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THE NATIONAL ASSEMBLY - (SECOND SESSION)

COMMUNICATION FROM THE CHAIR
(No. 42 of 2018)

**GUIDE ON CONSIDERATION OF PROPOSED AMENDMENTS TO THE
FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2018)**

Honourable Members,

Before we proceed with the Committee of the whole House, I wish to issue the following guidance which relates to consideration of proposed amendments to the Finance Bill (National Assembly Bill No. 20 of 2018).

As you are aware, Article 114(2) of the Constitution provides that if, in the view of the Speaker, a motion makes provisions for a matter listed in the definition of 'a money Bill', the Assembly may proceed only in accordance with the recommendation of the relevant Committee after taking into account the views of the Cabinet Secretary responsible for Finance. In this regard, my office has received several proposed amendments to the Finance Bill, 2018 both from Chairpersons of Committees and individual Members some of which make provisions for matters listed in the definition of 'a money Bill' pursuant to the provisions of Article 114(2) of the Constitution.

I therefore wish to guide the House as follows with regard to the various amendments for which a disclaimer has been made in the Order Paper. For ease of reference, these are the proposed

amendments for which the words "***subject to provision of Article 114 of the Constitution***" are indicated.

These are specific amendments proposed by-

(i) the Member for Kikuyu (Hon. Kimani Ichung'wah) who is proposing to amend the Bill by inserting a new Clause 10A. I am informed that upon consideration of the amendment by the Departmental Committee on Finance and National Planning, the Committee has recommended that the amendments may proceed, but to be moved in an amended form, which recommendation he has acceded to. **That amendment may therefore be considered in Committee of the whole House;**

(ii) proposed amendment by the Member for Bomet Central (Hon. Ronald Tonui) who has proposed deletion of Clauses 56, 58 and 68. I am of the opinion that the said proposed amendments to Clauses 56 and 68 are subject to the provisions of Article 114. **Therefore, the Committee of the Whole House should not consider the proposed amendment to Clauses 56 and 68 as proposed by the Member;**

(iii) the proposed amendment by the Member for Mandera South (Hon. Adan Haji) who is proposing to amend Clause 19 in part A and part C. **It is my opinion that that the amendment to Clause 19 in part A makes provisions to a matter listed in the definition of 'a money Bill'. Therefore the House should not proceed to consider that particular amendment;**

(iv) the proposed amendments by the Member for Emuhaya (Hon. Omboko Milemba) who is proposing to delete Clause 68. **It is my opinion that that the amendment to**

Clause 68 makes provisions to a matter listed in the definition of 'a money Bill'. Therefore the House should not proceed to consider the amendment also;

(v) on the proposed amendments by the Member for Suna East (Hon. Junet Mohammed) who is proposing to amend Clause 18. I have decided to leave the matter to the Committee of the whole House to take the decision on how to prosecute the amendment owing to the fact that it is postponing the coming into effect of a provision already enacted by the House and the high interest the proposal has attracted in this House'; and

(vi) the last proposed amendments are by the Member for Dagoretti South (Hon. John Kiarie) who is proposing to amend Clauses 31 and 58. **It is my opinion that that the amendment to Clause 31 also makes provisions to a matter listed in the definition of 'a money Bill'. Therefore the House should not proceed to consider it.**

Honourable Members, that is therefore the fate of the amendments that were received through my office and for which a disclaimer under Article 114 of the Constitution has been made in the Order Paper for today .

I thank you!

THE HON. JUSTIN B.N. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY
Wednesday, August 29, 2018