



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, OCTOBER 25, 2016

1. 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 Communication –

On Discharge of Members from Committee pursuant to Standing Orders No.176

“Honourable Members, I wish to notify the House that I am in receipt of correspondence from the Minority Party Whip, the Hon. Thomas L. Mwadeghu, MP in respect of the discharge of the following Members from Committees-

- (i) **The Hon. (Eng.) James Gordon Kwanya Rege, MP** to be discharged from the Departmental Committee on Energy, Communication and Information and the Joint Committee on National Cohesion and Equal Opportunity;
- (ii) **The Hon. Cyprian Kubai Iringo, MP** to be discharged from the Departmental Committee on Finance, Planning and Trade and the Committee on Regional Integration;
- (iii) **The Hon. Ababu Namwamba, MP** to be discharged from the Budget and Appropriations Committee, the Departmental Committee on Administration and National Security and the Constitutional Implementation Oversight Committee;
- (iv) **The Hon. Isaac Mwaura, MP** to be discharged from the Departmental Committee on Environment and Natural Resources and Procedure and House Rules Committee;
- (v) **The Hon. (Major Rtd) John K. Waluke, MP** to be discharged from the Departmental Committee on Administration and National Security and the Committee on Delegated Legislation;
- (vi) **The Hon. Mpuru Aburi, MP** to be discharged from the Departmental Committee on Energy, Communication and Information and the Departmental Committee on Lands; and
- (vii) **The Hon. Steven Kariuki, MP** to be discharged from the Departmental Committee on Education, Research and Technology and the Constitutional Implementation Oversight Committee.

Honourable Members, the above discharges are pursuant to the provisions of Standing Order 176 which provides that –

“(1) The parliamentary party that nominated a member to a select committee, may give notice, in writing, to the Speaker that the member is to be discharged from a select committee.

(2) The discharge of a member shall take effect upon receipt by the Speaker of a notice under paragraph (1).”

Pursuant to the provisions of Standing Order 176, the discharges take effect immediately. The affected Members and Committee Chairs are accordingly advised. Further and arising from the above, the Coalition is advised to be cognizant of the provisions of Standing Order 173(3) which provides that, and I quote–

“(3) A vacancy occasioned by resignation or removal of a Member from a select committee shall be filled within fourteen days of the vacancy.”

I thank you.”

5. PETITIONS

The following Members presented Petitions:-

- (i) The Member for Bomet East (Hon. Bernard Bett, MP) on gazettelement of Bomet East Constituency as a hardship area (*Petition referred to the Departmental Committee on Education, Research and Technology*);
- (ii) The Member for Kiambu (Hon. Jude Njomo, MP) on alleged violation of labour laws and tax evasion by Bidco (K) Limited (*Petition referred to the Departmental Committee on Labour and Social Welfare*); and
- (iii) The Member for Kajiado North (Hon. Joseph Manje, MP) on illegal dumping in Ngong River and its environs (*Petition referred to the Departmental Committee on Environment and Natural Resources*).

6. PAPERS

The following **Papers** were laid on the Table –

- (a) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June, 2015 and the Certificates therein:-
 - (i) Kenya Bureau of Standards;
 - (ii) Tourism Fund;
 - (iii) Lake Victoria South Water Services Board;
 - (iv) New Co-operative Creameries Limited;
 - (v) Kenya School of Government; and
 - (vi) Kerio Valley Development Authority.
- (b) The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund - Garsen Constituency for the year ended 30th June, 2015 and the Certificate therein.
- (c) The Annual Report and Financial Statements of the National Gender and Equality Commission for the year 2014/2015.
(The Leader of the Majority Party)

7. Rising in his place on a Point of Order under Standing Order 83, the Member for Ainabkoi Constituency (Hon. Samuel Chepkonga, MP) sought the Speaker's indulgence to reorganize the Order Paper. Thereupon the Speaker, pursuant to Standing Order 40(2) reorganized the Order Paper by bringing forward Order No. 15 (*The Constitution of Kenya (Amendment) (No. 3) Bill (National Assembly Bill No. 18 of 2015)*) to Order No. 9.

8. **MOTION – FREE ISSUANCE OF KENYA POLICE MEDICAL EXAMINATION (P3) FORMS**

Motion made and Question proposed-

THAT, aware that the Kenya Police Medical Examination (P3) form is a legal document that is produced in a court of law as evidence in cases which involve body injury; noting that victims are required to have the P3 form completed by a certified public medical officer; further aware that the victims are charged a fee for this service by the hospitals attending to this particular service; concerned that most citizens are financially challenged hence the medical fee charged by the hospitals is in contravention of Article 48 of the Constitution on access to justice; deeply concerned that if the situation is left unchecked, it may lead to continued abuse of the poor, delayed justice and possible incidents of unrest; this House urges the Government to ensure that completion of P3 forms is offered free of charge at all public healthcare facilities.

(Hon. Omar Mwinyi – 19.10.2016)

Debate on the Motion having been concluded on Wednesday, October 19, 2016;

Question put and agreed to.

9. **THE CONSTITUTION OF KENYA (AMENDMENT) (No. 3) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2015)**

Order for Second Reading Read;

Motion made and question proposed;

THAT, the Constitution of Kenya (Amendment) (No. 3) Bill (National Assembly Bill No. 18 of 2015) be read a Second Time

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

Debate arising;

(Change of Chair from the Speaker to the Deputy Speaker)

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

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

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, October 26, 2016 at 9.30 a.m

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