



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

VOTES & PROCEEDINGS

TUESDAY, FEBRUARY 14, 2017

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. Presiding - the Speaker
4. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following Communications –

Request for Re-committal of a Clause in the Privatization (Amendment) Bill, 2016

“Honourable Members, on Thursday, February 09, 2017, the House considered the Privatization (Amendment) Bill, 2016 (National Assembly Bill No. 27 of 2016) in Committee of the Whole House. The Bill is therefore due for Third Reading in accordance with our procedures. However, I have since received a request, in the form of a motion from the Leader of the Majority Party, for the House to rescind its decision on the agreement with the report of the Committee of the Whole House on the consideration of the Privatization (Amendment) Bill, 2016.

Honourable Members, the essence of the request is that as currently carried, the law requires the approval of “...the relevant committee of Parliament...” in the appointment of the members of the Privatization Commission. This poses two technicalities. First, approval for appointments is by practice the jurisdiction of the House and not a committee of the House. Secondly, though the law had been passed prior to the bicameral legislature where Parliament and the National Assembly referred to one and the same thing, the meaning of Parliament in the current scenario presupposes both Houses. It would therefore be prudent to clearly state the intention of the law as envisioned by its drafters in 2005.

Consequently Honourable Members, pursuant to the provisions of Standing Order 49(2)(a), I have allowed the Leader of the Majority Party to move the motion for rescission and re-committal of the clause as indicated in the Supplementary Order Paper.

Thank you”.

5. **PETITIONS**

The Speaker conveyed the following Petition to the House –

Unfair Dismissal of ex-Cpl. Benjamin Chelang'a by the Kenya Defence Forces

“Honourable Members, Pursuant to the provisions of Standing Order 225(2) (b), I hereby convey to the House that my office is in receipt of a Petition from one EX-CPL Benjamin Chelang'a Lombelo regarding unfair termination of employment by the Kenya Defence Forces.

Honourable Members, the Petitioner alleges that while serving as a corporal at the Kenya Defence Forces he was unfairly disciplined on false accusation, imprisoned for forty two days and later dismissed from service even after seeking early retirement. The Petitioner claims that this action contravenes Article 41 of the Constitution and the provisions of the Employment Act, 2007 (Cap.226).

Honourable Members, the Petitioner therefore prays that the National Assembly examines the legitimacy of the process applied in his dismissal and in the classification of the his conduct as 'Good' instead of 'Very Good' as indicated in the termination of service certificate.

Honourable Members, you will agree with me that the prayers sought by the Petitioner can be settled at the Court Martial or any other appropriate Court. However, Article 95 (2) which provides that the National Assembly deliberates on and resolves issues of concern to the people, obligates the House to also attempt to address such matters, with a view to resolving them. It may be well that the grievances of the Petitioner may be resolved without having to result to a Court Martial process or any other court for that matter.

Honourable Members, this Petition therefore stands committed to the Departmental Committee on Labour and Social Welfare for consideration. The Committee is requested to consider the Petition and report its findings within sixty days in accordance with Standing Order 227 (2).

Thank you!”

6. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The Memorandum to the National Assembly on the Ratification of the Amendment to Article 24(2) of the Protocol on the Establishment of the East African Community Customs Union;
- (ii) Draft Elections (Registration of Voters)(Amendment) Regulations, 2017
- (iii) Draft Elections (General)(Amendment) Regulations, 2017
- (iv) Draft Elections (Voter Education) Regulations, 2017
- (v) Draft Elections (Party Primaries and Party Lists) Regulations, 2017 and the Explanatory Memorandum

- (vi) The Reports of the Auditor-General on the Financial Statements in respect the following Constituencies for the year ended 30th June, 2015 and the certificates therein:-
- (a) Kandara Constituency; and
 - (b) Garissa Township Constituency.
- (vii) The Reports of the Auditor-General on the Financial Statements in respect the following institutions for the year ended 30th June, 2016 and the certificates therein:-
- (a) Anti-FGM Board;
 - (b) Revenue Statement of the Judiciary;
 - (c) Water Services Trust Fund.

(The Leader of the Majority Party)

7. **STATEMENTS**

The Minority Party Whip issued a Statement regarding the demise of the Senator for Kwale County, the Late Sen. Boy Juma Boy, M.P. on Saturday, 11th February, 2017 while undergoing treatment. He eulogized the Late Senator as having been an astute, forthright and charismatic leader, whose death had dealt a huge blow to the Late Senator's family, the people of Kwale County, the institution of Parliament and the nation as a whole. He conveyed the condolences of the Minority Party to the family for the loss. Several other Members also eulogized the Late Senator and conveyed their condolences to the family.

8. **PROCEDURAL MOTION - THE PRIVATIZATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO 27 OF 2016)**

Motion made and Question proposed –

THAT, Pursuant to the provisions of Standing Order 49 (2)(a), this House resolves to rescind the decision made by the House on Thursday, February 09, 2017 regarding the Question that “this House do agree with the Report of the Committee of the whole House on the Privatization (Amendment) Bill (National Assembly Bill No.27 of 2016)” and further pursuant to the provisions of Standing Order 136 resolves to agree with the Committee of the whole House on the said report subject to re-committal of Clause 3 of the Bill.

(The Leader of the Majority Party)

There being no debate arising;

Mover replied;

Question put and agreed to;

9. **THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2017)**

Order for Third Reading read;

Motion made and question proposed –

THAT, the Division of Revenue Bill (National Assembly Bill No. 2 of 2017) be now read a Third Time.

(Chairperson, Budget and Appropriations Committee – 09.02.2017)

Debate on the Third Reading having been concluded on Thursday, February 09, 2017;

Question put and agreed to;

Bill read a Third Time and **passed**.

10. **THE MOVABLE PROPERTY SECURITY RIGHTS BILL (NATIONALASSEMBLY BILL NO. 50 OF 2016)**

Order for Second Reading read;

Motion made and question proposed -

THAT, the Movable Property Security Rights Bill (National Assembly Bill No. 50 of 2016) be now read a Second Time.

(The Leader of the Majority Party – 09.02.2017)

Debate on the Second Reading having been concluded on Thursday, February 09, 2017;

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the whole House tomorrow.

11. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The First Chairperson in the Chair

(i) **The Privatization (Amendment) Bill (National Assembly Bill No. 27 of 2016)**

Re-committal

Clause 3 - further amendment proposed

THAT the Bill be further amended by—

- (a) numbering the words appearing after the expression “section 5(1)(d)” as paragraph (a); and
- (b) inserting the following new paragraph after the proposed paragraph (a) —
 “(b) by deleting the words “relevant committee of Parliament” and substituting therefor the word “National Assembly”.

(The Leader of the Majority Party)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Clause 3 - as amended agreed to

Bill to be reported with amendments.

(ii) **The Public Appointments (County Assemblies Approval) Bill (Senate Bill No. 20 of 2014)**

Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 - agreed to

First Schedule and Second Schedule - agreed to

Clause 2 - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported without amendments.

(iii) **The County Early Childhood Education Bill (Senate Bill No.23 of 2014)**

Clause 3 - agreed to

Clause 4 - amendment proposed

THAT clause 4 of the Bill be amended in paragraph (a) by inserting the word “basic” immediately after the word “compulsory”

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to

Clauses 5, 6 & 7 - agreed to

Clause 8 - amendment proposed

THAT clause 8 of the Bill be amended-

- (a) in subsection (1) by deleting the words “child fails to attend an education centre, the principal” and substituting therefor the words “pupil admitted in an education centre fails to attend the education centre, the head teacher”
- (b) by deleting the word “child” wherever it appears and substituting therefor the word “pupil”.

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 8 - as amended agreed to

Clause 9 - as amended agreed to

THAT clause 9 of the Bill be amended —

- (a) in sub-clause (1) by deleting the words “establish a mechanism for the identification of children with special needs and”;
- (b) by deleting sub-clause 2 and substituting therefor the following new sub-clause—
 - (2) In performing the functions under subsection (1) the county executive committee member shall—
 - (a) ensure that there are adequate learning institutions and facilities for children with disabilities; and
 - (b) put in place necessary facilities to assist children with disabilities to access to affordable assistive aids and devices.
- (c) by deleting sub-clause 3.

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 9 - as amended agreed to

Clause 10 - as amended agreed to

THAT clause 10 of the Bill be amended—

- (a) by deleting the words “including education centers for children with special needs”; and
- (b) by inserting the words “of the Constitution” immediately after the words “Article 53”.

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 10 - as amended agreed to

Clause 11 - as amended agreed to

THAT clause 11 of the Bill be amended—

- (a) in sub-clause (1) by—
 - (i) Deleting the word “persons” appearing in paragraph (a) and substituting therefor the words “education centre”;

- (ii) Deleting paragraph (b);
 - (b) In sub clause (2) by deleting the words “upon payment of such a fee as the Registrar shall determine”.
- (Chairperson, Departmental Committee on Education, Research & Technology)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 11 - as amended agreed to

Clause 12 - amendment proposed -

THAT clause 12 of the Bill be amended by—

- (a) deleting the word “Part “ and substituting therefor the word “Act”; and
- (b) renumbering the existing provision as subclause (1) and inserting the following new subclause immediately after the proposed new subclause (1) —

“(2) A person who fails to comply with subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years, or to both.”

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 12 - as amended agreed to

Clause 13 - amendment proposed -

THAT clause 13 of the Bill be amended in sub-clause (2)—

- (a) by deleting the word “institution” appearing in paragraph (b) and substituting therefor the word “education centre”;
- (b) by deleting the word “institution” appearing in paragraph (c) and substituting therefor the word “education centre”; and
- (c) by deleting the word “institution” appearing in paragraph (d) and substituting therefor the word “education centre”.

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 13 - as amended agreed to

Clause 14 - amendment proposed -

THAT clause 14 of the Bill be amended by deleting the expression “71” and substituting therefor the expression “70”

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 14 - as amended agreed to

Clause 15 - amendment proposed -

THAT clause 15 of the Bill be amended in subclause (3) by deleting the word “a private” appearing in paragraph (b) and substituting therefor the word “an”.

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 15 - as amended agreed to

Clause 16 - amendment proposed -

THAT clause 16 of the Bill be amended —

- (a) in sub-clause (2) by deleting the words “ with the consent of the principal” appearing in paragraph (b) and substituting therefor the words” in the opinion of the department, a shorter time is necessary”;
- (b) in sub-clause (4) by deleting the word “principal” and substituting therefor the word “head teacher” ;and
- (c) in sub-clause (5) by deleting the word “a private” appearing in paragraph (a)and substituting therefor the word “an”.

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 16 - as amended agreed to

Clause 17 - amendment proposed -

THAT clause 17 of the Bill be amended —

- (a) in the opening statement by deleting the word “centre” appearing immediately after the word “such” and substituting therefor the word “institution”;
- (b) in paragraph (e) by deleting the word “education” ;and
- (c) in paragraph (f) by deleting the word “principal” and substituting therefor the word “head teacher”
(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 17 - as amended agreed to

Clause 18 - agreed to

Clause 19 - amendment proposed -

THAT clause 19 of the Bill be deleted and substituted.–

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 19 - as amended agreed to

Clauses 20, 21 & 22 - agreed to

Clause 23 - amendment proposed -

THAT clause 23 of the Bill be amended—

- (a) in sub-clause (1) by inserting the word “County Education” immediately before the word “Board”;
 - (b) in sub-clause (2) by—
 - (i) Inserting the word “County Education” immediately before the word “Board”;
 - (ii) Deleting the word “ principal” appearing in paragraph (a) and substituting therefor the word “head teacher”;
 - (iii) Deleting the word “ principal” appearing in paragraph (b) and substituting therefor the word “head teacher”;
 - (iv) deleting the word “children” appearing in paragraph(b) and substituting therefor the term “pupils”
 - (c) in sub-clause (3) by inserting the word “County Education” immediately before the word “Board”;
- (Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 23 - as amended agreed to

Clause 24 - amendment proposed -

THAT clause 24 of the Bill be amended—

- (a) in the marginal note by deleting the word “children” and substituting therefor the word “pupils”
 - (b) in the opening statement by deleting the word “children” and substituting therefor the word “pupils”
 - (c) in subclause (2) by—
 - (i) inserting the word “County Education” immediately before the word “Board”;
 - (ii) deleting the word “principal of the centre” appearing in paragraph (a) and substituting therefor the word “head teacher”;
 - (d) in subclause (3) by—
 - (i) inserting the word “County Education” immediately before the word “Board”;
 - (ii) by deleting the word “children” appearing in paragraph (a) and substituting therefor the word “pupils”
 - (iii) deleting the word “principal” appearing in paragraph (b) and substituting therefor the word “head teacher”;
- (Chairperson, Departmental Committee on Education, Research & Technology)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 24 - as amended agreed to

Clause 25 - amendment proposed -

THAT clause 25 of the Bill be amended—

- (a) in sub-clause (1) by—
 - (i) deleting the words “by it”
 - (ii) inserting the word “County Education” immediately before the word “Board” appearing in subparagraph (a) (ii);
 - (iii) by deleting the word “ principal” appearing in paragraph (b) and substituting therefor the word “head teacher”;
 - (b) in subclause (2) by—
 - (i) inserting the word “County Education” immediately before the word “Board” wherever it appears”;
 - (ii) deleting the word “officer” appearing in paragraph (a) and substituting therefor the word “committee”
 - (iii) deleting the word “ principal” appearing in paragraph (b) and substituting therefor the word “head teacher”;
- (Chairperson, Departmental Committee on Education, Research & Technology)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 25 - as amended agreed to

Clauses 26 - agreed to

Clause 27 - amendment proposed -

THAT clause 27 of the Bill be amended in subclause (2) by deleting the words “or to any other private status unless the county executive committee member has consulted with the county Education Board and has approved such conversion”.

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 27 - as amended agreed to

Clause 28 - amendment proposed -

THAT clause 28 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “or” and substituting therefor the word “including a”;

(b) in sub-clause (5) by deleting the words “secular” and substituting therefor the word “as set and approved by the Kenya Institute of Curriculum Development”.

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 28 - as amended agreed to

Clause 29 - amendment proposed -

THAT clause 29 of the Bill be amended by deleting subclause (3).

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 29 - as amended agreed to

Clause 30 - amendment proposed -

THAT clause 30 of the Bill be amended—

- (a) in subclause (1) by—
 - (i) deleting the word “children” appearing in paragraph (a) and substituting therefor the word “pupils”;
 - (ii) deleting paragraph (c) and substituting therefor the following new paragraph—
 - (c) two persons with experience in matters of nutrition and social work relating to early childhood development and education nominated by the County Governor on the recommendation of the County Education Board;
 - (iii) inserting the following new paragraph immediately after paragraph (d) —
 - (da) one person to represent children with disabilities
 - (db) the head teacher of the education centre, who shall be an *ex officio* member.
 - (b) in subclause (3) by deleting the word “principal” and substituting therefor the word “head teacher”
 - (c) in subclause (4) by inserting the word “of Management” immediately after the word “Board” where it appears at the first instance and third instance”;
 - (d) in subclause (5) by inserting the word “of the Board” immediately after the word “committee”;
- (Chairperson, Departmental Committee on Education, Research & Technology)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 30 - as amended agreed to

Clause 31 - amendment proposed -

THAT clause 31 of the Bill be amended—

- (a) by inserting the word “of management” immediately after the word “Board” in the opening statement;
 - (b) in paragraph (a) by deleting the word “the said” and substituting therefore the word “these”;
 - (c) in paragraph (d) by deleting the word “ to” appearing immediately after the word “equip”; and
 - (d) in paragraph (h) by inserting the word “of” immediately after the word “implementation”.
- (Chairperson, Departmental Committee on Education, Research & Technology)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 31 - as amended agreed to

Clause 32 - amendment proposed -

THAT clause 32 of the Bill be amended by inserting the word “of management” immediately after the word “Board”.

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 32 - as amended agreed to

Clause 33 - amendment proposed -

THAT clause 33 of the Bill be amended—

- (a) by deleting in sub-clause (1) and substituting therefor the following new sub-clause—

“(1) There shall be a Parents Teachers Association for every public and private school consisting of—

- (a) every parent with a child in the education centre; and
- (b) a representative of the teachers in the education centre

- (b) inserting the following new sub clauses immediately after the sub-clause (1) —

(1A) There shall be an Executive Committee of the Parents Teachers Association consisting of representatives of parents with children in each level within the education centre and a teacher.

(1B) The members of the Executive Committee of Parents Teachers Association shall be elected during an annual general meeting of parents and teachers.

(1C) The Parents Teachers Association shall, at its first meeting, elect a Chairperson from amongst the persons elected under subsection (3).

(1D) The Chairperson of the Parents Teachers Association shall be co-opted to the Board of Management.

(1E) The head teacher shall be the Secretary to the Parents Teachers Association.

- (c) in sub-clause (2) by—

(i) deleting the word “children” wherever it appears and substituting therefor the word “pupils”;

(ii) deleting the word “recommend” in paragraph (e) and substituting therefor the word “approve”

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 33 - as amended agreed to

Clauses 34 - agreed to

Clause 35 - amendment proposed -

THAT clause 35 of the Bill be amended—

- (a) in the opening statement by deleting the words “committee or”;
 - (b) deleting the word “child” wherever it appears and substituting therefor the word “pupil”;
 - (c) deleting the word “children” wherever it appears and substituting therefor the word “pupils”;
 - (d) by deleting paragraph (f).
- (Chairperson, Departmental Committee on Education, Research & Technology)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 35 - as amended agreed to

Clause 36 - amendment proposed -

THAT clause 36 of the Bill be amended—

- (a) in sub-clause (1) —
 - (i) by deleting the words “or caregiver” the opening statement;
 - (ii) in paragraph (d) by deleting the words “ and a medical certificate evidencing soundness of mind”;
 - (iii) by inserting the following new paragraph immediately after paragraph (d) —
 - (e) a medical certificate evidencing soundness of mind;
 - (b) in sub-clause (2)—
 - (i) by deleting the words “principal or” the opening statement;
 - (ii) by inserting the words “and has at least two years’ experience in matters of early childhood education” immediately after the word “development” in paragraph (a)
 - (c) in sub-clause (3) by deleting the words “Each County Government” and substituting therefor the words “The Teachers Service Commission”.
 - (d) in sub-clause (4) by deleting the words “County Government” and substituting therefor the words “Teachers Service Commission”.
- (Chairperson, Departmental Committee on Education, Research & Technology)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 36 - as amended agreed to

Clause 37 - agreed to

Clause 38 - amendment proposed -

THAT clause 38 of the Bill be amended by deleting the words “in consultation with the Council of Governors” in the opening statement

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 38 - as amended agreed to

Clause 39 - amendment proposed -

THAT clause 39 of the Bill be amended in sub-clause (2) by deleting paragraphs (b) and (c)

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 39 - as amended agreed to

Clause 40 - agreed to

Clause 41 - amendment proposed -

THAT clause 41 of the Bill be amended—

(a) in sub-clause (2) by deleting the word “principal” wherever it appears and substituting therefor the word “head teacher”

(b) in sub-clause (3) by—

(i) deleting the word “principal” and substituting therefor the word “head teacher”;

(ii) inserting the words “passport or any other recognized identification document” immediately after the words “birth certificate”;

(c) by deleting sub-clause (4).

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 41 - as amended agreed to

Clause 42 - agreed to

Clause 43 - amendment proposed -

THAT clause 43 of the Bill be deleted.

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 43 - deleted

Clause 44 - amendment proposed -

THAT clause 44 of the Bill be amended—

(a) by deleting sub-clause (1);

(b) in sub-clause (2) by deleting the word “child” and substituting therefor the word “pupil”.

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 44 - as amended agreed to

Clause 45 - agreed to

Clause 46 - amendment proposed -

THAT clause 46 of the Bill be amended—

(a) in subsection (2) by deleting the words “county executive committee member” and substituting therefor the word “relevant stakeholders including the national and county quality assurance bodies”;

(b) in subsection (4) by deleting the words “county executive committee member” and substituting therefor the words “Kenya Institute of Curriculum Development”;

(c) by deleting sub-clause (5);

(d) in sub-clause (6) by deleting the words “county executive committee member” and substituting therefor the word “Kenya Institute of Curriculum Development”

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 46 - as amended agreed to

Clause 47 - amendment proposed -

THAT clause 47 of the Bill be deleted.

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 47 - deleted

Clause 48 - amendment proposed -

THAT clause 48 of the Bill be amended—

(a) by inserting the following new sub clauses immediately after sub-clause (2) —

(2A) A head teacher of a public education centre who—

- (a) imposes a charge without the approval of the county executive member in consultation with the County Education Board and the respective Parents Teachers Association as specified under subsection 2(b) commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months or both.
- (b) refuses a child admitted in an education centre to attend the education centre because of failure by the parent or guardian to pay charges imposed on the child, commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding twelve months or both.

(b) in subsection(4) by inserting the word “education” immediately before the word “centre”.

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Further amendment proposed –

THAT, clause 48 be further amended by –

- (i) Deleting subsection 2(b)
- (ii) Deleting subsection (3)
- (iii) Deleting subsection (4)
- (iv) inserting the following new subclause after subclause 2 –

(2a) A headteacher who –

- (a) Imposes a charge, or charges any tuition fee commits an offence and shall be liable on conviction to a fine not exceeding 100,000 shillings or imprisonment for a term not exceeding six months

- (b) Refuses a child admitted in an education centre to attend the education centre because of failure by the parent or guardian to pay any tuition fees or charges imposed on the child, commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding twelve months or both.

((Chairperson, Departmental Committee on Education, Research & Technology))

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Clause 48 - as amended agreed to

Clause 48 - as amended agreed to

Clause 49 - amendment proposed

THAT clause 49 of the Bill be amended—

- (a) in sub-clause (1) by—
(i) deleting the word “and” appearing after the word “materials” in paragraph (a);
(ii) inserting the word “and” immediately after the word “materials” in paragraph (b);
(b) deleting sub-clause (2);
(c) deleting sub-clause (3); and
(d) deleting sub-clause (4).

((Chairperson, Departmental Committee on Education, Research & Technology))

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 49 - as amended agreed to

Clause 50 - amendment proposed -

THAT clause 50 of the Bill be amended by—

- (a) renumbering the existing provision as sub-clause(1);
(b) inserting the following new sub-clause immediately after the proposed sub-clause (1) —

(2) A head teacher of a public education centre who offers early childhood education services or offers tuition in an education centre during school holidays, a day declared to be a public holiday or weekends contrary to subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding five

hundred thousand shillings or to imprisonment for a term not exceeding twelve months or both.

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 50 - as amended agreed to

Clause 51 - amendment proposed -

THAT clause 51 of the Bill be deleted.

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 51 - deleted

Clause 52 - amendment proposed -

THAT clause 52 of the Bill be amended by deleting the words “County Education Board” and substituting therefor the words “Teachers Service Commission”

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 52 - as amended agreed to

Clauses 53 & 54 - agreed to

Clause 55 - amendment proposed -

THAT clause 55 of the Bill be amended—

- (a) in sub-clause (1) by inserting the words “County Education” immediately before the word “Board.
- (b) deleting sub-clause (3)
- (c) deleting sub-clause (4)
- (d) deleting sub-clause (5)
- (e) deleting sub-clause (6)

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 55 - as amended agreed to

Clause 56 - amendment proposed -

THAT clause 56 of the Bill be deleted.

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 56 - deleted

Clauses 57 & 58 - agreed to

Clause 59 - amendment proposed -

THAT clause 59 of the Bill be deleted and substituted with the following new clause—

Interim
accreditation

59. (1) The County Education Board may, in consultation with the County executive member grant to an applicant a certificate of interim accreditation where the County Education Board is not satisfied that that the education centre complies with the prescribed accreditation standards.

(2) An education centre to which a certificate of interim accreditation is issued under subsection (2) shall address areas of non-compliance within such a period as may be specified by the County Education Board not exceeding twelve months from the date on which the certificate is issued and on compliance, resubmit an application to the County Education Board for full accreditation.

(3) The certificate of interim accreditation shall be deemed to have expired if an education centre fails to meet the accreditation standards within the period specified by the County Education Board.

Grant
accreditation

of **59A.**(1)The County Education Board in consultation with the County executive member, may —

- (a) grant to an applicant a certificate of accreditation upon satisfaction that the education centre complies with the prescribed accreditation standards and meets the requirements under this Act;
- (b) reject the application.

(2) The certificate of accreditation shall be valid for a period of five years and renewable subject to the education centre meeting the prescribed conditions.

(3)The County Education Board may defer its decision on an application for accreditation and require the applicant to submit to it such additional information or take such measures as it may consider necessary.

Renewal
accreditation

of **59B.** (1) An education centre may make an application for renewal of its accreditation to the County Education Board in the prescribed form.

(2) An application for renewal of accreditation shall be submitted at least ninety days before the expiry of the certificate of accreditation.

(3) The County Education Board in consultation with the County executive member shall consider an application for renewal of accreditation

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 59 - as amended agreed to

Clause 60 - amendment proposed -

THAT clause 60 of the Bill be amended in—

- (a) the opening statement by deleting the words “under section 60”;
- (b) paragraph (a) by deleting the words “throughout the period of accreditation”;
- (c) paragraph (b) by deleting the words “section 48 and such further standards as may be determined by the Kenya Institute of Curriculum Development in consultation with the County Education Board” and substituting therefore the words “under section 47 and such further standards as may be determined under this Act”

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 60 - as amended agreed to

Clause 61 - amendment proposed -

THAT clause 61 of the Bill be deleted.

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 61 - deleted

Clause 62 - amendment proposed -

THAT clause 62 of the Bill be amended by deleting sub-clause (2).

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 62 - as amended agreed to

Clause 63 - agreed to

Clause 64 - amendment proposed -

THAT clause 64 of the Bill be deleted and substituted with the following new Clause—

Register of **64** (1) The County Education Board shall establish maintain a
accredited education centres. register of accredited education centers.

(2) The register established and maintained under subsection (1)
shall be open to the public for inspection.

Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 64 - as amended agreed to

Clause 65 - amendment proposed -

THAT clause 65 of the Bill be amended —

(a) in the opening statement by inserting the words “in consultation with the Education Standards and Quality Assurance Council” immediately after the word “committee”; and

(b) in sub clause (2) by deleting the words “in consultation with the Education Standards and Quality Assurance Council” in paragraph (d)

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 65 - as amended agreed to

Clause 66 - amendment proposed -

THAT clause 66 of the Bill be deleted

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 66 - deleted

Clause 67 - amendment proposed -

THAT clause 67 of the Bill be deleted.

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 67 - deleted

Clause 68 - amendment proposed -

THAT clause 68 of the Bill be amended in—

(a) sub-clause (1) by deleting—

(i) paragraph (d); and

(ii) paragraph (e)

(b) sub-clause (4) by deleting the words “county executive committee member” and substituting therefor the words “Cabinet Secretary”.

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 68 - as amended agreed to

Clauses 69 & 70 - agreed to

Clause 71 - amendment proposed -

THAT clause 71 of the Bill be deleted.

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 71 - deleted

Clause 72 - amendment proposed -

THAT clause 72 of the Bill be amended—

- (a) in sub-clause (2) by deleting the words “county executive committee member may, taking into account any policies, standards or regulations applying to all education centres prescribed by the Cabinet Secretary” and substituting therefor the words “Cabinet Secretary may”
- (b) by inserting the following new paragraph immediately after paragraph (f) —
 - (fa) prescribe fees required to be paid under this Act;
(*Chairperson, Departmental Committee on Education, Research & Technology*)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 72 - as amended agreed to

Clause 73 - agreed to

Clause 74 - amendment proposed -

THAT clause 74 of the Bill be amended—

- (a) in paragraph (a) by—
 - (i) by deleting subparagraph (i) and substituting therefor the following new subparagraph—
 - “(i) deleting the words “pre-primary education institutions and” and substituting therefor the word “early childhood education” in the definition of the word “basic education”
- (b) inserting the following new paragraph immediately after paragraph (a)—
 - (aa) in section 4(g) by deleting the word “ pre-primary” and substituting therefor the words “early childhood”.
- (c) deleting paragraph (b) and substituting therefor the following new paragraph—
 - “in section 18(1) by deleting the word “pre-primary” and substituting therefor the words “early childhood”.
- (d) inserting the following new paragraphs immediately after paragraph (b)—
 - (ba) in section 26(1) by deleting the word “preprimary” and substituting therefor the words “early childhood”.
- (e) in paragraph (c) by inserting the words “ and substituting therefor the words “early childhood”” after the expression “Section (28)(2)(a)”.

- (f) by inserting the following new paragraphs immediately after paragraph (c)—
 (ca) in section 41 by deleting the word “pre-primary” appearing in paragraph (a) and substituting therefor the words “early childhood”.
- (g) in paragraph (d) by inserting the words “ and substituting therefor the words “early childhood” after the expression “Section 44(2)”.
- (Chairperson, Departmental Committee on Education, Research & Technology)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 74 - as amended agreed to

New Clause 20A proposed -

THAT the following new clause be inserted immediately after clause 20—

Change of
premises.

20A. (1) The head teacher of an education centre shall not change the location of the centre nor acquire additional premises for the purpose of running the education centre unless he or she has applied to, and obtained the approval of the County Education Board.

(2) In determining whether to grant approval of premises under subsection (1), the Board shall take into account the criteria specified under section 17.

(3) The head teacher of an education centre shall notify the County Education Board of any change in the location of the education centre including -

- (a) the acquisition of premises that are in addition to its current premises; or
- (b) the relocation of the education centre to a different premises from that currently occupied by the education centre.

(Chairperson, Departmental Committee on Education, Research & Technology)

Motion made and Question proposed –

THAT, the new Clause 20A be read a Second Time

Debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the new Clause 20A be part of the Bill

Question put and agreed to;

New Clause 21A proposed -

THAT the following new clause be inserted immediately after clause 21—

Obligations of a
private
education
centre

21A. A private early childhood education provider registered under this Act shall—

- (a) establish the structures necessary for the management and administration of education within the centre;
- (b) recruit persons who are qualified and registered by the Teachers Service Commission to teach the early childhood education curriculum in the education centre;
- (c) administer a curriculum that adheres to the early childhood education policy and this Act;
- (d) maintain premises in a manner that ensures that it meets the requirements of the occupational health, safety regulations and building standards;
- (e) maintain necessary teaching and learning materials and equipment;
- (f) maintain a data bank on pupils admitted in the education centre and submit to the county executive committee member; and
- (g) met such other requirements as the committee executive committee member, in consultation with the County Education Board, may consider necessary for the delivery of quality early childhood education services within the county.

(Chairperson, Departmental Committee on Education, Research & Technology)

Motion made and Question proposed –

THAT, the new Clause 21A be read a Second Time

Debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the new Clause 21A be part of the Bill

Question put and agreed to;

New Clause proposed –

THAT the following new clause be inserted immediately after clause 61—

Suspension of a
certificate of
accreditation

61A. (1) The County Education Board may, in consultation with the County executive committee member suspend a certificate of accreditation issued to an education centre for a specified period where the centre fails to comply with the standards of accreditation until the standards are met.

(2) The County Education Board shall communicate a decision made under subsection (1) to the education centre specifying the reasons for the decision, the non-compliance noted and the action required to be taken by the education centre.

(Chairperson, Departmental Committee on Education, Research & Technology)

Motion made and Question proposed –

THAT, the new Clause 61A be read a Second Time

Debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the new Clause 61A be part of the Bill

Question put and agreed to;

Clause 2 - amendment proposed

THAT clause 2 of the Bill be amended—

- (a) in the definition of the term “children with special needs” by deleting the word “special needs” and substituting therefor the word “disabilities”;
- (b) in the definition of the term “principal” by deleting the term “principal” and substituting therefor the term “head teacher”
- (c) by deleting the definition of the word “child” and substituting therefor the following new definition—
“child” has the meaning assigned to it under the “Children’s Act”
- (d) by deleting the definition of the word “teacher” and substituting therefor the following new definition—
“teacher” has the meaning assigned to it under the Teachers Service Commission Act”
- (e) by inserting the following new definitions in proper alphabetical sequence—

“Board of Management” means the Board of management of an education centre.

“Education Appeals Tribunal” means the Appeals Tribunal established under section 92 of the Basic Education Act;

“pupil” means a person who meets criteria for admission to early Childhood Centre as the Cabinet Secretary may, in consultation with the County Education Board, prescribe;

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 - as amended agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments.

12. **HOUSE RESUMED** - the Deputy Speaker

(i) **The Public Appointments (County Assemblies Approval) Bill (Senate Bill No. 20 of 2014)**

Bill reported with amendments;

Motion made and Question proposed-

THAT, the House does agree with the Committee in the said report

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question put and agreed to;

(ii) **The County Early Childhood Education Bill (Senate Bill No. 23 of 2014)**

Bill reported with amendments;

Motion made and Question proposed-

THAT, the House does agree with the Committee in the said report

(Chairperson, Departmental Committee on Education, Research & Technology)

Question put and agreed to;

13. **MOTION – THE REPORT OF THE PUBLIC INVESTMENTS COMMITTEE ON THE PROCUREMENT AND FINANCING OF THE NSSF TASSIA II PROJECT**

Motion made and Question proposed –

THAT, this House adopts the Special Report of the Public Investments Committee on the Procurement and Financing of the National Social Security Fund Tassia II Infrastructure Development Project, laid on the Table of the House on Wednesday, 30 April, 2014.

(Chairperson, Public Investments Committee – 09.02.2017)

Debate interrupted on Thursday, February 09, 2017 resumed;

And the time being twenty five minutes past Six O'clock, the Second Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

14. HOUSE ROSE - at twenty five minutes past Six O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, February 15, 2017 at 9.30 a.m.

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