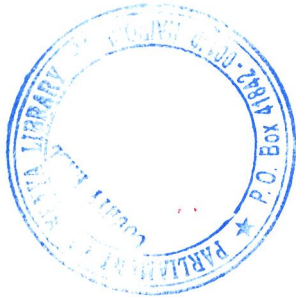


Approved for tabling,
BNA
10/8/16

PARLIAMENT OF KENYA



Justice
Committee on Affairs
10/8/2016 Con

NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – FOURTH SESSION- 2016

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

REPORT ON THE CONSIDERATION OF THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLIES APPROVAL) BILL, 2014

CLERK'S CHAMBERS
PARLIAMENT BUILDINGS,
NAIROBI

AUGUST, 2016

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CHAIR'S FOREWORD

On behalf of the Departmental Committee on Justice and Legal Affairs and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honor to present to this House the Report of the Committee on its consideration of the Public Appointments (County Assemblies Approval) Bill, 2014.

The Bill was passed by the Senate on 1st March, 2016 and communicated to the National Assembly for consideration. The National Assembly subsequently committed the Bill, upon the first reading on 17th March, 2016, to the Committee pursuant to the provisions of Standing Order 127 (1), and it is on this basis that the Committee makes this Report.

The Committee wishes to register its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the support accorded to the Committee and the staff, in the execution of its mandate. Let me take this opportunity to thank all Members for their patience, endurance and dedication to committee business, despite their other commitments and tight schedules, which enabled the Committee to complete this Report.

Hon. Samuel Chepkong'a M.P

COMMITTEE MANDATE

The Departmental Committee on Justice and Legal Affairs is established under the National Assembly Standing Orders No. 216 (1). The functions and mandate of the Committee are also contained under the National Assembly Standing Orders, No. 216(5) as:-

1. Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
2. Study the program and policy objectives of the Ministries and departments and the effectiveness of the implementation;
3. Study and review all legislation referred to it;
4. Study, access and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with its stated objectives;
5. Investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
6. Vet and report on all appointments where the constitution or any law requires the National Assembly to approve, except those under Standing Order 204; and
7. Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

The subject matter of the Departmental Committee on Justice and Legal Affairs are stated in the Second Schedule of the National Assembly Standing Orders No. 216 (f) as follows:

- (a) Constitutional affairs;
- (b) The administration of law and Justice, including the Judiciary, public prosecutions, elections, ethics, integrity and anti-corruption; and
- (c) Human rights.

MEMBERS OF THE COMMITTEE

Chairperson	Hon. Samuel Chepkong'a, M.P.
Vice Chairperson	Hon. Priscilla Nyokabi, M.P.
Members	Hon. Njoroge Baiya, M.P.
	Hon. Muriithi Waiganjo, M.P.
	Hon. Ndirangu Waihenya, M.P.
	Hon. Florence Kajuju, M.P.
	Hon. Kang'ata Irungu, M.P.
	Hon. Benson Mutura, M.P.
	Hon. John Njoroge Chege, M.P.
	Hon. William Cheptumo, M.P.
	Hon. Mohamed Abdi Haji, M.P.
	Hon. Bitok Kirwa, M.P.
	Hon. Sammy Koech, M.P.
	Hon. Moses Cheboi, M.P.
	Hon. Paul Bii, M.P.
	Hon. Charles Gimose, M.P.
	Hon. Johana Ng'eno, M.P.
	Hon. Boniface Otsiula, M.P.
	Hon. David Ouma Ochieng, M.P.
	Hon. Neto Agostinho, M.P.
	Hon. Kaluma Peter, M.P.
	Hon. Fatuma Ibrahim Ali, M.P.
	Hon. Ben Momanyi Orori, M.P.
	Hon. T. J. Kajwang', M.P.
	Hon. (Bishop)Mutua Mutemi, M.P.
	Hon. Olago Aluoch, M.P.
	Hon. Christine Oduor Ombaka, M.P.
	Hon. Benjamin Andayi, M.P.
	Hon. Kamoti William Mwamkale, M.P.

SECRETARIAT

First Clerk Assistant	Mr. Abenayo Wasike
Third Clerk Assistant	Mr. Ahmed Salim
Third Clerk Assistant	Ms. Mary Luka
Legal Counsel	Ms. Mugure Gituto
Research Officer	Ms. Clare Jerotich

SITTINGS

The Committee considered the Public Appointments (County Assemblies Approval) Bill, 2014 (Senate Bill) in its Sitting held on Tuesday, 2nd August, 2016. The Committee's decisions to propose an amendment was based on the Constitutional requirements and borrowed best practices in other jurisdictions with similar experiences.

COMMITTEE RECOMMENDATIONS

The Committee having considered the Public Appointments (County Assemblies Approval) Bill, 2014 (Senate Bill) and recommends that the National Assembly:

1. **Approves** the proposed amendment to Clause 12 of the Bill.

ADOPTION OF THE REPORT

We the Members of the Departmental Committee on Justice and Legal Affairs have, pursuant to Standing Order 199, adopted this report and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity as per the attached adoption list (Appendix II).

1.0 Introduction

The Public Appointments (County Assemblies Approval) Bill, 2014 was passed by the Senate on 1st March, 2016 and subsequently forwarded to the National Assembly for concurrence pursuant to provisions of Article 110(4) of the Constitution and Standing Order 143. The Speaker of the National Assembly directed the Committee to table its Report on the Bill for consideration by the House.

2.0 Consideration of the proposed Public Appointments (County Assemblies Approval) Bill, 2014 (Senate's Bill)

The Committee considered the Public Appointments (County Assemblies Approval) Bill, 2014 in its Sitting held on Tuesday, 2nd August, 2016. The Committee's decision to propose an amendment was based on the Constitutional requirements and borrowed best practices in other jurisdictions with similar experiences.

CLAUSE 12

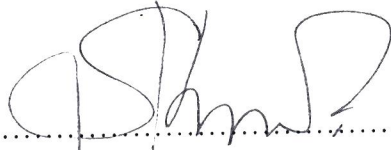
THAT clause 12 of the Bill be amended in sub clause (2) by deleting the words "High Court" appearing immediately after the words "same powers as the" and substituting therefor the words "Chief Magistrates' Court".

3.0 COMMITTEE RECOMMENDATIONS

Having considered the Public Appointments (County Assemblies Approval) Bill, 2014 (Senate Bill), the Committee recommends that the National Assembly:

1. **Approves** an amendment to Clause 12 of the Bill.

SIGNED



CHAIRPERSON

(HON. SAMUEL CHEPKONG'A, M.P)

DATE

9/08/06

MINUTES OF THE SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON TUESDAY, 2ND AUGUST, 2016 AT 10.30 A.M. IN FIRST FLOOR BOARDROOM, COUNTY HALL BUILDING

PRESENT

Hon. Samuel Chepkonga, M.P. - Chairperson
Hon. Ben Momanyi, M.P.
Hon. Benson Mutura, M.P.
Hon. Boniface Otsiula, M.P.
Hon. Bitok Kirwa, M.P.
Hon. Charles Gimose, M.P.
Hon. David Ochieng, M.P.
Hon. Florence Kajuju, M.P.
Hon. Kamoti Mwamkale William, M.P.
Hon. Moses Cheboi, M.P.
Hon. Njoroge Baiya, M.P.
Hon. Peter Kaluma, M.P.
Hon. (Bishop) Robert Mutemi, M.P.
Hon. Sammy Koech, M.P.
Hon. Tom J. Kajwang', M.P.
Hon. William Cheptumo, M.P.

APOLOGIES

Hon. Priscilla Nyokabi, M.P. - Vice Chairperson
Hon. Olago Aluoch, M.P.
Hon. Neto Agostinho, M.P.
Hon. Dr. Christine Ombaka, M.P.
Hon. Mohamed Abdi Haji, M.P.
Hon. Paul K. Bii, M.P.

ABSENT

Hon. Johanna Ngeno, M.P.
Hon. Ndirangu Waihenya, M.P.
Hon. Kang'ata Irungu, M.P.
Hon. Fatuma Ibrahim, M.P.
Hon. John M. Waiganjo, M.P.
Hon. John Njoroge Chege, M.P.

SECRETARIAT

Mr. Ahmed Salim	-	Clerk Assistant III
Ms. Mugure Gituto	-	Legal Counsel
Mr. Lagat Stanley	-	Sergeant at arm

MIN No.JLA. /2016:-

PRELIMINARIES

The Chairperson called the meeting to order at 10.35 a.m. with a word of prayer from the Chairperson, Hon. Robert Mutemi, M.P. The Chairperson introduced the agenda of the meeting.

MIN No.JLA. /2016:-

CONFIRMATION OF THE PREVIOUS MINUTES

Confirmation of the previous minutes was deferred to a later date as the Committee shall decide in its next meeting.

MIN No.JLA . /2016:-

CONSIDERATION OF THE BRIBERY BILL, 2016

The Committee considered the Bill and proposed the following amendments:

CLAUSE 2

THAT clause 2 of the Bill be amended in the definition of "Cabinet Secretary" by deleting the words "the prevention of bribery" and substituting therefor the words "to justice".

CLAUSE 10

THAT clause 10 of the Bill be amended by deleting sub clause (2).

CLAUSE 16

THAT clause 16 of the Bill be amended in sub clause (2) by deleting the words "to be proceeded against and punished accordingly" and substituting therefor the words "for prosecution".

CLAUSE 17

THAT clause 17 of the Bill be amended in sub clause (1) by inserting the words "partners and the" immediately after the words "name of the".

CLAUSE 18

THAT clause 18 of the Bill be amended —

- (a) in sub clause (1) by deleting the word "one" appearing in paragraph (a) and substituting therefor the word "five";
- (b) in sub clause (5) by deleting the word "behaviour" and substituting therefor the word "offences";
- (c) in sub clause (9) by deleting the word "less" and substituting therefor the word "more";
- (d) in sub clause (10) deleting the word "less" and substituting therefor the word "more";
- (e) in sub clause (11) by inserting the words "not more than" immediately before the words "ten years after conviction"; and
- (f) deleting sub clause (13).

CLAUSE 21

THAT clause 21 of the Bill be amended —

- (a) in sub clause (1) by inserting the word "informant" immediately after the word "whistleblower";
- (b) in sub clause (2) by deleting the word "unfavorable" and substituting therefor the word "unfavourable"; and
- (c) in sub clause (3) by deleting the words "on a case by case basis" immediately after the words "Witness Protection Agency"

CLAUSE 26

THAT clause 26 of the Bill be amended in sub clause (2) by deleting the word "commenced" and substituting therefor the word "instituted".

MIN No.JLA . /2016:-

**CONSIDERATION OF THE PUBLIC
APPOINTMENTS (COUNTY ASSEMBLIES
APPROVAL) BILL, 2014**

The Committee considered the Bill and proposed the following amendment:

CLAUSE 12

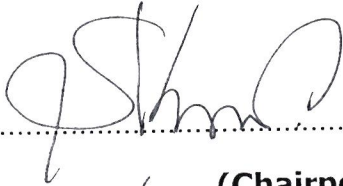
THAT clause 12 of the Bill be amended in sub clause (2) by deleting the words "High Court" appearing immediately after the words "same powers as the" and substituting therefor the words "Chief Magistrates' Court".

MIN No.JLA. /2016:-

ADJOURNMENT

There being no other business to transact, the sitting adjourned at twenty minutes past twelve o'clock.

Signed.....



(Chairperson)

Date.....

7/08/16



APPENDIX II

DEPARTMENTAL COMMITTEE ON JUSTICE & LEGAL AFFAIRS

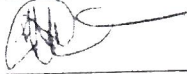
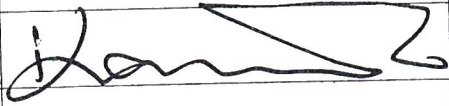
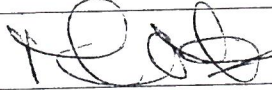



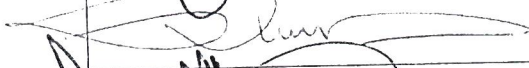
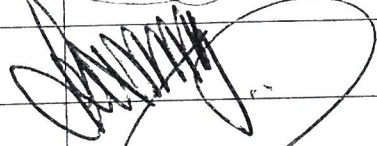
MEMBERS' ATTENDANCE

Date: 9th August 2016 (10 AM)

Venue: MEMBERS' LOUNGE, PARLIAMENT BUILDINGS

- Agenda: ADOPTION OF REPORTS ON BRIBERY BILL, 2014 & PUBLIC ASSASSINATIONS (COURT ASSEMBLIES) (AMENDMENT) BILL, 2015
- The Public Fundraising Appeals Bill (Senate Bill No. 28 of 2014)
 - The Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2015
 - The Proceeds of Crime and Anti-Money Laundering (Amendment) Bill, 2015

	NAMES	SIGNATURE
1.	Hon. Samuel Chepkonga (Chairperson)	
2.	Hon. Priscila Nyokabi (Vice Chairperson)	
3.	Hon. Agostinho Neto	
4.	Hon. Ben Momanyi Orori	
5.	Hon. Benson Mutura	
6.	Hon. Boniface Otsiula	
7.	Hon. Bitok Kirwa	
8.	Hon. Charles Gimose	
9.	Hon. Christine Ombaka (Dr.)	
10.	Hon. David Ochieng'	
11.	Hon. Fatuma Ibrahim	
12.	Hon. Florence Kajuju	
13.	Hon. Irungu Kang'ata	

14.	Hon. Johanna Ngeno	
15.	Hon. John M. Waiganjo	
16.	Hon. John Njoroge	
17.	Hon. John Olago Aluoch	
18.	Hon. Kamoti W. Mwamkale	
19.	Hon. Mohamed Abdi Haji	
20.	Hon. Moses Cheboi	
21.	Hon. Njoroge Baiya	
22.	Hon. Paul K. Bii	
23.	Hon. Peter Kaluma	
24.	Hon. Robert Mutemi (Bishop)	
25.	Hon. Sammy Koech	
26.	Hon. T.J. Kajwang	
27.	Hon. Waihenya Ndirangu	
28.	Hon. William Cheptumo	

A. M. Wasike

For: The Clerk of the National Assembly



KENYA NATIONAL ASSEMBLY
ELEVENTH PARLIAMENT

DEPARTMENTAL COMMITTEE ON JUSTICE & LEGAL AFFAIRS

MEMBERS' ATTENDANCE

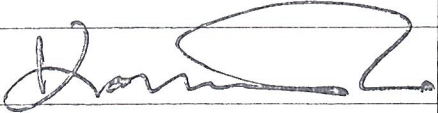
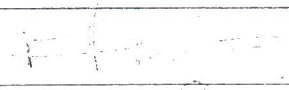
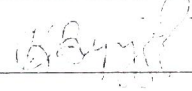





Date: 2nd August 2016 (10:30 AM)

Venue: COUNTY HALL, 1ST FLOOR BOARDROOM

Agenda: PUBLIC APPOINTMENTS (COUNTY ASSEMBLIES ACT) BILL, 2014
OFFICE OF COUNTY ATTORNEY BILL, 2014

BRIBERY BIL, 2016

	NAMES	SIGNATURE
1.	Hon. Samuel Chepkonga (Chairperson)	
2.	Hon. Priscila Nyokabi (Vice Chairperson)	
3.	Hon. Agostinho Neto	
4.	Hon. Ben Momanyi Orori	
5.	Hon. Benson Mutura	
6.	Hon. Boniface Otsiula	
7.	Hon. Bitok Kirwa	
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9.	Hon. Christine Ombaka (Dr.)	
10.	Hon. David Ochieng'	
11.	Hon. Fatuma Ibrahim	
12.	Hon. Florence Kajuju	
13.	Hon. Irungu Kang'ata	

14.	Hon. Johanna Ngeno	
15.	Hon. John M. Waiganjo	
16.	Hon. John Njoroge	
17.	Hon. John Olago Aluoch	
18.	Hon. Kamoti W. Mwamkale	
19.	Hon. Mohamed Abdi Haji	
20.	Hon. Moses Cheboi	
21.	Hon. Njoroge Baiya	
22.	Hon. Paul K. Bii	
23.	Hon. Peter Kaluma	
24.	Hon. Robert Mutemi (Bishop)	
25.	Hon. Sammy Koech	
26.	Hon. T.J. Kajwang	
27.	Hon. Waihenya Ndirangu	
28.	Hon. William Cheptumo	

A. M. Wasike

For: The Clerk of the National Assembly