

COUNTY ASSEMBLY OF NAKURU**THE HANSARD****Wednesday 5th August, 2015***Assembly Building**The House met at 10.00am**[The Temporary Speaker (Hon. Stephen Kiarie) in the Chair]***PRAYERS****COMMUNICATION FROM THE CHAIR****KAYABA PRIMARY SCHOOL PUPILS VISIT**

The Temporary Speaker (Hon. Stephen Kiarie): Honourable Members, I wish to announce the presence of pupils from Kayaba Primary school in Njoro who are here to witness the deliberations in the House, you are very much welcome.

NOTICE OF MOTION

Hon. Ezekiah Kariuki: Thank Mr. Temporary Speaker, first of all I will also like to welcome pupils from Kayaba Primary School; they are from my ward.

Mr. Temporary Speaker, I beg to give a Notice of Motion;

THAT this House adopts the Report of Sectoral Committee on benchmarking trip to Kisii and Machakos on solar street lights that took place on 8th to 10th of June, 2015 tabled before this House yesterday 4th August, 2015. I beg to give the Notice, thank you.

The Temporary Speaker (Honourable Stephen Kiarie): Honourable Members, this was the Report that was tabled yesterday.

Members you realized yesterday we did not have The Committee of the Whole because we did not realize a quorum, so I beg we finish that business because it is a short one, thank you.

(Then)

COMMITTEE OF THE WHOLE HOUSE

(Order for the Committee read)

[The Temporary Speaker (Hon. Stephen Kiarie) left the Chair]

IN THE COMMITTEE OF THE WHOLE HOUSE

[The Chairperson (Hon. Eunice Muriithi) in the Chair]

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NAKURU COUNTY ANTI-PORNOGRAPHIC BILL 2014

The Chairperson (Hon. Eunice Muriithi): Thank you honourable Members, I think we can carry on. We start by looking at Standing Order 126; sequence to observe in a Bill in Committee; in considering a Bill in Committee, the various parts thereof shall be considered in the following sequence, (a) clause as printed excluding the clause providing for the citation of the Bill, the commencement of any and the interpretation new clauses, schedules, new schedules, interpretation, a preamble if any, long title, the clause provides for the citation of the Bill and the commencement.

So we start with Clause 3 which does not have an amendment so I will propose that Clause 3 be part of the Bill and I will ask for a seconder. Yes honourable Peter.

Hon. Peter Muchiri: Thank you Madam Chairperson, I second that Clause 3 be part of the Bill.

(Question that Clause 3 be part of the Bill put and agreed to)

The Chairperson (Hon. Eunice Muriithi): We go to Clause 4 and it has an amendment, Chairperson honourable Gathirwa.

Hon. John Chege: Thank you Madam Chairperson, we have some amendments in Clause 4 (a) by inserting the words 'or hires' immediately after the word hire.

The Chairperson (Hon. Eunice Muriithi): A seconder for that amendment? Honourable Muriithi.

Hon. Joshua Muriithi: Thank Madam Chairperson, I second that Clause 4 be part of the Bill as amended.

(Question that Clause 4 as amended be part of the Bill put and agreed to)

The Chairperson (Hon. Eunice Muriithi): We go to Clause 5 and it has an amendment. Honourable Gathirwa.

Hon. John Chege: Thank you Madam Chairperson, we have an amendment to Clause 5 (a), (b) and (c)

- a) An amendment to clause 5(a) by deleting the words *may*, without and thereat inserting the words *shall*, immediately after the word *officer*.
- b) An amendment to clause 5(1a) by deleting the words *ship* appearing immediately after the word "*or*" and inserting thereat instead the words *water vessel*.
- c) An amendment to clause 5(2) by inserting the words "*the court may order*" immediately after the words *(1)(b)* and also deleting the words "*disposed off*" and inserting thereat instead the word "*destroyed*" so that it reads "upon conviction under subsection (1) (b), the court may order that device, equipment or material to be fortified to and destroyed by the county government"

(Question that Clause 5 as amended be part of the Bill put and agreed to)

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The Chairperson (Hon. Eunice Muriithi):thank you we now go to Clause 6, it has an amendment, honorable Gathirwa.

Clause 6.

Hon. John Chege: an amendment to Clause 6(a) by deleting the words *assaults* appearing immediately before the word *obstructs* and deleting the words *enforcement officers* appearing immediately after the word *the*.

(Question that Clause 6 as amended be part of the Bill put and agreed to)

The Chairperson (Hon. Eunice Muriithi):We go to Clause 7, it has an amendment, honorable Gathirwa.

Clause 7

Hon. John Chege: a) an amendment to Clause 7 by deleting the words “*five hundred thousand shillings*” appearing immediately after the words *exceeding* and before the word “*or*” and instead substituting with the words “*two hundred thousand shillings*”

b) An amendment by deleting the word “*five*” appearing immediately after the word *exceeding* and inserting thereat instead the word “*one year*”

Hon. Michael Ngeshu: Thank you Madam Chairperson, I want to bring your attention that honorable Moses is not in decorum.

The Chairperson (Hon. Eunice Muriithi):Thank you very much, honorable Moses can you kindly walk out and come back dressed properly.

(Question that Clause 7 as amended be part of the Bill put and agreed to)

Clause 8:

(Question that clause 8 be part of the Bill put and agreed to)

Clause 2: Interpretation

Hon. John Chege: Thank you Madam Chairperson, I want to move an amendment by

(a) including legal person, an enforcement officer and an individual in the definition of persons so as to read:

Persons include a legal person, a company, an association, an enforcement officer an individual or other body whether incorporated or un incorporated

(b) An amendment by introducing new definitions in Clause two to be named

1. County Government: to mean County Government of Nakuru
2. Court: to mean a court with competent jurisdiction

(Question on amendment put and agreed to)

(Question that Clause 2 as amended be part of the Bill put and agreed to)

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Clause 1: Short Title

(Question that Clause 1 be part of the Bill put and agreed to)

Memorandum of Objects and reasons:

(Question that Memorandum of objects and reason be part of the Bill put and agreed to)

Chairperson (Hon Eunice Muriithi): I wish to thank you very much, we are going to wait for the Speaker to report on what we have done regarding this Bill and therefore I will ask hon Gathirwa to move.

Hon. John Chege: I beg to move that the Committee do report to the Assembly its considerations of the Nakuru County Anti-Pornography Bill 2014 and its approval thereof with amendments

(Question put and agreed to)

(The House resumed)

[The Temporary Speaker (Hon. Stephen Kiarie) in the Chair]

REPORT

NAKURU COUNTY ANTI-PORNOGRAPHIC BILL 2014

Chairperson (Hon. Eunice Muriithi): Thank you very much Mr. Temporary Speaker; I beg to report that the Committee of the Whole House has considered the Nakuru County Anti-Pornography Bill 2014 and its approval thereof with amendments.

The Temporary Speaker (Hon Stephen Kiarie): Mover of the Motion please; Hon Chege Gathirwa

Hon. John Chege: Mr. Temporary Speaker, I beg to move that the House do agree with the Committee on the said Report

The Temporary Speaker (Hon Stephen Kiarie): I propose a question that the House do agree with the Committee on the said Report

(Question put and agreed to)

Hon John Chege: Mr. Temporary Speaker, I beg to move that the Nakuru County Anti-Pornography Bill be now read a Third Time

The Temporary Speaker (Hon Stephen Kiarie): I propose the question that the Nakuru County Anti-Pornography Bill 2014 be now read a Third Time

(Question put and agreed to)

(The Bill was accordingly read for the Third Time)

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The Temporary Speaker (Hon. Stephen Kiarie): The House Stands adjourned until this afternoon at 2.30 pm

The House rose at 10.30 am