



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

TENTH PARLIAMENT
(SECOND SESSION)

SESSIONAL PAPER NO. 3 OF 2008.

**REPORT OF THE
STANDING ORDERS COMMITTEE**

December 2008

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PREFACE

Hon. Members,

1. The Constitution empowers the National Assembly to regulate its procedure by way of Standing Orders. Section 56 of the Constitution states:

56. (1) Subject to this Constitution, the National Assembly may:-

- (1) make standing orders regulating the procedure of the Assembly (including in particular orders for the orderly conduct of proceedings);*
- (2) subject to standing orders made under paragraph (a) establish committees in such manner and for such general or special purposes as it thinks fit, and regulate the procedure of any committee so established.*

It is on the basis of this authority that most of the procedure in the National Assembly are codified into Standing Orders. Other procedures used in the National Assembly are derived from considered rulings by the Speaker. Procedure is also derived from usages, forms, precedents, customs, and traditions in the National Assembly, the U.K House of Commons and other parliaments, particularly those in the Commonwealth, to the extent that they are applicable to Kenya.

Background.

2. It has been the practice of the National Assembly to review its Standing Orders at the end of every Parliament. As such, by the end of its final Session, each Parliament is expected to examine its Standing Orders with a view to reviewing areas that it may deem fit for the benefit of successive parliaments. The Eighth Parliament did not review the Standing Orders as the country was expecting a comprehensive review of the Constitution, which, would invariably have had implications on the Standing Orders. The review of the said rules of procedure was also not concluded by the time of dissolution of the Ninth Parliament.

Progress of review during the Ninth Parliament.

3. On June 20, 2006, the Standing Orders Committee constituted a seven-member Sub-Committee to study various proposals on review of Standing Orders which had been submitted to the Committee. The proposals were received from other Committees, Hon. Members, the Civil Society, organised groups and officers of the House.

To enhance execution of its tasks and as mandated by the Committee, the Sub-Committee undertook study visits to the Parliament of Federal Republic of Germany, the U. K. House of Commons and the House of Commons of Canada. The study visits proved to be vital towards development of the Committee's Report. The Report incorporated usages and practices in the Parliaments visited, the national parliaments of India, Australia, Zambia, Uganda amongst others in the Commonwealth. The Sub-Committee also held workshops on diverse dates to consider the said proposals and its progressive draft reports. The Sub-Committee's report, styled "Draft Seven" was thereafter presented to the Committee.

The Committee considered the said *Draft Seven* in a workshop chaired by the chairperson and then Speaker of the National Assembly, the Hon. F. X. Ole Kaparo, MP. However the Report of the Committee had not been *tabled* by the time of dissolution of the Ninth Parliament.

The Standing Orders Committee.

4. The Standing Orders Committee is established pursuant to Standing Order 152 which also provides for its mandate as follows:

152.(1) There shall be a select committee to be designated the Standing Orders Committee which shall comprise Mr. Speaker as Chairman, the Deputy Speaker and not more than ten other Members appointed by the House Business Committee at the commencement of every Session.

5. On April 26, 2008, the House constituted the Standing Orders Committee comprising of:

- (i) The Hon. Kenneth Marende, MP - Chairman
- (ii) The Hon. Farah Maalim, MP
- (iii) The Hon. Gitobu Imanyara, MP
- (iv) The Hon. (Prof) Philip Kaloki, MP
- (v) The Hon. Jeremiah Kioni, MP
- (vi) The Hon. David Were, MP
- (vii) The Hon. Boaz Kaino, MP
- (viii) The Hon. Nuh Nassir, MP
- (ix) The Hon. Franklin Bett, MP
- (x) The Hon. Pollyns Ochieng', MP
- (xi) The Hon. Ababu Namwamba, MP
- (xii) The Hon. Mohamed Abdikadir, MP

6. The Committee held its first meeting on May 30, 2008, wherein a six-member Sub-Committee was constituted, chaired by the Hon. Gitobu Imanyara, MP and comprising of Honourables Jeremiah Kioni, MP, David Were, MP, Mohamed Abdikadir, MP and Hon. (Prof.) Philip Kaloki. The Committee also co-opted the Hon. Amina Abdala, MP and Hon. (Prof) Margaret Kamar, MP into the membership of the Sub-Committee which was mandated to:

- (a) consider progress made by the Ninth Parliament on the review of the Standing Orders;
 - (b) receive submissions from other Committees, Hon. Members, the Civil Society, organised groups and officers of the House; and,
 - (c) submit a report to the Committee on the review of these Standing Orders.
7. In a two-day workshop held on July 3rd and 4th 2008, the Sub-Committee adopted "Draft Seven" as a working document. The Sub-committee thereafter held two other workshops and several other meetings wherein it considered proposals on the review of the Standing Orders. The Report of the Sub-Committee was presented to, and discussed by the Committee. Thereafter, the Committee presented its Report, styled "1st Draft of the Tenth Parliament" to all Hon. Members in a two-day workshop held at Safari Park Hotel. The Committee also retreated for two days to incorporate the recommendations of the Safari Park workshop in the Report, culminating in the compilation of the proposed Standing Orders contained in the Second Schedule of this Sessional Paper.

Objectives of the Review.

8. Having scrutinised the proposals presented by other Members, Committees, organised groups, officers of the House and civil society, the Committee identified the following issues as requiring to be addressed. These issues formed the broad objective of the review:-
- (i) Enhancing parliamentary democracy;
 - (ii) Enhancing committee system;
 - (iii) Enhancing the oversight role of parliament;
 - (iv) Strengthening political party recognition in Parliament;
 - (v) Involving parliament in national budgeting process;
 - (vi) Opening parliamentary proceedings to the public;
 - (vii) Creating opportunity for private Members business;

- (viii) Improving the public petitioning process;
- (ix) Incorporate the spirit of the Constitution of Kenya (Amendment) Act, 2008 in the Rules of Procedure;
- (x) Removing procedure lacunas, where they exist;
- (xi) *Engendering* the rules of procedure;
- (xii) Incorporating some of the generally accepted practices and Rulings in the rules of procedure;
- (xiii) Simplifying the language used in the Standing Orders into contemporary English; and,
- (xiv) Redrafting most paragraphs to make them clear and succinct.

9. It is also noteworthy that this review will also address the Institutional Reforms that the Kenya National Dialogue and Reconciliation Team recommended that Parliament undertakes. These includes the recommendations for: a comprehensive Review of the Standing Orders and Procedure to enrich quality and output of parliamentary debates and strengthen multi-party democracy; live coverage of parliamentary debates; enhancement of the oversight role of Parliament over the national Budget; creation of a Monitoring and Implementation Committee; introduction of timelier deliberation of reports and opening committee work to the public.

10. Indeed, the Standing Orders proposed in this Sessional Paper have been described by Members of the Committee as the Standing Orders for the 21st Century.

Hon. Members,

It is my pleasant duty to present and commend this Sessional Paper for adoption by the House.



THE HON. KENNETH MARENDE, MP

CHAIRMAN

DECEMBER 2, 2008

ARRANGEMENT OF SCHEDULES

This Sessional Paper is comprised of three Schedules as follows:-

FIRST SCHEDULE: SUMMARY OF THE PROPOSED STANDING ORDERS

SECOND SCHEDULE: THE PROPOSED STANDING ORDERS

THIRD SCHEDULE: MINUTES OF THE PROCEEDINGS OF THE STANDING
ORDERS COMMITTEE

FIRST SCHEDULE

SUMMARY
OF THE
PROPOSED STANDING
ORDERS

2008

FIRST SCHEDULE: SUMMARY OF THE PROPOSED STANDING ORDERS.

The House is asked to note that:-

(a) amendments have not been proposed on some Paragraphs and therefore they appear as they are in the current Standing Orders, save for changes in numbering; and,

(b) Several paragraphs have also been redrafted to make them clear and succinct while others have been rewritten into simpler and contemporary English.

The following is a summary of the proposed Standing Orders:-

1. The Prayer: insertion of the *Kiswahili* version in the Standing Orders.
2. Part I: Introduction: The Committee proposes that meaning be assigned to the following words:-
 - (i) Chief Whip;
 - (ii) Leader of Government Business;
 - (iii) Member;
 - (iv) Paper; and,
 - (v) party whip.
3. The Committee also proposes that meaning assigned to the following words be amended:-
 - (i) Minister;
 - (ii) Official Opposition Party;
 - (iii) Parliamentary party;
 - (iv) Private Bill; and,
 - (v) Public Bill.
4. Part II - Meetings of the House and Swearing-in of Members:

In election of Speaker, It is proposed:

- a) that, the titled be reviewed to read “ Meetings of the House, Election of the Speaker and Swearing-in of Members ;
- b) that, if the position of the Speaker falls vacant at any time during a Session, the election of the Speaker by presided by the Deputy Speaker or a Member of the Speaker’s Panel, if the Deputy Speaker is a candidate;
- c) that, in keeping with the practice in our Parliament and others in the Commonwealth, the election of the Speaker be by secret ballot;
- d) that, taking cognizance of the aims of the Persons with Disabilities Act, require the Clerk to make arrangements to enable any Member with disability to vote; and,
- e) that the third ballot be removed and replaced with a provision to expressly indicate that the person who garners the highest number of votes in the second ballot shall be declared Speaker.

It is worth noting that, in the procedure of election of a Speaker in a new House following a general election, the Sub-Committee had proposed that the election be *presided by that Member, present in the House and not being a Minister, who has served for the longest period continuously as a Member of the House and taking consideration of age, if more that one has served the longest time.* This is the practice in the Houses of Commons of U.K and Canada. However, the Committee debated this matter at length and resolved that the provision in the Standing Orders be retained. In taking this position, the Committee was guided by the example of the election of the Speaker during the 1st Session of the Tenth Parliament (January 15, 2008) wherein the position was closely contested between to major Parties. Members asserted that in such circumstances, it would have been difficult for any Member of the House to be seen to be impartial.

Further, such indefinite parameters as "*longest serving member*" and "*oldest in age*" as proposed may lead to acrimony, particularly in a new House. In this regard, it was also observed the practice of the Clerk presiding in the elections is popular in other parliaments, such as New Zealand, Ghana and Australia, amongst others.

5. Other proposals in this Part include,

- (a) That, other than the government, one third of the Members be allowed to ask the Speaker to summon Parliament during a recess; and,
- (b) That, the Chairman's Panel be renamed the Speakers Panel and Membership be increased to four. The Members of the panel elected by the House immediately following the general elections to serve for a period of two calendar years and those elected thereafter would serve for the remainder of the term. Further, in electing the said Members, it is proposed that the House shall have regard to relative party majorities in the House and ensure that at least one is from either gender.

6. Part IV: President:

The Committee proposes that the Standing Orders be reviewed :-

- (i) That, the Speech of the President be laid on the table of the House;
- (ii) That, that the debate on the Speech of the President be limited to a maximum of four sitting days; and,
- (iii) That, a proviso to allow a visiting head of state to address the House be inserted. As such the Speaker, the Leader of Government Business, the House Business Committee and the Leader of the Official Opposition would consult and allow a visiting Head of State or such other dignitary to address the House. They may also hear any representation by a Member prior to making such decision.

7. Part V: Sittings of the House:

The Committee proposes that, a provision be inserted to allow the House to extend its sitting hours in a sitting day for purposes of transaction business. This proposal is a considered improvement of a suggestion to extend the sitting days to Thursday mornings in addition to the current sitting days.

8. Part VI: Quorum of the House:

No amendments have been proposed on this part.

9. Part VII: Journal and Records:

The Committee proposes that, unless otherwise prohibited by law, the Clerk allows access of Journals and Records to the public, but the Speaker may make rules to regulate their access. The Committee also proposes that the current live broadcast of House proceedings be provided for together with the rules for such broadcast.

10. Part VIII: Order of Business:

The Committee proposes that, Order "Statements" be added to "matters other than business" for purposes of Members asking or making statements. The Committee also proposes that a provision be made to require the Leader of Government Business to inform the House of the Government Business of the following Week. This is to be done on every Thursday or last sitting day of the week and without debate.

11. Part IX: Prime Minister's Time:

The Committee proposes to introduce a new Part to require the Prime Minister to answer questions from Members and make Statements on Wednesday from 3.00 to 3.45 p.m.

12. Part X: Questions:

The Committee proposes that, the Standing Orders be reviewed so that Questions by *Private Notice* be answered after 24 hours on dispatch by the Clerk, while *Ordinary Questions* be answered after five days and that that answers to Questions for Written Reply be included in Hansard Report.

13. Part XI: Motions and Amendments

No amendments have been proposed on this part.

14. Part XII: Divisions:

The Committee proposes that the Standing Orders be amended to include that, a Member who fails to record his or her abstention in a division be deemed to be disorderly and that, a Member, who be in the Chamber, but, at the expiry of the voting time has neither voted in a division nor recorded abstention, be deemed to have forfeited his or her right to vote and be deemed to have abstained.

15. Part XIII: Rules of Debate:

The Committee proposes that the Standing Orders be amended so that that the Speaker may require that the Member rising on a point of order indicates the Standing Order upon which the point of order is based. The Committee also proposes that the application of the doctrine *sub judice* rules be made clear by way defining instances when a matter may be considered to be *sub judice*.

16. Part XIII: Limitation of Debate:

The Committee proposes to reduce the speaking time allocated to various persons as shown in Standing Orders 85 of the Report. It is envisaged that the time that would otherwise be used under this Part would be reallocated to other matters.

17. Part XIV: Order in the House & in Committee of the Whole House:

The Committee proposes that the Standing Orders be amended so:

- (i) That, Lady Members be allowed into the Chamber with their handbags;
- (ii) That, Members be subject to security check before entering the Chamber,
- (iii) That, other than bowing to the Chair, Members be allowed to show respect in a manner consistent with their faith;
- (iv) That, *disorderly conduct* made clear and succinct as contained in the Sessional Paper; and,
- (v) That, in grossly disorderly conduct, the Speaker be allowed to suspend a Member for a maximum of two days without question put.

18. Part XV: Public Bills:

Committee proposes: -

- (i) For amendment of the Standing Orders to remove the requirement of seeking leave of the House prior to introduction of a Public Bill;
- (ii) That, a Bill having been read a First time shall stand committed to the relevant Standing Committee without question put;
- (iii) That, the consideration of a Bill that was interrupted at the end of a Session resumes in the next Session of the same parliament at the stage where it was last interrupted.

19. Part XVIII: Supply and Ways and Means:

It is proposed that, this Part be amended to include:-

- (i) that, Minister lays before the House, the Budget Policy Statement by March 21;
- (ii) that the contents of the Budget Policy Statement be specified to include; an assessment of the current financial year and the projected state of the economy for the next three years; the macro economic and fiscal policies for the period; targets for total overall revenues including domestic and external borrowing and aggregate expenditure; and, the total resources to be allocated to individual programmes and projects within a sector or Ministry for the period indicating the outputs expected from each such programme or project during the period and shall detail the criteria used to allocate or apportion the available public resources among the various programmes and projects.
- (iii) That, the Budget Committee be required to consider the Budget Policy Statement and lay its Report before the House by April 15th for debate and adoption;
- (iv) That, allotted days in *Ways and Means Committee* be reduced to two days;
- (v) That, the Annual Estimates shall be laid on the Table of the House not later than 20th June and be referred to Departmental Committees after laying;
- (vi) That, each Departmental Committee considers the Estimates for Ministries under them and submits a Report to the House within 21 days;

- (vii) That the House Business Committee determines the order in which the House would consider the Report of the Departmental Committee on Annual Estimates;
- (viii) That, each Minister moves the Votes under his or her Ministry, indicating his position on the recommendations of the House on the reports of the Departmental Committee;
- (ix) That, allotted days for Supply be reduced to Fourteen;
- (x) That, time spent in consideration of each vote be reduced to three hours per vote (from 2 days per vote);and,
- (xi) That, "Guillotine" be retained as a safeguard measure

It is also envisaged that this procedure will shorten the budget cycle in the House and reduce the amount of time spent on the budget debate. It is worth noting that this new procedure, if adopted, will be a comprehensive shift from the current provision, which may also change the Treasury's budget cycle.

20. PART XX: Select Committees:

The Committee proposes that the Standing Orders be amended so that:

- (i) the House Business Committee; membership be expanded to not more than 22 members; membership takes into consideration the relative party majorities in the House, have 30% being members not being ministers or Assistant Ministers; membership require parliamentary parties to include whips; Speaker be an ex-officio Member; Chair be member nominated by government; Quorum be one-third of the Members and that its meetings be in *camera*;
- (ii) those committee rules that are common to all be consolidated into one part titled General and to include:-

- (a) That, in nominating Members to serve on any select committee, the House Business Committee shall ensure that the membership of each committee reflects the relative majorities of the seats held by each of the parliamentary parties in the National Assembly and Kenya's ethnic, geographical, cultural, political, social and economic diversity; and shall give consideration to the need for gender balance.
- (b) That, Quorum be three Members, including Public Accounts and Public Investments Committees;
- (c) That, a Member who is adversely mentioned in a matter under deliberation by a Committee shall not be eligible to chair a committee and that such member shall not be present at any meeting at which the Committee is deliberating on the matter;
- (d) That, Unless quorum is achieved within thirty minutes of the appointed time, a meeting of any Committee of the House shall stand adjourned;
- (e) That, if a Member fails to attend four consecutive meetings of a Committee, without leave of the Chair, such member relinquishes the membership to that committee;
- (f) That, by a resolution supported by a majority of its members, a Committee may resolve that it has no confidence in the chairperson or vice chairperson;
- (g) That, all committee proceedings shall be open to the public except-where the Committee otherwise decides or when the Committee is considering its recommendations for the purposes of its report;

- (h) That, a Minister who fails to submit a report on implementation of Committee Report (once adopted by the House) be deemed to be disorderly;
 - (i) That, a Committee may, with the approval of the Speaker, hire such experts as it may consider necessary in furtherance of its mandate.
- (iii) That, the following new Committees be established;
- (a) Local Authorities and Funds Accounts Committee
 - (b) Budget Committee
 - (c) Committee on Delegated Legislation
 - (d) Implementation Committee
 - (e) Committee on Equal Opportunity
 - (f) House Broadcasting Committee
- (iv) That, the Chair of the Public Accounts Committee be the Leader of Official Opposition or where there is no Official Opposition, a Member from a party not in Government, elected by the Committee;
- (v) That, the Chairs of PIC, Budget and Local Authorities and Funds Accounts Committees be a Member of a party or parties not in government;
- (iii) That, the initial membership of the Public Accounts and Public Investments Committee be for three years and the subsequent one serve to for the remainder of the parliamentary term;
- (iv) That, the Standing Orders Committee be renamed the Procedure and House Affairs Committee;
- (v) That, Departmental Committees be split from eight to twelve committees as contained in the Schedule.

21. Part XXI- Public Petitions.

The Committee proposes a comprehensive and elaborate procedure for public petitioning as contained in the Sessional Paper. This procedure is borrowed from the Lok Sabha and the House of Commons of Canada and modified to apply to the Kenya. It is also proposed that the format of the Petitions be as shown on the Schedule.

22. New Part XXII:

The Committee proposes that a new procedure be inserted for the purpose of presentation of reports from the East African Legislative Assembly and Pan-African Parliament.

23. New Part XXV: Transitional Provisions:

The Committee proposes:

- (i) That, the proposed new Standing Orders come into force on the date of the commencement of the Third Session of the Tenth Parliament and the Standing Orders then in force shall stand repealed;
- (ii) That, the following provisions of the proposed new Standing Orders come into force on such date prior to the commencement of the Third Session of the Tenth Parliament as the Speaker may, after consultation with the Standing Orders Committee, appoint:
 - (a) Standing Order 17 (Visiting dignitaries);
 - (b) Standing Order 34(4) (Statement by the Leader of Government Business);
 - (c) Part IX (Prime Minister's Time);
 - (d) Standing Order 156 (House Business Committee);
 - (e) and any other provision.

- (iii) That, on the coming into force of the proposed new Standing Orders (or any of them) any orders, directions, appointments and other acts lawfully made or done under a provision of the Standing Orders in force immediately before such coming into force shall be deemed to have been made or done under the corresponding provision of the proposed new Standing Orders and shall continue to have effect accordingly.

24. Schedules :

The Committee proposes that the following Schedules be part of the Standing Orders:

- (i) First Schedule: Broadcasting Regulations.
- (ii) Second Schedule: Committees.
- (iii) Third Schedule: General form of a Public Petition.

SECOND SCHEDULE

THE PROPOSED STANDING

ORDERS OF THE

NATIONAL ASSEMBLY

2008



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

STANDING ORDERS

TENTH PARLIAMENT

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PRAYER.

Almighty God, who in Your wisdom and goodness have appointed the offices of Leaders and Parliaments for the welfare of society and the just government of the people, we beseech You to behold us Your servants, whom You have been pleased to call to the performance of important trusts in this Republic.

Let Your blessings descend upon us here assembled, and grant that we treat and consider all matters that shall come under our deliberation in so just and faithful a manner as to promote Your Honour and Glory, and to advance the peace, prosperity and welfare of our Country and of those whose interests You have committed to our charge.

AMEN.

Ewe Mwenyezi Mungu, ambaye kwa hekima na wema wako umeteua nyadhifa za viongozi na mabunge kwa ustawi wa jamii na utawala wa haki wa wanadamu: twakusihhi ututazame kwa neema nyingi sisi watumishi wako, ambao umeridhika kutuita ili tutekeleze shughuli muhimu za Jamhuri hii yetu.

Twakuomba ututeremshie baraka zako sisi tuliokutanika hapa, na utujalie tuyatende na kufikiria mambo yote yatakayofikishwa mbele yetu kwa njia ya haki na uaminifu ili utukufu na sifa zako ziendelezwe, na ili kustawisha amani, ufanisi na heri ya nchi hii yetu na wale ambao haja zao umezikabidhi mikononi mwetu.

AMIN.

PART I - INTRODUCTORY

In cases not provided for, the Speaker to decide.

1. (1) In all cases where matters are not expressly provided for by these Standing Orders or by other Orders of the House, procedural questions shall be decided by the Speaker.

(2) The decisions made in paragraph (1) shall be based on the usages, forms, precedents, customs, procedures and traditions of the National Assembly of Kenya and other jurisdictions to the extent that these are applicable to Kenya.

Interpretation.

2. In these Standing Orders, unless the context otherwise requires -

(a) the following expressions shall have the meanings hereby assigned to them:

“Allotted Day” means a day allotted for the consideration in Committee of Ways and Means of proposals in the Financial Statement on the Annual Estimates concerning taxes or duties, or for the consideration in Committee of Supply of proposals in respect of the Annual Estimates, as provided by Part XIX of these Standing Orders;

“Chief Whip” means the Member designated as the Chief Whip by the parliamentary party or parties forming the Government;

“Clerk” means the Clerk of the House, or, if the Clerk is absent, or if the office is vacant, such other person as is for the time being performing the duties of the Clerk by direction of the Speaker;

“Leader of Government Business” means the Minister designated by the Government as the leader of Government business in the House;

“leave of the House” means there being no objection by any Member, either with the sympathy of the Speaker or with the support of at least two other Members;

“Member” means a member of the National Assembly;

“Minister” means the President, the Vice-President, the Prime Minister, a Deputy Prime Minister or other Minister, and includes the Attorney-General, an Assistant Minister, and any person who holds temporarily any such office;

“Official Opposition Party” means the party not being in the Government consisting of the highest number of seats being not less than thirty;

Provided that-

(a) where there are two or more parties with the same number of seats, the party with the highest number of parliamentary votes cast in the preceding general election shall be deemed to be the

Official Opposition Party and the leader of such party shall be deemed to be the Leader of Official Opposition;

(b) where no party has attained the minimum number of seats, the Speaker may on the request by written memorandum of a coalition of opposition parties recognised by or under any written law and consisting of at least thirty Members, deem such coalition as constituting the Official Opposition Party for the purpose of facilitating the proper functioning of the business of the House and the leader of such coalition shall be deemed to be the Leader of the Official Opposition; and

(c) where the provisions of paragraphs (a) and (b) do not obtain, the Speaker may, on the request by written memorandum of a caucus or group of not less than thirty Members, not being Ministers, and each of whom has the written consent of the leader in Parliament of his or her party, deem such caucus or group of Members as constituting the Official Opposition Caucus for the purpose of facilitating the proper functioning of the business of the House.

“Paper” means any printed or electronic material laid on the Table of the House or a committee of the House pursuant to any law or these Standing Orders or any other material as the Speaker may determine;

“parliamentary party” means a party or a coalition of parties consisting of not less than five percent of the membership of the National Assembly;

“party whip” means the Member designated by a parliamentary party as its party whip for the purposes of the transaction of the business of the House;

“precincts of the Assembly” includes the Chamber of the National Assembly, every part of the buildings in which are situated such chambers, the offices of the Assembly, the galleries, and places provided for use of accommodation of Members, strangers, members of the public and representatives of the Press, and any forecourt, yard, garden, enclosure or open space, appurtenant thereto and used or provided for the purposes of the Assembly;

“President” means the President of the Republic of Kenya and includes the Vice-President when acting as President and any other person who for the time being performs the functions of the President;

“Private Bill” means any Bill, not being a Bill introduced by a Minister, which is intended to affect or benefit some particular person, association or corporate body;

“Public Bill” means a Bill whether introduced by a Minister or other Member which is intended to affect the public generally, or a section of the public;

“recess” means a period during which the House stands adjourned to any day other than the next normal sitting day;

“Session” means the sittings of the House commencing when it first meets after its prorogation or dissolution and terminating when the National Assembly is prorogued or is dissolved without having been prorogued;

“sitting” means a period during which the House is sitting continuously without adjournment and includes any period during which the House is in Committee; but two or more periods of sitting within the normal period of one sitting, or within an equivalent period, shall not rank as more than one sitting;

“sitting day” means, subject only to the special definition of “day” in Standing Order 144, any day on which the House sits;

- (b) reference to the Chairperson of Committees shall be deemed to include reference to the Speaker when presiding over a Committee of the whole House or to any Member for the time being so presiding;
- (c) reference to the Official Opposition Party or the Leader of the Official Opposition shall where there is neither an Official Opposition Party nor a coalition of opposition parties deemed to constitute the Official Opposition Party, be a reference respectively to the Official Opposition Caucus and the leader of the Official Opposition Caucus.
- (d) reference to the Speaker shall be deemed to include reference to the Deputy Speaker when presiding over the House and to any Member of the House for the time being so presiding, or, as the case may be, to the Chairperson of Committees or to any Member for the time being presiding over a Committee of the whole House;
- (e) whenever a document is required to be provided or made available to Members, the document shall be considered to have been so provided or made available if placed in the Members’ pigeon holes or such other place as the Speaker may direct.

PART II - MEETINGS OF THE HOUSE, ELECTION OF SPEAKER AND SWEARING -IN OF MEMBERS

Proceedings on Assembly of a new House.

3. On the assembly of a new House pursuant to the President’s proclamation the list of the names of the Members of the House shall be laid on the Table by the Clerk, and the House shall thereafter proceed to the election of a Speaker.

Election of Speaker.

4. (1) A Speaker shall be elected when the House first meets after a General Election and before the House proceeds with the despatch of any other business.

(2) If the office of Speaker falls vacant at any time before dissolution of the National Assembly, no business shall be transacted by the House until the election of a new Speaker.

(3) The Deputy Speaker shall preside over the election under paragraph (2) but if the Deputy Speaker is a candidate, a Member of the Speakers Panel shall preside.

(4) The names of candidates for election to the office of Speaker shall be entered upon nomination papers obtained from and handed to the Clerk at least forty-eight hours before the time appointed at which the House is to meet to elect a Speaker, and shall be accompanied in each case by signatures of two Members who support the candidate and a declaration by them that the candidate is willing to serve and, if the candidate is not a Member of the National Assembly, a declaration by them that the candidate is qualified to be elected as a member of the National Assembly under sections 34 and 35 of the Constitution.

(5) The Clerk shall maintain a register in which shall be shown the date and time when each candidate's nomination papers were received and shall ascertain that every such candidate for election to the office of Speaker is qualified to be elected as such under section 37 of the Constitution.

(6) The Election of the Speaker shall be by secret ballot.

(7) The Clerk shall prepare, at least one hour before the meeting of the House, ballot papers upon which shall be shown the names of all candidates validly nominated under paragraph (5) of this Standing Order, and shall issue not more than one such paper to each Member who comes to the Table to obtain it.

(8) The Clerk shall, at the commencement of each ballot, cause the ballot box, empty and unlocked, to be displayed to the House and shall, in the presence of the House, lock the box, which shall thereafter be kept in the full view of the House until the conclusion of the ballot.

(9) Each Member who wishes to vote shall proceed to a booth or designated area provided by the Clerk for that purpose and located next to and within reasonable distance of the ballot box and shall, whilst therein, mark the ballot paper by placing a mark in the space opposite the name of the candidate for whom the Member wishes to vote, fold the marked ballot paper before leaving the booth or area and place the folded ballot paper in the ballot box"

Provided that a Member who, before the conclusion of a ballot has marked a paper in error may, by returning it to the Clerk, obtain another in its place and the Clerk shall immediately cancel and destroy the paper so returned.

(10) The Clerk shall make such arrangements as may be necessary to enable any Member with disability to vote.

(11) When it appears to the Clerk that all Members who are present and who wish to vote have placed their ballot papers in the ballot box, the Clerk shall unlock the box, examine the ballot papers and, having rejected those unmarked or spoilt, report the result of the ballot; and no Member who has not already recorded his or her vote shall be entitled to do so after the Clerk has unlocked the ballot box.

(12) A person shall not be elected as Speaker, unless supported by votes of two-thirds of all the Members of the House and if no candidate is supported by the

votes of two-thirds of all the Members, the candidate who in that ballot receives the highest number of votes and the candidate who in the ballot receives the next highest number shall alone stand for election in a further ballot and the candidate who receives the highest number of votes on the further ballot shall be elected Speaker.

(13) A candidate may, by written notice to the Clerk, withdraw his or her name before a ballot is started, and in the event of such withdrawal, the Clerk shall cross the name of that candidate off any ballot papers issued for that or any subsequent ballot.

(14) Notwithstanding anything to the contrary hereinbefore appearing, if there is only one candidate who has been duly nominated, that candidate shall be declared forthwith to have been elected Speaker, without any ballot or minimum vote being required.

Swearing-in of Members.

5. (1) Immediately following the election of a Speaker after a General Election, the Clerk shall administer the Oath or Affirmation of Allegiance to the Speaker in the presence of the assembled House and the Speaker shall then administer the Oath or Affirmation of Allegiance to all the other Members present.

(2) At any other time, the Oath or Affirmation of Allegiance shall be administered by the Speaker immediately after Prayers.

(3) When a Member first attends to take his or her seat after the first meeting of a new House, the Member shall before taking his or her seat be escorted to the Table by two Members and presented by them to the Speaker who shall then administer to the Member the Oath or Affirmation of Allegiance.

Proceedings at the commencement of a Session other than the first Session after a General Election.

6. On the first day of a Session, other than the first Session after a General Election, the House shall meet at the time and place appointed by the President, and shall proceed with the Orders of the Day.

Summoning of the House during a Session after adjournment.

7. (1) Whenever during a Session the House stands adjourned, whether or not a day has been appointed for the next meeting, the Speaker shall, at the request of the Government or a majority of the Members of the National Assembly (excluding the ex-officio Members), appoint a day or, as the case may be, a day other than the day already appointed for the meeting of the House, and, such day having been notified to the Members, by the Speaker by notice in the Gazette the House shall meet thereon at such time as shall be appointed.

(2) On any day on which the House meets on the request of the Government under paragraph (1), the business to be transacted shall, subject to the publication of notice thereof in the Order Paper to be circulated on the day on which the House

shall so meet, be such as the Government may appoint but subject as aforesaid the House shall transact its business as if it had been duly adjourned to the day on which it shall so meet.

(3) If the request under paragraph (1), is made by Members, the Members making such request shall specify the business to be transacted on the day appointed and the business so specified shall be the only business before the House during that sitting, after which the House shall adjourn.

(4) Members making a request under paragraph (1) shall sign a register which shall be certified and kept by the Clerk.

PART III - DEPUTY SPEAKER AND CHAIRPERSON OF COMMITTEES

Election of Deputy Speaker.

8. (1) As soon as practicable after the election of the Speaker following upon a dissolution of the National Assembly, a Deputy Speaker shall be elected.

(2) If the office of Deputy Speaker falls vacant at any time before the next dissolution of the National Assembly, the House shall, as soon as practicable, elect a Member to that office.

(3) The procedure in electing a Deputy Speaker shall be the same as that prescribed in paragraphs (4) to (14) of Standing Order 4 (Election of Speaker).

Chairperson of Committees of the whole House.

9. The Deputy Speaker shall be the Chairperson of Committees and shall preside over all Committees of the whole House:

Provided that if the Deputy Speaker is absent, or if the Deputy Speaker considers that it is desirable that he or she should take part in any proceedings in Committee otherwise than as the person presiding, the Speaker shall take the Chair.

Appointment of Speakers Panel.

10. (1) At the commencement of every Session, or from time to time as necessity may arise, the Speaker shall, with the approval of the House, nominate four Members (not being Ministers) who shall be known respectively as the First, Second, Third and Fourth Chairperson of Committees, and who shall be entitled to exercise all the powers vested in the Chairperson of Committees including the powers as Deputy Speaker.

(2) The Members nominated in accordance with paragraph (1) shall constitute the Speakers Panel.

(3) In nominating the Members of the Speakers Panel, the Speaker shall have regard to the relative party majorities in the House and shall ensure, so far as shall be practicable, that at least one member of the Panel is from either gender.

PART IV- PRESIDENT

Chair of State.

11. There shall be a Chair of State in the Chamber for the President.

President entering or leaving Chamber.

12. The House shall be called to order and stand in silence whenever the President enters or leaves the Chamber.

Aide-de-Camp.

13. The President may be accompanied in the Chamber by an Aide-de-Camp.

President occupying Chair of State.

14. The President, while occupying the Chair of State-

(a) may on any day after disposal of all matters other than business and between or by way of interruption of any Orders of the Day (but not in relation to any Order of the Day), make a Presidential statement, which shall be heard in silence and not followed by any comment or question; but

(b) shall not otherwise participate in the proceedings of the House in any way.

President on front bench.

15. The President may at any time move from the Chair of State to the front Government bench, and while on that bench -

(a) may participate in the proceedings of the House in the same manner as any other Member; but

(b) shall be subject to and comply with all rules of debate and other Standing Orders of the House.

President's address from Speaker's Chair.

16. (1) The President may, on ceremonial occasions address the House from the Speaker's Chair.

(2) Whenever the President delivers a Speech or a Presidential Statement from the Speaker's Chair, the Leader of Government Business shall lay the Speech or Presidential Statement on the Table of the House after such Speech or Statement is read.

(3) The Leader of Government Business may give a notice of Motion to adopt the Speech or Presidential Statement but debate on the Speech or Statement shall not exceed four sitting days.

Visiting dignitaries.

17. (1) The Speaker may, in consultation with the Leader of Government Business, the Leader of the Official Opposition and the House Business Committee, and after hearing the representations, if any, by any Member on the matter, allow a visiting Head of State or such other dignitary, to address the House.

(2) Standing Orders 12 and 13 shall apply mutatis mutandis for visiting Heads of State or other dignitaries.

PART V - SITTINGS AND ADJOURNMENTS OF THE HOUSE

Hours of meeting.

18. (1) Unless the Speaker, for the convenience of the House otherwise directs, the House shall meet at 9.00 a.m. on Wednesday and at, 2.30 p.m. on Tuesday, Wednesday, and Thursday, but more than one sitting may be directed during the same day.

(2) Unless for the convenience of the House the Speaker or the Chairperson (as the case may be) directs earlier or later interruption of business, at 6.30 p.m. or (if it is an Allotted Day) at 7.00 p.m., on the occasion of an afternoon sitting and at 12.30 p.m. on the occasion of a morning sitting, the Speaker or the Chairperson of Committees shall interrupt the business then under consideration and if the House is in Committee the Chairperson shall leave the Chair and report progress and ask leave to sit again.

(3) Notwithstanding paragraphs (1) and (2), the House may resolve to meet at any other time on a sitting day in order to transact business.

(4) If at the time appointed for the interruption of business, any division is in progress, or a question is being put from the Chair and a division results immediately thereon, such interruption shall be deferred until after the declaration of the numbers and the result of the division.

(5) Upon the conclusion of all proceedings under paragraphs (2), (3) or (4) of this Standing Order, or upon the earlier completion or deferment of all business standing upon the Order Paper for the sitting, the Speaker shall either adjourn the House without question put, or if notice has been given of a matter to be raised upon a Motion for the Adjournment of the House under Standing Order 19 (Adjournment Motion-End of Sitting) shall call upon a Member to move "That, this House do now adjourn":

(6) Upon the conclusion of any debate arising under paragraph (5), the Speaker shall put the question "That this House do now adjourn".

Provided that, if that question has not been put at the expiration of half-an-hour after the Motion has been moved, the Speaker shall adjourn the House without question put.

Adjournment Motion-End of sitting.

19. (1) Upon any Motion "That, this House do now adjourn" moved under paragraph (5) of Standing Order 18 (Hours of meeting), any Member other than a Minister, who has obtained the right to do so, may raise any matter of administration for which the Government is responsible.

(2) Any Member who wishes to raise a matter under this Standing Order shall give notice of the matter in writing to the Speaker.

(3) Subject to the giving of notice under paragraph (2), the Speaker may allot the right to raise a matter to one Member on any sitting day by such method as he or she may think fit, but shall not allot such right on more than two sitting days in any week, nor on any Allotted Day.

(4) No member speaking on a matter under this Standing Order shall speak for more than ten minutes without the leave of the House.

Resumption of interrupted business.

20. Any debate interrupted under this Part shall on coming again before the House or the Committee be resumed at the point where it was interrupted and any Member whose speech was so interrupted shall have the right to speak on such resumption for the remainder of the time available to him or her but if such Member does not avail himself or herself of this right, his or her speech shall be deemed to have been concluded.

Adjournment on definite matter of urgent national importance.

21. (1) Any Member may at any time rise in his or her place and seek leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent national importance.

(2) A Member who wishes to seek leave to move the adjournment of the House shall, at least two hours before the commencement of the sitting, hand to the Speaker a written notification of the matter but the Speaker shall refuse to allow the claim unless the Speaker is satisfied that the matter is definite, urgent and of national importance and may properly be raised on a Motion for adjournment of the House.

(3) If the Speaker is satisfied in terms of paragraph (2) and not less than fifteen other Members rise in their places in support, the Speaker shall nominate a time on the same day at which such Motion may be moved.

(4) No Member speaking on a matter under this Standing Order shall speak for more than five minutes without the leave of the House except that the Mover and one responder may speak for ten minutes each.

(5) The moving of a Motion under this Standing Order shall not prejudice the moving of a motion under Standing Order 18 (Hours of Meeting) during the same sitting.

Members' Half- Hour Statements.

22. (1) Notwithstanding Standing Order 18, (Hours of Meeting) the Speaker shall interrupt the business of the House every Thursday at 6.00 p.m. (or 7.00 p.m. if it is an Allotted Day) to facilitate Members' Half-Hour-Statements.

(2) A Member who wishes to seek leave to raise a matter under this Standing Order shall, before 3.00 p.m. on the day the statement is to be made, hand to the Speaker a written notification of the matter, but the Speaker shall refuse to allow the request unless satisfied that the matter may properly be discussed in the House.

(3) Where the statement by the member shall require a response from the Government, the notification under paragraph (2) shall be given to the Speaker before 1.00 p.m.

(4) No member making a statement under this Standing Order shall speak for more than three minutes without leave of the House

Adjournment of debate.

23. (1) A Member who wishes to postpone to some future occasion the further discussion of a question which has been proposed from the Chair may claim to move "That, the debate be now adjourned", or, in Committee of the whole House "That, the Chairperson do report progress".

(2) The debate on a dilatory Motion shall be confined to the matter of the Motion.

(3) If the Speaker is of the opinion that a dilatory Motion is an abuse of the proceedings of the House, the Speaker may forthwith put the question thereon or decline to propose it.

(4) A Member who has moved or seconded a dilatory Motion which has been negatived may not subsequently move or second another such Motion during the same debate, whether in the House or in Committee of the whole House.

Adjournment to a day other than the next normal sitting day.

24. On a day when the House is desired to adjourn to a day other than the next normal sitting day a Minister may move a Motion "That, this House do now adjourn (*sine die* or to a specified day)".

Adjournment of the House.

25. (1) A Member may at any time, for reasons stated, seek leave to move "That, this House do now adjourn."

(2) If the Speaker is of the opinion that such Motion for adjournment of the House is frivolous, vexatious, or an abuse of the proceedings of the House, the Speaker may forthwith put the question thereon or decline to propose it.

(3) The debate on a Motion under this Standing Order shall be confined to the matter of the Motion.

PART VI - QUORUM OF THE HOUSE

Quorum.

26. A quorum of the House or of a Committee of the whole House shall be thirty (30) Members excluding the Member presiding.

Procedure where Quorum not present.

27. (1) If at any time after the business of the House has commenced, or when the House is in Committee, any Member objects that there is not a quorum present, the Speaker or the Chairperson shall count the House or the Committee as the case may be.

(2) If on the first count a quorum does not appear to be present, the Speaker or the Chairperson shall cause the division bell to be rung as on a division, and if no quorum is present before the expiration of eight minutes from the commence of such further time as the Speaker may consider reasonable, announce to the House, or to the Committee as the case may be, that, there is not a quorum present and shall proceed as follows:

(a) If the Speaker is in the Chair, he or she shall adjourn the House without question put until the next sitting.

(b) If the House is in Committee, the Chairperson shall leave the Chair and report the fact to the Speaker, who shall adjourn the House without question put until the next sitting.

(3) Whenever the Speaker or the Chairperson, as the case may be, is engaged in counting the House or the Committee respectively, the doors shall remain unlocked.

(4) If, from the number of Members taking part in a division, it appears that they do not themselves constitute a quorum, the division shall be invalid and the business then under consideration shall stand over until the next sitting and the Speaker shall proceed as if his or her attention had been drawn to the absence of a quorum, but if after so proceeding a quorum is then present, the next business shall be entered upon.

PART VII - JOURNALS AND RECORDS

Journals of the House.

28. All votes and proceedings of the House shall be noted by the Clerk and shall constitute the Journals of the House.

Custody of Journals and Records.

29. (1) The custody of the Journals and Records, whether audio, electronic or any other form, including all papers and accounts howsoever presented to or belonging to the House, shall be vested in the Clerk, who shall unless otherwise prohibited by any law, allow their access by the public.

(2) The Speaker may make rules to regulate the access by the public to Journals and Records under paragraph (1).

Hansard reports.

30. (1) There shall be published a verbatim report of all proceedings of the House, unless the Speaker is satisfied that this is rendered impossible by some emergency.

(2) Every Member shall have an opportunity to correct the draft verbatim report of the Member's contribution, but not so as to alter the substance of what the Member actually said (as to which the Speaker shall, in case of doubt, determine).

Secret or personal matters.

31. The Speaker may direct any matter which, in the Speaker's opinion, is secret or purely personal to be excluded from the Journals of the House and from the verbatim report of proceedings of the House, and to be the subject of a separate verbatim report, which shall be kept in the custody of the Clerk and made available only to Members.

Broadcast of House Proceedings.

32. (1) The proceedings of the House may be broadcast.

(2) The broadcasting of the proceedings of the House shall comply with the Regulations set out in the First Schedule.

PART VIII - ORDER OF BUSINESS

Order Paper to be prepared and circulated.

33. (1) The Order Paper shall be prepared by the Clerk, showing the business to be placed before or taken by the House in the order in which it is to be taken, together with such other information as the Speaker may from time to time direct to be shown therein.

(2) The Order Paper shall be placed in each Member's pigeon hole at least twelve hours before the House meets but a supplementary Order Paper shall be made available at least one hour before the House meets.

(3) The Clerk shall prepare and publish on the parliamentary website weekly programmes showing the business of the House and the schedule of sittings of the various committees and shall circulate such programmes to Government ministries, Members and the media not later than the Friday of the week preceding such business.

Order of proceedings.

34. (1) Each day after Prayers have been said, the House shall proceed with the Orders of the Day as follows:

(a) Matters other than business -

- (i) Administration of Oath;
- (ii) Communication from the Chair;
- (iii) Petitions;
- (iv) Papers;
- (v) Notices of Motion;
- (vi) Questions;
- (vii) Statements;

(b) Business as set down on the Order Paper.

(2) Business shall be disposed of in the sequence in which it appears in the Order Paper or in such other sequence as the Speaker may, for the convenience of the House, direct.

(3) A Member who wishes to make or request for a statement under paragraph 1(a) (vii) shall notify the Chair of the substance of the statement to be made, at least one hour before the sitting of the House.

(4) The Leader of Government Business shall, every Thursday or the last sitting day of the week before commencement of business, for not more than fifteen minutes, present and lay on the Table, a statement informing the House of the business coming before the House in the following week.

(5) The statement of the Leader of Government Business under paragraph (4) shall not be subject to debate.

Attendance of or messages from the President.

35. (1) Whenever the Speaker has been informed that the President will attend a sitting of the House in order to address the National Assembly on a specified day and at a given time, then on that day no Motion for the adjournment of the House shall be made before the time for which the President's arrival has been notified.

(2) The Speaker shall as soon as he or she has taken the Chair and before the Clerk reads any orders of the day, except the Administration of the Oath, read to the House any message from the President delivered to the Speaker for communication to the House.

Government business.

36. (1) The Government shall have the right to have its business placed on the Order Paper in such sequence as the it may determine:

Provided that, subject to Standing Order 7 (Summoning the House during a Session after adjournment), on every Wednesday morning on which the House sits,

business other than Government Business, shall have precedence except for business of the Financial Statement on Annual Estimates.

(2) Unless the House resolves otherwise, on Wednesday morning-

- (a) Bills sponsored by Parties, Committees or Members other than Ministers shall take precedence in that order;
- (b) Bills not sponsored by the Government or by a party shall have precedence over all other business in such order as the party whips may, in consultation with the Speaker, determine;
- (c) a Motion sponsored by a party shall have precedence over all other Motions on such day or as the House Business Committee, in consultation with the Speaker, may determine, but where a party has sponsored two or more Motions, the Motions shall be considered in such order as the sponsoring party may determine;
- (d) a Motion not sponsored by the Government or by any party shall have precedence over all other business in such order as the party whips, in consultation with the Speaker, may determine.

Orders of the Day to be read without Question put.

37. The Speaker shall direct the Clerk to read the Orders of the Day without question put.

PART IX - PRIME MINISTER'S TIME

Time allocated to the Prime Minister.

38. (1) Notwithstanding Standing Order 33 (Order of Business), there shall be time, to be designated the Prime Minister's time, commencing at 3.00 p.m. every Wednesday.

(2) During the Prime Minister's Time-

- (a) the Prime Minister may make a statement, or
- (b) questions may be put to the Prime Minister

relating to matters of Government policy or the general performance of the Government and Government agencies.

(3) In the absence of the Prime Minister, a Deputy Prime Minister designated by the Prime Minister may make a statement or answer questions under this Part.

(4) The Prime Minister's time shall not exceed forty-five minutes.

PART X - QUESTIONS

Questions to Ministers.

39. (1) Questions may be put to a Minister relating to public affairs with which the Minister is officially connected, to proceedings in the House or to any matter of administration for which the Minister is responsible.

(2) A Question shall be of a genuinely interrogative character and its purpose shall be limited to seeking information or pressing for action.

(3) A Question shall not be made the pretext for a debate.

Notices of Questions.

40. (1) Notices of Questions shall be given by Members in writing to the Clerk and such notice shall state whether the Member desires an oral or a written answer.

(2) Questions which in the opinion of the Speaker are of an urgent character and relate either to matters of public importance or to the arrangement of business may also be asked of a Minister after private notice and shall be answered not later than the next sitting day following such notice.

(3) Every Question shall be submitted by the Clerk to the Speaker for approval.

(4) If the Speaker is of the opinion that any Question of which a Member has given notice to the Clerk is one which infringes any of these Standing Orders, the Speaker may direct -

(a) that it be not asked except with such alterations as the Speaker may direct; or

(b) that the Member concerned be informed that the Question is inadmissible.

(5) When the Speaker directs that a Question is in order, the Clerk shall as soon as possible forward the Question to the Minister to whom it is directed and the Minister shall, within five days of receipt of the Question, submit a written reply to the Clerk.

(6) A Question may be placed on the Order Paper for oral reply at any time after the expiry of five days after it is forwarded to the Minister.

(7) If a Question placed on the Order Paper is not reached, the Question shall take precedence in the next sitting, unless the Speaker otherwise directs.

(8) Upon receiving a Question for oral reply, the Minister shall within the period specified in paragraph (5) submit to the Clerk fifteen copies of the reply and shall be required to appear in the House to reply on the designated day.

(9) The Clerk shall avail copies of the reply under paragraph (8) and shall post such reply on the parliamentary website on the same day.

(10) In this Standing Order, "Question for oral reply" means a question the answer to which is required to be given orally on the floor of the House.

Contents of Questions.

41. (1) Except as the Speaker may otherwise allow, a Question shall not be in effect a speech or limited to give information or framed so as to suggest its own answer or to convey a particular point of view.
- (2) The facts on which a Question is based may be set out briefly, provided the Member takes responsibility for their accuracy, but extracts from newspapers or quotations from speeches shall not be admissible.
- (3) A Question shall not contain any argument, inference, opinion, imputation or ironical or offensive expression or epithet.
- (4) A Question shall not repeat in substance any Question already answered either as a Question or in the course of a debate during the same Session.
- (5) Not more than one subject shall be referred to in any one Question, and a Question shall not be of excessive length.
- (6) A Question shall neither include the name of any person or any statement not strictly necessary to render the Question intelligible, nor shall it contain any allegation, which the Member asking the Question is not prepared to substantiate.
- (7) A Question shall not seek an expression of opinion.
- (8) A Question shall not raise a matter of policy too large to be dealt with within the limits of an answer to a Question.
- (9) A Question shall not be asked which makes or implies any allegation of a personal nature or which reflects upon the conduct of any person whose conduct can only be challenged upon a substantive Motion or upon the conduct of any other person otherwise than in the person's official or public capacity.
- (10) Reference shall not be made in a Question to any particular matter which is *sub judice*, and in determining whether a matter is *sub judice*, Standing Order 78 shall apply.
- (11) A Question shall not seek information which, by operation of any written law, is secret.
- (12) A Question, the answer to which is readily available in ordinary works of reference or official publications, shall not be asked.
- (13) A Question shall not ask whether any statement in the press or of a private individual or unofficial body, other than a report of something written or said by a Minister or civil servant is accurate.
- (14) A Question shall not refer discourteously to any friendly country, nor to any Head of State or Government or the representative in Kenya of any friendly country.

(15) A Question shall not refer to proceedings of a Select Committee before that Committee has made its report to the House.

Supplementary Questions.

42. (1) Any Member may ask a Supplementary Question for the purpose of elucidating the answer given to the original Question, but a Supplementary Question must not introduce matters not related to the original Question.

(2) Standing Order 41 (Contents of Questions) shall apply mutatis mutandis to Supplementary Questions.

Written Answers.

43. (1) If a Member indicates that he or she desires only a written answer to a Question, six copies of the answer shall be delivered to the Clerk within ten days after the day on which it was forwarded to the Minister and the Clerk shall cause it to be circulated in the Official Report of the House Debates on the next sitting day following the day on which the answer is received or as soon as possible thereafter.

(2) If the indication under paragraph (1) is given on a day when the House is on recess, the Clerk shall cause the answer to be included in the Official Report of the House Debates for the first day when the House sits next.

Failure to ask or answer Question.

44. It shall be disorderly conduct for a Member to fail to ask or answer a question listed on the Order Paper without the leave of the Speaker.

PART XI -MOTIONS AND AMENDMENTS

Notices of Motions.

45. (1) Except as otherwise provided by these Standing Orders, notice shall be given by a Member of any Motion which the Member proposes to move.

(2) Before giving notice of Motion, the Member shall deliver to the Clerk a copy of the proposed Motion in writing and signed by the Member; and the Clerk shall submit the proposed Motion to the Speaker.

(3) If the Speaker is of the opinion that any proposed Motion -

(a) is one which infringes, or the debate on which is likely to infringe, any of these Standing Orders; or

(b) is contrary to the Constitution, without expressly proposing appropriate amendment of the Constitution; or

(c) is too long; or

- (d) is framed in terms which are inconsistent with the dignity of the House;
or,
- (e) contains or implies allegations which the Speaker is not satisfied that the Mover can substantiate; or
- (f) calls for the commitment of public funds for which no provision is made in the Annual Estimates as adopted by the National Assembly;

the Speaker may direct either that, the Motion is inadmissible, or that notice of it cannot be given without such alteration as the Speaker may approve.

(4) A Member giving notice of a Motion approved by the Speaker shall state its terms to the House if such Member is a Minister or if the original copy received by the Clerk has been certified by a party leader or party whip for sponsorship by the Member's party.

(5) Notice of an approved Motion other than those under paragraph (4) shall be given to Members by means of a list to be published in such manner as the Speaker may from time to time direct and the Member giving such notice shall state its terms to the House only if and when the Motion has acquired precedence in accordance with Standing Order 36 (Government business), but at least one day before the Motion appears on the Order Paper.

Amendment of Notice of Motion.

46. (1) The Speaker may permit a Member to move in amended form a Motion of which notice has been given if in the opinion of the Speaker the amendment does not materially alter any principle embodied in the Motion of which notice has been given.

Certain Motions not to be moved.

47. No Motion may be moved which is the same in substance as any question which has been resolved (either in the affirmative or in the negative) during the preceding six months in the same Session:

Provided that a Motion to rescind the decision of such a question may be moved with the permission of the Speaker.

Time for moving Motions.

48. (1) Every Motion approved by the Speaker shall be allotted time.

(2) A Member who has a Motion standing in his or her name may authorise in writing some other Member to move that Motion in the Member's stead.

(3) Where no Member moves a Motion at the time prescribed therefor by or under these Standing Orders, such Motion shall not again be published in the Order Paper during the same Session except with the leave of the Speaker.

Motion withdrawn may be moved again.

49. A notice of Motion may be withdrawn by the Member who gave the notice, but notice of the same Motion may be given again either by the same or by any other Member.

Motions which may be moved without Notice.

50. The following Motions may be moved without notice:

- (a) Motion by way of amendment to a question already proposed from the Chair;
- (b) Motion for the adjournment of the House or of a debate;
- (c) Motion for the withdrawal of strangers;
- (d) Motion that the House do dissolve itself into a Committee of the whole House;
- (e) Motion moved when the House is in Committee;
- (f) Motion for the suspension of a Member;
- (g) Motion made in accordance with the Standing Orders governing the procedure as to Bills;
- (h) Motion for the agreement of the House with a Committee of the whole House in a resolution reported, or for the re-committal thereof or for the postponement of the further consideration thereof;
- (i) Motion raising a question of privilege;
- (j) Motion for the orders of the House under these Standing Orders;
- (k) Motion made under Standing Order 214 (Exemption of business from Standing Orders);
- (l) Motion made for the limitation of a debate under Standing Order 85;

Manner of debating Motions and Amendments thereto.

51. (1) When a Motion has been moved and if necessary seconded, the Speaker shall propose the question thereon in the same terms as the Motion, and debate may then take place upon that question.

(2) At the conclusion of the debate, the Speaker shall put the question.

(3) Any amendment to the Motion which a Member wishes to propose in accordance with these Standing Orders may be moved and if necessary seconded

at any time after the question upon the Motion has been proposed and before it has been put and when every such amendment has been disposed of, the Speaker shall either again propose the question upon the Motion or propose the question upon the Motion as amended as the case may require, and after any further debate which may arise thereon, shall put the question.

(4) Upon any amendment to leave out any of the words of the Motion, the question to be proposed shall be "That, the words proposed to be left out be left out".

(5) Upon any amendment to insert words in, or add words at the end of a Motion, the question to be proposed shall be "That, the words [of the amendment] be inserted" (or "added").

(6) Upon any amendment to leave out words and insert or add other words instead, a question shall first be proposed "That, the words proposed to be left out be left out of the question", and if that question is agreed to, the question shall then be proposed, "That, the words [of the amendment] be therein inserted" (or "added"), but if the first question is negatived, no further amendment may be proposed to the words which it has been decided shall not be left out.

(7) When two or more amendments are proposed to be moved to the same Motion, the Speaker shall call upon the movers in the order in which their amendments relate to the text of the Motion, or in cases of doubt in such order as the Speaker shall decide:

(8) No amendment may be moved which relates to any words which it has been decided shall not be left out of a Motion.

(9) An amendment to an amendment may be moved and if necessary seconded at any time after the question upon the original amendment has been proposed and before it has been put.

(10) Paragraphs (4), (5), (6), (7) (8) and (9) of this Standing Order shall apply to the debate of amendments to amendments with the substitution whenever appropriate of the words "original amendment" for the word "question".

(11) When every amendment to an amendment has been disposed of, the Speaker shall either again propose the question upon the original amendment or propose the question upon the original amendment as amended as the case may require.

Amendments to be in writing.

52. The proposer of an amendment shall, before moving it, hand the proposed amendment in writing, signed by the proposer, to the Clerk.

Amendments to be relevant to Motion.

53. (1) Every amendment shall be relevant to the question which it seeks to amend and shall not raise any question which, in the opinion of the Speaker, should be raised by a substantive Motion after notice given.

(2) No amendment shall be permitted if in the opinion of the Speaker, it represents a direct negative of the question proposed.

Question proposed after Motion made.

54. The question on any Motion shall not be proposed unless it shall have been seconded and any Motion that is not seconded shall be deemed to have been withdrawn, and shall not be moved again in the same Session:

Provided that a Motion made in Committee shall not require to be seconded.

Motion in possession of the House.

55. After the question has been proposed on a Motion, the Motion shall be deemed to be in the possession of the House, and cannot be withdrawn without the leave of the House.

Question as amended put.

56. When a question has been amended it shall, when put, be put as amended.

When amendment proposed but not made.

57. When any amendment has been proposed but no amendment has been made, the question when put shall be put as originally proposed.

PART XII- DIVISIONS

Division claimed.

58. (1) The Speaker shall direct a division to be taken if a Member claims a division and -

(a) the Speaker considers that there is a reasonable doubt as to the outcome of the vote in question; or

(b) if, on a question other than a question of procedure, twenty or more further Members rise in their places to support the Member claiming the division.

(2) The Speaker shall direct a division to be taken in every instance where the Constitution lays down that a fixed majority is necessary to decide any question.

Division Bell rung and doors to be locked.

59. (1) When the Speaker directs a division to be taken, the Division Bell shall be rung for eight minutes.

(2) The names of two tellers for the "Ayes" and two tellers for the "Noes" shall be submitted to the Speaker.

(3) At the end of eight minutes, the Speaker shall direct the doors to be locked and the Bar drawn and no Member shall thereafter enter or leave the House until after the division has been taken.

Direction of Ayes and Noes.

60. (1) When the doors have been locked and the Bar drawn and the names of the tellers have been announced, the Speaker shall put the question again and then direct the "Ayes" into the lobby on the right and the "Noes" similarly to the left and the doors of each lobby shall be locked ten minutes thereafter.

(2) The Speaker or the Chairperson of the Committee shall, after fifteen minutes, or such further interval after the locking of the lobby doors as the Speaker or the Chairperson of the Committee may determine; call the House to Order, and any Member who shall not have voted then shall forfeit the right to vote and shall be deemed to have abstained from voting.

(3) The Clerk shall record the name of any Member who is deemed to have abstained from voting under paragraph (2).

Obligation to vote.

61. (1) No Member shall be obliged to vote in a division, but those present but not voting shall record their abstention with the Clerk.

(2) It shall be disorderly conduct for a Member to fail to record his or her abstention in a division.

Original vote.

62. Every Member, other than the substantive Speaker or the Attorney- General, shall be entitled to vote in a division, even though the Member is in the Chair.

Casting vote.

63. Whenever there is an equality of votes on any question not requiring a special majority, the Speaker (including any other Member in the Chair) shall have a casting vote.

In case of confusion or error.

64. In case of confusion or error occurring in the course of a division concerning the numbers or names recorded, which cannot otherwise be corrected, the Speaker shall direct the House to proceed to another division.

Errors corrected.

65. If, after a division has been made, it is discovered that the number has been inaccurately reported or that an error has occurred in the names on the division lists, the facts shall be reported to the House and the Speaker shall direct that the necessary corrections be made.

Instances where Constitution requires a fixed majority.

66. (1) In every instance where the Constitution lays down that a fixed majority is necessary to decide any question the House shall not proceed to a division on that question unless and until a number of Members equivalent to such fixed majority is present at the time for directing the division;

(2) If a division on the question on a Bill to alter the Constitution results in a majority of "Ayes", but less than sixty-five per cent of all the members of the House (excluding the *ex officio* members) and the "Noes" have not numbered thirty-five per cent of all the Members of the House or more, the Speaker may direct one further division on the same question to be held within seven days from the date of that first division; but if the Speaker does not so direct any further division, or if on such further division the fixed majority is not obtained, the Speaker shall declare that the Motion is negatived.

PART XIII-RULES OF DEBATE

Proceedings to be in Kiswahili or English.

67. All proceedings of the House shall be conducted either in Kiswahili or in English.

Provided that a Member who begins a speech in either of these languages shall continue in the same language until conclusion of the speech.

Members to address the Speaker.

68. Every Member desiring to speak shall rise and address the Speaker.

Two or more Members rising to speak.

69. If two or more Members rise at the same time, the Member called upon by the Speaker shall be entitled to speak.

Speeches may not be read.

70. No Member shall read a speech but a Member may read short extracts from written and printed papers in support of an argument and may refresh memory by reference to notes:

Provided that the Speaker may allow a Member to read a speech in particular cases where the Speaker is satisfied that this is necessary for precision in statement of facts.

No Member to speak after Question put.

71. No Member shall speak to any question after the same has been put by the Speaker.

Speaking twice to a Question.

72. (1) No Member shall speak more than once to a question except in Committee of the whole House:

Provided that -

- (i) a Member who has spoken on a question may again be heard to offer explanation of some material part of the Member's speech which has been misunderstood but must not introduce new matter;
- (ii) a reply shall be allowed to a Member who has moved a substantive Motion but not to a Member who has moved an amendment.

(2) The mover of a substantive Motion may surrender all or part of his or her right to reply to another Member or Members nominated by him or her who has not already spoken to such Motion.

Point of Order.

73. (1) Any Member may rise on a point of order at any time during the speech of another Member stating that the Member rises on a point of order:

Provided that the Speaker may require that the Member rising on a point of order indicate the Standing Order upon which the point of order is based.

(2) When a Member rises on a point of order during the speech of another Member, the Member who was speaking shall thereupon resume his or her seat and the Member rising to the point of order shall do likewise when he or she has concluded his or her submission, but no other Member may, except by leave of the Speaker, speak on the point of order.

(3) The Speaker shall either give a decision on the point of order forthwith or announce that the decision is deferred for consideration after which the Member who was speaking at the time the point of order was raised may continue to speak.

(4) The Speaker or the Chairperson shall order any Member who unnecessarily and persistently interrupts proceedings or consults loudly and disruptively to withdraw from the Chamber and Standing Order 95 shall apply to any such Member.

Personal statements.

74. By indulgence of the House a Member may explain matters of a personal nature although there is no question before the House, but such matter may not be debated.

Anticipating debate.

75. (1) It shall be out of order to anticipate the debate of a Bill which has been published as such in the *Gazette* by discussion upon a substantive Motion or an amendment, or by raising the subject matter of the Bill upon a Motion for the adjournment of the House.

(2) It shall be out of order to anticipate the debate of a Motion of which notice has been given by discussion upon a substantive Motion or an amendment, or by raising the same subject matter upon a Motion of the adjournment of the House.

(3) In determining whether a debate is out of order on the grounds of anticipation, regard shall be had to the probability of the matter anticipated being brought before the House within a reasonable time.

Proceedings of Select Committees not to be referred to.

76. No Member shall refer to substance of the proceedings of a Select Committee before the Committee has made its report to the House.

Contents of speeches.

77. (1) Neither the personal conduct of the President, nor the conduct of the Speaker or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the Head of State or Government or the representative in Kenya of any friendly country shall be referred to adversely except upon a specific substantive Motion of which at least three days notice has been given.

(2) It shall be out of order to introduce an argument on any specific question upon which the House has taken a decision during the same Session except upon a Motion to rescind that decision made with the permission of the Speaker.

(3) It shall be out of order to use offensive or insulting language whether in respect of Members of the House or other persons.

(4) No Member shall impute improper motive to any other member except upon a specific substantive Motion of which at least three days' notice has been given calling in question the conduct of that Member.

Matters *sub judice* or secret.

78. (1) Subject to paragraph (5), no Member shall refer to any particular matter which is *sub judice* or which, by the operation of any written law, is secret.

(2) A matter shall be considered to be *sub judice* when it refers to active criminal or civil proceedings and the discussion of such matter is likely to prejudice its fair determination.

(3) In determining whether a criminal or civil proceeding is active, the following shall apply-

(a) criminal proceedings shall be deemed to be active when a charge has been made or a summons to appear has been issued;

(b) criminal proceedings shall be deemed to have ceased to be active when they are concluded by verdict and sentence or discontinuance;

- (c) civil proceedings shall be deemed to be active when arrangements for hearing, such as setting down a case for trial, have been made, until the proceedings are ended by judgment or discontinuance;
- (d) appellate proceedings whether criminal or civil shall be deemed to be active from the time when they are commenced by application for leave to appeal or by notice of appeal until the proceedings are ended by judgment or discontinuance.

(4) A Member alleging that a matter is *sub judice* shall provide evidence to show that paragraphs (2) and (3) are applicable.

(5) Notwithstanding this Standing Order, the Speaker may allow reference to any matter before the House or a Committee.

Declaration of interest.

79. A Member who wishes to speak on any matter in which the Member has a personal interest shall first declare that interest.

Responsibility for statement of fact.

80. A Member shall be responsible for the accuracy of any facts which the Member alleges to be true and may be required to substantiate any such facts instantly. If the Member has sufficient reason to convince the Speaker that the Member is unable to substantiate the allegations instantly, the Speaker shall require that such a member substantiates the allegations not later than the next sitting day, failure to which the Member shall be deemed to be disorderly within the meaning of Standing Order 95 unless the member withdraws the allegations and gives a suitable apology, if the Speaker so requires.

Member who has spoken to question may speak to amendment.

81. Where an amendment has been moved, and if necessary seconded, any Member who has already spoken to the main question may speak to the amendment, and any Member who has not spoken to the main question but speaks to the amendment does not thereby forfeit the right to speak to the main question.

Debate on amendment confined to amendment.

82. Where an amendment has been moved, and if necessary seconded, debate shall be confined to the amendment:

Provided that, the Speaker may, direct that the debate on the amendment may include debate on the matter of the Motion where, in the Speaker's opinion, the matter of the amendment is not conveniently severable from the matter of the Motion, and where the Speaker does so direct a Member who speaks to the amendment shall not be entitled, after the amendment has been disposed of, to speak to the Motion, and any Member who has already spoken to the Motion may in speaking to the amendment speak only to any new matter raised thereby.

Reserving rights of speech.

83. Upon a Motion, other than a Motion by way of amendment to a question proposed by the Speaker, a Member may second by rising in his or her place and signifying acquiescence by bowing the head, without speaking, and such Member shall thereby reserve the same rights of speech as the Member would have had if some other Member had seconded such Motion.

Closure of debate.

84. (1) After the question on a Motion the Mover of which has a right of reply has been proposed, a Member rising in his or her place may claim to move "That, the Mover be now called upon to reply", and, unless the Speaker is of the opinion that such Motion is an abuse of the proceedings of the House, or an infringement of the rights of Members, the question "That, the Mover be now called upon to reply", shall be put forthwith, and decided without amendment or debate and if that question is agreed to, the Mover may, immediately reply to the debate, and as soon as the Mover has concluded or, if the Mover does not wish to reply, immediately, the Speaker shall put the question.

(2) After the question on a Motion the Mover of which has no right of reply has been proposed, a Member rising in his or her place may claim to move "That, the question be now put", and, unless the Speaker is of the opinion that such a Motion is an abuse of the proceedings of the House, or an infringement of the rights of Members, the question "That, the question be now put", shall be put forthwith, and decided without amendment or debate and if that question is agreed to, the Speaker shall immediately put the question accordingly.

PART XIV- LIMITATION OF DEBATE

Limitation of debate.

85. (1) The House may, on a Motion made by any Member in accordance with this Standing Order, impose a limit in respect of debate on any particular Motion or Bill by allotting a limited period of time for such debate or by limiting the time during which Members may speak in such debate or by imposing both such limitations.

(2) A Motion for limitation of debate under this Standing Order may be made without notice:

Provided that such Motion shall not be made in the course of the debate to which it refers unless it is moved after adjournment of such debate and before the debate is resumed.

(3) The time during which Members may speak in a debate on Bills shall be limited as follows: -

(a) In a debate of Public Bills -

- (i) the Leader of Government Business, designated Minister or any other Member when moving: not more than sixty (60) minutes; when replying: not more than sixty (60) minutes;

- (ii) the Leader of the Official Opposition Party or the designated opposition spokesperson, when submitting the official position: a maximum of sixty (60) minutes; and
- (iii) the Chairperson or designated Member of the relevant Committee: a maximum of Thirty (30) Minutes,
- (iv) every other Member, when speaking to the Bill: a maximum of twenty (20) minutes.

(b) In a debate of Private Bills -

- (i) the Member initiating the Bill, when Moving: not more than sixty (60) minutes: when replying not more than sixty (60) minutes;
- (ii) the designated Minister in submitting the official response: a maximum of sixty (60) minutes;
- (iii) the Chairperson or designated Member of the relevant Committee: a maximum of Thirty (30) Minutes; and
- (iv) every other Member when speaking to the Bill, a maximum of twenty (20) minutes.

(4) The time during which Members may speak in a debate to Sessional Papers or Reports of Committees shall be limited as follows:

(c) In a debate on Sessional Papers -

- (i) the Leader of Government Business, designated Minister or any other Member when moving: not more than sixty (60) minutes: when replying not more than twenty (20) minutes;
- (ii) the Leader of the Official Opposition Party or a Spokesperson thereof, in submitting the official position: a maximum of sixty (60) minutes;
- (iii) the Chairperson or designated Member of the relevant Committee: a maximum of Thirty (30) Minutes; and,
- (iv) every other Member, when speaking to the Sessional Paper: a maximum of twenty (20) minutes.

(d) In a debate on Reports of Committees -

- (i) the Chairperson of the Committee or designated Member of the Committee, when moving: not more than sixty (60) minutes: when replying not more than twenty (20) minutes;

- (ii) the Leader of Government Business or designated Minister, in submitting the official position: a maximum of thirty (30) minutes;
- (iii) the Leader of the Official Opposition Party or Spokesperson thereof: a maximum of thirty (30) minutes; and
- (iv) every other Member when speaking to the Report: a maximum of twenty (20) minutes.

(4) In this Standing Order "designated Minister" means the Minister in charge of the Bill, Sessional Paper or committee report to which the debate in the House relates.

PART XV - ORDER IN THE HOUSE AND IN COMMITTEE OF THE WHOLE HOUSE

Maintenance of order.

86. Order shall be maintained in the House by the Speaker and in a Committee of the whole House by the Chairperson of such Committee; but disorder in Committee may be censured only by the House on receiving a report thereof.

Security checks.

87. A Member shall be subjected to a security check or screening before entering the chamber.

Firearms and other offensive weapons.

88. No Member shall bring any offensive weapon into the Chamber and any such weapon must be deposited with the Sergeant-at-Arms for safe custody, and collected at the time of leaving.

Lady Members' handbags.

89. A lady Member may be allowed into the Chamber with a handbag of reasonable size.

When the Speaker rises Members to be silent.

90. Whenever the Speaker or the Chairperson of Committees rises, any Member then speaking, or offering to speak, shall sit down and the House or the Committee shall be silent, so that the Speaker or the Chairperson of Committees may be heard without interruption.

Members and the Chair.

91. (1) Every Member shall bow to the Chair in passing to or from his or her seat or across the Floor of the House but, if need be, a Member may show respect in any other manner consistent with the Member's faith and with the dignity of the House.

(2) No Member shall pass between the Chair and any Member who is speaking or between the Chair and the Table except in so far as it is necessary for the purpose of the administration of Oath or affirmation of Allegiance.

Members to be seated.

92. Except when passing to and from his or her seat or when speaking, every Member when in the Chamber shall be seated, and shall not at any time stand in any of the passages and gangways.

Members to remain in their places until the Speaker has left the Chamber.

93. When the House adjourns, Members shall stand in their places until the Speaker has left the Chamber.

Irrelevance or repetition.

94. The Speaker or the Chairperson of Committees, after having called attention to the conduct of a Member who persists in irrelevance or tedious repetition either of the Member's own arguments or the arguments used by other Members in debate, may, after having first warned him or her direct that member to discontinue his or her speech.

Disorderly conduct.

95. (1) Conduct is grossly disorderly if the Member concerned-

- (a) creates actual disorder; or
- (b) knowingly raises a false point of order; or
- (c) uses or threatens violence against a Member or other person; or
- (d) persists in making serious allegations without, in the Speaker's opinion, adequate substantiation; or
- (e) otherwise abuses his or her privileges; or
- (f) deliberately gives false information to the House; or
- (g) refuses to answer a legitimate Question by a Member; or
- (h) votes more than once in breach of these Standing Orders; or
- (i) commits any serious breach of these Standing Orders; or
- (j) acts in any other way to the serious detriment of the dignity or orderly procedure of the House.

(2) The Speaker or the Chairperson of Committees shall order any Member whose conduct is grossly disorderly to withdraw immediately from the precincts of the Assembly, either-

(a) for the remainder of that day's sitting; or

(b) for a period not exceeding two sitting days, including the day of suspension

but if on any occasion the Speaker or the Chairperson deems that his or her powers under this Standing Order are inadequate, the Speaker or the Chairperson may name such Member or Members, in which event the procedure prescribed in Standing Order 96 shall be followed.

Member may be suspended after being named.

96. (1) Any Member may at any time, on a point of order invite the Speaker or the Chairperson of Committees to name another Member for grossly disorderly conduct, but the decision whether or not to do so shall remain with the Speaker or Chairperson.

(2) Whenever a Member shall have been named by the Speaker or by the Chairperson, then -

(a) if the breach has been committed by such Member in the House, a Motion shall be made by any other Member present "That, such Member (naming the Member) be suspended from the service of the House", and the Speaker shall forthwith put the question thereon, no amendment, adjournment, or debate being allowed;

(b) if the breach has been committed in a Committee of the whole House, the Chairperson shall forthwith leave the Chair and report the circumstances to the House; and the Speaker shall on a Motion as aforesaid being made, forthwith put the question, no amendment, adjournment or debate being allowed, as if the offence had been committed in the House itself.

Member suspended to withdraw from precincts of the Assembly.

97. (1) Whenever a member has been named in accordance with Standing Order 96, the Speaker shall order the Member to withdraw from the Chamber and the precincts of the Assembly.

(2) Any Member who is ordered to withdraw under Standing Order 95 or who is suspended from the service of the House under Standing Order 96 shall forthwith withdraw from the precincts of the Assembly and shall during the period of such withdrawal or suspension (except during a recess) forfeit the right of access thereto.

(3) Any Member who demonstrates or makes disruptive utterances against the suspension of a named Member shall be deemed to be disorderly in accordance with Standing Order 95.

Time during which Member may be suspended.

98. (1) If any Member is suspended under Standing Order 96 the suspension on the first occasion shall be for four days including the day of suspension; on the second occasion during the same Session for eight days, including the day of suspension; and on the third or any subsequent occasion during the same Session for twenty-eight days, including the day of suspension.

(2) For the purpose of this Standing Order "day" means a day upon which the House sits.

(3) A member who is suspended from the sittings of the House shall forfeit all allowances during the period of such suspension.

Action to be taken on refusal to withdraw.

99. If any Member shall refuse to withdraw when required by or under these Standing Orders, the Speaker or the Chairperson of Committee as the case may be, having called the attention of the House or Committee to the fact that recourse to force is necessary in order to compel such Member to withdraw, shall order such Member to be removed and such Member shall thereupon without question put be suspended from the service of the House during the remainder of the Session and shall during such suspension forfeit the right of access to the precincts of the Assembly.

Grave disorder.

100. (1) In the event of grave disorder arising in the House, the Speaker may, adjourn the House forthwith or suspend any sitting for a period to be determined by him or her.

(2) In the event of grave disorder arising in the Committee of the whole House, the Speaker shall resume the Chair forthwith.

PART XVI- PUBLIC BILLS.

Application and limitation.

101. The provisions of this part shall apply in respect of all public Bills.

Introduction of Bills.

102. (1) A legislative proposal for which a Member is in charge shall, together with a memorandum setting out its objectives, be submitted to the Speaker.

(2) The Speaker shall refer the legislative proposal and the memorandum to the Clerk who upon being satisfied that the legislative proposal is in order as to format and style shall submit the legislative proposal to the Speaker with recommendations.

(3) The Speaker shall direct either that the legislative proposal be not proceeded with or that it be accepted, and if the Speaker certifies that the legislative proposal is accepted the proposal shall be published as a Bill and may be read a First Time.

(4) A Minister or any other member desiring to introduce a Bill shall, upon publication of the Bill in the Gazette, deliver to the Clerk a sufficient number of copies of the Bill for distribution to Members and on receipt of such copies the Clerk shall forthwith despatch a copy to every Member.

(5) A Bill shall be introduced by way of First Reading thereof in accordance with Standing Order 108.

Printing of amending provisions.

103. Where a Bill seeks to amend any provision of an existing Act, the text of the relevant part of such provision shall either be printed or else copied and supplied with every copy of the Bill which is dispatched to Members, unless in the opinion of the Speaker, the amendment is formal, minor or self-explanatory.

Memorandum of Objects and Reasons.

104. (1) Every Bill shall be accompanied by a memorandum containing a statement of the objects and reasons of the Bill and, if the expenditure of public moneys will be involved should the Bill be enacted, an estimate, where possible, of such expenditure.

(2) A Bill introduced by a Member other than a Minister shall be signed by that Member.

Publication.

105. No Bill shall be introduced unless such Bill together with the memorandum referred to in Standing Order 104 (Memorandum of objects and reasons), has been published in the *Gazette* (as a Bill to be originated in the House), and unless, in the case of a Consolidated Fund Bill, an Appropriation Bill or a Supplementary Appropriation Bill a period of seven days, and in the case of any other Bill a period of fourteen days, beginning in each case from the day of such publication, or such shorter period as the House may resolve with respect to the Bill, has ended.

Not more than one stage of a Bill to be taken at the same sitting.

106. Except with the leave of the House, not more than one stage of a Bill may be taken at any one sitting:

Provided that this Standing Order shall not apply to or in respect of any Appropriation Bill or Consolidated Fund Bill.

Reading of Bills.

107. A Bill is read by the reading of the title thereof.

First Reading.

108. Every Bill shall be read a First Time without Motion made or question put.

Committal of Bills to Committees.

109. (1) A Bill having been read a First Time shall stand committed to the relevant Departmental Committee without question put.

(2) The Chairperson of the Departmental Committee, or a Member designated by the Committee to which a Bill is committed shall present the Committee's report to the House within ten calendar days of such committal and upon such presentation, or if the Committee's report is not presented when it becomes due, the Bill shall be ordered to be read a Second Time on such day as the designated Minister or Member who introduced the Bill shall appoint:

Provided that, if for any reason, at the commencement of the Second Reading the report of the Committee is not presented, the Committee shall report progress and the failure to present the report shall be reported to the Liaison Committee for necessary action.

(3) This Standing Order shall not apply in the case of a Consolidated Fund Bill, an Appropriations Bill, a Supplementary Appropriations Bill or a Constitution of Kenya (Amendment) Bill.

(4) In this Standing Order "designated Minister" means the Minister in charge of the matter to which the Bill before the House relates.

Second Reading.

110. (1) On the Order of the Day being read for the Second Reading of a Bill, a Motion shall be made, "That, theBill be now read a Second Time,".

(2) No amendment may be moved to the question "That, theBill be now read a Second Time", other than an amendment to leave out the word "now" and to add, at the end of the question, the words "upon this day.....months".

Committal of Bills to Committee of the whole House.

111. (1) A Bill having been read a Second Time shall stand committed to a Committee of the whole House.

(2) On the Order of the Day for Committee on a Bill being read, the Speaker shall leave the Chair without question put.

Power of Committee to amend Bills.

112. A Committee to which a Bill is committed shall have power to make such amendments thereto relevant to the subject matter of the Bill, or pursuant to any special instruction by the House, as it shall think fit, but if any such amendment is not within the title of the Bill, the Committee shall amend the title accordingly and report the amendment thereof specially to the House.

Sequence to be observed on a Bill in Committee.

113. In considering a Bill in Committee the various parts thereof shall be considered in the following sequence -

- (a) clauses as printed, excluding the clause providing for the citation of the Bill;
- (b) new clauses;
- (c) schedules;
- (d) new schedules;
- (e) preamble, if any;
- (f) title;
- (g) the clause providing for the citation of the Bill

Procedure in Committee of the whole House on a Bill.

114. (1) The Clerk shall call severally each part of the Bill in the sequence prescribed in Standing Order 113 and if no amendment is proposed thereto or when all proposed amendments have been disposed of the Chairperson shall propose the question "That, the (as amended) stand part of the Bill" and, when Members who wish to speak have spoken, the Chairperson shall put that question to the Committee for decision.

(2) No amendment shall be moved to any part of a Bill by any Member, other than the Member in charge of the Bill, unless written notification thereof shall have been given to the Clerk before the commencement of the sitting at which that part of the Bill is considered in Committee:

Provided that where an amendment has been moved to any part of a Bill in accordance with this paragraph, any Member may move an amendment to that amendment on delivering to the Chairperson the terms of his or her amendment in writing.

(3) No amendment shall be moved which is inconsistent with any part of the Bill already agreed or any decision already made by the Committee, and the Chairperson may at any time during the debate of a proposed amendment, withdraw it from the consideration of the Committee if in the opinion of the Chairperson, the debate has shown that the amendment contravenes this paragraph.

(4) The Chairperson may refuse to propose the question upon any amendment which in the opinion of the Chairperson is frivolous or would make the clause or schedule which it proposes to amend unintelligible or ungrammatical.

(5) Paragraph (4) of Standing Order 51 (Manner of debating Motions) shall apply, *mutatis mutandis*, to the proceedings for amendment of a Bill in Committee.

(6) The consideration of any part of a Bill may be postponed until such later stage of the proceedings in Committee on such Bill as the Committee may determine.

(7) On any Motion being made for the addition of a new clause the clause shall be deemed to have been read a First Time and the question shall then be proposed "That, the clause be read a Second Time" and if this is agreed, amendments may then be proposed to the new clause and the final question to be proposed shall be "That, the clause (as amended) be added to the Bill".

(8) New schedules shall be disposed of in the same way as new clauses.

(9) The question to be put on the preamble (if any) shall be "That, the preamble (as amended) be the preamble of the Bill."

(10) The question to be put on the title of the Bill shall be "That, the title (as amended) be the title of the Bill".

(11) No question shall be put on the enacting formula.

(12) At the conclusion of the proceedings in Committee on a Bill, or, if more than one, on all such Bills a Minister or the Member in charge shall move "That, the Bill(s) (as amended) be reported to the House", and the question thereon shall be decided without amendment or debate.

Report of Progress.

115. If any Member before the conclusion of proceedings on a Bill in a Committee of the whole House moves to report progress and such Motion is carried, the Chairperson shall leave the Chair and the Chairperson, or, if the Speaker has taken the Chair in Committee, the Member in charge of the Bill, shall report progress to the House and shall ask leave to sit again, and a day for the resumption of the proceedings shall be determined by the Member in charge of the Bill.

Bill to be reported.

116. When a Committee of the whole House has agreed that a Bill or a number of Bills be reported, the Chairperson, shall forthwith leave the Chair of the Committee and the House shall resume, and the Chairperson or if the Speaker has taken the Chair in Committee, the Member in charge of the Bill shall report the same to the House, and each Bill, if more than one, shall be so reported separately.

Procedure on Bills reported from Committee of the whole House.

117. (1) When a Bill has been reported from a Committee of the whole House on committal, the House shall consider the Bill as so reported upon a Motion "That the House do agree with the Committee in the said report".

(2) The question on any Motion moved under paragraph (1) of this Standing, Order shall be put forthwith, no amendment, adjournment or debate being allowed, unless any Member desires to delete or amend any provision contained in a Bill, or to introduce any new provision therein, in which case he or she may propose any amendment to add, at the end of the Motion, the words "subject to the re-committal of the Bill [in respect of some specified part or of some proposed new

clause or new schedule] to a Committee of the whole House”, and if that Motion is agreed to with such an amendment, the Bill shall stand so re-committed.

(3) The House shall either forthwith or upon a day named by the Member in charge of the Bill dissolve itself into Committee to consider the matters so re-committed.

Procedure on Bills reported from Select Committees.

118. (1) The report of a Select Committee on a Bill shall be laid on the Table of the House by the Chairperson of the Select Committee or by some other Member authorized by the Committee in that behalf.

(2) The House shall consider the Bill as reported from the Select Committee upon a Motion “That, the report of the Select Committee be approved”.

(3) Standing Order 117 (Procedure on Bills reported from Committee of the whole House) shall apply to any Motion to approve the report of a Select Committee on a Bill.

Procedure upon the re-committal of a Bill.

119. (1) When a Bill has been re-committed to a Committee of the whole House, the Committee shall consider only the matters so re-committed and any matter directly consequential thereon.

(2) Except as is provided by paragraph (1), the procedure in Committee on a Bill re-committed shall apply *mutatis mutandis* on a Bill on first committal.

(3) When a Bill has been reported from a Committee of the whole House after re-committal Standing Order 117 (Procedure on Bills reported from Committee of the whole House) shall apply.

Third Reading.

120. (1) On the adoption of a report on a Bill, the Third Reading may with the leave of the Speaker be taken forthwith and if not so taken forthwith shall be ordered to be taken on a day named by the Member in charge of the Bill.

(2) On the Third Reading of a Bill a Motion shall be made “That, the Bill be now read a Third Time” and amendments may be proposed similar to those on Second Reading

Withdrawal of Bills.

121. Either before the commencement of business or on the Order of the Day for any stage of the Bill being read, the Member in charge of a Bill may, without notice, move that the Bill be withdrawn.

Re-introduction of Bills.

122. (1) A Bill, the Second Reading or Third Reading of which has been rejected may be introduced again in the next Session, or after the lapse of six months in the same Session, but subject to fresh publication as provided by Standing Order 102 (Introduction of Bills).

(2) The consideration of a Bill which was interrupted at the end of a Session shall resume in the next Session of the same Parliament at the stage where it was last interrupted notwithstanding prorogation.

Custody of Bills.

123. (1) Every Bill passed by the House shall remain in the custody of the Clerk.

(2) At any time before the certification and submission of a Bill to the President, the Speaker may correct formal errors or oversights therein without changing the substance of the Bill.

(3) The Clerk shall present the Bill to the Attorney-General within fourteen days of its passage by the House.

(4) The Attorney-General shall present the Bill to the President within fourteen days from the time of receipt from the Clerk.

(5) At the expiry of fourteen days, the Attorney-General shall file return to the Speaker indicating the time and the date the Bill was presented to the President.

(6) When the President submits a Memorandum on a Bill to the Speaker pursuant to Section 46 of the Constitution, the House shall deliberate on such memorandum within twenty-one days of the date when the House next meets.

PART XVII - PRIVATE BILLS

Application of public Bill procedure.

124. Except as otherwise provided in this part, the Standing Orders relating to public Bills shall apply in respect of private Bills.

Saving clause.

125. Every private Bill, shall contain a clause saving the rights of the President, the Government of the Republic of Kenya, of all bodies politic or corporate, and of all others, except such as are mentioned in the Bill and those claiming by, from or under them.

Private Bill affecting private rights.

126. (1) No private Bill which directly affects the private rights or property of any persons, shall originate in the House unless the provisions of this Standing Order as to notice have been complied with.

(2) A notice shall be published in not less than three separate issues of the Gazette specifying the general nature and objects of the Bill; the last of such publications

being not less than fourteen days before the presentation of the Petition referred to in Standing Order 127 (Petition for Leave).

Petition for leave.

127. (1) No private Bill shall be introduced unless a Petition for the same, headed by the short title of the Bill, and signed by the parties, being promoters of the Bill, or some of them, has been previously presented to the House with a copy of the Bill annexed.

(2) It shall be the duty of the Clerk to scrutinize petitions presented to the House and where, after such scrutiny, he is not satisfied that the provisions of this Part have been complied with, he shall so report to the Speaker.

(3) The promoters shall deposit with the Clerk a sufficient number of copies of the Petition with the Bill annexed, for distribution to Members and on receipt of such copies, the Clerk shall forthwith dispatch a copy to every Member.

(4) The Petition shall be read at the first sitting of the House after it is so deposited and thereupon the question "That, the promoters be granted leave to proceed" shall be put forthwith and decided without amendment or debate.

Security for cost of printing.

128. (1) Where leave to proceed is granted, the Government Printer shall within seven days of a request being made by the Clerk provide an estimate of the cost of printing the Bill and the promoters of the Bill shall meet such cost.

(2) The promoters shall deposit at least twenty five percent of the estimated total cost of printing the Bill as security with the Clerk.

Bills authorizing the construction of work.

129. (1) In the case of a private Bill authorizing the construction of work, before such Bill shall be read a First Time, the promoters shall-

(a) deposit with the Clerk an estimate of the expense of the undertaking, signed by the person making such estimate and approved by the Clerk; and

(b) deposit with the Clerk a sum not less than 4 *per centum* of the amount of the estimate under paragraph (1)

and in every such Bill there shall be inserted a clause to the effect that, if the works authorized to be constructed are not completed previous to the expiration of a time to be limited by the Bill for such completion, the sum deposited with the Clerk shall be forfeited to the Government.

First Reading.

130. When the provisions of this part have been complied with, the Clerk shall cause the Bill to be printed, distributed to Members and published in the *Gazette* and at

the first sitting of the House held not less than fourteen days after such publication the Bill shall be read a First Time.

How Bills may be opposed.

131. No person, other than a Member, shall be heard, whether in person or by advocate, in opposition to a private Bill unless such person has previously lodged a Petition with the Clerk showing the nature of the person's objections to the Bill and whether the person's objections extend to the whole or some part of the Bill and praying that he or she may be heard in person or by advocate, as the case may be.

Rights of audience before Committee on opposed Bill.

132. (1) Subject to these Standing Orders all petitions against a private Bill containing a prayer that the petitioners be heard by themselves, or by their advocates, shall stand referred to a Select Committee which shall hear any such petitioners or advocates.

(2) The promoters of an opposed private Bill shall be entitled to be heard before the Select Committee on the Bill by themselves, or by their advocates, in favour of the Bill and against any petitions against the Bill.

Printing expenses.

133. As soon as practicably possible, after a private Bill is passed, rejected or abandoned the Government printer shall make out an account showing the expenses of printing and shall, if the amount of the account is less than the security deposited, refund the balance, and if it is excess, cause the promoter to pay the balance.

PART XVIII - COMMITTEES OF THE WHOLE HOUSE

Limits on consideration of matters by Committee.

134. A Committee shall not consider any matter other than a matter which has been referred to it or which it is required by these Standing Orders to consider.

Committee of the whole House may not adjourn.

135. A Committee may not adjourn its own sitting or the consideration of any matter to a future sitting, but the Chairperson may by Motion be directed notwithstanding that all matters referred to the Committee have not yet been considered, to report progress to the House and ask leave to sit again.

Report.

136. When all the matters referred to a Committee of the whole House have been considered the Chairperson shall be directed by Motion to report to the House.

No debate on Motion for Report.

137. When a Motion is made in Committee to report or to report progress and ask leave to sit again the question shall be put forthwith and decided without amendment or debate.

Chairperson leaves Chair without question put when directed to report.

138. (1) When the Chairperson has been directed to report to the House, he or she shall leave the Chair without question put.

(2) Except as otherwise provided by these Standing Orders, every report shall be made without question put, and may, by Motion, be agreed to or negated by the House or re-committed to the Committee, or postponed for further consideration.

General application of rules in Committee.

139. Except as otherwise provided in these Standing Orders, the same rules of order and of debate for the conduct of business shall be observed in Committee as in the House.

PART XIX - SUPPLY AND WAYS AND MEANS

General

Restrictions with regard to certain financial measures.

140. Except on the recommendation of the President signified by a Minister, the House shall not -

(a) proceed upon any Bill (including any amendment to a Bill) that, in the opinion of the person presiding, makes provision for any of the following purposes -

- (i) the imposition of taxation or the alteration of taxation otherwise than by reduction;
- (ii) the imposition of any charge upon the Consolidated Fund or any other fund of the Government of Kenya or the alteration of any such charge otherwise than by reduction;
- (iii) the payment, issue or withdrawal from the consolidated Fund or any other fund of the Government of Kenya of any money not charged thereon or any increase in the amount of such a payment, or withdrawal; or
- (iv) the composition or remission of any debt due to the Government of Kenya; or

(b) proceed upon any Motion (including any amendment to a Motion) the effect of which, in the opinion of the Speaker, would be to make provision for any of these purposes.

Presentation of Budget Policy Paper.

141. (1) Every year , not later than 21st March, the Minister responsible for matters relating to finance, shall prepare and lay before the House a Paper to be referred to as the Budget Policy Statement.

(2) The Budget Policy Statement shall contain-

- (a) an assessment of the current financial year and the projected state of the economy for the next three years;
- (b) the macro economic and fiscal policies for the period specified under sub-paragraph (a);
- (c) targets for total overall revenues including domestic and external borrowing and aggregate expenditure; and,
- (d) the total resources to be allocated to individual programmes and projects within a sector or Ministry for the period identified under sub-paragraph (a) indicating the outputs expected from each such programme or project during the period

and shall detail the criteria used to allocate or apportion the available public resources among the various programmes and projects.

(3) Upon being laid before the House, the Budget Policy Statement shall stand committed to the Budget Committee without question put.

(4) In considering the Budget Policy Statement, the Budget Committee shall consult each Departmental Committee and shall, not later than 15th April, lay its report before the House.

(5) The House shall consider the report of the Budget Committee on a motion that "this House do adopt the report of the Budget Committee on the Budget Policy Statement made by the Minister for Finance on....(date when the Statement was made)"

Presentation of Annual Estimates.

142. The Annual Estimates shall be laid on the Table of the House not later than 20th June.

Committee of Ways and Means and Committee of Supply.

143. The Committee of Ways and Means and the Committee of Supply shall be Committees of the whole House.

Definition of day.

144. For the purposes of this Part, a day shall be deemed to consist of any period of not less than three hours prior to 1.00 p.m. or of not less than three hours between 2.30 p.m. and 7.00 p.m. or of not less than three hours after 7.00 p.m.

Committee of Ways and Means

Moving into Committee of Ways and Means.

145. On an Order of the Day for Committee of Ways and Means being read the Speaker shall leave the Chair without question put unless a Minister moves "That, the Speaker do now leave the Chair" for the purpose of enabling the Minister to deliver a financial statement.

Precedence and limitation of Debate on Financial Statement (Budget).

146. (1) Unless the House otherwise orders, the debate on the financial statement on the Annual Estimates shall take precedence over all other business, and until disposed of shall be set down each day as the first business of that day.

(2) The debate on the financial statement on the Annual Estimates shall be limited to three days exclusive of the Mover's speech and reply.

Procedure in Committee of Ways and Means.

147. (1) Two days shall be allotted for the consideration in Committee of Ways and Means of proposals in the financial statement on the Annual Estimates for imposing, renewing, altering or repealing any rate, tax or duty.

(2) No Member other than a Minister shall move the several Motions in respect of the imposition or renewal of such rates, taxes or duties, and such Motions may be agreed to or amended or negatived, but no amendment whereby the charge upon the people would be increased may be moved to any such Motion.

(3) No Member other than the Mover shall speak more than once on any such Motion.

(4) On the last of the allotted days the Chairperson shall, one hour before the time for interruption, of business, forthwith put every question necessary to dispose of the Motion then under consideration and shall then forthwith put severally the question necessary to dispose of the business of Ways and Means under the same Order of the Day.

(5) On any day upon which the Chairperson is under this order directed to put forthwith any questions, the consideration of the business of Ways and Means shall not be anticipated by a Motion of the adjournment of the House and no dilatory Motion shall be moved in relation to that business, and the business shall not be interrupted under any Standing Order.

(6) On the last of the allotted days no business other than the business of Ways and Means shall be taken until the business of Ways and Means has been completed.

Consideration of Ways and Means Resolutions.

148. (1) The report or any resolution of the Committee of Ways and Means shall be considered by the House forthwith, unless the House otherwise orders, upon a Motion, "That, the House do agree with the Committee in the said resolution".

(2) The question on any Motion moved under paragraph (1) of this Standing Order shall be put forthwith, no amendment, adjournment or debate being allowed, unless a Minister desires to amend or to add to the resolution in which case the Minister may propose an amendment to add, at the end of the Motion, the words "subject to the re-committal of the resolution (in respect of some specific amendment or addition) to the Committee of Ways and Means."

(3) If the Motion is agreed to with the Minister's amendment, the resolution shall stand re-committed to the Committee of Ways and Means and the House shall either forthwith or upon a day determined by the Minister resolve itself into Committee of Ways and Means to consider the resolution so re-committed.

(4) When any resolution of the Committee of Ways and Means has been re-committed to the Committee, the Committee shall consider only the matters in respect of which it was so re-committed and any matter directly consequential thereon.

(5) Except as provided by paragraph (3) of this Standing Order, paragraphs (2) and (3) of Standing Order 147 (Procedure in Committee of Ways and Means) and the provisions of this Standing Order shall apply in respect of a resolution so re-committed.

Procedure on Motions for charges upon the people other than those arising out of the Financial Statement (Budget).

149. (1) The Government shall have the right from time to time to set down an Order of the Day for Committee of Ways and Means for the purpose of dealing with Motions (other than Motions arising out of the financial statement on the Annual Estimates) in respect of the imposition, renewal, alteration or repeal of rates, taxes or duties: or for approval of any proposal (other than a Bill) for borrowing or for guarantee:

Provided that no Order of the Day shall be set down as aforesaid on any day on which business other than Government business has precedence.

(2) Paragraphs (2) and (3) of Standing Order 147 (Procedure in Committee of Ways and Means) shall apply to Motions under consideration by the Committee of Ways and Means other than Motions arising out of the financial statement and to the reports thereon.

(3) On the day on which an Order of the Day for Committee of Ways and Means has been set down under this Standing Order, the business of such Order shall commence not later than three hours before the time for interruption of business and unless the House orders that the business of the Committee of Ways and Means shall continue for more than one day, the Chairperson shall, half an hour before the time for interruption of business, forthwith put every question

necessary to dispose of the Motion then under consideration, and shall then forthwith put severally the questions necessary to dispose of the business of Ways and Means under the same Order of the Day.

(4) On any day upon which the Chairperson is under this Order directed to put forthwith any questions, the consideration of the business of Ways and Means shall not be anticipated by a Motion for the adjournment of the House and no dilatory Motion shall be moved in relation to that business, and the business shall not be interrupted under any Standing Order.

Committee of Supply

Committal of Annual Estimates to committees.

150. (1) Upon being laid before the National Assembly, the Annual Estimates shall stand committed to the respective Departmental Committees according to their mandates.

(2) Each Departmental Committee shall consider, discuss and review the Estimates committed to it under this Standing Order and submit its report thereon to the House within twenty-one days after they were first laid before the House.

Order of Votes.

151. The House Business Committee after consultation with the Liaison Committee shall determine the order in which the House shall consider the Votes of the various Ministries.

Moving into Committee of Supply.

152. (1) On an Order of the Day for Committee of Supply being read, the Speaker shall leave the Chair without question put unless a Minister moves "That, the speaker do now leave the Chair", for the purpose of enabling the Minister to initiate a debate on the policy implied under a Vote for which the Minister is responsible.

(2) Each Minister shall move the Votes for each Ministry indicating that he or she had discussed such Vote with the relevant Departmental Committee.

(3) In the debate initiated under paragraph (1), priority shall be given to the Chairperson of the relevant Departmental Committee.

Procedure in Committee of Supply.

153. (1) A Maximum of fourteen days shall be allotted for the consideration in Committee of Supply of proposals in respect of the Annual Estimates.

(2) Not more than three hours shall be spent on any Vote, and any Vote which has not been granted within the period provided for under paragraph (1) shall be left for disposal under paragraph (8) of this Standing Order.

(3) The Chairperson shall put severally the questions with respect to the Votes of the Annual Estimates namely, that, the several amounts of such Votes be granted.

((4) A motion to reduce the amount of a Vote in the Annual Estimates shall be moved for any specific Vote but no such motion may seek to reduce a Vote by an amount exceeding one percent of the total net proposed expenditure.

(5) The Committee shall not attach a condition or an expression of opinion to a Vote or any part thereof, nor alter the ambit thereof.

(6) Paragraphs (3), (4) and (5) shall *mutatis mutandis* apply in consideration of Annual Estimates by Departmental Committees.

(7) Any Vote on account shall be put down as the first business on the first of the allotted days, being a day before 26th June; and if on the last allotted day before 26th June the question with respect to any Vote on account shall not have been put, then the Chairperson shall, half an hour before the time for the interruption of business, forthwith put that question.

(8) On the last of the allotted days, being a day before 31st August, the Chairperson shall, one hour before the time for the interruption of business, forthwith put every question necessary to dispose of the Vote then under consideration, and shall then forthwith put severally the questions necessary to dispose of every Vote not yet granted; and if at that time the House is not in Committee, the House shall forthwith move into committee without question put, for that purpose.

(9) On any day upon which the Chairperson is under this order directed to put forthwith any question the consideration of the business of Supply shall not be anticipated by a Motion for the adjournment of the House, and no dilatory Motion shall be moved in relation to that business, and the business shall not be interrupted under any Standing Order.

(10) On the last of the allotted days no business other than the business of Supply shall be taken until the business of Supply has been completed.

Procedure on Supplementary Estimates.

154. (1) The Government shall have the right from time to time to set down an Order of the Day for Committee of Supply for the purpose of dealing with Motions (other than Motions arising out of the financial statement on the Annual Estimates) in respect of the business of Supply;

Provided that no Order of the Day shall be set down for Committee of Supply on any day on which business other than Government business has precedence.

(2) Paragraphs (3) and (4), of Standing Order 153 (Procedure in Committee of Supply) shall *mutatis mutandis*, apply to Supplementary Estimates.

(3) On any day on which an Order of the Day for Committee of Supply has been set down under this Standing Order, the business of such order shall commence not

later than three hours before the time for interruption of business and, unless the House otherwise orders that such business shall continue for more than one day, the Chairperson shall, half an hour before the time for interruption of business forthwith put every question necessary to dispose of the Motion then under consideration and shall then forthwith put severally the questions necessary to dispose of the business of Supply under the same Order of the Day.

(4) On any day upon which the Chairperson is under this order directed to put forthwith any questions, the consideration of the business of Supply shall not be anticipated by a Motion for the adjournment of the House, and no dilatory Motion shall be moved in relation to the business, and the business shall not be interrupted under any Standing Order.

Consideration of Supply Resolutions.

155. Standing Order 148 (Consideration of Ways and Means Resolutions) shall *mutatis mutandis* apply to the report on any resolution of the Committee of Supply.

PART XX - SELECT COMMITTEES

House Business Committee.

156. (1) There shall be a select committee, to be designated the House Business Committee, consisting of not less than fifteen and not more than twenty-one members, who shall be nominated by each parliamentary party and approved by the House at the commencement of every Session, reflecting the relative majorities of the seats held by each of the parliamentary parties in the National Assembly.

Provided that the party or parties forming the Government shall have a majority.

Provided further that at least thirty percent of the membership of the House Business Committee shall be members who are not ministers.

(2) In nominating members to the House Business Committee, each parliamentary party shall include its Whip into the membership.

(3) The Speaker shall be an ex-officio member of the House Business Committee.

(4) In the absence of the Speaker, the Deputy Speaker or a member of the Speakers Panel shall represent the Speaker in a meeting of the House Business Committee.

(5) The House Business Committee shall consider such matters as may from time to time arise in connection with the business of the House and shall have and perform such powers and functions as are conferred on and ascribed to it by these Standing Orders or from time to time by the House.

(6) The Chairperson of the House Business committee shall be a Member nominated by the Government.

(7) The Chairperson and at least one third of the other members of the House Business Committee shall form a quorum.

(8) If, for any reason, a member of the House Business Committee is unable to attend, the nominating party may appoint another Member in that Member's place for the period for which the member is unable to attend.

(9) The Chairperson of the House Business Committee shall have an original but not a casting vote.

(10) Unless the House Business Committee otherwise resolves, meetings of the House Business Committee shall be in camera.

General Provisions

Nomination of members of select committees.

157. Unless otherwise provided by any written law or these Standing Orders, the House Business Committee shall, in consultation with parliamentary parties, nominate, for approval by the House, Members who shall serve on any select committee.

Criteria for nomination.

158. In nominating Members to serve on any select committee, the House Business Committee shall ensure that the membership of each committee reflects the relative majorities of the seats held by each of the parliamentary parties in the National Assembly and Kenya's ethnic, geographical, cultural, political, social and economic diversity; and shall give consideration to the need for gender balance.

Composition of select committees.

159. Subject to any written law, these Standing Orders or a resolution of the House, a select committee shall consist of an odd number of members not being ministers and being, not less than five and not more than eleven.

Chairing of select committees and quorum.

160. (1) Subject to paragraph (2), unless otherwise provided under any written law, these Standing Orders or by resolution of the House-

(a) a select committee shall, upon appointment, elect its chairperson and vice-chairperson from amongst its members;

(b) any three members of a select committee shall constitute a quorum.

(2) A Member against whom an adverse recommendation has been made in a report of a committee that has been adopted by the House shall be ineligible for election as chairperson or vice-chairperson of any committee.

Conduct of election.

161. The Clerk shall arrange a time for the first meeting of a Committee within seven days of its constitution and as soon as quorum is present, the Clerk shall conduct the election of the Chairperson and vice-chairperson.

Notice of meetings.

162. A notice of any meeting of a select committee shall be given by the Clerk to all members of the committee showing the date of the meeting, time, venue and agenda.

Sittings of select committees.

163. A sitting of a Committee of the House shall take place at the date and time determined by the Chairperson but no meeting of a Committee may be held outside the precincts of the Assembly without the approval of the Speaker.

Member adversely mentioned not to sit.

164. A Member who is adversely mentioned in a matter under deliberation by a Committee shall not be present at any meeting at which the Committee is deliberating on the matter.

Adjournment for lack of quorum.

165. Unless quorum is achieved within thirty minutes of the appointed time, a meeting of a committee of the House shall stand adjourned to such time on another day as the chairperson of the committee may appoint, but a committee may continue its proceedings even if in the course of its proceedings, the members present do not form quorum.

Frequency of meetings.

166. Unless the House otherwise resolves every select committee shall meet at least once every month.

Failure to attend meetings.

167. (1) If a member fails to attend four consecutive sittings of a Committee without the written permission of the chairperson of the Committee, or the permission of the Speaker if the member is the chairperson, the member or the chairperson, as the case may be shall cease to be a member of that Committee and the matter shall be reported to the Liaison Committee.

(2) Upon receipt of a report under paragraph (1) the Liaison Committee shall report the matter to the House for replacement of the Member concerned.

Absence of chairperson and vice-chairperson.

168. In the absence of the chairperson and vice-chairperson at any meeting, a Member designated by the chairperson shall take the Chair, and in the absence of such designated Member, the Members present shall elect one of them to take the Chair.

List of attendance.

169. The names of members present at each sitting of a select committee shall be entered in the minutes.

Minutes of select committees.

170. The minutes of the proceedings of a select committee shall be laid on the Table of the House with the report of the committee and may, subject to Standing 29 (Custody of Journals and Records), be published.

Summoning of witnesses.

171. In their deliberations, Departmental Committees shall enjoy and exercise all the powers and privileges of Parliament including the summoning of witnesses, receiving evidence and the request for and receipt of papers and documents from the Government and the public.

Temporary absence of a member of a select committee.

172. Unless otherwise provided for in these Standing Orders, in the event that any member of a Committee is absent or otherwise unable to attend the sittings of the committee, the party whip of that Member's party may appoint another Member to act in that Member's place during the period of such absence or inability.

Vote of no confidence in the chairperson or vice-chairperson.

173. (1) By a resolution supported by a majority of its members, a Committee may resolve that it has no confidence in the chairperson or vice chairperson and such resolution shall be reported to the Liaison Committee which shall, as soon as it is practicable, arrange for the election of a new chairperson or vice-chairperson as the case may be.

(2) The members desiring to make a resolution under paragraph (1) shall serve the chairperson or vice-chairperson with a written notice and may if they constitute a majority, request the Clerk to call for a meeting at the expiry of three days after the giving of such notice.

Filling of vacancies in select committees.

174. A vacant position occasioned by the resignation, removal or appointment of a Member to the Government shall be filled within seven days after the National Assembly next meets.

Original vote.

175. The Chairperson of a select committee shall have an original vote but not a casting vote

Attendance by non-members of select committee.

176. A Member may attend and participate in a meeting of any committee of the House of which he or she is not a member, other than the House Business Committee, but such member shall not be entitled to vote.

Procedure in select committees.

177. (1) Except as and to the extent to which the chairperson may otherwise direct for the purpose of facilitating full consideration and discussion of the matter referred to the Committee, the procedure in a select committee shall be as nearly as possible the same as that in Committee of the whole House:

Provided that any question arising in a select committee shall be decided by vote and the resolution on any such vote shall constitute the decision of the select committee on that question.

(2) The minutes of a select committee shall be kept in the same form as the Votes and Proceedings of a Committee of the whole House:

Provided that where a vote on a question is not unanimous the names of the members voting for and against the question or declining to vote respectively shall be recorded in the minutes.

(3) A committee may continue its deliberations notwithstanding the adjournment or prorogation of the House.

(4) The deliberations of a select committee shall be confined to the matter referred to it by the House and any extension or limitation thereof directed by the House and, in the case of a select committee on a Bill, to the Bill committed to it and relevant amendments.

Public access to meetings of select committee.

178. All committee proceedings shall be open to the public except-

(a) where the Committee otherwise decides;

(b) when the Committee is considering its recommendations for the purposes of writing and compiling its report.

Reports of select committees.

179. (1) The report of a select committee shall be signed by the chairperson on behalf of the Committee:

Provided that if the chairperson is absent or is not readily available, the vice-chairperson shall sign, and in the absence of both the chairperson and the vice-chairperson, the committee shall nominate another member to sign the report.

(2) A select committee shall adopt its report in a meeting attended by a majority of its members.

(3) A report of a select committee, together with the minutes of the proceedings of the committee, and with such note or record of any evidence by the committee as the committee may deem fit, shall be laid on the Table of the House by the chairperson of the select committee or by some other member authorized by the committee on its behalf within fourteen sitting days of the conclusion of its proceedings.

Progress reports.

180. Unless a more regular interval is prescribed under any written law or these Standing Orders each select committee shall, through the Liaison Committee, submit half yearly progress reports to the House.

Ministers' reports.

181. (1) Within sixty days of a resolution of the House or adoption of any report of a select committee, the Minister under whose portfolio the matter raised in the report or contained in the assurances or resolution fall, shall provide a report to the House.

(2) A Minister who fails to submit a report under this Standing Order shall be deemed to be disorderly within the meaning of Standing Order 95 (Disorderly conduct).

Joint meetings of committees.

182. A committee may meet with any other committee for the purpose of carrying out its mandate.

Joint committees

183. (1) Two or more committees of the House considering similar matters may, with approval by the Liaison Committee conduct business as a Joint Committee.

(2) The quorum of a Joint Committee shall be seven members, excluding the Chairpersons.

(3) A Joint Committee shall not adopt its report unless by a resolution supported by not less than a majority of the total number of the members of the Joint Committee.

Engagement of experts.

184. A Committee may, with the approval of the Speaker, engage such experts as it may consider necessary in furtherance of its mandate.

Public Accounts Committee.

185. (1) There shall be a select committee to be designated the Public Accounts Committee for the examination of the accounts showing the appropriations 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.

(2) The Public Accounts Committee shall consist of a chairperson who shall be the Leader of the Official Opposition or where there is no Official Opposition, a Member from a party not in Government, elected by the Committee.

(3) In the membership of the Public Accounts Committee, the opposition parties shall have a majority of one.

(4) The Public Accounts Committee constituted by the House immediately following the general election shall last for a period of three calendar years and that constituted thereafter shall serve for the remainder of the parliamentary term.

(5) The Public Accounts Committee shall elect a vice-chairperson from amongst its members.

Public Investments Committee.

186. (1) There shall be a select committee to be designated the Public Investments Committee for the examination of the working of the public investments.

(2) The Public Investments Committee shall consist of a chairperson who shall be a Member who does not belong to a party in Government.

(3) In the membership of the Public Investments Committee, the opposition parties shall have a majority of one.

(4) The Public Investments Committee constituted by the House immediately following the general elections shall last for a period of three calendar years and that constituted thereafter shall serve for the remainder of the parliamentary term.

(5) 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;

(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 financial or business principles and prudent commercial practices:

Provided that the Public Investments Committee shall not examine 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.

Local Authorities and Funds Accounts Committee.

187. (1) There shall be a select committee to be designated the Local Authorities and Funds Accounts Committee for the examination of the accounts showing the appropriations of the sum voted by the House to meet the public expenditure in local authorities and all other Funds and of such other accounts laid before the House as the Committee may think fit.

(2) The Committee shall not examine matters of policy or day-to-day administration of local authorities or Funds.

(3) The Local Authorities and Funds Accounts Committee shall consist of a chairperson who shall be a Member who does not belong to a party in Government.

(4) The Local Authorities and Funds Accounts Committee constituted by the House immediately following the general election shall last for a period of three calendar years and that constituted thereafter shall serve for the remainder of the parliamentary term.

(5) In the membership of the Local Authorities and Funds Accounts Committee, the opposition parties shall have a majority of one.

Budget Committee.

188. (1) There shall be a select Committee to be designated the Budget Committee, which shall consist of a chairperson who shall be a Member who does not belong to a party in Government, and not more than fourteen other Members.

(2) In the membership of the Budget Committee, the opposition parties shall have a majority of one.

(3) The chairpersons of all Departmental Committees shall be ex-officio Members of the Budget Committee.

(4) The Budget Committee constituted by the House immediately following the general election shall last for a period of three calendar years and that constituted thereafter shall serve for the remainder of the parliamentary term.

(5) The Budget Committee shall-

- (a) examine Budget Policy Statement presented to the House and shall report to the House, what, if any, economies should be made consistent with the proper carrying into effect of the policies implied in or by such Statement and estimate;
- (b) evaluate tax estimates, economic and budgetary policies and programmes with direct budget outlays.

(6) Five members of the Budget Committee shall constitute quorum.

Procedure and House Rules Committee

189. (1) There shall be a select committee to be designated the Procedure and House Rules Committee which shall comprise the Speaker as chairperson, the Deputy Speaker, members of the Speakers Panel and not more than 6 other Members.

(2) The Procedure and House Rules Committee shall consider and report on all matters relating to these Standing Orders.

(3) The Procedure and House Rules Committee may propose amendments to these Standing Orders and any such amendments shall upon approval by the House, take effect at the time appointed by the House.

(4) The Procedure and House Rules Committee may propose rules for the orderly and effective conduct of committee business and any such rules, shall upon approval by the House, continue in force until amended or repealed by the House.

(5) Any rules approved under paragraph (4) shall be annexed to the Standing Orders and shall be as binding upon Committees as are these Standing Orders.

Committee on Equal Opportunity

190. (1) There shall be a select committee to be designated the Committee on Equal Opportunity which shall be appointed at the commencement of every Parliament.

(2) The Committee shall-

- (a) monitor and promote measures designed to enhance the equalization of opportunities and improvement in the quality of life and status of all persons including groups who are marginalized persons on the basis of gender, age, disability, health status, ethnic, racial, cultural or religious background or affiliation or any other such ground;
- (b) investigate, inquire into and report on all matters relating to discrimination or marginalization of the groups referred to under sub-paragraph (a) ;
- (c) make proposals to the House including legislative proposals for the protection, equalization of opportunities and promotion of the welfare of the groups referred to under sub-paragraph (a); and

- (d) examine the activities and administration of all Ministries, Departments and statutory bodies in so far as they relate to the rights and welfare of the groups referred to under paragraph (a);

Library Committee.

191. (1) There shall be a committee to be designated the Library Committee.
- (2) The Deputy Speaker shall be the chairperson of the Library Committee.
 - (3) The functions of the Library Committee shall be to-
 - (a) oversee provision of library, publications and research service in Parliament,
 - (b) consider and advise on such matters concerning the Library as may be referred to it by the House from time to time;
 - (c) make proposals and consider suggestions for the improvement of the Library; and
 - (d) assist Members of the National Assembly in utilizing the facilities provided by Library and research services including information and communications technology.

Speaker's Committee.

192. (1) There shall be a select committee to be designated the Speaker's Committee comprising the Speaker as chairperson, the Deputy Speaker, Members of the Speakers Panel, the Minister for the time being responsible for finance, the Minister for the time being responsible for public administration and not more than five other members nominated by the House Business Committee at the commencement of every Session.
- (2) The Speaker's Committee shall consider, advise, and report on all matters connected with the welfare of members of the National Assembly and its staff.

House Broadcasting Committee.

193. (1) There shall be a select committee to be designated the House Broadcasting Committee.
- (2) The House Broadcasting Committee shall: -
 - (a) consider and report on all matters relating to broadcasting of Parliamentary proceedings;
 - (b) assess and analyse Parliamentary information released to the public by the media;

- (c) make reports and recommendations to the House on a regular basis, including proposed legislation on all matters relating to broadcasting of parliamentary proceedings and matters related thereto.

Committee on Implementation.

194. (1) There shall be a select committee to be designated the Committee on Implementation.

(2) The Committee shall scrutinize the resolutions of the House (including adopted committee reports), petitions and the undertakings given by the Government on the floor of the House and examine -

(a) whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary; and

(b) whether or not legislation passed by the House has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.

(3) The Committee may propose sanctions to the House on any Minister who fails to implement resolutions of the House.

Committee on Delegated Legislation.

195. (1) There shall be a select committee to be designated the Committee on Delegated Legislation.

(2) The Committee shall ensure that statutory instruments are laid before the House as may be provided under any written law and scrutinize such instruments to ensure that they are consistent with parent statutes.

(3) Unless otherwise provided for either expressly or by necessary implication under any written law, all subsidiary legislation shall be tabled before the House upon publication in the Kenya Gazette.

(4) The Committee may recommend that the House resolves that any particular subsidiary legislation be annulled.

C. Departmental Committees

Appointment of Departmental Committees.

196. (1) There shall be select committees to be designated Departmental Committees which shall be nominated by the House Business Committee and approved by the House at the commencement of every Parliament.

(2) Unless the House otherwise directs, the Departmental Committees shall be as set out in the Second Schedule.

(3) The functions of a Departmental Committee shall be: -

- (a) 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;
- (b) to study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- (c) to study and review all legislation referred to it;
- (d) 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;
- (e) 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 or a Minister; and
- (f) to make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

Liaison Committee.

197. (1) There shall be a select committee to be designated the Liaison Committee which shall consist of the Deputy Speaker as chairperson and the chairpersons of all committees of the House.

(2) The Liaison Committee shall-

- (a) guide and co-ordinate the operations, policies and mandates of all Committees;
- (b) deliberate on and apportion the annual operating budget among the Committees;
- (c) consider programmes of all Committees, including their need to travel and sit away from the precincts of the Assembly;
- (d) deliberate and decide on which reports of the Committees shall be debated in the House;
- (e) ensure that Committees submit reports as required by these Standing Orders;
- (f) determine, whenever necessary, which committee or committees should deliberate on a matter; and
- (g) give such advice relating to the work and mandate of select committees as it may be deemed necessary;

(3)The Liaison Committee may conduct public hearings on reports of committees which have not been referred to the House.

Committee to be limited to mandate.

198. Except as otherwise expressly provided in these Standing Orders no matter shall be referred to a select committee except on a Motion made after notice given.

PART XXI - PUBLIC PETITIONS

Meaning of Public Petition.

199. For purposes of this Part, a petition means a written prayer to the House by a member or members of the public seeking redress of a grievance.

Member's statement on presentation of Petition.

200. A petition may be presented or submitted to the House by a Member with the consent of the Speaker on a private Bill which has been published under Part XVII of these Standing Orders and any matter connected with business before the House or any matter of general public interest that is not one which is related to or involves remission of duty payable by any person.

Petition on Private Bill.

201. A Petition on a private Bill shall be dealt with in accordance with Part XVII of these Standing Orders.

Notice of intention to present Petition.

202. A Member shall give two sitting days' notice to the Clerk of intention to present a Petition and the Clerk shall examine each such Petition and ensure that the Petition is presented in the manner, form and content required by these Standing Order.

Form of Petition.

203. (1) A Petition shall be in written form and shall-

- (a) be in English or Kiswahili and couched in a respectful, decorous and temperate language;
- (a) be free of alterations and interlineations in its text;
- (b) be addressed to the National Assembly of Kenya or the Government of the Republic of Kenya;
- (c) have its subject-matter indicated on every sheet if it consists of more than one sheet of signatures and addresses;

- (d) conclude with a clear, proper and respectful prayer reciting the definite object of the petitioner or petitioners in regard to the matter to which it relates;
- (e) contain at least twenty signatures from persons other than members of Parliament or their thumb impressions and their names and addresses and identification numbers;
- (f) contain only signatures or thumb impressions as the case may be, and addresses and identification numbers written directly onto the Petition and not pasted thereon or otherwise transferred to it;
- (g) not have any letters, affidavits or other documents annexed to it; and
- (h) be countersigned by the Member presenting.

(2) The general form of a public Petition shall be as set out in the Third Schedule with such variation as the circumstances of each case may require.

Presentation of petitions.

204. (1) A schedule of petitions to be presented before the House on a sitting day may be appended to the Order Paper of the Day in the order that they shall be presented.

(2) When the Order "Petitions" is read, the Speaker shall direct that the Member present the Petition to the House

(3) The Member presenting the Petition shall read such Petition but shall confine himself or herself to the subject of the prayer, the material allegations therein and the number of signatures attached.

(4) A Member having presented a Petition shall, without question put, lay the Petition on the Table of the House;

(5) A Member presenting a Petition shall not speak for more than five minutes.

Comments on petitions.

205. The Speaker may allow comments, observations or clarifications in relation to a Petition presented and such total time shall not exceed five minutes.

Printing of petitions.

206. A Member presenting a Petition may, after notice given, move that it be printed.

Time for petitions.

207. Subject to Part VIII (Order of Business), the Order "Petitions" shall be on every Thursday before commencement of Business and the total time on the Order "Petitions" shall not exceed thirty minutes.

Committal of petitions.

208. (1) Every Petition presented pursuant to this Standing Order shall stand committed to the relevant Department of the Government or committee of the House as the case may be.

(2) Whenever a Petition is committed to a Department of the Government, the Minister responsible or any other designated Minister shall, in not more than twenty-one calendar days from the time of reading the prayer, respond to the petitioner by way of a Statement in the House addressed to the petitioner or petitioners.

(3) Whenever a Petition is committed to the National Assembly, the relevant committee shall, in not more than twenty-one calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the House and no debate on or in relation to the report shall be allowed.

(4) The Clerk shall, at the end of every Session, forward petitions which have been approved by the Speaker and not been presented to the House, to the relevant Department of the Government and such Department of the Government shall reply to each Petition forwarded in not more than twenty-one calendar days.

Copies of responses.

209. The Clerk shall forward copies of responses received under Standing Order 208 to the petitioners.

PART XXII - PROCEDURE ON REPORTS OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY AND THE PAN AFRICAN PARLIAMENT.

Procedure for presentation of reports.

210. (1) Members of the East African Legislative Assembly and the Pan African Parliament shall present half yearly reports of the respective activities of the Assembly and Parliament to the House through the Committee on Defence and Foreign Relations.

(2) Members of the East African Legislative Assembly and the Pan African Parliament may present any report to or consult with the Committee on Defence and Foreign Relations or any other committee of the House on any matter relating to the work of the East African Legislative Assembly and the Pan African Parliament, respectively.

(3) The Committee on Defence and Foreign Relations or other concerned Committee shall submit the reports referred to in this Part to the House with its recommendations, if any.

PART XXIII - STRANGERS

Places to which strangers are not admitted.

211. No Member shall bring any stranger into any part of the Chamber appropriated to the Members of the House while the House or the Committee of the whole House is sitting.

Withdrawal of strangers from the Chamber.

212. If at any sitting of the House or in a Committee of the whole House any Member shall move that strangers be ordered to withdraw, the Speaker or the Chairperson shall forthwith put the question, no amendment, adjournment or debate being allowed and upon such question being resolved in the affirmative all strangers shall be ordered to withdraw from the Chamber.

Press representatives infringing Standing Orders or the Speaker's Rules.

213. Any media institution whose representative infringes these Standing Orders or any rules made by the Speaker for the regulation of the admittance of strangers or persistently misreports the proceedings of the House, or neglects or refuses on request from the Clerk to correct any wrong report thereof to the satisfaction of the Speaker, may be excluded from representation in the Press gallery for such term as the House shall direct.

PART XXIV- GENERAL

Exemption of business from Standing Orders.

214. (1) A Motion may, with the approval of the Speaker, be moved by any Member, either with or without notice that the proceedings on any specified business be exempted from the provisions of Part V (Sitting and Adjournments of the House), Part VIII (Order of Business), Part XIX (Limitation of Debate), Part XVI (Public Bills), Part XVII (Private Bills), Part XVIII (Committee of the whole House) Part XIX (Supply and Ways and Means), Part XX (Select Committees), Part XXI (Public Petitions) and Part XXIII (Strangers) of these Standing Orders:

Provided that not more than one such Motion may be moved at any one sitting except with the leave of the House:

Provided further that no such Motion shall be made to exempt any business from Standing Order 105 (Publication), Standing Order 106 (Not more than one stage of a Bill to be taken at the same sitting) or Standing Order 140 (President's consent required for money measures).

(2) A Motion under this Standing Order shall state the object of or reason for the proposed exemption and no amendment may be moved to such a Motion without the consent of the Mover.

(3) A Motion under this Standing Order may be moved at any time and any other business may be interrupted.

Seating in the Chamber.

215. (1) All seats in the front benches of the Chamber to the right of the Speaker shall be reserved for the exclusive use of Ministers.

(2) All seats in the front benches of the Chamber to the left of the Speaker shall be reserved for Leaders of Opposition Parties and Members of the Official Opposition Party designated as having responsibility in particular matters, or as the Speaker may direct.

Members travelling outside Kenya.

216. (1) Members intending to travel outside Kenya whether in an official or a private capacity, shall give to the Speaker a written notice to that effect, indicating: -

(a) the destination intended to be visited;

(b) the dates of the intended travel and period of absence from Kenya; and

(c) the telephone contact and postal or physical address of their stay during the period of absence from Kenya.

(2) All information submitted under this Standing Order shall be kept in a register which the Clerk shall maintain for that purpose and shall not be disclosed to any person without the permission of the Speaker.

Expenses of witnesses.

217. There shall be paid or tendered to any person summoned to give evidence or to produce documents before the House or a Committee, such reasonable sum in respect of the person's expenses, including travelling expenses, as the Speaker may from time to time determine, either generally or specifically.

PART XXV- TRANSITIONAL PROVISIONS

Transitional.

218. (1) Subject to paragraph (2), these Standing Orders shall come into operation on the date of the commencement of the Third Session of the Tenth Parliament and the Standing Orders then in operation shall stand repealed.

(2) The following provisions of these Standing Orders shall come into operation on such date prior to the commencement of the Third Session of the Tenth Parliament as the Speaker may, after consultation with the Standing Orders Committee, appoint-

(a) Standing Order 17 (Visiting dignitaries);

- (b) Standing Order 34(4) (Statement by the Leader of Government Business);
 - (c) Part IX (Prime Minister's Time);
 - (d) Standing Order 156 (House Business Committee); and
 - (e) any other provision.
- (3) On the coming into operation of these Standing Orders (or any of them) any orders, directions, appointments and other acts lawfully made or done under a provision of the Standing Orders in force immediately before such coming into operation, shall be deemed to have been made or done under the corresponding provision of these Standing Orders and shall continue to have effect accordingly.

FIRST SCHEDULE

BROADCASTING REGULATIONS

(Standing Order 32 (2))

Parliamentary Broadcasting Unit.

1. (1) There is established the Parliamentary Broadcasting Unit, which shall oversee the broadcasting of parliamentary proceedings.

(2) Unless the House otherwise directs, the Parliamentary Broadcasting Unit may broadcast the proceedings of the House and provide access to parliamentary information.

Parliamentary privilege.

2. Audio and visual digital footage of parliamentary proceedings shall be covered by the laws relating to parliamentary privilege and shall be kept as part of the records of the House, under the custody of the Clerk.

Television broadcasting.

3. When broadcasting the proceedings of the House on television, the following guidelines shall apply-

- (a) the camera shall focus on the Member recognized by the Chair until the Member has finished speaking;
- (b) group shots and cut-aways may be taken for purposes of showing the reaction of a group of Members to an issue raised on the Floor;
- (c) wide-angle shots of the Chamber shall be used during voting and Division.
- (d) shots of the voting booths when voting is in process shall not be allowed;
- (e) officers of the House taking an active role in the proceedings may be shown;
- (f) the occupant of the Chair shall be shown when taking and leaving the Chair and whenever he or she rises;
- (g) press and public galleries shall not be shown except as part of the wide angle shots and during important functions as may be determined by the House;
- (h) no close-up shots of Members' papers or reference materials may be shown.

Radio broadcasting.

4. When broadcasting the proceedings of the House on radio, the following guidelines shall apply:
 - (a) audio recording shall be restricted to proceedings of the House and the Committees;
 - (b) commentaries during a live broadcast shall be limited to the introduction of a matter under debate and the Member on the floor.

Protection of the dignity of the House.

5. (1) Officers of the Parliamentary Broadcasting Unit shall conduct themselves in a professional and impartial manner, giving a balanced, fair and accurate account of proceedings.
 - (2) Shots designed to embarrass unsuspecting Members of Parliament shall not be shown.
 - (3) Recordings of Parliamentary proceedings may not be used for purposes of political party advertising, ridicule, commercial sponsorship or any form of adverse publicity.

External media houses.

6. (1) In this Regulations, "external media house" refers to any media house other than the Parliamentary Broadcasting Unit.
 - (2) No external media house or other person may broadcast any proceedings of the House except as received from the broadcast feed provided by the Parliamentary Broadcasting Unit or with the permission of the Speaker.
 - (3) A media house that receives a broadcast feed from the Parliamentary Broadcasting Unit shall broadcast it without any manipulation or distortion.
 - (4) No camera or other recording or broadcasting equipment shall be allowed in the House without authorization.
 - (5) Accredited journalists shall be allowed access to designated areas for purposes of following the proceedings and taking notes and any journalist so allowed shall observe the Standing Orders and these Regulations.

Breach of broadcasting Regulations.

7. (1) Any person who fails to comply with these Regulations shall be liable to such penalty as the House Broadcasting Committee may subject to the Standing Orders, in any particular case consider appropriate.
 - (2) The House Broadcasting Committee shall develop procedures for the enforcement of these Regulations.

SECOND SCHEDULE

DEPARTMENTAL COMMITTEES (Standing Order 196 (2))

Committee	Subjects
A Administration and National Security	Public administration and national security, internal security, immigration, National Youth Service and natural disasters.
B Administration of Justice and Legal Affairs.	Constitutional affairs, the administration of law and justice (Judiciary, police and prisons departments, community service orders), public prosecutions, elections, ethics, integrity and anti-corruption and human rights.
C Agriculture, Livestock and Cooperatives	Agriculture, livestock, fisheries development, co-operatives development, production and marketing.
D Defence and Foreign Relations.	Defence, East African Community matters, Pan-African Parliament, regional and international relations, agreements, treaties and conventions.
E Education, Research and Technology.	Education, training, research and technological advancement.
F Energy, Communication and Information.	Development, production, maintenance & regulation of energy, communication, information, broadcasting and Information Communications Technology (ICT) development.
G Finance, Planning and Trade.	Public finance, banking, insurance, population, planning, national development, trade, tourism promotion and management, commerce and industry.
H Health.	Matters related to health, medical care and health insurance.
I Labour and Social Welfare.	Labour, trade union relations, manpower or human resource planning, gender, culture and social welfare, youth, children's welfare; national heritage, betting, lotteries and sports.

J
Lands and Natural Resources.

Lands and settlement, forestry, water resource management and development, irrigation; environment, wildlife, mining and natural resources.

K
Local Authorities.

Policy Matters of and related to local authorities.

L
Transport, Public Works and Housing.

Transport, roads, public works, construction and maintenance of roads, rails and buildings, air, seaports and housing.

THIRD SCHEDULE

GENERAL FORM OF A PUBLIC PETITION

(Standing Order 203 (2))

WE, the undersigned, (Here, identify in general terms, who the petitioners are, for example, 'citizens of Kenya, residents of ... province or region, workers of ... industry, etc.)

DRAW the attention of the House to the following:

(Here, briefly state the reasons underlying the request for the intervention of the House by outlining the grievances or problems by summarizing the facts which the petitioners wish the House to consider.)

THEREFORE your humble petitioners **PRAY** that Parliament or the Government of the Republic of Kenya:-

(Here, set out the prayer by stating in summary what action the petitioners wish Parliament or the Government to take or refrain from.)

and your **PETITIONERS** will ever Pray.

Name of petitioner (Do not print)	National ID. or Passport No.	Full Address	Signature/Thumb impression
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(First page)

PETITION concerning.....

(Here, repeat the
summary in first page)

Name of petitioner
(Do not print)

Signature/Thumb impression

(Subsequent
page/s)

THIRD SCHEDULE

MINUTES OF THE PROCEEDINGS
OF THE STANDING ORDERS
COMMITTEE

2008

MINUTES OF THE FIRST SITTING OF THE STANDING ORDERS COMMITTEE HELD ON FRIDAY, MAY 30, 2008 IN COMMITTEE ROOM NO.7, PARLIAMENT BUILDINGS AT 9.00 A.M.

PRESENT

The following Members were present:-

The Hon. Kenneth Marende, MP (Chairman)
The Hon. Gitobu Manyara, MP
The Hon. Jeremiah Kioni, MP
The Hon. Moahmed Abdikadir, MP

ABSENT WITH APOLOGY

The Hon. Farah Maalim, MP – Deputy Speaker
The Hon. David A. Were, MP
The Hon. Boaz Kaino, MP
The Hon. Nassir Nur, MP
The Hon. Ababu Namwamba, MP
The Hon. Franklin Bett, MP
The Hon. Pollyns Anyango, MP
The Hon. (Prof) Philip Kaloki, MP

IN ATTENDANCE

- NATIONAL ASSEMBLY

Mr. P.G. Gichohi - Clerk of the National Assembly
Mr. Michael Sialai - Principal Clerk Assistant/PA to Speaker
Mr. Lawrence Amolo - Clerk Assistant III
Mr. Samuel Njoroge - Clerk Assistant III
Mr. Martin Onyango - Parliamentary Intern

MIN/NO.001/2008 -

REMARKS BY THE CHAIRMAN

The Chairman called the meeting to order at 9.30 a.m. He reminded Members of the crucial and urgent need to undertake a comprehensive review of the Standing Orders considering that the same were last reviewed in 1997. He further underscored the need to make rules that will aid improvement in the conduct of parliamentary business and urged that the Committee complete the task by the end of the year.

The Chairman also observed that sufficient groundwork in the review had been undertaken during the Ninth Parliament and proposed that the report of the then committee could be used as a working document by the present Committee.

MIN.NO.002/2008 -

APPOINTMENT OF SUB-COMMITTEE

The Committee constituted a six-Member Sub-committee comprising the following Members:-

- (i) Hon. Gitobu Imanyara, MP – Chairman
- (ii) Hon. (Prof) Philip Kaloki, MP
- (iii) Hon. Jeremiah Kioni, MP
- (iv) Hon. Moahmed Abdikadir, MP
- (v) Hon. David Were, MP
- (vi) Hon. Amina Abdalla, MP – Co-opted Member

The Sub-committee was mandated to draft a new set of Standing Orders for consideration by the main Committee and transmission to the House for adoption.

The Sub-Committee would, *inter alia*:-

- (i) be guided by the report of the Standing Orders Committee of the 9th Parliament (the Seventh Draft) which could be adopted with due regard to the recent changes in government and political structure in the country;
- (ii) consider the fact of the imminent live broadcast of Committee and Chamber proceedings and make provisions in the Order;
- (iii) consider proposals made by the East African Legislative Assembly (EALA); and
- (iv) invite further proposals on amendments from Hon. Members as well as from members of the public and other stake-holders and consider the same for inclusion in the Standing Orders.

MIN.NO.003/2008 - ADJOURNMENT

And there being no other business, the Chairman adjourned the Sitting at 10.00 a.m.

SIGNED Hon. Kenneth Marende, MP
 (Chairman)

DATE August 19, 2008

MINUTES OF THE SECOND SITTING OF THE STANDING ORDERS COMMITTEE HELD ON THURSDAY, JULY 17, 2008 IN COMMITTEE ROOM NO. 9, MAIN PARLIAMENT BUILDINGS AT 11:40 AM.

PRESENT

The following Members of the Committee were present:-

The Hon. Kenneth Marende, MP - Chairman
The Hon. Gitobu Imanyara, MP
The Hon. (Prof) Philip Kaloki, MP
The Hon. Jeremiah Kioni, MP
The Hon. David Were, MP
The Hon. Boaz Kaino, MP
The Hon. Nur Nassir, MP
The Hon. Franklin Bett, MP
The Hon. Pollyns Ochieng, MP

ABSENT

The Hon. Farah Maalim, MP
The Hon. Ababu Namwamba, MP
The Hon. Amina Abdalla, MP

IN ATTENDANCE: KENYA NATIONAL ASSEMBLY

Mr. P.G. Gichohi - Clerk of the National Assembly
Mr. Jeremiah Nyegenye - Principal Counsel
Mr. Samuel Njoroge - Third Clerk Assistant

MINUTE NO.004/2008 CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTING

The Agenda was postponed until the next meeting.

MINUTE NO.005/2008 CONSIDERATION OF REPORT OF THE SUB COMMITTEE:

On behalf of the Sub-Committee, the Hon. Gitobu Imanyara, MP, Chairman of the six-member Sub-committee constituted on May 30, 2008 laid their report before the Committee.

The Chairman of the Sub-Committee briefed the meeting on the progress made on the review of the Standing Orders and the contents of the Report titled, "Tenth Parliament Draft I". He highlighted on the some of the major amendment proposed by the Sub-committee as follows:-

- (i) use contemporary English language in the Prayer;
- (ii) insertion of the *Kiswahili* version of the Prayer in the Standing Orders;

- (iii) insertion in the Standing Orders of a provision to allow the Speaker recognise parliamentary groups or association of Members for proper functioning of the House
- (iv) amending the Standing Orders to require that, immediately following the general elections, the election of the Speaker be presided over by the Member present in the House, who shall have served for the longest period, continuously;
- (v) renaming the Chairmen's panel to Speakers' panel;
- (vi) insertion of a procedure of formal introduction of the Presidents Speech in the House;
- (vii) addition of Thursday morning as a sitting day;
- (viii) addition of item "Statements" to "Matters other than business"
- (ix) requirement that, Leader of Government Business shall, every Thursday or the last sitting day of the week before commencement of business, inform the House of the business coming before it in the following week;
- (x) addition of a new Part to be named "Prime Minister's time" designated for statements to be made by the Prime Minister and questions be put relating to matters of Government policy or the general performance of the Government and Government agencies;
- (xi) reduction of the number of days required prior to an *Ordinary Question* to appear on the *Order Paper* from ten to five;
- (xii) insertion of an elaborate connotation for matters deemed to be falling under the doctrine of *sub judice*;
- (xiii) requiring that any member who fails to ask or answer a question, or to record his or her abstention in a division, or unnecessarily and persistently interrupts proceedings of the House, be out of order within the meaning provided in the Standing Orders;
- (xiv) insertion in the Standing Orders of a provision for the Speaker to require, if he deems fit, that a member rising in a *point of order* indicate the Standing Order upon which his or her *point of order* is based;
- (xv) limitation and reduction of speaking time for different categories of persons in debate;
- (xvi) requirement that Members be subjected to a security check prior to entering the chamber and that lady Member be allowed into the Chamber with handbags;

- (xvii) insertion that, other than bowing, if need be, Members be allowed to show respect in any other manner consistent with their faith and with the dignity of the House;
- (xviii) in the Part *Public Bills*, introduction of an elaborate procedure aimed at encouraging private members to introduce public bills and in the same vein, deletion of the requirement for a motion seeking leave of the House to introduce a bill by members other than ministers;
- (xix) requirement that quorum be present prior to the Second and Third Reading of a bill;
- (xx) insertion of time limitation for the period of presentation of a bill after third reading by the Clerk to the Attorney General and to the President for assent;
- (xxi) insertion of definite time within which the House shall consider a President's Memoranda on any bill;
- (xxii) amendment of Part XVIII of the Standing Orders (financial procedure), to require utmost involvement of Parliament in the preparation of the Budget;
- (xxiii) insertion of amendments in the Part XIX aimed at improving the Committee System, including: introduction of elaborate rules; requirement that nomination of Members reflects the relative party strengths in the House; addition of the following new committees-
 - (a) Local Government and Funds Accounts Committee
 - (b) Committee on Delegated Legislation
 - (c) Committee on Implementation,
 - (d) Fiscal Analysis and Appropriations committee,
 - (e) House Broadcasting Committee
- (xiv) Introduction of an elaborate procedure for Public Petition aimed at simplifying the process in the Standing Orders;
- (xv) Introduction of a Part in the Standing Orders, to provide for presentation of Reports by Members of the EALA and the Pan-African Parliament; and,
- (xvi) Introduction of House Broadcasting Rules.

The Hon. Gitobu asked the Committee to allow the Sub-Committee to reconsider the proposal on Financial Procedure (Part XVIII) and Broadcasting rules for consideration by the Committee.

Commending the Sub-Committee for undertaking the task in short time, the Committee:-

- (i) welcomed the report *Tabled* by the Hon. Gitobu Imanyara, MP on behalf of the Sub-Committee; and
- (ii) asserted its commitment to ensuring that the review process is finalised soonest. In this regard, it was agreed that the Sub-Committee finalise the pending work

MINUTES OF THE PROCEEDINGS OF THE THIRD SITTING OF THE STANDING
ORDERS COMMITTEE HELD ON FRIDAY, JULY 18, 2008 AT BARAZA MEETING
ROOM, WHITESANDS HOTEL, MOMBASA AT 2.00 p.m.

PRESENT

The following Members of the Committee were present:-

The Hon. Kenneth Marende, MP - Chairman
The Hon. David Were, MP
The Hon. Mohamed Abdikadir, MP
The Hon. Franklin Bett, MP
The Hon. Boaz Kaino, MP
The Hon. Jeremiah Kioni, MP

ABSENT WITH APOLOGY

The Hon. Gitobu Imanyara, MP
The Hon. Farah Maalim, MP
The Hon. Nassir Nuh, MP
The Hon. Pollyns Anyango, MP
The Hon. (Prof) Philip Kaloki, MP

ABSENT

The Hon. Ababu Namwamba, MP

IN ATTENDANCE:

The Hon. Ekwee Ethuro, MP

KENYA NATIONAL ASSEMBLY

Mr. P. G. Gichohi	-	Clerk National Assembly
Mr. C. M. Nyandiere	-	Director (Information & Research)
Mr. J. N. Mwangi	-	Assistant Deputy Clerk
Ms. Christine Mwambua	-	Principal Clerk Assistant
Mr. M. R. Sialai	-	Principal Clerk Assistant
Mr. Jeremiah Nyegenye	-	Principal Legal Counsel
Mr. Samuel Njoroge	-	Third Clerk Assistant
Mr. Frederick Muthengi	-	Budget Officer
Ms. Eunice Lumallas	-	Personal Assistant to the Speaker

OTHERS INVITED

Ms. Njoki Ndung'u - Former Member of Parliament
Dr. Fred Matiang'i, - Suny (K)
Mr. Tom Onyambu - Legal Consultant

MINUTE NO.008/2008 PRELIMINARY

The Chairman opened the meeting and thanked the Sub-Committee for its efforts in compiling the Report.

The Hon. David Were, MP, on behalf of the Sub-Committee thanked the Committee for the honour bestowed upon Members of the Sub-Committee to spearhead the review. He informed the Committee that, pursuant to its resolution Vide Minute No. 005/2008 (b), the Sub-Committee had, during the day, held a sitting between 10.30 and 12.45 p.m. to consider pending matters whose report was ready for consideration by the Committee.

MINUTE NO.009/2008 CONSIDERATION OF SUB-COMMITTEE'S REPORT:
"TENTH PARLIAMENT - 1ST DRAFT"

The Committee considered the *1st Draft* of the proposed Standing Orders as follows: -

1. The Prayer:

- (i) The proposal to use contemporary English language in the Prayer was agreed to;
- (ii) The proposal to insert the *Kiswahili* version of the Prayer in the Standing Orders was agreed to;

2. Part I: Introductory:

Proposals in this Part were agreed to with the following amendments:-

- (i) That, meaning be assigned to the words "Leader of Government Business" as follows: "Leader of Government Business" means the Minister designated by the Government as the leader of Government business in the House;
- (ii) That, the proposed meaning assigned to the words "Parliamentary Party" be amended to read: "Parliamentary Party" means a party or a coalition of parties consisting of not less than five percent of the membership of the National Assembly. Provided that, the Speaker may, on the request by written memorandum of a caucus or group of members, not being in Government, recognize a caucus or group of members as constituting a parliamentary group for the purpose of facilitating the proper functioning of the business of the House;
- (iii) That, meaning be assigned to the words "Party Whip" as follows: "Party Whip" means the Member designated by a Parliamentary Party as its party whip for the purposes of the business of the House; and
- (iv) *That, meaning be assigned to the words "public Bill" as follows: "Public Bill" means a Bill whether introduced by a Minister or other Member which is intended to affect the public generally, or a section of the public.*

3. Part II: Meetings of the House, Election of the Speaker and Swearing-In of Members:

The proposal in this Part of the 1st Draft were agreed to, save for the proposed Standing Orders 3 of the Draft: {The proposal that *the election of the Speaker on a new House be presided over by the longest serving Member present in the House, taking consideration of age, if more that one has served the longest time*}

It was resolved that the provision in the Standing Orders be retained.

In taking this resolution, the Committee was guided by the example of the election of the Speaker during the 1st Session of the Tenth Parliament wherein the position was closely contested. Members asserted that in such circumstances, it would be difficult for a Member of the House to be seen to be impartial. Further, such indefinite parameters as “longest serving member” and “oldest in age” proposed in the Draft, may be lead to acrimony, particularly in a new House. In this regard, it was also observed the practise of the Clerk presiding in the elections is popular in other parliaments, such as New Zealand, Ghana and Australia, amongst others.

Further, the proposal to provide that “the Election of the Speaker shall be by secret ballot” was agreed to.

4. Part III: Deputy Speaker and Chairperson of Committees:

The Proposals in this Part of the Draft were agreed to with the following amendments:-

- (i) That, increase the number of the Members of the panel to Four;
- (ii) The proposal to use of the words “Assistant Deputy Speakers” was negatived) and the title, First, Second, Third and Fourth Chairperson of Committees retained; and
- (iii) That, the panel be referred to as the Speaker’s panel.

In reaching this agreement, the Committee was guided by the need to uphold the principle in Section 38 of the Constitution (*Deputy Speaker of the National Assembly*).

5. Part IV: President:

The Proposals in this Part of the Draft were agreed to.

6. Part V: Sittings and Adjournment of the House;

The Proposals in this Part of the Draft were agreed to, save for:

- (i) The proposal in S. O. 18(1) of the Draft (insertion of Thursday morning as a sitting day) which was Negatived and the provision in the Standing Orders retained;

In taking this decision, the Workshop was cognisant of the fact that the proposal to increase the sitting days is intended to create time for private members' business. Members agreed that, the time currently provided for in the Standing Orders would suffice, if used in accordance with the Standing Orders. Further, there are proposals contained in other Parts of the Draft aimed at availing more time for use by private members, for instance, limiting speaking time in debates (in areas where it is currently unlimited), reducing the time ordinarily spent during the budget cycle and debate on President's speech, amongst others.

- (ii) Further, it was agreed that the following proposal be inserted:

18 (2) The first three hours commencing 2.30 p.m. on Thursday shall be allotted for the transaction of private Members' business.

7. Part VI: Quorum of the House:

The number "Thirty" being a Constitutional requirement, there was no substantive proposal in this Part of the Draft. However, it was agreed that, in keeping with the practise in most other Commonwealth Parliaments, there is need to affably encourage Members to refrain from raising questions of Quorum in the House.

8. Part VII: Journals and Records of the House:

The Proposals in this Part of the Draft were agreed to, with the following amendments:

- (i) That, the following insertion be made immediately after Standing Order 29:-

"The Speaker may make rules to regulate the access by the public to Journals and Records"

- (ii) That, a Standing Order be inserted to require that any broadcast of House proceedings adhere to *Broadcast Regulations*.

9. Part VIII: Order of Business:

The Proposals in this Part of the Draft were agreed to, with the following concerns:

- a) That, the items (i) Administration of Oath, (ii) Communication from the Chair, and (iii) Petitions should not be listed on the *Order Paper*, unless the Clerks-At-the-Table are aware that such items will arise in the House on a particular day. If they have to be retained in the *Order Paper*, the Clerks-At-the-Table need not read them unless circumstances require that they be read; and
- b) That, the proposal in Standing Order 34(3) - requiring that every Thursday, the Leader of Government Business (LoGB) shall rise to inform the House of the Business before the House during the next week may not be worthwhile.

The Hon. Boaz Kaino, MP expressed concern that the proposal may be acrimonious and may not be acceptable to Members at the plenary, possibly due to ranking issues in Government. He was of the view that, if the proposal is to be applicable, nothing may stop the House from debating the "information" as made by the LoGB. He was also of the opinion that the Weekly Schedule of Business presently circulated by the Clerk every Thursday or Friday would suffice.

(b)

(c) The Workshop debated the matter at length and resolved-

(i) That, matters of possible ranking issues in Government was outside the purview of the Committee and that the rules of procedure are for made posterity;

(ii) That, a proposal be inserted in the Standing Orders amending the Draft to require that the LoGB *tables* the said Statement and limiting the "information" time to 15 minutes; and

(iii) That, the matter be addressed again during the next meeting.

10. New Part IX: Prime Minister's Time

The proposals in this Part of the Draft were agreed to;

11. Part X: Questions:

The proposals in this Part of the Draft were agreed to;

12. Part XI: Motions and Amendments:

The proposals in this Part of the Draft were agreed to;

13. Part XII: Divisions:

The proposals in this Part of the Draft were agreed to;

14. Part XIII: Rules of Debate:

The proposals in this Part of the Draft were agreed to, with amendments to Standing Orders 79 (1) by adding the words "and the discussion of such matter is likely to prejudice its fair determination " to read as follows:-.

79 (1) A matter shall be considered to be sub judice when it refers to active criminal or civil proceedings and the discussion of such matter is likely to prejudice its fair determination.

15. Part XIV: Limitation of Debate:

The proposals in this Part of the Draft were agreed to;

16. Part XV: Order in the House and committees of the whole House:

The proposals in this Part of the Draft were agreed to;

17. Part XV: Public Bills:

The proposals in this Part of the Draft were agreed to;

18. Part XVI: Private Bills:

The proposals in this Part of the Draft were agreed to;

19. Part XVII: Committees of the Whole House:

The proposals in this Part of the Draft were agreed to;

MINUTE NO.010/2009

ADJOURNMENT

There being no other business the Chairman adjourned the Sitting at 8.15 p.m. until July 19, 2008 at 9.00 am at the same venue.

SIGNED

Hon. Kenneth Marende, MP
(Chairman)

DATE

August 19, 2008

MINUTES OF THE PROCEEDINGS OF THE FOURTH SITTING OF THE STANDING ORDERS COMMITTEE HELD ON FRIDAY, JULY 19, 2008 AT BARAZA MEETING ROOM, WHITESANDS HOTEL, MOMBASA AT 9.10 A.M.

PRESENT

The following Members of the Committee were present:-

The Hon. Kenneth Marende, MP - Chairman
The Hon. David Were, MP
The Hon. Mohamed Abdikadir, MP
The Hon. Franklin Bett, MP
The Hon. Boaz Kaino, MP
The Hon. Jeremiah Kioni, MP
The Hon. Gitobu Imanyara, MP
The Hon. Farah Maalim, MP
The Hon. Nassir Nuh, MP
The Hon. Pollyns Anyango, MP
The Hon. (Prof) Philip Kaloki, MP

ABSENT

The Hon. Ababu Namwamba, MP

IN ATTENDANCE:

The Hon. James A. Orengo, MP- Minister for Lands
The Hon. Ekwee Ethuro, MP

KENYA NATIONAL ASSEMBLY

Mr. P. G. Gichohi	-	Clerk National Assembly
Mr. C. M. Nyandiere	-	Director (Information & Research)
Mr. J. N. Mwangi	-	Assistant Deputy Clerk
Ms. Christine Mwambua	-	Principal Clerk Assistant
Mr. M. R. Sialai	-	Principal Clerk Assistant
Mr. Jeremiah Nyegenye	-	Principal Legal Counsel
Mr. Samuel Njoroge	-	Third Clerk Assistant
Mr. Frederick Muthengi	-	Budget Officer -Office of Fiscal Analysis
Ms. Eunice Lumannas	-	Personal Assistant-Office of the Speaker

OTHERS INVITED

Ms. Njoki Ndung'u - Former Member of Parliament
Dr. Fred Matiang'i, - Suny (K)
Mr. Tom Onyambu - Legal Consultant

MINUTE NO.011/2008

CONSIDERATION OF SUB-COMMITTEE'S REPORT:
"TENTH PARLIAMENT - 1ST DRAFT"

The Committee considered the *1st Draft* of the proposed Standing Orders as follows: -

1. Part XIX - Supply and Ways and Means:

The Workshop debated at length the proposal in this Part of the Draft. The proposals were agreed to, with amendment to add the following provision to Standing Order 142.

(5) The House shall discuss the report of the Fiscal Analysis and Appropriations Committee on a motion that "this House do adopt the report of the Fiscal Analysis and Appropriations Committee on the Budget Policy Statement"

The Committee noted that, the implementation of the proposal in the entire Part XIX is not necessarily subject to the envisaged Fiscal Analysis Bill, nor would the proposals need to await passing of any such bill.

2. Part XIX - Select Committees:

The proposals in this Part of the Draft were agreed to, save for:

(a) House Business Committee

The Hon. Jeremiah Kioni, MP raised concern on the amendment proposed, that *nomination of Members into the House Business Committee reflects the relative majorities of the seats held by each of the parliamentary parties in the National Assembly* is a precarious one in the event of a minority Government. He exemplified that, if a general election is between two parties, "A" and "B" and the presidential candidate for party "A" garners, say, 51% of the presidential votes, but the party gets only, say, 41% of the parliamentary seats, while the rest 59% are taken by party "B", candidates, then, in such a case, the effect of the proposed amendment would be that though party "A" would form the government, it would only have 41% of the membership of the House Business Committee, in which case its running of the affairs of the government in the House would be compromised, particularly if either of the two parties is not agreeable to enter into coalition.

In this regard, he proposed that, a proviso be inserted in the Draft requiring that a majority of the members of the House Business Committee shall be members of the party or parties in Government.

The matters was debated at length and it was agreed :-

- (i) That, a proviso be put requiring that the Chairperson of the House Business Committee be a Member appointed by the Government; and
- (ii) That, the matter be considered again during the next meeting.

(b) Committee on Equal Opportunity

The Sub-Committee had proposed that the committee need not be inserted in the Standing Orders but that the mandate of the Standing Committee examining matters of social affairs be expanded to include those matters falling under the proposed Committee on Equal Opportunity.

The Workshop debated the matter at length and resolved:

- (i) That, the proposed Select committees on Delegated Legislation and Implementation be merged into one committee;
- (ii) That, a new select committee designated Committee on Equal Opportunity be inserted in the Draft; and
- (iii) That, the matter be considered again during the next meeting.

3. Part XIX – Public Petitions:

The proposals in this Part of the Draft were agreed to;

4. Part XIX – Procedure on Reports of the EALA and the Pan-African Parliament:

The proposals in this Part of the Draft were agreed to;

5. Part XIX - Strangers:

The proposals in this Part of the Draft were agreed to;

6. Part XIX - General:

The proposals in this Part of the Draft were agreed to with amendment that the following proposal was inserted:

Transitional

“On the coming into force of these Standing Orders any orders, directions, appointments and other acts lawfully made or done under a provision of the Standing Orders in force immediately before such coming into force shall be deemed to have been made or done under the corresponding provision of these Standing Orders and shall continue to have effect accordingly”

It was also agreed that a resolution would be included in the Sessional Paper submitting the proposed new Standing Orders to the House asking the House to resolve:

- (i) *That, the proposed new Standing Orders shall come into force on the date of commencement of the Third Session of the Tenth Parliament and that the Standing Orders then in force shall stand repealed;*
- (ii) *That, the following provisions in the new Standing Orders shall come into force on such date prior to commencement of the Third Session of the*

Tenth Parliament as the Speaker may, in consultation with the Standing Orders Committee, appoint;

(a) Standing Order 17 (Address of the House by a Visiting Head of State),

(b) Standing Order 34 (Statement by the LoGB on the Business of the House),

(c) Part IX (Prime Minister's Time.

7. Broadcasting Rules:

The proposals in this Part of the Draft were agreed to;

MINUTE NO.012/2009

ADJOURNMENT

There being no other business the Chairman adjourned the Sitting at 3.15 p.m. until July 22, 2008 at 9.30 a.m.

SIGNED

Hon. Kenneth Marende, MP
(Chairman)

DATE

August 19, 2008

MINUTES OF THE FIFTH SITTING OF THE STANDING ORDERS COMMITTEE HELD ON THURSDAY JULY 31, 2008 IN THE SMALL DINING ROOM, PARLIAMENT BUILDINGS AT 9 A.M.

PRESENT

The following Members of the Committee were present:-

The Hon. Kenneth Marende, M.P.- Chairman
The Hon. Gitobu Imanyara, M.P.
The Hon.(Prof.) Philip Kaloli, M.P.
The Hon. Mohammed Abdikadir, M.P.
The Hon. Jeremiah Kioni, M.P.
The Hon. David Were, M.P.

ABSENT

The Hon. Farah Maalim, M.P.
The Hon. Nassir Nuh, M.P.
The Hon. Ababu Namwamba, M.P.
The Hon. Franklin Bett, M.P.
The Hon. Boaz Kipchumba Kaino, M.P.
The Hon. Amina Abdalla, M.P.
The Hon. Pollyns Anyango, M.P.

IN ATTENDANCE - NATIONAL ASSEMBLY

Mr. P.G. Gichohi	-	Clerk of the National Assembly
Mr. Jeremiah Nyegenye	-	Principal Legal Counsel
Mr. Lawrence Amolo	-	Third Clerk Assistant
Mr. Samuel Njoroge	-	Third Clerk Assistant
Ms. Eunice Lumannas	-	Personal Assistant to the Speaker

Confirmation of Minutes was deferred to a later date.

MIN. NO. 014/2008

CONSIDERATION OF PENDING MATTERS IN
REVIEW OF STANDING ORDERS

The Committee considered the pending matters and resolved as follows:-

(1) Part VII, Order of Business;

The proposal that the Leader of Government Business tables information to the House every Thursday was adopted, subject to a proviso that the same shall not be the subject of debate;

(2) Part XIX Select Committees;

- (i) House Business Committee; the proposal that Composition of HBC reflect relative party Strengths | the House was adopted subject to a proviso that the Government maintains a majority of at least one.

MINUTES OF THE SIXTH SITTING OF THE STANDING ORDERS COMMITTEE HELD ON FRIDAY AUGUST 15, 2008 IN COMMITTEE ROOM NO.9, PARLIAMENT BUILDINGS AT 11.00 A.M.

PRESENT

The following Members were present:-

The Hon. Kenneth Marende, MP - Chairman
The Hon. Amina Abdalla, MP
The Hon. David Were, MP

ABSENT

The Hon. Farah Maalim, MP
The Hon. Gitobu Imanyara, MP
The Hon. (Prof.) Philip Kaloki, MP
The Hon. Mohammed Abdikadir, MP
The Hon. Jeremiah Kioni, MP
The Hon. (Dr.) Nassir Nuh, MP
The Hon. Ababu Namwamba, MP
The Hon. Franklin Bett, MP
The Hon. Boaz K. Kaino, MP
The Hon. Pollyns Anyango, MP

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

Mr. P.G. Gichohi	-	Clerk of the National Assembly
Mr. Jeremiah Ndombi	-	Senior Legal Counsel
Mr. Lawrence Amolo	-	Third Clerk Assistant
Mr. Samuel Njoroge	-	Third Clerk Assistant

MIN. NO.017/2008

CONFIRMATION OF MINUTES

Confirmations of Minutes of the 1st, 2nd, 3rd and 4th Sittings were deferred to a later date. Minutes of the 5th Sitting held on July 31st, 2008 were confirmed at true record of the deliberation by Members present and signed by the Chairman.

MIN. NO.018/2008 MATTERS ARISING

Under Minute No.014/2008 - Consideration of Pending Matters, the Committee was informed that the resolutions of the Committee on Order of Business, House Business Committee and Committee on Equal Opportunity had already been incorporated in the draft Standing Orders.

MIN. NO.019/2008

CONSIDERATION OF PROGRAMMED AND LOGISTICAL ARRANGEMENTS FOR THE WORKSHOP AT SAFARI PARK HOTEL

The Committee:-

- (i) was apprised on the programmed and other logistical arrangements for the workshop and the same were adopted;
- (ii) was further informed that letter of invitation to H.E. the President and the Rt. Hon. Prime Minister had been dispatched and follow up on the same would be made by the Clerk; and
- (iii) assigned all Members of the Committee as panelists to the various working groups and resolved to hold a Sitting at Safari Park Hotel on August 19, 2008 at 1.00 pm at which the details on the procedure at the workshop would be finalized.

MIN. NO. 020/2008

ANY OTHER BUSINESS

Several proposals were made to the Committee by the Clerk and the Committee resolved that:-

- (i) Standing Order No.43 be amended to provide for the inclusion of replies to Questions in the official record of the House during the first Sitting after recess;
- (ii) Standing Order No.22 be amended to bring forward, 'zero hour' to 3.30 pm to 4.00 pm;
- (iii) Standing Order No.94 be amended to retain the name 'Departmental Committees' instead of the proposed 'Standing Committees' considering that in many jurisdictions Standing Committees are so named to connote their statutory origin;
- (iv) Standing Order No.18(5) be amended to enable any Member of the House, and not only Minister, to move the Motion of adjournment at the end of a Sitting;
- (v) Standing Order No.4(2) be amended to expressly provide that at the 2nd ballot, the candidate who attains the highest number of votes shall be duly elected Speaker; and
- (vi) Upon prorogation of the House, Bills be carried over without re-publication and at the subsequent Session, debate should commence at the stage of interruption in the preceding session.

MIN. NO.021/2008 ADJOURNMENT

There being no other business, the Chairman adjourned the Sitting at twenty Minutes past twelve O'clock until Tuesday August 19, 2008 at 10.00 a.m

SIGNED Hon. Kenneth Marende, MP
 (Chairman)

DATE August 19, 2008

MINUTES OF THE PROCEEDINGS OF THE SEVENTH SITTING OF THE STANDING ORDERS COMMITTEE HELD ON TUESDAY, AUGUST 19, 2008 AT SAFARI PARK HOTEL, NAIROBI AT 2.10 P.M.

PRESENT

The following Members of the Committee were present:-

The Hon. Kenneth Marende, MP - Chairman
The Hon. David Were, MP
The Hon. Mohamed Abdikadir, MP
The Hon. Gitobu Imanyara, MP
The Hon. Farah Maalim, MP
The Hon. Nassir Nuh, MP
The Hon. Pollyns Anyango, MP
The Hon. (Prof) Philip Kaloki, MP

ABSENT WITH APOLOGY

The Hon. Franklin Bett, MP
The Hon. Boaz Kaino, MP
The Hon. Jeremiah Kioni, MP

ABSENT

The Hon. Ababu Namwamba, MP

IN ATTENDANCE:

The Hon. (Prof). Margaret Kamar, MP
The Hon. Amina Abdalla, MP

KENYA NATIONAL ASSEMBLY

Mr. P. G. Gichohi	-	Clerk of the National Assembly
Mr. P.C. Omollo	-	Senior Deputy Clerk
Mr. Jeremiah Nyegenye	-	Principal Legal Counsel
Ms. Eunice Lumannas	-	Personal Assistant to the Speaker
Mr. M. A. Mohamed	-	Second Clerk Assistant
Mr. Samuel Njoroge	-	Second Clerk Assistant
Mr. L. O. Amolo	-	Second Clerk Assistant

MINUTE NO.022/2008:CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The Minutes of the First, Second, Third, Fourth and Sixth Sitzings of the Committee were confirmed by the Members present as a true record of the deliberations and Signed by the Chairman

MINUTE NO.023/2008: CONSIDERATION OF PROGRAMME OF BUSINESS

FOR THE ALL MEMBERS WORKSHOP ON REVIEW OF THE
STANDING ORDERS

The Committee considered the proposed Programme of Business for the Workshop scheduled to be held on August 20 and 21 at Safari Park Hotel and:-

- (i) nominated the Chairpersons and Panellists for the four working groups as follows:
 - (a) Group A: To consider Parts I to VII;

Hon. Farah Maalim, MP (Chairperson)
Hon. (Prof.) Philip Kaloki, MP
 - (b) Group B: To Consider Parts VIII to XVII;

Hon. Gitobu Imanyara, MP (Chairperson)
Hon. Nuh Nassir, MP
 - (c) Group D: To consider Parts XVIII and XIX

Hon. David Were, MP (Chairperson)
Hon. Mohamed Abdikadir, MP
 - (d) Group D: To consider Parts XX to XXIV

Hon. Amina Abdalla, MP(Chairperson)
Hon. Jeremiah Kioni, MP
Hon. Pollyns Anyango, MP
- (ii) was informed that H.E. the President would not be available to grace the opening of the Workshop. In this regard, the Meeting agreed that the Hon. Speaker opens the Workshop;
- (iii) resolved that the Hon. Prof. Margaret Kamar, MP Member of the Chairmen's Panel be co-opted as a Member of the Committee and also be panellist for Working Group D; and
- (iv) resolved that, in the Working Groups, Members be encouraged to make brief and specific recommendations or proposals on the 1st Draft. In this regard, the meeting adopted a *Reporting Matrix* proposal presented by the Secretariat as a guide to the Working Groups.

MINUTE NO.024/2009 ANY OTHER BUSINESS

The Hon. Gitobu Imanyara, MP raised concern on non-attendance of committee Sittings. He cited a case of a Member of the Standing Orders Committee who has not attended any sitting of the Committee, since it was constituted.

It was observed that the concern was adequately catered for in the 1st Draft. It was also agreed that the matter of non-attendance of the Standing Orders Committee sittings be revisited during the next meeting.

MINUTE NO.025/2009

ADJOURNMENT

There being no other business the Chairman adjourned the Sitting at 3.15 p.m. until a later date.

SIGNED

Hon. Kenneth Marende, MP
(Chairman)

DATE

September 24, 2008

MINUTES OF THE EIGHTH SITTING OF THE STANDING ORDERS COMMITTEE HELD ON THURSDAY, SEPTEMBER 18, 2008 IN COMMITTEE ROOM NO. 9, MAIN PARLIAMENT BUILDINGS AT 10:25 AM.

PRESENT

The following Members of the Committee were present:-

The Hon. Kenneth Marende, MP - Chairman
The Hon. Gitobu Imanyara, MP
The Hon. Jeremiah Kioni, MP
The Hon. David Were, MP
The Hon. Boaz Kaino, MP
The Hon. Nur Nassir, MP
The Hon. Mohamed Abdikadir, MP
The Hon. Amina Abdalla, MP

ABSENT WITH APOLOGY

The Hon. Farah Maalim, MP
The Hon. (Prof) Philip Kaloki, MP
The Hon. Franklin Bett, MP

ABSENT

The Hon. Ababu Namwamba, MP
The Hon. Pollyns Olago, MP

IN ATTENDANCE: KENYA NATIONAL ASSEMBLY

Mr. P.G. Gichohi - Clerk of the National Assembly
Mr. Jeremiah Nyegenye - Principal Legal Counsel
Mr. Samuel Njoroge - Second Clerk Assistant

MINUTE NO.026/2008

CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTING

The Minutes of the Seventh Sitting were confirmed by the Members present and signed by the Chairman.

MINUTE NO.027/2008

CONSIDERATION OF REPORT OF THE COMMITTEE ON REVIEW OF THE STANDING ORDERS:

The Committee noted the contents of the report submitted by the Secretariat. It was resolved that the Committee would consider the Report in its two-day workshop to be held at the Great Rift valley Lodge in Naivasha from 23rd to 24th, September, 2008.

MINUTES OF THE PROCEEDINGS OF THE NINTH SITTING OF THE STANDING ORDERS COMMITTEE HELD ON TUESDAY, SEPTEMBER 23, 2008 AT THE GREAT RIFT VALLEY LODGE AT 9.40 A.M.

PRESENT

The following Members of the Committee were present: -

The Hon. Kenneth Marende, MP - Chairman
The Hon. David Were, MP
The Hon. Mohamed Abdikadir, MP
The Hon. Boaz Kaino, MP
The Hon. Gitobu Imanyara, MP
The Hon. (Prof) Philip Kaloki, MP

ABSENT WITH APOLOGY

The Hon. Nassir Nuh, MP
The Hon. Jeremiah Kioni, MP

ABSENT

The Hon. Farah Maalim, MP
The Hon. Pollyns Anyango, MP
The Hon. Franklin Bett, MP
The Hon. Ababu Namwamba, MP

IN ATTENDANCE:

The Hon. Amina Abdalla, MP

KENYA NATIONAL ASSEMBLY

Mr. P. G. Gichohi	-	Clerk National Assembly
Mr. J. N. Mwangi	-	Assistant Deputy Clerk
Mr. M. R. Sialai	-	Principal Clerk Assistant
Mr. Jeremiah Nyegenye	-	Principal Legal Counsel
Ms. Eunice Lumallas	-	Personal Assistant-Office of the Speaker
Mr. Samuel Njoroge	-	Second Clerk Assistant

OTHERS INVITED

Mr. Moses Owuor - Consultant, Suny (K)

MINUTE NO.030/2008 WELCOME REMARKS BY THE SPEAKER OF THE NATIONAL ASSEMBLY

The Speaker of the National Assembly welcomed the Members present and thanked them for attending the Workshop. Reiterating the importance of rules of procedure, he

also asked the participants to be conversant with all the proposals contained in the *Draft* and ensure that recommendations made by the Plenary during the all-Members workshop held in August 2008 at the Safari Park, are incorporated.

MINUTE NO.031/2008 CONSIDERATION OF THE COMMITTEE'S REPORT
ON THE REVIEW OF THE STANDING ORDERS: TENTH
PARLIAMENT: 1ST DRAFT.

Procedure:

With the consent of the Chair, the consideration of the Report was commenced at Parts VIII to XVII; but these Minutes records the proceedings in the order the proposals were contained in the Report.

Consideration of Parts I to VII:

The Hon. (Prof.) Philip Kaloki, MP guided the Workshop on the proposals contained in the Parts I to VII of the Report and the recommendations of the all-Members workshop (Safari Park Workshop).

1. Part I: Introduction:

All proposals made by the Safari Park Workshop were noted to have been incorporated in the Report. The Secretariat was asked: -

- (i) to confirm the spelling of the word "appurtenant" used in the text of the meaning assigned to the words "precincts of the Assembly"; and,
- (ii) to review the text of meaning assigned to the word "sitting" with a view to making wording succinct and clear.

2. Part II: Meeting of the House and Swearing-In of Members.

All proposals made by the Safari Park Workshop in this Part were noted to have been incorporated in the Report. Further amendments were proposed on S.O. 4(5) and (6) – (Election of Speaker): -

- (i) to provide that the Clerk shall certify that a person is qualified to be elected to the office of the Speaker; and
- (ii) to require the Clerk to maintain a register showing the day and time when nomination papers are received.

3. Part III: Deputy Speaker and Chairman of Committees

All proposals made by the Safari Park Workshop in this Part were noted to have been incorporated in the Report.

4. Part IV: President Sittings.

Proposals made by the Safari Park Workshop in this Part were noted to have been incorporated in the Report.

5. Part V: Adjournment of the House.

The Meeting noted that all proposals made by the Safari Park Workshop in this Part had been incorporated in the Report. Further amendments were proposed as follows:

- (i) delete S.O. 18(2): justification- the proposal would leave limited time for transaction of government business. Further the *status quo* permits private Members' business to be transacted on Thursday;
- (ii) S.O. 18: Provide for extension of sitting time, if the House resolves to do so for purposes of transaction of business; and
- (iii) amend S.O. 22- to read that Members' Half-Hour-Statements will commence at 6.00 p.m.

6. Part VI: Quorum of the House.

All proposals made by the Safari Park Workshop in this Part were noted to have been incorporated in the Report.

7. Part VII: Journals and Records.

Proposals made by the Safari Park Workshop in this Part were noted to have been incorporated in the Report.

8. First Schedule: Broadcasting Regulations.

Proposals made by the Safari Park Workshop in this Part were noted to have been incorporated in the Report, save for text formatting, which was corrected.

Consideration of Parts VIII to XVII:

The Hon. Gitobu Imanyara, MP guided the Workshop on the proposals contained in Parts VIII to XVII of the Report and the recommendations of the all-Members workshop (Safari Park Workshop):-

9. Part VIII: Order of Business

The Meeting noted that all proposal made by the Safari Park Workshop in this Part were had been incorporated in the Report, save for:

- (i) correction of typos in numbering of S.O. 34(1)(a): Matters other than business; and
- (ii) providing that Motions not sponsored by Government shall be considered on Wednesday morning.

10. Part IX: Prime Minister's Time.

All proposals made by the Safari Park Workshop in this Part were noted to have been incorporated in the Report.

11. Part X: Questions.

All proposals made by the Safari Park Workshop in this Part were noted to have been incorporated in the Report.

12. Part XI: Motions and Amendments.

Proposals made by the Safari Park Workshop in this Part were noted to have been incorporated in the Report.

13. Part XII: Divisions

The Meeting noted that the proposals made by the Safari Park Workshop in this Part had been incorporated in the Report. Further amendments were proposed:-

- (i) amendment of S.O. 60(2) to require that, in a *division*, the Speaker may extend the 15 minutes (prior to calling the House to order) and that a Member who may have not voted at the expiry of such time be deemed to have abstained; and,
- (ii) amend S.O. 66 so that the procedure for division on a Bill for an Act of Parliament to amend the Constitution is clear and limited only to such Bill.

14. Part XIII: Rules of Debate

All proposals made by the Safari Park Workshop in this Part were noted to have been incorporated in the Report save for correct numbering in S.O. 73(2) and (3), and:-

- (i) further amendment of S.O. 76 to provide that reference to any proceedings of a committee prior to the committee tabling its report would apply only be out of order if a Member refers to the substance of the report and such reference is likely to influence the conclusion or findings of the Committee; and
- (ii) deletion of S.O. 77: justification- the provision is impractical and is no longer applicable.

15. Part XIV: Limitation of Debate

All proposals made by the Safari Park Workshop in this Part were noted to have been incorporated in the Report.

16. Part XV: Order in the House and in Committee of the Whole House.

Proposals made by the Safari Park Workshop in this Part were noted to have been incorporated in the Report save for :

- (i) correct numbering and simplification of S.O. 96(2);
- (ii) correct placing of S.O. 96(3) to a place immediately after 96(1);
- (iii) placing and S.O. 96(4) to a place before S.O. 97 for proper and logical sequencing;
- (iv) deleting the word "continuously" appearing on the fourth line of S.O. 98(2) as it is superfluous;
- (v) further consultation being required on S.O. 101 to determine what procedure would apply if the Deputy Speaker or Speaker be on the chair at the time of grave disorder in Committee- would he or she adjourn the House, notwithstanding that he or she had chaired the Committee in which the disorder arose?

17. Part XVI: Public Bills

All proposals made by the Safari Park Workshop in this Part were noted to have been incorporated in the Report.

18. Part XVII: Private Bills

It was noted that all proposals made by the Safari Park Workshop in this Part had been incorporated in the Report, save for further amendments to indicate, whom in S.O. 129 and 130 determines the anticipated costs of printing and construction of works, respectively.

Consideration of Parts XVIII and XIX:

The Hon. David Were, MP guided the Workshop on the proposals contained in the Parts XVIII and XIX of the Report and the recommendations of the all-Members workshop (Safari Park Workshop):

19. Part XVIII: Committee of the Whole House

All proposals made by the Safari Park Workshop in this Part were noted to have been incorporated in the Report.

20. Part XIX: Supply and Ways and Means

All proposals made by the Safari Park Workshop in this Part were noted to have been incorporated in the Report. Further amendments were proposed on the title to S.O. 141 to reflect the wordings of the side notes in Section 48 of the Constitution.

Consideration of Parts XX to XXIV:

The Hon. Amina Abdala, MP guided the Workshop on the proposals contained in the Parts XX to XXIV of the Report and the recommendations of the all-Members workshop (Safari Park Workshop):-

21. Part XX: Select Committees.

All proposals made by the Safari Park Workshop in this Part were noted to have been incorporated in the Report. Further amendments were proposed as follows-

- (i) S.O. 157(4): to read that, "in the absence of the Speaker, the Deputy Speaker or a member of the Speakers Panel shall represent the Speaker in the House Business Committee";
- (ii) S.O. 159: to incorporate consideration for national disparities and other parameters in nomination of Members in Committees (as in the Kenya National Commission Human Rights Act);
- (iii) S.O. 161(1)(b): to provide clearly that the quorum is three members;
- (iv) S.O. 164: to provide that, if a committee intends to sit outside the Precincts of the Assembly Speaker' s approval be sought by the Committee ;
- (v) S.O. 167: to provide that the chair of committee may seek leave of the Speaker to be absent;
- (vi) S.O. 179: the proviso to recognise the vice-chair of a Committee;
- (vii) S.O. 185(3), 186(3) and 188(1) to read "...the opposition parties shall have a majority of one"
- (viii) in Schedule II: the subjects of the Departmental Committee-A to exclude Police, which should be moved to Departmental Committee-B;
- (ix) a proposal be made on establishment of Committee on Intelligence. Hon. Gitobu Manyara, MP and the Hon. Abdikadir Mohamed, MP were asked to liaise with the Secretariat to make a proposal for consideration by the Committee.

22. Part XXI: Public Petitions.

All proposals made by the Safari Park Workshop in this Part were noted to have been incorporated in the Report save for further amendment of S.O. 202 by inserting the word "sitting" between the words "two" and "days" in the first line.

23. Part: XXII: Procedure on Reports of the East African Legislative Assembly

All proposals made by the Safari Park Workshop in this Part were noted to have been incorporated in the Report.

Part XXIII: Strangers.

MINUTES OF THE PROCEEDINGS OF THE TENTH SITTING OF THE STANDING ORDERS COMMITTEE HELD ON WEDNESDAY, SEPTEMBER 24, 2008 AT THE GREAT RIFT VALLEY LODGE AT 9.30 A.M.

PRESENT

The following Members of the Committee were present: -

The Hon. Kenneth Marende, MP - Chairman
The Hon. David Were, MP
The Hon. Boaz Kaino, MP
The Hon. Gitobu Imanyara, MP
The Hon. (Prof) Philip Kaloki, MP

ABSENT WITH APOLOGY

The Hon. Nassir Nuh, MP
The Hon. Jeremiah Kioni, MP

ABSENT

The Hon. Farah Maalim, MP
The Hon. Pollyns Anyango, MP
The Hon. Franklin Bett, MP
The Hon. Ababu Namwamba, MP

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

Mr. P. G. Gichohi	-	Clerk National Assembly
Mr. J. N. Mwangi	-	Assistant Deputy Clerk
Mr. M. R. Sialai	-	Principal Clerk Assistant
Mr. Jeremiah Nyegenye	-	Principal Legal Counsel
Ms. Eunice Lumallas	-	Personal Assistant-Office of the Speaker
Mr. Samuel Njoroge	-	Second Clerk Assistant

OTHERS INVITED

Mr. Moses Owuor - Consultant, Suny (K)

MINUTE NO.034/2008 CONFIRMATION OF MINUTES OF PREVIOUS SITTING.

The Minutes of the Seventh, Eight and Ninth sittings of the were confirmed by the Members present to be a true record of the sittings' deliberations and signed by the Chairman.

The Committee noted that its resolutions and suggestions for amendments as proposed during its meeting of September 23, 2008 had been incorporated in the Draft, save for:

- (i) Standing Order 18 (3): it was proposed that it should read as follows:
(3) Notwithstanding paragraphs (1) and (2), the House may resolve to meet at any other time on a sitting day in order to transact business.
- (ii) Standing Order 34: Deletion of the words "of which notice has been given" under the item "Questions" and further deletion of the words " of which prior notification has been given to the Chair" under the item "Statements"
- (iii) Standing Order 60 be further amended by adding new paragraph (3) to read:
(3) The Clerk shall record the name of any Member who is deemed to have abstained from voting under paragraph (2).
- (iv) Standing Order 128 (1) (Security of Printing) be further amended to read:
(1) Where leave to proceed is granted, the Government Printer shall within seven days of a request being made by the Clerk provide an estimate of the cost of printing the Bill and the promoters of the Bill shall meet such cost.

MINUTE NO.036/2008 WAY FORWARD

Having considered the Report on review of the Standing Orders, the Committee resolved:-

- (i) That, the Sub-Committee considers the format and contents of the Sessional Paper to introduce the proposed Standing Orders. In so doing, the Sub-Committee satisfies itself that the contents of the Sessional Paper are in tandem with the final report of the Committee;
- (ii) That, the Sub-Committee considers the procedure to be followed in the House when considering the Sessional Paper;
- (iii) That, the Sub-Committee reports to the Committee on the undertakings in (i) and (ii) above within fourteen days from the date of September 24, 2008.
- (iv) That, the Committee will, on receipt of the Sub-Committee's report, retreat to adopt the Report. This may take place during the 3rd week of October, 2008; and,
- (v) That, the Sessional Paper (Report of the Committee) will be *tabled* before the House during or before the 1st week of November, 2008.

MINUTE NO.037/2009 ADJOURNMENT

There being no other business the Chairman adjourned the Sitting at 11.30 a.m. until a later date.

SIGNED:
(Chairman)

DATE:

MINUTES OF THE ELEVENTH SITTING OF THE STANDING ORDERS COMMITTEE
HELD ON THURSDAY, OCTOBER 23, 2008 IN COMMITTEE ROOM NO. 9, MAIN
PARLIAMENT BUILDINGS AT 10:45 AM.

PRESENT

The following Members of the Committee were present:-

The Hon. (Prof.) Margaret Kamar, MP - Ag. Chairperson
The Hon. Boaz Kaino, MP
The Hon. Franklin Bett, MP

ABSENT WITH APOLOGY

The Hon. Kenneth Marende, MP
The Hon. Farah Maalim, MP
The Hon. Gitobu Imanyara, MP
The Hon. (Prof) Philip Kaloki, MP
The Hon. Nuh Nassir, MP
The Hon. Jeremiah Kioni, MP
The Hon. Mohamed Abdikadir, MP
The Hon. David Were, MP

ABSENT

The Hon. Ababu Namwamba, MP
The Hon. Pollyns Olago, MP
The Hon. Amina Abdalla, MP

IN ATTENDANCE: KENYA NATIONAL ASSEMBLY

Mr. P.G. Gichohi - Clerk of the National Assembly
Mr. Jeremiah Nyegenye - Principal Legal Counsel
Mr. Samuel Njoroge - Second Clerk Assistant

MINUTE NO.038/2008

CONFIRMATION OF THE MINUTES OF THE
PREVIOUS SITTINGS

The agenda was deferred to a later day.

MINUTE NO.039/2008

SUBMISSION OF REPORT ON SESSIONAL PAPER
NO. 3 OF 2008 BY THE SUB-COMMITTEE

The Meeting was of the opinion that the agenda was too critical a matter to be discussed in absence of most Members of the Committee. It was therefore resolved that:-

- (i) the agenda be deliberated upon during the next meeting together with the following other items on the agenda:

- (a) Consideration and adoption of (Draft) Sessional Paper No. 3 of 2008.

(b) Appointment of date for *Tabling* of the Sessional Paper No. 3 of 2008.

(c) Consideration of procedure for adoption of Sessional Paper No. 3 of 2008; which was proposed as follows:-

Proposed Procedure for adoption of Sessional Paper No. 3 of 2008:

(I) PAPER LAID

Laying of the Sessional Paper before the House.

(House Business Committee to allot time for consideration)

(II) IN THE HOUSE

Motion to be made: THAT, "Mr. Speaker do now leave the Chair" for the purpose of enabling the Mover to initiate debate on the policy and principles implied in the Sessional Paper.

To be Moved (by Leader of Government Business or Chair of Sub-Committee)

To be Seconded;

Question of the Motion to be Proposed;

Debate;

Question of the Motion to be Put;

If, Agreed to, House to proceed to Committee.

(III) IN COMMITTEE

(Chair to be taken by Mr. Speaker)

Chair of Sub-Committee to move the following Motion:

"THAT, this House adopts Sessional Paper No. 3 of 2008 on the Report of the Standing Orders Committee laid on the Table of the House on, 2008 and further resolves that the new Standing Orders as contained in the Second Schedule of the Sessional Paper shall come into operation in the manner provided for in Part XXV of that Schedule"

Question (of the Motion) to be Proposed:

(The Chairman to guide the Committee to consider the proposed Standing Orders contained in the first Schedule of the Sessional Paper

one after the other as if the Committee is considering a Bill-and not an amendment Bill).

Mover to Move:

THAT, the Proposed Standing Order 1 be part of the Standing Orders”

Question to be Proposed;

Debate;

Question to be Put;

Mover to Move:

THAT, the Proposed Standing Order 2 be part of the Standing Orders”

Question to be Proposed;

Debate;

Question to be Put;

Mover to Move:

THAT, (next Standing Order in the sequence contained in the first Schedule)

(Question may be Proposed and Put for more than one Standing Order where notice of amendment has not been given, like in the case of a Bill)

..... and so on till the Third Schedule of the proposed Standing Orders.

Question (of the Motion) to be Put:

“THAT, this House adopts Sessional Paper No. 3 of 2008 on the Report of the Standing Orders Committee laid on the Table of the House on, 2008 and further resolves that the new Standing Orders as contained in the Second Schedule of the Sessional Paper shall come into operation in the manner provided for in Part XXV of that Schedule”

Sessional Paper to be adopted by the Committee (with or without amendments).

Mover to move:

"THAT, the Committee doth report progress to the House, its consideration of Sessional Paper No. 3 of 2008."

Question to be Proposed;

Question to be Put, if agreed to, House to resume;

(IV) IN THE HOUSE

(Mr. Speaker in the Chair)

Resolution to be Reported (Leader of Government Business):

"THAT, Mr. Speaker, I beg to report that the Committee has considered Sessional Paper No. 3 of 2008 and approved the same with (or without) amendments"

Mover to move:

"THAT, Mr. Speaker, I beg to move that the House do agree with the Committee in the said Report"

Question to be Proposed;

Debate;

Question to be put;

Next Order!

- (ii) the next meeting be held on Thursday, November 6, 2008 at 10.00 am.

The meeting also noted that the Sub-Committee had made the following other proposals:-

- (i) That; the definition of "Official Opposition Party" be further amended to read as follows:

"Official Opposition Party" means the party not being in the Government consisting of the highest number of seats being not less than thirty:

Provided that-

(d) where there are two or more parties with the same number of seats, the party with the highest number of parliamentary votes cast in the preceding general election shall be deemed to be the Official Opposition Party and the leader of such party shall be deemed to be the Leader of Official Opposition;

(e) where no party has attained the minimum number of seats, the Speaker may on the request by written memorandum of a

coalition of opposition parties recognised by or under any written law and consisting of at least thirty Members, deem such coalition as constituting the Official Opposition Party for the purpose of facilitating the proper functioning of the business of the House and the leader of such coalition shall be deemed to be the Leader of the Official Opposition; and

(f) where the provisions of paragraphs (a) and (b) do not obtain, the Speaker may, on the request by written memorandum of a caucus or group of not less than thirty Members, not being Ministers, and each of whom has the written consent of the leader in Parliament of his or her party, deem such caucus or group of Members as constituting the Official Opposition Caucus for the purpose of facilitating the proper functioning of the business of the House.

(ii) That, the proviso to the definition of "parliamentary party" be deleted

(iii) That, a new paragraph (c) be inserted in Standing Order 2 as follows:

(c) reference to the Official Opposition Party or the Leader of the Official Opposition shall where there is neither an Official Opposition Party nor a coalition of opposition parties deemed to constitute the Official Opposition Party, be a reference respectively to the Official Opposition Caucus and the leader of the Official Opposition Caucus.

(iv) That, Standing Order 160 of the Report be further amended by inserting the following new paragraph:

(2) A Member against whom an adverse recommendation has been made in a report of a committee that has been adopted by the House shall be ineligible for election as chairperson or vice-chairperson of any committee.

MINUTE NO.040/2009 ADJOURNMENT

There being no other business the Chairperson adjourned the Sitting at 11.15 a.m. until a later date.

SIGNED:
(Chairperson)

DATE:

