

SESSIONAL PAPER NO. 8 of 1961AMENDMENTS TO THE STANDING ORDERS OF LEGISLATIVE COUNCIL
(as proposed by the Sessional Committee on 12th October, 1961)

1. Paragraph (2) of Standing Order 10 is amended -
 - (a) by deleting the words "before the sitting at which he wishes to do so"; and
 - (b) by adding, immediately after the words "as he may think fit", the words "but he shall not allot such right on more than two sitting days in any week".

2. There shall be substituted for Standing Order 23 a new Order as follows -

Notice of Questions 23. (1) Notice 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) Every Question shall be submitted by the Clerk to Mr. Speaker.

(3) If Mr. Speaker is of opinion that any Question of which a Member has given notice to the Clerk is one which infringes any of the provisions of these Standing Orders he may direct -

 - (a) that it be not asked save with such alterations as he may direct; or
 - (b) that the Member concerned be informed that the Question is inadmissible.

(4) When Mr. Speaker directs that a Question is in order, the Clerk shall as soon as possible forward the Question to the Minister of whom it is asked, and a Question for oral reply shall be placed on the Order Paper for reply not later than ten days after the day upon which it is so forwarded to the Minister or, if Council is adjourned before the expiry of such period of ten days, on the day on which Council next meets after such adjournment.

3. Standing Order 24 is amended -
 - (a) by adding to paragraph (14) thereof the words "nor to any ruler or the Government, or the representative in Kenya, of any friendly country"; and
 - (b) by deleting paragraph (16) thereof.

4. There shall be substituted for Standing Order 27 a new Order as follows -

Notice of Motions 27. (1) Save as otherwise provided by these Standing Orders, notice shall be given by a Member of any Motion which he 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 himself; and the Clerk shall submit the same to Mr. Speaker.

(3) If Mr. Speaker is of opinion that any proposed Motion is one which infringes, or the debate on which is likely to infringe, any of the provisions of these Standing Orders he may direct -

(a) that notice of it cannot be given save with such alteration as he may direct; or

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

(4) A Member giving notice of Motion shall state its terms to the Council.

5. Standing Order 32 is amended by adding thereto a new paragraph as follows -

(k) A Motion for the orders of the Council under these Standing Orders.

6. Standing Order 40 is amended by inserting, immediately after the word "if" in paragraph (b) therein, the words ", on a question other than a question of procedure,".

7. Paragraph (1) of Standing Order 52 is amended by substituting for the word "twice" the words "more than once".

8. Paragraph (1) of Standing Order 58 is amended -

(a) by inserting after the words "the Governor," the words "Mr. Speaker",; and

(b) by adding, after the words "judicial functions" the words ", or the ruler or the Government, or the representative in Kenya, of any friendly country".

9. Standing Order 59 is amended by adding thereto the words "or to any matter which is in its nature secret".

10. Standing Order 64 is amended -

(a) by substituting for the words at the beginning thereof "After a question has been proposed" the words "After the question on a Motion the mover of which has a right of reply has been proposed"; and

(b) by renumbering the existing Order as paragraph (1) thereof and by adding thereto a new paragraph as follows -

(2) After the question on a Motion the mover of which has no right of reply has been proposed, a Member rising in his place may claim to move "That the Question be now put", and, unless Mr. Speaker is of opinion that such a Motion is an abuse of the proceedings of the Council, 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. If that question is agreed to, Mr. Speaker shall immediately put the question accordingly.

11. Standing Order 74 is amended -

(b) by adding thereto a new paragraph as follows -

- (2) For the purposes of this Standing Order "day" means a day upon which the Council sits.

12. There shall be substituted for Standing Order 79 a new Order as follows -

Introduc- 79. (1) A Minister 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. On receipt of such copies the Clerk shall forthwith despatch a copy to every Member.

(2) A Member other than a Minister desiring to introduce a Bill shall move a Motion requesting the leave of the Council to do so and shall at the same time make a brief explanatory statement of the objects and reasons of the Bill. If the Motion is carried, the provisions of paragraph (1) of this Standing Order shall apply mutatis mutandis and subject thereto and to the provisions of Standing Orders 80, 81 and 82, the Member shall be at liberty to introduce the Bill.

(3) A Bill shall be introduced by way of first reading thereof under Standing Order 85 (First Reading).

13. There shall be substituted for Standing Order 80 a new Order as follows -

Printing 80. Where a Bill amends any provision of an existing of provi- Ordinance, the text of the relevant part of such sions provision shall be printed in the copy of the Bill of Ordi- which is despatched to Members unless, in the opinion nances of Mr. Speaker, the amendment is formal, minor or to be self-explanatory. amended

14. Paragraph (1) of Standing Order 82 is amended by substituting for the words "in the case of a Consolidated Fund Bill a period of seven days, in the case of an Appropriation Bill a period of fourteen days," the words "in the case of a Consolidated Fund Bill or a Supplementary Appropriation Bill a period of seven days, in the case of an Appropriation Bill a period of twenty-eight days,".

15. There shall be substituted for Standing Orders 93, 94 and 95 new Orders as follows -

Procedure 93. (1) When a Bill has been reported from a Committee on Bills of the whole Council on committal the Council shall reported consider the Bill as so reported upon a Motion from Commi- "That Council doth agree with the Committee in the ttee of the said report". whole Council

(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 may propose an amendment to add, at the end of the Motion, the words "subject to the recommittal of the Bill in respect of some specified part or of some proposed new clause or new Schedule/to a Committee of the whole Council", and

if that Motion is agreed with such an amendment, the Bill shall stand so recommitted. The Council shall either forth or upon a day named by the Member in charge of the Bill resolve itself into Committee to consider the matters so recommitted.

Procedure on 94. Bills reported from select committee. (1) The report of a select committee on a Bill shall be laid on the Table of the Council by the Chairman of the select committee or by some other Member authorized by the committee in that behalf.

(2) The Council shall consider the Bill as reported from the select committee upon a Motion "That the report of the select committee be approved".

(3) The provisions of paragraphs (2) and (3) of Standing Order 93 (Procedure on Bills reported from Committee of the whole Council) shall apply to any Motion to approve the report of a select committee on a Bill.

Procedure upon the recommittal of a Bill. 95. (1) When a Bill has been recommitted to a Committee of the whole Council, the Committee shall consider only the matters so recommitted and any matter directly consequential thereon.

(2) Save as is provided by paragraph (1) of this Standing Order, the procedure in Committee of a Bill recommitted shall be mutatis mutandis, that on a Bill on first committal.

(3) When a Bill has been reported from a Committee of the whole Council after recommittal the provisions of Standing Order 93 (Procedure on Bills reported from Committee of the whole Council) shall apply.

16. Standing Orders are amended by deleting Part XVI - Money Grants and Taxation, and by substituting a new Part -

PART XVI - SUPPLY AND WAYS AND MEANS:

A - General

Governor's consent required for money grants and taxation measures. 105. (1) Except on the recommendation or with the consent of the Governor signified thereto by a Minister, the Council shall not -

(a) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of Mr. Speaker, would dispose of or charge any public revenue or public funds or revoke or alter any disposition thereof or charge thereon, or impose, alter or repeal any rate, tax or duty;

(b) proceed upon any Motion (including any amendment to a Motion) the effect of which, in the opinion of Mr. Speaker, is that provision should be made for any of the purposes aforesaid; or

(c) receive any petition which, in the opinion of Mr. Speaker, requests that provision be made for any of the purposes aforesaid.

(2) No Motion such as is referred to in sub-paragraph (b) of paragraph (1) of this Standing Order shall be made except in a Committee of the whole Council unless it is a Motion made in accordance with Standing Orders governing the procedure as to Bills, or unless its effect that provision should be made for any of the purposes mentioned in sub-paragraph (a) of paragraph (1) of this Standing Order is dependent upon a subsequent resolution in a Committee of the whole Council.

- Present-
ation of
Annual Estimates.
Committee
of Ways
and Means
and
Committee
of Supply.
106. The Annual Estimates shall be laid on the Table of the Council not later than the last day of May.
107. The Committee of Ways and Means and the Committee of Supply shall be Committees of the Whole Council.
- Definition
of day.
108. For the purposes of this Part of these Standing Orders a day shall be deemed to consist of any period of not less than two hours prior to 1.00 p.m. or of not less than two hours between 2.30 p.m. and 6.30 p.m. or of not less than two hours after 6.30 p.m.

B - Committee of Ways and Means

- Moving into
Committee of
Ways and
Means.
109. On an Order of the Day for Committee of Ways and Means being read Mr. Speaker shall leave the Chair without question put unless a Minister moves "That Mr. Speaker do now leave the Chair" for the purpose of enabling the Minister to deliver a Financial Statement.
- Debate on
Financial
Statement
(Budget) to
take precedence
and limitation
thereof.
110. (1) Unless the Council otherwise orders, the debate on the Financial Statement on the Annual Estimates shall take precedence of 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 five days exclusive of the Mover's speech and reply.
- Procedure
in
Committee
of Ways and
Means.
111. (1) Three 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:

Provided that on a Motion made after notice, to be decided without amendment, adjournment or debate, such additional time, not exceeding two days, may be allotted for the purpose aforesaid.

(2) No Member other than a Minister shall move the several Motions in respect of the imposition, renewal, alteration or repeal of such rates, taxes or duties, and such Motions may be agreed 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 Chairman 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 questions necessary to dispose of the business of Ways and Means under the same Order of the Day.

(5) On any day upon which the Chairman is under this Order directed to put forthwith any question, the consideration of the business of Ways and Means shall not be anticipated by a Motion for the adjournment of the Council, 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.

112. (1) The report or any resolution of the Committee of Ways and Means shall be considered by the Council forthwith, unless the Council otherwise orders, upon a Motion "That the Council doth 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 he may propose an amendment to add, at the end of the Motion, the words "subject to the recommittal of the resolution in respect of some specified amendment or addition" to the Committee of Ways and Means", and if that Motion is agreed with such an amendment, the resolution shall stand so recommitted. The Council shall either forthwith or upon a day named by the Minister resolve itself into Committee of Ways and Means to consider the resolution so recommitted.

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

(4) Save as is provided by paragraph (3) of this Standing Order, the provisions of paragraphs (2) and (3) of Standing Order 111 (Procedure in Committee of Ways and Means) and the foregoing provisions of this Standing Order shall apply in respect of a resolution so recommitted.

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

113. (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:

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) The provisions of paragraphs (2) and (3) of Standing Order 111 (Procedure in Committee of Ways and Means) and of Standing Order 112 (Consideration of Ways and Means resolutions) 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 any day on which an Order of the Day for Committee of Ways and Means has been set down under this Standing Order, the Chairman 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 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 Chairman is under this Order directed to put forthwith any question, the consideration of the business of Ways and Means shall not be anticipated by a Motion for the adjournment of the Council, and no dilatory Motion shall be moved in relation to that business, and the business shall not be interrupted under any Standing Order.

C - Committee of Supply

Moving into Committee of Supply.

114. On an Order of the Day for Committee of Supply being read, Mr. Speaker shall leave the Chair without question put unless a Minister moves "That Mr. 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 he is responsible.

Procedure in Committee of Supply.

115. (1) Fifteen days, being days before 31st October, shall be allotted for the consideration in Committee of Supply of proposals in respect of the Annual Estimates.

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

(3) A Motion to reduce the amount of a Vote in the Annual Estimates shall be so framed as to propose a reduction in the total amount of that Vote and shall be moved when the sub-head to which it relates is under consideration by the Committee.

(4) Notwithstanding that a Motion to reduce the amount of a Vote in relation to a particular sub-head thereof has been agreed or negatived, a further Motion for the reduction of the same Vote may be made in relation to a subsequent sub-head thereof. Where a Motion to reduce the amount of a Vote in relation to a particular sub-head thereof has been agreed or negatived, no further Motion to reduce that Vote in relation to the same sub-head thereof shall be made.

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

(7) On the last of the allotted days, being a day before 31st October, the Chairman 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 the Votes not yet granted; and if at the time afore-said the Council is not in Committee, the Council shall forthwith move into Committee without question for the purposes aforesaid.

(8) On any day upon which the Chairman 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 Council, and no dilatory Motion shall be moved in relation to that business, and the business shall not be interrupted under any Standing Order.

(9) 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 116.
Supplementary
Estimates.

(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 as aforesaid on any day on which business other than Government business has precedence.

(2) The provisions of paragraphs (2), (3), (4) and (5) of Standing Order 115 (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 Chairman 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 questions necessary to dispose of the business of Supply under the same Order of the Day.

(4) On any day upon which the Chairman 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 Council, and no dilatory Motion shall be moved in relation to that business, and the business shall

Consider- 117. The provisions of Standing Order 112 (Consideration
ation of of Ways and Means resolutions) shall mutatis mutandis
Supply apply to the report on any resolution of the Committee
resolutions. of Supply.

17. Paragraph (2) of Standing Order 122 is amended by sub-
stituting for the words "Save with the leave of the Council" the words
"Unless the Council otherwise orders".

18. Standing Order 127 is amended by substituting for the
words "unless otherwise ordered" the words "unless the Council otherwise
orders".

159-221
K/S ES