



PARLIAMENT OF KENYA



KENYA NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT

SECOND SESSION

THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS
REPORT ON THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT)
BILL, 2013

Clerk's Chambers,
Parliament Buildings,
NAIROBI.

FEBRUARY, 2014

1.0 PREFACE

On behalf of the Departmental Committee on Justice and Legal Affairs and pursuant to the provisions of Standing Order No. 199, it is my pleasure and duty to present to the House, the Committee's Report on the National Flag, Emblems and Names (Amendment) Bill, 2013.

1.1 Committee Membership

The Committee on Justice and Legal Affairs was constituted by the House on Thursday 16th May, 2013 comprising of the following members:

1. The Hon. Samuel Chepkong'a, M.P. –Chairperson
2. The Hon. Priscilla Nyokabi, M.P. –Vice Chairperson
3. The Hon. Njoroge Baiya, M.P.
4. The Hon. Muriithi Waiganjo, M.P.
5. The Hon. Ndirangu Waihenya, M.P.
6. The Hon. Florence Kajuju, M.P.
7. The Hon. Kang'ata Irungu, M.P.
8. The Hon. Benson Mutura, M.P.
9. The Hon. John Njoroge Chege, M.P.
10. The Hon. William Cheptumo, M.P.
11. The Hon. Mohamed Abdi Haji, M.P.
12. The Hon. Kangongo Bowen, M.P.
13. The Hon. Sammy Koech, M.P.
14. The Hon. Moses Cheboi, M.P.
15. The Hon. Paul Bii, M.P.
16. The Hon. Charles Gimose, M.P.
17. The Hon. Johanna Ng'eno, M.P.
18. The Hon. Boniface Otsiula, M.P.
19. The Hon. David Ouma Ochieng, M.P.
20. The Hon. Neto Agostinho, M.P.
21. The Hon. Kaluma Peter, M.P.
22. The Hon. Fatuma Ibrahim Ali, M.P.
23. The Hon. Ben Momanyi Orari, M.P.
24. The Hon. T. J. Kajwang', M.P.
25. The Hon. (Bishop)Mutua Mutemi, M.P.
26. The Hon. Olago Aluoch, M.P.
27. The Hon. Christine Oduor Ombaka, M.P.
28. The Hon. Munuve G. Mati, M.P.
29. The Hon. Mwamkale William Kamoti, M.P.

The Departmental Committee on Justice and Legal Affairs derives its mandate from provisions of standing order 216 (5) which outline functions of the Committee as being:

a) 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;

b) To study the Programme and policy objectives of ministries and departments and the effectiveness of their implementation;

c) To study and review all the legislation referred to it;

d) To study, assess and analyze the relative success of the ministries and departments measured by the results obtained as compared with their stated objectives;

e) To investigate and inquire into all matters relating to the assigned ministries and departments as may be deemed necessary, and as may be referred to it by the House or a Cabinet Secretary;

f) 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); and

g) To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.

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

- a) Constitutional Affairs .
- b) The administration of Law and Justice
- c) The Judiciary
- d) Public prosecutions
- e) Elections
- f) Ethics, Integrity and anti-corruption and
- g) Human rights

1.2 Committee Meetings

The Committee held sittings during which the National Flag, Emblems and Names (Amendment) Bill, 2013 was considered in accordance with the standing orders of the National Assembly. The Bill was read a first time on 2013 and stood committed to the Committee. The Committee could not report

within time due to consideration of other Bills that had already been committed to the Committee and thus did not proceed and report as expected. The Report contains deliberations of the Committee on the Bill and has proposed some amendments for consideration and passage by the House.

Finally it is now my pleasant duty and privilege, on behalf of the Departmental Committee on Justice and Legal Affairs, to introduce this report to the House, so that it may enrich debate on the Bill.

PROPOSED AMENDMENTS TO THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL, 2013

SECTION 2AA

THAT the Bill be amended as follows:

- i. In subsection (d) by deleting the words “a speaker of a House of Parliament” and inserting the words:

“Speaker of the National Assembly”

- ii. In subsection (e) by deleting the words “Cabinet Secretary” and inserting the words “Speaker of the Senate”
- iii. By deleting paragraphs (1), (f) and (g)
- iv. By deleting paragraph (2) and replacing with the words:

“Provided that Members of a County Assembly can make legislation on County Flag, Emblems and Names”

SECTION 2AB

THAT the Bill be amended in paragraph (2) by deleting the words:

“One hundred thousand” and inserting the words “one million”

SECTION 2AC

THAT the Bill be amended by deleting the section.

FOURTH SCHEDULE

FOURTH SCHEDULE

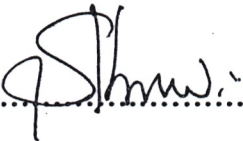
USE OF OFFICIAL TITLES

THAT the word ‘Senator’ appearing under office be amended by deleting and inserting the words “Members of Parliament”

THAT the Official title of Members of Parliament be “Senator” and “Hon. Member of Parliament”

THAT paragraph 6 be amended by deleting all provisions.

THAT the official title to the office of Member of a County Assembly be amended by deleting the words “Honourable Assemblyman” and “Honourable Assemblywoman” and inserting the words “Member of County Assembly”

SIGNED.....

Hon. Samuel Chepkong’a, MP

(Chairperson)

Committee on Justice and Legal Affairs

DATE.....

