



NATIONAL ASSEMBLY

# e-NEWS

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Take A Step  
With Refugees

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steps-up efforts on the refugees' debate**

# Foreword



I am pleased to pen this foreword for the 4th issue of the National Assembly's e-Newsletter. It is my hope that you have enjoyed reading the previous issues.

During the period under coverage, the Parliamentary leadership offices including that of the Speaker of the National Assembly and Parliamentary Party leaders engaged with stakeholders in international fora in a bid to promote parliamentary diplomacy. A story on this engagement is carried on page 4 of this issue.

Additionally, nominated Member of Parliament Hon. Dennitah Ghati led her colleagues from across the Commonwealth fraternity in calling on legislatures to institute reforms within their jurisdiction to ensure the rights of people living with disabilities are safeguarded. This was during the just concluded 64th Commonwealth Parliamentary Conference that was hosted by the Parliament of Uganda. This story appears on page 6.

With regard to the legislative business, this issue carries articles on; the Gaming Bill which seeks to regulate betting, casinos and other forms of gambling and an article that unpacks the provisions of the Finance Bill, (2019).

Further, this issue carries articles emanating from the business of various House committees including; the Committee on Transport, Special Funds and Accounts Committee and Committee on Delegated Legislation.

Have you ever browsed through a Parliamentary Hansard? Have you ever thought of the Hansard being used as a tool for conflict resolution? To find out more, read the story on page 19.

In our pictorial page we feature the Speaker of the National Assembly Hon. Justin Muturi and his Ugandan counterpart, Rt. Hon. Rebecca Kadaga trying out the first saloon car manufactured in Uganda by Uganda Kiira Motors Corporation, a sure testament that Africa is on the rise, as well as pictures of Hon. Members of Parliament while transacting business during committee sittings within and outside Parliament among other photos.

I wish you a nice read, and look forward to your feedback.

**Mr. Michael R. Sialai, EBS**  
**Clerk of The National Assembly of Kenya**

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# PARLIAMENTARY DIPLOMACY

## The Leader of the Majority Party steps-up efforts on the refugees' debate



*The Leader of the Majority Party, Hon. Aden Duale, with Mr. George Obbo - Assistant High Commissioner (3rd from left), Hon. Katoo Ole Metito - Chairperson, Departmental Committee on Defence and Foreign Relations (2nd Left), Ms. Clementine Salami - Regional Director for East and Horn of Africa (4th from right), H.E. Amb. Cleophas Mailu - Permanent Representative of Kenya to the United Nations Office in Geneva (3rd right) and Mr Raouf Manzou (1st right) at UNHCR Offices in Geneva, Switzerland*

In modern parliamentary democracy, legislatures are increasingly undertaking activities aimed at escalating mutual understanding between countries. Indeed, the National Assembly has continuously played its role in parliamentary diplomacy through structured institutions like the Commonwealth Parliamentary Association (CPA), the Inter-Parliamentary Union (IPU), the African Caribbean and Pacific – European Union (ACP-EU) amongst other arrangements.

Additionally, parliamentary leadership offices including that of the Speaker of the National Assembly as well as the Parliamentary Party Leaders engage with international stakeholders in furtherance of the country's foreign interests. These engagements are carried out through hosting delegations in the National Assembly, visiting other parliaments/institutions, and participating in international meetings.

Following an invitation by the United Nations High Commissioner for Refugees (UNHCR), the Leader

of Majority Party in the National Assembly, the Hon. Aden Duale, held a meeting with Mr. George Obbo, Assistant High Commissioner on September 05, 2019 in Geneva. During the meeting, the parties deliberated on, among other things, the role of UNHCR in partnership with the security agents in dealing with refugee matters; current legislation on refugees before the National Assembly; and the World Bank funded Kenya Development Response to Displacement Impact (KDRDI) intended to compensate host communities affected by negative environmental and socio-economic impact caused by refugees from the neighboring countries.

The Hon. Duale held a follow-up meeting with the new UNHCR representative in Kenya (Ms. Fathiaa Abdalla) on September 19, 2019 at Parliament Buildings. Key among the discussions was the consideration by the National Assembly of the Refugee Bill, 2019, that seeks to provide for the recognition and protection of refugees. The meeting also discussed the proposed establishment of a Global Humanitar-





*Hon. Duale with Ms. Fathiaa Abdalla - UNHCR Representative for Kenya and Amb. Abdi Affey - Special Envoy for the Somali Refugees Situation (extreme right), Parliament Buildings, September 19, 2019*

ian City (GHC) in Embakasi that will serve as the regional base for stock-piling of relief items, fleet assets and humanitarian training, similar to those established in the United Arab Emirates, Ghana, Copenhagen and Jordan.

The Leader of Majority Party held another meeting with the United States of America Ambassador to Kenya H.E. Kyle McCarter on October 01, 2019. The meeting deliberated on areas of collaboration between the Embassy and the National Assembly. The meeting also considered the progress in the consideration of the Refugee Bill, 2019.

The meeting was held on the side-lines of the Garissa Integrated Socio-Economic Development Plan High Level meeting at the Tribe Hotel in Nairobi.



*Hon Duale with Ms. Fathiaa Abdalla UNHCR Representative in Kenya at Parliament Buildings*



# Kenya leads Commonwealth Lawmakers in rooting for the Rights of People with Disabilities



**N**ominated Member of the National Assembly, Hon. Dennitah Ghata has led colleagues MPs from across the Commonwealth Fraternity in calling on legislatures to institute reforms within their jurisdictions to ensure that the rights of people with disabilities are safeguarded.

Speaking in the recently concluded 64th Commonwealth Parliamentary Conference held in Kampala, Uganda, between 22nd -28th September in Kampala, Uganda, Legislators with disability and Parliamentary champions for people living with disability further called on Commonwealth Parliaments to go beyond ensuring Parliaments are accessible by all and implement the United National Convention for Persons with Disabilities as a means to enhance inclusivity, a key tenet for democracy.

Making her contribution to the forum, Hon. Dennitah Ghata emphasised on the place of persons living with disability in the governance structure, adding that including them in the decision making process

is akin to pursuing the full implementation of both the Convention on the Rights of Persons with Disabilities and the 2030 Agenda for Sustainable Development.

“Political participation is an integral part of universal human rights. Effective participation in political and public spheres is crucial to democracy and good governance. The political participation of Persons with Disabilities allows them to make positive contributions to disability -inclusive policies and to experience full citizenship,” she stated.

Hon. Ghata enumerated the progress Kenya has made with regard to representation in governance, noting that the constitution has provided for four positions for nomination of PWDs to Parliament, but noted this was not adequate. Her opinion was corroborated by several lawmakers who urged for affirmative action that is commensurate with the population that constitutes PWDs within various jurisdictions.

Homabay Woman Representative Gladys Wanga also

hailed Kenya's progress in this regard noting that Kenya's new currency is braille legible. She submitted that there was a great need for legislatures to develop policies that can transform the lives of PWDs as well as protect their rights.

The Lawmakers were contributing to a plenum dubbed "The Role of Parliament in facilitating Persons with Disabilities as electors, candidates and Legislators".

They further noted that though it is important that Parliaments oversee the passage of regulations to make Parliaments conducive for people with disabilities, or even the passage of laws providing for the entrenchment of the latter's rights, it is more crucial to oversee the implementation of such laws to the letter. They further underscored the importance of engaging people with disabilities in every strata of development of a legislative proposal with regards to PWDs so as to ensure that the proposals adequately respond to their needs.

Sharing her experience, former Barbados legislator and an expert on disability issues, Hon. Kerianne Fill observed that since most countries across the Commonwealth had ratified the UN Convention on PWDs, it was now time to mainstream disability as a government agenda. Hon. Ifill who is visually impaired reminded the lawmakers that Parliamentarians role as champions of the rights for PWDs begins after elections and not during elections. She reiterated on inclusion of PWDs in every decision making process thereby introducing a slogan, "Nothing

about us without us".

The forum was however impressed by the progress made by the Parliament of Jamaica Parliamentary which has so far elected House Speakers for the Senate and the House of Representatives; who are visually and hearing impaired respectively. Jamaican Legislator Dr. Morais V. Guy, underscored the role the election of PWDs to such high positions has played in fashioning the mindset of legislators to become sensitive to the needs of PWDs

"PWDs have held senior positions in both chambers of the Parliament. In 1988, Senator Floyd Morris became the first with a visual impairment to become an MP and in 2013, he was elevated to the position of President of Senate. In 2016, Mr. Pearnell Charles who has a hearing disability was promoted to the position of Speaker of the House of Representatives," he explained.

Some legislators further urged that literacy levels especially in sign language be boosted so as to complement the sign language service currently available during many Legislatures sittings.

The Commonwealth Parliamentary Forum is now expected to consider a further request by Hon. Ghati that the Commonwealth Parliamentary Association contemplates the review of her constitution in a bid to allow the establishment of a caucus for lawmakers with disability in line with the youth wing and the Commonwealth Women Parliamentarians, both side caucuses of the association





# The Gaming Bill, 2019

## - A Bill to regulate Betting and Gaming -



### THE BILL IN A SNAPSHOT

#### Bill's Title:

The Gaming Bill  
(National Assembly Bill No. 38 of 2019)

#### Publication Date:

27th May 2019

#### First Reading:

11th June 2019

#### Sponsoring Member:

Hon. Dr. Victor Munyaka

#### Departmental Committee:

Sports, Culture and Tourism

**B**etting, casinos and other forms of gambling will be better regulated if a Bill in the National Assembly is passed by the National Assembly and the Senate. The Gaming Bill (National Assembly Bill No. 38 of 2019) is sponsored by the Chairperson of the Departmental Committee on Sports, Tourism and Culture, Hon. Dr. Victor Munyaka, Member for Machakos Town Constituency. It is a Committee-sponsored Bill and is pending consideration before the Committee.

Repeal of the Betting, Lotteries and Gaming Act (Cap. 131)

The Bill seeks to repeal the Betting, Lotteries and Gaming Act (Cap. 131), an Act of Parliament that has been in existence since 1966. It further intends to provide for the control and licensing of betting, casinos and other forms of gaming which the existing Act has been ill-equipped to regulate well. The Bill is a robust piece of legislation containing 162 clauses and 16 Parts unlike the existing Betting, Lotteries and Gaming Act that contains around 70 provisions and 7 parts

#### Salient provisions in the Bill

The Bill establishes the National Gaming Authority, consisting of nine persons, whose functions will be to regulate, control and licence gaming activities; monitor and evaluate the issuance of permits by the

counties; establish and maintain a register of all gaming machines and devices; among others.

The Bill provides for the regulation of online gaming—an aspect which is not addressed in the existing Act and for the establishment of the National Lottery which the existing Act does not also provide for. The Bill further establishes the National Lottery Distribution Trust Fund whose purpose is to retain and distribute the proceeds of the National Lottery.

Currently, a person who is aggrieved by the decision of the Betting Control and Licensing Board can appeal to the High Court. However, if the Bill is enacted, such complaints will now be dealt with by the Gaming Appeals Tribunal, which the bill seeks to establish as a means to resolve disputes between parties and for persons to appeal to. In addition, the penalties in the Bill are stiffer.

To start a casino business, you will now need a cap-







ital of one hundred million shillings whereas for an online gaming business, the capital shall be two hundred million shillings.

The Bill proposes a gaming tax chargeable at the rate of fifteen per cent (15%) of all gaming activities, un-

less a different tax is prescribed under the Act.

The Bill also proposes that a minimum amount a person can bet online is an amount not less than fifty shillings in a competition.

**COMPARISON BETWEEN THE BETTING, LOTTERIES AND GAMING ACT  
AND THE GAMING BILL, 2019**

THE BETTING, LOTTERIES AND GAMING ACT	THE GAMING BILL, 2019
Devolution is not addressed in the Act	 <p>Devolution is addressed in the Bill and in particular the role of county governments as provided under Part 2 of the Fourth Schedule of the Constitution which also assigns county governments a function on betting, casinos and other forms of gambling.</p> <p>Thus, the respective functions of the national government and county governments is provided for in the Bill</p>
It establishes the Betting Control and Licensing Board whose membership excludes representation from county governments	 <p>It establishes the National Gaming Authority and one of the members is one person nominated by the council of county governors</p>
The membership of the Board is 9	 <p>The membership of the Authority is 9 (excluding the Director-General)</p>
Online gaming is not addressed in the Act	 <p>Part VII of the Bill provides for online gaming</p>
The National Lottery is not provided for	 <p>Part VIII of the Bill provides for the establishment of the National Lottery (Clauses 70-78)</p> <p>Also, Part IX of the Bill provides for the conduct of National Lottery</p>
It does not establish any Fund A person who is aggrieved by the decision of the Board can appeal to the High Court	 <p>Part X of the Bill establishes the National Lottery Distribution Trust Fund (Clauses 89-100)</p> <p>The purpose of the Fund is to retain and distribute the proceeds of the National Lottery</p>

## THE BETTING, LOTTERIES AND GAMING ACT

The penalties are not stiff

- Fines range- 3,000-10,000 shillings
- Imprisonment- 3 months - 1 year

The offences are not as many



The Act does not provide for Schedules on various aspects particularly on the amounts of licensing fees, securities, and renewal fees



The Act is not comprehensive  
(containing around 70 provisions)

## THE GAMING BILL, 2019

It establishes the Gaming Appeals Tribunal to resolve disputes between parties and for persons to appeal to it. Part XV of the Bill provides for offences and penalties (Clauses 129-155) providing for 27 different offences such as offences relating to gaming premise, false declarations, failure to display a valid licence, transfer of a licence without the approval of the Board, failure to keep proper book of accounts

The penalties are now stiffer:

- Fines range- 250,000 - 2 million
- Imprisonment- 1 year - 5 years

The Bill has six schedules, notably the Second Schedule on licensing fees (providing the respective amounts of licensing fees), the Fourth Schedule on Renewal of licence (providing for the respective renewal periods and renewal fees for licences for different types of gaming) and the Fifth Schedule on Gaming Security (providing the amounts for security for different types of gaming)

The Bill is comprehensive  
(containing 162 clauses)

### Bill due for Second Reading

The Bill was First Read on 11th June 2019 and has been committed to the Departmental Committee on Sports, Culture and Tourism which is considering it and is expected to table its report on the floor of the House.

Pursuant to Standing Order 127(3) of the National Assembly Standing Orders, the Committee has conducted public hearings and facilitated public participation, and shall take into account the views and recommendations of the public when it submits its report to the National Assembly.

In addition, pursuant to Standing Order 127(4) of the National Assembly Standing Orders, the Committee

is required to submit its report to the House within twenty-one calendar days of the committal of the Bill to the Committee.

Members of the public may submit any comments on the Bill to the Office of the Clerk of the National Assembly, 1st Floor, Main Parliament Buildings, Nairobi, Kenya, through P.O. Box 41842-00100, Nairobi, Kenya or email [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke).

Since the Bill concerns county governments, once it is passed by the House, it will be submitted to the Senate for their consideration.

*The Bill is available on the Parliament of Kenya website ([www.parliament.go.ke](http://www.parliament.go.ke)).*



# Committee on Delegated Legislation Rejects Treasury's Proposal to Merge The Women, Youth, and Uwezo Funds into One: Biashara Fund.

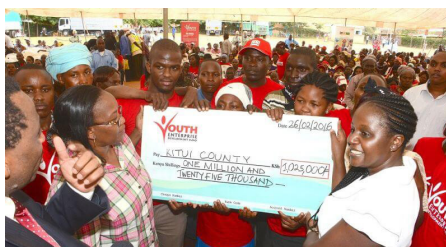
The Committee on Delegated Legislation chaired by Uasin Gishu County Woman Representative Hon. Gladys Boss Shollei has rejected a proposal by the Ministry of Finance and Planning to collapse the existing affirmative action funds namely: Uwezo Fund, Women Enterprise Fund, and the Youth Enterprise Development Fund through the establishment of a new fund that was to be known as the Biashara Kenya Fund.

The Committee, in a report tabled before the National Assembly and adopted by the House on 12th September 2019, cited various reasons why the proposed merger was not viable. The Committee observed that collapsing the funds into one would beat the purpose for which they were established, that is, to cater to the needs of the vulnerable groups in the society.

The Committee also expressed concerns on an initial capital of Kshs. two billion appropriated by Parliament in the 2019/20 financial year to the proposed Biashara Kenya Fund without an existing legal framework. In rejecting the proposal, the committee noted the fact that the National Treasury published the proposed regulations without taking into consideration concerns raised by Parliament in a preceding stakeholders' consultative meeting. This, the Committee observed, was against Articles 10 and 118 of the Constitution, which require public participation and sufficient stakeholders' consultation before making such regulations.

If approved, the proposed merger would require the employees of the current funds to re-apply and interview for their current jobs in order to be engaged in the new outfit, a situation that the Shollei-led committee said would be in contravention of the values, principles and general spirit of the Constitution of Kenya. Additionally, the Committee observed the failure by the regulation-making authority (Treasury) to conduct, gazette and submit a Regulatory Impact Statement as required by the Statutory Instruments Act, 2013 on cases where proposed regulations are bound to have a significant cost or impact to the community or a section of the community.

Of concern too, was that the Regulations were made pursuant to Section 24(4) of the Public Finance



Management Act, 2012 instead of a substantive Act of Parliament, to provide the legal framework for the management, control, regulation, and operations of the new entity.

Notably, the Committee acknowledged that there is a Bill titled: The Kenya Uwezo Fund Bill (National Assembly Bill No. 42 of 2019) currently before the National Assembly which seeks to consolidate the Uwezo Fund, the Women Enterprise Fund, the Youth Enterprise Development Fund, and the National Government Affirmative Action Fund. It was the view of the Committee that the Bill, once passed, would serve the same purpose and is likely to be more comprehensive given the legislative process.



# Pictorials



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1-3: The Members of the Departmental Committee on Transport, Public Works & Housing led by the Chairperson, Hon. David Pkosing when they met the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development Mr. James Macharia over the implementation of BRT.



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4: The Chairperson of the Special Funds Accounts Committee addressing residents of Ngiwa Farm in Nakuru County.

5: Members of the Special Funds Committee discussing resettlement matters with Elders at Ngiwa Farm, Nakuru County

6: An Elderly lady and her grand daughter standing outside their houses at Kisima Farm, Nakuru County  
(Full story on page 16)



6



7-10: In the past month, the Public Investments Committee chaired by Hon. Abdullswamad Shariff Nassir met with Mr. Andrew Saisi, MD, National Housing Corporation, Mr. Gitonga Mugambi, MD, National Irrigation Board and Mr. Hudson Andambi, Acting MD, Kenya Pipeline Company to examine audited accounts of the State Corporations in accordance with the Committee's mandate to examine the reports and accounts of public investments, and consider whether the affairs of public investments are being managed in accordance with sound financial principles and prudent commercial practices.



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11-13: The Speaker of the National Assembly Hon. Justin Muturi, flanked by his Uganda Parliament Counterpart, Rt. Hon. Rebecca Kadaga try out the first saloon car manufactured in Uganda by Kiira Motors Corporation on the sidelines of the 64th Commonwealth Parliamentary Conference. He lauded Uganda for the innovation noting that Uganda, just like Kenya is now focusing on the growth of the Manufacturing sector to transform her economy.



12



13



# Unpackaging The Finance Bill, 2019



**T**he Departmental Committee on Finance and National Planning considered and tabled its report on the Finance Bill, 2019 in the House on Tuesday, 17th September, 2019. The Bill was considered in the Committee of the Whole House on Wednesday, 25th September, 2019. The following are some of the amendments that were proposed by the House:-

## AMENDMENTS TO THE INCOME TAX ACT

1.Taxation of income accruing through a digital market place subject to formulation of Regulations by the Cabinet Secretary providing for mechanisms of implementing the taxations.

2.Exclusion of security services, cleaning and fumigation services, catering services offered outside hotel premises, transportation of goods (excluding air transport services), sales promotion and marketing and advertising services from the tax net since most of the listed businesses are small scale enterprises and introduction of the tax will stifle their growth.

3.Inclusion of institutions under the Capital Markets regime in the list of institutions to hold deposits for Home Ownership Savings Plans (HOSP).

4.Retention of the Capital Gains Tax at 5% as opposed to increasing it to 12.5% as proposed in the Bill.

5.Exemption from income tax of an amount with-

drawn from the National Housing Development Fund to purchase a house by a contributor who is a first-time home owner. This is an incentive to the affordable housing programme.

6.Exemption of green bonds with a maturity of at least three years from payment of income tax in order to encourage investment in green projects through green bonds.

## AMENDMENTS TO THE VALUE ADDED TAX ACT

7.Zero rating of:-

i.inputs for electric accumulators and separators including lead battery separator rolls, whether or not rectangular or square supplied to manufacturers of automotive and solar batteries in Kenya;

ii.agricultural pest control products;

iii.goods imported or purchased locally for the direct and exclusive use in the construction of houses under an affordable housing scheme;

iv.musical instruments and other musical equipment imported or purchased locally for exclusive use by educational institutions; and

v.propane.

## AMENDMENTS TO THE EXCISE DUTY ACT

8.Increasing the excise rate of the following items:-

Description	Rate of Excise in the Bill	Rate Proposed by The House
Cigars, cheroots, cigarillos, containing tobacco or tobacco substitutes	Shs. 12,098 per kg	Shs. 12,624 per kg
Electronic cigarettes	Shs. 3,629 per unit	Shs. 3,787 per unit
Cartridge for use in electronic cigarettes	Shs. 2,420 per unit	Shs. 2,525 per unit
Cigarette with filters (Hinge lid and soft cap)		Shs. 3,157 per mille
Cigarettes without filters (plain cigarettes)	Shs. 2,177 per mille	Shs. 2,272 per mille
Other manufactured tobacco and manufactured tobacco substitutes; "homogenous" and "reconstituted tobacco"; tobacco extracts and essences	Shs. 8,469 per kg	Shs. 8,837 per kg
Wines including fortified wines and other alcoholic beverages obtained by fermentation of fruits	Shs. 181 per litre	Shs. 189 per litre
Spirits of undenatured ethyl alcohol; spirits, liquers and other spirituous beverages of alcoholic strength exceeding 10%	Shs. 242 per litre	Shs. 253 per litre

9.Introduction of the excise duty on imported sugar confectionary and imported white chocolate as follows:-

Description	Rate of Excise proposed by the House
Imported sugar, confectionary of tariff heading 17.04	Shs. 20 per kg
Imported white chocolate, chocolate in blocs, slabs or bars of tariff Nos. 1806.31.00, 1806.32.00 and 1806.90.00	Shs. 200 per kg

10.Increasing the excise duty on imported gas cylinders to 35%.

11.Increasing the excise duty on betting to twenty percent of the amount wagered or staked.

12.Increasing the Import Declaration Fee from 2% to 3.5%.

#### AMENDMENTS TO THE MISCELLANEOUS FEES AND LEVIES ACT

13.Reduction of the Import Declaration Fee (IDF) and the Railway Development Levy (RDL) to 1.5% for:-

i.raw materials and intermediate products imported

by manufacturers approved by the CS responsible for matters relating to industry; and

ii.input for the construction of houses under an affordable housing scheme approved by the CS on the recommendation of the CS responsible for matters relating to housing.

14.Removal of wet blue leather from the tax net since the sector is still growing and therefore the proposal to impose an export levy is premature.

#### AMENDMENTS TO THE BANKING ACT

15.Deletion of the proposal to remove the interest cap rates and made amendments that took into account the direction given by the court on the constitutionality of section 33B of the Banking Act. The House proposed amendments to:-

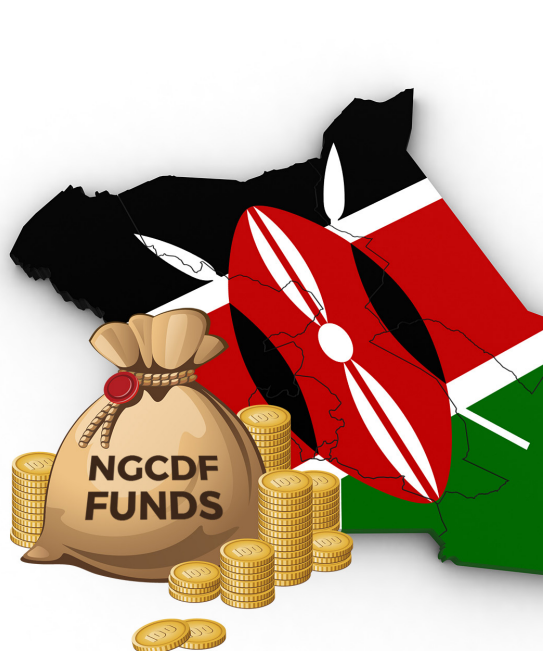
i.Remove any ambiguity in section 33B by clarifying that the interest rate under reference is to be computed and applied on an annual basis;

ii.Clarify what a credit facility is by replacing the term 'credit facility' with the word 'loan' in order to ensure consistency in the use of terminologies bearing the same meaning in the context of the Act;

iii.Reaffirm that the maximum interest rate charged by banks and financial institutions on loans should not exceed four percentage points of the Central Bank Rate as set by the Central Bank of Kenya; and

iv.Provide a penalty for non-compliance that is not discriminatory.

# The Hon. Eseli “Equitable” Amendment to the NGCDF Act



## THE BILL IN A SNAPSHOT

### Bill's Title:

The National Government Constituencies Development Fund (Amendment) Bill (National Assembly Bill No. 58 of 2019)

### Publication Date:

12th July 2019

### First Reading:

18th September 2019

### Sponsoring Member:

Hon. Eseli Simiyu

### Departmental Committee:

Departmental Committee: National Government Constituencies Development Fund

Constituencies will receive the National Government Constituencies Development funds equitably— and not equally as currently provided. This is if a Bill seeking to amend the National Government Constituencies Development Fund Act, 2015 (NGCDF Act) sponsored by Hon. Eseli Simiyu, Member for Tongaren Constituency, is enacted into law by the National Assembly.

### Equitable sharing of the Fund

The National Government Constituencies Development Fund (Amendment) (National Assembly Bills No. 58, 2019) provides that its object is to amend the NGCDF Act to provide for the adjustment of the ceiling of the fund to reflect an equitable sharing of the Fund amongst the constituencies.

The Bill amends section 3 (objects of the Act) of the NGCDF Act by inserting the word “equity” in paragraph (e) whose effect is to provide for one of the objects of the Act is to promote equity, among other things.

It also provides for an additional object of the NGCDF Act: to provide for a public finance system that promotes an equitable society and in particular expenditure that promotes equitable development of the country by making special provisions for marginalized groups and areas pursuant to article 201 (b) (iii) of the Constitution.

### Three quarters of the fund to be divided equally

The Bill further amends section 34 of the NGCDF Act (basis for budget ceiling) to provide that the budget ceiling for each constituency shall be three quarters of the national government fund in section 4(1) of the Act divided equally among all constituencies and an amount equal to a quarter of the amount specified in section 4(1) divided by the national poverty index multiplied by the constituency poverty index.

Section 4(1) of the NGCDF Act provides that the National Government Constituencies Development Fund shall be a national government fund consisting of monies of an amount of not less than 2.5% (two and half percentum) of all the national government's



share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218 of the Constitution.

Tabling of a schedule showing each constituency's budget ceiling

Another notable amendment to section 34 of the NGCDF Act is that the Chairperson of the National Assembly Committee will be obliged to table in the National Assembly a schedule showing the budget ceiling for each constituency.

#### What the current NGCDF Act provides

Section 3(e) (Objects of the Act:

(e) promote the national values of human dignity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized pursuant to Article 10 (2) (b) of the Constitution;

#### What Hon. Eseli "Equitable" Amendment proposes

Section 3(e) (Objects of the Act:

(e) promote the national values of human dignity, social justice, inclusiveness, equality, human rights, **equity**, non-discrimination and protection of the marginalized pursuant to Article 10 (2) (b) of the Constitution; An additional object of the Act in a new paragraph (p):

(p) to provide for a public finance system that promotes an equitable society and in particular expenditure that promotes equitable development of the country by making special provisions for marginalized groups and areas pursuant to article 201 (b) (iii) of the Constitution.

#### 34. Basis for budget ceiling

(1) The budget ceiling for each constituency shall be the amount specified in section 4(1) divided equally among all constituencies subject to the provision of section 8(1) and 23(1).

(1A) Notwithstanding subsection (1) the National Government may, where necessary, facilitate other projects or programmes falling within the purview of National Government with funds other than the funds specified in subsection 4(1), through the National Government Constituency Development Fund Committees established under section 43.

(2) Deleted by Act No. 39 of 2016, s. 7.

#### 34. Basis for budget ceiling

(1) The budget ceiling for each constituency shall be—  
(a) three quarters of the amount specified in section 4(1) divided equally among all constituencies; and

(b) an amount equal to a quarter of the amount specified in section 4(1) divided by the national poverty index multiplied by the constituency poverty index.

(2) The Chairperson of the National Assembly Committee shall table in the National Assembly a schedule showing the ceiling for each constituency, which shall be determined in accordance with subsection (1).

(3) Notwithstanding subsection (1), the National Government may, through the National Government Constituency Development Fund Committees established under section 43, where necessary, facilitate other projects or programmes falling within the purview of the National Government with funds other than the funds specified in section 4(1).

#### Bill due for Second Reading

The Bill was First Read on 18th September, 2019, and has been committed to the National Government Constituencies Development Fund Committee which is considering it and will table its report.

Pursuant to standing order 127(3) of the National Assembly Standing Orders, the National Government Constituencies Development Fund Committee shall facilitate public participation and shall take into account the views and recommendations of the public when the committee submits its report to the National Assembly.

In addition, pursuant to standing order 127(4) of the National Assembly Standing Orders, the Committee

is required to submit its report to the House within twenty-one calendar days of the committal of the Bill to the Committee.

Members of the public may submit any comments on the Bill to the Office of the Clerk of the National Assembly, 1st Floor, Main Parliament Buildings, Nairobi, Kenya, through P.O. Box 41842-00100, Nairobi, Kenya or email [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke).

Since the Bill does not concern county governments, once it is passed by the House, it will be presented to the President for assent.

The Bill is available on the Parliament of Kenya website ([www.parliament.go.ke](http://www.parliament.go.ke))

# The Special Funds Accounts Committee of The National Assembly Questions The Settlement of IDPs In Kenya



*Kenyans flee from their homes during the 2008 Post Election Violence*

**I**nternally Displaced Persons (IDPs) in Kenya emerge due to political crashes during election-eering period.

A thorny and most difficult topic to tackle, the Special Funds Accounts Committee of the National Assembly Chaired by Hon. Kathuri Murungi is currently examining reports of Auditor- General on the Agricultural Settlement Fund which deals directly with the settlement for the financial statements of Agricultural Settlement Fund Trustees for the year ended 30th June, 2016 in who's submissions and records had been queried.

*Under the Prevention, Protection and Assistance to Internally Displaced Persons in 2012 and Affected Communities Act (No. 56 of 2012) an "internally displaced person" means a person or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, large scale development projects, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an*

*internationally recognized State border.*

The Committee has carried out two fact finding missions to Nakuru and Trans Nzoia Counties to ascertain that IDPs settlement fund was purchased and verifies and that genuine IDPs had been settled in the said land.

*Statistics on development indicators from the World Bank indicates that in 2008 about 1,212,000 people had been displaced mainly because of conflict related cases.*

The Auditor – General report on the Financial Statements of Agricultural Settlement Fund Trustees for the financial year ending 30th June, 2016 indicates that over Ksh.4 Million relating to land purchased

to settle IDPs in various counties in Kenya was in question.

The Agricultural Settlement Fund established under Agriculture Act, Cap 318 under Section 168 is currently managed under the Public Finance Management Act, 2012 and is domiciled at the Ministry of Lands and Physical Planning.

The Committee has been on a fact finding mission to Nakuru and Trans Nzoia where it emerged that in Ngiwa, Lomolo farms in Nakuru County land had been purchased and IDPs settled but they were yet to receive their title deeds. Residents of Kisima farm in Njoro are living in deplorable conditions despite having land acquired for their settlement.

Shockingly, the Kisima community located in Njoro, Nakuru County did not have social amenities and are living in common halls in sub-divided tiny shanties. A dangerous environment for newborns, children and the elderly; indeed they complained that they were being affected by pneumonia, arthritis among other ailments and were losing their loved ones in situations that could be avoided.

“We have been suffering, our children are suffering, we do not have proper houses, we need help”. Said an emotional elderly lady.

She said that the government should step in and as-

sist them to have a home and live normal lives like other Kenyans.

The Chairman of the area informed the Committee that land had not been sub-divided preventing them from investing or building permanent structures. He said that tension was rising each day on the process of occupation as people encroached into the land creating fear that other people may grab it.

**Similar, challenges were noted in Bonde Farm, Tranzoia County where residents called upon the government to sub - divide the land purchased for resettlement, issue them with title deeds and provide social amenities.**

Accompanied by officials from the Ministry of Lands, Hon. Kathuri Murungi called upon the officials to move with speed and settle the over 900 families in the area. He emphasized that the concern officers should conduct the survey and sub divided the land for residents in the next two months to avoid further delay.

The Special Funds Accounts Committee is a Select Committee of the House mandated by the National Assembly's Standing Orders to examine accounts laid before the House of the National Government Constituencies Development Fund, Equalization Fund, Judiciary Fund, Political Parties Fund and other Funds established by law as the Speaker may direct.

*A view of IDP Structures at Bonde Farm in Cheranganyi, Tranzoia County*





## The Departmental Committee on Transport meet Top Ministry Officials over the Status of the implementation on the Bus Rapid Transit System

**T**he Bus Rapid System (BRT) which is at an advanced stage of implementation is intended to move large numbers of commuters as a means to decongesting the city, the Cabinet Secretary of the Transport Ministry said at a meeting with a Parliamentary Committee.

The Departmental Committee on Transport, Public Works and Housing Committee chaired by Hon. David Pkosing, early last month met with top officials from the Ministry of Transport, Public Works and Housing led by the Cabinet Secretary, Mr. James Macharia, and Principal Secretaries, Prof. Paul Maringa, and Ms. Esther Koimett, to respond to a query raised by Hon. Dennitah Ghati on the status of implementation of the Bus Rapid Transit System.

The Committee was informed that the Government has gazetted five BRT corridors which are at different stages of development and that the Ministry through the Kenya National Highways Authority (KENHA) is at an advanced stage of implementing a pilot BRT along Thika Road from Clay works to CBD and that the Nairobi Metropolitan Transport Authority (NAMA-TA) is in the process of acquiring (64) brand new high capacity buses.

However, Members of the Committee questioned the urgency in purchasing buses yet the most of the infrastructure is still in the early stages of development. The Ministry was tasked with explaining the urged to use the facilities properly.

During the meeting, Hon. Dennitah Ghati who represents Persons with Disabilities and special interest

groups enquired about the measures the Ministry of Transport has taken to cater to the requirements of Persons living with Disabilities in regard to the use of BRT.

The Cabinet Secretary assured Members of the Committee that the Government has selected low floor buses and low floor station platforms that will enable wheelchair accessibility. Ramps at stations, docking spaces inside the buses, safety belts for wheelchairs and priority seats for elderly, expectant women and persons with disabilities will be provided.

Hon. David Pkosing, asked the Ministry of Transport to keep the Members informed of the progress in implementation of the Bus Rapid System.

### The Five BRT Corridors

Line 1 Ndovu – Kangemi- Wayaki way – Uhuru Highway – Imara Daima – JKIA 19.4KM

Line 2 Simba Ruiru- Thika road – Musem – Nyayo Stadium – Langata Road – Bomas 25.5km

Line 3 Chui Njitu – Dandora Station – Juja Road – Ring Road Ngara – Haile Selassie Avenue – Ngong Road – Hospitals Jamuhuri Show Ground 21.7km

Line 4 Kifaru Mama Lucy Hospital – Jogoo Road – Kenyatta Avenue – Valley Road – Mbagathi Road – Tmall 17.2km

Line 5 Nyati Balozi Estate - OuterRing - Imara Daima Station 10.2 km



# The HANSARD as a Tool for Conflict Resolution



The HANSARD is the name given to the verbatim report for House proceedings, including procedures of committees. Its mandate is derived from Standing Order 248 of the National Assembly provides for the publication, within 48 hours, of a verbatim report of all proceedings of the House.

Also known as the Official Report, The Hansard is:

“A full report of the first person, of all speakers alike, a full report being defined as one which, though not strictly verbatim, is substantially the verbatim report, with repetitions and redundancies omitted and with obvious mistakes corrected, but which on the other hand leaves nothing that adds to the meaning of the speech or illustrates the argument.”

This definition illustrates that while everything said is recorded through audio, the transcripts go through some editing that does not change anything substantially making it a credible rendition of what is said in the House and Committees. Over time, the role of the Hansard has become more appreciated as an aid in litigation. This has led to an increase in requests from the public to have the HANSARD.

This aid to conflict resolution was fully tested during the 2010 constitutional review retreat that took place in Naivasha. The then Vice-Chairperson of the Parliamentary Select Committee on Constitutional Review, Hon. Ababu Namwamba, had made his

opening remarks with a promise to produce “white smoke”. This was a reference to rituals and traditions from medieval times that signal the election of a new pontiff: He promised a new Constitution.

Mr. Chairman, Sir, Hon. Members. ...I just want to tell fellow Kenyans that making a constitution is neither a church service nor a wedding. It is a difficult task that involves negotiation for configuration of state power.... Sometimes I am surprised when Kenyans express shock and surprise at the hard negotiations that have been informing this process. It must be so, because this exercise cannot be handled in any other way. We must negotiate; sometimes heatedly.”

He was right about heated negotiations and it would come to pass. The only way to remember what members had said without doubt was through the HANSARD making it central in unlocking deadlock, calming frayed nerves, and refreshing memories.

The Chairman of the Parliamentary Select Committee on Constitutional Review, Hon. Abdikadir Mohamed, assuaged Members on the availability and reliability of the HANSARD. “We have the HANSARD and everything we speak is being recorded and transcribed so that if we wanted to get”

# Starehe Boys Centre students engage in a Voluntary Service Scheme at the National Assembly

The Starehe Boys Centre and School has a Voluntary Service Scheme during which some of their students volunteer their time in various public institutions during the school holidays. Several of the students have served in different Directorates and Departments in the National Assembly over the years.

Students in the August 2019 cohort were attached to the Office of the Clerk of the National Assembly, the Directorate of Legislative & Procedural Services, as well as the Directorate of Legal Services. Below are excerpts of recorded experiences by some of the students:

## RICHARD

“Working and volunteering at the National Assembly is actually one moment that gave me my best life experience. First, it has helped me develop and refine my skills, one of them being adaptability. I have interacted with many people and I have been able to form new friendships which might build a future professional relationship. The friendliness of the people impressed me a lot. I have also enjoyed the services offered at the canteen and am generally happy as I was always full.

Cooperation is one of the most important pillars of work and I really appreciate the way you help each other. I am going home having learnt several lessons from the people I met and had the opportunity to interact with. Special thanks to you for inducting me well and I am grateful for the over-view of the operations in the National Assembly that you taught me. Surely I have learnt a lot and I am looking forward to working with people like you in the near future. Thank you very much.” August 2019

## VICTOR

“I am Victor from Starehe Boys’ Centre and School. I joined form one last year and now in form two. Born fifteen years ago, not all my moments have been enjoyable, but I am not ready to give up: or did sages not aver ‘A smooth sea doesn’t make a skillful sailor?’ I was at the peak of my happiness when I was received news of my nomination to offer voluntary service hear at the National Assembly after my well written application. I deliberately chose Parliament because I would like to be a politician and a leader who will transform my constituency and the entire country in the future.

It has been my pleasure to be here in Parliament. It has given me a golden opportunity to attend proceedings of both the National Assembly and the Senate. I managed to meet my fellow old Starehian, the Cabinet Secretary in charge of Education Professor George Magoha at Mini-Chamber.

My voluntary service has been interesting. I have not regretted for selecting the National Assembly as the place to spend my August holiday. Furthermore, it has helped me build the virtue of helping the nation in future tirelessly. Also the importance of perseverance – we have been waking up early enough ready for the day, despite being a cold season. Finally, thank you for accepting and accommodating me and my friends for these two weeks.”

## FELIX

“I have never worked before. This was my first time “working” and I can say it was wonderful, most especially because it was voluntary. Anyway, being in the National Assembly is quite a privilege. People from my village only hear of it and maybe see it on TV. Finally, thank you for letting me and my friends come to Parliament every weekday for the last fortnight. I hope to come here again next year in April.” August 2019



*From Left: Kelvin, Victor, Felix, Richard*

# The Committee on Education, Endorses Competency Based Curriculum (CBC)



On Tuesday September 17th 2019, the National Assembly adopted the Report of the Departmental Committee on Education and Research on its consideration of the Revised Sessional Paper No. 1 of 2019 on the Policy Framework for Reforming Education and Training for Sustainable Development in Kenya. The Sessional Paper institutionalizes the provision for Competency Developed Curriculum (CBC) in learning institutions in the country.

In the report tabled before the House by the Committee Chair, Tinderet MP, Hon. Julius Melly, the Committee on Education lauded the introduction of CBC in schools as a development that will provide the basis for addressing challenges in the education sector, some of which are related to completion; quality; relevance; and special needs education.

While moving the Report, the Committee Chair, Hon. Melly, noted that “the Sessional Paper once adopted, will provide the basis for developing an education sector strategic plan that will provide: a comprehensive framework for programme implementation;

basis within which all providers of education and training services will engage in the sector; planning and budgeting tool as it will be linked to the Medium Term Expenditure Framework’

In its report, the Committee, notes that “the sessional paper aligns education, training and research to the Constitution and harmonizes policies and strategies between the two levels of Government.”

The key recommendations in the report include - the development of a new education structure based on a reformed curriculum; the improvement of quality and standards at all levels of education, training and research; and emphasis on relevance of skills for industrial development among others.

Parliament has urged the Ministry of Education to fast track the implementation of that Sessional Paper No. 1 of 2019 in order to put in place a framework for delivery of inclusive, equitable, quality and relevant education, training and research that promotes life-long learning opportunities for all.







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