



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, APRIL 16, 2024

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **Presiding** – the Rt. Honourable Speaker.
4. **COMMUNICATION FROM THE CHAIR**

The Speaker issued the following Communications—

(i) Recognition of a Delegation from the County Assembly of Kisumu

“Honourable Members, I wish to introduce to you a delegation from the County Assembly of Kisumu, who are seated in the Speaker's Gallery. The delegation comprises nine (9) members of the County Assembly Business Committee led by the Speaker, the Hon. Elisha Jack Oraro. They are accompanied by eight (8) members of staff led by the Clerk of the County Assembly, Mr. Owen Ojuok.

The delegation is in the National Assembly to engage and learn on amongst other subjects, the management and oversight of legislative business in the Assembly.

Honourable Members, on my behalf and that of the National Assembly, I welcome the delegation to Parliament and wish them fruitful engagements. I thank you.”

(ii) Recognition of a Delegation from the South Sudan’s Transitional National Legislature

“Honourable Members, I am pleased to introduce to you a Delegation from the Transitional National Legislature of South Sudan, seated in the Speaker’s Row. The delegation comprises ten (1) Members of the Committee on Finance and Economic Planning. They are:

- (1) The Hon. James Reat Gony, MP - Leader of the Delegation
- (2) The Hon. Riaw Gatliar, MP;
- (3) The Hon. Goc Makuac Mayol, MP;
- (4) The Hon. Remijo Lasu Peter, MP;
- (5) The Hon. Tereza Nyadeng, MP;
- (6) The Hon. Jackline NyiboL, MP;
- (7) The Hon. Ding Lam Yual, MP;
- (8) The Hon. Sebbit Abbe, MP;
- (9) The Hon. Philip Palet, MP; and
- (10) The Hon. Ajak Abraham, MP.

The delegation is accompanied by one (1) Parliamentary Officer and a representative from the United Nations development Programme (UNDP).

Honourable Members, the Delegation is on a benchmarking tour of the Country to learn best practices and share experiences with their counterparts in the National Assembly namely, the Departmental Committees of Finance and National Planning, the Budget and Appropriations Committee, and the Public Debt and Privatization Committee on amongst other subjects, the oversight functions of Committees, and Budget process and implementation.

Honourable Members, on my behalf and that of the National Assembly, I extend a warm welcome to the Delegation, wish them fruitful engagements and an enjoyable stay in our country. I thank you!”

(iii) Recognition of a Delegation from the Parliament of Zambia

“**Honourable Members**, I am pleased to introduce to you a delegation from the Parliament of Zambia, seated in the Speaker’s Row. The delegation comprises ten (10) Members of the Zambian Parliamentary Committee on Health, Community Development, and Social Service as follows:

- (1) Hon. Dr. Christopher Kalila, MP (Delegation Leader)
- (2) Hon. Marjorie Nakaponda, MP
- (3) Hon. Masautso Tembo, MP
- (4) Hon. Monty Chinkuli, MP
- (5) Hon. Mr. Alex Katawe, MP
- (6) Hon. Leevan Chibombwe, MP
- (7) Hon. Paul Chala, MP
- (8) Hon. Joseph S. Munsanje, MP
- (9) Hon. Heartson Mabeta, MP
- (10) Hon. Miles Sampa, MP

The delegation is accompanied by two (2) staff.

Honourable Members, the delegation is on a benchmarking study tour under the theme *Devolution of the Primary Health Care Services in Zambia* with their counterparts from our Departmental Committee on Health.

Honourable Members, on my own behalf and that of the National Assembly, I extend a warm welcome to them at the National Assembly and wish them fruitful engagements during their time in our country. I thank you!”

(iv) Recognition of a Delegation from the Caucus On Environment & Climate Change in the National Assembly of Zambia

“**Honourable Members**, I wish to introduce to you a delegation from the National Assembly of Zambia who are seated in the Speaker’s Row. The delegation comprises –

- (i) The Hon. Twaambo Mutinta, MP Co-Chairperson of the Zambian Parliamentary Caucus on Environment and Climate Change /Leader of Delegation;
- (ii) The Hon. Kasauta Michelo, MP Chairperson of the Committee on Agriculture, Lands and Natural Resources;
- (iii) The Hon. Maureen Mabonga, MP Vice-Chairperson of the Committee on Agriculture, Lands and Natural Resources;
- (iv) The Hon. Golden Mwila, MP Member, Zambian Parliamentary Caucus on Environment and Climate Change;
- (v) The Hon. Sibongile Mwamba, MP Member, Zambian Parliamentary Caucus on Environment and Climate Change.

Honourable Members, the delegation is accompanied by Mrs. Cecilia Sikatele-Mambwe, Deputy Clerk (Procedure), other officers from the National Assembly of Zambia and the Ministry of Green Economy and Environment in the Republic of Zambia, as well as officials from the One Acre Fund organization.

Honourable Members, the delegation is in the country to learn from Kenya's experience on the implementation of the Climate Change Act of 2016. Notably, the National Assembly of Zambia is in the process of consideration of a Climate Change legislation.

On my own behalf and that of the National Assembly, I welcome them to Parliament and wish them fruitful engagements during their stay. Thank you!"

5. MESSAGES

The Speaker reported to the House the following Message from the Senate—

Passage of Five Bills by the Senate

“Honourable Members, Pursuant to the provisions of Standing Order 41(4) of the National Assembly Standing Orders, I wish to report to the House that I have received five (5) Messages from the Senate regarding the passage of three (3) Senate Bills and two (2) National Assembly Bills.

Honourable Members, the five (5) Messages convey that on 21st March 2024, the Senate considered and passed, with amendments –

- (i) The Coffee Bill (Senate Bill No. 10 of 2023);
- (ii) The Prevention of Livestock and Produce Theft Bill (Senate Bill No. 12 of 2023);
- (iii) The Parliamentary Powers and Privileges (Amendment) Bill (Senate Bill No. 37 of 2023);
- (iv) The Food and Feed Safety Control Co-ordination Bill (National Assembly Bill No. 21 of 2023); and
- (v) The Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 46 of 2022).

Honourable Members, the Coffee Bill (Senate Bill No. 10 of 2023) seeks to provide for the establishment of the Coffee Board of Kenya and the Coffee Research and Training Institute, provide for the roles of the national and the county governments, and the regulation, development and promotion of the coffee industry in the country.

The Prevention of Livestock and Produce Theft Bill (Senate Bill No. 12 of 2023) seeks to provide a legal framework for the identification and movement of livestock, the prevention of livestock theft, the regulation of trade in livestock and the return of illegally acquired livestock and firearms.

The Parliamentary Powers and Privileges (Amendment) Bill (Senate Bill No. 37 of 2023) proposes to amend the Parliamentary Powers and Privileges Act to give effect to Article 125 of the Constitution by operationalizing the powers of arrest by Parliament, and Article 50 of the Constitution on the right to a fair hearing.

Honourable Members, with respect to the two (2) National Assembly Bills, that is, the Food and Feed Safety Control Co-ordination Bill, 2023 and the Public Service (Values and Principles) (Amendment) Bill, 2022, you will recall that the National Assembly passed the two Bills on 23rd August 2023 and 26th October 2023 respectively, and thereafter referred them to the Senate for consideration pursuant to the provisions of Article 110(4) of the Constitution.

Honourable Members, having passed the five (5) Bills, the Senate now seeks the concurrence of the National Assembly on the Bills pursuant to the provisions of Article 110 (4) of the Constitution and Standing Orders 46(1) and 161 of the Senate Standing Orders.

Honourable Members, the Honourable Speaker of the Senate has also notified that pursuant to the provisions of Standing Order 162 of the Senate Standing Orders, the sponsors of the Senate Bills have designated co-sponsors of the Bills in the National Assembly as follows -

- (i) Sen. Samson Cherarkey, MP, being the sponsor of the Prevention of Livestock and Produce Theft Bill (Senate Bill No. 12 of 2023), has nominated the Member for North Imenti, the Hon. Abdul Rahim Dawood, MP, as the co-sponsor of the Bill; and
- (ii) Sen. Godfrey Osotsi, MP, being the sponsor of the Parliamentary Powers and Privileges (Amendment) Bill (Senate Bill No. 37 of 2023) has nominated the Member for Bumula, the Hon. Jack Wamboka, MP, as the co-sponsor of the Bill.

Honourable Members, whereas the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries, being the sponsor of the Coffee Bill (Senate Bill No. 10 of 2023), has nominated the Member for Kirinyaga County, the Hon. Jane Njeri Maina, MP, as the co-sponsor of the Bill, I am aware of a prior agreement between the National Assembly Leader of the Majority Party and the Senate Majority Leader on the marshalling for consideration of the said Bill.

For the record, the two Leaders agreed that the Bill would be sponsored by the Majority Party once it gets to the National Assembly. This is to ensure that the Bill is prioritized and considered in an expedited manner since it emanated from the Executive.

Honourable Members, the designation of co-sponsors of Senate Bills in this House corresponds with the provisions of Standing Order 143(1)(b) of the National Assembly Standing Orders. In this regard, the designated Members of the National Assembly will assume the role of co-sponsor of the respective Bills and shall be responsible for marshaling their consideration in the National Assembly.

Honourable Members, in order for the House to commence consideration of the three (3) Senate Bills, the Bills are scheduled in today's Order Paper for First Reading. Thereafter, the Bills stand committed to the following Committees—

- (i) The Coffee Bill (Senate Bill No. 10 of 2023) and the Prevention of Livestock and Produce Theft Bill (Senate Bill No. 12 of 2023) to the Departmental Committee on Agriculture and Livestock; and
- (ii) The Parliamentary Powers and Privileges (Amendment) Bill (Senate Bill No. 37 of 2023) to the Committee of Powers and Privileges.

Honourable Members, with regard to the two (2) National Assembly Bills, I direct the Clerk to circulate the Senate amendments to the two National Assembly Bills to all Members in accordance with the Standing Orders. Thereafter, the Messages and the Senate amendments to the two Bills are referred to respective Committees as follows-

- (i) The Food and Feed Safety Control Co-ordination Bill (National Assembly Bill No. 21 of 2023) to the Departmental Committee on Agriculture and Livestock; and
- (ii) The Public Service (Values and Principles) (Amendment) Bill (National Assembly Bills No. 46 of 2022) to the Departmental Committee on Labour.

I urge the Committees to prioritize the Bills in their agenda and report to the House as soon as practicable to enable the House to proceed with the next stages of the Bills. The House is accordingly guided. I thank you!"

6. PAPERS

The following Papers were laid on the Table of the House –

- (a) Reports of the Auditor-General and financial statements for the year ended 30th June, 2023 in respect of:
 - (i) Nyayo Tea Zones Development Corporation;
 - (ii) Kenya Dairy Board;
 - (iii) Non-Governmental Organizations Coordination Board;
 - (iv) Technical and Vocational Education and Training Authority;
 - (v) National Council for Nomadic Education in Kenya;
 - (vi) Mama Ngina University College;
 - (vii) Kenya Deposit Insurance Corporation;
 - (viii) Nairobi Centre for International Arbitration;
 - (ix) Nursing Council of Kenya;
 - (x) Kisii National Polytechnic;
 - (xi) Nyeri National Polytechnic;
 - (xii) Private Security Regulatory Authority;
 - (xiii) National Authority for Campaign Against Alcohol and Drug Abuse (NACADA);
 - (xiv) Council of Governors;
 - (xv) The Technical University of Kenya;
 - (xvi) Kenya School of Law;

(xvii) Meru University of Science and Technology;
(xviii) Kenya National Highways Authority;
(xix) Nyandarua National Polytechnic;
(xx) Lake Basin Development Authority;
(xxi) Kenya Medical Research Institute;
(xxii) Kenya Coast National Polytechnic;
(xxiii) South Eastern Kenya University;
(xxiv) Bandari Maritime Academy;
(xxv) Technical University of Mombasa; and
(xxvi) Murang'a University of Technology.

(Deputy Leader of the Majority Party)

- (b) Report of the Departmental Committee Report of the Departmental Committee on Transport and Infrastructure on its Attendance of the Annual Meeting of the African Network of Road Safety Legislators Held in Kampala, Uganda From 2nd to 3rd May 2023.

(Chairperson, Departmental Committee on Transport and Infrastructure)

- (c) Report on the Vetting of the Nominees for Appointment as High Commissioners, Ambassadors, Permanent Representatives and Consuls-General.

(Chairperson, Departmental Committee on Defence, Intelligence and Foreign Relations)

7. NOTICES OF MOTION

The following Notice of Motion was given –

(a) Adjournment of the House pursuant to Standing Order 33

THAT, pursuant to Standing Order 33(1), the House do adjourn for purposes of discussing a definite matter of urgent national importance regarding the escalating state of insecurity in Laikipia County.

(The Hon. Sarah Korere, MP)

And there being more than twenty Members rising in their places in support of the Adjournment Motion pursuant to Standing Order 33(3);

The Rt. Honourable Speaker directed that the Motion be moved at 6.00 pm.

(b) Vetting of Nominees for Appointment as High Commissioners, Ambassadors, Permanent Representative and Consuls-General

THAT, taking into consideration the findings of the Departmental Committee on Defence, Intelligence and Foreign Relations in its Report on the *Vetting of the Nominees for Appointment as High Commissioners, Ambassadors, Permanent Representatives and Consuls-General, laid on the Table of the House*

on Tuesday, 16th April 2024, and pursuant to the provisions of Article 132(2)(e) of the Constitution, section 20(2) of the Foreign Service Act, 2021 and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House –

(i) **approves** the appointment of the following persons as High Commissioners, Permanent Representatives and Ambassadors-

CLUSTER	NAME	MISSION
High Commissioners	Ms. Catherine Kirumba Karemu	London, United Kingdom
	Hon. Joash Arthur Maangi	Kampala, Uganda
	Hon. Lilian Tomitom	Lusaka, Zambia
	Ms. Caroline Kamende Daudi	Ottawa, Canada
	Lt. Gen. Peter Mbogo Njiru	Islamabad, Pakistan
Ambassadors	Hon. Fredrick Otieno Outa	Cairo, Egypt
	Prof. Anne Kisaka Nangulu	Dakar, Senegal
	Mr. Timothy Kaluma Mcharo	Algiers, Algeria
	Hon. Christopher Andrew Lang'at	Abidjan, Côte d'Ivoire
	Ms. Jessica Muthoni Gakinya	Rabat, Morocco
	Hon. Halima Yussuf Mucheke	The Hague, Netherlands
	Mr. David Kiplagat Kerich	Washington DC, USA
	Ms. Everlyne Mwenda Karisa	Havana, Cuba
	Dr. Peter Mutuku Mathuki	Moscow, Russia
	Amb. Moi Lemoshira	Tokyo, Japan
	Mr. Kenneth Milimo Nganga	Abu Dhabi, UAE
	Lt. General Jonah Mwangi	Tehran, Iran
	Mr. Abdi Aden Korio	Muscat, Oman
Permanent Representatives	Ms. Getrude N. Angote	United Nations Environment Programme (UNEP)
	Ms. Grace Atieno Okara	United Nations HABITAT

	Dr. Fancy Too	Ambassador/Permanent Representative, Geneva
	Mr. Ekitela Erastus Lokaale	United Nations, New York
Consuls-General	Mr. Ezra Chiloba	Los Angeles, USA
	Mr. Aden Mohamud Mohamed	Jeddah, Saudi Arabia
	Mr. David Iboko Lokemer	Dubai, UAE

(ii) rejects the appointment of Mr. Charles Githinji Keiru as Consul-General – Goma, Democratic Republic of Congo; and

(iii) resolves that henceforth, Consuls-General should undergo vetting after their nomination by the appointing authority and that the appointing authority recalls the serving Consuls-General not vetted for approval by the National Assembly.

(The Hon. Nelson Koech, MP – Chairperson, Departmental Committee on Defence, Intelligence and Foreign Relations)

8. STATEMENTS

Pursuant to the provisions of Standing Order 44(2)(c), the following Statements were responded to—

- (i) The Vice Chairperson, Departmental Committee on Administration and National Security (Hon. Dido Raso, MP) responded to a request for a Statement by the Member for Kitutu Masaba (Hon. Gisairo, MP) regarding the demise of IP Walter Nyankienya, a Kenya Police Officer in the USA in while on official duty outside the country; and
- (ii) The Chairperson, Departmental Committee on Tourism and Wildlife (Hon. Kareke Mbiuki) responded to a request for a Statement by the Member for Tiaty (Hon. William Kamket, MP) regarding recruitment of Kenya Wildlife Services (KWS) Warders and Assistant Warders.

9. RE-ORGANISATION OF BUSINESS

Pursuant to Standing Order 40(2), the Speaker re-organized the sequence business to allow disposition of Order Nos. 9, 10 and 11 before reverting to Order No. 8 and thereafter proceed with business in the sequence listed on the Order Paper.

10. THE COFFEE BILL (SENATE BILL NO. 10 OF 2023)

(The Leader of the Majority Party)

Order for First Reading read;

Bill read a First Time and referred to the relevant Committee pursuant to the Standing Orders.

11. PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILL NO. 12 OF 2023)

(The Hon. Rahim Dawood, M.P. – Co-Sponsor)

Order for First Reading read;

Bill read a First Time and referred to the relevant Committee pursuant to the Standing Orders.

12. THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL (SENATE BILL NO. 37 OF 2023)

(The Hon. Jack Wamboka, M.P. – *Co-Sponsor*)

Order for First Reading read;

Bill read a First Time and referred to the relevant Committee pursuant to the Standing Orders.

13. MOTION – REPORTS OF THE AUDITOR-GENERAL ON THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND FOR FIVE CONSTITUENCIES IN VIHIGA COUNTY

Motion having been made and Question proposed—

THAT, this House **adopts** the Report of the Decentralized Funds Accounts Committee on its consideration of the Reports of the Auditor-General on the Financial Statements for the National Government Constituencies Development Fund for five Constituencies in Vihiga County for Financial Years 2013/2014, 2014/2015, and 2015/2016, *laid on the Table of the House on Wednesday, 14th February 2024.*

(The Hon. Gideon Mulyungi, MP - Chairperson, Decentralized Funds Accounts Committee – 09.04.2024)

Debate on the Motion having been concluded on Thursday, April 11, 2024;

Mover replied;

Question put and agreed to.

14. COMMITTEE OF THE WHOLE HOUSE

Order for committee read;

IN THE COMMITTEE

(In the Chair - The First Chairperson of Committees)

THE NATIONAL GOVERNMENT ADMINISTRATION LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 73 OF 2023)

(The Leader of the Majority Party)

Clause 2

Motion made and Question proposed –

THAT, Clause 2 be part of the Bill;

SCHEDULE

Provisions relating to the Assumption of the Office of the President Act, 2012 (No. 21 of 2012)

Proposed section 5(2)(ca) - amendment proposed—

THAT, the Schedule to the Bill be amended in the proposed amendments to the **Assumption of the Office of the President Act, 2012 (No. 21 of 2012)** by

deleting the proposed new paragraph (ca) appearing in the proposed amendment to section 5(2);

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Further amendment proposed—

THAT, the Schedule to the Bill be amended in the proposed amendments to the **Assumption of the Office of the President Act, 2012 (No. 21 of 2012)** by deleting the proposed new paragraph (ca) appearing in the proposed amendment to section 5(2);

(Chairperson, Departmental Committee on Administration and National Security)

Proposed amendment dropped.

Proposed sections 5(2) (cb) and (r) - agreed to.

New proposed section 5(2), (3) & (4) and section 8(2) proposed; - amendment

THAT, the Schedule to the Bill be amended in the proposed amendments to the **Assumption of the Office of the President Act, 2012 (No. 21 of 2012)** by inserting the following new amendments immediately after the proposed amendments to section 5(2)—

- s. 5(2) Delete the words “Cabinet Secretary” appearing in paragraph (c) and substitute therefor the words “Principal Secretary”;
Delete paragraph (h);
Delete paragraph (j);
Delete paragraph (t)
- s. 5(3) Delete
- s. 5(4) Delete the words “the commencement of this Act” and substitute therefor the words “declaration of a President-elect”.
- s.8(2) Delete the word “three” and substitute therefore the word “six”.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Motion made and Question proposed—

THAT, new proposed section 5(2), (3) & (4) and section 8(2) be now read a Second Time;

Debate arising;

Motion made and Question proposed—

THAT, new proposed section 5(2), (3) & (4) and section 8(2) be part of the Bill;

Question put and agreed to.

Further amendment proposed—

THAT, the Schedule to the Bill be amended in the proposed amendments to the **Assumption of the Office of the President Act, 2012 (No. 21 of 2012)** by inserting the following new amendments immediately after the proposed amendments to section 5(2)—

- s. 5(2) Delete the words “Cabinet Secretary” appearing in paragraph (c) and substitute therefor the words “Principal Secretary”;
Delete paragraph (h);
Delete paragraph (j);
Delete paragraph (t)
- s. 5(3) Delete
- s. 5(4) Delete the words “the commencement of this Act” and substitute therefor the words “declaration of a President-elect”.
- s.8(2) Delete the word “three” and substitute therefore the word “six”.

(Chairperson, Departmental Committee on Administration & National Security)

Proposed further amendment dropped.

New proposed section 5(2), (3) & (4) and section 8(2) - agreed to.

Provisions relating to the Assumption of the Office of the President Act, 2012 (No. 21 of 2012) - agreed to as amended

Provisions relating to the National Security Council Act, 2012 (No. 23 of 2012)

Proposed section 2 - amendment proposed—

THAT, the Schedule to the Bill be amended in the proposed amendments to the National Security Council Act, 2012 (No. 23 of 2012 be amended by deleting the proposed amendments to section 2 of the National Security Council Act, 2012 (No. 23 of 2012).

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Further amendment proposed—

THAT, the Schedule to the Bill be amended in the proposed amendments to the National Security Council Act, 2012 (No. 23 of 2012 be amended by deleting the proposed amendments to section 2 of the National Security Council Act, 2012 (No. 23 of 2012).

(Chairperson, Departmental Committee on Administration & National Security)

Proposed amendment dropped.

Proposed section 2 - deleted.
Proposed section 5 - amendment proposed—

THAT, the Schedule to the Bill be amended in the proposed amendments to the National Security Council Act, 2012 (No. 23 of 2012 be amended by deleting the proposed amendments to section 5 of the National Security Council Act, 2012 (No. 23 of 2012).

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Further amendment proposed—

THAT, the Schedule to the Bill be amended in the proposed amendments to the National Security Council Act, 2012 (No. 23 of 2012 be amended by deleting the proposed amendments to section 5 of the National Security Council Act, 2012 (No. 23 of 2012).

(Chairperson, Departmental Committee on Administration & National Security)

Proposed further amendment dropped.

Proposed section 5 - deleted.
Proposed section 7 - amendment proposed—

THAT, the Schedule to the Bill be amended in the proposed amendments to the National Security Council Act, 2012 (No. 23 of 2012 be amended by deleting the proposed amendments to section 7 of the National Security Council Act, 2012 (No. 23 of 2012).

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Further amendment proposed—

THAT, the Schedule to the Bill be amended in the proposed amendments to the National Security Council Act, 2012 (No. 23 of 2012 be amended by deleting the proposed amendments to section 7 of the National Security Council Act, 2012 (No. 23 of 2012).

(Chairperson, Departmental Committee on Administration & National Security)

Proposed further amendment dropped.

Proposed section 7 - deleted.

Provisions relating to the National Security Council Act, 2012 (No. 23 of 2012)-
deleted.

Provisions relating to the Office of the Attorney-General Act, 2012 (No. 49 of 2012)

Proposed section 28 - amendment proposed—

THAT, the to Schedule to the Bill be amended in the proposed amendment to the Office of the Attorney-General Act, 2012 (No. 49 of 2012) be amended by deleting the proposed amendment to section 28 of the Office of the Attorney-General Act, 2012 (No. 49 of 2012).

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Further amendment proposed—

THAT, the to Schedule to the Bill be amended in the proposed amendment to the Office of the Attorney-General Act, 2012 (No. 49 of 2012) be amended by deleting the proposed amendment to section 28 of the Office of the Attorney-General Act, 2012 (No. 49 of 2012).

(Chairperson, Departmental Committee on Administration & National Security)

Proposed further amendment dropped.

Provisions relating to the Office of the Attorney-General Act, 2012 (No. 49 of 2012) - deleted.

Provisions relating to the National Government Co-ordination Act, 2013 (No. 1 of 2013)

Proposed sections 2, 8 & 12A - amendment proposed—

THAT, the to Schedule to the Bill be amended in the proposed amendments to the National Government Co-ordination Act, 2013 (No. 1 of 2013) be amended by deleting the proposed amendments to sections 2, 8 & 12A of the National Government Co-ordination Act, 2013 (No. 1 of 2013) and substituting therefor the following amendments—

<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
National Government Co-ordination Act, 2013 (No. 1 of 2013)	s. 2	Insert the following new definition in proper alphabetical sequence— “Chief Administrative Secretary” means a Chief Administrative Secretary appointed under section 12A.
	s. 8	Delete the marginal note and substitute therefor the following new marginal note— “The Executive Office of the President.”

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

- (3) There is established the office of the Head of Public Service in the Executive Office of the President which shall be an office in the public service.
- (4) The President shall, on the recommendation of the Public Service Commission, appoint the Head of the Public Service.
- (5) The Head of the Public Service shall serve at the pleasure of the President.
- (6) The Head of the Public Service shall—
 - (a) support the President in facilitating the organization and execution of Government business;
 - (b) be the Chief of Staff to the President and the administrative head of the Executive Office of the President; and
 - (c) perform such other functions as may be assigned by the President.
- (7) A person shall be qualified for appointment as the Head of the Public Service if he or she—
 - (a) holds a degree from a university recognized in Kenya;
 - (b) has at least ten years' proven experience in public administration, leadership or public affairs; and
 - (c) meets requirements under Chapter Six of the Constitution.
- (8) A person who, immediately before the commencement of this section, was appointed and held office as the Head of the Public Service shall continue to hold that office as if appointed under this section.

New

Insert the following new section immediately after section 12—

Chief
Administrative
Secretaries.

12A. (1) There is established the Office of the Chief Administrative Secretary which shall be an office in the public service.

(2) The complement of Chief Administrative secretaries shall be as determined by the Public Service Commission.

(3) The President shall on the recommendation of the Public Service Commission appoint Chief Administrative Secretaries, observing

regional and gender balance.

(4) A person shall be eligible to be appointed as a Chief Administrative Secretary if that person—

- (a) holds a degree from a university recognized in Kenya;
- (b) has knowledge of and experience in the public service; and
- (c) satisfies the requirements of Chapter Six of the Constitution.

(5) A person is not qualified to be appointed as a Chief Administrative Secretary if the person—

- (a) has been convicted of an offence carrying a penalty of imprisonment for a term of at least six months without the option of a fine;
- (b) has been adjudged bankrupt by a court of competent jurisdiction;
- (c) holds any office in a political party;
- (d) is a public officer; or
- (e) has been removed from any public office by impeachment or conviction by a court of competent jurisdiction.

(6) A Chief administrative Secretary shall be responsible for—

- (a) responding to issues relating to the portfolio assigned to the office;
- (b) representing the Cabinet Secretary at any meeting as directed by the Cabinet Secretary; and
- (c) performing any other duties assigned by the relevant Cabinet Secretary.

(7) Functions assigned to a Chief Administrative Secretary shall not include matters relating to parliamentary affairs.

(8) Remuneration of the Chief Administrative Secretaries shall be determined by the Public Service Commission on the recommendation of the Salaries and Remuneration Commission.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Further amendment proposed—

THAT, the to Schedule to the Bill be amended in the proposed amendments to the National Government Co-ordination Act, 2013 (No. 1 of 2013) be amended by deleting the proposed amendments to sections 2, 8 & 12A of the National Government Co-ordination Act, 2013 (No. 1 of 2013) and substituting therefor the following amendments—

<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
National Government Co-ordination Act, 2013 (No. 1 of 2013)	s. 2	Insert the following new definition in proper alphabetical sequence— “Chief Administrative Secretary” means a Chief Administrative Secretary appointed under section 12A.
	s. 8	Delete the marginal note and substitute therefor the following new marginal note— “The Executive Office of the President.” Insert the following new subsections immediately after subsection (2)— (3) There is established the office of the Head of Public Service in the Executive Office of the President which shall be an office in the public service. (4) The President shall, on the recommendation of the Public Service Commission, appoint the Head of the Public Service. (5) The Head of the Public Service shall serve at the pleasure of the President. (6) The Head of the Public Service shall— (a) support the President in facilitating the organization and execution of Government business; (b) be the Chief of Staff to the President and the administrative head of the Executive Office of the President; and (c) perform such other functions as may be assigned by the President.

- (7) A person shall be qualified for appointment as the Head of the Public Service if he or she—
- (a) holds a degree from a university recognized in Kenya;
 - (b) has at least ten years' proven experience in public administration, leadership or public affairs; and
 - (c) meets requirements under Chapter Six of the Constitution.
- (8) A person who, immediately before the commencement of this section, was appointed and held office as the Head of the Public Service shall continue to hold that office as if appointed under this section.

New

Insert the following new section immediately after section 12—

- Chief Administrative Secretaries.**
- 12A.** (1) There is established the Office of the Chief Administrative Secretary which shall be an office in the public service.
- (2) The complement of Chief Administrative secretaries shall be as determined by the Public Service Commission.
- (3) The President shall on the recommendation of the Public Service Commission appoint Chief Administrative Secretaries, observing regional and gender balance.
- (4) A person shall be eligible to be appointed as a Chief Administrative Secretary if that person—
- (a) holds a degree from a university recognized in Kenya;
 - (b) has knowledge of and experience in the public service; and
 - (c) satisfies the requirements of Chapter Six of the Constitution.
- (5) A person is not qualified to be appointed as a Chief Administrative Secretary if the person—
- (a) has been convicted of an offence carrying a penalty of

imprisonment for a term of at least six months without the option of a fine;

- (b) has been adjudged bankrupt by a court of competent jurisdiction;
- (c) holds any office in a political party;
- (d) is a public officer; or
- (e) has been removed from any public office by impeachment or conviction by a court of competent jurisdiction.

(6) A Chief administrative Secretary shall be responsible for—
(d) responding to issues relating to the portfolio assigned to the office;
(e) representing the Cabinet Secretary at any meeting as directed by the Cabinet Secretary; and

- (f) performing any other duties assigned by the relevant Cabinet Secretary.

(7) Functions assigned to a Chief Administrative Secretary shall not include matters relating to parliamentary affairs.

(8) Remuneration of the Chief Administrative Secretaries shall be determined by the Public Service Commission on the recommendation of the Salaries and Remuneration Commission.

(Chairperson, Departmental Committee on Administration and National Security)

Proposed amendment dropped.

Proposed section 2, 8 & 12A - agreed to as amended.

New proposed section 7(2) - amendment proposed—

THAT, the Schedule to the Bill be amended in the proposed amendments to the National Government Co-ordination Act, 2013 (No. 1 of 2013) by—

- (i) inserting the following new paragraph immediately after paragraph (b) in section 7(2) of the the National Government Co-ordination Act, 2013 (No. 1 of 2013)—

s. 7(2) “(ba) Head of Public Service.

- (ii) inserting the following new paragraph immediately after paragraph (c) in 7(2) of the National Government Co-ordination Act, 2013 (No. 1 of 2013)—

s. 7(2) “(ca) Chief Administrative Secretary.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Motion made and Question proposed—

THAT, new proposed section 7(2) be now read a Second Time;

Debate arising;

Motion made and Question proposed—

THAT, new proposed section 7(2) be part of the Bill;

Question put and agreed to.

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Further amendment proposed—

THAT, the Schedule to the Bill be amended in the proposed amendments to the National Government Co-ordination Act, 2013 (No. 1 of 2013) by—

- (i) inserting the following new paragraph immediately after paragraph (b) in section 7(2) of the National Government Co-ordination Act, 2013 (No. 1 of 2013)—

s. 7(2) “(ba) Head of Public Service.

- (ii) inserting the following new paragraph immediately after paragraph (c) in 7(2) of the National Government Co-ordination Act, 2013 (No. 1 of 2013)—

s. 7(2) “(ca) Chief Administrative Secretary.

(Chairperson, Departmental Committee on Administration & National Security)

Proposed further amendment dropped.

New proposed section 7(2) - agreed to—

Provisions relating to the National Government Co-ordination Act, 2013 (No. 1 of 2013) - agreed to as amended.

Clause 2 - agreed to as amended.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments.

15. HOUSE RESUMED - the Fifth Chairperson of Committees

The National Government Administration Laws (Amendment) Bill (National Assembly Bill No. 73 of 2023)

(The Leader of the Majority Party)

Bill reported with amendments;

Motion made and Question proposed -

THAT, the House do agree with the Report of the Committee of the Whole House on its consideration of the National Government Administration Laws (Amendment) Bill (National Assembly Bill No. 73 of 2023).

(The Hon. Kimani Ichungwah, EGH, MP – The Leader of the Majority Party)

Amendment proposed—

THAT, the Motion for agreement with the Report of the Committee of the Whole House on its consideration of the National Government Administration Laws (Amendment) Bill (National Assembly Bill No. 73 of 2023) be amended by inserting the following words at the end of the Motion—

“subject to recommittal of the provisions relating to proposed amendments to sections 2, 7(2) and 8 of the National Government Co-ordination Act, 2013 (No. 1 of 2013).”

(The Hon. T.J. Kajwang, MP)

Question of the amendment proposed—

Debate arising;

Question put and negatived.

Question for agreement with the Report of the Committee of the Whole House put and agreed to;

Motion made and Question proposed -

THAT, the National Government Administration Laws (Amendment) Bill (National Assembly Bill No. 73 of 2023) be now read a Third Time;

(The Hon. Kimani Ichungwah, EGH, MP – The Leader of the Majority Party)

Debate arising;

Question put and agreed to;

Bill read a Third Time and passed.

16. THE NATIONAL LAND COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2023)

Motion made and Question proposed;

THAT, the National Land Commission (Amendment) Bill (National Assembly Bill No. 43 of 2023) be now read a Second Time;

(The Hon. Owen Baya, M.P.)

Debate arising;

And the time being Six O'clock, the Fifth Chairperson adjourned debate without Question put for the House to discuss a matter of urgent national importance pursuant to Standing Order 33(3).

17. ADJOURNMENT OF THE HOUSE ON A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE REGARDING ESCALATING INSECURITY IN LAIKIPIA COUNTY

Motion made;

THAT, this House do now adjourn to discuss a definite matter of urgent national importance regarding the escalating state of insecurity in Laikipia County.

(The Hon. Sarah Korere, MP)

Debate arising;

And the time being Seven O'clock, the Fifth Chairperson interrupted proceedings and adjourned the House without Question put pursuant to the Standing Orders.

18. HOUSE ROSE - at Seven O'clock.

M E M O R A N D U M

The Speaker will take the Chair on,
Wednesday, March 17, 2024 at 9.30 a.m.