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Sessional Paper No. 3 of 1963 - ¹⁹⁶⁴~~1963~~

Amendments to the Standing Orders
of the
House of Representatives, Kenya

(as proposed by the Sessional Committee on.....28.5.....1964.

1. General

by substituting for the word "Governor" wherever it appears the words "Governor-General".

2. Standing Order 2 (Definition)

by adding a new definition as follows:-

"Precincts of the Assembly" includes the Chamber of the Senate and the Chamber of the House of Representatives, every part of the buildings in which are situated such Chambers, the offices of the Assembly, the Galleries, and places provided for the use or 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 or either House thereof".

3. Standing Order 4 (Election of Speaker)

(a) paragraph (3)

by deleting the words "not later than the time appointed for which the House is to" which occur immediately after the words "to the Clerk" in the third line and by inserting in place thereof the words "at least one/ before the time appointed at which the House is to".
/hour

(b) paragraph (4)

by inserting immediately after the words "the Clerk shall prepare" in the first line, the words "one hour".

4. Standing Order 12 (Adjournment Motion - End of Sitting)

(a) by deleting the marginal note and inserting in place thereof a new marginal note as follows:-

"Adjournment Motion - End of Normal Sitting Day".

(b) by deleting after the word "Member" in line three of paragraph (1) the words "other than a member of the Government" and by inserting in place thereof the words "other than a Minister or Parliamentary Secretary".

5. New Standing Order

by adding a new Standing Order as follows:-

"Standing Order 15A (Adjournment to a day other than the next normal Sitting Day)

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 other than the next normal sitting day)".

6. Standing order 17 (Procedure where quorum is not present)

by deleting the words "including those Members who decline to vote, it appears that a quorum is not present" in the second and third lines of paragraph (2), and by inserting in place thereof the words ",it appears that they do not themselves constitute a quorum."

7. Standing Order 23 (Government Business)

By adding a further proviso as follows:-

"Provided also that during the first two hours available on any Thursday for business other than Government business, Motions sponsored by the Opposition party (if any) shall have precedence over all other Motions in such order as that Party may determine; and during any further time available on the same day Motions not sponsored by Government or the Opposition Party (if any) shall have precedence over all other business.

8. Standing Order 25 (Questions to Ministers)

by deleting paragraph (2) with consequential renumbering of the subsequent paragraphs.

9. Standing Order 26 (Notice of Questions)

(a) by adding a new paragraph to be numbered (2) as follows:-

"Questions which in the opinion of Mr. Speaker are of an urgent character and relate to matters of public importance or to the arrangement of business may be asked after private notice in cases where it has not been possible to give notice of them on the Order Paper."

(b) consequential re-numbering of the subsequent paragraphs.

(c) paragraph (5), formerly paragraph (4)

by deleting the words "on this day on" immediately after the words "of ten days" in the last line and by inserting in place thereof the words "within the first four days (or such longer period as Mr. Speaker may allow during)".

10. Standing Order 27 (Contents of Questions)

paragraph (13)

by inserting immediately after the word "body" in the second line the words ", other than a report of something written or said by a Minister or Parliamentary Secretary or Civil Servant,".

11. Standing Order 29 (Written Answers)

(a) by inserting immediately after the word "Question" in the second line, the words "the answer shall be delivered to the Clerk within 21 days after the day on which it was forwarded to the Minister"; and

(b) by deleting the words "the answer" appearing immediately after the word "cause" in the second line and by inserting in place thereof the word "it".

- 12/13. Standing Order 48 (Equality of Votes)
- (a) by inserting immediately after the word "question", the words "not requiring a special majority".
 - (b) by deleting the proviso thereto.
14. Standing Order 49 (Pecuniary Interest)
- by deleting Standing Order 49.
15. Standing Order 56 (No Member to speak after Question put)
- by deleting the word "to" in the second line and by inserting in place thereof the word "by".
16. Standing Order 65 (Declaration of Interest)
- by inserting immediately after the word "interest" in the second line the words "unless it is obvious".
17. Standing Order 78 (Disorderly Conduct)
- by deleting the word "House" in the third line and by inserting in place thereof the word "Assembly".
18. Standing Order 81 (Member Suspended to withdraw from precincts of the House)
- by deleting the word "House" in the marginal note and by inserting in place thereof the word "Assembly".
19. Standing Order 82 (Action to be taken on refusal to withdraw)
- by deleting the word "House" in the last line and by inserting in place thereof the word "Assembly".
20. Standing Order 85 (Introduction of Bills)
- (a) by inserting a new paragraph (2) as follows:-
 - (2) A Bill received from the Senate shall not be introduced until such time as a Member has signified to the Clerk his willingness to take charge of the Bill.
 - (b) consequential re-numbering of paragraphs (2) and (3) as (3) and (4).
21. Standing Order 88 (Publication) - paragraph (1)
- (a) by deleting the words "received from" in the fourth line and by inserting in place thereof the word "in".
 - (b) by inserting immediately after words "Consolidated Fund Bill" in the fifth line the words ", an Appropriation Bill".
22. Standing Order 96 (Procedure in Committee of the Whole House on a Bill)
- by inserting immediately after the word "Minister" in the second line of paragraph (12), the words "or the Member in Charge".
23. Standing Order 111 (Committal of Bill to Joint Committee)
- by deleting paragraph (1) and inserting in place thereof the following new paragraph:-

(1) If the House disagrees to all or any of the amendments made by the Senate to a Bill which originated in the House when the Senate has insisted on such amendments, or postpones for six months the consideration of amendments upon which the Senate has so insisted, or fails to agree to a Motion that a Bill which originated in the Senate be read a Second or Third Time, then any Member may move, either forthwith or with notice upon a subsequent day, that the Bill be committed to a Joint Committee of both Houses, and the question upon such Motion shall be put forthwith without amendment or debate.

24. Standing Order 117 (Custody of Bills)

by deleting all words after the words "the Clerk of the Senate" where they appear for the second time in the third line of paragraph (1)

25. Standing Order 135 (Presentation of Annual Estimates)

by deleting the word "May" and by inserting in place thereof the words "20th June".

26. Standing Order 144 (Procedure in Committee of Supply)

by deleting the date "7th June" wherever it appears in paragraph (6) and by inserting in place thereof the date "26th June".

27. Standing Order 148 (Estimates Committee)

by deleting all words after the words "empowered to enquire into" in the third line of paragraph (4) and by inserting in place thereof the words "and to appoint the chairman and fix the quorum of each sub-committee. Every such sub-committee shall submit the result of any such inquiry to the Estimates Committee."

28. Standing Order 157 (Procedure)

by inserting in the fourth line of paragraph (5) immediately after the words "select committee on a Bill" the words "to the Bill".

AMENDMENTS TO STANDING ORDERS

Notes on the affect of proposed amendments to be considered

1. General

Consequent upon the provisions of the Kenya Independence Order in Council 1963.

2. Definitions (S.O.2)

It is necessary to have a definition of this nature interpreting the Standing Orders dealing with "Order in the House". See also paras 17, 18 and 19.

3. Election of Speaker (S.O.4)

At present the Clerk is enjoined to prepare ballot papers before the meeting of the House. This he may well be unable to do if Members delay handing in their nominations until the time appointed for the House to meet.

4. Adjournment Motions - End of Sitting (S.O.12)

(a) to distinguish between this type of adjournment motion and that proposed in para 5;

(b) to correct an anomaly and to define more accurately the scope of the limitations intended.

5. Adjournment to a day other than the next normal sitting day. (S.O.15A)

The new Standing Order incorporates a practice already established.

6. Procedure when Quorum not present (S.O.17)

It seems inequitable that an item of business upon which less than 20 Members felt strongly enough to vote should be saved from becoming a dropped order simply because of the presence of Members not voting and probably waiting impatiently for the next item of business. The amendment obviates this.

7. Government Business (S.O.23)

The amendment, in effect, regularises in Standing Orders a procedure already accepted in practice.

8. Questions to Minister (S.O.25)

This paragraph would be more suitably inserted in the next Standing Order.

9. Notices of Questions (S.O.26)

(a) See para 8 above.

(b) This allows answers to Questions accumulated in considerable numbers during a recess to be cleared conveniently over several days. The Standing Order at present indicates that they should all be placed on the Order Paper on the first day of re-assembly.

10. Contents of Questions (S.O.27)

The affect of this is to qualify the prohibition against questions being asked concerning the accuracy of statements in the press.

11. Written Answers (S.O.29)

As with Oral Answers it is felt that there should be the application of a limit in the time allowed for the receipt of a reply to a Written Question.

12/13. Equality of Votes (S.O.48)

The proviso is superfluous but it is necessary that its import is included in the body of the Standing Order.

14. Pecuniary Interest (S.O.43)

Should be deleted as it is impracticable of application - i.e. since Members vote upon motions concerning their own salaries it is difficult to see how the Standing Order can be enforced in relation to a public matter. This ties up with para 16.

15. No Member to speak after Question put (S.O.56)

This is a typographical correction; otherwise the Standing Order does not make sense.

16. Declaration of Interest (S.O.65)

The words it is proposed be added give a reasonable interpretation to the meaning of the Standing Order.

17. Disorderly Conduct (S.O.78)

See new definition in para 2; it is felt that the penalty of exclusion should not be restricted to the precincts of the House only but should include all the buildings of the National Assembly.

18. Member suspended etc (S.O.81)

See para 17 above.

19. Action to be taken etc (S.O.82)

See para 17 above.

20. Introduction of Bills (S.O.85)

No specific provision has been made for the introduction of a Bill received from the Senate. At present such an amendment would have no practical application in the House as it is the practice that all Bills should be introduced here. However, it would be appropriate should Government wish at any time to introduce a Bill in the Senate first.

21. Publication of Bills (S.O.83)

This regularises an amendment made under Legal Notice 318 of 1963 which had a limited period of application.

22. Procedure in Committee of the Whole House (S.O.96)

23. Committal of Bill to a Joint Committee (S.O.111)

As it stands the Standing Order is imprecise and requires the proposed amendment to make clear the exact stage at which a motion for a Joint Committee can be moved.

24. Custody of Bills (S.O.117)

The words to be deleted purport to give a direction to the Clerk of the Senate and are therefore out of place in the House Standing Orders.

25. Presentation of Annual Estimates (S.O.135)

This regularises an amendment made under Legal Notice 318 of 1963 which had a limited period of application; Government considers that the date for presentation should be permanently altered in this respect. It is felt, however, that a specific date should be stated in view of the proximity of the end of the Financial year.

26. Procedure in Committee of Supply (S.O.144)

This again regularises an amendment made under Legal Notice 318 of 1963 - of limited application - and which Government feels should allow the Vote on Account to be taken at a date later in June than permitted in the Standing Order.

27. Estimates Committee (S.O.148)

This amendment provides for the appointment of a Chairman and of a quorum of any sub-committee decided upon - a provision omitted in the present Standing Order.

28. Procedure (S.O.157)

To correct an omission thereby making the sentence understandable.

