



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, FEBRUARY 15, 2023

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Honourable Speaker

4. **MESSAGE**

The Speaker conveyed the following Message from H. E. the President: -

ON THE NOMINATION OF A PERSON FOR APPOINTMENT AS THE DEPUTY GOVERNOR OF THE CENTRAL BANK OF KENYA (CBK)

“Honourable Members,

1. Pursuant to the provisions of Standing Order No. 42(1), I wish to report to the House that I have received a Message from His Excellency the President regarding the nomination of a person for appointment as the Deputy Governor of the Central Bank of Kenya.
2. In the Message, His Excellency the President conveys that, in exercise of powers conferred by section 13B of the Central Bank of Kenya Act (CAP 491), as read together with section 5 of the Public Appointments (Parliamentary Approval) Act, 2011, he nominates **Dr. Susan Jemtai Koech** to the position of Deputy Governor of the Central Bank of Kenya. The President therefore seeks the approval of the Parliament on the said nomination.
3. Honourable Members, section 13B of the Central Bank of Kenya Act, reads, and I quote: -
*“13B. Deputy Governor
(1) There shall be two Deputy Governors who shall be appointed by the President through a transparent and competitive process and with the approval of Parliament.”*

4. Honourable Members, you may wish to note that the approval of the appointment of a Deputy Governor of the Central Bank of Kenya is another one of the exceptions where the applicable law prescribes approval by Parliament. Indeed, the House continues to conduct such exercises jointly with the Senate.
5. Therefore, Honourable Members, just for clarity, the vetting process shall proceed in the following manner:
 - (i) **THAT**, the vetting of the nominee proposed for appointment as Deputy Governor of the Central Bank of Kenya shall be conducted by the Departmental Committee on Finance and National Planning of the National Assembly, jointly sitting with the Standing Committee on Finance and Budget of the Senate;
 - (ii) **THAT**, the quorum of the joint sittings of the Committees will be the respective quorums of each of the committees as stipulated in the Standing Orders of the respective Houses;
 - (iii) **THAT**, as contemplated under Rule 9(6) of the Joint Rules unless a decision is reached by consensus, any vote to be taken in the joint sittings of the Committees shall be by separate Houses. This will ensure that the numerical difference of the individual Members representing the Houses in the joint sittings has no effect on the decisions of the joint sittings of the Committees;
 - (iv) **THAT**, the joint Committees shall, having conducted the vetting hearings, submit a Joint Report to the respective Houses in the manner contemplated by Paragraph 7 of Joint Rule No. 9; and
 - (v) **THAT**, the approval process shall be conducted in accordance with the provisions of the Public Appointments (Parliamentary Approval) Act, 2011.
6. Honourable Members, whereas the Central Bank of Kenya Act does not provide specific timelines within which the House is to consider the nominee, section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011 requires the relevant House to undertake the exercise within twenty-eight (28) days.
7. Honourable Members, in this regard, the Committees should expeditiously proceed to jointly notify the nominee and the public. Thereafter, the Committees should undertake the necessary approval hearings and submit their Joint Report on or before **Thursday, 9th March 2023** to enable the House consider the proposed appointment within the statutory timelines. I thank you!"

5. PAPERS LAID

The following Papers were laid on the Table of the House-

- (i) Notification of Presidential action on recognition of the Pemba community as an ethnic community of Kenya;
- (ii) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2021 and the certificates therein:
 1. Chuka University;
 2. National Environmental Complaints Committee;
 3. National Environmental Tribunal;
 4. Regional Centre on Groundwater Resources Education, Training and Research in Eastern Africa;
 5. P.C. Kinyanjui Technical and Training Institute;
 6. Mathenge Technical Training Institute;
 7. Tigania East Technical and Vocational College;
 8. Industrial and Commercial Development Corporation;
 9. Tourism Fund;
 10. Athi River Works Development Agency;
 11. National Environment Trust Fund (NETFUND);
 12. Council for Legal Education;
 13. Council of Legal Education Staff Car Loan and Mortgage Scheme;
 14. Water Resources Authority;
 15. North Eastern National Polytechnic;
 16. Engineers Board of Kenya;
 17. Nursing Council of Kenya;
 18. Mwea Rice Mills Limited;
 19. Hydrologists Registration Board;
 20. Kenya Veterinary Board;
 21. Kenya Veterinary Vaccines Production Institute;
 22. Information and Communication Technology Authority;
 23. Kenya Medical Research Institute;
 24. Garissa University;
 25. Nairobi Centre for International Arbitration; and
 26. Kenya Safari Lodges and Hotels Limited.

(The Leader of the Majority Party)

6. NOTICES OF MOTION

The following Notices of Motion were given-

- (i) **THAT**, this House notes the Report of the 61st Session of the Organization of Africa, Caribbean and Pacific (OACPS) Parliamentary Assembly and the 42nd Session of the ACP-EU Joint Parliamentary Assembly, *laid on the Table of the House on Wednesday, November 30, 2022.*

(The Deputy Speaker)

- (ii) **THAT**, aware that school uniform which is a variety of standardized clothing worn by students in educational institutions, create homogeneity among students irrespective of their socio-economic status or fashion preference; further aware that school uniforms keep students focused on education, not clothes, reducing peer pressure and bullying, enhancing school pride, unity and community spirit as they go a long way in contributing to students' sense of belonging to their school's population; appreciating that in Kenyan education system, schools across the Country, whether private or public schools require that students wear school uniform in order to be allowed to attend classes; concerned that the cost of uniforms has continued to escalate becoming prohibitively expensive for the poorest within the community with some schools demanding that parents pay uniform money to specific school accounts, a move that locks out many children whose parents cannot afford the expensive uniforms as listed by schools, now therefore, this House **resolves** that the Government through the Ministry of Education develops a policy on standardization and production of school uniforms in the country.

(Hon. Gathoni Wamuchomba)

7. PROCEDURAL MOTION – LIMITATION OF DEBATE ON SESSIONAL PAPERS

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 97(1), this House **orders** that each speech in a debate on any **Sessional Paper** shall be limited as follows:- A maximum of two and a half hours, with not more than twenty (20) minutes for the Mover in moving and five (5) minutes for any other Member speaking, **including** the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Committee (if the Sessional Paper is not moved by the Chairperson of the relevant Committee), and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

(The Leader of the Majority Party)

There being no Member wishing to contribute;

Question put and agreed to.

8. PROCEDURAL MOTION – LIMITATION OF DEBATE ON REPORTS OF CONSTITUTIONAL COMMISSIONS AND INDEPENDENT OFFICES

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 97(1), this House **orders** that each speech in debate on **Reports of Constitutional Commissions and Independent Offices** be limited as follows: – A maximum of four hours with not more than thirty (30) minutes for the Mover in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of 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 (15) minutes each; and that priority be accorded to the Chairperson of the relevant Committee, the Leader of the Majority Party and the Leader of the Minority Party, in that order.

(The Leader of the Majority Party)

There being no Member wishing to contribute;

Question put and agreed to.

9. PROCEDURAL MOTION - LIMITATION OF DEBATE ON THE ANNUAL ESTIMATES AND COMMITTEE OF SUPPLY

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 97(1), this House **orders** that each speech in a debate on the **Report of the Budget & Appropriations Committee on Budget Estimates** contemplated under Standing Orders 239 and 240 be limited as follows:

- (i) **General Supply Debate:-** A maximum of **three** (3) sitting days with thirty (30) minutes for the Mover in moving and fifteen (15) minutes in replying; a maximum of fifteen (15) minutes for each of the Chairpersons of the Departmental Committees 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 (15) minutes each; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the respective Chairpersons of the Departmental Committees in the order that they appear in the Second Schedule to the Standing Orders; and,
- (ii) **Committee of Supply:** - A maximum of **six** (6) sitting days for the consideration of the proposed allocations to the respective Votes/Programmes in the order specified in the Schedule submitted by the Budget and Appropriations Committee.

(The Leader of the Majority Party)

There being no Member wishing to contribute;

Question put and agreed to.

10. PROCEDURAL MOTION – LIMITATION OF DEBATE ON THE SENATE AMENDMENTS TO BILLS ORIGINATING IN THE NATIONAL ASSEMBLY

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 97(1), this House **orders** that each speech in the **general debate contemplated under Standing Order 146** (*Consideration of Senate amendments to Bills originating in the National Assembly*) be limited as follows:- a maximum of one hour and thirty minutes, with not more than fifteen minutes (15) for the Mover in moving, fifteen minutes (15) for the Chairperson of the relevant Departmental Committee, and five (5) minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party (if the Bill is not party-sponsored), and that five (5) minutes before the expiry of the time, the Mover shall be called upon to reply; and further 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.

(The Leader of the Majority Party)

There being no Member wishing to contribute;

Question put and agreed to.

11. PROCEDURAL MOTION – CONSIDERATION OF CERTAIN BUSINESS RECEIVED DURING THE RECESS PERIODS

Motion made and Question proposed –

THAT, notwithstanding the provisions of Standing Orders 41 and 42 relating to *conveying of Messages from the Senate and from the President or the National Executive*, Standing Orders 120, 122 and 126 relating to *Publication, Procedure upon Publication and First Reading of Bills* and Standing Order 210(2) relating to *Tabling of Statutory Instruments*, this House orders that during the Short and Long Recesses of the Second Session –

- (i) upon receipt of any Message from the Senate, or upon receipt of any name of a person nominated for appointment to a state or public office from the President or any other office in the National Executive, the Speaker shall forthwith refer such Message to the relevant Committee for consideration, without having to recall the House, and report such fact to the House on resumption;
- (ii) upon receipt of any Message relating to the Senate's Amendments to a Bill originating in the National Assembly, the Speaker shall forthwith refer the Schedule of the Senate Amendments to the relevant Committee for consideration pursuant to the provisions of Standing Order 145 (*Senate amendments to Bills originating in the National Assembly*), and report such fact to the House on resumption;
- (iii) should a Bill be published during the said period, or a published Bill become due for First Reading, the Speaker shall, upon lapse of at least three days following the publication of the Bill and following a determination that such Bill is of priority, forthwith refer such Bill to the relevant Committee for consideration pursuant to the provisions of Standing Order 127 (*Committal of Bills to Committees and public participation*) and cause the Bill to be read a First Time upon its next Sitting and the Second Reading may be taken forthwith, or on such other day as the House Business Committee may determine;
- (iv) should any statutory instrument be transmitted for tabling before the House during the period, the Speaker shall, following a determination that the statutory instrument is of priority, forthwith refer the statutory instrument to the relevant Committee for consideration and cause the statutory instrument to be tabled in the House upon its next Sitting in accordance with the provisions of section 11 of the Statutory Instruments Act (No. 3 of 2013); and,
- (v) should any Paper be transmitted for tabling before the House, the Speaker shall, following a determination that the Paper is of priority, forthwith refer the Paper to the relevant Committee for consideration and cause the Paper to be tabled in the House upon its next Sitting.

(The Leader of the Majority Party)

There being no Member wishing to contribute;

Question put and agreed to.

12. **PROCEDURAL MOTION - GENERAL DEBATE ON THE PROPOSAL TO AMEND THE CONSTITUTION AND THE STANDING ORDERS**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 97(1) and notwithstanding the resolution of the House made on Wednesday, 15th February, 2023 (*Morning Sitting*) relating to the **Limitation of Debate on Motions**, this House **further orders** that each speech on the debate on the Motion on the *General Debate on the Proposal to Parliament to Consider Amending the Constitution and the Standing Orders* be limited as follows: A maximum of twenty (20) minutes for the Mover in moving and ten (10) minutes in replying, and 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 (15) minutes each; and that priority in speaking be accorded to the Leader of the Majority Party and the Leader of the Minority Party in that order.

(The Leader of the Majority Party)

There being no Member wishing to contribute;

Question put and agreed to.

13. **THE NATIONAL TRANSPORT AND SAFETY AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2022)**

(The Hon. Simon King'ara, M.P.)

Order for First Reading read;

Bill read a First time and referred to the relevant Departmental Committee pursuant to Standing Order 127(2).

14. **THE CANCER PREVENTION AND CONTROL (AMENDMENT) (NO.2) BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2022)**

(The Hon. Abdul Dawood, M.P.)

Order for First Reading read;

Bill read a First time and referred to the relevant Departmental Committee pursuant to Standing Order 127(2).

15. **MOTION – APPROVAL OF THE CALENDAR OF THE HOUSE FOR THE SECOND SESSION (2023)**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 28, this House approves the Calendar of the National Assembly (*Regular Sessions*) for the Second Session (2023) as contained in the Schedule.

(The Leader of the Majority Party)

There being no Member wishing to contribute;

Question put and agreed to.

16. SPECIAL MOTION – APPOINTMENT OF THE PARLIAMENTARY SERVICE COMMISSIONER WHO IS NOT A MEMBER OF PARLIAMENT

Motion made and Question proposed –

THAT, taking into consideration the Recommendations of the Parliamentary Service Commission in its Report on the **Recruitment of the Parliamentary Service Commissioner who is not a Member of Parliament**, laid on the Table of the House on Tuesday, February 14, 2023, and pursuant to the provisions of Article 127(2)(d) of the Constitution, this House **appoints Hon. Johnson Muthama** as a Member of the Parliamentary Service Commission.

(The Leader of the Majority Party)

(Change of Chair from the Speaker to the Deputy Speaker)

Debate Arising;

Question put and agreed to.

17. MOTION – GENERAL DEBATE ON THE PROPOSAL TO PARLIAMENT TO CONSIDER AMENDING THE CONSTITUTION AND THE STANDING ORDERS

Motion made and Question proposed –

THAT, noting the contents of a Memorandum submitted to Parliament by His Excellency the President asking Parliament to consider initiating amendments to the Constitution; **Acknowledging that**, actualization of the proposals which relate to, *inter alia*, the composition of Parliament as provided for in Articles 97 and 98 of the Constitution in order to attain the two-thirds gender principle, the creation of the office of Leader of Official Opposition in Parliament, and the inclusion of various funds in the Constitution, would necessitate amendment to the Constitution, while the restructuring of parliamentary oversight to allow for Cabinet Secretaries to appear before the Houses of Parliament to respond to Questions by Members would require the amendment of Standing Orders; **Further acknowledging that**, the Speaker, vide a Notification issued on 9th December 2022 referred the matters raised in the Memorandum to the *Departmental Committee on Justice and Legal Affairs* with regard to proposals relating to the implementation of the Two-Thirds Gender Principle and the establishment of the Office of the Leader of Official Opposition; *The Joint Parliamentary Ad Hoc Committee* with regard to proposals to amend the Constitution to entrench the Constituency Development, Senate Oversight and National Government Affirmative Action Funds; and *The Procedure & House Rules Committee* with regard to proposals to amend the Standing Orders to strengthen parliamentary oversight of the Executive, so as to facilitate public participation pursuant to Article 118 of the Constitution; **NOW THEREFORE**, pursuant to the provisions of Articles 1(2) and 95(2) of the Constitution, this House **notes, considers and makes general comments** on the proposals contained in the Memorandum by His Excellency the President.

(The Leader of the Majority Party)

Debate interrupted on Wednesday, February 15, 2023 (Morning Sitting) resumed;

(Change of Chair from the Deputy Speaker to the 3rd Chairperson)

(Change of Chair from the 3rd Chairperson to the 6th Chairperson)

(Change of Chair from the 6th Chairperson to the 5th Chairperson)

And the time being three minutes past Seven O'clock, the Fifth Chairperson adjourned the House without Question put pursuant to the Standing Orders.

18. HOUSE ROSE - at three minutes past Seven O'clock,

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, February 16, 2023, at 2.30 p.m.

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