

REPUBLIC OF KENYA
MANDERA COUNTY ASSEMBLY

THE HANSARD

Wednesday, 11th March, 2020.

*The House met at the Assembly Chambers
County Assembly Buildings, at 9.05 am*

[Deputy Speaker (Hon. Farah Abdi) in the Chair]

PRAYER

BILL

MANDERA COUNTY EDUCATION BURSARY (AMENDMENT) BILL, 2020

(Second Reading)

Deputy Speaker (Farah Abdi): Hon. Yakub.

Hon. Yakub Hassan (Derkhale): Thank you, Mr. Deputy Speaker. I beg to move-
THAT Mandera County Education Bursary (Amendment) Bill, 2020 be read for the
Second Time.

We have prepared a report on the same and it is as follows; -

The functions of the committee as provided for under Mandera County Assembly
Standing Orders 193(5) is to;-

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- b) Study the programme and policy objectives of departments and the effectiveness of the implementation;
- (c) Study and review all county legislation referred to it;
- (d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives; (e) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;

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(f) To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185 (Committee on Appointments)

(g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

The Education, Culture and Sports committee comprises of the following honorable Members;-

- | | |
|---------------------------------|-------------|
| 1. Hon. Yakub Hassan Emoi | Chairperson |
| 2. Hon. Alinur Hassan Ali | V/chair |
| 3. Hon. Halima Golo Adan | Member |
| 4. Hon. Mohamed Ibrahim Yussuf | Member |
| 5. Hon. Abdullahi Siyad Adan | Member |
| 6. Hon. Bishar Maalim Abdullahi | Member |
| 7. Hon. Jimale Abdi Hassan | Member |
| 8. Hon. Abdirahman Aliow Issack | Member |
| 9. Hon. Rahma Ibrahim Issack | Member |

I take this opportunity to thank all Members of the Education, Culture and Sports Committee for their input and valuable contributions during the deliberations on the Mandera County Education Bursary (amendment) Bill 2020.

The Committee also takes this opportunity to thank the Offices of the Speaker and the Clerk for the support accorded to the Committee.

On behalf of the committee and pursuant to the provisions of Mandera County Assembly Standing Order 193 (5), I have the honor and pleasure to present the report on the Mandera County Education Bursary (Amendment) Bill, 2020 for adoption by the County Assembly.

Mr. Deputy Speaker, if you look at the adoption of the report, all the honorable Members have signed. It is very clear that Hon. Abdirahman Aliow Issack is on official duty and he has permission from the Office of the Speaker. That is why he has not signed. Hon. Alinoor Hassan who is also the Vice-Chair has some permission but he is now around and that is why he has not signed but all other members have signed.

Mr. Deputy Speaker, the first reading of the Mandera County Education Bursary (Amendment) Bill 2020 was done on Tuesday 10th March, 2020 and committed to the Education, Culture and Sports Committee in accordance with the provision of Mandera County Assembly Standing Order 123(1) while 123 (4) requires the Committee to consider the bill and present a report to the County Assembly for consideration, and that is exactly what we are doing.

Mr. Deputy Speaker, the Mandera County Bursary Education Act, 2014 is the Principal Act which regulates all funds related to disbursement of bursary. This County legislation should be in conformity with the Public Finance Management Act, 2012 in order to avoid inconsistency with the PFM Act, 2012.

On 25th, June, 2019, the CECM for Education, Sports and Culture submitted proposed Amendments to the office of the Clerk on the Mandera County Education Bursary Act, 2014.

The proposed amendment was informed by the provision of PFM Act, 2012 section 116 with Principal Act.

Mr. Deputy Speaker, the principal object of this Bill is to amend the Mandera County Education Bursary Act, 2014 to align it with the Public Finance and Management Act 2012, Section 116.

In that regard, the committee observed that, the purpose of amending section 16 (1) (d) (e) (g) and 18 (3) of the Principal Act, 2014 is to conform to section 116 of the PFM Act, 2012.

The Committee therefore, recommends;

1. Section 18 (3) of the Principal Act be amended by Deleting the word “Chief Executive Officer” appearing before the word “of who the ” and substituting with the word “Administrator of the Fund”.
2. The County Assembly approves the report of the Education, Culture and Sports Committee on the Mandera County Education Bursary (Amendment) Bill, 2020.

Before I ask for a seconder, this amendment is overdue and the amendment always comes from the Executive. You are very much aware that it always comes in piecemeal and it has affected the disbursements of bursary in Mandera County. Meanwhile, as a committee, we have done our part. I urge the honorable Members to act with speed towards the amendment bill so that our children get the said bursary.

With that regard, I ask Hon. Member representing Guticha ward to second me.

Thank you.

Hon. Mohamed Ibrahim: Seconded

(Question proposed)

Deputy Speaker (Farah Abdi): Honorable Members, you can debate on that report. Hon. Bishar Maalim.

Hon. Bishar Maalim Abdullahi (Takaba): Thank you, Mr. Deputy Speaker. First, I would like to take this opportunity to thank the Speaker and Clerk’s Office for giving us the support to ensure that this bill reaches this House at an appropriate time.

Secondly, the objective of the report was just to delete the words “Chief Executive Officer” and replace it with ‘Administrator of the Fund’ and that is the most critical part of this amendment. We wanted to ensure that this bill is in tandem with Public Finance and Management Act of 2012. For us to expedite the delayed bursary for this financial year, I would like to request the members to approve because the amendment is just a small piece. We want to request our honorable members to approve because the delay has caused a lot of problems to the beneficiaries of the fund.

I would also like to appeal to the Executive that they should not bring any other amendment because these amendments have delayed and given us a lot of challenges in disbursing this fund all the times. I think this should be the final one through the able Chair of the Committee because we have done two amendments within a year which is not necessary because I know the other time we have almost reached the end of this amendment but something cropped up at the last minute again which has taken us back for three to four months.

I request the honorable Members to approve with the speed it requires.

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Thank you, Mr. Deputy Speaker.

Hon. Adan Maalim Abdullahi (Township): Thank you, Mr. Deputy Speaker. I rise in support of the report. This committee has done a very good work and this report has long been waited for by this House and the entire population of Mandera County. Very many of our population are from poor background. Most of our students who go to Universities, Colleges and High Schools are eagerly waiting for this resource; very essential resource. Time has come for the Members of the County Assembly to fast-track adoption of this report.

I support the report to be adopted.

Thank you.

Hon. Ibrahim Ali Wariyo (Shimbir Fatuma): Thank you, Mr. Deputy Speaker. I rise to support the amendment of the Bill before the House. As you know, this is what is curtailing disbursement of the bursary. When the Executive submitted the previous Bill to this House, I think it is the first Assembly which has not seen properly and they accepted the issue of Chief Executive Officer but the thing is even the second Assembly have not realized and have not actually made sure that any fund created is in line with PFM Act until when it again generated the issue of compliance with the law.

As much as I support this amendment, I want to also tell the House that it is the role of this Assembly not preferably the role of the Executive to make sure that any Bill or any fund created should comply with the existing laws. The forty eight of us have not noticed until when the controller of budget or auditor general noticed that there is compliance issue. You know once the elder brother honorable Bishar supported this Bill, I have no option in saying otherwise. I do not think whether there is any other Member who can oppose. When I say that, there is some politics in what I am saying.

Hon. Ahmed Gabnan (Waranqara): Point of order Mr. Speaker!

Deputy Speaker (Hon. Farah Abdi): Yes, honorable.

Hon. Ahmed Gabnan (Waranqara): Mr. Deputy Speaker, is the honorable Member in order to say that it is the sole responsibility of honorable Bishar to oppose any issue before the House?

Hon. Ibrahim Ali Wariyo (Shimbir Fatuma): Mr. Deputy Speaker, I have not yet heard what was not in order. He is interrupting me.

Deputy Speaker (Hon. Farah Abdi): Honorable Wariyo, he is seeking for clarification and he said that is it only honorable Bishar who always opposes the business on the floor of the House.

Hon. Ibrahim Ali Wariyo (Shimbir Fatuma): Mr. Deputy Speaker, I have 100% faith that he is the most senior old professional in this House. When I tried to read between honorable Bishar the Member representing the second city after El-wak and the Member for Waranqara, with the experience he has and from where he has been elected from, when I put honorable Bishar on my right hand and put honorable Gabnan on the left hand, they are not comparable.

Deputy Speaker (Hon. Farah Abdi): You are out of order. Order honorable Member! You are out of order. Get back to your seat. Allow other honorable Members to give their opinion. What is your point of order honorable Kullow.

Hon. Kullow Alio (Rhamu): Thank you, Mr. Deputy Speaker. When the honorable Member for Shimbir Fatuma said that he is actually supporting this amendment Bill because honorable Bishar supported, I do not think he is sincere in his statement. What I understand,

from my own perspective, is that it means honorable Bishar is a chronic opposer of anything that comes on the floor of the House and that today honorable Bishar has supported it and therefore he is going to support it.

Deputy Speaker (Hon. Farah Abdi): I think he has not put it that way maybe he will substantiate whether that is what he meant or not.

Hon. Kullow Alio (Rhamu): All the honorable Members are equal in this House. There is no honorable Member who is more equal than the other. They all possess the same voice. So, by insinuating that honorable Member for Waranqara is junior---

Deputy Speaker (Hon. Farah Abdi): Order honorable Member! You will be given time.

Hon. Kullow Alio (Rhamu): Or inferior for that matter, the honorable Member for Shimbir Fatuma should apologize to the honorable Member for Waranqara and withdraw the statement.

Deputy Speaker (Hon. Farah Abdi): Order! Hon Wariyo, before you proceed, let us allow honorable Member for Waranqara to have his say. Allow him to speak. Order!

Hon. Ahmed Gabnan (Waranqara): Mr. Deputy Speaker, I have never seen someone---

Deputy Speaker (Hon. Farah Abdi): Order honorable Wariyo! Let us listen from the Minority Whip.

Hon. Ahmed Gabnan (Waranqara): Honorable Deputy Speaker, my intellectual capacity can never be doubted and I remember we were school mate at one time. I used to top the class from class three up to class eight. In secondary, I never went beyond number three.

Deputy Speaker (Hon. Farah Abdi): Order! Get back to your seats. Let us hear from honorable Minority Whip. Put on your mic.

Hon. Ahmed Gabnan (Waranqara): Even in university, I never had any referral from any unit. Honorable Wariyo, what has he used to do comparison between me and another honorable Member and doubt my intellectual capacity and say that I am not comparable to another honorable Member? Mr. Deputy Speaker, he should not only apologize but he should even be given other disciplinary measures.

Thank you.

Deputy Speaker (Hon. Farah Abdi): Fine. Let us also listen from honorable Rafat on that subject. Honorable Rafat!

Hon. Abdinoor Dakane (Khalalio): Thank you, Mr. Deputy Speaker for giving me this chance. I think the whole House is here today.

Deputy Speaker (Hon. Farah Abdi): Do you want to say something on what honorable Wariyo said?

Hon. Abdinoor Dakane (Khalalio): Not on what he said because we are here to discuss the Bill.

Deputy Speaker (Hon. Farah Abdi): Fine. I will give you. I think honorable Wariyo was on the floor. Honorable Wariyo proceed, withdraw that statement and apologize to the honorable Member.

Hon. Ibrahim Ali Wariyo (Shimbir Fatuma): Thank you, Mr. Deputy Speaker. I want to request our honorable Members when I am contributing, there is one right that everyone poses in this House and that is the right to be heard.

Deputy Speaker (Hon. Farah Abdi): No, you can only be heard when you are right.

Hon. Ibrahim Ali Wariyo (Shimbir Fatuma): Mr. Deputy Speaker, it is not easy for me to be on the floor of this House.

Deputy Speaker (Hon. Farah Abdi): Yes

Hon. Ibrahim Ali Wariyo (Shimbir Fatuma): I have taken a long process, very tiresome exercise to be here and that right is everywhere and I have to be heard.

Deputy Speaker (Hon. Farah Abdi): But honorable Wariyo, you should not infringe the right of others.

Hon. Ibrahim Ali Wariyo (Shimbir Fatuma): No, I have not infringed.

Deputy Speaker (Hon. Farah Abdi): Order! The floor is yours still.

Hon. Ibrahim Ali Wariyo (Shimbir Fatuma): Yes,

Deputy Speaker (Hon. Farah Abdi): But withdraw that statement of you comparing honorable Bishar and honorable Member representing Waranqara. You said you cannot compare the two of them. He felt disappointed. Just withdraw and proceed. Very simple!

Hon. Ibrahim Ali Wariyo (Shimbir Fatuma): Mr. Deputy Speaker, what I mean is that honorable Bishar is one of the oldest Members in this House who is experienced and professional. But my younger brother who is also younger than me in terms of age is not comparable to honorable Bishar. I am not trying to undermine the issue of honorability and being elected, they are equal but there are some other things that you need to consider.

Deputy Speaker (Hon. Farah Abdi): Order honorable Rafat! Get back to your seat. Honorable Wariyo, with due respect, he felt that your statement was not proper. Withdraw that statement. It will not cost you anything.

Hon. Ibrahim Ali Wariyo (Shimbir Fatuma): I withdraw if he feels offended but my conscious and believe does not change.

Deputy Speaker (Hon. Farah Abdi): Order honorable Members! Get back to your seats. Order honorable Members! I think we are here to debate. Order honorable Chair! You are out of order. I think we are here to debate on that Bill. We should allow Members to contribute and say whatever they think is proper to this debate. But I am saying honorable Wariyo has to withdraw, get back to your seat honorable Rafat. You are a very senior Member of this House and you must know the procedures. Honorable Wariyo, with due respect withdraw that statement and give an apology to the honorable Member and wind up your statement.

Hon. Ibrahim Ali Wariyo (Shimbir Fatuma): I have withdrawn and apologized.

Deputy Speaker (Hon. Farah Abdi): Fine. Please come back to the report.

Hon. Ibrahim Ali Wariyo (Shimbir Fatuma): Mr. Deputy Speaker, when I see honorable Bishar supporting this and I said there is politics within,

Deputy Speaker (Hon. Farah Abdi): No. Do not go back there.

Hon. Ibrahim Ali Wariyo (Shimbir Fatuma): This is normal. The Member has not been offended.

Deputy Speaker (Hon. Farah Abdi): Why do you like to discuss personalities? You are out of order and your time is over. Honorable Rafat, you have the floor.

Hon. Abdinoor Dakane (Khalalio): Mr. Deputy Speaker, I take this opportunity to contribute to the Amendment.

Deputy Speaker (Hon. Farah Abdi): Order honorable Members!

Hon. Abdinoor Dakane (Khalalio): I support. The whole 48 Members here, they normally jeopardize when it comes to the issue of bursary and this is done by the Executive. We

have to go on very well and quickly so that this bursary is disbursed very quickly. We make sure that we pass this Bill without any problem. The issue with us is very short and simple. We do not need to waste more time with this and make sure that it is done quickly.

I ask all the Members to support.

Thank you.

Deputy Speaker (Hon. Farah Abdi): Honorable Shankaron.

Hon. Shankaron Sheikh (Nominated): Thank you, Mr. Deputy Speaker. In this Assembly, I always realize that only great men are discussed and I really love to be discussed. I stand to support this amendment. It is very simple amendment of changing the Chief Officer to Fund Administrator. Let us not maneuver this process and let us just go to the point and everyone who want to say his mind, let us go straight to the point.

Thank you, so much.

Deputy Speaker (Hon. Farah Abdi): Honorable Robow!

Hon. Robow Mohamed (Lagsure): Thank you. Mr. Deputy Speaker. I stand to support the committee recommendation or the bursary amendment bill.

Deputy Speaker (Hon. Farah Abdi): Now proceed, order honorable Members!

Hon. Robow Mohamed (Lagsure): Mr. Deputy Speaker, before there were methods of giving bursaries to the county passed sometimes back in this Assembly. When we were in the first assembly the disbursement was based on population. I can see the Executive has changed slightly some kind of proposal in the way we can have our bursaries because when I look at the schools, the secondary and primary schools, the way they proposed some of us were even disadvantaged before, but if it is based on this, it is a good kind of gesture.

Secondly, I want to say this that sometimes people are making references that in previous No or Yes Referendum members of the public are saying that if Honorable Raila has read then everybody has read. I do not see where there is a problem when a member stood and said if Honorable Bishar supported then he can concur with him.

Deputy Speaker (Hon. Farah Abdi): Hon. Robow, you are out of order. Order honorable Member! This is an honorable House. These are legislatures and what we are dealing with is a bill that will affect the lives of the people of Mandera County and the issue is not about honorable Bishar.

Hon. Robow Mohamed (Lagsure): Hon. Deputy Speaker, I understand but sometimes making reference is not an issue. I said that if the committee---

Deputy Speaker (Hon. Farah Abdi): Order honorable Wariyo! Allow honorable Member on the floor to contribute. You are out of order honorable Member.

Hon. Robow Mohamed (Lagsure): Mr. Deputy Speaker, the Committee on Education has done a good job but if I will not refer to honorable Bishar then I can refer to the honorable chair of the Committee on Education and his team who did a good job. I request this amendment to be passed as quickly as possible.

Deputy Speaker (Hon. Farah Abdi): Honorable Kullow!

Hon. Kullow Alio (Rhamu): Thank you, Mr. Deputy Speaker. I rise to support the amendment bill and I follow suit because history will judge me harshly if I do not make this comments. I also echo what honorable Wariyo said about honorable Bishar because he is a senior member of tanga tanga and I should also support.

Mr. Deputy Speaker, I want to say only two things; bursary is one of the legacy we need to leave behind as Members of this County Assembly and we do not want piece meal amendments to come to the floor of this House every now and then. I request the chair for education and his committee to look at the Act comprehensively once and for all even if they want to go for benchmarking somewhere or they want to go for a retreat somewhere let them be facilitated and let them look at this bursary Act once and for all.

Secondly, for this bursary Act to be operationalized there must be a regulation. We want also the committee to come with these regulations as fast as possible so that the Executive cannot use it again as a way of delaying the funds. You can remember before we went on recess, the chairman for education said on HANSARD that the money is there in the account and it will be disbursed. I believe that money is still there as per what the chairman said. Therefore, if it is only waiting for this act or this amendment then we are going to pass the amendment but we also need the regulation to be brought as fast as possible so that the Executive cannot use it as means to delay this fund.

I support the amendment bill.

Deputy Speaker (Hon. Farah Abdi): Honorable Hindia!

Hon. Hindia Hussein (Nominated): Thank you, Mr. Deputy Speaker. I would like to congratulate the Committee on Education for the wonderful job they always do because of their able chair and the new member my big brother honorable Bishar. I stand to support the amendment because of few reasons. Before we went on recess the money was ready and we were told it will be disbursed by January and this is mid-March and the students and the poor people of Mandera County did not get the money. The other thing is that there is this issue of Chief Executive Officer which is always political and tribal based. I think the committee did a good job to come with a name that it deserves.

I support it.

Thank you.

Hon. Robow Mohamed (Lagsure): Point of information Mr. Deputy Speaker.

Deputy Speaker (Hon. Farah Abdi): To whom?

Hon. Robow Mohamed (Lagsure): According to the House rules and procedures, there is a member who claims to be disabled. Mr. Deputy Speaker, give order to the Member for Rhamu to occupy his seat.

Deputy Speaker (Hon. Farah Abdi): I think there is nowhere in our Standing Orders that bars him to sit on any seat. In that regard we will just proceed. We know that the disabled members have designated seats. We heard your comment honorable member. Honorable Kullow, get back to your seat. Honorable member representing Malkamari!

Hon. Abdi Hassan (Malkamari): Mr. Deputy Speaker, I am seeing a different scenario in this House today where the honorable Member for Lagsure is contributing a lot to the debate and his presence is felt. Let me go straight to the business of the House.

I support the amendment of the bill enacted and brought by the committee. Mr. Deputy Speaker in reference to what the honorable Members of the former assembly and the current ones who are in the House have alluded, one honorable Wariyo said that they have not looked at compliance with the Public Finance Management Act leading to delay in disbursement of bursary. The problem we are in now is because of their negligence and lack of empathy with regard to bursary.

With that, I support the amendment.

Deputy Speaker (Hon. Farah Abdi): Honorable Ahmed!

Hon. Ahmed Gabnan (Waranqara): I stand to support the amendment before the House and the recommendation of the Committee on Education and also congratulate them. Mr. Deputy Speaker, I would like to say two things regarding the issue of bursary. The bills we normally pass in this assembly had so many errors. I would like the Legal committee to be facilitated to go through all this so that we minimize this frequent amendment to the bills passed by this House.

Secondly, I congratulate the old honorable Members. The two terms we disbursed bursaries in our respective wards there were almost no complains. You have seen in the media, as late as last night some Ward Representatives were frog matched to the EACC offices but we never had interference from the Ward Representatives in our case as far as the management of bursary is concerned. So, let us continue with the same spirit.

I request you to put the question.

Thank you.

Deputy Speaker (Hon. Farah Abdi): Honorable Adan!

Hon. Adan Maalim Mohamed (El-wak North): Thank you, Mr. Deputy Speaker. I also rise to support the report of the committee. I have some reservations on the amendment that is brought before this House. The bill that is brought to this House is superseded by the Act of the National Assembly or the Senate. Mr. Deputy Speaker, about the amendment that has been done here, I am seeing the last amendment in section 16 (2) which is reading, new clause, the Principle Act is amended by inserting the new clause. That new clause (a) is it anchored in law or it has been brought before this House through the back door?

The issue of secondary and primary school candidates that has been introduced into this section 16(2) will affect some of us in terms of the candidates and it will favor others. Mr. Deputy Speaker, that means some of the funds that used to go to other wards, will go to different wards because it will have adverse effect to some of the wards. I would like us to look into the issue of section 16 (2) so that in future we will not have a problem of bringing amendment in this House and disregarding the Act.

Thank you.

Deputy Speaker (Hon. Farah Abdi): Let me give it to honorable Chair for education to clarify.

Hon. Yakub Hassan (Derkhale): Mr. Deputy Speaker, we are in the Second Reading of the Bill. We will discuss that at the Third Reading when we are seated as the Committee of the Whole House. We will explain when we reach there.

Hon. Abdi Adan (Neboi): Thank you, Mr. Deputy Speaker. I also agree and want to thank the Committee on Education on this amendment. I only want to say one thing, if there is an area we have failed as a county is the area of bursary. The bursary issue does not end. Every year we have amendments or road blocks blocking us from distributing this money. Currently, before us, according to the law it does not stop the disbursement of this bursary. The Executive always come with a hurdle when the bursary money is ready. As a County Assembly and Committee on Education should be on the lookout in case there is any other thing because I fear the next FY if we want the money for bursary the Executive is going to bring another amendment that is going to delay this money. The money that is currently in the account is supposed to be issued in January or December.

I support the amendment which has been attributed to so many politics that this amendment was put under the shelf by the Committee on Education because of some reasons. I do not know one or two things there but that is not important now.

The issue of the CEO, the PFM Act is saying change the name of the CEO to Fund Manager or the Fund Administrator, it is only the title that is being changed but not the office according to the understanding that we have. Therefore, I challenge the Committee on Education I know it is a very important and very hardworking committee, that in case of anything they should sit with the department so that next time if we have money in the account we will not get hurdles in disbursing the same because we are told that as an assembly we have not passed the required legislations. This money has delayed and it is supposed to be used by the people of Mandera in January to go to schools. They have not utilized it as required.

I add that and support the amendment.

Thank you.

Deputy Speaker (Hon. Farah Abdi): Honorable Minority.

Hon. Jimale Abdi (Guba): Thank you, Mr. Deputy Speaker. The disbursement of the bursary is long overdue. It was our prayer that bursary was to be disbursed by first month of the year. When the students were reporting to schools the bursaries were ready but because of this amendment the treasury could not disburse the bursary. This is the only thing in this county that touches the heart of every household in this county and it is long overdue as I have already said. I take this opportunity to thank honorable members for supporting the amendment in totality.

Lastly, the Member for Takaba is a new Member of this Committee. I think there is a lineage of oath somewhere where Honorable Wariyo and Robow were supporting and congratulating. I take it positively because he is the eldest person in this Assembly and new Member of this committee.

I support.

Thank you.

Deputy Speaker (Hon. Farah Abdi): The mover to reply.

Hon. Yakub Hassan (Derkhale): Thank you, very much Mr. Deputy Speaker and the Honorable Members for supporting this amendment Bill. Mr. Deputy Speaker, I request you to put the question.

Deputy Speaker (Hon. Farah Abdi): Thank you, Honorable Members for your great contributions. Order! Before I put the question I would like to refer you to Standing Order 236 about sitting arrangement in the chamber. That is your assignment. Please read it.

(Question put and agreed to)

COMMITTEE OF THE WHOLE HOUSE

[The Deputy Speaker (Hon. Farah Abdi) left the Chair]

IN THE COMMITTEE

[The Chairperson (Hon. Amran Adan) took the Chair]

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(Order for the committee read)

THE MANDERA COUNTY EDUCATION BURSARY (AMENDMENT) BILL, 2020

Temporary Chairperson (Hon. Amran Adan): Hon. Members, the House is now in the Committee of the Whole House, considering the Mandera County Education Bursary (Amendment) Bill, 2020.

(Clause 1, 2, 3, and 4 agreed to)

Temporary Chairperson (Hon. Amran Adan): Chairman, do you have any other amendment?

Hon. Yakub Hassan (Derkhale): Yes. Madam Temporary Chair. I want to amend the Mandera County Education Bursary (Amendment) Bill, 2020. Section 18 (3) of the Principal Act be amended by deleting the words “Chief Executive Officer” appearing before the word “of who the” and substituting with the words “Administrator of the Fund” and anywhere else it appears.

(Question, that the words to left out be left out proposed)

(Question, that the words to be left out be left out put and agreed to)

(The words deleted)

(Question, that the words to be inserted in place thereof be inserted proposed)

(Question, that the words to be inserted in place thereof be inserted put and agreed to)

(The words inserted)

(Clause 18 (3) as amended agreed to)

New Clause 16 (2) (c)

Hon. Yakub Hassan (Derkhale): Clause 16 (2) of the Principal Act be amended by inserting new sub clause,

(c) The Kenya Certificate of Primary Education Candidates and the Kenya Certificate of Secondary Education Candidates of the previous year.

(Question of the New Clause proposed)

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(New Clause read the First Time)

(Question, that the New Clause be read a Second Time, proposed)

(Question, that the New Clause be read a Second Time, put and agreed to)

(The New Clause was read a Second Time)

(Question, that the New Clause be added to the Bill, put and agreed to)

(Memorandum of object and reasons agreed to)

Hon. Yakub Hassan (Derkhale): Thank you, Madam Temporary Chair. I beg to move- THAT, the committee doth report to the County Assembly its consideration of the Mandera County Education Bursary (Amendment) Bill, 2020 and its approval thereof with amendments.

(Question put and agreed to)

Chairperson (Hon. Amran Adan): Sergeants at arm, get the Speaker please.

The House resumed

Temporary Chairperson (Hon. Amran Adan) left the Chair

(Deputy Speaker (Hon. Farah Abdi) took the Chair)

REPORT AND THIRD READING

Hon. Amran Adan (Nominated): Mr. Deputy Speaker, I beg to report- THAT the Committee of the Whole County Assembly has considered Mandera County Education Bursary (Amendment) Bill, 2020 and approved the same with amendments.

Hon. Yakub Hassan (Derkhale): Thank you, Mr. Deputy Speaker. I beg to move- THAT the Mandera County Assembly doth agree with the Committee in the said report.

(Question proposed)

(Question put and agreed to)

Hon. Yakub Hassan (Derkhale): Mr. Deputy Speaker, I beg to move-

THAT the Mandera County Education Bursary (Amendment) Bill, 2020 be now read a Third Time, with the leave of the Assembly.

Thank you.

(Question proposed)

(Question put and agreed to)

*(The Bill was accordingly read
the Third Time and passed)*

Deputy Speaker (Hon. Farah Abdi): Honorable Members, the bill is now passed.

Hon. Kullov Alio (Rhamu): We normally have a problem when it comes to the committee of the Whole House because there seem to be a lot of confusion between the Speaker and the Chairperson and the Members seem to be confused of what is going on. Mr. Deputy Speaker, we need more training on this particular part of the Bill because sometimes it is confusing and we do not know where to chip in or not. We need more training.

Secondly, I want to bring to your attention Standing Order 94 that we tend to misuse most of the time. In Standing Order 94 wherever there is a Motion on the floor of the House, there are two types of Motions, there is the one which needs the Mover to reply and there is a Procedural Motion. On the Procedural Motion you tell the Speaker to put the question but when there is a Motion that needs the Mover to reply then the Members are supposed to say that they allow the member to reply instead of telling the Speaker to put the question. Because as the Speaker you must defend the integrity of this House and the right of these Members because whenever there is a Motion on the floor of the House members have to be given enough time to debate so that they make an informed choice and that Standing Order was put there to safeguard those few rights. Therefore, that has to be considered whenever we are debating Motions.

Thank you.

Deputy Speaker (Hon. Farah. Abdi): Thank you very much Hon. Kula. I think that is very good information to the House. I would also like to remind you Standing Order 236 on the sitting arrangement in the Chamber.

ADJOURNMENT

Deputy Speaker (Hon. Farah. Abdi): Order Honorable Members! The House is adjourned to today at 2.30 pm.

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