



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – FOURTH SESSION**

**NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, OCTOBER 13, 2016**

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

The Speaker conveyed the following Message from His Excellency the President –

**Nomination of the Hon. Lady Justice Philomena Mbete Mwilu for appointment as the Deputy Chief Justice of the Republic of Kenya**

"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 the His Excellency the President dated yesterday, 12th October 2016, regarding the appointment of the Hon. Lady Justice Philomena Mbete Mwilu as the Deputy Chief Justice of the Republic of Kenya. The Message also includes an original version of the Judicial Service Commission's Report on recruitment and selection process for the Deputy Chief Justice and her Curriculum Vitae. This was submitted in line with the provisions of Article 166(1)(a) 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."*

In this regard, the President now 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, I hereby confirm that a proper notification in line with the said 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. Regarding

the applicable statutory timelines the Public Appointments (Parliamentary Approval) Act, 2011 also require that the public be given a seven days notification for submission of views regarding the suitability of a nominee for appointment into an office requiring approval of Parliament. In this regard, and in accordance with the provision of Article 259(5)(a) of the Constitution as read together with section 5 of the said law, the counting of the seven days shall start running on the day following the day when the notice appears in the dailies.

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 ; and,
- (ii) The Committee should thereafter commence the necessary approval hearings and table its Report so that the House may consider the report on or before Thursday, 27th October 2016.

I thank you!"

## 5. PETITIONS

The Member for Rarieda Constituency (the Hon. Nicolas Gumbo, MP) presented a petition on behalf of former Members of Parliament regarding implementation of the recommendations of the Akiwumi Report on pension payable to former Members of Parliament who served between 1984 and 2002.

Petition committed to the relevant committee pursuant to the Standing Orders 227.

## 6. PAPERS

The following Papers were laid on the Table –

- (i) The Reports of the National Cohesion and Integration Commission on the Ethnic and Diversity Audit in respect of
  - a) County Public Service;
  - b) Parastatals in Kenya;
  - c) Constitutional Commissions; and
  - d) Public Universities.

*(The Leader of the Majority Party)*
- (ii) The Report of the Working Group on Socio-Economic Audit of the Constitution of Kenya, 2010.

*(The Chairperson, Budget and Appropriations Committee)*
- (iii) The Report of the Departmental Committee on Finance, Planning and Trade on its consideration of a public petition on the waiver of taxes levied on raw materials used in the manufacture of sanitary towels (pads) and tampons.

*(The Vice Chairperson, Departmental Committee on Finance, Planning & Trade)*

**7. STATEMENTS**

Pursuant to the provisions of Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, October 18, 2016.

**8. PROCEDURAL MOTION - EXTENSION OF PERIOD FOR CONSIDERATION OF NOMINEE FOR APPOINTMENT AS THE CHIEF JUSTICE OF THE REPUBLIC OF KENYA**

Motion made and question proposed –

**THAT**, pursuant to the provisions of Section 13 of the Public Appointments (Parliamentary Approval Act), this House resolves to extend the period for consideration of approval for appointment of Justice David Kenani Maraga, as the Chief Justice of the Republic of Kenya, notified to the House on 4th October, 2016, by a further period of not more than seven (7) days from 18th October, 2016.

*(The Chairperson, Departmental Committee on Justice & Legal Affairs)*

Debate arising;

Question put and agreed to.

**9. MOTION- DEPLOYMENT OF CHAPLAINS TO LEARNING INSTITUTIONS**

Motion made and question proposed –

**THAT**, aware that cases of unbecoming conduct among young people has been on the rise as exemplified by runaway drug abuse and addiction, drunkenness, sexual orgies and general irresponsibility; and deeply concerned that these incidents of loose morals have been worsened in the recent past by emerging radicalization of the youth leading to inclination towards terrorism and lawlessness, this House urges the National Government to consider deploying chaplains to all secondary schools and tertiary institutions in order to instill desired morals, social virtues, national values and a sense of responsibility, to address and root out moral decadence at an early age, and to supplement the work of guidance and counseling departments operating in these institutions.

*(The Hon. Geoffrey Odanga, M.P.)*

Debate on the Motion having been concluded and Mover replied;

Question put and agreed to.

**10. THE KENYA DEFENCE FORCES (AMENDMENT) BILL(NATIONAL BILL NO. 41 OF 2015)**

Motion having been made and Question proposed

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

*(The Leader of the Majority Party)*

Debate having been concluded and Mover replied;

Question was put and agreed to.

Bill read a Third Time and passed.

**10. THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILLNO. 23 OF 2014)**

Motion made and Question proposed -

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

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

Mover replied;

Question put and agreed to.

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

**11. THE COMPETITION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLNO. 24 OF 2016)**

Motion made and Question proposed -

**THAT**, the Competition (Amendment) Bill (National Assembly Bill No.24 of 2016) be now read for the Second time.

*(The Leader of the Majority Party)*

Debate arising;

Mover replied;

Question for Second Reading deferred to another day.

**12. THE INSURANCE (AMENDMENT) BILL (NATIONAL ASSEMBLYBILL NO. 28 OF 2016)**

Order for Second Reading read;

**THAT**, the Insurance (Amendment) Bill (National Assembly Bill No.28 of 2016) be now read for the Second time.

*(The Leader of the Majority Party)*

Rising in his place pursuant to the provisions of Standing Order 35(1) before moving Second Reading, the Leader of the Majority Party (Hon. Aden Duale) claimed that there was no quorum present in the House;

And the Speaker having ascertained the claim ordered that the Quorum Bell rung for ten minutes;

Thereupon the Quorum Bell was rung for ten minutes;

And there being no quorum at the expiration of ten minutes, the Fourth Chairperson adjourned the House pursuant to the provisions of Standing Order 35(2)(a).

13. HOUSE ROSE - at forty two minutes past four O'clock

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**M E M O R A N D U M**

The Speaker will take the Chair on  
Tuesday, October 18, 2016 at 2.30 p.m.  
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