



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – FIRST SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, OCTOBER 04, 2022

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

4. **ADMINISTRATION OF OATH**

The Speaker administered the Oath of Office to –

Mr. Tubi, Bidu Mohamed, Member-elect for Isiolo South Constituency

5. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications –

a) Re-Introduction of Bills and the manner of initiating legislative proposals to amend the Constitution through parliamentary initiative

“Honourable Members,

I wish to welcome you back to the August House following the Swearing-In, induction and the official opening of the House. It is my hope that the events have been beneficial in enriching your knowledge of the House and its workings as we commence the 13th Parliament.

Honourable Members,

As you are aware, and for the benefit of the new Members, the period before the approval of the Cabinet and the formation of Committees is usually characterized with less business in the House and therefore somewhat relaxed. This is attributable to less business emanating from the Executive or Committees for consideration by the House. Once the Cabinet and Principal Secretaries are fully in place, the House Calendar becomes crowded with majority and minority party business.

Honourable Members,

I also wish to bring to the attention of the House that, going by our practices and the Standing Orders, all business that was not concluded at the end of the last Parliament has lapsed. However, in its wisdom, the 12th Parliament amended the Standing Orders to save certain business from part of the pre-legislative processes. In particular, the House amended Standing

Order 114A (1)(c) & (d) to exempt certain Bills from pre-publication scrutiny upon their lapsing, to allow Members to re-introduce the Bills, if they so wish.

Honourable Members,

For clarity, Standing Order 114A (1)(c) & (d), state as follows, and I quote -

“Speaker to exempt certain legislative proposals

114A. (1) The Speaker may exempt a legislative proposal from the provisions of Standing Order 114 (Introduction of Bills) if the proposal—

(c) is identical to a proposal that was passed by the House but lapsed at the expiry of the term of the preceding Parliament; or

(d) was introduced by the same Member and read a Second time but lapsed at the expiry of the term of the preceding Parliament.”

In this regard, Hon. Members, the House provided a window that allows expedited re-introduction of Bills. The first category relates to expedited re-introduction of Bills that were passed by the House in the last Parliament but lapsed in the Senate. The second category allows consideration of Bills which had gone beyond second reading.

Honourable Members,

Under the new procedure, these Bills can now be re-published in the same form as initially passed by the House and are exempted from pre-publication scrutiny. In this regard, the Bills which may benefit from expedited re-introduction under this first category are as follows-

- i. The Livestock and Livestock Products Marketing Board Bill (National Assembly Bill No. 2 of 2019) which was sponsored by the Member for Mandera North, the Hon. Bashir Abdullahi, MP;
- ii. The National Youth Council (Amendment) Bill (National Assembly Bill No. 8 of 2019), which was sponsored by former nominated Member, the Hon. Gideon Keter;
- iii. The National Disaster Management Authority Bill (National Assembly Bill No. 10 of 2019) which was sponsored by the Member for Kikuyu, the Hon. Kimani Ichung’wah, MP;
- iv. The Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 17 of 2019) and The Parliamentary Pensions (Amendment) (No. 3) Bill (National Assembly Bill No. 57 of 2019) which were initially sponsored by the then Member for Wundanyi, the Hon. Andrew Mwadime;
- v. The Equalization Fund Bill (National Assembly Bill No. 23 of 2019), which was sponsored by the Member for Tiaty, the Hon. Kassait Kamket, MP;
- vi. The Crops (Amendment) Bill (National Assembly Bill No. 25 of 2019), which was sponsored by the Member for Matuga, the Hon. Tandaza Kassim Sawa, MP;

- vii. The Assisted Reproductive Technology Bill (National Assembly Bill No. 34 of 2019) which was sponsored by the mother of the House, the Member for Suba North, the Hon. Millie Odhiambo-Mabona, MP;
- viii. The Land (Amendment) Bill (National Assembly Bill No. 54 of 2019) which was sponsored by the Member for Ruiru, the Hon. Simon King'ara, MP;
- ix. The Health (Amendment) Bill (National Assembly Bill No. 64 of 2019) which was sponsored by the then Member for Kesses, the Hon. Swarup Mishra;
- x. The Cancer Prevention and Control (Amendment) Bill (National Assembly Bill No. 65 of 2019). This Bill was sponsored in the last Parliament by the then Member for Homabay County, the Hon. Gladys Wanga;
- xi. The Sugar Bill (National Assembly Bill No. 68 of 2019), which was sponsored in the last Parliament by the then Member for Kanduyi, the Hon. Wafula Wamunyinyi; and
- xii. The Community Health Workers Bill (National Assembly Bill No. 30 of 2020) which was sponsored in the last Parliament by the Member for Ndhiwa, the Hon. Martin Peters Owino, MP.

Honourable Members, in light of the foregoing, for Bills that were sponsored by former Members, any Member is at liberty to take them up and have them re-introduced.

In this regard, sponsors of the Bills or any other Member who is interested in republishing any of the aforementioned Bills is encouraged to write to my office seeking approval to re-introduce a specified Bill from the above list. The earlier you do this, the better for you, Honourable Members. It is of course expected that those who have been re-elected or nominated back to this House would naturally take-up their respective Bills from the list I have read.

Honourable Members, the second category refers to expedited re-introduction of Bills which went beyond second reading but lapsed before consideration at Committee of the Whole House. Pursuant to the provisions of Standing Order 114A (1)(d), these can be re-introduced by the same Members who initially sponsored them and would be exempted from pre-publication scrutiny. The Bills in this category include the following-

- (1) The Public
Service Commission (Amendment) Bill (National Assembly Bill No. 27 of 2019) which was sponsored by the Member for Embakasi Central, the Hon. Benjamin Gathiru Mwangi, MP;
- (2) The Alcoholic
Drinks Control (Amendment) Bill (National Assembly Bill No. 70 of 2019), which was sponsored by the Member for South Mugirango, the Hon. Silvanus Osoro, MP;
- (3) The Kenya
Food and Drugs Authority Bill (National Assembly Bill No. 31 of 2019), which was sponsored by the Member for Endebess, the Hon. (Dr.) Robert Pukose, MP;

The Pensions (Amendment) Bill (National Assembly Bill No. 26 of 2020) which was sponsored by the Member for Kimilili, the Hon. Didmus Barasa, MP;

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The National Construction Authority (Amendment) Bill (National Assembly Bill No. 45 of 2020), and The Penal Code (Amendment)(No.2) Bill (National Assembly Bill No. 47 of 2021) both of which was were sponsored by the Member for Nakuru Town East, the Hon. David Gikaria, MP.

Honourable Members, the following twenty-nine (29) other Bills did not go beyond the Second Reading, but may be re-introduced by the same or any other Member, pursuant to the provisions of Standing Order 114 (*Introduction of Bills*), after undergoing pre-publication scrutiny-

- (1) The Parliamentary Pensions (Amendment) Bill, (National Assembly Bill No. 19 of 2022) which was sponsored by the then Member for Mwatate, the Hon. Andrew Mwadime;
- (2) The Birth and Death Registration (Amendment) Bill, (National Assembly Bill No. 32 of 2020) which was sponsored by the Member for Gilgil, the Hon. Martha Wangari, MP;
- (3) The Alcoholic Drinks Control (Amendment) Bill, (National Assembly Bill No. 35 of 2020) which was sponsored by the Member for Wundanyi, the Hon. Danson Mwakuwona, MP;
- (4) The Public Procurement & Asset Disposal (Amendment) Bill (National Assembly Bill No. 20 of 2020) which was sponsored by the then Member for Thika Town, the Hon. Patrick Wainaina;
- (5) The Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bill No. 34 of 2020) which was sponsored by the then Member for Nyaribari Chache, the Hon. Richard Tong'i;
- (6) The Central Bank of Kenya (Amendment) Bill, (National Assembly Bill No. 47 of 2020) which was sponsored by former nominated Member, the Hon. Gideon Keter;
- (7) The Pharmacy and Poisons (Amendment) Bill, (National Assembly Bill No. 1 of 2021) which was sponsored by the then Member for Nandi Hills, the Hon. Alfred Keter;
- (8) The Computer Misuse and Cybercrimes (Amendment) Bill, (National Assembly Bill No. 11 of 2021) which was sponsored by the Member for Garissa Town the Hon. Aden Duale, MP;
- (9) The Public Procurement and Asset Disposal (Amendment) (No.3) Bill, (National Assembly Bill No.49 of 2020) which was sponsored by the Member for Embakasi Central, the Hon. Benjamin Gathiru Mwangi, MP;

The Poverty Eradication Authority Bill, (National Assembly Bill No. 13 of 2020) which was sponsored by the Member for Sirisia, the Hon. John Waluke Koyi, MP;

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- (10) The Higher Education Loans Board (Amendment) Bill (National Assembly Bill No. 29 of 2020) which was sponsored by former nominated Member, the Hon. Gideon Keter;
- (11) The Health (Amendment) Bill, (National Assembly Bill No. 28 of 2020) which was sponsored by by the Member for Kandara, the Hon. Alice Wahome, MP;
- (12) The Institute of Social Work Professionals Bill, (National Assembly Bill No. 31 of 2020) which was sponsored by the Member for Kaiti, the Hon. Joshua Kivinda Kimilu, MP;
- (13) The Higher Education Loans Board (Amendment) Bill, (National Assembly Bill No. 52 of 2021) which was sponsored by the then Member for Chepalungu, the Hon. Gideon Koskei;
- (14) The Public Finance Management (Amendment) Bill (National Assembly Bill No. 16 of 2022) which was sponsored by the Member for Butula, the Hon. Joseph Oyula, MP;
- (15) The Public Service Internship Bill, (National Assembly Bill No. 25 of 2021) which was sponsored by the Member for Samburu West, the Hon. Naisula Lesuuda, MP;
- (16) The Public Audit (Amendment) Bill, (National Assembly Bill No. 59 of 2021) which was sponsored by the then Member for Wajir South, the Hon. Mohammed Mohamed Sheikh;
- (17) The Child Justice Bill, (National Assembly Bill No. 11 of 2022) which was sponsored by the Member for Suba North, the Hon. Millie Odhiambo-Mabona, MP;
- (18) The Sexual Offences (Amendment) Bill, (National Assembly Bill No. 24 of 2020) which was sponsored by the Hon. Gathoni Wamuchomba, MP;
- (19) The Criminal Procedure Code (Amendment) Bill, (National Assembly Bill No. 41 of 2020) which was sponsored by the Hon. Nelson Koech, MP;
- (20) The Penal Code (Amendment) Bill, (National Assembly Bill No. 40 of 2021) which was sponsored by the Hon. Nimrod Mbai, MP;
- (21) The Whistleblower Protection Bill, (National Assembly Bill No. 50 of 2021) which was sponsored by the Hon. Irene Kasalu, MP;
- (22) The Geriatric Bill, 2021(National Assembly Bill No. 51 of 2021) which was sponsored by the Hon. Gathoni Wamuchomba, MP;

- (23) The Kenya Roads (Amendment) Bill, (National Assembly Bill No. 6 of 2022) which was sponsored by the Hon. Naisula Lesuuda, MP;
- (24) The Land Control Bill, (National Assembly Bill No. 7 of 2022) which was sponsored by the Hon. Wilberforce Oundo, MP; The Valuers Bill, (National

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Assembly Bill No. 18 of 2022) which was sponsored by the Member for Ol Jororok, the Hon. Michael Muchira, MP;

- (25) The Public Appointments (Parliamentary Approval) (Amendment) Bill, (National Assembly Bill No. 54 of 2022) which was sponsored by the Member for Kisumu East, the Hon. Shakeel Shabbir, MP;
- (26) The National Transport and Safety Authority (Amendment) Bill, (National Assembly Bill No. 2 of 2022) which was sponsored by the Member for Ruiru, the Hon. Simon Ng'ang'a Kihara, MP; and
- (27) The National Land Commission (Amendment) Bill, (National Assembly Bill No. 12 of 2022) which was sponsored by the Member for Kilifi North, the Hon. Owen Baya Yaa, MP.

Honourable Members, cognizant of the work that went into the processing of the said Bills by Committees and the efforts made by the Members to have the Bills published in the last Parliament, I request the Committees to which these legislative proposals will be referred, to expedite their consideration at the pre-publication scrutiny stage. Should conclusion of the scrutiny of the Bills be inordinately delayed, the House Business Committee, which I will chair, will not hesitate to move this House to exempt the said Bills from pre-publication scrutiny so as to ensure that the Bills proceed without undue delay.

Honourable Members, you will also recall that before the adjournment of the 12th Parliament, as I had noted in my acceptance speech, the House made progressive amendments to the rules of this House, amongst them is the new Standing Order 114(7A) which prescribes a new *sui generis* procedure for conducting pre-publication scrutiny of legislative proposals seeking to amend the Constitution. Standing Order 114(7A) provides that in respect of a proposal to amend the Constitution, the proposal shall be accompanied by signatures of at least fifty other Members in support, unless it is sponsored by the Majority Party or the Minority Party.

Honourable Members, since the commencement of this Parliament, I have received several requests from Members wishing to introduce legislative proposals to amend the Constitution. Among is a proposal from the Member for Gichugu Constituency, Hon. Robert Githinji Gichimu and the Member for Matungulu Constituency, Hon. Stephen Mule, MP. The two Members are proposing to amend the Constitution to anchor the National Government Constituency Development Fund in the Constitution. In this regard, Honourable Members, I request that any Member seeking to introduce a legislative proposal to amend the Constitution does comply with the requirements of Standing Order 114(7A). This requires attachment of the signatures of at least fifty other Members to the legislative proposal for approval by the Speaker.

Honourable Members,

The new Standing Order 114(7A) in my view shall enrich the legislative process as it seeks to provide for consensus through collection of views of other Members, the Attorney-General, constitutional commissions and the Kenya Law Reform Commission on any proposed amendments to the Constitution. Indeed, the new Standing Order 114(7A) actualizes the provisions of Article 256(2) of the Constitution which obligates

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Parliament to publicize any Bill to amend the Constitution and facilitate public discussion.

Honourable Members, it is also notable that Standing Order 114(1) as amended also allows Members to co-sponsor Bills in the House. In this regard, Members with legislative proposals dealing with related issues may opt to co-sponsor legislative proposals for introduction in the House.

Honourable Members, when adopting the Report of the Procedure and House Rules Committee on amendments Standing Orders, the National Assembly of the 12th Parliament also noted that there is need to amend a number of Statutes that have implication on the rules of procedure. The intention of the proposed amendments is to keep them in accord with the Constitution, related laws and the reality of modern times. The Hansard of the afternoon Session of Tuesday, 31st May, 2022, records that the Committee also tabled four draft legislative proposals containing amendments to

statutes that were proposed to be urgently considered to operationalize certain procedures of the House.

Honourable Members, the said proposals are —

- a. The Draft Public Finance Management (Amendment) Bill, 2022 that sought to enlarge the time for consideration of the Budget Policy Statement from 14 to 21 days;
- b. The Draft Political Parties (Amendment) Bill, 2022 that sought to require the Registrar of Political Parties to convey certified copies of all coalition agreements to the Clerk of each House of Parliament;
- c. The Draft Parliamentary Powers and Privileges (Amendment) Bill, 2022 that sought to streamline the Membership of the Committee of Powers and Privileges;
- d. The Draft Petitions to Parliament (Procedure) (Amendment) Bill, 2022 that sought to involve the Public Petitions Committee in the determination of the admissibility of petitions and the full consideration of all admissible petitions; and
- e. The Draft Statutory Instruments (Amendment) Bill, 2022 that sought to ensure the negative resolutions of the House on Statutory instruments are implemented.

Honourable Members, to this end, the Acting Clerk of the National Assembly has informed me that the legislative proposals have been finalized. Consequently and to the extent that the 12th Parliament did resolve that the proposals be prioritized, I direct that they be urgently introduced in the House. Noting that the Procedure and House Rules Committee is yet to be formed, my able Deputy Speaker has agreed to introduce the proposals to facilitate the continuation of the business of the House. The House is now accordingly informed and guided. I thank you.”

b) Business in the Order Paper

“Honourable Members,

As you are aware, today is the First Sitting of the House following the Official Opening of the 13th Parliament last week. By practice, the first business of the House at the beginning of each Session is the formation of the **House Business Committee**.

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Subsequently, the Committee, once constituted, proceeds to determine, and set the business of the House. The next set of Business that follows is the consideration and passage of the several **Procedural Motions** under Standing Order 97 relating to Limitation of time during debates in the House. Thereafter, with respect to the first Sitting following a general election, the House debates the **President’s Address** as contemplated under Standing Order 24(6).

Honourable Members, as you will note from today’s Order Paper, the motion for the approval of the membership of the House Business Committee is not one of the business to be transacted today. This is because a question has since arisen relating to the constitution of the Committee with respect to the names of persons under paragraphs (b), (c), (d) and (e) of Standing Order 171(1).

To illustrate this Honourable Members, allow me to refer to Standing Order 171(1). This rule provides that the House Business Committee consists of the following —

- (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 Whip of the Majority Party or a representative designated in writing;*
- (e) the Whip of the Minority Party or a representative designated in writing; and*
- (f) nine 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 parties other than parliamentary parties and Independents.*

Honourable Members, from what I have just read, you will note that the House Business Committee consists of a total of fourteen members. It is also notable that, besides the Speaker, four Members sit in the Committee by virtue of their offices. These are the Leader of the Majority Party, the Leader of the Minority Party, the Majority Party Whip and the Minority Party Whip

Honourable Members, to this end, I wish to inform you that I received a letter dated 21st September, 2022 from the Secretary-General of the Azimio La Umoja One Kenya Coalition Party, the Hon. Junet Mohammed, MP. In the letter, the Member for Suna East also signs off as the Majority Whip of the Azimio La Umoja One Kenya Coalition Party.

In a nutshell Honourable Members, the letter conveys that, at its Parliamentary Group Meeting held from 16th to 17th September, 2022, the Azimio La Umoja One Kenya Coalition Party elected the following as its House leaders in the National Assembly-

- (i) The Hon. James Opiyo Wandayi, MP as the Leader of the Majority;*
- (ii) The Hon. Robert Mbui, MP as the Deputy Leader of the Majority;*
- (iii) The Hon. Junet Mohammed, MP as the Majority Whip; and*
- (iv) The Hon. Sabina Chege, MP as the Deputy Majority Whip.*

Honourable Members, I also wish to inform you that I received another letter dated 22nd September, 2022 from the Member for South Mugirango, the Hon. Silvanus Osoro Onyiego, MP. In the letter, which he also signs off as the Majority Chief Whip of the Kenya Kwanza Coalition, he notifies that, in discharge of his role under Standing Order 19A(7), the Kenya Kwanza Coalition held its Parliamentary Group meeting on 16th and

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17th September, 2022 at Sawela Lodge in Naivasha and elected the following persons to the specified offices-

- (i) The Hon. Kimani Ichung'wah, MP, the Member for Kikuyu Constituency- Leader of the Majority Party; and,
- (ii) The Hon. Owen Baya, MP, the Member for Kilifi North Constituency- Deputy Leader of the Majority Party.

Honourable Members, in his letter, the Member for South Mugirango also attaches an excerpt of the Minutes of the Parliamentary Group meeting and a list of Members who attended the meeting, signed by the attendees. On the same day, I also received a letter from the Member for Kikuyu Constituency, the Hon. Kimani Ichung'wah, MP, dated 22nd September, 2022. In the letter, the Member for Kikuyu Constituency signs off as the

Leader of the Majority Party and conveys that, the Kenya Kwanza Coalition held its Parliamentary

Group meeting on 16th and 17th September, 2022 at Sawela Lodge in Naivasha and elected the following persons as the Chief Whip and Deputy Chief Whip-

- (i) The Hon. Silvanus Osoro Onyiego, MP, Member for South Mugirango- Chief Whip; and,
- (ii) The Hon. Naomi Jillo Waqo, MP, Member for Marsabit County- Deputy-Chief Whip.

Similarly Honourable Members, the Member for Kikuyu Constituency also attached an excerpt of the Minutes of the Parliamentary Group meeting and a list of Members who attended the meeting, duly signed by the attendees. In his letter to me, the Member for Kikuyu Constituency indicated that he was discharging his role under Standing Order 20A(3)(a), which require the name of the persons designated as the Majority Party Whip and Majority Party Deputy-Whip to be communicated to the Speaker by the Leader of the Majority Party.

Honourable Members, on 22nd September, 2022, I also received a letter dated 21st September, 2022 from the Hon. Jeremiah Ng'ayu Kioni identifying the following Members as the leadership of the Jubilee Party Parliamentary Group in the National Assembly-

- (i) The Hon. Shurie Abdi Omar, MP, Member for Mbalambala- Leader;
- (ii) The Hon. Samuel Arama, MP, Member for Nakuru Town West- Whip;
- (iii) The Hon. Sarah Korere, MP, Member for Laikipia North- Deputy Whip;
- (iv) The Hon. Adan Keynan, MP, Member for Eldas, - Secretary.

Honourable Members, The distinguished immediate former member for Ndaragwa Constituency signs off as the Secretary General of the Jubilee Party. In the letter, he also notes that Jubilee Party remains a member of the Azimio La Umoja- One Kenya Coalition Party.

Honourable Members, ordinarily and in keeping with the requirements of Standing Order 19A(1) (4) and 20(A) (5), following receipt of the names and attendant accompanying documentation, as your Speaker, I am supposed to convey the names of the Leadership of the Majority Party, that of the Minority Party and the Whips of any Parliamentary Party in the House, to the assembled House. If the House is not sitting, the Standing Orders

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require me to notify Members in the usual manner of *Speaker's Notifications to all Members*.

Honourable Members, it is this action that subsequently sets in motion the next steps. In this case, the Clerk would write to the Leader of the Majority Party and the Leader of the Minority Party, copying the respective whips, asking for the names of the nine Members nominated to sit in the House business Committee under Standing Order 171(1) (f). Thereafter, the Clerk would publish the names in the Order Paper for approval by the House at its first Sitting, each Session.

Honourable Members,

Faced with these conflicting correspondences, you will agree with me that it is impossible for me and the Clerk to discharge those requirements of the Standing Orders at the moment. You will also agree with me that from the foregoing, three pertinent questions arise at this moment.

These are-

- (i) who is the bonafide Leader of the Majority Party and who is the bonafide Leader of the Minority Party in this House?
- (ii) In absence a House Business Committee, what business is to be transacted by this House for the next few days before the question of the Leadership of the Majority and the Minority Party is determined?
- (iii) Before the question of the Leadership of the Majority and the Minority Party is determined, who is to move the business in the House, whose moving is ordinarily reserved for the Party Leaders?

With respect to the first question Honourable Members, I will reserve the rest of today's Sitting to allow the House to address me on this matter so that I can retreat to issue my guidance.

Honourable Members, with respect to the second question *on what business is to be transacted by this House for the next few days before the question of the Leadership of the Majority and the Minority Party is determined*, allow me to guide the House as follows-

Firstly, Honourable Members, as you may be aware, Standing Order 30 (*Hours of Meeting*) provides that the House shall meet on Tuesdays at 2.30pm for the afternoon sitting, Wednesdays at 9.30am for the morning sitting and 2.30pm for the afternoon sitting, and Thursdays at 2.30pm for the afternoon sittings. It is therefore clear that, with or without any scheduled business, the House MUST sit on the prescribed days and times.

Indeed Honourable Members, Standing Order 30 dictates that tomorrow, the House shall sit in the morning from 9.30 am and in the afternoon commencing at 2.30 pm. That is

mandatory and your Speaker has no authority to stop commencement of a sitting of the House, unless in very exceptional circumstances. Indeed, as your Speaker, I have a constitutional obligation to ensure continuity of the business of this House at all times. The only authority granted to the Speaker with respect to the time of a sitting is to vary the time of commencement or adjournment of the sittings, but only “*for the convenience of the House*”.

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Further, Honourable Members, Standing Order 38 providing for the preparation and circulation of the Order Paper obligates the Clerk to prepare an Order Paper indicating the business to be transacted by the House. In this regard, it is also mandatory that before every sitting of the House, there should be an Order Paper which should be published on the Parliamentary Website and made available to Members at least twelve hours before the House meets. It is for this reason that I authorized the Clerk to publish the Order Paper that is before you this afternoon and which she also published on the website during the weekend.

Honourable Members, if you look at the Order Paper, the business listed there is procedural Motions. For the benefit of new Members, a procedural motion is one that concerns the manner or time of consideration of a matter before the House. Procedural Motions include Motions on limitation of debate where Members are allocated a specific period of time within which they may speak on a matter before the House and a Motion for exception of business from specified provisions of the Standing Orders. Standing Order 24(5) provides that whenever the President delivers an Address, a Member may as soon as practicable thereafter, lay the Address on the Table of the House. Standing Order 24(6) further provides that a Member may give notice of Motion that “*The Thanks of the House be recorded for the exposition of public policy contained in the Address of the President*” but debate on the Motion shall not exceed four sitting days. What is

contemplated under Standing Order 24(6) is that the debate on the speech of the President shall not be interrupted by a dilatory Motion.

By practice of our Parliament, Honourable Members, debate on the President’s Address is accorded priority before any other business, save for procedural motions. It therefore naturally follows that, the business that is to be transacted by the House for the next four sitting days is debate on the President’s Address. This therefore settles the second question.

Honourable Members, allow me to also note that the debate on the speech of the President ordinarily accords first time Members the solemn opportunity to make their maiden speech in the House. This opportunity for new Members in my view, should not be curtailed by the question of the Majority and Minority Party Leadership and the composition of the House Business Committee.

However, Honourable Members, it is worth noting that the continuity of the business of the House will not and should not in any way be seen to prejudice the determination of the question of the Leadership of the Majority and Minority Party in the House. In this regard, since there is no objection as to who the Deputy Speaker is, I will exercise my powers under Standing Order No. 1, and authorize the Deputy Speaker to move certain business as follows-

- a. At Order No. 5, I will allow the Deputy Speaker to lay certain Papers in the House which have a statutory deadline and which the law requires that they must be laid in the House when it first sits;
- b. At Order No. 6, I will allow the Deputy Speaker to give notice of motion on the noting of the President's Address;
- c. At Order No. 8, I will allow the Deputy Speaker to move the procedural motion on limitation of debate on the President's Address under Standing Order 97. Moving of the rest of the ten (10) procedural motions will stand stayed until a later time; and,

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- d. Tomorrow morning, at Order No. 8, I will also allow the Deputy Speaker to move the business under Standing Order 24(6) being the Motion on debate on the President's Address. This shall give Hon. Members an opportunity to debate the President's Address for four sitting days starting tomorrow morning, Wednesday, 5th October, 2022 until Tuesday, 11th October, 2022.

Honourable Members, This now settles the third and last question. The House is accordingly guided.

Honourable Members, May I now ask the Clerk to read the next Orders. After the House concludes with Order No. 8, I will allow the Hon. Members to address me on the question of the Majority and Minority Party Leadership.”

c) Statutory Instruments submitted between 4th June, 2022 & 4th October, 2022

“Honourable Members,

you may have noticed, this afternoon the Deputy Speaker has laid before the House eighteen (18) sets of Statutory Instruments. The Statutory Instruments, commonly

referred to as Regulations, were submitted during the *sine die* recess of the 12th Parliament while others were submitted just after the inauguration of the 13th Parliament.

Honourable Members,

The Statutory Instruments Act (No. 23 of 2013) provides that, upon receipt of such statutory instruments, they should be tabled in Parliament within seven (7) days or if the House is not sitting, as soon as possible when the House next sits. In this regard, Honourable Members, it is for this reason that I have allowed the Deputy Speaker to lay the eighteen sets of Regulations this afternoon. The consideration of the different Regulations will now await the establishment of the Committee on Delegated Legislation. The Committee should consider them within twenty-eight (28) **sitting days** thereafter.

Honourable Members,

On a similar note, by way of a letter dated 9th September, 2022 the Hon. Attorney General brought to the attention of all State Departments and Agencies the provisions of Section 21 of the Statutory Instruments Act, 2013. The effect of this provision is that-

- (a) There is a general revocation of statutory instruments ten years after their making unless they are repealed or a regulation is made exempting them from expiry.

Subject to this provision, all Statutory Legislations enacted prior to the commencement of the Act stand to be revoked and are thus null and void as from 25th January 2023.

- (b) An extension of the statutory instrument may be made for 12 months subject to consultation between the respective Cabinet Secretary and relevant Parliamentary Committee.

Honourable Members,

It will be recalled that, during passage of the Finance Act, 2022 in June this year, this House extended the period of automatic revocation of regulations made under the laws relating to tax matters. This includes Regulations made under the following statutes-

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- (i) The Income Tax Act, Cap 470;
- (ii) The Stamp Duty Act, Cap 480;
- (iii) The Value Added Tax, No 35 of 2013;
- (iv) The Tax Appeals Tribunal Act, No. 40 of 2013;
- (v) The Excise Duty Act, No. 23 of 2015; and
- (vi) The Tax Procedures Act, No. 29 of 2015.

Honourable Members,

It is therefore expected that, the State Departments and Agencies will approach the Committee, upon its establishment to consider whether similar treatment may be accorded to the rest of the impugned regulations to avoid any form of legislative crisis in the country.

Honourable Members,

What this means is that the in-tray of the Committee on Delegated Legislation is already full, even before its establishment. The House is now accordingly informed and guided. I thank you.”

6. **PAPERS LAID**

The following Papers were laid on the Table -

- a. Speech by H.E. the President delivered on Thursday, September 29, 2022;
- b. Legal Notice No. 65 of 2022 relating to the Capital Markets (Whistleblower) Regulations, 2022 and the Explanatory Memorandum from the National Treasury and Planning;
- c. Legal Notice No. 86 of 2022 relating to the Legal Aid (General) Regulations, 2022 and the Explanatory Memorandum from the Attorney General;
- d. Legal Notice No. 87 of 2022 relating to the Legal Aid Code of Conduct for Accredited Legal Aid Providers, Regulations, 2022 and the Explanatory Memorandum from the Attorney General;
- e. Legal Notice No. 94 of 2022 relating to the Suppliers Practitioners Management (Council Election), Regulations 2022 and the Explanatory Memorandum from the National Treasury and Planning;

- f. Legal Notice No. 95 of 2022 relating to the Pharmacy and Poisons (Conduct of Clinical Trials) Regulations, 2022 and the Explanatory Memorandum from the Ministry of Health;
- g. Legal Notice No. 96 of 2022 relating to the Pharmacy and Poisons (Pharmacovigilance and Post Market Surveillance) Rules, 2022 and the Explanatory Memorandum from the Ministry of Health;
- h. Legal Notice No. 97 of 2022 relating to the Pharmacy and Poison (Transportation of Pharmaceutical) Rules, 2022 and the Explanatory Memorandum from the Ministry of Health;

Legal Notice No. 98 of 2022 relating to the Pharmacy and Poisons (Amendment) Rules, 2022 and the Explanatory Memorandum from the Ministry of Health;

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- i. Legal Notice No. 99 of 2022 relating to the Pharmacy and Poisons (Pharmaceutical Waste Management) Rules, 2022 and the Explanatory Memorandum from the Ministry of Health;
- j. Legal Notice No. 100 of 2022 relating to the Pharmacy and Poisons (Registration of Health Products and Technologies) Rules, 2022 and the Explanatory Memorandum from the Ministry of Health;
- k. Legal Notice No. 101 of 2022 relating to the Crops (Miraa) Regulations, 2022 and the Explanatory Memorandum from the Ministry of Transport, Infrastructure Housing, Urban Development and Public Works;
- l. Legal Notice No. 102 of 2022 relating to the Coffee (General) (Amendment) Regulations, 2022 and the Explanatory Memorandum from the Ministry of Transport, Infrastructure Housing, Urban Development and Public Works;
- m. Legal Notice No. 120 of 2022 relating to the National Transport and Safety Authority (Transport Network Companies, Owners, Drivers and Passengers) Regulations, 2022 from the Ministry of Transport, Infrastructure Housing, Urban Development and Public Works;
- n. Legal Notice No. 141 of 2022 relating to the Kenya Roads Board (General) Rules, 2022 and the Explanatory Memorandum from the Ministry of Transport, Infrastructure, Housing Urban Development;
- o. Legal Notice No. 146 of 2022 relating to the Accountants (Quality Review Assurance) Regulations, 2022 and the Explanatory Memorandum from the National Treasury and Planning;
- p. Legal Notice No. 147 of 2022 relating to the Accountants (Standard of Professionals and Practice and Ethical Conduct) Regulations, 2022 and the Explanatory Memorandum from the National Treasury and Planning;
- q. Legal Notice No. 152 of 2022 relating to the Accountants (Examinations) Rules, 2022 and the Explanatory Memorandum from the National Treasury and Planning; and

- r. Legal Notice No. 153 of 2022 relating to the Accountants Regulations, 2022 and the Explanatory Memorandum from the National Treasury and Planning.

(The Deputy Speaker)

7. **NOTICE OF MOTION**

The following Notice of Motion was given-

THAT, noting that Standing Order 24(6) provides that debate on a Motion on the Address by the President shall be limited to not more than four sitting days, and pursuant to the provisions of Standing Order 97(1), this House orders that debate on the Motion on the Address by H.E. the President under Article 132(1)(a) of the Constitution delivered on 29th September, 2022 (Opening of a new Parliament) shall be limited as follows-

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- (i) no more than twenty (20) minutes for the Mover in moving and ten (10) in replying;
- (ii) no more than fifteen (15) minutes for the Designated Party Leaders;
- (iii) no more than ten (10) minutes for any other Member speaking; and
- (iv) at least ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply.

(The Deputy Speaker)

8. **PROCEDURAL MOTION - LIMITATION OF DEBATE ON THE ADDRESS BY THE PRESIDENT**

Motion made and Question proposed –

THAT, noting that Standing Order 24(6) provides that debate on a Motion on the Address by the President shall be limited to not more than four sitting days, and pursuant to the provisions of Standing Order 97(1), this House orders that debate on the Motion on the Address by H.E. the President under Article 132(1)(a) of the Constitution delivered on 29th September, 2022 (Opening of a new Parliament) shall be limited as follows-

- (i) no more than twenty (20) minutes for the Mover in moving and ten (10) in replying;
- (ii) no more than fifteen (15) minutes for the Designated Party Leaders;
- no more than ten (10) minutes for any other Member speaking; and
- (iii)
- (iv) at least ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply.

(The Deputy Speaker)

There being no debate arising;

Question put and agreed to.

9. **DELIBERATIONS ON THE LEADERSHIP OF THE HOUSE**

Members ventilated on the Communication made by the Hon. Speaker regarding Business on the Order Paper that touched on the issue of majority membership in the House.

The following Papers were laid on the Table with regard to this matter-

- (i) The Coalition agreement between the Kenya Kwanza Coalition and Movement for Democracy and Growth (MDG);
- (ii) The Coalition agreement between United Democratic Alliance Party and Amani National Congress Party and Ford – Kenya Party;
- (iii) Agreement between the Kenya Kwanza Alliance Coalition and United Democratic Movement(UDM);
- (iv) Agreement between the Kenya Kwanza Alliance Coalition and Grand Dream Development Party (GDDP);

Agreement between the Kenya Kwanza Alliance Coalition and National Agenda Party of Kenya (NAP-K);

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- (v)
- (vi) Agreement between the Kenya Kwanza Alliance Coalition and Democratic Party of Kenya (DP);
- (vii) Agreement between the Kenya Kwanza Alliance Coalition and Chama cha Kazi;
- (viii) Agreement between the Kenya Kwanza Alliance Coalition and Communist Party of Kenya;
- (ix) Agreement between the Kenya Kwanza Alliance and Democratic Party of Kenya;
- (x) Agreement between the Kenya Kwanza Alliance Coalition and Devolution Party of Kenya;
- (xi) Agreement between the Kenya Kwanza Alliance Coalition and Economic Freedom Party;
- (xii) Agreement the Kenya Kwanza Alliance Coalition and Farmers Party;
- (xiii) Agreement Between the Kenya Kwanza Coalition and Maendeleo Chap Chap (MCC);
- (xiv) Agreement between the Kenya Kwanza Coalition and Pamoja African Alliance Party (PAA);
- (xv) Agreement between the Kenya Kwanza Alliance Coalition and Service Party;
- (xvi) Agreement between the Kenya Kwanza Alliance Coalition and Tujibebe Wakenya Party;
- (xvii) Agreement between the Kenya Kwanza Alliance Coalition and Umoja na Maendeleo Party of Kenya;
- (xviii) Constitutional Petition No. 409 of 2022 (Nairobi);
- (xix) Constitutional Petition No. 41 of 2022 (Mombasa); and
- (xx) The Kenya Gazette No. 129 of 1st July, 2022 on Nominated Candidates for the 9th August, 2022 General Election.

(Hon. Kimani Ichung'wah, MP)

- (xxi) Deed of Agreement in respect of the Azimio la Umoja One Kenya; being a Coalition Political Party, focused on fostering national unity, inclusivity and prosperity, dated 12th March, 2022.

(Hon. Junet Nuh Mohamed, MP)

[Was declared inadmissible by the Speaker]

- (xxii) Letter from the Registrar of Political Parties to the Clerk of the National Assembly on information on Coalition agreements.

(Hon. Opiyo Wandayi, MP)

- (xxiii) letter dated 22nd September, 2022 from the Member for South Mugirango, the Hon. Silvanus Osoro Onyiego, MP communicating that the Kenya Kwanza Coalition held its Parliamentary Group meeting on 16th and 17th September, 2022 at Sawela Lodge in Naivasha to elected its Leader of Majority and Deputy Majority Leader; and
- (xxiv) Letter dated 22nd September, 2022 from the Member for Kikuyu Constituency conveying that, the Kenya Kwanza Coalition held its Parliamentary Group meeting on 16th and 17th September, 2022 at Sawela Lodge in Naivasha and elected the the Chief Whip and Deputy Chief Whip.

(Hon. Silvanus Osoro, MP)

Letter from the Movement for Democracy and Growth to the Registrar of Political Parties on Notice of termination of membership and withdrawal from the Azimio la Umoja –One Kenya Coalition Party, dated 18th August 2022;

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- (xxv)
- (xxvi) Letter from the Registrar of Political Parties to the Movement for Democracy and Growth on Azimio la Umoja –One Kenya Coalition Party copies of Coalition documents, dated 30th August 2022;
- (xxvii) Letter from the Movement for Democracy and Growth to the Speaker of the National Assembly on MDG’s termination of membership and withdrawal from the Azimio la Umoja –One Kenya Coalition Party, dated 9th September 2022;
- (xxviii) Letter from the Movement for Democracy and Growth to the Registrar of Political Parties on Request for a copy of the Azimio la Umoja –One Kenya Coalition Party Agreement, dated 26th August 2022;
- (xxix) Movement for Democracy and Growth’s Notice of National Executive Council meeting, dated 11th August 2022, and
- (xxx) Minutes of MDG’s National Executive Committee meeting held on 18th August 2022 at MDG Centre along Dennis Print Road, Nairobi.

(Hon. David Ochieng, MP)

- (xxxi) Agreement between Kenya Kwanza Alliance Coalition and Maendeleo Chap Chap dated 8th May 2022;
- (xxxii) Letter from Maendeleo Chap Chap to the Registrar of Political Parties on Official Search for Azimio La Umoja Kenya Alliance Party, dated 20th April 2022;
- (xxxiii) Letter from the Registrar of Political Parties to Maendeleo Chap Chap on MCC’s Withdrawal from the Azimio la Umoja –One Kenya Coalition Part, dated 29th April 2022;

Letter from Hon. Mwengi Mutuse, MP and Hon. Caleb Mutiso Mule, MP, on behalf of Maendeleo Chap Chap Party to the Speaker of the National Assembly on Complaint on association of Maendeleo Chap Chap party with Azimio Coalition Agreement, dated 26th September 2022, and

- (xxxiv) Letter from Mr. Wilfred Nyamu Mati (Secretary General) on behalf of Maendeleo Chap Chap Party to the Speaker of the National Assembly on Complaint on association of Maendeleo Chap Chap party with Azimio Coalition Agreement, dated 26th September 2022.

(Hon. Mwengi Mutuse, MP)

The Hon. Speaker undertook to issue a Communication on the issues raised during the Sitting of the House on Thursday, 6th October 2022.

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

10. **HOUSE ROSE** - at Seven O'clock

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M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, October 05, 2022 at 9.30 a.m.

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