



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FIFTH SESSION)

THE SENATE

**ORDER PAPER
SPECIAL SITTING**

WEDNESDAY, DECEMBER 22, 2021 AT 10:00 AM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements
8. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE 2022 BUDGET POLICY STATEMENT AND THE MEDIUM TERM DEBT MANAGEMENT STRATEGY**
(The Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the 2022 Budget Policy Statement and the Medium Term Debt Management Strategy, laid on the Table of the Senate on Tuesday, 21st December, 2021, and pursuant to Section 25 (7) of the Public Finance Management Act and Standing Order 180 (7) of the Senate approves the 2022 Budget Policy Statement.

***(Resumption of debate interrupted on Tuesday, 21st December, 2021 –
Afternoon Sitting)
(Division)***

...../Motion

- 9. **COMMITTEE OF THE WHOLE**
***THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 5 OF 2021)**
(Sen. (Dr.) Getrude Musuruve, MP and Sen. (Prof.) Margaret Kamar, MP)
- 10. **COMMITTEE OF THE WHOLE**
***THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 9 OF 2021)**
(Sen. Kipchumba Murkomen, MP)
- 11. **COMMITTEE OF THE WHOLE**
***THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO. 15 OF 2021)**
(Sen. Abshiro Halake, MP)
- 12. **COMMITTEE OF THE WHOLE**
***THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 17 OF 2021)**
(Sen. Ledama Olekina, MP)
- 13. **COMMITTEE OF THE WHOLE**
****THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 7 OF 2021)**
(The Chairperson, Standing Committee on Tourism, Trade and Industrialization)
- 14. **COMMITTEE OF THE WHOLE**
***THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 22 OF 2021)**
(Sen. (Dr.) Alice Milgo, MP)
- 15. **COMMITTEE OF THE WHOLE**
***THE COUNTY GOVERNMENTS (AMENDMENT) BILL, (SENATE BILLS NO. 38 OF 2021)**
(Sen. Moses Kajwang', MP)
- 16. **COMMITTEE OF THE WHOLE**
***THE LIFESTYLE AUDIT BILL (SENATE BILLS NO. 36 OF 2021)**
(Sen. (CPA.) Farhiya Haji, MP)
- 17. **COMMITTEE OF THE WHOLE**
***THE KENYA CITIZENSHIP AND IMMIGRATION (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2021)**
(Sen. (Dr.) Irungu Kang'ata, MP)
- 18. **COMMITTEE OF THE WHOLE**
****THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL, (SENATE BILLS NO. 37 OF 2021)**
(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

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NOTICE

NOTICE is given that, pursuant to Standing Order 251A and 251B, the sitting will be a hybrid sitting consisting of Senators who are physically present in the Senate Chamber and Senators participating virtually from a remote location through **Zoom** online meeting platform, as per guidelines issued by the Speaker pursuant to Standing Order 251A (4).

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KEY

******** - Denotes a Majority /Minority Party Bill

******* - Denotes a National Assembly Bill

****** - Denotes a Committee Bill

***** - Denotes any other Bill

A. THE KENYA SIGN LANGUAGE BILL, SENATE BILLS NO. 5 OF 2021

(Chairperson, Standing Committee on Education)

NOTICE is given by the Chairperson, Standing Committee on Education, intends to move the following amendments to the Kenya Sign Language Bill, Senate Bills No. 5 of 2021, at the Committee Stage—

CLAUSE 3

THAT clause 3 of the Bill be amended—

- (a) in paragraph (d) by inserting the word “training” immediately after the words “provide for the”; and
- (b) by inserting the following new paragraphs immediately after paragraph (g) —
 - (h) ensure that there is compliance in the development, recognition, promotion and integration of sign language as a language in Kenya; and
 - (i) promote and recognize deaf culture in Kenya.

HEADING TO PART II

THAT the heading to Part II of the Bill be amended by deleting the word “KENYA” and substituting therefor the word “KENYAN”.

CLAUSE 4

THAT clause 4 of the Bill be amended in subclause (1) by deleting the word “Kenya” appearing immediately after the word “The” and substituting therefor the word “Kenyan”.

CLAUSE 5

THAT clause 5 of the Bill be amended —

- (a) by deleting the marginal note and substituting therefor the following new marginal note –

Role of the National and county governments.
- (b) in paragraph (a) by deleting the word “Kenya” appearing immediately after the words “and promotion of” and substituting therefor the word “Kenyan”;

- (c) in paragraph (b) by deleting the word “Kenya” appearing at the beginning of the paragraph and substituting therefor the word “Kenyan”;
- (d) in paragraph (c) by deleting the word “Kenya” appearing immediately after the words “interpretation in the” and substituting therefor the word “Kenyan”;
- (e) in paragraph (d) by deleting the word “Kenya” appearing immediately after the words “appropriate means including” and substituting therefor the word “Kenyan”.

CLAUSE 6

THAT clause 6 of the Bill be amended—

(a) in subclause (1) by –

- (i) deleting the introductory clause and substituting therefor the following clause—

(1) A person whose first or preferred language is the Kenyan sign language is entitled to use the Kenyan sign language where the person is-

- (ii) deleting paragraph (d) and substituting therefor the following new paragraph—

(d) is given leave by the judicial officer to use Kenyan Sign English.;

(b) by deleting subclause (2) and substituting therefor the following new subclause—

(2) A judicial officer in a legal proceeding shall ensure that a competent and recognized interpreter is available to a person entitled under subsection (1) to use Kenyan signed English.

(c) by deleting subclause (3) and substituting therefor the following new subclause—

(3) The judicial officer shall make a determination as to the accuracy of any interpretation from the Kenyan sign language into spoken or written language or from spoken to written language into the Kenyan sign language.

- (d) in subclause (4) by deleting the word “Kenya” appearing immediately after the words “be followed where” and substituting therefor the word “Kenyan” and
- (e) in subclause (5) by deleting the word “Kenya” appearing immediately after the words “right to use” and substituting therefor the word “Kenyan”.

CLAUSE 7

THAT clause 7 of the Bill be amended—

- (a) in paragraph (b) by deleting the word “Kenya” appearing immediately after the words “including ensuring that” and substituting therefor the word “Kenyan”;
- (b) in paragraph (e) by deleting the word “Kenya” appearing immediately after the words “ensure that” and substituting therefor the word “Kenyan”;
- (c) in paragraph (g) by deleting the word “Kenya” appearing immediately after the words “curriculum courses on” and substituting therefor the word “Kenyan”;
- (d) in paragraph (i) by deleting the word “Kenya” appearing immediately after the words “the provision of” and substituting therefor the word “Kenyan”; and
- (e) by inserting the following new paragraph immediately after paragraph (i)—
 - (j) ensure that there are in place adequate reading materials in the English and Kiswahili languages for the educational support of, and that are accessible by members of the deaf community.

CLAUSE 9

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

Standards,
accreditation
and procedures

No. 17 of 2019

9. (1) The Cabinet Secretary shall, in consultation with the Kenya National Accreditation Agency established under section 4 of the Kenya Accreditation Act and members of the deaf community, develop a national system of standards, accreditation and procedures for Kenyan sign language interpretation.

(2) For purposes of subsection (1) the Cabinet Secretary shall-

- (a) regulate the provision of Kenyan sign language interpretation;
- (b) establish additional procedures and criteria for registration of Kenyan sign language interpreters;
- (c) establish and maintain a register of Kenyan sign language interpreters; and
- (d) determine the education, training and qualifications required for a person to be registered as a Kenyan sign language interpreter.

CLAUSE 10

THAT clause 10 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause—

(1) A person who wishes to provide Kenyan sign language interpretation services shall apply for registration by the Ministry responsible for matters relating to education in accordance with such criteria and procedures as may be prescribed by the Cabinet Secretary.

CLAUSE 16

THAT clause 16 be amended in subclause (1)-

- (a) in paragraph (a) by deleting the word “Kenya” appearing immediately after the words “use of basic” and substituting therefor the word “Kenyan”;
- (b) in paragraph (b) by deleting the word “Kenya” appearing immediately after the words “the promotion of” and substituting therefor the word “Kenyan”;
- (c) in paragraph (c) by deleting the word “Kenya” appearing immediately after the words “use of the” and substituting therefor the word “Kenyan”; and
- (d) by inserting the following new paragraph immediately after paragraph (d) —
 - (e) subsidize the acquisition of hearing aids and other ancillary services to the deaf community.

CLAUSE 17

THAT clause 17 of the Bill be amended—

- (a) in the marginal note by deleting the word “Kenya” appearing immediately after the words “Promotion of” and substituting therefor the word “Kenyan”; and
- (b) in subclause (2) by inserting the words “and centres” immediately after the words “institutions public colleges”.

NEW CLAUSE 8A

THAT the Bill be amended by inserting the following new clause immediately after clause 8—

Development
of action plan.

8A. (1) The Cabinet Secretary shall, in consultation with the National Council for Persons with Disabilities and the Council of Governors develop a Kenyan sign language action plan within one year upon the commencement of this Act.

(2) The Cabinet Secretary shall, in developing the Kenyan sign language action plan undertake public participation.

CLAUSE 2

THAT clause 2 of the Bill be amended —

(a) by deleting the definition of the word “deaf community” and substituting therefor the following new definition-

“deaf community” means a socio-linguistical cultural group who use Kenyan Sign Language in their everyday communications and as a native or mother tongue, first or preferred language;

(b) by inserting the following new definition immediately after the definition of the word “deaf community”—

“deaf culture” means the way deaf people interact and includes a set of social beliefs, behaviours, art, literary traditions, history, values and shared institutions of communities that are influenced by deafness.

B. COUNTY HALL OF FAME BILL, 2021, SENATE BILLS NO. 9 OF 2021

(Chairperson to the Standing Committee on Labour and Social Welfare)

NOTICE is given that the Chairperson to the Standing Committee on Labour and Social Welfare, intends to move the following amendment to the County Hall of Fame Bill, 2021, Senate Bills No. 9 of 2021, at the Committee Stage—

CLAUSE 9

THAT clause 9 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

(3) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three years, or to both.

C. LAW OF SUCCESSION (AMENDMENT) BILL, SENATE BILLS NO. 15 OF 2021

Chairperson to the Standing Committee on Justice, Legal Affairs and Human Rights

NOTICE is given that the Chairperson to the Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Law of Succession (Amendment) Bill, Senate Bills No. 15 of 2021, at the Committee Stage —

CLAUSE 2

THAT the Bill be amended by deleting clause 2 and substituting therefor the following new clause –

Amendment of section 3 of Cap 160.

2. Section 3 of the Law of Succession Act, hereinafter referred to as the “principal Act”, is amended —

- (a) in subsection (1) by inserting the following new definitions in their proper alphabetical sequence —

“child” includes an adopted child and a child who is conceived during the lifetime of a deceased person and is subsequently born after the death of the deceased person;

“intermeddling” means —

- (a) taking possession of, disposing off, charging, receiving, distributing, leasing or using property of a deceased without authority under this Act or any other applicable law;
- (b) ejecting a surviving spouse or child from the matrimonial home; or
- (c) any unlawful dealing with a deceased person’s estate;

“matrimonial home” means any property that is owned or leased by one or both spouses and occupied or utilized by the spouses as their family home, and includes any other attached property;

- (b) by deleting subsection (2); and
- (c) by deleting subsection (3).

CLAUSE 3

THAT the Bill be amended by deleting clause 3.

CLAUSE 4

THAT the Bill be amended by deleting clause 4 and substituting therefor the following new clause —

Repeal of section 32 of Cap 160. **4.** The principal Act is amended by repealing section 32.

CLAUSE 5

THAT the Bill be amended by deleting clause 5 and substituting therefor the following new clause —

Repeal of section 33 of Cap 160. **5.** The principal Act is amended by repealing section 33.

CLAUSE 6

THAT clause 6 of the Bill be amended —

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

(b) by inserting the following new subsections immediately after subsection (1)—

(1A) The interest of the surviving spouse under subsection (1)(b) shall determine upon remarriage.

(1B) Notwithstanding subsection (1), —

(a) where the surviving child is not a child of the surviving spouse—

(i) the surviving spouse shall be entitled to the personal and household effects of the deceased absolutely and a life interest in one-half of the whole residue of the net intestate estate; and

...../Amendments

(ii) the surviving child shall be entitled to one-half of the whole residue of the net intestate estate which shall be held in accordance with section 41, and if there be more than one child they shall share equally;

(b) where the surviving children include a child who is not a child of the surviving spouse —

(i) the surviving spouse shall be entitled to the personal and household effects of the deceased absolutely;

(ii) the net intestate estate shall, in the first instance, be divided equally amongst the surviving spouse and all the surviving children;

(iii) the surviving spouse shall have a life interest in his or her share and that of his or her children under subsection (1B)(b)(ii); and

(iv) the share of the surviving child who is not a child of the surviving spouse under subsection (1B)(b)(ii) shall be held in accordance with section 41, and if there be more than one child they shall share equally.

(b) by inserting the following new paragraph immediately after paragraph (b)

—

(c) by deleting subsection (5) and substituting therefor the following new subsection -

(5) Subject to the provisions of sections 41 and 42 and to any appointment or award made under this section, the whole residue of the net intestate estate shall, on the death or re-marriage of the surviving spouse, devolve upon the surviving child, if there be only one, or be equally divided among the surviving children.

CLAUSE 8

THAT clause 8 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph —

...../Amendments

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

(a) father and mother in equal share; or, if either is dead;

CLAUSE 9

THAT the Bill be amended by deleting clause 9.

INSERTION OF NEW CLAUSE 8A

THAT the Bill be amended by inserting the following new clause immediately after clause 8 —

Amendment of section 40 of Cap 160.

8A. Section 40 of the principal Act be amended by inserting the following new subsection immediately after subsection (2) —

(3) Notwithstanding subsection (1), where any of the surviving children is not a child of any of the wives of the deceased, that child shall —

(a) be considered a house in determining the share of dependants in the net intestate estate under subsection (1); and

(b) the share of such child shall be held in accordance with section 41, and if there be more than one child they shall share equally.