

MURANG'A COUNTY ASSEMBLY

THE HANSARD

Tuesday, 19th July 2016

The House met at 9:47 a.m.

(The Speaker Hon. Nduati Kariuki in the Chair)

PRAYERS

PAPERS

STATUTORY INSTRUMENTS ON THE PUBLIC FINANCE MANAGEMENT (MURANG'A COUNTY ASSEMBLY MORTGAGE (STAFF) SCHEME FUND REGULATIONS 2016

Hon. Joseph Kimani: Thank you Mr. Speaker I beg;-

That the statutory instruments on the Public Finance Management (Murang'a County Assembly Mortgage (staff) Scheme Fund Regulations 2016, be laid on the table of the Assembly today July 19, 2016.

NOTICE OF MOTION

REPORT OF THE GOVERNANCE, LABOUR AND SOCIAL WELFARE AND JUSTICE AND LEGAL AFFAIRS COMMITTEE ON TRAINING HELD FROM MAY 19 TO MAY 22, 2016

Hon. Jane Ndegwa: Thank you Mr. Speaker, allow me to give a notice of motion;-

That; this Assembly notes the contents of the report of the Governance, Labour and Social Welfare and Justice and Legal Affairs committee on the Justice and Legal Affairs Training held from May 19 to May 22, 2016, laid on the table of the Assembly on Wednesday July 13, 2016.

Thank you Hon. Speaker.

MOTION

ADOPTION OF REPORT OF COMMITTEE ON DELEGATED COUNTY LEGISLATION ON MORTUARY BY-LAWS 2007

Hon. Bernard Kariuki: Thank you Hon. Speaker, I beg to move the following motion;-

That, this Assembly adopts the report of the select committee on Delegated County Legislation on Mortuary by-laws 2007 laid on the table of the Assembly, on Tuesday July 12, 2016.

Mr. Speaker my committee has embarked on a mission to look at all our by-laws that are being used by the county executive because the by-laws that were made by the former county councils or former local authorities were made under former CAP 265 that established local authorities but CAP 265 has since been repealed by the County Governments Act 2012.

Therefore, my committee thought because my committees mandate, among others, is to look at secondary legislation and statutory instruments things like regulations, by-laws and such, we thought we need to look at by-laws that are being used so that we can recommend that those by-laws can be aligned with current set up of the government.

The county executive must appreciate that we have a new system of government; we no longer operate under local authorities, and therefore, County Executive Committee (CEC) members must be able to come up with properly drafted regulations or any other

kind of legal framework that they want to use to implement whatever comes across their department.

Therefore, Mr. Speaker, we as the committee did not intend to change the content and the spirit of the by-laws; ours was to realign the by-laws with current set up so that they can read correctly.

In our report, members could see the recommendations that we made were basically changing the letter and not the spirit of by-laws. We made various recommendations so that the responsible CEC could change the by-laws and instead of coming up with by-laws, the minister should come up with regulations or if it is possible the CECs should develop Bills so that they create a proper comprehensive legal frame work from which they can be able to operate.

It is a sad state of affairs after four years of being in the government no single CEC except the Finance and planning CEC's has been able to propose a Bill to this Assembly. It is quite a challenge on the side of capacity on our CECs on how they operate. They should be able to appreciate that ministers world over operate with regulations; they do gazette notices and things like that.

We need to keep on talking to them so that they appreciate we operate in new system. Without much ado I will request members to support this motion so that we continue formalizing our system so that the executive can start realigning their departments for smooth running of affairs in the county.

We have recommended that CEC for Health Services should fast track consideration of proposed legislation in respect to the mortuary by-laws so that they can be aligned to the new Constitution.

I request members to support this motion considering that it does not change the content and the spirit of what is happening on the ground but we want to redraft the by-laws to read regulations. I call upon my good friend Hon. Charity to second.

Hon. Charity Rugu: Thank you Hon. Speaker, I stand to second and to urge the members to support.

(Question proposed)

(No debate arose)

The Speaker: If there are no contributions, I will put the question. I am not asking the mover to respond because there is nothing to respond to.

(Question put and agreed to)

ADJOURNMENT

The Speaker: We adjourn until 2.30 this afternoon.

The House rose at 9:57 a.m.