

REPUBLIC OF KENYA

NYANDARUA COUNTY ASSEMBLY

1ST ASSEMBLY- 5TH SESSION

OFFICIAL REPORT

Wednesday 1st March, 2017

The Assembly met at the Assembly Chamber (P.C.E.A Hall) at 9:00 a.m.

[The Speaker (Hon. Ndegwa Wahome) in the Chair]

PRAYER

QUORUM CALL AT THE COMMENCEMENT OF THE SITTING

(The clerk-at-the-table confirms that there is no quorum)

Speaker: Very well, I will go ahead and invoke the provisions of our Standing Orders and direct that the quorum bell be rung for an initial ten minutes or until such a time within those ten minutes that the quorum will have been achieved.

(Quorum bell is rung for ten minutes and quorum is not achieved as confirmed by the clerk-at-the-table)

Hon. Members, the quorum having not been recognized after the expiry of the initial ten minutes, I direct that pursuant to Standing Order no. 34 (2), the quorum bell be rung for a further five minutes or until such time within the five minutes that quorum will have been achieved.

(Quorum bell is further rung for three minutes and quorum is achieved as confirmed by the clerk-at-the-table)

Very well, quorum having been achieved, we can now proceed with the business for the sitting.

First order.

BILL

(Second reading)

THE NYANDARUA COUNTY TRAFFIC AND TRANSPORT MANAGEMENT BILL, 2015

Yes, County Member from Njabini/Kiburu, Hon. Rebecca Nyangati Weru.

Hon. Rebecca Nyangati: Thank you Mr. Speaker. I beg to move the following motion:

THAT the Nyandarua County Traffic and Transport Management Bill, 2015 be now read a second time.

Mr. Speaker, the Committee on Roads, Public Works and Transport conducted public participation throughout the county on this Bill. Different stakeholders were involved and their input considered when coming up with this Bill that will be the cornerstone upon which good traffic regulations within the county will rest. This is especially on issues concerning the parking of vehicles in the county.

Mr Speaker, the Bill will lead to the establishment of a directorate headed by a director who will be responsible for county public transport. In addition, the Bill has also considered the designation of parking areas that will attract charges which is a means of generating more revenue for the county.

Further, the Bill seeks to introduce offences and penalties for those who will violate the rules. The penalties will ensure that people adhere to the rules and laws of traffic management within the county. It also seeks to establish licensing of public transport operators and obstruction and disruption of traffic offences. This is in addition to traffic and street lighting especially in the designated parking areas.

Part IV of the Bill, Mr Speaker, seeks to establish regulations on road signs and the general penalties associated with breaking the regulations. The aim of the entire Bill therefore is to ensure that there is order in the transport sector in all towns within the county. It also aims at assisting the county to generate more revenue through the parking fees and other charges.

To that end, I call upon Hon. Margaret Wamuyu to second. Thank you.

Speaker: Yes, the County Member from Leshau Pondo, Hon. Margaret Wamuyu.

Hon. Margaret Wamuyu: Thank you Mr. Speaker. I rise to second this motion on this Bill. The reason is that if we pass this Bill, it will be of much help to the people of Nyandarua and will also help the County Government to generate more revenue. Also, it will help to bring order in transport sector because we shall have designated parking areas.

As you are well aware, the vehicles on the roads are not well-organized. In addition, there is so much noise pollution within the county. If at all we can have a law that addresses the issues of parking, it will be good for the county. Therefore, I second.

(Question proposed)

Yes, mover.

Hon. Rebecca Nyangati: Thank you Mr Speaker. As I had said earlier, I would like to respond by saying that we have transport and traffic issues in our county. For instance, if you visit, Captain Town in Kaimbaga ward, you find that the business people are really complaining because there are issues in the main stage. Vehicles are picking passengers along the roads and causing a lot of obstructions and giving the revenue collectors hectic time. This is because they are not able to control parking and the main stage at Captain town.

Therefore Mr Speaker, if we have good regulations and be able to enforce the rules and regulations spelt out in the Bill, I believe that enforcement officers and revenue collectors will have an easy time when controlling traffic along the roads. This will minimize accidents and lead to efficiency.

Mr Speaker, if you visit a place like Jua Kali, you will see that the vehicles are picking passengers along the roads. Actually, within the last few years we have witnessed a couple of accidents at that place. Just yesterday, we had a funeral of a 21-years old motorist in Rurii ward who was hit at the same place. I therefore feel that it is an important Bill and we should enforce it and make sure it is operationalized.

With those few remarks, I beg to move.

(Question put and agreed)

(The Bill is read for a second time and committed to the Committee of the Whole House)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Speaker, (Hon. Wahome Ndegwa) leaves the Chair]

(The mace is lowered)

IN THE COMMITTEE

[The Temporary Chairperson (Hon. Rahab Wanjihia) assumes the Chair]

THE NYANDARUA COUNTY TRAFFIC AND TRANSPORT MANAGEMENT BILL, 2015

Chairperson: Hon. Members, we are now in the Committee of the Whole House and we are considering the Nyandarua County Traffic and Transport Management bill, 2015. Let us proceed.

CLAUSES WITHOUT AMENDMENTS

(Question on clauses without amendment to be read globally proposed)

(Question on clauses without amendment to be read globally put and agreed)

(Consultations)

Order Hon. Members! Order Hon. Nancy!

Next.

Clauses 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28

(Question on clauses 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 proposed)

(Question on clauses 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 put and agreed to)

CLAUSES WITH AMENDMENTS

Clause 11

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(Question on Clause 11 to be part of the Bill proposed)

Chairperson: Yes, motion mover.

Hon. Rebeca Nyangati: Madam Chairperson, I propose the question that Clause 11 be amended by inserting the words “in a manner that may be prescribed” after the words “parking fee” to read:

Clause 11: A person parking a vehicle within a designated area shall pay a parking fee in manner that may be prescribed.

I call Hon. Daniel Kibebo to second.

Chairperson: Yes Hon. Daniel Kibebo

Hon. Daniel Kibebo: I second

(Question on the amendment proposed)

(Question on the amendment put and agreed to)

(Question on Clause 11 as amended to be part of the Bill proposed)

Clause 18

(Question on Clause 18 to be part of the Bill proposed)

Chairperson: Yes, motion mover.

Hon. Rebecca Nyangati: Madam Chairperson, I propose that Clause 18 be amended by re-numbering it as Clause 18 (1) and further be amended by inserting the following;

18 (2): The Executive Committee Member shall prescribe the forms on occurrence books, warrants of impoundment/arrest and charge sheets containing the following;

- a) Time and place of commission of the offence,
- b) The registration number of the vehicle,
- c) Name of the offender, and
- d) The offence committed.”

18 (3): The Executive Committee member shall designate the places in which occurrence books shall be kept and ensure there are officers in charge of the occurrence books.

I call Hon. Mumba Gichini to second.

Chairperson: Yes, Hon. Mumba Gichini.

Hon. Mumba Gichini: I second.

(Question on the amendment proposed)

(Question on the amendment put and agreed to)

(Question on Clause 18 as amended to be part of the Bill proposed)

Clause 29

(Question on Clause 29 to be part of the Bill proposed)

Chairperson: Yes, motion mover.

Hon. Rebecca Nyangati: Madam Chairperson, I propose that Clause 29 of the Bill be amended by rephrasing as follows;

The Executive Committee member may make subsidiary legislations for the better carrying out of the objects of this Act which shall include:

1. Prescribing anything required under this Act to be prescribed, and
2. Regulation of matatus termini, taxi-cabs, motor cycles, bicycles, tricycles and boats.”

I now call Hon. Monica Wamuyu to second.

Chairperson: Yes Hon. Monica Wamuyu

Hon. Monica Wamuyu: I second

(Question on the amendment proposed)

(Question on the amendment put and agreed to)

(Question on Clause 29 as amended to be part of the Bill proposed)

NEW CLAUSES

(Nil)

SCHEDULES WITHOUT AMENDMENTS

Schedule on the Memorandum of Object and reasons

(Question on the Schedule on the Memorandum of Object and reasons proposed)

(Question on the Schedule on the Memorandum of Object and reasons put and agreed to)

SCHEDULES WITH AMENDMENTS

(Nil)

INTERPRETATION

Clause 2

(Question on Clause 2 to be part of the Bill proposed)

(Question on Clause 2 to be part of the Bill put and agreed to)

SHORT TITLE AND LONG TITLE

a. Long title

(Question on the Long Title to be the title of the Bill proposed)
(Question on the Long Title to be the title of the Bill put and agreed to)

a. Short Title and Citation

Clause 1

(Question on Clause 2 to be part of the Bill proposed)

Chairperson: Yes, motion mover.

Hon. Rebecca Nyangati: Madam Chairperson, I propose that Clause 1 be amended by inserting the words “Transport” immediately after the word “and” and immediately before the word “Management” to read;

Clause 1: This Act may be cited as the Nyandarua County Traffic and Transport Management Act and shall come into operation upon assent and publication.

I call Hon. Mumba Gichini to second

Chairperson: Yes Hon. Mumba Gichini

Hon. Mumba Gichini: I second

(Question on the amendment proposed)

(Question on the amendment put and agreed to)

(Question on Clause 29 as amended to be part of the Bill proposed)

Hon. Rebecca Nyangati: Madam Chairperson, I beg to move that the Committee of the Whole does report to the House, its consideration of the Nyandarua County Traffic and Transport Management Bill, 2015.

(Question proposed)

(Question put and agreed to)

(The house resumes)

[The Hon. Speaker (Ndegwa Wahome) in the chair]

REPORT AND THIRD READING

NYANDARUA COUNTY TRAFFIC AND TRANSPORT MANAGEMENT BILL, 2015

Speaker: I believe that the Committee of the Whole has been able to exhaust deliberations on the bill and I am calling upon the Chairperson of the Committee of the Whole to report the deliberations of the Committee of the Whole House.

Hon. Rahab Wanjihia: Mr Speaker I beg to report that the Committee of the Whole has considered the Nyandarua County Traffic and Transport Management Bill, 2015 and approved the same with amendments.

Speaker: The report has been received by the House we can now move to the next step.

Hon. Rebecca Nyangati: Mr Speaker, I beg to move that the House does agree with the Committee of the Whole in the said report.

(Question proposed)

(Question put and agreed to)

Hon. Rebecca Nyangati: Mr Speaker, I beg to move that the Nyandarua County Traffic and Transport Management Bill, 2015 be now read the third time. I call upon Hon. Samuel Thuita to second

Speaker: Yes member for Gathanji Hon. Samuel Thuita.

Hon. Samuel Thuita: Thank you Mr Speaker, I second.

(Question proposed)

(Question put and agreed to)

Speaker: The motion that the Nyandarua County Traffic and Transport Management Bill, 2015 be read for the third time having been moved and seconded, I now direct that the Nyandarua County Traffic and Transport Management Bill, 2015 be read a third time.

(The bill is accordingly read the third time and passed.)

With that, congratulations because you have now passed the Nyandarua County Traffic and Transport Management Bill, 2015 into the Nyandarua County Traffic and Transport Management Act, 2015. We are going to report appropriately to the office of the Governor pursuant to the Standing Orders for the necessary action by H. E on whether to assent to the bill or make proposals on any grey areas that he might find. This was however a consultative process and I think it is composed of all the desires and sentiments of both the representatives of the people in the Assembly and the executive. We expected that within the next fourteen (14) days the same will be an Act of Nyandarua County.
Next order.

ADJOURNMENT

Hon. Member the business of the sitting having been exhausted this house stands adjourned to today Wednesday 1st March 2017 at 2.30 p.m.

(The House rises at 9.50 a.m.)