

(No. 126)



(1663)

**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (FIFTH SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**SPECIAL SITTING**

*(Convened vide Kenya Gazette Notice No. 14165 of 24<sup>th</sup> December, 2021)*

**WEDNESDAY, DECEMBER 29, 2021 AT 2.30 P.M.**

**ORDER OF BUSINESS**

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

**8.\* COMMITTEE OF THE WHOLE HOUSE**

The Political Parties (Amendment) Bill (National Assembly Bill No. 56 of 2021)  
(The Leader of the Majority Party)

*(If not concluded on Wednesday, December 29, 2021 – Morning Sitting)*

**9.\* THE PUBLIC PROCUREMENT AND ASSET DISPOSAL  
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 32 OF  
2021)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Wednesday, December 29, 2021 – Morning Sitting)*

**10.\* COMMITTEE OF THE WHOLE HOUSE**

The Public Procurement and Asset Disposal (Amendment) Bill (National  
Assembly Bill No. 32 of 2021)

(The Leader of the Majority Party)

*(With the leave of the House)*

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**\* Denotes Orders of the Day**

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# **NOTICES**

## **I. THE POLITICAL PARTIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 56 OF 2021)**

- 1) Notice is given that the Chairperson of the Departmental Committee on Justice and Legal Affairs intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 at the Committee Stage—

### **CLAUSE 8**

**THAT**, clause 8 (b) of the Bill be amended in the proposed proviso by deleting the word “six” and substituting therefor the word “three”.

### **CLAUSE 15**

**THAT**, clause 15(c) of the Bill be amended –

- (a) in the opening statement of the proposed new sub clause (2B) by deleting the phrase “(1) (a) or (b)” and substituting therefor the phrase “(1) (b)”;
- (b) by deleting the proposed paragraph (c).

### **CLAUSE 18**

**THAT**, clause 18 of the Bill be amended by deleting the words “one hundred and twenty” and substituting therefor the word “ninety”.

### **CLAUSE 19**

**THAT**, the Bill be amended by deleting clause 19 and substituting therefor the following new clause:

Amendment of section 31 of No. 11 of 2011. **19.** Section 31 of the principal Act is amended by deleting subsection (3) and substituting therefor the following new subsections-

(3) The accounts of every political party that is allocated funds from the Fund shall be audited annually by the Auditor-General and shall be submitted to the Registrar and tabled in the National Assembly.

(3A) The Registrar may establish a mechanism for an annual audit of every political party that is not allocated funds from the Fund.

**CLAUSE 21**

**THAT**, clause 21 of the Bill be amended –

- (a) in the proposed new section 34B by-
  - (i) deleting the words “there is established” appearing in sub-clause (1) and substituting therefor the words “the Registrar shall establish”;
  - (ii) inserting the words “data and” immediately after the word “parties” appearing in sub-clause (2);
- (b) in the proposed new section 34C (1) by deleting the word “not” appearing immediately after the word “been” in paragraph (a).

**CLAUSE 22**

**THAT**, clause 22 of the Bill be amended –

- (a) in the opening statement to the proposed new clause 38E (2) by deleting the word “seven” and substituting therefor the word “fourteen”.
- (b) in the proposed new clause 38F by inserting the words “and publish in the party’s official website” immediately after the word “Registrar” appearing in the opening statement to sub clause (2).

**NEW CLAUSES**

**THAT**, the Bill be amended by inserting the following new clauses immediately after clause 22 –

Amendment of section 39 of No. 11 of 2011.

**22A.** Section 39 of the principal Act is amended in subsection (2) by inserting the following new paragraph immediately after paragraph (b) –  
 “(c) The members of the Tribunal shall elect a vice chairperson from among the members who are Advocates of the High Court of Kenya under paragraph (b)”.

Insertion of new section 39A in No.11 of 2011.

**22B.** The principal Act is amended by inserting the following new section immediately after section 39 -

Appointment of *ad hoc* members of the Tribunal.

**39A.** (1) At least six months to the date of a general election, the Judicial Service Commission shall appoint not more than eighteen *ad hoc* members of the Tribunal of whom:

- (a) nine shall be Advocates of the High Court of Kenya of at least seven years standing; and
- (b) nine shall be professionals with outstanding governance, administrative, social, political, economic and other record.

(2) The *ad hoc* members of the Tribunal shall hold office for a term not exceeding one year.

(3) The *ad hoc* members of the Tribunal shall serve together with the members of the Tribunal appointed under section 39 and they shall be responsible to the chairperson of the Tribunal.

(4) A person shall not be qualified to be appointed as an *ad hoc* member of the Tribunal if that person is a public officer or holds office in a political party.

(5) A person shall not be qualified for appointment under this section unless the person meets the requirements of chapter six of the Constitution.

### **CLAUSE 23**

**THAT**, clause 23 of the Bill be amended by-

- (a) deleting paragraph (b) and substituting therefor the following new paragraph-
- (b) by deleting sub-section (2) and substituting therefor the following new sub-section-  
“(2)Notwithstanding subsection (1), the Tribunal shall not hear or determine a dispute under paragraphs (a), (b), (c), (e) or (fa) unless a party to the dispute adduces evidence of an attempt to subject the dispute to the internal political party dispute resolution mechanisms”.
- (c) deleting sub-clause (3);
- (d) deleting sub-clause (5);
- (e) deleting sub-clause (6);
- (f) deleting sub-clause (7); and
- (g) deleting sub-clause (8).

### **NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 23-

Amendment of  
section 41 of No.  
11 of 2011.

**23A.** Section 41 of the principal Act be amended –

- (a) in subsection (2) by deleting the words “to both the Court of Appeal and the Supreme Court” and substituting therefor the words “to the Court of Appeal and the decision of the Court of Appeal shall be final”.
- (b) in subsection (3) by inserting the words “but the Tribunal shall have the powers of the High Court to punish for any acts or omissions amounting to contempt of the Tribunal” immediately after the words “Magistrates Court”.

**CLAUSE 25**

**THAT**, clause 25 of the Bill be amended by deleting the word “conducting” appearing in the proposed new paragraph “(ca)” and substituting therefor the word “regulating”;

2) **Notice is given that the Leader of the Majority Party intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 at the Committee Stage—**

**NEW CLAUSE**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 2 –

Amendment of  
section 3 of No. 11 of  
2011.

2A. Section 3 of the principal Act is amended by inserting the following new subsection immediately after subsection (2) –

(2A) A citizen of Kenya who has attained the age of eighteen years may, subject to the provisions of this Act and any other law join a political party-

(a) upon the payment of the party’s membership fees; and

(b) complying with any other requirements as prescribed by the party.

**CLAUSE 8**

**THAT** clause 8 (b) of the Bill be amended in the proposed proviso by deleting the words “six months” and substituting therefor the words “one hundred and twenty days”.

**NEW CLAUSE**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 14 -

Amendment of  
section 24 of No. 11  
of 2011.

**14A.** Section 24 of the principal Act is amended in subsection (1) (a) by deleting the words “the revenue collected by the national government as may be provided by Parliament” and substituting therefor the words “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 as may be determined by the National Assembly”.

**CLAUSE 15**

**THAT** clause 15 of the Bill be amended –

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

“(b) by deleting subsection (2) and substituting therefor the following new subsection –

- (2) Notwithstanding subsection (1), a political party shall not be entitled to receive funding from the Fund under subsection (1) if-
- (a) more than two-thirds of its registered office bearers are of the same gender;
  - (b) the party does not have, in its governing body, representation of special interest groups;
  - (c) the party does not have—
    - (i) an elected member of the National Assembly;
    - (ii) an elected member of the Senate;
    - (iii) an elected Governor; or
    - (iv) an elected member of a county assembly.
- (b) by deleting paragraph (c).

**CLAUSE 16**

**THAT** clause 16 of the Bill be deleted and substituted with the following new clause -

Amendment of section 26 of No. 11 of 2011.

**16.**Section 26 of the principal Act is amended –

- (a) by inserting the following new subsection immediately after subsection (1)—
 

“(1A) The monies allocated to a coalition political party shall be distributed by the Registrar in accordance with the coalition agreement”;
- (b) in subsection (3) (a) by inserting the words “a party agent, a contracted person or any other person in furtherance of the objectives under sub section (1)” immediately after the word “staff”.

**CLAUSE 20**

**THAT** clause 20 (c) of the Bill be amended be amended in the proposed new paragraph (fe) by inserting the words “upon the request and financing by the political party” immediately after the word “agent”.

**CLAUSE 22**

**THAT** clause 22 of the Bill be amended in the proposed new section 38 C by inserting the following new sub clause immediately after sub clause (5) –

“(6) Notwithstanding the provisions of sub section (5), a person may only participate in the nominations of a coalition political party if such person is a registered member of a party forming the coalition political party”.

**CLAUSE 25**

**THAT** the Bill be amended by deleting clause 25.

- 3) Notice is given that the Member for Lugari (Hon. Ayub Savula) intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 at the Committee Stage—

**CLAUSE 8**

**THAT**, clause 8 (b) of the Bill be amended in the proposed proviso by deleting the word “six” and substituting therefor the word “three”.

*(Notice of withdrawal given by the Member in favour of the Committee’s amendment during the harmonization process under SO 131)*

- 4) Notice is given that the Member for Kikuyu (Hon. Kimani Ichung’wah) intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 at the Committee Stage—

**CLAUSE 7**

**THAT**, Clause 7 of the Bill be amended in paragraph (c) by deleting the proposed new paragraph (e).

**CLAUSE 8**

**THAT**, Clause 8 of the Bill be amended in paragraph (b) by deleting the words “six months” appearing immediately after the words “at least” and substituting therefor the words “sixty days”.

**CLAUSE 10**

**THAT**, Clause 10 of the Bill be amended-

(i) in the proposed new section 14A by—

- (a) deleting subsection (2);
- (b) deleting subsection (3);
- (c) deleting subsection (4); and
- (d) deleting subsection (5).

(ii) in the proposed new section 14B by deleting the proposed new subsection (2) and substituting therefor the following proposed new subsections—

- (2) A political party shall, before expelling a member under subsection (1)—
  - (a) notify the member, in writing of the provisions allegedly contravened and the particulars of any conduct related to the contravention;
  - (b) inform the member of his or her right to appear and be heard before the relevant organ of the party either in person or through a legal representative; and
  - (c) afford the member an opportunity to be heard within a period of not less than ninety days from the date of the notice.



(3) A person holding elective office who is expelled from a political party under this section shall continue to hold office for the remainder of his or her elective term independent of any political party.

(4) The expulsion from a party of a person elected to Parliament or a county assembly shall constitute a ground for the recall from office of the person.

### NEW CLAUSE

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 19—

Deletion  
of Part IV  
of No. 11  
of 2011.

**19A.** The principal Act is amended by deleting Part IV and substituting therefor the following new Part—

#### **PART IV— POLITICAL PARTIES REGISTRATION BOARD.**

Political  
Parties  
Registratio  
n Board.

**32A.** (1) There is established a Political Parties Registration Board which shall be a body corporate with perpetual succession and a common seal.

(2) The Board shall be capable in its corporate name of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) entering into contract;
- (d) borrowing and lending money;
- (e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act, and which may lawfully be done or performed by a body corporate.

Compositi  
on of the  
Board.

**32B.** (1) The Board shall consist of nine members nominated by the political parties represented in both Houses of Parliament based on the total number of representatives from the political parties elected in both Houses in the preceding general election.

(2) Upon nomination under subsection (1), the names of the nominees shall be submitted to both Houses for consideration and approval.

(3) The Chief Executive Officer shall be the Secretary to the Board.

(4) The Chief Executive Officer shall be responsible for the management of the day-to-day activities of the Board.

(5) The Chief Executive Officer shall be an ex officio member of the Board and shall have no right to vote at the meetings of the Board.

Chief  
Executive  
Officer of  
the Board.

**32C.**(1) The Board shall competitively recruit and appoint a Chief Executive Officer of the Board.

(2) A person shall be qualified for appointment by the Board as a Chief Executive Officer, if the person—

- (a) holds a degree from a university recognised in Kenya;
- (b) has proven knowledge and experience in any of the following fields—

- (i) finance;
- (ii) management;
- (iii) political science;
- (iv) law;
- (v) governance; or
- (vi) public administration;

- (c) has, at least fifteen years post qualification experience in the relevant areas of expertise; and
- (d) is a person of high moral character and integrity and has satisfied the requirements of Chapter Six of the Constitution.

Vacancy in  
the office  
of the  
Chief  
Executive  
Officer.

**32D.** The Board may on its own motion, or upon petition by any person, remove the Chief Executive Officer, only on grounds of—

- (a) serious violation of the Constitution or of this Act;
- (b) non-compliance with Chapter Six of the Constitution;
- (c) inability to perform the functions of office arising from mental or physical incapacity;
- (d) bankruptcy;
- (e) incompetence; or
- (f) gross misconduct.

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(2) A vacancy may also occur in the office of the Chief Executive Officer, if the person resigns in writing, dies or is otherwise unable to perform the functions of the Chief Executive Officer due to mental or physical incapacity.

(3) Where a vacancy occurs, the Board shall within fourteen days of occurrence of a vacancy fill the vacancy.

Functions  
of the  
Board.

**32E.** The functions of the Board shall be to—

- (a) register, regulate, monitor, investigate and supervise political parties to ensure compliance with this Act;
- (b) administer the Fund;
- (c) ensure publication of audited annual accounts of political parties;
- (d) verify and make publicly available the list of all members of political parties;
- (e) keep and maintain a register of members of registered political parties;
- (f) maintain a register of political parties and the symbols of the political parties;
- (g) certify that an independent candidate in an election is not a member of any registered political party;
- (h) certify that the symbol intended to be used by an independent candidate in an election does not resemble the symbol of a registered political party;
- (i) certify that the names appearing in a party list are the names of members of the political party presenting the party list;
- (j) regulate political party nominations in accordance with this Act;
- (k) train political party election agents;
- (l) ensure and verify that no person is a member of more than one political party and notify the Commission of the findings;
- (m) investigate complaints received under this Act; and
- (n) perform such other functions as may be conferred by this Act or any other written law.

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Vacancy in  
the Board.

**32F.** (1) A member of the Board shall vacate office at the end of the term of the House of which the person is a member or if the person ceases to be a Member of Parliament.

(2) Despite clause (2), when the term of a House of Parliament ends, a member of the Board shall continue in office until a new member has been appointed in the member's place by the next House.

(3) A vacancy may also occur in the Board, if a member resigns from the Board or is otherwise removed from office by the Party that nominated the person to the Board.

Conduct  
of the  
business  
and affairs  
of the  
Board.  
Staff of the  
Board.

**32G.** The Board shall determine its own rules and procedure for conducting its affairs.

**32H.** The Board shall competitively appoint qualified staff as may be necessary for the efficient performance of the functions of the Board.

Funds of  
the Board.

**32I.** (1) The funds of the Board shall comprise—

- (a) such funds as may be appropriated by the National Assembly;
- (b) such monies or assets as may accrue to or vest in the Board in the performance of its functions or the exercise of its powers under this Act or any other written law; and
- (c) All monies from any other source provided for, donated or lent to the Board.

(2) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Board.

(3) The Board shall, at least three months before the commencement of each financial year, cause to be prepared estimates of revenue and expenditure of the Board for that financial year.

Meetings  
of the  
Board.

**32J.** (1) The members of the Board shall elect a Chairperson of the Board in the first sitting of the Board.

(2) The Chairperson shall preside at all the meetings of Board and in the absence of the Chairperson, the members present shall elect one of the members to preside.

(3) The quorum necessary for transaction of the business of the Board shall be five members.

(4) All questions at any meeting of the Board shall be determined by a majority of the members.

Remunerat  
ion of  
members  
and staff  
of the  
Board.  
Establish  
ment of  
Political  
Parties  
Liaison  
Committee

**32K.** The members and staff of the Board shall be paid such allowances or remuneration as the Board may in consultation with the Salaries and Remuneration Commission determine.

**32L. (1)** There is established a Political Parties Liaison Committee.

(2) The Political Parties Liaison Committee shall be established at the national and county levels.

(3) The principal function of the Political Parties Liaison Committee is to provide a platform for dialogue between the Board, Commission and political parties.

(4) The Political Parties Liaison Committee shall perform such other functions as may be prescribed by the Board.

*(Proposed New Clause 19A comprising of sections 32A to 32L is subject to Standing Order 133(5))*

## **CLAUSE 22**

**THAT**, Clause 22 of the Bill be amended in the proposed new section 38C —

- (a) in subsection (2) by deleting the words “a certified” appearing immediately after the words “shall use” and substituting therefor the words “its”;
- (b) in subsection (3) by deleting the words “apply in writing to the Registrar for a certified copy of the” appearing immediately after the word “shall” and substituting therefor the words “submit to the Registrar a copy of its”;
- (c) by deleting subsection (4).

## **NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 25—

Amendment  
of section  
51 of No.  
11 of 2011.

**25A.** Section 51 of the principal Act is amended in subsection (1) by inserting the following new paragraphs immediately after paragraph (j) —

(k) the Registrar shall continue to hold office and serve as the Chief Executive Officer of the Board under this Act, until the expiry of the term of office, upon which the Board shall appoint a new Chief Executive Officer in accordance with this Act;

(l) Any property, rights, obligations and liabilities which immediately before the commencement of this Act were vested in or imposed on the Registrar, are deemed to be the rights, obligations and liabilities of the Board;

(m) the staff who immediately before the commencement of this Act were staff of the Office of the Registrar are deemed to be the staff of the Board.

Insertion of a new section into No. 11 of 2011.

**25B.** The principal Act is amended by inserting the following new section immediately after section 51—

Consequential amendment.

**51A.** (1)The Act is amended—

- (a) by deleting the word “Registrar” wherever it appears and substituting therefor the words “Chief Executive Officer”;
- (b) by deleting the words “ Office of the Registrar” wherever they appear and substituting therefor the words “Chief Executive Officer”; and
- (c) by deleting the words “ Office of the Registrar” wherever they appear and substituting therefor the words “Chief Executive Officer”;

*(Proposed New Clauses 25A and 25B are subject to Standing Order 133(5))*

## **CLAUSE 27**

**THAT,** the Bill be amended by deleting Clause 27.

## **NEW CLAUSES**

**THAT,** the Bill be amended by inserting the following new clauses immediately after clauses 26—

Deletion of the Fourth Schedule of No. 11 of 2011.  
Deletion of the Sixth Schedule of No. 11 of 2011.

**26A.** The principal Act is amended by deleting the Fourth Schedule.

**26B.** The principal Act is amended by deleting the Sixth Schedule.

*(Proposed New Clauses 26A and 26B are subject to Standing Order 133(5))*

**5) Notice is given that the Member for Soy (Hon. Caleb Kositany) intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 at the Committee Stage—**

**CLAUSE 1**

**THAT**, the Bill be amended by deleting clause 1 and substituting therefor the following new clause—

Short title and commencement. **1.** This Act may be cited as the Political Parties (Amendment) Act, 2021 and shall come into operation immediately after the next general elections.

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 19—

Amendment of section 33 of no. 11 of 2011. **19A.** Section 33 of the principal Act is amended by inserting the following new subsection immediately after subsection (5)—

(5A) The Office of the Registrar shall ensure reasonable access to its services at the county level and may determine from time to time conduct of its business in any part of the Republic.

**6) Notice is given that the Member for Mogotio (Hon. (Dr.) Daniel Tuitoek) intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 at the Committee Stage—**

**CLAUSE 2**

**THAT**, Clause 2(c) of the Bill be amended—

- (a) in the proposed definition of “direct party nomination” by deleting the words “through its registered members” appearing immediately after the words “political party”;
- (b) in the proposed definition of “indirect party nomination” by deleting the words “selected from registered members of the political party and interviews” appearing immediately after the words “political party”;
- (c) by deleting the proposed definition of “statement of ideology”.

**CLAUSE 22**

**THAT**, clause 22 of the Bill be amended—

- (a) by deleting the proposed section 38A and substituting the following proposed new section—

Methods of conducting party nominations.

**38A.** A political party may conduct party nominations using—

- (a) direct party nomination method;
- (b) indirect party nomination method; or
- (c) any other method as established by the political party.

- (b) by deleting the proposed section 38C;
- (c) by deleting the proposed section 38D;
- (d) by deleting the proposed section 38E;
- (e) in the proposed section 38F, by deleting subsection (2);
- (f) by deleting the proposed section 38G; and
- (g) by deleting the proposed section 38H.

**7) Notice is given that the Member for Dagoretti South (Hon. John Kiarie) intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 at the Committee Stage—**

**NEW CLAUSES**

**THAT**, the Bill be amended by inserting the following new clauses immediately after Clause 19—

Amendment of section 32 of No. 11 of 2011.

**19A.** Section 32 of the principal Act is amended by—

- (a) deleting subsection (1) and substituting therefor the following new subsection—
  - “(1) The Board shall keep proper books of account of its income, expenditure and assets.”
- (b) deleting subsection (2) and substituting therefor the following new subsection—
  - “(2) Within a period of three months after the end of a financial year, the Board shall submit to the Auditor-General, its accounts together with—
    - (a) a statement of its income and expenditure during that year; and
    - (b) a statement of its assets and liabilities during that year.”



Amendment  
of No. 11 of  
2011.

**19B.** The principal Act is amended in the Heading to Part IV by deleting the words “OFFICE OF THE REGISTRAR OF POLITICAL PARTIES” and substituting therefor the words “ESTABLISHMENT OF THE POLITICAL PARTIES BOARD”.

*(Proposed New Clause 19B is subject to Standing Order 133(5))*

Repeal and  
replacement  
of section  
33 of No.  
11 of 2011.

**19C.** The principal Act is amended by repealing section 33 and replacing with the following new sections—

Establish  
ment of  
the  
Board.

**33.** (1) There is established a Political Parties Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) borrowing money or making investments; and
- (d) doing or performing all other acts or things for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

Composi  
tion of  
the  
Board.

**33A.** (1) The Board shall consist of—

- (a) a chairperson and four other members appointed by the President, with the approval of the National Assembly; and
- (b) the Registrar as an *ex officio* member.

(2) The chairperson and members of the Board shall be State officers within the meaning of Article 260 of the Constitution.

Qualifica  
tions for  
appoint  
ment as  
chairpers  
on or  
member.

**33B.** (1) A person shall be qualified for appointment as the chairperson of the Board if that person—

- (a) meets the requirements of Chapter Six of the Constitution;
- (b) holds a degree from a university recognized in Kenya; and
- (c) has knowledge and experience of not less than fifteen years in—

- (i) ethics and governance;
- (ii) law;
- (iii) public administration;
- (iv) leadership;
- (v) economics;
- (vi) social studies; or
- (vii) accounting.

(2) A person shall be qualified for appointment as a member of the Board if that person—

- (a) meets the requirements of Chapter Six of the Constitution;
- (b) holds a degree from a university recognized in Kenya; and
- (c) has knowledge and experience of not less than ten years in—
  - (i) ethics and governance;
  - (ii) law;
  - (iii) public administration;
  - (iv) leadership;
  - (v) economics;
  - (vi) social studies; or
  - (vii) accounting.

(3) A person shall not be qualified for appointment as a chairperson or as a member if the person—

- (a) is a member of a governing body of a political party;
- (b) is an undischarged bankrupt;
- (c) has been convicted of a felony; or
- (d) has been removed from public office for contravening the provisions of the Constitution or any other law.

(4) Subsection (3)(a) shall cease to apply to a person after two general elections have been held since the person ceased to hold such office.

Term of  
Office

**33C.** (1) The chairperson and members of the Board shall be appointed for a single term of six years and are not eligible for re-appointment.

(2) The chairperson and members of the Board shall serve on a part-time basis.

Remuner  
ation of  
Board  
Members

**33D.** There shall be paid to the members of the Board such remuneration, fees or allowances as the Cabinet Secretary may, in consultation with the Salaries and Remuneration Commission, determine.

*(Proposed New Clause 19C comprising of proposed sections 33, 33A to 33D is subject to Standing Order 133(5))*

**CLAUSE 20**

**THAT**, the Bill be amended by deleting Clause 20 and substituting therefor the following new Clause—

Repeal and replacement of section 34 of No. 11 of 2011.

**20.** The principal Act is amended by repealing section 34 and replacing with the following new sections—

Functions of the Board.

**34.** The Board shall—

- (i) register, regulate, monitor, investigate and supervise political parties to ensure compliance with this Act;
- (ii) administer the Fund;
- (iii) ensure publication of audited annual accounts of political parties;
- (iv) verify and make publicly available the list of all members of political parties;
- (v) maintain a register of political parties and the symbols of the political parties;
- (vi) ensure and verify that no person is a member of more than one political party and notify the Board of its findings;
- (vii) investigate complaints received under this Act; and
- (viii) perform such other functions as may be conferred by this Act or any other written law.

Powers of the Board.

**34A.** (1) The Board shall have all the powers necessary for the proper performance of its functions under this Act, and in particular, but without prejudice to the generality of the foregoing, the Board shall have power to—

- (a) receive gifts, donations, grants or other moneys and equipment and make legitimate disbursements therefrom; and
- (b) enter into association with such other persons, bodies or organisations within or outside Kenya as the Board may consider appropriate in furtherance of the objects of this Act.

(2) The Board shall be independent and shall not be subject to direction or control of any person or authority.

Staff of the Board.

**34B.** The Board may engage such staff, experts or consultants as are necessary for the proper and effective discharge of its functions under this Act and any other written law.

Conduct of the business and affairs of the Board.

**34C.** (1) The conduct and regulation of the business and affairs of the Board shall be as set out in the Sixth Schedule.

(2) Except as provided in the Sixth Schedule, the Board may regulate its own procedure.

Removal from office.

**34D.** (1) A member of the Board may be removed from office for—

- (a) a serious violation of the Constitution or any other law;
- (b) gross misconduct, whether in performance of the member's functions or otherwise;
- (c) physical or mental incapacity to perform the functions of office;
- (d) incompetence;
- (e) bankruptcy; or
- (f) engaging in active politics.
- (g)

(2) A person desiring the removal of a member of the Board under subsection (1) may present a petition to the National Assembly setting out the alleged facts constituting each ground.

(3) A member sought to be removed under subsection (1) shall be given a fair hearing before a decision is made by the relevant committee of the National Assembly.

(4) The relevant committee of the National Assembly shall, upon receiving a petition under subsection (2), consider the petition and may recommend that the member be suspended pending the outcome of the complaint.

(5) The relevant committee of the National Assembly shall consider the petition and if it is satisfied that it discloses a ground under subsection (1), it shall make a determination that the member be removed from office and the member shall stand removed from office upon the making of that determination.

Registrar and Assistant Registrars.

**34E.** (1) There shall be a Registrar of the Board deputized by three Assistant Registrars.

(2) The Registrar and an Assistant Registrar shall be competitively recruited by the Public Service Commission and appointed by the President with the approval of the National Assembly.

(3) The office of the Registrar and an Assistant Registrar shall be a State office within the meaning of Article 260 of the Constitution.

(4) A person shall be qualified for appointment as Registrar or as an Assistant Registrar if the person—

(a) holds a degree from a university recognised in Kenya;

(b) has proven knowledge and experience in any of the following fields—

(i) finance;

(ii) management;

(iii) political science;

(iv) law;

(v) governance; or

(vi) public administration;

(c) has, in the case of the Registrar, at least fifteen years post qualification experience in the relevant areas of expertise and, in the case of an Assistant Registrar, has at least ten years post qualification experience in the relevant area of expertise; and

(d) is a person of high moral character and integrity and has satisfied the requirements of Chapter Six of the Constitution.

(5) A person shall not be qualified for appointment as a Registrar or Assistant Registrar if the person has, at any time within the preceding five years, held office or stood for election as a member of Parliament or a county assembly or as a member of a governing body of a political party.

(6) The Registrar and Assistant Registrars shall, before assuming office, take and subscribe to the oath or affirmation prescribed in the Fourth Schedule.

(7) The Registrar shall, subject to the directions of the Board, be responsible for the day to day management of the affairs and staff of the Board.

(8) The Registrar and Assistant Registrars shall serve for a non-renewable term of six years and shall not be eligible for re-appointment.

(9) A person who serves as a Registrar or Assistant Registrar shall not be eligible to contest for election as a member of Parliament or a county assembly, or as a member of a governing body of a political party within five years of the person ceasing to be Registrar or Assistant Registrar.

Appoi  
ntmen  
t of  
corpo  
ration  
secret  
ary.

**34F.** (1) There shall be a corporation secretary to the Board who shall be appointed by the Board.

(2) The corporation secretary shall be responsible for arranging the business of the Board’s meetings, keeping records of the proceedings of the Board, and shall perform such other duties as the Board may direct.

(3) In the performance of the duties under this Act, the corporation secretary shall be responsible to the Registrar.

(4) The Board may in the absence of the corporation secretary appoint any member of the Board or staff of the Board to temporarily perform the functions of the secretary under subsection (2) subject to such conditions or restrictions as the Board may determine.

Funds  
of the  
Board.

**34G.** The funds of the Board shall consist of—

- (a) such funds as may from time to time be provided for by the National Assembly;
- (b) monies borrowed by the Board on such terms and for such purposes as the Cabinet Secretary, in consultation with Cabinet Secretary for the time being responsible for finance, may approve; and
- (c) any moneys accruing to the Board from any other source.

*(Proposed amendment of Clause 20 Comprising of proposed new sections 34, 34A to 34G are subject to Standing Order 133(5))*

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 20—

Repeal of section 34A of No. 11 of 2011

**20A.** The principal Act is amended by repealing section 34A.

**NEW CLAUSES**

**THAT**, the Bill be amended by inserting the following new clauses immediately after clause 21—

Repeal of section 36 of No. 11 of 2011.

**21A.** The principal Act is amended by repealing section 36.

Repeal and replacement of section 37 of No. 11 of 2011.

**21B.** The principal Act is amended by repealing section 37 and replacing with the following new section—

Removal  
of  
Registrar  
or  
Assistant  
Registrar.

**37.** (1) A Registrar or Assistant Registrar may be removed from office for—

- (a) a serious violation of the Constitution or any other law;
- (b) gross misconduct, whether in performance of the their functions or otherwise;
- (c) physical or mental incapacity to perform the functions of office;
- (d) incompetence;
- (e) bankruptcy; or
- (f) engaging in active politics.

(2) A person desiring the removal of a Registrar or Assistant Registrar under subsection (1) may present a petition to the National Assembly setting out the alleged facts constituting each ground.

(3) A Registrar or Assistant Registrar sought to be removed under subsection (1) shall be given a fair hearing before a decision is made by the relevant committee of the National Assembly.

(4) The relevant committee of the National Assembly shall, upon receiving a petition under subsection (2), consider the petition and may recommend that the Registrar or Assistant Registrar be suspended pending the outcome of the complaint.

(5) The relevant committee of the National Assembly shall consider the petition and if it is satisfied that it discloses a ground under subsection (1), it shall make a determination that the Registrar or Assistant Registrar be removed from office and the Registrar or Assistant Registrar shall stand removed from office upon the making of that determination.

Amendment  
of section  
45 of No. 11  
of 2011.

**21C.** Section 45 of the principal Act is amended by deleting subsection (7) and substituting therefor the following new subsection—

“(7) A member of the Board, the Registrar or an employee of the Board commits an offence where the member, Registrar or employee knowingly subverts the objectives of the Constitution and of this Act.”

**CLAUSE 24**

**THAT**, the Bill be amended by deleting Clause 24 and substituting therefor the following new Clause—

Amendment of section 45 of  
No. 11 of 2011.

**24.** Section 45 of the principal Act is amended by—

(a) inserting the following new subsection immediately after subsection (1)—

“(1A) A person who enlists another person to be a member of a political party without obtaining the consent of that other person commits an offence.”

(b) deleting subsection (7) and substituting therefor the following new subsection

“(7) A member of the Board, the Registrar or an employee of the Board commits an offence where the member, Registrar or employee knowingly subverts the objectives of the Constitution and of this Act.”

**NEW CLAUSES**

**THAT**, the Bill be amended by inserting the following new clauses immediately after clause 26—

Amendment of  
the Third  
Schedule of  
No. 11 of 2011.

**26A.** The principal Act is amended in the Third Schedule in paragraph 3(e) by inserting the words “including any entitlements to positions in the Cabinet, eligible State offices and leadership positions in Parliament and its committees” immediately after the words “within the coalition”.

Repeal and  
replacement of  
the Sixth  
Schedule of  
No. 11 of 2011.

**26B.** The principal Act is amended by repealing the Sixth Schedule and replacing with the following new Schedule—

**SIXTH SCHEDULE [s. 34C]  
CONDUCT OF BUSINESS AND AFFAIRS OF THE  
BOARD**

1. The Board shall meet as often as may be necessary for the dispatch of its business but there shall be at least four meetings of the Board in any financial year.



2. A meeting of the Board shall be held on such date and at such time as the Board shall decide.

3. The chairperson shall, on the written application of one-third of the members, convene a special meeting of the Board.

4. Unless the majority of the total membership of the Board otherwise agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board.

5. The quorum for the conduct of business at a meeting of the Board shall be two-thirds of all the members of the Board.

6. The Chairperson shall preside at every meeting of the Board at which he is present and in the absence of the chairperson at a meeting, the vice chairperson, shall preside and in the absence of both the chairperson and the vice-chairperson, the members present shall elect one of their number who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

7. Unless a unanimous decision is reached, a decision on any matter before the Board shall be by concurrence of a majority of all the members.

8. Subject to paragraph 5, no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.

9. Unless otherwise provided by or under any law, all instruments made by and decisions of the Board shall be signified under the hand of the Chairperson and the Registrar.

10. The Board shall cause minutes of all proceedings of meetings of the Board to be entered in books for that purpose.

11. Except as provided by this Schedule, the Board may regulate its own procedure.

12. (1) If any person is present at a meeting of the Board or any committee at which any matter is the subject of consideration and in which matter that person or that person's spouse is directly or indirectly interested in a private capacity, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not, unless the Board or committee otherwise directs, take part in any consideration or discussion of, or vote on any question touching such matter.

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

(3) A person who contravenes subparagraph (1) commits an offence and upon conviction shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding seven years or to both such fine and imprisonment.

(4) A member or employee of the Board shall not transact any business or trade with the Board.

Savings and  
Transition.

**26C.** (1) All property, assets, rights, liabilities, obligations, agreements, contracts and other arrangements existing at the commencement of this Act and vested in, acquired, incurred or entered into by or on behalf of the Office of the Registrar of Political Parties existing immediately before the commencement of this Act, shall, upon the commencement of this Act, be deemed to have vested in or to have been acquired, incurred or entered into by or on behalf of the Board to the same extent as they were enforceable by or against the Office of the Registrar of Political Parties before the commencement of the Act.

(2) Where the transfer of any property transferred to or vested in Board under subsection (1) is required by any written law to be registered, the Board shall, within three months from the commencement of this Act or within such other period as the written law may prescribe, apply to the appropriate registering authority for the registration of the transfer and thereupon the registering authority shall, at no cost to the Board or any person by way of registration fees, stamp or other duties—

- (a) make such entries in the appropriate register as shall give effect to the transfer;
- (b) where appropriate, issue to the Board a certificate of title or other statutory evidence of ownership of the property or make such amendments on such certificates or in the appropriate register as may be necessary; and
- (c) make any necessary endorsements on such deeds or other documents as may be presented to such registering authority relating to the title, right or obligation concerned.

(3) The staff of the Office of the Registrar of Political Parties shall be the staff of the Board.

(4) Any disciplinary proceedings that are pending before the Office of the Registrar of Political Parties shall be continued by the Board.

(5) Any pension scheme, superannuation, provident fund, medical fund or any other scheme existing in the Office of the Registrar of Political Parties before the commencement of this Act shall continue to exist as if the pension scheme, superannuation, provident fund, medical fund or any other scheme has been established pursuant to this Act.

(6) A person who, immediately before the commencement of this Act, held office as a Registrar of Political Parties or Assistant Registrar shall continue to hold office as a Registrar or Assistant Registrar for their unexpired term.

*(Proposed New Clauses 26B and 26C are subject to Standing Order 133(5))*

8) Notice is given that the Member for Kandara (Hon. Alice Wahome) intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 at the Committee Stage—

**CLAUSE 2**

**THAT**, the Bill be amended by deleting Clause 2.

**CLAUSE 3**

**THAT**, Clause 3 of the Bill be amended in the proposed new section 4B—

- (a) in the marginal note by deleting the words “symbol and slogan” and substituting therefor the words “and symbol”;
- (b) in subsection (1) by deleting the words “symbol and slogan” appearing immediately after the word “name” and substituting therefor the words “and symbol”;
- (c) in subsection (2) by deleting the words “symbol or slogan” wherever they appear and substituting therefor the words “or symbol”;
- (d) in subsection (3) by deleting the words “symbol or slogan” appearing immediately after the word “name” and substituting therefor the words “or symbol”.

**CLAUSE 4**

**THAT**, Clause 4 of the Bill be amended—

- (a) in paragraph (a) by deleting the words “symbol or slogan” appearing immediately after the word “name” in the proviso to the proposed new subsection (1A) and substituting therefor the words “or symbol”;
- (b) in paragraph (b) by deleting the words “two hundred and seventy days” and substituting therefor the words “ninety days”.

**CLAUSE 6**

**THAT**, the Bill be amended by deleting Clause 6.

**CLAUSE 7**

**THAT**, the Bill be amended by deleting Clause 7.

**CLAUSE 15**

**THAT**, Clause 15 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) in subsection (2) by—

- (a) inserting the words “under subsection (1)(a) immediately after the words “from the Fund” appearing in the opening statement;
- (b) deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) the party does not have at least —

- (i) one elected member of the National Assembly;
- (ii) one elected member of the Senate;
- (iii) one elected Governor; and
- (iv) an elected member of a county assembly.”

**CLAUSE 22**

**THAT**, Clause 22 of the Bill be amended in the proposed new section 38C —

- (a) in subsection (2) by deleting the words “a certified” appearing immediately after the words “shall use” and substituting therefor the words “its”;
- (b) in subsection (3) by deleting the words “apply in writing to the Registrar for a certified copy of the” appearing immediately after the word “shall” and substituting therefor the words “submit to the Registrar a copy of its”;
- (c) by deleting subsection (4).

**CLAUSE 25**

**THAT**, the Bill be amended by deleting Clause 25.

- 9) **Notice is given that the Member for Garissa Township (Hon. Aden Duale) intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 (National Assembly Bill No. 56 of 2021) at the Committee Stage—**

**CLAUSE 2**

**THAT**, clause 2 of the Bill be amended—

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

**CLAUSE 5**

**THAT**, clause 5 of the Bill be amended by deleting paragraph (a).

**CLAUSE 7**

**THAT**, clause 7 of the Bill be amended by deleting paragraph (c)(e).

**CLAUSE 8**

**THAT**, clause 8 of the Bill be amended by deleting paragraph (b).

**CLAUSE 10**

**THAT**, clause 10 of the Bill be amended in the proposed new section 14A(1) by deleting paragraph (e).

**CLAUSE 15**

**THAT**, clause 15 of the Bill be amended in paragraph (c) by inserting the following new subsections immediately after subsection (2B) —

- (2C) The total number of votes secured by each political party under section 25(1)(a), shall be the total votes secured by each political party for the elections of a Member of a county assembly, Member of Parliament, Governor and President.

(2D) For avoidance doubt, in cases of a run-off or fresh elections for the election of a President, the final votes of the Presidential elections shall apply.

**CLAUSE 20**

**THAT**, clause 20 of the Bill be amended in paragraph (c)—

- (a) by deleting the proposed new paragraph (fd); and
- (b) by deleting the proposed new paragraph (fe).

**CLAUSE 22**

**THAT**, clause 22 of the Bill be amended in the proposed new section 38C, by deleting subsection (5).

**10) Notice is given that the Nominated Member (Hon. Godfrey Osotsi) intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 at the Committee Stage—**

**CLAUSE 10**

**THAT**, clause 10 of the Bill be amended –

- (a) in the proposed new clause 14A (2) (b) by inserting the words “the Constitution, Fair Administrative Action Act, 2015 and” immediately after the words “in accordance with”;
- (b) in the proposed new clause 14B (2) by inserting the words “Constitution, Fair Administrative Action Act, 2015 and” immediately after the words “in accordance with the”.

*(Notice of withdrawal given by the Member during the harmonization process under SO 131)*

**CLAUSE 19**

**THAT**, clause 19 of the Bill be deleted.

*(Notice of withdrawal given by the Member during the harmonization process under SO 131)*

**CLAUSE 21**

**THAT**, clause 21 of the Bill be amended in the proposed new section 34B by inserting the following new sub-clause immediately after sub-clause (4) –  
“(5) The Registrar shall ensure that the data in his or her custody shall be dealt with in accordance with the provisions of the Data Protection Act, 2019”.

*(Notice of withdrawal given by the Member during the harmonization process under SO 131)*

**11) Notice is given that the Member for Kilifi North (Hon. Owen Baya) intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 at the Committee Stage—**

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 19—

Deletion  
of Part IV  
of No. 11  
of 2011.

**19A.** The principal Act is amended by deleting Part IV and substituting therefor the following new Part—

**PART IV— POLITICAL PARTIES REGISTRATION BOARD.**

Political  
Parties  
Registra  
tion  
Board.

**32A.**(1) There is established a Political Parties Registration Board which shall be a body corporate with perpetual succession and a common seal.

(2) The Board shall be capable in its corporate name of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) entering into contract;
- (d) borrowing and lending money;
- (e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act, and which may lawfully be done or performed by a body corporate.

Compo  
sition  
of the  
Board.

**32B.**(1) The Board shall consist of nine members nominated by the political parties represented in both Houses of Parliament based on the total number of representatives from the political parties elected in both Houses in the preceding general election.

(2) Upon nomination under subsection (1), the names of the nominees shall be submitted to both Houses for consideration and approval.

(3) The Chief Executive Officer shall be the Secretary to the Board.

(4) The Chief Executive Officer shall be responsible for the management of the day-to-day activities of the Board.

(5) The Chief Executive Officer shall be an ex officio member of the Board and shall have no right to vote at the meetings of the Board.

(No. 126) **WEDNESDAY, DECEMBER 29, 2021 (1693)**

Chief  
Executi  
ve  
Officer  
of the  
Board.

**32C.** (1) The Board shall competitively recruit and appoint a Chief Executive Officer of the Board.

(2) A person shall be qualified for appointment by the Board as a Chief Executive Officer, if the person—

- (a) holds a degree from a university recognised in Kenya;
- (b) has proven knowledge and experience in any of the following fields—

- (i) finance;
- (ii) management;
- (iii) political science;
- (iv) law;
- (v) governance; or
- (vi) public administration;

(c) has, at least fifteen years post qualification experience in the relevant areas of expertise; and

(d) is a person of high moral character and integrity and has satisfied the requirements of Chapter Six of the Constitution.

Vacanc  
y in the  
office  
of the  
Chief  
Executi  
ve  
Officer.

**32D.** The Board may on its own motion, or upon petition by any person, remove the Chief Executive Officer, only on grounds of—

- (a) serious violation of the Constitution or of this Act;
- (b) non-compliance with Chapter Six of the Constitution;
- (c) inability to perform the functions of office arising from mental or physical incapacity;
- (d) bankruptcy;
- (e) incompetence; or
- (f) gross misconduct.

(2) A vacancy may also occur in the office of the Chief Executive Officer, if the person resigns in writing, dies or is otherwise unable to perform the functions of the Chief Executive Officer due to mental or physical incapacity.

(3) Where a vacancy occurs, the Board shall within fourteen days of occurrence of a vacancy fill the vacancy.

Funcio  
ns of  
the  
Board.

**32E.** The functions of the Board shall be to—

- (a) register, regulate, monitor, investigate and supervise political parties to ensure compliance with this Act;
- (b) administer the Fund;

- (c) ensure publication of audited annual accounts of political parties;
- (d) verify and make publicly available the list of all members of political parties;
- (e) keep and maintain a register of members of registered political parties;
- (f) maintain a register of political parties and the symbols of the political parties;
- (g) certify that an independent candidate in an election is not a member of any registered political party;
- (h) certify that the symbol intended to be used by an independent candidate in an election does not resemble the symbol of a registered political party;
- (i) certify that the names appearing in a party list are the names of members of the political party presenting the party list;
- (j) regulate political party nominations in accordance with this Act;
- (k) train political party election agents;
- (l) ensure and verify that no person is a member of more than one political party and notify the Commission of the findings;
- (m) investigate complaints received under this Act; and
- (n) perform such other functions as may be conferred by this Act or any other written law.

Vacancy in the Board.

**32F.** (1) A member of the Board shall vacate office at the end of the term of the House of which the person is a member or if the person ceases to be a Member of Parliament.

(2) Despite clause (2), when the term of a House of Parliament ends, a member of the Board shall continue in office until a new member has been appointed in the member's place by the next House.

(3) A vacancy may also occur in the Board, if a member resigns from the Board or is otherwise removed from office by the Party that nominated the person to the Board.

Conduct of the business and affairs of the Board.

**32G.** The Board shall determine its own rules and procedure for conducting its affairs.



Staff of  
the  
Board.

**32H.** The Board shall competitively appoint qualified staff as may be necessary for the efficient performance of the functions of the Board.

Funds  
of the  
Board.

**32I.** (1) The funds of the Board shall comprise—

- (a) such funds as may be appropriated by the National Assembly;
- (b) such monies or assets as may accrue to or vest in the Board in the performance of its functions or the exercise of its powers under this Act or any other written law; and
- (c) All monies from any other source provided for, donated or lent to the Board.

(2) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Board.

(3) The Board shall, at least three months before the commencement of each financial year, cause to be prepared estimates of revenue and expenditure of the Board for that financial year.

Meeting  
s of the  
Board.

**32J.** (1) The members of the Board shall elect a Chairperson of the Board in the first sitting of the Board.

(2) The Chairperson shall preside at all the meetings of Board and in the absence of the Chairperson, the members present shall elect one of the members to preside.

(3) The quorum necessary for transaction of the business of the Board shall be five members.

(4) All questions at any meeting of the Board shall be determined by a majority of the members.

Remuneration  
of  
members  
and  
staff of  
the  
Board.

**32K.** The members and staff of the Board shall be paid such allowances or remuneration as the Board may in consultation with the Salaries and Remuneration Commission determine.

Establishment  
of  
Political  
Parties  
Liaison  
Committee

**32L.** (1) There is established a Political Parties Liaison Committee.

(2) The Political Parties Liaison Committee shall be established at the national and county levels.

(3) The principal function of the Political Parties Liaison Committee is to provide a platform for dialogue between the Board, Commission and political parties.

(4) The Political Parties Liaison Committee shall perform such other functions as may be prescribed by the Board.

*(Proposed New Clause 19A comprising of proposed sections 32A to 32L is subject to Standing Order 133(5))*

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 25—

Amendment  
of section  
51 of No.  
11 of 2011.

**25A.** Section 51 of the principal Act is amended in subsection (1) by inserting the following new paragraphs immediately after paragraph (j) —

(k) the Registrar shall continue to hold office and serve as the Chief Executive Officer of the Board under this Act, for a period of one year;

Provided that upon the expiry of the one year, the Board shall appoint a new Chief Executive Officer in accordance with this Act;

(l) Any property, rights, obligations and liabilities which immediately before the commencement of this Act were vested in or imposed on the Registrar, are deemed to be the rights, obligations and liabilities of the Board;

(m) the staff who immediately before the commencement of this Act were staff of the Office of the Registrar are deemed to be the staff of the Board.

Insertion of  
a new  
section into  
No. 11 of  
2011.

**25B.** The principal Act is amended by inserting the following new section immediately after section 51—

Consequential amendment. **51A.** (1) The Act is amended—

(a) by deleting the word “Registrar” wherever it appears and substituting therefor the words “Chief Executive Officer”;

(b) by deleting the words “ Office of the Registrar” wherever they appear and substituting therefor the words “Chief Executive Officer”; and

(c) by deleting the words “ Office of the Registrar” wherever they appear and substituting therefor the words “Chief Executive Officer”;

*(Proposed New Clauses 25A and 25B are subject to Standing Order 133(5))*

**NEW CLAUSES**

**THAT**, the Bill be amended by inserting the following new clauses immediately after clauses 26—

Deletion of the Fourth Schedule of No. 11 of 2011.  
Deletion of the Sixth Schedule of No. 11 of 2011.

**26A.** The principal Act is amended by deleting the Fourth Schedule.

**26B.** The principal Act is amended by deleting the Sixth Schedule.

*(Proposed New Clauses 26A and 26B are subject to Standing Order 133(5))*

**12) Notice is given that the Member for South Mugirango (Hon. Silvanus Osoro) intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 at the Committee Stage—**

**CLAUSE 2**

**THAT**, clause 2 of the Bill be amended in paragraph (c) by deleting the definition of the term “statement of ideology”.

**CLAUSE 5**

**THAT**, clause 5 of the Bill be amended in paragraph (a) by deleting the proposed new paragraph (da).

**CLAUSE 6**

**THAT**, clause 6 of the Bill be amended in paragraph (b) —

(a) by inserting the following new subsections immediately after subsection (6) —

(6A) A proposed coalition political party shall deposit a coalition agreement with the Registrar for registration as a coalition political party

(6B) Upon receipt of the coalition agreement under subsection (6B), the Registrar shall publish a notice in the *Gazette* and in at least two newspapers with nationwide circulation, inviting objections from any person concerning the registration of the name, symbol, colour of the coalition political party, or any other issue relating to the registration of the coalition political party.

(b) by deleting subsection (7) and substituting therefor the following new subsection—

(7) The Registrar shall, within fourteen days of deposit of a coalition agreement for the formation of a coalition political party, issue the coalition political party with a certificate of full registration.

**CLAUSE 14**

**THAT**, clause 14 of the Bill be amended in paragraph (a) in the proposed new subsection (2) by inserting the words “or nominated to an elective office” immediately after the words “holding an elective office”.

**CLAUSE 15**

**THAT**, the Bill be amended by deleting clause 15.

**CLAUSE 20**

**THAT**, clause 20 of the Bill be amended in paragraph (a) by deleting the proposed new paragraph (da) and substituting therefor the following new paragraph—

(da) keep and maintain a register of members of a registered political party;

Provided that reference to a registered political shall not include a registered coalition political party;

**CLAUSE 23**

**THAT**, the Bill be amended by deleting clause 23.

**CLAUSE 25**

**THAT**, clause 25 of the Bill be amended by deleting the proposed new paragraph (ca).

**13) Notice is given that the Member for Kimilili (Hon. Didmus Barasa) intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 at the Committee Stage—**

**CLAUSE 2**

**THAT**, Clause 2 of the Bill be amended by deleting paragraph (a).

**CLAUSE 5**

**THAT**, Clause 5 of the Bill be amended by deleting paragraph (a).

**CLAUSE 7**

**THAT** Clause 7 of the Bill be amended in paragraph (c) by deleting the proposed new paragraph (e).

**CLAUSE 10**

**THAT**, the Bill be amended by deleting clause 10.

**CLAUSE 15**

**THAT**, Clause 15 of the Bill be amended in paragraph (c) by inserting the following new subsections immediately after subsection (2B) —

(2C) The total number of votes secured by each political party for the purposes of section 25(1)(a), shall be the total votes secured by each political party for the elections of a Member of a county assembly, Member of Parliament, Governor and President.

(2D) For avoidance doubt, in case of fresh elections for the election of a President, the final votes of the Presidential elections shall apply.

**CLAUSE 20**

**THAT**, Clause 20 of the Bill be amended in paragraph (c), by —

- (a) deleting the proposed new paragraph (fd); and
- (b) deleting the proposed new paragraph (fe).

**CLAUSE 22**

**THAT**, Clause 22 of the Bill be amended—

(a) by deleting the proposed section 38A and substituting the following proposed new section—

Methods of conducting party nominations.

- 38A.** A political party may conduct party nominations using—
- (a) direct party nomination method;
  - (b) indirect party nomination method; or
  - (c) any other method as may be provided for by the political party.
- (b) in the proposed new section 38C by deleting subsection (5).

**14) Notice is given that the Member for Kipkelion East (Hon. Joseph Limo) intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 at the Committee Stage—**

**CLAUSE 8**

**THAT**, Clause 8 (b) of the Bill be amended in the proposed proviso by deleting the word “six” and substituting therefor the word “three”.

**CLAUSE 22**

**THAT**, Clause 22 of the Bill be amended by—

- (a) deleting the proposed section 38C; and
- (b) deleting the proposed section 38D.

**15) Notice is given that the Member for Tigania West (Hon. John Mutunga) intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 at the Committee Stage—**

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended —

- (a) in the proposed new section 4A by inserting the words “equity through” immediately after the word “promote” in paragraph (c);
- (b) in the proposed new section 4B-
  - (i) by inserting the words “dominant colour” immediately after the word “symbol” in the marginal note ;
  - (ii) by inserting the words “dominant colour” immediately after the word “symbol” in sub clause (1);

- (iii) by inserting the words “dominant colour” immediately after the word “symbol” wherever it appears in sub clause (2);
- (iv) by inserting the words “dominant colour” immediately after the word “symbol” in sub clause (3);

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended by deleting paragraph (a).

**CLAUSE 8**

**THAT** clause 8 (b) of the Bill be amended in the proposed proviso by deleting the word “six” and substituting therefor the word “three”.

**CLAUSE 10**

**THAT** clause 10 of the Bill be amended in the proposed new section 14A (1) by deleting paragraph (e).

**CLAUSE 20**

**THAT** clause 20 (c) of the Bill be amended –

- (a) by deleting the proposed paragraph (fd);
- (b) by deleting the proposed paragraph (fe).

**16) Notice is given that the Member for Ugenya (Hon. David Ochieng) intends to move the following amendments to the Political Parties (Amendment) Bill, 2021, National Assembly Bills No. 56, at the Committee Stage—**

**CLAUSE 8**

**THAT**, clause 8 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b) –

“(c) by inserting the following new subsections immediately after subsection (2)-

“(2A) A member of a coalition political party may either be a natural person or a registered political party”.

**CLAUSE 15**

**THAT** clause 15 of the Bill be amended –

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

“(b) in subsection (2) by deleting paragraph (a);

- (b) in paragraph (c) –

- (i) by deleting the proposed paragraph (c) in the proposed new sub section (2B);

- (ii) by inserting the following new subsection immediately after the proposed new subsection (2B) —

“(2C) For the purposes of sub section (1), in case of a fresh election for the election of a President, the final votes of the Presidential elections shall apply”.

**17) Notice is given that the Member for Belgut (Hon. Nelson Koech) intends to move the following amendments to the Political Parties (Amendment) Bill, 2021, National Assembly Bills No. 56, at the Committee Stage—**

**CLAUSE 8**

**THAT** clause 8 (b) of the Bill be amended in the proposed proviso by deleting the words “at least six months before” and substituting therefor the words “within sixty days after”.

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## **II. THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 32 OF 2021)**

- 1) Notice is given that Chairperson of the Departmental Committee on Finance and National Planning intends to move the following amendments to the Public Procurement and Asset Disposal (Amendment) Bill, 2021 at the Committee Stage-

### **CLAUSE 2**

**THAT**, the Bill be amended in clause 2 by deleting paragraph (a).

### **CLAUSE 3**

**THAT**, the Bill be amended by deleting clause 3.

### **CLAUSE 4**

**THAT**, the Bill be amended in clause 4 by deleting paragraph (a).

### **CLAUSE 19**

**THAT**, the Bill be amended in clause 19 by –

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

### **CLAUSE 24**

**THAT**, the Bill be amended by deleting clause 24.

### **CLAUSE 32**

**THAT**, the Bill be amended by deleting clause 32.

### **CLAUSE 33**

**THAT**, the Bill be amended by deleting clause 33.

### **CLAUSE 35**

**THAT**, the Bill be amended by deleting clause 35 and substituting therefor the following new clause 35-

Amendment of section  
139 of No. 33 of 2015.

**35.** Section 139 of the principal Act is amended in subsection (4) by deleting the words “any variation of a contract shall only be considered after twelve month from the date of signing the contract” and substituting therefor the words “a variation of a contract shall be considered at any time, in the case of a quantity variation but shall only be considered after twelve months from the date of signing of the contract, in the case of a price variation”.

### **CLAUSE 37**

**THAT**, the Bill be amended in clause 37 by deleting paragraph (a).

### **CLAUSE 40**

**THAT**, the Bill be amended by deleting clause 40.



2) Notice is given that the Member for Gatanga (Hon. Joseph Ngugi) intends to move the following amendments to the Public Procurement and Asset Disposal (Amendment) Bill, 2021 at the Committee Stage—

**CLAUSE 2**

**THAT**, clause 2 of the Bill be amended in—

- (a) paragraph (a) by deleting the words “or any other supply chain professional body” and substituting therefor the words “or any other procurement or supply chain professional body recognised in Kenya”; and
- (b) paragraph (b) by inserting the following proposed new definition in proper alphabetical sequence—  
"complex and specialized contracts" means contracts that include procurement where the terms and conditions of an agreement are different from standard commercial terms and conditions, and includes contracts for infrastructural works performed under international agreements containing international terms and conditions;

**CLAUSE 15**

**THAT**, clause 15 of the Bill be amended by inserting the following proposed new subsection immediately after the proposed new subsection (2A) –

(2B) For infrastructure projects the head of the procurement function in liaison with the head of the technical function in a procuring entity shall, prepare a market survey at the beginning of every financial year of the cost of goods and services and thereafter prepare a current cost handbook to be revised every six months for use in the decision making in the procurement process by the procuring entity.

**CLAUSE 35**

**THAT**, the Bill be amended by deleting clause 35 and inserting the following new clause—

Amendment  
of section  
139 of No.  
33 of 2015.

**35.** The principal Act is amended in section 139—

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

“(2) An accounting officer of a procuring entity, on the recommendation of an evaluation committee or as prescribed in the signed Contract Agreement, may approve the request for—

- (a) use of prime costs;
- (b) use of contingencies;
- (c) reimbursable costs; and
- (d) use of provisional sums.”

(b) by inserting the following new subsection immediately after subsection (2)–

“(2A) Despite subsection (2), an accounting officer of a procuring entity, on the recommendation of an evaluation committee or as prescribed in the signed contract agreement, may approve the request for the extension of the contract period, which request shall be accompanied by a letter from the tenderer making justifications for such extension.”

(c) by deleting subsection (4) and inserting the following new subsection–

“(4) For the purposes of this section, any variation of a contract shall only be considered if the following are satisfied—

- (a) the price variation from the original price is based on the prevailing consumer price index obtained from Kenya National Bureau of Statistics;
- (b) the quantity variation for goods does not exceed fifteen per cent of the original contract quantity;
- (c) the price or quantity variation is to be executed within the period of the contract;
- (d) the cumulative value of all contract variations for goods do not result in an increment of the total contract price by more than twenty five per cent of the original contract price; and
- (e) the cumulative value of professional services does not result in an increment of the total contract price by more than twenty five per cent of the original contract price.

(d) by inserting the following new subsection immediately after subsection (6)–

(7) The method for computing price variation shall be prescribed in regulations.

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## **LIMITATION OF DEBATE**

The House resolved on Wednesday, February 10, 2021 as follows-

### **Limitation of Debate on Bills sponsored by Parties or Committees**

- III. THAT**, each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and **THAT** priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in **THAT** order.
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