



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – THIRD SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, FEBRUARY 18, 2015

1. The House assembled at thirty minutes past Nine O'clock
2. The Proceedings were opened with Prayer
3. **PRESIDING** – the First Chairperson
4. **NOTICE OF MOTION** – **REVIEW OF THE PROCEDURE AND THE COST OF MARRIAGE REGISTRATION, AND DECENTRALIZATION OF THE OFFICES OF THE REGISTRAR OF MARRIAGES**
(Hon. Moses Malulu Injendi)

THAT, aware that the Marriage Act, 2014 was assented to by H.E the President on 29th April, 2014 and commenced on the 20th of May, 2014; noting that the act was by and large an amalgamation of the previous Acts, thus amendments relating to the regulations were minimal in effect; deeply concerned that there are only twelve offices for the registrar of marriages in the whole country, making it difficult for the hopefuls to issue notice of marriages; mindful of the fact that the upward revision of the marriage certificate acquisition fee is not affordable to many Kenyans, thus inhibiting them from registering marriages as envisaged by the new Act; this House urges the Government to review the procedure and the cost of marriage registration, and to decentralize the offices of the registrar of marriages to a minimum of all sub-counties so as to reduce bureaucracy and enhance accessibility.

5. **NOTICE OF MOTION** – **CREATION OF JOMO KENYATTA NATIONAL MEMORIAL**
(Hon. Moses Malulu Injendi)

THAT, aware that, H.E. Jomo Kenyatta was the founding President of the Republic of Kenya and as such is an important historical figure; also aware that upon his death he was interred in a stone, glass and marble mausoleum on the grounds of Parliament; noting that unlike mausoleums of many other deceased Heads of state, President Jomo Kenyatta's tomb, though situated in a most public place, has been off limits to the citizens for 37 years and only open to the public during the anniversaries of his death, and on rare occasions when visiting Heads of State pay their respects; concerned that despite the clamor over the years for the mausoleum to be opened to the public and possibly be a tourist attraction, no steps have been taken in this regard;

whom Jomo Kenyatta remains a distant historical figure with whom they have little or no connection despite his importance in Kenya's history, this House resolves that the Government creates the Jomo Kenyatta National Memorial at the current mausoleum similar to the one of the founding President of the USA, George Washington, where archival information of his life and his remains will be open to public viewing.

6. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The First Chairperson in the Chair

(i)The Order of Precedence Bill (National Assembly Bill No. 11 of 2014)

Clause 3 - agreed to

Clause 4 - amendment proposed -

THAT, clause 4 be amended by deleting sub clause (1) and substituting therefor the following new sub clause—

“(1) There is established an Order of Precedence for the holders of the following State offices and public offices in the following hierarchy—

- (a) the President;
- (b) the Deputy President;
- (c) the Speakers of Parliament;
- (d) the Chief Justice;
- (e) the Leader of Majority/Leader of Minority of Parliament;
- (f) Members of Parliament/County Governors;
- (g) Former Presidents/Prime Ministers;
- (h) Justices of the Supreme Court;
- (i) Former Vice Presidents and Deputy Presidents;
- (j) Judges of the Court of Appeal;
- (k) Judges of the High Court;
- (l) Cabinet Secretaries/Attorney-General/Auditor-General;
- (m) Principal Secretaries;
- (n) Chief of the Kenya Defence Forces;
- (o) Inspector General of the National Police Service/ Director General of the National Intelligence Service;
- (p) Chairpersons of constitutional commissions;
- (q) Commissioner of Prisons;
- (r) Ambassadors and High Commissioners.

(Chairperson, Departmental Committee on Administration & National Security)

Question of the amendment proposed –

Debate arising;

Amendment to amendment proposed

THAT, the proposed amendments by the Committee in Clause 4 be further amended as follows-

- (i) By inserting the following new paragraph immediately after paragraph (d)
(e) Former Presidents/ Prime Ministers;
- (ii) By deleting paragraph (e) and substituting therefor the following-
(f) Leader of Majority Party;
- (iii) By inserting the following new paragraph immediately after the new paragraph (f);
(g) Leader of Minority Party;
(h) Former Vice Presidents/ Deputy Presidents;
- (iv) by deleting paragraphs (g) and (i),and;
- (iv) By renumbering all paragraphs under subsection (1) accordingly

(Hon. Adan Keynan)

Question of the amendment to amendment proposed –

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to.

Clause 5 - amendment proposed –

THAT, clause 5 be amended—

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

“(1) notwithstanding the provisions of any other law to the contrary, the following State Officers shall be entitled to-

“(a) use of the national flag and sirens on their motorcades and processions—

- (i) the President;
- (ii) the Deputy President;
- (iii) the Speakers of Parliament;
- (iv) the Chief Justice;

(b)use of sirens on their motorcades and processions-

- (i) the Chief of the Kenya Defence Forces;
- (ii) the Inspector General of the National Police Service

(b) in sub clause (2) by deleting “subsection (1)”and substituting therefor the following new sub clause—

(Chairperson, Departmental Committee on Administration & National Security)

Proposed amendment withdrawn

Amendment to amendment proposed

THAT, clause 5 be amended—

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

“(1) The following State officers and persons shall be entitled to use sirens on their motorcades and processions—

- (a) the President;
- (b) the Deputy President;
- (c) the Speakers of Parliament;
- (d) the Chief Justice;
- (e) Cabinet Secretaries/Attorney-General/Auditor-General;
- (f) the Chief of the Kenya Defence Forces;
- (g) the Inspector General of the National Police Service
- (h) Former Presidents/Prime Ministers”;

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

“(2) Subject to the provisions of any other written law, a person, other than the State officers listed in subsection (1), who uses a siren on a motor vehicle commits an offence, and shall be liable on conviction to a fine of not less than one million shillings and not more than two million shillings, or to imprisonment for a term not less than twelve months, or both”.

(Chairperson, Departmental Committee on Administration & National Security)

Question of the amendment to amendment proposed –

Debate arising;

Question for inclusion of paragraphs (a),(b),(c),(d),(f),(g)and (h) of Clause 5 (a) put and agreed to;

Question for inclusion of paragraph (e) of Clause 5 (a) put and negatived;

Clause 5 - as amended agreed to.

Clause 6 - amendment proposed –

THAT, clause 6 be amended—

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

“(1) For purposes of public address, the following titles shall be used to refer to the following persons—

- (a) the President shall be referred to as “His or Her Excellency”;
- (b) the Deputy President shall be referred to as “His or Her Excellency the Deputy President”;

- (c) the Speaker of Parliament shall be referred to as "The Right Honourable Speaker of Parliament";
- (d) the Chief Justice shall be referred to as "Your Lordship or Ladyship the Chief Justice";
- (e) Members of Parliament shall be referred to as "Honourable";
- (f) the Governor of a county shall be referred to as "the Governor";
- (g) Judge of the Superior Court shall be referred to as "Your Lordship or Ladyship";
- (h) Chairpersons and members of constitutional commissions shall be referred to as "Commissioner";
- (i) Spouse of the President shall be referred to as "His Excellency the First Gentleman or Her Excellency the First Lady";
- (j) Spouse of the Deputy President shall be referred to as "His or Her Excellency".

(b) By deleting subclause (2) and substituting therefor the following new subclause—

"Notwithstanding the provisions of any other written law, a person, other than those listed in subsection (1), who uses a title reserved for the persons listed in that subsection commits an offence and shall be liable on conviction to a fine of not less than one million shillings and not more than two million shillings, or to imprisonment for a term not less than twelve months, or both".

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 6 - as amended agreed to.

Clause 7 - Agreed to

Clause 8 - Agreed to

Clause 2 - Agreed to

Clause 1 - amendment proposed –

THAT, clause 1 be amended by inserting the words "and Titles" immediately after the word "Precedence".

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 1 - as amended agreed to.

Long Title - amendment proposed –

THAT, the long title be deleted and replaced with the following new long title—

“AN ACT of Parliament to provide for the Order of Precedence for officials at diplomatic, official and social state functions within Kenya and abroad; to provide for official titles of designated office holders; and for connected purposes”.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Long Title - as amended agreed to

Bill to be reported with amendments;

(ii) The Central Bank (Amendment) Bill (National Assembly Bill No. 32 of 2014)

Clauses 2 - agreed to

Clause 1 - agreed to

Title - agreed to

Bill to be reported without amendments;

7. **HOUSE RESUMED** – the Third Chairperson in the Chair

Bills reported with amendments;

(i) The Order of Precedence Bill (National Assembly Bill No. 11 of 2014)

Motion made and Question proposed -

THAT, the House do agree with the Committee of the whole House in the said report

(Chairperson, Departmental Committee on Administration and National Security)

Question put and agreed to.

Motion made and Question proposed –

THAT, the Order of Precedence Bill (National Assembly Bill No.11 of 2014) be now read a Third Time.

(Chairperson, Departmental Committee on Administration and National Security)

Debate arising;

Question put and agreed to

Order for the Third Reading Read

(ii) The Central Bank (Amendment) Bill (National Assembly Bill No. 32 of 2014)

Motion made and Question proposed -

THAT, the House do agree with the Committee of the whole House in the said report

(Hon. Kabando Wa Kabando)

Question put and agreed to.

Motion made and Question proposed -

THAT, the Central Bank (Amendment) Bill (National Assembly Bill No.32 of 2014) be now read a Third Time.

(Hon. Kabando Wa Kabando)

Debate arising;

Question put and agreed to

Order for the Third Reading Read

8. **THE PARLIAMENTARY POWERS & PRIVILEGES BILL (NATIONAL ASSEMBLY BILL NO.35 OF 2014)**

Order for Second Reading read;

Order deferred pursuant to Standing Order 96 (1)

9. **MOTION – DEVELOPMENT OF RENEWABLE/GREEN ENERGY**

Motion made and Question proposed

THAT, aware that the Kenya Nuclear Electricity Board (KNEB) was created and tasked with spearheading the development of Nuclear Energy in the country; deeply concerned that the construction and maintenance of a nuclear plant is a highly technical, expensive and risky undertaking that potentially exposes a country to the threat of nuclear radiation and the challenge of disposal of radioactive nuclear waste; further aware that due to these inherent risks in nuclear energy production, many of the developed countries like Germany, India, Japan and South Africa amongst others have increasingly embarked on the systematic shut-down of their nuclear plants and instead are promoting the development of clean renewable energy, especially wind and solar energy; **noting that Austria which hosts the United Nations International Atomic Energy Agency, has terminated the development of any nuclear energy**; this House resolves that the Government **shifts its attention from the development** of nuclear energy and instead invests in the development of renewable or green energy which is safe and abundant in the Country.

(Motion as amended)

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

Debate interrupted on Wednesday, December 10, 2014 – morning sitting resumed;

Mover replied;

And the time being One O'clock, the Third Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

10. HOUSE ROSE - at One O'clock

M E M O R A N D U M

The Speaker will take the Chair today,
Wednesday, February 18, 2015 at 2.30 p.m.

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