



REPUBLIC OF KENYA

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**TWELFTH PARLIAMENT - (FIFTH SESSION)  
THE NATIONAL ASSEMBLY  
COMMUNICATIONS FROM THE CHAIR**

*(No. 41 of 2021)*

**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**

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**Honourable Members,**

You will recall that, during the afternoon Sitting of the House on Tuesday, 5<sup>th</sup> October, 2021, the Member for Garissa Township, the Hon. Aden Duale, EGH, MP, rose on a Point of Order seeking deferment of the Second Reading of the Health Laws (Amendment) Bill (National Assembly Bill No. 2 of 2021), which intends to amend various health sector related statutes so as to improve efficiency and for better service delivery. The Hon. Duale indulged the Speaker to defer Second Reading of the Bill until the matter of the adequacy of public participation undertaken by the relevant Departmental Committee on the Bill; and the constitutionality of certain provisions contained in the Bill are determined. He claimed that, barring the determination by the Speaker of the two cited fundamental issues concerning the Bill in question, would make the House to proceed with a legislative exercise that was likely to be successfully challenged in court for being unconstitutional especially for want of adequate public participation.

**Honourable Members,** the concerns by the Hon. Duale elicited a lot of interest. The Members who weighed in on the matter raised by the Member for Garissa Township were the Leader of the Majority Party, the Majority Whip, the Hon. (Dr.) Eseli Simiyu, the Hon. T.J. Kajwang, the Hon. John Mose, the Hon. (Dr.) Otiende Amollo, the Hon. Peter Kaluma, the Hon. (Dr.) Robert Pukose, the Hon. Stephen Mule, the Hon. (Dr.) James Nyikal, the Hon. John Kiarie, the Hon. Jared Okello, and the Hon. Gideon Koske, among others. In their arguments, the members claimed that the proposed amendments, if carried, would substantially alter the composition of various statutory and regulatory boards and councils in the health sector and should therefore have been contained in separate Bills seeking to amend the relevant Statutes, rather than being brought through an *omnibus* Bill as is the case now. It was further claimed that the Bill was ill-intended, particularly because it sought to domicile control of the regulatory or statutory boards and councils in the Executive by excluding stakeholders and professional bodies from membership. This, it was claimed, is contrary to the provisions of Article 10 of the Constitution which places public participation at the core of our national values and principles of governance.

**Honourable Members,** you will agree with me that the matters raised by the Hon. Duale and other Members are weighty and would have merited the direction of the Speaker before any further action is taken on the Bill. However, I did guide, in the interim, that debate on Second Reading of the Bill proceeds in the event that the Order under which the Bill was listed in the Order Paper for that day was to be reached. My decision was based on the principle that, as your Speaker, my role is largely facilitative and not obstructive. Hence, I should, as much as possible, allow the House to proceed to transact its business unimpeded, even when reservations have been raised, as long as a decision is not taken until a determination of any substantive question raised by a Member is made.



**Honourable Members,** so as to guide the House appropriately, I have keenly reviewed the issues canvassed and isolated the following three (3) key questions as requiring my guidance –

- (1) Whether the proposed amendments contained in the Bill, either in part or in its entirety, are unconstitutional;**
- (2) Whether the proposed amendments contained in the Health Laws (Amendment) Bill transfigures the said Bill from an ordinary Bill to a Statute Law (Miscellaneous Amendment) Bill, or not; and,**
- (3) Whether the Departmental Committee on Health undertook the requisite and adequate public participation within the meaning and threshold of Article 118 of the Constitution and Standing Order 127(3) and whether there is a proper record of the exercise in the Report of the Committee.**

**Honourable Members,** so as to put the questions raised into perspective and for the benefit of those who are yet to interact with the Bill, permit me to first note that the Health Laws (Amendment) Bill, 2021 seeks to amend seventeen (17) statutes, namely—

- (1)** The Pharmacy and Poisons Act (Cap. 244);
- (2)** The Mental Health Act (Cap. 248);
- (3)** The Medical Practitioners and Dentists Act (Cap. 253);
- (4)** The Nurses Act (Cap. 257);
- (5)** The Kenya Medical Training College Act (Cap. 261);
- (6)** The National Hospital Insurance Fund Act No. 9 of 1998;
- (7)** The Medical Laboratory Technicians and Technologists Act No. 10 of 1999;

- (8) The Tobacco Control Act No 4 of 2007;
- (9) The Nutritionists and Dieticians Act No. 18 of 2007;
- (10) The Cancer Prevention and Control Act No. 15 of 2012;
- (11) The Public Health Officers (Training, Registration and Licensing) Act No. 12 of 2013;
- (12) The Kenya Medical Supplies Authority Act No. 20 of 2013;
- (13) The Counsellors and Psychologists Act No. 14 of 2014;
- (14) The Physiotherapists Act No. 20 of 2014;
- (15) The Health Records and Information Managers Act No. 15 of 2016;
- (16) The Clinical Officers (Training, registration and Licensing) Act No. 20 of 2017; and
- (17) The Health Act No. 1 of 2017.

**Honourable Members,** from a cursory reading of the *Memorandum of Objects and Reasons* of the Bill, the overarching import of the proposed amendments in the Bill is to alter the composition and the process of appointing chairpersons and/or members of various statutory or regulatory boards and councils in the health sector generally. I am inclined to believe that the Member for Garissa Township was moved by the worry that the proposed amendments had drastic ramifications on the architecture of the affected regulatory boards and councils in the health sector.

**Honourable Members,** allow me therefore now to address myself to the three issues that I distilled as requiring my determination, and I will commence with the issue of constitutionality whose determination may have a terminal effect on the consideration of the Bill.



From my understanding of the issues raised by the Member for Garissa Township, I am being invited to find that, to the extent that the Health Laws (Amendment) Bill, 2021 proposes to limit involvement of professional bodies and various sector stakeholders in statutory and regulatory boards in the health sector and domicile their appointment within the ambit of the Executive, the amendments are unconstitutional and therefore untenable as they negate the realization of the national values and principles of governance espoused by Article 10 of the Constitution.

**Honourable Members,** there is no contestation that Article 3 of the Constitution obligates me to respect, uphold and defend the Constitution. I would ordinarily therefore be required to forestall any affront to the Constitution by whichever manner, including legislation before this House if indeed the concerns raised by the Member for Garissa Township are valid. Having said that, let me emphasize that **the path of determining constitutionality or otherwise of matters under consideration by this House ought to be navigated with caution, lest the House be unnecessarily gagged from exercising its constitutional mandate.** As you are aware, I have previously hesitated to determine questions of constitutionality raised in this House. Even when I ruled on 19<sup>th</sup> September, 2019 that Clauses 50 and 51 be severed from the Finance Bill, 2019 for failure by the Cabinet Secretary to disclose in the accompanying memoranda that the two clauses would limit the right to privacy as required in Article 24 of the Constitution, I was categorical that the determination was **only related to the procedural defects in the manner in which the proposed amendments had been presented.** I also clarified that, at that stage, the question as to whether the two clauses would offend the Constitution if they were to comply with the standard of disclosure set in the Constitution and introduced as a separate Bill did not arise.

**Honourable Members,** I do not wish to deviate from my previous decisions on questions of constitutionality. As a matter of fact, the Speaker's respect for, upholding and defence of the Constitution is subject to the express provisions of Article 165 of the Constitution. For clarity, the said Article provides as follows, and I quote –

***165(3) Subject to clause (5), the High Court shall have –***

***(d) Jurisdiction to hear any question respecting the interpretation of this Constitution, including determination of***

***–***

***(i) The question whether any law is inconsistent with or in contravention of this constitution;***

Clearly, **Honourable Members,** the question of construing and interpreting the Constitution, including the authority to make a definitive determination as to the constitutionality or otherwise of any law rests within the exclusive province of the High Court. I am inclined to believe that the framers of our Constitution had good reasons for couching Article 165 of the Constitution to only make reference to law and not Bills. We all appreciate that a Bill in itself is not law until it successfully goes through the stages of law making, including the Committee of the Whole House, where it may be amended. It is my view that declaring a Bill unconstitutional while still undergoing consideration in the House is premature, given that the House still has room to correct any potentially unconstitutional provisions- perceived or real, by way of amendments at the Committee of the Whole House stage.

**Honourable Members,** I note that the Constitution grants the Members of this House an expansive legislative mandate, which should be jealously safeguarded. In this regard, I ought not to make decisions that would hinder or inhibit the House from executing its mandate.



Instead, I am duty-bound to facilitate the continuity of legislative business of this House even in the face of concerns like the one expressed by the Member for Garissa Township, provided that the matter is still within the province of the House and the House still has legislative power to rectify the concerns through amendment and voting. My views are buttressed by the provisions of section 72 of *Mason's Manual of Legislative Procedure*, (2010 Edition), which states as follows, and I quote-

1. *"The propriety and wisdom of a statute are questions exclusively for the legislature. The wisdom, justice and expediency of an act of the legislature is not subject to review by the Courts.*
2. *Before a statute can be declared unconstitutional, it must clearly and unavoidably appear to be beyond the power of the legislature. It is for the courts to decide whether there has been compliance with constitutional provisions and whether a bill of the legislature has become law."*

**Honourable Members,** I am persuaded that the House still has power to apply itself on the matters canvassed by the Hon. Duale by amending the Bill appropriately during the Committee of the Whole House or making a conscientious decision on the Bill in one way or the other. Further, it is not enough to simply claim that "a Bill is unconstitutional" without particularizing with specificity the basis of the claim. **No Member stated with specificity any provision in the Bill which offends a particular provision of the Constitution.** I am therefore hesitant to forestall consideration of the Health Laws (Amendment) Bill, 2021 on grounds of general unconstitutionality, as that may be construed on one hand as an attempt by the Speaker to unduly fetter the authority of the House and usurping the constitutional mandate of the High Court on the other hand. I believe, Honourable Members that this settles the second question.

**Honourable Members,** the **Second issue** also relates to whether the amendments proposed in the Health Laws (Amendment) Bill, 2021 are of a substantive nature requiring the publication of separate Bills for each affected statute instead of their publication in an omnibus format as presented to the House. The Courts and indeed myself have had previous occasion to address the question of the nature and scope of *omnibus* Bills. What is clear is that the courts have left the determination of the form of Bill to the province of Parliament. The courts are also on record as having found difficulties in establishing provisions of a Bill that would constitute miscellaneous *vis-à-vis* substantive provisions so as to make a determination as to whether such provisions sit well in a stand alone Bill or an omnibus Bill.

**Honourable Members,** this is not the first time that the House is considering a a Bill presented in an omnibus format. As you may be aware, it is the practice of this House to publish and consider bills making amendments to various statutes in an omnibus format. Miscellaneous or various amendments to several disparate statutes have been published on an annual basis in a Statute Law (Miscellaneous Amendment) Bill. Where the amendments proposed relate to a defined sector or theme such as finance or health, omnibus Bills such as the Finance Bill or the Tax Laws (Amendment) Bill have been presented to this House. Indeed, and for the record, this House has considered and passed Bills similar in form to the Health Laws (Amendment) Bill, 2021. They include, the Finance Bills, the Tax Laws (Amendment) Bills, 2020, the Land Laws (Amendment) Bill, 2020, the Business Laws (Amendment) Bill, 2019, the Land Value Index Laws (Amendment) Bill, 2018, the Health Laws (Amendment) Bill, 2018, just to mention but a few.

As a matter of fact, **Honourable Members,** the Bill under contestation was published in accordance with the practice and procedures of this House and processed in accordance with Standing Orders 114 and 114A.



You may also recall that I have previously ruled on questions as to whether proposed amendments contained in an *omnibus* Bill ought to be published as separate Bills. I remain of the considered view that any concerns over the substance of a Bill can only be addressed through the conduct of adequate public participation and exhaustive consideration of the proposals by the House. I have previously committed affected statutes in an omnibus Bill to their relevant Departmental Committees to facilitate public participation for this very reason. The test for the House is not the form of the Bill, but the manner in which it considers and interrogates the substance of the Bill before making any resolution. **It is my finding that the Health Laws (Amendment) Bill, 2021 is in order as to the format and style of the House and may be proceeded with. This settles the second question.**

**Honourable Members**, the **Third and final issue** is the question as to whether the Departmental Committee on Health did conduct adequate public participation within the meaning and threshold envisaged under Article 118 of the Constitution and Standing Order 127(3). From the outset, **Honourable Members**, you are aware that I have previously guided this House that, since the promulgation of the Constitution of Kenya 2010, public participation in legislative business is no longer optional. Article 118 of the Constitution is couched in mandatory terms and obligates Parliament, in this case the National Assembly, to facilitate public participation and involvement in the legislative and other business of Parliament and its committees. In my previous Rulings on questions of public participation, I have repeatedly underscored that public participation ought to be undertaken in a qualitative manner and not a quantitative or cosmetic ritual of ***ticking the box*** to satisfy the requirements of Article 118 of the Constitution and Standing Order 127.

**Honourable Members**, as you may recall, I have previously referred a Bill back to the relevant Committee and ordered fresh public participation where I was not satisfied that the threshold of public participation within the meaning of Article 118 was met. This was the case when I directed the Departmental Committee on Transport, Public Works and Housing to undertake fresh public participation on the National Aviation Management Bill, 2020, (National Assembly Bill No.18 of 2020). Indeed, the courts have also affirmed the mandatory nature of public participation and emphasized on its qualitative aspects to distinguish it from a ***mere consultation or a public relations exercise without a meaningful purpose***. In this regard, I need not revisit and belabour the meaning, scope and threshold of public participation.

**Honourable Members**, in arguing that the Departmental Committee on Health did not conduct adequate public participation within the meaning and threshold envisaged in Article 118 of the Constitution and Standing Order 127(3), the Hon. Aden Duale claimed that, and I quote –

*“... despite several bodies in the health sector, including the Kenya Union of Clinical Officers (KUCO) and the Kenya Clinical Officers Association (KCOA) - the bodies that regulate medical doctors, pharmacists and nurses, among others, in this country - submitting memoranda to be considered by the Committee, they can confirm to this House that the Committee in its Report completely disregarded their submissions. In disregard of Article 118 of the Constitution, **the Committee never considered one single memorandum, neither did it give some of those institutions and bodies an opportunity to appear before it to prosecute.**” [Emphasis]*



**Honourable Members,** I have perused the Report of the Committee on its consideration of the Health Laws (Amendment) Bill, 2021 and noted that, pursuant to Article 118 of the Constitution and Standing Order 127(3), the Committee rolled out the process of public participation by placing an advertisement in the print media on 11<sup>th</sup> March 2021, requesting for comments and memoranda from the public on the Bill within a period of seven (7) days.

**Honourable Members,** page 25 the Report of the Committee indicates that the Committee received a *Joint Memorandum* and individual memoranda from the following parties—

**(a) Parties to the Joint Memorandum**

- (1) Ministry of Health
- (2) Pharmaceutical Society of Kenya
- (3) Kenya Medical Association
- (4) The National Nurses Association of Kenya
- (5) Kenya Dental Association
- (6) Kenya Pharmaceutical Association
- (7) **Kenya Clinical Officers Association**
- (8) The Association of Kenya Medical Laboratory Scientific Officers
- (9) The Association of Medical Engineering of Kenya
- (10) The Kenya Association of Radiologists
- (11) The Public Health Society of Kenya
- (12) Environmental Public Health Association of Kenya

**(b) Individual Memoranda**

- (1) The Peoples Health Movement- Kenya
- (2) Christian Medical & Dental Association of Kenya
- (3) Kenya Progressive Nurses Association
- (4) Kenya Medical Association

- (5) Kenya Nutritionists and Dieticians Institute
- (6) Association of Medical Records Officers- Kenya
- (7) Health Records and Information Management Society
- (8) Health Systems Management Association
- (9) Society of Radiography in Kenya
- (10) Dr. Kahura Mundia
- (11) Dr. Magare Gikenyi
- (12) Ikacho Lokwee
- (13) Willis Okoth
- (14) Abraham Kimeli Kiplagat
- (15) William Komen
- (16) Rodgers Kwalera
- (17) Henry Cheruiyot
- (18) Faith Adhiambo
- (19) Japheth Ngeno
- (20) Milcah Koech
- (21) Rose Jepchirchir Bargoiyet
- (22) Nelly Jepngetich Tarus
- (23) Alice Jeruto Kimutai
- (24) Faith Cheruiyot
- (25) Mark Kiplimo Chepsiror
- (26) Kenneth Kibet Koech
- (27) Jane Mochache
- (28) Thomas Orwenyo.

**Honourable Members,** it is worth noting that in the letter dated 20<sup>th</sup> May 2021 submitting the Joint Memorandum to the Clerk, the Cabinet Secretary for Health is on record that that the Ministry had reviewed the Health Laws (Amendment) Bill, 2021 in consultations with stakeholders in the Health Sector.



He added that the Ministry had reached a consensus with a majority of the stakeholders on regulatory councils/boards as contained in the Joint Memorandum.

**Honourable Members**, over and above the public advertisement placed in the print media inviting submission of memoranda, the Committee, by way of a letter dated 20<sup>th</sup> April, 2021, invited key stakeholders in the health sector for a virtual stakeholder engagement on 22<sup>nd</sup> April, 2021. Having perused both the Report and the Minutes annexed to the Report, I can confirm that, far from the claims made by the Hon. Duale, the *Kenya Clinical Officers Association* was party to the *Joint Memoranda* submitted by the Ministry of Health on behalf of the parties to it. Further, Minutes of the meeting of the Committee held on 22<sup>nd</sup> April 2021 also confirm that the said association was present and did participate in the proceedings. With regard to the *Kenya Union of Clinical Officers*, Minutes of the foregoing meeting show that the Union was present at the meeting. While the Union is not listed in the Report as having submitted a separate memorandum, I am inclined to believe that by virtue of having been on record to have attended the hearings on 22<sup>nd</sup> April, 2021, it had the opportunity to canvas its views on the Bill.

I am also reliably informed that the Ministry of Health wrote to the Clerk of the National Assembly seeking to '*clarify and articulate the proposed amendments*'. The Committee and the Ministry held consultative meetings, physically on 17<sup>th</sup> August, 2021 and virtually on 31<sup>st</sup> August, 2021 before adopting the Report. From the foregoing, it is apparent that the Committee engaged most stakeholders in the health sector and afforded them the opportunity to make their submissions on the Bill. **What weight, if any, they gave to the submissions they received from the stakeholders, is what remains to be seen.**

**Honourable Members**, the qualitative aspect of public participation as espoused in Article 118 of the Constitution requires the House to receive views from the public, to consider such views and also to demonstrate such consideration in its final output. Indeed, the High Court recently observed in **Constitutional Petition No. E001 OF 2021 eKLR**, that, and I quote—

***"All parties interested in legislation should feel that they have been given a real opportunity to have their say, that they are taken seriously as citizens and that their views matter and will receive due consideration at the moments when they could possibly influence decisions in a meaningful manner. The objective is both symbolical and practical. The persons concerned must be manifestly shown the respect due to their concerned citizens, and the legislators must have the benefit of all inputs that will enable them to produce the best possible laws."***

Members are specifically enjoined by Article 10 of the Constitution to ensure the participation of the people when enacting any legislation. This obligates a Committee of the House to which a Bill is committed to undertake and demonstrate the discharge of two distinct tasks in its report to the House on a Bill. The Committee must first **INVITE** the public to participate in its consideration of the Bill. Such invitation introduces the public to the general content of the Bill and directs them on where to obtain a copy to allow them to review and comment on the Bill either in person or through written memoranda. The substance of the Bill under consideration and the urgency at hand shall guide the Committee in prescribing the period within which submissions are to be made. Second, the Committee must **CONSIDER** any representations it receives from the public on a Bill. The Committee must deliberate on the submissions received, record its view(s) on the submissions and indicate its decision or reasons (where possible) for either agreeing or disagreeing with the representations. This, ideally, is what would inform the recommendations it makes to the House.



**Hon. Members,** From a perusal of the Report tabled before the House, it is evident that though the Committee laudably applied itself to the tasks it was given by the House, it fell slightly short of the standards required. The Committee did **invite** the public to participate in its consideration of the Bill. The Committee gave **notice** for the public to submit memoranda and thereafter invited the key stakeholders it had identified to a virtual meeting and other meetings. The Committee did receive submissions from key stakeholders affected by the proposals in the Bill as well as other interested members of the public. Reading through the Part III of the Report, Members will note that the Committee took great lengths to record the submissions received from the public and concluded its Report by recommending amendments to various provisions of the Bill. **The only major gap that is apparent from the body of the Report is a commentary or a record noting how the Committee considered the submissions it received, its views on those submissions and reasons for either agreeing or disagreeing with the submissions.** Unless this omission is remedied, the assumption by members of the public and non-Members of the Committee shall remain **that the public participation conducted by the Committee was a mere perfunctory exercise without any bearing on the final outcome of the Bill.**

**Hon. Members,** the obligation to facilitate public participation in legislative processes can only be fully discharged if the public who take their time to either submit memoranda or make oral submissions receive adequate feedback from this House on such submissions. I do agree that not all submissions may be relevant. A submission may be outlandish. It may even not relate to the subject matter under consideration. It may propose expansion of a Bill in a manner that is prohibited under our Standing Orders. It may be untenable for the fact that it impacts current or future budgets in a manner that cannot be supported in the short or medium term.

Nevertheless, Parliament, as a House of record, must ensure that all such submissions are received, recorded and afforded clear and proper feedback. The feedback must address the question of whether the submissions will affect the legislative process and give reasons on the position taken by a Committee. It is the duty of each Committee to meticulously sieve the cocktail of submissions it receives and note the manner in which that exercise informs the recommendations that it makes to the House.

**Hon. Members**, this House makes laws that directly affect the people, hence the participatory approach to law-making required by the Constitution. We cannot expect the public to look favourably at laws made by the House when their input is disregarded without them being given the courtesy of a proper reason. **The Report of the Departmental Committee on Health on its Consideration of the Health Laws (Amendment) Bill, 2021 does not expressly indicate the manner in which it considered the submissions it received from the public or provide any reasons either in agreement or disagreement with the submissions. Consequently, it is my view that the conduct of public participation on the Bill is incomplete and wanting to that extent.**

**Hon. Members**, Before I conclude, you will recall that during debate on the matter that gave rise to this guidance, there arose the issue of whether a Minority report may be appended to a Committee Report on a Bill. This was alluded to by the Hon. Simiyu Esseli. I would not expect the Member for Tongaren, who is serving his third term in this House, to be misled on this matter. For the avoidance of doubt, Standing Order 199(5) provides, and I quote—

*"A report having been adopted by a majority of Members, a minority or dissenting report may be appended to the report by any Member(s) of the Committee."*



The Hon. Member therefore remains squarely within his rights as a Member of the Departmental Committee on Health to propose, cause drafting and have a Minority report included in the Report of the Committee for attention of the House.

**Honourable Members,** in summary, my considered *guidance* is as follows –

- (1) THAT,** The role of the Speaker in respecting, defending and upholding the Constitution is limited to the procedural aspects of the exercise of the mandate granted to the House by Article 95 the Constitution. The form, substance and manner in which the Health Laws (Amendment) Bill, 2021 was introduced in the House accord with the provisions of the Constitution and the Standing Orders of the House. The House remains at liberty to effect any changes it deems fit to the Bill in the exercise of its legislative mandate. The Constitution, however, reserves the powers to determine the constitutionality or otherwise of a resolution made by the House to the High Court;
- (2) THAT,** The Health Laws (Amendment) Bill, 2021 which seeks to amend various health related statutes and is presented in an *omnibus* format **is in order as to the form and style of the House;**
- (3) THAT,** In order to discharge the requirement to facilitate public participation under Article 118 of the Constitution and Standing Order No. 127, a Committee of the House to which a Bill is committed **MUST undertake and demonstrate** the discharge of two distinct tasks in its report to the House as follows—

(a) The Committee must **INVITE** the public to participate in its consideration of the Bill and prescribe an adequate period of time within which submissions are to be made. The period may be determined with reference to the substance of the Bill and the urgency of the matter under consideration; and

(b) The Committee must **CONSIDER** any representations it receives from the public on a Bill by deliberating on each submission received, recording its view(s) on the submissions and providing reasons for either agreeing or disagreeing with the representations in its Report.

(4) **THAT**, To the extent that the Report of the Departmental Committee on Health Laws (Amendment) Bill, 2021 does not expressly indicate the manner in which it considered the submissions it received from the public or provide any reasons either in agreement or disagreement with the submissions, the conduct of public participation on the Bill does not meet the threshold required by Article 118 of the Constitution and Standing Order No. 127;

(5) **THAT**, The Report by the Departmental Committee on Health on its Consideration of the Health Laws (Amendment) Bill, 2021 is hereby referred back to the Committee for regularization along the terms of this guidance. The Committee is at liberty to seek further engagement with the public on the Bill if need be; and,

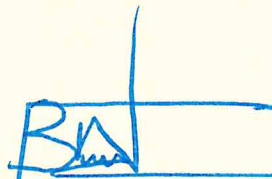


**(6) THAT,** The Committee should also address and attempt to resolve the concerns raised by part of its membership in the House with respect to the approach, value and **actualization** of the output of the stakeholder engagement exercise.

Having given this *guidance* and conscious that this Bill is one that concerns County Governments in terms of Articles 110 and 112 of the Constitution, the House will now await the Committee to resubmit its report to the House after complying with this *guidance* before resuming with its consideration at Second Reading. However, the final decision on the Bill and the form in which it will be passed ultimately lies with the House.

The House is accordingly guided.

**I thank you!**



**THE HON. JUSTIN B.N. MUTURI, E.G.H., MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**

Thursday, 21<sup>st</sup> October 2021