

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 28th April, 2016

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

**Hon. Speaker:** What is the number of Members in the Chamber? We may have to ring the Quorum Bell. Ring the Bell.

*(The Quorum Bell was rung)*

We may commence business. I will give a Communication before Order No.8.

PETITION

ESTABLISHMENT OF A KDF RECRUITMENT CENTRE AT NAVAKHOLO

**Hon. Wangwe:** Hon. Speaker, I beg to present a Public Petition on the designation of a recruitment centre in Navakholo Sub-county by the Ministry of Defence.

I, the undersigned, on behalf of the residents of Navakholo Constituency, draw the attention of the House to the following:-

THAT, Navakholo Sub-county came into existence as a district vide *Kenya Gazette* Notice No.1779 dated 17<sup>th</sup> February 2011. The said Sub-county is headed by a Deputy County Commissioner with a police division, education office and a fully-fledged agricultural office among all other national administration offices;

THAT, the said Sub-county has three divisions; namely, Bunyala West Division, Navakholo Division and Butso North Division and six locations and yet, regrettably, the Sub-county does not host a recruitment centre for the Kenya Defence Forces (KDF);

THAT, the current recruitment centre at Bukhungu Stadium in Lurambi Sub-county is about 42 kilometres away from Navakholo Sub-county hence, forcing recruits to travel long distances to participate in any recruitment exercise.

THAT, the Sub-county is made up of two major sub-tribes and if the recruitment by the KDF continues to take place at the current location, the community will be disenfranchised hence causing disunity among the community;

THAT, the Sub-county with a population of 137,092 people, as per the 2009 population census, did not produce any recruit to the KDF in two consecutive recruitment exercises in 2014 and 2015;

THAT, efforts to have a recruitment centre set up in Navakholo Sub-county by the Ministry of Defence has not yet borne fruit;

THAT, the issues in respect of which this Petition is made are not pending before any court of law, constitutional or statutory body.

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Defence and Foreign Relations:-

- (i) recommends that the Cabinet Secretary for Defence sets up a recruitment centre in Navakholo Sub-county for the purpose of recruiting officers to the KDF to ensure that youth from the Sub-county get a chance to serve in the KDF; and
- (ii) any other recommendation in favour of the Petitioners.

And your Petitioners will ever pray.

**Hon. Speaker:** Let us have Hon. Kifuma Chanzu.

**Hon. Chanzu:** Thank you, Hon. Speaker. I wish to support that Petition considering that one of the items that are being addressed very well by the new Constitution is fairness and equity. For example, in the last KDF recruitment, Navakholo Constituency did not benefit. That is unfair. That is what should be addressed by the Petition.

We need to bring services closer to the people. It is not only the recruitment of the armed forces that is going to be done at Navakholo, there is need to recruit the police. It is important that this Petition is addressed. The way the boundaries were done in this country was rushed. There is unfairness and inequities in some places. That should be addressed so that every Kenyan gets fairness, particularly the youth.

Thank you, Hon. Speaker.

**Hon. Speaker:** Member for Tongaren.

**Hon. (Dr.) Simiyu:** Thank you, Hon. Speaker. I would also like to support this Petition by Hon. Wangwe on behalf of Navakholo Constituency. Being familiar with the geography of the area and the ethnic distribution, definitely, if recruitment has been going on without anybody from Navakholo being recruited, then that is serious discrimination against a particular community. That means they end up not having representation in the armed forces or in the other security services in this country. I urge the Departmental Committee on Administration and National Security to move with speed to ameliorate this problem so that it does not recur. This is the basis that some people will rely on eventually to talk about marginalisation.

Thank you, Hon. Speaker.

**Hon. Speaker:** Member for Chuka/Igambang'ombe.

**Hon. Njuki:** Thank you, Hon. Speaker. I support this Petition. That problem has been created by another problem that is rampant almost everywhere. There is need to align the boundaries of administrative centres with political ones. There are some constituencies that have more than one sub-county. We have other sub-counties that have more than one constituency. The idea of making the sub-counties recruiting centres when you have more than one constituency in one sub-county leaves many people out.

On the other hand, constituencies with more than one sub-county benefit from the sub-counties. The administration needs to have formula that can be beneficial to all Kenyans. That is because the one they use at the moment is not good.

I support that we should sort out administrative boundaries. A special case, like the one that has been mentioned of Navakholo, should be looked into because many Kenyans will be left out from being recruited into the armed forces, if that is the formulae at hand.

I support the Petition.

**Hon. Speaker:** Member for Kibra.

**Hon. Okoth:** Thank you, Hon. Speaker. I thank the Member for Navakholo for bringing up this issue on behalf of his constituents. It is an important issue because, as the Member for Chuka/Igambang'ombe has said, some constituencies are just one sub-county.

Kibra Constituency, for instance, for a long time, was split between two sub-counties and we did not benefit. We were actually marginalised because sections of our people were in Dagoretti Sub-county and others in Langata Sub-county.

I am grateful that the Government and the Ministry of Interior and Coordination of National Government, in December last year, gazetted Kibra as sub-county. We now have our own Deputy County Commissioner. But when our young people want to join the military forces and Kenya Wildlife Service, they have to go to Nyayo Stadium which is in Langata Constituency.

I hope very soon the Ministry of Interior and Coordination of National Government and the Departmental Committee on Administration and National Security will respond and rationalise those areas. That way, young people in Kibra Constituency will get their recruitment drive done at Woodley Stadium in Kibra or at the DC's Ground, which is closer to them. At such places, they will feel at home rather than getting out of the constituency to an environment where they feel intimidated and disadvantaged.

Last but not least, on marginalisation and discrimination of communities, the formulae that was used for Langata in the past as a sub-county and a district, resulted in the historical marginalisation of the Nubian Community. The youth from that community did not get a chance to join the military and the police force. The documentation is there for over 10 years. You can count a handful of them who were able to join the disciplined forces.

This is being changed and, in the process, you find that almost all the slots go to one community to the disadvantage of young Kenyans from other communities who also live there. I ask that the Committee and the Ministry help us to find a solution that caters for historical injustices, but does not discriminate against young people today who, for no fault of theirs, might not be Nubians.

With those remarks, I beg to support.

**Hon. Speaker:** Finally, Hon. Member for Malava.

**Hon. Injendi:** Thank you, Hon. Speaker. I wish to also support the Petitioner.

As I support, I must remind myself that this is an issue that Hon. Wangwe raised in 2014. He was assured that, that would happen. They talked of 2016 and yet, that has not happened. This House should rule that when there is recruitment; a list of recruitment centres be forwarded to this House in advance so that we can see whether it is fair to all Kenyans.

Thank you, Hon. Speaker, I support.

**Hon. Speaker:** Hon. Members, I wish to draw the attention of the House to the fact that there is a Supplementary Order Paper, necessitated by some business that was being transacted in the Morning Sitting and was not completed. It had not been factored for the afternoon. It is necessary, for the convenience of the House, that business is carried over into the Afternoon Sitting.

Therefore, there is a late Supplementary Order Paper that will be circulated. I hope the Clerk's Department has printed sufficient copies. Essentially, this is to allow for the smooth flow of the business that was in the Morning Sitting to be carried over to the Afternoon Sitting.

Next Order!

### PAPERS LAID

**Hon. Speaker:** The Leader of the Majority Party.

**Hon. A.B. Duale:** Hon. Speaker, I beg to lay the following papers on the Table of the House today Thursday, 28<sup>th</sup> April, 2016.

The Judiciary and the Judicial Service Commission Budget Estimates for medium term expenditure framework for 2016/2017, 2018-2019.

The Report of the Auditor-General and the Financial Statements of the Development Bank of Kenya Limited for the year ended 31<sup>st</sup> December 2015.

The Report of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June, 2015, and the Certificates therein:-

- i. Multimedia University of Kenya;
- ii. Konza Technopolis Development Authority;
- iii. National Communication Secretariat;
- iv. University of Nairobi;
- v. Teachers Service Commission;
- vi. Kenya Education Management Institute;
- vii. The Kenya Trade Network Agency.

**Hon. Speaker:** The Vice-Chair, Departmental Committee on Lands, Hon. ole Sakuda.

**Hon. ole Sakuda:** Hon. Speaker, I beg to lay the following Papers on the Table of the House today Thursday, 28<sup>th</sup> April, 2016:-

Reports of the Departmental Committee on Lands on:-

- (i) Land disputes between Pwani University and Mtaani/Kisumu Ndogo/GTZ residents;
- (ii) Land disputes in Gashembe Munengi Settlement Scheme, Naivasha Lake corridors, Kinungi and Isahakia areas in Nakuru County.

Thank you.

**Hon. Speaker:** Very well. Next Order!

### NOTICES OF MOTIONS

**Hon. ole Sakuda:** I have two notices of Motions. I beg to give notice of the following Motions:-

#### ADOPTION OF REPORT ON LAND DISPUTES IN NAKURU COUNTY

THAT, this House adopts the Report of the Departmental Committee on Lands on land disputes in Gashembe Munengi Settlement Scheme, Naivasha Lake Corridors, Kinungi and Isahakia areas in Nakuru County, laid on the Table of the House on Thursday, 28<sup>th</sup> April 2016.

## ADOPTION OF REPORT ON RESOLUTION OF LAND DISPUTES IN KILIFI COUNTY

THAT, this House adopts the Report of the Departmental Committee on Departmental Committee on Lands, on land disputes between Pwani University and Mtaani/Kisumu Ndogo/German Technical Co-operation Agency (GTZ) residents laid on the Table of the House on Thursday, 28<sup>th</sup> April, 2016.  
Thank you.

## STATEMENTS

## SUBMISSION OF ESTIMATES OF REVENUE AND EXPENDITURE

**Hon. Speaker:** Hon. Members, for avoidance of doubt and for all to note, Article 221(1) of the Constitution states:-

“At least two months before the end of each financial year, the Cabinet Secretary responsible for finance shall submit to the National Assembly estimates of revenue and expenditure of the national government for the next financial year to be tabled in the National Assembly.”

Therefore, Hon. Members, before the House rises today, there must be tabled before this House estimates of revenue and expenditure for the national Government.

So, the Hon. Leader of the Majority Party will have the extra task of having to ferry whatever report it is from the Cabinet Secretary (CS), National Treasury, for tabling before the House rises. That is because it is a constitutional requirement that the next sitting of this House will be outside of, at least, two months before the end of the financial year, which will be next Tuesday.

Therefore, the CS must ensure that there is submission and tabling by the Hon. Leader of the Majority Party estimates of revenue and expenditure for the next financial year. We had already tabled here the budget for Parliamentary Service Commission (PSC) and the Judicial Service Commission (JSC). So, Hon. Leader of the Majority Party, they say in Swahili “*kazi kwako*”.

I hope the CS responsible is listening to what we are saying so that if this House rises today without those estimates tabled, he will be in breach of the Constitution for which appropriate constitutional disciplinary action will be taken by this House. So, he must be alive to that.

**Hon. A.B. Duale:** Hon. Speaker, I have just talked to the CS, Treasury. He says before 4.00 p.m. the estimates will be tabled. *Na hiyo kazi kwangu, nitaifanya.*

**Hon. Speaker:** Hon. Leader of the Majority Party, are you making a statement or will you be making a statement alongside the tabling of that Report? That is the normal Statement for the House Business Committee (HBC) that you have.

BUSINESS FOR THE WEEK COMMENCING 3<sup>RD</sup> TO 5<sup>TH</sup> MAY, 2016

**Hon. A.B. Duale:** Hon. Speaker, pursuant to Standing Order No. 44(2)(a), on behalf of the House Business Committee (HBC), I rise to give the following Statement regarding the business appearing before the House the week beginning 3<sup>rd</sup> May, 2016.

The HBC met on Tuesday this week at the rise of the House to prioritise the business of the week. On Tuesday next week, priority has been accorded to the debate of the Special Motion on the Approval of Financing for the Development of the Second Container Terminal, Phase Two.

We will also consider in the Committee of the whole House the Petroleum Exploration (Development and Production) Bill, 2015 and the Land Laws (Amendment) Bill, 2015.

Hon. Speaker, I am sure the Chair of the Departmental Committee on Lands is meeting with the Members of the Coast region to harmonise their amendments. There were many amendments with so many deletions that substantially might affect the Bill. So, they are meeting this afternoon at 4.00 p.m. so that they can come on Tuesday with a harmonised position.

Other Bills that have been given priority for Second Reading on the same day include:-

- (i) The Seeds and Plant Varieties (Amendment) Bill, 2015, should we not conclude it today.
- (ii) The Kenya Roads Bill, 2015, should we also not conclude it today.
- (iii) The Miscellaneous Fees and Levies Bill No. 30 of 2015, which is important for the budget-making process.
- (iv) The Warehouse Receipts System Bill 2015.
- (v) The Kenya Defence Forces (KDF) Act (Amendment) Bill, 2015.

It is hoped that the House will receive and consider all the stages of the Supplementary Appropriations Bill, 2016, before we proceed for the long recess. If time allows us, we will also consider the Election Laws (Amendment) Bill No. 3 of 2015.

Following your guidance yesterday, on Thursday, 5<sup>th</sup> May 2016, a threshold of 233 Members will be required to vote in support of the Constitution of Kenya (Amendment) Bill No. 4 of 2015 to pass.

This is a Bill seeking to resolve the question of the two-thirds gender rule. I, therefore, urge colleagues to come in large numbers on Thursday afternoon so that we can undertake that important constitutional task.

On the Questions before the Committee, the following Cabinet Secretaries are scheduled to appear before the Committee on Tuesday 3<sup>rd</sup> May 2016:-

(i) The Cabinet Secretary for Education, Science and Technology at 10.00 a.m. before the Committee on Education, Research and Technology to answer Questions from the following Members; Hon. Benard Shinali MP, Hon. Peter Kaluma MP, Hon. Abdinoor Mohammed MP and Hon. Agoi Alfred Masadia MP.

(ii) The Cabinet Secretary for Agriculture, Livestock and Fisheries at 10.00 a.m. before the Departmental Committee on Agriculture, Livestock and Co-operatives to answer Questions from Hon. Aghostinho Neto, MP. Hon. Benjamin Washiali, MP, Hon. Manson Nyamweya, MP. Hon. Francis Mwangangi, MP and Hon. Njogu Barua, MP.

Finally, the HBC will reconvene on Tuesday, 3<sup>rd</sup> May 2016, at the rise of the House to consider the remaining business for the coming week.

**Hon. Speaker:** Next Order.

## BILL

### *Third Reading*

## THE ACCESS TO INFORMATION BILL

**Hon. Speaker:** Order, Members! As you are all aware, you completed debate on this Motion and what remains is for me to put the Question.

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

Next Order.

**MOTION**

## APPOINTMENT OF MEMBERS TO VARIOUS COMMITTEES

**Hon. A.B. Duale:** Thank you, Hon. Speaker. I beg to move the following Motion:-

THAT, pursuant to the provisions of Standing Orders 175 and 207, and further to the resolution of the House of October 8<sup>th</sup>, 2013 on appointment of Members to respective Committees, this House approves the appointment of the following Members to the Committees specified hereunder:-

## BUDGET AND APPROPRIATIONS COMMITTEE

- 1) The Hon. Mutava Musyimi, MP.
- 2) The Hon. Abdulaziz Farah, MP.
- 3) The Hon. Lati Lelelit, MP.
- 4) The Hon. Moses ole Sakuda, MP.
- 5) The Hon. James Gakuya , MP.
- 6) The Hon. Mary Emaase, MP.
- 7) The Hon. Benjamin Langat, MP.
- 8) The Hon. Daniel Nanok, MP.
- 9) The Hon. KK Stephen Kinyanjui, MP.
- 10) The Hon. Tiyah Galgalo, MP.
- 11) The Hon. Phillip Rotino, MP. (to move from the Departmental Committee on Agriculture, Livestock and Cooperatives)
- 12) The Hon. Joseph Barua, MP.( to move from the Public Investments Committee)
- 13) The Hon. Moses Kuria, MP.
- 14) The Hon. (Ms.) Reginalda Wanyonyi, MP.
- 15) The Hon. Nelson Gaichuhie, MP.
- 16) The Hon. Francis Njenga, MP.
- 17) The Hon. Dennis Kariuki, MP.
- 18) The Hon. Mohamed Shidiye, MP.
- 19) The Hon. Patrick ole Ntutu, MP.
- 20) The Hon. Jackson Kiptanui, MP.

- 21) The Hon. Moses Lessonet, MP.
- 22) The Hon. Joseph Limo, MP.
- 23) The Hon. James K. Bett, MP. (to move from the Departmental Committee on Justice and Legal Affairs)
- 24) The Hon. Yusuf Hassan, MP. (to move from the Departmental Committee on Defence and Foreign Relations)
- 25) The Hon. Christopher Nakuleu, MP. (to move from the Departmental Committee on Health)
- 26) The Hon. Charles Muriuki, MP.
- 27) The Hon. (Ms.) Priscilla Nyokabi, MP.
- 28) The Hon. Peter Weru Kinyua, MP.
- 29) The Hon. Samuel Gichigi, MP.
- 30) The Hon. Kathuri Murungi, MP. (to move from the Committee on Regional Integration)
- 31) The Hon. Jamleck Kamau, MP.
- 32) The Hon. (Ms.) Alice Ng'ang'a, MP.
- 33) The Hon. Richard Tong'i, MP.
- 34) The Hon. Ferdinand Waititu, MP.
- 35) The Hon. Bady Bady Twalib, MP.
- 36) The Hon. Shakeel Shabbir, MP.
- 37) The Hon. Richard Momoima Onyonka, MP. (to move from the Committee on Delegated Legislation)
- 38) The Hon. Edick Omondi Anyanga, MP. (to move from the Departmental Committee on Transport, Public Works and Housing)
- 39) The Hon. Abdullahi Diriye MP.
- 40) The Hon. Ben Momanyi Orari, MP.
- 41) The Hon. Ababu Namwamba, MP.
- 42) The Hon. Maj. Marcus Mutua Muluvi MP.
- 43) The Hon. Jones Mwangogo Mlolwa, MP.
- 44) The Hon. Hon. Kenneth Okoth Odhiambo, MP.
- 45) The Hon. Ibren Nasra Ibrahim, MP. (to move from the Catering and Health Club Committee)
- 46) The Hon. Gideon Ochanda Ogolla, MP. (to move from the Committee on Implementation)
- 47) The Hon. Dr. David Eseli Simiyu, MP. (to move from the Departmental Committee on Health)
- 48) The Hon. Ahmed Ibrahim Abbass, MP.
- 49) The Hon. Christopher Omulele, MP. (to move from the Constitutional Implementation Oversight Committee)
- 50) The Hon. (Ms.) Denittah Ghati, MP.
- 51) The Hon. Abdikadir Ore Ahmed, MP. (to move from the Departmental Committee on Administration and National Security)

#### OTHER COMMITTEES



- 1) The Hon. (Eng.) Stephen Ngare, MP - Public Investments Committee.
- 2) The Hon. Clement Wambugu, MP - Public Accounts Committee.
- 3) The Hon. Bitok Kirwa, MP – Departmental Committee on Justice and Legal Affairs Committee.
- 4) The Hon. Alfred Agoi, MP - Regional Integration Committee.
- 5) The Hon. Alfred Sambu, MP - Departmental Committee on Health.
- 6) The Hon. Banticha Jaldesa, MP - Departmental Committee on Education, Research and Technology Committee.
- 7) The Hon. (Ms.) Ali Fatuma Ibrahim, MP - Departmental Committee on Administration and National Security.
- 8) The Hon. (Dr.) Makali Mulu, MP - Departmental Committees on Administration and National Security and Finance, Planning and Trade.
- 9) The Hon. Charles Nyamai, MP - Departmental Committee on Energy, Communication and Information.
- 10) The Hon. Benjamin Andayi, MP - Departmental Committees on Justice and Legal Affairs and Agriculture, Livestock and Co-operatives.
- 11) The Hon. (Ms.) Zuleikha Hassan Juma, MP - Joint Committee on Parliamentary Broadcasting and Library.
- 12) The Hon. Willy Baraka Mtengo, MP - Departmental Committee on Energy, Communication and Information and Committee on Regional Integration.
- 13) The Hon. Silverse Lisamula Anami, MP- Departmental Committee on Energy, Communication and Information.
- 14) The Hon. Isaac Mwaura, MP - Departmental Committee on Environment and Natural Resources.
- 15) The Hon. Richard Makenga Katemi, MP - Departmental Committee on Environment and Natural Resources.
- 16) The Hon. (Ms.) Joyce Lay, MP - Departmental Committee on Environment and Natural Resources.
- 17) The Hon. John Mbadi, MP - Departmental Committee on Finance, Planning and Trade.
- 18) The Hon. Joash Olum, MP - Joint Committee on Parliamentary Broadcasting and Library.
- 19) The Hon. Robert Mbui, MP - Departmental Committee on Health.
- 20) The Hon. Jared Opiyo Odhiambo, MP - Departmental Committee on Health.
- 21) The Hon. Irshadali Sumra, MP - Departmental Committee on Labour and Social Welfare.
- 22) The Hon. Omar Mwinyi, MP - Departmental Committee on Lands.
- 23) The Hon. Rashid Bedzimba, MP - Departmental Committee on Transport, Public Works and Housing.

- 24) The Hon. Suleiman Murunga Kasuti, MP - Departmental Committee on Defence and Foreign Relations.
- 25) The Hon. Shukra Hussein Gure, MP - Committee on Implementation.
- 26) The Hon. Andrew Mwadime, MP - Committee on Regional Integration.
- 27) The Hon. Washington George Omondi Mallan, MP – Constitutional Implementation Oversight Committee.
- 28) The Hon. John Waluke, MP - Committee on Delegated Legislation.
- 29) The Hon. (Prof.) J.W. Nyikal, MP - Procedure and House Rules Committee.
- 30) The Hon. James Lusweti, MP - Catering and Health Club Committee.
- 31) The Hon. Abdulsamad Sheriff, MP - Procedure and House Rules Committee.
- 32) The Hon. (Ms.) Odhiambo-Mabona, MP - Constitution Implementation Oversight Committee.
- 33) The Hon. Paul Otuoma, MP - Committee on Implementation.
- 34) The Hon. Jude Njomo, MP to move from Public Accounts Committee to the Departmental Committee on Agriculture, Livestock Co-operatives.
- 35) The Hon. Jacob Waweru, MP to move from the Departmental Committee on Education, Research and Technology Committee to the Departmental Committee on Defence and Foreign Relations.
- 36) The Hon. Charles Nyamai, MP to move from Committee on Regional Integration to the Departmental Committee on Administration and National Security.
- 37) The Hon. (Ms) Aisha Jumwa, MP to move from the Departmental Committee on Environment and Natural Resources to the Departmental Committee on Agriculture, Livestock and Co-operatives.
- 38) The Hon. (Ms.) Zuleikha Hassan Juma, MP to move from the Departmental Committee on Agriculture, Livestock and Co-operatives to the Departmental Committee on Environment and Natural Resources.
- 39) The Hon. Joash Olum, MP to move from the Departmental Committee on Finance, Planning and Trade to the Committee on Delegated Legislation.
- 40) The Hon. Hezron Awiti Bollo, MP to move from the Departmental Committee on Agriculture, Livestock and Co-operatives to the Departmental Committee on Finance, Planning and Trade.
- 41) The Hon. Anyanga Andrew Toboso, MP to move from the Departmental Committee on Finance, Planning and Trade to the Departmental Committee on Agriculture, Livestock and Co-operatives.

This is a long list. It is like re-constituting nearly all the committees. At the outset, I want to thank the Whips of both coalitions who sat for long hours, did a lot of consultations and went through various parliamentary group meetings. Members are aware that the Liaison Committee

which comprises of Chairpersons of Committees has been performing all the functions of the Budget and Appropriations Committee. This has been a very daunting task for that Committee.

Hon. Speaker, as you have guided the House today, we will be receiving the Estimates of Expenditure and Revenue. This again, will be referred to the various departmental committees. That means that chairs and committee members will have to scrutinize the itemized budget for the whole of the month of May when we will be on recess.

When we come back in the first week of June, the Cabinet Secretary for National Treasury will be in a position to read the Budget. Members will agree with me that the very important functions that are done by the Budget and Appropriations Committee - outside dealing with its core mandate - are Private Members Bills, Motions and issues that touch on Article 124 on money Bills.

I am sure that, in the long list, you have seen Members being moved to various Committees and also to the Budget and Appropriations Committee. I am sure that, as leaders, we have tried our best. Close to 60 per cent of the Members of the Budget and Appropriations Committee are new. Others were left there to give it institutional, historical memory and their expertise. So, it is a straightforward Motion.

I will ask if the Chair of the Departmental Committee on Labour and Social Welfare or the Minority Whip--- By virtue of being the Chair or the Leader of the Minority Party one does not qualify to be in the leadership, Hon. Ken Obura. Leadership is not given just like that. It may be through prayers.

In the next Parliament, you might be the Leader of the Majority or Minority Party. I thank Hon. Mwachugu and Hon. Katoo most sincerely. They burnt the midnight oil to deal with this.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Thomas Mwachugu.

**Hon. Mwachugu:** Thank you, Hon. Speaker. I take this opportunity to second this Motion. In so doing, we tried as much as we could in the Coalition to follow what was agreed in the *Kamukunji*. We brought completely new Members. In the process, we took into account various Members who had volunteered to move from their Committees and join the Budget and Appropriations Committee.

That, notwithstanding, we also observed the attendance of Hon. Members in various Committees and inter-changed them.

As it appears on the Order Paper, the list from our Coalition is very long and I do not intend to read it. In brief, we have tried to synchronize and move Members to various Committees. In the process, there may be an overlap like the one that has been brought to my attention by the Labour and Social Welfare Committee. We will have to remove one Member because there is an excess of one Member.

I believe the exercise was not easy especially on our side because it touched on practically all Committees. It gave us a problem given that Members have already settled in their Committees and acquainted themselves with the procedures. As such, I humbly request Members to accommodate what we have done in the interest of the Budget and Appropriations Committee.

With those remarks, I beg to support.

**Hon. Speaker:** To second.

**Hon. Mwachugu:** I beg to second.

*(Question proposed)*

**Hon. Speaker:** Hon. Members, the list is long and I do not intend to read it. I will commit it to each Member for purposes of debate.

Hon. Florence Kajuju.

**Hon. (Ms.) Kajuju:** Thank you, Hon. Speaker for giving me this opportunity. I rise to support this Motion as presented by the Leader of the Majority Party. Having been part of the Liaison Committee which was doing the Budget for a very short period, I realized the difficulties that we were undergoing. Being Chairpersons of various Committees we were engaged in different tasks in our Committees and also budgeting.

Therefore, I appreciate what the Budget and Appropriations Committee must do to ensure that money in this Government is allocated to various departments as provided by law. It is important that we have a Departmental Committee that actually deals with the Budget and is able to scrutinize the various money Bills that are pending. It is my humble request to Members to ensure that this Motion passes.

As the House Business Committee, we had to look through the various options that would ensure that we re-constitute the Budget and Appropriations Committee. Looking at the issues of budget that are critical to this country and the various pending money Bills - which are quite a number – we request that the Budget and Appropriations Committee be re-constituted and Members sit down and work on them.

Hon. Speaker, I support this Motion and beg Hon. Members to also support it because it is critical. Our major role in this House is to ensure that money in Government is utilized and allocated equitably to various Government organs.

**Hon. Speaker:** Hon. Jessica Mbalu.

**Hon. (Ms.) Mbalu:** Thank you, Hon. Speaker for giving me this opportunity. I support the appointment of Members to various Committees and to the Budget and Appropriations Committee.

As a Member of Parliament and the representative of the people of Kibwezi, I know the importance of Committees. We have undergone various problems in the past three months in the budget-making process. I support the appointment of Members to various Committees. However, I note that the re-constitution is not very inclusive.

Most of the Members of the CORD Coalition who were part and parcel of the previous Budget and Appropriations Committee have not been included. As a House, we rejected the membership of the Budget and Appropriations Committee. That is not the membership of the Committee that we want to be re-constituted. I appreciate the ability of Members who have been selected to the Budget and Appropriations Committee. The Committee will work well in the budget-making process. We know the importance of the Committee in this House. For the sake of this country and that of the budget-making process, Members of the Budget and Appropriations Committee have been drawn from different committees. I note that some of them have been instrumental in the running of the Budget and Appropriations Committee. For example, Hon. Makali Mulu, the Member for Kitui, has done very well. He has given us a lot of advice, including those in the leadership positions. This Committee will miss a lot in the process now that Hon. (Dr.) Makali Mulu has been moved to the Departmental Committee on Administration and National Security. I appreciate that his area of specialization is finance, planning and trade. He and many others will be able to give their contribution to the Budget and Appropriations Committee.

Hon. Speaker, as we constitute the Budget and Appropriations Committee, it is important that we give our best for posterity. I appreciate the Members who have been given the chance to serve in the Budget and Appropriations Committee. They are capable of performing their mandate and help this House in the budget-making process. They will give their input and ensure that we get the best as per the Standing Orders, which gives them the parameters within which to operate. All said and done, we need the Committee. From my observation, with all due respect, I feel that we should have retained the original membership of the Budget and Appropriations Committee, particularly the Members from the CORD Coalition.

**Hon. Speaker:** Member for Turkana South.

**Hon. Ekomwa:** Thank you, Hon. Speaker. I rise to support this Motion. I was one of the great opposers of this Motion. What made me to support it this time round are the changes that have been made. We had requested that some people must also be given the opportunity to serve in this Committee. I thank the House leadership for taking into consideration the changes that we suggested.

Hon. Speaker, some Members have been replaced following consultations. The Members were taken from other Departmental Committees. That is very okay. We wanted the membership of the Committee to be representative of this country. I also support the Motion because we have made it clear - as Members of this House - that the irregularities and corruption that was observed in the previous membership of the Committee will not be repeated by the new membership of the Committee. If it is about distribution of the national cake or reward, it must be distributed to all constituencies. We deserve equal opportunities and rights. It must not go to only specific people. It is my plea to the Chairman of this Committee that if there is an issue concerning giving favours to constituencies, a *kamukunji* must be called for us to discuss and find the best way to benefit all the constituencies. That must go on record. Sometime back, when we rejected the proposed membership of this Committee, we based our decision on corruption. We said we had better rotate so that every committee tastes corruption. I take this opportunity to laud the members of this Committee for declaring that they will not repeat any mistakes that were done by the previous Committee. They have also said that they will take our issues and the issues of Kenyans seriously, and ensure that they will always distribute national resources equitably. We want to give them the last chance.

I am sending this message to other Committees as well. We are not angels. We know of only one angel called Gabriel. The Bible says that we have fallen short of the glory of God. That means if people made a mistake, they should be given a chance to correct themselves. That is why we take people to court to correct them. If there are mistakes that have been done - and the Members including the man of God, the Chairman - have pleaded, it will not auger well if we do not give a second chance. In our respective committees, we may also make mistakes or be persuaded to make mistakes. We will want to be given a chance to correct ourselves. Let us give them a chance to correct the problem that was there. If they repeat those mistakes, God will not judge us harshly if we reject them next time.

The time for elections is approaching. Let us give them time as we also take time in our respective Committees to ensure that we serve Kenyans.

I am very happy and I support the Motion.

**Hon. Speaker:** Hon. Members, this Motion is about many committees, but it is also important to appreciate the aspect of the Motion in part (b). That is why in seconding it, Hon. Thomas Mwachugu indicated the movement of Members that has affected other Committees. If

you just want to contribute, we will give you a chance to contribute. Do not hide under the guise of points of order. Hon. David Ochieng, if you want to contribute, let me give you a chance to contribute. I am sure that you have useful information you may want to share with your colleagues.

Proceed, Hon. David Ochieng.

**Hon. Ochieng:** Thank you so much, Hon. Speaker. Much as I am willing to contribute to this Motion, I thought that it is important for me to state a few things.

Hon. Speaker, you cannot allow a Member to say that this House is going to approve a Motion that is going to rotate corruption in Parliament. We cannot allow Members to say that. As a House, we should encourage people to be persuaded in their committees. That cannot be allowed to remain in the HANSARD. It is wrong language. I have never been persuaded by anybody. Nobody has tried to influence me in this Parliament. Therefore, if a Member says that and it is allowed to stand, it is not fair.

**Hon. Speaker:** What did the Member say?

**Hon. Ochieng:** Hon. Speaker, the Member who has just spoken has said that the Budget and Appropriations Committee should rotate corruption.

**Hon. Speaker:** We should?

**Hon. Ochieng:** Rotate corruption!

**Hon. Speaker:** Hon. Lomenen, did you say you want to rotate corruption? Can you correct yourself?

**Hon. Ekomwa:** Thank you, Hon. Speaker for giving me this opportunity. I said that we rejected the previous Committee because with the observations we made on the Floor, we sensed alleged corruption from what they were doing. We should make a decision of bringing in new Members and if it was alleged that there is corruption, then it will be rotated.

*(Laughter)*

**Hon. Speaker:** Hon. Lomenen, to that extent, you are out of order! Withdraw and apologise. You are imputing improper motives on the Members that by being moved from one Committee to another, you are rotating corruption. That is not correct.

**Hon. Ekomwa:** Hon. Speaker, with due respect, I want to make it clear that corruption is a disease for everybody in this world, but some symptoms have been seen in some people. We are all sick of corruption. I withdraw and apologise.

**Hon. Speaker:** In as much as you are suffering from that disease, we will recommend treatment. Hon. Ochieng.

**Hon. Ochieng:** Thank you, Hon. Speaker. That really worried me. In terms of the matters before us today, I am happy that the leadership of the House has finally agreed to bring us the names of the members of the Committee. As we debate this, we cannot forget the reason we did not have the Budget and Appropriations Committee for a long time. Members in those Committees represent themselves, their constituents, parties, coalitions and the people of Kenya at large. Being in a Committee is a privilege to do the right thing in this House. As Committees, we do a lot of work and it is very unfortunate if they fall short of glory. We cannot do that knowingly. As Members of Parliament, we must work for Kenyans. This is important because for the last two weeks, we have been debating the issue of the Senate looking for money.

Leadership should not be about looking for money every time. We should take our Committee business seriously and work for the people.

I want to talk to the former Chairman of the Committee. The Budget and Appropriations Committee should bring a balanced Budget to this House; a Budget that will not have a supplementary budget and over-shoots and one that we do not have to borrow money. That is why we have a Budget and Appropriations Committee to do budgeting. Parliament should balance the Budget based on the monies raised through taxes. We should not keep borrowing and our Budget and Appropriations Committee keep receiving proposals from the Government. Proposals should come from the Floor of the House discussed collectively with the ministries concerned. We are just a pendulum or a conveyor belt because we are not budgeting as a House. We should take that role seriously.

We are aware - and we have been told by the Leader of the Majority Party - that there are many Bills, particularly money Bills, that are pending. I personally have three Bills to be taken to that Committee and we hope that they realise the gravity and the sense of urgency of pending work. Much as we have issues with that Committee, we will allow it to pass today because we need to have this country moving. There are so many people in this country who are waiting to go along with us and we cannot move forward if the leadership of this country, which has been given the authority, is going to play monkey games with us. We have heard this afternoon that the Committee had been induced. We cannot end corruption if there is a perception that Members are using their Committee positions to gain something not only for their constituents, but probably for their personal gain.

As we do this, we are in the penultimate stage of our term and we should have known that it does not matter whether you are in the Jubilee Coalition or in the Coalition for Reforms and Democracy (CORD). Kenyans want their problems to be solved. Kenyans do not want to see us fighting all the time. They do not care whether you grandstand or make the loudest noise. As a country, we always gain and do well when we pool together. If we stand apart and every time Hon. Duale speaks differently from this side, then it is the country that suffers and not us. That is because we have our salaries. In my view, we are the best paid in this country. We should work for our people. I want to urge the new Members of the Budget and Appropriations Committee and those taken to other Committees to discharge their duties with utmost good faith, care and ensure that, as a House and country, we get value for money.

Corruption is not a big challenge to Kenya, but it is wastage of resources. The Budget and Appropriations Committee should see that if you want to buy a pen, then it is bought at Kshs10 and not Kshs100. Budgeting is our challenge. Ministries bring us their budgets and we pass them without looking at them closely. We are not even advised about the prices of various goods. We do not even question disparities in prices of pens in the various ministries. If we stop playing games and working for our own interests, then this country will do better than it has done before. Having only 14 months to go, history will judge us well if we discharge our mandate in a better manner than we have done before.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Members, for the convenience of the House, I want to move on to propose the Question. You have tremendous amount of work and that is why we had to do a Supplementary Order Paper this afternoon to put business which was not completed in the morning.

*(Question put and agreed to)*

## COMMUNICATION FROM THE CHAIR

### DISCHARGE OF MEMBERS FROM COMMITTEES

**Hon. Speaker:** Hon. Members, before we move to the next Order, I wish to make this Communication.

THAT, following the passage of the Motion under Order No.9 regarding the appointment of Members to various Committees, I wish to notify the House that I am in receipt of correspondence from the Minority Party Whip in respect of the discharge of the following Members from Committees:-

(i) Hon. James Opiyo Wandayi, MP to be discharged from the Departmental Committee on Agriculture, Livestock and Cooperatives and Departmental Committee on Environment and Natural Resources pending his admission back to the House; and,

(ii) Hon. Masudi Mwalimu Mwachima, MP to be discharged from the Departmental Committee on Health.

Hon. Members, I wish to emphasise that the Minority Party Whip has indicated that the discharges are necessitated by the need to re-organise Committees and not to punish the two Members. Therefore, pursuant to the provision of Standing Order No. 176, the discharges take effect immediately. The affected Members and Committee Chairs are accordingly advised.

Next Order!

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

### IN THE COMMITTEE

*[The Temporary Deputy Chairlady  
(Hon. (Ms.) Shebesh) took the Chair]*

### THE JUDICIARY FUND BILL

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Members, we are in the Committee of the whole House to consider the Judiciary Fund Bill (National Assembly Bill No.3 of 2016).

*(Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 agreed to)*

*(Clause 2 agreed to)*

*(Title agreed to)*



*(Clause 1 agreed to)*

**Hon. Chepkong'a:** Hon. Temporary Deputy Chairlady, I beg to move that the Committee doth report to the House its consideration of the Judiciary Fund Bill (National Assembly Bill No. 3 of 2016) and its approval thereof without amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[The Temporary Deputy Speaker  
(Hon. (Ms.) Shebesh) in the Chair]*

## REPORT AND THIRD READING

### THE JUDICIARY FUND BILL

**Hon. (Ms.) Mbalu:** Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the Judiciary Fund Bill (National Assembly Bill No. 3 of 2016) and approved the same without amendments.

**Hon. Chepkong'a:** Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report.

I request Hon. Nyokabi, the Vice-Chairperson of the Departmental Committee on Justice and Legal Affairs, to second the Motion for the agreement with the Report of the Committee of the whole House.

**Hon. (Ms.) Kanyua:** Hon. Temporary Deputy Speaker, I beg to second the Motion for agreement with the Committee in the said Report.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Chepkong'a:** Hon. Temporary Deputy Speaker, I beg to move that the Judiciary Fund Bill (National Assembly Bill No. 3 of 2016) be now read the Third Time.

This is a fairly straight forward Bill. It will enable the Judiciary to receive funds from the National Treasury and budget in a manner that will assist them to complete projects which they have commenced. The monies that they are given by the National Treasury are always returned on 30<sup>th</sup> June every year because they do not have a fund. The Judiciary Fund will enable them to retain monies that are sent to them.

I would also like to request Hon. Nyokabi, the Vice Chairperson of the Departmental Committee on Justice and Legal Affairs, to second.

**Hon. (Ms.) Kanyua:** Hon. Temporary Deputy Speaker, I beg to second the Motion for agreement with the Committee in the said Report, and to thank the House for passing the Judiciary Fund Bill quickly.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Members, I have confirmed that we have the requisite threshold in the House for purposes of making a decision.

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Next Order!

### COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

#### IN THE COMMITTEE

*[The Temporary Deputy Chairlady  
(Hon. (Ms) Shebesh) took the Chair]*

#### THE ENERGY BILL

**The Temporary Deputy Chairlady** (Hon. (Ms) Shebesh): Hon. Members, we are now in the Committee of the whole House to consider the Energy Bill (National Assembly Bill No. 50 of 2015). As you are aware, we had started considering this Bill in the Committee of the whole House during the Morning Sitting. We had reached Clause 95. So, we will proceed from Clause 96.

*(Clauses 96, 97 and 98 agreed to)*

*Clause 99*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 99 of the Bill be amended by deleting the word “Authority” and substituting therefor the word “Commission”.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Members, I see members have requests. I hope that those who are requesting are attentive to how we are moving in the Committee of the whole House. If you are not interested, please, remove your card. Hon. David Kangogo, please remove your card. I give the Floor to Hon. Makali Mulu.

**Hon. Mulu:** Thank you, Hon. Temporary Deputy Chairlady. I support this amendment hoping that it is meant to streamline the document so that we have the word “Commission” throughout the document rather than having the word “Authority.” I am aware that the two terms do not mean the same thing. I support.

*(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)*

*(Clause 99 as amended agreed to)*

*Clause 100*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 100 of the Bill be amended in Sub-clause (2) by deleting the words “of not less than ten thousand shillings for each day or part thereof that the licence or permit is not displayed” and substituting therefor the words “not exceeding one million shillings”.

This amendment seeks to enhance the penalty. As you can see, the Bill is providing that a licensee who contravenes Sub-section (1) commits an offence and shall be liable, on conviction, to a fine of not less than Kshs10,000. This means that it could be anything above that. I think it is not the right way. We want to amend that by deleting the words “of not less than ten thousand shillings for each day or part thereof that the licence or permit is not displayed” and substitute therefor with the words “not exceeding one million shillings”.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Let us have the Member for Rangwe.

**Hon. Ogalo:** Hon. Temporary Deputy Chairlady, I do not know what the Committee wants to achieve with this. This means that the discretion of the judicial officer would make it to even the Kshs1 million they are talking about. Making it “not exceeding Kshs1 million” could even be zero. So, I do not know what exactly the Committee wants to achieve with this. Therefore, I oppose this amendment. It can make somebody who has not displayed their licence to actually go scot-free or be judged to pay a fine of zero shillings. Let the Committee Chair explain this further. I oppose.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Let us have the Committee Chair.

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, we are not looking at the *mwananchi*. We are talking about big institutions that fail to display their licences. When you say “not less than Kshs10,000,” then, clearly, that can even be Kshs100 million, Kshs200 million or anything up there. The rationale of putting a cap of Kshs1 million is to leave the jurisdiction of exactly knowing how much that will be to the judge of the court.

*(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)*

*(Clause 100 as amended agreed to)*

#### *Clause 101*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 101 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “Authority” appearing in paragraph (a) and substituting therefor the word “Commission”;

(b) in sub-clause (3) by deleting the words “opinion of the Authority” appearing in paragraph (b) and substituting therefor the words “opinion of the Commission”;

This amendment seeks to re-define the ‘Energy Regulatory Authority’ to the ‘Energy Regulatory Commission.’

*(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)*

*(Clause 101 as amended agreed to)*

*(Clauses 102 and 103 agreed to)*

#### *Clause 104*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 104 of the Bill be amended in Sub-clause (3) by deleting the word “Authority” appearing in paragraph (b) and substituting therefor the word “Commission”;

This amendment seeks to re-define the name ‘Energy Regulatory Authority’ to ‘Energy Regulatory Commission’.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): That is straight forward. We have been doing it before.

*(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)*

*(Clause 104 as amended agreed to)*

*(Clauses 105, 106, 107, 108, 109, 110 and 111 agreed to)*

*Clause 112*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 112 of the Bill be amended—

(a) by deleting the word “products” appearing in the marginal note;

(b) in Sub-clause (2) —

(i) by deleting the words “or petroleum products” appearing in paragraph (a);

(ii) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) stores, transports, sell or offers for sale adulterated petroleum;

(c) in Sub-clause (3) by deleting the word “products”.

Hon. Temporary Deputy Chairlady, again, this amendment seeks to realign Clause 112 with Clause 2, which defines petroleum to include petroleum products. In essence, we are just doing a clean-up by removing the word “products”.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Timothy Wanyonyi, do you want to speak to this amendment?

**Hon. Wetangula:** Not on this one.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Duale, do you want to speak to this amendment?

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairlady, my Chairman was moving very fast. Clause 112 (1) says:-

“A person who offers for sale in Kenya or transports or stores petroleum---”

There is nothing called petroleum. The word “product” is key. The Chair can explain better. We are doing a law. What is petroleum? Petroleum products can mean many things. It can mean kerosene or diesel. Chair, explain to me.

**Hon. Kamau:** Under Clause 2, there is a clear explanation of the word “petroleum,” which means “all natural organic substances composed of carbon and hydrogen and includes oil and natural gas and all other mineral substances” So, when you talk about petroleum, there is no point of again bringing the word “product”. Just clean up the whole thing.

*(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)*

*(Clause 112 as amended agreed to)*

#### *Clause 113*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 113 of the Bill be amended by deleting the word “Authority” and substituting therefor the word “Commission”;

Again, this is to re-define the name from the ‘Energy Regulatory Authority’ to the ‘Energy Regulatory Commission’.

*(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)*

*(Clause 113 as amended agreed to)*

#### *Clause 114*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 114 of the Bill be amended in Sub-clause (3) by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

This is a similar amendment. From here, there are quite a number of them, literally in almost all the clauses.

*(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)*

*(Clause 114 as amended agreed to)*

*Clause 115*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 115 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 115 as amended agreed to)*

*Clause 116*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Ababu Namwamba has an amendment to this clause. Is he in the House? His amendment is, therefore, dropped.

*(Proposed amendment by Hon. Ababu dropped)*

*(Clauses 116, 117 and 118 agreed to)*

*Clause 119*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): The Leader of the Majority Party, you have an amendment to this clause.

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairlady, I withdraw my amendment.

*(Proposed amendment by Hon. A. B. Duale withdrawn)*

*(Clauses 119 and 120 agreed to)*

*Clause 121*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): We have two amendments on this Clause. One is by the Chair of the Committee and the other one by the Leader of the Majority Party. We will start with the amendment by the Chair of the Committee.

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 121 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Now, let us consider the amendment by the Leader of the Majority Party.

**Hon. A.B. Duale:** I withdraw my amendment.

*(Proposed amendment by Hon. A.B. Duale withdrawn)*

*(Clause 121 as amended agreed to)*

*Clause 122*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 122 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

This, again, is redefining the name from ‘Energy Regulatory Authority’ to ‘Energy Regulatory Commission’.

*(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)*

*(Clause 122 as amended agreed to)*



*Clause 123*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Chair.

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 123 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 123 as amended agreed to)*

*Clause 124*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 124 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 124 as amended agreed to)*

*(Clause 125 agreed to)*

*Clause 126*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 126 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 126 as amended agreed to)*

*(Clause 127 agreed to)*

*Clause 128*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 128 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 128 as amended agreed to)*

*Clause 129*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 129 of the Bill be amended—

(a) in Sub-clause (1) by deleting the word “Authority” and substituting therefor the word “Commission”;

(b) in Sub-clause (2) by deleting the words “of not less than five thousand shillings for each day or part thereof that the licence or permit is not displayed” and substituting therefor the words “not exceeding one million shillings”.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Let us have the Member for Rangwe.

**Hon. Ogalo:** Hon. Temporary Deputy Chairlady, for the same reasons I gave earlier, I oppose this amendment. You cannot allow an offence of not displaying a licence to be adjudged

at zero shillings. With this amendment, somebody can refuse to display the licence for three years and still the maximum fine will be Kshs1 million. Let us leave it to the discretion of judicial authorities to determine how badly the person has committed the offence. I do not agree with this kind of provision. I think this is a wrong way of drafting.

I oppose.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. James Kimaru.

**Hon. J.K. Bett:** Thank you, Hon. Temporary Deputy Chairlady. I also think in the same manner as Hon. Oner. When you put a ceiling of Kshs1 million, it is as good as saying that at his or her discretion, a judge may charge zero penalty. I thought we should set a minimum amount below which one cannot be penalised.

I oppose, Hon. Temporary Deputy Chairlady.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Let us now have Hon. Kiptanui.

**Hon. Kiptanui:** Thank you, Hon. Temporary Deputy Chairlady. Clause 129 talks about display of licences and permits. If you fail to display your permit and licence, the earlier provision was to be charged not less than Kshs5,000 per day. But the proposed amendment sets the maximum amount one can pay. The other challenge we are facing is how to know the number of days the permit had not been displayed.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Let us have the Chair.

**Hon. Kamau:** I want to persuade my colleagues on two facts only. First, people are fined if they fail to display their licences. We have to know that these are not the common *mwananchi* but big organisations. If they have licences, there will be no reason for them not to display them. It is impossible to know how many days one will have operated if their licences are not shown. Unless somebody says the licence expired and they assumed it, you will not have to calculate the number of days.

The minute we say the fine will be a minimum of Kshs5,000, we are saying that somebody can go to court. The court may charge up to Kshs30 million. That is how graft is perpetuated. Our thinking was very clear that we must set a maximum limit so that it is clear from the word go. Those who fail to display their licences will definitely know the penalty. A penalty of Kshs1 million is the maximum. It is the judge to decide the rest.

*(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)*

*(Clause 129 as amended agreed to)*

### Clause 130

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 130 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word "Commission";

This is a clean up because we are renaming ‘Energy Regulatory Authority’ to the ‘Energy Regulatory Commission’.

*(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)*

*(Clause 130 as amended agreed to)*

#### *Clause 131*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 131 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 131 as amended agreed to)*

#### *Clause 132*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 132 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 132 as amended agreed to)*

*(Clause 133 agreed to)*

*Clause 134*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 134 of the Bill be amended—

(a) in the marginal note by deleting the word “Authority” and substituting therefor the word “Commission”;

(b) by deleting the word “Authority” appearing in the opening statement and substituting therefor the word “Commission”;

*(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)*

*(Clause 134 as amended agreed to)*

*Clause 135*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 135 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 135 as amended agreed to)*

*Clause 136*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 136 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 136 as amended agreed to)*

*Clause 137*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 137 of the Bill be amended by deleting the word “Authority” and substituting therefor the word “Commission”;

*(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)*

*(Clause 137 as amended agreed to)*

*Clause 138*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 138 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 138 as amended agreed to)*

*Clause 139*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 139 of the Bill be amended in Sub-clause (2) by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 139 as amended agreed to)*

*Clause 140*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 140 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 140 as amended agreed to)*

*(Clause 141 agreed to)*

*Clause 142*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 142 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 142 as amended agreed to)*

*(Clause 143 agreed to)*

*Clause 144*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 144 of the Bill be amended in the opening statement by deleting the word "Authority" and substituting therefor the word "Commission";

*(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)*

*(Clause 144 as amended agreed to)*

*Clause 145*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 145 of the Bill be amended by deleting the word "Authority" and substituting therefor the word "Commission";

*(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)*

*(Clause 145 as amended agreed to)*

*(Clause 146 agreed to)*



*Clause 147*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 147 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 147 as amended agreed to)*

*Clause 148*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 148 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 148 as amended agreed to)*

*Clause 149*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 149 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 149 as amended agreed to)*

*Clause 150*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 150 of the Bill be amended—

(a) by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

(b) in Sub-clause (2) by deleting the words “and permits” appearing in the opening statement;

This amendment seeks to redefine the name ‘Energy Regulatory Authority’ to ‘Energy Regulatory Commission.’ It also seeks to outline the conditions upon which licences may be issued by the Authority, not permits.

*(Question of the amendment proposed)*

*(Question, that the words 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)*

*(Clause 150 as amended agreed to)*

*Clause 151*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 151 of the Bill be amended by deleting the word ‘Authority’ wherever it appears and substituting therefor the word ‘Commission’;

*(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)*

*(Clause 151 as amended agreed to)*

*Clause 152*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 152 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 152 as amended agreed to)*

#### *Clause 153*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 153 of the Bill be amended—

(a) by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

(b) in Sub-clause (7) by deleting the words “of not less than one hundred thousand shillings for each day or part thereof during which the offence continues” and substituting therefor the words “not exceeding one hundred thousand shillings for each day or part therefore that the obstruction occurs”.

The first amendment seeks to enhance the penalty of a person obstructing or causing obstruction to the statutory manager.

The second amendment seeks to redefine the name ‘Energy Regulatory Authority’ to ‘Energy Regulatory Commission.’

*(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)*

*(Clause 153 as amended agreed to)*

#### *Clause 154*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 154 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 154 as amended agreed to)*

**Hon. J.K. Bett:** On a point of order, Hon. Temporary Deputy Chairlady.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Kimaru, sorry I had not seen you. What is your point of order?

**Hon. J.K. Bett:** Thank you, Hon. Temporary Deputy Chairlady. I have been looking at the amendments we are moving and I was wondering whether there is another way of doing it because they are repetitive. We can guillotine them once.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Unfortunately, we cannot do that. That is why the Committee of the whole House is the most important part of writing the law. We must pass clause by clause on the Floor of the House.

Just bear with us, we are going as fast as we can.

*Clause 155*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 155 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 155 as amended agreed to)*

*Clause 156*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 156 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 156 as amended agreed to)*

*Clause 157*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 157 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 157 as amended agreed to)*

*Clause 158*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 158 of the Bill be amended—

(a) by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

(b) in Sub-clause (4) by deleting the words “of not less than twenty five thousand” and substituting therefor the words “not exceeding fifty thousand”.

*(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)*

*(Clause 158 as amended agreed to)*

*Clause 159*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 159 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 159 as amended agreed to)*

#### *Clause 160*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 160 of the Bill be amended in Sub-clause (3) by deleting the word “Authority” appearing in paragraph (a) and substituting therefor the word “Commission”;

*(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)*

*(Clause 160 as amended agreed to)*

#### *Clause 161*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 161 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 161 as amended agreed to)*

*(Clauses 162 and 163 agreed to)*

*Clause 164*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 164 of the Bill be amended in Sub-clause (1) by deleting the word “Authority” appearing in paragraph (d) and substituting therefor the word “Commission”;

*(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)*

*(Clause 164 as amended agreed to)*

*Clause 165*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 165 of the Bill be amended by deleting the word “Authority” and substituting therefor the word “Commission”;

*(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)*

*(Clause 165 as amended agreed to)*

*Clause 166*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 166 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 166 as amended agreed to)*

Clause 167

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 167 of the Bill be amended in the proviso by deleting the word "Authority" and substituting therefor the word "Corporation";

This amendment seeks to correct typographical error in that Clause. It incorrectly refers to the Energy Regulatory Authority instead of the Corporation, in this case being the Rural Electrification and Renewable Energy Corporation.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Chair, repeat the reason for your amendment.

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, if you look at Clause 168, you will find that there is reference to the Energy Regulatory Authority.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Chair, are we on Clause 168 or Clause 167?

**Hon. Kamau:** Clause 168.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): We are on Clause 167.

**Hon. Kamau:** I apologise. You are correct. We are on Clause 167. In Clause 167, there is an error in the sense that the Energy Regulatory Authority is being referred to instead of the Rural Electrification and Renewable Energy Corporation. Instead of one agency, a different one is being referred to in this clause. That is what we are trying to cure.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): What about the issue of substituting the word "Authority" with the word "Corporation"? Is that not what is on the Order Paper?

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, this is different.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Do you have your Order Paper with you? Look at Clause 167 on the Order Paper. It talks about the clause being amended in the proviso by deleting the word "Authority" and substituting therefor the word "Corporation".

**Hon. Kamau:** Yes, it is Corporation and not Commission.

*(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)*



*(Clause 167 as amended agreed to)*

*Clause 168*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 168 of the Bill be amended in sub-clause (1) by deleting the word “Authority” appearing in paragraph (e) and substituting therefor the word “Commission”;

This is the issue of deleting the word “Authority” and substituting it with the word “Commission”.

*(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)*

*(Clause 168 as amended agreed to)*

*Clause 169*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 169 of the Bill be amended by deleting the word “Authority” and substituting therefor the word “Commission”;

*(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)*

*(Clause 169 as amended agreed to)*

*Clause 170*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 170 of the Bill be amended in Sub-clause (6) by deleting the word “Authority” and substituting therefor the word “Commission”;

*(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)*

*(Clause 170 as amended agreed to)*

*(Clauses 171 and 172 agreed to)*

*Clause 173*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 173 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 173 as amended agreed to)*

*Clause 174*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 174 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 174 as amended agreed to)*

*Clause 175*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 175 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 175 as amended agreed to)*

*Clause 176*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 176 of the Bill be amended in Sub-clause (1) by deleting the word “Authority” and substituting therefor the word “Commission”;

*(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)*

*(Clause 176 as amended agreed to)*

*Clause 177*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 177 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 177 as amended agreed to)*

*Clause 178*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 178 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 178 as amended agreed to)*

*Clause 179*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 179 of the Bill be amended in Sub-clause (1) by deleting the word “Authority” and substituting therefor the word “Commission”;

*(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)*

*(Clause 179 as amended agreed to)*

*Clause 180*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 180 of the Bill be amended in Sub-clause (3) by deleting the word “Authority” and substituting therefor the words “licensing authority”;

*(Question of the amendment proposed)*

*(Question, that the word 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)*

*(Clause 180 as amended agreed to)*

*(Clauses 181 and 182 agreed to)*

*Clause 183*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 183 of the Bill be amended in Sub-clause (3) by deleting the words “of not less than two hundred thousand shillings or a term of imprisonment of not less than one year or to both” and substituting therefor the words “not exceeding fifty thousand shillings or to imprisonment for a term not exceeding two years or to both”.

*(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)*

*(Clause 183 as amended agreed to)*

*(Clauses 184, 185 and 186 agreed to)*

*(Technical hitch)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Give the microphone to the Chair so that we can continue. Do you have the microphone?

**Hon. Kamau:** Yes.

*Clause 187*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 187 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

Again this is the issue of Authority and Commission.

*(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)*

*(Clause 187 as amended agreed to)*

*Clause 188*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 188 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 188 as amended agreed to)*

*(Clauses 189 and 190 agreed to)*

*Clause 191*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 191 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 191 as amended agreed to)*

*Clause 192*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 192 of the Bill be amended by deleting the word “Authority” appearing in the opening statement and substituting therefor the word “Commission”;

*(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)*

*(Clause 192 as amended agreed to)*

*Clause 193*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 193 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

Again this is the issue of Authority and Commission.

*(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)*

*(Clause 193 as amended agreed to)*

*Clause 194*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 194 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 194 as amended agreed to)*

*Clause 195*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 195 of the Bill be amended in Sub-clause (2) by deleting the word “Authority” and substituting therefor the word “Commission”;

*(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)*

*(Clause 195 as amended agreed to)*

*(Clauses 196, 197, 198, 199, 200, 201, 202,  
203, 204, 205 and 206 agreed to)*

*Clause 207*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 207 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 207 as amended agreed to)*



*(Clauses 208, 209, 210 and 211 agreed to)*

*Clause 212*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 212 of the Bill be amended by deleting the words “of not less than fifty thousand shillings” and substituting therefor the words “not exceeding five hundred thousand shillings”.

This seeks to enhance the penalty of a person who commits the offence of hindering, obstructing or interfering with the exercise of the licensee’s powers. This particular amendment deletes the words, “of not less than fifty thousand shillings” because ‘not less than’ can mean a million or whatever and substituting therefor the words “not exceeding five hundred shillings”.

*(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)*

*(Clause 212 as amended agreed to)*

*(Clause 213 agreed to)*

*Clause 214*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 214 be amended by deleting the word “Authority” and substituting therefor the word “Commission”;

*(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)*

*(Clause 214 as amended agreed to)*

*Clause 215*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 215 of the Bill be amended—

(a) by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

(b) in Sub-clause (3) by deleting the words “of not less than two hundred and fifty thousand shillings or to a term of imprisonment of not less than nine months or to both” and substituting therefor the words “not exceeding one million shillings or to imprisonment for a term not exceeding two years or to both”.

The first amendment relates to the definition of ‘Energy Regulatory Authority.’

The second one seeks to enhance the offence of an owner of a factory or building who does not comply with instructions from the Energy Regulatory Commission to furnish factual information on energy utilisation for the purpose of inspection. This is to ensure that energy conservation measures are in accordance with the standards, criteria and procedures provided in this Bill.

In that case, we propose to delete the words of the fine “of not less than two hundred and fifty shillings”. When you talk about “not less than”, it is infinite.

*(Question of the amendment proposed)*

**Hon. F.K. Wanyonyi:** Hon. Temporary Deputy Chairlady, I support this because when they place “not exceeding” they are putting a discretion, that there is a limit which can be given in a fine or which can exceed that amount.

I support.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Okay. I can see Hon. George Omondi.

**Hon. G.W. Omondi:** Hon. Temporary Deputy Chairlady, I support the amendment because if you have a rogue regulator without having a ceiling, it can be a draconian fining. So, I support the amendment.

*(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)*

*(Clause 215 as amended agreed to)*

*Clause 216*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 216 of the Bill be amended in Sub-clause (2) by deleting the words “of not less than one hundred thousand shillings or to a term of imprisonment of not less than six months or to both” and substituting therefor the words “not exceeding five hundred thousand shillings or to imprisonment for a term of not exceeding two years or to both”.

This is again for the same reasons.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Wamunyinyi, do you want to speak on this?

**Hon. Wamunyinyi:** Just a small one. I am not sure if the Chair read what is written in this Order Paper. I think there is a mistake which needs to be corrected. The amendment says that Clause 216 of the Bill be amended in Sub-clause (2) by deleting the words “of not less than on hundred---” I do not know if it is only mine that is showing that.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): That is a typo error. Thank you for bringing it to our attention.

**Hon. Wamunyinyi:** That should also be corrected, but I support this proposed amendment.

*(Power failure)*

## PROGRESS REPORTED

### THE ENERGY BILL

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Members, we will report progress and seek leave to continue consideration of the Bill in the Committee today.

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, the Committee of the whole House has considered the Energy Bill (National Assembly Bill No.50 of 2015) up to Clause 216 and seeks leave to sit again today.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[The Temporary Deputy Speaker  
(Hon. (Ms.) Mbalu in the Chair)]*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order, Members! Can we have the Chairperson reporting to the House?

**Hon. (Ms.) Shebesh:** Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the Energy Bill (National Assembly Bill No.50 of 2015) up to Clause 216 and seeks leave to sit again today.

**Hon. A.B. Duale:** Hon. Temporary Deputy, I beg to move that the House doth agree with the Committee in the said Report.

*(Question proposed)*

*(Question put and agreed to)*

*[The Temporary Deputy Speaker  
(Hon. (Ms.) Mbalu) in the Chair]*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, as per the agreement, we are now in the House. We will go back to the Committee but in the meantime, let us hear the Leader of the Majority Party.

### PAPERS LAID

**Hon. A.B. Duale:** Thank you, Hon. Temporary Deputy Speaker. As the substantive Chair has directed, the Cabinet Secretary (CS) for National Treasury has a constitutional timeline of today to present to the House several fiscal instruments relating to the Budget.

Hon. Temporary Deputy Speaker, I beg to lay the following Papers on the Table of the House:-

The Budget Summary for Fiscal Year 2016/2017 and supporting information.

The Estimates of Revenue, Grants and Loans of the Government of Kenya for the year ended 30<sup>th</sup> June, 2017.

The Estimates of Revenue, Grants and Expenditure from the Equalisation Fund of the Government of Kenya for the year ended 30<sup>th</sup> June, 2017.

Programme-based Budget of the National Government of Kenya for the year ended 30<sup>th</sup> June, 2017.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, Hon. Leader of the Majority Party.

Hon. Members, we are pending putting of the Question. We agreed that we would resume scrutiny of the Energy Bill in the Committee of whole House.

### COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

### IN THE COMMITTEE

*[The Temporary Deputy Chairlady  
(Hon. (Ms.) Shebesh) took the Chair]*

### THE ENERGY BILL

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Members, let us continue from where we stopped. I need to put the Question for Clause 216.

*(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)*

*(Clause 216 as amended agreed to)*

*Clause 217*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 217 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 217 as amended agreed to)*

*Clause 218*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 218 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “Authority” and substituting therefor the word “Commission”;

(b) in the marginal note by deleting the word “Authority” and substituting therefor the word “Commission”;

*(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)*

*(Clause 218 as amended agreed to)*

*Clause 219*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 219 of the Bill be amended by deleting the word “Authority” and substituting therefor the word “Commission”;

*(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)*

*(Clause 219 as amended agreed to)*

Clause 220

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 220 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 220 as amended agreed to)*

**Hon. A.B. Duale:** On a point of order, Hon. Temporary Deputy Chairlady.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. A.B. Duale, what is your point of order?

**Hon. A.B. Duale:** On a point of order, Hon. Temporary Deputy Chairlady. The Chairman of the Departmental Committee on Energy, Communication and Information has formed a habit this afternoon of not explaining his proposed amendments. He is only saying “I move as per the Order Paper.” He should explain because that is the procedure of this House. He is my friend but he should explain whatever he is amending.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. A. B. Duale, he already explained the reason. Since the amendments are on the same issue of changing “authority” to “commission” we agreed that for us to move faster and since we understand the changes, he does not need to explain again.

**Hon. A.B. Duale:** What about the other amendments?

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): He is speaking on them.

**Hon. Kamau:** I think the power outages affected Hon. A.B. Duale. He has not been paying a lot of attention. I explained nicely about all these things. He has now understood and we are moving together.

*(Clauses 221, 222, 223, and 224 agreed to)*

*Clause 225*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 225 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 225 as amended agreed to)*

*(Clause 226 agreed to)*

*Clause 227*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 227 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 227 as amended agreed to)*

*Clause 228*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 228 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 228 as amended agreed to)*

Clause 229

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 229 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 229 as amended agreed to)*

Clause 230

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 230 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*



*(Clause 230 as amended agreed to)*

*Clause 231*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 231 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 231 as amended agreed to)*

*Clause 232*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 231 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

*(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)*

*(Clause 232 as amended agreed to)*

*Clause 233*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 233 of the Bill be amended—

(a) by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

(b) in Sub-clause (4) —

(i) by deleting the word “and” appearing in paragraph (f);  
(ii) by inserting the following new paragraphs immediately after paragraph (g) —

“(ga) consultancy services;  
“(gb) construction services”;  
“(gc) hospitality services”;  
“(gd) transport services”;  
“(ge) security services”;  
“(gf) clearing and forwarding services”; and  
“(gh) inspection services”.

Hon. Temporary Deputy Chairlady, this might require some explanation. It deals with the local content requirements. Clause 233(4) says that the local content plan shall include sub-plans on the following; employment and training, technology transfer, legal services, financial services and we now want to add other services on that which include consultancy, construction, hospitality, transport, security, clearing and forwarding and inspection. That is basically to widen and deepen the scope.

*(Question of the amendment proposed)*

**Hon. (Eng.) Gumbo:** Thank you, Hon. Temporary Deputy Chairlady. Protect me from my friend, the Leader of the Majority Party.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): You are protected.

**Hon. (Eng.) Gumbo:** The amendments are okay but very vague. I wish the Chairman could explain what he means by consultancy services. Consultancy services are endless and in any case, legal services may be consultancy services but consultancy services may not necessarily be legal services. I want to believe that major consultancies in this country are known. I do not know why you are not including engineering consultancy. You already have legal services and Hon. Chepkong’a will agree with me that most legal services are consultancy services. I find that confusing. It is not clear at all and I wish he could be more specific and talk of engineering consultancy services and others. In the absence of that, you should withdraw the amendment.

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I hear what Hon. Gumbo is saying. He is an engineer. He wants us to include engineering services or engineering consultancy services. All those are covered in that aspect of consultancy services. It can be any kind of consultancy service. When somebody goes to court and the entity wants to be represented, that may not necessarily be consultancy services. Those are legal services. That distinction is very clear. It should be the way it is.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Leader of the Majority Party.

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairlady, I want to support the Chairman of the Committee. There are many consultancy services, including environmental consultancy. I know Hon. Gumbo does not want to declare his interest. If we tell him to amend this clause today, he will propose engineering consultancy services. What about the many other professions out there, which are not represented in this House? We are making laws for all those who are involved in consultancy services. When we insert the words “consultancy services” it takes care of everybody, including Hon. Gumbo.

I support the amendment.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Chepkong'a.

**Hon. Chepkong'a:** Thank you, Hon. Temporary Deputy Chairlady. I support the amendment by the Chairman of the Committee. I am also a legal professional but that profession is not mentioned here. There is no position for an advocate. If we mention the proposal by Hon. Gumbo, who is my very good friend, we will not include other professions. He offered me very good services when I was constructing my first house. He did a very good job. The house does not have a problem; it is not leaking.

The word "consultancy" has a wide meaning. It encompasses all professions, be they lawyers, engineers, economists or veterinary doctors, as the Leader of the Majority has mentioned.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): You have made your point.

*(Question, that the words 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)*

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

*(Clause 233 as amended agreed to)*

#### Clause 234

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 234 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word "Commission".

*(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)*

*(Clause 234 as amended agreed to)*

#### Clause 235

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 235 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”.

*(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)*

*(Clause 235 as amended agreed to)*

*(Clause 236 agreed to)*

*Clause 237*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 237 of the Bill be amended—

(a) by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission;

(b) by deleting the words “of not less than one hundred thousand shillings or to a term of imprisonment of not less than six months or to both” and substituting therefor the words “not exceeding ten million shillings or imprisonment for a term not exceeding five years or to both”.

The first part of the amendment redefines the Energy Regulatory Authority. This part of the amendment seeks to enhance the penalty for a person who makes a false statement to the Cabinet Secretary or the Energy Regulatory Commission. Clause 237(b) of the Bill provides for a penalty of not less than one hundred thousand shillings. The words “not less than” mean infinity. Therefore, we are replacing the penalty with a penalty ‘not exceeding ten million shillings or imprisonment for a term not exceeding five years or both.’

*(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)*

*(Clause 237 as amended agreed to)*

*Clause 238*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 238 of the Bill be amended in paragraph (b) by deleting the word “Authority” and substituting therefor the word “Commission”.

This is to redefine the name of the Energy Regulatory Authority.

I wish to request my colleagues to be attentive, especially Hon. Wamunyinyi.

*(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)*

*(Clause 238 as amended agreed to)*

*(Clauses 239 and 240 agreed to)*

#### *Clause 241*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 241 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”.

*(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)*

*(Clause 241 as amended agreed to)*

*(Clause 242 agreed to)*

#### *Clause 243*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 243 of the Bill be amended—

(a) in Sub-clause (1) by deleting the word “Institute” appearing in paragraph (d) and substituting therefor the word “Agency”;

(b) in Sub-clause (2) by deleting the word “Authority” appearing in paragraph (f) and substituting therefor the word “Commission”.

*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)*

*(Clause 243 as amended agreed to)*

*(Clauses 244, 245 and 246 agreed to)*

*Clause 247*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 247 of the Bill be amended by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”.

*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)*

*(Clause 247 as amended agreed to)*

*Clause 248*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 248 of the Bill be amended by deleting the words “of not less than one million shillings” and substituting therefor the words “not exceeding one hundred thousand shillings”.

This amendment seeks to enhance the general penalty of any person who contravenes the provisions of this Act. This is for an offence which no fine or penalty is expressly stated. We are deleting the words “of not less than one million shillings” because it might mean anything. We are substituting therefor the words “not exceeding one hundred thousand shillings” for any general fine.

*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)*

*(Clause 248 as amended agreed to)*

*(Clause 249 agreed to)*

*Clause 250*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 250 of the Bill be amended by deleting the word “unless” appearing immediately after the words “energy infrastructure”.

This is simply to correct a grammatical error that is in that clause. If you look at the clause, there is the word “unless” which is not proper in that clause. Therefore, we seek to remove that grammatical error.

*(Question of the amendment proposed)*

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

*(Clause 250 as amended agreed to)*

*Clause 251*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 251 of the Bill be amended—

(a) in sub-clause (1) by inserting the words “ the Kenya Nuclear Electricity Board Order, 2013” immediately after the words “ Energy Act”;

(b) in Sub-clause (2) —

(i) by inserting the words “the Kenya Nuclear Electricity Board Order, 2013” immediately after the words “Cabinet Secretary under the provisions of the Energy Act” appearing in paragraph (a);

(ii) by inserting the words “the Kenya Nuclear Electricity Board Order, 2013” immediately after the words “under the provisions of the Energy Act” appearing in paragraph (b);

(iii) by inserting the words “the Kenya Nuclear Electricity Board Order, 2013” immediately after the words “Energy Act” appearing in paragraph (f);

(c) by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

This clause seeks to include the Board Order, 2013, which established the Kenya Nuclear Electricity Board in the repealed clause. Kenya Nuclear Electricity Board has now been replaced by the Nuclear Power Energy and Petroleum Agency. That is the import. It is a transitional clause.

*(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)*

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

*(Clause 251 as amended agreed to)*

*(Clause 252 agreed to)*

*New Clause 115A*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Duale, please move the Second Reading of New Clause 115A.

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairlady, I have dropped all my amendments.

*(Proposed amendments by Hon. A.B. Duale dropped)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Thank you, Hon. Duale.

*(Applause)*

*New Clause 193A*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Abdulswamad Nassir, you have a proposed new clause.

**Hon. Nassir:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, the Bill be amended by inserting the following new clause immediately after Clause 193—

193A. (1) Subject to Subsection (2), a licensee shall be liable to compensate a consumer where due to power outages, the consumer—

- (a) incurs financial loss;
- (b) suffers from physical injuries; or



(c) any other case as may be determined under this Act or any written law.

(2) Subsection (1), shall apply to power outages that exceed a cumulative three hours within a twenty-four hour period, where the licensee has not issued a twenty-four hours prior notice.

(3) Where a consumer incurs financial loss, the licensee shall compensate the consumer by incorporating the compensation into the consumer's bill by way of a subsidy which shall be an amount equivalent to the loss incurred as presented by the consumer and agreed by the licensee.

(4) The amount paid as compensation under subsection (3), shall not be less than the amount the consumer would have paid the licensee, for power consumed for the period during which there was a power outage.

(5) Where due to power outages, a consumer suffers from physical injuries the licensee shall compensate the consumer in a manner determined by the Court.

Hon. Temporary Deputy Chairlady, after consulting the representatives from Kenya Power today and the Departmental Committee on Energy, Communication and Information, we agreed that the intention of this amendment is not to hurt Kenya Power but to, basically, keep them on their toes that they need to work. So, we have proposed that Clause 193A be further amended by inserting the following new Sub-clause (5) after Sub-clause (4):-

(5) For avoidance of doubt, the licensee shall not be liable to pay any compensation pursuant to Subsection (2) if the failure, poor quality or the irregularity of the supply of electricity was caused by third party interference of the licensee's electric supply lines or inevitable accidents or *force majeure*.

I know that Hon. Duale will come with the argument that Clause 193 talks about an anticipation of 194 (1). He is already anticipating. I wish to remind him that Clause 194 (1) says: "The Cabinet Secretary may". The word used is "may" and not "shall". I wish to state that Kenyans have been hurt. We do not need to start going into figures of how much losses manufacturers and small and medium scale business people in this country have incurred due to negligence of Kenya Power. I request my colleague, Hon. Gumbo to second.

**Hon. (Eng.) Gumbo:** Thank you, Hon. Temporary Deputy Chairlady. I thank Hon. Abdulswamad Nassir for this very important amendment. There is a saying that when a person wants something so badly, the universe always conspires to give it to them. You have seen what has happened. The people of Kenya are yearning for stable power. You have seen how much interruptions we have had. Somebody must be held to account. Those of us who live at the end of the grid suffer serious power outages. In fact, there is hardly a day that we cannot suffer power outages. Any sign of a drizzle means that we do not have power. I have had many protracted arguments with the Managing Director of Kenya Power. In fact, there was a time we met at the airport and I said that I cannot greet him because he is being paid for doing nothing to this country. Probably, it is beyond him. Somebody has to wake up and help the people of this country to have steady power.

Where we got it wrong was to make power supply a commercial entity. In most countries that intend to develop, power supply is a social service. Everybody needs power, just like now everybody needs water. This House appropriates public expenditure. We should find a way to help. Every year, the directors of Kenya Power happily announce that they have made billions of shillings in profits. They do not tell you the pain that the people of Kenya are going through to

account for those profits. They also do not tell you how many hours the people of Kenya go without power.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Gumbo, are you still on the further amendment? I find you going out of the amendment.

**Hon. (Eng.) Gumbo:** I support. I am seconding Hon. Nassir's amendment. We have done this with a human heart. For example, we are saying that if there was a cyclone which brings down the power line or if somebody is careless in driving their car and they knock down a power line, then Kenya Power cannot pay you.

**Hon. A.B. Duale:** On a point of order, Hon. Temporary Deputy Chairlady.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): He is just explaining. What is your point of order?

**Hon. A.B. Duale:** Take your seat. When the leader is standing you sit.

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Chairlady will direct me.

**Hon. A.B. Duale:** I have the Floor. Hon. Temporary Deputy Chairlady, I want your guidance. This amendment is not in the Order Paper. Under the Standing Orders, the only person who can allow this amendment to be introduced is the Speaker. If it was approved by the Speaker, it should have been in the Order Paper. Two, the only other person who can introduce a further amendment or an amendment outside the one in the Order Paper is either the Chair of the Committee or the owner of the Bill. So, you need to make a direction before we go further on this amendment.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Duale, the Member for Mvita has had consultations with the Committee Chair and the technical people.

**Hon. A.B. Duale:** Those guys do not matter.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Duale, the further amendment proposed by Hon. Abdulswamad Nassir has the authority of the Speaker. He can bring a further amendment. Because he had already brought an amendment for a New Clause, he is allowed to do a further amendment as long as he gets the permission of the Speaker. That is what he has done. I think he is in order.

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairlady, I do not want to overrule you. I am sure the Standing Orders will guide us. Allow me to consult.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Consult for one minute.

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

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): You can speak, Hon. Millie, as the Leader of the Majority Party consults. Please go ahead. Just press your button because that is how we operate now.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, Hon. Temporary Deputy Chairlady, for directing me because I have been struggling.

First of all, on this issue that we are discussing, if a Member has an amendment, they can bring a further amendment to their own amendment. That is procedurally correct. In the last Parliament, you could even move the amendment on your feet more or less like the Mover of the Bill because it is your amendment. It is only this Parliament that is operating differently.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Can we clear the issue you have raised and then I will give you an opportunity?

**Hon. (Ms.) Odhiambo-Mabona:** I wanted to contribute to this amendment.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): I will give you an opportunity.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Duale.

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairlady, I have nothing against Hon. Nassir's amendment, but we must protect the procedures of the House. I want to read the provisions of the Standing Orders. On the procedure of the Committee of the whole House on a Bill, Standing Order No. 133(2) says:-

“No amendment shall be moved to any part of a Bill by any Member, other than the Member in charge of the Bill, unless written notification of the amendment shall have been given to the Clerk twenty-four hours before the commencement of the sitting at which that part of the Bill is to be considered in Committee.”

Paragraph (3) is relevant to Hon. Jamleck. If he agrees with the amendment, I have no problem. It says:-

“Despite paragraph (2), where an amendment has been moved to any part of a Bill in accordance with this paragraph, any Member may move an amendment to that amendment on delivering to the Chairperson the terms of his or her amendment in writing.”

That has been done. But the practice has been that before you allow the further amendment on his amendment, the Chair of the Committee must concur.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): The Chair concurred.

**Hon. A.B. Duale:** Can he go on HANSARD?

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): He did. The Leader of the Majority Party, if you had listened to Hon. Nassir as he was moving his amendment, he clearly stated that he had consulted the Chair and the technical team. Therefore, he brought a further amendment which he is allowed to do and he got approval from the Speaker's Office.

Chair, pronounce yourself on the same for the avoidance of doubt.

**Hon. Kamau:** Thank you, Hon. Temporary Deputy Chairlady. Indeed, we have had some discussions in the morning and this afternoon with Hon. Abdullswamad and the stakeholders concerned. I know there is an amendment in the Order Paper. As far as that amendment is concerned, I think that is in order. I also know there is a further amendment by the Member. The further amendment seeks to enhance the amendment which is already contained in the Order Paper by adding some paragraphs to the clause. I do not want to read it because it is a long amendment, but we had agreed with the Member. The first amendment under Clause 193A(1) says:-

“Subject to Subsection (2), a licensee shall be liable to compensate a consumer where, due to power outages, the consumer—

- (a) incurs financial loss;
- (b) suffers from physical injuries; or
- (c) any other case as may be determined under this Act or any written law.”

That was an issue and we had agreed on it because power outage cannot literally cause physical injury. We had agreed that should be amended though I do not see the amendment. But I can move a further amendment myself.

I want to look at the proposed further amendment by the Member, which talks about an additional sub-clause immediately after Sub-clause (4) which says that, for avoidance of doubt:

“the licensee shall not be liable to pay any compensation pursuant to Sub-section (2) if the failure, poor quality or irregularity of the supply of electricity was caused by third party interference of the licensee’s electric supply lines or inevitable accident or *force majeure*.”

That had been agreed on and there would be nothing wrong with it. But I will be moving a further amendment to it. I hope the Member will be in agreement.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): So, can we agree on principle that you are in agreement that Hon. Nassir can move a further amendment?

**Hon. Kamau:** Yes, but I will move a further amendment as well.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): I will go back to Hon. Millie because she was the one contributing.

**Hon. (Eng.) Gumbo:** No, Hon. Duale interfered when I was contributing. I had not finished.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Sorry.

**Hon. Kamau:** Can I move the further amendment now?

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): I will give you an opportunity after two Members have spoken.

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Chairlady, the truth of the matter is that Hon. Nassir’s further amendment actually dilutes the intention of the amendment that he has in the new Article 193A. But we agreed to reach a middle ground so that we do not shield ourselves from reality in our country. There are many times when people driving carelessly knock down power lines. You cannot hold the power company accountable for that. There are times when cyclones bring down power lines. You cannot hold the power company accountable for that. There are times when we have insurrection in the country, people become disorderly and they bring down power lines. You cannot hold the power supply company responsible for that.

I think this is a good amendment because Kenyans are suffering bitterly. I do not have to tell you the number of times we have interrupted debate in this House today because of irregular power supply. Someone has to be accountable. As I was explaining, I think this is an opportunity for us as a House to do proper soul searching. Do we really need to commercialise electricity supply? Is it not merely a social supply? Can this House not capitalise power supply in such a way that Kenya Power does not have to stand there every year announcing how big a profit they have made when they cannot account for service quality? This is a good opportunity which we cannot lose. In most developed countries, by the way, power supply for domestic use is free because they realise it is a necessity. Without power supply, you cannot do anything. This obsession with profitability is what we need to address. The fact that Kenya Power is held by private investors is what we need to address.

*(Applause)*

This is a good amendment. I support my good friend, Hon. Abdullswamad.

*(Question of the further amendment proposed)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Millie.

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Chairlady, I very reluctantly stand to oppose the amendment. I think this is godsend. Two days ago, a pole which is outside my house but not in my compound, was hit by a third party that I do not know of. I have been calling Kenya Power consistently for two days and I am told they are transferring me to an emergency line. It has been removing sparks. If a child goes there, he would be electrocuted. With the rains, it can easily burn my entire house.

The provision of electricity is a monopoly of the Government. You cannot tell me when some random person passes by my House and causes damage I am supposed to go knocking everybody's door telling them to replace the pole.

Even if I wanted to, I have no capacity to repair the electric pole. It is extremely dangerous. What we are doing by this further amendment is to revert or take away a right that is available to every Kenyan and in the law of torts. If anybody is negligent in the provision of their service, they are culpable. Whether we like it or not, that is a straight law. Under the law of torts, it becomes a different story if a person does not report what happens even if the causality was negligent.

I have been reporting consistently for two days. All I am told is that, that is an emergency. Nobody responds in the long run. I have even been given a reference number. Are you telling me to go to church to pray then call my brothers to fundraise for me if my house burns? I know Hon. Duale is telling me to insure. Insurance cannot give me the comfort of my mother who died four years ago. There are things of sentimental value which no amount of money can return when they burn. That is why we have something called diligence in the law of torts.

That is why I vehemently oppose. What this amendment seeks to do is to dilute our rights.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Your point is made Hon. Millie. Millie's objection is on the further amendment.

Hon. Duale?

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairlady, this amendment is for the poor Kenyans we represent here. It is not for me and Hon. Millie. We insure even the spoons which are in our houses. That is why insurance pays us if anything happens to our houses.

**Hon. (Ms.) Odhiambo-Mabona:** On a point of order.

**Hon. A.B. Duale:** Let me finish.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): What is out of order Hon. Millie?

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Chairlady, with utmost due respect to the Leader of the Majority Party, I am very serious about this. Is he in order to suggest that you can insure me against electric death? I may insure my house. Is there an insurance that will stop electricity from flowing through my body when I am sleeping at night? You mean you can pay my dead body? Leader of the Majority Party, be serious. You cannot insure over my death. That is absolute carelessness. You cannot compensate my dead body.

**Hon. A.B. Duale:** Let me go on record that, as Members of Parliament, we have insured ourselves even in the scenario of accidents. There is nothing complex because an accident also includes electrocution.

**Hon. Member:** On a point of order.

**Hon. A.B. Duale:** What I am saying---

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): I am trying to get us moving. Hon. Members, let us move. Let us not go outside the parameters by introducing things removed from this discussion.

Hon. Duale, make it easy for me.

**Hon. Oyoo:** on a point of order.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): What is your point of order?

**Hon. Oyoo:** Thank you, Hon. Temporary Deputy Chairlady. This amendment seeks to redress the suffering Kenyans are likely to go through. It is not about Members of Parliament. We should not confine it to Members of Parliament.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Thank you, Hon. Member.

Continue, Hon. Duale.

**Hon. A.B. Duale:** Hon. Oyoo, that is why you are founding member of the Kenya African National Union. You know poor Kenyans. It is only KANU that knew the conditions of poor Kenyans. After further consultation, I know that the genesis of Hon. Nassir's further amendment is the people we represent. Every day, I receive poor people who invest in small fridges and equipment.

**Hon. (Ms.) Odhiambo-Mabona:** That is dangerous for them.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Do not interrupt him, please.

**Hon. A.B. Duale:** You should allow me to talk because I listened to you. We have agreed after consultation.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): You mean you have agreed to the further amendment by Hon. Nassir?

**Hon. A. B. Duale:** Yes.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): I know there is a further amendment.

**Hon. A.B. Duale:** No, no, no! Procedurally, we need to first dispose of Hon. Nassir's amendment.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Chairman, are you bringing a further amendment so that we are clear?

**Hon. A.B. Duale:** I have not finished.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): It is just for clarification, Leader of the Majority Party.

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, not at this point. I just want to explain to Members so that we are clear on where we are. I want to go very slowly so that we understand.

The amendment contained in the Order Paper as we speak seeks to bring in some penalties or make the Kenya Power and Lighting Company (KPLC) responsible for their wrongdoing. The further amendment being brought by the Hon. Member, over which we have agreed, is that all must agree that some of the outages may not necessarily be caused by problems within KPLC. For example, if there was a serious flood somewhere – God forbid – and the whole sub-station is taken away, we cannot blame KPLC for such a situation.

**Hon. (Ms.) Odhiambo-Mabona:** --- (*Off-record*)

**Hon. Kamau:** Let me finish.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Jamleck, to make your work easier, you explained it when you stood. I will not allow you to repeat what has been said. Repetition is also not allowed in our rules.

**Hon. Kamau:** I think there was some confusion.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Member, Hon. Gumbo spoke very clearly on the same amendment. You are saying exactly what he said.

If we can, I want us to dispose of the further amendment.

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, if you have understood, put it forth. I was doing it for the purpose of Hon. Millie. It is clear that the amendment was not clear in the minds of Members. The amendment that is clear is the one on the Order Paper.

The further amendment which has been brought and which we discussed and agreed on has not been taken seriously. That is the reason we wanted to put some exception to the rule, so that there is a clause to save KPLC where it is not entirely responsible for a problem. That is what the further amendment is all about.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Members, remember that these are new clauses. This is a new clause introduced by Hon. Nassir. He has therefore amended the same clause.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Departmental Committee Chairman, I need you to read out your further amendment.

**Hon. Kamau:** I wish to move a further amendment on the amended Clause 193A by proposing a new clause 5 as follows:-

THAT, the amended Clause 193A be further amended by inserting the following words immediately after the words “*force majeure*,”: “or is so minimal as not to materially affect the quality or value of the supply”

The entire Sub-clause 5 will read as follows, for avoidance of doubt:-

“the licensee shall not be liable for payment of any compensation pursuant to Sub-section 2, if the failure, poor quality or irregularity of the supply of electricity was caused by third party interferences on the licensee’s electric supply line, inevitable accident or *force majeure* or is so minimal to not materially affect the quality or value of supply.”

The reason I am coming with this amendment is that a power surge might come and damage something like a socket, which costs Kshs200, in the House. The process of litigation will surpass that cost. Therefore, this would be better off done in the regulations which we have agreed with the Ministry. They are going to put it as part and parcel of regulations such that if the value of the loss is very small, these are the things that can be given credit by Kenya Power through offsetting of the bill.

That is the explanation.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): You guys have complicated this issue. Who is seconding that further amendment?

**Hon. Kamau:** Hon. Papa will second me.

**Hon. Odera:** Thank you, Hon. Temporary Deputy Chairlady. This amendment does a few things to the whole clause. It is important as we make decisions as human beings, especially when dealing with companies such as this, that we focus on what is most important and spend our energy on things that are going to add value to life. If we focused and excluded what is not material in terms of loss to whoever the consumer or complainant is, we will be doing a great

disservice. We do not want to be bogged down with complaints and litigation that maybe immaterial.

I second.

*(Question of the further amendment proposed)*

**Hon. (Ms.) Sunjeev:** Thank you, Hon. Temporary Deputy Chairlady. I was very happy with the amendment brought by Hon. Nassir in 193(A). I am not happy with the proposed amendment being brought now.

Unfortunately, I have to oppose it because we are living in a digital era. I cannot expect one to be a subcontractor with the main dealer and not accept the responsibility fully. If there will be somebody else involved in giving this electricity, they should be fully responsible for compensation from 'A' to 'Z' and not say that they are not liable for some reasons.

For that reason, I oppose.

**Hon. Wamunyinyi:** Thank you, Hon. Temporary Deputy Chairlady. I agree with Hon. Birdi. In fact, it is for this reason I wanted to speak. The spirit of the earlier amendment under this Clause 193 is defeated by this further amendment.

You heard what Hon. Millie proposed. I do not want to repeat it. But if you were on a life support machine in this House when there were those outages, you would have lost your life. So much has happened. We know that there is so much damage of property like the electric appliances. For us to make this clear and to make Kenya Power accountable, we do not need to get to these extensions of saying there are exemptions. They should be accountable. It is their responsibility.

I want to oppose this amendment proposed by the Chairman. It does not have to dilute what we have achieved in the earlier amendment.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Member for Gilgil.

**Hon. Ndiritu:** Thank you, Hon. Temporary Deputy Chairlady. I am sympathetic with the first causes that might cause disruptions. Some insurance companies say they cannot insure against some occurrences like political incidents or things that are beyond nature's control. I am particular about the last one. Taking a cue from what the Leader of the Majority Party said, we are thinking about the small Kenyans that we represent. The argument here again comes when it is very small. "Small" is relative. That "small" is for that very small person that I represent.

On that basis, I highly support Hon. Gumbo on the power company being private. Maybe that is a subject for another day.

I oppose on not being quite explicit on what "small" means.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Members, we have got the gist of this further amendment by the Chairman of the Committee.

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

*(Question of the new clause proposed)*

*(New clause read the First Time)*



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

*(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)*

*First Schedule*

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

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): What is your point of order, Millie?

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, Hon. Temporary Deputy Chairlady. It would be important for us to go on record that if this amendment passes into law and I bring an electrician to correct any failure or systems, Kenya Power should not touch me. As long as it is done by a third party, I will have to protect myself. So, they should not touch me. Other times, they will come and harass you that you are touching their property.

Let it be on record.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): You have gone on record. Hon. Chairman, you have an amendment on the First Schedule.

**Hon. (Ms.) Odhiambo-Mabona:** *(Inaudible)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Please, Millie I am trying to control the House.

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, the First Schedule of the Bill be amended—

(a) in the heading by deleting the word “AUTHORITY” and substituting therefor the word “COMMISSION”;

(b) by deleting the words “THE BOARD OF THE ENERGY AND PETROLEUM INSTITUTE” appearing in the heading and substituting therefor the words “THE BOARD OF THE NUCLEAR POWER, ENERGY AND PETROLEUM AGENCY”;

This has been explained all afternoon.

*(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)*

*(First Schedule as amended agreed to)*

*Second Schedule*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, the Second Schedule to the Bill be amended—

(a) by deleting the words “ENERGY AND PETROLEUM INSTITUTE” appearing in the heading and substituting therefor the words “NUCLEAR POWER, ENERGY AND PETROLEUM AGENCY”;

(b) by deleting the word “Institute” wherever it appears and substituting therefor the word “Agency”;

(c) by deleting the word “AUTHORITY” appearing in the heading and substituting therefor the word “COMMISSION”;

(d) by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

The reasons for this are the same with the earlier one.

*(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)*

*(Second Schedule as amended agreed to)*

*Third Schedule*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, the Third Schedule to the Bill be amended-

(a) in paragraph 1 by deleting the word “Authority” and substituting therefor the word “Commission”;

(b) by deleting paragraph 4 and substituting therefor the following new paragraph –

‘4’. Nuclear Power, Energy and Petroleum Agency.

*(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)*

*(Third Schedule as amended agreed to)*

*Fourth Schedule*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, the Fourth Schedule to the Bill be amended—

(a) in the heading by deleting the word “AUTHORITY” and substituting therefor the word “COMMISSION”;

(b) by deleting the marginal note in paragraph (a) and substituting therefor the following new marginal note—

“Re-establishment of the Energy Regulatory Commission”;

(c) in paragraph 1—

(i) by deleting sub-paragraph (a) and substituting therefor the following new sub-paragraph—

“(a) The Energy Regulatory Commission established under Section 9 shall be the successor to the Energy Regulatory Commission established by the Energy Act (now repealed) and subject to this Act, all rights, duties, obligations, assets and liabilities of the Energy Regulatory Commission existing at the commencement of this Act shall be automatically and fully transferred to the Energy Regulatory Commission and any reference to the Energy Regulatory Commission in any contract or document shall, for all purposes, be deemed to be a reference to the Energy Regulatory Commission established under Section 9.

(ii) by deleting sub-paragraph (e);

(iii) by deleting the word “Authority” wherever it appears and substituting therefor the word “Commission”;

(d) in paragraph 2 by inserting the following new paragraphs immediately after paragraph (b)—

“(b) The persons who at the commencement of this Act are the Chairperson and members of the Energy Tribunal shall become the Chairperson and members of the Energy and Petroleum Tribunal respectively, as the case may be, for the remainder of their tenure in accordance with their appointment under the repealed Act.

“(cc) For the greater certainty and subject to subsection (2), such persons shall have and may exercise and perform all the powers and functions of Chairperson or members of the Energy and Petroleum Tribunal as the case may be, as if they were appointed under section 26.

“(dd) Every person who at the commencement of this Act is an employee of the Energy Tribunal, not then being under notice of dismissal or resignation shall, on that day and subject to this Act, become an employee of the Energy and Petroleum Tribunal on the same terms and conditions.

(e) by deleting paragraph 4 and substituting therefor the following new paragraph—

## 4. NUCLEAR POWER, ENERGY AND PETROLEUM AGENCY.

Nuclear Power,  
Energy and  
Petroleum Agency  
to be the successor  
to the Kenya  
Nuclear Electricity  
Board.

(1)The Agency shall be the successor to the Kenya Nuclear Electricity Board under the Kenya Electricity Board Order, 2012 and subject to this Act, all rights, duties, obligations, assets and liabilities of the Kenya Nuclear Electricity Board at the commencement of this Act, shall be automatically and fully transferred to the Nuclear Power, Energy and Petroleum Agency and any reference to the Kenya Nuclear Electricity Board shall for all purposes, be deemed to be a reference to the Nuclear Power, Energy and Petroleum Agency established under section 53.

(2)The persons who at the commencement of this Act are the Chairperson and Board Members of the Kenya Nuclear Electricity Board shall become Chairperson and Directors of the Board respectively, as the case may be, of the Agency for the remainder of their tenure in accordance with their appointment under the repealed Order.

(3) For the greater certainty and subject to subsection (2), such persons shall have and may exercise and perform all the powers and functions of Chairperson or Directors of the Board, as the case may be, as if they were appointed under Section 57.

(4) Every person who at the commencement of this Act is an employee of the Kenya Nuclear Electricity Board, not then being under notice of dismissal or resignation shall, on that day and subject to this Act, become an employee of the Nuclear Power, Energy and Petroleum Agency.

This seeks to create transitional provisions for the current Energy Regulatory Commission, the Energy Tribunal and the Nuclear Power Energy and Petroleum Agency. These provisions are critical to ensure smooth operationalisation of the Act once the Bill is passed into law.

*(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)*

*(Fourth Schedule as amended agreed to)*

*(Fifth Schedule agreed to)*

*Clause 2*

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 2 of the Bill be amended—

(a) by deleting the definition of the term “consumer” and substituting therefor the following new definition—

“customer” means any person supplied or entitled to be supplied with electrical energy or petroleum;

(b) by deleting the definition of the term “Institute” and substituting therefor the following new definition—

“Agency” means the Nuclear Power, Energy and Petroleum Agency established under section 53 of this Act;

(c) by deleting the words “ the Authority” in the definition of the term “licensing authority” and substituting therefor the words “the Commission”;

(d) by deleting the word “Authority” in the definition of the term “minimum operational stocks” and substituting therefor the word “Commission”;

(e) by deleting the word “Authority” in the definition of the term “tariff” and substituting therefor the word “Commission”;

(f) by deleting the word “Authority” in the definition of the term “undertaking” and substituting therefor the word “Commission”;

(g) in the definition of the term “bulk supply” by deleting the word “upply” appearing immediately after the words “enabling the” and substituting therefor the word “supply”;

(h) in the definition of the term “distributed generation” by inserting the word “which” immediately after the words “any one of”; and

(i) in the definition of the term “distribution system” by deleting the word “distribution” appearing immediately after the words “for the delivery”.

This amendment seeks to remove ambiguities, typos and realign the definitions as used in the Bill. It specifically deletes the definition of the term “consumer” and substitutes therefor with the definition of the word “customer” to mean any person supplied or entitled to be supplied with electrical energy or petroleum.

*(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)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): There is another amendment to Clause 2 by the Leader of the Majority Party.

**Hon. A. B. Duale:** I have to go on record in the HANSARD. We are not in the village; we are in a House of procedure. I officially withdraw my amendment.

*(Proposed amendment by Hon. A. B. Duale withdrawn)*

*(Clause 2 as amended agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairlady, I beg to move that the Committee doth report to the House its consideration of the Energy Bill (National Assembly Bill No.50 of 2016) and its approval thereof with amendments.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Leader of the Majority Party, you were right. There is a typo. It should be 2015 not 2016. Please, repeat it.

**Hon. A. B. Duale:** It is the Clerks who type this Order Paper. They should proofread it.

Hon. Temporary Deputy Chairlady, I beg to move that the Committee doth report to the House its consideration of the Energy Bill (National Assembly Bill No.50 of 2015) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[The Temporary Deputy Speaker  
(Hon. (Ms.) Mbalu) in the Chair]*

## REPORT AND THIRD READING

### ENERGY BILL

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order, Members! I call the Chairperson.

**Hon. (Ms.) Shebesh:** Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the Energy Bill (National Assembly Bill No.50 of 2015) and approved the same with amendments.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Let us have the Mover of the Bill to move agreement with the Report.

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said report.

I request the Chair of the Departmental Committee on Energy, Communication and Information, Hon. Jamleck to second the Motion of agreement with the Committee of the whole House.

**Hon. Kamau:** I second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): It is on record that you have seconded.

*(Question proposed)*

*(Question put and agreed to)*

Before the Mover, I would like to thank the Chair of the Departmental Committee on Justice and Legal Affairs, Hon. Chepkong'a, for doing the right thing. Let us have the Mover of the Bill to move the Third Reading.

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, I was saying that Hon. Millie was saying "No". Today is Thursday, there will be other "Noes" another Thursday.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): I know that she is in a better position to change your mind.

**Hon. A.B. Duale:** I am not anticipating voting. You can say "No" today, but you will have an opportunity to say "Ayes" as I say "No".

Hon. Temporary Deputy Speaker, I beg to move that the Energy Bill (National Assembly Bill No.50 of 2015) be now read a Third Time. I request Hon. Jamleck Kamau to second.

**Hon. Kamau:** Hon. Temporary Deputy Speaker, I second the Motion that the Bill be now read a Third Time.

Let me take this opportunity to thank my colleagues in this House. The Bill has been in the House with amendments. I know it has been a difficult task, but we have managed to do it for the sake of this country. I thank officials of the Ministry of Energy and Petroleum who have been here with us the entire day and not forgetting the Speaker, who has been very lovely.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): I can see your happiness. Order, Members!

*(Question proposed)*

I want to give a chance to a few of us to make comments. Of course, I now appreciate the Chair, Hon. Jamleck Kamau's happiness. Hon. Gumbo.

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Speaker, one of the greatest scientists this world has ever known is Albert Einstein who once said that we cannot solve our problems with the same thinking we used while creating the same problems. This Bill is an attempt in the right direction. More importantly, Einstein is credited with the theory of relativity, which is the foundation of nuclear science.

If you look at this Bill, one of our energy sources is nuclear energy. We are proposing to harness nuclear energy in our power systems and I think it is a good thing. For the record of the House, it will be nice to let this House know how Albert Einstein defined the theory of relativity.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Gumbo you know you are blessed with height, please just---

**Hon. (Eng.) Gumbo:** Just this one only. He said that the theory of relativity, and this may be of interest to you, is defined as follows: "When you are courting a beautiful girl, an hour seems like a minute but when you sit on a red hot coal, a second seems like an hour." So, as we go into this Bill, especially for the Nuclear Electricity Board (NEB), let us go in the direction of

the creators of nuclear in electricity and give the management of that Board to engineers and scientists.

I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you for your remarks but for the definition of your beautiful girl--- Let me have the Hon. Leader of the Majority Party remark on this.

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, the Hon. Chair of Public Accounts Committee (PAC) rarely gets the opportunity to court beautiful women. I served with him in the last Parliament and he is still trying. I am sure before the end of this Parliament, he will have an opportunity and they are many in this House such as Hon. Millie Odhiambo, Hon. Shebesh and Hon. Sunjeev Birdi. The problem is the language and the attitude.

I want to thank these Members led by the Chair of the Departmental Committee on Energy, Communication and Information. It is raining out there but the few of us decided that we have business to do and the Energy Bill is a very important Bill. It is a constitutional Bill and from here it will head to the Senate. I am told that they adjourned when there was a blackout, but I am sure the Hon. Speaker as he sends the message to the Senate, will tell them that this is a constitutional Bill and they must pass it before August 27<sup>th</sup>.

Finally, electricity in terms of cost, transmission and accessibility has been completely transformed under this Government from the prices to schools accessibility. Despite the few amendments we brought, I want to thank the leadership of Kenya Power Company (KPC). My constituency is one of the beneficiaries of the street lighting. People drive without using their lights. Young kids learning to play football practise without any problem. I am sure they have done a wonderful job and any challenge is the one that we have sought. We thank the team from the Ministry of Energy led by the Cabinet Secretary (CS), the Permanent Secretary (PS) and many parastatals such as KPC.

If you walk to Tom Mboya Street and Moi Avenue, of course not Koinange, hawkers used to leave by 6.30 p.m. but now they stay until past midnight because of the street lighting programme of KPC and also the Ministry of Energy. So, we thank them. I am sure this Bill has given them leeway to serve the people of Kenya and I am sure they will reduce power disruptions.

Finally, on behalf of my good friend Hon. Millie Odhiambo who served with me in the last Parliament and who is facing problems--- Whoever is knocking poles near her house would better stop.

*(Laughter)*

This is part of the debate. They had better come and knock the poles around my house along Kiambu Road because I can tolerate that.

With those many remarks, I want to thank the Chair and his Committee, Hon. Roba Duba, Hon. Arthur Odera and many others who were here in the morning session for the Access to Information Bill.

I also want to thank the team from the Ministry and our very good legal team led by Ms. Jemimah, for a job well done, giving us all the technical advice and doing draft amendments for us. I am sure as we walk out; we have finished the Energy Bill.

Thank you, Hon. Temporary Deputy Speaker.



**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, the Leader of the Majority Party for your comments. We cannot fail to thank the substantive Temporary Deputy Chairlady Hon. (Ms.) Shebesh, who has done a very good job today.

From where I sit as a representative of Kibwezi East people, I am constrained to thank the leaders. If I was down there talking as a Member for Kibwezi East, I would request them to look at Kibwezi East to feel the wave.

Let me have Hon. Wamunyinyi before I give the Chair of the Committee.

**Hon. Wamunyinyi:** Thank you, Hon. Temporary Deputy Speaker. I also want to congratulate myself for being around to see this good Bill sail through. The passage of this Bill gives the energy sector new instruments. It gives the opportunity to tap the harmony that is created within the sector; the good law and the harmonized statute which will ensure that Kenyans are served and service is readily available.

I do trust that it is going to enable the Ministry of Energy and Petroleum, who are here with us. They have heard our complaints and seen the difficulties we go through. I trust that this law is going to help in ensuring that services in this sector are enhanced.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Jamleck Kamau.

**Hon. Kamau:** Thank you very much, Hon. Temporary Deputy Speaker. As, I thank my colleagues, I am happy the Ministry staff are here and especially Kenya Power (KP). I want to urge KP because they have heard the sentiments of Members and seen for themselves the several blackouts in this House today, to pull up their socks in whatever they do. As a Committee we will stop at nothing in making sure that KP improves their service delivery to Kenyans at whatever cost.

Let me thank all the Members and everybody who participated in this including those who opposed. Finally, we have made a good law for this country. I cannot forget my legal officer, Ms. Jemimah, a very good lady, she has done marvelous. I thank her very much, as well as the team from the Ministry, the substantive Chairlady who was there and all the Clerks-at-the-table. *Asante sana.*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Millie Odhiambo.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, Hon. Temporary Deputy Speaker. I want to congratulate the Energy Committee even though I may not agree on one or two provisions. I am sure they will spend a little more time with their lawyers and think through the implications. This will be better than if the Mover had not brought any amendment and left the original Bill as it was. We will be limiting rights, some of which should be left to judges in courts to determine especially on issues of negligence.

I want to agree with the Chair that of late, I am surprised. I used to say the water supply in this country was horrendous but KP for a long time was excellent. It surpassed several organisations and it is doing very badly now. I know in the past, if there was a problem and you called KP, in one minute there would be somebody. If it is an issue of lack of overtime payment, they need to reconsider. If they stopped paying or if people are not doing their work somebody needs to check.

There is a problem in terms of delivery and in the last two years I have noticed that. We are endangering the lives of Kenyans not just those like us who are privileged, but even the poor Kenyans. The other day their own employees were electrocuted over negligence. We cannot have that kind of thing.

With those few remarks, I thank the Committee and the team that has done this.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order, Hon. Members! Hon. Members, I must appreciate all of you irrespective of the power problem. From the desk of the Speaker, I apologize and appreciate your commitment to doing what we came here to do.

Hon. Members, I must appreciate your contributions. Very importantly, the Chairlady, Hon. Shebesh, who sat for a long time passing the very important Bill.

For the other Members who joined us, congratulations. I am sure we have done a good job.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, the time being 6.30 p.m., this House stands adjourned until Tuesday, 3<sup>rd</sup> May, 2016 at 2.30 p.m.

The House rose at 6.30 p.m.