

REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

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Tuesday, 10th November 2026

(The House met at 2.30 p.m.)

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Hon. Members, there is no quorum. Serjeant-at-Arms, ring the Quorum Bell.

(The Quorum Bell was rung)

Hon. Robert Mbui, you are the leader here! Where are your whips?

(Hon. Robert Mbui spoke off the record)

Hon. (Dr) Pukose, you are normally handy in whipping Members. Have you run out of steam?

(Hon. (Dr) Robert Pukose spoke off the record)

Order, Hon. Members. We can now transact business. Clerk-at-the-Table.

COMMUNICATIONS FROM THE CHAIR

Hon. Speaker: Hon. Members, those on their feet, please take your seats. I have two short communications. The first is on the hosting of the 21st Internet Governance Forum in Nairobi from 14th to 18th December 2026.

HOSTING OF INTERNET GOVERNANCE FORUM IN DECEMBER 2026

Hon. Speaker: Hon. Members, I wish to bring to the attention of the House that the United Nations (UN) has convened the 21st Internet Governance Forum (IGF), a multi-sectoral global platform to facilitate dialogue on public policy issues related to the internet, digital transformation, the digital economy, digital governance, artificial intelligence, cybersecurity, digital inclusion and future of the internet.

The Forum that Kenya will host from 14th to 18th December 2026 in Nairobi will bring together a wide range of stakeholders, including representatives from the governments, the private sector, civil society, academia, the technical community and international organisations. Alongside the IGF, the Inter-Parliamentary Union (IPU), through its Secretary-General, Mr Anda Filip, has invited the Parliament of Kenya to participate in a parliamentary event dubbed *The Parliamentary Track*. The specialised event will take place on 15th and 16th December 2026 and is expected to bring together parliamentarians from across the world to deliberate on the legislative and oversight aspects of internet governance and the digital environment, including artificial intelligence, associated risks and the protection of children online.

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Hon. Members, for the effective planning of the Parliamentary Track, I have appointed the following six Members as political focal points to facilitate the coordination for the National Assembly:

1. Hon. John Kiarie Waweru;
2. Hon. Alfah Ondieki Miruka;
3. Hon. Mark Ogola Nyamita;
4. Hon. Erastus Kivasu Nzioka;
5. Hon. Umulkher Harun; and,
6. Hon. Bernard Kibor Kitur.

The Speaker of the Senate has also nominated five Senators to coordinate and plan for the Parliamentary Track at the IGF. I have since added the Deputy Minority Party Whip, Hon. Mark Mwenje, who has sponsored the Online Safety Bill, 2026. The Bill seeks to provide a framework for online safety, impose duties of care on providers of regulated user-to-user and search services, and protect children from illegal or harmful content online, among other measures.

To facilitate the participation of the National Assembly in the Forum and the IPU Parliamentary Track event, I have instructed the Clerk of the National Assembly to commence the necessary logistical preparations and to regularly apprise Members on the matter. I, therefore, urge all Members and the relevant committees of the House to take note of this important global activity.

Finally, I appeal to the Members who have been selected to represent this House at the two events to avail themselves and participate in the discussions on the various aspects of internet governance. Ultimately, the event is expected to find and explore progressive legislative interventions to facilitate our people to maximise the benefits that the internet accords us, while minimising the risks and challenges that it poses.

I thank you.

Hon. K.J., you should organise quickly and sit with your team. If you need any help, see my Clerk.

(Several Members stood at the Bar)

Hon. Members at the Bar, take the nearest seats quickly.

(Hon. John Kiarie sought an intervention)

Hold on. I will give you a chance after the next Communication.

THE THIRD GLOBAL PARLIAMENTARY SUMMIT AGAINST HUNGER AND MALNUTRITION

Hon. Members, the next Communication is on the Third Global Parliamentary Summit against Hunger and Malnutrition. I wish to inform the House that the Parliament of Kenya will be hosting the Third Global Parliamentary Summit Against Hunger and Malnutrition on Monday, 16th and Tuesday, 17th November 2026 at Parliament Buildings, Nairobi. The Summit themed: *"Legislating for Resilient Agrifood Systems and Zero Hunger in a Changing Climate"* is jointly organised by the Parliament of Kenya, the Food and Agricultural Organisation of the United Nations (FAO) and the Spanish Agency for International Development Co-operation (AECID).

The Summit builds on the previous Summits held in Spain in 2018 and Chile in 2023, and will bring together more than 250 Members of Parliament from all over 100 Parliaments,

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representatives of FAO, development partners, civil society, the private sector and other stakeholders.

This year's Summit seeks to strengthen parliamentary action against hunger and malnutrition and advance sustainable agrifood systems in support of the 2030 Agenda for Sustainable Development. The Summit will also provide a unique platform for parliamentarians and key stakeholders to exchange experiences and strengthen legislative oversight responses to food, security and nutrition.

It is noteworthy that the discussions at the Summit will focus on realising the right to food, promoting access to health diets and advancing efficient, inclusive, resilient and sustainable agrifood systems. Indeed, this Summit comes at an opportune time when parliaments across the world are grappling with the inter-connected challenges of food insecurity, malnutrition, climate change, poverty and the sustainability of food production systems. Undoubtedly, those challenges have a direct bearing on the lives and livelihoods of the people we represent.

The Summit is also particularly timely as Kenya continues to pursue interventions that are aimed at strengthening agriculture and food production under the Bottom-Up Economic Transformation Agenda (BETA). Additionally, hosting this global parliamentary gathering is also an opportunity for the Parliament of Kenya to share its experiences and perspectives with other parliaments, while strengthening parliamentary diplomacy and international co-operation on matters of mutual interest.

I am also pleased to inform the House that the Summit will be officially graced by His Excellency the President of the Republic of Kenya and Commander-in-Chief of Kenya Defence Forces, Hon. William Samoei Ruto, PhD, CGH on Monday, 16th November 2026 at 10:00 a.m. in the National Assembly Chamber, Parliament – this Chamber.

To help coordinate and oversee the conference activities and to ensure the success of the Summit, I have appointed a Steering Committee consisting of Hon. Dr John Mutunga, CBS Member of Parliament, Hon. Mother Wangari, CBS Member of Parliament, Hon. Dr James Nyikal, CBS Member of Parliament, Hon. Yusuf Adan Haji, DSM, CBS, Member of Parliament, Hon. Beatrice Elachi, CBS, Member of Parliament, Hon. Robert Basil, Member of Parliament and Hon. Cynthia Muge, Member of Parliament.

I, therefore, encourage Hon. Members to attend and participate in this very important international parliamentary engagement. The Summit offers an opportunity to learn from other parliaments, share Kenya's experiences and contribute to the global conversation on achieving zero hunger and sustainable agrifood systems for the benefit of your constituents and legislative work. The House is accordingly informed.

I thank you.

Hon. K.J., what was your intervention?

Hon. John Kiarie (Dagoretti South, UDA): Thank you, Hon. Speaker. We are very grateful for your Communication regarding the Internet Governance Forum (IGF). The Internet Governance Forum, in its very nature, is actually internet coming back home. Being a thinker, you know that Africa has led in technology for millennia. It is only that we forget that it is in Africa that humanity started working on technology. So, the IGF coming to Africa is the IGF coming home.

This is going to be a great opportunity for Africa to rubber stamp its place in the new digital world. More importantly – as you have said – it is important for us, the Kenya Parliament, to host the world at a time when it is grappling with very grave issues that are occasioned by emerging technologies that are coming up. Some of the actions that are being taken by this House will become critical as we go into the IGF.

There has been a suggestion that in the next parliament, the House should have a committee to adjudicate matters that are running very fast; faster than regular committees

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administer. So, as we take leadership in the IGF, I pray that this House will take its rightful place in legislating as fast as the new world requires us to legislate. I thank you for the appointment to the Committee that shall be planning the IGF. Ultimately, technology and knowledge are coming back home in Africa where humanity started walking the journey of knowledge. I thank you.

Hon. Speaker: Thank you, Hon. KJ.

VISITING DELEGATION FROM THE PARLIAMENT OF THE UNITED REPUBLIC OF TANZANIA.

Hon. Speaker: Hon. Members, allow me to recognise a Delegation from the Parliament of the United Republic of Tanzania. I wish to introduce to the House a Delegation from the Budget Committee of the Parliament of the United Republic of Tanzania who are seated in the Speaker's Row. They are:

1. The Chairperson of the Committee and leader of the Delegation, Hon. Mashimba Mashauri Ndaki, Member of Parliament;
2. Hon. Dr Pindi Azara, Member of Parliament;
3. Hon. Innocent Bashungwa, Member of Parliament;
4. Hon. Esther Nicholas Matiko, Member of Parliament;
5. Hon. Bahati Kenneth Ndingo, Member of Parliament;
6. Hon. Ali Yahya Muhata, Member of Parliament;
7. Hon. Amina Iddi Mabrouk, Member of Parliament;
8. Hon. Moses Charles Bajuga, Member of Parliament;
9. Hon. Enock Zadock Kola, Member of Parliament;
10. Hon. Daniel Mburaru Gaba, Member of Parliament; and,
11. Hon. Thomas Ngonto, Member of Parliament.

(Applause)

Hon. Members, the Delegation, which is accompanied by Mr Michael Kadebe, Director of Budget Division and five staff from the Budget Committee, is on a visit to our Parliament to exchange experiences and best practises with their counterparts from the Budget and Appropriations Committee on Parliamentary Budget Oversight on domestic revenue mobilisation, investment promotion and Public-Private Partnerships (PPPs).

They are also here to benchmark the role of parliamentary technical officers in strengthening budget scrutiny and oversight. On behalf of the National Assembly and on my own behalf, I extend a warm welcome to the Delegation and wish them fruitful engagement.

Thank you. Is Hon. Atandi in the House? Those are your guests. You may wish to say something.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you, Hon. Speaker. I wish to confirm that this morning, the Budget and Appropriations Committee held a wonderful engagement with members of the Budget Committee from the Republic of Tanzania, where we exchanged views on how the budget-making process is conducted here in Kenya and in Tanzania. We had a lot to learn from each other.

The team from Tanzania, led by their Chairman, was very helpful in helping us understand the improvements we need to make in our budget process, as well as those they need to make on their part. I want to thank you, Hon. Speaker, for accepting their invitation, and I believe that when they go back, there is a lot that they are going to take home.

I thank you.

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Hon. Speaker: Ahsante sana, Mheshimiwa. Tunawakaribisha na kuwashukuru kwa makaribisho mema mliotupa siku ya Ijumaa katika mji mkuu wa Mwanza wakati tulipokuja huko kuunganisha Wakenya na Watanzania kiharusi. Ahsante sana.

(Loud consultations)

Order, Hon. Members! Also in the Speaker's Gallery, I have Bishop Mahon Teachers Training College (TTC) from Turkana Central, Turkana County, students from Jomo Kenyatta University of Agriculture and Technology (JKUAT) in Juja, Kiambu County, and Chebitet Junior School from Bureti, Kericho County.

In the Public Gallery, we have EAPC Kigogo Church from Chuka/Igambang'ombe, Tharaka-Nithi County and Kipsitet Primary School from Sigowet/Soin, Kericho County.

On my behalf and on behalf of the House, I welcome all the students, their teachers and those accompanying them to the House of Parliament.

I have also been requested by the Hon. George Best to welcome the team from his county. Is that Hon. Emathe? I will also give you an opportunity. *Dakika moja moja*.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Speaker, for allowing me to welcome the group from Chuka/Igambang'ombe, EAPC Thuita. This is a religious organisation from a church that has come over to see what Parliament does, how we conduct our business and, most importantly, to see that we actually conform to our motto: For the Welfare of Society and the Just Government of the People.

We require their divine intervention so that we are guided by the Spirit of God in ensuring that what we do here is fair and just to every Kenyan and that, every Kenyan is served in the best interest of that person. I welcome the group and the other groups that have come here. This is the House of Parliament where laws are made. Take our regards to Chuka/Igambang'ombe, Tharaka-Nithi County, when you go back. Thank you very much.

Hon. Speaker: You forgot to say what you wanted to say.

(Laughter)

Hon. Emathe?

Hon. Joseph Emathe (Turkana Central, UDA): Thank you so much, Hon. Speaker. Mine is to thank the administration, together with the principal, for allowing Bishop Mahon Teachers Training College to be here today to see what we are doing. This is one of the institutions in my constituency that is actually transforming education. When you see that Teachers Training College here, there is a history about the founder, after whom the school has also been named. This is our first Bishop Emeritus, whose 22nd anniversary we are also celebrating today.

Bishop Mahon came to Turkana in 1978. In 1992, the institution was supposed to be operationalised. However, because the education policy on Teacher Training Colleges did not allow day schools, that institution could not take off. I thank President Ruto for allowing that institution to be operationalised in the last three years.

As we celebrate that institution, our utmost objective is to see to it that we do not have to seek external transfers, so that the locals can access a teachers' training colleges and be absorbed within the county. To us, that institution is, therefore, cutting down on external transfers, which have been a very detrimental challenge in the constituency and Turkana County.

Hon. Speaker: Hon. Justice Kemei.

Hon. Justice Kemei (Sigowet/Soin, UDA): Hon. Speaker, thank you for giving me the opportunity to welcome the schools and institutions that have visited Parliament today. In

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particular, I wish to welcome students from Kipsitet in my constituency. This is a school where, when it comes to the renovation of facilities, the National Government Constituencies Development Fund (NG-CDF) has done a great job.

I also wish to thank them because it is one of the best-performing schools in the constituency. This is also where we held the County Cross Country Championships last year, and international athletes like Ferguson Rotich and Faith Cherotich took part in those championships. That will strengthen our resolve to always discover and nurture talents.

Thank you.

Hon. Speaker: Yes, Hon. Komingoi.

Hon. Kibet Komingoi (Bureti, UDA): The visitors who come to Parliament, whether students or delegations, are always welcome. We welcome the students, particularly those from Bureti, Chebitet Junior School, to this National Assembly. Tell them to continue working hard, even as other students have sat for their examinations and are awaiting the results. We want to tell them that this National Assembly will always support the cause of education, particularly the building up of the character of our students, to enable them to succeed and earn a living in this country.

I thank you.

Hon. Speaker: Hon. Kemei.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Speaker. I join my colleagues and yourself in welcoming the students from various schools to this very honourable House. In particular, those from Kericho County. Chebitet Primary School is next to my home and so, I want the students and pupils to know that being here is very important. I came from a humble background, but I am here. So, work hard, and you will be here and in any other important place in this country.

On the same note, I welcome students from Kipsitet Day School. Last year, we sent a student by the name of Clara to university. She was in our full scholarship programme—*Usawa kwa Wote*. She scored a Grade B, and that girl was a teen mother with two children. But I gave her another chance. I am happy that she is now at Karatina University. So, there is always hope for our children.

Thank you.

Hon. Speaker: Thank you. Next Order.

PAPERS

Hon. Speaker: Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Speaker. I want to thank you for giving me the opportunity to present Papers.

I beg to lay the following papers on the Table:

1. Recommendation on sharing of nationally raised revenue between the National and County Governments for the Financial Year 2027/2028.
2. Reports of the Auditor-General and Financial Statements for the year ended 30th June 2026, and the certificates therein in respect of the following–
    (a) Affordable Housing Finance Project (IBRD Credit No.8958-KE) - The National Treasury;
    (b) Combating Poaching and Illegal Wildlife Trafficking in Kenya Through an Integrated Approach (IWT-Kenya Project) - Credit No.00108406;
    (c) Coordinate Implementation of Population Policy and ICPD25 Commitments Project - National Council for Population and Development;

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(d) Emergency Locust Response Project (Credit No. IDA-6648-KE & 7053-KE) - State Department for Agriculture;
(e) Global Alliance Vaccine Initiative (GAVI) Health Systems Strengthening Project - Ministry of Health;
(f) Kenya Primary Education Equity in Learning Program Project Number P176867 IDA Grant No. D991-KE and Credit No.7067-Kev and Grant Nos.TF C306-KE and TF C307-KE – State Department for Basic Education;
(g) Kenya South Sudan Link Road Project Loan No.202062065 and BMZ No. 2020 83939 - Kenya National Highways Authority;
(h) Mwea Irrigation Development Project Credit Number KE-P27 – National Irrigation Authority;
(i) Public Financial Management Reforms Program (Grant/Credit Nos. DANIDA FY06, SIDA 51110081, IDA GESDeK-7438-KE, AFD/CKE 1130 and PASEDE CRIS No:041-658 - The National Treasury;
(j) Supporting Access to Finance and Enterprise Recovery Project (IDA Credit No.7018-KE) - The National Treasury;
(k) Technical Support to the French Desk at the National Treasury (Project Grant No. AFD CKE 1204 01E) - The National Treasury; and,
(l) Upgrading of Ahero Irrigation Development Project Grant No. HS00124000 - National Irrigation Authority.

I thank you, Hon. Speaker. I beg to lay.

Hon. Speaker: Thank you, Hon. Owen. Chairperson of the Departmental Committee on Justice and Legal Affairs, Hon. George.

Hon. George Murugara (Tharaka, UDA): Thank you very much. Hon. Speaker, I beg to lay the following Papers on the Table:

Report of the Departmental Committee on Justice and Legal Affairs on its consideration of Budget Implementation Monitoring for the Financial Year 2024/2025.

Thank you, Hon. Speaker. I beg to lay.

Hon. Speaker: Thank you. Next Order.

NOTICES OF MOTIONS

Hon. Speaker: George Best.

ADOPTION OF REPORT ON BUDGET IMPLEMENTATION MONITORING OF STATE DEPARTMENTS AND AGENCIES FOR FY 2024/2025

Hon. George Murugara (Tharaka, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on Budget Implementation Monitoring for the Financial Year 2024/2025 for the following State Departments and agencies, laid on the Table of the House on Tuesday, 10th November 2026 –

1. The Judiciary;
2. Judicial Service Commission;
3. State Department for Correction Services;
4. State Law Office and the Department of Justice;

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5. Ethics and Anti-Corruption Commission;
6. Office of the Director of Public Prosecution;
7. Office of the Registrar of Political Parties;
8. Witness Protection Agency;
9. Kenya National Commission on Human Rights;
10. Independent Electoral and Boundaries Commission; and,
11. Commission on Administrative Justice.

Thank you very much, Hon. Speaker.

Hon. Speaker: Thank you, Hon. George. Next Order.

QUESTIONS AND STATEMENTS

REQUEST FOR STATEMENT

Member for Turkana South. Hon. Ariko Namoit.

DETERIORATING SECURITY IN AROO SUB-COUNTY, TURKANA SOUTH CONSTITUENCY

Hon. John Namoit (Turkana South, ODM): Thank you, Hon. Speaker. I rise to request for a statement regarding insecurity in Aroo Sub-County, Turkana South Constituency. 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 Administration and Internal Security regarding the deteriorating security situation in Aroo Sub-County, Turkana South Constituency.

In 2023, the Government deployed a multi-agency security team, including officers of the Special Operations Group (SOG), to Aroo Sub-County, Turkana County, to deal with frequent banditry attacks and livestock raids in the area. Regrettably, it is alleged that instead of addressing banditry and recovering stolen livestock, the multi-agency team has reportedly turned its attention to the towns and business community in Aroo Sub-County. Members of the public have raised concerns that officers constantly harass administrative officers, residents and business owners in the area. In one instance in Katilu Town, a businessman was falsely accused of purchasing stolen livestock and three people who had presented themselves to record statements were arraigned in court without evidence.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. Report on the current security situation in Aroo Sub-County, and the specific mandate of the multi-agency security team that is deployed in the area.
2. Status of investigations into reports of assault and harassment of administrative officers and members of the public, as well as malicious prosecution of innocent business persons by officers of the multi-agency team, including the SOG, and the action taken against the officers responsible.
3. Plans by the Government to recruit and deploy adequate National Police Reservists (NPRs) in Turkana South Constituency to supplement security efforts.
4. Long-term measures that have been put in place by the Ministry of Interior and National Administration to implement peace dividend projects to foster peaceful coexistence between the Turkana and Pokot communities.

I thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Ariko. Hon. Tongoyo, when can you respond to that?

Hon. Gabriel Tongoyo (Narok West, UDA): Give me two weeks, Hon. Speaker.

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Hon. Speaker: Thank you. Is Hon. Mark Mwenje in the House? Chairman, Departmental Committee on Transport and Infrastructure, are you ready to respond to Hon. Mark Mwenje? Can you give Hon. G.K the microphone? Are you ready?

Hon. George Kariuki (Ndia, UDA): Yes, Hon. Speaker. I am ready.

Hon. Speaker: Proceed.

Hon. George Kariuki (Ndia, UDA): Thank you. Hon. Speaker, the Member for Embakasi West Constituency, Hon. Mark Mwenje, requested for a statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the implementation of performance-based road maintenance contracts (PBC) in Nairobi City County. In the request for statement, Hon. Mwenje sought to establish the following:

1. A list of all roads in Nairobi City County currently under PBC, indicating the implementing road agency and the contractor for each road;
2. Clarification on whether Moi Drive Road in Embakasi West Constituency is covered under any PBC and, if so, details of the maintenance activities that have been undertaken and the funds disbursed to the contractor since the commencement of the contract;
3. Measures being taken by the Government to guarantee compliance with contractual obligations to ensure that all roads under PBC are maintained, especially Moi Drive Road in Embakasi West Constituency; and,
4. The monitoring, inspection and supervision mechanisms that are employed by the Ministry of Roads and Transport to evaluate contract performance, including penalties, if any, that have been imposed on contractors who breach their contracts.

The Committee received a response from the Cabinet Secretary for Roads and Transport through the Clerk of the National Assembly, which I now wish to present.

First, regarding the list of all roads in Nairobi City County currently under performance-based road maintenance contracts, indicating the implementing road agency and the contractor for each road, the Cabinet Secretary submitted a list of all roads in Nairobi City County that are managed by the Kenya National Highways Authority (KeNHA) and the Kenya Urban Roads Authority (KURA) that are currently under PBC maintenance contracts, as follows.

Hon. Mark Mwenje has a copy. We have a list, numbered one to eight, indicating the name of the project, county, constituency and contractor. Therefore, I will not go through the list. The Cabinet Secretary further provided details of the KURA roads under PBC, as follows:

1. Performance-Based Contract of Package 01 Roads KURA/RMLF/NRB/149/2025-2026. The contractor is Nachar Limited. The contract commenced on 23rd January 2026 and is scheduled for completion on 18th February 2027. The contract period is 12 months, the contract sum is Ksh73.3 million and the overall progress is 50 per cent. The roads covered under this package are numbered one to 18, and the length of each road is provided in the table on pages 3 and 4;
2. Performance-Based Contract of Package 02 Roads KURA/RMLF/NRB/150/2025-2026. The contractor is Sapcemine Holding Ltd. The contract commenced on 23rd January 2026 and is scheduled for completion on 18th February 2027. The contract period is 12 months, the contract sum is Ksh71.7 million and the overall progress is 50 per cent. The roads covered under this package are numbered one to seven, and the length of each road is provided on Table (b) on page 4;
3. Performance-Based Contract of Package 03 Roads KURA/RMLF/NRB/151/2025-2026. The contractor is Tunefar General Suppliers Limited. The contract commenced on 23rd January 2026 and is

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scheduled for completion on 18th February 2027. The contract period is 12 months, the contract sum is approximately Ksh21.2 million and the overall progress is 50 per cent. The roads covered under this contract are:

a) Kikuyu Road – 10.33 kilometres; and,
b) Dagoretti Road – 6.4 kilometres.

Secondly, regarding whether Moi Drive Road in Embakasi West Constituency is covered under any PBC and, if so, details of the maintenance activities undertaken and the funds disbursed to the contractor since the commencement of the contract, the Cabinet Secretary submitted that Moi Drive Road in Embakasi West Constituency falls under KURA and is currently not covered under any PBC due to budgetary constraints. However, it has been factored under routine maintenance and the PBC planned for the 2026/2027 Financial Year.

Thirdly, regarding the measures being undertaken by the Government to guarantee compliance with contractual obligations…

Hon. Speaker: Hon. GK, wind up. That is taking too long.

Hon. George Kariuki (Ndia, UDA): It is too long and that is why I am skipping some of the texts. Hon. Mark Mwenje, allow me to skip page 5 since it is quite detailed, and since you have a copy, you will see the details that are provided therein. I will, however, focus on three key areas: Penalties and contractual remedies; strict contract implementation through competent and close supervision; and *ad hoc* and monthly inspections conducted, and penalties instituted for non-compliance with the service level agreement. The contractor's performance evaluation is also undertaken.

I have given Hon. Mark Mwenje a copy. I, therefore, submit. Thank you.

Hon. Speaker: Hon. Mwenje.

Hon. Mark Mwenje (Embakasi West, JP): Thank you, Hon. Speaker. I want to thank the Chairman. I have pushed him for this response for quite some time. The response is good and, indeed, very honest. The only issue I want to raise with Hon. Chairman - and I know he has given me a guarantee under paragraph two that Moi Drive will be considered in this financial year… However, I wanted to draw your attention, Hon. Chairman, that under the KURA PBCs, all the roads being maintained are in Kilimani, Westlands, Lang'ata and that general area, apart from the bypasses around Nairobi. The total for PBCs in Nairobi is about Ksh164 million only.

I would, therefore, ask Hon, Chairman to kindly consider including, at least, one road in Embakasi West. This list does not include any road in Embakasi West Constituency. That is why I am saying, you have been very honest in your response, but I will hold you to your word that, in the 2026/2027 Financial Year, at least, Moi Drive will become one of the roads that will be maintained under the PBC.

Otherwise, I do not wish to add anymore to that. Thank you.

Hon. Speaker: Thank you. *Hapo* Hon. Chairman, just say yes that you will do the same.

Hon. George Kariuki (Ndia, UDA): Hon. Speaker, we will support Hon. Mark Mwenje and ensure that the road is tarmacked. Thank you.

Hon. Speaker: Is Hon. Beatrice Kemei in the House? *Ako wapi* Hon. Tongoyo? Are you ready with the response? I am sorry, Hon. Tongoyo. It is not you. This belongs to the Departmental Committee on Transport and Infrastructure. Hon. GK, are you ready?

Hon. George Kariuki (Ndia, UDA): Yes, I am ready, Hon. Speaker. It is quite a detailed response and so, I will not read everything. I have asked Hon. Beatrice to get a copy from the Office of the Clerk.

Hon. Speaker: Why should it be too long? She is asking you to explain why we are having helicopter crashes.

Hon. George Kariuki (Ndia, UDA): The Cabinet Secretary gave a very detailed response. I will not read everything.

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Hon. Speaker: Okay.

Hon. George Kariuki (Ndia, UDA): Hon. Speaker, the Member for Kericho County, Hon. Beatrice Kemei, requested for a statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the Kenya Forest Service (KFS) Helicopter crash at Kericho Golf Club in Kericho County on 12th October 2026. The Member sought to establish the following:

1. A statement on the circumstances leading to the Kericho Helicopter crash;
2. A report on the airworthiness and maintenance history of the ill-fitted helicopter immediately before the accident;
3. A report on the number and circumstances of the helicopter crashes that have been recorded in Kenya in the past years; and,
4. Measures that are being undertaken by the Government to ensure accountability for any negligence or regulatory failures.

The Committee received a response from the Cabinet Secretary for Roads and Transport through the Office of the Clerk of the National Assembly, which I now wish to give.

I will start with the circumstances leading to the Kericho Helicopter crash. The Cabinet Secretary submitted that, following the accident involving a Kenya Forest Service Airbus Helicopter registered FY-FSK, which occurred on 12th October 2026 at approximately 12.24 p.m. local time during the take-off from Kericho County Club, Kericho County with four persons on board, investigators from the Aircraft Accident Investigation Department (AAID) responded immediately to the accident site and initiated an investigation. The investigation will establish the facts, circumstances and conditions surrounding the accident through the systematic collection, preservation and analysis of relevant evidence and data, with a view to determining the probable causes and contributing factors and making appropriate safety recommendations that are aimed at preventing the recurrence of similar accidents.

Regarding the circumstances and the sequence of events, the Cabinet Secretary submitted that the investigations are currently in the early stages, with the investigators actively establishing the sequence of events leading up to the accident. On the preliminary findings and evidence collected, he submitted that investigators commenced the collection and preservation of relevant evidence, including witness statements, aircraft wreckage, operational and maintenance records, and other available technical and operational information. Regarding the legal and reporting framework, the ongoing investigation is being conducted in accordance with the provisions of the International Civil Aviation Organization (ICAO) Annex 13 Part 4 of the Civil Aviation Act No. 21 of 2013 and the Civil Aviation (Aircraft Accident and Incident Investigation) Regulations, 2024.

Regarding the airworthiness and the maintenance history of the ill-fated helicopter, the investigations will comprehensively include a review of the helicopter's maintenance records, technical logs, airworthiness documents, and records of its most recent scheduled and unscheduled inspections. Further, investigators will also verify the validity of the aircraft's certificate of airworthiness, compliance and operational approvals, and all relevant regulatory documentation at the time of the accident. The Cabinet Secretary added that the final findings of those examinations will be systematically incorporated into the formal investigations report in accordance with ICAO Annex 13.

Regarding the number and circumstances of helicopter crash records in Kenya in the past 10 years and their established or suspected causes, the findings of investigations conducted by the Kenya Civil Aviation Authority (KCAA) and the AAID, the AAID maintains records of aircraft accidents and serious accidents occurring within Kenya and outside Kenya involving Kenyan registered and operated aircrafts, and where Kenyans suffer serious or fatal injuries in accordance with its mandate under ICAO. Across helicopter operations, areas that warrant examination for recurring safety deficiencies were listed in the response. I will not read 1 to 5.

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The Cabinet Secretary submitted that those represent common historical deficiencies across Kenya's civil helicopter occurrences. They serve strictly as areas of reviews. Regarding the relevance to the Kericho accident, the AAID will continue to examine the available evidence and relevant historical investigation findings to determine whether any established safety lessons are applicable.

Hon. Speaker, I submit. Thank you.

Hon. Speaker: Hon. Kemei, are you satisfied with the explanation?

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Speaker. I thank the Chairman for the report that he has given us. However, there is no specific answer that we have gotten from here. That is because everything is still under investigation. I do not know how long it will take for our investigations to be completed. I request that you direct the Chairman that when the full investigation is completed, he reports back to this House. I am wondering why, given the number of crashes in the recent past, there is still no answer. It is like the Cabinet Secretary does not give any answer, but I believe from the explanation that the investigations are still ongoing. Kindly, Hon. Speaker, direct him to bring a comprehensive report once it is completed.

Thank you.

Hon. Speaker: Hon. Chairman, do we take this to be a preliminary report?

Hon. George Kariuki (Ndia, UDA): Yes, Hon. Speaker. Considering that, that accident happened on 12th October this year, we need about three months to bring a more comprehensive report.

Hon. Speaker: Was it human error or technical error?

Hon. George Kariuki (Ndia, UDA): At this point, Hon. Speaker it is hard to tell because the accident is still under investigation.

Hon. Speaker: Remember, you have also not brought us a response on the crash that killed our colleague, Hon. Ng'eno Johanna. I think some Member asked you to explain. We are waiting for that as well. Can you combine both?

Hon. George Kariuki (Ndia, UDA): Yes, Hon. Speaker. We will do that. Thank you.

Hon. Speaker: Hon. Members, I will reorganise the Order Paper. Is Hon. Epuyo Nanok in the House to prosecute the Committee of the whole House on the Books and Newspapers (Amendment) Bill, (National Assembly Bill No. 47 of 2025)?

Hon. (Eng.) John Kiragu (Limuru, UDA): No.

Hon. Speaker: Eng. Kiragu, are you holding brief for the Chairman? Give Eng. Kiragu the microphone. There is one next to you.

Hon. (Eng.) John Kiragu (Limuru, UDA): Hon. Speaker, I am holding brief for the Chairman.

Hon. Speaker: Are you the Vice-Chairman of the Committee?

Hon. (Eng.) John Kiragu (Limuru, UDA): Yes, Hon. Speaker.

Hon. Speaker: Okay. We will skip the Committee of the whole House for now and go to Order No.9 on the Trade Descriptions (Amendment) Bill, (National Assembly Bill No. 42 of 2026). When we finish, we will come back to the Committee of the whole House.

Therefore, call out Order No.9.

BILL

Second Reading

THE TRADE DESCRIPTIONS (AMENDMENT) BILL
(National Assembly Bill No. 42 of 2026).

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Hon. Speaker: Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to move:

THAT, the Trade Descriptions (Amendment) Bill, (National Assembly Bill No. 42 of 2026), be now read a Second Time.

Hon. Speaker, allow me to first thank the Members of the Departmental Committee on Trade, Industry and Co-operatives, led by their Chairman and Vice-Chairlady, for their great work in consideration of this Bill. They considered the public or stakeholders' input and tabled a very detailed Report in this House on 3rd of this month. They ably captured many of the issues that members of the public raised during public participation.

We are all consumers of goods and services, but we largely rely on what sellers tell us in their description of their goods and services. Therefore, the Trade Descriptions Act protects consumers' trust by making it an offence to give false descriptions of goods. This is a critical Bill in trade and commerce as it ensures that consumers are protected against misrepresentation of facts or falsehoods in the description of goods or services for sale.

We have a very old Act that was enacted in the late 1970s, which dealt with face-to-face shops and markets, as trade was in those days. Granted, today, most of our trade happens online through social media or online marketplaces and imported used goods. The law has not kept pace with changes in trade in the marketplace. Therefore, this law seeks to bring online marketplaces and trade on social media within the ambit of the law

On the sale of used goods, in the late 1970s, there were not a lot of refurbished computers and cars. Today, almost all of us are driving cars from car yards and not show rooms. Those cars are used goods from other countries in Europe or Japan. As we move towards e-mobility, we will start getting e-mobility equipment, including second-hand vehicles and bicycles. We must ensure that local consumers are protected with regard to product descriptions.

The Bill seeks to amend the Trade Descriptions Act, Cap. 505 to bring digital trade within the ambit of the Act as enacted in the 1970s. It also seeks to exempt the production of processed and reconditioned goods and mileage in trade descriptions. We want to extend exemptions on refurbished computers and reconditioned cars, fridges and coolers. Many Kenyans buy cars whose mileage has been tampered with. You are made to believe that it is a very new car and yet, you are buying a car that has a mileage of hundreds of thousands of kilometres. Car sellers misrepresent the mileage, claiming that a car only has a mileage of 20,000 kilometres and yet, they have deceitfully tampered with the odometer. Therefore, we want to protect consumers by criminalising tampering with car mileage. Many people buy such cars at exorbitant prices believing that they are new or have not been used. The old Act did not cover mileage under trade descriptions.

Thirdly, the Bill seeks to transition enforcement from reactive to proactive trade through random inspections and test purchases, so that we do not need to wait for consumer complaints. Trade inspectors can walk into a shop to conduct random inspections, thus making enforcement more proactive than reactive. It also makes employers and partners answerable for offences that are committed in the course of business and strengthens penalties against repeat offenders. If a car seller is a repeat offender in tampering with mileage, the penalties imposed on him will not be the same as those imposed on a first-time offender. The Bill also puts in place clear procedures for seizure and protection of homes.

I do not want to go into the nitty-gritty of what each clause provides for. I have largely summarised the contents of the Bill. Clauses 4 to 11 speak to the issues that I have summarised.

Let me go to the issues that members of the public raised during public participation. The Committee received memoranda from various stakeholders, including the Kenya Bureau of Standards (KEBS), the Retail Trade Association of Kenya (RETRAK), the Kenya Revenue Authority (KRA), the Communications Authority of Kenya (CA) and the Digital Platform

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Association of Kenya (DPAK), among others. They raised issues which touched on the powers of inspectors, as was mentioned. Since the proposed law seeks to transition us from a reactive to a proactive reinforcement regime, stakeholders were concerned that the powers of inspectors to arrest offenders without a warrant and intrusive searches could be abused without stronger safeguards. They proposed that the removal of traders and take down of advertisements should follow due process, with people being given notice, a chance to respond and a right to appeal, which are rights that are guaranteed under the Constitution. Some stakeholders also asked for clarity on the platforms that will be covered. The Committee considered all those issues and proposed certain amendments which will be carried through. I will speak to some of them.

There were automatic liability concerns that would be unfair to a person who did not know of the offence. Several stakeholders asked for a due diligence defence. Going through the Report, I noticed that the Committee catered for that recommendation through amendments during the Committee of the whole House. The presumption of possession shifts the burden to the accused and may offend the right to a fair trial, which is agreeable. The Committee has...

Hon. Speaker: Leader of the Majority Party, are you saying that ignorance of the law is a defence?

Hon. Kimani Ichung'wah (Kikuyu, UDA)**:** Hon. Speaker, although ignorance of the law is not a defence, it is good to allow people a fair opportunity to be heard.

Hon. Speaker: Yes.

Hon. Kimani Ichung'wah (Kikuyu, UDA): It is so that you also do not condemn people unheard and give them the right to appeal. So that they have...

(Hon. John Kiarie spoke off the record)

Exactly. The Member for Dagoretti South is helping me, following the Fair Administrative Act. It is just to protect both consumers and traders. So, as we protect consumers, we also protect traders through a fair administrative process.

Hon. Speaker, allow me to mention some of the things that the Committee has proposed to amend, following many of the issues that I have touched on, on the employer presumption of possession. The trading bans in the Bill set no time limit. A ban could become indefinite so that, if you are banned from trading because you misrepresented or incorrectly described a product that you are selling, or probably tampered with the mileage of a car, or you misrepresented facts on reconditioned goods, whether you have disclosed they were reconditioned, or the odometer replacement... You know, what some of those people have been doing, especially car sellers, is to get a newer odometer from another car and put it on a car that is very old. That is misrepresentation of that good or a car.

Therefore, we must protect both the consumer and protect the right of the seller. When they are banned because they contravened the provisions of the Act, we must make sure that we are not banning them indefinitely. They could be banned, maybe, for a year or two years and then they are subjected to an appellate mechanism through which they can get back to trading.

Other issues touched on fraudsters and trade secrets. Inspectors should show their credentials so that fraudsters do not masquerade as inspectors. The Bill allows for proactive inspection, including random inspection. You know, Hon. Speaker, in this day and age, anybody can claim to be an inspector. Therefore, it is important, as the Committee is noting, that the inspectors are able to show their credentials, so that fraudsters cannot pose as inspectors. The objective is to protect confidential business information. Traders could also masquerade as inspectors to extract confidential business information from their competitors.

This deals with issues of consumer redress and online fraud, fake reviews, refunds, compensation and better coordination among regulators. The Committee has recommended, in

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response to many of these concerns, and proposed amendments that will strengthen safeguards on inspectors' arrest, search, seizure and test purchase powers, including requiring warrants, credentials and respect for data protection and trade secrets. This is what I was speaking to. Inspectors will be people who have easily identifiable credentials. They will have search warrants, so that you do not just storm someone's house or home because they are doing online trading and they have incorrectly described or misrepresented certain facts and you want to go and search their goods. You do not storm into their premises or homes without a warrant. You will be required, once the amendments the Committee is proposing become law, to have a search warrant and show credentials that you are a certified inspector.

As I was saying, to protect traders from misrepresentation by their competitors, in the guise of them being inspectors and hence lead to breach of data and trade secrets, there must be respect for data protection and trade secrets, so that we also protect the traders.

The other amendment will be to require a court order for the removal of traders' advertisements or listings on digital platforms, so that those affected have notice and a right of appeal. That is what you said, Hon. Speaker. Ignorance of the law cannot be a defence, but we give you the right to appeal and, of course, the right to have notice when any adverse legal measures are to be taken against you.

The other amendment is to clarify the liability of employers and partners, then limit bans on dealing in goods to fixed periods, as I said, so that the bans are not indefinite.

The other one is to strengthen consumer protection. It is an amendment which seeks to strengthen consumer protection through clear labelling of imported reconditioned goods and disclosure on motor vehicle mileage, accident and repair history. You know, when you are selling reconditioned or second-hand goods, people do not put labels that clearly say that this is a reconditioned item. This is more so with computers. Many of the refurbished laptops and computers are being sold mostly to our students. They are being taken advantage of, because they have all been cleaned up and fitted with new screens and thus looking new. You change the keyboard, but you do not label it as a reconditioned or refurbished item. You sell it at the same price as a new product. The same thing is happening with mobile phones. Therefore, we must protect consumers so that if you are selling a reconditioned or refurbished iPhone 18 or 16, you must disclose to the consumer that this is a refurbished item, and not a new one. Clear labelling must be done. The same should apply with motor vehicle mileage as well as with accident history. For those who have bought choppers and types of aircraft, you know this is very normal. You get an entire listing of the repair and maintenance history of that aircraft. However, with vehicles, you never get such history. You just buy a car that has had 10 accidents from where it came from, but because they changed the front grills and the side panels, you never know the actual true integrity of the frame of that vehicle. We are now saying that under this law, sellers will be required to make sure that you have a repair and maintenance history of a car and its accident history, just as you will have of its mileage, to protect consumers from being taken advantage of.

This is because many people are buying accident vehicles in the belief that they are new vehicles or reconditioned vehicles that have never had an accident. They never disclose it to you until you start using that vehicle. Such a vehicle can never function like a reconditioned car that has been without an accident. Therefore, these are some of the amendments that the Committee has proposed to the draft Bill. The Committee seeks to align this draft law with the international best practices. The Committee seeks to add definitions on some terminologies that are used, especially with regard to limiting importers' liability on price, and provide for the disposal of seized goods. The Committee also seeks to correct the Title of the Bill to Trade Descriptions.

Hon. Speaker, in conclusion, this Bill will align Kenya with the international best practices in consumer protection, including measures adopted by countries like the United

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Kingdom (UK) and the Republic of South Africa against fake reviews, misleading advertisements, bait marketing and non-disclosure. With the growth of e-commerce in this country and the increasing cases of fraudulent online listings and tampered goods, it is necessary that we upgrade our laws to keep pace with emerging market realities that protect consumers in both physical and digital markets. These are things that have been done in other countries, with the changes that are emerging around the world with the online and digital markets, with the trade in second-hand, refurbished and reconditioned goods. We must realign our laws with current market practices. That is what this Bill seeks to do.

It is a very important Bill. It is very good for consumers and important for traders. Traders who are honest in the marketplace end up suffering when one dishonest trader misrepresents what they are selling. Dishonest traders end up taking advantage of not just consumers, but also honest traders. Dishonest traders sell more because they misrepresent the facts on the items that they are selling. When you sell a car that has done over 200,000 kilometres and you misrepresent that fact to be 20,000 kilometres, the next-door trader who is selling a similar car that has done 200,000 kilometres cannot compete with you. The dishonest trader will sell his car to you more expensively because the fact that its mileage has been misinterpreted. Therefore, we will protect both consumers and traders.

I ask the House to support this Bill in order to protect our consumers and grow trade in this country, especially online trade by protecting the many online traders comprising of young jobless people in the neighbourhoods, who have resorted to online trading. We, therefore, must protect their businesses by making sure that they are able to trade online without anybody, including the people they buy from outside the country, taking advantage of them. We also have to protect consumers to ensure that they buy what is presented to them and not things that are misrepresented to them and yet they are different.

I have seen instances where people buy gym equipment that they see on TikTok. Hon. *Mama* Naomi, the Deputy Whip of the Majority Party, tells me that many women have suffered because they buy a lot of their clothes and beauty products online. These include hair wigs, extensions and skin lightening products that are marketed online. All that is done with a lot of misrepresentations, fraud and falsehoods. They end up using harmful products. They are made to believe that the products would make them look more beautiful, but they end up spoiling their hair or their beautiful faces. We must protect our girls.

Hon. Speaker, I am a father of four beautiful girls. Therefore, I must be at the forefront in protecting them because I know our children buy a lot of things they consume online, including food. In the past, we would take out our children for dinner. However, nowadays, our children tell us that they want to order food online. They order from Uber Eats, Glovo and other service providers. People could take advantage of them by selling them what they believe could be Kentucky Fried Chicken (KFC), yet it could be coming from Kikuyu Food Company and not Kentucky Fried Chicken. So, KFC can be "KFC". All they need to do is a logo that looks very close to KFC, market it online, but it is Karumaindo Food. However, our children will believe it is KFC or Burger King.

(Laughter)

Let us protect consumers, ourselves and the people we represent through this Bill.

Hon. Speaker, I beg to move. I request the Chairperson of the Departmental Committee on Trade, Industries and Co-operatives, the very able Hon. Member for Ikolomani, who is famous for bull-fighting, to second. Bullfighting could be misrepresented. I have seen the Senator for Kakamega misrepresent bullfighting. Therefore, the Hon. Member for Ikolomani, being the Chairperson of this Committee, has a duty to not only Second this Bill, but also to protect consumers, including those in Ikolomani. Let me invite the Member for Ikolomani, who

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is the Chairperson of the Departmental Committee on Trade, Industries and Co-operatives, to second this Bill.

Thank you, Hon. Speaker.

Hon. Speaker: The Member for Ikolomani does not participate in bullfighting. Bulls fight in his neighbourhood.

(Laughter)

Go ahead and second.

Hon. Bernard Shinali (Ikolomani, ODM): Hon. Speaker, I thank you for your clarification on the situation in Ikolomani. It is true that bullfighting was a tradition with a meaning. The game was celebrated after a hero had passed on. I will deal with that later. This Bill will be part of the laws that will correct that situation.

Hon. Speaker, I rise to second the Trade Description (Amendment) Bill, (National Assembly Bill No.42 of 2026).

At the outset, I wish to say that the Committee supports the general principles and objectives of the Bill, which seek to modernise the Trade Description Act, Cap.505 to respond to emerging trends in trade, strengthen consumer protection and enhance enforcement against false and misleading trade description.

The Trade Description Act was enacted in 1977 and commenced operation in 1979. The Act was primarily designed to regulate trade transactions that are conducted through conventional physical markets and retail establishments. Since its enactment, the nature of trade in Kenya has undergone significant transformation, particularly, with the emergence of e-commerce, digital marketplace, social media advertisements and cross-border online transactions. Today consumers increasingly purchase goods and services through online platforms without physical interaction and get the products before making payments.

Hon. Speaker, while these developments create new opportunities for business, they also expose consumers to misleading advertisements, false product descriptions, inaccurate pricing, misrepresentation of origin and condition of goods and other unfair trading practises. The existing legal framework does not adequately address some of those emerging practises. Consequently, there is need to update the law to ensure protection mechanisms remain effective in a rapidly changing commercial environment.

This Bill is also important in giving effect to Article 46 of the Constitution, which guarantees the consumer the right of goods and reasonable quality, access to information that is necessary to gain full benefit from goods and services and protection of their health, safety, and economic interests.

The Trade Description (Amendment) Bill, (National Assembly Bill No.42 of 2026), seeks to achieve the following main objectives:

1. To regulate description in digital commerce, the Bill proposes to expand the definition of advertisement and trade and introduces the definition of digital platform. This will facilitate regulation of misleading trade description appearing on online marketplace and media platforms and other electronic channels.
2. To enhance protection against misleading description of goods, the Bill seeks to extend application of the Act to processed and re-conditioned goods. This is particularly important in ensuring that consumers are provided with accurate information regarding the origin, condition and characteristics of products that are offered for sale.

In addressing misrepresentation of mileage, the Bill proposes to include mileage as a parameter in the description of goods. This is especially relevant to the sale of second-hand

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motor vehicles where inaccurate mileage information may mislead consumers about the condition and value of vehicles.

In strengthening accountability among traders, the Bill proposes provisions relating to possession of goods bearing false trade descriptions and the liability of employees and partners for offences committed in the course of business. On enhancing penalties for offences, the Bill proposes additional sanctions, including empowering courts to prohibit convicted persons from dealing in specified goods or engaging in particular business activities for some time.

In strengthening the inspection and enforcement, the Bill proposes additional powers for inspectors, including conducting inspections, making test purchases, collecting evidence, seizing goods and taking action against misleading advertisements on digital platforms. These proposals are intended to promote transparency, fairness and accountability in trade, while protecting consumers from deceptive commercial practices.

In compliance with Article 118(1)(b) of the Constitution and Standing Order 127(3), the Committee facilitated public participation by inviting several stakeholders, including the Kenya Bureau of Standards, Kenya Revenue Authority, Communications Authority of Kenya, Anti-Counterfeit Authority, Kenya Association of Manufacturers, Retail Traders Association of Kenya, Digital Platform Association of Kenya, Micro and Small Enterprises Authority, State Department for Trade, Law Society of Kenya and consumer protection organisations.

The common position that emerged from the stakeholders' engagement was that the modernisation of the Trade Descriptions Act is necessary and timely. However, stakeholders expressed concerns regarding the proposed powers of inspectors, protection against abuse of enforcement powers, liability of employers and business partners, and the regulation of digital platforms.

The Committee considered the submissions and incorporated several proposals into the schedule of amendments. Having examined the Bill and considered the submissions received, the Committee made the following key observations:

1. On the regulation of processed and reconditioned goods, the Committee observed that the proposed inclusion of processed and reconditioned goods is necessary to protect consumers against misleading descriptions. However, the provision requires greater clarity to ensure that consumers are informed of the original country of manufacture and the country where reconditioning was undertaken.
2. On the disclosure of mileage, the Committee observed that the inclusion of mileage in trade descriptions is an important consumer protection measure, particularly in the motor vehicle industry. However, there is a need to ensure disclosure of odometer replacement, resetting or tampering, as well as relevant information concerning history and condition of the vehicle.
3. On penalties and restrictions on business activities, the Committee noted that the proposed powers to prohibit convicted persons from dealing in certain goods or conducting business may have significant commercial implications. It is, therefore, necessary to provide definite periods for such prohibitions to ensure that the penalties are proportionate and do not result in indefinite restrictions on business activities.
4. On the liability of employers and partners, the Committee observed that employers and business partners should not automatically be held liable for offences committed by employees, agents or other partners without considering their knowledge, involvement and reasonable efforts to prevent the offence. The law should, therefore, provide appropriate safeguards against unfair liability.
5. On the powers of inspectors, the Committee observed that the proposed expansion of inspection, arrest, search and seizure powers raise concerns

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regarding possible abuse of authority. It is necessary to ensure that the exercise of those powers is subject to appropriate legal safeguards, including judicial oversight and compliance with applicable laws.

6. On the regulation of digital platforms, the Committee observed that the proposed powers to require digital platforms to disclose information and remove misleading advertisements are necessary for effective enforcement. However, such powers must be exercised in a manner that respects due process, privacy, rights and the provisions of the Data Protection Act.

Finally, on the capacity of enforcement officers, the Committee observed that the proposed amendments significantly expand the functions of inspectors whose existing mandate is linked to the Weights and Measures Act. There is, therefore, need to ensure that inspectors possess the requisite technical capacity, training and resources to effectively discharge their expanded mandate.

To address the concerns raised during public participation and Committee's consideration of the Bill, the Committee proposes several amendments for consideration during the Committee of the whole House. Among the key amendments are the following:

1. Disclosure of the origin of reconditioned goods.
2. Enhanced disclosure of motor vehicle mileage.
3. Proportionate penalties and restrictions on business activities.
4. Safeguards for employees and business partners.
5. Protection against abuse of inspectors' powers.
6. Judicial oversight of enforcement, including requiring warrants for specified arrest powers and court orders for enforcement measures directed at digital platforms.
7. Improved test purchase procedures.
8. Enhanced accountability in seizure of goods procedures.

The Committee believes that these amendments will strengthen the Bill by striking an appropriate balance between effective enforcement, consumer protection, constitutional safeguards and the legitimate interests of businesses. The enactment of the Trade Description (Amendment) Bill, subject to the proposed amendments, is expected to yield several benefits to the country, including strengthening consumer confidence by ensuring that consumers receive accurate and reliable information regarding goods and services offered in the market.

Hon. Speaker, once enacted, the Trade Description (Amendment Bill), 2026, subject to the proposed amendments, will yield several benefits to the market and improve the marketplace in line with emerging market trends.

With those remarks, I beg to second.

(Question proposed)

Hon. Speaker: Yes, George Best.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Speaker. I rise to support this Bill, which has been ably moved by the Leader of the Majority Party and seconded by the Chairperson of the Departmental Committee on Trade, Industry and Co-operatives.

This is a very timely Bill. It has come at a time when we are looking at the description of goods that are being sold in the country, especially with the influx of goods from various countries, most of which are not described or, if described, are misdescribed.

This Bill expands the scope of describing goods across various segments, whether through price listings, advertisement or other means, so that as we buy goods, we know exactly

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what is being offered by the seller, the various sources of those goods and what they actually contain.

[The Speaker (Hon. Moses Wetang'ula) left the Chair]

[The Temporary Speaker
(Hon. Martha Wangari) in the Chair]

We have also extended these provisions to services, so that even professionals who are offering services must describe them in a manner that complies with the law. The relevant law here is the Trade Descriptions Act.

Therefore, if you look at Clause 2, which amends Section 2, the various categories of goods that are sold and delivered, exported and imported, are clearly described. The Bill proceeds to make further amendments by introducing new sections, such as Section 14A, under Clause 6 of the Bill. It provides that:

"Where any goods bearing a false trade description are found in the possession or control of any person carrying on trade or are found on any premises, whether open or enclosed, which are used for trade, that person or the person in charge of those premises shall be deemed, for the purpose of this Act, to have the goods in his possession for trade and the onus of proving to the contrary shall be upon the person."

What this simply means is that if you take the risk of holding goods that are possibly misdescribed, or selling goods on behalf of somebody else when those goods are not properly described, then, for all intents and purposes of this Act, you shall be deemed to be the owner or the person in possession of those goods and may be liable for prosecution under this Act. This is a very important provision because, in most cases, we have sellers of goods giving them to young people who are known as sales agents. Those are people who move around selling goods that they have no clue of, apart from what they have been told by the person who gave them the goods.

Therefore, the onus will be upon the young person to demonstrate that they are not the owners of the goods and that they do not have actual possession over them, but that a third party, who is supposed to be well versed in the goods, is the one who is liable.

We then move on to the new clauses that are proposed under Clause 8, which deal with persons employed in businesses. There has been a proposal that these clauses be amended because the principle of vicarious liability, as it is known in law, may not be properly described here. The new section provides that where a person is employed in a shop or elsewhere and misrepresents goods and services, the owner or employer may be held liable. This is what is known as vicarious liability.

The purpose of the proposed amendment is to show that the agent, salesperson or the person who is doing it on behalf of somebody else, must knowingly misrepresent. That is the time he is going to be liable and not the employer. But if the agent has only information provided by the employer, then it is that employer who is vicariously liable and ought to be punished.

It is also important to point out that there are clauses in this Bill that seek to enhance penalties because some of the penalties that have been given are very lenient. Some of the goods in circulation are of great value and may sometimes exceed the fines that are imposed by great margins. The profits may even tempt you to commit offence so that you pay a lesser fine and get away with a huge profit. This is the reason why there is a proposal to enhance the penalties and make them stiffer for those who commit offences under this Act.

We also have the last bit of clauses at Clause 10 where there is a proposal to introduce New Section 21B which empowers inspectors to move around and, sometimes, act without warrants because in some of those cases, reasonable suspicion is sufficient to allow an inspector

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to impound goods and make arrests. If we do not have such provisions, there may be arguments that you cannot arrest or impound goods without court orders. Some of those goods are brought in by carriers, including ships, aircraft and motor vehicles. Unless such vehicles, ships or aircraft are impounded, those responsible would get away with the commission of the offence.

As I conclude, this is a very important Bill, and I support it. I agree with the Chairperson of the Committee on Trade, Industry and Co-operatives that, when the time comes, we shall look at the proposed amendments with a fine toothcomb so that we are able to know whether they are meritorious or not. However, as the Bill currently stands, I support it.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Very well. Deputy Leader of the Majority Party, Hon. Owen.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. I stand to support the Trade Description (Amendment) Bill, (National Assembly Bill No. 42 of 2026).

The Bill comes at the right moment in this country, particularly in this technological era. The Trade Descriptions Act has been in force since the 1970s. However, there have been a lot of changes in technology, business and trade practices.

It is, therefore, very important that we pass this amendment Bill. Why do I say so? Description of goods and services has become very important, and we must ensure accuracy. I am a consumer of many products in the digital space. I want to give an example from an area I am familiar with, which is dairy farming. You find someone describing a cow that produces 40 litres of milk a day or even 60 litres. I saw an advertisement for a cow that was said to produce 60 litres a day. I pursued that opportunity because I thought this must be a very good cow. The cow was being sold at Ksh120,000. It was a Friesian, and when you looked at the picture, you were very sure that you would get a cow that would produce 60 litres a day. You travel all the way to Githunguri, look at the animal that was said to be producing 60 litres and look at its records, only to find that nothing is in congruence with what was advertised. You then come back. I have had the misfortune of buying a cow that was said to produce 30 litres of milk per day, only to find that it produces 6 litres. Some people use their digital platforms, whether Facebook, TikTok or Instagram, to defraud very innocent Kenyans. It is very important that we enact this law.

As a farmer, I buy some products for my animals. I do not want to name the products, although I am tempted to. You find someone advertising a particular formula, telling you that if you give it to your cows, they will start producing 30 litres. You then order it in bulk. You give the product to your cows, but they produce nothing. You then start analysing what is inside and realise that you have actually been cheated. We need this law. I know many farmers who depend on information from digital platforms to improve their production, but they end up losing. I once engaged a person who sells pixies. Someone puts pictures of those pixies online, and you go there intending to buy them, only to be told: "You know, I only saw a picture somewhere, picked it up and transferred it here. But *nitakutafutia* if you are interested." That is the kind of language you encounter.

We must rein in this space and ensure that the descriptions given by people selling products online are correct. I also heard the Chairman speak about cars. There are many people who have been defrauded and have bought cars that are malfunctioning on the first day after buying them because they relied on information from a digital platform. You see the car you want, and it is described as perfect for you. You go there and are told that it has only covered 30,000 kilometres on the road. You buy the car, only for your *fundi* to tell you that the car has done 230,000 kilometres and the speedometer and many other things were changed. We must bring such people to book. If you buy a watch online, they will give you a vivid description. You are told that it is an original Seiko. You look at that Seiko and think that it is the one. You order it online and spend a considerable amount of money, only to realise that what you have

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received does not even closely resemble an original Seiko. People have suffered because of those descriptions. There are also innocent people who order food online, only to consume it and become sick. It is, therefore, very important that we pass this law to rein in such practices.

Hon. Temporary Speaker, the problem goes beyond the sale of products. It also concerns services. I want to speak very candidly about this. My friend, the Member for Funyula, is a researcher. However, there are people who parade themselves online as researchers and claim to rank Members of Parliament from the best to the worst. However, if you look at the credentials of those people conducting such research, you find that they have never done any research in their lives and yet, they go ahead and rank Members of Parliament. They do not even follow the description of the responsibilities of a Member of Parliament. They peddle such information online and people believe it. Such information tilts a voting pattern within a constituency or a ward based on information that is not true. These are the things that we must come forward and say no to.

I would like the Chairman and the Committee to look into this matter, not only in relation to goods, but also to services. For instance, consider consultancy services. Someone describes himself as one of the best consultants and claims to have accolades from the United Nations (UN) and other institutions. They offer themselves for service, only for you to find out that they are quacks.

The same applies to hospitals. These days, there are people who describe themselves as online doctors. You look for their clinics and go there, only to find that they are quacks. These are the things that we must rein in through this law. We must bring sanity. Consumer protection must not only apply when somebody sells goods physically. It must also extend to online and digital businesses. Many people today are doing business online. Many young people are doing business online, and that is the only space they know. However, over 60 per cent of what happens in the digital space is just fraudulent. You find people selling shoes, handbags and beauty products. They even sell to my leader, *Mama* Naomi, very nice sunglasses. You see those sunglasses and think they are from the top-notch makers of sunglasses, only to realise that they were manufactured in a backyard. We have nothing against those young people making money, but let them conduct legitimate trade and business. If a product is of low quality, please describe it as low quality. Do not give it a heavenly description, only for you to find that you have not even reached the third cloud.

My friend, the party leader of MDG, wears very nice suits. He told me that he never buys suits online. However, my friend, Hon. Kiborek, looks at suits and ties online and spends colossal amounts of money, only to realise that they do not fit him - like the one he is wearing today.

I urge Members to pass this Bill so that we protect business people, consumers and people who are trying to do legitimate businesses by selling goods that they have properly described.

I support.

The Temporary Speaker (Hon. Martha Wangari): Hon. Mbui, Member for Kathiani.

Hon. Robert Mbui (Kathiani, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I rise to support the Trade Description (Amendment) Bill, that has been sponsored by the Leader of the Majority Party. This is a straightforward Bill. When it comes to issues of trade description, we are talking about how we describe our goods before we send them out into the market to sell to our consumers. It is the responsibility of this House to protect consumers. We must not allow unscrupulous traders or rogue business people to misrepresent the products they are selling out there. We must pass this Bill so that we can protect the consumers. On the flip side, we also have to be fair to businessmen so that we do not make a law that punishes them unnecessarily and unfairly.

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Hon. Temporary Speaker, I remember some time back, there was a column that ran in *The Nation* for quite a number of years. They used to say: "When the deal is too good, think twice". Many Kenyans have lost money. I would read that article every week because it would show the very ingenious methods with which Kenyans would take money out of an unsuspecting public.

I think this is one of the ways by which we must protect our people. If somebody purports to sell an item, we should make sure that the description that is put forth is clear and has all the parameters that are required, so that there is no ambiguity and possibility of someone buying what they were not expecting. Sometimes, they say that what you see is not always what you get and that is happening a lot in businesses.

When we are dealing with this Bill, we must also remember that, sometimes, marketing language can be used to portray things in a very rosy manner. I do not know how we are going to deal with the marketing language because marketers will never tell you that their product is not as excellent as they portray. They will always try to make it look much better than it really is. Within the language of marketing, I do not know whether we will be breaching some of the provisions of these proposals. We have to be very careful even as we pass this Bill so that we allow marketers to say what they want to say, but let them not misrepresent or misinform the general public.

Now, what goods can do must be explicitly stated when traders are selling things. Sometimes, you wonder when you look at some of the information given on goods. Many colleagues have said it. That you buy a product that you are told can move at a certain speed, carry a certain weight, and do certain thing. When it comes to you, the contraption can do almost none of the said things. How do we protect people?

We must make sure that there is in place everything that is required to describe a product so that the end user knows exactly what they are buying. Of course, the misinformation can lead to financial loss. For example, you may be investing in a product such as a computer that you expect to be of a certain class. Then, somebody has put together pieces of contraptions and made up one that is not the same value as what you are buying. You will be losing money and, at the same time, it is risky. There is a serious physical risk that you run when you buy products that are not exactly to the standards of your expectation.

The Leader of the Majority Party talked about gym equipment. Imagine somebody selling gym equipment that cannot carry the weight that is expected, and somebody who is doing bench press on a bench that cannot carry the weight that it is purported to carry. Somebody could be injured or even lose life. Therefore, it is not just financial loss; it is also possible physical injuries and risks.

I heard the Leader of the Majority Party talk about the description of used vehicles. They should go to the extent of even indicating whether the vehicle had an accident or not. I lost an uncle years ago to a vehicle that had an accident before and then it was refurbished. Then, it was not fixed properly. Whenever that vehicle reached about 80 kilometres per hour, it would start swerving on the road. That made him lose his life.

We have to be careful over vehicles that have had accidents. Many times, they pretend it is minor accident. Let them not describe to us whether it was a minor or major accident; let them just indicate exactly what kind of accident it was involved in and what was hit so that the person who is purchasing can know what to expect.

Much of our business today is done online. That is where there is serious misinformation. Many times, we depend on trust. You will go online, find a product, and actually pay for it. In fact, many of those online traders expect payment in advance. You can imagine if the description is false, you have invested and spent your money, and then the product that comes is not exactly what you are expecting. You can imagine that kind of

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situation. As we bring online trade into view, it is important to make sure that we provide clarity in exactly what people are trading there.

If correct ingredients descriptions are not given, then products that are being consumed by human beings may have ingredients that people are allergic to. They can fall ill if they do not get that information. If somebody was to purport to have medicine that can treat a certain ailment and it does not have the ability to, then again, that can also lead to serious health risks. As we finalise on the Bill, we must close all the possible loopholes.

As I finish, I heard the Deputy Leader of the Majority Party leader talk about cows. I think the Leader of the Majority Party talked about the production of beauty products. I was just thinking, what about alcohol? I mean, you can be ordering alcohol online and thinking that you are buying Johnny Walker and then you find it is 'Johnny Natembea'.

(Laughter)

We have to be careful on what we are ordering so that the descriptions are perfect.

Otherwise, as we finalise, there is also another possibility when we have inspectors that will be going around checking traders' goods and whether they conform. I do not know how they will delink that from counterfeit products. Counterfeit products are also in the market.

There are issues of weights and measures that have been mentioned. We also have to protect the traders because you also do not want to create a situation where you open your shop and somebody comes and wants to know about counterfeit, another one wants to check your licences, another one wants to check your tax records, and another one wants to check your weights and measures. Eventually, we also have to find a way to bring some of these similar laws so that it is done under one inspectorate of business premises if it is inspection. It is just the same way we say that we will have all these licences under one stop shop if we want people to trade in Kenya. We may need to consider the possibility that all businesses inspections should be done under one ambit so that people do not keep walking in and out.

Unfortunately, many times in Kenya, the people to do inspection are not really interested in knowing whether products have been properly described. Sometimes, they just want to see what they can get out of the trader. We need to protect our traders in that manner.

With those many remarks, I support.

The Temporary Speaker (Hon. Martha Wangari): Very well. Member of South Imenti, are you on this? You have the Floor.

Hon. (Dr) Shadrack Mwiti (South Imenti, JP): Thank you. Let me take this opportunity to support this amendment Bill.

First and foremost, the core objective of the Bill is to strengthen consumer protection. We have found out that Kenyans are vulnerable to false information and misleading descriptions of goods and services that are offered. The Bill will assist in protecting consumers so that they get the right information. It will also ensure that buyers of various goods and services are given the right descriptions and information before they purchase any goods or services. The Bill will prevent traders from misrepresenting their quality.

In various occasions, you will find that the quality that is packaged in various methods does not portray or exhibit the exact description that is labelled. We have also learned that there is much cheating in the quantity in Kenya.

The Bill will assist in prosecuting persons who provide false information, particularly regarding quantities. For instance, where a package is supposed to contain 90 kilogrammes but is found to contain only 70 kilogrammes, that amounts to cheating as well as theft. This is a very important issue that must be addressed.

Hon. Temporary Speaker, we have also realised that some products do not originate from their stated manufacturers. Their origins are misrepresented, and in some cases, the

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products are diverted or manufactured in different locations from those that are indicated. For example, an item that is manufactured in Asia may be labelled as having originated from the United States of America (USA). This makes it difficult for consumers because they end up paying for a product that may not meet the expected quality standards or have the stated origin.

Take, for instance, motor vehicles. We have cases where the mileage that is indicated on imported used vehicles is not accurate. A vehicle may have been extensively used, but its mileage is lowered. Consequently, a buyer ends up paying an amount that does not reflect the vehicle's actual condition and mileage.

It is also very important that we regulate online trade and digital advertising. This Bill extends the application of the law to advertisements and representations made through digital platforms. It will cover online marketplaces, social media channels, websites and mobile applications. This will be very important once the Bill is passed.

I would also like to address the misrepresentation of product descriptions and advertisements in electronic and online transactions. The main objective of this Bill is to promote transparency in the sale of goods. It will ensure that traders provide truthful information about the goods that they offer for sale.

The Bill will also extend the law to cover goods that have been processed or repackaged. It further provides for the enforcement of provisions that are governing fair trade and the distribution of goods.

We recognise vehicle mileage as an important trade description. This will help prevent misrepresentation when motor vehicles are sold. It will also enhance consumer protection by ensuring that buyers receive accurate descriptions of the vehicles they import.

With those remarks, I support the Bill.

The Temporary Speaker (Hon. Martha Wangari): Thank you, Member for South Imenti. The next chance will go to the Deputy Whip of the Majority Party, Hon. Waqo.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker for giving me an opportunity to add my voice to this very important debate on the Trade Description (Amendment) Bill.

Having looked at this Bill, I consider it a good Bill that can help protect consumers, of whom we are all part of. I have realised that many Bills that have been passed by this august House can benefit citizens in different ways. This confirms that our Government is concerned about the welfare of its citizens through the amendment of laws to ensure that consumers, including us, can benefit in different ways.

The intention of the Bill is to modernise the Trade Descriptions Act (Cap. 505) to respond to emerging trends in trade. It seeks to strengthen consumer protection and enhance enforcement against false or misleading trade descriptions. In the past, many Kenyans suffered due to counterfeit goods and false descriptions of products. For instance, in vehicle imports, consumers are sometimes given a particular description only to discover that the vehicle delivered to them is completely different from what was advertised. Many have suffered losses. The Deputy Leader of the Majority Party has also pointed out consultancy firms. We have also seen consultancy firms online, presenting impressive curricula vitae, achievements and qualifications, only for consumers to discover that the reality is different. Ultimately, it is the consumer who suffers.

We have also seen the advertisement and sale of plots and parcels of land. Many Kenyans aspire to own land or property and settle somewhere. In fact, for any Kenyan, the priority is either owning a vehicle or land somewhere. Unfortunately, people have abused this and ended up conning people. Many Kenyans have suffered. They advertise plots for sale online, and it turns out to be fraudulent. Consumers end up suffering losses. It has left people distressed, with others developing health complications, including high blood pressure and diabetes.

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Furthermore, in today's world, our young people are also vulnerable to exploitation through online relationships. Many people enter into relationships online, and some young people have suffered at the hands of unscrupulous individuals. Many young women have entered into relationships with the wrong people and have subsequently been mistreated or insulted. Others have been sexually assaulted or even killed. This is an area in which we need to provide greater protection. We must introduce these amendments to safeguard the interests of all consumers. I also wish to advise citizens to exercise caution when they are going online to look for anything. In particular, young people, as well as older persons seeking romantic relationships, should be careful because some people have suffered greatly and even lost their lives.

The Bill further recognises that the existing legal framework does not adequately address some of these issues we have mentioned, particularly the emerging challenges. The world is changing. What we knew even in 2020 may no longer apply today. We must, therefore, keep pace with those changes to remain relevant.

The Bill is also important in giving effect to Article 46 of the Constitution, which guarantees consumers the right to goods and services of reasonable quality; to information that is necessary for them to gain full benefit from goods and services; and to protection of their health, safety and economic interests. That is what Kenyans need today - consumer rights.

The digital platform is growing very fast and all of us are getting into that space. If we have this Bill in place, we will do our country a big favour. Many generations will enjoy and maybe in the near future they will, again, do other amendments that will be relevant to that time.

When I looked at the Bill, I was excited about the things that we will achieve through it. There are many things that we will achieve, but I will just pick on three. One, the Bill addresses misinterpretation of mileage in terms of a vehicle. The Bill proposes to include mileage as a parameter in the description of goods. This is relevant, especially to the sale of second-hand motor vehicles where, inaccurate mileage information may mislead consumers. Many of us have suffered because of that. I personally bought vehicles thinking that the mileage that was shown was the correct. Unfortunately, at times after you buy a vehicle is when you realise that somebody somewhere interfered with its mileage. This will protect innocent buyers.

Secondly, the Bill will strengthen accountability among traders. The Bill proposes a provision relating to possession of goods bearing false trade description and the liability of employers and partners for offences that are committed in the course of doing business. That is what we need today because in the past, business people have conned customers and run away. Others change their companies, their names and their IDs. Once we have this provision in place, we will follow such people. In fact, the Bill has proposed enhancement of penalties for such offences. That will surely protect the interest of all consumers, be they young, old, rich or poor.

Thirdly, the Bill promotes transparency, fairness and accountability in trade, while protecting consumers from deceptive commercial practises. We need this as a country. If we pass the Bill, we will help many Kenyans to do clean business and gain their profits.

With those few remarks, I support.

The Temporary Speaker (Hon. Martha Wangari): Very well. Next is the Member for Nairobi, Hon. Passaris.

Hon. Esther Passaris (Nairobi City County, ODM): Thank you, Hon. Temporary Speaker for giving me an opportunity to contribute to the Trade Description (Amendment) Bill, 2026. I welcome the proposal to expressly cover digital advertising and price listings. In Nairobi today, you can buy a phone or a book without walking to a shop by paying for their delivery. So, when we talk about misleading claims online, we must pay attention to the services and the quality of the goods. Two days ago, I received a message on my phone. When

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I clicked on the message, it said it was Postal Corporation of Kenya (Posta Kenya). They had a parcel for me, but they did not have my address. I clicked on a link they gave to access a form that was basically asking for my details. After I put in my details, I was asked to pay Ksh129 for the parcel to be delivered. When I clicked pay, I got a notification from my bank that they were going to charge me 2,000 Rands. Of course, I needed a One-Time Password (OTP). So, I was able to quickly cancel the transaction, recognising that it was fraudulent. However, the form itself bore the name Posta Kenya. We have a lot of online businesses that are actually fraudulent.

A few months ago, I saw an advertisement that popped up on TikTok, I believe, which claimed that a particular cream could get rid of dark spots and even out skin tones, among other things, especially around the elbows. So, I thought, okay, let me buy it. It was not even from Kenya. It was from Vietnam. They said that I would pay on delivery. So, I thought, okay, that is fine. I would not lose my money. I gave them the delivery address, and they delivered it. I used it for two months. It did not work. So, we also have substandard products. Then I started thinking that it has become very easy to purchase something online. The problem with that is that some of the products we buy, including vitamins and all kinds of other products that are sold online, are enticingly advertised. The cream I bought, for instance, was advertised very well, but it basically did not work. I just want Kenyans to be protected.

If there is a law that says that advertising, pricing and purchases have to be honoured by the seller, what happens when you actually place an order and the product is either delivered or not delivered? Where do you go to make that complaint? Who do you approach and ask: "Where do I complain?" Who can act quickly to take down that advertisement? Who will preserve the evidence? For instance, if you make a complaint and, after that, the platform is pulled down, what happens tomorrow when you go to court? How will you be able to obtain the evidence to prove that that particular account, managed by a particular person, was involved in fraudulent business? How do you protect the consumer?

We need a law like this, and I ask the committee to consider how the Bill can work alongside other agencies and service providers to respond to online fraud. A person should be able to report a suspicious message from their phone, submit a link or a screenshot and receive a reference number. From there, the relevant agencies, payment providers, and online platforms should know who is responsible for investigating, tracing the payment, and acting quickly against a fraudulent link.

We also see this with Safaricom. I mean, M-Pesa. Every single day, I receive a notification asking me to pay for a particular item or indicating that somebody is trying to initiate a payment. I am like: I never requested to pay for anyone! So, I have to cancel it. Many people are also losing money through fraud because we do not have the necessary systems or laws. The most important thing is that we can have all the laws in place, but if we do not have a mechanism for enforcing them, then they will not help.

Hon. Temporary Speaker, we have attended many forums where Government bodies come and talk to us about their ability to protect us against abuse and online harassment. However, when we complain to the relevant authorities, nothing happens.

We are not even able to stop or pull down those advertisements. I have seen advertisements on Facebook where they use the President's photograph. They have used my photograph and those of other prominent people. They take photographs of media personalities and use them to advertise supposed investment opportunities, promising to double peoples' money, shamelessly, but nobody is able to pull them down. As soon as you pull them down, they re-appear.

For me, the danger of not being able to manage this is that there are many young Kenyans who are conducting legitimate businesses online. They actually have fantastic outfits. If you look at the outfit I wore for my 62nd birthday... I bought it online, but I know the lady

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and so, I knew that I would receive the product. She sells all her merchandise online. The question, therefore, is that there are many young Kenyans who are conducting business online because they cannot afford the overhead costs of maintaining business premises. They would rather have a small room in their homes or a suitcase in which they keep their items.

The risk we face if we do not have laws in place is that those conducting legitimate businesses, who are the majority, will lose the trust of their customers because of the actions of a few unscrupulous individuals. Once bitten, twice shy. A person who buys something online, loses their money and has no recourse will not buy another product online, unless there is a way of seeking redress. So, we need the law to work. We need people to know how to make complaints, and we need an efficient mechanism for recovering their money.

When we come up with this law, we will basically enhance online trade. In a way, we will also be saving online trade and protecting consumers who purchase goods online. The world is becoming very busy. Both parents are working. Sometimes, you want to go home and simply go to Carrefour online to order your vegetables, food, or takeout. You want to be assured that the goods will arrive in good condition.

The next generation of Kenyans who receive that message should also know where to report such cases, and whoever receives the report should be able to act on it. For me, I think that once we come up with this law, we will be able to protect the consumer, the seller and, at the same time, enhance trust. We know that Kenyans have a trust deficit. Once we enhance trust in online trade, we will create opportunities.

As a country, we are investing in digital hubs all over the place because we know that, that is the next frontier. When we invest in digital hubs, we need to ensure that Kenyans are able to maximise the education they are getting so that they can trade online. I really welcome this, and I ask the Committee to do its best to enhance the law.

We also have to ensure that we provide budgets. When we provide the budget, it will also create employment opportunities for many Kenyans. We can establish call centres to deal with complaints efficiently. It has to be multi-sectoral. It has to bring together the people and authorities that are mandated to deal with online digital business. At the same time, the police also have to be co-opted and trained on how to deal with today's matters. Advertisements have to be looked into, and we can also have people policing online to see what exactly is going on and how we can protect the Kenyan consumer.

Also, we are going to be exporting goods because the world is now a marketplace for everyone. Kenyans can produce goods here and market them abroad. We do not want Kenyans producing substandard goods, displaying very good pictures and images, quality descriptions, and prices, only for the goods never to reach other continents or to arrive in a substandard condition. So, this is basically going to help us enhance online trade, create opportunities for our young people and, at the same time, bring income for our country because whatever we export from Kenya through online is serving the Kenyan people.

With those remarks, Hon. Temporary Speaker, I support.

The Temporary Speaker (Hon. Martha Wangari): Member for Limuru, are you on this? I take the silence to mean no. Member for Buuri, Hon. Rindikiri, please check whether the Member for Limuru heard me.

Hon. Mugambi Rindikiri (Buuri, UDA): He is busy trying to look for something extra for the other hours.

The Temporary Speaker (Hon. Martha Wangari): You have the Floor.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker. I stand to support this Bill. I have just read the Memorandum, and it is about the changes in the conduct of business that have occurred since the commencement of the Act. It also addresses the emerging market trends relating to false trade descriptions and misrepresentation.

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From a very practical perspective, considering what is happening in our country today, particularly when you walk into a supermarket or even a chemist, you will find many products that were not there before, and the majority of those products are not manufactured in our country. There are so many products. One cannot tell which one is the right one, particularly with medicine. This is a very challenging situation that we have right now.

In terms of beverages, there are so many varieties that you do not know which one is the correct one. The same applies to food. Even because of the electronic nature of packaging, you do not know what is inside or the quality of the product. Therefore, it is high time we started looking at consumer rights. This Bill is trying to address consumer protection because, at the end of the supply chain, the products end up with the consumer.

Hon. Temporary Speaker, we have been bombarded with all kinds of products. If you go to TikTok, you will find all kinds of products. Some of them, I do not know what they are meant to enhance. Others claim to cure certain diseases, change my gray hair to black, while others claim to make you taller or other things longer. We are in a situation where there is so much information that ends up misrepresenting the facts. The consumer is the one who falls victim. In the process, there is also the rights of the seller, because he is not necessarily the manufacturer. This Bill also touches on that. There is also the distributor, who is not necessarily the producer or the consumer. Finally, there is the manufacturer.

There is then what we call generic and original product. The confusion happens because of the changing patterns of consumption in the world. Now, the biggest animal that we can no longer avoid is Artificial Intelligence (AI) and advantages of online selling. We are falling victim to false information. What this means is that you end up consuming the wrong product, which is very dangerous. I have seen somebody selling products claiming that they will reverse cancer, diabetes, old age or other kinds of conditions. We need to be very careful. Therefore, this Bill is intended to address that.

When you walk into a supermarket, the majority of the products you find there are not manufactured in Kenya. You ask yourself whether they have passed through regulatory approval, for example, the Pharmacy and Poisons Board (PPB), which regulates anything to do with medicine. Yet, you find those products there. Some of them have descriptions that do not necessarily reflect their intended impact when they are consumed. It is very important that we have a law that ensures what is described on the packaging is exactly what is contained in the product. That is where the “animal” is. Who does impromptu checks or enforcement? At what point do we start enforcement? Is it right from the manufacturer, through shipment, distribution and finally to the retailer? Those are all gaps that have existed in the supply chain until the product reaches the consumer.

It is important to note that giving wrong information, particularly about a product that is intended for human consumption, is a very serious criminal offence. Therefore, this Bill addresses that. If you give false information, you are liable to a fine or imprisonment. However, in many cases, this is not happening. It is, therefore, good to strengthen enforcement because that is what is lacking in this country. We are buying so much on the internet because it is fun and convenient, but we end up purchasing the wrong products.

When you talk about accountability, some of those products give wrong descriptions to avoid taxation. It is because sometimes taxation is pegged on what is contained in a product, including its weight, quality, *et cetera.*

This Bill is addressing accountability, which is very important. Confidentiality is very important in any kind of business; extremely important. Transparency is very important. When there is no material disclosure of what kind of product it is, it should not find itself in the shelves of our supermarkets. It should not find itself in the shelves of our pharmacies. It should not find itself in the streets of Kenya. We need to also be very careful. That is something that this Bill needs to address. Everybody is selling products on the streets. We do not know where

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they have come from and yet, they are on the streets. We try and trace where they originated from but for some, we still do not know. Therefore, this Bill is coming in at the right time because we really need to be very careful. Advertising is becoming very expensive and tricky, but this Bill will look into that.

With those few remarks, I support the Bill. When the time comes, we shall propose one or two amendments.

The Temporary Speaker (Hon. Martha Wangari): Very well. Member for Funyula.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to the Bill. From the onset, let me record that I sit in the Departmental Committee on Trade, Industry and Co-operatives and, therefore, I had a chance to listen to the stakeholders and the concerned parties about their concerns and fears.

For record purposes, as the Mover has clearly put it, it is an amendment Bill to amend an extremely old Bill to align it with the new technologies and issues that are at hand at the moment.

Business is founded on one principle of trust. I trust what you tell me. I buy based on the trust and the description you have given. That is why in all jurisdictions, we always have the trade description, that is, the way we describe the products and the services that we have to offer. But, as we always say, sometimes, what you see is not what you get. I have had so many friends who have given me very horrifying stories of going through very horrendous experiences after getting what they did not actually expect to see. Many a times, during our days, people would advertise in the newspapers that they were looking for a lover to marry, and those kinds of things. They would exchange telephone numbers, travel miles and miles and then, when you see them, you realise that it is not what you saw in the photo.

Once we go through this Bill, we might also have to extend to some of those stories. There have also been stories on Facebook. They show you the front elevation, but when you see the actual package, it is not exactly what you thought it ought to have been, based on your own description.

The Temporary Speaker (Hon. Martha Wangari): I do not know why you look like you are speaking from experience.

(Laughter)

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): At my age, it is possible. Nevertheless, I fear buying anything online because our experience was going to the shop and picking selections that you want before you buy. Buying online has been a very big struggle, even though my children and grandchildren are trying to force me to do that because of the time element. The essence of this Bill is to clarify the issue of description of a product. It is about putting in some accountability, that whoever describes a product must actually describe it as it is. I am told that many times when you order a product, what you get is not what you ordered. Therefore, the Bill clearly sets out some of the issues that require to be addressed.

When we listened to the stakeholders, they had several concerns, specifically on Clause 8. It creates a new Section 16A that says that a person who purports to sell a product that does not meet the descriptions, then that person is personally liable. That is the issue that 'Sir George' was talking about - vicarious liability.

Traders and stakeholders raised various concerns. You may employ somebody in your shop and later find out that they have stocked the wrong product. It would be unfair to punish the owner of the shop or the warehouse for products that they did not know about. That is why the Bill clearly used the word, "knowingly." The Committee will propose amendments.

The other issue was unchecked access to premises under the guise of checking whether they comply with the Bill. Many Kenyans clearly stated that there must be some form of

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notification or reasonable grounds to convince the authorities that the premises have undescribed properties, goods or services.

Kenyans were also a bit apprehensive about Clause 10 of the Bill, which proposes to create new Section 21A, which provides for the seizure of goods and those who are expected to enforce such. We will come up with reasonable amendments at the right time to align the Bill with the Kenyan reality.

This is a straightforward Bill, which I have sufficiently interacted with. Any trader who purports to sell anything has a moral obligation to clearly describe their products. It is unfair to use marketing gimmicks to lure customers to buy products that do not meet their standards and expectations. The impact is the same since the trader stands to lose business and get jailed. Therefore, traders must be straightforward and sell credible goods that they can account for.

Many jurisdictions have provisions for tracing the origin of a product. It is probably a good time for Government agencies to enforce the same to ensure that we can trace the product manufacturer, the production period, and the origin of mistakes. I also want to urge producers and manufacturers to stick to the required production standards to avoid tarnishing traders, hawkers or retailers in the eyes of the customers and the law. I call upon all agencies to be vigilant to save Kenyan lives and ensure that Kenyans get value for their money. We should not lie to Kenyans as we do in politics by giving them fake and harmful products.

With those few remarks, I support the Bill.

The Temporary Speaker (Hon. Martha Wangari): Member for Kiharu Constituency.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much, Hon. Temporary Speaker, for giving me an opportunity to contribute to the Bill. In matters of transactions and trade, we buy information. The embodiment of any product is information. When contemplating buying a vehicle, you may have a choice of two vehicles, whose specifications may be the same, but the brands are different. You will pay more for one because you are paying for the additional information, which indicates that you are getting a more premium product. In the course of a transaction, the seller must always give correct information since the buyer relies on their trust in the seller. Therefore, to enforce trust, full information concerning a transaction must be availed. In economics, one issue that leads to market failure is incorrect information about a product, which results in incorrect transactions.

Hon. Temporary Speaker, it is, therefore, important that the trade description is correct. The description of goods and services that we procure is what you get when you buy. Price is what we pay and value is what we get. So, you may end up paying a disjointed price when it comes to value. That is the reason why we should always provide the right information.

However, in a functional economy and marketplace, that is the reason there are regulators. A buyer cannot be left entirely at the mercy and trust of the seller and the other way round. That is why the Government comes in. The State itself, through its functions and institutions, ensures that there is enforcement; that whatever you give is the correct information, so that transactions happen without market failures.

Demand and supply is good. It matches the buyers and sellers, but there have to be institutions that guarantee that whatever information that is given by either party is correct and enforceable. If you give wrong information, there should be penalties and enforcement mechanisms to make sure that no one takes advantage of the other. This is so that the population and the public can trust the markets, so that transactions can happen seamlessly.

Hon. Temporary Speaker, because we are talking about disclosures here, when we talk about trade description and description of goods and services and we are debating a Bill that has come from the Government side, it should make us aware that this disclosure is very important when it comes to any transaction, either in terms of person to person, household to household, or when it comes to citizens and the Government.

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There is an issue tied to this. When we talk about a transaction, whether a person is buying something online or an imported good, the same disclosure that is needed there is the same disclosure that we need when the Government is transacting on behalf of Kenyans. There is this issue that we have been talking about now and then. The issue of a transaction that is happening, binding me as a Kenyan, in so far as the construction of the Dangote East African Refinery is concerned in Lamu. The same disclosures we are asking for in the transactions handled here are the same ones we have been requesting. That is what myself (as a Kenyan) and many other Kenyans are asking the Government very simple questions.

One of the questions we are asking is that Kenyans need to know who the minority shareholders of the Dangote East African Petroleum Refineries are. The Government cannot chest-thump and purport that it does not have answers to give Kenyans. That is a transaction that needs as much disclosure as the one that we are debating today.

It is not the prerogative of any government to decide whether to give disclosures or not. We need disclosure when it comes to the minority shareholders of the Dangote East African Petroleum Refineries.

Hon. Julius Rutto (Kesses, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Member for Kesses. Order, Hon. Ndindi. There is a point of order. Member for Kesses.

Hon. Julius Rutto (Kesses, UDA): Thank you, Hon. Temporary Speaker. With due respect to my brother, is it in order for him to impute that it is difficult to obtain that critical information from the Registrar of Companies? Why put a general blame on the Government? He seems to imply that there is some critical information that has been withheld from members of the public. We have the Registrar of Companies just across here and it would have been in order for the Hon. Member to table that information for purposes of public interest. So, I think he is not in order.

The Temporary Speaker (Hon. Martha Wangari): Hon. Nyoro.

Hon. Ndindi Nyoro (Kiharu, UDA): The Hon. Member for Kesses has been in this House for enough years to know that he actually stood on a no-point of order. He was just making a statement. When it comes to the shareholders of Dangote East African Petroleum Refineries, we need disclosures on the 7,000 acres of land Kenya has already acquired and compensated. That is the land on which Dangote East African Petroleum Refineries is being built on. How are we benefiting from that land, Hon. Temporary Speaker? What is the compensation? Is it in terms of money? Is it in terms of stake?

Secondly, is there any Government direct investment and at what stake? At what percentage and at what entry point? Is it at cost or is it on premium built? On what basis is our entry point, Hon. Temporary Speaker? The reason why I am saying this is...

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

The Temporary Speaker (Hon. Martha Wangari): Hon. Owen.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. I rise on a point of order in terms of relevance of information, not debate.

There are many companies that have been set up in this country. They are many, and they are being set up every day in every place. Why does the Hon. Member have to pick on one company, Dangote, which has been set up at the Coast of Kenya to benefit the people of the Coast, and for the general welfare of the people of this country? Why has the Hon. Member for Kiharu Constituency never questioned many of the companies that have been set up in his backyard? Why does he have a penchant, all the time, to poke holes on a company that is dear to the people of Coast? This raises certain questions, especially, on this business person. Is that part of the extortionist game or is it part of blackmail? Why does he not want the Coast to move forward like his backyard? Does he want to continue the thought of under-serving and...

The Temporary Speaker (Hon. Martha Wangari): Do not debate, Hon. Owen.

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Hon. Owen Baya (Kilifi North, UDA): I am raising a serious point of order.

The Temporary Speaker (Hon. Martha Wangari): Yes, raise a point of order, but do not debate.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, it is time we told the Hon. Member the truth. The people of Coast deserve development like any other part of this country. He has never questioned the land that has been given to many companies that have set up factories in this country. He has never questioned that. He has never questioned the shareholding of many of the companies that have set shop in this country. However, he has this penchant… I want to believe it is what we have been told: An extortionist game. He is a decent Anglican man, but since he got involved in other kinds of things... You know I love him very much because he is a man...

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Owen. You have made your point. Kindly do not debate. Hon. Owen, it is a point of order. I have actually been very gracious to you because you have prosecuted your point of argument. I also note that you, Hon. Ndindi, and I are Anglicans. You are professing love, but you are still throwing jabs.

Hon. Owen, the one issue I would want Hon. Ndindi to adhere to is... Of course, he has the right to question because it is in Article 35 of the Constitution. It is about the structures we have in this House for requesting information. We have committees. I would want him to limit himself to the right channels to get information.

Hon. Ndindi Nyoro (Kiharu, UDA): The assertions by Hon. Baya, Hon. Temporary Speaker, is the tragedy Kenyans are watching of the incompetence of some of the people they send here to represent them. In terms of relevance, I think, his point of order is more irrelevant than even what he purports the point order is on.

As I talk about disclosures, this is an important issue and he needs to know that I am at liberty to debate the way I want. He has no gauge to measure relevance.

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, we were doing very well.

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

The Temporary Speaker (Hon. Martha Wangari): Hon. Owen, what could be really out of order?

Hon. Owen Baya (Kilifi North, UDA): He is imputing improper motives on the people…

The Temporary Speaker (Hon. Martha Wangari): You have done the same, Hon. Owen.

Hon. Owen Baya (Kilifi North, UDA): He is imputing improper motives on the people of Kilifi North that they elected someone who cannot represent them. That is imputing improper motives on a whole electorate and on a whole constituency. I have been very gracious to only speak about the information he is giving us, not an attack on the person. Actually, I said he is a good Anglican. However, we should not allow Hon. Nyoro to run roughshod on us and on things that are out there. If he wants to request for a statement, let him bring it here and we will competently respond to it, instead of making these kinds of pronouncements.

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, you know I am listening to all of you. I know Hon. Owen has also accused Hon. Ndindi of touching only on the Coast and not his region. You have said you love him, and he has said you are a good man. So, we can make progress. Hon. Ndindi, as I guided earlier, I expect that the right to information also follows the right procedure. I know we can deal with the banter. You are also friends. I have no doubt that it can be dealt with outside this Floor of the House.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Temporary Speaker, I reiterate that when you come to this House, you have to debate issues on the electorate judiciously. Hon. Baya has exhibited a lot of shallowness in the interjections he has made on such a very important matter.

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The point I am raising is totally and squarely relevant. It sits well with the debate we have today. We are talking about transactions between buyers and sellers, and how the Government comes in. It is in that context that I am saying that the biggest transaction Kenya has ever handled, worth Ksh2 trillion, should be subjected to the same disclosure requirements that we are demanding for other smaller transactions. Kenyans should get the register of the minority shareholders of the East Africa Petroleum Refinery. We should also know how our 7,000 acres of public land are being factored into the transaction. Are they coming in terms of money or stake?

Secondly, is the Government of Kenya investing our taxes into the refinery? How much is it, and at what stake and entry point? By entry point, I mean in terms of costs.

Hon. Julius Rutto (Kesses, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Order, Member for Kiharu. Member for Kesses, what is out of order?

Hon. Julius Rutto (Kesses, UDA): Thank you, Hon. Temporary Speaker. I have heard my good friend, Hon. Ndindi Nyoro, speaking consistently about the land that the Government of Kenya has donated. As far as we are concerned, Government land has valid uses. One of them is to give it out for investment purposes, which we know the outcomes.

Investment creates employment and business opportunities which improve the economy. That is the price. When we insist on disclosures, the message and impression we create is that there are secrets that are yet to be disclosed. As far as I am concerned, my good friend is an interested party, which is in the public domain. He invests in the energy sector. He should desist from taking this position. This might call upon all of us to disclose how much he has invested, and the relationship between the parties and the sector he invests in because it is the same.

We should not misinform members of the public. The law is very clear on how public land can be used by the Government, including opening it up for investment like what Dangote is doing at the Coast.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): I have heard points of argument from all of you, Hon. Members. I know we will get opportunities to contribute. Hon. Nyoro, we have already guided that if there are issues you wish to raise, there are committees and proper channels to do so.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Temporary Speaker, the last thing I was talking about before the frivolous interjections is that Kenyans need to know the investment agreement. These things are very important. They bind me, as a Kenyan, in this transaction. There is a take off clause in the investment agreement that binds me and any other Kenyan not to import petroleum products, until you take in entirety Dangote's stock. These matters are important, which is the reason we must keep on demanding disclosure.

The other point I would like to raise, as we debate this important matter, is that today, I was with one of the importers in Kenya. They go through a lot of vagaries. They buy stocks in China and then they set up shops here in Kenya. However, the same manufacturers they buy those commodities from follow them here in Kenya to compete with them in the same market. In the same way that we are demanding for information, we must also protect the Kenyan traders. They cannot afford to be importers of commodities from China, and then face competition back in Kenya. They face competition from the same manufacturers, especially at a point where the Government has failed them by not granting a good playing ground.

The Temporary Speaker (Hon. Martha Wangari): Your time is up. Member for Magarini.

Hon. Harrison Kombe (Magarini, ODM): Ahsante Mhe. Spika wa Muda kwa kunipa nafasi kuongeza sauti kwa Mswada huu. Kwanza nampongeza Kiongozi wa walio Wengi kwa

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kuleta Mswada huu kwa wakati unaofaa. Sauti yangu haitoki vizuri kwa sababu ya baadhi ya bidhaa zinazotangazwa ambazo nilitumia nikidhani zitanisaidia, lakini zilichangia mimi kulazwa hospitali.

Huu ni Mswada wa maana na naomba tuujadili kwa akili zetu timamu na hayo majadiliano yatasaidia wananchi wa Kenya. Kuna matangazo yasiyo sahihi ambayo huwekwa kote. Ninaomba punde tu Mswada huu utakapopita na kuwa sheria, moja kwa moja uanze kutumika kwa maana Wakenya wengi wanaotumia huduma na bidhaa, wanapotoshwa kupitia vyombo vya habari.

Kuna bidhaa nyingi sokoni ambazo sidhani zimefikia viwango vya ubora wa bidhaa lakini zinatumika na bado zinatangazwa. Ni jambo ambalo kwa uhakika linaathiri Wakenya wengi. Mmesikia wenzangu kama Mhe. Rindikiri wakisema kuna bidhaa ambazo zinaongeza mapana na marefu. Ukifungua simu na kuingia YouTube, moja kwa moja utazipata hapo. Vitu hivyo vinavutia ajabu lakini ukivitumia, unapata vitu tofauti kabisa na vile vimeelezwa katika taarifa. Mwingine, hata jioni ya leo ukitazama runinga, anatangaza kipande cha shamba kule sehemu za Fundisa ambacho kiko kilomita kumi kutoka Che Shale Beach. Che Shale Beach iko kilomita nyingi zaidi kutoka kule wanadai hilo shamba linapatikana, lakini wanataka kivutio cha bichi kumtia mtu shimoni na hasara.

Mhe. Spika wa Muda, ni vile tu bado kuna wengi wanataka kuchangia Mswada huu, lakini ningeomba niwe wa mwisho kuuchangia. Naomba tuupigie kura, tuupitishe, na uwe sheria. Ahsante kwa nafasi hii. Naunga mkono.

The Temporary Speaker (Hon. Martha Wangari): Mbunge wa Magarini, umekiuka Kanuni za Bunge kwa sababu hutasitisha Mjadala huu. Lakini umeweka maoni yako. Mbunge wa Buuri, umechangia. Mbunge wa Runyenjes? Mbunge maalum, Mhe. Muthoni.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Speaker. I support this important Bill. When I looked at this Bill, it took me back 22 years, when I lost my brother. He was the first-born in my family. We lost him because of misinformation and disinformation about health products. He was a young man who had cancer. There were advertisements for magnetic belts that were being sold by some white people. I do not know which country they came from. Word went round that those magnetic belts were very pivotal in curing almost all diseases. People were told that by tying the magnetic belt around their waists, conditions such as high blood pressure and high blood sugar would disappear. My brother had pain on one side of his pelvis and he decided to buy that belt. He would tie it around his waist and by the time the doctors discovered that he had cancer, it was too late.

This Bill is very important for the country. We are amending it because the last amendment was made in 1977, and the Bill was adopted in 1979. Today, we are amending the same law because it has direct implications. First, it is intended to regulate trade descriptions in the digital commerce space. Secondly, it seeks to address misinformation about products that are sold in the many outlets that we have today. Thirdly, it seeks to strengthen accountability among traders. If all those measures had been in place back then, I am sure I would not have lost my brother.

Having said that, many other Kenyans continue to fall prey to that kind of advertising, where traders only want their money. They do not care about the products they sell. They even exaggerate on their labels about the conditions the products are supposed to cure. It was just the other day that our people were heading to a town called Loliondo, where they would be given a cup of some concoction that was claimed to cure all ailments. This Bill is very good and will help strengthen accountability among traders so that they are held accountable for the products they sell to consumers.

This Bill will also provide for penalties for offences. As a country, we should have a mechanism of thoroughly inspecting products that are sold to customers. Without such inspections, there is no other way of following up and punishing those who do not follow the

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law. I support this Bill, and I urge the Departmental Committee on Trade, Industry and Co-operatives to go further and ensure that the implementation stage is followed to the letter.

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, there being no further interest, I call upon the Mover to reply.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. On behalf of the Leader of the Majority Party and the Departmental Committee on Trade, Industry and Co-operatives, I would like to reply. This is a very good piece of legislation that has come at the right time for this country. It will protect consumers and buyers.

It will also ensure that this country is safe from descriptions that have led consumers astray and descriptions that have caused havoc - like the one that Hon. Muthoni has talked about. We have heard horrendous stories about goods that have been bought through certain platforms whose description was incorrect, exaggerated and given in bad faith. They have been very disastrous. Therefore, this is a good piece of legislation.

Having said all that, I also want to say that disclosure is very important. Article 35 of the Constitution gives us the opportunity to seek information and get it. It is a right for us to be given the right information and consume it. That right should not be abused through parliamentary process. People must seek information and just like we are saying: We must seek justice with clean hands and not purporting to want to seek justice, but trying to do other things on the other side.

On Friday or Saturday, the Committee on Social Protection went to Malindi to see how the *Nyota* Fund has helped young people. We visited a young man who received Ksh22,000 in the first batch of *Nyota* Fund. He told us that he keeps broiler chicken. We asked him where he keeps the broiler chicken. It was in town, the middle of the town. He took us to seventh floor of the building and found that, that guy has chicken on top of that building. I have heard people seek information on how affordable housing would allow chicken rearing. I got the answer when I went up the stairs.

It is possible for chicken to go up to the top floor of a house and enable a person to make profit. That young man makes profit on the seventh floor. When we say some of those things and attack the Government because it is the business of House to do oversight, we must do so with clean hands. We must do oversight not for the purpose of benefiting ourselves, but the whole country. Not oversight for political expediency but to move this country forward.

We must do oversight because we mean to help this country, but not just because we want to throw political jabs and dislodge and create some political space. We have a duty as Hon. Members of this House, under the law and procedure, to do the right thing. One of the things that we must do is to enact good legislation. The piece of legislation that we have today is to protect the country, consumers, citizenship, fellow countrymen and women for the benefit of taking the country forward.

I thank you, and I reply.

The Temporary Speaker (Hon. Martha Wangari): Very well. Members, we shall defer putting of the question on this Bill.

(Putting of the Question deferred)

Next Order.

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COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Temporary Speaker
(Hon. Martha Wangari) left the Chair]

IN THE COMMITTEE

[The Temporary Chairlady
(Hon. Martha Wangari) in the Chair]

THE BOOKS AND NEWSPAPERS (AMENDMENT) BILL
(National Assembly Bill No. 47 of 2025)

The Temporary Chairlady (Hon. Martha Wangari): Member for Limuru, are you ready?

Hon. (Eng) John Kiragu (Limuru, UDA): Yes, I am ready.

The Temporary Chairlady (Hon. Martha Wangari): Very well.

Clause 2

The Temporary Chairlady (Hon. Martha Wangari): Mover.

Hon. (Eng) John Kiragu (Limuru, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 2 of the Bill be amended— (a) in paragraph (c) by—

(i) deleting subparagraph (i) and substituting therefor the following new subparagraph—

"(i) by deleting paragraph (a) and substituting therefor the following new paragraph—

(a) before or within twenty-one days after publication of the book, at his or her own expense deliver to the Registrar and the Clerk of the Senate such number of copies, not exceeding three in number, together with a return in the prescribed form, containing the prescribed particulars and signed by the publisher;"

(b) by inserting the following new paragraphs immediately after paragraph (c)—

(ca) by inserting the following new subsection immediately after subsection (1)—

(1A) A publisher of a digital publication in Kenya shall, within twenty-one days of publication of the book, submit a digital copy of the book to the Registrar, the Director of the Kenya National Library Service and the Clerk of the Senate together with a return in the prescribed form, containing the prescribed particulars.

(cb) by deleting the words "the Colony" appearing in subsection (2) and substituting therefor the word "Kenya"; and

(c) in paragraph (h) by deleting the words "the Kenya National Archives" appearing in the proposed new subsection (9).

Hon. Temporary Chairlady, a publisher of a digital publication in Kenya submits to the Registrar, Kenya National Library Services (KNLS), and the Clerk of the Senate, a digital copy of the book within 21 days of its publication, and not 14 days as is the case currently after publication.

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The Temporary Chairlady (Hon. Martha Wangari): Mover, just to guide you. The Members have the Order Paper. Kindly move as per the Order Paper and then give a quick justification on why the changes are required. That would ensure that we move faster than we are currently moving.

Hon. (Eng) John Kiragu (Limuru, UDA): Hon. Temporary Chairlady, that is what I am trying to do. I have moved the amendment as per the Order Paper and I was giving the justification.

The Temporary Chairlady (Hon. Martha Wangari): Do not go through the amendment. Just give a short justification.

Hon. (Eng) John Kiragu (Limuru, UDA): The justification is that we are seeking 21 days instead of 14 days as currently stipulated. Another important amendment to highlight is that the copies to the Parliament of Kenya are given through the Clerk of the Senate as the Secretary to the Parliamentary Service Commission.

The Temporary Chairlady (Hon. Martha Wangari): Very well.

(Question of the amendment proposed)

Member for Buuri, do you wish to speak on this?

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Temporary Chairlady, one of the problems we have been having is the time required for the stipulated processes. The 14 days was a bit limiting as some publishers and depositors are far from where they are supposed to deposit. The justification is to, therefore, extend the timeline by 7 days to allow them to adhere to the requirement.

Thank you, Hon. Temporary Chairlady.

(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)

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

(Clause 2 as amended agreed to)

(Clauses 3 and 4 agreed to)

New Clause 1A

The Temporary Chairlady (Hon. Martha Wangari): Mover.

Hon. (Eng) John Kiragu (Limuru, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after Clause 1—

Amendment of section 2 of Cap 111.

1A. Section 2 of the principal Act is amended—

(i) in the definition of the word "book" by inserting the words "printed or digital publication" immediately after the words "includes any"; and

(ii) by inserting the following new definition in its proper alphabetical sequence — "digital publication" means a publication in electronic form of a book or newspaper accessible online or offline;

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(The new clause was read a First Time)

The Temporary Chairlady (Hon. Martha Wangari): Mover, move for the Second Reading of new clause 1A.

Hon. (Eng) John Kiragu (Limuru, UDA): Hon. Temporary Chairlady, I beg to move that the new clause 1A be now read a Second Time.

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

Members, if you intend to speak on any amendment, press the intervention button. Member for Buuri, you can proceed.

Hon. Mugambi Rindikiri (Buuri, UDA): The concept of the book is limiting in this era because not everything is available in the form of a book. There are very many varieties of presenting information, including electronic methods. Considering this, we needed to expand that definition to allow other forms of material, other than the book. This is very important.

The Temporary Chairlady (Hon. Martha Wangari): That is very important. I hear you, Member for Buuri, and I am in agreement. These amendments have been long overdue. I say that because in the Liaison Committee, the Chair has really prosecuted the need to have this law reviewed.

(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 2A

THAT, the Bill be amended by inserting the following new clause immediately after clause 2—

Amendment of section 9 of Cap 111.

2A. Section 9 of the principal Act is amended—

(a) in subsection (1) by deleting the words "shall be guilty of an offence and be liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment" appearing immediately after paragraph (c) and substituting therefor the words "shall on conviction be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment"; and,

(b) by deleting the words "guilty of an offence and liable to a fine not exceeding twenty" appearing in subsection (4) and substituting therefor the words "on conviction be liable to a fine not exceeding five hundred";

(The new clause was read a First Time)

The Temporary Chairlady (Hon. Martha Wangari): Mover to move Second Reading.

Hon. (Eng.) John Kiragu (Limuru, UDA): Hon. Temporary Chairlady, I beg to move that the new clause 2A be now read a Second Time.

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

(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 2B

THAT, the Bill be amended by inserting the following new clause immediately after clause 2—

Amendment of section 11 of Cap 111.

2B. Section 11 of the principal Act is amended by deleting the words "the Colony" appearing in subsection (1) and substituting therefor the word "Kenya".

(The new clause was read a First Time)

The Temporary Chairlady (Hon. Martha Wangari): Mover, move Second Reading.

Hon. (Eng.) John Kiragu (Limuru, UDA): Hon. Temporary Chairlady, I beg to move that the new clause 2B be now read a Second Time.

It is important for people to note that we are deleting "the Colony" and replacing it with "Kenya".

The Temporary Chairlady (Hon. Martha Wangari): Very well. You can see how old this law is.

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

(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 5

THAT, the Bill be amended by inserting the following new clause immediately after clause 4—

Amendment of section 22 of Cap 111.

5. Section 22 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (g)—

(h) prescribing the technical specifications for digital copies of books to be submitted to the Registrar, the Kenya National Library Services and the Clerk of the Senate including the file format, resolution, metadata standards and the manner of delivery.

(The new clause was read a First Time)

The Temporary Chairlady (Hon. Martha Wangari): Mover, move Second Reading.

Hon. (Eng.) John Kiragu (Limuru, UDA): Hon. Temporary Chairlady, I beg to move that the new Clause 5 be now read a Second Time.

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

The Temporary Chairlady (Hon. Martha Wangari): Hon. Rindikiri, are you on this?

(Hon. Mugambi Rindikiri spoke off the record)

(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 6

THAT, the Bill be amended by inserting the following new clauses immediately after clause 4—

Insertion of a new section 23 in Cap 111.

6. The principal Act is amended by inserting the following new section immediately after section 22—

Transition. 23. Section 6(9) of this Act shall not apply to publishers of books for a period of six months from the date of commencement of this Act.

(The new clause was read a First Time)

The Temporary Chairlady (Hon. Martha Wangari): Mover, move Second Reading.

Hon. (Eng.) John Kiragu (Limuru, UDA): Hon. Temporary Chairlady, I beg to move that the new clause 6 be now read a Second Time.

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

(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)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Members, we have come to the end of that Committee of the whole House. Mover to move reporting.

Hon. (Eng.) John Kiragu (Limuru, UDA): Hon. Temporary Chairlady, I beg to move that the Committee do report to the House its consideration of the Books and Newspapers (Amendment) Bill, (National Assembly Bill No. 47 of 2025), and its approval thereof with amendments.

(Question proposed)

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(Question put and agreed to)

(The House resumed)

IN THE HOUSE

[The Temporary Speaker
(Hon. Martha Wangari) in the Chair]

MOTION

CONSIDERATION OF REPORT ON
THE BOOKS AND NEWSPAPERS (AMENDMENT) BILL

The Temporary Speaker (Hon. Martha Wangari): Chairperson. The Chairperson is not aware he is the Chairperson.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report. I request the Member for Kesses...

The Temporary Speaker (Hon. Martha Wangari): We are not there yet. You are moving Reporting.

Hon. Owen Baya (Kilifi North, UDA): I am moving Reporting?

The Temporary Speaker (Hon. Martha Wangari): Yes.

Hon. Owen Baya (Kilifi North, UDA): But I heard Mover of the Bill.

Hon. Temporary Speaker, I beg to report that a Committee of the whole House has considered the Books and Newspapers (Amendment) Bill, (National Assembly Bill No. 47 of 2025), and approved the same with amendments.

The Temporary Speaker (Hon. Martha Wangari): Mover of the Bill.

Hon. (Eng) John Kiragu (Limuru, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said Report.

I request Hon. Rindikiri to second the Motion for agreement with the report of the Committee of the whole House.

The Temporary Speaker (Hon. Martha Wangari): Hon. Rindikiri.

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Temporary Speaker, I second.

(Hon. Owen Baya spoke off the record)

Hon. Owen, allow me to propose the Question first.

(Question proposed)

The Temporary Speaker (Hon. Martha Wangari): I will indulge Hon. Owen.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. I just want to take note of one very important thing. The law that we are amending is an archaic law. It has been there since the colonial times. The 13th Parliament has the honour and privilege of amending it. This country has so many such laws. Those are the laws that date back to the time when the colonialists were ruling and managing this country. This Parliament may not have time, but the subsequent Parliament needs to look at all the archaic laws and amend them so that they can reflect the current times that we are living in.

If you look at this law, we have proposed new things. For example, when somebody publishes a book, that book needs to have a repository. Parliament Library has been identified

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as one of the repositories. We have universities in this country that are waiting for an opportunity to keep books. University libraries do not have books and yet, books continue to be published. It is very important that those books have a place to be kept so that Kenyans can access them.

We have moved to the digital era. It is also important that we move to a space where university students can have books online. These days, many students do not want to go to the library. Their phones, tablets and computers can serve as libraries and that is what they want to have but, to date, we still have so many books that cannot be accessed online. You have to move from one place to another or go to the archives.

I would like to see a situation where the Kenya National Archives has a programme to publish everything it has online and make everything available digitally, so that we can have a repository that cannot be destroyed by termites, rats, mice or all those kinds of things. That way, knowledge is preserved.

With those many remarks, I want to support the Third Reading of this Bill.

Thank you.

(Question put and agreed to)

The Temporary Speaker (Hon. Martha Wangari): Hon. Owen, you are supporting the Report. It is time for the Mover to move the Bill for Third Reading.

BILL

Third Reading

THE BOOKS AND NEWSPAPERS (AMENDMENT) BILL
(National Assembly Bill No. 47 of 2025)

Hon. (Eng.) John Kiragu (Limuru, UDA): Thank you, Hon. Temporary Speaker. First of all, I want to thank the Committee and, particularly, my Chairman, Hon. Nanok, for guiding us through this process, as well as for the keen interest that was shown by Members of the Committee and the members of the general public with whom we interacted over the period. I also want to thank the...

The Temporary Speaker (Hon. Martha Wangari): Hon. Member, the Mover, please, this is not a reply. It is the Third Reading. You must move it in the prescribed manner.

Hon. (Eng.) John Kiragu (Limuru, UDA): Okay. Hon. Temporary Speaker, I beg to move that the Books and Newspapers (Amendment) Bill, (National Assembly Bill No. 47 of 2025), be now read a Third Time. I request Hon. Rutto to second.

The Temporary Speaker (Hon. Martha Wangari): Member, for Kesses.

Hon. Julius Rutto (Kesses, UDA): Thank you very much, Hon. Temporary Speaker. Allow me, at the outset, to congratulate my good friend, Eng. John Kiragu, for work well done in presenting this particular Bill for Third Reading.

As a member of the said Committee, it is a privilege to find myself at such a moment when we are making history in the Republic of Kenya. The reference to this particular Bill brings to mind, as the Deputy Leader of the Majority Party has said, the need to end the outdated laws that were enacted before the new Constitution and before the establishment of new institutions such as the National Assembly and the Senate, which have different formats and structures. Therefore, this Bill seeks to give effect to the importance of reading and the cultural preservation of knowledge and heritage in this country.

This Bill seeks to recognise the National Assembly as a repository institution for that critical information, including books and newspaper publications. This is not only happening

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in Kenya. Already, South Africa and South Korea have taken the lead. Therefore, for Kenya to become the third country in the world to do this is a historic achievement, as I have said.

Secondly, the Bill seeks to appreciate the fact that information is no longer available only in hard copies or in manual form, as it used to be. It is also available digitally. Therefore, the Bill seeks to provide a legal framework for the deposit of the same materials, including books and newspapers, in digital format, which can be accessed from any place or any corner of the country.

Thirdly, it also provides an avenue for the National Assembly to be recognised as a place where information can be accessed and which will greatly inform the legislative framework. Legislation will no longer be based merely on information, but will also be evidence-based. It also provides an avenue for our libraries to serve as centres of research, as we expand and increase knowledge for the purposes of legislation and for the benefit of members of the public.

Lastly, as we speak, this Committee is at the forefront of efforts to establish a mechanism through which the Parliamentary Service Commission can initiate the process of opening libraries and parliament corners in our national libraries. Today, we met the Principal Secretary for the Department for ICT and the Digital Economy to begin looking at our ICT hubs that we have built across the country, so that we can establish parliament corners where members of the public can interact live with the proceedings of the National Assembly. They can seek information about what is being transacted and, those facilities can facilitate public participation. Therefore, the Bill is critical because it is going to open up our space and position Parliament appropriately as far as information and knowledge are concerned. It is also going to incorporate the digital dimension. Therefore, I second this Bill.

Thank you.

(Question proposed)

(Question put and agreed to)

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

The Temporary Speaker (Hon. Martha Wangari): Next Order.

MOTIONS

ADOPTION OF REPORT ON INSPECTION VISITS TO CONSTITUENCY OFFICES IN NAKURU COUNTY

THAT, this House adopts the Report of the Committee on Members' Services and Facilities on inspection visits to constituency offices in Nakuru County, laid on the Table of the House on Thursday, 11th June 2026.

Is the Chairperson of the Committee on Members' Services and Facilities in the House? He is not. It shall be deferred.

(Motion deferred)

Hon. Owen, do you have the brief?

(Hon. Owen Baya spoke off the record)

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Chairperson, Decentralized Funds Account Committee, Hon. Mulyungi, are you ready to move?

Hon. Gideon Mulyungi (Mwingi Central, WDM): Yes, I am ready, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Go ahead.

ADOPTION OF 19TH REPORT ON AUDITED ACCOUNTS OF NG-CDF FOR CONSTITUENCIES IN NAIROBI CITY AND KAJIADO COUNTIES FOR FYS 2013/2014 TO 2024/2025

Hon. Gideon Mulyungi (Mwingi Central, WDM): Hon. Temporary Speaker, I beg to move the following Motion:

> THAT, this House adopts the Nineteenth Report of the Decentralized Funds Accounts Committee on its consideration of the audited financial statements of the National Government Constituencies Development Fund (NG-CDF) for constituencies in Nairobi and Kajiado counties for the Financial Years 2013/2014, 2014/2015, 2015/2016, 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021, 2021/2022, 2022/2023, 2023/2024 and 2024/2025, laid on the Table of the House on Tuesday, 6th October 2026.

This 19th Report presents the Committee's examination of the reports of the Auditor-General for 17 constituencies in Nairobi for the Financial Years 2016/2017 to 2022/2023 and five constituencies in Kajiado County for the Financial Years 2013/2014 to 2022/2023. In examining these accounts, the Committee invited the fund account managers of the stated constituencies, who are the holders of the constituency offices.

I am pleased to report that the Auditor-General issued unqualified opinions on the financial statements of the Board and the financial statements of the fund accounts for the end of three Financial Years. The issues that the Committee deliberated on, therefore, relate principally to the timing of Exchequer releases, the management of projects and compliance with the law.

The Fund has continued to make a significant impact on the lives of the people across the 14 constituencies examined through infrastructure and social development projects, including the construction and renovation of schools, security projects and other community facilities, as well as the issuance of bursaries to needy students.

During our examination, we appreciated the impact that the NG-CDF has had on communities and villages at the grassroots level all over Kenya, as opposed to other funds. It is a Fund that will be celebrated now and for many years to come.

However, notwithstanding this impact, the Committee's examination identified a number of cross-cutting issues that require some panel-beating to straighten them out. Allow me to highlight the cross-cutting issues that were observed by the Committee during the examination.

Firstly, outstanding land ownership documents: In five constituencies, we found that land had been bought without title deeds, and there were outstanding matters relating to transfers, succession and the acquisition of title deeds for the land purchased. The Committee recommends that within three months of the adoption of this Report, the Accounting Officer guides the Fund Account Managers and Project Management Committees (PMCs) on succession matters and transfer processes to facilitate the acquisition of title deeds for the pending land ownership matters.

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Secondly, failure to submit documents for audit. The Committee observed that Fund Account Managers did not avail complete and reconciled records in time for audit and that some were ill-prepared when they were appearing before the Committee. Most of the queries would have been resolved had the documents been provided during the audit period. The Committee recommended that the Accounting Officer ensures compliance with Section 62 of the Public Audit Act, and that original project management committee (PMC) files are kept at the National Government Constituencies Development Fund (NG-CDF) Office.

The Committee further recommended that continuous capacity building on International Public Sector Accounting Standards (IPSAS) reporting, recording, record-keeping and procurement be conducted for Fund Account Managers and PMCs, and that constituency committees employ qualified accountants.

Hon. Temporary Speaker, the NG-CDF remains one of the nation's most visible instruments of grassroots development. That mandate can only be fully realised when it is guided by the constitutional principles of openness, accountability, prudent and responsible use of public money under Article 201 of the Constitution, which our Committee is mandated to safeguard. When you fly over Kenya, most of the visible projects you see in villages deep inside the country are NG-CDF-funded projects, as opposed to other funds, such as county governments.

Therefore, the Report underscores the importance of timely exchequer releases, sound project management and compliance with the law in the administration of the NG-CDF. Addressing the audit queries and implementing the recommended remedies will enhance public trust, improve efficiency in the use of public funds and support the delivery of development projects in the constituencies.

With those few remarks, I beg to move and request Hon. Muthoni to second the Motion. Thank you.

The Temporary Speaker (Hon. Martha Wangari): Who is your Seconder?

Hon. Gideon Mulyungi (Mwingi Central, WDM): Hon. Muthoni.

The Temporary Speaker (Hon. Martha Wangari): Hon. Dorothy, you have the Floor.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Speaker. I beg to second this Motion, that this House adopts the Nineteenth Report of the Decentralised Funds Accounts Committee on its consideration of the Reports on the audited financial statements of the National Government Constituencies Development Fund for the Financial Years 2013/2014, 2014/2015, 2015/2016, 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021, 2021/2022 and 2022/2023, laid on the Table of this House on Tuesday, 6th October, 2026.

I agree that there are cross-cutting issues across the constituencies, and the land matter remains outstanding. Without repeating what my Chairman has said, I wish to reiterate very strongly that NG-CDF remains a critical vehicle for grassroots development. If you go around this country without leaving any constituency behind, the NG-CDF is the most impactful fund that can be seen across all the constituencies.

I wish to pinpoint that in this Report, we looked at Kajiado and Nairobi constituencies, but if you go to constituencies like Gilgil, Buuri, Kilifi North, Mwingi Central and Kibwezi East, in all those areas, you will see magnificent buildings coming up and you would think they are private developments.

It is amazing to note that those projects are NG-CDF projects which are overseen by Members of Parliament. It is also important to note that the Office of the Auditor-General's flags all issues that affect that Fund in such a way that the Fund Account Managers (FAMs) are questioned and they must be answerable to the expenditure of all the projects that they bring to us.

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The lives and livelihoods of our people have been completely transformed by that Fund. This is because there are many children who would be at home but, through the bursaries that are allocated under the very careful watch and oversight of Members of Parliament, many children are in school today. Many children have benefited and they have testimonies to say that were it not for NG-CDF, they would not have completed their university studies.

We also have very many other things that are happening and impacting our communities directly. For example, a constituency like Buuri… I am not being biased. I am saying this because this is where I come from. I can see what the NG-CDF money is doing in a programme that is called *Ujuzi Mashinani.* In that programme, instead of all the children who have not made it to other mid-level colleges hanging around doing nothing, they are taken for specific courses like hairdressing, plumbing and other courses. After a very short time, they are able to go and do something meaningful and keep themselves active in life. That Fund is very impactful. I laud Members of Parliament for their oversight role. If what is being done with NG-CDF can be replicated in other Government funds, this country would be a small heaven.

Thank you, Hon. Temporary Speaker. I second.

(Question proposed)

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, before I indulge you, it is important to laud this Committee, specifically the Chair, because you have been very up to date in churning out reports and also being on the Floor to move those reports. That is why you have managed to do reports up to 2025 and you have done very good work.

Member for Buuri.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you. I echo what you have said, Hon. Temporary Speaker, that this Committee has really done very well. We have been in this Parliament for a while and have rarely heard a report talking about Buuri or Gilgil constituencies because they have always been very late. But now we have seen almost every other day, the reports coming out and saying exactly what we are doing.

If you are very keen, you will see some funny research posters talking about so-and-so doing far much better than anybody else. One of the proofs they gave was the National Government Constituencies Development Fund (NG-CDF). However, some of the posters are not up-to-date. This Committee is trying to provide Kenyans with up-to-date information, so that they can know what has been happening in Buuri, Mwingi Central, Gilgil and Kilifi North constituencies. Kenyans now have more confidence in the Committee's reports.

Hon. Chairman, please, accept our gratitude for bringing us up-to-date. We hope and believe that by the time we go for elections, you would have submitted the report for the 2025/2026 Financial Year, so that people can see our work.

We also need to congratulate the Government for its support, particularly, His Excellency the President, for ensuring that the National Treasury honours its obligation to disburse funds to the NG-CDF Board. This has been an issue in the past, but now funds are flowing into the kitty.

I want to tell the people of Gilgil that the Temporary Speaker has been a very good steward. Since Members of Parliament oversee Government projects, we have diligently overseen this kitty without a financial commitment to enable us to do so. Our responsibility is to manage the resources. Over the years, Members of Parliament have not been accused of messing up. Everything now revolves around the fund managers and the Committee. I thank you, Hon. Chairman, for clarifying that the Fund Manager is the Fund's accounting officer. Members of Parliament should not be bashed for the failure of fund managers. You have brought that out very clearly.

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I also thank the Auditor-General. I want to tell those who have been misinformed and disinformed that Members of Parliament do not manage the kitty. This has come out very well in the Auditor-General's Report. I urge bloggers and reporters to consult the Report that has been tabled in this House by the Decentralised Funds Accounts Committee and the Auditor-General, to get correct information about the NG-CDF.

Finally, I want to thank the National Treasury for the continued release of funds. I hope that by the time we adjourn *sine die* in March next year, we will have received all the funds to complete ongoing projects, specifically bursary disbursements, which play a very key role in promoting the education of our children.

Hon. Temporary Speaker, allow me to take pride in myself. I have completed six ICT hubs. Somebody has circulated the information in the famous Project 27 Forum. I have managed to complete the projects courtesy of the NG-CDF, although I also got support from some well-wishers who contributed 50 per cent. We have managed to develop six ICT hubs, with computers and internet access. We are now starting the registration process to admit students. This is a critical milestone in transforming the youth of our country, courtesy of the wisdom and leadership of His Excellency the President of the Republic of Kenya.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Very well, Member for Buuri Constituency. Congratulations on your ICT hubs. I saw the news on some forum, and I think they are a game changer. Let us have Hon. Owen.

Hon. Owen Baya (Kilifi North, UDA)**:** Thank you, Hon. Temporary Speaker. I thank the Chairperson of the Decentralized Funds Accounts Committee. I want to say that you have done a good job as a chairperson. I always stand here very proud of the work you have done.

If there is a Committee in this Parliament that works diligently, efficiently and effectively, then this Committee has done us proud. Therefore, I support your Report and the sentiments about the audit that you have carried out.

Hon. Temporary Speaker, the National Government Constituency Development Fund (NG-CDF) is one of those tools that has been used to equalise this country. May I repeat what I said last week. When the framers of the new Constitution thought about everything and put this country together, they saw areas that were properly served in the past and they saw areas that were under-served. And they said that within this Constitution, we need to put some specific funds that will go a long way to equalise the country and bring other places that have been under-served to the same footing.

They created something called the Equalisation Fund. But we have watched for many years and expected and hoped that one day the Equalisation Fund would work for those of us who come from those areas and yet, we did not see that. However, this NG-CDF has made it possible for a person in the depths of Kilifi North, Matsangoni, Uyombo, Kibokoni, Mnarani and other areas that would never have seen a child go to high school, have seen their children go to a high school. Kids in the depths of places like Konjora who would not have gone to university are now going to university. Kids who would never have seen a proper classroom and a desk in a classroom are seeing that. That is NG-CDF for you.

It has transformed not only communities, but also this country in many aspects. There are places where, when we took over before NG-CDF, chiefs' offices used to be under a tree or in their houses. But today, courtesy of the NG-CDF, a chief and an assistant chief have an office. A proper office where Government services can be carried out. It is this NG-CDF that has seen people who never had medical cover enrolled. Police stations have been constructed because of the NG-CDF.

Put together the funds that have been put into NG-CDF compared to the funds that have been going to counties, which are colossal sums of money, NG-CDF has been more transformational than the funds that we have always voted for here to take to the counties that

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runs into hundreds of billions of shillings. We have a miracle called NG-CDF in this country, which we must protect. I look at the Member of Parliament for Buuri and congratulate him because of the good work that he has done.

There was a time I had some character coming from Kilifi who stood in a church and said: "You do not need a Member of Parliament to run the NG-CDF! That even without a Member of Parliament, NG-CDF can work." I looked at myself and said: "Does this person understand what it is to be a Member of Parliament? To oversee and manage their oversight roles properly?" It is our oversight role as Members of Parliament that has made the NG-CDF successful in this country. Nobody should ever lie to you. The ability to oversee the NG-CDF projects by we Members of Parliament is the story behind its success.

Hon. Temporary Speaker, at times, I sit down and imagine if Hon. Martha Wangari was not a Member of Parliament for Gilgil, would the NG-CDF have succeeded? It would not have succeeded. It has succeeded because there is a person called Hon. Martha Wangari who oversees it properly and makes sure that every community is properly served. That is why NG-CDF has succeeded. It is not just anybody who has that capacity. It is the quality of people who oversee this NG-CDF in the constituencies that will lead to success.

We have seen in the past where Members of Parliament managed the NG-CDF, but failed to oversee it properly. We even have others taken to court because of mismanagement or misappropriation of those funds.

So, it is the quality of leadership that we provide as Members of Parliament. This 13th Parliament has had quality leaders that have ensured that NG-CDF has been properly overseen, has been put under scrutiny and that management has been proper.

Hon. Temporary Speaker, I heard the former Hon. Speaker say that NG-CDF is a slush fund for Members of Parliament. In fact, if there is a fund that can never be a slush fund; if there is a fund that can never be misused; if there is a fund that has proper structures, it is NG-CDF.

I want to thank the Committee because it has done a tremendous job to ensure that they follow up on every project and every expenditure. I also want to thank the Office of the Auditor-General that has been very keen. In fact, whenever I stand to lay Papers in the House, there is always a report from a constituency on NG-CDF. They have been very diligent. I thank the Kenya National Audit Office (KENAO) for actually being there to provide the audit and the Committee being there to dig even further and oversee KENAO. If there is a Fund in this country that has done what it was meant to do, it is NG-CDF. I can proudly stand here and say that, as the Member for Kilifi North Constituency and as the one who oversees the NG-CDF funds, and the Chairman of the Committee has been to my constituency, tremendous work has been done using NG-CDF. My re-election in 2022 was basically on how I oversaw NG-CDF. We were able to show results. I hope and look forward to NG-CDF being increased to double digits percentage so that we have more resources that can be properly managed by fund managers and also do proper oversight.

I also want to laud the young man who has taken over the management of NG-CDF. We have a very good CEO. He is a young man who is forward-looking, very well balanced and has foresight and understands where we need to take NG-CDF. I have seen the way he is trying to set up digital platforms for everything. At a click of my phone here, I am able to see how much money has been spent on a particular project; I am able to see the status of every project, and I am able to see how much money the National Treasury has sent. This is one of the best things that has been done. This ensures that every Kenyan has access to information. In fact, Kenyans do not need to read newspapers or do any other thing to get information about NG-CDF. They just need to log in and, at a click of a button, they will be able to see everything about NG-CDF, which is an open and transparent Fund that is being managed by the NG-CDF Board. I congratulate the Board for a good job.

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I want to also take this opportunity, at this juncture, to thank the Cabinet Secretary, Ministry of Finance and National Treasury and the President for making sure that we are up to date in terms of funding for NG-CDF. Probably, the only thing that is delaying us is the Electronic Government Procurement System (EGPS). It is a big animal that we must slaughter, but it is a big animal that is good for the country. But it seems to delay what we are trying to do. Members of Parliament have made their voices about it heard. As Parliament, we need to do something to ensure that we do not miss the targets that we have set.

I thank you, Hon. Temporary Speaker. I support, congratulate and salute Hon. Mulyungi.

The Temporary Speaker (Hon. Martha Wangari): Hon. Jessica Mbalu.

Hon. Jessica Mbalu (Kibwezi East, WDM): Thank you very much. I am the Member for Kibwezi East Constituency. Thank you very much for giving me this opportunity.

To begin with, I want to laud the Decentralised Funds Accounts Committee, the very active Chairperson, Hon. (Dr) (Arch.) Gideon Mutemi Mulyungi, CBS, EBS, Member of Parliament for Mwingi Central who oversees the NG-CDF for Mwingi Central.

Hon. Temporary Speaker, this 19th Report of the Decentralised Funds Accounts Committee considers audited financial statements of the National Government NG-CDF for constituencies in Nairobi and Kajiado Counties. The Report we are debating is for the Financial Years 2013/2014, 2014/2015, 2015/2016, 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021, 2021/2022, 2022/2023, 2023/2024 and 2024/2025.

This is tremendous. We really appreciate the job that has been done by the Committee. I have mentioned the financial years to show the work that the Committee has done, through the Chairperson. The Report was procedurally laid on the Table of the House on 6th October 2026.

The accounting officers of NG-CDF are the fund managers. They were involved in coming up with the Report. Most of the issues were considered by the Committee. One of them is the timing of exchequer releases which affects project implementation, project management and compliance with the law.

It is important to note that the Auditor-General issued unqualified opinions on the Board's financial statements and the Fund accounts for each of the three financial years. I also pride in the fact that Kibwezi East Constituency received an unqualified Report in the last financial year. I am sure the audited accounts will be considered by the Committee. I join my colleagues in saying that the mandate of the Member of Parliament is to oversee NG-CDF. If you oversee it well, you will get the best reports which represent and reflect the work on the ground. They also demonstrate the Member of Parliament's ability to oversee the implementation of projects that are funded through NG-CDF.

I am sure Members of Parliament were elected to represent constituencies. Many students benefit from the bursaries. We promote education. I issued bursaries in my Constituency last week. The parents and students were happy to receive them. This promotes education by ensuring that our students remain in school.

Security is very important in our constituencies and country. Through NG-CDF, we construct offices for the assistant county commissioners, deputy county commissioners and other National Government Administration Officers (NGAOs). This has improved security in our constituencies. I will cite my constituency where security has improved.

There are many cases of emergencies, particularly now that it is raining. We are expecting *El Niño*, if it has not already started. It may cause many problems and damage to our infrastructure in schools and other institutions. The emergency vote in NG-CDF helps parents and schools that are unable to finance emergency cases. Look at the environment. We are doing very well in planting trees, connecting tap water and addressing climate change, which is real.

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Information and Communications Technology (ICT) hubs are very important and helpful to our young people, as well as other residents of our constituencies. I have ICT hubs in Kibwezi East Constituency which are fully equipped with computers. They are being used by students, youth and everybody who wants to use the facilities. Machinery Township ICT Hub, Kithasyu ICT Hub, Mtito Andei ICT Hub and Kambu ICT Hub are fully equipped and operational.

We have the fifth one, Maikuu Hub, that the Government is developing and will very soon be fully equipped and operational.

When I go around overseeing, I can see how the youth, residents and voters are benefiting. Many of them are even getting employment. They can earn through using the internet and also learn how to use computers, especially those who have completed Form IV.

If you look at development, and I am sure the Committee noted this, we are all aware, and the public is also aware, that one of the most visible instruments of grassroots development is the National Government Constituencies Development Fund (NG-CDF). This is the case in Kibwezi East, and I am sure even Gilgil, your constituency, Hon. Temporary Speaker, which I have visited. Congratulations, you have done a tremendous job. I visited your constituency and saw what you have been able to achieve. I am sure the people of Gilgil will still elect you. I thought I was overseeing Kibwezi East, but I also carried oversight on your behalf, and I saw the work you have done. They will still elect you, and I pray that they re-elect you.

The involvement of the account managers is very important because the perception out there is that some people think Members of Parliament are directly involved in the management of the finances. That is far from the truth. We are there to oversee. We observe what is happening, advise and correct where our managers and boards are going wrong, and also congratulate them where they are doing the right thing.

Therefore, it depends on the ability of the Member of Parliament to oversee in order to obtain good reports. I reiterate that Kibwezi East Constituency obtained unqualified report on the same. It is the 19th Report of the Committee led by my very able Chairman. No wonder he is an architect. The Member for Mwingi Central is one of the chairpersons who belong to the Wiper Patriotic Front Party, the party of His Excellency Kalonzo Musyoka. You can see the kind of work that Members are able to do, guided by and learning from His Excellency Kalonzo Musyoka.

Congratulations, Hon. Mulyungi. I am sure the people of Mwingi Central will re-elect you given that you are the Chairperson and also a Member who oversees the NG-CDF for Mwingi Central.

The Temporary Speaker (Hon. Martha Wangari): Give her the final 30 seconds.

Hon. Jessica Mbalu (Kibwezi East, WDM): Hon. Temporary Speaker, allow me to thank Members of Parliament, through you, who stood and have been standing with me during my difficult time. Members of Parliament are just gorgeous. Continue to pray for us. I am fully representing the people of Kibwezi East. Thank you.

The Temporary Speaker (Hon. Martha Wangari): Thank you, Member for Kibwezi East. It is good to have you back, and we are very happy to welcome you to the House. We know you have had a difficult time. I am sure many Members stood with you, through me and others. We were able to walk with you, and we will keep praying for you.

I have also luckily been able to visit Kibwezi East, and I am hoping that the people will also look at you positively as you go for re-election. I am not sure Hon. Mulyungi's excellence is tied to the Party Leader, but he is an excellent Chairman. He has done very well.

He is one of the active Members who keep churning out reports and stays in the House to ensure that they are moved. I know there is still interest among Members. However, we shall adjourn because our time is up. The Motion has some time left, and I am sure many other Members will have an opportunity to speak to the reports.

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ADJOURNMENT

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, the time being 7.00 p.m., the House stands adjourned until tomorrow, Wednesday, 11th November 2026, at 9.30 a.m.

(The House rose at 7.00 p.m.)

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