



PARLIAMENT OF KENYA

THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – FIFTH SESSION (2021)

**DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
NATIONAL SECURITY**

REPORT ON:

**THE BIRTHS & DEATHS REGISTRATION (AMENDMENT)
BILL, 2020**

(NATIONAL ASSEMBLY BILLS No. 32 OF 2020)

**Directorate of Departmental Committees,
The National Assembly,
Parliament Buildings,
NAIROBI**

FEBRUARY, 2021

LIST OF ANNEXURES

- Annexure 1:** Minutes of Committee sittings on consideration of the Bill
- Annexure 2:** Signed list of Members who adopted the sitting which considered and adopted the report
- Annexure 3:** Copy of newspaper advertisements of 22nd January, 2021 inviting the public to make representations on the Bill

1.0 PREFACE

1.1. Mandate of the Committee

1. The Departmental Committee on Administration and National Security derives its mandate from the provisions of Standing Order No. 216(5) which provides for the functions of Departmental Committees as follows-

- (a) 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) study the programme and policy objectives of ministries and departments and the effectiveness of their implementation;*
- (c) study and review all legislation referred to it;*
- (d) 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) investigate and enquire 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) 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)*
- (g) examine treaties, agreements and conventions;*
- (h) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
- (i) consider reports of Commissions and Independent Offices submitted to the House pursuant to provisions of Article 254 of the Constitution; and*
- (j) examine any questions raised by Members on a matter within its mandate.*

1.2. Committee Membership

3. The Committee was constituted on Thursday, 14th December, 2017 and comprises the following Honourable Members-

Chairperson

Hon. Paul Karuga Koinange, MP
Kiambaa Constituency

Jubilee Party

Vice-Chairperson

Hon. Fatuma Gedi, MP
Wajir County

PDR Party

Hon. Peter Kaluma, MP
Homa Bay Town

ODM Party

Hon. (Dr.) Tecla Tum, MP
Nandi County

Jubilee Party

Hon. Dr. Makali Mulu, MP
Kitui Central Constituency

Wiper Party

Hon. Josphat Kabinga, MP
Mwea Constituency

Jubilee Party

Hon. Joshua Aduma Owuor, MP
Kitui Central Constituency

Wiper Party

Hon. Nimrod Mbai, MP
Kitui East Constituency

Jubilee Party

Hon. Rozaah Abuyu, MP
Kisumu County

ODM Party

Hon. Ngunjiri Wambugu, MP
Nyeri Town Constituency

Jubilee Party

Hon. Jeremiah Lomurukai, MP
Loima Constituency

ODM Party

Hon. Abdi Shurie Omar, MP
Balambala Constituency

Jubilee Party

Hon. Mishra Swarup, MP
Kesses Constituency

Jubilee Party

Hon. Halima Mucheke, MP
Nominated Member

Jubilee Party

Hon. Geoffrey King'ang'i, MP
Mbeere South Constituency

Jubilee Party

Hon. Oku Kaunya, MP
Teso North Constituency

ANC Party

1.3. Committee Secretariat

4. The Committee's secretariat comprises by the following officers

Mr. George Gazemba
Principal Clerk Assistant

Mr. Joshua Ondari
Clerk Assistant

Ms. Brigitta Mati
Legal Counsel

Mr. Josphat Bundotich
Serjeant-at-Arms

Mr. Edson Odhiambo
Fiscal Analyst

Mr. Yaqub Ahmed
Media Officer

Ms. Eva Kaare
Serjeant-at-Arms

Mr. Rodgers
Audio Recording Officer

Mr. James Oloo
Office Attendant

4.0 CLAUSE BY CLAUSE CONSIDERATION OF THE BILL

10. Clause 1- Short title

Clause 1 relates to the short title of the Bill.

11. Clause 2 - Amendment of Section 5 of the Principal Act

The clause proposes to amend the Births and Deaths Registration Act, Cap 149 to require the Cabinet Secretary to establish at least one registration area in each constituency.

12. Clause 3 - Amendment of Section 9 of the Principal Act

The Clause proposes to amend Section 9 of the Principal Act to change terminologies used in the Act and align them with the Constitution.

13. Clause 4 – Amendment of Section 15 of the Principal Act

The clause proposes to amend Section 15 of the Principal Act to change terminologies used in the Bill and align them with the Constitution.

14. Clause 5- Amendment of Section 29 of the Principal Act

The Clause proposes an amendment to Section 29 of the Principal Act to change terminologies used in the Bill in order to align them with the Constitution.

5.0 OBSERVATIONS

15. Upon considering the Bill clause by clause, the Committee observed the following-

- (a) There were no public representations received on the Bill;
- (b) The proposed amendment seeks to ensure that births and deaths registration offices are decentralised;
- (c) Registration creates a document (certificate) that can be used to establish and protect the rights of individuals and creates a data source for the government;
- (d) The proposed amendment should be simple and clear in stating the main purpose of the Act i.e. registration of persons.

Justification: to make it mandatory for the Cabinet Secretary to establish a registration area in each sub county in order to provide easier access to births and deaths registration services to the people of Kenya.

19. Clause 3— Amendment of Section 9 of the Principal Act

The clause proposes an amendment to Section 9 of the Principal Act. The import of the amendment is to change terminologies used in the Bill and align them to the Constitution.

The Committee recommends that the Clause be agreed to.

20. Clause 4- Amendment of Section 15 of the Principal Act

The Clause proposes an amendment to Section 15 of the Principal Act. The import of the amendment is to change terminologies used in the Bill and align them to the Constitution.

The Committee recommends that the Clause be agreed to as it appears in the Bill.

21. Clause 5- Amendment of Section 29 of the Principal Act

The Clause proposes an amendment to Section 29 of the Principal Act. The import of the amendment is to change terminologies used in the Bill and align them with the Constitution of Kenya.

The Committee recommends that the Clause be agreed to.

SIGNED..........this.....^{23rd} day of.....^{February}.....2021

HON. PAUL KOINANGE, M.P.
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON
ADMINISTRATION AND NATIONAL SECURITY

ANNEXURE 1

(Minutes of Committee sittings on
consideration of the Bill)

MINUTES OF THE 4TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON TUESDAY, 9TH FEBRUARY 2021 AT 10.00 A.M. IN THE COMMITTEE ROOM ON 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS.

PRESENT

- | | | |
|--------------------------------------|---|-------------------------|
| 1. Hon. Paul Koinange, MP | - | <i>Chairperson</i> |
| 2. Hon. Fatuma Gedi Ali, CBS, MP | - | <i>Vice-Chairperson</i> |
| 3. Hon. Dr. Makali Mulu, MP | | |
| 4. Hon. Aduma Owuor, MP | | |
| 5. Hon. Dr. Tecla Chebet Tum, MP | | |
| 6. Hon. Dr. Swarup Mishra, MP | | |
| 7. Hon. Halima Mucheke, MP | | |
| 8. Hon. Josphat Kabinga Wachira, MP | | |
| 9. Hon. Marselino Malimo Arbelle, MP | | |
| 10. Hon. Abdi Omar Shurie, MP | | |

ABSENT WITH APOLOGIES

1. Hon. Peter George Kaluma, MP
2. Hon. William Kamuren Chirchir Chepkut, MP
3. Hon. Col (Rtd) Geoffrey King'ang'i, MP
4. Hon. Nimrod Mbithuka Mbai, MP
5. Hon. Rozaah Buyu, MP
6. Hon. Ngunjiri Wambugu, MP
7. Hon. Peter Masara, MP
8. Hon. Jeremiah Ekamais Lomurukai, MP
9. Hon. Oku Kaunya, MP

IN ATTENDANCE-

NATIONAL ASSEMBLY

Hon. Shakeel Shabbir, MP

COMMITTEE SECRETARIAT

- | | | |
|-------------------------|---|------------------------------|
| 1. Mr. George Gazemba | - | Principal Clerk Assistant II |
| 2. Mr. Joshua Ondari | - | Clerk Assistant II |
| 3. Ms. Brigitta Mati | - | Legal Counsel II |
| 4. Mr. James Oloo | - | Serjeant -At- Arms |
| 5. Mr. Rodgers Kilungya | - | Audio Recording Officer |

MIN No. 10/2021:-

PRELIMINARIES AND COMMUNICATION FROM THE CHAIRPERSON

The Chairperson called the meeting to order at 10.15 am with a word of prayer.

MIN No. 14/2021:-

ADOPTION OF THE REPORT ON THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL, 2020

The report was adopted unanimously after having been proposed by Hon. Marselino Malimo Arbelle, MP and seconded by Hon. Josphat Kabinga Wachira, MP.

MIN No. 15/2021:-

ADOPTION OF THE REPORT ON THE BIRTHS & DEATHS REGISTRATION (AMENDMENT) BILL, 2020

The report was adopted unanimously after having been proposed by Hon. Josphat Kabinga Wachira, MP and seconded by Hon. Marselino Malimo Arbelle, MP.

MIN No. 16/2021:-

ADJOURNMENT

There being no other business to transact, the Chairperson adjourned the meeting at thirty five minutes past noon. The next meeting will be held on notice.

Signed.....
Chairperson

Date.....23rd Feb 2021

ANNEXURE 2

(Signed list of Members who attended
the sitting which considered and adopted
the report on the Bill)

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY

ATTENDANCE SCHEDULE

DATE: 9/02/2021

TIME: 10. AM

VENUE: 2nd floor Continental House

AGENDA: - Adoption of the Report Alcoholic Drinks Control (Amendment) Bill, 2020
 - Adoption of the Report on the Births & Deaths Registration (Amendment) Bill, 2020

NO.	NAME	SIGNATURE
1.	Hon. Paul Koinange, MP - Chairperson	
2.	Hon. Fatuma Gedi, CBS, MP - Vice Chairperson	
3.	Hon. George Peter Kaluma, MP	
4.	Hon. Dr. Makali Mulu, MP	
5.	Hon. Aduma Owuor, MP	
6.	Hon. Dr. Tecla Chebet Tum, MP	
7.	Hon. Halima Mucheke, MP	
8.	Hon. Marselino Malimo Arbelle, MP	
9.	Hon. Josphat Kabinga Wachira, MP	

ANNEXURE 3

(Copy of newspaper advertisement
inviting the public to make
representations on the Bill)

Education SRC had okayed Sh8.8 billion, which unions had said was not adequate

Dons set for pay rise after court approves Sh14bn deal

Judge orders Education ministry and Treasury to provide additional Sh5 billion for implementation of CBAs

BY SAM KIPLAGAT AND RICHARD MUNGUTI

Public university lecturers have scored big after a court certified three collective bargaining agreements (CBAs) that cap their increased salaries and benefits at Sh13.8 billion.

Justice Maureen Onyango yesterday directed the Ministry of Education and the Treasury to provide an additional Sh5 billion for the implementation of the CBAs signed last year.

The judge agreed with the unions and the Inter-Public Universities Councils Consultative Forum (IPUCCF) that a Sh8.8 billion allocation recommended by the Salaries and Remuneration Commission (SRC) was not sufficient to implement the CBAs.

The court said the computation by the implementation committee of the IPUCCF was accurate and that Sh8.8 billion was not sufficient "as it did not include the



annual increments and the resultant pension liabilities payable by IPUCCF members on behalf of their staff."

Vide a judgment entered on July 3, 2020, Justice Onyango had registered the three CBAs signed by the Universities Academic Staff Union (Uasu), the Kenya Univer-

sities Staff Union (Kusu) and the Kenya Union of Domestic, Hotels, Education Institutions and Hospital Workers (Kudheihia) with the IPUCCF.

The judgment authorised the salary and pension increments covering the years 2017-2021 at a cost of Sh13.8 billion.

Uasu officials and members address journalists at Meridian Hotel in Nairobi in January last year. Lecturers are set to get a pay boost after a court certified three CBAs that cap their increased salaries and benefits at Sh13.8 billion. FILE IN NATION

RULING

Retirement age matter expunged

Justice Maureen Onyango said the retirement age was 65 in one of the CBAs and 75 years in another, but ruled that the retirement age for public servants is 60 years. She then expunged the retirement age matter, saying parties cannot negotiate outside public policy and guidelines. "The current practice as set out in the pension schemes for universities, the policies and guidelines and the provisions of any law that governs retirement age in the public sector shall apply," she said.

The figure had been arrived at through consultative meetings held by public universities and the unions on how to implement the CBAs.

The SRC, however, advised the National Treasury to release only Sh8.8 billion.

The unions, arguing that the figures did not add up, agreed in court to receive the Sh8.8 billion as they started fresh negotiations for the Sh5 billion difference.

Besides recommending the lower figure, the SRC also contested the retirement clause, saying it needed to be aligned with policy in the public sector for the various categories of public officers.

The SRC further said the costing was above budgetary allocation and there would be challenges if it is implemented.

Lawyer Ruth Kirwa, who represented the universities, said although the employers had signed the CBA, some clauses in the CBAs needed to be reviewed, among them the retirement age and the implementation of the master scales, so as to fit them within the amount that had been allocated by the government.

The judge ruled that the CBAs signed and registered as well as the computation by the implementation committees of the universities were correct and based on the unaltered matrix as presented to the IPUCCF and the SRC.

skiplagat@ke.nationmedia.com

REPUBLIC OF KENYA



TWELFTH PARLIAMENT (FOURTH SESSION) THE NATIONAL ASSEMBLY

INVITATION FOR PUBLIC PARTICIPATION & SUBMISSION OF MEMORANDA

SUBJECT: THE BIRTH & DEATH REGISTRATION (AMENDMENT) BILL, 2020 (NATIONAL ASSEMBLY BILL NO. 32 OF 2020) AND THE ALCOHOLIC DRINKS & CONTROL (AMENDMENT) BILL, 2020 (NATIONAL ASSEMBLY BILL NO. 35 OF 2020)

(Article 118 (1)(b) of the Constitution and Standing Order 127(3) of the National Assembly Standing Orders)

In the matter of consideration by the National Assembly:- The Birth & Death Registration (Amendment) Bill, 2020 (National Assembly Bill No. 32 of 2020) and the Alcoholic Drinks & Control (Amendment) Bill, 2020 (National Assembly Bill No. 35 of 2020).

The Birth & Death Registration (Amendment) Bill, 2020 (National Assembly Bill No. 32); introduced by Hon. Martha Wangari, MP and the Alcoholic Drinks & Control (Amendment) Bill, 2020 (National Assembly Bill No. 35) introduced by Hon. Danson Mwakwona, MP, have undergone First Reading pursuant to Standing Order 127(1) and stand committed to the Departmental Committee on Administration and National Security for consideration and thereafter report to the House.

The Birth & Death Registration (Amendment) Bill, 2020 (National Assembly Bill No. 32 of 2020); the Bill seeks to ensure that the Cabinet Secretary establishes at least one registration area in each constituency.

The Alcoholic Drinks & Control (Amendment) Bill, 2020; the Bill seeks to amend the Alcoholic Drinks Control Act, No. 10 of 2010 to ensure that packaging of alcoholic drinks is in quantities not less than 750 milliliters. This is in order to deal with the menace of excessive drinking occasioned by the sale of low quantities of alcoholic drinks making them accessible to the youth.

The public is invited to present their views and representations by way of written memoranda which may be forwarded to the Clerk of the National Assembly, through post office; Box number 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, National Assembly, Main Parliament Building, Nairobi; or emailed to clerk@parliament.go.ke; to be received on or before, Thursday, 28th January, 2021 at 5:00 pm.

The Bills may be accessed on the Parliament website at <http://www.parliament.go.ke> or <http://www.kenyalaw.org>.

MICHAEL SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY
22nd January, 2021

"For the Welfare of Society and the Just Government of the People"
"The National Assembly speaks for you, Our results speak for themselves"

BOC GASES

A Member of The Linde Group

BOC Kenya PLC

Company registration number C.62/63

The Capital Markets Act
Chapter 485A of the Laws of Kenya
Capital Markets (Takeovers and Mergers) Regulations, 2002

PUBLIC ANNOUNCEMENT

PROPOSED TAKEOVER OF BOC KENYA PLC BY
CARBACID INVESTMENTS PLC AND AKSAYA INVESTMENTS LLP

EXTENSION OF TIME FOR SERVICE OF OFFEREES CIRCULAR

BOC Kenya PLC ("BOC") wishes to inform shareholders and the investing public that we have sought and obtained approval from the Capital Markets Authority to serve shareholders of BOC with the Takeover Offer Document and the Offerees Circular (which includes the Independent Adviser's Circular) in respect of the proposed takeover offer (the Offer) by Carbacid Investments Plc and Aksaya Investments LLP by Friday 5 February, 2021 an extension from Monday 25 January, 2021.

BOC was served with the Takeover Offer Document on Wednesday, 6 January, 2021. On receipt of the Takeover Offer Document as required by the Capital Markets (Takeovers and Mergers) Regulations, 2002 (the "Regulations"), the board of directors of BOC (the Board) immediately appointed an independent adviser (the Independent Adviser) to provide a fairness opinion (the Fairness Opinion) to our shareholders.

The extension of time is to ensure that the Independent Adviser has sufficient time to undertake the valuation of BOC and prepare and render the Fairness Opinion. The additional days will also afford the Board adequate time to consider the Fairness Opinion and issue our shareholders with the required recommendation under the Regulations.

BOC KENYA PLC

This announcement has been issued with the approval of the Capital Markets Authority pursuant to the Capital Markets (Securities) (Public Offers, Listing and Disclosures) Regulations 2002 as amended. As a matter of policy, the Capital Markets Authority assumes no responsibility for the correctness of the statements appearing in this announcement.

Legal Adviser to BOC Kenya Plc



DLA Piper Africa, IKM Advocates