



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, APRIL 19, 2016 AT 2.30 P.M

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

- 8*. **MOTION** – **PRESIDENTIAL ADDRESS** - (4th and last day)
(The Leader of the Majority Party)

THAT, the thanks of the House be recorded for the exposition of public policy contained in the **Address of H.E. the President delivered on Thursday, March 31, 2016.**

(Question to be put)

- 9*. **THE BANKING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.62 OF 2015)**
(The Hon. Jude Njomo, M.P.)

Second Reading

(Question to be put)

- 10*. **COMMITTEE OF THE WHOLE HOUSE**

- (i) **The Anti-Doping Bill (National Assembly Bill No. 6 of 2016)**
(The Leader of the Majority Party)
- (ii) **The Community Land Bill (National Assembly No. 45 of 2015)**
(The Leader of the Majority Party)

(Resumption of consideration interrupted on Thursday, March 17, 2016 – Morning Sitting)
(To commence from clause 5)

11*. **THE CONSTITUTION OF KENYA (AMENDMENT) (No. 4) BILL
(NATIONAL ASSEMBLY BILL NO. 38 OF 2015)**

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Thursday, March 24, 2016 – Afternoon Sitting)

12*. **THE ELECTION LAWS (AMENDMENT) (NO.3) BILL (NATIONAL
ASSEMBLY BILL NO. 63 OF 2015)**

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

Second Reading

13**. **THE JUDICIARY FUND BILL (NATIONAL ASSEMBLY BILL NO. 3 OF
2016)**

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

Second Reading

14**. **THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 43 OF 2015)**

(The Leader of the Majority Party)

Second Reading

15*. **THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF
2015)**

(The Leader of the Majority Party)

Second Reading

16*. **THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY
BILL NO. 12 OF 2015)**

(The Leader of the Majority Party)

Second Reading

(Resumption of debate adjourned on Thursday, March 10, 2016 – Afternoon Sitting)

* Denotes Orders of the Day

** Denotes Bill with Constitutional Timeline

N O T I C E S

I. THE ANTI-DOPING BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2016

- 1) Notice is given that the Chairperson of the Committee on Labour and Social Welfare (Hon. David Were), intends to move the following amendments to the Anti-Doping Bill, 2016 at the Committee Stage—

CLAUSE 2

THAT clause 2 of the Bill, be amended by inserting the following new definitions in proper alphabetical sequence—

“athlete” means any person who competes in sport at the international level as defined by an international federation or at the national level as defined by the Agency;

“health care practitioner” includes any person who has obtained health professional qualifications and is licensed by the relevant regulatory body;”

“Anti-Doping Rules” includes the Regulations made under this Act;

CLAUSE 7

THAT clause 7 of the Bill be amended in sub clause (1) by inserting the following new paragraph immediately after paragraph (d) -

“(da) periodically gazette International Standards.”

CLAUSE 10

THAT clause 10 of the Bill be amended —

(a) in sub clause (1)—

(i) by inserting the following new paragraph immediately after paragraph (b)-

“(ba) The Attorney General or a representative designated in writing by the Attorney General;”

(ii) by inserting the words “who shall be the Secretary to the Board;” immediately after the words “Chief Executive Officer;” appearing in paragraph(d)

(b) in sub clause (2)—

- (i) by deleting paragraph (a) and substituting therefor following new paragraph
“(a) holds a post-secondary school education qualification recognised in Kenya;”
- (ii) by deleting the words ‘sports or administration’ appearing in paragraph (b) and substituting therefor the words ‘sports, management, administration or any other relevant field’
- (c) in sub clause (3) by deleting the words ‘ensure the representation of women, youth and persons with disabilities’ and substituting therefor the words ‘ ensure compliance with the Constitution’
- (d) in sub clause (5) by deleting paragraph (c)

CLAUSE 17

THAT clause 17 of the Bill be amended in sub clause (2) by deleting the word “ten” appearing in paragraph (a) and substituting therefor the word “five”

CLAUSE 23

THAT clause 23 of the Bill be amended in sub clause (2) by deleting paragraph (b) and substituting therefor the following new paragraphs—

“(b) a medical doctor of not less than five years experience in matters relating to sports;

(ba) a clinical pharmacist of not less than five years experience in matters relating to sports;”

CLAUSE 27

THAT clause 27 of the Bill be amended in sub clause (5) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) shall comply with the Anti-Doping Rules;”

CLAUSE 29

THAT, clause 29 of the Bill be amended in sub clause (2) —

- (a) by deleting the word “have” appearing in paragraph (b) and substituting therefor the words “with permission authorized in writing by the Inspector General of Police exercise
- (b) by deleting the words “subject to the direction of the Director of Public Prosecution” appearing in paragraph (c) and substituting therefor the words “may cooperate with the Office of the Director of Public Prosecutions to”

CLAUSE 30

THAT, clause 30 of the Bill be amended—

- (a) in sub clause (1) by deleting the prefatory statement and substituting therefor the following prefatory statement—

“(1) An authorised Anti-Doping compliance officer acting in accordance with the enabling statutory provisions may—”

- (b) in sub clause (4) by deleting the words “ or without” appearing immediately after the word “may with”

CLAUSE 33

THAT, clause 33 of the Bill be amended in sub clause (1) by deleting the words “ Parliament for the purposes of the Agency” appearing in paragraph (a) and substituting therefor the words “National Assembly for the purposes of the Agency which funds shall be a charge on the Consolidated Fund”

CLAUSE 42

That Clause 42 of the Bill be amended—

- (a) in sub clause (1)—

- (i) by deleting the words “or body” appearing immediately after the word “person” in the prefatory statement;
- (ii) by deleting paragraph (d);
- (iii) by deleting paragraph (g);
- (iv) by deleting paragraph (h).

- (b) in sub clause (2)—

- (i) by deleting the words “or body” appearing in the prefatory statement;
- (ii) in paragraph (b) by deleting the words “stocks” and substituting therefor the words “sells, stocks or transports”;
- (iii) by deleting the words “not less than three million shillings or imprisonment of not less than three years” and substituting therefor the following words “not exceeding five million shillings or imprisonment for a period not exceeding five years” appearing immediately after the words “fine of” appearing in the closing statement

(c) in sub clause (3)—

- (i) by deleting the words “sells, stocks, transports” appearing in paragraph (d):
- (ii) by deleting the words “not less than one hundred thousand shillings or imprisonment of not less than one year” and substituting therefor the following words “not exceeding five hundred thousand shillings or imprisonment for a period not exceeding one year” appearing immediately after the words “fine of” appearing in the closing statement;
- (iii) by inserting the words “found guilty of wilfully committing any of the offences prescribed under this section,” immediately after the word “personnel” appearing in the proviso
- (iv) by inserting the following new sub clause immediately after sub clause (3)—

“(3A) A person who violates the rules relating to confidentiality, public disclosure and privacy of data commits an offence and shall be liable upon conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding three years or to both.”

(d) in sub clause (4)—

- (i) by deleting the prefatory statement and substituting therefor the following prefatory statement—

“A healthcare practitioner who—”
- (ii) by deleting the words “not less than three million shillings or imprisonment of not less than three years” and substituting therefor the following words “not exceeding three million shillings or imprisonment for a term not exceeding three years” appearing immediately after the words “fine of” appearing in the closing statement;

(e) in sub clause (6) by deleting the words “ this Act” and substituting therefor the words “the Anti- Doping Rules”

2) Notice is given that the Member for Endebess (Hon. (Dr.) Robert Pukose), intends to move the following amendments to the Anti-Doping Bill, 2016 at the Committee Stage—

CLAUSE 10

THAT, clause 10(1) be amended by—

(a) inserting the following new paragraph immediately after paragraph (c)—

“(ca) a representative of the Pharmacy and Poisons Board”;

(b) deleting the word “five” appearing in paragraph (e) and substituting therefor the word “four”.

CLAUSE 23

THAT, clause 23(2) be amended by—

(a) deleting the word “two” appearing in paragraph (b) and substituting therefor the word “one”;

(b) inserting the following new paragraph immediately after paragraph (b)—

“(ba) one clinical pharmacist of not less than five years’ work experience”.

3) Notice is given that Member for Machakos Town (Hon. Victor Munyaka), intends to move the following amendments to the Anti-Doping Bill, 2016 at the Committee Stage—

CLAUSE 10

THAT clause 10 of the Bill be amended in sub clause (1) by inserting the following new paragraph immediately after paragraph—

“(ca) one person nominated by the national medicines regulator;”

CLAUSE 23

THAT clause 23 of the Bill be amended in sub clause (2) by deleting paragraph (b) and substituting therefor the following new paragraphs—

“(b) a medical doctor of not less than five years’ experience in matters relating to sport;

(ba) a clinical pharmacist of not less than five years’ experience in matters relating to sport;”

CLAUSE 28

THAT clause 28 of the Bill be amended by inserting the following new sub clause immediately after sub clause (3)—

“(4) The accredited laboratories under subsection (1) shall be based at the Ministry concerned with health matters.”

II. THE COMMUNITY LAND BILL (NATIONAL ASSEMBLY NO. 45 OF 2015)

- 1) **Notice is given that the Chairperson of the Departmental Committee on Lands (Hon. Alex Mwiru), intends to move the following amendments to the Community Land Bill, 2015 at the Committee Stage—**

CLAUSE 2

THAT, Clause 2 of the Bill be amended—

- (a) by deleting the definition of the term “community” and substituting therefor the following new definition—

“community” means a consciously distinct and organized group of users of community land who are citizens of Kenya and share any of the following attributes—

- (a) common ancestry;
 - (b) similar culture or unique mode of livelihood;
 - (c) socio-economic or other similar common interest;
 - (d) geographical space;
 - (e) ecological space; or
 - (f) ethnicity.
- (b) in the definition of the term “communal use of land”, by inserting the words “by a community” at the end of the sentence;
- (c) in the definition of the term “community land registration unit”, by inserting the words “of the Land Registration Act” at the end of the sentence;
- (d) in the definition of the term “Court”, by inserting the words “or any other court having jurisdiction over land matters as may be prescribed by any written law” at the end of the sentence;
- (e) in the definition of the term “Registrar” by inserting the words “of this Act” immediately after the words “section 9”; and

(f) by inserting the following new definitions in their proper alphabetical sequence—

“certificate of reservation” means a certificate issued in the interim by the Registrar pending the registration of community land and acquisition of the certificate of title;

“county government” means the county government provided for under Article 176 of the Constitution;”

“organised group” includes any or both formal and informal kinds of organization in the community setup;

“registered community” means a community that has completed the registration processes and is recognized under this law;

“vested interest” means absolute and indefeasible ownership.

CLAUSE 4

THAT, Clause 4 of the Bill be amended—

- (a) in sub-clause (1), by deleting the words “vest in ” and substituting therefor the words “be owned by”;
- (b) in sub-clause (2), by inserting the word “community” immediately after the words “the use of”; and
- (c) in sub-clause (3), by deleting the words “vest in” and substituting therefor the words “be owned by”.

CLAUSE 5

THAT, Clause 5 of the Bill be amended—

- (a) in sub-clause (1), by inserting the words “of the Constitution” immediately after the words “with Article 40”;
- (b) in sub-clause (4), by inserting the words “or by negotiated settlement” at the end of the sentence; and
- (c) in sub-clause (5) by inserting the words “of this Act” immediately after the words “section 46”.

CLAUSE 6

THAT, clause 6 of the Bill be amended—

- (a) by inserting the following new sub-clauses immediately after sub-clause (1)-
 - “(1A) The respective county government shall hold in trust for a community any monies payable as compensation for compulsory acquisition of any unregistered community land.”;
 - “(1B) Upon registration of community land, the respective county government shall promptly release to the community all such monies payable for compulsory acquisition”; and
 - “(1C) Any such monies shall be deposited in a special interest earning account by the county government.”
- (b) in sub-clause (4) by inserting the words “sell, dispose, transfer, convert for private purposes or in any other way” immediately after the words “A county government shall not”.

CLAUSE 7

THAT, Clause 7 of the Bill be deleted and substituted therefor the following new clause—

Procedure for
registration
of
communities.

7. (1) A community claiming an interest in or right over community land shall be registered in accordance with the provisions of this section.

(2) A community shall, by notice in at least one newspaper of nationwide circulation, invite all members of the community with some communal interest to a public meeting for the purpose of electing the members of the community land management committee, which notice shall also be given to the deputy county commissioner in charge of the area or the relevant sub-county administrator.

(3) The community shall elect between seven and fifteen members from among themselves to be the members of the community land management committee as provided in section 16, who shall come up with a comprehensive register of communal interest holders.

(4) The community land management committee shall come up with the name of the community and shall submit the name, register of members, minutes of the meeting and the rules and regulations of the committee to the Registrar for registration.

CLAUSE 8

THAT, Clause 8 of the Bill be deleted and substituted therefor the following new clause—

Procedure
for
recognition
and
adjudication
of
community
land.

8. (1) Subject to this Act and any law relating to adjudication of titles to land, the Cabinet Secretary shall, in consultation with the respective county governments, develop and publish in the Gazette a comprehensive adjudication programme for purposes of registration of community land.

(2) The Cabinet Secretary shall ensure that the process of documenting, mapping and developing of the inventory of community land shall be transparent, cost effective and participatory and shall involve the following steps—

(3) The Cabinet Secretary shall issue a public notice of intention to survey, demarcate and register community land.

(4) The notice shall—

- (a) contain the name of the community;
- (b) state which land is to be adjudicated;
- (c) invite all interested persons with overriding interests or any other claim on the land, to lodge their claims;
- (d) specify an area or areas of land to be a community land registration unit; and
- (e) be for a period of sixty days.

(5) The Cabinet Secretary shall cause the land to be adequately surveyed but such survey shall exclude—

- (a) all parcels already in use for public purposes; and
- (b) adjudicated private land.

(6) A cadastral map of the land shall then be produced and presented to the Registrar for registration.

CLAUSE 10

THAT, Clause 10 of the Bill be amended in sub-clause (1) by deleting the words “every five years” appearing in paragraph (c) and substituting therefor the word “annually”.

CLAUSE 11

THAT, clause 11 of the Bill be amended in paragraph (a) of sub-clause (2) by inserting the words “in consultation with the respective county governments” immediately after the word “facilitate”.

CLAUSE 13

THAT, Clause 13 of the Bill be amended by—

- (a) deleting sub-clause (1) and substituting therefor the following new sub-clause (1)—

“(1) A registered community may by a resolution of the majority members of that community in a general meeting, reserve a portion of the community land for communal purposes.”

- (b) deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) Any land which has been used communally, for public purpose, before the commencement of this Act shall upon commencement of this Act be deemed to be public land vested in the national or county government, according to the use it was put for.”; and

- (c) inserting the following new sub-clauses immediately after sub-clause (2)—

“(3) A registered community may reserve special purpose areas including areas for—

- (a) farming;
- (b) settlement;
- (c) community conservation;
- (d) cultural and heritage sites;
- (e) urban development; and
- (f) any other purposes as may be determined by the community, respective County Government or National Government for the promotion or upgrading of public interest.

“(4) An area reserved for special purposes under subsection (3) shall be used exclusively for the intended purpose.”

- (c) deleting sub-clause (3).

CLAUSE 14

THAT, Clause 14 of the Bill be amended –

(a) in sub-clause (1) by–

- (a) by deleting paragraph (b);
- (b) deleting paragraph (e); and
- (c) deleting paragraph (f).

(b) in sub-clause (2) by inserting the words “Subject to Article 40(6) of the Constitution” at the end of the sentence.

CLAUSE 15

THAT, Clause 15 of the Bill be deleted.

CLAUSE 16

THAT, Clause 16 of the Bill be deleted and substituted therefor the following new clause–

Functions and
powers of the
community land
management
committee.

16. (1) A registered community shall have a community assembly which shall consist of all members of the community.

(2) The community assembly shall elect between seven and fifteen members of the community assembly to constitute the community land management committee.

(3) The functions of the community land management committee shall be to–

- (a) have responsibility over the running of the day to day functions of the community;
- (b) manage and administer registered community land on behalf of the respective community;
- (c) coordinate the development of community land use plans in collaboration with the relevant authorities;
- (d) promote the co-operation and participation among community members in dealing with matters pertaining to the respective registered community land; and
- (e) prescribe rules and regulations, to be ratified by the community assembly, to govern the operations of the community.

(4) Any decision of a registered community to dispose of or otherwise alienate community land shall be binding if it is supported by at least two thirds of the registered members of the community, while any other minor decisions of the registered community shall be by a simple majority of the members present in a meeting.

CLAUSE 18

THAT, clause 18 of the Bill be amended in sub-clause (1) by inserting the phrase “or any other written law” immediately after the words “in this Act”.

CLAUSE 19

THAT, clause 19 of the Bill be amended in sub-clause (1) by deleting the word “all”. immediately after the words “be considered”.

CLAUSE 22

THAT, Clause 22 of the Bill be amended in sub-clause (2) by deleting the words “at least fifty per cent of members present in a special meeting convened for that purpose, in which at least two thirds of the members of the community are present” and substituting therefor the words “two thirds of the assembly in a special meeting convened for that purpose”.

CLAUSE 24

THAT, Clause 24 of the Bill be amended by inserting the words “as provided in section 22(2)” at the end of paragraph (b).

CLAUSE 25

THAT, Clause 25 of the Bill be amended in sub-clause (2) by deleting the words “and may relate to any category or class of community land”.

CLAUSE 26

THAT, clause 26 of the Bill be amended by inserting the following new paragraph immediately after paragraph (c) —

“(d) operation of any other written law.”

CLAUSE 28

THAT, Clause 28 of the Bill be amended in sub-clause (2) by deleting the word “an” appearing at the end of paragraph (e) and substituting therefor the word “and”.

CLAUSE 29

THAT, clause 29 of the Bill be amended—

- (a) in sub-clause (4) by inserting the words “or” at the end of paragraph (a); and
- (b) in sub-clause (6) by deleting the words “one year” and substituting therefor the words “six months”.

CLAUSE 31

THAT, clause 31 of the Bill be amended by deleting sub-clause (5) and substituting therefor the following new sub-clause—

“(5) For the avoidance of doubt, every woman married to a member of the community shall gain automatic membership of the community and such membership shall subsist until the spouses legally divorce and the woman remarries, after the death of the spouse, from another community.”

CLAUSE 35

THAT, clause 35 of the Bill be deleted and substituted therefor by the following new clause—

Existing rights to
use and occupy
community land.

35. (1) Any person who immediately before the commencement of this Act, held a right to use and occupy any part of community land, whether by virtue of any authority granted under any law or otherwise than under a lease, may continue to use and occupy such land under that right, subject to the same terms and conditions until the lease expires, after which the provisions of sections 28 and 29 shall apply.

(2) Any conversion which commenced before the promulgation of the Constitution shall be deemed to have commenced under this Act, while any conversion commenced after the promulgation of the Constitution shall be null and void.

CLAUSE 37

THAT, clause 37 of the Bill be amended—

- (a) by inserting the words “Subject to any other relevant written law” at the beginning of the opening sentence;
- (b) by renumbering the existing clause as sub-clause (1);
- (c) by inserting the following new sub-clauses immediately after sub-clause (1)—
 - “(2) An agreement relating to investment in community land shall only be made between the investor and the community.

(3) No agreement between an investor and the community shall be valid unless it is approved by two thirds of members at a community assembly meeting called to consider the offer and at which a quorum of two thirds of the members of that community is obligatory.

(4) The community may request the guidance and assistance of the county government or any other relevant stakeholders in considering the offer of investment.”

CLAUSE 38

THAT clause 38 be amended by deleting the word “bye-laws” wherever it appears and substituting therefore the word “by-laws”.

CLAUSE 39

THAT, clause 39 of the Bill be amended in the opening sentence in sub-clause (2) by inserting the words “and county” immediately after the words “subject to national”.

CLAUSE 40

THAT, clause 40 of the Bill be amended in sub-clause (2) by deleting the word “constitutions” appearing at the end of the sentence and substituting therefor the word “by-laws”.

CLAUSE 42

THAT, clause 42 of the Bill be deleted and substituted therefor by the following new clauses—

Arbitration.

42. (1) Where a dispute relating to community land arises, the parties to the dispute may agree to refer the dispute to arbitration.

No. 4 of 1995.

(2) Where the parties to an arbitration agreement fail to agree on the appointment of an arbitrator or arbitrators, the provisions of the Arbitration Act relating to the appointment of arbitrators shall apply.

Judicial
proceedings.

42A. (1) Where all efforts of resolving a dispute under this Act fail, a party to the dispute may refer the matter to court.

(2) The Court may—

- (a) confirm, set aside, amend or review the decision which is the subject of the appeal; or
- (b) make any order in connection therewith as it may deem fit.

CLAUSE 44

THAT, clause 44 of the Bill be deleted and substituted therefor the following new clause—

General penalty.

44. A person convicted of an offence under this Act for which no other penalty is provided shall be liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months or to both.

CLAUSE 46

THAT, clause 46 of the Bill be amended—

- (a) in sub-clause (6) by deleting the words “such time as the Cabinet Secretary may determine” and substituting therefor the words “five years of the enactment of this Act”;
- (b) by deleting sub-clause (7) and substituting therefor the following new sub-clause—
 “(7) If at the expiry of the five years specified in subsection (6) the adjudication is not concluded, such land shall be deemed to be community land and shall be dealt with in terms of the provisions of this Act.”
- (c) by inserting the following new sub-clause immediately after sub-clause (8)—
 “(9) The provisions of this section shall be subject to the provisions of Article 63(4) of the Constitution and the legislation providing for the review of grants and dispositions.”

CLAUSE 47

THAT, clause 47 of the Bill be amended by deleting the word “relevant” and substituting therefor the words “provisions of this”.

CLAUSE 48

THAT, clause 48 of the Bill be amended in sub-clause (2) by inserting the words “ensuring public participation” immediately after the words “Cabinet Secretary”.

SCHEDULE

THAT the Schedule to the Bill be amended—

- (a) in paragraph 2 by inserting the words “land use planning” immediately after the words “public health or” appearing in sub-paragraph (2);
- (b) in paragraph 8 by deleting the figure “(1)”;
- (c) by inserting the following new paragraph immediately after paragraph 8—

“9. Nothing in this Schedule shall be construed as giving exemption to the application of the provisions of Article 63(4) of the Constitution.”

2) Notice is given that the Member for Isiolo County (Hon. Tiyah Galgalo), intends to move the following amendments to the Community Land Bill, 2015 at the Committee Stage—

CLAUSE 5

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”.

CLAUSE 6

THAT, clause 6 of the Bill be amended in sub-clause (1) by deleting the words “for which it is held” and substituting therefor the words “traditionally entitled to or resident on the land”.

CLAUSE 8

THAT, clause 8 of the Bill be amended—

- (a) in sub-clause (1) by inserting the words “in consultation with county governments” immediately after the words “the Cabinet Secretary shall”;
- (b) in sub-clause (2) by inserting the following new paragraph immediately after paragraph (b)—
 - “(c) be developed in consultation with the communities and incorporate the principles of the national land policy”;
- (c) in sub-clause (5) by inserting the words “in consultation with county governments” immediately after the words “The Cabinet Secretary may”.

CLAUSE 10

THAT, clause 10 of the Bill be amended in sub-clause (2) by deleting the words “or any other written law”.

CLAUSE 11

THAT, clause 11 of the Bill be amended in sub-clause (2) by inserting the words "in consultation with the relevant county government" immediately after the words "The Cabinet Secretary"

CLAUSE 13

THAT, clause 13 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

"(1) A registered community may, by resolution of the majority of members in a general meeting, reserve land for communal purposes."

CLAUSE 14

THAT, clause 14 of the Bill be amended in sub-clause (2) by inserting the words "Subject to the provisions of Article 40(6) of the Constitution" at the beginning of the sentence.

CLAUSE 15

THAT, clause 15 of the Bill be amended by inserting the words "in consultation with the county governments" immediately after the words "The Cabinet Secretary shall".

CLAUSE 16

THAT, clause 16 of the Bill be amended—

(a) in sub-clause (1)—

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

"(a) manage and administer its land through the appropriate institutions";

(ii) by deleting paragraph (c);

(iii) by deleting the word "authorities" appearing in paragraph (d) and substituting therefor the words "county government";

(b) by deleting sub-clause (2) and substituting therefor the following new sub-clause—

"(2) Any decision of a registered community shall be binding if it is supported by at least two thirds of the registered members present in a general meeting, of which eighty five per cent of the total number of registered members must be present."

CLAUSE 20

THAT, clause 20 of the Bill be amended by inserting the following new sub-clauses immediately after sub-clause (5)—

"(6) A registered community may reserve special purpose areas including—

- (a) farming areas;
 - (b) settlement areas;
 - (c) community conservation areas;
 - (d) access and rights of way;
 - (e) cultural and religious sites;
 - (f) urban development; or
 - (g) any other purpose as may be determined by the community, county government or national government for the promotion of public interest.
- (7) An area designated for special purposes under subsection (6) shall be used exclusively for the designated purposes."

CLAUSE 23

THAT, clause 23 of the Bill be amended in sub-clause (2) by deleting the words "land" appearing at the end of the sentence and substituting therefor the words "community land shall be subject to this Act."

CLAUSE 30

THAT, clause 30 of the Bill be deleted.

CLAUSE 31

THAT, clause 31 of the Bill be amended by deleting sub-clause (5) and substituting therefor the following new sub-clause—

"(5) For the avoidance of doubt, every man or woman married to a member of the community and who moves into the community of the other automatically becomes a member of that community and such membership shall subsist unless the spouses legally divorce and the spouse remarries, or unless the man or woman remarries after the death of the spouse."

CLAUSE 32

THAT, clause 32 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words "Subject to such exemptions as may be prescribed, or unless any condition attaching to a community land right or a right of leasehold under this Act provides otherwise,"; and
- (b) in sub-clause (2) by deleting the words "For the purposes of" appearing at the beginning of the sentence and substituting therefor the words "Subject to".

CLAUSE 40

THAT, clause 40 of the Bill be amended in sub-clause (4) by deleting the words "repugnant to justice and morality and".

CLAUSE 47

THAT, clause 47 of the Bill be amended in sub-clause (4) by deleting the words “or other institutions” appearing immediately after the words “respective communities”.

CLAUSE 48

THAT, clause 48 of the Bill be amended—

- (a) in sub-clause (1) by inserting the words “in consultation with county governments” immediately after the words “The Cabinet Secretary may”; and
- (b) in sub-clause (2) by inserting the following new paragraph immediately after paragraph (j)—
 - “(k) procedures for registration of communities and their governance”.

3) Notice is given that the Member for Wajir South (Hon. Abdullahi Diriye) intends to move the following amendments to the Community Land Bill, 2015 at the Committee Stage—

CLAUSE 2

THAT, Clause 2 of the Bill be amended by deleting the definition of “community” and substituting therefor the following new definition—

“community” means an organized group of users of community land who are citizens of Kenya and share a common ancestry.

CLAUSE 5

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

CLAUSE 6

THAT, Clause 6 of the Bill be amended in subsection (4) by inserting the words “except in accordance with the law” at the end of the sentence.

4) Notice is given that the Member for Turkana County (Hon. Joyce Emanikor) intends to move the following amendments to the Community Land Bill, 2015 at the Committee Stage—

CLAUSE 2

THAT, Clause 2 of the Bill be amended—

- (a) in the definition of “community tenure system” by deleting the words “or controlled by a family, clan or a designated community leader” at the end of the sentence; and
- (b) by inserting the following new definition in its proper alphabetical sequence—
 - “community member” means any and all individuals, male and female, families and groups that live within the defined boundaries of the community land in question and are above the age of eighteen years.

CLAUSE 6

THAT, Clause 6 of the Bill be amended –

(a) by inserting the following new sub-clause immediately after sub-clause (2) –

“(2) County governments shall support communities to register community land including by allocation of resources for that purpose” ; and

(b) in sub-clause (4) by inserting the words “licence, lease, transact or” immediately after the words “shall not”.

CLAUSE 10

THAT, Clause 10 of the Bill be amended in sub-clause (1) by deleting paragraph (d).

CLAUSE 11

THAT, Clause 11 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (1) –

“(1b) Community land may be registered in the name of –

(a) a community;

(b) a clan or family in accordance with the customary practices applicable; or

(c) a community association in accordance with the document constituting the association.

CLAUSE 16

THAT, Clause 16 of the Bill be amended –

(a) in sub-clause (2) by deleting the words “the registered members of the community” at the end of the sentence and substituting therefor the words “all community residents”; and

CLAUSE 19

THAT, Clause 19 of the Bill be amended in sub-clause (1) by inserting the words “to a community” immediately after the word “registration”.

CLAUSE 20

THAT, Clause 20 of the Bill be amended in sub-clause (2) by deleting paragraph (f).

CLAUSE 22

THAT, Clause 22 of the Bill be amended in sub-clause (2) by deleting the words “fifty percent of members present in a special meeting convened for that purpose, in which at least two thirds of the members of the community are present” and substituting therefor the words “two thirds of the members of the community present in a special meeting convened for that purpose.”

The House resolved on Wednesday, February 10, 2016 as follows:-

- III. **THAT**, notwithstanding the provisions of Standing Order 97(4) and in furtherance to the provisions of Standing Order 24(6), debate on the Motion on the Address by the President shall be limited to no more than five (5) minutes for each Member Speaking, thirty (30) minutes for the Mover in moving and replying and twenty (20) minutes for the Leader of Minority Party.
- IV. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House, shall be limited as follows: - A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order.
- V. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.

NOTICE PAPER

Tentative business for

Wednesday (Morning), April 20, 2016

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee, at their last meeting, approved the following tentative business to appear in the Order Paper for Wednesday (Morning), April 20, 2016:-

**A. THE CONSTITUTION OF KENYA (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO.6 OF 2016)**

(The Hon. Mithika Linturi, M.P.)

First Reading

**B. THE VALUE ADDED TAX (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILL NO.7 OF 2016)**

(The Hon. Wafula Wamunyinyi, M.P.)

First Reading

C. MOTION - INITIATIVE TO PROMOTE CLEAN ENVIRONMENT

(The Hon. (Dr.) Wilber Ottichilo, M.P.)

(Resumption of debate interrupted on Wednesday, April 13, 2016 – Morning Sitting)

(Balance of time – 1hr. 15 Mins)

(Motion as amended)

**D. MOTION - DECLARATION OF CATTLE RUSTLING AS A NATIONAL
DISASTER & ESTABLISHMENT OF A SPECIAL FUND
FOR VICTIMS**

(The Hon. William Cheptumo, M.P.)

E. MOTION – PROVISION OF WATER TO ALL PUBLIC FACILITIES

(The Hon. Andrew Mwadime, M.P.)

F. MOTION – ESTABLISHMENT OF LACTATION CENTRES

(The Hon. Abdikadir Ore, MP)

**G. THE KENYA UWEZO FUND BILL (NATIONAL ASSEMBLY BILL NO.
65 OF 2015)**

(The Hon. Kangogo Bowen, M.P.)

Second Reading

...../Notice Paper

