

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 14th November 2018

The House met at 2.30 p.m.

[The Speaker (Hon. Justin Muturi) in the Chair]

PRAYERS

Hon. Speaker: We may start.

PAPERS LAID

The Leader of the Majority Party?

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The Reports of the Auditor General and the Financial Statements in respect of the following institutions for the year that ended 30th June 2017 and the certificate therein:

- (a) Murang'a University of Technology;
- (b) Export Processing Zones Authority;
- (c) Kenya Bureau of Standards;
- (d) Kenya Industrial Estates Limited; and
- (e) Nzoia Sugar Company Limited.

The Reports of the Auditor-General and Financial Statements in respect of the following constituencies for the year that ended 30th June 2017 and the certificates therein:

- (a) Karachuonyo;
- (b) Bomachoge Borabu;
- (c) Matungu; and
- (d) Kilgoris.

Thank you, Hon. Speaker.

Hon. Speaker: The Chairperson, the Departmental Committee on Health or the Vice Chairperson.

Very well. I take it that they are not interested in tabling their Report. I thought this Report was ready. Hon. Nyikal mentioned to me that this Report is ready and I approved it yesterday. Well, the leadership is such that they do not know when the House sits. Hon. Nyikal, you may need to impress upon the leadership of your Committee that the House sits at 2.30 p.m. so that they do not come at 4.30 p.m. Well, tabling of the Report is deferred to tomorrow.

(Tabling of the Report deferred)

The Chairperson of the Departmental Committee on Finance and National Planning, Hon. Limo.

Hon. Joseph Limo (Kipkelion East, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

The Report the Departmental Committee on Finance and National Planning on its consideration of the Capital Markets (Amendment) Bill, 2018.

Thank you, Hon. Speaker.

Hon. Speaker: Was there a Report by the Departmental Committee on Administration and National Security that I approved yesterday? It was tabled in the morning. Very well.

Next Order.

Hon. Speaker: They say if you go to equity, equity does not help the indolent. If you sit on your rights, you cannot claim that you want to go to equity; you have been sitting on your rights. Let us go to Questions.

QUESTIONS

Question No. 155/2018

ILLEGAL ALLOCATION OF PUBLIC LAND

Hon. Speaker: The House sits at 2.30 p.m. not at 2.40 p.m. The first Question is by the Member for Starehe.

Hon. Members, Hon. John Mbadi will tell you there is an update on Questions and all the business pending before the House. I know how many Questions are pending. When a Member desires to ask a Question and decides to do other things in the villages... This is the Member for Starehe, he would be in the back streets. The Member is absent, so the Question is dropped. The Question should not be re-submitted until next Session.

Hon. David ole Sankok (Nominated, JP): Hon. Speaker...

Hon. Speaker: You can only do something on somebody's behalf with written permission from them. It is not just because you may smile and assume that because your teeth look very bright, the Speaker will allow. Even if you are nominee 001, you will not be allowed.

The next Question is by the Member for West Mugirango, Hon. Vincent Kemosi Mogaka.

(Question dropped)

Question 156/2018

MEASURES TO ADDRESS POWER OUTAGES IN WEST MUGIRANGO CONSTITUENCY

Hon. Vincent Kemosi (West Mugirango, FORD-K): Thank you, Hon. Speaker, I wish to ask the Cabinet Secretary for Energy the following Question:

a) What is the cause of frequent and persistent power blackouts in West Mugirango Constituency and in particular the Nyamira County Headquarters, entire Nyamira and Kebirigo Towns as well as Mosobet Markets among other centres?

b) What measures is the Ministry putting in place to ensure that these frequent and persistent power outages are addressed?

Hon. Speaker: Very well, the Question is directed to the Departmental Committee on Energy to prioritise.

The next Question is by the Nominated Member, Hon. Godfrey Osotsi.

Question No. 158/2018

MECHANISMS TO PROTECT PRINT MEDIA SUB-SECTOR FROM COLLAPSE

Hon. Godfrey Osotsi (Nominated, ANC): Thank you, Hon. Speaker. I wish to ask the Cabinet Secretary for Information, Communication and Technology Question No. 158/2018.

a) Is the Cabinet Secretary aware that there is a decline in print media sales due to increasing preference for online media services including online newspapers and social media platforms among others?

b) In light of (a) above, what mechanisms has the Ministry put in place to protect the print media sub-sector from collapse?

c) Can the Cabinet Secretary provide accurate information on the negative economic impact of declining print media sales specifying number of jobs lost, income loss and reduction of tax income?

Hon. Speaker: Very well, the Question is referred to the Departmental Committee on ICT to prioritise.

(Hon. Charles Njagua consulted the Chair)

Let me just tell the Member for Starehe who is bending here that he is wasting his time. I am not in the group that changes their mind that easily. That matter is over. That is what I encourage Committee chairs to do. Be firm, once you make a decision, it is over. The Question was dropped and that matter is dead.

Leader of the Minority Party, what is the issue?

Hon. John Mbadu (Suba South, ODM): I totally agree with you, but I just want to draw from tradition when we used to have Question Time and seek your indulgence under Standing Order No. 1. We used to go through the Questions then you would come back one more time to allow Members who probably, for some reason were delayed, to ask Questions. I am seeking your indulgence bearing in mind that for a Member to bring a Question, it must be something that is really hurting the constituents. I am just pleading with you, I know there is no compulsion that you have to do it, but I am just drawing from tradition, what I used to see then. It is a while since we had that.

Hon. Speaker: Fortunately, those to respond then were in the House. Now they are not in the House and we do not want to hold the House because of people who decide to do other things instead of coming to the House. So, if a Member is not present when his Question is called out once or twice, then it is dropped and the matter is over. Maybe what he was doing was more important than the Question. So, you make a choice. The next Question is by the Member for Kirinyaga Central, Hon. John Munene Wambugu.

Question No. 159/2018

STATUS OF IMPLEMENTATION OF THE CROPS (FOOD CROPS) REGULATIONS

Hon. Munene Wambugu (Kirinyaga Central, JP): Thank you, Hon. Speaker, my Question is directed to the Cabinet Secretary for Agriculture and Livestock.

a) What is the status of implementation of the Crops (Food Crops) Regulations of 2015, specifically regulation 26(3) on the marketing requirement on unit of measurements?

b) What plans have been put in place to cushion farmers from middlemen who fail to adhere to the law relating to packaging of units above 50 kilogrammes?

c) What measures has the Ministry put in place to enable farmers to access markets directly?

Hon. Speaker: Very well, that Question is referred to the Departmental Committee on Agriculture and Livestock to prioritise. The next Question is by the Member for Kikuyu Constituency, Hon. Kimani Ichung'wah, Question No. 160 and Chair of the Budget and Appropriations Committee. The Member is absent so the Question is dropped.

Question No.160/2018

PROJECTS UNDERTAKEN BY THE MINISTRY IN THE LAST THREE FINANCIAL YEARS

(Question dropped)

Next Question is by nominated Member, Prof. Jacqueline Oduol.

Question No. 163/2018

IDENTIFICATION AND DOCUMENTATION OF INDIGENOUS SYSTEMS ON
CRITICAL AREAS OF DEVELOPMENT

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Thank you, Hon. Speaker. I beg to ask Question No. 163/2018 which I raise to the Cabinet Secretary for Sports and Heritage.

a) What steps is the Ministry taking to identify and document indigenous systems on critical areas of development particularly on food security, conflict resolution, good governance, courtship and marriage, child protection, gender equality and climate change?

b) What policy steps is the Ministry taking to enable children and youth to receive systematic instructions and understanding of their cultural identity, value beliefs and practices while ensuring that retrogressive norms and aspects do not infringe on their human dignity and ability to be productive members of the society?

Thank you, Hon. Speaker.

Hon. Speaker: That is a very interesting Question. I would want to know what steps the Ministry is taking particularly on the issues of good governance, courtship and marriage. I will be keen to receive the answer. Prof. Oduol, we must thank you for reminding us that this is an important aspect of our Constitution.

Hon. T. J. Kajwang' is particularly happy about the courtship on the measures taken to identify good methods, marriage and courtship, more particularly indigenous systems. It is very important. It is part of the constitutional requirements under the Bill of Rights.

Next Order! Hon. Washiali, what is your point of order?

Hon. Benjamin Washiali (Mumias East, JP): On a point of order, Hon. Speaker. Please protect me from my boss.

Hon. Speaker: No, you do not need protection.

Hon. Benjamin Washiali (Mumias East, JP): He is interrupting me. I have been keenly listening to the way we ask Questions in this House. Hon. Speaker, I just want to find out from you, with your permission, if there is any logic for a Member who sits in a Committee that oversees a certain Cabinet Secretary to ask him or her, a Question. I do not know whether I am making sense.

For example, I am a Member of the Departmental Committee of Environment and Natural Resources or Departmental Committee on Agriculture and Livestock, then, I ask a Question as a Member of this House yet, I have an opportunity to meet the Cabinet Secretary in charge of Agriculture in many other forums.

Hon. Speaker: There is a lot of logic. You have given an example that one can be a Member of the Departmental Committee of Environment and Natural Resources or Departmental Committee on Agriculture and Livestock, but you do not oversee the Cabinet Secretary about the roads in your village. Oversight is not just about things in the village. When the Cabinet Secretary comes before your Committee he or she does not come there to discuss the roads in your constituency only. The Cabinet Secretary appears before the Committee maybe to discuss Bills or Petitions. We cannot deny a Member of a Committee the right to ask a Question to a Cabinet Secretary merely because the Member might...What if the Cabinet Secretary does not see that Member when he appears before the Committee? The only recourse the Member has is to ask a Question so that the Cabinet Secretary who has been avoiding him will now have no option but to appear and face that Member head on before the Committee. I think it is proper.

Hon. John Mbadi (Suba South, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Hon. John Mbadi, you have a point of order?

Hon. John Mbadi (Suba South, ODM): On a point of order, Hon. Speaker. It is just on the same because when Cabinet Secretaries appear, they come for specific issues. The letter that invites them is on specific issues. You cannot digress and start discussing your village issues with a Cabinet Secretary who has come on other issues. So, it is important that any Member can ask a Question anytime to the Cabinet Secretary so that it is addressed specifically. It is also good to have recorded documents to demonstrate that there was a commitment. When we walk out in the corridors and he promises me a 100 kilometers of tarmac road, I do not have a way of following-up that matter.

Hon. Speaker: That is absolutely true. Next Order!

PROCEDURAL MOTION

RESOLUTION TO HOLD SITTINGS ON SPECIFIED THURSDAY MORNING

Hon. Speaker: The Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker I beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Standing Order 30(3)(b), this House resolves to hold Morning Sittings on the following days commencing at 9.30 am for purposes of considering priority business-

- (i) Thursday, November 15, 2018.

- (ii) Thursday, November 22, 2018, and,
- (iii) Thursday, November 29, 2018.

On behalf of the House Business Committee (HBC), we looked at the calendar of the House for this Session and saw that the last day the House will transact business will be on 6th December 2018. This means that we only have two weeks remaining. Looking at the status of business pending in terms of Bills, Reports and Petitions, the HBC, under your leadership felt that we can have morning sittings beginning tomorrow so that we can dispense with all the pending Reports of Committees and Bills.

In essence, if we do not do that these Bills and Committee Reports will lapse as per our Standing Orders. We felt that by the time we are leaving on 6th December, we should have cleared everything on our Table, whether it is Bills, Petitions, Reports of important Committees, Motions and even Questions to Ministers. That is why even this morning the Public Accounts Committee (PAC) has tabled the audited accounts for 2014/2015 Financial Year. We also have the 21st Report of the Public Investments Committee. We have very critical Bills like the National Youth Service Bill which is on the Order Paper this afternoon and will be read First Time.

We felt that the Thursday morning sittings, if the House agrees with us, will be used to deal with matters before Committees in terms of Bills, Committee Reports, treaties and protocols which are before the Departmental Committee on Health, Departmental Committee on Defence and Foreign Relations and the Departmental Committee on Finance and National Planning among other Committees. That was the essence and genesis and I will ask the Leader of the Minority Party, who is a Member of the HBC, to second.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Speaker. It is, indeed, true that we sat as the HBC and realised that we have quite a number of Bills which are very urgent like the National Youth Service Bill...

(Loud consultations)

Hon. Speaker: Hon. Members, I think it is only fair because you will make a decision on this matter. It is good to listen so that you can make a decision from information and knowledge.

Hon. John Mbadi (Suba South, ODM): We realised in the HBC that we have a number of Bills, Reports and other matters that were very important. We want to transact them before we go on recess on 6th December and this is going to be a long recess of two months. If you look at Order No.9, it is the National Youth Service Bill which will be read First Time. It is very critical in terms of reforming the NYS to help alleviate the problem of unemployment in this country.

There is the Parliamentary Service Commission Bill which again has been with us from 2010. We also have the Constitution of Kenya (Amendment) Bill on the two-thirds gender principle which I think is very critical and is likely to come for Second Reading next week. We have the PAC Report, as the Leader of the Majority Party has mentioned. We all know that we have been complaining about PAC delaying their Reports. They have gone to the extent of delaying the formula for division of revenue allocation. The Report is with us and we want to dispose it before we go for recess. There is PIC Report which is touching on parastatals and many other issues. I think it will not be asking for too much from this House to allocate these three Thursday mornings starting tomorrow and then the three subsequent Thursdays, so that we can transact more business. This is a Procedural Motion and I do not want to say much more

beyond that but plead with the House to agree with the HBC in their request to create more sittings for us.

Thank you, Hon. Speaker, I second.

Hon. Speaker: Member for Bura!

(Question proposed)

Hon. Members: Put the Question.

Hon. Speaker: Is it the desire of the House that I put the Question?

Hon. Members: Yes.

Hon. Speaker: Of course, I do not want to remind you about the famous quote by Speaker Lenthall in 1642. I am sure you know it now. I put the Question.

(Question put and agreed to)

Hon. Members it, therefore, means that starting tomorrow for the next three Thursdays, there will be morning sittings. This is not to say that Committees which had scheduled business will not sit. The Chamber starts at 9.30 a.m. I am sure, by practice, most Committees start their sittings the hour of 10.00 a.m. and sometimes 11.00 a.m. and sometimes 10.30 a.m. So, you can see there is still room for Members to participate here in the plenary before they go to the Committees. This is for everybody's information even those who are not present to know that starting tomorrow, there will be morning sittings up to and including 29th of this month.

Next Order!

BILL

First Reading

THE NATIONAL YOUTH SERVICE BILL

(Order for First Reading read - Read the First Time and ordered to be referred to the relevant Departmental Committee)

Hon. Speaker: Next Order!

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Speaker (Hon. Justin Muturi) left the Chair]

IN THE COMMITTEE

[The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu) took the Chair]

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Order, Hon. Members! Hon. Members, we are in the Committee of the whole House to consider the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 12 of 2018).

Before we commence, let us have the Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairlady, I think you need to make it very clear that people should go and get the Order Paper. They must have the Bill. This is because there is a culture of always asking you which page you are. All of us here are Members of Parliament. Get the Order Paper and follow from the beginning so that we move smoothly.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Members, having listened to the Leader of the Majority Party, I stress on the number of the Bill for you to be able to get the right Bill. This is the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 12 of 2018).

THE JUDICATURE ACT, CAP 8

The Judicature Act, Cap. 8, Section 2

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let us have the Mover, Hon. William Cheptumo, to move his amendment on Section 2.

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Judicature Act by –

(a) deleting the words “and includes a judge serving in an acting capacity” appearing in the proposed new definition of the word “Judge” in the proposed amendments to section 2;

The justification for that amendment is that the Committee observed that the amendment seeks to redefine the term “Judge” and it was satisfied that the Constitution does not contemplate for the appointment of acting judge. The amendment seeks to remove the offending aspects of the proposal in the Bill.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): No one wants to contribute to this. I move to put the Question.

*(Question, that the words to be left out
be left out, put and agreed to)*

(Section 2 as amended agreed to)

The Judicature Act, Cap. 8, Section 3, Paragraphs 1 and 2

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Judicature Act by –

(b) deleting the proposed amendments to section 3 and substituting therefore the following—

s.3(1) Delete the words “the High Court, the Court of Appeal” and substitute therefore the words “the Supreme Court, the Court of Appeal, the High Court, the Environment and Land Court, the Employment and Labour Relations Court”

(2) Delete the words “the High Court, the Court of Appeal” and substitute therefore the words “the Supreme Court, the Court of Appeal, the High Court, the Environment and Land Court, the Employment and Labour Relations Court”

Hon. Temporary Deputy Chairlady, the rationale for this amendment is that the Committee recommends a further amendment to Section 3(1) to include the Supreme Court. The reasoning is that the amendment will align Section 3(1) of the Act with the Constitution by making reference to all courts in Kenya established by the Constitution, including the Supreme Court. That is the rationale of the amendment.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Yes, Hon. Makali Mulu.

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Chairlady. I support this amendment because what it is doing is to make sure that the new structure in terms of the High Court is actually mainstreamed with the Act. So, I support.

(Loud consultations)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Order, Hon. Members! Order, Leader of the Majority Party and Hon. Kajwang’. Thank you.

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Section 3 as amended agreed to)

(Provisions relating to the Judicature Act, (Cap. 8) as amended agreed to)

THE OATHS AND STATUTORY DECLARATIONS ACT (CAP.15)

The Oaths and Statutory Declarations Act, Cap.15, Section 12

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): There is an amendment by Hon. Cheptumo. Order! We must be led on the section that we are amending.

Hon. William Cheptumo (Baringo North, JP): We are amending Section 12.

Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Oaths and Statutory Declarations Act by deleting the words “and a Deputy Registrar” in the proposed amendment to Section 12 and substituting therefor the words “a Deputy Registrar, a Deputy Registrar of the Environment and Land Court and a Deputy Registrar of the Employment and Labour Relations Court.”

The rationale for this proposed amendment is that the Committee was satisfied that the Deputy Registrar of the Employment and Land Labour Relations Court and the Environmental and Labour Relations Court, who have similar ranking as Deputy Registrars of the High Court, also administer oaths hence the law be amended to reflect this position. This is just to realign the position.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted,
put and agreed to)*

(Section 12 as amended agreed to)

(Section 13 agreed to)

*(Provisions relating to the Oaths and Statutory Declarations Act, Cap.15
as amended agreed to)*

THE ADVOCATES ACT, CAP.16

The Advocates Act, Cap.16, Section 11(4)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): The Mover should move the amendments to Section 11(4). Leader of the Majority Party, Hon. Cheptumo will move his amendment then you will move yours. Hon. Cheptumo, We are considering provisions relating to the Advocates Act (Cap.16). Even if your amendment is the first one, the Leader of the Majority Party is deleting the section. His amendment takes precedence. Leader of the Majority Party, since your amendment is a deletion, you can execute it.

Hon. Aden Duale (Garissa Township, JP): The Chair of the Departmental Committee on Justice and Legal Affairs has been away from the Committee of the whole House. My amendment seeks to delete.

Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended by deleting all the proposed amendments to the Advocates Act.

This is the last time I am telling you the page. I hear Hon. Mbadi asking me to tell him which page we are on. I am not your tutor. The Committee is of the same view and the originator of the Bill, the Attorney-General of the Republic of Kenya, through a letter dated 22nd August 2018, also confirmed that we delete and drop that amendment. I, therefore, drop that amendment. That is the position of the Committee.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Leader of the Majority Party, you have dropped your proposed amendment. Your proposal was to delete all the proposed amendments to the Advocates Act. Do you propose to delete all of them? Are you dropping your amendment or deleting the proposed amendments to the Advocates Act?

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairlady, as per the Order Paper, I ask that Section 11(4) of the Advocates Act (Cap.16) be deleted. In my justification, I said we are dropping this amendment because the Departmental Committee on Justice and Legal Affairs, in their submission to the House, asked for a deletion. The Attorney-General of the Republic of Kenya, through a letter, also asked that we delete this section.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Is it only Section 11 (4)? What about the others?

Hon. Aden Duale (Garissa Township, JP): No. The Order Paper states that I am deleting all the amendments relating to the Advocates Act.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Are you dropping the deletion of all the amendments or just Section 11(4)?

Hon. Aden Duale (Garissa Township, JP): All of them.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Members, it is good for purposes of record. All the proposed amendments by Hon. Duale as per the Order Paper have been dropped. His amendment was to delete all the proposed amendments to the Advocates Act. That brings us back to the amendments by the other Members. If his proposal to delete was carried, the other Members would not have proposed their amendments. That is the position.

Let us have Hon. Kajwang’.

Hon. T.J. Kajwang’ (Ruaraka, ODM): Hon. Temporary Deputy Chairlady, I follow the Leader of the Majority Party but I do not see a corresponding explanation that the Chair is proposing to delete. I have the Order Paper and in it, the Chair is not proposing deletion of Section 11(4).

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): After the discourse, Hon. Duale was proposing to delete the proposed amendments to the Advocates Act. He has gone on record as dropping his amendment. Hon. William Cheptumo, will move his proposed amendments to Section 11(4) and will justify his proposed amendment. Chair, maybe you can go on record with your consultations. You do not have an amendment to Section 11(4).

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairlady, it is important for the Members to know that I have proposed amendments as per the Order Paper. That is the first one.

Hon. Temporary Deputy Chairlady, we need to note that there are several amendments to that Act in the Order Paper. Upon discussion with the Leader of the Majority Party and noting that he is the sponsor of this Bill, we have agreed that I drop my amendments to Section 11(4) of the Bill.

(Proposed amendments by Hon. William Cheptumo dropped)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Cheptumo, which amendments have you dropped? We cannot find them on the Order Paper.

Hon. William Cheptumo (Baringo North, JP): They are there. They are on Page 1463.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Do you have Floor amendments. It is only Hon. Duale's amendments we can see on that page, Hon. Cheptumo.

Hon. William Cheptumo (Baringo North, JP): I am not talking about my amendments. I am talking about the ones by the Leader of the Majority Party.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): You are owning Hon. Duale's sentiments. Thank you. Very well. Hon. Kajwang'.

Hon. T.J Kajwang' (Ruaraka, ODM): We need to be together. I have understood the Leader of the Majority Party. It needs to come to the record very well that he is prosecuting his amendment which is to delete those sections. He is in agreement with the Chair that his amendments are good for the country and law.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): That is why he is dropping them.

Hon. T.J Kajwang' (Ruaraka, ODM): We thought that he is dropping his amendments. We did not understand that he was dropping his own amendments. That needs to be very clear. The Chairman is not proposing any amendments to Section 11(4) and Section 19. In other words, if they go the way they are without the Leader of the Majority Party's amendment, then it will be according to the Bill. The Leader of the Majority Party is intending to delete and we want to support it. We want to be very clear where we are.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Kajwang', the Leader of the Majority Party is on record.

(Hon. T. J. Kajwang' spoke off record)

Yes, you were confused. He dropped his amendments.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairlady, at times, Hon. T. J. acts for some litigants in the House. So, he was busy. In the Order Paper on Page 1464, I moved that in the Schedule all the proposed amendments to the Advocates Act be deleted. That is what Hon. T. J. wants to hear. I have deleted them. I have given the reasons I am deleting. Chair, can we move?

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Leader of the Majority Party, you are confusing Hon. Kajwang'. Have you dropped or deleted the proposed amendments?

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairlady, we are guided by the Order Paper on Page 1464.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Leader of the Majority Party, are you moving to delete, drop or withdraw the amendments?

Hon. Aden Duale (Garissa Township, JP): I am moving to delete all proposed amendments to the Advocates Act.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): You are right. Hon. Kajwang' was right. Leader of the Majority Party was not dropping the amendments. It is good you have moved the deletion of the proposed amendments.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

(Section 11(4) deleted)

Hon. Members, guided by the adoption of the House on the deletion, proposed amendments by Hon. William Cheptumo fall. Amendments to Section 46 by Millie Odhiambo, and Sections 57 and 58 by William Cheptumo fall. All of them are deleted.

*(Proposed amendments by Hon. William Cheptumo
and Hon. (Ms.) Odhiambo Mabona dropped)*

(Provisions relating to the Advocates Act, Cap.16, agreed to)

THE PUBLIC ARCHIVES AND DOCUMENTATION SERVICE ACT, CAP.19

The Public Archives and Documentation Service Act, Cap.19, Section 2

Hon. (Dr.) Victor Munyaka (Machakos Town, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Public Archives and Documentation Service Act (Cap. 19) by deleting the proposed amendment and substituting therefor the following amendment—

s.2 Insert the following new definition in its proper alphabetical sequence—

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to culture and national heritage”.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Give justification or import to your amendment.

Hon. (Dr.) Victor Munyaka (Machakos Town, JP): Hon. Temporary Deputy Chairlady, this is just to align the provision to the Constitution 2010. It is a matter of definition of “Cabinet Secretary”.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Section 2 as amended agreed to)

(Provisions relating to the Public Archives and

Documentation Service Act, Cap.19 as amended agreed to)

THE CIVIL PROCEDURE ACT, CAP.21

(Sections 11, 21, 40 and 65(1)(b) agreed to)

The Civil Procedure Act, Cap.21, Section 81

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let us Have Hon. William Cheptumo moving Section 81.

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to section 81 of the Civil Procedure Act by deleting the proposed new paragraph (vi) and substituting therefor the following—

“(vi) eight advocates nominated by the Law Society of Kenya to represent each of the branches of the Society established under section 24 of the Law Society of Kenya Act,2014.”

The justification of the amendment is that the Committee found that having three advocates in the Civil Procedure Committee to represent all advocated practising in Kenya does not adequately cater for the unique needs of each region of the country. There is need for more representation from advocates practising throughout the country. It is to expand the numbers so that we have adequate representation of all regions of our country.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Leader the Majority Party.

Hon Aden Duale (Garissa Township, JP): The Chairman and his Committee are trying to, in very simple language, seek to increase representation of the Law Society of Kenya (LSK) Rules Committee from the current two members, representing LSK and Mombasa Branch to eight advocates representing each of the branches of the society. So, it is just increasing the LSK representation.

Hon. John Mbadi (Suba South, ODM): Hon. Temporary Deputy Chairlady, I have a problem with having a crowd in the name of the Rules Committee. I do not know why we are still fixated with this mentality of eight provinces in the country. Why can we not collapse some of those branches and have representation instead of always thinking because we had eight provinces we must have eight representatives? It causes a lot of mess. Even when we want to appoint members of the Independent Electoral and Boundaries Commission (IEBC) we have to have eight plus one and other commissions the same thing applies. This ethnicises some of the committees instead of

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Leader of the Minority Party, are you supporting the amendment? Go on record.

(Hon. John Mbadi spoke off record)

Let me give a chance to Hon. Omulele

Hon. Christopher Omulele (Luanda, ODM): Hon. Temporary Deputy Chairlady, the rationale behind increasing the number to eight is because the Advocates Act in itself was amended in 2014 to give foundation to eight branches. So, the eight branches need to be represented in this. That is why we have the amendment to align it to the Law Society Act, 2014.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Do you support the amendment?

Hon. Christopher Omulele (Luanda, ODM): I support.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let us have the last one from Hon. Kajwang'. He seems to have a burning issue.

Hon. T.J. Kajwang' (Ruaraka, ODM): First of all, let me inform the Leader of the Minority Party that there are a few things he should leave to the experts and consumers so that we understand.

This amendment is good because it allows the branches to participate through the people they nominate in the society. I only want to ask the Chair because I am not in the Committee and we are seeing this for the first time, would it not be prudent if he amends his amendment further to say that each of the eight advocates should be nominated by their own branches so that you do not have the Law Society sitting in Nairobi and nominating people for those respective branches? This is the special problem the Mombasa Law Society always had. That is why the Bill is very specific that members of Mombasa Law Society would themselves nominate somebody. Would the Chairman consider a further amendment so that the branches themselves nominate members who sit in the LSK?

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Are you supporting?

Hon. T.J. Kajwang' (Ruaraka, ODM): I support but with further amendment.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let me have Hon. Pukose.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Temporary Deputy Chairlady. I would prefer where the LSK is nominating for a branch, the branch to nominate a member to represent it. I am in agreement with the "Chief Justice." I am surprised that he is not a Member of the Departmental Committee on Justice and Legal Affairs.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Before you take a vote on this, Hon. Cheptumo, do you want to clarify something for Members to make a decision?

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairlady, the spirit of the amendment as raised by Hon. Kajwang' is to ensure that every region of LSK in the country is represented. In our Report, we said that all branches may therefore nominate a representative in the Rules Committee. This is important because each region faces unique challenges and has practitioners of civil procedure rules. Each voice from the regions ought to be represented in the committee. This is the spirit of what my colleague has said.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Before I put the Question, let us have the Member for Wajir North.

Hon. Ibrahim Ahmed (Wajir North, ODM): Hon. Temporary Deputy Chairlady, I differ with my colleagues. I believe in the idea that variety of ideas come from mixed group of people. Concentration of only Luhyas will result in one point of view. In view of this, I oppose this amendment.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Allow me to put the Question.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Chairlady, I beg for your guidance. I would have wished that there would be a further amendment. We are interacting with this for the first time. Is it possible that we could do a few things then we can...

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): You know the procedures. Hon. Kajwang', I thought you would convince the Chair. That is why I gave chance to more Members in comparison with the other amendments.

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Section 81 as amended agreed to)

(Provisions relating to the Civil Procedure Act, Cap.21 as amended agreed to)

THE LAW OF CONTRACT ACT, CAP 23

The Law of Contract Act, Cap.23, Section 3

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to Section 3 of the Law of Contract Act.

The reason is that we have a law before the House called the Government Contracts Act. Secondly, after the Committee tabled their Report, of which they had a number of issues, the Attorney-General, through a letter dated 22nd August 2018 also asked that the section be deleted because it touches on a very fundamental section; it is not a minor amendment that can be put in a miscellaneous law. I consulted with the Chair of the Departmental Committee on Justice and Legal Affairs.

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

(Section 3 deleted)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Members, we had other amendments that were proposed by Hon. Cheptumo and by Hon. Millie Odhiambo. Now that Hon. Duale's amendment was carried, the others are taken care of.

(Provisions relating to the Law of Contract, Cap. 23, agreed to)

THE FOREIGN JUDGMENT (RECIPROCAL ENFORCEMENT) ACT, CAP 43

The Foreign Judgment, Reciprocal Enforcement) Act, Cap.43, Section 2

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): I see no amendment to this one. Yes, Hon. Kajwang’.

Hon. T.J. Kajwang’ (Ruaraka, ODM): It would seem that this particular section did not go to the Committee or there was no public participation. The Chair does not have it either in his Report or in his submissions. I have looked at the Report and I do not see it.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. T.J. Kajwang’, as much as you may be interested in seeing any amendment, it has passed to the stage that we are at. We have no amendment to this section 2.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairlady, we are guided by the Order Paper. Where there is no amendment, there is no amendment. Where there is amendment, there is amendment. Hon. T.J. is asking why there is no amendment. That question should have been asked before the beginning of this session. As we go on, you will meet many of them. The Committee did public participation. If they are happy with the amendment on the Bill, they do not need to raise any amendment.

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairlady, I just want to confirm that the Committee went through this law and we did not recommend any amendment to the section.

(Section 2 agreed to)

(Provisions relating to Foreign Judgment (Reciprocal Enforcement) Act, Cap. 43 agreed to)

THE PROBATION OF OFFENDERS ACT, CAP 64

The Probation of Offenders Act, Cap.64, Section 2

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Probation of Offenders Act by –

(a) in the proposed amendment to section 2 by deleting the word “social” and substituting therefor the word “pre-sentence” in the proposed new definition of the term “social inquiry report”;

The terminology in the substantive provision in the law is “pre-sentence report” hence the definition ought to define that term. If left as it is, the social inquiry report will be misplaced and confusing especially with regard to its usage in the subsequent section. A social inquiry report is a generic term used to indicate its orientation and therefore would be inappropriate to define it there.

The basic terminology is “pre-sentence inquiry report”. We had to invite the officer in charge of this programme to be able to understand this process. This is the basic definition. It is just to realign the definition of these words.

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Section 2 as amended agreed to)

The Probation of Offenders Act, Cap.64, Section 4 (1) and (2)

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Probation of Offenders Act by –

(b) inserting the following new amendments to section 4 —

s.4(1) Delete the word “youth” and substitute therefor the word “age”

s.4(1) Delete the word “youth” and substitute therefor the word “age”

The rationale of this amendment is that the term “social inquiry” in the proposed section 7 should be accordingly rectified to read “pre-sentence.” As it is presently in Section 4 of the Probation of Offenders Act, it provides for the court’s power to permit conditional release of the offender upon taking consideration of various factors such as youth, character, home surroundings, health and mental condition. Just like in the first amendment, these are terms that can easily be confused if not realigned with Section 7 of the Act. So, it is just to make it easier for the courts to refer to those terms.

(Question of the amendment proposed)

Hon. Aden Duale (Garissa Township, JP): I have listened to the Chair. He is a bit very confusing. I think what he means in Section 4(1) and (2) is he is deleting the word “youth” and substituting it with “age” so that this empowers the courts to consider age as a factor when granting court probation orders. That is exactly what he means.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): We are dealing with Section 4. Hon. Member for Funyula, is it on this?

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Section 4(1) and (2) as amended agreed to)

The Probation of Offenders Act, Cap.64, Section 5(1)

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Probation of Offenders Act by -

(c) inserting the following new amendments to section 5 —

s.5(1) Delete the word “district” and substitute therefor the word “County”

The rationale is to remove reference to the word “district” which is an obsolete terminology, as districts no longer exist, and replace with the word “county”.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): I will propose the Question before giving opportunity to the Leader of the Majority Party.

(Question of the amendment proposed)

I can welcome a few comments. Yes, Hon. Member for Suba South and Leader of the Minority Party?

Hon. John Mbadi (Suba South, ODM): I would want the Chair to come out so clearly. Before the creation of counties, we had districts which were not necessarily the current county geographical areas. If the word “district” was applicable then and make it “county”, would it not inconvenience? Why are we substituting the words as if we transformed districts to counties? I am a bit at a loss why the word “district” has become untenable. I am opposing, unless I am convinced otherwise.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): The Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): I really want to ask the Chair to drop that amendment. It is not proper when you remove “district” and substitute with “county”. Districts exist in law. Our constituencies are sub-counties, in other words districts. There can be more districts in a county. So, Chair, please. We do not want to rub shoulders the wrong way. Some of us have issues with counties. The word “county” will give us constipation. Let us remain with our “district”. I ask the Chair to drop that amendment. Leave it the way it is in the Bill.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Member for Emuhaya, what do you have to say on this?

Hon. Omboko Milemba (Emuhaya, ANC): I would want to support the earlier speaker, Hon. Duale, on what he has just said. It is because the district is a smaller place. If you substitute it with a county, it can really be misused because there are several districts within a county. Suppose we are allocating resources using this law, it can really disadvantage. So, we either amend it so that it is “district for sub-county” or something like that.

Thank you, The Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let me hear from the other side. Hon. Member for Kipkelion East.

Hon. Joseph Limo (Kipkelion East, JP): I concur with the Leader of the Majority Party. Let us request the Chair to do a further amendment to make it “sub-county” instead of reverting to district which is already obsolete.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Yes, Hon. Kajwang’.

Hon. T.J. Kajwang’ (Ruaraka, ODM): Well. The Leader of the Majority Party and the Leader of the Minority Party are right in a sense. But, you need to understand where the Chair of

the Committee is coming from. We used to have districts in the law. What we have in the law now is “county”. If we want to go the sub-county way to which I agree, I also want things to be done in our constituencies, the first thing we must do is to define “sub-county” in Section 1. What we can do is to have the legal people quickly define “sub-county” in the law in Section 1 and then the Chair can be asked to see if he can substitute “county” for “sub-county”. If you say “sub-county” without it being defined in law, nobody will know what you are referring to. What we have in the Constitution and the law is “county”.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Omulele?

Hon. Christopher Omulele (Luanda, ODM): I want to agree with the speakers who have spoken before me. When you look at what is trying to be taken care of by these provisions is basically in regard to an offender who is being restricted to a certain area so that he can be observed by the probation officer. If you limit it to a whole county, that observation will not be possible. I agree that it is probable that we should go for a sub-county or a smaller area.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Ogotu Abel of Bomachoge. I will listen to two more Members before I put the Question. It is for the House to take note. Hon. Pukose?

Hon. (Dr.) Robert Pukose (Endebess, JP): This law is meant for the probation officer to observe a person, if serving outside jail. When we leave it as “district” and we know it is equivalent to a sub-county, it is better left as a district instead of county. The district is an equivalent of the sub-county. I ask the Chair to drop the amendment.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): The last one as I consult is the Hon. Member for Nyando.

(Loud consultations)

Order, Hon. Members. This is a very critical stage of the law-making process. Let us show that. The Member is still on his feet. We just need some order.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Chairlady. I just want to say that the district that the Chair wants to delete in the Act is not equivalent to the sub counties. These are the original districts. I think he is right.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let us listen to the Chair.

Hon. William Cheptumo (Baringo North, JP): I want to agree that our constituencies are currently sub counties. I am not satisfied if we have a definition of “sub-county” in the Constitution. If the answer is a no, I would propose that I delete this amendment so that I am able to relook at the whole issue and see how we can bring the amendment later. We need to make laws that are not. going to cause more confusion on the ground.

I withdraw.

(Proposed amendment by Hon. William Cheptumo withdrawn)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Thank you, Hon. Chairman. It is good to have Members who are very bright. The Chair, of course, listens and consults. With that, it is on record that the Chair has dropped the amendment to Section 5(1).

(Section 5(1) agreed to)

The Probation of Offenders Act, Cap.64, Section 8(3)

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Section 8(3) be amended...

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Cheptumo, you have an amendment that we do not have?

We do not have the amendment to Section 8(3) so I will put the Question.

(Section 8(3) agreed to)

The Probation of Offenders Act, Cap.64, Section 17

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, the Schedule to the Bill be amended in the proposed amendments to the Probation of Offenders Act by -

s.17 Deleting the words “principal probation officer” and substituting therefor the word “Director”.

(e) by deleting the proposed amendment to section 17(f); and

(f) by inserting the following new amendment immediately after the proposed amendment to section 17—

The rationale for this proposal is that volunteers should not be facilitated using public funds as they render services without any promise of remuneration. Such a practice would discourage the institution from engaging officers in full time employment. This is a proposal that we want to request the House to approve so that we do not reward volunteers to give services without any promise of remuneration. That is the basis of that amendment.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Member for Kiminini.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Hon. Cheptumo, you know when you are amending, you need to put some specifics because he is talking of Section 17(f) and yet as per the Order Paper, there is nothing.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): The Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairlady, we need to move. Because Hon. Mbadi did not understand what the Chair was saying, basically in 17 he is proposing an amendment that will give way for persons who may want to be volunteers as probation officers. It is as simple as that and we support.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Thank you for enriching the Chair’s amendment.

Member for Endebess.

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Temporary Deputy Chairlady, Section 17 in the Order Paper is saying, “Delete the words “principal probation officer” and substitute

therefore the word ‘Director’. When you come to (f) it says, “by inserting the following new amendment immediately after the proposed amendment to Section 17-”

Hon. T. J. Kajwang’ (Ruaraka, ODM): Hon. Temporary Deputy Chairlady, the Dr. must have come from a surgery, you know he is a surgeon. He is a gynecologist...

(Loud consultations)

The amendments proposed here are very clear. You need to have the Bill to follow this. In the Bill there was something proposed called “volunteer probation officer.” You must have the Bill and the Order Paper to follow. It is this in Section 17 (f) that he is proposing to delete so that we would not have that. He is saying that the process of paying these people would be cumbersome.

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

*(Question, that the words to be inserted be inserted,
put and agreed to)*

(Section 17 as amended agreed to)

The Probation of Offenders Act, Cap.64, New Section 11(3)and (4)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Cheptumo as I call upon you to move your New Section 11, you must note an amendment to Section 5(i) which has an effect to Section 11(1) which is about the county.

I am just trying to help you since you dropped New Section (5) which was talking about the word ‘district’, if you will recall. This can guide you in moving your new sections.

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairlady, I beg to move new Sections 11 and 12.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let us deal with each new section separately.

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Probation of Offenders Act by –

(d) by inserting the following new amendments—

s.11(1) Delete the words “principal probation officer” and substitute therefor the word “Director”

(3) Delete—

(a) the word “district” wherever it appears and substitute therefor the word “County”; and

(b) the words “principal probation officer” and substitute therefor the word “Director”.

(4) Delete the word “district” wherever it appears and substitute therefor the word “County”.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Cheptumo, let me guide you, you should move that the New Section 11 be now read a Second Time.

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairlady, I move that New Section 11 of the Bill be now read a Second time.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Give us your justification on this.

Hon. William Cheptumo (Baringo North, JP): The rationale for New Section 11 is that the Committee proposed to delete the words ‘principal probation officer’ wherever they appear and substitute therefore the word ‘Director’. That is the basis of our amendment and this is from New Section 11 all the way to 16 but as you have said, we should deal with Section 11 first and then we move to the others.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Cheptumo as I guided before, you must be very careful. We are dealing with New Section 11(3) and (4) which you earlier on dropped. You remember because of the words “district” and “County”.

Hon. William Cheptumo (Baringo North, JP): I also drop the amendments on New Section 11(3) and (4).

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): So, you are dropping the amendments on New Section 11(3) and (4).

The Temporary Deputy Chairlady (Hon. (Ms.) Mbalu): Member for Luanda.

Hon. Christopher Omulele (Luanda, ODM): I understand what the Chair has done by dropping New Section 11(3) and (4). I think he should have dropped the proposals in regard to 11(3)(a) and (4) because I think 11(3)(b) is proper because we are replacing the words ‘principal probation officer’ with ‘Director’

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): That is what he wanted to record. Hon. Cheptumo, it should be clear to the Members on New Section 11(3) and (4) as you had earlier done it in 5(1). You have said you have dropped but you are not dropping the whole new section but only those two new sections.

Hon. William Cheptumo (Baringo North, JP): Yes, it is only those two clauses.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): That is why the Member for Luanda is right. You are dropping New Section 11(3) and (4).

Hon. William Cheptumo (Baringo North, JP): Correct.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Members Section 11(3) and (4) are dropped. Of course, following what we did in New Section 5(1).

*(Proposed amendment by Hon. William Cheptumo
to New Section 11(3) and (4) dropped)*

Hon. (Ms.) Odhiambo-Mabona (Suba South, ODM): On a point of order, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Cheptumo, I know Hon. Millie Odhiambo will guide on this. She is looking very nice today. Just go on record Hon. Cheptumo before I give Millie.

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairlady, I beg to move that Section 11(5)...

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): We have new Section 11(1), (3) and (4). Hon. Cheptumo, if I can help you, you are on record for dropping New Section 11(3) and (4). So only prosecute New Section 11(1). Hon. Millie-Odhiambo.

Hon. (Ms.) Odhiambo-Mabona (Suba South, ODM): On a point of order, Hon. Temporary Deputy Chairlady. Sorry, I have come in late because of the several roles we play as Members. I have several proposed amendments. I am therefore requesting if I can be brought to speed on where we are, if you could indulge me.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Millie, you have talked about coming late and the reason. I can only guide you on where we are. We are on provisions relating to the Probation of Offenders Act, Cap. 64. We are now on New Section 11.

The Member for Endebess is proposing that you should have sat next to Hon. Duale and maybe you could have gotten a brief on exactly where we are because you came late. Yes Chair, at least with that break from Hon. Millie Odhiambo, continue.

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairlady, I want to deal with Section 11(1) where we are replacing the principal probation officer with Director because that is the position that should apply.

(Question of the new section proposed)

(New section read the First Time)

(Question, that the new section be read a Second Time, proposed)

(Question, that the new section be read a Second Time, put and agreed to)
(The new section was read a Second Time)

(Question, that the new section be added to the Bill, put and agreed to)

The Probation of Offenders Act, Cap.64, New Section 12(1)

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Probation of Offenders Act by –
s. 12(1) Deleting the words “principal probation officer” wherever they appear and substitute therefor the word “Director”.

(Question of the new section proposed)

(New section read the First Time)

(Question, that the new section be read a Second Time, proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): The mood of the House is that I put the Question.

(Question, that the new Section be read a Second Time, put and agreed to)

Temporary Deputy Chairlady (Hon. (Ms.) Mbalu): Is there anyone who wants to comment?

(Question, that the new section be read a Second Time, put and agreed to)

(The new section was read a Second Time)

(Question, that the new section be added to the Bill, put and agreed to)

The Probation of Offenders Act, Cap.64, Section 13

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Probation of Offenders Act by –
s. 13 Deleting the words “principal probation officer” wherever they appear and substitute therefor the word “Director”.

(Question of the new section proposed)

(New section read the First Time)

(Question, that the new section be read a Second Time, proposed)

(Question, that the new section be read a Second Time, put and agreed to)

(The new section was read a Second Time)

(Question, that the new section be added to the Bill, put and agreed to)

The Probation of Offenders Act, Cap.64, New Section 16(a)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let us have the Chairman move Second Reading on New Section 16(a).

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Probation of Offenders Act by –

s. 16 (a)Deleting the words “principal probation officer” and substitute therefor the word “Director”.

(Question of the new section proposed)

(New section read the First Time)

(Question, that the new section be read a Second Time, proposed)

(Question, that the new section be read a Second Time, put and agreed to)

(The new section was read a Second Time)

(Question, that the new section be added to the Bill, put and agreed to)

The Probation of Offenders Act, Cap.64, New Section 18

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Chairman, please, move Second Reading on New Section 18.

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Probation of Offenders Act by –

s. 18 Deleting the words “principal probation officer” and substitute therefor the word “Director”.

(Question of the new section proposed)

(New section read the First Time)

(Question, that the new section be read a Second Time, proposed)

(Question, that the new section be read a Second Time, put and agreed to)

(The new section was read a Second Time)

(Question, that the new section be added to the Bill, put and agreed to)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): We are through with that provision. I move to put the final Question.

(Provisions relating to the Probation of Offenders Act, Cap 64 as amended agreed to)

THE CRIMINAL PROCEDURE CODE, CAP 75

The Criminal Procedure Code, Cap. 75, Section 2

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): There is no amendment to Section 2. It is actually an introduction to a new section. Hon. Chairman, you are going to move the Second Reading of New Section 2. Hon. Cheptumo, we must deal with Section 2 because there is no amendment and then we can come to the new sections.

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Criminal Procedure Code by inserting the following new amendments immediately after the proposed amendments in section 2 -

(Section 2 agreed to)

The Criminal Procedure Code, Cap. 75, New Section 26(1)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Chairman, move the Second Reading of the New Section 26(1).

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Criminal Procedure Code by inserting the following new amendments immediately after the proposed amendments to section 2—

s.26(1) Delete the words “Commissioner of Police” and substitute therefor the word “Inspector-General of the National Police Service”

(Question of the new section proposed)

(New section read the First Time)

(Question, that the new section be read a Second Time, proposed)

*(Question, that the new section be read
a Second Time, put and agreed to)*

(The new section was read a Second Time)

*(Question, that the new section be added to
the Bill, put and agreed to)*

The Criminal Procedure Code, Cap. 75, New Section 386(1)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let us have the Mover to move the Second Reading of the New Section 386(1).

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Criminal Procedure Code by inserting the following new amendments immediately after the proposed amendments to section 2—

s. 386 (1) Delete the words “Commissioner of Police” and substitute therefor the word “Inspector-General of the National Police Service”

(Question of the new section proposed)

(New section read the First Time)

*(Question, that the new section be
read a Second Time, proposed)*

*(Question, that the new section be read
a Second Time, put and agreed to)*

(The new section was read a Second Time)

*(Question, that the new section be added
to the Bill, put and agreed to)*

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Members, with those new sections, I now move to put the last Question.

(Provisions relating to the Criminal Procedure Code, Cap. 75 as amended agreed to)

EXTRADITION (CONTIGUOUS AND FOREIGN COUNTRIES) ACT, CAP 76

(Sections 3, 11(2) and 15(1)(b) agreed to)

Hon. T.J. Kajwang' (Ruaraka, ODM): On a point of order, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Kajwang' what is out of order?

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Chairlady, you may want to know whether Members are awake. This is because they are considering provisions of Extradition (Contiguous and Foreign Countries) Act. It should be contiguous, contiguous is a different thing.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): I know you are Luo and you come from the lake.

Hon. T.J. Kajwang' (Ruaraka, ODM): You see Hon. Jomo does not know where we are going.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Jomo, you have heard how Hon. Kajwang' has said it. Leader of the Majority Party, you want to pronounce it for him.

Hon. Leader of the Majority Party, do you want to pronounce it for him? It is contagious. Hon. Kajwang', it was on a light note.

THE REGISTRATION OF PERSONS ACT, CAP 107

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): We will consider the amendments section by section.

The Registration of Persons Act, Cap. 107, Section 3

(Section 3 agreed to)

The Registration of Persons Act, Cap. 107, Section 5 (1) (c)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): There is an amendment to Section 5(1)(c). I call upon the Mover, Hon. Jude Njomo. Mover, are we together? We are on Section 5(1)(c).

Hon. Jude Njomo (Kiambu, JP): Hon. Temporary Deputy Chairlady, I beg to move:
THAT, Section 5 (1) (c) be read a Second Time.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): No, we are not on the new section. You cannot move that a section be read a Second Time. This is not a new section.

Hon. Jude Njomo (Kiambu, JP): Do you want my justification?

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Yes.

Hon. Jude Njomo (Kiambu, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Registration of Persons Act, (Cap. 107) —

(a) By deleting the proposed amendment to Section 5 and substituting therefor the following —

s.5(1) Delete paragraph (c).

Insert the following new paragraph immediately after paragraph (g) —

(ga) telephone number and email address, if any;

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Jude Njomo, do not deal with the amendment to Section 5(1)(g). Just deal with the amendment to Section 5 (1) (c).

Hon. Jude Njomo (Kiambu, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Registration of Persons Act, (Cap. 107) —

(a) by deleting the proposed amendment to Section 5 and substituting therefor the following —

s.5(1) Delete paragraph (c).

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): What is your import?

Hon. Jude Njomo (Kiambu, JP): Hon. Temporary Deputy Chairlady, this is the paragraph that requires that your tribe be registered by the Registrar of Persons. We are a united nation. We are a nation of Kenyans and not of tribes. That is why we do not want to keep being reminded of where we have come from as tribal people. We want to be one nation of Kenyans and we do not want the Registrar of Persons to group us as tribes.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Very well.

(Question of the amendment proposed)

Let us have Hon. Omulele.

Hon. Christopher Omulele (Luanda, ODM): Hon. Temporary Deputy Chairlady, I oppose that proposal for good reason. We must face this reason as a nation. I do not think there is any harm in coming from the Luhya or Kamba tribes, Banyore sub-tribe or being a Somali or a Giriama for that matter. This is our history. Our Constitution recognises that we should be proud of where we come from. Why do we want to pretend that we are not what we are? The tribe is here to stay.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let us have the Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Thank you, Hon. Temporary Deputy Chairlady. I supported Hon. Jude on the Interest Rates Bill so he thought I will support him every day. We must be proud of our heritage, tribes, dress, language and culture. You must identify a Luo from a Somali, a Luo from a Kamba, and a Saboti from a Maasai. We can build a Kenyan nation. I oppose the amendment like T. J. Kajwang?. I oppose and oppose.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let us have the Member for Emuhaya.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Temporary Deputy Chairlady. It has been clearly said that I oppose the amendment. My background as a teacher of history and government, the tribe is a very important institution.

I beg to oppose the amendment.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let us have Hon. Kanini Kega. Let us have the ones who have not spoken. I am trying to look for the Chairperson of the Departmental Committee on Transport, Public Works and Housing.

Hon. Kanini Kega (Kieni, JP): Hon. Temporary Deputy Chairlady, I rise to oppose the amendment. We are all proud of our tribes. It is through the diversity of our tribes that we make up the entire Kenya. With those very few remarks, I oppose the amendment.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Lastly, let us have the Member for Pokot South.

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Temporary Deputy Chairlady. You had already forgotten me. I oppose the amendment. Njomo is my good friend but on this one, he is not. Tribes are already in the Constitution in terms of regional balance. When you register people, you do so for a reason - maybe for resource sharing in future. If you do not know where somebody comes from, there is the danger of one community taking over the whole country. I oppose that amendment. It is a dangerous one.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): With that debate arising, allow me to put the Question. Hon. Members, you must be attentive as Hon. Kajwang' said.

(Question, that the words to be left out be left out, put and negatived)

(Section 5(1)(c) agreed to)

(Section 5(1)(d) agreed to)

The Registration of Persons Act, Cap. 107, Section 5(1)(g)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): There is an amendment to Section 5(1)(g). In fact, there are two amendments. One is by Hon. Paul Koinange and another by Hon. Jude Njomo. Let us start with Hon. Paul Koinange. Yes, Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairlady, because we are dealing with a very sensitive matter on registration, I want the owners of those amendments to properly explain to the House the import of their amendments.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Very well. Please, Members, as the Leader of the Majority Party says, it is good to give the import of your amendment, pursuant to the Standing Orders. Let us start with the Chair. He is the one on record because his amendment proposes a deletion.

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Registration of Persons Act (Cap. 107) by -

(ii) deleting the proposed amendment to Section 5(1)(g) and substituting therefor the following new amendment —

s.5(1)(g) Delete paragraph (g) and substitute therefor the following new paragraph —

“(g) place of residence and postal address, Global Positioning System coordinates, Land Reference Number, Plot Number or House Number, if any;”

Hon. Temporary Deputy Chairlady, the proposed amendment which was considered by the Committee serves to clarify that when the Registrar of Persons is taking and entering details of a person in the register, he may enter a combination of sets of information. This will ensure that the person who lacks one of the more combinations of details is denied registration and, consequently, access to a national identity card and related benefits.

Thank you.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Very well. That is the import.

(Question of the amendment proposed)

Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairlady, the Chairman did not explain well. I really want him to explain. At what stage are you going to register a Kenyan and ask for his place of residence, postal address and global positioning system coordinates? What does a pastoralist in North Eastern Kenya, or a Sabaot, know about global positioning system coordinates and land reference number? Three quarters of my constituents do not own land. Our land is communal. You also need to provide your house number. Is it where you pay rent or where you own? We need the Chairman to clarify all these as we move forward.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Chair, the Leader of the Majority Party is looking for clarification. Please note that because for Members to make a decision, you must clarify your import.

Hon. Kolosh.

Hon. Ahmed Kolosh (Wajir West, ODM): Thank you. I must admit that I am a Member of Hon. Koinange's Committee. Not all people in this country live in the same kind of environment. Some people live on vast lands owned by communities. There are no plots. The houses we have in the county headquarters in Wajir do not have title deeds and land reference numbers. Introducing this in this Act will mean keeping out Kenyans. The best we can do is the location; the place you were born and the place you live and nothing more than that. That place must also be voluntary.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let me hear from the Member for Funyula. I can see there is interest in this amendment.

(Hon. David ole Sankok stood in his place)

Hon. 001, we do not just stand when another Member is on the Floor. You are out of order.

Hon. David ole Sankok (Nominated, JP): I am stretching.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): We do not stretch in the House. You must respect the Member for Funyula.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Yes, and he is my friend. Hon. Temporary Deputy Chairlady, I stand to oppose the amendments. It presupposes that it now becomes mandatory for a Kenyan to have a place. The Constitution does not contemplate that you must have a place. It contemplates that you must exist. The details of your existence are clearly shown in the national identification card or your birth certificate. There are other issues like global positioning system coordinates. That means you have one fixed place of abode. What about if you keep on moving? For example, I own a house in Nairobi and a home in my constituency. Where is my global positioning place? This is superfluous.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Thank you. Your point is taken. Let me hear the Member for Kitui Central, who is behind you.

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Chairlady. We need to look at the original Bill before we oppose the amendment. Section 5

(1)(g), which is being amended, says that you insert the words “global positioning system coordinates, Land Reference Number, plot number or house number immediately after the place. The amendment says that you delete that and substitute with place of residence, postal address, global positioning system coordinates, land reference number, plot number or house number, if any. If you analyse what he is saying, the amendment does not provide options. If you do not have any of the listed requirements during registration, then that is not an offence. The first one demands that you must have them. That is the difference.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Members have listened and they will make a decision.

Member for Saku.

Hon. Ali Rasso (Saku, JP): Thank you, Hon. Temporary Deputy Chairlady. I rise to oppose this amendment. Take for example, if the global positioning system position is 12 or 18 coordinates that are gotten through a satellite system, how would an ordinary Kenyan know the exact position of his plot or house? To make it easy, let us look at what we want in terms of data, when a Kenyan requires an identification card.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Finally, let us hear the Chairperson because I can see in your amendments you are talking about “if any” of the requirements. Do you want to inform the House?

Hon. Godfrey Osotsi (Nominated, ANC): On point of information.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Whom do you want to inform? Give him the microphone.

Hon. Godfrey Osotsi (Nominated, ANC): Hon. Temporary Deputy Chairlady, I want to inform the House.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Who wants your information?

Hon. Godfrey Osotsi (Nominated, ANC): For this purpose.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): You are out of order. Maybe you would have talked about the Chair and he would have either accepted or rejected your information. I am sure he would have accepted. I would have allowed you to inform him. Please, finalise Chair because I can see you want to do it before I put the Question.

Hon. Paul Koinange (Kiambaa, JP): I want to appeal to Hon. Members.

(Hon. Aden Duale consulted loudly)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Order, Leader of the Majority Party. The Chair wants to put across a point.

Hon. Paul Koinange (Kiambaa, JP): Hon. Temporary Deputy Chairlady, the issue is about fear. As a Committee, we are talking about security of the country. When we talk of global positioning system coordinates, we can know where you are using your mobile phone. There should not be fear, if you are not hiding. We need to know where each and every Kenyan is.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Allow me to put the Question for the House to take a vote on this amendment.

(Question, that the words to be left out be left out, put and negated)

There is an amendment by Hon. Jude Njomo.

Hon. Jude Njomo (Kiambu, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Registration of Persons Act, (Cap. 107) —

(a) by deleting the proposed amendment to section 5 and substituting therefor the following—

s.5 (1) Delete paragraph (c).

Insert the following new paragraph immediately after paragraph (g) —

(ga) telephone number and email address, if any;

If you go to any Registrar of Person's office, you will find so many identification cards which have been lost. There is no way their owners can be traced because they have no contacts in their database. If somebody does not have a telephone number, then it will not be registered. It is not compulsory for that number to be registered. I would like my telephone number to be with the Registrar of Persons, so that when I lose my identification card, like I have done right now, it can be taken to him and he can either call me, send me a text message or an email.

It is a way of modernising our system of registration by making it easier to trace our lost documents. It is going to help us as a people and as a nation. If I do not have an email address, it should not be registered and this law does not require that my email address must be registered but it gives me an option that if I want my telephone number to be registered, I write it there. But if I am uncomfortable with my telephone number being there then the Registrar of Persons has no business having it.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Okay, Hon. Member. We have listened to the import of the amendment.

(Question of the amendment proposed)

Hon. William Kisang (Marakwet West, JP): Thank you Hon. Temporary Deputy Chairlady. I rise to support Hon. Jude Njomo's amendment. By the time somebody is 18 years old and is looking for an identity card, most of them would already be having a phone. We know all our children have phones. It is basically important that we include a telephone number. But, it is not mandatory. It is an option.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Thank you. Member for Homa Bay County, Hon. Wanga.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Thank you, Hon. Temporary Deputy Chairlady. I would like to support the amendment by Hon. Jude Njomo. Practically and if you are part of the process of trying to identify those whose IDs are at registration centres, telephone numbers can help in tracing these people. This is basic and important. Phone numbers and email addresses, if necessary, are provided. If you do not have one, you can give your mother's, husband's or your wife's so that you can be traced. It is a critical amendment.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Osotsi.

(Loud consultations)

Hon. Godfrey Osotsi (Nominated, ANC): Hon. Temporary Deputy Speaker, as a point of information, the registration of persons is one component of the National Integrated Identity Management System which is going to be an IT infrastructure where all government databases

are going to be connected into one infrastructure. Therefore, it seeks to get as much information as possible that will be integrated on that setup. It is important to have telephone numbers because at the moment we have a challenge managing subscribers' data for Safaricom. If that is linked on to the registration of persons setup, it will help in the project of identity management.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let me hear from Hon. Duale.

Hon Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairlady, I agree with the sentiments of Hon. Jude Njomo.

(An Hon. Member spoke off record)

I am on the Floor . You do not shout when I am on the Floor.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): He is actually out of order.

Hon Aden Duale (Garissa Township, JP): I listened to Hon. Osotsi, but he did not declare his interest. He is an ICT guru. The assumption we are making, and let us be very clear, is that every Kenyan has a mobile phone. We are making a serious assumption that every Kenyan has a registered telephone number. Hon. Wanga's argument is true. The many IDs piled up in registration centres can be traced through that. But we are making a serious assumption when making law. What happens to the pastoralists or fishermen who do not have mobile phones?

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let me give a chance to Hon. Ganya. He says that I cannot see him, yet I am seeing him. Knowing that he is one of us, there is a day he was somewhere.

Hon. Chachu Ganya (North Horr, FAP): Hon. Temporary Deputy Chairlady, it is important that we appreciate the diversity of our nation and its unique circumstances and those of all Kenyans. There are Kenyans who are not lucky or privileged enough to have the provisions that are being proposed. That is pure discrimination of those Kenyans.

I oppose.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let us have Hon. Kajwang', the legal mind. One minute and then we hear from the Chair.

Hon. T.J. Kajwang' (Ruaraka, ODM): I will have one last word. I want to remind all the Members who are trying to get the telephone numbers, the GPS and all that that there is a constitutional article which gives us a right of privacy. Right of privacy is constitutional. You cannot get my telephone number or my email address unless I want to give. A county is for everybody. If you want to get these personal things, I have a constitutional right to privacy.

I oppose the amendment.

Before I sit down, I have realised that we are even in a worse position than where we were. From what the Chair, Hon. Koinange was proposing, if the Bill is left the way it is, it will still demand of us the GPS and land reference numbers. We need to recommit some of it.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Kajwang', you know the procedures of the House. Let us have the Mover to convince the House before I put the Question. Hon. Jude Njomo.

Hon. Jude Njomo (Kiambu, JP): Hon. Temporary Deputy Chairlady, with all due respect to the Leader of the Majority Party and Hon. Kajwang', they are misleading the House. The amendment has been framed in such a way that it is not compulsory for one to give an email

address or a telephone number. It is if you want to. I would like my telephone number to be with the Registrar of Persons so that if I lose my ID he can call me. It is very clear that if one does not have a telephone number or if one does not want his or her telephone number to be registered, it does not need to. In as much as he has right to his privacy, I also have a right to have my number with the Registrar of Persons. I have a right to have my number known to the Registrar of Persons to trace me if my ID gets lost.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Having listened to the Mover, it is time for the House to vote. I know we can contribute to this till tomorrow. Allow me to put the Question.

*(Question, that the words to be left out
be left out, put and negated)*

(Section 5(1)(g agreed to)

The Registration of Persons Act, Cap. 107, Section 9(1)

(Hon. T. J. Kajwang' spoke off record)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Kajwang', you know the process. You know at what stage recommittal is done. You are a lawyer. We are now on Section 9(1). Hon. Millie.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you Hon. Temporary Deputy Chairlady.

Hon. Makali Mulu (Kitui Central, WDM-K): On a point of order, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Millie resume your seat. Hon. Makali. You know we have passed this.

Hon. Makali Mulu (Kitui Central, WDM-K): Hon. Temporary Deputy Chairlady, that is what I wanted to find out. We have just discussed the amendments and they have been rejected. Does it mean that Section 5(g) is already adopted as part of the Bill? I thought we need the Question to be put to adopt it.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Makali, say that again.

Hon. Makali Mulu (Kitui Central, WDM-K): We have only discussed the proposed amendments which have now been rejected by the House. Does that then mean we refer to the original Clause in the miscellaneous Bill or do you need to put a Question? If the Question is not put, we have already hanged ourselves as Kenyans.

(Loud consultations)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Makali, we are on the provisions and I had already put the Question to

Hon. Makali Mulu (Kitui Central, WDM-K): But we have already gone to Section 9(1).

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): I have to go through the provisions relating to the Registration of Persons Act. It is good for you to be there.

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): We are on Section 9(1) and we have Hon. Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 9(1) of the Registration of Persons Act, Cap.107.

The reason I am proposing this amendment is the same with the one Members have been stating. If you look at what is proposed in this amendment you realise that it is seeking to have an integrated identity management system that is very complex, that will be getting information from members of the public. When we are an advanced society, it is a very good thing. I am just wondering whether it is possible given the disparities that we have in the country.

The other reason I am very skeptical about this is that the kind of things that are being proposed here would require substantive legislation. You can even see how the issues that are being proposed are contentious. People are talking about issues of privacy which are constitutional; issues of whether we are at the same level; and, the kind of information that is required. Would we have them in parts of the country? Do we not have them? It is unfortunate that we did not have – I do not know if it was there –the harmonisation committee. Those are some of the things I would have wished to propose. Because of that, I propose that it be deleted.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Section 9(1) as amended agreed to)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Since Hon. Millie's amendment was carried, the amendment by the Chair of the Committee is dropped.

(Proposed amendment by Hon. Paul Koinange withdrawn)

The Registration of Persons Act, Cap. 107, Section 9A

Hon. Mohamed Hire (Lagdera, KANU): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended in the Schedule in the proposed amendments to the Registration of Persons Act, Cap 107—

(a) in the proposed section 9A(2)(d) by deleting the words “centrally print and distribute” and substituting therefor the words “support the printing and distribution”;

The justification for this amendment is that if you look at the Bill, it proposes that printing and distribution of credentials including birth certificates and death certificates be centrally printed.

(Hon. T.J. Kajwang' interjected)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): He should finish first. Hon. Kajwang', you have sat with me here. Let him move, then I propose. From there, you can prosecute your point.

Hon. Mohamed Hire (Lagdera, KANU): Hon. Temporary Deputy Chairlady, in the current setup, birth and death certificates are printed at the registration centres. We have Huduma centres all over the country. We are trying to decentralise the printing and distribution of these credentials including birth certificates, death certificates and student identity cards. Currently, we have passport and IDs printed here in Nairobi. Imagine people in remote villages coming to get their birth and death certificates here in Nairobi at a central place. That is detrimental.

Thank you.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Member, you have not moved (b) and (c). Just move them.

Hon. Mohamed Hire (Lagdera, KANU): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended in the Schedule in the proposed amendments to the Registration of Persons Act, Cap 107—

(b) in the proposed section 9A by inserting a new paragraph immediately after paragraph (h)—

“(ha) to correct errors in registration details, if so requested by a person or on its own initiative to ensure that the information is accurate, complete, up to date and not misleading”;

(c) in the proposed section 9A by inserting a new subsection(3) immediately after subsection (2)—

“(3) Upon commencement of this section, a person who provided erroneous information upon registration of documents under subsection(2)(d) shall, within two years of establishment of the National Integrated Management System correct such details upon prove of facts”;

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Kajwang', what is your contribution to this?

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Chairlady, I do not know where we are. May I have the attention of the Clerk-at-the Table? If I followed the amendment of Hon. Millie Odhiambo, she was deleting everything you find there in 9A. That was the gist of her deletion. When we carried it, that meant that there is nothing called 9A and so on. Hon. Temporary Deputy Chairlady, just help me, I may be mistaken.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Yes, you are mistaken. It is my duty to let you know where we are. You have done so well, but you must be tired. Hon. Millie talked of 9(1), that the amendment in the Bill should not be deleted. Now we are on New Section 9A.

Hon. T.J. Kajwang' (Ruaraka, ODM): That is where the problem is. If you look at the Bill at Page 271, Section 9(1) was proposing to delete and insert the new section immediately after Section 9.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): But it has nothing to do with section 9.

Hon. T.J. Kajwang' (Ruaraka, ODM): This new one was inserted after deleting the way the Bill is written. So, if we delete and insert... That is how I understood it.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): The deletion that we had was 9(1). This is New Section 9. Hon. Duale!

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairlady, to make it very clear, Hon. Millie's amendment that was carried was dealing with 9(1). So, 9A is intact. Let me make it very clear. Because of the census of next year, Section 9A is important. We have deleted Section 9(1), we have not touched Section 9A. It concerns next year's census. It is a New clause 9A.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Millie.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Chairlady. I wish the Leader of the Majority Party could listen to me carefully.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Members, let us not go back to what we have done. We have dealt with Millie's amendment and it was carried.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Deputy Chairlady, we need to be clear about what we have done from a legislative perspective. If you read Section 9(1), it says "Delete. Insert the following new section immediately after section 9." It is to insert. So, if it is deleted, there is nothing to be inserted. Leader of the Majority Party, if I could, please, have your ears.

I was saying it is unfortunate that we do not have a harmonisation committee. If only we sat to discuss these things with each other, we really would have dealt with some of these things earlier on. Section 9(1) says, "Delete. Insert the following new section immediately after section 9".

My amendment is to delete that. Assume it is not there. Then, Section 9A comes as a consequence but it is being introduced by what I deleted. What I would suggest is that Hon. Duale recommits if he is convinced that this is very important for registration. Otherwise, the truth is that we have deleted it.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Consider the procedures. Hon. Kajwang', you know recommittal of the House. Again, New Section 9A is a new one, even on the original Bill.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Read the preceding words. Look at them. This is where you need to listen to lawyers.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Makali Mulu, what is your point?

Hon. Makali Mulu (Kitui Central, WDM-K): What we are saying is that once Hon. Millie's amendment is carried, the amendment by Hon. Mohamed Hire is null and void. It cannot be presented. So, what we need to do because what we have done automatically means this amendment by Hon. Mohamed Hire dies if Millie's is carried... As the Leader of the Majority Party is saying, an integrated professional management system is very important. There is no way you can do without it in a country. It is the modern way of doing registration. So, we need to recommit this thing.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): I am having the Laws of Kenya with me. What Hon. Millie Odhiambo did is to refuse deletion of Section 9(1) which has (i), (ii), (iii), (iv), (v), (vi) and (vii). From there, we are inserting a new one before Section 10. So, we did away with Hon. Millie's. Hon. Kajwang', we have the books here if you want to have a look.

Hon. T.J. Kajwang' (Ruaraka, ODM): With a lot of respect, Hon. Temporary Deputy Chairlady, there is a problem. Let us just go procedurally. We are getting into a problem. Let the legal officers not misdirect us. It is here on page 1469. Hon. Temporary Deputy Chair, just come with me. On that page of the Order Paper, Millie is saying that the Schedule to the Bill be amended by deleting the proposed amendment to section 9(1) of the Registration of Persons Act, Cap.107. What was the proposed amendment? It was on page 271. It was proposing a deletion. So, this is an amendment proposing the deletion of what was proposed. What was proposed was "delete and insert the following".

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Have you seen the full stop and not "and"?

Hon. T.J. Kajwang' (Ruaraka, ODM): I see it but it is in one sentence. I see it as part of the thought. The best thing we need to do here is to consider this well. I agree with the Leader of the Majority Party. But as a matter of procedure we need to recommit this and then clean it up. Otherwise, we will be off the track.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): We did away with Hon. Millie Odhiambo's. It was carried, the House voted. You know very well that we cannot go back to Section 9(1).

Hon. Millie, as I consult?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): The import of my deletion is that, if it is deleted, we go back to what is in the primary Act. That means we will have two conflicting sections, with what is in the primary Act. We are talking about legal construction and interpretation. This is not even about persuading each other on content. It says "insert the following new section immediately after Section 9". So, I said "delete". If that is deleted, all we have is the new section without a deletion of the parent one. So, what I have deleted is the proposed amendments, not what is in the parent Act. So, the parent Act remains intact and the new one remains intact – they will have two conflicting sections.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): No, they will not be conflicting. At least, you have given clarity in exactly what you are saying. We still remain intact.

Hon. Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): This is just to tell Hon. Millie that we got her right that what is in the parent Act is not in total conflict with the new section 9A. We have no problem. They are not in conflict. Then, what Hon. Hire who is the Member for Lagdera is trying to do is to amend part of the New Section 9A which is quite in order. She is right.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Yes, Member for Saku.

Hon. Ali Rasso (Saku, JP): Thank you, Hon. Temporary Deputy Chairman.

If I get Hon. Millie Odhiambo correctly, we are being misled in this House. If we are going to delete Section 9(1) and introduce Section 9A on integrated information systems, Millie is telling us to delete 9A which is the new amendment. For that reason, the House should not be misled on what is the import of what is happening in this Act. That is what she says should be deleted.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): It is a new one, they are not in conflict. Thank you for the great minds. We have agreed it is not in conflict. We also have procedures in the House. So, I will put the Question. Allow me to do so for the House to take a vote. Please allow me.

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in
place thereof be inserted, put and agreed to)*

Let us get the Member for Kiambaa on New Section 9A. Maybe it will give clarity to this.

Hon. Paul Koinange (Kiambaa, JP): I beg to move:

THAT, the Bill be amended in the Schedule in the proposed amendments to the Registration of Persons Act, (Cap 107) by—

(iv) inserting the following new subsection immediately after subsection (2) in the proposed section 9A-

New subsection “(3) The Principal Secretary shall be responsible for the administration, coordination and management of the system.”

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Koinange, clarify the import of your amendment.

Hon. Paul Koinange (Kiambaa, JP): The proposed amendment serves to give clarity that the Principal Secretary in the Ministry of Interior and Coordination of National Government, for matters relating to registration of persons, shall be the person who shall exercise overall responsibility with respect to administration, coordination and management for proposed National Integrated Identity Management System.

(Question of the new section proposed)

(New section read the First Time)

*(Question, that the new section be
read a Second Time, proposed)*

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Some Members seem tired. Can you guide Hon. Kajwang’ where we are. Hon. Wanga.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Thank you, Hon. Temporary Deputy Chairlady. I just wanted a clarification, has New Section 9A been dealt with? Has it been read a Second Time?

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): The intention of Hon. Millie was to move this away, but she ended up deleting the amendment on Section 9(1), which is just to return it to what was in the parent Act. Her intention was to remove this section from this law because what we are dealing with is a law that substantively changes the structure of how we register our people but we are doing it through a miscellaneous amendment. The National Integrated Identity Management System is a matter that should come as a standalone law because it changes completely the structure of how we register people as a country. You will no longer be registered at 18 years; you will be registered when you are born by an assistant chief and so on. What we are changing is fundamental and it should therefore come as a standalone law so that this House debates and understands it and takes it to our people as it is supposed to be. That is what I wanted to say.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Members, we are still on Section 9A. Hon. Millie did Section 9(1)... Member for Funyula.

(Hon. (Prof) Zadoc Ogutu consulted loudly)

Hon. Member, allow the Member to make his contribution. You must catch the Chair's eye. You are not special. Everybody wants to speak to this. You are out of order. We need discipline in the House. It is important for us to listen to each other. Member for Funyula.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Temporary Deputy Chairlady, we need to relook at these two sections because if you look at Section 9A, the intention is to essentially replace the current registration system. Section 9A(2)(b) reads, "assign a unique national identification number to every person registered in Kenya." The import is that the current system is therefore being replaced by the new system. So, if we retain both of them it will see us working on a double system that is going to be a source of confusion to the people of Kenya. Therefore we must relook at what we are talking about.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let us hear from Prof. Ogutu although you started on a bad note. It was out of order.

Hon. (Prof) Zadoc Ogutu (Bomachoge Borabu, Independent): Thank you, Hon. Temporary Deputy Chairlady for giving me this opportunity. This debate that introduces a new section is very fundamental. It is a section which will enable me to print my ID from Kitale or Mombasa and it is a new structure that we are putting in place. My worry is, if we put it as a miscellaneous amendment, we will be giving it the attention it deserves? It is a very important system for this country; we need to bring it in as a substantive Motion to be discussed.

Thank you, Hon. Temporary Deputy Chair.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Osotsi.

Hon. Godfrey Osotsi (Nominated, ANC): Hon. Temporary Deputy Speaker, we need to pay attention to what Hon. Wanga raised. This particular amendment would be good if it is done as a substantive legislation. I am saying that because the National Integrated Identity Management System that I know is going to be a system that is going to include various other databases which will include registration of persons, election data, census data and many other databases. It is therefore important that this be brought as a separate piece of legislation and not be included here.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Pukose.

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Temporary Deputy Chairlady, I am in the further amendment by Hon. Koinange. But before I say that, the way I understood the amendment by Hon. Millie Odhiambo was that the original Act remains the way it is. That means that the deletion that had been done in the Bill does not take precedence.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Millie Odhiambo, listen to Hon. Member for Endebess who is giving input to your amendment.

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Millie Odhiambo, the way I understood your amendment it meant that there was a deletion in the Bill, your amendment counteracted that deletion. Meaning the original Act remains as it is. Now, Section 9A is a new amendment which has been read a Second Time. It does not affect the original Act, it is a new amendment. So, after it was read the Second Time, Hon. Paul Koinange has done a further amendment where he is making the Principal Secretary to be responsible for administration, coordination and

management of the system. I have an issue with this because essentially, there is supposed to be a Chief Executive Officer of Registration of Persons and deaths.

When you make the PS responsible it means you are taking away the duties of the CEO in charge of this. This means that the PS must only do this duty leaving other duties. Maybe Hon. Koinange needs to convince us further about this.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Millie Odhiambo is agreeing. Hon. Members allow me to remind you that this is a House of debate. It is not a House where we agree on one thing, but we take a vote and we also have procedures. In the event that a vote has been taken and you are not satisfied, you are allowed to recommit.

Let us have the Chair.

Hon. Jared Okello (Nyando, ODM): Thank you, Hon. Temporary Deputy Chairman. From the outset, I want to make it clear that Section 9A has not been read a Second Time, and we need to put this into consideration. Secondly, there are germane issues which have been raised in it that have very severe ramifications on registration and census.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let us have the Chair.

(Hon. Aden Duale spoke off record)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Leader of the Majority Party, the Members are free to debate. I said this is a House of debate. Let him raise his issue and we will take a vote because there are procedures.

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Temporary Deputy Chairlady. I do not mind the proposed amendment but the registration of persons falls under the Principal Secretary for Interior and Coordination of National Government and that is in the executive order, so he is the accounting officer.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Members, before I put the Question look at Order Paper, Section 9A is indicated as new Section and we have already dealt its Second Reading.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): What happened to the amendment by the Member for Lagdera? Let us be very honest in debate. This new Section 9A is important for registration of persons and census. This Bill has been here for the last six months. So, what have we done to the amendment by the Member for Lagdera? Have we disposed it of?

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Yes, it was agreed.

Hon. Aden Duale (Garissa Township, JP): So, we agreed and passed it.

*(Question, that the new section be read
a Second Time, put and negatived)*

(New Section 9A agreed to)

The Registration of Persons Act, Cap. 107, New Section 16

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): The New Section 16 is by two Members. The Member for Lagdera moved it to be read a Second Time.

Hon. Mohamed Hire (Lagdera, KANU): Hon. Temporary Deputy Chairlady, I need to seek your guidance on this. If you look at the Order Paper there are a couple of amendments which I had proposed in Section 9A. Have we disposed of them?

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): You spoke to the three of them. So we are now in the new section which you need to move to be read a Second Time because it is new.

Hon. Mohamed Hire (Lagdera, KANU): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended in the Schedule in the proposed amendments to the Registration of Persons Act, Cap 107—

NEW

By inserting the following new amendment in its proper numerical sequence—
s.16 Insert the word “all” immediately after the words “vetting of” appearing in paragraph (ba).

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Member, this is a new section so, you should move it as being read a Second Time.

Hon. Mohamed Hire (Lagdera, KANU): Hon. Temporary Deputy Chairlady, I move that New Section 16 be read a Second Time.

(Question of the new section proposed)

(New section read the First Time)

(Question, that the new section be read a Second Time, proposed)

Hon. (Ms.) Gladys Wanga (Homa Bay (CWR), ODM): On a point of order, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Wanga what is your point of order?

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): On a point of order, Hon. Temporary Deputy Chairlady. The Ayes had it even before the Nays finished. Nevertheless, I just want it to go on record that New Section 9A was not read a Second Time on the Floor of this House.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Member, I said it again that 9A was not so new but Section 16 is new. What we had in 9A was already read a Second Time during the Bill. It is already indicated as new in the Bill. Therefore Section 16 is new because it is not in this Bill at all and that is why we are reading it for the Second Time.

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to)

the Bill, put and agreed to)

*[The Temporary Deputy Chairlady
(Hon. (Ms.) Jessica Mbalu) left the Chair]*

*[The Temporary Deputy Chairman
(Hon. Christopher Omulele) took the Chair]*

Hon. T.J. Kajwang' (Ruaraka, ODM): On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. T.J. Kajwang', what is out of order?

Hon. T. J. Kajwang' (Ruaraka, ODM): On a point of order, Hon. Temporary Deputy Chairman. I think you need to take us back to the rail. I think we could be running outside the rail and maybe making laws that will give us problems because this is Statute Law (Miscellaneous Amendments) Bill.

I remember sometime I asked if what we had passed earlier, which was Section 5, had been made to be part of the Bill. At that time, I was told that we will run through all the provisions affecting the Registration of Persons Act and then we will make it part of the Bill. Now, here we are. We have just done Section 16 and we are making it part of the Bill. Why is it that in some instances we are not making it part of the Bill when in some others we are doing so? I had valid reasons for asking this question. It is because that would inform the way we would vote when it is made part of Bill in respect of Section 5. The way it is, it is so convoluted that I think the best way would be to recommit provisions dealing with the Registration of Persons Act. We should recommit the whole thing and look at the HANSARD and see what we have done and what we have not done. The Clerks can help us by reading out what is in the HANSARD and what we have taken a vote on and what we have not taken a vote on.

The Leader of the Majority Party is very right, in my view. This is my personal view. To be able to do census, a section like 9A is very important, but as the Member for Homa Bay said, we do not know whether we voted for it or not. I think we need assistance on the provisions dealing with the Registration of Persons Act.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Kajwang', I get what you are saying. Hon. Members, it is important for us to walk together. From where I sit, my take is that we have these amendment proposals to the Registration of Persons Act. All the proposed amendments have not yet been made part of the Bill. I am aware that we shall make all of them part of the Bill together as one.

If I was to speak to the contentious Section 9 and New Section 9A, I think to clear this up, what Hon. Millie Odhiambo had done was basically to effect the proposed deletion by the Mover so that you go back to the parent Act. So, as it is, the parent Act is what is subsisting. We went back to that but there was a proposed New Section 9A by the Mover, which has no relation with section 1 – which the House debated during Second Reading. The House had dealt with it in the Second Reading. So, it was not necessary again to have a Second Reading of it here. What we are dealing with now was the Third Reading of it. That is why the proposed amendments by Hon. Garane were dealt with in the way they were dealt with. Also, the proposed amendments by the Chair were also dealt with as the House dealt with them. I think we have made good progress.

I will give the Floor to the Leader of the Majority Party and then Hon. Millie so that we move together.

Hon. Aden Duale (Garissa Township, JP): I think from where you left, it is now our business, as Members. This is because we will continue with this Bill. We will get the HANSARD and see what happened in as far as the registration section is concerned. If we feel we need to bring a re-committal, we will bring it at the tail-end of this process. I commit myself to that because the registration section is very important for the census and to the Government.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Millie, you have a point of order.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Chairman. I just needed clarity because it is not just this miscellaneous amendments Bill that we have been dealing with on the Floor of the House. I need clarity on an issue of procedure. At what point is a clause considered new so that it requires to be read a Second Time? At what point is a new clause “new new” and a clause is “new”? I have heard new terminologies like “new new” and “new”. I have actually looked at it and I have seen the one that is “new” is in small letters and the “new new” is in capital letters. I am a very diligent person. This is my third term in this House, but I am still open to learning. Can I be trained on the aspect of when a clause is “new” and when it is “new new?”

Thank you.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Millie, I think I had just spoken to that matter. Because you are a very diligent Member of this House, I will repeat what I had said.

(Hon. (Ms.) Odhiambo Mabona spoke off record)

The Temporary Deputy Chairman (Hon. Christopher Omulele): You did? Very well.

(Loud consultations)

Hon. Members, let us have order and make progress. We are not making progress. Hon. Nyikal, we must make progress. There are no points to be made. There is nothing that is before us. There are no points to be made. Let us make progress.

The Registration of Persons Act, Cap. 107, New Section 2

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Koinange, move for Second Reading.

Hon. Paul Koinange (Kiambaa, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Registration of Persons Act (Cap. 107) by –

(i) inserting the following new amendments in their proper numerical sequence—

s.2 Insert the following new definition in its proper alphabetical sequence —

“Principal Secretary” means the Principal Secretary in the ministry responsible for matters relating to registration of persons”

(Question of the new section proposed)

(New section read the First Time)

(Question, that the new section be read a Second Time, proposed)

(Question, that the new section be read a Second Time, put and agreed to)

(The new section was read a Second Time)

(Question, that the new section be added to the Bill, put and agreed to)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Now, Hon. T.J you might pay attention to this. I now put the final Question.

Order Members! I want you to understand this. Members, if you heard my communication earlier when I came to sit here, I posited that I shall put the Question to all the amendments that have been proposed to this legislation at the tail end. This is now the tail end. The way you now vote will determine whether those amendments will be carried or not. Members, prepare yourselves. Allow me to retake the Question.

(Provisions relating to Registration of Persons Act, Cap.107, as amended negatived)

(Schedule agreed to)

(Provisions relating to the Public Holidays Act, Cap.110, agreed to)

(Schedule as amended agreed to)

THE HOUSING ACT, CAP. 117

The Housing Act, Cap.117, Section 3(2)

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to Section 3 of the Housing Act, Cap 117 by -

(a) by deleting the words “not less than five nor more than seven” appearing in paragraph (d) and substituting therefor the word “six”; and

(b) by inserting the following new item immediately after the proposed new subsection (2) —

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

(2A) In appointing the persons under subsection 2(d), the Cabinet Secretary shall ensure that the marginalised groups are represented.

In Section 3(1), the amendment seeks to reduce the number of board members. This amendment is about board members. The original Bill proposed that the Cabinet Secretary appoints seven members. However, if we are to go by that, it means that eventually, the board members will be more than nine. Therefore, we propose that the Cabinet Secretary shall appoint a maximum of six members because three are already provided for. When you take the three who are compulsory and then the six by the Cabinet Secretary, they will be nine. That will be within the requirements of the Constitution. Therefore, we are limiting the number of the appointees by the Cabinet Secretary to six because three are compulsory members of the board.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Let us have Hon. Oundo.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Temporary Deputy Chairman, as I agree to the amendment, I find Section 3 (2A) a bit curious unless we have not yet considered it.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Oundo, we are still on Section 3(2). Are you speaking to Section 3 (2A)?

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): I need guidance, Hon. Temporary Deputy Chairman. I am on page 1470 with respect to the Housing Act. I am speaking to the amendment stated:

“(b) by inserting the following new item immediately after the proposed new subsection (2) –

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

(2A) In appointing the persons under subsection 2(d), the Cabinet Secretary shall ensure that the marginalised groups are represented.”

The Temporary Deputy Chairman (Hon. Christopher Omulele): Proceed.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Unless we are not yet there.

The Temporary Deputy Chairman (Hon. Christopher Omulele): We are together.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Temporary Deputy Chairman, I find it curious. Why would we talk about marginalised groups yet it is expected that whenever an appointment is made under the Constitution and the general law, an attempt will be made to balance? Specifically, who are those marginalised groups that the Chair of the Committee is talking about? I need his guidance or clarification.

(Loud consultations)

That is already in law. We do not need to state it again.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Oundo, you have made your point. Let us have Hon. Okelo.

Hon. Jared Okelo (Nyando, ODM): Hon. Temporary Deputy Chairman, it is already in law. It is in the Constitution that when dishing out public jobs, you have to consider the marginalised communities. You have to consider women, youths and those living with

disabilities. That is already in law. It becomes very curious for this to be sneaked into this omnibus amendment Bill. Something has to be properly considered here.

The Temporary Deputy Chairman (Hon. Christopher Omulele): You know the rules of debate. There is no point in repeating what Hon. Oundo has said if you are supporting it.

(Hon. Jared Okelo spoke off record)

Very well. You were talking about the Constitution. Let us have the Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairman, it is very sad that at this hour, somebody is asking who the marginalised people are. A good example of a marginalised person is Hon. Sankok. He was here. Where is he? I want to give him physical evidence of someone who is marginalised. The great ladies sitting here represent women. They are marginalised. He is there. That is a good example of a marginalised person. The Chair is right because we do not want Cabinet Secretaries to take it for granted. They must be told in an Act of Parliament that you cannot appoint people and leave those who are marginalised. That is why the Jubilee Party decided to nominate this Member of Parliament so that he can fight for the marginalised. You are a living example of a marginalised person. Even Subas in Ruaraka are marginalised.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question, that the words to be inserted be inserted put and agreed to)

(Section 3(2) as amended agreed to)

(Provisions relating to the Housing Act, Cap.117, as amended agreed to)

(Schedule as amended agreed to)

THE LAW OF SUCCESSION ACT, CAP.160

The Law of Succession Act, Cap.160, Section 49

The Temporary Deputy Chairman (Hon. Christopher Omulele): Let us have the Chair, Hon. Cheptumo.

(Hon. (Ms.) Odhiambo-Mabona spoke off record)

Yes, Hon. Millie. You also have an amendment. I will give you an opportunity.

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to the Law of Succession Act.

The rationale is that this amendment proposes to empower the court to restrict those people who appear when succession matters are being dealt with. The practice of handling matters in camera exists and ought to be left to the court's discretion on a case by case basis rather than anchoring the same in law for succession matters only.

Hon. Temporary Deputy Chairman, we do not want to dictate to the courts as to when to exclude people when dealing with succession matters in court. We should leave it to the discretion of courts to decide on whether to allow or not to allow presence of parties in that particular situation.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): The Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairman, we have lawyers here and Hon. Cheptumo is representing them. It is good that this amendment which the Chairman is proposing is deleted. This amendment in the Bill gives the courts that handle succession disputes the discretion to exclude persons who are not members of the court or parties to the case from any proceeding. If you are not the court that is handling the matter and you are not a member of the people who are appearing before that matter, why should you go there? It is giving privacy. It is giving the people who are going to court on succession their rights. The Chair is saying that he wants every Tom, Dick and Harry to join the case, ask for objections and be enjoined.

The import of the amendment in the Bill is very important. What the Chair is doing is good for the lawyers. This amendment is saying that the judge, court and people who are appearing in that succession dispute must be given their space. That is what it is saying. You are saying that we delete it.

I oppose, Chair.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Millie, Member for Suba North before Hon. T. J.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Chairman. I had a similar amendment and I will explain the import. It is not correct that when cases are heard in camera, it is because people who are demonstrating are coming to look at the succession case. That is usually done in sensitive cases like rape. Otherwise, all proceedings in court are public except the ones for rape. Very few cases are private.

When you look at issues of succession, you will find that it is where someone has died and there is property. You will find that there are children who do not know... Sometimes you have families where there are three or four wives. The first wife goes to court and the second and third families do not know. When it is in the public, everybody knows and can come and claim. When you say that you want to have succession cases in camera, I do not understand. I did not talk to the Chair of the Departmental Committee on Justice and Legal Affairs.

However, for those of us who are practitioners, it is mind boggling why you would want to have succession cases in camera. Then it means we will be saying that every matter that is in court should be heard in camera. It goes against the rule of law and human rights.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, just relax. Allow Hon. Odhiambo to contribute because she also had proposed the same amendment as the Chair's. Hon. Leader of the Majority Party, then we shall have Hon. T. J. Kajwang'.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairman, at the end of the day, this amendment will be put to Question, but we should not misinform the House. This amendment in the Bill which the Chair is deleting simply provides the court handling succession disputes the discretion to exclude persons who are not members of the court. Two, to exclude persons who are not parties to the case from the proceedings related to the administration of a deceased person's estate. So, there is no camera.

(Hon. (Ms.) Odhiambo-Mabona spoke off record)

Chair, you need to protect me.

The Temporary Deputy Chairman (Hon. Christopher Omulele): You are protected.

Hon. Aden Duale (Garissa Township, JP): I listened to her. She must have the courtesy to listen. Rape is not private.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Odhiambo, allow the Leader of the Majority Party to make his contribution.

Hon. Aden Duale (Garissa Township, JP): I must be heard. When she was making her contribution, she said that rape is private. It is not because it is done in public. We shall castrate those men who rape women.

I want Members to listen to me. The amendment also gives the court the discretion to prohibit publication of any matter arising. This piece of legislation came because succession disputes go for over 20 years. They do not end because every day there are new entrances and players. It happens in courts. Hon. Millie and Hon. T.J. have law firms. This is part of your business. If it was about medical issues, Hon. Pukose would have declared interest. We are saying in this Bill and the House will vote on it, that to make succession disputes progress in a timely way, the enjoyment of funny characters and people coming in and asking for adjournment must stop. The court that is handling the case and the parties before it must be given exclusive rights in that case. That is exactly what I am saying in this Bill.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Very well, Leader of the Majority Party. Let us hear a fresh voice on this. Let us hear a voice that has not spoken in this House. Hon. Shinali, Member for Ikolomani.

Hon. Benard Shinali (Ikolomani, JP): Thank you, Hon. Temporary Deputy Chairman.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Deputy Chairman.

Hon. Benard Shinali (Ikolomani, JP): Protect me from Hon. Millie Odhiambo.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Odhiambo, it is only fair to allow Hon. Shinali to even say what he wants to say before you.

Hon. Shinali, kindly proceed.

Hon. Benard Shinali (Ikolomani, JP): Thank you, Hon. Temporary Deputy Chairman. I want to say that issues of land succession in this country are very sensitive. You find in most cases, vulnerable families are involved in land succession matters. It is only important and fair

that we allow family members and other interested parties to participate and to enjoin themselves in the succession course.

As we allow the courts that are handling the cases to have exclusive rights to admit those people that they feel should be there, I feel it is important to allow all parties that are interested to be enjoined and participate in the proceedings.

Thank you.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, we are all speaking to the same thing. I will give this to the House.

(Question, that the words to be left out be left out, put and negated)

We have another amendment by the Member for Suba North, Hon. Odhiambo. She has a similar amendment. We must deal with it.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Deputy Chairman, the only concern I have in terms of my amendment is that I keep hearing the men Members saying they want to be protected from me. Am I that scary? I thought I was beautiful. It should be the other way round. They should be naturally drawn to me as opposed to feeling like they should be protected from me!

Having said that, my amendment is automatically dropped because the Chairman's is defeated. We are treading on a very dangerous ground. As a lawyer, it actually helps me when it is in camera because I finish very quickly and move to the next case. But we are harming the public with that amendment.

(Proposed amendment by Hon. (Ms.) Odhiambo-Mabona dropped)

(Section 49 agreed to)

(Provisions relating to the Law of Succession Act, Cap.160, agreed to)

(Schedule agreed to)

THE NATIONAL YOUTH SERVICE ACT, CAP.208

The National Youth Service Act, Cap.208, Section 16

Hon. Ali Wario (Bura, JP): Hon. Temporary Deputy Chairman I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the National Youth Service Act, (Cap. 208) by deleting the proposed amendment to section 16.

Already we have had enough scandals. My Committee's proposal is first to restructure the National Youth Service (NYS). After restructuring, we will then talk about expanding its mandate. But for now, my Committee proposes to delete and oppose that proposal.

Thank you.

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

(Section 16 agreed to)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Millie Odhiambo had the same proposal. Now that the one by the Chair of the Committee has been carried, then automatically, hers is dropped.

(Proposed amendment by Hon. (Ms.) Odhiambo-Mabona dropped)

*(Provisions relating to the National Youth
Service Act, Cap.208 agreed to)*

(Schedule agreed to)

KENYA PORTS AUTHORITY, CAP.391

(Section 62(1) agreed to)

*(Provisions relating to the Kenya Ports
Authority Act, Cap.391, agreed to)*

KENYA AIRPORTS AUTHORITY, CAP. 395

(Section 33(1) agreed to)

*(Provisions relating to the Kenya Airports
Authority Act, Cap.395, agreed to)*

THE TRAFFIC ACT, CAP.403

*The Traffic Act, Cap.403, Sections 2, 3, 8, 39(1), 45(1), 56(1), 57, 58, 70(5B), 85, 91(1), 94, 104,
106(1) and 106(8)*

The Temporary Deputy Chairman (Hon. Christopher Omulele): Order, Hon. Members. Hon. Tonui, order. I need you to pay a little attention to this. The amendments on Traffic Act are fairly voluminous. It will serve all of us well if we paid a little more attention to the proposed amendments considering what is going on in the country today. So, Hon. Members, kindly pay a little more attention to this so that we come up with amendments that will serve our country well.

Hon. Millie, you have made a proposal to delete all the proposed amendments to this particular Act.

(Hon. T. J. Kajwang' spoke off record)

Hon. T. J. Kajwang', that is why I said we pay more attention to this. It is important to all of us.

Hon. Millie, I propose that you deal with your proposed amendments. If they are carried, we shall not have any business to deal with in this particular Act. Therefore, I am allowing you to move your proposed amendments to the Traffic Act first.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Chairman. This is the problem I have complained about. When we have many amendments, keeping up with them is a problem. I was actually waiting for the next one. I did not even see that I have one on traffic.

Where is the Chairman of the Committee? Can you advise?

(Loud consultations)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Millie, you need to move first.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): There are Members who are telling me to drop the amendment while others are telling me they support it. I am not dropping it. I will leave it to Members to decide. I am getting varied opinions. Let the House decide.

The Temporary Deputy Chairman (Hon. Christopher Omulele): You are within your rights, Hon. Millie.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Traffic Act Cap. 403 by deleting the proposed amendments to —

- (a) Section 2.
- (b) Section 3.
- (c) Section 8.
- (d) Section 39(1).
- (e) Section 45(1).
- (f) Section 56(1).
- (g) Section 57.
- (h) Section 58.
- (i) Section 70(5B).
- (j) Section 85.
- (k) Section 91(1).
- (l) Section 94.
- (m) Section 104.
- (n) Section 106(1), and
- (o) Section 106(8).

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): I can see there is interest. I was hoping that we would move on. We will start with the Leader of the Majority Party.

Hon Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairman, you are fast, but it is good we got you. Some of us are half-eyed.

We are dealing with traffic matters. It is currently before the nation. The Bill provides for the appointment of inspectors of motor vehicles and designated authorised officers for the purpose of this Act. They are not even recognised. Who is an inspection officer? It also seeks to amend Section 8 to create an offence and proscribe penalty on issuance of insurance cover to a person who is not a registered owner of a motor vehicle. That is very important. Why do you give insurance to a person who does not own the vehicle? Where is the liability?

Thirdly, it seeks to amend Section 39 so that the driving test is conducted by the National Transport and Safety Authority (NTSA). Fourth, it seeks to amend Section 57 to create an offence and prescribe a penalty for driving a vehicle which requires a permit proscribed under the Act. One of the reasons why we have accidents, and more so involving *boda boda*, it is because *boda boda* riders are not the ones who secured the insurance. The Chair has looked at these amendments and made sure that he arrived at a middle ground. So, I do not have a problem if we listened to the Chair and see his middle ground. Based on what is happening in the country now, it is important. We cannot delete all these things.

The Temporary Deputy Chairman (Hon. Christopher Omulele): We shall have contribution from Hon. Tonui and then we shall come to the Chair so that we can make a decision.

Hon. Ronald Tonui (Bomet Central, JP): Thank you, Hon. Temporary Deputy Chairman. I have perused this Bill and I reject the issue of insurance. It takes time to process the transfer of documents. As you process them, you require an insurance cover. So, when it says it must be the registered owner only, that is limiting and it is not welcome. Therefore, I reject this amendment.

Thank you.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Tonui, are you rejecting the proposed amendments by Hon. Millie or the ones by the Chair?

Hon. Ronald Tonui (Bomet Central, JP): He did not move anything. The one in the Bill...

The Temporary Deputy Chairman (Hon. Christopher Omulele): We have not come to that one. Hon. Pkosing, before you finalise on it, let me allow Hon. Kisang to say something.

Hon. William Kisang (Marakwet West, JP): Hon. Temporary Deputy Chairman, what Hon. Tonui is saying is true because sometimes when you buy a motor vehicle, it takes a while before it is transferred to you. It takes between one and two weeks. During that period, you need an insurance cover so that you can use the vehicle.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Millie is proposing to delete all the proposed amendments. We have not yet come to the amendments proposed by the Chair. If you want to make contribution or reject the amendments proposed by the Chair, then hold your horses just a little so that we finish with the ones by Hon. Millie proposing to delete all of them.

Hon. T.J. Kajwang’.

Hon. T.J. Kajwang’ (Ruaraka, ODM): Hon. Temporary Deputy Chairman, I feel like you have read my heart. I know you wish we could proceed very fast. I have a problem with the Member for Suba North. It is within her rights to go in the direction she has gone. She has said that she is not dropping any proposed amendment, in terms of the Standing Orders. That means we have to go the painful way of getting every section that she is proposing to delete. You will find that there are Members who would want to vote for some sections and vote against others. We probably now have to go the painful route of doing everything.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, so that we may make progress, Hon. T.J. Kajwang' is correct. We shall now take the painful path. Hon. Millie.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Deputy Chairman, when we get to this stage of legislation, it is usually a matter of give and take. If the Chair has a middle ground, I am willing to drop my amendments. This is also to save the House time because we have a very lengthy process. Chair, I drop?

The Temporary Deputy Chairman (Hon. Christopher Omulele): Thank you very much, Hon. Millie. The proposals by Hon. Millie stand withdrawn.

(Proposed amendments by Hon. (Ms.) Odhiambo-Mabona withdrawn)

We shall now deal with the proposed amendments by the Chair of the Committee, Hon. Pkosing.

The Traffic Act, Cap.403, Section 2

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Temporary Deputy Chairman. I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Traffic Act, Cap 403 by -

(a) inserting the following new item immediately after the proposed amendment to section 2—

Delete the definition of the term “driving test examiner”;

This might be a middle ground proposal. Our first amendment is to bring NTSA into the examination of drivers, which is provided for in the National Transport and Safety Authority Act. That is clear.

In (b), we are proposing...

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Chair, we cannot do it the omnibus way. Just relax. We will guide you in a moment.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairman, I have explained the import of my amendment on 2 (a). Let me just read so that it is understood by honourable Members.

“by inserting the following new item immediately after the proposed amendment to section 2—

Delete the definition of the term “driving test examiner”.

We have just brought in NTSA. When you say examiner without giving a name, it brings confusion in the parent Act. At the moment, practically, it is NTSA that administers examinations to drivers. I was making it very clear.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Section 2 as amended agreed to)

The Traffic Act, Cap.403, Section 3

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Temporary Deputy Chairman. I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Traffic Act, Cap 403 by -

(b) in the proposed amendment to section 3 by deleting the word “offices” appearing in the proposed new subsection (4) and substituting therefor the word “officer”; This is a typographical error. I am just clearing.

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Section 3 as amended agreed to)

The Traffic Act, Cap.403, Section 8

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Temporary Deputy Chairman. I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Traffic Act, Cap 403 by -

(c) by deleting the proposed amendment to section 8;

The Committee is of the opinion that we delete Section 8. Section 8 was dealing with insurance. It is true that if you can only allow the owner of the car to get insurance, it is very tricky in this country. We have to be practical even to ourselves and to Kenyans. It might take some time to transfer the ownership of a car to your name. Because you need to be driving it, you should be the one taking the insurance.

I am not wrong. I am communicating the decision of the Committee which went through public participation. It is deletion of Section 8.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): I see interest Hon. Rasso Ali, Member for Saku.

Hon. Ali Rasso (Saku, JP): Thank you very much, Hon. Temporary Deputy Chairman. I support the proposal by the Chair. As Hon. Members have already alluded, the fact that you buy a vehicle does not mean that you transfer it to your name immediately or the following day. For that reason, curtailing people from driving the vehicle on the road because they do not have a valid insurance, it is valid. We should not allow this to slip through our hands.

(Question, that the words to be left out be left out, put and agreed to)

(Section 8 agreed to)

(Sections 39(1), 45(1) and 56(1) agreed to)

The Traffic Act, Cap.403, Section 57

Hon. David Pkosing (Pokot South, JP): I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Traffic Act, Cap 403 by –

(d) deleting the proposed amendment to Section 57.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Members, we are dealing with page 1472.

Hon. David Pkosing (Pokot South, JP): Our reasons are that the amendment seeks to ensure that NTSA officials do not patrol roads and have power to detain a vehicle carrying any of the loads requiring a permit as prescribed under the Act or the East African Community Vehicle Load Control Act. We are marrying the Traffic Act with the East African Community Vehicle Load Control Act.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Section 57 agreed to)

The Traffic Act, Cap.403, Section 58

The Temporary Deputy Chairman (Hon. Christopher Omulele): Mover, the Hon. Pkosing. You have a proposed amendment to that.

Hon. David Pkosing (Pokot South, JP): I have a proposed amendment to Section 70. Sorry, I have for Section 58. I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Traffic Act, Cap 403 by –

(e) inserting the words “wherever it appears” immediately after the expression “section 55 or section 56” in the proposed amendments to Section 58.

(f) by inserting the following new item immediately after the proposed amendment to section 58—

Insert the words “or in accordance with the East African Community Vehicle Load Control Act, 2013” before the words “shall be guilty” appearing in subsection (1);

If you read the Act, it was not worked together with the East African Community Vehicle Load Control Act.

Therefore, the punishment should be equal so that we have one punishment relating to traffic issues. I am just harmonising.

(Question of the amendment proposed)

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(Section 58 as amended agreed to)

The Temporary Deputy Chairman (Hon. Christopher Omulele): What is out of order, Hon. Millie Odhiambo?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Deputy Chairman, I have several proposed amendments. I hoped that we would finish today but apparently we will not. I am forced to leave because I am going on parliamentary duties out of the country. I know that I am supposed to do this formerly which I will do. I have requested Hon. T. J. Kajwang' and Hon. Nyikal to propose my amendments. I am doing that formerly, but I am also letting you know so that you do not wonder why they are moving my amendments. I am doing it formerly and out of courtesy.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Millie, it is quite in order. I know you will write formerly. I think you know the process, but it is good to inform us also. We wish you well in your sojourn out there on our behalf.

Hon. Kisang, what is out of order?

Hon. William Kisang (Marakwet East, JP): Thank you, Hon. Temporary Deputy Chairman. Before Hon. Millie leaves, we had discussed and canvassed that she drops the two amendments on Kenya Information and Communications Act and Copyright Act.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Kisang, let me consult a little bit on what you are proposing. The Leader of the Majority Party?

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chair, of course Hon. Millie has to speak to what she has discussed to be on the HANSARD, but for anybody to take the amendment of a colleague, the procedure is very clear, one writes to the Speaker. It is approved and then she brings it here. Even as we sit here, we have only 20 minutes. You cannot mortgage Hon. Nyikal and Hon. T. J. You have no title over them. The only title you have is a letter approved by the Speaker.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Leader you are speaking to the same thing. Hon. Millie is aware of what she needs to do. We wish her well in her journey out there.

The Traffic Act, Cap.403, Section 70(5B)

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Traffic Act, Cap 403 by –

(g) deleting the proposed amendment to section 70(5B)

The amendment seeks to ensure that the penal provisions with respect to violation of traffic signs that prescribe speed limit on the road by more than 20 kilometers per hour are

retained as provided in the original Act. The Committee found this to be more punitive and proposed that we retain what was in the original law.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Section 70(5B) agreed to)

The Traffic Act, Cap.403, Section 85

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Traffic Act, Cap 403 by –

(h) deleting the proposed amendment to section 85

We are proposing to delete the amendment to Section 85 because it seeks to ensure that the Cabinet Secretary does not have any power to prescribe the limit of drinks or drugs a driver of a motor vehicle can consume. One person cannot do that and the Committee found it was not necessary.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Pkosing, you are proposing to delete.

(Question, that the words to be left out be left out, put and agreed to)

(Section 85 agreed to)

(Sections 91(1), 94, 104, and 106(1) agreed to)

The Traffic Act, Cap.403, Section 106(8)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Mover.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Traffic Act, Cap 403 by -

(i) deleting the words “under” appearing immediately before the word “there under” in the proposed amendment to Section 106 (8).

This is to remove unnecessary words from the provisions of this section.

(Question of the amendment proposed)

(Question, that the words to be left

out be left out, put and agreed to)

(Section 106(8) as amended agreed to)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, we have now dealt with all the proposed amendments to the Traffic Act.

*(Provisions relating to the Traffic Act,
Cap. 403, as amended agreed to)*

(Schedule agreed to)

THE KENYA POST OFFICE SAVINGS BANK ACT, CAP. 493

The Kenya Post Office Savings Bank Act, Cap. 493, Section 14

The Temporary Deputy Chairman (Hon. Christopher Omulele): The Chairman of the Departmental Committee on Finance and National Planning, Hon. Limo.

Hon. Joseph Limo (Kipkelion East, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to section 14 of the Kenya Post Office Savings Bank Act by inserting the words “in consultation with the Cabinet Secretary” immediately after the word “Registrar”.

The import of this is that when there is dispute between the bank and an individual depositor there is normally an arbitrator who is appointed by the Registrar of Nairobi Centre for International Arbitration. We are now providing that this arbitrator should work in consultation with the Cabinet Secretary. This role in the parent Act is undertaken by the Cabinet Secretary. Now that it is being moved to the Registrar then he should not do it alone but must consult the Cabinet Secretary responsible for finance matters.

(Question of the amendment proposed)

Hon. Omboko Milemba (Emuhaya, ANC): Hon. Temporary Deputy Speaker, I do not support that amendment because if there is arbitration – arbitration is an ongoing process and we have seen it work – and the Registrar has already appointed an arbitrator, why would he refer again to the Cabinet Secretary *per se*? I do not think there is any need to refer the matter to the Cabinet Secretary again because you will actually be usurping the role of the Registrar in his mandate to appoint an arbitrator. It means the Cabinet Secretary will have influence on the kind of arbitrator that comes in.

I oppose.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Leader of the Majority Party. Hon. Maanzo, I hear you. I will give you an opportunity. Hon. Tonui, I know.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairman, I think we need to understand. The Bill was to provide for arbitrators in dispute under this Act and shall be appointed by the Registrar of the Nairobi Centre for International Arbitration instead of the Cabinet Secretary. So, the Registrar is appointed by the Nairobi Centre for International

Arbitration. What the Committee has done is to provide that the appointment of an arbitrator be done by the Registrar in consultation with the Cabinet Secretary for National Treasury. That one is important so that he acts as a check and balance on the Kenya Post Office Savings Bank, which is an entity wholly owned by Government. I think what the Chair is doing is important. The Cabinet Secretary for National Treasury sits in that board and so he must have a say. I really ask Hon. Milemba to accept that.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Maanzo.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Chairman. You know the process of arbitration has a whole Act of Parliament which manages it and it has processes which are conclusive such that whether you introduce the Cabinet Secretary or not, the moment there is an arbitrator in place, the law takes its course and even if an award is not acceptable or has issues, it can be subjected to directions of the High Court. So, I believe whether the Cabinet Secretary does consultation or not, so long as there is an arbitrator in place, there is an Act of Parliament which controls the actions of the arbitrator. So, I support.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Let us have Hon. Tonui followed by Hon. Chachu. I see your interest, Hon. Chachu and Hon. Oundo. Organise your thoughts.

Hon. Ronald Tonui (Bomet Central, JP): Thank you, Hon. Temporary Deputy Chairman. I do wish to support the amendment by the Chair because I believe this Registrar can be made too powerful and so he requires some sort of control by having consultation. I believe having the Cabinet Secretary in that process is for the better. Thank you.

Hon. Chachu Ganya (North Horr, FAP): Thank you, Hon. Temporary Deputy Chairman. I do support this amendment in the sense that these amendments call for transparency and consultation and I think it is in the best interest of this law to really have that transparency element to it. I support.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Oundo.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Temporary Deputy Chairman, I stand to oppose the amendment because the essence of arbitration is to get an independent party to arbitrate or resolve a dispute between two contracting parties. The Cabinet Secretary sits on the board of the Kenya Post Office Savings Bank. Consequently, being consulted before an arbitrator is appointed is to disadvantage the client who has got a contractual issue against the bank. This is setting a dangerous precedent because what it means is that an arbitrator who is not independent or who is impartial will not be selected.

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(Section 14 as amended agreed to)

Hon. Members, allow me to put the overall Question. Order!

(Hon. Alfred Keter consulted in the gangways)

Order Members! Hon. Keter, you have just walked in but allow us to conduct this business. Hon. Members, allow me to put the overall Question.

(Provisions relating to the Kenya Post Office Savings Bank Act, Cap. 493, as amended agreed to)

(Schedule agreed to)

PROGRESS REPORTED

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Chairman, I beg to move that the Committee do report to the House its consideration of the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.12 of 2018) up to the Kenya Post Office Savings Bank Act (CAP.493) and its approval thereof with amendments, and seek leave to sit again tomorrow morning.

(Question proposed)

(Question put and agreed to)

(The House resumed)

*[The Temporary Deputy Speaker
(Hon. (Ms.) Jessica Mbalu) in the Chair]*

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well, let us have the Chairperson reporting to the House.

Hon. Christopher Omulele (Luanda, ODM): Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.12 of 2018) up to the provisions relating to the Kenya Post Office Savings Bank Act, Cap. 493 and its approval thereof with amendments and seeks leave to sit again.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us have the Mover to move reporting.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, I beg to move that the House do agree with the Committee in the said Report. I also request Hon. Washiali to second the Motion for agreement with the Report of the Committee of the whole House.

Hon. Benjamin Washiali (Mumias East, JP): Hon. Temporary Deputy Speaker, I beg to second.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let me confirm whether the House is procedurally constituted. We are 34. Let me give a chance to two Members. Let us have the Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Thank you, Hon. Temporary Deputy Speaker. I want to thank those who have been here since 2.30 p.m., and those who have just arrived now

like Hon. Keter and Hon. Mbadi. It was a good afternoon. We have done up to Section 20 of the Kenya Post Office Savings Bank Act. I hope that tomorrow morning, from 9.30 a.m, we will move so that we finish. We will finish tomorrow in the morning, so that we can slot the Public Investments Committee (PIC) Report and other reports for the afternoon session.

I want to thank the Speaker and the session Chair, Hon. Omulele, for a job well done. I am sure this Committee of the whole House is a serious business of Legislature.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I am the Speaker.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, I said that change of Chair is sometimes too fast. I did not know you have taken over the Chamber. Hon. Mbadi was with us but he left. He came back a few minutes ago. The cameras can tell that.

(Hon. T.J. Kajwang' spoke off record)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): He is your counterpart.

Hon. Aden Duale (Garissa Township, JP): Because of the handshake, we agree who remains and leaves these days. Hon. Mbadi, make sure you are here tomorrow in the morning, so that I can go to do some errands in town.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Member for Suba South, when you are on that side, are you the Leader of the Minority Party?

Hon. John Mbadi (Suba South, ODM): Hon. Temporary Deputy Speaker, I wanted the Leader of the Majority Party to correct himself. He started by thanking Members who have been here and then he went ahead to mention those who have just arrived, like Hon. Keter; and then mentioned me without clarifying whether I have just arrived. I have been here. Even when I am out of the Chamber, I delegate properly. I leave Hon. Omboko Milemba in charge, supported by Hon. T.J. Kajwang' and others. The Leader of the Majority Party has left the microphone. I wanted him to clarify that I have not just arrived. I have been around.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Member for Mumias East.

Hon. Benjamin Washiali (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker. I want to join the Leader of the Majority Party and to an extent the Leader of the Minority Party in thanking those Members who have actively participated in this Bill. I want to encourage those of us who know the importance of this Bill to come tomorrow at 9.30 a.m. There was a Procedural Motion today in the afternoon. Chances are that Members may easily forget to come to the Chamber because it will be a Thursday Morning. I wanted to use this opportunity to remind Members that tomorrow in the morning at 9.30 a.m, we should all come without subjecting the office of whipping to start requesting Members to come in and participate in these procedures.

I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Sankok, comment for one minute.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order. I have a problem with this and I will not allow it. On record, you are the Member for Endebess. You are not Hon. ole Sankok David.

Hon. (Dr.) Robert Pukose (Endebess, JP): This card is now reading Hon. Sankok.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I cannot allow you to speak with that card.

Hon. (Dr.) Robert Pukose (Endebess, JP): This is supposed to be my card.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): It is not your card because it is reading Hon. ole Sankok David. Resume your seat.

Let us have the Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, I saw Hon. Kaluma yesterday purporting, through fraud, to use my card to speak. This is another incidence today. There must be an investigation by the Powers and Privilege Committee on why Members are using other Members' cards.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Pukose, you can use the next microphone.

Hon. (Dr.) Robert Pukose (Endebess, JP): Is it reading Hon. Sankok or my name? It is my name.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You had four seconds to contribute. You do not know which card is yours.

Members, I am not in a position to put the Question. Therefore, I order that the Question to the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 12 of 2018) be put tomorrow at an appropriate moment.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, the time being 7.00 p.m, the House stands adjourned until tomorrow, Thursday, 15th November 2018, at 9.30 a.m.

The House rose at 7.00 p.m.