



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT – SECOND SESSION
NATIONAL ASSEMBLY
VOTES AND PROCEEDINGS
THURSDAY, DECEMBER 11, 2014

1. The House assembled at thirty minutes past Nine O'clock.
2. The Proceedings were opened with Prayer.
3. **PRESIDING** – the Speaker
4. **THE TRAFFIC (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 33 OF 2014)**

Question put and agreed to;

Bill read a Second Time and committed to a Committee of the Whole House tomorrow.

5. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE
The Second Chairperson in the Chair

The Law Society of Kenya Bill (National Assembly Bill No.25 of 2013)

Clauses 3, 4, 5 and 6 – agreed to.

Clause 7 – amendment proposed –

THAT, Clause 7 of the Bill be amended in sub clause (2) by deleting the words "suspended or whose name has been struck off the Roll of Advocates shall not be a member of the Society during the period of suspension or" and substituting therefor the words "whose name has been struck off the Roll of Advocates shall not be a member of the Society during the period of"

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 7 - as amended agreed to.

Clauses 8, 9, 10, 11 and 12 - agreed to.

Clause 13 - amendment proposed -

THAT Clause 13 of the Bill be amended-

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

(1) Any member of the Society, other than an honorary member, may be suspended or expelled from the Society upon such grounds as are set out in the Advocates Act.

(b) by deleting the full stop at the end of sub clause (3) and substituting therefor the words 'and shall be subject to section 81 of the Advocates Act';

(c) by inserting a new sub clause immediately after sub clause (3) as follows-

(4) A person who has been expelled from membership of the Society shall not be re-admitted as a member of the Society without the authority of a special resolution.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Clause 13 - as amended agreed to.

Clause 14 - agreed to.

Clause 15 - amendment proposed -

THAT, Clause 15 of the Bill be amended-

(a) by deleting paragraph (c);

(b) by deleting paragraph (d).

(Hon. Aduma Awuor)

Proposed amendment dropped;

Clause 15 - agreed to.

Clause 16 - agreed to.

Clause 17 - amendment proposed -

THAT, Clause 17 of the Bill be amended in sub clause (2) by deleting the full stop at the end of paragraph (c) and substituting therefor the words "one of whom shall be an Advocate of at least 25 years standing."

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 17 – as amended agreed to.

Clause 17 – Further amendment proposed –

THAT, Clause 17 of the Bill be amended in sub clause (1) by deleting paragraph (a) and substituting therefor the following new paragraph-

(a) is a fully paid up member of the Society; and

(Hon. Aduma Awuor)

Proposed amendment dropped;

Clause 18 – amendment proposed –

THAT, Clause 18 of the Bill be amended in sub clause (1) by deleting paragraph (b) and substituting therefor the following new paragraph-

(b) is qualified to be a Judge of the Supreme Court.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed –

Debate arising;

Further amendment on the floor

THAT, Clause 18 of the Bill be amended in sub clause (1) by deleting “and” at the end of paragraph (a) and substituting therefor the “or”

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question put and agreed to;

Clause 18 – as amended agreed to.

Clause 19 – amendment proposed –

THAT, Clause 19 of the Bill be amended by deleting paragraph (d) and substituting therefor the following new paragraph-

(a) conducted on the same day by members physically present.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 19 – as amended agreed to.

Clause 20 – amendment proposed –

THAT, the Bill be amended by deleting Clause 20 and substituting therefor the following new clause-

20. The elections for the membership of the Council shall be conducted by such body as the Council may propose and approved by the general meeting preceding the election.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 20 – as amended agreed to.

Clause 21 – amendment proposed –

THAT, Clause 21 of the Bill be amended by inserting the following new sub clause immediately after sub clause (3)-

20. The elections for the membership of the Council shall be conducted by such body as the Council may propose and approved by the general meeting preceding the election.

(Hon. Aduma Awwor)

Proposed amendment dropped;

Clause 21 – agreed to.

Clause 22 – amendment proposed –

THAT clause 22 of the Bill be amended in sub clause (1)-

(a) by deleting paragraph(b) and substituting therefor the following new paragraph-

(b) suspension or expulsion as provided under the Act.

(b) by deleting paragraph(d) and substituting therefor the following new paragraph-

(c) failure to attend four consecutive council meetings.

(c) by deleting paragraph (e).

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed –

Debate arising;

Further amendment on the floor

THAT, Clause 22 of the Bill be amended in sub clause (1) by deleting paragraph(d) and substituting therefor the following new paragraph-

“(d) failure to attend four consecutive council meetings without authority reasonable grounds acceptable to the Council.”

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question put and agreed to;

Clause 22 – as amended agreed to.

Clause 23 – amendment proposed –

THAT, Clause 23 of the Bill be amended in sub clause (3) by deleting the words ‘co-opt persons who are not members’ and substituting therefor the words ‘engage any person who is not by resolution a member’.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 23 – as amended agreed to.

Clause 24 – amendment proposed –

THAT Clause 24 of the Bill be amended by deleting sub clause (3).

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 24 – as amended agreed to.

Clause 24 – Further amendment proposed –

THAT Clause 24 of the Bill be amended in sub clause (2) by deleting paragraph (a).

(Hon. Aduma Awuor)

Proposed amendment dropped;

Clause 25 – amendment proposed –

THAT, Clause 25 of the Bill be amended-

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

(1) The Council shall, through a transparent, competitive process conducted by an independent panel constituting of senior counsel, recruit the Society's representative to statutory ofr public bodies o serve the Republic.

(b) by deleting sub clause (2);

(c) by deleting sub clause (3);

(d) by deleting sub clause (4);

(Hon. Aduma Awuor)

Proposed amendment dropped;

Clause 25 – agreed to.

Clause 26 – amendment proposed –

THAT, Clause 26 of the Bill be amended-

(b) in sub clause (4)-

(i) by inserting the word 'as' immediately after the word 'appointment';

(ii) by deleting paragraph(b) and substituting therefor the following new paragraph-

(b) meets the requirements of Chapter Six of the Constitution.

(c) in sub clause 6 by deleting the words 'neglect' appearing in paragraph (e) and substituting therefor the words 'desertion'

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 26 – as amended agreed to.

Clause 26 – Further amendment proposed –

THAT Clause 26 of the Bill be amended in sub clause (4) by deleting paragraph (b)

(Hon. Aduma Awuor)

Proposed amendment dropped;

Clause 27 – agreed to.

Clause 28 – amendment proposed –

THAT, Clause 28 of the Bill be amended in sub clause (2)-

- (a) by inserting the words 'and evaluation' immediately after the word 'receipt' appearing in paragraph (b);
- (b) by inserting the words 'legislation' immediately after the word 'issues' appearing in paragraph (d)

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 28 – as amended agreed to.

Clauses 29 and 30 – agreed to.

Clause 31 – amendment proposed –

THAT, Clause 31 of the Bill be amended in sub clause (2) by inserting the word 'in' immediately after the word 'be' appearing in paragraph (a).

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 31 – as amended agreed to.

Clause 31 – Further amendment proposed –

THAT, Clause 31 of the Bill be amended in sub clause (1) by deleting the words "five per cent of the members from each branch" appearing in paragraph (a) and substituting therefor the words "one hundred paid up members"

(Hon. Aduma Awuor)

Proposed amendment dropped;

Clauses 32, 33, 34 and 35 – agreed to.

Clause 36 – amendment proposed –

THAT, Clause 36 of the Bill be amended by deleting sub clause (2).

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 36 - as amended agreed to.

Clause 37 - agreed to.

Clause 38 - amendment proposed -

THAT, Clause 38 of the Bill be amended in sub clause (1) by deleting the words 'on' immediately after the words 'audited as' and inserting the words 'of'

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Clause 38 - as amended agreed to.

Clauses 39 and 40 - agreed to.

Clause 41 - amendment proposed -

THAT, Clause 41 of the Bill be amended by deleting the word 'to' appearing immediately after the words 'Act and' substituting therefor word 'with'

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Clause 41 - as amended agreed to.

Clauses 42 - agreed to.

Clause 43 - amendment proposed -

THAT, Clause 43 of the Bill be amended by deleting sub clause (2).

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Proposed amendment withdrawn;

Clause 43 - agreed to.

Schedule - amendment proposed -

THAT the Schedule to the Bill be amended-

(a) in the item relating to North Rift Branch-

- (i) by deleting the word "Nandi";
- (ii) by deleting the word "Pokot" and substituting therefor the words "Kapenguria";
- (iii) by deleting the words "Elgeyo Marakwet";
- (iv) by deleting the word "Turkana" and substituting therefor the word "Lodwar";
- (v) by deleting the words 'Trans-Nzoia' and substituting therefor the words 'Kitale'

(b) in the item relating to Rift Valley Branch-

- (i) by deleting the word "Baringo" and substituting therefor the word "Kabarnet";
- (ii) by deleting the word "Samburu" and substituting therefor the word 'Maralal'

(c) in the item relating to West Kenya Branch by inserting the word 'Vihiga'

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Schedule - as amended agreed to.

Clause 2 - agreed to

Long Title - agreed to

Short Title - agreed to

Bill to be reported with amendments;

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

The Law Society of Kenya Bill (National Assembly Bill No.25 of 2013)

Bill reported with amendments;

Motion made and Question proposed:-

THAT, the House do agree with the Committee of the whole House in the said report

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question put and agreed to.

Question of the Third Reading deferred:

7. **THE SECURITY LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.39 OF 2014)**

Order for Second Reading read;

Motion made -

THAT, the Security Laws (Amendment) Bill (National Assembly Bill No.39 of 2014)

(Chairperson, Departmental Committee on Administration and National Security)

Rising in his place on a Point of Order, the Member for Suba (Hon. John Mbadi) claimed to move that "the debate be now adjourned";

Thereupon, debate adjourned;

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

8. **HOUSE ROSE** - at twenty minutes past Twelve O'clock.

M E M O R A N D U M

The Speaker will take the Chair today,
Thursday, December 11, 2014 at 2.30 p.m.

--X--