



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, DECEMBER 01, 2016

1. The House assembled at thirty minutes past Nine O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Deputy Speaker
4. **THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2016)**  
(The Leader of the Majority Party)  
  
Order for First Reading read;  
  
Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)
5. **THE NATIONAL CORONERS SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2016)**  
(The Leader of the Majority Party)  
  
Order for First Reading read;  
  
Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)
6. **THE PREVENTION OF TORTURE BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2016)**  
(The Leader of the Majority Party)  
  
Order for First Reading read;  
  
Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

7. **THE REFUGEES BILL (NATIONAL ASSEMBLY BILL NO. 29 OF 2016)**

Order for Second Reading having been read, Motion having been made, and the Question having been Proposed;–

THAT, the Refugees Bill (National Assembly Bill No. 29 of 2016) be now read a Second Time.

*(Hon. Agostinho Neto, MP)*

Debate on the Second Reading having been concluded on Wednesday, November 30, 2016;

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the Whole House.

8. **THE PUBLIC SERVICE COMMISSION BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2016)**

Order for Second Reading having been read, Motion having been made, and the Question having been Proposed;–

THAT, the Public Service Commission Bill (National Assembly Bill No.36 of 2016) be now read a Second Time

*(The Leader of the Majority Party)*

Debate on the Second Reading having been concluded on Wednesday, November 30, 2016;

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the Whole House.

9. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE WITNESS PROTECTION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2016)**

Motion made and Question proposed –

THAT, this House do agree with the Report of Committee of the Whole House on its consideration of the Witness Protection (Amendment) Bill (National Assembly Bill No.12 of 2016).

*(The Leader of the Majority Party)*

Question put and agreed to;

Motion made and Question proposed –

THAT, the Witness Protection (Amendment) Bill (National Assembly Bill No.12 of 2016) be now read a Third Time

*(The Leader of the Majority Party)*

Question put and agreed to;

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

10. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE BRIBERY BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2016)**

Motion made and Question proposed –

THAT, this House do agree with the Report of Committee of the Whole House on its consideration of the Bribery Bill (National Assembly Bill No.16 of 2016).

*(The Leader of the Majority Party)*

Question put and agreed to;

Motion made and Question proposed –

THAT, the Bribery Bill (National Assembly Bill No.16 of 2016) be now read a Third Time

*(The Leader of the Majority Party)*

Question put and agreed to;

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

11. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE COUNTY ASSEMBLY SERVICES BILL (SENATE BILL NO. 27 OF 2014)**

Motion made and Question proposed –

THAT, this House do agree with the Report of Committee of the Whole House on its consideration of the County Assembly Services Bill (National Assembly Bill No. 27 of 2014).

*(The Leader of the Majority Party)*

Question put and agreed to;

Motion made and Question proposed –

THAT, Bribery Bill (National Assembly Bill No.16 of 2016) be now read a Third Time  
*(The Leader of the Majority Party)*

Question put and agreed to;

Bill read a Third Time and Passed.

## 12. MOTION – RATIFICATION OF THE PARIS CLIMATE CHANGE AGREEMENT

Motion made and Question proposed –

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on the Ratification of the Paris Climate Change Agreement laid on the Table of the House on Wednesday, 30<sup>th</sup> November 2016, and pursuant to the provisions of Section 8 of the Treaty Making and Ratification Act, 2012, approves the Ratification of the Paris Climate Change Agreement.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Debate arising;

Rising in his place on a Point of Order pursuant to the provisions of Standing Order 95, the Member for Nakuru East (Hon. David Gikaria, M.P.) claimed to move “that the mover be now called upon to reply.”

And the Speaker acceding to the claim;

Thereupon, question put and agreed to;

Mover replied;

Putting of the Question deferred to another day.

## 13. COMMITTEE OF THE WHOLE HOUSE

### The Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 40 of 2016)

(In the Chair, the Second Chairperson of Committees)

Clauses 3, 4 and 5                      -agreed to.

Clause 6      -Amendment Proposed:-

**THAT**, clause 6 of the Bill be amended –

(a) in subsection (1) of the proposed new section 107A by deleting the words “by the national government” appearing immediately after the words “land value index developed” and substituting therefor the words “jointly by the national government and county government”.

(b) in subsection (4) by inserting the following proviso immediately after paragraph (c) (i)—

"Provided that where the national government or the county government makes changes in the use of the land compulsorily acquired to affect other land owners, these owners shall be excluded from the application of this provision."

(c) in the proposed new section 107B—

(i) by deleting the words "by the national government" appearing in paragraph 2(a) and substituting therefor the words "jointly by the national government and county government"; and

(ii) by deleting the proposed new subsection (3).

*(Hon. Moses Ole Sakuda on behalf of Chairperson, Departmental  
Committee on Defence and Foreign Relations)*

Question of the Amendment proposed;

Debate Arising;

Question Put and agreed to.

Clause 7      -Amendment Proposed:-

**THAT**, clause 7 of the Bill be deleted and substituted therefor with the following new clause—

*Amendment to section 111 of  
No. 6 of 2012.*

**7.**Section 111 of the Land Act is amended by inserting the following subsections immediately after subsection (1)—

(1A) Compensation for compulsorily acquired land may take any one or more of the following forms-

(a) allocation of alternative parcel of land of equivalent value and comparable geographical location and land use to the land compulsorily acquired;

(b) monetary payment either in lump sum or in instalments spread over a period of not more than one year;

(c) issuance of government bond;

(d) grant or transfer of development rights as may be prescribed.

(e) equity shares in a government owned entity; or

(f) any other lawful compensation.

(1B) Subject to subsection (1A), an owner of land compulsorily acquired shall elect the form of compensation.

(1C) Compensation relating to compulsory acquisition shall not be paid to a public body unless there is a demonstrable inference that the land was purchased and developed by that public body.

*(Hon. Moses Ole Sakuda on behalf of Chairperson, Departmental  
Committee on Defence and Foreign Relations)*

Question of the Amendment proposed;  
Debate Arising;  
Question Put and agreed to.

Clauses 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 - agreed to.

Clause 18 -Amendment Proposed:-

**THAT**, clause 18 of the Bill be amended in the new proposed section 133B by deleting the word "may" appearing in subsection (3) and substituting therefor the word "shall".

*(Hon. Moses Ole Sakuda on behalf of Chairperson, Departmental  
Committee on Defence and Foreign Relations)*

Question of the Amendment proposed;  
Debate Arising;  
Question Put and agreed to.

Clause 19 -agreed to.

Clause 20 -Amendment Proposed:-

**THAT**, clause 20 of the Bill be amended in the proposed subsection (5A) by deleting the words "five hundred thousand shillings or to imprisonment not exceeding three months" appearing in the proviso and substituting therefor the words "five million shillings or to imprisonment not exceeding three years".

*(Hon. Moses Ole Sakuda on behalf of Chairperson, Departmental  
Committee on Defence and Foreign Relations)*

Question of the Amendment proposed;  
Debate Arising;  
Question Put and agreed to.

Clauses 21 and 22 -agreed to.

Clause 2 -Amendment Proposed:-

**THAT** clause 2 of the Bill be amended in the definition of "prompt" by deleting the word "three" appearing in paragraph (ii) and substituting therefor the word "one".

*(Hon. Moses Ole Sakuda on behalf of Chairperson, Departmental  
Committee on Defence and Foreign Relations)*

Question of the Amendment proposed;  
Debate Arising;  
Question Put and agreed to.

Title -agreed to.

Clause 1 -agreed to.

Bill to be Reported **with Amendments**

#### 14. **HOUSE RESUMED**

**Presiding:** The Second Chairperson

Bill reported with amendments; Motion made and Question proposed –

**THAT**, the House do Agree with the Committee in the Bill's Report.

*(Hon. Moses Ole Sakuda on behalf of Chairperson, Departmental Committee on Defence and Foreign Relations)*

Question of the Amendment proposed;

Question Deferred.

#### 15. **THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2016)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the County Governments (Amendment) Bill (Senate Bill No. 4 of 2016) be now read a Second Time;

*(The Leader of the Majority Party)*

Debate Arising;

Mover to Reply.

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

#### 16. **HOUSE ROSE** - at One O'clock

### **MEMORANDUM**

The Speaker will take the Chair today,  
Thursday, December 01, 2016 at 2.30 p.m.

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