



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, NOVEMBER 20, 2019 (AFTERNOON)

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Honourable Speaker.
4. **PAPERS LAID**

The following Papers were laid on the Table of the House –

- (a) Report of the Committee on Delegated Legislation on its consideration of the following Twenty Seven sets (27) Civil Aviation Regulations:
 - (i) The Civil Aviation (Aircraft Accident and Incident Investigations) Regulations, 2018 (*Legal Notice No. 89 of 2018*);
 - (ii) The Civil Aviation (Air Worthiness) Regulations, 2018 (*Legal Notice No. 90 of 2018*);
 - (iii) The Civil Aviation (Safety Management) Regulations, 2018 (*Legal Notice No. 91 of 2018*);
 - (iv) The Civil Aviation (Air Operator Certification and Administration) Regulations, 2018 (*Legal Notice No. 92 of 2018*);
 - (v) The Civil Aviation (Approved Training Organizations) Regulations, 2018 (*Legal Notice No. 93 of 2018*);
 - (vi) The Civil Aviation (Aircraft Nationality and Registration Marks) Regulations, 2018 (*Legal Notice No. 94 of 2018*);
 - (vii) The Civil Aviation (Approved Personnel Licensing) Regulations, 2018 (*Legal Notice No. 95 of 2018*);
 - (viii) The Civil Aviation (Approved Maintenance Organizations) Regulations, 2018 (*Legal Notice No. 96 of 2018*);
 - (ix) The Civil Aviation (Operation of Aircraft- Helicopter) Regulations, 2018 (*Legal Notice No. 97 of 2018*);
 - (x) The Civil Aviation (Aeronautical Search and Rescue) Regulations, 2018 (*Legal Notice No. 119 of 2018*);
 - (xi) The Civil Aviation (Units of Measurement to be used in Air and Ground Operations) Regulations, 2018 (*Legal Notice No. 120 of 2018*);

- (xii) The Civil Aviation (Rules of the Air) Regulations, 2018 (*Legal Notice No. 124 of 2018*);
- (xiii) The Civil Aviation (Certification of Air Navigation Service Providers) Regulations, 2018 (*Legal Notice No. 125 of 2018*);
- (xiv) The Civil Aviation (Operation of Aircraft for Commercial Air Transport) Regulations, 2018 (*Legal Notice No. 126 of 2018*);
- (xv) The Civil Aviation (Certification, Licensing and Registration of Aerodromes) Regulations, 2018 (*Legal Notice No. 129 of 2018*);
- (xvi) The Civil Aviation (Instruments and Equipment) Regulations, 2018 (*Legal Notice No. 131 of 2018*);
- (xvii) The Civil Aviation (Aeronautical Information Services) Regulations, 2018 (*Legal Notice No. 132 Of 2018*);
- (xviii) The Civil Aviation (Surveillance and Collision Avoidance Systems) Regulations, 2018 (*Legal Notice No. 133 Of 2018*);
- (xix) The Civil Aviation (Aeronautical Charts) Regulations, 2018 (*Legal Notice No. 134 of 2018*);
- (xx) The Civil Aviation (Communication Procedures) Regulations, 2018 (*Legal Notice No. 135 of 2018*);
- (xxi) The Civil Aviation (Aeronautical Radio Frequency Spectrum Utilization) Regulations, 2018 (*Legal Notice No. 136 of 2018*);
- (xxii) The Civil Aviation (Air Traffic Services) Regulations, 2018 (*Legal Notice No. 137 of 2018*);
- (xxiii) The Civil Aviation (Radio Navigation Aids) Regulations, 2018 (*Legal Notice No. 145 of 2018*);
- (xxiv) The Civil Aviation (Communications Systems) Regulations, 2018 (*Legal Notice No. 146 of 2018*);
- (xxv) The Civil Aviation (Operation of Aircraft - General Aviation-Aeroplanes) Regulations, 2018 (*Legal Notice No. 165 of 2018*);
- (xxvi) The Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 (*Legal Notice No. 166 of 2018*); and
- (xxvii) The Civil Aviation (Licensing of Air Services) Regulations, 2018 (*Legal Notice No. 167 of 2018*).

(Vice Chairperson, Committee on Delegated Legislation)

- (b) Report of the 2018 International Youth Day held in the National Assembly Chamber on 12th August, 2019.
(Hon. Gideon Keter)
- (c) Report of the Public Investments Committee on the Extension of time limit to submit and publish Central Bank of Kenya Annual Report for financial years 2018/19.
(Chairperson, Public Investments Committee)
- (d) Report of the Committee on the Inquiry of Alleged Leakage and Misuse of Official Information Contrary to the Leadership and Integrity Act, 2012.
(Hon. Peter Mwathi, Member, Committee of Powers and Privileges)

5. NOTICES OF MOTION

The following Notices were given –

- (a) **THAT**, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Civil Aviation Regulations, *laid on the Table of the House on Wednesday, November 20, 2019*, and pursuant to the provisions of Section 18 of the Statutory Instruments Act, 2013 and Standing Order 210 (4) (b) **annuls in entirety** the following twenty seven (27) Regulations:-
- (i) The Civil Aviation (Aircraft Accident and Incident Investigations) Regulations, 2018 (*Legal Notice No. 89 of 2018*);
 - (ii) The Civil Aviation (Air Worthiness) Regulations, 2018 (*Legal Notice No. 90 of 2018*);
 - (iii) The Civil Aviation (Safety Management) Regulations, 2018 (*Legal Notice No. 91 of 2018*);
 - (iv) The Civil Aviation (Air Operator Certification and Administration) Regulations, 2018 (*Legal Notice No. 92 of 2018*);
 - (v) The Civil Aviation (Approved Training Organizations) Regulations, 2018 (*Legal Notice No. 93 of 2018*);
 - (vi) The Civil Aviation (Aircraft Nationality and Registration Marks) Regulations, 2018 (*Legal Notice No. 94 of 2018*);
 - (vii) The Civil Aviation (Approved Personnel Licensing) Regulations, 2018 (*Legal Notice No. 95 of 2018*);
 - (viii) The Civil Aviation (Approved Maintenance Organizations) Regulations, 2018 (*Legal Notice No. 96 of 2018*);
 - (ix) The Civil Aviation (Operation of Aircraft- Helicopter) Regulations, 2018 (*Legal Notice No. 97 of 2018*);
 - (x) The Civil Aviation (Aeronautical Search and Rescue) Regulations, 2018 (*Legal Notice No. 119 of 2018*);
 - (xi) The Civil Aviation (Units of Measurement to be used in Air and Ground Operations) Regulations, 2018 (*Legal Notice No. 120 of 2018*);
 - (xii) The Civil Aviation (Rules of the Air) Regulations, 2018 (*Legal Notice No. 124 of 2018*);
 - (xiii) The Civil Aviation (Certification of Air Navigation Service Providers) Regulations, 2018 (*Legal Notice No. 125 of 2018*);
 - (xiv) The Civil Aviation (Operation of Aircraft for Commercial Air Transport) Regulations, 2018 (*Legal Notice No. 126 of 2018*);
 - (xv) The Civil Aviation (Certification, Licensing and Registration of Aerodromes) Regulations, 2018 (*Legal Notice No. 129 of 2018*);
 - (xvi) The Civil Aviation (Instruments and Equipment) Regulations, 2018 (*Legal Notice No. 131 of 2018*);
 - (xvii) The Civil Aviation (Aeronautical Information Services) Regulations, 2018 (*Legal Notice No. 132 Of 2018*);

- (xviii) The Civil Aviation (Surveillance and Collision Avoidance Systems) Regulations, 2018 (*Legal Notice No. 133 Of 2018*);
- (xix) The Civil Aviation (Aeronautical Charts) Regulations, 2018 (*Legal Notice No. 134 of 2018*);
- (xx) The Civil Aviation (Communication Procedures) Regulations, 2018 (*Legal Notice No. 135 of 2018*);
- (xxi) The Civil Aviation (Aeronautical Radio Frequency Spectrum Utilization) Regulations, 2018 (*Legal Notice No. 136 of 2018*);
- (xxii) The Civil Aviation (Air Traffic Services) Regulations, 2018 (*Legal Notice No. 137 of 2018*);
- (xxiii) The Civil Aviation (Radio Navigation Aids) Regulations, 2018 (*Legal Notice No. 145 of 2018*);
- (xxiv) The Civil Aviation (Communications Systems) Regulations, 2018 (*Legal Notice No. 146 of 2018*);
- (xxv) The Civil Aviation (Operation of Aircraft - General Aviation-Aeroplanes) Regulations, 2018 (*Legal Notice No. 165 of 2018*);
- (xxvi) The Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 (*Legal Notice No. 166 of 2018*); and
- (xxvii) The Civil Aviation (Licensing of Air Services) Regulations, 2018 (*Legal Notice No. 167 of 2018*).

(Vice Chairperson, Committee on Delegated Legislation)

- (b) **THAT**, this House adopts the Report of the Committee of Powers and Privileges on the Inquiry of Alleged Leakage and Misuse of Official Information Contrary to the Leadership and Integrity Act, 2012, laid on the Table of the House on Wednesday, November 20, 2019, and pursuant to the provisions of section 17(3) (b) of the Parliamentary Powers and Privileges Act, 2017, resolves to reprimand the Hon. Fatuma Gedi for conducting herself in a manner that -

- (i) reflected adversely on the dignity and integrity of the National Assembly and its Members; and
- (ii) is contrary to the best interests of the National Assembly and its Members in contravention of section 16(e) of the Parliamentary Powers and Privileges Act, 2017.

(Hon. Peter Mwathi, Member of the Committee of Powers and Privileges)

- (c) **THAT**, this House adopts the Report of the Public Investments Committee on the Extension of Time Limit to submit and publish Central Bank of Kenya Annual Report for Financial Year 2018/19.

(Chairperson, Public Investments Committee)

6. **QUESTIONS**

- a) The following Questions were asked -

- (i) **Question No. 503/2019** by the Member for Starehe (Hon. Charles Njagua) regarding ownership status of certain learning institutions in Starehe constituency;

(To be replied to by the Cabinet Secretary for Education before the Departmental Committee on Education & Research)

- (ii) **Question No.505/2019** by the Member for Samburu East (Hon. Jackson Lekumontare) regarding reasons for the re-classification of Leruta-Wamba Road from class “C” to “rural roads”;

(To be replied to by the Cabinet Secretary for Transport, Infrastructure, Housing & Urban Development before the Departmental Committee on Transport, Public Works & Housing)

- b) The following Question was deferred -

- **Question No.504/2019** by the Nominated Member (Hon. Nasri Sahal) regarding progress report on the status of construction Garissa-Nuna-Madogashe-Wajir Road;

- c) The following Question was dropped -

- **Question No .466/2019** by the Member for Embakasi East (Hon. Babu Owino) regarding review of salaries for only 1,774 graduate police officers.

7. PROCEDURAL MOTION – REDUCTION OF PUBLICATION PERIOD FOR A SPECIFIED BILL

Motion made and Question proposed –

THAT, notwithstanding the provisions of Standing Order 120, this House resolves to reduce the publication period of the Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 77 of 2019) from 14 days to 2 days.

(Leader of the Majority Party)

Question put and agreed to.

**8. THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL
*(Chairperson, Constitutional Implementation Oversight Committee)***

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1).

9. REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.51 OF 2019)

Motion having been made and Question proposed –

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Public Finance Management (Amendment) Bill (National Assembly Bill No. 51 of 2017).

(Leader of the Majority Party)

Debate arising

Amendment having been proposed –

THAT, the motion for agreement with the Report of the Committee of the whole House be amended by inserting the words “subject to recommittal of Clauses 8 and 36.”

(Chairperson, Departmental Committee on Finance & Planning)

Question put and agreed to;

Thereupon the House resolved into Committee.

10. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The Third Chairperson in the Chair

(i) The Public Finance Management (Amendment) Bill (National Assembly Bill No.51 of 2019)

Recommittal of Clauses 8 & 36

Clause 8 - amendment proposed -

THAT, Clause 8 of the Bill be amended by inserting the following new paragraphs immediately before paragraph (a) -

(aa) by deleting subsection (2) and substituting therefor the following new subsection—

(2) The National Treasury shall maintain the Consolidated Fund in Kenya Shilling or foreign denominated currency accounts to be known as the Consolidated Fund Accounts, kept at the Central Bank of Kenya and shall, subject to Article 206(1) of the Constitution—

(a) include the National Exchequer Accounts, Revenue Collection Accounts, Receipts into Domestic Debt Accounts, Overdraft Account, Special Project Deposit Accounts and any other accounts designated by the Cabinet Secretary;

(b) facilitate payment into that account or accounts all money raised or received by or on behalf of the national government; and

(c) pay from that National Exchequer Account or National Exchequer Accounts without undue delay all amounts that are payable for public services.

(ab) by deleting subsection (3) and substituting therefor the following new subsection—

(3) The National Treasury shall ensure that no National Exchequer Account is overdrawn at any time.

(ac) by deleting subsection (4) and substituting therefor the following new subsection—

(4) Where a withdrawal from the Consolidated Fund is authorised under the Constitution or an Act of Parliament for the appropriation of money, the National Treasury shall make a requisition for the withdrawal and submit it to the Controller of Budget for approval, which request shall be made manually or electronically through a designated form prescribed by the Cabinet Secretary, provided that inter-account transfers within the Consolidated Fund Accounts shall require the Controller of Budget's approval.

(ad) by deleting subsection (5) and substituting therefor the following new subsection—

(5) The approval of a withdrawal from the Consolidated Fund by the Controller of Budget, together with written instructions from the National Treasury requesting for the withdrawal, shall be sufficient authority for the Central Bank of Kenya to pay amounts from a National Exchequer Account in accordance with the approval and instructions provided, which approval or written instructions may be manual or electronic in a form prescribed by the Cabinet Secretary.

(Chairperson, Departmental Committee on Finance & Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 8 as amended - agreed to.

Clause 36 - amendment proposed -

THAT, the Bill be amended by deleting clause 36 and substituting therefor the following new clause—

Insertion of new section in No. 18 of 2018.

36. The principal Act is amended by inserting the following new clause immediately after section 119—

Criteria for approval to open bank account.

119A. (1) Subject to the provisions of section 119, a County Treasury may authorize a county government entity to open and operate bank accounts only at the Central Bank of Kenya except—

- (a) an imprest bank account which may be opened in a commercial bank account to facilitate the day to day operation of offices, provided the balance for the account shall not exceed a limit set by the Cabinet Secretary;
- (b) a revenue collection account to facilitate receipt and transfer of revenue to the relevant County Revenue Fund;
- (c) a bank account relating to a county public fund established pursuant to section 116 to facilitate administration of the fund; and
- (d) any other bank account authorized by the Cabinet Secretary to opened in a commercial bank.

(2) Any bank account opened under subsection (1), for the primary purpose of collecting money raised or received by or on behalf of the county government shall be designated as a County Revenue Collection Account and shall be used only for the purposes of collecting money raised or received by or on behalf of the county government.

(3) Money paid into a bank account designated as a County Revenue Collection Account shall be promptly credited

into the County Exchequer Account and shall be used and accounted for in accordance with Article 207 of the Constitution and section 109.

(4) No expenditure shall be paid out of a bank account designated as County Revenue Collection Account except as otherwise authorized by law.

(5) The County Treasury may prescribe the banking rules and the maximum balance which may be held in any official County Treasury Single Account sub-account or other bank accounts, and if at any time this balance seems likely to be exceeded, the officer operating the accounts shall consult the County Treasury on the action to be taken.

(6) No official county government bank account shall be overdrawn, nor shall any advance or loan be obtained from a bank account for official purposes beyond the limit authorized by the County Treasury in line with section 119(4) and the authority shall be conveyed in writing.

(7) An accounting officer of a county shall, for each quarter of a financial year, prepare and submit to the County Treasury a record of all bank accounts operated by the entity during the year, with a copy to the Controller of Budget, the Auditor General, and the National Treasury.

(Chairperson, Departmental Committee on Finance and Planning)

(No.109)

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(1075)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 36 as amended - agreed to.

Bill to be reported with amendments.

(ii) The Office of the County Attorney Bill (Senate Bill No.3 of 2018)

Clauses 3 & 4 - agreed to

Clause 5 - amendment proposed -

THAT, Clause 5 of the Bill be amended in sub-clause (2) by deleting paragraph (b).

(Hon. George Murungara for Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 5 as amended - agreed to

Clause 6 - amendment proposed -

THAT, Clause 6 of the Bill be amended-

- (a) by renumbering the existing provision as sub-clause (1);
- (b) by inserting the word “renewable” immediately before the word “term” in the renumbered sub-clause (1);
- (c) by inserting the following new sub-clause immediately after the renumbered sub-clause (1)-

(2) The County Attorney shall have the status and rank of a member of the county executive committee.

(Hon. George Murungara for Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question of the proposed amendments in paragraph (b) put and negated;

Question of the proposed amendments in paragraph (a) & (c) put and agreed to.

Clause 6 as amended - agreed to.

Clauses 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 & 19 - agreed to.

Clause 20 - amendment proposed -

THAT, Clause 20 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause -

(2) The Attorney-General may, from time to time by notice in the *Gazette*, amend the Second Schedule.

(Hon. George Murungara for Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 20 as amended - agreed to.

Clauses 21, 22, 23, 24, 25, 26, 27 & 28 - agreed to.

Clause 29 - amendment proposed -

THAT, Clause 29 of the Bill be amended by deleting the expression “Cabinet Secretary” and substituting therefor the expression “Attorney-General”

(Hon. George Murungara for Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 29 as amended - agreed to.

First Schedule and Second Schedule - agreed to.

Clause 2 - amendment proposed -

THAT, Clause 2 of the Bill be amended by deleting the definition of the term “Cabinet Secretary” and substituting therefor the following new definition -

“Attorney-General” means the Attorney-General appointed under Article 156 of the Constitution;

(Hon. George Murungara for Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 as amended - agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments

(iii) The Petition to County Assemblies (Procedure) Bill (Senate Bill No. 22 of 2018)

Clauses 3 & 4 - agreed to

Clause 5 - amendment proposed -

THAT, Clause 5 of the Bill be amended-

(a) by deleting sub-clause (3) and substituting therefor the following new sub-clause-

(3) The relevant county assembly committee may, when considering the petition-

(a) invite the petitioner to clarify or submit such further information as the committee may consider necessary, and;

(b) make a site visit if it is deemed necessary to do so.

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

(4) The relevant county assembly committee shall respond to the petitioner by way of a report addressed to the petitioner and tabled in the county assembly and no debate on or in relation to the report shall be allowed except on the recommendation of the chairperson of the committee and with the approval of the speaker.

(c) in sub-clause (5) by inserting the words “relevant committee or the” immediately after the words “decision of the” when they first appear.

(Member, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 5 as amended - agreed to.

Clauses 6 & 7 - agreed to.

Schedule - agreed to.

Clause 2 - agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments.

(iv) The Early Childhood Education Bill (Senate Bill No. 26 of 2018)

Clauses 3, 4, 5, 6 & 7 - agreed to.

Clause 8 - amendment proposed -

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

Duty of head teacher.

8. (1) Where a learner admitted in an education centre fails to attend the education centre, the head teacher shall, in collaboration with the village administrator, cause an investigation of the circumstances of the learner's absence from school.

(2) Where the head teacher finds that there are no reasonable grounds for the learner's failure to attend school, the head teacher shall—

(a) issue a written notice to the parent of the learner requiring that parent to comply with the provisions of this Act; and

(b) submit a report on the learner to the County Education Board.

(3) A parent who without reasonable cause and after a written notice from the head teacher, fails to comply with a notice under subsection (2) commits an offence and shall be liable, on conviction, to a fine not exceeding ten thousand shillings or imprisonment for a term not exceeding one year, or to both.

(Chairperson of the Departmental Committee on Education & Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 8 as amended - agreed to.

Clause 9 - amendment proposed -

THAT, clause 9 of the Bill be deleted and substituted with the following new clause-

Children with special needs.

9. (1) The county executive committee member shall put in place such infrastructure as may be necessary to ensure that children with special needs have access to, and are provided with early childhood education.
(2) In performing the functions under subsection (1), the county executive committee member shall-

- (a) ensure that screening tools for early identification of children with special needs and disabilities are developed and distributed for use;
- (b) ensure early identification, assessment and interventions of children with special needs and disabilities;
- (c) ensure training of personnel working with children with special needs and disabilities on use of screening tools for early interventions;
- (d) facilitate development of programmes for training and professional development for all pre-primary education providers and personnel in special needs education;
- (e) ensure that children with special needs and disabilities have equal access to recreational sporting facilities within and outside pre-primary school programmes to nurture talents;
- (f) ensure that teachers and other staff in integrated pre-primary schools plan and implement an integrated individualized education programme for the purpose of monitoring the progress of an individual child with special needs and disabilities;
- (g) liaise with other professionals and stakeholders to provide psychosocial support to children with special needs and disabilities;
- (h) facilitate provision of teacher aids to pre-primary schools to support teachers handling children with special needs and disabilities; and
- (i) ensure that children with special needs and disabilities are provided with any other necessary support.

(Chairperson of the Departmental Committee on Education & Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 9 as amended - agreed to.

Clauses 10, 11, 12, 13 & 14 - agreed to.

Clause 15 - amendment proposed -

THAT, clause 15 of the Bill be amended–

- (a) in sub-clause (1), by deleting the expression “or is likely to meet”; and
- (b) in sub-clause (3), by deleting paragraph (b)

(Chairperson of the Departmental Committee on Education and Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 15 - as amended agreed to.

Clause 16 - amendment proposed –

THAT, clause 16 of the Bill be deleted and substituted with the following new clause–

Review of registration. **16.** (1) As soon as practicable after provisionally registering an education centre under section 15, the County Education Board shall inform the County Executive Committee member of the provisional registration.

(2) The County Executive Committee member shall cause the county early childhood quality assurance committee to review any education centre that is provisionally registered under section 15 either–

- (a) between six and twelve months after the provisional registration of the education centre or proposed education centre; or
- (b) a period earlier than that specified in paragraph (a) if in the opinion of the County Executive Committee member, a shorter time is necessary.

(3) The County Executive Committee member shall cause a further review of an education centre to be conducted upon the request of the County Education Board.

(4) The County Executive Committee member shall submit the findings of a review under this section to the County Education Board and to the head teacher of the education centre for implementation.

- (5) The findings submitted under subsection (4) shall include–
- (a) information on whether the education centre meets the criteria for registration as an education centre; and
 - (b) information on the areas where improvement is required, if it does not meet the criteria.

(Chairperson, Departmental Committee on Education & Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 16 as amended - agreed to.

Clauses 17, 18 & 19 - agreed to.

Clause 20 - amendment proposed –

THAT, clause 20 of the Bill be amended—

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—
“(1) The board of management shall not change the location of the centre nor acquire additional premises for the purpose of running the education centre unless it has applied to, and obtained the approval, of the County Education Board.”
- (b) in sub-clause (3) by deleting the words “head teacher” and substituting therefor the expression “board of management”

(Chairperson, Departmental Committee on Education & Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 20 - as amended agreed to.

Clauses 21 & 22 - agreed to.

Clause 23 - amendment proposed –

THAT, clause 23 of the Bill be amended—

- (a) in sub-clause (1) by deleting paragraph (c) and substituting therefor the following new paragraph—
“(c) the head teacher of the education centre has breached or is breaching his or her statutory duties in relation to the education centre under this Act or any other written law;”
- (b) in sub-clause (2) by deleting the word “pupil” appearing in paragraph (b) and substituting therefor the word “learner”.

(Chairperson, Departmental Committee on Education & Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 23 as amended - agreed to.

Clause 24- amendment proposed –

THAT, clause 24 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “pupils” appearing in the opening sentence and substituting therefor the word “learners”; and
- (b) in sub-clause (3) by deleting the word “pupils” appearing in paragraph (a) and substituting therefor the word “learners”.

(Chairperson, Departmental Committee on Education & Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 24 as amended - agreed to.

Clause 25 - amendment proposed -

THAT, clause 25 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “are” appearing in paragraph (b) after the word “centre” and substituting therefor the word “is”;
- (b) in sub-clause (2)—
 - (i) by deleting the words “head teacher” appearing in paragraph (b) and substituting therefor the expression “board of management”; and
 - (ii) by deleting the words “head teacher” appearing in paragraph (c) and substituting therefor the expression “board of management”;

(Chairperson of the Departmental Committee on Education & Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 25 as amended - agreed to.

Clause 26 - agreed to.

Clause 27 - amendment proposed -

THAT, clause 27 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) A public education centre shall not be converted to a private education centre or to any other private status without consultation with the County Education Board and approval by the County Executive Committee member.”

(Chairperson of the Departmental Committee on Education & Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 27 - as amended agreed to.

Clause 28 - amendment proposed -

THAT, clause 28 of the Bill be amended by deleting sub-clause (4) and substituting therefor the following new sub-clause—

- “(4) Notwithstanding the generality of subsection (2), the role of the sponsor under subsection (1) shall be to—
 - (a) participate and make proposals for the review of syllabus, curriculum, books and other teaching aids; and
 - (b) offer financial, infrastructural and spiritual support to the education centre.”

(Chairperson of the Departmental Committee on Education & Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 28 - as amended agreed to.

Clause 29 - amendment proposed –

THAT, clause 29 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2)—

“(3) In the performance of its functions under subsection (2)(b) and (c), the board of management shall first seek the approval of the County Education Board.”

(Chairperson of the Departmental Committee on Education & Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 29 - as amended agreed to.

Clause 30 - amendment proposed –

THAT, clause 30 of the Bill be amended in sub-clause (1) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) one person elected by the parents from each level within the education centre to represent parents of learners in the education centre;”

(Chairperson of the Departmental Committee on Education & Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 30 - as amended agreed to.

Clauses 31 & 32 - agreed to

Clause 33 - amendment proposed –

THAT, clause 33 of the Bill be deleted.

(Chairperson of the Departmental Committee on Education & Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 33 - as amended agreed to.

Clause 34 - agreed to.

Clause 35 - amendment proposed -

THAT, clause 35 of the Bill be amended by deleting the word “pupil” wherever it appears and substituting therefor the word “learner”.

(Chairperson of the Departmental Committee on Education & Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 35 - as amended agreed to.

Clause 36 - amendment proposed -

THAT, clause 36 of the Bill be amended in sub-clause (1) by—

- (a) deleting paragraph (a); and
- (b) deleting paragraph (c).

(Chairperson of the Departmental Committee on Education & Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 36 - as amended agreed to.

Clause 37 - amendment proposed -

THAT, clause 37 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2)–

“(3) In the performance of the functions under this section, the County Education Board shall establish a County Early Childhood Education Committee, as a committee of the County Education Board, to oversee the implementation of early childhood education in each county.”

(Chairperson of the Departmental Committee on Education and Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 37 - as amended agreed to.

Clauses 38, 39 & 40 - agreed to.

Clause 41 - amendment proposed -

THAT, clause 41 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (3)–

“(4) A child shall not be denied admission in an early childhood education centre for lack of proof of age.”

(Chairperson of the Departmental Committee on Education and Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 41 - as amended agreed to.

Clause 42 - agreed to.

Clause 43 - amendment proposed –

THAT, clause 43 of the Bill be deleted and substituted with the following new clause—

| | | |
|--|-------------|--|
| Prohibition holding back and expulsion. | from and | 43. A learner admitted in an education centre shall not be held back in any class or expelled from the centre without the approval of the County Education Board. |
|--|-------------|--|

(Chairperson of the Departmental Committee on Education and Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 43 - as amended agreed to.

Clause 44 - amendment proposed –

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

| | |
|---|--|
| Standards of education in a private education centre. | 44. A private education centre shall comply with and follow the curriculum approved by the Kenya Institute of Curriculum Development. |
|---|--|

(Chairperson of the Departmental Committee on Education and Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 44 - as amended agreed to.

Clause 45 - agreed to.

Clause 46 - amendment proposed –

THAT, clause 46 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “pupil” and substituting therefor the word “learner”; and
- (b) by deleting sub-clause (3) and substituting therefor the following new sub-clause—

“(3) A head teacher or a member of the board of management of a public education centre who imposes a charge or causes any parent or guardian to pay tuition fees commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months, or to both.”

(Chairperson of the Departmental Committee on Education and Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 46 - as amended agreed to.

Clause 47 - amendment proposed –

THAT, clause 47 of the Bill be amended in paragraph (c) by deleting the expression “need for the”.

(Chairperson of the Departmental Committee on Education and Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 47 - as amended agreed to.

Clause 48 - amendment proposed –

THAT, clause 48 of the Bill be deleted.

(Chairperson of the Departmental Committee on Education and Research)

Question of the amendment proposed;

Debate arising;

Proposed amendment withdrawn;

Clause 48 - agreed to.

Clauses 49, 50, 51, 52, 53, 54 and 55 - agreed to.

Clause 56 - amendment proposed –

THAT, clause 56 of the Bill be amended in sub-clause (1) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) reject the application and give written reasons for the rejection.”

(Chairperson of the Departmental Committee on Education and Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 56- as amended agreed to.

Clauses 57, 58, 59, 60, 61 & 62 - agreed to.

Clause 63 - amendment proposed –

THAT, clause 63 of the Bill be amended—

(a) in sub-clause (1) by—

- (i) deleting the word “fifteen” appearing in paragraph (a) and substituting therefor the word “ten”; and
- (ii) deleting the expression “Education Standards and Quality Assurance Council” appearing in paragraph (d) and substituting therefor the words “quality assurance body established under the Basic Education Act”;
- (iii) inserting the following new paragraph immediately after paragraph (e)—
“(f) one person representing persons with disabilities nominated by the National Council for Persons with Disabilities.”

(b) in sub-clause (5) by—

- (i) inserting the expression “make proposals for” immediately after the expression “and where appropriate” appearing in paragraph (c); and
- (ii) deleting paragraph (d).

(Chairperson of the Departmental Committee on Education and Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 63 - as amended agreed to.

Clause 64 - amendment proposed –

THAT, clause 64 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “pupils” appearing in paragraph (b) and substituting therefor the word “learners”; and

(b) in sub-clause (4) by deleting the word “pupils” and substituting therefor the word “learners”.

(Chairperson of the Departmental Committee on Education and Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 64 - as amended agreed to.

Clause 65 - agreed to.

Clause 66 - amendment proposed –

THAT, clause 66 of the Bill be amended in sub-clause (2) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) if the service provider makes an application within the required period, the centre continues to be registered under subsection (1) until that application is determined.”

(Chairperson of the Departmental Committee on Education and Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 66 - as amended agreed to.

Clause 67 - agreed to.

Clause 68 - amendment proposed –

THAT, clause 68 of the Bill be amended in sub-clause (3)—

(a) in paragraph (c) by inserting the word “one” immediately after the expression “registration certificates of”; and

(b) by deleting paragraph (h).

(Chairperson of the Departmental Committee on Education and Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 68 - as amended agreed to.

Clause 69 - amendment proposed –

THAT, clause 69 of the Bill be deleted and substituted therefor the following new clause—

General penalty.

69. A person who contravenes any provision of this Act for which no penalty is specifically provided commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand shillings or imprisonment for a term not exceeding one year, or to both.

(Chairperson of the Departmental Committee on Education and Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 69 - as amended agreed to.

Clause 70 - agreed to.

First Schedule - agreed to.

Second Schedule - amendment proposed -

- THAT**, the Second Schedule to the Bill be amended in paragraph 1 by—
- (a) deleting the word “two” appearing in sub-paragraph (1) and substituting therefor the word “three”; and
 - (b) deleting the word “vice-chairman” appearing in sub-paragraph (4) and substituting therefor the word “vice-chairperson”.

(Chairperson, Departmental Committee on Education and Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Second Schedule as amended - agreed to.

Clause 2 - amendment proposed -

THAT, clause 2 of the Bill be amended by—

- (a) in the definition of the term “Education Appeals Tribunal” by deleting the expression “section 92 and substituting therefor the expression “section 93”;
- (b) deleting the definition of the term “pupil”; and
- (c) inserting the following new definition in their proper alphabetical sequence—
 - “children with special needs” means children in need of special needs education;
 - “learner” has the meaning assigned to it in the Teachers Service Commission Act;
 - “special needs education” has the meaning assigned to it in the Basic Education Act;
 - “village administrator” means the office of a village administrator established in section 52 of the County Governments Act.”

(Chairperson of the Departmental Committee on Education & Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 as amended - agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments.

- 11. **HOUSE RESUMED** - the Second Chairperson in the Chair
- (i) **The Public Finance Management (Amendment) Bill (National Assembly Bill No.51 of 2019)**

Bill reported with amendments

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report

(Deputy Majority Party Whip)

Question deferred to another day.

- (ii) **The Office of the County Attorney Bill (Senate Bill No.3 of 2018)**

Bill reported with amendments

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report

(Deputy Majority Party Whip)

Question deferred to another day.

- (iii) **The Petition to County Assemblies (Procedure) Bill (Senate Bill No.22 of 2018)**

Bill reported with amendments

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report

(Deputy Majority Party Whip)

Question deferred to another day.

- (iv) **The Early Childhood Education Bill (Senate Bill No. 26 of 2018)**

Bill reported with amendments

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report

(Chairperson, Departmental Committee on Education & Research)

Question deferred to another day.

And the time being seven o'clock, the Fourth Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

- 12. **HOUSE ROSE** - at Seven o'clock

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, November 21, 2019 at 2.30 p.m.