

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

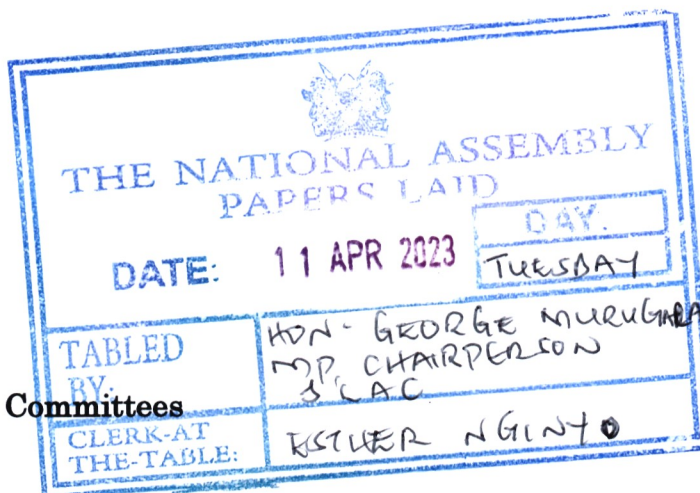
THIRTEENTH PARLIAMENT – SECOND SESSION

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DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION

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REPORT ON THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL,  
2022



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## Table of Contents

<b>CHAIRPERSON'S FOREWORD .....</b>	<b>3</b>
<b>CHAPTER ONE.....</b>	<b>4</b>
1.1    MANDATE OF THE COMMITTEE .....	4
1.2    COMMITTEE MEMBERSHIP .....	5
1.3    COMMITTEE SECRETARIAT .....	7
<b>CHAPTER TWO.....</b>	<b>8</b>
1.4    CONSIDERATION OF THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL, 2022 .....	8
<b>A.    SUMMARY OF THE BILL .....</b>	<b>8</b>
<b>B.    ANALYSIS OF THE PROPOSED AMENDMENT .....</b>	<b>8</b>
<b>C.    PUBLIC PARTICIPATION IN THE REVIEW OF THE BILL .....</b>	<b>9</b>
<b>CHAPTER THREE .....</b>	<b>9</b>
1.5    COMMITTEE OBSERVATIONS.....	9
<b>CHAPTER FOUR.....</b>	<b>11</b>
SCHEDULE.....	11

## **CHAIRPERSON'S FOREWORD**

The Statute Law (Miscellaneous Amendments) Bill, 2022 (National Assembly Bill No. 60) was read a first time on 8<sup>th</sup> December, 2022 and was subsequently committed to various Departmental Committees for consideration and facilitation of public participation pursuant to Standing Order 127. The Bill seeks to amend among other statutes the National Gender and Equality Commission Act, 2011 which falls under the mandate of the Departmental Committee on Social Protection.

The Clerk of the National Assembly placed adverts in the print media on 16<sup>th</sup> December, 2022 seeking for comments from the public on the Bill pursuant to Article 118 of the Constitution. The Committee did not receive any memoranda from the public touching on the proposed amendment to the National Gender and Equality Commission Act, 2011.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during the consideration of the Bill.

On behalf of the Departmental Committee on Social Protection and pursuant to provisions of Standing Order 199, it is my pleasant privilege and honour to submit this report of the Committee on its consideration of the Statute Law (Miscellaneous Amendments) Bill, 2023.

Hon. Alice Ng'ang'a, MP,

  
**Chairperson, Departmental Committee on Social Protection**



## CHAPTER ONE

### 1.1 Mandate of the Committee

1. The Committee on Social Protection is one of the Departmental Committees of the National Assembly established pursuant to Standing Order 216 and mandated –
  - 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 the implementation.*
  - c) *to study and review all legislation referred to it;*
  - d) *to study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
  - e) *to 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;*
  - f) *to vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments); and;*
  - g) *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.*
2. The Committee is mandated to consider the following subjects: -
  - (i) *Social Welfare and Security;*
  - (ii) *Pension matters;*
  - (iii) *Gender Affairs;*
  - (iv) *Equality and Affirmative Action;*
  - (v) *Affairs of Children;*
  - (vi) *Youth matters;*
  - (vii) *Persons with Disabilities and senior citizens*
3. The Committee oversees the following government Ministries, Departments and/or Agencies –
  - a) *The State Department for Social Protection;*
  - b) *The State Department for Gender;*
  - c) *The State Department for Youth;*
  - d) *The National Gender and Equality Commission.*

## 1.2 Committee Membership

4. The Committee comprises of the following members -

Chairperson

Hon. Alice Wambui Ngángá, MP  
Thika Town Constituency  
UDA Party

Vice-Chairperson

Hon. Hillary Kiplang'at Koskei, MP  
Kipkelion West Constituency  
UDA Party

Members

Hon. (Dr.) James Wambura Nyikal, M.P.  
Seme Constituency  
**ODM PARTY**

Hon. Timothy Wanyonyi Wetangula, M.P.  
Westlands Constituency  
**ODM PARTY**

Hon. (Dr.) Lilian Achieng Gogo, M.P.  
Rangwe Constituency  
**ODM PARTY**

Hon. Mark Ogolla Nyamita, M.P.  
Uriri Constituency  
**ODM PARTY**

Hon. Edith Vethi Nyenze, M.P.  
Kitui West Constituency  
**WDM-K PARTY**

Hon. Betty Njeri Maina, M.P.  
Murang'a County

**UDA PARTY**

Hon. Michael Wambugu Wainaina, M.P.

Othaya Constituency

**UDA PARTY**

Hon. Sulekha Hulbale Harun, M.P.

Nominated Member

**UDM PARTY**

Hon. Amina Abdullahi Dika, M.P.

Tana River County

**KANU PARTY**

Hon. Hussein Abdi Barre, M.P.

Tarbaj Constituency

**UDA PARTY**

Hon. Susan Nduyo Ngugi, M.P.

Tharaka Nithi County

**TSP PARTY**

Hon. Agnes Mantaine Pareiyo, M.P.

Narok North Constituency

**JUBILEE PARTY**

Hon. Linet Chepkorir, M.P.

Bomet Constituency

**UDA PARTY**

### **1.3 Committee Secretariat**

5. The Committee secretariat comprises the following members of staff: -

Ms. Hellen L. Ekadeli  
First Clerk Assistant /Head of Secretariat

Ms. Jemimah Waigwa  
Senior Legal Counsel

Mr. Sakana Saoli  
Clerk Assistant III

Mr. Adan Ahmed Abdi  
Fiscal Analyst II

Mr. Abdikafar Abdi Sheikh  
Clerk Assistant III

Ms. Grace Maneno  
Research Officer III

Mr. Boniface Mugambi  
Sergeant-At-Arms

## CHAPTER TWO

### 1.4 CONSIDERATION OF THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL, 2022

#### A. SUMMARY OF THE BILL

6. The Statute Law (Miscellaneous Amendments) Bill, 2022 is a Bill sponsored by the Leader of Majority Party which seeks to make various amendments to various statutes. The Bill is in keeping with the practice of making various amendments which do not merit the publication of separate Bills into one Bill.

#### B. ANALYSIS OF THE PROPOSED AMENDMENT

7. The Bill in particular proposes an amendment to section 53 of the National Gender and Equality Commission Act, 2011.
8. Section 53 of the Act reads as follows:

##### *Report of the Commission*

*53(1) The report of the Commission under Article 254 of the Constitution shall, in respect of the financial year to which it relates, contain—*

- (a) the financial statements of the Commission;*
- (b) a description of the activities of the Commission;*
- (c) recommendations on specific actions to be taken in furtherance of the findings of the Commission;*
- (d) recommendations on legal and administrative measures to address specific concerns identified by the Commission; and*
- (e) any other information relating to its functions that the Commission considers relevant.*

*(2) The Commission shall publish the report in the Gazette and in at least one newspaper with national circulation.*



**(3) The President, the National Assembly or the Senate may at any time require the Commission to submit a report on a particular issue.**

9. The Bill proposes to amend section 53 of the Act by inserting the following new subsection immediately after subsection (1):

**(1A) The Commission shall submit the annual report in subsection (1) to the President and the National Assembly within six months after the end of the year to which it relates.**

10. The amendment seeks to introduce timelines for the National Gender and Equality Commission to submit its annual report.

### **C. PUBLIC PARTICIPATION IN THE REVIEW OF THE BILL**

11. Article 118 (1)(b) of the Constitution provides as follows: -

***“Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees”***

12. 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”.***

13. In line with the Constitution and Standing Orders, the National Assembly Clerk in the local daily newspapers of ..... invited the public to make representations on the proposed amendment relating to the National Gender and Equality Commission Act, 2011. By the end of the submission date, the Committee had not received any memoranda from the public relating to the proposed amendment to the National Gender and Equality Commission Act, 2011.

## **CHAPTER THREE**

### **1.5 COMMITTEE OBSERVATIONS**

The Committee while considering the Bill made the following key observations;

(1) Section 53 of the National Gender and Equality Commission Act, 2011 as it presently exists does not prescribe the timelines within which the Commission is required to submit its report.

- (2) Section 53 of the Act finds its basis in Article 254 of the Constitution which provides as follows:

***Reporting by commissions and independent offices***

***254(1) As soon as practicable after the end of each financial year, each commission, and each holder of an independent office, shall submit a report to the President and to Parliament.***

***(2) At any time, the President, the National Assembly or the Senate may require a commission or holder of an independent office to submit a report on a particular issue.***

***(3) Every report required from a commission or holder of an independent office under this Article shall be published and publicized.***

- (3) The proposed amendment to section 53 as read vis-à-vis Article 254(1) of the Constitution does not align with the Constitution.
- (4) Whereas Article 254(1) of the Constitution requires all constitutional commissions to submit their reports to the President and Parliament, the new proposed subsection (1A) provides that the Commission shall submit its Report to the President and the National Assembly.
- (5) There is need to amend the new proposed sub-section (1A) to align it with Article 254(1) of the Constitution and require the National Gender and Equality Commission to submit its annual report to both Houses of Parliament.

**CHAPTER FOUR**

14. Having considered the Bill, the Committee proposed that:

**SCHEDULE**

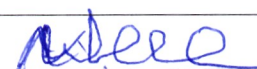


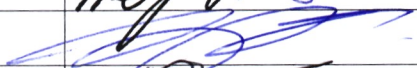
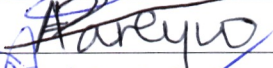

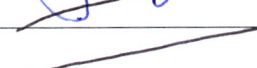
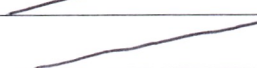
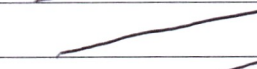





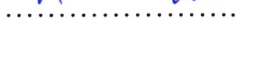
**THAT the Schedule to the Bill be amended in the proposed amendment to section 53 of the National Gender and Equality Commission Act, 2011 by deleting the words “the National Assembly” appearing in the proposed new subsection (1A) and substituting therefor the words “to Parliament”.**

SIGNED.....W. Ngũgĩ..... DATE.....28/02/2023.....


**THE HON. ALICE WAMBUI NGÁNGÁ, MP  
CHAIRPERSON,  
DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION**

THE NATIONAL ASSEMBLY  
13<sup>TH</sup> PARLIAMENT – SECOND SESSION  
DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION  
MEMBERS ATTENDANCE SCHEDULE

Date: 21st February 2023  
 Venue: 2ND FLOOR COMMITTEE ROOM, CONTINENTAL BUILDING  
 Start Time: 12:15pm End Time: 1:06pm  
 Agenda: ADOPTION OF MISCELLANEOUS AMENDMENTS

	NAME	SIGNATURE
1	Hon. Ng'ang'a Alice Wambui, MP. - Chairperson	
2	Hon. Kosgei Hilary Kiplangat, MP. - Vice Chairperson	
3	Hon. Wetangula Timothy Wanyonyi, MP.	
4	Hon. (Dr.) James Wambura Nyikal, MP.	
5	Hon. Pareyio, Agnes Mantaine, MP.	
6	Hon. Nyenze Edith Vethi, MP.	
7	Hon. (Dr.) Gogo Lilian Achieng', MP.	
8	Hon. Maina Betty Njeri, MP.	
9	Hon. Mark Ogolla Nyamita, MP.	
10	Hon. Linet Chepkorir, MP.	
11	Hon. Suleka Hulbale Harun, MP.	
12	Hon. Wainaina Michael, Wambugu, MP.	
13	Hon. Barre Hussein Abdi, MP.	
14	Hon. Nduyo Susan Ngugi, MP.	
15	Hon. Abdullahi Amina Dika, MP.	

Submitted by: Abdikafar Abdi Sign: A. A.

(Committee Clerk)  
 Approved By:  Sign: 21/2/23  
 (Director, Directorate of Departmental Committees)

**MINUTES OF THE 18<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION HELD ON TUESDAY, 21<sup>ST</sup> FEBRUARY 2023 AT CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 12.00PM.**

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**PRESENT**

1. **Hon. Hilary Kiplang'at Koskei, M.P.** - Vice Chairperson
2. Hon. Agnes Pareyio, M.P.
3. Hon. Suleka Hulbale Harun, M.P.
4. Hon. Michael Wambugu, M.P.
5. Hon. (Dr.) James Nyikal, M.P.
6. Hon. Edith Nyenze, M.P.
7. Hon. Susan Ngugi, M.P.
8. Hon. Barre Hussein Abdi, M.P.

**APOLOGIES**

1. **Hon. Alice Ng'ang'a Wambui, M.P.** - Chairperson
2. Hon. Linet Chepkorir, M.P.
3. Hon. (Dr.) Lilian Gogo, M.P.
4. Hon. Betty Njeri, M.P.
5. Hon. Amina Abdullahi Dika, M.P.
6. Hon. Timothy Wanyonyi, M.P.
7. Hon. Mark Nyamita, M.P.

**COMMITTEE SECRETARIAT**

1. Mr. Abdikafar Abdi - Clerk Assistant III
2. Mr. Sakana Saoli - Clerk Assistant III
3. Ms. Jemimah Waigwa - Senior Legal Counsel
4. Ms. Grace Maneno - Research Officer III
5. Mr. Boniface Mugambi - Sergeant at Arms

**AGENDA**

1. Prayers
2. Preliminaries
3. Matters Arising
4. **Adoption of report of the Statutes Law Miscellaneous (amendment) Bill, 2022**
5. Any Other Business
6. Adjournment/Date of the Next Meeting

**MIN. NO. NA/DC-SP/2023/115: PRELIMINARIES**

The Chairperson called the meeting to order fifteen minutes past twelve o'clock (12.15 p.m.) and prayers said by the Chairperson. Thereafter Members and Secretariat introduced themselves.

**MIN.NO. NA/DC-SP/2023/116: ADOPTION OF THE AGENDA**

The agenda was adopted having been proposed by Hon. Wainaina Wambugu, MP and seconded by Hon. Agnes Pareiyo, MP.

**MIN.NO.NA/DC-SP/2023/117: ADOPTION OF REPORT OF THE COMMITTEE ON THE STATUTES LAW MISCELLANEOUS (AMENDMENT) BILL**

The Committee unanimously agreed with the amendment. The Bill in particular proposes an amendment to section 53 of the National Gender and Equality Commission Act, 2011.

The Bill proposes to amend section 53 of the Act by inserting the following new subsection immediately after subsection (1):

**(1A) The Commission shall submit the annual report in subsection (1) to the President and the National Assembly within six months after the end of the year to which it relates.**

The Committee unanimously agreed to adopt the report on the amendments to the

**SCHEDULE**

**THAT the Schedule to the Bill be amended in the proposed amendment to section 53 of the National Gender and Equality Commission Act, 2011 by deleting the words "the National Assembly" appearing in the proposed new subsection (1A) and substituting therefor the words "to Parliament".**

**MIN. NO. NA/DC-SP/2023/118: ADJOURNMENT**

There being no other business the meeting was adjourned at quarter to one o'clock (12:45 AM).

Signed.....*Walle*..... Date.....*21/02/23*.....

HON. ALICE WAMBUI NGÁNGÁ, M.P.  
(Chairperson)