



(No. 57)

(1836)

REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SIXTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

**SUPPLEMENTARY**

THURSDAY, JUNE 09, 2022 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\*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE SUPPLEMENTARY APPROPRIATION (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 33 OF 2022)**

(The Chairperson, Budget and Appropriations Committee)

**THAT**, this House do agree with the Report of the Committee of the whole House on its consideration of the Supplementary Appropriation (No.2) Bill (National Assembly Bill No. 33 of 2022).

*(Question to be put and Third Reading)*

**9\*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILL NO. 1 OF 2022)**

(The Chairperson, Budget and Appropriations Committee)

**THAT**, this House do agree with the Report of the Committee of the whole House on its consideration of the County Allocation of Revenue Bill (Senate Bill No. 1 of 2022).

*(Question to be put and Third Reading)*

**10\*. MOTION - CONSIDERATION OF REPORT ON ANNULMENT OF THE SCRAP METAL DEALERS RULES, 2022**

(The Chairperson, Committee on Delegated Legislation)

**THAT**, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Scrap Metal Dealers Rules, 2022, *laid on the Table of the House on Wednesday, June 8, 2022*, and pursuant to the provisions of section 18 of the Statutory Instruments Act, 2013, **annuls** the Scrap Metal Dealers Rules, 2022, published as *Legal Notice No. 84 of 2022*.

*(Question to be put)*

**11\*. MOTION - REPORT ON THE LAKE TURKANA WIND POWER PROJECT**

(The Chairperson, Public Investments Committee)

**THAT**, this House **adopts** the Report of the Public Investments Committee on its consideration of the Special Audit Report on the Lake Turkana Wind Power Project, *laid on the Table of the House on Thursday, June 2, 2022*.

*(Question to be put)*

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

(i) The Universities (Amendment) Bill (National Assembly Bill No. 35 of 2021)

(The Leader of the Majority Party)

*(Subject to the provisions of S.O. 47(3)(a) and (b))*

(ii) The Huduma Bill (National Assembly Bill No. 57 of 2021)

(The Leader of the Majority Party)

**13\*. THE MUNG BEANS BILL (SENATE BILL NO. 9 OF 2020)**

(The Chairperson, Departmental Committee on Agriculture and Livestock)

Second Reading

**14\*. THE COUNTY BOUNDARIES BILL (SENATE BILL NO. 20 OF 2021)**

(The Chairperson, Departmental Committee Justice and Legal Affairs)

Second Reading

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**\*Denotes Orders of the Day\***

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# **N O T I C E S**

## **I. THE UNIVERSITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2021)**

- 1) Notice is given that the Chairperson of the Departmental Committee on Education and Research intends to move the following amendments to the Universities (Amendment) Bill, 2021 at the Committee Stage—

### CLAUSE 2

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

- (a) renumbering the existing clause as sub-clause (1); and
- (b) inserting the following new sub-clause immediately after the renumbered sub-clause (1) —
  - (2) Section 2 of the principal Act is amended in the definition of the term “statutes” by inserting the words “under section 23” immediately after the words “university council”;

### NEW CLAUSE

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 3—

Amendment  
of section 6  
of No.42 of  
2012.

**3A.** Section 6 of the principal Act is amended—

- (a) by deleting paragraph (f) and substituting therefor the following new paragraph—
  - (f) one person nominated by public universities in a forum of Vice- Chancellors of public universities;
- (b) by deleting paragraph (g) and substituting therefor the following new paragraph—
  - (g) one person nominated by private universities in a forum of Vice- Chancellors of private universities;

### NEW CLAUSE

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 4—

Amendment  
of section 11  
of No.42 of  
2012.

**4A.** Section 11 of the principal Act is amended in subsection (1) by deleting the words “the management of a university” appearing in paragraph (b) and substituting therefor the words “a senior management position”;

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 6—

Amendment of  
section 23 of  
No.42 of 2012.

**6A.** Section 23 of the principal Act is amended by inserting the following new subsections immediately after subsection (2) —

(3) The Cabinet Secretary shall, not later than six months after the submission of a statute or regulation under this section by a university, cause it to be published in the *Gazette*.

(4) The statutes or regulations made under this section shall be considered by the National Assembly in accordance with the Statutory Instruments Act, 2013.

**CLAUSE 7**

**THAT**, the Bill be amended by deleting clause 7 and substituting therefor the following new clause—

7. Section 24 of the principal Act is amended in subsection (1) by deleting the word “Parliament” and substituting therefor the words “the National Assembly”;

**CLAUSE 9**

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

9. The principal Act is amended by repealing section 26 and replacing it with the following new section —

Universities  
in counties.

26. The Commission may establish public universities in each of the counties taking into consideration their viability and equitability in the distribution of public universities across the country.

**CLAUSE 11**

**THAT** clause 11 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph—

(b) by deleting paragraph (v) and substituting therefore the following new paragraph—

(v) in the case of a public university, appoint Principals and Deputy Principals of Constituent Colleges after a competitive process conducted in the manner provided in the Second Schedule

**CLAUSE 12**

**THAT**, the Bill be amended by deleting clause 12 and substituting therefor the following new clause —

**12.** Section 36 of the principal Act is amended—

(a) in subsection (1) by inserting the words “out of which three shall be nominated by the Alumni Association of a university” immediately after the words “Cabinet Secretary” appearing in paragraph (d);

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

**(1A)** The persons nominated under subsection (1)(d) shall each represent—

- (a) the Alumni Association of a university;
- (b) parents of the students in a university, the public and the special interest groups; and
- (c) the staff of a university.

(c) by renumbering the existing subsection (1A) as subsection (1B);

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

(2) A person shall be qualified for appointment as a Chairperson or member of the Council if—

(a) in the case of a chairperson, the person holds at least a Masters’ degree from a university recognized in Kenya and has at least fifteen years’ experience in a senior management position or research; or

(b) in the case of a member, the person holds at least a Masters’ degree from a university recognized in Kenya and has at least ten years’ experience in a senior management position or a bachelor’s degree from a university recognized in Kenya and has at least fifteen years’ experience in a senior management position.

(e) by deleting subsection (5) and substituting therefor the following new subsection—

(5) The appointment of the members of the Council under subsection (1) shall be done at different times so as to ensure that their terms of office expire at different times.

**CLAUSE 13****THAT**, clause 13 of the Bill be amended in the proposed new section 36A by—

(a) deleting subsection (1) and substituting therefor the following new subsection—

(1) As the designated appointing authority, the Cabinet Secretary shall have power to revoke any appointment to any Council of a public university.

(b) deleting subsection (2).

**CLAUSE 14****THAT**, clause 14 of the Bill be amended—

(a) in paragraph (b) by inserting the words “as appraised by the Council” immediately after the words “satisfactory performance” appearing in the proposed new subsection (3);

(b) in paragraph (c) by deleting the words “appointment of” appearing in the proposed new subsection (5);

**NEW CLAUSE****THAT**, the Bill be amended by inserting the following new clause immediately after clause 14—

Amendment of  
section 41 of No.42 of  
2012.

**14A.** Section 41 of the principal Act is amended by—

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

(1BA) A person shall be eligible to stand for election as a member of the student council if the person is in good academic standing;

(b) deleting subsection (1C);

(c) deleting subsection (1D);

(d) deleting subsection (1E); and

(e) by inserting the words “ and prescribed code of conduct” immediately after the word “rules” appearing in subsection (1I).

**CLAUSE 18****THAT** clause 18 of the Bill be amended in the proposed new section 54—

(a) in subsection 5—

- (i) by deleting the word “Director” appearing in paragraph (d) and substituting therefor the words “ Chief Executive Officer”;
- (ii) by deleting the word “competitively” appearing in paragraph (e);
- (iii) by deleting paragraph (g) and substituting therefor the following new paragraph—

- (g) one person nominated by public universities in a forum of Vice-Chancellors of public universities;
- (iv) by deleting paragraph (h) and substituting therefor the following new paragraph—
  - (h) one person nominated by private universities in a forum of Vice-Chancellors of private universities;
- (b) in subsection (9) by—
  - (i) inserting the words “and disburse” immediately after the word “apportion” appearing in paragraph (c);
  - (ii) inserting the following new paragraph immediately after paragraph (c)—
    - (ca) apportion and disburse funds allocated by the national government to private universities for tuition fees for government sponsored students in Kenyan universities;
  - (iii) inserting the words “to ensure equity in the funding of all government sponsored students in public and private universities” immediately after the words “subject area” appearing in paragraph (d);

**CLAUSE 19**

**THAT**, clause 19 of the Bill be amended in the proposed new section 54A by inserting the following new subsection immediately after subsection (3)—

- (4) The Chief Executive Officer of the Fund shall hold office for a term of five years and shall be eligible for reappointment for one further term of five years.

**CLAUSE 21**

**THAT** clause 21 of the Bill be amended in the proposed new subsection (3) by—

- (a) inserting the following new paragraph immediately after paragraph (e)—
  - (ea) the Chief Executive Officer of the Universities Fund Board;
- (b) deleting paragraph (f) and substituting therefor the following new paragraphs—
  - (f) three other persons appointed by the Cabinet Secretary, being—
    - (i) one Vice-Chancellor representing public universities nominated by a forum of Vice-Chancellors of public universities;
    - (ii) one Vice-Chancellor representing private universities nominated by a forum of Vice-Chancellors of private universities;
    - (iii) one representative of the Kenya Association of Technical Training Institutions; and
  - (g) the Director, who shall be an *ex-officio* member

**NEW CLAUSE**

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

Amendment of  
section 58 of  
No.42 of  
2012.

**22A.** Section 58 of the principal Act is amended—

- (a) in the marginal note by deleting the word “Secretary” and substituting therefor the words “Chief Executive Officer”;
- (b) by deleting the word “Director” and substituting therefor the words “Chief Executive Officer.”

**NEW SCHEDULE**

**THAT**, the Bill be amended by inserting the following new schedule immediately after the First Schedule—

**SECOND SCHEDULE**      [section 35(1)(v)]

**PROCEDURE FOR THE RECRUITMENT AND  
APPOINTMENT OF PRINCIPALS AND DEPUTY PRINCIPALS**

(1) Where a vacancy occurs in the office of the Principal or Deputy Principal of a constituent college, the Council of that university shall constitute a selection panel consisting of –

- (a) a chairperson being the chairperson of the University Council;
- (b) a representative of the Principal Secretary for the time being responsible for university education;
- (c) a representative of the Principal Secretary for the time being responsible for finance;
- (d) two representatives, being one man and one woman, nominated by the University Senate;
- (e) a distinguished professor of the university; and
- (f) the Vice-Chancellor of the university.

(2) The selection panel may regulate its own procedure.

(3) The selection panel shall—

- (a) advertise for the vacancies and publicize the applicants and shortlisted candidates;
- (b) conduct interviews of the short listed candidates;
- (c) identify three qualified applicants for the position of Principal or Deputy Principal; and

forward the names of the qualified applicants under paragraph (c) to the Council.



(4) The Council shall, within fourteen days of receipt of the names forwarded under paragraph (3)(d), in consultation with the Cabinet Secretary appoint the Principal or Deputy Principal from among the three qualified applicants.

(5) The selection panel shall stand dissolved upon the appointment of the Principal or Deputy Principal under paragraph (5).

## **SECOND SCHEDULE**

**THAT**, the Bill be amended by renaming the Second Schedule as the Third Schedule.

## **FOURTH SCHEDULE**

**THAT**, the Fourth Schedule to the Bill be amended—

- (a) by deleting the words “**PRINCIPALS AND DEPUTY PRINCIPALS**” appearing in the heading;
- (b) in paragraph 1 by deleting the words “ or Principal and Deputy Principal of a Constituent College, the Cabinet Secretary” appearing after the words “public university” and substituting therefore the words “the Council”;
- (c) in paragraph 2(1) by—
  - (i) deleting the phrase “subsection (2)” and substituting therefor the phrase “paragraph (1)” ;
  - (ii) deleting sub-paragraph (a) and substituting therefor the following new subparagraph—
    - (a) a chairperson being a scholar with the rank of a full professor;
  - (iii) deleting sub-paragraph (b).
- (d) in paragraph 4 by—
  - (i) deleting the word “three” appearing in sub-paragraph (c) and substituting therefore the word “five”;
  - (ii) by deleting the words “Cabinet Secretary” appearing in sub-paragraph (d) and substituting therefor the word “Council”;
- (e) by inserting the following new paragraph immediately after paragraph 4—

**4A.** The Council shall, within seven days of receipt of the names forwarded under paragraph (4)(c) identify three qualified applicants for each vacant position and forward the names to the Cabinet Secretary.
- (f) in paragraph 5 by deleting the words “ within fourteen days” and substituting therefor the words “ within twenty one days”;

2) Notice is given that the Nominated Member (Hon. Godfrey Osotsi) intends to move the following amendments to the Universities (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 5  
of No.42 of  
2012.

**2A.** Section 5 of the principal Act is amended in subsection (1) by deleting paragraph (g);

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 3—

Amendment of  
section 6 of  
No.42 of 2012.

**3A.** Section 6 of the principal Act is amended inserting the following new paragraph immediately after paragraph (g)—

(ga) the Director-General of the Kenya National Qualifications Authority;

**CLAUSE 18**

**THAT**, clause 18 of the Bill be amended in the proposed new section 54(5) by inserting the following new paragraph immediately after paragraph (i)—

(j) the Director-General of the Kenya National Qualifications Authority;

**CLAUSE 21**

**THAT**, clause 21 of the Bill be amended in the proposed new subsection (3) by inserting the following new paragraph immediately after paragraph (e)—

(ea) the Director-General of the Kenya National Qualifications Authority;

3) Notice is given that the Member for Seme (Hon. James Nyikal) intends to move the following amendments to the Universities (Amendment) Bill, 2021 at the Committee Stage—

**CLAUSE 16**

**THAT**, clause 16 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b)—

(c) by inserting the following new subsection immediately after subsection (4) —

(5) The annual accounts of the Board shall be prepared, audited and reported upon in accordance with the provisions of the Public Audit Act, 2015.

**CLAUSE 17**

**THAT**, clause 17 of the Bill amended by inserting the following new proposed section immediately after the proposed new section 53A—

Research  
grants for  
Public  
Universities.

**53B.** (1) There shall be paid out of the Fund established under section 53(3)(a) such grants for research on various thematic areas and establishment of innovation hubs by public universities.

(2) The Cabinet Secretary shall prescribe the criteria for allocation of research grants to public universities.

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 15—

Amendment  
of section 51  
of No. 42 of  
2012.

**15A.** Section 51 of the principal Act is amended by inserting the following new subsection immediately after subsection (2)—

(3) Each private university shall account for any funds received under section 53 for government sponsored students in accordance with the provisions of the Public Audit Act, 2015.

**CLAUSE 18**

**THAT**, clause 18 of the Bill be amended in the proposed new section 54(5)—

- (a) by deleting paragraph (e);
- (b) by deleting paragraph (f);
- (c) by deleting the words “one person” appearing in paragraph (g) and substituting therefor the words “two persons”; and
- (d) by deleting paragraph (h).

**CLAUSE 21**

**THAT**, clause 21 of the Bill be amended in the proposed new subsection (3)(f)—

- (a) by deleting the word “six” appearing in the opening statement of paragraph (f) and substituting therefor the word “four”;
- (b) by deleting the words “one Vice-Chancellor” appearing in subparagraph (i) and substituting therefor the words “two Vice-Chancellors”;
- (c) by deleting subparagraph (ii);
- (d) by deleting subparagraph (iv) and substituting therefor the following new subparagraph—
  - (iv) the Chief Executive Officer of the Kenya National Qualifications Authority;

**NEW CLAUSE**

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

Insertion  
of a new  
section  
56A into  
No. 42 of  
2012.

**22A.** The principal Act is amended by inserting the following new section immediately after section 56—

Prohibition  
of placement  
of  
government  
sponsored  
students in  
private  
universities.

**56A.** (1) The Placement Board shall not place students in private universities and private colleges except—

- (a) where there are no vacancies available for government sponsored students in the public universities and public colleges; and
- (b) where a student has elected a course which is available only in private universities and private colleges and the student has been given an option to change his or her course of choice to a course provided in the public universities and public colleges.

(2) The provisions of this section shall not apply to a government sponsored student who was admitted to a private university prior to the commencement of this section.

(3) A person who places a government sponsored student in a private university without complying with the requirements under subsection (1), commits an offence and shall be liable on conviction to a fine not exceeding two million shillings or imprisonment for a term not exceeding two years or to both.

Amendme  
nt of  
section 57  
of No. 42  
of 2012.

**22B.** Section 57 of the principal Act is amended by inserting the words “and as approved by the Commission” immediately after the words “admission criteria”.

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

**CLAUSE 2**

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

Amendment  
of section 2  
of No.42 of  
2012.

**2.** Section 2 of the Universities Act, 2012 (in this Act referred to as “the principal Act”) is amended by—

- (c) in the definition of the term “differentiated unit cost” by inserting the words “approved by the Commission” immediately after the words “degree programme”;
- (d) in the definition of the term “statutes” by inserting the words “under section 23” immediately after the words “university council”;
- (e) deleting the definition of the term “Trustees”;
- (f) by inserting the following new definition in its proper alphabetical sequence—

“faith-based university” means a university founded or established under a religious faith;

### NEW CLAUSE

**THAT** the Bill be amended by inserting the following new clause immediately after clause 3—

Amendment of  
section 6 of No.42  
of 2012.

**3A.** Section 6(1) of the principal Act is amended—

- (a) in paragraph (f) by deleting the words “one person” and substituting therefor the words “two persons”;
- (b) by deleting paragraph (g).

### CLAUSE 9

**THAT**, clause 9 of the Bill be amended in the proposed new section 26—

- (a) by renumbering the existing section as subsection (1);
- (b) by inserting the following new subsections immediately after the renumbered new subsection (1) —
  - (2) A county government may in consultation with the National Land Commission allocate public land for establishment of a university in the county.
  - (3) Two or more counties may, by mutual agreement enter into inter-county agreements for purposes of allocating public land for establishment of a university within an area covering the jurisdiction of two or more counties.
  - (4) Subject to subsection (5), a county government may facilitate the use of county health facilities or any other county facility by a university for purposes of training and advancing university education.
  - (5) The Commission shall certify and approve the suitability of facilities provided by a county government for training university students.

**CLAUSE 16**

**THAT**, clause 16 of the Bill be amended inserting the following new paragraph immediately after paragraph (b)—

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

—

(5) Any money expended by the Board under this section to a government sponsored student undertaking a course or programme in a private university shall be equal to the money expended by the Board to a government sponsored student in a public university.

(6) A private university that receives public funds under this Act shall keep proper books and records of account of the monies received from the Fund for government sponsored students.

(7) The Auditor-General shall in accordance with the Public Audit Act, 2015, audit the accounts of each private university that has received monies from the Fund for government sponsored students prior to the commencement of this section.

(8) The annual accounts of a private university that receives monies from the Fund under this section shall be prepared, audited and reported upon in accordance with the provisions of Articles 226 and 229 of the Constitution and the Public Audit Act, 2015.

(9) A person who directs or uses any monies from the Fund contrary to this section shall be liable for any loss arising from that use and shall make good the loss.

**CLAUSE 21**

**THAT**, clause 21 of the Bill be amended in the proposed new subsection (3)(f)—

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

(i) three Vice-Chancellors representing public universities;

(b) by deleting subparagraph (ii).

**CLAUSE 22**

**THAT**, the Bill be amended by deleting clause 22 and substitute therefor the following new clause—

Amendment of  
section 56 of  
No. 42 of 2012.

22. Section 56 of the principal Act is amended—

(a) in subsection (1) —

- (i) by deleting the words “universities and colleges” appearing in paragraph (a) and substitute therefor the words “public universities and public colleges”;
- (ii) by inserting the following new paragraph immediately after paragraph (a) —

(aa) co-ordinate the placement of the government sponsored students to private universities and private colleges only in cases—

- (i) where a student has elected to be placed in a private university or private college;
- (ii) where there is no vacancy available for government sponsored students in the public universities and public colleges; or
- (iii) where the course or programme a government sponsored student is proposing to pursue is not provided in any public universities and public colleges.

(b) by inserting the following new subsections immediately after subsection (3) —

(4) The Board shall not place students in private universities and private colleges except where the requirements under subsection (1)(aa) have been met.

(5) Subject to subsection (4), the Board shall place students using the following order of precedence —

- (a) public universities;
- (b) faith-based universities; and
- (c) private universities.

(6) Each participating university shall submit a list of the government and self –sponsored students enrolled in the University to the Board within thirty days from the date of closure of the date of enrollment of students to the University.

(7) The Board shall submit information received under subsection (6) to the Universities Fund Board within fourteen days of receipt thereof.

(8) The Board shall, in every student intake, publish a list of the government sponsored students placed in the public and private universities in at least two newspapers with nationwide circulation and in its website and submit the information to the National Assembly.

(9) The criteria of placement of students by the Board under this section shall not apply to the students for the academic year of 2022.

(10) A member or staff of the Board who places a government sponsored student in a private university without complying with the requirements of this section commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or imprisonment for a term not exceeding one year or to both.

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

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 6—

Amendment of  
section 23 of  
No.42 of 2012.

**6A.** Section 23 of the principal Act is amended by inserting the following new subsections immediately after subsection (2) —

No. 23 of 2013.

(3) The Cabinet Secretary shall, not later than three months after the submission of a statute or regulation under this section by a university, cause it to be published in the *Gazette*.

(4) The statutes or regulations made under this section shall be considered by the National Assembly in accordance with the Statutory Instruments Act, 2013.

**CLAUSE 7**

**THAT** the Bill be amended by deleting clause 7 and substituting therefor the following new clause—

Amendment  
of section  
24 of No.42  
of 2012.

**7.** Section 24 of the principal Act is amended—

- (a) in subsection (1) by deleting the word “Parliament” and substituting therefor the words “the National Assembly”;
- (b) by inserting the following new subsections immediately after subsection (2)—



(2A) The provisions of Part V of this Act shall apply with the necessary modifications to the institutions established under this section.

(2B) A Charter granted to an institution under this section shall outline the conditions under which the institution shall operate and set out a clearly defined mandate with regard to specified academic programmes.

- 6) Notice is given that the Member for Kimilili (Hon. Didmus Barasa) intends to move the following amendments to the Universities (Amendment) Bill, 2021 at the Committee Stage—

CLAUSE 21

**THAT**, clause 21 of the Bill be amended in the proposed new sub-section (3)(f) —

- (a) by deleting the word “one” appearing in sub-paragraph (i) and substituting therefor the word “two”; and
- (b) by deleting sub-paragraph (ii).

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

CLAUSE 19

**THAT**, clause 19 of the Bill be amended in the proposed new section 54A by inserting the following new subsection immediately after subsection (3) —

- (4) The Chief Executive Officer of the Fund shall hold office for a term of five years, renewable once.

- 8) Notice is given that the Nominated Member (Hon. David Ole Sankok) intends to move the following amendment to the Universities (Amendment) Bill, 2021 at the Committee Stage—

CLAUSE 2

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

Amendment  
of section 2  
of No.42 of  
2012.

2. Section 2 of the Universities Act, 2012 (in this Act referred to as “the principal Act”) is amended by—

- (a) in the definition of the term “differentiated unit cost” by inserting the words “approved by the Commission” immediately after the words “degree programme”;
- (b) in the definition of the term “statutes” by inserting the words “under section 23” immediately after the words “university council”;
- (c) deleting the definition of the term “Trustees”.

**9) Notice is given that the Member for Endebess (Hon. Robert Pukose) intends to move the following amendments to the Universities (Amendment) Bill, 2021 at the Committee Stage—**

**CLAUSE 9**

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

Repeal and  
replacement of  
section 26 of  
No.42 of 2012.

9. The principal Act is amended by repealing section 26 and substituting therefor the following new section—

Universities in  
Counties.

26. The Commission shall ensure accessibility of public universities by all counties, giving priority to—

- (a) viability and equitability in the distribution of public universities across the country;
- (b) underserved and marginalized areas; or
- (c) such other factors as the Commission may determine.

**CLAUSE 11**

**THAT**, Clause 11 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph —

(b) in subsection (1)(v), by deleting the words “in consultation with the Cabinet Secretary, after a competitive process conducted by the Public Service Commission” and substitute therefor the words “after a competitive process conducted by the Council”.

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

**NEW CLAUSE**

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

Insertion  
of a new  
section  
into No.  
42 of  
2012.

**20A.** The principal Act is amended by inserting the following new section immediately after section 54C—

Fund for research and innovation by Public Universities. **54D.** (1) The Cabinet Secretary for National Treasury shall, within six months of commencement of this section, establish a Fund for allocation of grants to public universities—

- (a) to undertake research on various thematic areas;
- (b) to establish innovation hubs;
- (c) to recommend public policy solutions to social economic issues affecting the country;
- (d) to assist in the development of public policy for implementation by the national government;
- (e) to assist in the formulation of effective public policy implementation strategies; and
- (f) perform any other function related to research and innovation as the Cabinet Secretary may determine.

(2) The Cabinet Secretary shall prescribe regulations for the implementation of this section.

**11) Notice is given that the Member for Tharaka (Hon. George Murugara) intends to move the following amendments to the Universities (Amendment) Bill, 2021 at the Committee Stage—**

### **CLAUSE 12**

**THAT**, clause 12 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraphs —

(a) by deleting subsection (1) and substituting therefor the following new subsections —

(1) The council of a public university or constituent college of such a university shall consist of—

- (i) a chairperson appointed by the President;
- (ii) three other persons appointed by the President;
- (iii) the Principal Secretary in the Ministry for the time being responsible for the university education;
- (iv) the Principal Secretary in the Ministry for the time being responsible for Finance;

- (v) two persons nominated by the Alumni Association of a university to represent the Alumni Association;
- (vi) two persons not being public officers nominated by the Alumni Association of a university to represent the parents of the students in a university, the public and the special interests' groups;
- (vii) two persons nominated by the Alumni Association of a university to represent the staff of a university; and
- (viii) the Vice-Chancellor or, in the case of a constituent college, the Principal of such college who shall be an ex officio member of the Council.

(1A) Subject to subsection (2), the persons appointed under subsection (1)(a) and (b) shall be appointed by the President, through a competitive process.

(1B) Despite subsection (1), the Vice-Chancellor of a public university shall be an ex-officio member of the councils of the constituent colleges of that university.

(b) by deleting subsection (1A);

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

(2) A person shall be qualified for appointment as a Chairperson or Member of the Council if —

(a) in the case of chairperson, the person holds—

(i) a doctorate degree from a university recognized in Kenya;  
and

(ii) has at least fourteen years' experience in a senior management position; or

(b) in the case of a member, the person holds—

(i) a masters' degree from a university recognized in Kenya; and  
(ii) has at least ten years' experience in a senior management position; or

- (iii) a bachelor's degree from a university recognized in Kenya; and
- (iv) has at least fifteen years' experience in a senior management position.

(d) in subsection (3), by deleting the words “appointing authority” and substituting therefor the words “appointing and nominating authorities”.

### CLAUSE 13

**THAT**, the Bill be amended by deleting clause 13.

**12) Notice is given that the Member for Tinderet (Hon. Julius Melly) intends to move the following amendments to the Universities (Amendment) Bill, 2021 the Committee Stage—**

### NEW CLAUSE

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

Amendment of  
section 41 of No. 42 of  
2012.

**14A.** Section 41 of the principal Act be amended in subsection (1A)—

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

“(b) First Vice Chairperson and Second Vice Chairperson who shall be of opposite gender;

(b) in paragraph (e) by deleting the word “three” and substituting therefor the word “two”.

### CLAUSE 18

**THAT**, Clause 18 of the Bill be amended in the proposed new section 54 in subsection 5—

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

“(g) one person nominated by public universities in a forum of chairpersons of the councils of public universities convened by the Cabinet Secretary for that purpose;”

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

“(h) one person nominated private universities in a forum of chairpersons of the councils of private universities convened by the Cabinet Secretary for that purpose;”

## **II. THE HUDUMA BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2021)**

- 1) Notice is given that the Chairperson of the Departmental Committee on Administration and National Security intends to move the following amendments to the Huduma Bill, 2021 at the Committee Stage—

### **CLAUSE 2**

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

- (i) by inserting the following new definitions in their proper alphabetical sequence—  
“Appeals Committee” means the NIIMS Appeals Committee established under section 60N of this Act;  
“Board” means the Board established under section 60D (1);  
“Commissioner” means the Commissioner for NIIMS Services appointed under section 60I;  
“chairperson” means the chairperson of the Board of the Service appointed under section 60D (2);  
“Service” means the National Integrated Identity Management System Service established under section 60;
- (ii) by deleting the definition of the term “biometric data” and substituting therefor the following new definition—  
“biometric data” has the meaning assigned to it under section 2 of the Data Protection Act, 2019;”
- (iii) by deleting the definition of the term “birth” and substituting therefor the following new definition—  
“birth” means the complete expulsion or extraction from a mother of a product of conception whether dead or alive;”
- (iv) by deleting the definition of the term “Committee”;
- (v) in the definition of the term “foundational data” by deleting the words “and includes biometric data and biographical data.”;
- (vi) in the definition of the term “new-born” by deleting the words “twenty eighth” and substituting therefor the word “ninetieth”;
- (vii) by deleting the definition of the term “personal data” and substituting therefor the following new definition—  
“personal data” has the meaning assigned to it under section 2 of the Data Protection Act, 2019;”
- (viii) by deleting the definition of “Principal Secretary”.

**CLAUSE 8**

**THAT**, the Bill be amended by deleting clause 8 and substituting therefor the following new clause—

Proof of identity.

8. The presentation of the Huduma card issued under this Act shall be sufficient proof of identity to facilitate access to any public service which may require an official identification.

**CLAUSE 9**

**THAT**, Clause 9 of the Bill be amended by deleting the words “, at the first instance,”.

**CLAUSE 10**

**THAT**, Clause 10 of the bill be amended in sub clause (4) by deleting the words “Principal Secretary” and substituting therefor the word “Commissioner”;

**CLAUSE 11**

**THAT**, Clause 11 of the Bill be amended in paragraph (a), by deleting the word “immediately” and substituting therefor the words “within ninety days”;

**CLAUSE 12**

**THAT**, Clause 12 of the bill be amended—

(a) in sub clause (1), by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) notify the individual within twenty-one days of the status of the enrolment”

(b) by deleting the words “Principal Secretary” wherever it occurs and substituting therefor the word “Commissioner”;

**CLAUSE 13**

**THAT**, Clause 13 of the Bill be amended in sub clause (4), by inserting the word “reasonable” immediately after the words “payment of such”;

**CLAUSE 15**

**THAT**, Clause 15 of the Bill be amended by inserting a new sub clause immediately after sub clause (1)—

“(1a) The replacement of a Huduma card shall be done within twenty-one days after receipt of such application under subsection (1)”

**CLAUSE 17**

**THAT**, Clause 17 of the Bill be amended—

(a) by deleting the words “Principal Secretary” wherever it occurs and substituting therefor the word “Commissioner”;

(b) by deleting sub clause (4), and substituting therefor the following new sub clauses—

- “(4) A person aggrieved by a decision under this section may—
- (a) appeal to the Appeals Committee; or
  - (b) pursue alternative dispute resolution mechanisms.
- (5) A person dissatisfied with a decision of under subsection (4) (a) may appeal to the High Court within sixty days of receipt of such decision.”

**CLAUSE 21**

**THAT**, Clause 21 of the Bill be amended by inserting the word “filled” immediately after the words “the father shall be”

**CLAUSE 22**

**THAT**, Clause 22 of the Bill be amended by deleting the words “Principal Secretary” wherever it occurs and substituting therefor the word “Commissioner”;

**CLAUSE 23**

**THAT**, Clause 23 of the Bill be amended by inserting the following new sub clauses immediately after sub clause (3)—

“(4) Despite subsections (1), (2) and (3), the Commissioner may allow late registration under this section where an applicant provides sufficient reasons for not registering within the stipulated period.

(5) The Cabinet Secretary shall prescribe the circumstances under which a penalty may be waived.”

**CLAUSE 24**

**THAT**, Clause 24 of the Bill be amended—

(a) in sub clause (1), by deleting the words “Principal Secretary” and substituting therefor the word “Commissioner”;

(b) in sub clause (2), by inserting the following new paragraph immediately after paragraph (e)—

“(f) mid-wife or community health worker”

**CLAUSE 25**

**THAT**, Clause 25 of the Bill be amended—

(a) in sub clause (1), by deleting paragraph (d) and substituting therefor the following new paragraph—

“(d) the name and address of the person who has custody of the foundling or child.”

(b) by inserting the following new sub clause immediately after sub clause (2)—

“(3) For the avoidance of doubt, the penalty under section 23 shall not apply in the registration of a foundling.

**CLAUSE 27**

**THAT**, Clause 27 of the Bill be amended—

(a) in sub clause (1) by deleting the words “developmental milestones and other”;

(b) by inserting the following new sub clause immediately after sub clause (3)—

“(4) An update of particulars under sub section (1), shall be at no cost to the applicant.”



**CLAUSE 30**

**THAT**, Clause 30 of the Bill be amended by inserting the words “the discovery of” immediately after the words “within thirty days of”.

**CLAUSE 32**

**THAT**, Clause 32 of the Bill be amended by deleting the words “Principal Secretary” and substituting therefor the word “Commissioner”;

**CLAUSE 37**

**THAT**, Clause 37 of the Bill be amended by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) delete the functional data of the deceased person and any linkage thereof to any living data subjects.”

**CLAUSE 46**

**THAT**, the Bill be amended by deleting clause 46 and substituting therefor the following new clause—

Application of No.  
24 of 2019.

**46.** The processing of personal data shall be carried out in accordance with Data Protection Act, 2019.

**CLAUSE 47**

**THAT**, Clause 47 of the Bill be amended in sub clause (2) by deleting the words “Principal Secretary” and substituting therefor the word “Commissioner”;

**CLAUSE 48**

**THAT**, Clause 48 of the Bill be amended—

(a) by inserting the following sub clauses immediately after sub clause (4)—

“(4A) Any data under this Act may be shared with a private entity after the Service has requested permission of the data subject.

(4B) An entity which seeks any data under this Act shall—

(a) comply with the provisions of the Data Protection Act; and

(b) sign a data sharing agreement.”

(b) by deleting the words “Principal Secretary” wherever it occurs and substituting therefor the word “Commissioner”;

**CLAUSE 49**

**THAT**, Clause 49 of the Bill be amended—

(a) by inserting the following paragraph immediately after paragraph (b)—

“(c) operational and institutional risks”

(b) by deleting the words “Principal Secretary” and substituting therefor the word “Commissioner”;

**CLAUSE 53**

**THAT**, Clause 53 of the Bill be amended by deleting the words “Principal Secretary” wherever it occurs and substituting therefor the word “Commissioner”;

**CLAUSE 58**

**THAT**, Clause 58 of the Bill be amended in sub clause (1) by deleting the words “to a fine not exceeding one hundred thousand shillings or to imprisonment for a period not exceeding one year” and substituting therefor the following words “upon conviction to a fine not exceeding five million shillings or to imprisonment for a period not exceeding five years.

**CLAUSE 60**

**THAT**, the Bill be amended by deleting Clause 60 and substituting therefor the following clauses—

Establish  
ment of  
the  
Service.

**60.**(1) There is established a Service to be known as the National Integrated Identity Management System Service.

(2) The Service 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) acquiring, holding, charging and disposing movable and immovable property; and
- (c) doing or performing all such other things or acts for the proper discharge of its functions under this Act or any written law, as may lawfully be done or performed by a body corporate.

Functions  
of the  
Service.

**60A.**The functions of the Service shall be to—

- (a) formulate national policies on matters relating to civil registration and legal identification management in accordance with international standards;
- (b) facilitate effective co-ordination and implementation of the NIIMS;
- (c) establish a framework for ensuring the compatibility of technology infrastructure among different government agencies to comply with requirements of the NIIMS;
- (d) formulate a framework for coordinating agencies accessing the NIIMS database;
- (e) impose fees to classes of person in relation to subsequent issuance of huduma card after initial issue and penalties for late registration;
- (f) advise the Cabinet Secretary on the administrative measures that address any procedural or social barriers that may limit the enrolment of an individual;
- (g) make a recommendation for enrolment and cancellation into NIIMS;

- (h) ensure, in liaison with other government authorities, that adequate and appropriate facilities and services are provided to facilitate the enrolment of persons with disabilities, marginalised communities, persons incapacitated by illness, elderly citizens, and individuals in institutional households; and
- (i) perform any other function incidental to the above functions.

Departments.

- 60B.** (1) For purposes of discharging its functions, the Service shall organise itself into such departments which shall include civil registration, national registration bureau, immigration and integrated population registration.
- (2) The Department for Civil Registration shall be responsible for—
- (a) registration of births in the NIIMS database;
  - (b) registration deaths in the NIIMS database;
  - (c) issuing a birth certificate from the NIIMS database;
  - (d) assigning huduma cards to minors; and
  - (e) any other relevant function as maybe assigned by Service.
- (3) The Department of National Registration Bureau shall be responsible for—
- (a) assigning huduma namba and huduma cards to adult citizens;
  - (b) assigning huduma namba and huduma cards to foreign nationals;
  - (c) assigning huduma namba and huduma cards to refugees; and
  - (d) any other relevant function as maybe assigned by the Commissioner.
- (4) The Department of Immigration shall be responsible for—
- (a) regulating entry and exit of all persons at our airports, seaports and land border posts;
  - (b) issuing passports and other travel documents;
  - (c) regulating residency through issuance and renewal of work permits, residence permits and other passes;
  - (d) granting Kenyan citizenship to qualified foreigners;
  - (e) issuing entry visas, register all non-citizens resident in Kenya;
  - (f) declaring and removal of prohibited immigrants;
  - (g) providing consular services to Kenya nationals and foreigners at all missions abroad; and
  - (h) any other relevant function as maybe assigned by the Commissioner.
- (5) The Department of Integrated Population Registration shall be responsible for—
- (a) administration of the NIIMS database;
  - (b) storing and organising of data in the NIIMS database;
  - (c) authenticating data for users in a secure platform;
  - (d) linking government agencies in accessing NIIMS database in the prescribed manner for purposes of authenticating personal data; and
  - (e) any other relevant function as maybe assigned by the Commissioner.
- (5) Despite subsection (1), the Service may establish other departments as may be necessary to enable it carry out its functions.

Powers of  
the  
Service.

**60C.** (1) The Service shall have the power to do all the things necessary for the performance of its functions under this Act or any other written law.

(2) Despite the generality of subsection (1), the Service shall have the power to—

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2013.

- (a) partner with the public and private sector in the financing, construction, development, operation, or maintenance of infrastructure or development projects of the Service through concession or other contractual arrangements pursuant to the provisions of the Public Private Partnership Act;
- (b) enter into partnership arrangements with public and private bodies as it deems fit with regard to the establishment, implementation, monitoring and financing of training or employment programmes;
- (c) receive or administer funds donated or entrusted to the Board by any agency or organization for any purpose relating to the training or employment of persons;
- (d) invest any surplus or profit for the performance of its functions; and
- (e) undertake any task or enter into any transaction which, in the opinion of the Board, is necessary to ensure the proper performance of its functions.

Establish  
ment of  
the Board  
of the  
National  
Integrated  
Identity  
Managem  
ent System  
Service.

**60D.** (1) There is established the Board of the National Integrated Identity Management System Service.

(2) The Board shall comprise—

- (a) a chairperson appointed by the President, with approval of the National Assembly;
- (b) the Principal Secretary for the time being responsible for information, communication and technology or a representative in writing;
- (c) the Principal Secretary for the National Treasury or a representative in writing;
- (d) the Principal Secretary for time being responsible for immigration or a representative in writing;
- (e) the Principal Secretary for the time being responsible for basic education or a representative in writing;
- (f) the Principal Secretary for the time being responsible for matters relating to health or a representative in writing;
- (g) the Inspector General of Police or a representative in writing;
- (h) the Director General of National Intelligence Service or a representative in writing;
- (i) the Attorney General or a representative in writing; and
- (j) the Commissioner who shall be an ex-officio member and Secretary to the Board.

- (3) The members of the Board shall be paid such allowances as the Cabinet Secretary may in consultation with the Salaries and Remuneration Commission determine.
- (4) The Chairperson of the Board appointed under subsection (2) (a) shall serve for a term of three years, renewable once and upon satisfactory performance of his or her duties.

Vacancy  
of member  
of the  
Board.

**60E.** The position of the chairperson the Board shall become vacant if the holder —

- (a) dies;
- (b) resigns from office by notice in writing addressed to the President;
- (c) is convicted of a criminal offence and sentenced to a term of imprisonment;
- (d) term of office expires;
- (e) is absent from three consecutive meetings of the Board without good cause; or
- (f) is removed from office for any of the following grounds —
  - (i) violation of the Constitution or any other written law;
  - (ii) gross misconduct or misbehaviour;
  - (iii) inability to perform functions of the office arising out of physical or mental infirmity;
  - (iv) incompetence or neglect of duty; or
  - (v) bankruptcy.

Committee  
of the  
Board.

**60F.** (1) The Board may from time to time establish committees for the better carrying out of its functions.

- (2) The Board may co-opt into the membership of committees established under subsection (1) a person whose knowledge and skills are necessary for the functions of the Service.
- (3) The Board may by resolution either generally or in any particular case delegate to any Committee of the Board or to any member, officer, employee or agent of the Service the exercise of any of the powers, functions or duties of the Service.

Conduct  
of the  
business  
and affairs  
of the  
Board.

**60G.** (1) The business and affairs of the Board shall be conducted in accordance with the Third Schedule.

- (2) Except as provided for in this Act, the Board shall regulate its own procedure.
- (3) The Board may permit any other person to attend its meetings and participate in its deliberations but that person shall not participate in the making of any of its decisions.

Protection  
from  
liability.

**60H.** Nothing done by a member of the Board or an officer of the Service or by any person working under the instructions of the Service shall, if done in good faith for the purpose of executing the powers, functions or duties of the Service under this Act or any other written law, render such member or officer personally liable for any action, claim or demand.

Commissioner for  
NIIMS  
Service.

**60I.** (1) There shall be a Commissioner for the National Integrated Identity Management System Service who shall be the secretary to the Service.

(2) The Commissioner shall be responsible for the day-to-day operations of the Service.

(3) Without the generality of the foregoing, the functions of the Commissioner shall—

- (a) coordinate and mobilize resources for the implementation of the relevant policies;
- (b) ensure effective co-ordination and implementation of the NIIMS;
- (c) receiving, storing and updating information on the NIIMS database;
- (d) establish a framework for ensuring the compatibility of technology infrastructure among different government agencies to comply with requirements of the NIIMS;
- (e) undertake the task of data collection and dissemination in a manner that ensures consistency and accuracy in accordance with set national standards and guidelines;
- (f) formulate a framework for coordinating agencies accessing the NIIMS database;
- (g) support the printing and distribution for collection of huduma card;
- (h) collaborate with other state agencies for effective discharge of its mandate;
- (i) reviewing and recommending for review of laws and regulations for the better management of the Act.; and
- (j) perform any other function incidental to the above functions or as may be assigned.

(4) The Commissioner shall be appointed by the President upon recommendation of the Board and approval of the National Assembly.

(5) A person who qualifies to be appointed as a Commissioner shall—

- (a) be a holder of a degree in law, administration, management, population studies, demography, information and technology or any other related field;
- (b) meets the requirements of leadership and integrity in Chapter Six of the Constitution;
- (c) have at least five years' experience in management;
- (d) is a Kenyan citizen;
- (e) has not been convicted of any criminal offence; and
- (f) is not an undischarged bankrupt

(6) A person appointed as the Commissioner shall serve for a single and non-renewable term of six years.

- (7) The office of the Commissioner shall become vacant if the holder —
- (a) dies;
  - (b) resigns from office in writing to the President;
  - (c) is convicted of a criminal offence and sentenced to a term of imprisonment; or
  - (d) is removed or retired from office by the President on the following grounds —
    - (i) violation of the Constitution or any other written law including a contravention of Chapter Six;
    - (ii) gross misconduct in the performance the functions of the office of the Commissioner;
    - (iii) physical or mental incapacity to perform the functions of the office of the Commissioner;
    - (iv) incompetence; or
    - (v) bankruptcy.

Access to  
services.

**60J.** (1) The Headquarters of the Service shall be in Nairobi.

(2) The Service shall ensure reasonable access of services of the Service in all parts of the Republic, so far as it is appropriate to do so having regard to the nature of the service.

Independence of the  
Service.

**60K.** In the discharge of its functions and exercise of the powers under this Act or any other written law, the Service shall be independent and free from any interference.

Staff of  
the  
Service.

**60L.** (1) The Commissioner shall in consultation with the Public Service Commission, appoint such number of staff as may be necessary for the proper and efficient discharge of the functions under this Act or any other relevant law.

(2) For proper discharge of the functions of the Commissioner under this Act, may appoint such number of Directors, who shall assist the Commissioner in the performance of his or her functions.

Remuneration of the  
Commissioner and  
staff.

**60M.** The Commissioner and staff of the Service shall be paid such remuneration or allowances as the Salaries and Remuneration Commission may advise.

NIIMS  
Appeals  
Committee.

**60N.** (1) There shall be a National Integrated Identity Management System Appeals Committee.

(2) The Appeals Committee shall comprise of six members —

- (a) an advocate of not less than ten years standing who shall be the Chairperson to the Committee;
- (b) a representative of the Department responsible for information, communication and technology;
- (c) one person nominated by the Attorney General; and
- (d) three other persons with knowledge and experience in civil registration and legal identification matters.

(3) The members of the Appeals Committee shall be appointed by the Cabinet Secretary by name in the *Gazette*.

(4) The quorum for a meeting of the Appeals Committee shall be three members.

(5) The function of the Appeals committee shall be to hear and determine appeals against any decision under the Act.

(6) The Cabinet Secretary shall, by Regulations, provide for the procedure for hearing and determining an appeal and the applicable fees under this section.

(7) A member of the Appeals Committee shall hold office for a term of three years and shall be eligible for reappointment for one further term.

(8) Each member of the Appeals Committee shall have one vote but in case of a tie in votes, the Chairperson shall have a casting vote.

(9) The Public Service Commission shall provide the Appeals Committee with a secretariat for the purposes of discharging its mandate.

(10) A person who is aggrieved by the decision of the Appeals Committee may appeal to the High Court within sixty days of being notified.

#### **CLAUSE 62**

**THAT**, the Bill be amended by deleting Clause 62.

#### **CLAUSE 63**

**THAT**, the Bill be amended by deleting Clause 63.

#### **CLAUSE 64**

**THAT**, the Bill be amended by deleting Clause 64.

#### **CLAUSE 65**

**THAT**, the Bill be amended by deleting Clause 65;

#### **CLAUSE 66**

**THAT**, the Bill be amended by deleting Clause 66.

#### **CLAUSE 67**

**THAT**, the Bill be amended by deleting Clause 67.

#### **NEW PART VIIIA**

**THAT**, the Bill be amended by inserting new Part VIIIA.

### **PART VIIIA- FINANCIAL PROVISIONS**

**67A.** The funds of the Service shall consist of—

Funds of  
the  
Service.

- (a) monies allocated by National Assembly for purposes of the Service;
- (b) such fees as may be charged in accordance with this Act or regulations made thereunder;



- (c) any grants, gifts, donations or other endowments given to the Service;
- (d) such funds as may vest in or accrue to the Service in the performance of its functions under this Act or under any other written law.

Annual estimates.

**67B.** (1) At least three months before the commencement of each financial year, the Service shall cause to be prepared estimates of the revenue and expenditure of the Service for that year.

(2) The annual estimates shall make provision for all the estimated expenditure of the Service for the financial year concerned and in particular, shall provide for the—

- (a) payment of remuneration in respect of the members and staff of the Service;
- (b) payment of pensions, gratuities and other charges in respect of benefits which are payable out of the funds of the Service;
- (c) maintenance of the buildings and grounds of the Service;
- (d) funding of training, research and development of activities of the Service; and
- (e) creation of such funds to meet future or contingent liabilities in respect of benefits, insurance or replacement of buildings or installations, equipment and in respect of such other matters as the Service may think fit.

Accounts and audit.

**67C.** (1) The Service shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Commission.

(2) The annual accounts of the Service shall be prepared, audited and reported upon in accordance with the Public Audit Act, 2015.

No. 34 of 2015.

Reports.

**67D.** (1) The Service shall, at the end of each financial year cause an annual report to be prepared.

(2) The Service shall submit the annual report to the President and the National Assembly three months after the end of the year to which it relates.

(3) The annual report shall contain, in respect of the year to which it relates—

- (a) the financial statements of the Service;
- (b) a description of the activities of the Service;
- (c) such other statistical information as the Service may consider appropriate relating to the Service's functions;
- (d) the impact of the exercise of any of its mandate or function;
- (e) any impediments to the achievements of the objects and functions under this Act or any written law; and
- (f) any other information relating to its functions that the Service considers necessary

**CLAUSE 68**

**THAT**, Clause 68 of the Bill be amended—

(a) by deleting sub clause (1) and substituting therefor the following new sub clause—

“(1) The Cabinet Secretary shall, make regulations generally for giving effect to this Act, and for prescribing anything required or necessary to be prescribed by or under this Act within twelve months of the commencement of this Act.”

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

- “(e) other documentary proof for access to enrolment;
- (f) provision of replacement cards to enable access to critical services;
- (g) registration and management of stateless persons;
- (h) the procedure for hearing and determining appeals in the Appeals Committee;
- (i) mechanisms for registration of births and deaths;
- (j) enrolment of stateless persons to NIIMS;
- (k) other specified biometric data for an individual and a child;
- (l) recognition of specified vital event of an individual and a child;
- (m) conditions for late registration for births and deaths;
- (n) procedures for verification and authentication of information from third party entities;
- (o) accreditation process for institutions who seek to verify and authenticate information;
- (p) horizontal integration of existing government databases;
- (q) procedures, circumstances and limitations on the access, use, retention and disclosure of personal information by third parties;
- (r) framework for the management of existing databases and portals;
- (s) special administrative arrangements to ensure registration;
- (t) procedures for updating particulars in the database and attendant timelines;
- (u) procedures for capturing birth registration data for stateless persons and foreign nationals not resident in Kenya;
- (v) access to adoption certificates;
- (w) process of validation and rectification under NIIMS; and
- (x) data protection impact assessments.”

**CLAUSE 69**

**THAT**, Clause 69 of the Bill be deleted.

**CLAUSE 72**

**THAT**, Clause 72 of the Bill be amended—

(a) by inserting the following new sub clause immediately after sub clause (1)—

“(1A) Any issues that arise on the repeal Acts, that are related to this Act, shall be dealt with and discharged by the Commissioner within eighteen months from the date of commencement of this Act;

(1B) Despite subsection (1A), the Cabinet Secretary may, by notice in the *Gazette*, extend the period prescribed in respect of any particular issue under subsection (1a), by a period not exceeding one year.”

- (b) in sub clause (5), by deleting the words “Principal Secretary” and substituting therefor the word “Commissioner”;

### **FIRST SCHEDULE**

**THAT**, the First schedule be amended—

- (a) in paragraph 1, by inserting the following subparagraph immediately after paragraph (g)—  
“ (h) ethnicity”
- (b) in paragraph 2, by deleting subparagraph (b)

### **SECOND SCHEDULE**

**THAT**, the Second Schedule be amended—

- (a) in the proposed amendments to the Interpretation and General Provisions Act, by deleting the new definition of “gender” and substituting therefor the following new definition—  
“sex” includes male, female and intersex”
- (b) in the proposed amendments to the Kenya Citizenship and Immigration Act—  
(i) by deleting the proposed amendments to section 2(1) paragraph (2) and substituting therefor the following new section paragraph 2 (2)—  
(1) Insert the following new definitions in their proper alphabetical sequence—

“NIIMS officer” has the meaning assigned to it under the Huduma Act, 2021;

“Director” means a person appointed as a Director under section 60L (2) of the Huduma Act;

“Passport” has the meaning assigned to it under the Huduma Act, 2021;

“Service” has the meaning assigned to it under the Huduma Act, 2021;

- (ii) by deleting the proposed amendments to “No. 12 of 2011” and substituting therefor the following new paragraphs—

“Delete the words “immigration officer” wherever they appear and substitute therefor the words “NIIMS officer”

- (iii) in the proposed amendments to section 4(1), by deleting the words “Principal Secretary shall” and substituting therefor the following words “The Commissioner shall, in consultation with the Public Service Commission, appoint a Director to”;
- (iv) by deleting the proposed amendments to section 4(2), and substituting therefor the following —

Delete the opening statement and substitute therefor the following—  
 “(2) The Director shall subject to such directions as may from time to time be given by the Commissioner perform the following functions— “

(v) by deleting the proposed amendments to section 5 and substituting therefor the following—

New Section

Establishment  
Committees.

of Insert the following section immediately after section 5D—

**5E.** (1) The Cabinet Secretary responsible for matters relating to immigration shall establish the Citizenship and Permits Determination Advisory Committee, Permanent Residency Advisory Committee and such other committees as it shall be deemed necessary for effective administration of the Act’.

(2) The Cabinet Secretary shall prescribe the composition and functions of the committees established under subsection (1).

(c) by deleting the proposed amendments to the Refugees Act (No.13 of 2006), and substituting therefor the following—

Refugees Act (No. 10 of 2021)

28(7)

Delete the words “refugee identity card” and substitute therefor the words “Refugees Huduma Card”

## **NEW SCHEDULE**

**THAT**, the Bill be amended by inserting a new schedule immediately after the Second Schedule—

### **THIRD SCHEDULE**

[Section 60G(1).]

#### **Conduct of the business and affairs of the Board**

1. The Board shall meet at least once in every four months in any financial year for the dispatch of its business.
2. A meeting of the Board shall be held on such date and time as the Board may determine.
3. The chairperson shall, on the written application of at least one-third of the members of the Board, convene a special meeting of the Board.

4. Unless a majority of the members of the Board otherwise agree, at least fourteen days' notice shall be given to each member of the Board in relation to the convening of a meeting of the Board.
5. The quorum for the conduct of business at a meeting of the Board shall be five members.
6. Despite the provisions of paragraph 5, a meeting of the Board shall not be invalid merely because of a vacancy among the members of the Board.
7. The decisions of the Board shall be by concurrence of the members present but where concurrence is not achieved, decisions shall be by a majority of the members present and voting.
8. All instruments made by, and decisions of, the Board shall be signified in writing under the hand of the chairperson and secretary save as may be provided for in any other written law.
9. The Board may co-opt any person to attend and deliberate at its meetings if that person's knowledge or skills are necessary for the purposes of this Act.
10. A person who has been co-opted to attend and deliberate at a meeting of the Board shall not have a right to vote at the meeting.
11. The Board shall cause the minutes of its meetings to be entered in books kept and maintained for that purpose.
12. If a person is present at a meeting of the Board or any committee of the at which any matter is the subject of consideration and in which matter the person, the person's spouse or the person's immediate relative or associate is directly or indirectly interested in a private capacity, the person shall, as soon as practicable after the commencement of the meeting, disclose such interest and shall not take part in any consideration or discussion, or vote on any question touching on such matter unless the Board determines otherwise.
13. A disclosure of interest made under paragraph 12 shall be recorded in the minutes of the meeting at which it is made.

2) Notice is given that the Member for Fafi (Hon. Mohamed Osman) intends to move the following amendments to the Huduma Bill, 2021 at the Committee Stage—

**CLAUSE 2**

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

- (i) in the definition of the term “Cabinet Secretary” by deleting the word “immigration” appearing immediately after the words “registration of persons”;
- (ii) in the definition of the term “NIIMS officer”, by deleting paragraph (b); and
- (iii) by deleting the definition of the term “passport”;

**CLAUSE 5**

**THAT**, Clause 5 of the Bill be amended in sub clause (3), by deleting subparagraph (iii) of paragraph (c).

**PART V (Clauses 40-45)**

**THAT**, Part V of the Bill be deleted.

**CLAUSE 68**

**THAT**, Clause 68 of the Bill amended in sub-clause (2), by deleting the word “passport” appearing in paragraph (b);

**CLAUSE 70**

**THAT**, Clause 70 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (i) —

- (ia) issuance of passports; and
- (ib) registration of foreign nationals.

**CLAUSE 72**

**THAT**, Clause 72 of the Bill be amended—

- (c) by deleting sub clause (3);
- (d) in sub clause (4), by deleting the words “the Department of Immigration”;

**SECOND SCHEDULE**

**THAT**, the Second Schedule be amended in the proposed amendments to the Kenya Citizenship and Immigration Act—

- (v) in the proposed amendments to section 2 (1) paragraph (1)—
  - (i) by deleting the proposed deletion of the definition of “Immigration Officer”;
  - (ii) by deleting the proposed deletion of the definition of “Passport”;
- (vi) by deleting the proposed amendments to section 2 (2) and substituting therefor the following—

2 (2) Insert the following new definitions in their proper alphabetical sequence—

“Director General” means a person appointed as a Director General under section 4(1) of the Act;

“Immigration Officer” means the Director General and any persons appointed as Immigration officers under section 5 of the Act;

- (vii) by deleting the proposed amendments to “No. 12 of 2011” and substituting therefor the following new paragraphs—

“(2) Delete the word “Director” wherever it appears and substitute therefor the words “Director General”;

- (viii) in the proposed amendments to section 4(1), by deleting the words “The Principal Secretary shall” and substituting therefor the following words “The President shall, in consultation with the Public Service Commission, appoint a Director General to”;

(ix) by deleting the proposed amendments to section 4(2), and substituting therefor the following —

“Delete the opening statement and substitute therefor the following—

“(2) The Director General shall subject to such directions as may from time to time be given by the Cabinet Secretary perform the following functions—”

Delete the word “Service” appearing in paragraphs (h) and (j) and substituting therefor the words “ Cabinet Secretary”

(x) by deleting the proposed amendments to section 5 and substituting therefor the following—

New section Insert the following section immediately after section 5D—

**5E.** (1) The Cabinet Secretary responsible for matters relating to immigration shall establish the Citizenship and Permits Determination Advisory Committee, Permanent Residency Advisory Committee and such other committees as it shall be deemed necessary for effective administration of the Act’.

(2) The Cabinet Secretary shall prescribe the composition and functions of the committees established under subsection (1).

(xi) by deleting the proposed amendments to section 24;

(xii) by deleting the proposed amendments to section 25 and substituting therefor the following—

s.25 “Delete subsection (1)(c);”

(xiii) by deleting the proposed amendments to section 26 and substituting therefor the following—

s.26 “Delete subsection (2);”

(xiv) by deleting the proposed amendments to section 27 and substituting therefor the following—

s.27 (1) Delete subsection (3) and substitute therefor the following new subsection—

(3) An application made under subsection (1) shall be accompanied by a Huduma card or Huduma namba;

(2) Insert the following new subsections immediately after subsection (4)—

(4A) An Immigration officer shall utilize the information under NIIMS database to issue or replace a passport to an applicant.

(4B) In processing an application for a passport, an Immigration officer may—

(a) update, or require an applicant to provide further details required to update any particulars as provided under the First Schedule of the Huduma Act, and

(b) make such further verification as may be necessary.”;

- (xv) by deleting the proposed amendment to section 28;
- (xvi) by deleting the proposed amendment to section 29;
- (xvii) by deleting the proposed amendment to section 30;
- (xviii) by deleting the proposed amendment to section 32;

**3) Notice is given that the Member for Baringo County (Hon. Gladwell Cheruiyot) intends to move the following amendments to the Huduma Bill, 2021 at the Committee Stage—**

**CLAUSE 2**

**THAT**, Clause 2 of the Bill be amended by deleting the definition of term “resident individual” and substituting therefor the following new definition—

“resident individual” means —

- (a) a citizen of Kenya;
- (b) a foreign national who has been granted lawful residency in Kenya;
- (c) a refugee or asylum seeker permitted in Kenya; or
- (d) a stateless person permitted in Kenya.

**CLAUSE 7**

**THAT**, Clause 7(3) of the Bill be amended by—

- (a) deleting paragraph (a);
- (b) inserting the following new paragraph immediately after paragraph (d)—
  - “(e) the Stateless Persons’ Huduma Card, which shall be issued to a stateless person.”

**CLAUSE 8**

**THAT**, Clause 8 of the Bill be amended by inserting the words “but not mandatory” immediately after the words “shall constitute sufficient”.

**CLAUSE 10**

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

- (a) in sub-clause (1), by deleting paragraph (b); and
- (b) in sub-clause (4), by inserting the words “Kenyan without identity documents, people with poor biometrics” immediately after the words “marginalised communities”.

**CLAUSE 13**

**THAT**, Clause 13 of the Bill be amended—

- (a) by deleting sub clause (2);
- (b) in sub clause (3), by deleting the words “to a citizen”; and
- (c) by deleting sub-clause (4).

**CLAUSE 14**

**THAT**, Clause 14 of the Bill be amended by deleting the words “possessing a Minors’ Huduma card shall surrender the card to” and substituting therefor the words “shall appear in person before”.



**CLAUSE 61**

**THAT**, Clause 61 of the Bill be amended by inserting a new sub-clause immediately after sub-clause (2)—

“(3) The term “any group of persons” shall include but not limited to Kenyans who lack identity documents, people with poor biometrics, persons with disabilities, people living in rural and remote areas, and stateless persons.”

**CLAUSE 72**

**THAT**, Clause 72 of the Bill be amended by inserting the following new sub clauses immediately after sub clause (5)

“(6) Notwithstanding subsection 4, the National Registration Bureau, the Civil Registration Services, and the Department of Immigration shall, before the coming into effect of this Act, continue to process any applications and issue registration documents under the repealed Acts.

(7) This Act shall come into operation no earlier than three years from the date of assent.”

4) **Notice is given that the Member for Garissa Township (Hon. Aden Duale) intends to move the following amendments to the Huduma Bill, 2021 at the Committee Stage—**

**CLAUSE 2**

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

- (a) in the definition of the term “NIIMS officer” by deleting paragraph (b); and
- (b) by deleting the definition of the term “passport”.

**CLAUSE 8**

**THAT**, clause 8 of the Bill be amended by—

- (a) renumbering the existing section as subsection (1); and
- (b) by inserting the following new subsection immediately after the renumbered subsection (1) —

“(2) Despite subsection (1), a person shall not be denied access to any public service for failure to produce a Huduma Card issued under this Act.”

**CLAUSE 40**

**THAT**, clause 40 of the Bill be deleted.

**CLAUSE 41**

**THAT**, clause 41 of the Bill be deleted.

**CLAUSE 42**

**THAT**, clause 42 of the Bill be deleted.

**CLAUSE 43**

**THAT**, clause 43 of the Bill be deleted.

**CLAUSE 44**

**THAT**, clause 44 of the Bill be deleted.

**CLAUSE 45**

**THAT**, clause 45 of the Bill be deleted.

**CLAUSE 68**

**THAT**, clause 68 of the Bill be deleted.

**CLAUSE 69**

**THAT** clause 69 of the Bill be amended by deleting the words “by Parliament” and substituting therefor the words “by the National Assembly”.

**CLAUSE 70**

**THAT**, clause 70 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (i)—

- (ia) issuance of passports and other travel documents;
- (ib) registration of foreign nationals;

**CLAUSE 72**

**THAT**, clause 72 of the Bill be amended—

- (a) by deleting sub clause (3); and
- (b) in subclause (4) by deleting the words “the Department of Immigration and the Integrated Population Registration Services”.

**INSERTION OF A NEW PART**

**THAT**, the Bill be amended by inserting the following new Part immediately after clause 67—

**PART VIIIA-PROVISIONS ON DELEGATED POWERS**

Regulations.

**68.** (1) The Cabinet Secretary may make regulations generally for giving effect to this Act, and for prescribing anything required or necessary to be prescribed by or under this Act.

(2) Without prejudice to the generality of the foregoing, regulations made under this section may provide for —

- (a) the procedure for registration of births and deaths;
- (b) issuance of Huduma card or any other legal identity document;

(c) data security of the NIIMS and any other particular that may be recorded under the NIIMS database; and

(d) imposition of fees.

(3) For the purposes of Article 94 (6) of the Constitution—

(a) the purpose and objective of the delegation under this section is to enable the Cabinet Secretary to make regulations for better carrying into effect the provisions of this Act;

(b) the authority of the Cabinet Secretary to make regulations under this Act will be limited to bringing into effect the provisions of this Act and fulfilment of the objectives specified under this section.

(4) The principles and standards applicable to the delegated power referred to under this Act are those found in—

No. 23 of  
2013.

(i) the Statutory Instruments Act, 2013;

Cap. 2.

(ii) the Interpretation and General Provisions Act,

(iii) the general rules of international law as specified under Article 2(5) of the Constitution; and

(iv) any treaty and convention ratified by Kenya under Article 2(6) of the Constitution.

## **SECOND SCHEDULE**

**THAT**, the Bill be amended in the Second Schedule by deleting the proposed consequential amendments to the Kenya Citizenship and Immigration Act (No 12. of 2011).

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

### **CLAUSE 2**

**THAT**, Clause 2 of the Bill be amended by deleting the definition of term “resident individual” and substituting therefor the following new definition—

“resident individual” means —

(a) a citizen of Kenya;

(b) a foreign national who has been granted lawful residency in Kenya;

(c) a refugee or asylum seeker permitted in Kenya; or

(d) a stateless person permitted in Kenya.

### **CLAUSE 7**

**THAT**, Clause 7(3) of the Bill be amended by inserting the following new paragraph immediately after paragraph (d)—

“(e) the Stateless Persons’ Huduma Card, which shall be issued to a stateless person.”

**CLAUSE 8**

**THAT**, Clause 8 of the Bill be amended by inserting the words “but not mandatory” immediately after the words “shall constitute sufficient”.

**CLAUSE 10**

**THAT**, Clause 10 of the Bill be amended in sub-clause (1) by deleting paragraph (b).

- 6) **Notice is given that the Member for Homa Bay Town (Hon. Peter Kaluma) intends to move the following amendments to the Huduma Bill, 2021 at the Committee Stage—**

**LONG TITLE**

**THAT**, the Bill be amended by deleting the long title and substituting therefor the following—

**AN ACT of Parliament to establish the National Integrated Identity Management System; provide for the enrolment into NIIMS, assigning of Huduma Namba and issuance of legal identity documents; facilitate the registration of births and deaths; promote efficient delivery of public services; and for connected purposes**

**CLAUSE 1**

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

Short title.

1. This Act may be cited as the Identity Documents Act, 2022.

**CLAUSE 2**

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

- (i) in the definition of the term “Cabinet Secretary” by deleting the word “immigration” appearing immediately after the words “registration of persons”;
- (ii) in the definition of the term “NIIMS officer”, by deleting paragraph (b); and
- (iii) by deleting the definition of the term “passport”;

**CLAUSE 3**

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

- (a) inserting a new paragraph immediately after paragraph (b)—  
“(ba) promote an open digital platform which will facilitate interoperability and sharing of information between the government and private agencies;” and
- (b) inserting the following new clause immediately after clause 3—

Identity documents.

**3A.** (1) For purposes of this Act, an identity document is a document issued by a state authority or agency in which the name, date of birth or personal identification number, a photograph or facial image and the signature or image of signature of the holder are entered, unless otherwise provided by law.

(2) Without prejudice to the generality of subsection (1), an identity document includes—

- (a) an identity card;
- (b) a birth certificate;
- (c) a huduma card;
- (d) a Kenyan citizen’s passport;
- (e) a diplomatic passport;
- (f) a seafarer’s discharge book;
- (g) a temporary travel document;
- (h) a refugee identity card;
- (i) a driver’s license;
- (j) a health insurance card;
- (k) a social security card; and
- (l) any other document that the Cabinet Secretary may prescribe.

### **CLAUSE 5**

**THAT,** Clause 5 of the Bill be amended in sub clause (3), by deleting subparagraph (iii) of paragraph (c).

### **CLAUSE 9**

**THAT,** the Bill be amended by inserting the following clause immediately after clause 9—

Access to  
personal  
information.

- 9A. A person enrolled into the NIIMS shall have the right to—
- (a) retrieve information on who has accessed his or her personal information; and
  - (b) retrieve information on how that information has been used.

### **CLAUSE 18**

**THAT,** Clause 18 of the Bill be amended by deleting the word “government”.

### **PART V (Clauses 40-45)**

**THAT,** Part V of the Bill be deleted.

### **CLAUSE 68**

**THAT,** Clause 68 of the Bill be amended in sub-clause (2), by deleting the word “passport” appearing in paragraph (b);

**CLAUSE 70**

**THAT**, Clause 70 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (i) —

- (ia) issuance of passports; and
- (ib) registration of foreign nationals.

**CLAUSE 72**

**THAT**, Clause 72 of the Bill be amended—

- (a) by deleting sub clause (3);
- (b) in sub clause (4), by deleting the words “the Department of Immigration”;

**SECOND SCHEDULE**

**THAT**, the Second Schedule to the Bill be amended in the proposed amendments to the Kenya Citizenship and Immigration Act—

- (i) in the proposed amendments to section 2 (1) paragraph (1)—
  - (i) by deleting the proposed deletion of the definition of “Immigration Officer”;
  - (ii) by deleting the proposed deletion of the definition of “Passport”;
- (ii) by deleting the proposed amendments to section 2(2) and substituting therefor the following—

2 (2) Insert the following new definitions in proper alphabetical sequence—

“Director General” means a person appointed as a Director General under section 4(1) of the Act;

“Immigration Officer” means the Director General and any persons appointed as Immigration officers under section 5 of the Act;

- (iii) by deleting the proposed amendments to The Kenya Citizenship and Immigration Act (No. 12 of 2011) and substituting therefor the following new paragraphs—

“(2) Delete the word “Director” wherever it appears and substitute therefor the words “Director General”;

- (iv) in the proposed amendments to section 4(1), by deleting the words “The Principal Secretary shall” and substituting therefor the following words “The President shall, in consultation with the Public Service Commission, appoint a Director General to”;

- (v) by deleting the proposed amendments to section 4(2), and substituting therefor the following —

“Delete the opening statement and substitute therefor the following—

“(2) The Director General shall subject to such directions as may from time to time be given by the Cabinet Secretary perform the following functions—”

Delete the word “Service” appearing in paragraphs (h) and (j) and substituting therefor the words “Cabinet Secretary”

(vi) by deleting the proposed amendments to section 5 and substituting therefor the following—

New Establishment of the Committee. Insert the following section immediately after section 5D—

**5E.** (1) The Cabinet Secretary responsible for matters relating to immigration shall establish the Citizenship and Permits Determination Advisory Committee, Permanent Residency Advisory Committee and such other committees as it shall be deemed necessary for effective administration of the Act’.

(2) The Cabinet Secretary shall prescribe the composition and functions of the committees established under subsection (1).

(vii) by deleting the proposed amendments to section 24;

(viii) by deleting the proposed amendments to section 25 and substituting therefor the following—

s.25 “Delete subsection (1)(c);”

(ix) by deleting the proposed amendments to section 26 and substituting therefor the following—

s.26 “Delete subsection (2);”

(x) by deleting the proposed amendments to section 27 and substituting therefor the following—

s.27 (1) Delete subsection (3) and substitute therefor the following new subsection—

(3) An application made under subsection (1) shall be accompanied by a Huduma card or Huduma namba;

(2) Insert the following new subsections immediately after subsection (4)—

(4A) An immigration officer shall utilize the information under NIIMS database to issue or replace a passport to an applicant.

(4B) In processing an application for a passport, an Immigration officer may—

(c) update, or require an applicant to provide further details required to update any particulars as provided under the First Schedule of the Identity Documents Act, and

(d) make such further verification as may be necessary.”;

(xi) by deleting the proposed amendment to section 28;

(xii) by deleting the proposed amendment to section 29;

(xiii) by deleting the proposed amendment to section 30;

(xiv) by deleting the proposed amendment to section 32;

# NOTICES

## LIMITATION OF DEBATE

The House resolved on Wednesday, February 2, 2022 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.

### Limitation of Debate on Sine Die Adjournment of the House

- IV. THAT**, the debate on any Motion for the ***Sine Die* Adjournment of the House** in accordance with the Calendar of the House, shall be limited as follows:- a maximum of four (4) hours for the entire motion, with not more than five (5) minutes for each Member speaking, except the Mover, the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; **THAT** priority shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Deputy Speaker in **THAT** order and further **THAT**, at the expiry of the time allocated for the Motion, the House shall adjourn without question put pursuant to the provisions of Standing Order 28(3) (*Calendar of the House*).

...../Notices (Cont'd)\*



**NOT LATER THAN 3.30 P.M.****ADJOURNMENT****V. ADJOURNMENT OF THE HOUSE IN ACCORDANCE WITH THE CALENDAR OF THE NATIONAL ASSEMBLY (2022)**

The Speaker will today call upon the Leader of the Majority Party to move a Motion for Adjournment of the House *Sine Die*, in accordance with the Calendar of the Assembly (Regular Sessions).

*(Thereafter, the House to adjourn without question put)*

**MOTION** – (The Leader of the Majority Party)

THAT, pursuant to the provisions of Standing Order 28 on the Calendar of the Assembly (Regular Sessions), this House adjourns *Sine Die*.

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