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THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – SECOND SESSION – 2023

THE DEPARTMENTAL COMMITTEE ON FINANCE & NATIONAL PLANNING

REPORT ON THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL
(NATIONAL ASSEMBLY BILLS NO. 67 OF 2023)

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 15 FEB 2024	DAY: THURS
TABLED BY:	Chairman, Justice & Legal Affairs Hon George Mwangi, MP
CLERK-AT THE-TABLE:	A. Shubuko

Published by:-

The Directorate of Departmental Committees
Clerk's Chamber
Parliament Buildings
NAIROBI

December 2023

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CHAIRPERSON FORWARD

1. The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bills No. 67 of 2023) was read a first time on 15th November, 2023 and was subsequently committed to various Departmental Committees for consideration and facilitation of public participation pursuant to Standing Order 127. The Bill proposes amendments to various pieces of legislation including those relating to the Proposed Amendments to the Public Private Partnerships Act, 2021 (No. 14 of 2021) which was committed to the Departmental Committee on Finance and National Planning.
2. The Clerk of the National Assembly placed adverts in the print media on 18th November 2023 seeking for comments from the public on the Bill pursuant to Article 118 of the Constitution.
3. 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.
4. On behalf of the Departmental Committee on Finance and National Planning 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 (National Assembly Bills No. 67 of 2023)

**HON. CPA KURIA KIMANI, MP
(CHAIRPERSON)**

DEPARTMENTAL COMMITTEE ON FINANCE & NATIONAL PLANNING

PART I

1.0 PREFACE

1.1 MANDATE OF THE COMMITTEE

1. The Departmental Committee on Finance and National Planning is one of the twenty Departmental Committees of the National Assembly established under *Standing Order 216* whose mandates pursuant to the *Standing Order 216 (5)* are as follows:
 - i) 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;
 - ii) To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;
 - iii) on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;
 - iv) To study and review all legislation referred to it;
 - v) To study, assess and analyze the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;
 - vi) 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;
 - vii) 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);
 - viii) To examine treaties, agreements and conventions;
 - ix) To make reports and recommendations to the House as often as possible, including the recommendation of proposed legislation;
 - x) To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
 - xi) To examine any questions raised by Members on a matter within its mandate.
2. In executing its mandate, the Committee oversees the State Department for National Treasury, State Department for Economic Planning, Commission on Revenue Allocation and Office of the Controller of Budget

1.2 MEMBERSHIP OF THE COMMITTEE

3. The Committee comprises the following Members

Chairperson

Hon. CPA. Kuria Kimani, MP
Molo Constituency
UDA Party

Vice-Chairperson

Hon. Amb. Benjamin Langat, CBS, MP
Ainamoi Constituency
UDA Party

Hon. (Dr.) Adan Keynan, MP
Eldas Constituency
Jubilee Party

Hon Andrew Okuome, MP
Karachuonyo Constituency
ODM Party

Hon. David Mboni, MP
Kitui Rural Constituency
Wiper Party

Hon. Joseph Oyula, MP
Butula Constituency
ODM Party

Hon. Joseph Kipkoros Makilap, MP
Baringo North Constituency
UDA Party

Hon. Umul Ker Kassim, MP
Mandera County
UDM Party

Hon. CPA Julius Rutto, MP
Kesses Constituency
UDA Party

Hon. (Dr.) Shadrack Ithinji, MP
South Imenti Constituency
Jubilee Party

Hon. Paul Biego, MP
Chesumei Constituency
UDA Party

Hon. Joseph Munyoro, MP
Kigumo Constituency
UDA Party

Hon. (Dr.) John Ariko, MP
Turkana South Constituency
ODM Party

Hon. Mohamed Machele, MP
Mvita Constituency
ODM Party

Hon. George Sunkuya, MP
Kajiado West Constituency
UDA Party

1.3 COMMITTEE SECRETARIAT

4. The Committee is facilitated by the following staff

**Mr. Benjamin Magut
Principal Clerk Assistant II /Head of Secretariat**

**Ms. Jeniffer Ndeto
Deputy Director Legal Services**

**Mr. Andrew Jumanne Shangarai
Principal Serjeant-At-Arms**

**Mr. Nebert Ikai
Clerk Assistant I**

**Mr. Benson Kamande
Clerk Assistant III**

**Mr. Salem Lorot
Legal Counsel I**

**Ms. Joyce Wachera
Hansard Reporter III**

**Mr. George Ndenjeshe
Fiscal Analyst III**

**Ms. Nelly W.N Ondieki
Research Officer III**

**Mr. James Macharia
Media Relations Officer**

**Mr. Simon Ouko
Assistant Serjeant-At-Arms**

**Ms. Shamsa A. Abdi
Research Officer III**

PART II

2.0 INTRODUCTION OF THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILLS NO. 67 OF 2023)

2.1 BACKGROUND

5. The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bills No. 67 of 2023) was read a first time on 15th November, 2023 and was subsequently committed to various Departmental Committees for consideration and facilitation of public participation pursuant to Standing Order 127. The Bill proposes amendments to various pieces of legislation including those relating to the Proposed Amendments to the Public Private Partnerships Act, 2021 (No. 14 of 2021). The Bill proposes to amend the Public Private Partnerships Act, 2021 to correct typographical and cross-referencing errors contained in the Bill, and to align provisions with each other to ensure consistency.

2.2 OVERVIEW OF THE PROPOSED AMENDMENTS

The Committee considered the proposed amendments to the Statute Law (Miscellaneous Amendments) National Assembly Bill No. 67 of 2023 on the **Public Private Partnerships Act, 2021 (No. 14 of 2021)** as follows:

6. Amend section 29(3) to insert the word "*development*" immediately after the words "*recoverable project*".
7. Amend section 48(2) to delete the word "*appraisal*" appearing immediately after the word "*project*" and substitute therefor the word "*implementation*".
8. Amend Section 55(4) to delete the words "*than an*" and substitute therefor the word "*the*".
9. Amend Section 73(7) Delete the expression "*section 71*" wherever it appears and substitute therefor the expression "*section 72*".
10. Amend Section 75(5) to delete the word "*seven*" and substitute therefor the word "*fourteen*".

PART III

3.0 COMMITTEE OBSERVATIONS

The Committee made the following observations:

11. The Committee agreed to the proposed amendments to the Public Private Partnerships Act, 2021 (No. 14 of 2021) as outlined in Statute Law (Miscellaneous Amendments) National Assembly Bill No. 67 of 2023.

12. Amend section 29(3) to insert the word "*development*" immediately after the words "*recoverable project*".

Committee Observation

The Committee agreed to the proposed amendment

13. Amend section 48(2) to delete the word "*appraisal*" appearing immediately after the word "*project*" and substitute therefor the word "*implementation*".

Committee Observation

The Committee agreed to the proposed amendment.

14. Amend Section 55(4) to delete the words "*than an*" and substitute therefor the word "*the*".

Committee Observation

The Committee agreed to the proposed amendment as the amendment is a clean-up for consistency of use of terms.

15. Amend Section 73(7) Delete the expression "*section 71*" wherever it appears and substitute therefor the expression "*section 72*".

Committee Observation

The Committee agreed to the proposed amendment as it will ensure that the correct reference is provided.

16. Amend Section 75(5) to delete the word "*seven*" and substitute therefor the word "*fourteen*".

Committee Observation

The Committee agreed to the proposed amendment.

Committee justification

The proposed amendments seeks to correct typographical errors which lends clarity to legislative interpretation.

PART V

4.0 COMMITTEE RECOMMENDATION


17. Having considered the Bill the Committee recommends that the House approves the Second reading of the proposed amendments to the Public Private Partnerships Act, 2021 (No. 14 of 2021) as contained in Statute Law (Miscellaneous Amendments) Bill (National Assembly Bills No. 67 of 2023).

Signed 

Date:

HON. CPA KURIA KIMANI, MP
(CHAIRPERSON)

DEPARTMENTAL COMMITTEE ON FINANCE & NATIONAL PLANNING

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