



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FIFTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JUNE 29, 2021

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

The Speaker conveyed the following Petition –

**Regarding Streamlining of Judiciary Services during the COVID 19
Pandemic**

“Honourable Members, Standing Order 225(2)(b) requires the Speaker to report to the House any petition, other than those presented by a Member. Further, Article 119 of the Constitution provides for the right of any person to petition Parliament to consider any matter within its authority, including petitioning the House to enact, amend or repeal any legislation.

In this regard, Honourable Members, I wish to report to the House that my office has received a petition from one Kevin Ndoho Macharia, who is an Advocate of the High Court of Kenya, calling for *implementation of various interventions aimed at streamlining access to justice during the ongoing COVID-19 Pandemic* .

Honourable Members, the petitioner states that the ongoing COVID-19 Pandemic and other administrative bottlenecks are stifling the proper administration of justice as exemplified by great difficulty in obtaining mention or hearing dates before courts, delays in obtaining outcomes on certificates of urgency application, failure to causerlist matters having mention or hearing dates, difficulties in securing certified typed proceedings, as well as numerous additional challenges.

In a bid to address these frustrating challenges, Honourable Members, the petitioner proposes, among other, the following interventions:

- (i) amendment to the Civil Procedure Act to provide for the utilization of automated systems for fixing of court dates, automatic scheduling of court dates on a cause list once dates are issued, and to provide for a time limit of four hours for determination of applications filed under certificates of urgency;
- (ii) amendment to the National Council for Law Reporting Act to re-engineer Kenya Law's mission, and
- (iii) the enactment of the Court Reporters Act to secure provision of trained and certified Court Reporters to instill professionalism in management of typing and recording of court proceedings.

Honourable Members, having determined that the matters raised in the petition is well within the authority of this House, and pursuant to the provisions of Standing Order 227(1), the petition stands 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 petitioner in accordance with Standing Order 227(2). Thank you”.

5. **PAPERS LAID**

The following Papers were laid on the Table –

I. The Leader of the Majority Party: -

- a) The Report of the Auditor-General and Financial Statements in respect of the Kenya Ports Authority for the year ended 30th June, 2019 and the certificate therein.

- b) The Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2020 and the certificates therein:-

- (i) National Council for Nomadic Education in Kenya;
- (ii) University of Nairobi Enterprises and Services Limited; and
- (iii) Kenya National Examinations Council.

II. The Chairperson, Budget and Appropriations Committee: -

- Report of the Budget and Appropriations Committee on its consideration of the Supplementary Appropriation Bill (No.2) Bill (National Assembly Bill No. 33 of 2021).

6. **QUESTIONS**

The following Questions were asked –

- (i) Question No. 210/2021** by the Member for Nakuru Town East (Hon. David Gikaria, MP) regarding the identity of the contractor(s) awarded the contract to rehabilitate the Old *Nakuru - Nairobi highway*, as well as details of the contract.

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

- (ii) Question No. 213/2021** by the Member for Malava (Hon. Malulu Injendi, MP) regarding the measures the Government has put in place to secure a comprehensive medical insurance cover for football players who are in the national team and their dependents.

(To be replied to by the Cabinet Secretary for Sports, Culture and the Arts before the Departmental Committee on Sports, Culture and Tourism)

The following Question were deferred –

- (iii) Question No. 211/2021** by the Member for Belgut (Hon. Nelson Koech, MP) policy pertaining to students who are unable to travel to the secondary schools of their admission following the recent form-one intakes due to long distance.

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

(iv) **Question No. 214/2021** by the Member for Bomet Central (Hon. Ronald Tonui, MP) regarding entitlement of teachers and civil servants to retirement benefits accruing from the date of employment to the time they joined the superannuation (contributory scheme) pension scheme.

(To be replied to by the Cabinet Secretary for the National Treasury and Planning before the Departmental Committee on Finance and National Planning)

7. **STATEMENTS**

The following Statements were requested Pursuant to Standing Order 44(2)(c) by:-

a) The Member for Wajir East (Hon. Rashid Kassim Amin, MP) regarding a petition for pardon of Mr. Hassan Abdi Ali under the Power of Mercy.
(To be responded by the Chairperson Departmental Committee on Justice and Legal Affairs)

b) The Member for Malava (Hon. Malulu Injendi, MP) regarding indefinite suspension of registration of schools in the country.
(To be responded to by the Chairperson Departmental Committee on Education and Research)

c) The Member for Kisumu West (Hon. Olago Olouch, MP, CBS) regarding failure by the Kenya Railways Corporation to engage casual labour in the Rehabilitation and reconstruction of the Kisumu.
(To be responded to by the Chairperson Departmental Committee on Transport, Public Works and Housing.)

d) The Member for Meru County (Hon. (Bishop) Kawira Mwangaza, MP) issued a Personal Statement pursuant to Standing Order No. 84.

8. **PROCEDURAL MOTION - REDUCTION OF PUBLICATION PERIOD OF 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 Supplementary Appropriation (No.2) Bill, 2021 from **7 days to 1 day**.

(Chairperson, Budget & Appropriations Committee)

There being no debate arising;

Question put and agreed to.

9. **THE SUPPLEMENTARY APPROPRIATION (NO. 2) BILL, (NATIONAL ASSEMBLY BILL NO. 33 OF 2021)**

Order for First Reading read;

(Chairperson, Budget & appropriations Committee)

Bill accordingly read a First time.

10. **THE SUPPLEMENTARY APPROPRIATION (NO. 2) BILL, (NATIONAL ASSEMBLY BILL NO. 33 OF 2021)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Appropriation Bill (National Assembly Bill No. 33 of 2021) be now read a Second time

(Chairperson, Budget & appropriations Committee)

Debate arising;

Rising in his place on a point of Order under Standing Order 95, the Member for Endebbes (Hon. (Dr.) Robert Pukose) claimed to move that “the Mover be now called upon to reply.”

And, the Speaker acceding to the claim;

Question put and agreed to;

Mover replied;

Question put and agreed to.

Bill read a Second time and committed to a Committee of the Whole House.

11. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Second Chairperson in the Chair

The Supplementary Appropriation Bill (No. 2)(National Assembly Bill No.33 of 2021)

Clause 3, 4 and 5 - agreed to.

First Schedule - amendment proposed

THAT, the First Schedule be amended as follows-

(i) R1173- STATE DEPARTMENT FOR COOPERATIVES

a) Programme 0304000 Cooperatives Development and Management

- (i) by deleting the figure in respect to Supply, Kshs. 80,000,000 and substituting therefor with the figure, **Kshs. 60,000,000.**
- (ii) by effecting the consequential amendments in the relevant Class Sub-Total.

(ii) D1173- STATE DEPARTMENT FOR COOPERATIVES

a) Programme 0304000 Cooperatives Development and Management

- (i) by deleting the figure in respect to Supply, Kshs. 141,300,000 and substituting therefor with the figure, **Kshs. 161,300,000.**
- (ii) by effecting the consequential amendments in the relevant Class Sub-Total.

Debate arising;

Question put and agreed to;

Second Schedule - agreed to.

Clause 2 - amendment proposed

THAT the Bill be amended by deleting Clause 2 and substituting therefor the following new Clause—

Issue of 22,856,387,726 out of the Consolidated Fund and apply it towards the supply granted for the service of the year ending on the 30th June, 2021.

2. The Treasury may issue out of the sum of twenty-two billion, eight hundred and fifty-six million, three hundred and eighty-seven thousand, seven hundred and twenty-six shillings out of the Consolidated Fund and apply it towards the supply granted for the service of the year ending on the 30th June, 2021.”

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.

12. **HOUSE RESUMED** - the Fourth Chairperson in the Chair

The Supplementary Appropriation Bill (No. 2)(National Assembly Bill No.33 of 2021)

Bill reported with amendments;

Motion made and Question proposed –

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

(Chairperson, Budget & Appropriations Committee)

There being no debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the Appropriation Bill (National Assembly Bill No.33 of 2021) be now read a Third Time;

(Chairperson, Budget & Appropriations Committee)

There being no debate arising;

Question put and agreed to;

Bill read a Third Time and passed.

13. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

- (i) **The Public Private Partnerships Bill, (National Assembly Bill No. 6 of 2021)**

Order deferred;

14. **THE WAFQ BILL (NATIONAL ASSEMBLY BILL NO. 73 OF 2019)**

Order for Second Reading read;

Order deferred;

15. **THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO 13 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the County Governments (Amendment) Bill (Senate Bill No 13 of 2018) be now read a Second time.

(Chairperson, Departmental Committee on Administration and National Security)

Debate arising;

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

16. **HOUSE ROSE** - at Half past ~~Six~~ O'clock

MEMORANDUM

The Speaker will take the Chair Today
Tuesday, June 29, 2021 at 7.00 p.m.

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