



REPUBLIC OF KENYA

THE SENATE

ELEVENTH PARLIAMENT – THIRD SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, MAY 20, 2015 AT 2.30 P.M.

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following communications from the Chair-

**a) Beatification Ceremony of Venerable Sr. Irene Stefani**

"Honourable Senators,

I wish to inform you that the Catholic Church is organizing a beatification ceremony of Venerable Sr. Irene Stefani, to be held in Nyeri from 22<sup>nd</sup> to 24<sup>th</sup> May, 2015. This is the first time in the history of the Catholic Church a beatification ceremony will be held outside Vatican and on African soil.

Honourable Senators,

The beatification of Venerable Sr. Irene Stefani "*Nyaatha*" a Consolata Missionary who worked and died in Nyeri is a great honour to the County of Nyeri and the nation in recognition of her heroic service to God and humanity.

Honourable Senators,

I have received a letter from the Office of the Governor of Nyeri County, inviting all Senators to the main ceremony that will be held on Saturday, 23<sup>rd</sup> May, 2015 at Dedan Kimathi University of Technology, Nyeri at 9.00 am. This ceremony is likely to attract over 100,000 pilgrims and guests and it has been upgraded to a State function to be graced by H.E the President.

I therefore urge all Honourable Senators who will be attending the ceremony to confirm their attendance with the Office of the Clerk of Senate at the rise of the Senate today, to facilitate necessary logistical details and protocol.

I thank you."

**b) Visiting Members of Kiambu County Assembly**

"Honorable Senators,

Hon. Members, I am pleased to acknowledge and to welcome to the Senate this afternoon, the Members of Kiambu County Assembly who are seated in the Speaker's Gallery.

I request that when their names are called out, they stand so that they may be acknowledged in our usual Senate tradition.

1. Hon. Joseph Murugaru
2. Hon. Lawrence Mwaura
3. Hon. Moses Kiarie
4. Hon. Peter Geche
5. Hon. Karungo Wa Thangwa
6. Hon. Martin Njoroge
7. Hon. Paul C. Mburu
8. Hon. James M. Wanyangi
9. Hon. Paul K. Kimani

Honorable Senators,

I take this opportunity on behalf of the Senate and on my own behalf, to wish the Members of Kiambu County Assembly a happy and fruitful visit.

I Thank You."

**c) Visiting Pupils and Teachers from Alliance High School**

"Honorable Senators,

I wish to recognize the presence of the pupils and teachers from Alliance High School, Kiambu County seated in the Public Gallery who are visiting the Senate today.

As you all know Hon. Senators, the tradition of receiving and welcoming visitors to Parliament is a long time tradition and one we shall endeavor to continue upholding.

On behalf of the Senate and on my own behalf, I extend a warm welcome to the pupils and teachers of Alliance High School.

I thank you."

**d) Visiting Pupils and Teachers from Mefis Junior Academy**

"Honorable Senators,

I wish to recognize the presence of pupils and teachers from Mefis Junior Academy, Nairobi County seated in the Public Gallery who are visiting the Senate today.

As you all know Hon. Senators, the tradition of receiving and welcoming visitors to Parliament is a long time tradition and one we shall endeavor to continue upholding.

On behalf of the Senate and on my own behalf, I extend a warm welcome to the pupils and teachers of Mefis Junior Academy.

I thank you."

**4. PETITION**

The following report on petition was laid on the Table of the Senate, pursuant to Standing Order 227 (2)-

Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Petition on the plight of rice farmers at Mwea Settlement Scheme.

*(Vice - Chairperson of the Standing Committee on Agriculture,  
Livestock and Fisheries)*

**5. PAPERS LAID**

The following Papers were laid on the Table of the Senate-

- i) Report of the Standing Committee on Education on the County Early Childhood Education Bill, 2014.

*(Chairperson, Standing Committee on Education)*

- ii) Report of the Standing Committee on Education on the Universities (Amendment) Bill, 2014.

*(Chairperson, Standing Committee on Education)*

**6. STATEMENTS PURSUANT TO STANDING ORDER 45****Statements pursuant to Standing Order 45 (2) (b)**

- i) The Senator for Taita Taveta County (Sen. Danson Mwazo) sought a statement from the Chairperson of the Standing Committee on Education regarding the plight of and government policy in regard to part time university lecturers.

- ii) The Senator for Kisii County (Sen. Christopher Obure) sought a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding a recent accident near Daraja Moja in Kisii Town and which had sparked riots in the area.
- iii) The Senator for Taita Taveta County (Sen. Danson Mwazo) sought a statement from the Chairperson of the Standing Committee on Roads and Transport regarding repair and maintenance of the section of the Nairobi – Mombasa highway between Mariakani, Voi and Mtito Andei.
- iv) The Senator for Kirinyaga County (Sen. Daniel Karaba) sought a statement from the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries on the construction of the proposed Gatitu-Nyayo tea factory in Kirinyaga East Sub-County, Kirinyaga County.
- v) The Chairperson of the Standing Committee on Education issued a statement on the predicament of students of Garissa Teachers Training College (TTC).

The Chairperson informed the House that the Ministry of Education, Science and Technology had decided that the students should not be transferred to other colleges as that would mean closing the college, and that as at 20<sup>th</sup> May, 2015, three hundred and forty three (343) out of six hundred and ten (610) students had reported back to the college. The Chairperson assured the House that adequate security measures had been put in place to ensure the safety of students and staff of the college.

7. **COMMITTEE OF THE WHOLE:**

Order for Committee read;

**IN THE COMMITTEE**

(The Acting Chairperson of Committees (Sen. Dr. Machage – in the Chair)

**The Public Audit Bill (National Assembly Bill No. 38 of 2014)**

**Clauses 3, 4, 6 – 10, 12 – 18, 20 – 23, 25, 27 – 31, 33 – 38 and 42 – 71**

Motion made and Question proposed.

**That**, Clauses 3, 4, 6 – 10, 12 – 18, 20 – 23, 25, 27 – 31, 33 – 38 and 42 – 71 be part of the Bill.

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 26

NOES – NIL

ABSTENTIONS – NIL

**AYES**

1. Sen. Adan Dullo Fatuma - On behalf of Isiolo County delegation
2. Sen. Billow Adan Kerrow
3. Sen. Boy Juma Boy
4. Sen. Bule Ali Abdi
5. Sen. Chelule Liza - On behalf of Nakuru County delegation
6. Sen. Haji Mohammed Yusuf
7. Sen. Hassan Abdirahman Ali
8. Sen. Hassan Omar Hassan
9. Sen. Kajwang' Moses Otieno
10. Sen. Karaba Dickson Daniel
11. Sen. Kariuki Godfrey Gitahi
12. Sen. Kindiki Kithure
13. Sen. Lesan Wilfred Rotich
14. Sen. Machage Wilfred Gisuka
15. Sen. Madzayo Stewart Mwachiru
16. Sen. Mositet Peter Korinko
17. Sen. Mugo Beth Wambui - On behalf of Nairobi City County delegation
18. Sen. Mutahi Kagwe
19. Sen. Muthama Johnson Nduya
20. Sen. Mutula Kilonzo Junior
21. Sen. Mwakulegwa Danson Mwazo
22. Sen. Ntutu Stephen Kanyinke
23. Sen. Nyong'o Peter Anyang'
24. Sen. Obure Christopher Mogere
25. Sen. Okong'o Kennedy Mong'are
26. Sen. Sang Stephen Kipyego

**Clause 5**

Motion made and Question proposed.

**That**, Clause 5 be part of the Bill.

Amendment proposed.

**THAT** clause 5 of the Bill be amended in-

- (a) paragraph (b) by deleting the words "Article 229" appearing immediately after the words "specified in" and substituting therefor the words "Article 229(2)"; and
- (b) paragraph(c) by inserting the words "post graduate" immediately after the words "holds a".

*(Chairperson, Standing Committee on Finance, Commerce & Budget)*

Debate arising;

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 26

NOES – NIL

ABSTENTIONS – NIL

**AYES**

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- 3. Sen. Boy Juma Boy
- 4. Sen. Bule Ali Abdi
- 5. Sen. Chelule Liza - On behalf of Nakuru County delegation
- 6. Sen. Haji Mohammed Yusuf
- 7. Sen. Hassan Abdirahman Ali

8. Sen. Hassan Omar Hassan
9. Sen. Kajwang' Moses Otieno
10. Sen. Karaba Dickson Daniel
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26. Sen. Sang Stephen Kipyego

### **Clause 11**

Motion made and Question proposed.

**That**, Clause 11 be part of the Bill.

Amendment proposed.

**THAT** clause 11 be amended by inserting the following new sub-clause immediately after sub-clause (5)-

(5A) The members of the selection panel appointed under subsection (5) shall elect a chairperson from among themselves.

*(Chairperson, Standing Committee on Finance, Commerce & Budget)*

Debate arising;

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 26

NOES – NIL

ABSTENTIONS – NIL

**AYES**

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22. Sen. Ntutu Stephen Kanyinke
23. Sen. Nyong'o Peter Anyang'
24. Sen. Obure Christopher Mogere
25. Sen. Okong'o Kennedy Mong'are
26. Sen. Sang Stephen Kipyego

**Clause 19**

Motion made and Question proposed.

**That,** Clause 19 be part of the Bill.



Amendment proposed.

**THAT** clause 19 be amended in sub-section (2) by deleting the words "review and" appearing immediately after the words "each year for" at the end of the paragraph.

*(Chairperson, Standing Committee on Finance, Commerce & Budget)*

Debate arising;

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 26

NOES – NIL

ABSTENTIONS – NIL

**AYES**

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25. Sen. Okong'o Kennedy Mong'are
26. Sen. Sang Stephen Kipyego

#### **Clause 24**

Motion made and Question proposed.

**That**, Clause 24 be part of the Bill.

Amendment proposed.

**THAT** clause 24 be amended in-

- (a) paragraph (a) of sub-section (1), by inserting the words "who shall be the chairperson" at the end of the paragraph; and
- (b) sub-section (3) by deleting the words "shall appoint a chairperson from among the persons under subsection (1) above and" appearing immediately after the words "the Auditor-General".

*(Chairperson, Standing Committee on Finance, Commerce & Budget)*

Debate arising;

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

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NOES – NIL

ABSTENTIONS – NIL

**AYES**

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25. Sen. Okong'o Kennedy Mong'are
26. Sen. Sang Stephen Kipyego

**Clause 26**

Motion made and Question proposed.

**That,** Clause 26 be part of the Bill.

Amendment proposed.

**THAT** the Bill be amended by deleting clause 26 and substituting therefor the following new clause-

Functions of the Audit Advisory Board.	<b>26.</b> (1) Subject to section 10, the principal function of the Audit Advisory Board shall be to advise the Auditor-General on the exercise of his or her powers and the performance of his or her functions under the Constitution and this Act.
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(2) Subject to the generality of subsection (1) the Board shall, in addition to any other function that may be conferred by this Act or any other law, advise the Auditor-General on-

(a) the recruitment of senior managers into the Office of the Auditor-General;

(b) the development and review of organizational development issues

(c) the budget estimates and plans of the office of the Auditor-General;

(d) the remuneration and other terms of appointment of the staff of the Office of the Auditor-General in consultation with the Salaries and Remuneration Commission; and

(e) any other matter that the Auditor-General may refer to the Board from time to time.

*(Sen. Billow Kerrow, Senator for Mandera County)*

Debate arising;

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 26

NOES – NIL

ABSTENTIONS – NIL

**AYES**

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26. Sen. Sang Stephen Kipyego

**Clause 32**

Motion made and Question proposed.

**That,** Clause 32 be part of the Bill.

Amendment proposed.

**THAT** clause 32 be amended in sub-clause (1) by deleting the word "may" appearing immediately after the words "public entity" and substituting therefor the word "shall".

*(Chairperson, Standing Committee on Finance, Commerce & Budget)*

Debate arising;

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 26

NOES – NIL

ABSTENTIONS – NIL

**AYES**

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26. Sen. Sang Stephen Kipyego

**Clause 39**

Motion made and Question proposed.

**That**, Clause 39 be part of the Bill.

Amendment proposed.

**THAT** clause 39 be amended-

- (a) by deleting sub-clause (1);
- (b) by deleting sub-clause (2) and substituting therefor with the following new sub-clause-  
(2)Sections of the audit reports on national security organs may remain confidential to the Auditor-General but may, on demand, be submitted to Parliament; and
- (c) by deleting sub-clause (3).

*(Chairperson, Standing Committee on Finance, Commerce & Budget)*

Debate arising;

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 26

NOES – NIL

ABSTENTIONS – NIL

**AYES**

- 1. Sen. Adan Dullo Fatuma - On behalf of Isiolo County delegation
- 2. Sen. Billow Adan Kerrow
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24. Sen. Obure Christopher Mogere
25. Sen. Okong'o Kennedy Mong'are
26. Sen. Sang Stephen Kipyego

#### **Clause 40**

Motion made and Question proposed.

**That,** Clause 40 be part of the Bill.

#### **Amendment proposed.**

**THAT** clause 40 be amended in sub-clause (2) by deleting the words "Article 206(1)(b)" appearing immediately after the words "accordance with" and substituting therefor the words "Article 206(1)".

*(Chairperson, Standing Committee on Finance, Commerce & Budget)*

Debate arising;

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;



The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 26

NOES – NIL

ABSTENTIONS – NIL

**AYES**

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24. Sen. Obure Christopher Mogere
25. Sen. Okong'o Kennedy Mong'are
26. Sen. Sang Stephen Kipyego

**Clause 41**

Motion made and Question proposed.

**That,** Clause 41 be part of the Bill.

Amendment proposed.

**THAT** clause 41 be amended in paragraph (e) of sub-clause (2), by inserting the words "including statements on processes and systems audit" immediately after the words "of the Auditor-General".

*(Chairperson, Standing Committee on Finance, Commerce & Budget)*

Debate arising;

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 26

NOES – NIL

ABSTENTIONS – NIL

**AYES**

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13. Sen. Lesan Wilfred Rotich
14. Sen. Machage Wilfred Gisuka
15. Sen. Madzayo Stewart Mwachiru

16. Sen. Mositet Peter Korinko
17. Sen. Mugo Beth Wambui - On behalf of Nairobi City County delegation
18. Sen. Mutahi Kagwe
19. Sen. Muthama Johnson Nduya
20. Sen. Mutula Kilonzo Junior
21. Sen. Mwakulegwa Danson Mwazo
22. Sen. Ntutu Stephen Kanyinke
23. Sen. Nyong'o Peter Anyang'
24. Sen. Obure Christopher Mogere
25. Sen. Okong'o Kennedy Mong'are
26. Sen. Sang Stephen Kipyego

**The Schedule, Clause 2, the Title and Clause 1**

Motion made and Question proposed.

**That,** the Schedule, Clause 2, the Title and Clause 1 be part of the Bill.

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 26

NOES – NIL

ABSTENTIONS – NIL

**AYES**

1. Sen. Adan Dullo Fatuma - On behalf of Isiolo County delegation
2. Sen. Billow Adan Kerrow
3. Sen. Boy Juma Boy
4. Sen. Bule Ali Abdi
5. Sen. Chelule Liza - On behalf of Nakuru County delegation
6. Sen. Haji Mohammed Yusuf
7. Sen. Hassan Abdirahman Ali

8. Sen. Hassan Omar Hassan
9. Sen. Kajwang' Moses Otieno
10. Sen. Karaba Dickson Daniel
11. Sen. Kariuki Godfrey Gitahi
12. Sen. Kindiki Kithure
13. Sen. Lesan Wilfred Rotich
14. Sen. Machage Wilfred Gisuka
15. Sen. Madzayo Stewart Mwachiru
16. Sen. Mositet Peter Korinko
17. Sen. Mugo Beth Wambui - On behalf of Nairobi City County delegation
18. Sen. Mutahi Kagwe
19. Sen. Muthama Johnson Nduya
20. Sen. Mutula Kilonzo Junior
21. Sen. Mwakulegwa Danson Mwazo
22. Sen. Ntutu Stephen Kanyinke
23. Sen. Nyong'o Peter Anyang'
24. Sen. Obure Christopher Mogere
25. Sen. Okong'o Kennedy Mong'are
26. Sen. Sang Stephen Kipyego

**Motion made:-**

**That**, the Bill be reported with amendments;

Before the question was put and pursuant to Standing Order 72, the Acting Chairperson (Sen. Machage) ruled that the question did not affect counties;

Question put and agreed to.

8. **HOUSE RESUMED** - (Temporary Speaker - (Sen. Mositet - in the Chair)
9. **THE PUBLIC AUDIT BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2014)**

Bill reported with amendments;

Motion made and Question proposed-

**THAT**, the Senate do agree with the Committee of the Whole in the said Report.

*(Chairperson, Standing Committee on Finance, Commerce & Budget)*

Debate Arising;

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 72, the Temporary Speaker (Sen. Mositet) ruled that the question did not affect counties;

Question put and agreed to.

Motion made and question proposed-

**THAT**, the Public Audit Bill (National Assembly Bill No. 38 of 2014) be now Read a third time.

*(Chairperson, Standing Committee on Finance, Commerce & Budget)*

Debate arising;

The House proceeded to a Division on the Third Reading of the Bill;

The Temporary Speaker (Sen. Mositet) directed that a Roll Call vote be taken pursuant to Standing Order No. 77 and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Temporary Speaker;

After the expiry of two minutes, the Temporary Speaker (Sen. Mositet) directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Temporary Speaker (Sen. Mositet) put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 27

NOES – NIL

ABSTENTIONS – NIL

**AYES**

1. Sen. Adan Dullo Fatuma - On behalf of Isiolo County delegation
2. Sen. Billow Adan Kerrow
3. Sen. Boy Juma Boy
4. Sen. Bule Ali Abdi
5. Sen. Chelule Liza - On behalf of Nakuru County delegation
6. Sen. Hargura Godana
7. Sen. Hassan Abdirahman Ali
8. Sen. Hassan Omar Hassan
9. Sen. Kajwang' Moses Otieno

10. Sen. Karaba Dickson Daniel
11. Sen. Kariuki Godfrey Gitahi
12. Sen. Kimani Paul Wamatangi
13. Sen. Kindiki Kithure
14. Sen. Kivuti Lenny Maxwell
15. Sen. Lesan Wilfred Rotich
16. Sen. Machage Wilfred Gisuka
17. Sen. Madzayo Stewart Mwachiru
18. Sen. Mositet Peter Korinko
19. Sen. Mutahi Kagwe
20. Sen. Muthama Johnson Nduya
21. Sen. Mutula Kilonzo Junior
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Nyong'o Peter Anyang'
24. Sen. Obure Christopher Mogere
25. Sen. Okong'o Kennedy Mong'are
26. Sen. Sang Stephen Kipyego
27. Sen. Sijeny Judith Achieng - On behalf of Nairobi City County delegation

Bill Read a Third Time and passed.

10. **MOTION – EXTENSION OF THE SITTING OF THE SENATE PURSUANT TO STANDING ORDER 30 (3) (a)**

Motion made and Question proposed;

**THAT**, pursuant to Standing Order 30 (3) (a), the Senate resolves to extend its sitting until the conclusion of business listed in Order Nos. 9 and 10 in today's Order Paper.

*(The Senate Majority Leader)*

Debate arising;

The Mover replied;

Before the Question was put, and pursuant to Standing Order No. 72, the Temporary Speaker (Sen. Mositet) informed the House that the Motion did not affect Counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY-**

**THAT**, pursuant to Standing Order 30 (3) (a), the Senate resolves to extend its sitting until the conclusion of business listed in Order Nos. 9 and 10 in today's Order Paper.

11. COMMITTEE OF THE WHOLE:

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Machage – in the Chair)

The Fair Administrative Action Bill (National Assembly Bill No. 10 of 2015)Clause 3

Motion made and question proposed;

**THAT** Clause 3 be part of the Bill.

Amendment proposed

Motion made and question proposed;

**THAT** clause 3 of the Bill be amended by deleting paragraph (b).

*(Vice-Chairperson of the Standing Committee on Legal Affairs and Human Rights.)*

The proposed amendments were withdrawn by the mover.

Question put;

**THAT** Clause 3 be part of the Bill.

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 27

NOES – NIL

ABSTENTIONS – NIL

**AYES**

1. Sen. Adan Dullo Fatuma- on behalf of Isiolo County delegation
2. Sen. Boy Juma Boy
3. Sen. Bule Ali Abdi
4. Sen. Chelule Liza - on behalf of Nakuru County delegation
5. Sen. Hargura Godana
6. Sen. Hassan Abdirahman Ali
7. Sen. Hassan Omar Hassan
8. Sen. Kajwang Moses
9. Sen. Karaba Dickson Daniel
10. Sen. Kariuki Godfrey Gitahi
11. Sen. Kimani Paul Wamatangi
12. Sen. Kindiki Kithure
13. Sen. Kivuti Lenny
14. Sen. Lesan Wilfred
15. Sen. Machage Wilfred
16. Sen. Madzayo Stewart
17. Sen. Mositet Peter Korinko
18. Sen. Mutahi Kagwe
19. Sen. Muthama Johnson Nduya
20. Sen. Mutula Kilonzo Junior
21. Sen. Mwakulegwa Danson Mwazo
22. Sen. Ntutu Stephen
23. Sen. Nyong'o Peter Anyang'
24. Sen. Obure Christopher
25. Sen. Okong'o Kennedy
26. Sen. Sang Stephen Kipyego.
27. Sen. Sijeny Judith Achieng - on behalf of Nairobi City County delegation

**Clause 4**

Motion made and question proposed;

**THAT**, Clause 4 be part of the Bill.

**Amendment proposed**

Motion made and question proposed;

**THAT** clause 4 of the Bill be amended-

(a) in sub-clause (3)-

- (i) in the introductory phrase by deleting the words "decision making authority" appearing immediately before the words "freedom of any person" and substituting therefor the word "administrator";



- (ii) in paragraph (c) by inserting the word "an" immediately before the words "administrative decision"; and
  - (iii) in paragraph (f) of sub-clause (3) by: deleting the word "or" appearing immediately before the words "where applicable";
- (b) in sub-clause (4) by deleting the words "decision making body" appearing immediately after the word "the" at the beginning of the sub-clause and substituting therefor the word "administrator";
- (c) by deleting sub-clause (6) and substituting therefor the following new sub-clause-
- (6)Where the administrator is empowered by any written law to follow a procedure which conforms to the principles set out in Article 47 of the Constitution, the administrator may act in accordance with that different procedure.

*(Vice-Chairperson of the Standing Committee on Legal Affairs and Human Rights.)*

Debate arising;

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 27

NOES – NIL

ABSTENTIONS – NIL

**AYES**

1. Sen. Adan Dullo Fatuma- on behalf of Isiolo County delegation
2. Sen. Boy Juma Boy
3. Sen. Bule Ali Abdi
4. Sen. Chelule Liza- on behalf of Nakuru County delegation
5. Sen. Hargura Godana
6. Sen. Hassan Abdirahman Ali

7. Sen. Hassan Omar Hassan
8. Sen. Kajwang Moses
9. Sen. Karaba Dickson Daniel
10. Sen. Kariuki Godfrey Gitahi
11. Sen. Kimani Paul Wamatangi
12. Sen. Kindiki Kithure
13. Sen. Kivuti Lenny
14. Sen. Lesan Wilfred
15. Sen. Machage Wilfred
16. Sen. Madzayo Stewart
17. Sen. Mositet Peter Korinko
18. Sen. Mutahi Kagwe
19. Sen. Muthama Johnson Nduya
20. Sen. Mutula Kilonzo Junior
21. Sen. Mwakulegwa Danson Mwazo
22. Sen. Ntutu Stephen
23. Sen. Nyong'o Peter Anyang'
24. Sen. Obure Christopher
25. Sen. Okong'o Kennedy
26. Sen. Sang Stephen Kipyego.
27. Sen. Sijeny Judith Achieng- on behalf of Nairobi City County delegation

#### **Clause 5**

Motion made and question proposed;

**THAT**, Clause 5 be part of the Bill.

#### **Amendment proposed**

Motion made and question proposed;

**THAT** clause 5 of the Bill amended by in sub-clause (2) by deleting paragraph (a) and substituting therefor the following new paragraph-  
(a) challenge any administrative action or decision in accordance with the procedure set out under the Commission of Administrative Justice Act, 2011 or any successor to the Commission on Administrative Justice under section 55 of the Commission in Administrative Justice Act".

*(Vice-Chairperson of the Standing Committee on Legal Affairs and Human Rights.)*

Debate arising;

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 27

NOES – NIL

ABSTENTIONS – NIL

**AYES**

1. Sen. Adan Dullo Fatuma- on behalf of Isiolo County delegation
2. Sen. Boy Juma Boy
3. Sen. Bule Ali Abdi
4. Sen. Chelule Liza- on behalf of Nakuru County delegation
5. Sen. Hargura Godana
6. Sen. Hassan Abdirahman Ali
7. Sen. Hassan Omar Hassan
8. Sen. Kajwang Moses
9. Sen. Karaba Dickson Daniel
10. Sen. Kariuki Godfrey Gitahi
11. Sen. Kimani Paul Wamatangi
12. Sen. Kindiki Kithure
13. Sen. Kivuti Lenny
14. Sen. Lesan Wilfred
15. Sen. Machage Wilfred
16. Sen. Madzayo Stewart
17. Sen. Mositet Peter Korinko
18. Sen. Mutahi Kagwe
19. Sen. Muthama Johnson Nduya
20. Sen. Mutula Kilonzo Junior
21. Sen. Mwakulegwa Danson Mwazo
22. Sen. Ntutu Stephen
23. Sen. Nyong'o Peter Anyang'
24. Sen. Obure Christopher
25. Sen. Okong'o Kennedy
26. Sen. Sang Stephen Kipyego.
27. Sen. Sijeny Judith Achieng- on behalf of Nairobi City County delegation

Clause 6

Motion made and question proposed;

**THAT**, Clause 6 be part of the Bill.

Amendment proposed

Motion made and question proposed;

**THAT** clause 6 of the Bill amended by inserting the following new sub-clauses immediately after sub-clause (2)-

(3) The administrator to whom a request is made under subsection (1), shall, within thirty days after receiving the request, furnish the applicant, in writing, the reasons for the administrative action.

(4) Subject to subsection (5), if an administrator fails to furnish the applicant with the reasons for the administrative decision or action, the administrative action or decision shall, in any proceedings for review of such action or decision and in the absence of proof to the contrary, be presumed to have been taken without good reason.

(5) An administrator may depart from the requirement to furnish adequate reasons if it is reasonable and justifiable in the circumstances, and shall inform the person making the request of such departure.

*(Vice-Chairperson of the Standing Committee on Legal Affairs and Human Rights.)*

Debate arising;

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 27

NOES – NIL

ABSTENTIONS – NIL

**AYES**

1. Sen. Adan Dullo Fatuma- on behalf of Isiolo County delegation
2. Sen. Boy Juma Boy
3. Sen. Bule Ali Abdi
4. Sen. Chelule Liza- on behalf of Nakuru County delegation
5. Sen. Hargura Godana
6. Sen. Hassan Abdirahman Ali
7. Sen. Hassan Omar Hassan
8. Sen. Kajwang Moses
9. Sen. Karaba Dickson Daniel
10. Sen. Kariuki Godfrey Gitahi
11. Sen. Kimani Paul Wamatangi
12. Sen. Kindiki Kithure
13. Sen. Kivuti Lenny
14. Sen. Lesan Wilfred
15. Sen. Machage Wilfred
16. Sen. Madzayo Stewart
17. Sen. Mositet Peter Korinko
18. Sen. Mutahi Kagwe
19. Sen. Muthama Johnson Nduya
20. Sen. Mutula Kilonzo Junior
21. Sen. Mwakulegwa Danson Mwazo
22. Sen. Ntutu Stephen
23. Sen. Nyong'o Peter Anyang'
24. Sen. Obure Christopher
25. Sen. Okong'o Kennedy
26. Sen. Sang Stephen Kipyego.
27. Sen. Sijeny Judith Achieng- on behalf of Nairobi City County delegation

**Clause 7**

Motion made and question proposed;

**THAT**, Clause 7 be part of the Bill.

**Amendment proposed**

Motion made and question proposed;

**THAT** Clause 7 of the Bill be deleted and substituted therefor with the following Clauses:-

**PART III – REVIEW OF ADMINISTRATIVE ACTION**

Institution of proceedings. 7. (1) Any person who is aggrieved by an administrative action or decision may apply for review of the administrative action or decision to-

(a) a court in accordance with section 8; or

(b) a tribunal in exercise of its jurisdiction conferred in that regard under any written law.

(2) A court or tribunal under subsection (1) may review an administrative action or decision, if-

(a) the person who made the decision-

(i) was not authorized to do so by the empowering provision;

(ii) acted in excess of jurisdiction or power conferred under any written law;

(iii) acted pursuant to delegated power in contravention of any law prohibiting such delegation;

(iv) was biased or may reasonably be suspected of bias; or

(v) denied the person to whom the administrative action or decision relates, a reasonable opportunity to state the person's case;

(b) a mandatory and material procedure or condition prescribed by an empowering provision was not complied with;

(c) the action or decision was procedurally unfair;

(d) the action or decision was materially influenced by an error of law;

(e) the administrative action or decision in issue was

taken with an ulterior motive or purpose calculated to prejudice the legal rights of the applicant;

(f) the administrator failed to take into account relevant considerations;

(g) the administrator acted on the direction of a person or body not authorised or empowered by any written law to give such directions;

(h) the administrative action or decision was made in bad faith;

- (i) the administrative action or decision is not rationally connected to-
    - (i) the purpose for which it was taken;
    - (ii) the purpose of the empowering provision;
    - (iii) the information before the administrator; or
    - (iv) the reasons given for it by the administrator;
  - (j) there was an abuse of discretion, unreasonable delay or failure to act in discharge of a duty imposed under any written law;
  - (k) the administrative action or decision is unreasonable;
  - (l) the administrative action or decision is not proportionate to the interests or rights affected;
  - (m) the administrative action or decision violates the legitimate expectations of the person to whom it relates;
  - (n) the administrative action or decision is unfair; or
  - (o) the administrative action or decision is taken or made in abuse of power.
- (3) The court or tribunal shall not consider an application for the review of an administrative action or decision premised on the ground of unreasonable delay unless the court is satisfied that-
- (a) the administrator is under duty to act in relation to the matter in issue;
  - (b) the action or decision is required to be undertaken within a period specified under such law; and
  - (c) the administrator has refused, failed or neglected to take action within the prescribed period.

Period for **7A.** An application for the review of an administrative determination or an appeal under this Act shall be determined within ninety days of filing the application.  
applications  
and appeals

*(Sen. Mutula Kilonzo Jr on behalf of the Chairperson of the Standing Committee on Legal Affairs and Human Rights.)*

Debate arising;

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 27

NOES – NIL

ABSTENTIONS – NIL

**AYES**

1. Sen. Adan Dullo Fatuma- on behalf of Isiolo County delegation
2. Sen. Boy Juma Boy
3. Sen. Bule Ali Abdi
4. Sen. Chelule Liza- on behalf of Nakuru County delegation
5. Sen. Hargura Godana
6. Sen. Hassan Abdirahman Ali
7. Sen. Hassan Omar Hassan
8. Sen. Kajwang Moses
9. Sen. Karaba Dickson Daniel
10. Sen. Kariuki Godfrey Gitahi
11. Sen. Kimani Paul Wamatangi
12. Sen. Kindiki Kithure
13. Sen. Kivuti Lenny
14. Sen. Lesan Wilfred
15. Sen. Machage Wilfred
16. Sen. Madzayo Stewart
17. Sen. Mositet Peter Korinko
18. Sen. Mutahi Kagwe
19. Sen. Muthama Johnson Nduya
20. Sen. Mutula Kilonzo Junior
21. Sen. Mwakulegwa Danson Mwazo
22. Sen. Ntutu Stephen
23. Sen. Nyong'o Peter Anyang'
24. Sen. Obure Christopher
25. Sen. Okong'o Kennedy
26. Sen. Sang Stephen Kipyego.
27. Sen. Sijeny Judith Achieng- on behalf of Nairobi City County delegation



**Clause 8**

Motion made and question proposed;

**THAT**, Clause 8 be part of the Bill.

**Amendment proposed**

Motion made and question proposed;

**THAT** Clause 8 of the Bill be deleted and substituted therefor with the following Clause:-

**PART IIIA – JUDICIAL REVIEW**

Procedure for judicial review. **8.** (1) Subject to subsection (2), a person who is aggrieved by an administrative action may, without unreasonable delay, apply for judicial review of any administrative action to the High Court or to a subordinate court upon which original jurisdiction is conferred pursuant to Article 22(3) of the Constitution.

(2) The High Court or a subordinate court under subsection (1) shall not review an administrative action or decision under this Act unless the mechanisms including internal mechanisms for appeal or review and all remedies available under any other written law are first exhausted.

(3) The High Court or a subordinate Court shall, if it is not satisfied that the remedies referred to in subsection (2) have been exhausted, direct that applicant shall first exhaust such remedy before instituting proceedings under sub-section (1).

(4) Notwithstanding subsection (3), the High Court or a subordinate Court may, in exceptional circumstances and on application by the applicant, exempt such person from the obligation to exhaust any remedy if the court considers such exemption to be in the interest of justice.

(5) A person aggrieved by an order made in the exercise of the judicial review jurisdiction of the High Court may appeal to the Court of Appeal.

*(Sen. Mutula Kilonzo Jr on behalf of the Chairperson of the Standing Committee on Legal Affairs and Human Rights.)*

Debate arising;

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 27

NOES – NIL

ABSTENTIONS – NIL

**AYES**

1. Sen. Adan Dullo Fatuma- on behalf of Isiolo County delegation
2. Sen. Boy Juma Boy
3. Sen. Bule Ali Abdi
4. Sen. Chelule Liza- on behalf of Nakuru County delegation
5. Sen. Hargura Godana
6. Sen. Hassan Abdirahman Ali
7. Sen. Hassan Omar Hassan
8. Sen. Kajwang Moses
9. Sen. Karaba Dickson Daniel
10. Sen. Kariuki Godfrey Gitahi
11. Sen. Kimani Paul Wamatangi
12. Sen. Kindiki Kithure
13. Sen. Kivuti Lenny
14. Sen. Lesan Wilfred
15. Sen. Machage Wilfred
16. Sen. Madzayo Stewart
17. Sen. Mositet Peter Korinko
18. Sen. Mutahi Kagwe
19. Sen. Muthama Johnson Nduya
20. Sen. Mutula Kilonzo Junior
21. Sen. Mwakulegwa Danson Mwazo
22. Sen. Ntutu Stephen
23. Sen. Nyong'o Peter Anyang'
24. Sen. Obure Christopher
25. Sen. Okong'o Kennedy
26. Sen. Sang Stephen Kipyego.
27. Sen. Sijeny Judith Achieng- on behalf of Nairobi City County delegation

**Clause 9**

Motion made and question proposed;

**THAT**, Clause 9 be part of the Bill.

**Amendment proposed**

Motion made and question proposed;

**THAT** Clause 9 of the Bill be deleted and substituted therefor with the following Clause:-

Rules. **9.** (1) An application for judicial review shall be heard and determined without undue regard to procedural technicalities.

(2) The Chief Justice may make rules of practice for regulating the procedure and practice in matters relating to judicial review of administrative action.

*(Sen. Mutula Kilonzo Jr on behalf of the Chairperson of the Standing Committee on Legal Affairs and Human Rights.)*

Debate arising;

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 27

NOES – NIL

ABSTENTIONS – NIL

**AYES**

1. Sen. Adan Dullo Fatuma- on behalf of Isiolo County delegation
2. Sen. Boy Juma Boy

3. Sen. Bule Ali Abdi
4. Sen. Chelule Liza- on behalf of Nakuru County delegation
5. Sen. Hargura Godana
6. Sen. Hassan Abdirahman Ali
7. Sen. Hassan Omar Hassan
8. Sen. Kajwang Moses
9. Sen. Karaba Dickson Daniel
10. Sen. Kariuki Godfrey Gitahi
11. Sen. Kimani Paul Wamatangi
12. Sen. Kindiki Kithure
13. Sen. Kivuti Lenny
14. Sen. Lesan Wilfred
15. Sen. Machage Wilfred
16. Sen. Madzayo Stewart
17. Sen. Mositet Peter Korinko
18. Sen. Mutahi Kagwe
19. Sen. Muthama Johnson Nduya
20. Sen. Mutula Kilonzo Junior
21. Sen. Mwakulegwa Danson Mwazo
22. Sen. Ntutu Stephen
23. Sen. Nyong'o Peter Anyang'
24. Sen. Obure Christopher
25. Sen. Okong'o Kennedy
26. Sen. Sang Stephen Kipyego.
27. Sen. Sijeny Judith Achieng- on behalf of Nairobi City County delegation

### Clause 10

Motion made and question proposed;

**THAT**, Clause 10 be part of the Bill.

### Amendment proposed

Motion made and question proposed;

**THAT** Clause 10 of the Bill be deleted and substituted therefor with the following Clause:-

- Orders in proceedings for judicial review.
- 10.** (1) In proceedings for judicial review under section 8 (1), the court may grant any order that is just and equitable, including an order—
- (a) declaring the rights of the parties in respect of any matter to which the administrative action relates;
  - (b) restraining the administrator from acting or continuing to act in breach of duty imposed upon the administrator under any written law or from acting or continuing to act in any manner that is prejudicial to the legal rights of an applicant;

- (c) directing the administrator to give reasons for the administrative action or decision taken by the administrator;
- (d) prohibiting the administrator from acting in a particular manner;
- (e) setting aside the administrative action or decision and remitting the matter for reconsideration by the administrator, with or without directions;
- (f) compelling the performance by an administrator of a public duty owed in law and in respect of which the applicant has a legally enforceable right;
- (g) prohibiting the administrator from acting in a particular manner;
- (h) setting aside the administrative action and remitting the matter for reconsideration by the administrator, with or without directions;
- (i) granting a temporary interdict or other temporary relief; or
- (j) for the award of costs or other pecuniary compensation in appropriate cases.

(2) In proceedings for judicial review relating to failure to take an administrative action, the court may grant any order that is just and equitable, including an order-

- (a) directing the taking that decision;
- (b) declaring the rights of the parties in relation to the taking of the decision;
- (c) directing any of the parties to do, or to refrain from doing, any act or thing the doing, or the refraining from the doing, of which the court or tribunal considers necessary to do justice between the parties ; or
- (d) as to costs and other monetary compensation.

*(Sen. Mutula Kilonzo Jr on behalf of the Chairperson of the Standing Committee on Legal Affairs and Human Rights.)*

Debate arising;

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 27

NOES – NIL

ABSTENTIONS – NIL

**AYES**

1. Sen. Adan Dullo Fatuma- on behalf of Isiolo County delegation
2. Sen. Boy Juma Boy
3. Sen. Bule Ali Abdi
4. Sen. Chelule Liza- on behalf of Nakuru County delegation
5. Sen. Hargura Godana
6. Sen. Hassan Abdirahman Ali
7. Sen. Hassan Omar Hassan
8. Sen. Kajwang Moses
9. Sen. Karaba Dickson Daniel
10. Sen. Kariuki Godfrey Gitahi
11. Sen. Kimani Paul Wamatangi
12. Sen. Kindiki Kithure
13. Sen. Kivuti Lenny
14. Sen. Lesan Wilfred
15. Sen. Machage Wilfred
16. Sen. Madzayo Stewart
17. Sen. Mositet Peter Korinko
18. Sen. Mutahi Kagwe
19. Sen. Muthama Johnson Nduya
20. Sen. Mutula Kilonzo Junior
21. Sen. Mwakulegwa Danson Mwazo
22. Sen. Ntutu Stephen
23. Sen. Nyong'o Peter Anyang'
24. Sen. Obure Christopher
25. Sen. Okong'o Kennedy
26. Sen. Sang Stephen Kipyego.
27. Sen. Sijeny Judith Achieng- on behalf of Nairobi City County delegation

**Clauses 11 and 12**

Motion made and question proposed;

**THAT**, Clauses 11 and 12 be part of the Bill.

Debate arising;

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 27

NOES – NIL

ABSTENTIONS – NIL

**AYES**

1. Sen. Adan Dullo Fatuma- on behalf of Isiolo County delegation
2. Sen. Boy Juma Boy
3. Sen. Bule Ali Abdi
4. Sen. Chelule Liza- on behalf of Nakuru County delegation
5. Sen. Hargura Godana
6. Sen. Hassan Abdirahman Ali
7. Sen. Hassan Omar Hassan
8. Sen. Kajwang Moses
9. Sen. Karaba Dickson Daniel
10. Sen. Kariuki Godfrey Gitahi
11. Sen. Kimani Paul Wamatangi
12. Sen. Kindiki Kithure
13. Sen. Kivuti Lenny
14. Sen. Lesan Wilfred
15. Sen. Machage Wilfred
16. Sen. Madzayo Stewart
17. Sen. Mositet Peter Korinko
18. Sen. Mutahi Kagwe

19. Sen. Muthama Johnson Nduya
20. Sen. Mutula Kilonzo Junior
21. Sen. Mwakulegwa Danson Mwazo
22. Sen. Ntutu Stephen
23. Sen. Nyong'o Peter Anyang'
24. Sen. Obure Christopher
25. Sen. Okong'o Kennedy
26. Sen. Sang Stephen Kipyego.
27. Sen. Sijeny Judith Achieng- on behalf of Nairobi City County delegation

### **New Clause 11A**

Motion made and question proposed;

**THAT**, New Clause 11A be read a Second time.

*(Sen. Mutula Kilonzo Jr on behalf of the Chairperson of the Standing Committee on Legal Affairs and Human Rights.)*

Debate arising;

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 26

NOES – NIL

ABSTENTIONS – NIL

### **AYES**

1. Sen. Adan Dullo Fatuma- on behalf of Isiolo County delegation
2. Sen. Boy Juma Boy
3. Sen. Bule Ali Abdi
4. Sen. Chelule Liza- on behalf of Nakuru County delegation



5. Sen. Hargura Godana
6. Sen. Hassan Abdirahman Ali
7. Sen. Hassan Omar Hassan
8. Sen. Kajwang Moses
9. Sen. Karaba Dickson Daniel
10. Sen. Kariuki Godfrey Gitahi
11. Sen. Kimani Paul Wamatangi
12. Sen. Kivuti Lenny
13. Sen. Lesan Wilfred
14. Sen. Machage Wilfred
15. Sen. Madzayo Stewart
16. Sen. Mositet Peter Korinko
17. Sen. Mutahi Kagwe
18. Sen. Muthama Johnson Nduya
19. Sen. Mutula Kilonzo Junior
20. Sen. Mwakulegwa Danson Mwazo
21. Sen. Ntutu Stephen
22. Sen. Nyong'o Peter Anyang'
23. Sen. Obure Christopher
24. Sen. Okong'o Kennedy
25. Sen. Sang Stephen Kipyego.
26. Sen. Sijeny Judith Achieng- on behalf of Nairobi City County delegation

#### **New Clause 12A**

Motion made and question proposed;

**THAT**, New Clause 12A be read a Second time.

*(Sen. Mutula Kilonzo Jr on behalf of the Chairperson of the Standing Committee on Legal Affairs and Human Rights.)*

Debate arising;

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 26

NOES – NIL

ABSTENTIONS – NIL

**AYES**

1. Sen. Adan Dullo Fatuma- on behalf of Isiolo County delegation
2. Sen. Boy Juma Boy
3. Sen. Bule Ali Abdi
4. Sen. Chelule Liza- on behalf of Nakuru County delegation
5. Sen. Hargura Godana
6. Sen. Hassan Abdirahman Ali
7. Sen. Hassan Omar Hassan
8. Sen. Kajwang Moses
9. Sen. Karaba Dickson Daniel
10. Sen. Kariuki Godfrey Gitahi
11. Sen. Kimani Paul Wamatangi
12. Sen. Kivuti Lenny
13. Sen. Lesan Wilfred
14. Sen. Machage Wilfred
15. Sen. Madzayo Stewart
16. Sen. Mositet Peter Korinko
17. Sen. Mutahi Kagwe
18. Sen. Muthama Johnson Nduya
19. Sen. Mutula Kilonzo Junior
20. Sen. Mwakulegwa Danson Mwazo
21. Sen. Ntutu Stephen
22. Sen. Nyong'o Peter Anyang'
23. Sen. Obure Christopher
24. Sen. Okong'o Kennedy
25. Sen. Sang Stephen Kipyego.
26. Sen. Sijeny Judith Achieng- on behalf of Nairobi City County delegation

**New Clause 11A, New Clause 12A, the Title and Clause 1**

Motion made and question proposed;

**THAT**, New Clause 11A, New Clause 12A, the Title and Clause 1 be part of the Bill.

Debate arising;

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 27

NOES – NIL

ABSTENTIONS – NIL

**AYES**

1. Sen. Adan Dullo Fatuma- on behalf of Isiolo County delegation
2. Sen. Boy Juma Boy
3. Sen. Bule Ali Abdi
4. Sen. Chelule Liza- on behalf of Nakuru County delegation
5. Sen. Hargura Godana
6. Sen. Hassan Abdirahman Ali
7. Sen. Hassan Omar Hassan
8. Sen. Kajwang Moses
9. Sen. Karaba Dickson Daniel
10. Sen. Kariuki Godfrey Gitahi
11. Sen. Kimani Paul Wamatangi
12. Sen. Kindiki Kithure
13. Sen. Kivuti Lenny
14. Sen. Lesan Wilfred
15. Sen. Machage Wilfred
16. Sen. Madzayo Stewart
17. Sen. Mositet Peter Korinko
18. Sen. Mutahi Kagwe
19. Sen. Muthama Johnson Nduya
20. Sen. Mutula Kilonzo Junior
21. Sen. Mwakulegwa Danson Mwazo
22. Sen. Ntutu Stephen
23. Sen. Nyong'o Peter Anyang'
24. Sen. Obure Christopher
25. Sen. Okong'o Kennedy
26. Sen. Sang Stephen Kipyego.
27. Sen. Sijeny Judith Achieng- on behalf of Nairobi City County delegation

**Motion made-**

**That**, the Bill be reported with amendments;

Before the question was put and pursuant to Standing Order 72, the Acting Chairperson of Committees ruled that the question did not affect counties;

Question put and agreed to.

12. **HOUSE RESUMED** - (Temporary Speaker (Sen. Mositet) in the Chair)

13. **THE FAIR ADMINISTRATIVE ACTION BILL (NATIONAL ASSEMBLY BILL NO. 10 OF 2015)**

Bill reported with amendments;

Motion made and Question proposed-

**THAT**, the Senate do agree with the Committee of the Whole in the said Report.

*(Sen. Mutula Kilonzo Jr)*

Before the question was put and pursuant to Standing Order 72, the Temporary Speaker ruled that the question did not affect counties;

Question put and agreed to.

Motion made and question proposed-

**THAT**, the Fair Administrative Action Bill (National Assembly Bill No. 10 of 2015) be now Read a third time.

*(Sen. Mutula Kilonzo Jr)*

Debate arising;

The Temporary Speaker directed that a Roll Call vote be taken pursuant to Standing Order No. 77 and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Temporary Speaker directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Temporary Speaker put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 26

NOES – NIL

ABSTENTIONS – NIL

**AYES**

1. Sen. Adan Dullo Fatuma- on behalf of Isiolo County delegation
2. Sen. Boy Juma Boy
3. Sen. Bule Ali Abdi
4. Sen. Chelule Liza-on behalf of Nakuru County delegation
5. Sen. Hargura Godana
6. Sen. Hassan Abdirahman Ali
7. Sen. Hassan Omar Hassan
8. Sen. Kajwang Moses
9. Sen. Karaba Dickson Daniel
10. Sen. Kariuki Godfrey Gitahi
11. Sen. Kimani Paul Wamatangi
12. Sen. Kindiki Kithure
13. Sen. Lesan Wilfred
14. Sen. Machage Wilfred
15. Sen. Madzayo Stewart
16. Sen. Mositet Peter Korinko
17. Sen. Mutahi Kagwe
18. Sen. Muthama Johnson Nduya
19. Sen. Mutula Kilonzo Junior
20. Sen. Mwakulegwa Danson Mwazo
21. Sen. Ntutu Stephen
22. Sen. Nyong'o Peter Anyang'
23. Sen. Obure Christopher
24. Sen. Okong'o Kennedy
25. Sen. Sang Stephen Kipyego.
26. Sen. Sijeny Judith Achieng- on behalf of Nairobi City County delegation.

Bill read a Third Time and passed.

14. **COMMITTEE OF THE WHOLE:**

Order for Committee read;

**IN THE COMMITTEE**

(The Acting Chairperson of Committees (Sen. (Dr.) Machage – in the Chair)

**The Public Procurement and Asset Disposal Bill (National Assembly Bill No. 40 of 2014)**

**Clauses 3-32, 34 – 50, 52 – 123, 125 – 164, 166 – 175 and 177 - 183**

Motion made and Question proposed-

**That**, Clauses 3-32, 34 – 50, 52 – 123, 125 – 164, 166 – 175 and 177 - 183 be part of the Bill.

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 24

NOES – NIL

ABSTENTIONS – NIL

**AYES**

1. Sen. Adan Dullo Fatuma- on behalf of Isiolo County delegation
2. Sen. Boy Juma Boy
3. Sen. Bule Ali Abdi
4. Sen. Chelule Liza- on behalf of Nakuru County delegation
5. Sen. Hassan Abdirahman Ali
6. Sen. Hassan Omar Hassan
7. Sen. Kajwang' Moses Otieno
8. Sen. Karaba Dickson Daniel
9. Sen. Kariuki Godfrey Gitahi
10. Sen. Kimani Paul Wamatangi
11. Sen. Kindiki Kithure
12. Sen. Lesan Wilfred Rottich
13. Sen. Machage Wilfred Gisuka
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Mositet Peter Korinko

16. Sen. Mutahi Kagwe
17. Sen. Muthama Johnson Nduya
18. Sen. Mutula Kilonzo Junior
19. Sen. Mwakulegwa Danson Mwazo
20. Sen. Nyong'o Peter Anyang'
21. Sen. Obure Christopher Mogere
22. Sen. Okong'o Kennedy Mong'are
23. Sen. Sang' Stephen Kipyego
24. Sen. Sijeny Judith Achieng- on behalf of Nairobi City County delegation

### **Clause 33**

Motion made and Question proposed -

**That,** Clause 33 be part of the Bill.

### **Amendment proposed**

**THAT** clause 33 be amended in sub-clause (2) by inserting the following new paragraph immediately after paragraph (f)-

(fa) promote preference and reservation schemes for residents of the county to ensure a minimum of twenty percent in public procurement at the county.

*(Sen. Kagwe on behalf of Chairperson, Committee on Finance, Commerce and Budget)*

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 24

NOES – NIL

ABSTENTIONS – NIL

**AYES**

1. Sen. Adan Dullo Fatuma- on behalf of Isiolo County delegation
2. Sen. Boy Juma Boy
3. Sen. Bule Ali Abdi
4. Sen. Chelule Liza- on behalf of Nakuru County delegation
5. Sen. Hassan Abdirahman Ali
6. Sen. Hassan Omar Hassan
7. Sen. Kajwang' Moses Otieno
8. Sen. Karaba Dickson Daniel
9. Sen. Kariuki Godfrey Gitahi
10. Sen. Kimani Paul Wamatangi
11. Sen. Kindiki Kithure
12. Sen. Lesan Wilfred Rottich
13. Sen. Machage Wilfred Gisuka
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Mositet Peter Korinko
16. Sen. Mutahi Kagwe
17. Sen. Muthama Johnson Nduya
18. Sen. Mutula Kilonzo Junior
19. Sen. Mwakulegwa Danson Mwazo
20. Sen. Nyong'o Peter Anyang'
21. Sen. Obure Christoper Mogere
22. Sen. Okong'o Kennedy Mong'are
23. Sen. Sang' Stephen Kipyego
24. Sen. Sijeny Judith Achieng- on behalf of Nairobi City County delegation

**Clause 51**

Motion made and Question proposed-

**That,** Clause 51 be part of the Bill.

**Amendment proposed-**

**THAT** clause 51 be amended in sub-clause (3) by deleting the words "and licensed" appearing immediately after the words "agents registered".

*(Sen. Kagwe on behalf of Chairperson, Committee on Finance, Commerce and Budget)*

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;



After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 24

NOES – NIL

ABSTENTIONS – NIL

**AYES**

1. Sen. Adan Dullo Fatuma- on behalf of Isiolo County delegation
2. Sen. Boy Juma Boy
3. Sen. Bule Ali Abdi
4. Sen. Chelule Liza- on behalf of Nakuru County delegation
5. Sen. Hassan Abdirahman Ali
6. Sen. Hassan Omar Hassan
7. Sen. Kajwang' Moses Otieno
8. Sen. Karaba Dickson Daniel
9. Sen. Kariuki Godfrey Gitahi
10. Sen. Kimani Paul Wamatangi
11. Sen. Kindiki Kithure
12. Sen. Lesan Wilfred Rottich
13. Sen. Machage Wilfred Gisuka
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Mositet Peter Korinko
16. Sen. Mutahi Kagwe
17. Sen. Muthama Johnson Nduya
18. Sen. Mutula Kilonzo Junior
19. Sen. Mwakulegwa Danson Mwazo
20. Sen. Nyong'o Peter Anyang'
21. Sen. Obure Christoper Mogere
22. Sen. Okong'o Kennedy Mong'are
23. Sen. Sang' Stephen Kipyego
24. Sen. Sijeny Judith Achieng- on behalf of Nairobi City County delegation

**Clause 124**

Motion made and Question proposed-

**That,** Clause 124 be part of the Bill.

Amendment proposed-

**THAT** clause 124 be amended by inserting the following new sub-clause immediately after sub-clause (3)-

(3A) In evaluation of tenders by public entities, the financial and technical capability of the tenderers shall be given equal weight.

*(Sen. Kagwe on behalf of Chairperson, Committee on Finance, Commerce and Budget)*

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 24

NOES – NIL

ABSTENTIONS – NIL

**AYES**

1. Sen. Adan Dullo Fatuma- on behalf of Isiolo County delegation
2. Sen. Boy Juma Boy
3. Sen. Bule Ali Abdi
4. Sen. Chelule Liza- on behalf of Nakuru County delegation
5. Sen. Hassan Abdirahman Ali
6. Sen. Hassan Omar Hassan
7. Sen. Kajwang' Moses Otieno
8. Sen. Karaba Dickson Daniel
9. Sen. Kariuki Godfrey Gitahi
10. Sen. Kimani Paul Wamatangi
11. Sen. Kindiki Kithure
12. Sen. Lesan Wilfred Rottich
13. Sen. Machage Wilfred Gisuka
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Mositet Peter Korinko
16. Sen. Mutahi Kagwe

17. Sen. Muthama Johnson Nduya
18. Sen. Mutula Kilonzo Junior
19. Sen. Mwakulegwa Danson Mwazo
20. Sen. Nyong'o Peter Anyang'
21. Sen. Obure Christoper Mogere
22. Sen. Okong'o Kennedy Mong'are
23. Sen. Sang' Stephen Kipyego
24. Sen. Sijeny Judith Achieng- on behalf of Nairobi City County delegation

### **Clause 165**

Motion made and Question proposed-

**That,** Clause 165 be part of the Bill.

Amendment proposed-

**THAT** clause 165 be amended in sub-clause (1) by deleting paragraph (d).

*(Sen. Kagwe on behalf of Chairperson, Committee on Finance, Commerce and Budget)*

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 24

NOES – NIL

ABSTENTIONS – NIL

### **AYES**

1. Sen. Adan Dullo Fatuma- on behalf of Isiolo County delegation
2. Sen. Boy Juma Boy
3. Sen. Bule Ali Abdi

4. Sen. Chelule Liza- on behalf of Nakuru County delegation
5. Sen. Hassan Abdirahman Ali
6. Sen. Hassan Omar Hassan
7. Sen. Kajwang' Moses Otieno
8. Sen. Karaba Dickson Daniel
9. Sen. Kariuki Godfrey Gitahi
10. Sen. Kimani Paul Wamatangi
11. Sen. Kindiki Kithure
12. Sen. Lesan Wilfred Rottich
13. Sen. Machage Wilfred Gisuka
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Mositet Peter Korinko
16. Sen. Mutahi Kagwe
17. Sen. Muthama Johnson Nduya
18. Sen. Mutula Kilonzo Junior
19. Sen. Mwakulegwa Danson Mwazo
20. Sen. Nyong'o Peter Anyang'
21. Sen. Obure Christoper Mogere
22. Sen. Okong'o Kennedy Mong'are
23. Sen. Sang' Stephen Kipyego
24. Sen. Sijeny Judith Achieng- on behalf of Nairobi City County delegation

### **Clause 176**

Motion made and Question proposed-

**That,** Clause 176 be part of the Bill.

### **Amendment proposed-**

**THAT** clause 176 of the Bill be amended by inserting the following new sub clauses immediately after sub clause (4)-

(5) A procuring entity may lodge a complaint with the relevant professional body for the institution of disciplinary proceedings against a contractor who is a member of a professional body and who contravenes the provisions of this Act.

(6) The penalties imposed by a professional body pursuant to a complaint lodged under subsection (5) shall apply in addition to any penalties that may be imposed under this Act.

(7) A contractor who has been found by a competent court, tribunal or any other competent authority to be guilty of defaulting on their tax obligations, engaging in corrupt practices or committing serious violations of fair employment laws and practices shall not be eligible for the award of a tender under this Act for a period of ten years from the date of the finding of a court, tribunal or any other competent authority.

*(Sen. Mutula Kilonzo Jr.)*

Amendment withdrawn

The mover withdrew the proposed sub clause (7)

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 24

NOES – NIL

ABSTENTIONS – NIL

**AYES**

1. Sen. Adan Dullo Fatuma- on behalf of Isiolo County delegation
2. Sen. Boy Juma Boy
3. Sen. Bule Ali Abdi
4. Sen. Chelule Liza- on behalf of Nakuru County delegation
5. Sen. Hassan Abdirahman Ali
6. Sen. Hassan Omar Hassan
7. Sen. Kajwang' Moses Otieno
8. Sen. Karaba Dickson Daniel
9. Sen. Kariuki Godfrey Gitahi
10. Sen. Kimani Paul Wamatangi
11. Sen. Kindiki Kithure
12. Sen. Lesan Wilfred Rottich
13. Sen. Machage Wilfred Gisuka
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Mositet Peter Korinko
16. Sen. Mutahi Kagwe
17. Sen. Muthama Johnson Nduya
18. Sen. Mutula Kilonzo Junior
19. Sen. Mwakulegwa Danson Mwazo
20. Sen. Nyong'o Peter Anyang'
21. Sen. Obure Christoper Mogere
22. Sen. Okong'o Kennedy Mong'are

23. Sen. Sang' Stephen Kipyego
24. Sen. Sijeny Judith Achieng- on behalf of Nairobi City County delegation

**First Schedule, Second Schedule, Third Schedule, Clause 2, the Title and Clause 1**

Motion made and Question proposed-

**That,** the First Schedule, Second Schedule, Third Schedule, Clause 2, the Title and Clause 1 be part of the Bill.

The Acting Chairperson directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Acting Chairperson;

After the expiry of two minutes, the Acting Chairperson directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Acting Chairperson put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 24                      NOES – NIL                      ABSTENTIONS – NIL

**AYES**

1. Sen. Adan Dullo Fatuma- on behalf of Isiolo County delegation
2. Sen. Boy Juma Boy
3. Sen. Bule Ali Abdi
4. Sen. Chelule Liza- on behalf of Nakuru County delegation
5. Sen. Hassan Abdirahman Ali
6. Sen. Hassan Omar Hassan
7. Sen. Kajwang' Moses Otieno
8. Sen. Karaba Dickson Daniel
9. Sen. Kariuki Godfrey Gitahi
10. Sen. Kimani Paul Wamatangi
11. Sen. Kindiki Kithure
12. Sen. Lesan Wilfred Rottich

13. Sen. Machage Wilfred Gisuka
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Mositet Peter Korinko
16. Sen. Mutahi Kagwe
17. Sen. Muthama Johnson Nduya
18. Sen. Mutula Kilonzo Junior
19. Sen. Mwakulegwa Danson Mwazo
20. Sen. Nyong'o Peter Anyang'
21. Sen. Obure Christoper Mogere
22. Sen. Okong'o Kennedy Mong'are
23. Sen. Sang' Stephen Kipyego
24. Sen. Sijeny Judith Achieng- on behalf of Nairobi City County delegation

**Motion made:-**

**That**, the Bill be reported with amendments;

Before the question was put and pursuant to Standing Order 72, the Acting Chairperson (Sen. (Dr.)Machage) ruled that the question did not affect counties;

Question put and agreed to.

15. **HOUSE RESUMED**- (Temporary Speaker - (Sen. Mositet - in the Chair)

**The Public Procurement And Asset Disposal Bill (National Assembly Bill No. 40 Of 2014)**

Bill reported with amendments;

Motion made and Question proposed-

**THAT**, the Senate do agree with the Committee of the Whole in the said Report.

*(Sen. Kagwe on behalf of the Senate Majority Leader)*

Before the question was put and pursuant to Standing Order 72, the Temporary Speaker (Sen. Mositet) ruled that the question did not affect counties;

Question put and agreed to.

Motion made and question proposed-

**THAT**, the Public Procurement and Asset Disposal Bill (National Assembly Bill No. 40 of 2014) be now Read a third time.

*(Sen. Kagwe on behalf of the Senate Majority Leader)*

Debate arising;

The House proceeded to a Division on the Third Reading of the Bill;

The Temporary Speaker (Sen. Mositet) directed that a Roll Call vote be taken pursuant to Standing Order No. 77 (7) and that the Division Bell be rung for two minutes;

The names of the Tellers for the "Ayes" and for the "Noes" were submitted to the Temporary Speaker;

After the expiry of two minutes, the Temporary Speaker (Sen. Mositet) directed that the doors be locked and the bar drawn;

The names of the Tellers were announced and directed to take seats at their designated place;

The Temporary Speaker (Sen. Mositet) put the Question and directed the Clerk to call out the names of the Senators in alphabetical order;

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES – 24

NOES – NIL

ABSTENTIONS – NIL

**AYES**

1. Sen. Adan Dullo Fatuma- on behalf of Isiolo County delegation
2. Sen. Boy Juma Boy
3. Sen. Bule Ali Abdi
4. Sen. Chelule Liza- on behalf of Nakuru County delegation
5. Sen. Hassan Abdirahman Ali
6. Sen. Hassan Omar Hassan
7. Sen. Kajwang' Moses Otieno
8. Sen. Karaba Dickson Daniel
9. Sen. Kariuki Godfrey Gitahi
10. Sen. Kimani Paul Wamatangi
11. Sen. Kindiki Kithure
12. Sen. Lesan Wilfred Rottich
13. Sen. Machage Wilfred Gisuka
14. Sen. Madzayo Stewart Mwachiru
15. Sen. Mositet Peter Korinko
16. Sen. Mutahi Kagwe
17. Sen. Muthama Johnson Nduya
18. Sen. Mutula Kilonzo Junior
19. Sen. Mwakulegwa Danson Mwazo
20. Sen. Nyong'o Peter Anyang'
21. Sen. Obure Christoper Mogere
22. Sen. Okong'o Kennedy Mong'are



23. Sen. Sang' Stephen Kipyego

24. Sen. Sijeny Judith Achieng- on behalf of Nairobi City County delegation

Bill Read a Third Time and passed.

And there being no other business, the Temporary Speaker (Sen. Mositet) adjourned the Senate at thirteen minutes past Seven O'clock without Question put pursuant to the Standing Orders.

16. SENATE ROSE - at thirteen minutes past seven O'clock.

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

*The Speaker will take the Chair on  
Thursday, May 21, 2015 at 2.30 p.m.*

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