



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, MARCH 03, 2016

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

The following Paper was laid on the Table –

The Report of the Liaison Committee on the Budget Policy Statement and the Debt Management Strategy for the year 2016/2017 and the Medium Term.

(The Hon. Moses Cheboi, M.P. - First Chairperson of Committees)

5. **NOTICE OF MOTION**

The following Notice of Motion was issued-

NOTICE OF MOTION - ADOPTION OF REPORT ON BUDGET POLICY STATEMENT

(The Hon. Moses Cheboi, M.P. - First Chairperson of Committees)

THAT, pursuant to the provisions of Section 25(7) of the Public Finance Management Act and Standing Order No.232, this House adopts the Report of the Liaison Committee on the Budget Policy Statement and the Debt Management Strategy for the Financial Year 2016/2017 and the Medium Term, laid on the Table of the House on Thursday, 3rd March, 2016 and approves the Budget ceilings in respect of the various Votes and Programmes in the national Government, the Judiciary and Parliament as contained in the Schedule thereto.

6. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Deputy Speaker in the Chair

The Legal Aid Bill (National Assembly Bill No. 35 of 2015)

Clauses 3, 4 & 5 - agreed to

Clause 6 - amendment proposed –

THAT, the Bill be amended by deleting clause 6 and substituting therefor the following new clause—

Headquarters

6. The headquarters of the Service shall be in the capital city but the Service shall establish branches in every County in Kenya to ensure reasonable access of its services.

(Hon. Kenneth Okoth)

Question of the amendment proposed;

Debate arising;

Further amendment proposed -

THAT, the new clause be amended by deleting the word “shall” appearing immediately after the words “capital city but the Service” and substituting therefor the word “may”.

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Debate arising;

Question of the further amendment put and agreed to;

Debate on the amendment as further amended resumed;

Question of the amendment put and agreed to;

Further amendment proposed -

THAT, clause 6 of the Bill be amended in subclause (1) by deleting words “but the Service may establish offices at any place in Kenya” appearing immediately after the word “city” and substituting therefor the words “and the Service shall establish offices in all the counties.”

(Hon. Agostinho Neto)

Proposed amendment dropped;

Clause 6 - as amended agreed to

Clause 7 - amendment proposed –

THAT, clause 7 of the Bill be amended in subclause (1) by deleting paragraph (e) and substituting therefor the following paragraph—

“(e) create awareness of the availability of the Service.”

(Hon. Agostinho Neto)

Proposed amendment dropped;

Clause 7 - agreed to

Clause 8 - agreed to

Clause 9 - amendment proposed –

THAT, clause 9 of the Bill be amended in sub-clause (1) by deleting paragraph (c);

(Hon. Kenneth Okoth)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Further amendment proposed –

THAT, clause 9 of the Bill be amended—

(a) in subclause (1)—

(i) in paragraph (a) by inserting the words “from among persons qualified to be appointed as a judge of the High Court” immediately after the word “President”;

(ii) in paragraph (c) by deleting the words “legal aid” appearing immediately after the words “relating to” and substituting therefor the word “justice”;

(iii) by deleting paragraph (f);

(iv) in paragraph (j) by deleting the words “public universities that have established legal aid clinics” appearing immediately after the words “nominated by the” and substituting therefor the words “Council for Legal Education”;

(v) by deleting paragraph (l);

(vi) by deleting paragraph (n);

(b) by deleting subclause (2);

(c) In subclause (3) by deleting the expression “1(f)” appearing immediately after the word “sub-section” and substituting therefor the expression “(1) (h)”.

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

(Change of Chair from Deputy Speaker to First Chairperson)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 9 of the Bill be amended-

In sub-clause (1)—

- (i) by deleting the word 'public' appearing in paragraph (j);

Proposed amendment dropped;

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

"(k) three persons nominated by a joint forum of Public Benefit Organizations offering legal aid to the public, including women, youth and children;"

Question of the amendment proposed;

Debate arising;

Further amendment proposed -

THAT, the new paragraph (k) be amended in by deleting words "three persons nominated" appearing immediately before the words "by a joint forum" and substituting therefor the words "one person elected."

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Debate of the amendment as further amended resumed;

Question put and agreed to.

Further amendment proposed –

THAT, clause 9 of the Bill be further amended-

In sub-clause (1) by deleting sub-clause (4) and substituting therefor the following new sub-clause—

"(4) The nomination of board members shall take into account the principles of equality, non-discrimination, regional balance and in so doing shall ensure that not more than two-thirds of the members of the Board shall be of the same gender."

(Hon. Kenneth Okoth)

Debate arising;

Question put and agreed to.

Further amendment proposed –

THAT, clause 9 of the Bill be further amended in sub-clause (5) by inserting the following three new paragraphs immediately after paragraph (b)—

“(cc) possesses a university degree from a university recognised in Kenya;”

(dd) has knowledge and experience of not less than seven years in the relevant field;

(ee) is a person or professional of good standing in the society or respective professional body.”

(Hon. Kenneth Okoth)

Debate arising;

Question put and agreed to.

Further amendment proposed –

THAT, clause 9 of the Bill be further amended in sub-clause (6) by deleting paragraph (a).

(Hon. Kenneth Okoth)

Question of the further amendments proposed;

Debate arising;

Question put and negatived;

Further amendment proposed –

THAT, clause 9 of the Bill be amended in subclause (6) by deleting paragraph (a).

(Hon. Agostinho Neto)

Proposed amendment dropped;

Clause 9 - as amended agreed to

Clause 10 - amendment proposed -

THAT, clause 10 of the Bill be amended—

(a) in paragraph (g) by deleting the word “and” appearing after the phrase “such departments” ;

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

“(gg) submit annual reports to the National Assembly; and,”

(Hon. Kenneth Okoth)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 10 - as amended agreed to

Clause 11 - agreed to

Clause 12 - amendment proposed –

THAT, clause 12 of the Bill be amended in subclause (2) by deleting the expression “(f)” appearing immediately after the expression “9 (1) (c), (d), (e)”.

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 12 - as amended agreed to.

Clause 13 - agreed to

Clause 14 - amendment proposed –

THAT, the Bill be amended by deleting clause 14 and substituting therefor the following new clause—

Proceedings of the Board.

14. (1) The quorum for the conduct of the business of the Board shall be seven members including the chairperson or the person presiding.

(2) The Board may where necessary, invite experts who are not Board members on issues relevant to the functions of the Service, to make presentations during a meeting of the Board, provided that such persons shall not vote during such meetings.

(3) The participation in a meeting of a non-Board member invited under sub-section (2) shall not invalidate the proceedings of the Board.

(Hon. Kenneth Okoth)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Clause 14 - agreed to

Clauses 15, 16, 17, 18, 19, 20 & 21 - agreed to

Clause 22 - amendment proposed –

THAT, clause 22 of the Bill be amended by deleting the expression “15” appearing immediately after the word “section” and substituting therefor the expression “21”.

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 22 - as amended agreed to

Clause 23 - agreed to

Clause 24 - amendment proposed –

THAT, clause 24 of the Bill be amended—

(a) in subclause (1) by deleting the words “and appointed by the Cabinet Secretary” appearing immediately after the word “Board”.

(b) in subclause (3)—

(i) in paragraph (b) by deleting the words “and has experience in matters relating to legal aid” appearing immediately after the word “years”;

(ii) by deleting paragraph (c);

(c) by deleting subclause (6) and substituting therefor the following subclause—

“(6) The Director shall hold office for a term of three years but shall be eligible for reappointment for one further term.”

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 24 - as amended agreed to

Clause 25 - amendment proposed –

THAT, clause 25 of the Bill be amended—

(a) in subclause (1)—

- (i) in paragraph (a) by deleting the word “director” appearing immediately after the words “office of” and substituting therefor the word “Director”;
- (ii) in paragraph (b) by deleting the words “or misbehaviour”;
- (iii) by deleting paragraph (e);

(b) in subclause (2) by deleting the words “principle of fair administrative action prescribed under Article 47 of the Constitution” appearing immediately after the words “with the” and substituting therefor the words “provisions of the Fair Administrative Action Act, 2015”.

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 25 - as amended agreed to

Clause 26 - agreed to

Clause 27 - amendment proposed –

THAT, clause 27 of the Bill be amended in subclause (3) by deleting the words “Public Service” appearing immediately after the words “with the” and substituting therefor the words “Salaries and Remuneration”.

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 27 - as amended agreed to

Clauses 28 & 29 - agreed to

Clause 30 - amendment proposed –

THAT, clause 30 of the Bill be amended in the prefatory statement by deleting the word “moneys” appearing immediately after the words “use the” and substituting therefor the word “monies”.

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 30 - as amended agreed to

Clauses 31, 32, 33 & 34 - agreed to

Clause 35 - amendment proposed –

THAT, clause 35 of the Bill be amended in subclause (2) by inserting the following paragraph immediately after paragraph (b)—

“(ba) children matters;”.

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 35 - as amended agreed to

Clause 36 - amendment proposed –

THAT, clause 36 of the Bill be amended—

(a) in subclause (1) by—

- (i) deleting paragraph (c);
- (ii) deleting paragraph (d);
- (iii) deleting paragraph (f);

(b) in subclause (2) by deleting the words “the prescribed manner” appearing immediately after the words “Service in” and substituting therefor the word “writing”;

Further amendment proposed –

THAT, clause 36 of the Bill be further amended by deleting subclause (4).

(Hon. Agostinho Neto)

Proposed amendment dropped;

Further amendment proposed –

THAT, clause 36 of the Bill be amended in subclause (4) by—

- (i) deleting paragraph (e);
- (ii) deleting paragraph (f);
- (iii) deleting paragraph (g);
- (iv) deleting paragraph (h);
- (v) deleting paragraph (i);
- (vi) deleting paragraph (j);
- (vii) deleting paragraph (k).

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 36 - as amended negatived;

Clause 36 - agreed to;

Clause 37 - amendment proposed –

THAT, clause 37 of the Bill be amended by—

- (a) deleting paragraph (c);
- (b) deleting paragraph (g).

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 37 of the Bill be amended by deleting paragraph (g).

(Hon. Kenneth Okoth)

Proposed amendment withdrawn;

Clause 37 - as amended agreed to

Clause 38 - amendment proposed –

THAT, clause 38 of the Bill be amended by deleting subclause (2).

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 38 - as amended agreed to

Clause 39 - amendment proposed –

THAT, clause 39 of the Bill be amended in sub-clause (2) by deleting the words "a person or institution" appearing in paragraph (b) and substituting therefor the words "an accredited legal aid provider."

(Hon. Kenneth Okoth)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Clause 39 - agreed to

Clause 40 - amendment proposed –

THAT, clause 40 of the Bill be amended—

- (a) in subclause (1) by deleting the words "the prescribed manner" appearing immediately after the words "Service in" and substituting therefor the word "writing";
- (b) in subclause (3) by deleting the words "the prescribed procedures" appearing immediately after the words "accordance with" and substituting therefor the words "this Act";
- (c) by deleting subclause (4).

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 40 of the Bill be amended by inserting the following subclause immediately after subclause (4)—

“(5) The Service shall establish a committee of three officers to—

(a) consider all applications for legal aid; and

(b) recommend to the Director the grant or refusal of legal aid.”

(Hon. Agostinho Neto)

Proposed amendment dropped;

Clause 40 - as amended agreed to

Clause 41 - amendment proposed –

THAT, clause 41 of the Bill be amended—

(a) in paragraph (b) by inserting the words “in writing” immediately after the word “applicant”;

(b) in paragraph (c) (i) by inserting the words “in writing” immediately after the word “applicant”;

(c) in paragraph (c) (ii) by inserting the words “due to physical or mental incapacity” immediately after the word “obtained”.

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 41 - as amended agreed to

Clause 42 - amendment proposed –

THAT, clause 42 of the Bill be amended—

(a) in subclause (1)—

(i) in the prefatory statement by inserting the words “remand homes for children” immediately after the word “station”;

(ii) by deleting paragraph (c);

(iii) in paragraph (d) by deleting the words “properly completed” appearing immediately after the words “form is” and substituting therefor the word “made”;

(b) in subclause (2) by deleting the words “making an application” appearing immediately after the words “custody from” and substituting therefor the word “applying”.

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 42 - as amended agreed to

Clause 43 - amendment proposed –

THAT, clause 43 of the Bill be amended in sub-clause (3) by deleting the word “may” and substituting therefor the word “shall.”

(Hon. Kenneth Okoth)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Further amendment proposed –

THAT, clause 43 of the Bill be amended by inserting the following subclause immediately after subclause (5)—

“(6) Despite the provisions of this section, lack of legal representation shall not be a bar to the continuation of proceedings against a person.”

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 43 - as amended agreed to

Clause 44 - amendment proposed –

THAT, clause 44 of the Bill be amended—

(a) in subclause (3) by deleting the words “fourteen days” appearing immediately after the words “not later than” and substituting therefor the words “forty eight hours”;

(b) by deleting subclause (5);

(c) by deleting subclause (6).

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 44 of the Bill be amended by inserting the following subsections immediately after subsection (9)—

“(10) The Service shall establish a committee of three officers to—

- (a) consider all applications for review of the refusal to grant legal aid; and
- (b) recommend to the Director the grant or refusal of legal aid.”

(Hon. Agostinho Neto)

Proposed amendment dropped;

Clause 44 - as amended agreed to;

Clauses 45, 46 & 47 - agreed to;

Clause 48 - amendment proposed –

THAT, clause 48 of the Bill be amended in subclause (2) by deleting the words “thirty” appearing immediately after the words “person within” and substituting therefor the word “fifteen”.

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 48 - as amended agreed to

Clause 49 - amendment proposed –

THAT, clause 49 of the Bill be amended in subclause (1) by deleting the words “the prescribed manner” appearing immediately after the words “legal aid in” and substituting therefor the words “accordance with this Act”.

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 49 - as amended agreed to

Clauses 50 & 51 - agreed to;

Clause 52 - amendment proposed –

THAT, clause 52 of the Bill be amended in subclause (4) by deleting the words “immediately notify the aided person and the legal provider” appearing immediately after the words “Service shall” and substituting therefor the words “within seven days notify the aided person, the legal aid provider and the Court”.

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 52 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (4) —

“(4A) The Service shall not withdraw legal aid under subsection (1) in the course of civil or criminal proceedings unless the Service is satisfied that the rights of the aided person to fair trial will not be seriously prejudiced or it would be proper for the other persons having the same interest to pay for the proceedings.”

(Hon. Kenneth Okoth)

Question of the further amendment proposed;

Debate arising;

Question put and negatived;

Clause 52 - as amended agreed to;

Clause 53 - amendment proposed –

THAT, clause 53 of the Bill be amended by inserting the following subclause immediately after subclause (3)—

“(4) Upon the withdrawal of legal aid, a legal aid provider shall apply for leave of Court to cease providing legal aid services in the relevant case.”

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 53 - as amended agreed to

Clause 54 - amendment proposed –

THAT, clause 54 of the Bill be amended in subclause (4) by deleting the words “principles of fair administrative action set out in Article 47 of the Constitution” appearing immediately after the words “by the” and substituting therefor the words “Fair Administrative Action Act, 2015”.

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 54 - as amended agreed to

Clauses 55 & 56 - agreed to

Clause 57 - amendment proposed –

THAT, clause 57 be amended—

(a) by deleting subclause (1) and substituting therefor the following subclause—

“(1) The Service shall, through regulation, develop and adopt criteria for accreditation of persons and institutions to provide legal aid services”

(b) in subclause (2) by deleting the words “the Cabinet Secretary, the Director of Public Prosecutions, public benefit organizations, faith based organizations” appearing immediately after the words “Attorney General” and substituting therefor the words “the Director of Public Prosecutions, public benefit organizations,”.

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 57 - as amended agreed to

Clause 58 - agreed to

Clause 59 - amendment proposed –

THAT, clause 59 of the Bill be amended by deleting subclause (2).

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 59 - as amended agreed to;

Clause 60 - amendment proposed –

THAT, clause 60 of the Bill be amended in sub-clause (1) —

(a) by deleting the word “and” appearing in paragraph (d);

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

“(dd) the number of cases being handled by the legal aid provider at any given time;
and,”

(Hon. Kenneth Okoth)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 60 of the Bill be amended in subclause (2) by deleting paragraph (c).

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Clause 60 - as amended agreed to

Clauses 61 & 62 - agreed to

Clause 63 - amendment proposed –

THAT, clause 63 of the Bill be amended by deleting the word “but” appearing immediately after the words “been granted” and substituting therefor the word “and”.

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 63 - as amended agreed to

Clauses 64 & 65 - agreed to;

Clause 66 - amendment proposed –

THAT, clause 66 of the Bill be amended in subclause (1) by deleting paragraph (a).

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 66 - as amended agreed to;

Clause 67 - agreed to

Clause 68 - amendment proposed –

THAT, clause 68 of the Bill be amended in subclause (1) by inserting the words "supervised by" immediately after the words "Service, or".

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 68 - as amended agreed to

Clause 69 - amendment proposed –

THAT, the Bill be amended by deleting clause 69.

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 69 - deleted;

Clause 70 - agreed to;

Clause 71 - amendment proposed –

THAT, clause 71 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (1) —

“(2) Where an aided person has been compensated through an award of damages in any proceedings, such person shall be entitled to the award, provided that the service shall have the right to deduct from the award, the costs it incurred in respect of the proceedings.”

(Hon. Kenneth Okoth)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 71 - as amended agreed to

Clauses 72 & 73 - agreed to

Clause 74 - amendment proposed –

THAT, clause 74 of the Bill be amended by deleting the word “a” appearing immediately after the words “specifying that” and substituting therefor the word “an”.

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 74 - as amended agreed to

Clause 75 - amendment proposed –

THAT, clause 75 of the Bill be amended in subclause (2) by deleting the words “for security of” appearing immediately after the words “An order” and substituting therefor the words “of security for”.

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 75 - as amended agreed to

Clause 76 - amendment proposed –

THAT, clause 76 of the Bill be amended—

- (a) in subclause (2) by inserting the following paragraph immediately after paragraph (c)—

“(d) extending the Service to as many beneficiaries as possible.”

- (b) by inserting the following subclause immediately after subclause (3)—

“(4) the scale fees determined by the Service shall be less than the legal fee applicable to persons not aided by the Service.”

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 76 - as amended agreed to

Clauses 77, 78, 79, 80, 81 & 82 - agreed to

Clause 83 - amendment proposed –

THAT, clause 83 of the Bill be amended by inserting the word “personal” immediately after the words “disclose any”.

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 83 - as amended agreed to;

Clause 84 - agreed to;

Clause 85 - amendment proposed –

THAT, clause 85 of the Bill be amended in the prefatory statement by deleting the word “two” appearing immediately after the words “in every” and substituting therefor the word “three”.

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 85 - as amended agreed to;

Clause 86 - agreed to;

Clause 87 - amendment proposed –

THAT, clause 87 of the Bill be amended—

(a) in subclause (2) by deleting paragraph (b);

(b) by inserting the following subclause immediately after subclause (2)—

“(3) For the purposes of Article 94 (6) of the Constitution—

- (a) the purpose and objective of delegation under this section is to enable the Cabinet Secretary to make regulations to provide for the better carrying into effect of the provisions of this Act and to enable the Service to discharge its functions effectively;
- (b) the authority of the Cabinet Secretary to make regulations under this Act will be limited to bringing into effect the provisions of this Act and to fulfil the objectives specified under this section;
- (c) the principles and standards applicable to the regulations made under this section are those set out in the Interpretations and General Provisions Act and the Statutory Instruments Act, 2013.”

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 87 - as amended agreed to

Clause 88 - agreed to;

Schedule - agreed to

Clause 2 - amendment proposed –

THAT, clause 2 of the Bill be amended—

- (a) in the definition of “accredited paralegal” by inserting the words “or an accredited legal aid provider” immediately after the word “advocate”;
- (b) in the definition of “Cabinet Secretary” by deleting the words “legal aid” appearing immediately after the words “relating to” and substituting therefor the word “justice”;
- (c) in the definition of “legal aid clinic” by inserting the words “or offered by an accredited legal aid provider” immediately after the word “Service”.

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 2 of the Bill be amended in sub-clause (1) by deleting the words “legal aid” appearing in the definition of the expression “Cabinet Secretary” and substituting therefor the word “justice”

(Hon. Kenneth Okoth)

Proposed amendment withdrawn by the mover;

Further amendment proposed –

THAT, clause 2 of the Bill be amended—

(a) in the definition of “legal aid provider” by—

(i) inserting the following paragraph immediately after paragraph (a)—
“(aa) advocates employed by the Service;”

(ii) deleting paragraph (c);

(b) by inserting the following definition in its proper alphabetical sequence—
“legal aid scheme” means a coordinated system established to provide legal aid”.

(Hon. Agostinho Neto)

Proposed amendment dropped;

Clause 2 - as amended agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments.

7. **HOUSE RESUMED** - the Deputy Speaker in the Chair

The Legal Aid Bill (National Assembly Bill No. 35 of 2015)

Bill reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said Report

(Deputy Majority Party Whip)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Legal Aid Bill (National Assembly Bill No. 35 of 2015) be now read a Third Time

(Deputy Majority Party Whip)

Debate arising;

Question of the Third Reading deferred to another day.

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

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Community Land Bill (National Assembly Bill No. 45 of 2015) be now read a Second Time

(Leader of Majority Party – 01.03.2016)

Debate interrupted on Wednesday, March 02, 2016 (Afternoon Sitting) resumed;

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

9. **HOUSE ROSE** - at One O'clock

M E M O R A N D U M

The Speaker will take the Chair today,
Thursday, March 03, 2016 at 2.30 p.m.

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