



**REPUBLIC OF KENYA**  
**ELEVENTH PARLIAMENT – FOURTH SESSION**  
**NATIONAL ASSEMBLY**  
**VOTES AND PROCEEDING**  
**WEDNESDAY, OCTOBER 12, 2016 (AFTERNOON)**

1. 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**

**GUIDANCE ON PROPOSED AMENDMENTS TO THE KENYA DEFENCE FORCES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2015)**

Honourable Members,

Before we proceed to the next Order, which is Committee of the Whole House on the Kenya Defence (Amendment) Bill (National Assembly Bill No. 41 of 2015), I wish to offer the following guidance. In mid-March this year I received proposed amendments to the Kenya Defence (Amendment) Bill by the member for Homa Bay Town, the Hon. Peter Kaluma, MP. The said amendment seeks to propose a compulsory compensation to members of the Kenya Defence Forces who suffers any form of disability or their dependents on death while on duty, a lump sum of not less than Ksh. 20 million. In addition, the amendment also proposes a waiver of all fees or tuition charges in all public institution of learning, up to college level for the member's children.

**Hon. Members**, whilst I am conscious that the amendments mean well to our Defence Forces, it is the opinion of the Speaker that the said amendments have a money Bill effect in terms of Article 114 of the Constitution. As you may be aware the Budget and Appropriations Committee ought to consult with the Cabinet Secretary for National Treasury before the House can proceed with the consideration of the amendments in Committee of the Whole House.

**Hon. Members**, since I am reliably informed that such formal consultations have not been concluded. In the circumstances, I order that the said amendments are **NOT** considered in the Committee of the Whole House as the extent of their financial implication have not been determined nor has this House made any legislative provision to meet the consequent budgetary requirements of the amendments, should they be passed. I am also aware that the Member has a separate legislative proposal with a similar effect, which is under consideration by the relevant committees before publication into a Bill. This is indeed a preferred alternative as it will also allow room for the obligatory public participation and determination on the implication of the proposed legislation on the pension scheme for the Kenya Defence Forces.

The House and the Committee of the whole House are guided accordingly.

I thank you.

## 5. PETITIONS

The following Petitions were presented to the House:-

- (i) The Member for Manyatta (Hon. John Muchiri), presented a Petition on behalf of land owners and concerned residents of Manyatta Constituency regarding Compulsory Land Acquisition in Manyatta Township by the Government; and
- (ii) The Nominated Member (Hon. Sunjeev K. Birdi), presented a petition on behalf of residents of Narok County on alleged failure by the China Road and Bridge Corporation to engage locals in the construction of the Standard Gauge Railway Project.

The Petitions were referred to the relevant Departmental Committees pursuant to the provisions of Standing Order 227.

## 6. PAPERS

The following Papers were laid on the Table of the House:-

- a) The Report to Parliament on all new loans contracted by Government as at 31st August, 2016;
- b) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June, 2016 and the Certificates therein:-

- (i) Kenya Deposit Insurance Corporation; and
  - (ii) Central Bank of Kenya.
- c) 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) Kasarani Constituency; and
  - (ii) Ijara Constituency.

*(Leader of Majority Party)*

**7. STATEMENTS**

**(i) Status of Business before the Departmental Committee on Labour and Social Welfare**

The Chairperson informed the House that the status of business before the Committee remains as presented to the House before proceeding on recess in October 4, 2016.

**(ii) Status of disbursement of funds to the National Government Constituencies Development Fund Board**

The Chairperson of the Committee (Hon. Moses Lesonnet) informed the House that the National Government Constituencies Development Fund Act, 2016 had come to force. He added that the National Government Constituencies Development Fund (NG-CDF) Board had presented the schedule containing ceilings and allocations per constituency to the Committee during its Sitting held on October 11, 2016 for concurrence. The Chairperson also informed the House that the Committee approved the schedule and urged Members to liaise with their respective NG-CDF Constituency Committees to prioritize their Project Proposals and submit them to the Board.

**8. THE INSTITUTE OF DIRECTORS OF KENYA BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2015)**

Order for Second Reading having been read;

Motion having been Made and Question having been Proposed;

**THAT**, The Institute of Directors Of Kenya Bill (National Assembly Bill No. 26 of 2015) be now read the Second time.

*(The Hon. David Ochieng, M.P.)*

Mover having Replied;

Question was Put and agreed to;

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

**9. MOTION – CHANGES TO COMMITTEES’ MEMBERSHIP**

Motion made and question proposed –

**THAT**, pursuant to the provisions of Standing Orders 175, and further to the resolutions of the House of October 08, 2013; April 28, 2016; June 14, 2016; and July 6, 2016 on appointment of Members to respective Committees, this House further approves the appointment of the following Members to the Committees specified hereunder:-

- (i) The Hon. Opiyo Wandayi, M.P. to be reappointed to the Departmental Committees on Agriculture, Livestock and Cooperatives; and Environment and Natural Resources to replace the Honourables Hezron Awiti Bollo and Zuleikha Hassan Juma, M.P respectively, who now cease to be members of the corresponding Committees;
- (ii) The Hon. Hezron Awiti Bollo, M.P. to move from the Departmental Committee on Agriculture, Livestock and Co-operatives to the Joint Committee on Parliamentary Broadcasting and Library to replace Hon. Zuleikha Hassan Juma, M.P., who ceases to be a Member of the Joint Committee on Parliamentary Broadcasting and Library;
- (iii) The Hon. Zuleikha Hassan Juma, M.P. to be appointed to the Committee on Regional Integration to replace the Hon. Florence Mutua, M.P., who ceases to be a Member of the Committee on Regional Integration;
- (iv) The Hon. Zuleikha Hassan Juma, M.P. to be appointed to the Departmental Committee on Education, Research and Technology to replace the Hon. Dorcas Kedogo, M.P., who now ceases to be a Member of the Committee on Departmental Committee on Education, Research and Technology; and
- (v) The Hon. James Onyango K’oyoo, M.P. to be appointed to the Committee of Privileges to replace the Hon. (Dr.) Susan Musyoka, M.P., who now cease to be a Member of the Committee of Privileges.

*(The Chairperson, Committee on Selection)*

There being no debate arising;

Question put and agreed to.

**10. COMMITTEE OF THE WHOLE HOUSE**

Order for Committee of the Whole House read –

**In The Committee Of The Whole House**

(The Fourth Chairperson in the Chair)

**The Kenya Defence Forces (Amendment) Bill**  
**(National Assembly Bill No. 41 of 2015)**

**CLAUSE 3 –Amendment Proposed**

**THAT**, clause 3 of the Bill be deleted and substituted with the following—

**3.** Section 8 of the principal Act be amended—

(a) by inserting the following new subsection immediately after subsection (1)—

“(1A) In addition to the functions under subsection (1), the Defence Forces shall undertake research and development and production of defence equipment to meet the defence needs of the country.”

(b) by deleting subsections (3) and (4).

*(Hon. (Eng.) John Kiragu)*

Question of the Amendment proposed;

Debate Arising

Question Put and negatived.

Clause 3 - Agreed to

**CLAUSE 4 –Amendment Proposed**

**THAT**, clause 4 of the Bill be amended—

(a) in paragraph (a) by inserting the words “and National Assembly” immediately after the word “President”;

(b) in paragraph (b) by inserting the words “and report thereon to the President and the National Assembly” immediately after the words “defence matters”;

(c) by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) by deleting paragraph (h) and substituting therefor the following new paragraph—

(h) submit an annual report, in writing, to the President and National Assembly which shall include—

- i. the work and accomplishment of the Ministry, the Services and the Defence Council during the period covered by the Report;
- ii. the expenditure of the Ministry and the Services by the Principal Secretary in the Ministry; and
- iii. such other recommendations as he or she may consider appropriate.

*(Chairperson, Departmental Committee on Defence and Foreign Relations)*

Question of the Amendment proposed;

Debate Arising;

Question Put and agreed to.

Clause 4- as amended Agreed to

#### **CLAUSE 5 –Amendment Proposed**

**THAT**, clause 5 of the Bill be amended by inserting the words “to an employee of the Ministry” immediately after the word “Act”.

*(Chairperson, Departmental Committee on Defence and Foreign Relations)*

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 of the Bill be deleted and substituted with the following—

**6.** Section 12 of the principal Act be amended—

(a) by inserting the following new paragraphs immediately after paragraph (g)—

"(ga) instigate an integrated program for research, development and production for defence purposes; and

(gb) recommend measures of co-ordination of research, development and production among defence forces and other stakeholders on matters of national security interest."

(b) by deleting the words "of the Defence Forces" and substituting therefor the words "instructions or directives issued to Service Commanders" in paragraph (l)

*(Hon. Eng. John Kiragu)*

Question of the Amendment proposed;

Debate Arising;

Question Put and negatived.

Clause 6 - Agreed to

**CLAUSES 7&8** -agreed to.

**CLAUSE 9 -Amendment Proposed**

**THAT**, clause 9 of the Bill be deleted and substituted therefor with the following new clause—

Amendment 9. Section 17 of the principal Act is amended by —  
of section (a) inserting the words "in line with the chain of command"  
17 of No. immediately after the words "responsible for";  
25 of 2012. (b) deleting paragraph (b).

*(Chairperson, Departmental Committee on Defence and Foreign Relations)*

Question of the Amendment proposed;

Debate Arising;

Question Put and agreed to.

Clause 9- as amended Agreed to

**CLAUSE 10** -agreed to.

**CLAUSE 11 -Amendment Proposed**

**THAT**, clause 11 of the Bill be amended by inserting the words “in times of war or emergency” immediately after the words “one year”;

*(Chairperson, Departmental Committee on Defence and Foreign Relations)*

Question of the Amendment proposed;

Debate Arising;

Question Put and agreed to.

Clause 11- as amended Agreed to

**CLAUSE 12**      -agreed to.

**CLAUSE 13 -Amendment Proposed**

**THAT**, clause 13 of the Bill be amended by inserting the following new paragraph (d)—

“(d) expenditure incurred or expected to be incurred.

*(Chairperson, Departmental Committee on Defence and Foreign Relations)*

Question of the Amendment proposed;

Debate Arising;

Question Put and agreed to.

Clause 13- as amended agreed to.

**CLAUSE 14**      -agreed to.

**CLAUSE 15 -Amendment Proposed**

**THAT**, clause 15 of the Bill be deleted and substituted therefor the following new clause—

- |                                                     |                                                                                                                                                                                                                                                                                                                                     |
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| Amendment<br>of section<br>33 of No.<br>25 of 2012. | 15. Section 33 of the principal Act is amended —<br>(a) in subsection (1) by inserting the words “ and other<br>authorities” immediately after the word “Service”;<br>(b) by deleting subsection (2); and<br>(c) in sub-section (3) by—<br>(i) deleting the expression “(2)” and substituting therefor<br>the expression “(1)”; and |
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(ii) deleting the words "administration, command" in subsection (3).

*(Chairperson, Departmental Committee on Defence and Foreign Relations)*

Question of the Amendment proposed;

Debate Arising;

Question Put and agreed to.

Clause 15- as amended agreed to.

### **CLAUSE 16 -Amendment Proposed**

**THAT**, clause 16 of the Bill be amended—

(a) in sub-paragraph (i), by deleting the expression "241(3)(1)" and substituting therefor the expression "241(3)(b)";

(b) by deleting sub-paragraph (ii) and substituting therefor the following new sub-paragraph (ii)—

"(ii) in paragraph (a) by inserting the words "or the President" immediately after the words "National Security Council";

(c) by deleting sub-paragraph (iii) and substituting therefor the following new subparagraph (iii)—

"(iii) in paragraph (b) by inserting the words "or the President" immediately after the words "National Security Council";

*(Chairperson, Departmental Committee on Defence and Foreign Relations)*

Question of the Amendment proposed;

Debate Arising;

Question Put and agreed to.

Clause 16- as amended agreed to.

**CLAUSES 17,18,19,20,21,22,23,24,25,26,27,28 &29**

-agreed to.

### **CLAUSE 30 -Amendment Proposed**

**THAT**, clause 30 of the Bill be amended in paragraph (a) by deleting the word "Major" and substituting therefor the words "Lieutenant Colonel".

*(Chairperson, Departmental Committee on Defence and Foreign Relations)*

Question of the Amendment proposed;

Debate Arising;

Question Put and agreed to.

Clause 30- as amended agreed to.

**CLAUSE 31**      -agreed to.

**CLAUSE 32 -Amendment Proposed**

**THAT**, clause 32 of the Bill be amended by—

- (a) deleting sub-paragraph (ii) and substituting therefor the following new subparagraph —

"(ii) by inserting the words "with the consent of the Defence Council" immediately before the word "notwithstanding";

- (b) deleting paragraph (c) and substituting therefor the following new paragraph —

"(c) in subsection (9) by inserting the words "of the regular forces" immediately after the word "member";

- (c) deleting paragraph (d) and substituting therefor the following new paragraph (d)—

"(d) by deleting subsection (10) and substituting therefor the following new subsections—

"(10) The Government shall compensate members of the Defence Forces who lose their lives or suffer disabilities while undertaking military service or training.

"(11) The compensation referred to under subsection (10) may be facilitated through insurance schemes or compensation agreements as may be approved by the Defence Council from time to time.

*(Chairperson, Departmental Committee on Defence and Foreign Relations)*

Question of the Amendment proposed;

Debate Arising;

Question Put and agreed to.

Clause 32- as amended agreed to.

**CLAUSE 33 -Amendment Proposed**

**THAT**, clause 33 of the Bill be amended—

(a) by deleting the words “reasonable time” and substituting therefor the words “ninety days”;

(b) in subsection (8) by —

(i) inserting the words “or the Service Commander” immediately after the words “Defence Council” wherever they appear;

(ii) deleting the words “reasonable time” and substituting therefor the words “fourteen days”;

*(Chairperson, Departmental Committee on Defence and Foreign Relations)*

Question of the Amendment proposed;

Debate Arising;

Question Put and agreed to.

Clause 33- as amended agreed to.

#### **CLAUSE 34 -Amendment Proposed**

**THAT**, the Bill be amended by deleting clause 34.

*(Chairperson, Departmental Committee on Defence and Foreign Relations)*

Question of the Deletion proposed;

Debate Arising;

Question Put and agreed to.

Clause 34- deleted

**CLAUSES 35 & 36**      -agreed to.

#### **CLAUSE 37 -Amendment Proposed**

**THAT**, the Bill be amended by deleting clause 37.

*(Chairperson, Departmental Committee on Defence and Foreign Relations)*

Question of the amendment proposed;

Debate Arising;

Question Put and agreed to.

Clause 37- deleted

**CLAUSE 38 –Amendment Proposed**

**THAT**, the Bill be amended by deleting Clause 38.

*(Chairperson, Departmental Committee on Defence and Foreign Relations)*

Question of the Amendment proposed;

Debate Arising;

Question Put and agreed to.

Clause 38- deleted

**CLAUSE 39 –Amendment Proposed**

**THAT**, the Bill be amended by deleting Clause 39.

*(Chairperson, Departmental Committee on Defence and Foreign Relations)*

Question of the Deletion proposed;

Debate Arising;

Question Put and agreed to.

Clause 39- deleted

**CLAUSE 40**      -agreed to.

**CLAUSE 41 –Amendment Proposed**

**THAT** Clause 41 of the Bill be amended by—

(a) deleting paragraph (e);

(b) renumbering the existing subclause as subclause (1);

(c) inserting the following new subclause (2)—

“(2) The Standing Orders shall not be inconsistent with this Act.

*(Chairperson, Departmental Committee on Defence and Foreign Relations)*

Question of the Amendment proposed;

Debate Arising;

Question Put and agreed to.

Clause 41- as amended agreed to.

#### **NEW CLAUSE 26A**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 26—

Amendment of section 186 of No. 25 of 2012.	“ <b>26A.</b> Section 186 of the principal Act is amended— (a) in paragraph (b), by inserting the words “and make subsequent appeals to any other superior court” immediately after the word “High Court”; (b) in subsection (2), by inserting the words “and make subsequent appeals to any other superior court” immediately after the word “High Court”;
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*(Chairperson, Departmental Committee on Defence and Foreign Relations)*

Question that the New Clause be Read a Second Time proposed;

Debate Arising;

Question Put and agreed to.

Question of the New Clause Proposed;

Debate Arising;

Question Put and agreed to.

New Clause 26A -Agreed

CLAUSE 2 -agreed to.

TITLE -agreed to.

CLAUSE 1 -agreed to.

Bill to be Reported with Amendments

**11. HOUSE RESUMED**

**Presiding:** The Fourth Chairperson

Bill reported with amendments; Motion made and Question proposed –

**THAT**, the House do agree with the Committee in the said report

*(Chairperson, Departmental Committee on Defence and Foreign Relations)*

Question of the Amendment proposed;

Debate Arising;

Question Put and agreed to.

Motion made and Question proposed –

**THAT**, the Kenya Defence Forces (Amendment) Bill (National Assembly Bill No. 41 of 2015) be now read a Third Time.

*(Chairperson, Departmental Committee on Defence and Foreign Relations)*

Question of the Amendment proposed;

Debate Arising;

Question for Third Reading deferred.

**12. THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO. 23 OF 2014)**

Order for Second Reading having been read, Motion having been made and Question having been proposed –

**THAT**, the County Early Childhood Education Bill (Senate Bill No.23 of 2014) be now read a Second time.

*(The Chairperson, Departmental Committee on Education, Research and Technology)*

Debate interrupted on Tuesday, October 11, 2016 Resumed.

Debate Concluded;

Mover to Reply;

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

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**MEMORANDUM**

The Speaker will take the Chair on  
Thursday, October 13<sup>th</sup> 2016 at 2.30 p.m

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