



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, APRIL 20, 2016 AT 9.30 A.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*. THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.7 OF 2016)

(The Hon. Mithika Linturi, M.P.)

First Reading

9*. THE VALUE ADDED TAX (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.8 OF 2016)

(The Hon. Wafula Wamunyinyi, M.P.)

First Reading

10*. MOTION - APPROVAL OF THE MEDIATED VERSION OF CLIMATE CHANGE BILL, 2014

(The Chairperson, Mediation Committee)

THAT, pursuant to the provisions of Article 113 (2) of the Constitution and Standing Order 150, this House adopts the Report of the Mediation Committee on the Consideration of the Climate Change Bill (National Assembly Bill No. 1 of 2014), laid on the Table of the House on Wednesday, 13th April 2016, and **approves** the Mediated Version of the Climate Change Bill, 2014.

(Excerpt of the contended Clauses, as mediated, is published in the Notices)

11*. MOTION - INITIATIVE TO PROMOTE CLEAN ENVIRONMENT

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

THAT, aware that Article 42 of our Constitution accords every person the right to a clean and healthy environment and that Article 69(1)(d) mandates the State to encourage public participation in the management, protection and conservation of the environment; deeply concerned that our homes, roads, public and private premises, work places, recreational areas and general environment are littered with plastics, solid and liquid wastes as well as lacking good general environmental aesthetics, this House resolves that the Government declares one **Thursday** of each month be dedicated by every Kenyan household, organized groups, public and private institutions and corporate organizations to cleaning and beautifying their immediate environment and public places and also initiates a proactive programme in all our schools to inculcate the culture of keeping our environment clean and healthy.

(Resumption of debate interrupted on Wednesday, April 13, 2016 – Morning Sitting)

(Balance of time – 1hr. 15 Mins)

(Motion as amended)

12*. MOTION - DECLARATION OF CATTLE RUSTLING AS A NATIONAL DISASTER & ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS

(The Hon. William Cheptumo, MP)

THAT, aware that cattle rustling is a major menace and security threat in the South and North Rift regions and other regions in the country; noting that cattle rustling leaves behind destruction of property and loss of lives; deeply concerned that the menace has since left irreparable and negative socio-economic impact which include but are not limited to increased number of widows, widowers, orphaned children, poverty, displacement of people leading to the emergency of Internally displaced persons (IDPS), disruption of educational programmes and other economic activities owing to the destruction and/or closure of educational, health and other institutions; deeply concerned that the people living in the affected regions have been denied the enjoyment of their social, economic and political rights as guaranteed to them under the Bill of Rights as enshrined in Chapter Four of the Constitution; this House urges that the National Government declares cattle rustling as a national disaster and establishes a Special Fund to be used in mitigating the losses suffered by and in compensating all victims of cattle rustling and resettle all Internally displaced persons across the country created by the menace.

13*. MOTION – PROVISION OF WATER TO ALL PUBLIC FACILITIES
(The Hon. Andrew Mwadime, M.P.)

THAT, aware that water is one of the most basic human needs; concerned about children in primary schools, especially, those that do not have access to clean tapped water; also aware that the Government is already providing electricity and food to these schools; deeply concerned that lack of water leads to a host of hygiene-related problems including jigger infestation, cholera and others, this House resolves that the Government formulates a financial framework for and provides tapped water to all public facilities, especially primary schools, as water is life.

14*. THE KENYA UWEZO FUND BILL (NATIONAL ASSEMBLY BILL NO. 65 OF 2015)

(The Hon. Kangogo Bowen, M.P.)

Second Reading

*** Denotes Orders of the Day**

N O T I C E S

I. THE MEDIATED VERSION OF THE CLIMATE CHANGE BILL, (NATIONAL ASSEMBLY BILL NO.1 OF 2014)

Contended Clauses: 7 and 32

(Excerpt of the mediated version of the Bill on the contended Clauses)

"RESOLUTIONS OF THE MEDIATION COMMITTEE"

The Mediation Committee held two sittings on 22nd March, 2016, on morning and afternoon sessions and unanimously resolved the contention on Clauses 7(2) g, 7(4) and 32 as follows:-

CLAUSE 7

THAT, Clause 7(2)g of the Bill be amended as follows-

"A representative of the Civil Society nominated by the most representative registered national umbrella association of civil societies working on climate change";

Justification: This retains the representative of the civil society in the council, further it clarifies the mode of nominating the representative.

THAT, Clause (7) (4) be amended by inserting the word "parliament" immediately before the words "for approval", to read as follows:-

"The names of persons nominated for appointment under subsection (2) (f), (g), (h) and (i) shall be submitted to Parliament for approval."

CLAUSE 32

Retain the proposed amendment by the Senate in sub-clause (1) to insert the word "ten" appearing immediately after the words "fine not exceeding" at the end of the sub-clause-

"commits an offence and is liable, on conviction, to a fine not exceeding ten million shillings or to imprisonment for a period not exceeding five years, or to both"

Justification: The words "not exceeding" allows discretion when handing out sentences such that sentences match the offence. Further, this fine could be imposed to either individuals or companies and is thus sufficient."

The House resolved on Wednesday, February 10, 2016 as follows:-

- II. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills NOT sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of three hours and thirty minutes, with not more than thirty (30) minutes for the Mover, in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of 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; 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.
- III. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion**, including a Special motion shall be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each 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 ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; 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.
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NOTICE PAPER

Tentative business for

Wednesday (Afternoon), April 20, 2016

(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 Wednesday (Afternoon), April 20, 2016:-

A. MOTION - APPROVAL OF THE FIRST SUPPLEMENTARY ESTIMATES FOR 2015/2016

(The Chairperson, Liaison Committee)

B. MOTION - APPROVAL OF THE MEDIATED VERSION OF THE POLITICAL PARTIES (AMENDMENT) BILL, 2014

(The Vice-Chairperson, Mediation Committee on the Political Parties (Amendment) Bill (Senate Bill No. 3 of 2014))

C. COMMITTEE OF THE WHOLE HOUSE

The Community Land Bill (National Assembly No. 45 of 2015)
(The Leader of the Majority Party)

(Resumption of consideration interrupted on Tuesday, April 19, 2016)

(To commence from Clause 22)

D. THE CONSTITUTION OF KENYA (AMENDMENT) (No. 4) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2015)

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Tuesday, April 19, 2016)

E. THE ELECTION LAWS (AMENDMENT) (NO.3) BILL (NATIONAL ASSEMBLY BILL NO. 63 OF 2015)

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

F. THE JUDICIARY FUND BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2016)

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

**G. THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 43 OF 2015)**

(The Leader of the Majority Party)

Second Reading

**H. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF
2015)**

(The Leader of the Majority Party)

Second Reading

**I. THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY
BILL NO. 12 OF 2015)**

(The Leader of the Majority Party)

Second Reading

(Resumption of debate adjourned on Thursday, March 10, 2016 – Afternoon Sitting)



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, APRIL 20, 2016 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*. MOTION - APPROVAL OF THE FIRST SUPPLEMENTARY ESTIMATES FOR 2015/2016
(Chairperson, Liaison Committee)

THAT, this House adopts the Report of the Liaison Committee on the First Supplementary Estimates for 2015/2016, laid on the Table of the House on Tuesday, April 19, 2016 and in accordance with the provisions of Article 223 of the Constitution, **approves** the issuance of a sum of **Ksh. 25,968,239,099** from the Consolidated Fund to meet the expenditure during the year ending 30th June 2016 in respect of the various Votes, as indicated in the Schedule.

9*. MOTION - APPROVAL OF THE MEDIATED VERSION OF THE POLITICAL PARTIES (AMENDMENT) BILL, 2014
(Vice-Chairperson, Mediation Committee)

THAT, pursuant to the provisions of Article 113 (2) of the Constitution and Standing Order 150, this House adopts the Report of the Mediation Committee on the Consideration of the Political Parties (Amendment) Bill (Senate Bill No. 3 of 2014), laid on the Table of the House on Tuesday, 12th April 2016, and **approves** the Mediated Version of the Political Parties (Amendment) Bill (Senate Bill No. 3 of 2014).

(Excerpt of the contended Clauses, as mediated, is published in the Notices)

10*. COMMITTEE OF THE WHOLE HOUSE

The Community Land Bill (National Assembly No. 45 of 2015)
(The Leader of the Majority Party)

(Resumption of consideration interrupted on Tuesday, April 19, 2016)

(To commence from Clause 22)

**11*. THE CONSTITUTION OF KENYA (AMENDMENT) (No. 4) BILL
(NATIONAL ASSEMBLY BILL NO. 38 OF 2015)**

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Tuesday, April 19, 2016)

**12*. THE ELECTION LAWS (AMENDMENT) (NO.3) BILL (NATIONAL
ASSEMBLY BILL NO. 63 OF 2015)**

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

13. THE JUDICIARY FUND BILL (NATIONAL ASSEMBLY BILL NO. 3 OF
2016)**

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

14. THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 43 OF 2015)**

(The Leader of the Majority Party)

Second Reading

**15*. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF
2015)**

(The Leader of the Majority Party)

Second Reading

16*. **THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY
BILL NO. 12 OF 2015)**

(The Leader of the Majority Party)

Second Reading

(Resumption of debate adjourned on Thursday, March 10, 2016 – Afternoon Sitting)

*** Denotes Orders of the Day**

**** Denotes Bill with Constitutional Timeline**

APPROVAL OF THE FIRST SUPPLEMENTARY ESTIMATES FOR 2015/2016

SCHEDULE

Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
1011	The Presidency		Total	1,460.6	(806.0)	654.6
		0702000	P.2 Cabinet Affairs	276.3	(586.1)	(309.8)
		0703000	P.3 Government Advisory Services	(74.5)	-	(74.5)
		0704000	P.4 State House Affairs	648.6	(129.0)	519.6
		0734000	P.6 Deputy President Services	610.2	(90.9)	519.3
1021	State Department for Interior		Total	5,197.7	1,261.6	6,459.2
		0601000	P.1 Policing Services	694.6	763.0	1,457.6
		0602000	P.2 Planning, Policy Coordination and Support Service	3,979.2	148.6	4,127.8
		0603000	P.3 Government Printing Services	(69.2)	-	(69.2)
		0605000	P.4 Population Management Services	593.0	350.0	943.0
1022	State Department for Coordination of National Government		Total	616.3	(400.0)	216.3
		0604000	P.1 Correctional services	619.0	(388.0)	231.0
		0623000	P.2 General Administration, Planning and Support Services	(2.2)	(12.0)	(14.2)
		0624000	P.3 Betting Control, Licensing and Regulation Services	(0.5)	-	(0.5)
1031	State Department for Planning		Total	(350.2)	(7,108.0)	(7,458.2)
		0706000	P.1 Economic Policy and National Planning	58.3	206.4	264.7
		0707000	P.2 National Statistical Information Services	(29.4)	2.9	(26.5)
		0708000	P.3 Monitoring and Evaluation Services	(0.4)	(0.0)	(0.4)
		0709000	P.4 General Administration Planning and Support Services	(53.3)	(10.0)	(63.3)
		0710000	P.5 Public Service Transformation	(9.5)	2.5	(7.0)
		0711000	P.6 Gender & Youth Empowerment	(316.0)	(7,309.8)	(7,625.8)
1032	State Department for Devolution		Total	470.7	(35.7)	435.0
		0732000	P.3 General Administration, Planning and Support Services	21.8	-	21.8
		0712000	P.7 Devolution Services	91.6	253.5	345.2
		0713000	P.8 Special Initiatives	348.3	337.2	685.6
		0733000	P.9 Accelerated ASAL Development	8.9	(626.5)	(617.6)
1041	Ministry of Defence		Total	(58.8)	34.8	(24.0)
		0801000	P.1 Defence	554.8	34.8	589.6

Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
		0802000	P.2 Civil Aid	-	-	-
		0803000	P.3 General Administration, Planning and Support Services	(613.6)	-	(613.6)
1051	Ministry of Foreign Affairs and International Trade		Total	2,156.7	(198.0)	1,958.7
		0715000	P.2 Foreign Relation and Diplomacy	670.0	(36.0)	634.0
		0714000	P.1 General Administration Planning and Support Services	663.6	(264.0)	399.6
		0716000	P.3 International Trade and Investments Promotion	823.1	102.0	925.1
1061	State Department for Education		Total	(311.1)	(14,007.5)	(14,318.6)
		0501000	P.1 Primary Education	(284.5)	(12,898.4)	(13,182.9)
		0502000	P.2 Secondary Education	(1.3)	(479.5)	(480.8)
		0503000	P.3 Quality Assurance and Standards	(100.9)	(250.6)	(351.5)
		0508000	P.8 General Administration, Planning and Support Services	75.6	(379.0)	(303.4)
1062	State Department of Science and Technology		Total	1,024.6	(940.8)	83.9
		0504000	P.4 University Education	1,366.2	(889.4)	476.8
		0505000	P.5 Technical Vocational Education and Training	(192.3)	(1,375.8)	(1,568.1)
		0506000	P.6 Research, Science, Technology and Innovation	(208.0)	(138.0)	(345.9)
		0507000	P.7 Youth Training and Development	179.0	204.4	383.4
		0508000	P.8 General Administration, Planning and Support Services	(120.3)	1,258.0	1,137.7
1071	The National Treasury		Total	(9,508.4)	13,871.9	4,363.5
		0717000	P.1 General Administration Planning and Support Services	(9,682.5)	1,503.4	(8,179.1)
		0718000	P.2 Public Financial Management	47.4	12,622.1	12,669.5
		0719000	P.3 Economic and Financial Policy Formulation and Management	106.7	(253.6)	(146.9)
		0720000	P.4 Market Competition	20.0	-	20.0
1081	1081 Ministry of Health		Total	409.2	(1,025.2)	(616.0)
		0401000	P.1 Preventive & Promotive Health Services	262.5	193.7	456.2
		0402000	P.2 Curative Health Services	(75.9)	495.4	419.5
		0403000	P.3 Health Research and Development	0.8	-	0.8
		0404000	P.4 General Administration, Planning & Support Services	219.3	(1,427.0)	(1,207.7)
		0405000	P.5 Maternal and Child Health	2.5	(287.2)	(284.7)
1091	State Department for Infrastructure		Total	11,673.4	(1,776.9)	9,896.5
		0202000	P.2 Road Transport	11,673.4	(1,776.9)	9,896.5
1092	State Department for Transport		Total	(0.3)	6,096.0	6,095.7
		0201000	P.1 General Administration, Planning and Support Services	(11.3)	(45.0)	(56.3)
		0203000	P.3 Rail Transport	-	(57.7)	(57.7)
		0204000	P.4 Marine Transport	10.4	1,630.0	1,640.4
		0205000	P.5 Air Transport	(6.8)	4,568.7	4,561.9
		0206000	P.6 Government Clearing Services	7.8	-	7.8
		0216000	P.7 Road Safety	(0.4)	-	(0.4)

Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
1101	Ministry of Environment, Natural Resources and Regional Development Authorities		Total	646.3	1,448.2	2,094.5
		1010000	P.1 General Administration, Planning and Support Services	(65.4)	(12.8)	(78.3)
		1011000	P.2 Environment and Natural Resources Management and Protection	156.9	(1,200.1)	(1,043.2)
		1012000	P.3 Meteorological Services	17.9	(270.0)	(252.1)
		1005000	P.5 Integrated Regional Development	536.9	2,931.1	3,468.0
1102	Ministry for Water and Irrigation		Total	(196.4)	12,952.3	12,756.0
		1001000	P.1 General Administration, Planning and Support Services	(21.0)	(35.0)	(56.0)
		1004000	P.4 Water Resources Management	(29.7)	1,834.6	1,804.8
		1005000	P.5 Integrated Regional Development	(594.2)	(3,399.1)	(3,993.3)
		0110000	P.4 Irrigation and Drainage Infrastructure	448.6	14,551.9	15,000.4
1111	Ministry of Lands, Housing and Urban Development		Total	(158.7)	(3,539.5)	(3,698.2)
		0101000	P.1 Land Policy and Planning	(108.5)	365.6	257.1
		0102000	P.2 Housing Development and Human Settlement	(8.5)	(157.6)	(166.1)
		0103000	P.3 Government Buildings	(7.5)	(510.0)	(517.5)
		0104000	P.4 Coastline Infrastructure and Pedestrian Access	(2.3)	(57.0)	(59.3)
		0105000	P.5 Urban and Metropolitan Development	(9.8)	(2,949.5)	(2,959.2)
		0106000	P.6 General Administration Planning and Support Services	(22.0)	(231.0)	(253.0)
1121	Ministry of Information, Communication and Technology		Total	(46.1)	5,579.0	5,532.9
		0207000	P.1 General Administration Planning and Support Services	(34.2)	494.7	460.5
		0208000	P.2 Information And Communication Services	3.0	(335.0)	(332.0)
		0209000	P.3 Mass Media Skills Development	(15.0)	(13.5)	(28.5)
		0210000	P.4 ICT Infrastructure Development	-	5,432.8	5,432.8
1131	Ministry of Sports Culture and Arts		Total	1,502.1	(1,380.9)	121.2
		0901000	P.1 Sports	920.0	(1,487.9)	(567.9)
		0902000	P.2 Culture	235.9	107.0	342.9
		0903000	P.3 The Arts	(51.3)	-	(51.3)
		0904000	P.4 Library Services	48.0	-	48.0
		0905000	P.5 General Administration, Planning and Support Services	349.5	-	349.5
1141	Ministry of Labour Social Security and Services		Total	(243.3)	(542.0)	(785.3)
		0906000	P.1 Promotion of the Best Labour Practice	71.8	(169.0)	(97.2)
		0907000	P.2 Manpower Development, Employment and Productivity Management	(95.9)	(70.0)	(165.9)
		0908000	P.3 Social Development and Children Services	(9.5)	(59.5)	(69.0)
		0909000	P.4 National Social Safety Net	(235.7)	(243.5)	(479.2)
		0910000	P.5 General Administration Planning and Support Services	26.0	-	26.0

Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
1151	Ministry of Energy and Petroleum		Total	41.1	18,596.4	18,637.4
		0211000	P.1 General Administration Planning and Support Services	42.6	(90.0)	(47.4)
		0212000	P.2 Power Generation	-	(4,114.9)	(4,114.9)
		0213000	P.3 Power Transmission and Distribution	(2.5)	23,365.9	23,363.4
		0214000	P.4 Alternative Energy Technologies	1.0	(106.3)	(105.3)
		0215000	P.5 Exploration and Distribution of Oil and Gas	-	(458.3)	(458.3)
1161	State Department for Agriculture		Total	(2,190.4)	(14,852.8)	(17,043.2)
		0107000	P.1 General Administration Planning and Support Services	12.8	(182.2)	(169.4)
		0108000	P.2 Crop Development and Management	(1,357.1)	(945.0)	(2,302.1)
		0109000	P.3 Agribusiness and Information Management	(7.5)	1,982.3	1,974.9
		0110000	P.4: Irrigation and Drainage Infrastructure	(838.8)	(15,707.9)	(16,546.6)
1162	State Department for Livestock		Total	116.8	(647.4)	(530.6)
		0112000	P.6 Livestock Resources Management and Development	116.8	(647.4)	(530.6)
1163	State Department for Fisheries		Total	(37.7)	(306.6)	(344.3)
		0111000	P.5 Fisheries Development and Management	(37.7)	(306.6)	(344.3)
1171	Ministry of Industrialization and Enterprise Development		Total	402.0	(480.0)	(78.0)
		0301000	P.1 General Administration Planning and Support Services	(24.4)	220.0	195.6
		0302000	P.2 Industrial Development and Investments	(35.1)	(275.0)	(310.1)
		0303000	P.3 Standards and Business Incubation	(16.8)	(425.0)	(441.8)
		0304000	P.4 Cooperative Development and Management	478.3	-	478.3
1181	State Department for Commerce and Tourism		Total	(108.0)	(3,409.0)	(3,517.0)
		0306000	P.2 Tourism Development and Promotion	(69.8)	(3,335.3)	(3,405.1)
		0307000	P.3 Trade Development and Promotion	(46.0)	(23.7)	(69.7)
		0308000	P.4 General Administration, Planning and Support Services	7.7	(50.0)	(42.3)
1182	State Department for East African Affairs		Total	(44.3)	(50.0)	(94.3)
		0305000	P.1 East African Affairs and Regional Integration	(44.3)	(50.0)	(94.3)
1191	Ministry of Mining		Total	9.0	(882.3)	(873.3)
		1007000	P.1 General Administration Planning and Support Services	20.6	(23.5)	(2.9)
		1008000	P.2 Resources Surveys and Remote Sensing	(15.3)	(585.2)	(600.5)
		1009000	P.3 Mineral Resources Management	3.7	(273.6)	(269.9)
1251	Office of the Attorney General and Department		Total	(249.9)	(97.0)	(346.9)
		0606000	P.1 Legal Services	(167.2)	(9.0)	(176.2)
		0607000	P.2 Governance, Legal Training and	(224.4)	(65.0)	(289.4)

Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
	of Justice		Constitutional Affairs			
		0609000	P.4 General Administration, Planning and Support Services	141.8	(23.0)	118.8
1261	The Judiciary		Total	(939.9)	(861.8)	(1,801.7)
		0610000	P.1 Dispensation of Justice	(939.9)	(861.8)	(1,801.7)
1271	Ethics and Anti-Corruption Commission		Total	645.3	(300.0)	345.3
		0611000	P.1 Ethics and Anti-Corruption	645.3	(300.0)	345.3
1281	National Intelligence Service		Total	1,015.0	-	1,015.0
		0804000	P.1 National Security Intelligence	1,015.0	-	1,015.0
1291	Office of the Director of Public Prosecutions		Total	420.4	(181.0)	239.4
		0612000	P.1 Public Prosecution Services	420.4	(181.0)	239.4
1301	Commission for the Implementation of the Constitution		Total	-	-	-
		0613000	P.1 Implementation of the Constitution	-	-	-
1311	Office of the Registrar of Political Parties		Total	27.7	-	27.7
		0614000	P.1 Registration, Regulation and Funding of Political Parties	27.7	-	27.7
1321	Witness Protection Agency		Total	5.0	-	5.0
		0615000	P.1 Witness Protection	5.0	-	5.0
2011	Kenya National Human Rights Commission		Total	-	-	-
		0616000	P.1 Protection and Promotion of Human Rights	-	-	-
2021	National Land Commission		Total	120.2	(150.0)	(29.8)
			P.13 Land Administration and Management	120.2	(150.0)	(29.8)
2031	Independent Electoral and Boundaries Commission		Total	690.8	(71.0)	619.8
		0617000	P.1 Management of Electoral Processes	690.8	(71.0)	619.8
2041	Parliamentary Service Commission		Total	436.0	(1,100.0)	(664.0)
		0721000	P.1 National Legislation, Representation and Oversight	-	-	-
		0722000	P.2 Senate Affairs	397.0	(200.0)	197.0
		0723000	P.3 General Administration, Planning and Support Services	39.0	(900.0)	(861.0)
2042	The National Assembly		Total	300.0	-	300.0
		0721000	P.1 National Legislation, Representation and Oversight	300.0	-	300.0
2051	Judicial Service Commission		Total	-	-	-
		0619000	P.1 General Administration, Planning and Support Services	-	-	-
2061	The Commission on Revenue Allocation		Total	(15.1)	-	(15.1)
		0724000	P.1 Inter-Governmental Revenue and Financial Matters	(15.1)	-	(15.1)

Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
2071	Public Service Commission		Total	(45.5)	(115.0)	(160.5)
		0725000	P.1 General Administration, Planning and Support Services	(36.8)	(115.0)	(151.8)
		0726000	P.2 Human Resource management and Development	(7.4)	-	(7.4)
		0727000	P.3 Governance and National Values	(1.3)	-	(1.3)
2081	Salaries and Remuneration Commission		Total	97.5	-	97.5
		0728000	P.1 Salaries and Remuneration Management	97.5	-	97.5
2091	Teachers Service Commission		Total	6,806.9	(133.0)	6,673.9
		0509000	P.1 Teacher Resource Management	7,960.0	-	7,960.0
		0510000	P.2 Governance and Standards	(46.0)	-	(46.0)
		0511000	P.3 General Administration, Planning and Support Services	(1,107.1)	(133.0)	(1,240.1)
2101	National Police Service Commission		Total	38.0	-	38.0
		0620000	P.1 National Police Service Human Resource Management	38.0	-	38.0
2111	Auditor General		Total	8.5	(247.0)	(238.5)
		0729000	P.1 Audit Services	8.5	(247.0)	(238.5)
2121	Controller of Budget		Total	(51.7)	-	(51.7)
		0730000	P.1 Control and Management of Public finances	(51.7)	-	(51.7)
2131	The Commission on Administrative Justice		Total	-	-	-
		0731000	P.1 Promotion of Administrative Justice	-	-	-
2141	National Gender and Equality Commission		Total	(4.3)	18.2	13.9
		0621000	P.1 Promotion of Gender Equality and Freedom from Discrimination	(4.3)	18.2	13.9
2151	Independent Police Oversight Authority		Total	(23.6)	-	(23.6)
		0622000	P.1 Policing Oversight Services	(23.6)	-	(23.6)
Total Ministerial Expenditure				21,754.1	4,214.2	25,968.2

N O T I C E S

I. MEDIATED VERSION OF THE POLITICAL PARTIES (AMENDMENTS) BILL (SENATE BILL NO.3 OF 2014)

(Bill as agreed by the Mediation Committee on 7th April, 2016)

THE POLITICAL PARTIES (AMENDMENT) BILL, 2016

A Bill for

AN ACT of Parliament to amend the Political Parties Act, and for connected purposes -

Short title

ENACTED by the Parliament of Kenya, as follows –

Amendment
of section
25 of No.
11 of 2011

1. This Act may be cited as the Political Parties (Amendment) Act, 2016
2. Section 25 of the Political Parties Act, 2011, is amended in sub section (2)-
 - (a) by deleting the word “five” appearing in paragraph (a) and substituting therefor the word “three”,
 - (b) by inserting the following new paragraph immediately after paragraph (b)-
 - (c) the party does not have at least-
 - (i) twenty elected members of the National Assembly; and
 - (ii) three elected members of the Senate; and
 - (iii) three elected members who are Governors; and
 - (iv) forty members of County Assemblies.

II. THE COMMUNITY LAND BILL (NATIONAL ASSEMBLY NO. 45 OF 2015)

1) Notice is given that the Chairperson of the Departmental Committee on Lands (Hon. Alex Mwiru), intends to move the following amendments to the Community Land Bill, 2015 at the Committee Stage—

CLAUSE 2

THAT, Clause 2 of the Bill be amended—

- (a) by deleting the definition of the term “community” and substituting therefor the following new definition—
 - “community” means a consciously distinct and organized group of users of community land who are citizens of Kenya and share any of the following attributes—
 - (a) common ancestry;
 - (b) similar culture or unique mode of livelihood;
 - (c) socio-economic or other similar common interest;
 - (d) geographical space;
 - (e) ecological space; or
 - (f) ethnicity.
- (b) in the definition of the term “communal use of land”, by inserting the words “by a community” at the end of the sentence;
- (c) in the definition of the term “community land registration unit”, by inserting the words “of the Land Registration Act” at the end of the sentence;
- (d) in the definition of the term “Court”, by inserting the words “or any other court having jurisdiction over land matters as may be prescribed by any written law” at the end of the sentence;
- (e) in the definition of the term “Registrar” by inserting the words “of this Act” immediately after the words “section 9”; and
- (f) by inserting the following new definitions in their proper alphabetical sequence—
 - “certificate of reservation” means a certificate issued in the interim by the Registrar pending the registration of community land and acquisition of the certificate of title;
 - “county government” means the county government provided for under Article 176 of the Constitution;”
 - “organised group” includes any or both formal and informal kinds of organization in the community setup;
 - “registered community” means a community that has completed the registration processes and is recognized under this law;
 - “vested interest” means absolute and indefeasible ownership.

CLAUSE 4**THAT**, Clause 4 of the Bill be amended—

- (a) in sub-clause (1), by deleting the words “vest in ” and substituting therefor the words “be owned by”;
- (b) in sub-clause (2), by inserting the word “community” immediately after the words “the use of”; and
- (c) in sub-clause (3), by deleting the words “vest in” and substituting therefor the words “be owned by”.

CLAUSE 5**THAT**, Clause 5 of the Bill be amended—

- (a) in sub-clause (1), by inserting the words “of the Constitution” immediately after the words “with Article 40”;
- (b) in sub-clause (4), by inserting the words “or by negotiated settlement” at the end of the sentence; and
- (c) in sub-clause (5) by inserting the words “of this Act” immediately after the words “section 46”.

CLAUSE 6**THAT**, clause 6 of the Bill be amended—

- (a) by inserting the following new sub-clauses immediately after sub-clause (1)-
 - “(1A) The respective county government shall hold in trust for a community any monies payable as compensation for compulsory acquisition of any unregistered community land.”;
 - “(1B) Upon registration of community land, the respective county government shall promptly release to the community all such monies payable for compulsory acquisition”; and
 - “(1C) Any such monies shall be deposited in a special interest earning account by the county government.”
- (b) in sub-clause (4) by inserting the words “sell, dispose, transfer, convert for private purposes or in any other way” immediately after the words “A county government shall not”.

CLAUSE 7**THAT**, Clause 7 of the Bill be deleted and substituted therefor the following new clause—

Procedure
for
registration
of
communitie

7. (1) A community claiming an interest in or right over community land shall be registered in accordance with the provisions of this section.

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(2) A community shall, by notice in at least one newspaper of nationwide circulation, invite all members of the community with some communal interest to a public meeting for the purpose of electing the members of the community land management committee, which notice shall also be given to the deputy county commissioner in charge of the area or the relevant sub-county administrator.

(3) The community shall elect between seven and fifteen members from among themselves to be the members of the community land management committee as provided in section 16, who shall come up with a comprehensive register of communal interest holders.

(4) The community land management committee shall come up with the name of the community and shall submit the name, register of members, minutes of the meeting and the rules and regulations of the committee to the Registrar for registration.

CLAUSE 8

THAT, Clause 8 of the Bill be deleted and substituted therefor the following new clause—

Procedure
for
recognition
and
adjudication
of
community
land.

8. (1) Subject to this Act and any law relating to adjudication of titles to land, the Cabinet Secretary shall, in consultation with the respective county governments, develop and publish in the Gazette a comprehensive adjudication programme for purposes of registration of community land.

(2) The Cabinet Secretary shall ensure that the process of documenting, mapping and developing of the inventory of community land shall be transparent, cost effective and participatory and shall involve the following steps—

(3) The Cabinet Secretary shall issue a public notice of intention to survey, demarcate and register community land.

(4) The notice shall—

- (a) contain the name of the community;
- (b) state which land is to be adjudicated;
- (c) invite all interested persons with overriding interests or any other claim on the land, to lodge their claims;
- (d) specify an area or areas of land to be a community land registration unit; and
- (e) be for a period of sixty days.

(5) The Cabinet Secretary shall cause the land to be adequately surveyed but such survey shall exclude—

- (a) all parcels already in use for public purposes; and
- (b) adjudicated private land.

(6) A cadastral map of the land shall then be produced and presented to the Registrar for registration.

CLAUSE 10

THAT, Clause 10 of the Bill be amended in sub-clause (1) by deleting the words “every five years” appearing in paragraph (c) and substituting therefor the word “annually”.

CLAUSE 11

THAT, clause 11 of the Bill be amended in paragraph (a) of sub-clause (2) by inserting the words "in consultation with the respective county governments" immediately after the word "facilitate".

CLAUSE 13

THAT, Clause 13 of the Bill be amended by—

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

"(1) A registered community may by a resolution of the majority members of that community in a general meeting, reserve a portion of the community land for communal purposes."

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

"(2) Any land which has been used communally, for public purpose, before the commencement of this Act shall upon commencement of this Act be deemed to be public land vested in the national or county government, according to the use it was put for."; and

(c) inserting the following new sub-clauses immediately after sub-clause (2)—

"(3) A registered community may reserve special purpose areas including areas for—

- (a) farming;
- (b) settlement;
- (c) community conservation;
- (d) cultural and heritage sites;
- (e) urban development; and
- (f) any other purposes as may be determined by the community, respective County Government or National Government for the promotion or upgrading of public interest.

"(4) An area reserved for special purposes under subsection (3) shall be used exclusively for the intended purpose."

(c) deleting sub-clause (3).

CLAUSE 14

THAT, Clause 14 of the Bill be amended —

(a) in sub-clause (1) by—

- (a) by deleting paragraph (b);
- (b) deleting paragraph (e); and
- (c) deleting paragraph (f).

(b) in sub-clause (2) by inserting the words "Subject to Article 40(6) of the Constitution" at the end of the sentence.

CLAUSE 15

THAT, Clause 15 of the Bill be deleted.

CLAUSE 16

THAT, Clause 16 of the Bill be deleted and substituted therefor the following new clause—

Functions and
powers of the
community land
management
committee.

16. (1) A registered community shall have a community assembly which shall consist of all members of the community.

(2) The community assembly shall elect between seven and fifteen members of the community assembly to constitute the community land management committee.

(3) The functions of the community land management committee shall be to—

- (a) have responsibility over the running of the day to day functions of the community;
- (b) manage and administer registered community land on behalf of the respective community;
- (c) coordinate the development of community land use plans in collaboration with the relevant authorities;
- (d) promote the co-operation and participation among community members in dealing with matters pertaining to the respective registered community land; and
- (e) prescribe rules and regulations, to be ratified by the community assembly, to govern the operations of the community.

(4) Any decision of a registered community to dispose of or otherwise alienate community land shall be binding if it is supported by at least two thirds of the registered members of the community, while any other minor decisions of the registered community shall be by a simple majority of the members present in a meeting.

CLAUSE 18

THAT, clause 18 of the Bill be amended in sub-clause (1) by inserting the phrase “or any other written law” immediately after the words “in this Act”.

CLAUSE 19

THAT, clause 19 of the Bill be amended in sub-clause (1) by deleting the word “all”. immediately after the words “be considered”.

CLAUSE 22

THAT, Clause 22 of the Bill be amended in sub-clause (2) by deleting the words “at least fifty per cent of members present in a special meeting convened for that purpose, in which at least two thirds of the members of the community are present” and substituting therefor the words “two thirds of the assembly in a special meeting convened for that purpose”.

CLAUSE 24

THAT, Clause 24 of the Bill be amended by inserting the words “as provided in section 22(2)” at the end of paragraph (b).

CLAUSE 25

THAT, Clause 25 of the Bill be amended in sub-clause (2) by deleting the words “and may relate to any category or class of community land”.

CLAUSE 26

THAT, clause 26 of the Bill be amended by inserting the following new paragraph immediately after paragraph (c) —

“(d) operation of any other written law.”

CLAUSE 28

THAT, Clause 28 of the Bill be amended in sub-clause (2) by deleting the word “an” appearing at the end of paragraph (e) and substituting therefor the word “and”.

CLAUSE 29

THAT, clause 29 of the Bill be amended—

- (a) in sub-clause (4) by inserting the words “or” at the end of paragraph (a); and
- (b) in sub-clause (6) by deleting the words “one year” and substituting therefor the words “six months”.

CLAUSE 31

THAT, clause 31 of the Bill be amended by deleting sub-clause (5) and substituting therefor the following new sub-clause—

“(5) For the avoidance of doubt, every woman married to a member of the community shall gain automatic membership of the community and such membership shall subsist until the spouses legally divorce and the woman remarries, after the death of the spouse, from another community.”

CLAUSE 35

THAT, clause 35 of the Bill be deleted and substituted therefor by the following new clause—

Existing rights to
use and occupy
community land.

35. (1) Any person who immediately before the commencement of this Act, held a right to use and occupy any part of community land, whether by virtue of any authority granted under any law or otherwise than under a lease, may continue to use and occupy such land under that right, subject to the same terms and conditions until the lease expires, after which the provisions of sections 28 and 29 shall apply.

(2) Any conversion which commenced before the promulgation of the Constitution shall be deemed to have commenced under this Act, while any conversion commenced after the promulgation of the Constitution shall be null and void.

CLAUSE 37

THAT, clause 37 of the Bill be amended—

- (a) by inserting the words “Subject to any other relevant written law” at the beginning of the opening sentence;
- (b) by renumbering the existing clause as sub-clause (1);
- (c) by inserting the following new sub-clauses immediately after sub-clause (1)—
 - “(2) An agreement relating to investment in community land shall only be made between the investor and the community.

(3) No agreement between an investor and the community shall be valid unless it is approved by two thirds of members at a community assembly meeting called to consider the offer and at which a quorum of two thirds of the members of that community is obligatory.

(4) The community may request the guidance and assistance of the county government or any other relevant stakeholders in considering the offer of investment.”

CLAUSE 38

THAT clause 38 be amended by deleting the word “bye-laws” wherever it appears and substituting therefore the word “by-laws”.

CLAUSE 39

THAT, clause 39 of the Bill be amended in the opening sentence in sub-clause (2) by inserting the words “and county” immediately after the words “subject to national”.

CLAUSE 40

THAT, clause 40 of the Bill be amended in sub-clause (2) by deleting the word “constitutions” appearing at the end of the sentence and substituting therefor the word “by-laws”.

CLAUSE 42

THAT, clause 42 of the Bill be deleted and substituted therefor by the following new clauses—

Arbitration.

42. (1) Where a dispute relating to community land arises, the parties to the dispute may agree to refer the dispute to arbitration.

(2) Where the parties to an arbitration agreement fail to agree on the appointment of an arbitrator or arbitrators, the provisions of the Arbitration Act relating to the appointment of arbitrators shall apply.

No. 4 of 1995.

Judicial
proceedings

42A. (1) Where all efforts of resolving a dispute under this Act fail, a party to the dispute may refer the matter to court.

(2) The Court may—

- (a) confirm, set aside, amend or review the decision which is the subject of the appeal; or
- (b) make any order in connection therewith as it may deem fit.

CLAUSE 44

THAT, clause 44 of the Bill be deleted and substituted therefor the following new clause—

General penalty.

44. A person convicted of an offence under this Act for which no other penalty is provided shall be liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months or to both.

CLAUSE 46

THAT, clause 46 of the Bill be amended—

- (a) in sub-clause (6) by deleting the words “such time as the Cabinet Secretary may determine” and substituting therefor the words “five years of the enactment of this Act”;
- (b) by deleting sub-clause (7) and substituting therefor the following new sub-clause—
“(7) If at the expiry of the five years specified in subsection (6) the adjudication is not concluded, such land shall be deemed to be community land and shall be dealt with in terms of the provisions of this Act.”
- (c) by inserting the following new sub-clause immediately after sub-clause (8)—
“(9) The provisions of this section shall be subject to the provisions of Article 63(4) of the Constitution and the legislation providing for the review of grants and dispositions.”

CLAUSE 47

THAT, clause 47 of the Bill be amended by deleting the word “relevant” and substituting therefor the words “provisions of this”.

CLAUSE 48

THAT, clause 48 of the Bill be amended in sub-clause (2) by inserting the words “ensuring public participation” immediately after the words “Cabinet Secretary”.

SCHEDULE

THAT the Schedule to the Bill be amended—

- (a) in paragraph 2 by inserting the words “land use planning” immediately after the words “public health or” appearing in sub-paragraph (2);
- (b) in paragraph 8 by deleting the figure “(1)”;
- (c) by inserting the following new paragraph immediately after paragraph 8—

"9. Nothing in this Schedule shall be construed as giving exemption to the application of the provisions of Article 63(4) of the Constitution."

2) Notice is given that the Member for Isiolo County (Hon. Tiyah Galgalo), intends to move the following amendments to the Community Land Bill, 2015 at the Committee Stage—

CLAUSE 5

THAT, clause 5 of the Bill be amended—

- (a) by deleting sub-clause (1); and
- (b) in sub-clause (4) by deleting the words "person or persons" appearing immediately after the words "just compensation to the" and substituting therefor the words "community".

CLAUSE 6

THAT, clause 6 of the Bill be amended in sub-clause (1) by deleting the words "for which it is held" and substituting therefor the words "traditionally entitled to or resident on the land".

CLAUSE 8

THAT, clause 8 of the Bill be amended—

- (a) in sub-clause (1) by inserting the words "in consultation with county governments" immediately after the words "the Cabinet Secretary shall";
- (b) in sub-clause (2) by inserting the following new paragraph immediately after paragraph (b)—
 - "(c) be developed in consultation with the communities and incorporate the principles of the national land policy";
- (c) in sub-clause (5) by inserting the words "in consultation with county governments" immediately after the words "The Cabinet Secretary may".

CLAUSE 10

THAT, clause 10 of the Bill be amended in sub-clause (2) by deleting the words "or any other written law".

CLAUSE 11

THAT, clause 11 of the Bill be amended in sub-clause (2) by inserting the words "in consultation with the relevant county government" immediately after the words "The Cabinet Secretary"

CLAUSE 13

THAT, clause 13 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) A registered community may, by resolution of the majority of members in a general meeting, reserve land for communal purposes.”

CLAUSE 14

THAT, clause 14 of the Bill be amended in sub-clause (2) by inserting the words “Subject to the provisions of Article 40(6) of the Constitution” at the beginning of the sentence.

CLAUSE 15

THAT, clause 15 of the Bill be amended by inserting the words “in consultation with the county governments” immediately after the words “The Cabinet Secretary shall”.

CLAUSE 16

THAT, clause 16 of the Bill be amended—

(a) in sub-clause (1)—

(i) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) manage and administer its land through the appropriate institutions”;

(ii) by deleting paragraph (c);

(iii) by deleting the word “authorities” appearing in paragraph (d) and substituting therefor the words “county government”;

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

“(2) Any decision of a registered community shall be binding if it is supported by at least two thirds of the registered members present in a general meeting, of which eighty five per cent of the total number of registered members must be present.”

CLAUSE 20

THAT, clause 20 of the Bill be amended by inserting the following new sub-clauses immediately after sub-clause (5)—

“(6) A registered community may reserve special purpose areas including—

(a) farming areas;

(b) settlement areas;

(c) community conservation areas;

(d) access and rights of way;

(e) cultural and religious sites;

- (f) urban development; or
 - (g) any other purpose as may be determined by the community, county government or national government for the promotion of public interest.
- (7) An area designated for special purposes under subsection (6) shall be used exclusively for the designated purposes."

CLAUSE 23

THAT, clause 23 of the Bill be amended in sub-clause (2) by deleting the words "land" appearing at the end of the sentence and substituting therefor the words "community land shall be subject to this Act."

CLAUSE 30

THAT, clause 30 of the Bill be deleted.

CLAUSE 31

THAT, clause 31 of the Bill be amended by deleting sub-clause (5) and substituting therefor the following new sub-clause—

"(5) For the avoidance of doubt, every man or woman married to a member of the community and who moves into the community of the other automatically becomes a member of that community and such membership shall subsist unless the spouses legally divorce and the spouse remarries, or unless the man or woman remarries after the death of the spouse."

CLAUSE 32

THAT, clause 32 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words "Subject to such exemptions as may be prescribed, or unless any condition attaching to a community land right or a right of leasehold under this Act provides otherwise,"; and
- (b) in sub-clause (2) by deleting the words "For the purposes of" appearing at the beginning of the sentence and substituting therefor the words "Subject to".

CLAUSE 40

THAT, clause 40 of the Bill be amended in sub-clause (4) by deleting the words "repugnant to justice and morality and".

CLAUSE 47

THAT, clause 47 of the Bill be amended in sub-clause (4) by deleting the words "or other institutions" appearing immediately after the words "respective communities".

CLAUSE 48

THAT, clause 48 of the Bill be amended—

- (a) in sub-clause (1) by inserting the words “in consultation with county governments” immediately after the words “The Cabinet Secretary may”; and
- (b) in sub-clause (2) by inserting the following new paragraph immediately after paragraph (j)—

“(k) procedures for registration of communities and their governance”.

3) Notice is given that the Member for Wajir South (Hon. Abdullahi Diriye) intends to move the following amendments to the Community Land Bill, 2015 at the Committee Stage—

CLAUSE 2

THAT, Clause 2 of the Bill be amended by deleting the definition of “community” and substituting therefor the following new definition—

“community” means an organized group of users of community land who are citizens of Kenya and share a common ancestry.

CLAUSE 5

THAT, Clause 5 of the Bill be amended in subsection (4) by deleting the words “for a public purpose” immediately after the word “law”.

CLAUSE 6

THAT, Clause 6 of the Bill be amended in subsection (4) by inserting the words “except in accordance with the law” at the end of the sentence.

4) Notice is given that the Member for Turkana County (Hon. Joyce Emanikor) intends to move the following amendments to the Community Land Bill, 2015 at the Committee Stage—

CLAUSE 2

THAT, Clause 2 of the Bill be amended—

- (a) in the definition of “community tenure system” by deleting the words “or controlled by a family, clan or a designated community leader” at the end of the sentence; and
- (b) by inserting the following new definition in its proper alphabetical sequence—

“community member” means any and all individuals, male and female, families and groups that live within the defined boundaries of the community land in question and are above the age of eighteen years.

CLAUSE 6

THAT, Clause 6 of the Bill be amended –

(a) by inserting the following new sub-clause immediately after sub-clause (2) –

“(2) County governments shall support communities to register community land including by allocation of resources for that purpose” ; and

(b) in sub-clause (4) by inserting the words “licence, lease, transact or” immediately after the words “shall not”.

CLAUSE 10

THAT, Clause 10 of the Bill be amended in sub-clause (1) by deleting paragraph (d).

CLAUSE 11

THAT, Clause 11 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (1) –

“(1b) Community land may be registered in the name of –

(a) a community;

(b) a clan or family in accordance with the customary practices applicable; or

(c) a community association in accordance with the document constituting the association.

CLAUSE 16

THAT, Clause 16 of the Bill be amended –

(a) in sub-clause (2) by deleting the words “the registered members of the community” at the end of the sentence and substituting therefor the words “all community residents”; and

CLAUSE 19

THAT, Clause 19 of the Bill be amended in sub-clause (1) by inserting the words “to a community” immediately after the word “registration”.

CLAUSE 20

THAT, Clause 20 of the Bill be amended in sub-clause (2) by deleting paragraph (f).

CLAUSE 22

THAT, Clause 22 of the Bill be amended in sub-clause (2) by deleting the words “fifty percent of members present in a special meeting convened for that purpose, in which at least two thirds of the members of the community are present” and substituting therefor the words “two thirds of the members of the community present in a special meeting convened for that purpose.”

5) Notice is given that the Member for Mwatate (Hon. Andrew Mwadime), intends to move the following amendments to the Community Land Bill, 2015 at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended

- (a) by deleting the definition of “community land” and substituting therefor the following new definition—

“community land” includes all land used as community settlement area, farming area, grazing area, rangelands, fish landing sites, common resource area including watering points, salt licks, wildlife habitats, wildlife corridors, livestock passage routes and cattle dips;

- (b) by inserting the following new definitions in their proper alphabetical sequence—

“committee” means a community land management committee;

“community land tenure” means unwritten land ownership practises in certain communities in which land is owned and managed by the community collectively as a group;

“community member” means any individual, families and groups that historically live within the defined boundaries of the community land in question and who are considered as members of the community, with full membership extended to all male and female members above the age of eighteen years”

CLAUSE 4

THAT, clause 4 of the Bill be amended in sub-clause (1) by deleting the words “vest in” and substituting therefor the words “be owned by”.

CLAUSE 6

THAT, clause 6 of the Bill be amended—

- (a) by deleting sub-clause (2); and

- (b) by deleting sub-clause (4) and substituting therefor the following new sub-clause—

“(4) A county government shall not license, lease, transact or dispose of any unregistered community land that it is holding in trust on behalf of the communities for which it is held.”

CLAUSE 7

THAT, clause 7 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) A community land management committee registered under this Act shall be a body corporate with perpetual succession and a common seal, and capable in its corporate name of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and or disposing of movable and immovable property;
- (c) entering into contracts;
- (d) borrowing and lending money; and
- (e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act, and which may lawfully be done or performed by a body corporate.”

CLAUSE 8

THAT, clause 8 of the Bill be amended in sub-clause (3) by inserting the following new paragraph immediately after paragraph (b)—

“(bb) participation by not less than two thirds of the members of the registered community;”

CLAUSE 22

THAT, clause 22 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) A community land management committee shall, before the conversion of registered community land into any other category of land, seek and obtain approval from at least two thirds of the members present in a special meeting convened for that purpose, in which at least two thirds of the members of the community are present.”

CLAUSE 27

THAT, clause 27 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2)—

“(3) The Cabinet Secretary shall prescribe regulations to guide the process of setting aside community land for public purposes.”

CLAUSE 28

THAT, clause 28 of the Bill be amended in sub-clause (5) by inserting the following new paragraphs immediately after paragraph (c)–

“(d) the member practises activities that threaten or abuse the rights or title of the community on the land;

(e) the member practises activities that are contrary to the approved land use plan in respect of the community land.”

CLAUSE 29

THAT, clause 29 of the Bill be amended in sub-clause (5) by inserting the following new paragraph immediately after paragraph (d)–

“(e) carry out any activity on the land other than lawful grazing of stock, which may prevent or restrict the residents of the traditional community concerned from a reasonable exercise of their grazing rights”

CLAUSE 30

THAT, clause 30 of the Bill be amended in sub-clause (1) by deleting the words “county government or national government” appearing in paragraph (g).

CLAUSE 37

THAT, clause 37 of the Bill be amended–

(a) by renumbering the existing provisions as sub-clause (1); and

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

“(2) An agreement made between the community and an investor shall not be valid unless it is ratified by at least two thirds of the members of the registered community.”

CLAUSE 47

THAT, clause 47 of the Bill be amended in sub-clause (2) by inserting the words “and the newly registered community shall elect a community land management committee” at the end of the sentence.

CLAUSE 48

THAT, clause 48 of the Bill be amended in sub-clause (2) by inserting the following new paragraphs immediately after paragraph (j)–

“(k) the registration of communities as corporate bodies;

(l) the conversion of illegally acquired community land to community land; and

(m) the setting aside of community land for public purposes.”

NEW CLAUSES**CLAUSE 2A**

THAT, the Bill be amended by inserting the following new clause 2A immediately after clause 2—

Objects and purpose of the Act.

2A. The objects and purpose of the Act shall be to provide for the—

- (a) recognition, protection and registration of community land rights;
- (b) documentation and mapping of the existing forms of communal land tenure;
- (c) vesting of community land in the communities identified on the basis of ethnicity, culture or similar community of interests;
- (d) management and administration of the registered community; and
- (e) procedures for conversion of community land to other categories.

CLAUSE 7A

THAT, the Bill be amended by inserting the following new clause immediately after clause 7—

Establishment of community land management committees.

7A. (1) A community land management committee registered under section 7(1) shall be responsible for the adjudication, registration, management and administration of community land.

(2) A community land management committee shall consist of—

- (a) two members, aged thirty five years and above, representing the community elders;
- (b) two persons of female gender representing women;
- (c) two persons, being one man and one woman, representing the youth;
- (d) one person representing special interests in the community; and
- (e) two persons representing the different ethnic, cultural or other community of interest within the community.

(3) There shall be a chairperson of the community land management committee who shall be elected by the members in their first meeting from among themselves.

(4) The membership of the community land management committee shall observe the principle that not more than two-thirds of its members shall be of the same gender.

(5) The community land management committees shall, subject to this Act—

- (a) manage and administer community land on behalf of the community;
- (b) facilitate the recording and issuance of title for the community land by the Commission;
- (c) facilitate land use planning and provision of infrastructure by the government;
- (d) promote co-operation and participation among community members in dealing with matters pertaining to the land; and
- (e) perform such other function as may be assigned under this Act.

(6) The Community land management committee shall regulate its own procedure.

(7) A person ceases to be a member of the community land management committee if that person—

- (a) dies;
- (b) resigns;
- (c) is convicted of a criminal offence and sentenced to imprisonment for a term of not less than six months;
- (d) is declared bankrupt; or
- (e) is unable to perform the functions of the office by reason of mental or physical infirmity.

NEW SCHEDULES

THAT, the Bill be amended by inserting the following new schedules immediately after the Schedule—

SECOND SCHEDULE

(s. 7A)

CONDUCT OF BUSINESS AND AFFAIRS OF THE COMMUNITY LAND MANAGEMENT COMMITTEES

Meetings of the committee.

1. (1) The Committee shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) The Chairperson shall convene the ordinary meetings of the Committee.

(3) Despite the provisions of sub-paragraph (1), the Chairperson shall, upon a written request by at least five members of the Committee, convene a special meeting of the Committee at any time where he considers it expedient for the transaction of the business of the Committee.

(4) Unless three quarters of the total number of the members of the Committee otherwise agree, at least fourteen days written notice of every meeting of the Committee shall be given to every member of the Committee.

(5) The quorum for the conduct of the business of the Committee shall be two thirds of the total number of members including the Chairperson or the person presiding.

(6) The Chairperson shall preside at every meeting of the Committee at which he is present and in his absence, the members of the Committee present shall elect one person from their number to preside over the meeting of the Committee and he shall have all the powers of the Chairperson.

(7) Unless a unanimous decision is reached, a decision on any matter before the Committee shall be by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairperson or person presiding over the meeting shall have a casting vote.

(8) The proceedings of the Committee shall not be invalidated by reason of a vacancy within its membership.

(9) Subject to this Schedule, the Committee may determine its own procedure and the procedure for any sub-committee of the Committee and for the attendance of other persons at its meetings.

Disclosure of
interest.

2. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Committee and is present at a meeting of the Committee at which the contract, proposed contract or other matter is the subject of consideration, the member shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose his or her interest in the matter and shall not take part in the deliberations over, or vote on, the matter.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

(3) Any contract or instrument which if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed on behalf of the Committee by any person generally or specially authorized by the Committee for that purpose.

THIRD SCHEDULE

MATTERS TO BE PROVIDED FOR IN THE CONSTITUTION OF EVERY COMMITTEE

1. The name of the community.
2. A description of the area, being the land in or over which the community has, under recognized customary law, exercised rights of use and occupation.
3. The persons who are the original members of the community.
4. The persons to whom membership is open.
5. The personal particulars of the members of the Committee, term of office, the method and frequency of their election, appointment, suspension and dismissal.
6. The authority for and the method of filling vacancies occurring amongst the officers of the Committee.
7. Payment of allowances to Committee members and other officers of the Committee.
8. The frequency of, quorums for, method of calling and dates of the annual general meetings.
9. The custody and investment of the funds and property of the community, and the designation of the persons responsible.
10. The purposes for which the funds and property of the Committee may be used.
11. The maintenance and inspection of books of account, the register of members and the record of interests, by any member or officer of the community, by or on behalf of the Registrar.
12. The periodic audit of accounts.
13. The manner of making and amending the name, constitution or rules of the community.
14. The manner of the dissolution of the Committee and the disposal of its property on dissolution.

The House resolved on Wednesday, February 10, 2016 as follows:-

- III. **THAT**, notwithstanding the provisions of Standing Order 97(4), 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, shall 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.
- IV. **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** shall 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.
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NOTICE PAPER I

Tentative business for

Thursday (Morning), April 21, 2016

(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 (Morning), April 21, 2016:-

A. COMMITTEE OF THE WHOLE HOUSE

- (i) The Statute Law (Miscellaneous Amendments) Bill (Senate Bill No. 6 of 2014)
(The Chairperson, Departmental Committee on Justice and Legal Affairs)
- (ii) The County Governments (Amendment)(No. 2) Bill (Senate Bill No. 2 of 2014)
(The Chairperson, Departmental Committee on Justice and Legal Affairs)

B. THE ELECTION LAWS (AMENDMENT) (NO.3) BILL (NATIONAL ASSEMBLY BILL NO. 63 OF 2015)

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

(If not concluded on Wednesday, April 20, 2016 – Afternoon Sitting)

C. THE JUDICIARY FUND BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2016)

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

(If not concluded on Wednesday, April 20, 2016 – Afternoon Sitting)

D. THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, April 20, 2016 – Afternoon Sitting)

E. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, April 20, 2016 – Afternoon Sitting)

**F. THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL
ASSEMBLY BILL NO. 12 OF 2015)**

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, April 20, 2016 – Afternoon Sitting)

NOTICE PAPER II

Tentative business for

Thursday (Afternoon), April 21, 2016

(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 (Afternoon), April 21, 2016:-

A. COMMITTEE OF THE WHOLE HOUSE

The Land Laws (Amendment) Bill (National Assembly Bill No. 55 of 2015)
(The Leader of the Majority Party)

B. THE JUDICIARY FUND BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2016)

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

(If not concluded on Wednesday, April 20, 2016 – Morning Sitting)

C. THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, April 20, 2016 – Morning Sitting)

D. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, April 20, 2016 – Morning Sitting)

E. THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, April 20, 2016 – Morning Sitting)

APPENDIX

Status of Business before Committees

Wednesday (Afternoon) April 20, 2016

In accordance with the Speaker's communication of 14th October, 2015 the Chairpersons of the following Committees will **today** be called upon to appraise the House on the Status of the Business pending before their respective Committees:

- A. Departmental Committee on Transport, Public Works and Housing**
 - B. The National Government Constituency Development Fund Committee**
 - C. Committee on Regional Integration**
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