



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – THIRD SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, JUNE 03, 2015

1. The House assembled at thirty minutes past Nine O'clock
2. The Proceedings were opened with Prayer
3. Presiding – the Speaker
4. MESSAGES

The Speaker conveyed the following Messages -

- (i) Message from the President on Nomination of the Governor and Deputy Governor of Central Bank of Kenya

"Honourable Members,

Standing Order 42 (1) relating to **Messages from the President** provides that *"the Speaker shall read to the House any message from the President delivered to the Speaker for communication to the House"*. In this regard therefore, I wish to inform the House that I have received a Message from the His Excellency the President regarding appointment of persons to the Board of the Central Bank of Kenya.

The Message conveys that, H.E. the President, in accordance with the provisions of section 11 of Central Bank of Kenya Act, has nominated Mr. Jairus Mohammed Nyaoga to the position of Chairperson of the Board of Directors of the Central Bank of Kenya. Further, pursuant to section 13 and 13B of the same Act, the President has nominated Dr. Patrick Ngugi Njoroge and Mrs. Sheila Mmbijjewe to the positions of Governor and Deputy Governor of the Central Bank of Kenya, respectively. The President therefore seeks the approval of the National Assembly on the said nominations.

Honourable Members, the above provisions of the Central Bank of Kenya Act require that in making appointments to the offices of the Chairperson of the Board of Directors, the Governor and Deputy Governor of the Central Bank of Kenya, the appointing authority shall seek parliamentary approval. Section 5 of the Public Appointments (Parliamentary Approval) Act, 2011 provides that an appointing authority shall, upon nominating a person for an appointment to which this Act applies, notify the relevant House of

Parliament accordingly. Consequently, a proper notification in line with the above provisions has been received.

Honourable Members, as the Central Bank of Kenya Act does not provide specific timelines for the consideration of the nominations, it follows that section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011 come into effect. For the avoidance of doubt, this section states, and I quote, *'Unless otherwise provided in any law, a Committee shall consider a nomination and table its report in the relevant House for debate and decision within fourteen days from the date on which the notification of nomination was given in accordance with section 5.* In this regard therefore, the House has fourteen (14) days to consider the nominations in accordance with the relevant laws. Hon. Members, questions may arise as to whether the Chairperson of the CBK Board is subject to the provisions of the Public Appointments (Parliamentary Approval) Act. My reading of section 11 of the Central Bank of Kenya Act confirms that, indeed the appointment of the Chairperson, the Governor, the Deputy Governor and the other Non-executive Directors ought to be approved by the House.

Honourable Members, pursuant to the provisions of Standing Order 42(3) (c), I now refer the Message from H.E. the President containing the names of the nominees together with their curricula vitae, the report of the Selection Panel and the Score Sheets to the Departmental Committee on Finance, Planning and Trade to conduct the approval hearings and table their report on or before June 16, 2015. The Committee should endeavor to conduct extensive public participation as provided for under Article 118 of the Constitution as well as section 6(4) of the Public Appointments (Parliamentary Approval) Act.

Thank you".

(ii) **Message from the Senate on Senate's Approval of the Mediated Version of the Division of Revenue Bill, 2015**

"Honourable Members,

Pursuant to Standing Orders 41(4) and 150(3), I wish to report that I have received a Message from the Senate conveying Senate's Approval of the Mediated Version of the Division of Revenue Bill, 2015.

You will notice that this Bill is scheduled for consideration by the House today under Order No.11. I do hope that the House will dispense off with the business expeditiously, bearing in mind the provisions of Article 113 of the Constitution on mediation process and the need to unlock the budgetary process in the County Governments as contemplated under Article 224.

I thank you".

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The National Police Service Commission (Promotions) Regulations 2015 and the Explanatory Memorandum;
- (ii) The National Police Service Commission (Transfers and Deployment) Regulations 2015 and the Explanatory Memorandum;

- (iii) The National Police Service Commission (Discipline) Regulations 2015 and the Explanatory Memorandum;
- (iv) Sessional Paper No. 3 of 2014 on the National Policy and Action Plan on Human Rights from the Office of the Attorney General;
- (v) The Constituencies Development Fund Board Report on Projects Approvals and Disbursements Status, April, 2015 including restrictions on Constituency accounts;
- (vi) The Report of the Auditor-General on the Financial Statements of Kenya Veterinary Board for the year ended 30th June, 2014 and the certificate of the Auditor-General therein;
- (vii) The Report of the Auditor-General on the Financial Statements of the Agricultural Information Resource Centre for the year ended 30th June, 2014 and the certificate of the Auditor-General therein;
- (viii) The Report of the Auditor-General on the Financial Statements of the Engineers Board of Kenya for the year ended 30th June, 2014 and the certificate of the Auditor-General therein; and,
- (ix) The Report of the Auditor-General on the Statement of Revenue for the Kenya Tsetse and Trypanosomiasis Eradication Council for the year ended 30th June, 2014 and the certificate of the Auditor-General therein.

(The Leader of the Majority Party)

6. **STATEMENT REGARDING THE PROGRESS OF THE BUDGET AND APPROPRIATIONS COMMITTEE REPORT BY THE HON. MUTAVA MUSYIMI**

The Chairperson of the Budget and Appropriations Committee issued a statement with regard to the meetings held with the Chairpersons of Departmental Committees and Treasury whereby the Budget and Appropriations Committee reconsidered recommendations of various Committees in respect of the Budget Estimates for the year 2015/2016.

He added that amendments proposed would be availed and circulated to the Members during the afternoon sitting (Wednesday, June 03, 2015).

7. **THE SUPPLEMENTARY APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 23 OF 2015)**

(Chairperson, Budget and Appropriations Committee)

Order for First Reading read;

Bill read a First Time and ordered to be read a Second Time **today.**

8. **THE SUPPLEMENTARY APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO.23 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed:-

THAT, the Supplementary Appropriation Bill (National Assembly Bill No.23 of 2015) be now read a Second Time.

(The Chairperson, Budget and Appropriations Committee)

Debate arising;

Rising in his place on a Point of Order, the Member for Endebess (Dr. Robert Pukose) claimed to move that "the Mover be now called upon to reply";

And the Speaker acceding to the claim;

Question put and agreed to.

Thereupon, Mover replied;

Question put and agreed to.

There upon the House resolved into Committee.

9. COMMITTEE OF THE WHOLE HOUSE

IN THE COMMITTEE

(Third Chairperson of Committees in the Chair)

10. THE SUPPLEMENTARY APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 23 OF 2015)

Clause 2 - agreed to

Clauses 3 & 4 - agreed to

Schedule - agreed to

Clause 1 - amendment proposed –

THAT, clause 1 be amended by inserting the words "and shall come into force upon publication" at the end thereof

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Title - agreed to

Bill to be reported with amendment.

11. **HOUSE RESUMED** – the Speaker in the Chair
12. **THE SUPPLEMENTARY APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 23 OF 2015)**

Bill reported with amendment.

Motion made and Question proposed:-

THAT, the House do agree with the Committee of the whole House in the said Report

(The Chairperson, Budget and Appropriations Committee)

Question put and agreed to.

Motion made and Question proposed:-

THAT, the Supplementary Appropriation Bill (National Assembly Bill No.23 of 2015) be now read a Third Time.

(The Chairperson, Budget and Appropriations Committee)

Debate arising;

Question put and agreed to.

Bill read a Third Time and **passed**.

13. **MOTION – CONSIDERATION OF THE MEDIATED VERSION OF THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO.11 OF 2015)**

Motion made and Question proposed –

THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150(3), this House approves the Report of the Mediation Committee on the Division of Revenue Bill (National Assembly Bill No.11 of 2015), laid on the Table of the House on Wednesday, May 27, 2015.

(The Chairperson, Mediation Committee on the Division of Revenue Bill, 2015)

Debate arising;

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

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

MEMORANDUM

The Speaker will take the Chair today,
Wednesday, June 03, 2015 at 2.30 p.m.