



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY NOVEMBER 17, 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. THE HIGH COURT (ORGANIZATION AND ADMINISTRATION) BILL
(NATIONAL ASSEMBLY BILL NO. 47 OF 2015)**

(The Leader of the Majority Party)

Third Reading

(Question to be put)

9. MOTION - THE MAGISTRATES' COURTS BILL (NATIONAL ASSEMBLY
BILL NO. 40 OF 2015)**

(The Leader of the Majority Party)

(Report of the Committee of the Whole House)

THAT, the House do agree with the Report of the Committee of the whole House on its Consideration of the Magistrates' Courts Bill (National Assembly Bill No. 40 of 2015).

(Question to be proposed)

10. COMMITTEE OF THE WHOLE HOUSE**

- (i) The Small Claims Court Bill (National Assembly Bill No. 51 of 2015)
(The Leader of the Majority Party)
- (ii) The Court of Appeal (Organization and Administration) Bill (National Assembly Bill
No. 52 of 2015)
(The Leader of the Majority Party)
- (iii) The **President's Reservations** on the Higher Education Loans Board (Amendment)
Bill (National Assembly Bill No. 09 of 2015)
(The Leader of the Majority Party)

(No.119)

TUESDAY, NOVEMBER 17, 2015

(2046)

- 11*. 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)

- 12**. 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

(Resumption of debate interrupted on Thursday, November 12, 2015 – Morning Sitting)

- 13*. THE TAX PROCEDURES BILL (NATIONAL ASSEMBLY BILL NO. 29 OF
2015)

(The Leader of the Majority Party)

Second Reading

- 14**. 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

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

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

19*. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2015)
(The Leader of the Majority Party)

Second Reading

20*. 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.

21*. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 11 OF 2014
(The Chairperson, Departmental Committee on Environment and Natural Resources)

THAT, this House adopts Sessional Paper No.11 of 2014 on the National Education for Sustainable Development Policy, laid on the Table of the House on Tuesday, 2nd December, 2014.

*** Denotes Orders of the Day**

**** Denotes Bill with Constitutional Timeline**

N O T I C E S

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

- 1) Notice is given that the Member for Homabay Town (Hon. Peter Kaluma), intends to move Re-committal of Clause 8 of the Magistrates' Courts Bill, 2015—

RE-COMMITAL OF CLAUSE 8

THAT, the Motion for agreement with the Report of the Committee of the whole House on its Consideration of the Magistrates' Courts Bill (National Assembly Bill No. 40 of 2015) be amended by inserting the words "subject to re-committal of Clause 8".

- 2) Notice is given that the Member for Homabay Town (Hon. Peter Kaluma), intends to move the following amendments to the Magistrates' Courts Bill, 2015 at the Committee Stage—

CLAUSE 8

THAT, clause 8 of the Bill be amended—

- (a) in subclause (1) by deleting the words "claims for compensation for loss or damage suffered in consequence of a violation, infringement, denial of a right or fundamental freedom in the Bill of Rights" appearing immediately after the word "determine" and substituting therefor the words "applications for redress of a denial, violation or infringement of, or threat to, a right or fundamental freedom in the Bill of Rights";
- (b) in subclause (3) by deleting the words "any matter relating to Articles 47, 48, 49, 50 and 51 of the Constitution" appearing immediately after the word "determine" and substituting therefor the words "claims for compensation for loss or damage suffered in consequence of a violation, infringement, denial of a right or fundamental freedom in the Bill of Rights"

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

- 1) Notice is given that the Chairperson of the Departmental Committee on Justice and Legal Affairs, intends to move the following amendments to the 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”

3) Notice is given that the Member for Homabay Town (Hon. George P. Kaluma), intends to move the following amendments to the Small Claims Court Bill, 2015 at the Committee Stage—

CLAUSE 47**THAT**, the Bill be amended by deleting clause 47 and substituting therefor the following clause—

Power to punish
for contempt of
Court.

47.(1) A person who—

(a) assaults, threatens, intimidates or wilfully insults an adjudicator, judicial officer or a witness, involved in a case during a sitting or attendance in a court, or while the adjudicator, judicial officer or witness is travelling to and from a court;

- (b) wilfully and without lawful excuse disobeys an order or directions of the court in the course of the hearing of a proceeding;
- (c) within the premises in which any judicial proceeding is being heard or taken, or within the precincts of the same, shows disrespect, in speech or manner, to or with reference to such proceeding, or any person before whom such proceeding is being heard or taken;
- (d) having been called upon to give evidence in a judicial proceeding, fails to attend, or having attended refuses to be sworn or to make an affirmation, or having been sworn or affirmed, refuses without lawful excuse to answer a question or to produce a document, or remains in the room in which such proceeding is being heard or taken after the witnesses have been ordered to leave such room;
- (e) causes an obstruction or disturbance in the course of a judicial proceeding;
- (f) while a judicial proceeding is pending, makes use of any speech or writing misrepresenting such proceeding or capable of prejudicing any person in favour of or against any parties to such proceeding, or calculated to lower the authority taken;
- (g) publishes a report of the evidence taken in any judicial proceeding that has been directed to be held in private;
- (h) attempts wrongfully to interfere with or influence a witness in a judicial proceeding, either before or after he or she has given evidence in connection with such evidence;
- (i) dismisses a servant because he or she has given evidence on behalf of a party to a judicial proceeding; or
- (j) commits any other act of intentional disrespect to any judicial proceedings, or to any person before whom such proceeding is heard or taken, commits an offence.

(2) A police officer may, by order of the Court, take into custody and detain a person who commits an offence under subsection (1) until the Court adjourns.

(3) A person who commits an offence under subsection (1) shall on conviction be liable to imprisonment for a term not exceeding five days, or to a fine not exceeding one hundred thousand shillings, or to both.

(4) In exercise of its powers under this section, the Court shall observe the principles of fair administration of justice set out in Article 47 of the Constitution.

III. THE COURT OF APPEAL (ORGANIZATION AND ADMINISTRATION)
BILL (NATIONAL ASSEMBLY BILL NO. 52 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 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 therefor 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—

- (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 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—

- (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 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—

- (a) 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;
- (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

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.

2) Notice is given that the Member for Homabay Town (Hon.George P. Kaluma), intends to move the following amendments to the Court of Appeal (Organization and Administration) Bill, 2015 at the Committee Stage—

CLAUSE 35

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

Power to punish
for contempt of
Court.

35. (1) A person who—

- (a) assaults, threatens, intimidates or wilfully insults a judge, judicial officer or a witness, involved in a case during a sitting or attendance in a court, or while the judge, judicial officer or witness is travelling to and from a court;
- (b) wilfully and without lawful excuse disobeys an order or directions of the court in the course of the hearing of a proceeding;
- (c) within the premises in which any judicial proceeding is being heard or taken, or within the precincts of the same, shows disrespect, in speech or manner, to or with reference to such proceeding, or any person before whom such proceeding is being heard or taken;
- (d) having been called upon to give evidence in a judicial proceeding, fails to attend, or having attended refuses to be sworn or to make an affirmation, or having been sworn or affirmed, refuses without lawful excuse to answer a question or to produce a document, or remains in the room in which such proceeding is being heard or taken after the witnesses have been ordered to leave such room;
- (e) causes an obstruction or disturbance in the course of a judicial proceeding;
- (f) while a judicial proceeding is pending, makes use of any speech or writing misrepresenting such proceeding or capable of prejudicing any person in favour of or against any parties to such proceeding, or calculated to lower the authority taken;
- (g) publishes a report of the evidence taken in any judicial proceeding that has been directed to be held in private;

- (h) attempts wrongfully to interfere with or influence a witness in a judicial proceeding, either before or after he or she has given evidence in connection with such evidence;
- (i) dismisses a servant because he or she has given evidence on behalf of a party to a judicial proceeding; or
- (j) commits any other act of intentional disrespect to any judicial proceedings, or to any person before whom such proceeding is heard or taken, commits an offence.

(2) A police officer may, by order of the Court, take into custody and detain a person who commits an offence under subsection (1) until the Court adjourns.

(3) A person who commits an offence under subsection (1) shall on conviction be liable to imprisonment for a term not exceeding five days, or to a fine not exceeding one hundred thousand shillings, or to both.

(4) In exercise of its powers under this section, the Court shall observe the principles of fair administration of justice set out in Article 47 of the Constitution.

IV. THE PRESIDENT'S RESERVATIONS 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:-

- V. **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.
- VI. **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.

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

- VII. **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

NOTICE PAPER

Tentative business for

Wednesday (Morning) November 18, 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 Wednesday (Morning) November 18, 2015:-

A. THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2014)

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

B. MOTION - DECLARATION OF CATTLE RUSTLING AS A NATIONALDISASTER & ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS

(The Hon. William Cheptumo, M.P.)

C. MOTION - ENGAGEMENT OF THE NATIONAL YOUTH SERVICE IN CONSTRUCTION OF DAMS

(The Hon. Joe M. Mutambu, M.P.)

D. MOTION - IMPLEMENTATION OF FLEXIBLE WORK POLICIES

(The Hon. Muthomi Njuki, M.P.)

E. MOTION - DECLARATION OF AN ENVIRONMENTAL CLEANING AND BEAUTIFICATION DAY

(The Hon. (Dr.) Wilber Ottichilo, M.P.)

F. MOTION - PROMOTION OF PERSONS LIVING WITH DISABILITIES FRIENDLY ENVIRONMENT

(The Hon. Mwaura M. Isaac, M.P.)

...../Appendix

APPENDIX

THE NATIONAL ASSEMBLY

SCHEDULE of Questions for

Tuesday, November 17, 2015

It is notified that, pursuant to Standing Orders 191 and 216, the Cabinet Secretaries for *Environment and Natural Resources*; and *Agriculture, Livestock and Fisheries* will appear before the following Departmental Committees on Tuesday, November 17, 2015 at the times hereunder:-

<u>Departmental Committee</u>	<u>Cabinet Secretary</u>	<u>Time</u>	<u>Venue</u>
(i) Departmental Committee on Environment and Natural Resources	<i>Cabinet Secretary for Environment and Natural Resources</i>	10.00 - 12.30 pm	<i>The National Assembly Chamber</i>
(ii) Departmental Committee on Agriculture, Livestock and Cooperatives	<i>Cabinet Secretary for the Agriculture, Livestock and Fisheries</i>	10.00 - 11.30 am	<i>The Mini Chamber, County Hall</i>

The Committees' Agenda has been determined as follows-

AGENDA

(Published pursuant to Standing Order 170E (2))

1. Prayers
 2. Communication from the Chairperson(s)
-

I. Questions under the Departmental Committee on Environment and Natural Resources

Questions to the Cabinet Secretary for Environment and Natural Resources

- (i) **Question by Private Notice No. PVT/11/16 by the Member for Lamu County (The Hon Shakila Abdalla, M.P.):**

Considering that financing and allocation of land for the Lamu Coal Project in Lamu County has commenced, could the Cabinet Secretary inform this Committee whether an Environmental Impact Assessment (EIA) Report on the project has been submitted to the National Environment Management Authority (NEMA) in view of the provisions of Section IV of the Environmental Management and Coordination Act 1999; and further state the wisdom in endorsing such a project particularly with regards to the fact that coal projects have had a retrogressive impact worldwide on local communities and on climate change?

(ii) Question No. 071/2015 by the Member for Emuhaya Constituency (The Hon. (Dr.) Wilber Ottichilo, M.P.)

Could the Cabinet Secretary inform the Committee whether an Environmental Impact Assessment (EIA) was undertaken and approved by the National Environmental Management Authority (NEMA) for the construction of the Standard Gauge Railway (SGR) from Mombasa to Nairobi, the mitigation measures to be undertaken in ensuring that the construction of the railway through Tsavo East and Tsavo West National Parks will not impact negatively on the environment, movement and survival of wildlife, and which mechanisms, both short and long-term, have been put in place to evaluate the success or failure of the proposed mitigation measures?

(iii) Question No. 072/2015 by the Member for Emuhaya Constituency (The Hon. (Dr.) Wilber Ottichilo, M.P.):

Could the Cabinet Secretary table before the Committee the current implementation status report of the Lake Victoria Environmental Management Programme funded by the World Bank, showing projects that have been implemented, their total costs, location, environmental impact, impact on human welfare, whether respective stakeholders and leaders were fully involved in their identification and implementation, and the projects planned for the near future?

(iv) Question No. 073/2015 by the Member for Emuhaya Constituency (The Hon. (Dr.) Wilber Ottichilo, M.P.):

Could the Cabinet Secretary inform the Committee on the programmes and activities the Ministry has put in place to implement the National Climate Change Action Plan that was launched in 2013, the number of programmes and activities being mainstreamed at the County level, the avenues being pursued by the Ministry in involving the key stakeholders in the formulation and development of our national proposals and positions towards the preparation of Global Climate Change Agreement that will be negotiated and approved in Paris, France during the 21st Conference of Parties of the UN Framework on Climate Change Convention in November/December 2015?

(v) Question No. 114/2015 by the Member for Galole Constituency (The Hon. Hassan Dukicha, M.P.):

Considering that Article 132(1)(h) of the Constitution envisages equity and diversity in the representation of Kenya's communities in public appointments, could the Cabinet Secretary explain to Members the reasons why the recruitment of Kenya Wildlife Services (KWS) rangers in Tana River in the recently concluded recruitment exercise was skewed as exemplified by the fact that twelve (12) out of thirteen (13) recruits came from one community leaving out the other six (6) communities; and further apprise Members on what action the Ministry is undertaking to address this anomaly including ordering repetition of the exercise in Tana River?

(vi) Question No. 115/2015 by the Member for Turkana North Constituency (The Hon. Christopher Nakuleu, M.P.):

Could the Cabinet Secretary apprise Members on measures being pursued by the Ministry towards sustainable water security for arid and semi-arid regions of the country, and in particular, confirm the

timeline by which the water pans and boreholes that were allocated to Turkana North Constituency in the 2013/2014 Budget will be completed considering that the procurement process had already been initiated through regional authorities of Kerio Valley Development Authority and Rift Valley Water Service Board (RVWSB); explain what occasioned the two-year delay in the completion of these projects; and inform the Committee on the alternative ways of timely execution and completion of essential projects within the shortest time possible in the face of the current lengthy and bureaucratic procurement procedures?

(vii) Question No. 116/2015 by the Member for Embakasi North Constituency (The Hon. James M. Gakuya, M.P.):

Could the Cabinet Secretary provide an update of the status of Nairobi River and a new park between Kijabe and Kipande Roads; provide information on the ownership of the land on which the park is situated, the status of the rehabilitation project including the satisfaction of the relevant Ministry with the work done; and further apprise Members on whether procurement procedures followed during the acquisition of project materials including tree seedlings; and highlight the plans, if any, being pursued by the Ministry in permanently employing the people working as casual labourers in the project?

II. Questions under the Departmental Committee on Agriculture, Livestock and Cooperatives

Questions to the Cabinet Secretary for Agriculture, Livestock and Fisheries:

(i) Question No. 097/2015 by the Member for Embakasi North Constituency (The Hon. James M. Gakuya, MP):

Considering that tea has been one of the major foreign-exchange earners for the country but is currently faced by a dwindling export market as witnessed at the Tea Auction in Mombasa; and further bearing in mind that the main causes of the decline are prohibitive and punitive legislation which subjects small-scale/ indigenous farmers and other stakeholders to loss of income since all tea cannot be exported directly but has to go through the auction, all this against a backdrop of political instability in Kenya's main tea markets in Africa, Asia and the United Kingdom; could the Cabinet Secretary apprise Members on the status, strategies and mechanisms used in marketing tea in the world market at the Mombasa Auction; the necessity, if any, of restrictions on the processing, packaging and selling of tea by indigenous tea farmers and cooperative societies directly to consumers outside the country; whether an appeal to these restrictive legislation can be considered; and further inform the Committee on the specific measures in place to open up new global markets for Kenya's tea?

(ii) Question No. 098/2015 by the Member for Malindi Constituency (The Hon. Dan Kazungu, MP):

Could the Cabinet Secretary apprise Members on the plans, if any, that the Ministry has in developing and rehabilitating community irrigation projects in Malindi along River Sabaki/ Galana especially in Madunguni, Jilore, Kakoneni, Arabuko, Langobaya, Chakama and other areas so as to assist in sustainable food security and boost residents' livelihood?

(iii) Question No. 099/2015 by the Member for Malindi Constituency (The Hon. Dan Kazungu, M.P.):

Could the Cabinet Secretary apprise Members on reports that members of Orma community have invaded the Galana-Kulala Ranch and settled inside the land meant for a major irrigation project thereby hindering progress and presenting a security threat?

(iv) Question No. 102/2015 by the Member for Wajir East Constituency (The Hon. Abbas Sheikh Mohamed, MP):

Could the Cabinet Secretary update the Committee on the status of the issuance of tenders meant for the construction of abattoirs and the modernization of Athi River plant considering that the Government allocated about one billion shillings for the same; what plans the Kenya Meat Commission has in place to set up abattoirs in all the 47 counties to enable it control the domestic market where it is currently facing stiff competition from the private sector; and what became of the Commission's roll out of livestock off-take programme meant to mitigate the effect of drought that was funded by the United Nations Development Fund?

NOTICE PAPER II

Status of Business before Committees

Wednesday (Afternoon) November 18, 2015

In accordance with the Speaker's Communication of Wednesday, October 14, 2015, it is notified that, during the Sitting of ***Wednesday November 18, 2015 (Afternoon)***, the Chairpersons of the following Committees will be called upon to apprise the House on the Status of the Business pending before their respective Committees-

- A. The Departmental Committee on Environment and Natural Resources**
 - B. The Departmental Committee on Labour and Social Welfare**
 - C. The Departmental Committee on Lands**
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