

Approved for tabling.

30/7/19
SNA

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY
PAPERS LAID

DATE: 30 JUL 2019

DAY
TUESDAY

THE NATIONAL ASSEMBLY

TABLED
BY
CLERK AT
THE TABLE:

FINANCE COMMITTEE
CHAIR HON. LIMO

TWELFTH PARLIAMENT – THIRD SESSION – 2019

DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING

REPORT ON THE CONSIDERATION OF THE STATISTICS (AMENDMENT) BILL, 2019

CLERKS CHAMBERS
DIRECTORATE OF COMMITTEE SERVICES:
PARLIAMENT BUILDINGS
NAIROBI

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 30 JUL 2019
DAY: TUESDAY
TABLED BY
CLERK AT THE TABLE:
FINANCE COMMITTEE
MEMBER/LEADER
CHAIR, HON. LIMO.
JULY, 2019

TABLE OF CONTENTS

CHAIRPERSON'S FOREWARD.....	3
EXECUTIVE SUMMARY	4
1 PREFACE.....	5
1.1 Establishment of the Committee	5
1.2 Mandate of the Committee.....	5
1.3 Committee Membership.....	6
1.4 Committee Secretariat.....	7
2 CONSIDERATION OF THE BILL	8
2.1 Clause by clause analysis.....	8
3 SUBMISSION BY STAKEHOLDERS	10
4 PROPOSED COMMITTEE'S AMENDMENTS	13

CHAIRPERSON'S FOREWORD

This report contains the Committee's proceedings on the consideration of the Statistics (Amendment) Bill, 2019, which was read a first time on **Tuesday, 4th June, 2019** pursuant to Standing Order 127.

In processing the Bill, the Committee invited comments from the public by placing advertisements in the print media on Thursday, 13th June, 2019 pursuant to Article 118 of the Constitution. By the time the Committee was considering the Bill, only the Kenya National Bureau of Statistics (KNBS) had submitted a memorandum for consideration. The Committee held two (2) meetings on Tuesday, 2nd and Thursday, 4th July, 2019 to consider the bill. The Committee adopted some amendments proposed by KNBS for introduction into the Bill during the Committee Stage of the Bill.

On behalf of the Departmental Committee on Finance and National Planning and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Statistics (Amendment) Bill, 2019.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee wishes to thank the National Treasury and the stakeholders for their participation in scrutinizing the Bill.

Finally, I wish to express my appreciation to the Honorable Members of the Committee who made useful contributions towards the preparation and production of this report.

EXECUTIVE SUMMARY

The Statistics (Amendment) Bill, 2019 was published on 20th May, 2019 and read a first time on **Tuesday, 4th June, 2019** and thereafter committed to the Departmental Committee on Finance and National Planning for consideration pursuant to Standing Order 127. The Statistics (Amendment) Bill, 2019 seeks to amend the Statistics Act so as to enhance good governance, expand the scope of the functions of the Kenya National Bureau of Statistics and to align the expressions applied in it to those contained in the Constitution.

The Bill enhances the scope of KNBS, sets out principles to be observed in the collection of data by KNBS, empowers the Cabinet Secretary to extend the period within which the national census may be conducted, enhances the threshold for appointment to the Board of Directors of KNBS, provides qualifications of the Director General of KNBS, provides for the appointment and qualifications of the Corporation Secretary of KNBS, empowers KNBS to use electronic means to collect data, empowers the KNBS Board to correct or cancel statistical information that is found to be inaccurate, criminalizes misuse of data collected by KNBS, sets out the types of statistics that can be collected by KNBS and also sets out the Schedule of Principles of official statistics to be observed by KNBS.

In processing the Bill, the Committee invited comments from the public by placing advertisements in the print media on Thursday, 13th June, 2019 pursuant to Article 118 of the Constitution. The Committee received a memorandum from the Kenya National Bureau of Statistics (KNBS).

1 PREFACE

1.1 Establishment of the Committee

1. The Departmental Committee on Finance & National Planning is one of the fifteen Departmental Committees of the National Assembly established under *Standing Order 216* whose mandates pursuant to the *Standing Order 216 (5)* are as follows:

- i. To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
- ii. To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;
- iii. **To study and review all the legislation referred to it;**
- iv. To study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- v. To 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;
- vi. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No. 204 (Committee on appointments);
- vii. To examine treaties, agreements and conventions;
- viii. To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- ix. To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
- x. To examine any questions raised by Members on a matter within its mandate.

1.2 Mandate of the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider, public finance, monetary policies, public debt, financial institutions (excluding those in securities exchange), investment and divestiture policies, pricing policies, banking, insurance, population revenue policies including taxation and national planning and development.

3. In executing its mandate, the Committee oversees the following government Ministries and departments;
 - a. The National Treasury and Ministry of Planning
 - b. Ministry of Devolution and ASAL
 - c. The Commission on Revenue Allocation
 - d. Office of the Controller of Budget
 - e. Salaries and Remuneration Commission

1.3 Committee Membership

4. The Departmental Committee on Finance and National Planning was constituted by the House in December, 2017 and comprises of the following Members:-
 1. The Hon. Joseph K. Limo, MP (**Chairperson**) – Kipkelion East Constituency – Jubilee Party
 2. The Hon. Isaac W. Ndirangu (**Vice-Chairperson**) – Roysambu Constituency – Jubilee Party
 3. The Hon. Jimmy O. Angwenyi, MP – Kitutu Chache North Constituency – Jubilee Party
 4. The Hon. Christopher Omulele, MP – Luanda Constituency – ODM Party
 5. The Hon. Dr. Enoch Kibunguchy, MP – Likuyani Constituency – FORD-K
 6. The Hon. Shakeel Shabbir Ahmed, MP – Kisumu Town East – Independent
 7. The Hon. Abdul Rahim Dawood, MP – North Imenti Constituency – Jubilee Party
 8. The Hon. Daniel E. Nanok, MP – Turkana West Constituency – Jubilee Party
 9. The Hon. Andrew A. Okuome, MP – Karachuonyo Constituency – ODM Party
 10. The Hon. David M. Mboni, MP – Kitui Rural Constituency – CCU Party
 11. The Hon. Francis K. Kimani, MP – Molo Constituency – Jubilee Party
 12. The Hon. Joseph M. Oyula, MP – Butula Constituency – ODM Party
 13. The Hon. Joshua C. Kandie, MP – Baringo Central Constituency – MCC Party
 14. The Hon. Lydia H. Mizighi, MP – Taita Taveta County – Jubilee Party
 15. The Hon. Mohamed A. Mohamed, MP – Nyali Constituency – Independent
 16. The Hon. Purity W. Ngirici, MP – Kirinyaga County – Jubilee Party
 17. The Hon. Samuel Atandi, MP – Alego Usonga Constituency – ODM Party
 18. The Hon. Stanley M. Muthama, MP – Lamu West Constituency – MCC Party
 19. The Hon. Edith Nyenze, MP – Kitui West Constituency – WDM-K

1.4 Committee Secretariat

5. The Committee is facilitated by the following Secretariat:-

- | | | | |
|------|---------------------|---|--|
| i. | Ms. Leah W. Mwaura | - | Senior Clerk Assistant/Lead Clerk |
| ii. | Ms. Jennifer Ndeto | - | Principal Legal Counsel 1 |
| iii. | Ms. Laureen Wesonga | - | Clerk Assistant II |
| iv. | Mr. Josephat Motonu | - | Fiscal Analyst I |
| v. | Mr. Chelang'a Maiyo | - | Research Officer III |

2 CONSIDERATION OF THE BILL

2.1 Clause by clause analysis

6. The object of the Bill is to amend the Statistics Act to enhance good governance, expand the scope of the functions of the Kenya National Bureau of Statistics and to align the expressions applied in it to those contained in the Constitution of Kenya.
7. **Clause 3:** proposes to amend the Act to expand the scope of the functions of the Bureau, to enhance its capacity throughout the country and also to set out the principles to be observed in the collection of data by the Bureau.
8. **Clause 4:** proposes to amend section 4 of the Act to among other things empower the Cabinet Secretary, in certain circumstances and with the approval of Cabinet to extend the period within which the national census may be conducted.
9. **Clause 5:** proposes to amend section 5 of the Act to enhance the threshold for appointment to the Board of Directors of the Bureau.
10. **Clause 6:** proposes to amend section 6 of the Act to separate the role of the Board from the management in order to ensure that the Board only handles policy issues.
11. **Clause 7:** proposes to amend section 8 of the Act to clarify the qualifications and functions of the Director General.
12. **Clause 8:** proposes to amend the Act to introduce a new provision for the appointment of the Corporation Secretary of the Bureau and prescribe the qualifications for appointment.
13. **Clause 9, 10 and 16:** proposes to amend section 17, 19 and 29 by replacing the word “Minister” with “Cabinet Secretary”
14. **Clause 11:** proposes to amend section 19 of the Act to empower the Bureau to apply electronic means in the collection of data.
15. **Clause 13:** proposes to amend section 23 of the Act to empower the Board to correct or cancel statistical information that is found to be inaccurate.

16. **Clause 15:** proposes to amend section 26 of the Act to criminalize the misuse of data collected by the Bureau.
17. **Clause 17:** seeks to amend the Act by replacing the existing First Schedule which sets out the types of statistics that can be collected by the Bureau.
18. **Clause 18:** sets out the Schedule of the Principles of official statistics to be observed by the Bureau.
19. The Bill does not delegate legislative powers and neither does it limit any fundamental rights or freedoms. The enactment of the Bill shall occasion additional expenditure of public funds and it is therefore a money bill within the meaning of Article 114 of the Constitution.

3 SUBMISSION BY STAKEHOLDERS

Following the call for memoranda from the public on 13th June, 2019, the Committee received only one memorandum from the Kenya National Bureau of Statistics. KNBS' proposals were deliberated on and considered by the Committee. Below are their views:

The Director General of the Bureau submitted as follows in their memorandum, THAT:-

1. Current Compilation Practices of Official Statistics

20. The Bureau promotes use of best practices and methods in the production and dissemination of statistical information across the NSS. The compilation practices at the KNBS are guided by the fundamental principles of official statistics formulated by the United Nations Statistics Commission. These principles set out good practice, emphasizing the need for integrity and transparency and the use of scientific principles to underpin the methods and procedures used for the collection, processing, storage and presentation of statistical data.

21. The quality of official statistics depends on assurance on integrity, methodological soundness, accuracy, access and reliability. In order to maintain the quality of statistics produced both at National and County levels of government, the Bureau is expected to designate statistics as official statistics. This will enhance public trust in official statistics. In this regard, the Statistics Act should provide additional powers to the Bureau to designate statistics as official statistics.

2. Statistics and the 2010 Constitution

22. The new Constitution provides for two levels of Government, namely, National and County Governments. Specifically, it outlines the respective functions and powers of National and County governments, transfer of functions and powers between levels of government and cooperation between National and County Governments (sections 186, 187 and 189 respectively of the constitution).

23. The detailed duties of both levels of governments are provided under Schedule 4 of the Constitution. The functions and powers of "*national statistics and data on population, the economy and society in general*" are given to the National government. Similarly, "*county planning and development, including statistics, ...*", are functions and powers conferred to the

County government. The two levels of government therefore have overlapping functions and powers with respect to statistics.

24. It is therefore proposed that the Statistics Act be amended to ensure norms and standards are applied in the collection, analysis and dissemination of statistical data throughout the country. This will address the issues of quality, credibility and uniformity of official statistics generated both at National and County levels of government.

4. Justification for Amending the Statistics Act

25. The proposed amendments to the Statistics Act are made against a background of the requirement of reviewing all the existing laws to be in line with the Constitution of Kenya 2010 and to address the existing gaps in the current Act. The Proposed amendments to the Statistics Act are made on the following grounds:

- a) Need for the Statistics Act to reflect the operations of the two levels of Government;
- b) Need for a strong legal and institutional framework that aims at protecting the principles of professional independence and integrity of statistics in order to promote public trust;
- c) The need for maintenance of uniform national and international standards and norms in the production and dissemination of official statistics that are comparable across the Counties;
- d) The need to maintain authority for professional decisions, at the national level, over the scope, content, and frequency of data compiled, analysed and published;
- e) The need for the Act to provide powers to the Bureau to among others, designate statistics as official statistics, given that the Bureau is the custodian of official statistics;
- f) The need to ensure that the Bureau adheres to predetermined schedules in the public release of important economic and other sectoral indicator data to prevent manipulation of release dates for political purposes.

26. He stated that official statistics play a critical role in the constitutional dispensation, particularly with regard to the planning and budgeting processes, it is important that timely, accurate and reliable statistics are produced for both the national and county governments.

27. He concluded by stating that the proposed Bill is meant to address the following:

- i. Strengthening coordination of National Statistical System;
- ii. Application of International standards, methods, concepts, definitions and classifications in the production of official statistics both at national and county levels of government (UN Fundamental Principles of Official Statistics); and
- iii. Gaps existing in the current Act

Proposed Amendment

28. Amend the long title by inserting the word “Official” immediately before the word “statistical”.

Justification

29. This is aimed at distinguishing official from non-official statistics. The Bureau is to deal with only official statistics.

4 PROPOSED COMMITTEE'S AMENDMENTS

The Committee having considered the Statistics (Amendment) Bill, 2019 proposed the following amendments to be considered during the Committee of the Whole House:-

CLAUSE 2

30. **THAT**, clause 2 of the Bill be amended in the definition of the term "Agency" by deleting the word "Agency" and substituting therefore the word "agency".

Justification:

31. The amendment is editorial.

CLAUSE 4

32. **THAT**, clause 4 of the Bill be amended in paragraph (c) by inserting the following paragraphs immediately after paragraph (g)—

- (h) providing technical advice on statistics to other state entities;
- (i) promoting coordination among producers, users and suppliers of official statistics by forming appropriate sector committees; and
- (j) designating statistics produced by national statistical system as official statistics on being satisfied that the necessary criteria have been followed.

Justification

33. These additional functions of the Bureau have been taken from clause 7. The functions had been assigned to the Director-General. The nature of the functions is that they are more corporate than personal to the Director General.

CLAUSE 7

34. **THAT**, clause 7 of the Bill be amended—

(a) in paragraph (a) in the proposed amendment to (2) (b) by inserting —

- (i) the word "masters" immediately before the word "degree"; and

(ii) the words “from a recognised university” immediately after the word “mathematics”.

Justification

35. The amendments proposed require that the Director General should have a Master’s degree as part of his/her qualifications. And that the degree should be from a recognised university.

(b) by deleting paragraph (b).

Justification

36. The functions that had been proposed under paragraph (b) have been moved to clause 4.

CLAUSE 8

37. **THAT**, clause 8 of the Bill be amended in the new clause 8A—

(a) in subsection (2) by deleting —

(i) the word “postgraduate “appearing in paragraph (a);

(ii) paragraph (c) and substituting thereof the following new paragraph-

(c) is a registered Certified Public Secretary in good standing with the Institute;

Justifications

38. The amendments relate to the qualifications of the Corporation Secretary. In paragraph (i) the requirement for a postgraduate degree as qualifications for the corporation secretary is removed.

39. In paragraph (ii) the amendment is intended to align the qualifications with the Certified Public Secretaries Act, Cap. 534.

(b) in subsection (3)—

(i) by deleting the words “ensuring the implementation of” appearing in paragraph (c) and substituting therefor the words “communicating the”

Justification

40. The amendment recognizes that the role of a Corporation Secretary is to communicate decision of the Board and not to ensure implementation.

(ii) by inserting the word “court” immediately before the word “proceedings appearing in paragraph (f);

Justification

41. The amendment is to clarify that the Corporation Secretary is responsible for attending court proceedings.

CLAUSE 12

42. **THAT**, the Bill be amended by deleting clause 12 and substituting therefor the following new clause-

12. The principal Act is amended by deleting section 20 and substituting therefor the following new section-

20. (1) This provision limits the right to privacy as provided for under article 31.

(2) Any person or household having custody of, or being in charge of, any record or document from which information sought in furtherance of the purposes of this Act can, in the opinion of the Director-General, be obtained, or which would aid in the completion or correction of information already obtained, shall grant the Director- General access to such records or documents for the purposes of obtaining therefrom the required information.

Justification

43. The amendment is to delete the reference to Local Authority, which no longer exists; and to provide for giving of information by any person or household.

44. The Clause has also been redrafted to comply with Article 24 of the Constitution.

CLAUSE 12A

45. **THAT**, the Bill amended by inserting the following new clause immediately after clause 12-

12A.The principal Act is amended by deleting section 21 and substituting therefor the following new section-

21. (1) This provision limits the right to privacy as provided for under article 31.

(2) An authorized officer may at all reasonable times without warrant, but upon production, if required, of the letter of authorization, for any purpose connected with—

(a) the collection of statistical information, enter and inspect any land, building, vehicle or vessel where persons are employed, other than a dwelling-house;

(b) the taking of a census, enter any land or building, vehicle or vessel where persons are employed and in either case may make such inquiries for the collection of information, or the taking of the census, as the case may be.

Justification

The Clause has been redrafted to comply with Article 24 of the Constitution.

SIGNED.......... DATE.....*25/7/19*.....

THE HON. JOSEPH LIMO, MP

CHAIRPERSON

DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

**DEPARTMENTAL COMMITTEE ON FINANCE & NATIONAL PLANNING
ADOPTION SCHEDULE FOR THE REPORT ON THE CONSIDERATION OF THE
STATISTICS (AMENDMENT) BILL, 2019**

DATE: 25TH JULY, 2019

NAME	SIGNATURE
1. HON. JOSEPH K. LIMO, MP – CHAIRMAN	
2. HON. ISAAC W. NDIRANGU – VICE-CHAIRMAN	
3. HON. JIMMY O. ANGWENYI, MGH, MP	
4. HON. CHRISTOPHER OMULELE, MP	
5. HON. ENOCH KIBUNGUCHY, MP	
6. HON. SHAKEEL SHABBIR AHMED, CBS, MP	
7. HON. ABDUL RAHIM DAWOOD, MP	
8. HON. DANIEL E. NANOK, MP	
9. HON. ANDREW A. OKUOME, MP	
10. HON. DAVID M. MBONI, MP	
11. HON. KURIA KIMANI, MP	
12. HON. JOSEPH M. OYULA, MP	
13. HON. JOSHUA KANDIE, MP	
14. HON. LYDIA H. MIZIGHI, MP	
15. HON. MOHAMED ALI, MP	
16. HON. PURITY NGIRICI, MP	
17. HON. SAMUEL ATANDI, MP	
18. HON. STANLEY M. MUTHAMA, MP	
19. HON. EDITH NYENZE, MP	

MINUTES OF THE 35TH SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING HELD ON THURSDAY, 25TH JULY, 2019 IN COMMITTEE ROOM, 8TH FLOOR, UKULIMA HOUSE, PARLIAMENT BUILDINGS AT 10.00 AM

PRESENT

1. Hon. Joseph K. Limo, MP - **Chairperson**
2. Hon. Isaac W. Ndirangu, MP - **Vice Chairperson**
3. Hon. Jimmy O. Angwenyi, MGH, MP
4. Hon. Dr. Enoch Kibunguchy, MP
5. Hon. Daniel E. Nanok, MP
6. Hon. Andrew A. Okuome, MP
7. Hon. David M. Mboni, MP
8. Hon. Joseph M. Oyula, MP
9. Hon. Joshua C. Kandie, MP
10. Hon. Lydiah Mizighi, MP
11. Hon. Purity Ngirici, MP
12. Hon. Samuel Atandi, MP
13. Hon. Edith Nyenze, MP

ABSENT WITH APOLOGY

1. Hon. Shakeel Shabbir Ahmed, CBS, MP
2. Hon. Abdul Rahim Dawood, MP
3. Hon. Francis K. Kimani, MP

ABSENT

1. Hon. Christopher Omulele, MP
2. Hon. Stanley M. Muthama, MP
3. Hon. Mohamed A. Mohamed, MP

INATTENDANCE

COMMITTEE SECRETARIAT

- | | | |
|------------------------|---|-----------------------------------|
| 1. Mr. Robert Nyaga | - | Deputy Director, PBO |
| 2. Ms. Leah Mwaura | - | Senior Clerk Assistant/Lead Clerk |
| 3. Ms. Jennifer Ndeto | - | Principal Legal Counsel 1 |
| 4. Ms. Laureen Wesonga | - | Clerk Assistant II |
| 5. Mr. Jonathan Lemurt | - | Fiscal Analyst |
| 6. Ms. Christine Maeri | - | Audio Officer |
| 7. Mr. Vitalis Augo | - | Office Assistant |
| 8. Mr. Cyrille Mutali | - | Intern |

AGENDA

1. Prayers
2. Preliminaries/Introductions/Communication from the Chair
3. Confirmation of Minutes
4. Matters Arising
5. **Meeting to:-**
 - i. **Adopt the report on the consideration of the Statistics (Amendment) Bill, 2019**
 - ii. **Consider the report on NBK's independent valuation by Standard Investment Bank**
6. Adjournment/ Date of the next meeting

MIN.NO.NA/F&NP/2019/191: PRELIMINARIES/COMMUNICATION FROM THE CHAIRPERSON

The Chairperson called the meeting to order at 10.24 am and a prayer was said. Agenda of the day was adopted having been proposed and seconded by Hon. Daniel Nanok, M.P. and Hon. David Mboni, M.P. respectively.

MIN.NO.NA/F&NP/2019/192: CONFIRMATION OF MINUTES

Agenda deferred

MIN.NO.NA/F&NP/2019/193: ADOPTION OF THE REPORT ON THE CONSIDERATION OF THE STATISTICS (AMENDMENT) BILL, 2019

The Committee adopted the report having been proposed and seconded by Hon. Jimmy Angwenyi, MGH, M.P. and Hon. Purity Ngirici, M.P. respectively. The following proposed amendments were also agreed on:-

CLAUSE 2

THAT, clause 2 of the Bill be amended in the definition of the term "Agency" by deleting the word "Agency" and substituting therefore the word "agency".

Justification:

The amendment is editorial.

CLAUSE 4

THAT, clause 4 of the Bill be amended in paragraph (c) by inserting the following paragraphs immediately after paragraph (g)—

- (h) providing technical advice on statistics to other state entities;
- (i) promoting coordination among producers, users and suppliers of official statistics by forming appropriate sector committees; and

- (j) designating statistics produced by national statistical system as official statistics on being satisfied that the necessary criteria have been followed.

Justification

These additional functions of the Bureau have been taken from clause 7. The functions had been assigned to the Director-General. The nature of the functions is that they are more corporate than personal to the Director General.

CLAUSE 7

THAT, clause 7 of the Bill be amended—

(a) in paragraph (a) in the proposed amendment to (2) (b) by inserting —

(i) the word “masters” immediately before the word “degree”; and

(ii) the words “from a recognised university” immediately after the word “mathematics”.

Justification

The amendments proposed require that the Director General should have a Master’s degree as part of his/her qualifications. And that the degree should be from a recognised university.

(b) by deleting paragraph (b).

Justification

The functions that had been proposed under paragraph (b) have been moved to clause 4.

CLAUSE 8

THAT, clause 8 of the Bill be amended in the new clause 8A—

(a) in subsection (2) by deleting —

(i) the word “postgraduate “appearing in paragraph (a);

(ii) paragraph (c) and substituting thereof the following new paragraph-

(c) is a registered Certified Public Secretary in good standing with the Institute;

Justifications

1. The amendments relate to the qualifications of the Corporation Secretary. In paragraph (i) the requirement for a postgraduate degree as qualifications for the corporation secretary is removed.
2. In paragraph (ii) the amendment is intended to align the qualifications with the Certified Public Secretaries Act, Cap. 534.

(b) in subsection (3)—

- (i) by deleting the words “ensuring the implementation of” appearing in paragraph (c) and substituting therefor the words “communicating the”

Justification

The amendment recognizes that the role of a Corporation Secretary is to communicate decision of the Board and not to ensure implementation.

- (ii) by inserting the word “court” immediately before the word “proceedings appearing in paragraph (f);

Justification

The amendment is to clarify that the Corporation Secretary is responsible for attending court proceedings.

CLAUSE 12

THAT, the Bill amended by deleting clause 12 and substituting therefor the following new clause-

12. The principal Act is amended by deleting section 20 and substituting therefor the following new section-

20. (1) This provision limits the right to privacy as provided for under article 31.

(2) Any person or household having custody of, or being in charge of, any record or document from which information sought in furtherance of the purposes of this Act can, in the opinion of the Director-General, be obtained, or which would aid in the completion or correction of information already obtained, shall grant the Director- General access to such records or documents for the purposes of obtaining therefrom the required information.

Justification

1. The amendment is to delete the reference to Local Authority, which no longer exists; and to provide for giving of information by any person or household.
2. The Clause has also been redrafted to comply with Article 24 of the Constitution.

CLAUSE 12A

THAT, the Bill amended by inserting the following new clause immediately after clause 12-

12A.The principal Act is amended by deleting section 21 and substituting therefor the following new section-

21. (1) This provision limits the right to privacy as provided for under article 31.

(2) An authorized officer may at all reasonable times without warrant, but upon production, if required, of the letter of authorization, for any purpose connected with—

(a) the collection of statistical information, enter and inspect any land, building, vehicle or vessel where persons are employed, other than a dwelling-house;

(b) the taking of a census, enter any land or building, vehicle or vessel where persons are employed and in either case may make such inquiries for the collection of information, or the taking of the census, as the case may be.

Justification

The Clause has been redrafted to comply with Article 24 of the Constitution.

MIN.NO.NA/F&NP/2019/193: REPORT ON NBK'S INDEPENDENT VALUATION BY STANDARD INVESTMENT BANK

The Committee was briefed on the summary of the report on the independent valuation of NBK and it was evident that KCB had undervalued NBK. In the said report, per share price was estimated at KSh. 6.10 compared to the offer by KCB of KSh.3.801 per share price. The Committee was of the opinion that the Take-Over should not proceed and to this regard resolved to meet the National Treasury and the Board of Trustees of the National Social Security Fund on Wednesday, 31st July, 2019 to deliberate further on the matter.

According to the Committee, the main problem faced by NBK is low capital and this could either be resolved through a rights issue or nationalization of the Bank.

MIN.NO.NA/F&NP/2019/194: ADJOURNMENT/ DATE OF NEXT MEETING

There being no other business to deliberate on, the meeting was adjourned at 11.47 a.m. The next meeting will be held Tuesday, 30th July, 2019.

HON. JOSEPH K. LIMO, MP

(CHAIRPERSON)

SIGNED  DATE 25/7/19

