



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – SECOND SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, AUGUST 13, 2014

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **PRESIDING** – the Speaker
4. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) Annual Report and Financial Statements of the Kenya Nuclear Electricity Board for the Year ended 30th June, 2013.
- (ii) The Transition Authority Quarterly Reports for the period October to December 2013.
- (iii) Report of the Auditor-General on the Financial Statements of the Tourism Fund for the year ended 30th June 2013, and the certificate of the Auditor-General therein.
- (iv) The Report of the Auditor-General on the Financial Statements of the National Social Security Fund for the year ended 30th June 2013, and the certificate of the Auditor-General therein.
- (v) The Report of the Auditor-General on the Financial Statements of Public Complaints Committee on Environment for the year ended 30th June 2013, and the certificate of the Auditor-General therein.
- (vi) The Report of the Auditor-General on the Financial Statements of Kenya Veterinary Board for the year ended 30th June 2013, and the certificate of the Auditor-General therein.

(The Leader of the Majority Party)

5. **STATEMENTS PURSUANT TO STANDING 44(2)(c)**

Pursuant to Standing Order 44(2)(c), the following Members requested to Statements –

- (i) the Member for Embakasi North (Hon. James Gakuya) from the Chairperson of the Departmental Committee on Administration and National Security regarding transition of the former provincial administration to the devolved system.

- (ii) the Member for Yatta (Hon. Francis Mwangangi) from the Chairperson of the Departmental Committee on Health concerning the status of workers in the health sector;
- (iii) the Member for Murang'a County (Hon. Sabina Chege) from the Chairperson of the Departmental Committee on Lands regarding the terms and agreement of lease for the Kakuzi and the Delmonte Limited Companies;
- (iv) the Member for Loima (Hon. Protus Ewesit) from the Chairperson of the Departmental Committee on Labour and Social Welfare regarding delays in disbursement of cash transfers to, orphans and vulnerable children, older persons, and the persons with severe disability;
- (v) the Member for Kisumu West (Hon. Olago Aluoch) from the Chairperson of the Departmental Committee on Lands concerning the status of title deeds and parcels of land originally allocated to, or reserved for the National Police Service in the country;
- (vi) the Member for Roysambu (Hon. Isaac Waihenya) from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding the status of various roads in Roysambu Constituency;
- (vii) the Member for Westlands (Hon. Timothy Wanyonyi) from the Chairperson of the Departmental Committee on Justice and Legal Affairs concerning the vetting of judicial officers by the Judges and Magistrates Vetting Board; and,
- (viii) the Member for Garsen (Hon. Ibrahim Sane) from the Chairperson of the Departmental Committee on Environment, Natural Resources regarding payment of benefits to the family of the late Peter Saumu Mwarabu, a former employee of Kenya Wildlife Service;

6. **THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2014)**

Question put and agreed to;

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

7. **THE ORDER OF PRECEDENCE BILL (NATIONAL ASSEMBLY BILL NO.11 OF 2014)**

Question put and agreed to;

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

8. **ADOPTION OF THE REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON THE NATIONAL CONSTRUCTION AUTHORITY REGULATIONS 2014**

Question put and agreed to;

9. **THE PUBLIC SERVICE (VALUES AND PRINCIPLES) BILL (NATIONAL ASSEMBLY BILL NO.29 OF 2014)**

(The Leader of the Majority Party)

Order for First Reading read;

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

10. **THE PERSONS DEPRIVED OF LIBERTY BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2014)**

(The Leader of the Majority Party)

11. **THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.31 OF 2014)**

(The Leader of the Majority Party)

12. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

First Chairperson of Committees in the Chair

The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.24 of 2014)

SCHEDULE

A. The provisions relating to the Interpretation and General Provisions Act (Cap 2);

Amendment proposed -

THAT the Bill be amended in the Schedule in the proposed amendments to the Interpretation and General Provisions Act (Cap 2)-

(i) by deleting the words "or the President, Deputy President or the Attorney General" appearing in the definition of the words "Cabinet Secretary" in s.3;

(ii) by deleting the words "or the President where executive authority for the matter in question is retained by him, or the Attorney General where executive authority for the matter in question has been conferred on him" appearing in the definition of the words "the Cabinet Secretary" in part of s.3;

(Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

The provisions relating to the Interpretation and General Provisions Act (Cap 2)- as amended agreed to

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

C. Provisions relating to the Criminal Procedure Code (Cap. 75);

Amendment proposed -

THAT the Bill be amended in the Schedule in the proposed amendments to the Criminal Procedure Code (Cap. 75)-

- (i) by deleting in the proposed amendment to s. 123A (1);
- (ii) by inserting the following new provision in its proper numerical sequence —

Provision

Amendment

s. 123A Delete subsection (2) and substitute therefor the following new subsection—

“(2) Subject to Article 49(1)(h) of the Constitution notwithstanding section 123, in making a decision on bail and bond, the Court shall have regard to all the relevant circumstances and in particular” –

(iii) by deleting the words “not punishable by imprisonment” appearing before the word “offence” and deleting the words “or police officer (in the case of a person under arrest)” appearing before the word court in the proposed amendment to s. 123A (3).

(iv) by deleting the words “and welfare; or” in the proposed amendment to s. 123A (3) (b).

(v) by deleting paragraph (c)

(Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

The provisions relating to the Criminal Procedure Code (Cap. 75) – as amended agreed to.

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

E. Provisions relating the Retirement Benefit Act (Cap.197)

Amendment proposed -

THAT the Schedule to the Bill be amended-

(a) in the column containing provisions relating to section 25B of the Retirements Benefits Act (Cap 197)-

- (i) by inserting the following new paragraph immediately after the proposed paragraph (ee) —

(eb) has at least sixty per cent of its paid up share capital owned by Kenyan citizens unless if the applicant is a bank or an insurance company.

(ii) by inserting the following new amendment in proper alphabetical sequence-

Renumber the existing provision as subsection (1) and insert a new subsection as follows-

(l) A person registered as scheme administrator under this Act shall comply with the provisions of paragraph (eb) of subsection (1) within twelve months after the commencement of this paragraph.

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Retirement Benefits Act (Cap 197) – as amended agreed to

F. Provisions relating to the Kenya Ports Authority (Cap 391) – agreed to

G. Provisions relating to the Kenya Airports Authority Act (Cap.395) – amendment proposed

THAT the Bill be amended in the Schedule in the proposed amendments to the Kenya Airports Authority Act by inserting the following amendment in the proper numerical sequence-

Provision

Amendment

S.17C Delete and substitute therefor the following new section-

17C. There shall be paid out of the Fund-

(a) any expenditure incurred by the Authority in the exercise of its powers under this Act; and

(b) monies for the expenditure of the Kenya Civil Aviation Authority in accordance with section 3(3) of the Air Passenger Service Act.

(Hon. David Pkosing)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Kenya Airports Authority Act (Cap.395) – as amended agreed to

H. Provisions relating to the Air Passenger Service Charge Act (Cap.475)
Amendment proposed

THAT the Bill be amended in the Schedule in the proposed amendments to the air Passenger Service Charge Act by deleting the proposed section 3(3) and substituting therefor the following new subsection –

“(3) all proceeds of the charge imposed under this section shall be apportioned between the Kenya Airports Authority and the Kenya civil Aviation Authority in the following manner-

(a) for an external journey-

- (i) eighty-five percent to the Kenya Airports Authority; and
- (ii) fifteen percent to the Kenya Civil Aviation Authority; or

(b) for an internal journey-

- (i) eighty percent to the Kenya Airport Authority; and
- (ii) twenty percent to the Kenya Civil Aviation Authority”

(Hon. David Pkosing)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Air Passenger Service Charge Act (Cap.475) – as amended
agreed to

I. Provisions relating to the Postal Corporation of Kenya Act, 1988 (No.2 of 1998) –
agreed to

J. Provisions relating to the National Hospital Insurance Fund Act 1998 (No. 9 of 1998)
Amendment proposed

THAT the Schedule to the Bill be amended in the column containing provisions relating to the National Hospital Insurance Fund Act 1998 (No.9 of 1998)—

(a) by deleting the third column of the amendments relating to section s.4 (1) and substituting therefor the following new third column—

Delete the expression “Permanent Secretary” appearing in paragraphs (b), (c) and (d) and substitute therefor the expression “Principal Secretary”.

Delete the words “the Director of Medical Services” appearing in paragraph (d);

Insert the following new paragraph immediately after paragraph (d)-

(e) the Director of Medical Services or his representative;

Insert the words “and the Kenya Union of Post Primary Education Teachers in such manner as may be prescribed” immediately after the words “Teachers” appearing in paragraph (h).

Delete paragraph (i), (j), (k) and (l)

Insert the following new paragraphs immediately after paragraph (h)-

- (i) one person nominated by the Kenya Medical Association;
- (j) one person nominated by faith-based healthcare organizations in such a manner as may be prescribed.

Delete subsection (2).

(b) in the amendment relating to section 10 (1) by inserting the words “as the Board may with the advice of the Salaries and Remuneration Commission determine” immediately after the words “terms and conditions” appearing in the proposed new subsection (1).

(Hon. Rachael Nyamai)

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 proposed amendments to the National Hospital Insurance Fund Act, 1998, by inserting the following new amendments in their proper numerical sequence—

Provision
s. 18(1)

Amendment

Delete and substitute therefor the following—

“(1) Subject to the provisions of this section and without prejudice to any other penalty imposed under this Act, if any contribution which any person is liable to pay under this Act in respect of any month, is not paid on or before the day on which payment is due, a penalty equal to—

(a) in the case of micro and small enterprises, twenty-five percent of the amount of that contribution; and (b) in any other case, two times the amount of that contribution, shall be payable by that person for each month or part thereof during which the contribution remains unpaid, and any such penalty shall be recoverable as a sum due to the Fund, and when recovered, shall be paid into the Fund”.

New Insert the following new subsection immediately after subsection (3)—

“(4) In this section, the expressions “micro enterprise” and “small enterprise” have the meanings assigned thereto respectively in the Micro and Small Enterprises Act, 2012”.

(Hon. Sammy Mwaita)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Further amendment proposed –

THAT the Schedule to the Bill be amended in the column containing provisions relating to the National Hospital Insurance Fund Act 1998 (No.9 of 1998) by deleting the third column of the amendments relating to section s.4 (1) and substituting therefor the following new third column—

Delete the expression “Permanent Secretary” appearing in paragraphs (b), (c) and (d) and substitute therefor the expression “Principal Secretary”.

Delete the words “the Director of Medical Services” appearing in paragraph (d);

Insert the following new paragraph immediately after paragraph (d)-

(e) the Director of Medical Services or his representative;

Insert the words “and the Kenya Union of Post Primary Education Teachers on a rotational basis between the two unions in such manner as may be prescribed” immediately after the words “Teachers” appearing in paragraph (h).

Delete paragraph (i), (j), (k) and (l)

Insert the following new paragraphs immediately after paragraph (h)-

(i) one person nominated by the Kenya Medical Association;

(j) one person nominated by faith-based healthcare organizations in such a manner as may be prescribed.

Delete subsection (2).

Proposed amendment withdrawn;

Provisions relating to the National Hospital Insurance Fund Act 1998 (No. 9 of 1998) – as amended agreed to

K. Provisions relating to the Copyright Act, 2001 (No.12 of 2001)**Amendment proposed -**

THAT, the Bill be amended in the Schedule in the proposed amendments to the Copyright Act, 2001 (No. 12 of 2001) by deleting the word "compulsory" immediately after the word "licence" in the proposed s. 33A (1) amendment.

(Chairperson, Departmental Committee on Justice & Legal Affairs)

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

L. Provisions relating to the Anti-Corruption and Economic Crimes Act (No. 3 of 2003)**Amendment proposed -**

THAT the Bill be amended in the Schedule in the proposed amendments to the Anti-Corruption and Economic Crimes Act, (No.3 of 2003)—

(i) by deleting the word "secretary" appearing in the proposed amendment to section 2;

(ii) by deleting the proposed amendment to section 21;

(iii) by deleting the word "secretary" in the proposed amendment to section 23 and substituting therefor the word "Commission";

(iv) by inserting the following new provision in its proper numerical sequence —

s.23- Delete subsection(1) and substitute therefor the following new subsections—

"(1) The Commission or a person authorized by the commission may conduct an investigation under this Act"

(v) by inserting the following new provision in its proper numerical sequence—

s.23- Delete subsection(2) and substitute therefor the following new subsection—

"(2) Except as otherwise provided under this part, the powers conferred upon the Commission by this part may be exercised for the purposes of an investigation , by an investigator;

"(vi) by inserting the following new provision in its proper numerical sequence —

s.23- Delete subsection(3) and substitute therefor the following new subsection—

"(3) For the purpose of an investigation, the Commission and an investigator shall have the powers , privileges and immunities of a police officer in addition to any other powers the Commission or an investigator has under this part "

(vii) by inserting the following new provision in its proper numerical sequence —

s.24(2)- Delete the words " by the Director" and substitute therefor the words " by such person and in such manner as may be determined by the Commission"

(viii) by deleting the word "Secretary" in the proposed amendment to section 26 and substituting therefor the word "Commission";

(ix) by inserting the following new provision in its proper numerical sequence —

s.26- Delete subsection (3) and substitute therefor the following new subsection-

"(3) The powers of the Commission under this section may be exercised only by the Commission"

(x) by deleting the word "secretary" in the proposed amendment to section 27 (1) and substituting therefor the word "Commission";

(xi) by deleting the word "secretary" in the proposed amendment to section 28 and substituting therefor the word "Commission";

(xii) by deleting the word "secretary" in the proposed amendment to section 32 and substituting therefor the word "Commission";

(xiii) by inserting the following new provision in its proper numerical sequence —

s.33- Delete the word "Director" and substitute therefor the word "Commission"

(Hon. Patrick Musimba)

Proposed amendment dropped

Further amendment proposed –

THAT the Bill be amended in the Schedule in the proposed amendments to the Anti-Corruption and Economic Crimes Act, (No.3 of 2003)—

<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
Anti-Corruption and Economic Crimes Act, 2003 (No. 3 of 2003)	s. 62(1)	Delete and substitute therefor the following—
		"(1) A public officer, or state officer with executive responsibility, who is

charged with corruption or economic crime shall be suspended, at half pay, with effect from the date of the charge until the conclusion of the case”.

New Insert the following new subsection immediately after subsection (1)—

“(1A) A state officer, or public officer with executive responsibility, who has been adversely mentioned in a report prepared by a committee of a House of Parliament and adopted by the relevant House shall be suspended until investigations are complete”.

(Hon. Mithika Linturi)

Question of the amendment proposed;

Debate arising;

Amendment to Amendment Proposed-

THAT, the proposed amendment be amended by inserting the following proviso after the words “conclusion of the case” appearing in the proposed subsection (1)

“Provided that the case shall be determined within twenty four months”

(Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment to amendment proposed, put and agreed to;

Question of the further amendment, as amended put and agreed to;

Further amendment proposed –

THAT, the Bill be amended by inserting the following new subsection immediately after subsection (1)

“1A) Notwithstanding subsection (1), a person convicted of an offence under this Part –

- (a) where the act or omission constituting the offence occasioned a monetary loss to the Government of between one hundred million and one billion shillings, the person shall be liable to life imprisonment; and

- (b) where the act or omission constituting the offence occasioned monetary loss to the Government of more than one billion shillings, the person shall be liable to be sentenced.

(Hon. Irungu Kangata)

Question of the amendment proposed;

Debate arising;

Question put and negatived.

Provisions relating to the Anti-Corruption and Economic Crimes Act (No. 3 of 2003) – as amended agreed to

M. Provisions relating to the Public Officer Ethics Act, 2003 (No. 4 of 2003) – amendment proposed -

THAT the Bill be amended in the Schedule in the proposed amendments to the Public Officer Ethics Act, 2003 (No. 4 of 2003)-

- (i) by deleting the proposed amendment to section 35(3);
- (ii) by deleting the proposed amendment to section s. 38;
- (iii) by deleting the proposed amendment to section s. 39;

(Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

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

N. Provisions relating to the Employment Act 2007 (No.17 of 2007) - agreed to

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

P. Provisions relating to the Merchant Shipping Act 2009 (No.10 of 2009) – agreed to

Q. Provisions relating to the National Youth Council Act, 2009 (No.12 of 2009 – agreed to

R. Provisions relating to the Independent Offices Appointment Act 2011 (No.8 of 2011)

S. Provisions relating to the Political Parties Act, 2011 (No. 11 of 2011) Amendment proposed -

THAT the Bill be amended in the Schedule in the proposed amendments to the Political Parties Act, 2011 (No. 11 of 2011), by deleting the proposed amendment to the Seventh Schedule

(Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Political Parties Act, 2011 (No. 11 of 2011) – as amended agreed to

T. Provisions relating to the Industrial Court Act, 2011 (No.20 of 2011)
Amendment proposed

THAT the Bill be amended in the Schedule in the proposed amendments to the Industrial Court Act, 2011 (No. 20 of 2011)-

- (i) by inserting the word "employment and" immediately before the words "Labour Relations Court" appearing in the proposed long title of the Act;
- (ii) by inserting the word "employment and" immediately before the words "Labour Relations Court" appearing in s.1;
- (iii) by deleting the proposed amendment to part 2 of s. 2;
- (iv) by deleting the proposed amendment to s.3(1) and substituting therefor with the words "just, expeditious, efficient and proportionate";
- (v) by inserting the word "employment and" immediately before the words "Labour Relations Court" appearing in s.4.
- (vi) by deleting the proposed amendment to s. 5(1)(a);
- (vii) by deleting the proposed amendment to s. 5(2), (3), (4) and (5);
- (viii) by deleting the proposed amendment to s. 7(2);
- (ix) by deleting the proposed amendment to s.8;
- (x) by deleting the proposed amendment to section 9(1) and substituting thereof the following new provision in its proper numerical sequence —
 - s. 9(1) Delete paragraph (b) and substitute therefor the following new paragraph—
 - "(b) one or more Deputy Registrars as the administration of justice requires"
- (xi) by deleting the word "issued" immediately before the word "guidelines" and substituting therefor with the words "as may be published" appearing in s.15 (6);
- (xii) by deleting the proposed amendment to s. 22(2);
- (xiii) by deleting the proposed amendment to s.24;

(Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

**Provisions relating to the Industrial Court Act, 2011 (No. 20 of 2011) – as amended
agreed to**

U. Provisions relating to the Ethics and Anti-Corruption Commission Act, 2011 (No. 22 of 2011)

Amendment proposed-

THAT the Bill be amended in the Schedule in the proposed amendments to the Ethics and Anti- Corruption Commission Act, 2011. (No. 22 of 2011) by inserting the following row immediately after the proposed amendment to s.11(1), s.11(1) insert the words “, *the Anti-Corruption and Economic Crimes Act*” immediately before the words “or other written law” appearing in paragraph (d)

(Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Ethics and Anti-Corruption Commission Act, 2011 (No. 22 of 2011) – agreed to

V. Provisions relating to the Tourism Act, 2011 (No.28 of 2011 – agreed to

W. Provisions relating to the Veterinary Surgeons and Veterinary Paraprofessionals Act, 2011 (No. 29 of 2011)

Amendment proposed -

THAT the Schedule to the Bill be amended in item relating to the Veterinary Surgeons and Veterinary Paraprofessionals Act, 2011 (Act No.29 of 2011) by inserting the following new rows after the proposed amendment to s.2 -

s. 23(3) Delete the words “*in private practice*”

New s.45A Insert the following section-

*Application
of the
Universities
Act, 2012*

45A. The supervisory or approval functions of the Board as provided in this Act shall not apply to a university established or accredited in Kenya, under the Universities Act, 2012 and which has been granted a Charter.

(Hon. Michael Kisoi)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Veterinary Surgeons and Veterinary Paraprofessionals Act, 2011 (No. 29 of 2011) – agreed to

X. Provisions relating to the Public Appointments (Parliamentary Approval) Act, 2011 (No.33 of 2011)

Amendment proposed -

THAT the Bill be amended in the Schedule in the proposed amendments to the Public Appointments (Parliamentary Approval) Act, 2011 (No 33 of 2011)-

(i) by deleting the words "House of Parliament" immediately before the words "by a" and substituting therefor with the words "National Assembly" appearing in s.13 (1);

(ii) by deleting the word "House" immediately before the word "the" and substituting therefor with the word "Assembly" appearing in s.13 (1);

(iii) by deleting the words "House of Parliament" immediately before the word "a" and substituting therefor with the words "National Assembly" appearing in s.13 (3);

(iv) by deleting the word "Parliament" immediately before the word "of" and substituting therefor with the words "National Assembly" appearing in s.13 (3)(a);

(v) by deleting the words "relevant House" immediately before the word "the" appearing in s.13(3)(b);

(Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Public Appointments (Parliamentary Approval) Act, 2011 (No.33 of 2011) – as amended agreed to

Y. Provisions relating to the Land Registration Act, 2012 (No.33 of 2011) – agreed to

Z. Provisions relating to the National Land Commission Act, 2012 (No. 5 of 2012)

Amendment proposed

THAT the Bill be amended in the Schedule in the proposed amendment to the National Land Commission Act, 2012 (No. 5 of 2012) by deleting the expression "*one other member of the Commission*" in the proposed amendment to section 24 and substituting therefor the expression "*Secretary to the Commission*".

(Chairperson, Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the National Land Commission Act, 2012 (No.5 of 2012) – agreed to

AA. Provisions relating to the Kenya School of Government Act, (No.24 of 2011) – agreed to

BB. Provisions relating to the Leadership and Integrity Act, 2012 (No.19 of 2012)- Amendment proposed -

THAT the Bill be amended in the Schedule in the proposed amendments to the Leadership and Integrity Act, 2012 (No. 19 of 2012)-

- (i) by deleting the word “may” immediately before the word “and” appearing in s.2;
- (ii) by deleting the proposed amendment to s. 13(1);
- (iii) by deleting the proposed amendment to s. 13(2);
- (iv) by deleting the proposed amendment to s. 52(1);
- (v) by deleting the proposed amendment to s. 55;

(Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Leadership and Integrity Act, 2012 (No.19 of 2012)- as amended agreed to

CC. Provisions relating to the National Security Council Act, 2012 (No.23 of 2012) – agreed to

DD. Provisions relating to the Kenya School of Law Act, 2012 (No.26 of 2012) – Amendment proposed

THAT the Bill be amended in the Schedule in the proposed amendments to the Kenya School of Law Act, 2012 (No. 26 of 2012)

- (i) by inserting the words “subject to the approval of the Cabinet Secretary for the time being responsible for Finance” immediately before the words “charge property” appearing in s.7(2);
- (ii) by inserting the following new provision in its proper numerical sequence —

Provision

Amendment

Second Schedule
item 1(b)

Insert the following new subparagraph-

“(iii) has sat and passed the Pre-Bar examination set the School”

- (iii) by deleting item 2

(Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Kenya School of Law Act, 2012 (No.26 of 2012) – as amended agreed to

**EE. Provisions relating to the Legal Education Act, 2012 (No.27 of 2012)
Amendment proposed**

THAT the Bill be amended in the Schedule in the proposed amendments to the Legal Education Act, 2012 (No. 27 of 2012)-

- (i) by inserting the following new provision in its proper numerical sequence —

<i>Provision</i>	<i>Amendment</i>
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s. 4(5)	Delete paragraph (a) of subsection (4) and substitute therefor the following new paragraph—
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“(a) the Chairperson appointed by the President, shall be a person with at least fifteen years experience.”

- (ii) by deleting the words “university, nominated by the” appearing in paragraph (g) and substitute therefor the words “public university, nominated by the public university” appearing in s.4 (5);

- (iii) by deleting the proposed amendment to s. 4(5) (i);

- (iv) by deleting the proposed amendment to s. 4(5) (j);

- (v) by inserting the following new paragraph immediately after the proposed paragraph (j)-

(k) one person who teaches law in private universities nominated by private universities.

- (vi) by deleting the words “four” and substitute therefor the word “three” appearing in s.4 (9);

- (vii) by inserting the following new provision in its proper numerical sequence —

<i>Provision</i>	<i>Amendment</i>
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s. 8 (1)	Insert the words “offered by legal education providers” immediately after the word “Kenya” appearing in paragraph (a).
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- (viii) by inserting the following new provision in its proper numerical sequence —

Provision Amendment

s. 8 (1) Insert the words "offered by legal education providers" immediately after the word "Kenya" appearing in paragraph (a).

(ix) by inserting the following new provision in its proper numerical sequence —

Provision Amendment

s. 8 (2) Insert the word "providers" immediately after the word "be responsible" appearing in s. 8(2).

(x) by inserting a new paragraph immediately after paragraph (d) as follows- (d) "recognize and approve qualifications obtained outside Kenya for purposes of admission to the Roll" appearing in s. 8(1);

(xi) by inserting the following new provision in its proper numerical sequence —

Provision Amendment

s. 13 Insert the word "providers" immediately after the words "be responsible" appearing in paragraph (a).

(xii) by inserting the word "PROVIDERS" immediately after the word "EDUCATION" appearing in Part III;

(xiii) by inserting the words "upon the advice of the Salaries and Remuneration Commission" appearing in s. 40 (1).

(xiv) by deleting the words "Council may, with the approval of the Cabinet Secretary" and substitute therefore the words "Cabinet Secretary may, upon recommendation by the Council and with the prior approval of the National Assembly," appearing in s. 46 (1).

(xv) by deleting the words "Higher Education" appearing in paragraph (c) and substitute therefor the words "University Education" appearing in 46 (1) (c).

(Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Further amendment proposed –

THAT, the Schedule to the Bill be amended in item relating to the Legal Education Act, 2012 (No. 27 of 2012) by inserting the following second and third columns immediately before the column relating to s.4 (5)-

s.2(1) Insert the words "except those granted a charter under section 19 of the Universities Act, 2012" immediately after the word "degree" appearing in the definition of "legal education provider"

(Hon. Kimani Ichungwa)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Legal Education Act, 2012 (No.27 of 2012) – as amended agreed to

FF. Provisions relating to the Kenya National Examinations Council Act, 2012 (No.29 of 2012)

THAT, the Bill be amended in the Schedule by inserting the following amendment in the proposed amendments to the Kenya National Examination Council Act, 2012 (No.29 of 2012)-

- insert the following new amendment in its proper numerical sequence —

Provision Amendment

s.4 Delete subparagraph (vi) of paragraph (f).

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Kenya National Examinations Council Act, 2012 (No.29 of 2012) – as amended agreed to

GG. Provisions relating to the Universities Act (No. 29 of 2012)
Amendment proposed

THAT the Bill be amended in the proposed amendments to the Universities Act, 2012 (No. 42 of 2012—

- (i) in the proposed amendment to s.2 by inserting the following new definition immediately before the definition of “technical university”-

“foreign university campus” means an extension of a foreign university, set up by the university pursuant to its statutes and established in accordance with section 28 of this Act;

- (ii) by inserting the following second and third columns immediately after the row relating to s.2-

s.5(1) Delete paragraph (c) and substitute therefor the following paragraph-

(c) promote, advance, publicise and set standards relevant in the quality of university education,

including the promotion and support of internationally recognized standards;

Delete the words "set standards and guidelines" appearing in paragraph (h) and substituting therefor the words "the provisions of this Act or any regulations made under section 70"

Deleting paragraph (l) and substitute therefor the following paragraph-

(l) on regular basis, inspect universities in Kenya;

Delete paragraph (n)

New Insert the following new subsection immediately after subsection(2)-

(2A) The Commission shall have all the powers as may be necessary for the proper discharge of its functions under this Act.

- (iii) by deleting the word "employment" in the proposed amendment to section 12(1) and substituting therefor the word "employed";
- (iv) by deleting the word "programmes" in the proposed amendment to section 13(3) and substituting therefor the word "academic programmes";
- (v) in the proposed amendment to s.20 (1) by inserting the following new rows in the third column in proper alphabetical sequence-

Delete paragraph (c) and substitute therefor the following-

(c) may, in accordance with its Charter, develop and mount academic programmes.

Delete paragraph (e) and substitute therefor the following-

(e) may award-

- (i) degrees, including post graduate degrees and honorary degrees;
- (ii) diplomas, including post graduate diplomas;
- and
- (iii) other academic certificates.

- (vi) by deleting the proposed amendment to section 35(1) and substituting thereof the following new provision in its proper numerical sequence —

Provision Amendment

Delete subparagraph (v)of paragraph (a) and substitute therefor the following new subparagraph—

s.35(1) "(v) in the case of public universities, recommend the appointment of the Vice-Chancellor, Deputy Vice-

Chancellor and Principals and deputy principals of constituent colleges to the Cabinet Secretary after a competitive process; and"

- (vii) by deleting the proposed amendment to section 55(3);
- (viii) in the proposed amendment to section 70(2)-
- (ix) in the row relating to s.70 (2) by inserting the following second and third columns in their proper alphabetical sequence-

Delete the word "university campuses and university campus colleges" appearing in paragraph (a) and substitute therefor the words "open universities, foreign university campuses and university constituent colleges"

Delete the expression (h) and substitute therefor the expression (f);

Delete paragraph(l).

- (x) by deleting the proposed amendment to paragraph 4 of the First Schedule.

(Vice Chairperson, Departmental Committee on Education, Science and Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Further amendment proposed –

THAT the Schedule to the Bill be amended in item relating to the Universities Act (No.29 of 2012) –

THAT the Schedule to the Bill be amended in item relating to the Universities Act (No.29 of 2012) –

- (a) In the proposed amendment to s.2 by inserting the following definition in proper alphabetical sequence--

"programmes accreditation " means, the process by which the Commission recognizes an academic curriculum of a proposed university, or of a university with a Letter of Interim Authority or a foreign university campus.

- (b) in the proposed amendment to s.13 (3) by inserting the following new row in the third column in proper alphabetical sequence-

Insert the following new paragraph immediately after paragraph (h)-

(ha) the financial ownership structure of the university if the university is a private university

(c) by inserting the following second and third columns immediately after the row relating to s.35(1)-

s.35(2) Delete the words "with the approval of the Commission"

s.35(3) Insert the words "in accordance with any written law or financing arrangement under section 51A" at the end of paragraph (d).

(d) by inserting the following second and third columns immediately after the row relating to s.38-

s.51(2) Delete the words "Boards of Trustees" appearing in paragraph (b) and substitute therefor the words "sponsor or the Board of Trustees of the university or its equivalent"

New Insert the following section immediately after section 51-

Financing arrangements.

51A. (1) A private university granted a Charter may enter into a financing arrangement with any person or institution upon such terms and conditions as may be set out in the arrangement for the purpose of financing the objectives for which the university is established.

(2) Without prejudice to the generality of subsection (1), the financing arrangement set out-

- (a) the rights and obligations of each party to the arrangement;
- (b) the sharing of assets or liabilities arising from the arrangement;
- (c) the manner of termination of such arrangement;
- (d) such other matter as may be necessary under the law under which the arrangement is made.

(Hon. Kimani Ichungwa)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Further amendment proposed –

THAT the Schedule to the Bill be amended in item relating to the Universities Act (No.29 of 2012) in the proposed amendment to s.2 by inserting the following new definitions immediately before the definition of "technical university"-

"inspection" means the process by which the Commission ascertains the adherence by a university to instruments of authority granted to such university;
(*The Hon. M. Kiso*)

Proposed amendment withdrawn;

Provisions relating to the Universities Act (No. 29 of 2012) – as amended agreed to

HH. Provisions relating to the Treaty Making and Ratification Act (No. 45 of 2012) – Amendment proposed

THAT, the Bill be amended in the Schedule by inserting the following new amendments relating to the Treaty Making and Ratification Act No. 45 of 2012:-

s.8(2) Delete subsection (2).

s.8(6) Delete subsection (6).

s.8(7) Delete subsection (7) and substitute therefor the following new subsection-

(7) where the National Assembly refuses to approve the ratification of a treaty, the Speaker shall Submit the decision of the House to the relevant Cabinet Secretary within fourteen days of the decision.

s.8(8) Delete subsection (8)

s.8 Delete the word "Parliament" wherever it appears in subsection 1-9 and substitute therefor the words "The National Assembly".

s.9 Delete the word "Parliament" wherever it appears in subsection 1-3 and substitute therefor the words "the National Assembly".

s.13(1) Delete the word "treaties" appearing immediately after the words "relating to" and substitute therefor the words "foreign affairs".

(*The Leader of the Majority Party*)

Question of the amendment proposed;

Debate arising;

Further amendment to the amendment proposed -

THAT, the proposed new subsection (7) in s.8, be amended by deleting the word "Speaker" and inserting the words 'Clerk to the National Assembly' in place thereof-

(*The Leader of the Majority Party*)

Question of the further amendment proposed, put and agreed to;

Question of the amendment as amended put and agreed to;

Provisions relating to the Treaty Making and Ratification Act (No. 45 of 2012) – as amended agreed to

PROGRESS REPORT

Motion made and Question proposed -

THAT, the Committee of the whole House do report progress and seeks leave to sit again today

(Chairperson, Committee on Justice and Legal Affairs)

Question put and agreed to.

13. **HOUSE RESUMED** - Fourth Chairperson of Committees in the Chair

Progress reported -

THAT, the Committee of the whole House has considered the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.24 of 2014) and seeks leave to sit again today

(Chairperson, Committee on Justice and Legal Affairs)

Question put and agreed to.

Motion made and Question proposed –

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

(Chairperson, Committee on Justice and Legal Affairs)

Question put and agreed to.

RE-COMMITTAL OF PROVISIONS RELATED TO THE LAND REGISTRATION ACT

Amendment proposed-

That, the motion be amended by inserting the words “subject to re-committal of the provisions related to the Land Registration Act (No.3 of 2012)

(Hon. George Oner)

Question of the amendment proposed, put and agree to

Question of the motion for agreement with the report of the Committee, put and agreed to

14. **PROCEDURAL MOTION – EXTENSION OF SITTING TIME**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 30, this House resolves to extend its sitting until the conclusion of Business appearing on Order No.14

(The Leader of the Majority Party)

Debate arising;

Question put and agreed to.

15. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

First Chairperson of Committees in the Chair

II. Provisions relating to the Kenya National Commission for UNESCO Act (No. 5 of 2013) – Amendment proposed;

THAT, the Bill be amended in the Schedule by inserting the following new amendments relating to the to proposed amendments to the UNESCO Act No. 5 of 2013:-

- (i) by deleting the proposed amendment to section 6(1);
- (ii) by deleting the proposed amendment to section 26;
- (iii) by deleting the proposed amendment to section 27;

(Vice-Chairperson, Departmental Committee on Education, Science and Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Kenya National Commission for Unesco Act (No. 5 of 2013) – as amended agreed to

JJ. Provisions relating to the National Honours Act, 2013 (No.11 of 2013) – agreed to

KK. Provisions relating to the Kenya Law Reform Commission Act, 2013 (No. 19 of 2013) – Amendment proposed

THAT the Bill be amended in the Schedule in the proposed amendments to the Kenya Law Reform Commission Act, 2013 (No. 19 of 2013)-

- (i) by deleting the proposed amendment to s.12;
- (ii) by inserting the following new provision in its proper numerical sequence —

s. 8(4) (c)- Delete paragraph (c)of subsection (4) and substitute therefor the following new paragraph—

“(c) one of whom must be from the Law Society of Kenya.”

(Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Kenya Law Reform Commission Act, 2013 (No. 19 of 2013) – as amended agreed to

LL. Provisions relating to the Kenya Civil Aviation Act, 2013 (No.21 of 2013) - agreed to

MM. Provisions relating to the Science, Technology and Innovation Act (No. 28 of 2013) Amendment proposed

THAT, the Bill be amended in the Schedule by inserting the following amendment relating to the Science, Technology and Innovation Act, 2013 (No.28 of 2013)–

- (i) by deleting the proposed amendment to section 2(1) and inserting therefor the following new amendments in its proper numerical sequence —

<i>Provision</i>	<i>Amendment</i>
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s.2	Delete the definition of “Secretary”. Insert the following definition in its proper alphabetical sequence-
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“Director-General” means the “Director-General of the Commission appointed under section 8”;

- (ii) by deleting the proposed amendment to section 5(1) and substituting therefor the following new amendments in their proper numerical sequence —

<i>Provision</i>	<i>Amendment</i>
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s.5(1)	Delete the word “Secretary” appearing at the beginning of paragraph (h) and substitute therefor the word “Director-General”;
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- (iii) by deleting the expression “ Insert the word “academic” immediately after the words “research institution” in the proposed amendment to section 12 (2) and substituting therefor the expression “Delete the word “a” appearing immediately before the words “research institution” and substitute therefor the words “an academic”

(Vice-Chairperson, Departmental Committee on Education, Science and Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Science, Technology and Innovation Act (No. 28 of 2013) – as amended agreed to

NN. Provisions relating to the Technical and Vocational Education Act, 2013 (No. 29 of 2013)

Amendment proposed

THAT, the Bill be amended in the Schedule by inserting the following amendment in the proposed amendments to the Technical and Vocational Education Act, 2013 (No.29 of 2013)–

s. 9.3 insert the words “at least” immediately before the word “masters” in the proposed amendment to s. 9(3);

(Vice-Chairperson, Departmental Committee on Education, Science and Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Technical and Vocational Education Act, 2013 (No. 29 of 2013)- as amended agreed to

OO. Re-committal of provisions relating to the Land Registration Act, 2012 (No.33 of 2011)

Amendment proposed –

THAT, the Bill be amended by-

Deleting the provisions relating to the Land Registration Act, 2012 (No.3 of 2011)

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Provisions relating to the Land Registration Act, 2012 (No.33 of 2011) – deleted

Schedule- as Amended, agreed to

Clause 3 - agreed to.

Clause 2 - agreed to

Clause 1 - agreed to.

Title - agreed to.

Bill to be reported with amendments;

16. HOUSE RESUMED – the Fourth Chairperson in the Chair

Bill reported with amendments;

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 Justice & Legal Affairs)

Question put and agreed to.

Motion made and Question proposed –

THAT, the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.24 of 2014) be now read a Third Time

(Chairperson, Departmental Committee on Justice & Legal Affairs)

Question put and agreed to:

Bill read a Third Time and passed.

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

17. HOUSE ROSE - at fifty minutes past Six O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, August 14, 2014 at 2.30 p.m.

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