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REPUBLIC OF KENYA

NATIONAL ASSEMBLY

STANDING ORDERS

As amended up to and including
October 25, 2002
Being the date of
dissolution of the
Eighth 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

In cases not provided for, Mr. Speaker to decide.

(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.

(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.

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 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 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 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

Proceedings in 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. 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.

Election of Speaker

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

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, 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 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.

PART III - DEPUTY SPEAKER AND CHAIRMAN 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 (3) to (9) of Standing Order 4 (Election of Speaker).

Chairman of Committees of the whole House.

9. The Deputy Speaker shall be Chairman 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 should take part in any proceedings in Committee otherwise than as the person presiding, Mr. Speaker shall take the Chair in his stead.

Chairmen's Panel.

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

(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 Presider 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 i silence and not followed by any comment or question; but

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

President on front bench.

15. The President may at any time, if and so long 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 Hou in the same manner as any other Member; bu

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

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".

Hours of meeting

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 interrupted 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 if 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.

Adjournment of debates.

(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.

Members - Half -Hour- Statements

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.

Adjournment to a day other than the next sitting day.

(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.

Adjournment of the house.

(3) If Mr. Speaker is so satisfied, Mr. Speaker sha inform the Party Whip accordingly, and the Party W shall notify the relevant Minister(s) of the matters to 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 second without leave of the House.

Adjournment of debates.

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

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

(3) If Mr. Speaker shall be of the opinion that a such dilatory Motion is an abuse of the proceeding the House he may forthwith put the question there he may decline to propose it.

(4) A Member who has moved or seconded a dilatory Motion which has been negatived may no subsequently move or second another such Motio during the same debate, whether in the House or i 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 adj to a day other than the next normal sitting day a Minister may move a Motion "That, this House d adjourn (*sine die* or to a specified day other than next normal sitting day)".

Adjournment of the house.

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

(2) If Mr. Speaker shall be of the opinion that Motion for adjournment of the House is frivolou

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

Quorum.

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

Procedure where quorum not present.

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:

(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 busines shall be entered upon.

PART VII - JOURNALS AND RECORDS

Journals of the House.

26. All votes and proceedings of the House shall noted by the Clerk and shall constitute the Journals o 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 t Clerk, who shall neither take, nor permit to be taker any of such Journals or Records from the precincts the House without an order of the House or by the leave or order of Mr. Speaker.

Official report.

28. (1) There shall be published a verbatim re of all proceedings of the House, unless Mr. Speake satisfied that this is rendered impossible by some emergency.

(2) Every Member shall have an opportunity t correct the draft verbatim report of his own uttera but not so as to alter the substance of what he act said (as to which Mr. Speaker shall, in case of do decide).

Secret or domestic matters.

29. Mr. Speaker may direct any matter which his opinion secret or purely domestic to be exclu from the Journals of the House and from the ver report of proceedings of the House, and to be th subject of a separate verbatim report, both of wh shall be kept in the custody of the Clerk and ma available only to Members and Clerks.

PART VIII - ORDER OF BUSINESS

Order Paper to be prepared and circulated.

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 of proceedings.

31. (1) Each day after Prayers have been read 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 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.

Attendance of or messages from the President.

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.

(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.

Government businesss.

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

have 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 on 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 any Party shall have precedence over all other business in such order as the House Business Committee, in consultation with Mr. Speaker, may determine.

Orders of the Day to be read without question put.

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

PART IX - QUESTIONS

Questions to Ministers.

35. (1) Questions may be put to a Minister relating to public affairs with which he is officially connected or 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.

Notices of questions.

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) pon 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 speec or limited to give information or framed so as to suggest its own answer or to convey a particular p of view.

(2) The fact on which a question is based may set out briefly, provided the Member makes himse responsible for their accuracy, but extracts from th newspaper or quotations from speeches shall not 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 an Question already answered either as a Question o the course of a debate in the current Session.

(5) Not more than one subject shall be referre in any one Question, and a Question shall not be excessive length.

(6) A Question shall not include the name of a 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 substantiat

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

(8) A Question shall not raise a question of p too large to be dealt with within the limits of an answer to a Question.

(9) A Question shall not be asked which mak

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 his official or public capacity.

(10) Reference shall not be made in a Question to any particular matter which is *sub judice*.

(11) A Question shall not seek information which is in its nature 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 an Assistant Minister or civil servant, is accurate.

(14) A Question shall not refer discourteously to any friendly country, nor to any ruler or the 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.

38. (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 matter not related to the original Question.

(2) The provisions of Standing Order 37 (Contents of Questions) shall apply **mutatis mutandis** to Supplementary Questions.

Written Answers

39. If a Member indicates that he desires a written answer to his Question, six copies of the answer shall be delivered to the Clerk within 14 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.

PART X -MOTIONS AND AMENDMENTS

Notices of Motions.

40. (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 the opinion that any proposed Motion -

(a)is one which infringes, or the debate on which is likely to infringe, any of the provisions 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 Mr. 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 annual estimates as adopted by the National Assembly; he may direct either that, the Motion is inadmissible, or that notice of it cannot be given without such alteration as he may approve.

(4) A Member giving notice of a Motion approved by Mr. 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 an Opposition Party Leader or Chief Whip for sponsorship by his Party.

(5) Notice of an approved Motion not complying with the provisions of paragraph (4) shall be given by means of a list to be published to Members in such manner as Mr. 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 33 (but at least one day before the Motion appears on the Order Paper).

Amendment of notices of Motions.

41. Mr. Speaker may permit a Member to move in amended form a Motion of which notice has been given if in the opinion of Mr. 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.

42. No Motion may be moved which is the same in substance as any question which has been resolved (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 Mr. Speaker.

Time for moving motion

43.(1) A Member who has a Motion standing in his name may authorise in writing some other Member to move that Motion in his stead.

(2) 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 leave of Mr. Speaker.

Motions withdrawn may be moved again.

44. 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

45. The following Motions may be moved without notice:

(a) A Motion by way of amendment to a question already proposed from the Chair.

(b) A Motion for the Adjournment of the House or of a debate.

(c) A Motion for the withdrawal of strangers.

(d) A Motion that the House do resolve itself, into a Committee of the whole House.

(e) A Motion moved when the House is in Committee.

(f) A Motion for the suspension of a Member.

(g) A Motion made in accordance with Standing Orders governing the procedure as to Bills.

(h) A Motion for the agreement or disagreement of the House with a Committee of the whole House i a resolution reported, or for the recommittal thereof or for the postponement of the further consideration thereof.

(i) A Motion raising a question of privilege.

(j) A Motion for the orders of the House under these Standing Orders.

(k) A Motion made under Standing Order 171 (Exemption of business from Standing Orders).

(l) A Motion made for the limitation of a debate under Standing Order 81.

Manner of debating Motions and amendments thereto.

46. (1) When a Motion has been moved and if necessary seconded, Mr. 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, Mr. Speaker shall put the question.

(3) Any amendment to the Motion which a Member wishes to propose in accordance with the provisions of 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. When every such amendment has been disposed of Mr. 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) (a) 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 of the question".

(b) 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").

(c) 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 there inserted" (or "added"). 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.

(d) When two or more amendments are proposed to be moved to the same Motion, Mr. 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 he shall decide:

Provided that no amendment may be moved which relates to any words which it has been decided shall not be left out of a Motion.

(5) (a) Any 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.

(b) The provisions of paragraph (4) of this Standing Order shall apply to the discussion of amendments to amendments with the substitution whenever appropriate of the words "original amendment" for the word "question".

(c) When every such amendment to an amendment has been disposed of, Mr. 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.

Amend-ment to be in writing.

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

Amend-ments to be relavant to Motion.

48. (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 Mr. Speaker, should be raised by a substantive Motion after notice given.

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

Question proposed after motion made

49. The question on any Motion shall not be proposed unless it shall have been seconded. A Motion 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.

50. 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.

Questions as amended put

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

When amendment proposed but not made.

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

PART XI - DIVISIONS

Division claimed.

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

(a)Mr. 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, 20 or more further Members rise in their places to support the Member claiming the division.

(2) Mr. 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 bells rung and the doors to be locked.

54. (1) When Mr. Speaker directs a division to be taken the Division Bell shall be rung for five minutes.

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

(3) At the end of five minutes Mr. Speaker shall

direct the doors to be locked and the Bar drawn and no Member shall thereafter enter the House until aft the division has been taken.

Direction of Ayes and Noes

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

(2) Mr. Speaker or the Chairman of the Committee shall, fifteen minutes after the locking o the lobby doors, call the House to Order, and any member who shall not have voted then shall forfeit right to vote.

Obligation to vote.

56. No Member shall be obliged to vote in a division, but those present but not voting shall reco their names with the Clerk.

Original Vote.

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

Casting Vote.

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

In case of confusion or error.

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

Error corrected.

60. If , after a division has been made, it is disco ered that the number has been inaccurately reporte or that an error has occured in the names on the division lists, the facts shall be reported to the Hous and Mr. Speaker shall direct that the necessary corr tions be made.

Instances where Constitution requires a fixed majority.

61. In every instance where the Constitution lays down that a fixed majority is necessary to decide any question -

(a) 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;

(b) if the division on that question results in a majority of Ayes, but less than such fixed majority and the Noes have not numbered 35 per cent of all the Members of the House or more, Mr. 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 he does not so direct any further division, or if on such further division the fixed majority is not obtained, he shall declare that the Motion is negatived.

PART XII - RULES OF DEBATE

Proceedings to be in Kiswahili or English.

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

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

Members to address Mr. Speaker.

63. Every Member desiring to speak shall rise in his place and address himself to Mr. Speaker.

Two or more Members rising to speak.

64. If more than one Member rises at the same time, the Member called upon by Mr. Speaker shall be entitled to speak.

Speeches may not be read.

65. No Member shall read his speech but he m read short extracts from written and printed pape support of his argument and may refresh his mem by reference to notes:

Provided that Mr. Speaker may allow a Memb to read his speech in particular cases where Mr. Speaker is satisfied that this is necessary for preci in statement of facts.

No Member to speak after question put.

66. No. Member shall speak to any question a the same has been put by Mr. Speaker.

Speaking twice to a question.

67. (1) No Member shall speak more than onc a question except in Committee of the whole Hou

Provided that -

(i) a Member who has spoken to a question m again be heard to offer explanation of some mate part of his speech which has been misunderstood he must not introduce new matter;

(ii) a reply shall be allowed to a Member who moved a substantive Motion but not to a Membe who has moved an amendment.

(2) The mover of a substantive Motion may, if so desires, surrender his right to reply to another Member, nominated by him, who has not already spoken to such Motion.

Point of Order.

68. (1) Any Member may rise to a point of orde any time during the speech of another Member sta that he rises to a point of order. The Member who speaking shall there upon resume his seat and the Member rising to the point of order shall do likewi when he has concluded his submission. No other Member may, except by leave of Mr. Speaker, spe to the point of order.

(2) Mr. Speaker shall either give his decision on the point of order forthwith or announce that he defers the same for consideration after which the Member who was speaking at the time the point of order was raised may continue his speech.

Personal Explanations.

69. By the 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 discussion.

70. (1) It shall be out of order to anticipate the discussion of a Bill which as 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 discussion 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 discussion 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.

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

Use of the President's name.

72. No Member other than a Minister shall use the name of the President as authority for anything that he says.

Contents of Speeches

73. (1) Neither the personal conduct of the President, nor any conduct of Mr. Speaker or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the ruler or the government or the representative in Kenya of any friendly country shall be referred to adversely

except upon a specific substantive Motion moved for that purpose.

(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 current Session except upon a Motion to rescind that decision made with the permission of Mr. 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 calling in question the conduct of that Member.

Matter sub judice.

74. No Member shall refer to any particular matter which is *sub judice* or to any matter which is in its nature secret.

Declaration of interest.

75. A Member who wishes to speak on any matter in which he has a personal interest shall first declare that interest unless it is obvious.

Responsibility for statement of fact.

76. A Member shall be responsible for the accuracy of any facts which he alleges to be true and may be required to substantiate any such facts or to withdraw his allegation (with suitable apology, if Mr. Speaker so requires).

Member who has spoken to question may speak to amendment.

77. 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 his right to speak to the main question.

Debate on amendment confined to amendment.

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

Provided that, Mr. Speaker may, in his discretion, direct that the debate on the amendment may include debate on the matter of the Motion where, in his opinion, the matter of the amendment is not conveniently severable from the matter of the Motion, and where Mr. 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.

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

Closure of debate.

80. (1) After the question on a Motion the Mover of which has a right of reply has been proposed, a Member rising in his place may claim to move "That, the Mover be now called upon to reply", and, unless Mr. Speaker is of 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. If that question is agreed to, the Mover shall, if he so wishes, immediately reply to the debate, and as soon as he has concluded or, if he does not wish to reply, immediately, Mr. 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 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 House, or an infringement of the rights of Members, the question "That, the question be

now put", shall be put forthwith, and decided witho amendment or debate. If that question is agreed to Speaker shall immediately put the question accordi

PART XIII - LIMITATION OF DEBA

Limitation of debate.

81. (1) The House may, on a motion made by a member in accordance with the provision of this standing order, impose a limit in respect of debate any particular Motion by allotting a limited perio time for such debate or by limiting the time during which Members may speak in such debate or by imposing both such limitations.

(2) Such Motion may be made without notice:

Provided that such motion shall not be ma in the course of the debate to which it refers unless moved after an adjournment of such debate and bef the debate is resumed.

81.A (1) The time during which Members may speak in a debate on Bills shall be limited as follow

(a) **In a debate of Public Bills -**

(i) The Leader of Government Business or designat Minister when Moving and Replying, **no time lim**
(ii) The Leader of the Official Opposition Party, wh submitting the official position, **no time limit;** and

(iii) Every other member, when speaking on the Bi **maximum of thirty (30) minutes.**

(b) **In a debate of Private Bills -**

(i) The Leader of the Official Opposition Party or th member initiating the Bill, when Moving and Reply **no time limit**;
(ii) The Leader of Government Business or designated Minister, in submitting the official positi **no time limit**; and

(iii) Every other Member in speaking on the Bill, **a maximum of thirty (30) minutes.**

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

(a) **In a debate of Sessional Papers -**

(i) The Leader of Government Business or designated Minister, in Moving and Replying, **no time limit;**

(ii) The Leader of the Official Opposition Party or a Spokesman thereof, in submitting the official position, **no time limit;** and

(iii) Every other Member, when speaking on the Sessional Paper, **a maximum of thirty (30) minutes.**

(b) **In a debate of Reports of Committees -**

(i) The Chairman of the Committee or designated Member of the Committee, in Moving and Replying, **no time limit;**

(ii) The Leader of Government Business or designated Minister, in submitting the official position, **no time limit;**

(iii) The Leader of the Official Opposition Party or Spokesman thereof, **no time limit;** and

(iv) Any other Member when speaking on the Report, **a maximum of thirty (30) minutes.**

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

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

Maintenance of order.

82. Order shall be maintained in the House by Mr. Speaker and in a Committee of the whole House by the Chairman of such Committee; but disorder in

Committee may be censured only by the House on receiving a report thereof.

When Mr. Speaker rises Members to be silent.

83. Whenever Mr. Speaker or the Chairman 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 Mr. Speaker or the Chairman of Committees may be heard without interruption.

Members and the Chair.

84. (1) Every Member shall bow to the Chair in passing to or from his seat or across the Floor of the House.

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

Member to be seated.

85. Except when passing to and from his 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 Mr. Speaker has left the Chamber

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

Irrevance or repetition

87. Mr. Speaker or the Chairman of Committees, after having called attention to the conduct of a Member who persists in irrelevance or tedious repetition either of his own arguments or the arguments used by other Members in debate, may, after having first warned him direct him to discontinue his speech.

Disorderly conduct.

88. (1) Mr. Speaker or the Chairman of Committees shall order any Member whose conduct is grossly disorderly to withdraw immediately from the precincts of the Assembly during the reminder of that day's sitting; and the Serjeant-at-Arms shall act on such orders as he may receive from the Chair in pursuance of this Standing Order; but if on any occasion Mr. Speaker or the Chairman deems that his powers under the foregoing

provisions of this Standing Order are inadequate, he may name such Member or Members, in which event the procedure prescribed in Standing Order 89 (Member may be suspended after being named) shall be followed.

(2) Conduct is grossly disorderly not only if the Member concerned creates actual disorder, but also if he knowingly raises a false point of order, or commits any serious breach of these Standing Orders, or persists in making serious allegations without (in Mr. Speaker's opinion) adequate substantiation or otherwise abuses his privileges, or deliberately gives false information to the House or refuses to answer a legitimate Question or acts in any other way to the serious detriment of the dignity or orderly procedure of the House.

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

Member may be suspended after being named.

89. Whenever a Member shall have been named by Mr. Speaker or by the Chairman then -

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

(b) if the offence has been committed in a Committee of the whole House, the Chairman shall forthwith leave the Chair and report the circumstances to the House; and Mr. 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.

Time during which Member may be suspended.

90. (1) If any Member be suspended under Standing Order 89 (Member may be suspended after being named) his suspension on the first occasion shall be for three days including the day of suspension; on the second occasion during the same Session for seven days, including the day of suspension; and on the third or any subsequent occasion during the same Session for 28 days, including the day of suspension.

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

Members suspended to withdraw from precincts of the Assembly.

91. Any Member who is ordered to withdraw under Standing Order 88 (Disorderly conduct) or who is suspended from the service of the House under Standing Order 89 (Member may be suspended after being named) shall forthwith withdraw from the precincts of the Assembly and shall during the period of such withdrawal or suspension continuously (except during a recess) forfeit his right of access thereto.

Action to be taken on refusal to withdraw.

92. If any Member shall refuse to withdraw when required by or under these Standing Orders, Mr. Speaker or the Chairman of Committee as the case may be, having called 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 his right of access to the precincts o the Assembly.

Grave disorder.

93. (1) In the event of grave disorder arising in Committee, Mr. Speaker shall resume the Chair forthwith.

(2) In the event of grave disorder arising in the House, Mr. Speaker may, if he deems it necessary so to do, adjourn the House forthwith or suspend any sitting for a period to be named by him.

PART XV - PUBLIC BILLS.

Application and limitation

94. The provisions of this part shall apply in respect of all Public Bills.

Introduction of Bills.

95. (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 House 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 House shall be deemed to have ordered its publication in the *Gazette* and that Bill shall accordingly be so published, and the provisions of paragraph (1) of this Standing Order shall apply *mutatis mutandis* and subject thereto and to the provisions of Standing Orders 96, 97 and 98, 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 101 (First Reading).

Amending Bills to show relevant provisions of existing law

96. 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 despatched to Members, unless in the opinion of Mr. Speaker, the amendment is formal, minor or self-explanatory.

Memorandum of objects and reasons.

97. 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 if the Bill is enacted, an estimate, where possible, of such expenditure:

Provided that any Bill introduced by a Member other than a Minister must be signed by that Member.

Publication.

98. No Bill shall be introduced unless such Bill, together with the memorandum referred to in Standing Order 97 (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 14 days, beginning in each case with 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.

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

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

Reading of Bills.

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

First Reading.

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

101A. (1) A Bill having been read a First Time shall upon a Motion by the designated Minister stand committed to the relevant Departmental Committee without question put.

(2) Where the designated Minister does not move a Motion of committal under paragraph (1), a Member of the relevant Committee may move that the Bill be so committed, and Mr. Speaker shall put the question thereon forthwith.

(3) The Departmental Committee to which a Bill is committed shall present its report to the House within seven days of such committal and thereafter the Bill

shall be ordered to be read a Second Time on such a day as the designated Minister shall appoint.

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

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

Second Reading.

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

(2) No amendment may be moved to the question "That, the ..... Bill 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 House).

103. (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, Mr. Speaker shall leave the Chair without question put.

Power of Committee to amend Bills.

104. All Committees to which Bills are 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 they shall think fit, but if any such amendment be not within the title of the Bill, they shall amend the title accordingly and report the amendment thereof specially to the House.

Sequence to be observed on a Bill in Committee.

105. 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) Preambles, if any;

(f) Title;

(g) the Clause providing for the citation of the Bill.

Procedure in Committee of the whole House on a Bill.

106. (1) The Clerk shall call severally each part of the Bill in the sequence prescribed in Standing Order 105 (Sequence to be observed on a Bill in Committee). If no amendment is proposed thereto or when all proposed amendments have been disposed of, the Chairman shall propose the question "That, the ..... (as amended) stand part of the Bill" and, when all Members who wish to speak thereon have spoken, he 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 the provisions of this paragraph, any Member may move an amendment to that amendment on delivering to the Chairman the terms of his 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 Chairman may at any time during the discussion of a proposed amendment, withdraw it from the consideration of the Committee if in his opinion the discussion has shown that the amendment contravenes the provisions of this paragraph.

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

(5) The provisions of paragraph (4) of Standing Order 46 (Manner of debating Motions and amendments thereto) 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 decide.

(7) On any Motion being made for the addition of a new clause the same 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". If this is agreed, amendments may then be proposed to the new clause. 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.

and if that Motion is agreed with such an amendment, the Bill shall stand so recommitted. The House shall either forthwith 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 Bills reported from select committees.

110. (1) The report of a Select Committee on a Bill shall be laid on the Table of the House by the Chairman of a 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) The provisions of Standing Order 109 (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 recommittal of a Bill.

111. (1) When a Bill has been recommitted to a Committee of the whole House, 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 on 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 House after recommittal the provisions of Standing Order 109 (Procedure on Bills reported from Committee of the whole House) shall apply.

Third Reading.

112. (1) On the adoption of a report on a Bill, the Third Reading may with the leave of Mr. 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"; amendments may be proposed similar to th proposed on Second Reading.

Withdrawal of Bills.

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

Re-introduction of Bills.

114. A Bill, the Second Reading or Third Reading of which has been rejected may be introdu again in the next Session, or after the lapse of six months in the same Session, subject to fresh publication as provided by Standing Order 98.

Custody of Bills

115. (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, Mr. Speaker n correct formal errors or oversights therein.

PART XVI - PRIVATE BILLS

Application of Public Bill procedure.

116. Except as otherwise provided in this part, th Standing Orders relating to Public Bills shall apply respect of Private Bills.

Saving clause

117. Every Private Bill, shall contain a clause saving the rights of the President, the Government o 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 o under them.

Private Bill affecting private rights.

118. (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 thr separate issues of the Gazette specifying the general

nature and objects of the Bill; the last of such publications being not less than 14 days before the presentation of the petition referred to in Standing Order 119. (Petition for leave).

Petition for leave.

119. (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 Mr. 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. On receipt of such copies, the Clerk shall forthwith despatch 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.

120. Where leave to proceed is granted the promoters shall -

(a) pay to the Clerk a fee of K£10 for his own use;

(b) deposit with the Government Printer the sum of K£100 as security for the cost of printing the Bill; and

(c) deposit with the Clerk a bond by two persons, acceptable to the Clerk, obliging such persons to pay to the Government Printer any expense of printing in excess of K £100.

Bills authorizing the construction of work.

121. In the case of a Private Bill authorizing the construction of work, before such Bill shall be read a First Time, the promoters shall deposit with the Clerk an estimate of the expense of the undertaking, signed by the person making such estimate and they shall also deposit with the Clerk a sum not less than 4 *per centum* of the amount of such estimate 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.

122. 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 14 days after such publication the Bill shall be read a First Time.

How Bills may be opposed.

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

Rights of audience before committee on opposed Bills.

124. (1) Subject to the provisions of these Standing Orders all Petitions against a Private Bill containing a prayer that the petitioners be heard by themselves, or by their advocate, shall stand referred to a Select Committee which shall hear any such petitioners or advocate.

(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 advocate, in favour of the Bill and against any petitions against the Bill.

Expenses of printing.

125. As soon as practicable 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 K£100 pay the balance of the sum K£100 deposited in accordance with the provisions of Standing Order 120 (Security for cost of printing); if the account for the expenses of printing exceeds K£100 the Government Printer shall take all necessary proceedings to recover payment of the balance.

PART XVII - COMMITTEES OF THE WHOLE HOUSE

Limits on consideration of matters by Committee.

126. 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.

127. A Committee may not adjourn its own sitting or the consideration of any matter to a future sitting, but the Chairman 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.

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

No debate on Motion for report.

129. 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.

Chairman leaves Chair without question put when directed.

130. (1) When the Chairman has been directed to report to the House, he shall leave the Chair without question put.

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

General application of rules in committee.

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

PART XVIII - SUPPLY AND WAYS AND MEANS

A - General

President's consent required for money measures.

132. 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) for the imposition of taxation or the alteration of taxation otherwise than by reduction;

(ii) for 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) for 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 a mount of such a payment, or withdrawal; or

(iv) for the composition or remission of any debt due to the Government of Kenya; or

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

Presentation of annual estimates.

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

Committee of Ways and Means and Committee of Supply

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

Definition of day

135. For the purposes of this part of these Standing Orders, 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.

B - Committee of Ways and Means

Moving into Committee of Ways and Means

136. 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.

137. (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 seven days exclusive of the Mover's speech and reply.

Procedure in Committee of Ways and Means.

138 (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 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 Chairman 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 Resolution

139. (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 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 specific 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 House 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 138 (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).

140. (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) The provisions of paragraphs (2) and (3) of Standing Order 138 (Procedure in Committee of

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 specific 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 House 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 138 (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).

140. (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) The provisions of paragraphs (2) and (3) of Standing Order 138 (Procedure in Committee of

Ways and Means) and of Standing Order 139 (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 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 otherwise orders that such business shall continue for more than one day, the Chairman 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 Chairman 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.

C- Committee of Supply

Moving into Committee of Supply

141. 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.

142. (1) Twenty days, being those before 31st October, shall be allotted for the consideration in

Committee of Supply of proposals in respect of the annual Estimates:

Provided that not more than two allotted days shall be spent on any one Vote, and any Vote which has not been granted within that period shall be left for disposal under paragraph (7) of this Standing Order.

(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 subhead 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 subhead thereof has been agreed or negatived, a further Motion for the reduction of the same Vote may be made in relation to subsequent subhead thereof. Where a Motion to reduce the amount of a Vote in relation to a particular subhead thereof has been agreed or negatived, no further Motion to reduce that Vote in relation to the same subhead 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 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 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 every Vote not yet granted; and if at the time aforesaid the House is not in Committee, the House shall forthwith move into Committee without question put 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 House, 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 Suplementary Estimates

143. (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 142 (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 Chairman 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 Chairman 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.

144. The provisions of Standing Order 139 (Consideration of Ways and Means resolutions) shall *mutatis mutandis* apply to the report on any resolution of the Committee of Supply.

PART XIX - SELECT COMMITTEES

House Business Committee.

145. (1) There shall be a select committee, to be designated the House Business Committee, consisting of not less than five and not more than twenty Members, who shall be nominated by the House at the commencement of every Session.

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

(3) The Chairman and two other members of the House Business Committee shall form a quorum.

(4) If, for any reason, a member of the House Business Committee is unable to act, the Chairman may appoint another Member in his stead for the period for which he is unable to act.

Estimates Committee.

146. Deleted on November 10, 1997

Public Accounts Committee

147 (1) There shall be a select committee to be designated the Public Accounts Committee for the examination of the accounts showing the appropriation of the sum voted by the House to meet the public expenditure and of such other accounts laid before the House as the Committee may think fit. The Public Accounts Committee shall consist of a Chairman who shall be a Member who does not belong to the parliamentary party which is the ruling party and not more than ten Members who shall be nominated by the House Business Committee to reflect the relative majorities of the seats held by each of the parliamentary parties in the National Assembly, at the commencement of every Session;

Provided that, the ruling party shall have a majority of not more than two.

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

(3) In the absence of the Chairman, a member designated by him shall take the Chair; and in their absence, the Members present shall elect one of them to act in his stead.

(4) The Chairman and four other Members of the Public Accounts Committee shall constitute a quorum.

(5) The names of Members present at each sitting of the Public Accounts Committee shall be entered on the Minutes.

(6) The minutes of the proceedings of the Public Accounts Committee shall be brought up and laid on

the Table of the House with the report of the Committee.

Public Investments Committee.

148 (1) There shall be a select committee to be designated the Public Investments Committee for the examination of the working of the public investments. The Public Investments Committee shall consist of a Chairman who shall be a Member who does not belong to the parliamentary party which is the ruling party and not more than ten Members who shall be nominated by the House Business Committee to reflect the relative majorities of the seats held by each of the parliamentary parties in the National Assembly at the commencement of every Session.

Provided that, the ruling party shall have a majority of not more than two.

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

(3) The Chairman and four other members of the Public Investments Committee shall constitute a quorum.

(4) In the absence of the Chairman, a Member designated by him shall take the Chair, and in their absence, the Members present shall elect one of them to act in his stead.

(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 **Auditor-General (Corporations)** on the public investments; and

(c) to examine, in the context of the autonomy and efficiency of the public investments, whether the affairs

of the public investments, are being managed in accordance with sound business principles and prudent commercial practices:

Provided that the Public Investments Committee shall not examine 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.

Library Committee

149. (1) There shall be a select committee to be designated the Library Committee comprising the Deputy Speaker as Chairman and not more than ten other Members.

(2) The functions of the Library Committee shall be -

(a) to consider and advice on such matters concerning the Library as may be referred to it by the House from time to time;

(b) to make proposals and consider suggestions for the improvement of the Library;

(c) to assist Members of the National Assembly in fully utilizing the services provided by the Library.

Speaker's Committee

150. (1) There shall be a select committee to be designated the Speaker's Committee comprising Mr. Speaker as Chairman, the Minister for the time being responsible for finance, the Minister for the time being responsible for public administration and not more than ten 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.

Departmental Committee

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

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

(3) Each Departmental Committee shall comprise a Chairman and not more than ten other Members.

(4) The functions of the Departmental Committees 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 the Ministries and departments and the effectiveness for the implementation;

(c) to study and review all legislation after First Reading, subject to the exemptions under Standing Order 101A(4);

(d) to study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with its 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.

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

**** The Schedule of Departmental Committees is in the Schedule to the Standing Orders.***

Liaison Committee

151A (1) There shall be a select committee to be designated the Liaison Committee which shall consist of the Deputy Speaker as Chairman and the Chairmen of all Departmental Committees.

(2) The Liaison Committee shall:-

(a)guide and co-ordinate the operations, policies and mandates of the Departmental Committees;

(b)deliberate on and apportion the annual operating budget among the Departmental Committees;

(c)consider the programme of the Departmental Committees, including their need to travel and sit away from the precincts of the House;

(d)deliberate and decide on which reports of the Departmental Committees shall be debated in the House.

Standing Orders Committee.

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.

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

Reference to Select Committee.

153. Save 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.

Provided that no such notice shall be required where the House in the course of the proceedings on any matter shall decide to refer the same to a select committee.

Membership.

154. (1) The House Business Committee shall nominate the Members who shall serve on any select committee appointed by the House and the Member who shall be Chairman thereof, unless the House, at the time of the appointment of the select committee, shall itself have nominated such Members and chairman.

(2) Unless the House otherwise orders, no select committee shall consist of less than five or more than 15 Members.

Cessation of Membership or absence of Member.

155. In the event of any member of a select committee ceasing to be a Member of of the House or being absent from the country or otherwise unable to act, the House Business Committee may appoint another Member of the House in his place,or, as the case may be, to act in his place during the period of such absence or inability.

Chairman to arrange time of first meeting.

156. The chairman of a select committee shall arrange a time for the first meeting of the committee.

In the absence of Chairman, Select Committee to elect member to act as Chairman.

157. In the absence of the Chairman, the Committee shall elect another member of the committee to act as Chairman in his stead for the period during which he is absent.

Chairman's vote

158. The Chairman of a select committee shall have an original but not a casting vote.

Quorum

159. The quorum of a select committee shall, unless the House otherwise orders, consist of three members.

Procedure

160. (1) Save as and to the extent to which the Chairman may in his discretion 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 select committee may continue its deliberations although the House is adjourned or Parliament is prorogued.

(4) A select committee shall have power to receive evidence.

(5) 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.

Premature publication of evidence.

161. No evidence received by and no documents presented to a select committee shall be published or otherwise disclosed to any person other than a Member of the House until the report of that committee shall have been presented to the House.

Report of Select Committee.

162.(1) The report of a select committee shall be signed by the Chairman on behalf of the Committee.

Provided that if the Chairman is absent or is not readily available the committee shall nominate another Member to sign the report on behalf of the committee.

(2) 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 Chairman of the select committee or by some other Member authorized by the committee in that behalf.

PART XX - PUBLIC PETITIONS

Member's statement on presentation of petition.

163. Every Member offering to present a petition to the House, not being a petition for a Private Bill, shall confine himself to a statement of the parties from whom it comes, the number of signatures attached to it, and the material allegations contained in it, and to reading the prayer of such petition.

No discussion allowed on presentation of petition.

164. Every such petition shall be brought to the Table of the House, by the direction of Mr. Speaker who shall not allow debate, or any Member to speak upon, or in relation to such petition; but it may be read by the Clerk if required.

Members responsible for proper form of petition.

165. Every Member presenting a petition shall take care that the same is in conformity with the usual practice of the House of Commons of Great Britain and Northern Ireland.

Printing of petition.

166. A Member presenting a petition may, after notice given, move that it be printed.

House shall reject petition not in proper form.

167. The House shall reject any petition which is not properly and respectfully worded or does not conform to the rules or usual practice of the House.

PART XXI - STRANGERS

Places to which strangers are not admitted.

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

Withdrawal of strangers from the Chambers.

169. 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, Mr. Speaker or the Chairman 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 Mr. Speaker's rules

170. Any newspaper whose representative infringes these Standing Orders or any rules made by Mr. 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 Mr. Speaker, may be excluded from representation in the Press gallery for such term as the House shall direct.

PART XXII - GENERAL

Exemption of business from Standing Orders.

171. (1) A Motion may be made 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 XIII (Limitation of Debate), Part XV (Public Bills), Part XVI (Private Bills), Part XVII (Committee of the Whole House) Part XVIII (Supply and Ways and Means), Part XIX (Select Committees), Part XX (Public Petitions), and Part XXI (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 the provisions of Standing Order 98 (Publication), Standing Order 99 (Not more than one stage of a Bill to be taken at the same sitting) or Standing Order 132 (President's consent required for money measures).

(2) Such Motion 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) No Member of the House, other than a Minister shall move a Motion under paragraph (1) of this Standing Order except for the purpose of allowing business in the charge of such Member to proceed or to be dealt with.

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

Seating in the Chamber.

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

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

Members travelling outside Kenya.

173. (1) Members intending to travel outside Kenya whether in an official or a private capacity, shall give to Mr. 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 establish and maintain for that purpose.

Expenses of witness

174. 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 his expenses, including travelling expenses, as Mr. Speaker may from time to time determine, either generally or specially.

Commencement

175. These Standing Orders (as amended) came into operation on the 10th day of November, 1997.

SCHEDULE

DEPARTMENTAL COMMITTEES (S.O. 151)

(Schedule of grouping by subject and department as per existing (10.11.97) structure of Government portfolios)

Committee	Subjects
A **Agriculture, Lands and Natural Resources**	Crop and livestock production and marketing; lands and settlement; water resources, land reclamation and irrigation; Co-operative development; natural resources.
B **Energy, Communications and Public Works.**	Energy production and distribution; transport and communications; construction and maintenance of public roads, rails and buildings, air and sea ports; information and broadcasting.
C **Education, Research and Technology**	Education, training and examinations; research and technological development.
D **Health, Housing, Labour and Social Welfare**	Labour and trade union relations, manpower planning; housing policy and development; public health, medical care and insurance; culture and social welfare.

E	**Administration, National Security and Local Authorities**	Public administration and internal security; National Youth Service; national disasters; citizenship and immigration; local authorities; prisons, national heritage, children, betting and lotteries.
F	**Finance, Planning and Trade**	Public finance, banking and insurance; national planning and population development; trade, commerce and industry; tourism promotion and management.
G	**Administration of Justice and Legal Affairs**	Constitutional affairs and the administration of law and justice (Police and Judiciary departments); public prosecution; elections.
H	**Defence and Foreign Relations**	Defence matters; foreign relations; agreements, treaties, conventions.

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