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KENYAN NATIONAL ASSEMBLY



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NATIONAL ASSEMBLY

STANDING ORDERS

As amended up to and including
November 10, 1997,
Being the date of
dissolution of the
Seventh Parliament
of Kenya

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NATIONAL ASSEMBLY

STANDING ORDERS

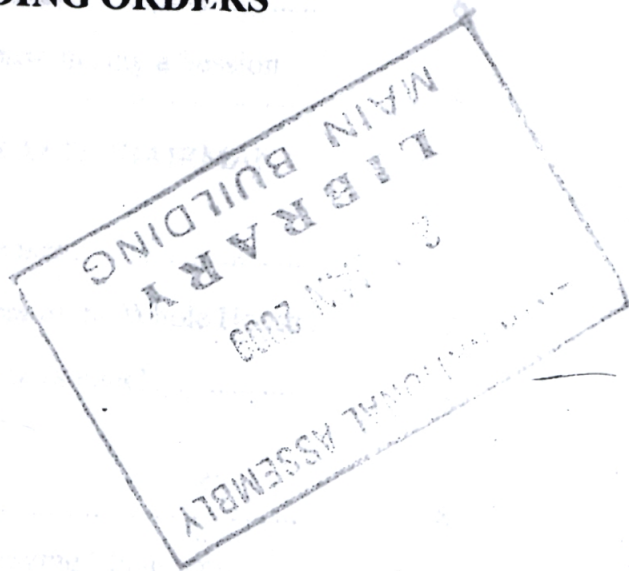


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PRAYER

Almighty God, who in Thy wisdom and goodness hast appointed the offices of Rulers and Parliaments for the welfare of society and the just government of men: we beseech Thee to behold with Thy abundant favour us Thy servants, whom Thou has been pleased to call to the performance of important trusts in this Republic.

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

AMEN.

PART I-INTRODUCTORY

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

In cases not provided for Mr. Speaker to decide.

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

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

Interpretation.

(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 XVIII of these Standing Orders;

“Clerk” means the Clerk of the House, or, if he 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 Mr. Speaker;

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

“Minister” includes the President; the Vice-President, other Ministers, the Attorney-General,

Assistant Ministers, and any person who holds temporarily any such office;

"Official Opposition Party" means the opposition party consisting of not less than thirty (30) members:

Provided that where there are two or more parties with more than 30 members, the Party with the highest number of seats in the House shall be deemed to be the official opposition party.

"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 the 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;

"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 any Bill other than a Private Bill;

"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 so that 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 135, any day on which the House sits;

“The 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.

(b) Reference to Mr. 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 Chairman of Committees or to any such Member for the time being presiding over a Committee of the Whole House, and reference to the Chairman of Committees shall be deemed to include references to Mr. Speaker when presiding over a Committee of the Whole House or to any such Member for the time being so presiding.

PART II - MEETINGS OF THE HOUSE AND SWEARING-IN OF MEMBERS

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. Immediately following the election, the Clerk shall administer the Oath or Affirmation of Allegiance to the new Speaker in the presence of the assembled House.

Proceedings
in Assembly
of a new
House.

4. (1) A Speaker shall be elected when the House

Election of
Speaker

first meets after any 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 the next dissolution of the National Assembly, no business shall be transacted by the House until the election of a new Speaker.

(3) 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 the signatures of two Members who support the candidate and a declaration by them that the candidate is willing to serve and, when the candidate is not a Member, is qualified to be elected under sections 34 and 35 of the Constitution of Kenya.

(4) 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 (3) of this Standing Order, and shall issue not more than one such paper to each Member who comes to the Table to obtain it.

Provided that a Member who, before the conclusion of a ballot, has marked his 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.

(5) Every member who wishes to vote shall mark his ballot paper by placing a cross (and no other writing or signature), in the space opposite the name of the candidate for whom he wishes to vote.

(6) 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 until the

conclusion of the ballot be kept in the full view of the House.

(7) 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 marked otherwise than as prescribed in paragraphs (5) and (9) of this Standing Order, report the result of the ballot; and no Member who has not already recorded his vote shall be entitled to do so after the Clerk has unlocked the ballot box.

(8) A person shall not be elected as Speaker, unless he is 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 a further ballot shall be held.

Provided that, if in the second ballot no candidate is supported by the votes of two-thirds of all 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 of votes shall alone stand for election in the third ballot and the candidate who receives the highest number of votes in the third ballot shall be elected.

(9) A candidate may, by written notice to the Clerk, withdraw his 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.

(10) Notwithstanding anything to the contrary hereinbefore appearing, if there is only 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 who shall then Administer the Oath or Affirmation of Allegiance to the other Members.

(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 seat after the first meeting of a new House, he shall before taking his seat be brought to the Table by two Members and presented by them to Mr. Speaker, who shall then administer to him the Oath or Affirmation of Allegiance.

Proceedings at the commencement of Session other than the first Session.

Summoning of the House during a Session after adjournment.

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.

7. (1) Whenever during a Session the House stands adjourned, whether or not a day has been appointed for the next meeting, Mr. Speaker shall, at the request of the Government, 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, the House shall meet thereon at such time as shall be appointed by Mr. Speaker.

(2) On any day on which the House meets under the provisions of paragraph (1) of this Standing Order, the business to be transacted shall, subject to

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

PART IV - PRESIDENT

Chair of State

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

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.

Aid- 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 his 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, if and so long as he desires, move from his 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. The President may, on ceremonial occasions, address the House from the Speaker's Chair.

PART V - SITTINGS AND ADJOURNMENTS OF THE HOUSE

Hours of meeting

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

(2) Unless for the convenience of the House Mr. Speaker or the Chairman (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, Mr. Speaker or the Chairman of Committees shall interrupt the business then under consideration and if the House be in Committee the Chairman shall leave the Chair and report progress and ask leave to sit again.

(3) 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 numbers.

(4) Upon the conclusion of all proceedings under paragraphs (2) or (3) of this Standing Order, or upon the earlier completion or deferment of all business standing upon the Order Paper for the sitting, Mr. 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 the provisions of Standing Order 18 (Adjournment Motion - End of Sitting) shall call upon a Minister to move "That, this House do now adjourn".

(5) Upon the conclusion of any debate arising under the provisions of the last preceding paragraph of this Standing Order, Mr. 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, Mr. Speaker shall adjourn the House without question put.

Adjournment
Motion -
End of
normal
sitting day

18. (1) Upon any Motion "That, this House do now adjourn" moved under the provisions of paragraph (4) of Standing Order 17 (Hours of meeting), any Member other than a Minister or an Assistant 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 the provisions of this Standing Order shall give notice of the matter in writing to Mr. Speaker. Subject to the giving of such notice Mr. Speaker may allot the right to raise a matter to one Member on any sitting day by such method as he may think fit, but he shall not allot such right on more than two sitting days in any week, nor on any Allotted Day.

(3) No Member speaking on any such matter shall speak for more than ten minutes without the leave of the House.

Resumption
of inter-
rupted
business.

19. Any debate interrupted under the provisions of this part of the Standing Order shall on coming again before the House or the Committee be resumed at the point where the same was interrupted as it were a continuous debate, 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. If such Member does not avail himself of this right, his speech shall be deemed to have been concluded.

Adjournment
on definite
matter of
urgent
national
importance.

20 (1) Any member may at any time rise in his 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 Mr. Speaker a written notification of the matter he wishes to discuss. Mr. Speaker shall refuse to allow the claim unless he 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 Mr. Speaker is so satisfied and not less than 15 other Members rise in their places in support, Mr. Speaker shall nominate a time on the same day at which such Motion may be moved.

(4) No Member speaking on any such matter shall speak for more than ten minutes without the leave of the House except that the Mover and one Minister may speak for 15 minutes each.

(5) The moving of a Motion under the provisions of this Standing Order shall not prejudice the moving of a motion under the provisions of Standing Order 17 (Hours of Meeting) during the same sitting.

20A (1) Under this Standing Order and notwithstanding the provisions of Standing Order 17, Mr. Speaker shall interrupt the business of the House every Thursday at 6.30 p.m. (or 7.00 p.m. if it is an Allotted Day) to facilitate Members' -Half-Hour-Statements.

Members -
Half -Hour-
Statements

(2) A member who wishes to seek leave to make a statement under this Standing Order shall, before One O'clock on the day the statement is to be made, through his Party Whip hand to Mr. Speaker a written notification of the matter he wishes to discuss, and Mr. Speaker shall refuse to allow the claim unless he is satisfied that the matter may properly be discussed in the House.

(3) If Mr. Speaker is so satisfied, Mr. Speaker shall inform the Party Whip accordingly, and the Party Whip shall notify the relevant Minister(s) of the matters to be raised before Four O'clock of the same day.

(4) No member making such a statement shall speak for more than one hundred and twenty seconds without leave of the House.

Adjournment
of debates.

21. (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 Chairman do report progress".

(2) The debate on any such Motion shall be confined to the matter of the Motion.

(3) If Mr. Speaker shall be of the opinion that any such dilatory Motion is an abuse of the proceedings of the House he may forthwith put the question thereon or he may 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
sitting day.

22. 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)".

Adjournment
of the House.

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

(2) If Mr. Speaker shall be of the opinion that such

Motion for adjournment of the House is frivolous, vexatious, or an abuse of the proceedings of the House, he may forthwith put the question thereon or he may decline to propose it.

(3) The debate on any such Motion shall be confined to the matter of the Motion.

PART VI-QUORUM OF THE HOUSE

24. A quorum of the House or of a Committee of the whole House shall be 30 Members excluding the person presiding.

Quorum.

25. (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, Mr. Speaker or the Chairman shall count the House or the Committee as the case may be. If on the first count a quorum does not appear to be present, Mr. Speaker or the Chairman shall cause the division bell to be rung, as on a division, and if no quorum be present before the expiration of 3 minutes from the commence of such further time as he may deem 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:

Procedure where quorum not present.

(a) If Mr. Speaker be in the Chair he shall adjourn the House without question put until the next sitting.

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

Whenever Mr. Speaker or the Chairman, as the case may be, is engaged in counting the House or the Committee respectively, the doors shall remain unlocked.

(2) 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. The business then under consideration shall stand over until the next sitting and Mr. Speaker shall proceed as if his attention had been drawn to the absence of a quorum. If a quorum is then present, the next business shall be entered upon.

PART VII - JOURNALS AND RECORDS

Journals of the House.

26. 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.

27. The custody of the Journals and records, including all papers and accounts whatsoever presented to or belonging to the House, shall be in the Clerk, who shall neither take, nor permit to be taken, any of such Journals or records from the precincts of the House without an order of the House or by the leave or order of Mr. Speaker.

Hansard Reports.

28. (1) There shall be published a verbatim report of all proceedings of the House, unless Mr. 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 his own utterances, but not so as to alter the substance of what he actually said (as to which Mr. Speaker shall, in case of doubt, decide).

Secret or domestic matters.

29. Mr. Speaker may direct any matter which is in his opinion secret or purely domestic 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, both of which shall be kept in the custody of the Clerk and made available only to Members and Clerks.

PART VIII - ORDER OF BUSINESS

30. 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 Mr. Speaker may from time to time direct to be shown therein; such Order Paper shall be circulated as early as possible before the House meets.

Order Paper to be prepared and circulated.

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

Order of proceedings.

(a) Matters other than business -

(i) Administration of Oath;

(ii) Communication from the Chair;

(iii) Petitions;

(iv) Papers;

(v) Notices of Motion;

(vi) Questions of which notice has been given.

(b) Business set down on the Order Paper.

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

32. (1) Whenever Mr. Speaker has been informed that the President will attend 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.

Attendance of or messages from the President.

(2) Mr. Speaker shall as soon as he has taken the Chair and before any other business, except the administration of the Oath to any new Member, read to the House any message from the President delivered to him for communication to the House.

33. (1) The Government shall have the right to have

Government business.

Government business placed on the Order Paper in such sequence as the Government may determine:

Provided that, subject to the provisions of Standing Order 7 (Summoning of House during a Session after Adjournment), on every Wednesday morning on which the House sits, business other than Government Business, shall have precedence save over business of the Financial Statement on Annual Estimates.

(2) A Motion sponsored by any Party shall have precedence over all other motions on such day or part of any day as the House Business Committee, in consultation with Mr. Speaker, may determine in such order as that Party may determine, and subject thereto.

(3) Motions not sponsored by the Government or by any Party shall have precedence over all other business in such order as the House Business Committee, in consultation with Mr. Speaker, may determine.

34. Mr. Speaker shall direct the Clerk to read the Orders of the Day without question put.

Orders of the Day to be read without question put.

Questions to Ministers.

PART IX - QUESTIONS

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

36. (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 Mr. 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 within the next two sitting days following such notice.

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

(4) 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.

(5) 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 the House is adjourned before the expiry of such period of ten days, within the first four days (or such longer period as Mr. Speaker may allow) during which the House next meets after such adjournment:

Provided that, if on any day more than 15 Questions are due to be placed on the Order Paper for reply, and if Mr. Speaker is of the opinion that the number of such Questions exceeding 15 cannot be spread over the next three sitting days without the Questions on

one of these days exceeding 15, then each Member shall be limited equally to such number of Questions on the Order Paper as will reduce the total number of Questions to 15 and shall receive forthwith a written reply to all other Questions which are thus excluded from the Order Paper.

(6) 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.

Contents of Questions.

37. (1) A Question shall not be in effect a speech, or limited to given information or framed so as to suggest its own answer or to convey particular point of view.

(2) The fact on which a Question is based may be set out briefly, provided the Member makes himself responsible 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 controversial, 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 in the current 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 not include the name of any person or any statement not strictly necessary to render the Question intelligible, neither shall a Question contain any charge which the Member asking the Question is not prepared to substantiate.

(7) A Question shall not seek an expression of opinion.