



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, OCTOBER 4, 2016

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **PRESIDING** – the Speaker

The Speaker delivered the following Communication:-

**COMMUNICATION FROM THE CHAIR-REGARDING A VISITING DELEGATION
FROM THE PARLIAMENT OF SIERRA LEONE**

Honourable Members,

I wish to introduce to you a delegation of the following Honourable Members of Parliament and one staff from the Parliament of Sierra Leone who are seated at the Speaker's row:

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|---------------------------------|----------------------------|
| 1) The Hon. Claude D. M Kamanda | - Leader of the Delegation |
| 2) The Hon. Aaron Aruna Koroma | -Member of Parliament |
| 3) The Hon. Albert Deen Kamara | -Member of Parliament |

- 4) The Hon. Edward Stile Jengo -Member of Parliament
5) Mr. Augustine Sesay -Committee Clerk

The Delegation, comprising of Members of the Committee on Transparency and Accountability, is in the country to share experiences and broaden their understanding and knowledge of the workings of our committees. On my own behalf and that of the House, I wish to welcome them to the National Assembly and wish them fruitful engagements during their stay in the country.

I thank you!

4. MESSAGES

The Speaker conveyed the following messages:-

I). NOMINATION OF JUSTICE DAVID MARAGA AS CHIEF JUSTICE

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 dated 29th September, 2016, regarding the appointment of Justice David Kenani Maraga as Chief Justice of the Republic of Kenya. The Message also includes the original copy of the Judicial Service Commission's Report on recruitment and selection process for the Chief Justice and his Curriculum Vitae. This was submitted in line with the provisions of Article 166 (1) of the Constitution which provides and I quote:

"The President shall appoint the Chief Justice and the Deputy Chief Justice, in accordance with the recommendation of the Judicial Service Commission, and subject to the approval of the National Assembly"

The President therefore seeks the approval of the National Assembly on the said nomination.

Honourable Members,

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 provision has been received.

Honourable Members,

Section 8 of the Public Appointments (Parliamentary Approval) Act, 2011 further provides that the relevant Committee should table its Report for debate and decision within fourteen days from when the notification of nomination is given. I cannot over-emphasize the need to expedite this process of appointment of a substantive Chief Justice, considering that there is a vacancy in this position and in that of the Deputy Chief Justice at a time when the substantive office holders ought to perform certain statutory obligations.

Honourable Members,

Pursuant to the provisions of Standing Order 43(3)(c), I now refer the Message, including the *curriculum vitae* of the nominee, to the Departmental Committee on Justice and Legal Affairs to undertake the necessary approval hearings. I wish to guide the Committee and the House as follows:-

- (i) The Committee should notify the nominee and the general public of the time and place for holding the approval hearings expeditiously. The notification should therefore be made immediately; and,
- (ii) The Committee should thereafter commence the necessary approval hearings and table its Report on or before Wednesday, 12th October 2016 for debate and decision in the House before the end of next week.

I thank you!

II). ON THE APPOINTMENT OF MEMBERS TO THE CENTRAL BANK OF KENYA BOARD

Honourable Members,

Pursuant to the provisions of Standing Order 42 (1) relating to **Messages from the President**, I wish to inform the House that I have received a Message from His Excellency the President regarding the appointment of Members to the Central Bank of Kenya Board.

The Message conveys that the following persons have been nominated for appointment as Members to the Central Bank of Kenya Board:

- (i) Mr. Ravi Ruparel;
- (ii) Mrs. Nelius Kariuki;
- (iii) Mr. Samson K. Cherutich;
- (iv) Ms. Charity Seleina Kisotu; and
- (v) Mrs. Rachel Bessie Dzombo.

Hon. Members, section 11(2) of the Central Bank of Kenya Act require that in making appointments of Board Members to 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.

Hon. Members, since 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 unless the House grants a further extension pursuant to the Statute Law Miscellaneous (Amendment) Act, 2014.

Hon. 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 to the Departmental Committee on Finance, Planning and Trade to conduct the approval hearings and table its report expeditiously on or before Thursday, October 13, 2016 to enable the House to make a decision by Tuesday, October 18, 2016.

Thank you!

5. PAPERS

(No.113)

(976)

The following papers were tabled:

(I) The Commission on Revenue Allocation Recommendations for the Equitable Sharing of Revenue Raised Nationally between the National and County Governments for the year 2017/2018.

(II) The Reports of the Auditor-General on the Financial Statements of the Constituencies Development Fund in respect of the following Constituencies for the year ended 30th June, 2015 and the Certificates therein:-

- i. Mavoko Constituency;
- ii. Kathiani Constituency;
- iii. Kajiado South Constituency;
- iv. Kajiado North Constituency;
- v. Machakos Town Constituency;
- vi. Marakwet East Constituency;
- vii. Sigor Constituency;
- viii. Saboti Constituency;
- ix. Kiminini Constituency;
- x. Keiyo South Constituency;
- xi. Pokot South Constituency;
- xii. Kesses Constituency;
- xiii. Kasipul Constituency;
- xiv. Borabu Constituency;
- xv. West Mugirango Constituency;
- xvi. Kitutu Masaba Constituency; and
- xvii. Nyaribari Chache Constituency.

(The Leader of Majority Party)

III. The Report of the Departmental Committee on Transport, Public Works and Housing on the Inquiry into the Status of Implementation of Phase I & II of the Standard Gauge Railway.

(Vice Chairperson, Departmental Committee on Transport, Public Works and Housing)

6. NOTICES OF MOTION

The following notices of motions were given:-

- (i) **NOTICE OF MOTION – ADJOURNMENT OF THE HOUSE TO DISCUSS THE PERFORMANCE OF KENYA AIRWAYS PURSUANT TO STANDING ORDER 33 THAT**, this House be adjourned to discuss the Performance of the Kenya Airways)
- (ii) **NOTICE OF MOTION – ADOPTION OF THE REPORT ON THE INQUIRY INTO THE STATUS OF IMPLEMENTATION OF PHASE I & II OF STANDARD GAUGE RAILWAY**

THAT, this House adopts the Report of the Departmental Committee on Transport, Public Works and Housing on the Inquiry into the Status of Implementation of Phase I & II of the Standard Gauge Railway laid on the Table of the House on Tuesday, October, 2016.

(The Vice Chairperson, Departmental Committee on Transport, Public Works and Housing)

7. STATEMENT BY THE MEMBER FOR SIGOR, THE HON. PHILIP ROTINO ON THE DEMISE OF HON. WILSON LITOLE

The Member for Sigor Constituency (Hon. Philip Rotino) informed the House of the demise of the Late Hon. Wilson Mwotiny Litole, who was the immediate former Member of Parliament for Sigor Constituency. Hon. Litole, who passed away on 25th September 2016, was a graduate of UK's Glasgow Caledonian University and had an illustrious public service career that included serving as District Commissioner, Commandant of the Administration Police Training School as well as a Member of Parliament.

8. THE PUBLIC FUNDRAISING APPEALS BILL (SENATE BILL NO. 28 OF 2014)

*(The Chairperson, Departmental Committee on Justice and Legal Affairs)
Motion made and Question Proposed,*

THAT, the Public Fundraising Appeals Bill (Senate Bill No. 28 Of 2014) be now read a Second Time

Debate interrupted on Thursday, September 01, 2016 – Afternoon Sitting Resumed

Debate interrupted at 1600hrs.

9. ADJOURNMENT MOTION PURSUANT TO STANDING ORDER 33

Motion made:

THAT, this House be adjourned to discuss the Performance of the Kenya Airways.

(Leader of the Majority Party)

Question Proposed

Debate Arising.

10. ADJOURNMENT OF THE HOUSE

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

HOUSE ROSE

- at thirty minutes past Six O'clock

MEMORANDUM

The Speaker will take the Chair on
Wednesday, October 5, 2016 at 9.30 a.m.

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