

(No. 127)



(1729)

**REPUBLIC OF KENYA**  
**TWELFTH PARLIAMENT – (FIFTH SESSION)**  
**THE NATIONAL ASSEMBLY**  
**ORDERS OF THE DAY**  
**SPECIAL SITTING**

*(Convened vide Kenya Gazette Notice No. 14275 of 31<sup>st</sup> December, 2021)*

**WEDNESDAY, JANUARY 5, 2022 AT 10.00 A.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)

*(To resume from Clause 8)*

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

(The Leader of the Majority Party)

Second Reading

---

**\* Denotes Orders of the Day**

---

# **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”.

- (b) deleting sub-clause (3);
- (c) deleting sub-clause (5);
- (d) deleting sub-clause (6);
- (e) deleting sub-clause (7); and
- (f) 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 “therevenue collected by the national government as may be provided byParliament” 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 election agent or a contracted person in furtherance of the objectives under sub section (1) or” immediately after the words “other than”.

### **CLAUSE 20**

**THAT**, Clause 20 (c) of the Bill 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 –

(a) in the proposed new section 38C 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”;

(b) in the proposed new section 38E (1) by deleting the words “more than seven” and substituting therefor the words “less than ten”.

**CLAUSE 25**

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

3) **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.

**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 27**

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

- 4) **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  
commencement.

and

**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.

- 5) **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.

- 6) **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 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 CLAUSE**

**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”.

**7) 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.

- 8) **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).

9) **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).

**10) 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 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 one hundred and twenty days after”.

**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  
conducting  
nominations.of  
party**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 –

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

“(2) A political party that intends to conduct political party nominations under this Act shall use-

- (a) a certified register of members;
- (b) the political party’s official register as approved by the party officials; or
- (c) the Voter’s Register as approved by the Independent Electoral and Boundaries Commission”.

(ii) by deleting the words “this Act” appearing in subsection (3) and substituting therefor the words “subsection (2) (a)”;

(iii) by inserting the following new subsections immediately after subsection (4) -

“(4A) A political party that intends to conduct political party nominations using its official register under subsection (2) (b) shall submit a copy of its official register to the Registrar at least fourteen days before the nominations.

(4B) The Registrar shall make regulations for the better carrying into effect the provisions of this section”.

(iv) by deleting subsection (5).

**11) 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.



**12) 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).

**13) 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”.

**14) Notice is given that the Member for Belgut (Hon. Nelson Koech) intends to move the following amendment 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 words “at least six months before” and substituting therefor the words “within sixty days after”.

**15) Notice is given that the Member for Ndia (Hon. George Kariuki) intends to move the following amendment to the Political Parties (Amendment) Bill, 2021 at the Committee Stage—**

**CLAUSE 18**

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

**16) Notice is given that the Member for Langata (Hon. Nixon Korir) 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 words “six months” and substituting therefor the words “ninety days”.

**CLAUSE 15**

**THAT**, Clause 15 of the Bill be deleted.

**CLAUSE 16**

**THAT**, Clause 16 of the Bill be deleted.

**CLAUSE 17**

**THAT**, Clause 17 of the Bill be amended by deleting paragraph (a).

**CLAUSE 18**

**THAT**, Clause 18 of the Bill be deleted.

**17) Notice is given that the Member for Kiharu (Hon. Ndindi Nyoro) 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 new proviso by deleting the words “at least six months before a general election” and substituting therefor the words “within sixty days after a general election”.

**CLAUSE 11**

**THAT**, the Bill be amended by deleting Clause 11 and substituting therefor the following new clause—

Amendment of section 16  
of No. 11 of 2011.

11. Section 16 of the principal Act is amended in—

- (a) subsection (4) by inserting the words “and in the political party’s official website” immediately after the word “circulation”; and
- (b) subsection (5B) by inserting the words “and in at least one daily newspaper having nationwide circulation” immediately after the words “in the Gazette”.

**CLAUSE 12**

**THAT**, Clause 12 of the Bill be amended in paragraph (a) by deleting subparagraph (i).

**CLAUSE 13**

**THAT**, Clause 13 of the Bill be amended by inserting the following marginal note—

“Amendment of section 21 of No. 11 of 2011”.

**CLAUSE 14**

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

**18) Notice is given that the Nominated Member (Hon. Cecily Mbarire) 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 new proviso by deleting the words “at least six months before a general election” appearing in the proposed and substituting therefor the words “within ninety days after a general election”.

**CLAUSE 19**

**THAT**, the Bill be amended by deleting Clause 19.

**CLAUSE 20**

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

- (a) paragraph (fd); and
- (b) paragraph (fe).

**CLAUSE 21**

**THAT**, Clause 21 of the Bill be amended in the proposed new section 34C by inserting the following new subsections immediately after subsection (2) –

- (3) Despite subsection (1), the Registrar shall not change, alter, amend or modify the register of members of political parties.
- (4) A register of members of a political party submitted to the Registrar under this Act shall—
  - (a) be final and not subject to any change, alteration, amendment or modification by the Registrar; and
  - (b) only be for purposes of collation and harmonization into the national data base by the Registrar.
- (5) Where the Registrar is of the opinion that there exist a legitimate and justifiable reason for a political party to change, alter, amend or modify its register of members, the Registrar shall notify and request the political party to update its register.

**19) Notice is given that the Member for Saku (Hon. Col. (Rtd.) Dido Rasso) 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 by deleting the words “six months” appearing in the proposed proviso and substituting therefor the words “one hundred and forty-five days”.

**CLAUSE 9**

**THAT**, the Bill be amended by deleting Clause 9 and substituting therefor the following new Clause—

Amendment of section  
14 of No. 11 of 2011.

**9.** Section 14 of the principal Act is amended by—

- (a) deleting subsection (3);
- (b) deleting subsection (5A);
- (c) deleting subsection (6); and
- (d) by deleting subsection (7).

**CLAUSE 10**

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

**CLAUSE 11**

**THAT**, the Bill be amended by deleting Clause 11 and substituting therefor the following new Clause—

Amendment of  
section 16 of No.  
11 of 2011.

**11.** Section 16 of the principal Act is amended in subsection (4) by—

- (a) deleting the word “one” and substitute therefor the word “two”; and
- (b) inserting the words “and in the political party’s official website” immediately after the word “circulation”.

**CLAUSE 12**

**THAT**, Clause 12(b) of the Bill be amended in the proposed new subsection (5) by inserting the word “modification” immediately after the word “amendment”.

**CLAUSE 13**

**THAT**, Clause 13 of the Bill be amended by inserting the following new paragraph immediately after paragraph (g)—

- (h) in subsection (6A) by inserting the words “and in at least two daily newspapers having nationwide circulation” immediately after the words “in the *Gazette*”

**CLAUSE 15**

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

**CLAUSE 17**

**THAT**, Clause 17 of the Bill be amended by deleting paragraph (a).

**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.



## **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; and

(b) 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 under this section shall be prescribed in regulations.

---

## **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.

---

# **NOTICE PAPER**

## **Tentative business for**

### **Wednesday (Afternoon), January 5, 2022**

---

*(Published pursuant to Standing Order 38(1))*

It is notified vide *Gazette Notice No. 14275 of 31<sup>st</sup> December, 2021 (convening the Special Sittings of the House)* that the following business shall be transacted on Wednesday (Afternoon), January 5, 2022:-

#### **A. 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, January 5, 2022 – Morning Sitting)*

#### **B. 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, January 5, 2022 – Morning Sitting)*

#### **C. 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)*

---