



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FIFTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, JUNE 9, 2021 – AFTERNOON SITTING

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

The following petition was conveyed by the Honourable Speaker:

REGARDING AMENDMENT OF THE ADVOCATES ACT CAP. 16 TO ALLOW ADMISSION OF LAW PRACTITIONERS FROM THE REPUBLICS OF RWANDA AND BURUNDI TO THE ROLL OF ADVOCATES IN KENYA

Honorable Members, pursuant to Standing Order 225(2)(b) requiring the Speaker to report to the House any Petition, other than those presented by a Member, I wish to report to the House that I have received a Petition from Mr. George Njenga Mwaniki and 12 others on behalf of law students, practicing advocates and Members of the East African Law Society in the Republics of Rwanda and Burundi.

Honorable Members, the Petitioners state that in 2012, the National Assembly, through enactment of the Statute Law (Miscellaneous Amendments) Act, 2012 amended sections 12 and 13 of the Advocates Act (Cap) 16 and included Rwanda and Burundi in the list of countries from which one is eligible for admission to the roll of advocates in Kenya. However, in its ruling on *Civil Appeal No. 96 of 2014 (Law Society of Kenya vs the Attorney General & 2 others)*, the Court of Appeal declared the Statute Law (Miscellaneous Amendment) Act, unconstitutional citing lack of public participation, thereby rendering lawyers who studied or are practicing advocates in Rwanda or Burundi ineligible for admission to the roll of advocates in Kenya.

Honorable Members, the Petitioners are content that, while the Hon. Chief Justice has continued to enroll practicing advocates from other Member-States of the East African Community (EAC) to the roll of Advocates of the High Court of Kenya, those from Rwanda and Burundi are excluded and discriminated against contrary to the spirit of EAC integration espoused in the EAC Treaty that Kenya duly ratified and domesticated. The petitioners are concerned that all efforts to have the matter resolved through the Law Society of Kenya, the Office of the Attorney General and the Minister in charge of the East African Community have not been fruitful.

Honorable Members, the petitioners are therefore praying that the National Assembly urgently amends the Advocates Act (Cap 16) with a view to reinstating the impugned provisions of sections 12 and 13 so as to provide for enrolment of legal practitioners from the Republics of Rwanda and Burundi to the roll of Advocates of the High Court of Kenya.

Honourable Members, having determined that the matters raised by the petitioners are well within the authority of this House, I order that pursuant to the provisions of Standing Order 227, this Petition be committed to the Departmental Committee on Justice and Legal Affairs. The Committee is required to consider the Petition and report its findings to the House and the Petitioners in accordance with Standing Order 227(2).

I thank you!

5. PAPERS LAID

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

1. The Financial Year 2020/2021 of Supplementary Estimates II of the National Government –
 - i. Volume I and II of Development Expenditure
 - ii. Recurrent Expenditure; and,
 - iii. Programme Based Budget
2. The Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June, 2019 and the certificates therein:-
 - a. Kenya Law Reforms Commission
 - b. Ministry of Education TVET Curriculum Development Assessment and Certification Council;
 - c. National Commission for Science, Technology and Innovation Training
3. The Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June, 2020 and the certificate therein:
 - I. Consolidated Fund Services Salaries, Allowances and Miscellaneous Services;
 - II. Consolidated Funder Services – Public Debt;
 - III. State Department of Devolution;
 - IV. The Judiciary;
 - V. State Department of Mining;
 - VI. Prison Industries Revolving Fund;
 - VII. Pensions Department;
 - VIII. Office of the Registrar of Political Parties;
 - IX. State Department for Correctional Services;
 - X. Business Registration Services;
 - XI. Public Trustee of Kenya;
 - XII. State Department for Public Service;
 - XIII. Ministry of Education – State Department for Early Learning and Basic Education;
 - XIV. Ministry of Health;
 - XV. Independent Policing Oversight Authority;
 - XVI. Prison Farms Revolving Fund;

XVII. Ministry of Foreign Affairs;
XVIII. National Police Service Commission;
XIX. Office of the Registrar of Political Parties – Staff Mortgage Loan Fund;
XX. Business Registration Services – Revenue Statement;
XXI. Sports, Arts and Social Development Fund;
XXII. State Department for Social Protection;
XXIII. Office of the Registrar of Political Parties – Car Loan Fund;
XXIV. Ministry of Environment and Forestry;
XXV. Judiciary – Financial Statement;
XXVI. Ministry of Education – State Department for University Education.

4. Report of the Auditor General on the Financial Statement of Cooperatives Societies Liquidation Fund for the years ended 30th June 2013, 2014, 2015, 2016, 2017, 2018.
5. Report of the Auditor General on the Financial Statements of Kenya Veterinary Vaccines Production Institute for the year ended 30th June 2016.
6. National Government Budget Implementation Review Report for the First Nine Month of FY 2020/2021.

(The Leader of the Majority Party)

6. QUESTIONS

- (a) The following Question was asked –
 - (i) Question No. QPN 02/2021 by the Member for Ikolomani (Hon. Bernard Shinali) regarding the circumstances surrounding the planned leasing of Mumias Sugar Company by the Kenya Commercial Bank Group and its appointed Receiver Manager.
(To be replied to by the Cabinet Secretary for National Treasury and Planning before the Departmental Committee on Finance and National Planning)
 - (ii) Question No. 106/2021 by the Member for Laikipia County (Hon. Catherine Waruguru) concerning the measures put in place by the Ministry of Health to ensure there is enhanced access to affordable, effective and timely testing for COVID-19 in the country.
(To be replied to by the Cabinet Secretary for Health before the Departmental Committee on Health)
 - (iii) Question No. 171/2021 by the Member for Magarini (Hon. Michael Kingi) regarding details on the amount of infrastructure funds disbursed to Galana Teachers Training College in Magarini Sub-County.
(To be replied to by the Cabinet Secretary for Education before the Departmental Committee on Education and Research)
 - (iv) Question No. 182/2021 by the Member for Turkana East (Hon. Lokiru Mohammed Ali) on the status of investigations into the assault of *Mr. Francis Aiton Ekidor*, formerly Assistant Chief of Ekipor Sub-Location and *Mr. Peter Nangole Namojong*, the former Assistant Chief of Kaatir Sub-Location, Turkana East Sub-County.

(To be replied to by the Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security)

7. STATEMENTS

The following Statements were requested pursuant to Standing Order 44 (2) (c) –

- i. The following member requested for a statement from the Chairperson, Departmental Committee on Sports, Tourism and Culture:-
 - a. The Member for Dagoretti South (Hon. Kiarie John Waweru) regarding the status of the stimulus package allocated to cushion artists, actors and musicians during the Covid-19 pandemic period.
- ii. The following member requested for a statement from the Chairperson, Departmental Committee on Education and Research:-
 - a. The Member for Mvita (Hon. Abdulswamad Shariff Nassir) regarding the Government's commitment to the Subsidized Secondary School Education Programme.
- iii. Response to Statements:-

The Chairperson, Departmental Committee on Administration and National Security issued a response to a statement requested by:-

- a. The Member for Nyatike Constituency (Hon. Tom Mboya) regarding border conflict in Otati and Thimlich areas of Nyatike Constituency.
- b. The Member for Mbeere South (Hon. Col. Rtd. Geoffrey King'ang'i) requested postponement of the response to the statement regarding brutal evictions of residents of Makema Ward.

8. PROCEDURAL MOTION – RESOLUTION TO SIT UNTIL CONCLUSION OF BUSINESS

Order read;

Motion withdrawn by the Leader of the Majority Party citing interest of Members to contribute to the debate on the Consideration of the Budget Estimates for the Financial Year 2021/2022.

9. MOTION – CONSIDERATION OF THE BUDGET ESTIMATES FOR THE FINANCIAL YEAR 2021/2022 (General Debate – 2nd Allotted Day)

Motion made and Question proposed –

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Budget Estimates for the National Government, the Judiciary and Parliament for the Financial year 2021/2022 laid on the Table of the House on Tuesday, June 8, 2021, and pursuant to the provisions of Article 221 of the Constitution, Section 39 of the Public Finance Management Act, 2012 and Standing Order 239 –

- (a) approves the issuance of a sum of **Ksh.1,945,671,474,883** from the Consolidated Fund to meet the expenditure during the year ending 30th June, 2022 in respect of the Votes contained in the First Schedule to the Order Paper, subject to Paragraph (c) (*Committee of Supply*);
- (b) makes the **Policy and Financial Resolutions** contained in the Second Schedule to the Order Paper; and,
- (c) Orders that **“The Speaker to now leave the Chair”** to facilitate the consideration of the said Budget Estimates with respect to each Vote and Programme in the *Committee of Supply* as contemplated under Standing Order 240 (*Consideration of Estimates in the Committee of Supply*)

(The Chairperson, Budget and Appropriations Committee)

Resumption of debate interrupted on Wednesday, June 9, 2021 (Morning Sitting);

(Change of Chair from the Honourable Speaker to the Third Chairperson)

And the time being seven O'clock, the Third Chairperson interrupted the proceedings and adjourned the House without question put pursuant to the Standing Orders.

7. HOUSE ROSE – at seven O'clock

M E M O R A N D U M

The Speaker will take the Chair on,
Thursday, June 10, 2021 at 2.30 p.m.

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