



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

SESSIONAL PAPER NO. 2 OF 1996

REPORT OF THE

STANDING ORDERS COMMITTEE

1996

PREFACE

Honourable Members,

Pursuant to the provisions of Standing Order No. 152, I wish to present the following brief report, on the work of the Standing Orders Committee during this year, 1996

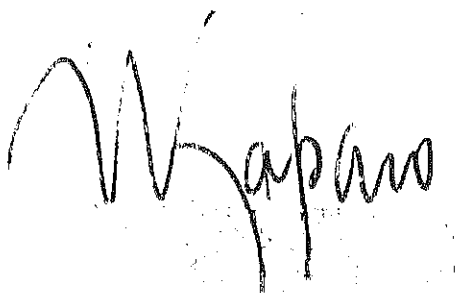
The Membership of the Committee appointed on May 16, 1996 by the House:-

The Hon. K.F.X. ole Kaparo, E.G.H., M.P., - Chairman
The Hon. Darius Mbela, E.G.H., M.P.
Dr. the Hon. B. A. Godana, M.B.S., M.P.
The Hon. J. C. N. Osogo, E.G.H., M.P.
The Hon. J. ole Sunkuli, M.P.
The Hon. K. N. K. Biwott, E.G.H., M.P.
The Hon. M. M. Wetang'ula, M.P.
The Hon. Henry Obwocha, M.P.
Dr. the Hon. O. O. Ombaka, M.P.
The Hon. Kamuiru Gitau, M.P.
The Hon. Bishop J. Kimani, M.P.
The Hon. J. K. Kiliku, M.P.

The work of the Standing Orders Committee, is as mandated by S.O. No. 152(2), Viz:-

The Standing Orders Committee shall from time to time consider and report on all matters relating to these Standing Orders.

During this year, the Committee was involved in deliberations on proposals for amendment to some of the Standing Orders. The deliberations resulted into adoption of proposals for amendments to three Standing Orders, which together with the Minutes of the five sittings held, constitute this report. On behalf of the Standing Orders Committee, I wish to commend this report to the House for adoption.



The Hon. Kausai F.X. ole Kaparo, EGH, M.P.
CHAIRMAN

November 12, 1996

1. **STANDING ORDER 147**

1. THAT, paragraph (1) of Standing Order 147 be amended -

(a) in the seventh line -

(i) by **inserting** immediately after the word "Chairman", the words "*or an Acting Chairman who does not belong to the ruling party*";

(ii) by **deleting** the word "ten" and inserting the word "twelve";

(b) in the ninth line -

- by removing the colon and **inserting** immediately after the word "session", the words "*in accordance with the principle of proportional representation of parliamentary parties in the National Assembly*".

(c) by **deleting** the proviso.

2. THAT paragraph (3) be **deleted** and a new paragraph **inserted** as follows-

"(3) The Chairman or the Acting Chairman and six other members of the Public Accounts Committee shall constitute a quorum".

2. **STANDING ORDER 148**

1. THAT paragraph (1) of Standing Order 148 be amended -

(a) in the fourth line -

- by **inserting** immediately after the word "Chairman" the words "*or an Acting Chairman who does not belong to the ruling party*";

(b) In the fifth line -

- by **deleting** the word "ten" and inserting the word "twelve";

word "twelve";

(c) in the sixth line -

- by removing the colon at the end of the paragraph and **inserting** immediately after the word "session" the words "*in accordance with the principle of proportional representation of parliamentary parties in the National Assembly*".

(d) by **deleting** the proviso.

2. THAT a new paragraph be **inserted** immediately after paragraph (1) as follows-

"(1A) The Chairman or the Acting Chairman and six other members of the Public Investments Committee shall constitute a quorum."

3. **STANDING ORDER 172**

1. **THAT, Standing Order 172, be amended:-**

- in the first line -

inserting the words "to the right of Mr. Speaker's", between the words "Chamber" and "shall";

2. THAT, the proviso be **deleted** and a new proviso be inserted as follows:-

"Provided that, the front seats on the left of the Speaker shall be reserved for Leaders of Opposition Parties and members of the Official Opposition Party designated as having responsibility for particular matters".

SECOND SCHEDULE

MINUTES OF SITTINGS

OF THE COMMITTEE

July 05, 1996

**MINUTES OF THE FIRST SITTING OF THE STANDING ORDERS COMMITTEE
HELD ON THURSDAY JULY 04, 1996 IN COMMITTEE ROOM 7 PARLIAMENT
BUILDINGS AT 9.30 A.M.**

PRESENT: The following Members of the Committee were present:

The Hon. K.F.X. ole Kaparo, E.G.H., M.P., - Chairman
The Hon. Darius Mbela, E.G.H., M.P.
Dr. the Hon. B. A. Godana, M.B.S., M.P.
The Hon. J. Sunkuli, M.P.
The Hon. K. N. K. Biwott, E.G.H., M.P.
The Hon. M. M. Wetang'ula, M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Kamuiru Gitau, M.P.
The Hon. Bishop J. Kimani, M.P.
The Hon. J. K. Kiliku, M.P.

APOLOGY: Apology for absence was received from the following Members:-

The Hon. J. C. N. Osogo, E.G.H., M.P.
Dr. the Hon. O. O. Ombaka, M.P.

IN ATTENDANCE: The following were in Attendance:-

Mr. Japhet K. Masya, EBS, OGW -
Clerk of the National Assembly; and

Mr. Murumba Werunga -
Principal Clerk.

MINUTE NO. 1 **INTRODUCTORY REMARKS**

The Chairman welcomed Members to the first sitting of the Committee in this Session. He appraised them on the work of the Committee and modalities of its operations.

MINUTE NO. 2 **CONFIRMATION OF MINUTES**

The Minutes of the sitting held on July 13, 1993 were approved and confirmed by the Chairman with the correction therein to substitute the name The Hon. D.M. Mbela, EGH, M.P. for the name The Hon. D.D. Mbela, M.P.

MINUTE NO. 3 **WORK OF THE COMMITTEE**

- (i) The Chairman informed the Committee that:-
 - (a) Its work involved a continuous review of the Standing Orders, either of their own volition or on the basis of the suggestions and proposals received from Members.
 - (b) He had received a letter dated May 31, 1996, addressed to him by the Leader of Government Business (L.G.B.). The letter which he read out to the Committee, had requested the Committee to review the current provisions of Standing Orders 147 and 148 in order for them to provide for membership to be on the basis of proportional representation of parliamentary parties; a practice prevalent in other Commonwealth Parliaments.
 - (c) His membership and chairmanship of the Committee was by virtue of his being the Speaker of the House. Thus, he would not vote when it comes to reaching a decision by Division, except to ensure the maintenance of status quo.
- (ii) Following extensive deliberations on the request from the LGB, the Committee resolved to defer discussions over the request until the next sitting.

MINUTE NO. 4 PROCEEDINGS OF THE COMMITTEE

The Chairman counselled and informed the Committee of the following issues:-

- (i) There should be no press briefing on the matters pending before the Committee or even when it has completed its tasks. The report on the work of the Committee, would be handled in the normal manner as per the prevailing provisions of Standing Orders.
- (ii) Although the Committee would finalize the task and make recommendations, it was only the House that was mandated to make/take decisions binding on the operations of the House.
- (iii) New and fresh suggestions were invited from Members of the Committee and others for the consideration by the Committee.
- (iv) He hinted at the possibility of a Sub-Committee of the Committee being formed to carry out a thorough review of the current provisions of the Standing Orders, to bring them in line with changing political situations.
- (v) Members of the Committee wishing to introduce an item for consideration by the Committee should do so in the formal manner which involves the submitting of such suggestions in writing to the Chairman.

MINUTE NO. 5 DATE FOR NEXT SITTING

It was agreed that the next sitting be held on Thursday, July 18, 1996 at 9.00 A.M.

MINUTE NO. 6 ADIJOURNMENT

And the time being thirty Minutes past eleven O'clock the Chairman adjourned the sitting until Thursday, July 18, 1996 at 9.00 a.m.

CONFIRMED:

(CHAIRMAN)

DATE:

July 19, 1996

MINUTES OF THE SECOND SITTING OF THE STANDING ORDERS
COMMITTEE HELD ON THURSDAY JULY 18, 1996 IN CONFERENCE
ROOM NO. 7 PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT: The following Members of the Committee were present:

The Hon. K.F.X. ole Kaparo, E.G.H., M.P., - Chairman
The Hon. Darius Mbela, E.G.H., M.P.
Dr. the Hon. B. A. Godana, M.B.S., M.P.
The Hon. J. ole Sunkuli, M.P.
The Hon. K. N. K. Biwott, E.G.H., M.P.
The Hon. Henry Obwocha, M.P.
The Hon. M. M. Wetang'ula, M.P.
The Hon. Kamuru Gitau, M.P.
The Hon. Bishop J. Kimani, M.P.
The Hon. J. K. Kiliku, M.P.
Dr. the Hon. Oki O. Ombaka, M.P.

APOLOGY: Apology for absence was received from the following Member:-

The Hon. J. C. N. Osogo, E.G.H., M.P.

IN ATTENDANCE: The following were in Attendance:-

Mr. Japhet K. Masya, EBS, OGW -
Clerk of the National Assembly; and

Mr. Murumba Werunga -
Principal Clerk.

MINUTE NO. 7 INTRODUCTORY REMARKS

The Chairman expressed the Committee's concern on the following two issues:

- (i) The need for Members to understand their mandate and functions. Further, he counselled that, despite the divergent views that could be expressed during deliberations of the Committee, the best rules would be those arrived at on the basis of a consensus.
- (ii) The need for all Members, especially those on this Committee to operate within the established procedure. Thus, it was disheartening to note that certain Members of this Committee breached the understanding endorsed at the previous sitting, not to brief the Press on their proceedings. The Chairman urged Members to desist from such unbecoming conduct.

MINUTE NO. 8 CONFIRMATION OF MINUTES

The Minutes of the sitting held on July 04, 1996 were approved and confirmed by the Chairman.

MINUTE NO. 9 MATTERS ARISING

Arising from Minute No. 4 (i):-

- (i) The Committee expressed grave concern that their deliberations of the previous sitting had been divulged to the Press. It was further noted that, despite the fact that, all Members were bound by all the rules of procedure, some of the remarks extensively quoted in the Press were attributed to them.
- (ii) Elaborate deliberations ensued on the Press coverage of the previous sitting and specifically, concern was expressed on:-
 - (a) The Press cuttings put in the Members files by the Secretariat; and
 - (b) the extensive coverage of the views on the work of the Committee, by one of the Committee's Members, the Hon. Kamuiru Gitau, M.P.

- (iii) After extensive deliberations, the Committee resolved that:-
- (a) Press cuttings be retained in the files as they constituted a constant reminder of the breach of procedure by Members generally and in particular those on this Committee.
 - (b) The Hon. Kamuiru Gitau, M.P. should render an unconditional apology to the Committee for breach of procedure generally, and especially after the joint undertaking by all Member of the Committee at the previous sitting not to divulge their proceedings to the Press.
- (iv) Following the resolve in (iii) above, the Hon. Kamuiru Gitau, M.P. tendered to the Committee an unconditional apology, for breach of the procedure in addressing the Press on the Committee's proceedings at the previous meeting. He further tendered, a similar apology for the unfavourable comments on the work and role of this Committee also, quoted in the Press.
- (vi) On the totality of the issues surrounding the Press coverage of proceedings of the previous sitting of the Committee, and having regard to the likely source of the information; and the procedure on Committee proceedings; the Chairman stated and counselled the Committee as follows:
- (a) He absolved the staff of National Assembly from all aspersions cast on them and specifically, of their being the likely source of the information carried by the Press.
 - (b) He firmly urged all Members to operate within the existing procedure at all times.

MINUTE NO. 10 DELIBERATION ON PRESENTATION FOR REVIEW OF PROCEDURE

- (i) The Chairman informed the Committee that he had received two presentation for review of the Standing Orders. These were from, the Hon. James A.B. Orongo, M.P.; and the Hon. Ramogi Achieng' Oneko, M.P.

- (ii) The Committee deliberated at length on the modalities to be adopted in dealing with the three presentations so far received for the review of Standing Orders; i.e. from the Leader of Government Business; the Hons. Orenge and Achieng' Oneko. It was noted, during the deliberations that:-
- (a) There was reasonable probability of more presentations being made to the Committee and at varied times.
 - (b) There was need to co-ordinate the presentations for review, to be submitted by Members, to enable the Committee handle them together;
 - (c) There was growing indication that, as urgent as the call for the review of Standing Orders 147 and 148 has been put forward; there were equally urgent calls for the review of more Standing Orders. Such a wider review had been intimated of under Minute No. 4 (iv) of July 04, 1996.
 - (d) There was need for a consensual approach to presentation, deliberation and effecting of review and amendment of the current procedure and Standing Orders.

MINUTE NO. 11 INVITATION OF PRESENTATIONS FOR REVIEW OF PROCEDURE

- (i) On a proposal by the Hon. J.K. Kiliku, M.P. seconded by the Hon. (Bishop) Joseph Kimani, M.P. it was resolved that the following modalities be instituted to enable a wider review of procedure:-
- (a) All Members of the Committee should through appropriate channels inform, consult and urge Members of their parliamentary parties to make presentations to the Chairman, indicating the areas of procedure they would like amended.
 - (b) All presentations be made by July 31, 1996.
 - (c) The Committee would then study all presentations made for further action.

- (d) The Committee would consider the possibility of appointing a Sub - Committee of its Members to embark on a thorough review of procedure taking into account the presentations made by Members to the Chairman and, referred to it by the Committee.

MINUTE NO. 12 DATE FOR THE NEXT SITTING

It was agreed that the Next Sitting be held on Thursday August 01, 1996 at 10.00 a.m.

MINUTE NO. 13 ADJOURNMENT

And the time being thirty Minutes past eleven O'clock the Chairman adjourned the sitting until Thursday, August 01, 1996 at 10.00 a.m.

CONFIRMED:

(CHAIRMAN)

DATE:

August 02, 1996

MINUTES OF THE THIRD SITTING OF THE STANDING ORDERS COMMITTEE
HELD ON THURSDAY AUGUST 01, 1996 IN COMMITTEE ROOM 7
PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT: The following Members of the Committee were present:

The Hon. K.F.X. ole Kaparo, E.G.H., M.P., - Chairman
The Hon. Darius Mbela, E.G.H., M.P.
Dr. the Hon. B. A. Godana, M.B.S., M.P.
The Hon. J. Sunkuli, M.P.
The Hon. J. C. N. Osogo, E.G.H., M.P.
Dr. the Hon. O. O. Ombaka, M.P.
The Hon. K. N. K. Biwott, E.G.H., M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Kamuiru Gitau, M.P.
The Hon. M. M. Wetang'ula, M.P.
The Hon. Bishop J. Kimani, M.P.
The Hon. J. K. Kiliku, M.P.

IN ATTENDANCE: The following were in Attendance:-

Mr. Japhet K. Masya, EBS, OGW -
Clerk of the National Assembly; and

Mr. Murumba Werunga -
Principal Clerk.

MINUTE NO. 14 CONFIRMATION OF MINUTES

The Minutes of the sitting held on July 18, 1996 were approved by the Members present and confirmed by the Chairman.

MINUTE NO. 15 MATTERS ARISING

(i) Arising from Minute No. 9 (i) of July 18, 1996;

- (a) The Committee expressed grave concern that despite repeated appeals not to divulge their proceedings to the Press, the proceedings of the previous sitting were leaked to the Press. There was a strong feeling that the likely source of information to the Press was one or more of the Members of the Committee.
- (b) Consequently, the Hon. J. Ole Sunkuli, M.P. expressed his strong feeling that the Hon. Henry O. Obwocha, M.P. was the likely source of the leakages of the Committee's proceedings to the Press. He pleaded with him to desist from doing so. He warned that in the event of his failure to desist the other Members would have to resort to the same approach to make their position known by the public. However, the Hon. Obwocha took strong exception to this and vehemently refuted the allegations. In the absence of any evidence on the part of Hon. Ole Sunkuli, Hon. Obwocha demanded he withdraws the allegations.
- (c) The Chairman being satisfied that, Hon. Ole Sunkuli was unable to substantiate his allegations against Hon. Obwocha, directed him to withdraw with suitable apology. The Hon. Ole Sunkuli, complied.
- (d) Still addressing the issue of leakages of its proceedings to the Press, several opinions on how to deal with it were expressed, viz:
 - That, the Committee should issue an authoritative statement spelling out its mandate, functions and the purpose of the current exercise.
 - That, the reports carried by the Press on the sitting of July 18, 1996 were not only

erroneous but totally inaccurate and likely to mislead the public on the role and functions of the Committee.

- That, there appear to be some extremely close contacts between some members of the Committee and the Press, which lends credibility to the Members' being the likely source of the leakages.
- That, the current review of the Standing Orders was the fourth since Independence, 1963 and yet, during the previous exercises the problem of leakage never occurred. Members should seek more to have a good job done than seek to portray themselves in any partisan fashion.

The Chairman summed up the feelings the Committee on the issue of leakages to the Press:-

- by noting that the leakages were unprecedented and in bad taste;
- by declining the request for issuance of a Press Statement; and
- by appealing to each to strive for honourable conduct so as to uphold their dignity and that of the House and the Committee.

(ii) Arising from Minute No. 10 of July 18, 1996.

- (a) The Chairman informed the Committee that he had so far received only three submission by Members, viz: by the Leader of Government Business; the Hon. J.A.B. Orengo, M.P. and the Hon. P.K. Muite, M.P. He clarified that the Hon. Ramogi Achieng Oneko had only voiced his views on the impending amendment of S.O.s 147 and 148, without making a submission.
- (b) The issue of what modality to apply in dealing with the submissions was deliberated upon at length. Two schools of thought emerged;

- That, the Committee should deal only with the submission of LGB and defer the rest to a later date. This was supported by the Hons. Biwott, Mbela, Ole Sunkuli and Wetang'ula.
- That, the Committee should avoid a piecemeal approach and instead adopt a total review of all Standing Orders; so as to ensure coherence in the review. This was supported by the Hons. Obwocha, Kiliku, Gitau, Kimani and Ombaka.

MINUTE NO. 16 DELIBERATION OF SUBMISSION RECEIVED

- (a) The Chairman informed the Committee that, arising from deliberation under Minute No. 16 (ii) (b) above, it was clear that, there had emerged two modalities of dealing with the submissions so far received. However, in the absence of unanimity, the Chairman put the first part of the Question of the modalities:-

THAT, the Committee deal with the submission of the LGB in the first instance, while deferring the others to another day. This Question was moved by the Hon. Biwott and seconded by the Hon. Mbela. The Chairman put the Question to vote and the Committee divided as follows:-

AYES - 6

Hons.
 BIWOTT, K.N.K.
 MBELA, D.M.
 GODANA, B.A.
 OSOGO, J.C.N.
 OLE SUNKULI, J.
 WETANG'ULA, M.M.
 ABSTENTIONS -

NOES - 5

Hons.
 OBWOCHA, H.O
 OMBAKA O.O.
 KILIKU, J.K
 GITAU, K.
 KIMANI, J. (BISHOP)

NIL

Consequently the Committee resolved to deal only with the submission of the LGB; while the other submissions were deferred to a future date;

- (b) The Members in support of the second part of the Question of the modalities, i.e.:-

THAT, the Committee should not undertake a peacemeal approach, but rather a total review, requested for an adjournment to consult amongst themselves.

This was initially opposed by the same Members. However, the Chairman noted that, the Committee needed a Tea-break. The Committee was accordingly adjourned for thirty minutes at fifteen Minutes past Eleven O'clock.

MINUTE NO. 17 THE SUBMISSION BY THE LEADER OF GOVERNMENT BUSINESS

The Chairman read out all the contents of a letter dated May 31, 1996, addressed to him by the Leader of Government Business. The gist of the letter, was a request for the Committee to examine the possibility of reviewing the current provisions of both Standing Orders 147 and 148, so that the composition of both the Public Accounts (PAC) and Public Investments Committees (PIC) would be on the basis of the proportional representation of parliamentary parties as prevalent in other Commonwealth Parliaments.

MINUTE NO. 18 DELIBERATION ON SUBMISSION BY THE LEADER OF GOVERNMENT BUSINESS

The Chairman called upon Members to make presentations on the proposal.

Presentations

(a) **Proposers**

- The Hon. Ole Sunkuli, postulated the view that the current wording of Standing Orders 147 and 148 negated the in-built desire of the procedure in majority parliaments in the Commonwealth which was that, the majority parliamentary party (parties) should always carry the day, while the minority parliamentary party (parties) are accorded the opportunity to exercise the

right to criticize. This position was supported by views expressed by the Hons. Wetang'ula, Biwott and Osogo.

(b) **Opposers**

The Hon. Obwocha - disagreed with the position stated by Hon. Ole Sunkuli. He strongly felt that by the ruling party having a majority in the PAC and PIC it would be playing the duo role of prosecutor and judge in its own court. Further, he felt that as matters stood, the ruling party does have the final say on what constitutes the resolution of the House despite the report of any Committee; as it had sufficient majority in the House. He requested for copies of the previous editions of Standing Orders. He was supported by Hons. Kiliku, Gitau, and Kimani.

Further Presentations.

- (c) The Hon. Kiliku, advised against unbridled aping of foreign procedure, including from the Commonwealth. He called for the encouragement of home grown models. He felt that, the proposed amendments should take into account the public opinion which was not supportive.
- (d) The Hon. Osogo, counselled against rigidity; reminding his colleagues that, procedure was organic, hence capable of responding to demands of variations in the environment.
- (e) The Hon. Wetang'ula, advised against moves to embrace isolationism; adapting of what was good from any Parliament, especially, within the Commonwealth was a welcome move.
- (f) The Hon. Gitau, wondered why the Committee was in a hurry to effect the amendments. He felt that, it should seek to establish procedure based on homegrown experience; as it was not illegal to be different from other Parliaments within the Commonwealth.

- (g) The Hon. Biwott, felt that proposals to effect changes to Standing Orders was not anything new; it was quite within the mandate of the Committee.
- (h) Dr. the Hon. Ombaka, was of the view that the gist of the letter by LGB did not seek to amend Standing Orders 147 and 148, rather it only requested the Committee to examine the modalities prevailing in other Commonwealth Parliaments. Further if it had been for consideration with intend to effect amendments, the LGB had given no reasons to support any request so placed before the Committee. Therefore, the Committee should take time to do a thorough and coherent job. Consequently, he advised that the Committee should appoint a Sub-Committee of its members to visit some Parliaments within the Commonwealth to study their modalities.
- (i) The Hon. Osogo - wished to table a proposed draft of amendments to Standing Orders 147 and 148; which would draw heavily from the Ghanaian and Indian provisions for similar Committees.
- (j) The Hon. Wetang'ula wished to table a proposal to amend Standing Orders 147 and 148; though the proposal would be slightly different from the one mooted by Hon. Osogo.
- (k) The Hon. Godana wished to table a proposal to amend the proposals by the Hons Osogo and Wetang'ula so as to harmonize them.
- (l) The Hon. Obwocha requested for an adjournment to be able to draft a proposal to amend Standing Orders 147 and 148. He was supported by Hon. Kimani.

The Chairman put the Question of the adjournment to enable Hon. Obwocha draft a proposal to amend Standing Order 147 and 148. The Committee divide as follows:

AYES - 5

Hons.
OBWOCHA, H.O.
OMBAKA, O.O.
KILIKU, J.K.
GITAU, K
KIMANI J. (BISP)

NOES - 6

Hons.
BIWOTT, K.N.K.
MBELA, D.M.
GODANA, B.A.
OSOGO, J.C.N.
OLE SUNKULI, J.
WETANG'ULA, M.M.

ABSTENTIONS - NIL

The Committee resolved not to adjourn.

MINUTE NO. 19 DRAFT PROPOSALS

The Chairman called for draft proposals for amendment of Standing Orders 147 and 148.

(a) Standing Order 147

The Hon. Osogo tabled the following draft:-

THAT, Standing Order 147 be amended as follows:

- (i) Delete the proviso and after the word "Chairman" in the seventh line, add the words "who shall be a member who does not belong to the party which controls the Executive Branch of Government".
- (ii) Replace the word "ten" in the same line with the word "twelve".
- (iii) And add, after the word, "Committee" in eighth line the words "according to the principle of proportional representation of the parliamentary parties in the National Assembly."

In the procedural phraseology this would be as follows:-

- (i) Delete the word "ten" appearing after the words "more than" in the seventh line and substitute therefor the word "twelve".
- (ii) Delete the proviso in S.O. 147(1)
- (iii) Insert the words "who does not belong to the parliamentary party which is the ruling party"; after the word "Chairman" appearing in the seventh line.
- (iv) Insert the words "according to the principle of proportional representation of the parliamentary parties in the National Assembly " after the word "Committee" appearing in the eighth line.

(b) Standing Order 148

The Hon. Osogo tabled the following draft:-

THAT, Standing Order 148, be amended as follows:

- "(i) Delete the proviso and after the word "Chairman" in the fifth line add the words "who shall be a member who does not belong to the party which controls the Executive Branch of Government".
- (ii) Replace the word "ten" in the same line with the word "twelve".
- (iii) And add, after the word, "Committee" in sixth line the words "according to the principle of proportional representation of the parliamentary parties in the National Assembly."

In the procedural purarealogy this would be as follows:-

- (i) Delete the word "ten" appearing after the word "than" in the fifth line and substitute therefor the word "twelve".
 - (ii) Delete the proviso in S.O. 148(1).
 - (iii) Insert the words "who does not belong to the parliamentary party which is the ruling party" after the word "Committee" appearing in the sixth line.
 - (iv) Insert the words "according to the principle of proportional representation of the parliamentary parties in the National Assembly" after the word "Committee", appearing in the eighth line.
- (b) Following the tabling of the foregoing drafts, the Hons. Wetang'ula and Godana withdrew their intention to table proposals.
- (c) The Chairman put the Question for the adoption of the two drafts by the Hon. Osogo. The Committee divided as follows:-

AYES - 6

Hons.
 BIWOTT, K.N.K.
 MBELA, D.M.
 GODANA, B.A.
 OSOGO, J.N.C.
 OLE SUNKULI, J.
 WETANG'ULA, M.M.
ABSTENTIONS -

NOES - 5

Hons.
 OBWOCHA, H.O.
 OMBAKA O.O.
 KILIKU, J.K.
 GITAU, K.
 KIMANI, J. (BISHOP)
NIL

- (d) The Committee resolved:
- to adopt the drafts by the Hon. Osogo;
 - the Secretariat to present appropriate wording of the two drafts for perusal at the Next Sitting.

MINUTE NO. 20 DELIBERATION ON THE OTHER SUBMISSIONS RECEIVED

The Committee resolved to deliberate on the submissions by the Hons. Orenge and Muite at the Next Sitting. Further, they resolved that, any Member

having view divergent to the drafts adopted under Minute No. 19(c) above would be at liberty to move suitable amendments at the Next Sitting.

MINUTE NO. 21 DATE FOR THE NEXT SITTING

It was agreed that the Next Sitting be held on Tuesday, September 10, 1996 at Ten O'clock.

MINUTE NO. 22 ADJOURNMENT

And the time being fifteen Minutes past One O'clock the Chairman adjourned the sitting till Tuesday, September 10, 1996 at Ten O'clock.

CONFIRMED:

(CHAIRMAN)

DATE:

September 11, 1996

**MINUTES OF THE FOURTH SITTING OF THE STANDING ORDERS
COMMITTEE HELD ON TUESDAY, SEPTEMBER 10, 1996 IN THE SMALL
COMMITTEE ROOM AT COUNTY HALL (PARLIAMENT ANNEXE) AT
10.00 A.M.**

PRESENT: The following Members of the Committee were present:

The Hon. K.F.X. ole Kaparo, E.G.H., M.P., - Chairman
The Hon. Darius Mbela, E.G.H., M.P.
Dr. the Hon. B. A. Godana, M.B.S., M.P.
The Hon. J. C. N. Osogo, E.G.H., M.P.
The Hon. M. M. Wetang'ula, M.P.
The Hon. Bishop J. Kimani, M.P.
The Hon. Kamuiru Gitau, M.P.
The Hon. Henry Obwocha, M.P.

APOLOGY: Apology for absence was received from the following Members:-

The Hon. J. ole Sunkuli, M.P.
Dr. the Hon. O. O. Ombaka, M.P.
The Hon. K. N. K. Biwott, E.G.H., M.P.
The Hon. J. K. Kiliku, M.P.

IN ATTENDANCE: The following were in Attendance:-

Mr. Japhet K. Masya, EBS, OGW -
Clerk of the National Assembly; and

Mr. Murumba Werunga -
Principal Clerk.

MINUTE NO. 23 CONFIRMATION OF MINUTES

The Minutes of the third sitting held on Thursday, August 01, 1996 were approved by the Members present and confirmed by the Chairman.

MINUTE NO 24 MATTERS ARISING

Arising from Minute No. 15 of August 01, 1996, the Committee expressed concern that its repeated appeals for the Members not to divulge its deliberations to the Press remain unheeded. It was noted that, despite the consensus reached on this matter at the previous sitting some Members of the Committee, went ahead to address the Press. The Chairman counselled that, any Member was at liberty to bring this issue to the attention of the House; for the House to take an appropriate action.

MINUTE NO. 25 DELIBERATION ON DRAFT AMENDMENTS TO S.O.s 147 AND 148

The Chairman drew the attention of the Committee to the contents of Minute No. 19 of the Sitting of August 01, 1996, and invited the Clerk of the National Assembly to present the appropriate wording of the drafts. The Clerk of the National Assembly presented the following two drafts:-

- (a) **Standing Order 147**
- (i) Delete the word "**ten**" appearing after the words "**more than**" in the seventh line and substitute therefor the word "**twelve**".
 - (ii) Delete the **proviso** in S.O. 147(1)
 - (iii) Insert the words "**who does not belong to the parliamentary party which is the ruling party**"; after the word "**Chairman**" appearing in the seventh line.

- (iv) Insert the words "according to the principle of proportional representation of the parliamentary parties in the National Assembly " after the word "Committee" appearing in the eight line.

(b) **Standing Order 148**

- (i) Delete the word "ten" appearing after the word "than" in the fifth line and substitute therefor the word "twelve".
- (ii) Delete the proviso in S.O. 148(1).
- (iii) Insert the words "who does not belong to the parliamentary party which is the ruling party" after the word "Chairman" appearing in the fourth line.
- (iv) Insert the words "according to the principle of proportional representation of the parliamentary parties in the National Assembly" after the word "Committee", appearing in the sixth line

The two drafts were discussed at length and adopted by consensus.

MINUTE NO. 26 REQUEST OF THE PUBLIC ACCOUNTS COMMITTEE

- (i) The Chairman brought to the attention of the Committee a request from the Public Accounts Committee for it, to review the provisions of Standing Order 147 (3) along with those of Standing Order 157 in relation to the Committee's Quorum. The Chairman read out the full contents of the request of PAC as contained in its Minutes of the sitting of September 03, 1996; viz:

MIN.NO.3/96 ELECTION OF THE ACTING

CHAIRMAN

In the absence of the Chairman, the Members unanimously elected the Hon. G.O. Achola, M.P. to act on behalf of the Hon. M.C. Wamalwa, M.P. The Committee, however, discussed at length the provisions of Standing Order 147(3) vis-a-vis Standing Order 157 and agreed that since the issues raised on the floor of the House seemed to suggest that, there were some ambiguity in the interpretation of these provisions, the matter should be referred to the Standing Orders Committee for the necessary consideration and action. In the meantime, the Committee agreed that in the absence of the substantive Chairman, an acting Chairman be appointed from among Members of the Opposition as, has been the practice in the past.

Thereafter, the Chairman put to the Committee the Question as to whether, the Committee should deliberate and take decision on the request of PAC at this sitting. **The Question was agreed to by consensus.**

MINUTE NO. 27 DELIBERATION ON REQUEST OF THE PUBLIC ACCOUNTS COMMITTEE (PAC)

- (i) The Committee deliberated at length, on interpretation of the Quorum of a Select Committee pursuant to provisions of Standing Order 157 *vis-a-vis* the Quorum for the PAC pursuant to Standing Order 147(3).

Following the deliberation, the following issues were identified.

- (a) That, the potential for ambiguity in application of the provisions of S.O.s 147(3) and 157 does exist, as borne out by the difficulties which the PAC faced in the 1995 Session.

- (b) That, the need for clarification so as to come up with a clear cut interpretation of the status of Quorum for PAC has been raised on the floor of the House.
- (c) That, a real danger does exist for the current ambiguous interpretation stifling the operations of PAC in the future; though, so far, practice has developed by which provisions of S.O. 157 have been largely applied to proceedings of PAC.
- (d) That, so far, practise has developed by which provisions of S.O. 157 have been largely applied to proceedings of PAC.

MINUTE NO. 28 DRAFT TO AMEND S.O. 147(3)

- (a) The Chairman invited proposals for a draft to amend S.O. 147(3).
 - (i) Dr. the Hon. Godana, proposed that, in view of the high premium placed on the role and functions of the Public Accounts Committee, its Quorum should be enhanced to reflect the same. He suggested that the Quorum to be raised to seven including the Chairman. **This proposal was agreed to by consensus.**
 - (ii) The Hon. Wetang'ula tabled the following draft amendment:

"The Chairman or the Acting Chairman and six other Members of the Public Accounts Committee shall constitute a Quorum."

After some deliberation on this proposal, the Chairman put the **Question, which was agreed to by consensus.**

MINUTE NO. 29

DRAFT TO AMEND S.O. 148

The Committee in keeping with the resolution reached under Minute No. 27 (d) above, agreed that, an amendment in similar terms be incorporated in Standing Order 148. However, it was noted that, such incorporation would be by the insertion of **a new part (ii) in S.O. 148** and the renumbering of the subsequent parts. The new part (ii) would read as follows:

"The Chairman or the Acting Chairman and six other Members of the Public Investments Committee shall constitute a Quorum".

MINUTE NO. 30

STANDING ORDERS 147 AND 148 AS AMENDED

Following the resolutions reached under Minutes Nos. 28 and 29 above by which drafts of amendments to Standing Orders 147 and 148 were agreed to, the wording of the two Standing Orders after amendment would be as follows:-

Standing Order 147

(1) There shall be a select committee to be designated the Public Accounts Committee for the examination of the accounts showing the appropriation of the sum voted by the House to meet the public expenditure and of such other accounts laid before the House as the Committee may think fit. The Public Accounts Committee shall consist of a Chairman, who shall be a member who

does not belong to the parliamentary party which is the ruling party and, not more than twelve Members who, shall be nominated by the Sessional Committee according to the principle of proportional representation of the parliamentary parties in the National Assembly, at the commencement of every Session.

(2) The Public Accounts Committee shall elect its own Chairman.

(3) The Chairman or the Acting Chairman and six other Members of the Public Accounts Committee shall constitute a Quorum.

(4) The names of members present at each sitting of the Public Accounts Committee shall be entered on the minutes.

(6) The minutes of the proceedings of the Public Accounts Committee shall be brought up and laid on the Table of the House with the report of the committee.

Standing Order 148

(1) There shall be a select committee to be designated the Public Investments Committee for the examination of the working of the public investments. The Public Investments Committee shall consist of a Chairman, who shall be a member who does not belong to the parliamentary party which is the ruling party and, not more than twelve Members, who shall be nominated by the Sessional Committee according to the principle of proportional representation of the parliamentary parties in the National Assembly at, the

commencement of every Session.

(2) The Chairman or the Acting Chairman and six other Members of the Public Investments Committee shall constitute a Quorum.

(3) The functions of the Public Investments Committee shall be-

- (a) to examine the reports and accounts of the public investments;*
- (b) to examine the reports, if any, of the Controller and Auditor-General on the public investments; and*
- (c) to examine, in the context of the autonomy and efficiency of the public investments, whether the affairs of the public investments are being managed in accordance with sound business principles and prudent commercial practices:*

Provided that the Public Investments Committee shall not examine or investigate any of the following, namely-

- (i) matters of major Government policy as distinct from business or commercial functions of the public investments;*
- (ii) matters of day-to-day administration; and*
- (iii) matters for the consideration of which machinery is established by any special statute under which a particular public investment is established.*

MINUTE NO. 31

DELIBERATION OF SUBMISSIONS RECEIVED

- (a) The Chairman reminded the Committee that following the disposal of the submission by the Leader of Government Business; there remain two submissions, viz: by the Hons. J.A.B. Orengo and P.M. Muite. The Chairman further reminded the Committee of the contents of Minute No. 4 (iv) on July 04, and Minute No. 10 (ii) (c) of July 18, 1996; and invited discussion and proposals on how to deal with the two submissions.
- (b) Following some discussion;
 - (i) The Hon. Mbela proposed that, the Committee should proceed with the intention mooted in the Minutes quoted in (a) above; and appoint a Sub-Committee from amongst its Members. He further suggested that the mandate of the Sub-Committee should be open, to enable it undertake a total review of the current Standing Orders.
 - (ii) The Chairman, informed the Committee that, the Sub-Committee would be able to look at the procedure of the House in total. He further informed the Committee that, the Sub-Committee would in addition to undertaking a detailed study of the home-grown procedure, visit certain Parliaments within the Commonwealth to broaden its knowledge. The visits would be undertaken during recesses.

MINUTE NO. 32**FORMATION OF A SUB - COMMITTEE**

On the basis of the deliberations in Minute No. 31, above, the Chairman put the Question of the formation of the Sub-Committee. **The Question was agreed to by consensus.** The Committee then appointed the following to constitute the Sub-Committee.

Dr. the Hon. B.A. Godana, MBS, M.P. -
Chairman

The Hon. J. ole Sunkuli, M.P.

The Hon. M.M. Wetang'ula, M.P.

The Hon. Henry O. Obwocha, M.P.

The Hon. Bishop J. Kimani, M.P.

MINUTE NO. 33**ANY OTHER BUSINESS**

The matter relating to the sitting arrangement for the Members on the opposition side pursuant to provisions of Standing Order No. 172, and especially the need to resolve the current apparent impasse following the Speaker's ruling of July 03, 1996; was raised by the Hon. Obwocha. The Chairman noted that no presentations had been submitted to the Committee to discuss that particular Standing Order. Deliberation on this matter was therefore deferred to the Next Sitting.

MINUTE NO. 34**DATE FOR THE NEXT SITTING**

It was agreed that, the Next Sitting be held on Tuesday, October 15, 1996 at Ten O'clock.

MINUTE NO. 35

ADJOURNMENT

And the time being thirty Minutes past Eleven O'clock, the Chairman adjourned the sitting till Tuesday, October 15, 1996 at Ten O'clock.

CONFIRMED:

(CHAIRMAN)

DATE:

October 15, 1996

**MINUTES OF THE FIFTH SITTING OF THE STANDING ORDERS
COMMITTEE HELD ON TUESDAY, OCTOBER 15, 1996 IN COMMITTEE
ROOM NO. 7 PARLIAMENT BUILDINGS AT 10.00 A.M.**

PRESENT: The following Members of the Committee were present:

The Hon. K.F.X. ole Kaparo, E.G.H., M.P., - Chairman
The Hon. Darius Mbela, E.G.H., M.P.
Dr. the Hon. B. A. Godana, M.B.S., M.P.
The Hon. J. C. N. Osogo, E.G.H., M.P.
The Hon. J. ole Sunkuli, M.P.
The Hon. M. M. Wetang'ula, M.P.
The Hon. Bishop J. Kimani, M.P.
The Hon. Kamuiru Gitau, M.P.
The Hon. Henry Obwocha, M.P.

APOLOGY: Apology for absence was received from the following Members:-

Dr. the Hon. O. O. Ombaka, M.P.
The Hon. K. N. K. Biwott, E.G.H., M.P.
The Hon. J. K. Kiliku, M.P.

IN ATTENDANCE: The following were in Attendance:-

Mr. Japhet K. Masya, EBS, OGW -
Clerk of the National Assembly; and

Mr. Murumba Werunga -
Principal Clerk.

MINUTE NO. 36 CONFIRMATION OF MINUTES

The Minutes of the fourth sitting held on Tuesday, September 10, 1996 were approved by the Members present and confirmed by the Chairman.

MINUTE NO 37 MATTERS ARISING

Arising from Minute No. 33 of September 10, 1996, the Committee noted that, the Hon. Obwocha had not as yet formally presented his submission and resolved that his submission be deliberated upon at the Next Sitting.

MINUTE NO. 38 DELIBERATION ON DRAFT AMENDMENTS TO S.O.s 147 AND 148

The Chairman drew the attention of the Committee to the contents of Minute No. 30 of September 10, 1996, and invited the Clerk of the National Assembly to present the wording of the drafts on the basis of the consultation and in put by the legal draftsman. The Clerk of the National Assembly presented the following two drafts:-

Standing Order 147

1. THAT paragraph (1) of Standing Order 147 be amended-
 - (a) in the seventh line -
 - (i) by **inserting** immediately after the word "*Chairman*", the words "*who does not belong (to the parliamentary party which is) the ruling party*";
 - (ii) by **deleting** the word "*ten*" and inserting the word "*twelve*";

(b) in the ninth line -

- by removing the colon and **inserting** immediately after the word "session", the words *"in accordance with the principle of proportional representation of parliamentary parties in the National Assembly"*.

(c) by **deleting** the proviso.

2. THAT paragraph (3) be **deleted** and a new paragraph **inserted** as follows-

"(3) The Chairman or the Acting Chairman and six other members of the Public Accounts Committee shall constitute a quorum".

Standing Order 148

1. THAT paragraph (1) of Standing Order 148 be amended -

(a) in the fourth line -

- by **inserting** immediately after the word "Chairman" the words *"who does not belong (to the parliamentary party which is) the ruling party"*;

(b) in the fifth line -

- by **deleting** the word "ten" and inserting in place thereof, the word "twelve";

- (c) in the sixth line -
 - by removing the colon at the end of the paragraph and **inserting** immediately after the word "session" the words "*in accordance with the principle of proportional representation of parliamentary parties in the National Assembly*".
- (d) by **deleting** the proviso.

2. THAT a new paragraph be **inserted** immediately after paragraph (1) as follows-

"(1A) The Chairman or an Acting Chairman and six other members of the Public Investments Committee shall constitute a quorum".

The two drafts were discussed at length and adopted with the following amendments:

Standing Order No. 147

- (i) THAT, part 1 of the proposed draft be amended -
 - (a) in the second line of (a) (i) -
 - by **deleting** the opening quotation marks before the word "*who*" and **inserting** in place thereof the words or "*an Acting Chairman.*"
 - (b) in the third line of (a) (i) -
 - by opening the brackets and **deleting** all the words appearing therein after the word "to".
- (ii) THAT, part 2 of the proposed draft be amended -

(a) in the second and third lines -

- by **deleting** all the words beginning with the words "The Chairman" up to and including the word "other"; and inserting in place thereof the word "seven".

Standing Order 148

The Committee resolved that the amendments effected in the draft to S.O. 147 be appropriately incorporated in S.O. 148.

MINUTE NO. 39

STANDING ORDERS 147 AND 148 AS AMENDED

Following the resolutions reached under Minute No. 38 above by which drafts of amendments to Standing Orders 147 and 148 were agreed to, the wording of the two Standing Orders after amendments would be as follows:-

Standing Order 147

(1) There shall be a select committee to be designated the Public Accounts Committee for the examination of the accounts showing the appropriation of the sum voted by the House to meet the public expenditure and of such other accounts laid before the House as the Committee may think fit. The Public Accounts Committee shall consist of a Chairman or an Acting Chairman who shall be a member who does not belong to the ruling party and, not more than twelve Members who, shall be nominated by the Sessional Committee according to the principle of proportional representation of the parliamentary parties in the National Assembly, at the commencement of every Session.

(2) The Public Accounts Committee shall elect its own Chairman.

(3) Seven Members of the Public Accounts Committee shall constitute a Quorum.

(4) The names of members present at each sitting of the Public Accounts Committee shall be entered on the minutes.

(5) The minutes of the proceedings of the Public Accounts Committee shall be brought up and laid on the Table of the House with the report of the committee.

Standing Order 148

(1) There shall be a select committee to be designated the Public Investments Committee for the examination of the working of the public investments. The Public Investments Committee shall consist of a Chairman or an Acting Chairman, who shall be a member who does not belong to the ruling party and, not more than twelve Members, who shall be nominated by the Sessional Committee according to the principle of proportional representation of the parliamentary parties in the National Assembly at the commencement of every Session.

(2) Seven Members of the Public Investments Committee shall constitute a Quorum.

(3) The functions of the Public Investments Committee shall be-

- (a) to examine the reports and accounts of the public investments;*
- (b) to examine the reports, if any, of the Controller and Auditor-General on the public investments; and*

- (c) *to examine, in the context of the autonomy and efficiency of the public investments, whether the affairs of the public investments are being managed in accordance with sound business principles and prudent commercial practices:*

Provided that the Public Investments Committee shall not examine or investigate any of the following, namely-

- (i) matters of major Government policy as distinct from business or commercial functions of the public investments;*
- (ii) matters of day-to-day administration; and*
- (iii) matters for the consideration of which machinery is established by any special statute under which a particular public investment is established.*

MINUTE NO. 40

ANY OTHER BUSINESS

- (i) An issue regarding the possible breach of privilege by Members in the course of making contributions during proceedings in the House was raised. It was claimed that, certain Members were in the habit of making allegations casting serious aspersions on the conduct and integrity of some strangers; whose damage could hardly be assuaged by a subsequent withdrawal with apology. Thus, it was felt, that such Members be held responsible beyond the Chamber.

The Chairman cautioned against any attempt to alter the privileges of Parliament. He advised that, issues occurring during proceedings be dealt with as provided for in the procedure. While those occurring outside the Chamber, be referred to the Committee on Privilege.

- (ii) A brief deliberation ensued on the Sub-Committee appointed to review the Standing Orders under Minute No. 32 of September 10, 1996. The following matters were brought to the attention of the Committee.
 - (a) It was hoped the Sub-Committee would embark on visits to certain Parliaments within the Commonwealth, beginning February, 1997.
 - (b) It was agreed that the Sub-Committee should sit before the commencement of the visits; so as to set the date by which all submissions from Members would have been received.

MINUTE NO. 41

DATE FOR THE NEXT SITTING

It was agreed that, the Next Sitting be held on Tuesday, November 05, 1996 at Ten O'clock.

MINUTE NO. 42

ADJOURNMENT

And the time being six Minutes past Eleven O'clock, the Chairman adjourned the sitting till Tuesday, November 05, 1996 at Ten O'clock.

CONFIRMED: _____

(CHAIRMAN)

DATE: _____

November 12, 1996

**MINUTES OF THE SIXTH SITTING OF THE STANDING ORDERS COMMITTEE
HELD ON TUESDAY, NOVEMBER 12, 1996 IN COMMITTEE ROOM NO. 7
PARLIAMENT BUILDINGS AT 10.00 A.M.**

PRESENT: The following Members of the Committee were present:

The Hon. K.F.X. ole Kaparo, E.G.H., M.P., - Chairman
Dr. the Hon. B. A. Godana, M.B.S., M.P.
The Hon. J. C. N. Osogo, E.G.H., M.P.
The Hon. J. ole Sunkuli, M.P.
The Hon. M. M. Wetang'ula, M.P.
The Hon. Bishop J. Kimani, M.P.
The Hon. K. N. K. Biwott, E.G.H., M.P.
The Hon. Henry Obwocha, M.P.
The Hon. J. K. Kiliku, M.P.

APOLOGY: Apology for absence was received from the following Members:-

The Hon. Darius Mbela, E.G.H., M.P.
Dr. the Hon. O. O. Ombaka, M.P.
The Hon. Kamuiru Gitau, M.P.

IN ATTENDANCE: The following were in Attendance:-

Mr. Japhet K. Masya, EBS, OGW -
Clerk of the National Assembly; and

Mr. Murumba Werunga -
Principal Clerk.

MINUTE NO. 43 CONFIRMATION OF MINUTES

The Minutes of the fifth sitting held on Tuesday, October 15, 1996 were approved by the Members present and confirmed by the Chairman.

MINUTE NO. 44 THE SUBMISSION BY THE HON. HENRY O. OBWOCHA, M.P.

The Chairman read out the contents of an undated letter, addressed to the Chairman by the Hon. Henry O. Obwocha. The gist of the letter was request for the Committee to examine the possibility of reviewing the current provisions of Standing Order 172; and especially the need to effect amendments that would resolve the current apparent impasse following the Speaker's ruling of July 03, 1996. The Chairman requested Members to peruse the contents of the letter, whose copies were in their files. Further, the Chairman requested Members to peruse the excerpts of Standing Orders on the allocation of seats to Members in certain Parliaments within the Commonwealth whose copies were also in their files.

MINUTE NO. 45: DELIBERATION ON THE SUBMISSION BY THE HON. HENRY O. OBWOCHA, M.P.

The Chairman called upon Members to make presentations on the submission -

Presentations

Several Members made presentations of, which the following were the salient points:-

- (a) That, if the proposal to amend provisions of Standing Order 172, were effected, it -
 - (i) Would specify the sitting arrangements in the House, especially between the Ruling party and the parties in the Opposition;
 - (ii) Would specifically provide seats on the front benches for the opposition parties;
 - (iii) Should not have an in-built basis for semblances of a coalition of parties in the Opposition as that would be *ultra vires* the constitution;
 - (iv) Should be flexible and susceptible to change with changes in the membership of the House.

At the end of presentations, the Chairman put the Question of whether the Committee wished to proceed to amend provisions of Standing Order 172. The Question was resolved unanimously in the affirmative.

MINUTE NO. 46 DRAFT PROPOSALS TO AMEND STANDING ORDER 172

The Chairman called for draft proposals for the amendment of Standing Order 172.

- (a) **The Hon. J.C.N. Osogo, M.P.;**
Proposed that, the amendment should incorporate the spirit and portions of Standing Order 48(2) of the Senate (Commonwealth of Australia); which reads thus
Standing Order 48 (Senators Seats)
2. **The front seats on the left of the President shall be reserved for Leaders of parties and for opposition Senators designated as having responsibility for particular matters.**
- (b) **The Hon. K.N.K. Biwott, EGH, M.P.;**
Concurred with the proposal by Hon. Osogo. He felt that, such an amendment would be in line with the spirit in which the Sessional Committee is composed, whereby the leaders of parties were members.
- (c) **The Hon. Henry O. Obwocha, M.P.**
Concurred with the proposal by the Hon. Osogo and stressed the need to reserve seats on the front benches for all leaders of parties in the Opposition. He emphasised the specific recognition of the status of the Official Opposition Party, its Leader and shadow Cabinet.
- (d) **The Chairman**
Counselled on the need for the Committee to arrive at effectual and practical proposals in amending Standing Orders.
- (e) **Formal Presentation of Draft**
Arising from the above deliberation on the draft proposal the Hon. Osogo formally presented the following draft:-

Standing Order 172 (Seating in the Chamber)

All seats in the front benches of the Chamber to the right of Mr. Speaker's Chair shall be reserved for the exclusive use of Ministers:

Provided that, the front seats on the left of the Speaker shall be reserved for Leaders of Opposition Parties and members of the Official Opposition Party designated as having responsibility for particular matters.

- (g) The Chairman put the Question for the adoption of the draft amendment to Standing Order 172. The Committee adopted the draft amendment unanimously.

MINUTE NO. 46 STANDING ORDER 172, AS AMENDED

The Chairman presented to the Committee, a draft of Standing Order 172 as amended, viz:

Standing Order 172 (Seating in the Chamber)

All seats in the front benches of the Chamber to the right of Mr. Speaker's Chair shall be reserved for the exclusive use of Ministers:

Provided that, the front seats on the left of the Speaker shall be reserved for Leaders of Opposition Parties and members of the Official Opposition Party designated as having responsibility for particular matters.

MINUTE NO. 47 CALLING FOR SUBMISSIONS TO THE SUB-COMMITTEE

The issue of when and how the House should be informed of the need to present submissions to the Sub-Committee dealing with the review of Standing Orders, was raised. The Chairman informed the Committee that, the Sub-Committee would in due course decide on the modalities most appropriate to facilitate the presentation of submissions by Members.

MINUTE NO. 48 DATE FOR THE NEXT SITTING

It was agreed that the Next Sitting be held on a date to be agreed upon later.

MINUTE NO. 49 ADJOURNMENT

And the time being forty-five minutes past Eleven O'clock, the Chairman adjourned the sitting till a date to be agreed upon later.

CONFIRMED:

(CHAIRMAN)

DATE: