

REPUBLIC OF KENYA



ELEVENTH PARLIAMENT - THIRD SESSION - 2015

THE NATIONAL ASSEMBLY

THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN
RELATIONS

REPORT ON THE KENYA REGIMENT (TERRITORIAL FORCE) (REPEAL) BILL,
2015

Directorate of Committee Services
Clerk's Chambers
National Assembly,
Parliament Buildings,
NAIROBI

NOVEMBER, 2015

1.0 PREFACE

Hon Speaker,

On behalf of the Departmental Committee on Defence and Foreign Relations and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honour to present to the House the Report of the Committee on its consideration of the Kenya Defence Forces (Amendment) Bill, 2015. The Bill was committed to the Committee on Defence and Foreign Relations and it is on the basis of this that the Committee makes this Report pursuant to Standing Order 127.

1.1 Mandate of the Committee

The Committee on Defence and Foreign Relations is one of the Committees of the National Assembly established under Standing Order 216 and mandated to:-

- i. To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
- ii. To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation.
- iii. **To study and review all legislation referred to it;**
- iv. To study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;
- v. To investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary and as may be referred to them by the House;
- vi. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments); and
- vii. Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

1.2 Committee Membership

The Committee comprises the following Members: -

- 1) The Hon. Ndung'u Gethenji, M.P. - (Chairman)
- 2) The Hon. Elias Bare Shill, M.P. - (Vice-Chairman)

- 3) The Hon. Jakoyo Midiwo, MGH, M.P.
- 4) The Hon. Katoo Ole Metito, EGH, MGH, MP
- 5) The Hon. Adan Keynan, CBS, M.P.
- 6) The Hon. Christantus Wamalwa, M.P.
- 7) The Hon. Nyiva Mwendwa, EGH, M.P.
- 8) The Hon Col (Rtd.) Ali Dido Rasso, MBS, M.P
- 9) The Hon. Gonzi Rai, MGH, M.P.
- 10) The Hon. Joel Onyancha, MGH, M.P.
- 11) The Hon. Richard Onyonka, M.P.
- 12) The Hon. Wafula Wamunyinyi, M.P.
- 13) The Hon. Joseph Kiuna, M.P.
- 14) The Hon. Joseph Lekuton, M.P.
- 15) The Hon. Yusuf Hassan, M.P.
- 16) The Hon. John L. Nakara, M.P.
- 17) The Hon. Roselinda Soipan, M.P.
- 18) The Hon. Anna N. Gathecha, M.P.
- 19) The Hon. David Wafula, M.P.
- 20) The Hon. Elisha Busienei, M.P.
- 21) The Hon. Abass S. Mohamed, M.P.
- 22) The Hon. Joyce Wanjalah Lay, M.P.
- 23) The Hon. Joseph Gitari, M.P
- 24) The Hon. David Pkosing, M.P.
- 25) Hon. Ibrahim Sane, M.P.
- 26) The Hon. Dennitah Ghati, M.P.
- 27) The Hon. Beatrice Nyagah, M.P.
- 28) The Hon. Elijah Memusi, M.P.

1.3 Consideration of the Bill

The Kenya Regiment (Territorial Force) (Repeal) Bill, 2015 was published on 24th July, 2015, and read a First Time on the 18th August, 2015. It was subsequently committed to the Departmental Committee on Defence and Foreign Relations for consideration pursuant to Standing Order No. 127.

In processing the Bill, the Committee invited comments from the public by placing

advertisements in the Daily Nation and Standard Newspapers on 18th August, 2015 pursuant to Article 118 of the Constitution. The Committee did not receive any submissions/ memoranda save from the Ministry of Defence whose views are captured and contained in the body of the Report.

1.4 Adoption of the Report

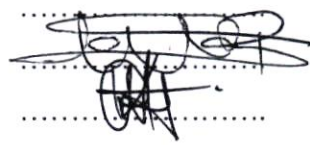
We the members of the Departmental Committee on Defence and Foreign Relations have, pursuant to Standing Order 199, adopted this Report on the Kenya Regiment (Territorial Force) (Repeal) Bill, 2015 and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity today Monday, 19/10/ 2015

- 1) Hon. Ndung'u Gethenji, M.P. - **Chairperson**
- 2) Hon. Elias Bare Shill, M.P. - **Vice-Chairperson**
- 3) Hon. Jakoyo Midiwo, MGH, M.P.
- 4) Hon. Katoo Ole Metito, EGH, MGH, MP
- 5) Hon. Adan Keynan, CBS, M.P.
- 6) Hon. Chrisantus Wamalwa, M.P.
- 7) Hon. Nyiva Mwendwa, EGH, M.P.
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- 22) Hon. Joyce Wanjalay Lay, M.P.
- 23) Hon. Joseph Gitari, M.P.
- 24) Hon. David Pkosing, M.P.

The image shows handwritten signatures for each member of the committee. The signatures are written in black ink on a white background. The first signature is the largest and most prominent, belonging to the Chairperson. The other signatures are smaller and more varied in style, representing the other 23 members of the committee.

- 25) Hon. Ibrahim Sane, M.P.
- 26) Hon. Dennitah Ghata, M.P.
- 27) Hon. Beatrice Nyagah, M.P.
- 28) Hon. Elijah Memusi, M.P.

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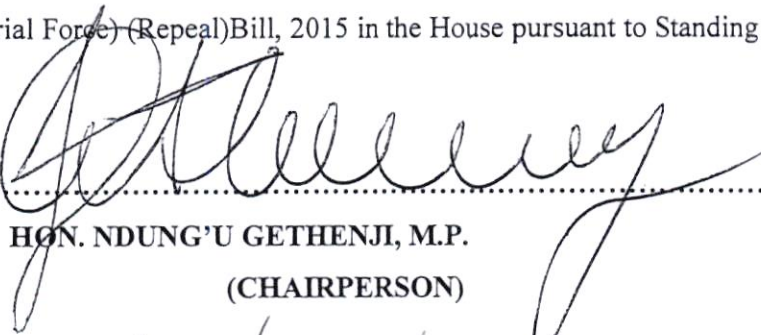
1.5 Acknowledgement

Mr. Speaker, Sir,

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee wishes to thank all the stakeholders for their participation in scrutinizing the Bill. Finally, I wish to express my appreciation to the Honourable Members of the Committee who sacrificed their time to participate in the activities of the Committee and preparation of this report.

It is my pleasant duty and privilege, on behalf of the Departmental Committee on Defence and Foreign Relations, to table its Report on the consideration of the Report on the Kenya Regiment (Territorial Force) (Repeal) Bill, 2015 in the House pursuant to Standing Order 127.

SIGNED.....



HON. NDUNG'U GETHENJI, M.P.
(CHAIRPERSON)

DATE.....

19/10/2015

2.0 BACKGROUND

The principal object of the Bill is to repeal the Kenya Regiment (Territorial Force) Act, Cap. 200. The Act is a carry-over from the pre-independence period, having been enacted in 1937. The Territorial Force has since been disbanded and a new legal framework for the defence forces established by new legislation hence rendering the Act nugatory. The purpose of the Bill is therefore to repeal the Act and further expressly revoke all subsidiary legislation made thereunder pursuant to section 24 of the Interpretation and General Provisions Act, Cap. 2.

3.0 SUMMARY OF THE BILL: CLAUSE ANALYSIS

CLAUSE 1 of the Bill sets out the short title of the proposed Bill.

CLAUSE 2 of the Bill proposes to repeal the Kenya Regiment (Territorial Force) Act, Cap. 200.

CLAUSE 3 of the Bill proposes to repeal all subsidiary legislation made under the Kenya Regiment (Territorial Force) Act, Cap. 200.

4.0 CONSIDERATION OF THE KENYA REGIMENT (TERRITORIAL FORCE) (REPEAL) BILL, 2015

Title of the Bill – The Kenya Regiment (Territorial Force) (Repeal) Bill, 2015: Agreed to

Long Title- An Act of Parliament to amend the Kenya Regiment (Territorial Force) Act: Agreed to.

Clause 1: Agreed to.

Clause 2: Agreed to.

Clause 3: Agreed to.

5.0 COMMITTEE RECOMMENDATIONS

Based on the submissions, presentations and observations adduced, the Committee did not make any amendments to the Bill.

HON. NDUNG'U GETHENJI, MP, CHAIRPERSON

DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS

DATE.....

MINUTES OF THE 133RD SITTING OF THE DEPARTMENTAL COMMITTEE ON
DEFENCE AND FOREIGN RELATIONS HELD ON MONDAY 19TH OCTOBER, 2015 AT
BOMA HOTEL, NAIROBI, AT 2:00 P.M.

PRESENT

1. Hon. Ndung'u Gethenji, M.P. – Chairperson
2. Hon. Elias Bare Shill, M.P. - Vice Chairperson
3. Hon. Gonzi Rai, MGH, M.P.
4. Hon. Joseph Kiuna, M.P
5. Hon. Elisha Busienei, M.P.
6. Hon. Col. (Rtd) Ali Dido Rasso, MBS, M.P.
7. Hon. Jakoyo Midiwo, MGH, M.P.
8. Hon. Annah N. Gathecha, M.P
9. Hon. Dennitah Ghati, M.P
10. Hon. David Wafula, M.P.
11. Hon. Yusuf Hassan, M.P.
12. Hon. Beatrice Nyagah, M.P.
13. Hon. Wafula Wamunyinyi, M.P.
14. Hon. Joyce Wanjalah Lay, M.P.
15. Hon. Elijah Memusi, M.P.

APOLOGY

1. Hon. Adan Keynan, CBS, M.P
2. Hon. Katoo Ole Metito, EGH, MGH, M.P.
3. Hon. Nyiva Mwendwa, EGH, M.P.
4. Hon. Richard Onyonka, M.P.
5. Hon. Lekuton Joseph, M.P.
6. Hon. Christantus Wamalwa, CBS, M.P
7. Hon. John Lodepe Nakara, M.P
8. Hon. Abass S. Mohammed, M.P
9. Hon. Ibrahim Sane, M.P.
10. Hon. Roselinda Soipan, M.P.
11. Hon. Joël Onyancha, MGH, M.P.

4. Report of the foreign oversight visit to the Kenyan embassy in Mogadishu, Federal Republic of Somalia

Members adopted the Report, with amendments, as proposed by Hon. Col (Rtd) Dido Rasso and seconded by Hon. Elisha Busienei.

MIN.NO. 524/2015

ANY OTHER BUSINESS

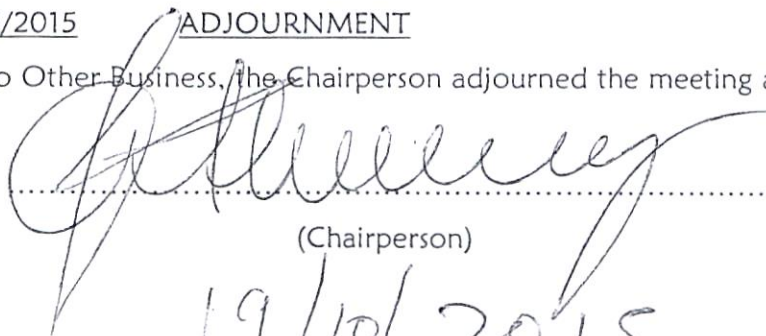
1. Members requested that changes to the venue of meetings be communicated in good time and concrete explanations be provided.
2. The Chair asked members to only use the committee WhatsApp group to communicate regarding committee meetings.

MIN.NO. 525/2015

ADJOURNMENT

There being no Other Business, the Chairperson adjourned the meeting at 4 O' clock.

Signed:



(Chairperson)

Date:

19/10/2015