



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, MARCH 17, 2016

1. The House assembled at thirty minutes past Nine O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** - the Third Chairperson
4. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Fourth Chairperson in the Chair

(i) The Forest Conservation and Management Bill (National Assembly Bill No. 49 of 2015)

(Resumption of consideration interrupted on Wednesday, March 16, 2016 – Afternoon Sitting)

Third Schedule - amendment proposed -

THAT, the third schedule be amended by—

- (a) deleting the expression "(s.30)" and substituting therefor the expression "(s.76(a))";
- (b) deleting the expression "29. Bangali 39/2/2013"; and
- (c) deleting the expression "31. Mbalambala 40/2/2013".

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, the Third Schedule be amended by deleting the expressions –

- (a) "122 Kitalale L.N. No. 2/1977; and
- (b) "262 Makunga L.N. 23/2013.

(Dr. Robert Pukose)

Question of the further amendment proposed;

Debate arising;

Question put and negatived;

Further amendment proposed –

THAT, the Third Schedule be amended by deleting the expressions –

- (a) "210 Lugari L.N. No. 3/1977;
- (b) "232 Turbo L.N. No. 145/1968; and
- (c) "236 Turbo L.N. No. 145/1968.

(Hon. Enoch Kibunguchy)

Proposed amendment dropped;

Third Schedule - as amended agreed to

Clause 2 - amendment proposed –

THAT, clause 2 of the Bill be amended by—

- (a) deleting the definition of the word "forest" and substituting therefor with the following new definition—

"forest" means land which is declared or registered as a forest, or woody vegetation growing in close proximity in an area of over 0.5 of a hectares including a forest in the process of establishment, woodlands, thickets";

- (b) deleting the definition of the word "forest manager" and substituting therefor with the following new definition—

"forest manager" means a person responsible for the management of a forest under his or her charge and implementation of this Act including—

- (i) in the case of a public forest, the Kenya Forest Service or the County Government as the case may be;
- (ii) in the case of a community forest the person responsible for the management of community land under the relevant law; and
- (iii) in the case of a private forest, the owner of the private forest;"

- (c) deleting the definition of the word "public forest" and substituting therefor with the following new definition—

"public forest" means forests as classified under 29(2) and (3)"; and

- (d) inserting the following new definitions in the proper alphabetical sequence—

"forest produce" includes bark, animal droppings, beeswax, canes, charcoal, creepers, earth, fibre, firewood, frankincense, fruit, galls, grass, gum, honey, leaves, flowers, limestone, moss, murram, soil, myrrh, peat, plants, reeds, resin, rushes, rubber, sap, soil, seeds, spices, stones, timber, trees, water, wax, withies, and such other things as may be declared by the Cabinet Secretary to be forest produce for the purpose of this Act; and

"livestock" means domesticated animals such as cattle, goats, sheep, asses, poultry, horses, camels and pigs and includes their young thereof."

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 – as amended agreed to

Clause 1 - agreed to

Title - agreed to

Long Title – amendment proposed –

THAT, the Bill be amended by deleting the long title and substituting therefor the following new long title—

"AN ACT of Parliament to give effect to Article 69 of the Constitution with regard to forest resources; to provide for the development and sustainable management, including conservation and rational utilization of all forest resources for the socio-economic development of the country and for connected purposes"

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Long Title – as amended agreed to

Bill to be reported with amendments;

(ii) The Community Land Bill (National Assembly No. 45 of 2015)

CLAUSE 3 – agreed to

CLAUSE 4 – amendment proposed -

THAT, Clause 4 of the Bill be amended—

- (a) in subsection (1), by deleting the words "vest in " and substituting therefor the words "be owned by";
- (b) in subsection (2), by inserting the word "community" immediately after the words "the use of"; and

- (c) in subsection (3), by deleting the words "vest in" and substituting therefor the words "be owned by".

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further Amendment proposed

THAT, clause 4 of the Bill be amended in sub-clause (1) by deleting the words "vest in" and substituting therefor the words "be owned by".

(Hon. A. Mwadime)

Question of the amendment proposed;

Debate arising;

Amendment withdrawn.

Clause 4 – as amended agreed to

CLAUSE 5 – amendment proposed –

THAT, clause 5 of the Bill be amended–

- (a) by deleting sub-clause (1); and
- (b) in sub-clause (4) by deleting the words "person or persons" appearing immediately after the words "just compensation to the" and substituting therefor the words "community".

(Hon. Tiyah Galgalo)

Question of the amendment proposed;

Amendment dropped.

Further Amendment proposed

THAT, clause 5 of the Bill be amended in subsection (4) by deleting the words "for a public purpose" immediately after the word "law".

(Hon. Abdullahi Diriye)

Question of the amendment proposed;

Amendment dropped.

Further Amendment proposed

THAT, clause 5 of the Bill be amended–

- (a) in subsection (1), by inserting the words "of the Constitution" immediately after the words "with Article 40"; and
- (b) in subsection (4), by inserting the words "or by negotiated settlement" at the end of the sentence.

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 5 – as amended agreed to

5. Rising in his place pursuant to Standing Order 96, the Member for Gem (Hon. Midiwo) claimed to move "That the Chairperson do report progress"

And the Fourth Chairperson acceding to the claim;

Motion made and question proposed

Debate arising;

Question put and agreed to;

Bill reported with amendments and leave sought to sit again.

6. **HOUSE RESUMED** - The Fourth Chairperson in the Chair

- (i) **The Forest Conservation and Management Bill (National Assembly Bill No. 49 of 2015)**

Bill reported with amendments;

Motion made and Question proposed –

THAT, the House do agreed with the Committee in the said Report

(Chairperson, Departmental Environment and Natural Resources)

Question put and agreed to;

Motion made and Question proposed –

THAT, The Forest Conservation and Management Bill (National Assembly Bill No. 49 of 2015) be now read a Third Time

(Chairperson, Departmental Environment and Natural Resources)

Question put and agreed to;

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

- (ii) **The Community Land Bill (National Assembly Bill No. 45 of 2015)**

Bill reported with amendments up to clause 5 and leave sought to sit again;

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said Report

(Chairperson, Departmental on Lands)

Question put and agreed to;

7. THE POLITICAL PARTIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2016)

Order for Second Reading read;

Motion made and Question proposed –

THAT the Political Parties (Amendment) Bill (National Assembly Bill No. 2 of 2016) be now read a Second Time

(The Hon. Samuel Chepkong'a)

Debate arising;

(Change of Chair from the Fourth Chairperson to the Third Chairperson)

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

8. HOUSE ROSE - at One O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, March 17, 2016 at 2.30 p.m.

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