



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, NOVEMBER 11, 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*. MOTION - FIREARMS TRACKING AND REGISTRATION SYSTEM

(The Hon. (Dr.) Victor Munyaka, M.P.)

THAT, aware that many innocent Kenyans have been victims of crime attributable to stolen and illegally acquired firearms; concerned that, despite the proliferation of small arms, there has not been efforts to track location, movement and use of firearms held by licensed persons and the disciplined forces; acknowledging the need to adopt a mechanism for providing real-time geophysical location and movement of firearms to facilitate recovery of stolen firearms and forensic identification of guns used in crime scenes; cognizant of the fact that a number of countries continue to implement modern technologies to regulate, monitor and track use of firearms; further aware that use of electronic tracking technologies, including the Global Positioning Systems (GPS) has been used to track and record location and movement of firearms; this House **urges** the Government to fit all guns held by licensed persons and the disciplined forces with electronic tracking devices and ensure the proper and comprehensive registration of all firearms in the country in order to curb insecurity.

(Mover to reply)

9*. MOTION - DEVELOPMENT OF A NATIONAL CURRICULUM FOR TRAINING OF MEDICAL PERSONNEL ON EMERGENCY CARE

(The Hon. Dr. Susan Musyoka, M.P.)

THAT, aware that Article 43 (1) (a) and (2) of the Constitution provides for the right to the highest attainable standard of health for every person; further aware that emergency health care is an important component of standard health services; concerned that many lives continue to be lost due to lack of adequate emergency health care and poor response to emergencies in the country; noting that only 13% of public health facilities in the Country have basic components to support emergency cases; deeply concerned that emergency patients are exposed to untrained personnel and/or good Samaritans who in most cases worsen the situation; cognizant of the need for the Country to have a well-coordinated emergency care system;

this House **resolves** that the Government immediately develops and implements a national curriculum for emergency training of all medical personnel in the Country.

*(Resumption of debate interrupted on Wednesday, October 28, 2015 – Morning Sitting)
(Balance of time – 2hrs 30mins)*

**10*. MOTION - ENGAGEMENT OF THE NATIONAL YOUTH SERVICE
IN CONSTRUCTION OF DAMS**
(The Hon. Joe M. Mutambu, M.P.)

THAT, aware that Article 43(1)(c) of the Constitution provides that every person has the right to be free from hunger and to have adequate food of acceptable quality; further aware that Kenya's food production is heavily dependent on rain-fed agriculture; cognizant of the fact that counties such as Kitui, Makueni and Machakos in semi-arid and arid lower Eastern part of the country experience perennial food shortages due to inadequate rainfall; noting that these counties however receive seasonal rainfall whose water can be harnessed and stored for irrigation; appreciating that the Government has invested heavily in the National Youth Service in terms of machinery and technical training; this House **urges** the Government to consider engaging the labour force and machinery of the National Youth Service to construct earth-dams for harnessing water for irrigation with a view to enhancing food production and alleviating hunger among the residents of the said counties and other semi-arid and arid regions of this country.

**11*. MOTION - DECLARATION OF CATTLE RUSTLING AS A NATIONAL
DISASTER & ESTABLISHMENT OF A SPECIAL FUND FOR
VICTIMS**
(The Hon. William Cheptumo, M.P.)

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.

12*. MOTION - IMPLEMENTATION OF FLEXIBLE WORK POLICIES

(The Hon. Muthomi Njuki, M.P.)

THAT, aware that Section 27(1) of the Employment Act provides that *“An employer shall regulate the working hours of each employee in accordance with the provisions of this Act and any other written law”*; further aware that motorists and passengers waste a lot of time in traffic jams during rush hours; noting the importance of quality output from employees as well as the ability to juggle between work and family responsibility; this House urges the Government to implement flexible work policies that will allow employees to schedule work during favourable times in order to accomplish more and provide time for recreational activities such as sports.

13*. MOTION - DECLARATION OF AN ENVIRONMENTAL CLEANING AND BEAUTIFICATION DAY

(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 Saturday 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.

*** Denotes Orders of the Day**

N O T I C E S

I. PROPOSED AMENDMENT TO THE MOTION ON DEVELOPMENT OF A NATIONAL CURRICULUM FOR TRAINING OF MEDICAL PERSONNEL ON EMERGENCY CARE

Notice is hereby given that the Member for Seme Constituency (Hon. (Dr) James Nyikal), intends to move the following amendment to the Motion on Development of a National Curriculum for Training of Medical Personnel on Emergency Care-

THAT, the motion be amended by:-

- (i) deleting the word “**emergency**” appearing immediately after the word “**for**” in the last line; and
- (ii) inserting the words “**emergency on medical care**” immediately after the word “**Country**” appearing in the last line.

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 **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.

NOTICE PAPER

Tentative business for

Wednesday, November 11 (Afternoon), 2015

(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) November 11, 2015:-

A. PROCEDURAL MOTION - APPROVAL OF MORNING SITTINGS

(The Leader of the Majority Party)

B. PROCEDURAL MOTION - LIMITATION OF DEBATE ON SESSIONAL PAPERS

(The Leader of the Majority Party)

C. COMMITTEE OF THE WHOLE HOUSE

- (i) The Magistrates' Courts Bill (National Assembly Bill No. 40 of 2015)
(The Leader of the Majority Party)
- (ii) The High Court (Organization and Administration) Bill (National Assembly Bill No. 47 of 2015)
(The Leader of the Majority Party)
- (iii) The Small Claims Court Bill (National Assembly Bill No. 51 of 2015)
(The Leader of the Majority Party)
- (iv) The Court of Appeal (Organization and Administration) Bill (National Assembly Bill No. 52 of 2015)
(The Leader of the Majority Party)
- (v) Consideration of the **Presidential Memorandum** on the Higher Education Loans Board (Amendment) Bill (National Assembly Bill No. 09 of 2015)
(The Leader of the Majority Party)

D. THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO.14 OF 2015)

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Tuesday, November 10, 2015)

E. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 3 OF 2014 ON THE NATIONAL POLICY AND ACTION PLAN ON HUMAN RIGHTS

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

F. THE TAX PROCEDURES BILL (NATIONAL ASSEMBLY BILL NO. 29 OF 2015)

(The Leader of the Majority Party)

Second Reading

G. THE PROTECTION OF TRADITIONAL KNOWLEDGE AND TRADITIONAL CULTURAL EXPRESSIONS BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2015)

(The Leader of the Majority Party)

Second Reading

H. THE FOREST CONSERVATION AND MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2015)

(The Leader of the Majority Party)

Second Reading

I. THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION) BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2015)

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

K. THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2015)

(The Leader of the Majority Party)

Second Reading

L. THE LAND LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2015)

(The Leader of the Majority Party)

Second Reading

M. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2015)

(The Leader of the Majority Party)

Second Reading



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY NOVEMBER 11, 2015 AT 2.30 P.M

ORDER OF BUSINESS

PRAYERS

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

8*. PROCEDURAL MOTION - APPROVAL OF MORNING SITTINGS

(The Leader of the Majority Party)

THAT, pursuant to the provisions of Standing Order 30(3)(b), this House resolves to hold Sittings on Thursdays Mornings commencing at 9.30 a.m. to 1.00 p.m. as follows:-

- (i) Thursday, 12th November, 2015;
- (ii) Thursday, 19th November, 2015;
- (iii) Thursday, 26th November, 2015; and
- (iv) Thursday, 3rd December, 2015.

9*. PROCEDURAL MOTION - LIMITATION OF DEBATE ON SESSIONAL PAPERS

(The Leader of the Majority Party)

THAT, pursuant to the provisions of Standing Order No. 97(1) and notwithstanding the resolution of the House of 11th February, 2015 regarding limitation of time in debates, this House resolves to limit each speech in a debate on any **Sessional Paper during the current part of the Session** in the following manner: - A maximum of sixty (60) minutes, with not more than ten (10) minutes for the Mover in moving and five (5) minutes for any other Member speaking, **including** the Leader of the Majority Party and the Leader of the Minority Party and that five (5) minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order.

10*. COMMITTEE OF THE WHOLE HOUSE**

- (i) The Magistrates' Courts Bill (National Assembly Bill No. 40 of 2015)
(The Leader of the Majority Party)

- (ii) The High Court (Organization and Administration) Bill (National Assembly Bill No. 47 of 2015)
(The Leader of the Majority Party)
- (iii) The Small Claims Court Bill (National Assembly Bill No. 51 of 2015)
(The Leader of the Majority Party)
- (iv) The Court of Appeal (Organization and Administration) Bill (National Assembly Bill No. 52 of 2015)
(The Leader of the Majority Party)
- (v) Consideration of the **Presidential Memorandum** on the Higher Education Loans Board (Amendment) Bill (National Assembly Bill No. 09 of 2015)
(The Leader of the Majority Party)

11*. THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO.14 OF 2015)
(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Tuesday, November 10, 2015)

12*. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 3 OF 2014
(The Chairperson, Departmental Committee on Justice and Legal Affairs)

THAT, this House adopts Sessional Paper No. 3 of 2014 on the National Policy and Action Plan on Human Rights, laid on the Table of the House on Wednesday, 3rd June, 2015.

13*. THE TAX PROCEDURES BILL (NATIONAL ASSEMBLY BILL NO. 29 OF 2015)
(The Leader of the Majority Party)

Second Reading

14. THE PROTECTION OF TRADITIONAL KNOWLEDGE AND TRADITIONAL CULTURAL EXPRESSIONS BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2015)**
(The Leader of the Majority Party)

Second Reading

15. THE FOREST CONSERVATION AND MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2015)**
(The Leader of the Majority Party)

Second Reading

16. THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION) BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2015)**
(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

18. THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2015)**

(The Leader of the Majority Party)

Second Reading

19. THE LAND LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2015)**

(The Leader of the Majority Party)

Second Reading

20*. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2015)

(The Leader of the Majority Party)

Second Reading

*** Denotes Orders of the Day**

**** Denotes Bill with Constitutional Timeline**

N O T I C E SI. THE MAGISTRATES' COURTS BILL (NATIONAL ASSEMBLY BILL NO. 40 OF 2015)

Notice is given that the Chairperson of the Committee on Justice and Legal Affairs, intends to move the following amendments to the Magistrates' Courts Bill, 2015 at the Committee Stage—

CLAUSE 7

THAT, clause 7 of the Bill be amended in—

- (a) subclause (1) (a) by deleting the word "seven" and substituting therefor the word "twenty";
- (b) subclause (1) (b) by deleting the word "five" and substituting therefor the word "fifteen";
- (c) subclause (1) (c) by deleting the word "four" and substituting therefor the word "ten";
- (d) subclause (1) (d) by deleting the word "three" and substituting therefor the word "seven";
- (e) subclause (1) (e) by deleting the word "two" and substituting therefor the word "five";
- (f) subclause (3) by deleting paragraph (e) and substituting therefor the following paragraph—
 "(e) matters affecting status, and in particular the status of widows and children including guardianship, custody, adoption and legitimacy; and"

CLAUSE 9

THAT, the Bill be amended by deleting clause 9 and substituting therefor the following clause—

Claims in
employment, labour
relations claims;
land and
environment cases.
Cap. 12A

9. A magistrate's court shall—

- (a) in the exercise of the jurisdiction conferred upon it by section 26 of the Environment and Land Court Act and subject to the pecuniary limits under section 7(1), hear and determine claims relating to—
 - (i) environmental planning and protection, climate issues, land use planning, title, tenure, boundaries, rates, rents, valuations, mining, minerals and other natural resources;
 - (ii) compulsory acquisition of land;
 - (iii) land administration and management;
 - (iv) public, private and community land and contracts, choses in action or other instruments granting any enforceable interests in land; and
 - (v) environment and land generally;

No. 20 of 2011.

- (b) in the exercise of the jurisdiction conferred upon it by section 29 of the Industrial Court Act, 2011 and subject to the pecuniary limits under section 7(1), hear and determine claims relating to employment and labor relations.

CLAUSE 10

THAT, the Bill be amended by deleting clause 10 and substituting therefor the following clause—

Contempt of
Court.

10. (1) Subject to the provisions of any other law, the Court shall have power to punish for contempt.

(2) A person who, in the face of the Court—

(a) assaults, threatens, intimidates, or insults a magistrate, court administrator, judicial officer, or a witness, during a sitting or attendance in Court, or in going to or returning from the Court;

(b) interrupts or obstructs the proceedings of the Court; or

(c) without lawful excuse disobeys an order or direction of the Court in the course of the hearing of a proceeding, commits an offence.

(3) In the case of civil proceedings, the willful disobedience of any judgment, decree, direction, order, or other process of a court or willful breach of an undertaking given to a court constitutes contempt of court.

(4) In the case of criminal proceedings, the publication, whether by words, spoken or written, by signs, visible representation, or otherwise, of any matters or the doing of any other act which—

(a) scandalizes or tends to scandalize, or lowers or tends to lower the judicial authority or dignity of the court

(b) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or

(c) interferes or tends to interfere with, or obstructs or tends to obstruct the administration of justice, constitutes contempt of court.

(5) A police officer, with or without the assistance of any other person, may, by order of a judge of the Court, take into custody and detain a person who commits an offence under subsection (2) until the rising of the Court.

(6) The Court may sentence a person who commits an offence under subsection (1) to imprisonment for a term not exceeding five days, or a fine not exceeding one hundred thousand shillings, or both.

(7) A person may appeal against an order of the Court made by way of punishment for contempt of court as if it were a conviction and sentence made in the exercise of the ordinary original criminal jurisdiction of the Court.

(8) The Chief Justice may make Rules to regulate procedures relating to contempt of court.

CLAUSE 11

THAT, clause 11 of the Bill be amended in subclause (2) by deleting the words “the magistrate’s court” appearing immediately after the words “administrator by”.

CLAUSE 12

THAT, clause 12 of the Bill be amended in subclause (1) by deleting the words “the magistrate’s court” appearing immediately after the words “Chief Registrar”.

CLAUSE 15

THAT, clause 15 of the Bill be amended—

- (a) in the prefatory statement by deleting the word “under” appearing immediately after the word “specified” and substituting therefor the words “by written law.”
- (b) by deleting paragraphs (a), (b) and (c).

NEW CLAUSES

THAT, the Bill be amended by inserting the following clauses immediately after clause 19—

Rules.

19A. (1) The Chief Justice may make rules generally for the effective organization and administration of the Magistrates’ Court.

(2) Without prejudice to the generality of subsection (1) (b), such rules may provide for the—

- (a) procedure of handling claims relating to violation of human rights;
- (b) general practice and procedure of Magistrates’ Courts;
- (c) supervision and inspection of Magistrates’ Courts;
- (d) automation of Court records, case management, protection and sharing of Court information and the use of information communication technology;
- (e) form, style, storage, maintenance and retrieval of Court records; and
- (f) procedure relating to contempt of court.

(3) For the purposes of Article 94 (6) of the Constitution—

(a) the purpose and objective of the delegation under this section is to enable the Chief Justice to make rules to provide for the better administration and organization of the Court;

(b) the authority of the Chief Justice to make rules under this Act is limited to bringing into effect the provisions of this Act and fulfilment of the objectives specified under this section;

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No. 23 of
2013

(c) the principles and standard applicable to the rules made under this section are those set out in the Interpretations and General Provisions Act and the Statutory Instruments Act, 2013.

Code of
Conduct for
magistrates.

19B. The Chief Justice shall, within six months of the commencement of this Act, prescribe the code of conduct applicable to magistrates.

CLAUSE 21

THAT, clause 21 of the Bill be amended in the proposed new section 48 (1) of the Law of Succession Act by deleting the expression "2013 Provided that for the purpose of this section in any place where both the High Court and a magistrates' courts are reasonably accessible, the High Court shall have exclusive jurisdiction to make all grants of representation and determine all disputes under this Act" appearing immediately after the words Magistrates' Courts Act" and substituting therefor the expression "2015"

CLAUSE 22

THAT, clause 22 of the Bill be amended in paragraph (b) of the proposed amendments to section 49 of the Law of Succession Act by deleting the expression "5(1) of the Magistrates' Courts Act, 2013" and substituting therefor the expression "7(1) of the Magistrates' Courts Act, 2015".

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 22—

Amendment of
section 26 of
Cap. 12A

23. Section 26 of the Environment and Land Court Act is amended by inserting the following subsections immediately after subsection (2)—
 "(3) The Chief Justice may, by notice in the *Gazette*, appoint certain magistrates to preside over cases involving employment and labour relations in respect of any area of the country.
 (4) Appeals on matters from the designated magistrate's courts shall lie with the Court."

II. THE HIGH COURT (ORGANIZATION AND ADMINISTRATION) **BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2015)**

Notice is given that the Chairperson of the Committee on Justice and Legal Affairs, intends to move the following amendments to the High Court Organization and Administration Bill, 2015 at the Committee Stage—

CLAUSE 3

THAT, clause 3 of the Bill be amended in subclause (1) by deleting paragraph (f).

CLAUSE 10

THAT, clause 10 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following subclause —

“(1) The Court shall subject to subsections (2), (3) and (8A) sit continuously for the trial of criminal cases and disposal of civil and other legal business of the Court.”

(b) in subclause (2)—

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

“(a) from the 7th of January to the Thursday before Good Friday;”

(ii) in paragraph (b) by deleting the word “week” appearing immediately after the word “Easter”;

(iii) in paragraph (c) by deleting the words “1st September” appearing immediately after the words “from the” and substituting therefor the words “15th August”.

(c) In subclause (4) by deleting the word “fo” appearing immediately after the word “measures” and substituting therefor the word “for”;

(d) by inserting the following subclause immediately after subclause (8)—

“(8A) The Chief Justice shall prescribe rules to ensure the disposal of matters within twelve months from the date the Court sets the matters down for hearing.”

CLAUSE 13

THAT, clause 13 of the Bill be amended by inserting the following subclause immediately after subclause (1)—

(1A) The transfer of a judge under subsection (1) (a) shall only take effect three months after the judge is notified of the transfer.

(1B) The Chief Justice shall take into account the level expertise and legal specialization in the deployment of judges under subsection (1) (b).”

CLAUSE 14

THAT, clause 14 of the Bill be amended in the prefatory statement by inserting the words “,in so far as is reasonably practicable,” immediately after the words “which shall”.

CLAUSE 16

THAT, clause 16 of the Bill be amended in paragraph (e) by deleting the word “efficiency” appearing immediately after the word “effectiveness” and substituting therefor the words “expeditious disposal of matters”.

CLAUSE 19

THAT, clause 19 of the Bill be amended by—

(a) deleting paragraph (b) and substituting therefor the following paragraph—

“(b) has, since admission to the Roll of Advocates attained at least five years’ experience as legal practitioner”

(b) deleting paragraph (c).

CLAUSE 20

THAT, clause 20 of the Bill be amended in subclause (1) by deleting the prefatory statement and substituting therefor the following statement—

“The Registrar shall perform such duties as the Chief Registrar or the Principal Judge may direct, and in particular be responsible for—”

CLAUSE 23

THAT, clause 23 of the Bill be amended in subclause (1) by inserting the words “to the Commission” immediately after the words “recommendations”.

CLAUSE 25

THAT, clause 25 of the Bill be amended—

- (a) in the prefatory statement by deleting the word “under” appearing immediately after the word “prescribed” and substituting therefor the words “by written law.”
- (b) by deleting paragraphs (a), (b) and (c).

CLAUSE 26

THAT, clause 26 of the Bill be amended—

- (a) in subclause (1) by deleting the word “any” appearing immediately after the word “In” and substituting therefor the word “civil”
- (b) in subclause (4) by deleting the word “off” appearing immediately after the word “stay”.

CLAUSE 27

THAT, clause 27 of the Bill be amended in subclause (1) by deleting the words “initiate” appearing immediately after the words “judge shall” and substituting therefor the word “implement”.

CLAUSE 28

THAT, clause 28 of the Bill be amended in subclause (1) by deleting the words “There shall be” and substituting therefor the words “The Registrar shall maintain”.

CLAUSE 29

THAT, clause 29 of the Bill be amended in subclause (1) by—

- (a) deleting the words “ Chief Justice and the Chief Registrar” appearing immediately after the words “consultation with the” and substituting therefor the words “Commission”;
- (b) deleting subclause (2).

CLAUSE 33

THAT, clause 33 of the Bill be amended in subclause (1) by deleting the word “person” appearing immediately after the words “or other” and substituting therefor the words “judicial officer”.

CLAUSE 35

THAT, clause 35 of the Bill be amended in subclause (1) by deleting the words “under the Civil Procedure Act or the Criminal Procedure Code” appearing immediately after the word “prescribed” and substituting therefor the words “by written law”.

CLAUSE 36

THAT, clause 36 of the Bill be amended in subclause (6) by deleting the words “two years, or to a fine not exceeding two million” and substituting therefor the words “six months, or to a fine not exceeding five hundred thousand”.

CLAUSE 39

THAT, the Bill be amended by deleting clause 39.

CLAUSE 40

THAT, the Bill be amended by deleting clause 40 and substituting therefor the following clause—

Rules. **40.** (1) The Chief Justice—

- (a) shall, within six months of the commencement of this Act, prescribe rules on the code of conduct applicable to Judges of the High Court.
- (b) may, in consultation with the Principal Judge, make rules generally for the effective organization and administration of the High Court.

(2) Without prejudice to the generality of subsection (1) (b), such rules may provide for the—

- (g) conduct of the election of the Principal Judge;
- (h) procedure of removal of the President of the Court;
- (i) disposal of urgent and priority matters during Court recess;
- (j) disposal of matters within twelve months from the date the Court sets the matters down for hearing;
- (k) automation of Court records, case management, protection and sharing of Court information and the use of information communication technology;
- (l) form, style, storage, maintenance and retrieval of Court records; and
- (m) procedure relating to contempt of court.

(3) For the purposes of Article 94 (6) of the Constitution—

- (d) the purpose and objective of the delegation under this section is to enable the Chief Justice to make rules to provide for the better administration and organization of the Court;
- (e) the authority of the Chief Justice to make rules under this Act is limited to bringing into effect the provisions of this Act and fulfilment of the objectives specified under this section;
- (f) the principles and standard applicable to the rules made under this section are those set out in the Interpretations and General Provisions Act and the Statutory Instruments Act, 2013.

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No. 23 of
2013

III. THE SMALL CLAIMS COURT BILL (NATIONAL ASSEMBLY BILL NO. 51 OF 2015)

Notice is given that the Chairperson of the Committee on Justice and Legal Affairs, intends to move the following amendments to the Small Claims Court Bill, 2015 at the Committee Stage—

CLAUSE 5

THAT, clause 5 of the Bill be amended in subclause (2) (b) by deleting the word “five” appearing immediately after the words “at least” and substituting therefor the word “three”.

CLAUSE 8

THAT, clause 8 of the Bill be amended—

- (a) in paragraph (a) by deleting the word “and” appearing immediately after the word “experience” and substituting therefor the word “or”;
- (b) by deleting paragraph (b) and substituting therefor the following paragraph—
“(b) has trained as a paralegal at the Kenya School of Law.”

CLAUSE 12

THAT, clause 12 of the Bill be amended—

- (a) in subclause (1) (a) by inserting the word “or” immediately after the word “goods”;
- (b) in subclause (1) (C) by deleting the word “of” appearing immediately after the word “delivery” and substituting therefor the word “or”;
- (c) in subclause (3) by deleting the word “one” appearing immediately after the words “limited to” and substituting therefor the word “two”;

CLAUSE 13

THAT, clause 13 of the Bill be amended—

- (a) in subclause (1)(b) by deleting the words “or abandoned” appearing immediately after the word “withdrawn”;
- (b) by inserting the following subclause immediately after subclause (2)—
“(3) subject to section 12 (3), a higher Court may transfer a claim to a Small Claims Court.”

CLAUSE 15

THAT, clause 15 of the Bill be amended—

- (a) by deleting subclause (2);
- (b) by deleting subclause (3);
- (c) in subclause (4) by deleting the expression “, (2) and (3)” appearing immediately after the expression “(1)”.

CLAUSE 18

THAT, clause 18 of the Bill be amended in subclause (2) by inserting the word “mechanism” immediately after the word “resolution”.

CLAUSE 21

THAT, clause 21 of the Bill be amended by deleting subclause (3).

CLAUSE 23

THAT, clause 23 of the Bill be amended in subclause (2) by deleting the word “the” appearing immediately after the words “prejudice to”.

CLAUSE 26

THAT, clause 26 of the Bill be amended—

- (a) in subclause (3) by deleting the word “had” appearing immediately after the words “on the claim” and substituting therefor the word “has”;
- (b) in subclause (5) by deleting the expression “, (3) or (4)” appearing immediately after the expression “(1), (2)” and substituting therefor the expression “or (3)”.

CLAUSE 27

THAT, clause 27 of the Bill be amended in subclause (3) by deleting the expression “(1)” appearing immediately after the word “subsection” and substituting therefor the expression “(2)”.

CLAUSE 28

THAT, clause 28 of the Bill be amended in subclause (2) by deleting the word “had” appearing immediately after the words “on the claim” and substituting therefor the word “has”.

CLAUSE 32

THAT, clause 32 of the Bill be amended—

- (a) in subclause (1) by deleting the words “by the strict” appearing immediately after the word “bound” and substituting therefor the words “wholly by the”;
- (b) by deleting subclause (8).

CLAUSE 33

THAT, clause 33 of the Bill be amended in subclause (4) by inserting the word “be” immediately after the words “shall not”.

CLAUSE 37

THAT, clause 37 of the Bill be amended—

- (a) by deleting subclause (2);
- (b) in subclause (5) by deleting the expression “46 (3)” appearing immediately after the words “under section” and substituting therefor the expression “40”.

CLAUSE 38

THAT, clause 38 of the Bill be amended by deleting the word “matter” appearing immediately after the words “High Court on” and substituting therefor the word “matters”.

CLAUSE 39

THAT, clause 39 of the Bill be amended by inserting the following paragraph immediately after paragraph (a)—

“(aA) order the attachment of the salary of the judgment debtor; or”

CLAUSE 40

THAT, clause 40 of the Bill be amended by inserting the words “or any other of his or her assets” immediately after the words “immovable property”.

CLAUSE 41

THAT, clause 41 of the Bill be amended—

- (a) in subclause (1)—
 - (i) in the prefatory statement by deleting the word “its” appearing immediately after the words “party or on” and substituting therefor the words “his or her”;
 - (ii) by inserting the following paragraph immediately after paragraph (d)—

“(e) new facts previously not before the Court have been discovered by either of the parties.”
- (b) in subclause (2) by inserting the words “or such other period as the Court may allow” immediately after the word “reviewed”.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 50—

Code of
Conduct for
Adjudicators.

51. The Chief Justice shall, within six months of the commencement of this Act, prescribe the code of conduct applicable to an Adjudicator.

IV. THE COURT OF APPEAL (ORGANIZATION AND ADMINISTRATION) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2015)

Notice is given that the Chairperson of the Committee on Justice and Legal Affairs, intends to move the following amendments to the Court of Appeal (Organization and Administration) Bill, 2015 at the Committee Stage—

CLAUSE 7

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

“(1) The President of the Court may, in consultation with the Chief Justice, organize the Court into such divisions as may be necessary for specialized and expeditious disposal of appeals before it.”.

CLAUSE 13

THAT, clause 13 of the Bill be amended in subclause (2)—

- (a) in the prefatory statement by inserting the words “,in consultation with the Chief Justice,” immediately after the word “shall”;
- (b) by deleting paragraph (b) and substituting therefor the following paragraph—

“(b) developing guidelines that ensure the expeditious disposal of cases;”.

CLAUSE 15

THAT, clause 15 of the Bill be amended—

- (a) in subclause (1) by deleting the words “not less than three quarters” appearing immediately after the words “at which” and substitute therefore the words “more than half”;
- (b) by deleting subclause (3) and substituting therefor the following subclause—

“(3) A judge who desires the removal of the President of the Court shall give notice, in writing through the Registrar, stating the reasons for the intended removal.”
- (c) in subclause (4) by deleting the word “half” appearing immediately after the words “at least” and substituting therefor the words “one third”;
- (d) in subclause (5) by deleting the words “forty-five days after receipt of the communication under subsection (3) respond to the accusations” appearing immediately after the word

- "within" and substituting therefor the words "fourteen days after receipt of the communication under subsection (3) respond, through the Registrar, to the accusations;
- (e) in subclause (6) by deleting the words "in such a manner as to reach all the judges within the period set out in that subsection" appearing immediately after the word "communicated" and substituting therefor the words "by the Registrar to all judges within seven days";
- (f) in subclause (7) by deleting the word "shall" appearing immediately after the words "Chief Justice" and substituting therefor the word "may".

CLAUSE 19

THAT, clause 19 of the Bill be amended in subclause (3) by deleting the word "but" appearing immediately after the word "shall" and substituting therefor the word "put";

CLAUSE 20

THAT, clause 20 of the Bill be amended in subclause (1) by deleting the words "the Commission may determine" appearing immediately after the words "Court as" and substituting therefor the words "may be appointed under the Judicial Service Act, 2011.

CLAUSE 22

THAT, clause 22 of the Bill be amended in subclause (1) by deleting the prefatory statement and substituting therefore the following statement—

"The Registrar shall perform such duties as the Chief Registrar or the President of the Court may direct, and in particular be responsible for—"

CLAUSE 26

THAT, clause 26 of the Bill be amended in subclause (1)—

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

"(a) from the Thursday before Good Friday to the Wednesday after Easter Monday, inclusive;"

- (b) in paragraph (b) by deleting the word "September" and substituting therefor the word "August";

- (c) in paragraph (c) by deleting the expression "13th" and substituting therefor the expression "7th".

CLAUSE 27

THAT, clause 27 of the Bill be amended—

- (a) in subclause (1) by deleting the words "adopted by the Court" appearing immediately after the word "policy" and substituting therefor the words "determined by the Commission";
- (b) by deleting subclause (2).

CLAUSE 28

THAT, clause 28 of the Bill be amended—

- (c) in the prefatory statement by deleting the word "under" appearing immediately after the word "prescribed" and substituting therefor the words "by written law."
- (d) by deleting paragraphs (a), (b) and (c).

CLAUSE 29

THAT, clause 29 of the Bill be amended in subclause (1) by deleting the words “initiate” appearing immediately after the words “judge shall” and substituting therefor the word “implement”.

CLAUSE 30

THAT, clause 30 of the Bill be amended in subclause (1) by deleting the words “There shall be” and substituting therefor the words “The Registrar shall maintain”.

CLAUSE 31

THAT, clause 31 of the Bill be amended in subclause (1) by—

- (c) deleting the words “ Chief Justice and the Chief Registrar” appearing immediately after the words “consultation with the” and substituting therefor the words “Commission”;
- (d) deleting subclause (2).

CLAUSE 34

THAT, clause 34 of the Bill be amended in subclause (1) by deleting the words “under the Civil Procedure Act or the Criminal Procedure Code” appearing immediately after the word “prescribed” and substituting therefor the words “by written law”.

CLAUSE 35

THAT, the Bill be amended by deleting clause 35 and substituting therefore the following clause—

Contempt of
Court.

35. (1) Subject to the provisions of any other law, the Court shall have power to punish for contempt.

(2) A person who, in the face of the Court—

- (d) assaults, threatens, intimidates, or insults a judge of the Court, the Registrar of the Court, a Deputy Registrar or officer of the Court, or a witness, during a sitting or attendance in Court, or in going to or returning from the Court;
- (e) interrupts or obstructs the proceedings of the Court; or
- (f) without lawful excuse disobeys an order or direction of the Court in the course of the hearing of a proceeding, commits an offence.

(3) In the case of civil proceedings, the willful disobedience of any judgment, decree, direction, order, or other process of a court or willful breach of an undertaking given to a court constitutes contempt of court.

(4) In the case of criminal proceedings, the publication, whether by words, spoken or written, by signs, visible representation, or otherwise, of any matters or the doing of any other act which—

- (d) scandalizes or tends to scandalize, or lowers or tends to lower the judicial authority or dignity of the court
- (e) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or
- (f) interferes or tends to interfere with, or obstructs or tends to obstruct the administration of justice, constitutes contempt of court.

(5) A police officer, with or without the assistance of any other person, may, by order of a judge of the Court, take into custody and detain a person who commits an offence under subsection (2) until the rising of the Court.

(6) The Court may sentence a person who commits an offence under subsection (1) to imprisonment for a period not exceeding six months, or a fine not exceeding five hundred thousand shillings, or both.

(7) A person may appeal against an order of the Court made by way of punishment for contempt of court as if it were a conviction and sentence made in the exercise of the ordinary original criminal jurisdiction of the Court.

(8) The Chief Justice may make Rules to regulate procedures relating to contempt of court.

CLAUSE 36

THAT clause 36 of the Bill be amended by deleting the words “,so far as it is appropriate to do so” appearing immediately after the word “Republic”.

CLAUSE 37

THAT, clause 37 of the Bill be amended in subclause (1) by deleting the word “person” appearing immediately after the words “or other” and substituting therefor the words “judicial officer”.

CLAUSE 38

THAT, clause 38 of the Bill be amended by inserting the following subclause immediately after subclause (1)—

“(1A) Without prejudice to the generality of subsection (1), such Rules may provide for the—

- (a) conduct of the election of the President of the Court;
- (b) procedure of removal of the President of the Court;
- (c) form of notification of the sittings of the Court;
- (d) disposal of urgent and priority matters during Court recess;
- (e) automation of Court records, case management, protection and sharing of Court information and the use of information communication technology;
- (f) form, style, storage, maintenance and retrieval of Court records; and
- (g) procedure relating to contempt of court."

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 38—

Code of
Conduct for
judges of the
Court.

38A. The Chief Justice shall, within six months of the commencement of this Act, prescribe the code of conduct applicable to a judge of the Court.

V. CONSIDERATION OF THE PRESIDENTIAL MEMORANDUM ON
THE HIGHER EDUCATION LOANS BOARD (AMENDMENT)
BILL (NATIONAL ASSEMBLY BILL NO. 09 OF 2015)

**Amendments recommended by H. E. the President to the Higher Education Loans
Board (Amendment) Bill (National Assembly Bill No. 09 of 2015)**

CLAUSE 2

THAT, Clause 2 of the Bill be amended by:-

- (i) deleting the proposed paragraph 4(1)(ia); and
- (ii) deleting the proposed subsection 4(2A).

CLAUSE 3

THAT, Clause 3 of the Bill be amended by:-

- (i) deleting the proposed subsection 13(1A); and
- (ii) deleting the proposed subsection 13(1B).

CLAUSE 4

THAT, Clause 4 of the Bill be amended by deleting the proposed subsection (6).

CLAUSE 5

THAT, Clause 5 of the Bill be amended by:-

- (i) deleting the proposed subsection (1A); and
- (ii) deleting the proposed subsection 15(1B).

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

- VI. **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.
- VII. **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

Thursday November 12, 2015

(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 November 11, 2015:-

A. THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO.14 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, November 11, 2015 – Afternoon Sitting)

B. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 3 OF 2014 ON THE NATIONAL POLICY AND ACTION PLAN ON HUMAN RIGHTS

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

(If not concluded on Wednesday, November 11, 2015 – Afternoon Sitting)

C. THE TAX PROCEDURES BILL (NATIONAL ASSEMBLY BILL NO. 29 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, November 11, 2015 – Afternoon Sitting)

D. THE PROTECTION OF TRADITIONAL KNOWLEDGE AND TRADITIONAL CULTURAL EXPRESSIONS BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, November 11, 2015 – Afternoon Sitting)

E. THE FOREST CONSERVATION AND MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, November 11, 2015 – Afternoon Sitting)

F. THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION) BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, November 11, 2015 – Afternoon Sitting)

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

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, November 11, 2015 – Afternoon Sitting)

H. THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, November 11, 2015 – Afternoon Sitting)

I. THE LAND LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, November 11, 2015 – Afternoon Sitting)

J. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, November 11, 2015 – Afternoon Sitting)

APPENDIX

Status of Business Before Committees

Wednesday November 11, 2015

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

A. The Departmental Committee on Health

B. The Departmental Committee on Justice and Legal Affairs
