

REPUBLIC OF KENYA

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Eg 27/05/19



~~RT-Hon. Speaker~~
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27/05/19

THE SENATE

TWELFTH PARLIAMENT - THIRD SESSION

Approved
[Signature]
28/5/2019

REPORT ON THE COUNTY LAW COMPLIANCE AND ENFORCEMENT BILL (SENATE BILLS NO. 23 OF 2018)

PAPERS LAID	
DATE	29/5/19
TABLED BY	Sen. Sanga
COMMITTEE	
CLERK AT THE TABLE	David

Study of the Commission
Standing Committee on National
Security, Defence &
Foreign Relations.

1 - 1/2
2 - 1/2
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1 PREFACE

Mr. Speaker Sir,

1. Establishment of the Committee

The Senate Standing Committee on National Security, Defence and Foreign Relations was constituted on Thursday, 14th December, 2017, during the First Session of the Twelfth (12th) Parliament pursuant to the provisions of standing order 218 (1) of the Senate Standing Orders which states:

There shall be Select Committees to be designated Standing Committees which shall be nominated by the Senate Business Committee in consultation with parliamentary parties at the commencement of every Parliament.

2. Mandate of the Committee

The Committee on National Security, Defence and Foreign Relations is mandated to “*consider all matters relating to national security and foreign relations, disaster reduction and preparedness, home affairs, defence, immigration, and international relations*”.

Oversight

In executing its mandate, the Committee oversees the following Ministries, -

- (1) Ministry of Interior and Coordination of National Government;
- (2) The Ministry of Foreign Affairs; and,
- (3) The Ministry of Defence.

3. Membership of the Committee

The following are Members of the Standing Committee on National Security, Defence and Foreign Relations.

1. Sen. Mohamed Yusuf Haji, EGH, MP - Chairperson
2. Sen. Johnson Arthur Sakaja, CBS, MP - Vice Chairperson
3. Sen. Moses Masika Wetang’ula, EGH, MP
3. Sen. Fatuma Dullo, CBS, MP

4. Sen. Susan Wakarura Kihika, MP
5. Sen. Anwar Loititip, MP
6. Sen. Fred Outa, MP
7. Sen. Beatrice Kwamboka, MP
8. Sen. Judith Pareno, MP

4. The Secretariat of the Committee comprises of the following;

1. Ms. Rose Mudibo - Clerk Assistant
2. Mr. Moses Kenyanchui - Legal Counsel
3. Ms. Lucianne Limo - Media Relations Officer
4. Mr. Humprey Ringera - Research Officer
5. Mr. John Pere - Serjeant-At-Arms

2 ACKNOWLEDGEMENT

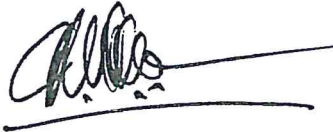
Mr. Speaker Sir,

The Committee wishes to thank the Offices of the Speaker and the Clerk of the Senate for the support extended to it in the conduct of its meetings and the public hearings. I also wish to express my gratitude to my colleagues for their thoughtful input and contributions to the matter. Further, the Committee acknowledges the time and effort made by all parties who volunteered information before it.

Mr. Speaker Sir,

It is my pleasant duty, pursuant to Standing Order 143 (1), to present the Report of the Standing Committee on National Security, Defence and Foreign Relations on the County Law Compliance and Enforcement Bill (Senate Bills No. 23 of 2018), for consideration by the House.

Signed _____



Sen. Mohamed Yusuf Haji, EGH, MP

Chairperson, Standing Committee on National Security, Defence and Foreign Relations

Date 15th May 2019

3 EXECUTIVE SUMMARY

The County Law Compliance and Enforcement Bill (Senate Bills No. 23 of 2018), sponsored by Sen. George Khaniri, MP., was Read a First Time in the Senate on 25th September, 2018. Following the First Reading, the Bill, stood committed to the Standing Committee on National Security, Defence & Foreign Relations pursuant to standing order No. 140 (1) of the Senate Standing Orders.

Subsequently, the Committee subjected the Bill to public hearings pursuant to Article 118 (1) (b) of the Constitution and standing order 140 (5). The Committee invited submissions on the Bill from members of the public via advertisements carried in the Daily Nation and the Standard Newspapers on 13th October, 2018.

The Committee held a public hearing forum on Wednesday 17th October, 2018, in the Mini Chamber, County Hall Buildings, to take into account the views and recommendations of the public while preparing this Report.

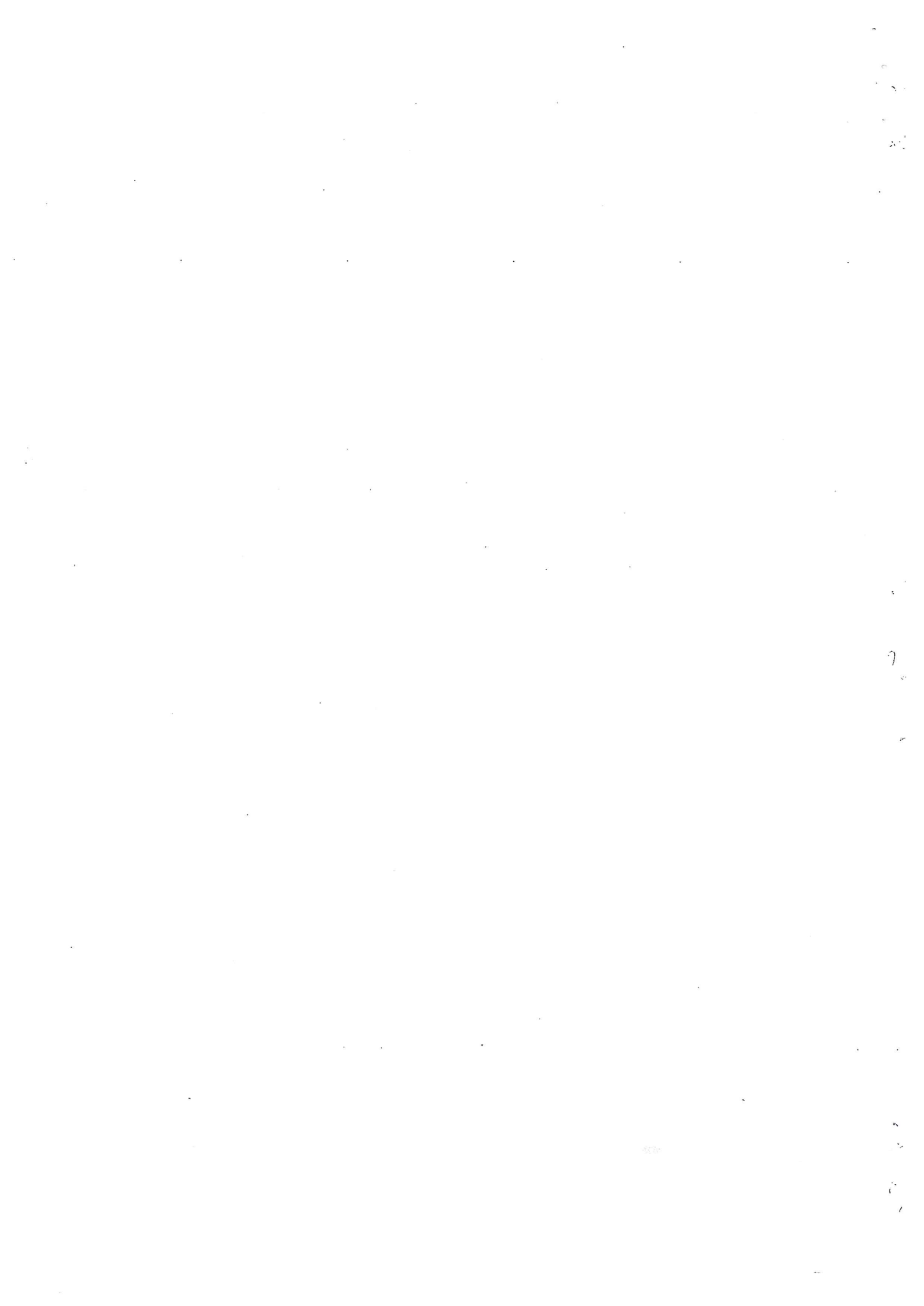
The Committee thereafter considered the submissions and views of the Committee as documented in this Report.

1.0 INTRODUCTION

BACKGROUND AND PURPOSE OF THE BILL

Pursuant to Article 185 of the Constitution, county governments have power to make laws for the effective performance of the functions and the exercise of the powers allocated to counties under Part 2 of the Fourth Schedule to the Constitution. To ensure compliance with the laws enacted, counties require enforcement officers as well as systems. Indeed counties have in place units, commonly referred to as *county askaris*, responsible for enforcement of county laws. However, in the performance of their functions *county askaris* lack professionalism, violate human rights, and the standards differ across the counties.

The main purpose of this Bill is to put in place a legal framework for the establishment of a county law compliance and enforcement unit (the Unit) in each county, and for the administration and management of those units. It seeks to provide for the appointment, functions and uniform code of conduct for the enforcement officers.



2.0 OVERVIEW OF THE BILL

Part I of the Bill sets out preliminary issues including interpretation of various words used in the Bill and the object of the Bill.

Part II of the Bill provides for the establishment of the county law compliance and enforcement unit, functions and powers of the unit. A county government may establish a Unit. Where a county has established a Unit, it shall be the responsibility of the County Public Services Board to appoint enforcement officers. Enforcement officers shall subscribe to a code of conduct set out in the Schedule to the Bill. The code of conduct incorporates principles such as impartiality, respect for human rights, confidentiality, conflict of interest, openness and accountability.

The functions of the Unit shall be to ensure compliance with and enforcement of county laws, inspect premises to ensure compliance with trade licenses and permits issued by county government, ensure compliance with county revenue collection requirements, protect county property, assist the police or any other authority in investigating violations of county laws, and sensitize the consumers and business persons in the county.

In the performance of the functions, an enforcement officer shall have the power to –

- (i) enter, during working hours, premises where a regulated activity is carried out to determine compliance with the law. Where premises are found non-compliant, the enforcement officer with written approval of the officer in charge may order closure of the premises, require the owner or operator to undertake remedial measures or to cease unlawful activity;
- (ii) seize property with or without a court order if reasonably suspected that the property is used to carry out a regulated activity contrary to the law. A court may order for the release of detained property on failure to prove that the property was being used to commit an offence or if no proceedings with respect to the property are initiated in court within a period of six months. Property seized shall be recorded in an

inventory, be preserved by the Unit and dealt with in accordance with the directions of the court;

- (iii) impound a vessel reasonably believed to be controlled or parked contrary to the law;
- (iv) impound an animal kept contrary to the law; and
- (v) arrest a person reasonably believed to have committed an offence and immediately surrender the arrested person to the nearest police station.

It shall be a requirement for an enforcement officer to produce a service identity document when exercising the powers. Enforcement officers' uniform shall be embedded with distinctive identification for purposes of recognition by the public and distinguishing enforcement officers from non-law enforcement personnel. The Bill also requires the county executive committee member to publish fines to be imposed on persons whose goods or vessels have been impounded.

Part III sets out the offences. A person who impersonates an enforcement officer or obstructs an enforcement officer from performing the functions commits an offence. A person who commits an offence may, upon conviction, be required to pay not more than five hundred thousand shillings or serve not more than years in jail.

Part III of the Bill contains miscellaneous provisions which provide for collaboration with other agencies, enactment of county specific legislation, and limitation of certain rights. The county executive committee member shall put in place mechanisms for collaboration with other agencies such as the Director of Public Prosecutions, the Judicial Service Commission, and other relevant public authorities. On enactment of county legislation, a county may enact a law to address matters not provided for in the Act, the conduct of enforcement officers, and for effective implementation of the Act.

Regarding limitation of fundamental rights, the Bill limits the right to privacy, the right to property, and the right to freedom of movement. These rights are limited only for purposes of preventing commission of an offence, investigating an offence, maintaining public order, maintaining public health and safety, and protecting the rights of others. These limitations are in compliance with the requirements under Article 24 of the Constitution.

COMMITAL OF THE BILL TO THE COMMITTEE

Pursuant to standing order 140(5), the Standing Committee on National Security, Defence and Foreign Relations shall facilitate public participation and shall take into account the views and recommendations of the public when the Committee submits its report to the Senate. Standing order 143(1) requires that the report of the Committee be submitted to the Senate within a period of thirty (30) calendar days of the committal of the Bill to the Committee.

Subsequently, the Committee subjected the Bill to public hearings pursuant to Article 118 (1) (b) of the Constitution and standing order 140 (5). The Committee invited submissions on the Bill from members of the public via advertisements carried in the Daily Nation and the Standard Newspapers on 13th October, 2018.

The Committee held a public hearing forum on Wednesday 17th October, 2018, in the Mini Chamber, County Hall Buildings at 10.00 a.m., to take into account the views and recommendations of the public while preparing this Report.

3.0 SUBMISSIONS

3.1 Submissions from County Assemblies Forum (CAF)

In its submission, the County Assemblies Forum (CAF) proposed –

- (i) that the extent of the powers and the functions to be exercised by the Unit be specified by inserting a clause providing that “Nothing in this Act creates or provides for the creation of a police force or any such similar force”. This is to expressly provide that enforcement officers are distinct from the police force so as to ensure that the proposed law is not interpreted to allow counties to establish a ‘police force’.
- (ii) the deletion of the words ‘adequate time’ in clause 13(3)(b), and provide a minimum and maximum timeline noting that adequate time is too broad which may result in different and unreasonable timelines set across the 47 counties.

3.2 Submissions from Bunge La Wazalendo

In its submissions, Bunge La Wazalendo proposed the following –

- (i) that the words ‘noise pollution’ be inserted at the end of paragraph (b) in clause 6(2).
- (ii) that the words ‘after an agreed list of inventory of the seized property’ be inserted at the end of sub-clause (3) in clause 8.
- (iii) that the words ‘may authorize the unit to sell or dispose of the property’ be deleted and the words ‘should authorize the units to hand it back to the owner for onward disposal’ substitute therefor in sub-clause (4) of clause 9.
- (iv) that the word ‘reasonable’ appearing in sub-clause (2) of clause 12 be deleted and the words ‘sixty (60) days’ substitute therefor.
- (v) that the words ‘adequate time’ be deleted and the words ‘a 60 days’ notice’ be substituted therefor in paragraph (b) of clause 13(3).
- (vi) that paragraph (c) of clause 13(3) be deleted and the following new paragraph substitute therefore –

- (c) specify the manner in which the 60 days' notice will be utilized as a response and appeal to the decision.

3.3 Submissions from the Council of Governors (CoG)

The CoG made the following proposals –

(i) that clause 4 of the Bill be amended by

- (a) inserting the words “in consultation with the county executive committee member” at the end of sub-clause (2);
- (b) deleting paragraph (c); and
- (c) inserting the following new sub-clauses immediately after sub-clause (2) –

(3) The Board shall be responsible for the human resource function relating to the unit, including the qualifications, the ranks, deployment, secondment and lines of authority within the unit.

(4) The Board shall ensure that recruitment and appointment of officers into the unit reflect ethnic and geographical diversity of the people in the county.

The CoG was of the view that a county executive committee member play a critical role in identifying the needs of the unit since most county laws originate from the executive. Hence the need to consult the executive. Additionally, they were of the view that there is need for provision on secondment or deployment of staff within the county public service into the unit.

(ii) that clause 7(1) of the Bill be amended by deleting the word “county” appearing immediately after the words “or any other” in paragraph (d)(i). This is to ensure that national laws that set standards for premises are also adhered to.

4.0 COMMITTEE OBSERVATIONS

Having considered the Bill and the submissions received, the Committee observed as follows-

1. **THAT** clause 6 of the Bill be amended in sub-clause (2)(b) by deleting the words “on matters such as weights and measures and noise level” appearing immediately after the words “compliance with county laws”.

2. **THAT** clause 8 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause –

(1) An enforcement officer may make an *ex parte* application to the relevant court for an order to seize property and for any other relevant order where the enforcement officer has reasonable grounds to suspect that any property –

(a) has been or is being used to for the purpose of carrying out a regulated activity contrary to county laws; or

(b) is parked, kept or controlled in any other manner contrary to county laws.

3. **THAT** the Bill be amended by deleting clause 10.

4. **THAT** the Bill be amended by deleting clause 11.

5. **THAT** the Bill be amended by deleting clause 12.

6. **THAT** clause 15 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (3) –

(4) A county government shall not establish, maintain or operate a facility for the purpose of detaining persons arrested under this Act.

7. **THAT** the Bill be amended by inserting the following new section immediately after clause 24 –

25. This Act shall not be construed as providing for the establishment of a police service or an entity performing a mandate similar to that of the National Police Service established under Article 243 of the Constitution.

5.0 COMMITTEE RECOMMENDATIONS

The Committee unanimously agreed to support the Bill, and recommends that the Senate passes the Bill which, if enacted, will put in place a legal framework for the establishment of a county law compliance and enforcement unit in each county and for the administration and management of those units.

Annex 1: Proposed Committee Stage Amendments

Annex 2: Minutes



5th March, 2019,
The Clerk of the Senate,
Parliament Buildings,
NAIROBI.

**RE: COMMITTEE STAGE AMENDMENTS TO THE COUNTY LAW
COMPLIANCE AND ENFORCEMENT BILL (SENATE BILLS NO. 23 OF 2018)**

NOTICE is given that the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations, intends to move the following amendments to the County Law Compliance and Enforcement Bill (Senate Bills No. 25 of 2018) at the Committee Stage —

CLAUSE 4

THAT clause 4 of the Bill be amended in sub-clause (2) by —

- (a) inserting the words “deployment, secondment” immediately after the words “qualifications, the ranks” in paragraph (a); and
- (b) inserting the following new paragraph immediately after paragraph (c);
 - (d) ensure that recruitment and appointment of officers to the unit reflect the ethnic and geographical diversity of the people within the county.

CLAUSE 6

THAT clause 6 of the Bill be amended in sub-clause (2) by deleting the words “on matters such as weights and measures and noise level” appearing immediately after the words “compliance with county laws” in paragraph (b).

CLAUSE 7

THAT clause 7 of the Bill be amended in sub-clause (1) —

- (a) in the introductory clause by deleting the words “any other” appearing immediately after the words “this Act or” and substituting therefor the words “a county”; and
- (b) deleting the words “contrary to the provisions of this Act or any other county law” appearing immediately after the words “to cause harm” in paragraph (d)(i).

CLAUSE 8

THAT clause 8 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause —

(1) An enforcement officer may make an *ex parte* application to the relevant court for an order to seize property and for any other relevant order where the enforcement officer has reasonable grounds to suspect that any property

- (a) has been or is being used for the purpose of carrying out a regulated activity contrary to a county law; or

- (b) is maintained, kept or controlled in any other manner contrary to a county law.

CLAUSE 9

THAT clause 9 of the Bill be amended –

- (a) by deleting sub-clause (4) and substituting therefor the following new sub-clause –

(4) In the case of perishable or rapidly depreciating property, the court may order the unit to dispose of that property or return the property to the owner.

- (b) in sub-clause (5) by deleting the word “destruction” appearing immediately after the words “an order for” in the introductory clause and substituting therefor the words “disposal”; and

- (c) by inserting the following new sub-clause immediately after sub-clause (6) –

(7) Where, upon the conclusion of proceedings, the court finds the owner of the property not to have committed an offence, the Court may make an order for compensation for any loss suffered.

CLAUSE 10

THAT the Bill be amended by deleting clause 10.

CLAUSE 11

THAT the Bill be amended by deleting clause 11.

CLAUSE 12

THAT the Bill be amended by deleting clause 12.

CLAUSE 13

THAT clause 13 of the Bill be amended –

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause –

(1) A notice required to be given shall be deemed to have been served if -

- (a) it is served upon the proprietor of the activity;
- (b) it is served upon an employee, who occupies a position of management of the proprietor of the activity;
- (c) sent to the last known address of the proprietor of the activity.

- (b) in sub-clause (2) by deleting the words “owner or occupant of the property” appearing immediately after the words “where the” and substituting therefor the words proprietor of the activity”.

CLAUSE 15

THAT clause 15 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (3) –

(4) A county government shall not establish, maintain or operate a facility for the purpose of detaining a person arrested pursuant to this Act.

NEW CLAUSE 25

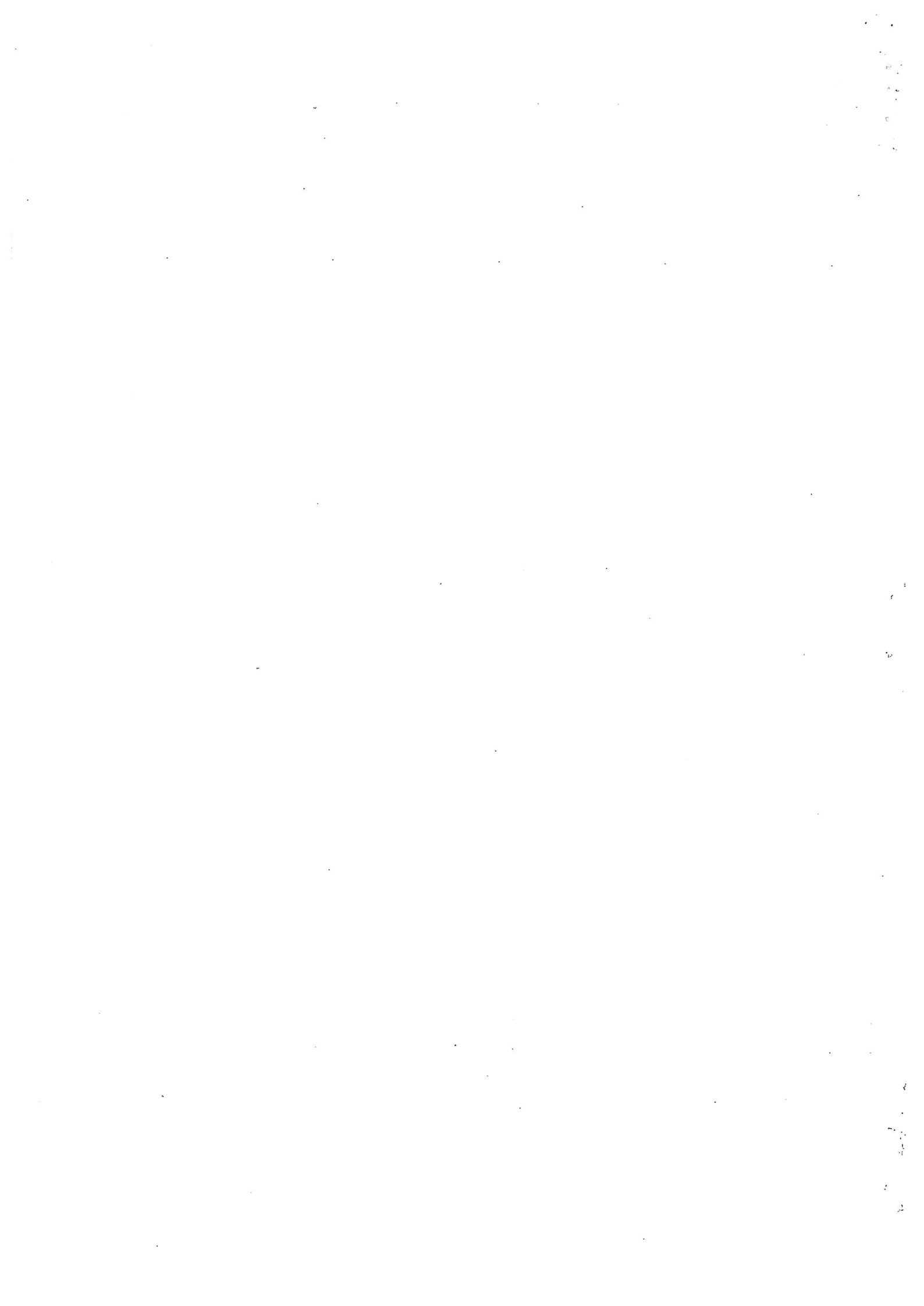
THAT the Bill be amended by inserting the following new clause immediately after clause 24 –

25. This Act shall not be construed as providing for the establishment of a police service or an entity performing a mandate similar to that of the National Police Service established under Article 243 of the Constitution.



.....
Mohamed Yusuf Haji, EGH, MP,
Chairperson,

Standing Committee on National Security, Defence and Foreign Relations.



MINUTES OF THE 11TH SITTING OF THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS, HELD ON TUESDAY 29TH MAY, 2018, IN COMMITTEE ROOM RED CROSS HOUSE, AT 9.30 A.M.

PRESENT

1. Sen. Mohamed Yusuf Haji, EGH, M.P - Chairperson
2. Sen. Johnson Sakaja, MP - Vice-Chairperson
3. Sen. Judith Pareno, MP
4. Sen. Fatuma Dullo, CBS, M.P
5. Sen. Fred Outa, MP
6. Sen. Beatrice Kwamboka, MP

ABSENT WITH APOLOGY

1. Sen. Susan W. Kihika, MP
2. Sen. Moses Wetang'ula, EGH, MP
3. Sen. Anuar Loititip, MP

SECRETARIAT

1. Ms. Rose Mudibo - Committee Clerk
2. Mr. Humprey Ringera - Research Officer
3. Judy Ndegwa - Legal Counsel
4. John Pere - SAA

MINUTE NO.62/2018: PRAYER

The sitting commenced at 09.55 a.m. with a word of prayer.

MINUTE NO.63/2018: CONFIRMATION OF MINUTES OF THE 10TH SITTING

Minutes of the 10th Sitting

Minutes of the 10th Sitting of the Committee held on 17th May, 2018 were confirmed as a true record of proceedings having been proposed and seconded by Senators Fatuma Dullo, MP and Beatrice Kwamboka, MP respectively.

MINUTE NO.64/2018: PRE-PUBLICATION SCRUTINY – COUNTY LAW COMPLIANCE AND ENFORCEMENT BILL, 2018

The Committee Chairperson noted and informed the Members that the sponsor of the Bill, Sen. George Khaniri, MP had earlier been available for the meeting but had to leave for other planned official engagements.

The Committee Legal Counsel took the Committee through the Bill Digest as follows (copy attached)-

1. The purpose of the legislative proposal is to establish enforcement and inspectorate units in the counties which are to be responsible for ensuring compliance with county laws.
2. The establishment of a county compliance and enforcement unit is informed by the need for officers who can be responsible for ensuring compliance with the laws enacted by the county governments.
3. Under Article 185 of the Constitution, counties have the power to make laws that are necessary for, or incidental to, the effective performance and exercise of the powers of county governments under the Fourth Schedule. In this regard, the role of enforcement officers within the counties is integral to the daily operations and conduct of businesses within the counties.
4. It is necessary that a national law broadly set out the functions and expected conduct of such enforcement officers so as to ensure safety and wellbeing of the residents of the county and to provide an enabling environment for the conduct of business and other regulated activities at the county level.
5. The professionalism and approach of the enforcement officers shapes community notions of the county government. Currently, reports abound of enforcement officers and *county askaris* mishandling the general public.
6. This legislative proposal provides a legal framework for the appointment, functions and a uniform code of conduct for the enforcement officers.

After deliberations the Committee resolved-

- that the legislative proposal is necessary for enforcing compliance with the laws enacted by the county governments,
- that pursuant to standing order 120(1)(b), the Committee recommends that the Sponsor of the Bill considers amending the legislative proposal, as follows-
 - (a) to ensure that the Bill complies with Article 24(2) of the Constitution in the case of all provisions in the Bill that limit rights or fundamental freedoms;
 - (b) to ensure that the Bill generally takes a human rights approach to all the aspects of compliance and enforcement provided for in the Bill including, providing for adequate notice before seizure of articles, providing for reasonable time to take remedial action, providing for a complaints procedure, providing for proper preservation of seized articles, among others;

- (c) to amend the code of conduct provided for in the Schedule to the Bill to clearly address the issues of brutality that county *askaris* have been accused of;
- (d) to amend the code of conduct to provide for an appropriate disciplinary process under the respective County Public Service Boards as opposed to the disciplinary process that is currently provided for in the Bill which is akin to that of the Police Service under the National Police Service Act; and
- (e) to allow counties to develop additional county-specific codes of conduct which will address the issues prevailing in the respective counties.

MINUTE NO.65/2018

ANY OTHER BUSINESS

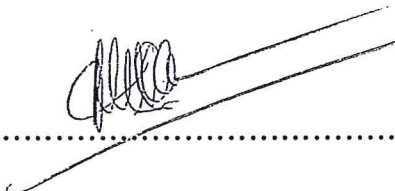
Senator for Kisumu, Sen. Fred Ota briefed the Committee on the tension rising between the two counties of Nandi and Kisumu.

MINUTE NO.66/2018

ADJOURNMENT

There being no other business the Committee adjourned at 11.05 a.m.

Signature:.....



Chairperson

Date:

7.6.2018

**MINUTES OF THE 19TH SITTING OF THE STANDING COMMITTEE
ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS,
HELD ON WEDNESDAY 17TH OCTOBER, 2018, IN THE MINI
CHAMBER, COUNTY HALL BUILDINGS, AT 10.00 A.M.**

PRESENT

- 1) Sen. Mohamed Yusuf Haji, EGH, M.P **Chairperson**
- 2) Sen. Johnson Sakaja, MP **Vice-Chairperson**
- 3) Sen. Fred Outa, MP

ABSENT WITH APOLOGY

- 1) Sen. Moses Wetang'ula, EGH, MP
- 2) Sen. Susan W. Kihika, MP
- 3) Sen. Fatuma Dullo, CBS, M.P
- 4) Sen. Judith Pareno, MP
- 5) Sen. Anuar Loititip, MP
- 6) Sen. Beatrice Kwamboka, MP

INATTENDANCE

Mr. Austine Munene - County Assemblies Forum

SECRETARIAT

1. Rose Mudibo - Committee Clerk
2. Moses Kenyanchui - Legal Counsel
3. Humpy Ringera - Research Officer

MINUTE NO./SEN/NSDFR/101/2018: PRAYER

The sitting commenced at 10.15 a.m. with a word of prayer and introductions.

MINUTE NO./SEN/NSDFR/102/2018: AGENDA

The Agenda of the meeting was proposed and seconded by Sen. Mohamed Yusuf Haji, EGH, MP and Sen. Fred Outa, MP respectively as follows;

1. Prayer
2. Adoption of Agenda
3. Public Hearing on the County Law Compliance and Enforcement Bill, 2018
4. Any other business
5. Adjournment

MINUTE NO./SEN/NSDFR/103/2018: PUBLIC HEARING ON COUNTY LAW COMPLIANCE AND ENFORCEMENT BILL, 2018

The Chairperson briefed the meeting on the purpose of the meeting and informed the participants that advertisements had been sent out in the daily newspapers calling for public participation in the County Law Compliance and Enforcement Bill, 2018.

The Chairperson further noted that other stakeholders had sent in written submissions to be considered by the Committee and invited the present stakeholders to give their submissions.

Contributions from Stakeholders

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT AND RATIONALE
6	County Assemblies Forum (CAF)	<ul style="list-style-type: none"> Specify the extent of the powers and the functions to be exercised by the Unit by inserting the following clause – <p style="text-align: center;">Nothing in this Act creates or provides for the creation of a police force or any such similar force.</p> <p>Reason To expressly provide that enforcement officers are distinct from the police force to ensure that this Act is not interpreted to allow counties to establish a ‘police force’</p>
13	CAF	<ul style="list-style-type: none"> 13(3)(b), Delete the words ‘adequate time’ and provide a minimum and maximum timeline. <p>Reason Adequate time is too broad which may result in different and unreasonable timelines set across the 47 counties.</p>

MINUTE NO./SEN/NSDFR/104/2018: ANY OTHER BUSINESS

The Committee noted with concern, the rising cases of police brutality and extra judicial cases especially among the youth in the country.

Upon deliberations, the Committee resolved to invite Nairobi County Commander.

MINUTE NO./SEN/NSDFR/105/2018:

ADJOURNMENT

There being no other business the Committee adjourned at 11.45 a.m.

Signature:.....
Chairperson

Date: 15/5/2019.....

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**MINUTES OF THE 7TH SITTING OF THE NATIONAL SECURITY,
DEFENCE & FOREIGN RELATIONS HELD ON 16TH MAY, 2019, IN THE
BOARDROOM ON GROUND FLOOR, COUNTY HALL BUILDINGS, AT
10.00 AM**

PRESENT

- 1) Sen. Judith Pareno, MP (Chairing)
- 2) Sen. Moses Wetangula, EGH, MP
- 3) Sen. Fatuma Dullo, CBS, MP
- 4) Sen. Fred Outa, MP
- 5) Sen. Susan W. Kihika, MP
- 6) Sen. Beatrice Kwamboka, MP

APOLOGIES

- 1) Sen. Mohammed Yusuf Haji, EGH, MP – Chairperson
- 2) Sen. Sakaja Johnson, CBS, MP – Vice Chairman
- 3) Sen. Anuar Loititip, MP.

SECRETARIAT

- | | | | |
|---|------------------|---|-------------------------|
| 1 | Rose Mudibo | - | Committee Clerk |
| 2 | Moses Kenyanchui | - | Legal Counsel |
| 3 | Leah Kidombo | - | Research Officer |
| 4 | Lucianne Limo | - | Media Relations Officer |

MIN/SEN/NSDFR/033/2019: PRELIMINARIES

The meeting commenced at 9.15 a.m. with a word of prayer.

MIN/SEN/NSDFR/034/2019: AGENDA

The Agenda of the meeting was proposed and seconded by Sen. Susan Kihika, MP and Sen. Fatuma Dullo, MP respectively as follows;

1. Prayer
2. Adoption of the Agenda
3. Brief by the Legal Counsel on the Petition on the Settlement of Awards to Ex-Kenya Air Force Officers and Servicemen
4. Draft Report on;
 - (i) The County Law Compliance and Enforcement Bill (Senate Bills No.23 of 2018)
 - (ii) The Prevention of Terrorism (amendment) Bill, Senate bill No.20 of 2018
5. Draft Report on the Petition on Insecurity caused by Illegal Camel Herders in Teri B Ranch, Taita Taveta County
6. Proposed County Visits
7. Any Other Business
8. Adjournment

**MIN/SEN/NSDFR/035/2019: PETITION ON THE SETTLEMENT OF
AWARDS TO EX-KENYA AIR FORCE
OFFICERS AND SERVICEMEN**

The Chairperson briefed the Members that following a meeting with the Cabinet Secretary, Ministry of Defence and the Attorney General on 24th April, 2019, it was resolved that the Committee is provided with documents to ascertain the claims that the cases mentioned in the petition were matters that were alive in court.

The Committee Legal Counsel briefed the Committee that after interrogation of the documentation from the Ministry of Defence and the Office of the Attorney General, there is an application to appear out of court but reiterated that this is happening after a period of 7 years.

The Committee further noted that no matter was active in court as briefed by the Cabinet Secretary, Ministry of Defence.

The Committee tasked the Legal Counsel to look at the court files and advise the Committee at the next meeting.

**MIN/SEN/NSDFR/036/2019: CONSIDERATION OF REPORTS ON
BILLS**

- (i) The Committee considered and adopted the proposed Report on the Prevention of Terrorism (Amendment Bill), and adopted it.
- (ii) The Committee considered and adopted the proposed report on the County Compliance and Enforcement Bill (Senate Bills No.23 of 2018).

**MIN/SEN/NSDFR/037/2019: DRAFT REPORT ON THE PETITION ON
INSECURITY CAUSED BY ILLEGAL
CAMEL HERDERS IN TERI B RANCH,
TAITA TAVETA COUNTY**

The Chairperson informed the Committee that before the Committee was a draft report for consideration following a visit to Taita Taveta County on 4th April, 2019.

The Committee considered the draft report and adopted with amendments for tabling in the Senate.

MIN/SEN/NSDFR/038/2019: PROPOSED COUNTY VISITS

The secretariat presented a schedule of activities to be undertaken by the Committee during the months of May and June 2019.

The Committee confirmed to undertake visit to Nyanza and Kakamega Counties jointly with the Standing Committee on Justice, Legal Affairs and Human Rights between 23rd and 26th May, 2019.

MIN/SEN/NSDFR/039/2019: ANY OTHER BUSINESS

Sen. Susan Kihika, MP brought to the attention of the Committee of the withdrawal of her security by the Police Department. The Chairperson noted that since the Cabinet Secretary, Ministry of Interior and Coordination of Government Business is scheduled to appear before the Committee, that the matter will form part of the agenda.

The Committee was informed of a pending Statement requested by Sen. Cleophas Malala of the insecurity in Matungu Constituency. The Committee resolved that the Chairperson gives an interim statement awaiting the response from the relevant Ministry.

MIN/SEN/NSDFR/040/2019: ANY OTHER BUSINESS

The meeting was adjourned at 10.30 a.m.

SIGNED..... ..... 

(Chairperson)

DATE..... 21/05/19.....