



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT – (SECOND SESSION)
THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, NOVEMBER 29, 2023 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*. THE NATIONAL LOTTERY BILL (NATIONAL ASSEMBLY BILL NO. 69 OF 2023)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, November 29, 2023 – Morning Sitting)

9*. THE GAMBLING CONTROL BILL (NATIONAL ASSEMBLY BILL NO. 70 OF 2023)

(The Leader of the Majority Party)

Second Reading

10*. COMMITTEE OF WHOLE HOUSE

The Conflict of Interest Bill (National Assembly Bill No. 12 of 2023)

(The Leader of the Majority Party)

11*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 67 OF 2023)

(The Leader of the Majority Party)

Second Reading

12*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (No. 2) BILL (NATIONAL ASSEMBLY BILL NO. 68 OF 2023)

(The Leader of the Majority Party)

Second Reading

13*. THE NATIONAL GOVERNMENT COORDINATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 25 OF 2023)

(The Hon. Malulu Injendi, M.P.)

Second Reading

(Resumption of debate interrupted on Wednesday, November 22, 2023 – Afternoon Sitting)

(Balance of time – 2 hours 44 minutes)

14*. THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2023)

(The Hon. Benjamin Gathiru, M.P.)

Second Reading

15*. THE ANTI-CORRUPTION AND ECONOMIC CRIMES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2023)

(The Hon. Peter Kaluma, M.P.)

Second Reading

16*. MOTION - THE 4TH GENERAL ASSEMBLY OF THE EASTERN AFRICA PARLIAMENTARY ALLIANCE ON FOOD SECURITY AND NUTRITION (EAPA-FSN) HELD IN KIGALI, RWANDA

(The Chairperson, EAPA-FSN Caucus)

THAT, this House **notes** the Report of the Kenya Delegation to the 4th General Assembly of the Eastern Africa Parliamentary Alliance on Food Security and Nutrition, held in Kigali, Rwanda from 7th to 9th December 2022, *laid on the Table of the House on Tuesday, 11th April 2023.*

17*. MOTION – REPORTS OF THE AUDITOR-GENERAL ON TWENTY-THREE NON-COMPLIANT STATE CORPORATIONS

(The Chairperson, Public Investments Committee on Social Services, Administration and Agriculture)

THAT, this House **adopts** the Report of the Public Investments Committee on Social Services, Administration and Agriculture on its consideration of the Report of the Auditor-General on twenty-three Non-Compliant State Corporations, *laid on the Table of the House on Wednesday, 23rd August 2023.*

18*. MOTION – PROCEEDINGS OF THE SECOND ORDINARY SESSION OF THE SIXTH PAN-AFRICAN PARLIAMENT (PAP)

(Member of the Pan-African Parliament)

THAT, this House **notes** the Report of the Record of Proceedings of the Second Ordinary Session of the Sixth Pan-African Parliament (PAP) held in Midrand, South Africa, from 15th May to 2nd June 2023, *laid on the Table of the House on Thursday, 24th August 2023.*

19*. MOTION – PROCEEDINGS OF THE 2023 UNITED NATIONS HIGH LEVEL POLITICAL FORUM ON SUSTAINABLE DEVELOPMENT

(The Vice Chairperson, Parliamentary Caucus on Sustainable Development Goals (SDGs) and Business)

THAT, this House **notes** the Report of the Parliamentary Caucus on Sustainable Development Goals (SDGs) and Business on the Proceedings of the 2023 United Nations High Level Political Forum on Sustainable Development (HLPF 2023) held in New York, United States of America (USA) from 10th to 21st July 2023, *laid on the Table of the House on Thursday, 24th August 2023.*

20*. MOTION – ENHANCING REPORTING OF PARLIAMENTARY BUSINESS ON ONLINE PLATFORMS

(The Chairperson, Committee on Parliamentary Broadcasting and Library)

THAT, this House **adopts** the Report of the Select Committee on Parliamentary Broadcasting and Library on Enhancing Reporting of Parliamentary Business on Online Platforms, *laid on the Table of the House on Wednesday, 4th October 2023.*

21*. MOTION – SESSIONAL PAPER NO. 2 OF 2023 ON THE NATIONAL TAX POLICY

(The Chairperson, Departmental Committee on Finance and National Planning)

THAT, this House **adopts** the Report of the Departmental Committee on Finance and National Planning on its consideration of the Sessional Paper No. 2 of 2023 on the National Tax Policy, *laid on the Table of the House on Thursday, 23rd November 2023,* and approves *Sessional Paper No. 2 of 2023* on the National Tax Policy as recommended in the Report.

22*. THE NATIONAL DISASTER RISK MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2023)

(The Leader of the Majority Party)

Second Reading

Denotes Orders of the Day

NOTICES

I. THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2023)

1. Notice is given that the Chairperson of the Departmental Committee on Justice and Legal Affairs intends to move the following amendments to the Conflict of Interest Bill, 2023 at the Committee Stage—

CLAUSE 1

THAT, Clause 1 of the Bill be amended by deleting the words “and shall come into force on such date as the Attorney-General may, by notice in the Gazette, appoint”.

CLAUSE 2

THAT, Clause 2 of the Bill be amended by—

- (a) inserting the following new definition in proper alphabetical sequence—

“conflict of interest” means a conflict between the public duty and private interests of a public official, in which the public official has private capacity interests that could improperly influence the performance of his official duties and responsibilities;

“responsible Commission” in relation to a public officer, means the entity determined under section 31A to be the responsible Commission in relation to a public officer;

- (b) deleting the definition “family”;

- (c) deleting the definition “unexplained asset” and substituting therefor the following new definition—

“unexplained asset” means an asset of a person whose value is disproportionate to his or her known sources of income at or around that time and for which there is no satisfactory explanation.

- (d) deleting the definition “public officer” and substituting therefor the following new definition—

“public officer” has the meaning assigned to it by Article 260 of the Constitution

- (e) deleting the definition “relative”;

- (f) deleting the definition “undeclared asset”.

CLAUSE 3

THAT, Clause 3 of the Bill be amended in subclause (2) by—

- (a) deleting paragraph (c) and substituting therefor the following new paragraph—
“(c) enhance integrity of public office and public confidence in the delivery of public services;
- (b) inserting the following new paragraphs after paragraph (e)—
 - “(f) enhance accountability to the public for decisions and actions by public officers in execution of their duties;
 - (g) promote selfless service by public officers based solely on the public interest;”

CLAUSE 5

THAT, Clause 5 of the Bill be amended by inserting the words “reporting authorities and” immediately after the word “by”.

CLAUSE 6

THAT, Clause 6 of the Bill be amended by—

- (a) inserting the following new paragraph immediately after paragraph ((h)—
“(ha) develop policies, standards, guidelines and promote best practices for the management of conflict of interest.”
- (b) deleting paragraph (i).

CLAUSE 7

THAT, Clause 7 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) conduct investigations on its own initiative or on a complaint made by a member of the public;”

CLAUSE 8

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

Conflict of
interest.

8. A public officer is in conflict of interest if the public officer—

- (a) exercises an official duty or function to further his or her private interests or the private interests of another person; or

(b) fails to declare and register a private interest that is in conflict with the public interest.

CLAUSE 10

THAT, Clause 10 of the Bill be amended in subclause (1) by deleting the words “or reasonably ought to know” appearing immediately after the word “knows”.

CLAUSE 11

THAT, the Bill be amended by deleting Clause 11.

CLAUSE 12

THAT, Clause 12 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

“(3) Despite subsection (1), no proceedings shall lie against a public officer who grants special consideration, treatment or advantage in good faith.”

CLAUSE 13

THAT, Clause 13 of the Bill be amended in subclause (1) to delete the words “by the person” appearing immediately after the words “obtained”.

CLAUSE 15

THAT, Clause 15 of the Bill be amended in subclause (2) by deleting the words “to the Commission and” appearing immediately after the word “writing”.

CLAUSE 16

THAT, Clause 16 of the Bill be amended—

(a) in subclause (1) by deleting the opening statement and substituting therefor the following new opening statement—

“(1) A public Officer shall not accept or request a gift or favour from a person who—”;

(b) in subclause (3) by deleting the expression “, a member of the public officer's family or a relative of the public officer” appearing immediately after the words “public officer”.

CLAUSE 18

THAT, Clause 18 of the Bill be amended—

- (a) in subclause (1) by deleting the expression “, member of the public officer's family or a relative of the public officer” appearing immediately after the words “public officer”;
- (b) in subclause (2) by deleting the expression “, member of the public officer's family or a relative of the public officer” appearing immediately after the words “public officer”;
- (c) in subclause (3) by deleting the word “person” appearing immediately after the word “A” and substituting therefor the words “public officer”.

CLAUSE 19

THAT, Clause 19 of the Bill be amended—

- (a) in subclause (1) by deleting the words “with any” appearing immediately after the word “services” and substituting therefor the words “with his or her”;
- (b) in subclause (2) by deleting the words “with any” appearing immediately after the word “services” and substituting therefor the words “with his or her”;

CLAUSE 24

THAT, Clause 24 of the Bill be amended in subsection (2)(c) by inserting the words “subject to the provisions of the Access to Information Act, 2016” immediately after the words “public”.

CLAUSE 25

THAT, Clause 25 of the Bill be amended in subclause (1) by inserting the following new paragraph immediately after paragraph (b)—

“(c) engage in political activity that may compromise or be seen to compromise the political neutrality of his or her office.”

CLAUSE 28

THAT, Clause 28 of the Bill be amended by deleting the word “preceding” appearing immediately after the word “immediately” and substituting therefor the word “after”.

CLAUSE 30

THAT, Clause 30 of the Bill be amended—

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

“(1A) Subsection (1) shall not apply to a member of Parliament or a county assembly.”

(b) in subclause (2) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) a reporting entity shall, within sixty days after a day on which a recusal took place, transmit a declaration of the recusal to the Commission in the prescribed form.”

CLAUSE 31

THAT, Clause 31 of the Bill be amended—

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

(1) Every public officer shall submit to their responsible Commission a declaration of his or her income, assets and liabilities and the income, assets and liabilities of his or her dependent children.

(b) in subclause (4) by deleting paragraph (c).

NEW CLAUSES 31A & 31B

THAT, the Bill be amended by inserting the following new Clauses immediately after Clause 31—

Determination of responsible Commission.

31A. (1) This section determines what body is the responsible Commission for a public officer for the purposes of this Act.

(2) The committee of the National Assembly responsible for the ethics of members is the responsible Commission for—

- (a) the Cabinet;
- (b) members of the National Assembly;
- (c) the Director of Public Prosecutions;
- (d) the secretary to the Cabinet;
- (e) members of the Judicial Service Commission;
- (f) members of commissions and independent offices specified under Chapter Fifteen of the Constitution; and
- (g) members of the Ethics and Anti-Corruption Commission and staff of the Commission holding the rank of Deputy Director and above.

(3) The committee of the Senate responsible for the ethics of members is the responsible Commission for senators.

(4) The committee of a county assembly responsible for the ethics of members is the responsible Commission for—

- (a) its respective county executive committee;
- (b) members of the county assembly; and
- (c) members and the secretary of its respective County Public Service Board.

(5) The Public Service Commission is the responsible Commission for—

- (a) principal secretaries;
- (b) high commissioners, ambassadors and diplomatic and consular representatives;
- (c) public officers in respect of which it exercises appointive and disciplinary control, including advisors and personal staff; and
- (d) public officers who are officers, employees or members of state corporations that are public bodies.

(6) A County Public Service Board is the responsible Commission for—

- (a) public officers in respect of which it exercises appointive and disciplinary control, including advisors and personal staff; and
- (b) public officers who are officers, employees or members of county corporations and entities that are public bodies.

(6) The Judicial Service Commission is the responsible Commission for judges, magistrates and the public officers in respect of which it exercises disciplinary control.

(7) The Parliamentary Service Commission is the responsible Commission for the public officers in respect of which it exercises disciplinary control.

(8) A County Assembly Service Board is the responsible Commission for the public officers in respect of which it exercises disciplinary control.

(9) The Teachers Service Commission established under the Teachers Service Commission Act (Cap. 212) is the responsible Commission for teachers registered under that Act.

(10) The Defence Council established under Article 241(5) of the Constitution is the responsible Commission for members of the armed forces, within the meaning of that Act.

No. 28 of 2012. (11) The National Intelligence Service Council established under the National Intelligence Service Act, 2012 is the responsible Commission for members of the National Intelligence Service established under that Act.

(12) The National Police Service Commission is the responsible Commission for members of the National Police Service.

No. 16 of 2006. (13) The Witness Protection Advisory Board established under the Witness Protection Act, 2006 shall be the responsible commission for the members of the Witness Protection Agency established under that Act.

(14) The responsible Commission for a public officer for which no responsible Commission is otherwise specified under this section is the commission, committee or other body prescribed by regulations.

(15) A body that is the responsible Commission for a public officer by virtue of exercising disciplinary control over that public officer remains the responsible Commission notwithstanding the delegation of any disciplinary powers with respect to that public officer.

Certain
delegations by
Public Service
Commission.

31B. (1) Subject to subsection (2), the Public Service Commission may, by notice in the *Gazette* delegate to another person or body any of its powers and functions in relation to declarations of income, assets and liabilities and enforcement of the code of conduct and with respect to specified classes of public officers over which it is the responsible Commission.

(2) The Public Service Commission may delegate powers and functions only with respect to public officers in a job group below job group “M” or its equivalent.

CLAUSE 33

THAT, Clause 33 of the Bill be amended—

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

(1) Upon receipt of the declaration made under section 31, a responsible Commission shall analyse the declaration to ascertain—

- (a) whether the declaration raises possible issues of conflict of interest; and
- (b) whether on the face of it, the declaration contains any discrepancy or inconsistency.

(b) in subclause (5) by inserting the word “responsible” immediately after the word “The”;

(c) in subclause (6) by deleting the word “fourteen” appearing immediately after the word “within” and substituting therefor the word “thirty”;

CLAUSE 34

THAT, the Bill be amended by deleting Clause 34 and substituting therefor the following new Clause—

Access to
declarations.

34. (1) Subject to subsection (2), the contents of a declaration or clarification under this Act shall be accessible to any person upon application to the responsible Commission in the prescribed manner if the applicant shows to the satisfaction of the responsible Commission that he or she has a legitimate interest and good cause in furtherance of the objectives of this Act, in such declaration or clarification.

(2) Notwithstanding subsection (1), a law enforcement agency shall, after due process, have access to the disclosures and compliance reports made by a public officer under this Act.

(3) The responsible Commission shall, before making an affirmative decision under this section, grant the affected party an opportunity to make representations on the matter.

(4) Any person who—

(a) publishes or in any way makes public any information obtained under this section without prior permission of the responsible Commission;

(b) knowingly republishes or otherwise disseminates or discloses to another person information to which this section relates where—

(i) such information was disclosed to himself or to some other person;
or

(ii) such information was obtained in contravention of this Act,

commits an offence and shall on conviction be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years, or both.

CLAUSE 35

THAT, Clause 35 of the Bill be amended by inserting the word “responsible” immediately after the word “The”.

CLAUSE 36

THAT, Clause 36 be amended by deleting subclause (2).

CLAUSE 38

THAT, the Bill be amended by deleting Clause 38.

CLAUSE 39

THAT, the Bill be amended by deleting Clause 39.

CLAUSE 40

THAT, the Bill be amended by deleting Clause 40.

CLAUSE 41

THAT, the Bill be amended by deleting Clause 41.

CLAUSE 42

THAT, the Bill be amended by deleting Clause 42.

CLAUSE 43

THAT, the Bill be amended by deleting Clause 43.

CLAUSE 44

THAT, the Bill be amended by deleting Clause 44.

CLAUSE 45

THAT, the Bill be amended by deleting Clause 45.

CLAUSE 46

THAT, the Bill be amended by deleting Clause 46.

CLAUSE 47

THAT, the Bill be amended by deleting Clause 47.

CLAUSE 48

THAT, Clause 48 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

“(2A) A reporting authority and the Commission shall not conduct concurrent investigations over the same complaint.”

CLAUSE 49

THAT, Clause 49 of the Bill be amended—

(a) in subclause (1) by inserting the words “or a reporting authority” immediately after the word “Commission”;

(b) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) If the Commission or a reporting authority declines to commence investigations, the Commission or reporting authority shall inform the person who lodged the complaint and give reasons for the decision.”

CLAUSE 50

THAT, Clause 50 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause—

(1) Subject to the Constitution and any written law, a public officer may be suspended from office with full pay pending the investigation and determination of allegations made against that officer where such suspension is considered necessary.

CLAUSE 51

THAT, Clause 51 be amended in subclause (1) (d) by deleting the words “Public Prosecutions” appearing immediately after the word “Director” and substituting therefor the words “Public Prosecutions”.

CLAUSE 53

THAT, Bill be amended by deleting Clause 53 and substituting therefor the following new Clause—

Confidentiality.

53. A responsible Commission, the Commission or any person acting on their behalf shall not, unless required by law, disclose any information that comes to their knowledge in the performance of their duties under this Act, unless the disclosure is in the opinion of a responsible Commission or the Commission—

(a) essential for the purposes of carrying out of their functions and exercising the powers conferred on them under this Act; or

(b) is required by any law enforcement agency, after due process.

CLAUSE 54

THAT, Clause 54 be amended in subclause (1) by deleting the words “is of” appearing immediately after the words “if the disclosure” and substituting therefor the words “is in the”.

CLAUSE 56

THAT, the Bill be amended by deleting Clause 56 and substituting therefor the following new clause—

Reports by
reporting entities.

56. Every reporting entity shall, within six months after the end of the financial year, file compliance reports with the Commission in the prescribed form.

CLAUSE 59

THAT, Clause 59 of the Bill be amended by—

- (a) deleting subclause (1);
- (b) deleting subclause (3);
- (c) inserting the following new subclause immediately after subclause (3)—

“(4) Any criminal proceedings commenced under the provisions in the Third Schedule proposed for repeal before the commencement of this Act shall be continued.”

FIRST SCHEDULE

THAT, the First Schedule to the Bill be amended—

- (a) by deleting paragraph 1;
- (b) in paragraph 2 by inserting the word “responsible” immediately after the words “Where the”;
- (c) in paragraph 3 by deleting the expression “his spouse or spouses and his dependent children under the age of 18 years” appearing immediately after the word “official”;
- (d) by deleting paragraph 4 and substituting therefor the following new paragraph—
 - 4. All public officers are required to complete and submit their declarations to their responsible Commission, unless their responsible Commission has delegated its functions to another body.
- (e) in paragraph 6 by inserting the word “responsible” immediately after the words “directly to the”;
- (f) in paragraph 12 by inserting the word “responsible” immediately after the words “issued by the”;

- (g) in paragraph 13 by deleting the words “or administrative procedures adopted by the Commission or any other competent authority” appearing immediately after the words “this Act”;
- (h) in paragraph 15 by inserting the word “responsible” immediately after the words “taken by the”.

THIRD SCHEDULE

THAT, the Third Schedule to the Bill be amended by—

- (a) deleting the proposed amendment to section 62(6) of the Anti-Corruption and Economic Crimes Act, 2003;
- (b) deleting the proposed amendment to section 59 of the Public Procurement and Asset Disposal Act, 2015.

2. **Notice is given that the Leader of the Majority Party intends to move the following amendments to the Conflict of Interest Bill, 2023, at the Committee Stage—**

CLAUSE 2

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

“relative” means a person who is related to a public officer by birth, marriage, adoption or affinity and includes a public officer’s father, mother, son, daughter, brother, sister, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother or half-sister;

CLAUSE 11

THAT, Clause 11 of the Bill be amended—

- (a) by deleting subclause (2) and substituting therefor the following new subclause—
“(2) A Member of Parliament or a member of a county assembly who makes a declaration under subsection (1) shall not use any information obtained by the member in the discharge of the member’s constitutional role to advance the member’s private interests.”
- (b) by inserting the following new subclause immediately after subclause (2)—

“(2A) The Speaker may allow a member of Parliament or a member of a county assembly to speak to a matter under deliberation after considering the nature, extent, and effect of the interest declared under subsection (1).”

CLAUSE 30

THAT, Clause 30 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

“(2A) Subsection (1) shall not apply to a member of Parliament or a county assembly on a question proposed for decision in Parliament or a county assembly.”

3. **Notice is given that the Member for Ainabkoi (Hon. Samuel Chepkonga) intends to move the following amendments to the Conflict of Interest Bill, 2023, at the Committee Stage—**

CLAUSE 2

THAT, Clause 2 of the Bill be amended—

(a) in the definition “family” by—

(i) deleting the words “common-law partner” appearing immediately after the word “spouse” in paragraph (a);

(ii) deleting the words “common-law partner” appearing immediately after the words “spouse or” in paragraph (b);

(iii) deleting the words “common-law partner” appearing immediately after the words “spouse or” in paragraph (c);

(b) by deleting the definition “relative” and substituting therefor the following new definition—

“relative” means a person who is related to a public officer by birth, marriage, adoption or affinity and includes a public officer’s father, mother, son, daughter, brother, sister, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother or half-sister;

(c) by inserting the following new definition in proper alphabetical sequence—

“responsible Commission” in relation to a public officer, means the entity determined under section 31A to be the responsible Commission in relation to a public officer;

CLAUSE 11

THAT, Clause 11 of the Bill be amended—

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

“(2) A Member of Parliament or a member of a county assembly who makes a declaration under subsection (1) shall not use any information obtained by the member in the discharge of the member’s constitutional role to advance the member’s private interests.”

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

“(2A) The Speaker may allow a member of Parliament or a member of a county assembly to speak to a matter under deliberation after considering the nature, extent, and effect of the interest declared under subclause (1).”

CLAUSE 30

THAT, Clause 30 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

“(2A) Subsection (1) shall not apply to a member of Parliament or a county assembly on a question proposed for decision in Parliament or a county assembly.”

CLAUSE 31

THAT, Clause 31 of the Bill be amended—

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

(1) Every public officer shall submit to their responsible Commission a declaration of his or her income, assets and liabilities.

(b) in subclause (4) by deleting paragraph (c);

NEW CLAUSES 31A & 31B

THAT, the Bill be amended by inserting the following new Clauses immediately after Clause 31—

Determination of
responsible
Commission.

31A. (1) This section determines what body is the responsible Commission for a public officer for the purposes of this Act.

(2) The committee of the National Assembly responsible for the ethics of members is the responsible Commission for—

- (a) the Cabinet;
- (b) members of the National Assembly
- (c) the Director of Public Prosecutions;
- (d) the secretary to the Cabinet;
- (e) members of the Judicial Service Commission;
- (f) members of commissions and independent offices specified under Chapter Fifteen of the Constitution; and
- (g) members of the Ethics and Anti-Corruption Commission and staff of the Commission holding the rank of Deputy Director and above.

(3) The committee of the Senate responsible for the ethics of members is the responsible Commission for senators.

(4) The committee of a county assembly responsible for the ethics of members is the responsible Commission for—

- (a) its respective county executive committee; and
- (b) members of the county assembly.

(5) The Public Service Commission is the responsible Commission for—

- (a) principal secretaries;
- (b) high commissioners, ambassadors and diplomatic and consular representatives;

(c) public officers in respect of which it exercises, disciplinary control; and

(d) public officers who are officers, employees or members of state corporations that are public bodies.

(6) A County Public Service Board is the responsible Commission for—

(a) public officers in respect of which it exercises, disciplinary control; and

(b) public officers who are officers, employees or members of county corporations and entities that are public bodies.

(6) The Judicial Service Commission is the responsible Commission for judges, magistrates and the public officers in respect of which it exercises disciplinary control.

(7) The Parliamentary Service Commission is the responsible Commission for the public officers in respect of which it exercises disciplinary control.

(8) The Teachers Service Commission established under the Teachers Service Commission Act (Cap. 212) is the responsible Commission for teachers registered under that Act.

(9) The Defence Council established under Article 241(5) of the Constitution is the responsible Commission for members of the armed forces, within the meaning of that Act.

(10) The National Intelligence Service Council established under the National Intelligence Service Act, 2012 is the responsible Commission for members of the National Intelligence Service established under that Act.

No. 16 of 2006.

(11) The Witness Protection Advisory Board established under the Witness Protection Act, 2006 shall be the responsible commission for the members of the Witness Protection Agency established under that Act.

(12) The responsible Commission for a public officer for which no responsible Commission is otherwise specified under this section is the commission, committee or other body prescribed by regulation.

(13) A body that is the responsible Commission for a public officer by virtue of exercising disciplinary control over that public officer remains the responsible Commission notwithstanding the delegation of any disciplinary powers with respect to that public officer.

Certain delegations by Public Service Commission.

31B. (1) Subject to subsection (2), the Public Service Commission may, by notice in the *Gazette* delegate to another person or body any of its powers and functions in relation to declarations of income, assets and liabilities and enforcement of the code of conduct and with respect to specified classes of public officers over which it is the responsible Commission.

(2) The Public Service Commission may delegate powers and functions only with respect to public officers in a job group below job group “M” or its equivalent.

CLAUSE 32

THAT, Clause 32 of the Bill be amended—

- (a) in subclause (1) by deleting the words “for the period of one year prior to appointment appearing immediately after the word “affairs”;
- (b) in subclause (3) by deleting the word “two” appearing immediately after the words “once every” and substituting therefor the word “three”;
- (c) by deleting subclause (4).

CLAUSE 33

THAT, the Bill be amended by deleting Clause 33 and substituting therefor the following new Clause—

Clarifications.

33. (1) A person who has submitted a declaration to his or her responsible Commission shall provide, without undue delay, any clarification requested by the Commission if the request is in writing and is made within six months after the declaration was submitted to the Commission.

(2) Without limiting what a request for clarification may include, such a request may include—

(a) a request that any information that may have been omitted be provided; or

(b) a request that any discrepancy or inconsistency, including a discrepancy or inconsistency arising because of information other than information included on the declaration, be explained or corrected.

CLAUSE 34

THAT, the Bill be amended by deleting Clause 34 and substituting therefor the following new Clause—

Access to
declarations.

34. (1) Subject to subsection (2), the contents of a declaration or clarification under this Act shall be accessible to any person upon application to the responsible Commission in the prescribed manner if the applicant shows to the satisfaction of the responsible Commission that he or she has a legitimate interest and good cause in furtherance of the objectives of this Act, in such declaration or clarification.

(2) The responsible Commission shall, before making an affirmative decision under this section, grant the affected party an opportunity to make representations on the matter.

(3) Any person who—

(a) publishes or in any way makes public any information obtained under this section without prior permission of the responsible Commission;

(b) knowingly republishes or otherwise disseminates or discloses to another person information to which this section relates where—

(iii) such information was disclosed to himself or to some other person; or

(iv) such information was obtained in contravention of this Act,

commits an offence and shall on conviction be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years, or both.

CLAUSE 35

THAT, Clause 35 of the Bill be amended by inserting the word “responsible” immediately after the word “The”.

CLAUSE 36

THAT, Clause 36 of the Bill be amended by deleting subclause (2).

CLAUSE 47

THAT, Clause 47 of the Bill be amended by deleting the words “and publish in the *Gazette*, administrative mechanisms” and substitute therefor the word “Regulations”.

FIRST SCHEDULE

THAT, the First Schedule to the Bill be amended—

- (a) by deleting paragraph 1;
- (b) in paragraph 2 by inserting the word “responsible” immediately after the words “Where the”;
- (c) in paragraph 3 by deleting the expression “his spouse or spouses and his dependent children under the age of 18 years” appearing immediately after the word “official”;
- (d) by deleting paragraph 4 and substituting therefor the following new paragraph—
 - 4. All public officers are required to complete and submit their declarations to their responsible Commission, unless their responsible Commission has delegated its functions to another body.
- (e) in paragraph 6 by inserting the word “responsible” immediately after the words “directly to the”;
- (f) in paragraph 8 by deleting the word “biennial” appearing immediately after the words “make a”;
- (g) in paragraph 12 by inserting the word “responsible” immediately after the words “issued by the”;
- (h) in paragraph 13 by deleting the words “or administrative procedures adopted by the Commission or any other competent authority” appearing immediately after the words “this Act”;
- (i) in paragraph 15 by inserting the word “responsible” immediately after the words “taken by the”.

4. **Notice is given that the Member for Kisumu East (Hon. Shakeel Shabbir) intends to move the following amendments to the Conflict of Interest Bill, 2023 at the Committee Stage—**

CLAUSE 2

THAT, Clause 2 of the Bill be amended by inserting the following new definition in proper alphabetical sequence —

“Whistleblower” means any person who has personal knowledge of or access to any data, information, fact or event constituting improper conduct and who makes a disclosure of that information in accordance with this Act.”

CLAUSE 15

THAT, the Bill be amended by deleting Clause 15.

CLAUSE 16

THAT, the Bill be amended by deleting Clause 16.

CLAUSE 17

THAT, the Bill be amended by deleting Clause 17.

CLAUSE 18

THAT, the Bill be amended by deleting Clause 18.

CLAUSE 25

THAT, the Bill be amended by deleting Clause 25.

CLAUSE 26

THAT, the Bill be amended by deleting Clause 26.

THIRD SCHEDULE

THAT, the Third Schedule to the Bill be amended in the proposed amendments to the Leadership and Integrity Act, No. 19 of 2012 by —

- (a) deleting the proposed amendments to section 14;
- (b) deleting the proposed amendments to section 18; and
- (c) deleting the proposed amendments to section 23.



LIMITATION OF DEBATE

The House resolved on Wednesday, February 15, 2023 as follows—

Limitation of Debate on Individual Members' Bills

- II. THAT**, each speech in a debate on **Bills NOT 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 three hours and thirty minutes, 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 minutes (15) each; 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 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 Other Committee Reports

- IV. THAT**, each speech in a debate on **Other Committee Reports**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, 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 Committee Report 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.

Limitation of Debate on Reports of Audit Committees

- V. THAT**, each speech in debate on **Reports of Audit Committees** shall be limited as follows: A maximum of sixty (60) minutes for the Mover in moving and thirty (30) **minutes** in replying, 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 Leader of the Majority Party and the Leader of the Minority Party, in that order.

Limitation of Debate on Sessional Papers

- VI. 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.



NOTICE PAPER I

Tentative business for

Thursday (Morning), November 30, 2023

(Published pursuant to Standing Order 38(1))

It is notified that the following business is *tentatively* scheduled to appear in the Order Paper for Thursday (Morning), November 30, 2023—

A. THE NATIONAL LOTTERY BILL (NATIONAL ASSEMBLY BILL NO. 69 OF 2023)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, November 29, 2023 – Afternoon Sitting)

B. THE GAMBLING CONTROL BILL (NATIONAL ASSEMBLY BILL NO. 70 OF 2023)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, November 29, 2023 – Afternoon Sitting)

C. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 67 OF 2023)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, November 29, 2023 – Afternoon Sitting)

D. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (No. 2) BILL (NATIONAL ASSEMBLY BILL NO. 68 OF 2023)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, November 29, 2023 – Afternoon Sitting)

E. MOTION – THE 4TH GENERAL ASSEMBLY OF THE EASTERN AFRICA PARLIAMENTARY ALLIANCE ON FOOD SECURITY AND NUTRITION (EAPA-FSN) HELD IN KIGALI, RWANDA

(The Chairperson, EAPA-FSN Caucus)

(If not concluded on Wednesday, November 29, 2023 – Afternoon Sitting)

F. MOTION – REPORTS OF THE AUDITOR-GENERAL ON TWENTY-THREE NON-COMPLIANT STATE CORPORATIONS

(The Chairperson, Public Investments Committee on Social Services, Administration and Agriculture)

(If not concluded on Wednesday, November 29, 2023 – Afternoon Sitting)

G. MOTION – PROCEEDINGS OF THE SECOND ORDINARY SESSION OF THE SIXTH PAN-AFRICAN PARLIAMENT (PAP)

(Member of the Pan-African Parliament)

(If not concluded on Wednesday, November 29, 2023 – Afternoon Sitting)

H. MOTION – PROCEEDINGS OF THE 2023 UNITED NATIONS HIGH LEVEL POLITICAL FORUM ON SUSTAINABLE DEVELOPMENT

(The Vice Chairperson, Parliamentary Caucus on Sustainable Development Goals (SDGs) and Business)

(If not concluded on Wednesday, November 29, 2023 – Afternoon Sitting)

I. MOTION – ENHANCING REPORTING OF PARLIAMENTARY BUSINESS ON ONLINE PLATFORMS

(The Chairperson, Committee on Parliamentary Broadcasting and Library)

(If not concluded on Wednesday, November 29, 2023 – Afternoon Sitting)

J. MOTION – SESSIONAL PAPER NO. 2 OF 2023 ON THE NATIONAL TAX POLICY

(The Chairperson, Departmental Committee on Finance and National Planning)

(If not concluded on Wednesday, November 29, 2023 – Afternoon Sitting)

K. THE NATIONAL DISASTER RISK MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2023)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, November 29, 2023 – Afternoon Sitting)

L. THE VOCATIONAL TRAINING BILL (SENATE BILL NO. 3 OF 2022)

(The Chairperson, Departmental Committee on Education)

Second Reading

**M. THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILL
NO. 5 OF 2023)**

(The Hon. Mary Emaase, M.P. – Co-Sponsor)

Second Reading

NOTICE PAPER II

Tentative business for

Thursday (Afternoon), November 30, 2023

(Published pursuant to Standing Order 38(1))

It is notified that the following business is *tentatively* scheduled to appear in the Order Paper for Thursday (Afternoon), November 30, 2023—

A. COMMITTEE OF WHOLE HOUSE

The Conflict of Interest Bill (National Assembly Bill No. 12 of 2023)
(The Leader of the Majority Party)

(If not concluded on Wednesday, November 29, 2023 – Afternoon Sitting)

B. MOTION – REPORTS OF THE AUDITOR-GENERAL ON TWENTY-THREE NON-COMPLIANT STATE CORPORATIONS

(The Chairperson, Public Investments Committee on Social Services, Administration and Agriculture)

(If not concluded on Thursday, November 30, 2023 – Morning Sitting)

C. MOTION – PROCEEDINGS OF THE SECOND ORDINARY SESSION OF THE SIXTH PAN-AFRICAN PARLIAMENT (PAP)

(Member of the Pan-African Parliament)

(If not concluded on Thursday, November 30, 2023 – Morning Sitting)

D. MOTION – PROCEEDINGS OF THE 2023 UNITED NATIONS HIGH LEVEL POLITICAL FORUM ON SUSTAINABLE DEVELOPMENT

(The Vice Chairperson, Parliamentary Caucus on Sustainable Development Goals (SDGs) and Business)

(If not concluded on Thursday, November 30, 2023 – Morning Sitting)

E. MOTION – ENHANCING REPORTING OF PARLIAMENTARY BUSINESS ON ONLINE PLATFORMS

(The Chairperson, Committee on Parliamentary Broadcasting and Library)

(If not concluded on Thursday, November 30, 2023 – Morning Sitting)

F. MOTION – SESSIONAL PAPER NO. 2 OF 2023 ON THE NATIONAL TAX POLICY

(The Chairperson, Departmental Committee on Finance and National Planning)

(If not concluded on Thursday, November 30, 2023 – Morning Sitting)

G. THE NATIONAL DISASTER RISK MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2023)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, November 30, 2023 – Morning Sitting)

H. THE VOCATIONAL TRAINING BILL (SENATE BILL NO. 3 OF 2022)

(The Chairperson, Departmental Committee on Education)

Second Reading

(If not concluded on Thursday, November 30, 2023 – Morning Sitting)

I. THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILL NO. 5 OF 2023)

(The Hon. Mary Emaase, M.P. – Co-Sponsor)

Second Reading

(If not concluded on Thursday, November 30, 2023 – Morning Sitting)



APPENDIX

NOTICE OF PETITIONS, QUESTIONS & STATEMENTS

ORDER NO. 7 - STATEMENTS

It is **notified** that, pursuant to the provisions of Standing Order 44(2)(c), the following Statement will be requested—

No.	Subject	Member	Relevant Committee
1.	Tragic drowning of two residents of Sigowet-Soin	<i>Hon. Beatrice Kemei, MP (Kericho County)</i>	Regional Development
