



REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY
FIRST ASSEMBLY – (FIFTH SESSION)

ORDERS OF THE DAY

TUESDAY, JUNE 13, 2017 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

8. ***.COMMITTEE OF THE WHOLE ASSEMBLY**

The Nairobi City County Inspectorate Services Bill, 2017(Assembly Bill No.1 of 2017)

(Hon. Jaffer Kassam, MCA)

9. ***. MOTION** – (Chairperson, Select Committee on Delegated Legislation)

THAT, this Assembly adopts **THE REPORT OF THE SELECT COMMITTEE ON DELEGATED COUNTY LEGISLATION ON THE CONSIDERATION OF THE PUBLIC FINANCE MANAGEMENT (NAIROBI CITY COUNTY BURSARY AND SCHOLARSHIP FUND) REGULATIONS, 2017**, laid on the Table of the Assembly on **Wednesday, 31st May, 2017**.

10. *. MOTION – (Chairperson, Select Committee on Delegated Legislation)

THAT, this Assembly adopts **THE REPORT OF THE SELECT COMMITTEE ON DELEGATED COUNTY LEGISLATION ON THE CONSIDERATION OF THE NAIROBI CITY COUNTY DOG CONTROL AND WELFARE REGULATIONS, 2017**, laid on the Table of the Assembly on Wednesday, 31st May, 2017.

11. *. MOTION – (Chairperson, Sectoral Committee on Water & Sanitation)

THAT, This Assembly adopts **THE REPORT OF THE SECTORAL COMMITTEE ON WATER AND SANITATION ON THE USE OF SASUMUA DAM**, laid on the Table of the Assembly on Wednesday 31st May, 2017.

12. *. MOTION – (Chairperson, Select Committee on Public Investment)

THAT, This Assembly adopts **THE REPORT OF THE SELECT COMMITTEE ON PUBLIC INVESTMENTS ON THE REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS OF THE NAIROBI CITY WATER AND SEWERAGE COMPANY LIMITED FOR THE YEAR ENDED 30TH JUNE, 2015**, laid on the Table of the Assembly on Tuesday 6th June, 2017.

NOTICES**I. THE NAIROBI CITY COUNTY INSPECTORATE SERVICES BILL, 2017(ASSEMBLY BILL NO.1 OF 2017**

NOTICE is given that the chairperson of the Sectoral Committee on Justice and Legal Affairs intends to move the following amendments to the Nairobi City County Inspectorate Services Bill, 2017 at the Committee Stage—

ARRANGEMENT OF CLAUSES

In the arrangement of clauses by ;-

- (i) By deleting the expression **“Chief Inspector”** and replacing therefor the expression **“County Chief Commandant”**
- (ii) By deleting the expression **“Functions and powers of the Chief Inspector”** and replacing therefor the expression **“Functions and powers of the County Chief Commandant”**
- (iii)By deleting the Title **“COMPLIANCE”** under Part III and replacing therefor the Title **“INSPECTIONS”**
- (iv)By deleting the expression **“Arrests and detention by Inspector”** and replacing therefor the expression **“Arrests by an Inspectorate officer”**
- (v) By deleting the expression **“Order for restoration”** and replacing therefor the expression **“Cooperation with National Police”**

CLAUSE 2

THAT clause 2 be amended:

- (i) in the definition of the word **“arrest”** by deleting the words **“for suspected of commission of”** appearing immediately after the word **“person”** and substituting therefor the words **“suspected of committing”**
- (ii) In the definition of the word **“Chief Officer”** by deleting the expression **“Chief Officer”** and replacing therefor the expression **“County Chief Commandant”**
- (iii)By inserting the following new definitions in their proper alphabetical sequence;
 - “county law” means a law made by the Nairobi City County Assembly pursuant to Article 185 of the Constitution.**

“police officer ‘ means an officer in the National Police Service by virtue of Article 243 of the Constitution

- (iv)By deleting the definition of the word **“commissioned officer”** and replacing therefor the definition **“means a gazetted officer holding the rank of Assistant Superintendent and above”**
- (v) By deleting the definition of the word **“Inspectorate units”** and replacing therefor the following **“Inspectorate units mean any of the following organs of the Service specified under section 4(3)”**
- (vi)In the definition of the word **“inspector post”** by deleting the word **“inspector”** and replacing therefor the word **“Inspectorate”** and by deleting the expression **“Chief Inspector”** and substituting therefor the expression **“County Chief Commandant”**.

CLAUSE 3

THAT clause 3 be amended:

- (i) by inserting a new paragraph before paragraph (a) as follows-

“to deliver an effective and independent inspectorate service within the county that shall among others ensure compliance with county legislation and provisions of the Constitution by the county residents.”

CLAUSE 4

THAT clause 4 be amended-

- (i) by deleting sub clause (3) and replacing therefor the following;

“The Inspectorate Service Department shall consist of the following units

- (a)an inspection unit;**
- (b)a fire and emergency services unit;**
- (c) a disaster and rescue services unit;**
- (d)a traffic unit;**
- (e) such other unit as the Board with the approval of the Assembly may prescribe**

- (ii) in sub clause (4) paragraph (a) sub paragraph (i) by deleting the word **“Chief inspector”** and replacing therefor the word **“County Chief Commandant”**

- (iii)in sub clause (4) paragraph (a) sub paragraph (ii) by deleting the word **“Deputy Chief Inspector”** and replacing therefor the word **“Deputy County Commandant”**

- (iv) in sub clause (4) paragraph (a) sub paragraph (iii) by deleting the word “**Assistant Chief inspector**” and replacing therefor the word “**Assistant County Commandant**”
- (v) in sub clause (4) paragraph (a) sub paragraph (iv) by deleting the word “**Principal Inspector**” and replacing therefor the word “**Senior County Superintendent**”
- (vi) in sub clause (4) paragraph (a) sub paragraph (v) by deleting the word “**Senior Inspector**” and replacing therefor the word “**County Superintendent**”
- (vii) in sub clause (4) paragraph (a) sub paragraph (vi) by deleting the word “**Inspector I**” and replacing therefor the word “**Assistant County Superintendent**”
- (viii) by deleting paragraph (a) sub paragraph (vii) in its entirety
- (ix) in sub clause (4) paragraph (b) by deleting the words “**non commissioned officers including**” and replacing therefor the words “**County Inspectorate Officers**”
- (x) in sub clause (4) paragraph (b) sub paragraph (i) by deleting the words “**Senior Sergeant**” and replacing therefor the word “**County Chief Inspector**”
- (xi) in sub clause (4) paragraph (b) sub paragraph (ii) by deleting the word “**Sergeant**” and replacing therefor the words “**County Inspector**”
- (xii) in sub clause (4) paragraph (b) sub paragraph (iii) by deleting the word “**Corporal**” and replacing therefor the word “**Assistant County Inspector**”
- (xiii) by deleting sub paragraph (iv)
- (xiv) by adding a new paragraph immediately after Section 4 (4) (b) sub paragraph (iv) as follows

“ba” Non Commissioned County Inspectorate Officers

- (I) **Senior County Sergeant**
 - (II) **County Sergeant**
 - (III) **County Corporal and**
 - (IV) **County Constable**
- (xv) in sub clause (6) by deleting the word “**were**” appearing immediately after the words “**persons who**”

(xvi) in sub clause (7) by deleting the words “**in subsection (6)**” appearing immediately after the words “**all officers**” and replacing therefor the words “**or employees of the city inspectorate**”.

(xvii) In sub clause 7 by inserting new paragraphs immediately after sub clause 7 as follows-

(a) The Chief County Commandant and the Deputy County Commandant referred to in Section 4(4) (a) (i and ii) shall undergo vetting by the County Assembly before appointment

(b) The other officers referred to in Section 4(4) (a) and (b) shall undergo a vigorous recruitment by the Board.

CLAUSE 6

THAT clause 6 be amended-

(I) in sub clause 1 by deleting paragraph (a) in its entirety.

(II) by inserting a new paragraph immediately after paragraph (d)

“(da)” offer firefighting and emergency services”

“(db) “co-ordinate disaster management”

CLAUSE 7

THAT clause 7 be amended

(i) by deleting the marginal note and substituting therefor the following-
“County Chief Commandant”

(ii) in sub clause 1 by deleting the words “**overall and independent**” appearing immediately after the words “**under the**”

(iii) in sub clause 1 by deleting the word “**County**” immediately before the word “**Chief**” and by inserting the expression “**upon recommendations by the Board**” after the word “**Governor**”

(iv) in sub clause 2 by deleting the word “**Chief Inspector**” and substituting therefor the word “**County Chief Commandant**”

CLAUSE 8

THAT clause 8 be amended-

(i) in the marginal note by deleting the words “**Chief Inspector**” and substituting therefor the following-

“County Chief Commandant”

- (ii) in sub clause (1) paragraph (a) by deleting the word **“Chief Inspector”** and substituting therefor the word **“County Chief Commandant”**
- (iii) in sub clause (1) paragraph (f) by deleting the words **“manage and maintain training institutions”** appearing immediately before the word **“centers”**.
- (iv) in sub clause (3) by deleting the words **“wherever possible”** appearing immediately after the words **“officer and”**
- (v) in sub clause (4) by deleting the words **“Chief Inspector”** and substituting therefor the word **“County Chief Commandant”**

CLAUSE 11

THAT Clause 11 be amended:

- (i) in sub clause 2 by deleting the expression **“in a form prescribed by the rules and be signed by a Gazetted inspectorate officer authorised”** appearing immediately after the expression **“signed”** and by deleting the words **“Chief Inspector”** and substituting therefor the word **“County Chief Commandant”**

CLAUSE 17

THAT clause 17 be amended by deleting the numerical **“244”** appearing immediately after the words **“subject to”** and replacing therefor the numerical **“24”**

CLAUSE 18

THAT Clause 18 be amended:

- (i) by deleting the Title, **“COMPLIANCE”** and replacing therefor the Title **“INSPECTIONS”**
- (ii) in sub clauses (1), (2) and (5) by deleting the words **“Chief Inspector”** and substituting therefor the word **“County Chief Commandant”**

CLAUSE 19

THAT Clause 19 be amended

- (I) In paragraph (a) by deleting the expression **“the provisions of this Act”** appearing immediately after the expression **“contravening”** and substituting therefor the expression **“any County Laws”**

- (II) In paragraph (b) by deleting the expression **“apprehend”** appearing before the expression **“any”** and substituting therefor the expression **“arrest”**
- (III) by inserting a new paragraph immediately after sub clause (b) **“ba” to ensure compliance with Article 49 of the Constitution on the rights of an arrested person”**

CLAUSE 20

THAT Clause 20 be amended

- (i) By deleting sub clause (1) in its entirety and substituting therefor the following:
“An Inspectorate officer on duty may stop any person whom the officer witnesses doing or suspects of doing any act in contravention of County law or being in possession of anything for which a permit, license, or certificate or pass is required under any county law and has no such permit, license or certificate.”
- (ii) In sub clause 2 by deleting the expression **“unless he gives his name and address and otherwise satisfies the officer that he will duly answer any summons or any other proceedings which may issue or be taken against him or her”** appearing immediately after the expression **“warrant”**

CLAUSE 21

THAT Clause 21 be amended

- (i) In paragraph (a) by inserting the expression **“county”** immediately before the expression **“law”**
- (ii) By deleting paragraphs (c) (d) and (f) in its entirety

CLAUSE 22

THAT clause 22 be amended-

- (i) in sub clause (1) by deleting the words **“whether with or without a warrant”** appearing immediately after the words **“officer”** and by deleting the expression **“and detention”** appearing immediately after the expression **“arrest”**
- (ii) in sub clause 2 by deleting the expression **“and detention”** wherever it appears.

- (iii) in sub clause (3) by deleting the numerical “**50 and 51**” appearing immediately after the numeral “**49**” and by deleting the expression “**or detained**” appearing immediately after the expression “**arrested**”
- (iv) In sub clause (4) by deleting the expression “**three**” appearing immediately before the expression “**hours**” and substituting therefor the expression “**one**”
- (v) in sub clause (5) by deleting the words “**personally guilty of a disciplinary**” appearing immediately after the words “**offence**” and replacing therefor the words “**guilty of an**”

CLAUSE 23

THAT clause 23 be amended by deleting the words “**the Constitution and**” appearing immediately after the words “**conferred by**”.

CLAUSE 24

THAT clause 24 be amended-

- (i) by deleting sub clause 1 and substituting therefor the following
“**Upon reasonable suspicion of the commission of an offence or for the enforcement of the provisions of any county law, an Inspectorate officer may enter a dwelling place when accompanied by a police officer and with the consent of the occupant.**”
- (ii) in sub clause (3) paragraph (c) by inserting the words “**related to the commission of an offence**” immediately after the word “**items**”.

CLAUSE 27

THAT Clause 27 be amended

- (i) by deleting sub clauses 2, 3 and 4 and substituting therefor the following;-

“**(2) Any items seized by any Inspectorate officer under sub section (1) shall as soon as practically possible but in any event not later than one hour be handed over to the police station in the jurisdiction within which the offence has been committed**”

CLAUSE 28

THAT Clause 28 be amended

- (i) in the marginal notes by deleting the words **‘order for restoration** and substituting therefor the words **“cooperation with national police service”**.
- (ii) by deleting the clause in its entirety and substituting therefor the following;-

28. (1)The County Chief Commandant may perform his functions under this Act in cooperation with the National Police Service and may in this respect enter into a memorandum of understanding with the Inspector General of Police.

(2) The Memorandum of Understanding referred to in subsection (1) shall-

- (a) provide for the manner and extent to which the Inspectorate shall assist the National Police in implementation of national legislation**
- (b) provide for the manner and terms of deployment of national police service officers to the Inspectorate to assist in the performance of the Inspectorate functions**
- (c) provide for such other matters as the Inspector General and the County Chief Commandant may deem appropriate.**

CLAUSE 29

THAT clause 29 be amended-

- (i) in sub clause (2) by deleting the words **“life”** appearing immediately after the words **“imprisonment for”** and replacing therefor the words **“for a minimum term of twenty five years”**.
- (ii) in sub clause (3) by deleting the words **“life”** appearing immediately after the words **“imprisonment for”** and replacing therefor the words **“for a minimum term of fifteen years”**.

CLAUSE 30

THAT Clause 30 be amended in sub clause (1) paragraph (b) by deleting the words **“pretends to be”** and replacing therefor the words **“impersonates”**

CLAUSE 32

THAT clause 32 be amended-

- (i) in sub clause (1) by deleting the word “**fifty**” appearing immediately after the word “**exceeding**” and replacing therefor the word “**five**”
- (ii) in sub clause (2) by deleting the word “**is**” appearing immediately before the word “**again**” and replacing therefor the word “**if**” and
- (iii) in sub clause (2) by deleting the words “**be punishable upon conviction with double the penalty provided for the offence**” appearing immediately after the word “**shall**” and replacing therefor the words “**undergo the disciplinary process and may be released from the service**”.

CLAUSE 33

THAT clause 33 be amended-

- (i) in the marginal note by deleting the word “**Rules**” and replacing therefor the word “**Regulations**”.
- (ii) in sub clause (1) by deleting the words “**for the**” appearing immediately before the word “**purpose**”.
- (iii) in sub clause (3) paragraph (c) by deleting the words “**under section 46**” appearing immediately after the word “**under**” and replacing therefor the words “**this section**”.

SECOND SCHEDULE (s. 33(2) (h))

THAT the Second Schedule be amended

- (i) in paragraph 1 sub paragraph (e) by deleting the words “**guilty of drunkenness**” appearing immediately after the word “**be**” and replacing therefor the word “**drunk**”
- (ii) by deleting paragraphs (n) and (o) in their entirety.
- (iii) In paragraph (w) by deleting the expression “**investigation or other inspector matter**” appearing immediately after the expression “**any**” and substituting therefor the expression “**inspection or any Inspectorate matter**”
- (iv) In paragraph (v) by deleting the expression “**malingering or**”
- (v) by deleting paragraphs (y) entirely.

II. Assembly resolved on Wednesday, February 15, 2017 as follows:-

THAT, notwithstanding the provisions of Standing Order 94(4), this Assembly orders that, each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and **fifteen** minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order.

III. Assembly resolved on Wednesday, February 15, 2017 as follows:-

THAT, notwithstanding the provisions of Standing Order 94(4), this Assembly orders that, each speech in a debate on a **Report of a Committee**, a Sessional Paper or any other Report submitted to the Assembly, be limited as follows: - A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order

*** Denotes Orders of the Day**
