



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (FIFTH SESSION)**

**SPECIAL SITTING**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, DECEMBER 22, 2021 AT 2.30 P.M.**

1. The Senate assembled at thirty minutes past two O'clock.
2. The proceedings were opened with Prayer said by the Deputy Speaker.
3. **MESSAGES FROM THE NATIONAL ASSEMBLY**

The Deputy Speaker conveyed the following Messages from the National Assembly –

**(i) Passage of the Landlord and Tenant Bill (National Assembly Bills No. 3 of 2021)**

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3) and (4), I have received the following Message from the Speaker of the National Assembly regarding the passage of the Landlord and Tenant Bill (National Assembly Bills No. 3 of 2021).

Pursuant to the said Standing Orders, I now report the Message-

*“PURSUANT to the provisions of Standing Order 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-*

*WHEREAS the Landlord and Tenant Bill (National Assembly Bills No. 3 of 2021) was published vide Kenya Gazette Supplement No. 13 of 12<sup>th</sup>*

*February 2021 as a Bill concerning county governments in terms of Article 110(4) of the Constitution seeking to repeal the Rent Restriction Act (Cap 296) and the Landlord and Tenant (Shops, Hotels and Catering Establishments) Act (Cap 301) to amongst other things, introduce a legal framework which balances the interests of landlords and tenants in a free market economy by ensuring that landlords earn reasonable income from their investment in housing and also protects the tenant, and consolidate the laws relating to the renting of business and residential premises and seeks to regulate the relationship between the landlord and tenant;*

*AND WHEREAS the National Assembly considered and passed the said Bill on Thursday, November 25, 2021 with amendments, in the form attached hereto;*

*NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the said Bill to the Senate for consideration.”*

Honourable Senators,

Pursuant to Standing Order 157, which requires that a Bill originating in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order 139, I direct that the Landlord and Tenant Bill (National Assembly Bills No. 3 of 2021), which is listed in today’s afternoon Order Paper, be read a First Time in the Senate.

I thank you.”

**(ii) Passage of the Community Groups Registration Bill (National Assembly Bills No. 20 of 2021)**

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3) and (4), I have received the following Message from the Speaker of the National Assembly regarding the passage of the Community Groups Registration Bill (National Assembly Bills No. 20 of 2021).

Pursuant to the said Standing Orders, I now report the Message-

*“PURSUANT to the provisions of Standing Order 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –*

*WHEREAS the Community Groups Registration Bill (National Assembly Bills No. 20 of 2021) was published, vide Kenya Gazette Supplement No. 88 of 5<sup>th</sup> May, 2021 as a Bill concerning county governments in terms of Article 110(4) of the Constitution seeking to provide a regulatory framework for the mobilization, registration, co-ordination and regulation of community groups, and for connected purposes.*

*AND WHEREAS the National Assembly considered and passed the said Bill on Thursday, 25<sup>th</sup> November 2021 with amendments, in the form attached hereto;*

*NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate and forward the Bill for consideration.”*

Honourable Senators,

Pursuant to Standing Order 157, which requires that a Bill originating in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order 139, I direct that the Community Groups Registration Bill (National Assembly Bills No. 20 of 2021), which is listed in today’s afternoon Order Paper, be read a First Time in the Senate.

I thank you.”

**(iii) Passage of the Senate amendments to the National Hospital Insurance Fund (Amendment) Bill (National Assembly Bill No. 21 of 2021)**

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3) and (4) I have received the following Message from the Speaker of the National Assembly regarding the approval, by the National Assembly, of Senate amendments to the National Hospital Insurance Fund (Amendment) Bill (National Assembly Bills No. 21 of 2021).

Pursuant to the said Standing Order, I now report the Message-

*“PURSUANT to the provisions of Standing Order 41(1) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –*

*WHEREAS the National Hospital Insurance Fund (Amendment) Bill (National Assembly Bill No. 21 of 2021) having been passed by the National Assembly with amendments on Wednesday, 29<sup>th</sup> September, 2021 was forwarded to the Senate;*

*AND WHEREAS, the Senate also considered and passed the Bill with amendments on Thursday, 2<sup>nd</sup> December, 2021 and sought National Assembly's concurrence on the amendments in accordance with the provisions of Article 112(1)(b) of the Constitution;*

*AND FURTHER WHEREAS, the National Assembly having considered the amendments, concurred with the Senate on Tuesday, 21<sup>st</sup> December, 2021;*

*NOW THEREFORE, the Bill having concluded the bicameral passage in the Houses, I will present the Bill to H.E. the President for Assent in accordance with the provisions of Article 112 of the Constitution.”*

I thank you”.

4. **THE LANDLORD AND TENANT BILL (NATIONAL ASSEMBLY BILLS NO.3 OF 2021)**

(The Senate Majority Leader)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Roads and Transportation.

5. **THE COMMUNITY GROUPS REGISTRATION BILL (NATIONAL ASSEMBLY BILLS NO. 20 OF 2021)**

(The Senate Majority Leader)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Labour and Social Welfare.

6. **COMMITTEE OF THE WHOLE**

Order for Committee read;

**IN THE COMMITTEE**

The Chairperson of Committees– in the Chair

**The Kenyan Sign Language Bill (Senate Bills No. 5 of 2021)**

Clauses 3 - amendment proposed

THAT, clause 3 of the Bill be amended—

(a) in paragraph (d) by inserting the word “training” immediately after the words “provide for the”; and

(b) by inserting the following new paragraphs immediately after paragraph (g)  
—

(h) ensure that there is compliance in the development, recognition, promotion and integration of sign language as a language in Kenya; and

(i) promote and recognize deaf culture in Kenya.

HEADING TO PART II

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

*(Chairperson, Standing Committee on Education)*

Clause 3 - vote deferred.

Clause 4 - amendment proposed

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

*(Chairperson, Standing Committee on Education)*

Clause 4 - vote deferred

Clause 5 - amendment proposed

THAT, clause 5 of the Bill be amended —

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

Role of the National and county governments.

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

*(Chairperson, Standing Committee on Education)*

Clause 5 - vote deferred

Clause 6 - amendment proposed

THAT, clause 6 of the Bill be amended —

- (a) in subclause (1) by –
  - (i) deleting the introductory clause and substituting therefor the following clause—
    - (1) A person whose first or preferred language is the Kenyan sign language is entitled to use the Kenyan sign language where the person is-
  - (ii) deleting paragraph (d) and substituting therefor the following new paragraph—
    - (d) is given leave by the judicial officer to use Kenyan Sign English.;
- (b) by deleting subclause (2) and substituting therefor the following new subclause—

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

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

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

(d) in subclause (4) by deleting the word “Kenya” appearing immediately after the words “be followed where” and substituting therefor the word “Kenyan” and

in subclause (5) by deleting the word “Kenya” appearing immediately after the words “right to use” and substituting therefor the word “Kenyan”.

*(Chairperson, Standing Committee on Education)*

Clause 6 - vote deferred

Clause 7 - amendment proposed

THAT, clause 7 of the Bill be amended—

(a) in paragraph (b) by deleting the word “Kenya” appearing immediately after the words “including ensuring that” and substituting therefor the word “Kenyan”;

(b) in paragraph (e) by deleting the word “Kenya” appearing immediately after the words “ensure that” and substituting therefor the word “Kenyan”;

(c) in paragraph (g) by deleting the word “Kenya” appearing immediately after the words “curriculum courses on” and substituting therefor the word “Kenyan”;

(d) in paragraph (i) by deleting the word “Kenya” appearing immediately after the words “the provision of” and substituting therefor the word “Kenyan”; and

(e) by inserting the following new paragraph immediately after paragraph (i)—

- (j) ensure that there are in place adequate reading materials in the English and Kiswahili languages for the educational support of, and that are accessible by members of the deaf community.

*(Chairperson, Standing Committee on Education)*

Clause 7 - vote deferred

Clause 8

Motion made and Question proposed;

THAT, Clause 8 be part of the Bill.

*(Chairperson, Standing Committee on Education)*

Clause 8 - vote deferred

Clause 9 - amendment proposed

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

Standards,  
accreditation  
and procedures

No. 17 of 2019

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

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

(a) regulate the provision of Kenyan sign language interpretation;

(b) establish additional procedures and criteria for registration of Kenyan sign language interpreters;

(c) establish and maintain a register of Kenyan sign language interpreters; and



- (d) determine the education, training and qualifications required for a person to be registered as a Kenyan sign language interpreter.

*(Chairperson, Standing Committee on Education)*

Clause 9 - vote deferred

Clause 10 - amendment proposed

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

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

*(Chairperson, Standing Committee on Education)*

Clause 10 - vote deferred

Clauses 11 to 15

Motion made and Question proposed;

THAT, Clauses 11 to 15 be part of the Bill.

*(Chairperson, Standing Committee on Education)*

Clauses 11 to 15 - vote deferred

Clause 16 - amendment proposed

THAT, clause 16 be amended in subclause (1)-

- (a) in paragraph (a) by deleting the word “Kenya” appearing immediately after the words “use of basic” and substituting therefor the word “Kenyan”;

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

*(Chairperson, Standing Committee on Education)*

Clause 16 - vote deferred

Clause 17 - amendment proposed

THAT, clause 17 of the Bill be amended—

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

*(Chairperson, Standing Committee on Education)*

Clause 17 - vote deferred

Clauses 18 and 19

Motion made and Question proposed;

THAT, Clauses 18 and 19 be part of the Bill.

*(Chairperson, Standing Committee on Education)*

Clauses 18 and 19 - vote deferred

New Clause 8A - insertion of New Clause proposed

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

Development  
of action plan.

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

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

*(Chairperson, Standing Committee on Education)*

Motion made and Question proposed;

THAT, new clause 8A be now read a Second Time.

*(Chairperson, Standing Committee on Education)*

New Clause 8A - vote deferred

Clause 2 - amendment proposed

THAT, clause 2 of the Bill be amended —

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

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

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

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

*(Chairperson, Standing Committee on Education)*

Clause 2 - vote deferred

The Title and Clause 1

Motion made and Question proposed;

THAT, the Title and Clause 1 be part of the Bill.

*(Chairperson, Standing Committee on Education)*

The Title and Clause 1 - vote deferred

**Progress report**

Motion made and Question proposed: -

THAT, the Committee of the Whole House do report to the House its consideration of the Kenya Sign Language Bill (Senate Bills No. 5 of 2021) and seek leave to sit again tomorrow;

*(Sen. (Dr.) Getrude Musuruve, MP)*

Before the Question was put and pursuant to Standing Order 79(1), the Deputy Speaker ruled that the Question did not affect counties;

Question put and agreed to.

7. **HOUSE RESUMED** – Deputy Speaker - in the Chair

8. **THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 5 OF 2021)**

Progress reported;

Motion made and Question proposed;

THAT, the Senate do agree with the Committee of the Whole in the said report.

*(Sen. (Dr.) Getrude Musuruve, MP)*

And there being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 79, the Deputy Speaker ruled that the Question did not affect counties;

Question put and agreed to.

9. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE 2022 BUDGET POLICY STATEMENT AND THE MEDIUM TERM DEBT MANAGEMENT STRATEGY**

Order read;

Motion made and Question proposed;

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

*(The Chairperson, Standing Committee on Finance and Budget – 21.12.2021 – Afternoon Sitting)*

Debate interrupted on Tuesday, 21<sup>st</sup> December, 2021 resumed on a Division;

The House proceeded to a Division;

The Deputy Speaker directed that roll call be taken pursuant to Standing Order 83 (1), and in line with the further Guidelines by the Speaker for Senate plenary and Committee sittings during the Covid-19 pandemic situation dated 17<sup>th</sup> April, 2020, and that the Divison bell be rung for ten minutes;

After the expiry of ten minutes, the Deputy Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were annouced as follows;

1. Sen. Farhiya Ali – AYES
2. Sen. Moses Kajwang– NOES

Upon expiry of the ten minutes, the Deputy Speaker put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES: 30

NOES: 0

ABSENTIONS: 0

**AYES**

1. Sen. Adan Dullo Fatuma– voted virtually
2. Sen. Boy Issa Juma– voted virtually
3. Sen. Cherarkey Samson Kiprotich
4. Sen. Cheruiyot Aaron Kipkirui– voted virtually
5. Sen. Haji Abdul Mohammed– voted virtually
6. Sen. Hargura Godana
7. Sen. Kajwang’ Moses Otieno
8. Sen. Kamar Margaret Jepkoech
9. Sen. Kibiru Charles Reubenson
10. Sen. Kihika Susan Wakarura– voted virtually
11. Sen. Kirinyaga Ephraim Mwangi Maina– voted virtually
12. Sen. Langat Christopher Andrew – voted virtually
13. Sen. Madzayo Stewart Mwachiru
14. Sen. Mbito Michael Maling’a– voted virtually
15. Sen. Moi Gideon Kipsielei Towett- voted virtually
16. Sen. Seneta Mary Yiane – voted virtually on behalf of Kajiado County Delegation
17. Sen. Murkomen Onesimus Kipchumba– voted virtually
18. Sen. Muthama Agnes Kavindu- voted virtually
19. Sen. Mutula Kilonzo Junior- voted virtually
20. Sen. Mwangi Paul Githiomi
21. Sen. Mwaruma Johnes Mwashushe – voted virtually
22. Sen. Mwinyihaji Mohamed Faki- voted virtually
23. Sen. Nderitu John Kinyua– voted virtually
24. Sen. Olekina Ledama
25. Sen. Ongeru Samson Kegengo– voted virtually
26. Sen. Orengo James – voted virtually
27. Sen. Poghisio Samuel Losuron
28. Sen. Sakaja Johnson Arthur– voted virtually
29. Sen. Wako Sitswila Amos– voted virtually
30. Sen. Wetang’ula Moses Masika

Question, **agreed to.**

**RESOLVED ACCORDINGLY**

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

10. **COMMITTEE OF THE WHOLE**  
**THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 9 OF 2021)**  
(Sen. Kipchumba Murkomen, MP)
- Order deferred.
11. **COMMITTEE OF THE WHOLE**  
**THE KENYA CITIZENSHIP AND IMMIGRATION (AMENDMENT) BILL**  
**(SENATE BILLS NO. 33 OF 2021)**  
(Sen. (Dr.) Irungu Kang'ata, MP)
- Order deferred.
12. **COMMITTEE OF THE WHOLE**  
**THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS**  
**NO. 17 OF 2021)**  
(Sen. Ledama Olekina, MP)
- (Resumption of debate interrupted on Wednesday, 22<sup>nd</sup> December, 2021  
– Morning Sitting)  
(Division)*
- Order deferred.
13. **COMMITTEE OF THE WHOLE**  
**THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 22 OF 2021)**  
(Sen. (Dr.) Alice Milgo, MP)
- (Resumption of debate interrupted on Wednesday, 22<sup>nd</sup> December, 2021  
– Morning Sitting)  
(Division)*
- Order deferred.
14. **COMMITTEE OF THE WHOLE**  
**THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO.**  
**38 OF 2021)**  
(Sen. Moses Kajwang', MP)
- (Resumption of debate interrupted on Wednesday, 22<sup>nd</sup> December, 2021  
– Morning Sitting)  
(Division)*
- Order deferred.
15. **COMMITTEE OF THE WHOLE**  
**THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE**  
**BILLS NO. 37 OF 2021)**  
(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

*(Resumption of debate interrupted on Wednesday, 22<sup>nd</sup> December, 2021  
– Morning Sitting)  
(Division)*

Order deferred.

And there being no other business on the Order Paper, the Speaker adjourned the Senate at five O'clock without Question put, pursuant to the Standing Orders.

16. **SENATE ROSE** – at Five O'clock.

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Tuesday, February 08, 2022 at 2.30 p.m.*