

PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY

THE HANSARD

Tuesday, 25th January 2022

The House met at 2.30 p.m.

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

PRAYERS

COMMUNICATION FROM THE CHAIR

LAPSE OF BUSINESS FROM FIFTH SESSION

Hon. Speaker: Hon. Members, I wish to welcome you back to the august House after the just ended long recess. I do hope that you have sufficiently rested and rejuvenated in readiness for the commencement of the Sixth Session. Being the last Session of the 12th Parliament, there is no doubt that this will be a busy Session, given the tight budget-related business and other priority business that must be concluded ahead of the upcoming general elections slated for 9th August 2022.

As we commence the Session, I wish to bring to the attention of the House that, going by our practice and the Standing Orders, certain business that was not concluded at the end of the last Session, such as Motions and Questions, have lapsed. However, as you may recall, on Thursday, 2nd December 2021, the House resolved to exempt Petitions and Bills read the First Time in the Fourth Session (2020) and which were still pending at various stages of consideration in the House from lapsing. Further, by way of my Communication of Thursday 2nd December 2021, with regard to suspension of Committee Sittings, I indicated that Statements would not lapse as is the practice but would be carried over to the Sixth Session, given that a number of Committees had already commenced inquiries into matters raised in the various Statement requests.

With regard to Bills that were Read a First Time during the Third Session, that is 2019, you will recall that the House exempted them from lapsing at the end of the Fourth Session, being the year 2020, owing to reduced number of sittings of the House during the COVID-19 pandemic period. However, the exemption lapsed at the end of the last Session. This is, therefore, to notify the House that pursuant to the provisions of Standing Order 141(2) (b) and the resolution of the House of 2nd December 2021, the following 28 Bills which were published in 2019 and whose Second Reading had not been concluded by the end of the Fifth Session have now lapsed:

1. The National Hospital Insurance Fund (Amendment) Bill (No. 5 of 2019);
2. The Higher Education Loans Board (Amendment) Bill (No. 9 of 2019);
3. The National Government Constituencies Development Fund (Amendment) Bill (No. 16 of 2019);
4. The Labour Relations (Amendment) Bill (No. 18 of 2019);

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5. The Constitution of Kenya (Amendment) Bill (No. 19 of 2019);
6. The Kenya Information and Communications (Amendment) Bill (No. 20 of 2019);
7. The Public Finance Management (Amendment) Bill (No. 22 of 2019);
8. The Independent Electoral and Boundaries Commission (Amendment) Bill (No. 24 of 2019);
9. The Traffic (Amendment) Bill (No. 28 of 2019);
10. The County Governments Retirement Scheme Bill (No. 29 of 2019);
11. The Independent Electoral and Boundaries Commission (Amendment) (No. 2) Bill (No. 30 of 2019);
12. The Crops (Amendment) (No.2) Bill (No. 32 of 2019);
13. The Public Procurement and Asset Disposal (Amendment) Bill (No. 36 of 2019);
14. The Constitution of Kenya (Amendment)(No.2) Bill (No. 40 of 2019);
15. The Kenya Uwezo Fund Bill (No. 42 of 2019);
16. The Public Finance Management (Amendment) Bill (No. 48 of 2019);
17. The Constitution of Kenya (Amendment) (No.3) Bill (No. 53 of 2019);
18. The Parliamentary Pensions (Amendment) (No. 2) Bill (No. 56 of 2019);
19. The National Government Constituencies Development Fund (Amendment)(No.2) Bill (No. 58 of 2019);
20. The Constitution of Kenya (Amendment) (No.4) Bill (No. 60 of 2019);
21. The Kenya Information and Communication (Amendment) (No.2) Bill (No. 61 of 2019);
22. The Constitution of Kenya (Amendment) (No.5) Bill (No. 67 of 2019);
23. The Public Participation Bill (No. 69 of 2019);
24. The Public Participation (No. 2) Bill (No. 71 of 2019);
25. The Anti-Corruption and Economic Crimes (Amendment) (No.2) Bill (No. 72 of 2019);
26. The Breastfeeding Mothers Bill (No. 74 of 2019);
27. The Constitution of Kenya (Amendment) (No.6) Bill (No. 76 of 2019); and,
28. The Public Finance Management (Amendment) (No.4) Bill (No. 78 of 2019).

(Several Members walked into the Chamber)

Hon. Members, I will resume my seat to allow those Members making their way in to do so quickly. Please, make your way in. You can engage in that other discourse when you are in.

Just for clarification, where it reads “Bill No. 2, Bill No. 3., Bill No. 5., or Bill No. 6”, the other number is indication that there has been more than one Bill on that subject. That is the short explanation.

Hon. Members, I wish to also draw the attention of the House to the fact that the term of Sessional Committees has also come to an end. Therefore, the three Sessional Committees will have to be reconstituted. These include: the House Business Committee, whose Motion for approval is published in today’s Order Paper; the Parliamentary Powers and Privileges Committee, and; the Committee on Members’ Services and Facilities. The Committee on Selection is thus required to expedite the process of nominating Members to serve in the remaining two Committees.

You also will further recall that, by the time Committee sittings were suspended in December 2021, the following priority business was still pending before the House:

- (i) The nomination of a person for appointment to the Equalisation Fund Advisory Board, now before the Departmental Committee on Finance and National Planning;
- (ii) Consideration of the 2022 Budget Policy Statement for Financial Year 2022/2023, which is before the various Departmental Committees and the Budget and Appropriations Committee;
- (iii) The vetting of nominees for appointment to the offices of chairperson and members of the Kenya National Commission on Human Rights, which was committed to the Departmental Committee on Justice and Legal Affairs; and,
- (iv) The vetting of a nominee for appointment to the office of a member of the Salaries and Remuneration Commission representing the National Police Service, which is before the Departmental Committee on Finance and National Planning.

In my messages conveyed on 21st and 29th December 2021, I guided the relevant Departmental Committees that the Reports on the vetting of nominees for appointment to the two commissions should be tabled by 15th February 2022 to enable the House to conclude consideration of the above matters within the statutory timelines. With regard to the processing of the Budget Policy Statement for the Financial Year 2022/2023, the onus is on the Budget and Appropriations Committee to guide the House accordingly.

To this end, each Chairperson of a Committee or individual Member who wishes to reintroduce any Motion or Question that has lapsed is advised do so by contacting the Table Office. This, however, does not apply to Petitions and Statements, as earlier on explained.

The House is accordingly guided. I thank you, Hon. Members.

WITHDRAWAL OF THE NATIONAL AVIATION MANAGEMENT BILL

Can I finish this second short Communication? This is Communication No. 2 of 2022.

As you may recall, the National Aviation Management Bill (National Assembly Bill No. 18 of 2020) was published *vide* Kenya Notice Supplement No. 93 of 15th June 2020. The Bill seeks to, among other things, provide for the nationalisation of the Kenya Airways. The Bill further proposes to establish the National Aviation Council and the Kenya Aviation Corporation as a holding corporation and its operating entities, including subsidiaries and connected matters.

The Bill was Read the First Time on 30th June 2020 and committed to the Departmental Committee on Transport, Public Works and Housing for consideration. You may also recall that following the tabling of the Report of the Committee and listing of the Bill in the Order Paper for Second Reading, many of you raised objections and concerns regarding the process of public participation on the Bill. As a result, I ordered the Committee to revisit the process with the view to hearing and considering the views of all concerned stakeholders. Since then, the Second Reading of the Bill has been in abeyance.

I wish to inform the House that I have since received a letter from the Leader of the Majority Party, Hon. (Dr.) Amos Kimunya, requesting to withdraw the Bill so as to enable further consultations and to incorporate additional input received from stakeholders during the public participation phase.

(Applause)

Standing Order No. 140(1) provides as follows:

“Either before the commencement of business or on the Order of the Day for any stage of the Bill being read, the Member in charge of a Bill may, without notice, claim to withdraw a Bill.”

In this regard and pursuant to the provisions of Standing Order No. 140(2), I direct that the Bill be withdrawn. Nevertheless, the sponsor is at liberty to reintroduce it in accordance with the provisions of Standing Order No. 114.

I thank you, Hon. Members.

Hon. Duale, what is your point or order?

POINT OF ORDER

DELAYS IN CONSIDERATION OF THE PETROLEUM PRODUCTS (TAXES AND LEVIES) (AMENDMENT) BILL

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, on 13th January 2022, I wrote a letter to your office in reference to delays in consideration of the Petroleum Products (Taxes and Levies) (Amendment) Bill of 2021. In my letter and in line with Article 95(2) of the Constitution that provides that one of the functions of the National Assembly is to resolve issues of concern to the people, I noted that this Bill, upon publication, was Read a First Time on 10th November 2021. It has no progress to date. You remember that this Bill came as a result of this House dealing with the matter of increased prices of petroleum products. We were to consider several scheduled businesses, mainly to look at the levies and taxes of the petroleum sector, in order to reduce the pump prices of fuel hence reduce the cost of living that many Kenyans go through.

I wrote to you to seek your advice now that the House has resumed, through you as the Chair of the House Business Committee and the other Members, because you are the automatic Leader of the Majority Party and the Leader of the Minority Members and Whips. In the event we approve this list, Hon. Speaker, as our leader, we wanted your guidance on when we can complete that matter.

It is a matter of national importance and Kenyans are waiting for it. We look very bad because we have been doing Special Sittings on Bills that only affect the political class. Can we now, at least, deal with a matter that concerns the fabric and life of the people of Kenya for once, so that Kenyans can get cheaper petroleum prices? I am sure, as a leader who wants the economy and everything to be dealt with, I just wanted your guidance that we give priority to this Bill when this House approves the HBC that you chair.

Hon. Speaker: Very well. That does not require a further debate because it is a matter that would later be placed before the HBC. The sentiments you have expressed are clear. The HBC should proceed to consider it.

Next Order. Leader of the Majority Party.

PAPERS LAID

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I join you in welcoming Members to this Sixth and last Session.

I beg to lay the following Papers on the Table of the House today, Tuesday 25th January, 2022:

Legal Notice No.260 of 2021 relating to the Political Parties Membership Regulations of 2021 and the Explanatory Memorandum from the Office of the Attorney-General.

Legal Notice No.266 relating to Gazettement of Extraneous Certification Fees and Payments and Explanatory Memorandum from the Ministry of Agriculture, Livestock, Fisheries and Cooperatives.

The Report on the State of Judiciary and the Administration of Justice for the Financial Year 2020/2021.

The County Governments Budget Implementation Review Report for the Financial Year 2020/2021 from the Office of the Controller of Budget.

The County Governments Budget Implementation Review Report for the First Quarter for the Financial Year 2021/2022 from the Office of the Controller of Budget.

The Treasury Memorandum on the Public Accounts Committee Report for the Financial Year 2017/2018 from the National Treasury.

The National Government Budget Implementation Review Report for the First Quarter for the Financial Year 2021/2022 from the Office of the Controller of Budget.

The National Government Budget Implementation Review Report for the Financial Year 2020/2021 from the Office of the Controller of Budget.

The 27th Report of the Monetary Policy Committee from the National Treasury.

The Special Audit Report of the Auditor-General on the Procurement of Foodstuff by the Ministry of Defence for the Financial Years 2014/2015 through 2017/2018.

The 9th Report on the Status of Public Service Compliance with the Values and Principles in Articles 10 and 232 of the Constitution for the Year 2021 from the Public Service Commission.

Report on the Status of the Kenyan Economy for the Period December 2021 from the National Treasury.

The Performance Audit Report on the Provisions of Services to Persons with Disabilities (PWDs) by the National Council for PWDs for the Period, December 2021 from the Office of the Auditor-General.

The Performance Audit Report on Enforcement of Environmental Regulations on Effluent Management in Slaughter Houses by the National Environment Management Authority for the Period November, 2021 from the Office of the Auditor-General.

The Performance Audit Report on Preparedness of the State Department for Petroleum to Monitor Costs in the Petroleum Sector for the period October 2021 from the Office of the Auditor-General.

The Performance Audit Report on Implementation of the Dispensation of Justice Programme by the Judiciary for the period November 2021 from the Office of the Auditor-General.

The Performance Audit Report on Expansion, Improvement and Maintenance of Infrastructure in Public Primary Schools by the Ministry of Education for the period November 2021 from the Office of the Auditor-General.

The Performance Audit Report on Management of Local and Training Provisions in the Production Sharing Contracts by the State Department for Petroleum for the Period November 2021 from the Office of the Auditor-General.

The Annual Report and Financial Statements of the Kenya National Commission for UNESCO for the Year ended 30th June 2019.

The Annual Report and Financial Statements of the University of Eldoret for the year ended 30th June 2019.

Thank you.

Hon. Speaker: Hon. Duale.

POINT OF ORDER

TABLING OF LEGAL NOTICE NO.260 OF 2021 RELATING TO THE POLITICAL PARTIES MEMBERSHIP REGULATIONS

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I want to rise on a pertinent issue relating to the tabling of item No.1 on Legal Notice No.260 (Political Parties Membership Regulations, 2021), which is to be considered through you, by the Committee on Delegated Legislation in line with Section 13 of the Statutory Instruments Act No.23 of 2013.

As the Committee looks into this, a perusal of that Regulation clearly shows that it actualises part of the Political Parties (Amendment) Bill, 2021, which this House has passed and is before the Senate. More specifically, this Regulation is dealing with party membership and resignation of members.

The Senate is yet to consider it, and I am told they have a Special Sitting in the next three days. Regulations which are pegged on matters that are not law, in my opinion, are premature, anticipatory in nature, and is like pulling the cart before the horse.

(Hon. Amos Kimunya rose on a point of order)

The Leader of the Majority had his say. He does not need to heckle. He just needs to listen.

The other matter, which is worth noting, is that these Regulations require a prescription emanating from the Political Parties (Amendment) Bill, 2021. I remember when we dealt with that Bill, there was a provision that the Registrar of Political Parties would bring regulations touching on many issues. However, in this case, I do not know why there is hurry to sneak in the aspect of resignation of members even before the law is to be concluded by the Senate and assented to by the President.

Secondly, I need to go on record that I struggled to get a copy of these Regulations from the Government Printer. Despite the Regulations having been printed on 21st December, 2021, a few days before we had our Special Sitting, it is only yesterday that I was able to get a copy.

Hon. Speaker, you know it very well that even as we sit in this House, if you go to <http://www.kenyalaw.org/>, where the *Kenya Gazette* is usually uploaded, you will observe a very interesting thing, that Gazette Notices for 20th and 22nd December, 2021, are available on the website. However, the one for 21st December, 2021, which contains the Political Parties Membership Regulations 2021 has been missing until now. It appears as if these Regulations have been hidden somewhere until today that the Leader of the Majority Party is bringing them out.

Hon. Speaker, I want the Members such as the Chairman of the Committee on Delegated Legislation to relax. The Deputy Leader of the Minority Party, you will have your time when it comes. I know he is yet to recover from the earthquake and tremors.

Hon. Speaker, Articles 10 and 18 of the Constitution provide that there is a requirement for public participation. Every regulation that will be tabled in this House must have proof and a demonstration that sufficient public consultation was conducted as required under those two Articles.

Hon. Speaker, the question that you need to direct to the Committee on Delegated Legislation must be to answer whether public participation on this Regulation was conducted and in what form. Whereas I am cognisant that the Political Parties Membership Regulations actually concern county governments as they relate to elections, we have the tradition of...

Hon. Speaker: Hon. Duale, you need to conclude. I do not need to be addressed by anybody else. This is so simple.

There is a saying which states thus: "You are swallowing before chewing." This is because in this Committee, just next to you is one of the most active Members of that Committee, Hon. Gitonga Murugara. He would always recommend any Regulation that has not been subjected to public participation to be rejected. I have heard him on several occasions make that recommendation. So, because it has been tabled, they will go to the Committee. I am drawing your attention to the existence of the Member for Tharaka because I know he is a very active Member and it would certainly not pass his hawk eyes. I am sure if no public participation has happened, obviously the report of the Committee would be here. If the Committee recommends that you approve and there has not been sufficient public participation, I can assure you that is the time at which you can seek my intervention, because you will be rising on a constitutional point that Article 118 has been violated. I do not want to be the one to police the <http://www.kenyalaw.org/>. Let me not get there.

Hon. Aden Duale (Garissa Township, JP): Thank you, Hon. Speaker. However, I wanted to show the mischief and go on record on the *Hansard*. So, I did not find it fit. I am sure the Committee is aware that this is not the one where if it is approved, the Clerk of the National Assembly will just sign the certificate on approval; that the regulations will have to come to this House either way and we debate them.

Hon. Speaker, because it concerns elections, I presume that these regulations will also go to the Senate to be discussed because they touch on elections and county assemblies.

I thank you, Hon. Speaker.

Hon. Speaker: There is something that needed to be touched on that maybe Hon. Duale did not mention. You appear to have been looking at this thing. It is, however, curious and maybe the Committee will find out where the connection comes. There is a Political Parties Registrar and some other matters dealing with political parties that are captured, and the general powers of the Independent Electoral and Boundaries Commission (IEBC) under Article 88, Clause 4, paragraphs (d) and (e). I am sure many of you at this time ought to be quite alive to those ones. I assume anybody who is in Parliament today would be very interested in knowing what it is that Article 88 refers to.

However, it is curious to me that it says that these regulations are from the Office of the Attorney-General. That is the thing which I noticed that perhaps the Committee, now that Hon. Duale has prosecuted a bit on this, should go and deal with it.

Let us not debate this. Hon. Murugara, I know you are a ranking Member of that Committee. Let me give you a chance to say something.

Hon. George Gitonga (Tharaka, DP): Thank you very much, Hon. Speaker. The Committee is quite diligent under the chairmanship of Hon. Kamket. However, what worries us - and I have looked at the regulations - is whether they can be committed to the Committee when they seem to be touching on a Bill which is before the House. If they are touching on a Bill which is being debated and which has not passed, then they cannot be sent to our Committee, because I do not know what decision we will be required to make under the Statutory Instruments Act. That is the biggest problem. So, that is what we need to be guided on.

Hon. Speaker: Hon. Murugara, you have hit the nail on the head. You and your Committee will look at the regulations, try to find out what they are based on, are they based on an existing Act of Parliament or are they based on a Bill? If they are based on a Bill, the Committee is advised upfront to act, yes, “return to sender”. This is because you cannot purport to make regulations based on a Bill.

So, Hon. Gitonga Murugara and Hon. Kamket, it is very good that the regulations have been tabled, but should you find them not based on an Act, then return to sender. The Member for Kikuyu has forgotten that there is a law already called the Political Parties Act. For your information, Hon. Ichung’wah, that law was first enacted in 2007 and a provision made in it that it was to come into effect from 1st January, 2008. So, you are talking to somebody who has a history of it. We were trying to cure the mischief which existed in the National Assembly Parliamentary Political Parties, Section 17(5), when we sat here and argued about that law. I recall a few Members who took part, but the Act was still in existence. However, Hon. Duale, Hon. Kimunya and others who were in the 10th Parliament amended it further in 2011 so that today, we have the Political Parties Act No.10 of 2011, because No.11 is the Elections Act. Those are laws that ought to be at your fingertips now because of the year we are in.

So, Hon. Ichung’wah, there is already an Act and it is okay. So that Act can be the anchor. However, if it is a Bill, obviously as pointed out by Hon. Murugara, they will make an appropriate decision. You said there was something that happened that may have caused an earthquake. Some of our electronic gadgets are not working such as this one where I record my attendance. I think the tremors must have been quite heavy; the seismic tremors.

Let us now proceed. Hon. Kamket, is there anything you want to comment on this?

Hon. Kassait Kamket (Tiaty, KANU): Hon. Speaker, thank you very much. We are properly guided by what you said. I am very proud to be the Chairperson of the Committee on Delegated Legislation. Whatever piece of subsidiary legislation that comes before us, we deal with it properly. I want to assure the House, including Hon. Duale, that we are up to the task. You do not need to worry. We will handle this matter accordingly.

Hon. Speaker: Very well. Let us move to the next Order.

MOTION

APPOINTMENT OF MEMBERS TO THE HOUSE BUSINESS COMMITTEE

Hon. Speaker: Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Standing Order No. 171(1), this House approves the appointment of the following Members to the House Business Committee (HBC) in addition to those specified under paragraphs (a), (b), (c), (d) and (e)-

Hon. Joyce Akai Emanikor;
Hon. Shadrack John Mose;
Hon. Kawira Mwangaza;
Hon. Mohamed Abdikhaim Osman;
Hon. (Dr.) Makali Mulu;
Hon. Mishi Juma Khamisi Mboko; and

Hon. Godfrey Osotsi.

Hon. Members may notice that the parties that nominated the Members into this Committee took cognisance of the fact that they were Members of this Committee. They have accumulated wealth of experience and institutional memory that we do not wish to disrupt in these last couple of months. Hence, the membership has been retained or maintained. It also represents all shades and persuasions within the House. Nobody will be left behind. That is the comfort that I want to give the House. Within the HBC, all businesses will be considered with all shades of opinion, political persuasions, and political parties and genders will be represented. Hence, as the Committee does its job under the leadership of Hon. Speaker, nobody will be left behind, so that we can dispense business as we move forward.

This is a straightforward Motion. I wish Members will approve it, so that we can get to the rest of the business of this Session. The earlier we can do it, the better. Hon. Speaker, I beg to move the Motion and ask Hon. Robert Mbui to second it.

Hon. Speaker: Hon. Mbui.

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Speaker. In line with what the Leader of the Majority Party has said, this is a straightforward Motion in which we require Members to start drawing programmes together for the smooth running of business in this House. The sooner we do this, the better. Obviously, when we have people who already know how the HBC works under your leadership, then it becomes easy.

This is a straightforward Motion. I urge my colleagues to support it. I second it.

(Hon. (Ms.) Catherine Waruguru walked into the Chamber)

(Hon. David ole Sankok spoke off record)

Hon. Speaker: Member for Laikipia, take a seat. You do not have to freeze. Who says green is bad, Hon. Sankok? You cannot say that she is wearing green clothes and you have so much of them on yourself.

(Laughter)

(Question proposed)

Hon. Members: Put the Question!

Hon. Speaker: It looks like the majority wants me to put the Question.

Hon. Members: Yes.

Hon. Members: No.

Hon. Speaker: Hon. Members, either way, you will make a decision. So, let me put the Question.

(Loud consultations)

Do you want to debate the Motion? Hon. Members, can I establish the feeling of the House?

Hon. Members: Yes.

Hon. Speaker: The only way at my disposal to establish that is for me to put the Question. Let me find out whether the House wants to debate or I put the Question. The first Question will

establish what you want me to do. I am not putting the Question on the Motion. I want to establish whether you want me to put the Question.

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

Therefore, I proceed to put the Question.

(Question put and negatived)

(Applause)

(Several Members stood in their places)

Hon. Members, take your seats. Hon. Millie Odhiambo, it cannot be the time for jigs. I appreciate that it was Christmas recently and we have forgotten that we are now in the House.

(Several Hon. Members walked in the gangways)

Hon. Members, please, take your seats so that we can conclude this sitting this afternoon. Order, Hon. Members! Order, Hon. Members!

(Hon. (Ms.) Joyce Korir and Hon. (Ms.) Rehema Hassan walked in the gangway)

Hon. Joyce Korir, take your seat. Is that the Member for Tana River right at the back there? Hon. Rehema, just take your seat. Hon. Members, we can be through with this one fast enough. For avoidance of doubt, I want to read the provisions of Standing Order No. 171 that provide for the House Business Committee. Clause 1 says:

“There shall be a select committee to be designated the House Business Committee, consisting of—

- (a) the Speaker who shall be the Chairperson;
- (b) the Leader of the Majority Party or a representative designated in writing;
- (c) the Leader of the Minority Party or a representative designated in writing;
- (d) the Majority Party Whip or a representative designated in writing;
- (e) the Minority Party Whip or a representative designated in writing; and
- (f) seven other Members, who shall be nominated by parliamentary parties and approved by the House at the commencement of every Session, reflecting the relative majorities of the seats held by each of the parliamentary parties in the National Assembly and taking into consideration the interests of Independents.”

I have always directed that there must be an independent among the seven. The names that have been read out which you have rejected have complied with that because the independents are protected by the Speaker. They must be in committees. The rest are selected by the political parties. I know we have always fairly included the independents. Nobody can fault even the leadership of both sides. Of course, Hon. Members, it says, “...approved by the House at the commencement of every Session.” Hon. Members, I take you to Standing Order No. 49 which says:

“No Motion may be moved which is the same in substance as any question which has been resolved (either in the affirmative or in the negative) during the preceding six months in the same Session.

(1) Despite paragraph (1)—

- (a) a Motion to rescind the decision on such a question may be moved with the permission of the Speaker;
- (b) a Motion to rescind the decision on a question on a Special Motion shall not be allowed.”

This is not a Special Motion. Special Motions are those of impeachment. So, Hon. Members, I just wanted to draw your attention to that. Those are your rights. You have a right, of course, to make a decision one way or the other. You have now made a decision to reject the membership of the House Business Committee as proposed by the parties. So, I will just declare that there will be no business. There cannot be any business because business has to be processed by the HBC.

(Loud consultations)

Also, a Motion which is the same or similar in substance to this one, may not be moved in the next six months. Hon. Members, you do not have to wait for Mr. Chebukati to do anything else for the time being because we have resolved the matter for him. Even though, you may not sit beyond 60 days to the 9th of August.

Hon. Members, you have exercised your rights.

ADJOURNMENT

Hon. Speaker: Hon. Members, there being no other business, the House rises.

(Off Record)

(Hon. (Ms) Fatuma Gedi consulted loudly)

Hon. Fatuma Gedi, just a minute. I am sure you will have a lot of time to do this.

Hon. Members, as we adjourn, and as is the practice, I will still refer the issue of the membership of this Committee and any other decision that you may think is necessary, to the leadership, that is, the Leader of the Majority Party and their Whip; and the Leader of the Minority Party and their Whip. Unless you are bringing to me a Motion in terms of Standing Order No. 49, which is the Motion on rescission, there may be no need for the House to come. So, the leadership, consult with your Members and see how best you want us to proceed. Otherwise, we will not be able to do any other business.

So, the House is adjourned until such time that the Speaker will be moved by the Leader of the Majority Party and the Leader of the Minority Party, on a Motion based on Standing Order No. 49.

The House rose at 3.33p.m.

