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Wednesday, 26th August 2026

(The House met at 9.30 a.m.)

[The Deputy Speaker (Hon. Gladys Boss) in the Chair]

PRAYERS

QUORUM

Hon. Deputy Speaker: Serjeant-at-Arms, you may ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Hon. Deputy Speaker: Serjeant-at-Arms, you may stop the Quorum Bell. Hon. Members, let us proceed. Clerk-at-the-Table, read out the first Order.

PAPERS

Hon. Deputy Speaker: Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Hon. Deputy Speaker, I beg to lay the following Papers on the Table:

Reports of the Auditor-General and financial statements for the years ended 30th June 2021, 30th June 2022, 30th June 2023, 30th June 2024, 30th June 2025 and the certificates therein in respect of the following:

- (a) A.C.K St. John Sigowet Secondary School – Uasin Gishu County
- (b) Abothuguchi Secondary School – Meru County
- (c) AIC Kaptumo Secondary School – Uasin Gishu County
- (d) Arabia Girls Secondary School – Mandera County
- (e) Chebara Secondary School – Elgeyo Marakwet County
- (f) Chebwagan Boys High School – Kericho County
- (g) Chief Mbogori Girls High School – Tharaka Nithi County
- (h) ELCK Sook Boys Secondary School – West Pokot County
- (i) Empakasi Mixed Day Secondary School – Kajiado County
- (j) Enkorika Secondary School – Kajiado County
- (k) Friends Secondary School Lwanda Girls – Bungoma County
- (l) Gakuuni Girls Secondary School – Meru County
- (m) Gikurune Girls Secondary School – Meru County
- (n) Igoki Boys Secondary School – Meru County
- (o) Kamaguna Day and Boarding Secondary School – Tharaka Nithi County
- (p) Kangaru Girls' School – Embu County
- (q) Kanyakine High School – Meru County
- (r) Karama Boys Secondary School – Meru County
- (s) Kathera Girls Secondary School – Meru County
- (t) Kericho High School – Kericho County

- (u) Kianyaga High School – Kirinyaga County
- (v) Kim Girls High School – Kapkora – Bungoma County
- (w) Kimilili Friends Girls Secondary School – Bungoma County
- (x) King David Boys High School – Embu County
- (y) Kisima Mixed Day Secondary School – Isiolo County
- (z) Kithangari Boys Secondary School – Meru County
- (aa) Leparua Mixed Day Secondary School – Isiolo County
- (bb) Materi Boys High School – Tharaka Nithi County
- (cc) Maua Girls Secondary School – Meru County
- (dd) MCK Kiangiri Secondary School – Tharaka Nithi County
- (ee) Muthambi Girls High School – Tharaka Nithi County
- (ff) Mwihoko Secondary School – Kiambu County
- (gg) Ndagani Girls Secondary School – Tharaka Nithi County
- (hh) Ngage Mixed Day Secondary School – Meru County
- (ii) Njuri High School – Tharaka Nithi County
- (jj) Nyakach Girls High School – Kisumu County
- (kk) Olturoto Secondary School – Kajiado County
- (ll) SA Kyeni Girls Secondary School – Embu County
- (mm) St. Agatha Mokwo Girls Secondary School – Marakwet County
- (nn) St. Agnes Kiaganari Girls Secondary School – Embu County
- (oo) St. Anthony Tulukuyi Secondary School – Bungoma County
- (pp) St. Augustine Ruguta Secondary School – Tharaka Nithi County
- (qq) St. Cecilia Girls Secondary School Chepareria – West Pokot County
- (rr) St. Cecilia Nangina Girls High School – Busia County
- (ss) St. John Kathunguri Secondary School – Embu County
- (tt) St. Joseph's Bumutiru Secondary School – Busia County
- (uu) St. Kizito Masielo Secondary School – Bungoma County
- (vv) St. Luke's Boys' High School – Bungoma County
- (ww) St. Theresa Magumoni Girls Secondary School – Tharaka Nithi County
- (xx) Tombe Girls High School – Nyamira County
- (yy) Ukuu Girls High School – Meru County
- (zz) Wanjura Secondary School – Nyandarua County.

Hon. Deputy Speaker, I beg to lay.

Hon. Deputy Speaker: Thank you. We will have the Chairperson of the Departmental Committee on Justice and Legal Committee, Hon. Murugara.

Hon. George Murugara (Tharaka, UDA): Sorry.

Hon. Deputy Speaker: Are you supposed to table a Report on the Trust Administration Bill?

(Hon. George Murugara spoke off the record)

Hon. George Murugara (Tharaka, UDA): It is not ready. I will explain shortly.

Hon. Deputy Speaker: Okay, we can skip that.

Next Order.

QUESTIONS AND STATEMENTS

Hon. Deputy Speaker: We have a Statement by Hon. Manduku, Member for Nyaribari Masaba.

DELAY IN IMPLEMENTATION OF THE
LAST MILE CONNECTIVITY IN
NYARIBARI MASABA CONSTITUENCY

Hon. Daniel Manduku (Nyaribari Masaba, ODM): Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Energy regarding the delay in the implementation the French Development Agency and the European Union Last Mile Connectivity Project (AFD/EU) Lot 7 in Nyaribari Masaba Constituency.

The Last Mile Connectivity Project is of great importance to the people of Nyaribari Masaba, particularly households, schools, health facilities, businesses and other institutions that continue to operate without reliable access to electricity. The project, being undertaken by MS Polyphase Systems Limited, commenced in 2024. It was intended to connect over 5,000 customers across 26 sites within the Constituency.

The preparatory activities, including completion of designs, acquisition of wayleaves, collection of metering documentation and community sensitisation, were reportedly completed, with residents fully cooperating and meeting the requirements for connection. However, approximately one year after completion of these preparatory activities, there are no visible implementation activities across the 26 sites. The contractor was allocated an 18-month completion period, which has since elapsed without substantial implementation or project completion.

The prolonged delay has caused frustration and anxiety among the intended beneficiaries. It continues to deny them the socio-economic benefits of electricity access, including improved education and healthcare, enterprise development, agricultural value addition and employment opportunities. The absence of a clear explanation or revised implementation schedule has further undermined the public confidence in the project.

Hon. Deputy Speaker, it is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Energy on the following matters:

1. The status of the AFD/EU Lot 7 Last Mile Connectivity Project, including percentage of completed works, reasons for the lack of visible implementation across the 26 sites and whether there are any contractual, financial, technical, administrative or procurement challenges affecting its implementation.
2. Findings of any performance assessment undertaken by the Kenya Power Limited Company, including reasons why MS Polyphase Systems Limited, as a contractor, failed to meet the contractual 18-month completion period, and the action taken to enforce the contractor's contractual obligations.
3. Expected completion timelines for the project, including the expected commissioning dates.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Deputy Leader of the Majority Party, will you give an undertaking on behalf of the Departmental Committee on Energy, or is there a Member of the Committee?

Hon. Owen Baya (Kilifi North, UDA): Hold on for one minute. We will handle this matter immediately after recess. I will speak to the Chairman. If you allow me, I would like to say a few things about this Project. This AFD/EU Last Mile Connectivity Project has let this country down.

The implementers, especially those given these contracts, have let the whole country down. I have many projects in my constituency under this, and they have never taken off.

People are blaming the government for this, yet the government did its best. It awarded contracts, but the contractors have never delivered. Why do we give contracts to people who,

even on paper, look like they cannot even manage these projects? What criteria are used? I challenge the Ministry of Energy to review what they consider when offering and awarding tenders of this nature.

This is a big project; a massive project. But it looks like it was awarded to firms that do not seem to have the capacity to implement it. It is a big let-down. This project is not only in Hon. Daniel Manduku's area, but it is also in the coastal area. It is a big project on the coast. But the people of the coast are still asking where the electricity they have been promised for many years is. It is now over three years, yet nothing has taken off on the ground. These guys have to pull up their socks. I want the Cabinet Secretary actually to give us reasons why these things are not happening. We need to debate this here even before we get their response. I can see the interest in this is very high. We shall respond to this when we resume from recess.

Thank you.

Hon. Deputy Speaker: Yes, Hon. Dawood.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Deputy Speaker. What the Deputy Leader of the Majority Party has just mentioned is good. It is not just the contractors; Kenya Power and Rural Electrification and Renewable Energy Corporation (REREC) do not have the materials. Whenever they launch the project, you hear they have the poles but not the transformers or the wires. The Ministry of Energy needs to up its game and do the right thing. This is my third term here, and I have asked for 64 transformers since 2013. To date, I have just gotten about 15 to 20. What about the other 50? We are told that there is money from the World Bank and the European Bank. They therefore need to up their game and finish this project before we go to the elections.

Thank you.

(Hon. Members spoke off the record)

Hon. Deputy Speaker: Is it that people do not have their cards, or why is everyone shouting? Yes, who is that? I cannot see your face but have the microphone.

Hon. Geoffrey Mulanya (Nambale, Independent): Thank you, Hon. Deputy Speaker. This question affects most Members in this House. If I remember correctly, and I think the Deputy Leader of the Majority can also remember, we had such a question, and we responded to it as a Committee. I am a Member of the Departmental Committee on Energy.

The Speaker of the day directed that the Cabinet Secretary, the Principal Secretary, and the Managing Directors of REREC and Kenya Power appear in this House to answer this question. This is because even if we have a response, this issue will still recur, as it affects most Members in this House. We shall respond to the issue of Nyaribari, yet even in Nambale, Teso South, and other areas, we still have similar issues. You can see the interest from Members.

I therefore propose that we have a *kamukunji* with the Cabinet Secretary and the Principal Secretary. This is a very serious issue, and I want the Hon. Deputy Speaker to reinforce the earlier directive that the Principal Secretary, the Cabinet Secretary, and the two Chief Executive Officers (CEOs) appear before this House.

Thank you.

Hon. Deputy Speaker: Hon. Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Deputy Speaker, you are aware that we have been pressurising our caucus Chair, Hon. Melly, on this issue because the contractors are letting us down. You will find that in areas like Endebess, Trans Nzoia, West Pokot, Uasin Gishu, Nandi, and the whole of that area, we face a major challenge with the contractors who have been given this work. At one time, they told us that materials had not arrived. They are doing incomplete work.

Therefore, may you direct that the CEO of Kenya Power, the Principal Secretary and the Cabinet Secretary, Hon. Opiyo Wandayi, appear in this House as soon as possible. When we return from recess, they should appear in this House so they can respond. Meanwhile, the Committee can be addressing the issue. This is a very critical issue affecting our constituents. It has been too long since we raised this matter. We are not seeing any solutions being put in place.

Thank you.

Hon. Deputy Speaker: I will give priority to those who have their cards. Hon. Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you, Hon. Deputy Speaker. This is a matter that this House needs to take more seriously than we are. I remember last week but one the same matter came up. I propose we hold a *kamukunji* with the Cabinet Secretary and the CEOs of the concerned parties. If we do not address this matter, it will send the majority of you Members home. I can tell you for a fact. I have paid money called the Matching Fund to REREC for the last four years. This money comes from the National Government Constituency Development Fund (NG-CDF) kitty. To date, nothing has been done. Imagine what the impact will be. Kenyans are crying for power. They want electricity. Hon. Deputy Speaker, kindly help us from where you sit. As soon as possible, we need to meet with the ministry to sort out the issue.

I submit. Thank you.

Hon. Deputy Speaker: Hon. Melly.

Hon. Julius Melly (Tinderet, UDA): I agree with my colleagues that this issue of AFD/EU electricity connectivity across the country is costing us a lot of political mileage in this country. The money has been spent, but the CEO, the Principal Secretary, and the Cabinet Secretary do not seem up to the task. Every other time you speak to the contractors, they say they have just erected poles somewhere. As if taking poles and putting them on the roadside, erecting them and doing two lines, is connectivity. I think the real issue needs the Cabinet Secretary, the Principal Secretary and the CEO to come to the Floor of the House.

Hon. Deputy Speaker, please assist us, as the membership of this House, to make sure that the contractors are working. There should be a very clear roadmap and timelines on when these projects are supposed to be completed. In all villages across the country, you will realise that the contractors are doing shoddy work. They erect a few poles in one market, move to a corner, and do some stringing. They do not take their work seriously.

This is painting a very bad image of the government and all of us who are here. Yet they already have a job to do. Either way, nobody is supervising them well, no one is taking firm action on these contractors, or someone is not accountable. This is something very weighty. The Committee and all of us need to take this very seriously. A number of us might not get our seats back because the wananchi want to see electricity at their doorstep.

Thank you.

Hon. Deputy Speaker: Hon. Mugambi, Member for Buuri.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Deputy Speaker. I have a serious concern about Kenya Power's responsiveness. If you go to Kenya Power, it is very difficult to see the CEO. There are even presidential pledges approved three years ago, yet he has not responded. I have raised issues with him concerning the AFD project in Meru County. Members from Meru County are here. There is a contractor who is very arrogant. He does not listen to anybody other than the Managing Director of Kenya Power. We feel that the Managing Director of Kenya Power is protecting that contractor.

We have held meetings after meetings, yet we have received no response. You cannot get any response from Kenya Power. At least when we go to the REREC, you get some

responses. If the CEO cannot meet with Members of Parliament or respond to their questions, it raises serious concerns for us.

I agree that this issue, particularly regarding Kenya Power, needs a deep investigation, and the Kenya Power leadership needs to be called out for failing Kenyans. The problems surrounding electricity revolve around Kenya Power. There is a problem, and we cannot sit back and watch Members being banished by their constituents because of Kenya Power's failures, particularly the CEO.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. Hon. Naomi Waqo. Let me give those who had punched their cards first, then I will get to you.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Deputy Speaker, for allowing me to add my voice to this very important ongoing debate on the request that has been made. The issue of last-mile connectivity is affecting the entire country. I have visited different offices; I have gone to REREC. They keep you busy while you are there, and immediately after you leave their office, nothing happens. I agree with Hon. Members that we summon all the CEOs so that we have a Kamukunji to deal with this issue.

It seems as if they are concentrating on some areas and marginalising others, like the northern part of Kenya, especially my county. We have pleaded with them; I have visited their offices several times, and they are not giving any attention while they are oversupplying some areas in this country. That is not acceptable anymore.

Thank you.

Hon. Deputy Speaker: Allow me to recognise the presence of Consolata School from Westlands Constituency, Nairobi County, seated in the Speaker's Gallery. On behalf of myself, the substantive Speaker, and the entire National Assembly, we welcome you to Parliament.

Hon. Bisau Kakai.

Hon. Bisau Kakai (Kiminini, DAP K): Hon. Deputy Speaker, this House has appropriated more money than ever before for electricity. Countrywide, in every village, there are electricity issues. Now the question is: do the contracts these organisations are putting in place not have articles to mitigate these delays? In my follow-up this week with the Ministry, meeting the Waziri, the explanation is that items are being cleared in Mombasa. How long will they take to clear?

To agree with my colleagues, we need to get the Cabinet Secretary, the Principal Secretary, the CEOs, and the heads of procurement here. What type of contracts are they putting in place that fail to mitigate issues and instead cause trouble and delays to electricity supply?

Thank you.

Hon. Deputy Speaker: Hon. Beatrice Elachi.

(Hon. Mary Emaase spoke off the record)

Just approach the Clerk-at-the-Table, and you will be assisted.

Hon. Beatrice Elachi (Dagoretti North, ODM): Hon. Deputy Speaker, on this issue of the last mile and even the security masts that were to be put in all our constituencies: before we went to recess, you remember we had a statement on the same matter. We pleaded that we want to see the Cabinet Secretary and the Principal Secretary. First, we want to understand the conflict between REREC and KPLC, because that is where we have many challenges.

As they come, can all the teams that work on energy matters, especially electricity, come and tell us what the main issue is? Furthermore, we have contractors; even now, for three years, I have had masts that were raised in my constituency that have never been completed. When you talk to this contractor, he is a very rude engineer, and I wonder why the Government even awards projects to him.

These are some of the contractors who need to leave the work. If you have made a lot of money in government, leave and let others do the right thing for us. If we have masts just standing there, public resources have been used, and nothing is happening. There is no light for the people, and citizens are still screaming about insecurity. It is time we call a spade a spade and deal with the whole ministry.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Beatrice Adagala, I see you have pressed the button.

Hon. Beatrice Adagala (Vihiga County, ANC): Thank you, Hon. Deputy Speaker. I also want to speak on these issues regarding electricity. Some of us, it seems, are not treated as part of Kenya. In my county, Vihiga, we are always in darkness. Why are we not being supplied in this last mile? We are not being connected in Vihiga County. You can go a whole week without power. Is that really promoting business, or is it a matter of somebody sleeping on the job? Let us not keep blaming the contractors. Who is contracting them? If a contractor cannot perform, why can that contract not be terminated and given to someone competent? We cannot let our people suffer because of incompetent contractors while others can do the work.

This needs urgent attention because of insecurity. We are approaching elections, and we need every village lit. I want to see power reach Musunguti in Maragoli Hills and extend to all the villages. Even my neighbouring villages do not have electricity connections. Connections should be made in Muhudu and Jivuye, which have no supply. What is happening? Are we not Kenyans? Are we not paying taxes?

Can the Cabinet Secretary be brought here to answer questions about electricity? Why are we not getting last-mile connectivity? In fact, we should not even have to ask for that. Electricity should be distributed everywhere without us having to raise it here. Electricity is core for people doing business. We have people rearing chickens who put eggs in an incubator, and then there is no power for a whole week. Where are we going? Are we going two steps forward and 10 steps backwards? Can they come here and tell us what is happening?

Thank you.

Hon. Deputy Speaker: Hon. George Murugara. Let us keep it brief because many people want to speak, though I know this is important to the electorate.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Deputy Speaker. The issue of electricity is very emotive in this country. In fact, it now ranks number two after water, having overtaken roads. Therefore, as Members sit here and air grievances against these two power agencies, starting with REREC, who are trying to do the best they can despite not having a sufficient budget, we also have Kenya Power.

At Kenya Power, we cannot understand why they claim they do not have budgets. Among other things, as of today, they are exaggerating bills for Kenyans. I will provide evidence showing that they are overcharging Kenyans. They are committing nothing less than fraud, because we cannot have bills that the person who raised them cannot explain.

The Managing Director of Kenya Power has been authorised to electrify the country, but he goes ahead and awards contracts to people who do not have the capacity to execute them, including a company known as Meru Woods Industries Limited. It has been awarded contracts in five counties including Meru, Tharaka Nithi, Embu, Kirinyaga and Nyeri. It is the company dominating those counties, yet it cannot even erect a single pole, and we are supposed to be supplying the country with electricity.

Kenya Power needs to be investigated. We cannot proceed like this on behalf of the people of Kenya. I cannot proceed like this on behalf of the people of Tharaka, with a company such as Meru Woods Industries Limited, which cannot explain how it obtained the contracts or why it cannot perform. The company is simply there, and nobody seems to care. The contracts have not been terminated, and nothing is being done. It is high time the Cabinet Secretary for

Energy came to the House to tell us who Meru Woods Industries Limited is, who is protecting them and who is awarding it these contracts.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Gisairo.

Hon. Clive Gisairo (Kitutu Masaba, ODM): Thank you, Hon. Deputy Speaker.

As most of the Members who have spoken have said, the issue of electricity connectivity is sensitive and emotive. It has put many of us under immense pressure. I was just speaking to Hon. Nyamai, who is facing the same problem. This is clearly a national issue, and the Cabinet Secretary needs to be brought before the House to answer Members' questions directly.

I hope the people of Kitutu Masaba are watching because they have always accused me of failing to provide electricity since I am on the wrong side of the government. If they are watching this debate today, they will clearly see that this is a national problem. Whether you are in the one-term or two-term movement, the problem is the same. We need the Cabinet Secretary here to answer the questions of the nation.

Members of Parliament have done their part by allocating resources to state departments to do their work. Our work is to provide oversight, not to implement projects. Those responsible for implementation should be brought here to answer these questions. Kenyans need electricity.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Emaase.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Deputy Speaker, for the opportunity.

The issue of power connectivity is significant, and I want to look at it from two perspectives. One is the delay in implementation after the budget is approved and the money is released. However, the biggest problem is in this House. For the last four years, I have received fewer than 10 transformers or maximisation projects. Fewer than 10. Yet, while we are seated here, some Members have received 35, 50, or even 100. There is inequity in how power connectivity is distributed. I have gone to the Parliamentary Budget Office (PBO) and looked at the Budget Book.

I have gone to the offices of the Rural Electrification and Renewable Energy Corporation (REREC) several times. But what does the Chief Executive Officer (CEO) say? He says that we are the ones who appropriate the money. The money comes here already allocated to specific projects in specific regions. Where do I get extra money to provide electricity to your constituents in *Mheshimiwa*? In the 11th Parliament, we had order and equity in the way power connectivity was distributed. Every Member received a specific allocation, and we would only receive a letter from REREC asking us to prioritise areas that were not connected.

Today, some Members and certain committees are involved in this process. Let us not pretend that the problem is entirely with Kenya Power and REREC. We are the ones creating the problem, and we must correct it starting from this House. If there is a problem with the legislation, then we need to amend it so that every Member and every constituency get funding for power connectivity. Teso South must get funding for power connectivity.

How can I, for five years, have only six or seven areas connected to electricity while other regions have connected more than 100 areas? It is not fair. We must correct that problem in this House. We must not simply blame Kenya Power or REREC. We must correct it here. We must speak the truth. No Member or region is less important. Everybody is elected, and all Kenyans are equal. Every region must have access to electricity. We want electricity everywhere.

Where I come from, electricity is the number one priority. My people are still in darkness.

I am speaking for many of these Members. It does not matter whether you are tall or short, male or female, in the one-term or two-term movement. We want power connectivity across the country.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: I will go to Hon. Donya, then I will come to you, Hon. Didmus.

Hon. Dorice Donya (Kisii County, WDM): Thank you, Hon. Deputy Speaker.

There was a time I asked someone at Kenya Power why there was no electricity project taking place in Bonchari Constituency. I was told that they did not have materials. That was not a genuine answer because, in the neighbouring constituencies, they were still being connected to electricity. I do not want to mention names. They tell you there are no materials for a particular constituency, yet there are materials for other constituencies. What we lack is equity.

If I was to encourage Kenyans to take action, for example, people living with disabilities could sue Kenya Power because some depend on electricity to store medication, including insulin, which requires refrigeration. They will end up in and out of court to ensure that those people are connected. It is key for this House to ensure equity. Equally, to stop telling Members that there is no budget when we know that a contractor has already been sent to the site.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Didmus Barasa.

Hon. Didmus Barasa (Kimilili, UDA): Thank you, Hon. Deputy Speaker. I want to take a completely different approach. I have seen this House lamenting about the equitable allocation of money to address electricity connectivity in our country. First, what are we doing? We are the ones who make the budget. We cannot begin to complain that some constituencies are receiving more while others are receiving less when it is the responsibility of this House.

Secondly, this question is not being asked for the first time. We have received responses from Kenya Power and the Ministry many times before. The problem is that this House has failed to hold civil servants accountable when they come here and lie under oath. Unless we crack the whip and reprimand officers who appear before us, take an oath and then fail to implement what they tell us, we will continue going round in circles on this matter.

Lastly, I think we are reaching a point where even achieving quorum will become a problem because we are approaching the election period. What I suggest is that we convene a *kamukunji*, rather than a whole House sitting, where the Managing Director himself, not the Cabinet Secretary, can appear. When you invite Cabinet Secretaries, they sometimes make political statements. They say, "We are working on it; we will bring it next month." We can convene a *kamukunji* and question the Managing Director of Kenya Power. The clerks can also verify the contract documents, determine when the contractors are resuming work and establish the status of materials being imported to address the electricity problem.

We have the answer, and we have the means to act as a House, but we are not using them. It is high time the hammer fell on an individual so that Kenyans can get electricity regardless of their political affiliation.

Hon. Deputy Speaker, I support the statement.

Hon. Deputy Speaker: Hon. Members, we need to conclude this. I will give three Members: Hon. Mutunga, the Hon. Member for Masiga and the Member for Kabuchai. Then we will close. We have other business to transact. I have given you some latitude because I know this is important.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Thank you very much, Hon. Deputy Speaker.

This House is speaking very loudly that we need a power connectivity matrix. Some areas are over-served while others are under-served, and we need to know the reasons for that. That is where we need to begin. There are specific issues that Kenya Power needs to address. In my considered opinion, power connectivity is a business. We never had many service providers in the telecommunications sector. Kenya suffered because of that. We now have problems with electricity. If we opened up the sector to other service providers, I think we would have better services.

Whether we have a *kamukunji* or not, we need data to show percentage per constituency. That is the point from which we will begin.

Thank you. Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Member for Masinga.

Hon. Joshua Mwalyo (Masinga, Independent): Thank you Hon. Deputy Speaker for giving me this chance to speak.

Masinga Constituency has four hydro power generating stations yet we are only 10 per cent connected with the power comes from my Constituency. My people have been asking me, surely, how can they be in darkness yet power comes from our Constituency and supplied to other constituencies while they have nothing. This is a very hard question for me to answer. It is also the wrong time for me to argue about electricity because it is only one year to the general elections. As colleagues have already said, we need answers from Kenya Power and from Rural Electrification and Renewal Energy Corporation (REREC). We were told to indicate the schools that are not connected to electricity. Students in these schools need electricity to connect their gadgets. Solar panels that were installed some time back are not working because they are never serviced. Something urgent needs to be done for us to be connected so that we are equally balanced. It seems that some constituencies are favoured more than others. That is not fair.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Member for Kabuchai.

Hon. Majimbo Kalasinga (Kabuchai, FORD-K): Thank you very much Hon. Deputy Speaker for your magnanimity in allowing me to put my weight on this matter.

We are only left with 349 days to the general elections. Any mistake done today will permanently affect the 14th Parliament. We are not ready to lose after working hard in our constituencies in very many things like managing well the National Government Constituencies Development Fund (NG-CDF). Something very simple should not come to mess our lives in terms of re-election.

Last Mile Connectivity initiative has a myriad of problems. There are contractors who drop poles on a site but transfers them elsewhere because the same contractor runs three or four projects. I agree with the remarks of the Member of Parliament from Teso South, Hon. Mary Emaase who said that we do not have equity. It is even worse when money is taken from them and nothing is done. This is not good.

We want the Cabinet Secretary to appear and summarise clearly in a contractors' procurement report and tell us how they procured these contractors and their capacities. The Committee in charge must scrutinise the contractors and tell us if the contractors are qualified in the first place. We must also shame such companies. We need power; we need power. We need it for use in our homes. We need power and not the other *pawa*. In Kabuchai Constituency, I needed three transformers but only two have been put in place. There is nothing going about the ones I am pushing for Chepkongony and Chepsitati areas. We must shame contractors who are sleeping on their job making it difficult for this Government to be re-elected.

I belong to *Wantam*.

Thank you, Hon. Deputy Speaker,

Hon. Deputy Speaker: Let us move the next request for a Statement which is to be responded to by the Departmental Committee on Transport and Infrastructure. Are you ready?

STATE OF RIVATEX-KIPKAREN RIVER ROAD

Hon. Didmus Barasa (Kimilili, UDA): Thank you Hon. Deputy Speaker for giving me this opportunity to read the Response to a request for Statement sought by the Member for Nandi County, Hon. Cynthia Muge.

In the request for a Statement, Hon. Muge sought to establish an explanation on why the RIVATEX-Kiparen River road particularly the section traversing Mosop Constituency has not been routinely maintained despite the existence of a valid maintenance contract. She also sought to know the details of the routine maintenance works contract for the road specifying the identity of the currently assigned contractor, the contract sum and duration and the specific maintenance activities that the contractor is obligated to undertake vis-à-vis the activities, if any, that have been undertaken.

She also sought to understand the oversight mechanism by the Ministry to monitor the contractor's performance and the reasons as to why the current road had been neglected for a long period of time. Hon. Muge also sought to know the immediate measure the Ministry plans to put in place to ensure that the overgrown vegetation along the road is cleared and the drainage system is unblocked. She further sought to know the long-term measures that the Ministry intends to implement and guarantee proper supervision of the routine maintenance contract and ensure that the road is maintained to the required standards.

Hon. Deputy Speaker, I beg to respond as. Regarding why the road has not been routinely maintained, the Ministry submitted that the road project is located in both the Uasin Gishu and Nandi Counties and the road is currently under maintenance from zero kilometre to 12 kilometres that begins from Kapseret area within Uasin Gishu county. So, the road is under maintenance.

Regarding the three ring-roads, the Ministry submitted that that the RIVATEX-Kipkaren River road covers 14.0 kilometres in Uasin Gishu county and 33.34 kilometres in Nandi County. Kabiemit-Kaplemur covers 3.95 kilometres to Nandi County and St. Teresa's Sugoi B. Dispensary covers 4 kilometres in Uasin Gishu county and 4.085 kilometres in Nandi County.

The project was substantially handed over on 18th April 2024 and it entered into a defect liability period of 12 months and the maintenance period is 36 months and is scheduled to end in April 2028.

Regarding the details of the routine maintenance works, the Ministry submitted that the works comprise both bush clearing, cleaning of the side drains, access and closed culverts to free flow conditions while the maintenance for instructed works covers earth works, excavation, filling of trenches, culverts and draining works, reinstatement of road-shoulders, repair of base and sub-base layers and surface dress and patch work for failed sections and road furniture.

The contractor engaged is called Kabuito Contractors Limited, the duration of the contract is 36 months and the contract sum is Ksh.302,815,680.

Regarding the contractor's progress, the Ministry submitted that instructions to commence maintenance works were issued and the contractor started the works in November, 2025. As earlier explained, the contractor begun working from Kapseret Constituency in Uasin Gishu County as they progress towards Mosop Constituency and has mobilised several teams to ensure the works are completed within the timeline.

With regards to oversight mechanisms, the Ministry submitted that site meetings are held in order to monitor the contractor's progress while at the same time bringing out the challenges being faced so that solutions can be sought.

In regards to the immediate measures, the Ministry submitted that the contractor has been given instructions to do heavy bush clearing, increase additional bumps and warning signs to help curb rising number of accidents along the road project.

Lastly, regarding long-term measures, the Ministry submitted that the measures put in place are to continue strengthening contract management and supervision by increasing the frequency of site inspections; enforcing contractual obligations and performance monitoring and ensure timely certification of completed works based on compliance with prescribe specification.

Hon. Deputy Speaker, this is what the Ministry has submitted in response to the Statement sought by Hon. Muge. Thank you.

Hon. Deputy Speaker: Hon. Member for Nandi County, are you satisfied with the response?

Hon. Cynthia Muge (Nandi County, UDA): Thank you, Hon. Deputy Speaker. Allow me to state how I feel about this particular response.

First, let me thank the Committee. Honestly speaking, this is one of the things that has been reported back in good time, so to speak. I want to appreciate the Committee for providing that response. I just want to note that the contractor is being a bit reactive. It was immediately after I sought this statement that they were able to go back to the field and start the clearing. However, the clearing that is being done now is not systematic. They are just clearing, leaving it, and then clearing and leaving it. They are not doing a good job.

Again, they have focused only on clearing the bush and have not addressed the drainage, which is a problem. If you use that route, as you, Hon. Deputy Speaker, and I do more often than not, you will notice that at Lemok Centre, where the water is supposed to drain into the river, there is a problem. Every time there is a lot of water because the drainage is poor, it overflows onto the road, damaging it.

At the other junction, popularly known as Kapchemuriet, the same is happening, and the poor drainage has started seriously damaging the road. Further down, at Ndalat and Malando, and at Salient, where Kipkaren River crosses, there is also a huge problem. The contractor has not been able to repair or replace the guardrails. The situation is dangerous, and as you approach the bridge, which is quite big, there is significant damage to the tarmac and it has been like that for the last several months.

Efforts to get this particular contractor to come to site and undertake the necessary repairs, especially around the bridge, have been futile. We have not received any support from them, and they have not been able to go there. This leaves me asking a lot of questions. The job and the contract require this contractor to conduct routine checks to ensure that the drainage is okay, that there are no problems with the road itself, and that the guardrails installed along the road are in good condition. However, it appears that the contractor is not paying attention to any of this.

If we continue like this, we risk having a pathetic road within a few years. It would be cheaper to maintain the road while it is still in a maintainable condition, rather than wait until it completely wears out and requires a new road altogether.

I appreciate the response, but again, I want to ask that this contractor, through the Ministry, be able to do their job diligently, including carrying out the necessary maintenance and clearance and paying attention to the drainage. This will help us save taxpayers' money and ensure that the road is properly maintained and remains in good condition for longer. I appreciate the response, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you, Hon. Barasa, have you noted what she has said?

Hon. Didmus Barasa (Kimilili, UDA): Thank you, Hon. Deputy Speaker. I have noted, and I also want to confirm that even I and the people from Western use this road quite often. May I suggest that I get to the Ministry today so that when we are going home over the weekend, the Ministry can arrange a small site meeting along that road. This will enable us to ensure that whatever the contractor is doing is not a knee-jerk reaction, and that the concerns raised by the Hon. Member, who is a very serious Hon. Member, are taken into account.

Especially now, as you move towards the junction that goes to Kipkaren River, there is that bridge. It is a very small bridge, and at times, it gets flooded. The Ministry has actually committed to sorting this matter out. As a Committee, we are going to follow up on this matter as if our lives depend on it, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you very much. Thank you, let us move to the next Order.

PROCEDURAL MOTION

EXEMPTION OF SPECIFIED BUSINESS FROM PROVISIONS OF STANDING ORDER 40(3)

Hon. Deputy Speaker: Majority Leader, because it is just a procedural Motion, there is no need to belabour the point. Yes, just move it, have it seconded in one sentence, and then we proceed.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Deputy Speaker. I will keep to my style. When it comes to Procedural Motions, we do not belabour the point.

Hon. Deputy Speaker, I beg to move:

THAT, this House resolves to exempt the business appearing as Order No. 11 in today's Order Paper from the provisions of Standing Order 40(3), being a Wednesday Morning, a day allocated for Business not sponsored by the Majority or Minority Party or Business sponsored by a Committee.

This Bill, the Trust Administration Bill, is an important piece of...

Hon. Deputy Speaker: We debated it yesterday. Everyone knows how important it is, so just have somebody second...

Hon. Owen Baya (Kilifi North, UDA): But I need to put it on record why we are actually seeking exemption. It is procedural.

Hon. Deputy Speaker: Yesterday it was spoken to...

Hon. Owen Baya (Kilifi North, UDA): It is procedural that I say why. This because this is an important piece of legislation that needs to take precedence so that we can conclude it in good time and have the Committee of the Whole in the afternoon.

With that, I beg to move and request Hon. Cynthia Muge to say, "I second."

Hon. Cynthia Muge (Nandi County, UDA): I second, Hon. Deputy Speaker.

(Question proposed)

Hon. Members: Put the Question.

(Question put and agreed to)

(Hon. Phelix Odiwour spoke off the record)

Hon. Deputy Speaker: Hon. Jalang'o just walked in. I do not think he knew what was happening.

BILL*Second Reading*

THE EMPLOYMENT (AMENDMENT) BILL
(National Assembly Bill No. 62 of 2023)

*(Moved by Hon. Didmus Barasa
on 12.8.2026 – Morning Sitting)*

*(Resumption of debate interrupted
on 12.8.2026 – Morning Sitting)*

Hon. Owen Baya (Kilifi North, UDA): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Yes, Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Hon. Deputy Speaker, we had a very robust debate on this, and I think, having done that, it is proper that we call upon the Mover to reply so that we can move forward. The debate was good, and Members made their points. The Mover of this Motion, Hon. Didmus Barasa, whom I have seen here, has stepped out. I think Hon. Pukose can reply on his behalf.

Hon. (Dr) Robert Pukose (Endebess, UDA): Yes, I can reply on his behalf.

Hon. Deputy Speaker: Proceed, Hon. Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Deputy Speaker, my colleague, Hon. Didmus Barasa, who is the sponsor of this Bill, has just stepped out. On his behalf, I want to thank the Members for their contributions.

Hon. Deputy Speaker: Hon. Pukose, I realised I needed to put the question before you reply.

*(Question, that the mover be now called
upon to reply, put and agreed to)*

Hon. Deputy Speaker: Proceed.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Deputy Speaker, on behalf of Hon. Didmus Barasa, Member for Kimilili and the incoming Governor for Bungoma, I wish to thank the Hon. Members for their contributions to this Employment (Amendment) Bill. This is a very important Bill. As you are aware, this Bill will resolve many outstanding issues, especially in terms of the transfer of people. Sometimes people are transferred as a form of punishment, and they may be sent to very harsh environments. Therefore, this has to come to an end with the passage of this Bill.

On behalf of Hon. Didmus Barasa, I thank Hon. Members for their contributions. With those few remarks, I beg to reply.

(Question put and agreed to)

*(The Bill was read a Second Time and
Committed to Committee of the whole House)*

Hon. Deputy Speaker: Is the House ready for the Committee of the whole House?

(Hon. Deputy Speaker consulted with the Clerks-at-the-Table)

Okay.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Deputy Speaker (Hon. Gladys Boss) left the Chair]

IN THE COMMITTEE

[The Temporary Chairlady (Hon. (Dr) Rachael Nyamai) in the Chair]

THE BASIC EDUCATION (AMENDMENT) BILL (National Assembly Bill No. 3 of 2025)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, we are now ready to proceed. We are in the Committee of the whole House. The Bill we are handling today is the Basic Education (Amendment) Bill (National Assembly Bill No. 3 of 2025).

Clause 3

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): The Mover, Hon. Kajwang', has permission from Hon. Anthony to proceed. However, because the amendment is by both Hon. Chairman and Hon. Anthony, I propose that Hon. Chairman goes first.

Hon. Julius Melly (Tinderet, UDA): Thank you. Hon. Temporary Chairlady, I beg to move:

THAT, Clause 3 of the Bill be amended by deleting the proposed new subsection (1A) and substituting therefor the following new subsection —

(1A) One of the members of the Board appointed under subsection (1) shall be one of the executive board members of the national office, nominated and agreed upon by the executive board of the Alternative Provision of Basic Education and Training Schools in Kenya.

The proposed amendment seeks to enhance flexibility by deleting the Alternative Provision of Basic Education and Training (APBET) executive board to nominate any qualified national office member rather than limiting representation to the national chairperson. This will ensure continuity during the leadership transition, prevents representation gaps and strengthens internal democracy within APBET.

We propose the deletion of clause (1A). Thank you.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. TJ, you have a similar amendment, go ahead and comment on this.

(Hon. TJ Kajwang' spoke off the record)

You have forgotten your card's password? Table office will assist you.

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Chairlady, we keep too many passwords in our heads and unfortunately, I forgot the password to control this.

Hon. Temporary Chairlady needs to come forth and explain exactly where we are because, Hon. Oluoch who is the mover of the Bill is on clause 3, and says:

(1A) One of the members of the Board appointed under subsection (1) shall be one of the executive board members of the national office, nominated and agreed upon by the executive board of the Alternative Provision of Basic Education and Training Schools in Kenya.

That is the same information that I have heard the Hon. Chairman talk about. I also agree that it should not be tied to the national office. The thinking here is that if a Board member is appointed from the national office, nominated and agreed upon by the Executive Board, then that would help end many of the crises and misunderstandings.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Kajwang', when you look at the amendment by the Chairman of the Departmental Committee on Education, Hon. Melly, and the one proposed by Hon. Anthony Oluoch, you will realise that they are actually the same.

Hon. TJ Kajwang' (Ruaraka, ODM): I was trying to understand the difference between what the Chairman is proposing and Hon. Oluoch's amendment.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Once you understand the difference, you will realise that you are not working in the spirit of Hon. Anthony Oluoch because they have consulted and are proposing the same thing. They have already agreed.

Hon. TJ Kajwang' (Ruaraka, ODM): Yes. Without considering what Hon. Oluoch will say, I also think it would be nice not to restrict the appointment to the national office. So, can I have the Chairman's undertaking that we are saying the same thing?

Hon. Julius Melly (Tinderet, UDA): We are saying the same thing.

Hon. TJ Kajwang' (Ruaraka, ODM): Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you.

Hon. TJ Kajwang' (Ruaraka, ODM): Can the Chairman drop his amendments because I am the Mover of the Bill? If the amendments are the same and I am the Mover of the Bill, can the Chairman drop his amendments so that mine succeeds?

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): It is inconsequential. You can only agree with the Chairman.

Hon. TJ Kajwang' (Ruaraka, ODM): No. I am the owner of the Bill. So, what does he say?

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Chairman?

Hon. Julius Melly (Tinderet, UDA): Hon. Oluoch's earlier proposal was for Board members to be appointed from among the people at the local level without consulting or reaching an agreement with the national office. However, we consulted and agreed on the matter. As the Departmental Committee on Education, we made a proposal, which he accepted. I did not know that he had gone ahead and incorporated our proposal. So, in effect, this was our amendment, which he accepted, and we are, therefore, carrying it.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you.

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

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 3 as amended agreed to)

(Clauses 4, 5 and 6 agreed to)

Clause 7

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Chair.

Hon. Julius Melly (Tinderet, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 7 of the Bill be deleted.

This clause is actually redundant because it deals with infrastructure and registration which have already been covered under Section 39E of the Basic Education Act. Other institutions are guided by the Registration Guidelines of 2015. Registration remains essential for access to Government services.

Further, extending public funding to private institutions without a clear audit framework would contravene Article 229 of the Constitution of Kenya and Section 7 of the Public Audit Act, Cap. 551. As a Committee, we propose that the clause be deleted because it contravenes several provisions. The registration of other schools is already covered under Section 39 of the Basic Education Act.

(Question of the amendment proposed)

(Several Members spoke off the record)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): It is a consensus. Hon. Members...

Hon. TJ Kajwang' (Ruaraka, ODM): The great man from Mathare has just walked in. Therefore, that ends my brief. I hereby relinquish my position as the Member for Mathare.

(Laughter)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Welcome to the House, Hon. Anthony. Would you like to say something about the deletion of Clause 7?

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Temporary Chairlady. My apologies for walking in late. We agree with that amendment because it does not fundamentally affect the provisions or the gains we seek to achieve through the Bill. Therefore, we will allow that amendment by the Chairman.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, I can see that many Members are indicating interest in this matter. If you would like to participate in this Bill, please press the intervention button.

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

(Clause 7 deleted)

(Clause 8 agreed to)

Clause 9

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Anthony Oluoch.

Hon. Anthony Oluoch (Mathare, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 9 and substituting therefor the following new Clause—

Insertion of a
new section 43A
in Cap. 211.

9. The principal Act is amended by inserting the following new sections immediately after section 43—

Recognition of
APBET
Schools.

43A. (1) The Cabinet Secretary shall—

- (a) recognize an Alternative Provision for Basic Education and Training School as a basic education institution for purposes of regulation under this Act and support as may be prescribed in regulations.
- (b) cause an approved Alternative Provision for Basic Education and Training School to be registered on the National Education Management Information System in accordance with this Act.

(2) An Alternative Provision for Basic Education and Training School shall provide basic education services in underserved, indigent, informal, marginalised or vulnerable communities.

The purpose of this amendment is to replace the clause with a new Section 43A, under which the Cabinet Secretary will recognise Alternative Provision of Basic Education and Training (APBET) approved schools as being registered in NEMIS. This will create a more structured recognition, approval and registration pathway. Therefore, the amendment is about registration and how it can be used to advance the recognition of these schools. I move.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairman.

Hon. Julius Melly (Tinderet, UDA): I have heard Hon. Anthony Oluoch, but, in effect, Clause 9...

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairman, before you proceed, it is important for you to know that if Hon. Oluoch's amendment succeeds, then yours will fall.

Hon. Julius Melly (Tinderet, UDA): Yes. I want to speak to what Hon. Oluoch has just indicated. In the earlier clause that the Committee proposed to delete was actually trying to ensure that APBET schools are registered and recognised as part of the State-owned schools. In effect, that cannot be the case because these APBET schools are owned by churches, NGOs and individuals. Therefore, we cannot put them in the same category as State-owned public schools. As a Committee, we are proposing that, if it is a matter of registration alone without State or public funding, then it would be proper. I hope that is the case. Hon. Oluoch has proposed that in Clause 9. Kindly read what you have in Clause 9 now. We need to be clear on that because if we proceed as, it is, then it will be different. However, if you are correcting Clause 9 and going to Section 43, then we shall support that.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairman, are you disagreeing?

Hon. Julius Melly (Tinderet, UDA): Yes.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): May I please hear other opinions on this?

Hon. Antony Oluoch (Mathare, ODM): Hon. Temporary Chairlady, could we read the clause as proposed by the Chairman?

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Member for Emuhaya.

(Hon. Omboko Milemba spoke off the record)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): We are trying to trace you on the radar.

Hon. Omboko Milemba (Emuhaya, ANC): Hon. Temporary Chairlady, I think Hon. Oluoch and the Chairman of the Departmental Committee on Education need to move quickly and agree because these were the two biggest bones of contention. The veteran who is also a *wakili* is in the House. I recall there was a consensus which they should bring to the Floor of the House. We agreed that, instead of preventing these schools from being registered and recognised, we should first recognise them, after which the issues of funding can follow. That matter took a lot of time in many spaces, including the House Business Committee and other Committees.

As they come on the Floor, they should have now agreed on this so that it is seamless. Otherwise, they will force us into a vote, and if we get to that point, you will find that we may even be called upon to recommit some of these clauses later on. They really need to agree because they have been meeting.

Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. TJ, please, proceed.

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Chairlady, please approach this amendment with an open mind. We are working for Kenyan children and we are trying to cater for these indigent children who, because of circumstances beyond their control, do not have access to education. So, please just make it easy for us as legislators to make the best law possible for these children.

Hon. Temporary Chairlady, when you look at this, Hon. Oluoch is very clear that he is appealing for recognition of these schools, which will help the institutions for purposes of regulation. In fact, he is a very responsible Member. He is saying that there should be regulations, governance and standards. So, all he is doing is supporting the regulations which will come. I have an amendment which will come and which speaks to regulations. If you do not have Clause 43, because 43 is the foundation, when we come to the regulation which I am going to propose under Clause 52H, you will find that the Cabinet Secretary will therefore make regulations and provide for governance on this.

Number two, please, Chair, even if these schools are run by churches and communities, who runs the school is not the issue. The issue is the Kenyan child who must have access to education. The issue is about Article 43 of the Constitution, which provides for social and economic rights, including the right to education. Whoever is managing the school, it is we, as Government, who should mind how we regulate the owners of these schools. We cannot say that we are not going to put them in the same category as public schools because, in that statement, Chair, you have given us what we cannot speak out there, because it is discrimination. It is against Article 43.

What we should do is that every child, whichever way, whether in what we call public schools or whether we call them this, it is us who have the mandate to be able to regulate them. So, in short, although we have agreed with the Chair, I was just trying to set a tone on how we can approach this. But we have agreed that Hon. Oluoch is correct in proposing, in Clause 9, the addition of Article 43A.

Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Kajwang'. Hon. Chair, are you convinced?

Hon. Julius Melly (Tinderet, UDA): Yes, thank you, Hon. Temporary Chairlady...

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): For the two parts? Because I was trying to see whether he was bringing a further amendment.

Hon. Julius Melly (Tinderet, UDA): I am convinced because this is about managing, regulating and administering these schools. That is the very important part. However, even if they are run by whichever institution, the Government has to be involved to ensure that the standards and management of those schools are in order. So, I agree with Hon. Oluoch.

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

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 9 as amended agreed to)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, you realise that Clause 10 has four amendments. We will just go systematically.

Clause 10

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): There is an amendment by Hon. Anthony Oluoch. That is 52B. If it is carried, there is another amendment by the Leader of the Majority Party and the Chairperson of the Committee. If Hon. Anthony Oluoch's amendment is carried, then the ones by the Leader of the Majority Party and the Chair fall. So, we start with that. That is 52B. You may proceed, Hon. Oluoch.

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Temporary Chairlady. I beg to move:

THAT, Clause 10 of the Bill be amended—

- (a) in the proposed new section 52B by deleting the word “shall” appearing immediately after the word “applies” and substituting therefor the word “may”.

The import of this would be to remove the word “shall”. In our original Bill, the word “shall” imported an indication that there was an imperative, an obligation, a mandatory obligation upon the Government to provide capitation. When we had mediation on this and consultation with the leadership, it was felt that this would have a money Bill implication, which was not the original intention of the Bill. So, we agreed that we should step back, allow ourselves first to get recognition and registration, and live to fight another day on issues of capitation.

We have, therefore, replaced the word “shall” with the word “may” so that the Government, as of now, is not tied down and there is no financial obligation. At a later date, we shall come and try to persuade you again, if it is possible, to incorporate these children so that they can also benefit from capitation. That is the import of the amendment under 52B. And then the proposed new Section 52H, by deleting...

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Do not go there. We deal with 52B first.

(Question of the amendment proposed)

Yes, Hon. Omboko Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): I want to thank Hon. Oluoch because I support his position that the intention is finally to have the schools get funds because they are

Kenyan children. But indeed, as he has moved, there was that compromise that we shall fight another day. I am impressed with your honesty.

Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Peter Orero, Member for Kibra.

Hon. Peter Orero (Kibra, ODM): Thank you, Hon. Temporary Chairlady. As much as I want to agree with my colleagues that we fight another day, it is not about fighting another day. It is about looking for better ways to help Kenyan children. Hon. TJ is a lawyer, and Oluoch is a lawyer. When we remove "shall" and replace it with "may", I want to say that even without "may", the Government in future might just find it appropriate to include them. They are not obligated, but if they feel that these are really Kenyan children, then they will give us the monies that we require. We are not saying we will fight another day. We are just saying that we are giving a position that will allow the Government some leeway to act.

Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Kajwang'.

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Chairlady, let me weigh in on this "shall" and "may". Although the Chair seems to think, and Oluoch agrees, that the change to "may" makes it better for Government as of today, nothing is further from the truth. "May" can be used, which means either discretionary or directory. In this use, where we are, it is actually directory. Chair, look at this. Once this education sector has been recognised, your hands are tied. You have to bring a budget proposal to this House.

The Ministry must come up with a plan, formulate policies and find where money is. You must bring to us a Budget proposal that covers this group of people. Whether you use 'may' or 'shall', in my view and considered view, the use of 'may' here is directory. While I support Hon. Oluoch for being magnanimous and expeditious, I think Hon. Orero is right. Once we have passed this, we do not need to bring another legislation to this House. We will only come during the Budget period and ask the Chair what he has done about this group of people.

Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, I would like to now put the question on the first amendment.

(Hon. Julius Melly spoke off the record)

Okay, Chair.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Temporary Chairlady. I agree with Hon. Oluoch. We had a give and take on this. These are Kenyans and in future when the economy grows and when we have better resources, they have a right to be funded. They are part of our population. To prevent this from becoming a Money Bill and becoming a burden to this House, we decided to use the word 'may'. As Hon. Kajwang' has indicated, in future, it will take the position of giving direction to the Government. It will not be for the interest of anyone; it is for the interest of the nation.

I support that particular amendment.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Members, I will now put the question on the first amendment.

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

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

Hon. Members, we now go to the second amendment by the Chair which affects section 52G. Hon. Melly, please take note that it is a deletion. Proceed.

*(Hon. Julius Melly consulted with the
Committee Secretariat)*

He is consulting. Take your time, Chair.

Hon. Julius Melly (Tinderet, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 10 of the Bill be amended by —

(b) deleting the proposed new section 52G;

This proposal is because the Cabinet Secretary cannot directly determine levies charged by Alternative Provision for Basic Education and Training (APBET) institutions due to their private ownership. An attempt to fix their fees or levies would conflict with the Basic Education Act and their rights. The Cabinet Secretary cannot just indicate what levies private schools or the APBET schools can charge when ownership and management of the schools are not in the direct mandate of the government, but he can regulate and give direction on policies of how the schools can run. I therefore propose that this particular section be deleted.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you.

(Question of the amendment proposed)

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

I now go to the third amendment by Hon. Anthony Oluoch that touches on 52H. If Hon. Oluoch's amendment is carried, the amendment by the Leader of the Majority Party and the Committee Chairperson will automatically fall. Please proceed.

Hon. Anthony Oluoch (Mathare, ODM): Hon. Temporary Chairlady, I beg to move that Clause 10, touching on 52H, be amended as per the Order Paper. The purpose of this is to insert the following new sections immediately after the proposed section 52H. This is to put conditions for the registration of APBET schools.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Oluoch, I think you are reading the wrong Clause. Please make reference to 52H.

Hon. Anthony Oluoch (Mathare, ODM): This is the one under Clause 10(b). Let me take this again. Hon. Temporary Chairlady, I beg to move:

THAT, Clause 10 of the Bill be amended—

(b) in the proposed new section 52H by deleting the word “shall” appearing immediately after the word “government” and substituting therefor the word “may”;

Just like the initial one, under 52H, we are deleting the word ‘shall’ appearing immediately after the word ‘government’ and substituting therefor the word ‘may’. The arguments I advanced initially apply to this, which the Chair agreed.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Before I put the question, Hon. Melly.

Hon. Julius Melly (Tinderet, UDA): Hon. Temporary Chairlady, I agree with substituting the word “shall” with “may”. I have no problem with it.

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

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, we can now go to the fourth amendment. This one touches on 52HA, 52HB and 52HC by the Leader of the Majority Party and Hon. Anthony Oluoch. If their amendments are carried, the amendment by the Hon. Kajwang' will automatically fall. Let us proceed with that in mind. Hon. Anthony.

(Hon. TJ Kajwang' spoke off the record)

Yes, Hon. Kajwang'

Hon. TJ Kajwang' (Ruaraka, ODM): I think it would be best to take each step by step.

(The Clerk-at-the-Table shook his head)

Do not shake your head. You are giving me a negative vibe.

You need to understand that in my amendment, there is subsection 2, which is peculiar to the amendments by the Leader of the Majority Party and Hon. Oluoch. In fact, since my amendment is bringing a new import, subsection 2, in this case, I should be the first person to be heard on this. It is a new import. Subsection 2 is very important in regulating the whole of 52HA. I do not know whether I am clear.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Kajwang' and Hon. Oluoch, please approach the Table.

(The Temporary Chairlady consulted with Hon. Tom Oluoch and Hon. TJ Kajwang')

(Hon. Julius Melly, Hon. Anthony Oluoch and Hon. TJ Kajwang' consulted with the Temporary Chairlady)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Oluoch, you will move the amendments to New Sections 52HA and 52HB as the legal team and Hon. Kajwang' will deal with New Section 52HC.

You may proceed.

Hon. Anthony Oluoch (Mathare, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 10 of the Bill be amended—

(c) by inserting the following new sections immediately after the proposed section 52H—

Conditions
APBET
registration.

for

52HA. An Alternative Provision for Basic Education and Training School shall not be registered under this Act, unless it—

- (a) has a governing body responsible for oversight, accountability and financial management;
- (b) has in place adequate systems for the management and maintenance of records relating to learners, staff, finances and assets;

- (c) has adequate and safe physical infrastructure suitable for educational purposes, as may be prescribed by the Cabinet Secretary;
- (d) demonstrates fixed and lawful occupation of the premises proposed for the school for such period as may be prescribed by the Cabinet Secretary;
- (e) demonstrates compliance with the Public Health Act, the Occupational Safety and Health Act, the Environmental Management and Co-ordination Act and other relevant laws; and
- (f) complies with the standards prescribed by the Cabinet Secretary under this Act for the security of learners and staff.

Suitability to run APBET school.

52HB. (1) The Cabinet Secretary, in consultation with the relevant authorities, shall determine the suitability of any person to establish, administer or run an alternative provision of basic education and training school.

(2) In making the determination under subsection (1), the Cabinet Secretary shall consider the—

- (a) financial status or solvency of an applicant;
- (b) educational or other qualifications or experience of the applicant, having regard to the nature of the functions which, if the application is granted, the applicant shall perform;
- (c) ability of the applicant to establish, administer or run the school competently;
- (d) reputation, character, financial integrity and reliability of—
 - (i) in the case of a natural person, of the individual applicant; or
 - (ii) in the case of a legal person, the applicant's directors, management and all key personnel.

(3) Without prejudice to the generality of subsection (2), the Cabinet Secretary may, in considering whether an applicant is fit and proper—

- (a) take into account whether the applicant—
 - (i) has contravened the provision of any law, in Kenya or elsewhere, designed for the welfare, security and protection of children and learners;
 - (ii) has acted in such a manner as to cast doubt on their competence and soundness of judgment;
- (b) take into account any information in the possession of the Cabinet Secretary, whether provided by the applicant or not, relating to—
 - (i) any person who is proposed to be employed by, associated with, or who shall be acting

- for or on behalf of, the applicant in the school; and
- (ii) whether the applicant has established effective internal control procedures to ensure its compliance with the requirements of this Act and regulations.

This amendment seeks to bring sanity to how the APBET schools are managed by creating governance structures and bodies, management structures, financial accountability and putting in place best practices and systems like management and maintenance of records.

The amendment also brings in the idea of adequate safe, physical and suitable infrastructure for purposes of learning as may be prescribed by the Cabinet Secretary. Those prescriptions are left to the regulations. There is also a requirement that any APBET school in operation must show proof of a lawful physical location. Therefore, we cannot have an APBET school in operation, but we do not know where it is located.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Oluoch, if we move the amendments that way, we will take a very long time. Remember that we debated the Bill during the Second Reading. We are now in the Committee of the whole House. Be as brief as you can.

Hon. Anthony Oluoch (Mathare, ODM): Okay. New Section 52HA of the Bill simply brings accountability, structure, systems, management and record keeping in the management of schools.

I beg to move and ask Hon. Members to support this amendment.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Since you want to explain the amendment, I will give you more time. I will give you two more minutes. Please, go ahead.

Hon. Anthony Oluoch (Mathare, ODM): I have already explained what is in the Order Paper. The amendment is about the system, structures and management, which came out during the debate in the Second Reading of the Bill. Hon. Members wanted to see the management and accountability structures on how this can be done.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Omboko Milemba, Member for Emuhaya.

Hon. Omboko Milemba (Emuhaya, ANC): I agree with everything that Hon. Oluoch has said.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): The amendment is on New Sections 52HA and 52HB.

Hon. Omboko Milemba (Emuhaya, ANC): When he spoke the second time, he was able to solve the grey area that was inside me. The amendment has been explained well.

Thank you.

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

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I will now go to New Section 52HC and give Hon. Kajwang' a chance to move his further amendment.

Hon. TJ Kajwang' (Ruaraka, ODM): Let us move the further amendment to New Section 52HB first.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): We did both New Sections 52HA and 52HB. We prosecuted them together. We are now on the further amendment to New Section 52HC by Hon. Kajwang’.

*(Hon. TJ Kajwang’ consulted
with Hon. Anthony Oluoch)*

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I call upon the legal counsel to finalise the amendment.

Hon. TJ Kajwang’ (Ruaraka, ODM): I am ready.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. TJ, go ahead and move New Section 52HC in an amended form.

Hon. TJ Kajwang’ (Ruaraka, ODM): Firstly, let us deal with the further amendment.

Hon. Temporary Chairlady, I beg to move:

THAT, New Section 52HC be further amended by deleting the word “three” and substituting therefor with the word “six”.

Hon. Temporary Chairlady, you need to put the Question on the further amendment from “three” to “six.” I am asking that the word “three” be replaced with the word “six.”

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. TJ Kajwang’ you have not moved the further amendment. Please, go ahead and move and then give the justification.

Hon. TJ Kajwang’ (Ruaraka, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, New Section 52HC (2) be further amended by deleting the word “three” and replacing it with the word “six”.

The import of that amendment is to ask the Cabinet Secretary to publish these regulations within six months instead of the initial three months that have been proposed. I realised that three months would be a short period of time.

(Question of the further amendment proposed)

If the regulations are published within six months, they would come to the House’s Committee on Delegated Legislation and, within seven days, they would have to be laid before us here, after which we would have to process them within a given period of time. I have consulted with the Chair. When we get to my proposed amendments on the transition, I will be asking that that period be extended to a year. This would allow for the regulations to be published within six months, allowing us to process those regulations, and then for learners to apply within a year of the regulations coming into effect.

Hon. Temporary Chairlady, I propose that further amendment be disposed of. We need to deal with it. Let us take a vote on it first.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, I will put the question twice.

(Question of the further amendment proposed)

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

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

Now that we have gone through all the amendments, I would like to put the global question.

(Clause 10 as further amended agreed to)

(Clause 11 agreed to)

Clause 12

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairman, remember that this is a deletion.

Hon. Julius Melly (Tinderet, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 12 of the Bill be deleted.

This is entirely on the funding of private institutions, which is contrary to the legal framework. Public resources under the Basic Education Act are strictly directed to public schools established by the government.

In effect, this deletion is intended to ensure that we follow the dictates of the Basic Education Act. I know that the Member for Mathare went further to propose amendments to some clauseds of this Bill, but the Committee saw it fit that we cannot fund private institutions across the country using public resources.

I propose it be deleted.

(Question of the amendment proposed)

Hon. Anthony Oluoch (Mathare, ODM): While I agree in principle on the issue of funding, because of the Money Bill implications, I do need to go on record because I have laboured to try and convince the Committee, including the Chair. There is no third tier of public schools that we are creating called APBET. There are only two sets of schools under the Basic Education Act. One is public, and the other is private. The APBET schools are not private schools, and we are not asking the government to fund private schools. When that sinks in, then we will be on the same page.

What we are saying is that there are some schools that operate within informal settlements. Under Article 43 of the Constitution, there is some exclusion that is happening. So, we are asking that, within the confines of public schools, we accommodate the informal schools that operate out there. They are still part of our public schools. They are not private schools. The government structures that we have approved already speak to that question: Why this category of public schools within a certain area in informal settlements must meet certain requirements—government structures, leadership, accountability and financial.

We should not leave here with the impression that APBET schools are private schools. They are not. I hope that settles in our minds - that, when we pass this Bill, we do not create a funding mechanism for private schools. The APBET schools are not private schools. In fact, in the long run, we are seeking to mainstream them so that they come to the same level as mainstream public schools in the manner in which they operate.

I thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chair.

Hon. Julius Melly (Tinderet, UDA): Yes, APBET is actually not private *per se*, but its management and operations do not meet the standards of a public school. That is the only issue. I agree with what Hon. Kajwang' and the Member for Mathare are saying, but the schools must be mainstreamed to the required level. That is why we are deleting it. I thank you for agreeing with my deletion proposal so that we maintain the standards within public schools.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Yes, Hon. Omboko.

Hon. Omboko Milemba (Emuhaya, ANC): I came specifically for this proposed amendment. We really wanted the schools to be funded. However, Hon. Members will remember that we once fell into the same trap with universities and ended up funding private universities without putting in place a proper law, and you can see how far that went.

Hon. Oluoch, you have done a very good job. Let us mainstream them, and then they can start receiving funding.

Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Members.

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

(Clause 12 deleted)

New Clause 13

THAT, the Bill be amended by inserting the following new Clauses immediately after Clause 12—

Revocation of Part V of L.N.39 of 2015.	13. Part V of the Basic Education Regulations, 2015 is revoked.
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(The new clause was read a First Time)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Mover, move Second Reading of the new Clause. Any one of the three of you can move. That is, the Deputy Leader of Majority Party, Hon. Anthony Oluoch, or Hon. T. J. Kajwang'. Hon. Kajwang', if you are ready, move Second Reading.

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Chairlady, I beg to move that clause 13 be now read a Second Time...

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): "New clause".

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Chairlady, I beg to move that the new clause 13 be now read a Second Time.

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

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I do not see any interest in this proposed amendment. I see the Departmental Committee Chairman. You can consult.

(Hon. Julius Melly consulted with Hon. Owen Baya and Hon. TJ Kajwang')

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Proceed, Departmental Committee Chairman.

Hon. Julius Melly (Tinderet, UDA): Hon. Temporary Committee Chair, we have consulted with the Mover, Hon. TJ Kajwang', and we are in agreement. So, it is just to make a further amendment to change six months to 12 months. I think he needs to pronounce himself on clause 14.

We are on clause 13. We can proceed.

*(Question, that the new clause be read
a Second Time, put and agreed to)*

*(Question, that the new clause be added
to the Bill, put and agreed to)*

New Clause 14

THAT, the Bill be amended by inserting the following new Clauses immediately after Clause 12—

Transition.

14. An Alternative Provision for Basic Education and Training School existing before the commencement of this Act shall, within six months of the commencement of the Act, apply to the Cabinet Secretary for registration in the manner prescribed.

(The new clause was read a First Time)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Kajwang', move Second Reading.

Hon. TJ Kajwang' (Ruraka, ODM): Hon. Temporary Chairlady, I beg to move that the new clause 14 be now read a Second Time.

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

I have a further amendment to new Clause 14. I seek to replace the word "six" with the word "twelve" for the period during which learners or directors will have to apply under the APBET to the Cabinet Secretary. This should be twelve months; not six months.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Kajwang', let us first deal with your amendment as it is. You will then move your further amendment.

*(Question, that the new clause be read
a Second Time, put and agreed to)*

Now move your further amendment.

Hon. TJ Kajwang' (Ruraka, ODM): Hon. Temporary Chairlady, I beg to move that new Clause 14 be further amended by deleting the word "six" and replacing it with the word "twelve". The APBET schools would have to apply within twelve months to be registered under the regulations that will be set by the Cabinet Secretary. This is consistent with what we have done before, allowing the Cabinet Secretary to give their regulations within six months. Therefore, within six months after we have processed the regulations, the schools can apply within twelve months for registration.

(Question of the further amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Yes, Hon. Julius Melly.

Hon. Julius Melly (Tinderet, UDA): I did not intend to speak to this proposed amendment. However, I note that the amendments are administrative and procedural in the sense that immediately this Bill comes into force, the schools will not have enough time. They

need to go through the regulations and ensure that they meet the standards. The registration process is a bit tedious, especially across most urban areas and the far-flung nomadic areas where we have now expanded the APBET schools' reach. It is not as easy as Hon. TJ intended at first, but I thank him for seeing the magnitude of the work that the APBET schools will have during registration. I support the amendment to extend the period from six months to one year.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Toroitich, Member for Marakwet West.

Hon. Timothy Kipchumba (Marakwet West, Independent): I rise to support the proposed further amendment to that provision. Six months was quite unreasonable.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Timothy, are you supporting the further amendment by Hon. Kajwang'?

Hon. Timothy Kipchumba (Marakwet West, Independent): Yes, I support the further amendment. Twelve months is within the budget cycle, so if there is any monetary implication, that can be factored in. Further, we have stated that the regulations need to be adopted within six months. Having the two timelines run concurrently would be a bit unreasonable. Twelve months is reasonable in this context.

Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Thank you. I stand to support. The Leader of the Majority Party had a similar amendment. We agree that six months would have been very tight. Given that we moved the regulations to six months, it is important that we also extend this transition to twelve months.

We support.

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

*(Question, that the word to be inserted in place
thereof be inserted, put and agreed to)*

*(Question, that the new clause be added
to the Bill, put and agreed to)*

Clause 2

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): We have an amendment by the Chairperson. If his amendment is carried, the proposed amendments by the Leader of the Majority Party and Hon. Anthony Oluoch will automatically fall.

Please proceed, Hon. Chairperson.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Temporary Chairlady. I beg to move:

THAT, Clause 2 of the Bill be amended by deleting the definition of "Alternative Provision of Basic Education and Training" and substituting therefor the following new definition —

"Alternative Provision of Basic Education and Training" means an organised form of learning set up to deliver basic education and training to disadvantaged persons who, due to various circumstances, cannot access formal schools;"

This amendment seeks to expand the definition of APBET to include schools in far-flung areas of the country, especially in nomadic regions. This will ensure that every child enjoys the right to basic education. Previously, APBET had been confined to informal

settlements. This new definition includes people in remote areas, enabling them to access basic education and training.

(Question of the amendment proposed)

Hon. Peter Orero (Kibra, ODM): I am on a point of information. We have a number of students in our Gallery. Can you spare some time to recognise them?

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I will do so. Normally, we wait for them to be processed and brought to the Table.

Yes, Deputy Leader of Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Thank you. We had a similar amendment. I agree with the Chairperson regarding the clearer definition of APBET schools as contained in the Bill. We adopt the proposed amendment by the Chair so that we do not restrict it to slums, but ensure that all Kenyans who can benefit from this arrangement receive basic education.

I support.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Anthony Oluoch, would you like to say something on this proposed amendment? You had an amendment.

Hon. Anthony Oluoch (Mathare, ODM): Hon. Temporary Chairlady, I had a similar amendment. I agree with the proposed amendment as moved by the Chairperson.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Timothy Toroitich, Member for Marakwet West.

Hon. Timothy Kipchumba (Marakwet West, Independent): This is a progressive amendment. Previously, APBET schools were limited to those in Nairobi's slum areas. This anomaly is now being addressed by including marginalized areas and vulnerable communities. This opens up opportunities for other areas that were not initially provided for in the proposed amendments.

I support this provision.

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

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Proposed amendment by the Leader of the Majority Party dropped)

(Proposed amendment by the Hon. Anthony Oluoch dropped)

(Clause 2 as amended agreed to)

Hon. Members, seated in the Speaker's Gallery this morning, are students from Kiamugumo Girls School, Gichugu Constituency, Kirinyaga County. May they stand to be recognised. We also have students from Kariki Comprehensive School, Ndaragwa Constituency, Nyandarua County.

They are welcome to the National Assembly. I now give a chance to the Hon. Member for Kibra, who really wanted them to be recognised, to welcome them to the House.

Hon. Peter Orero (Kibra, ODM): Thank you, Hon. Temporary Chairlady. It is a memorable moment when students get time to visit this august House having travelled all the

way from Nyandarua and Gichugu. When they are here, they follow procedures of the House, and that gives them the determination to define their future. Some of them may like to be politicians in the future and represent their country in various capacities.

I take this opportunity, as a Member of Parliament for Kibra Constituency and a Member of this august House, on behalf of all the Members, to welcome the students to the National Assembly.

*(Hon. John Kiarie walked
along the gangway)*

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. KJ, please, go to your place so that you can also make a comment.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, I want to truly thank you. I join my neighbour, Hon. Mwalimu Orero, to welcome these most amazing learners from our area of jurisdiction. I share a border with Hon. Orero. Some of the students here from the most amazing school that Hon. Orero is developing are from our constituency.

I invite the learners to the House of Parliament to see where all laws in Kenya are made. I remind them that there is no law that is made in courts. Any law they see is made in this House. I refer them to a textbook that talks about Hammurabi, the law giver. I would like them to know that this is the House that gives laws to this country. We make laws for the society and the just government of the people.

Hon. Temporary Chairlady, allow me to ask that some of the learners take interest in civics of our country, understand its history, and aspire to come here to represent their people in this very esteemed House, where laws and the Budget of this country are made.

We wish them the best in their life as they become the best that they can ever be. Welcome. I join my neighbour, Hon. Orero, *Mwalimu*, in thanking them. Let them follow proceedings of this very important Bill that was brought by yet another teacher, my colleague, Hon. *Wakili* Oluoch. I am talking about the Basic Education (Amendment) Bill, which affects learning and the way we carry out education in this country.

I am profusely thankful for that opportunity. *Asante Sana*.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you.

(Title agreed to)

(Clause 1 agreed to)

I now call upon the Mover to move reporting. Mover, Hon. Oluoch.

Hon. Anthony Oluoch (Mathare, ODM): Hon. Temporary Chairlady, I beg to move that the Committee do report to the House its consideration of the Basic Education (Amendment) Bill (National Assembly Bill No.3 of 2025) and its approval thereof with amendments.

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

*[The Temporary Speaker (Hon.
(Dr) Rachael Nyamai) in the Chair]*

MOTION**CONSIDERATION OF REPORT ON THE
BASIC EDUCATION (AMENDMENT) BILL**

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Chairperson, report to the House.

Hon. Julius Melly (Tinderet, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Basic Education (Amendment) Bill (National Assembly Bill No.3 of 2025) and approved the same with amendments.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Mover of the Bill!

Hon. Anthony Oluoch (Mathare, ODM): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report.

I request Hon. TJ Kajwang' to second the Motion for agreement to the Report of the Committee of the whole House.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Go ahead, Hon. *Wakili* Kajwang.

Hon. TJ Kajwang' (Ruaraka, ODM) seconded.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): You decided to bow.

(Question proposed)

(Question put and agreed to)

BILL*Third Reading***THE BASIC EDUCATION (AMENDMENT) BILL
(National Assembly Bill No.3 of 2025)**

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I now call upon the Mover to move Third Reading.

Hon. Anthony Oluoch (Mathare, ODM): Hon. Temporary Speaker, I beg to move that the Basic Education (Amendment) Bill (National Assembly Bill No.3 of 2025) be now read a Third Time.

I request Hon. *Mwalimu* Orero to second.

Hon. Peter Orero (Kibra, ODM): Hon. Temporary Speaker, I beg to second.

(Question proposed)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Let me give the first opportunity to the Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. At the outset, Hon. Oluoch has made us very proud by sponsoring this, Bill. Somebody told me that poverty in towns and cities is deeper than that in rural areas. In towns, especially in the slums, for one to eat and educate or do anything, they must have money. In rural areas, one might miss money to buy food but might have a small farm from where they can pluck some vegetables,

or grow some maize for food. They can also sell some of the small things they have to make money for school fees.

However, in slums of the city, where the Hon. Oluoch, Hon. Kajwang' and Hon. Orero come from, we need a different approach to empower families so that children can get education and, later, come out of the deeply entrenched poverty. To do that, we need an approach. In my view, the best approach is to empower them through education. The education system that we have in this country has not favoured the young children in slums. The Bill we have had the pleasure to debate and pass at the Third Reading is a game changer. It is not only a big milestone for the education in the slums, but also for the whole country.

I look forward to days when the young people we are passing this law for today will appreciate that Hon. Anthony Oluoch did them justice. They will acknowledge that they are in university because of the Bill that Hon. Anthony Oluoch sponsored and it was passed.

They will say: "I have this big job today because of the Bill that you passed in Parliament. But for it, I would not have had this opportunity." Therefore, Hon. Anthony Oluoch and your team, I thank you for the passion. You have struggled for many years to ensure that we have a law. I ask the people we have bequeathed the honour and responsibility of implementation to ensure that the implementation of this law is done accordingly. We have given them six months to do the regulations and one year to ensure that everything is in order so that these schools start benefitting from Government funding.

I look forward to the time when it will be mandatory for Government to provide resources to those schools so that our young people in the slums become part of a growing Kenya. I thank you, Hon. Temporary Speaker. I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. TJ Kajwang'.

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Speaker, I want to immensely congratulate Hon. Oluoch. He has taken weight off our backs. It has been over 30 years of struggling to get this information in the ears of the Executive. I am proud that even though this Bill did not come from the Executive, it has come from this House. That, in itself, makes me proud.

(Applause)

That when the Executive is asleep, we as legislators, can certainly get things moving. It is not competition. I want to tell Members who think everything must come from Executive that they have a role to play in making laws. We can do things here without the Executive coming to us.

Second, I thank the Leader of the Majority Party for the good words. He has spoken to our hearts. That one day the Ministry of Education will lay a policy formula that will get these children to school. A lot of reforms are being done by this Government, which is very good.

I am greatly indebted to President Ruto. In support of Article 43, President Ruto thought, somewhere in a corner, about how to implement the Affordable Housing Program by building high-rise facilities in the empty spaces of land. After he has been re-elected, which I am confident he will, I want him to sit in another corner and think about how we can provide education to these indigent children. I am sure with that kind of thinking, something will pop up and we will have a way to ensure education funding is provided to these young people.

Hon. Temporary Speaker, I also thank you because you are gracious enough to understand. You are conversant with rural Kenya. You understand that living in this city is a big challenge. I request the President to assent to this Bill immediately so that Jogoo House can change its thinking towards the young people who are thirsty for education, now that a new policy will be in place. I thank you so much.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. KJ.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Speaker, I stand proudly declaring that I am a teacher and I acknowledge too that I went to school with Hon. Anthony Oluoch. Before he became *Wakili*, he was an artist and an educator. In the House too is my neighbour, *Mwalimu* Orero. We are so grateful to see this happen today. I also must call out the Hon. Chairperson of the Departmental Committee on Education and recognise what he has done in the journey of enacting this Bill that was brought by Hon. Anthony Oluoch.

I remind myself that the gracious lady who is sitting on the Speaker's seat is a teacher by training. Enacting this Bill is great for education in our country in a time such as this. Hon. Oluoch, you should be extremely proud of this Bill you have brought to Parliament that seeks out to equalise education in our country.

Hon. Temporary Speaker, most might not understand that the majority of our learners in the city of Nairobi go to schools that are called alternative providers of education. A school being termed as "alternative" means that these children are not in mainstream schools. The effort put in, today morning, here in Parliament, is meant to mainstream the child of Dagoretti South or Nairobi into education. This is important because education can change the fortune of an individual, society, and even country.

Every time we speak about our journey towards Singapore, we must always be reminded that the journey towards the First World shall be informed by skills. These skills are not just basic skills; they are relevant skills that the country needs to upgrade itself from a Third World to a First World country. Therefore, as we make efforts of moving this country to a First World, we must remember that the software is education.

I commend Hon. Oluoch for his impressive work in the 12th and 13th Parliament. I stand to support this Bill and to see to it that it is enacted. I also appeal to the Chairperson of the Departmental Committee on Education to rein in on the Ministry. They are lagging behind even with the law that already exists. What we imagine education to be in Kenya is not what it is. Therefore, this House must step up to the plate and ensure the Ministry adheres to capitation as implemented. They must ensure the quality of education in the syllabus is as prescribed by our guiding principles. This is neither a Bill for Hon. Oluoch nor for Nairobi only, but for Kenya. It speaks to the bigger picture that we see Kenya developing into.

Hon. Temporary Speaker, I thank you for the opportunity. The great Martin Luther King tells us that the function of education is to teach one to be able to think intensively and critically. Intelligence plus character is the goal of true education. We are looking to see our children come from those *mabati* and cardboard contraptions and have an education setting and atmosphere that allows them to develop their faculties to the level where they can think critically and intensively as well as gain intelligence and character. It is because that is the true goal of education as espoused in our guiding principles, our Constitution, and the law that we are passing.

Hon. Temporary Speaker, I thank you for the opportunity. Congratulations *Mwalimu*, *Wakili*, Hon. Anthony Oluoch.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, several of you have indicated that you would like to comment. Therefore, make brief comments. The Chairperson, Departmental Committee on Education and Member for Tinderet.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Temporary Speaker. Let me commend the two Members of Parliament, Hon. T.J. Kajwang' and the Hon. Member for Mathare, who have been very vocal and insistent in trying to have this Bill sail through.

(Applause)

I also commend the members of the Departmental Committee on Education Committee.

In fact, the two Members appeared before the Committee and requested, with the support of the Member for Kibra, that we move through the slums before discussing this particular Bill. I personally visited Mathare Constituency with Hon. Oluoch while others visited Kibra Constituency and several other informal settlements across the city.

The Members of the Departmental Committee on Education watched and heard, first-hand, from the citizens of this country how their alternative provision of basic education works; how students went through those *mabati* structures, the small contraptions and eventually progressed into mainstream senior schools. Alternative Basic Education and Training has a long history. It dates back to the promulgation of the Constitution in 2010. The Departmental Committee on Education travelled to the United States of America (USA) in 2013 to look at the US charter schools.

The late Member for Kibra, Hon. Okoth and then members of the Departmental Committee on Education, with whom I have served for some time, saw how the Government of the USA has managed to provide alternative basic education through the charter schools in almost the same way as provided for in the Bill before us. Kenyans, especially those living in cities and towns, have a big problem with schooling, especially because of the requirements relating to the size of land and the standards of buildings. However, this should not give the Government an excuse for failing to provide education to these Kenyans because it is not their choice to live in informal settlements.

The cost of land, the size of buildings and their location should not be an impediment to providing full education for Kenyans across the country. This Bill, together with the regulations proposed by the two Hon. Members with the assistance of the Leader of the Majority Party and the canvassing that has gone into this Bill will enable hundreds of thousands of Kenyans to enjoy an education system that is accommodative and available to all.

Hon. TJ, you raised the issue of changing the word "may" to "shall". This is actually a directive and it will be given effect in due course, perhaps, within two or three years, when the economy is doing well. The Government should be in a position to provide basic education to all Kenyans, irrespective of where schools are located and how they are managed. It is just a matter of mainstreaming them. We shall ensure this is done well.

Congratulations to this House and to the members of the Departmental Committee on Education for their support. I support the Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Timothy Toroitich, Member for Marakwet West, make quick comments as we have agreed on the time.

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Temporary Speaker, I wish to take this opportunity to salute Hon. Anthony Oluoch for this progressive amendment to the Basic Education Act. Article 43 of the Constitution provides that education is a basic fundamental right. This amendment is one of the ways of realising the benefits of Article 43 of the Constitution.

Children in informal settlements and marginalised areas in this country face challenges, especially where there is inadequate provision of basic facilities in educational institutions. I, therefore, wish to congratulate Hon. Oluoch. This provision has also expanded the definition of "Alternative Provision of Basic Education and Training" to include, apart from informal settlements, marginalised areas, vulnerable communities, and other areas where access to formal education in schools is inadequate.

We are, therefore, realising the benefits of Article 43 of our Constitution, and in my view, that is very progressive. Congratulations, Hon. Anthony Oluoch.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Gitonga Murugara, you are next. We will all have one minute each to contribute so that we can move to the next business.

Hon. George Murugara (Tharaka, UDA): Hon. Temporary Speaker, let me commend the two advocates who are also Members of this House. This shows that advocates understand education matters. We are led by yet another advocate, the Cabinet Secretary for Education, Hon. Julius Ogamba, who is doing very well in that Ministry. I also commend the members of the Departmental Committee on Education for doing a fantastic job. We are all committed to ensuring that education in this country meets the required standards so that our children can get the best. This should not just be limited to urban areas; we must also improve school infrastructure, provide capitation, and ensure that children learn in rural areas.

Thank you very much to the two advocates.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Peter Orero, Member for Kibra, you have one minute.

Hon. Peter Orero (Kibra, ODM): Thank you, Hon. Temporary Speaker. I wish to congratulate my colleague, Hon. Oluoch, for bringing up this Bill. These two colleagues, Hon. TJ and Hon. Oluoch, are also my mentors in matters relating to the procedures of the House. On this Bill, I would like to note that Alternative Provision of Basic Education and Training (APBET) schools in our constituencies, particularly those in informal settlements, are more than the public schools. In my constituency, I have only 11 public schools and over 150 APBET schools.

This means that many children in my constituency go to APBET schools yet these institutions have never been recognised in law. This is a milestone in our history in terms of advancing education and providing quality education in informal settlements. Now that the provision has been extended to other areas, including nomadic and vulnerable regions, more Kenyan children will benefit.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Millie Odhiambo, Member for Suba North and the Whip of the Minority Party.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I would like to thank Hon. Anthony Oluoch for bringing this Bill. As a passionate advocate for vulnerable and marginalised groups, I believe this is a milestone in ensuring access to education for these categories, especially children in informal settlements. Our final aspiration is to scale up our education standards so that, eventually, APBET schools will be history. Once again, thank you, Hon. Anthony Oluoch. Congratulations.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Beatrice Elachi, Member for Dagoretti North, proceed.

Hon. Beatrice Elachi (Dagoretti North, UDA): Thank you, Hon. Temporary Speaker. I also wish to thank my colleague, Hon. Anthony Oluoch, who has been very consistent on this matter. As we move forward, particularly under the Competency-Based Curriculum (CBC) system, it is important that the Ministry looks at APBET schools to ensure that our children get favourable education and no one feels that one system is superior to another. I hope the Ministry will look at the amendments and support us. I support the Bill.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Suzanne Kiamba, Member for Makueni.

Hon. Suzanne Kiamba (Makueni, WDM): Thank you, Hon. Temporary Speaker. I also take this opportunity to congratulate my colleague, Hon. Anthony Oluoch, for bringing this important Bill. This Bill offsets our long-standing bias against children in the informal sector and responds to a real and urgent need. I congratulate Hon. Oluoch for uplifting these children, who should have been served a long time ago. In the absence of this Bill, these children have been suffering.

I request the Committee on Implementation and the Ministry to move with speed because this bias cannot continue. It is almost sinful that we have not adequately served the people we are supposed to serve.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Anthony Oluoch, proceed.

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Temporary Speaker and Hon. Members. Today, I feel very proud of what I started nine years ago. This is something that I began in the 12th Parliament, when the Bill was introduced but lapsed. It was re-introduced in the 13th Parliament. It has not been easy, but it has been a learning curve. We have had to haggle, argue, and, at times, lose our tempers, as I did in the last Sitting. Hon. Temporary Speaker, I thank the Majority Party, the leadership of the House, the Clerk of the National Assembly, the Speaker of the National Assembly and Hon. TJ Kajwang' who helped in the mediation when the Bill would have died because of the very sensitive question of the Money Bill issue. It is not easy.

(Applause)

The Constitution contemplates that money is a scarce resource, but that cannot be an excuse for exclusion. This Government is very consistent on this. The President is at the centre of ensuring that we mainstream people in education. He did that when he gave Ksh1 billion to schools in Nairobi City County for infrastructure. Even after doing that, imagine I still have 32,000 school-going students out of 52,000 who still go to alternative schools in Mathare Constituency.

Hon. KJ contextualised it when he told us to imagine being classified and called alternative. That is like being *mpango wa kando* in a marriage where you are called an alternative to that arrangement. The President will lead us at Kenyatta International Conventional Centre (KICC), tomorrow, to celebrate 16 years after promulgation of the Constitution 2010. You do not know how much you have done to recognise them.

(Applause)

That is why I started by saying that window alone; that *waingize tu kichwa* to be known and recognised that they exist is a real milestone. We can fight the other things later.

(Laughter)

They are on the table where they can discuss issues. In future, we can say that these are not children of a lesser God, but they are children of the Republic of Kenya.

(Question put and agreed to)

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

The Temporary Speaker (Hon (Dr) Rachael Nyamai): Hon. Members, before we go to Order No. 11, I would like us to go to Order No. 5 so that we can give a chance to the Chairman of the Departmental Committee on Justice and Legal Affairs to lay a Paper. You may proceed, Chairman.

PAPER

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Hon. George Murugara (Tharaka, UDA): Hon. Temporary Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Justice and Legal Affairs on its consideration of the Trust Administration Bill (National Assembly Bill No. 29 of 2026).

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon (Dr) Rachael Nyamai): Thank you. Next Order.

BILL

Second Reading

THE TRUST ADMINISTRATION BILL (National Assembly Bill No. 29 of 2026)

(Moved by Hon. Kimani Ichung'wah on 25.8.2026)

(Resumption of debate adjourned on 25.8.2026)

The Temporary Speaker (Hon (Dr) Rachael Nyamai): Hon. Members, this is resumption of debate on the Trust Administration Bill (National Assembly Bill No. 29 of 2026). The Members who have interest to contribute to this Bill may go ahead and debate.

Hon. Chairman.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker.

I rise to support the Trust Administration Bill (National Assembly Bill No. 29 of 2026). We have just laid the Report of the Committee which I urge all the Members to obtain a copy and familiarise themselves with it.

In a nutshell, first and foremost, I thank the Members of the Departmental Committee on Justice and Legal Affairs, some of whom may be present to debate the Bill. We went through the Bill with a tooth comb and eventually came up with recommendations, including proposed amendments that will be moved in the Committee of the whole House.

We are enriching the Bill so that we have a very good law that governs administration of trusts in the country.

I must begin by pointing out that trusts are part of business ventures in the country because a majority of them, including charitable ones, have an element of business. That is why we are going to vest trusts administration in the big office of Business Registration Service that will be controlled separately from companies, partnerships, firms and other businesses that are registered in this country. Trusts will be a section the office of Business Registration Service and will be administered from there.

I confirm that we met interested parties during public participation. A large number of stakeholders made very interesting suggestions on the Bill. Most of the suggestions have carried the day with us and will be in the proposed amendments depending on how it was. There are others which we feel the Bill actually caters for sufficiently. Therefore, we will shelve them.

I must point out that amongst the very interested stakeholders we met were the Institute of Certified Public Secretaries (ICPS) and the Law Society of Kenya that made its recommendations. We also met various government agencies including the Office of the Attorney-General, the two State Departments where Business Registration Service (BRS) is

situated. We had the Solicitor General and the State Department of Justice and Constitutional Affairs with their recommendations. Eventually, we had the National Treasury that came in two facets. The Kenya Revenue Authority (KRA) itself came over because they administer trusts and sometimes, they actually levy taxes on non-charitable trusts. The Central Bank of Kenya which also regulates some trusts was with us. Eventually, we had the Kenya Law Reform Commission that came in with detailed proposed amendments which we have considered in full.

Now, what does the Trust Administration Law do? As indicated in the long title of the Bill, it is to consolidate trust laws in the country. Trust laws have not been very clear to students of law and even to some practising lawyers for a long time. This is because it is an area that we always find quite difficult in equity. We have to learn what trusts are, how they are formed, incorporated, administered including various customary trusts, Islamic trusts and others that come along.

We have two sets of Acts which deal with trust laws in the country. The first one is the Trustees Act and the other is the Trustees Perpetual Succession Act. These two Acts are now being repealed so that they are amalgamated into the Trust Administration Laws, which we are now debating. We will come up with a unified code of law to govern trusts.

Many people may ask where these trusts are and where they are found. The most noticeable of them, apart from educational trusts which are charitable, are political trusts in the name of foundations here and there. We also have churches. Churches in almost the entire country are run by registered trustees. They used to be registered under the Societies Act, but the owners of the churches would be registered trustees. We have many trusts that are formed by churches and majority of them are charitable.

That means they benefit the church members. We had to define who a beneficial owner is because it is difficult and especially for a church charitable trust. We have therefore defined a beneficial owner to include persons who have interest in those charities.

Again, there is a provision in the Bill that, charitable trusts will not trade. We had to relook at it with a fine-tooth comb. We also listened to stakeholders like churches who informed us that although they are charitable trusts, they do not do any profitable business. Sometimes, they conduct business for the benefit of the trust. For example, a church would get a donation regarding their hospital so that they can provide better medical services. Instead of ploughing the money directly into medicines that will be issued for free, they set up a chemist where they will have medicine sold at non-profit cost element only. They can do that so that they generate a little money and plough it back to the trust, so that it can start to succeed itself.

In education, a church school or a school that is charitable may get a donation and decide to set up a textbook bookshop where it can sell books but not at exorbitant prices to schools, pupils and parents with a view of gaining a little more money that they can plough back into the trust which is the school.

We re-looked at that provision and saw that it is not necessary to have a provision that charitable trusts will not trade. Sometimes, they may have to trade for the benefit of the trust.

We also looked at non-charitable trusts. These are trusts that are not charitable. We said, its net effect is that they must have a physical person present in the country as a trust, purely to ensure that we cover economic crimes in the country. If some of these trusts are not properly regulated and taken care of, it will encourage vices like money laundering, corruption and other crimes that we are supposed to fight. I assure the country that, as soon as we pass this Bill...

(The microphone went off)

The Temporary Speaker (Hon. Rachael Nyamai): Please give him one more minute.

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Hon. George Murugara (Tharaka, UDA): Thank you very much. I assure the country that the grey listing we have with the financial institutions will possibly be lifted once we pass this Bill and we will be better placed to sit in the international money markets, where we can be listened to as a country that has complied with the laws regarding anti-money laundering, corruption and proceeds of crime, which is very important in the international money markets.

With those remarks, I beg to support and urge the House to support the Bill.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, there being no further interest on the Bill, I would like to call upon the Mover to reply.

Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker.

I beg to reply on the Trust Administration Bill (National Assembly Bill No. 29 of 2026). We have had a robust debate on the Bill. What is fundamental is that as we establish trusts, they will not be used as conduits for ill-gotten wealth. The trusts will help Kenya move forward in terms of new financial architecture.

I want to thank the Committee and Sir George wherever he is, for the work that they put in to ensure that we have the Committee's Report. I look forward to the Committee of the whole House stage so that we pass the Bill.

Thank you.

(Question put and agreed to)

*(The Bill was read a Second Time and
Committed to Committee of the whole House)*

Next Order.

MOTION

RECRUITMENT AND REMUNERATION OF COMMUNITY HEALTH PROMOTERS

THAT, aware that, the Community Health Promoters (CHPs) play an integral role in the delivery of primary health care at the community level by providing basic health services, including health promotion and education, disease prevention and early detection, support for maternal and child health interventions and community mobilisation; further aware that, Community Health Promoters serve as the first point of contact between households and the formal health system; concerned that, despite their important contribution to the realisation of the universal health coverage and the attainment of the highest attainable standard of health under Article 43(1) of the Constitution, Community Health Promoters continue to discharge these critical duties with inadequate facilitation and insufficient remuneration; acknowledging that, proper facilitation, motivation and fair remuneration of Community Health Promoters would enhance service delivery, strengthen preventive health care and reduce pressure on health facilities; cognizant of the fact that health policy is a function of the National Government, now therefore, this House resolves that the National Government formulates and implements a policy framework to guide on the recruitment and remuneration of the Community Health Promoters across the country.

*(Moved by Hon. George Murugara
on 19.8.2026 – Morning Sitting)*

*(Resumption of debate interrupted
on 19.8.2026 – Morning Sitting)*

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, on this Motion, Hon. George Murugara had a balance of 13 minutes in moving it. You can proceed.

Hon. George Murugara (Tharaka, UDA): Thank you. very much, Hon. Temporary Speaker.

*[The Temporary Speaker (Hon. (Dr)
Rachael Nyamai) left the Chair]*

*[The Deputy Speaker (Hon.
Gladys Boss) in the Chair]*

I beg to continue moving that, the national Government formulates and implements a policy framework to guide the recruitment and remuneration of community health promoters across the country.

Article 43(1) of the Constitution provides that we are entitled to the highest attainable standards of health in the country. It is mandatory for the Government to provide health care to its citizens. I want to laud our Government for coming up with what is known as the “Universal Health Care” under Article 43(1) of the Constitution. Universal simply means that every Kenyan is entitled to the highest standard of health care in the country and it does not matter what it takes to attain it. The Government is under obligation to provide it. As we speak today, we have come up with what is known as Social Health Insurance Fund (SHIF). It is an insurance cover that is trying to register every Kenyan to be a member and a beneficiary. It is good to point out to the country that, since this is an insurance, there must be an element of premiums. Therefore, every Kenyan is required to pay a certain sum of money to the Fund and benefit thereafter.

What is the net effect of SHIF? When you get ill, the fund is supposed to take care of you. To some extent, it has done so well. The people who initially sang that SHIF do not work, have made a U-turn to say that it is working. The Social Health Insurance Fund (SHIF) is actually executed through the Social Health Authority (SHA), which is the entity charged with that responsibility.

What role does community health promoters play? We must admit that community health promoters are very important people in our rural setup, especially where medical facilities are scarce. What are those medical facilities? We are supposed to have hospitals, health centres and dispensaries. In most rural areas, we do not have health centres rather dispensaries. So, as these promoters move around, they also encourage members of the public to register to be members of SHIF through SHA. When Social Health Authority is working, it sends money all the way to dispensaries in the villages so that the dispensaries, through their development in infrastructure, can improve themselves by procuring drugs and facilities. It is a function bestowed on the health workers to ensure that the public is educated on the benefits of SHIF and SHA.

Something else that health promoters do is to ensure that they deal with basic ailments from the rural population.

These basic ailments include common malaria and blood sugar which are common. The CHPs are trained to test all these ailments, give advice and recommend the next available health institutions like the dispensaries or hospitals.

As we discuss this extremely important Motion, we should bear in mind that the CPHs, who do highly valuable work that ought to be done, do not get any salaries for the work done. They do not get any proper remuneration. National Government and the county governments make contributions of Ksh2,500 each. The CPHs would then receive a token of Ksh5,000 for their work. This is the reason I considered it necessary to bring this Motion so that we resolve that the Government formulates and implements a policy so that the CPHs can start earning a salary.

The remuneration may require that the CPHs be better trained. Therefore, there is no problem with us coming up with educational qualifications because it is based on the education we give to our children. Our children go to school to learn then proceed to colleges to specialise in various fields so that they take up such jobs as CPHs. But before that is done, those who have been assigned this duty or volunteers and are receiving stipends, should continue with the work.

As we formulate the policy and implement it, we ask the Government to improve on the stipends so that the CPHs receive better remuneration as we go along. This is a very important Motion and I urge Members to support it so that we can move to the next step. If we have to develop a Bill to be passed by this House and become an Act of Parliament, so be it. We need to take care of these vital workers in our health sector who must be recognised and appreciated.

As I sum up, I commend the Government because some Motions that have been passed by this House, have been implemented. For example, I moved a Motion on 28th February 2019, during my First Term, to formulate and implement policies regarding village elders in the country. We thank the Government that today, even if the policy has not been formulated and implemented, at least village elders or administrators, area administrators or area managers, receive a stipend from the Government.

We commend the Government because of the implementation of the Bottom-Up Economic Transformation Agenda (BETA). We have started with area managers and we are now on CHPs, who are also at the bottom of the pyramid of healthcare in the country. As we do this, we are uplifting those who are down. Kenyans at the bottom of the pyramid are coming up. And that is exactly what we promised Kenyans during the campaigns, BETA. This is exemplification of BETA, moving from down upwards so that everybody can realise the standards that are required to be achieved in life.

This Motion is very important to our health sector and I urge the Members to support. With those remarks, I beg to move. I had spoken to the Member for Buuri to second this Motion but he was not here when I started moving, so I requested Hon. Mukami to. But since the Member for Buuri is in the House now, Hon. Mukami will speak in support of the Motion and I request Hon. Mugambi Rindikiri to second.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Rindikiri.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Deputy Speaker. I thank Hon. Murugara, the able Member for Tharaka, and with God's blessings, the incoming Governor for Tharaka Nithi County, for coming up with this Motion. This Motion requires us to resolve that we improve the premium that is paid to our CHPs.

At the onset, we need to congratulate His Excellency, the President, for finding it good that we have universal healthcare. Implementation of the universal healthcare requires that we start from the bottom. When this programme started, many people doubted the importance of

the CPHs. But with time, we have seen that the CPHs play a serious role in dissemination of health information in many areas.

For example, in Buuri Constituency, many people did not have known why some illnesses were prevalent in certain regions for example, cancer, flu, pneumonia, malaria and high blood. However, since the CPHs started operating, we have seen an improvement in understanding of the basic health and hygiene issues. These are very important persons in as far as the medical research is concerned because university students and researchers on various health issues within certain areas, turn to CPHs. And the CPHs have a lot of information which they share with researchers, students and institutions that are keen on finding health solutions.

The biggest question is the economic implication of the amount of money being increased versus the benefit of having the CHPs. It goes without saying that the work these people are doing is bigger than the salary increment. I am sure the Mover of this Motion had the minimum salary in mind. We might not reach the minimum salary, as per the Constitution, but at least, an improvement of that premium will improve the welfare of these workers.

The CPHs operate under strenuous circumstances. They are called on the first line. They would often be told that mama so and so is not feeling well, baba so and so has a problem or a kid has an issue. They run in the cold, mud and even in the dry season. When it is hot, they are there. They spend a lot of money from their pockets. Ksh5,000 is not enough to take them through the whole month. The benefits outweigh such an amount of money. It is therefore important that this House resolves that we improve the premiums that are paid.

Hon. Deputy Speaker, let us appreciate these people.

We have acknowledged the role played by the area managers. They are important in our medical sector. Let us all resolve to support them. I thank you and the Mover. With those few remarks, I second.

Hon. Deputy Speaker: Thank you. Member for Malava.

*(The Deputy Speaker consulted
with the Clerks-at-the-Table)*

Hold on a second, Member for Malava. I have to propose the Question before you start contributing.

(Question proposed)

Proceed, Member for Malava.

Hon. David Ndakwa (Malava, UDA): Thank you, Hon. Deputy Speaker. First, I would like to appreciate and congratulate Hon. Murugara for bringing this Motion on the Recruitment and Remuneration of Community Health Promoters (CHPs) across the country before the House.

I rise to support.

CHPs are at the first point of contact between millions of Kenyan households and the health system. They educate grassroots families on medical issues, undertake disease surveillance, and promote maternal and child healthcare. In practical terms, they identify illnesses and link patients with health facilities.

By law, they are recognised under the Primary Healthcare Act, 2023, and are also part of the primary healthcare workforce. CHPs cannot be expected to perform effectively in an unconducive environment. We also cannot expect good healthcare at the community level when CHPs provide services without adequate facilitation. They do not have what it takes to deliver quality services.

They are also uncertain about their welfare. Uncertain means they do not know when they would be paid and how they can be motivated to perform better.

By law, they already have Government support, mostly through the county governments. However, county governments are not providing training to CHPs nor are they equipping them with the working tools. They also do not provide good remuneration. CHPs should be given reasonable stipends as well as proper supervision.

I, therefore, support Hon. Murugara for coming up with this initiative. As a House, we need to establish a uniform national framework, supported by this House, that guarantees timely, predictable and accountable remuneration. This remuneration should also be sustainable. We need to establish a reliable system that guarantees timely payment of CHPs.

Between the national and county governments, we must avoid delays and ensure that there is consistency in paying CHPs. The remuneration should be up to standard so that their performance in the field can be of high standard.

We also need to provide them with medical cover. Although the President, from 1st July 2026 considered them, they face significant risks and challenges while serving their communities. Therefore, we should consider providing them with a medical cover.

They should also be provided with the necessary working tools like smartphones and protective equipment because their work involves significant risks.

Mobility is very difficult for them and especially for those serving in the rural areas. We also need to facilitate transportation for them when necessary. Bicycles and motorcycles could be provided to enable them reach those in need at the earliest time possible.

They also want to advance their careers. They should therefore be provided with training opportunities to enhance their skills and enable them expand their responsibilities.

The Government has already recognised the importance of CHPs. There are 107,000 CHPs being supported nationally. Given that they are recognised by both the national and county governments, they should be supported on a 50-50 basis with certainty and predictability.

Most of them work beyond the stipulated hours for which they are paid for. We must therefore move beyond temporary support and establish a sustainable system that gives these workers dignity and motivation through job security.

I urge this House to support this Motion. I call upon the national Government, in consultation with the county governments, to formulate a comprehensive policy on the recruitment, remuneration, facilitation and welfare of CHPs.

As I sit down, I would like to say that investing in CHPs is like investing in preventive healthcare. By doing so, we will reduce pressure on hospitals and bring universal healthcare closer to Kenyan households. Because they are our first doctors at the grassroots, they should be given the attention they deserve. They should also be adequately remunerated, facilitated and provided with medical cover.

I support this Motion, Hon. Deputy Speaker. Thank you.

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, the time being 1.00 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

(The House rose at 1.00 p.m.)

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