

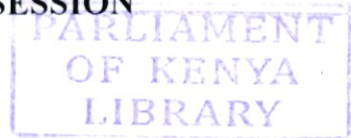
REPUBLIC OF KENYA

*Approved for tabling.*  
*SNA*  
*15/2/24.*



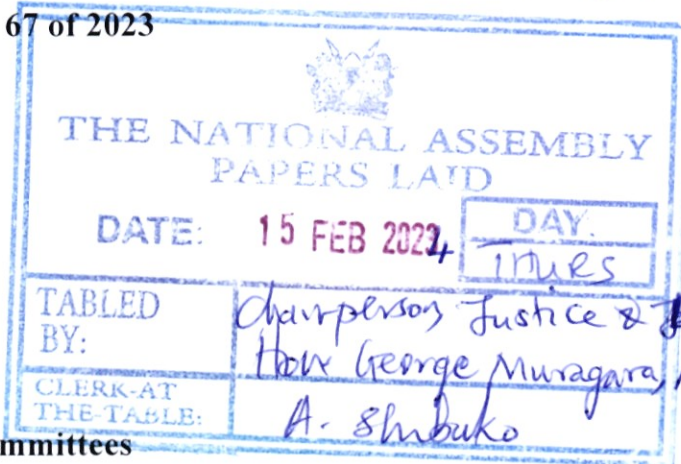
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – SECOND SESSION



DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION

REPORT ON THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL,  
NATIONAL ASSEMBLY BILL No. 67 of 2023



Published by: -

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

December 2023

## 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 .....	6
<b>CHAPTER TWO</b> .....	<b>7</b>
2.1 CONSIDERATION OF THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL, NATIONAL ASSEMBLY BILL NO. 67 OF 2023 .....	7
A. SUMMARY OF THE BILL.....	7
B. ANALYSIS OF THE PROPOSED AMENDMENT .....	7
C. PUBLIC PARTICIPATION IN THE REVIEW OF THE BILL .....	9
<b>CHAPTER THREE</b> .....	<b>10</b>
3.1 COMMITTEE OBSERVATIONS .....	10
<b>CHAPTER FOUR</b> .....	<b>11</b>

## **CHAIRPERSON'S FOREWORD**

The Statute Law (Miscellaneous Amendments) Bill, 2023 (National Assembly Bill No. 67 of 2023) was read a first time on 15<sup>th</sup> November, 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 Childrens Act, 2022 (No. 29 of 2022) 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 17<sup>th</sup> November, 2023 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 Childrens Act, 2022 (No. 29 of 2022).

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 and Senior Citizens Affairs;*
  - b) *The State Department for Gender;*
  - c) *The State Department for Youth Affairs and Creative Economy;*
  - d) *The State Department for Public Service – National Youth Service; and*
  - e) *The National Gender and Equality Commission.*

## 1.2 Committee Membership

1. The Departmental Committee on Social Protection was constituted by the House on 27<sup>th</sup> October, 2022 and comprises 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. Sulekha Hulbale Harun, M.P.  
Nominated Member  
**UDM PARTY**

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

Hon. Amina Abdullahi Dika, M.P.  
Tana River County  
**KANU PARTY**

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

Hon. Hussein Abdi Barre, M.P.  
Tarbaj Constituency  
**UDA PARTY**

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

Hon. Susan Nduyo Ngugi, M.P.  
Tharaka Nithi County  
**TSP PARTY**

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

Hon. Agnes Mantaine Pareiyo, M.P.  
Narok North Constituency  
**JUBILEE PARTY**

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

Hon. Linet Chepkorir, M.P.  
Bomet Constituency  
**UDA PARTY**

Hon. Michael Wambugu Wainaina, M.P.  
Othaya Constituency

**UDA PARTY**

### 1.3 Committee Secretariat

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

Ms. Hellen Lokwang Ekadeli  
**First Clerk Assistant/Head of Secretariat**

Ms Jemimah Waigwa  
**Senior Legal Counsel**

Mr Sakana Saoli  
**Clerk Assistant III**

Mr Ahmednoor Hassan  
**Clerk Assistant III**

Ms. Grace Maneno  
**Research Officer III**

Mr. Adan Ahmed Abdi  
**Fiscal Analyst II**

Ms Pauline Sifuma  
**Hansard Officer III**

Mr. Joshua Lenambeti  
**Sergeant-At-Arms**

Mr. Cosmas Akhonya  
**Audio Officer III**

Mr. Boniface Mugambi  
**Sergeant-At-Arms**

Ms. Faith Oira  
**Protocol Officer**

Mr. Kevin Obilo  
**Media Relations Officer**

## CHAPTER TWO

### 2.1 CONSIDERATION OF THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL, NATIONAL ASSEMBLY BILL NO. 67 of 2023

#### A. SUMMARY OF THE BILL

5. The Statute Law (Miscellaneous Amendments) Bill, 2023 (National Assembly Bill No. 67 of 2023) 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

6. The Statute Law (Miscellaneous Amendments) Act, 2023 (National Assembly Bill No. 67 of 2023) seeks to amend the Children Act, 2022 in section 186 by deleting subsection (4) which provides for the category of the persons who may adopt children. The amendment seeks to remove the provisions which prohibit the court from granting a sole male applicant adoption of a child in compliance with the court decision in the Adoption Cause E004 of 2022. The Bill further deletes subsection (6)(f).
7. Section 186 of the Act provides as follows on who may apply to adopt a child:

186(1) The Court may make an adoption order on application by—

- (a) a sole applicant; or
  - (b) two spouses jointly.
- (2) The Court shall not make an adoption order in any case unless—
- (a) the applicant has attained the age of twenty-five years, but is not above the age of sixty-five years; and
  - (b) the applicant, or both of the applicants in a joint application, is more than twenty-one years older than the child.
- (3) The restrictions in subsection (2) shall not apply in any case where a sole applicant or one of the joint applicants is the mother, father or relative of the child.

(4) The Court shall not make an adoption order in **favour of a sole male applicant**, unless the applicant is a blood relative of the child.

(5) The Court shall not make an adoption order in favour of the following persons unless the Court is satisfied on reasons to be stated on the record that there are special circumstances that warrant the making of the adoption order an applicant or joint applicants who has, or both have, attained the age of sixty-five years.

(6) The Court shall not make an adoption order in favour of an applicant or joint applicants if the applicant or joint applicants, or any of them—

(a) is of unsound mind within the meaning of the Mental Health Act (Cap. 248);

(b) is incapable of exercising proper care and guardianship of a child;

(c) has been convicted by a Court of competent jurisdiction for any of the offences specified in the Third Schedule or similar offences;

(d) in the case of joint applicants, if the applicants are not married to each other;

(e) **is a sole male applicant except where the applicant is a biological relative of the child;** or

(f) is a foreign applicant except where the applicant is a biological relative of the child.

(7) Notwithstanding anything contained in this section the Court may at its sole discretion decline to make an adoption order in favour of any person or persons if the Court is of the view that it is not in the best interest of the child to make the order.

8. The High Court in the Adoption Cause E004 of 2022 observed as follows in respect of section 186(4) of the Act:

*The Children Act 2022 requires the court to be satisfied before making an adoption order that such an order would be in the best interest of the child: See Section 194(1)(c). Indeed, this is also what the Constitution under Article 53(2) states: - “A child’s best interest are paramount importance in every matter concerning the child.” Further Section 186(4) of the Children Act 2022 provides: “The court shall not make an adoption order in favour of a sole male applicant*



*unless the applicant is a blood relative of the child.” In this case since the female applicant passed away last year, the male applicant is the sole surviving applicant to the adoption application. The provision of Section 186(4) of the Children Act 2022 goes against the tenet of the Constitution which forbids discrimination, on any ground. That section discriminates a sole male applicant for adoption. I highly doubt the Constitutional validity of that Section in the light of Article 27(1) and (3) which provides: -*

*“(1) Every person is equal before the law and has the right to equal protection and equal benefit of the law.*

*(3) women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social sphere.”*

*Section 186(4) of the Children Act 2022 fails constitutional test. I will therefore be guided by the principle of the best interest of the child in considering this adoption.*

9. From the foregoing, the Court found that section 186(4) fails the constitutional test and this is the basis of the amendment.

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

10. 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’*

11. 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’.*

12. In line with the Constitution and Standing Orders, the National Assembly Clerk in the local daily newspapers of November 15<sup>th</sup> 2023 invited the public to make representations on the proposed amendment relating to the Statute Law (Miscellaneous Amendments) Bill, 2023 (National Assembly Bill No. 67 of 2023). By the end of the submission date, the Committee had not received any memoranda from the public relating to the proposed amendment to the Children Act, 2022.

## **CHAPTER THREE**

### **3.1 COMMITTEE OBSERVATIONS**

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

1. The proposed amendment to section 186(4) of the Children Act seeks to align the Act with the provisions of Article 27 of the Constitution on equality and freedom from discrimination in particular the right of every person to equality before the law and equal protection and equal benefit of the law.
2. The proposed amendment seeks to provide that sole male applicants may also adopt children under the Children Act, 2022.
3. The proposed amendment seeks to align the Children Act with the findings of the court in Adoption Cause No. E004 of 2022.
4. The proposed amendment to section 186(6)(f) is however not in tandem with the objects of the proposed amendment in section 186(4) as it seeks to remove the provisions which prohibit the court from granting a foreign applicant adoption of a child.
5. There is need to make an amendment to the Bill to make reference to the correct section being amended which is section 186(6)(e) of the Act which prohibits the court from granting a sole male applicant adoption of a child.

**CHAPTER FOUR**

13. Having considered the Bill, the Committee proposed THAT:

Pursuant to Standing Order 127, the Committee recommends that the Bill does proceed for Second Reading subject to the following amendment:

**SCHEDULE**

**THAT** the Schedule to the Bill be amended in the proposed amendment to section 186 of the Children Act, 2022 by deleting the proposed amendment to subsection (6)(f) and substituting therefor the following new amendment-

(6)(e) Delete;

**Justification**

The amendment is a consequential amendment to the amendment effected to section 186(4) of the Act which has removed the provisions which prohibits the court from granting a sole male applicant adoption. The amendment also seeks to align the Act with the provisions of Article 27 of the Constitution on the right of every person to equality and freedom from discrimination.

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 15 FEB 2023	DAY: Tues
TABLED BY:	Chairperson, Justice & Legal Affairs Hon George Mwangi, MP
CLERK-AT-THE-TABLE:	Simon
DATE:	07/12/2023

SIGNED..... *[Signature]*

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



THE REPUBLIC OF KENYA  
THE NATIONAL ASSEMBLY  
13<sup>TH</sup> PARLIAMENT – SECOND SESSION – 2023  
DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION  
MEMBERS ATTENDANCE SCHEDULE

Date: 7/12/2023 Start Time 12:10pm End Time 13:10pm  
Venue: CONTINENTAL HOUSE 4<sup>TH</sup> FLOOR

Agenda: ADOPTION OF THE REPORT ON STATUTES LAW (MISCELLANEOUS AMENDMENT) BILL, NO. 67 of 2023

NO.	NAME	SIGNATURE
1	Hon. Alice Wambui Ng'ang'a, 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.	

Forwarded by:

Signed: Date: 7/12/2023

Mr. Sakana Saoli  
Third Clerk Assistant – Committee Clerk

Approved By:

Sign: Date: 15/02/2024

Mr. Peter K. Chemweno  
Director  
Directorate of Departmental Committees

# Defence to draw strategy



General Francis Ogolla (left) and National Security Adviser Hammed Farah. (Kipsang Joseph, Standard)

The President described the inaugural graduation at NDU-K as a milestone for Kenya and other countries with which Kenya collaborates on security matters.

Defence CS Aden Duale hailed the NDU-K, saying that it provides a platform for international collaboration to develop solutions to global challenges.

"This key milestone is a multisectoral platform for dialogue and exchange to find solutions to contemporary and emerging challenges," said Duale.

Education CS Ezekiel Machogu said the multisectoral collaboration between various ministries and government agencies would go a long way in the realisation of national aspirations.

"It is also our call that universities be creative in coming up with revenue streams of their own to complement the little that the government has allocated to them," said Machogu.

The pioneer class of NDU-K consists of military, police, and civilians drawn from various government entities, as well as military officers from other countries including India, Nepal, South Africa, Malawi, Uganda, Egypt, and South Sudan among others.

kgochuhi@standardmedia.co.ke

REPUBLIC OF KENYA  
THE NATIONAL ASSEMBLY  
THIRTEENTH PARLIAMENT-SECOND SESSION (2023)

IN THE MATTER OF ARTICLE 118 (1)(b) OF THE CONSTITUTION  
AND  
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILLS NO. 67 OF 2023)

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees and Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation;

AND WHEREAS, the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bills No. 67 of 2023) was read a First Time on Wednesday 15<sup>th</sup> November, 2023 and thereafter referred to the relevant Departmental Committees for consideration and reporting to the House;

IT IS NOTIFIED that the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bills No. 67 of 2023) sponsored by the Leader of the Majority Party, the Hon. Kimani Ichung'wah, MP seeks to make amendments to various statutes in keeping with the practice of making amendments that do not merit the publication of separate Bills into one Bill. The Bill contains proposed amendments to the following statutes—

(1) **The Children Act, 2022 (No. 29 of 2022)**  
The Bill proposes to amend the Children Act, 2022 to repeal section 106(4) in compliance with Court decision in Adoption Cause E004 of 2022 *Re Baby M* where the court held the section that prohibits adoption by a sole male to be unconstitutional.

(2) **The Copyright Act, 2001 (No. 12 of 2001)**  
The Bill proposes to amend the Copyright Act, 2001 to make provisions for the equitable remuneration of performers and producers of sound recordings and expand the responsibilities of collective management organizations towards the authors and performers. It also proposes to bring collective management organizations under regulation by the Board in order to enhance their efficiency.

(3) **The Scrap Metal Act, 2015 (No. 1 of 2015)**  
The Bill proposes to amend the Scrap Metal Act, 2015 to provide for a special license for dealing in copper, aluminum, and their alloys to protect critical infrastructure. Additionally, the Bill proposes to restrict the disposal of scrap metal from critical infrastructure to the Numerical Machining Complex and the Kenya Shipyard Limited; the regulation of imports and exports; and enhancement of penalties in the Act to deter vandalism and other prohibited acts.

(4) **The National Employment Authority Act, 2016 (No. 3 of 2016)**  
The Bill proposes to amend the National Employment Authority Act, 2016 to cure inconsistencies in the Act and align it with the National Employment Authority Human Resources policy and procedures Manual.

(5) **The Fisheries Management and Development Act, 2016 (No. 35 of 2016)**  
The Bill proposes to amend the Fisheries Management and Development Act, 2016 to provide that the Cabinet Secretary responsible for matters relating to fisheries shall be the chairperson of the Kenya Fisheries Advisory Council.

(6) **The Energy Act, 2019 (No. 1 of 2019)**  
The Bill proposes to amend the Energy Act, 2015 to give effect to recommendations of the Presidential Taskforce on the Review of Power Purchase Agreements to, among others, the overlap in functions between the Energy and Petroleum Regulatory Authority and the Ministry of Energy; add the Kenya Power and Lighting Company to the membership of the Rural Electrification and Renewable Energy Corporation; wind up the Nuclear Power and Energy Agency; and subject the making of regulations to the attainment by the grid of the quality and reliability of supply and service prescribed by the Energy and Petroleum Regulatory Authority.

(7) **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 Act, and to align provisions with each other to ensure consistency.

(8) **The Parliamentary Service Act, 2019 (No. 22 of 2019)**  
The Bill proposes to amend the Parliamentary Service Act, 2019 to specify the nature of the further functions that may be performed by the Parliamentary Service Commission, as provided for in Article 127(5)(e) and Article 252(1)(d) of the Constitution.

(9) **The Judicial Service Act, 2011 (No. 1 of 2011)**  
The Bill proposes to amend the Judicial Service Act, 2011 to provide for the facilitative mandate of the Judicial Service Commission under Articles 172(1)(b) and 252(1)(d) of the Constitution.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bill for consideration by the respective Departmental Committees of the National Assembly set out in the schedule below—

ACT PROPOSED FOR AMENDMENT	COMMITTEE
The Children Act, 2022 (No. 29 of 2022)	Social Protection
The Copyright Act, 2001 (No. 12 of 2001)	Communication Information and Innovation
The Scrap Metal Act, 2015 (No. 1 of 2015)	Trade, Industries and Cooperatives
The National Employment Authority Act, 2016 (No. 3 of 2016)	Labour
The Fisheries Management and Development Act, 2016 (No. 35 of 2016)	Blue Economy, Water and Irrigation
The Energy Act, 2019 (No. 1 of 2019)	Energy
The Public Private Partnerships Act, 2021 (No. 14 of 2021)	Finance and National Planning
1. The Parliamentary Service Act, 2019 (No. 22 of 2019)	Justice and Legal Affairs
2. The Judicial Service Act, 2011 (No. 1 of 2011)	

Copies of the Bill are available at the National Assembly Table Office, Main Parliament Buildings and on [www.parliament.go.ke/the-national-assembly/house-business/bills](http://www.parliament.go.ke/the-national-assembly/house-business/bills).

The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41042-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to [cna@parliament.go.ke](mailto:cna@parliament.go.ke) to be received on or before Thursday 30<sup>th</sup> November, 2023 at 5.00 p.m.

S. NJOROGE  
CLERK OF THE NATIONAL ASSEMBLY

17<sup>th</sup> November, 2023

"For the Welfare of Society and the Just Government of the People"



**THE NATIONAL ASSEMBLY**

**THIRTEENTH PARLIAMENT-SECOND SESSION-2023**

**DIRECTORATE OF DEPARTMENTAL COMMITTEES**

**MINUTES OF THE 80<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION HELD ON WEDNESDAY, 7<sup>TH</sup> DECEMBER, 2023 IN THE BOARDROOM, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 12.00 PM.**

---

**PRESENT**

1. Hon. Alice Wambui Ng'ang'a, M.P. - Chairperson
2. Hon. Hilary Kiplang'at Koskei, M.P - Vice - Chairperson
3. Hon. Agnes Pareyio, M.P
4. Hon. (Dr.) Lilian Gogo, M.P
5. Hon. Amina Abdullahi Dika, M.P
6. Hon. Suleka Hulbale Harun, M.P
7. Hon. Betty Njeri Maina, M.P
8. Hon. Linet Chepkorir, M.P

**APOLOGIES**

1. Hon. (Dr.) James Nyikal, MP
2. Hon. Wetangula Timothy Wanyonyi, M.P
3. Hon. Edith Nyenze, M.P
4. Hon. Mark Ogolla Nyamita, M.P
5. Hon. Michael Wambugu, M.P
6. Hon. Barre Hussein Abdi, M.P
7. Hon. Susan Ngugi, M.P

**COMMITTEE SECRETARIAT**

1. Ms. Hellen Ekadeli - Clerk Assistant I
2. Ms. Ahmednoor Hassan - Clerk Assistant III
3. Mr. Sakana Saoli - Clerk Assistant III
4. Ms. Jemimah Waigwa - Senior Legal Counsel
5. Ms. Grace Maneno - Research Officer III

## **AGENDA**

1. Prayers
2. Preliminaries/Introductions
  - a. Adoption of the Agenda
  - b. Remarks by the Chairperson.
3. Confirmation of Minutes/ Matters Arising
4. **Consideration and Adoption of the Report on the Pre-publication Scrutiny of the Kenya Sign Language Bill, 2023**
5. **Consideration and Adoption of the Report on the Statute Law (Miscellaneous Amendments) Bill, National Assembly Bill No. 67 of 2023**
6. **Pending Business (enclosed)**
7. Adjournment /Date of the Next Meeting

### **MIN. NO. NA/DC-SP/2023/432: PRAYERS/PRELIMINARIES**

The Chairperson called the meeting to order with a word of prayer at 12.19 pm.

### **MIN. NO. NA/DC-SP/2023/433: ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted having been proposed by Hon. Agnes Pareyio, M.P. and seconded by Hon. Amina Dika, M.P.

### **MIN. NO. NA/DC-SP/2023/434: CONFIRMATION OF MINUTES**

Agenda was deferred to the next sitting

### **MIN. NO. NA/DC-SP/2023/435: CONSIDERATION AND ADOPTION OF THE REPORT ON THE PRE-PUBLICATION SCRUTINY OF THE KENYA SIGN LANGUAGE BILL, 2023**

The Committee considered the Legislative proposal and made the following observations;

1. The Bill is in line with the provisions of the Constitution as it seeks to mandate the State to put in place measures for the promotion of the rights of persons with disabilities.
2. The enactment of the proposed legislation shall ensure that members of the Deaf community are treated with dignity.
3. The establishment of the Kenya Sign Language Council shall be instrumental in setting and enforcing the standards for the training and practice and use of the Kenya sign language and interpretation.
4. Clause 35(a) of the legislative proposal should be amended to align it with the provisions of Article 221 of the Constitution which confers upon the National Assembly the role of appropriating monies.
5. Clauses 44 and 45 of the legislative proposal on offences may not act as a deterrent for non-compliance with the provisions of the Bill once enacted and should hence be enhanced to ensure effective enforcement of the provisions of the Bill.
6. The title of the legislative proposal in Part VII should be aligned with the requirements of Standing Order 118.

### **Committee Resolution**

In consideration of the Legislative and having made its observations the Committee recommended that the Legislative Proposal be published into a Bill subject to incorporating the observations listed above.

### **MIN.NO.NA/DC-SP/2023/436: CONSIDERATION AND ADOPTION OF THE REPORT ON THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL, NATIONAL ASSEMBLY BILL No. 67 of 2023**

The Committee considered the Miscellaneous amendment which sought to amend the Children Act, 2022 in section 186 by deleting subsection (4) which provided for the category of the persons who may adopt children.

The amendment sought to remove the provisions which prohibit the court from granting a sole male applicant adoption of a child in compliance with the court decision in the Adoption Cause E004 of 2022.

The Bill was also intended to delete subsection (6)(f).

In its consideration of the proposed amendments, the Committee made the following observations;

1. The proposed amendment to section 186(4) of the Children Act seeks to align the Act with the provisions of Article 27 of the Constitution on equality and freedom from discrimination in particular the right of every person to equality before the law and equal protection and equal benefit of the law.
2. The proposed amendment seeks to provide that sole male applicants may also adopt children under the Children Act, 2022.
3. The proposed amendment seeks to align the Children Act with the findings of the court in Adoption Cause No. E004 of 2022.
4. The proposed amendment to section 186(6)(f) is however not in tandem with the objects of the proposed amendment in section 186(4) as it seeks to remove the provisions which prohibit the court from granting a foreign applicant adoption of a child.
5. There is need to make an amendment to the Bill to make reference to the correct section being amended which is section 186(6)(e) of the Act which prohibits the court from granting a sole male applicant adoption of a child.

In compliance with Standing Order 127, the Committee recommended that the Bill does proceed for Second Reading subject to the following amendment:

That the Schedule to the Bill be amended in the proposed amendment to section 186 of the Children Act, 2022 by deleting the proposed amendment to subsection (6)(f) and substituting therefor the following new amendment-

(6)(e) Delete;



The committee gave the Justification the amendment is a consequential amendment to the amendment effected to section 186(4) of the Act which removed the provisions which prohibits the court from granting a sole male applicant adoption. The amendment also sought to align the Act with the provisions of Article 27 of the Constitution on the right of every person to equality and freedom from discrimination.

**MIN. NO. NA/DC-SP/2023/437: ADJOURNMENT**

There being no other business meeting was adjourned at 1:35 p.m. The next meeting will be held on notice.

Signed..........Date..........

**HON. ALICE WAMBUI NGÁNGÁ, M.P.**

(Chairperson)