

Annexure **9**

**Communication No. 001 of 2022  
issued by the Speaker of the  
National Assembly on  
Tuesday 4<sup>th</sup> October 2022**



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT - (FIRST SESSION)  
THE NATIONAL ASSEMBLY**

**COMMUNICATIONS FROM THE CHAIR**

*(No. 001 of 2022)*

**ON  
RE-INTRODUCTION OF BILLS AND THE MANNER OF  
INITIATING LEGISLATIVE PROPOSALS TO AMEND THE  
CONSTITUTION THROUGH PARLIAMENTARY INITIATIVE**

**Honourable Members,**

1. I wish to welcome you back to the August House following the Swearing-In, induction and the official opening of the House. It is my hope that the events have been beneficial in enriching your knowledge of the House and its workings as we commence the 13<sup>th</sup> Parliament.

**Honourable Members,**

2. As you are aware, and for the benefit of the new Members, the period before the approval of the Cabinet and the formation of Committees is usually characterized by light business in the House and is therefore somewhat relaxed. This is attributable to less business emanating from the Executive or Committees for consideration by the House. Once the Cabinet and Principal Secretaries are fully in place, the House Calendar becomes crowded with majority and minority party business.

**Honourable Members,**

3. I also wish to bring to the attention of the House that, going by our practices and the Standing Orders, all business that was not concluded at the end of the last Parliament has lapsed. However, in its wisdom, the 12th Parliament amended the Standing Orders to save certain business from part of the pre-legislative processes. In particular, the House amended Standing Order 114A (1)(c) & (d) to exempt certain Bills from pre-publication scrutiny upon their lapsing, to allow Members to re-introduce the Bills, if they so wish.

**Honourable Members,**

4. For clarity, Standing Order 114A (1)(c) & (d) state as follows, and I quote -

**"Speaker to exempt certain legislative proposals**

**114A. (1) The Speaker may exempt a legislative proposal from the provisions of Standing Order 114 (Introduction of Bills) if the proposal—**

**(c) is identical to a proposal that was passed by the House but lapsed at the expiry of the term of the preceding Parliament; or**

**(d) was introduced by the same Member and read a Second time but lapsed at the expiry of the term of the preceding Parliament."**

5. In this regard, **Hon. Members**, the House provided a window that allows expedited re-introduction of Bills. The first category relates to expedited re-introduction of Bills that were passed by the House in the last Parliament but lapsed in the Senate. The second category allows consideration of Bills which had gone beyond second reading.

**Honourable Members,**

6. Under the new procedure, these Bills can now be re-published in the same form as initially passed by the House and are exempted from pre-publication scrutiny. In this regard, the Bills which may benefit from expedited re-introduction under this first category are as follows-

- (1) The Livestock and Livestock Products Marketing Board Bill (National Assembly Bill No. 2 of 2019) which was sponsored by the Member for Mandera North, the Hon. Bashir Abdullahi, MP;
- (2) The National Youth Council (Amendment) Bill (National Assembly Bill No. 8 of 2019), which was sponsored by former nominated Member, the Hon. Gideon Keter;
- (3) The National Disaster Management Authority Bill (National Assembly Bill No. 10 of 2019) which was sponsored by the Member for Kikuyu, the Hon. Kimani Ichung'wah, MP;
- (4) The Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 17 of 2019) and The Parliamentary Pensions (Amendment) (No. 3) Bill (National Assembly Bill No. 57 of 2019) which were initially sponsored by the then Member for Wundanyi, the Hon. Andrew Mwadime;

- (5) The Equalization Fund Bill (National Assembly Bill No. 23 of 2019), which was sponsored by the Member for Tiaty, the Hon. Kassait Kamket, MP;
- (6) The Crops (Amendment) Bill (National Assembly Bill No. 25 of 2019), which was sponsored by the Member for Matuga, the Hon. Tandaza Kassim Sawa, MP;
- (7) The Assisted Reproductive Technology Bill (National Assembly Bill No. 34 of 2019) which was sponsored by the mother of the House, the Member for Suba North, the Hon. Millie Odhiambo-Mabona, MP;
- (8) The Land (Amendment) Bill (National Assembly Bill No. 54 of 2019) which was sponsored by the Member for Ruiru, the Hon. Simon King'ara, MP;
- (9) The Health (Amendment) Bill (National Assembly Bill No. 64 of 2019) which was sponsored by the then Member for Kesses, the Hon. Swarup Mishra;
- (10) The Cancer Prevention and Control (Amendment) Bill (National Assembly Bill No. 65 of 2019). This Bill was sponsored in the last Parliament by the then Member for Homabay County, the Hon. Gladys Wanga;
- (11) The Sugar Bill (National Assembly Bill No. 68 of 2019), which was sponsored in the last Parliament by the then Member for Kanduyi, the Hon. Wafula Wamunyinyi; and
- (12) The Community Health Workers Bill (National Assembly Bill No. 30 of 2020) which was sponsored in the last Parliament by the Member for Ndhiwa, the Hon. Martin Peters Owino, MP.

**Honourable Members,**

7. In light of the foregoing, for Bills that were sponsored by former Members, any Member is at liberty to take them up and have them re-introduced.
  
8. In this regard, sponsors of the Bills or any other Member who is interested in republishing any of the aforementioned Bills is encouraged to write to my office seeking approval to re-introduce a specified Bill from the above list. The earlier you do this, the better for you, Honourable Members. It is of course expected that those who have been re-elected or nominated back to this House would naturally take-up their respective Bills from the list I have read.

**Honourable Members,**

9. The second category refers to expedited re-introduction of Bills which went beyond second reading but lapsed before consideration at Committee of the Whole House. Pursuant to the provisions of Standing Order 114A (1)(d), these can be re-introduced by the same Members who initially sponsored them and would be exempted from pre-publication scrutiny. The Bills in this category include the following-

(1) The Public Service Commission (Amendment) Bill (National Assembly Bill No. 27 of 2019) which was sponsored by the Member for Embakasi Central, the Hon. Benjamin Gathiru Mwangi, MP;

- (2) The Alcoholic Drinks Control (Amendment) Bill (National Assembly Bill No. 70 of 2019), which was sponsored by the Member for South Mugirango, the Hon. Silvanus Osoro, MP;
- (3) The Kenya Food and Drugs Authority Bill (National Assembly Bill No. 31 of 2019), which was sponsored by the Member for Endebess, the Hon. (Dr.) Robert Pukose, MP;
- (4) The Pensions (Amendment) Bill (National Assembly Bill No. 26 of 2020) which was sponsored by the Member for Kimilili, the Hon. Didmus Barasa, MP;
- (5) The National Construction Authority (Amendment) Bill (National Assembly Bill No. 45 of 2020), and The Penal Code (Amendment)(No.2) Bill (National Assembly Bill No. 47 of 2021) both of which were sponsored by the Member for Nakuru Town East, the Hon. David Gikaria, MP.

### **Honourable Members,**

**10.** The following twenty-nine (29) other Bills did not go beyond the Second Reading, but may be re-introduced by the same or any other Member, pursuant to the provisions of Standing Order 114 (*Introduction of Bills*), after undergoing pre-publication scrutiny-

- (1) The Parliamentary Pensions (Amendment) Bill, (National Assembly Bill No. 19 of 2022) which was sponsored by the then Member for Mwatate, the Hon. Andrew Mwadime;
- (2) The Birth and Death Registration (Amendment) Bill, (National Assembly Bill No. 32 of 2020) which was sponsored by the Member for Gilgil, the Hon. Martha Wangari, MP;

- (3) The Alcoholic Drinks Control (Amendment) Bill, (National Assembly Bill No. 35 of 2020) which was sponsored by the Member for Wundanyi, the Hon. Danson Mwakuwona, MP;
- (4) The Public Procurement & Asset Disposal (Amendment) Bill (National Assembly Bill No. 20 of 2020) which was sponsored by the then Member for Thika Town, the Hon. Patrick Wainaina;
- (5) The Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bill No. 34 of 2020) which was sponsored by the then Member for Nyaribari Chache, the Hon. Richard Tong'ji;
- (6) The Central Bank of Kenya (Amendment) Bill, (National Assembly Bill No. 47 of 2020) which was sponsored by former nominated Member, the Hon. Gideon Keter;
- (7) The Pharmacy and Poisons (Amendment) Bill, (National Assembly Bill No. 1 of 2021) which was sponsored by the then Member for Nandi Hills, the Hon. Alfred Keter;
- (8) The Computer Misuse and Cybercrimes (Amendment) Bill, (National Assembly Bill No. 11 of 2021) which was sponsored by the Member for Garissa Town the Hon. Aden Duale, MP;
- (9) The Public Procurement and Asset Disposal (Amendment) (No.3) Bill, (National Assembly Bill No.49 of 2020) which was sponsored by the Member for Embakasi Central, the Hon. Benjamin Gathiru Mwangi, MP;
- (10) The Poverty Eradication Authority Bill, (National Assembly Bill No. 13 of 2020) which was sponsored by the Member for Sirisia, the Hon. John Waluke Koyi, MP;

- (11) The Higher Education Loans Board (Amendment) Bill (National Assembly Bill No. 29 of 2020) which was sponsored by former nominated Member, the Hon. Gideon Keter;
- (12) The Health (Amendment) Bill, (National Assembly Bill No. 28 of 2020) which was sponsored by by the Member for Kandara, the Hon. Alice Wahome, MP;
- (13) The Institute of Social Work Professionals Bill, (National Assembly Bill No. 31 of 2020) which was sponsored by the Member for Kaiti, the Hon. Joshua Kivinda Kimilu, MP;
- (14) The Higher Education Loans Board (Amendment) Bill, (National Assembly Bill No. 52 of 2021) which was sponsored by the then Member for Chepalungu, the Hon. Gideon Koskei;
- (15) The Public Finance Management (Amendment) Bill (National Assembly Bill No. 16 of 2022) which was sponsored by the Member for Butula, the Hon. Joseph Oyula, MP;
- (16) The Public Service Internship Bill, (National Assembly Bill No. 25 of 2021) which was sponsored by the Member for Samburu West, the Hon. Naisula Lesuuda, MP;
- (17) The Public Audit (Amendment) Bill, (National Assembly Bill No. 59 of 2021) which was sponsored by the then Member for Wajir South, the Hon. Mohammed Mohamed Sheikh;
- (18) The Child Justice Bill, (National Assembly Bill No. 11 of 2022) which was sponsored by the Member for Suba North, the Hon. Millie Odhiambo-Mabona, MP;
- (19) The Sexual Offences (Amendment) Bill, (National Assembly Bill No. 24 of 2020) which was sponsored by the Hon. Gathoni Wamuchomba, MP;

- (20) The Criminal Procedure Code (Amendment) Bill, (National Assembly Bill No. 41 of 2020) which was sponsored by the Hon. Nelson Koech, MP;
- (21) The Penal Code (Amendment) Bill, (National Assembly Bill No. 40 of 2021) which was sponsored by the Hon. Nimrod Mbai, MP;
- (22) The Whistleblower Protection Bill, (National Assembly Bill No. 50 of 2021) which was sponsored by the Hon. Irene Kasalu, MP;
- (23) The Geriatric Bill, 2021(National Assembly Bill No. 51 of 2021) which was sponsored by the Hon. Gathoni Wamuchomba, MP;
- (24) The Kenya Roads (Amendment) Bill, (National Assembly Bill No. 6 of 2022) which was sponsored by the Hon. Naisula Lesuuda, MP;
- (25) The Land Control Bill, (National Assembly Bill No. 7 of 2022) which was sponsored by the Hon. Wilberforce Oundo, MP;
- (26) The Valuers Bill, (National Assembly Bill No. 18 of 2022) which was sponsored by the Member for Ol Jororok, the Hon. Michael Muchira, MP;
- (27) The Public Appointments (Parliamentary Approval) (Amendment) Bill, (National Assembly Bill No. 54 of 2022) which was sponsored by the Member for Kisumu East, the Hon. Shakeel Shabbir, MP;
- (28) The National Transport and Safety Authority (Amendment) Bill, (National Assembly Bill No. 2 of 2022) which was sponsored by the Member for Ruiru, the Hon. Simon Ng'ang'a Kihara, MP; and

(29) The National Land Commission (Amendment) Bill, (National Assembly Bill No. 12 of 2022) which was sponsored by the Member for Kilifi North, the Hon. Owen Baya Yaa, MP.

**Honourable Members,**

11. Cognizant of the work that went into the processing of the said Bills by Committees and the efforts made by the Members to have the Bills published in the last Parliament, I request the Committees to which these legislative proposals will be referred, to expedite their consideration at the pre-publication scrutiny stage. Should conclusion of the scrutiny of the Bills be inordinately delayed, the House Business Committee, which I will chair, will not hesitate to move this House to exempt the said Bills from pre-publication scrutiny so as to ensure that the Bills proceed without undue delay.

**Honourable Members,**

12. You will also recall that before the adjournment of the 12<sup>th</sup> Parliament, as I had noted in my acceptance speech, the House made progressive amendments to the rules of this House, amongst them is the new Standing Order 114(7A) which prescribes a new *sui generis* procedure for conducting pre-publication scrutiny of legislative proposals seeking to amend the Constitution.
13. Standing Order 114(7A) provides that in respect of a proposal to amend the Constitution, the proposal shall be accompanied by signatures **of at least fifty other Members** in support, unless it is sponsored by the Majority Party or the Minority Party.

**Honourable Members,**

- 14.** Since the commencement of this Parliament, I have received several requests from Members wishing to introduce legislative proposals to amend the Constitution. among them ~~being the proposal from the~~ Member for Gichugu Constituency, Hon. Robert Githinji Gichumu and the Member for Matungulu Constituency, Hon. Stephen Mule, MP.
- 15.** The two Members are proposing to amend the Constitution to anchor the National Government Constituency Development Fund in the Constitution.
- 16.** In this regard, **Honourable Members,** I request that any Member seeking to introduce a legislative proposal to amend the Constitution does comply with the requirements of Standing Order 114(7A). This requires attachment of the signatures of at least fifty other Members to the legislative proposal for approval by the Speaker.

**Honourable Members,**

- 17.** The new Standing Order 114(7A) in my view shall enrich the legislative process as it seeks to provide for consensus through collection of views of other Members, the Attorney-General, constitutional commissions and the Kenya Law Reform Commission on any proposed amendments to the Constitution.

**Honourable Members,**

- 18.** Indeed, the new Standing Order 114(7A) actualizes the provisions of Article 256(2) of the Constitution which obligates Parliament to publicize any Bill to amend the Constitution and facilitate public discussion. It is also notable that Standing Order 114(1) as amended also allows Members to co-sponsor Bills in the House. In this regard, Members with legislative proposals dealing with related issues may opt to co-sponsor legislative proposals for introduction in the House.

**Honourable Members,**

- 19.** When adopting the Report of the Procedure and House Rules Committee on amendments Standing Orders, the National Assembly of the 12<sup>th</sup> Parliament also noted that there is need to amend a number of Statutes that have implication on the rules of procedure. The intention of the proposed amendments is to keep them in accord with the Constitution, related laws and the reality of modern times. The Hansard of the afternoon Session of Tuesday, 31<sup>st</sup> May, 2022, records that the Committee also tabled four draft legislative proposals containing amendments to statutes that were proposed to be urgently considered to operationalize certain procedures of the House.

**Honourable Members,**

20. The said proposals are —

- (1) The Draft Public Finance Management (Amendment) Bill, 2022 that sought to enlarge the time for consideration of the Budget Policy Statement from 14 to 21 days;
- (2) The Draft Political Parties (Amendment) Bill, 2022 that sought to require the Registrar of Political Parties to convey certified copies of all coalition agreements to the Clerk of each House of Parliament;
- (3) The Draft Parliamentary Powers and Privileges (Amendment) Bill, 2022 that sought to streamline the Membership of the Committee of Powers and Privileges;
- (4) The Draft Petitions to Parliament (Procedure) (Amendment) Bill, 2022 that sought to involve the Public Petitions Committee in the determination of the admissibility of petitions and the full consideration of all admissible petitions; and
- (5) The Draft Statutory Instruments (Amendment) Bill, 2022 that sought to ensure the negative resolutions of the House on Statutory instruments are implemented.

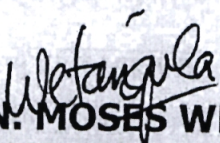
**Honourable Members,**

21. To this end, the Acting Clerk of the National Assembly has informed me that the legislative proposals have been finalized. Consequently, to the extent that the 12<sup>th</sup> Parliament did resolve that the proposals be prioritized, **I direct that they be urgently introduced in the House.**

22. Noting that the Procedure and House Rules Committee is yet to be formed, my able Deputy Speaker has agreed to introduce the proposals to facilitate the continuation of the business of the House.

**The House is accordingly informed and guided.**

**I thank you!**

  
**THE RT. HON. MOSES WETANG'ULA, EGH, MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**

Tuesday, 4<sup>th</sup> October 2022