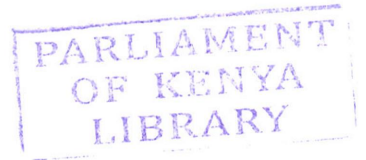




REPUBLIC OF KENYA  
TWELFTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY  
COMMUNICATIONS FROM THE CHAIR

(No. 052 of 2020)



ON

**WITHDRAWAL OF AMENDMENTS RELATING TO THE ENERGY ACT AND THE FILM AND STAGE PLAY ACT (CAP. 222) AS CONTAINED IN THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 15 OF 2020)**

**Honourable Members**, as you may be aware, the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 15 of 2020) was published *vide Kenya Gazette Supplement* No. 89 of June 6, 2020 to effect various amendments to thirty eight Statutes. The Bill, which is sponsored by the Leader of the Majority Party was read a First Time on 23<sup>rd</sup> June, 2020. It was thereupon referred to various Departmental Committees for consideration in accordance with their respective mandates, as indicated in my *Communication* of 25<sup>th</sup> June, 2020.

**Honourable Members**, as you will recall in my *Communication* of 15<sup>th</sup> July, 2020, I acceded to the request by the Leader of the Majority Party for the **withdrawal** of proposed amendments to the following eight (8) statutes as contained in the Bill-

- (1) The Criminal Procedure Code (Cap. 75);
- (2) The Evidence Act (Cap 80);
- (3) The Anti-Corruption and Economic Crimes Act, 2003;

- (4) The Public Officer Ethics Act, 2003;
- (5) The Proceeds of Crime and Anti-Money Laundering Act, 2009;
- (6) The Counter Trafficking in Persons Act, 2012;
- (7) The Leadership and Integrity Act, 2012; and,
- (8) The Bribery Act, 2016.

**Honourable Members,** I wish to inform the House that I have since received two other letters from the Leader of the Majority Party, dated July 30, 2020 and August 28, 2020, respectively, requesting my consent for **withdrawal** of proposed amendments to Sections 13(1), 46 (1) and 61 (1) of the Energy Act, 2019 and proposed amendments relating to the Film and Stage Play Act (Cap. 222) as contained in the Bill.

**Honourable Members,** in his requests, the Leader of the Majority Party indicates that the said proposed amendments relating to the Energy Act, 2019 contravene the *Mwongozo Code of Governance for State Corporations* and other Government policy directives governing the appointment of Chief Executive Officers of State Corporations. With regard to the proposed amendments to the Film and Stage Play Act (Cap. 222), he indicates that the Ministry of Information, Communication and Technology, Innovation and Youth Affairs is currently formulating the National Film Policy.

**Honourable Members,** I have acceded to the two requests, which implies that the Bill will now undergo public participation, Second Reading and other stages without making reference to the withdrawn Sections and Act. Further, the Bill will now proceed as though the withdrawn Sections and Act were not part of the Bill as published.

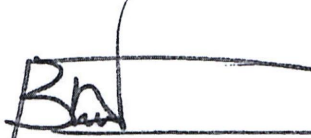
Even as I grant this consent **Honourable Members**, I wish to caution the House as follows-

- (i) This is going to be the first time that more than two requests regarding withdrawal of proposed amendments to parts of a particular Bill are permitted. Indeed, this relatively new measure in our legislative processes is intended to be applied sparingly. The process should not be a replacement to the Committee of the Whole House stage, where the Mover of the Bill is at liberty to propose amendments to delete the any provisions contained in a Bill;
- (ii) If such partial withdrawals are several and introduced at varied times, they not only present an untidy manner of processing a Bill, but may also project the House as unsystematic in its processing of legislation, particularly when the withdrawals are made at the penultimate stage after the relevant Committee(s) have concluded the process of considering and undertaking public participation on the particular Bill as published. Where there has been change of mind or position in the process of law-making, the tidy options have been either to withdraw the Bill and republish it, or move deletion of the offensive provisions at the Committee of the Whole House stage.

**Honourable Members**, given this background, going forward with respect to this particular Bill, I will find it extremely difficult to consent to any further requests for withdrawal of part of its provisions and any such process be undertaken in the normal course/stages of consideration of the Bill.

The House is accordingly guided.

I thank you.

A handwritten signature in black ink, appearing to read 'J. Muturi', is written over a horizontal line. A vertical line descends from the signature, crossing the horizontal line and extending downwards.

**THE HON. JUSTIN B. MUTURI, E.G.H., MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**

Thursday, September 10, 2020