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28/10/15



PARLIAMENT OF KENYA

THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – THIRD SESSION

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

REPORT ON  
THE LEGAL AID BILL, 2015



*Drafted by  
By Hon. Florence  
Kagiri  
on Wednesday  
28/10/15  
[Signature]*

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Clerks Chambers,  
National Assembly,  
Parliament Buildings,  
Nairobi

October, 2015

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## A REPORT OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON THE LEGAL AID BILL, 2015

### 1. PREFACE

**Hon Speaker,**

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 honour to present to this House a report of the Committee on the Legal Aid Bill, 2015.

The Committee derives its mandate from Standing Order No. 216(5) which provides as follows:-

- a) *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
- b) *To study the programme and policy objectives of ministries and departments and the effectiveness of their implementation;*
- c) **To study and review all legislation referred to it;**
- d) *To study, assess and analyze the relative success of the ministries and departments measured by the results obtained as compared with their stated objectives;*
- e) *To investigate and enquire into all matters relating to the assigned ministries and departments as may be deemed necessary, and as may be referred to it by the House or a minister; and*
- f) *To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.*

The Second Schedule of the Standing Orders on Departmental Committees further states the subjects which the Committee is supposed to deal with while discharging its mandate. The subjects are 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.

### **1.1. Committee Membership**

The Committee was constituted on Thursday, 16th May, 2013 and comprises the following:-

1. Hon. Samuel Chepkong'a, M.P. – **Chairperson**
2. Hon. Priscilla Nyokabi, M.P. – **Vice Chairperson**
3. Hon. Njoroge Baiya, M.P.
4. Hon. Muriithi Waiganjo, M.P.
5. Hon. Ndirangu Waihenya, M.P.
6. Hon. Florence Kajuju, M.P.
7. Hon. Kang'ata Irungu, M.P.
8. Hon. Benson Mutura, M.P.
9. Hon. John Njoroge Chege, M .P.
10. Hon. William Cheptumo, M.P.
11. Hon. Mohamed Abdi Haji, M.P.
12. Hon. Sammy Koech, M.P.
13. Hon. Moses Cheboi, M.P.
14. Hon. Paul Bii, M.P.
15. Hon. Charles Gimose, M.P.
16. Hon. Johanna Ng'eno, MP.
17. Hon. Boniface Otsiula, M.P.
18. Hon. David Ouma, M.P.
19. Hon. Neto Agostinho, M.P.
20. Hon. Kaluma Peter, M.P.
21. Hon. Fatuma Ibrahim Ali, M.P.
22. Hon. Ben Momanyi Orari, M.P.
23. Hon. Tom J. Kajwang', M.P.
24. Hon. (Bishop) Mutua Mutemi, M.P
25. Hon. Olago Aluoch, M.P.
26. Hon. (Dr) Christine Oduor Ombaka, M.P.
27. Hon. Munuve G. Mati, M.P.
28. Hon. Mwamkale William Kamoti, M.P.
29. Hon. James Bett, M.P.

### **1.3. First Reading of the Legal Aid Bill, 2015**

The Legal Aid Bill, 2015 was read for the first time on 28<sup>th</sup> July, 2015 and immediately committed to the Departmental Committee on Justice and Legal Affairs for scrutiny in line with Standing Order 127 (1) which states as follows:-

***"A Bill having been read a First Time shall stand committed to the relevant Departmental Committee without question being put to it"***

#### **1.4. Public participation in the consideration of the Bill**

Standing Order 127(3) states as follows:-

***“The Departmental Committee to which a Bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the Committee makes its recommendations to the House”***

Pursuant to this Standing Order, the Committee invited the public through the Daily Nation and Standard newspapers of 30<sup>th</sup> July, 2015 (See appendix 3) to make representations on the Bill. The Committee received written representations from:-

- (i) International Commission of Jurists (ICJ) – Kenya,
- (ii) Kituo Cha Sheria;
- (iii) Mount Kenya University; and
- (iv) The Cradle

#### **1.5. Sittings of the Committee and adoption of report**

The Committee discussed the Bill on 8<sup>th</sup> and 22<sup>nd</sup> of October, 2015 at Parliament Buildings. The Committee considered and adopted its report on the 27<sup>th</sup> of October, 2015 at the Commonwealth Parliamentary (CPA) Room in the Main Parliament Building. The adoption of the report was proposed by Hon. (Bishop) Robert Mutemi and seconded by Hon. Florence Kajuju. There was no dissenting voice to the adoption of the report. Minutes of the Committee’s sitting adopting the report are annexed hereto as appendix 1. A list of Members who attended the sitting is also annexed hereto as appendix 2.

#### **1.6. Acknowledgement**

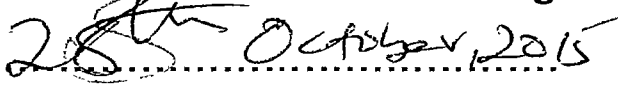
The Chairperson wishes to commend Committee Members for their devotion and commitment to duty which made the consideration of this Bill a reality. The Committee further wishes to thank the Offices of the Speaker and Clerk of the National Assembly for providing guidance and technical support without which its work would not have been possible.

**Hon. Speaker Sir,**

On behalf of the Committee, I now wish to table this report in the House.

SIGNED..........  
Hon. Samuel Chepkong'a, MP  
(Vice Chairperson)

Departmental Committee on Justice and Legal Affairs

DATE..........

## **2.0. MEMORANDUM OF OBJECTS AND REASONS OF THE BILL**

The Bill is dated 12<sup>th</sup> June, 2015 and is sponsored by Hon. Aden Duale, Leader Majority Party. The principle objective of the Bill is to establish a regime to facilitate the provision of Legal Aid. The Bill also seeks to provide a legal framework for the regulation of persons and institutions providing legal aid services.

Part I of the Bill deals with preliminary matters. Part II establishes the National Legal Aid Service as a state corporation. The function of the Service shall among other things be to establish and administer a national legal aid scheme that is affordable, accessible, sustainable, credible and accountable and to encourage and facilitate the settlement of disputes using alternative dispute resolution methods.

Part III of the Bill provides for a Board to govern the Service. Among the key functions of the Board will be to formulate and review the policies of the service, accredit and enter into cooperation agreements with Advocates, Civil Society and other legal entities. Part IV provides for the service to be managed by a Director who shall be recruited competitively by the Board and appointed by the Cabinet Secretary.

Part V of the Bill establishes the Legal Aid Fund. The Service may use the monies of the Fund to ensure the representation of persons granted legal aid in accordance with this Act, to pay the remuneration of legal aid providers and to meet the expenses of the staff of the service.

Part VI prescribes that the Service shall provide legal aid services in various fields of law at the expense of the state to persons who qualify for legal aid services under this Act. A person will qualify for aid if he is indigent and satisfies the criteria specified in the Act.

Part VII sets out the requirements of the application for legal aid. Part VII provides for accreditation of legal aid providers who include Advocates operating under pro bono programme of the Law Society of Kenya or other organizations, law firms, non-governmental organizations, faith based organizations among other institutions.

Part IX specifies the terms and conditions for the grant of legal aid which may include payment of a fee to be determined by the Service, contribution in respect of the cost of the services provided, of such amount as may be prescribed. This part further provides for recovery of costs and the enforcement of judgments or out of court settlements.



Part IX deals with award of costs in civil proceedings. An aided person will not be liable for costs where he loses a case unless if there are exceptional circumstances. An aided person is also not required to provide security for costs during litigation or appeal proceedings unless there exist exceptional circumstances. Part XI deals with payment to legal aid services. The service may determine scales of payment to be made to legal aid providers and examine and audit the quality and value of the services provided.

Part XII contains miscellaneous provisions. It provides for the disclosure of information, annual reports and other reports of the service. The Service is required to prepare and publish a legal aid guide at least once every month.

The Bill does not concern County Governments. Its enactment will however occasion additional expenditure to the taxpayers which expenditure is expected to be provided for in the budget.

### **3.0. PUBLIC PARTICIPATION IN THE CONSIDERATION OF THE BILL**

Standing Order 127(3) provides as follows:-

***“The Departmental Committee to which a Bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the Committee makes its recommendations to the House”***

As required by this Standing Order, the Committee invited the public through the Daily Nation and Standard newspapers of 30<sup>th</sup> July, 2015 to make representations on the Bill by way of memoranda. The newspaper advertisement is annexed hereto as appendix 3. The Committee received written representations from:-

- (i) International Commission of Jurists (ICJ) – Kenya,
- (ii) Kituo Cha Sheria;
- (iii) Mount Kenya University; and
- (iv) The Cradle

Their representations were duly considered while arriving at the proposed amendments.

#### **4.0. PROPOSED AMENDMENTS TO THE BILL AND RATIONALE FOR THE AMENDMENTS**

After considering the Bill, the Committee proposes the following amendments:-

##### **CLAUSE 2**

**THAT**, clause 2 of the Bill be amended—

- (a) in the definition of “accredited paralegal” by inserting the words “or an accredited legal aid provider” immediately after the word “advocate”;
- (b) in the definition of “Cabinet Secretary” by deleting the words “legal aid” appearing immediately after the words “relating to” and substituting therefor the word “justice”;
- (c) in the definition of “legal aid clinic” by inserting the words “or offered by an accredited legal aid provider” immediately after the word “Service”.

**Justification:** (i) to allow accredited legal aid providers to supervise paralegals, (ii) to specify the specific function of the Cabinet Secretary referred to offer legal aid clinics.

##### **CLAUSE 9**

**THAT**, clause 9 of the Bill be amended—

- (a) in subclause (1)—
  - (i) in paragraph (a) by inserting the words “from among persons qualified to be appointed as a judge of the High Court” immediately after the word “President”;
  - (ii) in paragraph (c ) by deleting the words “legal aid” appearing immediately after the words “relating to” and substituting therefor the word “justice”;
  - (iii) by deleting paragraph (f);
  - (iv) in paragraph (j) by deleting the words “public universities that have established legal aid clinics” appearing immediately after the words “nominated by” and substituting therefor the words “Council for Legal Education”;
  - (v) by deleting paragraph (l);
  - (vi) by deleting paragraph (n);
- (b) by deleting subclause (2);
- (c) In subclause (3) by deleting the expression “1(f)” appearing immediately after the word “sub-section” and substituting therefor the expression “(1(h))”.

**Justification:** (i) to prescribe qualifications for a chairperson of the board of the Service, (ii) to remove the provision of the Attorney General as a member of the board of the Service which is covered under paragraph (c); (iii) to include a representative of the Council for Legal Education in the board of the Service as the body responsible for legal education; and (iv) to reduce the composition of the board of the Service.

## **CLAUSE 12**

**THAT**, clause 12 of the Bill be amended in subclause (1) by deleting the expression “(f)” appearing immediately after the expression “9 (1) (c), (d), (e)”.

**Justification:** to remove the reference to paragraph 9 (1)(f) in light of its proposed deletion.

## **CLAUSE 22**

**THAT**, clause 22 of the Bill be amended by deleting the expression “15” appearing immediately after the word “section” and substituting therefor the expression “21”.

**Justification:** to correct an error in the cross-reference. The correct section is “21”, not “15”

## **CLAUSE 24**

**THAT**, clause 24 of the Bill be amended—

(a) in subclause (1) by deleting the words “and appointed by the Cabinet Secretary” appearing immediately after the word “Board”.

(b) in subclause (3)—

(i) in paragraph (b) by deleting the words “and has experience in matters relating to legal aid” appearing immediately after the word “years”;

(ii) by deleting paragraph (c);

(c) by deleting subclause (6) and substituting therefor the following subclause—

“(6) The Director shall hold office for a terms of three years but shall be eligible for reappointment for one further term.”

**Justification:** (i) to make the Director directly answerable to the Board, (ii) to reduce the qualifications applicable for appointment as the Director of the Service, and (iii) to reduce the term of service of the Director from five years to three years to ensure efficiency.

## **CLAUSE 25**

**THAT**, clause 25 of the Bill be amended—

(a) in subclause (1)—

(i) in paragraph (a) by deleting the word “director” appearing immediately after the words “office of” and substituting therefor the word “Director”;

(ii) in paragraph (b) by deleting the words “or misbehaviour”;

(iii) by deleting paragraph (e);

(b) in subclause (2) by deleting the words “principle of fair and administrative action prescribed under Article 47 of the Constitution” appearing immediately after the words “with the” and substituting therefor the words “provisions of the Fair Administrative Action Act, 2015”.

**Justification:** (i) to correct a grammatical error by capitalizing the word “director”; (ii) to remove arbitrary grounds for the removal of the Director of the Service; and (iii) to align the cross-reference to the Fair Administration Act, 2015 which was enacted by the House to codify the right to fair administrative action under Article 47 of the Constitution.

## **CLAUSE 27**

**THAT**, clause 27 of the Bill be amended in subclause (3) by deleting the words “Public Service” appearing immediately after the words “with the” and substituting therefor the words “Salaries and Remuneration”.

**Justification:** to align the provision to the requirement of Article 230 (4) (b) the Constitution which requires the input of the Salaries and Remuneration Commission in the setting of salaries and allowances payable to public officers.

## **CLAUSE 30**

**THAT**, clause 30 of the Bill be amended in the prefatory statement by deleting the word “moneys” appearing immediately after the words “use the” and substituting therefor the words “monies”.

**Justification:** (i) to correct a grammatical error by substituting the word “moneys” with “monies”.

## **CLAUSE 35**

**THAT**, clause 35 of the Bill be amended in subclause (2) by inserting the following paragraph immediately after paragraph (b)—

“(ba) children matters;”.

**Justification:** to include Children matters among the specific matters in which the Service is to grant legal aid.

### **CLAUSE 36**

**THAT**, clause 36 of the Bill be amended—

(a) in subclause (1) by—

- (i) deleting paragraph (c);
- (ii) deleting paragraph (d);
- (iii) deleting paragraph (f);

(b) in subclause (2) by deleting the words “the prescribed manner” appearing immediately after the words “Service in” and substituting therefor the word “writing”;

(c) subclause (4) by—

- (i) deleting paragraph (e);
- (ii) deleting paragraph (f);
- (iii) deleting paragraph (g);
- (iv) deleting paragraph (h);
- (v) deleting paragraph (i);
- (vi) deleting paragraph (j);
- (vii) deleting paragraph (k).

**Justification:** (i) to limit the persons eligible to legal aid to indigent citizens, children and internally displaced persons; (ii) to provide for an application for legal aid to be in writing; and (iii) to remove unnecessary pre-conditions for the grant of legal aid to eligible persons.

### **CLAUSE 37**

**THAT**, clause 37 of the Bill be amended by—

- (a) deleting paragraph (c);
- (b) deleting paragraph (g).

**Justification:** to remove unnecessary and discriminatory exceptions to the grant of legal aid.

### **CLAUSE 38**

**THAT**, clause 38 of the Bill be amended by deleting subclause (2).

**Justification:** to remove unnecessary and discriminatory exceptions to the grant of legal aid.

## **CLAUSE 40**

**THAT**, clause 40 of the Bill be amended—

- (a) in subclause (1) by deleting the words “the prescribed manner” appearing immediately after the words “Service in” and substituting therefor the word “writing”;
- (b) in subclause (3) by deleting the words “the prescribed procedures” appearing immediately after the words “accordance with” and substituting therefor the words “this Act”;
- (c) by deleting subclause (4).

**Justification:** (i) to provide for an application for legal aid to be in writing; and (ii) to remove penal consequences for the submission of an inaccurate application.

## **CLAUSE 41**

**THAT**, clause 41 of the Bill be amended—

- (a) in paragraph (b) by inserting the words “in writing” immediately after the word “applicant”;
- (b) in paragraph (c) (i) by inserting the words “in writing” immediately after the word “applicant”;
- (c) in paragraph (c) (ii) by inserting the words “due to physical or mental incapacity” immediately after the word “obtained”.

**Justification:** (i) to provide for an application for legal aid to be in writing; and (ii) to allow other persons to apply for legal aid on behalf of persons unable to do so due to physical or mental incapacity.

## **CLAUSE 42**

**THAT**, clause 42 of the Bill be amended—

- (a) in subclause (1)—
  - (i) in the prefatory statement by inserting the words “remand homes for children” immediately after the word “station”;
  - (ii) by deleting paragraph (c);
  - (iii) in paragraph (d) by deleting the words “properly completed” appearing immediately after the words “form is” and substituting therefor the word “made”;
- (b) in subclause (2) by deleting the words “making an application” appearing immediately after the words “custody from” and substituting therefor the word “applying”.

**Justification:** (i) to require persons in charge of remand homes for children to inform children held of their right to legal aid; (ii) to remove the requirement for a standard form for applying for legal aid; and (iii) to correct errors in grammar.

### **CLAUSE 43**

**THAT**, clause 43 of the Bill be amended by inserting the following subclause immediately after subclause (5)—

“(6) Despite the provisions of this section, lack of legal representation shall not be a bar to the continuation of proceedings against a person.”

**Justification:** to ensure that lack of legal aid does not become a bar to the commencement or continuance of Court proceedings.

### **CLAUSE 44**

**THAT**, clause 44 of the Bill be amended—

- (a) in subclause (3) by deleting the words “fourteen days” appearing immediately after the words “not later than” and substituting therefor the words “forty eight hours”;
- (b) by deleting subclause (5);
- (c) by deleting subclause (6).

**Justification:** (i) to reduce the period within which the Service is to make a decision on an application for legal aid from fourteen days to forty-eight hours; and (ii) to delete duplicate provisions. Clause 44 (5) is similar to 44 (2) (c) while 44 (6) is similar to 44 (3).

### **CLAUSE 48**

**THAT**, clause 48 of the Bill be amended in subclause (2) by deleting the words “thirty days” appearing immediately after the words “person within” and substituting therefor the word “fifteen”.

**Justification:** to reduce the period within which the Service is to make a decision on the variation of its earlier decision on legal aid from thirty days to fifteen days.

### **CLAUSE 49**

**THAT**, clause 49 of the Bill be amended in subclause (1) by deleting the words “the prescribed manner” appearing immediately after the words “legal aid in” and substituting therefor the words “accordance with this Act”.

**Justification:** to require applications for legal aid to be made in accordance with the provisions of the Bill.

#### **CLAUSE 52**

**THAT**, clause 52 of the Bill be amended in subclause (4) by deleting the words “immediately notify the aided person and the legal provider” appearing immediately after the words “Service shall” and substituting therefor the words “within seven days notify the aided person, the legal aid provider and the Court”.

**Justification:** (i) to specify the period within which the Service is to give notice of the withdrawal of legal aid.

#### **CLAUSE 53**

**THAT**, clause 53 of the Bill be amended by inserting the following subclause immediately after subclause (3)—

“(4) Upon the withdrawal of legal aid, a legal aid provider shall apply for leave of Court to cease providing legal aid services in the relevant case.”.

**Justification:** (i) to require a legal aid provider to apply for leave of Court to cease providing services upon withdrawal of legal aid by the Service.

#### **CLAUSE 54**

**THAT**, clause 54 of the Bill be amended in subclause (4) by deleting the words “principles of fair administrative action set out in Article 47 of the Constitution” appearing immediately after the words “by the” and substituting therefor the words “Fair Administrative Action Act, 2015”.

**Justification:** to align the cross-reference to the Fair Administration Act, 2015 which was enacted by the House to codify the right to fair administrative action under Article 47 of the Constitution.

#### **CLAUSE 57**

**THAT**, clause 57 be amended—

(a) by deleting subclause (1) and substituting therefor the following subclause—



“(1) The Service shall, through regulation, develop and adopt criteria for accreditation of persons and institutions to provide legal aid services.”

(b) in subclause (2) by deleting the words “the Cabinet Secretary, the Director of Public Prosecutions, public benefit organizations, faith based organizations” appearing immediately after the words “Attorney General” and substituting therefor the words “the Director of Public Prosecutions, public benefit organizations,”.

**Justification:** (i) to require the Service to develop criteria for accreditation of legal aid providers and codify them in regulations; and (ii) to remove reduce persons and bodies required to be consulted in the development of accreditation criteria in light of the proposed amendments to clause 9.

### **CLAUSE 59**

**THAT**, clause 59 of the Bill be amended by deleting subclause (2).

**Justification:** to delete provisions allowing the Service to charge for accreditation and monitoring of accredited persons and institutions.

### **CLAUSE 60**

**THAT**, clause 60 of the Bill be amended in subclause (2) by deleting paragraph (c).

**Justification:** to delete a repetition. The contents of sub clause 2 (c) are covered under sub clause (2) (a).

### **CLAUSE 63**

**THAT**, clause 63 of the Bill be amended by deleting the word “but” appearing immediately after the words “been granted” and substituting therefor the word “and”.

**Justification:** to correct an error in grammar.

### **CLAUSE 66**

**THAT**, clause 66 of the Bull be amended in subclause (1) by deleting paragraph (a).

**Justification:** to delete an unnecessary provision. The contents of subclause (1) (a) are adequately covered under the rest of the paragraphs in the subclause.

## **CLAUSE 68**

**THAT**, clause 68 of the Bill be amended in subclause (1) by inserting the words “supervised by” immediately after the words “Service, or”.

**Justification:** to allow paralegals supervised by accredited bodies to provide legal advice and assistance.

## **CLAUSE 69**

**THAT**, the Bill be amended by deleting clause 69.

**Justification:** to delete an unnecessary clause. The Service is being established to ensure that the scenario contemplated in the clause does not arise. The Service is to ensure the provision of legal aid services throughout the country.

## **CLAUSE 74**

**THAT**, clause 74 of the Bill be amended by deleting the word “a” appearing immediately after the words “specifying that” and substituting therefor the word “an”.

**Justification:** to correct an error of grammar.

## **CLAUSE 75**

**THAT**, clause 75 of the Bill be amended in subclause (2) by deleting the words “for security of” appearing immediately after the words “An order” and substituting therefor the words “of security for”.

**Justification:** to correct an error of grammar.

## **CLAUSE 76**

**THAT**, clause 76 of the Bill be amended—

(a) in subclause (2) by inserting the following paragraph immediately after paragraph (c)—

“(d) extending the Service to as many beneficiaries as possible.”

(b) by inserting the following subclause immediately after subclause (3)—

“(4) the scale fees determined by the Service shall be less than the legal fee applicable to persons not aided by the Service.”

**Justification:** (i) to ensure that the Service is extended to as many beneficiaries as possible; and (ii) to ensure that the scale of fees applicable to legal aid services is less than that applicable to ordinary legal services.

### **CLAUSE 83**

**THAT**, clause 83 of the Bill be amended by inserting the word “personal” immediately after the words “disclose any”.

**Justification:** to further specify that the information that should not be disclosed must be of a personal nature to the aided person in order to maintain confidentiality.

### **CLAUSE 85**

**THAT**, clause 85 of the Bill be amended in the prefatory statement by deleting the word “two” appearing immediately after the words “in every” and substituting therefor the word “three”.

**Justification:** to increase the period after which the Service is to publish a Legal Aid Guide from two years to three years.

### **CLAUSE 87**

**THAT**, clause 87 of the Bill be amended—

- (a) in subclause (2) by deleting paragraph (b);
- (b) by inserting the following subclause immediately after subclause (2)—

“(3) For the purposes of Article 94 (6) of the Constitution—

- (a) the purpose and objective of delegation under this section is to enable the Cabinet Secretary to make regulations to provide for the better carrying into effect of the provisions of this Act and to enable the Service to discharge its functions effectively;
- (b) the authority of the Cabinet Secretary to make regulations under this Act will be limited to bringing into effect the provisions of this Act and to fulfil the objectives specified under this section;
- (c) the principles and standards applicable to the regulations made under this section are those set out in the Interpretations and General Provisions Act and the Statutory Instruments Act, 2013.”

**Justification:** (i) to align the clause to the proposed deletion of clause 69; and to align the clause to the requirements of Article 94 (6) of the Constitution which



# APPENDIX 1

**MINUTES OF THE SIXTY SEVENTH SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON TUESDAY, 27<sup>TH</sup> OCTOBER, 2015 AT 10.30 A.M. AT THE COMMONWEALTH PARLIAMNETARY ASSOCIATION (CPA) CENTRE, MAIN PARLIAMENT BUILDING**

**PRESENT:-**

Hon. Samuel Chepkonga, M.P. - **Chairperson**  
Hon. Priscilla Nyokabi, M.P. - **Vice Chairperson**  
Hon. Benson Mutura, M.P.  
Hon. John M. Waiganjo, M.P.  
Hon. Olago Aluoch, M.P.  
Hon. Ndirangu Waihenya, M.P.  
Hon. Mohamed Abdi Haji, M.P.  
Hon. Moses Cheboi, M.P.  
Hon. (Bishop) Robert Mutemi, M.P.  
Hon. John Njoroge Chege, M.P.  
Hon. Florence Kajuju, M.P.  
Hon. Fatuma Ibrahim, M.P.  
Hon. Sammy Koech, M.P.  
Hon. Paul K. Bii, M.P.  
Hon. Peter Kaluma, M.P.

**ABSENT:-**

Hon. Njoroge Baiya, M.P.  
Hon. David Ochieng, M.P.  
Hon. James Bett, M.P.  
Hon. Boniface Otsiula, M.P.  
Hon. Dr. Christine Ombaka, M.P.  
Hon. Munuve Mati John, M.P.  
Hon. William Cheptumo, M.P.  
Hon. Neto Agostinho, M.P.  
Hon. Ben Momanyi, M.P.  
Hon. Charles Gimose, M.P.  
Hon. Kang'ata Irungu, M.P.  
Hon. Johanna Ngeno, M.P.  
Hon. Kamoti Mwamkale William, M.P.  
Hon. Tom J. Kajwang', M.P.

**SECRETARIAT:-**

Mr. George Gazemba - Senior Clerk Assistant  
Mr. Ahmed Salim - Clerk Assistant III  
Mr. Ronald Walala - Legal Counsel II

Mr. Yezzel Jillo

- Serjeant-at-arms

**MIN No. 229/2015:- PRELIMINARIES**

The Chairperson called the meeting to order at 10.39 a.m. with a word of prayer from Hon. (Bishop) Robert Mutemi.

**MIN No. 230/2015:- CONSIDERATION AND ADOPTION OF REPORTS ON BILLS**

**(i) The Legal Aid Bill, 2015.**

The Committee considered and adopted its report on the Legal Aid Bill, 2015. The adoption of the report was proposed by Hon. (Bishop) Robert Mutemi and seconded by Hon. Florence Kajuju. There was no dissenting voice to the adoption of the report.

**(ii) The Statute Law (Miscellaneous Amendments) Bill, 2015**

The Committee considered and adopted its report on the Statute Law (Miscellaneous Amendments) Bill, 2015. The adoption of the report was proposed by Hon. John Waiganjo and seconded by Hon. Priscilla Nyokabi. There was no dissenting voice to the adoption of the report.

**(iii) The Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2015**

The Committee considered and adopted its report on the Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2015. The adoption of the report was proposed by Hon. Sammy Koech and seconded by Hon. Fatuma Ibrahim. There was no dissenting voice to the adoption of the report.

**(iv) The Constitution of Kenya (Amendment (No. 5) Bill, 2015**

The Committee considered and adopted its report on the Constitution of Kenya (Amendment (No. 5) Bill, 2015. The adoption of the report was proposed by Hon. Fatuma Ibrahim and seconded by Hon. John Waiganjo. There was no dissenting voice to the adoption of the report.

**MIN No. 231/2015:- CONSIDERATION AND ADOPTION OF REPORTS ON LEGISLATIVE PROPOSALS**

**(i) The Constitution of Kenya (Amendment) Bill, 2015**

The Committee considered and adopted its report on the Constitution of Kenya (Amendment) Bill, 2015 Legislative Proposal. The adoption of the report was proposed by Hon. Sammy Koech and seconded by Hon. John Waiganjo. There was no dissenting voice to the adoption of the report.

**(ii) The Constitution of Kenya (Amendment) (No. 6) Bill, 2015**

The Committee considered and adopted its report on the Constitution of Kenya (Amendment) (No. 6) Bill, 2015 Legislative Proposal. The adoption of the report was proposed by Hon. John Waiganjo and seconded by Hon. Priscilla Nyokabi. There was no dissenting voice to the adoption of the report.

**(iii) The Constitution of Kenya (Amendment) (No. 7) Bill, 2015**

The Committee considered and adopted its report on the Constitution of Kenya (Amendment) (No. 7) Bill, 2015 Legislative Proposal. The adoption of the report was proposed by Hon. John Waiganjo and seconded by Hon. Sammy Koech. There was no dissenting voice to the adoption of the report.

**(iv) The Institute of Directors of Kenya Bill, 2015**

The Committee considered and adopted its report on the Institute of Directors of Kenya Bill, 2015, Legislative Proposal. The adoption of the report was proposed by Hon. Priscilla Nyokabi and seconded by Hon. Sammy Koech. There was no dissenting voice to the adoption of the report.

**(v) The Public Benefits Organization Bill, 2015**

The Committee considered and adopted its report on the Public Benefits Organization Bill, 2015 Legislative Proposal by Hon. Agostinho Netto. The adoption of the report was proposed by Hon. Fatuma Ibrahim and seconded by Hon. Sammy Koech. There was no dissenting voice to the adoption of the report.

**(vi) The Ethics and Anti-Corruption Commission (Amendment) Bill, 2015**

The Committee considered and adopted its report on the Ethics and Anti-Corruption Commission (Amendment) Bill, 2015 Legislative Proposal. The adoption of the report was proposed by Hon. John Waiganjo and seconded by Hon. Fatuma Ibrahim. There was no dissenting voice to the adoption of the report.

**(vii) The Sexual Offences Bill, 2015**

The Committee considered and adopted its report on the Sexual Offences Bill, 2015, Legislative Proposal. The adoption of the report was proposed by Hon. Priscilla Nyokabi and seconded by Hon. Sammy Koech. There was no dissenting voice to the adoption of the report.

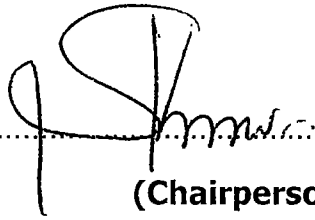
**MIN No. 232/2015:-**

**ADJOURNMENT**

There being no other business to transact, the sitting adjourned at forty four minutes past eleven o'clock in the morning.



Signed.....

Handwritten signature in black ink, appearing to be 'J. Sharma'.

(Chairperson)

Date.....

28<sup>th</sup> October, 2015

# APPENDIX 2



KENYA NATIONAL ASSEMBLY  
ELEVENTH PARLIAMENT

**DEPARTMENTAL COMMITTEE ON JUSTICE & LEGAL AFFAIRS**

MEMBERS' ATTENDANCE

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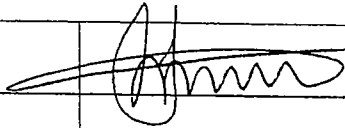
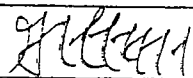
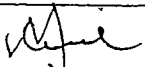



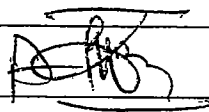
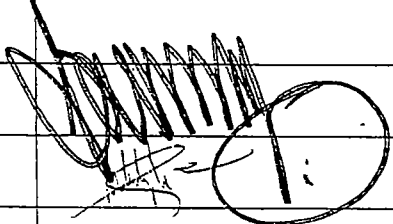
Date: 22<sup>nd</sup> October 2015

Venue: MEDIA CENTER, MAIN PARLIAMENT BUILDING

Agenda: ADOPTION OF REPORTS ON THE FOLLOWING PETITIONS:

1. ELECTION OF THE CHAIRPERSON OF THE AGRICULTURAL SOCIETY OF KENYA
2. ENACT A LEGISLATION REGARDING THE REGISTRATION OF PROPERTIES IN KENYA
3. REVIEW OF CRIMINAL LAWS (PENAL CODE AND CRIMINAL PROCEDURE CODE) TO ALIGN AND CONFORM WITH THE CONSTITUTION OF KENYA, 2010
4. AMEND THE CONSTITUTION OF KENYA, 2010
5. MANDATORY VOTER REGISTRATION AND COMPULSORY VOTING
6. LEGISLATION ON THE SUBJECT OF ANTI-HOMOSEXUALITY

	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. Charles Gimose	
8.	Hon. Christine Ombaka (Dr.)	
9.	Hon. David Ochieng'	
10.	Hon. Fatuma Ibrahim	
11.	Hon. Florence Kajuju	
12.	Hon. Irungu Kang'ata	
13.	Hon. James Bett	

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

George Gazemba

For: The Clerk of the National Assembly

# APPENDIX 3