



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT – FIFTH SESSION
THE NATIONAL ASSEMBLY
VOTES AND PROCEEDINGS

THURSDAY, AUGUST 27, 2026 AT 2.30P.M.

1. The House assembled at Thirty Minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **Presiding** – The First Chairperson of Committees.

4. QUORUM AT COMMENCEMENT OF THE HOUSE

And there being no Quorum present to commence business, the First Chairperson of Committees ordered that the Quorum Bell be rung for ten minutes;

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

5. PETITIONS

The Member for Marsabit County (Hon. Naomi Waqo) on behalf of the Member for Kilifi North Constituency presented a Public Petition regarding safety, legality and environmental compliance of the development at Twiga Beach Hotel, Jacaranda, Watamu in Kilifi County. The petition was referred to the Departmental Committee on Environment, Forestry and Mining for consideration.

6. PAPERS

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

- (a) Reports of the Auditor-General and Financial Statements for the year ended 30th June 2025 and the certificates therein in respect of the following –

1. AIC Kang'itit Girls Secondary School – Turkana County;
2. Asumbi Girls High School – Homa Bay County;
3. Bahari Girls Secondary School – Kilifi County;
4. Baricho Boys High School – Kirinyaga County;
5. Baringo High School – Baringo County;
6. Bunyore Girls High School – Vihiga County;
7. Bura Girls High School – Taita Taveta County;
8. Butere Girls' High School – Kakamega County;
9. Chavakali Boys High School – Vihiga County;
10. Chewoyet National School – West Pokot County;
11. Chianda High School – Siaya County;
12. Elburgon Secondary School – Nakuru County;
13. Elsa Secondary School – Isiolo County;
14. Endarasha Boys High School – Nyeri County;
15. Garbatulla High School – Isiolo County;
16. Hola Boys Secondary School – Tana River County;
17. Ikuu Boys High School – Tharaka Nithi County;
18. Isiolo Boys Secondary School – Isiolo County;

19. Isiolo Girls Secondary School – Isiolo County;
20. Jomo Kenyatta Girls High School – Nakuru County;
21. Kabare Girls High School – Kirinyaga County;
22. Kabianga High School – Kericho County;
23. Kaborok Girls Secondary School – Kericho County;
24. Kagumo High School – Nyeri County;
25. Kainuk Mixed Secondary School – Turkana County;
26. Kanga High School – Migori County;
27. Kanjuri High School – Nyeri County;
28. Kaplelach Secondary School – Bomet County;
29. Kaplong Girls High School – Bomet County;
30. Kaumoni Boys Secondary School – Makueni County;
31. Kilgoris Boys High School – Narok County;
32. Kinna Secondary School – Isiolo County;
33. Kipsigis Girls High School – Kericho County;
34. Kirimara High School – Nyeri County;
35. Kisii High School – Kisii County;
36. Kisima Girls High School – Samburu County;
37. Kisumu Girls High School – Kisumu County;
38. Kitale School Secondary – Trans Nzoia County;
39. Kitui School – Kitui County;
40. Kombeni Girls Secondary School – Kilifi County;
41. Lamu Girls Secondary School – Lamu County;
42. Lodwar Boys High School – Turkana County;
43. Loreto High School Limuru – Kiambu County;
44. Loreto High School Matunda – Uasin Gishu County;
45. Machakos School – Machakos County;
46. Maralal High School – Samburu County;
47. Mary Mount Secondary School – Nakuru County;
48. Matiliku Boys High School – Makueni County;
49. Matongo Boys High School – Nyamira County;
50. Matuga Girls Secondary School – Kwale County;
51. Matunguru Girls Secondary School – Machakos County;
52. Mazeras Girls Memorial Secondary School – Kwale County;
53. Mbita High School – Homa Bay County;
54. Metkei Girls Secondary School – Elgeyo Marakwet County;
55. Moi Forces Academy – Lanet – Nakuru County;
56. Moi Girls’ High School Eldoret – Uasin Gishu County;
57. Moi High School Mbiruri – Embu County;
58. Moi Kapsowar Girls High School – Elgeyo Marakwet County;
59. Molo Academy Boys Secondary School – Nakuru County;
60. Murang’a High School – Murang’a County;
61. Musuani Secondary School – Kitui County;
62. Mwaani Boys Secondary School – Makueni County;
63. Najile Boys Secondary School – Kitui County;
64. Nakeel Boys High School – Kajiado County;
65. Nakuru Girls High School – Nakuru County;
66. Napeililim Boys Secondary School – Turkana County;
67. Narumoru Boys Secondary School – Nyeri County;
68. Narumoru High School – Nyeri County;
69. Ngoto Boys High School – Makueni County;
70. Njoro Boys High School – Nakuru County;

71. Njoro Girls' High School – Nakuru County;
72. Nkuene Girls Secondary School – Meru County;
73. Nyambaria Boys High School – Nyamira County;
74. Nyeri High School – Nyeri County;
75. Ole Tipis Girls High School – Narok County;
76. Olkejuado High School – Kajiado County;
77. Ossen Girls High School – Baringo County;
78. Our Lady Consolata Mugoiri Girls High School – Murang'a County;
79. Our Lady of Lourdes Nyabururu Girls' High School – Kisii County;
80. Our Lady of Victory Girls High School – Kapnyeberai – Nandi County
81. Our Lady's Girls Secondary School – Elgeyo Marakwet County;
82. Ribe Boys High School – Kilifi County;
83. Ribe Girls High School – Kilifi County;
84. Santa Maria Girls Secondary School – Cheptulon – Elgeyo Marakwet County;
85. Sericho Secondary School – Isiolo County;
86. Sironga Girls High School – Nyamira County;
87. St. Angela Girls High School – Kitui County;
88. St. Anne's Muthale Girls School – Kitui County;
89. St. Bonaventure Kaheti Boys School – Nyeri County;
90. St. Girls Mulutu Secondary School – Kitui County;
91. St. Joseph's Nyabigena Boys High School – Kisii County;
92. St. Josephine Bakhita Masinga Girls High School – Machakos County;
93. St. Martin Kathonzweni School – Makueni County;
94. St. Mary's Girls High School – Meru County;
95. St. Michael Kabaa High School – Machakos County;
96. St. Patrick's High School – Iten – Elgeyo Marakwet County;
97. St. Theresa's Tartar Girls Secondary School – West Pokot County;
98. St. Thomas Girls Secondary School – Kilifi County;
99. Tenwek High School – Bomet County;
100. The Hill School Girls Eldoret – Uasin Gishu County;
101. Turkana Girls School – Turkana County;
102. Utumishi Girl's Academy – Nakuru County;
103. Vihiga Friends High School – Vihiga County;
104. Voi Boys High School – Taita Taveta County; and
105. Wenje Secondary School – Tana River County.

(Deputy Majority Party Whip)

- (b) Report of the Departmental Committee on Lands on its consideration of Public Petition No. 28 of 2025 by the Hon. Caroli Omondi, MP regarding the status of ownership of L.R. No. 754/3 (I.R. 21038) forming the nucleus estate of Miwani Sugar Mills Limited.

(Chairperson, Departmental Committee on Lands)

- (c) Report of the Departmental Committee on Energy on its consideration of the Local Content Bill (Senate Bill No. 50 of 2023).

(Chairperson, Departmental Committee on Energy)

- (d) Reports of the Departmental Committee on Transport and Infrastructure on its consideration of –

- (i) The Amendment of Article 10(4) of the Constitution of the African Civil Commission (AFCAC); and
- (ii) The Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026).

(Hon. Kibet Komingoi – Member, Departmental Committee on Transport and Infrastructure)

- (e) Reports of the Departmental Committee on Defence, Intelligence and Foreign Relations on its consideration of –
 - (i) Inspection visit to the Kenyan Embassies in France and the United Kingdom from 7th to 15th April 2026; and
 - (ii) Consideration of the Convention on the Establishment of the International Organization for Mediation.

(Vice- Chairperson, Departmental Committee on Defence, Intelligence and Foreign Relations)

- (f) Report of the Departmental Committee on Finance and National Planning on its consideration of Sessional Paper No. 7 of 2026 on the National Infrastructure Fund Investment Policy.

(Leader of the Majority Party on behalf of the Chairperson, Departmental Committee on Finance and National Planning)

7. NOTICES OF MOTION

The following Notices of Motion were given—

(i) Consideration of the Amendment of Article 10(4) of the Constitution of the African Civil Aviation Commission

THAT, this House **adopts** the Report of the Departmental Committee on Transport and Infrastructure on its consideration of the Amendment of Article 10(4) of the Constitution of the African Civil Aviation Commission, *laid on the Table of the House on Thursday, 27th August 2026*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, Cap 4D, **approves** the ratification of the Amendment of Article 10(4) of the Constitution of the African Civil Aviation Commission.

(Hon. Kibet Komingoi – Member, Departmental Committee on Transport and Infrastructure)

(ii) Inspection visit to the Kenyan Embassies in France and the United Kingdom from 7th To 15th April 2025

THAT, this House **adopts** the Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its inspection visit to the Kenyan Embassies in France and the United Kingdom from 7th to 15th April 2025, *laid on the Table of the House on Thursday, 27th August 2026*.

(Vice- Chairperson, Departmental Committee on Defence, Intelligence and Foreign Relations)

(iii) Consideration of the Convention on the Establishment of the International Organization for Mediation

THAT, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Convention on the Establishment of the International Organization for Mediation, *laid on the Table of the House on Thursday, 27th August 2026*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, Cap 4D, **approves** the Ratification of *the Convention on the Establishment of the International Organization for Mediation*.

(Vice- Chairperson, Departmental Committee on Defence, Intelligence and Foreign Relations)

(iv) Consideration of Sessional Paper No. 7 of 2026 on the National Infrastructure Fund Investment Policy

THAT, this House **adopts** the Report of the Departmental Committee on Finance and National Planning on its consideration of Sessional Paper No. 7 of 2026 on the National Infrastructure Fund Investment Policy, *laid on the Table of the House on Thursday, 27th August 2026*, and pursuant to the provisions of section 28(b) of the National Infrastructure Fund Act, 2026, **approves** Sessional Paper No. 7 of 2026 on the National Infrastructure Fund Investment Policy **subject to** the proposed amendments as contained in the Report.

(Chairperson, Departmental Committee on Finance and National Planning)

8. RE-ORGANISATION OF BUSINESS

Pursuant to the provisions of Standing Order 40(2), the First Chairperson of Committees reorganised the sequence of business so as to enable consideration of **Order No. 8** {Procedural Motion - Reduction of Publication Period of Specified Bills}, **Order No. 9** {Senate amendments to the Public Finance Management (Amendment)(No.4) Bill (National Assembly Bill No. 45 of 2024)}, **Order No. 10** {The County Governments Retirement Scheme Bill (National Assembly Bill No. 57 of 2026) – First Reading}, **Order No. 11** {The State Corporations (Amendment) Bill (National Assembly Bill No. 58 of 2026) – First Reading}, **Order No. 12** {Motion – Consideration of Sessional Paper No. 7 of 2026 on the National Infrastructure Fund Investment Policy} **and Order No. 13** {Committee of the Whole House on the Trust Administration Bill (National Assembly Bill No. 29 of 2026)} to be undertaken before **Orders** no. **4** (Petitions) and **7** {Questions and Statements} and the subsequent Orders.

9. PROCEDURAL MOTION - REDUCTION OF PUBLICATION PERIOD OF SPECIFIED BILLS

Motion made and Question proposed—

THAT, pursuant to the provisions of Standing Order 120, this House resolves to reduce the publication period of the following Bills from **fourteen (14) days** to **eight (8) days**—

- (i) The County Governments Retirement Scheme Bill (National Assembly Bill No. 57 of 2026); and
- (ii) The State Corporations (Amendment) Bill (National Assembly Bill No. 58 of 2026).

(Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

10. MOTION- SENATE AMENDMENTS TO THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (No. 4) BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2024)

Motion made and Question proposed—

THAT, the House do **agree** with the report of the Committee of the Whole House on its consideration of **Senate amendments** to the Public Finance Management (Amendment)(No.4) Bill (National Assembly Bill No. 45 of 2024).

(Chairperson, Departmental Committee on Finance and National Planning – 26.08.2026)

Question put and agreed to.

11. THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2026)

(The Leader of the Majority Party)

Order for First Reading read;

Bill read a First Time and referred to the relevant Committee pursuant to Standing Order 127.

12. THE STATE CORPORATIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 58 OF 2026)

(The Leader of the Majority Party)

Order for First Reading read;

Bill read a First Time and referred to the relevant Committee pursuant to Standing Order 127.

13. MOTION - CONSIDERATION OF SESSIONAL PAPER NO. 7 OF 2026 ON THE NATIONAL INFRASTRUCTURE FUND INVESTMENT POLICY

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Departmental Committee on Finance and National Planning on its consideration of Sessional Paper No. 7 of 2026 on the National Infrastructure Fund Investment Policy, *laid on the Table of the House on Thursday, 27th August 2026*, and pursuant to the provisions of section 28(b) of the National Infrastructure Fund Act, 2026, **approves** Sessional Paper No. 7 of 2026 on the National Infrastructure Fund Investment Policy **subject to** the proposed amendments as contained in the Schedule to the Order Paper.

(Chairperson, Departmental Committee on Finance and National Planning)

Debate arising;

Rising in her place on a Point of Order pursuant to Standing Order 95, the Member for Aldai (Hon. Marianne Kitany) claimed to move ‘That, the Mover be now called upon to reply’;

And the First Chairperson being of the opinion that that the Motion was not an abuse of the proceedings of the House, or an infringement of the rights of Members;

Thereupon, Question put and agreed to;

Mover replied;

Question put and agreed to.

14. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The First Chairperson of Committees in the Chair

The Trust Administration Bill (National Assembly No. 29 of 2026)

Clause 3 - amendment proposed;

THAT, the Bill be amended by deleting Clause 3 and substituting therefor the following new Clause—

Application of the
Act.

3. (1) This Act shall apply to a trust—

- (a) registered or incorporated under this Act;
- (b) created by an order of a Court; and
- (c) created by or under any other written law.

(2) Nothing in this Act shall limit, invalidate or otherwise affect a trust or fiduciary obligation arising under customary law, equity, a will, court order or any written law, or the jurisdiction of a court to recognise, enforce, vary or supervise such trust or fiduciary obligation.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 3 - as amended agreed to.

Clause 4 - amendment proposed;

THAT, the Bill be amended by deleting Clause 4 and substituting therefor the following new Clause—

Creation of a trust.

4. A trust is created where—

- (a) an identifiable property, or an interest in property, is transferred to, vested in or placed under the control of a trustee, or the owner declares that the property is held in trust;
- (b) the property is held for the benefit of one or more beneficiaries or a class of beneficiaries, or for the furtherance of a specified lawful purpose; and

- (c) the trustee is appointed to administer, control or dispose of the property in accordance with the terms of the trust deed, the operation of law or an order of a court.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 4 - as amended agreed to.

Clause 5 - amendment proposed;

THAT, the Bill be amended by deleting Clause 5 and substituting therefor the following new Clause—

Recognition and
enforceability of
trusts.

5. (1) A trust may be in writing or implied.

(2) A trust which is written shall be registered or incorporated in accordance with this Act.

(3) A written trust shall not be enforceable unless it is registered or incorporated under this Act and the terms of the trust deed.

(4) A person claiming an interest under a written trust that has not been registered or incorporated under this Act may apply to the court for recognition of enforcement of the written trust.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 5 - as amended agreed to.

Clauses 6 & 7 - agreed to.

Clause 8 - amendment proposed;

THAT the Clause 8 of the Bill be amended by deleting sub-clause (3).

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 8 - as amended agreed to.

Clauses 9, 10, 11 & 12 - agreed to.

Clause 13 - amendment proposed;

THAT, Clause 13 of the Bill be amended by deleting the opening statement of sub-clause (1) and substituting therefor the following new opening statement—

(1) A settlor may, subject to the terms of the trust deed, this Act and any other written laws, have powers to—

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 13 - as amended agreed to.

Clauses 14, 15, 16, 17, 18, 19, 20 & 21 - agreed to.

Clause 22 - amendment proposed;

THAT, Clause 22 of the Bill be amended in sub-clause (2) by—

- (i) inserting the words “if any” immediately after the words “initial enforcers of the trust” in paragraph (e);
- (ii) deleting the word “cour” appearing in paragraph (f) and substituting therefor the word “court”.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 22 - as amended agreed to.

Clauses 23 & 24 - agreed to.

Clause 25 - amendment proposed;

THAT, Clause 25 of the Bill be amended—

(a) in sub-clause (1)—

- (i) by inserting the words “is formed for an unlawful purpose or” immediately after the word “trust” in paragraph (a);
- (ii) by deleting paragraph (b);
- (iii) by deleting paragraph (d);

(b) by inserting the following new sub-clause immediately after sub-clause (2)—

(3) In making a determination under subsection (2), an applicant shall be given an opportunity to be heard or to regularize an application to meet the requirements for registration.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 25 - as amended agreed to.

Clauses 26, 27, 28, 29 & 30 - agreed to.

Clause 31 - amendment proposed;

THAT, Clause 31 of the Bill be amended—

(a) in sub-clause (1)—

- (i) by inserting the words “is formed for an unlawful purpose or” immediately after the word “trust” in paragraph (a);
- (ii) by deleting paragraph (b);
- (iii) by deleting paragraph (d);

(b) by inserting the following new sub-clause immediately after sub-clause (2)—

(3) In making a determination under subsection (2), an applicant shall be given an opportunity to be heard or to regularize an application to meet the requirements for registration.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 31 - as amended agreed to.

Clauses 32, 33, 34 & 35 - agreed to.

Clause 36 - amendment proposed;

THAT, Clause 36 of the Bill be amended in sub-clause (1)—

- (a) by deleting paragraph (b);
- (b) by inserting the words “or any other written law” immediately after the word “Regulations” in paragraph (d).

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 36 - as amended agreed to.

Clause 37 - amendment proposed;

THAT, Clause 37 of the Bill be amended in sub-clause (1) by inserting the words “Subject to this Act and any other written law” immediately before the words “A person”.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 37 - as amended agreed to.

Clause 38 - amendment proposed;

THAT, Clause 38 of the Bill be amended in sub-clause (1) by inserting the words “and any other written law” immediately after the word “deed”.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 38 - as amended agreed to.

Clause 39 - amendment proposed;

THAT, Clause 39 of the Bill be amended—

- (a) in sub-clause (3), by inserting the words “subject to the Public Trustee Act” immediately after the words “court may”;
- (b) in sub-clause (4), by deleting paragraph (e) and substituting therefor the following paragraph—
 - (e) the declaration of bankruptcy or insolvency of the trustee.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 39 - as amended agreed to.

Clause 40 - agreed to.

Clause 41 - amendment proposed;

THAT, Clause 41 of the Bill be amended in sub-clause (1) by deleting the expression “section 37” and substituting therefor the expression “sections 37 and 38”.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 41 - as amended agreed to.

Clauses 42, 43, 44 & 45 - agreed to.

Clause 46 - amendment proposed;

THAT, Clause 46 of the Bill be amended in sub-clause (3) by inserting the words “in default” immediately after the word “trustees”.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 46 - as amended agreed to.

Clause 47 - agreed to.

Clause 48 - amendment proposed;

THAT, Clause 48 of the Bill be amended in sub-clause (4) by inserting the following proviso—
Provided that a trustee shall obtain any approval required under any other written law prior to lodging the amendment.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 48 - as amended agreed to.

Clauses 49 & 50 - agreed to.

Clause 51 - amendment proposed;

THAT, Clause 51 of the Bill be amended by—

(a) renumbering the existing provision as sub-clause (1);

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

(2) Subject to the provisions of this Act, a trustee may make any investment relating to the assets of the trust.

(3) In exercising any power of investment, or otherwise, a trustee shall undertake appropriate legal and financial due diligence and shall seek the necessary advice from persons qualified to render such advice in relation to the investment in question.

(4) A trustee shall not invest assets of the trust unless the trustee is authorised to do so in the trust deed and the investment is—

(a) in accordance with the purposes, terms and duration of the trust;

(b) in accordance with the interests and circumstances of the beneficiaries;

(c) commensurate to the liquidity requirements of the trust;

(d) commensurate to the nature and extent of the risks associated with the investment;

- (e) does not pose any actual or potential conflict of interest to the trust or the trustee; and
- (f) prudent and in the best interest of the trust.

(5) A trustee shall, from time to time, review the investments of the trust and consider whether they should be varied considering diversification and potential risk of the investment.

(6) A trustee shall not be liable for breach of trust due to continuing to hold an investment which has ceased to be an investment authorized by the trust deed or by the general law.

(7) A trustee lending money on the security of any trust property on which the trustee can lend shall not be liable for breach of trust by reason only of the proportion borne by the amount of the loan to the value of the property at the time when the loan was made, if it appears to the court that—

- (a) in making the loan, the trustee was acting upon a report as to the value of the property made by a person whom the trustee reasonably believed to be a surveyor or a valuer instructed and employed independently of any owner of the property, whether the surveyor or valuer carried on business in the locality where the property is situate or elsewhere;
- (b) the amount of the loan does not exceed two-thirds of the value of the property as stated in the report;
- (c) the loan was made under the advice of the surveyor or valuer expressed in the report.

(8) Where a trustee improperly advances trust money on a mortgage security which would at the time of the investment be a proper investment in all respects for a smaller sum than is actually advanced thereon, the security shall be deemed an authorized investment for the smaller sum, and the trustee shall only be liable to make good the sum advanced in excess thereof with interest.

(9) A trustee lending money on the security of any leasehold property shall not be chargeable with breach of trust only upon the grounds that in making the loan the trustee dispensed either wholly or partly with the production or investigation of the lessor's title.

(10) A trustee shall not be chargeable with breach of trust only upon the grounds that in effecting the purchase, or in lending money upon the security, of any property he has accepted a shorter title than the title which a purchaser is, in the absence of a special contract, entitled to require, if in the opinion of the court the title accepted be such as a person acting with prudence and caution would have accepted.

(11) The provision of this section shall apply to the transfer of existing and new securities and to investments made prior to the commencement of this Act.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 51 - as amended agreed to.

Clauses 52 & 53 - agreed to.

Clause 54 - amendment proposed;

THAT, Clause 54 of the Bill be amended in sub-clause (1) by inserting the words “Subject to this Act and any other written law” immediately before the words “where a trustee”.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 54 - as amended agreed to.

Clauses 55, 56 & 57 - agreed to.

Clause 58 - amendment proposed;

THAT, Clause 58 of the Bill be amended—

- (a) in sub-clause (1), by inserting the words “any other written law” immediately after the words “this Act”.
- (b) by deleting sub-clause (3);
- (c) in sub-clause (6), by inserting the following paragraph immediately after paragraph (d)—
- (e) any other information as may be prescribed in the Regulations.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 58 - as amended agreed to.

Clause 59 - agreed to.

Clause 60 - amendment proposed;

THAT, Clause 60 of the Bill be amended in sub-clause (1) by inserting the words “or an enforcer” immediately after the word “beneficiary” in paragraph (b).

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 60 - as amended agreed to.

Clause 61 - amendment proposed;

THAT, Clause 61 of the Bill be amended by inserting the following new subclause immediately after subclause (1)—

(1A) In addition to the liability under subsection (1), a trustee who commits or is a party to a breach of trust is liable—

- (a) where the trustee is a natural person, to an administrative penalty not exceeding one million shillings;
- (b) where the trustee is a body corporate, to an administrative penalty not exceeding five million shillings.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 61 - as amended agreed to.

Clause 62 - agreed to.

Clause 63 - amendment proposed;

THAT, Clause 63 of the Bill be amended in sub-clause (1) by inserting the words “registration or” immediately after the words “a certificate of” appearing in paragraph (a).

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 63 - as amended agreed to.

Clauses 64, 65, 66, 67, 68, 69, 70, 71, 72, 73 & 74 - agreed to.

Clause 75 - amendment proposed;

THAT, Clause 75 of the Bill be amended in sub-clause (3) by deleting the words “five hundred” and substituting therefor the words “three thousand”.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 75 - as amended agreed to.

Clauses 76 & 77 - agreed to.

Clause 78 - amendment proposed;

THAT, Clause 78 of the Bill be amended in sub-clause (8) by—

- (a) inserting the words “regulatory bodies including” in paragraph (c) immediately before the words “self-regulatory”; and
- (b) deleting the word “entity” appearing in paragraph (d) and substituting therefor the word “institution”.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 78 - as amended agreed to.

Clauses 79, 80, 81 & 82 - agreed to.

Clause 83 - amendment proposed;

THAT, Clause 83 of the Bill be amended in sub-clause (3) by deleting the words “to the” appearing immediately after the word “donated” in paragraph (d).

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 83 - as amended agreed to.

Clause 84 - amendment proposed;

THAT, Clause 84 of the Bill be amended—

- (a) in sub-clause (1), by inserting the words “or other person authorized under the trust deed” immediately after the words “trustee of a trust”
- (b) in sub-clause (2), by deleting paragraph (a) and substituting therefor the following new paragraph—
 - (a) the purpose of the trust has been fulfilled or has otherwise ceased to exist in accordance with the trust deed of this Act;

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 84 - as amended agreed to.

Clauses 85, 86, 87, 88, 89, 90, 91, 92, 93 & 94 - agreed to.

Clause 95 - amendment proposed;

THAT, Clause 95 of the Bill be amended in sub-clause (2) by inserting the following new paragraph immediately after paragraph (h)—

(ha) the manner and form of applying for an exemption from the provisions of the Act;

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 95 - as amended agreed to.

Clauses 96 & 97 - agreed to.

New Clause 94A - proposed

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 94—

Exemption from the provisions of the Act.

94A. (1) A charitable trust registered or incorporated under this Act may apply to the Attorney-General for exemption from any of the provisions of the Act.

(2) The application under subsection (1) shall state the reasons for seeking the exemption.

(3) The Attorney-General may grant an exemption on such terms as he or she may consider necessary, subject to prior approval by the committee of the National Assembly responsible for delegated legislation.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Motion made and Question proposed—

THAT, New Clause 94A be now read a Second Time

(Chairperson, Departmental Committee on Justice and Legal Affairs)

There being no debate arising;

Question put and agreed to;

Motion made and Question proposed—

THAT, New Clause 94A be part of the Bill.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

There being no debate arising;

Question put and agreed to;

New Clause 96A - proposed

THAT, the Bill be amended by inserting the following new clause immediately after Clause 96—

Consequential amendment to Cap. 499B.

96A. The Business Registration Service Act is amended—

(a) in the long title, by inserting the word “trusts” immediately after the word “firms”;

- (b) in section 4, by inserting the word ‘trusts’ immediately after the word “bankruptcy” appearing in subsection (1).

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Motion made and Question proposed-

THAT, New Clause 96A be now read a Second Time

(Chairperson, Departmental Committee on Justice and Legal Affairs)

There being no debate arising;

Question put and agreed to;

Motion made and Question proposed-

THAT, New Clause 96A be part of the Bill.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

There being no debate arising;

Question put and agreed to;

Clause 2 - amendment proposed;

THAT, Clause 2 of the Bill be amended—

- (a) by deleting the definition of “beneficial owner” and substituting therefor the following new definition—

“beneficial owner” means the natural person who ultimately owns or controls a legal person or arrangements or the natural person on whose behalf a transaction is conducted, and includes those persons who exercise ultimate effective control over a legal person or arrangement;

- (b) in the definition of “trust deed”, by inserting the words “and includes reference to a constitution or trust instrument” immediately after the word “thereof”;

- (c) by inserting the following new definitions in their proper alphabetical sequence—

“Registry” means the registry of trusts established under section 77(2);

“reporting institution” has the meaning assigned to it under the Proceeds of Crime and Anti-Money Laundering Act.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Clause 2 - as amended agreed to.

Long Title - amendment proposed;

THAT, the long title of the Bill be amended by deleting the words “and reform” appearing immediately after the word “consolidate”.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

There being no debate arising;

Question of the amendment put and agreed to;

Long Title - as amended agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments.

15. HOUSE RESUMED - the Second Chairperson of Committees

The Trust Administration Bill (National Assembly Bill No. 29 of 2026)

Bill reported with amendments;

Motion made and Question proposed—

THAT, the House do agree with the Report of the Committee of the Whole House on its consideration of the Trust Administration Bill (National Assembly Bill No. 29 of 2026).

(Deputy Majority Whip)

There being no debate arising;

Question put and agreed to.

Motion made and Question proposed—

THAT, the Trust Administration Bill (National Assembly Bill No. 29 of 2026) be now read a third time.

(Deputy Majority Whip)

Debate arising;

Question put and agreed to.

Bill read a Third time and passed.

16. REQUESTS FOR STATEMENTS PURSUANT TO STANDING ORDER 44(2)(C)

- I. The Member for Mavoko (The Hon. Patrick Makau) requested for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the disappearance of Mr. Jimmy Mutava Mwanzia;
- II. The Member for Tetu (Hon. Geoffrey Wandeto) requested for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding Operationalization of newly gazetted administrative units in Tetu Constituency;
- III. The Member for West Mugirango (Hon. Stephen Mogaka) requested for a Statement from the Chairperson of the Departmental Committee on Education regarding Exclusion of a school from the State House Gala performance;

- IV. The Member for Malava (Hon. David Ndakwa) requested for a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding Delayed completion of Kakamega-Webuye (A1) Road;
- V. The Member for Kajiado North (Hon. Onesmus Ngogoyo) requested for a Statement from the Chairperson of the Departmental Committee on Environment, Forestry and Mining regarding the proposed mining of minerals in Kwale County;
- VI. The Member for Samburu West (Hon. Naisula Lesuuda) requested for a Statement from the Chairpersons of the Departmental Committee on Administration and Internal Security and Health regarding the proliferation of adulterated alcoholic drinks in the Country;
- VII. The Member for Sotik (Hon. Amb. Francis Sigei) requested for a Statement from the Chairpersons of the Departmental Committee on Finance and National Planning regarding the transitioning of the New KCC private management;
- VIII. Nominated Member (Hon. Umulkher Harun) requested for a Statement from the Chairperson of the Departmental Committee on Tourism and Wildlife regarding a death due to a crocodile attack;

The following requests for Statements were deferred;

- IX. Request for a Statement by Member for Loima (Hon. Protus Akujah) from the Chairperson of the Departmental Committee on Education regarding irregularities in the appointment of trainers to Loima Technical and Vocational College; and
- X. Request for a Statement by Member for Kwale County (Hon. Fatuma Masito) from the Chairperson of the Departmental Committee on Energy regarding arbitrary disconnection of electricity in Kwale County.

17. RESPONSE TO A STATEMENT PURSUANT TO STANDING ORDER 44(2)(C)

- (i) The Chairperson of the Departmental Committee on Energy responded to a Statement sought by the Member for Samburu West (Hon. Naisula Lesuuda) regarding persistent power outages in Samburu West Constituency;
- (ii) The Member of the Departmental Committee on Transport and Infrastructure (Hon. Komingoi Kibet Kirui) responded to a Statement sought by the Member for Mander South (Hon. Abdul Haro) regarding Operationalisation of Kotulo Airstrip;

The following responses to Statements were deferred;

- (iii) The response by the Chairperson of the Departmental Committee on Administration and Internal Security to a Statement requested by the Member for Saboti (Hon. Caleb Amisi) regarding the death of a Mr. Dennis Cheboren Ndiema of Saboti Constituency;
- (iv) The response by the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation to a Statement requested by the Member for Kilifi North (Hon. Owen Baya) regarding the Status of water supply in Kilifi, Kwale, Taita Taveta and Mombasa Counties; and

- (v) The response by the Chairperson of the Departmental Committee on Defence and Foreign Relations to a Statement requested by the Member for Nyaribari Masaba (Hon. Daniel Manduku) regarding Disappearance of two Kenyan citizens in the Russian Federation.

18. STATEMENT PURSUANT TO STANDING ORDER 44(2)(A)

Pursuant to Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement to the House regarding business of the House for the week commencing Tuesday, 29th September 2026.

19. THE PUBLIC SERVICE SUPERANNUATION SCHEME (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 33 OF 2025)

Order for Second Reading read;

Order deferred.

20. MOTION – INSPECTION VISIT TO THE KENYAN EMBASSY IN MOROCCO

Order read;

Order deferred.

21. MOTION – INSPECTION VISIT TO THE KENYAN EMBASSY IN EGYPT

Order read;

Order deferred.

22. MOTION – NINTH REPORT ON EXAMINATION OF THE AUDITED FINANCIAL STATEMENTS OF VARIOUS STATE CORPORATIONS (RIFT VALLEY REGION)

Order read;

Order deferred.

- 23.** And the time being Seventeen Minutes past Six O'clock the Second Chairperson interrupted debate and adjourned the House without Question put pursuant to the Standing Orders.

HOUSE ROSE -

at Seventeen Minutes past Six O'clock

MEMORANDUM

The Speaker will take the Chair on,
Tuesday, September 29, 2026 at 2.30 p.m.

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