



TWELFTH PARLIAMENT
FIFTH SESSION OF
THE NATIONAL ASSEMBLY OF KENYA

REPORT OF THE AFFAIRS OF THE NATIONAL ASSEMBLY FOR THE FIFTH SESSION OF THE 12TH PARLIAMENT

9TH FEBRUARY 2021 – 24TH JANUARY 2022

Clerk's Chambers
Kenya National Assembly
Parliament Buildings
Nairobi, Kenya





TABLE OF CONTENTS

PREFACE	5
Speakers Foreword	6
DEFINITIONS	8
LIST OF ABBREVIATIONS	9
CHAPTER ONE: CALENDAR AND CHANGES IN MEMBERSHIP	10
1.0 Introduction	10
1.1: Calendar of the National Assembly	10
1.3 Joint Sitzings of Parliament	18
1.2. Demise of Sitting Members of Parliament	19
1.3 Administration of Oath	20
2.0 CHAPTER TWO: PARLIAMENTARY PROCEEDINGS & HOUSE BUSINESS	22
2.1 Communications from the Chair	22
2.2. Messages	26
2.3. Public Petitions	29
2.4 Papers Laid	31
2.5 Statutory Instruments/Regulations	34
2.6 Sessional Papers	35
2.7 Motions	36
2.9 Statements	42
2.10 Bills	52
3.0 CHAPTER THREE: PROCEDURAL DEVELOPMENTS AND EMERGING ISSUES	66
4.0 CHAPTER FOUR: NATIONAL ASSEMBLY AND PARLIAMENTARY DIPLOMACY	77
4.1 The Commonwealth Parliamentary Association (CPA)	77
4.2 Pan African Parliament (PAP)	78
4.3 The African, Caribbean, Pacific-European Union Joint Parliamentary Assembly (ACP-EU – JPA)	79
4.4 Inter-Parliamentary Union (IPU)	80
4.5 Forum of Parliaments of Member States of the International Conference on the	

Great Lakes Region (FP-ICGLR)	81
4.6 Caucuses	81
5.0 CHAPTER FIVE: HIGHLIGHTS ON DIRECTORATES AND DEPARTMENTS IN THE NATIONAL ASSEMBLY	84
5.1 Directorate of Speaker's Office	84
5.2 Office of the Clerk	93
5.3 Directorate of Legislative and Procedural Services	93
5.3.2 Procedure and House Rules Committee	94
5.4 Directorate of Departmental Committees	95
5.5 Directorate of Audit, Appropriation & Other Select Committees	113
Challenges	118
5.6 Directorate of Legal Services	119
A. Strengthening the Capacity of Members and Committees to Make Laws	120
B. Strengthening the office of the Speaker and other parliamentary offices	121
C. Strengthening the Office of the Clerk	121
D. Publications by the Directorate	122
E. Training and Professional Development	122
5.7 Hansard Department	122
5.8 Parliamentary Budget Office (PBO)	125
5.9 Serjeant-At-Arms Department	128
ANNEXES	130
Annex 1: Status of Bills in the National Assembly During the Fifth Session	130
Annex 2: Bills Nullified by the Court in its Judgement in the House in the Fifth Session	135
Annex 3: List of Statement Responses in the Fifth Session	152

PREFACE



I have great pleasure in presenting this Report of the Fifth Session of the National Assembly of the Twelfth Parliament detailing the business transacted during the year 2021. The National Assembly facilitated the attainment of the strategic objectives of the Parliamentary Service Commission particularly under the Pillar on Effective Representation, Legislation, and Oversight with its attendant strategic objectives to improve the process of representation, legislation, and oversight as well as to strengthen the capacity of Members of Parliament to execute their constitutional mandate.

Activities of the National Assembly outlined in the Report include consideration and passage of Bills; adoption of Motions; Communications from the Speaker addressing several procedural questions; resolutions on various issues; Questions by Members; Petitions on various issues of concern; consideration of Committee Reports; vetting of nominees to state and public offices; and the consideration and adoption of national policies emanating from the Executive contained in Sessional Papers and Statutory Instruments, among others. The Report highlights the activities relating to consideration of the national budget, and the ratification of agreements, conventions, treaties and protocols.

This Report is meant to provide Members of Parliament, Parliamentary Staff, various stakeholders, and the public with information on the work and activities of the National Assembly during the Fifth Session of the 12th Parliament from February 2021 –to 24th January, 2022. It is my believe that you the reader will find it resourceful.

Lastly, I appreciate the Parliamentary Service Commission, the Office of the Speaker and Leadership Offices for their support. I also acknowledge the work and dedication of the Staff

led by the Directors and Heads of Units who worked tirelessly for the success of the House and endured the challenges presented by the Covid-19 pandemic. I commend the Staff for their hard work and dedication in facilitating the House to deliver on its mandate.

I look forward to a productive Sixth Session and I wish Members fruitful deliberations, good health and God's blessings.

MICHAEL R. SIALAI, CBS

CLERK OF THE NATIONAL ASSEMBLY

February, 2022



It gives me great pleasure to make my commentary on this report, which details the activities and the achievements of the National Assembly during the Fifth Session running in the period between February 9th, 2021 to January 24th, 2022.

The core roles of the National Assembly as outlined in Article 95 of the Constitution are passing legislation, appropriation of resources, oversight, and representation, which are essential for the implementation and attainment of the national goals. The Members who are the vanguards of the interests of the people as well as the all crucial conduit for guaranteed participatory and equitable development, have been bestowed the honourable role of executing this mandate. I am glad to note that during the Fifth Session, Members of the National Assembly endeavoured to deliver on their role as obligated by law, despite the continued hurdles presented by Covid-19 pandemic and its attendant protocols.

During this period, the House amended its Standing Orders to introduce rules to guide virtual sittings of Committees and the House. This was a further development from the last session, where the House through the amendment of its Standing Orders had in an unprecedented move, created provision for virtual sittings of the House during plenary sittings and committee meetings. This new development paved way for the first ever virtual voting on any Bill in the National Assembly. Through this provision, the House managed to marshal a two-thirds majority for the passage of the Constitution of Kenya (amendment) Bill, 2020 through the combination of a roll-call and virtual voting. Besides this innovation, the House adopted the exemption of Business from the provisions

of the Standing Orders to salvage petitions and Bills which would otherwise have lapsed due to the alterations of the House calendar resulting from the outbreak of the Covid-19 pandemic during the previous session.

I am also glad to note that amidst the aforementioned challenges, the Fifth Session witnessed the passage of several crucial legislations. Among these legislations were, The Refugees Bill, 2019, which was passed on March 2nd, 2021. The principal object of the Bill was to provide for recognition, protection and management of refugees to give effect to the 1951 United Nations Convention relating to Status of Refugees, the 1967 Protocol relating to the Status of Refugees and the 1969 OAU Convention governing the Specific Aspects of Refugee Problems in Africa. Another key legislation passed during this Session was the Narcotics, Drugs and Psychotropic Substances (control) (amendment) Bill, 2020, which was meant to enhance penalties related to offences prescribed for possession and trafficking in narcotics and psychotropic substances among other provisions.

The House also passed the Business Laws (amendment) Bill, 2020 which sought to introduce amendments to various statutes to enhance ease of doing business in Kenya. This was progressive in particular given the adverse effects of businesses as a result of the Covid-19 pandemic. The House further passed the Foreign Service Bill, 2021, whose objective was to provide for the establishment, management, administration, accountability and functioning of a professional Foreign Service of the Republic of Kenya. Until the passage of this Bill, there had been no domestic legal framework or policy that provided a comprehensive legal regime for Foreign Service. In a move to support the Executive to meet its international obligation with regard to various international treaties and statutes, the National Assembly ratified a total of twelve (12) treaties. During the same period, the National Assembly also considered and duly approved nominees presented to the House by the Executive for consideration for appointment to various state offices.

In addition, during the Fifth Session, the National Assembly continued to facilitate the implementation of the agenda of the government by appropriating resources, while overseeing the Executive, the Judiciary and other government agencies. The House also continued to extend support to the Executive by expeditiously approving remedies sought with regard to the National Emergency Response to the Coronavirus response. In this regard, it is noteworthy that the House instituted additional legislative interventions to cater for improved access of healthcare services by the citizenry and to accelerate the implementation of the Universal Health Care; a key component of the government's Big Four Agenda.

Additionally, this Session where the House held one hundred and thirty (130) sittings, continued witnessing a steady increase of interest by Members in introducing individual legislative proposals (better known as the Private Members' Bills) as well as a steady rise in the number of motions, questions and petitions. This is a reflection of the acknowledgment by lawmakers that they are aware of the increased demand by the citizenry for transparency, accountability and good governance.

Further, during the Fifth Session, the House was privileged to play host to H.E. President Samia Suluhu Hassan, the President of the United Republic of Tanzania. President Samia who addressed

a joint sitting of Parliament on May 5, 2022., was in Kenya for a two-day state visit geared towards strengthening ties between Kenya and Tanzania after a period of growing economic rivalry and accusations of unfair trade practices between the countries. During her lyrical address delivered in Swahili, President Suluhu called on legislators to foster unity between Kenya and Tanzania.

On a sad note, during the 5th Session, the National Assembly lost three (3) Members for Juja, Bonchari and Kiambaa constituencies. The three Members will be fondly remembered for their progressive contributions in the House and for their fidelity to duty and commitment in serving their respective constituents.

Finally, it is my hope that this report provides sufficient information for the Members of the National Assembly, Parliamentary staff, the public and all the stakeholders to comprehend the workings and the agenda of Parliament during the Session under review.

To this end, I, take this opportunity to sincerely thank Members of the National Assembly, the Clerk of the National Assembly, and the entire secretariat of the National Assembly Service for their support and commitment to our vision for a supreme, effective, efficient, and self-sustaining Parliament.

I thank you for your continued support.

HON. JUSTIN B.N. MUTURI, E.G.H., MP

SPEAKER OF THE NATIONAL ASSEMBLY

(2013 – 2022)

DEFINITIONS

Sine-die- Literally, “without day;” usually, adjournment without a day being set for reconvening; final adjournment.

Suo moto-in one's own accord.

Waqf-assets that are donated, bequeathed, or purchased for being held in perpetual trust for general or specific charitable causes that are socially beneficial.

Adoption-Approval or acceptance; usually applied to amendments, committee reports or resolutions.

Appropriation-Funds allocated for various departments of government set aside by formal action for specific use. Allows money to be spent; is not actual expenditure record.

Committee Of The Whole- When the House sits in its entirety as a committee to consider bills or issues.

Quorum: When a legislative body is assembled, the minimum number of members required to transact business.

LIST OF ABBREVIATION

MP-Member of Parliament

H.E-His Excellency

CGH- Chief of the Order of the Golden Heart

EGH- Elder of the Order of the Golden Heart

SoCATT- Society of Clerks at the Table

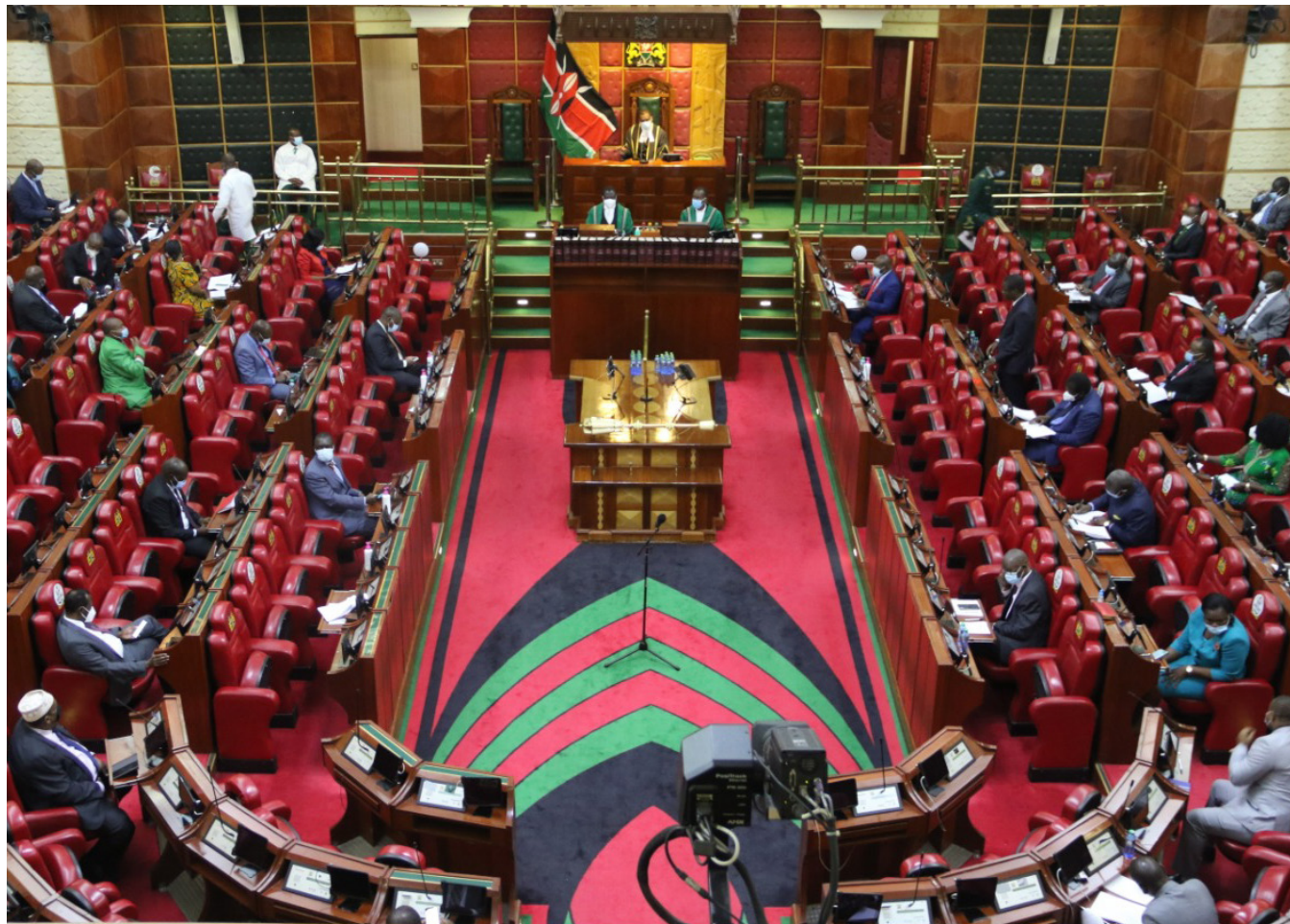
CHAPTER ONE:

CALENDAR AND CHANGES IN MEMBERSHIP

1.0 Introduction

This chapter details the sittings and changes in the Membership of the National Assembly during the period between 9th February, 2021 and 24th January, 2022, being the 5th Session of the 12th Parliament.

1.1: Calendar of the National Assembly



The National Assembly during a Sitting

The Fifth Session of the National Assembly of the 12th Parliament commenced on Tuesday, 9th February 2021 and ended on Monday, 24th January, 2022. The House approved its Calendar (Regular Sitzings, 2021) for the Fifth Session on Wednesday, February 10, 2021 and at the end of the Session, the House had held one hundred and thirty (130) Sitzings. Of these Sitzings, one hundred and sixteen (116) were Regular Sitzings, twelve (12) were Special Sitzings and two (2) were Joint Sitzings.

In approving its Calendar for Regular Sitzings pursuant to the provisions of Standing Order 28 of the National Assembly Standing Orders, the House resolved that for the First Part of the Session, Tuesday's Sitzings will commence at 2.30 p.m. to 6.30 p.m. (Afternoon); and, 7.00 p.m. to 9.00 p.m. (Evening). As for Thursday's, morning Sitzings to commence at 10 a.m. and end at 1 p.m., afternoon Sitzings to commence at 2.30 p.m. and end at 6.30 p.m.; evening Sitzings to commence at 7.00 p.m. and end at 9.00 p.m.

For the Second and Third Parts of the Session, the House approved Regular Sitzings for Tuesdays (Afternoon) to commence at 2.30 p.m to 7.00p.m, Wednesdays (Morning and Afternoon) to commence at 9.30 a.m to 1.00pm; 2.30 to 7.00pm (respectively) and Thursdays (Afternoon) to commence at 2.30 to 7.00pm.

Despite the above, the House, resolved and altered its Calendar of Regular Sitzings on several occasions as follows:

- i. On 9th March 2021 to varying the period of the Short Recess with respect to the First Part of the Session;
- ii. On 30th March 2021 in order to suspend its Sitting of Tuesday (Evening), March 30, 2021; suspend all its ordinary Sitzings from Thursday, 1st April, 2021 to Thursday, 29th April, 2021; and, resume its regular Sitzings on Tuesday, 4th May, 2021 at 2.30 p.m. to continue with the First Part of the Session;
- iii. On 4th May 2021 in order that –
 - a. the Sitzings of the House for First Part of the Session terminate on Thursday, 13th May, 2021 (instead of 6th May, 2021);
 - b. the Sitzings of the House for the Second Week of May, 2021 accord with the resolution of the House of February 10, 2021 with respect to the Sitting days and times and prioritization of business;
 - c. the business to be transacted during the Morning Sitzings of Thursday, 6th May, 2021 and Thursday, 13th May, 2021 be exempted from the resolution of the House of February 10, 2021 (Approval of the Calendar of the National Assembly (Regular Sessions) for the Fifth Session (2021)) being days allocated for Business not sponsored by the Majority Party or Minority Party or Business sponsored by a Committee; and
 - d. the House proceeds for its recess from Friday, 14th May, 2021 (instead of 7th May, 2021) to accord Committees time to consider Estimates of Revenue and Expenditure for the National Government, Judiciary and Parliament for the Financial Year 2021/2022 and resumes on Tuesday, 8th June, 2021 to commence the Second Part of the Session
- iv. On 8th June 2021 varying Sitzings of the then current week from 8th to 10th June, 2021; varying Sitzings for the weeks after; suspending morning Sitzings; and giving precedence to Individual Member Business on Thursday afternoon Sitzings in the order that would be determined by the House Business Committee;
- v. On 24th June 2021 exempting certain business in the Order Paper for the day from resolution of the House of June 8, 2021 allocating Thursday Afternoon as a day for Business not sponsored by the Majority Party or Minority Party or Business sponsored by a Committee; and,
- vi. On 6th July 2021 varying the period for the Short Recess with respect to the Second Part of the Session.

1.2 Special Sitzings

A special sitting is a sitting held by the House on a day other than a day prescribed in the regular calendar of the House. The House may hold a special sitting upon request by the Leader of Majority Party or the Leader of Minority Party and with the approval of the Speaker. During the Session the House held Special Sitzings to transact business as follows-

On Thursday 18th March, 2021 (Morning and Afternoon) convened vide *Gazette Notice No. 2604 of 15th March 2021*, for purposes of -

- i. Tabling of the Report of the Budget and Appropriations Committee on the First Supplementary Estimates for the Financial Year 2020/2021
- ii. Tabling of other papers;
- iii. Transaction of the following business—
 - a. Notification of a Motion for approval of the First Supplementary Estimates for the Financial Year 2020/2021;
 - b. Consideration of the Motion for the approval of the First Supplementary Estimates for the Financial Year 2020/2021;
 - c. Consideration in Second Reading of the National Aviation Management Bill (National Assembly Bill No. 18 of 2020);
 - d. Voting on the Motion for Second Reading of the Division of Revenue Bill (National Assembly Bill No. 7 of 2021);
 - e. Consideration in the Committee of the Whole House of the Division of Revenue Bill (National Assembly Bill No. 7 of 2021); and,
 - f. Consideration in Third Reading of the Division of Revenue Bill (National Assembly Bill No. 7 of 2021).



On **Wednesday, April 28, 2021 and Thursday, April 29, 2021** (Morning and Afternoon) convened vide *Gazette Notice No. 4005 of 26th April 2021*, for purposes of -

- i. Conveyed a Message from the Senate on the Division of Revenue Bill, 2021;
- ii. Tabling of Reports of the following Committees —
 - a. Report of the Budget and Appropriations Committee on the consideration of Senate Amendments to the Division of Revenue Bill, 2021;
 - b. Report of the Departmental Committee on Education and Research on the vetting of the Nominees for appointment to the positions of Chairperson and Member of the Teachers Service Commission;
 - c. Report of the Departmental Committee on Education and Research on the vetting of the nominee for appointment to the position of Principal Secretary in the State Department for Implementation of Curriculum Reforms; and,
 - d. Report of the Joint Sitzings of the Departmental Committee on Justice and Legal Affairs and Senate's Committee on Justice, Legal Affairs and Human Rights on the Constitution of Kenya (Amendment) Bill, 2020 promoted by the Building Bridges Initiative;
- iii. Tabling of other Papers with statutory timelines;
- iv. Notices of Motion and consideration of Special Motions on –
 - a. The nominees for appointment to the positions of Chairperson and Member of the Teachers Service Commission; and
 - b. The nominee for appointment to the position of Principal Secretary in the State Department for Implementation of Curriculum Reforms;
- v. Consideration of a Special Motion on Public Petition for the removal of Ms. Tabitha Mutemi from the membership of the Media Council of Kenya;
- vi. Consideration of Senate Amendments to the Division of the Revenue Bill, 2021; and
- vii. Second Reading, Committee of the Whole House and Third Reading of the Constitution of Kenya (Amendment) Bill, 2020 promoted by the Building Bridges Initiatives.

On **Wednesday, 19th May 2021** (Morning and Afternoon) convened vide *Gazette Notice No. 4699 of 17th May 2021*, for purposes of -

- i. Tabling of the Report of the Departmental Committee on Justice and Legal Affairs on the vetting of the nominee for appointment to the position of Chief Justice of the Republic of Kenya;
- ii. Tabling of any other Papers with statutory timelines;

- iii. Transaction of the following Business-
 - a. Notice of Motion and consideration of Special Motion for the approval of appointment of a Chief Justice of the Republic of Kenya;
 - b. Consideration of the Reports of the Committee on Delegated Legislation on the following-
 - i. The Exemption from Income Tax for Japanese Companies, Japanese Consultants and Japanese Employees (*Legal Notice No. 15 of 2021 of 26th February, 2021*);
 - ii. The Public Finance Management (National Drought Emergency Fund) Regulations, 2021, (*Legal Notice No. 27 of 2021 of 5th March, 2021*); and,
 - iii. Exemption from Income Tax for Airlines with Government of Kenya Shareholding of at least 45% and its subsidiaries; (*Legal Notice No. 27 of 2021 of 17th March, 2021*);
- iv. First Reading of the following Bills, subject to Article 110(3) of the Constitution-
 - i. The Livestock Bill, (National Assembly Bill No.16 of 2021);
 - ii. The Irrigation (Amendment) Bill, (National Assembly Bill No. 12 of 2021);
 - iii. The Community Groups Registration Bill, (National Assembly Bill No. 20 of 2021); and
 - iv. The National Hospital Insurance Fund (Amendment) Bill, (National Assembly Bill No. 21 of 2021);
 - v. Reduction of publication period of the National Hospital Insurance Fund (Amendment) Bill (National Assembly Bill No. 21 of 2021) from 14 days to 8 days
 - vi. Second Reading of the Public Private Partnerships Bill, (National Assembly Bill No. 6 of 2021);
 - vii. Committee of the whole House on-
 - a. The Kenya National Library Service Bill, (National Assembly Bill No. 5 of 2020); and,

The Narcotics, Drugs and Psychotropic Substances (Control) (Amendment) Bill, (National Assembly Bill No. 27 of 2020).

On **Wednesday, 1st September, 2021 (Morning and Afternoon)** convened *vide Gazette Notice No.9078 of 30th August 2021*, for purposes of-

- i. Conveying a Message from H.E. the President pursuant to Article 115 of the Constitution the on Referral of the Refugees Bill, 2019;
- ii. Tabling of and Notice of Motion on the Report of the Departmental Committee on Justice and Legal Affairs on the vetting of Nominees for appointment to the position of Member of the Independent Electoral and Boundaries Commission (IEBC);

- iii. Tabling of and Notice of Motion on the Report of the Departmental Committee on Education and Research on the vetting of the Nominees for appointment to the position of Member of the Teachers Service Commission (TSC);
- iv. Tabling of any other Papers with Statutory timelines;
- v. Transaction of the following Business-
 - A.First Reading of the following Bills-
 - a. The Sustainable Waste Management Bill, 2021;
 - b. The National Disaster Risk Management Bill, 2021;
 - c. The Public Procurement and Asset Disposal (Amendment) Bill, 2021;
 - d. The Universities (Amendment) Bill, 2021; and
 - e. The Public Procurement and Asset Disposal (Amendment) (No.2) Bill, 2021;
- vi. Voting on the Motion for Second Reading of the Central Bank of Kenya (Amendment) Bill, 2021;
- vii. Consideration of Special Motion on appointment of nominees to the position of Member of the Independent Electoral and Boundaries Commission (IEBC); and;
- viii. Consideration of Special Motion on appointment of nominees to the position of Member of the Teachers Service Commission.

On Tuesday, 21st December, 2021 (Morning and Afternoon) vide *Gazette Notice No. 13599 of 17th December, 2021*, for purposes of –

- i. Communication from the Chair regarding absence of the Speaker During Special Sittings;
- ii. Communication regarding Members Conferred With State Honours;
- iii. Conveying of a Message from H.E. the President on Nomination of Representative of National Police Service Commission to Salaries And Remuneration Commission;
- iv. Conveying of a Message From the Senate on Passage of the National Hospital Insurance Fund(Amendment) Bill (National Assembly Bill No.21 of 2021);
- v. Tabling of Reports and Notices of Motions in regards to -
 - a.Consideration of Nominee for appointment as Chairperson of the Public Service Commission; and
 - b.Consideration of Nominees for appointment as Members of the National Gender and Equality Commission.

- c. Legal Notice No. 226 of 2021 relating to the Controller of Budget Regulations, 2021 and the Explanatory Memorandum from the Controller of Budget;
- d. Legal Notice No. 235 of 2021 relating to the Designation of Basin Areas, and the Explanatory Memorandum from the Water Resources Authority.
- e. Legal Notice No. 250 of 2021 relating to the Physical and Land Use Planning (Liaison Committees) Regulations, 2021 and the Explanatory Memorandum from the Ministry of Lands and Physical Planning;
- f. Legal Notice No. 251 of 2021 relating to the Physical and Land Use Planning (Development Control Enforcement) Regulations, 2021 and the Explanatory Memorandum from the Ministry of Lands and Physical Planning;
- g. Legal Notice No. 252 of 2021 relating to the Physical and Land Use Planning (Outsourcing of Professional Services) Regulations, 2021 and the Explanatory Memorandum from the Ministry of Lands and Physical Planning;
- h. Legal Notice No. 253 of 2021 relating to the Physical and Land Use Planning (Development Permission and Control) (General) Regulations, 2021 and the Explanatory Memorandum from the Ministry of Lands and Physical Planning;
- i. Report of the Departmental Committee on Justice and Legal Affairs on its consideration of Political Parties (Amendment) Bill, (National Assembly Bill No. 56 of 2021).
- j. Report of the Departmental Committee on Health on its consideration of the Senate Amendments to the National Hospital Insurance Fund (Amendment) Bill, (National Assembly Bill No. 21 of 2021).
- k. First Reading of the Huduma Bill, 2021 (subject to resolution under Article 110 of the Constitution).
- l. Voting on the Motion for agreement with the Report of the Committee of the Whole House on its consideration of the Kenya Industrial Research and Development Institute Bill, 2020.
- m. Third Reading of the Kenya Industrial Research and Development Institute Bill, 2020.
- n. Considerations of Senate Amendments on the National Hospital Insurance Fund (Amendment) Bill, 2021.
- o. Second Reading of Proceeds of Crime and Anti- Money Laundering (Amendment) Bill, 2021.
- vi. Committee of the Whole House and Third Reading of -
 - a. The Proceeds of Crime and Anti- Money Laundering (Amendment) Bill, 2021; and,
 - b. Senate Amendments on the National Hospital Insurance Fund (Amendment) Bill, 2021.

vii. Second reading of the Political Parties (Amendment) Bill (National Assembly Bill No. 56 of 2021). This order was however deferred.

On Wednesday, 22nd December, 2021 (Morning and Afternoon) vide *Gazette Notice No. 13599 of 17th December, 2021*, for purposes of –

- i. Second Reading of the Political Parties (Amendment) Bill (National Assembly Bill No. 56 of 2021).
- ii. Consideration of the Political Parties (Amendment) Bill (National Assembly Bill No. 56 of 2021) in Committee of the whole House.

On Wednesday, 29th December, 2021 (Morning and Afternoon) vide *Gazette Notice No. 14165 of 24th December, 2021*, for purposes of -

- i. Consideration of the Political Parties (Amendment) Bill (National Assembly Bill No. 56 of 2021) in Committee of the whole House. The Bill was considered upto Clause 8.
- ii. Second reading of the Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bill No. 32 of 2021).

On Wednesday, 5th January 2022 (Morning and Afternoon) vide *Gazette Notice No. 14275 of 31st December 2021*, for purposes of -

- i. Convocation of the Special Sitting;
- ii. conveyance of Messages from the President, the National Executive and/or the Senate if any;
- iii. tabling of any Papers and Statutory timelines;
- iv. Consideration of the Political Parties (Amendment) Bill (National Assembly Bill No. 56 of 2021) in Committee of the Whole House and Third Reading starting from Clause 8, passed with amendments. This is resumption of consideration of the Bill, which was interrupted on December 29, 2021 to resume on Clause 8;

The House had planned to hold special sittings on 5th, 6th and 7th January 2022. However, scheduled business having been concluded on the special sittings on 5th January, 2022, the sittings of 6th and 7th January 2022 were not held

1.3 Joint Sitzings of Parliament

During the Session, the National Assembly participated in two (2) joint sittings where the following business was transacted:-

a. Address by H.E Samia Suluhu Hassan, the President of the United Republic of Tanzania on 5th May, 2021

On 5th May, 2021, Her Excellency Samia Suluhu Hassan, the President of the United Republic of Tanzania pursuant to the provisions of Standing Order No. 25(1) of the National Assembly Standing Orders and Standing Order No. 25(2) of the Senate Standing Orders, relating to *Address by Visiting Dignitary addressed the Houses of Parliament*. It is worth to note that since independence, only His Excellency (Dr.) Jakaya Mrisho Kikwete, the then President of the United Republic of Tanzania had the opportunity to address a joint sitting of Parliament when he addressed a joint sitting on Tuesday, 6th October 2015.



H.E Samia Suluhu Hassan, the President of the United Republic of Tanzania stands for the national anthem before addressing a Joint Sitting of Parliament. She is flanked by the Speaker and Clerk of The National Assembly to her left (Hon. Justin Muturi & Mr. Michael Sialai, and The Speaker and Clerk of the Senate to her right (Hon. Kenneth Lusaka & Mr. Jeremiah Nyegenye)

b. State of the Nation Address by H.E Hon.Uhuru Kenyatta (CGH), 30th November, 2021.

In line with Article 132 of the Constitution, the President delivered the eight (8th) State of the Nation Address in Parliament during a Joint-Sitting of the two Houses on 30th November, 2021. During the Address, His Excellency the President submitted to Parliament the following reports:

a. *The 8th Report on All Measures Taken and Progress Achieved in the Realization of National Values;*

- b. *The 8th Report on Progress made in fulfilling the International Obligations of the Republic; and*
- c. *The 8th Report on the State of Security.*


Further the President submitted the Kenya Business Climate Reforms Milestone Report: 2020-2021. The report was recognition that Micro, Small, and Medium Enterprises remain the lifeblood of the economy. It instituted various reforms over the last year that tore down the barriers that constrained the Growth of Micro, Small and Medium Enterprises (MSMEs); enabling enterprises to seize more opportunities and build back better.



H.E. Uhuru Kenyatta, CGH delivers the State of The Nation Address during the joint sitting of Parliament on the 30th of November 2021.

1.2. Demise of Sitting Members of Parliament

In the Fifth Session, the House lost the following three members –

No.	Photo	Particulars	Name
		Name	The Hon. Francis Munyua Waititu, MP
		Constituency	Juja
		Party	The Jubilee Party (JP)
		Died on	23 rd February 2021

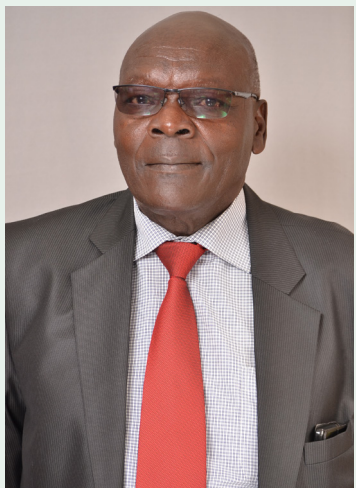

	Name	The Hon. John Oroo Oyioka, MP
	Constituency	Bonchari
	Party	The People's Democratic Party (PDP)
	Died on	15 th February 2021
	Name	The Hon. Paul Koinange, MP
	Constituency	Kiambaa
	Party	The Jubilee Party (JP)
	Died on	31 st March 2021

Table 1: Members of Parliament who died during the Session
Source: Table Office Department

1.3 Administration of Oath

Article 74 of the Constitution requires that before assuming office, State Officers shall take and subscribe the oath or affirmation of office in the manner and form prescribed by the Third Schedule to the Constitution or under an Act of Parliament.

Consequently, during the 5th Session, the Speaker administered oaths to three (3) Members-elect, who had joined the National Assembly through by-elections occasioned by the demise of the previous Members of Parliament. Table 1 below presents details of Members elected through by-elections in the course of the Fifth Session:-



No.	Photo	Particular	Name
		Name	The Hon. Majimbo Kalasinga Joseph Wekesa Simiyu, MP
		Constituency	Kabuchai
		Party	Forum for Restoration of Democracy – Kenya (FORD-K)
		Date sworn in	9 th March 2021
		Name	The Hon. Peter Oscar Nabulindo, MP
		Constituency	Matungu
		Party	Amani National Congress (ANC)
		Date sworn in	11 th March 2021
		Name	The Hon. George Ndung'u Koimburi, MP
		Constituency	Juja
		Party	The Peoples Empowerment Party (PEP)
		Date sworn in	8 th June 2021
		Name	The Hon. Robert Pavel Oimeke, MP
		Constituency	Bonchari
		Party	Orange Democratic Movement (ODM)
		Date sworn in	8 th June 2021
		Name	The Hon. John Njuguna Wanjiku, MP
		Constituency	Kiambaa
		Party	The United Democratic Alliance (UDA)
		Date sworn in	4 th August 2021

Table 2: Members elected through by-elections

Source: Table Office Department

CHAPTER TWO:

PARLIAMENTARY PROCEEDINGS & HOUSE BUSINESS

This chapter details the business transacted by the House during the period between 9th February 2021 and 24th January 2022, being the 5th Session of the 12th Parliament.

2.1 Communications from the Chair



The Speaker of the National Assembly (12th Parliament), The Hon. Justin Muturi, EGH, MP

There is a common adage that parliament is a 'House of Rules'. The purpose of rules of a House of Parliament, commonly known as Standing Orders, is to guide proceedings and decisions - making. They provide the procedure that ought to be followed by the House in conducting business and arriving at decisions.

The Speaker is the custodian of the rules of the House and whenever questions of procedure arise, the Speaker guides the House by way of '*Communications from the Chair*'. Communications from the Chair may take the form of –

- a. Considered Ruling on procedural or constitutional questions
- b. Information to the House
- c. Guidance to the House
- d. Convocation of Special Sitings
- e. Recognition of visiting delegations
- f. Notification of occurrences

In the Session, the Speaker conveyed fifty-eight (58) Communications from the Chair on various subject matters as listed hereunder regarding-

No.	Subject
1	On Business that lapsed at the end of the Fourth Session and committal of different provisions of the Business Laws (Amendment) (No. 2) Bill, 2020 to various Departmental Committees
2.	Recall of the report of the Auditor General on the State Department for University Education for the year ended 30 th June 2019
3.	Regarding sustainance of quorum of the House during evening sittings
4.	Regarding prioritisation of the Referendum (No.2) Bill (National Assembly Bill No. 14 of 2020)
5.	Demise of Hon. John Oyioka, MP Member for Bonchari Constituency
6.	Demise of the Late Hon. Sen. Mohamed Yusuf Haji, MP, -Senator Garissa.
7.	Regarding a visiting Delegation from the Executive Committee of the Commonwealth Parliamentary Association- Uganda Branch.
8.	Demise of the Hon. Francis Munyua Waititu, MP Member for the Juja Constituency
9.	On the Resolutions of County Assemblies on the Draft Constitution of Kenya (Amendment) Bill, 2020.
10.	On update on the Resolutions of County Assemblies on the Constitution of Kenya (Amendment) Bill, 2020.
11.	On the Draft Constitution of Kenya (Amendment) Bill, 2020.
12.	Temporary suspension of Committee activities outside the precincts of Parliament during consideration of the Constitution of Kenya (Amendment) Bill, 2020.
13.	Regarding a visiting delegation from the Malawi Defence Forces.
14.	Recognition of staff from the Parliament of Sierra Leone.
15.	On the Demise of The His Excellency (Dr.) John Pombe Joseph Magufuli, President of the United Republic of Tanzania.

16.	Withdrawal of specific provisions contained in the Business Laws (Amendment) (No. 2) Bill (National Assembly Bill No. 50 of 2020).
17.	Proposed Amendments to the Supplementary Appropriation Bill (National Assembly Bill No. 9 of 2021).
18.	On the Special Sitzings of The National Assembly.
19.	Address by Her Excellency The Hon. Samia Suluhu Hassan, President of the United Republic of Tanzania.
20.	Consideration of the Constitution of Kenya (Amendment) Bill, 2020 (A Bill to amend the Constitution by popular initiative).
21.	On inaccurate report on Division with respect to the Constitution of Kenya Amendment Bill, 2020
22.	On the Special Sitzings of the National Assembly on 19 th May 2021
23.	On the consideration of the Kenya National Library Service Bill, (National Assembly Bill No. 5 of 2020).
24.	On the presentation of the Budget Highlights for the Financial Year 2021/2022.
25.	Pending matter under Standing Order 108- Member for Nyali.
26.	Interruption of Business for delivery of Highlights of Budget Estimates for the FY 2021/2022.
27.	Guidance on Biometric Chamber Attendance Registration.
28.	Guide on consideration of proposed Amendments to the Finance Bill (National Assembly Bill No. 18 of 2021).
29.	On the Individual Member's Bills pending before Committees of the House.
30.	Guide on consideration of proposed Amendments to the Kenya National Library Service Bill (National Assembly Bill No. 5 of 2020).
31.	Designation of a Member as the Vice Chairperson of the Committee of Powers and Privileges.

32.	On the consideration of the Parliamentary Pensions (Amendment) (No.3) Bill (National Assembly Bill No. 57 of 2019) in Committee of the Whole House.
33.	Guide regarding submission of the Draft Election Campaign Financing Regulations by the Independent Electoral and Boundaries Commission
34.	Reminder on Adherence to the Covid-19 guidelines.
35.	On the demise of Senator Victor Prengei
36.	On the Special Sittings of the National Assembly of Wednesday, 1 st September, 2021.
37.	Congratulatory message to the Hon. Dennitah Ghati on her election as Chairperson of the Commonwealth Parliamentarians with Disabilities(CPwD)
38.	Review of the National Assembly Standing Orders
39.	Regarding a visiting Delegation from the County Assembly of Nandi
40.	On consideration of a petition on the Implementation of the Competency Based Curriculum
41.	Consideration of the Proposed Amendments to the Waqf Bill (National Assembly Bill No. 73 of 2019)
42.	Regarding a visiting Delegation from the Parliament of Zimbabwe
43.	On the Constitutionality of and Sufficiency of Public Participation during consideration of the Health Laws (Amendment) Bill (National Assembly Bill No. 2 of 2021) by the Departmental Committee on Health.
44.	Consideration of the Sugar Bill (National Assembly Bill No. 68 of 2019)
45.	The Second Parliamentary Forum for Committees of the National Assembly.
46.	Regarding visiting Delegations from the Parliament of Zimbabwe and the National Assembly of the Gambia
47.	Petition for the removal from Office of the Attorney- General
48.	The Import of the Judgement of the Court of Appeal in Civil Appeal No. E084 of 2021 on the Legislative Function of the National Assembly.

49.	Recognition of a visiting Delegation from the Parliament of South Sudan.
50.	On sitting arrangements during the State of the Nation Address by H.E The President of the Republic of Kenya.
51.	Guide on Business under Order Nos 16, 18 and 19 in the Order Paper for Thursday 25 th November 2021.
52.	On the Consideration in Committee of the Whole House of Certain Proposed Amendments to the Kenya Roads (Amendment) Bill (National Assembly Bill No. 2021)
53.	On Suspension of Committee Sittings and Consideration of Priority Business During the December 2021/January 2022 Long Recess.
54.	On a Tree Planting Event to boost Forest cover on Friday, December 3, 2021
55.	On a Request to Withdraw The Advocates (Amendment) Bill (National Assembly Bill No. 43 of 2021)
56.	On the Gaming Bill (National Assembly Bill No. 35 of 2019)
57.	Convocation of Special Sittings of the National Assembly on 21 st and 22 nd December, 2021
58.	Constitutionality of the Proceeds of Crime and Anti-Money Laundering (Amendment) Bill, 2021

Table 3: Communications from the Chair on various subject matters

Source: Table Office Department

2.2. Messages

A Message is a means of transmitting information between the two Houses of Kenya's bicameral legislature or the House and the Executive and or the President. During the Fifth Session, the National Assembly processed forty six (46) Messages – eleven (11) from the President, ten (10) from the Senate and twenty five (25) to the Senate. They include -



a. Messages from the President/National Executive

Pursuant to provisions of Standing Order 42, the National Assembly received eleven (11) Messages from His Excellency the President. The Messages related to the following matters, either decided upon by the House or requiring the action of the House –

NO.	SUBJECT
1.	Referral by H.E The President of the Employment (Amendment) Bill, 2019
2.	Nomination of a person for appointment as Principal Secretary, state department for Implementation of Curriculum Reforms
3.	Nomination of persons for appointment as chairperson and member of the Teachers Service Commission.
4.	Nomination of a person for appointment as Chief Justice of the Republic of Kenya
5.	Nominees for appointment to the position of member of the Independent Electoral and Boundaries Commission (IEBC)
6.	Nomination of persons to the Office of Member Of the Teachers Service Commission (TSC)
7.	Referral by H.E The President of the Refugees Bill 2019
8	Nomination of persons for appointment as members of the Privatization Commission and the Competition Authority of Kenya
9	Nomination of a person for appointment to the Equalization Fund Advisory Committee
10	Nomination of a person for appointment as a member of the Ethics and Anti-corruption Commission(EACC)
11	2021 State of the Nation Address by His Excellency, Hon. Uhuru Kenyatta, CGH, the President of the Republic of Kenya.

Table 4: Messages from the President/National Executive

Source: Table Office Department

b. Messages to and from the Senate

In a bicameral Parliament, the two Houses pass information or communicate through messages. The Messages may be on matters on legislation or nominations of persons for appointments to public offices. In this regard, pursuant to provisions of Standing Order 41, the National Assembly

received ten (10) Messages from the Senate and sent twenty five (25) Message to the Senate, as captured in the table below-

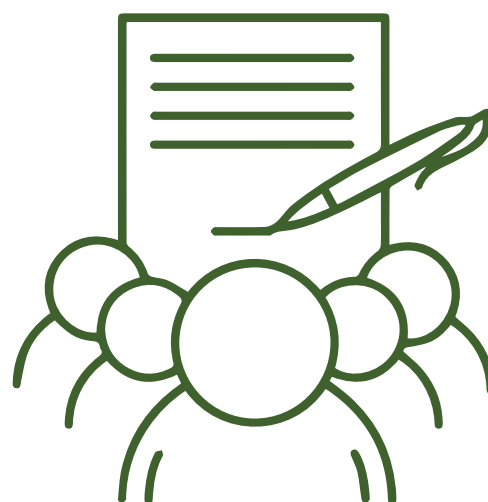
Messages to the Senate	
No.	Subject
1.	Passage of the Care and Protection of Older members of Society Bill, (Senate Bill No. 17 of 2018)
2.	Approval of the Mediated Version of the Early Childhood Education Bill (Senate Bill No. 26 of 2018)
3.	Passage of the Health (Amendment) Bill (National Assembly Bill No. 64 of 2019)
4.	Passage of the Division of Revenue Bill (National Assembly Bill No. 7 of 2021)
5.	Passage of Senate Amendments to the Division of Revenue Bill (National Assembly Bill No. 7 of 2021)
6.	Passage of the Constitution of Kenya (Amendment) Bill, 2020 (Promoted by the Building Bridges Initiative)
7.	Passage of the Crops (Amendment) Bill, (National Assembly Bill No. 25 of 2019)
8.	Passage of the Land (Amendment) Bill (National Assembly Bill No. 54 of 2019)
9.	Approval of the County Allocation of Revenue Bill,(Senate Bill No. 30 of 2021)
10.	Passage of the Public Collections Bill (National Assembly Bill No. 66 of 2019)
11.	Approval of the Public Finance Management (Equalization Fund Administration) Regulations, 2021, (Legal Notice No. 54 of 2021).
12.	Passage of the Public Private Partnerships Bill(National Assembly Bill No. 6 of 2021)
13.	Passage of the Kenya National Library Service Bill (National Assembly Bill No. 5 of 2020)
14.	Passage of the Parliamentary Pensions (Amendment) (No. 3) Bill (National Assembly Bill No. 57 of 2019).
15.	Passage of the Kenya National Blood Transfusion Service Bill (National Assembly Bill No. 6 of 2020).

16.	Passage of the Irrigation (Amendment) Bill (National Assembly Bill No. 12 of 2021).
17.	Passage of The National Health Insurance Fund (Amendment) Bill (National Assembly Bill No. 21 of 2021).
18.	Passage of The Sugar Bill (National Assembly Bill No. 68 of 2019).
19.	Approval of The Public Private Partnerships Bill (National Assembly Bill No. 6 of 2021).
20.	Passage of The County Governments Grants Bill (Senate Bill No. 35 of 2021).
21.	Passage of the Assisted Reproductive Technology Bill (National Assembly Bill No. 39 of 2019)
22.	Passage of the Landlord and Tenant Bill (National Assembly Bill No. 3 of 2021)
23.	Passage of the Community Groups Registration Bill (National Assembly Bill No. 20 of 2021)
Messages from the Senate	
1.	Approval by the Senate of the Tea Bill (Senate Bill No.36 of 2018) and the Anti- Doping (Amendment) Bill (National Assembly Bill No. 51 of 2020)
2.	Approval by the Senate of the Mediated version of the Early Childhood Education Bill (Senate Bill No. 26 of 2018)
3.	Passage by the Senate of the Mung Beans Bill (Senate Bill No.9 of 2020)
4.	Passage by the Senate of the Division of Revenue Bill (National Assembly Bill No. 7 of 2021)
5.	Passage by the Senate of the Division of Revenue Bill (National Assembly Bill No. 7 of 2021)
6.	Passage by the Senate of the Mung Beans Bill (Senate Bill No. 9 of 2020)
7.	Passage of the Coffee Bill (Senate Bill No. 22 of 2020); The Wildlife Conservation and Management (Amendment)Bill (Senate Bill No. 30 of 2020); The Powers and Privileges (Amendment) Bill (Senate Bill No. 33 of 2020); The Community Health Services Bill (Senate Bill No. 34 of 2020); and the National Flag, Emblems and Names Bill (Senate Bill No. 36 of 2020).

8.	Passage of the County Allocation of Revenue Bill (Senate Bill No. 30 of 2021)
9.	Passage of the Private Public Partnerships Bill (National Assembly Bill No. 6 of 2021); The Health (Amendment) Bill (Senate Bill No. 26 of 2020); The Investment Promotion (Amendment) Bill (Senate Bill No. 2 of 2021); The Office of the County Printer Bill (Senate Bill No. 13 of 2021); The Disaster Risk Management Bill (Senate Bill No 14 of 2021); and The County Boundaries Bill (Senate Bill No. 20 of 2021).
10.	Passage by the Senate of the National Hospital Insurance Fund (Amendment) Bill, 2021

Table 5: Messages to and from the Senate

Source: National Assembly Table office



2.3. Public Petitions

Article 119 of the Constitution accords every person a right to petition Parliament on any matter within its authority including seeking the enactment, amendment or repealing of legislation. To this end, Parliament enacted the Petitions (Procedure) Act to provide the procedure for processing public petitions.

There are two broad categories of public petitions –

a) Ordinary Petition under Article 37 or Article 119 of the Constitution:

These are written prayers made to the House under Articles 37 or 119 of the Constitution by a member of the public requesting the House to consider any matter within its authority as envisaged in Articles 94 and 95 of the Constitution. Other than prayers on general matters, public petitions may also include a prayer to the House to enact, amend or repeal any legislation.

Whenever ordinary public petitions are presented or reported to the House, the Speaker refers them to the relevant Departmental Committee for consideration within sixty (60) calendar days. The Committee presents a report to the House and which is then transmitted to the petitioner(s). The report is also referred to the relevant government agencies that would be required to implement any of the Committee's recommendations relating to the petition.

b) Petition for the removal of a Member of a Constitutional Commission or holder of an Independent Office pursuant to the provisions of Article 251 of the Constitution

Petitions in this category are initiated pursuant to Article 251 of the Constitution, asking the House to recommend the removal from office of member of a commission or holder of an independent office on the basis of specified grounds. Article 251(1) of the Constitution requires that such a petition ought to indicate the alleged grounds, which the member of the commission or holder of

an independent office intended to be removed is in breach of and may contain affidavits or other documents annexed to it in support of the prayers.

Once presented to the House, a public petition for removal of a Member of a Constitutional Commission or holder of an Independent Office established under Chapter 15 of the Constitution stands committed to the relevant Departmental Committee. Standing Order 230 requires the Departmental Committee to which such petition is presented to investigate the matter and report its findings to the House within fourteen (14) days of committal. The committee is expected to establish whether the petition discloses ground for removal from office under Article 251(a) of the Constitution or not.

Summary of Petitions presented in the Fifth Session

During the Session, seventy seven (76) public petitions were presented to the House and referred to various relevant Departmental Committees for consideration pursuant to Standing Order 225(2)(a).

By the end of the Session, the summary of Petitions is as presented in the Table below –

No.	Particulars	Number
	Petitions presented to the House	76
	Petitions concluded and Reports tabled in the House	14
	Petitions pending before relevant Departmental Committees	62
	Petitions referred to other agencies	02
	Petition declared inadmissible by application of the <i>sub-judice</i> rule after being presented to the House	01
	Petitions undergoing processing by the end of the term	08

Table 6: Summary of Petitions presented in the Fifth Session

Source: Table Office Department

The practice under the Standing Orders is such that whenever a committee concludes on an ordinary petition and tables a report to the House, the report is transmitted to the petitioner without any debate in the House. However, under exceptional circumstances the House may exempt the application of the aforementioned as in the case of the three (3) petitions below-

Public Petition presented by the Member for Saku (Hon. Dido Rasso), regarding insecurity in Saku Constituency and the larger Marsabit County;

Public Petition presented by the Member for Garissa Township (Hon. Aden Duale) regarding lack of access to citizen registration services by Residents of Wajir and Garissa Counties; and,

Public Petition presented by the Member for Kilifi North (Hon. Owen Yaa Baya) regarding recognition of the Pemba People of Kenya as Citizens of the Republic of Kenya



2.4 Papers Laid

The Constitution, statutes and Standing Orders require that returns, reports and other documents be laid before the House. These returns, reports and other documents or submissions inform of Papers are referred to as Papers laid. A vast array of Papers is usually laid on the Table of the House in any given Session. The practice of laying papers on the Table is the logical corollary of Parliaments' inherent right to information as well as enforcing executive accountability to it. In order to enforce the accountability of public undertakings, it has been made mandatory for government bodies to submit to the House their annual reports and audited accounts for laying on the table of the two Houses of Parliament (*Rajya Sabha: Practice and Procedure Series, 2005*).

In the course of enforcing executive accountability to it, the National Assembly receives papers submitted for laying on the Table of the House. In addition, committees of the House lay on the Table of the House various papers in form of reports on consideration of matters committed to them such as Bills, Estimates, Public Petitions, among others.

The papers laid on the Table of the House are categorized as follows –

1. Reports submitted by the President in fulfilment of the provisions of Articles 132(1) (c) and 240(7) of the Constitution or any other report the President may deem appropriate;
2. Reports of the Auditor-General and Financial Statements of the public entities submitted pursuant to Article 229 (7) of the Constitution;
3. Annual Reports and Financial Statements including performance reports from various National Government institutions pursuant to Article 153(4)(b) of the Constitution;

4. Reports by National Government Constituencies Development Funds' Board pursuant to the NGCD Act;
5. Reports by House Committees on various activities under their mandate including reports on consideration of Bills pursuant to the enabling statutes and Standing Orders as a case may be;

Statutory Instruments submitted pursuant to section 11 of the Statutory Instruments Act and Sessional Papers.

Sessional papers prepared by National Executive outlining policy options and courses of action on particular thematic areas under their mandates.

Documents tabled in the course of debate by a member to substantiate an allegation.

During the Session, one thousand two hundred and forty five (1245) papers were laid on the Table of the House by the Leader of the Majority Party and one hundred and fifty eight (158) by Chairpersons of Committees.

Some of the notable Papers laid on the Table of the House during the Fifth Session are listed in the Table 4 below –

No.	Paper Laid on the Table
1.	The Supplementary Estimates I for the FY 2020/2021.
2.	National and County Governments for the Financial Year 2021/2022 from the Commission on Revenue Allocation;
3.	2021 Budget Policy Statement from the National Treasury.
4.	2021 Medium-Term Debt Management Strategy from the National Treasury;
5.	Status of the Public Service Compliance with the Values and Principles in Articles 10 and 232 of the Constitution for the year 2019/2020 (An Evaluation Report prepared pursuant to Article 234(2)(h) of the Constitution) from the Public Service Commission (Report submitted both in English and Kiswahili).
6.	98 Reports of the Auditor-General and Financial Statements on Donor Funded Projects for the year ended 30 th June, 2020;
7.	The Economic Partnership Agreement and its Annexes and Protocols and Report on its consideration of the Economic Partnership Agreement (EPA) between the Republic of Kenya, a Member of the East African Community of the one Part and the United Kingdom of Great Britain and Northern Ireland of the Other Part;
8.	Cabinet Memorandum on the Acceptance of Amendments to the International Labour Organization, Maritime Labour Convention, 2006; Acceptance of Convention C185 and Convention C188; Acceding to the STCW-F, and Ratification of the Cape Town Agreement from the Ministry of Transport, Infrastructure Housing, Urban Development and Public Works;

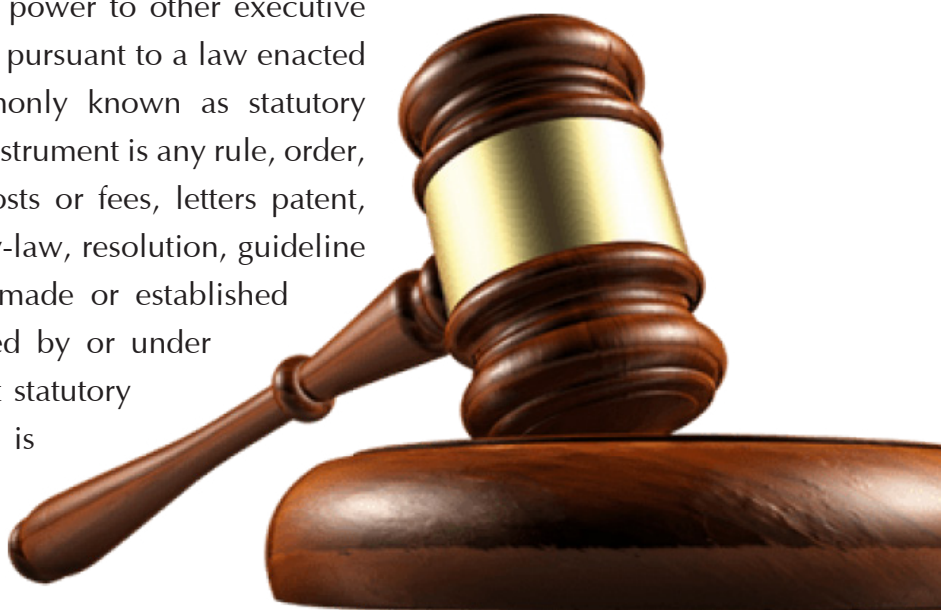
9.	Monetary Policy Statements from the Central Bank of Kenya;
10.	The National Government Budget Implementation Review Reports;
11.	East African Legislative Assembly's Reports;
12.	Legal Notice No. 27 of 2021 relating to the Exemption from Income Tax and the Explanatory Memorandum – to cushion Kenyans on the effects on Covid-19 pandemic;
13.	Financial Statement of the National Government for the Fiscal Year 2021/2022;
14.	Report to Parliament on all new loans contracted by Government from the National Treasury;
15.	Report of the Auditor-General for the National Government for the Financial Year 2018/2019 and 2019/2020;
16.	Status of the Economy Report from the National Treasury
17.	Financial Year 2020/2021 Supplementary Estimates II of the National Government;
18.	Financial Year 2020/2021 Supplementary Estimates II of the National Government;
19.	Bilateral Air Service Agreements for ratification between Kenya/ South Africa and Kenya/ Botswana and the Explanatory Memorandum;
20.	Price Stability Target and the Economic Policy of the Government for the Financial Year 2021/22 Budget

Table 7: Notable Papers laid on the Table of the House during the Fifth Session

Source: Table Office Department

2.5 Statutory Instruments/Regulations

Article 95 of the Constitution mandates the National Assembly to delegate its constitutional law making power to other executive agencies to make subsidiary legislation pursuant to a law enacted by the House. Such laws are commonly known as statutory instrument or regulations. A Statutory Instrument is any rule, order, regulation, direction, form, tariff of costs or fees, letters patent, commission, warrant, proclamation, by-law, resolution, guideline or other statutory instrument issued, made or established in the execution of a power conferred by or under an Act of Parliament under which that statutory instrument or subsidiary legislation is expressly authorized to be issued.



The Statutory Instruments Act provides that a Committee of Parliament (Committee on Delegated Legislation) considers the statutory instruments presented before the House. In considering the instrument, the committee may make a report to the House in the event it is not in agreement with any or entire instrument otherwise the Clerk of the National Assembly writes to the statutory making authority for implementation. However, the principal Act may require certain regulations be approved by the house before taking effect. Examples of such regulations include the election related regulations as provided for in the Elections Act 2011.

In the Session, fifty one (51) statutory instruments or delegated legislation were submitted and registered. From the above, the National Assembly (both the House and the Committee on Delegated Legislation) approved forty two (42) instruments, eight (8) were nullified and one (1) was pending consideration.

S/No.	Status of Statutory Instruments	Total
1.	Submitted and Registered	51
2.	Approved	42
3.	Nullified by the House	8
4.	Pending Consideration	1
5	Withdrawn	0

Table 7: Summary on the Status of Statutory Instruments

Source: Table Office Department

2.6 Sessional Papers

Sessional Papers are precursors to substantive legislation or Government policy positions, are prepared by Government Ministries and Departments outlining policy options and courses of action on particular thematic areas. Sessional Papers usually require the approval of the House before their implementation. The following three (3) Sessional Papers were received during the Session-

1. Sessional Paper No. 1 of 2020 on the Wildlife Policy

The main goal of the policy is to create an enabling environment for conservation and sustainable management of wildlife for current and future generations. The Sessional Paper spelt out a new policy of integrated wildlife conservation and management based on local participation, paving the way for the integration of wildlife management, and, recognition of the participation of both communities and the private sector in wildlife conservation and management. The fundamental goal is the maximization of returns from wildlife as a natural resource, broadly defined to include aesthetic, cultural, scientific and economic gains.



2. Sessional Paper No. 4 of 2020 on the National Cooperative Policy

The policy paper is anchored on the theme, “Promoting Co-operative Societies for Industrialization” aims at transforming co-operatives into vibrant social and commercial entities. The policy identifies contemporary challenges that inhibit the growth of the co-operative societies and explores a paradigm shift establishing a more proactive engagement between the national government, county governments, the co-operative movement and other stakeholders in addressing these challenges.

It also seeks to rationalize the role of national and county governments in co-operative development in line with the Constitution of Kenya, 2010 and national development goals set out in Kenya Vision 2030. The national government affirms its commitment to uphold the sanctity of the co-operative principles and values as a way of safeguarding while ensuring that the interests of the general membership are safeguarded.

3. Sessional Paper No. 1 of 2021 on the National Water Policy.

The Paper aims at moving the water sector to the next level of development in order to contribute to the national goals, and realization of the sustainable development goals.

2.7 Motions

A motion is a formal proposal by a Member of Parliament or a political party for deliberations by the House for certain actions/resolutions. Motions can be categorized into-

a) Procedural Motions

These are motions introduced and passed in the House in accordance with its Standing Orders mainly to regulate the internal conduct of legislative business. Traditionally, these motions are moved at the beginning of every Session to impose limitation of time in respect of debate on Bills, Sessional Papers, Committee Reports, and Address by the President, but they may also be introduced in the course of a session or a sitting to afford the House convenience to transact certain business with ease. Procedural motions relate to allotment of time to certain business, amount of speaking time by a Member, hours of sitting, and committal of matters to committees, among others. During the Fifth Session, the House considered a total of forty eight (48) procedural motions. Additionally the the House passed six (6) motions for alteration of Calendar on various dates.

b) Motions for Adjournment on Definite Matter of Urgent National Importance

These are motions moved by a Member upon obtaining the leave of the House in order to interrupt normal business of the House at a given Sitting day to allow for a discussion on definite matter of urgent national importance. In the Session, three such motions were moved on the following subjects –

- i. Ravaging drought in most parts of the country, by Hon. Rehema Dida Jaldesa, MP, County Women Representative for Isiolo County;
- ii. Insecurity in Laikipia County, by the Hon. David Sankok, nominated Member; and

- iii. Ravaging drought situation in most parts of the country by the Hon. Aden Duale, Member for Garissa Township.



Ravaging drought in most parts of the country was the subject of 2 motions moved by Hon. Rehema Dida and Hon Aden Duale.

c) Special Motions

These are motions which seeks a resolution of the House to approve persons nominated for appointment to or removal from public offices in accordance with the Constitution and the requirements of the Public Appointments (Parliamentary Approval) Act or moved pursuant to certain specified articles of the constitutions as outlined in Standing Order 61(b).

In the Session, the House considered one (1) Special motion relating to a Petition for the Removal from office of MS. Tabitha Mutemi as a Member of the Media Council of Kenya. The House negatived the Motion in a resolution passed on 24th April 2021 implying that the said person retained her position in the Council.

d) Motions for Adoption of House Committees' Reports

These are motions introduced to enable the House adopt or note various Reports of House Committees on inquiries into or activities undertaken by the Committees on matters falling under their mandates.

In the Session, sixty (60) Motions for the adoption of Committee Reports were introduced in the House. There were also two (2) motions that sought the House to note certain Reports. The first motion related to the House noting the approval of the Draft Constitution of Kenya (Amendment) Bill, 2020 by a majority of the County Assemblies and affirming to expeditiously consider the said Bill in keeping with the requirements of Article 257(7) of the Constitution. The second motion was for the House to note the various Reports submitted by H.E. the President to Parliament in his address to the nation on the November 30, 2021. In addition, the House debated one (1) motion to record the thanks of the House to the address made to the House on 5th May 2021 by Her

Excellency, Samia Suluhu, President of the United Republic of Tanzania. The notice for the motion was given in *Kiswahili*.

e) Substantive Motions

These are motions introduced by Members to invite the House to address subjects of topical concern. These motions also avail an opportunity for Members to influence Government policy and or introduce new policy dimensions. In accordance with the Standing Orders of the House, the Sittings of Wednesday Morning are purely set for debating Private Members' Motions in order to allow adequate time for their consideration. Twelve (12) Individual Member's Motions were introduced in the Session. It worth noting that one of the Motions was introduced in *Kiswahili* by the Hon. Yussuf Hassan, MP (Kamukunji Constituency), seeking that the National Government through the Ministry of Sports and Culture and Heritage to establish National Kiswahili Council (Baraza Kuu la Kiswahili la Kitaifa) and to put in place mechanisms to promote the use of Kiswahili in the country.

In total, one hundred and fifty seven (157) Motions were introduced in the House in the Fifth Session.

2.8 Parliamentary Questions

A Parliamentary Question is an oversight tool put formally to a Government Ministry or Independent offices and Constitutional Commissions by Members to seek for information, press for action with a view to enhance accountability as provided for under Article 95(2) and 153(4) (b) of the Constitution and Standing Orders.

During the Session, five hundred and thirty one (531) Questions were processed. The Questions raised were on areas that impact directly on the lives of the citizens such as security, land, water, access to education, social welfare, provision of health services and infrastructure among others. This is summarized below -

- a. 478 Questions were scheduled in the Order Paper and asked in the House as either Ordinary or Question by Private Notice and referred to the relevant Committees or dispatched for Written Reply by the relevant Independent Offices, Constitutional Commissions and Government Departments and Agencies.
- b. Four hundred and sixty six (466) questions were Ordinary and twelve (12) Questions were by Private Notice.
- c. 455 Questions were referred to Departmental Committees while 23 Questions were referred to Independent offices, constitutional Commissions and Government Departments for Written Reply.
- d. 12 Questions were deferred upon the request while 13 Questions were dropped because of the absence of the members.

By the end of the Session 53 Questions were undergoing processing.

The summary analysis of Members' Questions during the Session is as follows -

No	Ministry	Number of submitted questions to Ministries	(%)
1.	Lands and Physical Planning	35	7.7
2.	Interior and Co-ordination of National Government	70	15.3
3.	Water, Sanitation and Irrigation	15	3.3
4.	Labour and Social Protection	23	5.1
5.	Petroleum and Mining	9	2.0
6.	Health	19	4.2
7.	Environment and Forestry	10	2.2
8.	Education	58	12.7
9.	Defence	11	2.4
10.	Industry, Trade and Co-operatives	4	0.9
11.	Transport, Infrastructure, Housing, Urban Development and Public Works	86	18.9
12.	Public Service, Youth and Gender	6	1.3
13.	The National Treasury and Planning	19	4.2
14.	Sports, Culture and Heritage	9	2.0
15.	Agriculture, Livestock, Fisheries and Irrigation	10	2.2
16.	Energy	29	6.4
17.	Tourism and Wildlife	12	2.6
18.	Foreign Affairs	7	1.5
19.	Information, Communication and Technology	8	1.7
20.	Devolution and ASALs	13	2.9
21.	East Africa Community and Regional Development	2	0.4
	Total	455	100.00

Table 8: Questions processed and referred to the relevant Ministries*Source: Table Office Department*

No	COMMITTEE		No. of questions Referred to the Committee	(%)
1.	A.	Administration and National Security	85	18.7
2.	B.	Agriculture and Livestock	11	2.4
3.	C.	Communication, Information and Innovation	8	1.8
4.	D.	Defence and Foreign Relations	19	4.2
5.	E.	Education and Research	58	12.7
6.	F.	Energy	31	6.8
7.	G.	Environmental and Natural Resources	42	9.2
8.	H.	Finance and National Planning	18	4.0
9.	I.	Health	17	3.7
10.	J.	Justice and Legal Affairs	4	0.9
11.	K.	Labour and Social Welfare	24	5.3
12.	L.	Lands	33	7.3
13.	M.	Sports, Culture and Tourism	11	2.4
14.	N	Trade, Industry and Cooperatives	4	0.9
15.	O.	Transport, Public Works and Housing	86	19.0
		Total	455	100.00

Table 9: Questions referred to the Departmental Committees*Source: Table office Department*

	Question for Written Reply by	Number of Questions Submitted	Percentages (%)
1.	The Teachers Service Commission	16	69.6
2.	The State Law Office and Department of Justice	5	21.7
3.	Independent and Electoral Boundaries Commission	2	8.7
	Total	23	100.00

Table 10: Questions for Written Replies*Source: Table Office Department*

2.9 Statements

A Statement is a brief request or pronouncement presented to the House by a Member to convey or seek information on a particular matter. Statements to Committees are tools for legislative oversight of the House over the Executive on matters of concern within the mandate of a Committee.

Statements are operationalized pursuant to Standing Orders 43, 44 and 84 by Members and House Leadership either to request for information on oversight or to inform Members on various issues and in particular matters on House Business respectively. They are categorized into the following types -

- a. General Statements:** raised by a Member regarding an issue(s) of topical concern in a maximum of three minutes;
- b. House Business Committee (HBC) Statements:** informative Statement presented by a designated Member of the HBC, on the priority business for the current or subsequent week.
- c. Statement by Assembly Party Leaders:** presented by the Leader of the Majority or Minority Party/Coalition of Parties
- d. Statements to Committees:** inquisitive and question-like statements sought by a Member from the Executives through the relevant Committee Chairperson.

During the session, One Hundred and seven (107) Statements were requested out of which Fifty-Five (55) statements were responded to by chairpersons of Departmental Committees.

Pursuant to Standing Order 44(2)(b), the Leader of the Majority Party issued twenty-nine (29) Statements.

NO.	Subject	Member Sponsoring
General Statements		
1.	Demise of former Member of Parliament for Nyaribari Chache Constituency and Cabinet Minister, Hon. Simeon Nyachae who passed away on 1st February, 2021. Pursuant to S.O 84	Hon. Richard Tong'i, MP (Nyaribari Chache Constituency)
2.	Demise of the former Member for Kitutu Masaba Constituency, Hon. Samuel Motari Mang'are, who passed away on 18th March 2021. Pursuant to S.O 84	Hon. Shadrack Mose, MP (Kitutu Masaba Constituency)
3.	Inflation of Power Procurement Costs by Kenya Power	Hon. Aden Duale, MP (Garissa Township Constituency)
4.	Request to Refer a Matter to Joint Committees of the House Under S.O 218(2): Petrol Pricing Parameters	Hon. Abdullswamad Nassir, MP (Mvita Constituency)
5.	Tolerance to diverse religious practices. Pursuant to S.O 43	Hon. Shakeel Shabbir, MP (Kisumu Town East Constituency)
6.	Manhandling of female hawker by Kisumu County Law Enforcement Officials. Pursuant to S.O 43	Hon. (Ms.) Rozaah Buyu, MP (Kisumu County)

7.	Demise of Abraham Kipsang' Kiptanui, EBS, former State House Comptroller of the late President Daniel Toroitich arap Moi	Hon. William Chepkut, MP (Ainabkoi Constituency)
8.	Demise of Hon. Job Lalampaa former Assistant Minister and Member for Samburu East who passed away on 9 th May, 2021	Hon. Jackson Lekumontare, MP (Samburu East Constituency)
9.	Demise of Hon. Jakoyo Midiwo former Member for Gem Constituency and Whip from 15 th January 2008 to 2013 who passed away on 14 th June, 2021	Hon. John Mbadi, MP (Suba South Constituency)
10.	Illegal demonstrations in Meru County	Hon. (Ms.) Kawira Mwangaza, MP (Meru County)
11.	Upcoming committee meeting of Commonwealth Parliamentary Association, Africa Region	Hon. Makali Mulu, MP (Kitui Central Constituency)
12.	World Teachers' Day and Status of Teachers in the wake of Covid-19 2019 Pandemic	Hon. Wilson Sossion, MP (Nominated)
13.	Hosting of the inaugural Commonwealth Parliamentarians with Disabilities (Africa Region) Conference	Hon. (Ms.) Dennitah Ghati, MP (Nominated)
Statements by the Leader of Majority Party		
1.	Statement by the Leader of Majority Party under Standing Order 44 (2) (a)	24
Statements by Party Leaders Other than the Leader of Majority Party		
14.	Status of six judges recommended for appointment by Judicial Service Commission (Justice Weldon Korir, Justice Aggrey Muchelule, Justice Joel Ngugi, Justice George Odunga, Mrs. Judith Omenge and Mr. Evans Makori who were recommended to be appointed to the Court of Appeal and other superior courts)	Hon. Peter Kaluma Referred to Leader of Majority
15.	Status of receipts and disbursement of funds to Constituencies	Hon. Wafula Wamunyinyi (Kanduyi Constituency)
16.	Status of Disbursement of National Government Constituencies Development Fund	Hon. Wafula Wamunyinyi, MP (Kanduyi Constituency)
17.	Status of Disbursement of National Government Constituencies Development Fund	Hon. Wafula Wamunyinyi, MP (Kanduyi Constituency)
Request for Statements by Individual Members from Committee Chairpersons		
18.	Crackdown on boda boda riders in the country	Hon. Godfrey Osotsi, MP (Nominated)
19.	Efforts to trap a marauding leopard in Chepalungu Constituency	Hon. Gideon Koske, MP (Chepalungu Constituency)
20.	Establishment of public primary school in Ngando Ward	Hon. John Kiarie, MP (Dagoretti South Constituency)
21.	Demolition of Kibos Mosque in Kisumu	Hon. Shakeel Shabbir, MP (Kisumu Town East Constituency)

22.	Illegal acquisition and reallocation of Lr.332/182 in Maseno Township	Hon. Olago Aluoch, MP (Kisumu West Constituency)
23.	Increased incidences of detention of residents of Wajir East Constituency	Hon. Rashid Kassim, MP (Wajir East Constituency)
24.	High rate of cancer cases within Igembe South Constituency	Hon. John Paul Mwirigi, MP (Igembe South Constituency)
25.	Insecurity and displacement of residents of Moyale Constituency	Hon. Qalicha Wario, MP (Moyale Constituency)
26.	Demolition of structures in the country and Mombasa County as well	Hon. Abdullswamad Nassir, MP (Mvita Constituency)
27.	Killings/ongoing operations in Kapedo	Hon. Kassait Kamket, MP (Tiaty Constituency)
28.	Continued Imposition of Curfew in Tiaty Constituency	Hon. Kassait Kamket, MP (Tiaty Constituency)
29.	Shooting of Salim Abdallah, Fahal Salim Abdallah and Ahmed Salim in Mvita	Hon. Abdullswamad Nassir, MP (Mvita Constituency)
30.	Status of Provision of School Desks to various learning institutions	Hon. Aden Duale, MP (Garissa Township Constituency)
31.	Construction of Isiolo–Garissa-Wajir-Mandera Road	Hon. Aden Duale, MP (Garissa Township Constituency)
32.	Ban on Maize Planting in parts of Molo and Njoro Constituencies	Hon. Kuria Kimani, MP (Molo Constituency)
33.	Pineapple glut in Kilifi County	Hon. Owen Baya, MP (Kilifi North Constituency)
34.	Guidelines for candidates sitting for Examinations	Hon. John Mutunga, MP (Tigania West Constituency)
35.	Mandatory retirement age for public officers	Hon. Ali Wario, MP (Garsen Constituency)
36.	Role of Kenya in addressing peace and security in Horn of Africa	Hon. Ali Wario, MP ((Garsen Constituency)
37.	Killing of police officers in Kapedo, Baringo County	Hon. Alois Lentoimaga, MP (Samburu North Constituency)
38.	Facilitation of village elders	Hon. Moses Cheboi, MP (Kuresoi North Constituency)
39.	Procurement of security services by Public and private institutions	Hon. John Owino, MP (Awendo Constituency)
40.	Planned Elections by Kenya Tea Development Managed Tea Factories	Hon. Jared Okelo, MP (Nyando Constituency)
41.	Imminent Closures of Refugee Camps in Kenya	Hon. Mohamed Duale, MP (Dadaab Constituency)
42.	Facilitation Of University and College Students During Partial Lockdown in the Country	Hon. Kathuri Murungi, MP (South Imenti Constituency)

43.	Border conflicts in Otati and Thimlich areas of Nyatike Constituency	Hon. Tom Odege, MP (Nyatike Constituency)
44.	Status of Kikuyu Water and Sewer Project	Hon. Kimani Ichung'wah, MP (Kikuyu Constituency)
45.	Eviction Of Residents of Ndunguni Centre	Hon. Geoffrey Muturi, MP (Mbeere South Constituency)
46.	Abduction of Mr. Joseph Omollo	Hon. John Owino, MP ((Awendo Constituency)
47.	The Debt Ceiling in the Country	Hon. Martin Owino, MP (Ndhiwa Constituency)
48.	Steps taken to facilitate traffic flow in Kitengela Town	Hon. (Ms.) Peris Tobiko, MP (Kajiado East Constituency)
49.	Inquiry on seizure of various products by the Government	Hon. John Kiarie, MP (Dagoretti South Constituency)
50.	Insecurity at Dond Koki Market	Hon. Samuel Atandi, MP (Alego-Usonga Constituency)
51.	Stringent requirements for intake into Teachers Training Colleges	Hon. Moses Injendi, MP (Malava Constituency)
52.	Miners who lost lives in Ikolomani Constituency	Hon. Benard Shinali, MP (Ikolomani Constituency)
53.	Cushioning of miraa farmers affected by closure of miraa market in Somalia	Hon. John Paul Mwirigi, MP (Igembe South Constituency)
54.	Traffic control along Mombasa Road	Hon. Kagongo Bowen, MP (Marakwet East Constituency)
55.	Israel and Palestine conflict	Hon. Rashid Kassim, MP (Wajir East Constituency)
56.	Threat to personal life of Hon. Marselino Arbelle	Hon. Marselino Arbelle, MP (Laisamis Constituency)
57.	Police brutality against demonstrators in Mombasa	Hon. Abdullswamad Nassir, MP (Mvita Constituency)
58.	Resurgence of cattle raids and killings in Turkana East	Hon. Lokiru Ali, MP (Turkana East Constituency)
59.	Status of disbursement of Kshs1 Million stimulus package	Hon. John Kiarie, MP (Dagoretti South Constituency)
60.	Karo kwa wanafunzi wa shule za upili	Hon. Abdullswamad Nassir, MP (Mvita Constituency)
61.	Renewal of Teachers Collective Bargaining Agreements	Hon. Abdullswamad Nassir, MP (Mvita Constituency)
62.	Status report on Shiru and Shaviringa settlement schemes	Hon. Godfrey Osotsi, MP (Nominated)
63.	Makubaliano kuhusu mishahara na marupurupu kati ya halmashauri ya bandari na wafanyikazi	Hon. Abdullswamad Nassir, MP (Mvita Constituency)

64.	Inquiry into mass failure of students in Kenya Certificate of Secondary Education in Kilifi County	Hon. Owen Baya, MP (Kilifi North Constituency)
65.	Human-Wildlife Conflict in Voi Constituency	Hon. Jones Mlolwa, MP (Voi Constituency)
66.	Failure by Capital Markets Authority to regulate Capital Markets	Hon. Aden Duale, MP (Garissa Township Constituency)
67.	Rape and Murder of Mrs. Nancy Nasimiyu Baraza	Hon. Didmus Barasa, MP (Kimilili Constituency)
68.	Dismissal of Spencer Sankale by Maasai Mara University	Hon. Richard ole Kenta, MP (Narok North Constituency)
69.	Petition on pardon of Mr. Hassan A. Ali under the power of mercy	Hon. Rashid Kassim, MP (Wajir East Constituency)
70.	Indefinite suspension of registration of schools in the country	Hon. Moses Injendi, MP (Malava Constituency)
71.	Policy on recruitment of unskilled and semi-skilled labour by Kenya Railways Corporation	Hon. Olago Aluoch, MP (Kisumu West Constituency)
72.	Status of Covid-19 Vaccination in the country	Hon. Godfrey Osotsi, MP (Nominated)
73.	Lifting of caveats on title deeds of formal settlements within Mau Forest Complex	Hon. Joseph Kipkosgei, MP (Kuresoi South Constituency)
74.	Measures to address banditry attacks in Isiolo County	Hon. (Ms.) Rehema Jaldesa, MP (Isiolo County)
75.	Status report on stimulus package to cushion artistes against effects of Covid-19 pandemic	Hon. Patrick Makau, MP (Mavoko Constituency)
76.	Legal and operational status of Kenya Transport and logistics network	Hon. (Dr.) Wilberforce Oundo, MP (Funyula Constituency)
77.	Uhudumu wa mabasi wakati wa janga la Covid-19	Hon. Abdullswamad Nassir, MP (Mvita Constituency)
78.	Classification of Bomet county as a COVID-19 hotspot zone	Hon. Gideon Koske, MP (Chepalungu Constituency)
79.	Banditry attacks and killings in Marakwet East	Hon. Kangogo Bowen, MP (Marakwet East Constituency)
80.	Insecurity in Baringo South Constituency	Hon. Charles Kamuren, MP (Baringo South Constituency)
81.	Militia Attacks and Killings in Saku, Moyale and Isiolo	Hon. Ali Rasso, MP (Saku Constituency)
82.	Status of the Kenya Transport and Logistics Network (KTLN)	Hon. (Dr.) Wilberforce Oundo, MP (Funyula Constituency)
83.	Disappearance/death of two young men in Runyenjes	Hon. Eric Njiru, MP (Runyenjes Constituency)
84.	Payment of internal examination fees in Primary Schools	Hon. Owen Baya, MP (Kilifi North Constituency)

85.	The breach of the statistics Act by the Kenya National Bureau of statistics in Performance of its functions	Hon. Aden Duale, MP (Garissa Township Constituency)
86.	Student's 100 per cent transition to secondary schools in the Country and available infrastructure	Hon. Alfred Keter, MP (Nandi Hills Constituency)
87.	Poor drainage along the Nairobi expressway	Hon. Patrick Makau, MP (Mavoko Constituency)
88.	Illegal arrest and detention of a Turkish National	Hon. Kimani Ichung'wah, MP (Kikuyu Constituency)
89.	Provision of Counselling and psychosocial support Services to police officers	Hon. Peter Masara, MP (Suna West Constituency)
90.	Killing of young people in the Country	Hon. Gideon Keter, MP (Nominated)
91.	Dangers posed by abandoned open quarries in the country	Hon. Benjamin Washiali, MP (Mumias East Constituency)
92.	Issuance of visas to Kenyans travelling to the people's Republic of China	Hon. Kimani Ichung'wah, MP (Kikuyu Constituency)
93.	Measures to respond to capsized boats in Lake Victoria	Hon. Millie Odhiambo, MP (Suba North Constituency)
94.	Failure to set aside land for proposed Kotetne Secondary School	Hon. Olago Aluoch, MP (Kisumu West Constituency)
95.	Demarcation of boundary to determine the location of Sondu Market	Hon. Kipsengeret Koros, MP (Sigowet Soin Constituency)
96.	Delayed distribution of BT cotton seeds to farmers in Teso	Hon. Oku Kaunya, MP (Teso North Constituency)
97.	Upsurge of unregulated investment schemes and financial fraudsters	Hon. Munene Wambugu, MP (Kirinyaga Central Constituency)
98.	Status of land ownership in Embobut/Embolot areas	Hon. Kangogo Bowen, MP (Marakwet East Constituency)
99.	Misrepresentation of facts during issuance of identity cards to Tigania West residents	Hon. John Mutunga, MP (Tigania West Constituency)
100.	Failure of the TSC to pay enhanced house allowances to teachers in Mombasa and Kisumu Cities	Hon. Olago Aluoch, MP (Kisumu West Constituency)
101.	Failure by security agencies in Laikipia County to process local intelligence information	Hon. (Ms.) Sara Korere, MP (Laikipia North Constituency)
102.	Recognition and protection of the family by the State	Hon. (Prof.) Jacqueline Oduol, MP (Nominated)
103.	Measures to Revive Tourism in Kenya	Hon. Owen Baya, MP (Kilifi North Constituency)
104.	Child Labour in garbage collection	Hon. John Kiarie, MP (Dagoretti South Constituency)
105.	Investigations into death of Abubakar Muli Nduva	Hon. Stephen Mule, MP (Matungulu Constituency)

106.	Entry of Pakistan Nationals into Kenya	Hon. Shakeel Shabbir, MP (Kisumu Town East Constituency)
107.	Efficacy of Medical Products/Devices being sold by M/S Ceragem (Kenya) Ltd	Hon. Silvanus Onyiego, MP (South Mugirango Constituency)
108.	Voter Registration Exercise in Kiambaa Constituency	Hon. (Ms.) Sabina Chege, MP (Muranga County)
109.	Status of Public Debt and National Government's allocations for development programmes	Hon. A.B. Duale, MP (Garissa Township Constituency)
110.	Design Flaws on western bypass road project	Hon. James Wamucukuru, MP (Kabete Constituency)
111.	Escape of Suspected Serial Killer from Jogoo Police Station	Hon. Yusuf Hassan, MP (Kamukunji Constituency)
112.	Mandatory Requirement by Government on use of Standard Gauge Railway from Mombasa to Nairobi Inland Container Depot	Hon. Abdullswamad Nassir, MP (Mvita Constituency)
113.	Funds Remitted to the Tourism Fund and justification of its board membership	Hon. Christopher Omulele, MP (Luanda Constituency)
114.	Recurrent fire outbreaks at Gikomba Market	Hon. Yusuf Hassan, MP (Kamukunji Constituency)
115.	Delay in Issuance of National Identity Cards	Hon. Gideon Ochanda, MP (Bondo Constituency)
116.	Fate of KCSE Certificates held by Schools	Hon. Kuria Kimani, MP (Molo Constituency)
117.	Allocation of Yala Swamp Land to M/S. Lake Agro Limited by National Land Commission	Hon. (Dr.) Gideon Ochanda, MP (Bondo Constituency)
118.	Detainment of Fish Consignment on Transit to the DRC	Hon. Florence Mutua, MP (Busia County)
119.	Utilisation of funds for drought Mitigation	Hon. Aden Duale, MP (Garissa Township Constituency)
120.	School unrests in the Country	Hon. Wilson Sossion, MP (Nominated)
121.	Irregularities in the recruitment of Kenya Defence Forces	Hon. Rashid Kassim, MP (Wajir East Constituency)
122.	Provision and sourcing of Markets for Livestock and Livestock Products	Hon. (Ms.) Safia Sheikh, MP (Marsabit County)
123.	Expansion of Malindi International Airport	Hon. Owen Baya, MP (Kilifi North Constituency)
124.	Status of road projects in Dagoretti South Constituency	Hon. John Kiarie, MP (Dagoretti South Constituency)
Bills introduced in the National Assembly during the 5th session		
125.	Power interruptions at Baricho water works	Hon. Owen Baya, MP (Kilifi North Constituency)

Table 11: Statements

Source: Table Office Department

2.10 Bills

2.10.1 Introduction

A bill is a proposed law post-publication presented to the House for consideration and subsequent enactment. The primeval role of Parliament is to enact laws as provided for in Article 94(5) of the Constitution. With respect to Kenya's bicameral parliament, the Constitution assigns each House of Parliament respective legislative power. In the case of the National Assembly, the legislative authority is anchored in Article 95 (3) of the Constitution.

Over and above, the exclusively assigned legislative power, the Constitution also envisages shared legislative power on Bills requiring bicameral consideration. The shared legislative authority of the Houses of Parliament is exercised in accordance with the Constitution.

2.10.2 A general overview on Bills considered by the House

During the Session, the House considered Bills sponsored by the National Executive through the Leader of Majority Party, Committees of the House, Parliamentary parties, the Senate and individual Members.

Bills were introduced in the House by the Leader of Majority Party, Committees and individual members of Committees as indicated below-

BILLS INTRODUCED IN THE NATIONAL ASSEMBLY DURING THE 5 TH SESSION		
	BILL	SPONSOR
LEADER OF THE MAJORITY PARTY		
1.	The Health Laws (Amendment) Bill, NA Bill No. 2 of 2021	Leader of the Majority Party
2.	The Landlord and Tenant Bill, NA Bill No. 3 of 2021	Leader of the Majority Party
3.	The Public Private Partnerships Bill, NA Bill No. 6 of 2021	Leader of the Majority Party
4.	The Irrigation (Amendment) Bill, NA Bill No. 12 of 2021	Leader of the Majority Party
5.	The National Electronic Single Window System Bill, NA Bill No. 15 of 2021	Leader of the Majority Party
6.	The Livestock Bill, NA Bill No. 16 of 2021	Leader of the Majority Party
7.	The Coffee Bill, NA Bill No. 17 of 2021	Leader of the Majority Party
8.	The Tax Appeals Tribunal (Amendment) Bill, NA Bill No. 19 of 2021	Leader of the Majority Party
9.	The Community Groups Registration Bill, NA Bill No. 20 of 2021	Leader of the Majority Party

10.	The National Hospital Insurance Fund (Amendment) Bill, NA Bill No. 21 of 2021	Leader of the Majority Party
11.	The Sustainable Waste Management Bill, NA Bill No. 22 of 2021	Leader of the Majority Party
12.	The National Disaster Risk Management Bill, NA Bill No. 28 of 2021	Leader of the Majority Party
13.	The Asian Widows' and Orphans' Pensions (Repeal) Bill, NA Bill No. 29 of 2021	Leader of the Majority Party
14.	The Provident Fund (Repeal) Bill, NA Bill No. 30 of 2021	Leader of the Majority Party
15.	The Children Bill, NA Bill No. 38 of 2021	Leader of the Majority Party
16.	The Proceeds of Crime and Anti- Money Laundering (Amendment) Bill, NA Bill No. 39 of 2021	Leader of the Majority Party
17.	The Public Procurement and Asset Disposal (Amendment) Bill, NA Bill No. 32 of 2021	Leader of the Majority Party
18.	The Universities (Amendment) Bill, NA Bill No. 35 of 2021	Leader of the Majority Party
19.	The Sacco Societies (Amendment) Bill, NA Bill No. 55 of 2021	Leader of the Majority Party
20.	The Political Parties (Amendment) Bill, NA Bill No. 56 of 2021	Leader of the Majority Party
PROMOTERS		
21.	The Constitution of Kenya (Amendment) Bill, 2020	Building Bridges Initiative Promoters
CHAIRPERSONS, COMMITTEE		
22.	The National Government Constituencies Development Fund (Amendment) Bill, NA Bill No. 4 of 2021	Chairperson, Committee on the National Government Constituencies Development Fund
23.	The Division of Revenue Bill, NA Bill No. 7 of 2021	Chairperson, Budget & Appropriations Committee
24.	The Foreign Service Bill, NA Bill No. 8 of 2021	Chairperson, Departmental Committee on Defence and Foreign Relations
25.	The Supplementary Appropriation Bill, NA Bill No. 9 of 2021	Chairperson, Budget & Appropriations Committee
26.	The Central Bank of Kenya (Amendment) Bill, NA Bill No. 10 of 2021	Chairperson, Departmental Committee on Finance and National Planning

27.	The Kenya Roads (Amendment) Bill, NA Bill No. 13 of 2021	Chairperson, Departmental Committee on Transport, Public Works and Housing
28.	The Finance Bill, NA Bill No. 18 of 2021	Chairperson, Departmental Committee on Finance and National Planning
29.	The Trustees (Perpetual Succession) (Amendment) Bill, NA Bill No. 23 of 2021	Chairperson, Departmental Committee on Finance and National Planning
30.	The Perpetuities and Accumulations (Amendment) Bill, NA Bill No. 24 of 2021	Chairperson, Departmental Committee on Finance and National Planning
31.	The Certified Managers Bill, NA Bill No. 26 of 2021	Chairperson, Departmental Committee on Finance and National Planning
32.	The County Allocation of Revenue Bill, Sen. Bill No. 30 of 2021	Chairperson, Standing Committee on Finance and Budget
33.	The Appropriation Bill, NA Bill No. 31 of 2021	Chairperson, Budget & Appropriations Committee
34.	The (Supplementary) Appropriation (No.2) Bill, NA Bill No. 33 of 2021	Chairperson, Budget & Appropriations Committee
35.	The Public Procurement and Asset Disposal (Amendment) (No.2) Bill, 2021	Chairperson, Departmental Committee on Finance and National Planning
36.	The Coffee Bill, Sen. Bill No. 22 of 2020	Chairperson, Standing Committee on Agriculture, Livestock and Fisheries
37.	The Salaries and Remuneration Commission (Amendment) Bill, Sen Bill No. 31 of 2020	Chairperson, Standing Committee on Finance and Budget
38.	The County Governments Grants Bill, Sen Bill No. 35 of 2021 [Title amended by NA to the County Governments Additional Allocation Bill]	Chairperson, Standing Committee on Finance and Budget
39.	The Elections (Amendment) Bill, NA Bill No. 41 of 2021	Chairperson, Constitutional Implementation Oversight Committee
40.	The Petroleum Products' (Taxes and Levies) (Amendment) Bill, NA Bill No. 42 of 2021	Chairperson, Departmental Committee on Finance and National Planning
41.	The Advocates (Amendment) Bill, NA Bill No. 43 of 2021	Chairperson, Departmental Committee on Justice and Legal Affairs

42.	The Regional Development Authorities Bill, NA Bill No. 46 of 2021	Chairperson, Departmental Committee on Defence and Foreign Relations
INDIVIDUAL MEMBERS		
43.	The Pharmacy and Poisons (Amendment) Bill, NA Bill No. 1 of 2021	Hon. Alfred Kiptoo Keter, MP
44.	The Mung Beans Bill, Senate Bill No. 9 of 2020	Sen. Enoch Wambua, MP
45.	The Computer Misuse and Cybercrimes (Amendment) Bill, NA Bill No. 11 of 2021	Hon. Aden Duale, MP
46.	The Health (Amendment) Bill, NA Bill No. 14 of 2021	Hon. Mwambu Mabongah, MP
47.	The Public Service Internship Bill, NA Bill No. 25 of 2021	Hon. Naisula Lesuuda, MP
48.	The National Government Constituencies Development Fund (Amendment) Bill, NA Bill No. 34 of 2021	Hon. Tindi Mwale, MP
49.	The Election Campaign Financing (Amendment) Bill, NA Bill No. 36 of 2021	Hon. Jeremiah Kioni, MP
50.	The Copyright (Amendment) Bill, NA Bill No. 44 of 2021	Hon. Gladys Wanga, MP
51.	The Penal Code (Amendment) (No.2) Bill, NA Bill No. 47 of 2021	Hon. David Gikaria, MP
52.	The National Government Constituencies Development Fund (Amendment) Bill, NA Bill No. 48 of 2021	Hon. David Gikaria, MP
53.	The Children (No.2) Bill, NA Bill No. 49 of 2021	Hon. Lilian Gogo, MP
54.	The Whistleblower Protection Bill, NA Bill No. 50 of 2021	Hon. Irene Kasalu, MP
55.	The Geriatric Bill, 2021 NA Bill No. 51 of 2021	Hon. Gathoni Wamuchomba, MP
56.	The Higher Education Loans Board (Amendment) Bill, NA Bill No. 52 of 2021	Hon. Gideon Koske, MP
SENATE BILLS		
57.	The Mental Health (Amendment) Bill, Sen. Bill No. 28 of 2020	Sen. (Arch.) Sylvia Kasanga, MP
58.	The Wildlife Conservation and Management (Amendment) Bill, Sen Bill No. 30 of 2020	Sen. Johnes Mwaruma, MP
59.	The County Licensing (Uniform Procedures) Bill, Sen Bill No. 32 of 2020	Sen. Mercy Chebeni, MP
60.	The Parliamentary Powers and Privileges (Amendment) Bill, Sen Bill No. 33 of 2020	Sen. (Dr.) Agnes Zani, MP

61.	The Community Health Services Bill, Sen Bill No. 34 of 2020	Sen. (Dr.) Agnes Zani, MP
62.	The National Flag, Emblems and Names (Amendment) Bill, 2020	Sen. (Dr.) Agnes Zani, MP
63.	The Basic Education (Amendment) Bill, Sen Bill No. 4 of 2021	Sen. Beatrice Kwamboka, MP
64.	The Penal Code (Amendment) Bill, NA Bill No. 40 of 2021	Hon. Nimrod Mbai, MP
65.	The Health (Amendment) Bill, Sen Bill No. 26 of 2020	Sen. (Dr.) Abdullahi Ali, MP
66.	The Investment Promotion (Amendment) Bill, Sen Bill No. 2 of 2021	Sen. (Dr.) Alice Milgo, MP
67.	The Office of the County Printer Bill, Sen Bill No. 13 of 2021	Sen. Petronila Were Lokorio, MP
68.	The Disaster Risk Management Bill, Sen Bill No. 14 of 2021	Sen. Mutula Kilonzo Jr, MP and Sen. Johnson Sakaja, MP
69.	The County Boundaries Bill, Sen Bill No. 20 of 2021	Sen. Mutula Kilonzo Jr, MP

Table 12: Bills Considered by the House during the Session

Source: Table Office Department

In summary, the House considered thirty-eight (38) National Assembly Bills, where twenty-five (25) were passed and assented to, and four (4) Senate Bills were passed and referred to the Senate. Additionally, thirteen (13) National Assembly Bills were passed and referred to the Senate as listed below:

Bills passed and Assented to (29)

1. The Employment (Amendment) Bill, 2019
2. The Refugees Bill, 2019
3. The Narcotics, Drugs and Psychotropic Substances (Control) (Amendment) Bill, 2020
4. The Business Laws (Amendment) (No.2) Bill, 2020
5. The Division of Revenue Bill, 2021
6. The Supplementary Appropriation Bill, 2021
7. The Finance Bill, 2021
8. The Appropriation Bill, 2021
9. The Supplementary Appropriation (No.2) Bill, 2021
10. The Law of Succession (Amendment) Bill, 2019

11. The Foreign Service Bill, 2021
12. The Tax Appeals Tribunal (Amendment) Bill, 2021
13. The Waqf Bill, 2019
14. The Kenya Deposit Insurance (Amendment) Bill, 2020
15. The Central Bank of Kenya (Amendment) Bill, 2021
16. The Kenya Roads (Amendment) Bill, 2021
17. The Trustees (Perpetual Succession) (Amendment) Bill, 2021
18. The Asian Widows' and Orphans' Pensions (Repeal) Bill, 2021
19. The Provident Fund (Repeal) Bill, 2021
20. The Public Private Partnerships Bill, 2021
21. The Perpetuities and Accumulations (Amendment) Bill, 2021
22. The Kenya Industrial Research and Development Institute Bill, 2020
23. The National Hospital Insurance Fund (Amendment) Bill, 2021
24. The Proceeds of Crime and Anti- Money Laundering (Amendment) Bill, 2021
25. The Copyright (Amendment) Bill, 2021

Senate Bills passed by the National Assembly (4)

1. The Early Childhood Education Bill, 2018 (Sen. Bill No. 26)
2. The Care and Protection of Older Members of Society Bill, 2018 (Sen. Bill No. 17)
3. The County Allocation of Revenue Bill, 2021 (Sen. Bill No. 30)
4. The County Governments Grants Bill, 2021 (Sen. Bill No. 35)

National Assembly Bills passed and referred to the Senate (13)

1. The Crops (Amendment) Bill, 2019 (No.24)
2. The Land (Amendment) Bill, 2019
3. The Health (Amendment) Bill, 2019
4. The Public Fundraising Appeals Bill, 2019 [*now the Public Collections Bill, 2019*]
5. The Kenya National Library Service Bill, 2020
6. The Parliamentary Pensions (Amendment) (No. 3) Bill, 2019 (No.57)
7. The Kenya National Blood Transfusion Service Bill, 2020
8. The Irrigation (Amendment) Bill, 2021

- 9. The National Hospital Insurance Fund (Amendment) Bill, 2021
- 10.The Assisted Reproductive Technology Bill, 2019
- 11.The Sugar Bill, 2019
- 12.The Landlord and Tenant Bill, 2021
- 13.The Community Groups Registration Bill, 2021

A detailed list of the Bills under each stage is provided in *Annex 1*, summarized as shown in table (no.14) below -

	Sponsor	Number of Bills
1	National Executive (through Leader of Majority Party	20
2	Committees	22
3	Parliamentary Party	0
4	Individual Members	15
5	The Senate	12

Table 14: Sponsorship of Bills
Source: The Table Office Department, National Assembly

The chart 1 and 2 below presents origination of Bills and proportion of National Assembly to Senate Bills respectively as at the end of the Fifth session.

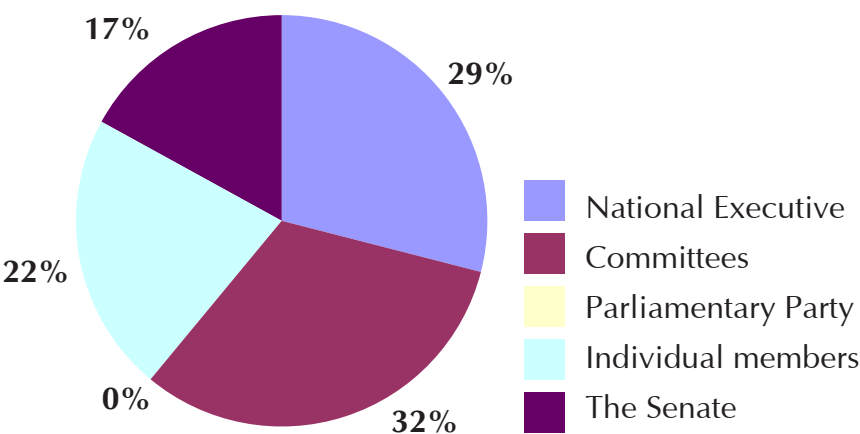


Figure 1: Proportion of origination of Bills in the 5th Session

2.10.3 Status of Bills at the end of the Fifth Session

The list of Bills that had been considered or were under consideration in the House by the end of the Fifth Session is presented in the Bill Tracker attached as *Annexure (no.7b)*.

Brief on Key Bills Passed and Assented to

The following key bills with profound impact to the citizens were enacted during the 5th Session.



1. The Finance Bill, 2021 -the Bill was published on 5th May, 2021 to amend various tax-laws which include:

The Income Tax Act - The Bill defined several terms for the purpose of ascertainment of income tax including “control”, “permanent establishment”, “farm works” and “civil works”.

It also sought to provide a clearer definition for digital service tax to include business carried out over the internet or an electronic network. The Digital Service Tax provision was also amended to provide that the tax only applies to non-residents.; to allow for 100% investment deduction for investments made outside Nairobi and Mombasa whose cumulative investment is two billion Kenya shillings.

The Value Added Tax Act – the effect of amending this Act was that taxable supplies of fish related items, including fish feeding and handling equipment, cold storage, fish cages extra were placed under exempt status. Further, some clean cooking items such as refabricated biogas digesters, biogas, fuel briquettes for household and commercial use, and denatured ethanol, were placed under exempt status. Also supply of maize flour, wheat flour and cassava flour were zero rated.

Additionally, the House provided for zero rating of transportation of goods originating from Kenya to a place outside Kenya and as well as the transportation of sugarcane from farms to milling factories.

The Excise Duty Act – The Bill was amended to provide for additional excise duty on imported sugar confectionary. Further, the Bill rejected a proposal to remove excise duty

imposed on imported glass bottles, but it was amended to insert a provision to exclude glass bottles manufactured within the East African Community.

The proposal to impose excise duty on motorcycles at a specific rate of 15% was also deleted. Additionally, the Bill imposed excise duty at various rates on the following items: Imported pasta -20%; imported furniture 25%; imported potatoes potato chips and potato crisps -25%; imported onions -25%; and Imported eggs -25%. The Bill also imposed excise duty of 7.5% on all betting transactions. Additionally, amendments were made to increase excise duty on telephone and internet services from 15% to 20%, and also provided an exemption from excise duty, the sale of a ring back tune to a subscriber by a telecommunication service provider in Kenya.

Miscellaneous Acts

The **Capital Markets Authority Act** was amended to provide that the tribunal established thereunder shall hear and determine an appeal within ninety days. Additionally, the Bill made various amendments to the **Insurance Act** including defining the term “broker” and making provision for closed fund business. Amendments were made to the **Retirement Benefits Act** by including definitions for the terms “corporate trustee” and “post-retirement medical fund”.

Additionally, section 53B of the **Retirement Benefits Act** was amended to allow trustees of retirement benefit schemes, with the approval of the Retirement Benefit Authority to engage the Kenya Revenue Authority to collect unremitted contribution.

2. **The Refugees Bill, 2019** (National Assembly Bill No. 62 of 2019), was published on 26th July, 2019. Its enactment provided for the recognition, protection and management of refugees, to give effect to the 1951 United Nations Convention relating to the Status of Refugees, the 1967 Protocol relating to the Status of Refugees and the 1969 OAU Convention governing the Specific Aspects of Refugee Problems in Africa which Kenya is party to.



A refugee camp in Kenya

3. **The Narcotics, Drugs and Psychotropic Substances (Control) (Amendment) Bill (National Assembly Bill No. 27 of 2020)**

The Bill sought to enhance penalties related to offenses prescribed for possession and trafficking in narcotics and psychotropic substances, define precursors and chemical substances which may be used in the manufacture of narcotics; define who law enforcement officers; prescribe offences for a law enforcement officer who aids or abets or is an accessory to any offence under the Act; provide for offences arising out of conspiracy; provide for power to intercept communication and the admissibility of intercepted communication, and provide for an obligation to disclose information that may aid to prevent commission of offences arising under the Act and which may secure the arrest of perpetrators of the crime.



4. **The Division of Revenue Bill (National Assembly Bill No. 7 of 2021)** principal's object is to provide for the equitable division of revenue raised nationally among the national and county levels of government as required by Article 218 of the Constitution. The Bill divided the national revenue for the year 2021/2022 as follows-

1. The National Government: 1,398,798,856,427.00
2. The Equalization Fund: 6,825,317,433.00

5. **The Appropriation Bill, 2021**

The Bill sought to give authority for issuance of funds out of the Consolidated Fund and apply them towards the supply granted for the service of the year ending on 30th June, 2022. Upon enactment, it provided a gross total budget of Kshs. 1,942,008,814,883 for the National Government, comprising of Kshs. 1,273,629,952,992 for recurrent expenditure and a total of Kshs. 668,378,861,891 for development expenditure.

6. The Supplementary Appropriation (No.2) Bill, 2021

The second Supplementary Appropriation Bill for 2021 proposed a net reduction of Kshs. 8,176,677,264, which comprised of a reduction of Kshs. 16,657,599,945 for recurrent expenditure, and an increment of Kshs. 8,480,922,681 for development expenditure.

The adjustments under recurrent expenditure were mainly due to non-performance of Appropriations-in-Aid (AIA) collections and enhancement of operations and maintenance due to the adverse effects of the Covid-19 pandemic.

7. The Law of Succession (Amendment) Bill, 2019

The Bill sought to define the term spouse as a husband or wife or wives recognized under the Marriage Act. This was in order to provide clarity as to who a dependant entitled to inheritance as a spouse of the deceased is.

8. The Foreign Service Bill, 2021

The Bill was the first legal framework or policy that provided for a comprehensive legal regime for foreign service of its kind, The enactment of the Bill which was published on 8th March 2021 and was passed by the National Assembly on 18th August 2021 paved the way for the establishment, management, administration, accountability and functioning of a professional Foreign Service of the Republic of Kenya as well as for the establishment of the Foreign Service Academy

In addition, the Bill provided that all diplomatic or official correspondences originating from embassies within the Republic to any Ministry or agency in the Republic shall be forwarded or channelled through the Ministry headquarters.

9. The Tax Appeals Tribunal (Amendment) Bill - The Tax Appeals Tribunal (Amendment) Bill, 2021

was published in May, 2021 and passed by the National Assembly on October 6, 2021. The main objective of the Bill was to address challenges affecting the performance of the Tribunal, with a view to facilitate the expeditious processing of tax appeals.

The Bill as passed by the House made provisions to the effect that the members of the Tribunal (clause 3) and the staff of the Tribunal (clause 5) shall be appointed by the Judicial Service Commission. It also provided for filing of documents at the Tribunal through electronic means and for the enhancement of the penalty for contempt of the Tribunal to five hundred thousand Kenya shillings. It also provided transitional provisions for the current Chairperson and members to allow them to continue holding office for the rest of their term. It however transited all the staff of the current Tribunal and created an independent tribunal for speedy, efficient and just resolution and determination of tax appeals and disputes.

10. The WAQF Bill National Assembly Bill No. 73 of 2019: -

The enacted of this Bill provided for the establishment of the Waqf Commission, the administration of waqf property, and the process of repealing the Waqf Commissioners Act (Cap. 109 of the laws of Kenya).

11. The Kenya Deposit Insurance (Amendment) Bill, 2020

The Bill sought to amend the Kenya Deposit Insurance Act, 2012 in order to increase the maximum amount a person holding an account with an institution under liquidation is to be paid by the Kenya Deposit Insurance Corporation (KDIC).

The amendment of the Bill raised the amount paid out from one hundred thousand shillings to five hundred thousand shillings. The Bill also provided for timelines within which a person shall be paid to a period of within six months or any shorter period following the conclusion of liquidation of an institution insured. It further provided for a fine not exceeding one million shillings or imprisonment for a term not exceeding three years or both, for any person who does not comply with the requirements as stipulated under the law.

12. The Central Bank of Kenya (Amendment) Bill, 2021

The Bill amend the Central Bank of Kenya Act to provide for licensing of the digital credit service providers who were then not regulated under any legal framework.

The passage of the Bill gave a mandate to the Central Bank to ensure that there is fair and non-discriminatory practice in the market with respect to access to credit services. It further provided for a transition period within which the lenders shall be regulated by the CBK as being three months and a grace period of six months within which a person shall apply for a license to carry out the business of digital lending.



13. The Public Private Partnerships Bill, 2021

The Bill was published as a repeal and re-enactment of the Public Private Partnerships Act, 2013. It also provided for the participation of the private sector, not only in financing but also in construction and operational maintenance of infrastructure and development projects through partnerships.

The Bill gave way for the establishment of a leaner Public Private Partnerships Committee, in order to make decision-making at the Committee easier and faster. The Bill also empowered the PPP directorate to consider and approve the project lists and the supporting consent papers from ministries, with periodic briefings to the Cabinet.

The Bill also introduced local content provisions, which give clarity on how the local communities and the local services are supposed to be tapped into any PPP and proposed timelines on key project processes and stages for a more efficient and predictable project development environment. It also set out specific procurement methods within the public private partnerships' framework, including introducing direct procurement as one of the approved methods.

14. The Trustees (Perpetual Succession) (Amendment) Bill, 2021

The Bill sought to make the process of registration of trusts under the Act simplified and more efficient. It shifted the functions of administration of the Act from the Cabinet Secretary to the Principal Registrar for Registration of Documents. It also introduced new sections for administration and management of trusts being, charitable, non-charitable and family trusts, and provided the procedure for adding property to a trust. It also made provision for, and defined the various types of trusts, including charitable trusts and non-charitable purpose trusts. Additionally, the Bill also made new provisions for enforcers of a trust. The passage of the Bill meant that one could accumulate wealth for the benefit of multiple generations.

CHAPTER THREE:

PROCEDURAL DEVELOPMENTS AND EMERGING ISSUES



Procedural developments refers to the manner in which the House considers or processes certain business in a unique way, outside the procedure set out in the Standing Orders that may result into precedent setting and paradigm shift in the practice of the House. This is occasioned by the necessity for the House to proceed on a matter notwithstanding that there is a lacuna in the Standing Orders or inadequacy in the provisions contained in the Standing Orders on how the House would proceed with such kind of business.

In the Fifth Session, a number of procedural developments and issues emerged. They include the following –

1. Implementation of provisions on virtual attendance of Sittings and voting in the House and Committees

The limitations of the outbreak of Covid-19 pandemic on conduct of proceedings of the National Assembly transcended from the preceding Fourth Session (2020) to the Fifth Session (2021). Among the response initiatives that the House took in 2020 in order to sustain legislative business continuity during exceptional circumstances such as the Covid-19 pandemic was amendment of the Standing Orders to provide for, among other measures, virtual attendance of Sittings and voting in the House and committees. Virtual attendance of committee meetings was implemented as from the preceding Session in 2020.

In the Fifth Session under review, it became necessary for the House to pilot virtual attendance of Chamber Sittings and voting. The first case when the Speaker permitted Members to attend plenary

Sittings and vote virtually was on 6th May 2021 during Second Reading and Roll-Call voting on the Constitution of Kenya (Amendment) Bill, 2020, which was promoted by the *Building Bridges Initiative (BBI)* and popularly known as the BBI Bill. The Speaker allowed virtual attendance and voting on the Bill due to the weighty nature and public interest that was associated with the Bill.

Uniquely, one Member virtually participated in the proceedings and voted while outdoors in the company of a crowd of supporters. This procedure was unprecedented. Although the vote was initially recorded, the Speaker reviewed the conduct by the Member and flagged it out as breach of privilege that was not in keeping with the decorum of the House. Consequently, on 11th May 2021, the Speaker ruled that while he had initially permitted the Clerk to record the said vote, neither such manner of voting nor the conduct by the Member would be permitted in subsequent virtual proceedings. The Speaker cautioned the Member for breach of privilege and directed the Clerk to make the necessary corrections to the records of the House to exclude the vote cast by the Hon. Member outside the privilege of voting virtually. This procedural development set the precedent for processing virtual voting in the future.

2. Exemption of certain Business from lapsing pursuant to the Standing Orders

The Standing Orders prescribe timelines beyond which business, particularly Questions, Statements, Bills and Public Petitions, if not concluded by the expiration of such period, would lapse.

On Questions and Statements, it has been a practice of the House that all pending Questions and Statements would lapse at the end of the Session in which they were asked or requested.

With respect to Bills, Standing Order 141(2) provides that –

“A Bill that has been published, read a First Time or in respect of which the Second Reading has not been concluded -

a.

b. at the end of two consecutive Sessions of the same Parliament shall lapse at the end of the second Session and may be republished in the same or different form in accordance with Standing Order 114 (Introduction of Bills)”

Regarding ordinary public petitions, Standing Order 227 caps the period for consideration of a public petition by a committee to a maximum of sixty (60) days.

In the Fifth Session, the leadership of the National Assembly observed that, as a result of the fewer number of Sittings in the Fourth and Fifth Sessions that arose from the unprecedented circumstances presented by Covid-19 pandemic, a lot of business was pending before the House towards the end of the Fifth Session. In order to mitigate the fateful lapsing of such business as a consequence of the exceptional circumstances that robbed the House of Sitting time, the Speaker and the House took certain procedural measures.

With Regard to Bills and Petition, the House passed an unprecedented Procedural Motion on 2nd December 2021 to save them from lapsing. Through the Motion, Bills that were pending from

the previous Session (2020) were exempted from lapsing pursuant to Standing Order 141(2) and were carried over to the Sixth Session. The House also exempted public petitions from lapsing on account of expiration of sixty (60) days by resolving that counting of days would cease during recess and resume when the House commences sittings in the subsequent Session.

On lapsing of Questions and Statements at the end of every Session, the Speaker made a Considered Ruling on 2nd December 2021 in which he exceptionally gave a lifeline to Statements pending before committees to be carried forward to the subsequent Session but let Questions to lapse as per the established practice.

3. Manner of processing constitution amendment Bills received from county assemblies;

According to Article 257 of the Constitution, a Bill to amend the Constitution by popular initiative is introduced in Parliament after being passed by a majority of county assemblies. Ordinarily, the Standing Orders do not provide for the manner of processing such Bills in the House. However, when the first attempt to amend the Constitution through popular initiative, dubbed *Punguza Mzigo emerged*. The guidelines provided a structured framework that guided county assemblies in processing and submitting to Parliament certificates of approval or otherwise a proposed Constitution of Kenya (Amendment) Bill. The *Punguza Mzigo* initiative failed to get the approval of the IEBC, hence it did not proceed through the entire process.

In the Fifth Session, the National Assembly was faced with various procedural questions arising from the consideration of Constitution of Kenya (Amendment) Bill, 2020, promoted by the *Building Bridges Initiative (BBI)*. Some of the key highlights of procedural developments relating to processing of a Bill to amend the Constitution through popular initiative -

a) Re-publication of a Bill to amend the Constitution by popular initiative

A question had arisen whether Parliament would be required to re-publish a Bill to amend the Constitution, and if so, what value would the re-publication add to the process. Ordinarily, all Bills introduced in Parliament are published in the name of a sponsor, who must be a Member of Parliament, Committee or Leader of the Majority Party. The Bill is also assigned a number in the Kenya *Gazette*.

With regard to re-publication of a constitution amendment Bill received by Parliament through popular initiative, the Speaker determined that in order to protect the integrity of the Bill as proposed by its promoters and presented to the county assemblies as well as the process contemplated under Article 257 of the Constitution, re-publication of the Bill would serve no practical purpose, may lead to unnecessary delays in the introduction and consideration of the Bill and may create confusion as to the operative version of the Bill. This procedural development established a practice that such Bill would be introduced in the House for First Reading in the form that it was presented to the 47 county assemblies by the Independent Electoral and Boundaries Commission (IEBC).

b) Application of Standing Order No.120 on Maturity Period of Bills

Another procedural development on processing Bills to amend the Constitution through popular initiative was whether the 14 days maturity period under Standing Order 120 apply to such a Bill before its introduction in Parliament. On this matter, the Speaker guided that owing to the lengthy process attached to the consideration of such Bill in terms of collection of signatures in its support, verification of the said signatures, approval by the IEBC, public participation by the various county assemblies and, ultimately, approval by the assemblies. The Speaker also observed that Article 257(7) of the Constitution contemplates that, upon being passed by a majority of county assemblies, such a Bill ought to be introduced in Parliament without delay, implying that it ought not be re-published. A practice was hence set that a Bill to amend the Constitution should not be re-published but be introduced in Parliament in the form approved by the IEBC and submitted by county assemblies. Consequently, the National Assembly introduced and considered the BBI Bill in the form submitted by the promoters to the IEBC and received from county assemblies.

c) Sponsorship and moving of Second Reading of a Bill to amend the Constitution by popular initiative

It is the practice of the House and other Parliaments that business is introduced in the House by the sponsor of a Motion or Bill and that is the responsibility of the sponsor to either move consideration of such business by the House or depute that responsibility to any other Member with the approval of the Speaker.

In the course of the Fifth Session, when the BBI Bill was submitted to the National Assembly, a question arose as to who would assume the duty of sponsor for purposes of marshaling the Bill at all the stages of its consideration in the House. The Standing Orders had no procedure for processing such Bills in the House. Consequently, the Speaker guided the House that given that the BBI Bill was a Bill to amend the Constitution by popular initiative under Article 257 of the Constitution, its promoters would qualify to be rightly referred to in parliamentary language as “*strangers to the House*.” The Bill was not sponsored by the Leader of the Majority Party, the Leader of the Minority Party, a Committee of the House or a Member of the House. In the circumstances, the Speaker guided that the Bill would be moved by the Departmental Committee on Justice and Legal Affairs, to which the Second Schedule to the Standing Orders assign the mandate for constitutional affairs. The Speaker clarified that by assigning the role to a Committee did not imply ownership of the Bill by the Committee or any of its Members. This development provided the opportunity for the House to develop a procedure for designating sponsorship of constitution amendment Bills introduced through popular initiative.

d) Limitation of debate on a Bill to amend the Constitution by popular initiative

Another procedural development that emerged in the Fifth Session was on whether, and how the Houses of Parliament would limit debate on the BBI Bill, a Bill whose promoters are neither Members or a Committee of the House. Whereas the Standing Order 97 provides for

limitation of debate, application of the said Standing Order relates only to business whose sponsor is a Member, committee of the House or Leader of Majority Party or Leader of the Minority Party.

The Speaker observed that since the BBI Bill was sponsored by persons not in the House, it was not subject to the rules of limitation of debate in the Standing Orders. Consequently, it would not be possible to determine the minutes per member. However, after taking cognizance of enormous interest the BBI would elicit from Members, who naturally would want to speak to the Bill, there was need for the House to decide how speaking time would be allocated amongst its membership in order to allow sufficient and meaningful debate on the Bill. Consequently, a procedural practice was established that for such Bills, the House Business Committee would propose to the House the speaking time per Member through a procedural motion.

e) Whether Parliament can amend a Bill to amend the Constitution through popular initiative

When the BBI Bill was introduced in the National Assembly, a procedural question arose whether the House could amend the Bill, given it was a Bill introduced through popular initiative or the House ought to pass the Bill in the form received. The Speaker did guide the House that the text of Article 257 deliberately limited the exercise of legislative powers by Parliament when considering a Bill to amend the Constitution through popular initiative. He clarified that Parliament had no role in origination of the Bill and was only required to introduce the Bill and pass or fail to pass it. The Speaker explained that whereas when an ordinary legislation may be lost in mediation or lapse for want of consideration; failure by Parliament to pass a Bill to amend the Constitution by popular initiative only propels it to mandatory consideration at a referendum by the people. This exemplified the limited legislative role afforded to Parliament and its Members, on such Bills such that Parliament cannot replace or usurp the people's views on a popular initiative with its own by amending such Bill. The Speaker therefore ruled out amendments to a popular initiative Bill and guided that the only changes that may be made to such a Bill would be correction of any errors of form that do not alter the substance of the Bill. The Speaker's determination was affirmed by the Courts and procedural development with regard to amendability of Bills to amend the Constitution through popular initiative.

f) Application of sub-judice rule on the BBI Bill, 2020

When the BBI Bill, 2020 was introduced in Parliament, several suits were filed in the High Court seeking various orders with regard to the Bill. A question arose regarding the effect of the pending court cases on the consideration of the Bill that was undergoing consideration in the House. In addressing the matter the Speaker expounded on the application of Standing Order 89, which provides the circumstances under which the sub-judice rule would apply and the power of the Speaker to interpret and apply the same in determining whether a matter is sub-judice or not.

The Speaker observed that even in instances where the matter under consideration is deemed to be sub judice, the Speaker had discretion under Standing Order 89(5) to allow reference to such matter where necessary. Accordingly, the Speaker formed a strong opinion that the public interest on a Bill introduced by way of a popular initiative overrides the provisions of Standing Order No.89 on the sub judice principle. In this regard, a procedural precedent was set that the sub judice rule would not apply to the consideration, by the House, of a Bill to amend the Constitution through popular initiative.

g) The procedure applicable to the consideration of a Bill to amend the Constitution by popular initiative in the House and the voting threshold.

Ordinarily and by practice in most parliamentary jurisdictions, Bills go through definite stages from publication, First Reading, Second Reading, Committee of the Whole House and finally Third Reading before Presidential assent. When the BBI Bill, 2020 was received in the National Assembly, there arose a question on the procedure applicable to the consideration of a Bill to amend the Constitution by popular initiative in the House and the voting threshold.

With regard to the applicable procedure, the Speaker guided that like any other Bill, the BBI Bill, 2020 would be considered through the usual legislative stages (First Reading Second Reading, Committee of the Whole House and Third Reading) with the necessary votes being taken at the appropriate stages.

Concerning the voting threshold, the Speaker clarified that Article 257 of the Constitution requires a majority of all Members of the National Assembly to vote in favour of the Bill at Second Reading and Third Reading, being 176 Members. This number is derived by ascertaining 50 per cent of all Members of the House and adding one to get a majority. However, whether a majority of the Members voted for the Bill or not, the net effect is that a Bill to amend the Constitution through popular initiative would still proceed to a referendum.

4. Motion ordering documenting the history of Parliament with respect to the National Assembly.

During the Fifth Session, the National Assembly passed a Motion on 1st February 2022 resolving that the History of the National Assembly be preserved for future generations and ordering that Clerk of the National Assembly puts in place and executes appropriate mechanisms to actualize the History of the Parliament of Kenya project. Additionally, the motion proposed setting up of an *Adhoc* Committee comprised of nine Members of Parliament at an appropriate stage to oversee the implementation of the project.

5. Passage of the Finance Bill before commencement of the applicable Financial Year

Until 2021, it was a practice of the House to consider the Finance Bill by 30th September of the Financial Year to which it applies. Then, taxation was approved through Provisional Collection of Taxes and Duties Act (Cap 415) pending passage of the Finance Bill in September, being two months after commencement of the Financial Year.

In 2018, after the National assembly passed a motion on Provisional Collection of Taxes and Duties Act (Cap 415), authorizing collection of taxes and duties from the dates specified in the Provisional Collection of Taxes and Duties Order, 2018 (Legal Notice No. 128 of 2018, a case was filed in the High Court as Petition no. 253 of 2018. The petitioners argued that the practice was inconsistent with Article 210(1) of the Constitution, which provides that no tax or licensing fee may be imposed, waived or varied except as provided for by legislation (Finance Bill).

On 19th September 2018 the High Court ruled that a declaration that the Finance Bill 2018, or any parts or provisions thereof, including on taxation, cannot be implemented before the Bill becomes the Finance Act after it goes through the parliamentary legislative process laid out in the Constitution for approval and adoption by Parliament, and assent by the President. This implied that the Finance Bill must be passed and assented to before the beginning of the Financial Year to which it applies, being not later than 1st July of that Financial Year.

In furtherance of this Ruling, the House considered and passed the Bill before the end of a Financial year – June 30, 2021.



6. Increased conduct of proceedings in Kiswahili

In the Fifth Session, there was an increase in the use of Kiswahili in the proceedings of the House. An increased number of Members contributed to proceedings in Kiswahili, some gave Notices of Motion in Kiswahili while others asked Questions or requested for Statements in Kiswahili. For instance, the Member for Kamukunji Constituency (Hon. Yusuf Hassan) gave a notice of Motion for establishment of Kiswahili Commission. In Kiswahili, the resolution of the Motion read as follows -

“Kwamba, Bunge hili linahimiza Serikali Kuu kupitia Wizara ya Michezo, Utamaduni na Urithi kuanzisha rasmi Baraza Kuu ya Kiswahili ya Kitaifa na kuzindua mikakati, mbinu na sera makhusisi zinazohitajika kukuza na kuendeleza lugha ya Kiswahili, na kushirikiana na vyombo vingine vya kitaifa na vya kibinasi vinavyohusika na uboreshaji wa lugha ya Kiswahili.”

A major highlight in the use of Kiswahili in the National Assembly was the address to the Joint Sitting of Parliament in Kiswahili by the President of the United Republic of Tanzania, Her Excellency, Samia Suluhu Hassan on the 5th May 2021. The Leader of the Majority party subsequently gave notice of Motion and moved the motion in Kiswahili for the thanks of the House to be recorded to the address by Her Excellency Samia Suluhu Hassan, President of the United Republic of Tanzania made to the Joint Sitting of Parliament on Wednesday, 5th May 2021. It is worth noting that most of the Members who spoke to the motion did so in Kiswahili.

7. Parliamentary Forum for Committees

In the Fifth Session, the National Assembly held a Parliamentary Forum for committees on September 2021, the event was intended to open up committees to the public and showcase the work of committees. During the event, documentaries of activities by committees were played to the public and a Report on the Achievements of Committees 2020 - 2021 launched.

8. Fate of Individual Members' Bills Pending Before Committees of the House

In the Fifth Session, several Members raised concerns to the Speaker that Departmental Committees were taking too long to table Reports in the House on their consideration of individual Member Bills referred to them after being read a First Time. Aggrieved Members petitioned the Speaker to cause committees to also prioritize individual Member Bills, table Reports on the Bills to pave the way for those Bills to proceed to Second Reading and subsequent stages.

On Wednesday, 7th July 2021, the Speaker made a considered Ruling intended to address the fate of individual Member Bills that were pending before committees of the House. In the ruling, the Speaker observed that as at 7th July 2021, fifty four (54) individual Member Bills were awaiting Second Reading and relevant Committees were yet to table their reports on twenty eight (28) of those Bills. In order to fast track individual Member Bills, the Speaker directed that -

- a. all Committees to prioritise consideration of individual Members' Bills and any other Bills referred to them during the recess and table reports thereof as soon as the House resumed sittings from 3rd August 2021 and should prioritise consideration of Bills pending before them in their work plans for the Financial Year 2021/22;
- b. the Liaison Committee to be reporting to the House on the status of business pending before all Committees by way of a Statement to be made in the House every last Thursday of each month whenever the House is in session.

Following the Speaker's ruling committees tabled Reports on consideration of several individual Member Bills.

9. Designation of the Hon. Vincent Kemosi Mogaka as the Vice-Chair of the Committee of Powers and Privileges

Section 15(1)(a) of the Parliamentary Powers Act, 2017 on the membership of the National Assembly Committee of Powers and Privileges designates the Speaker of the National Assembly as the Chairperson but does not provide for a Vice-Chairperson vice-chairperson to deputise the Speaker or the manner of causing a Member to take charge of the affairs of the Committee in the absence of the Speaker, as is the case for other select committees of this House.

Given the broad nature of the roles of the Speaker of the National Assembly as Chairperson of the Parliamentary Service Commission and presiding officer, it became necessary that the Speaker be deputized in so as to ensure that Committee's activities continue uninterrupted in even when the Speaker is unavailable to chair meeting due to the busy schedule.



Accordingly, on 8th July 2021, the Speaker made a Communication to the House designating the Member for South Mugirango (Hon. Vinecnt Kemosi Mogaka) as the Chairperson of the Committee of Powers and Privileges and to represent the Committee in the Liaison Committee.

10. Import of the Court of Appeal judgment on the legislative function of the National Assembly

In the Fifth Session, the Court of Appeal delivered a judgement in Civil Appeal No.E084 of 2021 on Friday, 19th November 2021. The appeal had been filed by the National Assembly, among other parties, being dissatisfied with a High Court Ruling delivered on 29th October 2020. Among other things, the High Court nullified twenty three (23) Acts of Parliament that had been passed by the National Assembly without involving the Senate because they were introduced as Bills not concerning counties.

On Tuesday 23rd November 2021, the Speaker made a Communication to the House highlighting salient aspects of the Ruling and their implications on the legislative authority of the House. The Speaker also directed that certain Bills be re-published for consideration as guided by the appellate Court. He also guided the House to make necessary amendments to Standing Orders 121 and 143 relating to Bills concerning counties and Bills originating from the Senate. This judicial development also contributed to shaping the administrative and legislative framework for determining Bills concerning counties before being introduced in either House.

11. Fate of Bill introduced by a Committee following Public Petitions

Article 119 of the Constitution avails to every person the right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.

In this regard, during the Fifth Session, the Speaker reported to the House a Public Petition No.20 of 2021 by Mr. George Njenga Mwaniki and 12 others seeking amendment of the Advocates Act, Cap 16, to allow admission of law practitioners from the Republics of Rwanda and Burundi to the Roll of Advocates in Kenya. The Departmental Committee on Justice and Legal Affairs acceded to the petitioners' prayers and proceeded to publish the Advocates (Amendment) Bill (National Assembly Bill No. 43 of 2021) to actualize the recommendation contained in its Report in the Petition.

On 2nd December 2022, the Chairperson of the Departmental Committee on Justice and Legal Affairs wrote to the Speaker seeking leave to withdraw the Bill pursuant to Standing Order No.140. In his guidance to the House on the matter, the Speaker clarified that the Departmental Committee on Justice and Legal Affairs introduced the Bill in furtherance of its own recommendations as contained in the Report on its consideration of the Petition leading to publication of the said Bill. The Speaker declined to grant the withdrawal and stressed that, in order to adhere to the true intention of Article 119 of the Constitution as read together with the mandate of this House to deliberate on and resolve any issue of concern to the people, in default of the Chairperson sponsoring the Bill, any other Member may express interest to sponsor the Bill on the petitioners' behalf. Where a Member agrees to sponsor the Bill, it shall be republished at the earliest opportunity and introduced to the House for consideration,

This development set a precedence that a Bill published following a public petition cannot be withdrawn by the Committee in whose name the Bill was published.

CHAPTER FOUR

NATIONAL ASSEMBLY AND PARLIAMENTARY DIPLOMACY



In order to fulfill its international obligations and to enhance its role in parliamentary cooperation and diplomacy, the Parliament of the Kenya continues to actively participate in various activities relating to inter-parliamentary organizations. The inter-parliamentary organizations include: -

4.1 The Commonwealth Parliamentary Association (CPA)

The Commonwealth Parliamentary Association (CPA) is an international community of Commonwealth Parliaments and Legislatures working together to deepen the Commonwealth's commitment to the highest standards of democratic governance. The Association connects parliamentarians and parliamentary staff from over 180 national, state, provincial and territorial parliaments and legislatures across the Commonwealth through its network. The Association facilitates co-operation between commonwealth legislatures and other organizations of interest. CPA Kenya Branch participates in the activities of the CPA as well as of the regional Association, the ***Commonwealth Parliamentary Association – Africa Region***.

The National Assembly participated in five (5) CPA activities during the period under review as indicated in the table below –

S/No.	Activity	Date	Venue
1.	CPA Executive Committee Meeting	23 rd to 26 th March 2021	Virtual
2.	The CPA Kenya Branch Bilateral visit to the CPA Ghana Branch	September 13 th to 18 th , 2021	Parliament of Ghana
3.	CPA Executive Committee Meeting	27 th to 30 th September 2021	Virtual

4.	Inaugural Commonwealth Parliamentarians with Disabilities (CPwD) Africa Region Conference	October 14 th to 18 th , 2021	Nairobi
5.	The 51 st CPA Africa Regional Conference and Annual General Meeting	November 8 th to 13 th , 2021	Abuja, Nigeria

Table 15: CPA activities the National Assembly participated during the 5th Session

Source: International and Overseas Department, National Assembly



CPA Kenya contribution in *The Parliamentarian* Magazine

The Parliamentarian is the quarterly journal of the Commonwealth Parliamentary Association. The magazine contains articles, analyses and bibliographical information on parliamentary, political and constitutional developments written by Speakers, Ministers, Members of Parliament, renowned academic experts and parliamentary staff. *The Parliamentarian* also features parliamentary reports on legislative affairs, news and updates from across the Commonwealth. During the period under review, CPA Kenya Branch contributed to the magazine through the Speaker of the National Assembly.



4.2 Pan African Parliament (PAP)



A sitting of The Pan African Parliament (PAP)

The Pan African Parliament, which has its seat in Midrand South Africa is the legislative body of the African Union. It held its inaugural session in March 2004. It exercises oversight, and has advisory and consultative powers, lasting for the five years.

Each Member State of the African Union sends a delegation of five Parliamentarians to the parliament at least one whom must be a woman. The composition of the delegation should reflect the political diversity of the Member State's legislature. The term of a Member of the Pan-African Parliament shall begin once he or she has taken oath of office or made a solemn declaration during a plenary session of the Pan-African Parliament. A Member of the Pan-African Parliament shall vote in their personal and independent capacity and shall not be bound by any instructions or orders from any authority.

Currently, Kenya is represented by – **Hon. Janet Ongera** who serves as the Chairperson Eastern, Regional Caucus, **Sen. (Dr.) Ali Abdullahi Ibrahim** who serves as the Rapporteur for the Committee on Cooperation, International Relations and Conflict Resolutions while **Sen. Stewart Madzayo**, **Hon. Beatrice Kones** and **Hon. Jude Njomo** are Members of the Pan-African Parliament who are designated by the Parliament of Kenya to serve in various committees of the Pan-African Parliament as shown in table 15 –

	Member	Committee
1.	Sen. (Dr.) Ali Ibrahim, MP	Committee on Cooperation, International Relations and Conflict Resolutions (Rapporteur)
2.	Hon. Janet Ongera, CBS, MP	Committee on Rural Economy, Agriculture, Natural Resources and Environment
3.	Hon. Jude Njomo, MP	Committee on Trade, Customs and Immigration Matters
4.	Hon. Beatrice Kones, MP	Committee on Transport, Industry, Energy, Communication, Science and Technology
5.	Sen. Stewart Madzayo, MP	Committee on Monetary and Financial Affairs

Table 16: Committee Membership – Kenya Delegation to the PAP

Source: International and Overseas Department, National Assembly

During the period under review, National Assembly participated in the Fourth Ordinary Session of the Fifth Pan-African Parliament, 21st May 2021 to 4th June 2021 Midrand, South Africa.

4.3 The African, Caribbean, Pacific-European Union Joint Parliamentary Assembly (ACP-EU – JPA)



HE Uhuru Kenyatta, President of The Republic of Kenya in attendance at a meeting of the ACP-EU-JPA in Brussels on 07 January 2020

The ACP-EU Joint Parliamentary Assembly is one of the organs of joint institutions established under the Cotonou Agreement. The Assembly was created out of a common desire to bring together the representatives of the African, Caribbean and Pacific states that have signed the Cotonou Agreement and the European Parliament.

The ACP-EU brings together more than 320 MPs from the 79 ACP Countries and Members of the European parliament, drawn from the 27 member states of the EU.

The National Assembly Participated in following three (3) activities of the OACPS- EU during the period under review –

- a. The 58th Session of the OACPS-Parliamentary Assembly & the OACPS-EU Committee Meetings 22nd -30th March, 2021 which was conducted virtually.
- b. Official visit to OACPS Secretariat by H.E. Uhuru Kenyatta, President of the Republic of Kenya & President in Office of OACPS Heads of State and Government, 21st -23rd June 2021 which was held in Brussels, Belgium.
- c. 40th Session of the OACPS-EU Joint Parliamentary Assembly, 24th June 2021. The event was virtual.

4.4 Inter-Parliamentary Union (IPU)



Delegates follow proceedings at the The 143rd IPU Assembly that was held between 26th - 30th November 2021 in Madrid, Spain

The IPU is the international organization of Parliaments and was established under Article 1 of the Statutes of the Inter-Parliamentary Union in 1889.

The Union is the focal point for world-wide parliamentary dialogue and works for peace and co-operation among peoples and for the firm establishment of representative democracy.

During the period under review, the National Assembly participated in the following meetings of the IPU –

S/No.	Event	Dates	Venue
1.	The 2021 Annual Parliamentary Hearing at the United Nations	17 th - 18 th February 2021	Virtual

2.	Joint IPU-ASGP Meeting For Secretaries General of Parliaments	25 th February 2021	Virtual
3.	The 142 nd IPU Assembly	24 th – 28 th May 2021	Virtual
4.	Pre Cop 26 Parliamentary Meeting	8 th – 9 th October 2021	Rome, Italy
5.	COP 26 – Africa Parliamentary Round Table 2021	14 th September 2021	Virtual
6.	The 143 rd IPU Assembly And Related Meetings	26 th – 30 th November 2021	M a d r i d , Spain
7.	The Fifth World Conference of Speakers	7 th – 8 th September 2021	V i e n n a , Austria
8.	The First Global Parliamentary Summit on Counter-Terrorism	9 th September 2021	V i e n n a , Austria

Table 17: IPU meetings the National Assembly participated during the Session

4.5 Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR)



The Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR) was established in 2008 to provide a platform for exchange of experiences, conflict resolution and dialogue between Parliaments of the Member States of the ICGLR. The Member States are Angola, Burundi, Central African Republic, Republic of Congo, the democratic Republic of Congo, Kenya, Rwanda, Sudan, South Sudan, Tanzania, Uganda and Zambia.

During the period under review, the National Assembly participated in the following two(2) events relating to ICGLR as follows –

- a. The Joint Observation Mission the Presidential, Parliamentary and Local Government Elections in Zambia, 5th to 15th August 2021; and
- b. The 23rd Statutory Meeting of the Executive Committee and the Ad Hoc Committee on Finance of the FP-ICGLR, in Nairobi, 28th to 30th September 2021.

4.6 Caucuses

Standing Order 259A provides that the Speaker may, upon the written request of at least ten Members, recognize a parliamentary caucus formed for the purpose of advancing a common legislative objective.

The following are some of the caucuses currently operational in the National Assembly:

1. Kenya Women Parliamentary Association (KEWOPA)
2. Kenya Young Parliamentarians Association (KYPA)
3. Kenya Disability Parliamentary Association (KEDIPA)
4. The African Parliamentarians Network Against Corruption (APNAC)
5. The Global Organization of Parliamentarians Against Corruption (GOPAC)
6. World Parliamentary Forum on Sustainable Development (WPFSD)
7. Parliamentary Caucus on Evidence-Informed Oversight and Decision-Making
8. International Association of Parliamentarians for Peace-Kenya (IAPP-K)
9. Parliamentary Conservation Caucus-Kenya Chapter (PCC-K)
10. African Parliamentarians' Network on Development Evaluation Vision (APNODE)
11. Pastoralists' Parliamentary Group (PPG)
12. Parliamentarians for Global Action (PGA)
13. Parliamentary Caucus on Economy and Business
14. Parliamentary Caucus on Sustainable Development Goals and Business
15. International Association of Parliamentarians for Peace(IAPP-K)
16. Association of Catholic MPs
17. World Scout Parliamentary Union (WSPU)
18. Open Government Partnership- National Assembly Open Caucus

4.7 Friendship Groups

Parliamentary cooperation is undertaken through a number of bilateral relations initiatives that are aimed at developing strategic partnerships with other Parliaments to share experiences, strengthen inter-parliamentary cooperation and provide the necessary support for the achievement of the country's foreign policy objectives.

The National Assembly has opened channels for bilateral engagements through Parliamentary Friendship Groups (PFGs). These include-

Kenya-China, Kenya-Ethiopia, Kenya-France, Kenya-Germany, Kenya-Korea, Kenya-Poland, Kenya-Russia, Kenya-Sudan, Kenya-Turkey, Kenya-Hungary Kenya- Hellenic (Greece), Kenya-Algeria, Kenya-Saudi Arabia, Kenya- Canadian Kenya- Libya, Kenya- Rwanda, Kenya-Australia, Kenya-Kuwait, Kenya-Morocco, Kenya-Spain, Kenya-UK, Kenya-Uganda, Kenya-America, Kenyan-Philippines, Kenya-Burundi, Kenya-Cyprus, and Kenya- Slovak .

Activities undertaken by Caucuses and Friendship Groups during the period under review is as shown in table 17 below –

Caucus/PFG	Activity	Dates	Venue
Kenya-China	The Second Session of Kenya – China Parliamentary Exchange Mechanism	24 th August 2021	Virtual Conference
Economy and Business	Workshop of the Caucus on Economy and Business	18 to 20 th February 2021	Mombasa ,Kenya
Parliamentary Conservation Caucus –Kenya (PCC-K)	Congressional International Conservation Leadership Awards Dinner and related Meetings	17 th to 24 th September 2021	United States of America, Washington DC
APNAC-Kenya Chapter	Workshop	12 th to 14 th September 2021	Machakos,Kenya
World Scout Parliamentary Union (WSPU) Kenya	WSPU Annual General Meeting, 2021	26 th November 2021	Virtual

Table 18: Activities undertaken by Caucuses and Friendship Groups

Source: International and Overseas Department, National Assembly

CHAPTER FIVE

HIGHLIGHTS ON DIRECTORATES AND DEPARTMENTS IN THE NATIONAL ASSEMBLY

Introduction

To streamline the operations of the National Assembly Service, the Parliamentary Service Commission has established Directorates and Departments. There are five Directorates and two departments that render services to the National Assembly Service, namely; Speakers Office, Legislative and Procedural Services, Committee Services, Parliamentary Budget office, Hansard and Serjeant-at-Arms. This Chapter will highlight on the various activities undertaken by each Directorate/ Department during the Fifth Session.

5.1 Directorate of Speaker's Office



The Directorate of the Speaker's Office in the National Assembly comprises of the Leadership Offices; those of the Presidium, the Media Relations and the Public Communication Departments. The Directorate possesses the unique distinction of a very extensive mandate and a large staff component. One of the most exceptional features of this office however, is the supporting offices that work in tandem with the Office of the Speaker to ensure seamless delivery of services.

The effective operation of the Directorate of the Speaker of the National Assembly, the Leadership Offices and those of the Presidium is extremely crucial to the smooth running and functionality of the Assembly as well as the Parliamentary Service Commission of which the Speaker serves as the Chairperson. Thus, the role of the Parliamentary staff serving in the aforementioned offices and how it plays out to the smooth running of the National Assembly business is crucial.

Major Activities during the Fifth Session:

During the year under review, the Speaker's Office Department undertook the following activities:

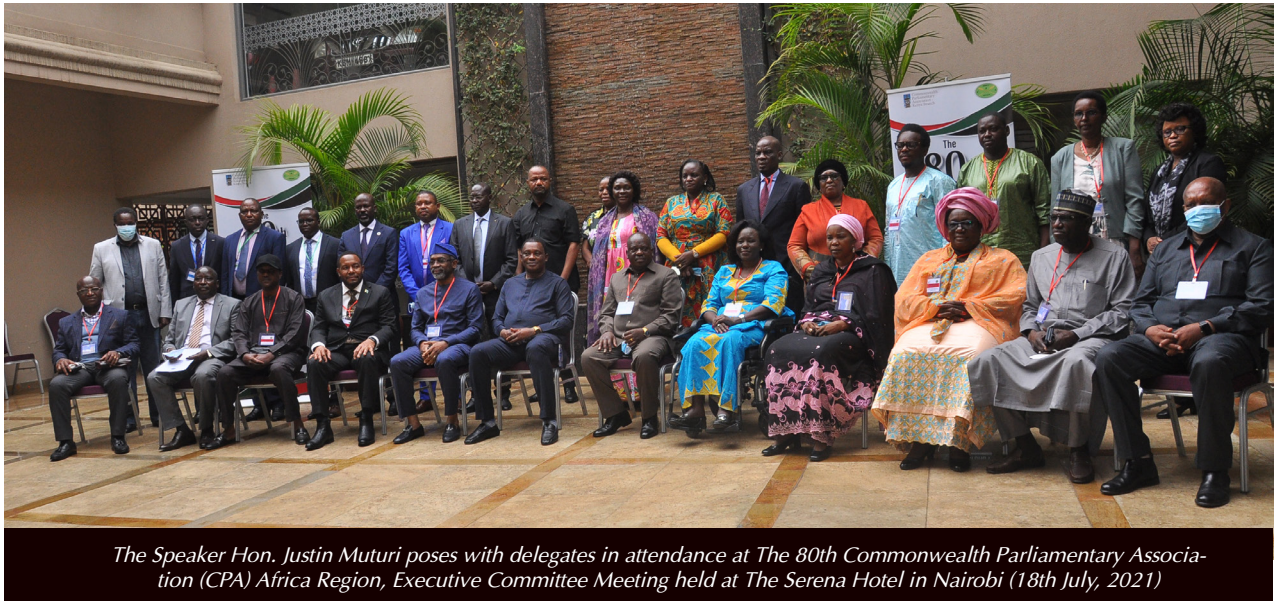
- i. Hosted several visiting diplomatic courtesies from Missions accredited to Kenya;
- ii. Hosted several delegations from various Parliaments visiting the Parliament of Kenya;
- iii. Facilitated the Speaker's attendance to National Days' Celebrations among other National Functions;
- iv. Co-ordinated the Participation of the Speaker in several functions and conferences; some hosted by the Parliament of Kenya, including:
 - The Launch of the National Fruit Tree Planting Program at the Ngong Forest and across the Country in December 2021;



- The Commonwealth Parliamentarians with Disability (CPwD) Africa Region Conference held on 14th-18th October 2021 in Nairobi;
 - The 5th SOCATT-Africa Region, Professional Development Seminar held on 21st-25th October, 2021 in Nairobi;
 - The Official Opening of the Bomet County Assembly Chambers and the Official Launch of the County Assembly's Strategic Plan;
 - The 48th Kenya Medical Association Conference held in Kisii County on 18th- 20th June
- v. Co-ordinated the attendance of the Speaker to various Speakers' conferences physically and virtually. In his capacity as the Chairperson of the Executive Committee of the Commonwealth

Parliamentary Association (CPA), Africa Region, the Speaker of the National Assembly attended the following CPA meetings:

- The 80th Commonwealth Parliamentary Association (CPA) Africa Region, Executive Committee Meeting;
- The 17th Commonwealth Parliamentary Association (CPA) Speakers and Presiding Officers (CSPOC) Africa Region Conference held in Kigali, Rwanda;
- The 51st Commonwealth Parliamentary Association (CPA) Africa Region Conference and Annual General Meeting held on November 8-14 in Abuja Nigeria.



vi. Organized the training of Officers in Leadership Offices in the following area:

- Supervisory Skills training for Media Relations Officers and Public Communications Officers by the Kenya School of Government in Naivasha, Nakuru County (Jan, 2021);
- Training of various officers in the Leadership Offices by ESAMI in Kampala, Uganda and Addis, Ethiopia;
- Benchmarking at the Rebecca Alitwala Kadaga Institute of Parliamentary Studies by several officers drawn from the Speaker's Office and Leadership Offices.

The report of the media relations department for the fifth session house affairs report

The Media Relations Department works to provide information to the Press and Broadcast journalists on the wide-ranging work and activities of Parliament. The department is mandated to facilitate the coverage of the House, its Committees and events. The aim of the department is to communicate effectively with the public via the media and to publicize Parliamentary activities.

- i. The Media Relations Department achieves its objectives by;
- ii. Accrediting journalists who cover Parliamentary activities;
- iii. Monitoring media reports and coverage;

- iv. Capacity building for parliamentary reporters;
- v. Availing documentation as may be required by reporters;
- vi. Organizing press conferences and interviews for honourable Members;
- vii. Ensuring publicity for all Parliamentary activities within and outside Parliament.

Activities Undertaken in 2021:

- a. Used Facebook, twitter, and WhatsApp (social media) to disseminate information about the Business of Parliament and its Committees to the public;
- b. Publicized all Parliamentary activities including facilitating their live coverage. These activities include National Assembly Committees Forum 2021, Inaugural Commonwealth Parliamentarians with Disability (CPwD) Africa Region Conference (2021) and National Prayer Breakfast (2021);
- c. Facilitated and ensured adequate media coverage and live broadcast of the 8th State of the National Address by His Excellency President Uhuru Kenyatta on 30th November, 2021;
- d. Facilitated and ensured adequate media coverage and live broadcast of the 2021/2022 Budget Highlight Presentation by the Cabinet Secretary, Ministry of Treasury and Planning;
- e. Facilitated media coverage of 123 Committee sittings by both external media and on Parliament Social media pages;
- f. Facilitated media coverage for 62 committee field visits both by external media and on Parliament social media pages.

Media coverage during a fact-finding visit to Homa Bay Pier by the National Assembly Departmental Committee on Administration and National Security.



- g. Facilitated temporary accreditation of Journalists covering press conferences and committee sittings in accordance with the Speaker's Guidelines on access to meetings during the Covid-19 pandemic;
- h. Accredited all journalists covering Parliamentary activities outside Parliament including Committee fact-finding and public participation visits;
- i. Ensured continued presence of Parliament in the media by facilitating media coverage;
- j. Professionally organized and managed a total of 67 press conferences;
- k. Ensured the media got timely access to all documents as required for their use both in soft and hard copies from the Table Office;
- l. Provided real - time dissemination of information through social media.

Public Communications Department

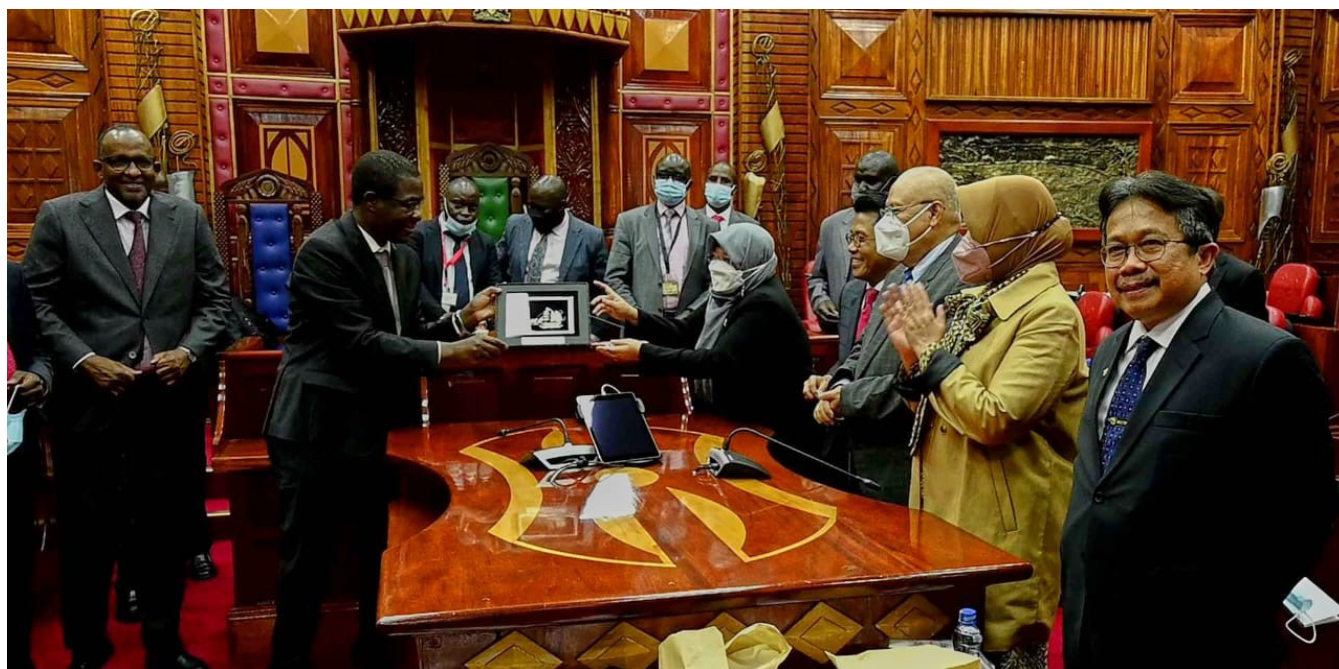
The Public Communications Department is one of the Departments within the Directorate of the Speaker's Office. Its functions are to the Speaker's Office and broader institution of the National Assembly.

The following is the report of the department activities for the 5th Session:

S/ No.	ACTIVITY	QUANTITY
1.	Consistently provided Protocol Services to Speaker's Office for local and foreign events and activities	Continuous
2.	Consistently provided Public Communication services to the Speaker's Office	Continuous
3.	Facilitated Foreign Delegations visiting National Assembly	21 delegations
4.	Preparation of Publications for Public Outreach and Public Education	3
5.	Customer Care and Reception Services	Continuous
6.	Representing National Assembly in Inter-ministerial meetings and forums	41
7.	Facilitating National Assembly Leadership in State and National Events	7
8.	Offering Publicity and Branding Services	Continuous
9.	Providing Training and Sensitization Services on PR, Public Communications and Protocol	8

Table 19: The report of the department activities for the 5th Session

Source: The Public Communications Department



State Treasury Accountability Board of Parliament of Indonesia being facilitated a tour of National Assembly by Protocol Officers from National Assembly



A Foreign Delegation being facilitated a tour of National Assembly



Konrad Foundation Delegation being facilitated an official visit to the National Assembly by staff from Public Communications



Konrad Foundation Delegation being facilitated an official visit to the National Assembly by staff from Public Communications

Leadership Offices

The Leadership Offices are domiciled within the Directorate of the Speaker's Office. These Offices are diverse in functionality due to the varied roles and mandates that are captured within the structure and operational outline of the National Assembly.

Major Activities during the session

- i. Carried out research to enable their respective members effect their legislative duties in the house through the execution of Legislative proposals, Bills and special motions;
- ii. Facilitated their respective Members to attend government functions and ceremonial events as required;
- iii. Enabled their respective members to effectively discharge their roles in the different National Assembly Committees within which they serve;
- iv. Provided Party related duties to support their Members in pushing Party agenda, providing Party leadership and championing of different Party interests;
- v. Coordinated and provided administrative activities within their respective Leadership Offices;
- vi. Prepared and ensured that their Leaders had the requisite materials and facts for the various parliamentary seminars, workshops and conferences that they attended;
- vii. Drafted amendments to Bills and Legislative proposals as requested by their respective leaders and also gave legal interpretation of Acts and Bills;
- viii. Prepared talking points and briefs for their respective Leaders.

Emerging Challenges faced by Directorate of the Speaker's Office:

- i. Due to its wide mandate and vast number of offices and Officers, streamlining of communication was affected;
- ii. Covid-19 Pandemic and resultant restrictions with regard to access to meetings;
- iii. Inadequate number of Media Relations Officers to provide services to Committees. Each officer serving in the National Assembly has an average of five committees;
- iv. Very high expectations on the role of MROs in determining media content.
- v. Undocumented and unclear job descriptions provided for a lot of grey area and ambiguity in the discharge of some of the roles.

5.2 Office of the Clerk



The Clerk of the National Assembly, Mr. Michael Sialai, CBS

The Constitution provides for the office of the Clerk - *there shall be a Clerk for each House of Parliament, appointed by the Parliamentary Service Commission with the approval of the relevant House. The offices of the Clerks and offices of members of the staff of the Clerks shall be offices in the Parliamentary Service.*

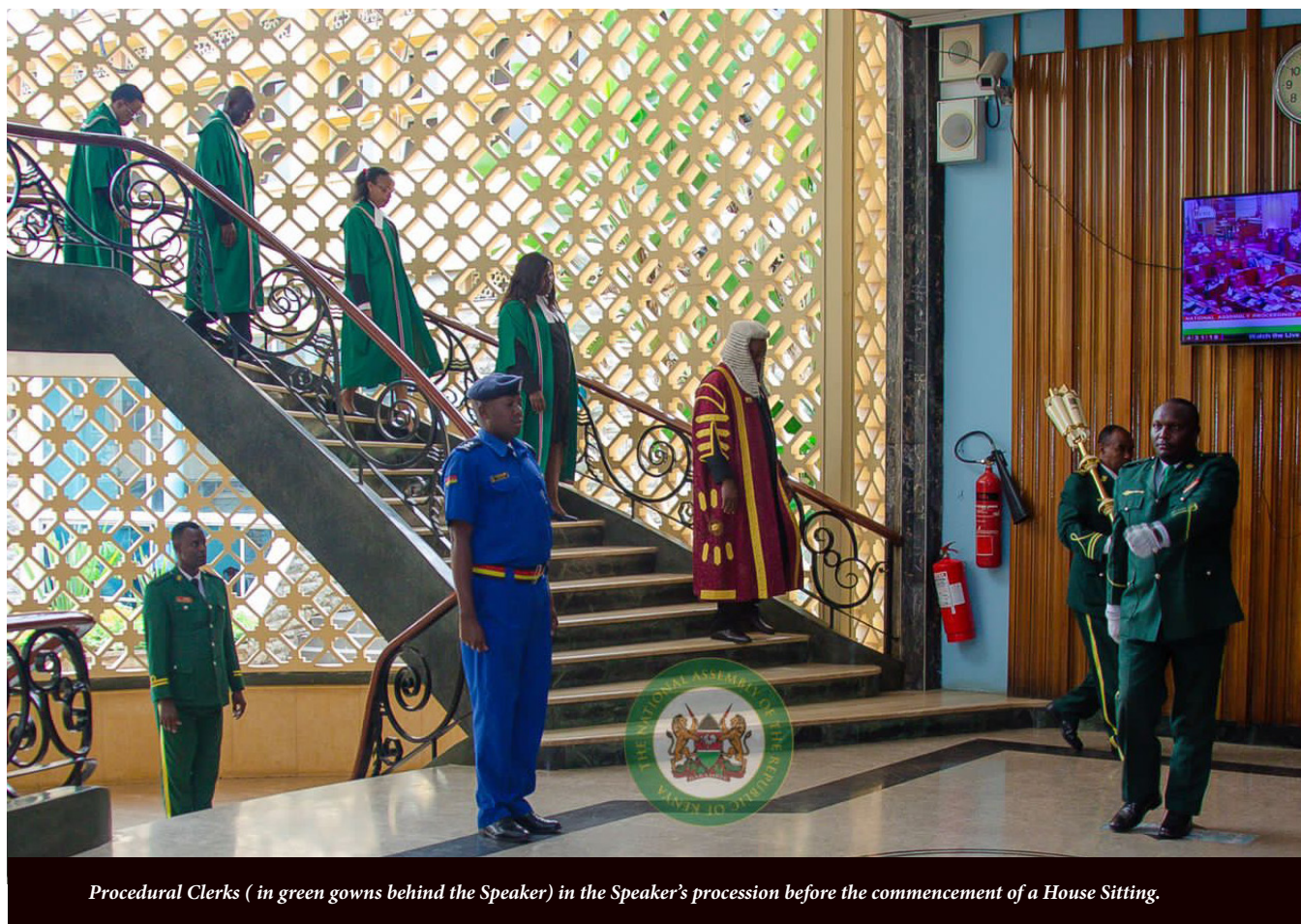
The Office of the Clerk in executing its mandate offers services to the Office of the Speaker, House Leadership Offices and all the Parliamentary Committees of the National Assembly. The Clerk further executes the work in the Chamber, and as House Accounting Officer and Administration on overall management of staff of the National Assembly. The Office of the Clerk coordinates the following Directorates and Departments - namely the Speakers Office, Legislative and Procedural Services, Committee Services, Parliamentary Budget office, Hansard and Serjeant-at-Arms.

5.3 Directorate of Legislative and Procedural Services

The Directorate continues to play a key role in marshalling business for the National Assembly. It offers legislative and procedural advice to the Speaker and Members during plenary sessions of the House as well as continuously, disseminate legislative information to the public.

During the Fifth Session, the Directorate facilitated Administration of Oaths, drafting of Communications, Messages, Petitions, Questions, Statements, Motions, Preparation of Order Papers

and Responses to inquiries and requests the office of the Speaker, Leadership Offices, Members, Clerks Offices, other Directorates and Departments; and the Public. Further, the directorate offers secretariat service to committees chaired by the Speaker, which are the House Business Committee, the Procedure and House Rules Committee, the Chairpersons' Panel and the Powers and Privileges Committee.



Summary of Committees serviced by the Secretariat from the Directorate: -

5.3.1 House Business Committee

By practice, the House Business Committee meets every Tuesday at the rise of the House on a sitting day to plan for the House for the week. However, during the substantial part of the Fifth Session the Committee sat mainly on Wednesdays and Thursdays a departure from the common practice that has been occasioned by compliance to the government's protocols on management of the Covid-19 Pandemic.

During the period under review, the Committee held twenty seven (27) sittings to plan the programme of business of the National Assembly.

5.3.2 Procedure and House Rules Committee

The Procedure and House Rules Committee is established under Standing Order 208 and is mandated to, among other matters, "consider and report on all matters relating to the Standing Orders". The Committee is also charged with the task of proposing amendments to the Standing

Orders for consideration by the House. Further, the Committee may, from time to time, propose rules for the orderly and effective conduct of business of Committees.

During the period under review, the Committee held three (3) sittings.

5.3.3 Committee of Powers and Privileges

The Committee of Powers and Privileges is established pursuant to Section 15 of the Parliamentary Powers and Privileges Act 2017. The Committee comprises of the Speaker as Chairperson and fourteen other Members. The Committee is broadly responsible for handling matters concerning powers, privileges and immunities of the House, committees, members and staff. In particular, the Committee is mandated to, either of its own motion or as a result of a complaint made by any person, inquire into the conduct of a member alleged to constitute breach of privilege, and report to the House its findings together with such recommendations as it considers appropriate.

Further, the National Assembly Standing Orders assigns to the Committee the duty to inquire into allegations of absence by Members from parliamentary proceedings exceeding eight sittings within a session; enforce the Codes of Conduct made pursuant to the requirements of Chapter Six of the Constitution through the Leadership and Integrity Act, the Public Officer Ethics Act and the Parliamentary Power and Privileges Act, and to recommend necessary sanctions following due process.

5.4 Directorate of Departmental Committees

Introduction

The Directorate of Departmental Committees plays a significant role in facilitating the realisation of a number of strategic objectives of the Parliamentary Service Commission Strategic Plan, 2019 to 2030. In the period under review, the Directorate of Departmental Committees played a critical role in the operations of the National Assembly. Notably, the Directorate facilitated the attainment of the strategic objectives of the Parliamentary Service Commission particularly in enhancing Strategic Pillar No. 1 on Effective Representation, Legislation and Oversight with its attendant strategic objectives to improve the process of representation, legislation and oversight and strengthen the capacity of Members of Parliament to execute their constitutional mandate.

In addition, the Directorate facilitated the realization of Strategic Pillar No. II on Excellence in Service Delivery by strengthening the capacity of staff to facilitate Members in discharging their constitutional duties in an effective and efficient manner and facilitating the involvement of the public in legislation and oversight through public participation and stakeholder engagement contributing to enhanced public trust in the institution of Parliament.

Committees play a critical role in the operations of the National Assembly without which the operations of the House could slow down from the sheer volume of activities that would have to be considered at Plenary. Committees as agents of the House have enabled it to organize its work in such a way that it is able to perform numerous activities simultaneously and expeditiously.

Departmental Committees facilitate the National Assembly in the realization of its mandate to legislate; monitor and review legislation; administration and expenditure; gather information; and publicize issues; scrutinize governance activities, policies and programmes, assess whether they meet the intended objectives of legislation, policy frameworks and development plans.

Committees also conduct investigations on matters falling within their remit; vet and approve executive nominations and provide a platform for public participation in the execution of specified business, among others.

Departmental Committees derive their mandate from Standing Order 216 (5). In the aforementioned provisions, Departmental Committees have powers to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and Departments. Similarly, they study the programme and policy objectives of Ministries and Departments and the effectiveness of their implementation and review all the legislation referred to them.

Further, Departmental Committees are mandated to study, access and analyse the relative success of Ministries and Departments as measured by the results obtained as compared with their stated objectives; investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as may be referred to them by the House and vet and report on all appointments where the Constitution or any law requires the National Assembly to approve.

Lastly, Departmental Committees examine treaties, agreements and conventions; make reports and recommendations to the House as often as possible, including recommendation of proposed legislation; consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and examine any questions raised by Members on a matter within their mandates.

During the period under review, the fifteen (15) Departmental Committees undertook various activities in line with the mandate provided for in the aforementioned Standing Order. A summary of the activities undertaken by the Committees is as provided below: -

Committees and Legislation

Article 95(3) of the Constitution mandates the National Assembly to enact legislation. Committees assist the House in the in-depth consideration of Bills and Legislative Proposals by incorporating public participation in the legislative process as well as consider and make recommendations for approval of ratification of treaties/protocols.

Bills and Legislative Proposals

During the period under review, Committees considered sixty-one (61) Bills and tabled fifty-eight (58) reports on Bills. This represents ninety-five percent (95) of the Bills considered. The Committees considered thirty-two (32) Legislative Proposals and submitted thirty-one (31) reports to the Speaker

in line with provisions of S.O. 114 (7). This represents ninety-seven percent (97) of the Legislative Proposals considered. The table below summarises the number of Legislative Proposals and Bills considered by Departmental Committees. This is shown in table 18 and 19 below -

NO.	NAME OF COMMITTEE	NO. LEGISLATIVE PROPOSALS COMMITTED	NO. LEGISLATIVE PROPOSALS CONSIDERED
1.	Administration and National Security	1	1
2.	Agriculture and Livestock	1	1
3.	Communication, Innovation and Innovation	-	-
4.	Defence and Foreign Relations	-	-
5.	Education and Research	6	6
6.	Energy	2	1
7.	Environment and Natural Resources	2	2
8.	Finance and National Planning	3	3
9.	Health	7	7
10.	Justice and Legal Affairs	-	-
11.	Labour and Social Welfare	1	1
12.	Lands	2	2
13.	Sports, Culture and Tourism	1	1
14.	Trade, Industry and Cooperative	-	-
15	Transport, Public Works and Housing.	6	6
Total		32	31

Table 19: Summary of Legislative Proposals considered by Departmental Committees

Source: Departmental Committees, National Assembly

NO.	NAME OF COMMITTEE	NO. BILLS COMMITTED	NO. BILLS CONSIDERED
1	Administration and National Security	7	7
2	Agriculture and Livestock	2	2
3	Communication, Innovation and Innovation	2	2
4	Defence and Foreign Relations	2	2
5	Education and Research	4	4
6	Energy	-	-
7	Environment and Natural Resources	3	3
8	Finance and National Planning	20	19
9	Health	4	4
10	Justice and Legal Affairs	-	-
11	Labour and Social Welfare	1	1
12	Lands	5	5
13	Sports, Culture and Tourism	1	1
14	Trade, Industry and Cooperative	4	2
15	Transport, Public Works and Housing.	6	6
16	Total	61	58

Table 20: Summary of Bills considered by Departmental Committees

Source: Departmental Committees, National Assembly

Highlight of some Bills

1. The Sustainable Waste Management Bill (Bill No. 22 of 2021)
2. The National Disaster Risk Management Bill, 2021 (N.A Bill No. 23 of 2021).
3. The Kenya Citizenship & Immigration (Amendment) Bill (Sen. Bill No. of 2021).
4. The Wildlife Conservation and Management (Amendment) Bill (Senate Bill No. 30 of 2020)
5. The Higher Education Loans Board (Amendment Bill), 2019
6. The Higher Education Loans Board (Amendment Bill), 2019
7. The Foreign Service Act , 2021
8. The Lake Turkana Development Authorities Bill, 2021
9. The Computer Misuse and Cybercrimes (Amendment) Bill (National Assembly Bill No. 11 of 2021

10. The Copyright (Amendment Bill, 2021) (National Assembly Bill No. 44 of 2021)

11. The National Hospital Insurance Fund (Amendment) Bill, 2021 (NA Bill No 21 of 2021)

Treaties/Protocols/Agreements and Conventions

The Directorate of Departmental Committees considered and made recommendations for the approval on four (4) protocols, seven (7) agreements and five (5) conventions for ratification and approval in the fifth session, as enumerated below: -

1. The African Union Protocols on Human and People's Rights on Older Persons and the Rights of Persons with Disabilities in Africa.
2. Protocol relating to Articles 50(a) and 56 of the Convention on International Civil Aviation, 1994 and Explanatory Memorandum from the State Department for Transport.
3. The Protocol to the African Charter on Human and People's Rights on the Rights of Older Persons in Africa.
4. The Protocol to the African Charter on Human and People's Rights on the Rights of Persons with Disabilities in Africa.
5. The Agreement amending the Air Transport Agreement between Kenya and the United States of America.
6. The Cape Town Agreement of 2012 on Safety of Fishing Vessels.
7. The Bilateral Air Services Agreement between the Republic of Kenya and the Republic of South Africa.
8. The Bilateral Air Services Agreement between the Republic of Kenya and the Republic of Botswana.
9. The Bilateral Air Services Agreement between the Government of the Republic of Kenya and the Government of the Russian Federation.
10. Bilateral Air Service Agreements between Kenya and Czech Republic; Cyprus; Chile; Belize; Suriname; Tanzania; Austria and Barbados and Explanatory Memorandum from the State Department for Transport
11. The Cape Town Agreement of 2012 on Safety of Fishing Vessels.
12. The 2014 and 2018 Amendments to the Maritime Labour Convention, 2006.
13. The International Labour Organization Convention C185 (Amended Convention on Seafarers Identity Documents, 2003).
14. The International Labour Organization Convention C188 (Work in Fishing Convention, 2007).
15. The International Convention on the Standards of Training, Certification and Watch

keeping for Fishing Vessel Personnel, 1995.

16. The International Convention on The Standards of Training, Certification and Watch keeping for Fishing Vessel Personnel, 1995

Oversight and Representation



Article 95(2) of the Constitution in regard to Oversight and Representation mandates the National Assembly to deliberate on and resolve issues of concern to the people. In fulfilment of this mandate, Departmental Committees facilitated the consideration of various business.

In Review of the National Government Budget and Related Processes, the following were considered and deliberated: -

a) **Consideration of the Budget Policy Statement (BPS) and Medium-Term Expenditure Framework (MTEF)**



Section 25 (2) of the Public Finance Management Act, 2012 obligates the Cabinet Secretary for National Treasury to submit the Budget Policy Statement to Parliament for approval by 15th February of each year. Standing Order 232 (5) provides that upon being laid before the House, the BPS shall

stand committed to each Departmental Committee to consider and make recommendations to the Budget and Appropriations Committee (BAC). In this regard, the 2021 BPS was laid on the Table of the House on 11th February, 2021 and committed to each Departmental Committee to scrutinize and make recommendations to the BAC.

In considering the BPS, Committees held consultative meetings with Ministries, Departments and Agencies (MDAs). To this end, Committees reviewed expenditure ceilings for MDAs, set out fiscal responsibility principles and financial objectives over the medium term and total resources allocated to each programme and project in every sector. In addition, the Committees analysed the list of proposed projects for the period under review.

This process culminated into the production of fifteen (15) reports by the respective committees to the Budget & Appropriations Committee.

b) Consideration of the Budget Estimates for the 2021/2022 FY and Medium-Term Expenditure Framework

Section 39 of the Public Finance Management Act, 2012 requires the National Assembly to consider the Budget Estimates and Medium-Term Expenditure Framework for all Ministries, Departments and Agencies, Judicial Service Commission and Parliamentary Service Commission. Standing Order 235 provides that upon being laid before the House, the Budget Estimates shall stand committed to each Departmental Committee to consider and make recommendations to the BAC. In this regard, the Budget Estimates for the FY 2021/2022 were laid on the floor of the House on 29th April, 2021 and committed to each Departmental Committee to scrutinize and make recommendations to the BAC.

In considering the Budget Estimates for the FY 2021/2022, Committees held consultative meetings with Ministries, Departments and Agencies. To this end, Committees reviewed Budget Estimates for MDAs, set out financial and non-financial policies and total resources allocated to each programme and project in every sector. This process culminated into the production of fifteen (15) reports by the respective Committees to the Budget & Appropriations Committee.

c) Consideration of the Supplementary Budget Estimates for the FY 2020/2021 and Medium-Term Expenditure Framework

During the Session, Departmental Committees reviewed the Supplementary Budget Estimates for the FY 2021/2022 for MDAs and submitted reports containing the recommendations of the committees for incorporation in to the Budget & Appropriations Committee report.

Vetting of Nominees

Article 132(2) requires the National Assembly to vet and approve nominees to various State offices including, Cabinet Secretaries; Secretary to the Cabinet; Principal Secretaries; High Commissioners, Ambassadors and Diplomatic and Consular representatives; and any other State or Public Officers whom the Constitution requires or empowers the President to appoint or dismiss.

Pursuant to this mandate, Departmental Committees facilitated seven (7) vetting sessions and three

(3) approval hearings in the Fifth Session.

S/ No.	Committee	Subject of Vetting and Approval Hearings
1	Administration and National Security	Vetting of nominees for appointment of Chairperson, Public Service Commission.
2	Defence and Foreign Relations	Vetting of fourteen (14) individuals nominated for positions of Ambassadors/High Commissioners and Principal Secretaries.
3	Communication, Information and Innovation	Approval Hearing for Data Protection Commissioner.
4	Education and Research	Approval hearing for Principal Secretary, State Department for the Implementation of Curriculum Reforms
5	Finance & National Planning	<ol style="list-style-type: none"> 1. Vetting of nominees for appointment as directors of the Board of Privatization Commission of Kenya; 2. Vetting of nominees for appointment as directors of the Competition Authority of Kenya; and 3. Recruitment of a person for appointment as the National Assembly nominee to the Equalization Fund Advisory Board.
6	Justice & Legal Affairs	<ol style="list-style-type: none"> 1. Vetting for appointment as Chief Justice; and 2. Vetting for appointment as members of Independent Electoral and Boundaries Commission
7	Labour & Social Welfare	Vetting for appointment as members of the National Gender and Equality Commission

Table 21: Vetting and approval hearings in the Fifth Session.

Source: Committees, National Assembly

Committee Inquiries

Departmental Committees do most of their work via inquiries into subjects within their remit. Standing Order 216(5) mandates Departmental Committees to *investigate, inquire into and report on all matters that fall within their purview*. Committees execute inquiries either at the instigation of the House or on their own volition.

Inquiries provide a platform for Committees to single out areas or subjects within their remit, embark on detailed investigations, and report to the House. In essence, the recommendations made by Committees have far-reaching implications in terms of influencing policy directions and public discourse on such subjects where inquiries have been undertaken.

During the period under review, five (5) Departmental Committees undertook and reported inquiries on various subject areas either on *suo motto* (own motion) basis or upon referral by the House as shown in table 20 overleaf: -

S/ No.	Committee	Subject of Inquiry
1	Labour and Social Welfare	Inquiry into the plight of Kenyan Migrant workers in the Middle East, particularly in Saudi Arabia
2	Trade, Industry and Cooperatives	Inquiry on seizure of various products by the Government
3	Education and Research	Inquiry into the causes and remedies of mass failure of students in KCSE, 2021 in Kilifi County
4	Communication, Information and Innovation	Inquiry into rampant gaming and betting activities in the broadcast media.
5	Administration and National Security	<ol style="list-style-type: none"> 1. Inquiry into the incidences of harassment, beatings and arrests of journalists and residents and the government decision to pursue charges against them. 2. Insecurity in Baringo South Constituency.

Table 22: Committees Inquiries

Source: Departmental Committees, National Assembly

Questions and Statements

Parliamentary Questions and Statements remain important tools of oversight that enhance Government accountability to the citizens. Article 95(2) of the Constitution of Kenya mandates the National Assembly to deliberate on and resolve issues of concern to the people. Similarly, Article 153(4) (b) requires Cabinet Secretaries to provide Parliament with full and regular reports concerning matters under their control. The National Assembly has operationalized these provisions through Standing Orders 42 and 43, which provide for the general rules on Questions and Statements, respectively.

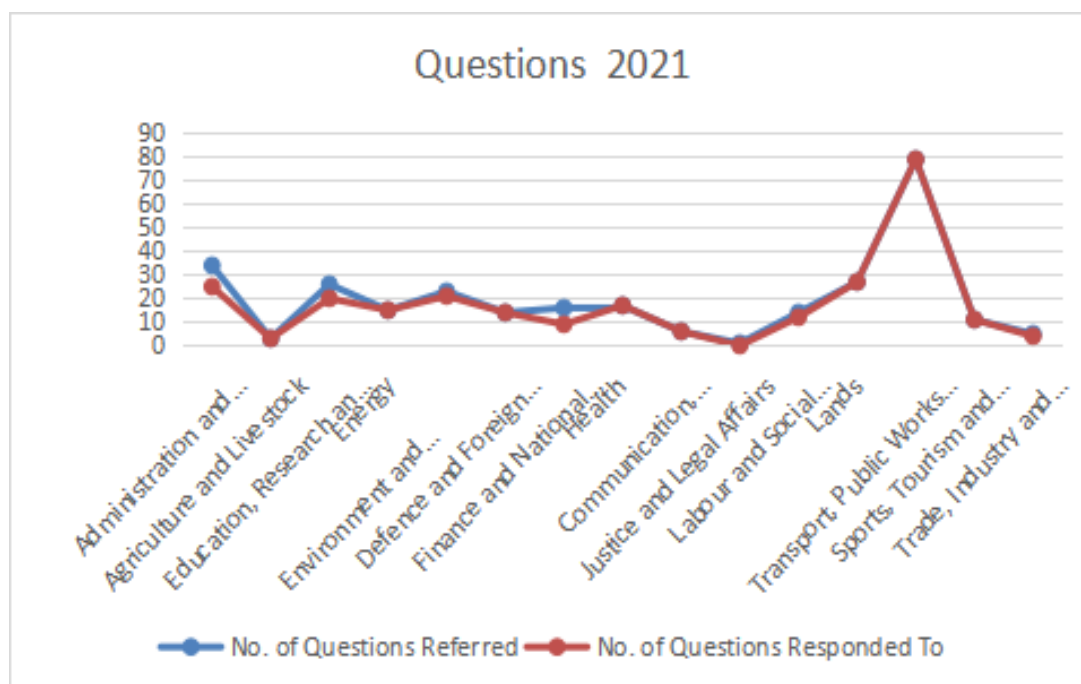
During the Fifth Session, Departmental Committees considered two hundred and ninety-one (291) Questions and eighty (80) Statements. The Questions and Statements raised were mostly on areas that impact directly on the lives of the citizens such as security, land, water, access to education, social welfare, provision of health services and infrastructure among others. Two hundred and sixty-three (263) Questions were processed and responded to before Departmental Committees. This translates to ninety (90) percent of the Questions. Similarly, seventy-seven (77) responses to requests for Statements by Members were processed to conclusion. This translates to ninety six (96) percent of the requests.

The Table below provides a summary of the number of Questions and Statements referred to Departmental Committees for processing during the period under review: -

No.	Departmental Committee	No. of Questions Referred	No. of Questions Responded To
1.	Administration and National Security	34	25
2.	Agriculture and Livestock	3	3
3.	Education, Research and Technology	26	20
4.	Energy	15	15
5.	Environment and Natural Resources	23	21
6.	Defence and Foreign Relations	14	14
7.	Finance and National Planning	16	9
8.	Health	17	17
9.	Communication, Information and Innovation	6	6
10.	Justice and Legal Affairs	1	0
11.	Labour and Social Welfare	14	12
12.	Lands	27	27
13.	Transport, Public Works and Housing	79	79
14.	Sports, Tourism and Culture	11	11
15.	Trade, Industry and Cooperatives	5	4
TOTAL		291	263

Table 23: Summary of Questions committed to Departmental Committees

Source: Departmental Committees, National Assembly



Source: Directorate of Departmental Committees, National Assembly

No.	Departmental Committee	No. of Statement Referred	No. of Statements Responded To	No. of Statements Not Responded To
1.	Administration and National Security	24	24	0
2.	Agriculture and Livestock	-	-	-
3.	Education, Research and Technology	11	10	1
4.	Energy	2	2	0
5.	Environment and Natural Resources	9	8	1
6.	Defence and Foreign Relations	3	3	0
7.	Finance and National Planning	7	6	1
8.	Health	5	5	0
9.	Communication, Information and Innovation	-	-	-
10.	Justice and Legal Affairs	0	0	0
11.	Labour and Social Welfare	4	4	0
12.	Lands	3	3	0
13.	Transport, Public Works and Housing	8	8	0
14.	Sports, Tourism and Culture	3	3	0
15.	Trade, Industry and Cooperatives	1	1	0
TOTAL		80	77	3

Table 24: Summary of Statements committed to Departmental Committees

Source: Departmental Committees, National Assembly

Petitions

Articles 37 and 119 of the Constitution of Kenya provide for the right of citizens to petition Public Authorities including Parliament to consider matters within their jurisdictions. Further, Standing Order 227 provides for the consideration of Petitions by the National Assembly. During the Session, Departmental Committees considered fifty-eight (58) Petitions and tabled twenty-six (26) reports for considerations by the House.

The Petitions sought to address concerns mainly on irregularities in the allocation and transfer of land ownership, environmental conservation, insecurity, control of the sale of harmful chemical products such as pesticides in the Kenyan market, improvement of the welfare of workers in the

public sector and social welfare of the elderly and the disadvantaged. The table below shows the number of Petitions considered by each Departmental Committee: -

NO.	DEPARTMENTAL COMMITTEE	NUMBER OF PETITIONS	NUMBER OF PETITION CONCLUDED	PERCENTAGE (%)
1.	Administration & National Security	9	6	66
2.	Agriculture & Livestock	6	2	33
3.	Communication, Information & Innovation	1	1	100
4.	Defence and Foreign Relations	-	-	-
5.	Education, Research & Technology	4	3	75
6.	Energy	-	-	-
7.	Environment & Natural Resources	6	4	66
8.	Finance & National Planning	4	4	100
9.	Health	3	0	-
10.	Justice and Legal Affairs	5	4	80
11.	Labour & Social Welfare	2	0	-
12.	Lands	12	4	33
13.	Sports, Tourism and Culture	2	2	100
14.	Transport, Public Works & Housing	3	3	100
15.	Trade, Industry & Cooperatives	1	1	100
TOTAL		58	26	44

Table 25: Summary of Petitions committed to Departmental Committees

Source: Departmental Committees, National Assembly

Training and Capacity Building of Staff

The Directorate facilitated the realization of Strategic Pillar No. II on Excellence in Service Delivery by strengthening the capacity of staff to facilitate Members in discharging their constitutional duties in an effective and efficient manner. Towards this end, officers in the Directorate were trained on various courses in the period under review as indicated in table 25 overleaf: -

NO.	COURSE	NO. OF OFFICERS TRAINED
1.	Transiting from Managers to Leaders(EI) ESAMI, Naivasha 1 st to 5 th February, 2021	4
2.	Leadership, Governance and Financial management, ESAMI, Kampala, Uganda 14 th to 24 th May, 2021	1
3.	Legislative Supervisory Course by CPST, Naivasha, 29 th Nov. to 15 th Dec. 2021	2
4.	Supervisory Skills Development by Kenya School of Government, 3 rd to 16 th Jan. 2021	14

Table 26: Summary of trainings undertaken in 2021

Source: *The Training Committee of the National Assembly*

International Conferences, Attachments and Benchmarking Visits

Committees undertook foreign visits for various reasons including capacity building of Members of Parliament; meeting international obligations; enhancing relations between the various countries; and reciprocating benchmarking visits. Departmental Committees undertook sixty two (62) international conferences, attachments and benchmarking visits during the period as highlighted in the table below: -

No.	Departmental Committee	Number of International Conferences, Attachment and Benchmarking
1.	Administration and National Security	3
2.	Defence and Foreign Relations	6
3.	Agriculture and Livestock	4
4	Communication, Information and Innovation	3
5	Education and Research	3
6	Environment and Natural Resources	7
7	Energy	3
8	Finance & National Planning	3
9	Health	6
10	Justice & Legal Affairs	5
11	Labour & Social Welfare	3
12	Lands	4

13	Sports, Culture and Tourism	4
14	Transport, Public Works and Housing	4
15	Trade, Industry & Cooperatives	4
TOTAL		62

Table 27: Summary of trainings undertaken in 2021

Source: Departmental Committees, National Assembly

Challenges experienced by departmental committees during the period under review.

In the period under review, Committees achieved various milestones as presented above, however they faced a myriad of challenges including but not limited to: -

1. Slow or inadequate implementation of the Committees' recommendations due to inadequate or lack of resources. This led to a Committee having to respond to questions and statements on the same subject from different Hon. Members.
2. Measures put in place to curb the spread of COVID-19 including Ministry of Health Protocols and subsequent Speaker's Guidelines limited conduct of physical meetings and fact-finding visits;
3. The Court Ruling on the Petition by the Senate regarding consideration of Bills between the two Houses of Parliament halted consideration of Bills in the National Assembly for a while. This increased the backlog of Bills in the Committee.
4. Inadequate Committee meeting venues;
5. Technological inadequacies in audio - visual equipment, poor internet connectivity in Parliament, non-existent support hardware and inadequate capacity by Members of Parliament to participate in virtual Committee meetings;
6. Change of leadership and membership of Committees towards the end of the Fifth session affected the smooth operations and strategic direction of Committees;
7. Unavailability of Cabinet Secretaries to respond to matters raised or referred to them contributed to slow implementation of Committees' work-plans;
8. Exchequer delays sometimes resulted in cancellation of planned activities, which interfered with the execution, and completion of Committees' planned activities.

5.5 Directorate of Audit, Appropriation & Other Select Committees

Introduction

The Directorate of Audit, Appropriation and other Select Committees of the National Assembly was established in October, 2020 as part of the restructuring of Committee operations initiated by the Parliamentary Service Commission aimed at improving service delivery. The Directorate

coordinates, supervises the operations of all Committees and offers support to Members of Parliament who are members of Committees under the directorate in areas such as procedural advice, human resource, custody of records, liaising with Ministries and Government institutions, ensuring public participation, capacity building and administrative support.

The Committees under this directorate have specialized mandate in areas that include-

- a. Examination of the audited financial statements of the three arms of the National Government and their respective agencies.
- b. Scrutiny and approval of the annual estimates of income and expenditure of the National government and Medium-Term Expenditure Framework.
- c. Vetting and Approval of nominees by the President for positions of the Cabinet Secretaries and other executive nominations.
- d. Nomination of Members of the National Assembly to serve in Committees in consultation with Parliamentary parties.
- e. overseeing the implementation of the Constitution as well as the resolutions of the National Assembly.
- f. Consideration of statutory instruments submitted to Parliament.
- g. Promoting measures in relation to policy in pursuit of national cohesion and the integration process in the wider East African region and its environs.
- h. Overseeing the operations of all the services extended to the Members of the committees in the national Assembly including the operations of all Committees.
- i. Monitoring the implementation of the National Government Constituencies Development Fund

1. During the fifth session of the 12th Parliament, the directorate facilitated the Select Committees in execution of their mandates as contained in the National Assembly's Standing Orders. In so doing, the Committees were able to achieve the following:-

Committee sittings

2. In exercise of their mandates, the Committees facilitated Committees to hold eight hundred and eighty one (881) sittings, with Public Accounts Committee leading with one hundred and fifty sittings followed by Public Investments Committee at one hundred and eleven meetings. The sittings were either physical, virtual or combination of both (hybrid) in line with the amended Standing Orders of the National Assembly and held within and outside Parliaments Buildings. The sittings were held to scrutinize executive actions and the extent to which they comply with legislative intent.

Bills

3. A total of twelve (12) Bills were considered and finalized by the Committees which included four Bills by the Constitution Implementation Oversight Committee on the Constitution of Kenya (Amendment) Bill, (National Assembly Bill No. 40) of 2020. The Committee of National Government, Constituency Development Fund and while the Committee on National Cohesion & Equal Opportunity considered three Bills.

Legislative Proposals

4. During the period under review, fifty (50) Legislative proposals were considered by the committees of which forty-five (45) considered by the Budget and Appropriation Committee, five (5) by the NG-CDF Committee. The Constitution Implementation Oversight Committee considered three (3) which included legislative proposal on Independent Offices Retirement Benefits Bill.

Delegated legislation/Statutory Instruments

5. The Committee on Delegated Legislation considered forty nine (49) Statutory Instruments which included *Public Health (COVID-19) Indoor Meetings Rules of 2020* which were exempted from scrutiny as provided under Section 1 of Statutory Instrument Act, 2020.

Committee Inquiries

6. Two inquiries were undertaken during the period under review. The Public Investments Committee undertook an inquiry following the Auditor-General Special Report on Procurement and Utilization of COVID-19 pandemic related items by Kenya Medical Supplies Agency (KEMSA). Public Accounts Committee also considered a Special Audit Report by the Auditor-General on accounts of the National Land Commission (payments on behalf of other Government entities) for the period running from financial year 2014/15 to 2016/17.

Committee Reports

7. During the period under review, fifty- four (54) reports were tabled in the house. These reports emanated from various Committees and relate to Bills, Inspection visits, foreign visits and Committee inquiries. The reports included a report by the Committee on Regional Integration on its consideration for approval of the Ratification of the amendment to Article 24 (2) (a) of the protocol on the establishment of the East Africa Community Customs Union. In addition, PAC was able to table its report on examination of the audited accounts for the National Government for financial year 2017/18 which was adopted in June 2021 and formed the basis for determination of National Revenue for the subsequent financial year (2021/2022) as provided in the Constitution.

Capacity Building programs

8. The directorate facilitated the Committees to undertake a total of thirty-one (31) foreign study/ benchmarking visits on diverse dates. These were aimed at enhancing the capacity of Members to undertake their Committee specific mandates effectively. Majority of the programs were coordinated by the Centre for Parliamentary Studies and Training (CPST), Eastern and South Africa Management

Institute (ESAMI) and the United Nations Institute for Training and Research (UNITAR).

Public Hearings

9. Due to restrictions on movement in the Country as a result of COVID-19 pandemic, only four stakeholder engagements were undertaken by the Committee on Constitution Implementation Oversight Committee during consideration of the Constitution Amendment Bills.

Local Inspection Visits

10. The directorate facilitated a total of twenty nine (29) local inspection visits. The NG-CDF Committee undertook seventeen (17) inspections in 17 Constituencies across the Country while Special Funds Accounts Committee undertook one (3). The National Cohesion & Equal Opportunity Committees, Committee on Parliamentary Broadcasting and Library Services and Committee on Implementation undertook two visits each. The inspection visits to projects were aimed at confirming the extent to which the projects were implemented, whether public funds were utilized efficiently and that value for money was achieved.



The Chairman of the Special Funds Accounts Committee addressing residents of Ngiwa Farm in Nakuru County

Stakeholder Engagement

11. The Select Committee on Members' Services and Facilities was able to engage Members of the National Assembly and the Head of Parliamentary Joint Services on various issues pertaining to welfare of Members of Parliament.

12. The NG-CDF Committee undertook twenty-four (24) public hearings in twenty-four counties during consideration of the NG-CDF (Amendment) Bill No.34 of 2021. The public hearings have enhanced the public trust in the National Assembly in that members of the public feel involved in the legislative and other business of parliament as envisaged under article 118 of the constitution.

Parliamentary Statements

13. Eight (8) statements sought by members were considered. Seven of them relating to the status of disbursement of Funds by the National Government Constituencies Development Fund Board were sought from the Chairperson of the Committee on NG-CDF.

14. In addition, the Directorate facilitated the Committee on Delegated Legislation to hold joint sittings with the Departmental Committee on Energy during consideration of a Statement sought by the Member for Mvita Constituency (Hon. Abdulswamad Nassir, MP) regarding pricing parameters used by the Energy and Petroleum Regulatory Authority (EPRA) in determining the maximum wholesale and retail petroleum prices in the country.

Committee Retreats

15. The directorate facilitated Committees to hold thirty-four (34) retreats on diverse dates. These retreats were held to undertake various activities geared towards enabling the committee to accomplish various tasks which included planning for its activities, consultative meetings with stakeholders, and report writing. These retreats have a direct impact on Committee output being the report which when adopted is tabled to the House for consideration.

2nd Parliamentary Forum for Committees

16. The Committee planned and executed the 2nd Parliamentary Forum for Committees of the National Assembly which was held on Monday 15th November 2021. During the event, the Committee launched the Performance Report for Committees of the National Assembly for the period, October 2019 to October 2021.

17. Further, there was the production and broadcast of a 30 minutes documentary titled '*A House defying Covid*' which contained the activities and achievements realized by Committees and the House at the height of Covid-19. In addition, Chairpersons of various Committees enumerated achievements realized by their Committees in a live recorded event that was broadcasted nationally.

Directorate Retreats

18. During the Session under consideration, the Directorate held three (3) retreats to discuss various issues that affected the operations of Committees under its purview, build the capacity of the staff within the directorate as well as discuss way forward on current and emerging issues.

Successes and Other Milestones

19. Despite the impacts of the COVID-19 pandemic and the limited budget, the Directorate recorded several milestones in the financial year -

1. Successfully navigated the fifteen (15) Committee through the introduction and use of virtual meeting platforms. This involved facilitating the officers who were the host of these virtual meeting platforms as well as inducting members on the use of the virtual platform solutions.

2. During the first half of the Session, the directorate mounted a successful capacity-building programme for all Committees. These trainings were hosted under the auspices of both Centre for Parliamentary Studies (CPST), UNITAR, and Eastern and Southern African Management Institute (ESAMI) and held in several destinations.
3. The directorate efficiently coordinated the activities within the fifteen Committees. This coordination-involved provision of technical procedural advice to Chairpersons and Members of the Committees, the provision of logistical support to Committee sittings held within and outside the precincts of Parliament and coordination of all the secretariat staff seconded by other directorates to support Committee operations.

Challenges

20. As mentioned earlier the Directorate undertook its operations in line with the PSC strategic plan 2019 – 2030 amidst the COVID-19 Pandemic. Particularly it was during this period that the country faced the third wave of the pandemic. The Directorate faced numerous challenges that adversely affected the implementation of the strategic goals as contained in the PSC strategic plan 2019 – 2030 namely:-

1. The ability of the Committees to hold physical meetings was curtailed and therefore the effectiveness of the public engagement through oversight was limited.
2. Limited financial resources – the Directorate experienced a reduced budgetary allocated that restricted the oversight and legislative role of committees. Due to the limited budget committees were forced to scale down some of their activities or cancel other entirely.
3. The pandemic exacerbated the already dicey situation regarding the available Committee rooms in the National Assembly. Majority of the rooms were declared un-usable due to the requirements by Ministry of Health Protocols of social distancing and aeration hence left a few rooms to be shared by the thirty-two (32) Committees of the House.
4. The continuous capacity building of Members of Parliament and directorate staff was halted due to the various restrictions imposed by National government and various training institutions around the globe. This has resulted in the non-implementation of training projections within the financial year.
5. The holding of virtual sittings by the Committee posed another challenge both to the Members of the Committees and the staff. The fact that parliament never had a virtual platform of itself, meant that the Committees were required to use open-source platform like Zoom and WebEx to host their meetings. These platforms came with a share of security concerns and downturns. Similarly, Members and staff were required to familiarize themselves with these Open-Source platforms individually without any support of IT department within short period of time. All these factors affected negatively the efficiency in the operations and management of Committees.

6. The number of Committee field visits and workshops were limited and most meetings restricted to the precincts of Parliament. This has made the Committee oversight function to inspect ongoing projects difficult.
7. During organization of local and foreign visits, there were challenges on provision of funds to undertake such visits causing postponement of scheduled activities. These impacted negatively on execution of the work plans of committees, especially on scheduled capacity building programs.
8. A huge backlog of Reports of the Auditor General which could not be examined within the constitutional timelines. The Committees had limited time to consider all these reports and clear the backlog. This challenge was further exacerbated by the COVID 19 pandemic since the committees had to halt meetings to examine the reports and also reduced the frequency of meetings for such consideration.

5.6 Directorate of Legal Services

Introduction



The Directorate of Legal Services of the Kenya National Assembly (DLS) was established in 2012 by the Parliamentary Service Commission following the restructuring of offices within the Parliamentary service, with a view to providing in-house legal services to the National Assembly.

The main purpose for which the DLS was established is to provide efficient and timely legal and legislative services to the National Assembly, its Committees, the Speaker, the Parliamentary Service Commission, private Members of Parliament and the Clerk of the National Assembly. Provision of legal services to the National Assembly by the DLS contributes a great deal to the realization of the following Parliamentary Service Commission (PSC) strategic objectives as set out in the PSC Strategic Plan 2019-2030.

During the period under review, the DLS received and processed 289 requests for drafting services

from Members of Parliament. The DLS rendered professional legislative drafting support to the Members by researching, analysing and drafting preliminary and final versions of these legislative proposals.

The DLS also scrutinized and processed 20 vellum copies of Bills passed by the National Assembly and the Bills were either transmitted to the Senate or assented to by the President thus becoming Acts of the Parliament of Kenya during the period under review.

The DLS also offered legal advice to the 33 Committees of the House on all legal matters arising in the Committees as shown in table 29 below –

In 2021, the DLS processed the following—

ACTIVITY	QUANTITY
Drafting, reviewing and publishing Executive Bills	30
Formulating and Drafting Members Bills	93
Preparation of Vellum Copies	20
Legal Opinions on admissibility of Petitions	144
Drafting Committee Stage amendments	1149
Scrutiny of Statutory Instruments	50
Formulating and Drafting Legal Opinions	249

Table 28: Summary of Legislative Proposals and Bills

Source: Directorate of Legal Services, National Assembly

Milestones Achieved by the Directorate during the Fifth session.

The Directorate has achieved several milestones during the year under review. The DLS undertook the following activities:

A. Strengthening the Capacity of Members and Committees to Make Laws

During the period under review, the DLS received and processed over 93 requests for drafting services from Members of Parliament. The DLS rendered professional legislative drafting support to the Members by researching, analyzing and drafting preliminary and final versions of these legislative proposals. The Bills are at various stages of the parliamentary legislative process.

In addition to drafting private Members' Bills, the DLS received and processed 30 Government Bills which were published under the name of the Leader of the Majority Party in the National Assembly; and the Chairpersons of the Finance and National Planning Committee and the Budget and Appropriations Committee, where appropriate. The DLS also scrutinized and processed 20 vellum copies of Bills passed by the National Assembly, 16 of which were assented to by the President thus becoming Acts of the Parliament of Kenya enacted during the period under review.

The DLS also processed 144 Petitions by Members of the Public and Members of the National Assembly and drafted 1149 Committee Stage Amendments for Members and the Committees of the House. The DLS also offered legal advice to the 33 Committees of the House on all legal matters arising in the Committees.

B. Strengthening the office of the Speaker and other parliamentary offices

The DLS rendered legal advice to the Speaker of the National Assembly on a number of legal and legislative issues that arose in Committees of the House, in the Chamber and in Parliament's interaction with other institutions outside Parliament. Notably, the DLS advised on the consideration of the Constitution of Kenya (Amendment) Bill, 2020 sponsored by the Promoters of the Building Bridges Initiative, the first Bill of its kind seeking to amend the Constitution by Popular Initiative.

The DLS also enhanced the performance by the office of the Leader of the Majority Party in the House by preparing legal opinions on proposed government legislative proposals, preparing moving notes for Bills sponsored by the Leader of Majority, redrafting Bills from the Office of the Attorney General before signature by the Leader of the Majority Party; and fast tracking the publication of Bills that required to be published urgently.

C. Strengthening the Office of the Clerk

The DLS strengthened the Office of the Clerk of the National Assembly by rendering legal advice on a host of procedural and substantive issues. The DLS advised the Clerk on whether Petitions lodged before Parliament complied with the Petitions to Parliament (Procedure) Act, 2013 and the relevant Standing Orders. The DLS also rendered legal advice to various Departmental Committees on various issues that arose in the Committees.

The DLS also represented the Clerk at meetings of interest groups and consultative bodies and provided information and explanations on existing or proposed legislation and solicited feedback on the same.

D. Publications by the Directorate

The Directorate developed and maintained an updated Legislative Proposals Tracker which was uploaded on the Parliamentary Website for access by the Members of the National so that at all times the Members are apprised on the status of their legislative proposals. The DLS is exploring ways in which the tracker can be updated on a more regular basis.

E. Training and Professional Development

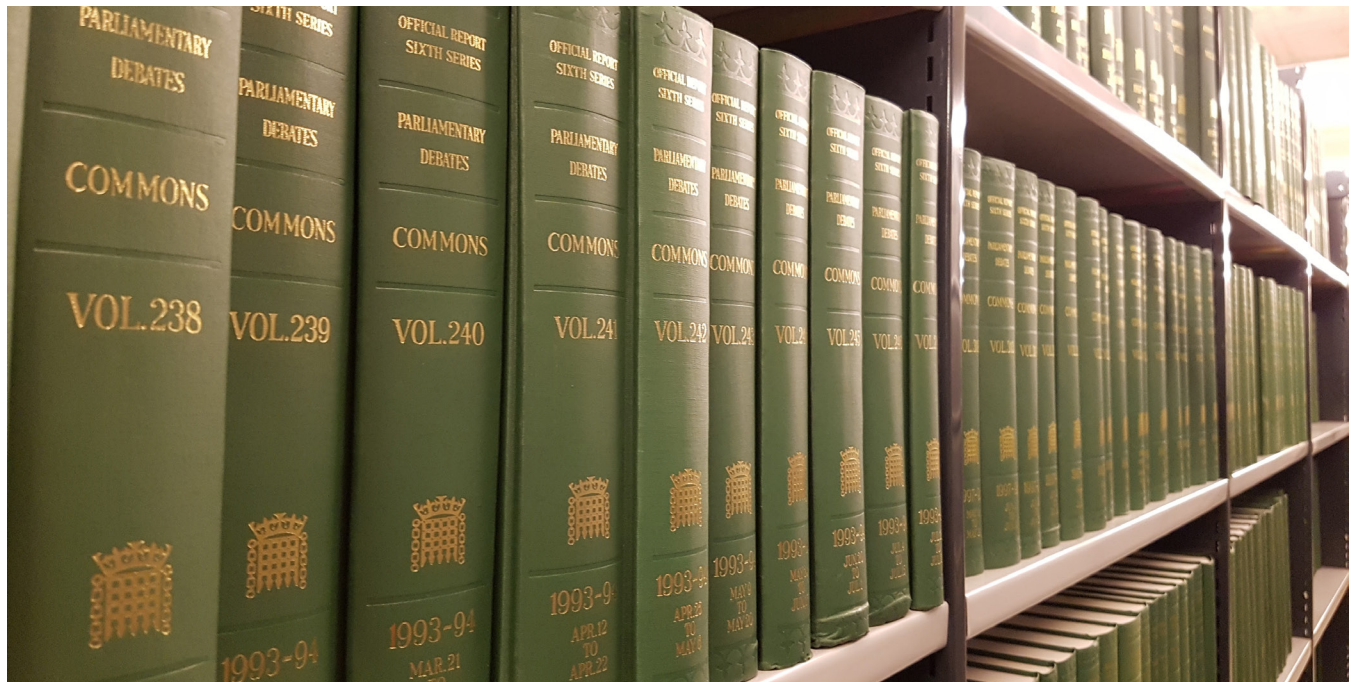
During the period under review, the DLS with the support of the Parliamentary Service Commission (PSC) trained legal counsel on legislative drafting.

Legal counsel received continuous professional development courses under the auspices of the Law Society of Kenya. Also, the staff attended relevant conferences. These courses and conferences enabled the participants to keep abreast with new developments in law and to satisfy the requirements for renewal of their practicing certificates. However, unlike other Directorates, certain functions of

the Directorate of Legal Services, such as legislative drafting, requires specialised training in order to equip an individual officer with the requisite skills. The functions of the DLS also require that its staff keep abreast with the latest knowledge and information in matters concerning the workings of Parliament. In this respect training and comparative exposure to the workings of other jurisdictions are invaluable. The DLS thus places particular emphasis on training, continuing legal education and professional development of its staff.

5.7 Hansard Department

Introduction



The publishing of *Hansard* Report in Kenya is based on the Westminster model and its mandate is provided under Standing No. 248 of the National Assembly Standing Orders which that-

- “(1) There shall be published within forty-eight hours, a verbatim report of all proceedings of the House, unless the Speaker is satisfied that this is rendered impossible by some emergency.
- (2) Every Member shall have an opportunity to correct the draft verbatim report of his or her contribution, but not to alter the substance of what the Member actually said.
- (3) Where there is doubt as to the content of the verbatim record of the House, the Speaker shall make a determination.”

.The National Assembly *Hansard* follows the principles laid down in 1907 by the House of Commons Select Committee on Parliamentary Debates that defined *Hansard* as follows:

“It is a full report, in the first person, of all speakers alike, a full report being defined as one which, though not strictly verbatim, is substantially the verbatim report, with repetitions and redundancies omitted and with obvious mistakes corrected, but which on the other hand leaves out nothing that adds to the meaning of the speech or illustrates the argument.”

Activities undertaken

During the period under review, the Department produced one hundred and twenty six (126) Hansard Reports for plenary sessions transcribed, edited, and copies uploaded onto Parliament website as shown in table... below –

The table below shows the breakdown of Sittings per month –

NUMBER OF SITTINGS												
Jan	Feb	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
-	15	18	4	18	18	6	12	10	10	13	12	126

Table 29: Number of Hansard Reports produced monthly

Source: *Hansard Department, National Assembly*

Committee Sittings

Article 124 of the Constitution of Kenya provides that each House of Parliament may establish committees, and shall make Standing Orders for the orderly conduct of its proceedings, including the proceedings of its committees.

During the Fifth Session, the following Committees of the National Assembly held a total of 1465 Sittings which were recorded and transcribed.

DEPARTMENTAL COMMITTEES		
	Administration & National Security	123
	Agriculture & Livestock	90
	Communication, Information & Innovation	35
	Defence and Foreign Relations	45
	Education and Research	50
	Energy	55
	Environment and Natural Resources	40
	Finance and National Planning	100
	Health	55
	Justice and Legal Affairs Committee	25
	Labour and Social Welfare	75
	Lands	30
	Sports, Culture and Tourism	45
	Trade, Industry and Cooperatives	35

	Transport, Public Works & Housing	65
	TOTAL	868
FINANCIAL AUDIT & MONEY RELATED SELECT COMMITTEES		
	Public Accounts Committee	35
	Public Investments Committee	145
	Special Funds Account Committee	40
	Budget and Appropriations Committee	50
	Committee on Mediation	
	Committee on Appointments	
	Committee on Delegated Legislation	95
	Committee on Implementation	50
	Committee of Powers and Privileges	10
	Committee on Regional Integration	10
	Committee on Selection	
	National Government Constituencies Development Committee	95
	Constitutional Implementation Oversight Committee	12
	Liaison Committee	
	Members Service & Facilities Committee	15
	National Cohesion and Equal Opportunity	15
	Parliamentary Broadcasting and Library Committee	10
	Procedure and House Rules Committee	
	House Business Committee	
	Adhoc DC Lands & Defence	15
	TOTAL	597

Table 30: Number of Hansard Reports for Committee Sitings recorded and transcribed.

Source: *Hansard Department, National Assembly*

5.8 Parliamentary Budget Office (PBO)



Introduction

The primary mandate of Parliament is legislation, representation, oversight, and budget making. In that regard, the Parliamentary Budget Office (PBO) continues to discharge its mandate of providing professional services in respect of budget, finance, and economic information to the committees of Parliament as stipulated in Section 10 of the PFM Act, 2012 and other sections particularly under Part II of the PFM detailing the role of specific committees. In-line with its mandate and provisions of the respective Standing Orders, the Office also provides support to the Speakers through money Bill determination and costing analysis of various legislative proposals including motions and draft Member's Bills in line with Article 114 of the Constitution 2010 and other legal bases. It is structured into three functional Departments namely:

- i. Budget Analysis and Sectoral Expenditure (BASE) Department;
- ii. Macroeconomic Analysis and Statistics (MAS) Department; and,
- iii. Tax and Inter- fiscal Relations (TIFR) Department,

Activities undertaken in PBO

The office undertook the following major activities in 2021 in line with its statutory mandate:

1. Review of Government's Policy Options and Budget Assumptions: - The Office is charged with the task of collecting data on macroeconomic variables and maintaining respective databases, information which can be used in carrying out macroeconomic research, reviewing effects of policy proposals and macroeconomic forecasting. Using the Parliamentary Budget Office Macro (PBOM) model and the Poverty Micro Module, Parliamentary Budget Office Revenue Model (PBORM) as

well as the Macroeconomic Diagnostics Model the Directorate spearheaded the publication of two key documents namely:

- a. The budget options for FY 2021/2022 *“evading recessionary pressure under a mounting debt burden “*
- a. The budget options for 2022/2023 and the medium terms *“Alternatives for steady economic growth during transition”*

2. Analytical review of the Budget Policy Statement (BPS) for 2021: - and subsequent briefings to all the Departmental Committees of the National Assembly and the Budget Appropriation Committee (BAC). The briefs provide for a critical evaluation of the fiscal policies that are meant to sustain Kenya's economic growth under a sluggish global growth. It informs Members of Parliament of the various policies that will need budgeting over the medium term so as to harness the national agenda i.e. “the Big 4 Agenda”, Economic Recovery Strategy and Economic Stimulus Packages.

3. Unpacking of the 2021 and 2022 Medium Term Debt Strategy These documents provide an evaluation of the borrowing strategy for FY 2021/22, FY 2022/23, and the Medium Term, considering current debt environment. Factors considered in the analysis include Kenya's stock of debt, debt servicing requirements, the upside risk environment, fiscal space insufficiency under the current debt ceiling, and the need to attain high economic growth rate if Kenya's debt stock is to be sustainable.



4. Publication of Budget Watch: - The Budget Watch for 2021 was one of the publications undertaken by the Office during the year in the month of September 2021. The Budget Watch is an annual publication by PBO aimed at drawing the attention of Parliamentarians to the project/programmes which the government will undertake during the course of a financial year based on the approved budget. The Budget watch for this year was named “harnessing legislative oversight to buffer Economic Recovery”

5. Review of the Budget Proposals for 2021/2022: - The Office adequately provided an analysis and review of the estimates of revenues and expenditures for 2021/2022 and the Medium Term. The Analysis reports and briefs were presented to all the Departmental Committees and this informed the reports of the Committees and the subsequent enactment of the Appropriation Bill, 2021.

6. Analysis of the Supplementary Budget Estimates: - The Office provided analytical review of changes in revenues and expenditure estimates proposed in the Supplementary Budget Estimates I&II for the 2020/2021 financial year. The Unpacking of the Supplementary Budget 1 and 2 for FY 2020/21 provides a detailed evaluation of the extent to which it deviates from the Approved Budget for FY 2020/21 and also its adherence to the tenets outlined in law. All the Departmental Committees of the National Assembly were adequately briefed on the supplementary budgets according to their respective mandates. The briefs informed the Departmental Committees' reports on the supplementary budgets and recommendations were made to the Budget and Appropriations Committee. The briefs further informed the Budget & Appropriations Committee reports on the Supplementary Budget estimates that were tabled and adopted by the National Assembly.

7. Analysis of the Proposed Revenue Measures and Tax Policy Changes: - conducted an analysis on the various proposed revenue measures and tax policy changes. The Directorate analyzed Finance Bill 2021 and briefed the Committee on Finance and Planning of the National Assembly, including real time support to the Committee during its meetings with stakeholders, and during the preparation of the report on the Finance Bill and amendments.

8. Preparation of Budget Implementation Oversight (BIO) Briefs: - The Directorate provided analytical brief to the 15 Departmental Committees of the National Assembly. The briefs formed the basis of budget oversight for 2021/22 budget.

9. Analysis of Legislative Proposals, Money Bills and Motions which have economic and financial implications: - In the year 2021, the Parliamentary Budget Office (PBO) received 60 legislative proposals for processing under Article 114 of the Constitution. Out of the 60 ; 36 legislative proposals (60%) were certified as money bills and 24 (40%) certified as non-money bills. One legislative proposal was under processing. Forty-five percent (45%) of the proposals received can be accounted to the Governance, Justice, Law and Order (GJLOS) and Public Administration and International Relations (PAIR) sectors with the least proposals emanating from the Agriculture, Rural and Urban Development (ARD); and the Energy, Infrastructure and ICT sectors with a seven

(7) per cent distribution each.

10. Technical support to Oversight Committees.

The Office was able to facilitate scrutiny of government financial statements and relevant policies for effective representation and oversight through the audit and oversight committees of Parliament as follows;

- i. Provided technical back-stopping to the Public Accounts Committee where sixty-eight (68) analytical reports on various issues in the audit reports relating to financial statement for various MDAs were provided.
- ii. Provided technical back-stopping to Public Investment Committee by providing twenty-two (22) analytical reports on various issues in the audit reports on the financial statement for various State Corporations
- iii. Provided technical back-stopping to Special Funds Accounts Committee by providing twenty-four (24) analytical reports on various funds accounts.

5.9 Serjeant-At-Arms Department



The Serjeant-at-Arms (SAA) Department undertook its mandate of maintaining order in the chamber and within parliamentary precincts, as well as overseeing the maintenance of buildings and other facilities.

During the period under review, the Department undertook the following activities: -

- a. Implementation of the Covid-19 protocols – particularly on social distance spacing, wearing of masks, washing of hands, sanitisation and labelling of seats for sitting in chamber, Committee Rooms, Lounges, Visitors place, Galleries and other places within Parliament Buildings;
- b. Fumigation, disinfecting and sanitization of chamber and all offices within the Parliament Buildings;
- c. Refurbishment of Members restaurant;
- d. Safe storage of Members fire arms and preparations of applications for members fire arms;
- e. Provided SAA Services during Committee meetings and retreats;
- f. Vetted and accredited officers from the various media houses;
- g. Preparations and Participations during National Days Celebrations such the Mashujaa Day among others;
- h. Preparation of State of The Nation Address;
- i. Allocated, safeguarded and arranged Committee Rooms within the Parliamentary Buildings for use by the Parliamentary Committees and other all other Meetings as requested and booked from time to time;
- j. Participated in the preparation of burial for late Hon. Paul Koinange;
- k. Officers from the department were trained on Fire safety and First aid services;
- l. Provided safe custody of the Mace and its servicing;
- m. Undertook Equipment tagging and relocated all obsolete equipment; and
- n. Facilitated visiting presidents, dignitaries and other visitors during laying of wreaths and respects in the Mausoleum among other activities.
- o. Covid - 19 spacing and labelling of chamber seats

ANNEXES

Annex 1: Status of Bills in the National Assembly During the Fifth Session

A) PASSED AND ASSENTED TO OR AWAITING ASSENT (29)

1. The Employment (Amendment) Bill, 2019
2. The Refugees Bill, 2019
3. The Narcotics, Drugs and Psychotropic Substances (Control) (Amendment) Bill, 2020
4. The Business Laws (Amendment) (No.2) Bill, 2020
5. The Division of Revenue Bill, 2021
6. The Supplementary Appropriation Bill, 2021
7. The Finance Bill, 2021
8. The Appropriation Bill, 2021
9. The Supplementary Appropriation (No.2) Bill, 2021
10. The Early Childhood Education Bill, 2018 (Sen. Bill No. 26)
11. The Care and Protection of Older Members of Society Bill, 2018 (Sen. Bill No. 17)
12. The County Allocation of Revenue Bill, 2021 (Sen. Bill No. 30)
13. The Law of Succession (Amendment) Bill, 2019
14. The Foreign Service Bill, 2021
15. The Tax Appeals Tribunal (Amendment) Bill, 2021
16. The Waqf Bill, 2019
17. The Kenya Deposit Insurance (Amendment) Bill, 2020
18. The Central Bank of Kenya (Amendment) Bill, 2021
19. The Kenya Roads (Amendment) Bill, 2021
20. The Trustees (Perpetual Succession) (Amendment) Bill, 2021
21. The Asian Widows' and Orphans' Pensions (Repeal) Bill, 2021
22. The Provident Fund (Repeal) Bill, 2021
23. The County Governments Grants Bill, 2021 (Sen. Bill No. 35)
24. The Public Private Partnerships Bill, 2021
25. The National Hospital Insurance Fund (Amendment) Bill, 2021
26. The Perpetuities and Accumulations (Amendment) Bill, 2021
27. The Kenya Industrial Research and Development Institute Bill, 2020
28. The Constitution of Kenya (Amendment) Bill, 2020

[also known as the BBI Bill]

29. The Proceeds of Crime and Anti-Money Laundering (Amendment) Bill, 2021

B) NATIONAL ASSEMBLY BILLS PASSED AND FORWARDED TO THE SENATE (13)

- a. The Crops (Amendment) Bill, 2019 (No.25)
- b. The Land (Amendment) Bill, 2019
- c. The Health (Amendment) Bill, 2019
- d. The Public Fundraising Appeals Bill, 2019

[now the Public Collections Bill, 2019]

- e. The Kenya National Library Service Bill, 2020
- f. The Parliamentary Pensions (Amendment) (No. 3) Bill, 2019 (No.57)
- g. The Kenya National Blood Transfusion Service Bill, 2020
- h. The Irrigation (Amendment) Bill, 2021
- i. The Assisted Reproductive Technology Bill, 2019
- j. The Sugar Bill, 2019
- k. The Landlord and Tenant Bill, 2021
- l. The Community Groups Registration Bill, 2021
- m. The Political Parties (Amendment) Bill, 2021 (No. 56)

C) AWAITING COMMITTEE OF THE WHOLE HOUSE

a) Bills sponsored by Committees or Parties

- 1. The Referendum (No.2) Bill, 2020
- 2. The Radiographers Bill, 2019

b) Bills sponsored by Individual Members

- 1. The Industrial Training (Amendment) Bill, 2019
- 2. The Institute of Directors of Kenya Bill, 2019
- 3. The Public Service Commission (Amendment) Bill, 2019
- 4. The National Disaster Management Authority Bill, 2019
- 5. The Alcoholic Drinks Control (Amendment) Bill, 2019
- 6. The Kenya Food and Drugs Authority Bill, 2019
- 7. The Employment (Amendment)(No.2) Bill, 2019

c) Bills originating from the Senate

- 1. The National Flag, Emblems and Names (Amendment) Bill, 2017

2. The County Statistics Bill, 2018
3. The Salaries and Remuneration Commission (Amendment) Bill, 2018
4. The County Statutory Instruments Bill, 2018
5. The Impeachment Procedure Bill, 2018
6. The County Governments (Amendment) Bill, 2018

D) AWAITING SECOND READING

E) BILLS SPONSORED BY THE LEADER OF THE MAJORITY PARTY/GOVERNMENT

1. The Health Laws (Amendment) Bill, 2021
2. The Mediation Bill, 2020
3. The National Electronic Single Window System Bill, 2021
4. The Coffee Bill, 2021
5. The National Disaster Risk Management Bill, 2021
6. The Sustainable Waste Management Bill, 2021
7. The Public Procurement and Asset Disposal (Amendment) Bill, 2021 (No.32)
8. The Universities (Amendment) Bill, 2021
9. The Children Bill, 2021
10. The Sacco Societies (Amendment) Bill, 2021
11. The Huduma Bill, 2021

F) BILLS SPONSORED BY COMMITTEES OR PARTIES

1. The Referendum Bill, 2020
2. The Public Finance Management (Amendment) (No.3) Bill, 2020 (No. 39)
3. The National Government Constituencies Development Fund (Amendment) Bill, 2021 (No.4)
4. The Certified Managers Bill, 2021
5. The Public Procurement and Asset Disposal (Amendment) (No.2) Bill, 2021 (No. 36)
6. The Elections (Amendment) Bill, 2021
7. The Petroleum Products (Taxes and Levies) (Amendment) Bill, 2021
8. The Advocates (Amendment) Bill, 2021

G) BILLS SPONSORED BY INDIVIDUAL MEMBERS

1. The Birth and Death Registration (Amendment) Bill, 2020
2. The Alcoholic Drinks Control (Amendment) Bill, 2020

3. The Public Procurement & Asset Disposal (Amendment) Bill (No. 20 of 2020)
4. The Insurance Professionals Registration Bill, 2020
5. The Pensions (Amendment) Bill, 2020
6. The Community Health Workers Bill, 2020
7. The Public Procurement and Asset Disposal (Amendment) Bill, 2020 (No. 34)
8. The Children (Amendment) Bill, 2020
9. The Central Bank of Kenya (Amendment) Bill, 2020 (No.47)
10. The National Construction Authority (Amendment) Bill, 2020
11. The Pharmacy and Poisons (Amendment) Bill, 2021
12. The Computer Misuse and Cybercrimes (Amendment) Bill, 2021
13. The Public Procurement and Asset Disposal (Amendment) (No.3) Bill, 2020 (No.49)
14. The Health (Amendment) Bill, 2021 (No.14)
15. The Poverty Eradication Authority Bill, 2020
16. The Higher Education Loans Board (Amendment) Bill, 2020 (No. 29)
17. The Higher Education Loans Board (Amendment) Bill, 2020 (No. 37)
18. The Information Communication Technology Practitioners Bill, 2020
19. The Constitution of Kenya (Amendment) Bill, 2020 (No. 40)
20. The Health (Amendment) Bill, 2020 (No. 28)
21. The Institute of Social Work Professionals Bill, 2020
22. The Sexual Offences (Amendment) Bill, 2020
23. The Public Debt Management Authority Bill, 2020
24. The Criminal Procedure Code (Amendment) Bill, 2020
25. The Public Service Internship Bill, 2021
26. The National Government Constituencies Development Fund (Amendment) Bill, 2021 (No. 34)
27. The Election Campaign Financing (Amendment) Bill, 2021
28. The Penal Code (Amendment) Bill, 2021
29. The Penal Code (Amendment)(No.2) Bill, 2021
30. The National Government Constituencies Development Fund (Amendment) Bill, 2021 (No. 48)
31. The Whistleblower Protection Bill, 2021
32. The Higher Education Loans Board (Amendment) Bill, 2021

H) BILLS ORIGINATING FROM THE SENATE

1. The Statutory Instruments (Amendment) Bill, 2018
2. The National Cohesion and Peace Building Bill, 2018
3. The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill, 2018
4. The County Law Compliance and Enforcement Bill, 2018
5. The Determination of the Nature of Bills (Procedure) Bill, 2018
6. The Kenya Medical Supplies Authority (Amendment) Bill, 2018
7. The Mung Beans Bill, 2020
8. The Coffee Bill (Sen. Bill No. 22 of 2020)
9. The Wildlife Conservation and Management (Amendment) Bill, 2020
10. The Parliamentary Powers and Privileges (Amendment) Bill, 2020
11. The Community Health Services Bill, 2020
12. The National Flag, Emblems and Names (Amendment) Bill (Sen. Bill No. 36 of 2020)
13. The Mental Health (Amendment) Bill, 2020
14. The Salaries and Remuneration Commission (Amendment) Bill (Sen. Bill No. 31 of 2020)
15. The County Licensing (Uniform Procedures) Bill, 2020
16. The Basic Education (Amendment) Bill, 2021
17. The Health (Amendment) Bill (Sen. Bill No. 26 of 2020)
18. The Investment Promotion (Amendment) Bill, 2021
19. The Office of the County Printer Bill, 2021
20. The Disaster Risk Management Bill, 2021
21. The County Boundaries Bill, 2021

I) AWAITING FIRST READING

Bills sponsored by the Leader of the Majority Party/Government

1. The Livestock Bill, 2021

Bills sponsored by Committees or Parties

1. The Regional Development Authorities Bill, 2021
2. The Political Parties (Amendment) (No.2) Bill, 2021
3. The Forest Conservation and Management (Amendment) Bill, 2021

Bills sponsored by Individual Members

1. The Geriatric Bill, 2021
2. The Children (No.2) Bill, 2021
3. The Public Appointments (Parliamentary Approval) (Amendment) Bill, 2021
4. The Public Audit (Amendment) Bill, 2021
5. The Traffic (Amendment) Bill, 2021

Annex 2- Bills Nullified by the Court in its Judgement in the House in the Fifth Session

A) BILLS NULLIFIED BY THE HIGH COURT RULING IN 2020

1. The Public Trustee (Amendment) Act, No. 6 of the 2018
2. The Building Surveyors Act, 2018, No. 19 of 2018
3. The Computer Misuse and Cybercrime, Act, No. 5 of 2018
4. The Statute Law (Miscellaneous Amendment Act), No. 4 of 2018
5. The Kenya Coast Guard Service Act. No. 11 of 2018
6. The Tax Laws (Amendments) Act, No. 9 of 2018
7. The Statute Law (Miscellaneous Amendments) Act, No. 18 of 2018
8. The Supplementary Appropriation Act, No. 2 of 2018;
9. The Equalization Fund Appropriation Act No. 3 of 2018
10. The Sacco Societies (Amendment) Act, 2018 No. 16 of 2018
11. The Finance Act, No. 10 of 2018
12. The Appropriations Act, No. 7 of 2018
13. The Capital Markets (Amendments) Act, No. 15 of 2018
14. The National Youth Service Act No. 17 of 2018
15. The Supplementary Appropriations Act, No. 13 of 2018
16. The Health Laws (Amendment) Act, No. 5 of 2019
17. The Sports (Amendment) Act, No. 7 of 2019
18. The National Government Constituency Development Fund Act, 2015
19. The National Cohesion and Integration (Amendment) Act, 2019
20. The Statute law (Miscellaneous Amendment) Act, 2019
21. The Supplementary Appropriation Act, No. 9 of 2019
22. The Appropriations Act, 2019
23. The Insurance (Amendment) Act, 2019

B). BILLS NULLIFIED BY THE COURT OF APPEAL RULING IN 2021 WITH THE OTHER 21

BEING DECLARED CONSTITUTIONAL

1. The Equalization Fund Appropriation Act No. 3 of 2018
2. The Sacco Societies (Amendment) Act, 2018 No. 16 of 2018
3. Amendments made to section 3 and 4 of the Kenya Medical Supplies Authority Act as contained in the Health Laws (Amendment) Act, No. 5 of 2019

Annex 3:

Statements Requested/Issued in the Fifth Session

NO	STATEMENT BY	SUBJECT	DATE REQUESTED OR ISSUED
STATEMENTS BY THE LEADER OF MAJORITY PARTY			
1.	The Leader of Majority Party	Business coming before the House in the following week	11.02.2021
2.	The Leader of Majority Party	Business coming before the House in the following week	18.02.2021
3.	The Leader of Majority Party	Business coming before the House in the following week	25.02.2021
4.	The Leader of Majority Party	Business coming before the House in the following week	04.03.2021
5.	The Leader of Majority Party	Business coming before the House in the following week	11.03.2021
6.	The Leader of Majority Party	Business coming before the House in the following week	25.03.2021
7.	The Leader of Majority Party	Business coming before the House in the following week	06.05.2021
8.	The Leader of Majority Party	Business coming before the House in the following week	13.05.2021
9.	The Leader of Majority Party	Business coming before the House in the following week	10.06.2021
10.	The Leader of Majority Party	Business coming before the House in the following week	17.06.2021
11.	The Leader of Majority Party	Business coming before the House in the following week	01.07.2021
12.	The Leader of Majority Party	Business coming before the House in the following week	08.07.2021
13.	The Leader of Majority Party	Business coming before the House in the following week	05.08.2021
14.	The Leader of Majority Party	Business coming before the House in the following week	12.08.2021
15.	The Leader of Majority Party	Business coming before the House in the following week	19.08.2021
16.	The Leader of Majority Party	Business coming before the House in the following week	23.09.2021
17.	The Leader of Majority Party	Business coming before the House in the following week	30.09.2021
18.	The Leader of Majority Party	Business coming before the House in the following week	07.10.2021
19.	The Leader of Majority Party	Business coming before the House in the following week	14.10.2021

20.	The Leader of Majority Party	Business coming before the House in the following week	21.10.2021
21.	The Leader of Majority Party	Business coming before the House in the following week	11.11.2021
22.	The Leader of Majority Party	Business coming before the House in the following week	18.11.2021
23.	The Leader of Majority Party	Business coming before the House in the following week	25.11.2021
24.	The Leader of Majority Party	Business coming before the House in the following week	02.12.2021

STATEMENTS REQUESTED BY INDIVIDUAL MEMBERS

25.	Hon. Godfrey Osotsi	Directive by the Inspector General of Police on crackdown by the police on motorcycle riders commonly referred to as bodaboda operators in the country	09.02.2021
26.	Hon. Gideon Koske	Failure by the Kenya Wildlife Services to address an ongoing Leopard menace in Chepalungu Constituency	09.02.2021
27.	Hon. Richard Tongu	Demise of Hon. Simeon Nyachae	09.02.2021
28.	Hon. Abdullswamad Sheriff	Demolition of properties and evictions in the country	10.02.2021
29.	Hon. Paul Mwirigi	High rates of cancer cases within Igembe South Constituency	10.02.2021
30.	Hon. John Olago Aluoch	Illegal Acquisition and Re-Allocation of parcel of Land LR. No. 332/182 in Maseno Township	10.02.2021
31.	Hon. William Kamket	Killings and ongoing operations in Kapedo area, Baringo County	10.02.2021
32.	Hon. Shakeel Shabir	Demolitions of Kibos Mosque	10.02.2021
33.	Hon. Qalicha Gufu	Insecurity and Displacement of residents of Moyale Constituency	11.02.2021
34.	Hon. Rashid Amin	Increased incidences of detention of residents of Wajir East Constituency	11.02.2021
35.	Hon. Abdullswamad Sheriff	Shootings of Mr. Salim Abdalla, Fahal Salim Abdallah & Mr. Ahmed Salim in Kaloleni, Mombasa County	16.02.2021
36.	Hon. Ojiambo Oundo	Status of Mulunda border point	17.02.2021
37.	Hon. Ojiambo Oundo	Status of Nangina Airstrip	17.02.2021
38.	Hon. Wilson Sossion	Gazettment of agency fees in respect of negotiated collective bargaining agreements	18.02.2021
39.	Hon. Omboko Milemba	The Kenya Defence Forces (KDF) recruitment progress in Emuhaya Sub-County	18.02.2021
40.	Hon. Abdullswamad Sheriff	Construction of storeyed building in old town and intended construction of a residential estates flats in the Buxton, Mombasa	18.02.2021

41.	Hon. Kuria Kimani	Banning of planting of maize in parts of Molo and Njoro constituencies by the County Commissioner, Nakuru County	18.02.2021
42.	Hon. John Kiarie	Establishment of a proposed public primary school in Ngando Ward, Dagoretti South Constituency	22.02.2021
43.	Hon. Aden Duale	Provision of school desks to various learning institutions in the country	23.02.2021
44.	Hon. Mark Lomunokol	Abductions and killings in Chemolingot Town in Baringo County	25.02.2021
45.	Hon. Aden Duale	Construction of Isiolo-Garissa-Wajir-Mandera road	25.02.2021
46.	Hon. Jessica Mbalu	Increased cases of sexual violence against children in Kibwezi East constituency	25.02.2021
47.	Hon. Owen Baya	Pineapple glut in Kilifi County	02.03.2021
48.	Hon. John Mutunga	Policy or guidelines for school candidates sitting for examinations from CS George Magoha, Ministry of Education	04.03.2021
49.	Hon. Ali Wario	Mandatory Retirement age of public officers	04.03.2021
50.	Hon. Ali Wario	Role of Kenya in addressing peace and security in the Horn of Africa from Ministry of Foreign Affairs	04.03.2021
51.	Hon. Walter Owino	Mandatory requirement for procurement of security services by public and private institutions in the country	11.03.2021
52.	Hon. Alois Lentoimaga	Killing of police officers stationed in Kapedo area, Baringo County	11.03.2021
53.	Hon. Moses Cheboi	Facilitating village elders in the country	11.03.2021
54.	Hon. Gabriel Kago	Outbreak of foot and mouth disease in the country	11.03.2021
55.	Hon. Jared Okello	Planned elections by the Kenya Development Agency (KTDA) managed Tea factories	25.03.2021
56.	Hon. Shadrack Mose	Demise of the late Hon. Samuel Motari Mang'are	23.03.2021
57.	Hon. Abdullswamad Sheriff	Joint inquiry on the pricing on the pricing parameters used by the Energy and Petroleum Regulatory Authority (EPRA) in determining the maximum wholesale and retail petroleum prices in the country	25.03.2021
58.	Hon. Aden Duale	Kenya power's inflated power procurement costs	25.03.2021
59.	Hon. Shakeel Shabir	Tolerance to diverse religious practices	25.03.2021

60.	Hon. RozaahBuyu	Manhandling of a female hawker by the county law enforcement officials	25.03.2021
61.	Hon. Kathuri Murungi	Facilitation of university and college students during partial cessation in the country	30.03.2021
62.	Hon. Mohamed DahirDuale	Eminent closures of refugee camps in Kenya	30.03.2021
63.	Hon. Tom Mboya Odege	Border conflicts in Otati and Thimlich areas of Nyatike constituency	30.03.2021
64.	Hon. Marwa Maisori	Death of Hon. Shadrack Roger Mwitanga, former MP Kuria East Constituency	30.03.2021
65.	Hon. Rozaah Buyu	Congratulations to Her Excellency, Hon. Samia Suluhu Hassan, the President of the United Republic of Tanzania	04.05.2021
66.	Hon. Geoffrey King'ong'o Muturi	Evictions of residents of Ndunguni in Makema Ward of Mbeere South Constituency	04/05/2021
67.	Hon. Walter Owino	Abduction of Mr. Joseph Ochieng in Migori County	06/05/2021
68.	Hon. Peris Tobiko	Heavy traffic flow in Kitengela Town	06/05/2021
69.	Hon. Martin Peters Owino	The debt ceiling in the country	04/05/2021
70.	Hon. William Kipchirchir Chepkut	Death of Mr. Abraham Kipsang Kiptanui, EBS, former State House Comptroller, who passed on 4 th April, 2021	04/05/2021
71.	Hon. John Kiarie	Seizure of various products by the Government	11/05/2021
72.	Hon. Malimo Arbelle	Personal statement regarding a threat to personal life	12/05/2021
73.	Hon. Samuel Atandi	Insecurity in Dond Koki market, Alego Usonga constituency	12/05/2021
74.	Hon. Kangongo Bowen	Traffic control in the city of Nairobi	13/05/2021
75.	Hon. Bernard Shinali	Miners who lost lives in Ikolomani Constituency	13/05/2021
76.	Hon. Paul Mwirigi	Cushioning of miraa farmers following the closure of miraa market in Somalia	13/05/2021
77.	Hon. Malulu Injendi	Stringent requirements and selection for applicants to Teachers Training Colleges for Diploma courses in the country	13/05/2021
78.	Hon. Rashid Amin	Conflict between the Israelis and Palestinians	13/05/2021
79.	Hon. Abdullswamad Sheriff	Police brutality against peaceful demonstrations by the residence of Mombasa in expressing their views on the ongoing conflicts in the Middle East	19/05/2021

80.	Hon. Lokiru Mohamed	Resurgence of raids and killings in Kapedo Area, Turkana East Constituency	08/06/2021
81.	Hon. Patrick Mweu Musimba	Demise of Hon. Richard KalembeNgulukuNdile, former Member of Parliament for Kibwezi Constituency (2002-2007) who passed on Sunday, May 30, 2020	08/06/2021
82.	Hon. John Kiarie	Disbursement of the Ksh. 100 million stimulus package which was allocated to cushion artists, actors and musicians during the COVID-19 pandemic period	09/06/2021
83.	Hon. Abdullswamad Sheriff	Government's commitment to the subsidized secondary school education programme from CS George Magoha, Ministry of Education	09/06/2021
84.	Hon. Abdullswamad Sheriff	Renewal of Teachers' collective Bargaining Agreements (CBA)	15/06/2021
85.	Hon. Godfrey Osotsi	Shiru and Shaviringa settlement schemes in Kakamega Forest	15/06/2021
86.	Hon. Jones Mlolwa	Escalating cases of human-wildlife conflicts in Voi constituency	16/06/2021
87.	Hon. Owen Baya	Causes and remedy of mass failure of students in KCSE 2021 in Kilifi County	16/06/2021
88.	Hon. Abdullswamad Sheriff	Unfinalized collective bargaining agreement during the F/Y 2020/2021 and reinstatement of 247 employees	16/06/2021
89.	Hon. Aden Duale	The Capital Markets Regulatory Failures and Oversight leading to losses of investors' funds	23/6/2021
90.	Hon. Didmus Barasa	Raping and murder of Mrs. Nancy Nasimiyu Barasa in Kimilili constituency	23/6/2021
91.	Hon. Moitalel Ole Kenta	Dismissal of an employee at Maasai Mara University	24/6/2021
92.	Hon. OlagoAluoch	Failure by Kenya Railways Corporation to engage casual labour	29/6/2021
93.	Hon. Rashid Amin	Petition for pardon of Mr. Hassan Abdi Ali under the power mercy	29/6/2021
94.	Hon. (Bishop) Kawira Mwangaza	Illegal public demonstration in Meru County believed to have been allegedly funded by the County Government of Meru against character of my person	29/6/2021
95.	Hon. Malulu Injendi	Indefinite suspension of registration of schools in the country	29/6/2021
96.	Hon. Joseph Kipkosgei Tonui	Caveat placed on title deeds in Kuresoi South constituency	29/6/2021
97.	Hon. Godfrey Osotsi	Comprehensive vaccination plan against Covid-19 pandemic	30/6/2021
98.	Hon. Peter Kaluma	Status of the appointment of six Judges recommended for appointment by the Judicial Service Commission	30/6/2021

99.	Hon. Rehema Jaldesa	Resurgence of banditry attacks and killings in Isiolo County	30/6/2021
100.	Hon. William Kisang	Extension for consideration of the Information Communication Technology Practitioners Bill, 2020	07/07/2021
101.	John Mwirigi	Security of Miraa Merchants in Northern Kenya	01/07/2021
102.	Hon. Peter Kaluma	Covid-19 pandemic situation in Homa Bay County and environs	01/07/2021
103.	Hon. Ojiambo Oundo	Status of the Kenya Transport and Logistics Network (KTLN)	05/07/2021
104.	Hon. Charles Kamuren	Insecurity in Baringo South Constituency	07/07/2021
105.	Hon. Abdullswamad Sheriff	Operations of buses during the covid-19 pandemic in the country	07/07/2021
106.	Hon. Kangogo Bowen	Resurgence of Banditry attacks and killings in Marakwet East Constituency	07/07/2021
107.	Hon. Gideon Koske	Classification of Bomet County as a Covid-19 hotspot zone	08/07/2021
108.	Hon. Dido Ali Rasso	Militia attacks and killings in Saku constituency and in Marsabit&Isiolo Counties	08/07/2021
109.	Hon. Alfred Keter	Challenges occasioned by the Ministerial Policy on 100% transition	03/08/2021
110.	Hon. Eric Muchangi Njiru	Mysterious disappearance and murder of two young men in Runyenjes Constituency	04/08/2021
111.	Hon. Owen Baya	Payment of Internal Examination fees in primary schools	04/08/2021
112.	Hon. Aden Duale	Breach of the Statistics Act No. 4 of 2006 by the Kenya National Bureau of Statistics in performance of its functions	04/08/2021
113.	Hon. Patrick Makau King'ya	Poor drainage along the Nairobi Expressway	11/08/2021
114.	Hon. Yusuf Hassan	Status of US troops within the Kenya territory	11/08/2021
115.	Hon. Olago Aluoch	Failure by the Teachers Service Commission to pay enhanced house allowances to teachers in Mombasa and Kisumu cities	28/08/2021
116.	Hon. Peter Masara	Provision of counselling and psychosocial support services to police officers	10/08/2021
117.	Hon. Kimani Ichung'wah	Illegal arrest and detention of a Turkish National	11/08/2021
118.	Hon. John Njuguna	Construction of the Nairobi Southern bypass	11/08/2021
119.	Hon. Ojiambo Oundo	Status of drug abuse, treatment and rehabilitation in the country	10/08/2021

120.	Hon. Gideon Keter	Increased killings of young people in the country	19/08/2021
121.	Hon. Kimani Ichung'wah	Dangers posed by open quarries abandoned by contractors in the country	19/08/2021
122.	Hon. BadyTwalib	Water provision crisis in Jomvu constituency	19/08/2021
123.	Hon. Kipsengeret Koros	Conflicts along the Nyanza and Rift Valley boundary	21/09/2021
124.	Hon. Olago Aluoch	Failure by the Ministry of Interior and Coordination of National Government to set aside land for the proposed Kotetni Secondary school from Kodiaga GK Prison land	21/09/2021
125.	Hon. Millie Odhiambo - Mabona	The Lake Victoria Boat Tragedy	22/09/2021
126.	Hon. Oku Kaunya	Delayed distribution of BT cotton seeds to farmers for 2021 planting season and revival of the cotton ginerics	22/09/2021
127.	Hon. John Munene Wambugu	Upsurge of unregulated investment schemes and financial fraudsters in the country	22/09/2021
128.	Hon. John Mutunga	Misrepresentation of facts during issuance of identity cards to Tigania West residents	22/09/2021
129.	Hon. Kangogo Bowen	The state of land ownership in Embobut/ Embolot areas in Marakwet East Constituency	23/09/2021
130.	Hon. Sarah Korere	Failure by security agencies to process local intelligence information in order to deter banditry attacks in Laikipia County	28/09/2021
131.	Hon. Jacqueline Oduol	Recognition and protection of the family unit by the State	23/09/2021
132.	Hon. Ibrahim Abdi Mude	Kidnapping and disappearance of persons in the country	30/09/2021
133.	Hon. Owen Baya	Measures to revive the tourism sector in the country particularly the coast region during the Covid-19 pandemic period	30/09/2021
134.	Hon. Kubailringo	Termination of employment for a former Kenya Wildlife Service (KWS) Ranger	29/09/2021
135.	Hon. Elijah Kanchory	Rationale used in declaration of Kajiado Central and parts of Baringo County as non-Hardship areas	29/09/2021
136.	Hon. John Kiarie	Rampant cases of child labour in garbage collection and at dumpsites	04/10/2021
137.	Hon. Shakeel Shabbir	Entry of a large number of foreign Nationals into the country	07/10/2021
138.	Hon. Wilson Sossion	World Teachers Day and status of teachers in the wake of Coronavirus 2019 pandemic	05/10/2021

139	Hon. Stephen Mule	Disappearance and subsequent death of AbubakarMuliNduva, resident of Matungulu constituency	05/10/2021
140.	Hon. Aden Duale	Status of public debt in country and the National Government's budgetary allocations	12/10/2021
141.	Hon. Moses Kuria	Medical products and devices being promoted and sold in the country by M/S. CERAGEM Limited	08/10/2021
142.	Hon. Sabina Chege	Voters Registration in Kiambaa constituency	08/10/2021
143.	Hon. Gladys Wangari (Chairperson, Committee on Finance and National Planning)	Progress made with regard to the petition on fuel prices before the Departmental Committee on Finance	05/10/2021
144.	Hon. Yusuf Hassan	Mysterious escape of WanjalaMasten, a suspected child killer from Jogoo Police station	14/10/2021
145.	Hon. Githua Wamacukuru	Design flaws in the western bypass under construction in Kiambu County	14/10/2021
146.	Hon. Christopher Omulele	Public Finance Management (Tourism Promotion Fund) Regulations, 2019	19/10/2021
147.	Hon. Caleb AmisiLuyai	Delays in the issuance of National Identity cards	21/10/2021
148.	Hon. Kuria Kimani	KCSE certificates being held illegally by various heads of secondary schools across the Republic	21/10/2021
149.	Hon. Yusuf Hassan	The recurrent fire outbreaks at Gikomba Market	21/10/2021
150.	Hon. Gideon Ochanda	Allocation of 6,763.74HA of the Yala Swamp land in Siaya County to M/S. Lake Agro Limited by the National Land Commission	21/10/2021
151.	Hon. Florence Mutua	Detainment of fish consignment on transit to the democratic Republic of Congo (DRC)	9/10/2021
152.	Hon. Wilson Sossion	Schools unrest in the country	9/10/2021
153.	Hon. Aden Duale	Status of the drought management funds for the FY 2021/2021 and the deteriorating drought situation in the Northern Kenya	9/10/2021
154.	Hon. Abdullswamad Sheriff	Mandatory use of the Standard Gauge Railway (SGR) for transport of goods from Mombasa to the Nairobi Inland Container Depot (ICD)	13/10/2021
155.	Hon. Rashid Amin	Ongoing recruitment exercise of Kenya Defence Forces in the country	16/11/2021
156.	Hon. Safia Sheikh Adan	Provision and sourcing for markets for livestock and livestock products both locally and internationally	16/11/2021
157.	Hon. Kipsengere Koros	Government preparedness on food security due to imminent drought	17/11/2021

158.	Hon. Qalicha ,Gufu	Supply of water to Moyale Town	17/11/2021
159.	Hon. Owen Baya	Expansion of Malindi International Airport	17/11/2021
160.	Hon. John Kiarie	Incomplete and sub-standard road works in Dagoretti constituency	23/11/2021
161.	Hon. Owen Baya	Power interruption at the Baricho water works	24/11/2021

Annex 4: List of Statement Responses in the Fifth Session

NO	STATEMENT BY	SUBJECT AND MEMBER REQUESTING	DATE RESPONDED TO
1.	Chairperson, Departmental Committee on Administration and National Security	Insecurity and Displacement of residents of Moyale Constituency by Hon. QalichaGufu	11.02.2021
2.	Chairperson, Departmental Committee on Administration and National Security	Increased incidences of detention of residents of Wajir East ConstituencybyHon. Rashid Amin	11.02.2021
3.	Chairperson, Departmental Committee on Administration and National Security	Shootings of Mr. Salim Abdalla, Fahal Salim Abdallah & Mr. Ahmed Salim in Kaloleni, Mombasa County by Hon. Abdullswamad Sheriff	16.02.2021
4.	Chairperson, Departmental Committee on Transport, Public Works and Housing	Status of Mulunda border point by Hon. OjiamboOundo	17.02.2021
5.	Chairperson, Departmental Committee on Administration and National Security	Killings and ongoing operations in Kapedo area, Baringo County by Hon. William Kamket	10.02.2021
6.	Chairperson, Departmental Committee on Administration and National Security	Directive by the Inspector General of Police on crackdown by the police on motorcycle riders commonly referred to as bodaboda operators in the country by Hon. Godfrey Osotsi	09.02.2021
7.	Hon. KarekeMbiuki, Chairperson, Committee on Environment and Natural Resources	Failure by the Kenya Wildlife Services to address an ongoing Leopard menace in Chepalungu Constituency by Hon. Gideon Koske	09.02.2021
8.	Chairperson, Departmental Committee on Labour and Social Welfare	Gazettment of agency fees in respect of negotiated collective bargaining agreements by Hon. Wilson Sossion	18.02.2021
9.	Hon. KarekeMbiuki, Chairperson, Departmental Committee on Environment and Natural Resources	Construction of storeyed building in old town and intended construction of a residential estates flats in the Buxton, Mombasa by Hon. Abdullswamad Sheriff	

10.	Chairperson, Departmental Committee on Administration and National Security	Banning of planting of maize in parts of Molo and Njoro constituencies by the County Commissioner, Nakuru County by Hon. Kuria Kimani	
11.	Chairperson, Departmental Committee on Transport, Public Works and Housing	Construction of Isiolo-Garissa-Wajir-Mandera road by Hon. Aden Duale	
12.	Chairperson, Departmental Committee on Administration and National Security	Increased cases of sexual violence against children in Kibwezi East constituency by Hon. Jessica Mbalu	
13.	Chairperson, Departmental Committee on Trade, Industry and Cooperatives	Pineapple glut in Kilifi County by Hon. Owen Baya	
14.	Chairperson, Departmental Committee on Administration and National Security	Killing of police officers stationed in Kapedo area, Baringo County by Hon. Alois Lentoimaga	
15.	Chairperson, Departmental Committee on Administration and National Security	Facilitating village elders in the country by Hon. Moses Cheboi	
16.	Chairperson, Departmental Committee on Administration and National Security	Eminent closures of refugee camps in Kenya by Hon. Mohamed Dahir Duale	
17.	Chairperson, Departmental Committee on Administration and National Security	Evictions of residents of Ndunguni in Makema Ward of Mbeere South Constituency by Hon. Geoffrey King'ong'o Muturi	
18.	Chairperson, Departmental Committee on Transport, Public Works and Housing	Heavy traffic flow in Kitengela Town by Hon. Peris Tobiko	
19.	Chairperson, Departmental Committee on Transport, Public Works and Housing	Traffic control in the city of Nairobi by Hon. Kangongo Bowen	
20.	Hon. Kareke Mbiuki, Chairperson, Committee on Environment and Natural Resources	Miners who lost lives in Ikolomani Constituency by Hon. Bernard Shinali	
21.	Chairperson, Departmental Committee on Trade, Industry and Cooperatives	Cushioning of miraa farmers following the closure of miraa market in Somalia by Hon. Paul Mwirigi	
22.	Chairperson, Departmental Committee on Education and Research	Stringent requirements and selection for applicants to Teachers Training Colleges for Diploma courses in the country by Hon. Malulu Njendi	

23.	Chairperson, Departmental Committee on Administration and National Security	Police brutality against peaceful demonstrations by the residence of Mombasa in expressing their views on the ongoing conflicts in the Middle East by Hon. Abdullswamad Sheriff	
24.	Chairperson, Committee on Sports, Culture and Tourism	Disbursement of the Ksh. 100 million stimulus package which was allocated to cushion artists, actors and musicians during the COVID-19 pandemic period by Hon. John Kiarie	
25.	Chairperson, Committee on Environment and Natural Resources	Escalating cases of human-wildlife conflicts in Voi constituency by Hon. Jones Mlolwa	
26.	Chairperson, Departmental Committee on Health	Covid-19 pandemic situation in Homa Bay County and environs by Hon. Peter Kaluma	
27.	Hon. Gladys Wanga, Chairperson, Departmental Committee on Finance and National Planning	Status of the Kenya Transport and Logistics Network (KTLN) by Hon. Ojiambo Oundo	
28.	Chairperson, Departmental Committee on Administration and National Security	Resurgence of Banditry attacks and killings in Marakwet East Constituency by Hon. Kangogo Bowen	
29.	Chairperson, Departmental Committee on Administration and National Security	Mysterious disappearance and murder of two young men in Runyenjes Constituency by Hon. Eric Muchangi Njiru	
30.	Hon. Gladys Wanga, Chairperson, Departmental Committee on Finance and National Planning	Breach of the Statistics Act NO. 4 of 2006 by the Kenya National Bureau of Statistics in performance of its functions by Hon. Aden Duale	
31.	Chairperson, Committee on Environment and Natural Resources	Poor drainage along the Nairobi Expressway by Hon. Patrick Makau King'ya	
32.	Chairperson, Departmental Committee on Administration and National Security	Increased killings of young people in the country by Hon. Gideon Keter	
33.	Chairperson, Departmental Committee on Administration and National Security	Conflicts along the Nyanza and Rift Valley boundary by Hon. Kipsengeret Koros	
34. 35.	Chairperson, Departmental Committee on Administration and National Security	The Lake Victoria Boat Tragedy by Hon. Millie Odhiambo - Mabona	
36.	Hon. Gladys Wanga, Chairperson, Committee on Finance and National Planning	Upsurge of unregulated investment schemes and financial fraudsters in the country by Hon. John Munene Wambugu	
37.	Chairperson, Departmental Committee on Labour and Social Welfare	Recognition and protection of the family unit by the State by Hon. Jacqueline Oduol	

38.	Chairperson, Departmental Committee on Administration and National Security	Hon. John Mutunga Misrepresentation of facts during issuance of identity cards to Tigania West residents	
39	Chairperson, Departmental Committee on Administration and National Security	Failure by security agencies to process local intelligence information in order to deter banditry attacks in Laikipia County by Hon. Sarah Korere	
40.	Chairperson, Departmental Committee on Administration and National Security	Delays in the issuance of National Identity cards by Hon. Caleb Amisi Luyai	
41.	Hon. Gladys Wanga, Chairperson, Committee on Finance and National Planning	The Capital Markets Regulatory Failures and Oversight leading to losses of investors' funds by Hon. Aden Duale	
42	Chairperson, Departmental Committee on Transport, Public Works and Housing	Failure by Kenya Railways Corporation to engage casual labour by Hon. Olago Aluoch	

Annex 5: list of statutory instruments processed in the fifth session

Statutory Instrument		Regulation Making Authority	Legal Status	Date Tabled	Approval Status
1.	The Standards (Verification of Conformity to Standards and other applicable Regulations of Imports) (Amendment) Order, 2020	The Ministry of Industrialization, Trade and Enterprise Development	LN 212/2020 (18.12.2020)	09.02.2021	Approved on 27.05.2021
2.	The Architects & Quantity Surveyors (Continuing Professional Development) By-Laws, 2020	The Ministry for Transport, Infrastructure, Housing, Urban Development and Public Works	LN 202/2020 (6.11.2020)	11.02.2021	Approved on 6.03.2021
3.	The Public Health (COVID-19 Indoor Meetings) Rules, 2020	The Ministry of Health	LN 224/2020 (30.12.2020)	09.02.2021	Approved on 15.04.2021
4.	The Warehouse Receipts System Regulations, 2021	The Ministry of Agriculture, Livestock, Fisheries & Cooperatives	LN 003/2021 (22.01.2021)	09.02.2021	Approved on 27.05.2021
5.	The Civil Aviation (Regulatory Fees and Charges for Unmanned Aircraft Systems) Regulations, 2020	The Kenya Civil Aviation Authority	LN 004/2021 (22.01.2021)	09.02.2021	Approved on 06.03.2021

	Statutory Instrument	Regulation Making Authority	Legal Status	Date Tabled	Approval Status
6.	The Crops (Sugar) (General) (Amendment) Regulations, 2020	The Ministry of Agriculture, Livestock, Fisheries & Cooperatives	LN 214/2020 (18.12.2021)	25.02.2021	Under Consideration by the Committee
7.	Exemption from Income Tax for Japanese Companies, Consultants and Japanese Personnel	The National Treasury & Planning	LN 15/2021	23.03.2021	Approved by the House on 18.05.2021 pursuant to section 13(2) of the Income Tax Act (Cap 470)
8.	The Dairy Industry (Compliance Officers) Regulations, 2021	The Ministry of Agriculture, Livestock, Fisheries and Cooperatives	LN 18/2021	23.03.2021	Approved on 31.07.2021
9.	The Dairy Industry (Dairy Produce Safety) Regulations, 2021	The Ministry of Agriculture, Livestock, Fisheries and Cooperatives	LN 22/2021	23.03.2021	Approved on 31.07.2021
10.	The Dairy Industry (Imports and Exports) Regulations, 2021	The Ministry of Agriculture, Livestock, Fisheries and Cooperatives	LN 21/2021	23.03.2021	Approved on 31.07.2021
11.	The Dairy Industry (Milk Sales Contract) Regulations, 2021	The Ministry of Agriculture, Livestock, Fisheries and Cooperatives	LN 20/2021	23.03.2021	Approved on 31.07.2021
12.	The Dairy Industry (Pricing of Dairy Produce) Regulations, 2021	The Ministry of Agriculture, Livestock, Fisheries and Cooperatives	LN 23/2021	23.03.2021	Approved on 31.07.2021
13.	The Dairy Industry (Produce Traceability and Recall) Regulations, 2021	The Ministry of Agriculture, Livestock, Fisheries and Cooperatives	LN 19/2021	23.03.2021	Approved on 31.07.2021
14.	The Dairy Industry (Registrations, Licensing, Cess and Levy) Regulations, 2021	The Ministry of Agriculture, Livestock, Fisheries and Cooperatives	LN 16/2021	23.03.2021	Approved on 31.07.2021
15.	The Dairy Industry (Returns, Reports and Estimates) Regulations, 2021	The Ministry of Agriculture, Livestock, Fisheries and Cooperatives	LN 17/2021	23.03.2021	Approved on 31.07.2021
16.	The Public Finance Management (National Drought Emergency Fund) Regulations, 2020	The National Treasury & Planning	LN 27/2021	23.03.2021	Approved by the House on 18.05.2021 pursuant to section 24(4) of the PFM Act (No. 18 of 2012)

	Statutory Instrument	Regulation Making Authority	Legal Status	Date Tabled	Approval Status
17.	Exemption from Income Tax for Airlines with GoK Shareholding of at least 45% and its subsidiaries	The National Treasury & Planning	LN 27/2021 (17.03.2021)	28.04.2021	Approved by the House on 18.05.2021 pursuant to section 13(2) of the Income Tax Act (Cap 470)
18.	The Public Finance Management (Equalization Fund Administration) Regulations, 2021	The National Treasury & Planning	LN 54/2021 (29.04.2021)	11.05.2021	Approved by the House on 18.05.2021 pursuant to section 24(4) of the PFM Act (No. 18 of 2012)
19.	The Public Finance Management (Youth Enterprise Development Fund) (Revocation) Regulations, 2021	The National Treasury & Planning	LN 58/2021 (30.04.2021)	13.05.2021	Recommended for annulment Tabled on 21.09.2021
20.	The Public Finance Management (Women Enterprise Fund) (Revocation) Regulations, 2021	The National Treasury & Planning	LN 57/2021 (30.04.2021)	13.05.2021	Recommended for annulment Tabled on 21.09.2021
21.	The Public Finance Management (Uwezo Fund) (Revocation) Regulations, 2021	The National Treasury & Planning	LN 56/2021 (30.04.2021)	13.05.2021	Recommended for annulment Tabled on 21.09.2021
22.	The Public Finance Management (Biashara Kenya Fund) Regulations, 2021	The National Treasury & Planning	LN 55/2021 (30.04.2021)	13.05.2021	Recommended for annulment Tabled on 21.09.2021
23.	The Public Finance Management (Sinking Fund) Regulations, 2021	The National Treasury & Planning	LN 5085/2021 (25.05.2021)	08.06.2021	Recommended for annulment Tabled on 21.09.2021
24.	The Anti-Counterfeit (Recordation) Regulations, 2021	Ministry of Industrialization, Trade and Enterprise Development	(LN 118/2021)	03.08.2021	Approved on 31.08.2021

	Statutory Instrument	Regulation Making Authority	Legal Status	Date Tabled	Approval Status
25.	The Anti-Counterfeit (Amendment) Regulations, 2021	Ministry of Industrialization, Trade and Enterprise Development	(LN 117/2021)	03.08.2021	Approved on 31.08.2021
26.	The Petroleum Development Levy (Amendment) Order, 2021	Ministry of Petroleum and Mining	(LN 77/2021)	17.08.2021	Recommended for annulment - Report Tabled on 29.09.2021
27.	The draft Election Campaign Financing Regulations	Independent Electoral and Boundaries Commission		05.08.2021	Approved by the House on 23.09.2021 pursuant to Elections Campaign Financing Act (No.42 of 2013)
28.	The Public Service (Performance Management) Regulations, 2021	Public Service Commission	(LN 114/2021)	10.08.2021	Approved on 31.08.2021
29.	The Income Tax Exemption on the Send-Off Package Paid on Employees of the Kenya Airways Limited	The National Treasury & Planning	(LN 115/2021)	01.09.2021	Approved by the House on 07.10.2021 pursuant to section 13(2) of the Income Tax Act (Cap 470)
30.	The Water Resources, Regulations, 2021	Ministry of Water, Sanitation and Irrigation	(LN 170/2021)	19.08.2021	Approved on 16.10.2021
31.	The Water Harvesting and Storage, Regulations, 2021	Ministry of Water, Sanitation and Irrigation	(LN 169/2021)	19.08.2021	Approved on 16.10.2021
32.	The Water Services Regulations, 2021	Ministry of Water, Sanitation and Irrigation	(LN 168/2021)	19.08.2021	Approved on 16.10.2021
33.	The National Youth Council (Election of Certain Council Members) Regulations, 2021	Ministry of ICT, Innovation and Youth Affairs	(LN 183/2021)	21.09.2021	Approved on 16.10.2021
34.	The Environmental (Impact Assessment and Audit) (Amendment) Regulations, 2016	Ministry of Environment and Forestry	(LN 146/2016)		Recommended for annulment on 08.11.2021 – report tabled on 10.11.2021
35.	The Crops (Coffee) (Amendment) Regulations, 2021	The Ministry of Agriculture, Livestock, Fisheries & Cooperatives	(LN 104/2021)	06.10.2021	Recommended for annulment on 30.11.2020 – report tabled on 01.12.2021

	Statutory Instrument	Regulation Making Authority	Legal Status	Date Tabled	Approval Status
36.	The Kenya Defence Forces (Pensions and Gratuities) (Officers and Service Members) Regulations, 2021	Ministry of Defence	(LN 194/2021)	05.10.2021	Approved on 16.10.2021
37.	The Breakfast Milk Substitutes (Regulation and Control) (General) Regulations, 2021	Ministry of Health	(LN 184/2021)	05.10.2021	Approved by the House on 11.11.2021, Pursuant to Section 28(5) of the Breast Milk Substitute (Control and Regulations) Act, 2012 with amendments
38.	The Irrigation (General) Regulations, 2021	Ministry of Water, Sanitation and Irrigation	(LN 199/2021)	10.11.2021	Approved on 17.02.2022 (Report Approved in the House on 29.03.2022 pursuant to Sec 34 of the Irrigation Act, 2019)
39.	The Lake Kenyatta Sub Catchment Conservation Area Order, 2021	Ministry of Water, Sanitation and Irrigation (Water Resources Authority)	(LN 208/2021)	10.11.2021	Approved on 17.02.2022
40.	The Ngarelen Springs	Ministry of Water, Sanitation and Irrigation (Water Resources Authority)	(LN 207/2021)	10.11.2021	Approved on 17.02.2022
41.	The DikDik Gardens Wetland Conservation Area Order, 2021	Ministry of Water, Sanitation and Irrigation (Water Resources Authority)	(LN 206/2021)	10.11.2021	Approved on 17.02.2022
42.	The Amu Sand-Dunes Groundwater Conservation Area Management Order, 2021	Ministry of Water, Sanitation and Irrigation (Water Resources Authority)	(LN 210/2021)	10.11.2021	Approved on 17.02.2022
43.	The Kikuyu Springs Aquifer Groundwater Conservation Area Management Order, 2021	Ministry of Water, Sanitation and Irrigation (Water Resources Authority)	(LN 209/2021)	10.11.2021	Approved on 17.02.2022

	Statutory Instrument	Regulation Making Authority	Legal Status	Date Tabled	Approval Status
44.	The Partnerships (Limited Partnerships) Regulations, 2021	Office of the Attorney General	(LN 212/2021)	10.11.2021	Approved on 17.02.2022
45.	The Retirement Benefits (Umbrella Retirement Benefits Schemes) (Amendment) regulations, 2021	The National Treasury & Planning	(LN 165/2021)	10.11.2021	Approved on 17.02.2022
46.	The Retirement Benefits (Occupational Retirement Benefits Schemes) (Amendment) regulations, 2021	The National Treasury & Planning	(LN 164/2021)	10.11.2021	Approved on 17.02.2022
47.	The Retirement Benefits (Individual Retirement Benefits Schemes) (Amendment) regulations, 2021	The National Treasury & Planning	(LN 163/2021)	10.11.2021	Approved on 17.02.2022
48.	The Adjustment of Rates for inflation, Order, 2021	Kenya Revenue Authority	(LN 217/2021)	10.11.2021	Approved on 23.11.2021
49.	The Public Finance Management (National Roads Toll Fund) Regulations, 2021	The National Treasury & Planning	(LN 222/2021)	16.11.2021	Approved on 27.01.2022 (Report Approved by the House on 29.02.2022 Pursuant to Sec 24(2) of PFM Act, 2022)
50.	Guidelines on Share Buybacks for Listed Companies	The National Treasury & Planning	Gazette Notice No 12325	01.12.2021	Approved on 24.02.2022
51.	The Tax Procedures (Unassembled Motorcycles) (Amendment) Regulations, 2021	The National Treasury & Planning	(LN 192/2021)	01.12.2021	Approved on 17.02.2022
52.	The Tax Procedures (Unassembled Motorcycles) (Amendment)(No. 2) Regulations, 2021	The National Treasury & Planning	(LN 223/2021)	01.12.2021	Approved on 17.02.2022
53.	The Physical and Land Use Planning (Development Control around Strategic Installations) Regulations, 2021	Ministry of Lands and Physical Planning	(LN 247/2021)	02.12.2021	Approved on 09.12.2021

	Statutory Instrument	Regulation Making Authority	Legal Status	Date Tabled	Approval Status
54.	The Physical and Land Use Planning (Development Control for Strategic National Projects) Regulations, 2021	Ministry of Lands and Physical Planning	(LN 246/2021)	02.12.2021	Approved on 09.12.2021
55.	The Physical and Land Use Planning (Development Control for Inter County Projects) Regulations, 2021	Ministry of Lands and Physical Planning	(LN 245/2021)	02.12.2021	Approved on 09.12.2021
56.	The Physical and Land Use Planning (Inter County Physical and Land Use Development Plan) Regulations, 2021	Ministry of Lands and Physical Planning	(LN 244/2021)	02.12.2021	Approved on 09.12.2021
57.	The Physical and Land Use Planning (Planning Fees) Regulations, 2021	Ministry of Lands and Physical Planning	(LN 243/2021)	02.12.2021	Approved on 09.12.2021
58.	The Physical and Land Use Planning (Advertisement) Regulations, 2021	Ministry of Lands and Physical Planning	(LN 242/2021)	02.12.2021	Approved on 09.12.2021
59.	The Physical and Land Use Planning (National Physical and Land Use Development Plan) Regulations, 2021	Ministry of Lands and Physical Planning	(LN 241/2021)	02.12.2021	Approved on 09.12.2021
60.	The Physical and Land Use Planning (County Physical and Land Use Development Plan) Regulations, 2021	Ministry of Lands and Physical Planning	(LN 240/2021)	02.12.2021	Approved on 09.12.2021
61.	The Physical and Land Use Planning (Building) Regulations, 2021	Ministry of Lands and Physical Planning	(LN 239/2021)	02.12.2021	Approved on 09.12.2021
62.	The Physical and Land Use Planning (Institutions) Regulations, 2021	Ministry of Lands and Physical Planning	(LN 238/2021)	02.12.2021	Approved on 09.12.2021
63.	The Sectional Properties Regulations, 2021	Ministry of Lands and Physical Planning	(LN 236/2021)	02.12.2021	Approved on 09.12.2021
64.	The Physical and Land Use Planning (Special Planning Area) Regulations, 2021	Ministry of Lands and Physical Planning	(LN 249/2021)	02.12.2021	Approved on 09.12.2021

	Statutory Instrument	Regulation Making Authority	Legal Status	Date Tabled	Approval Status
65.	The Physical and Land Use Planning (Local and Physical Development Plan) Regulations, 2021	Ministry of Lands and Physical Planning	(LN 248/2021)	02.12.2021	Approved on 09.12.2021
66.	The Physical and Land Use Planning (Development Permission and Control) (General) Regulations, 2021	Ministry of Lands and Physical Planning	(LN 253/2021)	21.12.2021	Approved on 25.01.2022
67.	The Physical and Land Use Planning (Outsourcing of Professional Services) Regulations, 2021	Ministry of Lands and Physical Planning	(LN 252/2021)	21.12.2021	Approved on 25.01.2022
68.	The Physical and Land Use Planning (Development Control Enforcement) Regulations, 2021	Ministry of Lands and Physical Planning	(LN 251/2021)	21.12.2021	Approved on 25.01.2022
69.	The Physical and Land Use Planning (Liaison Committee) Regulations, 2021	Ministry of Lands and Physical Planning	(LN 250/2021)	21.12.2021	Approved on 25.01.2022
70.	The Designation of Basin Areas	Ministry of Water, Sanitation and Irrigation (Water Resources Authority)	(LN 235/2021)	21.12.2021	Approved on 27.01.2022
71.	The Controller of Budget Regulations, 2021	Officer of the Controller of Budget	(LN 254/2021)	21.12.2021	Approved on 25.01.2022





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