



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – (FOURTH SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**THURSDAY, FEBRUARY 25, 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\*. MOTION – THE PRESIDENT’S RESERVATIONS TO THE NATIONAL EMPLOYMENT AUTHORITY BILL, 2015)**

(The Leader of the Majority Party)

**THAT**, the House do agree with the Report of the Committee of the whole House on its consideration of the President’s Reservations to the National Employment Authority Bill (National Assembly Bill No. 8 of 2015)

*(Question to be put)*

**9\*. MOTION – THE PRESIDENT’S RESERVATIONS TO THE SMALL CLAIMS COURT BILL, 2015)**

(The Leader of the Majority Party)

**THAT**, the House do agree with the Report of the Committee of the whole House on its consideration of the President’s Reservations to the Small Claims Court Bill (National Assembly Bill No. 51 of 2015)

*(Question to be put)*

**10\*. THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2014)**

(The Hon. Julius Melly, M.P.)

Third Reading

**11\*. THE ENGINEERING TECHNOLOGISTS AND TECHNICIANS BILL**  
**(NATIONAL ASSEMBLY BILL NO. 07 OF 2015)**

(The Hon. Cecilia Ng'etich, M.P.)

Third Reading

**12\*. CONCURRENCE MOTION – APPOINTMENT OF A MEMBER TO THE**  
**PAN AFRICAN PARLIAMENT**

(The Chairperson, Committee on Selection)

**THAT**, pursuant to the provisions of Article 5 of the Protocol to the Treaty establishing the African Economic Community relating to the Pan African Parliament and Standing Order 41(6)(a), this House concurs with the Senate and approves the appointment of Sen. Billow Kerrow, M.P. as a Member of the Pan African Parliament to replace Sen. Kipchumba Murkomen, M.P.

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

- (i) Senate Amendments to the Climate Change Bill (National Assembly Bill No. 01 of 2014)

(The Chairperson, Departmental Committee on Environment and Natural Resources)

*(Mover to move reporting)*

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

(The Leader of the Majority Party)

**14\*. MOTION – APPOINTMENT OF MEMBERS TO THE COMMITTEE ON**  
**NATIONAL GOVERNMENT CONSTITUENCY**  
**DEVELOPMENT FUND**

(The Chairperson, Committee on Selection)

**THAT**, pursuant to the provisions of Section 50 of the National Government Constituencies Development Fund Act, 2015 and Standing Order 173, this House approves the appointment of the following Members to the National Government Constituency Development Fund Committee:-

- 1) The Hon. Moses Lossonet, M.P.
- 2) The Esther Gathogo, M.P.
- 3) The Hon. Maina Kamanda, M.P.
- 4) The Hon. Raphael Letimalo, M.P.
- 5) The Hon. Joseph Nakara, M.P.
- 6) The Hon. Mohammed Haji, M.P.
- 7) The Hon. Yusuf Chanzu, M.P.
- 8) The Hon. Abass Mohammed, M.P.
- 9) The Hon. Benson Mbai Itwiku, M.P.

...../14\*(cont'd)

- 10) The Hon. Silas Tiren, M.P.
- 11) The Hon. David Wafula, M.P.
- 12) The Hon. Elijah Mosomi Moindi, M.P.
- 13) The Hon. Eng. Nicholas Gumbo, M.P.
- 14) The Hon. Ogolla Gideon Ochanda, M.P.
- 15) The Hon. Kyengo Katatha Mawea, M.P.
- 16) The Hon. Kamoto Mwamkale, M.P.
- 17) The Hon. Abdikadir Ore, M.P.
- 18) The Hon. Joseph Obiero Ndiege, M.P.
- 19) The Hon. George Peter Kaluma Opondo, M.P.

**15\*. MOTION – THE REPORT ON THE TERM OF THE TRANSITION AUTHORITY**

(Chairperson, Constitution Implementation Oversight Committee)

**THAT**, this House notes the Report of the Constitutional Implementation Oversight Committee on Consideration of Extension of the Term of the Transition Authority, laid on the Table of the House on Thursday, 18<sup>th</sup> February, 2016.

**16\*. THE CONTROLLER OF BUDGET BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2015)**

(The Leader of the Majority Party)

Second Reading

*(Resumption of debate interrupted on Wednesday, February 24, 2016 – Afternoon Sitting)*

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

(The Leader of the Majority Party)

Second Reading

**18\*\*. THE LAND LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2015)**

(The Leader of the Majority Party)

Second Reading

**19\*\*. THE ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2015)**

(The Leader of the Majority Party)

Second Reading

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**\* Denotes Orders of the Day**

**\*\* Denotes Bill with Constitutional Timeline**

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## N O T I C E S

### I. THE LEGAL AID BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2015)

**Notice is given that the Chairperson of the Committee on Justice and Legal Affairs (Hon. Samuel Chepkonga), intends to move the following amendments to the Legal Aid Bill, 2015 at the Committee Stage—**

#### **CLAUSE 2**

**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”.

#### **CLAUSE 9**

**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)”.

#### **CLAUSE 12**

**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)”.

**CLAUSE 22**

**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".

**CLAUSE 24**

**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."

**CLAUSE 25**

**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".

**CLAUSE 27**

**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".

**CLAUSE 30**

**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".

**CLAUSE 35**

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

"(ba) children matters;".

**CLAUSE 36**

**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”;
- (c) 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).

**CLAUSE 37**

**THAT**, clause 37 of the Bill be amended by—

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

**CLAUSE 38**

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

**CLAUSE 40**

**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).

**CLAUSE 41**

**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”.

**CLAUSE 42**

**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”.

**CLAUSE 43**

**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.”

**CLAUSE 44**

**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).

**CLAUSE 48**

**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”.

**CLAUSE 49**

**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”.

**CLAUSE 52**

**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”.

**CLAUSE 53**

**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.”.

**CLAUSE 54**

**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”.

**CLAUSE 57**

**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,”.

**CLAUSE 59**

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

**CLAUSE 60**

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

**CLAUSE 63**

**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”.

**CLAUSE 66**

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

**CLAUSE 68**

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

**CLAUSE 69**

**THAT**, the Bill be amended by deleting clause 69.



**CLAUSE 74**

**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”.

**CLAUSE 75**

**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”.

**CLAUSE 76**

**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.”

**CLAUSE 83**

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

**CLAUSE 85**

**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”.

**CLAUSE 87**

**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.”

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

- II. **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.
- III. **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** shall 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.

# NOTICE PAPER

Tentative business for

Tuesday, March 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 Tuesday, March 01, 2016:-

**A. PROCEDURAL MOTION- RESOLUTION TO HOLD SITTINGS ON SPECIFIED THURSDAY MORNINGS**

**B. THE JUDICIARY FUND BILL (NATIONAL ASSEMBLY NO. 3 OF 2016)**

(The Hon. Samuel Chepkong'a, M.P.)

First Reading

**C. MOTION - REPORT ON THE EXTENSION OF THE LIFE OF THE COMMISSION ON IMPLEMENTATION OF THE CONSTITUTION**

(The Chairperson, Constitutional Implementation Oversight Committee)

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

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Thursday, February 25, 2016)*

**E. THE LAND LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2015)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Thursday, February 25, 2016)*

**F. THE ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2015)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Thursday, February 25, 2016)*

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