



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, NOVEMBER 12, 2015 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*. MOTION - DEVELOPMENT OF A NATIONAL CURRICULUM FOR
TRAINING OF MEDICAL PERSONNEL ON EMERGENCY
MEDICAL CARE**

(The Hon. Dr. Susan Musyoka, M.P.)

THAT, aware that Article 43 (1) (a) and (2) of the Constitution provides for the right to the highest attainable standard of health for every person; further aware that emergency health care is an important component of standard health services; concerned that many lives continue to be lost due to lack of adequate emergency health care and poor response to emergencies in the country; noting that only 13% of public health facilities in the Country have basic components to support emergency cases; deeply concerned that emergency patients are exposed to untrained personnel and/or good Samaritans who in most cases worsen the situation; cognizant of the need for the Country to have a well-coordinated emergency care system; this House **resolves** that the Government immediately develops and implements a national curriculum for training of all medical personnel in the Country **on emergency medical care**.

(Question to be put)

(Motion as amended)

9. THE PROTECTION OF TRADITIONAL KNOWLEDGE AND
TRADITIONAL CULTURAL EXPRESSIONS BILL (NATIONAL ASSEMBLY
BILL NO. 48 OF 2015)**

(The Leader of the Majority Party)

Second Reading

10. THE FOREST CONSERVATION AND MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2015)**

(The Leader of the Majority Party)

Second Reading

11*. THE GOVERNMENT PROCEEDINGS (AMENDMENT) BILL (SENATE BILL NO.10 OF 2014)

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

12*. THE COUNTY ASSEMBLIES POWERS AND PRIVILEGES BILL (SENATE BILL NO.14 OF 2014)

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

13*. THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILL NO. 24 OF 2014)

(The Chairperson, Departmental Committee on Labour and Social Welfare)

Second Reading

14*. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 3 OF 2014

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

THAT, this House adopts Sessional Paper No. 3 of 2014 on the National Policy and Action Plan on Human Rights, laid on the Table of the House on Wednesday, 3rd June, 2015.

*** Denotes Orders of the Day**

**** Denotes Bill with Constitutional Timeline**

N O T I C E S

The House resolved on Wednesday, February 11, 2015 as follows:-

- I. **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 shall 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.

The House further resolved on Wednesday, November 11, 2015 as follows:-

- II. **THAT**, pursuant to the provisions of Standing Order No. 97(1) and notwithstanding the resolution of the House of 11th February, 2015 regarding limitation of time in debates, each speech in a debate on any **Sessional Paper during the current part of the Session** shall be limited as follows: - A maximum of sixty (60) minutes, with not more than ten (10) minutes for the Mover in moving and five (5) minutes for any other Member speaking, **including** the Leader of the Majority Party and the Leader of the Minority Party and that five (5) minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order
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NOTICE PAPER

Tentative business for

Thursday, November 12(Afternoon), 2015

(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) November 12, 2015:-

**A. MOTION - REPORT ON THE SPECIAL AUDIT REPORT OF THE
JUDICIAL SERVICE COMMISSION (JSC) AND THE JUDICIARY**
(The Chairperson, Public Accounts Committee)

B. COMMITTEE OF THE WHOLE HOUSE

- (i) The Magistrates' Courts Bill (National Assembly Bill No. 40 of 2015)
(The Leader of the Majority Party)

(To commence from Clause 10)

- (ii) The High Court (Organization and Administration) Bill (National Assembly Bill No. 47 of 2015)
(The Leader of the Majority Party)

- (iii) The Small Claims Court Bill (National Assembly Bill No. 51 of 2015)
(The Leader of the Majority Party)

- (iv) The Court of Appeal (Organization and Administration) Bill (National Assembly Bill No. 52 of 2015)
(The Leader of the Majority Party)

- (v) Consideration of the **Presidential Memorandum** on the Higher Education Loans Board (Amendment) Bill (National Assembly Bill No. 09 of 2015)
(The Leader of the Majority Party)

C. THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO.14 OF 2015)
(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Tuesday, November 10, 2015)

D. THE TAX PROCEDURES BILL (NATIONAL ASSEMBLY BILL NO. 29 OF 2015)
(The Leader of the Majority Party)

Second Reading

**E. THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO
RATIFICATION) BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2015)**
(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

G. THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2015)

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

I. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2015)

(The Leader of the Majority Party)

Second Reading



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY NOVEMBER 12, 2015 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 - REPORT OF THE PUBLIC ACCOUNTS COMMITTEE

(The Chairperson, Public Accounts Committee)

THAT, this House adopts the Report of the Public Accounts Committee on the Special Audit Report of the Judicial Service Commission (JSC) and the Judiciary of May, 2014, laid on the Table of the House on Tuesday, 7th July, 2015.

9. COMMITTEE OF THE WHOLE HOUSE**

- (i) The Magistrates' Courts Bill (National Assembly Bill No. 40 of 2015)
(The Leader of the Majority Party)
(To commence from Clause 10)
- (ii) The High Court (Organization and Administration) Bill (National Assembly Bill No. 47 of 2015)
(The Leader of the Majority Party)
- (iii) The Small Claims Court Bill (National Assembly Bill No. 51 of 2015)
(The Leader of the Majority Party)
- (iv) The Court of Appeal (Organization and Administration) Bill (National Assembly Bill No. 52 of 2015)
(The Leader of the Majority Party)
- (v) Consideration of the **Presidential Memorandum** on the Higher Education Loans Board (Amendment) Bill (National Assembly Bill No. 09 of 2015)
(The Leader of the Majority Party)

10*. THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO.14 OF 2015)

(The Leader of the Majority Party)

Second Reading

*(Resumption of debate interrupted on Tuesday, November 10, 2015)***11*. THE TAX PROCEDURES BILL (NATIONAL ASSEMBLY BILL NO. 29 OF 2015)**

(The Leader of the Majority Party)

Second Reading

12. THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION) BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2015)**

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

14. THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2015)**

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

16*. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 27 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 REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE SPECIAL AUDIT REPORT OF THE JUDICIAL SERVICE COMMISSION (JSC) AND THE JUDICIARY

- 1) Notice is given that the Member for Ainabkoi (Hon. Samuel Chepkonga), intends to move the following amendment to the Report of the Public Accounts Committee on the Special Audit Report of the Judicial Service Commission (JSC) and the Judiciary

THAT, the Motion be amended by inserting the words, “subject to the insertion of the following words immediately after the word “JSC” and before the word “should” in line two of recommendation 20 on page 139 of the Report:

“Commissioners Smokin Wanjala, Mohammed Warsame, Ahmednassir Abdullahi, Rev. Samuel Kobia, Christine Mango and Emily Ominde”

- 2) Notice is given that the Nominated Member (Hon. Amina Abdalla), intends to move the following amendment to the Report of the Public Accounts Committee on the Special Audit Report of the Judicial Service Commission (JSC) and the Judiciary

THAT, the Motion be amended by inserting the words “subject to the deletion of recommendation 19 on page 139 of the Report.”

- 3) Notice is given that the Deputy Leader of the Majority Party, intends to move the following amendment to the Report of the Public Accounts Committee on the Special Audit Report of the Judicial Service Commission (JSC) and the Judiciary

THAT, the Motion be amended by inserting the words “subject to the insertion of the following:-

- (i) New recommendation 6.v on page 137 to the Report as follows:-

“v. Mrs. Lydia Achode for her role in the irregular procurement of offices at Mayfair Court Centre, when she was the Registrar of Judiciary.”

- (ii) New recommendation 23 on page 140 to the report as follows:-

“That the Judicial Service Commission forthwith desists from interfering with the financial administrative and operational functions of the Judiciary; and further that National Assembly through the Departmental Committee on Justice and Legal Affairs, undertakes an urgent review of the Judicial Service Act 2011 to address through statute, the unlawful encroachment of the Judicial Service Commission into the administration of the Judiciary which falls outside of its mandate under Article 172 of the Constitution of Kenya”.

I. THE MAGISTRATES' COURTS BILL (NATIONAL ASSEMBLY BILL NO. 40 OF 2015)

Notice is given that the Chairperson of the Committee on Justice and Legal Affairs, intends to move the following amendments to the Magistrates' Courts Bill, 2015 at the Committee Stage—

CLAUSE 7

THAT, clause 7 of the Bill be amended in—

- (a) subclause (1) (a) by deleting the word "seven" and substituting therefor the word "twenty";
- (b) subclause (1) (b) by deleting the word "five" and substituting therefor the word "fifteen";
- (c) subclause (1) (c) by deleting the word "four" and substituting therefor the word "ten";
- (d) subclause (1) (d) by deleting the word "three" and substituting therefor the word "seven";
- (e) subclause (1) (e) by deleting the word "two" and substituting therefor the word "five"
- (f) subclause (3) by deleting paragraph (e) and substituting therefor the following paragraph—
 "(e) matters affecting status, and in particular the status of widows and children including guardianship, custody, adoption and legitimacy; and"

CLAUSE 9

THAT, the Bill be amended by deleting clause 9 and substituting therefor the following clause—

Claims in
employment, labour
relations claims;
land and
environment cases.
Cap. 12A

9. A magistrate's court shall—

- (a) in the exercise of the jurisdiction conferred upon it by section 26 of the Environment and Land Court Act and subject to the pecuniary limits under section 7(1), hear and determine claims relating to—
 - (i) environmental planning and protection, climate issues, land use planning, title, tenure, boundaries, rates, rents, valuations, mining, minerals and other natural resources;
 - (ii) compulsory acquisition of land;
 - (iii) land administration and management;
 - (iv) public, private and community land and contracts, choses in action or other instruments granting any enforceable interests in land; and
 - (v) environment and land generally;
- (b) in the exercise of the jurisdiction conferred upon it by section 29 of the Industrial Court Act, 2011 and subject to the pecuniary limits under section 7(1), hear and determine claims relating to employment and labor relations.

CLAUSE 10

THAT, the Bill be amended by deleting clause 10 and substituting therefor the following clause—

Contempt of
Court.

10. (1) Subject to the provisions of any other law, the Court shall have power to punish for contempt.

(2) A person who, in the face of the Court—

(a) assaults, threatens, intimidates, or insults a magistrate, court administrator, judicial officer, or a witness, during a sitting or attendance in Court, or in going to or returning from the Court;

(b) interrupts or obstructs the proceedings of the Court; or

(c) without lawful excuse disobeys an order or direction of the Court in the course of the hearing of a proceeding, commits an offence.

(3) In the case of civil proceedings, the willful disobedience of any judgment, decree, direction, order, or other process of a court or willful breach of an undertaking given to a court constitutes contempt of court.

(4) In the case of criminal proceedings, the publication, whether by words, spoken or written, by signs, visible representation, or otherwise, of any matters or the doing of any other act which—

(a) scandalizes or tends to scandalize, or lowers or tends to lower the judicial authority or dignity of the court

(b) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or

(c) interferes or tends to interfere with, or obstructs or tends to obstruct the administration of justice, constitutes contempt of court.

(5) A police officer, with or without the assistance of any other person, may, by order of a judge of the Court, take into custody and detain a person who commits an offence under subsection (2) until the rising of the Court.

(6) The Court may sentence a person who commits an offence under subsection (1) to imprisonment for a term not exceeding five days, or a fine not exceeding one hundred thousand shillings, or both.

(7) A person may appeal against an order of the Court made by way of punishment for contempt of court as if it were a conviction and sentence made in the exercise of the ordinary original criminal jurisdiction of the Court.

(8) The Chief Justice may make Rules to regulate procedures relating to contempt of court.

CLAUSE 11

THAT, clause 11 of the Bill be amended in subclause (2) by deleting the words “the magistrate’s court” appearing immediately after the words “administrator by”.

CLAUSE 12

THAT, clause 12 of the Bill be amended in subclause (1) by deleting the words “the magistrate’s court” appearing immediately after the words “Chief Registrar”.

CLAUSE 15

THAT, clause 15 of the Bill be amended—

- (a) in the prefatory statement by deleting the word “under” appearing immediately after the word “specified” and substituting therefor the words “by written law.”
- (b) by deleting paragraphs (a), (b) and (c).

NEW CLAUSES

THAT, the Bill be amended by inserting the following clauses immediately after clause 19—

Rules.

19A. (1) The Chief Justice may make rules generally for the effective organization and administration of the Magistrates’ Court.

(2) Without prejudice to the generality of subsection (1) (b), such rules may provide for the—

- (a) procedure of handling claims relating to violation of human rights;
- (b) general practice and procedure of Magistrates’ Courts;
- (c) supervision and inspection of Magistrates’ Courts;
- (d) automation of Court records, case management, protection and sharing of Court information and the use of information communication technology;
- (e) form, style, storage, maintenance and retrieval of Court records; and
- (f) procedure relating to contempt of court.

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

(a) the purpose and objective of the delegation under this section is to enable the Chief Justice to make rules to provide for the better administration and organization of the Court;

(b) the authority of the Chief Justice to make rules under this Act is limited to bringing into effect the provisions of this Act and fulfilment of the objectives specified under this section;

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No. 23
of
2013

(c) the principles and standard applicable to the rules made under this section are those set out in the Interpretations and General Provisions Act and the Statutory Instruments Act, 2013.

Code
of
Condu
ct for
magistr
ates.

19B. The Chief Justice shall, within six months of the commencement of this Act, prescribe the code of conduct applicable to magistrates.

CLAUSE 21

THAT, clause 21 of the Bill be amended in the proposed new section 48 (1) of the Law of Succession Act by deleting the expression "2013 Provided that for the purpose of this section in any place where both the High Court and a magistrates' courts are reasonably accessible, the High Court shall have exclusive jurisdiction to make all grants of representation and determine all disputes under this Act" appearing immediately after the words Magistrates' Courts Act" and substituting therefor the expression "2015"

CLAUSE 22

THAT, clause 22 of the Bill be amended in paragraph (b) of the proposed amendments to section 49 of the Law of Succession Act by deleting the expression "5(1) of the Magistrates' Courts Act, 2013" and substituting therefor the expression "7(1) of the Magistrates' Courts Act, 2015".

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 22—

Amendment of
section 26 of
Cap. 12A

23. Section 26 of the Environment and Land Court Act is amended by inserting the following subsections immediately after subsection (2)—

"(3) The Chief Justice may, by notice in the *Gazette*, appoint certain magistrates to preside over cases involving employment and labour relations in respect of any area of the country.

(4) Appeals on matters from the designated magistrate's courts shall lie with the Court."

II. THE HIGH COURT (ORGANIZATION AND ADMINISTRATION) **BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2015)**

Notice is given that the Chairperson of the Committee on Justice and Legal Affairs, intends to move the following amendments to the High Court (Organization and Administration) Bill, 2015 at the Committee Stage—

CLAUSE 3

THAT, clause 3 of the Bill be amended in subclause (1) by deleting paragraph (f).

CLAUSE 10

THAT, clause 10 of the Bill be amended—

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

"(1) The Court shall subject to subsections (2), (3) and (9) sit continuously for the trial of criminal cases and disposal of civil and other legal business of the Court."

(b) in subclause (2)—

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

"(a) from the 7th of January to the Thursday before Good Friday;"

- (ii) in paragraph (b) by deleting the word “week” appearing immediately after the word “Easter”;
- (iii) in paragraph (c) by deleting the words “1st September” appearing immediately after the words “from the” and substituting therefor the words “15th August”.
- (c) in subclause (4) by deleting the word “fo” appearing immediately after the word “measures” and substituting therefor the word “for”;
- (d) by inserting the following subclause immediately after subclause (8)—

“(9) The Chief Justice shall prescribe rules to ensure that matters are disposed of within twelve months from the date the Court first sets the matters down for hearing.”

CLAUSE 13

THAT, clause 13 of the Bill be amended by inserting the following subclause immediately after subclause (1)—

(1A) For the purpose of effective hand-over, a judge shall report at the new duty station within three months from the date on which he or she was notified of the transfer.

(1B) The Chief Justice shall take into account the level expertise and legal specialization in the deployment of judges under subsection (1) (b)."

CLAUSE 14

THAT, clause 14 of the Bill be amended in the prefatory statement by inserting the words “,in so far as is reasonably practicable,” immediately after the words “which shall”.

CLAUSE 16

THAT, clause 16 of the Bill be amended in paragraph (e) by deleting the word “efficiency” appearing immediately after the word “effectiveness” and substituting therefor the words “expeditious disposal of matters”.

CLAUSE 19

THAT, clause 19 of the Bill be amended by—

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

“(b) has, since admission to the Roll of Advocates attained at least five years’ experience as legal practitioner”

- (b) deleting paragraph (c).

CLAUSE 20

THAT, clause 20 of the Bill be amended in subclause (1) by deleting the prefatory statement and substituting therefor the following statement—

“The Registrar shall perform such duties as the Chief Registrar or the Principal Judge may direct, and in particular be responsible for—”

CLAUSE 23

THAT, clause 23 of the Bill be amended in subclause (1) by inserting the words "to the Commission" immediately after the words "recommendations".

CLAUSE 25

THAT, clause 25 of the Bill be amended—

- (a) in the prefatory statement by deleting the word "under" appearing immediately after the word "prescribed" and substituting therefor the words "by written law."
- (b) by deleting paragraphs (a), (b) and (c).

CLAUSE 26

THAT, clause 26 of the Bill be amended—

- (a) in subclause (1) by deleting the word "any" appearing immediately after the word "In" and substituting therefor the word "civil"
- (b) in subclause (4) by deleting the word "off" appearing immediately after the word "stay".

CLAUSE 27

THAT, clause 27 of the Bill be amended in subclause (1) by deleting the words "initiate" appearing immediately after the words "judge shall" and substituting therefor the word "implement".

CLAUSE 28

THAT, clause 28 of the Bill be amended in subclause (1) by deleting the words "There shall be" and substituting therefor the words "The Registrar shall maintain".

CLAUSE 29

THAT, clause 29 of the Bill be amended in subclause (1) by—

- (a) deleting the words " Chief Justice and the Chief Registrar" appearing immediately after the words "consultation with the" and substituting therefor the words "Commission";
- (b) deleting subclause (2).

CLAUSE 33

THAT, clause 33 of the Bill be amended in subclause (1) by deleting the word "person" appearing immediately after the words "or other" and substituting therefor the words "judicial officer".

CLAUSE 35

THAT, clause 35 of the Bill be amended in subclause (1) by deleting the words "under the Civil Procedure Act or the Criminal Procedure Code" appearing immediately after the word "prescribed" and substituting therefor the words "by written law".

CLAUSE 36

THAT, clause 36 of the Bill be amended in subclause (6) by deleting the words "two years, or to a fine not exceeding two million" and substituting therefor the words "six months, or to a fine not exceeding five hundred thousand".

CLAUSE 39

THAT, the Bill be amended by deleting clause 39.

CLAUSE 40

THAT, the Bill be amended by deleting clause 40 and substituting therefor the following clause—

- Rules. **40.** (1) The Chief Justice may, in consultation with the Principal Judge, make rules generally for the effective organization and administration of the High Court.—
- (2) Without prejudice to the generality of subsection (1), such rules may provide for the—
- (a) conduct of the election of the Principal Judge;
 - (b) procedure of removal of the President of the Court;
 - (c) disposal of urgent and priority matters during Court recess;
 - (d) disposal of matters within twelve months from the date the Court sets the matters down for hearing;
 - (e) automation of Court records, case management, protection and sharing of Court information and the use of information communication technology;
 - (f) form, style, storage, maintenance and retrieval of Court records; and
 - (g) procedure relating to contempt of court.
- (3) For the purposes of Article 94 (6) of the Constitution—
- (a) the purpose and objective of the delegation under this section is to enable the Chief Justice to make rules to provide for the better administration and organization of the Court;
 - (b) the authority of the Chief Justice to make rules under this Act is limited to bringing into effect the provisions of this Act and fulfilment of the objectives specified under this section;
 - (c) the principles and standard applicable to the rules made under this section are those set out in the Interpretations and General Provisions Act and the Statutory Instruments Act, 2013.

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No. 23 of
2013

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 40—

- Code of Conduct of judges of the Court. **41.** The Chief Justice shall, within six months of the commencement of this Act, prescribe the code of conduct applicable to a judge of the Court.

III. THE SMALL CLAIMS COURT BILL (NATIONAL ASSEMBLY BILL NO. 51 OF 2015)

- 1) Notice is given that the Chairperson of the Committee on Justice and Legal Affairs, intends to move the following amendments to the Small Claims Court Bill, 2015 at the Committee Stage—

CLAUSE 5

THAT, clause 5 of the Bill be amended in subclause (2) (b) by deleting the word “five” appearing immediately after the words “at least” and substituting therefor the word “three”.

CLAUSE 8

THAT, clause 8 of the Bill be amended—

- (a) in paragraph (a) by deleting the word “and” appearing immediately after the word “experience” and substituting therefor the word “or”;
- (b) by deleting paragraph (b) and substituting therefor the following paragraph—
“(b) has trained as a paralegal at the Kenya School of Law.”

CLAUSE 12

THAT, clause 12 of the Bill be amended—

- (a) in subclause (1) (a) by inserting the word “or” immediately after the word “goods”;
- (b) in subclause (1) (C) by deleting the word “of” appearing immediately after the word “delivery” and substituting therefor the word “or”;
- (c) in subclause (3) by deleting the word “one” appearing immediately after the words “limited to” and substituting therefor the word “two”;

CLAUSE 13

THAT, clause 13 of the Bill be amended—

- (a) in subclause (1)(b) by deleting the words “or abandoned” appearing immediately after the word “withdrawn”;
- (b) by inserting the following subclause immediately after subclause (2)—
“(3) subject to section 12 (3), a higher Court may transfer a claim to a Small Claims Court.”

CLAUSE 15

THAT, clause 15 of the Bill be amended—

- (a) by deleting subclause (2);
- (b) by deleting subclause (3);
- (c) in subclause (4) by deleting the expression “, (2) and (3)” appearing immediately after the expression “(1)”.

CLAUSE 18

THAT, clause 18 of the Bill be amended in subclause (2) by inserting the word “mechanism” immediately after the word “resolution”.

CLAUSE 21

THAT, clause 21 of the Bill be amended by deleting subclause (3).

CLAUSE 23

THAT, clause 23 of the Bill be amended in subclause (2) by deleting the word “the” appearing immediately after the words “prejudice to”.

CLAUSE 26

THAT, clause 26 of the Bill be amended—

- (a) in subclause (3) by deleting the word “had” appearing immediately after the words “on the claim” and substituting therefor the word “has”;

- (b) in subclause (5) by deleting the expression “, (3) or (4)” appearing immediately after the expression “(1), (2)” and substituting therefor the expression “or (3)”.

CLAUSE 27

THAT, clause 27 of the Bill be amended in subclause (3) by deleting the expression “(1)” appearing immediately after the word “subsection” and substituting therefor the expression “(2)”.

CLAUSE 28

THAT, clause 28 of the Bill be amended in subclause (2) by deleting the word “had” appearing immediately after the words “on the claim” and substituting therefor the word “has”.

CLAUSE 32

THAT, clause 32 of the Bill be amended—

- (a) in subclause (1) by deleting the words “by the strict” appearing immediately after the word “bound” and substituting therefor the words “wholly by the”;
- (b) by deleting subclause (8).

CLAUSE 33

THAT, clause 33 of the Bill be amended in subclause (4) by inserting the word “be” immediately after the words “shall not”.

CLAUSE 37

THAT, clause 37 of the Bill be amended—

- (a) by deleting subclause (2);
- (b) in subclause (5) by deleting the expression “46 (3)” appearing immediately after the words “under section” and substituting therefor the expression “40”.

CLAUSE 38

THAT, clause 38 of the Bill be amended by deleting the word “matter” appearing immediately after the words “High Court on” and substituting therefor the word “matters”.

CLAUSE 39

THAT, clause 39 of the Bill be amended by inserting the following paragraph immediately after paragraph (a)—

“(aA) order the attachment of the salary of the judgment debtor; or”

CLAUSE 40

THAT, clause 40 of the Bill be amended by inserting the words “or any other of his or her assets” immediately after the words “immovable property”.

CLAUSE 41

THAT, clause 41 of the Bill be amended—

- (a) in subclause (1)—
 - (i) in the prefatory statement by deleting the word “its” appearing immediately after the words “party or on” and substituting therefor the words “his or her”;
 - (ii) by inserting the following paragraph immediately after paragraph (d)—

“(e) new facts previously not before the Court have been discovered by either of the parties.”
- (b) in subclause (2) by inserting the words “or such other period as the Court may allow” immediately after the word “reviewed”.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 50—

Code of
Conduct for
Adjudicators.

51. The Chief Justice shall, within six months of the commencement of this Act, prescribe the code of conduct applicable to an Adjudicator.

2) Notice is given that the Member for Wajir County, (Hon. Fatuma I. Ali) intends to move the following amendments to the Small Claims Court Bill, 2015 at the Committee Stage—

CLAUSE 5

THAT, clause 5 be amended-

- (i) in sub-clause (2)(a) by inserting the following words after the words "High Court of Kenya" "or a holder of a degree in social science"
- (ii) in sub-clause (2)(b) by deleting the words "legal" and substituting therefor the word "relevant"

CLAUSE 11

THAT, clause 11 be amended in sub-clause (2) by deleting the word "sub-county" and substituting therefor the word "ward"

IV. THE COURT OF APPEAL (ORGANIZATION AND ADMINISTRATION) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2015)

Notice is given that the Chairperson of the Committee on Justice and Legal Affairs, intends to move the following amendments to the Court of Appeal (Organization and Administration) Bill, 2015 at the Committee Stage—

CLAUSE 7

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

"(1) The President of the Court may, in consultation with the Chief Justice, organize the Court into such divisions as may be necessary for specialized and expeditious disposal of appeals before it."

CLAUSE 13

THAT, clause 13 of the Bill be amended in subclause (2)—

- (a) in the prefatory statement by inserting the words ",in consultation with the Chief Justice," immediately after the word "shall";
- (b) by deleting paragraph (b) and substituting therefor the following paragraph—

"(b) developing guidelines that ensure the expeditious disposal of cases;"

CLAUSE 15

THAT, clause 15 of the Bill be amended—

- (a) in subclause (1) by deleting the words “not less than three quarters” appearing immediately after the words “at which” and substitute therefore the words “more than half”;
- (b) by deleting subclause (3) and substituting therefor the following subclause—

“(3) A judge who desires the removal of the President of the Court shall give notice, in writing through the Registrar, stating the reasons for the intended removal.”
- (c) in subclause (4) by deleting the word “half” appearing immediately after the words “at least” and substituting therefor the words “one third”;
- (d) in subclause (5) by deleting the words “forty-five days after receipt of the communication under subsection (3) respond to the accusations” appearing immediately after the word “within” and substituting therefor the words “fourteen days after receipt of the communication under subsection (3) respond, through the Registrar, to the accusations”;
- (e) in subclause (6) by deleting the words “in such a manner as to reach all the judges within the period set out in that subsection” appearing immediately after the word “communicated” and substituting therefor the words “by the Registrar to all judges within seven days”;
- (f) in subclause (7) by deleting the word “shall” appearing immediately after the words “Chief Justice” and substituting therefor the word “may”.

CLAUSE 19

THAT, clause 19 of the Bill be amended in subclause (3) by deleting the word “but” appearing immediately after the word “shall” and substituting therefor the word “put”;

CLAUSE 20

THAT, clause 20 of the Bill be amended in subclause (1) by deleting the words “the Commission may determine” appearing immediately after the words “Court as” and substituting therefor the words “may be appointed under the Judicial Service Act, 2011.”

CLAUSE 22

THAT, clause 22 of the Bill be amended in subclause (1) by deleting the prefatory statement and substituting therefore the following statement—

“The Registrar shall perform such duties as the Chief Registrar or the President of the Court may direct, and in particular be responsible for—”

CLAUSE 26

THAT, clause 26 of the Bill be amended in subclause (1)—

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

- “(a) from the Thursday before Good Friday to the Wednesday after Easter Monday, inclusive;”
- (b) in paragraph (b) by deleting the word “September” and substituting therefor the word “August”;
- (c) in paragraph (c) by deleting the expression “13th” and substituting therefor the expression “7th”.

CLAUSE 27

THAT, clause 27 of the Bill be amended—

- (a) in subclause (1) by deleting the words “adopted by the Court” appearing immediately after the word “policy” and substituting therefor the words “determined by the Commission”;
- (b) by deleting subclause (2).

CLAUSE 28

THAT, clause 28 of the Bill be amended—

- (c) in the prefatory statement by deleting the word “under” appearing immediately after the word “prescribed” and substituting therefor the words “by written law.”
- (d) by deleting paragraphs (a), (b) and (c).

CLAUSE 29

THAT, clause 29 of the Bill be amended in subclause (1) by deleting the words “initiate” appearing immediately after the words “judge shall” and substituting therefor the word “implement”.

CLAUSE 30

THAT, clause 30 of the Bill be amended in subclause (1) by deleting the words “There shall be” and substituting therefor the words “The Registrar shall maintain”.

CLAUSE 31

THAT, clause 31 of the Bill be amended in subclause (1) by—

- (c) deleting the words “ Chief Justice and the Chief Registrar” appearing immediately after the words “consultation with the” and substituting therefor the words “Commission”;
- (d) deleting subclause (2).

CLAUSE 34

THAT, clause 34 of the Bill be amended in subclause (1) by deleting the words “under the Civil Procedure Act or the Criminal Procedure Code” appearing immediately after the word “prescribed” and substituting therefor the words “by written law”.

CLAUSE 35

THAT, the Bill be amended by deleting clause 35 and substituting therefore the following clause—

Contempt
of Court.

35. (1) Subject to the provisions of any other law, the Court shall have power to punish for contempt.

(2) A person who, in the face of the Court—

- (d) assaults, threatens, intimidates, or insults a judge of the Court, the Registrar of the Court, a Deputy Registrar or officer of the Court, or a witness, during a sitting or attendance in Court, or in going to or returning from the Court;
- (e) interrupts or obstructs the proceedings of the Court; or
- (f) without lawful excuse disobeys an order or direction of the Court in the course of the hearing of a proceeding,
commits an offence.

(3) In the case of civil proceedings, the willful disobedience of any judgment, decree, direction, order, or other process of a court or willful breach of an undertaking given to a court constitutes contempt of court.

(4) In the case of criminal proceedings, the publication, whether by words, spoken or written, by signs, visible representation, or otherwise, of any matters or the doing of any other act which—

- (d) scandalizes or tends to scandalize, or lowers or tends to lower the judicial authority or dignity of the court
- (e) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or
- (f) interferes or tends to interfere with, or obstructs or tends to obstruct the administration of justice,
constitutes contempt of court.

(5) A police officer, with or without the assistance of any other person, may, by order of a judge of the Court, take into custody and detain a person who commits an offence under subsection (2) until the rising of the Court.

(6) The Court may sentence a person who commits an offence under subsection (1) to imprisonment for a period not exceeding six months, or a fine not exceeding five hundred thousand shillings, or both.

(7) A person may appeal against an order of the Court made by way of punishment for contempt of court as if it were a conviction and sentence made in the exercise of the ordinary original criminal jurisdiction of the Court.

(8) The Chief Justice may make Rules to regulate procedures relating to contempt of court.

CLAUSE 36

THAT clause 36 of the Bill be amended by deleting the words “,so far as it is appropriate to do so” appearing immediately after the word “Republic”.

CLAUSE 37

THAT, clause 37 of the Bill be amended in subclause (1) by deleting the word “person” appearing immediately after the words “or other” and substituting therefor the words “judicial officer”.

CLAUSE 38

THAT, clause 38 of the Bill be amended by inserting the following subclause immediately after subclause (1)—

“(1A) Without prejudice to the generality of subsection (1), such Rules may provide for the—

- (a) conduct of the election of the President of the Court;
- (b) procedure of removal of the President of the Court;
- (c) form of notification of the sittings of the Court;
- (d) disposal of urgent and priority matters during Court recess;
- (e) automation of Court records, case management, protection and sharing of Court information and the use of information communication technology;
- (f) form, style, storage, maintenance and retrieval of Court records; and
- (g) procedure relating to contempt of court.”

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 38—

Code of
Conduct for
judges of the
Court.

38A. The Chief Justice shall, within six months of the commencement of this Act, prescribe the code of conduct applicable to a judge of the Court.

V. CONSIDERATION OF THE PRESIDENTIAL MEMORANDUM ON
THE HIGHER EDUCATION LOANS BOARD (AMENDMENT)
BILL (NATIONAL ASSEMBLY BILL NO. 09 OF 2015)

Amendments recommended by H. E. the President to the Higher Education Loans Board (Amendment) Bill (National Assembly Bill No. 09 of 2015)

CLAUSE 2

THAT, Clause 2 of the Bill be amended by:-

- (i) deleting the proposed paragraph 4(1)(ia); and
- (ii) deleting the proposed sub-section 4(2A).

CLAUSE 3

THAT, Clause 3 of the Bill be amended by:-

- (i) deleting the proposed sub-section 13(1A); and
- (ii) deleting the proposed sub-section 13(1B).

CLAUSE 4

THAT, Clause 4 of the Bill be amended by deleting the proposed sub-section (6).

CLAUSE 5

THAT, Clause 5 of the Bill be amended by:-

- (i) deleting the proposed sub-section (1A); and
- (ii) deleting the proposed sub-section 15(1B).

The House resolved on Wednesday, February 11, 2015 as follows:-

- VI. **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 shall 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.
- VII. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion**, including a Special motion shall 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.

NOTICE PAPER

Tentative business for

Tuesday November 17, 2015

(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 November 17, 2015:-

A. THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO.14 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, November 12, 2015 – Afternoon Sitting)

B. THE TAX PROCEDURES BILL (NATIONAL ASSEMBLY BILL NO. 29 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, November 12, 2015 – Afternoon Sitting)

C. THE PROTECTION OF TRADITIONAL KNOWLEDGE AND TRADITIONAL CULTURAL EXPRESSIONS BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, November 12, 2015 – Afternoon Sitting)

D. THE FOREST CONSERVATION AND MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, November 12, 2015 – Afternoon Sitting)

E. THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION) BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, November 12, 2015 – Afternoon Sitting)

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

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, November 12, 2015 – Afternoon Sitting)

G. THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, November 12, 2015 – Afternoon Sitting)

H. 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, November 12, 2015 – Afternoon Sitting)

I. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, November 12, 2015 – Afternoon Sitting)

J. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 11 OF 2014 ON THE NATIONAL EDUCATION FOR SUSTAINABLE DEVELOPMENT POLICY

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