



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – (FOURTH SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**THURSDAY, DECEMBER 01, 2016 AT 9.30 A.M.**

**ORDER OF BUSINESS**

**PRAYERS**

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

**8\*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2016)**

(The Leader of the Majority Party)

First Reading

**9\*. THE NATIONAL CORONERS SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2016)**

(The Leader of the Majority Party)

First Reading

**10\*. THE PREVENTION OF TORTURE BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2016)**

(The Leader of the Majority Party)

First Reading

**11\*. THE REFUGEES BILL (NATIONAL ASSEMBLY BILL NO. 29 OF 2016)**

(The Hon. Agostinho Neto, M.P.)

Second Reading

*(Question to be put)*

**12\*. THE PUBLIC SERVICE COMMISSION BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2016)**

(The Leader of the Majority Party)

Second Reading  
(*Question to be put*)

**12\*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE WITNESS PROTECTION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2016)**

**THAT**, this House do agree with the Report of Committee of the Whole House on its consideration of the Witness Protection (Amendment) Bill (National Assembly Bill No.12 of 2016).

(*Question to be put*)

**13\*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE BRIBERY BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2016)**

**THAT**, this House do agree with the Report of Committee of the Whole House on its consideration of the Bribery Bill (National Assembly Bill No.16 of 2016).

(*Question to be put*)

**14\*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE COUNTY ASSEMBLY SERVICES BILL (SENATE BILL NO. 27 OF 2014)**

**THAT**, this House do agree with the Report of Committee of the Whole House on its consideration of the County Assembly Services Bill (National Assembly Bill No. 27 of 2014).

(*Question to be put*)

**15\*. MOTION – RATIFICATION OF THE PARIS CLIMATE CHANGE AGREEMENT**

(Chairperson, Departmental Committee on Environment and Natural Resources)

**THAT**, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on the **Ratification of the Paris Climate Change Agreement** laid on the Table of the House on Wednesday, 30<sup>th</sup> November 2016, and pursuant to the provisions of Section 8 of the Treaty Making and Ratification Act, 2012, **approves** the Ratification of the Paris Climate Change Agreement.

**16\*. COMMITTEE OF THE WHOLE HOUSE**

The Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 40 of 2016)

**17\*. THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2016)**

(The Leader of the Majority Party)

Second Reading

**18\*. THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 6) BILL (NATIONAL ASSEMBLY BILL NO. 65 OF 2015)**

(The Leader of the Majority Party)

Second Reading

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**\* Denotes Orders of the Day**

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## **N O T I C E S**

### **THE LAND VALUE INDEX LAWS (AMENDMENT) BILL** **(NATIONAL ASSEMBLY BILL NO. 40 OF 2016)**

Notice is given that the Chairperson of the Lands Committee intends to move the following amendments to the Land Value Index Laws (Amendment) Bill, 2016 at the Committee Stage—

#### **CLAUSE 2**

**THAT** clause 2 of the Bill be amended in the definition of “prompt” by deleting the word “three” appearing in paragraph (ii) and substituting therefor the word “one”.

#### **CLAUSE 6**

**THAT**, clause 6 of the Bill be amended —

- (a) in subsection (1) of the proposed new section 107A by deleting the words “by the national government” appearing immediately after the words “land value index developed” and substituting therefor the words “jointly by the national government and county government”.
- (b) in subsection (4) by inserting the following proviso immediately after paragraph (c) (i)—

“Provided that where the national government or the county government makes changes in the use of the land compulsorily acquired to affect other land owners, these owners shall be excluded from the application of this provision.”
- (c) in the proposed new section 107B—
  - (i) by deleting the words “by the national government” appearing in paragraph 2(a) and substituting therefor the words “jointly by the national government and county government”; and
  - (ii) by deleting the proposed new subsection (3).

**CLAUSE 7**

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

Amendment to section  
111 of No. 6 of 2012.

**7.**Section 111 of the Land Act is amended by inserting the following subsections immediately after subsection (1)—

(1A) Compensation for compulsorily acquired land may take any one or more of the following forms-

(a) allocation of alternative parcel of land of equivalent value and comparable geographical location and land use to the land compulsorily acquired;

(b) monetary payment either in lump sum or in instalments spread over a period of not more than one year;

(c) issuance of government bond;

(d) grant or transfer of development rights as may be prescribed.

(e) equity shares in a government owned entity; or

(f) any other lawful compensation.

(1B) Subject to subsection (1A), an owner of land compulsorily acquired shall elect the form of compensation.

(1C) Compensation relating to compulsory acquisition shall not be paid to a public body unless there is a demonstrable inference that the land was purchased and developed by that public body.

**CLAUSE 18**

**THAT**, clause 18 of the Bill be amended in the new proposed section 133B by deleting the word “may” appearing in subsection (3) and substituting therefor the word “shall”.

**CLAUSE 20**

**THAT**, clause 20 of the Bill be amended in the proposed subsection (5A) by deleting the words “five hundred thousand shillings or to imprisonment not exceeding three months” appearing in the proviso and substituting therefor the words “five million shillings or to imprisonment not exceeding three years”.

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

- I. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion**, including a Special motion be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.
- II. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.
- III. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House, shall be limited as follows: - A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order.

# **NOTICE PAPER**

## **Tentative business for**

**Thursday (Afternoon), December 01, 2016**

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*(Published pursuant to Standing Order 38(1))*

It is notified that the House Business Committee, at their last meeting, approved the following tentative business to appear in the Order Paper for Thursday (Afternoon), December 01, 2016:-

**A. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO.2) BILL  
(NATIONAL ASSEMBLY BILL NO. 48 OF 2016)**

(The Leader of the Majority Party)

First Reading

**B. THE BETTING, LOTTERIES AND GAMING (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILL NO. 49 OF 2016)**

(The Hon. Jakoyo Midiwo, M.P.)

First Reading

**C. THE MOVABLE PROPERTY SECURITY RIGHTS BILL (NATIONAL  
ASSEMBLY BILL NO. 50 OF 2016)**

(The Leader of the Majority Party)

First Reading

**D. CONSOLIDATED PROCEDURAL MOTIONS- EXTENSION OF TIME ON  
SPECIFIC BUSINESS AND EXEMPTION OF CERTAIN BUSINESS FROM  
THE PROVISIONS OF STANDING ORDERS**

(The Leader of the Majority Party)

**E. PROCEDURAL MOTION - APPOINTMENT OF A JOINT COMMITTEE**

(The Leader of the Majority Party)

**F. COMMITTEE OF THE WHOLE HOUSE**

- (i) The County Governments (Amendment) Bill (Senate Bill No. 4 of 2016)  
(The Leader of the Majority Party)
- (ii) The Election Laws (Amendment) (No.3) Bill (National Assembly No. Bill No. 63 of 2015)  
(Chairperson of the Departmental Committee on Justice and Legal Affairs)

**G. MOTION – ADOPTION OF THE REPORT ON INVESTIGATION INTO THE OWNERSHIP OF MOMBASA CEMENT LIMITED LAND IN KILIFI COUNTY**  
(The Chairperson, Departmental Committee on Lands)

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Eleventh Parliament

(No. 138)



Fourth Session  
Afternoon Sitting

(2242)

**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – (FOURTH SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**THURSDAY, DECEMBER 01, 2016 AT 2.30 P.M.**

**ORDER OF BUSINESS**

**PRAYERS**

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

- 8\*. **THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO.2) BILL**  
**(NATIONAL ASSEMBLY BILL NO. 48 OF 2016)**  
(The Leader of the Majority Party)

First Reading

- 9\*. **THE BETTING, LOTTERIES AND GAMING (AMENDMENT) BILL**  
**(NATIONAL ASSEMBLY BILL NO. 49 OF 2016)**  
(The Hon. Jakoyo Midiwo, M.P.)

First Reading

- 10\*. **THE MOVABLE PROPERTY SECURITY RIGHTS BILL (NATIONAL**  
**ASSEMBLY BILL NO. 50 OF 2016)**  
(The Leader of the Majority Party)

First Reading

**11\*. CONSOLIDATED PROCEDURAL MOTIONS: EXTENSION OF TIME ON SPECIFIC BUSINESS AND EXEMPTION OF CERTAIN BUSINESS FROM THE PROVISIONS OF STANDING ORDERS**

(The Leader of the Majority Party)

- (i) **THAT**, notwithstanding the provisions of Standing Order 232, this House **resolves to extend the period for consideration of the Budget Policy Statement** by a further period of not more than fourteen (14) days from 8<sup>th</sup> December 2016;
- (ii) **THAT**, pursuant to the provisions of Section 13 of the Public Appointments (Parliamentary Approval) Act, 2011, this House **resolves to extend the period for consideration of approval for appointment of nominees to the National Climate Change Council**, notified to the House on 1<sup>st</sup> December, 2016, by a further period of not more than fourteen (14) days from 14<sup>th</sup> December, 2016;and,
- (iii) **THAT**, notwithstanding the provisions of Standing Order 42 relating to reading and laying of Messages from the President, and in furtherance to the provisions of the First Schedule to the Elections Act (No.9 of 2011) (as amended), this House **resolves** that, during the period before commencement of the Fifth Session, upon receipt of names of persons nominated for appointment to the offices of **Chairperson or Commissioner to the Independent Electoral and Boundaries Commission (IEBC)** from the President, the Speaker shall **forthwith** refer the Message containing the names to the relevant Committee for consideration; and,
- (iv) **THAT**, notwithstanding the provisions of Standing Order 42(3) relating to reading and laying of Messages in the House, and in furtherance to the provisions of Article 215(1)(a),(b) and (c) of the Constitution, this House **resolves** that, during the period before commencement of the Fifth Session, upon receipt of names of persons nominated for appointment to the offices of **Chairperson and Member of the Commission for Revenue Allocation**, from the President and Leadership of Political Parties in Parliament, respectively, the Speaker shall **forthwith** refer the Message and the list containing the names to the relevant Committee for consideration.

**12\*. PROCEDURAL MOTION      APPOINTMENT OF A JOINT COMMITTEE**  
(The Leader of the Majority Party)

**THAT**, pursuant to the provisions of Standing Orders 211(3)(b), 213 and paragraph 9 of the Houses of Parliament (*Joint Sittings*) Rules, this House resolves to establish a Joint Committee for the purposes of referral and reconsideration of the Parliamentary Service (Senate Monitoring and Evaluation) (Procedure for Management of Funds) Regulations, 2016, comprising the following Members of the National Assembly:

- (i) The Hon. William Cheptumo, MP;- Joint Chairperson
- (ii) The Hon. Joseph Gitari, MP;
- (iii) The Hon. Kabando wa Kabando, MP;
- (iv) The Hon. Tom J. Kajwang', MP;
- (v) The Hon. Michael Kisoi Manthi, MP;
- (vi) The Hon. Simba Arati, MP;
- (vii) The Hon. Rachael Ameso, MP;
- (viii) The Hon. Mohamed Aden Huka, MP;
- (ix) The Hon. John Waiganjo, MP;
- (x) The Hon. Jakoyo Midiwo, MP;
- (xi) The Hon. Samuel Chepkonga, MP;
- (xii) The Hon. Mutava Musyimi, MP;
- (xiii) The Hon. Peter Kaluma, MP;
- (xiv) The Hon. Kimani Ichung'wah, MP;
- (xv) The Hon. Mary Emase, MP.

**13\*. COMMITTEE OF THE WHOLE HOUSE**

- (i) The County Governments (Amendment) Bill (Senate Bill No. 4 of 2016)  
(The Leader of the Majority Party)
- (ii) The Election Laws (Amendment) (No.3) Bill (National Assembly No. Bill No. 63 of 2015)  
(Chairperson of the Departmental Committee on Justice and Legal Affairs)

14\*. **MOTION – ADOPTION OF THE REPORT ON INVESTIGATION  
INTO THE OWNERSHIP OF MOMBASA CEMENT LIMITED  
LAND IN KILIFI COUNTY**

(The Chairperson, Departmental Committee on Lands)

**THAT**, this House adopts the Report of the Departmental Committee on Lands on its the Investigation into the ownership of Mombasa Cement Limited Land in Kilifi County, laid on the Table of the House on Tuesday, 24<sup>th</sup> November 2015.

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**\* Denotes Orders of the Day**

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(No.138)

THURSDAY, DECEMBER 01, 2016

(2247)

## **N O T I C E S**

### **I. ADJOURNMENT OF THE HOUSE IN ACCORDANCE WITH THE CALENDAR OF THE NATIONAL ASSEMBLY(2016)**

The Speaker will today call upon the Leader of the Majority Party to move a Motion for Adjournment of the House to a day other than the next normal Sitting Day, in accordance with the Calendar of the Assembly (Regular Sessions).

*(Thereafter, the House to adjourn without question put)*

#### **MOTION – (The Leader of the Majority Party)**

**THAT**, pursuant to the provisions of Standing Order 28 on the Calendar of the Assembly (Regular Sessions), this House adjourns until Tuesday, February 7, 2017.

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

- I. THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion**, including a Special motion be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.
- II. THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of

them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.

..... /Notices(Cont'd)

(No.138)

**THURSDAY, DECEMBER 01, 2016**

(2248)

- III. THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House, shall be limited as follows: - A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order.
- II. THAT**, notwithstanding the provisions of Standing Order 97(4), the debate on any Motion for the **Adjournment** of the House to a day other than the next normal Sitting Day in accordance with the Calendar of the Assembly, shall be limited to a maximum of three (3) hours with not more than five (5) minutes for each Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of ten (10) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.
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# **APPENDIX I**

## **PETITIONS to be presented on**

**Thursday (Afternoon), December 01, 2016**

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It is notified that, pursuant to Standing Orders 225, the following Petition will be presented to the House **today, Thursday (Afternoon), December 01, 2016:-**

<b>NO.</b>	<b><u>PETITION TO BE PRESENTED BY</u></b>	<b><u>SUBJECT</u></b>	<b><u>PETITIONER(S)</u></b>
<b>001</b>	The Hon. Speaker,), <i>Pursuant to Standing Order 225(2)(a)</i>	Irregularities at the Council for Legal Education	Mr. Arunda Marende and Mr. Vincent Yegon
<b>002</b>	The Member for Gem (The Hon. Jakoyo Midiwo, M.P.) <i>Pursuant to Standing Order 225(2)(a)</i>	Irregular handling of financial transactions by Family Bank	Concerned citizens

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## **APPENDIX II**

### **PETITIONS to be reported on**

**Thursday, December 1, 2016**

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It is notified that, pursuant to the provisions of Standing Order 227, the following Petition will be reported on **today, Thursday, December 1, 2016:-**

<b>NO.</b>	<b>PETITION TO BE REPORTED BY</b>	<b>SUBJECT</b>	<b>PETITIONER(S)</b>
<b>001</b>	Chairperson, Departmental Committee on Finance, Planning and Trade	Waiver of VAT levied on textbooks, journals and periodicals.	Mr. Njoroge Waweru.

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