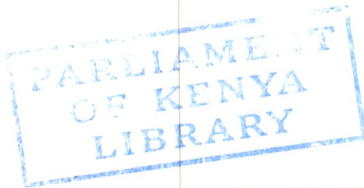


Approved for tabling.

[Signature]
18/8/15



Paper laid
By Hon S. Chepkwanga -
Chair, Justice & Legal
Affairs on
Wed 19/8/15
WN



PARLIAMENT OF KENYA

THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – THIRD SESSION

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

REPORT ON

THE BUSINESS REGISTRATION SERVICE BILL, 2015

Clerks Chambers,
National Assembly,
Parliament Buildings,
Nairobi

August, 2015

Table of Contents

No.	Page
1.0. List of appendices.....	3
2.0. Preface.....	4
3.0. Background.....	7
4.0. Public participation in the consideration of the Bill.....	7
5.0. Proposed amendments to the Bill and rationale for the amendments.....	8

LIST OF APPENDICES

- Appendix 1:** Minutes of the sitting of the Committee that adopted the report
- Appendix 2:** List of Members who attended the sitting that adopted the report
- Appendix 3:** A copy of newspaper advertisement inviting the public to make representations on the Bill

A REPORT OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON THE BUSINESS REGISTRATION SERVICE 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 Business Registration Service 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 Business Registration Service Bill, 2015

The Business Registration Service Bill, 2015 was read for the first time on 30th April, 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”

It should be noted that this is a republished Bill after the one read for the first time on 19th March, 2014 was withdrawn by the mover, Hon. Aden Duale, Leader of Majority Party.

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 8th May, 2015 (See appendix 3) to make representations on the Bill. The Committee did not however receive any representation from the public.

1.5 Sittings of the Committee and adoption of report

The Committee considered the Bill on 11th August, 2015 in the Boardroom on the on 5th floor, Continental House, Parliament Buildings. The Committee considered and adopted its report on 18th of August, 2015 in the Boardroom on 2nd floor, Continental House. The adoption of the report was proposed by Hon. Sammy Koech and seconded by Hon. Charles Gimose. 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

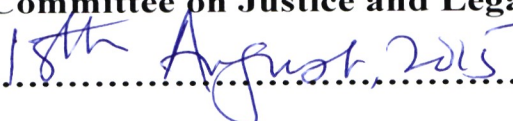
The Chairperson wishes to commend Committee Members for their devotion and commitment to duty which made the consideration of this Bill a reality. The Committee further wishes to thank the Offices of the Speaker and Clerk of the National Assembly for providing guidance and technical support without which 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. BACKGROUND

The Bill is dated 8th April, 2015 and is sponsored by Hon. Aden Duale, Leader Majority Party. The principle objective of the Bill is to establish the Business Registration Service as a state corporation under the general supervision of the Attorney General in order to improve efficiency.

The Bill sets out functions of the Business Registration Service which include carrying out all registration required under the Act, maintaining registers, data and records on registration carried out by the Service, implementing relevant policies and guidelines and providing the Cabinet Secretary information to guide the formulation of policy and amendment of existing policy and guidelines, and carrying on research and disseminating research findings in the fields covered by the relevant laws and recommending to the Government any improvements in the relevant laws.

The Bill also provides for the administration of the service and sets out the composition of the Board of the Service, its functions and powers while providing for circumstances under which a vacancy may arise on the Board. The Bill provides for the appointment of the Registrar General as the Chief Executive Officer of the Service in a competitive manner while also providing for the manner of his removal from office.

The enactment of the Bill will 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 Friday, 8th May, 2015 to make representations on the Bill by way of memoranda. The newspaper advertisement is annexed hereto as appendix 3. The Committee did not however receive any memoranda.

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

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

(i) CLAUSE 2

Clause 2 of the Bill be amended in the definition of "*Cabinet Secretary*" by deleting the words "*Cabinet Secretary for time being responsible for matters relating to business registration*" and substituting therefor the words "*Attorney General*";

Rationale: This is intended to make the Service answerable to the Attorney General

(ii) CLAUSE 5

Clause 5 of the Bill be amended in sub clause (1) by—

- (a) deleting the word "*Attorney-General*" appearing in paragraph (b) and substituting therefor the word "*Solicitor-General*";
- (b) deleting paragraph (d);
- (c) inserting the words "*and secretary to the Board*" immediately after the word "*member*" in paragraph (g).

Rationale: To substitute the Attorney General with the Solicitor General in terms of representation on the Board of the Service and to make the Registrar-General the Secretary to the Board of the Service.

(iii) CLAUSE 6

Clause 6 of the Bill be amended in sub clause (1)—

- (a) in the prefatory statement by deleting the expression "*5(1)(g)*" appearing immediately after the word "*section*" and substituting therefor the expression "*5(1)(f)*"
- (b) by deleting the word "*five*" appearing immediately after the words "*term of*" in paragraph (a) and substituting therefor the word "*three*".

Rationale: To correct a typographical error in the cross-reference.

(iv) CLAUSE 10

Clause 10 of the Bill be amended by deleting the words "*Board may, with the approval of the Cabinet Secretary*" appearing immediately after the words "*allowances as the*" and substituting therefor the words "*Cabinet Secretary may, in consultation with the Salaries and Remuneration Commission*"

Rationale: To align the determination of the remuneration of the Board with constitutional requirements that the Salaries and Remuneration Commission give advice on salaries and allowances payable to public servants

(v) **CLAUSE 18**

Clause 18 of the Bill be amended—

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

“(b) has at least ten years’ experience in public affairs and management.”

(b) in subclause (3) by deleting the word “five” appearing immediately after the words “term of” and substituting therefor the word “four”;

Rationale: To diversify the qualifications required for appointment as Registrar General and to limit the term of service to promote efficiency of the candidate within a reasonable period of time.

(vi) **CLAUSE 19**

Clause 19 of the Bill be amended in sub clause (1)—

(a) by deleting the words “or misbehaviour” appearing in paragraph (b);
(b) deleting paragraph (e)

Rationale: To remove vaguely defined grounds for the removal from office of the Registrar General. What remains after the amendment constitutes adequate grounds for removal that are not arbitrary.

(vii) **CLAUSE 28**

Clause 28 of the Bill be amended—

(a) in sub clause (1) by deleting the words “to be prepared” appearing immediately after the word “report”;

(b) in sub clause (4) by deleting the word “publicized” appearing immediately after the words “and shall” and substituting therefor the word “publicize”.

Rationale: To correct typographical errors in the clause.

(viii) CLAUSE 31

Clause 31 of the Bill be amended—

(a) in sub clause (1) by deleting the words “*Until the Board is constituted and has competitively recruited staff in accordance with this Act*”;

(b) by deleting sub clause (2);

Rationale: To retain the public servants currently serving in the Office of the Attorney General and Department of Justice as the staff of the Service.

XX

APPENDIX 1

MINUTES OF THE SIXTY FIRST SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON TUESDAY, 18TH AUGUST, 2015 AT 10.00 A.M. IN THE BOARDROOM ON 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS

PRESENT:-

Hon. Samuel Chepkong'a, MP – **Chairperson**
Hon. Benson Mutura, MP
Hon. Moses Cheboi, MP
Hon. Dr. Christine Ombaka, MP
Hon. Kaluma Peter, MP
Hon. Paul Bii, MP
Hon. Sammy Koech, MP
Hon. Neto Agostinho, MP
Hon. Boniface Otsiula, MP
Hon. Muriithi Waiganjo, MP
Hon. Olago Aluoch, MP
Hon. William Mwamkale, M.P.
Hon. Njoroge Baiya, MP
Hon. Tom.J. Kajwang', MP
Hon. Ndirangu Waihenya, MP
Hon. Charles Gimose, MP

ABSENT:-

Hon. Priscilla Nyokabi, MP – **Vice Chairperson**
Hon. Fatuma Ibrahim Ali, MP
Hon. Johanna Ngeno, MP
Hon. Mutua Mutemi (Bishop), MP
Hon. John Njoroge Chege, MP
Hon. Ben Momanyi Orori, MP
Hon. Florence Kajuju, MP
Hon. Kang'ata Irungu, MP
Hon. William Cheptumo, MP
Hon. David Ouma Ochieng, MP
Hon. James Bett, MP
Hon. Mohamed Abdi Haji, MP
Hon. Munuve Mati John, MP

IN ATTENDANCE:-

SECRETARIAT:-

Mr. George Gazemba - Senior Clerk Assistant
Ms. Mary L. Lemerelle - Clerk Assistant III
Mr. Ronald Walala - Legal Counsel II
Clare Jerotich - Research Assistant II

MIN No. JLA/230/2015:- - **PRELIMINARIES**

The Chairperson called the meeting to order at 10.30 a.m. with a word of prayer from himself.

MIN No. JLA/231/2015:- **CONSIDERATION AND ADOPTION OF REPORTS ON BILLS**

(i) **Consideration and adoption of report on Business Registration Service Bill, 2015**


The Committee considered and adopted its report on the Business Registration Service Bill, 2015. The adoption of the report was proposed by Hon. Sammy Koech and seconded by Hon. Charles Gimose. No member dissented to the adoption of the report.

(ii) **Consideration and adoption of report on the Presidential memorandum on the Ethics and Anti-Corruption Commission (Amendment) Bill, 2015**

The Committee considered and adopted its report on the Business Registration Service Bill, 2015. The adoption of the report was proposed by Hon. Sammy Koech and seconded by Hon. Benson Mutura. There was no dissenting voice to the adoption of the report.

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

There being no other business to transact, the sitting adjourned at forty five minutes past noon.

Signed: 

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Date: 

APPENDIX 2





DEPARTMENTAL COMMITTEE ON JUSTICE & LEGAL AFFAIRS

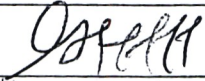
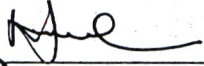
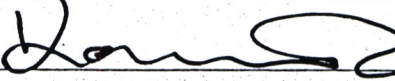
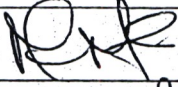
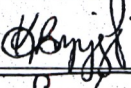
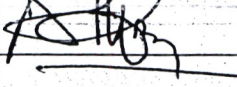



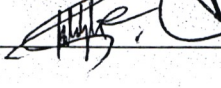
MEMBERS ATTENDANCE

Date: 18th August, 2015

Venue: CONTINENTAL HOUSE 2ND FLOOR

Agenda: ADOPTION OF REPORT ON PRESIDENT'S MEMORANDUM ON EACC (AMENDMENT).
BILL, 2015 AND MEETING WITH IEBC ON ELECTIONS (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. 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



REPUBLIC OF KENYA



KENYA NATIONAL ASSEMBLY - ELEVENTH PARLIAMENT

SUBMISSION OF MEMORANDA

In the Matters of consideration by the National Assembly -The Health Bill, 2015

Article 118(1) (b) of the Constitution provides that Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees. Standing Order 127(3) states that the Departmental Committee to which a Bill is committed shall facilitate public participation and shall take into account views and recommendations of the public when the Committee makes its report to the House.

The **Health Bill, 2015** has undergone First Reading pursuant to Standing Order 127 and is now committed to the Departmental Committee on Health for consideration and thereafter make a report to the House.

Pursuant to Article 118(1) (b) and Standing Order 127(3), the Committee invites interested members of the Public to submit any representations they may have on the Bill. The representations may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to **clerk@parliament.go.ke**; to be received on or before **Wednesday, 13th May, 2015 at 5:00pm.**

**JUSTIN BUNDI, CBS
CLERK OF NATIONAL ASSEMBLY**

REPUBLIC OF KENYA



ELEVENTH PARLIAMENT - THE SENATE

STANDING COMMITTEE ON FINANCE, COMMERCE AND BUDGET

In the Matter of Consideration of
The Public Procurement and Asset Disposal Bill, 2014 (National Assembly Bill No. 40 of 2014), and
The Public Audit Bill, 2014 (National Assembly Bill No.38 of 2014)

Article 118 of the Constitution and Standing Order 130 of the Senate Standing Orders
PUBLIC HEARING/ RECEIPT OF MEMORANDA

Following the introduction of the above listed Bills to the Senate, the Bills were committed to the Standing Committee on Finance, Commerce and Budget for consideration pursuant to Standing Order 130 of the Senate Standing Orders.

Pursuant to the provisions of Article 118 of the Constitution and Standing Order 130 (4) of the Senate Standing Orders, the Standing Committee on Finance, Commerce and Budget now invites interested members of the public and organizations to submit any representations that they may have on the above Bills.

The representations may be made orally or by submission of written memoranda in the following manner:

1. Public Hearings shall be held on Wednesday, 13th May, 2015 from 9.00 a.m. to 1.00 p.m. at County Hall, 1st floor, Mini Chamber, Nairobi; or
2. Written Memoranda may be forwarded to the Clerk of the Senate, P.O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk, First Floor, Main Parliament Building, Nairobi or emailed to **cSenate@parliament.go.ke**, to be received on or before Wednesday, 13th May, 2015 at 5.00 p.m.

Copies of the Bills may be found on the Parliament website: www.parliament.go.ke/senate.

**J.M. NYEGENYE, CBS,
CLERK OF THE SENATE.**

REPUBLIC OF KENYA

KENYA NATIONAL ASSEMBLY
ELEVENTH PARLIAMENT

In the Matter of consideration by the National Assembly of the Business Registration Service Bill, 2015

Article 118(1) (b) of the Constitution provides that "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees." Standing Order 127(3) states that "the Departmental Committee to which a Bill is committed shall facilitate public participation and shall take into account views and recommendations of the public when the Committee makes its report to the House."

SUBMISSION OF MEMORANDA

The Business Registration Service Bill, 2015 has undergone First Reading as provided by the Standing Orders of the House. The Bill having been read for the first time, stood committed to the Departmental Committee on Justice and Legal Affairs for consideration and report to the House.

Pursuant to Article 118(1)(b) and Standing Order 127(3), the Committee invites the Public to submit representations on the Bill. The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to **clerk@parliament.go.ke**; to be received on or before **Friday, May 15th, 2015 at 5:00pm.**

**JUSTIN BUNDI
CLERK OF THE NATIONAL ASSEMBLY**

REPUBLIC OF KENYA



KENYA NATIONAL ASSEMBLY

NOTIFICATION FOR SUBMISSION OF MEMORANDA
AND PUBLIC HEARINGS ON THE TRADITIONAL HEALTH
PRACTITIONERS BILL, 2014

Article 118(1)(b) of the Constitution provides that "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its committees".

Pursuant to the provisions of Article 118(1)(b) of the Constitution and Standing Order 127(3), the general public is hereby notified that the Departmental Committee on Health shall conduct a public hearing in Kitui, Meru and Kajiado Counties on the Traditional Health Practitioners Bill, 2014.

The Committee therefore invites interested members of the public to submit any representations they may have on the subject matter. The representations may be made orally or by submission of written memoranda in the following manner: -

- Written Memoranda may be forwarded to the **Clerk, Kenya National Assembly, P.O. Box 41842-00100, Nairobi**, hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi** or emailed to **clerk@parliament.go.ke**, to be received on or before **Thursday, 14th May, 2015.**
- The Public Hearing shall be held on Friday, 10th April, 2015 at 10.00 as follows:

COUNTY	VENUE	DATE	TIME
Kitui County	Kitui Multi-Purpose Hall	14 th May, 2015	10.00 am - 5.00 pm
Meru County	Kinoru DO's Office	15 th May, 2015	10.00 am - 5.00 pm
Kajiado County	Loitoktok Social Hall	14 th May, 2015	10.00 am - 5.00 pm

**JUSTIN BUNDI, CBS
CLERK OF THE NATIONAL ASSEMBLY**

