



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – FIFTH SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, JUNE 15, 2021**

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

The Speaker conveyed the following Petition: -

**Regarding Amendment of Section 22 (1)(B) of the Elections Act No.24 of 2011**

“**Honorable Members**, pursuant to Standing Order 225(1)(b), I wish to report to the House that I have received a Petition from Messrs Anthony Manyara and John Wangai asking the National Assembly to repeal section 22(1)(b) of the Elections Act, 2011.

**Honourable Members**, for clarity, section 22(1)(b) of the Elections Act provides that–

*(1) a person may be nominated as a candidate for an election under this Act only if that person-*

*(a) .....; and*

*(b) Holds –*

*(i) in the case of a Member of Parliament, a degree from a university recognized in Kenya; or*

*(ii) in the case of member of a county assembly, a degree from a university recognized in Kenya.*

Pursuant to section 1A of the Act, the cited provisions are to come into force and apply to qualifications for candidates in the general elections to be held after the 2017 General elections, being the August 2022 General Elections.

**Honourable Members**, the Petitioners argue that section 22(1)(b) are unconstitutional to the extent that they are discriminatory, inconsistent with the constitutional preserves in the Bill of Rights and against the will and sovereignty of the people, who, constitutionally are the ones to elect their representatives

irrespective of academic credentials. They further argue that since the COVID-19 pandemic disrupted the academic calendar, some sitting and aspiring candidates who do not meet the academic requirements may be disadvantaged as they may not have completed the pursuit for their degrees within the projected time period of less than two years to the next election. In addition, the Petitioners claim that the university degree requirement will make political leadership a preserve of the elite and will disenfranchise a number of good leaders who may not have been privileged to pursue higher education.

**Honourable Members,** The Petitioners therefore pray that this House deletes section 22(1)(b) of the Elections Act in its entirety so as to provide a fair play ground to all candidates seeking elective positions regardless of their educational background.

**Honourable Members,** on the same breath, one James Muriithi Ndwiga of National Identification Card No. 25976982 has also petitioned the National Assembly, proposing that the National Assembly deletes section 22(1)(b) and substituting it with the following new section –

*“be a holder of a certificate, diploma or other post-secondary school qualification acquired one year before a general election or election, recognized by the relevant Ministry and in such manner as may be prescribed by the Education Act”*

**Honourable Members,** having determined that the matters raised in the two Petitions are well within the authority of this House, pursuant to the provisions of Standing Order 227, these consolidated Petitions stand committed to the Departmental Committee on Justice and Legal Affairs. The Committee is required to consider the Petition and report its findings to the House and the Petitioners in accordance with Standing Order 227(2).

The committee may also introduce a Bill to this House proposing to legislate in the manner prayed by petitioners. I thank you!”

## 5. PAPERS LAID

The following Papers were laid on the Table –

- i) A list of nominees to the National Government Constituencies Development Fund Committees.
- ii) The Reports of the Auditor-General and Financial Statements of the Management and Supervision Fund for Trade for the years ended 30<sup>th</sup> June, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020 and the certificates therein.
- iii) The Report of the Auditor-General and Financial Statements of the Mwea Irrigation Development Project for the year ended 30<sup>th</sup> June, 2020 and the certificate therein.
- iv) The Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June, 2020 and the certificates therein:-
  - a) State Department for National Government Affirmative Action Fund;
  - b) State Department for Uwezo Fund Oversight Board;
  - c) Youth Enterprise Development Fund;
  - d) State Department for Crop Development;
  - e) Agricultural Information Resource Centre;
  - f) Strategic Food Reserve Trust Fund; and
  - g) State Department for Livestock.

*(The Leader of the Majority Party)*

- v) Report of the Budget and Appropriations Committee on its consideration of the County Allocation of Revenue Bill, 2021  
*(Chairperson, Budget and Appropriations Committee)*

6. **QUESTIONS**

(a) The following Questions were asked –

- i) Question No. 184/2021 by the Member for Igembe South (Hon. John Mwirigi, MP) regarding multiple demarcation of land in Igembe South Sub-County.

*(To be replied to by the Cabinet Secretary Cabinet Secretary for Lands and Physical Planning before the Departmental Committee on Lands)*

- ii) Question No. 186/2021 by the Member for Saboti (Hon. Caleb Amisi, MP) regarding remittance of NHIF claims.

*(To be replied to by the Cabinet Secretary Cabinet Secretary for Health before the Departmental Committee on Health)*

- iii) Question No. 187/2021 by the Member for Sirisia (Hon. Maj. (Rtd) John Waluke, MP) regarding incentives provided to farmers to enable them to access free markets such as South Korea.

*(To be replied to by the Cabinet Secretary the Cabinet Secretary for Agriculture, Livestock and Fisheries before the Departmental Committee on Agriculture and Livestock)*

7. **STATEMENTS**

**i) Request for Statements**

The Member for Mvita (the Hon. Abdulswammad Sheriff Nassir, MP) requested a Statement on the renewal of the Teachers Collective Bargaining Agreement pursuant to Standing Order 44(2)(c).

**ii) Response to Statements**

The Chairperson, Departmental Committee on Energy issued a response to a statement request by the Member for Garissa Township (the Hon. Aden Duale, EGH, MP) regarding Kenya Power inflated procurement costs.

**iii) General Statements**

The Leader of the Minority Party issued a Statement regarding the demise of the former Member of Gem Constituency the Hon. Jakoyo Midiwo.

8. **THE TRUSTEES (PERPETUAL SUCCESSION) (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 23 OF 2021)**

*(The Chairperson, Departmental Committee on Finance and National Planning)*

Order for First Reading read;

Bill read a First Time and referred to the Departmental Committee on Finance and National Planning pursuant to Standing Order 127(1).

9. **THE PERPETUITIES AND ACCUMULATIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2021)**  
(The Chairperson, Departmental Committee on Finance and National Planning)
- Order for First Reading read;  
Bill read a First Time and referred to the Departmental Committee on Finance and Planning pursuant to Standing Order 127(1).
10. **THE CERTIFIED MANAGERS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2021)**  
(The Chairperson, Departmental Committee on Finance and National Planning)
- Order for First Reading read;  
Bill read a First Time and referred to the Departmental Committee on Finance and National Planning Committee pursuant to Standing Order 127(1).
11. **MOTION – CONSIDERATION OF THE BUDGET ESTIMATES FOR THE FINANCIAL YEAR 2021/2022**  
**(General debate – 3<sup>rd</sup> & final Allotted Day)**

**THAT**, this House adopts the Report of the Budget and Appropriations Committee on the Budget Estimates for the National Government, the Judiciary and Parliament for the Financial Year 2021/2022, *laid on the Table of the House on Tuesday, June 8, 2021*, and pursuant to the provisions of Article 221 of the Constitution, section 39 of the Public Finance Management Act, 2012 and Standing Order 239-

- (a) **approves** the issuance of a sum of **Kshs.1,945,671,474,883** from the Consolidated Fund to meet the expenditure during the year ending 30<sup>th</sup> June, 2022 in respect of the Votes contained in the First Schedule to the Order Paper, subject to paragraph (c) (*Committee of Supply*);
- (b) makes the **Policy and Financial Resolutions** contained in the Second Schedule to the Order Paper; and,
- (c) Orders that **“The Speaker do now leave the Chair”** to facilitate the consideration of the said Budget Estimates with respect to each Vote and Programme in the *Committee of Supply* as contemplated under Standing Order 240 (*Consideration of Estimates in the Committee of Supply*).

*(The Chairperson, Budget and Appropriations Committee)*

*Second Reading*

Resumption of debate interrupted on *Wednesday, June 9, 2021 – (Afternoon Sitting)*

Debate arising;

*(Change of Chair from the Hon. Speaker to the Second Chairperson)*

Mover to Reply.

And the time being thirty minutes past Six O'clock, the Second Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

12. HOUSE ROSE - at thirty minutes past Six O'clock
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M E M O R A N D U M

The Speaker will take the Chair today,  
Tuesday, June 15, 2021 at 7.00 p.m.

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