



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FIFTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, MARCH 01, 2017

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Speaker
4. **MESSAGE ON THE DECISION OF THE SENATE REGARDING THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2013) AND THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2015)**

The Speaker conveyed the following Message from the Senate –

“Honourable Members,

Pursuant to the provisions of Standing Order 41, I wish to report to the House that I have received a Message from the Senate regarding the decision of the Senate on the Constitution of Kenya (Amendment) (No. 2) Bill (National Assembly Bill No. 26 of 2013) and the Constitution of Kenya (Amendment) (No. 2) Bill (National Assembly Bill No. 2 of 2015).

The Message reads in part, and I quote, that “...the Constitution of Kenya (Amendment) (No. 2) Bill (National Assembly Bill No. 2 of 2015) and the Constitution of Kenya (Amendment) (No. 2) Bill (National Assembly Bill No. 26 of 2013) were rejected at Second Reading on Wednesday, 22nd February, 2017.”

Honourable Members, The Constitution of Kenya (Amendment)(No. 2) Bill (National Assembly Bill No. 26 of 2013) was sponsored by the Hon. Lati Lelelit, MP and sought to amend the Constitution of Kenya (Article 204) to transfer the disbursement of the Equalization Fund from the purview of the National Government to Constituencies in with marginalized areas. On the other hand, The Constitution of Kenya (Amendment)(No. 2) Bill (National Assembly Bill No. 2 of 2015), which was sponsored by the Hon. Peter Kaluma, MP, sought to amend the Constitution of Kenya to prohibit courts from interfering with matters which are active before Parliament, County Assemblies and/or their committees. The two Bills were passed by the National Assembly on October 01, 2015 and April 27, 2016 respectively.

Honourable Members, Article 256(1) of the Constitution provides that –

“A bill to amend the Constitution ... (d) shall have been passed by Parliament when each House of Parliament has passed the Bill, in both its Second and Third Readings, by not less than two-thirds of all the members of that House.”

My reading of this Article is that the Constitution does not envisage a mediation process in respect of a Bill to amend the Constitution. This decision of the Senate therefore brings to an end the life of these two Bills, as it implies that Parliament has declined to pass the Bills as required by the Article 256 of the Constitution. The House and indeed the public is accordingly notified.

I thank you”.

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) Estimates of Recurrent and Development Expenditure of the Parliamentary Service Commission for the Year ending 30th June 2018 and Projections For 2018/2019-2020

(Member, Parliamentary Service Commission)

- (ii) Reports of the Departmental Committee on Education, Research and Technology on its consideration of -

(a) The Basic Education (Amendment) Bill, 2016;

(b) The Kenya National Examinations Council (Amendment) Bill, 2016

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

- (iii) Report of the Departmental Committee on Labour and Social Welfare on its consideration of the Betting, Lotteries and Gaming (Amendment) Bill, 2016

(Chairperson, Departmental Committee on Labour and Social Welfare)

6. **NOTICE OF MOTION**

The following Notices were given –

- (i) **THAT**, this House adopts the Report of the Departmental Committee on Lands on the degazettement of Government Land belonging to Chlorim Cooperative Society laid on the Table of the House on Tuesday, December 2, 2014.
- (ii) **THAT**, this House adopts the Report of the Departmental Committee on Lands on the ownership of Mombasa Cement Limited Land in Kilifi County laid on the Table of the House on Tuesday, November 24, 2015.

(Member, Departmental Committee on Lands)

7. **STATEMENT**

The Member for Kiambaa (Hon. Paul Koinange) issued a Personal Statement regarding political activities in the country.

8. **PROCEDURAL MOTION - EXTENSION OF TIME FOR CONSIDERATION OF A PETITION**

Motion made and Question proposed –

THAT, notwithstanding the provisions of Standing Order 230(4), this House **resolves** to extend the period prescribed for consideration of the Petition for Removal from office of Mr. Edward Ouko as Auditor-General of the Republic of Kenya by the Departmental Committee on Finance, Planning and Trade by a period of twenty one (21) days from March 02, 2017.

(Chairperson, Departmental Committee on Finance, Planning and Trade)

Debate arising;

Question put and agreed to.

9. **MOTION – ESTABLISHMENT OF A JOINT PARLIAMENTARY SELECT COMMITTEE ON ELECTION OF MEMBERS TO THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)**

Motion made and Question proposed –

THAT, acknowledging that the East Africa Legislative Assembly (EALA) is established under Article 9 of the Treaty for the Establishment of the East African Community as one of the key organs and institutions of the Community responsible for the Community's legislative matters; **recognizing** that Article 50 of the Treaty provides for the election of Members of EALA by respective Partner States' Legislatures in accordance with their parliamentary procedures for a term of five years; **aware** that the five-year term of the current 3rd East African Legislative Assembly is due to expire on June 04, 2017; **further** aware that the East African Legislative Assembly Elections Act, 2011 contemplates conclusion of the election of Members of a new Assembly to be within ninety (90) days before the expiry of the term of the subsisting Assembly; **noting that** the current Election Rules were adopted by the National Assembly in April, 2012 and therefore do not take cognizance of the bicameral nature of the Kenyan Parliament; **cognizant** of the need to urgently conclude the election process within the statutory timelines; now therefore, in accordance with the provisions Rule 9 of the Houses of Parliament (Joint Sittings) Rules, the House **resolves** to establish a *Joint Select Committee* consisting of seven (7) Members from each of the Houses of Parliament and that-

(i) the mandate of the said Joint Select Committee shall be to:

- (a) review the procedure and rules for election of Members of EALA contained in the *Treaty for the Establishment of the East African Community (Election of Members of the Assembly) Rules, 2012* in light of Kenya's bicameral nature;
- (b) on the basis of the review in (a) above, propose appropriate procedures and rules for election of persons to represent the Republic of Kenya at EALA;

- (c) within fourteen (14) days, submit a report to the Houses of Parliament containing the revised rules of procedure;
 - (d) suggest appropriate timelines for purposes of notifications, nominations and elections; and
 - (e) consider the nominees, oversee the election process and report to the House within the timelines stipulated in the Elections Rules.
- (ii) the Committee shall formulate its own rules of procedure;
 - (iii) the Offices of the Clerks of both Houses shall provide secretariat services in accordance with the Standing Orders; and,
 - (iv) the following Members shall represent the National Assembly in the Joint Select Committee:
 - (a) The Hon. Katoo Ole Metito, EGH, MP - Co-Chairperson
 - (b) The Hon. Samuel Chepkong'a, MP;
 - (c) The Hon. Wanjiku Muhia, MP;
 - (d) The Hon. Ali Wario, MP;
 - (e) The Hon. Florence Mutua, MP;
 - (f) The Hon. Daniel Maanzo, MP; and
 - (g) The Hon. Wafula Wamunyinyi, MP.

(The Leader of the Majority Party)

Debate arising;

Question put and agreed to

9. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Second Chairperson in the Chair

The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 45 of 2016)

A. Provisions relating to the Judicature Act (Cap 8) - agreed to.

B. Provisions relating to the Advocates Act (Cap 16) – amendment proposed -

That the Bill be amended in the Schedule in the provisions relating to the Advocates Act (Cap 16) -

- (i) by deleting all the proposed amendments to the Advocates Act (Cap 16)

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

Debate arising;

Proposed amendment withdrawn.

Provisions relating to the Advocates Act (Cap 16) – agreed to

Further amendment proposed –

THAT the Bill be amended in the Schedule in the provisions relating to the Advocates Act (Cap 16) -

- (i) by deleting the proposed subsection 23(2A) and substituting therefor the following new subsection-

(2A) The Society shall issue to every advocate registered with it a stamp or seal bearing the advocate's name, admission number and the year of practice in such form as may be approved by the Council of the Society and prescribed in regulations, and such stamp or seal shall be affixed on every document drawn by such advocate and lodged for registration in any registry in Kenya or issued for any other professional purpose.

- (ii) by deleting the proposed section 34A and substituting therefor the following new section-

Additional
endorsement.

34A. Subject to section 10, an advocate who holds a current practising certificate shall not file any legal documents in any registry under any law which requires filing of such document by an advocate, or issue such document for any other professional purpose, unless there is affixed on each such document the stamp or seal issued by the Society under section 23(2A).

- (iii) by inserting the following subsections immediately after subsection (1) in the proposed section 34B-

(1A). An advocate who is not exempt under section 10 shall, where he does not intend to practise in any year, apply to the Council of the Society at least three months before the commencement of that year for exemption from the requirement of taking out a practicing certificate in respect of that year.

(1B). Any advocate who, being required to do so, fails to apply for exemption under subsection (1A) commits an act of professional misconduct.

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Provisions relating to the Advocates Act (Cap 16) –as amended agreed to.

C. Provisions relating to the Bills of Exchange Act (Cap. 27) – amendment proposed -

That the Bill be amended in the Schedule in the provisions relating to the Bills of Exchange Act (Cap. 27) by deleting the words “Rwanda, Burundi” in the proposed amendments to section 4(3) of the Bills of Exchange Act (Cap. 27).

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Provisions relating to the Bills of Exchange Act (Cap. 27) –as amended agreed to.

D. Provisions relating to the Probation of Offenders Act (Cap. 64) - agreed to.

E. Provisions relating to the Prisons Act (Cap. 90) – amendment proposed -

THAT the Bill be amended in the Schedule in the provisions relating to the Prisons Act, Cap. 90, by deleting the proposed amendment to section 9.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Prisons Act (Cap. 90) –as amended agreed to.

F. Provisions relating to the Explosives Act (Cap 115) - agreed to.

G. Provisions relating to the Income Tax Act (Cap 470) – amendment proposed -

THAT the Bill be amended in the Schedule in the provisions relating to the Income Tax Act (Cap 470) by inserting the following new rows in proper alphabetical sequence -

First Schedule Insert the following new paragraph immediately after paragraph 45 –

44A. The income of the National Hospital Insurance Fund established under the National Hospital Insurance Fund Act, 1998 consisting of-

- (a) all contributions and other payments into and out of the Fund; and
- (b) monies invested under section 34 of the Act.

Section 15(3) Delete the word “four” appearing in paragraph (c) and substituting therefor the word “five”.

Third Schedule Delete the word “four” appearing in paragraph 2(i) of Head B and substituting therefor the word “one”.

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Further amendment proposed –

THAT, the Bill be amended in the Schedule in the provisions relating to the Income Tax Act (Cap 470) by inserting the following row immediately before the existing row-

First
Schedule Insert the following new paragraph immediately after paragraph 45 –

44A. The income of the National Hospital Insurance Fund established under the National Hospital Insurance Fund Act, 1998 consisting of-

(a) all contributions and other payments into and out of the Fund;
and

(b) monies invested under section 34 of the Act.

(Hon. Kimani Ichungwah)

Proposed amendment dropped

Further amendment proposed –

THAT, the Bill be amended in the Schedule in the provisions relating to the Income Tax Act (Cap 470) by inserting the following new row in its proper alphabetical sequence-

Second
Schedule
(Part V) Insert the following new paragraph immediately after section 24B –

Capital expenditure on construction of liquefied petroleum gas storage facilities.

24C. (1) Where capital expenditure is incurred on the construction of liquefied petroleum gas storage facilities with a minimum capital investment of four billion shillings and a minimum storage capacity of a total value of fifteen thousand metric tonnes, there shall be deducted in computing the gains or profits of the person incurring that expenditure for the year of income in which the liquefied petroleum gas storage facilities were first used for storage of liquefied petroleum gas, a deduction referred to as an investment deduction.

(2) The amount of the investment deduction under paragraph (1) shall be equal to one hundred and fifty per centum of the capital expenditure.

(Hon. Nelson Gaichuhie)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Income Tax Act (Cap 470) – as amended agreed to.**New and Consequential Provisions-****Proposed amendments to various Statutes consequential to the Income Tax Act****a) The Miscellaneous Fees and Levies Act, 2016 (No. 29 of 2016)**

- (a) **THAT**, the Bill be amended in the Schedule by inserting the following new item in its proper alphabetical sequence-

Miscellaneous Fees and Levies Act, 2016 (No. 29 of 2016) Part A of Second Schedule of Insert the following new item immediately after item (xxi)–

(xxii) any other goods as the Cabinet Secretary may determine are in public interest, or to promote investments which value shall not be less than two hundred million shillings.

Part B of Second Schedule of Insert the following new item immediately after item (v)–

(iv) any other goods as the Cabinet Secretary may determine are in public interest, or to promote investments which value shall not be less than two hundred million shillings.

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Miscellaneous Fees and Levies Act, 2016 (No. 29 of 2016)- agreed to.**b) The Value Added Tax Act, 2013 (No of 2013)**

- THAT**, the Bill be further amended in the Schedule by inserting the following new item in its proper alphabetical sequence-

The Value Added
Tax Act, 2013 (No
of 2013)

First
Schedule
(Part I-
Goods)

Insert the following new paragraph immediately after paragraph 30 —

30A. Taxable supplies, procured locally or imported for the construction of liquefied petroleum gas storage facilities with a minimum capital investment of four billion shillings and a minimum storage capacity of fifteen thousand metric tonnes as approved by Cabinet Secretary for National Treasury upon recommendation by the Cabinet Secretary responsible for liquefied petroleum gas.

First
Schedule
(Part II-
Services)

Insert the following new paragraph immediately after paragraph 27 —

28. Taxable services, procured locally or imported for the construction of liquefied petroleum gas storage facilities with a minimum capital investment of four billion shillings and a minimum storage capacity of fifteen thousand metric tonnes as approved by Cabinet Secretary for National Treasury upon recommendation by the Cabinet Secretary responsible for liquefied petroleum gas

(Hon. Nelson Gaichuhie)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Value Added Tax Act, 2013 (No of 2013)-agreed to.

H. Provisions relating to the Insurance Act (Cap 487) – amendment proposed –

THAT, the Bill be amended in the Schedule in the provisions relating to the Insurance Act (Cap 470) by inserting the following new rows in their proper alphabetical sequence-

s.3A Insert a new subsection as follows-

(3) The Authority shall publish the standards formulated under subsection (1) (b) and may provide for the punishment of a person who contravenes any of the standards by a fine not exceeding five million

shillings or to imprisonment not exceeding five years or to both such fine and imprisonment.

s.20(4) Delete the words “ten thousand shillings or to imprisonment not exceeding one year” and substitute with “five million shillings or to imprisonment not exceeding five years”

Second
Schedule Delete the expression “30th June, 2018” appearing in paragraph 3 and substitute therefor the expression “30th of June 2020.

(Hon. Nelson Gaichuhie)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Further amendment proposed –

THAT, the Bill be amended in the Schedule in the provisions relating to the Insurance Act (Cap.487) by inserting the following new item immediately after the proposed amendments to section 43 (2) (c)—

New Insert the following new section immediately after section 71—

Choice
of
insurer
for
loans.

71A. (1) A bank shall—

(a) inform a loanee, in writing, that the loanee has a right to select an underwriter or broker from a list of underwriters or brokers licensed by the Authority;

(b) inform a loanee, in writing, that the loanee has an option to forfeit the right to select an underwriter or broker;

(c) not prescribe or assign an underwriter or broker to a loanee, unless the loanee forfeits in writing the right to select an underwriter or broker; and

(d) update the list of licensed brokers or underwriters availed to loanees regularly and ensure that underwriters or brokers under statutory management are excluded from the list.

(2) A bank that contravenes the provisions of subsection (1) commits an offence and shall upon conviction be liable to a fine not exceeding five million shillings.

(Hon. Jakoyo Midiwo)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Insurance Act (Cap.487) – as amended agreed to.

I. Provisions relating to the Auctioneers Act (Cap 526) – agreed to.

J. Provisions relating to the Clinical Officers (Training, Registration and Licensing Act, 1988 (No. 9 of 1988) - agreed to.

K. Provisions relating to the Kenya Information and Communications Act, 1998– amendment proposed –

THAT, the Bill be amended in the Schedule by deleting the items relating to the Kenya Information and Communications Act, 1998 (No 2 of 1998).

(Hon. Nelson Gaichuhie)

Question of the amendment proposed;

Debate arising;

Question put and negatived.

Further amendment proposed –

THAT, the Bill be amended in the Schedule in the provisions relating to the Kenya Information and Communications Act, 1998 by inserting the following new item immediately before the proposed amendments to section 27A—

New Insert the following new section immediately after section 25—

Licensee
may
operate
other
businesses.

25A. (1) In addition to operating a telecommunication system or providing a telecommunication service as may specified in the licence granted under section 25, a person may engage in any other business provided that such person shall—

- (a) obtain the relevant licences from the respective regulators of any industry or sector ventured into;
- (b) legally split or separate the telecommunication business from such other business; and
- (c) provide separate accounts and reports in respect of all businesses carried out.

(2) A person who provides any service without the relevant licence under this section commits an offence.

(3) A person convicted of an offence under this section shall, on conviction be liable to a fine not exceeding ten million shillings or to imprisonment for a term not exceeding two years, or to both.

(4) A person who, at the commencement date of this section, was operating a business that does not comply with the requirements of this section shall ensure that the business is compliant within six months of the coming into force of this section.

(5) The Commission, shall, within six months of the coming into force of this section and thereafter annually, report to Parliament on the extent to which this section has been implemented.

(Hon. Jakoyo Midiwo)

Question of the amendment proposed;

Debate arising;

Proposed amendment **withdrawn**.

Provisions relating to the Kenya Information and Communications Act, 1998 (No 2 of 1998) –agreed to.

L. Provisions relating to the Community Service Orders Act, 1998 (No. 10 Of 1998) – agreed to.

M. Provisions relating to the Industrial Property Act, 2001 (No. 3 of 2001) – agreed to.

N. Provisions relating the Children Act, 2001 – amendment proposed –

THAT, the Bill be amended in the Schedule in the provisions relating to the Children Act, 2001 in the proposal in respect of section 156 thereof, by deleting the proposed amendment to subsection (1).

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, the Bill be amended in the Schedule in the provisions relating to the Children Act, 2001 by —

- (a) by deleting the proposed amendments to section 155(2) of the Children Act (No.8 of 2001).
- (b) by deleting the proposed amendments to section 156(1) of the Children Act (No.8 of 2001) and substituting therfor the following new amendment-

s.156(2) Insert the following new subsection immediately after subsection (3)

(4) The Cabinet Secretary may issue a moratorium on inter-country and residents adoptions where there is sufficient evidence to support the opinion that such adoptions or processes leading up to such adoptions are likely to be in contravention of the Constitution or any other law, or any international treaties or conventions to which Kenya is a party

(Hon. Samuel Gichigi, Member, Departmental Committee on Labour and Social Welfare)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Provisions relating to the Children Act, 2001 – as amended agreed to

O. Provisions relating to the Copyright Act, 2001 (No. 12 of 2001) – amendment proposed

(a) **THAT**, the Bill be amended in the Schedule in the provisions relating to the Copyright Act, 2001 (No 12 of 2001)-

- (i) by deleting the amendments proposed to section 30(8) and substituting therefor the words “ and performance for private purposes shall include the digital content of artistic works”;
- (ii) by deleting the amendments proposed to section 30A(1);
- (iii) by inserting the following row in its proper sequence-

S. 30A Delete

(Hon. Kimani Ichungwah)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Copyright Act, 2001 (No 12 of 2001) – as amended agreed to

P. Provisions relating to the Public Officer Ethics Act, 2003 (No. 4 of 2003) – agreed to.

Q. Provisions relating to the Persons with Disabilities Act, 2003 (No. 14 of 2003) – agreed to.

R. Provisions relating to the Refugees Act, 2006 (No. 13 of 2006) – agreed to.

S. Provisions relating to the Anti Counterfeit Act, 2008 (No. 13 of 2008) – agreed to.

T. Provisions relating to the Competition Act, 2010 (No. 10 of 2010) – agreed to.

U. Provisions relating to the Judicial Service Act, 2011 (No. 1 of 2011) – agreed to.**V. Provisions relating to the National Police Service Act, 2011(No. 11A of 2011) – amendments proposed-**

THAT the Bill be amended in the Schedule in the provisions relating to the National Police Service Act No. 11A of 2011—

- (a) by deleting the proposed amendment to section 2;
- (b) by deleting the proposed amendment to section 10(1);
- (c) by deleting the proposed amendment to section 13 and substituting therefor the following new amendment—

“Insert the following new subsection immediately after subsection (7)—

(8) Whenever a vacancy occurs in the office of the Deputy Inspector-General, the President may on the recommendation of the Commission appoint a suitably qualified police officer to act as Deputy Inspector-General until the appointment of the substantive holder of the office, provided that such police officer appointed to serve in acting capacity shall serve for a period not exceeding six months.”

- (d) by deleting the proposed amendment to section 29(1);
- (e) by deleting the proposed amendment to section 76(3); and
- (f) by deleting the proposed amendment to section 79(2).

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the National Police Service Act No. 11A of 2011– as amended agreed to.**W. Provisions relating to the Kenya Citizenship and Immigration Act, 2011(No. 12 of 2011) - amendments proposed-**

THAT the Bill be amended in the Schedule in the provisions relating to the Kenya Citizenship and Immigration Act No. 12 of 2011—

- a) by deleting the proposed amendment to section 31(1);
- b) by deleting the proposed amendment to section 33(1);
- c) in the proposed amendments to section 37—
- d)
 - (i) by deleting the proposed amendment to paragraph (b);
 - (ii) in the proposed new paragraph (ca) by deleting the words “or dependants” appearing immediately after the word “children”;
- e) in the proposed amendment to section 40(10), by inserting the words “and may appeal the decision of the Cabinet Secretary to the High Court” immediately after the words “receipt of the notification” in the proposed new subsection (12).

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Kenya Citizenship and Immigration Act No. 12 of 2011 as amended agreed to.

X. Provisions relating to the National Construction Authority Act, 2011 (No. 41 of 2011) – agreed to.

Y. Provisions relating to the Kenya School of Government Act, 2012 (No. 9 of 2012) – agreed to.

Z. Provisions relating to the Retirements Benefits (Deputy President and Designated State Officers) Act, 2015 (No. 8 of 2015) - amendments proposed-

THAT the Bill be amended in the Schedule in the provisions relating to the Retirements Benefits (Deputy President and Designated State Officers) Act, No. 8 of 2015 by-

(a) amending the proposed amendments to the Retirements Benefits (Deputy President and Designated State Officers) Act, No. 8 of 2015 as follows—

(i) inserting the words “ Deputy Chief Justice” immediately before the words “ or Chief Justice” in the proposed amendments to the Long title;

(ii) inserting the following new item immediately after the proposed amendment to the Long title—

s. 2 Insert the following new definitions in their proper alphabetical sequence—

“retired Chief Justice” means a person who, having held the office of Chief Justice, has ceased to hold the office as such in the manner specified in the Constitution;

“retired Deputy Chief Justice” means a person who, having held the office of Deputy Chief Justice, has ceased to hold office as such in the manner specified in the Constitution.

New (iii) inserting the following proposed new section immediately after the proposed new section 5A—

Pension and other benefits of retired Deputy Chief Justice

5B. A retired Deputy Chief Justice shall, during his or her lifetime, be entitled to—

(a) a monthly pension equal to eighty per cent of the monthly salary of the entitled person’s last monthly salary while in office;

(b) a lump sum payment on retirement calculated as a sum equal to one year’s salary paid for each term served in office;

- (c) one salon vehicle of an engine capacity not exceeding 2000 cc which shall be replaceable once every four years;
 - (d) one four-wheel drive vehicle of an engine capacity not exceeding 3000 cc which shall be replaceable once every four years;
 - (e) a fuel allowance equal to fifteen per cent of the current monthly salary of the office holder;
 - (f) full medical and hospital cover, providing for local and overseas treatment, with a reputable insurance company for the entitled person and the entitled person's spouse;
 - (g) the additional benefits set out in the First Schedule.
- (iv) inserting the words "THE DEPUTY CHIEF JUSTICE" immediately before the words "Or the Chief Justice" in the proposed amendments to the First Schedule.
- (b) by inserting the words " Deputy Chief Justice" immediately before the words " or Chief Justice" in the proposed amendment to section 3.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT the proposed amendment to the Schedule be further amended by-

- (i) inserting the words "at any time after 27th August, 2010" immediately after the words "office of the Chief Justice in the definition of the term "retired Chief Justice" and
- (ii) inserting the words "at any time after 27th August, 2010" immediately after the words "office of the Deputy Chief Justice in the definition of the term "retired Deputy Chief Justice".

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Retirements Benefits (Deputy President and Designated State Officers) Act, No. 8 of 2015 - as amended agreed to.

AA. Provisions relating to the Business Registration Service Act, 2015 (No. 15 of 2015) – agreed to.

BB. Provisions relating to the Companies Act, 2015 (No. 17 of 2015) – agreed to.

CC. Provisions relating to the Excise Duty Act, 2015 – amendments proposed –

THAT the Bill be amended in the Schedule in the provisions relating to the Excise Duty Act, 2015 in the proposal in respect of Part I of the First Schedule by deleting the words “Motor Vehicle excluding school of tariff heading 87.02, 87.03 and 87.04” substituting therefor the words “motor vehicles excluding school buses for use by public schools of tariff heading 87.02, 87.03.87.04”.

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Excise Duty Act, 2015 as amended agreed to

DD. Provisions relating to the High Court (Organization and Administration Act, 2015 (No.27 of 2015) – agreed to.

EE. Provisions relating to the Court of Appeal (Organization and Administration Act, 2015 (No. 28 of 2015) – agreed to.

FF. Provisions relating to the Legal Aid Act, 2016 (No. 6 of 2016) – agreed to.

GG. Provisions Relating to the Water Act, 2016 (No. 43 of 2016) – agreed to.

HH. Pronouncement on other deleted provisions

The Chairperson pronounced that following the Speaker's Communication of February 9, 2017, provisions relating to the following Acts have been deleted:

- i. The Sexual Offences Act, 2006;
- ii. The Proceeds of Crime and Anti- Money Laundering Act, 2009;
- iii. The Treaty Making and Ratification Act, 2012; and
- iv. The Independent Policing Oversight Authority (IPOA) Act, 2011.

Clause 2 - agreed to

Clause 1 - agreed to

Title - agreed to

Bill to be reported with amendments

10. **HOUSE RESUMED** - The Second Chairperson of Committees in the Chair

The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 45 of 2016)

Bill reported with amendments;

MOTION: Re-committal of Provisions relating to the Advocates Act

THAT the Motion for agreement with the Report of the Committee of the Whole House be amended by inserting the words “**subject to re-committal of provisions relating to the Advocates Act (CAP 16).**”

(Hon. T.J Kajwang’)

Debate arising;

Question of the amendment proposed, put and agreed to

Committee resumed-

11. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

(The Second Chairperson of Committees in the Chair)

The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 45 of 2016)

Provisions relating to the Advocates Act (Cap 16)- Amendments proposed

THAT the Bill be further amended in the Schedule in the provisions relating to **The Advocates Act (Cap 16)** by **deleting the new subsections (1A) and (1B)** inserted immediately after subsection (1) in the proposed section 34B-

(The Hon. T.J Kajwang’)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Provisions of the Advocates Act (Cap 16) as further amended agreed to

Bill to be reported with amendments

12. **HOUSE RESUMED** - The Second Chairperson of Committees in the Chair

The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 45 of 2016)

Bill reported with amendments;

Motion made and Question proposed-

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

(The Leader of the Majority Party)

Debate arising;

Question put and agreed to

Motion made and Question proposed-

THAT, the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 45 of 2016) be now read a Third Time

Question **deferred** to another day.

13. **MOTION – REPORT OF THE CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE ON OVERSIGHT OVER THE IMPLEMENTATION OF DEVOLUTION**

Motion made and Question proposed –

THAT, this House adopts the Report of the Constitutional Implementation Oversight Committee on Oversight over the Implementation of Devolution up to the year 2016, laid on the Table of the House on Tuesday, February 21, 2017.

(Chairperson, Constitutional Implementation Oversight Committee – 28.02.2017)

Order deferred to another day.

14. **MOTION – REPORT OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS ON THE MARRAKESH TREATY**

Order deferred to another day.

15. **MOTION - SPECIAL REPORT ON THE DUTY FREE SHOPS CONTRACTS AT JOMO KENYATTA AND MOI INTERNATIONAL AIRPORTS**

Order deferred to another day.

16. **MOTION -REPORT OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS ON THE PROTOCOL TO THE CONSTITUTIVE ACT OF THE AFRICAN UNION RELATING TO THE PAN-AFRICAN PARLIAMENT**

Order deferred to another day.

17. **THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILL NO.37OF 2014)**

Order deferred to another day.

House adjourned pursuant to Standing Order 96.

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.

18. **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
Thursday, March 02, 2017 at 2.30 p.m.

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