



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SUPPLEMENTARY

WEDNESDAY, APRIL 05, 2017 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

8*. PROCEDURAL MOTION - REDUCTION OF PUBLICATION PERIOD OF A BILL

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

THAT, pursuant to the provisions of Standing Order 120, this House resolves to reduce the publication period of the Finance Bill (National Assembly Bill No. 16 of 2017), from fourteen (14) to three (3) days.

9*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE CLINICAL OFFICERS (TRAINING, REGISTRATION AND LICENSING) BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2016)

(The Hon. Leonard Sang, M.P.)

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Clinical Officers (Training, Registration and Licensing) Bill (National Assembly Bill No. 27 of 2016).

(Question to be put and Third Reading)

10*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE LIVESTOCK AND LIVESTOCK PRODUCTS DEVELOPMENT AND MARKETING BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2016)

(The Hon. Abdinoor Mohamed Ali, M.P.)

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Livestock and Livestock Products Development and Marketing Bill (National Assembly Bill No.44 of 2016.

(Question to be put and Third Reading)

11*. THE APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 15 OF 2017)

(The Chairperson, Budget and Appropriations Committee)

Second Reading

(Question to be put)

12*. THE EQUALIZATION FUND APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2017)

(The Chairperson, Budget and Appropriations Committee)

Second Reading

(Question to be put)

13*. THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 42 OF 2016)

(The Hon. Alfred Agoi Masadia, M.P.)

Second Reading

(Question to be put)

14*. THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO.16 OF 2017)

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

First Reading

15*. COMMITTEE OF THE WHOLE HOUSE

(i) The Appropriation Bill (National Assembly Bill No. 15 of 2017)

(The Chairperson, Budget and Appropriations Committee)

(By Leave of the House)

...../15*(contd).

- (ii) The Equalization Fund Appropriation Bill (National Assembly Bill No. 12 of 2017)
(The Chairperson, Budget and Appropriations Committee)
(By Leave of the House)
- (iii) The Prevention of Torture Bill (National Assembly Bill No. 47 of 2016)
(The Leader of the Majority Party)

16*. MOTION – APPROVAL OF ELECTIONS-RELATED REGULATIONS
(The Chairperson, Committee on Delegated Legislation)

THAT, this House adopts the Reports of the Committee on Delegated Legislation on its consideration of the Elections-related Regulations laid on the Table of the House on Wednesday, March 29, 2017, and pursuant to provisions of sections 44(6) and 109(3) of the Elections Act, 2011, approves the following Elections-related Regulations:-

- (i) The Draft Elections (*Technology*) Regulations, 2017;
- (ii) The Draft Elections (*Registration of Voters*) (Amendment) Regulations, 2017;
- (iii) The Draft Elections (*Voter Education*) Regulations, 2017;
- (iv) The Draft Elections (*General*) (*Amendment*) Regulations, 2017; and
- (v) The Draft Elections (*Party Primaries and Party Lists*) Regulations, 2017.

(Resumption of debate interrupted on Tuesday, April 04, 2017)

(Question to be put on proposed amendment to Regulation 9 of item (i) and Mover to move other amendments)

17*. THE NAIROBI INTERNATIONAL FINANCIAL CENTRE BILL (NATIONAL ASSEMBLY BILL NO. 5 OF 2017)
(The Leader of the Majority Party)

Second Reading

18*. THE PRESIDENT'S AWARD BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2017)
(The Leader of the Majority Party)

Second Reading

19*. THE LEGAL METROLOGY BILL (NATIONAL ASSEMBLY BILL NO. 8 OF 2017)
(The Leader of the Majority Party)

Second Reading

*** Denotes Orders of the Day**

...../Notices

NOTICES

I. THE PREVENTION OF TORTURE BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2016)

1. Notice is given that the Member for Kibra (Hon. Kenneth Okoth) intends to move the following amendments to the Prevention of Torture Bill, 2017 at the Committee Stage—

CLAUSE 1

THAT, Clause 1 of the Bill be amended by deleting the words “on such a date as the Cabinet Secretary may, by notice in the Gazette appoint” appearing after the word “operation” and substituting therefor the words “upon publication in the Gazette.”

CLAUSE 4

THAT, Clause 4 of the Bill be amended in paragraph (a) by deleting the words “him or her” appearing in paragraph (i), (ii) and (iii) and substituting therefor the words “that person.”

CLAUSE 13

THAT, Clause 13 of the Bill be amended—

- (a) by inserting the following new sub-clause immediately after sub-clause (7)—

“(7a) Where there are any visible signs of torture, the court shall record and shall, on its motion issue an order of investigation immediately and order submissions of an investigation report within seven days.

(7b) An order made under sub-section (7) and (7a) shall be directed to an officer commanding a police station within whose jurisdiction the torture occurred”; and

- (b) in sub-clause (9) in sub-clause (9) by inserting the words “take all necessary measures.” immediately before the word “protect” appearing in paragraph (a).

CLAUSE 15

THAT, Clause 15 of the Bill be amended by inserting the following new paragraph immediately after paragraph (a)—

“(aa) for purposes of making a determination on the victims protection and welfare.”

CLAUSE 16

THAT, Clause 16 of the Bill be amended in sub-clause (1) by inserting the following new paragraph immediately after paragraph (c)—

“(d) a person who is under protection by the Witness Protection Agency established under section 3A of the witness Protection Act.”

CLAUSE 19

THAT, that clause 19 of the Bill be deleted.

CLAUSE 20

THAT, Clause 20 of the Bill be amended by deleting sub-clause 3.

CLAUSE 21

THAT, Clause 21 of the Bill be amended in sub-clause (1) by deleting the words “intentionally or recklessly” appearing immediately after the words “detainee shall not.”

CLAUSE 22

THAT, Clause 22 of the Bill be amended in sub-clause 4 by inserting the words “who is suspected to have committed an offence under this Act” immediately after the words “Where a person”

CLAUSE 24

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

“24. The Cabinet Secretary may, in consultation with the Commission and with the approval of the National Assembly, make regulations generally for the better carrying into effect of the provisions under this Act.”

CLAUSE 26

THAT, the Bill be amended by deleting clause 26 and substituting therefor the following new clause—

“26. (1) The Commission shall submit an annual report to the National Assembly and may, at any time submit special reports to the Cabinet Secretary on any matter relating to its functions.

(2) The annual report submitted by the Commission under sub-section (1) shall include an overall assessment of Government’s performance with regard to prevention of torture and cruel, inhumane and degrading treatment during the period under review by the Commission.

(3) The Cabinet Secretary shall every year be required to report to the National Assembly, steps which the government has taken in implementing the recommendations made by the Commission.”

CLAUSE 30

THAT, the Bill be amended by deleting clause 30.

2. **NOTICE is given that the Leader of the Majority Party (Hon Aden Duale) intends to move the following amendment to the Prevention of Torture Bill, 2016 at the Committee Stage-**

NEW CLAUSE 30A

THAT, the Bill be amended by inserting the following new Clause immediately after clause 30-

Amendment of section 129 of No 8 of 1999. **30A.** The Environmental Management and Co-ordination Act, 1999 is amended in section 129 by deleting subsection (4) and substituting therefor the following new subsection-

(4) Upon any appeal to the Tribunal under this section, the Tribunal may-

- (a) either on its own motion or upon application by any party, issue orders maintaining the status quo of any matter or activity which is the subject of the appeal until the appeal is determined;
 - (b) upon application by any party, review or decline to review any orders made under paragraph(a).
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II. PROPOSED AMENDMENTS TO ELECTION-RELATED REGULATIONS

1. Notice is given that, the Member for Tongaren (Hon. David Eseli), intends to move the following amendments to the Draft Elections Regulations, 2017-

A. THE DRAFT ELECTIONS (TECHNOLOGY) REGULATIONS, 2017

REGULATION 9

THAT, Regulation 9 of the draft Elections (Technology) Regulations, 2017 is amended in sub Regulation (2) by deleting the words “The commission may publish” and substituting therefor the words “The commission shall publish”.

REGULATION 33

THAT, Regulation 33 of the draft Elections (Technology) Regulations, 2017 is amended in paragraph (c) by deleting the expression “Majority Party (1) and Minority Party (1)” appearing in subparagraph (v) and substituting therefor the expression “Majority Party (2) and Minority Party (2)”

REGULATION 35

THAT, Regulation 35 of the draft Elections (Technology) Regulations, 2017 is amended by deleting the word commission and substituting therefor the words “The commissioner in charge of ICT or in his or her absence, the Director in charge of ICT”

REGULATION 36

THAT, Regulation 36 of the draft Regulations be amended by **deleting** sub-Regulation (1) and substituting therefor the following-

“(1) the committee shall hold its first sitting within two week of these regulations coming in force to asses and determine frequency venue and time of their sitting guided by the relevant workload”

REGULATION 38

THAT, Regulation 38 of the draft Regulations be amended by deleting paragraph (b).

B. THE DRAFT ELECTIONS (GENERAL) REGULATIONS, 2017

REGULATION 30

THAT, Regulation 30 of the draft Elections (General) Regulations , 2017 that seeks to amend Regulation 75 of the Principal Regulations be amended in by inserting the words

“and the total number of those identified electronically” immediately after the word “voter”.

(No.037)

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(379)

REGULATION 87

THAT, the draft regulations be amended in Regulation 87 in sub-regulation (3) by deleting the word “ County” appearing in paragraph (c) and substituting therefor the word “constituency”.

2. Notice is given that, the Member for Kibwezi West (Hon. Patrick Musimba), intends to move the following amendments to the Draft Elections Regulations, 2017-

THE DRAFT ELECTIONS (TECHNOLOGY) REGULATIONS, 2017

REGULATION 21

THAT, Regulation 21 of the draft Elections (Technology) Regulations, 2017 be amended by inserting the following sub regulation immediately after sub regulation (3) —

“(4) Where the Commission engages a consortium in the manner specified in sub regulation (3), the commission shall require the service provider to use internal roaming services.”

REGULATION 22

THAT, Regulation 22 of the draft Elections (Technology) Regulations, 2017 be amended —

(a) by renumbering the existing provision as sub-regulation(1).

(b) by inserting the following new sub-regulation immediately after sub regulation (1)

—
“(2) The Commission shall before publishing the network coverage under sub - regulation (1), ensure that a quantity of service parameter test is carried out”

The House resolved on Wednesday, January 25, 2017 as follows:-

- III.** **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
- IV.** **THAT**, notwithstanding the provisions of Standing Order 97(4), this House orders that, each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House, be limited as follows: -A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.
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NOTICE PAPER

Tentative business for

Thursday, April 06, 2017

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee, at their last meeting, approved the following **tentative** business to appear in the Order Paper for Thursday, April 06, 2017:-

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

(The Chairperson, Constitutional Implementation Oversight Committee (CIOC))

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

(Question to be put)

B. APPROVAL OF EALA ELECTION REGULATIONS

C. NOTING OF PROGRESS REPORT ON PETITION FOR REMOVAL OF THE AUDITOR GENERAL

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

D. THE DIVISION OF REVENUE BILL, 2017 (MEDIATED VERSION)

E. THE NAIROBI INTERNATIONAL FINANCIAL CENTRE BILL (NATIONAL ASSEMBLY BILL NO. 5 OF 2017)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, April 05, 2017 – Afternoon Sitting)

F. THE PRESIDENT’S AWARD BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2017)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, April 05, 2017 – Afternoon Sitting)

G. THE LEGAL METROLOGY BILL (NATIONAL ASSEMBLY BILL NO. 8 OF 2017)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, April 05, 2017 – Afternoon Sitting)

H. ADJOURNMENT OF THE HOUSE

APPENDIX

PETITIONS to be presented on

Wednesday (Afternoon), April 05, 2017

It is notified that, pursuant to Standing Order 225, the following Petitions will be presented to the House **today, Wednesday (Afternoon), April 05, 2017:-**

NO.	<u>PETITION TO BE PRESENTED BY</u>	<u>SUBJECT</u>	<u>PETITIONER(S)</u>
001	The Member for Gichugu (The Hon. Njogu Barua , M.P.), <i>Pursuant to Standing Order 225(2)(a)</i>	Non-remittance of proceeds of coffee produce sale to Karithathi Farmers' Co-operative Society by Kenya Planters Co-operative Union	Members of Karithathi Farmers' Co-operative Society
002	The Member for Molo (The Hon. Jacob Macharia, M.P.), <i>Pursuant to Standing Order 225(2)(a)</i>	Alleged illegal displacement of residents of Landi Trading Center in Molo	Residents of Landi Trading Center
