in our committees, who guide us on which direction to take in order for us to stay within the law. That was the Committee's understanding of this amendment.

**Hon. Chairlady:** That is pretty much standard practice. Are you satisfied, Hon. Oundo?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Based on that explanation, I will let it go, but we have made the Corporation Secretary very powerful, which will cause discomfort to the CEO. However, time will tell.

**Hon. Chairlady:** We cannot legislate based on the insecurities of a CEO.

*(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 37 as amended agreed to)*

*(Clauses 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48 agreed to)*

*(Clauses 49, 50, 51, 52, 53, 54, 55 and 56 agreed to)*

#### Clause 57

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Chairlady, I beg to move:

THAT, Clause 57 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (a)-

“(aa) appoint quality assessors to conduct the accreditation of health facilities”.

Paragraph (a) gives the Authority the mandate to ensure that the accredited health facilities comply with the quality of health care standards. This amendment gives them the power to appoint officers who will do that work. Otherwise, that responsibility would be left hanging.

*(Question of the amendment proposed)*

**Hon. Chairlady:** Hon. Oundo

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Chairlady, the Chairperson should let us know what the qualifications, moral integrity and ethical requirements of the assessors would be, so that the assessment reports provided will benefit the health care system in our country.

**Hon. Chairlady:** Let us have Hon. Zamzam, Member for Mombasa County.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Mheshimiwa Mwenyekiti, ninaunga mkono rekebisho hili kwa sababu kuna wengi ambao wamefungua *facilities* na hawana *qualifications*. Unapata mtu amefungua *facility* ya kutibu wenda wazimu ilhali hana madaktari wa kutosha, haelewi wala hana *credentials*. Na yote yanapofanyika, Serikali pia huwa imeweka *budget* ya kuwashughulikia watu kama hao.

Ninaunga mkono rekebisho hili.

**Hon. Chairlady**: Let us have Hon. Nyikal.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Chairlady, Hon. Oundo has raised an important issue, but the work that the assessors do is so varied such that legislation would be too detailed. Those provisions should come with regulations of appointing quality assessors. We shall leave it to the Board to determine their qualifications, integrity and mandate because the scope of their work is wide.

**Hon. Chairlady**: The assumption also is that someone will always be familiar with their job description.

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

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

*(Clause 57 as amended agreed to)*

*(Clauses 58, 59, 60, 61, 62, 63, 64, 65,  
66, 67, 68, 69 and 70 agreed to)*

*(Clauses 71, 72, 73, 74, 75, 76, 77,  
78, 79, 80, 81 and 82 agreed to)*

### Clause 83

**Hon. Chairlady**: Mover.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Chairlady, I beg to move:

THAT, Clause 83 of the Bill be amended —

- (a) in subclause (1) by deleting the words “or any other written law”;
- (b) by deleting subclause (2);
- (c) by deleting subclause (3);
- (d) in subclause (4) by—
  - (i) deleting paragraph (c) and substituting therefor the following new paragraph (c)—
 

“(c) four senior healthcare professionals, not being public officers or employees of the Board with over ten years’ experience; who shall be appointed by the Judicial Service Commission; and”;
  - (ii) inserting the following new paragraph immediately after paragraph (c)—
 

“(d) three other persons who shall be appointed by the Judicial Service Commission and shall possess knowledge and experience in matters of policy, human resource and quality improvement and who are not public officers or employees of the Board and are not health service providers.”;
- (e) in subclause (7) by deleting the term “Cabinet Secretary” and substituting therefor the term “Judicial Service Commission”; and in subclause (8) by deleting the term “Cabinet Secretary” and substituting therefor the term “Chief Justice”.

The amendment seeks to remove the words, “any other written law”. This tribunal is dealing with health facilities and operations in health facilities. There are other regulatory

bodies that also deal with that. Therefore, if you say ‘any other written law’, you will have a conflict with all the other regulatory authorities. This is because this tribunal will also be dealing with the same things they deal with. That is why we were doing that in part (a).

In part (b), we are proposing to delete subclause 2 that says the tribunal shall be a successor of the dispute resolution established under section 44 of the Social Health Insurance Act. We need to remove that because this tribunal is dealing with the quality of care in the facilities and equipment. The tribunal which is set up under SHA is actually dealing with financial issues. That is, any insurance issue dealing with finances. Therefore, if you remove it because of this, you are extending the function of this tribunal way beyond what it should do in the area of insurance. I think we do not only have a problem with SHA; this could even have a problem with other insurance issues. That is why we are limiting it to just that.

In subclause 4...

**Hon. Chairlady:** I do not think there is any argument on that.

**Hon. (Dr) James Nyikal** (Seme, ODM): Okay. We propose to amend it as it is in the Order Paper. It suffices.

**Hon. Chairlady:** Thank you.

*(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 83 as amended agreed to)*

#### Clause 84

**Hon. Chairlady:** Chairman.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Chairlady, I beg to move:

THAT, Clause 84 of the Bill be amended in —

- (a) subclause (1) by deleting the words “or any other Act”; and
- (b) subclause (3) by deleting the words “between health facilities, patients, healthcare providers and regulatory bodies” and substituting therefor the words “relating to health facilities and patients”.

We are just removing the words ‘as any other Act’, for the same reason. That there are other Acts that deal with matters of health and not just for facilities. If we leave that statement there, we will have a conflict with the other Acts. That is the justification.

*(Question of the amendment proposed)*

**Hon. Chairlady:** Yes, Hon. Millie and Hon. Oundo.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Chairlady. I support this amendment. Even though the Chairman of the Committee has not spoken to the second part, it is a very good amendment. They are deleting the words, ‘between health facilities, patients, healthcare providers and regulatory bodies’, when this Bill is really about patients and health facilities. I encourage the Chairman to internalise putting the patients first

because it is about the patients. Even though it is for patients and health facilities, the issue is about the rights of patients. The reason I am saying this is because some of us have actually been victims. Even though I am a lawyer and I let this go, sometimes the legal process is too protracted. When you have a very specific tribunal that deals with the rights of patients, it means that even our healthcare facilities will be a bit more sensitive. We have too many women who are dying because of careless services. Because of this, at least, our health facilities shall be better guided in dealing with our patients.

I support.

**Hon. Chairlady:** Yes, Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Chairlady, this law-making process also becomes a learning process. Hon. (Dr) Nyikal, you need to also let us understand the connection between the health facilities and the medics. Because I know for sure that there is another mechanism where you can have a redress when a medic, be it a doctor or any other, has probably been accused of professional negligence. Just try to clear that grey area because health facilities are manned by medics. Just clear that air so that Kenyans who are learning like me can understand.

*(Hon. Joshua Kimilu spoke off the record)*

**Hon. Chairlady:** Okay. I will give you an opportunity, after which the Chairman will respond.

**Hon. Joshua Kimilu** (Kaiti, WDM): Thank you, Hon. Chairlady. Most of my concerns are based on the fact that most of the times, we do not have an issue with facilities but rather, the medics are the problem. We need to be more sensitive on the personnel than of the facility itself.

**Hon. Chairlady:** I think for personnel there is already the Kenya Medical Practitioners and Dentists Council (KMPDC) that deals with disciplinary issues and negligence or misconduct. So, already, the medics are taken care of. Is that the case?

**Hon. (Dr) James Nyikal** (Seme, ODM): I can add to that. That is actually the essence of this Bill as a whole. That the people dealing with the personnel are also dealing with the facilities so that there is a grey area. This Bill is saying that there are professional bodies that regulate professionals. But those professional bodies like the KMPDC have been trying to also look at how the facilities are in relation to patient safety, safety of equipment and if the number of staff is okay. For example, this will not be the mandate of maybe a surgeon. A surgeon would want to go and get things done. But he has a say on whether the ward is okay. Many times, things will go wrong even when the professional is okay but the equipment and facilities being used are not okay. Therefore, you get lost when things go wrong.

With this Bill, it will now be quite possible to make a very clear distinction. This will ensure that this authority will be keener on whether the facilities and equipment used on patients are in good order and if they are adequate. For example, a surgeon can do a very good surgery, but if there are very few nurses following up with the patients after surgery, things will go wrong. The patient may bleed due to lack of enough nurses and not knowing the patient's ward and yet, the surgeon has done his work and gone. The fact that the number of staff required is less makes it a patient safety issue more than the professional skill of the person looking after the patient. The Bill is looking at that.

I do not know if I am making sense to Hon. Oundo. That is the essence of this Bill.

*(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 84 as amended agreed to)*

*(Clauses 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97 and 98 agreed to)*

*Clause 99*

**Hon. Chairlady:** Mover.

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

THAT, Clause 99 of the Bill be amended by inserting the following new subclause immediately after subclause (3)—

(4) A person who, immediately before the commencement of this Act was an employee or a member of staff of the Kenya Medical Practitioners and Dentists Council or any relevant regulatory body handling matters pertaining to the regulation of health facilities, not being then under notice of dismissal or resignation shall, on the commencement of this Act, be deemed to be an employee or member of the staff of the Authority on the same terms and conditions

Before they say that the Kenya Medical Practitioners and Dentists Council was dealing with issues such as of personnel and professional qualifications, they were dealing with issues of facilities at the same time. There were people amongst their staff dealing with facilities. Some people will be declared redundant if that is removed from them. This clause is saving their jobs so that they automatically move to the authority dealing with facilities now. That is the essence of the amendment.

*(Question of the amendment proposed)*

**Hon. Chairlady:** Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): In standard practice, in the event of transition just as we did when transiting from NHIF to SHA, we subject staff who are moving to some suitability test. Here, we just have a blanket approval. Could the Chair consider some kind of suitability tests for one to move? That is to avoid carrying everybody to the new authority.

Thank you, Hon. Chairlady.

**Hon. Chairlady:** Yes, Hon. Chair.

**Hon. (Dr) James Nyikal** (Seme, ODM): Well, the amendment has taken that into consideration. It is a reasonable thing. However, our experience in the SHA from NHIF transition has indicated that is more of a problem. These are not many. I think they will look at those issues when transiting them. The Bill has looked at if there are pending disciplinary matters. Then, they will not have a smooth transfer.

The Bill does not subject them to suitability tests. When a new body comes and takes you in, I presume your performance will carry you. They may say one is not performing and deal with it. I do not think it is a large number.

**Hon. Chairlady:** Yes, Hon. Joshua Kimilu.

**Hon. Joshua Kimilu** (Kaiti, WDM): Thank you, Hon. Chairlady. I think Hon. Nyikal was born to be a teacher, not a medic. He is very smart at explaining. If I read this insertion well, this amendment is making much sense because it avoids confusion in transition. I support the change.

**Hon. Chairlady:** Thank you.

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

*(Clause 99 as amended agreed to)*

*(Clauses 100, 101, 102, 103, 104, 105, 106, 107,  
108, 109, 110, 111, 112 and 113 agreed to)*

*(First Schedule agreed to)*

*Second Schedule*

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

THAT, the Second Schedule be amended —

- (a) in paragraph (1) by deleting subparagraph (a);
- (b) by deleting paragraph (3);
- (c) in paragraph (5) by—
  - (i) deleting subparagraph (a) and substituting therefor the following new subparagraph (a)—
    - “(a) in subsection (1) by inserting the words “, in relation to the regulation of healthcare professionals,” immediately after the word “Authority”; and,
  - (ii) deleting subparagraph (b) and substituting therefor the following new subparagraph (b)—
    - “(b) in subsection (2) by inserting the words “, in relation to the regulation of healthcare professionals” immediately after the word “prescribe”.
- (d) by deleting paragraph (9);
- (e) by deleting paragraph (11);
- (f) by deleting paragraph (13);
- (g) in paragraph (15) by –
  - (i) deleting the expression “word “tribunal”” appearing in subparagraph (a) and substituting therefor the expression “term “High Court””; and
  - (ii) deleting the expression “word “tribunal”” appearing in subparagraph (b) and substituting therefor the expression “term “High Court””;
- (h) in paragraph (16) by deleting the expression “word “tribunal”” appearing immediately after the words “therefore the” and substituting therefor the expression “term “High Court””;
- (i) in paragraph (17) by deleting the expression “word “tribunal”” appearing immediately after the words “therefore the” and substituting therefor the expression “term “High Court””;
- (j) by deleting paragraph (18);
- (k) by deleting paragraph (22);
- (l) by deleting paragraph (25);
- (m) by deleting paragraph (26);
- (n) in paragraph (27) by deleting subparagraph (d);
- (o) in paragraph (28) by deleting subparagraph (a);
- (p) by deleting paragraph (29);
- (q) in paragraph (30) by deleting subparagraph (a);
- (r) by deleting paragraph (31);
- (s) in paragraph (36) by deleting subparagraph (d);

- (t) by deleting paragraph (39);
- (u) in paragraph (42) by—
  - (i) deleting subparagraph (b)(ii) and (iii); and,
  - (ii) deleting subparagraph (c);
- (v) by deleting paragraph (43);
- (w) by deleting paragraph (45) and substituting therefor the following new paragraph—

Amendment of Section 25 of the Medical Laboratory Technicians and Technologists Act is amended—  
 Cap. 253A.

- (a) in the marginal note by deleting the word “private” and substituting therefor the word “professional”;
- (b) in subsection (1) by deleting the words “business and practice of laboratory technicians and technologists engaged in private practice” and substituting therefor the words “professional practice of laboratory technicians and technologists”;
- (c) by deleting subsection (2) and substituting therefor the following new subsection—
  - “(2) Regulations under subsection (1) shall in particular provide for the services to be rendered by laboratory technicians and technologists in their professional practice”.

- (x) by deleting paragraph (46);
- (y) in paragraph (48) by deleting subparagraph (b);
- (z) by deleting paragraph (49);
- (aa) by deleting paragraph (51);
- (bb) by deleting paragraph (52);
- (cc) by deleting paragraph (54);
- (dd) by deleting paragraph (56);
- (ee) by deleting paragraph (57);
- (ff) in paragraph (59) by deleting the definition of the term “tribunal”;
- (gg) in paragraph (60) by deleting subparagraph (b) and substituting therefor the following new subparagraph —
  - “(b) subsection (2), by deleting the word “private” appearing in paragraph (f) and substituting therefor the word “professional”;
- (hh) in paragraph (62) by deleting subparagraph (c) and substituting therefor the following new subparagraph—
  - “(c) in subsection (2), by deleting the words “private practice” wherever they appear and substituting therefor the words “professional practice”;
- (ii) by deleting paragraph (63);
- (jj) in paragraph (64) by deleting subparagraph (b) and substituting therefor the following new subparagraph—+++
  - “(b) deleting paragraph (h) and substituting therefor the following new paragraph (h)—
    - “(h) prescribe the terms and conditions of the professional practice of physiotherapists including the services to be rendered by physiotherapists in professional practice”;
- (kk) in paragraph (66) by deleting the definition of the term “tribunal” appearing in subparagraph (c);
- (ll) by deleting paragraph (67);

- (mm) in paragraph (69)—
- (i) by inserting the words “and substituting therefor the word “professional” immediately after the word “private” appearing in subparagraph (c);
  - (ii) by deleting subparagraph (d) and substituting therefor the following new subparagraph —  
“(d) in subsection (3), by deleting the words “private practice” wherever they appear and substituting therefor the words “professional practice”;
  - (iii) by deleting subparagraph (e) and substituting therefor the following new subparagraph —  
“(e) in subsection (4), by deleting the word “private” and substituting therefor the word “professional”;
- (nn) in paragraph (71) by deleting subparagraph (b);
- (oo) by deleting paragraph (72) and substituting therefor the following new paragraph
- Amendment of 72. Section 23 of the Clinical Officers (Training, Registration and Section 23 of Licensing) Act is amended —
- Cap. 253E.
- (a) in the marginal note, by deleting the word “private” and substituting therefor the word “professional; and by deleting the words “business and practice of a clinical officer engaged in private practice” and substituting therefor the word “professional practice of clinical officers”.
- (pp) by deleting paragraph (75);
- (qq) by deleting paragraph (78);
- (rr) in paragraph (81) by deleting subparagraph (c) and substituting therefor the following new subparagraph —  
“(c) in subsection (2), by deleting the words “private practice” wherever they appear and substituting therefor the words “professional practice”;
- (ss) by deleting paragraph (82);
- (tt) in paragraph (83) by deleting subparagraph (b) and substituting therefor the following new subparagraph (b)—  
“(b) by deleting paragraph (e) and substituting therefor the following new paragraph—  
“(e) the terms and conditions of the practice of a radiographer engaged in professional practice and the services to be rendered by a radiographer in professional practice”;
- (uu) by deleting paragraph (84);
- (vv) by deleting paragraph (85);
- (ww) in paragraph (88) by deleting the definition of the term “tribunal”;
- (xx) in paragraph (91) by deleting subparagraph (e);
- (yy) by deleting paragraph (92) and substituting therefor the following new paragraph (92)—
- Amendment of Section 29 of Cap. 253H. 92. Section 29 of the Occupational Therapists (Training, Registration and Licensing) Act is amended in—
- (a) the marginal note, by deleting the word “private” and substituting therefor the word “professional”;
  - (b) subsection (1), —
    - (i) by inserting the word “professional” immediately after the words “not engage in”;

- (ii) by deleting the word “private” appearing in paragraph (c) and substituting therefor the word “professional”; and
- (c) subsection (3), by deleting the word “private” and substituting therefor the word “professional”.
- (zz) by deleting paragraph (94) and substituting therefor the following new paragraph (94)—

Amendment of Section 31 of the Occupational Therapists (Training, Registration and Licensing) Act is amended —  
253H.

- (a) in the marginal note, by deleting the word “private” and substituting therefor the word “professional”;
- (b) in subsection (1), by deleting the word “private” and substituting therefor the word “professional”;
- (c) by deleting subsection (2) and substituting therefor the following new subsection—  
“(2) Regulations made under subsection (1) shall in particular provide for the services to be rendered by an occupational therapist in professional practice.”
- (aaa) by deleting paragraph (95);
- (bbb) by deleting paragraph (96);
- (ccc) in paragraph (99) by deleting subparagraph (b);
- (ddd) by deleting paragraph (102);
- (eee) in paragraph (105) by deleting subparagraph (e);
- (fff) by deleting paragraph (109);
- (ggg) by deleting paragraph (110);
- (hhh) by deleting paragraph (111);
- (iii) by deleting paragraph (112); and,
- (jjj) by deleting paragraph (113).

The Schedule is amending some Acts and the regulatory authority we are talking about. When we amend, we are reverting to the other Act. An example is the amendment of Section 2 of Cap. 241, by deleting the Health Act as the definition does. Therefore, we are deleting paragraph (a).

What we are doing is, therefore, deleting paragraph (a), which was amending it. That means the definition of a healthcare provider is more comprehensive in the Health Act. That is the essence, so that when we delete this, we revert to the Health Act.

*(Question of the amendment proposed)*

**Hon. Chairlady:** Yes, Hon. (Dr) Ojiambo Oundo?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Chairlady, Hon. (Dr) Nyikal and I have been here since the last term, and one of the issues we used to have challenges with is what we call the Omnibus Bill. Indeed, this schedule of amendments falls totally within an Omnibus Bill, and, unfortunately, when you go for public participation, many Kenyans do not pay attention to those consequential amendments. I trust and believe you have applied your mind thoroughly and that nothing mischievous has been sneaked into this Omnibus Bill.

Thank you.

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

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

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

*(The Second Schedule as amended agreed to)*

*(Clause 2 agreed to)*

*(Clause 1 agreed to)*

*(Title agreed to)*

**Hon. Chairlady:** Hon. Members, we have concluded the consideration of the Bill. Mover, you can move reporting. Deputy Leader of the Majority Party.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Chairlady, I beg to move that the House reports its consideration of the Quality Healthcare and Patient Safety Bill (National Assembly Bill No. 41 of 2025) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

## IN THE HOUSE

*[The Temporary Speaker (Hon. Omboko Milemba) in the Chair]*

## MOTION

### CONSIDERATION OF REPORT ON THE QUALITY HEALTHCARE AND PATIENT SAFETY BILL

**The Temporary Speaker** (Hon. Omboko Milemba): The Chairlady, proceed to report.

**Hon. Gladys Boss** (Uasin Gishu, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Quality Healthcare and Patient Safety Bill, (National Assembly Bill No. 41 of 2025), and approved the same with amendments.

**The Temporary Speaker** (Hon. Omboko Milemba): Mover.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report. I also request Hon. (Dr) James Nyikal to second.

**Hon. (Dr) James Nyikal** (Seme, ODM): I second.

*(Question proposed)*

*(Question put and agreed to)*

**BILL***Third Reading*THE QUALITY HEALTHCARE AND PATIENT SAFETY BILL  
(National Assembly Bill No. 41 of 2025)

**The Temporary Speaker** (Hon. Omboko Milemba): Mover.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, I beg to move that the Quality Healthcare and Patient Safety Bill, (National Assembly Bill No. 41 of 2025), be now read a Third Time. I would like to say a few things.

This is one of those very fundamental pieces of legislation, Hon. Temporary Speaker, that this 13<sup>th</sup> Parliament will be remembered for. Patient health and quality healthcare are fundamental. This country has, for many years, tried to provide healthcare, and we have done that. Universal healthcare has come in, but there are certain things, certain fundamentals, that have not been infused, and one of them is quality.

Today, we are not just talking about healthcare; we are talking about quality healthcare, and that is how fundamental this Bill is. Therefore, I celebrate this milestone with members of the health fraternity and Kenyans at large.

Another important thing that this Bill brings to the fore is patient safety. Many times, we have had patients who have been mismanaged in hospitals. Many patients have been mismanaged in hospitals. Individual doctors and individual healthcare workers have mismanaged patients, but those patients have never had recourse because every time they want to go somewhere, they go to their associations. Those associations are actually manned by peers of those doctors and, therefore, you do not get justice because when you go there, actually, they do what lawyers would do, forum shopping. They do not want to appear before the Dentists Board; they want to appear before the Kenya Medical Practitioners and Dentists Council, or they want to appear before another body.

Therefore, justice is miscarried in the process, especially for patients, and patient safety has become an issue. I want to speak about a case involving my housekeeper here in Nairobi. She went to hospital, and the healthcare practitioner there injected her incorrectly. She was a healthy woman, walking well. Today, she has a limp, and we tried to follow up on that matter, but we were taken from one corner to the next, to the next. Now she is a disabled person. She cannot walk when the weather is like this because a doctor, a person in a hospital, a public hospital, actually did the wrong thing, and this lady, because of her background, could not get recourse. Even when I intervened, she could not get recourse or justice for a misadventure caused by a health practitioner.

This Bill anchors patient safety in law so that those doctors now know that there is a body that is there to look at what they are doing, to oversee what they are doing and, if they do not do the right thing, there is a place where the common *mwananchi* can actually go and say this was not done properly and I want justice because I was mistreated by this doctor or that doctor. That is how fundamental this Bill is.

I want to thank the Departmental Committee on Health and everyone who has participated in midwifing this very important piece of legislation for the just government of the people, the people of Kenya.

Thank you. I want to request Hon. (Dr) James Nyikal to second.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. (Dr) James Nyikal.

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Speaker. This is an important Bill because in the care of people and the care of patients, there are two

components. There are the personnel or the professionals who look after the patients. Then there are the facilities in which they work and the equipment with which they work.

What has happened before is that the same bodies that were regulating the professionals were also regulating the facilities. Therefore, the professionals were actually going into an area which, to a large extent, is more management than professional work. So, what this Bill has done is that if a patient comes and the doctor or the nurse has given what should be given but the equipment being used to give it is faulty or the doctor has done what they should do but the equipment is faulty—just something as simple as whether the bed should recline or not or the building in which this is being done is faulty—the end is that the patient suffers. If one body is looking after it, then there is confusion.

Now we have split it so that you can say this was the error of the professional and this is the error of the facility. If you look at public facilities, you have a lot of shortcomings which people make do with or improvise, but if you improvise, you also improvise quality. So, when this Bill is enacted, we will have somebody looking at that.

One thing we have to look at is that there are a lot of regulatory bodies that are dealing with the various cadres and this interaction. This will be a fairly complex Act to put in place and I would probably advise that as we go about it, this is something that may require a lot of benchmarking with the countries where it has worked so that we know how the two elements relate. It is desirable, but it will need patience and a lot of keenness in its implementation.

Therefore, Hon. Temporary Speaker, with those remarks, I second.

*(Question proposed)*

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Zamzam.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Ahsante sana Mhe. Spika wa Muda. Napigia upato Mswada huu ulioletwa leo katika Bunge na kupigwa msasa. Ni bayana kuwa wagonjwa katika hospitali wamekuwa wakipitia matatizo mengi sana. Sababu kubwa ambayo pengine wagonjwa wamepata mtihani huu ama ule ni kwa sababu tulikuwa hatuna mikakati mizuri kuhakikisha kuwa wagonjwa wanaangaliwa vizuri, vifaa vinavyotumika viko sawa na ile bodi inayoshughulikia hospitali ina watu waliobobea na kusomea kazi hiyo.

Imebainika wazi, kama alivyosema ndugu yangu, Mhe. Owen Baya, kuwa wagonjwa wengi wamepata mtihani sana katika hospitali. Hata utawapata wengine wanafungua hospitali na hawana mafunzo, hawajui na hawakusomea kazi ile. Mtu pengine amesoma kidogo, hajazama ndani, hana tajriba na unapata pengine amefungua *Mental Hospital*. Mwenyewe hajui kuwatibu wendawazimu. Ndani pale unapata pia wazimu anachukua kamba anajinyonga. Yani kuna vitu ambavyo havijakaa sawa kwa sababu mtu ameamua kuamka tu asubuhi aone anaweza kufanya biashara fulani ya kutibu watu.

Tuliona juzi kwenye mtandao mwanamke analia sana baada ya kupewa dawa ya mtoto. Ile dawa haikua ya kuwekwa kwenye macho lakini mhudumu alimpa dawa akamwambia ni dawa ya macho. Mtoto akapoteza macho akawa kipofu. Huyu mama amelia na mtoto wake wala hakupata usaidizi. Kwa hivyo, vitu ambavyo tunajaribu kuviweka sawa katika Bunge hili ni kuhakikisha huduma ya hospitali ni bora na wale wahudumu wanawaangalia wagonjwa vizuri na sheria inafuatwa mpaka mwisho kuhakikisha kuwa tumeweka vipengele vinavyogusa kila mahali ili kupiga msasa nyanja hii ya afya.

Ahsanteni sana Mhe. Spika wa Muda.

**The Temporary Speaker** (Hon. Omboko Milemba): Okay. We need to wind up. We did the Second Reading. Let us hear Hon. Millie.

**Hon. Millie Odhiambo-Mabona** (Suna North, ODM): Thank you, Hon. Temporary Speaker. I congratulate the Departmental Committee on Health on coming up with this Bill which is really long overdue. The Bill says it is the Quality Health Care and Patient Safety Bill.

It speaks to the protection of the rights and safety of patients. I will not go into the issue of the number of children and women who are dying in our health facilities because of poor management of such cases. That is why we have a very high infant and maternal mortality rate in Kenya, which is the reason the President launched a programme recently.

This will enable the country to respond to a human rights monitoring framework, which was set up by the United Nations Commission on Human Rights. One of the indicators is on structural issues such as the establishment or enactment of laws. So, this law goes a long way in the realisation of social and economic rights, which has been a challenge even for this country. So, I am really glad that we have this Bill and we hope that this, together with other indicators, will enable us to protect and prolong the lives of our women and children.

Thank you and I congratulate the Committee.

**The Temporary Speaker** (Hon. Omboko Milemba): Finally, Hon. Oundo.

**Hon (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker. Indeed, as my colleagues have said, this is a monumental Bill and we just hope and pray that it will work. This is because the number of suffering patients and neglect cases that patients suffer in many of those health facilities, both private and small public ones, has been a point of concern for many years. In many of those county government hospitals, if you fall sick, for example at 7.00 p.m., you will never find any medic in those places. They will tell you: “The medic is away, come tomorrow”. But the disease cannot wait until tomorrow.

However, my concern, as has always been the case in this country, is that we create an authority and we do not resource it adequately. Hon. Speaker, if you look at Clause 87, it says the funds shall come from monies appropriated by the National Assembly. With such a shrunk fiscal space, I see you are just going to have a shell that might not be able to achieve the elaborate objectives of the Bill as clearly set here. So, I just challenge and ask my colleagues, Members of Parliament, because it is Parliament that appropriates. Nobody else appropriates. We must put this as priority number one.

*(Hon. Owen Baya interjected)*

Hon. Owen Baya, please do not look at me. I want to make a statement. Probably, we need to appropriate some adequate funds and where those funds can come from is to reduce the budget of the State House so that we can fund that critical agency to make sure that we protect the rights of patients of this country.

*(Laughter)*

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): What is your point of order, Hon. Baya? I think the Speaker has just told us about this.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, this is what we call unnecessary misadventure because he was proceeding very well. What is State House? State House is the State. It is Government. If you weaken State House, you have weakened every part of the governance of the country. So, State House needs to be strengthened and properly resourced so that we have enough personnel and enough of everything to make the right decisions for Kenya. If you say you want to remove money from State House to take to health, you will weaken the central part so that you build the periphery. How then will the centre hold? Hon. Oundo, please, stick to the lane. These sideshows will not help you win the votes in Funyula.

I thank you.

*(Laughter)*

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. I still allowed you to have that point of order because it was just demonstrating very clearly what the Speaker talked about earlier on—misadventure.

Hon. Orero, you have one minute. Hon. Members, this is not the Second Reading. It is the Third Reading. You do not need to go to those many stories.

**Hon. Peter Orero** (Kibra, ODM): Thank you, Hon. Temporary Speaker. First of all, I congratulate the Committee on this Quality Health Care and Patient Safety Bill. As we speak, many Kenyans believe we do not have quality healthcare.

*(Hon. (Dr) Ojiambo Oundo walked along the aisle)*

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Oundo.

**Hon. Peter Orero** (Kibra, ODM): Our big hospitals do not have enough doctors to take care of patients. Those who do so, do not take their work seriously. I wish those institutions would have a quality assurance component to ensure that qualified doctors, after a period of time, are retooled because currently diseases manifest in different ways. Therefore, current doctors must always be retooled to keep up with manifestations of various diseases in the country. This Bill is long overdue and Kenyans have been waiting for it. We do not need to wait for patients to appeal to the institutions. Before they appeal, it is necessary to have qualified doctors and quality healthcare.

**The Temporary Speaker** (Hon. Omboko Milemba): You have done well towards the end. This is not the Second Reading and so, let us not go into the very fine details. What Hon. Millie did was a very good example of what it should be.

Let us hear Hon. Joshua Kimilu.

**Hon. Joshua Kimilu** (Kaiti, WDM): Thank you, Hon. Temporary Speaker. I take this opportunity to congratulate the Committee for the good job done on the Bill. The Bill will protect our facilities and Kenyans when they visit health facilities because they will get the right medical attention and quality healthcare. We are in support of the Bill. However, my worry is that it has been brought at a wrong time when we have the Broad-Based Government. I wish we were in the years when Hon. Millie Odhiambo and others Members would check the Government to ensure that there will be no corruption during the implementation.

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

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Millie, what is your point of order? Please take your seat. That is another level of misadventure. Proceed, Hon. Millie.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Speaker. Is the Hon. Member in order in imputing ineffectiveness in my work by saying I do not check the Government? Earlier, I raised the issue of the children who died in Utumishi Girls' Academy.

**The Temporary Speaker** (Hon. Omboko Milemba): Yes, that is true.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Speaker, I am even going to propose amendments to the Fisheries Management and Development Bill, 2023. Even on issues, as far as this Bill is concerned, I am checking the Government. Is he in order to imputed improper motives and ineffectiveness on my part? I am an excellent legislator who oversees, legislates and represents. I also do development work.

*(Hon. Joshua Kimilu spoke off record)*

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Kimilu. Hon. Millie is a very seasoned legislator. If you have to refer to her, you will need a substantive Motion. Quickly proceed and withdraw those remarks.

**Hon. Joshua Kimilu** (Kaiti, WDM): Thank you, Hon. Temporary Speaker. Hon. Millie misquoted me. However, I have no problem withdrawing my remarks. Otherwise, I support this Bill because it will help this country. I also withdraw and request Hon. Millie to join *Linda Mwananchi* so that we can take care of this country.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Members, thank you. We have heard the good side of it. I now proceed to put the question.

*(Question put and agreed to)*

*(The Bill was accordingly read a Third Time and passed)*

Next Order.

## BILL

### *Second Reading*

#### THE KENYA JUDICIARY ACADEMY BILL (National Assembly Bill No.42 of 2025)

**The Temporary Speaker** (Hon. Omboko Milemba): Deputy Leader of the Majority Party.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, I beg to move that the Kenya Judiciary Academy Bill, (National Assembly Bill No.42 of 2025), be now read a Second Time. This is another moment where we are putting in place a ground-breaking legislation. This Parliament will be known for this. I would like Hon. Oundo to sit and listen to ground-breaking legislation. The Bill is sponsored by the Departmental Committee on Justice and Legal Affairs as received from the Judiciary.

The principal object of the Bill is to give effect to Article 172(1)(d) of the Constitution by establishing the Kenya Judiciary Academy (KJA), which shall be the principal institution responsible for implementing and coordinating the continuing education and training of judges, judicial officers and judicial staff. I underline that it gives effect to Article 172(1)(d) of the Constitution.

The Constitution of Kenya envisages a situation where we need a judiciary academy, but it was established through a legal notice. We do not have proper legislation for it thus, the 13<sup>th</sup> Parliament has seen it fit to midwife this very important academy. The reason is that, for example, when Hon. Millie transits from Parliament and becomes a judge, she will be properly trained. Hon. Millie Odhiambo is ripe to become a supreme court judge.

While considering the Bill, the Committee observed that currently, the training of judges, judicial officers and judicial staff is undertaken by the Kenya Judiciary Academy, formerly the Judiciary Training Institute which was established administratively in 2008 by the retired Chief Justice Evans Gicheru to provide judicial education and training for judges and magistrates.

The Academy will be a body corporate to exercise the delegated function of training of judges and judicial officers. It has perpetual succession with the capacity to enter into contracts, borrow and lend money, purchase or otherwise acquire and hold or dispose of moveable or

immovable properties. Generally, the Bill is delegating this function of training judges and judicial officers from Judicial Service Commission (JSC) to the KJA.

Section 14 of the Judicial Service Act allows the JSC to delegate its functions as necessary for the day-to-day management of judicial service to sub-committees or to the secretariat of JSC. To ensure that the Commission does not lose its autonomy of performing its constitutional mandate of training judges and judicial officers, the Bill proposes a raft of safeguards such as having the chairperson of the board of directors of the Academy appointed by the JSC, including the Chief Registrar of the Judiciary as a member of the board of directors.

Further, the Bill provides that the registrar of the Academy, who is the accounting officer and responsible for the day-to-day management of the academy, shall be appointed by the JSC. In addition, the organisational structure and staff establishment of the Academy is recommended by the board with the approval of JSC.

The Committee also proposes various amendments to the Bill to ensure that the performance of the function of preparing and implementing the continuing education training of judges and judicial officers remains within the ambit of JSC. We cannot continue to anchor the critical, intellectual and professional capacity of our judges and building of our third arm of government on a simple administrative legal notice.

Hon. Temporary Speaker, that is why we need to have a law. This is very important so that the training of the judges that hand out a lot of judgements that even affect this House, cannot just be a legal notice. We need to establish it under an act of Parliament. The Committee listened closely to the red flags raised by the National Treasury regarding potential fiscal strain. They rightfully demanded a lean and efficient institutional structure that does not create unnecessary heavy burden on the national taxpayers, which is the difference. This Bill does not put a lot of strain on the taxpayers because it has a very lean body to manage the Judicial Service Commission (JSC). Other government bodies that we establish here are top-heavy. They have a lot of financial implications. The Committee has removed that in this Bill because the National Treasury said we need to move from top-heavy to lean institutions, in terms of corporate governance. This Bill has taken care of that.

By adopting the Committee's amendments, we have eliminated any risks of financial duplication or independence, and supervised spending by this Committee. That is why the Judicial Service Commission will supervise this Academy. The amendments in Clause 6 of the Bill explicitly tie the leash of this Academy directly to the JSC. Clause 5 of the Bill states clearly that the Academy will perform its training and functions strictly on behalf of the Commission. This will ensure that it will not be so independent from the JSC that they veer off the mandate which they have been given. The Committee took note of worries concerning management overlaps between the position of Director-General and the Registrar, and they were harmonised. The Registrar of the academy becomes officially the accounting officer.

Clause 11 of the Bill has been firmly amended to clarify that the Registrar of the Academy is the singular head of staff and functional accounting officer of the academy. This Bill does not expand the size of Government. It simply formalises disciplines and legally fortifies an existing institutional function. When our judicial officers are properly trained, anchored into the law, practice and traditions, and tooled, then justice will be properly served to Kenyans. We should have a judicial system that is properly retooled and retrained. Retraining and training take a bigger component into the efficiency of institutions. Therefore, by establishing an anchoring, as provided for in Article 172 (1)(d) of the Constitution, we bring a new breath of life into the Judiciary of this country. This will ensure that justice will be our shield and defender. That justice must be served by judicial officers and staff that are properly retooled, trained and at the top level of their ability to dispense it. Therefore, this is one of those earth-breaking or ground-breaking legislations that the 13<sup>th</sup> Parliament will be known for by establishing the Kenya Judiciary Academy.

After saying those many words, Hon. Temporary Speaker, I request the gentle lady—the beautiful legislator—to second me. Thank you.

*(A Member spoke off the record)*

*(Laughter)*

**The Temporary Speaker** (Hon. Omboko Milemba): Please proceed to move and then ask Hon. Member to second.

**Hon. Owen Baya** (Kilifi North, UDA): With those many words, Hon. Temporary Speaker, I move and request that the lady seconds. Thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Proceed to second, Hon. Member. When you are seconding, you cannot be on a point of order. I do not know which one you will take. I propose that you second the Bill.

**Hon. Suleka Harun** (Nominated, UDM): Thank you, Hon. Temporary Speaker. I would like to comment on what the Deputy Leader of the Majority Party has said. There are so many beautiful ladies in the House, including my sister, Hon. Millie Odhiambo.

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Member. Use the opportunity you have to second to say all those things. Proceed.

**Hon. Suleka Harun** (Nominated, UDM): I am not the only one, Hon. Temporary Speaker. I ask my Deputy Leader of the Majority Party to withdraw the statement. Thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Order. Give him the microphone.

**Hon. Owen Baya** (Kilifi North, UDA): I withdraw the statement.

**The Temporary Speaker** (Hon. Omboko Milemba): Proceed to second.

**Hon. Suleka Harun** (Nominated, UDM): Thank you, Hon. Temporary Speaker and Deputy Leader of the Majority Party. A lot has been said about the Bill. It seeks to transform the existing judicial training institution into a legally recognised autonomous academy, while preserving the JSC constitutional authority and oversight over the education and professional development of the judges and judicial officers in this country. Therefore, this Bill will improve the quality, coordination and sustainability of the judicial training in this country.

With those few remarks, I second the Bill and urge all the Members to support it. Thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well, Hon. Members.

*(Question proposed)*

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Members, I would like to give some directions before we go into the main debate. Unfortunately, I can see the Chairman of the Budget and Appropriations Committee is busy with other things. When he will be ready, he will inform me. Let us go into the debate.

Chair of the Budget and Appropriations Committee, are you ready? I would like to give you an opportunity to table a Report. Take your seat. We shall give you an opportunity later. Let us have Hon. Julius Sunkuli to speak on the Bill.

**Hon. Julius Sunkuli** (Kilgoris, KANU): Hon. Temporary Speaker, at the outset, I support this Bill. However, during the Committee of the whole House stage, it needs to be amended considerably. The long title of the Bill says that this Act gives effect to Article 172 (1) (d) of the Constitution. It simply says that the judicial officers should be trained. It gives the duty of training those people to the JSC. In order for us not to be in conflict with the Constitution, you cannot give another body the powers to train.

I want the Leader of the Majority Party to hear what I am saying, but he is talking to the beautiful lady. The Constitution says that this power of training and organising the training is given to JSC. Parliament wants to give it to another organisation. This has to be amended, so that we do not conflict with the Constitution. The only way to do it is by making sure that the Board of this new Academy is run by the JSC. The Kenya Judiciary Academy will have only powers to advise the JSC. If you create another organisation and take away the powers from JSC, it will be in conflict with the Constitution. So, this Bill should be amended.

I say this, Hon. Temporary Speaker, because a few weeks ago, the Judicial Service Commission (JSC) appeared before the Committee on Delegated Legislation, on which I serve.

It sought to establish another body to deal with the discipline of judges. That body was not the tribunal as provided for under the law. Rather, it was intended to try judges before such matters proceeded to a tribunal. We rejected that proposal because any attempt to take away the powers of the JSC through the back door should not be condoned by this House.

Therefore, I support the proposal and urge the Leader of the Majority Party to engage Hon. Murugara and the Departmental Committee on Justice and Legal Affairs (JLAC) so that they can sit down and consider the matter properly before making the necessary amendments. It is only a few provisions in the Board that require amendment.

Otherwise, Hon. Temporary Speaker, having served as a judicial officer myself, I must say that this Bill is of great importance. The issue of training is particularly important. In addition to the Constitution of Kenya, the Declaration of Principles of Judicial Training adopted by the United Nations in 2017, states that judicial training is essential for ensuring high standards of competence and performance. It further recognises that judicial training is fundamental to judicial independence, the rule of law, and the protection of the human rights of all the people.

Accordingly, it is widely acknowledged across the world that judges, magistrates, prosecutors, defence counsels and other judicial officers who operate within our justice systems should undergo continuous training for various reasons. First, many jurisdictions, including ours, require continuous legal education. Continuous legal education is not merely about earning points. It is important because the world is constantly changing. Legal systems evolve, rules of evidence change, and it is essential that our judges and judicial officers remain up to date with those developments.

Secondly, it is beneficial for such training to be conducted across different jurisdictions so that we do not do something that is extremely different from what our neighbours are doing. If our neighbours are doing something better, we should learn from them. If we are doing it better, they should learn from us.

Thirdly, within the Commonwealth, considerable emphasis is placed on judge-led training. External facilitators should only be invited where necessary. In practice, training judicial officers is most effective when it is conducted by experienced practitioners. Judges should train judges, and officers should learn from those who have practical experience. This is a function that can be effectively undertaken by the JSC, and it is extremely important that it continues to do so.

We all attend various forms of training. In my area of specialisation, medical law, developments are occurring across the world, particularly in the field of ethics. For example, the United Kingdom continues to debate the issue of physician-assisted dying. I do not know what has gone wrong with our *wazungu* friends. A person may now be assessed and, provided they are mentally competent, may choose the date on which they wish to die, and so on. Such issues should not necessarily find their way into our country. However, if they do arise, it is important that the country understands the ethical considerations involved.

I know that my Chief Whip, Hon. Millie, has sponsored a considerable amount of legislation, some of which may be controversial. Should such legislation become law, our

judges may need to familiarise themselves with its provisions and implications. This would enable them to appreciate the ethical and legal considerations arising from those many regulations.

As I conclude, Hon. Temporary Speaker, the issue of induction is equally important. Once one becomes a magistrate—and considering that we are now appointing many judges—induction becomes an important part of judicial service. We must also encourage our judges to continue reading. I hope the Judiciary will always recognise that, perhaps, more than any other profession, judicial officers must remain committed to continuous study. The law is found in the books of law and in the judgments that are delivered every day.

It is important that they have frequent meetings to know whether the judge in Kisii has decided something similar to what the judge in Vihiga has done. And whether the judgment in Vihiga, which is binding on a court in Malindi, has actually been brought together. So, we cannot gainsay the importance of judicial learning.

Therefore, the establishment of an academy which already exists, by the way, should not be in conflict with the Constitution. I just wanted to inform the leader that, it is not just a question of a Gazette Notice. Currently, the Judicial Service Academy is in the hands of the Judicial Service Commission. That is the way the Constitution looks at it.

Therefore, this new academy cannot be in any other hands. Let us just put it nicely so that it is safely there and nobody can go to court to challenge us.

With those remarks, I beg to support.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Hon. Mutuse.

**Hon. Mwangi Mutuse** (Kibwezi West, MCCP): Thank you very much, Hon. Temporary Speaker, for giving me the opportunity to contribute to the debate on the establishment of the Kenya Judiciary Academy through the Kenya Judiciary Bill, which, when enacted, will become the Kenya Judiciary Act.

As you are aware, I am the Vice-Chairperson of the Departmental Committee on Justice and Legal Affairs and this Bill is being processed under it. When the Bill was read a First Time and referred to the Committee, we undertook extensive public participation. In that public participation, several organisations, including the Judicial Service Commission, had the opportunity to present their views.

There is no gainsaying as to the nobility of creating the Kenya Judiciary Academy through a statute. As you are aware, judges are today trained through the Kenya Judiciary Academy. However, it is created through administrative instruments. The move now is to establish the Academy through the law so that it has permanency and predictability.

Just by way of elaboration, you are aware that Parliament, being another arm of Government, is managed under the Parliamentary Service Commission. The Parliamentary Service Commission has delegated its training mandate to the Parliamentary Training Institute. The Executive also has the Kenya School of Government, which trains officers of the Executive for purposes of continuous learning. Similarly, other independent organisations within the justice sector, including the Office of the Director of Public Prosecutions, have created their own training institutes. We now have the Prosecution Training Institute. I am also aware that the EACC has an Integrity Academy for purposes of training officers who execute the specific mandates of that organisation.

In looking at the Kenya Judiciary Academy and in considering the provisions of Articles 171(1)(d) and 172(1)(d), which my learned senior has cited, it is important to remember that, in the construction of law, one must also look at statutory harmony. For example, Section 14 of the Judicial Service Act allows the Judicial Service Commission to delegate some of its functions.

It is flowing from that provision that the Judiciary, working together with the JSC, thought there is wisdom in delegating the function of training to a Judiciary Training Academy

that is a body corporate under the Judicial Service Commission and under the Judiciary. To safeguard and address concerns that the body may operate independently and therefore be inconsistent with the provisions of the Constitution, the Bill provides that the Judicial Service Commission shall appoint the board of directors.

The chairperson of the board of directors of the academy will be appointed by the Judicial Service Commission (JSC). The assumption is that it will be a Commissioner of the JSC. The Registrar of the Academy, who will be the accounting officer of the Academy, will also be an appointee of the JSC. Therefore, to allay any fears of unconstitutionality, this is a body corporate, which will perform delegated functions of the JSC.

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

**The Temporary Speaker** (Hon. Omboko Milemba): Let us hear a point of order from Hon. Millie. Just take a seat. This is a very serious debate. Hon. Millie, what is your point of order?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Speaker. Is the Member in order to imply that the JSC Act takes precedence over the Constitution? I have listened to him very carefully and he is implying that since the JSC Act provides for delegated powers, this Bill is not unconstitutional. Hon. Sunkuli raised the fact that Article 172(1)(d) of the Constitution confers the role of training judges to the JSC. Therefore, if the JSC is delegating that role, it should be clearly indicated in the Bill. Otherwise, we will run into the possibility of unconstitutionality. Could the Member clarify whether the JSC Act is superior to the Constitution?

**The Temporary Speaker** (Hon. Omboko Milemba): Let us have Hon. Mutuse.

**Hon. Mwengi Mutuse** (Kibwezi West, MCCC): Most certainly, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Mutuse. I want you to deal with that matter because it is very straightforward.

**Hon. Mwengi Mutuse** (Kibwezi West, MCCC): Most certainly, Hon. Temporary Speaker. With tremendous respect to my learned senior, the Constitution is the supreme law of the land. My argument from the beginning was that we need to harmonise the two provisions because they are facilitative of each other.

**Hon. Julius Sunkuli** (Kilgoris, KANU): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Let us hear the point of order from Hon. Sunkuli.

**Hon. Julius Sunkuli** (Kilgoris, KANU): Hon. Temporary Speaker, no doubt Hon. Mutuse is a very good lawyer, but could he, perhaps, not mislead us on one aspect? Delegated legislation cannot come through a Bill. That is not the mode in which delegated legislation is conferred. Could he tell us whether the JSC will still have the powers to delegate various functions after this Bill is enacted, or will there be a conflict? Delegated legislation refers to regulations which can be changed. How do you reconcile the fact that a Bill which is being made by this House is viewed as a delegation of functions by the JSC?

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Mutuse, you will have your final bite on this.

**Hon. Mwengi Mutuse** (Kibwezi West, MCCC): The learned Senior Counsel and I are not speaking in the same language. There may be confusion. We are not talking about delegated legislation. The functions of the JSC are outlined in Article 172 of the Constitution and the JSC Act. Section 14 of the JSC Act allows the Judiciary to delegate some of its functions. In compliance with that, the Judiciary has come up with the Kenya Judiciary Academy Act to delegate the training of judges to the Kenya Judiciary Academy. The two Members know that Article 172 of the Constitution should be read in harmony with Section 14 of the JSC Act. They

will find that the two are not in any way contradictory. Therefore, there is no unconstitutionality.

I also agree with...

*(A Member spoke off the record)*

**The Temporary Speaker** (Hon. Omboko Milemba): Let Hon. Mutuse finish his bit. You will have a chance to speak to the Bill. I can see your name is on the list. Hon. Mutuse, you may proceed to finish your contribution.

**Hon. Mwengi Mutuse** (Kibwezi West, MCCC): The Committee delved into the issue of constitutionality. Many of those who came before us during public participation also had an opportunity to address this point. Certainly, we are settled in our minds that the issue of constitutionality has been resolved and does not exist as we move this Bill at the Second Reading through the Leader of the Majority Party.

In fact, there have been several drafts. I remember this was a major issue when Justice Smokin Wanjala first appeared before us. They had to go back, redraft and come again. We have had that back and forth until we found a legal way of resolving it as we have raised today. I urge Parliament to expedite the creation of the Kenya Judiciary Academy so that, as all of us want, training judges can be predictable and through a body corporate. Then, we can continue being a pioneer in the region.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Millie will be next to speak on this. Before that and as earlier directed by the Hon. Speaker, allow me to direct that we go back to Order No. 5 and Order No. 6 to allow the Chairman of the Budget and Appropriations Committee to lay a Paper and give notice of Motion of the Budget Estimates for Financial Year 2026/2027.

Please call the next Order.

## PAPER

**Hon. Samuel Atandi** (Alego Usonga, ODM): Hon. Temporary Speaker, I beg to lay the following paper on Table:

Report of the Budget and Appropriations Committee on the consideration of the Estimates of Revenue and Expenditure for the Financial Year 2026/2027 and the Medium Term and the compendium of Departmental Committee Reports on the consideration of the Annual Estimates.

## NOTICE OF MOTION

### APPROVAL OF BUDGET ESTIMATES FOR THE 2026/2027 FINANCIAL YEAR

**Hon. Samuel Atandi** (Alego Usonga, ODM): Hon. Temporary Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Budget and Appropriations Committee on the consideration of the Estimates of Revenue and Expenditure and the Medium Term for the Financial Year 2026/2027, laid on the Table of the House on Tuesday, 2<sup>nd</sup> June 2026, and pursuant to the provisions of Article 221 of the Constitution, Section 39 of the Public Finance Management Act, 2012 and Standing Order 239—

- (a) Approves the issuance of the sums specified in the Schedules to the Report from the Consolidated Fund to meet the expenditure during the year ending 30<sup>th</sup> June 2027 in respect of the various Votes, subject to paragraph (iii), Committee of Supply;
- (b) Makes the policy and financial resolutions contained in the Schedules to the Report; and,
- (c) Orders that the Speaker do now leave the Chair to facilitate the consideration of the said Budget Estimates with respect to each Vote and Programme in the Committee of Supply as contemplated under Standing Order 240.

Thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): You may proceed to lay.

**The Temporary Speaker** (Hon. Omboko Milemba): Yes, Deputy Leader of the Majority Party. What is it?

**Hon. Owen Baya** (Kilifi South, UDA): If you allow me, I would like to make a clarification on the substantive Motion on the Floor of the House. I like the legal mind of Hon. Sunkuli from whom I am happy to learn many things. I did not know that he is a medical lawyer but now I know. He mentioned a very important aspect about the constitutionality of this Bill. We have the Judicial Service Act that empowers the Judicial Service Commission (JSC) to undertake all those functions, including issues of training under Article 171 of the Constitution, with which I agree. However, through the Judicial Service Commission Act, this Bill is donating or creating the Kenya Judiciary Academy. Therefore, we are not in conflict.

What we are doing is the Judicial Service Commission (JSC) has said that it has the power to train and retool as donated to it by the Constitution. However, as we do this work, let us formally establish an academy to carry out the work that the Constitution donated to us. Therefore, this Bill is giving effect only to the Constitution by utilising the powers of the JSC to create the academy. I want to read a small paragraph if you allow me. The Bill is delegating this function of JSC to train judges and judicial officers to the Kenya Judicial Academy (KJA). Section 14 of the Judicial Service Act allows the JSC to delegate its function.

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Deputy Leader of the Majority Party. We have already heard from you. Order. Allow me to give direction. We heard you very clearly when you moved it. We have heard Hon. Mutuse's argument, and I have allowed two points of order. Allow the debate to flow. This was is not the Third Reading. Let us hear more. Hon. Millie, could we hear you on this matter? Proceed.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Speaker. I want to thank you for giving me this opportunity and also to inform Hon. Baya that this is the kind of misadventure the Speaker was talking about. How can a non-lawyer be informing a lawyer, a very senior lawyer at that?

*(Laughter)*

You cannot inform a lawyer on law. Having said that, even as I support, I also want to just notify Hon. Owen Baya that I am very happy that he has a lot of confidence in me and in my skills and he is saying that perhaps, when I leave here, I might go to the Judiciary. I want to confess that in the two arms of Government, the only one that I have never served is the Judiciary. I have served as a State counsel. That means I have worked in the Executive and of course the longest has been here because I only served as a State counsel for three years. I want to say that because my skill-set has been between those two. Now I am going to the highest office and so do not take me backwards to the Judiciary. It is not that Judiciary is bad. It is very

good and it is doing important work, but I am the President in 2032. What you need to do is talk to me so that I can make you the running mate or a cabinet secretary, but not anything to do with the law. You will be in my government because you are a very smart guy. You started in ODM. Even though you ran away, you know politics is interesting. Now we are both in the Broad-Based Government. You should have just stayed in ODM.

Having said that, I support the Bill. However, even in supporting, just before Hon. Sunkuli spoke, I was googling and looking very specifically at the wordings of Article 172(1)(d) of the Constitution that provides that the JSC shall prepare and implement programmes for the continuing education and training of judges and judicial officers. I agree with Hon. Sunkuli that when we say this Bill is giving effect to that article, then we run into headwinds constitutionally. I would suggest that you go quiet and provide that it is just providing for training because it does not. Article 172(1)(d) gives opportunity for the JSC to train but it does not stop anyone else from training. So, you can set up a body for training, but the JSC can also train. Having said that, the other way to go about it is to make it a body of the JSC so that the people who are in the board are members of the JSC. The reason I am saying this is one of the issues that I have already picked here. I do not see the representation of the Law Society of Kenya (LSK) because many of the people who serve as judicial officers are also members of the LSK. Because of that, the LSK has an interest. Actually, the people who appear before the Judiciary are members of the LSK.

**Hon. Mwengi Mutuse** (Kibwezi West, MCCP): On a point of information, Hon. Temporary Speaker.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Yes, I allow you to inform me.

**The Temporary Speaker** (Hon. Omboko Milemba): Yes, Hon. Mutuse.

**Hon. Mwengi Mutuse** (Kibwezi West, MCCP): Hon. Temporary Speaker, I refer Hon. Millie to Clause 6 of the proposed Bill.

The administration of the Academy shall vest on a Board of Directors, which shall consist of—

- (a) a chairperson appointed by the Commission from among the members of the Commission;
- (b) the Chief Registrar;
- (c) a member of the Association of Judges and Magistrates elected by the members of the Association;
- (d) a member of the Association of Judicial Staff nominated by the Association;
- (e) one person who teaches law in a public university, nominated by the universities;
- (f) one person who teaches law in a private university, nominated by the private universities;
- (g) an advocate of not less than ten years' experience nominated by the Law Society of Kenya;
- (h) the Secretary to the Council of Legal Education; and,
- (i) the Director-General of the Academy, who shall be the Secretary to the Board and shall not have the right to vote.

It is important to note that this is a body of the Judicial Service Commission (JSC) because the Chairperson is a Commissioner of the JSC and the LSK has a representative.

Thank you.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Speaker. I wish to thank the Member for the information, especially on the LSK, which I think I missed because I am not wearing my glasses today. I agree with him that the LSK is represented. However, the composition here tells us that it is not the JSC. I am glad the Hon.

Member has read it out because it shows only two representations connected to the Judicial Service, the Chairperson and the Law Society representative.

I request the Committee to improve the Bill because there is no problem doing that. They should take our work seriously. Perhaps, if you take this to the Judiciary, they might turn a blind eye to it because it is for the Judiciary. However, we are actually doing something that may be against the law. We should examine it carefully.

All of us agree that the Judiciary needs an academy where judges and judicial officers can be trained. However, let us provide for it within the proper framework. We either do not refer to Article 172(1)(d) of the Constitution in which case it will be a body separate from the Judicial Service or simply replicate the JSC structure and provide that it will be a training unit under the JSC.

I know there is an issue that Hon. Sunkuli raised regarding delegation. However, that concern does not apply here if it is made a body of the JSC. I encourage the Justice and Legal Affairs Committee to look at that issue so that we do not get into unnecessary headwinds over matters that are not important.

On the substance, we agree. Why do we agree? Because it is not only the Judiciary that requires continuous training. Even in Parliament, we have continuous training for Members of Parliament because there are many emerging issues that are not foreseen and that we deal with every day. Take climate change, for instance. When we were growing up, that was not a major issue. Today, it is. There are also issues to do with technology.

I was amazed yesterday. I was up until 1.00 a.m. working on amendments to various Bills. However, my time was greatly reduced because of technology. If this had been many years ago, I would have spent another two weeks preparing those amendments. Technology has changed the way we work. This is one of the areas where I see scholars facing challenges with - Artificial Intelligence. We must learn to accommodate Artificial Intelligence because technology is changing the way we think and operate.

If I feed it the right questions, it gives me correct answers. Many of the amendments I brought were generated with the assistance of Artificial Intelligence. I fed it information and it provided references from international conventions and other sources. I do not need to sit and read fifty conventions that have to do with training. However, because we are not used that and because we still have a traditional mentality, we tend to challenge it because we are not used to technology. That is precisely why we need training.

The other issue is globalisation that is changing the way we relate to people across the globe. We need training on its impact on us. There is a challenge that I see lawyers dealing with on alternative dispute resolution. I am sure some of you have seen it. This has been the preserve of lawyers. However, we now see others who are not lawyers coming into the field, and lawyers are complaining. How do you deal with that? How do you move forward, even if you were the Judiciary?

There is also the issue of misogyny and related concerns. Many of us have put in time and effort training others. Hon. Temporary Speaker, because my time was used, could I please be added two more minutes?

**The Temporary Speaker** (Hon. Omboko Milemba): No! You allowed to be informed. You may proceed.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Speaker, it is allowed under the Standing Orders.

We have undertaken training in the past, including on gender mainstreaming. Because of technology that exists now, even teaching others about new things, it means we are untraining others through technology. That is why it is important to have continuous training to refresh us. We also have issues of ethics and integrity.

Hon. Temporary Speaker, with your permission, I have only one more thing to add. It will take only two lines.

**The Temporary Speaker** (Hon. Omboko Milemba): Please give her one more minute.

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

The last point I wish to make is that, as a country, we need to challenge ourselves. Every institution has an academy or a training centre, but we are not changing. What is happening to us? We visited Botswana for benchmarking, but they told us they were trained in Kenya. The Bible tells the Galatians:

“Foolish Galatians, who has bewitched you?”

Foolish Kenyans, who has bewitched us? Why are we being trained, but we cannot change? There are values that we talk about and the need to train our children. As adults, let it start with us.

With those few remarks, I support the Bill.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Wilberforce Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker, for giving me the opportunity to contribute to this Bill.

The need to train, retrain and bring judicial officers to speed cannot be gainsaid. It is important. Like anywhere else, new ideas come up. We need to be continuously refreshed. Indeed, when one appears before some judicial officers, it becomes apparent that they have limitations that need to be addressed, as a matter of urgency.

When I saw the Bill, I read its intention as indicated in the long title: An Act of Parliament to establish the Kenya Judiciary Academy to give effect to Article 172(1)(d) of the Constitution. I am not an advocate, but I read the Bill and consulted widely. The feedback I got, especially from lawyers, is that it is tinged with some kind of unconstitutionality. There is some element of it that seems to be unconstitutional. We are aware that Parliament has a training institute, but it is not a standalone institution established as a body corporate under a separate Act of Parliament. We are aware the National Executive has the Kenya School of Government (KSG) which is not a separate body corporate established through an Act of Parliament. Given those precedents, what crosses my mind and sends fears is what is so special about the Judiciary for it to be created a separate body corporate to train and retrain the judicial officers?

As lawyers in this House have stated, we might need to go back and rethink of a tidier way of achieving the objective that is intended by the Departmental Committee on Justice and Legal Affairs. I request the Vice-Chairperson, who is present, to consider a neater and easier way to amend the Judicial Service Act, and provide for training as one of the statutory functions of the Judicial Service Commission. There are two nominees for the board. One teaches law in a public university and the other teaches law in a private university. I am just wondering: Is the curriculum in a private university different from the one in a public university? That is what I was wondering. Are we just trying to create...

**Hon. Temporary Speaker** (Hon. Omboko Milemba): Make your point.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Are we just trying to create jobs for people? I am just wondering. Some of these things make the Bill look so targeted, so to speak. We want to do something X for some people. The Chairperson, as per the Bill, and I have very many reservations on it, is appointed by the Commission from among members of the Commission. A Commissioner in the Judicial Service Commission is already enumerated. In Clause 9 of the Bill...

*(Hon. Mwangi Mutuse spoke off the record)*

**Hon. Temporary Speaker** (Hon. Omboko Milemba): Hon. Mutuse, you will have a chance to reply. Proceed Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Speaker, Clause 9 provides that the Chairperson and members of the board shall be paid such allowances as may be determined by the Commission in consultation with the Salaries and Remuneration Commission. In principle, you cannot be paid twice for doing the same job while acting in the same capacity. So, I am at a loss. I also find it very difficult for us to have spent a lot of time and resources to draft the Bill.

I have tremendous respect for all the lawyers who sit in the Departmental Committee on Justice and Legal Affairs. However, something must have gone amiss somewhere in the thinking of the structure of the academy. Something must have skipped their brilliant minds when they were doing this. I want to urge them to go back and reflect on the Bill instead of bringing so many amendments that will literally water down the Bill. It is never too late to think through. It is never too late to change your mind. It is not bad to listen to ideas and comments from your colleagues. It does not matter whether I am a lawyer or not but, when we are here, we are all lawmakers. So, when we see something that does not seem to be okay, it is important that we are listened to. In any case, even if we force the Bill to go through—as I always say—the courts are our arbiter, and they have always been very good at arbitrating.

As I conclude, nobody is demeaning the importance of a training institute for the Judiciary. Everybody is in total support. What I have learned is that what I was taught when I was at the university about 30 years ago can no longer be applicable now. Even as an MP, I still go to refresh my skills in my profession because new ideas keep on emerging and the laws keep on changing.

You know, I am just wondering about the Grade 10 Competency-Based Curriculum (CBC) boys and girls. I do not know how those of us who were trained many years back will handle them when they join universities. They are scaring everybody. I do not know how we will live in the universities and manage them. The way we teach at the universities is more of providing a theoretical foundation and yet, those boys and girls are told to go out and explore. They do not like theoretical foundations! They are told to go and explore. You are a teacher, Hon. Temporary Speaker. I will come to you for retooling when it becomes necessary. Otherwise, I do not know what to say. To be honest, I do not know whether to support or to reject the Bill. I sincerely ask that we go back and rethink the Bill. As an elder, I do not want to be seen... Hon. Mutuse, you are with us. Go and rethink this and let us see what we can do to save the substance and intention, instead of coming with an idea which, as we sometimes say, is dead on arrival.

With those few remarks, allow me to reserve whatever can be reserved.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Members, allow debate to flow because all of you will have a chance to speak to this. I followed the arguments by Hon. Julius, Hon. Millie and Hon. Mutuse. When you give examples, you must put them at the level of the Constitution and not the Act. This is because the argument is stronger at the level of the Constitution. Let us hear Hon. Robert Basil on the same.

**Hon. Robert Basil** (Yatta, WDM): Thank you, Hon. Temporary Speaker. I was actually following the discussion with a lot of happiness and anticipation, and particularly listening to the lawyers and what the other debaters have stated.

At the outset, I support this particular Bill because it puts Kenya on the map of the world and makes it part of the community of nations. I am talking of Italy, Bulgaria, Germany, Croatia, Singapore, the United States of America, Nigeria, India, and Pakistan, who have already established a Judicial Academy. Interestingly, I have heard about the unconstitutionality emanating from this particular Bill, but when you look at what has already

been explained and what is stipulated in Article 172 (1) (d), I actually agree with Hon. Millie that the best way is to anchor this Kenya Judicial Academy as a department under the Judicial Service Commission that is dedicated to providing training and research.

It is important to have the Academy because learning is a continuous process. That particular Academy will provide knowledge and build the capacity of magistrates, judges, kadhis, and many other judicial officers and, at the same time, close the knowledge gap within the judicial discipline, considering that the world is evolving and knowledge is needed every single time. As an output, we will have competent professionals within the judicial service and the field of law. With the Kenya Judicial Academy, judges, magistrates, and kadhis will have the competency and professionalism that is required to discharge their duties.

Importantly, the Academy will serve as a judicial think tank to provide the guidance that will be required within the discipline or within the Judiciary. It will support jurisprudential development, which is essential. It will also facilitate policy decisions or discussions within the line of Judiciary.

Regarding governance, this particular Bill proposes a governance framework where there will be a governing council whose board of directors will be responsible for policy and oversight. If you look through the clauses as indicated... Actually, it is in Clause 6 of the Bill. Therefore, in principle, I support the Bill because, in summary, it will ensure all trained judges and magistrates are provided with the necessary training in order for them to discharge their duties. It will ensure there is continuous learning within the judiciary discipline.

At the same time, it will dictate research, particularly within the legal jargon, as well as throughout the whole field of law. This will ensure that officers responsible for administering justice have the necessary prerequisites to discharge their duties as provided for in the law.

Finally, it is going to improve court administration. By doing so, case management will also be enhanced. We have been witnessing situations where cases take an endless time to be concluded in the courts, thus contributing to a disservice. Majority of Kenyans, more so the poor, normally struggle to have justice administered.

Additionally, as many of the other speakers have mentioned, this particular academy will promote judicial ethics, which is very important and something we have been lacking in this country. This is why I have all the reasons to support the Bill. Of course, I am going to propose some amendments once we reach the Committee of the whole House.

With those few remarks, I rest my case, and I support. Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Before I give Hon. Caroli Omondi a chance, what you are debating is very relevant to some of the constitutional clauses within our Constitution, which have sometimes become hiccups. When you look at the Article quoted by Hon. Sunkuli, it is quite clear that it instructs the preparation and implementation of programmes for the continuing education and training of judges and judicial officers. Hon. Sunkuli and Hon. Millie drew their strength from this Article.

Hon. Millie would then argue that this is the Constitution and how do we vary it using an Act of Parliament? But if you wish to compare effectively, the teachers are facing the same challenge. You could examine Article 237 on the functions of the Teachers Service Commission, which includes the training and regulation of teachers under their mandate. So, you are actually trying to create a breakthrough that can genuinely benefit many groups. Do not allow this to die here. If you must align it with the Constitution to ensure its survival, then you will have opened a good avenue for the teachers of Kenya to also establish their regulator, despite the existing Constitution.

Let us hear from Hon. Caroli Omondi.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity. I would like to start by acknowledging that under

Article 1 of our Constitution, sovereign power rests with the people. This sovereign power is then distributed among the three arms of Government and other subsidiary organs. Thus, even the Judiciary, specifically judicial authority and power, is delegated to them by the people. This is the basis of Article 159(1) of the Constitution. The Article you have aptly quoted, Article 172(1)(d), states that power is distributed to the Judiciary, but the Judiciary is managed by the Judicial Service Commission (JSC). Under Article 172(1)(d), the JSC is given the power to prepare and implement programmes for the continuing education and training of judges and judicial officers.

Now, we have a principle in law called *delegatus non potest delegare* (to whom power is delegated, one cannot delegate further). I have just quoted a legal Latin maxim. What it means is that the sovereign power that has been delegated to the Judiciary cannot be delegated further by the Judiciary to other bodies outside the Judiciary, unless it is expressly provided for. If you consider the powers of the JSC as I have quoted under Article 172(1)(d), you must ask yourself: Can the JSC delegate the power to train and continuously educate judges and judicial officers to a body separate from the JSC? My instincts tell me that this is not possible.

The first thing that we should correct here is that we should not have the Kenya Judiciary Academy. Instead, we should have the Judicial Service Commission Academy, because that power is within the JSC. The staff of that academy should be the staff of the JSC. So, there are fundamental questions we need to ask ourselves here, on the constitutionality of the way this Bill has been structured. However, for the time being, let me leave that and go further. I am very concerned that if you look at the objects of the academy and what it is expected to do, we are not addressing the issues that concern Kenyans or those that would make our Judiciary responsive to the needs of our citizens.

Let me start with Articles 10 and 232 and Chapter Six of our Constitution, which deal with national values, integrity, and the aspirations we have for our country. Kenyans believe that our Judiciary is corrupt. Corruption remains a major concern for Kenyans. However, if you look at this Bill, there is no mention that the objectives of the academy include promoting national values, integrity, and responsible leadership under Chapter Six. The very issues that concern Kenyans have, therefore, not been captured here. There is still a lot of work to be done.

Let us even go further by looking at Article 172 (1) of the Constitution, where there is mention of the word “efficiency”. In Article 159(2)(b), efficiency is mentioned again and yet, if read what is supposed to be the objects and purposes of the academy, efficiency is not mentioned. Under Article 159(2)(b), it states that: “Justice shall not be delayed”, which is a constitutional requirement. We have a Judiciary that has no sense of efficiency. Cases that should take one week take years, and those that should take months take decades, yet that particular issue is not even addressed here. You have cases where judicial officers aid and abet case delays. So, what we should have here as part of what the Judicial Service Commission Academy should be doing is proper case management for effective dispensation of justice without any further delays.

Further, if you look at Article 172(1), words such as “accountability” and “transparency” appear, yet the entire Bill does not address performance contracting, evaluation, or monitoring of the Judiciary. This is what the Judicial Service Commission Academy should be doing—teaching accountability in the way judges perform their duties and ensuring public access to information on judicial performance.

There is nothing we should hide in the Judiciary. We should know which judges deliver their judgments on time, those who are lazy, and those who are corrupt. That level of information should be accessible, and it is missing here. If we are to proceed with this Bill, it is clear that there is still a lot of work to be done.

Additionally, the current Judiciary is notorious for issuing conflicting decisions, where junior courts at times undermine decisions of superior courts by delivering contradictory

rulings. I will give two examples. First, there was a civil case decided by the Court of Appeal of Kenya in Kisumu Civil Appeal No. 261 of 2008. That matter was determined in 2012, at a time when the Court of Appeal was the court of last resort in this country. Subsequently, a matter was instituted in the Environment and Land Court at Kisumu, Constitutional Petition No. 6 of 2020. Notwithstanding the fact that the Environment and Land Court had no jurisdiction, and further considering that the relevant provisions of the Land and Environment Court Act had not yet come into force, the court proceeded to make a decision that contradicted the earlier decision of the Court of Appeal, which was then the court of last resort.

There is also another example in Mombasa Civil Appeal No. E023 of 2020, where the Court of Appeal made a determination on a matter. The Environment and Land Court in Malindi in a subsequent case number, ELC/LOS/E003/2023 overturned the decision of the Court of Appeal on the same matter with the same parties. This is criminal!

It is a clear case that the Judiciary has become dysfunctional because a lower court cannot overturn the decision of a superior court but, more so, in the same station where they are supposed to have full information. Finally, if you, again, look at this Bill, there is no mandatory requirement that all judicial officers must undergo compulsory training from time to time on those issues that I have outlined: Case management to bring efficiency, accountability questions, performance contracting, nationhood science, and avoidance of all the bad habits that we see in our Judiciary.

Hon. Temporary Speaker, there is a question we need to answer as a Parliament, whether we can have an independent Kenya Judiciary Academy outside the framework of Judicial Service Commission (JSC), because to me that will be unconstitutional. I do not believe JSC can donate the powers given to it under Article 172 to another body. It should be an academy of the JSC with staff from the JSC. We should expand this, if at all we answer that question that we can go ahead, to include the issues I have mentioned. Our Judiciary is becoming a weak link in the development of this country. Cases are taking too long and becoming too expensive and judicial officers lack accountability since you can neither question nor access them and the public cannot interrogate what they do.

We want to know their performance. We want Judiciary to be transparent and have the performance of each judicial officer made public so that we can see how many cases they have decided in each year, how many they delayed and how many forgeries or wrong decisions they have made so that we know and even a member of the public can, on his or her own motion, move a motion or appeal to the JSC to have a judicial officer disciplined. Otherwise, there is still a lot of work to be done. I will not support at this stage until we answer that question on *delegatus non potest delegare*. Thank you very much.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. I think one of the cases you quoted must have been the Miwani land case.

**Hon. Caroli Omondi** (Suba South, ODM): Precisely.

**The Temporary Speaker** (Hon. Omboko Milemba): Let us hear Hon. Timothy Toroitch.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Thank you, Hon. Temporary Speaker, for giving me an opportunity to comment on this very important Bill. I rise to support the letter and intent of this particular piece of legislation.

Prior to the Constitution of Kenya, 2010, we had the Judiciary Training Institute (JTI), that was established in 2008 by the retired Chief Justice Evans Gicheru. When the Constitution of Kenya, 2010 was promulgated, the Kenya Judiciary Academy was clothed and given legal authority under Article 172(1) of the Constitution. I sit in the Departmental Committee on Justice and Legal Affairs. The issue of constitutionality of the Kenya Judiciary Academy came up during our discussions. What is provided for in the Bill and what the Committee recommended is totally different.

For example, under the Long Title of the Bill as drafted, it provides very clearly that, it is:

An Act of Parliament to establish the Kenya Judiciary Academy to give effect to Article 172(1)(d) of the Constitution; to provide for the management, functions and powers of the Kenya Judiciary Academy and for connected purposes”.

However, in the Report that has been discussed and tabled in this House, it provides that:

A Bill for s an Act of Parliament to give effect to Article 172(1)(d) of our Constitution by establishing the Kenya Judiciary Academy to prepare and implement programmes for the continuing education and training of judges, judicial officers and the judicial staff.

Under the proposed new Long Title of this Bill by the Committee, it provides very clearly that this Bill shall give a linkage between the Judicial Service Commission (JSC) and the Kenya Judiciary Academy (KJA). Therefore, whatever the KJA will be implementing or executing will be for and on behalf of the JSC. The purpose of this Bill is to give the linkage between the JSC and KJA. This is because you do not expect the JSC to execute all training activities on its own. The KJA is acting for and on behalf of the JSC.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Member, did I hear you almost insinuate that the Report is different from the Bill?

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Absolutely.

**The Temporary Speaker** (Hon. Omboko Milemba): Are you a Member of that Committee?

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Yes, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): You may proceed.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Absolutely. What the Bill provides and what was discussed in the Committee are different. The issue of constitutionality of the Bill was discussed before the Committee. For that reason, we linked the JSC and the KJA as provided for in the Report. Therefore...

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

I have said that how the Long Title of the Bill appears in the Bill and how it appears in the Report are totally different. This is where we come in. I have said that under the current proposed amendment by the Committee, we have said... I want Hon. Millie to listen carefully to the proposed Long Title of the Bill so that she can get the linkage. Under the new Long Title, we have said that: “This is an Act of Parliament to give effect to Article 172(1)(d) of the Constitution by establishing the Kenya Judiciary Academy to prepare and implement programmes for continuing education and training of judges, judicial officers and judicial staff on behalf...” The new introduction is “on behalf of the Judicial Service Commission and for connected purposes”. I have heard my colleague here talking about *delegatus non potest delegare*, which is a well-known legal maxim. That you cannot delegate what has been delegated to you. However, although the Constitution does not provide the express delegation, JSC has not delegated its power. The KJA is acting for and on behalf of the Commission. I think that is the clarity that must be clear in debating this Bill.

Furthermore, the composition of the KJA shows that the linkage between the academy and the JSC includes the fact that the chairperson of the board is drawn from the membership of the Commission. It is also provided under Clause 12(1)(c) that the JSC will approve the academy's organisational structure and staff establishment. From that, you cannot go further

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and say that KJA has taken over the role of the Commission. This is because the staffing and the organisational structure must be approved by JSC.

The JSC cannot run all the affairs of the academy. In the Law Society of Kenya (LSK), we have a special committee that deals with Continuing Legal Education (CLE) programmes. If we leave it to the body of the LSK without having a sub-committee to manage continuing legal education of the LSK, then it cannot effectively manage training programmes. The purpose is to have the Kenya Judiciary Academy manage the programmes of training.

I submit.

**The Temporary Speaker** (Hon. Omboko Milemba): I expected Hon. Mutuse to be on a point of order. He did not. Anyway, let us proceed. For those who are following keenly, let us hear from *wakili*, Hon. Stephen Mogaka.

**Hon. Stephen Mogaka** (West Mugirango, JP): Thank you, Hon. Temporary Speaker, for giving me the chance to also make a contribution to this unprecedented Bill. I also sit in the Departmental Committee on Justice and Legal Affairs, and I do get excited when our legal minds in the House are plunging into the deep end and raising the very questions we raised on first sight of this Bill. I want to thank my colleagues in the Committee because we combed through the presenters and drafters of the Bill to get to the Report that is being discussed before this House.

One thing I appreciate is that nobody can oppose the fact that continuous training of our judges and judicial officers is not a thing for discussion. It is not a thing for debate because all of us know that we are a very excited country with very enthusiastic citizens and, therefore, judicial arbitration must be as robust as the Kenyan minds whenever we are dealing with any issue.

That is why I am extremely happy that while hitherto training of judicial officers has been an extension of the Judicial Service Commission, the Commission has sat and understood that it cannot efficiently and effectively provide the required training to make our judges not only up to date with what is happening within the country, but also across the borders.

One of the questions that we had to deal with during the consideration of this Bill is the question of certification. As the Judicial Service Commission, can they have the powers to certify the training that they are giving? The other question we had to deal with was, do we, as a leading star in justice within the continent, still want to continue looking inwards, or do we need to onboard our regional partners in training the continent of Africa, and, therefore, we will need to get a mechanism of certification of the training that is being provided from Kenya?

Is the Judicial Service Commission, as presently constituted, capable of giving certification to international learners? This is an opportunity, as a Committee, that we considered and said that if we segregate training from the normal judicial functions of the Judicial Service Commission, then we are creating a niche for Kenya in providing international training for judges and judicial officers, and even make our Judiciary attract other streams of income, which through A-in-A will reduce the burden of taxation that this country is suffering.

Looking at the constitution of the board, you can see a blend of both the existing Judicial Service employees, as well as private sector practitioners, which Hon. Oundo was asking: What is the difference between a lecturer in a private university and a public university? Kenya is renowned for public-private partnerships and, therefore, the Academy's Board is not blind to the fact that it must be inclusive and ensure that the Academy is not only run by people who serve in the public service. It should be inclusive.

I heard Hon. Caroli Omondi mention that he would have loved to see in the Bill the content of the training that will be conducted by the Academy. That is very welcome but that is a preserve of the curriculum development department of the Academy. It is not a function of the enabling statute because once enacted, the practitioners and lecturers will develop internationally inclusive curriculum content.

We need to support and capacitate our Judiciary because justice is enforced within the society. Our society is fast changing and, therefore, our Judiciary and judicial officers must be properly tooled to deal with emerging challenges. This is so that we do not have a situation where a dispute is taken before the Judiciary and due to lack of preparedness, a decision is rendered that drives people to resort to other means of settling their grievances.

This is a very welcome Bill. We can amend any disturbing provisions, but we should not throw away the baby with the bathwater. Great efforts have been made to come up with the Bill. I support it and request my colleagues to only make amendments to further the good intentions of capacitating our Judiciary.

I also take exception to the blanket remarks on corruption in the Judiciary. Corrupt individuals should be named. I distance myself from the wholesale condemnation of a society or an institution, particularly by this august House. We have brilliant minds in the Judiciary, just as we do in Parliament. It is unfortunate that Parliament is also subjected to public and wholesale condemnation. I have watched people who did not elect me condemn Parliament on television. Instead of speaking about the Member of Parliament that they voted for, they condemn Parliament as a whole, notwithstanding the fact that we have very serious and brilliant minds, who are beyond Caesar's wife's reproach.

We have been called upon to make this very fundamental decision. The fact that the Kenya School of Revenue Administration (KESRA) is not a body corporate and that the Teachers Service Commission (TSC) training mechanism is not a body corporate are not reasons to kill a very fundamental and progressive idea such as this one.

I support the Bill.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. If Members pass this Bill, they will give teachers an opportunity to make a similar law. However, we have to deal with the issues of constitutionality that you spoke about. I also expected Hon. Mutuse to rise on a point of order when one of the Members of the Committee rose to contradict his presentation. Nevertheless, Members will have another opportunity to discuss the Bill. Therefore, I will not ask you to reply now. A Member who is not satisfied with the constitutionality of an issue can always rise on a point of order anytime. The Speaker will be very glad to make a decision.

Therefore, Members, let us be upstanding.

### ADJOURNMENT

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Members, the time being 7.01 p.m., this House stands adjourned until Wednesday, 3<sup>rd</sup> June 2026 at 9.30 a.m.

*(The House rose at 7.01 p.m.)*

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