



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

;VOTES AND PROCEEDINGS

WEDNESDAY, JUNE 07, 2017

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Deputy Speaker
4. **THE COUNTY GOVERNMENTS' RETIREMENT SCHEME BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2017)**
(Hon. Roba Duba)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental committee pursuant to Standing Order 127(1)

5. **THE COMPANIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 23 OF 2017)**

Order for Second Reading Read;

Motion made and Question proposed –

THAT, the Companies (Amendment) Bill (National Assembly Bill No. 23 of 2017) be now read a Second Time

(The Leader of the Majority Party)

Debate on the Second Reading having been concluded on Tuesday, June 06, 2017;

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the whole House tomorrow.

6. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Deputy Speaker in the Chair

(i) **The Traffic (Amendment) Bill (National Assembly Bill No.33 of 2014)**

Clause 3 - amendment proposed -

THAT, Clause 3 of the Bill be amended by deleting the existing clause 3 and substituting therefor the following new clause (3)-

“(1A) A person who contravenes the provisions of section (3A) shall be liable to a fine not exceeding twenty thousand shillings.

(1B) A police officer shall serve upon the person driving or in charge of a vehicle and who commits an offence under section 42 (1), (2) and (3), with a police notification of traffic offence in the prescribed form charging the person of having committed the offence under the section.

;

(1C) The police notification served under subsection (1B) shall require the person to attend court to answer such charge as may be preferred within forty eight hours of service of the notification.

(1D) The procedure stipulated under section 117 (4), (5), (6), (7), (8), (9) and (10) shall apply to this section.”

(Hon. Omar Mwinyi, MP, member Departmental Committee on Transport, Public Works & Housing)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 3 - as amended agreed to

Clause 4 - amendment proposed -

THAT, Clause 4 of the Bill be amended-

(a) by deleting sub clause (2) of the proposed section 105B and substituting therefor the following new sub clause (2)-

“(2) Notwithstanding subsection (1), a motor vehicle designated for transporting children to or from school or for any non-school related activity when they are in a group shall-

- (a) be fitted with safety belts designed to be used by children;
- (b) be painted in yellow colour and have other signage as may be prescribed;
- (c) comply with the conditions imposed on public service vehicles under this Act; and

not operate between the hours of 10:00 pm and 5:00 am.”;

- (b) by deleting sub-clauses (3), (4) and (5);
- (c) In sub-clause (6) by inserting the following new paragraph immediately after paragraph (c)-
- (d) in sub-clause (7) by deleting the words 'of fifty thousand' appearing immediately after the word 'fine' and substituting therefor the words 'not exceeding thirty thousand';
- (e) by deleting sub-clause (8) and substituting therefor the following new sub-clause (8)-
"Notwithstanding subsection (7), a person who being the registered owner or driver of a vehicle used for transporting children, who authorizes or permits the use of a vehicle used for transporting children or is negligent to prevent contravention with this Act commits an offence and shall be liable to a fine not exceeding thirty thousand shillings or imprisonment for a term not exceeding two months, or to both."; and
- (f) by inserting the following new sub-clauses (9) and (10) immediately after sub-clause (8)-

 "(9) Subsections (1), (2)(a) and (b) shall come into force within twelve months after the enactment of this Act.

 (10) The Cabinet Secretary shall, within a period not exceeding twelve months after the enactment of this Act, make the Regulations prescribing matters required to be prescribed under this section."

(Hon. Omar Mwinyi, MP, member Departmental Committee on Transport, Public Works & Housing)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to

Clause 5 - amendment proposed -

THAT, Clause 5 of the Bill be deleted.

(Hon. Omar Mwinyi, MP, member Departmental Committee on Transport, Public Works & Housing)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 5 - deleted

Clause 2 - amendment proposed -

THAT, Clause 2 of the Bill be amended in the new sub-clause (3A)-

- a) by deleting the word “thirty” appearing immediately after the words “speed exceeding” and substituting therefor the word “fifty”;
- b) in paragraph (d) by inserting the following words “as may be designated as a pedestrian crossing by the highway authority” immediately after the words “from school”; and
- c) by deleting paragraphs (b), (c) and (e).

(Hon. Omar Mwinyi, MP, member Departmental Committee on Transport, Public Works & Housing)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 - as amended agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments.

(ii) **The Refugees Bill (National Assembly Bill No. 29 of 2016)**

Clause 13 - amendment proposed -

THAT, clause 13 of the Bill be amended-

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

“(1) An application for the grant of refugee status shall be made to the Secretariat either directly or through an authorized officer or an officer of the United Nations appointed by the Committee.”

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

“(2) An authorized officer to whom any asylum seeker presents himself or herself shall refer that asylum seeker to the relevant authority.”

(c) by deleting the word “Commissioner” wherever it appears and substituting therefor the word “Director”.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 13 - as amended agreed to

Clause 14 - amendment proposed -

THAT, clause 14 of the Bill be deleted.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

;Question put and agreed to;

Clause 14 - deleted

Clause 15 - amendment proposed -

THAT, clause 15 of the Bill be amended-

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

“(1) There is established a Refugee Status Eligibility Committee which shall consist of the following members-

(a) a chairperson appointed by the Cabinet Secretary;

(b) not less than four other members appointed by the Cabinet Secretary from the following departments in consultation with their respective Cabinet Secretaries-

(i) a representative of the ministry responsible for internal affairs;

(ii) a representative of the Inspector-General of Police; and

(iii) a representative of the Director of Immigration Services.

(b) by deleting sub-clause (3) and substituting therefor the following new sub-clause-

“(3) The Refugee Affairs Secretariat shall provide secretariat services to the Eligibility Committee.”

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 15 - as amended agreed to

Clause 16 - amendment proposed -

THAT, the Bill be amended by deleting clause 16 and substituting therefor the following new clause–

Functions of the Eligibility Committee. **16.** (1) The Eligibility Committee shall review recommendations of the Secretariat arising from the refugee status determination process and advise the Director.

(2) Upon receipt of the advice of the Eligibility Committee, the Director shall make a determination and cause the applicant to be informed of his or her decision.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 16 - as amended agreed to

Clause 17 - amendment proposed -

THAT, clause 17 of the Bill be amended–

(a) in sub-clause (1) by deleting the words “Eligibility Committee” and substituting therefor the word “Director”;

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

“(2) An applicant who is aggrieved by a decision of the Director may, through his or her representative or any other interested party, appeal to the Appeal Board within thirty days of receiving written notification of the decision.”;

(c) by deleting sub-clause (3); and

(d) by deleting sub-clause (4).

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 17 - as amended agreed to

Clause 18 - agreed to

Clause 19 - amendment proposed–

THAT, clause 19 of the Bill be amended by inserting the words “in accordance with the provisions of the Public Health Act” immediately after the words “special holding centre”.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 19 - as amended agreed to

Clause 20 - amendment proposed -

THAT, clause 20 of the Bill be amended–

(a) by deleting sub-clause (6);

(b) in sub-clause (10) by deleting the word “not” appearing immediately after the words “under this section shall”;

(c) by deleting the word “Commissioner” wherever it appears and substituting therefor the word “Director”.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Amendment withdrawn;

Clause 20 - agreed to

Clause 21 - amendment proposed -

THAT, the Bill be amended by deleting clause 21 and substituting therefor the following new clause–

Revocation of
refugee status.

21.(1) The Director may revoke the status of any refugee if the refugee at any time after recognition as a refugee has committed a crime against peace, a war crime or a crime against humanity, as defined in any international instrument to which Kenya is a party and which has been drawn up to make provision in respect of such crimes:

Provided that the revocation shall however not affect any member of the family.

(2) The procedures for cancellation under section 20 shall generally apply in the case of revocation.

(3) Where refugee status under this part has been revoked that person shall cease to be a refugee under this Act on the expiration of seven days after the date on which the Director notifies the person concerned that his or her recognition has been revoked.

(4) Where refugee status under this part has been revoked, every person who, immediately before such revocation, was within Kenya as a member of the family of such refugee shall maintain his or her refugee status and be permitted to continue to remain in Kenya in accordance with the provisions of this Act.

(5) Any person whose refugee status has been cancelled or revoked shall leave the country within thirty days of notification of the final order relating to the cancellation or revocation, failing which the Cabinet Secretary shall remove such person immediately.

Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 21 - as amended agreed to

Clause 22 - amendment proposed -

THAT, clause 22 of the Bill be deleted.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 22 - deleted

Clause 23 - amendment proposed -

THAT, clause 23 of the Bill be deleted.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Clause 23 - agreed to

Clause 24 - amendment proposed -

THAT, the Bill be amended by deleting clause 24 and substituting therefor the following new clause—

Refugee
women and
children.

24.(1) The Director shall ensure that specific measures are taken to ensure the dignity and safety of women and children seeking asylum and women and children who have been granted refugee status at all times during their stay in designated areas.

(2) The Director shall ensure that a child who is in need of refugee status or who is considered a refugee receives appropriate protection and assistance, whether accompanied or not by his parents or any other person.

(3) The Director shall, as far as possible, assist a child referred to in subsection (2) to trace the parents or other members of the family in order to obtain information necessary for the reunification of the child with his or her family.

(4) Where the parents of the child or other members of the child's family cannot be found, the child shall be accorded the same protection as any child permanently or temporarily deprived of his or her family.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 24 - as amended agreed to

Clause 25 - amendment proposed –

THAT, clause 25 of the Bill be amended by deleting the word “Commissioner” and substituting therefor the word “Director”.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 25 - as amended agreed to

Clause 26 - amendment proposed—

THAT, clause 26 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) The Cabinet Secretary may, on application being made to him or her by the person concerned, extend the three-month period referred to in subsection (1)(c) if he or she is satisfied that there is a reasonable likelihood of the person being admitted to a country of his or her choice within such extended period.”

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(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 26 - as amended agreed to

Clause 27 - agreed to

Clause 28 - amendment proposed -

THAT, clause 28 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “Commissioner” and substituting therefor the word “Director”; and

(b) by inserting the following new subsection immediately after subsection (2)–

“(3) An asylum seeker shall report to the nearest government administrative officer who shall then direct him or her to the designated refugee reception officers.”

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 28 - as amended agreed to

Clause 29 - amendment proposed -

THAT, clause 29 of the Bill be amended by deleting paragraph (f).

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 29 - as amended agreed to

Clause 30 - amendment proposed -

THAT, clause 30 of the Bill be amended by inserting the words “within forty eight hours” immediately after the words “government administrative centre”.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 30 - as amended agreed to

Clause 31 - amendment proposed -

THAT, clause 31 of the Bill be deleted.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Amendment withdrawn;

Clause 31 - agreed to

Clause 32 - amendment proposed -

THAT, the Bill be amended by deleting clause 32 and substituting therefor the following new clause—

Rights of
refugees under
international
instruments.

32. Subject to this Act, every recognized refugee and every member of his or her family in Kenya—

(a) shall be entitled to the rights and be subject to the obligations contained in the international conventions to which Kenya is party; and

(b) shall be subject to all laws of Kenya.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Amendment withdrawn;

Clause 32 - agreed to

Clause 33 - amendment proposed -

THAT, clause 33 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Committee”.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 33 - as amended agreed to

Clause 34 - amendment proposed -

THAT, clause 34 of the Bill be deleted.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 34 - deleted

Clause 35 - amendment proposed -

THAT, clause 35 of the Bill be deleted.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Amendment withdrawn;

Clause 35 - agreed to

Clause 36 - amendment proposed -

THAT, clause 36 of the Bill be deleted.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 36 - deleted

Clause 37 - amendment proposed -

THAT, clause 37 of the Bill be amended by deleting the words “shall be entitled to” and substituting therefor the word “may”.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 37 - as amended agreed to

Clause 38 - amendment proposed -

THAT, clause 38 of the Bill be deleted.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

;Question put and agreed to;

Clause 38 - deleted

Clause 39 - amendment proposed -

THAT, clause 39 of the Bill be deleted.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 39 - deleted

Clause 40 - amendment proposed -

THAT, clause 40 of the Bill be deleted.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 40 - deleted

Clause 41 - amendment proposed -

THAT, clause 41 of the Bill be deleted.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

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Question put and agreed to;

Clause 41 - deleted

Clause 42 - amendment proposed -

THAT, clause 42 of the Bill be amended-

- (a) in sub-clause (1) by deleting the word “Commission” and substituting therefor the word “Committee”;
- (b) in sub-clause (2) by deleting the word “Commissioner” and substituting therefor the word “Director”.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 42 - as amended agreed to

Clause 43 - agreed to

Clause 44 - amendment proposed -

THAT, clause 44 of the Bill be amended by deleting the words “the Commission shall, after” appearing immediately after the words “under section 4” and substituting therefor the words “the Committee shall, in”.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 44 - as amended agreed to

Clause 45 - amendment proposed -

THAT, clause 45 of the Bill be amended-

(a) in sub-clause (2) by deleting the words “Commissioner of Refugee affairs” and substituting therefor the word “Director”;

(b) by deleting sub-clause (3); and

(c) by deleting sub-clause (4).

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 45 - as amended agreed to

Clause 46 - amendment proposed -

THAT, clause 46 of the Bill be amended by deleting the word “Commissioner” wherever it appears and substituting therefor the word “Director”.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 46 - as amended agreed to

Clause 47 - amendment proposed -

THAT, clause 47 of the Bill be amended by deleting sub-clause (2).

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 47 - as amended agreed to

Clause 48 - agreed to

Clause 49 - amendment proposed—

THAT, clause 49 of the Bill be amended—

- (a) in sub-clause (1) by inserting the words “a person authorised by the Director” immediately after the words “No person other than”;
- (b) by renumbering the subsections after subsection (2) as (3) and (4).

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 49 - as amended agreed to

Clause 50 - amendment proposed -

THAT, clause 50 of the Bill be amended—

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

“(1) The Director shall ensure that there is shared use of common social amenities between the refugees and the host communities.”

- (b) in sub-clause (2) by deleting the word “Commissioner” and substituting therefor the word “Director”.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 50 - as amended agreed to

Clause 51 - amendment proposed -

THAT, clause 51 if the Bill be amended by deleting the word “Commissioner” and substituting therefor the word “Director”

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 51 - as amended agreed to

Clause 52 - amendment proposed -

THAT, clause 52 of the Bill be deleted.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Amendment withdrawn;

Clause 52 - agreed to

Clause 53 - amendment proposed -

THAT, clause 53 of the Bill be amended by—

(a) deleting sub-clause (3); and

(b) deleting sub-clause (4) appearing immediately after sub-clause (3).

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 53 - as amended agreed to

Clause 54 - amendment proposed -

THAT, clause 54 of the Bill be amended by—

- (a) deleting sub-clause (2);
- (b) deleting sub-clause (3);
- (c) deleting sub-clause (4); and
- (d) deleting sub-clause (5).

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 54 - as amended agreed to

Clause 55 - amendment proposed -

THAT, clause 55 of the Bill be deleted.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Clause 55 - agreed to

Clause 56 - amendment proposed -

THAT, clause 56 of the Bill be deleted.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 56 - deleted

Clauses 57 & 58 - agreed to

Clause 59 - amendment proposed -

THAT, clause 59 of the Bill be amended in sub-clause (1) by inserting the word “or” immediately after the words “authorized officer”.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 59 - as amended agreed to

Clause 60 - amendment proposed -

THAT, clause 60 of the Bill be deleted.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 60 - deleted

Clause 61 - amendment proposed -

THAT, clause 61 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “Commissioner” and substituting therefor the word “Secretariat”;
- (b) in sub-clause (2) by deleting the word “Commissioner” and substituting therefor the word “Secretariat”; and
- (c) in sub-clause (3)—
 - (i) by deleting the word “Commissioner” where it appears in the first instance and substituting therefor the word “Secretariat”;
 - (ii) by deleting the word “Commissioner” where it appears in the second instance and substituting therefor the word “Director”;
- (d) in sub-clause (4) by deleting the word “Commissioner” and substituting therefor the word “Director”.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 61 - as amended agreed to

Clause 62 - agreed to

Clause 63 - amendment proposed -

THAT, clause 63 of the Bill be amended—

- (a) by deleting sub-clause (4) appearing in the first instance and substituting therefor the following new sub-clause—

“(4) Where there is disunity in the family of a refugee as a result of divorce, separation or death of any member of that family, a member of the family may remain in Kenya and shall have to apply within a maximum period of ninety days from the time of disunity of the family for the acquisition of the refugee status or for a legalisation of the residence in Kenya under the Kenya Citizenship and Immigration Act.”

- (b) by renumbering the sub-clause (4) appearing in the second instance as sub-clause (5).

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 63 - as amended agreed to

Clause 64 - amendment proposed -

THAT, clause 64 of the Bill be amended in paragraph (c) by deleting the words “or protected person” and substituting therefor the words “asylum seeker”.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 64 - as amended agreed to

Clause 65 - amendment proposed -

THAT, clause 65 of the Bill be amended—

in paragraph (a) by inserting the words “or any other written law” immediately after the word “Act”; and

- (a) in paragraph (b) by deleting the word “misstatement” and substituting therefor the word “misrepresentation”.

Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 65 - as amended agreed to

Clause 66 - agreed to

Clause 67 - amendment proposed -

THAT, clause 67 of the Bill be deleted.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 67 - deleted

Clause 68 - amendment proposed -

THAT, clause 68 of the Bill be amended by deleting the words “Commission, the Secretariat of Refugee Affairs” and substituting therefor the words “Committee, the Secretariat”.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 68 - as amended agreed to

Clause 69 - agreed to

Clause 70 - amendment proposed -

THAT, clause 70 of the Bill be amended in sub-clause (4) by deleting the word “Commissioner” and substituting therefor the word “Director”.

(Chairperson, Departmental Committee on Administration and National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 70 - as amended agreed to

Clause 71 - agreed to

New Clause 21A proposed -

)

THAT, the Bill be amended by inserting the following new clause immediately after clause 21-

Expulsion
of
refugees
or
members
of their
families.

21A. (1) Subject to section 33, the Cabinet Secretary may order the expulsion from Kenya of any refugee or member of his family if the Cabinet Secretary considers the expulsion to be necessary on the grounds of national security or public order.

(2) Before ordering the expulsion from Kenya of any refugee or member of his family in terms of subsection (1) of this section, the Cabinet Secretary shall act in accordance with the due process of law.

(Chairperson, Departmental Committee on Administration and National Security)

Motion made and Question proposed -

THAT, the New Clause 21A be now read a Second Time

Debate arising;

Question put and agreed to;

Motion made and Question proposed -

THAT, the New Clause 21A be part of the Bill

Question put and agreed to;

First Schedule - agreed to

Second Schedule - agreed to

Clause 2 - amendment proposed -

THAT, clause 2 of the Bill be amended-

by deleting the definition of the term "asylum seeker" and substituting therefor the following new definition-

- (a) “asylum seeker” means a person seeking refugee status in accordance with the provisions of this Act;
- (b) in the definition of the term “authorized officer” by deleting the word “Commissioner” and substituting therefor the word “Director”;
- (c) by deleting the definition of the term “ Commission”;
- (d) by deleting the definition of the term “Commissioner”;
- (e) in the definition of the term “prima facie refugee status” by deleting the word “Commission” and substituting therefor the word “Committee”;
- (f) in the definition of the term “refugee officer” by deleting the word “Commissioner” and substituting therefor the word “Director”;
- (g) in the definition of the term “transit centre” by deleting the word “Commissioner” and substituting therefor the word “Director”;

by deleting the definition of the term “Trust Fund”;

- (h) by inserting the following new definitions in their proper alphabetic sequence–

“Committee” means the Refugee Advisory Committee established under section 6 of this Act;

“Director” means the Director for Refugee Affairs appointed under section 10;

“durable solutions” means voluntary repatriation and resettlement to a third party country;

“Eligibility Committee” means the Refugee Status Eligibility Committee established under section 15;

“Secretariat” means the Refugee Affairs Secretariat established under section 6.

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 - as amended agreed to

Long Title - amendment proposed –

THAT, the long title of the Bill be amended by inserting the words “1951 United Nations” immediately after the words “to give effect to the”.

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Long Title - as amended agreed to

Clause 1 - agreed to

Bill to be reported with amendments;

8. **HOUSE RESUMED** - the Fourth Chairperson in the Chair

(i) **The Refugees Bill (National Assembly Bill No.29 of 2016)**

Bill reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report
(*Hon. Agostinho Neto, MP*)

Question deferred to another day

(ii) **The Traffic (Amendment) Bill (National Assembly Bill No.33 of 2014)**

Bill reported with amendments;

Motion made and Question proposed –

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

(*Hon. Joseph Lekuton, MP*)

Question deferred to another day

And the time being twenty-one minutes past one O'clock, the Fourth Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

7. **HOUSE ROSE** - at Twenty-One Minutes past One O'clock.

M E M O R A N D U M

The Speaker will take the Chair today,
Wednesday, June 7th at 2.30 p.m