



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – SECOND SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, DECEMBER 03, 2014

1. The House assembled at thirty minutes past Nine O'clock
2. The Proceedings were opened with Prayer
3. **PRESIDING** – the First Chairperson
4. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

**IN THE COMMITTEE**

The First Chairperson in the Chair

**The Retirement Benefits (Deputy President and Designated State Officers) (National Assembly Bill No. 38 of 2013)**

Clause 3 - amendment proposed –

THAT, clause 3 is amended by deleting the expression “after the 15<sup>th</sup> January, 2008” appearing immediately before the word “retire”.

*(Hon. John Mbadi)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 3 deleted –

*(Hon. John Mbadi)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Clause 3 - as amended agreed to

Clause 4 - agreed to

Clause 5 - amendment proposed –

THAT, clause 5 be amended in subclause (1) by—

- (a) deleting the phrase “A retired Speaker of the National Assembly or the Senate” and substituting therefor “ A retired Designated State Officer”;
- (b) deleting the word “eighty” in paragraph (a) and substituting therefor the expression “ sixty-five”;
- (c) deleting the phrase “ one and half years” in paragraph (b) and substituting therefor “one year’s”;
- (d) deleting paragraph (e) and substituting therefor the following new paragraph—  
“(e) a fuel allowance equal to ten per cent of the monthly pension payable under paragraph (a)”;
- (e) deleting the words “ First Schedule” in paragraph (g) and substituting therefor the word “Schedule.”

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 5 - as amended agreed to

Clause 6 - amendment proposed –

THAT, clause 6 be amended by—

- (a) deleting the word “eighty” in paragraph (a) and substituting therefor the word “sixty-five”;
- (b) deleting the words “one and half years” in paragraph (b) and substituting therefor the words “one year”;
- (c) deleting the word “four” in paragraph (c) and substituting therefor the word “eight”;
- (d) deleting the word “four” in paragraph (d) and substituting therefor the word “eight”;
- (e) deleting paragraph (e) and substituting therefor the following new paragraph—

"(e) a fuel allowance equal to ten per cent of the monthly pension payable under paragraph (a)";

(f) deleting the words " First Schedule" in paragraph (g) and substituting therefor the word "Schedule."

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 6 - as amended agreed to

Clause 7 - amendment proposed –

THAT, clause 7 be amended—

- (a) by deleting the word "eighty" in paragraph (a) and substituting therefor the word " sixty-five;
- (b) by deleting the words " one and half years" in paragraph (b) and substituting therefor the words "one year";
- (c) in paragraph (c), by deleting the word "four" and substituting therefor the word "six";
- (d) in paragraph (d), by deleting the word "four" and substituting therefor the word "six";
- (e) by deleting paragraph (e) and substituting therefor the following new paragraph—

"(e) a fuel allowance equal to ten per cent of the monthly pension payable under paragraph (a)";
- (f) by deleting the words "Third Schedule" in paragraph (g) and substituting therefor the word "Schedule."

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 7 - as amended agreed to

Clauses 8 to 16 - agreed to

Clause 2 - amendment proposed –

THAT, clause 2 be amended—

(a) in the definition of “Designated State Officer”, by inserting the following new paragraph immediately after paragraph (b)—

“(c) Chief Justice”;

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

“Chief Justice” means a person appointed as such under Article 166 of the Constitution;

“monthly salary” means the basic salary excluding all allowances, or sixty percent of the gross salary where basic salary is not expressly stated;”

(c) in the definition of “retired Speaker”, by deleting the phrase “and does not include a person who served as Speaker before the commencement of this Act” appearing immediately after the word “Constitution”;

(d) in the definition of “retired Vice-President”, by deleting the words “and does not include a person who served as Vice-President before the commencement of this Act” appearing immediately after the word “Constitution”.

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 2 be amended by inserting the following new definition in its proper alphabetical sequence—

“elective politics” means—

(a) the holding of a position or office in a political party; or

(b) the participation in any activity that agitates for—

(i) the holding or election of a person to any elective position or seat or the appointment of a person to public office by any person; or

(ii) the voting in a particular manner in an election under the Elections Act, or a referendum on any question contemplated in the Constitution.

*(Hon. Aden Duale)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to.

Clause 2 - as amended agreed to

First Schedule - amendment proposed -

THAT, the First Schedule be deleted and replaced with the following new Schedule—

**SCHEDULE (ss. 5(1)(g), 6(g) and 7(g))**

**ADDITIONAL RETIREMENT BENEFITS FOR A RETIRED DEPUTY  
PRESIDENT, A RETIRED PRIME MINISTER, A RETIRED VICE-  
PRESIDENT OR A RETIRED DESIGNATED STATE OFFICER**

- (a) two drivers;
- (b) one personal assistant;
- (c) one secretary;
- (d) one senior support staff;
- (e) two armed security guards who shall be provided on request by the entitled person;
- (f) diplomatic passports for the entitled person and his spouse;
- (g) maintenance expenses for the vehicles provided pursuant to this Act;
- (h) access to the V.I.P. lounge at all airports within Kenya.

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

First Schedule - as amended agreed to

Second Schedule - amendment proposed -

THAT, the Second Schedule be deleted.

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

First Schedule - deleted

Third Schedule - amendment proposed -

THAT, the Third Schedule be deleted

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

First Schedule - deleted

Long Title - amendment proposed -

THAT, the Long Title be amended by deleting the phrase "and Deputy Prime Minister" and substituting therefor the phrase "or Designated State Officer".

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Long Title - as amended agreed to

New Clause proposed -

THAT, the following new clause be inserted immediately after clause 16—

Amendment of  
section 22 of No.  
24 of 2011

17. The Elections Act, 2011 is amended in section 22(1) by inserting the following new paragraph immediately after paragraph (b)—

"(c) is neither entitled to nor receiving retirement benefits pursuant to the Retirement Benefits (Deputy President and Designated State Officers) Act."

*(Chairperson, Departmental Committee on Finance, Planning & Trade)*

Motion made and Question proposed:-

THAT, the New Clause 17 be now read a Second Time;

Question put and agreed to.

Motion made and Question proposed;

THAT, the New Clause 17 be part of the Bill

Question put and agreed to.

**PROGRESS REPORT**

Motion made and Question proposed -

THAT, the Committee of the whole House do report progress and seeks leave to sit again

*(Hon. John Mbadi)*

Question put and agreed to.

7. **HOUSE RESUMED** - First Chairperson

**PROGRESS REPORT**

Motion made and Question proposed –

THAT, the Committee of the whole House has considered the Retirement Benefits (Deputy President and Designated State Officers) Bill (National Assembly Bill No.38 of 2013) and seeks leave to sit again

*(Hon. John Mbadi)*

Question put and agreed to.

8. **THE CENTRAL BANK (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.32 OF 2014)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Central Bank (Amendment) Bill (National Assembly Bill No.32 of 2014) be now read a Second Time

*(Hon. Kabando wa Kabando – 26.11.2014)*

Debate interrupted on Wednesday, November 26, 2014 resumed;

Mover replied;

Question of the Second Reading deferred.

And the time being One O'clock, the First Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

9. **HOUSE ROSE** - at One O'clock

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**M E M O R A N D U M**

The Speaker will take the Chair today,  
Wednesday, December 03, 2014 at 2.30 p.m.

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