



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – THIRD SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, MARCH 11, 2015

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **PRESIDING** – the Speaker
4. **COMMUNICATION FROM THE CHAIR ON COMMENTING ON AND PREMATURE RELEASE OF COMMITTEE PROCEEDINGS**

The Speaker conveyed the following Communication –

“Honourable Members,

“I indicated that I was to make some Communication. This Communication relates to the issue of commenting on and premature release of the proceedings of committees.

As you are aware, on 5th March, 2015, I directed that the Powers and Privileges Committee inquires into the matters of alleged breach of privileges and/or code of conduct of membership of the Public Accounts Committee (PAC), including recent claims of compromises, corruption and deceit, and submit a report to this House.

It is indeed true that the Committee has commenced the inquiry. However, my attention has been drawn by the Powers and Privileges Committee to the continued reporting and premature disclosure of the Committee proceedings and Members making comments contrary to provisions of the House rules. Standing Order No. 86 provides that:-

“No Member shall refer to the substance of the proceedings of a Select Committee before the Committee has made its report to the House”.

It is fair for me to restate that your committees are established on the authority of the Constitution and specifically Article 124. With regard to the Powers and Privileges Committee, the provisions of the Parliamentary Powers and Privileges Act apply.

Arising from the above, I wish to caution Members to refrain from commenting and/or disclosing matters before the Committee until such a time when the Committee has tabled its Report in the House. Any Member commenting on matters before the Committee or making disparaging remarks against their fellow Members in whatever forum in breach of the Standing Orders, will be held personally responsible, and will face the full wrath of the House. I urge Members with any information relevant to the inquiry to present it either before the Committee or to any Government investigative agency.

I wish to advise that some of these comments and/or remarks amount to libel. Given the fact that they are being peddled away from the Committee sittings, or in the Chamber and are, therefore, not privileged, they are actionable. Further, pursuant to Standing Order Nos. 198 and No. 252, I have also granted leave to the Committee to conduct its proceedings in camera, but may brief the media on the progress of the inquiry without going into the substance of the proceedings. Therefore, Members who wish to make any presentations are at liberty to approach the Committee and give their comments and information, if any.

I thank you".

6. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The National Police Service Commission (Recruitment and Appointment) Regulations, 2015 and the Explanatory Memorandum (*in accordance with section 11 of the Statutory Instruments Act, 2013 and section 28 of the National Police Service Commission Act, 2011*);
- (ii) The Constituency Development Fund Board Report on Project Approvals and Disbursement Status for the month of February, 2015;
- (iii) The Report of the Auditor-General on the Financial Statements of the Presidency for the year ended 30th June 2014, and the certificate of the Auditor-General therein;
- (iv) The Report of the Auditor-General on the Financial Statements of the Media Council of Kenya for the year ended 30th June 2014, and the certificate of the Auditor-General therein;
- (v) The Report of the Auditor-General on the Financial Statements of the Kipchabo Tea Factory Ltd (A Subsidiary of the Nyayo Tea Zones Development Corporation) for the year ended 30th June 2013, and the certificate of the Auditor-General therein;
- (vi) The Report of the Auditor-General on the Financial Statements of the Kipchabo Tea Factory Ltd (A Subsidiary of the Nyayo Tea Zones Development Corporation) for the year ended 30th June 2014, and the certificate of the Auditor-General therein; and
- (vii) The Annual Report and Financial Statements of the Kenya Power and Lighting Company Limited for the year ended 30th June 2014.

(The Leader of the Majority Party)

6. MOTION - APPROVAL OF THE BUDGET POLICY STATEMENT, 2015

Order deferred to another day;

7. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The Third Chairperson in the Chair

The Protection against Domestic Violence Bill (National Assembly Bill No. 28 of 2013)

Clause 3 - agreed to

Clause 4 - amendment proposed –

THAT, clause 4 of the Bill be amended—

- (a) insubclause (1) by deleting paragraphs (b), (d), (e), (f), (g) and (h);
- (b) by deleting subclause (3);
- (c) by deleting subclause (4);

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Clause 4 - agreed to

Clause 5 - amendment proposed –

THAT, clause 5 of the Bill be amended—

(a) insubclause (1)—

- (i) by deleting the words “estranged spouse or former spouse” appearing in paragraph (a);
- (ii) by deleting the words “in the opinion of the court and” appearing immediately after the words “person who” in paragraph (f);

(b) by deleting subclause (5);

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

(part (b) of the amendment withdrawn by the Mover)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 5 - as amended agreed to

Further amendment proposed –

THAT, clause 6 be further amended by deleting subclause (3)

(Hon. Benson Mutura)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to

Clause 6 - as amended agreed to

Clause 7 - amendment proposed –

THAT, the Bill be amended by deleting clause 7;

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 7 - deleted

Clause 8 - amendment proposed –

THAT, the Bill be amended by deleting clause 8;

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 8 of the Bill be amended—

(a) insubclause (1) by—

(i) deleting the words “, in consultation with county executives,” appearing immediately after the word “shall”;

(ii) deleting the words “by county executives” appearing immediately after the word “establishment”;

(b) insubclause (4) by deleting the words “the County Executives shall work with” appearing immediately after the expression “subsection (1),” and substituting therefor the words “the Cabinet Secretary shall prescribe”.

(Hon. Mutinda Mule)

Proposed amendment withdrawn;

Clause 8 - deleted

Clause 9 - amendment proposed –

THAT, clause 9 of the Bill be amended—

(a) by deleting subclause (1) and replacing with a new subclause (1) as follows—

“(1) Any person who reasonably suspects that an offence of domestic violence is being or has been committed may give such information to the police officers or any other person in authority”;

(b) insubclause (2) by deleting the words “by virtue of such reporting attacks, intimidates or does any harmful act to the person providing information” appearing immediately after the words “person who” and substituting therefor the words “attacks, intimidates or harms a person who reports domestic violence”;

(c) by deleting subclause (3);

(d) by deleting subclause (4);

(e) by deleting subclause (7);

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

Debate arising;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Garissa County (Ms. Fatuma Ali) drew the attention of the Third Chairperson of Committees to the fact that there was no Quorum in the House;

And the Chairperson having counted the Honourable Members present and confirmed that there was no Quorum caused the Quorum Bell to be rung;

And there being **no** Quorum after expiry of ten minutes;

PROGRESS REPORT

Motion made –

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

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

8. **HOUSE RESUMED** - the Deputy Speaker in the Chair

PROGRESS REPORTED

Motion made –

THAT, the House has considered the Protection against Domestic Violence Bill (National Assembly Bill No. 28 of 2013) but due to lack of quorum and seeks leave to sit again tomorrow;

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

And the time being forty minutes past Five O'clock, the Deputy Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Order 35.

9. **HOUSE ROSE** - at forty minutes past Five O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, March 12, 2015 at 2.30 p.m.

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