



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, MARCH 03, 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. COMMITTEE OF THE WHOLE HOUSE**

The Legal Aid Bill (National Assembly Bill No. 35 of 2015)
(The Leader of the Majority Party)

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

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Wednesday, March 02, 2016 - Afternoon Sitting)

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

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

12**. THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 43 OF 2015)
(The Leader of the Majority Party)

Second Reading

* Denotes Orders of the Day

** Denotes Bill with Constitutional Timeline

N O T I C E S

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

1. Notice is given that the Chairperson of the Departmental Committee on Justice and Legal Affairs 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 Bill 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."

2. Notice is given that the Member for Kibra (Hon. Kenneth Okoth), intends to move the following amendments to the Legal Aid Bill, 2015 (National Assembly Bills No. 35) at the Committee Stage —

CLAUSE 2

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"

CLAUSE 6

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.

CLAUSE 9

THAT, clause 9 of the Bill be amended-

(a) in sub-clause (1)—

- (i) by deleting paragraph (c);
- (ii) by deleting the word 'public' appearing in paragraph (j);
- (iii) 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;"

(b) 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.”

(c) 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.”

(d) in sub-clause (6) by deleting paragraph (a).

CLAUSE 10

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,”

CLAUSE 14

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

CLAUSE 37

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

CLAUSE 39

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."

CLAUSE 43

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

CLAUSE 52

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."

CLAUSE 60

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,"

CLAUSE 71

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."

3. Notice is given that the Member for Ndhiwa (Hon. Neto Agostinho), 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—

(d) 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);

(e) by inserting the following definition in its proper alphabetical sequence—

“legal aid scheme” means a coordinated system established to provide legal aid”.

CLAUSE 6

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.”

CLAUSE 7

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.”

CLAUSE 9

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

CLAUSE 36

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

CLAUSE 40

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.”

CLAUSE 44

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.”

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.
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NOTICE PAPER

Tentative business for

Thursday (Afternoon), March 03, 2016

(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), March 02, 2016:-

A. COMMITTEE OF THE WHOLE HOUSE

The Private Security Regulation Bill (National Assembly Bill No. 4 of 2014)
(The Leader of the Majority Party)

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

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, March 03, 2016 (Morning Sitting))

C. MOTION - THE REPORT ON THE TERM OF THE TRANSITION AUTHORITY

(The Chairperson, Constitution Implementation Oversight Committee)

(Resumption of debate interrupted on Thursday, February 25, 2016)

D. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2015)

(The Leader of the Majority Party)

Second Reading

E. THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2015)

(The Leader of the Majority Party)

Second Reading

F. THE MISCELLANEOUS FEES AND LEVIES BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2015)

(The Leader of the Majority Party)

Second Reading

G. THE KENYA DEFENCE FORCES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2015)

(The Leader of the Majority Party)

Second Reading



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY MARCH 03, 2016 AT 2.30 P.M

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
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7. Statements

8*. COMMITTEE OF THE WHOLE HOUSE

The Private Security Regulation Bill (National Assembly Bill No. 4 of 2014)
(The Leader of the Majority Party)

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

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Thursday, March 03, 2016 - Morning Sitting)

10*. MOTION – THE REPORT ON THE TERM OF THE TRANSITION AUTHORITY

(The 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, 18th February, 2016.

(Resumption of debate interrupted on Thursday, February 25, 2016)

11* **THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 4 OF 2015)**

(The Leader of the Majority Party)

Second Reading

12* **THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY
BILL NO. 12 OF 2015)**

(The Leader of the Majority Party)

Second Reading

13* **THE MISCELLANEOUS FEES AND LEVIES BILL (NATIONAL
ASSEMBLY BILL NO. 30 OF 2015)**

(The Leader of the Majority Party)

Second Reading

14* **THE KENYA DEFENCE FORCES (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILL NO. 41 OF 2015)**

(The Leader of the Majority Party)

Second Reading

*** Denotes Orders of the Day**

**** Denotes Bill with Constitutional Timeline**

N O T I C E S

I. THE PRIVATE SECURITY REGULATION BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2014)

- 1) Notice is given that the Chairperson of the Departmental Committee on Administration and National Security intends to move the following amendments to the Private Security Regulation Bill, 2014 at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended by inserting the following new definitions in their proper alphabetical sequence—

Cap. 114 “firearm” has the meaning assigned to it under the Firearms Act;
 “foreign power” means a foreign government, foreign
 organization or an entity that is directed or controlled by a
 foreign government or foreign organization;

CLAUSE 4

THAT, clause 4 of the Bill be amended by inserting the following new paragraph immediately after paragraph (d)—

“(e) private investigators.”

CLAUSE 11

THAT, clause 11 of the Bill be amended—

(a) in sub clause (1)—

(i) in paragraph (b) by inserting the following new paragraph immediately after paragraph (iv)—

“(v) the National Intelligence Service.”

(ii) by inserting the following new paragraph immediately after paragraph (e)—

“(f) one member nominated by the Kenya Private Sector Alliance.”

(b) in sub clause (2) in paragraphs (a) and (b) by deleting the expression “subsection (2)” and substituting therefor the expression “subsection (1)”

CLAUSE 29

THAT, clause 29 of the Bill be amended in sub clause (2) by inserting the following new paragraph immediately after paragraph (c)—

“(d) has been security-vetted and nothing adverse has been established.”

CLAUSE 30

THAT, clause 30 of the Bill be amended in sub clause (2) by inserting the following new paragraph immediately after paragraph (e)—

“(f) it considers that it is not in the national interest to grant a licence.”

CLAUSE 32

THAT, clause 32 of the Bill be amended in sub clause (1) by inserting the following new paragraph immediately after paragraph (d)—

“(e) the licensee is or has engaged in acts prejudicial to national security or national interests.”

CLAUSE 39

THAT, clause 39 of the Bill be amended in sub clause (1) by inserting the following new paragraphs immediately after paragraph (e)—

“(f) is an agent of foreign power;

“(h) is or has engaged in acts prejudicial to national security or national interests.”

CLAUSE 46

THAT, clause 46 of the Bill be amended in sub clause (3) by inserting the words “in addition to cancellation of license” immediately after the words “commits an offence and shall”.

CLAUSE 47

THAT, clause 47 of the Bill be amended in sub clause (4) by inserting the words “in addition to cancellation of licence” immediately after the words “commits an offence and shall”.

CLAUSE 48

THAT, clause 48 of the Bill be amended in sub clause (3) by inserting the words “Subject to section 45,” immediately before the words “Any information”.

NEW CLAUSE

THAT the following new clause be inserted immediately after clause 49—

Powers excludes
police powers.

49A. For the avoidance of doubt, nothing contained in this Part shall be construed as conferring upon a private security service provider, a security guard or a security officer the powers of a police officer or member of a disciplined service.

CLAUSE 50

THAT, clause 50 of the Bill be amended—

- (a) in sub clause (1) by inserting the following new paragraphs immediately after paragraph (c)—

“(d) use the names, logos, initials and emblems similar or resembling those of a national security organ or a disciplined service.

(e) use or install equipment that is capable of intercepting or otherwise interfering with another person’s communication; and

(f) use or install such other equipment as the Cabinet Secretary may from time to time prescribe.”

- (b) by inserting the following new sub clause immediately after sub clause (3)—

“(4) A person who contravenes this section commits an offence and shall, in addition to cancellation of license, be liable, on conviction, to a penalty prescribed in this Act or any other written law, whichever is higher.”

NEW CLAUSE

THAT the following new clause be inserted immediately after clause 51—

Use of
firearms.

51A. (1) A private security service provider shall not use or allow the use of firearms in the rendering of a security service.

(2) A person who contravenes the provision of this section commits an offence and shall in addition to cancellation of license, be liable on conviction to a penalty prescribed in this Act or any other written law, whichever is higher.

- 2) **Notice is given that the Member for Makadara (Hon. Benson Mutura), intends to move the following amendments to the Private Security Regulation Bill, 2014 at the Committee Stage—**

NEW CLAUSE

THAT the following new clause be inserted immediately after clause 51-

Possession of
firearms.

51A (1) A private security guard may possess a firearm while on duty, but shall only possess the firearm if the guard—

- (a) holds at least a secondary school qualification;
- (b) is serving on a written contract;
- (c) is in possession of a certificate of good conduct from the Criminal Investigation Department;
- (d) has, at the cost borne by the employer, undergone training for a period not less than six months; and
- (e) has been certified as having no history of drug abuse or mental instability by a Government Medical practitioner.

(2) A private security guard in possession of a firearm pursuant to this section shall return the firearm to the nearest police station for safekeeping whenever he or she is not on duty.

(3) A private security guard who pawns, sells, loses by neglect, makes away with or wilfully or negligently damages any firearm or ammunition commits an offence and is liable, on conviction, to imprisonment for a term exceeding five years or a fine not exceeding five hundred thousand, or to both.

- 3) **Notice is given that the Member for Emuhaya (Hon. (Dr.) Wilber Ottichilo), intends to move the following amendments to the Private Security Regulation Bill, 2014 at the Committee Stage—**

CLAUSE 11

THAT, the Bill be amended in clause 11—

(a) in subclause (1) by—

- (i) deleting paragraph (a) and substituting therefor the following new paragraph—

“ (a) a chairperson selected by the selection panel in accordance with the procedure prescribed in the Third Schedule.”

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

“(c) two persons representing the most representative trade union on security related matters, elected in accordance with regulations prescribed by the Cabinet Secretary;”
 - (iii) deleting subclause (d) and substituting therefor the following new paragraph—

“ (d) two persons representing the Federation of Kenya Employers, elected in accordance with regulations prescribed by the Cabinet Secretary;”
 - (iv) inserting the following new paragraph immediately after paragraph (d)—

“(da) two persons representing the Kenya Private Sector Alliance, elected in accordance with regulations prescribed by the Cabinet Secretary;”
- (b) by inserting the following new subclause immediately after subclause (3)—
- “(4) Where the position of chairperson becomes vacant, the President shall appoint a replacement from among the short-listed persons considered by the selection panel in accordance with the Third Schedule, giving due consideration to the rankings and comments of the selection panel, if any.”

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 11—

Selection panel.

11A. (1) For the purposes of this Act, the Cabinet Secretary shall constitute a selection panel comprising a nominee of each of the following bodies—

- (a) the Law Society of Kenya;
- (b) the Kenya Private Sector Alliance; and
- (c) the Federation of Kenya Employers.

(2) The function of the selection panel shall be to nominate persons for appointment as chairperson in accordance with the Third Schedule.

(3) Members of the selection panel shall elect a chairperson and vice-chairperson of the selection panel from among their number.

(4) Subject to the provisions of the Third Schedule, the selection panel shall determine its own procedure.

CLAUSE 23

THAT, clause 23 of the Bill be amended in subclause (2) by inserting the following new paragraphs immediately after paragraph (b)—

“(ba) holds at least a primary school certificate;

(bb) has attended training in security matters in an institution accredited by the Authority;”

CLAUSE 26

THAT, clause 26 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

“(2) An application for renewal under this section shall be made to the Authority in such form and manner as may be prescribed and shall be accompanied by—

(a) the prescribed application fee; and

(b) evidence of having undertaken training in security matters of not less than a week in the preceding year.”

CLAUSE 30

THAT, the Bill be amended by deleting clause 30(2) (e).

CLAUSE 47

THAT, clause 47 of Bill be amended in subclause (5) by inserting the words “, within three months of the commencement of this Act,” immediately after the word “shall”.

CLAUSE 50

THAT, clause 50 of the Bill be amended—

(a) in subclause (3) (a) by inserting the words “and tools” immediately after the words “types of equipment”;

(b) in subclause (2) by inserting the words “and private security providers” immediately after the word “Authority”.

CLAUSE 52

THAT, clause 52 of the Bill be amended in subclause (2) by deleting the words “five hundred thousand” appearing immediately after the words “not exceeding” and substituting therefor the words “fifty thousand”.

CLAUSE 59

THAT, clause 59 of the Bill be amended in subclause (3) by inserting at the end of the subclause the words “and to organize training workshops or seminars for private security providers.”

CLAUSE 65

THAT, clause 65 of the Bill be amended in subclause (4) by inserting the words “in at least two daily newspapers of national circulation” at the end of the subclause.

CLAUSE 68

THAT, clause 68 of the Bill be amended in subclause (2) by—

(a) inserting the following new paragraph immediately after paragraph (d)—

“(da) the provision of protective gear and tools;”

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

“(f) membership of private security service providers to corporate bodies.”

NEW SCHEDULE

THAT, the Bill be amended by inserting the following new schedule immediately after the Second Schedule—

“THIRD SCHEDULE (S. 11A)**PROCEDURE FOR APPOINTING CHAIRPERSON**

1. The selection panel shall, within fourteen days of its convening, by advertisement in at least two daily newspapers of national circulation, invite applications from persons who qualify for nomination and appointment for the position of the chairperson under section 11 of this Act.
2. An application under paragraph 1 shall be submitted to the selection panel within twenty-one days of the advertisement and may be made by any qualified person.
3. The selection panel, shall, within seven days of the expiry of the period prescribed under paragraph 2 —
 - (a) consider the applications received under paragraph 2 to determine their compliance with the provisions of the Constitution and this Act; and
 - (b) submit to the National Assembly five suitably qualified persons for nomination as chairperson.
4. The selection panel shall rank and provide comments regarding each of the finalists to the National Assembly.
5. The National Assembly shall, upon receipt of the recommendations of the selection panel under paragraph 3, nominate two persons for appointment as chairperson and shall submit the names of the two nominees for onward transmission to the President.
6. The Cabinet Secretary shall forthwith forward the names of the persons nominated in accordance with paragraph 5 to the President who shall, by notice in the Gazette, appoint the Chairperson.”

- 4) Notice is given that the Member for Embakasi Central (Hon. John Ndirangu), intends to move the following amendments to the Private Security Regulation Bill, 2014 at the Committee Stage—

CLAUSE 48

THAT, clause 48 be amended by inserting the following new subclause immediately after subclause (1)—

“(1A) An identification document shall not be retained under subsection (1) if the holder of the document requires to use it within the premises, but particulars thereof shall be noted in the register when recording particulars of the holder.”

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.
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NOTICE PAPER

Tentative business for

Tuesday, March 08, 2016

(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 08, 2016:-

A. COMMITTEE OF THE WHOLE HOUSE

- (i) The Protection of the Traditional Knowledge and Traditional Cultural Expressions Bill (National Assembly Bill No. 48 of 2015)
(The Leader of the Majority Party)
- (ii) The Natural Resources (Classes of Transactions Subject to Ratification) Bill (National Assembly Bill No. 54 of 2015)
(The Leader of the Majority Party)
- (iii) The Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No. 44 of 2015)
(The Leader of the Majority Party)

B. THE ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2015)
(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, March 03, 2016 – Morning Sitting)

C. 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, March 03, 2016 – Morning Sitting)

D. THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2015)
(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, March 03, 2016 – Morning Sitting)
