



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – (THIRD SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**WEDNESDAY, MARCH 18, 2015 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 ENGINEERING TECHNOLOGISTS AND TECHNICIANS BILL**  
**NATIONAL ASSEMBLY BILL NO. 7 OF 2015)**

(The Hon. Cecilia Ngetich, M.P.)

First Reading

**9\*. MOTION - RANKING SYSTEM FOR NATIONAL EXAMINATIONS**

(The Hon. Chris Wamalwa, M.P.)

**THAT**, aware that Article 35 (1) (a) of the Constitution provides for the right of access to information held by the state; further aware that the education sector has recently been marred by confusion and unnecessary anxiety due to the abolishment of the ranking system in national examinations; concerned that this action by the Ministry of Education was arrived at without due consultation with all relevant stakeholders including KUPPET, KNUT, the parent associations, investors in the sector among others, contrary to Article 118 of the Constitution; cognizant of the fact that the ranking system has been a long-held tradition in the sector both locally and internationally, and has been a source of positive competition, motivation, rewarding and an important guideline for resource allocation; this House **resolves** that the Government through the Ministry immediately reverts to the ranking system for national examination and specifically the Kenya Certificate of Primary Education (KCPE) and the Kenya Certificate of Secondary Education (KCSE).

*(Motion as amended)*

*(Resumption of debate interrupted on Wednesday, March 11, 2015 – Morning Sitting)*  
*(Balance of time 30 mins)*

...../10\*.

**10\*. MOTION - PROPER DISPOSAL OF ALCOHOLIC CONTAINERS & ARRANGING RECREATIONAL ACTIVITIES DURING SCHOOL HOLIDAYS**

(The Hon. Kigo Njenga, M.P.)

**THAT**, aware that there has been an increase of alcohol use and abuse in Kenya especially in urban areas; further aware that over 2.2 million Kenyans are addicted to alcohol; noting that improper disposal of alcoholic containers has been on the rise leading to unintended exposure and use of containers for vending illicit brew especially by school going children; deeply concerned that this is both an environmental and a health risk; this House **urges** the government in conjunction with all relevant authorities particularly NACADA, to institute and ensure proper disposal of alcoholic containers and organize recreational activities during school holidays in all Constituencies.

**11\*. MOTION - TRANSLATION OF THE LAWS OF KENYA INTO KISWAHILI**

(The Hon. Joyce Wanjalah Lay, M.P.)

**THAT**, aware that Kiswahili is the national as well as official language of the Republic as enshrined in the Constitution; further aware that equality and freedom from discrimination and access to information are fundamental rights; cognizant of the fact that democracy and public participation of the people is a national value and principle of governance as per Article 10 of the Constitution; deeply concerned that a section of Kenyans have a low level of knowledge of their legal rights and laws passed by this House as a result of the existing language barriers; convinced that unless we, as a nation, lay down mechanisms for translating laws passed by Parliament and county assemblies into Kiswahili, most Kenyans will continue being partially aware of the law, this House **urges** the National Council for Law Reporting to progressively translate the laws of Kenya into Kiswahili.

**12\*. MOTION - REVIEW OF PROCEDURE & COST OF MARRIAGE REGISTRATION, & DECENTRALIZATION OF THE OFFICES OF THE REGISTRAR OF MARRIAGES**

(The Hon. Malulu Injendi, M.P.)

**THAT**, aware that the Marriage Act, 2014 was assented to by H.E the President on 29th April, 2014 and commenced on the 20th of May, 2014; noting that the act was by and large an amalgamation of the previous Acts, thus amendments relating to the regulations were minimal in effect; deeply concerned that there are only twelve offices for the registrar of marriages in the whole country, making it difficult for the hopefuls to issue notice of marriages; mindful of the fact that the upward revision of the marriage certificate acquisition fee is not affordable to many Kenyans, thus inhibiting them from registering marriages as envisaged by the new Act; this House **urges** the Government to review the procedure and the cost of marriage registration, and to decentralize the offices of the registrar of marriages to a minimum of all sub-counties so as to reduce bureaucracy and enhance accessibility.

**13\*. MOTION - PERIOD OF SERVICE FOR POLICE OFFICERS UPON COMPLETION OF SPECIALIZED TRAINING**

(The Hon. John Waluke, M.P.)

**THAT**, aware that the Kenya Police Service spends considerable resources on training officers among the cadre of trainees; further aware that many of the police detectives are hired by other government and private institutions as soon as they are acquire the necessary expertise and experience; deeply concerned that this results in delayed and botched investigations and failed conclusion of critical prosecutions plus a high number of acquittals due to perennial shortage of specialized officers in critical departments such as ballistics, forensics, document examinations, fraud detection, money laundering, transnational crime and cyber crime; cognizant of the fact that private employers are able to offer superior terms, this House **urges** the Government to ensure that any Regular Police, Administration Police officer and Prisons Officer who benefits from specialized training at the taxpayers' expense should serve in the public sector for at least 10 years before leaving for the private sector or refund the public funds used in their training.

**14\*. MOTION - ESTABLISHMENT OF INTENSIVE CARE & BLOOD TRANSFUSION UNITS IN EVERY CONSTITUENCY**

(The Hon. Abdul Rahim Dawood, M.P.)

**THAT**, aware that the Country has been experiencing a series of fatal emergency situations that necessitate the need for urgent medical care and blood transfusions; deeply concerned that currently the country lacks sufficient blood reserves; noting that health services and blood donations in critical emergency situations are crucial to saving lives; this House **urges** the Government to consider setting up an Intensive Care Unit (ICU) and a blood transfusion unit in every constituency to provide medical care and blood in emergency situations.

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**\* Denotes Orders of the Day**

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.....*Notices*

## N O T I C E S

### The House resolved on Wednesday, February 11, 2015 as follows:-

- I. **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.
  
- II. **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

# NOTICE PAPER

Tentative business for  
Wednesday (Afternoon), March 18, 2015

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*(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), March 18, 2015:

- A. **MOTION** - **EXTENSION OF PERIOD FOR CONSIDERATION OF NOMINEES TO THE JUDICIAL SERVICE COMMISSION**  
(The Chairperson, Departmental Committee on Justice & Legal Affairs)
- B. **MOTION** - **REPORT ON VETTING OF THE NOMINEE FOR APPOINTMENT AS AMBASSADOR TO THE FEDERAL REPUBLIC OF SOMALIA**  
(The Chairperson, Departmental Committee on Defence & Foreign Relations)
- C. **COMMITTEE OF THE WHOLE HOUSE**  
The Protection Against Domestic Violence Bill (National Assembly Bill No. 28 of 2013)  
(The Chairperson, Departmental Committee on Justice and Legal Affairs)  
*(Resumption of consideration interrupted on Tuesday, March 17, 2015)*  
*(To commence from Clause 15)*
- D. **MOTION** - **THE SPECIAL REPORT OF THE PUBLIC INVESTMENTS COMMITTEE**  
(The Chairperson, Public Investments Committee)
- E. **MOTION** - **REPORT ON THE PRIVATIZATION OF THE PUBLIC SECTOR OWNED/CONTROLLED SUGAR COMPANIES**  
(The Chairperson, Departmental Committee on Finance, Planning & Trade)  
*(Resumption of debate adjourned on Thursday, February 26, 2015)*
- F. **MOTION** - **REPORT OF THE FIFTH ORDINARY SESSION OF THE PAN- AFRICAN PARLIAMENT & THE ANNUAL SPEAKERS' CONFERENCE (2014)**  
(The Second Chairperson of Committees)
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**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – (THIRD SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**WEDNESDAY, MARCH 18, 2015 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 - EXTENSION OF PERIOD FOR CONSIDERATION OF  
NOMINEES TO THE JUDICIAL SERVICE COMMISSION**

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

**THAT**, pursuant to the provisions of Section 13 of the Public Appointments (Parliamentary Approval) Act, this House resolves to extend the period for consideration of the nominees for appointment as Commissioners to the Judicial Service Commission by further ten (10) days, from 20<sup>th</sup> March, 2015.

*(The Hon. Speaker has certified the request as exceptional)*

**9\*. MOTION – REPORT ON VETTING OF THE NOMINEE FOR  
APPOINTMENT AS AMBASSADOR TO THE FEDERAL  
REPUBLIC OF SOMALIA**

(The Chairperson, Departmental Committee on Defence & Foreign Relations)

**THAT**, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the vetting of the nominee for appointment as Ambassador, laid on the Table of the House on Tuesday, 17 March, 2015, and pursuant to Article 132(2)(e) of the Constitution, **approves** the appointment of **Major General (Rtd) Lucas K. Tumbo** as Ambassador to the Federal Republic of Somalia.

**10\*. COMMITTEE OF THE WHOLE HOUSE**

The Protection Against Domestic Violence Bill (National Assembly Bill No. 28 of 2013)  
(The Chairperson, Departmental Committee on Justice and Legal Affairs)

*(Resumption of consideration interrupted on Tuesday, March 17, 2015)  
(To commence from Clause 15)*

**11\*. MOTION - THE SPECIAL REPORT OF THE PUBLIC INVESTMENTS COMMITTEE**

(The Chairperson, Public Investments Committee)

**THAT**, this House adopts the Special Report of the Public Investments Committee on the Recapitalization and Balance Sheet Restructuring of Telkom Kenya Limited, laid on the Table of the House on Tuesday, April 29, 2014.

**12\*. MOTION - REPORT ON THE PRIVATIZATION OF THE PUBLIC SECTOR OWNED/CONTROLLED SUGAR COMPANIES**

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

**THAT**, this House adopts the Report of the Departmental Committee on Finance, Planning and Trade on the Privatization of the Public Sector Owned/Controlled Sugar Companies (*Nzoia Sugar Company, South Nyanza Sugar Company, Chemilil Sugar Company, Muhoroni Sugar Company and Miwani Sugar Company*), laid on the Table of the House on Tuesday, December 2, 2014.

*(Resumption of debate adjourned on Thursday, February 26, 2015)*

**13\*. MOTION - REPORT OF THE FIFTH ORDINARY SESSION OF THE PAN-AFRICAN PARLIAMENT & THE ANNUAL SPEAKERS' CONFERENCE (2014)**

(The Second Chairperson of Committees)

**THAT**, this House adopts the Report of the Fifth Ordinary Session of the Pan-African Parliament and the Annual Speakers' Conference (2014), together with the Revised Protocol to the Constitutive Act Relating to the Pan-African Parliament, laid on the Table of the House on Thursday, February 12, 2015.

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**\* Denotes Orders of the Day**

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## N O T I C E S

### I. THE PROTECTION AGAINST DOMESTIC VIOLENCE BILL (NATIONAL ASSEMBLY BILL NO. 28 OF 2013)

1. Notice is given that the Chairperson, Departmental Committee on Justice and Legal Affairs, intends to move the following amendments to the Protection Against Domestic Violence Bill, 2013 at the Committee Stage—

#### CLAUSE 4

**THAT**, clause 4 of the Bill be amended—

- (a) in subclause (1) by deleting paragraphs (b), (d), (e),(f),(g)and (h);
- (b) by deleting subclause (3);
- (c) by deleting subclause (4);

#### CLAUSE 5

**THAT**, clause 5 of the Bill be amended—

- (a) in subclause (1)—
  - (i) by deleting the words “estranged spouse or former spouse” appearing in paragraph (a);
  - (ii) by deleting the words “in the opinion of the court and” appearing immediately after the words “person who” in paragraph (f);
- (b) by deleting subclause (5);

#### CLAUSE 7

**THAT**, the Bill be amended by deleting clause 7;

#### CLAUSE 8

**THAT**, the Bill be amended by deleting clause 8;

#### CLAUSE 9

**THAT**, clause 9 of the Bill be amended—

- (a) by deleting subclause (1) and replacing with a new subclause (1) as follows—

“(1) Any person who reasonably suspects that an offence of domestic violence is being or has been committed may give such information to the police officers or any other person in authority”;



- (b) in subclause (2) by deleting the words “by virtue of such reporting attacks, intimidates or does any harmful act to the person providing information” appearing immediately after the words “person who” and substituting therefor the words “attacks, intimidates or harms a person who reports domestic violence”;
- (c) by deleting subclause (3);
- (d) by deleting subclause (4);
- (e) by deleting subclause (7);

#### **CLAUSE 10**

**THAT**, clause 10 of the Bill be amended—

- (a) by deleting subclause (1) and replacing with a new subclause (1) as follows—  
“(1) A person who is in a domestic relationship with another person may apply to Court for a protection order in respect of that other person.”;
- (b) in subclause (2), by deleting the word “shall” appearing immediately after the word “application” and substituting therefor the word “may”;
- (c) in subclause (3) by deleting the word “shall” appearing immediately after the word “application” and substituting therefor the word “may”;

#### **CLAUSE 11**

**THAT**, clause 11 of the Bill be amended in subclause (2)—

- (a) by inserting the words “a parent, guardian, probation officer, police officer, person acting on behalf of a non-governmental organization concerned with the welfare of victims of domestic violence or, with leave of court, any other person.” immediately after the word “through”;
- (b) by deleting paragraphs (a), (b), (c), (d), (e), (f), (g) (h), (i) and (j);

#### **CLAUSE 12**

**THAT**, clause 12 of the Bill be amended in subclause (2) by deleting paragraph (b);

#### **CLAUSE 14**

**THAT**, clause 14 of the Bill be amended in subclause (4) by deleting the words “and, if the respondent fails to appear, the court shall, subject to section 23 (3), issue a warrant for the arrest of the respondent” appearing immediately after the words “to the order”;

#### **CLAUSE 15**

**THAT**, clause 15 of the Bill be amended in subclause (2) by deleting the word “encourages” appearing immediately after the words “respondent who” and substituting therefor the words “aids or abets”;

#### **CLAUSE 16**

**THAT**, clause 16 of the Bill be amended in subclause (1) by deleting the words “including those provided by religious institutions and any suitable cultural programmes subject to their satisfaction that these programmes will not in any way undermine the objects of this Act or the values and principles of the Constitution” and substituting therefor the words “or any other programme that is acceptable to the court”;

**CLAUSE 18**

**THAT**, the Bill be amended by deleting clause 18;

**CLAUSE 19**

**THAT**, clause 19 of the Bill be amended—

- (a) in subclause (1) by deleting the words “is inciting or encouraging, or has incited or encouraged, the respondent to engage in behaviour against a protected person where that behaviour, if engaged in by respondent, would amount to domestic violence” and substituting therefor the words “aids and abets the respondent”;
- (b) by deleting subclause (2);
- (c) by deleting subclause (3);

**CLAUSE 20**

**THAT**, the Bill be amended by deleting clause 20;

**CLAUSE 21**

**THAT**, clause 21 of the Bill be amended—

- (a) in subclause (2) by deleting the word “follow” appearing in paragraph (b) and substituting therefor the word “stalk”;
- (b) in subclause (7) by deleting the word “modified” appearing immediately after the words “revoked or” in paragraph (b) and substituting therefor the word “varied”;
- (c) by deleting subclause (8);
- (d) by deleting subclause (9);

**CLAUSE 22**

**THAT**, clause 22 of the Bill be amended by deleting subclause (5);

**CLAUSE 23**

**THAT**, the Bill be amended by deleting clause 23;

**CLAUSE 25**

**THAT**, clause 25 of the Bill be amended—

- (a) in subclause (1) by deleting the words “has received an explanation of the order in accordance with section 31” appearing immediately after the words “protection order”;
- (b) by deleting subclause (2);

**CLAUSE 27**

**THAT**, clause 27 of the Bill be amended—

- (a) in subclause (1) by deleting the words “of the first class” appearing immediately after the word “Courts”;
- (b) in subclause (2) by deleting the words “soon as possible” appearing immediately after the words “court as” in paragraph (b) and substituting therefor the words “may be directed by the court”;
- (c) by deleting subclauses (4), (5), (6), (7), (8), (9), (10), (11), (12) and (13);

**CLAUSE 28**

**THAT**, clause 28 of the Bill be amended by deleting subclauses (2), (3) and (4);

**CLAUSE 29**

**THAT**, the Bill be amended by deleting clause 29;

**CLAUSE 32**

**THAT**, the Bill be amended by deleting clause 32;

**CLAUSE 33**

**THAT**, the Bill be amended by deleting clause 33;

**CLAUSE 34**

**THAT**, the Bill be amended by deleting clause 34;

**CLAUSE 35**

**THAT**, the Bill be amended by deleting clause 35;

**CLAUSE 36**

**THAT**, the Bill be amended by deleting clause 36;

**CLAUSE 37**

**THAT**, clause 37 of the Bill be amended by deleting subclauses (4), (5), (6) and (7);

**CLAUSE 38**

**THAT**, the Bill be amended by deleting clause 38;

**CLAUSE 39**

**THAT**, the Bill be amended by deleting clause 39;

**CLAUSE 40**

**THAT**, clause 40 of the Bill be amended by inserting a new subclause immediately after subclause (3)—

“(4) A publication under this section shall be made thirty days after the final determination of the proceedings”;

**CLAUSE 42**

**THAT**, the Bill be amended by deleting clause 42;

**CLAUSE 43**

**THAT**, clause 43 of the Bill be amended—

(a) by deleting subclause (1);

(b) in subclause (2) by inserting the word “have” immediately after the words “shall”;

**CLAUSE 44**

**THAT**, the Bill be amended by deleting clause 44;

**CLAUSE 45**

**THAT**, the Bill be amended by deleting clause 45.

2. **Notice is given that the Member for Matungulu Constituency (Hon. Mutinda Mule), intends to move the following amendments to the Protection Against Domestic Violence Bill, 2013 at the Committee Stage—**

**CLAUSE 8**

**THAT**, clause 8 of the Bill be amended—

(a) in subclause (1) by—

(i) deleting the words “, in consultation with county executives,” appearing immediately after the word “shall”;

(ii) deleting the words “by county executives” appearing immediately after the word “establishment”;

(b) in subclause (4) by deleting the words “the County Executives shall work with” appearing immediately after the expression “subsection (1),” and substituting therefor the words “the Cabinet Secretary shall prescribe”.

3. **Notice is given that the Member for Makadara (Hon. Benson Mutura) intends to move the following amendments to the Protection Against Domestic Violence Bill, 2013 at the Committee Stage—**

**CLAUSE 6**

**THAT**, clause 6 of the Bill be amended by deleting subclause (3).

The House resolved on Wednesday, February 11, 2015 as follows:-

- II. **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, a Sessional Paper 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 shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order.
- 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** 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 shall 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

Thursday, March 19, 2015

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*(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, March 19, 2015:-

**A. MOTION - THE SPECIAL REPORT OF THE PUBLIC INVESTMENTS COMMITTEE**

(The Chairperson, Public Investments Committee)

*(If not concluded on Wednesday 17, 2015 – Afternoon Sitting)*

**B. MOTION - REPORT ON THE PRIVATIZATION OF THE PUBLIC SECTOR OWNED/CONTROLLED SUGAR COMPANIES**

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

*(If not concluded on Wednesday 17, 2015 – Afternoon Sitting)*

**C. MOTION - REPORT OF THE FIFTH ORDINARY SESSION OF THE PAN-AFRICAN PARLIAMENT & THE ANNUAL SPEAKERS' CONFERENCE (2014)**

(The Second Chairperson of Committees)

*(If not concluded on Wednesday 17, 2015 – Afternoon Sitting)*

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