

**THE NATIONAL ASSEMBLY
PAPERS LAID**

DATE: 12 MAR 2025 DAY: Wednesday

TABLED BY: H. Mwangi / J. M. Mwangi

CLERK AT THE TABLE: H. Mwangi / J. M. Mwangi

REPUBLIC OF KENYA



Approved
SNA
12/3/25

**THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025**

DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

**PARLIAMENT
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REPORT ON:

**CONSIDERATION OF THE SENATE AMENDMENTS TO THE HOUSES OF PARLIAMENT
(BICAMERAL RELATIONS) BILL, 2023 (NATIONAL ASSEMBLY BILL NO. 44 OF 2023)**

**THE NATIONAL ASSEMBLY
PAPERS LAID**

DATE: 12 MAR 2025 DAY: Wednesday

TABLED BY: Hon. George Mwangi / Hon. George Mwangi

CLERK AT THE TABLE: H. Mwangi / J. M. Mwangi

**NATIONAL ASSEMBLY
RECEIVED**

12 MAR 2025

SPEAKER'S OFFICE
P. O. Box 41842, NAIROBI.

**CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS**

MARCH 2025

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CHAIRPERSON'S FOREWORD

This report contains the proceedings of the Departmental Committee on Justice and Legal Affairs on its consideration of the Senate Amendments to the Houses of Parliament (Bicameral Relations) Bill (*National Assembly Bill No. 44 of 2023*) which was passed by the National Assembly on 27th March 2024 and submitted to the Senate pursuant to the provisions of Standing Order 142 of the National Assembly Standing Orders. The Senate considered and passed the Bill with amendments on 5th February 2025.

The Senate amendments to the Bill were referred to the Departmental Committee on Justice and Legal Affairs for consideration on 12th February 2025.

The Committee held a meeting on Thursday, 27th February, 2025 to consider the Senate Amendments to the Bill. The Committee rejected the Senate amendments. The Committee thereafter adopted this Report during its sitting held on Monday, 10th March 2025.

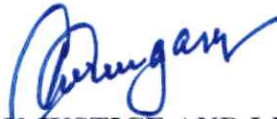
The Committee is grateful to the Offices of the Speaker and Clerk of the National Assembly for the logistical and technical support accorded to it during its consideration of the Bill. The Committee also thanks the Senate for their input into the Bill.

Finally, I wish to express my appreciation to the Honourable Members of the Committee and the Committee Secretariat who made useful contributions towards the preparation and production of this report.

On behalf of the Departmental Committee on Justice and Legal Affairs and pursuant to provisions of Standing Order 199(6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Senate Amendments to the Houses of Parliament (Bicameral Relations) Bill (*National Assembly Bill No. 44 of 2023*).

It is my pleasure to report that the Committee has considered the Senate Amendments to the Houses of Parliament (Bicameral Relations) Bill (*National Assembly Bill No. 44 of 2023*) and have the honour to report back to the National Assembly with the recommendation that the House adopts the Committee's recommendations on the Senate Amendments.

HON. MURUGARA GEORGE GITONGA, CBS, MP
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS



CHAPTER ONE

1 PREFACE

1.1 Establishment of the Committee

1. The Departmental Committee on Justice and Legal Affairs is one of twenty departmental committees of the National Assembly established under **Standing Order 216** whose mandate pursuant to the **Standing Order 216 (5)** is as follows:
 - i. *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;*
 - ii. *To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
 - iii. *To, on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
 - iv. *To study and review all legislation referred to it;*
 - v. *To study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - vi. *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;*
 - vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*
 - viii. *To examine treaties, agreements and conventions;*
 - ix. *To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation;*
 - x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - xi. *To examine any questions raised by Members on a matter within its mandate.*

1.2 Mandate of the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider: -
 - a) The Judiciary;
 - b) Tribunals;
 - c) Access to Justice;
 - d) Public prosecutions;
 - e) Ethics, Integrity and Anti-corruption;
 - f) Correctional services;
 - g) Community service orders and witness protection;
 - h) Constitutional Affairs;
 - i) Sovereign immunity;
 - j) Elections including referenda;
 - k) Human rights;
 - l) Political parties; and

- m) The State Law Office' including insolvency, law reform, public trusteeship, marriages and legal education.
3. In executing its mandate, the Committee oversights the following Ministries, Departments and Agencies:
- a) State Department of Correctional Services;
 - b) State Law Office and Department of Justice;
 - c) The Judiciary;
 - d) Judicial Service Commission;
 - e) Office of the Director of Public Prosecutions;
 - f) Ethics and Anti-Corruption Commission;
 - g) Independent Electoral and Boundaries Commission;
 - h) Commission on Administrative Justice;
 - i) Office of the Registrar of Political Parties;
 - j) Witness Protection Agency;
 - k) Kenya National Commission on Human Rights;
 - l) Kenya Law Reform Commission; and
 - m) Council of Legal Education.

1.3 Committee Membership

4. The Committee was constituted by the House on 27th October 2022 and comprises the following Members:

Chairperson

Hon. Murugara George Gitonga, CBS, MP
Tharaka Constituency

UDA Party

Vice-Chairperson

Hon. Mutuse Eckomas Mwengi, OGW, MP
Kibwezi West Constituency

MCCP Party

Members

Hon. Maalim Farah, MP
Dadaab Constituency
WDM-Kenya

Hon. Muriu Wakili Edward, MP
Gatanga Constituency
UDA Party

Hon. Francis Kajwang' Tom Joseph, MP
Ruaraka Constituency
ODM Party

Hon. Maina Jane Njeri, MP
Kirinyaga (CWR)
UDA Party

Hon. Junet Mohamed, CBS, MP
Suna East Constituency
ODM Party

Hon. Gichohi Kaguchia John Philip, MP
Mukurweini Constituency
UDA Party

Hon. (Dr.) Otiende Amollo, SC, MP
Rarieda Constituency
ODM Party

Hon. Mogaka Stephen M, MP
West Mugirango Constituency
Jubilee Party

Hon. Onyiego Silvanus Osoro, CBS, MP
South Mugirango Constituency
UDA Party

Hon. Aden Daud, EBS, MP
Wajir East Constituency
Jubilee Party

Hon. Muchira Michael Mwangi, MP
Ol Jorok Constituency
UDA Party

Hon. Siyad Amina Udgoon, MP
Garissa Township (CWR)
Jubilee Party

Hon. Makali John Okwisia, MP
Kanduyi Constituency
FORD-Kenya

1.4 Committee Secretariat

5. The Committee is well-resourced and facilitated by the following staff:

**Mr. Ahmed Salim Abdalla
Clerk Assistant I / Head of Secretariat**

**Mr. Ronald M. Walala
Senior Legal Counsel**

**Mr. Abdikafar Abdi
Clerk Assistant III**

**Ms. Jael Ayiego
Clerk Assistant III**

**Mr. Isaac Nabiswa
Legal Counsel II**

**Mr. Omar Abdirahim
Fiscal Analyst I**

**Ms. Vivienne Ogega
Research Officer III**

**Ms. Mary Kamande
Public Communications Officer III**

**Mr. Calvin Karung'o
Media Relations Officer III**

**Mr. Silas Opanga
Hansard Reporter III**

**Mr. Meldrick Sakani
Audio Officer**

**Mr. John Nduaci
Serjeant-At-Arms**

CHAPTER TWO

2 SENATE AMENDMENTS TO THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL (*NATIONAL ASSEMBLY BILL NO. 10 OF 2024*)

2.1 Introduction

6. The Bill which is sponsored by the Hon. Samuel Chepkonga, MP, was published on 28th July 2023 and read for the first time in the House on Thursday 17th August 2023. The Bill primarily seeks to give effect to Articles 109, 110, 113, 114 and 118 of the Constitution to foster bicameral relations by prescribing procedures for ensuring seamless consideration of the legislative business of both Houses of Parliament.
7. The Bill was considered and passed with amendments by the National Assembly on 27th March 2024.
8. The Bill seeks to—
 - (1) Outline a framework to implement Article 110(3) of the Constitution, which has been a basis for disputes between the two Houses. It delineates categories of Bills where no question concerning county governments can arise, such as Bills amending the Constitution, Bills clearly unrelated to county governments, and the Appropriation and Finance Bills which are considered solely by the National Assembly;
 - (2) Propose parameters for the Speakers of Parliament to consider when determining whether a Bill concerns county government. These parameters include analysing a Bill's purpose, intent, legal effect, and objects. In the event the Speakers cannot agree on whether a Bill concerns county government, the Bill allows for the appointment of a person or body of persons to make recommendations on the matter;
 - (3) Encourage collaboration by permitting co-sponsorship of Bills between Members of the National Assembly and the Senate. It also outlines procedures for joint proceedings, mediation, and joint committees of Parliament.
 - (4) propose joint public participation exercises by corresponding committees from both Houses to avoid duplication of efforts and the wastage of public resources. the Bill allows the second House to rely on the findings of the first House or seek additional views only on substantive amendments; and
 - (5) Require the Houses to adopt alternative dispute resolution mechanisms before resorting to judicial proceedings. Both Houses are obligated to exhaust these mechanisms before instituting disputes in court.
9. The Senate considered and passed the Bill with amendments on 5th December 2024 and transmitted the amendments to the National Assembly seeking concurrence. The amendments were subsequently referred to the Departmental Committee on Justice and Legal Affairs for consideration, on 12th February 2025.

2.2 Amendments proposed by the Senate

Report of the Departmental Committee on Justice and Legal Affairs on the Consideration of the Senate Amendments to the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024)

The Senate proposed amendments to the following clauses: -

Senate Amendment to Clause 2

10. Clause 2 amended—

Deleting the definition of the following words/terms—

- (a) “Bill concerning county governments”;
- (b) “Bill not concerning county governments”;
- (c) “mediation committee”; and
- (d) “money Bill”

Delete the definition of the terms “Houses of Parliament” and substitute therefor the following new definition—

“House” means the National Assembly and the Senate

Senate Amendment to Clause 3

11. Clause 3 amended—

The objects of this Act are to provide for—

- (a) a framework for determining the nature of a Bill; and
- (b) the procedure for determining whether a Bill concerns county.

Senate Amendment to Clause 3A

12. Clause 7 amended—

Insert the following new clause after clause 3—

3A. Application

This Act applies to all Bills originating in the National Assembly and the Senate.

Senate Amendment to Clause 4

13. Delete

Senate Amendment to Clause 5

14. Delete

Senate Amendment to Clause 6

15. Delete and substitute the following new clause—

6. Procedure upon publication

(1) Before a Bill is read a First Time in the House originating the Bill, the Speaker of that House shall, pursuant to Article 110(3) of the Constitution, invite the Speaker of the other House to jointly resolve the question on whether the Bill is—

- (a) a Bill concerning counties; and
- (b) a special or ordinary Bill.

(2) The Speaker to whom the request is sent under subsection (1) shall respond to the request within a period of seven days from the date of receipt of the request.

(3) Where the Speakers fail to agree on the nature of a Bill, each Speaker shall, within seven days from the date of receipt of the response under subsection (2), appoint three members from amongst members of the respective House to constitute an advisory team to assist the Speakers resolve the question under subsection (1).

(4) The advisory team, shall within fourteen days from the date of the first sitting, prepare and submits its advisory on the question under subsection (1) to the Speakers.

(5) The Speakers shall, within seven days from the date of receipt of the advisory under subsection 4, resolve the question under subsection (1).

(6) Where the Speakers, having taken into account the advisory of the advisory team, fail to agree on the question under subsection (1), the Bill shall not be introduced in either House of Parliament.

Senate Amendment to Clause 6A

16. Insert the following clause after clause 6—

(1) The Speakers shall, in making a determination under section 6(1) and (2), take into account the criteria set out under sections 7 and 7A.

(2) The advisory team shall, in assisting the Speakers under section 6(4), take into account the criteria set out under sections 7 and 7A.

Senate Amendment to Clause 7

17. Delete and substitute with the following new clause—

7. Criteria for a Bill concerning county government

(1) A Bill is a Bill containing provisions affecting the functions of a county government under Article 110(1)(a) of the Constitution if the Bill—

- (a) directly or indirectly affects the operations of the county governments;
- (b) will have direct or indirect impact on the functions of county governments under Part 2 of the Fourth Schedule to the Constitution;
- (c) would have an impact on the exercise by any person upon whom a function or power is conferred under the Bill on any institution or office of the county government, the finances of the county government or the property held by or vested in the county government;
- (d) contains provisions which the county governments are required to implement or are binding on county governments;
- (e) confers a function or power on a person that would affect the exercise of the functions and the powers of the county governments under the Fourth Schedule to the Constitution;
- (f) seeks to transfer a function or power between the national government and the county government under Article 187 of the Constitution;
- (g) that affects the ability of the Senate to carry out its functions under Article 96 of the Constitution; or
- (h) provides for any other matter that would directly or indirectly affect the functions and powers of the county governments.

(2) A Bill is a Bill affecting the finances of a county government under Article 110(1)(c) of the Constitution if—

(a) the Bill provides for—

- (i) the equitable sharing of revenue under Article 202(1) of the Constitution;
- (ii) the additional allocation of funds from the national government's share of revenue to county governments under Article 202(2) of the Constitution;
- (iii) the additional allocation of funds to county governments under Article 190(1) of the Constitution including proceeds of loans and grants from development partners;
- (iv) a matter relating to the appropriation and administration of the Equalisation Fund under Article 204 of the Constitution;
- (v) the sharing of revenue or any financial matter concerning county governments as contemplated in Article 205(1) of the Constitution;
- (vi) the transfer of equitable share to the county governments pursuant to Article 219 of the Constitution;
- (vii) the withdrawal of money from the Consolidated Fund under Article 206 of the Constitution that affects the finances of county governments;
- (viii) the withdrawal of money from a County Revenue Fund;
- (ix) the establishment of public funds by counties and the management of those funds;
- (x) the establishment of a fund by Parliament for the benefit of a county government or a county government entity;
- (xi) advances from the Contingencies Fund under Article 208 of the Constitution that affects the finances of county governments;
- (xii) the imposition of a tax, duty or charge under Article 209(3)(c) of the Constitution;
- (xiii) borrowing by the national government under Article 211 of the Constitution;
- (xiv) public debt under Article 214 of the Constitution that is to be charged on a public fund established for the benefit of county governments;
- (xv) borrowing by counties including the terms and conditions under which the national government may guarantee a loan under Article 212(a) of the Constitution;
- (xvi) any matter concerning the Commission on Revenue Allocation under Articles 215 and 216 of the Constitution;
- (xvii) the form, content and timing of budgets for national and county governments prepared pursuant to Article 220 of the Constitution;
- (xviii) estimates for the expenditure from the Equalisation Fund prepared pursuant to Article 221(2)(a) of the Constitution;
- (xix) an appropriation Bill under Article 223(4) of the Constitution that affects the finances of a county government;
- (xx) the form and procedure for processing county budgets and appropriation Bills prepared pursuant to Article 224 of the Constitution;
- (xxi) financial control measures and mechanisms under Article 225 of the Constitution;
- (xxii) the keeping of financial records and auditing of accounts of county governments and the designation of accounting officers in the county governments under Article 226 of the Constitution;
- (xxiii) the procurement of public goods and services under Article 227 of the Constitution;

- (xxiv) the powers and functions of the Salaries and Remuneration Commission to set, review and advise on the remuneration and benefits of public officers in county governments under Article 230(4) of the Constitution; or
 - (xxv) any other matter referred to in Chapter Twelve of the Constitution affecting the finances of county governments; or
- (b) the Bill is —
- (i) the annual Division of Revenue Bill under Article 218(1)(a) of the Constitution;
 - (ii) the annual County Allocation of Revenue Bill under Article 218(1)(b) of the Constitution; or
 - (xxvi) the annual County Governments Additional Bill under Article 202(2) of the Constitution.

Senate Amendment to Clause 7A

18. Insert the following new clauses after clause 7—

7A. Criteria for determining a special or ordinary Bill

A Bill is a special Bill if the Bill—

- (a) relates to, affects or concerns the election of members of a county assembly or a county executive including—
 - (i) the continuous registration of citizens as voters under Articles 82(1)(c) and 88(4)(a) of the Constitution;
 - (ii) the review of the names and boundaries of the constituencies and wards by the Independent Electoral and Boundaries Commission under Articles 82(1)(a) and 89 of the Constitution;
 - (iii) the monitoring of compliance with the legislation required by Article 82(1)(b) relating to nomination of candidates by parties under Article 88(4)(k) of the Constitution;
 - (iv) the conduct of elections and referenda and the regulation and efficient supervision of elections and referenda, including the nomination of candidates for elections under Article 82(1)(d) of the Constitution;
 - (v) the registration as voters of citizens residing outside Kenya under Article 82(1)(e) of the Constitution;
 - (vi) the establishment of mechanisms for electoral disputes under Article 87(1) of the Constitution;
 - (vii) the functions of the Independent Electoral and Boundaries Commission under Article 88 of the Constitution directly or indirectly affecting the elections of a county assembly;
 - (viii) the conduct and supervision of elections for members of county assemblies under Article 177(1)(b) and (c) of the Constitution conducted by the Independent Electoral and Boundaries Commission under Article 90(2) of the Constitution;
 - (ix) the allocation of airtime to political parties under Article 92(a) of the Constitution;
 - (x) the regulation of freedom to broadcast for fair election campaigning under Article 92(b) of the Constitution;
 - (xi) the regulation of political parties under Article 92(c) of the Constitution;

- (xii) the roles and functions of political parties under Article 92(d) of the Constitution;
 - (xiii) the registration and supervision of political parties under Article 92(e) of the Constitution;
 - (xiv) the establishment and management of a political party fund under Article 92(f) of the Constitution;
 - (xv) the accounts and audit of political parties under Article 92(g) of the Constitution;
 - (xvi) restriction on the use of public resources to promote the interests of political parties under Article 92(h) of the Constitution; and
 - (xvii) any other matter affecting the management of political parties; or
- (b) is a—
- (i) County Allocation of Revenue Bill under Article 218(1)(b) of the Constitution; or
 - (xviii) County Governments Additional Allocations Bill under Article 202(2) of the Constitution.

Senate Amendment to Clause 7B

19. Before a Bill is read a First Time in the House originating the Bill, the Speaker of that House shall seek the opinion of the Speaker of the other House on whether the Bill is a money Bill,

(2) Sections 6 and 19 shall apply, with necessary modification, in the resolution of any question as to whether a Bill is a money Bill.

Senate Amendment to Clause 7C

20. A Bill is a money Bill within the definition of Article 114 of the Constitution if the Bill contains provisions dealing only with—

- (a) the imposition, abolition, remission, alteration or regulation of any tax;
- (b) The imposition of charges on a public fund or the variation or repeal of any of those charges;
- (c) The appropriation, receipt, custody, investment or issue of public money;
- (d) The raising or guaranteeing of any loans or its repayment;
- (e) Matters incidental to any of the matters specified under paragraphs (a) to (d).

(2) A Bill is not a money Bill within the definition of Article 114 of the Constitution if the Bill contains provisions that—

- (a) concern county governments as set out in section 7A;
- (b) the imposition of taxes by a county government;
- (c) provides for the appropriation of funds by Parliament but does not appropriate money;
- (d) the imposition of charges on a public fund or the variation or repeal off such charges by a county government;
- (e) the appropriation, receipt, custody, investment or issue of public money by a county government; or the raising or guaranteeing of any loan or its repayment by a county government.

Senate Amendment to Clause 7D

21. A Bill that meets the criteria under section 7C (1) may be introduced only in the National Assembly in accordance with Article 109(5) of the Constitution.

22. A Bill that meets the criteria under section 7C (2) may be introduced in the National Assembly of the Senate and passed by both Houses in accordance with Article 110 to 113,

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Articles 122 and 123 and 109(4) of the Constitution and Standing Orders of the respective Houses.

Senate Amendment to Clause 7E

23. The determination of the nature of a Bill under section 6(1) shall be concurrent to the determination of the nature of a Bill under section 7B (1).

Senate Amendment to Clause 8

24. Delete

Senate Amendment to Clause 9

25. Delete

Senate Amendment to Clause 10

26. Delete

Senate Amendment to Clause 11

27. Delete

Senate Amendment to Clause 12

28. Delete

Senate Amendment to Clause 13

29. Delete

Senate Amendment to Clause 14

30. Delete

Senate Amendment to Clause 15

31. Delete

Senate Amendment to Clause 16

- Delete

Senate Amendment to Clause 18

32. Delete

Senate Amendment to Clause 29

33. Delete and substitute with the following new clause—

19. Joint resolution on the nature of a Bill

(1) Where the Speakers agree on the nature of a Bill in terms of Article 109(5), 110(3) and 114 of the Constitution, the Bill shall be introduced in the originating House in accordance with the Constitution and the Standing Orders of the respective House.

(2) Where the Speakers fail to agree on the nature of a Bill, the Bill shall not be introduced in either House of Parliament.

Senate Amendment to Clause 20

34. Delete and substitute with the following new clause—

20. Presidential assent

Report of the Departmental Committee on Justice and Legal Affairs on the Consideration of the Senate Amendments to the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024)

A Bill presented for presidential assent shall be accompanied by a certificate of joint resolution signed by the Speakers of the National Assembly and the Senate in the form set out in the Schedule.

CHAPTER THREE

3 COMMITTEE OBSERVATIONS

35. The Committee having considered the Senate Amendments to the Houses of Parliament (Bicameral Relations) Bill (*National Assembly Bill No. 44 of 2023*) observed that:

- (a) the title of the Bill as amended by the Senate to read “The Bicameral Legislative (Procedure) Bill” implies that the Bill provides for the series of steps that a Bill goes through until it is enacted. However, this procedure is outlined by the Standing Orders of the National Assembly and the Senate;
- (b) the objects of the Bill as passed by the National Assembly is quite extensive including providing a framework for the manner of conducting matters of bicameral in nature; publication of Bills; circumstances which give rise to a question on whether a Bill concerns county governments; resolution of a question on whether a Bill concerns county governments; conduct of joint processes. However, the Senate amendments to the Bill limits the objects of the Bill to providing a framework for determining the nature of a Bill and the procedure for determining whether a Bill concerns county governments; and
- (c) some of the amendments to the Bill made by Senate are unconstitutional. For example, the amendments to clause 7 of the Bill outlines what amounts to a Bill containing provisions affecting a county government. Paragraph (f) implies that if a Bill seeks to transfer a function or power between the national government and county government under Article 187 of the Constitution that Bill is to be considered a Bill containing provisions affecting the functions or powers of a county government. However, Article 187 of the Constitution provides that the transfer of functions or powers between the two levels of government may only be done through an agreement and not through a Bill as contemplated by the Senate’s amendment.

CHAPTER FOUR

4 COMMITTEE RECOMMENDATIONS

36. Having considered the Senate Amendments to the Houses of Parliament (Bicameral Relations) Bill (*National Assembly Bill No. 44 of 2023*) the Committee recommends that the House **rejects** the Senate amendments to the Bill.

SIGNED.......... DATE..... *11.3.2025*.....

HON. GEORGE GITONGA MURUGARA, CBS, MP
CHAIRPERSON

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS



Annexure 1

Adoption Schedule



DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

ADOPTION OF THE COMMITTEE REPORT ON ITS CONSIDERATION OF THE SENATE AMENDMENTS TO THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL, 2023 (NATIONAL ASSEMBLY BILL NO. 44 OF 2023)

We, the Members of the Departmental Committee on Justice and Legal Affairs have, pursuant to Standing Order 199, adopted this Report of the Committee on its Consideration of the Senate Amendments to The Houses of Parliament (Bicameral Relations) Bill, 2023 (National Assembly Bill No. 44 of 2023), and affixed our signatures to affirm our approval and confirm its accuracy, validity and authenticity:

1. Hon. Murugara George Gitonga, CBS, MP - Chairperson

2. Hon. Mutuse Eckomas Mwengi, OGW, MP - Vice Chair

3. Hon. Maalim Farah, EGH, MP

.....

4. Hon. Francis Kajwang' Tom Joseph, MP

.....

5. Hon. Junet Mohamed, CBS, MP

.....

6. Hon. Onyiego Silvanus Osoro, CBS, MP

.....

7. Hon. (Dr.) Otiende Amollo, SC, MP

8. Hon. Muchira Michael Mwangi, MP

.....

9. Hon. Makali John Okwisia, MP

10. Hon. Muriu Wakili Edward, MP

.....

11. Hon. Maina Jane Njeri, MP

12. Hon. Gichohi Kaguchia John Philip, MP

.....

13. Hon. Mogaka Stephen M., MP

14. Hon. Aden Daud, EBS, MP

.....

15. Hon. Siyad Amina Udgoon, MP

.....

Annexure 2 **Minutes**

MINUTES OF THE TWENTIETH (20TH) SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON MONDAY, 10TH MARCH 2025 AT 10:00 AM IN 4TH FLOOR COMMITTEE ROOM, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS

MEMBERS PRESENT

1. Hon. Murugara George Gitonga, CBS, MP - *Chairperson*
2. Hon. Mutuse Eckomas Mwengi, OGW, MP - *Vice Chairperson*
3. Hon. Maalim Farah, EGH, MP - *virtually*
4. Hon. Onyiego Silvanus Osoro, CBS, MP
5. Hon. (Dr.) Otiende Amollo, SC, MP
6. Hon. Muchira Michael Mwangi, MP
7. Hon. Makali John Okwisia, MP
8. Hon. Muriu Wakili Edward, MP
9. Hon. Maina Jane Njeri, MP
10. Hon. Gichohi Kaguchia John Philip, MP
11. Hon. Mogaka Stephen M., MP
12. Hon. Aden Daud, EBS, MP
13. Hon. Siyad Amina Udgoon, MP - *virtually*

MEMBERS ABSENT WITH APOLOGIES

1. Hon. Junet Mohamed, CBS, MP
2. Hon. Francis Kajwang' Tom Joseph, CBS, MP

SECRETARIAT

- | | | |
|------------------------|---|------------------------------|
| 1. Mr. Ahmed Salim | - | Lead Clerk/Clerk Assistant I |
| 2. Mr. Abdikafar Abdi | - | Clerk Assistant III |
| 3. Mr. Abdirahim Omar | - | Fiscal Analyst I |
| 4. Mr. Isaac Nabiswa | - | Legal Counsel I |
| 5. Ms. Vivienne Ogega | - | Research Officer III |
| 6. Mr. Collins Mahamba | - | Audio Officer |
| 7. Mr. Calvin Karungo | - | Media Relations Officer |
| 8. Mr. John Nduaci | - | Serjeant-at-Arms |
| 9. Mr. Nimrod Misoi | - | Attaché |

AGENDA

1. Prayers / Preliminaries
2. Confirmation of the previous minutes
3. Consideration and adoption of the Report on Supplementary Estimates II for the Financial Year 2024/2025
4. Consideration and adoption of the Report on the Senate Amendments to the Houses of Parliament (Bicameral Relations) Bill, 2023 (National Assembly Bill No. 44 of 2023)
5. Any Other Business
6. Adjournment / Date of the Next Meeting

MIN. NO. DDC/JLAC/080/2025:

PRELIMINARIES

The meeting was called to order at ten o'clock by the Chairperson followed by a word of prayer from the Chairperson and thereafter Members introduced themselves. The agenda of the meeting was adopted having been proposed by Hon. Aden Daud, EBS, MP and seconded by Hon. Makali John Okwisia, MP.

MIN.NO.DDC/JLAC/081/2025:**CONFIRMATION OF MINUTES**

1. Minutes of the 1st Sitting held on 22nd January 2025 were adopted as a true record of the proceedings, having proposed by Hon. Aden Daud, EBS, MP and seconded by Hon. Makali John Okwisia, MP.
2. Minutes of the 2nd Sitting held on 22nd January 2025 were adopted as a true record of the proceedings, having proposed by Hon. Makali John Okwisia, MP. and seconded by Hon. Muchira Michael Mwangi, MP.
3. Minutes of the 3rd Sitting held on 23rd January 2025 were adopted as a true record of the proceedings, having proposed by Hon. Aden Daud, EBS, MP and seconded by Hon. Makali John Okwisia, MP.
4. Minutes of the 4th Sitting held on 30th January 2025 were adopted as a true record of the proceedings, having proposed by Hon. Makali John Okwisia, MP. and seconded by Hon. Muchira Michael Mwangi, MP.
5. Minutes of the 5th Sitting held on 30th January 2025 were adopted as a true record of the proceedings, having proposed by Hon. Aden Daud, EBS, MP and seconded by Hon. Makali John Okwisia, MP.
6. Minutes of the 6th Sitting held on 31st January 2025 were adopted as a true record of the proceedings, having proposed by Hon. Aden Daud, EBS, MP and seconded by Hon. Muchira Michael Mwangi, MP.
7. Minutes of the 7th Sitting held on 31st January 2025 were adopted as a true record of the proceedings, having proposed by Hon. Aden Daud, EBS, MP and seconded by Hon. Makali John Okwisia, MP.
8. Minutes of the 8th Sitting held on 1st February 2025 were adopted as a true record of the proceedings, having proposed by Hon. Aden Daud, EBS, MP and seconded by Hon. Muchira Michael Mwangi, MP.
9. Minutes of the 9th Sitting held on 1st February 2025 were adopted as a true record of the proceedings, having proposed by Hon. Aden Daud, EBS, MP and seconded by Hon. Muchira Michael Mwangi, MP.
10. Minutes of the 10th Sitting held on 18th February 2025 were adopted as a true record of the proceedings, having proposed by Hon. Aden Daud, EBS, MP and seconded by Hon. Makali John Okwisia, MP.
11. Minutes of the 11th Sitting held on 20th February 2025 were adopted as a true record of the proceedings, having proposed by Hon. Makali John Okwisia, MP. and seconded by Hon. Muchira Michael Mwangi, MP.
12. Minutes of the 12th Sitting held on 24th February 2025 were adopted as a true record of the proceedings, having proposed by Hon. Stephen Mogaka, MP and seconded by Hon. Maina Njeri, MP.
13. Minutes of the 13th Sitting held on 24th February 2025 were adopted as a true record of the proceedings, having proposed by Hon. Edward Muriu, MP and seconded by Hon. Makali John Okwisia, MP.
14. Minutes of the 14th Sitting held on 25th February 2025 were adopted as a true record of the proceedings, having proposed by Hon. Farah Maalim, MP. and seconded by Hon. Muchira Michael Mwangi, MP.
15. Minutes of the 15th Sitting held on 25th February 2025 were adopted as a true record of the proceedings, proposed by Hon. Stephen Mogaka, MP and seconded by Hon. Muchira Michael Mwangi, MP.
16. Minutes of the 16th Sitting held on 26th February 2025 were adopted as a true record of the proceedings, having proposed by Hon. Makali John Okwisia, MP. and seconded by Hon. Muchira Michael Mwangi, MP.
17. Minutes of the 17th Sitting held on 27th February 2025 were adopted as a true record of the proceedings, having proposed by Hon. Makali John Okwisia, MP. and seconded by Hon. Siyad Amina Udgoon, MP.

18. Minutes of the 18th Sitting held on 6th March 2025 were adopted as a true record of the proceedings, having proposed by Hon. Mogaka Stephen, MP and seconded by Hon. Makali John Okwisia, MP.
19. Minutes of the 19th Sitting held on 6th March 2025 were adopted as a true record of the proceedings, having proposed by Hon. Aden Daud, EBS, MP and seconded by Hon. Muchira Michael Mwangi, MP.

MIN. NO. DDC/JLAC/082/2025:

**ADOPTION OF THE REPORT ON
SUPPLEMENTARY ESTIMATES II FOR
THE FINANCIAL YEAR 2024/2025**

The Committee, having considered submissions made by various departments on the Supplementary Estimates II for the Financial Year 2024/2025, recommended as follows: -

1. A reduction of Kshs 200 million (recurrent) from the approved allocation for the Political Parties Fund for Financial Year 2024/2025 (Kshs. 1,428.3 million). The Committee noted that the budget for the Office of the Registrar of Political Parties should be rationalized to accommodate agencies with more pressing needs in the sector; that are not adequately funded.
2. Additional allocation of Kshs. 50 million (recurrent) for the Kenya School of Law as exchequer support. The school's budget of Kshs. 151 million in terms of exchequer support was entirely removed during the approval of the Budget Estimates for the Financial Year 2024/2025. The Committee therefore recommended a partial reinstatement of the school's exchequer budget to enhance the budget for its operations and delivery of its core mandate.
3. Increase of Kshs. 50 million (recurrent) for the Council for Legal Education to enable the Council execute its mandate of administering the Advocated Training Programme (ATP) examination, regulating legal education and catering for non-discretionary expenditures including rent, insurance and utilities.
4. Increase of Kshs 24.7 million (development) to cater for pending certificates in the Financial Year 2024/2025 amounting to Kshs. 7.7 million and purchase of Automatic Generators for the Integrity Center at Kshs. 17.0 million.
5. Additional allocation of Kshs. 20 million (development) for the refurbishment of the ODPP Offices; in particular, the office space hosting the Uadilifu Central Case Intake, file registration and case registry.
6. Additional allocation of Kshs. 18 million (recurrent) to support the Kenya National Commission on Human Rights' core mandate of resolving human rights complaints, enhancing public awareness and understanding of human rights.
7. Additional allocation of Kshs. 20 million (recurrent) to enhance the Witness Protection Agency budget for operations and maintenance.
8. Additional allocation of Kshs. 17.3 million (recurrent) to enhance the Commission on Administrative Justice budget for operations and maintenance.
9. Reallocation of Judiciary's Kshs. 55 million to cater for the following areas: Kshs. 30 million for the recruitment of 110 interns for various departments; and Kshs. 25 million for outstanding PE deficit.
10. Reallocation of State Law Office and Department of Justice's Kshs. 70 million; to be allocated to the National Council for Law Reporting under Programme of Governance, Legal training and Constitutional Affairs.

Adoption of the Report

The report on Supplementary Estimates II for the FY 2024/25 was adopted by the Committee, having being proposed by Hon. Makali John Okwisia, MP and seconded by Hon. Aden Daud, EBS, MP.

MIN. NO. DDC/JLAC/083/2025:

**ADOPTION OF THE REPORT ON SENATE
AMENDMENTS TO THE HOUSES OF
PARLIAMENT (BICAMERAL
RELATIONS) BILL, 2023 (NATIONAL
ASSEMBLY BILL NO. 44 OF 2023)**

Having considered the Senate amendments to the Houses of Parliament (Bicameral Relations) Bill (National Assembly Bill No. 44 of 2023), the Committee resolved to recommend that the House **rejects** the Senate amendments to the Bill.

Adoption of the Report

The report was adopted by the Committee, having being proposed by Hon. Aden Daud, EBS, MP and seconded by Hon. Muchira Michael Mwangi, MP.

MIN. NO. DDC/JLAC/084/2025:

ADJOURNMENT

The meeting was adjourned thirty-three minutes past eleven o'clock. The next sitting to be held on notice.

SIGNED:  DATE: *11.3.2025*

(CHAIRPERSON: HON. MURUGARA GEORGE GITONGA, CBS, MP)

Annexure 3

Senate Amendments

REPUBLIC OF KENYA

Telegraphic Address
'Bunge', Nairobi
Telephone 2848003
Fax: 2243694
E-mail: clerk.senate@parliament.go.ke



Clerk's Chambers
The Senate
Parliament Buildings
P. O. Box 41842 - 00100
Nairobi, Kenya

**PARLIAMENT OF KENYA
OFFICE OF THE CLERK OF THE SENATE**

SENATE AMENDMENTS TO THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL (NATIONAL ASSEMBLY BILLS NO. 44 OF 2023)

The Senate, on Thursday, 5th December, 2024 considered and passed the **Houses of Parliament (Bicameral Relations) Bill (National Assembly Bills No. 44 of 2023)** with amendments as follows-

CLAUSE 3

Clause 3 amended by deleting the clause and substituting therefor the following new clause -

Object of the Act

3. The object of this Act is to provide -

- (a) a framework for determining the nature of a Bill; and
- (b) for the procedure for determining whether a Bill concerns counties.

CLAUSE 4

Clause 4 amended -

- (a) by deleting the heading to Part II appearing immediately before clause 4; and
- (b) by deleting clause 4.

CLAUSE 5

Clause 5 deleted.

CLAUSE 6

Clause 6 amended -

- (a) by deleting the words "of a question" appearing immediately after the words "joint resolution" in the heading to Part III; and

Signature

A handwritten signature in black ink, appearing to be 'M. O. O.', written over a horizontal line.

(b) by deleting clause 6 and substituting therefor the following new clauses –

Procedure upon
publication.

6. (1) Before a Bill is read a First Time in the House originating the Bill, the Speaker of that House shall, pursuant to Article 110(3) of the Constitution, invite the Speaker of the other House to jointly resolve the question on whether the Bill is –

(a) a Bill concerning counties; and

(b) a special or an ordinary Bill.

(2) The Speaker to whom the request is sent under subsection (1) shall respond to the request within a period of seven days from the date of receipt of the request.

(3) Where the Speakers fail to agree on the nature of a Bill, each Speaker shall, within seven days from the date of receipt of the response under subsection (2), appoint three members from amongst members of the respective House to constitute an advisory team to assist the Speakers resolve the question under subsection (1).

(4) The advisory team shall, within fourteen days from the date of the first sitting, prepare and submit its advisory on the question under subsection (1) to the Speakers.

(5) The Speakers shall, within seven days from the date of receipt of the advisory under subsection (4), resolve the question under subsection (1).

(6) Where the Speakers, having taken into account the advisory of the advisory team, fail to agree on the question under subsection (1), the Bill shall not be introduced in either House of Parliament.

CLAUSE 7

Clause 7 amended by deleting the clause and substituting therefor the following new clauses –

Criteria for a Bill
concerning county
government

7. (1) A Bill is a Bill containing provisions affecting the functions of a county government under Article 110(1)(a) of the Constitution if the Bill –

(a) directly or indirectly affects the operations of the county governments;

Signature

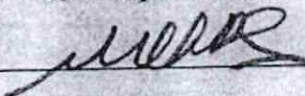


- (b) will have a direct or indirect impact on the functions of county governments under Part 2 of the Fourth Schedule to the Constitution;
- (c) would have an impact on the exercise by any person upon whom a function or power is conferred under the Bill on any institution or office of the county government, the finances of the county government or the property held by or vested in the county government;
- (d) contains provisions which the county governments are required to implement or are binding on county governments;
- (e) confers a function or power on a person that would affect the exercise of the functions and the powers of the county governments under the Fourth Schedule to the Constitution;
- (f) seeks to transfer a function or power between the National Government and the county governments under Article 187 of the Constitution;
- (g) that affects the ability of the Senate to carry out its functions under Article 96 of the Constitution; or
- (h) provides for any other matter that would directly or indirectly affect the functions and powers of the county governments.

(2) A Bill is a Bill affecting the finances of a county government under Article 110(1)(c) of the Constitution if -

- (a) the Bill provides for -
 - (i) the equitable sharing of revenue under Article 202(1) of the Constitution;
 - (ii) the additional allocation of funds from the National Government's share of revenue to county governments under Article 202(2) of the Constitution;
 - (iii) the additional allocation of funds to county governments under Article 190(1) of the Constitution including proceeds of loans and grants from development partners;

Signature



- (iv) a matter relating to the appropriation and administration of the Equalisation Fund under Article 204 of the Constitution;
- (v) the sharing of revenue or any financial matter concerning county governments as contemplated in Article 205(1) of the Constitution;
- (vi) the transfer of equitable share to the county governments pursuant to Article 219 of the Constitution;
- (vii) the withdrawal of money from the Consolidated Fund under Article 206 of the Constitution that affects the finances of county governments;
- (viii) the withdrawal of money from a County Revenue Fund;
- (ix) the establishment of public funds by counties and the management of those funds;
- (x) the establishment of a fund by Parliament for the benefit of a county government or a county government entity;
- (xi) advances from the Contingencies Fund under Article 208 of the Constitution that affect the finances of county governments;
- (xii) the imposition of a tax, duty or charge under Article 209(3)(c) of the Constitution;
- (xiii) borrowing by the National Government under Article 211 of the Constitution;
- (xiv) public debt under Article 214 of the Constitution that is to be charged on a public fund established for the benefit of county governments;
- (xv) borrowing by counties including the terms and conditions under which the National Government may guarantee a loan under Article 212(a) of the Constitution;

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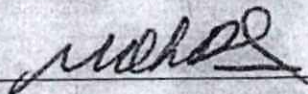


- (xvi) any matter concerning the Commission on Revenue Allocation under Articles 215 and 216 of the Constitution;
- (xvii) the form, content and timing of budgets for National and county governments prepared pursuant to Article 220 of the Constitution;
- (xviii) estimates for expenditure from the Equalisation Fund prepared pursuant to Article 221(2)(a);
- (xix) an appropriation under Article 223(4) of the Constitution that affects the finances of a county government;
- (xx) the form and procedure for processing county budgets and appropriation Bills prepared pursuant to Article 224 of the Constitution;
- (xxi) financial control measures and mechanisms under Article 225 of the Constitution;
- (xxii) the keeping of financial records and auditing of accounts of county governments and the designation of accounting officers in the county governments under to Article 226 of the Constitution;
- (xxiii) the procurement of public goods and services under Article 227 of the Constitution;
- (xxiv) the powers and functions of the Salaries and Remuneration Commission to set, review and advise on the remuneration and benefits of public officers in the county governments under Article 230(4) of the Constitution; or
- (xxv) any other matter referred to in Chapter Twelve of the Constitution affecting the finances of county governments; or

(b) the Bill is -

- (i) the annual Division of Revenue Bill under Article 218(1)(a) of the Constitution;
- (ii) the annual County Allocation of Revenue Bill under Article 218(1)(b) of the Constitution; or

Signature



- (iii) the annual County Governments Additional Allocations Bill under Article 202(2) of the Constitution.

CLAUSE 8

Clause 8 deleted.

CLAUSE 9

Clause 9 deleted.

CLAUSE 10

Clause 10 deleted.

CLAUSE 11

Clause 11 deleted.

CLAUSE 12

Clause 12 deleted.

CLAUSE 13

Clause 13 deleted.

CLAUSE 14

Clause 14 amended –

(a) by deleting the heading to Part IV appearing immediately before clause 14;
and

(b) by deleting clause 14.

CLAUSE 15

Clause 15 deleted.

CLAUSE 16

Clause 16 deleted.

CLAUSE 17

Signature



Clause 17 deleted.

CLAUSE 18

Clause 18 deleted.

CLAUSE 19

Clause 19 amended -

(a) by deleting the heading to Part V and substituting therefor the following new heading -

PART IV - JOINT RESOLUTION

(b) by deleting clause 19 and substituting therefor the following new clause

Joint resolution
on the nature of
a Bill.

19. (1) Where the Speakers agree on the nature of a Bill in terms of Articles 109(5), 110(3) and 114 of the Constitution, the Bill shall be introduced in the originating House in accordance with the Constitution and the standing orders of the respective House.

(2) Where the Speakers fail to agree on the nature of a Bill the Bill shall not be introduced in either House of Parliament.

CLAUSE 20

Clause 20 deleted and substituting therefor the following new clause -

Presidential
assent.

20. A Bill presented for presidential assent shall be accompanied by a certificate of joint resolution signed by the Speakers of the National Assembly and the Senate in the form set out in the Schedule.

NEW CLAUSE 3A

New clause 3A inserted immediately after clause 3 -

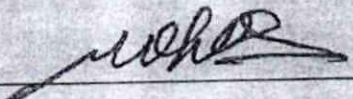
Application.

3A. This Act applies to all Bills originating in the National Assembly and the Senate.

NEW CLAUSE 6A

New clause 6A inserted immediately after clause 6-

Signature



Determination of the nature of a Bill.

6A. (1) The Speakers shall, in making a determination under section 6(1) and (2), take into account the criteria set out under sections 7 and 7A.

(2) The advisory team shall, in assisting the Speakers under section 6(4), take into account the criteria set out under sections 7 and 7A.

NEW CLAUSE 7A

New clause 7A inserted immediately after clause 7 -

Criteria for determining a special or ordinary Bill.

7A. A Bill is a special Bill if the Bill -

(a) relates to, affects or concerns the election of members of a county assembly or a county executive including-

- (i) the continuous registration of citizens as voters under Articles 82(1)(c) and 88(4)(a) of the Constitution;
- (ii) the review of the names and boundaries of the constituencies and wards by the Independent Electoral and Boundaries Commission under Articles 82(1)(a) and 89 of the Constitution;
- (iii) the monitoring of compliance with the legislation required by Article 82(1)(b) relating to nomination of candidates by parties under Article 88(4)(k) of the Constitution;
- (iv) the conduct of elections and referenda and the regulation and efficient supervision of elections and referenda, including the nomination of candidates for elections under 82(1)(d) of the Constitution;
- (v) the registration as voters of citizens residing outside Kenya under Article 82(1)(e) of the Constitution;
- (vi) the establishment of mechanisms for electoral disputes under Article 87(1) of the Constitution;
- (vii) the functions of the Independent Electoral and Boundaries Commission under Article 88 of the Constitution directly or indirectly

Signature



affecting the election of members of a county assembly;

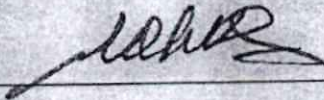
- (viii) the conduct and supervision of elections for the members of county assemblies under 177(1)(b) and (c) of the Constitution conducted by the Independent Electoral and Boundaries Commission under Article 90(2) of the Constitution;
- (ix) the allocation of airtime to political parties under Article 92(a) of the Constitution;
- (x) the regulation of freedom to broadcast for fair election campaigning under Article 92(b) of the Constitution;
- (xi) the regulation of political parties under Article 92(c) of the Constitution;
- (xii) the roles and functions of political parties under Article 92(d) of the Constitution;
- (xiii) the registration and supervision of political parties under Article 92(e) of the Constitution;
- (xiv) the establishment and management of a political party fund under Article 92(f) of the Constitution;
- (xv) the accounts and audit of political parties under Article 92(g) of the Constitution;
- (xvi) restrictions on the use of public resources to promote the interests of political parties under Article 92(h) of the Constitution; and
- (xvii) any other matter affecting the management of political parties; or

(b) is a -

- (i) County Allocation of Revenue Bill under Article 218(1)(b) of the Constitution; or
- (ii) County Governments Additional Allocations Bill under Article 202(2) of the Constitution.

PART IV - RESOLUTION UNDER ARTICLE 114 OF THE CONSTITUTION

Signature



NEW CLAUSE 7B

New clause 7B inserted immediately after new clause 7A -

Joint resolution
on money Bill

7B. (1) Before a Bill is read a First Time in the House originating the Bill, the Speaker of that House shall seek the opinion of the Speaker of the other House on whether the Bill is a money Bill.

(2) Sections 6 and 19 shall apply, with necessary modification, in the resolution of any question as to whether a Bill is a money Bill.

NEW CLAUSE 7C

New clause 7C inserted immediately after new clause 7B -

Criterial
determining
money Bill.

for
a

7C. (1) A Bill is a money Bill within the definition of Article 114 of the Constitution if the Bill contains provisions dealing only with -

- (a) the imposition, abolition, remission, alteration or regulation of any tax;
- (b) the imposition of charges on a public fund or the variation or repeal of any of those charges;
- (c) the appropriation, receipt, custody, investment or issue of public money;
- (d) the raising or guaranteeing of any loan or its repayment; or
- (e) matters incidental to any of the matters specified under paragraphs (a) to (d).

(2) A Bill is not a money Bill within the definition of Article 114 of the Constitution if the Bill contains provisions that -

- (a) concern county governments as set out in section 7A;
- (b) the imposition of taxes by a county government;
- (c) provides for the appropriation of funds by Parliament but does not appropriate money;
- (d) the imposition of charges on a public fund or the variation or repeal of such charges by a county government;
- (e) the appropriation, receipt, custody, investment or issue of public money by a county government; or

Signature

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(f) the raising or guaranteeing of any loan or its repayment by a county government.

NEW CLAUSE 7D

New clause 7D inserted immediately after new clause 7C -

Consideration of a money Bill.

7D. (1) A Bill that meets the criteria under section 7C(1) may be introduced only in the National Assembly in accordance with Article 109(5) of the Constitution.

(2) A Bill that meets the criteria under section 7C(2) may be introduced in the National Assembly or the Senate and passed by both Houses in accordance with Articles 110 to 113, Articles 122 and 123 and 109(4) of the Constitution and the Standing Orders of the respective Houses.

NEW CLAUSE 7E

New clause 7E inserted immediately after new clause 7D -

Concurrent determination.

7E. The determination of the nature of a Bill under section 6(1) shall be concurrent to the determination of the nature of a Bill under section 7B(1).

FIRST SCHEDULE

The First Schedule amended by deleting the Schedule and substituting therefor the following new schedule -

SCHEDULE
(s.20)

CERTIFICATE OF JOINT RESOLUTION

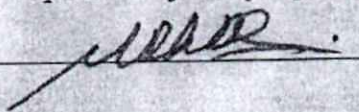
FORM A: Where the Bill concerns county governments

I certify that this [printed impression is a true copy of the Bill as passed by the [Originating House] onand by the [other House] on and that the Speakers jointly resolved the question, pursuant to Article 110(3) of the Constitution, that this is a Bill concerning county governments.

Clerk of the [originating House]

Speaker of the [originating House]

Signature

_____ 

Clerk of the [other House]

Speaker of the [other House]

Presented for assent in accordance with the provisions of the Constitution of Kenya on theday of at the hour of

Speaker of the [originating House]

FORM B: Where the Bill does not concern county governments

I certify that this printed impression is a true copy of the Bill as passed by the [Originating House] onand by the [other House] on and that the Speakers jointly resolved the question, pursuant to Article 110(3) of the Constitution, that this is not a Bill concerning county governments in terms of Article 110(1) of the Constitution.

Clerk of the [originating House]

Speaker of the [originating House]

Clerk of the [other House]

Speaker of the [other House]

Presented for assent in accordance with the provisions of the Constitution of Kenya on theday of at the hour of

Speaker of the [originating House]

SECOND SCHEDULE

Second Schedule deleted.

Signature



CLAUSE 2

Clause 2 amended by -

- (a) deleting the definition of the word "Bill concerning county governments";
- (b) deleting the definition of the word "Bill not concerning county governments";
- (c) deleting the definition of the word "Houses of Parliament" and substituting therefor the following new definition -
"House" means the National Assembly or the Senate;
- (d) deleting the definition of the word "mediation committee";
- (e) deleting the definition of the word "money Bill"; and
- (f) deleting the definition of the word "second house".

PREAMBLE

Preamble deleted.

LONG TITLE

The Long Title deleted and substituting therefor the following new title -

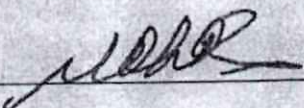
AN ACT of Parliament to give effect to Articles 109(5), 110(3) and 114 of the Constitution; to provide the procedure for the Speakers of the National Assembly and the Senate to determine the nature of a Bill; and for connected purposes.

CLAUSE 1

Clause 1 deleted and the following new clause proposed -

The Bicameral Legislative (Procedure) Bill, 2023.

Signature



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Annexure 4

The Houses of Parliament (Bicameral Relations) Bill

**(National Assembly Bill No. 44 of
2023) as passed by the National
Assembly on 21st March 2024**



REPUBLIC OF KENYA

PARLIAMENT

NATIONAL ASSEMBLY BILLS

(Bill No. 44 of 2023)

**THE HOUSES OF PARLIAMENT
(BICAMERAL RELATIONS) BILL, 2023**

(A Bill published in the Kenya Gazette Supplement No. 130 of 2023 and passed by the National Assembly, with amendments, on March 21st, 2024)

N.A./B/No. 44/2023

**THE HOUSES OF PARLIAMENT (BICAMERAL
RELATIONS) BILL, 2023****ARRANGEMENT OF CLAUSES***Clause***PREAMBLE****PART I—PRELIMINARY**

- 1—Short title.
- 2—Interpretation.
- 3—Objects of the Act.

PART II—PUBLICATION AND ENACTING FORMULA

- 4—Publication of Bills.
- 5—Publication of Acts.

**PART III—JOINT RESOLUTION OF A QUESTION UNDER
ARTICLE 110(3) OF THE CONSTITUTION**

- 6—Notification of question arising.
- 7—Bills on which no question can arise for joint resolution.
- 8—Consideration of a question arising.
- 9—Agreement over the question raised.
- 10—Disagreement over the question raised.
- 11—Conciliation in the event of disagreement.
- 12—Consideration of money Bills.
- 13—Co-sponsorship of Bills.

**PART IV—CONDUCT OF JOINT PROCEEDINGS AND
COMMITTEES**

- 14—Mediation Committees.
- 15—Joint committees.
- 16—Joint sittings of committees.
- 17—Joint sittings of Parliament.

PART V—MISCELLANEOUS

- 18—Address of Parliament by visiting dignitaries.
- 19—Public participation processes.

20—Use of alternative dispute resolution mechanism to resolve disputes.

FIRST SCHEDULE —Notification of Question Arising Under Article 110(3)

SECOND SCHEDULE —Certificate of Joint Resolution

PREAMBLE

AWARE that Article 1 of the Constitution provides that sovereign power belongs to the people of Kenya and is exercised either directly or indirectly through democratically elected representatives in Parliament;

FURTHER AWARE that Article 93(1) and (2) of the Constitution establishes the Parliament of Kenya comprising the National Assembly and the Senate to perform their respective functions in accordance with the Constitution;

WHEREAS Articles 94, 95(3), 95(4)(b), 109(2), (3), (4) and (5); 114; 209, 210, 221 and 223 of the Constitution provides for the legislative powers and the manner of exercising those powers by the National Assembly and the exclusive role of the National Assembly in revenue raising and appropriation of funds for expenditure by the national government;

FURTHER WHEREAS Articles 94, 96(2); 96(3); 109(4); and 110(1) of the Constitution provides for the legislative powers and the manner of exercising those powers by the Senate and the determination of the allocation of national revenue among counties and oversight of such revenue by the Senate;

NOTING that Article 186 of the Constitution as read with the Fourth Schedule to the Constitution sets out the respective functions and powers of the national government and the county governments.

FURTHER NOTING that Article 109(3) of Constitution as read together with Article 109(4) of the Constitution confers upon the National Assembly the exclusive mandate of enacting Bills not concerning county governments and excludes the Senate from participation in the enactment of such Bills;

RECOGNIZING that Article 110(1) and (2) of the Constitution defines a Bill concerning county governments and Article 110(3) of the Constitution requires the Speakers of Parliament to jointly resolve any question arising on whether a Bill concerns counties;

FURTHER RECOGNIZING the need to establish procedures for processing legislation, public participation, joint sittings, joint committees, mediation committees, and other matters related to the functions of the bicameral legislature under Article 94 of the Constitution;

ACKNOWLEDGING that engagements between the Houses of Parliament should be based on consultation and cooperation to promote a harmonious mechanism for democratic governance;

COMMITTED to creating a framework that enables both Houses of Parliament to perform their respective functions and enhance seamless bicameral relations;

NOW THEREFORE, Parliament enacts the following

**THE HOUSES OF PARLIAMENT
(BICAMERAL RELATIONS) BILL, 2023**

A Bill for

AN ACT of Parliament to give further effect to the procedures relating to matters of a bicameral nature between the Houses of Parliament as contemplated in Chapter Eight of the Constitution of Kenya and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Houses of Parliament (Bicameral Relations) Act, 2023. Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

“Bill concerning county governments” has the meaning assigned to it by Article 110 of the Constitution;

“Bill not concerning county governments” means a Bill—

- (a) containing provisions affecting the exclusive functions and powers of the national government under Part 1 of the Fourth Schedule to the Constitution;
- (b) containing provisions relating to a function or power not assigned by the Constitution or national legislation to a county government; or
- (c) containing provisions that are incidental to the effective exercise of a function or power of the national government under Part 1 of the Fourth Schedule to the Constitution;

“Clerk” means the Clerk of the National Assembly or the Senate;

“Houses of Parliament” means the National Assembly and the Senate;

“mediation committee” means a mediation committee established under Article 113 of the Constitution;

“money Bill” has the meaning assigned to it by Article 114 of the Constitution; and

“originating House” means a House of Parliament in which a Bill is first introduced;

“second House” means a House of Parliament other than the Originating House; and

“Speaker” means the Speaker of the National Assembly or of the Senate.

3. The objects of this Act are to—

Objects of the Act.

- (a) provide a seamless framework for the manner of conducting matters of bicameral nature;
- (b) provide for the publication in the *Gazette* of all Bills to be introduced in either House of Parliament pursuant to Article 109(4) of the Constitution;
- (c) provide for the enacting formula to be included in all Bills and Acts passed by Houses of Parliament;
- (d) outline the Bills on which no question can arise for joint resolution by the Speakers under Article 110(3) of the Constitution;
- (e) outline the manner in which a question can arise for resolution by the Speakers under Article 110(3) of the Constitution;
- (f) define what constitutes consideration of a Bill for purposes of Article 110(3) of the Constitution;
- (g) provide for the manner of jointly resolving a question that arises on a Bill under Article 110(3) of the Constitution;
- (h) outline what constitutes a Bill not concerning county governments as contemplated under Article 109(3) of the Constitution;
- (i) provide for the mode of originating and considering a money Bill as contemplated under Article 109(5) of the Constitution;
- (j) provide a framework for the conduct of joint processes including—
 - (i) the conduct of a joint sitting of Parliament under Article 107(2) of the Constitution;
 - (ii) the procedure applicable to the chairing, quorum, voting and timelines in respect of a

- mediation committee established under Article 113 of the Constitution;
- (iii) facilitation of public participation under Article 118 of the Constitution;
 - (iv) establishment and the procedure applicable to a joint committee under Article 124(2) of the Constitution; and
 - (v) the procedure governing joint sittings between the committees of Parliament.
- (k) provide a framework for amicable resolution of disputes arising from the discharge by the Houses of Parliament of their respective functions, or otherwise.

PART II—PUBLICATION AND ENACTING FORMULA

4. (1) A Bill to be introduced by any member or committee of a House of Parliament pursuant to Article 109(5) of the Constitution shall be published in the *Gazette* in such a manner as may be specified in the Standing Orders of the respective House.

Publication of Bills.

(2) Where a request is submitted to the Government printer by the respective Clerk for the publication of a Bill under subsection (1), the Government Printer shall cause to be published in the *Gazette* the Bill within a period not exceeding seven days after the date of receipt of the request.

5. (1) A Bill passed by both Houses of Parliament or by the National Assembly under Article 109(3) of the Constitution and assented to by the President shall be published in the *Gazette* as an Act of Parliament in accordance with Article 116(1) of the Constitution.

Publication of Acts.

(2) A Bill passed by both Houses of Parliament or by the National Assembly under Article 109(3) of the Constitution and assented to by the President shall be styled “An Act of Parliament” and the words of enactment shall be “Enacted by the Parliament of Kenya”.

PART III—JOINT RESOLUTION OF A QUESTION UNDER ARTICLE 110(3) OF THE CONSTITUTION

6. (1) A question under Article 110(3) of the Constitution may arise in the manner provided for under this Part.

Notification of question arising.

(2) Whenever a Bill is published in the *Gazette*, in accordance with section 4 of this Act, a Speaker may, subject to section 7 and at any time before the period specified for the Second Reading of such Bill in the Standing Orders of the respective House, become seized of a question as to whether the Bill concerns counties.

(3) In determining whether a question has arisen under Article 110 (3) of the Constitution, a Speaker shall for the purposes of subsection (2)—

- (a) consider the Bill's purpose, intent and legal effect;
- (b) examine the contents of the Bill and the memorandum of objects and reasons to ascertain its inherent nature;
- (c) consider whether the Bill falls under the exclusive mandate of the National Assembly pursuant to Article 109(3) of the Constitution; and
- (d) consider whether the provisions of the Bill specifically affect the functions and powers of county governments set out in the Fourth Schedule to the Constitution.

(4) Whenever the Speaker becomes seized of a question under subsection (2), the Speaker shall as soon as is practicable, notify the Speaker of the second House of the question.

(5) The notification under subsection (3) shall be in the form set out in the First Schedule.

7. The provisions of section 6 shall not apply to—

Bills on which no question can arise for joint resolution.

- (a) a Bill to amend the Constitution as provided for under Article 255, 256 and 257 which is considered by both Houses;
- (b) a Bill relating to the election of members of a county assembly or a county executive under

Article 110(1)(b) of the Constitution which is considered by both Houses;

- (c) the annual County Allocation of Revenue Bill as provided for under Article 218 of the Constitution which is considered by both Houses;
- (d) an Appropriation Bill as provided for under Articles 95(4) (b), 221, 222, and 223 of the Constitution which is considered only by the National Assembly;
- (e) a Finance Bill introduced pursuant to Articles 95(4)(c), 114, 209(1), 210 and 221(1) of the Constitution which is considered only by the National Assembly;
- (f) any Bill providing for taxation and other revenue-raising powers of the national government introduced pursuant to the provisions of Part 3 of Chapter Twelve of the Constitution which is considered only by the National Assembly; and
- (g) a Bill not concerning county governments which pursuant Article 109(3) of the Constitution is considered only in the National Assembly and passed in accordance with Article 122 and the Standing Orders of the Assembly.

8. (1) Upon receipt of a notification of a question under section 6(3), the Speaker of the second House shall within a period not exceeding seven days, consider the question raised.

Consideration of a question arising.

(2) Upon consideration of the question, the Speaker may—

- (a) agree with the question as raised; or
- (b) disagree with the question as raised.

9. (1) Whenever a Speaker of the second House agrees with the question raised as contemplated under section 8(2)(a), the Speaker shall prepare and transmit a Certificate of Joint Resolution in duplicate, for endorsement by the Speaker of the originating House.

Agreement over the question raised.

(2) Upon receipt of a Certificate of Joint Resolution on a question as to whether a Bill concerns counties, the Speaker of the originating House shall, as soon as is

practicable indicate their resolution and convey a copy of the Certificate to the Speaker of the second House.

(3) The Certificate of Joint Resolution shall be in the form set out in the Second Schedule and shall be deemed to be evidence of the resolution of the particular question.

10. (1) Whenever the Speaker of the second House disagrees with the question raised as contemplated under section 8(2)(b), the Speaker shall immediately refer back the question to the Speaker of the originating House for reconsideration noting the specific clauses of the Bill subject to the disagreement and the specific reasons for the disagreement.

Disagreement
over the question
raised.

(2) If the Speaker of the second House refers a question back to the Speaker of the originating House for reconsideration, the Speaker of the originating House may, following the appropriate procedures as set out under the respective Standing Orders—

- (a) cause the Bill to be modified taking into account the observations and recommendations of the Speaker of the second House; or
- (b) further disagree with the observations and recommendations of the Speaker of the second House on the question.

(3) If the originating Speaker causes the Bill to be modified to accommodate the observations and recommendations of the Speaker of the second House, the question shall be deemed to have been resolved for purposes of Article 110(3) of the Constitution.

(4) The Speaker of the originating House shall notify the House of the modification of the Bill and the procedure for its consideration as modified.

(5) Where the Speaker of the originating House further disagrees with the observations and recommendations of the Speaker of the second House on the question, the provisions of section 11 shall apply.

11. (1) Where the Speakers are unable to jointly resolve a question arising under Article 110 (3) of the Constitution, the Speakers may—

Conciliation in the
event of
disagreement.

- (a) refer the Bill to its sponsor for further consideration;
- (b) jointly appoint any person or body of persons to make such recommendations within fourteen days on the way forward as may be appropriate.

(2) Where the Speakers of the Houses of Parliament are unable to reach a joint resolution on a question after invoking the provisions of subsection (1), the originating House may proceed with the consideration of the Bill notwithstanding the disagreement.

12. (1) A money Bill or motion shall be introduced only in the National Assembly in accordance with Article 114 of the Constitution.

Consideration of
money Bills.

(2) If, in the opinion of the Speaker of the National Assembly, a motion makes provision for a matter listed in the definition of "a money Bill", the Assembly may, pursuant to Article 114(2) of the Constitution proceed only in accordance with the recommendation of the relevant Committee of the Assembly after taking into account the views of the Cabinet Secretary responsible for finance.

(3) Where the matter under consideration under subsection (2) relates to a Bill or motion originating from the Senate, the relevant committee of the Assembly may recommend that—

- (a) the Bill or motion be not proceeded with by the Assembly for want of compliance with the procedure set out in Article 109(5) of the Constitution; or
- (b) the relevant departmental committee of the Assembly or a Member be at liberty to adopt the Bill and that the Bill be deemed to have originated in the Assembly pursuant to the provisions of Article 109(5) of the Constitution.

13. (1) Where a Member in charge of a Bill intends that his or her Bill be adopted by a Member of the other House, the Member shall include in the memorandum of objects of the Bill a statement indicating the name of the Member of the other House who shall be in charge of the Bill upon its passage of the Bill by the originating House.

Adoption of Bills.

(2) The relevant Clerk, shall upon passage of the Bill under paragraph (1), forward a certified copy of the Bill, signed by the Clerk and endorsed by the Speaker, to the Clerk of the other House together with a Message—

- (a) requesting the consideration of the Bill by the other House in accordance with the respective Standing Orders; and
- (b) notifying the other House of the name of any Member of the House nominated to adopt the Bill.

(3) This section shall not apply to a Bill which, in terms of Article 109(3) of the Constitution, is considered only in the National Assembly.

**PART IV—CONDUCT OF JOINT PROCEEDINGS
AND COMMITTEES**

14. (1) If one House passes an ordinary Bill concerning county governments, and the second House—

Mediation
committees.

- (a) rejects the Bill, it shall be referred to a mediation committee appointed under Article 113 of the Constitution; or
- (b) if after the originating House has reconsidered a Bill referred back to it under Article 112(1)(b) of the Constitution, that House rejects the Bill as amended, the Bill shall be referred to a mediation committee under Article 113 of the Constitution.

(2) The Speakers of both Houses shall appoint a mediation committee consisting of equal numbers of Members of each House, to attempt to develop a version of the Bill that both Houses will pass.

(3) The quorum of a mediation committee shall be a third of its members from the National Assembly and a third of its members from the Senate.

(4) At its first sitting, a mediation committee shall appoint its Chairperson from the Members of the House that originated a Bill referred for mediation.

(5) The Chairperson and the vice-chairperson of a mediation committee shall not be Members of the same House.

(6) unless a decision is reached by consensus, any vote to be taken in a mediation committee shall be by separate Houses.

(7) The report of a mediation committee on a Bill prepared in terms of Article 113 of the Constitution shall be laid on the Table of each House by the Chairperson, Vice-Chairperson or a Member of the mediation committee authorized by the committee in that behalf.

(8) Where the report of a mediation committee includes an agreed version of the Bill in terms of Article 113(2) of the Constitution, the Houses shall consider the report of the mediation committee and the Houses shall vote to approve or reject the report of the Committee.

(9) Where the report of a mediation committee is to the effect that the committee has failed to agree on a version of the Bill or where the mediation committee fails to agree on a version of the Bill within thirty days from the date the Bill was referred to it, the Bill shall stand defeated in terms of Article 113(4) of the Constitution.

15. (1) The Houses may, by resolution establish Committees to be designated as joint committees of Parliament stating the mandate and objects of such committee and the number of members to be appointed to the committee.

Joint committees.

(2) A joint committee of Parliament shall comprise an equal number of Members of the National Assembly and the Senate.

(3) The quorum of a joint committee shall be a third of its members from the National Assembly and a third of its members from the Senate.

(4) Unless a decision is reached by consensus, any decision by the committee shall be by resolution supported by at least two-thirds of all the members of the committee.

16. (1) A committee of one House may, with the written permission of the Speakers of the National Assembly and the Senate, hold a joint sitting with the corresponding committee of the other House to deliberate on matters of mutual interest and concern.

Joint sittings of committees.

(2) The quorum of a joint sitting shall be a third of its members from the National Assembly and a third of its members from the Senate.

(3) Unless a decision is reached by consensus, any vote to be taken in a joint sitting shall be by separate Houses.

(4) The National Assembly and the Senate shall, upon commencement of this Act, prescribe under their respective Standing Orders joint rules for the conduct of the sittings under subsection (1).

(5) In the absence of the rules under subsection (2)—

(a) the Houses may, on a motion, prescribe rules for the conduct of a proposed joint sitting by committees of the Houses;

(b) the Speakers may issue joint guidelines for the conduct of a proposed joint sitting by committees of the Houses.

17. (1) Pursuant to Article 107(2) of the Constitution, at a joint sitting of the Houses of Parliament, the Speaker of the National Assembly shall preside, assisted by the Speaker of the Senate.

Joint sittings of Parliament.

(2) At any Joint Sitting of the Houses, the Standing Orders of the National Assembly shall apply with such modifications and variations as the Speaker of the National Assembly may consider necessary or appropriate.

(3) The Speakers of the Houses of Parliament shall enforce any directions given during a joint sitting in relation to the conduct of a Member of Parliament in accordance with the applicable provision of the National Assembly Standing Orders.

18. The Speakers of the Houses of Parliament may, in consultation with the Leaders of the Majority Party and the Minority Party, arrange for a joint sitting of Parliament for purposes of an address by a visiting Head of State or dignitary.

Address of Parliament by visiting dignitaries.

PART V—MISCELLANEOUS

19. (1) Each House of Parliament and its committees shall facilitate public participation under Article 118 of the Constitution.

Public participation processes.

(2) The public participation under subsection (1) shall be conducted through any of the following—

- (a) inviting submission of memoranda;
- (b) holding public hearings;
- (c) consulting relevant stakeholders in a sector; or
- (d) consulting experts on technical subjects.

(3) A committee of a House of Parliament shall have a broad measure of discretion in conducting public participation on a matter referred for its consideration and shall—

- (a) endeavour to avoid duplication of any related exercise conducted on the matter;
- (b) embrace modern means of engagement, including the use of information communication technology;
- (c) give reasonable notice of the exercise and afford the public a reasonable opportunity to participate;
- (d) adopt a clear and simple medium of engagement with wide reach for the exercise;
- (e) target specific stakeholders, where appropriate;
- (f) ensure reasonable access and participation of persons with disabilities in the exercise;
- (g) maintain a record of the submissions received from the exercise.

(4) When a Bill under Article 109(4) of the Constitution has been passed in one House, the Clerk shall forward a certified copy of the Bill, signed by the Clerk and endorsed by the Speaker, to the Clerk of the other House together with the public participation report on the Bill.

(5) A committee of one House may hold a joint public participation exercise with the corresponding committee of the other House.

(6) In considering a Bill or a matter on which a committee of a House of Parliament has conducted public participation, a committee of the second House may—

- (a) elect not to undertake a similar exercise and rely on the findings of the committee of the first House; or
- (b) seek additional views on the Bill or matter—
 - (i) with respect to substantive amendments made to a Bill during its consideration;
 - (ii) from persons or stakeholders who did not participate in the exercise conducted in the first House;
 - (iii) from persons or stakeholder whose submissions were not taken into account by the first House.

(7) A committee of Parliament shall consider the views received from public participation broadly.

(8) An Act of Parliament is not invalid on account of the failure to incorporate any view submitted during public participation.

20. (1) Before formally declaring the existence of a dispute between the Houses of Parliament, the Houses of Parliament shall, in good faith, make every reasonable effort and take all necessary steps to amicably resolve the matter by initiating direct negotiations with each other or through an intermediary.

Use of alternative dispute resolution mechanism to resolve disputes.

(2) Where the negotiations under subsection (1) fail, the Leadership of a House of Parliament may formally declare a dispute by referring the matter for resolution by the Speakers of the Houses.

(3) Within twenty-one days of the formal declaration of a dispute, the Speakers of the Houses of Parliament shall convene a meeting inviting the Leadership of the Houses or their designated representatives—

- (a) to determine the nature of the dispute, including—
 - (i) the precise issues in dispute; and
 - (ii) any material issues which are not in dispute; and
- (b) to—

- (i) identify the mechanisms or procedures, other than judicial proceedings, that are available to the parties to assist in settling the dispute; or
- (ii) agree on an appropriate mechanism or procedure for resolving the dispute, including mediation or arbitration.

(4) A party in court shall demonstrate that all efforts of amicably resolving a dispute between the Houses of Parliament under this section have failed.

(5) If a court is satisfied that a House of Parliament, in an attempt to resolve a dispute, has not exhausted all the mechanisms of alternative dispute resolution as contemplated under this section and refers the dispute back for the reason that the House of Parliament has not complied with this section, the expenditure incurred by that House of Parliament in approaching the court shall be regarded as wasteful expenditure.

(6) The costs in respect of the wasteful expenditure under subsection (5) shall, in accordance with a prescribed procedure, be recovered without delay from a public or state officer, including a holder of a political office, who caused the House of Parliament not to comply with the requirements of this section

FIRST SCHEDULE
NOTIFICATION OF QUESTION ARISING UNDER ARTICLE
110(3) [s. 6(5)]
REPUBLIC OF KENYA



PARLIAMENT

WHEREAS theBill, 20... (National Assembly/Senate Bills No....of 20....) was published on theday of, 20....

A question as to whether the.....Bill, 20.... (National Assembly/Senate Bills No....of 20....) concerns county governments has arisen as follows—

(indicate the details relating to the question)

NOW THEREFORE, this is to request your view on the question.

DATED this day of.....20...

.....
Speaker of the National Assembly/Senate

SECOND SCHEDULE
CERTIFICATE OF JOINT RESOLUTION [s. 9(3)]
REPUBLIC OF KENYA



PARLIAMENT

WHEREAS the Bill, 20.....
 (National Assembly/Senate Bills No.....of 20....) was published on the
day of, 20....

AND having considered the provisions of Article 109(3) of the Constitution

NOW THEREFORE,

Pursuant to Article 110(3) of the Constitution, I hereby certify that the
 Bill, 20.... (National Assembly/Senate Bills
 No. ...of 20) is—

- (a) a Bill concerning county governments ; or a Bill not concerning county
 governments ; and
- (b) a special Bill within the meaning of Article 110(2) of the Constitution ; or
 an ordinary Bill within the meaning of Article 110(2) of the Constitution

This..... day of....., 20....

.....
Speaker of the National Assembly/Senate

Pursuant to Article 110(3) of the Constitution, I hereby certify that the
 Bill, 20.... (National Assembly/Senate Bills No.of 20)
 is—

- (a) a Bill concerning county governments ; or a Bill not concerning county
 governments ; and
- (b) a special Bill within the meaning of Article 110(2) of the Constitution ; or
 an ordinary Bill within the meaning of Article 110(2) of the Constitution

This..... day of.....20...

.....
Speaker of the National Assembly/Senate

*This Certificate does not apply with regard to the Bills specified under section 7 of the Act

I certify that this printed impression is a true copy of the Bill passed by the National Assembly on Thursday, 21st March, 2024.



Clerk of the National Assembly

Endorsed for presentation to the Senate in accordance with the provisions of Standing Order 142 of the National Assembly.



Speaker of the National Assembly

PRINTED BY THE CLERK OF THE NATIONAL ASSEMBLY

End