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REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – FIFTH SESSION


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DEPARTMENTAL COMMITTEE ON EDUCATION AND RESEARCH

DEPARTMENTAL COMMITTEE ON EDUCATION AND RESEARCH

REPORT ON-

THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL, 2020
(NATIONAL ASSEMBLY BILL NO. 29) BY HON. GIDEON KETER, MP

 THE NATIONAL ASSEMBLY PARLIAMENT OF KENYA	
DATE: 10 AUG 2021	
DAY: Tuesday	
TABLED BY:	Chairperson, DC on Education & Research
CLERK-AT THE-TABLE:	Getrude Chebet

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CHAIRPERSON'S FOREWORD

The Higher Education Loans Board (Amendment) Bill, 2020 (*National Assembly Bill No. 29*) by the Hon. Gideon Keter, MP was read a First Time on Wednesday 9th June, 2021 and committed to the Departmental Committee on Education and Research for consideration and reporting to the House, pursuant to Standing Order 127(1).

The Bill seeks to amend the Higher Education Loans Board Act to waive imposition of interest on the principal amount of a loan advanced to the youth and persons with disabilities until such a time as they have secured their first employment.

It also provides that penalty charged on defaulting of the loan shall be charged after securing employment or five years after completion of studies. The aim of this proposals is to reduce the financial burden on recent graduates who are expected to pay large sums of money to the Higher Education Loans Board even before securing employment of becoming financially stable.

Secondly, it sets the percentage of interest that may be charged on the loan advanced at the rate of three per cent.

Pursuant to the provisions of Article 118(1) (b) of the Constitution and Standing Orders 127(3), the Clerk of the National Assembly placed adverts in "Daily Nation" and the "Standard" newspapers of 11th June, 2021 inviting the public to submit representations they may have on the Bill. The Committee received representations from the Principal Secretary for University Education and Research and the Chief Executive Officer for Higher Education Loans Board which were considered while making recommendations.

The Committee having considered the Higher Education Loans Board (Amendment) Act, 2020 (*National Assembly Bill No. 29*), clause by clause and taking into account views and recommendations of stakeholders pursuant to Standing Order 127(3A) made observations and recommendations contained in Part 3.0 and 4.0 of this report.

Acknowledgement

The Committee is thankful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee is also grateful to the Principal Secretary for the State Department for University Education and Research, Ministry of Education and the Chief Executive Officer for Higher Education Loans Board who presented their views on the Bill.

On behalf of the Committee, and pursuant to Standing Order 127(4), it is my pleasant duty to table the Report of the Departmental Committee on Education and Research on its consideration of the Higher Education Loans Board (Amendment) Bill, 2020 (National Assembly Bill No.29) pursuant to Standing Order No. 199.

HON. FLORENCE MUTUA, CBS, MP

1.0 PREFACE

Hon. Speaker

1. The Departmental Committee on Education and Research was constituted pursuant to the provisions of Standing Order No. 216(1) of the National Assembly Standing Orders

1.1 Mandate of the Committee

2. Pursuant to the Standing Order 216 (5) read together with the Second Schedule to the Standing Orders, the functions of the Committee are to: -
 - (i) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the Ministry of Education (in this report, referred to as “the relevant Ministry”);
 - (ii) study the programme and policy objectives of Ministry and the Departments of the Ministry, and the effectiveness of the implementation Training;
 - (iii) study, assess and analyze the relative success of the relevant Ministry as measured by the results obtained as compared with their stated objectives and,
 - (iv) investigate and inquire into all matters relating to the as may be necessary, and as may be referred to the Committee by the House
 - (v) to vet and report on all appointments where the Constitution or any law requires the National Assembly and by extension, the Committee to approve;
 - (vi) make reports and recommendations relating to the functions of the relevant Ministry to the House as often as possible, including recommendation of proposed legislation;
 - (vii) consider reports of the relevant commissions and independent offices submitted to the House pursuant to the provisions of Article 254 of the Constitution;
 - (viii) examine any questions raised by Members on a matter within the mandate of the Committee.

1.2 Subjects

3. The Committee oversees the following government entities: -
 - (a) Ministry of Education comprising the following State Departments:
 - (i) Early Learning and Basic Education
 - (ii) University Education
 - (iii) Vocational and Technical Training
 - (iv) Implementation of Curriculum Reforms
 - (v) Post Training and Skills Development
 - (b) The Teachers Service Commission

1.3 Committee Membership

4. The Committee comprises of the following Members: -

Chairperson

Hon. Florence Mutua, CBS, MP
Busia County

Orange Democratic Movement Party

Vice Chairperson

Hon. Ngunjiri Wambugu
Nyeri Town Constituency

Jubilee Party

Hon. Geoffrey Makokha Odanga, MP
Matayos Constituency
Orange Democratic Movement Party

Hon. Joseph Tonui, MP
Kuresoi South Constituency
Jubilee Party

Hon. (Dr.) Pamela Ochieng, MP
Migori County
Orange Democratic Movement Party

Hon. Omboko Milemba, MP
Emuhuya Constituency
Amani National Congress

Hon. (Eng.) Nzambia Kithua, MP
Kilome Constituency
Wiper Democratic Movement Kenya

Hon. Peter Lochakapong, MP
Sigor Constituency
Jubilee Party

Hon. (Prof.) Zadoc Abel Ogutu, MP
Bomachoge Borabu Constituency
Independent

Hon. Wilson Sossion, MP
Nominated Member

Hon. Eric Muchangi Njiru, MP
Runyenjes Constituency
Jubilee Party

Hon. Wilson Kogo, MP
Chesumei Constituency
Jubilee Party

Hon. Eve Obara, MBS, MP
Kabondo Kasipul Constituency
Orange Democratic Movement Party

Hon. (Dr.) Daniel K Tuitoek, MP
Mogotio Constituency
Jubilee Party

Hon. Jackson Lekumontare, MP
Samburu East Constituency
KANU Party

Hon. Gichuki Mugambi, MP
Othaya Constituency
Jubilee Party

Hon. Jerusha Momanyi, MP
Nyamira County
Jubilee Party

Hon. John Mwirigi, MP
Igembe South Constituency
Independent

1.4 Committee Secretariat

5. The Committee secretariat comprises: -

Mr. Philip Lekarkar
Clerk Assistant II
Lead Clerk

Ms. Grace Wahu
Clerk Assistant III

Mr. Peter Mwaura
Senior Legal Counsel

Mr. Eric Kanyi
Fiscal Analyst II

Ms. Deborah Mupusi
Media Relations Officer

Ms. Catherine Mukunyi
Serjeant-At-Arms

Mr. Collins Mahamba
Audio Recording Officer

1.5 Committal of the Bill

6. The Higher Education Loans Board (Amendment) Bill, 2020 (National Assembly Bill No. 29) by the Hon. Gideon Keter, MP was read a First Time on Wednesday 9th June, 2021 and committed to the Departmental Committee on Education and Research for consideration and reporting to the House, pursuant to Standing Order 127(1).
7. The Bill seeks to amend the Higher Education Loans Board Act to waive imposition of interest on the principal amount of a loan advanced to the youth and persons with disabilities until such a time as they have secured their first employment.
8. It also provides that penalty charged on defaulting of the loan shall be charged after securing employment or five years after completion of studies. The aim of this proposals is to reduce the financial burden on recent graduates who are expected to pay large sums of money to the Higher Education Loans Board even before securing employment of becoming financially stable.
9. Secondly, it sets the percentage of interest that may be charged on the loan advanced at the rate of three per cent.
10. Pursuant to Article 118(1) (b) of the Constitution and Standing Orders 127(3), the Clerk of the National Assembly placed adverts in “Daily Naton” and the “Standard” newspapers on Friday 11th June, 2021 inviting interested members of the public to submit any representations they may have on the Bill. (Annex 1). The Committee received representation from the Principal Secretary for University Education and Research and the Chief Executive Officer for Higher Education Loans Board which were considered by the Committee.
11. In considering the Bill the Committee held a total of five meetings namely which included meetings with the sponsor of the Bill Hon. Gideon Keter, MP, the Principal Secretary for University Education and Research and the Chief Executive Officer for Higher Education Loans Board who presented their submissions on the Bill.

2.0 COMMITTEE CONSIDERATION OF THE BILL

2.1 Memorandum of Objects and Reasons for the Bill

12. The principal object of the Bill is to amend the Higher Education Loans Board Act No. 3 of 1995 to waive imposition of interest on the principal amount of a loan advanced to the youth and person with disabilities until such a time as they have secured their first employment.
13. Secondly, it sets the percentage of interest that may be charged on the loan advanced at the rate of three per cent. It also provides that the penalty charged on defaulting of the loan shall be charged after securing employment or five years after completion of studies.
14. The aim of this proposals is to reduce the financial burden on recent graduates who are expected to pay large sums of money to the Higher Education Loans Board even before securing employment of becoming financially stable.
15. The proposed amendments are:

Clause 1 of the Bill provides for the short title.

Clause 2 of the Bill provides for amendment of section 2 of the Act to insert the definitions of the terms “disability” and “youth” which are used in the proposed amendments.

Clause 3 of the Bill provides for the amendment of section 6 of the Act to remove the function of setting the rate of rate of interest from the Board.

Clause 4 of the Bill provides for the amendment of section 15 of the Act by inserting a new subsection that provides that interest in the case of youth and people with disabilities shall become due upon them securing employment after completion of studies.

Clause 5 of the Bill provides for insertion of a new section that sets the rate of interest charged on the loans at a maximum of three per cent per annum. It also provides that the penalty charged on defaulting the loan shall be charged after securing employment or five years after completion of studies.

Statement of how the Bill concerns County Governments

16. The Bill does not affect the functions of the concern county governments and is therefore not Bill concerning counties for purposes of the studied orders.

Statement of delegation of legislative powers and limitation of fundamental rights and freedoms

17. The Bill does not contain any provision limiting any fundamental rights or freedoms.

Statement that the Bill is a money bill, within the meaning of Article 114 of the Constitution.

18. The enactment of the bill shall vary the charges of public fund.

2.2 Committee Analysis of the Bill

19. The Committee scrutinized the Bill as follows:

Clause	Provision in Act	Provision after amendment	Effect
1	-	This Act may be cited as the Higher Education Loans Board (Amendment) Act, 2020.	Short Title.
2	Interpretation	<p>Section 2 of the Higher Education Loans Board Act, 1995 (hereinafter referred to as the principal Act) is amended by inserting the following new paragraphs in their proper alphabetical sequence—</p> <p>“disability” includes any physical, sensory, mental, psychological or other impairment, condition or illness that has, or is perceived by significant sectors of the community to have, a substantial or long-term effect on an individual’s ability to carry out ordinary day-to-day activities;</p> <p>“youth” means a person who—</p> <p>(a) has attained the age of eighteen years; but</p> <p>(b) has not attained the age of thirty-five years.</p>	<p>The amendment seeks to introduce the definition of additional terms into the interpretation section, namely the terms “disability” and “youth”.</p> <p>The proposed new definitions conform to the definition of the terms as used in the Constitution, and are proposed as additional terms in the Act since the subsequent amendments in the Bill make reference to the two terms.</p>
3	<p>6. Functions of the Board</p> <p>The functions of the Board shall be—</p> <p>(a) to formulate sound policies for regulating the management of the Fund;</p> <p>(b) to solicit for funds and other assistance to promote the functions of the Board;</p> <p>(c) to set the criteria and conditions governing the granting of loans including the rate of interest and recovery of loans;</p> <p>(d) to receive any gifts, donations, grants or endowments made to the Board, and to make</p>	<p>(c) to set the criteria and conditions governing the granting of loans including the recovery of loans;</p>	<p>The amendment seeks to remove from the Board, the function of setting the rate of interest for loans granted under the Act.</p> <p>In terms of the amendment, the Board will not be responsible for the setting of interest rates to be charged on the higher education loans granted under the Act.</p> <p>The subsequent amendment in clause 5 of the Bill then seeks to set the interest rate that shall apply in respect of loans granted under the Act.</p>

Clause	Provision in Act	Provision after amendment	Effect
	<p>legitimate disbursements therefrom;</p> <p>(e) to establish and maintain links with other persons, bodies or organizations within or outside Kenya, as the Board may consider appropriate for the furtherance of the purposes for which the Board is established;</p> <p>(f) to enter into contracts with financial institutions for the purpose of loans disbursement and recovery;</p> <p>(g) to grant loans out of the Fund either with or without security, as the Board may deem fit, to any eligible person to enable him, or assist any student, to meet the cost of higher education;</p> <p>(h) to determine the maximum number of eligible persons or students to be granted loans in any one particular year;</p> <p>(i) to invest any surplus funds not currently required for the purpose of the Board in any investment authorized by law for the investment of trust funds with power from time to time to vary or realize those investments;</p> <p>(j) with the consent of the Minister, to set up and expend such other funds as may from time to time be required;</p> <p>(k) to receive and consider all loan applications from eligible persons or students</p>		

Clause	Provision in Act	Provision after amendment	Effect
	<p>wishing to be considered for the award of higher education loans, and to approve, withhold or reject such requests in accordance with the provisions of this Act;</p> <p>(l) to borrow such monies from such sources and in such amounts as may be approved by the Minister with the concurrence of the Treasury and to secure such loans in such manner as they deem fit;</p> <p>(m) to take out insurance cover for risky loans such as death, incapacity or inability to pay, as the Board deems fit;</p> <p>(n) to establish and award bursaries and scholarships which it may consider necessary for the promotion of the objectives and functions of the Board;</p> <p>(o) to perform any other functions relating to the granting of students' loans in accordance with the provisions of this Act; and</p> <p>(p) to perform and exercise all other functions and powers conferred on the Board by this Act.</p>		
4	<p>15. Obligations of the loanees</p> <p>(1) A loanee shall be required, subject to and in accordance with this Act or any regulations made thereunder, within one year of completion of his studies or within such a period as the Board decides to recall its loan</p>	<p>15. Obligations of the loanees</p> <p>(1) A loanee shall be required, subject to and in accordance with this Act or any regulations made thereunder, within one year of completion of his studies or within such a period as the Board decides to recall its loan whichever is the earlier—</p> <p>(a) to inform the Board of his contact address;</p>	<p>The amendment seeks to provide that the loans advanced to the youth and persons with disabilities under the Act shall not accrue any interest for as long as these persons have not secured employment.</p> <p>Interest on the loans shall only begin to accrue from the time</p>

Clause	Provision in Act	Provision after amendment	Effect
	<p>whichever is the earlier— (a) to inform the Board of his contact address; (b) to begin repayment of his loan together with any interest accrued thereon; (c) if he is in formal employment, to authorize his employer to deduct the loan repayment and to remit it to the Board in such manner as the Board may direct.</p> <p>(2) Any loanee who fails or neglects to satisfy the requirements of subsection (1) within the stipulated time shall, in addition to any other action that the Board may take against him, be guilty of an offence and liable to a fine of not less than five thousand shillings in respect of each loan deduction that remains unpaid in accordance with provisions of subsection (1), and such fine shall be payable to the Board.</p>	<p>(b) to begin repayment of his loan together with any interest accrued thereon; (c) if he is in formal employment, to authorize his employer to deduct the loan repayment and to remit it to the Board in such manner as the Board may direct.</p> <p>(1A) Notwithstanding the provisions of subsection (1), no interest shall be charged on the principal amount advanced to the youth and persons with disabilities until they have secured their first employment upon completion of studies.</p> <p>(2) Any loanee who fails or neglects to satisfy the requirements of subsection (1) upon securing employment or within five years after completion of his studies shall, in addition to any other action that the Board may take against him, be guilty of an offence and liable to a fine of not less than five thousand shillings in respect of each loan deduction that remains unpaid in accordance with provisions of subsection (1), and such fine shall be payable to the Board.</p>	<p>that these persons get employment.</p> <p>The amendment to subsection (2) seeks to ensure that in as much as loan beneficiaries are required under the Act to start the repayment of the loan within one year of completion of studies, failure to do so shall not constitute an offence. In terms of the amendment, a loan beneficiary commits an offence only where he fails to start the loan repayment either upon securing employment or within five years after completion of studies.</p>
5	<p>New section</p>	<p>New section Interest rates 14A. The maximum interest rate to be charged by the Board on the principal amount advanced to a loanee shall not be more than three per cent per annum.</p>	<p>The amendment seeks to expressly set a maximum rate of interest to be charged to higher education loans granted under the Act. In terms of the amendment, it will not be left to the Board to prescribe the rate of interest applicable to loans granted under the Act. Instead, the Board shall have to comply with the proposed provision in the Bill to ensure that the maximum rate of interest applicable shall not exceed three per cent per annum.</p>

2.3 Public Participation on the Bill

20. Pursuant to Article 118(1) (b) of the Constitution and Standing Orders 127(3), the Clerk of the National Assembly placed adverts in “Daily Nation” and the “Standard” newspapers on Friday 11th June, 2021 inviting interested members of the public to submit any representations they may have on the Bill. By the close of the submission period, the Committee had received representations from the Principal Secretary for University Education and Research and the Chief Executive Officer for Higher Education Loans Board who were later invited by the Committee to present their views being major stakeholders.
21. The Committee also invited the Sponsor of the Bill, the Hon. Gideon Keter, MP to give his submissions regarding the Bill.

2.4 Submission by Hon. Gideon Keter, MP

22. Hon. Gideon Keter, MP appeared before on the Committee and submitted as follows:
23. That the principal object of the Bill is to amend the Higher Education Loans Board Act No. 3 of 1995 to waive imposition of interest on the principal amount of a loan advanced to the youth and person with disabilities until such a time as they have secured their first employment.
24. Secondly, it sets the percentage of interest that may be charged on the loan advanced at the rate of three per cent. It also provides that the penalty charged on defaulting of the loan shall be charged after securing employment or five years after completion of studies.
25. The aim of this proposals is to reduce the financial burden on recent graduates who are expected to pay large sums of money to the Higher Education Loans Board even before securing employment of becoming financially stable.
26. He proposed the following amendments to the Higher Education Loans Board Act: -

Clause 1 of the Bill to provide for the short title.

Clause 2: Amendment of section 2 of the Act to insert the definitions of the terms “disability” and “youth” which are used in the proposed amendments.

Clause 3: Amendment of section 6 of the Act to remove the function of setting of rate of interest from the Board.

Clause 4: Amendment of section 15 of the Act by inserting a new subsection that provides that interest in the case of youth and people with disabilities shall become due upon them securing employment after completion of studies.

Clause 5: Insertion of a new section that sets the rate of interest charged on the loans at a maximum of three per cent per annum. It also provides that the penalty charged on defaulting the loan shall be charged after securing employment or five years after completion of studies.

2.5 Submission by the Principal Secretary for State Department for University Education and Research and the Chief Executive Officer Higher Education Loans Board

27. The Principal Secretary for University Education and Research Amb. Simon Nabukwesi accompanied by Chief Executive Officer Higher Education Loans Board Mr. Charles Ringera made the following submission regarding the Bill.

Clause 1- Title of the Bill. The Act may be cited as the Higher Education Loans Board Act

Clause 2 - Definition of Disability and Youth

28. **Definition of “Disability”:** - The Bill proposes to have the definition of disability included in the HELB Act as Disability includes physical, sensory, mental, psychological or other impairment, condition or illness that has, or is perceived by significant sector of the community to have a substantial or long-term effect on an individual’s ability to carry out ordinary day to day activities.
29. The Principal Secretary submitted that it is not clear what psychological or other impairment refers to neither is it clear what “perceived by significant sector of the community” means. It is also not clear who will determine what substantial and long-term effect is.
30. The proposed amendment is not necessary because the reference law with regards to persons with disabilities (PWDs) is the Persons with Disability Act, 2003 which gives the definition to mean a “physical, sensory, mental or other impairment, including any visual hearing, learning or physical incapability, which impacts adversely on social, economic or environmental participation”. This should be the only definition applicable.
31. **Definition of “Youth”:** - The amendment proposes that the definition of Youth in HELB Act as a person who has attained the age of eighteen years but has not attained the age of thirty-five years.
32. The Principal Secretary submitted that the proposal is not necessary because Article 260 of the Constitution, which is the supreme law has already provided the definition of youth as the collectively of all individuals in the Republic who have attained the age of eighteen years, but have not attained the age of thirty-five years.

Clause 3 - Amendment to section 6 (c) of HELB Act.

33. The proposed amendment is to delete the words “rate of interest”. If adopted the new Section 6 (c) will read: - “The Board shall set criteria and conditions governing the granting of loans including the recovery of loans”.
34. Section 6 (c) of the HELB Act provides that the Board shall set a criteria and conditions governing the granting of loans including the rate and recovery of loans.
35. The proposed amendment in essence takes away the power to set the interest rate from HELB. Previously there were attempts to reduce the undergraduate interest rate from the current 4 % to 2% or no interest at all. In the event that interest rate is varied downwards HELB’s financial capacity to fund students will be grossly affected. This therefore requires the National Treasury to provide more budgetary allocations to the Higher Education Loans Board.
36. Since inception HELB has empowered dreams of more than 1,069,951 students and disbursed over Kshs. 116.1 billion. As at 28th February 2021, there were 563.283 mature loan accounts worth Kshs. 69.3 billion while Kshs. 46.8 billion held by 506,668 loanees had not matured for repayment.

Unmature loans		Mature loans		Total loans	
Number	Amount in billions (Kshs.)	Number	Amount in billions (Kshs.)	Number	Amount in billions (Kshs.)
506,668	46.8	563,283	69.3	1,069,951	116.1

37. Loan recovery has been a major component of resource mobilization/AIA for HELB as a revolving fund and has immensely contributed to annual students funding budget reaching a high Kshs. 4.5 B in 2019/2020. This amount funded 121,622 students at an average of Kshs, 37,000 per student in the year. Consequently, it has been instrumental in HELB's pursuit to create national sustainable revolving fund from where future generations can borrow for tertiary education financing even with minimal exchequer support.
38. Undergraduate loans are currently charged interest at a rate of 4% per annum. This interest rate is lower than the annual average inflation in Kenya which was at an average of 4.69 % in 2018, 5,2 % in 2019 and 5.41 % in 2020. Hence the actual value of the amounts disbursed has been eroded overtime since the annual interest rate charged is lower than inflation rate.
39. At an interest rate of 4% annually for instance, the amount of interest on mature loans is Kshs. 2,772,000,286. If the interest rate is taken to the proposed rate of 3 % the Board will lose an opportunity to collect Kshs. 693,000,072 annually translating to a cumulative loss of Kshs. 3,465,000,358 in five years' period. This will impact negatively on HELB's ability to finance students as follows; at an average of Kshs. 37,000 per student annually, the said Kshs. 693,000,072 is adequate to fund 18,730 needy students in a year. This brings it to a total of 93,650 students in five years.
40. Therefore, a reduction of interest rate to 3% is likely to plunge the Board into a huge student funding deficit where over 18,730 needy students may miss out on funding annually.
41. The table below illustrates the impact of reducing interest rate from 4% to 3% to 2%, 1% and 0%.

Category	number	Amount disbursed (Kshs)	Interest at 4% annually	Interest at 3% annually	Interest at 2% annually	Interest at 1% annually	Interest at 0% annually
Un-mature loans	506,668	46,831,003,911	0	0	0	0	0
Mature loans	563,283	69,300,007,159	2,772,000,286	2,079,000,215	1,386,000,143	693,000,072	0
Amount of interest (Kshs)			2,772,000,286	2,079,000,215	1,386,000,143	693,000,072	0

Variance Analysis

	Interest at 4% annually	Interest at 3% annually	Interest at 2% annually	Interest at 1% annually	Interest at 0% annually
Amount of interest	2,772,000,286	2,079,000,215	1,386,000,143	693,000,072	0
Interest at 4% annually	2,772,000,286	2,772,000,286	2,772,000,286	2,772,000,286	2,772,000,286
Variance annually (Kshs)	0	693,000,072	1,386,000,143	2,079,000,215	2,772,000,286
Variance in 5-years' period (Kshs.)	0	3,465,000,358	6,930,000,716	10,395,001,074	13,860,001,432

41. As a result of the variance that may occur as a result of reduction in interest rates, a big number of students are likely to miss out on funding. The number of students who will miss out loans at an average of Kshs. 37,000 per student per financial year is as below: -

	Interest at 4% annually	Interest at 3% annually	Interest at 2% annually	Interest at 1% annually	Interest at 0% annually
Decrease in interest amount (Kshs.)	-	693,000,072	1,386,000,143	2,079,000,215	2,772,000,286
Number of students who will miss out loans at an average of Kshs. 37,000 per student per year	-	18,730	37,459	56,189	74,919
Number of students who will miss out loans at an average of Kshs. 37,000 per student per year in 5 years	-	93,650	187,297	280,946	374,595

42. In light of the above, Higher Education Loans Board and the State Department for University Education and Research objects to the proposed amendments.

3.0 COMMITTEE OBSERVATIONS

43. The Committee observed as follows: -

1. That the proposed amendment to the definition of the term “disability” is not necessary because the reference law with regards to persons with disabilities (PWDs) is the Persons with Disability Act, 2003 which gives the definition to mean a “physical, sensory, mental or other impairment, including any visual hearing, learning or physical incapability, which impacts adversely on social, economic or environmental participation”. This should be the only definition applicable.
2. That the proposed amendment to the definition of the term “youth” is not necessary. The definition of the term youth is provided in Article 260 of the Constitution which defines “youth” as the collectively of all individuals in the Republic who— (a) have attained the age of eighteen years; but (b) have not attained the age of thirty-five years. This should be adopted as the principal definition of the term “youth”.
3. That the proposed amendment to cap interest rate to be charged to the higher education loans granted under the Act at a rate that shall not exceed three per cent per annum, will adversely affect resource mobilization/AIA for the Higher Education Loans Board as a revolving fund and consequently its financial capacity to fund students in university and tertiary institutions.
4. That currently, undergraduate loans are charged interest at a rate of 4% per annum. This interest rate is lower than the annual average inflation in Kenya which was at an average of 4.69 % in 2018, 5,2 % in 2019 and 5.41 % in 2020. Hence the actual value of the amounts disbursed has been eroded overtime since the annual interest rate charged is lower than inflation rate. Economically, the resultant real value of monies disbursed is reducing with time.
5. That it is not clear to whom the power to set interest on HELB loans will be vested and how it will be exercised. Subjecting applicants interest rate approval to a third party creates a risk of reducing HELB’s revenue in the event that interest rate is varied downwards.
6. That loan recovery has been a major component of resource mobilization and Appropriation-In-Aid for HELB to sustain the revolving fund. The recoveries have immensely contributed to annual students funding budget reaching a high Kshs. 4.5 B in 2019/2020. Consequently, it has been instrumental in HELB’s pursuit to create national sustainable revolving fund from where future generations can borrow for tertiary education financing even with minimal exchequer support.

4.0 COMMITTEE RECOMMENDATIONS

44. The Committee considered all clauses of the Bill and recommended as follows: -

Clause 1 - Not agreed to

Clause 2 – Not agreed to

Clause 3 – Not agreed to

Clause 4 - Not agreed to

Clause 5 - Not agreed to

45. The Committee having considered the Higher Education Loans Board (Amendment) Act, 2020 (National Assembly Bill No. 29), clause by clause and taking into consideration views and recommendations of the stakeholders pursuant to Standing Order 127(3A) **recommends that the Bill should not be proceeded with and its Sponsor considers withdrawing it pursuant to Standing Order 140(1).**

SIGNED  _____

DATE 10/08/2021

HON. FLORENCE MUTUA, CBS, MP



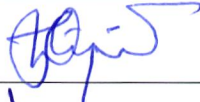
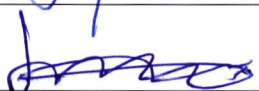

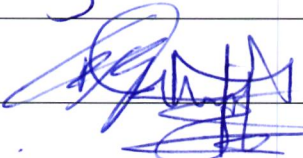
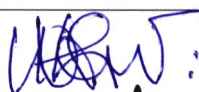


CHAIRPERSON, DEPARTMENTAL COMMITTEE ON EDUCATION & RESEARCH

KENYA NATIONAL ASSEMBLY
COMMITTEE ON EDUCATION AND RESEARCH

REPORT ADOPTION LIST

Adoption of the Committee on Education and Research Report on
Consideration of the Higher Education Loans Board (Amendment) Bill, 2020 (National
Assembly Bills No. 29) by the Hon. Gideon Keter, MP

Date 7/7/2021

	NAME	SIGNATURE
1.	Hon. Florence Mutua, MP - Chairperson	
2.	Hon. Ngunjiri Wambugu, MP - Vice Chairperson	
3.	Hon. Geoffrey Odanga, MP	
4.	Hon. (Dr.) Pamela Ochieng, MP	
5.	Hon. (Eng.) Nzambia Kithua, MP	
6.	Hon. (Prof.) Zadoc Ogutu, MP	
7.	Hon. Eric Muchangi, MP	
8.	Hon. Eve Obara, MBS, MP	
9.	Hon. Jackson Lekumontare, MP	
10.	Hon. Jerusha Momanyi,	
11.	Hon. Joseph Tonui, MP	
12.	Hon. Omboko Milemba, MP	
13.	Hon. Peter Lochakapong, MP	
14.	Hon. Wilson Sossion, MP	
15.	Hon. (Dr.) Wilson Kogo, MP	
16.	Hon. (Dr.) Daniel Kamuren Tuitoek, MP	
17.	Hon. James Gichuki Mugambi, MP	
18.	Hon. John Paul Mwirigi, MP	



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
 TWELFTH PARLIAMENT- FIFTH SESSION

In the Matter of Article 118(1) (b) of the Constitution
 And
 In the Matter of Consideration by the National Assembly of;

1. The Higher Education Loans Board (Amendment) Bill, 2020 (National Assembly Bill No. 37 of 2020);
2. The Pharmacy and Poisons (Amendment) Bill (National Assembly Bill No. 1 of 2021);
3. The Health (Amendment) Bill (National Assembly Bill No. 14 of 2021);
4. The National Electronic Single Window System Bill, 2021 (National Assembly Bill No. 15 of 2021);
5. The Coffee Bill, 2021 (National Assembly Bill No. 17 of 2021);
6. The Community Groups Registration Bill (National Assembly Bill No. 20 of 2021);
7. The Kenya Roads (Amendment) Bill, 2021 (National Assembly Bill No. 13 of 2021);
8. The Computer Misuse and Cybercrimes (Amendment) Bill (National Assembly Bill No. 11 of 2021)
9. The Kenya Industrial Research and Development Institute Bill (National Assembly Bill No. 44 of 2021);
10. The National Construction Authority (Amendment) Bill, 2020 (National Assembly Bill No. 45 of 2020);
11. The Kenya Deposit Insurance (Amendment) Bill (National Assembly Bill No. 43 of 2020);
12. The Public Procurement and Asset Disposal (Amendment) (No. 3) Bill (National Assembly Bill No. 49 of 2020);
13. The Irrigation (Amendment) Bill (National Assembly Bill No. 12 of 2021);
14. The Tax Appeals Tribunal (Amendment) Bill (National Assembly Bill No. 19 of 2021).

SUBMISSION OF MEMORANDA

Pursuant to Article 118(1) (b) of the Constitution and Standing Order 127(3) of the National Assembly Standing Orders, the Clerk of the National Assembly hereby invites members of the public and relevant stakeholders to submit memoranda on the aforementioned Bills, whose objects are as follows:

The Higher Education Loans Board (Amendment) Bill, 2020 (National Assembly Bill No. 37 of 2020) sponsored by Hon. Paul Mwirigi, MP, Igembe South Constituency, seeks to amend the Higher Education Loans Board Act in order to provide that a loanee shall commence the repayment of his or her loan once he or she secures employment. The amendment is meant to cushion unemployed graduates from being charged interest on the loan before they have secured employment.

The Pharmacy and Poisons (Amendment) Bill, 2021 (National Assembly No 1 of 2021) sponsored by Hon. Alfred Keter, MP, Nandi Hills Constituency, seeks to amend the Pharmacy and Poison Act to prohibit the sale or dispensing of medicine without written prescription from a registered medical practitioners

The Health (Amendment) Bill, 2021 (National Assembly No 14 of 2021) sponsored by Hon. Moses Mwangi Wekesa Mabonga, MP, Bumula Constituency, seeks to amend the Health Act No 21 of 2017 to provide that the National government and county governments shall, in consultation through the existing inter-governmental relations mechanism establish regional cancer centers; to make it an offence for a person in-charge of a Public Health facility to demand or permit of payments of advance medical fees as pre-condition for the provision of medical services; to make it an offence for person in-charge of a Public Health facility to detain a body of deceased person as means of enforcing settlement of outstanding medical bills and to provide for regulation on levying of charges for the practice of conventional medical practice.

The National Electronic Single Window System Bill, 2021 (National Assembly Bill No. 15 of 2021) seeks to provide for the establishment and operationalization of the National Electronic Single Window System in order to facilitate trade, the establishment of the Kenya Trade Network Agency, to provide for electronic transactions, and for connected purposes.

The Coffee Bill, 2021 (National Assembly Bill No. 17 of 2021) seeks to provide for development, regulation and promotion of the Coffee Industry, provide for establishment, powers and functions of the Coffee Board of Kenya.

The Community Groups Registration Bill, 2021 (National Assembly Bill No.20 of 2021) seeks to provide a regulatory framework for the registration and regulation of community groups and connected purposes.

The Kenya Roads (Amendment) Bill, 2021 (National Assembly Bill No. 13 of 2021) sponsored by Hon. David Pkosing, MP, Pokot South Constituency, seeks to amend the Kenya Roads Act (No. 2 of 2007) to align the Act with the provisions of the Constitution with regard to the auditing functions of the Office of the Auditor-General. The Act currently refers to the defunct office of the Controller of Budget and the Auditor-General. The Bill further seeks to amend the term of office of and the qualification for the Director-General of the Kenya Roads Board appointed under the Act.

The Computer Misuse and Cybercrimes (Amendment) Bill, 2021 (National Assembly Bill No. 11 of 2021) sponsored by Hon. Aden Bare Duale, MP, Garissa Township Constituency, seeks to amend The Computer Misuse and Cybercrimes Act, 2018 to provide for the prohibition against the sharing of pornography through the internet and prohibit use of electronic mediums to promote terrorism, extreme religious and cult activities.

Kenya Industrial Research and Development Institute Bill, 2021 (National Assembly Bill No. 44 of 2021) seeks to establish the Kenya Industrial Research and Development Institute, and for connected purposes. It further provides for the promotion of research, development, technology and innovation in industrial and allied technologies, and for initiation and support of industrial development.

The National Construction Authority (Amendment) Bill, 2020 (National Assembly Bill No. 45 of 2020) sponsored by Hon. David Gikaria, MP, Nakuru Town East Constituency, seeks to amend the National Construction Authority Act, No. 41 of 2011 to ensure women, youth and persons living with disabilities with start-up businesses who apply to be registered as contractors under category six, seven and eight are exempted from paying the prescribed fee. The amendment seeks to recognize women, youth and persons living with disabilities as marginalized groups and to cushion them from the burden of paying registration fees.

The Kenya Deposit Insurance (Amendment) Bill, 2020 (National Assembly Bill No. 43 of 2020) sponsored by Hon. Abdul Rahim Dawood, MP, Imenti North Constituency, seeks to amend section 28 of the Kenya Deposit Insurance Act, 2012 in order to increase the maximum amount a person with an institution under liquidation is to be paid by the Kenya Deposit Insurance Corporation. It further seeks to delete the provision limiting the maximum amount a person is to be paid by the Corporation despite having different accounts.

The Public Procurement and Asset Disposal (Amendment) (No. 3) Bill, 2020 (National Assembly Bill No. 49 of 2020) sponsored by Hon. Benjamin Gathiru Mwangi, MP, Embakasi Central Constituency, seeks to amend the Public Procurement and Asset Disposal Act, 2015 to enhance the amount for tenders where Kenya citizens are given

exclusive preference from the sum of five hundred million shillings to twenty billion shillings. This is to protect the Kenyan traders from foreign competitors.

The Irrigation (Amendment) Bill, 2021 (National Assembly Bill No. 12 of 2021) seeks to amend the Act by expanding the administration of irrigation matters to include management and regulation of irrigation matters. The Bill further seeks to amend the Act to harmonize the provision of the Irrigation Act, Water Act and Water Resources Management Rules, 2007.

The Tax Appeals Tribunal (Amendment) Bill (National Assembly Bill No. 19 of 2021) seeks to amend the Tax Appeals Tribunal Act, 2013 to address the challenges affecting the performance of the Tax Appeals Tribunal to facilitate the expeditious of tax disputes in the country.

Pursuant to Standing Order 127(1) of the National Assembly Standing Orders, the Bills proposing amendments to the various Acts of Parliament are committed to Departmental Committees of the National Assembly as set out in the schedule hereunder:

SCHEDULE

No.	BILL	COMMITTEE
1.	The Higher Education Loans Board (Amendment) Bill, 2020 (National Assembly Bill No. 37)	Education and Research
2.	The Pharmacy and Poisons (Amendment) Bill (National Assembly No 1 of 2021)	Health
3.	The Health (Amendment) Bill (National Assembly No 14 of 2021)	
4.	The Computer Misuse and Cybercrimes (Amendment) Bill (National Assembly Bill No. 11 of 2021)	Communication, Information and Innovation
5.	The Coffee Bill, 2021 (National Assembly Bill No. 17 of 2021)	Agriculture and Livestock
6.	The Community Groups Registration Bill (National Assembly Bill No.20 of 2021)	Labour and Social Welfare
7.	Kenya Industrial Research and Development Institute Bill (National Assembly Bill No. 44 of 2021);	Trade, Industry and Cooperatives
8.	The Kenya Roads (Amendment) Bill, 2021 (National Assembly Bill No. 13 of 2021)	Transport, Public Works and Housing
9.	The National Construction Authority (Amendment) Bill, 2020 (National Assembly Bill No. 45 of 2020)	
10.	The Kenya Deposit Insurance (Amendment) Bill (National Assembly Bill No. 43 of 2020)	Finance and National Planning
11.	The Public Procurement and Asset Disposal (Amendment) (No. 3) Bill (National Assembly Bill No. 49 of 2020)	
12.	The National Electronic Single Window System Bill, 2021 (National Assembly Bill No. 15 of 2021)	
13.	The Tax Appeals Tribunal (Amendment) Bill (National Assembly Bill No. 19 of 2021)	
14.	Irrigation (Amendment) Bill (National Assembly Bill No. 12 of 2021)	Environment and Natural Resources

The Bills were read a First Time pursuant to Standing Order 127(3) on 8th and 9th June 2021. Copies of the Bills are available at the National Assembly Table Office, or on www.parliament.go.ke/the-national-assembly/house-business/bills.

The memoranda may be addressed 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 18th June, 2021, at 5.00 pm.

MICHAEL SIALA, CBS
 CLERK OF THE NATIONAL ASSEMBLY

11th June 2021

MINUTES OF THE 27TH SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION AND RESEARCH HELD ON WEDNESDAY, 7TH JULY 2021, AT CONTINENTAL HOUSE, 4TH FLOOR COMMITTEE ROOM AT 11.00AM

PRESENT

1. Hon. Florence M. Mutua, CBS, MP – **Chairperson**
2. Hon. (Prof.) Zadoc Ogutu, MP
3. Hon. Eve Obara, MBS, MP
4. Hon. Jackson Lekumontare, MP
5. Hon. Jerusha Momanyi, MP
6. Hon. Wilson Sossion, MP
7. Hon. (Dr.) Wilson Kogo, MP
8. Hon. (Dr.) Daniel Kamuren Tuitoek, MP
9. Hon. John Paul Mwirigi, MP

ABSENT WITH APOLOGY

1. Hon. Wambugu Ngunjiri, MP – **Vice- Chairperson**
2. Hon. Geoffrey Odanga, MP
3. Hon. (Dr.) Pamela Ochieng, MP
4. Hon. (Eng.) Nzambia Kithua, MP
5. Hon. Eric Muchangi, MP
6. Hon. Joseph Tonui, MP
7. Hon. Omboko Milemba, MP
8. Hon. Peter Lochakapong, MP
9. Hon. Gichuki Mugambi, MP

NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Philip Lekarkar – Clerk Assistant II
2. Mr. Peter Mwaura – Senior Legal Counsel
3. Ms. Neema Wahu – Clerk Assistant III
4. Ms. Catherine Mukunyi – Sergeant at Arms
5. Mr. Collins Mahamba – Audio Officer

MIN. NO. EDUC/2021/131: PRELIMINARIES

The meeting was called to order at 11.25 am. A word of prayer was said by Hon. (Prof.) Zadoc Ogutu, MP. The Agenda of the meeting was adopted having been proposed by Hon. Jerusha Momanyi, MP, and seconded by Hon. (Dr.) Daniel Kamuren Tuitoek, MP

MIN. NO. EDUC/2021/132: CONFIRMATION OF MINUTES

Confirmation of minutes was deferred to the next sitting

MIN. NO. EDUC/2021/133: CONSIDERATION OF THE REPORTS ON THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL, 2020 (NATIONAL ASSEMBLY BILL NO. 29) BY HON. GIDEON KETER, MP AND THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL, 2020 (NATIONAL ASSEMBLY BILL NO. 37) BY HON. JOHN MWIRIGI, MP

Report on Higher Education Loans Board (Amendment) Act, 2020 (National Assembly Bill No. 29) by Hon Gideon Keter, MP

The Members considered the Report on the Bill as follows:-

The principal object of the Bill is to amend the Higher Education Loans Board Act No. 3 of 1995 to waive imposition of interest on the principal amount of a loan advanced to the youth and person with disabilities until such a time as they have secured their first employment.

Secondly, it sets the percentage of interest that may be charged on the loan advanced at the rate of three per cent. It also provides that the penalty charged on defaulting of the loan shall be charged after securing employment or five years after completion of studies.

The aim of this proposals is to reduce the financial burden on recent graduates who are expected to pay large sums of money to the Higher Education Loans Board even before securing employment of becoming financially stable.

The proposed amendments are:

Clause 1 of the Bill provides for the short title.

Clause 2 of the Bill provides for amendment of section 2 of the Act to insert the definitions of the terms “disability” and “youth” which are used in the proposed amendments.

Clause 3 of the Bill provides for the amendment of section 6 of the Act to remove the function of setting the rate of rate of interest from the Board.

Clause 4 of the Bill provides for the amendment of section 15 of the Act by inserting a new subsection that provides that interest in the case of youth and people with disabilities shall become due upon them securing employment after completion of studies.

Clause 5 of the Bill provides for insertion of a new section that sets the rate of interest charged on the loans at a maximum of three per cent per annum. It also provides that the penalty charged on defaulting the loan shall be charged after securing employment or five years after completion of studies.

Committee Observations

The Committee observed as follows: -

1. That the proposed amendment to the definition of the term “disability” is not necessary because the reference law with regards to persons with disabilities (PWDs) is the Persons with Disability Act, 2003 which gives the definition to mean a “physical, sensory, mental or other impairment, including any visual hearing, learning or physical incapability, which impacts adversely on social, economic or environmental participation”. This should be the only definition applicable.

2. That the proposed amendment to the definition of the term “youth” is not necessary. The definition of the term youth is provided in Article 260 of the Constitution which defines “youth” as the collectivity of all individuals in the Republic who— (a) have attained the age of eighteen years; but (b) have not attained the age of thirty-five years. This should be adopted as the principal definition of the term “youth”.
3. That the proposed amendment to cap interest rate to be charged to the higher education loans granted under the Act at a rate that shall not exceed three per cent per annum, will adversely affect resource mobilization/AIA for the Higher Education Loans Board as a revolving fund and consequently its financial capacity to fund students in university and tertiary institutions.
4. That currently, undergraduate loans are charged interest at a rate of 4% per annum. This interest rate is lower than the annual average inflation in Kenya which was at an average of 4.69 % in 2018, 5,2 % in 2019 and 5.41 % in 2020. Hence the actual value of the amounts disbursed has been eroded overtime since the annual interest rate charged is lower than inflation rate. Economically, the resultant real value of monies disbursed is reducing with time.
5. That it is not clear to whom the power to set interest on HELB loans will be vested and how it will be exercised. Subjecting applicants interest rate approval to a third party creates a risk of reducing HELB’s revenue in the event that interest rate is varied downwards.
6. That loan recovery has been a major component of resource mobilization and Appropriation-In-Aid for HELB to sustain the revolving fund. The recoveries have immensely contributed to annual students funding budget reaching a high Kshs. 4.5 B in 2019/2020. Consequently, it has been instrumental in HELB’s pursuit to create national sustainable revolving fund from where future generations can borrow for tertiary education financing even with minimal exchequer support.

Committee Recommendations

The Committee considered all clauses of the Bill and recommended as follows: -

Clause 1 - Not agreed to

Clause 2 – Not agreed to

Clause 3 – Not agreed to

Clause 4 - Not agreed to

Clause 4 - Not agreed to

The Committee having considered the Having considered the Higher Education Loans Board (Amendment) Act, 2020 (National Assembly Bill No. 29), clause by clause and taking into consideration views and recommendations of the public pursuant to Standing Order 127(3A), **the Committee recommends that the Bill should not be proceeded with, and the Sponsor of the Bill consider withdrawing the Bill pursuant to Standing Order 140(1).**

The Report on the Higher Education Loans Board (Amendment) Act, 2020 (National Assembly Bill No. 29), by the Hon. Gideon Keter, MP was unanimously adopted having been proposed by Hon. Eve Obara, MBS, MP and seconded by Hon. Jackson Lekumontare, MP

Report on Higher Education Loans Board (Amendment) Act, 2020 (National Assembly Bill No. 37) by Hon John Mwirigi, MP

The Members considered the Report on the Bill as follows:-

The principal object of the Bill is to amend the Higher Education Loans Board Act (in order to provide that a loanee shall commence the repayment of his or her loan once he or she secure employment.

The current position is that the loanee is to begin repayment of the loan within one year of completing his or her studies. Only a relatively small percentage of graduates secure employment within one year of graduation yet interest on the loans starts accruing immediately upon graduation. The amendment is meant to cushion unemployed graduates from being charged interest on the loan before they have secured employment.

The proposed amendments are:-

Clause 1 of the Bill provides for the short title.

Clause 2 of the Bill proposes to amend to amend section 15 of the Higher Education Loans Board Act, *No. 3 of 1995* subsection (1) by deleting the words “completion of his studies” appearing immediately after the words “year of” and substituting therefore the word “securing employment”.

COMMITTEE OBSERVATIONS

The Committee observed as follows: -

1. The amendment seeks to cushion unemployed graduate loanees who benefitted from HELB loans from being charged interest on the loan before they have secured employment. Loanees will only begin to repay the loan within one year after securing employment.
2. The amendment removes responsibility from the loanee to repay his or her loan within the first year of completion of studies. This will weaken the Board’s ability to mobilize funds to become a self-sustaining organization in the long term to serve the ever-increasing number of students joining institutions of higher learning in the wake of reducing government financing.
3. HELB has no mechanism of determining who has secured employment, it relies on goodwill from loanees and employers who may not always be willing to notify HELB on the loanees’ employment status.

COMMITTEE RECOMMENDATIONS

The Committee considered the two clauses of the Bill and recommended as follows: -

Clause 1 - Not agreed to

Clause 2 – Not agreed to

The Committee having considered the Having considered the Higher Education Loans Board (Amendment) Act, 2020 (National Assembly Bill No. 37), clause by clause and taking into consideration views and recommendations of the public pursuant to Standing Order 127(3A), **the Committee recommends that the Bill should not be proceeded with, and the Sponsor of the Bill consider withdrawing the Bill pursuant to Standing Order 140(1).**

The Report on the Higher Education Loans Board (Amendment) Act, 2020 (National Assembly Bill No. 37, by the Hon. John Mwirigi, MP was unanimously adopted having been proposed by Hon. Jerusha Momanyi, MP and seconded by Hon. (Dr.) Daniel Kamuren Tuitoek, MP

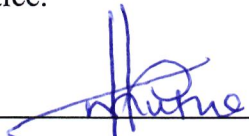
MIN. NO. EDUC/2021/135: ANY OTHER BUSINESS

No other business arose.

MIN. NO. EDUC/2021/136: ADJOURNMENT

There being no other business, the meeting was adjourned at 12.30pm. The next meeting will be held on notice.

SIGN _____



DATE _____

10/08/2021

HON. FLORENCE MUTUA, MP


CHAIRPERSON, COMMITTEE ON EDUCATION AND RESEARCH



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – FIFTH SESSION – 2021
DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

REPORT
ON THE CONSIDERATION OF THE POLITICAL PARTIES (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 56), 2021

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 22 DEC 2021	DAY: WED
TABLED BY:	HON. M. KIGANO CHAIR - JLAC
CLERK-AT THE-TABLE:	F. MURIUKI

CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

DECEMBER 2021

Approved for Table
22/12/21
H. M. M.
DSNA



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LIST OF ANNEXURES

- Annexure 1:** Minutes of Committee sittings on consideration of the Bill
- Annexure 2:** Copy of the newspaper advertisement inviting the public to present written submissions on the Bill.

CHAIRPERSON'S FOREWORD

The Political Parties (Amendment) Bill (National Assembly Bill No.56), 2021 underwent First Reading on 2nd December, 2021 and was committed to the Departmental Committee on Justice and Legal Affairs for review and report to the House pursuant to the provisions of Standing Order 127(1) of the National Assembly Standing Orders.

The Bill seeks to amend the Political Parties Act, 2011 to address the overlapping mandate between IEBC and ORPP; to enhance effective management of political parties and define the role of ORPP regarding independent candidates; to implement the Constitution including Articles 82, 90, 91, 92, 93, 103, and 194; to address the gaps identified in execution of the ORPP's mandate, lessons learnt, and experiences; to address needs of Kenyans as drawn from stakeholder engagements; and to address domestic and international jurisprudence including the Katiba Institute case.

Pursuant to the provisions of Article 118 of the Constitution and Standing Order 127 (3), the Committee through an advertisement in the local daily newspapers of 7th December 2021 invited the public to make representations on the Bill. The Committee also held consultations with the Registrar of Political Parties, Political Parties Disputes Tribunal and the Office of the Attorney-General on the Bill.

May I take this opportunity to commend the Committee Members for their devotion and commitment to duty, which made the consideration of the Bill successful. May I also express gratitude to the Offices of the Speaker and Clerk of the National Assembly for providing direction and the Committee secretariat for providing technical and logistical support.

On behalf of the Departmental Committee on Justice and Legal Affairs and pursuant to the provisions of Standing Order 199 (6), it is my pleasant privilege and duty to present to the House the report of the Committee on the Political Parties (Amendment) Bill, 2021 (National Assembly Bill No.56) of 2021.

Hon.Muturi Kigano, M.P.

CHAPTER ONE

1.0 PREFACE

1.1 Establishment and Mandate of the Committee

1. The Departmental Committee on Justice and Legal Affairs derives its mandate from 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.

2. The Second Schedule of the Standing Orders on Departmental Committees further outlines the subjects of the Committee, as follows-

- (a) Constitutional affairs;
- (b) The administration of law and Justice;
- (c) The Judiciary;
- (d) Public prosecutions;
- (e) Elections;
- (f) Ethics, integrity and anti-corruption; and
- (g) Human rights.

1.2 Committee Membership

3. The Committee was constituted on Thursday, 14th December, 2017. The current membership is as follows-

Chairperson

Hon. Clement Muturi Kigano, M.P.

Kangema Constituency

Jubilee Party

Vice Chairperson

Hon. T.J Kajwang, M.P.

Ruaraka Constituency

ODM - Party

Hon. John Olago Aluoch, M.P.

Kisumu West Constituency

FORD-Kenya

Hon. George Peter Kaluma, M.P.

Homa Bay Town Constituency

ODM-Party

Hon. Roselinda Soipan Tuya, M.P.

Narok County

Jubilee Party

Hon. Junet Sheikh Mohammed, M.P

Suna East Constituency

ODM-Party

Hon. Emmanuel Wangwe, M.P

Navakholo Constituency

Jubilee-Party

Hon. W.Kamoti Mwamkale, M.P.

Rabai Constituency

ODM-Party

Hon. Josephine Naisula Lesuuda, M.P.

Samburu West Constituency

KANU-Party

Hon. Zuleikha Hassan, M.P.

Kwale County

ODM-Party

Hon. Jennifer Shamalla, M.P.

Nominated MP

Jubilee Party

Hon. Anthony Oluoch M.P.

Mathare Constituency

ODM-Party

Hon. George Gitonga Murugara, M.P.

Tharaka Constituency

Democratic Party (DP)

Hon. John Kiarie Waweru, M.P.

Dagoretti South Constituency

Jubilee-Party

Hon. Adan Haji Yussuf, M.P.

Mandera West Constituency

Economic Freedom Party

Hon. Robert Gichimu Githinji, M.P

Gichugu Constituency

Jubilee-Party

Hon. Dan Rono, M P.

Keiyo South Constituency

Jubilee –Party

Hon. Anthony Githiaka Kiai, M.P.

Mukurueni Constituency

Jubilee-Party

Hon. Japheth Mutai, M.P.

Bureti Constituency

Jubilee-Party

1.3 Committee Secretariat

4. The Committee secretariat is as follows--

Mr. Abenayo Wasike
Principal Clerk Assistant
Lead Clerk

Mr. Denis Abisai
Deputy Director-DLS

Ms. Halima Hussein
Clerk Assistant II

Dr. Donald Manyala
Research Officer

Mr. Omar Abdirahim
Fiscal Analyst III

Ms. Emma Essendi
Legal Counsel I

Ms. Roselyne Ndegi
Serjeant-at-Arms I

Ms. Noel Chelengat
Media Liaison Officer

5. Minutes of sittings of the Committee on the consideration of the Bill. (**Annexure 1**).

CHAPTER TWO

2.0 OVERVIEW OF THE POLITICAL PARTIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 56) OF 2021

2.1 Memorandum of Objects and Reasons

6. The principal purpose of the Bill is to amend the Political Parties Act, 2011.
7. **Clause 1** of the Bill is the short title.
8. **Clause 2** of the Bill proposes to amend the Act by replacing the definition of “political party” with a new definition which avoids cross references to Articles 91 and 260 of the Constitution; to delete the definition of “party primary” and to insert the following new definitions in the Act: “coalition political party”, “direct party nomination”, “indirect party nomination” and “statement of ideology” that are consistent with other proposed amendments to the Act contained in the Bill.
9. **Clause 3** of the Bill proposes to insert two new sections. The proposed new Clause 4A deals with the roles and functions of a political party which includes recruitment and enlistment of members; nomination of candidates for elections; promotion of representation in Parliament and county assemblies of special interest groups; promotion and enhancement of national unity; mobilization of citizens in political decision-making; solicitation and articulation of public policy priorities; and shaping and influencing public policy. The proposed new Clause 4B provides for the reservation of a name, slogan and symbol for a proposed political party. The Registrar shall reserve the name, symbol or slogan for a period of ninety days.
10. **Clause 4** of the Bill proposes to amend section 5 of the Act to provide that an application for the provisional registration of a political party shall be done after the reservation of a name, symbol and slogan. However, if the application is not made within 90 days, the reservation of the name, symbol or slogan of the proposed political party shall lapse. The clause also increases the validity period of provisional registration from 180 days (six months) to 270 days (nine months).

It is worth noting that there is a cross referencing error in clause 4 whereby the reference to clause 4A should refer to 4B.

11. **Clause 5** of the Bill proposes to amend section 6 of the Act to provide that an application for provisional registration shall be accompanied by a statement of the ideology of the proposed political party and the party slogan.
12. **Clause 6** of the Bill proposes to amend section 7 of the Act to provide that an application for full registration of a political party shall include the address of the official website of the political party. Clause 6 also exempts a coalition political party from the provisions of sections 5 and 6 of the Act. Section 5 deals with provisional registration of a political party while section 6 deals with application for provisional registration.
Clause 6 also proposes to provide for the procedure to be followed for the registration of a coalition political party, which includes the deposit of a coalition agreement. It further provides that the governance of a coalition political party shall be in accordance with the provisions of the Act and regulations relating to the governance of a coalition. Lastly, it provides that a member of a coalition shall not be a member of another coalition.
13. **Clause 7** of the Bill proposes to amend section 8 of the Act to include the slogan of a party as one of the factors to be considered in making a determination of whether or not to register a political party. Clause 7 also increases the grounds upon which the Registrar may decline registration of a political party to include if the name, slogan, abbreviation or symbol is similar to, or associated with, a group or association that has been proscribed under any written law or is against the public interest.
14. **Clause 8** of the Bill proposes to amend section 10 of the Act to provide for the formation of a coalition political party. Further, it provides that whereas a coalition shall deposit the coalition agreement with the Registrar at least 3 months before the election, a coalition political party shall deposit the coalition agreement with the Registrar at least 6 months before the election.
15. **Clause 9** of the Bill proposes to delete subsections (5), (5A), (6) and (7) of section 14 of the Act. These proposals have been accommodated in clause 10 in the proposed new sections 14A and 14B.
16. **Clause 10** of the Bill proposes to amend the Act by inserting new sections 14A and 14B.
 - (a) Section 14A (1) is similar to the current section 14(5) which deals with when a member of a political party is deemed to have resigned.

- (b) Sub clause (2) is a new addition, which provides that a political party shall before deeming a member to have resigned, notify and afford such member a fair opportunity to be heard.
 - (c) Sub clause (3) is similar to the current section 14(5A) save that the seven day period within which to notify the Registrar of a political party deeming a member to have resigned has been removed and thus there is no time limit. The proposed amendment also provides that the political party shall request the Registrar to remove the person's name from the register of members of that political party.
 - (d) Sub clause (4) provides that the Registrar if satisfied that the correct procedure was used to remove such member, the Registrar shall remove the name from the Register within seven days of the notification and notify the member in writing.
 - (e) Sub clause (5) provides that if the Registrar is not satisfied with the procedure of removing a member, the Registrar shall refer the matter back to the political party.
 - (f) Sub clause (6) is similar to the current section 14 (6) which exempts the provisions sub clause (1) (c), (d) and (e) to a member of a political party which enters or proposes to enter into a merger or coalition with another political party.
 - (g) The proposed new section 14B is similar to the current section 14(7), which deals with the expulsion of a member from a political party.
17. **Clause 11** of the Bill proposes to amend section 16 of the Act to require the Registrar to publish the declaration giving details of all assets and expenditure of a political party in the *political party's official website* in addition to the Gazette and at least one daily newspaper.
18. **Clause 12** of the Bill proposes to amend section 20 of the Act to provide that the notification of proposed changes or alterations to the constitution of a political party shall be made in *one* newspaper with a nationwide circulation, instead of two newspapers, and in *the official website* of the political party.
- The clause also provides for the addition of two new sub clauses that provide that an objection to the proposed changes shall be dealt with in accordance with the constitution of the political party and the political party shall inform the Registrar of the manner in which the objection was dealt with.

Ultimately, if the Registrar is satisfied that the political party has complied with the provisions of this section, the Registrar shall inform the political party that the change, amendment or alteration has been made.

19. **Clause 13** of the Bill provides for the amendment to section 21 of the Act to provide for both the suspension and deregistration of a political party and the applicable process for suspension or deregistration.

The clause also introduces new sub clauses allowing a party, which is dissatisfied with the decision to suspend it to apply to the Registrar for review. Further, a political party is also allowed to appeal to the Tribunal if dissatisfied with the decision of the Registrar.

There is need to provide that the appeal to the Tribunal should be after the review by the Registrar. In addition, as there is already a subsection (6A), the proposed sub clause (7) will need to be renumbered.

20. **Clause 14** of the Bill provides for the amendment of section 22 of the Act to provide for the continued holding of an office established under the Constitution by a person elected to that office after the deregistration of the political party to which that person belongs, whether or not the person joins another political party or remains independent of any political party.

The Bill also proposes to delete the provision that provided that if a political party was deregistered due to the willful act or omission of a Member of Parliament or county assembly, such member shall cease to be a member of Parliament or county assembly.

21. **Clause 15** of the Bill provides for the amendment of section 25 with regard to the disbursements from the Political Parties Fund. It proposes as follows:

(a) The percentage of the Fund to be distributed proportionately by reference to the total number of votes secured by each political party in the preceding general election has been reduced from **80% to 70%**.

(b) 15% of the Fund shall now be distributed proportionately to political parties based on the number of candidates of the political party from special interest groups elected in the preceding general election and *not just to political parties qualifying under paragraph (a)*.

- (c) 10% of the Fund proportionately to political parties based on the total number of representatives from the political party elected in the preceding general election. This is a new consideration.
 - (d) 5% for the administration expenses of the Fund has remained constant.
 - (e) The limitation on funding under subsection (2) now only applies to subsection (1) (a) and not (1) as was the case.
 - (f) Finally, new sub clause (2B) has been introduced which further limits entitlement from the Political Parties Fund.
22. **Clause 16** of the Bill proposes to amend section 26 of the Act by introducing a new subsection that provides that in the case of a coalition political party, the Registrar in accordance with the coalition agreement shall distribute the monies allocated.
23. **Clause 17** of the Bill provides for the amendment of section 29 of the Act to provide that the publication of a political party's sources of funds shall be made in *one* newspaper with a nationwide circulation, instead of two, and in the official website of the political party.
24. **Clause 18** of the Bill proposes to amend section 30 of the Act to provide that a political party should submit a register of its members and a statement of its assets and liabilities at least **120 days (four months)** before a general election as opposed to the current **60 days (two months)**.
25. **Clause 19** of the Bill proposes to amend section 31 of the Bill by deleting subsection (3). The deletion removes the requirement for the Auditor-General to:
- (a) annually audit the accounts of every political party;
 - (b) submit the same to the Registrar; and
 - (c) table the audited accounts in the National Assembly.
26. **Clause 20** of the Bill proposes to amend section 34 of the Act to provide for additional functions of the Registrar which shall include the keeping and maintaining a register of members of political parties; the certification that an independent candidate in an election is not a member of any registered political party; certification that symbols intended to be used by independent candidates in an election are not similar to symbols of registered political parties; certification that names appearing in a party list presented by a political

party during an election are the names of members of the political party presenting the party list; and party election agents.

27. **Clause 21** of the Bill provides for the insertion of new sections 34B and 34C in the Act. The proposed new section 34B provides for the establishment of a political parties management information system. The Registrar shall use the system to process political party records. The Registrar shall make Regulations to effect the provisions of this section.

The proposed new section 34C provides for the powers of the Registrar to make changes in respect of political parties' records such as the deregistration of a political party.

28. **Clause 22** of the Bill provides for the insertion of a new Part IVA consisting of new sections on political party nominations as follows:

- (a) **New clause 38A** provides for the methods of conducting nominations which are either direct party nomination or indirect party nomination;
- (b) **New clause 38B** provides for the establishment of structures by political parties when conducting party nominations. These include establishment of mechanisms for the resolution of disputes arising out of the nominations; designation of the person who shall issue nomination certificates to candidates after political party nominations; and prescription of the functions of the body within the political party that shall be responsible for conducting the nominations.
- (c) **New clause 38C** provides for the participation of registered members of a political party in its nominations. The provision further provides that a political party shall not allow any person who is not a registered member of the political party to participate in the party nominations;
- (d) **New clause 38D** provides that a political party shall ensure that the register of members used in party nominations is accessible to the registered members of the party.
- (e) **New clause 38E** provides for the notification on party nominations, which includes informing the Registrar on the method it intends to use to conduct party nominations, the date and venue of party nominations and the list of members who wish to be nominated by the party.
- (f) **New clause 38F** provides for the conduct of direct party nominations;
- (g) **New clause 38G** provides for the conduct of indirect party nominations;

- (h) **New clause 38H** provides for the vetting of candidates contesting party nominations; and
 - (i) **New clause 38I** provides the period within which political party nomination disputes should be resolved by the political party which is 30 days after the date of the party nominations.
29. **Clause 23** of the Bill provides for the amendment of section 40 of the Act to provide that the Political Parties Disputes Tribunal shall also hear and determine disputes relating to political party nominations.
- Clause 23 also provides that the Tribunal shall not hear or determine disputes between members of a coalition political party. A coalition agreement shall provide for internal dispute resolution mechanisms. An appeal to the decision of the coalition political party dispute resolution mechanism shall lie to the High Court then to the Court of Appeal.
30. **Clause 24** of the Bill provides for the amendment of section 45 of the Act to provide that the enlistment of a person as a member of a political party without that person's consent shall be an offence.
31. **Clause 25** of the Bill provides for the amendment of section 49 (2) of the Act to provide that the Registrar may make regulations for the conduct of political party nominations.
32. **Clause 26** of the Bill provides for the amendment of the Second Schedule to the Act to provide that the constitution of a political party shall provide for the address of the official website of the political party.
33. **Clause 27** of the Bill provides for consequential amendments to the Elections Act, No. 24 of 2011, and proposes the insertion of new sections 28A and 35A in the Act relating to the role of the Registrar of Political Parties in the certification of the membership lists of a political party and the certification of political party lists.

CHAPTER THREE

3.0 PUBLIC PARTICIPATION IN THE REVIEW OF THE BILL

34. The Committee undertook public participation on the Bill in compliance with the provision of Article 118 (1) (b) of the Constitution as read together with Standing Order 127 (3). Advertisements inviting the public to make any submission regarding the Bill were placed in local daily newspapers on Tuesday 7 December 2021. (**Annexure 2**).
61. The Committee held a meeting with the Registrar of Political Parties, Chairperson of the Political Parties Disputes Tribunal and a representative from the Office of the Attorney-General and Department of Justice. The three parties made joint submissions in support of the Bill and proposed some amendments as presented in this report.
62. The Registrar of Political Parties and the Office of the Attorney General submitted that with the 2010 Constitution, the Independent Electoral and Boundaries Commission was established under Article 88. ORPP transitioned as a department in the Electoral Commission of Kenya, Interim Independent Electoral Commission and finally in the Independent Electoral and Boundaries Commission.
63. Even with the enactment of the Political Parties Act, 2011, the Office of the Registrar of Political Parties continued to operate under the umbrella of the IEBC. It is only in 2015 that ORPP fully delinked from the IEBC. This previous relationship has led to an overlap in mandate that can only be cured through legal reform.
64. They stated that in proposing amendments to the Act, the ORPP was informed by the need for reforms:
- a) To address the overlapping mandate between IEBC and ORPP;
 - b) To enhance effective management of parties and define the role of ORPP regarding independent candidates;
 - c) To implement the Constitution including Articles 82, 90, 91, 92, 93, 103, and 194;
 - d) To address the gaps identified in execution of the Office's mandate, lessons learnt, and experiences;
 - e) To address needs of Kenyans as drawn from stakeholder engagements; and
 - f) To address domestic and international jurisprudence including the Katiba Institute case.
65. The ORPP organized stakeholders engagement as follows:
- a) Technical Caucus Consultative Meeting on the Review of the Political Parties Act, 2011 held at Sarova Woodlands Nakuru on 10th February 2020;
 - b) Political Parties Consultative Meeting held from 1st to 3rd March, 2020 at Sarova Woodlands Nakuru;
 - c) State actors and Civil Society Organizations workshop held from 5th to 9th October, 2020;
 - d) State actors in electoral processes workshop held from 13th to 16th June, 2021 at Great Rift Valley Lodge in Nakuru;

- e) Drafters Retreat comprised of State actors in electoral processes held from 4th to 7th July 2021 in Naivasha;
- f) Political Parties' Secretaries-General Meeting Held from 27th to 30th July 2021 at Sarova Woodlands, Nakuru County on Draft Political Parties (Amendment) Bill, 2021; and
- g) Political Parties Liaison Committee Meeting held on 3rd August 2021 at Tamarind Tree Hotel in Nairobi on the Draft Political Parties (Amendment) Bill, 2021.

66. The Registrar of Political Parties stated that she held further engagement with:

- a) The Office of the Attorney-General, IEBC and ORPP held on Tuesday, 27th July 2021
- b) Memoranda by the Council of Governors
- c) National Development Implementation Technical Committee (NDITC) - Legal Sub-Committee meeting held on 31st August, 2021
- d) Meeting between Office of the Attorney General and ORPP on 10th September 2021.

67. The presented an overview of the Bill and stated that the Bill provides for the following:

- a) The definition of a political party to include a coalition political party.
- b) The definition of party nominations to differentiate the same from registration of candidates for elections.
- c) Roles of Political Parties as required under Article 92(d) of the Constitution;
- d) Registration of coalitions and submission of pre-election coalition agreements at least 6 months before election.
- e) That a party can only be in one coalition.
- f) The timeline for reservation of name/symbol/colour and lifespan of provisional registration.
- g) Streamlining the resignation, expulsion of party members, and deeming of resignation including the organ that does the deeming.
- h) The disbursement of funds by the Registrar to a coalition party according to coalition agreement.
- i) Regulation and monitoring of nominations, role on independent candidates in terms of party membership status and symbols, and of training party election agents.
- j) The introduction of ideologies of political parties; an aspect that is done in practice.
- k) Deletion of unconstitutional provisions from the Act including section 22(3) that attempts to introduce a new ground on how a vacancy arises in Parliament of county assembly (where a party member instigates deregistration of a political party).
- l) Introduction of alternative forms of publications.
- m) Alignment of timelines in the Act with timelines under the Elections Act, 2011 for instance on submission of party membership register.
- n) The original jurisdiction for party primaries disputes to be the party IDRDM.
- o) Disputes between members of a coalition political party subjected to IDRDM, High Court, and CoA.

68. To remedy the issues raised by political parties on the Fund, the Bill is proposing new distribution criteria of the PPF as follows:

- a) 70% to be distributed proportionately by reference to the total number of votes secured by each political party in the preceding general election;

- b) 15% to be distributed proportionately to political parties based on the number of candidates of the political party from SIGs elected in the preceding general election;
- c) 10% to be distributed proportionately to political parties based on the total number of representatives from the political party elected in the preceding general election; and
- d) 5% for the administration expenses of the Fund.

69. Amendment to Section 27 of the Elections Act, 2011 to enable the ORPP certify party nomination rules prior to submission of the same by parties to the IEBC.

70. Amendment to Section 28 of the Elections Act, 2011 to enable the ORPP certify party membership lists prior to submission of the same by parties to the IEBC.

71. Amendment to Section 35 of the Elections Act, 2011 to enable the ORPP verify and ascertain the party membership status of nominees on the party lists before parties submit the same to the IEBC.

72. That it is an offence to enlist someone in a party without their consent.

73. Further, the Registrar of Political Parties proposed the following amendments to the Bill:

PROPOSED AMENDMENTS BY THE REGISTRAR OF POLITICAL PARTIES			
BILL	PROPOSAL	JUSTIFICATION	OBSERVATION
Clause 8 on submission of a coalition political party agreement at least 6 months before an election.	Consider a reduction of the period of submission of the coalition agreement from 6 months to 5 months.	To enable the coalition political party to participate in the election processes including party nominations while allowing sufficient timeline, a timeline that is not too long, for parties to negotiate with like-minded parties on forming of a coalition political party. It is to be noted that the timeline of 150 days is only applicable to a coalition political party.	The proposal is reasonable and the period should be amended to 3 months.

<p>Clause 15 on the reviewed criterion on distribution of the PPF</p>	<p>Consider replacing the proposed new sub clause (2B) with the following new subclause :</p> <p>Despite subsection (1), a political party shall not be entitled to receive funding from the Fund under subsection (1) (b) if—</p> <p>(a) more than two-thirds of its registered office bearers are of the same gender;</p> <p>(b) the party does not have, in its governing body, representation of special interest groups</p>	<p>The 70% of the fund as proposed in the Bill has already been subjected to the conditions under the current Section 25(2) of the Act.</p> <p>The proposed new sub clause (2B) (c) as presently drafted defeats the purpose of promoting the representation of special interest groups.</p> <p>Subjecting the 15% allocated to the Special Interest Groups to the requirement of a two-third gender compliant governing body and representation of special interest groups builds towards affirmative action and meaningful inclusion of Article 100 demographics in political parties.</p>	<p>The proposal is accepted.</p>
<p>Clause 18 on the extension of the period within which parties submit a register of its members and a statement of its assets and liabilities to ORPP from 60 days to 120 days.</p>	<p>Consider changing the period to 90 days as opposed to the 120 days as proposed in the Bill.</p>	<p>To align with other electoral timelines including the proposal by the Independent Electoral and Boundaries Commission whereby the IEBC has proposed to reduce the period of submission of party</p>	<p>The proposal is accepted.</p>

		membership lists under Section 28 of the Elections Act, 2011 from 120 days to 90 days. This saves parties and duty bearers from repetition of activities and processes.	
Clause 19 which provides for deletion of Section 31(3) which provides that the accounts of every political party shall be audited annually by the Auditor-General and shall be submitted to the Registrar and tabled in the National Assembly.	<p>Consider deleting Section 31(3) in the substantive Act and replacing the same with the following two elements;</p> <p>(3) The accounts of every political party that is allocated funds from the Fund shall be audited annually by the Auditor-General and shall be submitted to the Registrar and tabled in the National Assembly.</p> <p>(3A) The Registrar may establish a mechanism for an annual audit of every political party that is not allocated funds from the Fund.</p>	<p>Mandatory auditing of political parties that are beneficiaries of the PPF is in line with principles of public finance on accountability on use of public resources.</p> <p>Auditing political parties that are beneficiaries of the Fund enable the Registrar to implement Article 91 of the Constitution and ensure that parties do not contravene Section 27 of the Political Parties Act, 2011 which makes some sources of funds i.e. from a foreign government illegal.</p>	The proposal is accepted.
Clause 20 (c) (fc) on training political party election agents.	<p>Consider replacing the proposal with:</p> <p>Training political party chief agents.</p>	This is a practical proposal that can be efficiently implemented by the ORPP. Further, apart from Chief Agents, lessons from past experiences illustrate that timely training of Chief Agents enable them (Chief Agents) to cascade the same.	Retain the proposal in the Bill as the concern is provided for under (fe).

<p>Clause 21 on 34B on use of technology.</p>	<p>Consider redrafting the proposed new clause 34B (1) to:</p> <p>Subject to this section, the Registrar may establish a political parties management information system.</p> <p>Consider redrafting the proposed new clause 34B (2) to:</p> <p>The Registrar shall use the system established under subsection (1) for processing political parties' data and records for the purposes of this Act</p> <p>Consider redrafting the proposed new clause 34C (1) (a) by deleting the repeated words so that it reads as:</p> <p>The application by a provisionally registered political party for full registration has not been granted.</p>	<p>For clarity and certainty.</p> <p>For clarity and certainty.</p> <p>Correction of a typographical/ grammatical error.</p>	<p>The proposal is accepted.</p>
<p>Clause 22 on party nominations with respect to direct nominations under 38F(2).</p>	<p>Consider introducing a new subclause (3) to provide that the details submitted to the Registrar shall be published on the party's website.</p>	<p>Access to information for party members.</p>	<p>The proposal is accepted.</p>
<p>Clause 23 with respect to disputes related and incidental to a</p>	<p>Consider deleting subclauses (3), (5), (6), (7) and (8) that provide</p>	<p>Consistency, good order, and the fact that the PPDT was</p>	<p>The proposal is accepted.</p>

coalition political party.	for a new mechanism of resolving disputes for members of a coalition political party so that a coalition political party is treated like any other political party— this means that the PPDT should be clothed with jurisdiction to entertain coalition political party disputes.	established to address disputes of this nature.	
Clause 25 which provides for the amendment of section 49 of the PPA to accord the Registrar the power to make Regulations on prescribing the manner of conducting political party nominations.	Consider replacing the same with; (ca) prescribing the manner of regulating political party nominations.	To operationalize section 34 of the PPA that stipulates that the Registrar has the mandate to regulate and monitor party nominations.	The proposal is accepted.
Section 39 on establishment of the Tribunal	Consider inserting a new clause in the Bill to provide: The principal Act is amended by – (a) Inserting the following new paragraph immediately after paragraph (b) “(c) The members of the Tribunal shall elect a Vice Chairperson from among the members who are Advocates of the High Court of Kenya under paragraph (b)”. (b) inserting the	The position of the Vice-Chairperson is significant for purposes of deputizing the normal operations and in circumstances where the term of the Chairperson has lapsed. Appointment of	The proposal is accepted.

	<p>following new section immediately after section 39 -</p> <p>Section 39A</p> <p>Appointment of ad hoc members of the Tribunal (1) At least six months to the date of a general election, the Judicial Service Commission shall appoint not more than eighteen ad hoc members of the Tribunal of whom:</p> <p>(a) nine shall be Advocates of the High Court of Kenya of at least seven years standing; and</p> <p>(b) nine shall be professionals with outstanding governance, administrative, social, political, economic and other record.</p> <p>(2) The ad hoc members of the Tribunal shall hold office for a term not exceeding one year.</p> <p>(3) The ad hoc members of the Tribunal shall serve together with the members of the Tribunal and they shall be responsible to the Chairperson of the Tribunal.</p> <p>(4) A person shall not be qualified to be appointed as an ad hoc</p>	<p>additional ad hoc members will enable the Tribunal to expeditiously determine cases before it noting the strict electoral timelines during an election period. Further, experience and lessons learnt illustrate that the mandatory 3-month timeline within which the Tribunal must determine disputes is a difficult timeline to meet.</p> <p>Further, the Tribunal intends to, not confine sittings in Nairobi, to enable access to justice. This can only be achieved through increasing the capacity of the Tribunal.</p>	
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	<p>member of the Tribunal if that person is a public officer or holds office in a political party.</p> <p>(5) A person shall not qualify for appointment under this section unless the person has met the requirement of Chapter Six of the Constitution.</p>		
<p>Section 40(2) on the requirement for conclusion of the Internal Disputes Resolution Mechanism before PPDT hears a matter.</p>	<p>Consider deleting the words “unless the dispute has been heard and determined by the internal political party dispute resolution mechanisms” and substituting therefor the words “unless a party adduces evidence of an attempt to subject a dispute to the internal political party dispute resolution mechanisms”</p>	<p>From experience, some parties frustrate their members by delaying resolution of disputes.</p>	<p>The proposal is accepted.</p>
<p>Section 41(2) on the appellate stages.</p>	<p>Consider limiting the appellate stages to the High Court.</p>	<p>The jurisdiction of the Supreme Court is provided under Article 163 of the Constitution hence the Political Parties Act, 2011 cannot purport to amend the Constitution; the reasoning in <i>Wilson Ong'ere Ochola v. ODM & 3 Others</i>, CA No. 271 of 2017 stipulates that an Act of Parliament cannot change the jurisdiction of SCOK which jurisdiction is spelt out in the Constitution.</p>	<p>Appeals should terminate at the Court of Appeal and not the High Court as proposed.</p>

		<p>In terms of electoral timelines, the timeline within which a dispute has to be heard from a party Internal Disputes Resolution Mechanism all the way to the Court of Appeal translates to a difficulty in implementing court orders and or delaying electoral activities.</p>	
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74. The Committee also received amendments to the Bill from the Political Parties Tribunal as follows:

BILL	PROPOSAL	JUSTIFICATION	OBSERVATION
New Clause	<p>Consider inserting a new clause in the Bill to provide:</p> <p>The principal Act is amended by –</p> <p>(a) Inserting the following new paragraph immediately after paragraph (b)</p> <p>“(c) The members of the Tribunal shall elect a Vice Chairperson from among the members who are Advocates of the High Court of Kenya under paragraph (b)”.</p>	<p>It is necessary to strengthen capacity of PPDT to resolve disputes expeditiously especially during the peak pre-election dispute resolution period that is normally characterised by a large number of cases to be resolved within very limited timelines. In 2017, PPDT resolved over 600 disputes in a cumulative period of about two weeks. PPDT could only constitute two panels and they had to work</p>	The proposal is accepted.

	<p>(b) inserting the following new section immediately after section 39 -</p> <p>Section 39A</p> <p>Appointment of ad hoc members of the Tribunal (1) At least six months to the date of a general election, the Judicial Service Commission shall appoint not more than eighteen ad hoc members of the Tribunal of whom:</p> <p>(a) nine shall be Advocates of the High Court of Kenya of at least seven years standing; and</p> <p>(b) nine shall be professionals with outstanding governance, administrative, social, political, economic and other record.</p> <p>(2) The ad hoc members of the Tribunal shall hold office for a term not exceeding one year.</p> <p>(3) The ad hoc members of the Tribunal shall serve together with the members of the Tribunal and they shall be responsible to the Chairperson of the Tribunal.</p> <p>(4) A person</p>	<p>day and night. The amendment will enable PPDT constitute eight panels and hence facilitate the decentralisation of PPDT to eight regions. This will enhance access to justice at the PPDT</p>	
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	<p>shall not be qualified to be appointed as an ad hoc member of the Tribunal if that person is a public officer or holds office in a political party.</p> <p>(5) A person shall not qualify for appointment under this section unless the person has met the requirement of Chapter Six of the Constitution.</p>		
New section	<p>Section 40 of the principal Act is amended:</p> <p>(a) In subsection (2), by –</p> <p>(i) by deleting the words “unless the dispute has been heard and determined by the internal political party dispute resolution mechanisms” and substituting therefor the words “unless the dispute has been referred to the internal political party dispute resolution mechanisms”</p>	<p>1. The pre-condition in the current Act that IDRMs must first be heard and determined is rarely met by political parties. Some political parties do not give determinations and simply sit on the Complaints referred to IDRMs. Hence the recommended changes in wording as proposed.</p>	<p>The proposal is accepted.</p>
	Delete paragraph (c) -	<p>(i) The proposal limits PPDT jurisdiction with respect to coalition political party yet they are still political parties within the law. This beats the</p>	<p>The proposal is accepted.</p>

		<p>purpose of the establishment of the PPDT in the first instance.</p> <p>(ii) There is no need for a special appellate regime on coalition political parties.</p>	
New clause	<p>Insert a new Clause after Clause 23.</p> <p>(a) Amend Section 41 subsection (2) by deleting the words “and on point of law to both the Court of Appeal and the Supreme Court” and substituting therefor the words “and the decision of the High Court shall be final”</p> <p>(b) Amend Section 41 subsection (3) by adding the words “and the Tribunal shall have powers to punish for contempt of the Tribunal” immediately after the words “Magistrates Court”</p>	<p>1. The appellate levels are too many. Need to bring litigation to an end so that decisions are not overtaken by event.</p> <p>2. The Tribunal’s enforcement capacity needs to be strengthened to protect its probity.</p>	The proposal is accepted.

75. The National Treasury submitted as follows:

- (a) Section 23 of the Political Parties Act, 2011 established the Political Parties Fund administered by the Registrar of Political Parties while section 24 (1) (a) requires that the Fund should be allocated not less than zero point three per cent (0.3%) of the revenue collected by the National Government.

- (b) We, however, note that allocation of Government revenue is guided by the Constitution, the Public Finance Management Act, 2012, the Contingencies Fund and the Commission on Revenue Allocation Act.
- (c) The Constitution provided the manner and priority on which revenue collected by the National Government shall be shared between the National and County governments. Consequently, the criteria as provided in the Constitution is as follows:
 - (d) Under Article 203, national interests which includes Consolidated Fund Services such as public debt, pensions and salaries for constitutional office holders;
 - (e) Under Article 203, the revenue raised nationally that is to be allocated to county governments shall not be less than fifteen per cent of all revenue collected by the National Government; and
 - (f) Under Article 204 of the Constitution provides that one half per cent of all revenue allocated of the revenue collected by the National Government each year calculated on the basis of the most recent audited accounts of revenue received, as approved by the National Assembly be allocated to the Equalization Fund.
 - (g) In view of the foregoing, it is our considered view that the allocation of 0.3% of revenues collected to Political Parties Fund is in contravention of the Constitution as it is not one of the basis for sharing revenues as provided for in Articles 203 and 204 of the Constitution.
 - (h) Further, the Constitution also provides priority expenditures which require funding during resource allocation process. These are:
 - (i) Health and Education: the Bill of rights under Chapter 4 of the Constitution declares the said basic rights which require mandatory funding;
 - (j) Chapter 15 of the Constitution compels the Government to fund Constitutional Commissions and Independent Offices to execute their mandate; and
 - (k) Finally, Chapter 14 of the Constitution requires the Government to fund the National Security Organs.
 - (l) There are also other non-discretionary expenditures which take first charge in the budget. These include pensions, allocations towards debt service, Contingency Fund, salary requirements across Government and provision to Constitutional

Commissions and Independent Offices, including Parliament and Judiciary. Consequently, the balance of the funds left after taking into account these priorities is hardly enough to finance other programmes of Government.

- (m) In considering allocation to the Political Parties Fund, the National Treasury is guided by the sharable revenue to county governments, provision of mandatory constitutional requirements such as health services, education, provision of security, safeguarding of national interests, provision for the Equalisation Fund and the other priorities including National Government Constituency Development Fund.
- (n) In view of the foregoing, and to ensure sustainable funding of political parties, we propose that the allocation to political parties should not be based on a percentage of revenue collected as this compromises the prioritization process during resource allocation.
- (o) The National Treasury proposes that sections 23 and 24 of the Political Parties Act, 2011 be amended to provide that a framework be developed in consultation with political parties to ensure that political parties are adequately funded.

76. The Committee observed that the purposes of the Political Parties Fund are set out in section 26 (1) of the Act as follows:

(1) Moneys allocated to a registered political party from the Fund shall be used for purposes compatible with democracy including—

- (a) promoting the representation in Parliament and in the county assemblies of women, persons with disabilities, youth, ethnic and other minorities and marginalised communities;*
- (b) promoting active participation by individual citizens in political life;*
- (c) covering the election expenses of the political party and the broadcasting of the policies of the political party;*
- (d) the organisation by the political party of civic education in democracy and other electoral processes;*
- (e) bringing the political party's influence to bear on the shaping of public opinion; and*

(f) administrative and staff expenses of the political party which shall not be more than thirty per cent of the moneys allocated to the political party.

Further, Article 4 (2) of the Constitution provides that the Republic of Kenya shall be a multi-party democratic State founded on the national values and principles of governance referred to in Article In order to achieve the above objects in the Act and Constitution, it is necessary to retain the provisions in the Act to promote multi-party democracy in the country.

CHAPTER FOUR

4.0 CONSIDERATION OF THE BILL BY THE COMMITTEE

237. The Committee considered the Bill clause-by-clause and submissions by stakeholders and recommends as follows:

CLAUSE 8

THAT clause 8 (b) of the Bill be amended in the proposed proviso by deleting the word “six” and substituting therefor the word “three”.

To enable the coalition political party to participate in the election processes including party nominations while allowing a timeline that is not too long, for parties to negotiate with like-minded parties on forming of a coalition political party.

THAT clause 15(c) of the Bill be amended –

- (a) in the opening statement of the proposed new sub clause (2B) by deleting the phrase “(1) (a) or (b)” and substituting therefor the phrase “(1) (b)”;
- (b) by deleting the proposed paragraph (c).

The 70% of the fund as proposed in the Bill has already been subjected to the conditions under the current Section 25(2) of the Act. The proposed new sub clause (2B) (c) as presently drafted defeats the purpose of promoting the representation of special interest groups.

Subjecting the 15% allocated to the Special Interest Groups to the requirement of a two-third gender compliant governing body and representation of special interest groups builds towards affirmative action and meaningful inclusion of Article 100 demographics in political parties.

CLAUSE 18

THAT clause 18 of the Bill be amended by deleting the words “one hundred and twenty” and substituting therefor the word “ninety”.

To align with other electoral timelines including the proposal by the Independent Electoral and Boundaries Commission whereby the IEBC has proposed to reduce the period of submission of party membership lists under section 28 of the Elections Act, 2011 from 120 days to 90 days. This saves parties and duty bearers from repetition of activities and processes.

CLAUSE 19

THAT clause 19 of the Bill be deleted and substituted with the following new clause:

Amendment of section 31 of No. 11 of 2011.	19. Section 31 of the principal Act is amended by deleting subsection (3) and substituting therefor the following new subsections- (3) The accounts of every political party that is allocated funds from the Fund shall be audited annually by the Auditor-General and shall be submitted to the Registrar and tabled in
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	<p>the National Assembly. (3A) The Registrar may establish a mechanism for an annual audit of every political party that is not allocated funds from the Fund.</p>
--	---

Mandatory auditing of political parties that are beneficiaries of the PPF is in line with principles of public finance on accountability on use of public resources.

Auditing political parties that are beneficiaries of the Fund enable the Registrar to implement Article 91 of the Constitution and ensure that parties do not contravene section 27 of the Political Parties Act, 2011 which makes some sources of funds, that is, from a foreign government illegal.

CLAUSE 21

THAT clause 21 of the Bill be amended –

- (a) in the proposed new section 34B by-
 - (i) deleting the words “there is established” and substituting therefor the words “the Registrar shall establish” in subclause (1);
 - (ii) inserting the words “data and” immediately after the word “parties” in subclause (2);
- (b) in the proposed new section 34C by deleting the word “not” appearing immediately after the word “been” in paragraph (a).

For clarity and certainty and correction of a typographical error.

CLAUSE 22

THAT clause 22 of the Bill be amended –

- (a) in the proposed new clause 38E (2) by deleting the word “seven” and substituting therefor the word “fourteen”.
- (b) in the proposed new clause 38F by inserting the words “and publish in the party’s official website” immediately after the word “Registrar” in subclause (2).

This is to increase the period within which a political party and the Registrar must publish in the official website the dates and venues of the nominations. The amendments are also to provide access to information for party members.

NEW CLAUSES

THAT the Bill be amended by inserting the following new clauses immediately after clause 22 –

<p>Amendment of section 39 of No. 11 of 2011.</p>	<p>22A. Section 39 of the principal Act is amended in subsection (2) by inserting the following new paragraph immediately after paragraph (b) – “(c) The members of the Tribunal shall elect a Vice Chairperson from among the members who are Advocates of the High Court of</p>
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Kenya under paragraph (b)".		
Insertion of new section 39A in No.11 of 2011.	Appointment of ad hoc members of the Tribunal.	<p>39A. (1) At least six months to the date of a general election, the Judicial Service Commission shall appoint not more than eighteen ad hoc members of the Tribunal of whom:</p> <p>(a) nine shall be Advocates of the High Court of Kenya of at least seven years standing; and</p> <p>(b) nine shall be professionals with outstanding governance, administrative, social, political, economic and other record.</p> <p>(2) The ad hoc members of the Tribunal shall hold office for a term not exceeding one year.</p> <p>(3) The ad hoc members of the Tribunal shall serve together with the members of the Tribunal and they shall be responsible to the Chairperson of the Tribunal.</p> <p>(4) A person shall not be qualified to be appointed as an ad hoc member of the Tribunal if that person is a public officer or holds office in a political party.</p> <p>(5) A person shall not qualify for appointment under this section unless the person has met the requirement of Chapter Six of the Constitution.</p>

The position of the Vice-Chairperson is significant for purposes of deputizing the normal operations and in circumstances where the term of the Chairperson has lapsed.

Appointment of additional ad hoc members will enable the Tribunal to expeditiously determine cases before it noting the strict electoral timelines during an election period. Further, experience and lessons learnt illustrate that the mandatory 3-month timeline within which the Tribunal must determine disputes is a difficult timeline to meet.

Further, the Tribunal intends to have sittings outside Nairobi to enable access to justice. This can only be achieved through increasing the capacity of the Tribunal.

CLAUSE 23

THAT clause 23 of the Bill be amended by-

- (a) by deleting paragraph (b) and substituting therefor the following new paragraph-
“(b)Notwithstanding subsection (1), the Tribunal shall not hear or determine a dispute under paragraphs (a), (b), (c), (e) or (fa) unless a party adduces evidence of an attempt to subject a dispute to the internal political party dispute resolution mechanisms”.
- (b) deleting subclause (3);
(c) deleting subclause (5);
(d) deleting subclause (6);
(e) deleting subclause (7); and
(f) deleting subclause (8).

From experience, some parties frustrate their members by delaying resolution of disputes.

The proposal limits PPDT jurisdiction with respect to coalition political party yet they are still political parties within the law. This beats the purpose of the establishment of the PPDT in the first instance. There is no need for a special appellate regime on coalition political parties.

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after clause 23-

Amendment of section 41 of No. 11 of 2011.	<p>23A. Section 41 of the principal Act be amended –</p> <p>(a) in subsection (2) by deleting the words “to both the Court of Appeal and the Supreme Court” and substituting therefor the words “to the Court of Appeal”.</p> <p>(b) in subsection (3) by inserting the words “and the Tribunal shall have the powers of the High Court to punish for contempt of court” immediately after the words “Magistrates Court”.</p>
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The jurisdiction of the Supreme Court is provided under Article 163 of the Constitution hence the Political Parties Act, 2011 cannot purport to amend the Constitution; the reasoning in Wilson Ong'ere Ochola v. ODM & 3 Others, CA No. 271 of 2017 stipulates that an Act of Parliament cannot change the jurisdiction of SCOK which jurisdiction is spelt out in the Constitution.

In terms of electoral timelines, the timeline within which a dispute has to be heard from a party Internal Disputes Resolution Mechanism all the way to the Court of Appeal translates to a difficulty in implementing court orders and or delaying electoral activities. Committee to decide on the proposal. The Tribunal's enforcement capacity needs to be strengthened to protect its probity.

CLAUSE 25

THAT clause 25 of the Bill be amended by deleting the proposed paragraph “(ca)” and substituting therefor the following new paragraph-

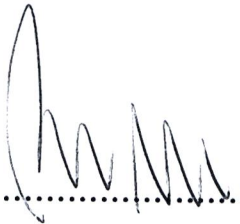
“(ca) prescribing the manner of regulating political party nominations”.

To operationalize the proposed amendments to section 34 of the PPA that stipulates that the Registrar has the mandate to regulate and monitor party nominations.

CHAPTER FIVE


5.0 COMMITTEE RECOMMENDATION

The Committee having facilitated public participation and considered the Political Parties (Amendment) (National Assembly Bill No.56), 2021 recommends to the House that the Political Parties (Amendment) Bill, 2021 should be proceeded with:

Signed..........Date.....21/12/21.....

Hon. Muturi Kigano, M.P.

Chairperson, Departmental Committee on Justice and Legal Affairs

 THE NATIONAL ASSEMBLY PAPERS LAID			
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CLERK-AT THE-TABLE:	F. MURIUKI		

THE NATIONAL ASSEMBLY
PAPERS LAID
KENYA NATIONAL ASSEMBLY

DATE: 22 DEC 2021

DAY:
WED

HON M. KIGANO
CHAIR - JLAC

F. MURIUKI



DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

ATTENDANCE REGISTER FOR MEMBERS

DATE...21/12/21.....

VENUE...ROOM 9, MAIN BUILDING.....

AGENDA

ADOPTION OF REPORT ON POLITICAL PARTIES
(AMENDMENT) BILL, 2021

NO.	NAME	SIGNATURE
1.	Hon. Clement Muturi Kigano, M.P. - Chairperson	
2.	Hon. T.J. Kajwang, MP - Vice Chairperson	
3.	Hon. Emmanuel Wangwe	
4.	Hon. Junet Sheikh Nuh Mohamed, M.P.	
5.	Hon. John Olago Aluoch, MP.	
6.	Hon. Roselinda Soipan Tuya, MP.	
7.	Hon. Peter Opondo Kaluma, MP.	
8.	Hon. Mwamkale Kamoti, MP.	
9.	Hon. Zuleikha Hassan, MP.	


10.	Hon. Josephine Naisula Lesuuda, M.P.	
11.	Hon. George Gitonga Murugara, MP.	George Gitonga Murugara Cancelled
12.	Hon. Adan Haji Yussuf, MP.	Adan Haji Yussuf 8
13.	Hon. Japheth Kiplangat Mutai, MP.	
14.	Hon. Anthony Githiaka Kiai, MP.	Anthony Githiaka Kiai
15.	Hon. Jennifer Shamalla, MP.	Jennifer Shamalla
16.	Hon. John Kiarie Waweru, MP.	John Kiarie Waweru
17.	Hon. Dan Kipkogei Rono, MP.	
18.	Hon. Anthony Oluoch, M.P.	Anthony Oluoch
19.	Hon. Robert Gichimu Githinji, M.P.	

COMMITTEE CLERK

~~ANTHONY~~

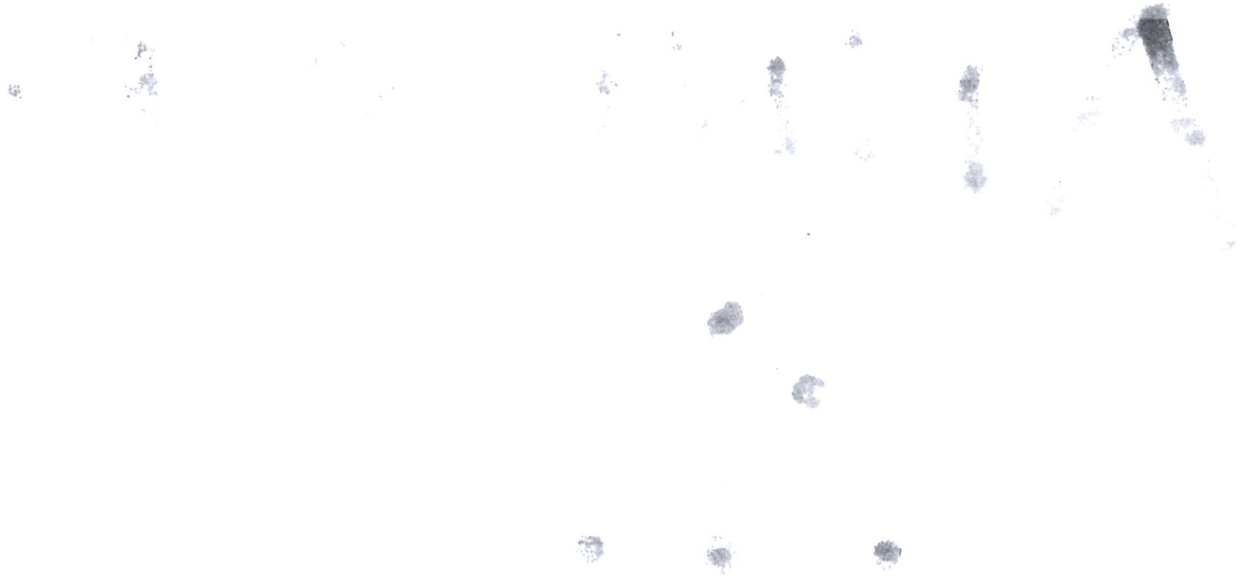
DIRECTOR DEPARTMENTAL COMMITTEES

~~ANTHONY~~ *F. Muriuki*

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CLERK-AT THE-TABLE:	F. MURIUKI		

ANNEXURE

1



21/12/21

MINUTES OF THE SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON TUESDAY 21ST DECEMBER, 2021 AT 5:00 PM IN COMMITTEE ROOM 9, PARLIAMENT BUILDINGS

PRESENT

1. Hon. Clement Muturi Kigano, M.P. - Chairperson
2. Hon. Emmanuel Wangwe, M.P.
3. Hon. John Olago Aluocho, M.P
4. Hon. Peter Opondo Kaluma, M.P
5. Hon. William K. Mwamkale, M.P
6. Hon. Jennifer Shamalla, M.P.
7. Hon. George G. Murugara, M.P
8. Hon. Anthony G. Kiai, M.P.
9. Hon. John Kiarie Waweru, M.P.
10. Hon. Zuleikha Hassan, M.P.
11. Hon. Adan Haji Yussuf, M.P
12. Hon. Anthony Oluoch, M.P.

ABSENT WITH APOLOGIES

1. Hon. T.J Kajwang - Vice- Chairperson
2. Hon. Junet Sheikh Nuh Mohamed, M.P
3. Hon. Roselinda Soipan Tuya, M.P.
4. Hon. Japheth Mutai, M.P
5. Hon. Dan Rono Kipkoge, M.P.
6. Hon. Josephine Naisula Lesuuda, M.P.
7. Hon. Robert Gichimu Githinji, M.P

IN ATTENDANCE

1. Mr. Abenayo Wasike - Principal Clerk Assistant
2. Ms. Emma Essendi - Legal Counsel
5. Mr. Richard Sang - Sergeant at Arm
6. Mr. Job Owaga - Audio Officer
6. Mr. Boniface Matano Kataa - Intern

Min No. Jlac/01/2021:

Preliminaries

The meeting was called to order at 5:10 p.m with a word of prayer by the Chairperson. The Chairperson briefed members on the position taking by members in Mombasa regarding consideration of the Political Parties (Amendment) Bill, 2021. He informed members that the agenda adoption of the committee report on the Bill.

Min No. Jlac/02/2021:

Confirmation of Minutes

Minutes of the meeting held on Friday 17th December, 2021 were proposed for confirmation by Hon. Kamoti Mwamkale, M.P and seconded by Hon. Adan Haji Yussuf, M.P.

Minutes of the meeting held on Sunday 19th December, 2021 were proposed for confirmation by Hon. Kamoti Mwamkale, M.P and seconded by Hon. Zuleikha Hassan, M.P

Min No. JIac/03/2021: Adoption of Report on the Political Parties (Amendment) Bill, 2021

The report was adopted after a proposal by Hon. Adan Haji Yussuf and Seconded by Hon. Olago Aluoch.

The Committee recommended that the house should proceed with the bill with amendments as follows;

CLAUSE 8

THAT clause 8 (b) of the Bill be amended in the proposed proviso by deleting the word “six” and substituting therefor the word “three”.

To enable the coalition political party to participate in the election processes including party nominations while allowing a timeline that is not too long, for parties to negotiate with like-minded parties on forming of a coalition political party.

THAT clause 15(c) of the Bill be amended –

- (a) in the opening statement of the proposed new sub clause (2B) by deleting the phrase “(1) (a) or (b)” and substituting therefor the phrase “(1) (b)”;
- (b) by deleting the proposed paragraph (c).

The 70% of the fund as proposed in the Bill has already been subjected to the conditions under the current Section 25(2) of the Act. The proposed new sub clause (2B) (c) as presently drafted defeats the purpose of promoting the representation of special interest groups.

Subjecting the 15% allocated to the Special Interest Groups to the requirement of a two-third gender compliant governing body and representation of special interest groups builds towards affirmative action and meaningful inclusion of Article 100 demographics in political parties.

CLAUSE 18

THAT clause 18 of the Bill be amended by deleting the words “one hundred and twenty” and substituting therefor the word “ninety”.

To align with other electoral timelines including the proposal by the Independent Electoral and Boundaries Commission whereby the IEBC has proposed to reduce the period of submission of party membership lists under section 28 of the Elections Act, 2011 from 120 days to 90 days. This saves parties and duty bearers from repetition of activities and processes.

CLAUSE 19

THAT clause 19 of the Bill be deleted and substituted with the following new clause:

Amendment of section 31 of No. 11 of 2011.	19. Section 31 of the principal Act is amended by deleting subsection (3) and substituting therefor the following new subsections- (3) The accounts of every political party that is allocated funds from the Fund shall be audited annually by the Auditor-General and shall be submitted to the Registrar and tabled in the National Assembly. (3A) The Registrar may establish a mechanism for an annual audit of every political party that is not allocated funds from the Fund.
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Mandatory auditing of political parties that are beneficiaries of the PPF is in line with principles of public finance on accountability on use of public resources.

Auditing political parties that are beneficiaries of the Fund enable the Registrar to implement Article 91 of the Constitution and ensure that parties do not contravene section 27 of the Political Parties Act, 2011 which makes some sources of funds, that is, from a foreign government illegal.

CLAUSE 21

THAT clause 21 of the Bill be amended –

- (a) in the proposed new section 34B by-
 - (i) deleting the words “there is established” and substituting therefor the words “the Registrar shall establish” in subclause (1);
 - (ii) inserting the words “data and” immediately after the word “parties” in subclause (2);
- (b) in the proposed new section 34C by deleting the word “not” appearing immediately after the word “been” in paragraph (a).

For clarity and certainty and correction of a typographical error.

CLAUSE 22

THAT clause 22 of the Bill be amended –

- (a) in the proposed new clause 38E (2) by deleting the word “seven” and substituting therefor the word “fourteen”.
- (b) in the proposed new clause 38F by inserting the words “and publish in the party’s official website” immediately after the word “Registrar” in subclause (2).

This is to increase the period within which a political party and the Registrar must publish in the official website the dates and venues of the nominations. The amendments are also to provide access to information for party members.

NEW CLAUSES

THAT the Bill be amended by inserting the following new clauses immediately after clause 22 –

Amendment of section 39 of No. 11 of 2011.	22A. Section 39 of the principal Act is amended in subsection (2) by inserting the following new paragraph immediately after paragraph (b) – “(c) The members of the Tribunal shall elect a Vice Chairperson from among the members who are Advocates of the High Court of Kenya under paragraph (b)”.	
Insertion of new section 39A in No.11 of 2011.	Appointment of ad hoc members of the Tribunal.	39A. (1) At least six months to the date of a general election, the Judicial Service Commission shall appoint not more than eighteen ad hoc members of the Tribunal of whom:

		<p>(a) nine shall be Advocates of the High Court of Kenya of at least seven years standing; and</p> <p>(b) nine shall be professionals with outstanding governance, administrative, social, political, economic and other record.</p> <p>(2) The ad hoc members of the Tribunal shall hold office for a term not exceeding one year.</p> <p>(3) The ad hoc members of the Tribunal shall serve together with the members of the Tribunal and they shall be responsible to the Chairperson of the Tribunal.</p> <p>(4) A person shall not be qualified to be appointed as an ad hoc member of the Tribunal if that person is a public officer or holds office in a political party.</p> <p>(5) A person shall not qualify for appointment under this section unless the person has met the requirement of Chapter Six of the Constitution.</p>
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The position of the Vice-Chairperson is significant for purposes of deputizing the normal operations and in circumstances where the term of the Chairperson has lapsed.

Appointment of additional ad hoc members will enable the Tribunal to expeditiously determine cases before it noting the strict electoral timelines during an election period. Further, experience and lessons learnt illustrate that the mandatory 3-month timeline within which the Tribunal must determine disputes is a difficult timeline to meet.

Further, the Tribunal intends to have sittings outside Nairobi to enable access to justice. This can only be achieved through increasing the capacity of the Tribunal.

CLAUSE 23

THAT clause 23 of the Bill be amended by-

- (a) by deleting paragraph (b) and substituting therefor the following new paragraph-
“(b)Notwithstanding subsection (1), the Tribunal shall not hear or determine a dispute under paragraphs (a), (b), (c), (e) or (fa) unless a party adduces evidence of an attempt to subject a dispute to the internal political party dispute resolution mechanisms”.
- (b) deleting subclause (3);
- (c) deleting subclause (5);
- (d) deleting subclause (6);
- (e) deleting subclause (7); and
- (f) deleting subclause (8).

From experience, some parties frustrate their members by delaying resolution of disputes.

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after clause 23-

Amendment of section 41 of No. 11 of 2011.	23A. Section 41 of the principal Act be amended – (a) in subsection (2) by deleting the words “to both the Court of Appeal and the Supreme Court” and substituting therefor the words “to the Court of Appeal”. (b) in subsection (3) by inserting the words “and the Tribunal shall have the powers of the High Court to punish for contempt of court” immediately after the words “Magistrates Court”.
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The jurisdiction of the Supreme Court is provided under Article 163 of the Constitution hence the Political Parties Act, 2011 cannot purport to amend the Constitution; the reasoning in Wilson Ong'ere Ochola v. ODM & 3 Others, CA No. 271 of 2017 stipulates that an Act of Parliament cannot change the jurisdiction of SCOK which jurisdiction is spelt out in the Constitution.

In terms of electoral timelines, the timeline within which a dispute has to be heard from a party Internal Disputes Resolution Mechanism all the way to the Court of Appeal translates to a difficulty in implementing court orders and or delaying electoral activities. Committee to decide on the proposal. The Tribunal's enforcement capacity needs to be strengthened to protect its probity.

CLAUSE 25

THAT clause 25 of the Bill be amended by deleting the proposed paragraph “(ca)” and substituting therefor the following new paragraph-

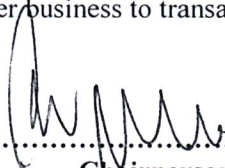
“(ca) prescribing the manner of regulating political party nominations”.

To operationalize the proposed amendments to section 34 of the PPA that stipulates that the Registrar has the mandate to regulate and monitor party nominations.

Min No. Jlac/04/2021:

Adjournment

There being no other business to transact, the meeting was adjourned at 5:40 pm.

Signed..........Date.....21.12.21.....

Chairperson

19/12/21

MINUTES OF THE SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON SUNDAY 19TH DECEMBER, 2021 AT 10:00 AM IN MASHUWA HALL, SERENA HOTEL, MOMBASA COUNTY

PRESENT

1. Hon. Clement Muturi Kigano, M.P. - Chairperson
2. Hon. William K. Mwamkale, M.P.
3. Hon. Peter Opondo Kaluma, M.P.
4. Hon. Zuleikha Hassan, M.P.
5. Hon. Adan Haji Yussuf, M.P.

ABSENT WITH APOLOGIES

1. Hon. T.J. Kajwang - Vice- Chairperson
2. Hon. Emmanuel Wangwe, M.P.
3. Hon. Junet Sheikh Nuh Mohamed, M.P.
4. Hon. John Olago Aluoch, M.P.
5. Hon. Roselinda Soipan Tuya, M.P.
6. Hon. Jennifer Shamalla, M.P.
7. Hon. George G. Murugara, M.P.
8. Hon. Anthony G. Kiai, M.P.
9. Hon. Japheth Mutai, M.P.
10. Hon. Anthony Oluoch, M.P.
11. Hon. Dan Rono Kipkoge, M.P.
12. Hon. Josephine Naisula Lesuada, M.P.
13. Hon. John Kiarie Waweru, M.P.
14. Hon. Robert Gichimu Githinji, M.P.

IN ATTENDANCE

1. Mr. Abenayo Wasike - Principal Clerk Assistant
2. Mr. Denis Abisai - Deputy Director- DLS
3. Ms. Emma Essendi - Legal Counsel
5. Mr. Richard Sang - Sergeant at Arms

MIN No. JLAC/01/2021:

PRELIMINARIES

The meeting was called to order at 10:20 a.m with a word of prayer by the Chairperson. The Chairperson asked the secretariat to brief members on the draft amendments submitted by the Registrar of Political Parties and the Secretary of the Political Parties Disputes Tribunal as resolved in the previous meeting.

MIN No. JLAC/02/2021: CONSIDERATION THE POLITICAL PARTIES

(AMENDMENT) BILL, 2021

The secretariat briefed members on the attached amendments proposed by the Registrar of Political Parties, CEO/Secretary of the Political Parties Disputes Tribunal and the Office of the Attorney General and Department of Justice.

Members observed that the amendments by the three institutions had been agreed upon in the previous meeting and recommend to be included in the report for adoption by the committee.

MIN No. JLAC /JLAC/04/2021:

ADJOURNMENT

There being no other business to transact, the meeting was adjourned at 12:30 pm.

Signed.......... 21. 12. 21.....

Chairperson

17/12/21

MINUTES OF THE SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON FRIDAY, 17TH DECEMBER, 2021 AT 12:00 PM IN BAHARI ROOMV AT SAN AND SAND HOTEL, KILIFI COUNTY

PRESENT

1. Hon. Clement Muturi Kigano, M.P. - Chairperson
2. Hon. John Olago Aluoch, M.P.
3. Hon. William K. Mwamkale, M.P
4. Hon. Zuleikha Hassan, M.P.
5. Hon. Adan Haji Yussuf, M.P
6. Hon. Anthony Oluoch, M.P.
7. Hon. Dan Rono Kipkoge, M.P.

ABSENT WITH APOLOGIES

1. Hon. T.J Kajwang - Vice- Chairperson
2. Hon. Emmanuel Wangwe, M.P.
3. Hon. Junet Sheikh Nuh Mohamed, M.P
4. Hon. Peter Opondo Kaluma, M.P
5. Hon. Roselinda Soipan Tuya, M.P.
6. Hon. Jennifer Shamalla, M.P.
7. Hon. George G. Murugara, M.P
8. Hon. Anthony G. Kiai, M.P.
9. Hon. Japheth Mutai, M.P
10. Hon. Josephine Naisula Lesuuda, M.P.
11. Hon. John Kiarie Waweru, M.P.
12. Hon. Robert Gichimu Githinji, M.P

IN ATTENDANCE

1. Mr. Abenayo Wasike - Principal Clerk Assistant
2. Mr. Denis Abisai - Deputy Director- DLS
3. Ms. Emma Essendi - Legal Counsel
4. Ms. Halima Hussein - Clerk Assistant
5. Mr. Richard Sang - Sergeant at Arms

STAKEHOLDERS

1. Ms. Ann Nderitu - Registrar of Political Parties
2. Ms. Florance Birya - Assistant Registrar of Political Parties
3. Hon. Rosslayn Aganyo - CEO/Secretary, Political Parties Disputes Tribunal
4. Mr. Joshua Wabwire - Office of the Attorney General & Department of Justice

MIN No. JLAC/01/2021:

PRELIMINARIES

The meeting was called to order at 12:00 P.m with a word of prayer by the Chairperson. The Chairperson briefed members on the Political Parties (Amendment) Bill, 2021. He also addressed members on the Political Parties (Amendment) Bill, 2021 and noted it is among the Bills listed for consideration during the special sitting on 21st and 22nd December, 2021. He appreciated the role played by the ORPP, OAG and the PPDT and thanked them for accepting the committee's invitation to present their views on the bill under consideration.

MIN No. JLAC/02/2021: CONSIDERATION THE POLITICAL PARTIES (AMENDMENT) BILL, 2021

The Registrar of Political Parties, CEO/Secretary of the Political Parties Disputes Tribunal and the Office of the Attorney General and Department of Justice follows;

1. The Registrar of Political Parties stated that in proposing amendments to the Act, the ORPP was informed by the need for reforms: to address the overlapping mandate between IEBC and ORPP; to enhance effective management of parties and define the role of ORPP regarding independent candidates; to implement the Constitution including Articles 82, 90, 91, 92, 93, 103, and 194; to address the gaps identified in execution of the Office's mandate, lessons learnt, and experiences; to address needs of Kenyans as drawn from stakeholder engagements; and to address domestic and international jurisprudence including the Katiba Institute case.
2. The ORPP organized stakeholders engagement as follows:
 - a) Technical Caucus Consultative Meeting on the Review of the Political Parties Act, 2011 held at Sarova Woodlands Nakuru on 10th February 2020;
 - b) Political Parties Consultative Meeting held from 1st to 3rd March, 2020 at Sarova Woodlands Nakuru;
 - c) State actors and Civil Society Organizations workshop held from 5th to 9th October, 2020;
 - d) State actors in electoral processes workshop held from 13th to 16th June, 2021 at Great Rift Valley Lodge in Nakuru;
 - e) Drafters Retreat comprised of State actors in electoral processes held from 4th to 7th July 2021 in Naivasha;
 - f) Political Parties' Secretaries-General Meeting Held from 27th to 30th July 2021 at Sarova Woodlands, Nakuru County on Draft Political Parties (Amendment) Bill, 2021; and
 - g) Political Parties Liaison Committee Meeting held on 3rd August 2021 at Tamarind Tree Hotel in Nairobi on the Draft Political Parties (Amendment) Bill, 2021.
- a) They presented an overview of the Bill and stated that the on the definition of a political party to include a coalition political party; definition of party nominations to differentiate the same from registration of candidates for elections; roles of Political Parties as required under Article 92(d) of the Constitution; registration of coalitions and submission of pre-election coalition agreements at least 6 months before election. That a party can only be in one coalition. Timeline for reservation of name/symbol/colour and lifespan of provisional registration among other issues as highlighted in the written submissions.

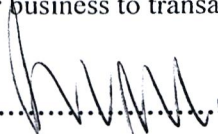
Members resolved that the Registrar of Political Parties and the Secretary Political Parties Disputes Tribunal should submit their proposed amendments with justifications for consideration by the committee in its next sitting.

MIN No. JLAC /03/2021:

ADJOURNMENT

There being no other business to transact, the meeting was adjourned at 3:45pm.

Signed.....



21.12.21

Chairperson

ANNEXURE

12



A beggar outside the Holy Ghost Cathedral in Mombasa on December 5. Mombasa County Inspectorate has launched investigations into a fake beggars racket in the city involving children and Tanzanians. KEVIN ODITI NATION



high human traffic to attract attention of passers-by. They then pocket most of the proceeds. "The individuals get around Sh6,000 a day. We have been receiving complaints from the public about the fake beggars and guardians abusing minors," said Mr Ibrahim Basafar, the deputy director in charge of operations at the county inspectorate. "They 'rent' children and have to return the minor with Sh1,000 daily. This is a coordinated business between guardians and unscrupulous individuals. We have a 33-year old who was pretending his leg was amputated, but during arrest, he walked," said Mr Basafar.

Sh6,000 Amount of money some beggars in Mombasa collect per day. On bad days, they take home about Sh2,000

The girl was arrested by Mombasa County Inspectorate during a mop up operation in the city. She was faking being pushed on when they saw her being arrested. The Nation has a begging racket in

Mombasa and Nairobi are at the centre of the criminal network, which uses children and disabled foreigners as beggars, with promises of their families being taken care of, or funding for their education. The racket rakes in millions of shillings every year. The handlers force the children and those with disabilities to stand or sit at strategic areas with

The county inspectorate team said some of the beggars display fake injuries and impairments to elicit sympathy and money from the public. Some wear dirty socks and use tomato sauce to stain them to show they are either bleeding or hurting. A majority of the beggars are not Kenyans, but Tanzanians who have visitor's visas and are mostly housed in Nyali and Kongwea, said Mr Basafar. "It's a big business. They are housed, ferried to the city centre

and have a boss who collects the day's 'earnings'. I am urging the police and Immigration to cooperate with us to deal with this issue. Kenyans are being fleeced by pretenders," he added. He said the begging had become a "profession" for many. "We have one beggar who has a flat in Changamwe. The children are coached so they do not reveal the truth when arrested," he said. Mr Basafar said they will continue with the round-up until they are rid of the beggars. The trend of racketeers using foreign beggars has been around for a while, with the Coast, Nairobi, Mt Kenya, Central Rift and Western counties the most affected.

*Not her real name Additional reporting Brian Wachira



Rebeca Grynsperger Secretary-General, United Nations Conference on Trade and Development



Dr. Joy Kategore Strategic Adviser to the Administrator and Regional Nations Development Program



Silvester Kasuku MBE Executive Director/Chief, Centre for Transport, Infrastructure and Regional Integration



Dr. John Mark Director of Operations, Rocket Health

DN. 7/12/21



REPUBLIC OF KENYA THE NATIONAL ASSEMBLY TWELFTH PARLIAMENT - FIFTH SESSION

In the Matter of Article 118 (1)(b) of the Constitution and In the Matter of Consideration by the National Assembly of the Political Parties (Amendment) Bill, 2021 (National Assembly Bill No. 56 of 2021)

INVITATION FOR PUBLIC PARTICIPATION (SUBMISSION OF MEMORANDA)

Article 118(1) (b) of the Constitution provides that "Parliament shall facilitate public participation and involvement in the legislative and other businesses of Parliament and its Committees". The National Assembly's Standing Order 127(3) further provides that "the Departmental Committee to which a Bill has been committed shall facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House".

The Political Parties (Amendment) Bill, 2021 (National Assembly Bill No. 56 of 2021) seeks to amend the Political Parties Act, 2011. The Bill has a total of twenty seven clauses dealing with the definition of a 'political party'; new sections on the roles and functions of a political party including recruitment and enlisting of members and nomination of candidates for elections; promotion of representation in Parliament and County Assemblies; provisional registration of a political party; formation of a coalition political party and submission of a coalition agreement to the Registrar; resignation from a political party and grounds for the expulsion of a member; suspension and deregistration of a political party and the applicable process; disbursements and publication of a political party's sources of funds; provision for additional functions of the office of Registrar; methods of conducting political party nominations; provision on Political Parties Disputes Tribunal to hear and determine disputes relating to political party nominations and provision for the Registrar to make regulations for the conduct of political party nominations.

The Bill was read a First Time on Thursday 2nd December 2021 and committed to Departmental Committee on Justice and Legal Affairs for consideration and thereafter reporting to the House.

Now therefore, in compliance with Article 118 (1) (b) of the Constitution and National Assembly Standing Order 127(3), the Clerk of the National Assembly hereby invites the general public and stakeholders to submit memoranda on the Bill.

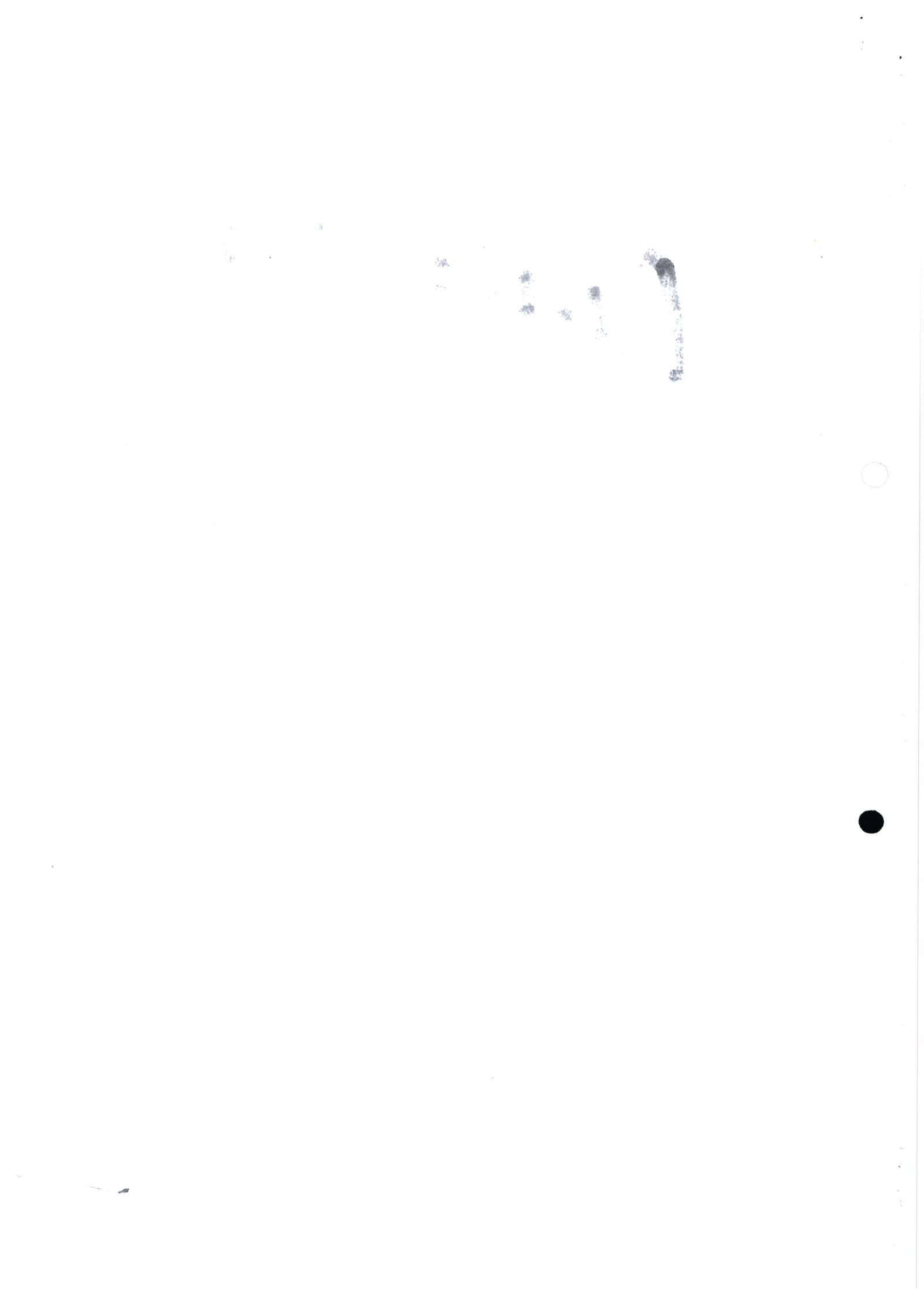
Copies of the Bill are available at the National Assembly Table Office, or on www.parliament.go.ke/the-national-assembly/house/business/bills.

The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 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 Tuesday 21st December, 2021 at 5.00 pm.

MICHAEL R. SIALAI, CBS CLERK OF THE NATIONAL ASSEMBLY 7th December, 2021



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Deputy President William Ruto addresses residents of Kiawara in Nyeri County during the third day of his tour of the region yesterday. [Mose Sammy, Standard]

Mweiga, Endarasha, Charity, Kiawara and Nairutia markets.

At the cathedral, Ruto who was hosted by outgoing Bishop Joseph Kagunda, presided over a funds drive for the construction of a retirement home for the cleric, donating Sh3 million - Sh500,000 in cash and a pledge of Sh2.5 million.

Nyeri Governor Mutahi Kahiga, MPs Rigathi Gachagua, Kimani Ichungwa, Ndindi Nyoro, Rahab Mukami and Nyeri Speaker David Ka-

guchia gave Sh100,000 each. Rigathi also gave an additional pledge of Sh1 million.

"We give our donations here not because we are UDA or I am the Deputy President, but because we are Christians," Ruto told the congregation.

The DP said UDA had support of more than 160 legislators who have resisted attempts to join tribal and regional parties.

"We cannot as a nation afford to

beat back to the path of tribal entity and that is why I urge all my supporters to join the UDA," he stated.

Ruto maintained that fixing the economy was more important than amending the Constitution through BBI to create positions for leaders.

He promised to boost Agriculture which employs majority of Kenyans through provision of subsidised inputs such as fertiliser at Sh1500 per 50 kilo bag.

sgichure@standardmedia.co.ke

to Kisii

nba Migosi will be hosting the ivied on ODM ticket and came

mpower our people and cam-
ttom-up economic model," he

Ruto had held roadside rallies outh Mugirango and Bonchari g UDA aspirants and grassroots

to did not show up in Nyamira ugirango Constituency where ed 1 end a funds drive in aid

een banking on at least five MPs : Osoro, Alfa Miruka (Bomachoge ack Mose (Kitutu Masaba), Joash th Mugirango) and West Mugi- t Kemosi for his Gusii region ilisation.


Governor Joash Maangi and for- girango MP Omingo Magara have e team.

s, the deputy president has been g political opposition from ODM region, with Governor Ongwae, ri and Okong'o Omogeni (Nyami- e representatives Ongera (Kisii) and anyi (Nyamira) leading anti-Ruto the region.

/s their focus is to ensure Raila over because "we have no better remains our best bet for 2022".

ila receiving massive support from mmunity, leaders from the area ed along political affiliations asso- resident Uhuru Kenyatta, Raila and Abuga]

STD. 7/12/21



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
TWELFTH PARLIAMENT - FIFTH SESSION

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MICHAEL R. SIALAI, CBS
CLERK OF THE NATIONAL ASSEMBLY
7th December, 2021

