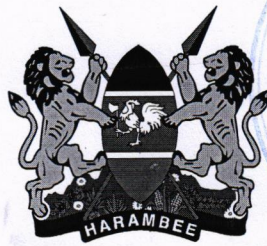


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19/02/19

THE SENATE

TWELFTH PARLIAMENT

SECOND SESSION

PAPERS LAID	
DATE	20/02/19
TABLED BY	Chairperson
COMMITTEE	Legal Affairs
CLERK AT THE TABLE	J. Lia

THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND
HUMAN RIGHTS

.....
A REPORT ON PUBLIC PARTICIPATION ON THE PETITION
TO COUNTY ASSEMBLIES BILL (SEN. BILL NO. 22 OF 2018)
.....

RT. Hon. Speaker
You may approve
for tabling.
2002
19/02/19

Approved

20/2/2019.

Clerk's Chambers,
First Floor,
Parliament Buildings,
NAIROBI.

February, 2019

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ABBREVIATIONS AND ACRONYMS

KLRC	Kenya Law Reform Commission
KNCHR	Kenya National Commission on Human Rights
MP	Member of Parliament
SEN	Senator
TISA	The Institute for Social accountability

PREFACE

Mr. Speaker,

Establishment of the Committee

The Standing Committee on Justice, Legal Affairs and Human Rights is established pursuant to the Senate Standing Order 218 and mandated to *consider all matters relating to constitutional affairs, the organization and administration of law and justice, elections, promotion of principles of leadership, ethics, and integrity; agreements, treaties and conventions; and implementation of the provisions of the Constitution on human rights.*

Membership of the Committee

The Committee is comprised of the following members:-

1. Sen. Samson Cherarkey, MP - **Chairperson**
2. Sen. Mithika Linturi, MP - **Vice-Chairperson**
3. Sen. James Orengo, MP
4. Sen. Fatuma Dullo, MP
5. Sen. Amos Sitswila Wako, MP
6. Sen. Kilonzo Mutula Jnr., MP
7. Sen. Susan Wakarura Kihika, MP
8. Sen. Irungu Kang'ata, MP
9. Sen. Faki Mohamed, MP

Mr. Speaker,

The promulgation of the Constitution in 2010 ushered in a new governance system and greatly expanded the democratic space in the country. The Petition to County Assemblies Bill (Sen. Bill No. 22 of 2018) seeks to provide for the procedure for petitioning a county assembly.

The right to present public petitions to authorities is protected in the Bill of Rights under Article 37 of the Constitution. Further, section 15 of the County Governments Act specifically provides for the right to petition a county assembly. This Bill will provide a uniform and harmonized procedure that would apply in all county assemblies. The procedure is similar to that applicable to the national Parliament as set out in the Petition to Parliament (Procedure) Act (No. 22 of 2012).

The Committee considered the Bill at length, conducted public participation and deliberated on the submissions received. Based on the deliberations and public participation, the Committee will present amendments with the view of strengthening the provisions of the Bill for consideration by this House.

Acknowledgement

The Committee wishes to thank the Offices of the Speaker and the Clerk of the Senate as well as the Secretariat for the support extended to it in the conduct of the public hearings and in fulfilling its mandate.

Further it wishes to thank stakeholders who made both written and oral submissions such as the Kenya Law Reform Commission (KLRC), Kenya National Commission on Human Rights (KNCHR) and the Institute for Social accountability (TISA).

Mr. Speaker,

It is now my pleasant duty, pursuant to Standing Order 226(2), to present a Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Petition to County Assemblies Bill (Sen. Bill No. 22 of 2018).

Signed.....: Date.....13/2/2019.....

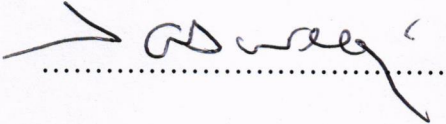
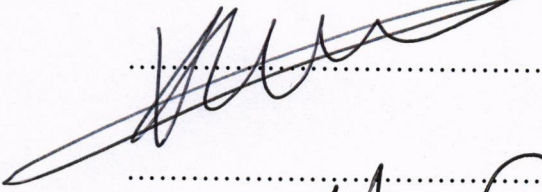
SEN. SAMSON CHERARKEY, MP

CHAIRPERSON

JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS COMMITTEE

ADOPTION OF THE REPORT OF THE JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS COMMITTEE OF THE SENATE

We, the undersigned Members of the Justice, Legal Affairs and Human Rights Committee of the Senate, do hereby append our signatures to adopt the Report-

Sen. Samson Cherarkey, MP	Chairperson	
Sen. Mithika Linturi, MP	Vice-Chairperson
Sen. Fatuma Dullo, MP	Member	
Sen. James Orengo, MP	Member	
Sen. Amos Sitswila Wako, MP	Member
Sen. Kilonzo Mutula Jnr., MP	Member
Sen. Irungu Kang'ata, MP	Member	
Sen. Susan Wakarura Kihika, MP	Member
Sen. Faki Mohamed, MP	Member	

CHAPTER ONE

INTRODUCTION

1.0 Background

The Petition to County Assemblies Bill (Sen. Bill No. 22 of 2018) was sponsored by Sen. Judith Pareno. The Bill seeks to provide for the procedure for petitioning a County Assembly. The right to present public petitions to authorities is protected in the Bill of Rights under Article 37 of the Constitution. Section 15 of the County Governments Act specifically provides for the right to petition a County Assembly. This Bill will provide a uniform and harmonized procedure that would apply in all county assemblies.

The Bill was published on 10th August, 2018 and was read a First Time on 13th September, 2018. Following the First Reading in the Senate, it stood committed, pursuant to Standing Order 134(1), to the Standing Committee on Legal Affairs and Human Rights for facilitation of public participation. Subsequently, the Committee, pursuant to Article 118 of the Constitution and Standing Order 134 (5), invited submissions from members of the public on the Bill via an advertisement on “The Standard” Newspaper and the “Daily Nation” Newspapers.

1.1 Background on Public Petitions

A petition is a formal written request from one or more people to the Sovereign, the Government or to Parliament. As a part of the Commonwealth, the right to petition parliament is a major part of representation in the Westminster system of Parliament from which Kenya has heavily borrowed.

According to Erskin May¹, “*Public petitions may pray for an alteration of the general law or reconsideration of a general administrative decision and they may also pray for redress of local or personal grievances ;..)*

The right to petition authorities can be traced back to the British Monarch whereby a subject would present a petition to the Monarch for redress of personal grievances. It was recognized in

¹ May, T. E. (2004). *Erskine May's treatise on the law, privileges, proceedings and usages of parliament* (24th ed.). LexisNexis Butterworths. Pg.483

Magna Carta, the charter of rights first drafted by the Archbishop of Canterbury in 1215. The *Magna Carta* established the principle that everyone is subject to the law, even the king, and guarantees the rights of individuals, the right to justice and the right to a fair trial. The Bill of Rights of 1688 passed by the Parliament of England further restated the right to Petition in clear terms, "...it is the right of the subjects to petition the King, and all commitments and prosecutions for such petitioning are illegal"².

With the increase in the influence and importance of Parliament, petitioning became one of the main methods of airing grievances by those classes not represented in Parliament. The House of Commons began to appoint committees specifically to examine petitions, particularly those concerned with religious liberties. As a result of public petitions, the Members of Parliament in the House of Commons pursued political and constitutional reform, the abolition of slavery, religious emancipation and the improvement of society. Of note was the abolition of the slave trade in 1807 which culminated from a public petition.

In the 1980s, issues such as proportional representation, contraception, abortion, embryo research and capital punishment have been debated by the United Kingdom Parliament on the basis of petitions³. Petitions to Parliament therefore provide an avenue for the public to raise issues and concerns by various sections of the society including matters which are deemed controversial or that affect minorities.

In the Kenyan context, the right to Petition is enshrined in Article 119 of the Constitution and the procedure set in the Petition to Parliament (Procedure) Act (No.22 of 2012) as well as the Standing Orders of the respective House. Currently, the Senate is also seized of over forty (40) petitions from the public that are currently being considered in various Committees.

The devolved system of government means that power, resources and decision-making is closer to the people. County assemblies are a mirror to Parliament and have the mandate to consider Petitions under Section 15 of the County Governments Act. Under Article 185 of the Constitution, county assemblies have the express mandate to carry out the functions of law

² House of Commons Information office, Public Petitions <https://www.parliament.uk/documents/commons-information-office/P07.pdf>

³ Ibid.

making, representation, and oversight over the County Executive Committees and other executive organs.

1.2 The Object of the Bill

From the foregoing, the right to petition authorities and specifically representative bodies such as Parliament in County Assemblies is rooted in historical precedent and the right of all persons to present their grievances and access justice.

Currently, the procedure for to petition Parliament; that is, the National Assembly and the Senate, is well established. Article 119 of the Constitution of Kenya, 2010 provides that, “*every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation.*” The National Assembly and Senate Standing Orders also sets out the procedures for lodging a petition by a member of the public. Specifically, Standing Orders 219 to 228 of the Senate Standing Orders outline the procedure for submission and committal of a petition to a Committee and transmission of its decision to the Petitioner.

There is need for clear procedures at the County level. Therefore, the main objective of the Petition to County Assemblies Bill (Sen. Bill No. 22 of 2018) is to provide for the procedure for petitioning a county assembly. Article 37 of the Constitution provides that every person has a right to present petitions to public authorities. Section 15 of the County Governments Act specifically provides for the right to petition a county assembly. On the procedure for the exercise of the right, section 15(2) of the County Governments Act requires each county assembly to provide for the procedure to be applied in the respective county assembly. This may result in the enactment of different procedures for petitioning county assemblies across the forty-seven counties.

This Bill therefore seeks to provide a uniform and harmonized procedure that would apply in all county assemblies. The procedure is similar to that applicable to the national Parliament as set out in the Petition to Parliament (Procedure) Act, No. 22 of 2012.

1.3 Legal and Policy Framework on the Right to Petition

Constitution of Kenya (2010)

The right to present petitions to public authorities is set out in Article 37 of the Constitution as follows-

37. Every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities.

With regard to the national Parliament, the right to petition Parliament is provided for under Article 119 of the Constitution, which provides as follows:-

- (1) "Every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation.*
- (2) Parliament shall make provision for the procedure for the exercise of this right."*

Senate Standing Orders and the Petition to Parliament (Procedure) Act, 2012 further provide for the procedure to be followed in the submission, processing and consideration of a public Petition.

Article 176 of the Constitution establishes the County Assembly. Under **Article 185** of the Constitution, County Assemblies have the express mandate to carry out the functions of law making, representation, and oversight over the County Executive Committees and other executive organs. County Assemblies are a mirror to Parliament. They are the meant to be the watchdogs at the County level.

County Governments Act (2012)

Section 15 of the County Governments Act provides for the right to petition county assembly as follows-

- (1) A person has a right to petition a county assembly to consider any matter within its authority, including enacting, amending or repealing any of its legislation.*
- (2) Each county assembly shall prescribe a procedure for exercising the right under subsection (1).*

The Bill will provide for the procedure to petition county assembly in accordance with these provisions.

1.4 Overview of the Bill

The Bill provides as follows-

Short Title

Clause 1 of the Bill sets out the short title as the Petition to County Assemblies (Procedure) Act, 2018.

Interpretation

Clause 2 of the Bill sets out the interpretation of terms used in the Bill.

Form of Petition

Clause 3 of the Bill sets out the Form of Petition to a county assembly set out in the Schedule which shall-

- (a) be handwritten, printed or typed;
- (b) be in English or Kiswahili;
- (c) be written in respectful, decorous and temperate language;
- (d) be free of alterations and interlineations in its text;
- (e) be addressed to the county assembly;
- (f) have its subject-matter indicated on every sheet if it consists of more than one sheet;
- (g) indicate whether any efforts have been made to have the matter addressed by a relevant body and whether there has been any response from that body or whether the response has been unsatisfactory;
- (h) indicate whether the issue in respect of which the petition is made is pending before any court of law or other constitutional or legal body;
- (i) conclude with a clear, proper and respectful prayer, reciting the definite object of the petitioner or petitioners with regard to the matter to which it relates;
- (j) subject to paragraph
- (n), contain the names, addresses, identification numbers, signature or a thumb impression of the petitioner or of every petitioner, where there is more than one petitioner;
- (k) contain only signatures or thumb impressions, as the case may be, and addresses and identification numbers written directly onto the petition and not pasted thereon or otherwise transferred to it;

- (l) not have any letters, affidavits or other documents annexed to it;
- (m) in the case of a petition presented by a member of a county assembly on behalf of a petitioner, be countersigned by the member presenting it; and
- (n) be signed by the petitioner, or if the petitioner is unable to sign, by a witness in whose presence the petitioner shall make his or her mark on the petition.

Procedure for presenting Petition

Clause 4 of the Bill sets out the procedure for presenting which shall be submitted to the respective Clerk by the petitioner; or presented by a member of the county assembly on behalf of a petitioner, with the consent of the Speaker. The clause provides that the Clerk will determine whether the petition complies with Clause 3 within seven (7) days and give direction.

Consideration of a Petition

Clause 5 of the Bill sets out the procedure for the consideration of the petition by the county assembly in accordance with the Standing Orders of the county assembly. Clause 5 (6) provides that the Clerk shall inform the petitioner in writing of the decision of the county assembly within fourteen (14).

Register of Petitions

Clause 6 of the Bill provides for the Clerk shall keep and maintain a register in which shall be recorded all petitions and supporting documents, and the decisions of the county assembly on the petitions.

Amendment of section 15 of No. 17 of 2012

Clause 7 of the Bill seeks to amend Section 15(2) of the County Governments Act, 2012 to provide that the procedure for the exercise of the right to petition a county assembly shall be as set out in the Petition to County Assemblies (Procedure) Act and in the Standing Orders of the relevant county assembly.

CHAPTER TWO

PUBLIC PARTICIPATION

2.0 Attendance by Stakeholders

The Committee, pursuant to Article 118 of the Constitution and Standing Order 134 (1), invited submissions from members of the public on the Bill via an advertisement on the Daily Nation Newspaper and Standard Newspapers at Kenyatta International Convention Centre, Taifa Hall, Nairobi at 10am on 17th October, 2018. The Committee received written submissions from the Kenya Law Reform Commission (KLRC), the Kenya National Commission on Human Rights (KNCHR) and the Institute for Social accountability (TISA).

2.1 Submissions from Stakeholders

The Committees took into consideration proposals from stakeholders on specific Clauses of the Bills, as follows-

Clause 5: Consideration of the Petition

The Kenya Law Reform Commission (KLRC) submitted to the Committee the Committee observed that clause 5(1) and clause 5(2) were similar and therefore it was unnecessary to have both clauses.

The Kenya National Commission on Human Rights submitted that on Clause 5 of the Bill which provides for the Procedure for consideration of a petition be strengthened by injecting the principles of public participation, transparency and fair administration action. This is in line with the county assembly obligation under Article 10 (2) (a) and (c) and Article 47 of the Constitution respectively.

Clause 5 (4) of the Bill provides that a petitioner may be called to clarify or submit such further information as the committee may consider necessary. Kenya National Commission on Human Rights recommended that where the petition for instance relates to general matters concerning the legislative powers of the Assembly or other development projects of public importance or

county planning, that a provision be made to invite comments from the members of the relevant county and relevant stakeholders before a decision can be made.

Kenya National Commission on Human Rights (KNCHR) further submitted that in cases where the petition concerns adverse allegations against an individual or other organ, it is important that such a person or body be accorded a fair hearing before a final decision on the petition can be made in line with Article 47 and 50 of the Constitution. Moreover, there should be provision for publicising the petition and decision including in the respective county government's website.

Kenya National Commission on Human Rights (KNCHR) further noted that while the Bill defined the timelines within which the Clerk must consider the Petition and whilst it is provided that a decision of the county assembly is to be notified to the petitioner within fourteen (14) days, it not clear within what time period the petition ought to be considered. For avoidance of doubt and since the procedure for consideration will be based on the respective county assemblies' standing orders, it would be more prudent to give an indication on the timelines within which a petition must be considered. This is in line with fair administrative action. While these considerations should, as a matter of course be part and parcel of the respective county assembly orders, it is important that the Act makes no assumptions and expressly stipulate these guiding principles.

The Kenya National Commission on Human Rights further recommends that Clause 5 of the proposed Bill be amended to expressly provide that principles of fair administrative action and public participation shall apply to any consideration of petitions before county assemblies. This is in line with Article 196 of the Constitution which obligates county assemblies to facilitate public participation and involvement in the legislative and other business of the assembly. It is also a good practice to ensure legislation and policy making is in line with constitutional dictates stipulated under Article 10 as well as Chapter Four of constitution.

The Institute for Social accountability (TISA) submitted that the Clause 5(4) of the Bill did not take into consideration public participation and should be amended to ensure that public participation is carried out.

CHAPTER THREE

COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

3.0 General Observations

The main objective of the Petition to County Assemblies Bill (Sen. Bill No. 22 of 2018) was to provide for the procedure for petitioning a county assembly. Article 37 of the Constitution provides that every person has a right to present petitions to public authorities. Section 15 of the County Governments Act specifically provides for the right to petition a county assembly. On the procedure for the exercise of the right, section 15(2) of the County Governments Act requires each county assembly to provide for the procedure to be applied in the respective county assembly. This may result in the enactment of different procedures for petitioning county assemblies across the forty-seven counties.

This Bill therefore seeks to provide a uniform and harmonized procedure that would apply in all county assemblies. The procedure is similar to that applicable to the national Parliament as set out in the Petition to Parliament (Procedure) Act, No. 22 of 2012.

3.1 Observations and Recommendations on the Clauses of the Bill

The Committee on Justice, Legal Affairs and Human Rights made the following observations and recommendations based on the deliberations of the Bill based on submissions from the public and stakeholders as follows-

(1) Clause 5: Consideration of the Petition

The Committee Clause 5 of the Bill sets out the procedure for the consideration of the petition by the County Assembly in accordance with the Standing Orders of the county assembly.

Observation(s)

The Committee observed that clause 5(1) and clause 5(2) were similar and therefore it was unnecessary to have both clauses.

The Committee further noted that Clause 5 (4) (a) was ambiguous and needed to be rephrased to provide clarity on the meaning of the Clause.

The Committee further observed that there were concerns raised by stakeholders that the Bill did not adequately provide for public participation in consideration of petitions. The Committee however noted that Clause 5 (4) (b) provided that county assembly committees may in considering the petition conduct public hearings with respect to the petition. The Committee agreed that it was necessary to ensure that public hearings are conducted by the relevant county assembly committee with respect to a petition. The Committee proposed to amend Clause 5(4) (b) by adding the word ‘*shall*’ and have a standalone Clause to ensure public participation is conducted.

Recommendation(s)

The Committee therefore recommended that –

- (1) Clause 5(2) be deleted as it is repetitive.**
- (2) That Clause 5 (4) (a) be redrafted to cure the ambiguity and clarify the meaning of the Clause by removing the words “notwithstanding sub-section (2)” and rephrasing the Clause;**
- (3) The word “shall” be inserted in Clause 5 (4) (b) to ensure that public hearings are conducted by relevant count assembly committees considering a petition and that the Clause redrafted as a standalone Clause.**

(2) Adoption of the Report

The Committee further recommends that the Senate adopts this report.

MINUTES OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS HELD ON WEDNESDAY, 13TH FEBRUARY 2019 IN COMMITTEE ROOM 5, MAIN PARLIAMENT BUILDINGS AT 10.18 AM.

PRESENT

- | | |
|--------------------------|--------------|
| 1. Sen. Samson Cherarkey | -Chairperson |
| 2. Sen. James Orengo | -Member |
| 3. Sen. Fatuma Dullo | -Member |
| 4. Sen. Mohamed Faki | -Member |
| 5. Sen. Irungu Kang'ata | -Member |

ABSENT WITH APOLOGY

- | | |
|----------------------------|-------------------|
| 1. Sen. Mithika Linturi | -Vice Chairperson |
| 2. Sen. Amos Wako | -Member |
| 3. Sen. Mutula Kilonzo Jr. | -Member |
| 4. Sen. Susan Kihika | -Member |

IN-ATTENDANCE

1. Ms. Kavata Musyoka
2. Mr. Malcolm Ngugi
3. Ms. Clare Jerotich

SENATE SECRETARIAT

- Clerk Assistant
- Legal Counsel
- Research Officer

MIN/JLAHR/2019:

The Chairperson called the meeting to order at 10.18 a.m. and commenced the meeting with a word of prayer.

PRELIMINARIES

MIN/JLAHR /2019:

The agenda of the meeting was adopted as presented having been proposed by Sen. Orengo and seconded by Sen. Faki.

ADOPTION OF THE AGENDA.

MIN/JLAHR /2019:

CONSIDERATION OF REPORTS PENDING BEFORE THE COMMITTEE

The Committee adopted the following reports for tabling by consensus.

- i) Report on Public Participation on the Statutory Instruments (Amendment) Bill (Sen. Bills No. 24 of 2018)
- ii) Report on the Petition on the Conferment of Municipal Status of Mararal Town by the County Government of Samburu
- iii) Report on Public Participation on the County Statutory Instruments Bill (Sen. Bill No. 21 of 2018)
- iv) Report on Public Participation on the Petition to County Assemblies Bill (Sen. Bill No. 22 of 2018)
- v) Report on the Visit to Eldoret G.K. Prisons and Remand
- vi) Report on the Fifth Global Summit on Open Governance Partnership in Tbilisi, Georgia, 17th to 19th July, 2018

MIN/JLAHR /2019:

There was no other business

ANY OTHER BUSINESS

MIN/JLAHR /2019:

**DATE OF THE NEXT MEETING AND
ADJOURNMENT**

The meeting was adjourned at 12.36 pm. Date of the next meeting will be communicated through a notice.

Signed



SEN. SAMSON CHERARKEY (CHAIRPERSON)

Date:

13/2/2019

MINUTES OF THE 45TH SITTING OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS HELD ON WEDNESDAY, 14TH NOVEMBER, 2018 IN COMMITTEE ROOM 10, FIRST FLOOR, MAIN PARLIAMENT BUILDINGS AT 10.54 AM.

PRESENT

1. Sen. Fatuma Dullo -Member
2. Sen. Mutula Junior -Member
3. Sen. James Orengo -Member

ABSENT WITH APOLOGY

1. Sen. Samson Cherarkey -Chairperson
2. Sen. Mithika Linturi -Vice Chairperson
3. Sen. Susan Kihika -Member
4. Sen. Mohamed Faki -Member
5. Sen. Amos Wako -Member
6. Sen. Irungu Kang'ata -Member

IN-ATTENDANCE

1. Ms. Kavata Musyoka
2. Ms. Josephine Kusinyi

SENATE SECRETARIAT

- Clerk Assistant
- Legal Counsel

MIN. NO.259/2018

The Chairperson called the meeting to order at 10.54 am and commenced the meeting with a word of prayer.

PRELIMINARIES

MIN. NO.260/2018

The agenda of the meeting was adopted as presented after being proposed by Sen. Mutula and seconded by Sen. Orengo.

ADOPTION OF THE AGENDA

MIN. NO. 261/2018

CONSIDERATION OF THE SUBMISSIONS BY THE PUBLIC ON THE-

i) The County Statutory Instruments Bill (Senate Bills No. 21 of 2018)

There were no submissions by the public to this bill.

ii) The Petition to County Assemblies (Procedure) Bill (Senate Bills No. 22 of 2018)

The public and other stakeholders made the following proposals for amendment-

- Kenya law reform and Kenya human rights commission submitted that Clause 5(1) & (2) are the same hence they should be amended.
- TISA submitted that the Bill did not take into consideration public participation. Further the Committee proposed that the word "shall" be included in Clause 5(4)(b) .

- The Committee proposed that Clause 5(4) (a) should be since as it is currently drafted it did not clearly communicate.
- iii) ***The Treaty Making and Ratification (Amendment) Bill (Senate Bills No. 23 of 2018)***
- This matter was deferred to be discussed at the next meeting.
- iv) ***The Statutory Instruments (Amendment) Bill (Senate Bills No. 24 of 2018)***
- The Kenya Law Reform Commission proposed an amendment to the principal Act to include a process on how the two houses will consider statutory instruments. The Committee adopted the proposal.

MIN. NO. 262/2018

REVIEW OF ELECTIONS AND RELATED LAWS

Sen. Mutula reminded Members present that during the induction retreat of the Committee it had been noted that amendments to elections was always done at the last minute and that amendments are piecemeal. The Committee thus resolved to have one of its areas of focus as review electoral and related laws. The Committee is receiving support to engage a consultant who is Wachira Maina and through Electoral Law and Governance Institute for Africa (ELGIA) it will hold a couple of planning and consultation meetings with various stakeholders.

It was important that the first such consultative meeting be held with the Senate Leadership. The proposed date for the meeting was Thursday, 22nd November, at 7.30 am at the Intercontinental Hotel.

Members took note and advised as follows-

- That the Committee be briefed by Wachira Maina first on the issues. A meeting was scheduled to take place on 20th November, 2018 at 9.00 am.
- The matter to be forwarded to the Senate Business Committee for consideration.

MIN. NO. 263/2018

ANY OTHER BUSINESS

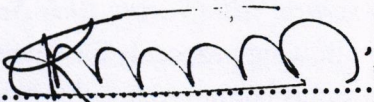
None

MIN. NO. 264/2018

DATE OF THE NEXT MEETING AND ADJOURNMENT

The next meeting would be the following day. There being no other business, the meeting was adjourned at 1.17 pm.

Signed


SEN. SAMSON CHERARKEY (CHAIRPERSON)

Date:

13/2/2019

MINUTES OF THE 42nd SITTING OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS HELD ON WEDNESDAY, 17TH OCTOBER, 2018 IN THE MARA ROOM, KICC AT 11.19 AM.

PRESENT

- | | |
|--------------------------|--------------|
| 1. Sen. Samson Cherarkey | -Chairperson |
| 2. Sen. Fatuma Dullo | -Member |
| 3. Sen. Mutula Junior | -Member |
| 4. Sen. Mohamed Faki | -Member |

ABSENT WITH APOLOGY

- | | |
|-------------------------|-------------------|
| 1. Sen. Mithika Linturi | -Vice Chairperson |
| 2. Sen. Amos Wako | -Member |
| 3. Sen. James Orengo | -Member |
| 4. Sen. Susan Kihika | -Member |
| 5. Sen. Irungu Kang'ata | -Member |

IN-ATTENDANCE

Sen. Aaron Cheruiyot, MP

IN-ATTENDANCE

1. Ms. Kavata Musyoka
2. Ms. Lucy Radoli

SENATE SECRETARIAT

- Clerk Assistant
- Legal Counsel

MIN. NO.242/2018

The Chairperson called the meeting to order at 11.19 am and commenced the meeting with a word of prayer.

PRELIMINARIES

MIN. NO.243/2018

The agenda of the meeting was adopted as presented after being proposed by Sen. Dullo and seconded by Sen. Faki.

ADOPTION OF THE AGENDA

MIN. NO. 244/2018

PUBLIC HEARING ON THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILLS NO. 21 OF 2018), PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILLS NO. 22 OF 2018), TREATY MAKING AND RATIFICATION (AMENDMENT) BILL (SENATE BILLS NO. 23 OF 2018) AND THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2018)

No Member of the public appeared for the public hearing. In spite of this the Committee waited for the duration of the public hearing for the public. Some stakeholders submitted written memoranda.

MIN. NO.245/2018

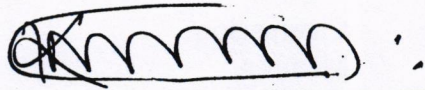
None

ANY OTHER BUSINESS

MIN. NO.246/2018

DATE OF THE NEXT MEETING AND
ADJOURNMENT

The next meeting would be the following day. There being no other business, the meeting was adjourned at 12.13 pm.



Signed
SEN. SAMSON CHERARKEY (CHAIRPERSON)

12/21/2019

Date: