

**M. J. CHESIRE**

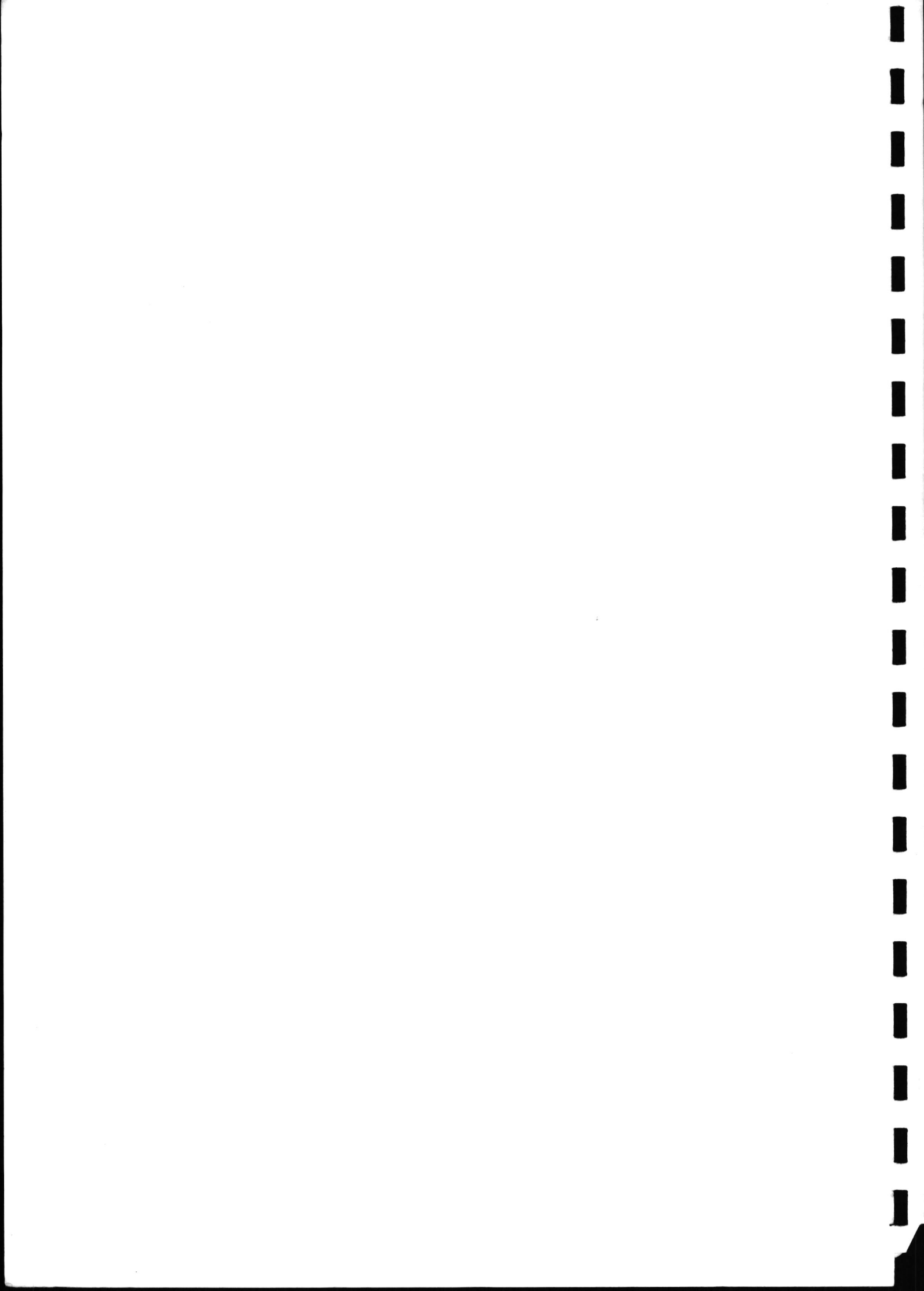
**KENYA NATIONAL ASSEMBLY**

PARLIAMENT  
OF KENYA  
LIBRARY

**EIGHTH PARLIAMENT  
FIFTH SESSION**

**REPORT OF THE  
SELECT COMMITTEE ON BROADCASTING  
ON  
TELEVISIONING AND BROADCASTING  
OF PARLIAMENTARY PROCEEDINGS**

**APRIL, 2001**



# 1. PREFACE

Mr. Speaker Sir,

On behalf of the Members of the Select Committee on Broadcasting, I beg to move the adoption of the Report of the Committee on live audio-visual broadcasting of the proceedings of both the House and Select Committees.

## 1.1 MANDATE

The *Ad-hoc* Select Committee on Broadcasting was constituted pursuant to the Resolution of the House adopted on 19th July, 2000.

*"THAT, in view of the fact that proceedings of the House are open to members of the public; noting the great interest Kenyans have shown in the proceedings of this House, in particular through Today in Parliament Programme; and noting further that the resolution of the House of 1991 authorising working out of the modalities for live audio-visual broadcast of proceedings of the House has yet to be implemented; this House resolves to establish a Select Committee to study all matters pertinent to live audio-visual broadcast of the proceedings of this House; including all Select Committees".*

The Committee executed its mandate in strict compliance with the provisions of Standing Orders Nos. 155 to 162.

Pursuant to provisions of Sections 14, 18 and 20 of the National Assembly (Powers and Privileges) Act, Cap 6 of the Laws of Kenya, the Committee summoned witnesses and received presentations concerning live audio-visual broadcasting of the proceedings of the House and its Committees.

The Members of the Committee have unanimously agreed to this report.

The Committee comprised the following fifteen members:-

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
Dr. the Hon. Shem Ochuodho, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P.

The Hon. Ochilo Ayacko, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Justin B.N. Muturi, M.P.  
The Hon. Basil N. Mwakiringo, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Samuel L. Poghio, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Njeru Kathangu, M.P.  
The Hon. Josephine Sinyo, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.

## 1.2 **Execution of Mandate & Methodology**

The Committee started sitting on 26th July, 2000 and drew the following terms of reference:

- T.O.R. - 1** Consider and review the procedure and all other laws and regulations, especially the Standing Orders, which inhibit the live audio-visual broadcast or any form of divulging of proceedings of the House and Select Committees to the public.
- T.O.R. - 2** Recommend enactment of enabling legislation and/or regulations to facilitate televising and broadcasting of parliamentary proceedings.
- T.O.R. - 3** Determine matters, material and resources necessary to facilitate audio-visual broadcasting of proceedings of the House, including Select Committees.
- T.O.R. - 4** Study and consider the operations and practice of other existing models in broadcasting of parliamentary proceedings in other parliaments through review of their literature and site visits among others.
- T.O.R. - 5** Interact with and receive presentations from stakeholders.

**T.O.R. - 6**

Consider and evaluate any other relevant matters incidental thereto.

In total the Committee held **Forty Two sittings**. It received valuable information concerning televising and broadcasting of Parliamentary proceedings from the following:-

- (i) Kenya Broadcasting Corporation (KBC)
- (ii) Kenya Television Network (KTN)
- (iii) Nation Media Group
- (iv) East African Standard
- (v) The People (Newspaper)
- (vi) Royal Media Services (Citizen)
- (vii) School of Journalism - University of Nairobi
- (viii) Kenya Institute of Mass Communication (KIMC)
- (ix) Kenya Union of Journalists (KUJ)
- (x) Internet Service Providers (ISPs)
- (xi) Association of Senior Editors
- (xii) Kenya Industrial Property Office (KIPO)

The Committee also held a meeting with the Minister for Information, Transport and Communications who was accompanied by the Chief Executives of Telkom Kenya Limited and Communications Commission of Kenya.

The Committee visited various Media Houses to study and familiarise itself with the set up and the equipment used in televising and broadcasting. Brief reports of these field tours will be found in the respective Minutes of the Committee.

In addition, two Sub-Committees visited the United Kingdom and South Africa respectively. These visits provided valuable information and learning experience to the Committee members because the two countries have live coverage of parliamentary proceedings which cater for the needs of their Houses and the general public.

In the United Kingdom the Sub-Committee visited the headquarters of British Broadcasting Corporation (BBC) and the Broadcasting Section of Parliament. The Committee was informed that the final signal which is sent out to Media Houses for airing to the public is determined by Parliament.

The Committee also noted that the British Broadcasting Corporation has a parliamentary channel which deals exclusively with televising and broadcasting of parliamentary matters.

The Sub-Committee that visited South Africa held fruitful discussions with the Press Ombudsman, Chief Whip of Democratic Alliance, Deputy Chairperson of the National Council of Provinces (NCOP) and the Speaker of the National Assembly. The Committee also visited Government Communication and Information System (GCIS) and Institute for Democracy in South Africa (IDASA) from which valuable information was obtained concerning live coverage of parliamentary proceedings.

The Committee also toured Parliament Buildings (especially the Broadcasting Section) and the Headquarters of South African Broadcasting Corporation (SABC).

From these visits, the Sub-Committee noted that the equipment is owned by the House and that signals are freely accessible to various Media Houses.

Brief reports of the tours to United Kingdom and South Africa can be found in the respective Minutes of the Committee.

### 1.3. **SUB-COMMITTEE TO REVIEW EXISTING RELEVANT LEGISLATION AND REGULATIONS**

The Committee appointed a Sub-Committee to study and review existing legislation and regulations which relate to televising and broadcasting.

This Sub-Committee operated within the following terms of reference;

- T.O.R 1** - Identify existing legislation and regulations which deal with televising and broadcasting.
- T.O.R 2** - Review of the said legislation and regulations with a view to finding out areas of conflict, deficiencies and omissions.

**T.O.R 3** - Propose suitable enactment, amendments and regulations to facilitate live coverage of parliamentary proceedings.

**T.O.R 4** - Report its findings and recommendations to the main Committee.

The Sub-Committee reviewed sections of the following statutes which contain existing legislation that would deal with televising and broadcasting.

- (i) The Constitution, Edition of 1997
- (ii) The Kenya Broadcasting Corporation Act, Cap 221 Laws of Kenya
- (iii) The National Assembly (Powers and Privileges) Act, Cap 6, Laws of Kenya
- (iv) The Kenya Communications Act, 1998
- (v) The Postal Corporation Act, 1998
- (vi) The Copyright Act, Cap 130, Laws of Kenya
- (vii) The Defamation Act, Cap 36, Laws of Kenya
- (viii) The Evidence Act, Cap 80, Laws of Kenya
- (ix) The Public Order Act, Cap 56, Laws of Kenya
  
- (x) The Standing Orders of the National Assembly; Edition of 1997
- (xi) The Penal Code, Cap 63

The Sub-Committee noted *inter-alia* that the Constitution, Standing Orders, and the National Assembly (Powers and Privileges) Act, Cap 6 of the Laws of Kenya do not cater for the Members of Parliament with disability as well as other disabled people in the country.

The Sub-Committee presented its report to the main Committee.

#### 1.4 **SUMMARY OF RECOMMENDATIONS**

The presentations and documents received as well as the tours undertaken by the Committee and the Sub-Committees form the basis of the observations and the recommendations outlined in the Report. The Committee reached all its decisions by consensus.

The Committee made the following major recommendations:

- (i) **That, Parliament starts televising and broadcasting of its proceedings with effect from 1st July, 2001.**
- (ii) **That, the signal which is received by the media houses for transmission be owned by Parliament.**
- (iii) **That, certain aspects of parliamentary proceedings e.g. the State Opening and the Budget Speech be fed into the internet.**
- (iv) **That, the current Library Committee be redesignated (*the Library, Hansard and Broadcasting Committee*) and its functions expanded accordingly.**
- (v) **That, relevant rules and regulations of coverage be adopted to govern Parliamentary Proceedings.**
- (vi) **That, the Kenya Broadcasting Corporation starts a parliamentary channel to deal with coverage of parliamentary proceedings. Other Media Houses may also establish parliamentary channels.**
- (vii) **That, Kenya should have a Media Complaints Council which should receive and settle complaints related to unfair treatment in coverage by the print and audio-visual services.**
- (viii) **That, sections of the Constitution, other legislation and regulations be amended so that the needs of the disabled are accommodated.**
- (xi) **That, Section 25 of the National Assembly (Powers and Privileges) Act Cap 6 of the Laws of Kenya should include parliamentary tapes of live coverage as part of the journals of the House.**
- (x) **That, various acts of parliament, existing rules and regulations including the Standing Orders be**

**amended in order to accommodate live broadcasting and televising of proceedings.**

## 1.5 **ACKNOWLEDGEMENT**

Mr. Speaker Sir, I wish to record my gratitude to all the Members of the Committee for their commitment to the work of the Committee. On behalf of the Committee, I wish to extend our sincere appreciation to you Mr. Speaker, the Deputy Speaker and the Clerk of the National Assembly for facilitating the work of the Committee. Through constant consultations with you and your officers, the Committee received tremendous support and advice which assisted a great deal in compiling of this report. I wish to express the Committee's special thanks to the National Assembly staff for their excellent secretarial services which made the work of the Committee and the production of this Report possible.

I would not forget to thank all the witnesses who made useful presentations and proposals to the Committee. I also wish to record my deep appreciation to all the people who welcomed us and gave Committee members valuable information when we visited Britain and South Africa.

The Committee also commends Friedrich Ebert Stiftung for financial assistance which enabled us to undertake a trip to South Africa and have a report writing retreat. The two activities contributed immensely towards the completion of this report.

## 1.6 **CONCLUSION**

Mr. Speaker Sir, before I make my concluding remarks, I wish to highlight two pertinent issues that not only have adverse affects on televising and broadcasting in this country but also have a bearing on the mandate of this Committee:

- The Committee found out that the Kenya Broadcasting Corporation is ill- equipped and badly structured to effectively perform the role of a true national broadcaster.

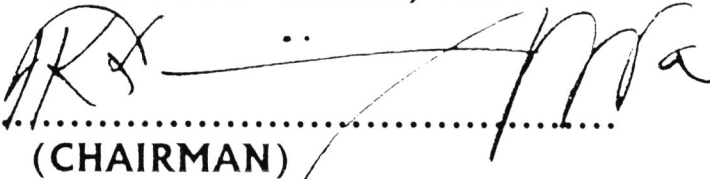
- The existing legislative and regulatory framework is shrouded in mystery and excessive controls which make national coverage by independent media houses totally impossible.

**The Committee, therefore, strongly recommends that in order to create fairness and impartiality, Kenya Broadcasting Corporation (KBC) be urgently restructured and be provided with adequate modern equipment and the Kenya Communications Act 1998 be amended to ensure total liberalisation of air waves.**

Since democracy needs constant exposure, the adoption of these recommendations and their implementation by the House will not only create greater democratic openness, but also provide effective communication and interaction between the House and the public. Consequently, the role and function of Parliament will be better understood in the wider political, social and economic governance of our society.

On behalf of the Committee Mr. Speaker, it is my humble prayer that the House adopts this report.

HON. KIPRUTO ARAP KIRWA, M.P.

SIGNED:   
(CHAIRMAN)

DATE: *3rd of April 2001*

## 2. OBSERVATIONS

### 2.1 TELEVISIONING AND BROADCASTING OF PARLIAMENTARY PROCEEDINGS

The Committee noted that many Parliaments, including our immediate neighbours Uganda and Tanzania, broadcast their proceedings live. Broadcasting brings Parliament closer to the people and creates awareness on what their representatives do in Parliament. The confidence of the electorate in the dignity of Parliament will be enhanced through live broadcasting. This gives a real picture of the House as opposed to the current selective coverage of events.

This process would effectively present the contribution of parliamentarians directly to the people they represent. It would also present a realistic atmosphere prevailing in the House during debate time. Likewise it would enable presentation of a balanced view of the contributions of the front and the back bench during periods of high emotion and conflict as well as the more normal atmosphere of consensus and agreement.

Coverage of Committee proceedings is necessary to reveal to the public the enormous and noble tasks performed by the backbenchers who are the members of Investigatory and Departmental Committees. This would make the functions and activities of each Committee understood and appreciated by the public.

Comparatively, in other jurisdictions within the Commonwealth, New Zealand was the first country to start radio broadcasting of parliamentary proceedings in 1936. The Canadian House of Commons started televising its proceedings in 1977 while British and Australian Parliaments commenced in 1990 and 1991 respectively.

Outside the Commonwealth, there are close to twenty parliaments which permit some form of televising of their proceedings. Among these are; Austria (1955), Sweden (1958), Congo (1960), Norway (1963), France (1964), Israel (1969). South Africa which used to televise during the apartheid era has continued since the democratic elections of 1994.

### 2.2 EQUIPMENT

The Committee noted that some Parliaments own the equipment used in audio-visual proceedings while in others the equipment is owned by a consortium of private companies. For instance in Britain the equipment is owned and serviced by a private company while in South Africa the equipment is the property of Parliament.

The Committee further noted that Kenya National Assembly will require the following before live coverage of proceedings can become a reality:

- (i) A Newsroom which will receive all information collected from the House and its Committees for editing;
- (ii) A production gallery which has various colour mixers to ensure the accuracy of televised pictures;
- (iii) A graphics section where photographs can be scanned into the computer and matched to the relevant sounds so that the televised information contains both sound and picture;
- (iv) A studio where interviews and press conferences can be held.
- (v) A Machine Room from where the final signal can be sent to the media houses;
- (vi) A Control Room where all the programmes on air at any time are monitored.
- (vii) Codeless microphones which can be switched on and off both in the House and in Committee Rooms;
- (viii) A minimum of Eleven cameras which are remote controlled (Five for the House and five for Committee Rooms). One camera to be installed at the Forecourt (Ministers entrance) to cover special occasions;
- (ix) Outside Broadcasting vans to be used by Committees during local tours;
- (x) A small mast or tower for microwave link to studio facilities located elsewhere; and,
- (xi) Adequate networked computers and other ancillary equipment required for broadcasting purposes.

It is estimated that the above mentioned equipment and its installation will cost approximately Kshs. 60 million.

## 2.3 **MANAGEMENT OF COVERAGE**

### 2.3.1. **DEPARTMENTAL COMMITTEE**

The Committee noted that every Parliament which has live coverage of proceedings has a Committee which performs a monitoring and regulatory role in respect of televising and broadcasting of its proceedings.

In the Parliament of the United Kingdom, the Select Committee on Broadcasting plays the above mentioned roles while in the Parliament of Australia, at the commencement of the first session of every Parliament, a Joint Committee of nine Members of Parliament called the Joint Committee on the Broadcasting of Parliamentary Proceedings is appointed to play the above mentioned roles. The Members of the Committee hold office as a Joint Committee until the House of Representatives for the time being expires by dissolution or effluxion of time.

The Committee is aware that Parliament has a Departmental Committee on Energy, Communications and Public works which deals with information and broadcasting matters, but nevertheless proposes that a separate Committee on Broadcasting.

2.3.2.

### **DEPARTMENT OF PARLIAMENTARY BROADCASTING**

The Committee noted that Parliaments which have live broadcasting of their proceedings have Parliamentary departments which handle broadcasting matters of their Houses.

The Parliament of United Kingdom has a Supervisor of Parliamentary Broadcasting who is employed by the House to ensure that the dignity of the House is protected at all times by Parliamentary Broadcasting Unit Ltd (PARBUL) - a private company which has been mandated to cover parliamentary proceedings for Media Houses.

PARBUL is owned by the major broadcasting companies and it has eight issued shares as follows;

- *British Broadcasting Corporation (4)*
- *Independent Television Association Limited - Channel 3 (1)*
- *Channel 4 Television Corporation (1)*
- *British Sky Broadcasting Limited - Satellite (1)*
- *Channel 5 Broadcasting Limited (1)*

*The Board of PARBUL consists of the following:-*

- *Chairman - Chairman of the Committee of Ways and Means.*
- *Common Directors - 4  
(From the House of Commons)*

- *Lords Directors*  
*(From the House of Lords) - 4*
- *Supervisor of Parliamentary*  
*Broadcasting - 1*
- *Shareholders - 8*

*All directors have one vote and the Chairman has a casting vote in the event of a tie. The board meets twice a year.*

In Canada a department called the Television and Radio Services of the House of Commons televises proceedings of the Chamber and Committees in a manner that ensures that the dignity of Parliament is maintained.

The Australian Parliament has a Broadcasting Section within the Department of the Parliamentary Reporting Staff Department which plays the above said role.

The Committee noted that Parliament has a Hansard Department which has trained reporters who record Parliamentary proceedings.

## **RECOMMENDATIONS**

### 2.1 **TELEVISIONING AND BROADCASTING OF PARLIAMENTARY PROCEEDINGS**

**The Committee recommends that Parliament starts televising and broadcasting its proceedings with effect from 1st July, 2001.**

**The signal which is received by the media houses for transmission to the public be owned by Parliament.**

**The Committee also recommends that certain aspects of Parliamentary proceedings such as the State Opening and the Budget Speech as well as the Standing Orders be fed into the internet.**

### 2.2 **EQUIPMENT**

**The Committee therefore recommends that Parliament should budget for the purchase of the above said**

equipment so as to realise live coverage of Parliamentary proceedings by 1st July, 2001. It should also provide adequate finances for servicing and maintenance of the said equipment.

#### 2.3.1. DEPARTMENTAL COMMITTEE

The Committee therefore recommends that a Standing Committee redesignated the Library, Hansard and Broadcasting Committee be formed to perform duties relating to the televising and broadcasting of Parliamentary proceedings and matters ancillary thereto. The said Committee should manage the Library, Hansard and Broadcasting sections of Kenya National Assembly.

#### 2.3.1. DEPARTMENT OF PARLIAMENTARY BROADCASTING

In this connection, therefore, the Committee recommends that the Hansard Department be expanded and the staff be given further training in order to enable them to handle live televising and broadcasting of Parliamentary proceedings. The training should involve, *inter alia*, recording and general management of control rooms, adequate knowledge of airwaves and frequencies, mast or tower, remote controlled cameras and Outside Broadcasting Vans.

The Committee further recommends that Parliament employs the necessary qualified engineers and technicians for the management of the above.

### 2.4 REGULATORY FRAMEWORK

#### 2.4.1. RULES OF COVERAGE

Every Parliament which has live televising and broadcasting of its

proceedings has a set of rules which must be adhered to in the coverage of proceedings.

**The Committee recommends that the following rules of coverage be adopted to govern coverage of Parliamentary Proceedings.**

- (i) *The camera should normally focus on the Member recognised by the Speaker until he or she has finished. However wide angle shots of the Chamber may be taken from time to time. Occasional groupshots should be taken for the purpose of showing the reaction of a group of Members to an issue raised on the floor of the House. Shots to illustrate reaction by an individual who has been referred to by the Member speaking should be allowed. Shots of the occupant of the Chair should be taken whenever he/she rises.*
- (ii) *As a general principle the camera view of a Member who has the floor should focus on the head and shoulders but a medium shot which allows a view of the Members sitting on either side is permissible.*
- (iii) *Since the press and public galleries are not directly related to proceedings, they should not be shown on normal sitting days other than unavoidably as part of wide angle shots.*

*During the Budget Speech and other important Parliamentary functions, coverage of the Speakers gallery, the Public gallery and the Speakers row should be permitted and when distinguished visitors are referred to and acknowledged by the chair.*

- (iv) *Wide-angle Camera shots of the Chamber may be used during votes, Question time and during Division. However, the following events relating to Division shall be shown;*

- *putting of the Question*
  - *announcement of the names of the Tellers*
  - *points of order which may arise together with any response by the Chair.*
  - *announcement by the Tellers and the Chair of the voting results.*
- (v) *Officers of the House should not normally be shown unless they are taking an active part in the proceedings e.g. during Division or as Clerks at the Table.*
- (vi) *Shots of Members' papers or computing devices should not be shown.*
- (vii) *In the event of unparliamentary behaviour or disturbance on the floor of the Chamber, cameras must focus on the Chair.*

#### 2.4.2. COMMITTEE PROCEEDINGS

**Coverage of deliberations of Committee sittings shall be based on the rules of the House together with the following guidelines:**

- (i) *Wide angle shots of the Committee Room may be used during the deliberations of the Committee.*
- (ii) *Cameras should focus on the Member or Witness recognized by the Chairman of the Committee.*
- (iii) *During the meeting Members and Witnesses may use graphs, tables, etc., that the television and radio services will show.*
- (iv) *Members' papers and computing devices should not be shown.*

### 2.4.3 GENERAL RULES

- (i) *Both the broadcasts of the House and Committees should only be used for purposes of fair and accurate report of proceedings.*
- (ii) *The broadcasts should not be used for;*
  - *Political Party advertising or election campaigns,*
  - *Satire or ridicule or,*
  - *Commercial advertising.*

### 2.4.4. PENALTIES

**Non compliance with the above Rules of Coverage by Media Houses shall incur penalties.**

**The Media Houses shall give an appropriate apology for any breach in addition to any other penalty that the Committee dealing with Broadcasting shall impose which include.**

- (i) First breach - access to the broadcast to be withdrawn for three sitting days.**
- (ii) Second breach - access to be withdrawn for six sitting days.**
- (iii) Third and subsequent breaches - Such penalty as is determined by the Committee which deals with Broadcasting of Parliamentary proceedings.**

2.4.5 **EXISTING RULES AND LEGISLATION WHICH GOVERN/INHIBIT LIVE BROADCASTING AND TELEVISIONING**

2.4.5.1 **The Constitution**

Although Section 79 of the Constitution allows for broadcasting and televising, under Section 82, disability has not been recognised as a form of description against which there should be no discrimination and therefore, the needs of the deaf and the blind are not provided for constitutionally.

**The Committee recommends that both Sections 79 and 82 of the Constitution should be amended so that the needs of the disabled can be provided for constitutionally.**

2.4.5.2 **The National Assembly (Powers and Privileges) Act, Cap 6 of the Laws of Kenya**

- (i) Section 7 states that no stranger shall be entitled as of right, to enter or to remain within the precincts of the Assembly. Such persons would include interpreters, guides and assistants of Members with disability.

**The Committee recommends that sign language be recognised as a mode of communication and there should be an interpreter for the deaf in the House.**

**The Committee further recommends that guides and assistants of Members with disability should not be treated as strangers in the House.**

- (ii) Under Section 25 such material as tapes are not recognised as journals of the House.

**The Committee also recommends that Section 25 should include Parliamentary tapes of live coverage as part of the journals of the House.**

### 2.4.5.3 Standing Orders

**S.O. 26** reads as follows *"All votes and proceedings of the House shall be noted by the Clerk and shall constitute the Journals of the House."*

**The Committee recommends that apart from votes and proceedings, recorded material emanating from live coverage of the House should also be considered as journals of the House.**

**S.O. 27** reads as follows *"The custody of the Journals and Records, including all papers and accounts whatsoever presented to or belonging to the House, shall be in the Clerk, who shall neither take, nor permit to be taken, any of such Journals or Records from the precincts of the House without an order of the House or by the leave or order of Mr. Speaker."*

**The Committee recommends that it should provide for airing of Parliamentary proceedings by Media Houses.**

**S.O. 29** reads as follows *"Mr. Speaker may direct any matter which is in his opinion secret or purely domestic to be excluded from the Journals of the House and from the verbatim report of proceedings of the House, and to be the subject of a separate verbatim report, both of which shall be kept in the custody of*

*the Clerk and made available only to Members and Clerks."*

The Committee recommends that a new subsection should be included to cater for the Speaker's exclusion of certain matters from the Journals of the House.

**S.O. 37** The Committee recommends that a new paragraph should be included for Members to read entirely the contents of their questions including the Ministry to which each question is addressed to, so that the public can understand the question being answered by a given Minister.

**S.O. 62** The Committee recommends that S.O. 62 be amended to include sign language.

**S.O. 71 and 161** The Committee recommends that the two Standing Orders should be amended to allow live coverage of the proceedings of both the House and Committees.

**S.O. 149** reads as follows "*(1) There shall be a select committee to be designated the Library Committee comprising the Deputy Speaker as Chairman and not more than ten other Members.*

*(2) The functions of the Library Committee shall be-*

*(a) to consider and advise on such matters concerning the Library as may be referred to it by the House from time to time;*

*(b) to make proposals and consider suggestions for the improvement of the Library;*

*(c) to assist Members of the National Assembly in fully utilizing the services provided by the Library."*

**The Committee recommends that the Library Committee be redesignated "*The Library, Hansard and Broadcasting Committee*" and it should be mandated to deal with coverage of Parliamentary proceedings. This Committee should elect its own Chairman.**

#### 2.4.5.4 **OTHER RELEVANT LEGISLATION**

The Committee noted that the Telecommunications Tax Act Cap 473 of the Laws of Kenya is outdated.

(i) **The Committee recommends that this Law should be repealed as it has been overtaken by the enactment of The Kenya Communications Act, 1998.**

(ii) The Committee noted that The Kenya Communications Act, 1998 impedes free flow of information and does not allow media houses to expand their coverage nationally.

**The Committee recommends that the Kenya Communications Act, 1998 be amended to ensure total liberalisation of air waves.**

**The Committee further recommends that the relevant Standing Committee reviews all legislations and regulations that may hamper free flow of information and live coverage of Parliamentary proceedings.**

#### 2.5. **STORAGE AND USE OF RECORDED MATERIAL**

The Committee recommends that:

- (i) All material recorded on proceedings of the House or Committee shall be stored in a broadcasting archive which shall be managed by the Clerk of the National Assembly,
- (ii) Material stored may be let out to persons or bodies interested subject to such terms and conditions as the Committee may stipulate,
- (iii) Before any material is let out for private or public viewing, production of educational information, or any other lawful purpose the officer incharge of Parliamentary proceedings shall preview it to ensure that only the relevant material is given out and,
- (iv) Reproduction of any archival material let out other than for purposes for which it was let out is strictly prohibited.

2.6

#### **ROLE OF KENYA BROADCASTING CORPORATION AS A NATIONAL BROADCASTER**

The Committee is aware that the Kenya Broadcasting Corporation (KBC) covers state functions free of charge as a National Broadcaster. It has well trained personnel and is the only Media House with nationwide frequencies and Outside Broadcasting Vans. Unfortunately most of the Corporation's equipment is outdated.

The Committee noted that in South Africa Parliamentary debates and matters of national interest e.g. housing, health etc. are covered free by the South African Broadcasting Corporation (SABC) which is the National Public Broadcaster. The Corporation receives government subsidy in order to cater for costs of production.

In the United Kingdom, the British Broadcasting Corporation (BBC) is the National Broadcaster. BBC receives its funding from licences and advertisements.

**The Committee recommends that KBC starts a parliamentary channel to deal with coverage of Parliamentary proceedings. The signal to this channel**

**should be managed by the National Assembly.**

**An appropriate subsidy payable to the Corporation shall be provided for in the National Budget to meet the cost of airing of Parliamentary proceedings.**

**For KBC to effectively perform the role of a national broadcaster, the Committee recommends that it be restructured with an independent board of directors and be provided with modern equipment.**

2.7.

### **PRESS COMPLAINTS COUNCIL**

The Committee noted that in Kenya there are no clear guidelines concerning complaints emanating from unfair coverage.

The Committee noted that South Africa has a Press Ombudsman who receives complaints from aggrieved parties concerning what has been published by Media Houses. There is also an appeals panel where a complainant or defendant can present his/her case if the verdict of the Ombudsman is not satisfactory.

The United Kingdom has a Broadcasting Complaints Commission which considers complaints related to unjust or unfair treatment in coverage by any television or sound service. It also has a separate Press Complaints Commission.

**The Committee therefore recommends that Kenya should have a Media Complaints Council which should receive and settle complaints related to unfair treatment in coverage by the print and audio-visual services.**

**MINUTES OF THE FIRST SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON WEDNESDAY, JULY 26, 2000 IN COMMITTEE ROOM 7, PARLIAMENT BUILDINGS.**

**PRESENT:**

The following Members of the Committee were present:

Dr. the Hon. Shem Ochuodho, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P.  
The Hon. Ochilo Ayacko, M.P.  
The Hon. Kipruto arap Kirwa, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Justin N. Muturi, M.P.  
The Hon. Basil Mwakiringo, M.P.  
The Hon. Soita Shitanda, M.P.

**ABSENT:**

The following Members were absent:

The Hon. Samuel L. Poghiso, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Njeru Kathangu, M.P.  
The Hon. Josephine Sinyo, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mr. Samuel W. Ndindiri - Clerk of the National  
Assembly  
Mr. Murumba Werunga - Deputy Clerk

**MINUTE NO.1/2000**

**INTRODUCTORY REMARKS BY THE CLERK OF THE NATIONAL ASSEMBLY**

1. The Clerk of the National Assembly welcomed Members to the first sitting of the Committee and wished them fruitful deliberations.
2. The Clerk explained in brief the procedure with regard to operations of Select Committees, and then specifically ad hoc Select Committees. He urged Members to adhere to the procedure as established by the Parliament over the years.

**MINUTE NO.2/2000**

**ELECTION OF THE CHAIRMAN**

1. The Clerk of the House, informed the Committee that, their first business was the election of a Chairman. He then explained the procedure regarding election of the Chairman.

2. The Clerk of the House, invited nominations for the position of Chairman and the Hon. Kipruto arap Kirwa, M.P. was by acclamation elected the Chairman.

**MINUTE NO.3/2000**

**REMARKS BY THE CHAIRMAN**

The Chairman expressed gratitude to his colleagues for bestowing him the honour to chair the Select Committee on Broadcasting. He assured the Members of his readiness and commitment to serve.

**MINUTE NO.4/2000**

**ANY OTHER BUSINESS**

The Committee varied Other Business appearing herebelow and resolved as recorded.

1. **Resolution of the House of July 1991**

The Committee resolved that every Member be supplied with the full text of the resolution of July 1991, which though not implemented, marked the earnest step by the House to introduce audio-visual broadcasting of its proceedings.

2. **Terms of Reference**

The Committee resolved to draw up its basic terms of Reference from the enabling resolution; which would cover among others the following:-

- (i) Review of the procedure, specifically the Standing Orders, which inhibit the live audio-visual broadcast or any form of divulging of proceedings of Select Committees to the public prior to laying these reports in the House;
- (ii) Matters and material necessary to facilitate audio-visual broadcasting of proceedings of both the House and Select Committees, viz:
  - (a) requirement of additional space, reconstruction of existing infrastructure;
  - (b) additional staff and training;
  - (c) actual modalities of the practical broadcasting;

- (d) originality and ownership of the signal and equipment;
- (f) the place and role of Parliamentary privilege and broadcasting ethics;
- (iii) Familiarization with prevailing models and modalities in broadcast of Parliamentary proceedings in other Parliaments; by study of their literature and site visits;
- (iv) Invite courtesy calls from:
  - Minister for Information, Transport and Communications and relevant departments, KBC, KNA, et cetera;
  - Media fraternity - Print media, radio, television stations and organization;
  - Professionals in general;
  - review the background information on broadcasting carried out in June, 1991;

3. **Duration**

The Committee resolved to accomplish its work and report by the end of the current fourth session, i.e. by November, 2000.

**MINUTE NO.5/2000**    **ADJOURNMENT**

There being no other business for discussion the Chairman adjourned the sitting to Tuesday, August 08, 2000 at 10.00 a.m.

**Hon. Justin N. Muturi, M.P.**

**CONFIRMED:.....**  
**AG. CHAIRMAN**

**8th August, 2000**

**DATE:.....**

**MINUTES OF THE SECOND SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON TUESDAY, AUGUST 08, 2000 IN COMMITTEE ROOM, 1ST FLOOR, COUNTRY HALL AT 10.00 A.M.**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Justin B. Muturi, M.P. ( **Ag. Chairman** )  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Basil Mwakiringo, M.P.  
The Hon. Ochilo Ayacko, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Josephine Sinyo, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Njeru Kathangu, M.P.

**ABSENT:**

The following Members were absent:

The Hon. Kipruto arap Kirwa, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Samuel L. Poghio, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P..

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mr. M. Werunga - Deputy Clerk (**Committees**)  
Mrs C.W. Munga - Clerk Assistant  
Ms M.J. Chesire - Clerk Assistant

**MINUTE NO.6/2000**

**CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the First Sitting held on Wednesday July 26, 2000 were confirmed by the Members present and signed by the Ag. Chairman.

**MINUTE NO.7/2000**

**MATTERS ARISING**

**Under Min. No.4/2000 (2) (iv)**, the Committee resolved that it will receive presentations from the following:-

- (i) Kenya Television Network
- (ii) Kenya Broadcasting Corporation
- (iii) Nation Television
- (iv) Communications Commission of Kenya
- (v) School of Journalism, University of Nairobi and;
- (vi) Kenya Institute of Mass Communications

**MINUTE NO.8/2000**

**TERMS OF REFERENCE**

The Committee drew up the following Terms of Reference:-

- T.O.R. - 1** Consider and Review the procedure and all other laws and regulations, especially the Standing Orders, which inhibit the live audio visual broadcast or any form of divulging of proceedings of the House and Select Committees to the public.
- T.O.R - 2** Recommend enactment of enabling legislation and/or regulations to facilitate televising and broadcasting of Parliamentary proceedings.
- T.O.R.- 3** Determine matters, material and resources necessary to facilitate audio-visual broadcasting of proceedings of the House, including all select Committees.
- T.O.R. - 4** Study and consider the operations and practice of other existing models in broadcasting of Parliamentary proceedings in other Parliaments through review of their literature and site visits among others.
- T.O.R. - 5** Interact with and receive presentations from stakeholders.
- T.O.R. - 6** Consider and evaluate any other relevant matter related and/or incidental thereto.

**MINUTE NO.9/2000**

**ANY OTHER BUSINESS**

The Committee agreed upon the following:-

- (i) That the Secretariat should draft a programme for adoption by the Committee.
- (ii) That the Secretariat should look at the Standing Orders and sections of the Powers & Privileges Act which inhibit televising and broadcasting of Parliamentary proceedings.
- (iii) The Secretariat should study the provisions in the Standing Orders of the British and Canadian Parliaments with a view to facilitating the amendment of the Standing Orders to provide for televising and broadcasting of Parliamentary proceedings.

- (iv) The Secretariat should inquire from the Tanzanian Parliament how broadcasting of their proceedings is carried out.
- (v) When televising and broadcasting of Parliamentary proceedings become a reality in Kenya, there should be provision for an interpreter for the deaf.
- (vi) The Secretariat should avail to the Committee information on televising and broadcasting of proceedings in Australia.
- (vii) The Secretariat should also avail the following to the Committee:
  - Press Task force Report from the Attorney-General's office.
  - Copies of Books and Newspapers Act.
  - Copies of relevant sections of the Statute Law (Miscellaneous Amendments) Bill, 2000.

**MINUTE NO.10/2000 ADJOURNMENT**

And there being no other business, the Acting Chairman adjourned the Sitting to August 09, 2000 at 10.00 a.m.

**Hon. Kipruto arap Kirwa, M.P.**  
**CONFIRMED:.....**  
**CHAIRMAN**

**9th August, 2000**  
**DATE:.....**

**MINUTES OF THE THIRD SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON WEDNESDAY, AUGUST 09, 2000 IN COMMITTEE ROOM, 1ST FLOOR, COUNTY HALL AT 10.00 A.M.**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Justin B. Muturi, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Basil Mwakiringo, M.P.  
The Hon. Ochilo Ayacko, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Josephine Sinyo, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Njeru Kathangu, M.P.

**ABSENT:**

The following Members were absent:

The Hon. Ngenye Kariuki, M.P.  
The Hon. Samuel L. Poghio, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P..

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C.W. Munga - Clerk Assistant  
Ms Mary J. Chesire - Clerk Assistant

**MINUTE NO.11/2000**

**CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the Second Sitting held on Tuesday August 08, 2000 were confirmed by the Members present and signed by the Chairman.

**MINUTE NO.12/2000**

**MATTERS ARISING**

**Under Min. No.7/2000**, the Committee extended the list of stakeholders to include the following:-

- (i) Kenya Industrial Property Office
- (ii) Kenya Union of Journalists
- (iii) Association of Senior Editors
- (iv) Internet Service Providers
- (v) Telkom Kenya Ltd

**MINUTE NO.13/2000**

**ADOPTION OF COMMITTEE PROGRAMME**

The Committee adopted its sitting programme from August to November, 2000 with amendments.

**MINUTE NO.14/2000 ANY OTHER BUSINESS**

The Committee agreed upon the following:-

- (i) That Hon. Peter Maundu, M.P. who will be attending CPA Conference in South Africa should endeavour to obtain as much information as possible concerning televising and broadcasting of proceedings in South Africa Parliament. This information should later be passed to the Committee.
- (ii) That the Secretariat should organise the appearance of stakeholders before the Committee and report the same to the Committee on Wednesday August 16, 2000. During the above said sitting, the Committee will deliberate on issues to be discussed with the Minister for Information, Transport and Communications during his appearance on Thursday 17th August, 2000.
- (iii) That during the proposed trip to Tanzania on September 10 - 14, 2000 three Members of the Committee will visit the Tanzanian Parliament and obtain all the necessary information on broadcasting of proceedings.
- (iv) The committee proposed to host a workshop with all stakeholders on September 21, 2000.
- (v) That a trip to Canada is necessary in order to establish how televising and broadcasting of their Parliamentary proceedings is carried out. The Committee appointed Hon. Njeru Kathangu, M.P. and Dr.the Hon. Shem Ochuodho, M.P. to liaise with the Secretariat on possibilities of donor funding for the proposed Committee trips.
- (vi) On Friday October 13, 2000, the Committee will meet with the Speaker in order to explore existing infrastructure in Parliament in preparation for installation of equipment which will be used in televising and broadcasting of Parliamentary Proceedings.
- (vii) That the proposed retreat for the adoption of the Committee Report will be held in Hilton Hotel, Taita Hills.

**MINUTE NO.15/2000 ADJOURNMENT**

And there being no other business, the Chairman adjourned the Sitting until Wednesday 16th August, 2000 at 10.00 a.m.

**Hon. Kipruto arap Kirwa, M.P.**

**CONFIRMED:.....**  
**CHAIRMAN**

**16th August, 2000**

**DATE:.....**

**MINUTES OF THE FOURTH SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON WEDNESDAY, AUGUST 16, 2000 IN COMMITTEE ROOM, 1ST FLOOR, COUNTY HALL AT 10.00 A.M.**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Justin B. Muturi, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Basil Mwakiringo, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Josephine Sinyo, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Njeru Kathangu, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Ochilo Ayacko, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Mwangi Kiunjuri, M.P.

**ABSENT:**

The Hon. Ngenye Kariuki, M.P.  
The Hon. Samuel L. Poghio, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P..

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Ms Mary J. Chesire - Clerk Assistant

**MINUTE NO.16/2000** **CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the Third Sitting held on Wednesday August 09, 2000 were confirmed by the Members present and signed by the Chairman.

**MINUTE NO.17/2000** **MATTERS ARISING**

- (i) **Under Min. No. 14 (ii)**, the Committee resolved to meet with only one Media Group on Friday, 18th August, 2000 and instructed the Secretariat to reschedule dates for the remaining media groups.
- (ii) **Under Min. No. 14(iii)**, the Committee resolved that before the nomination of the three members and a Member of the Secretariat to undertake the

proposed trip to Tanzania, a letter be sent to inform the Tanzania Parliament of the Committee's intended visit.

**MINUTE NO.18/2000** **APPEARANCE OF VARIOUS TEAMS BEFORE THE COMMITTEE**

The Committee discussed this issue at length and agreed to prepare themselves thoroughly prior to meeting with the stakeholders.

The Committee resolved to meet on Thursday 17th August, 2000 and prepare a questionnaire before the meeting scheduled for Friday 18th August, 2000.

**MINUTE NO.19/2000** **CONSIDERATION OF THE PROVIDED BRIEF ON THE MOTION PASSED IN 1991**

The Committee discussed in detail the brief and resolved that the it forms part of the background information to the Committee and came up with the following observations:-

- (i) That there should be a Standing Select Committee on Broadcasting to oversee the responsibility of televising and broadcasting of Parliamentary proceedings. That this issue be discussed in detail when the Committee meets with the Speaker in October, 2000.
- (ii) The Standing Orders be amended so that the public could be given room to follow the proceedings and rules of the House that are complex to comprehend.
- (iii) That for the benefit of the illiterate and visually impaired Members, the contents to questions should be read before a Minister is called upon to reply to questions in the House.
- (vi) That question time be extended to enable Ministers articulate issues which they are called upon to respond to instead of the current/present situation where a limited time of one hour is allocated to questions.
- (vi) That before televising and broadcasting of Parliamentary proceedings is realised there should be modalities of how the coverage will be carried out by the media houses to avoid overcrowding.

**MINUTE NO.20/2000 ADJOURNMENT**

And there being no other business, the Chairman adjourned the sitting until today in the afternoon at 3.00 p.m.

**AFTERNOON SITTING**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Josephine Sinyo, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Njeru Kathangu, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Ochilo Ayacko, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Justin B. Muturi, M.P.  
The Hon. Basil Mwakiringo, M.P.

**ABSENT:**

The Hon. Ngenye Kariuki, M.P.  
The Hon. Samuel L. Poghisio, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P..

**MINUTE NO.21/2000 A BRIEF ON TELEVISIONING AND BROADCASTING OF PROCEEDING IN AUSTRALIA**

The Committee considered the brief on televising and broadcasting on proceedings in Australia and adopted the document as part the Committee's literature for future reference.

**MINUTE NO.22/2000 BOOKS AND NEWSPAPERS ACT**

The Committee considered the Act as part of the Committee's literature and agreed to discuss it later before the meeting with the Nation Media Group on Friday 18th August, 2000.

**MINUTE NO.23/2000 ANY OTHER BUSINESS**

- (i) The Committee was informed by Hon. Kathangu that an effort has been made concerning the possibilities of donor funding for the proposed committee foreign trips and he promised to report to the Committee on the progress at a later date.
- (ii) Hon. Mwangi Kiunjuri, M.P. informed the Committee that he had sent his apologies for the meetings held on 8th and 9th August, 2000 but were not reflected in the attendance. The Secretariat took note of this.

**MINUTE NO.24/2000 ADJOURNMENT**

And there being no other business, the Chairman adjourned the sitting until 17th August, 2000 in Committee Room, First Floor, County Hall at 10.00 a.m.

**Hon. Kipruto arap Kirwa, M.P.**

**CONFIRMED:.....**  
**CHAIRMAN**

**17th August, 2000**

**DATE:.....**

**MINUTES OF THE FIFTH SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON THURSDAY, AUGUST 17, 2000 IN COMMITTEE ROOM, 1ST FLOOR, COUNTY HALL AT 10.00 A.M.**

**PRESENT:** The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Josephine Sinyo, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Njeru Kathangu, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P..

**ABSENT WITH APOLOGY:**

The Hon. Ochilo Ayacko, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Basil Mwakiringo, M.P.  
The Hon. Justin B. Muturi, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.

**ABSENT:**

The Hon. Ngenye Kariuki, M.P.  
The Hon. Samuel L. Poghisio, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Ms Mary J. Chesire - Clerk Assistant

**MINUTE NO.25/2000 CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the Fourth Sitting held on Wednesday August 16, 2000 were confirmed by the Members present and signed by the Chairman.

**MINUTE NO.26/2000 PREPARATION FOR THE MEETINGS WITH STAKEHOLDERS**

The Committee deliberated on a brief containing the Chairman's introductory remarks to be used during its meetings with the Stakeholders and adopted it without amendments.

The Committee agreed that the Inter-Parties Parliamentary Group package be availed by the Secretariat for Committee's

consideration on the resolution passed concerning Kenya Broadcasting Corporation Act.

The Committee further agreed to study the literature available in their files before its meeting with the Minister for Information, Transport & Communications.

On the issue concerning the Press Task Force Report from the Attorney-General's Office, the Hon. Josephine Sinyo, M.P. undertook to avail a copy of the document to the Committee.

**MINUTE NO.27/2000 ANY OTHER BUSINESS**

The Committee agreed upon the following:-

- (i) That during the meetings with Stakeholders, the Committee proceedings should be recorded by the Hansard.
- (ii) That Members of the Committee privileged to visit other countries on their official or private capacity should seek information concerning televising and broadcasting of Parliamentary proceedings in those countries and avail the same to the Committee.

**MINUTE NO.28/2000 ADJOURNMENT**

And there being no other business, the Chairman adjourned the sitting at Twelve o'clock until Friday 18th August, 2000 at 9.30 a.m.

**Hon. Kipruto arap Kirwa, M.P.**

**CONFIRMED:.....**

**CHAIRMAN**

**18th August, 2000**

**DATE:.....**

**MINUTES OF THE SIXTH SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON FRIDAY, AUGUST 18, 2000 IN COMMITTEE ROOM, 1ST FLOOR, COUNTY HALL AT 10.00 A.M.**

**PRESENT:** The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Justin B. Muturi, M.P.  
The Hon. Josephine Sinyo, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P

**ABSENT WITH APOLOGY:**

The Hon. Ochilo Ayacko, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Njeru Kathangu, M.P.  
The Hon. Basil Mwakiringo, M.P.

**ABSENT:**

The Hon. Ngenye Kariuki, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Samuel L. Poghio, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P..

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Ms Mary J. Chesire - Clerk Assistant

**MINUTE NO.29/2000 CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the Fifth Sitting held on Thursday August 17, 2000 were confirmed by the Members present and signed by the Chairman.

**MINUTE NO.30/2000 MATTERS ARISING**

**Under Min.No.26/2000,** Hon. Josephine Sinyo, M.P. informed the Committee that the Press Task Force Report which she had undertaken to avail has not been inaugurated to date. She instead presented a copy of the official launching address of the Task Force by the Attorney-General which was done in February, 1994.

**MINUTE NO.31/2000 MEETING WITH A REPRESENTATIVE FROM KENYA TELEVISION NETWORK**

The Kenya Television Network News Editor, Mr. Isaiah Kabira appeared before the Committee and gave evidence on how televising and broadcasting of Parliamentary proceedings could be realized.

He stated thus:-

- (i) That the formation of the Committee was a step ahead if the realization of live broadcasting of Parliamentary proceedings is to be achieved.
- (ii) That the Media Group will appreciate the intended live broadcasting of Parliamentary proceedings because it will be a step ahead as far as filtering information is concerned.
- (iii) That the equipment for televising and broadcasting of Parliamentary proceedings should be owned by the Parliamentary Service Commission or any body which will be appointed by Parliament to undertake the responsibility upon the realization of the above.
- (iv) That Parliament could access the signal to the local stations freely or a mode of payment could be made by the respective stations to access the signal. Freeing of the signal will enable the stations to record the proceedings from their respective stations without necessarily coming to Parliament.
- (v) That television stations should be given opportunity to record the proceedings of the House to enable them to broadcast during their prime time news.
- (vi) There should be fair play for all the media houses to avoid overshadowing of upcoming stations by the bigger stations. For this to be realized, finer details of legislation should be put in place.
- (vii) That Parliamentary proceedings recorded in tapes should be owned by Parliament in order to regulate the dispatch of the tapes to the public or interested parties if need be.

- (viii) That installing of equipment to enable live coverage of Parliamentary proceedings needs a major investment of not less than Kshs.50 million. Parliament should invest on the Government owned Kenya Broadcasting Corporation Limited, which has live broadcasting equipment.

**MINUTE NO.32/2000 ADJOURNMENT**

And there being no other business the Chairman adjourned the sitting until today afternoon at thirty minutes past two o'clock.

**AFTERNOON SITTING**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Justin B. Muturi, M.P.  
The Hon. Josephine Sinyo, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Ochilo Ayacko, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Njeru Kathangu, M.P.  
The Hon. Basil Mwakiringo, M.P.

**ABSENT:**

The Hon. Ngenye Kariuki, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Samuel L. Poghio, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P..

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Ms Mary J. Chesire - Clerk Assistant

**MINUTE NO.33/2000 MEETING WITH THE KENYA BROADCASTING CORPORATION**

The Managing Director of Kenya Broadcasting Corporation Limited, Mr. Joe Hamisi accompanied by Mr. William Ikabel,

the Company Secretary and Mr. Samuel Otieno, Head of Television Section, appeared before the Committee and gave evidence.

They stated thus:-

- (i) That Kenya Broadcasting Corporation will be willing to support the Committee to realize its mandate.
- (ii) That live broadcasting of Parliamentary proceedings could be very costly in terms of equipment retraining of staff to undertake the new challenge.
- (iii) That installation of equipment should be made in the Chamber and signals should be strategically placed for better access by media stations.
- (iv) That Kenya Broadcasting Corporation has the capacity and capability of undertaking live broadcasting of Parliamentary proceedings if proper adjustments are made.

**MINUTE NO.34/2000 ANY OTHER BUSINESS**

The Committee resolved that the intended visit to the KBC - Station be undertaken on 7th September, 2000 at 9.30 a.m.

**MINUTE NO.35/2000 ADJOURNMENT**

And there being no other business, the Chairman adjourned the sitting at thirty minutes past four o'clock until Tuesday August 22, 2000 at 2.30 p.m.

**Hon. Kipruto arap Kirwa, M.P.**

**CONFIRMED:.....**  
**CHAIRMAN**

**22nd August, 2000**

**DATE:.....**

**MINUTES OF THE SEVENTH SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON TUESDAY, AUGUST 22, 2000 IN COMMITTEE ROOM, 1ST FLOOR, COUNTY HALL AT 2.30 P.M.**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Justin B. Muturi, M.P.  
The Hon. Josephine Sinyo, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
The Hon. Soita Shitanda, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Basil Mwakiringo, M.P.

**ABSENT:**

Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Njeru Kathangu, M.P.  
The Hon. Ochilo Ayacko, M.P.  
The Hon. Samuel L. Poghiso, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P..

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant

**MINUTE NO.36/2000**

**CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the Sixth Sitting held on Friday August 18, 2000 were confirmed by the Members present and signed by the Chairman.

**MINUTE NO.37/2000**

**MATTERS ARISING**

**Under Minute No.30/2000**, the Committee thanked Hon. Josephine Sinyo, M.P. for presenting a copy of the official launching address of the Task Force by the Attorney-General.

**MINUTE NO.38/2000 MEETING WITH NATION MEDIA GROUP**

Mr. Wilfred D. Kiboro, Group Chief Executive accompanied by Messrs. Wangethi Mwangi, Group Editorial Director, Dennis Agwanga, Group Finance and Strategy Manager and Cyrille Nabutola, Managing Director, Nation Broadcasting Division appeared before the committee and gave evidence on how televising and broadcasting of Parliamentary proceedings can be realised.

The Committee was informed as follows:-

- (i) That the Media Group welcomes the intended live broadcasting and televising of Parliamentary proceedings. This will enable more people to learn about proceedings in the house and the decisions which the House makes on their behalf.
- (ii) That Parliament should set up its own Broadcasting Centre from where transmission can be edited before it is passed on to the media houses for onward televising and broadcasting to the public. In this way Parliament will ensure that accurate information has been passed on to media houses. Parliament can own the necessary equipment or appoint a body to undertake the responsibility on its behalf.
- (iii) That Parliament should allow as many media groups as possible to broadcast and televise its proceedings. This will ensure a wide coverage because Media Houses have their own preferences in broadcasting and televising of issues.
- (iv) That International Telecommunications Union (ITU) allocates frequencies to world countries. Communication Commissions of Kenya (CCK) receives frequencies on behalf of Kenya and gives licences to various stakeholders according to the ITU regulations. Most media houses have received frequencies for localised areas like Mombasa, Kisumu, Nakuru and Nairobi and the criteria used in licensing is not clear.
- (v) That Kenya Broadcasting Corporation is the only Media House with nationwide broadcasting and televising services. Other broadcasters should be given nationwide frequencies so that as many people

as possible can receive news on Parliamentary proceedings.

- (vi) That the cost of putting up a Television or Radio Station in Kenya is the same as the cost in America or European Countries. However Media Houses which broadcast or televise Parliamentary proceedings can be funded by various commercial firms which have been funding their advertisements.
- (vii) That coverage of Parliamentary proceedings by the print media has been both minimal and selective. By opening coverage to electronic media the quality of debate will be improved and more people will have access to Parliamentary proceedings.
- (viii) That currently most of the Broadcasting houses receive very little power which hinders broadcasting over a wide area. Each media house should be given more power to cover a wider area.
- (ix) That plans are underway for the media industry to set up a Press Media Council which will lay down the rules and regulations governing coverage of news.
- (x) That current legislation governing issuance of licences to media houses should be re-examined with a view to amending sections which have elements of bias.
- (xi) That Nation Media Group is willing to invest in live coverage of Parliamentary proceedings.

The Committee proposed that a Stakeholders Workshop should be organised to lay down the rules and regulations which will be followed in broadcasting and televising Parliamentary proceedings.

The Committee directed that the Group Chief Executive should submit the following to the Committee by 23rd August, 2000.

- (a) Communication between the Nation Media Group and Communications Commission of Kenya concerning licensing for Nation wide coverage.
- (b) Copy of the Press Task Force Report.

**MINUTE NO.39/2000 ANY OTHER BUSINESS**

The Committee asked the Secretariat to provide them with the Communication Commissions of Kenya Act.

Hon. Maundu, M.P. reported that he had collected information from South Africa concerning live coverage of Parliamentary proceedings by media houses. He submitted a copy of Rules of coverage of proceedings and promised to make a presentation later.

**MINUTE NO.40/2000 ADJOURNMENT**

And there being no other business, the Chairman adjourned the sitting at until Wednesday August 23, 2000 at 10.00 a.m.

**CONFIRMED:.....**  
**Hon. Kipruto arap Kirwa, M.P.**  
**CHAIRMAN**

**DATE:.....**  
**23rd August, 2000**

**MINUTES OF THE EIGHTH SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON WEDNESDAY, AUGUST 23, 2000 IN COMMITTEE ROOM, 1ST FLOOR, COUNTY HALL AT 10.00 A.M.**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Josephine Sinyo, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Njeru Kathangu, M.P.  
The Hon. Soita Shitanda, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Justin B. Muturi, M.P.  
The Hon. Basil Mwakiringo, M.P.

**ABSENT:**

Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Ochilo Ayacko, M.P.  
The Hon. Samuel L. Poghisio, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P..

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms Mary Chesire - Clerk Assistant

**MINUTE NO.41/2000**

**CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the Seventh Sitting held on Tuesday August 22, 2000 were confirmed by the Members present and signed by the Chairman.

**MINUTE NO.42/2000**

**MEETING WITH THE CITIZEN MEDIA GROUP**

Mr. Herman Igambi, Editor-in-Chief accompanied by Ms Latifah Ngunjiri appeared before the Committee and gave evidence on how televising and broadcasting of Parliamentary proceedings can be realized.

He stated thus:-

- (i) That Citizen Media Group welcomes the idea of live televising and broadcasting of Parliamentary proceedings. This will enable the public to see and hear their representatives contribution in the House. It will enable the Parliamentarians to be consistent in their contribution in the House because they know that the public is observing. The public will be more educated on what their representatives and the House in general does for them.
- (ii) That it is not necessary for Parliament to set up its own broadcasting centre to televise and broadcast its proceedings. Royal Media Services Limited, given the mandate, can meet all the costs of plant and equipment installation of the system and transmission of live broadcast of the proceedings to the public. All other electronic media should obtain the signal from citizen whenever they want to cover live proceedings of the House at a small fee while print media will proceed with its coverage of House proceedings as it does today.
- (iii) That if Parliament wishes to start its own broadcasting centre it should appoint a technical sub-committee to study and make recommendations on all the necessary systems, hardware, software and personnel required.

Parliament will require the following:-

- A small transmission or control room of about 400 sq.ft within the building.
- A small mast or tower (about 10 to 15 mts) for microwave link to studio facilities located elsewhere.
- At least three (3) television cameras installed in the Main Chamber. Mobile cameras should be used in Committee rooms and the Old Chamber whenever there is anything requiring broadcast.
- Qualified staff for control rooms and for management of both airwaves and frequencies.

- Engineers to stabilize power
  - A small technical Library
  - Audio vans to cover proceedings when Parliamentary Committees are involved in tours.
- (iv) That rules and regulations governing coverage of Parliamentary proceedings should be set up by the relevant Parliamentary Committee in consultation with all the stakeholders.
- (v) That Kenya Broadcasting Corporation is the only media house with frequencies for national coverage. It is also the only media house with outside broadcasting facilities. It is the oldest and with the best trained manpower. However political will is required to make it a fully independent body.
- (vi) That every world country has a body that issues licences and frequencies to media houses. Communications Commission of Kenya has the mandate to issue the same in Kenya. Since it operates under an enabling Act of Parliament, it should be fully independent.
- (vii) That apart from matters of national security, all Parliamentary proceedings and Committee proceedings should be given live coverage.
- (viii) That Royal Media Services Limited wrote to the Speaker of the National Assembly on 27th October, 1998 requesting to be mandated to offer live broadcasting of the Parliamentary proceedings and Committees but has not received a reply to that letter to date.

The Editor-in-Chief tabled a copy of the letter before the Committee.

**MINUTE NO.43/2000 ANY OTHER BUSINESS**

The Committee asked the Secretariat to write a letter to International Telecommunications Union requesting information on the amount of frequencies which have been issued to Kenya and the necessary details for the said

frequencies.

**MINUTE NO.44/2000 ADJOURNMENT**

And there being no other business, the Chairman adjourned the sitting until this afternoon at 2.30 p.m.

**AFTERNOON SITTING**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
Dr. the Hon. Abdullahi I. Ali, M.P..  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Soita Shitanda, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Justin B. Muturi, M.P.  
The Hon. Josephine Sinyo, M.P.  
The Hon. Basil Mwakiringo, M.P.

**ABSENT:**

The Hon. Peter E.M. Maundu, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Njeru Kathangu, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Ochilo Ayacko, M.P.  
The Hon. Samuel L. Poghio, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms Mary Chesire - Clerk Assistant

**MINUTE NO.45/2000 MEETING WITH THE PEOPLE NEWSPAPER**

Ms Ivy Matiba Chege, Managing Director, The People Newspaper, appeared before the Committee and gave evidence on how televising and broadcasting of Parliamentary proceedings can be realized.

She stated thus:-

- (i) That the People Newspaper welcomes the idea of live coverage of Parliamentary proceedings. This will enable the public to know what goes on in Parliament and will act as a connection between the government and the people. It will also improve the quality of debate in the House. The public will be informed of the attendance and contribution of their representatives in the House. The public will be informed of the motions and bills passed by Parliament on their behalf and whether those motions are later implemented.
- (ii) Select Committees should have their proceedings broadcasted in full apart from matters that touch on national security. National Security should be defined for the public and the witnesses to understand why they should not be covered live.
- (iii) Parliament should set up rules and regulations governing coverage of its proceedings. Parliament should also set up penalties for various breaches. These will enable media houses to train their staff adequately in order to ensure correct reporting of Parliamentary proceedings.

**MINUTE NO.46/2000 MEETING WITH THE STANDARD PRINT MEDIA**

Dr. David Davies, Chief Executive of Standard Newspapers and KTN-Baraza Limited appeared before the Committee on how televising and broadcasting of parliamentary proceedings can be realized.

He stated thus:-

- (i) That he welcomes the idea of televising and broadcasting of Parliamentary proceedings. Opening up of coverage of proceedings will help to reduce or eradicate corruption. Blackout on certain personalities, bias and disruptions will be minimized. Print media groups will have the opportunity to confirm the information with audio-visual coverage before publishing of any information. It will also open Parliament to the public.

- (ii) That Parliament should set up its own broadcasting centre which will pass on the information to other media houses at a fee which it has set up. Parliament can also use KBC which is a national broadcaster to broadcast its proceedings because it is the only media house with a nation-wide coverage. This station should then avail the information to other media houses at a fee set up by Parliament.
- (iii) Licences and frequencies are issued by CCK using criteria which is not clear to the media houses. About Kshs. 1 million is paid to CCK per channel per year for localized coverage. All media houses should have nationwide coverage.
- (iv) Each media house has been allowed restricted range by CCK. This range has not been adequate to convince advertisers to use media houses with localised coverage. This has created unhealthy competition between media houses with localised coverage and those with nation wide coverage.

**MINUTE NO.47/2000 ADJOURNMENT**

And there being no other business, the Chairman adjourned the sitting until Thursday 24th August, 2000 at 9.30 a.m.

**Hon. Kipruto arap Kirwa, M.P.**  
**CONFIRMED:.....**  
**CHAIRMAN**

**31st August, 2000**  
**DATE:.....**

**MINUTES OF THE NINTH SITTING OF THE SELECT COMMITTEE ON  
BROADCASTING HELD ON THURSDAY, AUGUST 24, 2000 IN KENYA  
TELEVISION NETWORK BOARDROOM AT 10.00 A.M.**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Josephine Sinyo, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Justin B. Muturi, M.P.  
The Hon. Ochilo Ayacko, M.P.  
The Hon. Basil Mwakiringo, M.P.

**ABSENT:**

Dr. the Hon. Abdullahi I. Ali, M.P..  
The Hon. Samuel L. Poghio, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Njeru Kathangu, M.P.  
The Hon. Soita Shitanda, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms Mary Chesire - Clerk Assistant

**MINUTE NO.48/2000 TOUR OF KENYA TELEVISION NETWORK STATION**

The Committee arrived at 10.00 a.m. and was met by Mr. David Davies, Managing Director, Standard Group accompanied by Messrs S. Kabira, News Producer, Christine Nguku, Editor Associate and Emmanuel Juma, Deputy News Editor. They took the Committee round the station showing them the equipment used in televising and broadcasting of news.

The Committee was informed that:-

- (i) The Newsroom receives most of the local news which go through computerised editing before the newsworthy material is processed further.
- (ii) In the graphics section, photographs are scanned into the computer. They are later matched with relevant

sounds so that the televised information can contain both sound and picture.

- (iii) The station has a finance division which deals with all money matters.
- (iv) The station has a monitor room. All the programmes which are on air at any time are monitored from this room. Monitoring is a 24 hour exercise.
- (v) Live shows are aired from the production gallery which has various colour mixers to ensure the accuracy of the televised pictures. Before anything is televised it is previewed in this Section where final scrutiny of aired material takes place.
- (vi) The station has a machine room which sends out the final signal to the viewers.
- (vii) In order to uplink information a media house should hire space in a satellite. 1 million US Dollars is required for uplinking information to a satellite.

**MINUTE NO.49/2000    ADJOURNMENT**

The Chairman adjourned the meeting at 11.15 a.m.

**Hon. Kipruto arap Kirwa, M.P.**  
**CONFIRMED:.....**  
**CHAIRMAN**

**31st August, 2000**  
**DATE:.....**

**MINUTES OF THE TENTH SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON THURSDAY, AUGUST 24, 2000 IN CITIZEN RADIO AND TELEVISION STUDIO AT 11.30 A.M.**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Josephine Sinyo, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
The Hon. Njeru Kathangu, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Justin B. Muturi, M.P.  
The Hon. Ochilo Ayacko, M.P.  
The Hon. Basil Mwakiringo, M.P.

**ABSENT:**

Dr. the Hon. Abdullahi I. Ali, M.P..  
The Hon. Samuel L. Poghio, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Soita Shitanda, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms Mary Chesire - Clerk Assistant

**MINUTE NO.50/2000**

**TOUR OF CITIZEN RADIO AND TELEVISION STATION**

The Committee arrived at 11.30 a.m. and was met by Mr. S.K. Macharia, Chairman, Royal Media Services accompanied by Messrs H. Igambi Editor in Chief, Job Githinji, Deputy Editor in Chief, Chamwada, News Editor, Latifa Ngunjiri, Production Manager, and B. Muinde, Chief Engineer. They took the Committee round the station and showed them the equipment used in televising and broadcasting of news. The Committee was informed that:-

- (i) Initially Citizen obtained licences to broadcast in Nairobi, Nakuru, Nyeri, Mombasa and Eldoret. However they received frequencies which only allow them to broadcast in Nairobi area. The Government gives licences to Media Houses while frequencies are given out by Communication Commission of Kenya

on behalf of the International Telecommunications Union.

- (ii) A broadcasting Act is required in Kenya to handle all the broadcasting issues in the country so that all media houses are guided accordingly.
- (iii) Equipment required to televise and broadcast House proceedings would cost about Kshs.30 million while equipment required to televise and broadcast Committee proceedings would cost about Kshs. 20 million.
- (iv) A fee of Kshs.41,000 is used to pay yearly frequencies of a localised area.
- (v) From the source of information the voice and the picture are transmitted separately as two signals to the Newsroom where the voice is matched to the relevant picture before the release of news to the viewers.
- (vi) The Chairman of Royal Media Services wrote a letter to the Speaker of the National Assembly requesting that Royal Media Services be mandated to televise and broadcast Parliamentary proceedings live without charging Parliament for the service. To date the reply to the letter has not been received.

**MINUTE NO.52/2000 ADJOURNMENT**

The Committee left the Station at 12.30 p.m.

**Hon. Kipruto arap Kirwa, M.P.**  
**CONFIRMED:.....**  
**CHAIRMAN**

**31st August, 2000**  
**DATE:.....**

**MINUTES OF THE ELEVENTH SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON THURSDAY, AUGUST 24, 2000 IN NATION MEDIA HOUSE STUDIO AT 2.30 P.M.**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Josephine Sinyo, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Njeru Kathangu, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Soita Shitanda, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Justin B. Muturi, M.P.  
The Hon. Ochilo Ayacko, M.P.  
The Hon. Basil Mwakiringo, M.P.

**ABSENT:**

Dr. the Hon. Abdullahi I. Ali, M.P..  
The Hon. Samuel L. Poghiso, M.P.  
The Hon. Ngenye Kariuki, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms Mary Chesire - Clerk Assistant

**MINUTE NO.52/2000 TOUR OF NATION MEDIA HOUSE**

The Committee arrived at the Media House at 2.30 p.m. They were met by Mr. Cyrille Nabutola the Managing Director, accompanied by Messrs W.D. Kiboro, Group Chief Executive; Wangethi Mwangi, Group Editorial Director; Gideon Muoke, Head of Television Services; and Toni Pati, Head of Radio Services.

The Committee had a guided tour of the Station and was informed of the following.

- (i) That the station has a total of 15 km wiring and 23000 cables. Parliament will need some wiring and cables to make live broadcasting of proceedings a reality.
- (ii) That Parliament will need codeless microphones which can be switched on and off both in the House and

Committee Rooms.

- (iii) That there is need for a production gallery where all the news gathered can be edited before transmission to the viewers.
- (iv) Normally, picture and sound are transmitted separately from the source of information. They are joined later before release of the news to the viewers.
- (v) That the Studio must be kept cool below 30<sup>o</sup>c to prevent rapid wear and tear of the equipment.
- (vi) That Parliament needs about 8 cameras to cover both the proceedings of the House and Committee business properly.
- (vii) That when the instruments will be installed servicing of the same will be minimal.

**MINUTE NO.53/2000 ADJOURNMENT**

And there being no other business, the Chairman adjourned the sitting at 4.00 p.m.

**Hon. Kipruto arap Kirwa, M.P.**

**CONFIRMED:.....**  
**CHAIRMAN**

**31st August, 2000**

**DATE:.....**

**MINUTES OF THE TWELVETH SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON TUESDAY, AUGUST 29, 2000 IN COMMITTEE ROOM 1ST FLOOR, COUNTY HALL AT 2.30 P.M.**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Josephine Sinyo, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Njeru Kathangu, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Justin B. Muturi, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Ngenye Kariuki, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P..

**ABSENT WITH APOLOGY:**

The Hon. Ochilo Ayacko, M.P.  
The Hon. Basil Mwakiringo, M.P.

**ABSENT:**

Prof. the Hon. Anyang' Nyong'o, M.P.  
The Hon. Samuel L. Poghisi, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms Mary Chesire - Clerk Assistant

**MINUTE NO.54/2000**

**MEETING WITH KENYA INSTITUTE OF MASS COMMUNICATIONS**

Mr. Job Osiako, Principal, Kenya Institute of Mass Communications accompanied by Mr. David Kamau, Head of Radio and Television Training appeared before the Committee and gave evidence on how televising and broadcasting of Parliamentary proceedings can be realized.

He stated thus:-

- (i) That Parliament can have its own media house with copyrights and it can charge a fee to other users. Alternatively Parliament can use Kenya Broadcasting Corporation to air proceedings on its behalf because it has country wide frequencies. Other stations can sign an agreement with KBC on terms and conditions to be adhered to before they can receive news from KBC. Parliament should set rules governing coverage and broadcasting. Contracting an existing media

house is cheaper because after some time the equipment in use becomes obsolete and require updating.

- (ii) That there will be need for media literacy both for the crew operating equipment and technicians. The Director of Programmes needsto be trained in editing. The MPs should be trained on how to become media friendly. Parliament should have a trained analyst and Parliamentary reporters should be trained to adhere to the laid down code of ethics.
- (iii) That the language to be used in televising and broadcasting proceedings should be agreed upon by the House because Kenya is a multi-lingua country. There should be a clear definition of the audience targeted, the purpose of broadcasting and the long term effects.
- (iv) That recorded material should be kept in a library or archive because material has a lifespan of five years after which it begins to wear out and after a period of ten years most of the material is defaced.
- (v) That Parliament should decide whether live coverage is necessary considering the number of its sitting days and the length of sittings. The information can also be recorded and aired during prime time news which will eliminate the issue of live broadcasting of proceedings. It would also reduce the air time used to cover proceedings of the House.
- (vi) That Parliament should take precautionary measures against manipulation of their reporters. Some measures of immunity of Parliamentary reporters should be established. The Hansard department can be updated, trained and equipped to undertake the task of reporting Parliamentary proceedings.

#### **MINUTE NO.55/2000 ADJOURNMENT**

The Chairman adjourned the meeting at 1.00 O'clock until this afternoon at 2.30 p.m.

#### **AFTERNOON SITTING**

#### **PRESENT:**

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Josephine Sinyo, M.P.  
The Hon. Peter E.M. Maundu, M.P.

The Hon. Ochilo Ayacko, M.P.  
The Hon. Justin B. Muturi, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Ngenye Kariuki, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Basii Mwakiringo, M.P.

**ABSENT:**

Prof. the Hon. Anyang' Nyong'o, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Soita Shitanda, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P..  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Njeru Kathangu, M.P.  
The Hon. Samuel L. Poghiso, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms Mary Chesire - Clerk Assistant

**MINUTE NO.56/2000**

**MEETING WITH SCHOOL OF JOURNALISM,  
UNIVERSITY OF NAIROBI**

Dr. Lewis Odhiambo, director, School of Journalism, University of Nairobi appeared before the Committee and gave evidence on how televising and broadcasting of Parliamentary proceedings can be realised.

He stated thus:-

- (i) That Parliament should set up a permanent broadcast system with competent staff. The information collected by this system can be stored in the Parliamentary Library and archives.
- (ii) That Parliament can use an existing Public Broadcasting House like KBC to air its views. This method is cheaper because the House would not have to bear the cost of installation of equipment. Also KBC has very well trained personnel. Parliament should have some trained personnel who will work closely with the media houses.
- (iii) That many world countries broadcast live their Parliamentary proceedings. It brings Parliament closer to the people and creates awareness on what their representatives and Parliament in general do for them.
- (iv) That only 5% of Kenyans have access to television. Most of them are the elite. Radio is the most widespread medium of communication. Parliament

should have both radio and television services because the cost of installing one or both is the same. Parliament should start with limited coverage and expand with time.

- (v) That there is need for clear legislation to specify how broadcasting and televising of proceedings should be carried out. If a broadcasting house is contracted it should be given clear terms of reference to broadcast proceedings correctly.
- (vi) The Hansard recording system of Parliament should be updated in order to take up the responsibility of recording proceedings.
- (vii) The Press Task Force Report has not been inaugurated to date. The task force was constituted without a clear mandate.
- (viii) That media houses cannot impose ethics on journalists. A draft code of ethics was drafted by the School of Journalism in collaboration with the Editors Guild but it has not been adopted. The Committee requested a copy of the draft Code of Ethics.
- (ix) That Kenya News Agency is an important vehicle for distributing information to interested parties. Due to underfunding KNA has not been very active. KNA should be given autonomy to enable it become fully operational.

**MINUTE NO.58/2000 ADJOURNMENT**

There being no other business, the Chairman adjourned the meeting at 5.20 p.m.

**Hon. Kipruto arap Kirwa, M.P.**  
**CONFIRMED:.....**  
**CHAIRMAN**

**31st August, 2000**  
**DATE:.....**

**MINUTES OF THE THIRTEENTH SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON WEDNESDAY, AUGUST 30, 2000 IN COMMITTEE ROOM 1ST FLOOR, COUNTY HALL AT 2.30 P.M.**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Josephine Sinyo, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Justin B. Muturi, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Ngenye Kariuki, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
The Hon. Ochilo Ayacko, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Basil Mwakiringo, M.P.

**ABSENT:**

The Hon. Njeru Kathangu, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P..  
The Hon. Samuel L. Poghio, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms Mary Chesire - Clerk Assistant

**MINUTE NO.58/2000 MEETING WITH KENYA UNION OF JOURNALISTS**

Mr. Kihu Irimu, Secretary-General, Kenya Union of Journalists, accompanied by Mr. Ezekiel Mutua, Chairman, Kenya Union of Journalists appeared before the Committee and gave evidence on how televising and broadcasting of Parliamentary proceedings can be realized.

He stated thus:-

- (i) That Kenya Union of Journalists welcomes the ideas of live broadcasting and televising of Parliamentary proceedings. But Parliament should have objectives which it hopes to achieve by live broadcasting, since not all Kenyans understand the English language. Live broadcasting should be in both English and Kiswahili in order to benefit both the literate and the illiterate. Sign language should also be introduced in order to cater for the needs of the deaf.

- (ii) That Cameramen should be well trained to possess the necessary expertise required in order to handle their equipment effectively. Parliament should ensure that its journalists are fully trained and that they understand the rules of procedure in order to give the House and its Committees effective and professional coverage.

The said journalists should adhere to the laid down international code of conduct for journalists. Parliament should also ensure that measures are put in place to instil discipline on journalists who fail to adhere to their code of conduct. Members of Parliament should also be well prepared to make their contribution when there is live coverage before the exercise commences.

- (iii) That certain bottlenecks have to be overcome to ensure accurate reporting of information. The political situation could be hostile depending on the party to be reported about. Ownership of the media houses should be looked into in order to ensure that it does not interfere with accurate reporting of information. There should be proper management of the media because it has its own culture which could interfere with accurate reporting.

- (iv) That KBC has nationwide coverage of information while the private media houses have licences restricting them to localised areas. KBC should have greater responsibility of live coverage than private media houses under the current set up. To give equal opportunities to all media houses frequencies should be liberalised while Parliament should come up with regulations to determine how the print media or audio visual media should be established. Parliament should also ensure that coverage of House proceedings is not controlled by the three major media houses which dominate countrywide coverage of information today.

- (v) Parliament should pass legislation which enables journalists to carry out their work without hindrances. This will enable journalists to be objective, build a new culture and give fair and accurate coverage to all parties. The legislation should redefine the status of a journalist, enable Kenya Union of Journalists be transformed from a Trade Union to a professional body and state how a journalist who fails to adhere to the laid down code of conduct should be disciplined. There should be a code of conduct for media owners.

- (vi) Parliament should come up with an employment pattern for journalists. Kenya Union of Journalists should have its own Act of Parliament just like other professionals. KUJ is a trade union which fights for better terms and conditions for its members. Two years ago, KUJ drafted a Bill, which was presented in Parliament, to look into the grievances of the public and how the public can air their grievance in case of hostile reporting. The Bill has not been discussed by Parliament to date.

The Committee requested a copy of the draft Bill from Kenya Union of Journalists.

**MINUTE NO.59/2000**

**ANY OTHER BUSINESS**

The following issues were raised:-

- (i) The Committee resolved that it will hold a joint meeting with the Departmental Committee on energy Communications and Public Works in order to handle issues which affect both Committees.
- (ii) The Committee also resolved that ACE Communications should appear before it and give their own views on how broadcasting and televising of Parliamentary proceedings can be realised. Hon. Ochuodho, M.P. should report to the Committee on the competitors of ACE so that they can also appear before the Committee.

**MINUTE NO.60/2000**

**ADJOURNMENT**

There being no other business, the Chairman adjourned the meeting at 5.00 p.m.

**Hon. Kipruto arap Kirwa, M.P.**  
**CONFIRMED:.....**  
**CHAIRMAN**

**31st August, 2000**  
**DATE:.....**

**MINUTES OF THE FOURTEENTH SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON THURSDAY, AUGUST 31, 2000 IN COMMITTEE ROOM 1ST FLOOR, COUNTY HALL AT 10.00 A.M.**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Josephine Sinyo, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Justin B. Muturi, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Njeru Kathangu, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Basil Mwakiringo, M.P.  
The Hon. Ochilo Ayacko, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Ngenye Kariuki, M.P.

**ABSENT:**

Dr. the Hon. Abdullahi I. Ali, M.P..  
The Hon. Samuel L. Poghiso, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms Mary Chesire - Clerk Assistant

**MINUTE NO.61/2000 MEETING WITH INTERNET SERVICE PROVIDERS**

Mr. Richard Bell, Chairman Internet Service Providers of Kenya; appeared before the Committee and gave evidence on how televising and broadcasting of Parliamentary proceedings can be realised.

The Committee was informed that:-

- (i) The Internet Service Providers welcome the idea of live broadcasting of Parliamentary proceedings. Print, audio and visual information can all be fed into the internet. This will open up Parliament both to the Kenyan public and the world in general. The targeted audience can also respond to Parliament through the internet. However anybody who has an internet can access House proceedings through the internet. Parliament should ensure that the editing section is managed by well trained editors who fully understand the rules of procedure in order to ensure that information sent to the internet is in conformity with

the laid down rules which govern Parliamentary procedure.

- (ii) There are 44 (Forty Four) Internet Service Providers in Kenya. The law requires that they all use Jambo Net in order to provide internet services to Kenyan customers. It is Jambonet which connects internet service providers to the rest of the world. However, Jambo Net serves three times the number of customers the system was meant for. This causes congestion leading to delays and if the world will access Parliamentary proceedings through it such delays will be inevitable. Every Internet Service Provider pays Jambonet for services provided. Hence any ISP which will enter parliamentary proceedings into the Internet must charge a fee for the service.

Telkom Kenya has a service called Kenstream which would enable ISPS to access the rest of the world without the use of Jambonet. However each ISP has to pay Telkom Kenya 12000 US Dollars a month for use of Kenstream Link Services which is too high for ISPS operations to be economically viable. Telkom Kenya pays only 2000 US Dollars per month to INTELSAT for use of the satellite which provides Kenstream Services.

- (iii) Before the televising of Parliamentary proceedings commences, Parliament should ensure that all inhibitions, hindering interneting of Parliament are done away with. Telkom Kenya uses copper wire infrastructure which is not appropriate for internet services. Wireless technology is more reliable and can reach many people even in remote areas. However Kenya Law is against use of the technology. Infrastructure relating to cables coming to Parliament should be improved. Telkom Kenya is the only authorized body which can provide new cables or improve the existing ones.

Although Telkom Act provides for the liberalization of the market, ISPS have been denied direct international communication in and out of Kenya.

- (iv) Telkom Kenya has the capacity to provide all the telephone lines required by ISPS. The ISPS have found it difficult to obtain all the lines they require in order to provide adequate and efficient services to the customers. It also hinders their expansion. Telkom Kenya ignores requests for more telephone lines by the ISPs claiming that they are not a priority as telephone customers because the telephone bills are normally paid by customers directly to Telkom Kenya.

- (v) All the ISPs have applied to Telkom (K) for integrated Switch Digital Network (ISDT) but none of them has been licenced. The criteria used for issuance of the said licence is not clear. Yet Telkom (K) generates about 95% of its income from telephone related activities. The IPS's will soon install an internet exchange point in Nairobi which can cater for dissemination of information through the internet to the whole of Kenya.

Mr. Richard Bell will provide the Committee with all the necessary literature in relation to provision of internet services.

### **MINUTE NO.62/2000 ANY OTHER BUSINESS**

The following issues were discussed:-

1. Hon. Njeru Kathangu, M.P. reported the following:-
  - (i) That Ebert Friedrich Foundation has agreed to fund four (4) honourable Members for a trip to the South Africa Parliament.
  - (ii) That the same foundation has accepted to fund a seminar for both the Committee and stakeholders before the Committee tables its report in the House. During the said seminar three (3) Hon. Members of the German Parliament should be invited to share their views with Kenyans on how televising and broadcasting of Parliamentary proceedings in Kenya can be realized.
  - (iii) That the same foundation accepted to fund three (3) Hon. members for a trip to Germany on February or March, 2001 to see how German Parliament broadcasts its proceedings.
2. The Secretariat should make a summary of all the issues which the Committee will raise with the Minister for information, Transport & Communications.
3. The Committee resolved that it will visit both South Africa and British Parliaments in October. The Secretariat was asked to prepare a budget for the proposed trips.

**MINUTE NO.63/2000 ADJOURNMENT**

There being no other business, the Chairman adjourned the meeting at 1.00 p.m.

**CONFIRMED:.....**  
**Hon. Kipruto arap Kirwa, M.P.**  
**CHAIRMAN**

**DATE:.....**  
**6th September, 2000**

**MINUTES OF THE FIFTEENTH SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON WEDNESDAY SEPTEMBER 06, 2000 IN COMMITTEE ROOM 1ST FLOOR, COUNTY HALL AT 10.00 A.M.**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
Dr. the Hon. Abdullahi I. Ali, M.P..  
The Hon. Josephine Sinyo, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Justin B. Muturi, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Njeru Kathangu, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Ochilo Ayacko, M.P.  
The Hon. Basil Mwakiringo, M.P.  
The Hon. Ngenye Kariuki, M.P.

**ABSENT:**

Prof. the Hon. Anyang' Nyong'o, M.P.  
The Hon. Samuel L. Poghio, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms Mary Chesire - Clerk Assistant

**MINUTE NO.64/2000**

**MEETING WITH ASSOCIATION OF SENIOR EDITORS**

Mr. M. Odero, Chairman, Kenya Chapter of Eastern African Media Institutions and Senior Consultant of the Editors Guild, appeared before the Committee and gave evidence on how televising and broadcasting of Parliamentary proceedings can be realised.

The Committee was informed that:-

- (i) The Editors Guild welcomes the idea of live coverage of Parliamentary proceedings. Live coverage meets the expectations of the media and its audience in a pluralistic democracy.

- (ii) Since parliamentarians will be conscious of the impact of live coverage on their image, aware that the public will monitor and scrutinize them much more, they will tend to check their conduct and the value of their debate, thus safeguarding the integrity of Parliament.
- (iii) In Kenya, there are no set performance standards for the media. Kenya Chapter of the Eastern Africa Media Institute has drawn up a Code of Ethics and Practice in a self-regulatory endeavour. The code is currently in use among the media fraternity and Parliament should ensure that when live coverage commences its reporters adhere to the provisions of the said code.
- (iv) When live coverage commences Parliament should ensure that its reporters observe Parliamentary Standing Orders and other rules of procedure. They should avoid psychophantic approach, agenda based on ethnicity and influence of commercial advertisers or programme sponsors.
- (v) Before live coverage commences Parliament should be aware and find a solution to the following which might affect broadcasting and televising of its proceedings. That there are two basic variables of news bias; the hidden and the open on one hand and the intended and unintended on the other hand. Reporters show their bias through partisanship, propaganda and selectivity in coverage. In selectivity bias is shown through systematic patterns of preferential attention or unjustified avoidance.
- (vi) The Canadian Broadcasting Act has emphasis placed on the contribution of the media to national integrity. British Broadcasting Policy reflected by the Broadcasting Act of 1990 emphasises that no programmes should be offensive to good taste, decency and public feeling. Also programmes should not contain any offensive representation of or reference to a living person.

**MINUTE NO.65/2000 ADJOURNMENT**

There being no other business, the Chairman adjourned the meeting at 1.10 p.m. until this afternoon at 2.30 p.m.

## AFTERNOON SITTING

### PRESENT:

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Justin B. Muturi, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Peter E.N. Maundu, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Njeru Kathangu, M.P.

### ABSENT WITH APOLOGY:

The Hon. Ochilo Ayacko, M.P.  
The Hon. Basil Mwakiringo, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Josephine Sinyo, M.P.

### ABSENT:

Prof. the Hon. Anyang' Nyong'o, M.P.  
The Hon. Samuel L. Poghiso, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Ngenye Kariuki, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P..

### IN ATTENDANCE

### NATIONAL ASSEMBLY

Mrs C. W. Munga - Clerk Assistant  
Ms Mary Chesire - Clerk Assistant

### MINUTE NO.66/2000 CONFIRMATION OF PREVIOUS MINUTES

Minutes of the Fourteenth Sitting held on Thursday August 31, 2000 were confirmed by the Members present and signed by the Chairman.

### MINUTE NO.67/2000 MATTERS ARISING

**Under Minute No.63/2000**, the Committee had resolved that Hon. Kathangu should request Friedrich Ebert Foundation to provide funding for an item (e.g. tickets) in the proposed trip to South Africa and Britain instead of giving funds for four Members only. Hon. Kathangu had accepted the proposal and promised to give the Committee a report later.

**MINUTE NO.68/2000 ANY OTHER BUSINESS**

Hon. Kathangu reported that Friedrich Ebert Foundation has confirmed that they will pay for tickets and accommodation for four Members during the proposed trip to the South African Parliament. The Foundation will also pay for tickets and accommodation for four Members during the proposed trip to Germany.

The Committee resolved that the Chairman, should write a letter to the Resident Director, Friedrich Ebert Foundation requesting for funding for the following:-

- (i) the South African and the German trips showing the estimated cost of the journey and the programme for both countries.
- (ii) A one day Stakeholders meeting.
- (iii) Report writing retreat.

The Committee further appointed the Chairman, Hon. N. Kathangu and Hon. J.B. Muturi to see the Clerk of the National Assembly and find out whether Parliament can provide funds to enable the remaining eleven Members of the Committee travel to South Africa.

The Secretariat was asked to prepare a list of issues which the Minister for Information, Transport and Communications should consider in preparation for his meeting with the Committee on Wednesday 13th September, 2000. These issues should be presented to the Committee during its next sitting.

The Committee resolved that during the proposed trips to South Africa, Britain and Germany, Members will use economy class.

**MINUTE NO.69/2000 ADJOURNMENT**

There being no other business, the Chairman adjourned the meeting at 4.00 p.m.

**Hon. Kipruto arap Kirwa, M.P.**

**CONFIRMED:.....**  
**CHAIRMAN**

**12th September, 2000**

**DATE:.....**

**MINUTES OF THE SIXTEENTH SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON THURSDAY SEPTEMBER 07, 2000 IN KENYA BROADCASTING CORPORATION BOARDROOM AT 10.00 A.M.**

**PRESENT:** The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Ochilo Ayacko, M.P.  
The Hon. Njeru Kathangu, M.P.  
The Hon. Justin B. Muturi, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Josephine Sinyo, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Basil Mwakiringo, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Ngenye Kariuki, M.P.

**ABSENT:**

Prof. the Hon. Anyang' Nyong'o, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P..  
The Hon. Samuel L. Poghisio, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms Mary Chesire - Clerk Assistant

**MINUTE NO.70/2000 TOUR OF KENYA BROADCASTING CORPORATION**

The Committee arrived at 10.00 a.m. and was met by Dr. Gikonyo Kiano, Chairman, Kenya Broadcasting Corporation accompanied by Messrs. Joe Hamisi, Managing Director William Ikapel, Company Secretary; C. Opiyo, Editor in Chief; George Ndungu, Manager Radio Programmes; John Osoro, Manager Corporate Planning; Boniface Ikonze, Accounts Controller; John Kuria, Assistant Manager, Technical Services - Radio; Samuel Otieno, Assistant Manager, Technical Services - Television; Joe Murema, Manager - Television; Sammy Oyado, Controller, Metro TV; Elizabeth Omollo, Ag. Manager, Metro FM; and B.M. Nzioki, Deputy Secretary, Ministry of Information, Transport & Communications. They took the Committee round the station and showed them the equipment used in Televising

and Broadcasting of News. The Committee was informed that:-

- (i) The Corporation has forwarded a proposal to the parent Ministry for amendment of Kenya Broadcasting Corporation's Act in order to make it an independent body. If independence is achieved the Station will compete favourably with other Media Houses.
- (ii) KBC is the oldest broadcasting station in Kenya. It has the most highly qualified personnel. It has about 2,300 members of staff throughout the country. It has 30 Radio Stations and 8 Television Stations throughout the country. It is about to start an additional channel called Metro Television which will be launched on 16th September, 2000 and which will be used mainly for entertainment purposes. Another Station is scheduled to be launched in Nyeri on 30th September, 2000. The new stations are commercial.
- (iii) KBC spends 55% of its airtime on public service. They carry out Aids, Polio, Political and other campaigns of public interest. They also cover National days free of charge. Presidential Press Service is responsible for coverage of the Presidents functions. They liaise with KBC to air news of Presidential functions.
- (iv) KBC Act should be amended so that future operations of the Station can be clear. Section 9 subsection 3 of the Act requires that no broadcasting station should be started without consent from KBC. Yet many Broadcasting Stations have been started countrywide without informing KBC. Section 7 of the Act has also been flouted several times and no action is taken by the parent Ministry. The country has no Broadcasting Authority which controls licensing and which would discipline media houses which flout various Acts.

The Committee asked the Company Secretary to prepare a brief on Sections of the Act which need amendment and pass the same to the Committee for necessary action.

The Committee also asked the management of KBC to appear before it again in order to give further evidence and suggestions with a view to improving the operations of the Station.

- (v) KBC receives no grants from the Government. Yet it uses very old equipment some of which is outdated. Some equipment also need repair or replacement. They receive some funds from issuance of licences but the government intends to eradicate the licence fee which will deprive the station of 10% of its income. KBC has presented a paper to the Government requesting for funding and they are awaiting feedback. The Ministry official reported that the paper has been received and action will be taken as soon as possible to ensure that KBC operates commercially.
- (vi) Plans are underway to introduce sign language during primetime news in order to cater for the deaf. The station intends to use one hour every Wednesday (from 8.00 - 9.00 p.m.) to air news for the deaf. Qualified staff in sign language have been identified.

**MINUTE NO.71/2000 ADJOURNMENT**

There being no other business, the Chairman adjourned the meeting at 1.00 p.m.

**Hon. Kipruto arap Kirwa, M.P.**  
**CONFIRMED:.....**  
**CHAIRMAN**

**12th September, 2000**  
**DATE:.....**

**MINUTES OF THE SEVENTEENTH SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON TUESDAY SEPTEMBER 12, 2000 IN COMMITTEE ROOM, 1ST FLOR COUNTY HALL AT 10.00 A.M.**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Ochilo Ayacko, M.P.  
The Hon. Justin B. Muturi, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Josephine Sinyo, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Njeru Kathangu, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Basil Mwakiringo, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
The Hon. Mwangi Kiunjuri, M.P.

**ABSENT:**

Dr. the Hon. Abdullahi I. Ali, M.P..  
The Hon. Samuel L. Poghiso, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms Mary Chesire - Clerk Assistant

**MINUTE NO.72/2000 CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the Fifteenth and Sixteenth Sittings of the Committee held on Wednesday and Thursday 6th and 7th September, 2000 respectively were confirmed by the members present and signed by the Chairman.

**MINUTE NO.73/2000 REPORT BY HON. MAUNDU, M.P. ON BROADCASTING & TELEVISIONING OF PARLIAMENTARY PROCEEDINGS IN VARIOUS COUNTRIES**

(i) **Tanzania**

The country has no legislation which governs broadcasting of Parliamentary proceedings. Authority

to broadcast is obtained from the House through the Speaker. Every media house is allowed to broadcast House proceedings. Space has been provided in the House from where media houses can do their coverage. No fee is imposed on Media Houses to cover Parliamentary proceedings. Broadcasting of House matters is privileged and cannot be subjected to courts of law.

(ii) **Cameroon**

French and English languages are used in Parliament. The Audio Visual Committee of Parliament deals with coverage matters. Live coverage of Parliamentary Committees is not allowed. Live coverage in Parliament is done by six (6) private radio stations. The Audio Visual Committee has put 5 cameras covering 180 Members of the House. Though there is a Parliamentary unit which deals with broadcasting, basically there are no real regulations that govern coverage. The Speaker of the House generally directs media houses to apply for licence and if no response is given by the Speaker in two months time it is deemed that permission has been granted. The Cameroon Parliament was funded by Japan with the broadcasting equipment costing about Kshs.20 - 30 million.

(iii) **South Africa**

Live coverage started in 1995 with a full fledged department with two qualified Managers; one for information and the other for sound vision. They are assisted by seven technicians who direct cameras. When there is a matter of national importance Members of Provincial assemblies also meet with the Members of the National Assembly. There are 400 Members of the National Assembly and there are nine Provincial parliaments. During division in the House, voting is through electronic means which is at the same time reflected on the Speakers platform. There are seven (7) cameras placed strategically in the Chamber and three (3) screens in the galleries which show the Member speaking at a particular time as well as his/her constituency. There is a transmitter for interpreters because broadcasting is in many languages. Live coverage of Parliamentary

Committees is allowed.

Initially no radio or television station was willing to invest in live coverage. Equipment for televising and broadcasting of House proceedings cost the Parliament approximately Kshs. 6 million because most of the equipment is manufactured in the country. There is no levy charged to media houses which cover Parliamentary proceedings. In the meantime Parliament is exploring possibilities of having its own channel.

Parliament provides sign language for people who are variously abled. Their seats in the House are special and they are allowed to bring their assistants to the Chamber.

**MINUTE NO.74/2000 ANY OTHER BUSINESS**

The Committee was provided with a draft containing issues to be discussed with the Minister for Information, Transport and Communications when he appears before it on Wednesday September 13, 2000 and adopted it without amendments.

**MINUTE NO.75/2000 ADJOURNMENT**

And there being no other business the Chairman adjourned the sitting at 1.10 p.m. until this afternoon at 2.30 p.m.

**AFTERNOON SITTING**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Soita Shitanda, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Justin B. Muturi, M.P.  
The Hon. Josephine Sinyo, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Ochilo Ayacko, M.P.  
The Hon. Njeru Kathangu, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Basil Mwakiringo, M.P.

Dr. the Hon. Shem Ochuodho, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
The Hon. Mwangi Kiunjuri, M.P.

**ABSENT:**

Dr. the Hon. Abdullahi I. Ali, M.P..  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Samuel L. Poghio, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms Mary Chesire - Clerk Assistant

**MINUTE NO.76/2000**

**MEETING WITH KENYA INDUSTRIAL PROPERTY OFFICE**

Prof. Norah K. Olembo, Director, Kenya Industrial Property Office accompanied by Ms Stella Munyi, Assistant Registrar and Mr. Sylvance A. Sange, Examination Officer appeared before the Committee and gave evidence on how televising and broadcasting of Parliamentary proceedings can be realized.

The Committee was informed that:-

- (i) Kenya Industrial Property Office (KIPO) is ten years old. It is managed by a director and has qualified staff in industrial property matters. It registers and issues copyright certificates to applicants. It also gives certificates for patents. When televising and broadcasting of Parliamentary proceedings commences Parliament will need a logo to identity itself with. This will not act as a service trademark because coverage of proceedings will not be for commercial purposes. The logo will be mainly an emblem and Parliament will obtain it from KIPO on application. Copyright is issued by the Registrar-General. It is a criminal offence to infringe on a registered trade mark. Issues which touch on infringement of copyright, fines and court matters emanating from the said infringement are dealt with by the Registrar-General.

KIPO receives about ten patent applications per year while most third world countries receive a lot more. Education to the public in Kenya is essential to crate

awareness of both copyright and industrial property matters.

- (ii) Kenya Industrial Property Office welcomes the idea of live coverage of Parliamentary proceedings. Broadcasting will make the Hon. Members take the house seriously because the House will be open to public scrutiny. The House will also have high calibre debate. Before reproduction and publication of Parliamentary proceedings, rules and regulations must be set in place. Copyright issues should be sorted out at an early stage because copyright can be easily pirated and the pirator can get away with it. It should be decided whether all proceedings should be recorded or whether some information should be in camera and it should also be decided what information will be in camera.
- (iii) Parliament should decide whether whoever has recorded Parliamentary proceedings can sell the information. (Because audio visual recording of Parliamentary proceedings touches on copyright, there is need for standing licensed coverage and temporary licence for visiting teams. Parliament should decide whether its proceedings should go on the internet because information can be down loaded on the internet throughout the world.

**MINUTE NO.77/2000 ADJOURNMENT**

There being no other business, the Chairman adjourned the meeting at 4.10 p.m.

**Hon. Kipruto arap Kirwa, M.P.**  
**CONFIRMED:.....**  
**CHAIRMAN**

**20th September, 2000**  
**DATE:.....**

**MINUTES OF THE EIGHTEENTH SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON WEDNESDAY SEPTEMBER 13, 2000 IN COMMITTEE ROOM, 1ST FLOOR COUNTY HALL AT 10.00 A.M.**

**PRESENT:** The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Justin B. Muturi, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Njeru Kathangu, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Josephine Sinyo, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Ochilo Ayacko, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Basil Mwakiringo, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
The Hon. Mwangi Kiunjuri, M.P.

**ABSENT:**

Dr. the Hon. Abdullahi I. Ali, M.P..  
The Hon. Samuel L. Poghio, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms Mary Chesire - Clerk Assistant

**MINUTE NO.78/2000** **MEETING WITH THE MINISTER FOR INFORMATION, TRANSPORT AND COMMUNICATIONS**

Hon. Musalia Mudavadi accompanied by Messrs Titus Naikuni, Permanent Secretary, Ministry of Information, Transport and Communications; Augustine Cheserem, Managing Director, Telkom Kenya; Samuel Chepkonga, Director General, Telecommunications Commission of Kenya; Joe Khamisi, Managing Director, Kenya Broadcasting Corporation; William I. Ikapel, Corporation Secretary and Samuel Otieno, Assistant Technical Manager - Television; appeared before the Committee and gave evidence on how televising and broadcasting of Parliamentary proceedings can be realised.

The Committee was informed that:-

- (i) The Ministry welcomes the idea of live coverage of Parliamentary proceedings. Rules and regulations governing Parliamentary proceedings should be set in place before coverage commences. The Minister promised that he will avail four or five technical staff from the Ministry who can assist the Committee to set in place the said rules and to organise the equipment which Parliament would need to make coverage a reality.
- (ii) The Ministry, in consultation with Telkom Kenya and CCK proposed that Parliament should have four Television Cameras to be positioned strategically in the House. Signals from the four cameras should be fed to a common mixer (studio) which has one television signal at the output.

The output from the mixer should be transported by one television codec to a common point from where all the Media Houses will pick the T.V. Signal to their respective studios. All the above equipment should be owned by Parliament.

- (iii) Final editing of information which will be put on air should be done by Parliament to ensure that the final signal which will be transmitted to Media Houses has Parliamentary approval. Parliament can use Telkoms Kenya to transmit the final signal to media houses. The signal should be transmitted through cables because microwave transmission can be disrupted along the way by upcoming tall buildings and it requires annual fees and a frequency which gives it added costs.
- (iv) KBC Act of 1988 was passed to replace the Voice of Kenya Act which had given the Government monopoly over broadcasting because there was only one political party and there were no other media houses. Most of its equipment is therefore old or outdated. Kenya News Agency (KNA) collects information from the countryside for KBC. KNA will be reorganised into 24 stations and in future the Managing Directors of KBC and KNA should be meeting regularly in order to organise collection of news and how broadcasting of collected information

should be done. Information by KBC radio reaches about 98% of the targeted listeners. The Corporation plans to start radio stations in Taita Taveta, Malindi, Lamu, Garissa, Marsabit, Maralal and Karbanet. The Ministry of Energy should provide rural electrification so that viewers and listeners can use electric power to receive information. The Ministry has received fifty applications for radio stations but will not issue any licence until modalities of licensing are provided for in law.

- (v) If Kenya Broadcasting Corporation (KBC) is contracted to deal with live coverage on behalf of Parliament the final signal which is edited by Parliament should be transmitted to it. KBC should pass the signal to other media houses at a fee and it should not discriminate any media house because this is a parliamentary product. However KBC receives no financial support from the Exchequer and it would need support from the parent Ministry and Parliament in order to do the necessary investment in live coverage. The Government only guarantees their loans and ensures that these loans are repaid.
- (vi) There is no law which clearly provides guidelines for licensing of broadcasting stations. Licensing is left at the discretion of the Minister for Information, Transport and communications to decide who qualifies for a licence and whether the new station should be localised or nationwide. The Ministry has issued licences to 13 T.V. Stations. After the applicant receives a licence, CCK issues him with the necessary frequency. CCK gives frequencies for 50 km coverage using 10 kw hours power output for a localised station. For a nationwide coverage the power output and the frequency are more. CCK has received Sixteen frequencies from the International Telecommunications Union for Media houses in Kenya. A licence is not transferrable but a licensed company can change hands together with its licence and frequency. Before a media house starts its operations its equipment must be Type approved by CCK.
- (vii) There are no clear provisions in law on how the Ministry should deal with uplinking and downlinking of information by Media Houses. Telkom Kenya,

World Space and UNEP are the only institutions which are allowed by the Government to uplink information in Kenya. KBC has no uplinking facilities. It has a contract with World Space to uplink its information for Radio Broadcast - Kiswahili Service to various parts of the world. For this service it pays World Space 50,000 USD per year. Telkom Kenya mainly uplinks sound (Telephone) and data related information. INTELSAT has satellite space which can also be obtained by media houses on application at a cost of Kshs.100 million per year. KBC has an outside Broadcasting van which enables it to cover areas away from Nairobi. It has also obtained outside broadcasting frequency from CCK. Other media houses have no outside Broadcasting frequency because they have not applied for it.

- (viii) Initially Internet Service Providers used Kenstream Services to reach the rest of the world. Kenya Posts and Telecommunications Corporation introduced Jambonet to connect ISPs to the rest of the world. Initially Jambonet offered poor and slow services. Information was passed from Nairobi to Longonot through Microwave which broke down very often. Telkom Kenya has introduced the Optic fibre which is more efficient, reduced tariffs to attract more customers and generally improved Jambonet Services. They have been unable to reduce the tariffs further because they buy equipment in small quantities which does not allow them to qualify for discount and they pay heavy taxes on the equipment which is all imported. Telkom Kenya has been given monopoly to uplink information for a period of five years from July 1999. Regional Telecommunication Stations will soon be licensed to compete with Telkom Kenya.

**MINUTE NO.79/2000 ADJOURNMENT**

There being no other business, the Chairman adjourned the meeting at 1.20 p.m.

**Hon. Kipruto arap Kirwa, M.P.**

**CONFIRMED:.....**  
**CHAIRMAN**

**20th September, 2000**

**DATE:.....**

**MINUTES OF THE NINETEENTH SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON WEDNESDAY SEPTEMBER 20, 2000 IN COMMITTEE ROOM, 1ST FLOOR COUNTY HALL AT 10.00 A.M.**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Justin B. Muturi, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Samuel L. Poghiso, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Njeru Kathangu, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Josephine Sinyo, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Basil Mwakiringo, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Ochilo Ayacko, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
The Hon. Mwangi Kiunjuri, M.P.

**ABSENT:**

Dr. the Hon. Abdullahi I. Ali, M.P..

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms Mary Chesire - Clerk Assistant

**MINUTE NO.80/2000** **CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the Seventeenth and Eighteenth Sitzings of the Committee held on Tuesday and Wednesday 12th and 13th September, 2000 respectively were confirmed by the Members present and signed by the Chairman.

**MINUTE NO.81/2000** **REVIEW OF LEGISLATION WHICH RELATE TO TELEVISIONING AND BROADCASTING OF INFORMATION**

1. The Committee resolved that a Sub-Committee should be formed consisting of the following Hon. Members to review legislation relating to televising and broadcasting of information:-

Hon. J.B. Muturi - **(Chairman)**  
Hon. Peter E.M. Maundu, M.P.  
Dr.the Hon. Shem Ochuodho, M.P.  
Hon. Josephine Sinyo, M.P.  
Hon. Mwangi Kiunjuri, M.P.  
Hon. Ochilo Ayacko, M.P.  
Hon. Kipruto arap Kirwa, M.P.

2. The Committee agreed that the Sub-Committee should look at section which relates to televising and broadcasting of information in the following:-

- The Standing Orders
- Penal Code, Cap. 63
- Powers and Privileges Act, Cap.6
- The Defamation Act
- The Constitution
- Kenya Broadcasting Corporation Act, Cap 221
- Communications Commission of Kenya Act, 1998
- Postal Corporation Act, 1998
- Copyright Act, Cap 130

The Committee asked the Secretariat to write to the Attorney-General to provide a legal expert to be seconded to the Sub-Committee.

3. The Committee proposed that a Sub-Committee should be formed to draft recommendations for consideration by the rest of the Committee later.

### **MINUTE NO.82/2000 ANY OTHER BUSINESS**

The Committee agreed on the following:-

- (i) The Stakeholders Workshop will be held on 6th October, 2000.
- (ii) The Secretariat to write a letter to the Ministry of Information, Transport and Communications asking for written response to issues raised with the Minister during his last appearance before the Committee.
- (iii) The Secretariat to write a letter to Telkom Kenya to provide the Policy Paper on Privatisation.

- (iv) The Secretariat to provide to the Committee copies of the Miscellaneous Amendments Bill, 2000.

**MINUTE NO.83/2000 ADJOURNMENT**

And the time being fifty minutes past Twelve O'clock, the Ag. Chairman adjourned the meeting until Thursday 21st September, 2000 at 2.30 p.m.

**Hon. Samuel L. Poghio, M.P.**  
**CONFIRMED:.....**  
**AG.CHAIRMAN**

**21st September, 2000**  
**DATE:.....**

**MINUTES OF THE TWENTIETH SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON WEDNESDAY SEPTEMBER 21ST, 2000 IN COMMITTEE ROOM, 1ST FLOOR COUNTY HALL AT 10.00 A.M.**

**PRESENT:** The following Members of the Committee were present:

The Hon. Samuel L. Poghiso, M.P. (**Ag. Chairman**)  
The Hon. Musikari N. Kombo, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Soita Shitanda, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Njeru Kathangu, M.P.  
The Hon. Basil Mwakiringo, M.P.  
The Hon. Josephine Sinyo, M.P.  
The Hon. Ochilo Ayacko, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Justin B. Muturi, M.P.

**ABSENT:**

The Hon. Ngenye Kariuki, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P..  
The Hon. Kipruto arap Kirwa, M.P.  
The Hon. Peter E.M. Maundu, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms Mary Chesire - Clerk Assistant

**MINUTE NO.84/2000 CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the Nineteenth sitting of the Committee held on Wednesday 20th September, 2000 were confirmed by the Members present and signed by the Ag. Chairman.

**MINUTE NO.85/2000 MATTERS ARISING**

**Under Min. No.81(2)**, the Committee resolved that the following be added to the list of existing legislation which relates to televising and broadcasting of information:-

- Any other relevant Act.

**MINUTE NO.86/2000 ANY OTHER BUSINESS**

The Committee agreed on the following:-

- (i) That if funds are not available for a two day retreat away from Nairobi, the Committee will go for a one day retreat in a hotel at the outskirts of Nairobi city.
- (ii) That all matters in item 3 of the agenda be deferred to another day.

**MINUTE NO.87/2000 ADJOURNMENT**

The Ag. Chairman adjourned the meeting at forty minutes past Three O'clock until Wednesday 27th September, 2000 at 2.30 p.m.

**Hon. Kipruto arap Kirwa, M.P.**  
**CONFIRMED:.....**  
**CHAIRMAN**

**27th September, 2000**  
**DATE:.....**

**MINUTES OF THE TWENTY FIRST SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON WEDNESDAY SEPTEMBER 27TH, 2000 IN COMMITTEE ROOM, 1ST FLOOR COUNTY HALL AT 2.30 P.M.**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Basil Mwakiringo, M.P.  
The Hon. Josephine Sinyo, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Justin B. Muturi, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Njeru Kathangu, M.P.  
The Hon. Ochilo Ayacko, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P..  
The Hon. Mwangi Kiunjuri, M.P.

**ABSENT:**

The Hon. Samuel L. Poghiso, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms Mary Chesire - Clerk Assistant

**MINUTE NO.88/2000 CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the Twentieth Sitting of the Committee held on Thursday 21st September, 2000 were confirmed by the Members present and signed by the Chairman.

**MINUTE NO.89/2000 MATTERS ARISING**

The Committee noted that during the meeting of Thursday 21st September, 2000 Hon. Kirwa was absent with apology.

**MINUTE NO.90/2000 CHAIRMAN'S REPORT ON THE COMMITTEE'S FINANCIAL STATUS**

The Chairman reported that Friedrich Ebert Foundation has confirmed that they will provide funds for the following:-

- (i) Trip to the South African Parliament - 23rd to 30th October, 2000 (Five Members).
- (ii) Stakeholders Workshop - 10th October, 2000
- (iii) Report Writing Retreat - 13th to 17th November, 2000.

The Foundation has not received confirmation from the Head Office in Bonn regarding the German Parliamentary visit.

The Chairman also reported that although he has been in touch with the Deputy Speaker concerning funding for a trip to Britain no money has been availed for the said trip. He would meet the Deputy Speaker at 9.00 O'clock on Thursday 28th September, 2000 for the same and report to the Committee.

**MINUTE NO.91/2000 ANY OTHER BUSINESS**

The Committee resolved that the following Members should be included in the proposed trip to Britain.

The Hon. Kipruto arap Kirwa, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Justin B. Muturi, M.P.

The following Members were selected for the trip to South Africa.

The Hon. Kipruto arap Kirwa, M.P.  
The Hon. Josephine Sinyo, M.P.  
The Hon. Justin B. Muturi, M.P.  
The Hon. Musikari Kombo, M.P.  
The Hon. Njeru Kathangu, M.P.

**MINUTE NO.92/2000 ADJOURNMENT**

The Chairman adjourned the meeting at ten minutes past  
Four O'clock until September 28, 2000 at 10.00 a.m.

**Hon. Kipruto arap Kirwa, M.P.**  
**CONFIRMED:.....**  
**CHAIRMAN**

**28th September, 2000**  
**DATE:.....**

**MINUTES OF THE TWENTY SECOND SITTING OF THE SELECT COMMITTEE  
ON BROADCASTING HELD ON THURSDAY SEPTEMBER 28TH, 2000 IN  
COMMITTEE ROOM, 1ST FLOOR COUNTY HALL AT 10.00 A.M.**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Josephine Sinyo, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Justin B. Muturi, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Basil Mwakiringo, M.P.  
The Hon. Njeru Kathangu, M.P.  
The Hon. Ochilo Ayacko, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P..  
The Hon. Mwangi Kiunjuri, M.P.

**ABSENT:**

The Hon. Samuel L. Poghisio, M.P.  
The Hon. Ngenye Kariuki, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant

**MINUTE NO.93/2000** **CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the Twenty First Sitting of the Committee held on Wednesday 27th September, 2000 were confirmed by the Members present and signed by the Chairman.

**MINUTE NO.94/2000** **MATTERS ARISING**

**Under Minute No.90/2000**, the Committee stated that names of Members who will visit the German Parliament will be proposed as soon as it is confirmed whether the British trip will take place or not.

The Chairman informed the Committee that no confirmation had been received from the Deputy Speaker concerning availability of funds for the proposed trip to Britain.

**Under Minute No.91/2000**, the Committee noted that the name of Hon. Josephine Sinyo should be included in the list of Hon. Members who will visit the South African Parliament.

**MINUTE NO.95/2000    REVIEW OF THE PROGRAMME**

The Committee considered the revised programme and adopted it without amendments.

**MINUTE NO.96/2000    ANY OTHER BUSINESS**

The Committee resolved that the following should be done during the next meeting:-

- (i) Chairman's report on the proposed trips.
- (ii) Appointment of Members of the report writing Committee.
- (iii) Report of the existing Sub-Committee to the Main Committee.

**MINUTE NO.97/2000    ADJOURNMENT**

The Chairman adjourned the meeting at fifty minutes past Eleven O'clock.

**Hon. Kipruto arap Kirwa, M.P.**  
**CONFIRMED:.....**  
**CHAIRMAN**

**9th October, 2000**  
**DATE:.....**

**MINUTES OF THE TWENTY THIRD SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON MONDAY OCTOBER 09, 2000 IN COMMITTEE ROOM, 1ST FLOOR COUNTY HALL AT 10.00 A.M.**

**PRESENT:** The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Josephine Sinyo, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Njeru Kathangu, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Justin B. Muturi, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Musikari N. Kombo, M.P.

**ABSENT:**

The Hon. Samuel L. Poghiso, M.P.  
The Hon. Basil Mwakiringo, M.P.  
The Hon. Ochilo Ayacko, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P..  
The Hon. Mwangi Kiunjuri, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant

**MINUTE NO.98/2000** **CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the Twenty Second Sitting of the Committee held on Thursday 28th September, 2000 were confirmed by the Members present and signed by the Chairman.

**MINUTE NO.99/2000** **MATTERS ARISING**

**Under Minute No.96/2000**, the Chairman reported that some money had been availed to the Committee for the trip to the United Kingdom which would take place from 9th to 15th October, 2000.

**MINUTE NO.100/2000** **REPORT OF THE SUB-COMMITTEE**

The Chairman of the Sub-Committee presented his

report to the main Committee. The report was adopted without amendments.

Arising from the report Members agreed that Kenya Communications Act, 1998 should be reviewed. Sections which touch on televising and broadcasting of Parliamentary proceedings should be looked into in order to ensure that there are no contradictions. This should be done during the report writing retreat.

**MINUTE NO.101/2000**

**ANY OTHER BUSINESS**

The Committee confirmed that the proposed workshop will still be held on 13th November, 2000 at Safari Park Hotel. This will be followed by the report writing retreat which will take place from the evening of 13th November to 17th November, 2000 at Taita Hills Lodge.

The Committee Members expressed the need of the Trip to Germany in order to enable the Members to see the equipment used in broadcasting of their proceedings and to be informed of the rules of coverage which should be adhered to.

**MINUTE NO.102/2000**

**ADJOURNMENT**

There being no other business, the Chairman adjourned the meeting at 12.45 p.m.

**CONFIRMED:.....**  
**Hon. Kipruto arap Kirwa, M.P.**  
**CHAIRMAN**

**DATE:.....**  
**9th November, 2000**

**MINUTES OF THE TWENTY FOURTH SITTING OF THE SELECT COMMITTEE  
ON BROADCASTING HELD ON WEDNESDAY OCTOBER 11TH, 2000 IN THE  
HIGH COMMISSIONERS OFFICE - LONDON**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Soita Shitanda, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant

**MINUTE NO.103/2000**

**MEETING WITH THE HIGH COMMISSIONER -  
LONDON**

The Committee arrived at the High Commission at 10.30 a.m. and was met by the High Commissioner Her Excellency Nancy Kirui.

The Committee was informed that:-

- (i) The High Commissioner welcomes the idea of live televising and broadcasting of Parliamentary proceedings. The public will be more educated on what goes on in Parliament and what the House does for them. The public will also see and hear the contribution of their representatives in the House.
- (ii) The Commission occupies a building which is three hundred years old and is undergoing major repair. However repair works are almost complete and this will extend the life length of the house.
- (iii) The British have a lot of respect for Kenya because it is a peaceful country. Britain invests about one billion pounds in Kenya yearly. Many Britons also visit Kenya as tourists and this has improved the country's tourist industry considerably.
- (iv) There was a flower show in Britain in August and Kenya was allowed to participate. This enabled the country to exhibit a variety of its flowers which helped to create awareness of the type of flower Kenya has. Britain will host a Trade Fair in

November, 2000 and Kenya has been allowed to participate. The High Commissioner appealed to the Members to ensure that as many Kenyan goods as possible are displayed in the Trade Fair.

**MINUTE NO.104/2000**

**ADJOURNMENT**

There being no other business, the Chairman adjourned the meeting at 11.10 a.m.

**Hon. Kipruto arap Kirwa, M.P.**  
**CONFIRMED:.....**  
**CHAIRMAN**

**9th November, 2000**  
**DATE:.....**

**MINUTES OF THE TWENTY FIFTH SITTING OF THE SELECT COMMITTEE ON  
BROADCASTING HELD ON WEDNESDAY OCTOBER 11TH, 2000 AT THE  
PARLIAMENT OF UNITED KINGDOM STUDIO**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Soita Shitanda, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant

**MINUTE NO. 105/2000**

**TOUR OF THE PARLIAMENT OF UNITED  
KINGDOM**

The Committee arrived at 2.30 p.m. and was met by Ms Pricilla Hungerford, Visit Co-ordinator; Mr. Jake Vaughan, Private Secretary to the Chairman of Committees; Barbara Long, Supervisor of Parliamentary Broadcasting; and Brigadier Hedley Duncan Yeoman, Usher of the Black Rod.

The Committee observed a sitting in the House of Lords before the Members toured the Broadcasting Section of the House where they were shown the equipment used in televising and broadcasting of Parliamentary proceedings.

The Committee was informed that:-

- (i) Initially the House discussed and rejected televising of its proceedings for thirty (30) years. In 1988 a substantial majority in the House accepted a television experiment leading to the appointment of a Select Committee on Broadcasting which was chaired by the Leader of the House. The television experiment started in 1989. On 19th July, 1990 the House accepted televising of its proceedings. Control rooms were commissioned in October 1992 and the House insisted that the following three guidelines must always be observed.

- The House would at all times have the final and principal say in any matter concerning television of its proceedings.
  - Broadcasters should pay the main cost of television coverage.
  - The dignity of the House must be protected at all times.
- (ii) The Select Committee on Broadcasting acting on behalf of the House, performs a monitoring and regulatory role in respect of the broadcasting of its proceedings. The degree of control exercised by the Committee varies. In the case of the form of pictures to be aired, the control is absolute. When it comes to the use made of pictures by individual broadcasters in their programmes the Committee has less powers.

The Committee ensures that media houses observe the rules of coverage. These rules were contained in the Select Committee's Report to the House which preceded televising of proceedings and which were approved by the House.

The Committee enjoys delegated authority to make changes in the guidelines from time to time without further reference to the House.

- (iii) Before broadcasting of proceedings commenced Media Houses which were interested in airing of the House proceedings formed a company called Parliamentary Broadcasting Unit Ltd (PARBUL). It provided broadcasters with the television pictures of the proceedings of the House of Commons, the House of Lords and the Committees of each House. It does this by employing a private company to operate the cameras located in the Parliament and in Committee rooms.

PARBUL is owned by the major broadcasting companies. The Company has eight issued shares as follows.

- British Broadcasting Corporation (4)
- Independent Television Association Limited - Channel 3 (1)
- Channel 4 Television Corporation (1)
- British Sky Broadcasting Limited - Satellite (1)
- Channel 5 Broadcasting Limited (1)

The Board of PARBUL consists of the following:-

- Chairman - Chairman of the Committee of Ways and Means.
- Common Directors - 4  
(From the House of Commons)
- Lords Directors  
(From the House of Lords) - 4
- Supervisor of Parliamentary Broadcasting - 1
- Shareholders - 8

All directors have one vote and the Chairman has a casting vote in the event of a tie. The board meets twice a year.

- (iv) The format of the pictures supplied from the House is determined by the shots which are selected by the television director in the Parliamentary control room. In making the selection, the director is expected to observe Rules of coverage. In the application of the Rules of coverage the television director is immediately answerable to the supervisor of Parliamentary broadcasting who in turn reports directly to the Committee on Broadcasting.
- (v) Standing Order No.139 provides for broadcasting of House proceedings. It states that the role of the Committee on Broadcasting is "to give directions and to perform other duties relating to broadcasting"

of proceedings of the House and matters ancillary thereto." Broadcasting Act 1990 provides for the general rules of broadcasting and televising, Satellite Television Services, Broadcasting complaints Commission and Broadcasting Standards Council.

(vi) Various rules of coverage are laid down as follows.

- The press and public galleries, the officials and visitors' boxes and the area behind the speakers chair, not being directly related to proceedings, should not be shown other than unavoidably as part of wide-angle.
- Officers of the House and doorkeepers attending in the Chamber should not normally be shown unless they are taking an active part in the proceedings.
- During Division, a wide-angle shot of the Chamber may be used. The following events relating to division may be shown; putting of the Question, announcement of the names of the Tellers, any points of order which may arise together with any response by the Chair and the announcement by the Tellers and the Chair of the voting figures.
- The standard format for depicting the Member who has the floor should be a head and shoulders shot.
- The Camera should normally remain on the Member speaking until he or she has finished. However wide angle shots of the Chamber may be taken from time to time. Occasional group shots are permitted. Such shots may be used either for the purpose of showing the reaction of a group of Members or in order to establish the geography of a particular part of the Chambers. Shots

to illustrate individual reactions by a Member who has been referred to by the Member speaking are allowed. Shots of the occupants of the chair should be shown whenever he or she rises. Whenever there are incidents of disorder in the House all cameras should focus on the Chair until order has been restored.

- Neither interruptions from, nor demonstrations in the galleries are proceedings and as such they should in no circumstances be televised. Cameras should take wide angle shots of the parts of the Chamber which do not show the offending incident.
- No extracts of Parliamentary proceedings may be used in any entertainment programme or in a programme of political satire. The said extracts should not be used in party political broadcasts.
- No extracts of Parliamentary proceedings may be used in any form of advertising, promotion or other form of publicity.
- The House of Lords has five cameras and the House of Commons has eight. Committee proceedings are covered by mobile film units. They can cover four committees at a time.
- All material recorded in relation to the House or Committee proceedings are stored in a broadcasting archive. Requests are received from the public, former and sitting Members for access to archival material either

for private viewing or for production of educational videos. The supervisor of Parliamentary Broadcasting charges a fee for archival material and charges according to laid down guidelines. The supervisor has the right to preview the material if necessary.

- Any person wishing to photograph or film any part of the precincts of the palace and the works of art must obtain permission from the Usher of the Black Rod (for areas belonging to the House of Lords) or the Serjeant-At-Arms (for areas belonging to the House of Commons). A Peer or a Member may arrange for photography or filming including video recording in the Peers and Members rooms and the upper waiting hall so long as the above mentioned are informed. Chairman of a Committee or the Clerk of a House can also make arrangements for press conferences and filming so long as he follows the laid down rules. Members may arrange with the Serjeant At Arms for visiting Heads of State, Heads of Governments, Presiding Officers of National Assemblies, Secretary-General of the UN, NATO or European Commissioners to be photographed in the precincts of the palace.

MINUTE NO.106/2000

ADJOURNMENT

There being no other business, the Chairman adjourned the meeting.

**Hon. Kipruto arap Kirwa, M.P.**

**CONFIRMED:.....**  
**CHAIRMAN**

**9th November, 2000**

**DATE:.....**

**MINUTES OF THE TWENTY SIXTH SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON THURSDAY OCTOBER 12TH, 2000 IN THE BRITISH BROADCASTING CORPORATION BOARDROOM IN PARLIAMENT BUILDINGS - LONDON AT 11.00 A.M.**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Soita Shitanda, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant

**MINUTE NO.107/2000**

**MEETING WITH THE DIRECTOR OF BRITISH BROADCASTING CORPORATION PARLIAMENT CHANNEL**

The Committee arrived at Parliament Buildings at 11.00 a.m. and was met by Mr. Nigel Charters, Director of BBC Parliament. He took the Committee through a guided tour of the Newsroom, the Studio and showed them all the equipment used in the coverage of Parliamentary proceedings.

The Committee was informed that:-

- (i) The cameras used by Parliament are about ten years old and are due for replacement. They are all remote controlled.
- (ii) The department prepares video tapes for all information which is sent out to the viewers. These tapes are stored in the Parliamentary archive where they can be accessed by any user who would wish to use information contained therein.
- (iii) Although the proceedings start with prayers the department does not cover prayer time. Committee proceedings are covered by Mobile Film Units. A maximum of Four Committees can be covered at a time.

ANY OTHER BUSINESS

A copy of the Broadcasting Act was given to the Committee from which the following information was obtained.

- (i) United Kingdom has an Independent Television Commission which issues licences for television services. Any licence given by the Commission is in writing and remains in force for the period stated. The Commission may vary a licence by a notice served on the licence holder. The holder is given reasonable opportunity of making representations to the commission about the variation.

A licence granted to any person shall not be transferable to any other person without the consent in writing of the Commission. Every licensed service must comply with the following requirements.

- That nothing should be included in its programmes which offends against good taste or decency or is likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling.

The Commission consists of a Chairman, a Deputy Chairman and not less than eight (8) nor more than ten (10) other members appointed by the Secretary of State.

- (ii) The United Kingdom has a Radio Authority which consists of a Chairman, a Deputy Chairman and not less than four (4) nor more than ten (10) other Members appointed by the Secretary of State. The Authority issues licences for sound broadcasting service. The licence issued is in writing and remains in force for the stated period. The Authority issues licences for national, local or satellite service for a maximum period of eight years. The Authority may vary a licence through a notice served on the licence holder by giving him

reasonable opportunity of making representations to it about the variation. A licence granted to any person cannot be transferred to any other person without the written consent of the Authority.

- (iii) The United Kingdom has a Broadcasting Complaints Commission (BCC) which consists of a Chairman and two other Members appointed by the Secretary of State.

The Commission considers complaints related to unjust or unfair treatment in programmes or unwarranted infringement of privacy by any television or sound service. Complaints must be made in writing. A complaint may be made by an individual or a body of persons. Complaints to BCC are considered in hearings where the complainant and the appropriate regulatory body of the service which carried out the offending programme are present.

At the end of every financial year, BCC prepares a report of their proceedings during that year and pass it to the Secretary of State who tables copies of the report before every House of Parliament. The report contains a statement of accounts for the year and a copy of any report made by the auditors on that statement. In order to cater for the operational costs of BCC, in each financial year, the Secretary of State notifies each Regulatory Body the sum which he considers to be appropriate contribution of that body in respect of persons providing licensed services under licences granted by that body. The funds collected in this way are used for the financial needs of BCC.

- (iv) United Kingdom has a Broadcasting Standards Council consisting of a Chairman, a Deputy Chairman and four other members appointed by the Secretary of State. The work of the Council is to draw up and from time to time review a code giving guidance to;

- practices to be followed in connection with the portrayal of violence in

programmes.

- practices to be followed in connection with the portrayal of sexual conduct in programmes.
- Standards of taste and decency for programmes generally.

The code applies to all television and sound programmes. The Council revises the code regularly in consultation with each broadcasting or regulatory body and such other persons as appear to the council to be appropriate.

The Council monitors all television and sound programmes to ascertain how violence and sexual conduct are portrayed in those programmes and the extent to which the said programmes meet standards of taste and decency.

**MINUTE NO.109/2000**

**ADJOURNMENT**

The Chairman adjourned the meeting at 12.30 p.m.

**AFTERNOON**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Soita Shitanda, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant

**MINUTE NO.110/2000**

**TOUR OF THE BRITISH BROADCASTING CORPORATION**

The Committee arrived at 3.00 p.m. and was met by Mr. Nick Sutcliffe and Mr. Eric Corlet who are visits Coordinators. The committee was taken through a guided tour of the premises and were shown the

newsroom, studio, theatre 1, theatre 4, the weather station and the production gallery. They also visited the Control Room which monitors activities of all studios.

The Committee was informed that:-

- (i) All news received must be verified by two sources before they are aired. A broadcast journalist reads the news from a screen. Hard copies of the same news are prepared on print so that the reader can use them if the screen fails. The journalists are trained to read three words per second and they occasionally attend editorial meetings to keep them informed of what is required of them. Every political party is given equal airtime. BBC airs state functions free of charge because it is the National broadcaster.
- (ii) Studio one occupies an area of 1200 square feet. It was opened in 1960 and is the biggest in Europe. Studio 4 is also large and can accommodate 200 to 300 seats for the audience. All studios are well equipped to make digital programmes. They have many lights all of which are numbered. Each light is dual purpose. These lights produce a lot of heat and cold air has to be blown in to keep the studios cool. Each studio is in use for Twelve (12) hours a day from 10.00 a.m. to 10.00 p.m. Besides the fixed lights, spot lights can also be used in the studios to produce the correct image. Programmes are recorded in the studios six weeks to two month in advance.
- (iii) BBC has a weather broadcasting station which airs weather related information to the public. Weather broadcasting is done by well trained broadcasting meteorologists led by Helen Young. A two minute weather broadcast cost the Corporation about £60 to prepare.
- (iv) BBC issues licences to all television owners. They charge £110 for licence of a television set. It is the only media house which is

allowed to issue licences. BBC also sells video tapes, T-Shirts and charge £7.50 per head to all persons who visit their media house in order to meet costs of production.

**MINUTE NO.111/2000**

**ADJOURNMENT**

There being no other business, the Chairman adjourned the meeting.

**CONFIRMED:.....**  
**Hon. Kipruto arap Kirwa, M.P.**  
**CHAIRMAN**

**DATE:.....**  
**9th November, 2000**

**MINUTES OF THE TWENTY SEVENTH SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON MONDAY OCTOBER 23RD, 2000 AT THE HEADQUARTERS OF THE FRIEDRICH-EBERT STIFTUNG - JOHANNESBURG, SOUTH AFRICA.**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P.  
The Hon. Justin B. Muturi, M.P.  
The Hon. Musikari Kombo, M.P.  
The Hon. Njeru Kathangu, M.P.  
The Hon. Josephine Sinyo, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms M. Chesire - Clerk Assistant

**MINUTE NO.112/2000**

**MEETING WITH A REPRESENTATIVE OF FREEDOM OF EXPRESSION INSTITUTE**

The Committee met with Mr. Raymond Louw of the Freedom of Expression Institute and was informed that:-

- (i) In 1996 South Africa adopted its Constitution which gives every citizen rights and obligations which are written in the Bill of Rights. The official languages of the Republic are Sepedi, Sesotho, Setswana, Siswati, Tshivenda, Xitsonga, Afrikaans, English, Isindebele, Isixhosa and Isizulu. The National government and each provincial government must use at least two of the official languages.
- (ii) The 1999 General Elections brought thirteen (13) parties to the National Assembly of 400 Members. Africa National Congress is the ruling party with a majority of 266 Members. The House sits from Monday to Thursday at 14.00 hours or such later time as the Speaker would determine to adjournment (around 6.00 p.m.). On Friday the House sits from 9.00 hours or such later time as the Speaker may determine to adjournment.

- (iii) All sittings of the National Assembly are open to the Public. The public is also at liberty to attend meetings of the National Council of Provinces as well as Committee meetings.
- (iv) Live coverage of Parliamentary proceedings started in 1995. Televising within the precincts was initially started to enable Hon. Members who are in their offices to follow the House proceedings. Eventually all political parties welcomed live coverage because it opened Parliament to the public.
- (v) Parliamentary contributions are privileged and cannot be challenged in a court of law. There is a press Ombudsman who is appointed by Media Houses to sort out disputes related to misreporting. The Print Media (Newspapers) need no licence in order to operate. They only register the name of the Newspaper, the printers and the name of the editor with the Independent Communications Body of South Africa. However all journalists must abide by a laid down Code of Ethics.

**MINUTE NO.113/2000**

**ADJOURNMENT**

There being no other business the Chairman adjourned the meeting.

**Hon. Kipruto arap Kirwa, M.P.**  
**CONFIRMED:.....**  
**CHAIRMAN**

**9th November, 2000**  
**DATE:.....**

**MINUTES OF THE TWENTY EIGHTH SITTING OF THE SELECT COMMITTEE  
ON BROADCASTING HELD ON TUESDAY OCTOBER 24TH, 2000 AT  
HERITAGE ROOM, ROSEBANK HOTEL - JOHANNESBURG AT 7.30 A.M.**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P.  
The Hon. Justin B. Muturi, M.P.  
The Hon. Musikari Kombo, M.P.  
The Hon. Njeru Kathangu, M.P.  
The Hon. Josephine Sinyo, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms M. Chesire - Clerk Assistant

**MINUTE NO.114/2000**

**MEETING WITH THE PRESS OMBUDSMAN**

The Committee met with Mr. Ed. Linington, Press Ombudsman and was informed that.

- (i) During the apartheid era, South Africa used to have a Press Council which came to an end in 1992. Most of the work of that Council is done by the Ombudsman. The Ombudsman is appointed by a Committee made up of representatives of Media Houses and Trade Unions. They call for nominations before they choose one candidate to become the Ombudsman.
- (ii) The Press has an agreed code of ethics which govern coverage and publication. The Ombudsman receives around one hundred complaints per day about what has been published. He summons the editor of the publication and the complainant and listens to their presentations. The Ombudsman gives his opinion according to the laid down rules of coverage. If a case of misreporting has been established, he may ask the Newspaper to apologise. He can also impose a fine of not more than 10,000 Rand on the offending party.

- (iii) Media houses have got an Appeals Panel which consists of representatives from the Press and some members of the public. If the complainant or defendant is not satisfied with the opinion of the Ombudsman, he/she can appeal to the Appeals Panel. If a Newspaper which had been asked by the Ombudsman to pay a fee wins the case in the Appeals Panel, their money is returned. A complainant who is not satisfied with the opinion of the Ombudsman and the ruling of the Appeals Panel can also go to court. A complainant can also go directly to court without first presenting his case to the Ombudsman and the Appeals Panel.
- (iv) South Africa has a Freedom of Expression Committee which ensures that the country enjoys free press. There is a Union of Journalists which caters for the welfare of the Journalists. All journalists must be registered. South Africa has about 800 publications.

**MINUTE NO.115/2000**

**MEETING WITH SOUTH AFRICAN BROADCASTING CORPORATION IN BROADCASTING CENTRE, HENLEY ROAD - JOHANNESBURG AT 9.40 A.M.**

The Committee arrived at the South African Broadcasting Corporation Headquarters at 9.40 a.m. and was taken through a guided tour of the premises. They visited the Newsroom, the theatre and the studio. All cameras of SABC are numbered.

The Committee then met with Mr. Pakash Naidoo, Political Editor for News in South African Broadcasting Corporation. The Committee was informed that:-

- (i) Section 192 of the Constitution which is found in Chapter 9 provides for a Broadcasting Authority which protects broadcasting in general.
- (ii) SABC Radio was launched in 1956 while Television started operating in 1974. The operations of the Corporation are overseen by

a Board which was elected in 1993. The President has final approval of the Board Members. They have three Television Channels for a country with eleven official languages. News bulletin go on throughout the day and each of the eleven languages is given sometime although English is accepted as the key language.

- (ii) SABC's main office is in Johannesburg although it has regional offices country wide. It has political desks in Johannesburg, Pretoria and Capetown. The largest political desk is in Capetown. SABC has nineteen radio stations countrywide. The five main languages are accommodated in the National News while the others are catered for by regional radio broadcasts.
- (iv) SABC gives two hours of live coverage of Parliamentary proceedings for every sitting day. The Committee stage of a Bill has to be adequately covered. Parliamentary debates, matters of National interest e.g. Housing, Health are covered free by SABC as a National Broadcaster. They receive government subsidy in order to cover costs of production. After every cabinet meeting, SABC is briefed about the issues discussed in order to broadcast to the public. On Presidential coverage SABC decides when to broadcast a Presidential Speech as Head of State or Leader of the Africa National Congress (ANC) without interference from the Office of the President.

**MINUTE NO.116/2000**

**MEETING WITH THE CHIEF WHIP OF THE DEMOCRATIC ALLIANCE AT SANDTON OFFICE TOWER - JOHANNESBURG AT 11.20 A.M.**

The Committee met with Mr. Douglas Gibson, Chief Whip of the Democratic Alliance and was informed that:-

- (i) The South African electorate vote for a party not an individual. The votes cast in favour of

each party determine the party with majority votes which then become the ruling party. The number of votes also determine how many members will represent that party in the next parliament.

- (ii) The Press is at liberty to cover activities of any political party. There are thirteen parties in Parliament and they have proportional representation.

Party representation is as follows:

- African National Congress - 266
- Democratic Party - 38
- Inkatha Freedom Party - 34
- New National Party - 28
- United Democratic Movement - 14
- African Christian Democratic Party - 6
- Freedom Front - 3
- United Christian Democratic Party - 3
- Pan African Congress - 3
- Federal Alliance - 2
- Afrikaner - Eenheidsbeweging - 1
- Minority Front - 1
- Azanian People's Organisation - 1

The Speaker insists that every party must be heard in the House. The official opposition believes that SABC is biased in its coverage of parliamentary proceedings.

- (iii) An average Hon. Member of Parliament receives about 13000 Rand per month which includes car allowance. Members have Parliament Offices and about five Members share a Secretary. The official leader of the opposition receives a salary of about 18400 Rand including car allowance. Parliament gives every party some money per month to enable its members set up and maintain constituency offices.

MINUTE NO. 117/2000

#### ADJOURNMENT

There being no other business, the Chairman adjourned the meeting until the afternoon.

## AFTERNOON SITTING

### PRESENT:

The Hon. Kipruto arap Kirwa, M.P.  
The Hon. Justin B. Muturi, M.P.  
The Hon. Musikari Kombo, M.P.  
The Hon. Njeru Kathangu, M.P.  
The Hon. Josephine Sinyo, M.P.

### IN ATTENDANCE

### NATIONAL ASSEMBLY

Mrs C. W. Munga - Clerk Assistant  
Ms M. Chesire - Clerk Assistant

### MINUTE NO. 118/2000

### MEETING WITH GOVERNMENT COMMUNICATION AND INFORMATION SYSTEM (GCIS) AT MIDTOWN BUILDING IN PRETORIA AT 3.00 P.M.

The Committee arrived at GCIS premises at 3.00 p.m. and was met by Mr. Joel Netshitenzhe, Director of GCIS. The Committee was taken through a guided tour of the premises and was informed that.

- (i) GCIS is a department in the office of the President. The department was formed in 1998 to coordinate media work. Their predecessor was the South African Communication Service. They work closely with the Education Department and the post office. They have a few centres in the country side from where their officers visit villages to collect information. They intend to set up 58 centres in the countryside in the near future. Officers working in this department are recruited from the Civil Service.
- (ii) When need arises GCIS clarifies Government position through the media. They also implement government policy. Twice a year they organise a meeting between the cabinet and the pressmen for the Cabinet to brief the press about anything they think the public should be told. The department assists in the arrangements for the State Opening of Parliament. They also work closely with the Communications Committee of Parliament.

They also organise press briefings for Ministers, press releases and sometimes they do information campaigns.

**MINUTE NO.119/2000**

**MEETING WITH A MEMBER ON NATIONAL COUNCIL OF PROVINCES AT SHERATON HOTEL, PRETORIA AT 6.15 P.M.**

The Committee met with Mr. L. Mushwana, Deputy Chairperson of the National Council of Provinces at Sheraton Hotel and was informed that:-

- (i) Parliament consists of two Houses; the National Assembly and the National Council of Provinces (NCOP). The NCOP consists of nine provincial delegations and a delegation of the South African Local Government Association (SALGA). NCOP has a total of 100 members. Each province has the same number of delegates no matter how big or small the province is. Each province has ten delegates i.e. four special and six permanent. The delegation is headed by a Premier who is one of the special delegates or a Member of the provinces delegation designated by the Premier. The provinces delegates come from Provincial Legislatures and must reflect the strength of different parties in the provinces.
- (ii) NCOP elects a Chairperson and two Deputy Chairpersons to run its affairs. The Chairperson and one of the Deputy Chairpersons are elected from among the Permanent delegates for a period of five years. The other Deputy Chairperson is elected for a term of one year and must be succeeded by a delegate from another province so that every province is represented in turn. The President of the Constitutional Court presides over the election of the Chairperson or designate another judge to do so. Then the Chairperson presides over the election of the deputy chairpersons.
- (iii) When a Bill has been passed by the National Assembly it goes to NCOP. Each delegate has one vote for Bills which do not affect

provinces. They include bills on defence matters, foreign affairs and justice. Bills which affect provinces have a different voting pattern. They include Education, transport welfare and health bills. In such bills each province (and not each individual member) has one vote. A bill passes when five provinces vote in its favour. If there is disagreement between the National Assembly and the NCOP about a bill which affects provinces the bill is sent to a Mediation Committee which consists of nine Members of the National Assembly and nine Members of NCOP. If the mediation Committee fails to reach a compromise on a Bill which had been introduced by the National Assembly, the bill is returned back to the Assembly which can pass it with a two thirds majority. If such a bill had been introduced by NCOP it lapses.

When a Bill to amend or change the constitution directly affects the provinces at least six of the nine provinces of NCOP must agree. If the bill does not affect provinces directly NCOP can debate it without voting.

- (iv) NCOP enjoys two hours of coverage by South African Broadcasting Corporation whenever it sits. It is also covered by DSTV which is an expensive satellite station which does not reach many people because of the costs involved.

#### MINUTE NO. 120/2000

#### MEETING WITH THE INSTITUTE FOR DEMOCRACY IN SOUTH AFRICA (IDASA) AT HORATIUS HOTEL, JOHANNESBURG AT 9.00 P.M.

The Committee met with Messrs Richard Callon and Ebrahim Fakil who work with IDASA and was informed that:-

- (i) IDASA is a Non Governmental Institute which deals with democracy and government matters in South Africa. It was formed in 1986 as an Institute for Democratic Alternative in South Africa by two opposition Members of Parliament. They acted as a link between the

Government of the day and the ANC members in exile. Their offices are in Durban, East London, Pretoria and Capetown. The office in Pretoria mainly deals with the Executive while the one in Capetown deals with Parliamentary matters.

- (ii) IDASA is also a Research Institute which does research work for the Government, political parties and the public in general. It has done research for the government on finance, budget and curriculum development. It has done research for political parties in order to find out how much public support each party has. It has researched on many occasions for portfolio Committees of Parliament e.g. Finance Committee and Public Accounts Committee. Other Committees of Parliament also use it to research for them when bills are committed to them. During the elections the Institute is used to disseminate voter education.
- (iii) IDASA is mainly funded by donors. They charge a fee to all the people and Institutions they research for including Parliament. The fee is determined by the amount of research to be carried out and the nature of the research. Community based research is charged a minimal fee.

**MINUTE NO.121/2000**

**ADJOURNMENT**

There being no other business, the Chairman adjourned the meeting.

**Hon. Kipruto arap Kirwa, M.P.**  
**CONFIRMED:.....**  
**CHAIRMAN**

**9th November, 2000**  
**DATE:.....**

**MINUTES OF THE TWENTY NINTH SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON WEDNESDAY OCTOBER 25TH, 2000 IN CAPETOWN AT 3.00 P.M.**

**PRESENT:**

The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P.  
The Hon. Justin B. Muturi, M.P.  
The Hon. Musikari Kombo, M.P.  
The Hon. Njeru Kathangu, M.P.  
The Hon. Josephine Sinyo, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms M. Chesire - Clerk Assistant

**MINUTE NO.122/2000**

**MEETING WITH A RESEARCHER ON HOW PARLIAMENT OPERATES**

The Committee met with M/s Lia Nijzink who is doing her PhD on how Parliament operates. She informed the Committee that:-

- (i) She welcomes live coverage of proceedings in Kenya Parliament. The radio has greater impact on the public than the Television because it reaches more people.

Live coverage enables the public to get more attached to Parliament because they understand its operations.

- (ii) In South Africa, members are elected to the National Assembly through a system called proportional representation. Before elections are held each party draws up a list of candidates in order of preference and the candidates are elected in proportion to the number of votes the party wins in the election. The National Assembly elects a Speaker and a Deputy Speaker to run its affairs. Each political party in the House appoints a Whip. Cabinet appoints a Leader of Government Business who looks after the interests of the Cabinet and the Government in general in Parliament. The presiding officers of both

Houses, the Leader of Government Business and the Chief Whips work together to decide on the programme of Parliament. Bills can be submitted to Parliament by Ministers, other Members of Parliament (as Private Members bills) or by Parliamentary Committees. Members of the public are allowed to attend sittings of the House and Committee sittings.

**MINUTE NO.123/2000**

**ADJOURNMENT**

There being no other business, the Chairman adjourned the meeting.

**CONFIRMED:.....**  
**Hon. Kipruto arap Kirwa, M.P.**  
**CHAIRMAN**

**DATE:.....**  
**9th November, 2000**

**MINUTES OF THE THIRTIETH SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON THURSDAY OCTOBER 26TH, 2000 IN CAPETOWN AT 3.00 P.M.**

**PRESENT:** The following Members of the Committee were present:

The Hon. Kipruto arap Kirwa, M.P.  
The Hon. Justin B. Muturi, M.P.  
The Hon. Musikari Kombo, M.P.  
The Hon. Njeru Kathangu, M.P.  
The Hon. Josephine Sinyo, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms M. Chesire - Clerk Assistant

**MINUTE NO.124/2000**

**MEETING WITH THE SPEAKER OF THE SOUTH AFRICAN NATIONAL ASSEMBLY**

The Committee arrived at Parliament Buildings at 3.00 p.m. and was taken through a guided tour of the premises before they met with the Speaker. The Committee was informed that:-

- (i) Live coverage of Parliamentary proceedings was provided for in the constitution as soon as the country got independence. The cameras which are in the Houses of Parliament were inherited from the previous government at independence. Media Houses do not pay any fee for covering Parliamentary proceedings. There are no restrictions on what they can or cannot televise or broadcast. The Parliament does not have enough cameras to cover Committees and only few Committees can be covered at a time.
- (ii) There are eleven languages which Hon. Members can use in the House. When a Member uses any of the eleven languages, his contribution is translated into English but Parliament does not translate from English to other languages. One Member of staff can speak all the eleven languages used in Parliament. Members who wish to contribute in any language other than English are asked to

inform the Secretary's office in advance so that the right interpreter can be availed by the time the Member starts contributing.

- (iii) The National Assembly has a Media bay, diplomats bay, important persons bay and a bay for persons who are very important to the President. All Members make their contributions from the podium. The House has eight Members who are variously abled. When making brief contributions e.g. giving notice of a Motion a Member on a wheel chair addresses the House from his or her seat. For longer speeches the Member is wheeled by another Member or a service officer to a place in front of the podium. For a brief contribution, a blind Member is led by another Member to one of the microphones on the floor of the House. In order to deliver a longer speech such a Member is led to the podium by another Member. Speeches for blind Members are prepared in Parliament.

Two sign language interpreters are provided to interpret the deaf Members contribution in the House and to interpret the House proceedings to the Members.

- (iv) Each House of Parliament has got its own Committees. In the National Assembly they are called portfolio Committees. In the NCOP they are called Select Committees. In the National Assembly there is a Committee for each Ministry and Government Department. There are also joint National Assembly and NCOP Committees. When need arises Adhoc Committees are appointed to deal with special matters. Each Committee has a Chair person and a Secretary. Any Hon. Member can attend a sitting of any Parliamentary Committee and speak. However he cannot vote unless he is a Member of that Committee. Each Hon. Member belongs to one or more Committees. Although there is proportional representation of parties in Committees, not all parties are represented in every Committee.

**MINUTE NO. 125/2000**

**ADJOURNMENT**

There being no other business, the Chairman adjourned the meeting.

**CONFIRMED:.....**  
**Hon. Kipruto arap Kirwa, M.P.**  
**CHAIRMAN**

**DATE:.....**  
**9th November, 2000**

**MINUTES OF THE THIRTY FIRST SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON THURSDAY NOVEMBER 09,2000 IN COMMITTEE ROOM, COUNTY HALL AT 10.00 A.M.**

**PRESENT:** The following Members of the Committee were present:-

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Samuel L. Poghiso, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Justin B. Muturi, M.P.  
The Hon. Soita Shitanda, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Njeru Kathangu, M.P.

**ABSENT:**

The Hon. Musikari N. Kombo, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Josephine Sinyo, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P.  
The Hon. Ochilo Ayacko, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Basil Mwakiringo, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms M. Chesire - Clerk Assistant

**MINUTE NO.126/2000**

**CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the Twenty Fourth, Twenty Fifth, Twenty Sixth, Twenty Seventh, Twenty Eighth, Twenty Ninth, and Thirtieth sittings held on 11th, 12th, 23rd, 24th, 25th and 26th October, 2000 respectively were confirmed by the Members present and signed by the Chairman.

**MINUTE NO.127/2000**

**ANY OTHER BUSINESS**

The Committee agreed upon the following issues:-

- (i) That it will make a courtesy call on the Speaker on Thursday November 16, 2000 at 9.00 a.m.
- (ii) That the Chairman, Hon. Ochuodho and Hon. Muturi should meet the Speaker in the afternoon to book the courtesy call.
- (iii) The Committee was informed that the proposed Workshop and the report writing retreat have been postponed to a future date.

**MINUTE NO.128/2000**

**ADJOURNMENT**

And there being no other business, the Chairman adjourned the meeting at thirty minutes past Twelve O'Clock until Thursday November 16, 2000 in the Speakers Office at 9.00 a.m.

**CONFIRMED:.....**  
**Hon. Kipruto arap Kirwa, M.P.**  
**CHAIRMAN**

**DATE:.....**  
**10th January, 2001**

**MINUTES OF THE THIRTY SECOND SITTING OF THE SELECT COMMITTEE  
ON BROADCASTING HELD ON TUESDAY NOVEMBER 28, 2000 IN A  
CONFERENCE ROOM, HILTON TAITA HILLS SAFARI LODGE AT 9.00 A.M.**

**PRESENT:** The following Members of the Committee were present:-

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Basil Mwakiringo, M.P.  
The Hon. Justin B. Muturi, M.P.  
The Hon. Njeru Kathangu, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Josephine Sinyo, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.

**ABSENT:**

The Hon. Peter E.M. Maundu, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Ochilo Ayacko, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Samuel L. Poghisio, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms M. Chesire - Clerk Assistant

**MINUTE NO.129/2000**

**DRAFT RECOMMENDATIONS**

The Committee considered the Draft Preface and deferred its adoption to another day.

**MINUTE NO.130/2000**

**ADJOURNMENT**

And there being no other business, the Chairman adjourned the meeting at 1.00 p.m.

**Hon. Kipruto arap Kirwa, M.P.**

**CONFIRMED:.....**

**CHAIRMAN**

**10th January, 2001**

**DATE:.....**

**MINUTES OF THE THIRTY THIRD SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON WEDNESDAY NOVEMBER 29, 2000 IN A CONFERENCE ROOM, HILTON TAITA HILLS SAFARI LODGE AT 9.00 A.M.**

**PRESENT:**

The following Members of the Committee were present:-

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Basil Mwakiringo, M.P.  
The Hon. Justin B. Muturi, M.P.  
The Hon. Njeru Kathangu, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Josephine Sinyo, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.

**ABSENT:**

The Hon. Peter E.M. Maundu, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Ochilo Ayacko, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Musikari N. Kombo, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P.  
The Hon. Samuel L. Poghio, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms M. Chesire - Clerk Assistant

**MINUTE NO.131/2000**

**DRAFT RECOMMENDATIONS**

The Committee considered the draft observations and recommendations and made various amendments.

**MINUTE NO.132/2000**

**ADJOURNMENT**

There being no other business, the Chairman adjourned the meeting until 2.30 p.m.

## AFTERNOON SITTING

**PRESENT:** The following Members of the Committee were present:-

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Basil Mwakiringo, M.P.  
The Hon. Justin B. Muturi, M.P.  
The Hon. Njeru Kathangu, M.P.

### **ABSENT WITH APOLOGY:**

The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Josephine Sinyo, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.

### **ABSENT:**

The Hon. Peter E.M. Maundu, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Ochilo Ayacko, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Musikari N. Kombo, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P.  
The Hon. Samuel L. Poghio, M.P.

### **IN ATTENDANCE**

### **NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms M. Chesire - Clerk Assistant

### **MINUTE NO. 133/2000**

### **DRAFT RECOMMENDATIONS**

The Committee considered further the draft observations and recommendations and made further amendments.

### **MINUTE NO. 134/2000**

### **ADJOURNMENT**

There being no other business, the Chairman adjourned the meeting until 8.30 p.m.

## **EVENING SITTING**

**PRESENT:** The following Members of the Committee were present:-

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Basil Mwakiringo, M.P.  
The Hon. Justin B. Muturi, M.P.  
The Hon. Njeru Kathangu, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Josephine Sinyo, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.

**ABSENT:**

The Hon. Peter E.M. Maundu, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Ochilo Ayacko, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Musikari N. Kombo, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P.  
The Hon. Samuel L. Poghio, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms M. Chesire - Clerk Assistant

**MINUTE NO.135/2000**

**DRAFT RECOMMENDATIONS**

The Committee considered further the draft observations and recommendations and made more amendments.

**MINUTE NO.136/2000**

**ADJOURNMENT**

And there being no other business, the Chairman adjourned the meeting at 12.00 midnight.

**CONFIRMED:**.....  
Hon. Kipruto arap Kirwa, M.P.  
**CHAIRMAN**

**DATE:**.....  
10th January, 2001

**MINUTES OF THE THIRTY FOURTH SITTING OF THE SELECT COMMITTEE  
ON BROADCASTING HELD ON THURSDAY NOVEMBER 30, 2000 IN A  
CONFERENCE ROOM, HILTON TAITA HILLS SAFARI LODGE AT 9.00 A.M.**

**PRESENT:** The following Members of the Committee were present:-

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Basil Mwakiringo, M.P.  
The Hon. Justin B. Muturi, M.P.  
The Hon. Njeru Kathangu, M.P.

**ABSENT WITH APOLOGY:**

The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Josephine Sinyo, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.

**ABSENT:**

The Hon. Peter E.M. Maundu, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Ochilo Ayacko, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Musikari N. Kombo, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P.  
The Hon. Samuel L. Poghisiso, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms M. Chesire - Clerk Assistant

**MINUTE NO.137/2000**

**DRAFT RECOMMENDATIONS**

The Committee further considered the existing legislation that deal with televising and broadcasting of information.

**MINUTE NO.138/2000**

**ADJOURNMENT**

And there being no other business, the Chairman adjourned the meeting at 1.00 p.m.

**Hon. Kipruto arap Kirwa, M.P.**

**CONFIRMED:.....**

**CHAIRMAN**

**10th January, 2001**

**DATE:.....**

**MINUTES OF THE THIRTY FIFTH SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON THURSDAY DECEMBER 14, 2000 IN THE OLD CHAMBER AT 11.00 A.M.**

**PRESENT:** The following Members of the Committee were present:-

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Basil Mwakiringo, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Njeru Kathangu, M.P.  
The Hon. Josephine Sinyo, M.P.  
The Hon. Musikari N. Kombo, M.P.

**ABSENT:**

The Hon. Ochilo Ayacko, M.P.  
The Hon. Justin B. Muturi, M.P.  
The Hon. Ngenye Kariuki, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Samuel L. Poghio, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant

**MINUTE NO.139/2000**

**DRAFT RECOMMENDATIONS**

The Committee considered the preface and deferred its adoption to a later date.

The Committee considered recommendations in the following areas:-

- (i) Televising and Broadcasting of Parliamentary Proceedings
- (ii) Equipment
- (iii) Management of coverage

The Committee deferred consideration of the rest of the recommendations until 10th January 2001.

**MINUTE NO.140/2000**

**ANY OTHER BUSINESS**

Since most of the Committee Members were not able to go to Taita Hills Lodge to consider the draft recommendations, the Committee agreed that the Members should go to Lake Naivasha Lodge for another retreat in January 2001 in order to consider and adopt the draft recommendations.

**MINUTE NO.141/2000**

**ADJOURNMENT**

And there being no other business, the Chairman adjourned the meeting at 1.00 p.m.

**CONFIRMED:.....**  
**Hon. Kipruto arap Kirwa, M.P.**  
**CHAIRMAN**

**DATE:.....**  
**10th January, 2001**

**MINUTES OF THE THIRTY SIXTH SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON WEDNESDAY JANUARY 10, 2001 IN COMMITTEE ROOM COUNTY HALL AT 11.00 A.M.**

**PRESENT:** The following Members of the Committee were present:-

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Justin B. Muturi, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Josephine Sinyo, M.P.

**ABSENT WITH APOLOGY**

The Hon. Njeru Kathangu, M.P.  
The Hon. Basil Mwakiringo, M.P.  
The Hon. Samuel L. Poghisio, M.P.

**ABSENT:**

The Hon. Ochilo Ayacko, M.P.  
The Hon. Musikari N. Kombo, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms M. Chesire - Clerk Assistant

**MINUTE NO.142/2001**

**CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the thirty first, thirty second, thirty third, thirty fourth and thirty fifth sittings held on 9th, 28th and 29th and 30th, November and 14th December 2000 respectively were confirmed by the Members present and signed by the Chairman.

**MINUTE NO.143/2001**

**MATTERS ARISING**

1. **Under Min.127/2000(i)** concerning the courtesy call on the Speaker on 16th November, 2000 the Chairman reported the following:-

- (i) That the Speaker allowed the Committee to continue with its sittings until the House resumes for the next session because there was no time limit set by the House when the Committee was constituted.
- (ii) It was agreed that the Committee's proposed workshop should be held after the Committee's report has been adopted by the House.
- (iii) The Speaker asked the Chairman to inform him occasionally on the progress of the Committee.
- (iv) The Speaker asked the Chairman to inform him of the amount of money required for live coverage of Parliamentary proceedings.

2. **Under Min. No. 140/2000**, the Committee resolved that it will hold a three days retreat at Lake Elmentaita Lodge to compile its final report in February 2001 after it has been allocated with its finances for the third quarter.

**MINUTE NO.144/2001**

**DRAFT RECOMMENDATIONS**

The Committee considered and made amendments to the preface but deferred its adoption to a later date.

**MINUTE NO.145/2001**

**ADJOURNMENT**

And there being no other business, the Chairman adjourned the meeting at 2.00 p.m.

**Hon. Kipruto arap Kirwa, M.P.**

**CONFIRMED:.....**  
**CHAIRMAN**

**29th January, 2001**

**DATE:.....**

**MINUTES OF THE THIRTY SEVENTH SITTING OF THE SELECT COMMITTEE  
ON BROADCASTING HELD ON MONDAY JANUARY 29, 2001 IN  
COMMITTEE ROOM COUNTY HALL AT 10.00 A.M.**

**PRESENT:** The following Members of the Committee were present:-

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Ngenye Kariuki, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Josephine Sinyo, M.P.

**ABSENT WITH APOLOGY**

The Hon. Njeru Kathangu, M.P.  
The Hon. Justin B. Muturi, M.P.  
The Hon. Ochilo Ayacko, M.P.  
The Hon. Basil Mwakiringo, M.P.  
The Hon. Samuel L. Poghisio, M.P.

**ABSENT:**

The Hon. Musikari N. Kombo, M.P.  
The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Soita Shitanda, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C. W. Munga - Clerk Assistant  
Ms M. Chesire - Clerk Assistant

**MINUTE NO. 146/2001**

**CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the Thirty Sixth sitting held on 10th January, 2001 were confirmed by the Members present and signed by the Chairman.

**MINUTE NO. 147/2001**

**DRAFT RECOMMENDATIONS**

The Committee considered and made amendments to the Preface and recommendations but deferred its adoption to a later date.

**MINUTE NO. 148/2001**

**ANY OTHER BUSINESS**

The Committee inquired about the proposed Retreat

to Lake Elementaita Lodge and was informed by the Secretariat that no money has yet been allocated to the Committee to enable it undertake the said Retreat. The Committee resolved that the Chairman should see the Clerk of the National Assembly concerning funding of the Retreat and report back to the Committee on Tuesday January 30, 2001 at 2.30 p.m.

**MINUTE NO.149/2001**

**ADJOURNMENT**

And there being no other business, the Chairman adjourned the Sitting at 1.20 p.m.

**CONFIRMED:.....**  
**Hon. Kipruto arap Kirwa, M.P.**  
**CHAIRMAN**

**DATE:.....**  
**30th January, 2001**

**MINUTES OF THE THIRTY EIGHTH SITTING OF THE SELECT COMMITTEE  
ON BROADCASTING HELD ON TUESDAY JANUARY 30, 2001 IN  
COMMITTEE ROOM COUNTY HALL AT 2.30 P.M.**

**PRESENT:** The following Members of the Committee were present:-

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Josephine Sinyo, M.P.

**ABSENT WITH APOLOGY**

The Hon. Justin B. Muturi, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Ochilo Ayacko, M.P.  
The Hon. Basil Mwakiringo, M.P.

**ABSENT:**

The Hon. Njeru Kathangu, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Samuel L. Poghio, M.P.  
The Hon. Soita Shitanda, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Ms M. Chesire - Clerk Assistant

**MINUTE NO.150/2001**

**CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the Thirty Seventh sitting held on 29th January, 2001 were confirmed by the Members present and signed by the Chairman.

**MINUTE NO.151/2001**

**MATTERS ARISING**

**Under Minute No.148/2001**, the Chairman informed the Committee that the Clerk was not opposed to the Committee undertaking the proposed retreat but asked the Chairman to consult him for further clarification on Wednesday January 31, 2001 after he has consulted with the Finance Department.

The Chairman will report back to the Committee on Wednesday January 31, 2001 at 2.30 p.m.

**MINUTE NO.152/2001**

**ANY OTHER BUSINESS**

The Committee inquired about its intended trip to Germany in February and the Secretariat was asked to contact the Friedrich Ebert Stiftung which was to sponsor the said trip and report back to the Committee.

**MINUTE NO.153/2001**

**ADJOURNMENT**

And there being no other business, the Chairman adjourned the meeting at 3.30 p.m. until Wednesday January 31, 2001 at 2.30 p.m.

**CONFIRMED:.....**  
**Hon. Kipruto arap Kirwa, M.P.**  
**CHAIRMAN**

**DATE:.....**  
**31st January, 2001**

**MINUTES OF THE THIRTY NINTH SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON WEDNESDAY JANUARY 31, 2001 IN COMMITTEE ROOM COUNTY HALL AT 2.30 P.M.**

**PRESENT:** The following Members of the Committee were present:-

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Josephine Sinyo, M.P.

**ABSENT WITH APOLOGY**

The Hon. Justin B. Muturi, M.P.  
The Hon. Ochilo Ayacko, M.P.  
The Hon. Basil Mwakiringo, M.P.

**ABSENT:**

The Hon. Njeru Kathangu, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Samuel L. Poghiso, M.P.  
The Hon. Soita Shitanda, M.P.  
Prof. the Hon. Anyang' Nyong'o, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Ms M. Chesire - Clerk Assistant

**MINUTE NO.154/2001**

**CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the Thirty Eighth sitting held on 30th January, 2001 were confirmed by the Members present and signed by the Chairman.

**MINUTE NO.155/2001**

**MATTERS ARISING**

**Under Minute No.151/2001**, the Chairman reported that the Clerk has advised that the Committee undertakes its proposed retreat to Lake Elementaita Lodge from Tuesday February 6, 2001 upto Friday February 09, 2001.

**MINUTE NO.156/2001**

**RECOMMENDATIONS**

The Committee considered and made amendments to the preface and recommendations but deferred their adoption to a later date.

**MINUTE NO.157/2001**

**ADJOURNMENT**

And there being no other business, the Chairman adjourned the sitting at 5.00 p.m. until Tuesday February 31, 2001 at 2.30 p.m.

**CONFIRMED:.....**  
**Hon. Kipruto arap Kirwa, M.P.**  
**CHAIRMAN**

**DATE:.....**  
**7th February, 2001**

**MINUTES OF THE FORTIETH SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON WEDNESDAY FEBRUARY 07, 2001 AT LAKE NAIVASHA COUNTRY CLUB AT 5.00 P.M.**

**PRESENT:** The following Members of the Committee were present:-

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Mwangi Kiunjuri, M.P.  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Basil Mwakiringo, M.P.  
The Hon. Josephine Sinyo, M.P.

**ABSENT WITH APOLOGY**

The Hon. Njeru Kathangu, M.P.  
The Hon. Samuel L. Poghiso, M.P.  
The Hon. Justin B. Muturi, M.P.  
The Hon. Ochilo Ayacko, M.P.

**ABSENT:**

Prof. the Hon. Anyang' Nyong'o, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C.W. Munga - Clerk Assistant  
Ms Mary Chesire - Clerk Assistant

**MINUTE NO.158/2001**

**RECOMMENDATIONS**

The Committee organised the work it was going to consider in the following way:-

- (i) Preface
- (ii) Recommendations
- (iii) Sub-Committee Report

MINUTE NO.159/2001

ADJOURNMENT

And there being no other business, the Chairman adjourned the meeting at 8.00 p.m.

**CONFIRMED:**.....  
                  Hon. Kipruto arap Kirwa, M.P.  
                  **CHAIRMAN**

**DATE:**.....  
                  8th February, 2001

**MINUTES OF THE FORTY FIRST SITTING OF THE SELECT COMMITTEE ON BROADCASTING HELD ON THURSDAY FEBRUARY 08, 2001 AT LAKE NAIVASHA COUNTRY CLUB AT 9.00 A.M.**

**PRESENT:** The following Members of the Committee were present:-

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Musikari N. Kombo, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Basil Mwakiringo, M.P.  
The Hon. Josephine Sinyo, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Mwangi Kiunjuri, M.P.

**ABSENT WITH APOLOGY**

The Hon. Njeru Kathangu, M.P.  
The Hon. Samuel L. Poghio, M.P.  
The Hon. Justin B. Muturi, M.P.  
The Hon. Ochilo Ayacko, M.P.

**ABSENT:**

Prof. the Hon. Anyang' Nyong'o, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C.W. Munga - Clerk Assistant  
Ms Mary Chesire - Clerk Assistant

**MINUTE NO. 160/2001**

**RECOMMENDATIONS**

The Committee considered its preface and adopted it with final amendments.

**MINUTE NO. 161/2001**

**ADJOURNMENT**

And there being no other business, the Chairman adjourned the meeting at 1.00 p.m. until 2.30 p.m.

**AFTERNOON SITTING**

**PRESENT:**

- The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)
- The Hon. Musikari N. Kombo, M.P.
- The Hon. Ngenye Kariuki, M.P.
- The Hon. Peter E.M. Maundu, M.P.
- The Hon. Basil Mwakiringo, M.P.
- The Hon. Josephine Sinyo, M.P.
- Dr. the Hon. Shem Ochuodho, M.P.
- The Hon. Soita Shitanda, M.P.
- The Hon. Mwangi Kiunjuri, M.P.

**ABSENT WITH APOLOGY**

- The Hon. Njeru Kathangu, M.P.
- The Hon. Samuel L. Poghio, M.P.
- The Hon. Justin B. Muturi, M.P.
- The Hon. Ochilo Ayacko, M.P.

**ABSENT:**

- Prof. the Hon. Anyang' Nyong'o, M.P.
- Dr. the Hon. Abdullahi I. Ali, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

- Mrs C.W. Munga - Clerk Assistant
- Ms Mary Chesire - Clerk Assistant

**MINUTE NO.162/2001**

**RECOMMENDATIONS**

The Committee considered its recommendations and adopted them with final amendments.

**MINUTE NO.163/2001**

**ADJOURNMENT**

And there being no other business, the Chairman adjourned the meeting at 6.00 p.m.

**CONFIRMED:**.....  
**Hon. Kipruto arap Kirwa, M.P.**  
**CHAIRMAN**

**DATE:**.....  
**9th February, 2001**

**MINUTES OF THE FORTY SECOND SITTING OF THE SELECT COMMITTEE  
ON BROADCASTING HELD ON FRIDAY FEBRUARY 09, 2001 AT LAKE  
NAIVASHA COUNTRY CLUB AT 9.00 A.M.**

**PRESENT:** The following Members of the Committee were present:-

The Hon. Kipruto arap Kirwa, M.P. (**Chairman**)  
The Hon. Peter E.M. Maundu, M.P.  
The Hon. Josephine Sinyo, M.P.  
Dr. the Hon. Shem Ochuodho, M.P.  
The Hon. Soita Shitanda, M.P.  
The Hon. Mwangi Kiunjuri, M.P.

**ABSENT WITH APOLOGY**

The Hon. Musikari N. Kombo, M.P.  
The Hon. Ngenye Kariuki, M.P.  
The Hon. Basil Mwakiringo, M.P.  
The Hon. Njeru Kathangu, M.P.  
The Hon. Samuel L. Poghiso, M.P.  
The Hon. Justin B. Muturi, M.P.  
The Hon. Ochilo Ayacko, M.P.

**ABSENT:**

Prof. the Hon. Anyang' Nyong'o, M.P.  
Dr. the Hon. Abdullahi I. Ali, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C.W. Munga - Clerk Assistant  
Ms Mary Chesire - Clerk Assistant

**MINUTE NO.164/2001**

**RECOMMENDATIONS**

The Committee made a final consideration of its recommendations and adopted them with final amendments.

**MINUTE NO.165/2001**

**ADJOURNMENT**

And there being no other business, the Chairman adjourned the meeting **sine die**.

**Hon. Kipruto arap Kirwa, M.P.**

**CONFIRMED:**.....

**CHAIRMAN**  
**9th February, 2001**

**DATE:**.....

## REPORT OF THE SUB-COMMITTEE OF THE SELECT COMMITTEE ON BROADCASTING

The Sub-Committee started its sittings on 21st September, 2000 and has been operating with the following terms of reference.

- T.O.R 1** - Identify existing legislations and regulations which deal with televising and broadcasting of information.
- T.O.R 2** - Review of the said legislations and regulations with a view to finding out areas of conflict, deficiencies and omissions.
- T.O.R 3** - Propose suitable enactment, amendments and regulations to facilitate live coverage of Parliamentary proceedings.
- T.O.R 4** - Report its findings and recommendations to the Main Committee.

The Sub-Committee reviewed Sections of the following documents which contain existing legislation that would deal with televising and broadcasting.

- (i) The Constitution, Edition of 1997
- (ii) The Kenya Broadcasting Corporation Act, Cap 221, Laws of Kenya
- (iii) National Assembly (Powers & Privileges) Act, Cap 6, Laws of Kenya
- (vi) The Kenya Communications Act, 1998
- (v) The Postal Corporation Act, 1998
- (vi) The Copyright Act, Cap 130, Laws of Kenya
- (vii) The Defamation Act, Cap 36, Laws of Kenya
- (viii) The Evidence Act, Cap 80, Laws of Kenya
- (ix) The Public Order Act, Cap 56, Laws of Kenya
- (x) The Standing Orders of the National Assembly; Edition of 1997
- (xi) The Penal Code, Cap 63, Laws of Kenya

The Sub-Committee noted that the *inter-alia* the Constitution, Standing Orders and the National Assembly Powers and Privileges Act, Cap.6 Laws of Kenya do not cater for the Members of Parliament with disability as well as other disabled people in the country.

The Sub-Committee resolved that needs of Members with disability should be catered for in the above said documents which contain the Houses rules of procedure.

## THE CONSTITUTION

The Sub-Committee observed that **Section 79** of the Constitution allows broadcasting and televising of information but it does not provide for the needs of the deaf. Disability has not been recognized as a form of description against which there should be no discrimination. This Section should be amended so that the needs of the disabled can be accommodated.

The Section reads as follows.

*"(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether the Communication be to the public generally or to any person or class of persons) and freedom from interference with his correspondence.*

*(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision -*

- (a) that is reasonably required in the interests of defence, public safety, public order, public morality or public health;*
- (b) that is reasonably required for the purpose of protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts regulating the technical administration or the technical operation of telephony, telegraphy, posts, wireless broadcasting or television; or*
- (c) that imposes restrictions upon public officers or upon persons in the service of a local government authority, and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society."*

**Section 82** should be amended to include disability.

The Section reads as follows:-

*"(1) Subject to subsections (4), (5) and (8), no law shall make any provision that is discriminatory either of itself or in its effect.*

(2) *Subject to subsections (6), (8) and (9), no person shall be treated in a discriminatory manner by a person acting by virtue of any written law or in the performance of the functions of a public office or a public authority.*

(3) *In this section the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, tribe, place of origin or residence or other local connexion, political opinions, colour, creed or sex whereby persons of any such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.*

(4) *Subsection (1) shall not apply to any law so far as that law makes provision-*

- (a) *with respect to persons who are not citizens of Kenya;*
- (b) *with respect to adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law;*
- (c) *for the application in the case of members of a particular race or tribe of customary law with respect to any matter to the exclusion of any law with respect to that matter which is applicable in the case of other persons; or*

(d) *whereby persons of a description mentioned in subsection (3) may be subjected to a disability or restriction or may be accorded a privilege or advantage which, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable in a democratic society.*

(5) *Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) to the extent that it makes provision with respect to standards or qualifications (not being standards or qualifications specifically relating to race, tribe, place of origin or residence or other local connexion, political opinion, colour or creed) to be required of a Person who is appointed to an office in the public service, in a disciplined force, in the service of a local government authority or in a body*

*corporate established by any law for public purposes.*

*(6) Subsection (2) shall not apply to -*

*(a) anything which is expressly or by necessary implication authorized to be done by a provision of law referred to in subsection (4); or*

*(b) the giving or withholding of consent to a transaction in agricultural land by any body or authority established by or under any law for the purpose of controlling transactions in agricultural land.*

*(7) Subject to subsection (8), no person shall be treated in a discriminatory manner in respect of access to shops, hotels, lodging-houses, public restaurants, eating houses, beer halls or places of public entertainment or in respect of access to places of public resort maintained wholly or partly out of public funds or dedicated to the use of the general public.*

*(8) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision whereby persons of a description mentioned in subsection (3) may be subjected to a restriction on the rights and freedoms guaranteed by sections 76,78,79,80 and 81, being a restriction authorized by section 76(2), 78(5), 79(2), 80(2), or paragraph (a) or (b) of section 81 (3).*

*(9) Nothing in subsection (2) shall affect any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in a court that is vested in a person by or under this Constitution or any other law."*

## **NATIONAL ASSEMBLY (POWERS AND PRIVILEGES) ACT**

**Sections 7 and 8** should be amended to accommodate the proposed interpreter for the deaf and assistants to the disabled.

*"7. No stranger shall be entitled, as of right, to enter or to remain within the precincts of the Assembly.*

*8. (1) The Speaker may from time to time issue such orders as he deems necessary or expedient for the better carrying out of*

*the purposes of this Act, and without prejudice to the generality of the foregoing power may by such orders make provision for-*

- (a) regulating the admittance of strangers to and the conduct of strangers within the Chamber;*
- (b) regulating the admittance of strangers to and the conduct of strangers within the precincts of the Assembly and any part thereof other than the Chamber; and*
- (c) the deduction from any moneys due to a member in pursuance of the National Assembly Remuneration Act of any amount payable by that member in respect of refreshments or other facilities made available to members within the precincts of the Assembly.*

*(2) Copies of orders made by the Speaker under this section shall be authenticated by the Clerk and exhibited in a conspicuous position in the precincts of the Assembly; and the copies when so authenticated and exhibited shall be deemed to be sufficient notice to all persons affected thereby."*

The Sub-Committee resolved that the Main Committee should consider **Section 24** with a view to accommodating the Press.

*"24. (i) No member shall accept or receive either directly or indirectly any bribe, fee, compensation, gift or reward for or in respect of the promotion of or opposition to any Bill, resolution, matter or thing submitted or intended to be submitted for the consideration of the Assembly or any committee.*

*(2) Any person who acts in contravention of this section shall be guilty of an offence and liable to imprisonment for a term not exceeding two years or to a fine not exceeding ten thousand shillings, or to both such imprisonment and fine, and every bribe, fee, compensation, gift or reward accepted or received by him shall be forfeited."*

**Section 25** should include Parliamentary tapes of live coverage or edited material.

*"25. Upon any inquiry touching the privileges, immunities and powers of the Assembly or of any member, any copy of the journals printed or purporting to be printed by the Government Printer shall be admitted as evidence of those journals in all courts and places without any proof being given that such copy was so printed."*

### **STANDING ORDERS**

The Sub-Committee proposed that:-

**S.O. 26** Should include tapes and signals emanating from live coverage of Parliamentary proceedings

*"All votes and proceedings of the House shall be noted by the Clerk and shall constitute the Journals of the House."*

**S.O. 27** Should provide for airing of Parliamentary proceedings by Media Houses.

*"The custody of the Journals and Records, including all papers and accounts whatsoever presented to or belonging to the House, shall be in the Clerk, who shall neither take, nor permit to be taken, any of such Journals or Records from the precincts of the House without an order of the House or by the leave or order of Mr. Speaker."*

**S.O. 29** A new subsection should be included to cater for the Speakers exclusion of certain matters from the Journals of the House.

*"Mr. Speaker may direct any matter which is in his opinion secret or purely domestic to be excluded from the Journals of the House and from the verbatim report of proceedings of the House, and to be the subject of a separate verbatim report, both of which shall be kept in the custody of the Clerk and made available only to Members and Clerks."*

**S.O. 37** A new sub-section should be included for Members to read entirely the contents of their questions including the Ministry each question is addressed to.

*"(1) A Question shall not be in effect a speech, or limited to give information or framed so as to suggest its own answer or to convey a particular point of view.*

*(2) The fact on which a question is based may be set out briefly, provided the Member makes himself responsible for their accuracy, but extracts from the newspaper or quotations from speeches shall not admissible.*

*(3) A Question shall not contain any argument, inference, opinion, imputation or controversial, ironical, or offensive expression or epithet.*

*(4) A Question shall not repeat in substance any Question already answered either as a Question or in the course of a debate in the current Session.*

*(5) Not more than one subject shall be referred to in any one Question, and a Question shall not be of excessive length.*

*(6) A Question shall not include the name of any person or any statement not strictly necessary to render the Question intelligible, neither shall a Question contain any charge which the Member asking the Question is not prepared to substantiate.*

*(7) A Question shall not seek an expression of opinion.*

*(8) A Question shall not raise a question of policy too large to be dealt with within the limits of an answer to a Question.*

*(9) A Question shall not be asked which makes or upon the conduct of any person whose conduct can only be challenged upon a substantive Motion or upon the conduct of any other person otherwise than in his official or public capacity.*

*(10) Reference shall not be made in a Question to any particular matter which is sub judice.*

*(11) A Question shall not seek information which is in its nature secret.*

*(12) A Question, the answer to which is readily available in ordinary works of reference or official publications, shall not be asked.*

*(13) A Question shall not ask whether any statement in the Press or of a private individual or unofficial body, other than a report of something written or said by a Minister or an Assistant Minister or civil servant, is accurate.*

*(14) A Question shall not refer discourteously to any friendly country, nor to any ruler or the Government or the representative in Kenya of any friendly country.*

*(15) A Question shall not refer to proceedings of a Select Committee before that Committee has made its report to the House."*

**S.O. 55** Voting during divisions should be done electronically.

*"(1) When the doors have been locked and the Bar drawn and the names of the tellers have been announced, Mr. Speaker shall put the question again and then direct the Ayes into the lobby on his right and the Noes similarly to his left and the doors of each lobby shall be locked ten minutes thereafter.*

*(2) Mr. Speaker or the Chairman of the Committee shall, fifteen minutes after the locking of the lobby doors, call the House to Order, and any member who shall not have voted then shall forfeit his right to vote."*

**S.O. 62** It should be reworded to include sign language.

*"All proceedings of the House shall be conducted either in Kiswahili or in English:*

*Provided that a Member who begins his speech in either of these languages shall continue in the same language until he concludes his speech."*

S.O. 71 It should be reviewed alongside S.O. 161 which deals with premature publication of evidence.

*"No Member shall refer to any proceedings of a Select Committee before the Committee has made its report to the House."*

S.O. 149 **The Library Committee should be redesignated "The Library, Hansard and Broadcasting Committee" and it should be mandated to deal with coverage of Parliamentary proceedings. This Committee should elect its own Chairman.**

*"(1) There shall be a select committee to be designated the Library Committee comprising the Deputy Speaker as Chairman and not more than ten other Members.*

*(2) The functions of the Library Committee shall be-*

*(a) to consider and advise on such matters concerning the Library as may be referred to it by the House from time to time;*

*(b) to make proposals and consider suggestions for the improvement of the Library;*

*(c) to assist Members of the National Assembly in fully utilizing the services provided by the Library."*

S.O. 168 Provisions should be made to ensure that assistants to Members with disabilities are not categorised as strangers.

*"No Member of the House shall bring any stranger into any part of the Chamber appropriate to the Members of the House while the House or the Committee of the whole House is sitting."*

The Sub-Committee also proposed that rules and regulations should be put in place to determine how Bills, Motions and Journals should be entered into the Internet.

## PENAL CODE

### Section 194 - 200

The Sub-Committee resolved that it will consider these sections in line with the Defamation Act, Cap 36.

*"194. Any person who, by print, writing, painting or effigy, or by any means otherwise than solely by gestures, spoken words or other sounds, unlawfully publishes any defamatory matter concerning another person, with intent to defame that other person, is guilty of the misdemeanour termed libel.*

*195. Defamatory mater is matter likely to injure the reputation of any person by exposing him to hatred, contempt or ridicule, or likely to damage any person in his profession or trade by an injury to his reputation; and it is immaterial whether at the time of the publication of the defamatory matter the person concerning whom the matter is published is living or dead;*

*Provided that no prosecution for the publication of defamatory matter concerning a dead person shall be instituted without the consent of the Attorney-General.*

*196. (1) A person publishes a libel if he causes the print, writing, painting, effigy or other means by which the defamatory matter is conveyed to be so dealt with, either by exhibition, reading, recitation, description, delivery or otherwise, that the defamatory meaning thereof becomes known or is likely to become known to either the person defamed or any other person.*

*(2) It is not necessary for libel that a defamatory meaning should be directly or completely expressed; and it suffices if such meaning and its application to the person alleged to be defamed can be collected either from the alleged libel itself or from any extrinsic circumstances, or partly by the one and partly by the other means.*

197. Any publication of defamatory matter concerning a person is unlawful within the meaning of this Chapter unless -

(a) the matter is true and it was for the public benefit that it should be published; or

(b) it is privileged on one of the grounds hereafter mentioned in this Chapter.

198. (1) The publication of defamatory matter is absolutely privileged, and no person shall under any circumstances be liable to punishment under this Code in respect thereof, in any of the following cases, namely -

(a) if the matter is published by the President, or by the Cabinet of Minister, or in Parliament, in any case in an official document or proceeding; or

(b) if the matter is published in the Cabinet of Ministers, or in Parliament, in any case by the President, or by a Minister, or by a Member of Parliament, as the case may be; or

(c) if the matter is published by order of the President or order of the Cabinet of Ministers; or

(d) if the matter is published concerning a person subject to military or naval discipline for the time being, and relates to his conduct as a person subject to such discipline, and is published by some person having authority over him in respect of such conduct, and to some person having authority over him in respect of such conduct; or

(e) if the matter is published in the course of any judicial proceedings by a person taking part therein as a judge, magistrate,

*commissioner, advocate, assessor, witness or party thereto; or*

- (f) if the matter published is in fact a fair report of anything said, done or published in the Cabinet of Ministers or in Parliament; or*
- (g) if the person publishing the matter is legally bound to publish it.*

*(2) Where a publication is absolutely privileged, it is immaterial for the purposes of this Chapter whether the matter be true or false, and whether it be or be not known or believed to be false, and whether it be or be not published in good faith:*

*Provided that nothing in this section shall exempt any person from any liability to punishment under any other Chapter of this Code or under any other written law in force within Kenya.*

*199. A publication of defamatory matter is privileged, on condition that it was published in good faith, if the relation between the parties by and to whom the publication is made is such that the person publishing the matter is under some legal, moral or social duty to publish it to the person to whom the publication is made or has a legitimate personal interest in so publishing it, provided that the publication does not exceed either in extent or matter what is reasonably sufficient for the occasion, and in any of the following cases, namely -*

- (a) if the matter published is in fact a fair report of anything said, done or shown in a civil or criminal inquiry or proceeding before any court:*

*Provided that if the court prohibits the publication of anything said or shown before it, on the ground that it is seditious, immoral or blasphemous, the publication thereof shall not be privileged; or*

- (b) if the matter published is a copy or reproduction, or in fact a fair abstract, of any matter which has been previously published, and the previous publication of it was or would have been privileged under section 198; or*
- (c) if the matter is an expression of opinion in good faith as to the conduct of a person in a judicial, official or other public capacity, or as to his personal character so far as it appears in such conduct; or*
- (d) if the matter is an expression of opinion in good faith as to the conduct of a person in relation to any public question or matter, or as to his personal character so far as it appears in such conduct; or*
- (e) if the matter is an expression of opinion in good faith as to the conduct of any person as disclosed by evidence given in a public legal proceeding, whether civil or criminal, or as to the conduct of any person as a party, witness or otherwise in any such proceeding, or as to the character of any person so far as it appears in any such conduct as in this paragraph mentioned; or*

- (f) *if the matter is an expression of opinion in good faith as to the merits of any book, writing, painting, speech or other work, performance or act published or publicly done or made or submitted by a person to the judgement of the public, or as to the character of the person so far as it appears therein; or*
- (g) *if the matter is a censure passed by a person in good faith on the conduct of another person in any matter in respect of which he has authority, by contract or otherwise, over the other person, or on the character of the other person so far as it appears in such conduct; or*
- (h) *if the matter is a complaint or accusation made by a person in good faith against another person in respect of his conduct in any matter, or in respect of his character so far as it appears in such conduct, to any person having authority; by contract or otherwise, over that other person in respect of such conduct or matter, or having authority by law to inquire into or receive complaints respecting such conduct or matter; or*
- (i) *if the matter is published in good faith for the protection of the rights or interests of the person who publishes it, or of the person to whom it is published, or of some person in whom the person to whom it is published is interested.*

200. *A publication of defamatory matter shall be deemed not to have been made*

*in good faith by a person, within the meaning of section 199, if it is made to appear either-*

- (a) that the matter was untrue, and that he did not believe it to be true; or*
- (b) that the matter was untrue, and that he published it without having taken reasonable care to ascertain whether it was true or false; or*
- (c) that, in publishing the matter, he acted with intent to injure the person defamed in a substantially greater degree or substantially otherwise than was reasonably necessary for the interest of the public or for the protection of the private right or interest in respect of which he claims to be privileged."*

## **THE DEFAMATION ACT, CAP 36**

### **Sections 8 - 12**

The Sub-Committee resolved that these Sections should be reconsidered to ensure that Parliamentary privileges are safeguarded as far as live coverage is concerned especially when televising and broadcasting of its proceedings through the electronic, wireless broadcasting or internet systems.

***"8. (1) For the purposes of the law of libel and slander, the publication of words by wireless broadcasting shall be treated as publication in a permanent form.***

***(2) Sections 6 and 7 of this Act shall apply in relation to reports or matters broadcast by wireless as part of any programme or service provided for general reception by means of a***

*wireless broadcasting station within Kenya, and in relation to the wireless broadcasting of such reports or matters, as they apply in relation to reports and matters published in a newspaper and to publication in a newspaper, and subsection (2) of the said section 7 shall have effect, in relation to any such wireless broadcasting, as if for the words "in the newspaper in which" there were substituted the words "in the manner in which".*

*9. (1) In any action of libel in respect of the publication of a parliamentary report it shall be a defence for the defendant to produce to the court a certificate under the hand of the Speaker of the National Assembly or of the Chairman of the East African Legislative Assembly, as the circumstances of the case may require, that such report was published by the order or under the authority of the Assembly concerned, together with an affidavit verifying such certificate.*

*(2) A defendant intending to produce a certificate mentioned in subsection (1) of this section shall give to the plaintiff at least twenty-four hours notice of his intention in that behalf.*

*10. In any action for libel in respect of the publication of a copy of a parliamentary report it shall be a defence for the defendant to produce to the court such parliamentary report, and such copy, together with an affidavit verifying such parliamentary report and the correctness of such copy.*

*11. In any action for libel in respect of the publication of any extract from, or abstract of, any parliamentary report it shall be a defence for the defendant to show that the matter in question was in fact an extract from, or abstract of, a parliamentary report and that the publication thereof was bona fide and without malice.*

*12. (1) In any action for libel contained in a newspaper or other periodical publication it shall be a*

*defence for the defendant to show that such libel was inserted in such newspaper or periodical without malice and without gross negligence, and that before the commencement of the action, or at the earliest opportunity thereafter, be inserted in the same newspaper or periodical publication a full apology for the said libel, or, if the newspaper or periodical publication in which the said libel appeared should ordinarily be published at intervals exceeding one week, had offered to publish the said apology in any newspaper or periodical publication to be selected by the plaintiff.*

*(2) The defence provided by this section shall not be available unless, at the time of filing his defence, the defendant has made a payment into court by way of amends."*

### **COPYRIGHT ACT, CAP 130**

The Sub-Committee deferred consideration of the Act until televising and broadcasting of Parliamentary proceedings is realized and the mandated broadcasting body is established.

This will enable the Copyright Act to be reviewed to ensure that parts of the Act which inhibit televising and broadcasting of information are addressed.

The Sub-Committee noted that Kenya Broadcasting Corporation Act, Cap.221, Evidence Act, Cap 80; Public Order Act, Cap 56 and Postal Corporation Act of 1998 have no useful information with regard to televising and broadcasting of Parliamentary proceedings.

After a lengthy scrutiny of the Kenya Communications Act of 1998, and the proposed Kenya Media Commission Bill, the Sub-Committee resolved that the two documents should be studied by the Main Committee with a view to proposing amendments in various Sections in which the powers of the Minister incharge of Information, the Minister incharge of Internal Security and the Communications Commission of Kenya are not clearly defined.

The Committee noted that the Telecommunications Tax Act, Cap 473 of the Laws of Kenya is outdated and proposed that it should be repealed.

**MINUTES OF THE FIRST SITTING OF THE SELECT COMMITTEE ON BROADCASTING SUB-COMMITTEE HELD ON THURSDAY SEPTEMBER 21, 2000 IN COMMITTEE ROOM 1ST FLOOR, COUNTY HALL AT 10:00 A.M.**

**PRESENT:**

The following Members of the Committee were present:

Hon. Justin B. Muturi, M.P. (**Chairman**)  
Dr. the Hon. Shem Ochuodho, M.P.  
Hon. Peter E.M. Maundu, M.P.  
Hon. Josephine Sinyo, M.P.

**ABSENT:**

Hon. Ochilo Ayacko, M.P.  
Hon. Kipruto arap Kirwa, M.P.  
Hon. Mwangi Kiunjuri, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C.W. Munga - Clerk Assistant  
Ms. M. J. Chesire - Clerk Assistant

**MINUTE NO.1/2000 TERMS OF REFERENCE**

The Committee agreed upon the following Terms of Reference:

- T.O.R 1** - Identify existing legislations and regulations which deal with televising and broadcasting.
- T.O.R 2** - Review of the said legislations and regulations with a view to finding out areas of conflict, deficiencies and omissions.
- T.O.R 3** - Propose suitable enactment, amendments and regulations to facilitate live coverage of Parliamentary proceedings.

**T.O.R 4** - Report its findings and recommendations to the Main Committee.

**MINUTE NO.2/2000 EXISTING LEGISLATION WHICH WOULD DEAL WITH TELEVISIONING AND BROADCASTING**

The Committee identified the following:-

- (i) The Constitution, Edition of 1997.
- (ii) The Kenya Broadcasting Corporation Act, Cap 221, Laws of Kenya.
- (iii) National Assembly (Powers & Privileges) Act, Cap 6, Laws of Kenya.
- (vi) The Kenya Communications Act, 1998
- (v) The Postal Corporation Act, 1998.
- (vi) The Copyright Act, Cap 130, Laws of Kenya.
- (vii) The Defamation Act, Cap 36, Laws of Kenya.
- (viii) The Evidence Act, Cap 80, Laws of Kenya.
- (ix) The Public Order Act, Cap 56, Laws of Kenya.
- (x) The Standing Orders of the National Assembly; Edition of 1997.
- (xi) The Penal Code, Cap 63, Laws of Kenya.

The Committee obtained copies of table of contents of the Laws of Kenya in order to identify other Acts which deal with televisioning and broadcasting.

**MINUTE NO.3/2000 REVIEW OF THE EXISTING LEGISLATION WHICH DEALS WITH TELEVISIONING AND BROADCASTING OF INFORMATION**

**THE CONSTITUTION**

The Committee noted that **Section 79** of the Constitution allows broadcasting and televisioning of information but it does not provide for the needs of the deaf. Disability has not been recognized as a form of description against which there should be no discrimination.

**Section 82** should be amended to include disability.

## **POWERS AND PRIVILEGES ACT**

**Section 4** was considered and agreed upon.

**Sections 7 and 8** should be amended to accommodate the proposed interpreter for the deaf and assistants to the disabled.

**Sections 18 and 19** were considered and agreed upon.

The Committee resolved that it will reconsider **Section 24** with a view to accommodating the Press.

**Section 25** should include Parliamentary tapes of live coverage or edited material.

**Section 26-27** considered and agreed upon.

## **STANDING ORDERS**

**S.O. 26** Should include tapes and signals emanating from live coverage of Parliamentary proceedings

**S.O. 27** Should provide for airing of Parliamentary proceedings by Media Houses.

**S.O. 29** The Committee proposed that a new subsection should be included to cater for the Speakers exclusion of certain matters from the Journals of the House.

**S.O. 37** The Committee proposed that a new subsection should be included for Members to read entirely the contents of their questions including the Ministry each question is addressed to.

**S.O. 55** The Committee proposed that voting during divisions should be done electronically.

**S.O. 62** The Committee proposed that it should be reworded to include sign language.

**S.O. 71** The Committee proposed that it should be reviewed alongside S.O. 161.

**S.O. 149** The Committee proposed that the Library Committee should be redesignated "The Library, Hansard and Broadcasting Committee" and it should be mandated to deal with coverage of Parliamentary proceedings. This Committee should elect its own Chairman.

**S.O. 168** The Committee proposed that provisions should be made to ensure that assistants to Members with disabilities are not categorised as strangers.

The Committee also proposed that rules and regulations should be put in place to determine how Bills, Motions and Journals should be entered into the Internet.

**DEFAMATION ACT**

The Committee resolved that the following sections of the Defamation Act should be reviewed in the next meeting.

- Sections 8,9,10 and 11

**MINUTE NO.4/2000 ADJOURNMENT**

The Chairman adjourned the meeting at twenty minutes past One O'clock until Tuesday September 26, 2000 at 10.00 a.m.

**Hon. Justin B. Muturi, M.P.**

**CONFIRMED:.....**  
**CHAIRMAN**

**27th September, 2000**

**DATE:.....**

**MINUTES OF THE SECOND SITTING OF THE SELECT COMMITTEE ON BROADCASTING SUB-COMMITTEE HELD ON TUESDAY SEPTEMBER 26, 2000 IN COMMITTEE ROOM 1ST FLOOR, COUNTY HALL AT 10:00 A.M.**

**PRESENT:** The following Members of the Committee were present:

Hon. Justin B. Muturi, M.P. (**Chairman**)  
Hon. Kipruto arap Kirwa, M.P.  
Hon. Josephine Sinyo, M.P.  
Hon. Musikari Kombo, M.P.

**ABSENT WITH APOLOGY:**

Dr. the Hon. Shem Ochuodho, M.P.  
Hon. Ochilo Ayacko, M.P.

**ABSENT:**

Hon. Peter E. Maundu, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C.W. Munga - Clerk Assistant  
Ms. M. J. Chesire - Clerk Assistant

**MINUTE NO.5/2000**

**REVIEW OF THE EXISTING LEGISLATION WHICH DEALS WITH TELEVISIONING AND BROADCASTING OF INFORMATION**

**PENAL CODE**

**Section 194 - 200**

The Committee resolved that it will consider these sections in line with the Defamation Act, Cap 36.

**THE DEFAMATION ACT, CAP 36**

**Sections 2** considered and agreed upon.

**Sections 8 - 12** considered and agreed upon.

The Committee resolved that these Sections should be reconsidered to ensure that Parliamentary privileges are safeguarded as far as live coverage is concerned especially when televising and broadcasting of its proceedings through the electronic, wireless broadcasting or internet systems.

### COPYRIGHT ACT, CAP 130

The Committee deferred consideration of the Act until televising and broadcasting of Parliamentary proceedings is realized and the mandated broadcasting body is established.

This will enable the Copyright Act to be reviewed to ensure that parts of the Act which inhibit televising and broadcasting of information are addressed.

### KENYA BROADCASTING CORPORATION ACT, CAP 221

**Section 2** considered and agreed upon

**Section 9** considered and agreed upon

### THE KENYA COMMUNICATIONS ACT, 1998

**Section 36 (3)** be amended to ensure that breach which a radio licensee makes must be proved in a court of law before the licence is revoked.

### MINUTE NO.6/2000

### ANY OTHER BUSINESS

The Committee agreed on the following issues:-

- (i) That the Sub-Committee will report to the Main Committee on Wednesday, September 27, 2000 at 2.30 p.m.
- (ii) That the consideration of the Kenya Communications Act, 1998 and the proposed Kenya Media Commissions Act be deferred to the Committees proposed two (2) days retreat.
- (iii) That the Secretariat read and advise the Committee on sections of Telecommunications Tax Act, Cap 473 which need consideration.

**MINUTE NO.7/2000    ADJOURNMENT**

And there being no other business, the Chairman adjourned the Sitting at ten minutes past One O'clock until Wednesday September, 27 at 10.00 a.m.

**Hon. Justin B. Muturi, M.P.**

**CONFIRMED:.....**  
**CHAIRMAN**

**24th September, 2000**

**DATE:.....**

**MINUTES OF THE THIRD SITTING OF THE SUB-COMMITTEE OF SELECT COMMITTEE ON BROADCASTING HELD ON WEDNESDAY SEPTEMBER 27, 2000 IN COMMITTEE ROOM 1ST FLOOR, COUNTY HALL AT 4.30 P.M.**

**PRESENT:**

The following Members of the Sub-Committee were present:

The Hon. Justin B. Muturi, M.P. (**Chairman**)  
Hon. Peter E.M. Maundu, M.P.  
Hon. Kipruto arap Kirwa, M.P.

**ABSENT WITH APOLOGY:**

Dr. the Hon. Shem Ochuodho, M.P.  
Hon. Josephine Sinyo, M.P.

**ABSENT:**

Hon. Musikari Kombo, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Mrs C.W. Munga - Clerk Assistant  
Ms Mary Chesire - Clerk Assistant

**MINUTE NO.8/2000**

**CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the first and second sittings of the Sub-Committee held on 21st September, and 26th September, 2000 respectively were confirmed by the Members present and signed by the Chairman.

**MINUTE NO.9/2000**

**CONSIDERATION OF THE SUB-COMMITTEE REPORT**

The Sub-Committee considered its draft report and resolved that Sections of the Constitution, Powers and Privileges Act, Standing Orders and the Defamation Act, Cap.36 which have been mentioned should be quoted in the report.

**MINUTE NO.10/2000 ADJOURNMENT**

And there being no other business, the Chairman adjourned the meeting at fifteen minutes past Five O'clock until Monday October 02, 2000 at 2.30 p.m.

**Hon. Justin B. Muturi, M.P.**

**CONFIRMED:.....**

**CHAIRMAN**

**2nd October, 2000**

**DATE:.....**

**MINUTES OF THE FOURTH SITTING OF THE SUB-COMMITTEE OF SELECT COMMITTEE ON BROADCASTING HELD ON MONDAY OCTOBER 02, 2000 IN COMMITTEE ROOM 1ST FLOOR, COUNTY HALL AT 3.30 P.M.**

**PRESENT:** The following Members of the Sub- Committee were present:

The Hon. Justin B. Muturi, M.P. (Chairman)  
Dr. the Hon. Shem Ochuodho, M.P.  
Hon. Musikari Kombo, M.P.  
Hon. Peter E.M. Maundu, M.P.

**ABSENT WITH APOLOGY:**

Hon. Josephine Sinyo, M.P.  
Hon. Ochilo Ayacko, M.P.  
Hon. Kipruto arap Kirwa, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Ms Mary Chesire - Clerk Assistant

**MINUTE NO.11/2000**

**CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the Third Sitting held on Wednesday September 27, 2000 were confirmed by the Members present and signed by the Chairman.

**MINUTE NO.12/2000**

**ADOPTION OF THE SUB-COMMITTEE REPORT**

The Committee considered and adopted the report of the Sub-Committee. The Committee resolved to present report to the Main Committee at a later date.

**MINUTE NO.13/2000**

**ANY OTHER BUSINESS**

The following issues were raised:-

- (i) The Committee resolved to propose amendments to the Kenya Communication Act, 1998 which should be incorporated to the Statute Law (Miscellaneous Amendments) Bill, 2000 when it comes for debate in the House.
- (ii) The Hon.(Dr) Shem Ochuodho, M.P. informed the Committee that during his trip to the United Kingdom with two Members of the Committee i.e. the Hon. Njeru Kathangu, M.P. and the Hon.

Abdullahi Ali, M.P. they obtained useful information concerning televising and broadcasting of proceedings in the British Parliament. He indicated that he would pass the information to the Committee at a later date.

**MINUTE NO.14/2000 ADJOURNMENT**

And there being no other business, the Chairman adjourned the Sitting at fifty minutes past Four O'clock.

**Hon. Justin B. Muturi, M.P.**

**CONFIRMED:.....**  
**CHAIRMAN**

**3rd October, 2000**

**DATE:.....**

**MINUTES OF THE FOURTH SITTING OF THE SUB-COMMITTEE OF SELECT COMMITTEE ON BROADCASTING HELD ON MONDAY OCTOBER 02, 2000 IN COMMITTEE ROOM 1ST FLOOR, COUNTY HALL AT 3.30 P.M.**

**PRESENT:** The following Members of the Sub- Committee were present:

The Hon. Justin B. Muturi, M.P. (Chairman)  
Dr. the Hon. Shem Ochuodho, M.P.  
Hon. Musikari Kombo, M.P.  
Hon. Peter E.M. Maundu, M.P.

**ABSENT WITH APOLOGY:**

Hon. Josephine Sinyo, M.P.  
Hon. Ochilo Ayacko, M.P.  
Hon. Kipruto arap Kirwa, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

Ms Mary Chesire - Clerk Assistant

**MINUTE NO.11/2000** **CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the Third Sitting held on Wednesday September 27, 2000 were confirmed by the Members present and signed by the Chairman.

**MINUTE NO.12/2000** **ADOPTION OF THE SUB-COMMITTEE REPORT**

The Committee considered and adopted the report of the Sub-Committee. The Committee resolved to present report to the Main Committee at a later date.

**MINUTE NO.13/2000** **ANY OTHER BUSINESS**

The following issues were raised:-

- (i) The Committee resolved to propose amendments to the Kenya Communication Act, 1998 which should be incorporated to the Statute Law (Miscellaneous Amendments) Bill, 2000 when it comes for debate in the House.
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Abdullahi Ali, M.P. they obtained useful information concerning televising and broadcasting of proceedings in the British Parliament. He indicated that he would pass the information to the Committee at a later date.

**MINUTE NO.14/2000 ADJOURNMENT**

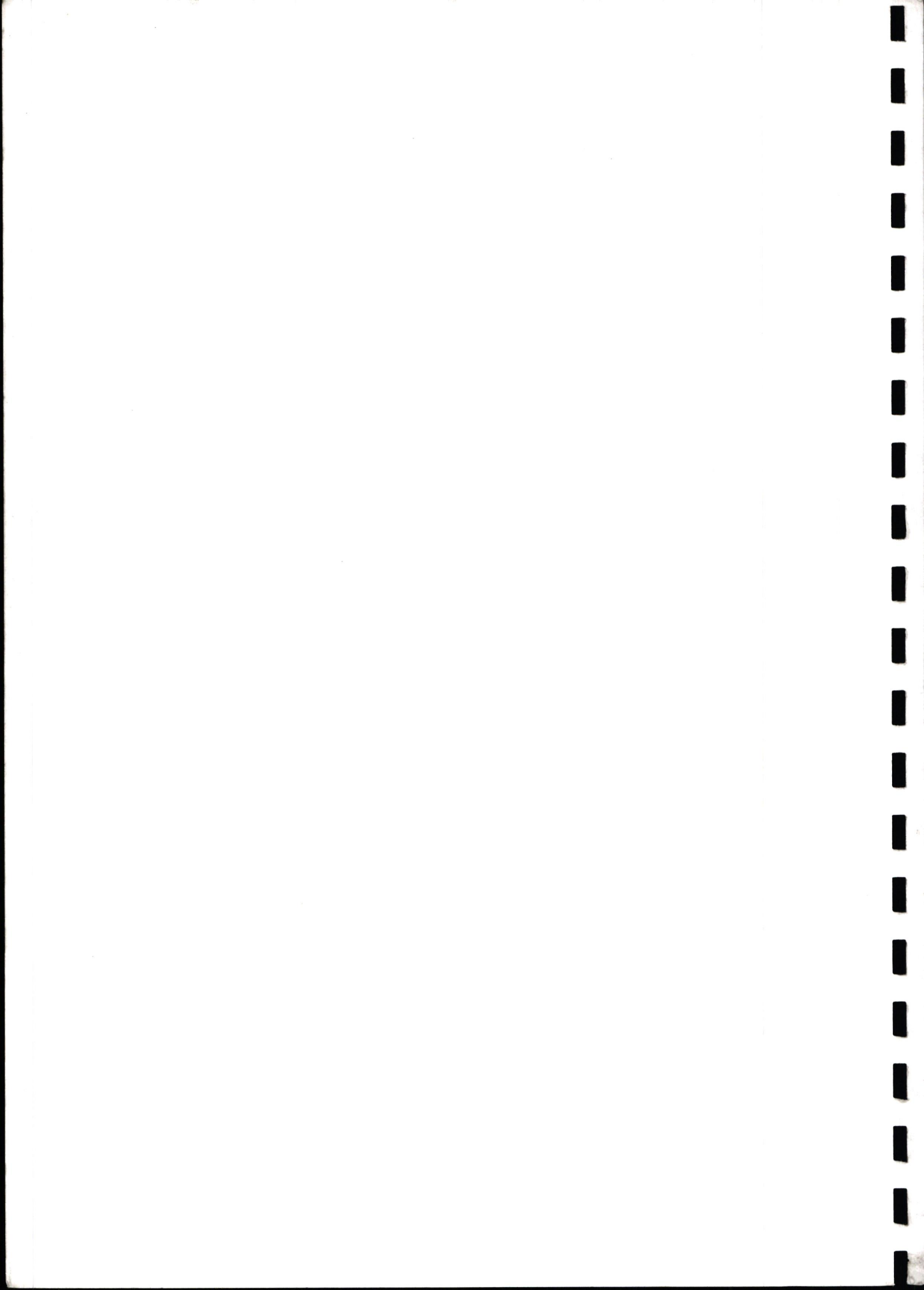
And there being no other business, the Chairman adjourned the Sitting at fifty minutes past Four O'clock.

**Hon. Justin B. Muturi, M.P.**

**CONFIRMED:.....**  
**CHAIRMAN**

**3rd October, 2000**

**DATE:.....**



*The County Assemblies Powers and Privileges Bill, 2014*

L&P: TABLE OFFICE

**BILL STATUS FORM**

Short Title	
National Assembly Bill Number	<i>Senate 14 of 2014</i>
Sponsor	<i>Prof. Kithure Kindiki</i>
Publication Date	<i>22/4/2014</i>
Maturity	<i>05/05/2014</i>
1 <sup>st</sup> Reading	<i>11/12/2014</i>
Second reading (Dates for debate and actual Reading)	
Date(s) considered in the Committee of the Whole House	
3 <sup>rd</sup> reading	
Date accorded presidential assent	

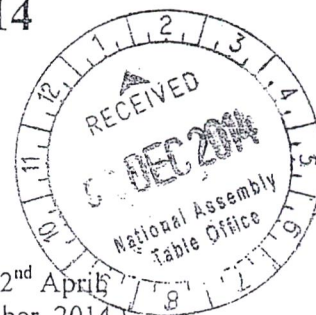
Any other comments/remarks

1. ....
2. ....

**SENATE BILLS**

*(Bill No. 14 of 2014)*

**THE COUNTY ASSEMBLIES POWERS  
AND PRIVILEGES BILL, 2014**



(A Bill published in the Kenya Gazette Supplement No. 54 of 22<sup>nd</sup> April 2014 and passed by the Senate, with amendments, on 2<sup>nd</sup> December, 2014.)

THE COUNTY ASSEMBLIES POWERS AND PRIVILEGES  
BILL, 2014

ARRANGEMENT OF CLAUSES

*Clause*

PART I – PRELIMINARY

- 1- Short title
- 2- Interpretation

PART II – THE PRECINCTS OF A COUNTY ASSEMBLY

- 3- Description of precincts of a county assembly.
- 4- Presence of an officer of the national security organ in precincts of a county assembly.
- 5- Access to precincts of a county assembly.
- 6- Service of civil process
- 7- Assembling, demonstrating and picketing.

PART III – PRIVILEGES AND IMMUNITIES OF MEMBERS

- 8- Freedom of speech and debate.
- 9- Postponement of disqualification to enable appeal.
- 10- Proceedings not to be questioned in courts.
- 11- Immunity from legal proceedings.
- 12- Freedom from arrest for civil debt during session.
- 13- Giving evidence of proceedings.

- 14- Determination of a question arising in the county assembly on right or power of the assembly.

**PART IV – BREACH OF PRIVILEGES**

- 15- Committee of Powers and Privileges.
- 16- Conduct constituting breach of privilege.
- 17- Determination of breach of privilege.

**PART V – SUMMONING OF WITNESSES**

- 18- Invitation and summoning of witnesses.
- 19- Examination of witnesses.
- 20- Privileges of witnesses.
- 21- Objection to answer question or to produce papers.
- 22- Duty of public officers to give evidence.

**PART VI – PUBLICATIONS AND BROADCASTING**

- 23- Protection in respect of publications.
- 24- Unauthorized publishing.
- 25- Broadcasting of proceedings.

**PART VII – ENFORCEMENT**

- 26- Prohibited acts in respect of a county assembly and its members.
- 27- Offences relating to witnesses.
- 28- Improper influence of members.

- 29- Duty of court Registrar.
- 30- Breach to constitute gross misconduct.
- 31- Offences relating to access to precincts of a county assembly.
- 32- Defamation against a county assembly.
- 33- General penalty.
- 34- Request to the Director of Public Prosecutions.
- 35- Members of staff to have powers of police officer.
- 36- Offences cognizable.

**PART VIII—MISCELLANEOUS**

- 37- Protection of members of public.
- 38- Speaker's orders.
- 39- Consequential amendments.

**FIRST SCHEDULE— SUMMONS TO WITNESSES**

**SECOND SCHEDULE—AFFIDAVIT OF SERVICE OF  
SUMMONS**

**THE COUNTY ASSEMBLIES POWERS AND PRIVILEGES  
BILL, 2014**

A Bill for

AN ACT of Parliament to give effect to Article 196(3) of the Constitution; to provide for the powers, privileges and immunities of county assemblies, their committees and members; to make provision regulating admittance to and conduct within the precincts of county assemblies; and for connected purposes.

ENACTED by the Parliament of Kenya, as follows-

**PART I - PRELIMINARY**

- Short title.                   1.       This Act may be cited as the County Assemblies Powers and Privileges Act, 2014.
- Interpretation.             2.       In this Act, unless the context otherwise requires-
- “Clerk” means the Clerk of a County Assembly;
- “committee” means a committee of a county assembly;
- “Committee of Powers and Privileges” means a Committee established under section 15;
- “county assembly” means a county assembly established under Article 176 of the Constitution;
- “county assembly service board” means a county assembly service board established under section 12 of the County Governments Act, 2012;
- No. 17 of 2012
- “county public officer” has the meaning assigned to it under section 2 of the County Governments Act, 2012
- No. 17 of 2012

“journal” means the minutes and the official records of the county assembly whether in audio, electronic or any other form including all papers and accounts howsoever presented to or belonging to the county assembly, or any other records of the proceedings of the county assembly;

“Member” means a member of a county assembly;

“member of staff” means an officer of the county assembly service board, any person acting under the orders of the Speaker or any police officer on duty within the precincts of a county assembly;

“national security organ” means a national security organ specified under Article 239(1) of the Constitution;

“Speaker” means the Speaker of a county assembly or a member presiding at a sitting of the county assembly under Article 178(2)(b) of the Constitution; and

“Standing Orders” means the Standing Orders of a county assembly for the time being in force.

## **PART II –PRECINCTS OF A COUNTY ASSEMBLY**

Description of precincts of a county assembly.

3. (1) The precincts of a county assembly shall comprise the area of land and every building or part of a building under the county assembly’s control including-

- (a) the chambers in which the proceedings of a county assembly are conducted including the galleries and lobbies of the chambers;
- (b) all the parts of the buildings in which the chambers are situated including the entrances, forecourts, yards, gardens, enclosures or open spaces appurtenant thereto;
- (c) committee rooms and other meeting places provided or used for the county

assembly's purposes;

- (d) the offices of a county assembly including the places within such offices that are provided for the use of members, members of staff, members of the public and the press;
- (e) places provided for the use or accommodation of the members, members of the public and representatives of the press used in connection with the proceedings of a county assembly or its committees; and
- (f) all other buildings or parts of a building provided or used in connection with the proceedings of a county assembly or its committees while so used by the county assembly including such premises as may be leased by a county assembly.

(2) Where a county assembly or a committee convenes outside the premises ordinarily used for its sittings, this Act shall apply as if the premises where the county assembly or the committee is sitting were within the precincts of the county assembly.

Presence of an officer of a national security organ in precincts of a county assembly.

4. An officer of a national security organ may, with the permission and authority of the Speaker –

- (a) enter upon or remain in the precincts of a county assembly for the purpose of performing any function of that national security organ; or
- (b) perform any other function within the precincts of a county assembly.

Access to precincts of a county assembly.

5. A member of the public may, subject to this Act, the Standing Orders and such orders and directions as may be issued by the Speaker, access such places within the precincts of

a county assembly as may be specified.

Service of civil  
process.

6. (1) No process issued by any court in Kenya in the exercise of its civil jurisdiction shall be served or executed-

- (a) within the precincts of a county assembly while the county assembly is sitting; or
- (b) through the Speaker or any officer of a county assembly unless it relates to a person employed within the precincts of a county assembly or to the attachment of a member's salary.

(2) The right of access to justice under Article 48 of the Constitution shall be limited as specified under this section for the purposes of facilitating the conduct of the business and the affairs of a county assembly.

Assembling,  
demonstrating  
and picketing.

7. (1) The Speaker may designate areas within or outside the precincts of a county assembly where members of the public may, pursuant to Article 37 of the Constitution, assemble, demonstrate, picket or present petitions or memoranda to the county assembly.

(2) Any assembling, demonstration, picketing and presentation of petitions or memoranda to a county assembly under subsection (1) shall be in accordance with such guidelines as the Speaker may issue.

(3) A person who assembles, demonstrates or pickets contrary to the provisions of this section may be removed from the precincts of a county assembly on the direction of a Speaker, a duly authorized member of staff or a police officer.

(4) The right of assembly, demonstration, picketing and petition under Article 37 of the Constitution shall be limited as specified under this section for the purposes of facilitating the orderly conduct of the business and affairs of a county assembly.

**PART III – PRIVILEGES AND IMMUNITIES OF MEMBERS**

Freedom of speech and debate.

8. No civil or criminal proceedings may be instituted in any court or tribunal against a member of a county assembly by reason of any matter said in any debate, petition, motion or other proceedings of a county assembly.

Postponement of disqualification to enable appeal.

9. Where a Member is found to have contravened Article 193(2) of the Constitution, the decision shall not have effect for the purposes of Article 194(1)(g) of the Constitution until all possibility of appeal or review of the relevant decision or sentence has been exhausted.

Proceedings not to be questioned in courts.

10. No proceedings or decision of a county assembly or the Committee of Powers and Privileges acting in accordance with this Act shall be questioned in any court.

Immunity from legal proceedings.

11. (1) No civil or criminal proceedings shall be instituted against any Member for words spoken before, or written in a report to a county assembly or a Committee, or by reason of any matter or thing brought by him or her therein by a report, petition, Bill, resolution, motion or other document written to a county assembly.

(2) No civil suit shall be commenced against the Speaker, the leader of the majority party, the leader of the minority party, a chairperson of a committees or any member for any act done or ordered by them in the discharge of the functions of their office.

(3) The Clerk or other members of staff shall not be liable to be sued in a civil court or joined in any civil proceedings for an act done or ordered to be done in the discharge of their functions relating to proceedings of a county assembly or its committees.

Freedom from arrest for civil debt during session.

12. A Member shall not be liable to arrest for a civil debt while the Member is going to, attending or returning from a sitting of a county assembly or a committee of a county assembly.

Giving  
evidence of  
proceedings.

13. (1) No Member or member of staff, and no person employed to take minutes of evidence before a county assembly or any committee, shall give evidence in any court, tribunal or elsewhere in respect of the contents of those minutes of evidence or of the contents of any document laid before a county assembly or that committee or in respect of any proceedings or examination held before a county assembly or that committee without special leave first obtained from the county assembly.

(2) The special leave referred to in subsection (1) may be granted during a recess or adjournment by a Speaker, or in the absence or other incapacity of the Speaker, the Clerk.

(3) Subject to the provision of Article 35 of the Constitution and to any written law relating to data protection and freedom of information for the time being in force, the special leave referred to in subsection (1) may be declined where—

- (a) the request is unreasonable in the circumstances;
- (b) the information requested is at a deliberative stage in a county assembly or in a committee;
- (c) there is failure to pay such fee as may be reasonably required in the circumstances; or
- (d) the applicant fails to satisfy any confidentiality requirements by a county assembly.

(4) The right of access to information under Article 35 of the Constitution shall be limited to the nature and extent specified under this section for purposes of facilitating freedom of speech and debate in the county assembly as contemplated under Article 33 of the Constitution.

Determination of a question arising in the county assembly on right or power of the assembly.

14. Where at any time any question arises in a county assembly or in a committee with regard to—

- (a) the right or power of a county assembly or a committee to hear, admit or receive oral evidence;
- (b) the right or power of a county assembly or a committee to peruse or examine any paper, book, record or document or to summon, direct or call upon any person to produce any paper, book, record or document before a county assembly or committee; or
- (c) the right or privilege of any person (including a member of the county assembly or committee) to refuse to produce any paper, book, record or document or to lay any paper, book, record or document before a county assembly or committee,

that question shall, where no express provision is made in this Act for the determination of that question, be determined in accordance with the usages, forms, precedence, customs, procedures and traditions of the Parliament of Kenya and other jurisdictions to the extent that these are applicable to Kenya.

#### **PART IV – BREACH OF PRIVILEGES**

Committee of Powers and Privileges.

15. (1) There is established, for each county assembly, a committee known as the Committee of Powers and Privileges consisting of-

- (a) the Speaker, who shall be the chairperson of the Committee; and
- (b) such other members of the county assembly as may be provided in the Standing Orders of the county assembly.

(2) The quorum of the Committee shall be a third of the members of the Committee, including the Speaker.

(3) Subject to this Act and the Standing Orders of a county assembly, the Committee shall regulate its own procedure.

(4) The functions of the Committee of Powers and Privileges shall be to-

- (a) inquire into the conduct of a member whose conduct is alleged to constitute a breach of privilege in terms of section 16; and
- (b) perform such other functions as may be specified in this Act.

(5) The Committee of Powers and Privileges shall, either of its own motion or as a result of a complaint made by any person, inquire into the conduct of a Member whose conduct is alleged to constitute a breach of privilege in terms of section 16, within fourteen days of receipt of a complaint.

(6) The Committee of Powers and Privileges shall, within fourteen days of the conclusion of an inquiry, table its findings in the relevant county assembly together with such recommendations as it considers appropriate.

(7) Each county assembly shall, in accordance with its Standing Orders, consider the report and the recommendations thereon and may take such action against the Member concerned as may be appropriate.

Conduct  
constituting  
breach of  
privilege.

**16.** The Committee of Powers and Privileges may find a Member to be in breach of privilege if the Member-

- (a) contravenes sections 25, 26(1), 27 or 29;
- (b) commits an act mentioned in section 28(1)(a), (b) or (2) and (3)(d), (e), (f) or (g);

- (c) willfully fails or refuses to obey any rule, order or resolution of a county assembly;
- (d) contravenes any provision of the Speaker's orders issued under section 40 of this Act; or
- (e) conducts himself or herself in a manner which, in the opinion of the Committee on Powers and Privileges, is intended, or is likely to reflect adversely on the dignity or integrity of a county assembly, or of the Members or to be contrary to the best interests of a county assembly or its Members.

Determination  
of breach of  
privilege.

17. (1) A county assembly shall have all the powers necessary for inquiring into and pronouncing upon any act or matter constituting breach of privilege in terms of section 16.

(2) An inquiry by a county assembly into a matter shall not preclude criminal investigation or criminal proceedings against a Member in connection with the matter concerned.

(3) Where a county assembly finds that a Member has committed a breach of privilege, the county assembly may, in addition to any other penalty to which the Member may be liable under this Act or any other law, impose any or more of the following penalties-

- (a) a formal warning;
- (b) a reprimand;
- (c) an order to apologize to the county assembly or a person in a manner to be recommended by the Committee of Powers and Privileges;
- (d) the withholding, for a specific period of time, of the member's right to the use or enjoyment of any specified facility

provided to Members by a county assembly;

- (e) the removal or suspension for a specified period of time of the Member from any a county assembly position occupied by the Member;
- (f) such fine in terms of the Member's monthly salary and allowances as the House may determine;
- (g) the suspension of the Member for such period as the House may decide, whether or not the county assembly or any of its committees is scheduled to meet during that period;
- (h) vacation of seat pursuant to Articles 75(2)(b) and 194(1)(c) of the Constitution.

(4) Where a county assembly finds a member has committed a breach of privilege, the county assembly may, where appropriate, instead of or in addition to the imposition of a penalty under subsection (3), refer the matter to the Director of Public Prosecutions.

(5) A fine imposed under subsection (3) shall-

- (a) be paid by the member into such bank account of the county assembly as shall be specified by the accounting officer of the county assembly;
- (b) be deducted from the Member's salary; or
- (c) where it is not recovered under paragraphs (a) or (b), be recovered by means of a civil action in court.

(6) A member who has been suspended under subsection (3) (g) shall leave the precincts of the county assembly

and shall not, during the period of suspension, without the written permission of the Speaker-

- (a) enter the precincts for whatever purpose; or
- (b) participate in any activity of a county assembly or a committee of a county assembly.

(7) The protection of the right to property under Article 40 of the Constitution and the right of access to justice under Article 48 of the Constitution shall be limited as specified under this Part—

- (a) for the purposes of protecting the privileges and immunities of a county assembly or its committees conferred by this Act;
- (b) for facilitating the orderly conduct of the business and the affairs of a county assembly.

#### **PART V – SUMMONING OF WITNESSES**

Invitation and summoning of witnesses.

18. (1) A county assembly or its committees may invite or summon any person to appear before it for the purpose of giving evidence or providing any information, paper, book, record or document in the possession or under the control of that person and, in this respect, a county assembly and its committees shall have the same powers as the High Court as specified under Article 195 of the Constitution.

(2) A summons issued under subsection (1) shall be issued by the Clerk on the direction of-

- (a) the Speaker; or
- (b) the chairperson of a committee acting in accordance with a resolution of the committee.

(3) The general form of a summons shall be as set out in the First Schedule.

(4) The summons shall be served by a member of staff or a police officer who is duly authorized by the Clerk by delivering a copy of the summons-

- (a) to the person mentioned in the summons; or
- (b) at that person's usual or last known place of residence, employment or business or left with a person who is over the age of eighteen years and who resides or is employed at that place.

(5) Where the summons is to be served on a corporation, the summons may be served—

- (a) on the secretary, director or other officer authorised by the corporation; or
- (b) if the officer serving the summons is unable to find any of the officers of the corporation mentioned in paragraph (a)—
  - (i) by leaving it at the registered office of the corporation;
  - (ii) by sending it by prepaid registered post or by a licensed courier service provider approved by the court to the registered postal address of the corporation;
  - (iii) if there is no registered office and no registered postal address of the corporation, by leaving it at the place where the corporation carries on business; or

- (iv) by sending it by registered post to the last known postal address of the corporation.

(6) The serving officer in all cases in which summons has been served under this section shall swear and annex or cause to be annexed to the original summons an affidavit of service stating the time when and the manner in which summons was served and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender of summons.

(7) The affidavit of service shall be in the form set out in the Second Schedule with such variations as circumstances may require.

(8) Any person who knowingly swears a false affidavit of service commits the offence of perjury and may in addition be subject to such disciplinary action as the relevant county assembly service board may determine.

(9) A return by a person who serves a summons under this section shall be *prima facie* proof of the service of the summons.

(10) A person requested or summoned in terms of this section by a county assembly or a committee to attend a sitting of a county assembly or committee shall be paid such amount of money as shall be approved by the Clerk as reimbursement for the expenses incurred.

Examination of witnesses.

19. Where a county assembly or a committee requires that any information be verified or otherwise ascertained by the oral examination of a witness, the county assembly or the committee may-

- (a) cause such witness to be examined on oath; and
- (b) require the witness to produce any document, paper, book or record in the possession or under the control of the

witness which may have a bearing on the subject of the inquiry.

Privileges of witnesses.

20. (1) Every person who is summoned to give evidence or to produce a document before a county assembly or a committee shall be entitled to the same rights and privileges that are applicable to a witness before a court of law.

(2) A person who is being examined under oath or affirmation in terms of section 19 shall be required to answer any question put to the person in connection with the subject of the inquiry and to produce any document or information that the person is requested to produce under that section despite the fact that the answer or the document would incriminate or expose the person to criminal or civil proceedings in a court of law.

(3) Evidence given under oath or affirmation by a person before a county assembly or a committee shall not be used against the person in a court or other place outside the county assembly except in criminal proceedings where the person concerned stands trial on a charge of perjury or a charge contemplated under section 27(1)(c) or (3)(g) or (h).

(4) The right to fair hearing under Article 50 of the Constitution shall be limited as specified under this section for the purposes of advancing the freedom of speech and debate set out in Article 117 of the Constitution.

Objection to answer question or to produce papers.

21. (1) Where any person ordered to attend to give evidence or to produce any paper, book, record or document before a county assembly or a committee refuses to answer any question or to produce the paper, book, record or document on the ground that it is of a private nature and does not affect the subject of inquiry, the Speaker may excuse the answering of the question or the production of the paper, book, record or document, or may order the answering or production thereof.

(2) Where any person ordered to attend or to give evidence or to produce any paper, book, record or document before any committee refuses to answer any question or to produce the paper, book, record or document on the ground that it is of a private nature and does not affect the subject of inquiry,

the chairperson of the committee may report the refusal to the Speaker with the reasons therefor; and the Speaker may thereupon excuse the answering of the question or the production of the paper, book, record or document, or may order the answering or production thereof.

Duty of public officers to give evidence.

22. (1) No public officer shall refuse to produce before a county assembly or a committee any paper, book, record or document.

(2) Any county public officer who contravenes subsection (1) commits an offence.

(3) Where a county assembly passes a resolution that a county public officer has contravened subsection (1), the resolution of the county assembly shall constitute a ground for removal from office of the county public officer in accordance with the Constitution or any applicable law.

#### PART VI – PUBLICATIONS AND BROADCASTING

Protection in respect of publications.

23. (1) A person shall not be liable to civil or criminal proceedings in respect of the publication of any journal by order or under the authority of a county assembly or a committee.

(2) A Member or a member of staff shall not be liable to civil or criminal proceedings in respect of-

- (a) the publication of a document that has been submitted to or is before a county assembly or a committee;
- (b) any publication or information given out within the course duty as a Member or member of staff.

(3) The right of access to justice under Article 48 of the Constitution shall be limited as specified under this section for the purposes of facilitating-

- (a) the conduct of business and the affairs of

a county assembly;

- (b) the attainment of freedom of expression in the county assembly.

Unauthorized publishing.

24. (1) A person shall not publish or tender in evidence-

- (a) any journal if the publication of that journal is prohibited by or in terms of the Standing Orders or an order or resolution of a county assembly;
- (b) any journal purporting that it has been published under the authority of a county assembly or a committee or the Speaker while it has not been published under such authority;
- (c) any journal purporting that it is a verbatim account of the proceedings of a county assembly or a committee while it is not such account.

(2) In any civil or criminal proceedings instituted for publishing any extract from or abstract of any journal referred to in subsection (1), if the court is satisfied that the extract or abstract was published bona fide and without malice, judgment or verdict, as the case may be, shall be entered for the defendant or accused.

(3) The right of access to justice under Article 48 of the Constitution shall be limited as specified under this section for the purposes of facilitating-

- (a) the conduct of business and the affairs of A county assembly;
- (b) the attainment of freedom of expression in the county assembly.

Broadcasting of

25. (1) A person shall not broadcast, televise or

proceedings. otherwise transmit by electronic means the proceedings of a House or a committee of a county assembly or any part of those proceedings except by order or under the authority of relevant Speaker or chairperson of a committee of a county assembly and in accordance with the Standing Orders and the conditions and directions determined by the Speaker.

(2) A person shall not be liable to civil or criminal proceedings in respect of the broadcasting, televising or electronic transmission of proceedings of a county assembly or a committee if it has been authorized under subsection (1) and complies with the conditions, if any, determined under that subsection.

(3) The right of access to information under Article 35 and freedom of the media under Article 34 of the Constitution shall be limited as specified under this section—

- (a) for the purposes of facilitating the immunities of the Houses and the committees of A county assembly;
- (b) for facilitating the freedom of speech and debate as set out in Article 117 of the Constitution.

#### PART VII – ENFORCEMENT

Prohibited acts  
in respect of a  
county  
assembly and  
its members.

26. (1) A person shall not-
- (a) assault, threaten, use abusive language, obstruct, molest or insult any member proceeding to, being within or leaving the precincts of a county assembly, or endeavour to compel any member by force, insult or menace to declare himself or herself in favour of or against any proposition or matter pending or expected to be brought before a county assembly or any committee;
  - (b) assault, threaten, use abusive language,

interfere with, molest, resist or obstruct any member of staff while in the execution of his or her duty;

- (c) assault or threaten a member or unlawfully deprive a member of any benefit on account of the member's conduct in a county assembly;
- (d) while a county assembly or a committee is sitting, create or take part in any unlawful disturbance which interrupts or is likely to interrupt the proceedings of a county assembly or any committee while a county assembly or the committee is sitting; or
- (e) fail or refuse to comply with an instruction by a duly authorized member of staff or a police officer regarding—
  - (i) the presence of the public in the precincts of a county assembly including a meeting within the precincts of a county assembly; or
  - (ii) the possession of any article, including a firearm, within the precincts.

(2) A person, including a member who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding two years or to both.

Offences relating to witnesses.

27. (1) A person commits an offence where the person-

- (a) having been duly summoned in terms of section 18 fails, without sufficient cause to-

- (i) attend at the time and place specified in the summons; or
- (ii) remain in attendance until excused from further attendance by the person presiding at the inquiry;
- (b) when called upon under section 18, refuses to be sworn in or to make an affirmation as a witness; or
- (c) fails or disobeys without sufficient cause to-
  - (i) answer fully and satisfactorily all questions lawfully put to the person under section 18;
  - (ii) produce any document, paper, book or record in the person's possession, custody or control which the person has been required to produce under section 18.

(2) A person who commits an offence under subsection (1) is liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

(3) A person commits an offence where the person-

- (a) threatens, obstructs, assaults or insults a member of staff or police officer carrying out service of summons issued under this Act;
- (b) uses abusive language directed at a member of a county assembly or its committees;
- (c) threatens or obstructs another person in

respect of evidence to be given before a county assembly or a committee;

- (d) induces another person to-
  - (i) refrain from giving evidence to or to produce a document before a county assembly or a committee; or
  - (ii) give false evidence before a county assembly or a committee;
- (e) assaults or penalizes or threatens another person or deprives that person of any benefit on account of the giving or proposed giving of evidence before a county assembly or a committee;
- (f) with intent to deceive or mislead a county assembly or a committee, produces a false, untrue, fabricated or falsified document; or
- (g) willfully furnishes a county assembly or a committee with information which is false or misleading or makes a statement before a county assembly or committee that is false or misleading.

(4) A person who commits an offence under subsection (3) is liable, on conviction, to a fine not exceeding five hundred thousand or a term of imprisonment not exceeding one year or to both such fine and imprisonment.

Improper  
influence of  
members.

**28.** (1) A person shall not, by fraud, intimidation, force, insult or threat of any kind, or by the offer or promise of any inducement or benefit of any kind, or by any other improper means-

- (a) influence a member in the performance of the member's functions as a member;

- (b) induce a member to be absent from a county assembly or a committee at a particular time; or
- (c) attempt to compel a member to declare himself or herself in favour or against a matter pending before or proposed or expected to be submitted to a county assembly or a committee.

(2) A member shall not solicit, receive or accept any fee, compensation, gift, reward, favour or benefit of any kind for the member or another person for in respect of-

- (a) voting in any particular manner or not voting on a matter before a county assembly;
- (b) promoting or opposing anything pending before or proposed or expected to be submitted to a county assembly; or
- (c) making a representation to a county assembly.

(3) A person who contravenes this section commits an offence.

Duty of court Registrar.

29. Where a member has been convicted of an offence and sentenced to a period of imprisonment of six months or more without the option of a fine, the Registrar of the relevant court shall inform the Speaker of-

- (a) the nature of the offence and the sentence imposed; and
- (b) any appeal that is lodged against the conviction or the sentence and the outcome of the appeal.

Breach to

30. A State officer who is convicted of an offence

constitute gross misconduct. under this Act shall be deemed to have committed an act of gross misconduct within the meaning of Article 251(1)(b) of the Constitution.

Offences relating to access to precincts of a county assembly.

31. (1) A person commits an offence where the person-

- (a) enters or attempts to enter a chamber of a county assembly or the precincts of a county assembly in contravention of section 5 of this Act;
- (b) fails or refuses to withdraw from the precincts of a county assembly when ordered to do so; or
- (c) contravenes any order made under this Act regulating the admittance of the public or the conduct of the public within the precincts of a county assembly.

(2) A person who commits an offence under subsection (1) shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.

Defamation against a county assembly.

32. A person commits an offence if the person –

- (a) publishes any false or scandalous libel on a county assembly, its committees or its proceedings; or
- (b) speaks words defamatory of a county assembly, its committees or its proceedings.

General penalty.

33. A person convicted of an offence under this Act for which no penalty is provided shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding two years or to both.

Request to the

34. (1) Where an offence is suspected to have been

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Director of  
Public  
Prosecutions.

committed under this Act, the Clerk shall, on the directions of the Speaker, make a request to the Director of Public Prosecutions to take such action as may be appropriate.

(2) Where an offense is suspected to have been committed under section 26(1)(b), the Clerk shall make a request to the Director of Public Prosecutions to take such action as may be appropriate.

(3) The Director of Public Prosecutions shall, within thirty days from the date of receipt of a request from the Clerk under subsection (1), and within such other subsequent period as the Speaker may determine, submit a report to the Clerk stating the action taken on the matter.

Members of  
staff to have  
powers of  
police officer.

35. Every member of staff shall, for the purposes of this Act and of the application of the provisions of the criminal law, have all the powers and enjoy all the privileges of a police officer.

Offences  
cognizable.

36. Every offence under this Act shall be cognizable to the police.

**PART VIII—MISCELLANEOUS**

Protection of  
members of  
public.

37. (1) A person, other than a Member, who is aggrieved by a statement or a remark made by a Member or a witness in or before a county assembly or committee about that person may submit a written request to the Clerk to have a response by the person to the statement or remark recorded and published in a journal or record of the county assembly.

(2) The Committee of Powers and Privileges of a county assembly shall, subject to the Standing Orders, consider the request and recommend such measures as may be necessary to comply with Article 35(2) of the Constitution.

Speaker's  
orders.

38. (1) The Speaker may, from time to time, issue such orders as may be necessary or expedient for the better carrying out of the purposes of this Act.

(2) Without prejudice to the generality of the foregoing, the orders may provide for-

- (a) the admittance of members of the public to the precincts of a county assembly;
- (b) the deduction of any monies due to a member in respect of refreshments or other facilities made available to members within the precincts of a county assembly;
- (c) the appropriate dress code for members.

(3) The Speaker may, from time to time as may be expedient, issue a Code of Conduct regulating the conduct of members of the county assembly whilst within the precincts of the county assembly other than the chamber.

(4) The Clerk shall authenticate copies of orders and Code of Conduct made pursuant to this section and shall ensure that such orders are made available to each member and are conspicuously exhibited for the benefit of the public within the precincts of the county assembly.

(5) For the purposes of Article 94(6) of the Constitution-

- (a) the purpose and objective of the delegation under this section is to enable the Speaker to give directions for the orderly conduct of Members, members of staff and the public generally within the precincts of a county assembly;
- (b) the orders made under this section shall be of such nature, scope and within the limits as specified under this section;
- (c) the principles and standards applicable to the order and Code of Conduct made under this section are the usages, forms, precedence, customs, procedures and traditions of the Parliament of Kenya and other jurisdictions to the extent that these are applicable to Kenya.

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Consequential  
amendments.  
No. 17 of 2012

39. (1) The County Governments Act, 2012, is amended by deleting sections 16 and 17.

**FIRST SCHEDULE**

**SUMMONS TO WITNESSES (s. 18(3))**

To .....

Whereas your attendance is required to ..... (*state which county assembly or committee*) in relation to ..... (*state subject matter*), you are hereby required (personally) to appear before the..... (*state which county assembly or committee*) on the ..... day of ....., 20....., at ..... o'clock in the forenoon and to bring with you ..... (*specify the information/document required to be produced*).

Your reasonable travelling and subsistence allowance for one day will be reimbursed upon production of sufficient proof of expenditure. If you fail to comply with this summons without lawful excuse, you will be subject to the consequences of non-attendance laid down in section 27 of the County Assembly Powers and Privileges Act.

Given under my hand this ..... day of ....., 20.....

Clerk of the County Assembly of.....

NOTICE: - If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be delivered to the Clerk on or before the day and hour aforesaid.

**SECOND SCHEDULE**

**AFFIDAVIT OF SERVICE OF SUMMONS (s. 18(7))**

I ..... of ..... an officer of the County Assembly Service Board of the .....county/police officer make oath and state as follows:

1. On ..... 20..... at ..... (time) I served the summons in this matter on ..... at..... (place) by tendering a copy thereof to him/her and requiring a signature on the original. He/She signed/refused to sign the summons. He/She was personally known to me/ was identified to me by ..... and admitted that he/she was the witness.

2. Not being able to find ..... the witness on ..... 20..... at..... (time) I served the summons on ..... (name) an adult member of the family of the witness who is residing with him/her.

3. Not being able to find ..... the witness or any person on whom service could be made, on ..... 20..... at ..... (time), I affixed a copy of the summons to the outer door of ..... being the house in which he/she ordinarily resides/carries on business/personally works for gain. I was accompanied by ..... who identified the house to me.

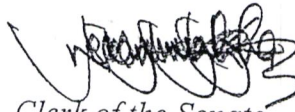
4. ....  
(Otherwise specify the manner in which the summons was served).

**SWORN** by the said ..... this ..... day of....., 20.....

Before me

Commissioner for Oaths/Magistrate.

I certify that this printed impression is a true copy of the Bill as passed by the Senate on Tuesday, 2<sup>nd</sup> December, 2014.

  
*Clerk of the Senate*

Endorsed for presentation to the National Assembly in accordance with the provisions of standing order 147 of the Senate Standing Orders.

*Speaker of the Senate*

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