



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – THIRD SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, MARCH 24, 2015

1. The House assembled at thirty minutes past two O'clock.
2. The Proceedings were opened with Prayer.
3. **PRESIDING**– the Speaker
4. **COMMUNICATION FROM THE CHAIR - EXPECTED STANDARDS OF DEBATE**

The Deputy Speaker conveyed the following Communication –

"Honourable Members, you will all agree with me that a censure Motion against the Speaker is both rare and extremely unique business. Speakership in the Kenyan National Assembly and in similar jurisdictions in the Commonwealth embodies the power, dignity and honour of the House. The main features attached to the Office of the Speaker are authority and impartiality. Members aggrieved by the conduct of the Speaker can only discuss his or her conduct by way of a specific substantive Motion such as the one which is in the House about to be debated. As the case is now, the Mover seeks to discuss the conduct of the Speaker and censure him on allegations of a general nature. It is therefore incumbent upon the Mover to give specific instances where the Speaker is alleged to have made the contemptuous, malicious and unfounded allegations against Members as alluded in the Motion. It will be out of order for any Member to introduce extraneous matters other than those contained in the Motion on the Order Paper and as stated by the Mover in moving since doing so would negate the aim of giving a three day notice.

Hon. Members, for avoidance of doubt, allow me now to attend to the question of how this Motion relates to a Motion for removal of Speaker as contemplated under Article106(2)(c). The said provision states:-

"The office of Speaker or Deputy Speaker shall become vacant -

(c) if the relevant House so resolves by resolution supported by the votes of at least two-thirds of its Members."

The wording of such a Motion will be patently different from what we have under Order No. 9 today. Clearly therefore, this Motion by the Member for Kibwezi West is not a Motion under Article106 (2)(c) of the Constitution of Kenya 2010. I wish to appeal to all Members to observe decorum and courtesy in the use of language during the debate.

The expected standards of debate must be strictly observed to ensure that we listen to one another without unnecessary interruptions. It will be out of order to use offensive or insulting language in respect of Members, other persons or to make claims without substantiation as required under Standing Order No. 91. This is not an occasion to make disparaging remarks on the person or the character of the Speaker or indeed any other Member.

Finally, the Speaker has decided that he will not preside over the House today because this would amount to sitting in judgment over his own case. I want to assure the House that I will be fair to all Members when enforcing the rules of the House as founded in the Standing Orders and as established in the accepted tradition without fear or favour.

Thank you".

5. **PAPERS LAID**

The following Papers were laid of the Table

- (i) The Public Finance Management (State Officers House Mortgage Scheme Fund) Regulations, 2015 and the Explanatory Memorandum (*in accordance with section 11 of the Statutory Instruments Act, 2013 and section 24(4) of the Public Finance Management Act, 2012*);
- (ii) The Report of the Auditor-General on the Financial Statements of Medical Practitioners and Dentists Board for the year ended 30th June 2014, and the certificate of the Auditor-General therein;
- (iii) The Report of the Auditor-General on the Financial Statements of Kenya Tourism Board for the year ended 30th June 2014, and the certificate of the Auditor-General therein;
- (iv) The Report of the Auditor-General on the Financial Statements of Bomas of Kenya Limited for the year ended 30th June 2014, and the certificate of the Auditor-General therein;
- (v) The Report of the Auditor-General on the Financial Statements of Information and Communications Technology Authority for the year ended 30th June 2014, and the certificate of the Auditor-General therein;
- (vi) The Report of the Auditor-General on the Financial Statements of Water Services Trust Fund for the year ended 30th June 2014, and the certificate of the Auditor-General therein;
- (vii) The Report of the Auditor-General on the Financial Statements of Competition Authority of Kenya for the year ended 30th June 2014, and the certificate of the Auditor-General therein; and
- (viii) The Report of the Auditor-General on the Financial Statements of Cotton Development Authority for the year ended 31st July 2014, and the certificate of the Auditor-General therein.

(The Leader of the Majority Party)

6. **THE PROTECTION AGAINST DOMESTIC VIOLENCE BILL (NATIONAL ASSEMBLY BILL NO.28 OF 2013)**

Question put and agreed to;

Bill read a Third Time and passed.

7. **PROCEDURAL MOTION - LIMITATION OF TIME FOR MEMBERS SPEAKING ON SPECIAL MOTION**

Motion made and Question proposed –

THAT, notwithstanding the resolution made by the House on Wednesday 11th February, 2015, this House orders that each speech on the debate on the Special Motion on expression of displeasure by Hon. (Dr.) Patrick Musimba be limited as follows:-

A minimum of three hours with not more than 30 minutes for the Mover in moving and 15 minutes in replying and a maximum of 15 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 20 minutes each, and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

(Eng. Nicolas Gumbo)

Question put and negatived.

8. **MOTION - EXPRESSION OF DISPLEASURE**

THAT, pursuant to the provisions of Standing Order 87(1) and noting with concern that the Speaker of the National Assembly Hon. Justin Muturi, EGH, M.P. has and continues to degrade the character and the ability of the Honourable Members of this August House through making of contemptuous, malicious and unfounded allegations against them; aware that the said allegations have eroded the collective dignity, esteem and honour of Members of Parliament in and out of the House; concerned that the Speaker in so doing has failed in his Constitutional duty to protect the dignity, honour and integrity of National Assembly; this House expresses its displeasure and disappointment with the conduct of the Speaker and censures him.

(Hon. (Dr) Patrick Musimba)

Debate arising;

Mover replied;

Question put and negative.

9. **MOTION - THE SPECIAL REPORT OF THE PUBLIC INVESTMENTS COMMITTEE**

Motion made –

THAT, this House adopts the Special Report of the Public Investments Committee on the Recapitalization and Balance Sheet Restructuring of Telkom Kenya Limited, laid on the Table of the House on Tuesday, April 29, 2014

(The Chairperson, Public Investments Committee)

And the time being thirty minutes past Six O'clock, the Deputy Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

10. HOUSE ROSE - at thirty minutes past six O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, March 25, 2015 at 9.30 a.m.

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