

KERICHO COUNTY ASSEMBLY

THE HANSARD

Second Assembly

Fifth Session

Tuesday 11th May 2021

(The House met at 2.30 p.m.)

[Speaker (Hon. Dominic Rono) in the Chair]

PRAYERS

The Speaker (Hon. Dominic Rono): Let's proceed

**THE KERICHO COUNTY URBAN AREAS
MANAGEMENT BILL, 2021**

The Speaker (Hon. Dominic Rono): You may ring the bell. Please ring the bell again, honorable members it looks like we don't have the quorum. We are at the Committee of the Whole House.

COMMITTEE OF THE WHOLE HOUSE

(The Speaker leaves the Chair)

(The Chairman takes the Chair)

The Chairman (Hon. Josphat Rutto, Member representing Soin Ward): Honorable members welcome to the Committee of the Whole House so that we can make one or two amendments on

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Kericho County Urban Areas Management Bill, 2021. Thank you, we were waiting for any member, vice chair or Chairman Committee on Lands, Physical Planning and Housing. I know we have the Vice Chair here maybe you can consult with Honorable Collins because he was mandated to do so. He has the documents so we are giving you two minutes. Thank you honorable members we want to move on.

The Chairman (Hon. Josphat Rutto, Member representing Soin Ward): Thank you.

Honorable, members we want to move on.

Part II That Clause 5 Sub clause 4 be amended by adding the following sub clauses;

(h) Institute of Engineers of Kenya.

(i) Kenya National Bureau of Statistics

That Clause 5 Sub clause 6 (a) be amended by deleting the word “or” immediately after the word “**municipality**” and be further amended by adding the words “**and market**” immediately after the word “**township**”

That clause 5 sub clause 6 (b) be amended by deleting the word “or” immediately after the word “**municipality**” and be further amended by adding the words ‘**and market**’ immediately after the word “**township**”.

The Chairman (Hon. Josphat Rutto, Member representing Soin Ward): Thank you.

Honorable Chair maybe you can explain to us why you moved those amendments. That is part II that is the clause 5 sub clause 4 be amended by adding the following sub clauses; maybe you can make some, somewhere on why you made those amendments.

Hon. Collins Biegon Member representing Kapkugerwet Ward): Thank you chairperson part II of this Bill as we were looking at it, there were some institutions that were left out so we proposed that clause 5 sub clause 4 be amended by adding the following sub clauses (h) Institute of engineers of Kenya was not considered and (i) Kenya National Bureau of Statistics. We also

had an issue that clause 5 sub clause 6 be amended by deleting the word ‘or’ this was just a grammatical issue so that the meaning could be contextualized in the right manner. So immediately after the word “**municipality**” so deleting the word ‘or’ immediately after municipality and be further amended by adding the words and ‘**market**’ immediately after the word ‘**township**’. This is just to also include ‘**market**’ in this particular area so that is part two. The last amendment in that part is clause 5 sub clause 6 (b) that is immediately after the sub clause 6 (a) be amended by deleting the same word ‘or’ immediately after ‘**municipality**’ and by further adding the word and ‘**market**’ immediately after the ‘**township**’ so the context was the same its only that there are different clauses that’s for part two. Thank you, chairperson.

The Chairman (Hon. Josphat Rutto, Member representing Soin Ward): Thank you. Who is seconding your amendment?

Hon. Collins Biegon, Member representing Kapkugerwet Ward): I will ask the honorable Beatrice Tonui who is the vice chair to second.

(Hon. Beatrice Tonui bows in secondment)

The Chairman (Hon. Josphat Rutto, Member representing Soin Ward): Thank you honorable members.

(Question proposed)

The Chairman (Hon. Josphat Rutto, Member representing Soin Ward): Any Member before we move to the next agenda? Seems there is none.

(Question put and agreed to)

Part III

That Clause 9 be amended by deleting the word ‘**and**’ immediately after the word ‘**other**’

That Clause 10 be amended by adding the word “**under**” immediately after the word “**Assembly**”

That Clause 15 be amended by adding the words “**of the Urban Areas and Cities (Amendment) (No. 3 of 2019)**” immediately after the words “**Section 9**”

That clause 16(e) be amended by adding a **comma** immediately after the word “**town**” and be further amended by deleting the word “or” immediately after the word “**town**” and be further amended by adding the words “**and Market**” immediately after the word “**municipality**”

That Clause 38 Sub Clause 3 be amended by deleting the words “or” immediately after the word “**Board**” and replacing it with the word “**and**”

That Clause 49 be amended by deleting the words “**such, fine and imprisonment**” immediately after the word “**both**”

The Chairman (Hon. Josphat Rutto, Member representing Soin Ward): Chairman?

Hon. Collins Biegon, Member representing Kapkugerwet Ward): Thank you Chairperson, I beg to move that, Part III that Clause 9 be amended by deleting the word “**and**” immediately after the word “**other**” that is just a grammatical issue. That Clause 10 be amended by adding the word “**under**” immediately after the word “**Assembly**”, I think if members are on that page, I think they could also see that it is an issue of grammar so that the context is not lost.

That Clause 15 be amended by adding the words “**of the Urban Areas and Cities (Amendment) (No. 3 of 2019)**” immediately after the words “**Section 9**” that is just to try make the particular law that was used be very clear in that sense.

That clause 16(e) be amended by adding a **comma** immediately after the word “**town**” and be further amended by deleting the word “or” immediately after the word “**town**” and be further amended by adding the words “**and Market**” immediately after the word “**municipality**”. So

this is just as we have heard in part two (2) the issue of adding ‘and market’ right after the word either township or municipality, so that it could be inclusive.

But that Clause 38 Sub Clause 3 be amended by deleting the words “or” immediately after the word “Board” and replacing it with the word “and” so this is also just grammar.

That Clause 49 be amended by deleting the words “such, fine and imprisonment” immediately after the word “both”, so that is also part of trying to have that sentence in a way that could be straight forward.

The Chairman (Hon. Josphat Rutto, Member representing Soin Ward): Thank you, who is your seconder?

Hon. Collins Biegon Member representing Kapkugerwet Ward): Honorable Beatrice Tonui!

(Hon. Beatrice Tonui Bows in secondment)

(Question proposed)

The Chairman (Hon. Josphat Rutto, Member representing Soin Ward): Hon. Cheruiyot Bett!

Hon. Cheruiyot Bett (Member representing Ainamoi Ward): Thank you very much Chairman, I think on behalf of the people of Ainamoi I also want to support the acting Chair in charge of the motion. On behalf of the chair Lands who happens to be the Vice chair Budget and Appropriation Committee, I want to say that since they are just but commas, full stop makes this Bill to pass the message, I suppose Mr. Chairman to propose we sum up everything at once to give the Chair to read so that we finish this business once and for all in the next one minute so that we can go for other business Mr. Chair without rejecting anything, Thank you.

The Chairman (Hon. Josphat Rutto, Member representing Soin Ward): Thank you, Honorable Cheruiyot Bett this is a house of order and we have to follow the Law and I think

your idea is also good but because this is a bill that is governing Kericho County then we must follow the procedure. Any other person?

(Question put and agreed to)

The Chairman (Hon. Josphat Rutto, Member representing Soin Ward): Chair may be you can make remarks, thank members on the agreement with you on the amendments.

Hon. Collins Biegon (Member representing Kapkugerwet Ward): Thank you Chairperson, I wish to thank the honorable members for contributing on this matter. Chairperson, I would beg to move that the committee do report to the assembly its consideration of the Kericho County Urban Areas Management Bill 2021 and its approval with amendments.

The Chairman (Hon. Josphat Rutto, Member representing Soin Ward): Thank you chair, thank you honorable members for the good debate.

(Question put and agreed to)

(The Chairman leaves the chair)

(The Speaker takes the chair)

(The House resumes)

The Speaker (Hon. Dominic Rono): Thank you, chairman!

The Chairman (Hon. Josphat Rutto Member representing Soin Ward): Thank you Mr. Speaker for giving me this opportunity, I want to report that the Committee of the Whole House has considered Kericho County Urban Areas Bill 2021 and its approval with amendments. Thank you.

The Speaker (Hon. Dominic Rono): Thank you, mover?

Hon. Collins Biegon Member representing Kapkugerwet Ward): Thank you honorable Speaker, I beg to move that the House do agree with the committee on the said report. It will be seconded by honorable Beatrice Tonui.

The Speaker (Hon. Dominic Rono): Hon. Beatrice Tonui!

Hon. Beatrice Tonui Bows in secondment

The Speaker (Hon. Dominic Rono): Thank you.

(Question proposed)

(Question put and agreed to)

The Speaker (Hon. Dominic Rono): The mover? For the third reading!

Hon. Collins Biegon Member representing Kapkugerwet Ward: Thank you Mr. Speaker sir. I beg to move that the Kericho County Urban Areas Management Bill 2021 be now read the third time.

The Speaker (Hon. Dominic Rono): The seconder is Beatrice Tonui?

Hon. Collins Biegon Member representing Kapkugerwet Ward): Yes

The Speaker (Hon. Dominic Rono): Honorable Beatrice Tonui you may second.

(Hon. Beatrice Tonui bows in secondment)

(Question proposed)

(Question put and agreed to)

The Speaker (Hon. Dominic Rono): The Clerk may now read the full title of the Bill.

THE KERICHO COUNTY URBAN AREAS MANAGEMENT BILL, 2021

A Bill for AN ACT of the County Assembly of Kericho to give effect to article 184 of the Constitution as read with the Urban Areas and Cities Amendment no.3 of 2019 to provide for governance and management of urban areas and participation of residents and for connected purposes.

(Adjournment)

The Speaker (Hon. Dominic Rono): Thank you, we can now adjourn until tomorrow 9:30am. Thank you.

(The house rose at 3:20pm)