



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – FOURTH SESSION**

**NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, APRIL 19, 2016**

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 REGARDING VISITORS FROM THE NATIONAL INTELLIGENCE SERVICE**

The Speaker conveyed the following Communication –

“Honourable Members,

We have with us today, in the Speaker’s Gallery, thirty four (34) officers from the National Intelligence Service who are on a study tour of Parliament. The Delegation, led by Dr. Velma Kusa, is participating in a training programme at the National Intelligence Academy, Ruaraka.

Honourable Members, on my own behalf and that of the House, I wish to welcome them to the National Assembly and wish them fruitful undertaking during the course of their tour of Parliament.

Thank you”.

5. **MESSAGE FROM THE SENATE**

The Speaker conveyed the following Message –

“Honourable Members,

Pursuant to the provisions of Standing Order 41(4), I wish to report to the House that I have received a Message from the Senate regarding approval, by the Senate, of the mediated version of the Mining Bill (National Assembly Bill No. 9 of 2014).

The Message reads in part, and I quote –

*"That, the Senate, by way of a resolution passed on Thursday, 12<sup>th</sup> April 2016 approved the mediated version of the said Bill in the form developed by the Mediation Committee."*

Honourable Members, you may recall that on Wednesday, 15<sup>th</sup> March 2016, the National Assembly considered and **approved** the same version of the said Bill in the form developed by the Mediation Committee. This therefore marks the end the bicameral consideration of the said Bill by Parliament. In this regard, I will now proceed to present the Bill to H.E. the President for assent in accordance with the provisions of Article 113(3) of the Constitution.

I thank you".

6. **CONVEYANCE OF A PETITION ON UNLAWFUL ACTIVITIES IN KIBRA CONSTITUENCY**

The Speaker conveyed the following Petition –

"Honourable Members,

In accordance with the provisions of Standing Order 225(2)(b), I wish to convey to the House that my office is in receipt of a Petition, signed by one Ms. Zubeda Waziri regarding illegal, unlawful, corrupt and criminal activities in the slum of Kibra.

In her Petition, the Petitioner highlights illegal electricity and water connections, the supply and sale of illicit brews and drugs and existence of many unlicensed businesses premises in the area. The Petitioner also avers that the said criminal activities have become a norm and acceptable by the community thereby making the wanton state of anarchy and impunity difficult to resolve.

Honourable Members, the Petitioner prays that the National Assembly through the relevant Departmental Committee: -

- (i) recommends and ensures the immediate disconnection of illegal electricity and water connections;
- (ii) recommends and ensures closure of all businesses operating without valid licenses or those operating illegal businesses;
- (iii) recommends that other relevant bodies investigate this matter and take action against any public officer found culpable of any of allowing the state of anarchy; and
- (iv) make any other order or direction that it deems fit in the circumstances of the case.

Honourable Members, this Petition contains what appears to be a very solemn prayer cutting across various sectors, such as security, trade and energy. Indeed, some of the concerns relates to matters under the purview of the Nairobi City County Government. In the circumstances, I will refer the Petition to the Departmental Committee on Administration and National Security for consideration. I wish to remind the House that pursuant to Standing Order 227(2) the Committee should report its findings to the House within sixty (60) days. The Committee should engage all the other sectors in efforts to resolving the concerns of the Petitioner.

I thank you".

7. PAPERS LAID

The following Papers were laid on the Table –

- (i) The Report of the Auditor General on the Financial Statements of the Orange Democratic Movement for the year ended 30<sup>th</sup> June 2010 and the certificate therein;
- (ii) The Report of the Auditor General on the Financial Statements of the Forum for the Restoration of Democracy – People (FORD-People) for the year ended 30<sup>th</sup> June 2013 and the certificate therein.
- (iii) The Report of the Auditor General on the Financial Statements of the Forum for the Restoration of Democracy – Kenya (FORD- Kenya) for the year ended 30<sup>th</sup> June 2013 and the certificate therein.
- (iv) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June, 2015 and the certificates therein:-
  - a) Kenyatta National Hospital;
  - b) National Quality Control Laboratory;
  - c) Local Authorities Provident Fund;
  - d) Commission for the Implementation of the Constitution;
  - e) Kenya Citizens and Foreign Nationals management Service;
  - f) South Eastern Kenya University;
  - g) Retirement Benefits Authority;
  - h) Kenya National Commission on Human Rights;
  - i) National Land Commission;
  - j) National Construction Authority;
  - k) Kenyatta University;
  - l) Director of Public Prosecutions; and
  - m) Kenya Scouts Association.

*(The Leader of the Majority Party)*

- (v) The Report of the Liaison Committee on the First Supplementary Estimates for 2015/2016;

*(The Chairperson, Liaison Committee)*

- (vi) The Report on the East African Community (EAC) Inter-Parliamentary Games held in Kigali, Rwanda from 4<sup>th</sup> to 11<sup>th</sup> December, 2015;

*(The Hon. Wafula Wamunyinyi - Chairperson, Bunge Sports Club)*

- (vii) The Report on the Departmental Committee on Labour and Social Welfare on its consideration of the Anti-Doping Bill, 2016.

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

8. **NOTICE OF MOTION**

The following Notice of Motion was given –

**Notice of Motion** - **Adoption of the Report on the First Supplementary Estimates for 2015/2016**

(The Chairperson, Liaison Committee)

THAT, this House adopts the Report of the Liaison Committee on the First Supplementary Estimates for 2015/2016, laid on the Table of the House today, Tuesday, April 19, 2016.

9. **MOTION – PRESIDENTIAL ADDRESS** - (4<sup>th</sup> and last day)

Motion made and Question proposed –

THAT, the thanks of the House be recorded for the exposition of public policy contained in the Address of H.E. the President delivered on Thursday, March 31, 2016.

*(The Leader of the Majority Party – 13.4.2016 (PM))*

Debate on the Motion having been concluded on Thursday, April 14, 2016 (Afternoon Sitting);

Question put and agreed to.

10. **THE BANKING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.62 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, Banking (Amendment) Bill (National Assembly Bill No.62 of 2015) be now read a Second Time

*(Hon. Jude Njomo – 10.3.2016 (AM))*

Debate on the Motion having been concluded on Wednesday, April 14, 2016;

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 Anti-Doping Bill (National Assembly Bill No. 6 of 2016)**

Clauses 3, 4, 5 & 6 - agreed to

Clause 7 - amendment proposed –

**THAT**, clause 7 of the Bill be amended in sub clause (1) by inserting the following new paragraph immediately after paragraph (d) -

“(da) periodically gazette International Standards.”

*(Hon. Tiyah Galgalo – Vice-Chairperson, Departmental Committee  
on Labour and Social Welfare)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 7 - as amended agreed to

Clauses 8 & 9 - agreed to

Clause 10 - amendment proposed –

**THAT**, clause 10 of the Bill be amended —

(a) in sub clause (1)—

(i) by inserting the following new paragraph immediately after paragraph (b)-

“(ba) The Attorney General or a representative designated in writing by the Attorney General;”

(ii) by inserting the words “who shall be the Secretary to the Board;” immediately after the words “Chief Executive Officer;” appearing in paragraph(d)

(b) in sub clause (2)—

(i) by deleting paragraph (a) and substituting therefor following new paragraph

“(a) holds a post-secondary school education qualification recognized in Kenya;”

(ii) by deleting the words ‘sports or administration’ appearing in paragraph (b) and substituting therefor the words ‘sports, management, administration or any other relevant field’

(c) in sub clause (3) by deleting the words ‘ensure the representation of women, youth and persons with disabilities’ and substituting therefor the words ‘ensure compliance with the Constitution’

(d) in sub clause (5) by deleting paragraph (c)

*(Hon. Tiyah Galgalo – Vice-Chairperson, Departmental Committee  
on Labour and Social Welfare)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

**THAT**, clause 10(1) be amended by—

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

“(ca) a representative of the Pharmacy and Poisons Board”;

(b) deleting the word “five” appearing in paragraph (e) and substituting therefor the word “four”.

*(Hon. (Dr.) Robert Pukose)*

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Further amendment proposed –

**THAT**, clause 10 of the Bill be amended in sub clause (1) by inserting the following new paragraph immediately after paragraph—

“(ca) one person nominated by the national medicines regulator;”

*(Hon. (Dr.) Victor Munyaka)*

Proposed amendment withdrawn;

Clause 10 - as amended agreed to

Clauses 11, 12, 13, 14, 15 & 16 - agreed to

Clause 17 - amendment proposed –

**THAT**, clause 17 of the Bill be amended in sub clause (2) by deleting the word “ten” appearing in paragraph (a) and substituting therefor the word “five”

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 17 - as amended agreed to

Clauses 18,19, 20, 21 & 22 - agreed to

Clause 23 - amendment proposed –

**THAT**, clause 23 of the Bill be amended in sub clause (2) by deleting paragraph (b) and substituting therefor the following new paragraphs—

- “(b) a medical doctor of not less than five years’ experience in matters relating to sports;
- (ba) a clinical pharmacist of not less than five years’ experience in matters relating to sports;”

*(Hon. Tiyah Galgalo – Vice-Chairperson, Departmental Committee  
on Labour and Social Welfare)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

**THAT**, clause 23(2) be amended by—

- (a) deleting the word “two” appearing in paragraph (b) and substituting therefor the word “one”;
- (b) inserting the following new paragraph immediately after paragraph (b)—
  - “(ba) one clinical pharmacist of not less than five years’ work experience”.

*(Hon. (Dr.) Robert Pukose)*

Proposed amendment withdrawn;

Further amendment proposed –

**THAT**, clause 23 of the Bill be amended in sub clause (2) by deleting paragraph (b) and substituting therefor the following new paragraphs—

- “(b) a medical doctor of not less than five years’ experience in matters relating to sport;
- (ba) a clinical pharmacist of not less than five years’ experience in matters relating to sport;”

*(Hon. (Dr.) Victor Munyaka)*

Proposed amendment withdrawn;

Clause 23 - as amended agreed to

Clauses 24, 25 & 26 - agreed to

Clause 27 - amendment proposed –

**THAT**, clause 27 of the Bill be amended in sub clause (5) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) shall comply with the Anti-Doping Rules;”

*(Hon. Tiyah Galgalo – Vice-Chairperson, Departmental Committee  
on Labour and Social Welfare)*

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Clause 27 - agreed to

Clause 28 - amendment proposed –

**THAT** clause 28 of the Bill be amended by inserting the following new sub clause immediately after sub clause (3)—

“(4) The accredited laboratories under subsection (1) shall be based at the Ministry concerned with health matters.”

*(Hon. Dr. Victor Munyaka)*

Proposed amendment withdrawn;

Clause 28 - agreed to

Clause 29 - amendment proposed –

**THAT**, clause 29 of the Bill be amended in sub clause (2) —

(a) by deleting the word “have” appearing in paragraph (b) and substituting therefor the words “with permission authorized in writing by the Inspector General of Police exercise

(b) by deleting the words “subject to the direction of the Director of Public Prosecution” appearing in paragraph (c) and substituting therefor the words “may co-operate with the Office of the Director of Public Prosecutions to”

*(Hon. Tiyah Galgalo – Vice-Chairperson, Departmental Committee  
on Labour and Social Welfare)*

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 sub clause (1) by deleting the prefatory statement and substituting therefor the following prefatory statement—

“(1) An authorized Anti-Doping compliance officer acting in accordance with the enabling statutory provisions may—”

(b) in sub clause (4) by deleting the words “or without” appearing immediately after the word “may wish”

*(Hon. Tiyah Galgalo – Vice-Chairperson, Departmental Committee on Labour and Social Welfare)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 30 - as amended agreed to

Clauses 31 & 32 - agreed to

Clause 33 - amendment proposed –

**THAT**, clause 33 of the Bill be amended in sub clause (1) by deleting the words “Parliament for the purposes of the Agency” appearing in paragraph (a) and substituting therefor the words “National Assembly”

*(Hon. Tiyah Galgalo – Vice-Chairperson, Departmental Committee on Labour and Social Welfare)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 33 - as amended agreed to

Clauses 34, 35, 36, 37, 38, 39, 40 & 41 - agreed to

Clause 42 - amendment proposed –

**THAT**, clause 42 of the Bill be amended—

(a) in sub clause (1)—

- (i) by deleting the words "or body" appearing immediately after the word "person" in the prefatory statement;
- (ii) by deleting paragraph (d);
- (iii) by deleting paragraph (g);
- (iv) by deleting paragraph (h).

(b) in sub clause (2)—

- (i) by deleting the words "or body" appearing in the prefatory statement;
- (ii) in paragraph (b) by deleting the words "stocks" and substituting therefor the words "sells, stocks or transports";
- (iii) by deleting the words "not less than three million shillings or imprisonment of not less than three years" and substituting therefor the following words
- (iv) "not exceeding five million shillings or imprisonment for a period not exceeding five years" appearing immediately after the words "fine of" appearing in the closing statement

(c) in sub clause (3)—

- (i) by deleting the words "sells, stocks, transports" appearing in paragraph (d):
- (ii) by deleting the words "not less than one hundred thousand shillings or imprisonment of not less than one year" and substituting therefor the following words "not exceeding five hundred thousand shillings or imprisonment for a period not exceeding one year" appearing immediately after the words "fine of" appearing in the closing statement;
- (iii) by inserting the words "found guilty of willfully committing any of the offences prescribed under this section," immediately after the word "personnel" appearing in the proviso
- (iv) by inserting the following new sub clause immediately after sub clause (3)—

“(3A) A person who violates the rules relating to confidentiality, public disclosure and privacy of data commits an offence and shall be liable upon conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding three years or to both.”

(d) in sub clause (4)—

- (i) by deleting the prefatory statement and substituting therefor the following prefatory statement—

“A healthcare practitioner who— ”

- (ii) by deleting the words "not less than three million shillings or imprisonment of not less than three years" and substituting therefor the following words "not exceeding three million shillings or imprisonment for a term not

exceeding three years" appearing immediately after the words "fine of" appearing in the closing statement;

- (e) in sub clause (6) by deleting the words "this Act" and substituting therefor the words "the Anti- Doping Rules"

*(Hon. Tiyah Galgalo – Vice-Chairperson, Departmental Committee on Labour and Social Welfare)*

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Clause 42 - agreed to

Clauses 43, 44 & 45 - agreed to

Schedule - agreed to

Clause 2 - amendment proposed –

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

"athlete" means any person who competes in sport at the international level as defined by an international federation or at the national level as defined by the Agency;

"healthcare practitioner" includes any person who has obtained health professional qualifications and is licensed by the relevant regulatory body;"

"Anti-Doping Rules" includes the Regulations made under this Act;

*(Hon. Tiyah Galgalo – Vice-Chairperson, Departmental Committee on Labour and Social Welfare)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 - as amended agreed to

Title - agreed to

Clause 1 - amendment proposed –

**THAT**, clause 1 of the Bill be amended by inserting the words "and shall come into force upon publication in the Gazette" immediately after the expression "2016"

*(The Leader of Majority Party)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 1 - as amended agreed to

Bill to be reported with amendments.

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

**The Anti-Doping Bill (National Assembly Bill No. 6 of 2016)**

Bill reported with amendments;

Motion made and Question proposed-

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

*(The Leader of Majority Party)*

Question put and agreed to;

Motion made and Question proposed-

THAT, the Anti-Doping Bill (National Assembly Bill No. 6 of 2016) be now read a Third Time

*(The Leader of the Majority Party)*

Question put and agreed to;

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

13. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

**IN THE COMMITTEE**

The Second Chairperson in the Chair

**The Community Land Bill (National Assembly No.45 of 2015)**

**Clause 5** - amendment proposed –

**THAT**, clause 5 of the Bill be amended–

- (a) in sub-clause (1), by inserting the words “of the Constitution” immediately after the words “with Article 40”;
- (b) in sub-clause (4), by inserting the words “or by negotiated settlement” at the end of the sentence; and
- (c) in sub-clause (5) by inserting the words “of this Act” immediately after the words “section 46”.

*(Chairperson of the Departmental Committee on Lands)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

**Further Amendment proposed**

**THAT**, clause 5 of the Bill be amended–

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

(b) in sub-clause (4) by deleting the words “person or persons” appearing immediately after the words “just compensation to the” and substituting therefor the words “community”.

*(Hon. Tiyah Galgalo)*

Question of the amendment proposed;

Debate arising;

Proposed amendment dropped

**Further Amendment proposed**

**THAT**, clause 5 of the Bill be amended in subsection (4) by deleting the words “for a public purpose” immediately after the word “law”.

*(Hon. Abdillahi Diriye)*

Question of the amendment proposed;

Debate arising;

Proposed amendment dropped

Clause 5 - as amended agreed to

**Clause 6** - amendment proposed –

**THAT**, clause 6 of the Bill be amended in sub-clause (1) by deleting the words “for which it is held” and substituting therefor the words “traditionally entitled to or resident on the land”.

*(Hon. Tiyah Galgalo)*

Question of the further amendment proposed;

Debate arising;

Question put and negatived;

**Further Amendment proposed**

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

(a) by inserting the following new sub-clauses immediately after sub-clause (1)-

"(1A) The respective county government shall hold in trust for a community any monies payable as compensation for compulsory acquisition of any unregistered community land.";

"(1B) Upon registration of community land, the respective county government shall promptly release to the community all such monies payable for compulsory acquisition"; and

"(1C) Any such monies shall be deposited in a special interest earning account by the county government."

(b) in sub-clause (4) by inserting the words "sell, dispose, transfer, convert for private purposes or in any other way" immediately after the words "A county government shall not".

*(Chairperson of the Departmental Committee on Lands)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

**Further amendment proposed**

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

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

"(2) County governments shall support communities to register community land including by allocation of resources for that purpose"; and

(b) in sub-clause (4) by inserting the words "license, lease, transact or" immediately after the words "shall not".

*(Hon. Joyce Emanikor)*

Question of the amendment proposed;

Amendment proposed **dropped**

**Further amendment proposed**

**THAT**, clause 6 of the Bill be amended in subsection (4) by inserting the words "except in accordance with the law" at the end of the sentence.

*(Hon. Abdillahi Diriye)*

Question of the amendment proposed;

Debate arising;

Proposed amendment dropped

Clause 6 - as amended agreed to

Clause 7 - amendment proposed –

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

Procedure  
for  
registration  
of  
communities  
.

**7.** (1) A community claiming an interest in or right over community land shall be registered in accordance with the provisions of this section.

(2) A community shall, by notice in at least one newspaper of nationwide circulation, invite all members of the community with some communal interest to a public meeting for the purpose of electing the members of the community land management committee, which notice shall also be given to the deputy county commissioner in charge of the area or the relevant sub-county administrator.

(3) The community shall elect between seven and fifteen members from among themselves to be the members of the community land management committee as provided in section 16, who shall come up with a comprehensive register of communal interest holders.

(4) The community land management committee shall come up with the name of the community and shall submit the name, register of members, minutes of the meeting and the rules and regulations of the committee to the Registrar for registration.

*(Chairperson of the Departmental Committee on Lands)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 7 - as amended agreed to

Clause 8 - amendment proposed – (Proposed in an amended form)

**THAT**, clause 8 of the Bill be deleted and substituted therefor the following new clause

Procedure  
for  
recognition

(1) Subject to this Act and any law relating to adjudication of titles to land, the Cabinet Secretary

and  
adjudication  
of  
community  
land.

(No.041) TUESDAY, APRIL 19, 2016

(348)

shall, in consultation with the respective county governments, develop and publish in the Gazette a comprehensive adjudication programme for purposes of registration of community land.

(2) The Cabinet Secretary shall ensure that the process of documenting, mapping and developing of the inventory of community land shall be transparent, cost effective and participatory.

(3) The Cabinet Secretary shall issue a public notice of intention to survey, demarcate and register community land.

(4) The notice shall.

- (a) contain the name of the community;
- (b) state which land is to be adjudicated;
- (c) invite all interested persons with overriding interests or any other claim on the land, to lodge their claims;
- (d) specify an area or areas of land to be a community land registration unit; and
- (e) be for a period of sixty days.

(5) The Cabinet Secretary shall cause the land to be adequately surveyed but such survey shall exclude–

- (a) all parcels already in use for public purposes; and
- (b) adjudicated private land.

(6) A cadastral map of the land shall then be produced and presented to the Registrar for registration.

*(Chairperson of the Departmental Committee on Lands)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

#### **Further Amendment Proposed**

**THAT**, clause 8 of the Bill be amended–

- (a) in sub-clause (1) by inserting the words “in consultation with county governments” immediately after the words “the Cabinet Secretary shall”;
- (b) in sub-clause (2) by inserting the following new paragraph immediately after paragraph (b)– “(c) be developed in consultation with the communities and incorporate the principles of the national land policy”;
- (c) in sub-clause (5) by inserting the words “in consultation with county governments” immediately after the words “The Cabinet Secretary may”.

*(Hon. Tiyah Galgalo)*

Question of the amendment proposed;

Debate arising;

Proposed Amendment dropped

Clause 8 - as amended agreed to

Clause 9 - agreed to

Clause 10 - amendment proposed –

**THAT**, clause 10 of the Bill be amended in sub-clause (1) by deleting the words “every five years” appearing in paragraph (c) and substituting therefor the word “annually”.

*(Chairperson of the Departmental Committee on Lands)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

**Further amendment proposed –**

**THAT**, clause 10 of the Bill be amended in sub-clause (1) by deleting paragraph (d).

*(Hon. Joyce Emanikor)*

Question of the further amendment proposed;

Debate arising;

Proposed amendment **dropped.**

**Further amendment proposed –**

**THAT**, clause 10 of the Bill be amended in sub-clause (2) by deleting the words “or any other written law”.

*(Hon. Tiyah Galgalo)*

Question of the further amendment proposed;

Debate arising;

Question put and negatived;

Clause 10 - as amended agreed to

Clause 11 - amendment proposed –

**THAT**, clause 11 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (1) –

“(1b) Community land may be registered in the name of –

(a) a community;

(b) a clan or family in accordance with the customary practices applicable; or

(c) a community association in accordance with the document constituting the association.

*(Hon. Joyce Emanikor)*

Question of the further amendment proposed;

Debate arising;

Question put and negatived;

**Further Amendment Proposed**

**THAT**, clause 11 of the Bill be amended in paragraph (a) of sub-clause (2) by inserting the words “in consultation with the respective county governments” immediately after the word “facilitate”.

*(Chairperson of the Departmental Committee on Lands)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

**Further Amendment Proposed**

**THAT**, clause 11 of the Bill be amended in sub-clause (2) by inserting the words “in consultation with the relevant county government” immediately after the words “The Cabinet Secretary”

*(Hon. Tiyah Galgalo)*

Question of the further amendment proposed;

Debate arising;

Proposed amendment dropped.

Clause 11 - as amended agreed to

Clause 12 - agreed to

Clause 13 - amendment proposed –

**THAT**, clause 13 of the Bill be amended by.

- (a) deleting sub-clause (1) and substituting therefor the following new sub-clause (1)—  
“(1) A registered community may by a resolution of the majority members of that community in a general meeting, reserve a portion of the community land for communal purposes.”
- (b) deleting sub-clause (2) and substituting therefor the following new sub-clause—  
“(2) Any land which has been used communally, for public purpose, before the commencement of this Act shall upon commencement of this Act be deemed to be public land vested in the national or county government, according to the use it was put for.”; and
- (c) inserting the following new sub-clauses immediately after sub-clause (2)—  
“(3) A registered community may reserve special purpose areas including areas for—
  - (a) farming;
  - (b) settlement;
  - (c) community conservation;
  - (d) cultural and heritage sites;
  - (e) urban development; and
  - (f) any other purposes as may be determined by the community, respective County Government or National Government for the promotion or upgrading of public interest.  
“(4) An area reserved for special purposes under subsection (3) shall be used exclusively for the intended purpose.”
- (c) deleting sub-clause (3).

*(Chairperson of the Departmental Committee on Lands)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

**Further Amendment Proposed**

**THAT**, clause 13 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) A registered community may, by resolution of the majority of members in a general meeting, reserve land for communal purposes.”

*(Hon. Tiyah Galgalo)*

Question of the further amendment proposed;

Debate arising.

Proposed amendment dropped.

Clause 13 - as amended agreed to

Clause 14 - amendment proposed –

**THAT**, clause 14 of the Bill be amended in sub-clause (1) by–

- (a) by deleting paragraph (b);
- (b) deleting paragraph (e); and
- (c) deleting paragraph (f).

(a) in sub-clause (2) by inserting the words “Subject to Article 40(6) of the Constitution” at the end of the sentence.

*(Chairperson of the Departmental Committee on Lands)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

**Further Amendment proposed**

**THAT**, clause 14 of the Bill be amended in sub-clause (2) by inserting the words “Subject to the provisions of Article 40(6) of the Constitution” at the beginning of the sentence.

*(Hon. Tiyah Galgalo)*

Question of the further amendment proposed;

Debate arising;

Proposed amendment dropped.

Clause 14 - as amended agreed to

Clause 15 - amendment proposed –

**THAT**, clause 15 of the Bill be deleted.

*(Chairperson of the Departmental Committee on Lands)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to

**Further Amendment Proposed**

**THAT**, clause 15 of the Bill be amended by inserting the words "in consultation with the county governments" immediately after the words "The Cabinet Secretary shall".

*(Hon. Tiyah Galgalo)*

Question of the further amendment proposed;

Debate arising;

Proposed amendment dropped.

Clause 15 - **deleted**

Clause 16 - amendment proposed –

**THAT**, clause 16 of the Bill be deleted and substituted therefor the following new clause–

Functions  
and powers  
of the  
community  
land  
management  
committee.

**16.** (1) A registered community shall have a community assembly which shall consist of all members of the community.

(2) The community assembly shall elect between seven and fifteen members of the community assembly to constitute the community land management committee.

(3) The functions of the community land management committee shall be to–

- (a) have responsibility over the running of the day to day functions of the community;
- (b) manage and administer registered community land on behalf of the respective community;
- (c) coordinate the development of community land use plans in collaboration with the relevant authorities;
- (d) promote the co-operation and participation among community members in dealing with matters pertaining to the respective registered community land; and
- (e) prescribe rules and regulations, to be ratified by the community assembly, to govern the operations of the community.

(4) Any decision of a registered community to dispose of or otherwise alienate community land shall be binding if it is supported by at least two thirds of the registered members of the community, while any other minor decisions of the registered community shall be by a simple majority of the members present in a meeting.

*(Chairperson of the Departmental Committee on Lands)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

**Further Amendment Proposed**

**THAT**, clause 16 of the Bill be amended–

(a) in sub-clause (1) –

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

“(a) manage and administer its land through the appropriate institutions”;

(ii) by deleting paragraph (c);

(iii) by deleting the word “authorities” appearing in paragraph (d) and substituting therefor the words “county government”;

(b) by deleting sub-clause (2) and substituting therefor the following new sub-clause–

“(2) Any decision of a registered community shall be binding if it is supported by at least two thirds of the registered members present in a general meeting, of which eighty-five per cent of the total number of registered members must be present.”

*(Hon. Tiya Galalo)*

Question of the further amendment proposed;

Debate arising;

Proposed amendment dropped.

**Further Amendment Proposed**

**THAT**, clause 16 of the Bill be amended –

in sub-clause (2) by deleting the words “the registered members of the community” at the end of the sentence and substituting therefor the words “all community residents”;

*(Hon. Joyce Emanikor)*

Question of the further amendment proposed;

Debate arising;

Proposed amendment dropped.

Clause 16 - as amended agreed to

Clause 17 - agreed to

Clause 18 - amendment proposed –

**THAT**, clause 18 of the Bill be amended in sub-clause (1) by inserting the phrase “or any other written law” immediately after the words “in this Act”.

*(Chairperson of the Departmental Committee on Lands)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 18 - as amended agreed to

Clause 19 - amendment proposed –

**THAT**, clause 19 of the Bill be amended in sub-clause (1) by deleting the word “all”. immediately after the words “be considered”.

*(Chairperson of the Departmental Committee on Lands)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

**Further amendment proposed –**

**THAT**, clause 19 of the Bill be amended in sub-clause (1) by inserting the words “to a community” immediately after the word “registration”.

*(Hon. Joyce Emanikor)*

Question of the amendment proposed;

Debate arising;

Question put and Negatived;

Clause 19 - as amended agreed to

Clause 20 - amendment proposed –

**THAT**, clause 20 of the Bill be amended in sub-clause (2) by deleting paragraph (f).

*(Hon. Joyce Emanikor)*

Question of the amendment proposed;

Debate arising;

Question put and negatived;

**Further Amendment proposed**

**THAT**, clause 20 of the Bill be amended by inserting the following new sub-clauses immediately after sub-clause (5) –

“(6) A registered community may reserve special purpose areas including–

- (a) farming areas;
- (b) settlement areas;
- (c) community conservation areas;
- (d) access and rights of way;
- (e) cultural and religious sites;
- (f) urban development; or
- (g) any other purpose as may be determined by the community, county government or national government for the promotion of public interest.

(7) An area designated for special purposes under subsection (6) shall be used exclusively for the designated purposes.”

*(Hon. Tiyah Galgalo)*

Question of the further amendment proposed;

Debate arising;

Proposed amendment dropped.

Clause 20 - as amended agreed to

Clause 21 - agreed to

**PROGRESS REPORT**

Motion made and Question proposed -

THAT, the Committee of the whole House do report progress and seeks leave to sit again

*(Deputy Leader of Majority Party)*

Question put and agreed to.

14. **HOUSE RESUMED** - Third Chairperson of Committees in the Chair

**Progress reported**

Motion made and Question proposed –

THAT, the Committee of the whole House has considered the Community Land Bill (National Assembly No.45 of 2015) up to clause 21, with amendments and seeks leave to sit again.

*(Deputy Leader of Majority Party)*

Question put and agreed to.

15. THE CONSTITUTION OF KENYA (AMENDMENT)(NO.4) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2015)

Order for Second Reading read;

Motion made and Question proposed –

THAT, Constitution of Kenya (Amendment) Bill (National Assembly Bill No. 38 of 2015) be now read a Second Time

*(The Leader of the Majority Party – 22.03.2016)*

Debate interrupted on Tuesday, March 24, 2016 resumed;

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

16. HOUSE ROSE - at thirty minutes past Six O'clock

**MEMORANDUM**

The Speaker will take the Chair on  
Wednesday, April 20, 2016 at 9.30 a.m.

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