

THARAKA NITHI COUNTY ASSEMBLY

THE HANSARD

17th February 2021

*The County Assembly met at the
County Assembly chambers in Kathwana at 9:30am*

[The Speaker (Hon. D.J. Mbaya) in the Chair]

PRAYERS

Hon. Speaker: Honourable members, get seated.

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Honourable members good morning and welcome this sitting. I do wish you all the best as you carry on with your constitutional mandate. Thank you.

PAPERS

THE THARAKA NITHI COUNTY LAWS INSPECTORATE,
COMPLIANCE AND ENFORCEMENT BILL 2020

Hon. Speaker: Yes, honourable Wilson Nyaga.

Hon. Derebia: Mr Speaker, I want to lay on the table, the report of the committee of public service and administration on the consideration of Tharaka Nithi County Laws Inspectorate, Compliance and Enforcement Bill 2020.

(The paper was accordingly laid on the table of the House)

Hon. Speaker: Thank you. Honourable members, the report of the committee of public service and administration on the County Laws Inspectorate, Compliance and Enforcement Bill, 2020, stands laid before this House.

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BILLS

SECOND READING

THE THARAKA NITHI COUNTY LAWS INSPECTORATE, COMPLIANCE AND ENFORCEMENT BILL 2020

Hon. Speaker: Yes, honourable Wilson Nyaga.

Hon. Derebia: Thank you Mr Speaker. I rise to move that the Tharaka Nithi Laws Inspectorate, Compliance and Enforcement Bill 2020 be now read a second time. Mr Speaker, with your permission, allow me to skip the introduction.

Hon. Speaker: Permission granted. Kindly proceed.

Hon. Derebia: With your permission, also allow me to skip the committee's mandate.

Hon. Speaker: Allowed. Kindly proceed.

Hon. Derebia: Mr. Speaker Sir, The Committee placed a notice in the local dailies on 1st September, 2020, calling for any representation and amendments from the public on the Bill pursuant to article 196(b) of the constitution of Kenya 2010 and Standing Order 152 (3) which requires public participation in the legislative process and any other Business of the Assembly and its Committees. However, due to Covid-19 pandemic, the Committee requested for submission of written memoranda in the office of the Clerk or through the official email: *tharakanithicountyassembly@gmail.com*. No written memorandum was received; thereof, the committee held five (5) sittings and a retreat to consider the Bill and compiled its report.

Mr. Speaker Sir, while examining the Bill, the Committee noted the following:

1. This Bill was given effect by The County Law Compliance and Enforcement Act, 2018 which is an Act of Parliament that provides for the establishment of law compliance and enforcement units; to provide for the administration and management of the units in each county; and for connected purposes.

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County Assemblies are specifically given the mandate to enact legislation tailored to their Counties by Section 22 which states that “22. A county government may enact legislation on law enforcement and compliance to provide for—

- i. matters not provided for under this Act;
- ii. the conduct of enforcement officers; and
- iii. the effective implementation of this Act.”

Purpose of the Bill;

An Act of the County Assembly of Tharaka Nithi to provide for the establishment of Tharaka Nithi County Laws Enforcement Inspectorate Unit and for matters connected thereto.

2. Overview of the legislative proposal. It has three parts.

Part I of the Bill contains the preliminaries of the Bill. I think Mr Speaker, you can allow me to skip because the Honourable members were inducted through and they know what is entailed in a Bill.

Hon. Speaker: Permission granted.

Hon. Derebia: Thank you Mr Speaker. The committee sincerely thanks the offices of the Speaker and the Clerk of the County Assembly for the support and services extended to the members for them to conclude the exercise smoothly.

I also extend my unreserved gratitude to the members of the committee, who, amid the strict protocols of the pandemic, chose to adhere and make this exercise a success. Special thanks to the secretariat for their support all the times.

On behalf of the Committee, I now have the honour and pleasure to present this report on the consideration of the Tharaka Nithi County Laws Inspectorate, Compliance and Enforcement Bill, 2020 for adoption. Thank you Mr Speaker.

Hon. Speaker: Thank you honourable Wilson Nyaga.

(Loud Consultations)

(Hon. Derebia Consults the Clerks at the Table)

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Hon. Derebia: Thank you Mr Speaker. Committee’s considerations of Tharaka Nithi Laws Inspectorate, Compliance and Enforcement Bill, 2020. The committee deliberated on the Bill as follows;

Clause 1- 4 – agreed to

Clause 5 – 7 - proposed amendments

Clause 8-10 - agreed to

Clause 11 - proposed amendments

Clause 12 - agreed to

Clause 13 – 14 - proposed amendments

Clause 15 - 17 - agreed to

Clause 18 – 20- proposed amendments

Clause 21 – 27 - agreed to

Committee stage amendments

Notice is hereby given that the chairperson committee on County Public Service and Administration, Hon. Anita Karimi Mbae, M.C.A, intends to move the following amendments to the Tharaka Nithi County Laws Inspectorate, Compliance and Enforcement Bill, 2020 –

CLAUSE 5

That, clause 5 (g) be amended by deleting sub clause (g) and replacing thereof with –

“(g) responsible for prevention of crime in the county”

CLAUSE 6

That, clause 6 (1) be amended by inserting the word “public” between the words County and Service.

CLAUSE 7

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That, clause 7 (1) be amended by deleting proposed section (1) and replacing thereof with the following –

“7(1) The board shall be responsible for deployment, demotion and/or promotion of the officers.

That, clause 7(2) be amended by inserting the word “and” between the words “unit” and “shall”.

CLAUSE 11

That, clause 11 (1) be amended by deleting the word “is” and replacing thereof with the word “has” between the words “activity” and “been”.

CLAUSE 13

That, clause 13 be amended by deleting the phrase “produce such person in court within 24 hours” and replace thereof with the phrase “go through the normal process”

CLAUSE 14

That, clause 14 (1) be amended by deleting the word “centrally” and replacing thereof with the word “contrary”.

CLAUSE 18

That, clause 18(1) be amended by deleting the words “any structure”, and deleting the phrase “any area or public or private without approval of the County Government” and replace thereof with the phrase “any public area or private without approval of County Government”.

CLAUSE 18

That, clause 18(2) be amended by deleting the words “seven (7)” and replace thereof with the words “twenty-one (21)”

CLAUSE 19

That, clause 19 sub clause 19(1)(b) be amended by deleting the word “dent” and replacing thereof with the word “debt”

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That, clause 19 sub clause 19(2) be amended by deleting the word “premier” and replacing thereof with the word “prima”.

CLAUSE 20

That, clause 20 sub clause 20(a) be amended by deleting the whole sub clause. Thank you Mr Speaker, I move.

Hon. Speaker: Thank you honourable Wilson Nyaga. Any seconder?

Hon. Derebia: Mr Speaker, I request the honourable Chair committee on public service and administration to second but before that, I now move that the Tharaka Nithi County Laws Inspectorate, Compliance and Enforcement Bill, 2020 be now read a second time.

Hon. Speaker: Yes, honourable Anita Karimi.

(Hon. Anita stood at her place and bowed to second)

Thank you. Honourable members, I now propose the question that the Tharaka Nithi County Laws Inspectorate, Compliance and Enforcement Bill, 2020 be now read a second time, Honourable members, the floor is now open for debate.

(Loud Consultations)

Honourable members, regard being taken to the mood in the House, allow me now to put the question.

(Question put and agreed to)

(Orders for the second reading read for the second time)

ADJOURNMENT

Hon. Speaker: Honourable members, there being no other business on the Order Paper, the House stands adjourned until the next sitting.

****The House rose at 9:45 am****