



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, AUGUST 18, 2015

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

The Speaker conveyed the following Message –

“Honourable Members,

I wish to convey that I have received a Message from the Senate dated Wednesday, August 12, 2015, regarding the Senate's **approval** of the Mediated Version of the Fertilizers and Animal Foodstuffs (Amendment) Bill (National Assembly Bill No. 36 of 2013). You will recall that the Bill was referred to a mediation Committee following rejection of part of the Senate's amendments to the original Bill on 29th April 2015.

Honourable Members,

The Message from the Senate now states, and I quote, **“the Senate, on Thursday, July 30, 2015, considered the Report and Version of the Fertilizers and Animal Foodstuffs (Amendment) Bill (National Assembly Bill No. 36 of 2013) as developed by the Mediation Committee appointed pursuant to Article 113(1) of the Constitution, and APPROVED the said version of the Bill.”**

Honourable Members,

I am aware that the National Assembly was represented in the Mediation Committee by the Hon. Benjamin Washiali, MP (Chairperson), the Hon. Adan Nooru, MP, and the Hon. Chris Wamalwa, MP. I therefore direct Hon. Washiali to fast-track the tabling of their report together with the Mediated Version of the Fertilizers and Animal Foodstuffs (Amendment) Bill, 2013, so that it is prioritized for consideration.

I thank you”.

5. PAPERS LAID

The following Papers were laid on the Table –

- (i) Report of the Auditor-General on the Financial Statements of Constituencies Development Fund – Loima Constituency for the year ended 30th June, 2014 and the certificate therein;
- (ii) Report of the Auditor-General on the Financial Statements of Constituencies Development Fund – Marakwet East Constituency for the year ended 30th June, 2014 and the certificate therein;
- (iii) Report of the Auditor-General on the Financial Statements of Kenya Post Office Savings Bank for the year ended 30th June, 2014 and the certificate therein;
- (iv) Report of the Auditor-General on the Financial Statements of Revenue – Head 000000-156 – Fishing Rights in the Ministry of Agriculture, Livestock and Fisheries for the year ended 30th June, 2014 and the certificate therein;
- (v) Report of the Auditor-General on the Financial Statements of Kenya National Assurance Company (2001) Limited for the year ended 31st December, 2014 and the certificate therein;
- (vi) The Constituencies Development Fund Board Report on Project Proposals Approvals, Disbursement Status and Restrictions imposed on Constituency account – July, 2015;
- (vii) The Ministry of Health Cabinet Secretary's Report to *Parliament (pursuant to Article 153(4)(b) of the Constitution)*; and,
- (viii) Annual Report of the Ministry of Transport and Infrastructure for the Financial Year 2014/2015 (*pursuant to Article 153(4)(b) of the Constitution*)

(The Leader of the Majority Party)

6. NOTICE OF MOTION – EXTENSION OF PERIOD IN RESPECT OF LEGISLATION WITH CONSTITUTIONAL TIMELINE OF AUGUST 27, 2015
(The Chairperson, Constitutional Implementation Oversight Committee)

THAT, Pursuant to the provisions of Article 261(2) of the Constitution, this House **resolves** to extend the period prescribed for enactment of legislation necessary to give effect to:-

- (a) **Article 11(3)(a)** (*compensation or royalties for the use of cultures and cultural heritage*);
- (b) **Article 11(3)(b)** (*recognition and protection of indigenous seeds and plant varieties, their genetic and diverse characteristics and use by the communities of Kenya*);
- (c) **Article 63** (*community land*);
- (d) **Article 66** (*regulation of land use and property*);
- (e) **Article 67(2)(e)** (*investigation and adjudication of claims arising out of historical land injustices*);

- (f) **Article 68(c)(i)** (minimum and maximum land holding acreage);
- (g) **Article 71** (agreements relating to sharing of natural resources);
- (h) **Article 81(b)** (two-thirds gender principle);
- (i) **Article 100** (representation of marginalized groups);
- (j) **Article 164(1)(b)** (organization and administration of the Court of Appeal);
- (k) **Article 165(1)(b)** (organization and administration of the High Court);
- (l) **Article 169(1)** (Subordinate Courts);
- (m) **Article 173 (5)** (regulation of the Judiciary Fund);
- (n) **Section 17 of the Sixth Schedule of the Constitution** (restructuring of the provincial administration); and,
- (o) any other legislation required under the Constitution to be enacted by Parliament within five years, by a period of **twelve (12) months** from August 27, 2015.

(The Speaker has certified this Special Motion as meeting the threshold contemplated under Article 261(3)(b) of the Constitution)

7. **THE COMPANIES BILL (NATIONAL ASSEMBLY BILL NO. 22 OF 2015)**

Order for Third Reading read;

Motion made and Question proposed –

THAT, the companies Bill (National Assembly Bill No.22 of 2015) be now read a Third Time

(The Leader of the Majority Party – 6.8.2015 (PM))

Debate on the Bill having been concluded on Thursday, 6th August, 2015 (Afternoon Sitting);

Question put and agreed to;

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

8. **THE KENYA REGIMENT (TERRITORIAL FORCE) (REPEAL) BILL (NATIONAL ASSEMBLY BILL NO.39 OF 2015)**

(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)

9. **THE MAGISTRATES' COURTS BILL (NATIONAL ASSEMBLY BILL NO. 40 OF 2015)**
(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)

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

(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)

11. COMMITTEE OF THE WHOLE HOUSE

The Insolvency Bill (National Assembly Bill No.15 of 2015)

Order deferred to another day

12. THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2015)

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Finance Bill (National Assembly Bill No.27 of 2015) be now read a Second Time

(Chairperson, Departmental Committee on Finance, Planning & Trade)

Debate arising;

(Change of Chair from the Speaker to the Deputy Speaker)

Debate ongoing

(Change of Chair from the Deputy Speaker to the Third Chairperson of Committees)

Mover replied;

Question of the Second Reading deferred to another day.

13. THE BUSINESS REGISTRATION SERVICE BILL (NATIONAL ASSEMBLY BILL NO.13 OF 2015)

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Business Registration Service Bill (National Assembly Bill No.13 of 2015) be now read a Second Time

(Leader of the Majority Party)

Debate arising;

Mover replied;

Question of the Second Reading deferred to another day.

And the time being twenty-six minutes to Seven O'clock, the Third Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

14. HOUSE ROSE - at twenty-six minutes to Seven O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, August 19, 2015 at 9.30 a.m.