



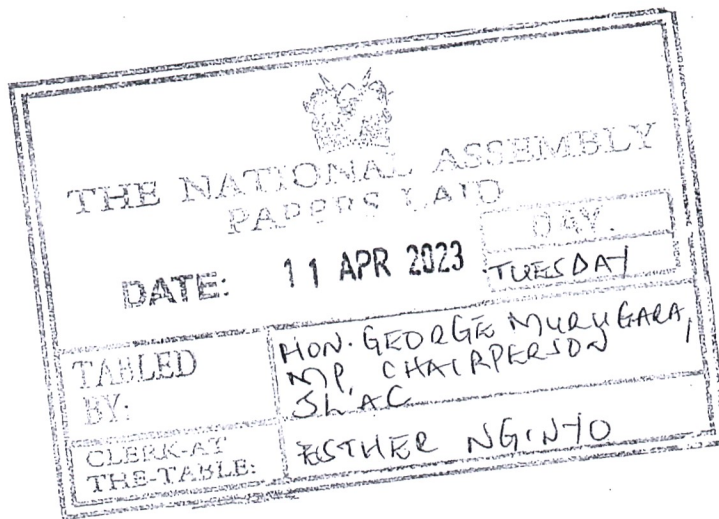
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THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – SECOND SESSION

COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY

REPORT ON THE STATUTE LAW (MISCELLANANEOUS AMENDMENTS) BILL,
NATIONAL ASSEMBLY NO.60 OF 2022



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PART I

1.0 PREFACE

1.1 Introduction

This is the report of the Departmental Committee on Administration and Internal Security on the Statute Law (Miscellaneous Amendments) National Assembly Bill No. 60 of 2022. The Bill is an omnibus Bill sponsored by the Leader of Majority Party Hon. Kimani Ichung'wah (CBS) MP. The Bill was published on 22nd November 2022 and read first time on 9th December, 2022 and thereafter committed to Departmental Committees pursuant to Standing Order 127. The Bill seeks to amend various statutes in keeping with practice of making minor amendments to several laws which do not merit the publication of separate Bills.

The committee first met on 21st February, 2023 and on 21st March 2023 the Committee met the Ministry of Interior and National Administration, National Police Service, Betting Control Board and the National Police Service Commission.

The report contains the observations and the recommendations of the Committee as regards the consideration of the Statute Law (Miscellaneous Amendments) Bill No. 60 of 2022 which seeks to amend the following:

- i. The National Flag, Emblems and Names Act (Cap 99),
- ii. The Public Holidays Act Cap 10,
- iii. Counter Trafficking in Persons Act, 2010 (No.8 OF 2010)
- iv. Prevention of Organized Crimes Act, 2010 (No. 6 of 2010)
- v. The National Police Service Commission Act, 2011(No.30 2011)
- vi. The Prevention of Fraud (Investments) Act, 1977).

1.2 Mandate of the Committee

The Departmental Committee on Administration and Internal Security of the National Assembly is established under Standing Order 216 whose functions pursuant to the Standing Order 216 (5) are as follows: -

- (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- (b) study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- (c) on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate
- (d) study and review all legislation referred to it;
- (e) study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- (f) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- (g) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);
- (h) examine treaties, agreements and conventions;
- (i) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - (j) consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
 - (k) Examine any questions raised by Members on a matter within its mandate.

1.3 Subjects of the Committee

In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider the following subjects: -

- (i) Home affairs, internal security – including police services and coast guard services,
- (ii) Public administration,
- (iii) Immigration and citizenship.

In terms of budget oversight, the Committee oversees the following Offices, Ministry and Agencies:

- (i) Executive Office of the President,
- (ii) Office of the Deputy President,
- (iii) Office of the Prime Cabinet Secretary,
- (iv) Ministry of Interior and Administration comprising of the State Department for Internal Security and Administration and State Department for Immigration and Citizen Services,

- (v) National Police Service,
- (vi) National Police Service Commission, and
- (vii) Independent Policing Oversight Authority.
- (viii) The Semi-Autonomous Government Institutions under the Committee include Crime Research, Government Chemist, NGO Regulatory Services, Private Security Regulatory Service Board, Kenya Coast Guard, National Campaign against Drug and Substance Abuse.

1.4 Committee Membership

The Departmental Committee on Administration and Internal Security was constituted by the House on Thursday 28th October, 2022 and comprises of the following Members:

Hon. Gabriel Tongoyo, MP – **Chairperson**
MP Narok West Constituency

Hon. Col (Rtd) Dido Rasso, MBS, MP - **Vice Chairperson**
MP for Saku Constituency

Hon. Kaluma George Peter, MP
MP for Homa Bay Town Constituency

Hon. Protus Ewesit Akujah, MP
MP for Loima Constituency

Hon. Aduma Owuor, MP
MP for Nyakach Constituency

Hon. Rozaah Akinyi Buyu, MP
MP for Kisumu West Constituency

Hon. Fred C. Kapondi, MP
MP for Mt. Elgon Constituency

Hon. Caroline Ng'elechei, MP
MP Elgeyo-Marakwet County

Hon. Liza Chepkorir Chelule, M
MP for Nakuru County

Hon. Fatuma Jehow, MP
MP for Wajir County

Hon. Sarah Paulata Korere, MP
MP for Laikipia North Constituency

Hon. Francis Sigei, EBS, MP
MP for Sotik Constituency

Hon. Oku Kaunya, MP
MP for Teso North Constituency

Hon. Hussein Weytan Mohammed, MP
MP for Mandera East Constituency

Hon. Mburu Kahangara
MP for Lari Constituency

1.5 Committee Secretariat

The Committee Secretariat consist of the following:

Mr. Philip Lekarkar
Clerk Assistant II

Mr. Gideon Kipkosgei
Clerk Assistant III

Mr. Edison Odhiambo
Fiscal Analyst I

Mr. Benard Njeru
Clerk Assistant III

Ms. Delvin Onyancha
Research Officer III

Ms. Judith Kanyoko
Legal Counsel II

Dr. Maina Mburu
Research Officer III

Catherine Mukunyi
Sergeant At Arms

Rogers Kilungya
Audio Officer

1.6 Acknowledgement

The Committee is thankful to the Office of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee is also thankful to Members of the Committee and the Secretariat for their dedication and useful expertise and insights during the deliberations of the Statute Law.

On behalf of the Departmental Committee on Administration and Internal Affairs, it is my pleasant privilege and honor to present the report on the Statute Law (Miscellaneous Amendments) Bill No 60 of 2022, with the intention to amend, The National Flag, Emblems and Names Act (Cap 99), the Public Holidays Act Cap 10, the Counter Trafficking in Persons Act, 2010 (No.8 OF 2010) Prevention of Organized Crimes Act, 2010 (No. 6 of 2010) The National Police Service Commission Act, 2011(No.30 2011) the Prevention of Fraud (Investments) Act, 1977).

**HON. GABRIEL TONGOYO, MP - CHAIRPERSON, DEPARTMENTAL COMMITTEE
ON ADMINISTRATION AND INTERNAL AFFAIRS**

PART II

A. CONSIDERATION OF THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 60 OF 2022)

SUMMARY OF THE BILL

1. The Statute Law (Miscellaneous Amendments) Bill is an omnibus Bill sponsored by the Leader of the Majority Party Hon. Kimani Ichung'wa (CBS), MP. The Bill was published on 22nd November 2022 and was read a first time on 9th December, 2022 and thereafter committed to various Departmental Committees pursuant to Standing Order 127. The Bill seeks to amend various statutes in keeping with the practice of making minor amendments to several laws which do not merit the publication of separate Bills.
2. In relation to the Acts relevant to this Committee, the Bill intends to amend the following Acts of Parliament:
 - i. The National Flag, Emblems and Names Act (Cap 99),
 - ii. The Public Holidays Act Cap 10,
 - iii. The Counter Trafficking in Persons Act, 2010 (No.8 of 2010)
 - iv. The Prevention of Organized Crimes Act, 2010 (No. 6 of 2010)
 - v. The National Police Service Commission Act, 2011(No.30 2011)
 - vi. The Prevention of Fraud (Investments) Act, 1977).