



TWELFTH PARLIAMENT  
SIXTH SESSION OF  
THE NATIONAL ASSEMBLY OF KENYA

REPORT OF THE AFFAIRS  
OF THE NATIONAL ASSEMBLY FOR THE  
SIXTH SESSION OF THE 12TH PARLIAMENT

JANUARY 25 – AUGUST 8, 2022

The Clerk's Chambers  
Kenya National Assembly  
Parliament Buildings  
Nairobi, Kenya





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## PREFACE



*Acting Clerk of The National Assembly: Serah Kioko MBS (July - November 2022)*

The Sixth Session of the Twelfth Parliament commenced on 25<sup>th</sup> of January, 2022 and ended on 8<sup>th</sup> of August, 2022. This Report provides a detailed summary of the business and other procedural matters that were processed and considered by the National Assembly during the Sixth and final Session of the 12<sup>th</sup> Parliament.

It is notable that in this Session, the focus of the Members shifted to the August General Elections. In this regard, the House proceeded on a few recess breaks to allow Members to participate in election-related activities including party nominations. Further, the Committees of the House had fewer sittings and reduced activities due to the engagement of the Committee Members in the election campaigns and party nominations. As a result, the House sat for long hours to enable it to conclude the business of the House before the end of the Session. As a result, the House was able to consider and conclude on a number of priority Bills, among them, the Finance Bill, 2022, the Military Veterans Bill, 2022, the Sustainable Waste Management Bill, 2021, the Children Bill, 2021, and the Mental Health (Amendment) Bill (Senate Bill No. 28 of 2020). In total, the House considered and passed twenty-five (25) Bills.

Additionally, the House also passed sixty-two (62) Motions including Motions on approval of various persons for appointment to various commissions such as the Salaries and Remuneration Commission and the Kenya National Commission on Human Rights, approval of various Ambassadors and High Commissioners, and several Committee reports, such as the Public Accounts Committee report on the audited financial statements and a report by the Public Investments Committee on a special audit of the Kenya Medical Supplies Agency (KEMSA), among others.

In this Session, the Members also participated in paying tribute and final respects to the late Third President of the Republic of Kenya, H.E. Hon. Mwai Kibaki following his demise in April, 2022.

At the end of the Session, the House made various progressive amendments to the Standing Orders in preparation for the 13<sup>th</sup> Parliament. Notable amendments to the Standing Orders included the increase of the period for Committees to consider Bills from the current twenty-one days to thirty days to enhance public participation, splitting of the mandate of Committees to increase specialization and efficiency and rationalize the subjects under the mandate of the existing committees. Among the Committees established was the Public Debt and Privatization Committee to closely examine issues relating to the national debt and the Public Petitions Committee to consider all petitions from the Public, among other amendments.

As I Commend this report to our customers, stakeholders, and anyone else, I wish to extend special thanks to all staff of the National Assembly for their efforts in ensuring that the House executed its constitutional mandate effectively despite the time constraints occasioned by election-related activities.

Finally, I would like to pay tribute to our immediate former Clerk, Mr. Michael Sialai, CBS, who retired from Parliamentary service on 31<sup>st</sup> July 2022, and proceeded on a diplomatic assignment. We wish him well in his new role and thank him for his service to the nation and the National Assembly for the last twenty-seven years.

**SERAH KIOKO, MBS**  
**ACTING CLERK OF THE NATIONAL ASSEMBLY**  
**AUGUST 2022**

## FORWARD BY THE SPEAKER



*The Speaker of The National Assembly of Kenya (11<sup>th</sup> & 12<sup>th</sup> Parliament) – Hon. Justin Bundi Muturi, E.G.H., MP*

It gives me great pleasure to make some introductory remarks in this report of the final Session of the 12<sup>th</sup> Parliament. The Sixth Session of the Twelfth Parliament began on January 25, 2022 and ended on August 8, 2022, being the eve of the General Elections.

It is noteworthy that despite the shorter sitting period, and the Members engaging more in various election-related activities including election campaigns and party nominations, by the end of the Session, the National Assembly was able to achieve a number of milestones. I will highlight some of the key achievements we made in terms of the legislative, oversight and representation functions of the House.

During the Session, the House considered one hundred and forty (140) Bills, with twenty-five (25) of which were passed and assented to, while the rest remained pending at various stages of consideration. Sixty-two (62) Motions were considered and passed, thirty-four (34) regulations were approved, one hundred and twenty (120) Questions were asked, and sixty (60) Statements were issued or made on the floor of the House. In addition, one thousand one hundred and eighteen (1118) Papers were tabled in the House.

It is also worth noting that, in accordance with Standing Order 264, the House undertook a comprehensive review of the Standing Orders to improve efficiency and oversight in its operations in plenary and in Committees. Some amendments that are particularly noteworthy include the increase of the Presidium from four (4) to six (6) Chairpersons to improve the management of plenary sessions, an increase in the number of Departmental Committees from fifteen (15) to twenty (20) for better efficiency and effectiveness, the

splitting of the Public Investments Committee into three mirrored along broad sectors of the public service; and the introduction of a Public Debt Committee and a Public Petitions Committee, for better oversight.

As I close, I wish to applaud all Members of the National Assembly for their diligence and commitment during the Session and the entire term of Parliament. I particularly commend members for having had to sit for long hours in some instances in the House and Committees to ensure that crucial and priority business such as that dealing with the budget and elections, among many others, was concluded within the prescribed statutory deadlines. Indeed, despite the campaigns and election-related activities that often characterized the day-to-day activities of the Members in terms of participation, the business of the House proceeded uninterrupted as Members remained fully committed to the execution of their constitutional duties. For this, I salute the Members of the 12<sup>th</sup> Parliament and wish them well in their future endeavours.

Finally, as we end the term of this 12<sup>th</sup> Parliament, we bid farewell to the immediate former Clerk, Mr. Michael Sialai, CBS whose tenure in the institution came to an end on 31<sup>st</sup> July, 2022. Following his nomination by the President, he has gone on to take up diplomatic duties as Kenya's High Commissioner to the Republic of Namibia. I wish him well in his new assignment.

**THE HON. JUSTIN .N. MUTURI, EGH, MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**  
**AUGUST 2022**

## CHAPTER ONE: CALENDAR OF THE NATIONAL ASSEMBLY AND CHANGES IN HOUSE MEMBERSHIP

### 1.0 Introduction

The Sixth Session of the Twelfth Parliament began on Tuesday, 25<sup>th</sup> January, 2022 and ended on Monday, 8<sup>th</sup> August, 2022. This Report, therefore, details the legislative and other businesses transacted in the National Assembly during this period, outlining the achievements of the House, and the activities of the Directorates within the institution which facilitated this work.

### 1.1 Calendar of the National Assembly

The National Assembly resumed its sittings earlier than usual on Tuesday, 25<sup>th</sup> January, 2022 after the 2021 December recess. This was due to the expected activities of the year, being a general election year, and the 2022 Calendar was therefore prepared with the following key considerations:



- a. Budgetary Timelines for processing of the Budget Policy Statement (BPS), the Division of Revenue Bill, the Supplementary Estimates for the FY 2021/2022, the County Allocation of Revenue Bill, the Finance Bill and the Annual Estimates for the FY 2022/2023;
- b. Election-related timelines as published by the Independent Electoral and Boundaries Commission (IEBC) in the roadmap to elections; and
- c. Other key activities planned for the Session, such as Budget Highlights Day and the final State of the Nation Address.

The House planned that the House adjourn *Sine Die* on or around June 9, 2022, which would be **60 days** to the General Elections. However, the House may be recalled for Special Sittings between June 10 and August 8, 2022 should there be any business.

The National Assembly considered and approved its Calendar of Regular Sessions (2022) with fifty-five (55) sitting days anticipated between January 25 and June 9, 2022. There were short periods of short recess in March (4<sup>th</sup> - 21<sup>st</sup>) and April (15<sup>th</sup> April - 9<sup>th</sup> May, 2022) to allow Members of Parliament (MPs) contesting in various elective positions, time to undertake elections-related activities such as party nominations, dispute resolution and submission of documentation to the Independent Electoral and Boundaries Commission (IEBC) within statutory timelines.

The *Sine Die* recess, which is an adjournment without a definite date of resumption, was scheduled to run from June 10, 2022 to August 8, 2022. This would allow Members to conduct campaigns freely in the run-up to the General Elections. It would also enable parliamentary staff to undertake transitional activities and begin preparations for the next House, for example, preparation of induction activities and materials, procurement of necessary materials/equipment, handover of offices etc.

Notably, the commencement of the Sixth Session was scheduled to be on 25<sup>th</sup> January, 2022, however it was delayed when the House declined to approve the membership of the House Business Committee, as is the practice on the first sitting day of each Session. As such, no House sittings in the first one week. The House eventually resumed its sittings on February 1, 2022. The Calendar of the House (2022) was approved on February 2, 2022. A copy of it is attached as **Annex 1**. During the Session, there was no alteration of the Calendar of the House. The House only approved an additional morning sitting on Thursday, June 9, 2022 and sat late on other days to conclude urgent business.

By the end of the Sixth Session, the National Assembly had held a total of fifty-seven (57) sittings. There was one (1) Special Sitting to allow the House to pay tribute to the late Third President of the Republic of Kenya, Hon. Emilio Mwai Kibaki, upon his demise in April, 2022. There were no Joint Sittings held within the period under review.

### 1.2 Administration of Oath

There were no by-elections held and no oath was administered during the Session.

### 1.3 Demise of a Sitting Member of Parliament

Sadly, one Member of the National Assembly as listed below passed on during the Session. Given that the time between this occurrence and the General Elections scheduled for 9<sup>th</sup> August, 2022 was less than 90 days, no by-election was held for the seat.



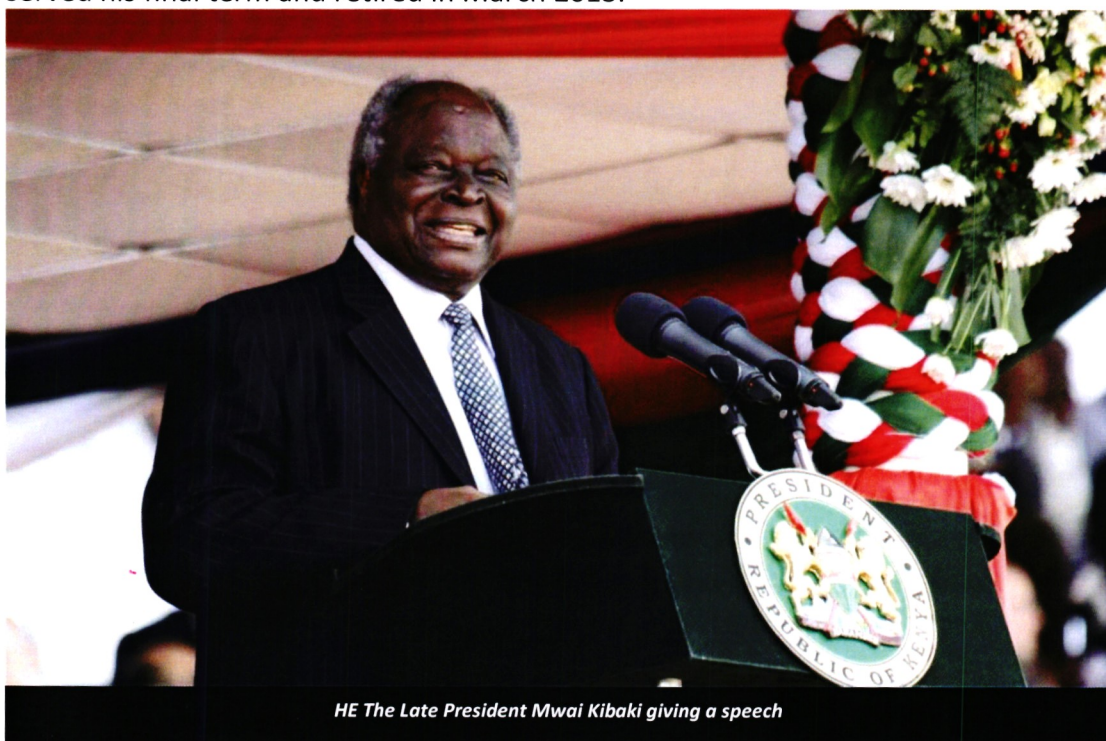
No.	Photo	Particulars	Name
1.		Name	The Honourable William Kamoti Mwamkale, MP
		Constituency	Rabai
		Party	Orange Democratic Movement (ODM) 
		Died on	29 <sup>th</sup> May 2022

Table 1: Demise of a Member Source: Table Office Department

#### 1.4 Demise of Third President of the Republic of Kenya, His Excellency Hon. Emilio Mwai Kibaki

The Third President of the Republic of Kenya, His Excellency Hon. Emilio Mwai Kibaki, passed away on Friday, 22<sup>nd</sup> April, 2022, while undergoing treatment at the Nairobi Hospital. The late retired President Kibaki's long and decorated political career was birthed at Independence in 1963, when he vied for and won the parliamentary seat for Donholm Constituency, currently Makadara Constituency. In 1974, he opted to represent the people of his rural home, Othaya, where he contested and won the seat of Member of Parliament for Othaya Constituency. His impeccable leadership qualities endeared him to the people of Othaya, who re-elected him to Parliament in all the subsequent elections held in 1979, 1983, 1988, 1992, 1997, 2002, and 2007 when he served his final term and retired in March 2013.



During his political career as a Member of Parliament, he rose through the political ranks to become an assistant minister, minister, Vice-President, Leader of Official Opposition and crowned his exemplary political career by becoming the Third President of the Republic of Kenya, where he served for two terms, which is the constitutional limit. Having reached the highest political pinnacle, His Excellency President Mwai Kibaki honourably exited politics upon handing over the reins of power to the incumbent President, His Excellency Hon. Uhuru Kenyatta. The late retired President Mwai Kibaki leaves an indelible imprint in the history of the Parliament of Kenya as the longest-serving Member of Parliament. He has in his honour half a century of service to the nation as a Member of Parliament spanning from 1963, when he was first elected, until his retirement in March 2013.

Following the Presidential Proclamation of 22<sup>nd</sup> April, 2022 regarding the demise of the Third President of the Republic of Kenya, His Excellency Hon. Emilio Mwai Kibaki, CGH, the Speaker received a request from the Leader of the Majority Party seeking to

convene a Special Sitting of the House. The purpose of the Special Sitting was to transact the following business:

- (a) Procedural notification to the assembled House with respect to the Presidential Proclamation of 22nd April 2022 regarding the demise of the Third President of the Republic of Kenya, His Excellency Hon. Emilio Mwai Kibaki; and,
- (b) Consideration of Exceptional Motion on Honour and Tributes of the House to the late Third President of the Republic of Kenya, His Excellency Hon. Emilio Mwai Kibaki, following the Presidential Proclamation of 22<sup>nd</sup> April, 2022 regarding his demise.

The public was accorded three days to pay their last respects to the late President Mwai Kibaki who was lying-in-state at Parliament Buildings from Monday 25<sup>th</sup> April, 2022 to Wednesday, 27<sup>th</sup> April, 2022. The national requiem mass for the late former President was held at Nyayo National Stadium on Friday, 29<sup>th</sup> April, 2022 after which he was laid to rest at his rural home in Othaya, Nyeri County on Saturday, 30<sup>th</sup> April, 2022.



*HE The President Hon. Uhuru Kenyatta and the First Lady Margaret Kenyatta view the body of demised president with his family members at Parliament Buildings*



*The body of the Third President of the Republic of Kenya as it is taken out of Parliament Buildings on the third and final day of public viewing on 27<sup>th</sup> April, 2022.*



*HE The President Uhuru Kenyatta and the First Lady Margaret Kenyatta pay their last respects to the late President at his grave in his home in Othaya*

## CHAPTER TWO: PARLIAMENTARY PROCEEDINGS & HOUSE BUSINESS

### 2.0 Introduction

This chapter aims to detail the specific outputs of the National Assembly in terms of business conducted in the Chamber and in Committees during the Session under review. Such Business includes the number of Bills considered and their status at the end of the Session, Motions debated by the House, Committee reports and other papers tabled in the House, among many other legislative processes.



*Members of Parliament attend the last day of sitting before the National Assembly went on sine die recess on 9<sup>th</sup> June, 2022 to pave way for the General Elections to be held on 9<sup>th</sup> August 2022.*

### 2.1 Communications from the Chair

Communications from the Chair are a mode in which the Speaker decides guides or informs the House on a diverse array of topics ranging from procedural to administrative issues.

During the Session, the Speaker conveyed twenty-nine (29) Communications on various subject matters; made five (5) notifications, and issued one (1) guidance on consideration of certain House Business.



CONSIDERED RULINGS		
NO.	SUBJECT	DATE ISSUED
1.	The Constitutional Propriety of the First Supplementary Estimates for the FY 2021/2022, Implication on the Resultant Bill and Legislative Processes for the Consideration of Future Approvals Under Article 223 of the Constitution	31/03/2022
2.	Tabling of Papers by the Hon. Fatuma Gedi, MP and Gross Disorderly Conduct by the Hon. Babu Owino, MP	10/05/2022
3.	The Constitutional Propriety of the Universities (Amendment) Bill, 2021 and the Place of the Wining Process of Amendments proposed to the Bill	09/06/2022
COMMUNICATIONS FROM THE CHAIR		
4.	Business Lapsing at the End of the Fifth Session	25/01/2022
5.	Withdrawal of the National Aviation Management Bill (National Assembly Bill No.18 of 2020)	25/01/2022
6.	Withdrawal of the Mediation Bill (National Assembly Bill No. 17 of 2020)	01/02/2022
7.	Discharge of Members from various Select Committees	02/02/2022
8.	Recall of the Report of the Auditor – General on the accounts of Technical University of Mombasa Enterprises Limited for the Year ended 30 <sup>th</sup> June, 2020	15/02/2022
9.	Recognition of a delegation from the National Assembly of the Republic of Zambia	15/02/2022
10.	Prioritization of individual Members' Bills	15/02/2022
11.	Consideration of proposed amendments to the report of the Budget and Appropriations Committee on the 2022/2023 Budget Policy Statement and the Medium-Term Debt Strategy	24/02/2022

12.	Recognition of Students and Staff of 'Still I Rise' Organization	24/02/2022
13.	The Inappropriate Conduct by certain Members during the Afternoon Sitting of the House on Thursday, 24 <sup>th</sup> February 2022	02/03/2022
14.	A visiting delegation from the Parliament of Ghana	22/03/2022
15.	Demise of the Hon. Jacob Oulanya, MP, Speaker of the Parliament of the Republic of Uganda	23/03/2022
16.	Withdrawal of the Political Parties (Amendment) (No.2) Bill (National Assembly Bill No.58 of 2021)	24/03/2022
17.	Public Pronouncement of the Budget Highlights and Revenue Raising Measures for the Financial Year 2022/2023	05/04/2022
18.	Interruption of Business concerning Pronouncement on the Budget Policy Highlights and Revenue Raising Measures for the National Government for the Financial Year 2022/2023	07/04/2022
19.	Bills assented to by H.E the President from October, 2021 to April, 2022.	14/04/2022
20.	Convocation of a Special Sitting of the House convened to pay Tribute to H.E Hon. Emilio Mwai Kibaki, CGH, the third President of the Republic of Kenya following His Passing on Friday, April 22, 2022	27/04/2022
21.	The Speaker's <i>Kamukunji</i>	10/05/2022
22.	A Visiting Delegation from Edmund A. Walsch School of Foreign Service, Georgetown University in Washington, DC, United States of America	12/05/2022
23.	Referral of Proposed Amendments to the Huduma Bill, 2021 to Winnowing Process	18/05/2022
24.	On the Annual National Prayer Breakfast, 2022	24/05/2022
25.	On Committee's Exit reports at the End of Term of the 12 <sup>th</sup> Parliament	26/05/2022

26.	On the Demise of the Hon. William Kamoti Mwamkale, Member for Rabai Constituency	31/05/2022
27.	Recognition of a Delegation from the Parliament of Zimbabwe	07/06/2022
28.	On the Consideration in Committee of the Whole House of proposed amendments to the Traffic (Amendment) Bill (National Assembly Bill No. 60 of 2021)	07/06/2022
29.	On the Invitation to a Members' Event on Thursday, June 9, 2022 at the Rise of the House	08/06/2022
<b>NOTIFICATIONS FROM THE CHAIR</b>		
30.	Suspension of Committee sittings on the afternoon of Tuesday, 1 <sup>st</sup> February 2022	31/01/2022
31.	The Mental Health Bill (Amendment) Bill (Senate Bill No. 28 of 2020)	13/06/2022
32.	Demise of Member for Rabai Constituency, Hon. William Kamoti Mwamkale, MP	30/05/2022
33.	The Passage of Six National Assembly Bills by the Senate	21/06/2022
34.	Referral of three Bills by H.E. the President for reconsideration	23/06/2022
<b>SPEAKER'S GUIDE</b>		
35.	Regarding the last Parliamentary Honour to the late retired Third President of the Republic of Kenya	27/05/2022

Table 2: Summary of Communications Source: *Table Office Department*

## 2.2 Messages

A Message is a means of transmitting information between the two Houses of Parliament or between Parliament and the Executive on various matters including passage of Bills, appointments or reservations on Bills. During the period under review, the National Assembly received and sent Messages regarding various business before it, as provided for under Standing Orders 41 and 42.

In the Session, the National Assembly received a total of three (3) Messages from the President, two (2) of those being in regard to nomination of persons for appointment to

state and public offices and one (1) in relation to referral of legislation to the House for reconsideration.

MESSAGES FROM THE PRESIDENT	
NO.	SUBJECT
1.	Referral by H.E the President of the Kenya Deposit Insurance (Amendment) Bill, 2021
2.	Nomination of Persons for appointment to the Ethics and Anti-Corruption Commission (EACC)
3.	Nomination of Persons for Appointment as Ambassadors, High Commissioners and Permanent Representatives
4.	Referral of 3 Bills by H.E. the President
MESSAGES FROM THE SENATE	
NO.	SUBJECT
1.	Passage by the Senate of the Political Parties (Amendment) Bill (National Assembly Bill No. 56 of 2021)
2.	The Passage and Referral of Eight Bills by the Senate
3.	The Passage and Referral of Four Bills by the Senate
4.	Decision of the Senate on the Mediated Version of the County Governments Additional Allocation Bill (Senate Bill No.35 of 2021) and the Division of Revenue Bill (National Assembly Bill No.8 of 2022)
5.	Appointment of Senators to the Mediation Committee to consider the Wildlife Conservation and Management (Amendment) Bill (Senate Bill No.30 of 2020)
6.	Decision of the Senate on the National Assembly's amendments to the Coffee Bill (Senate Bill No. 22 of 2020)
7.	Passage of the County Allocation of Revenue Bill (Senate Bill No.1 of 2022)

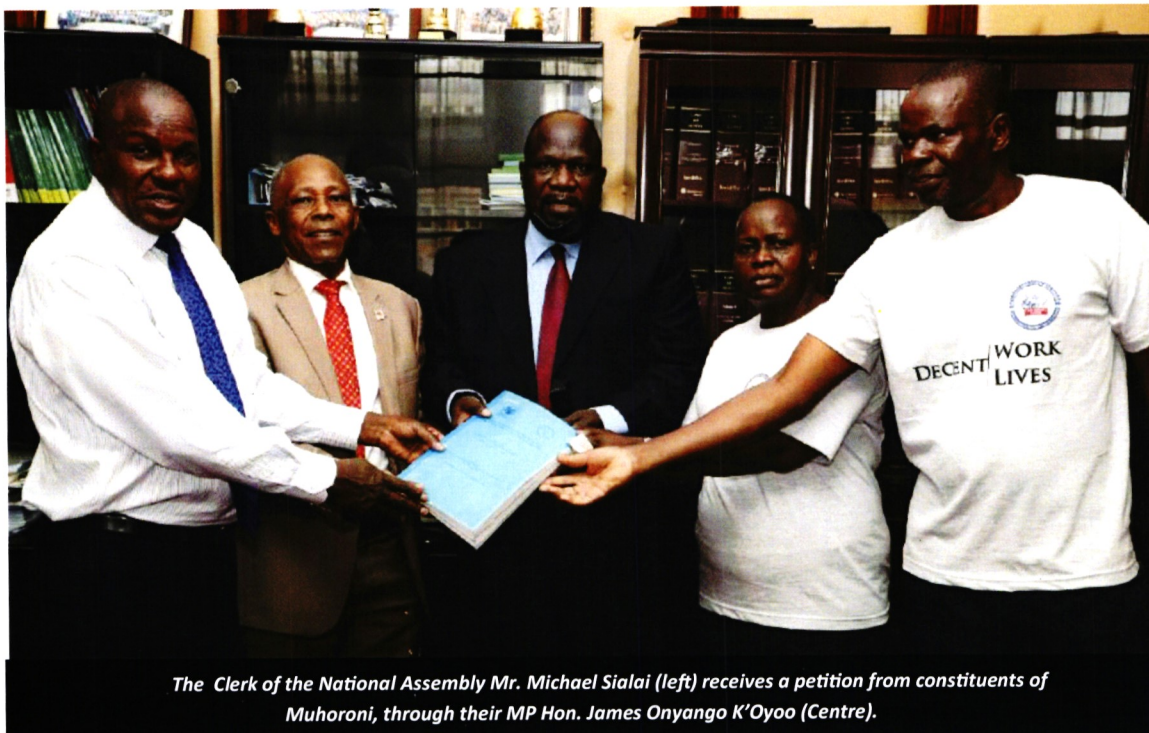
8.	Passage of the Division of Revenue Bill (National Assembly Bills No.8 of 2022)
9.	Approval of the National Assembly amendments to the Mental Health (Amendment) Bill (Senate Bills No. 28 of 2020)
10.	Passage of the County Allocation of Revenue Bill (Senate Bills No.1 of 2022)
11.	Passage of seven National Assembly Bills without amendments
12.	Passage of the County Governments Additional Allocations Bill (Senate Bills No. 2 of 2022)
<b>MESSAGES TO THE SENATE</b>	
NO.	SUBJECT
1.	Passage of the Political Parties (Amendment) Bill (National Assembly Bill No. 56 of 2021)
2.	Passage of the Division of Revenue Bill (National Assembly Bill No.8 of 2022)
3.	Passage of the Sustainable Waste Management Bill (National Assembly Bill No.22 of 2021)
4.	Passage of the Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bill No. 32 of 2021)
5.	The Sacco Societies (Amendment) Bill (National Assembly Bill No.55 of 2021)
6.	The National Disaster Management Authority Bill (National Assembly Bill No. 10 of 2019)
7.	Passage of the Mental Health (Amendment) Bill (Senate Bill No. 28 of 2020)
8.	Decision of the National Assembly on the Wildlife Conservation and Management (Amendment) Bill (Senate Bill No. 30 of 2020)
9.	Passage of the County Governments Additional Allocation Bill (Senate Bill No.35 of 2021)
10.	Passage of the Coffee Bill (Senate Bill No. 22 of 2022)

11.	Passage of the Elections (Amendment) Bill (National Assembly Bill No.3 of 2022)
12.	The Health Laws (Amendment) Bill (National Assembly Bill No.2 of 2021)
13.	Passage of the Community Health Workers Bill (National Assembly Bill No. 30 of 2020)
14.	Passage of the Children Bill (National Assembly Bill No. 38 of 2021)
15.	Passage of the Persons with Disabilities Bill (National Assembly Bill No. 61 of 2021)
16.	Passage of the National Disaster Risk Management Bill (National Assembly Bill No. 28 of 2021)
17.	On Approval of the Public Finance Management (National Government) (Amendment) Regulations, 2022 (Legal Notice No. 89 of 26 <sup>th</sup> May, 2022)
18.	Approval of the County Allocation of Revenue Bill (Senate Bill No.1 of 2022).

Table 3: Summary of Messages

Source: *Table Office Department*

### 2.3 Petitions



Petitions form part of the means by which citizens seek redress, request the legislature to enact, amend or even repeal legislation or address issues of concern that may be under its jurisdiction. This is a right provided for by the Constitution and an Act of Parliament. Ordinarily, by the practice of the House, certain petitions, popularly known as ordinary petitions, are not carried over from one Session to the next. If their timeline for conclusion has lapsed at the end of the Session, they have to be submitted afresh in the new session. However, petitions seeking removal of persons from public office do not lapse.

However, at the end of the Fifth Session (2021) in December 2021, House resolved to allow for petitions whose period for consideration had not lapsed to resume in the Sixth Session. This was occasioned by the backlog experienced in consideration and conclusion of petitions by Committees due to the reduced number of sittings during the COVID-19 pandemic period.

The following is a breakdown of the various petitions submitted by the citizens in keeping with the Constitution:

No.	Item	Number
1.	Petitions carried over from the 5 <sup>th</sup> Session	52
2.	New Petitions presented to the House in the 6 <sup>th</sup> Session	19
3.	Petitions concluded in the 6 <sup>th</sup> Session	24
4.	Petitions still pending at the end of the 6 <sup>th</sup> Session	47

Table 4: Summary of Petitions in the 6<sup>th</sup> Session Source: Procedural Research and Journals Department

## 2.4 Papers Laid

In the course of enforcing executive accountability, the National Assembly receives papers submitted for laying on the Table of House. In addition, Parliamentary Committees table their reports in the House for decision and formal recording of their output. Such papers include-

1. Reports submitted by His Excellency, the President in fulfilment of the provisions of the Constitution;
2. Reports of the Auditor-General on Financial Statements of public entities submitted pursuant to Article 229 (7) of the Constitution including Special Audit Reports;
3. Annual Reports and Financial Statements including performance reports from various National Government institutions pursuant to the Constitution and statutes;
4. Reports by House Committees;
5. Statutory Instruments submitted pursuant to section 11 of the Statutory Instruments Act;

6. Treaties, Agreements, Conventions and Protocols for Ratification, pursuant to the Treaty-Making and Ratification Act;
7. Sessional Papers; and
8. Documents tabled by Members in the course of debate.

During the period under review, January 25, 2022 to June 09, 2022, a total of **one thousand one hundred and eighteen (1118) Papers** were laid before the House as follows: -

(i) Reports from the President	– None (0)
(ii) Auditor-General Reports	– Nine Hundred and Eight (908)
(iii) Committee Reports	– One Hundred and Thirty (130)
(iv) Annual Reports	– Fifteen (15)
(v) Statutory Instruments	– Twenty-Five (25)
(vi) Sessional Papers	– Two (2)
(vii) Treaties	– Five (5)
(viii) Reports from Ministries, Departments, Agencies and Independent Commissions	– Seventeen (17)
(ix) Budget-related Reports	– Fifteen (15)
(x) Reports from regional or international bodies	– None (0)
(xi) Reports from Caucuses or Friendship-Groups	– One (1)

This being the last Session of the Twelfth Parliament, Committees are obligated to table *exit reports* detailing the work they have done during a term of Parliament, indicating any pending matters before them and reasons for inability to complete the work in accordance with the Standing Orders. These reports will serve as a guide to the Committees in the next Parliament as they prepare their work plans. In this regard, at the end of the Session, twenty-nine of the thirty-three Committees tabled their Exit Reports. A number of caucuses also tabled exit reports. The Exit Reports tabled are listed under **Annex 2**.

## 2.5 Statutory Instruments/Regulations

Article 95 of the Constitution mandates the National Assembly to delegate its constitutional law-making power to other executive agencies to make subsidiary legislation pursuant to a law enacted by the House. Such laws are commonly known as statutory instrument or regulations.



A Statutory Instrument is any rule, order, regulation, direction, form, tariff of costs or fees, letters patent, commission, warrant, proclamation, by-law, resolution, guideline or other statutory instrument issued, made or established in the execution of a power conferred by or under an Act of Parliament under which that statutory instrument or subsidiary legislation is expressly authorized to be issued.

The Statutory Instruments Act provides that a Committee of Parliament (Committee on Delegated Legislation) considers the statutory instruments presented before the House. In considering the instrument, the committee may make a report to the House in the event it is not in agreement with any or entire instrument. In the case of agreement with the regulations, the Clerk of the National Assembly writes to the Regulation Making Authority conveying approval of the regulations by the Committee and stipulating that the Regulations may be implemented. On the other hand, the principal Act may require certain regulations be approved by the House before taking effect. For such regulations, a Report has to be submitted to the House for consideration and approval or rejection/nullification. Such regulations include the election-related regulations as provided for in the Elections Act, 2011 and all regulations under the Public Finance Management Act, 2012, among others.

During the Session, the National Assembly received thirty-one (31) pieces of Statutory Instruments with twenty (20) having been carried over from the previous Session. The nineteen (19) new instruments received, had been published in the Kenya *Gazette* while five (5) received from the Independent Electoral and Boundaries Commission (IEBC) were in draft form. In the session, thirty-four (34) regulations were approved by the House, including through the Committee on Delegated Legislation, while the five (5) draft IEBC regulations were rejected and one (1) on the Scrap Metal Dealers Rules, 2022 was annulled in its entirety.

In addition, the Public Finance Management (National Government)(Amendment) Regulations, 2022 relating to a review of the public debt ceiling were approved by the House on 7<sup>th</sup> June, 2022 and sent to the Senate for consideration. This was a procedural development between the two Houses that was initially witnessed in 2019 with regard to the approval of the first review of the public debt ceiling.

## 2.6 Treaties/Agreements/Protocols/Conventions and Sessional Papers



One of the functions of the National Assembly is to consider and approve treaties, protocols/conventions, bilateral and multilateral international agreements for ratification, pursuant to the provisions of the Treaty Making and Ratification Act, 2012.

The House also considers and makes a determination on proposed policies from the Ministries, presented in the form of Sessional Papers, to enable the state departments and agencies to take certain policy actions and directions, including preparation of proposed legislation.

Below is a summary of the Treaties ratified and the Sessional Papers approved during the Session:

### Treaties/Protocols/Conventions/Agreements ratified

- (i) Agreement between the Kingdom of Denmark and the Republic of Kenya on Defence Cooperation, approved on Thursday, June 9, 2022.

### Pending Treaties, Protocols, Conventions, Agreements and Sessional Papers

The following are the Treaties, Protocols, Conventions, Agreements and Sessional Papers which were received in the course of 2022 but were still awaiting debate by the House at the end of the Session:

#### a) Treaties/Protocols/Agreements/Conventions:

- (i) The 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property;
- (ii) Bilateral Air Services Agreements between Kenya and the Czech Republic; Cyprus; Chile; Belize; Suriname; Tanzania; Austria and Barbados;
- (iii) Protocol relating to an amendment to Articles 50(A) and 56 of the Convention on International Civil Aviation, 1994 (Chicago Convention);
- (iv) The African Union Convention on Cross-Border Cooperation (Niamey Convention); and
- (v) The African Union Treaty for the establishment of the African Medicines Agency (AMA).

#### (b) Sessional Papers:

- (i) Sessional Paper No. 2 of 2021 on the Agricultural Policy; and
- (ii) Sessional Paper No. 1 of 2022 on National Automotive Policy.

## 2.6 Motions

A motion is a formal proposal by a Member of Parliament, Committee or a parliamentary party for deliberation by the House to take certain actions/resolutions. Motions can be categorised into –

### **a) Procedural Motions**

These are motions introduced and passed in the House in accordance with its Standing Orders mainly to regulate the internal conduct of legislative business. Traditionally, these motions are moved at the beginning of every Session to impose limitation of time in respect of debate on Bills, Sessional Papers, Committee Reports, and Address by the President, but they may also be introduced in the course of a session or a sitting to afford the House convenience to transact certain business with ease. Procedural motions relate to allotment of time to certain business, amount of speaking time by a Member, hours of sitting, committal of matters to committees, among others.

During the Session, the House approved twenty-five (25) procedural motions relating to limitation of speaking time, reduction of publication periods for some Bills and extension of sitting time, among others.

### **b) Motions for Adjournment on Definite Matter of Urgent National Importance**

These are motions moved by a Member upon obtaining the leave of the House in order to interrupt normal business of the House on a given Sitting day to allow for a discussion on definite matter of urgent national importance. In the Session, the Nominated Member (Hon. David Ole Sankok) gave notice of one (1) such motion regarding a rise in food prices in the country. However, the motion was not proceeded with as the House adjourned before the appointed time for its consideration owing to lack of quorum.

### **c) Special Motions**

These are motions which seek a resolution of the House to approve persons nominated for appointment to or removal from public offices in the Constitution, the requirements of the Public Appointments (Parliamentary Approval) Act or other statutes. Standing Order 61(b) outlines certain specified Articles of the Constitution which can cause matters to be debated as Special Motions.

In the Session, the House considered three (3) Special Motions relating to approval of the appointment of twenty-seven persons nominated to the following offices:

- a. Member of the Salaries and Remuneration Commission (1);
- b. Chairperson and Members of the Kenya National Commission on Human Rights (5);
- c. Various persons as Ambassadors, High Commissioners and Permanent Representatives (21).

A full list of the nominees is attached as **Annex 3**.

### **d) Substantive Motions**

These are motions introduced by Members to invite the House to address subjects of topical concern. These motions also avail an opportunity for Members to influence Government policy and or introduce new policy dimensions. In accordance with the Standing Orders of the House, the Sittings of Wednesday Morning are purely set aside for debating Private Members' Motions in order to allow adequate time for their consideration. There were no Individual Member's Motions introduced in the Session.

Substantive motions also include Motions to consider Committee Reports. These motions enable the House to adopt or note various Reports of House Committees on

inquiries into or activities undertaken by the Committees on matters falling under their mandates.

In the Session, thirty-one (31) Motions for the adoption of Committee Reports were introduced in the House. The main motions on Committee reports related to consideration of the audited accounts of National Government entities and state corporations, vetting of various persons for appointment to various public offices, a special audit report into the Kenya Medical Supplies Agency (KEMSA), consideration of statutory instruments, sessional papers and treaties, among others.

#### **e) Exceptional Motions**

These are motions that arise following an unusual, uncommon, extraordinary or unprecedented circumstance or occurrence. During the Session, the House was ingenious in initiating the use of an Exceptional Motion for purposes of facilitating deliberations to enable the House to pay tribute to the fallen Third President of the Republic of Kenya, the late Excellency Emilio Mwai Kibaki who passed away during the April 2022 recess. This initiative arose from the fact that there was need to discuss this occurrence which was rare, uncommon and out of the ordinary, and further necessitated a Special Sitting. It was the Speaker's finding that this motion ought to be exempted from notice under Standing Order 47, as by their nature, such motions are extraordinary and there may be no opportunity to notify the House beforehand, for example, the demise of the former Head of State. During the Session therefore, only one (1) such Motion was recorded.

In summary, seventy-three (73) motions were introduced, of which sixty-two (62) were passed, two (2) were negatived, one (1) was withdrawn and seven (7) were pending at the end of the Session.

### **2.7 Parliamentary Questions**

As part of their representative and oversight roles, Members of Parliament were able to raise a variety of issues through Questions on the floor. These Questions were either directed to Cabinet Secretaries or Constitutional Commissions and Independent Offices whose officials appeared before Committees to provide responses to the issues raised. Some of the Questions were for a written reply.

#### **Questions asked in the House and referred to the Departmental Committees and for Written Reply**

One hundred and twenty (120) Ordinary Questions were asked by Members, of which one hundred and nine (109) were referred to Departmental Committees, and eight (8) were submitted to Independent Offices and Constitutional Commissions and Government Departments for Written Reply. Two (2) Questions were dropped and one (1) was deferred.

The one hundred and nine (109) Questions that were asked in the House were referred to the Committees as follows:

No	Ministry	Number of questions Asked to Ministries	Percentages (%)
1.	Lands and Physical Planning	9	8.26
2.	Interior and Co-ordination of National Government	14	12.84
3.	Water, Sanitation and Irrigation	3	2.75
4.	Labour and Social Protection	4	3.67
5.	Petroleum and Mining	1	0.92
6.	Health	3	2.75
7.	Environment and Forestry	3	2.75
8.	Education	12	11.51
9.	East Africa Community and Regional Development	1	0.92
10.	Transport, Infrastructure, Housing, Urban Development and Public Works	29	26.61
11.	Public Service, Youth and Gender	4	3.67
12.	The National Treasury and Planning	9	8.26
13.	Sports, Culture and Heritage	1	0.92
14.	Agriculture, Livestock and Fisheries	3	2.75

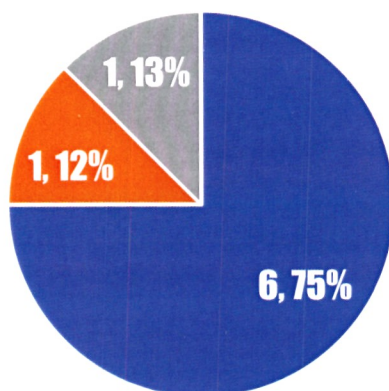
15.	Energy	6	5.00
16.	Tourism and Wildlife	3	2.75
17.	Foreign Affairs	1	0.92
18.	Information, Communication and Technology	2	1.83
19.	Devolution and ASALs	1	0.92
	<b>Total</b>	<b>109</b>	<b>100.00</b>

Table 5: Summary of Questions Source: *Table Office Department*

The eight (8) Questions for written responses which were directed to Independent Offices, Constitutional Commissions and other Government Departments were distributed as shown below:

	Question for Written Reply by	Number of Questions Submitted	Percentages (%)
1.	The Teachers Service Commission	6	75.00
2.	The State Law Office and Department of Justice ( <i>The Attorney General</i> )	1	12.50
3.	The Registrar of Political Parties	1	12.50
	<b>Total</b>	<b>8</b>	<b>100.00</b>

Chart 1: Summary of Questions for Written Reply



- The Teachers Service Commission
- The State Law Office and Department of Justice (The Attorney General)
- The Registrar of Political Parties

## 2.8 Statements

Members have an opportunity to raise matters of concern to the people as stipulated under Article 95 of the Constitution. Standing Orders 43, 44 and 8 4 allow Members to make or request general statements or raise personal statements in the House, and also allow the Party Leaders and Chairpersons of Committees to issue statements on matters under the mandate of Committees' purview. This allows Members of Parliament to play their oversight and representative roles on behalf of the people therefore resolve matters of concern. In the Session, sixty (60) Statements were made in the House: two (2) were General Statements, twenty-five (25) were Statements by the Leader of the Majority Party and Chairpersons on matters under their mandate, and thirty-three (33) Statements were requested by Members of Parliament as listed below-

GENERAL STATEMENTS		
NO.	SUBJECT	ISSUED BY
1.	Demise of the late Hon. Ondiek Chillo former Member and Senator of Nyakach Constituency	Hon. Aduma Owuor, MP (Nyakach Constituency)
2.	The Twelfth Ordinary Session of the Plenary Assembly of FP-ICGLR held	Hon. Otiende Amollo, MP (Rarieda Constituency)

	from 2 <sup>nd</sup> to 6 <sup>th</sup> April, 2022 in Nairobi, Kenya	
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### STATEMENTS ISSUED BY PARTY LEADERS / CHAIRPERSONS OF COMMITTEES

3.	Weekly statement on Business prioritized for the House in the upcoming week (12)	The Leader of the Majority Party
4.	Disbursement of NG-CDF funds	Hon. Wafula Wamunyinyi, MP (Chairperson, NG-CDF Committee)
5.	Responses to statements requested (12)	Various Chairpersons of Committees

### REQUEST FOR STATEMENTS BY INDIVIDUAL MEMBERS FROM COMMITTEE CHAIRPERSONS

NO.	SUBJECT	REQUEST BY
6.	Security of Parliament with respect to the Nairobi Expressway	Hon. Shadrack Mose, MP (Kitutu Masaba Constituency)
7.	Status of contracts awarded to foreign companies in the Energy, Infrastructure and ICT Sectors	Hon. Aden Duale, MP (Garissa Township Constituency)
8.	High cost of fertilizer in the country	Hon. Kuria Kimani, MP (Molo Constituency)
9.	Banning on Scrap Metal Trade	Hon. John Kiarie, MP (Dagore South Constituency)
10.	Abduction and Killings of Mr. Yahya Mohamud Hassan and Mr. Abdirahim Adow Abdullahi in Isiolo County	Hon. Adan Haji Yussuf, MP (Mandera West Constituency)
11.	Closure of Egerton University	Hon. Charity Kathambi, MP (Njoro Constituency)
12.	Abduction of Haji Roba Abdub Sereka on 2 <sup>nd</sup> February, 2022	Hon. Col. (Rtd) Dido Ali Rasso, MP (Saku Constituency)

13.	Socio - Economic empowerment of men particularly through expansion of access to finance to facilitate initiation and expansion of their enterprises	Hon. Kamau Wamacukuru, MP (Kabete Constituency)
14.	Delayed construction of the buildings within the Meru Divisional Headquarters demolished to create space for the extension of <i>Kinoru</i> stadium	Hon. Abdul Rahim Dawood, MP (North Imenti Constituency)
15.	Suspension of Staff of Kenya Power under unclear circumstances	Hon. (Dr.) Robert Pukose, MP (Endebess Constituency)
16.	Compensation of oil companies by the Government	Hon. Mbogo Ali Menza, MP (Kisauni Constituency)
17.	Irregular post-retirement engagement of certain head teachers by the Teachers Service Commission	Hon. Wilson Sossion, MP (Nominated)
18.	Occupation of Private Land by Security Personnel in Barwako Location, Mandera East Constituency	Hon. Omar Mohamed Maalim, MP (Mandera East Constituency)
19.	Reconstruction of Kenya Engineering Technology Registration Board (KETRB)	Hon. Martha Wangari, MP (Gilgil Constituency)
20.	Repatriation of Kenyans caught up in Russia's invasion of Ukraine	Hon. Zuleikha Hassan, MP (Kwale County)
21.	Failure by the Kenya National Highways Authority to compensate residents of Matuga Constituency	Hon. Kassim Sawa Tandaza, MP (Matuga Constituency)
22.	Take-over of the Miwani Sugar Company and harassment of staff	Hon. James Onyango Kóyoo, MP (Muhoroni Constituency)
23.	Introduction of tea harvesting machines in Nandi Hills Constituency	Hon. Alfred Keter, MP (Nandi Hills Constituency)

24.	The rise and rampant cases of sodomy in schools in the country	Hon. Anthony Githiaka Kiai, MP (Mukurweini Constituency)
25.	Demand for deployment of enough/more security personnel in Tigania West Sub County	Hon. John Mutunga, MP (Tigania West Constituency)
26.	Killings and Cattle Rustling in Marakwet West Sub County	Hon. William Kisang, MP (Marakwet West Constituency)
27.	Accident involving employees of Transmara Sugar Company	Hon. Ben Momanyi, MP (Borabu Constituency)
28.	Fuel crisis/shortage across the country as a result of delayed subsidy payment to oil marketing companies	Hon. Aden Duale, MP (Garissa Township Constituency)
29.	Commercialization of the Wajir International Airport	Hon. Rashid Kassim, MP (Wajir East Constituency)
30.	Alleged misuse and wastage of public funds on Building Bridges Initiative (BBI)	Hon. Aden Duale, MP (Garissa Township Constituency)
31.	Government moratorium related to the Scrap Metal trade	Hon. John Kiarie, MP (Dagoretti South Constituency)
32.	The Exercise of Delegated Authority by the Cabinet Secretary for the National Treasury	Hon, Aden Duale, MP (Garissa Township Constituency)
33.	Insecurity in Isiolo County	Hon. Hassan Oda Hulufo, MP (Isiolo North Constituency)
34.	Stalled construction works on the ABC Place – Rironi Section Road on the Nairobi – Nakuru Highway	Hon. Kimani Ichung'wah, MP (Kikuyu Constituency)
35.	Appointment of the Chairperson of the assumption to the Office of the President Committee	Hon. Aden Duale, MP (Garissa Township Constituency)

36.	The poor state of road works at the junctions of Link Roads, Exit Roads and Diversions along Nairobi-Mombasa Road	Hon. George Theuri, MP (Embakasi West Constituency)
37.	Killings and cattle rustling in Marakwet West Constituency, Elgeyo Marakwet County	Hon. William Kisang, MP (Marakwet West Constituency)
38.	Visa fees charged on Kenyans	Hon. Kuria Kimani, MP (Molo Constituency)

Table 7: Summary of Statements in the Sixth Session

Source: Table Office Department

## 2.9 Bills

Compared with the previous session in the 12<sup>th</sup> Parliament, the Sixth Session was a short one and further, given the activities and timelines related to the General Elections scheduled for 9<sup>th</sup> August, 2022. Nonetheless, during the period, several Bills were passed, while others were at various stages of consideration by the time the House proceeded for *Sine Die* adjournment.

In summary, during the Session, two hundred and seventy-two (272) Bills were before the House, with one hundred (100) Bills at various stages having been carried over from the Fifth Session, and forty-nine (49) being introduced in the Sixth Session.

With regards to the 49 Bills introduced in the House during the Session, twelve (12) were sponsored by the Leader of the Majority Party, one (1) by the Leader of the Minority Party, ten (10) by Committees, thirteen (13) by individual Members, and thirteen (13) were from the Senate. At the end of the Session, the House passed twenty-five (25) Bills while sixty-three (63) National Assembly Bills and thirty-five (35) Senate Bills were pending.

**For The Record  
Books: Longest  
Bill with the  
most clauses.**

During this Session in the term of the Twelfth Parliament, the Bill considered to be the longest one and containing the greatest number of clauses was passed. This was the Children Bill (National Assembly Bill No. 38 of 2021) sponsored by the Leader of the Majority Party. The Bill had two hundred and fifty (250) clauses and seven (7) schedules, and was considered at Committee of the whole House for five days, which was not the norm.

It is also worth noting, there was a marked increase in the number of Private Members' Bills concluded at all stages and assented to or awaiting assent from one (1) Bill in 2021 to seven (7) Bills in 2022, that is:

- (i) The Industrial Training (Amendment) Bill, 2019 by the Member for Kiambu (Hon. Jude Njomo);

- (ii) The Radiographers Bill, 2019 by the Member for Murang'a County (Hon. Sabina Chege);
- (iii) The Employment (Amendment) (No.2) Bill, 2019 by the Nominated Member (Hon. Gideon Keter);
- (iv) The Higher Education Loans Board (Amendment) Bill, 2020 by the Member for Igembe South (Hon. John Mwirigi);
- (v) The Information Communication Technology Practitioners Bill, 2020 by the Nominated Member (Hon. Godfrey Osotsi);
- (vi) The Insurance Professionals Registration Bill, 2020 by the Member for Mumias East (Hon. Benjamin Washiali); and
- (vii) The Traffic (Amendment) Bill, 2021 by the Member for Tiaty (Hon. William Kamket).

This increase in individual Members' Bills was attributed to:

- (i) Less spill over of Government business to Wednesday Mornings, thus more time was accorded to Members' Bills;
- (ii) There was a less rigorous pre-publication process which enabled Members' Bills to be published faster; and
- (iii) Prioritisation of Bills by the House Business Committee by the date of publication of each Bill.

The following individual Members' Bills were passed by the House but were pending in the Senate at the end of the Session:

S/NO	BILL	SPONSOR
1.	The Livestock and Livestock Products Marketing Board, Bill 2019	The Hon. Bashir Abdullahi, MP (Mandera North)
2.	The National Youth Council (Amendment) Bill, 2019	The Hon. Gideon Keter, MP (Nominated)
3.	The Public Service (Values and Principles) (Amendment) Bill, 2019	The Hon. Andrew Mwadime, MP (Mwatate)
4.	The Equalisation Fund Bill, 2019	The Hon. William Kamket, MP (Tiaty)
5.	The Cancer Prevention and Control (Amendment) Bill, 2019	The Hon. Gladys Wanga, MP (Homa Bay County)
6.	The Crops (Amendment) Bill, 2019 (No.25)	The Hon. Kassim Tandaza, MP (Matuga)
7.	The Land (Amendment) Bill, 2019	The Hon. Simon King'ara, MP (Ruiru)
8.	The Health (Amendment) Bill, 2019	The Hon. Swarup Mishra, MP (Kesses)
9.	The Assisted Reproductive Technology Bill, 2019	The Hon. Millie Odhiambo-Mabona, MP (Suba North)

10.	The Sugar Bill, 2019	The Hon. Wafula Wamunyinyi, MP (Kanduyi)
11.	The Community Health Workers Bill, 2020	The Hon. Martin Peters Owino, MP (Ndhiwa)

*Table 8: Summary of Individual Members' Bills in the Sixth Session*

Source: *Table Office Department*

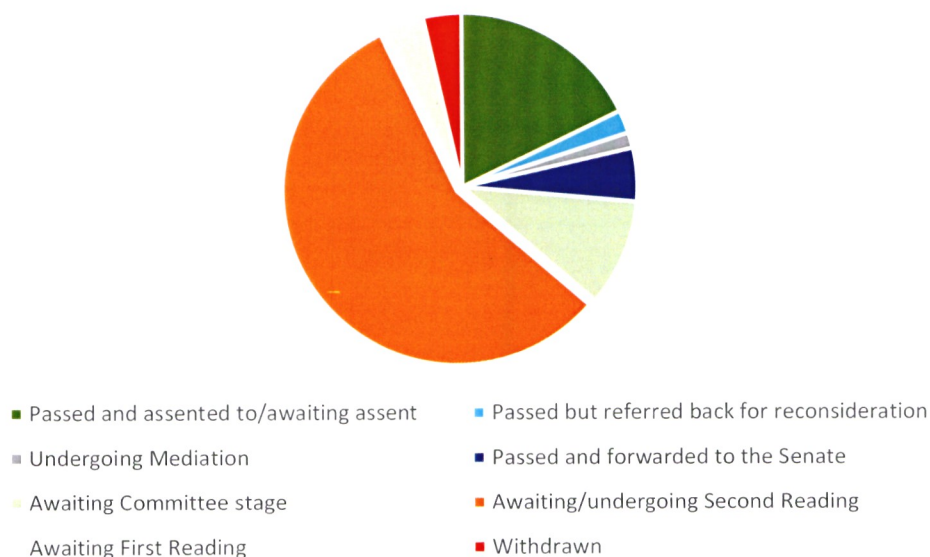
Generally, in the Sixth Session, the National Assembly continued its mandate of legislation, with one hundred and forty (140) Bills having undergone or awaiting consideration before it at various stages as tabulated below:

S/No.	STATUS OF BILL	NUMBER
1.	Passed and assented to/awaiting assent	25
2.	Passed but referred back for reconsideration	3
3.	Undergoing Mediation	2
4.	Passed and forwarded to the Senate	7
5.	Awaiting Committee stage	14
6.	Awaiting/undergoing Second Reading	79
7.	Awaiting First Reading	5
8.	Withdrawn	5
9.	Lost	0
	<b>TOTAL</b>	<b>140</b>

*Table 9: Summary of the Bills considered* Source: *Table Office Department*

A full list of the Bills tabulated above is shown under **Annex 4**.

*Summary of the Bills considered*



The two Bills undergoing Mediation at the end of the Session were the Coffee Bill (Senate Bill No. 20 of 2020) and the Wildlife Conservation and Management (Amendment) Bill (Senate Bill No. 30 of 2020).

During the Session, H.E. the President, in exercise of powers under Article 115 (1)(b) of the Constitution, by way of memoranda referred four (4) Bills to the National Assembly for reconsideration. These were:

- (i) the Kenya Deposit Insurance (Amendment) Bill, 2020, which was eventually passed a second time in a manner that fully accommodated the President's reservations;
- (ii) the Higher Education Loans Board (Amendment) Bill, 2020;
- (iii) the Information Communication Technology Practitioners Bill, 2020; and
- (iv) the Insurance Professionals Registration Bill, 2020.

The last three Bills were still awaiting reconsideration at the end of the term of the 12<sup>th</sup> Parliament.

## CHAPTER THREE: PROCEDURAL DEVELOPMENTS AND EMERGING ISSUES

### 3.0 Procedural Developments

#### a) Amendments to the Standing Orders



The Standing Orders provide for periodic and comprehensive reviews in every term of Parliament, usually conducted at the end of the final Session. Towards the end of the Sixth Session, amendments were made to the Standing Orders arising from their usage and application. The thematic areas that informed the proposals for the amendments were the need for sufficient timelines for public participation on various legislative business; improved efficiency in the workings of

Committees and the Chairperson's Panel; recognition of Constitutional offices and Members' service to the House; clarification on the place of Parties other than Parliamentary Parties and Independent Members in the House; and alignment to the Constitution, among others.

In summary, the following notable amendments were made by the House—

- (a) Increase of the Chairperson's Panel from four (4) to six (6);
- (b) Increase of the period for Committees to consider Bills from the current twenty-one days to thirty days;
- (c) Co-sponsorship of Bills within the House and between the two Houses;
- (d) Exemption of the following legislative proposals pre-publication scrutiny—
  - 1) Proposals originating from Constitutional Commissions and Independent Offices which relate to their mandate and are accompanied by a policy underpinning and evidence of stakeholder consultations;
  - 2) Proposals arising from a resolution of the House;
  - 3) Proposals that were passed by the House but lapsed at the expiry of the preceding term of Parliament; and proposals that were read a Second time but lapsed at the expiry of the preceding term of Parliament.

Consequently, the amendments would allow for Bills introduced in one Parliament to be republished in the next Parliament without undergoing pre-publication scrutiny, provided that they are re-introduced by the same Member and in the form as initially published. This would enable fast-tracking of publication of individual Members' Bills at the start of a new Parliament given the inordinate delays witnessed in the past.

- (e) Reduction of general Membership of Committees to fifteen Members;
- (f) Splitting of the Public Investments Committee into three (3) Committees, namely:
  - i. **Public Investments Committee on Governance and Education ;**
  - ii. **Public Investments Committee on Commercial Affairs & Energy ;**  
and
  - iii. **Public Investments Committee on Social Services, Administration and Agriculture.**
- (g) Establishment of five (5) additional Departmental Committees to increase specialization and efficiency and rationalize the subjects under the mandate of the existing committees, namely, Departmental Committees on Blue Economy & Irrigation, Housing, Urban Planning & Public Works, Regional Development, Social Protection and Tourism & Wildlife.
- (h) Establishment of four (4) other Committees which are:
  - i. **Committee on Diaspora and Migration Matters** to be responsible for, *inter alia*, the protection of the rights of Kenyans and their families in the diaspora;
  - ii. **Public Debt and Privatization Committee** to closely examine issues relating to the national debt and any proposed privatization of public assets towards the repayment of debt;
  - iii. **Decentralized Funds Account Committee** as a split from the current extensive mandate of the Special Funds Accounts Committee; and
  - iv. **Public Petitions Committee** to consider all petitions tabled in the House.
- (i) Provision for the manner of making reservations to treaties submitted for the House for ratification;
- (j) Anchoring the forms for the nomination papers for election as Speaker and for the collection of Members' Biodata in the Standing Orders; and
- (k) Requiring the Clerk to publish a Roll of Members who served in a Parliament before the conclusion of their term as a public record.

#### **b) Challenges in reconstitution of the House Business Committee**

The House Business Committee (HBC) is a critical Committee of the House that undertakes preparation and adjustments of the Parliamentary Calendar (with the approval of the House), monitoring and overseeing the implementation of the House Business and programmes, implementation of the Standing Orders whilst respecting the scheduling or programming of the business of the House and the functioning of the Committees of the House, determination of the order in which the reports of Committees shall be debated in the House, undertaking prioritization or postponement of relevant business, and consideration of matters arising in connection with the business of the House.

The HBC consists the Speaker (who is its Chairperson), the Leader of the Majority Party, the Leader of the Minority Party, the Majority Party Whip, the Minority Party Whip and seven other Members nominated by parliamentary parties. Given its critical role, the HBC is formed on the first day of each new Session. Subsequently, on 25<sup>th</sup> January 2022, a Motion seeking to constitute a new House Business Committee for

the 6<sup>th</sup> session, was moved and debated in the House. The Motion sought to incorporate the following seven Members into the Committee in addition to those who are members by virtue of their offices: Hon. Joyce Akai Emanikor, MP, Hon. Shadrack John Mose, MP, Hon. Kawira Mwangaza, MP, Hon. Mohamed Abdikhaim Osman, MP, Hon. (Dr.) Makali Mulu, MP, Hon. Mishi Juma Khamisi Mboko, MP, and Hon. Godfrey Osotsi, MP.

However, in an unprecedented development, the Motion was negated by the House, leading to the adjournment of sittings as there was no Committee to schedule the business for consideration. This necessitated fresh consideration of the proposed HBC membership by the Committee on Selection. On 1<sup>st</sup> February, 2022, the House rescinded the decision made on 25<sup>th</sup> January, 2022 in line with Standing Order 49(2)(a). A fresh Motion to reconstitute the HBC was moved on the same day, with the same Members who had been in the initial Motion being approved as Members of the House Business Committee for the Sixth Session of the House.

#### **c) Reconstitution of the Committee on Parliamentary Powers and Privileges**

In the Session under review, the Committee on Parliamentary Powers and Privileges, which is a sessional Committee, was not reconstituted. During the debate on the motion in February 2022, questions arose regarding the composition of the proposed membership of the Committee. The motion for approval of membership to the Committee was subsequently withdrawn to allow for fresh consultations. Among the proposals for consideration made by Members with regard to this Committee were: existing membership by the Members in other committees, need for balanced gender representation, seniority and background of Members, among others. The debate that emerged during the consideration of the Membership of the Committee, led to an amendment to Standing Order 177A to provide for the criteria of selection of members to the Committee in future.

#### **d) Substantiation of allegations made in the House**



On 12<sup>th</sup> April 2022, the Member for Wajir County, Hon. Fatuma Gedi, MP made certain allegations in the House that touched on the conduct of a state officer. Given the weight of the allegations, the Honourable Speaker gave the Member two days within which to substantiate the said allegations by way of tabling relevant documents in the House in support of her allegations. However, on 14<sup>th</sup> April, 2022, in addition to tabling several documents as directed, Hon. Gedi attempted to make fresh and further claims and then sought to substantiate them. This was disallowed by the Speaker.

Subsequently, when the House reconvened from recess on 10<sup>th</sup> May 2022, the Speaker ruled that the Member had forfeited the opportunity to refer to the tabled documents since he had not confirmed their authenticity or admissibility, and as such, there would be no further substantiation by the Member or debate on the matter. The Speaker further directed the Clerk to return the documents consisting of newspaper prints outs, photographs, and uncertified court judgments to the Member because they did not relate to the claims made before the House, and as such, their content lacked a nexus with the claims she had made in the House. Subsequently, Standing Order 87 was amended to preclude a Member from using and relying on excerpts or extracts from the media as authorities when addressing the House on any matter.

#### e) Gross Disorderly Conduct in the House



On 14<sup>th</sup> April 2022, the Speaker ordered the Member for Embakasi East, Hon. Babu Owino, MP, to withdraw from the Chamber for the rest of the day owing to his disorderly conduct as outlined in the Standing orders. However, the Member declined to do so, thereby rendering his conduct as grossly disorderly and unbecoming based on the provisions of Standing Order 111. Due to the gross disorder that arose in this House thereafter, the Speaker deferred his ruling on the Member's conduct, and subsequently, the matter was revisited when the House reconvened from recess on 10<sup>th</sup> May 2022. On the second occasion, the Speaker ordered the Member to withdraw from the Chamber and from the precincts of the National Assembly for five days pursuant to Standing Order 107A, and further ordered

the Serjeant-at-Arms to enforce the order. The Hon. Owino was also barred from attending any meeting of a Parliamentary Committee during the five days of suspension.

**f) Bill withdrawn at Committee stage**

During the Sixth Session, four Bills were withdrawn before their consideration at Second Reading, that is, the National Aviation Management Bill, 2020, the Mediation Bill, 2020, the Elections (Amendment) Bill, 2021 and the Political Parties (Amendment)(No.2) Bill, 2021. However, a fifth Bill, the Kenya Revenue Authority (Amendment) Bill (National Assembly Bill No. 24 of 2022) was withdrawn by the Leader of the Majority Party on 9<sup>th</sup> June, 2022 during Committee of the Whole House in order to allow for further consultations on the proposed amendments to the Bill. This was the first time a Bill had been withdrawn at this stage, even though the Standing Orders provide that a Bill can be withdrawn at any stage.

**g) Constitutionality and consideration of the First Supplementary Estimates for FY 2021/2022**

During the Sitting of the House on Tuesday, 29<sup>th</sup> March 2022, the Member for Garissa Township, Hon. Aden Duale, rose on a point of order and raised a number of questions on constitutional propriety of the First Supplementary Estimates for 2021/2022 Financial Year as presented to the House for approval by the Cabinet Secretary for the National Treasury and Planning. He noted that, whereas Article 223 of the Constitution allows the Executive to utilise monies that are yet to be appropriated by the House, the same is subject to a maximum of 10 per cent of the approved Estimates of the particular financial year on each Vote and strict conditions on the timelines within which the Cabinet Secretary must seek the approval of the House. It was Hon. Duale's submission that the Supplementary Estimates presented by the Cabinet Secretary did not adhere to the strict timelines imposed under Article 223 of the Constitution.

The matter in contention was whether the submissions from the National Treasury adhered to the constitutional timelines relating to Supplementary Estimates, and whether the House should approve additional expenditure of monies on projects and undertakings not contained in the approved Estimates for the 2021/2022 Financial Year. While recommending approval of revised proposals by the National Treasury, the Report of the Budget and Appropriations Committee did not delve into the issue of the contested timelines. Further, there had been no request from the National Treasury with regard to the First Supplementary Estimates for the 2021/2022 Financial Year. The question before the House at this stage was whether this anomaly should now vitiate the process already undertaken by the Budget and Appropriations Committee, the Departmental Committees and indeed change the entire course of the First Supplementary Estimates for the 2021/2022 Financial Year, which were awaiting consideration of the Supplementary Appropriation Bill.

Noting the lack of an express procedure in the Constitution and Standing Orders on how a request made outside the timelines prescribed under Article 223 of the Constitution should be treated, the Speaker invoked the provisions of Standing Order No.1 and allowed

the House to conclude the process of approval of the First Supplementary Estimates for the 2021/2022 Financial Year. To avert similar future occurrences, the National Assembly instituted the following administrative measures:

- (i) the Clerk would be required to maintain a specific register for noting any requests for approval made by the Cabinet Secretary for the National Treasury pursuant to Article 223 of the Constitution and facilitate the timely tabling of all such requests before the House.
- (ii) Each request would be reported to the House by the Budget and Appropriations Committee which must confirm compliance of such requests with the timelines prescribed under Article 223 of the Constitution.
- (iii) The House would be at liberty to consider the approval ahead of the Supplementary Estimates for the particular year and consolidate the first and second approval at the relevant legislative stage, including at the stage of publication of the attendant Supplementary Appropriation Bill.
- (iv) The Procedure and House Rules Committee would recommend suitable text to codify the procedure for processing requests from the National Treasury, including the registration, noting and reporting of the requests to the House and the scrutiny of the compliance of the requests with prescribed timelines by the Budget and Appropriations Committee.

Similarly, the National Treasury was guided on the manner in which to improve the form of presentation of such expenditures in future as follows: -

- (i) separate expenditures under Article 223 of the Constitution from any ordinary reallocations and/or additions for each Vote, under separate Schedules;
- (ii) With respect to spending under Article 223, the Schedules to indicate the amount and the purpose under each Vote and Item;
- (iii) The Report of the Budget and Appropriations Committee on the examination of the same to separate these two, in addition to the Schedules of Financial and Policy Resolutions.

Subsequently, the Second Supplementary Estimates for the 2021/2022 financial year submitted to the House in May 2022 by the National Treasury and the resultant report of the Budget and Appropriations Committee were in conformity with the prescribed manner. Further, the Standing Orders were amended to provide the procedure for consideration of Supplementary Estimates.

#### **H) the Constitutional propriety of the Universities (Amendment) Bill, 2021 and the place of the winnowing process of amendments proposed to the Bill**

During the afternoon Sitting of the House on Wednesday, 8<sup>th</sup> June, 2022, the Member for Kikuyu Constituency, the Hon. Kimani Ichung'wah rose on a Point of Order and raised a number of questions on the constitutional propriety of the Universities (Amendment) Bill, 2021 that was scheduled for consideration at the Committee of the Whole House stage during that Sitting. He then proceeded to challenge the Bill with reference to the provisions of Article 10 on *National Values and Principles of Governance*; Article 43 providing for *Economic and Social Rights*; and Article 201 of the Constitution which provides for *Principles of Public Finance*. According to the Member, by giving the Cabinet Secretary responsible for Education "sweeping powers" to appoint and replace Vice-Chancellors of public Universities and members of University Councils, Clauses 13 and 14

of the Bill violate the principles and values of governance expressly outlined in Article 10 of the Constitution. Further, the Member for Kikuyu Constituency claimed that, to the extent that Clause 18 of the Bill proposes to advance the existing practice of placing government-sponsored students in private universities even in instances where there are existing vacancies in public Universities, the Bill violates the provisions of Article 201(d) & (e) of the Constitution which require that public money has to be spent in a prudent and responsible way; and responsible financial management and clear fiscal reporting, respectively.

It was his submission that Clause 18 of the Bill automatically leads to allocation of public funds to private universities without subjecting private universities to the same stringent reporting and audit requirements that are applicable, by law, to public Universities. The Hon. Ichung'wah also submitted that by forcibly placing government sponsored students in private universities despite their eligibility for placement in public universities and without due regard to their subjection to meeting a potentially higher fee requirement, the provisions of the Bill effectively curtail the right to education meant to be enjoyed by all Kenyans under Article 43 (1)(f) of the Constitution. The Hon. Member further noted that the issues highlighted in his point of order had been raised at a very early stage, in conjunction with concerns from other Members, and had led to a directive from the Speaker that the Departmental Committee on Education and Research does conduct a winnowing process to harmonize the proposals made by Members on the subject.



The Speaker isolated the following issues for resolution with regard to the Universities (Amendment) Bill, 2021: -

- a. The issue of whether the provisions of the Universities (Amendment) Bill, 2021 violated Articles 10, 43(1)(f) and 201 of the Constitution;
- b. Whether the Bill concerned county governments;

- c. Whether sufficient public participation was conducted on the Bill in terms of Article 118 of the Constitution with regard to the involvement of Public Universities;
- d. Whether harmonization of the proposed amendments to the Universities (Amendment) Bill, 2021 was conducted in terms of Standing Order 131.

The Question before the House was therefore what prudent action ought to be taken at this stage of the Bill, in view of the concerns raised. Insisting on the prosecution of the Bill in its current form despite the objections, questions of constitutionality, concerns on the quality of public participation undertaken on the Bill and the numerous proposals for amendments would only easily expose any resultant Act passed by the House to easy challenges in courts of law.

The issues raised by the Hon. Members touched on three main clauses that formed the crux, the flesh, the pith and substance of the Bill, these being Clauses 13 and 14 on the powers of the Cabinet Secretary in respect to the Public Universities and Clause 18 of the Bill on the Universities Fund Board. Whereas the easy way to cure questions of constitutionality would be to expunge the unconstitutional clauses in a Bill, the same would require expunging other clauses and consequential amendments to the severance of the three Clauses, subsequently leaving a shell of a Bill with no clause to deliberate on.

In light of the foregoing, it would not be possible to consider the Bill in the Committee of the Whole House stage in its present state and form. It was found that the public participation exercise conducted by the Departmental Committee on Education and Research was not sufficient as it did not involve its primary stakeholders and persons directly affected by the proposed legislation by default. The Committee ought to have invited, heard and considered the views of the Vice-Chancellors of at least a reasonable fraction of all the 52 Public and Private Chartered Universities, the 12 Institutions with Letters of Interim Authority, the Commission on University Education and the Universities Fund Board, at the very least. It was also noted that based on the submissions by the Members in the House and the plethora of amendments contained in the Order Paper, the harmonization of the amendments proposed to the Bill by the Committee was not sufficient; and finally, the Speaker ordered that the Universities (Amendment) Bill, 2021 be republished in order to take into account the concerns raised by Members and align it with the expectations of Articles 10, 43(1)(f), 201 and 229(5) of the Constitution.

### 3.1 Emerging Issues/New Developments

During the Session, there were new issues and developments noted as follows:

#### 3.1.1 Launch of the 'Lawmaker' Show on the Parliamentary YouTube Channel



The values of integrity, transparency and accountability in public administrations have enjoyed resurgence with the advent of modern democracies. In addition, with the growth of representative democracy, legislatures have come under immense pressure to justify the reason for their existence, even as Parliaments witnesses an influx on citizenry demands for improved transparency and accountability across the governance spectrum. As a result, the institutions of Parliament have been compelled to strengthen their communication and visibility strategies in order to counter misinformation, as well as enhance engagement with citizens and respond effectively to their needs and expectations.

Moreover, the media shapes largely, the perceptions of the citizenry on issues and institutions. It is thus critical to the formation of public opinion. Good governance has a lot to do with how citizens relate to institutions across the governance spectrum. The Media plays the central role of determining the character of that relationship.

It is in recognition of these facts and the realization of the need to document the life-stories of legislators during their tenure of duty, and thus the history of Parliament, that during the Sixth Session, the Media Relations Department launched the *Law Maker* series to facilitate the visibility of legislators while demonstrating how their actions have transformed the lives of those they have been elected to represent. The series which runs every Friday on the Parliament *YouTube* Channel and on the Parliament of Kenya *Facebook* page, has so far featured fifteen (15) lawmakers. During the show, Members of the National Assembly share their background information

leading to their running for office, their legislative experiences, their achievements as well as other general areas.

There are plans to relaunch the show upon the inception of the 13<sup>th</sup> Parliament with a plan to feature all the 349 legislators during the life of that Parliament.

### **3.1.2 History of Parliament of Kenya Project**

The Parliament of Kenya was established in August 1907 as the Legislative Council (LegCo). While the History of the institution has been documented in piecemeal form by varied writers and authors, it was noted that there was need to have comprehensive documentation consolidated within the institution. It is against this background that the National Assembly, through a Motion passed on the floor of the House on 10<sup>th</sup> February, 2022, resolved that the Clerk of the National Assembly puts in place and executes appropriate mechanisms to actualize the History of the Parliament of Kenya project.

The *History Project* intends to capture works of arts, including statues, frescoes, murals and pictures connected with the history of the Parliament of Kenya, including the contributions of great men and women, families, architects and politicians throughout the 114 years of the history of the institution, and its transformation and growth throughout the period. For posterity, the Motion further intends that a committee comprising of not more than nine (9) Members will be established to oversee the continuous preservation of these histories, with special focus on the National Assembly.

In order to fulfil the above objectives, the Clerk proceeded to constitute a *Taskforce on the History of Parliament of Kenya* which shall, within the Financial Year 2022/2023, come up with the methodology and subsequently implement the Project.

### **3.1.3 Forum between the National Assembly and Judiciary**

An inaugural forum between the Legislature and the Judiciary was held in March, 2022, with the heads of both institutions present, that is, the Speaker of the National Assembly, the Hon. Justin Muturi, EGH, MP, and the Hon. Chief Justice, Lady Justice Martha Koome, EGH. The meeting was intended to build synergy, foster better working relations and enhance understanding between these two arms of Government. Areas of discussion during the meeting included budgetary allocations to the Judiciary, oversight of the National Assembly over the Judiciary, interlinkages in the work of the Judiciary and the Legislature, and the doctrine of separation of powers.

### 3.1.3.1 Resolutions

At the conclusion of the forum, the meeting resolved as follows:

1. That the Committees of Parliament will visit the Supreme Court Building to establish the status of the building in order to recommend for funding for construction of the new Supreme Court Building;
2. That the Judiciary should seek for a 2.5% budget allocation by Parliament which should be ring-fenced from the on-set;
3. The Justice and Legal Affairs Committee ought to undertake to understand the position of the Judiciary and act as their advocates before the Public Accounts Committee and the entire National Assembly;
4. The law ought to be amended to ensure a certain percentage of the national Budget is allocated to the Judiciary;
5. That the fees and fines paid in the courts should be treated as revenue for the Judiciary and thus legal reforms should be done to adhere to this;
6. That the Parliamentarians will support operationalization of the Judiciary Fund



*Members of the Public Accounts and the Justice and Legal Affairs Committees pose with the Speaker of the 12<sup>th</sup> Parliament Hon. Justin Muturi and the team from from the Judiciary led by the Chief Justice, the Hon. Lady Justice Martha Koome during the consultative forum in Mombasa.*

## CHAPTER FOUR: NATIONAL ASSEMBLY AND PARLIAMENTARY DIPLOMACY



### 4.0 Introduction

In order to fulfill its international obligations and to enhance its role in parliamentary cooperation and diplomacy, the Parliament of Kenya continued to actively participate in various activities relating to inter-parliamentary organizations. The inter-parliamentary organizations include: -

#### 4.1 The Commonwealth Parliamentary Association (CPA)

The Commonwealth Parliamentary Association (CPA) is an international community of Commonwealth Parliaments and Legislatures working together to deepen the Commonwealth's commitment to the highest standards of democratic governance. The Association connects parliamentarians and parliamentary staff from over 180 national, state, provincial and territorial parliaments and legislatures across the Commonwealth through its network. The Association facilitates co-operation between commonwealth legislatures and other organizations of interest. CPA Kenya Branch participates in the activities of the CPA as well as of the regional Association, the ***Commonwealth Parliamentary Association – Africa Region***.

The National Assembly participated in four (4) CPA activities during the period under review as indicated in the table below –

S/No	Activity	Date	Venue
1.	The 82 <sup>nd</sup> Executive Committee Meeting of the CPA Africa Region	3 <sup>rd</sup> to 10 <sup>th</sup> March, 2022	Accra, Ghana
2.	CPA Mid-Year Executive Committee Meeting	6 <sup>th</sup> to 10 <sup>th</sup> April, 2022	Assam, India
3.	CPA BIMR Election Observation Mission (EOM) in Jersey, United Kingdom,	22 <sup>nd</sup> to 24 <sup>th</sup> June, 2022	Jersey, UK
4.	The 52 <sup>nd</sup> Regional Conference & Annual General Meeting	2 <sup>nd</sup> to 9 <sup>th</sup> June, 2022	Freetown, Sierra Leone

Source: Inter Houses and Overseas Department



*Hon. Ntombi Mekgwe of The South African Parliament addresses the Opening Ceremony of the CPA Africa Region's 82<sup>nd</sup> Executive Committee Meeting in Accra, Ghana.*



*Delegates pose for a group photo during the 80<sup>th</sup> CPA Executive Committee meeting held at the Serena Hotel, Nairobi October 2021.*

#### **4.2 The Society of Clerks-at-the-Table (SoCATT)**

The Society of Clerks-at-the-Table (SoCATT) International was founded in 1932 to provide means by which the Parliamentary practices and procedures of various legislatures of the Commonwealth could be made more accessible to Clerks-at-the-Table in the exercise of their professional duties and to foster learning and sharing among Officers of Member Parliaments. Based on the principles of SoCATT International, the SoCATT Africa Region was established in 1984, as an organ of the Commonwealth Parliamentary Association (CPA) Africa Region.



*Delegates pause for a group photograph at the Fifth Society of Clerks-at-the-Table (SoCATT) Africa Region Professional Development Seminar in Nairobi Kenya, October 2021*

Article 15(1) (c) of the Commonwealth Parliamentary Association (CPA) Africa Region Constitution recognises the Society of Clerks-at-the-Table (SoCATT) as a regional organ of the Association. As an organ comprising Clerks of Parliaments, the SoCATT Africa serves

as an advisory body to the Commonwealth Parliamentary Association - Africa Region, in the same way that Clerks do in their respective Parliaments.

During the year, the following were notable events in relation to the affairs of SoCATT-

- (a) Mr. Michael Sialai, CBS, Clerk of the National Assembly of Kenya, was re-elected as the East African Representative in the Steering Committee of SoCATT Africa;
- (b) The Parliament of Kenya participated in the following activities of the Society –
  - (i) Two (2) Steering Committee meetings held in Kigali, Republic of Rwanda in February and May 2022; and
  - (ii) In the development of the following documents of the Steering Committee –
    - a) 2022 – 2026 Strategic Plan for SoCATT Africa Region and its attendant implementation plan and Monitoring and evaluation strategy; and
    - b) Revised Rules of the Society.
  - (iii) The SoCATT AGM held on 3<sup>rd</sup> – 9<sup>th</sup> June, 2022 in Freetown, Republic of Sierra Leone.

#### 4.3 Pan African Parliament (PAP)



The Pan African Parliament, which has its seat in Midrand, South Africa, is the legislative body of the African Union. It held its inaugural session in March 2004. It exercises oversight, and has advisory and consultative powers, lasting for the five years. Each Member State of the African Union sends a delegation of five Parliamentarians to the Parliament, at least one whom must be a woman. The composition of the delegation should reflect the political diversity of the Member State's legislature. The term of a Member of the Pan-African Parliament shall begin once he or she has taken oath of office or made a solemn declaration during a plenary session of the Pan-African Parliament. A

Member of the Pan-African Parliament shall vote in their personal and independent capacity and shall not be bound by any instructions or orders from any authority.

Currently, Kenya is represented by the **Hon. Janet Ongera, MP** who also serves as the Chairperson of the Eastern Regional Caucus, **Sen. (Dr.) Ali Abdullahi Ibrahim, MP** who serves as the Rapporteur for the Committee on Cooperation, International Relations and Conflict Resolution, and **Sen. Stewart Madzayo, MP, Hon. Beatrice Kones, MP** and **Hon. Jude Njomo, MP**. These Members are designated by the Parliament of Kenya to serve in various committees of the Pan-African Parliament as shown in Table 15 below –

Table 15: Committee Membership – Kenya Delegation to the PAP

	Member	Committee
1.	Sen. (Dr.) Ali Ibrahim, MP	Committee on Cooperation, International Relations and Conflict Resolutions <b>(Rapporteur)</b>
2.	Hon. Janet Ongera, CBS, MP	Committee on Rural Economy, Agriculture, Natural Resources and Environment
3.	Hon. Jude Njomo, MP	Committee on Trade, Customs and Immigration Matters
4.	Hon. Beatrice Kones, MP	Committee on Transport, Industry, Energy, Communication, Science and Technology
5.	Sen. Stewart Madzayo, MP	Committee on Monetary and Financial Affairs

Source: International and Overseas Department, National Assembly

During the period under review, the National Assembly participated in the Fifth Ordinary Session of the Fifth Pan-African Parliament held from 27<sup>th</sup> June, 2022 to 8<sup>th</sup> July, 2022 in Midrand, South Africa.

#### 4.4 The Organisation of African, Caribbean, Pacific States-European Union Joint Parliamentary Assembly (OACPS-EU JPA)

The ACP-EU Joint Parliamentary Assembly is one of the organs of joint institutions established under the Cotonou Agreement. The Assembly was created out of a common desire to bring together the representatives of the African, Caribbean and Pacific states that have signed the Cotonou Agreement and the European Parliament.

The ACP-EU brings together more than 320 MPs from the 79 ACP Countries and Members of the European Parliament, drawn from the 27 member states of the EU.

The National Assembly participated in the following two (2) activities of the OACPS- EU during the period under review –

- a) AU-EU Summit Parliamentary meeting, 10<sup>th</sup> February, 2022. This event was virtual.

- b) The 60<sup>th</sup> Session of the & the 41<sup>st</sup> Session of the OACPS-EU JPA, 29<sup>th</sup> March - 4<sup>th</sup> April, 2022 which took place in Strasbourg, France.



#### 4.5 Inter-Parliamentary Union (IPU)

The IPU is the international organization of Parliaments and was established under Article 1 of the Statutes of the Inter-Parliamentary Union in 1889.

The Union is the focal point for world-wide parliamentary dialogue and works for peace and co-operation among peoples and for the firm establishment of representative democracy.

During the period under review, the National Assembly participated in three (3) events of the Inter-Parliamentary Union as follows –

- a) The 144<sup>th</sup> IPU Assembly and related meetings from 20<sup>th</sup> to 24<sup>th</sup> March, 2022 in Nusa Dua, Indonesia;
- b) High-Level Conference on Parliamentary Support to Victims of Terrorism, 7<sup>th</sup> to 8<sup>th</sup> June, 2022 in Naples, Italy; and
- c) The Second Counter-Terrorism Coordination meeting of Parliamentary Assemblies, 10<sup>th</sup> June, 2022 in Naples, Italy.



*The 144<sup>th</sup> IPU Assembly 20<sup>th</sup> to 24<sup>th</sup> March, 2022 in Nusa Dua, Indonesia*

#### **4.6 Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR)**

The Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR) was established in 2008 to provide a platform for exchange of experiences, conflict resolution and dialogue between Parliaments of the Member States of the ICGLR. The Member States are Angola, Burundi, Central African Republic, Republic of Congo, the Democratic Republic of Congo, Kenya, Rwanda, Sudan, South Sudan, Tanzania, Uganda and Zambia.

During the period under review, the National Assembly participated in the following event relating to FP-ICGLR which was hosted by the Parliament of Kenya–

The 12<sup>th</sup> Ordinary Session of the Plenary Assembly of the Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR) which was held in Nairobi, Kenya from 2<sup>nd</sup> to 6<sup>th</sup> April, 2022 at the Nairobi Serena Hotel under the theme: "The Role of Parliament in Conflict Resolution".

*Source: International and Overseas Department, National Assembly*

#### 4.7 Caucuses

Standing Order 259A provides that the Speaker may, upon the written request of at least ten Members, recognize a parliamentary caucus formed for the purpose of advancing a common legislative objective.

The following are some of the caucuses currently operational in the National Assembly:

1. Kenya Women Parliamentary Association (KEWOPA)
2. Kenya Young Parliamentarians Association (KYPA)
3. Kenya Disability Parliamentary Association (KEDIPA)
4. The African Parliamentarians Network Against Corruption (APNAC)
5. The Global Organization of Parliamentarians Against Corruption (GOPAC)
6. World Parliamentary Forum on Sustainable Development (WPFSD)
7. Parliamentary Caucus on Evidence-Informed Oversight and Decision-Making
8. International Association of Parliamentarians for Peace-Kenya (IAPP-K)
9. Parliamentary Conservation Caucus-Kenya Chapter (PCC-K)
10. African Parliamentarians' Network on Development Evaluation Vision (APNODE)
11. Pastoralists' Parliamentary Group (PPG)
12. Parliamentarians for Global Action (PGA)
13. Parliamentary Caucus on Economy and Business
14. Parliamentary Caucus on Sustainable Development Goals and Business
15. International Association of Parliamentarians for Peace (IAPP-K)
16. Association of Catholic MPs
17. World Scout Parliamentary Union (WSPU)
18. Open Government Partnership- National Assembly Open Caucus

#### 4.8 Friendship Groups

Parliamentary cooperation is undertaken through a number of bilateral relations initiatives that are aimed at developing strategic partnerships with other Parliaments to share experiences, strengthen inter-parliamentary cooperation and provide the necessary support for the achievement of the country's foreign policy objectives.

The National Assembly has opened channels for bilateral engagements through Parliamentary Friendship Groups (PFGs). These include-

*Kenya-China, Kenya-Ethiopia, Kenya-France, Kenya-Germany, Kenya-Korea, Kenya-Poland, Kenya-Russia, Kenya-Sudan, Kenya-Turkey, Kenya-Hungary Kenya-Hellenic (Greece), Kenya-Algeria, Kenya-Saudi Arabia, Kenya- Canadian Kenya- Libya, Kenya-Rwanda, Kenya-Australia, Kenya-Kuwait, Kenya-Morocco, Kenya-Spain, Kenya-UK, Kenya-Uganda, Kenya-America, Kenyan-Philippines, Kenya-Burundi, Kenya-Cyprus, and Kenya-Slovak.*

Activities undertaken by Caucuses and Friendship Groups during the period under review are as shown in the Table below –

Caucus/ PFG	Activity	Dates	Venue
Kenya Disability Parliamentary Association (KEDIPA)	International Wheelchair Day Celebration	1 <sup>st</sup> March 2022	Nairobi, Kenya
World Scout Parliamentary Union (WSPU) Kenya	The National Founder's Day Celebrations	19 <sup>th</sup> February 2022	Nyeri, Kenya

Table: Activities undertaken by Caucuses and Friendship Groups  
Source: International and Overseas Department, National Assembly



International Wheelchair Day Celebration on the 1<sup>st</sup> of March, 2022

## CHAPTER FIVE: ACTIVITIES UNDERTAKEN BY DIRECTORATES IN THE NATIONAL ASSEMBLY

### 5.1 The Directorate of the Speaker's Office



*The Speaker of the 12<sup>th</sup> Parliament Hon. Justin Muturi leads the Speakers procession into the house*

The Directorate of the Speaker's Office comprises of the following units:

1. The Offices of the Presidium
2. The Parliamentary Leadership Offices
3. The Media Relations Department
4. The Public Communications Department

In the Session under review, the Directorate worked closely with all the units to ensure the effective fulfillment of the functions of the Speaker's Office. The Directorate also ensured that the Speaker's Office was properly facilitated to effectively and efficiently perform its duties.

#### **5.1.1 Activities of the Office of the Speaker during the Session:**

- i. Facilitated the Speaker and the House Leadership in hosting four (4) Heads of State from Zimbabwe, Hungary, Sierra Leone and Zambia, when they visited the Mausoleum of Kenya's founding President, Mzee Jomo Kenyatta to pay their respects during their respective state visits to Kenya;
- ii. Facilitated the Speaker to represent the East Africa Bureau of Speakers and the National Assembly of Kenya, during the funeral of the former Speaker of the Republic of Uganda, Rt. Hon. Jacob Oulanyah in April 2022;
- iii. Provided the attendant protocols and facilitated publicity during the laying-in-State of the body of the third President of the Republic of Kenya, His Excellency President Mwai Kibaki, in collaboration with other Directorates and Offices;
- iv. Facilitated the participation of the Speaker in the consultative meeting of the Council of Governors Committee on Legal and Constitutional Affairs in Meru on

25<sup>th</sup> February, 2022, tackling key issues affecting County Governments in the Legal sector;



*The Speaker of the 12th Parliament Hon. Justin Muturi lays a wreath on the casket containing the remains of former Uganda Speaker, the late Hon. Jacob Oulanyah. He's flanked by the Speaker of the National Assembly of the United Republic of Tanzania (right) the Rt. Hon. Dr. Tulia Ackson and the Deputy Speaker of Burundi National Assembly Hon. Sabine Ntakarutimana.*



*The Speaker of the 12<sup>th</sup> Parliament Hon. Justin Muturi flanked by the 2nd Governor of Meru County Hon. Kiraitu Murungi and the Council of Governors Secretariat during a forum for county attorneys hosted by Meru County.*

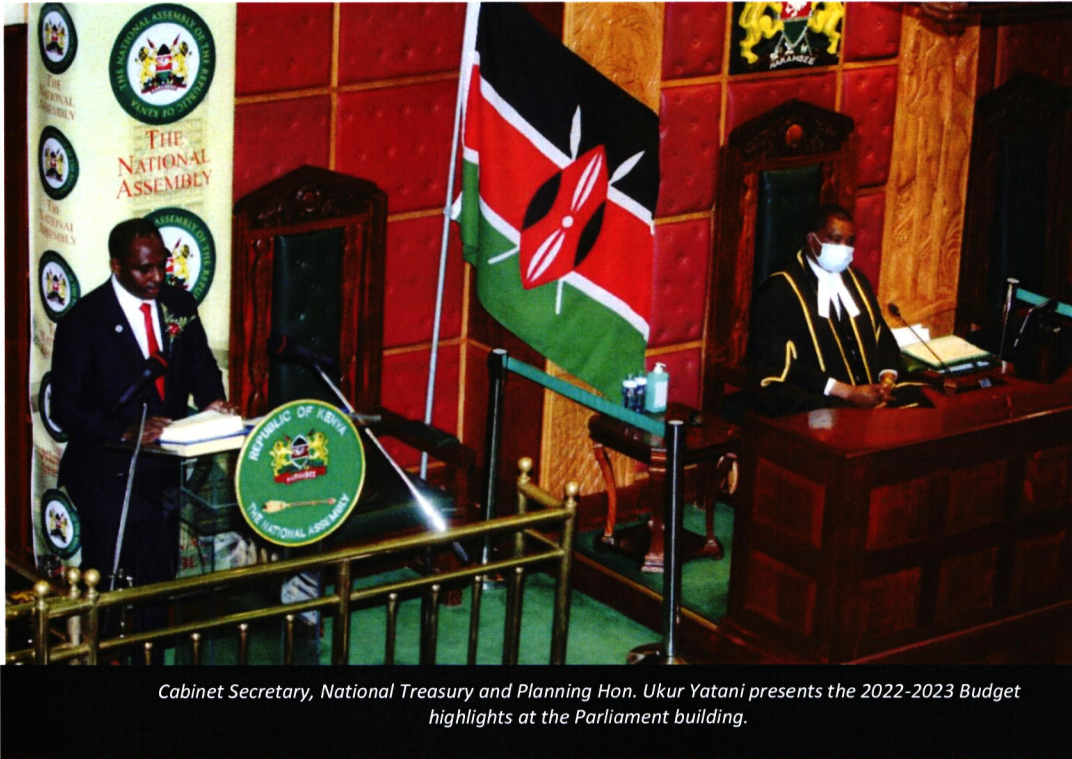


*The Speaker of the 12th Parliament, Hon. Justin Muturi plants a tree during the of the National Fruit Tree distribution exercise. The initiative was a partnership between the National Assembly and the Church of Jesus Christ of the Latter Day Saints*

- v. Facilitated the Speaker in hosting seven (7) dignitaries and diplomatic representatives, geared towards strengthening the bilateral ties with their nations.
- vi. Supported the Speaker in conducting outreach activities as follows:
  - Strategic Leadership meetings with community leaders from various Counties as part of the outreach programme to enhance public trust. The meetings were held in seventeen counties including: Embu, Meru, Tharaka Nithi Kakamega, Elgeyo Marakwet, Nandi, Kwale, Taita Taveta, Makueni, Kitui, Mombasa, Kiambu, West Pokot and Narok.
  - The office of the Speaker in partnership with the Church of Jesus Christ of the Latter Day Saints distributed over 160,000 fruit trees across 17 counties as part of its Corporate Social Responsibility in endeavor to support the Ministry of Environment and Forestry's National Agenda for achieving 10% tree cover by 2020.
- vii. Facilitated the Speaker of the National Assembly to attend an engagement between the Judiciary (JSC) and the National Assembly in Mombasa County on 10<sup>th</sup> March 2022, which reaffirmed the commitment of the National Assembly to promote comity between the National Assembly and the Judiciary;
- viii. Supported the Speaker in two (2) events where he had been invited to make Key Note Addresses. These were: the People's Dialogue event hosted by the Centre for Multiparty Democracy (CMD); the Launch of the Pan African Movement, Kenya Chapter;
- ix. Conducted media analytics and generated daily media reports for the Speaker of the National Assembly;
- x. Leveraged on Facebook, Twitter, and the Parliamentary website to enhance publicity on House proceedings and those of Committees;
- xi. Robustly engaged Parliamentary journalists to enhance publicity on Parliamentary business;
- xii. Successfully trained and upscaled skills of a diverse range of Officers within the Directorate during this period;
- xiii. Facilitated and ensured adequate media coverage and live broadcast of the 8th State of the National Prayer Breakfast on 26th May, 2022;



- xiv. Publicized and provided media coverage for the final sitting of the 12th Parliament before the House went for sine die recess in preparation for August 2022 General Elections;
- xv. Facilitated and ensured adequate media coverage and live broadcast of the 2022/2023 Budget Highlight Presentation by the Cabinet Secretary, National Treasury and Planning Hon. Ukur Yatani;



*Cabinet Secretary, National Treasury and Planning Hon. Ukur Yatani presents the 2022-2023 Budget highlights at the Parliament building.*

- xvi. Facilitated media coverage of over eighty (80) Committee sittings by both external media and on Parliament Social media channels;
- xvii. Facilitated media coverage for 37 committee field visits both by external media and on Parliament social media channels;
- xviii. Facilitated temporary accreditation of Journalists covering press conferences and Committee sittings in accordance with the Speaker's Guidelines on access to meetings during the Covid-19 pandemic;
- xix. Accredited over 100 journalists covering Parliamentary activities outside Parliament including Committee fact-finding missions and public participation visits.
- xx. Professionally organized and managed a total of twenty-nine (29) press conferences;

- xxi. Facilitated a retreat with Kenya Parliamentary Journalists Association (KPJA) on 12<sup>th</sup> of May 2022 to promote comity between the two parties;

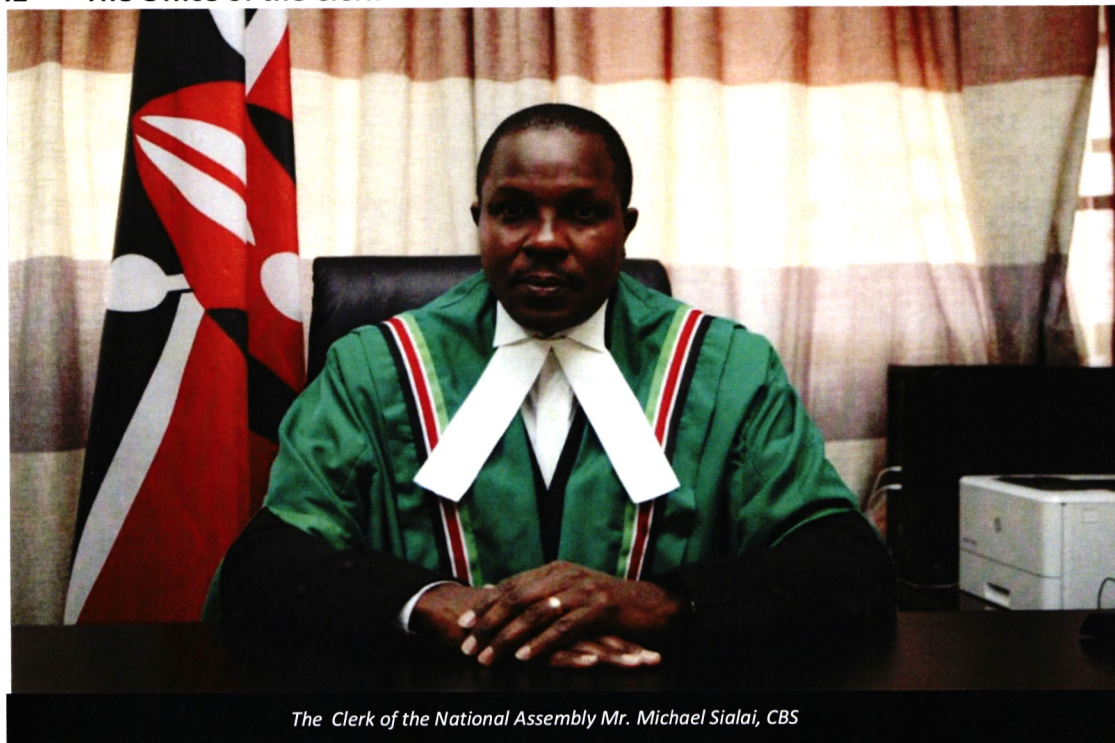


- xxii. Published manuals for officers serving in Leadership Offices in the National Assembly; and outreach materials tailored to disseminate information to the different demographics that visit the National Assembly;



- xxiii. Facilitated a Directorate retreat between 12<sup>th</sup>-18<sup>th</sup> June, 2022, to review the Directorate performance in the 12<sup>th</sup> Parliament and to plan for the 13<sup>th</sup> Parliament.

## 5.2 The Office of the Clerk



The Office of the Clerk is established under Article 128(1) of the Constitution to provide efficient and pro-active support to the Members of the National Assembly to discharge their constitutional mandate of legislation, representation and oversight.

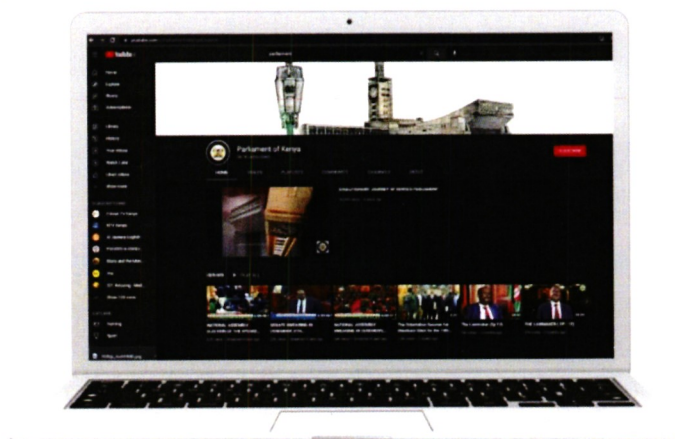
The Clerk of the National Assembly accomplishes this mandate through various Directorates and Departments established under the National Assembly organizational structure, that is:

- (i) Directorate of Legislative and Procedural Services;
- (ii) Directorate of Audit, Appropriation & Other Select Committees;
- (iii) Directorate of Legal Services;
- (iv) Directorate of Departmental Committees;
- (v) Directorate of Hansard and Audio Services;
- (vi) Parliamentary Budget Office (PBO);
- (vii) Directorate of Serjeant-At-Arms;
- (viii) National Assembly Department of Litigation & Compliance Services; and
- (ix) Catering Department.

During the year under review, the Office of the Clerk undertook the following key activities:

- (i) initiated the process of documenting the History of Parliament of Kenya, with focus on the National Assembly, in order to secure the heritage of the institution of the National Assembly for present and future generations;
- (ii) spearheaded the development and launch of National Assembly You Tube Channel to enhance public participation in legislative work of the National

Assembly, facilitate easy access to the National Assembly proceedings, and promote public awareness of the workings of Parliament;

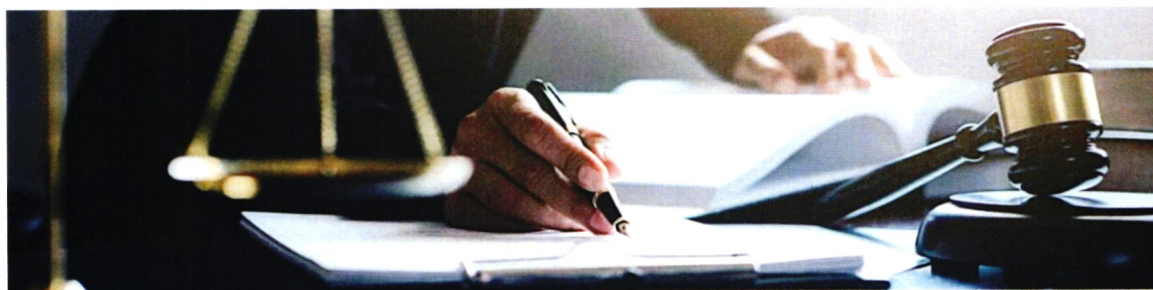


- (iii) promoted the National Assembly's partnerships with other institutions by signing Memoranda of Understanding (MoUs) with the Kenya Institute for Public Policy Research and Analysis (KIPPR) and the Kenya National Bureau of Statistics (KNBS) which are aimed at streamlining data sharing between the two institutions and the National Assembly, and to promote evidence-based legislation;
- (iv) to ensure that the National Assembly maintained a balanced and engaged staff, the office promoted work-life balance amongst its officers through activities such as sports, regular health-related talks and social activities;
- (v) the office also exposed Members of the National Assembly to capacity building workshops and trainings both locally, regionally and internationally in order to enhance their capacity and prepare them for transition; and



- (vi) established an efficient catering information management system.

### 5.3 The Directorate of Legislative and Procedural Services



The Directorate of Legislative and Procedural Services is one of the key functional units under the Office of the Clerk that provides administrative, procedural and legislative support to facilitate the National Assembly in fulfilling its constitutional mandate. The Directorate also serves as an interface between the House and internal and external stakeholders. The Directorate comprises of three Departments as follows for effective discharge of its mandate: the Table Office Department; the Procedural Research and Journals Department and the Inter-Houses and Overseas Department.

The Directorate played a key role in marshalling business for the National Assembly in the Session. It offered legislative and procedural advice to Members, staff and the public while offering secretariat service to different committees under its purview, including the House Business Committee, the Procedure and House Rules Committee, the Chairpersons' Panel and the Powers and Privileges Committee.

During the Session, the Directorate accomplished several tasks key among them being: -

#### 5.3.1 *Marshalling of House Business*

1. Originating the draft Calendar of the House for consideration and adoption by the House Business Committee;
2. Preparation of fifty-seven (57) Order Papers, including Supplementary Order Papers, and facilitation of the attendant sittings of the House including chamber briefs for each sitting;
3. Drafting of three (3) Considered Rulings and thirty-three (33) Communications from the Chair, Guidances and Notifications;
4. Processing of thirty-one (31) Messages from the President and to and from the Senate;
5. Processing of the forty-nine (49) Bills introduced during the Session;
6. Verification and submission of thirty-one (31) Vellums, with twenty-four (24) Vellums being transmitted to the Attorney General's and other offices and to the President for Assent; and seven (7) Vellums being sent to the Senate for concurrence;
7. Consideration and preparation of nineteen (19) Public Petitions submitted directly by a Member of Parliament or by a citizen through the office of the Clerk for conveyance in the House;
8. Reviewing and finalizing on twelve (12) Statements by the Leader of the Majority Party on business for the coming week;

9. Processing of one thousand, one hundred and eighteen (1,118) papers submitted by Parliamentary Committees and Government Ministries, Departments & Agencies for tabling in the House;
10. Drafting and processing of seventy-three (73) Motions;
11. Drafting of two hundred and forty (240) Questions for response by Cabinet Secretaries and eventual scheduling of one hundred and nine (109) on the Order Paper;
12. Drafting and processing of over one thousand (1000) correspondences to parliamentary stakeholders in response to enquiries and transmission of documents and conveying decisions of the House;
13. Issuance of procedural advice and guidance to colleagues from other Parliaments, County Assemblies and other departments within the institution;
14. Liaising with Members and the public on enquiries relating to the status of business before the House;
15. Coordinating the Members' Farewell event and cocktail for Members of Parliament on the last day of session, Thursday, 9<sup>th</sup> June 2022;
16. Preparation and facilitation of the Budget Highlights Day for a public pronouncement on the budget policy highlights and revenue raising measures by the National Government for the financial year 2022/2023 by the Cabinet Secretary for the National Treasury on 7<sup>th</sup> April 2022; and
17. Coordination of study visits by delegations from the Government Chief Whip of the Parliament of Zambia in February, 2022, the African Parliamentarians Network Against Corruption (APNAC) Zimbabwe Chapter, in June 2022 and the staff of the German Bundestag in June 2022.

### **5.3.2 Activities of Committees domiciled in the Directorate: -**

#### **a. House Business Committee**

During the period under review, the Directorate facilitated twelve (12) meetings of the House Business Committee, which resulted in 57 successful sittings of the House. The Committee continued to prioritize the urgent business that needed to be concluded before the *Sine Die* recess in June 2022. Such business included:

- a. Budget-related matters such as the Budget Policy Statement (BPS), the Division of Revenue Bill, the Supplementary Estimates for the FY 2021/2022, the County Allocation of Revenue Bill, the Finance Bill and the Annual Estimates for the FY 2022/2023;
- b. Election-related Bills and Regulations, for instance, the Elections (Amendment) Bill, 2021, the Election Campaign Financing (Amendment) Bill, 2021, and five draft Elections Regulations;
- c. Amendments to the Standing Orders; and
- d. Priority Bills such as the Military Veterans Bill, 2022, the Supreme Court (Amendment) Bill, 2022, the Mental Health (Amendment) Bill (Sen. Bill No. 28 of 2020), the National Electronic Single Window System Bill, 2021, and the Children Bill, 2021, among others.

In relation to this, the Directorate prepared and circulated the approved Calendar of the House for the Sixth Session (2022) to all Members, staff and other relevant offices.

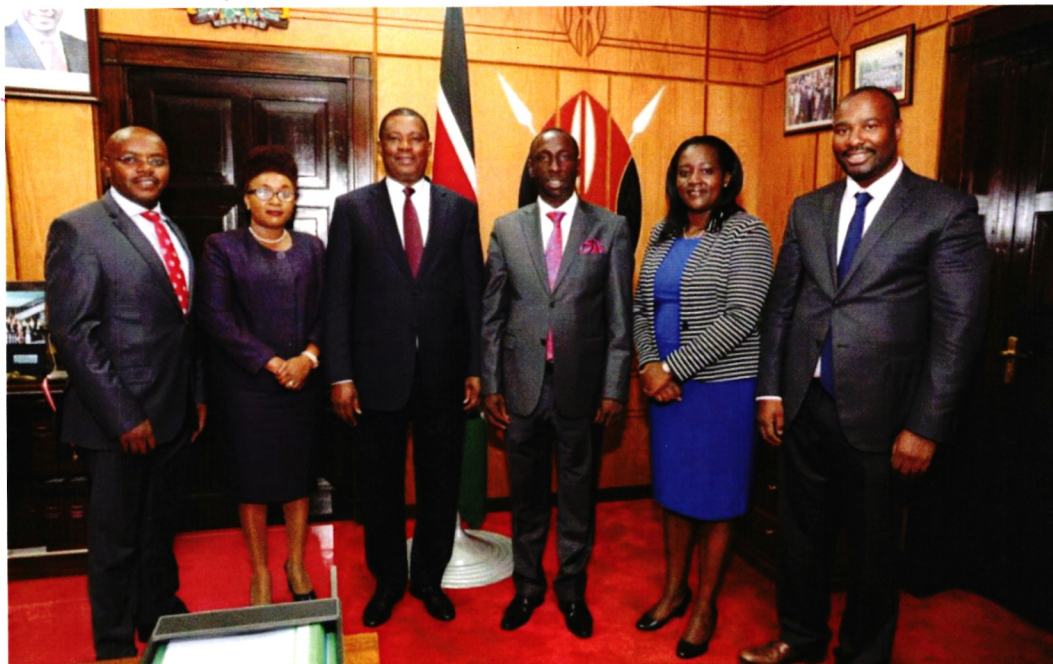
## b. The Procedure and House Rules Committee

The Directorate established a Taskforce on the Review of the Standing Orders, which held five retreats to consider various proposed amendments to the Standing Orders submitted by Members and Directorates/Departments within the National Assembly. The Directorate further facilitated two meetings of the Committee to consider the output of the Taskforce on the Standing Orders, which led to the tabling of the Fifth Report of the Procedure and House Rules Committee. The report was subsequently adopted by the House in June, 2022, and the Standing Orders were considered in Committee of the whole House and amended accordingly.

## c. The Committee on Parliamentary Powers and Privileges

By the practice of the House, this Committee is reconstituted afresh at the beginning of each Session. However, during the Session under review, questions arose regarding the composition of the proposed membership of the Committee during debate. The motion for approval of membership to the Committee was subsequently withdrawn to allow for fresh consultations. By the end of the Session, the Committee had not been reconstituted. As such, there were no activities recorded for this Committee in 2022.

## d. The Chairperson's Panel



*Members of The Chairpersons Panel in the 12<sup>th</sup> Parliament pose for a photograph with the Speaker and Deputy Speaker; (From Left to right) Patrick K. Mariru, Hon. Jessica Mbalu , Speaker Justin Muturi, Deputy Speaker Moses Cheboi, Hon. Soipan Tuyu, Hon., and Hon. Christopher Omulele.*

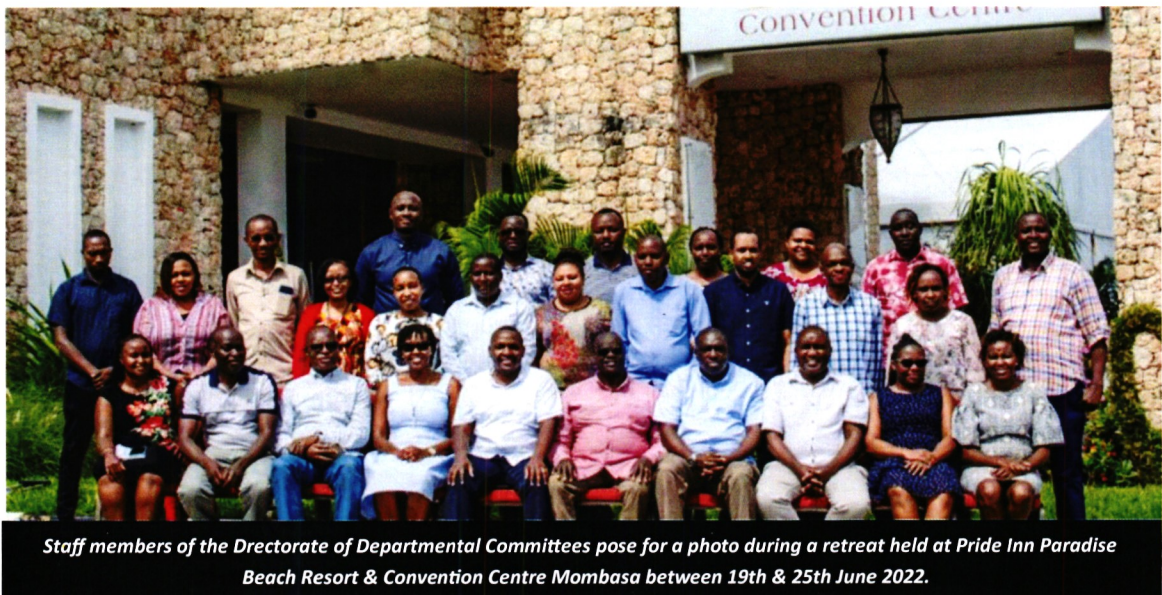
training sessions of the Chairperson's Panel, which comprises of the Deputy Speaker and four Presiding Officers within the Session. The members of the Panel form part of the membership of the Procedure and House Rules Committee, in

addition to the Speaker, as they play an important part in enforcing the Rules in the House during debate and Committee of the whole House.

#### 5.4 The Directorate of Departmental Committees

The Directorate of Departmental Committees plays a critical role in the operations of the National Assembly. Without it, the business in the House could slow down from the sheer volume of activities that would have to be considered at Plenary. Committees as agents of the House have enabled it to organize its work in such a way that it is able to perform numerous activities simultaneously and expeditiously.

Departmental Committees derive their mandate from Standing Order 216 (5). In the aforementioned provisions, Departmental Committees have powers 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. Similarly, they study the programmes and policy objectives of Ministries and Departments and the effectiveness of their implementation and review all the legislation referred to them.



*Staff members of the Directorate of Departmental Committees pose for a photo during a retreat held at Pride Inn Paradise Beach Resort & Convention Centre Mombasa between 19th & 25th June 2022.*

During the period under review, the fifteen (15) Departmental Committees undertook various activities in line with the mandate provided for in the aforementioned Standing Order. A summary of the activities undertaken by the Committees is as provided below: -

##### **5.4.1 Bills and Legislative Proposals**

During the period under review, Committees considered forty-four (44) Bills and tabled twenty-three (23) reports on Bills. This represents fifty-two percent (52%) of the Bills considered. The Committees considered twenty-four (24) Legislative Proposals and submitted four (4) reports to the Speaker in line with provisions of Standing Order 114(7). This represents sixteen percent (16%) of the Legislative Proposals considered. The tables

below summarises the number of Legislative Proposals and Bills considered by Departmental Committees –

*Table A: Summary of Legislative Proposals considered by Departmental Committees (Please Turn Over)*

NO.	NAME OF COMMITTEE	NO. LEGISLATIVE PROPOSALS COMMITTED	NO. OF LEGISLATIVE PROPOSALS CONSIDERED
1.	Administration and National Security	4	0
2.	Agriculture and Livestock	3	0
3.	Communication, Innovation and Innovation	0	0
4.	Defence and Foreign Relations	0	0
5.	Education and Research	-	-
6.	Energy	-	-
7.	Environment and Natural Resources	3	1
8.	Finance and National Planning	4	2
9.	Health	3	0
10.	Justice and Legal Affairs	6	0
11.	Labour and Social Welfare	1	1
12.	Lands	0	0
13.	Sports, Culture and Tourism	-	-
14.	Trade, Industry and Cooperative	0	0
15.	Transport, Public Works and Housing	0	0

NO.	NAME OF COMMITTEE	NO. LEGISLATIVE PROPOSALS COMMITTED	NO. OF LEGISLATIVE PROPOSALS CONSIDERED
	<b>TOTAL</b>	<b>24</b>	<b>4</b>

Table B: Summary of Bills considered by Departmental Committees

NO.	NAME OF COMMITTEE	NO. OF BILLS COMMITTED	NO. OF BILLS CONSIDERED
1.	Administration and National Security	0	0
2.	Agriculture and Livestock	0	0
3.	Communication, Innovation and Innovation	3	2
4.	Defence and Foreign Relations	2	2
5.	Education and Research	3	2
6.	Energy	-	-
7.	Environment and Natural Resources	1	1
8.	Finance and National Planning	10	4
9.	Health	0	0
10.	Justice and Legal Affairs	11	9
11.	Labour and Social Welfare	2	2
12.	Lands	4	0
13.	Sports, Culture and Tourism	3	0
14.	Trade, Industry and Cooperative	2	0
15.	Transport, Public Works and Housing	3	1

NO.	NAME OF COMMITTEE	NO. OF BILLS COMMITTED	NO. OF BILLS CONSIDERED
	<b>TOTAL</b>	<b>44</b>	<b>23</b>

Source: *Departmental Committees, National Assembly*

**Highlights of some Bills considered:**

1. The Basic Education (Amendment) Bill, 2021 (Sen. Bill No. 4 of 2021);
2. The Higher Education Loans Board (Amendment) Bill, 2021;
3. The Natural Resources (Benefit Sharing) Bill (Sen. Bill No. 25 of 2020);
4. The Military Veterans Bill, 2022;
5. The Copyright (Amendment) Bill (National Assembly Bill No. 44 of 2021);
6. The Start-up Bill (Senate Bill No. 1 of 2021).

**5.4.2 Treaties/Protocols/Agreements and Conventions**



The Directorate of Departmental Committees considered and made recommendation for the approval of one (1) convention for ratification during the period under review. A second agreement, the Defence Cooperation Agreement between the Government of Kenya and the Government of the United Kingdom and Northern Ireland was not ratified/approved as public participation and stakeholder engagement was not adequately undertaken. During the Session, only one (1) treaty was ratified as is enumerated below-

- (i) Defence Cooperation Agreement between the Government of Kenya and the Government of Denmark.

**5.4.3 Oversight and Representation**

In Review of the National Government Budget and related processes, the following were considered and deliberated: -

- a) **Consideration of the Budget Policy Statement (BPS) and Medium-Term Expenditure Framework (MTEF)**



Section 25 (2) of the Public Finance Management Act, 2012 obligates the Cabinet Secretary for National Treasury to submit the Budget Policy Statement to Parliament for approval by 15<sup>th</sup> February of each year. Standing Order 232 (5) provides that upon being laid before the House, the BPS shall stand committed to each Departmental Committee to consider and make recommendations to the Budget and Appropriations Committee (BAC). In this regard, the 2022 BPS was laid on the Table of the House on 30<sup>th</sup> November, 2021 and committed to each Departmental Committee to scrutinize and make recommendations to the BAC.

In considering the BPS, Committees held consultative meetings with Ministries, Departments and Agencies (MDAs). To this end, Committees reviewed expenditure ceilings for MDAs, set out fiscal responsibility principles and financial objectives over the medium term and total resources allocated to each programme and project in every sector. In addition, the Committees analysed the list of proposed projects for the period under review. This process culminated into the production of fifteen (15) reports by the respective committees to the Budget & Appropriations Committee.

#### **b) Consideration of the Budget Estimates for the 2022/2023 FY and Medium-Term Expenditure Framework**

Section 39 of the Public Finance Management Act, 2012 requires the National Assembly to consider the Budget Estimates and Medium-Term Expenditure Framework for all Ministries, Departments and Agencies, Judicial Service Commission and Parliamentary Service Commission. Standing Order 235 provides that upon being laid before the House, the Budget Estimates shall stand committed to each Departmental Committee to consider and make recommendations to the BAC. In this regard, the Budget Estimates for the FY 2022/2023 was laid on the table of the House on 7<sup>th</sup> April, 2022 and committed to each Departmental Committee to scrutinize and make recommendations to the BAC.

In considering the Budget Estimates for the FY 2022/2023, Committees held consultative meetings with Ministries, Departments and Agencies. To this end, Committees reviewed Budget Estimates for MDAs, set out financial and non-financial policies and total resources allocated to each programme and project in every sector. This process culminated into the production of fifteen (15) reports by the respective Committees to the Budget & Appropriations Committee.

#### **c) Consideration of the Supplementary Budget Estimates for the FY 2021/2022 and Medium-Term Expenditure Framework**

During the Session, Departmental Committees reviewed the Supplementary Budget Estimates for the FY 2021/2022 for MDAs and submitted reports containing the

recommendations of the committees for incorporation in to the Budget & Appropriations Committee report.

#### 5.4.4 Vetting of Nominees

Article 132(2) of the Constitution requires the National Assembly to vet and approve nominees to various State offices including, Cabinet Secretaries; Secretary to the Cabinet; Principal Secretaries; High Commissioners, Ambassadors and Diplomatic and Consular representatives; and any other State or Public Officers whom the Constitution requires or empowers the President to appoint or dismiss.

Pursuant to this mandate, Departmental Committees facilitated three (3) vetting sessions in the Sixth Session as is indicated in the table below: -

Table C: Vetting and Approval Hearings

S/No.	Committee	Subject of Vetting and Approval Hearings
1	Finance and National Planning	Vetting of a nominee for appointment as a member of the Salaries and Remuneration Commission representing the National Police Service
2	Justice and Legal Affairs	Vetting of nominees for appointment as two members of the Ethics and Anti-Corruption Commission
3	Defence and Foreign Relations	Vetting of twenty-one persons for positions of Ambassadors and High Commissioners/Permanent Representatives

Source: Departmental Committees, National Assembly

#### 5.4.5 Committee Inquiries

Departmental Committees do most of their work via inquiries into subjects within their remit. Standing Order 216 (5) mandates Departmental Committees to *investigate, inquire into and report on all matters that fall within their purview*. Committees execute inquiries either at the instigation of the House or on their own volition.

Inquiries provide a platform for Committees to single out areas or subjects within their mandate, embark on detailed investigations and report to the House. In essence, the recommendations made by Committees have far-reaching implications in terms of influencing policy directions and public discourse on such subjects where inquiries have been undertaken.

During the period under review, no Departmental Committees undertook and reported on inquiries.

#### 5.4.6 Questions and Statements

During the Session, Departmental Committees considered eighty (80) Questions and thirty-two (32) Statements. The Questions and Statements raised were mostly on areas that impact directly on the lives of the citizens such as security, land, water, access to education, social welfare, provision of health services and infrastructure among others. Sixty-nine (69) Questions were processed and responded to before Departmental Committees. This translates to eighty-six percent (86%) of the Questions. Similarly, twenty-eight (28) responses to requests for Statements by Members were processed to conclusion. This translates to eight-seven point five (87.5%) percent of the requests.

The Table D below provides a summary of the number of Questions and Statements referred to Departmental Committees for processing during the period under review.

*Table D: Summary of Questions committed to Departmental Committees*

No.	Departmental Committee	No. of Questions Referred	No. of Questions Responded To
1.	Administration and National Security	7	0
2.	Agriculture and Livestock	3	3
3.	Education, Research and Technology	8	8
4.	Energy	3	3
5.	Environment and Natural Resources	8	7
6.	Defence and Foreign Relations	1	1
7.	Finance and National Planning	7	5
8.	Health	3	3
9.	Communication, Information and Innovation	2	2
10.	Justice and Legal Affairs	2	2
11.	Labour and Social Welfare	4	4
12.	Lands	8	8
13.	Transport, Public Works and Housing	22	22

14.	Sports, Tourism and Culture	2	1
15.	Trade, Industry and Cooperatives	0	0
<b>TOTAL</b>		<b>80</b>	<b>69</b>

Source: Departmental Committees, National Assembly

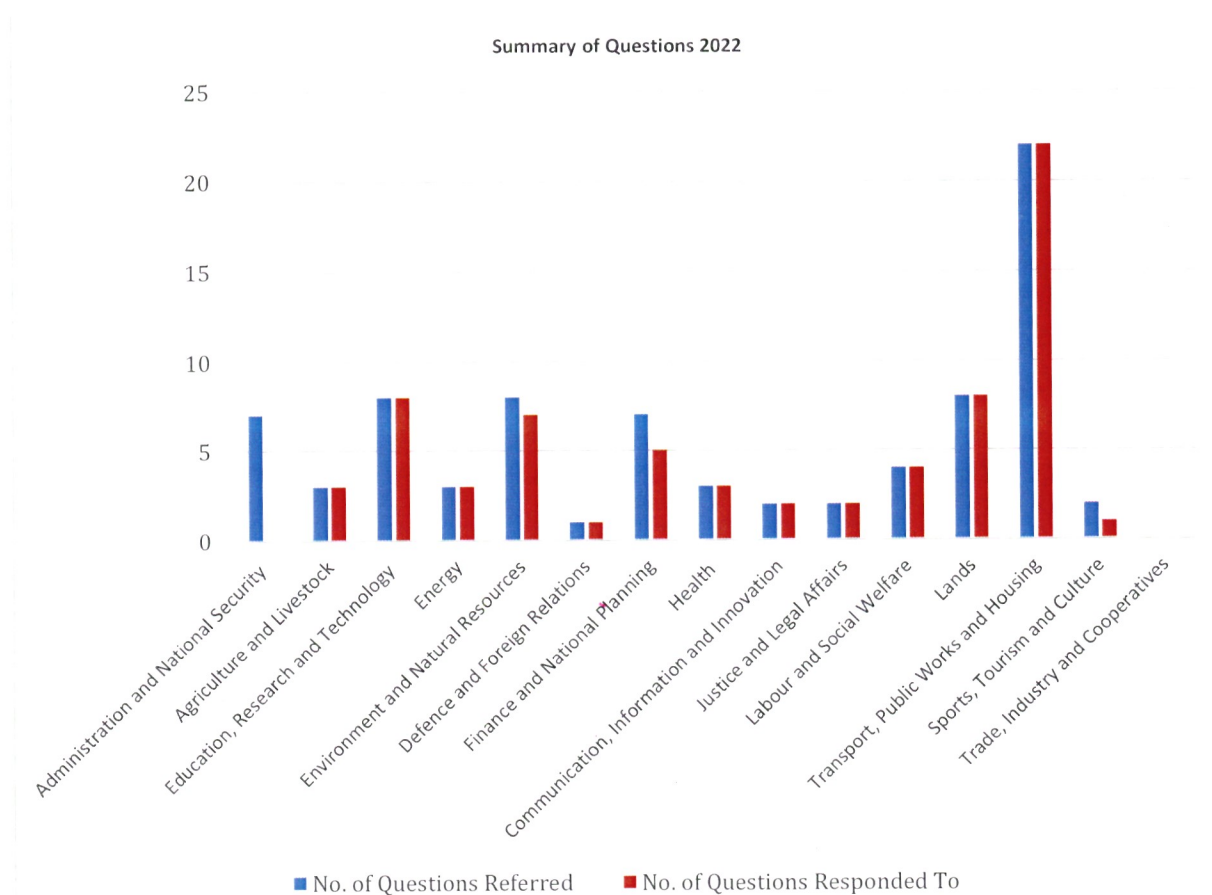
Table E: Summary of Statements committed to Departmental Committees

No.	Departmental Committee	No. of Statement Referred	No. of Statements Responded To	No. of Statements Not Responded To
1.	Administration and National Security	16	16	-
2.	Agriculture and Livestock	0	0	0
3.	Education, Research and Technology	4	4	-
4.	Energy	2	2	-
5.	Environment and Natural Resources	3	-	3
6.	Defence and Foreign Relations	1	1	-
7.	Finance and National Planning	1	0	1
8.	Health	0	0	0
9.	Communication, Information and Innovation	0	0	0
10.	Justice and Legal Affairs	1	1	0
11.	Labour and Social Welfare	1	1	0
12.	Lands	0	0	0
13.	Transport, Public Works and Housing	2	2	0

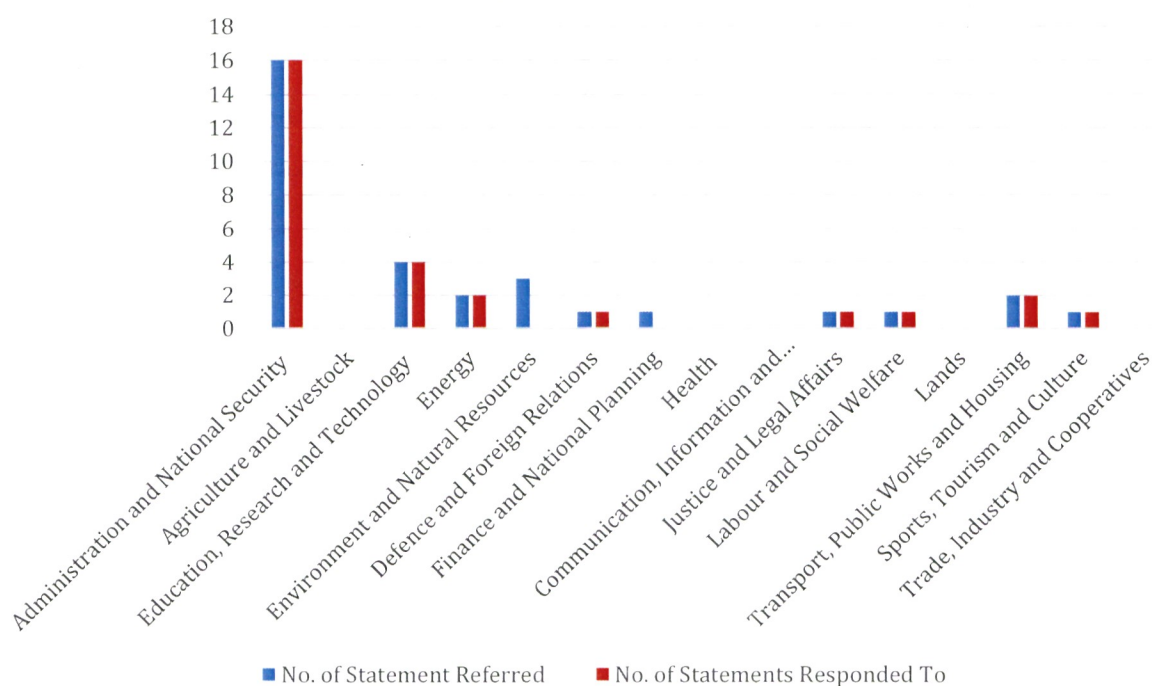
14.	Sports, Tourism and Culture	1	1	0
15.	Trade, Industry and Cooperatives	0	0	0
<b>TOTAL</b>		<b>32</b>	<b>28</b>	<b>4</b>

Source: Departmental Committees, National Assembly

The bar graph below illustrates the information in the table below: -



## Summary of Statements 2022



### 5.4.7 Petitions



Articles 37 and 119 of the Constitution of Kenya provide for the right of citizens to petition Public Authorities including Parliament to consider matters within their jurisdictions. Further, Standing Order 227 provides for the consideration of Petitions by the National Assembly. During the Session, Departmental Committees considered nineteen (19) Petitions and tabled four (4) reports for consideration by the House.

The Petitions sought to address concerns mainly on irregularities in the allocation and transfer of land ownership, environmental conservation, insecurity, control of the sale of harmful chemical products such as pesticides in the Kenyan market, improvement of the welfare of workers in the public sector and social welfare of the elderly and disadvantaged. The number of Petitions considered by each Departmental Committee is as shown in table F below: -

Table F: Summary of Petitions committed to Departmental Committees

NO.	DEPARTMENTAL COMMITTEE	NUMBER OF PETITIONS	NUMBER OF PETITIONS CONCLUDED	PERCENTAGE (%)
1.	Administration & National Security	5	1	20

2.	Agriculture & Livestock	1	0	0
3.	Communication, Information & Innovation	0	0	0
4.	Defence and Foreign Relations	1	0	0
5.	Education, Research & Technology	3	1	33
6.	Energy	2	2	100
7.	Environment & Natural Resources	1	-	0
8.	Finance & National Planning	1	0	0
9.	Health	0	0	0
10.	Justice and Legal Affairs	1	0	0
11.	Labour & Social Welfare	0	0	0
12.	Lands	4	0	0
13.	Sports, Tourism and Culture	0	0	0
14.	Transport, Public Works & Housing	0	0	0
15.	Trade, Industry & Cooperatives	0	0	0
<b>TOTAL</b>		<b>19</b>	<b>4</b>	<b>21</b>

#### 5.4.8 International Conferences, Attachments and Benchmarking Visits

Committees undertook foreign visits for various reasons including capacity building of Members of Parliament; meeting international obligations; enhancing relations between the various countries; and reciprocating benchmarking visits.

Departmental Committees undertook eight (8) international conferences, attachments and benchmarking visits during the period as highlighted in the table below.

Table G: Summary of trainings undertaken in 2022

No.	Departmental Committee	Number of International Conferences, Attachment and Benchmarking
1.	Administration and National Security	1
2.	Defence and Foreign Relations	1
3.	Agriculture and Livestock	0
4	Communication, Information and Innovation	1
5	Education and Research	0
6	Environment and Natural Resources	1
7	Energy	0
8	Finance & National Planning	0
9	Health	0
10	Justice & Legal Affairs	3
11	Labour & Social Welfare	1
12	Lands	0

13	Sports, Culture and Tourism	0
14	Transport, Public Works and Housing	0
15	Trade, Industry & Cooperatives	1
<b>TOTAL</b>		<b>8</b>

Source: *Departmental Committees, National Assembly*

### 5.5 The Directorate of Audit, Appropriation & Other Select Committees

The Directorate of Audit, Appropriations and Other Select Committees coordinates the operations and management of the following fifteen (15) Select Committees of the National Assembly -

- 1) Public Accounts Committee
- 2) Public Investment Committee
- 3) Special Funds Accounts Committee
- 4) Budget and Appropriations Committee
- 5) Committee on Implementation
- 6) Committee on Regional Integration
- 7) Committee on Delegated Legislation
- 8) Constitutional Implementation Oversight Committee
- 9) Committee on Selection
- 10) Committee on National Government - Constituencies Development Fund
- 11) Committee on Parliamentary Broadcasting and Library
- 12) Committee on Members Services and Facilities
- 13) Liaison Committee
- 14) Committee on National Cohesion and Equal Opportunity
- 15) Committee on Appointments

The facilitative work of the Directorate focused on two Strategic Pillars in the 2019 - 2030 Parliamentary Service Commission Strategic Plan namely, Strategic Pillar No. I on Effective Representation, Legislation and Oversight and Strategic Pillar No. III on Public Trust.

#### 5.5.1 Business transacted during the Sixth Session

During the Session, the Directorate successfully coordinated the management and operation of Select Committees in exercise of their representational, legislative and oversight mandate as provided for in the Constitution and expounded on the Parliamentary Service Commission Strategic Plan 2019-2030. The Committees under the Directorate managed to achieve the following: -

### **5.5.2 Committee sittings**

During the period under review the committees in exercise of their legislative and oversight mandate held a total of three hundred and thirteen (313) sittings. The sittings were either physical, virtual or a combination of both and were held both within and outside Parliament Buildings. The sittings were held to scrutinize executive actions and the extent to which they comply with legislative intent.

### **5.5.3 Bills**

A total of six (6) Bills were considered and concluded. Two (2) Bills were considered by the Committee on the National Government Constituency Development Fund (NG-CDF), the Committee on National Cohesion & Equal Opportunity considered one (1) Bill while the Budget and Appropriations Committee considered three (3) Bills.

### **5.5.4 Legislative Proposals**

During the period under review, six (6) Legislative proposals were considered by the Committees; of which three (3) legislative proposals were considered by the Budget and Appropriations Committee, two (2) by the Committee on NG-CDF, while one (1) legislative proposal was considered by the Committee on National Cohesion & Equal Opportunity. The resultant Committee reports were submitted to the Speaker for further decision on publication of the draft Bills.

The Directorate was able to facilitate the Committees in consideration of the legislative proposals and Bills thus aiding them in effectively discharging their legislative function.

### **5.5.5 Delegated Legislation/Statutory Instruments**

The Committee on Delegated Legislation considered forty (40) Statutory Instruments during the period under review.

### **5.5.6 Committee Inquiries**

Following a Special Audit Report by Auditor General on Utilization of COVID-19 Pandemic funds by the National Government Entities and the Special Audit Report into the Procurement of Foodstuffs by the Ministry of Defence for the period 2014/15 to 2017/18, one (1) inquiry was undertaken by the Public Accounts Committee.

### **5.5.7 Committee Reports**

Thirty-five (35) reports relating to Bills, Inspection visits, foreign visits, including Exit reports by all Committees in the Directorate for the period 2017 to 2022 were tabled in the House. The recommendations contained in the reports, if implemented, will enhance accountability and prudent use of public resources and change in government policy in the areas covered. The Directorate effectively supported Committees in the discharge of their oversight function in line with the constitutional mandate and in achievement of the PSC strategic pillar I.

### **5.5.8 Study Visits and Training opportunities**

In the period between January to June 2022, the Directorate facilitated the Committees to undertake twelve (12) foreign study/benchmarking visits on diverse dates to enhance the capacity of Members and staff.

### **5.5.9 Stakeholder Engagements**

There were forty-eight (48) stakeholder engagement events by the various Committees on diverse dates outside the precincts of Parliament. These engagements related to the discharge of the oversight mandate of Committees as provided for in the Standing Orders establishing each select Committee.

### **5.5.10 Local Inspection Visits**

The Directorate facilitated fifty (50) local inspection visits. The Special Funds Accounts and the National Cohesion & Equal Opportunity Committees undertook one (1) each, the Public Investments Committee and Committee on Regional Integration undertook three (3) each while the Committee on Members' Services and Facilities and the Committee on Parliamentary Broadcasting and Library undertook two (2) inspection visits each. The Committee on NG-CDF undertook thirty-eight (38) inspection visits in various constituencies across the country.

### **5.5.11 Public Hearings**

The Committees in the Directorate undertook twenty-eight (28) public hearings to get the views of the public on various Bills. The Constitutional Implementation Oversight Committee undertook four (4) public hearings while the Committee on NG-CDF undertook twenty-four (24) public hearings covering twenty-four counties. The public hearings have enhanced public trust in the National Assembly in that members of the public feel involved in the legislative process and other business of Parliament as required under Article 118 of the Constitution.

### **5.5.12 Parliamentary Statements**

During the period of review five (5) Statements were sought by Members in the House. Three (3) Statements were sought from Chairperson of the Committee on NG-CDF while one (1) Statement was sought from the Chairperson of the Committee on National Cohesion & Equal Opportunity and one (1) statement was sought from the Budget and Appropriations Committee.

### **5.5.13 Committee Retreats**

The Directorate facilitated the Committees in holding thirty (32) retreats on diverse dates within the Session. These retreats were held to receive submissions on issues before the Committees, hold consultative meetings with State agencies, and receive progress reports on various government programs as well as report writing on concluded business.

#### **5.5.14 Directorate Retreats**

During the Session under review, the staff of the Directorate held two (2) retreats to discuss various issues that affected the operations of Committees under its purview build the capacity of the staff as well as discuss the way forward on current and emerging issues.

### **5.5.13 Successes and other Milestones**

Despite the impacts of the COVID-19 pandemic and a limited budget, the Directorate recorded several milestones in the Session -

- 1) Successfully navigated the fifteen (15) Committees through the continued use of virtual meeting platforms. This involved facilitating the officers who were the hosts

of these virtual meeting platforms as well as inducting Members on the use of the virtual platform solutions.

- 2) During the Session, the Directorate mounted capacity-building programmes for a number of Committees. These trainings were hosted under the auspices of the Eastern and Southern African Management Institute (ESAMI) and held in several destinations.

The back-log of reports of the Auditor General on the accounts of the National Government have since been cleared and the latest examined report for the financial year 2019/2020 tabled by the Public Accounts Committee and adopted by the House. This will have a direct impact on revenue allocation at both national and county levels for the upcoming financial years.

## 5.6 The Directorate of Legal Services

The Directorate of Legal Services (DLS) was established to provide efficient and timely legal and legislative services to the National Assembly, its Committees, the Speaker, the Parliamentary Service Commission, private Members of Parliament and the Clerk of the National Assembly.

### 5.6.1 Departments of the Directorate

To enhance efficiency and effectiveness in the delivery of legal services to the National Assembly and Parliament, the National Assembly Board of Management in 2016 resolved that the Directorate of Legal Services be comprised of the Legislative Drafting Department; Committees and Advisory Services Department; and Delegated Legislation and House Compliance Department.

### 5.6.2 Work Output 2022

The DLS processed the following Bills during the Sixth Session of the 12<sup>th</sup> Parliament—

ACTIVITY	QUANTITY
Drafting, reviewing and publishing Executive Bills	16
Formulating and Drafting Members' Bills	10
Preparation of Vellum Copies	23
Legal Opinions on admissibility of Petitions	178
Drafting Committee Stage amendments	1158
Scrutiny of Statutory Instruments	44

### 5.6.3 Activities in 2022

The DLS undertook the following activities:

#### A. *Strengthening the Capacity of Members and Committees to make Laws*

1. Received 10 requests for drafting services from Members of Parliament and rendered professional legislative drafting support to the Members by researching, analyzing and drafting preliminary and final versions of these Bills. The legislative proposals were at various stages of the parliamentary legislative process at the time the House adjourned *sine die* on 9<sup>th</sup> June, 2022;
2. Received and processed 16 Government Bills which were published under the name of the Leader of the Majority Party in the National Assembly; and the Chairpersons of the Finance and National Planning Committee and the Budget and Appropriations Committee, where appropriate;
3. Scrutinized and processed 23 vellum copies of Bills passed by the National Assembly, 7 of which had been assented to by the President as at the date of this Report thus becoming Acts of the Parliament of Kenya enacted during the period under review. A summary of the Bills processed by the DLS is attached to this Report as **Annex 5**;
4. Processed 178 Petitions by Members of the Public and Members of the National Assembly;
5. Drafted 1158 Committee Stage Amendments for Members and the Committees of the House; and
6. The Directorate offered legal advice to the 33 Committees of the House on all legal matters arising in the Committees.

#### B. *Strengthening the office of the Speaker and other parliamentary offices*

The Directorate undertook the following activities to fulfill this mandate: -

1. Rendered legal advice to the Speaker of the National Assembly on a number of legal and legislative issues that arose in Committees of the House, in the Chamber and in Parliament's interaction with other institutions outside Parliament.
2. Enhanced performance by the office of the Leader of the Majority Party in the House by preparing legal opinions on proposed government legislative proposals, preparing moving notes for Bills sponsored by the Leader of Majority, redrafting Bills from the Office of the Attorney General before signature by the Leader of the Majority Party; and fast tracking the publication of Bills that required to be published urgently.

#### C. *Strengthening the Office of the Clerk*

1. Rendered legal advice on a host of procedural and substantive issues including to the Clerk on whether Petitions lodged before Parliament complied with the Petitions to Parliament (Procedure) Act, 2013 and the relevant Standing Orders,

and to various Departmental Committees on various issues that arose in the Committees; and

2. Represented the Clerk at meetings of interest groups and consultative bodies and provided information and explanations on existing or proposed legislation and solicited feedback on the same.

#### **D. Publications by the Directorate**

Developed and maintained an updated Legislative Proposals Tracker on the Parliamentary Website for ease of access by the Members of the National Assembly on the status of their legislative proposals.

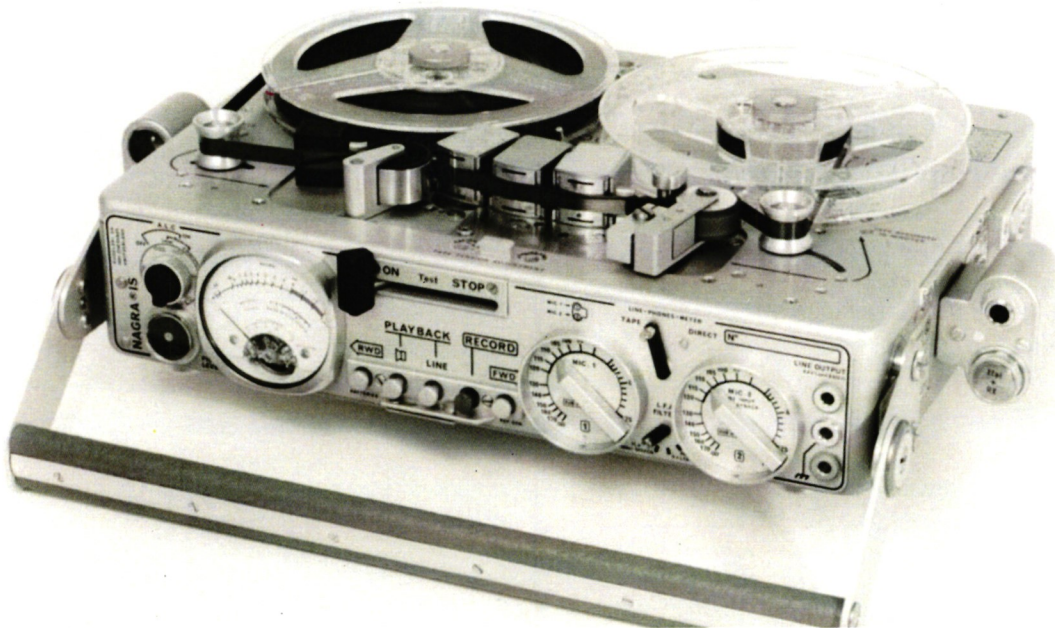
#### **E. Training and Professional Development**

Legal Counsel received continuous professional development courses under the auspices of the Law Society of Kenya and attended relevant conferences.

#### **F. Parliamentary Pupillage and Internship Programme**

During the period under review, the DLS hosted six pupils under the Parliamentary Pupillage Programme and counselled and mentored two (2) interns. The Legal Counsel offered the pupils and interns instructions on the proper practice of an advocate, as required for them to be admitted as Advocates.

### **5.7 The Directorate of Hansard and Audio Services**



The Directorate of Hansard and Audio Services in the National Assembly follows the principles laid down in 1907 by the House of Commons Select Committee on Parliamentary Debates that defined a Hansard Report as follows:

*“It is a full report, in the first person, of all speakers alike, a full report being defined as one which, though not strictly verbatim, is substantially the verbatim report, with repetitions and redundancies omitted and with obvious mistakes corrected, but which*

*on the other hand leaves out nothing that adds to the meaning of the speech or illustrates the argument.”*

The publishing of Hansard Report in Kenya is based on the Westminster model and its mandate is provided under Standing No. 248 of the National Assembly Standing Orders which states as follows:

“(1) There shall be published within forty-eight hours, a verbatim report of all proceedings of the House, unless the Speaker is satisfied that this is rendered impossible by some emergency.”

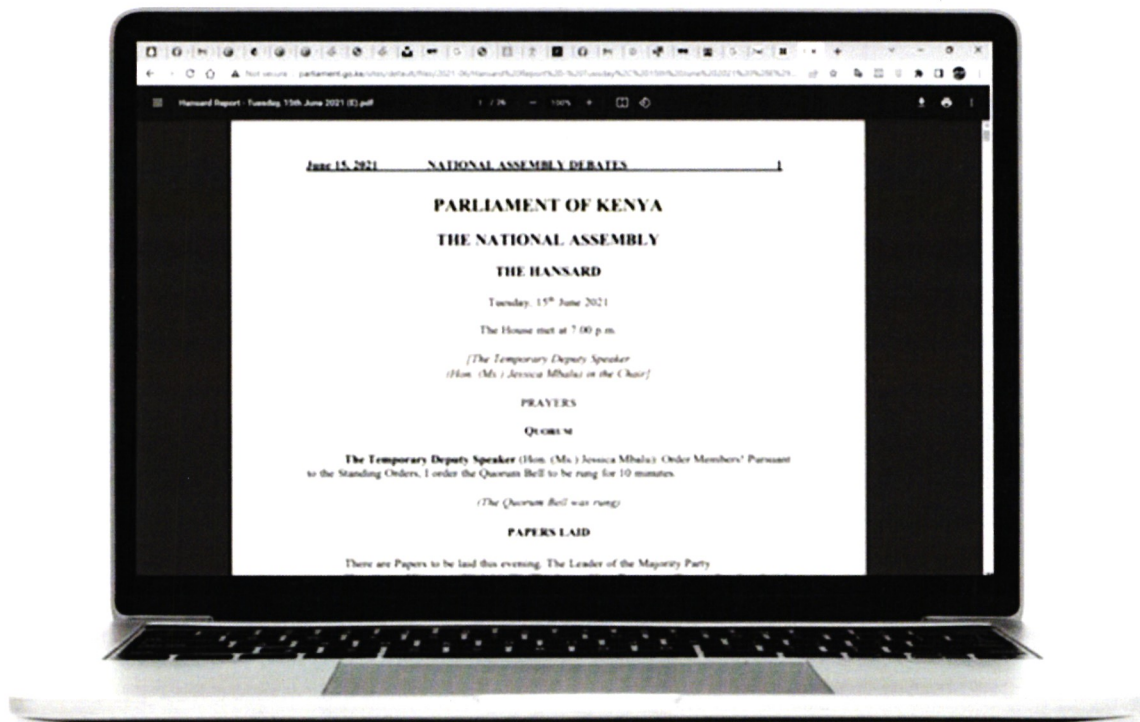
(2) Every Member shall have an opportunity to correct the draft verbatim report of his or her contribution, but not so as to alter the substance of what the Member actually said.

(3) Where there is doubt as to the content of the verbatim record of the House, the Speaker shall make a determination.”

### **Duties and Responsibilities in the Sixth Session**

1. Timely digital recording of seven hundred and thirty-four (734) Sittings of Committees;
2. Transcribed, edited, proofread and uploaded Hansard Reports for fifty-seven (57) sittings of the House onto the parliamentary website;
3. Translation of Motions, Questions, Bills, Statements and Notices of Motions from English to Kiswahili and vice versa;
4. Distribution of the compiled reports to Members of Parliament, members of staff, members of the public and other persons on request;
5. Compilation of indexes to bound volumes of Reports; storage and retrieval of Reports preparation of content sheet for Reports;
6. Updated the Hansard Guide (production manual) in keeping with the Standing Orders and the Hansard House style;
7. Provision of technical services in committee rooms and the Chamber;
8. Preparation of work plans, procurement plans and training needs assessment plans for the Directorate;
9. Responded to forty (40) requests for Hansard Reports from Members of Parliament, directorates within Parliament, members of the public, government institutions, law firms, Non-Governmental Organizations, civil society institutions and many other organizations;
10. Indexed and bound 30 volumes of Hansard Reports and submitted them to the Printing Press for publishing;
11. Held three (3) workshops to review staff performance and plan for the activities to be undertaken during the year;
12. To strengthen parliamentary diplomacy, partnerships and linkages, the Directorate provided essential services to the Department of Official Reports of the Pan African Parliament sessions in Midrand, South Africa from 25<sup>th</sup> June to 2<sup>nd</sup> July, 2022; and

13. Leveraged on ICT in all processes and operations by transmitting audio recorded segments digitally to staff working remotely; edited raw drafts digitally created a digital repository of all Hansard Reports.



## 5.8 The Parliamentary Budget Office (PBO)



The primary mandate of Parliament is legislation, representation, oversight, and budget making. In that regard, the Parliamentary Budget Office (PBO) continues to discharge its mandate of providing professional services in respect of budget, finance, and economic information to the committees of Parliament as stipulated in Section 10 of the PFM Act, 2012 and other sections particularly under Part II of the PFM detailing the role of specific committees. In-line with its mandate and provisions of the respective Standing Orders, the Office also provides support to the Speakers through money Bill determination and costing analysis of various legislative proposals including motions and draft Member's Bills in line with Article 114 of the Constitution 2010 and other legal bases.

The PBO is structured into three functional Departments namely:

- (i) **Budget Analysis and Sectoral Expenditure (BASE) Department;**
- (ii) **Macroeconomic Analysis and Statistics (MAS) Department; and**
- (iii) **Tax Bill Review and Inter-fiscal Relations (TBR&IFR) Department.**

### **5.8.1 Activities undertaken in Parliamentary Budget Office**

The following activities were undertaken by the Directorate in the course of the year

#### **Processing of Legislative proposals**

##### **(i) Money Bill Determination**

Determination/certification of draft Bills as per Article 114 of the Constitution on money Bill matters. Ten (10) draft bills were submitted for determination, of which nine (9) Bills (90%) were certified as Non-Money Bills while one (1) Bill (10%) was certified as a Money Bill.

##### **(ii) Costing of legislative proposals**

Two (2) draft bills were referred to the Directorate for costing and presentation to Budget and Appropriations Committee. Four (4) bills referred to the Budget and Appropriations Committee were presented to the Committee after analysis.

##### **(iii) Analysis of Regulations and Bills**

The Directorate undertook analysis of Clause-by-Clause review of four (4) pieces of Statutory Regulations and three (3) Bills.

#### **Technical support to Oversight Committees**

The Directorate provided technical support to: -

- (i) The Public Accounts Committee where twenty-one (21) analytical reports on various issues in the audit reports relating to financial statement for various MDAs were provided. Two Audit reports were tabled in respect of the Financial Years ending 30<sup>th</sup> June, 2019 and June, 2020;
- (ii) The Public Investments Committee by providing four (4) analytical reports on various issues in the audit reports on various financial statement for various State Corporations and two reports were tabled; and
- (iii) The Special Funds Accounts Committee by preparing and presenting five (5) Briefs relating to the Equalization Fund, Road Annuity Fund and Land Settlement Fund. One (1) report on the status of Equalization Fund and Land Settlement Fund for the Financial Years 2019/20 and 2020/21 was eventually tabled.

#### **Unpacking and briefing on the 2022 Budget Policy Statement**

The brief provides a critical analysis of the policies that are meant to sustain Kenya's economic growth under a backdrop of the prevailing macroeconomic framework. It informs Members of Parliament on the various policies that will need budgeting over the medium term so as to harness the national agenda i.e. "the Big 4 Agenda", Economic Recovery Strategy and Economic Stimulus Packages. It also contains information on the budgetary allocation ceilings for FY 2022/23.

The analytical review reports of the Budget Policy Statement (BPS) 2022 and the medium term were presented to Departmental and Standing Committees of Parliament that provided critical input to the report of the Budget & Appropriation Committee as well as Finance and Budget Committee of Senate.

### **Review and analysis of the 2022 Medium Term Debt Strategy**



This document provides an evaluation of the borrowing strategy for FY 2022/23, FY 2023/24, and the Medium Term, while considering the current economic environment. Factors considered in the analysis include Kenya's stock of debt, evaluation of costs and risks on the existing debt and potential borrowing and the new debt to finance the deficit *Vis a Vis* the debt ceiling. The analysis report was presented to Budget and Appropriations Committee as well as the Finance and Budget Committee of the Senate.

### **Unpacking of the Supplementary Budget Estimates 1 and 2 for the Financial Year 2021/22**

The Unpacking of the Supplementary Budget No. 1 and 2 for FY 2021/22 provided a detailed evaluation of the expenditures incurred under Article 223 of the Constitution and the underlying circumstances for these expenditures. The brief also provided a snapshot of sought reallocations and the extent to which the supplementary budget deviates from the Approved Budget for FY 2021/22. In addition, the briefs provide a detailed analysis of compliance and the adherence to the tenets outlined in the law.

The Directorate also provided an analytical review of changes in revenues and expenditure estimates as was proposed in the Supplementary Budget I and II of Financial Year 2021/22 and presented the same to the Departmental Committees.

### **Unpacking of Budget Proposals for 2022/2023 and presenting the same to Budget and Appropriations Committee**

The unpacking of the Estimates of Revenue and Expenditure for FY 2022/23 and the medium term provides a critical evaluation of the extent to which the Budget for FY 2022/23 will respond to the prevailing economic conditions and its adherence to the tenets outlined in the law.

### **Review of the Budget Proposals for 2022/2023:**

The Directorate provided analysis and review of the estimates of revenues and expenditures for 2022/2023 and the Medium Term and presented the same to the Departmental Committees.



## Analysis of the proposed revenue measures and tax policy changes

The Office analyzed the various proposed revenue raising measures and tax policy changes. The Directorate analyzed Finance Bill, 2022 and briefed the National Assembly Committee on Finance and National Planning. The Directorate also specifically contributed a section in the Finance and National Planning Committee report.



## Technical backstopping on parliamentary inquiries

The Department provided technical support to various Committees of Parliament on various regular and *ad-hoc* financial oversight matters. Notably, the Directorate supported the Departmental Committee of Finance and National Planning to review the Petition regarding lowering the cost of petroleum which was referred to the Committee, given the heightened public interest in the matter.



## Budget oversight

### i) Preparation of Budget Implementation Oversight (BIO) Briefs

The Directorate provided analytical briefs to the 15 Departmental Committees of the National Assembly. The briefs formed the basis of budget oversight

### ii) Analysis of Quarterly Budget Performance

To apprise the National Assembly on the status of budget implementation for various Quarters, and in line with Article 226 of the Constitution, the Directorate prepared Quarterly Budget Performance Briefs to the 15 Departmental Committees of the National Assembly

## Review and briefing on the following annual bills

- (i) the Division of Revenue Bill, 2022;
- (ii) the County Allocation of Revenue Bill, 2022;
- iii) Preparation of the Appropriation Bill, 2022 and the Supplementary Appropriation Bills for the 2021/2022 Financial Years.

## PBO Publications

The Directorate undertook preparation of special bulletins, economic briefs and policy analyses based on key emerging economic and financial issues. Using the Parliamentary Budget Office Macro (PBOM) model and the Parliamentary Budget Office Revenue Model (PBORM) as well as the Macroeconomic Diagnostics Model which are the tools used for macroeconomic forecasting, the directorate prepared the following publications:

### i) Budget Option

The Directorate published 2022/23 and the Medium-Term Budget Option *Alternatives for ready Economic Growth*.

## ii) **The Quarterly Economic Bulletin (January – March 2022)**

This document gives a detailed analysis of economic and fiscal performance for the first quarter of 2022. The purpose of the bulletin is to keep stakeholders especially the legislators updated on the latest economic trends.

## iii) **Quarterly Economic Policy Brief (January – March 2022)**

This document gives an analysis of the current prevailing policy issues arising in the first quarter of 2022. The bulletin provides a detailed review on the impact of the 2022 Russia invasion of Ukraine on Kenya and also provides policy alternatives.

### **Support to the Budget and Appropriations Committee**

Beyond these functions, the Directorate also serves as the secretariat to the Budget and Appropriations Committee (BAC), providing both logistical and technical support to the committee. The Macro- Economic Analysis and Statistics Department of Parliamentary Budget Office offers technical advice to the Select Committee on Budget and Appropriations by providing staff to the Committee to offer operational support.

The Directorate also assisted the Committee through preparing a framework for public hearings. During the Session, the Directorate successfully organized and coordinated public hearings on the FY 2022/23 Budget Estimates in 12 counties namely: **Uasin Gishu, Trans-Nzoia, Kakamega, Kiambu, Homa Bay, Migori, Wajir, Kwale, Nyeri, Samburu, Taita–Taveta and Makeni.**

The Department also assisted in preparation of Certificates for Estimates of Revenue and Expenditure for FY 2022/23, the 2022 Budget Policy Statement as well as Supplementary Estimates No. 1&2 for FY 2021/22, following their approval by the House.

### **Capacity Building and attachments for PBO Staff**

Twenty-six (26) officers in the Directorate attended various trainings, while four officers were attached to the Parliamentary Budget Office in Uganda. The office also had one officer on internship and one officer on attachment in the month of June, 2022.

## 5.9 The Directorate of Serjeant-At-Arms



The Serjeant-at-Arms Directorate is responsible for keeping order within the chamber of the House, Committee sittings and the general parliamentary estate.

### Chamber and Ceremonial duties

In performance of the Chamber and Ceremonial duties during the period under review, the Department undertook the following activities:

- i. Implemented the Covid-19 protocols, including ensuring social distancing and labelling of chamber seats, providing sanitization stations for Members and staff;



*A National Assembly sitting with COVID social distancing protocols implemented.*

- ii. Preparations for the burial of the late Hon. William Mwamkale Kamoti;

- iii. Preparations for Laying-in-State of Former President Mwai Kibaki at Parliament Buildings and the burial ceremony;
- iv. Madaraka day preparations; and
- v. Preparations for the National Prayer Breakfast at Safari Park Hotel in Nairobi.

### **Housekeeping and Estate Management**

- i. Fumigation, disinfecting and sanitization of the chamber and all offices within the Main Parliament Buildings, County Hall, Continental House, Harambee Plaza and KICC;
- ii. Ongoing refurbishment of offices and the CPA Room;
- iii. Identification of obsolete equipment and vehicles, plus storage of assorted furniture for disposal;
- iv. Joint retreat between the Serjeant-at-Arms Department and Maintenance Section to build synergy.

### **Operations and Liaison**

- i. Providing safe custody of Members' and visitors' fire arms for thirty (30) Members;
- ii. Coordination of Mausoleum visits for 3 visiting Presidents from Malawi, Sierra Leone and Zambia, respectively;
- iii. Allocation of meeting rooms for sixty (60) Committee sittings within the precincts of Parliament;
- iv. Support and coordination of thirty (30) Committee sittings outside the precincts of Parliament;
- v. One drill on Fire safety and evacuation done at the offices located in KICC;
- vi. Provision of First aid services on two (2) occasions;
- vii. Two (2) Departmental capacity building retreats on streamlining of Performance management under the Balanced Score Card in April and June 2022.

## 5.10 Directorate of Litigation and Compliance



### Introduction

In 2012, the Parliamentary Service Commission (PSC) embarked on a major restructuring programme that was aimed at improving service delivery and making Directorates centres of excellence. Subsequently, twelve Directorates were created and officers appointed to head them. The reforms undertaken saw Directorates and Departments below them established and approved by the Commission.

In the process of restructuring, the Commission recognised the wide and diverse nature of legal services in Parliament and agreed to split the former **Directorate of Legal Services of the National Assembly** into three (3) autonomous legal Directorates. They include the **Directorate of Legal Services (Senate)**, the **Directorate of Legal Services (National Assembly)** and the **Directorate of Litigation and Compliance Services** within the Parliamentary Joint Services.

Following the restructuring of the Parliamentary Service in 2012 to provide services to the new Parliament established under the new Constitution, it was expected that all the Departments under the Directorate of Litigation & Compliance Services would provide Legal services to all the three Services in Parliament.

However, in 2019, the Commission resolved that **each House** have a **separate Department of Litigation**. Further, following the establishment of the Office of the Director General as an Accounting Officer in 2019, the Commission approved further reforms in the Directorate so as to provide them with autonomy and give a clear identity of activities and responsibilities. The officers in the Directorate are currently deployed and distributed as follows: the Directorate of Litigation & Compliance Services (Senate), the Directorate of Litigation & Compliance Services (National Assembly) and the Directorate of Litigation and Compliance Services within the Parliamentary Joint Services.

### Functions of the Department

The National Assembly Department of Litigation & Compliance Services, is responsible for the provision of non-partisan, professional legal services to the National Assembly, Members of the National Assembly and staff of the National Assembly. The legal services provided by the Department include litigation and dispute resolution, contracts management, Memorandum of Understanding and agreements, Conveyancing, compliance and other related services.

The Department undertakes the following functions:

- a) Legal representation of the National Assembly, Members of the National Assembly, the Speaker, Clerk and Staff of the National Assembly in the courts of law and other quasi-judicial tribunals;
- b) Drafting and reviewing of contracts and other legal instruments on behalf of the National Assembly;
- c) Assisting the National Assembly in developing regulations, policies and guidelines that enable the Assembly facilitate the better compliance of Laws;
- d) Undertaking conveyancing (property transactions) on behalf of the National Assembly;
- e) Providing the National Assembly with impartial legal advice on matters affecting their official corporate activities;
- f) Providing timely and relevant legal information, research and analytical support services to the National Assembly and its committees;
- g) Ensuring compliance by the National Assembly with all applicable legal and regulatory requirements;
- h) Representing the Clerk of the National Assembly in various forums for such as taskforces or technical committees with a legal bearing such as the Kenya Integrity Forum; and
- i) Overseeing the Annual pupillage programme to ensure that the pupils attached receive adequate training and mentorship.

### **Activities undertaken in the 12<sup>th</sup> Parliament as per the Parliamentary Service Commission Strategic Plan**

#### **Litigation Services**

The Department is tasked with legal representation of the National Assembly, Members of the National Assembly, the Speaker, Clerk and Staff of the National Assembly in the courts of law and other quasi-judicial tribunals and promoting the use of Alternative Dispute Resolution methods. Between 2017 and July, 2022 the Department received instruction to defend a total of **397 Court cases** against the National Assembly, the Speaker of the National Assembly, the Departmental Committees, the Clerk and Members of the National Assembly. The Department ensured that it represented the National Assembly well by drafting detailed pleadings, attending court and arguing all the cases on behalf of the National Assembly.

Some of the key cases handled by the Department in the 12<sup>th</sup> Parliament included;

- (a) The Advisory by the Chief Justice of Kenya to the President to dissolve the 12<sup>th</sup> Parliament pursuant to Article 261(7) of the Constitution;
- (b) Role of Parliament in the attempt to amend the 2010 Constitution through the Building Bridges Initiative;

- (c) The dispute between the Senate and the National Assembly on the interpretation of Article 113 of the Constitution, that is the issue on concurrence on whether a Bill is one that concerns the County Governments;
- (d) The dispute between the Salaries and Remuneration Commission (SRC) and Parliament on the salaries and allowances for Members of Parliament;
- (e) The dispute between the SRC and Parliament on the Members of Parliament receiving House Allowance;
- (f) Legislation on the principle of the 2/3 gender rule and whether the 12<sup>th</sup> Parliament as it is constituted meets the 2/3 gender threshold as required by the Constitution;
- (g) Litigation on the constitutionality of various Funds such as the National Government Constituencies Development Fund, the Affirmative Fund, the Equalization Fund etcetera;
- (h) The constitutionality of the Huduma Number under the Registration of Persons Act;
- (i) The constitutionality of the Data Protection Act;
- (j) The constitutionality of the Parliamentary Service Act, 2019;
- (k) The constitutionality of Parliamentary Powers and Privileges Act, 2017, amongst others;
- (l) Matters touching on the Legislative Procedure of the House such as-
  - i. Constitutionality of Laws by Parliament (Both procedural and substance);
  - ii. Public Participation;
  - iii. Scrutiny of Statutory Instruments by the House;
  - iv. Amendments done on the floor of the House;
  - v. Constitutionality of omnibus Statute Amendments;
  - vi. Constitutionality of various Petitions to Parliament; and
  - vii. Constitutionality of various recommendations by the National Assembly arising from Committee Reports.
- (m) There have been cases where parties in court challenge recommendations made by Committees of the National Assembly on particular matters that have been brought before the House through recommendations made by the Public Investments Committee (PIC) or Public Accounts Committee (PAC) for implementation;
- (n) There have been cases on Money Bills, which challenge both substance and procedure of the Finance Bills, Division of Revenue Bills, County Allocation of Revenue Bills etcetera;
- (o) There has also been litigation where parties rush to court to attempt to stop ongoing proceedings of Parliament through Court injunctions e.g. vetting and approval of State officers. The Department has continued to argue in court that the Judiciary should restrain itself from interfering with any proceedings that may be underway in Parliament until whatever process is ongoing is concluded.
- (p) Employment cases: these relate to cases against Members brought by their constituency staff who are paid by the Parliamentary Service Commission or cases relating to labour relations between the National Assembly and its staff;
- (q) Litigation concerning accidents where motor-vehicles assigned to the National Assembly are involved in traffic road accidents. The Department has ensured that these matters are well represented in court and the National Assembly is paid adequate damages for any losses suffered;

- (r) The Department also handled several arbitration matters between Members of the National Assembly and their constituent staff on disputes arising from their labour relations. This ensured that there was amicable settlement between the parties without one of the parties going to court.

### **Compliance Services**

The Department ensured that the National Assembly was in compliance with all Laws of Kenya that were relevant to the day-to-day operations of the National Assembly and Parliament in general. Under compliance, some of the key areas that the Department has dealt with include-

- (a) Assisting the Ethics and Anti- Corruption Commission gather information that may be in the custody of the National Assembly on any investigations that may be ongoing against Members or staff of the National Assembly. The Department facilitated any ongoing investigation and recording of statements by both Members and staff, always ensuring that the interests of the National Assembly, Members and Staff are protected in accordance with the law;
- (b) Conversion of Land Titles under the Land Registry Act, 2012: the process was facilitated by the Department to ensure that the titles in the custody of the Mortgage Scheme were compliant with the requirements of the new law;
- (c) The Department rendered legal advisory and effected amendments on Regulations that specifically affected the National Assembly as a corporate entity to ensure that they were in line with the Constitution and other relevant laws and governance issues arising. Examples were the Mortgage and Car Loan Schemes Regulations for both Members and staff under the Public Finance Management Act;
- (d) The Department facilitated the declaration of Assets, Income and Liabilities by Members and staff of the National Assembly bi-annually; and
- (e) The Department rendered advice and reviewed the Code of Conduct for staff of the National Assembly in line with the Leadership and Integrity Act.

### **Legal Advisory Services**

The Department also regularly provided advisory services to the Speaker, the Clerk and various National Assembly Committees in line with the Constitution and other relevant laws. Some of the advisories offered during the 12<sup>th</sup> Parliament included-

- (a) Advisory offered by Counsel in *Ad-hoc* Management Committees such as in Pre-Bid meetings, Opening of Tenders, Evaluation Committees, Inspection Committees, Negotiation Committees and Contract Implementation Committees;
- (b) Advisories on Mortgage and Car Loan Matters, for example, instances where Members have requested for variation of terms in payment of Mortgage for a defined period;
- (c) Advisories on execution of court orders served upon the Clerk of the National Assembly especially on matters of attachment of salaries and allowances of Members and staff;
- (d) Advisories on pension matters affecting Members and staff of the National Assembly before disbursing the same, and also benefits due to the Estate of a deceased Member or staff of the Assembly;
- (e) Assessment of implementation of Chapter 6 by the National Assembly;

- (f) Advisories on tender variations as per the relevant Laws;
- (g) Advisories on procurement matters that are complex in nature;
- (h) Procurement of Auditors for the Auditor-General's office which is constitutionally a function of the National Assembly; and
- (i) Employment matters for both Members and staff of Parliament and on the Code of Conduct affecting them.

### **Conveyancing and Mortgage Administration**



The Clerk of the National Assembly is the Accounting Officer/Fund Administrator of the Parliamentary Mortgage and Car loan for Members and Staff of Parliament. The Department undertook Conveyancing of 302 purchases for Members and 68 for the Staff on behalf of the Commission through effective due diligence on proposed sales, drafting and reviewing the relevant legal instruments and ensuring that relevant transfers were effected timeously and effectively. Conveyancing services included the successful acquisition of various buildings and properties, either through purchase or lease, for use by Parliament, Members and Staff;

The Department also worked together with the Directorate of Finance & Accounting Services in the administration of the Mortgages and Car loans for one hundred and fifteen (115) Members and one hundred and fifty (150) Staff of the Commission. Particularly, there was effective and proper securitization of the Mortgages to mitigate credit risk of borrowers and ensure that monies lent to the Members and Staff were secured in the interest of the Commission;

Most Members of Parliament completed their loan repayment towards the end of the term, so the Department assisted with the discharge of charges to facilitate the release of titles;

The Department also assisted in recovery of Mortgage and Car Loans from defaulters; and Finally, the Department advised on ways in which the officer administering the Fund could ensure that no public fund was lost due to any loan defaults.

### **Enhancing efficiency in management of agreements/contracts**

1. The Department drafted and reviewed **44 contracts** and agreements between the National Assembly and third-party service providers, and ensured that the National Assembly's interests were safeguarded;
2. Drafted and reviewed **5 Memoranda of Understanding** with various institutions and advised on their execution by the Chairperson of the Parliamentary Service Commission or the Speakers of the relevant Houses;
3. Some of the **Key contracts and Agreements** executed on behalf of the National Assembly in the 12<sup>th</sup> Parliament included-
  - (a) The Supply and Installation of a Digital Presence Solution;
  - (b) Group Insurance for Mortgages and Car Loans.;
  - (c) The Supply of LPG Gas to the National Assembly;
  - (d) Hiring of external Legal Counsel to represent the National Assembly;
  - (e) Refurbishment of Catering Restaurant at Main Parliament Building and 7<sup>th</sup> Floor Continental House;
  - (f) Supply and delivery of Tablets, 107 laptops and 115 desktop computers to the National Assembly;
  - (g) Provision of periodic service maintenance of buildings, printers, photocopiers and scanners in the National Assembly; and
  - (h) Supply and delivery of saloon cars and Vans to the National Assembly.

### **Capacity Building**

- a) Legal Counsel, Legal Clerks and support staff attended international and local trainings on various legal topics that enhanced their capacity as was evidenced by the work output after training;
- b) Continuous Legal Education (CLE) programmes were attended by all Legal Counsel to build their capacity and attain the pre-requisite points to enable them apply for their annual practice certificates for the following year, and ensured that they kept abreast with emerging legal issues and networked with colleagues within the legal profession; and
- c) Effectively managed the Parliamentary pupillage and internship programmes that saw thirty-six (36) pupils and twenty-one (21) interns successfully trained and mentored in all the three Directorates of legal services in Parliament in the 12<sup>th</sup> Parliament.

## ANNEXES TO THE REPORT

## ANNEX 1

REPUBLIC OF KENYA  
TWELFTH PARLIAMENT - (SIXTH SESSION)  
THE NATIONAL ASSEMBLY

### CALENDAR OF THE NATIONAL ASSEMBLY FOR 2022 (REGULAR SESSIONS)

IT IS NOTIFIED for general information that, pursuant to the provisions of Standing Order 28 of the National Assembly Standing Orders, by a resolution made on **2<sup>nd</sup> February, 2022**, the National Assembly approved the Calendar of its *Regular Sessions* for the Sixth Session (2022) as set out below-

Tuesday, 25 <sup>th</sup> January, 2022 to Monday, 8 <sup>th</sup> August, 2022	
PERIOD	DAYS
<b>FIRST PART</b>	
<b>A. Sitting Days:</b> Tuesday, 25 <sup>th</sup> January – Thursday, 3 <sup>rd</sup> March, 2022	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
<b>B. Short Recess:</b> Friday, 4 <sup>th</sup> March - Monday, 21 <sup>st</sup> March, 2022	
<b>C. Sitting Days</b> Tuesday, 22 <sup>nd</sup> March – Thursday, 14 <sup>th</sup> April, 2022	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
<b>D. Long Recess:</b> Friday, 15 <sup>th</sup> April - Monday, 9 <sup>th</sup> May, 2022	
<b>SECOND PART</b>	
<b>E. Sitting Days:</b> Tuesday, 10 <sup>th</sup> May – Thursday, 9 <sup>th</sup> June, 2022	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
<b>SINE DIE RECESS</b> Friday, 10 <sup>th</sup> June - Monday, 8 <sup>th</sup> August, 2022	
<b>End of Term of the 12<sup>th</sup> Parliament: 8<sup>th</sup> August, 2022 at midnight</b>	

*Disclaimer: The House may resolve to hold sittings on other days outside this published Calendar in accordance with the Standing Orders.*

MICHAEL R. SIALAI, CBS  
CLERK OF THE NATIONAL ASSEMBLY  
2<sup>nd</sup> February, 2022

## ANNEX 2

### LIST OF COMMITTEES THAT SUBMITTED EXIT REPORTS FOR THE 12<sup>TH</sup> PARLIAMENT DURING THE SIXTH SESSION

#### ***Departmental Committees***

Departmental Committee on Administration and National Security  
Departmental Committee on Agriculture and Livestock  
Departmental Committee on Communication, Information and Innovation  
Departmental Committee on Defence and Foreign Relations  
Departmental Committee on Education and Research  
Departmental Committee on Energy  
Departmental Committee on Environment and Natural Resources  
Departmental Committee on Finance and National Planning  
Departmental Committee on Health  
Departmental Committee on Justice and Legal Affairs  
Departmental Committee on Labour and Social Welfare  
Departmental Committee on Lands  
Departmental Committee on Sports, Culture and Tourism  
Departmental Committee on Trade, Industry and Co-operatives  
Departmental Committee on Transport, Public Works and Housing

#### ***Financial, Audit and Money-Related Committees***

Public Accounts Committee  
Public Investments Committee  
Budget and Appropriations Committee  
Special Funds Accounts Committee

#### ***Select Committees***

Committee on Delegated Legislation  
Committee on Implementation  
Committee on Members' Services & Facilities  
Committee on Selection  
Liaison Committee  
Select Committee on Constitutional Implementation Oversight Committee  
Select Committee on National Cohesion & Equal Opportunity  
Select Committee on National Government Constituencies Development Fund  
Select Committee on Parliamentary Broadcasting & Library  
Select Committee on Regional Integration

#### ***Parliamentary Caucuses and Friendship Groups***

Kenya Young Parliamentarians Association (KYPA)  
Parliamentary Caucus on Business and Economy  
World Scout Parliamentary Union (WSPU) Caucus Kenya

### ANNEX 3

#### **List of nominees to state offices vetted and approved by the House in 2022**

1. **Ms. Elizabeth Wangui Muchiri** as a member of the Salaries and Remuneration Commission representing the National Police Service Commission.
  
2. The following persons were approved to serve in the Kenya National Commission on Human Rights as follows: -
  - i. Ms. Roseline Doreen Adhiambo Odhiambo – Odede - Chairperson;
  - ii. Prof. Marion Wanjiku Mutugi - Member;
  - iii. Dr. Raymond Plal Sangsang Nyeris - Member;
  - iv. Ms. Sara Talaso Bonaya - Member; and
  - v. Dr. Dennis Nyongesa Wamalwa - Member.
  
3. The following persons were approved for appointment of as Ambassadors, High Commissioners and Permanent Representatives to the stations indicated: -

#### **a. Ambassadors and High Commissioners**

- i. Mr. Clement Nzomo Kiteme – Angola
- ii. Ms. Mary Mugwanja – Austria
- iii. Prof. Bitange Ndemo – Belgium
- iv. Ms. Muthoni Gichohi – China
- v. Amb. Gathoga Chege – Cuba
- vi. Amb. Salim Salim – Djibouti
- vii. Maj. Gen. Ayub G. Matiiri – Egypt
- viii. Amb. Galma Boru – Indonesia
- ix. Mr. Paul Ndung'u – Mozambique
- x. Mr. Michael Sialai – Namibia
- xi. Maj. Gen. (Rtd.) Andrew Ikenye – Nigeria
- xii. Ms. Margaret Shava – Netherlands
- xiii. Ms. Amina Abdalla – Sultanate of Oman
- xiv. Amb. Nyambura Kamau – Pakistan
- xv. Mr. Boniface N. Mwilu – Qatar
- xvi. Amb. Michael Oyugi – Spain
- xvii. Maj. Gen. (Rtd.) Thomas Chepkuto – Somalia
- xviii. Mr. Leonard Boiyo – Turkey
- xix. Maj. Gen (Rtd.) George Owinow – Uganda

#### **b. Permanent Representatives**

- xx. Prof. Richard Bosire – Ambassador/ Permanent Representative to the United Nations Educational, Scientific and Cultural Organization (UNESCO)
- xxi. Maj. Gen. (Rtd) Charles Gituai - Ambassador/ Permanent

Representative to the  
Inter-Government Authority  
for Development (IGAD).

## **ANNEX 4**

### **FULL LIST OF BILLS CONSIDERED BY THE NATIONAL ASSEMBLY IN 2022**

#### **1) PASSED AND ASSENTED TO/AWAITING ASSENT**

1. The Industrial Training (Amendment) Bill, 2019
2. The Radiographers Bill, 2019
3. The Employment (Amendment) (No.2) Bill, 2019
4. The National Government Constituencies Development Fund (Amendment) Bill, 2021
5. The Mental Health (Amendment) Bill, 2020 (Sen. Bill No. 28)
6. The National Electronic Single Window System Bill, 2021
7. The Political Parties (Amendment) Bill, 2021 (No. 56)
8. The Traffic (Amendment) Bill, 2021
9. The Military Veterans Bill, 2022
10. The Division of Revenue Bill, 2022
11. The Supplementary Appropriation Bill, 2022
12. The Supreme Court (Amendment) Bill, 2022
13. The Finance Bill, 2022
14. The Appropriation Bill, 2022
15. The Supplementary Appropriation (No.2) Bill, 2022
16. The County Allocation of Revenue Bill, 2022 (Sen. Bill No. 1)
17. The Sustainable Waste Management Bill, 2021
18. The Public Procurement and Asset Disposal (Amendment) Bill, 2021 (No. 32)
19. The Children Bill, 2021
20. The Sacco Societies (Amendment) Bill, 2021 (No. 55)
21. The Irrigation (Amendment) Bill, 2021
22. The Community Groups Registration Bill, 2021
23. The Kenya Deposit Insurance (Amendment) Bill, 2020
24. The Copyright (Amendment) Bill, 2021
25. The County Governments Additional Allocations Bill, 2021

#### **i) PASSED AND REFERRED BACK FOR RECONSIDERATION**

1. The Higher Education Loans Board (Amendment) Bill, 2020
2. The Information Communication Technology Practitioners Bill, 2020
3. The Insurance Professionals Bill, 2020

#### **ii) NATIONAL ASSEMBLY BILLS PASSED AND FORWARDED TO**

##### **THE SENATE**

1. The National Disaster Management Authority Bill, 2019
2. The Community Health Workers Bill, 2020
3. The National Disaster Risk Management Bill, 2021 (No. 28)
4. The Election Campaign Financing (Amendment) Bill, 2021
5. The Persons with Disabilities Bill, 2021
6. The Elections (Amendment) Bill, 2022 (No. 3)

7. The Health Laws (Amendment) Bill, 2021 (No.2)

**i)AWAITING COMMITTEE OF THE WHOLE HOUSE**

**(a)National Assembly Bills**

1. The Referendum (No.2) Bill, 2020 (No. 14 of 2020)
2. The Institute of Directors of Kenya Bill, 2019
3. The Public Service Commission (Amendment) Bill, 2019
4. The Alcoholic Drinks Control (Amendment) Bill, 2019
5. The Kenya Food and Drugs Authority Bill, 2019
6. The Pensions (Amendment) Bill, 2020
7. The Public Debt Management Authority Bill, 2020
8. The National Construction Authority (Amendment) Bill, 2020
9. The Penal Code (Amendment)(No.2) Bill, 2021 (No.47)
10. The Huduma Bill, 2021

**(b)Senate Bills**

1. The Impeachment Procedure Bill, 2018
2. The County Governments (Amendment) Bill, 2018
3. The Prompt Payment Bill (Sen. Bill No. 16 of 2021)
4. The Salaries and Remuneration Commission (Amendment) Bill (Sen. Bill No. 12 of 2018)

**ii)AWAITING OR UNDERGOING SECOND READING**

**(a)National Assembly Bills**

1. The Coffee Bill, 2021 (NA Bill No. 17)
2. The National Rating Bill, 2022
3. The Public Finance Management (Amendment) Bill (No. 21 of 2022)
4. The Statute Law (Miscellaneous Amendments) Bill, 2022
5. The Kenya School of Law (Amendment) Bill, 2022
6. The Legal Education (Amendment) Bill, 2022
7. The Public Finance Management (Amendment) (No.3) Bill, 2020 (No. 39)
8. The Referendum Bill, 2020 (No. 11 of 2020)
9. The Public Procurement and Asset Disposal (Amendment) (No.2) Bill, 2021 (No. 36)
10. The Petroleum Products (Taxes and Levies) (Amendment) Bill, 2021
11. The Certified Managers Bill, 2021
12. The Advocates (Amendment) Bill, 2021
13. The Forest Conservation and Management (Amendment) Bill, 2021
14. The Regional Development Authorities Bill, 2021
15. The National Cohesion and Integration (Amendment) Bill, 2022
16. The Parliamentary Pensions (Amendment) Bill, 2022 (No.19)
17. The Kenya Roads Board (Amendment) Bill, 2022
18. The Health (Amendment) Bill, 2021 (No.14)
19. The Birth and Death Registration (Amendment) Bill, 2020
20. The Alcoholic Drinks Control (Amendment) Bill, 2020

21. The Public Procurement & Asset Disposal (Amendment) Bill (No. 20 of 2020)
22. The Public Procurement and Asset Disposal (Amendment) Bill, 2020 (No. 34)
23. The Central Bank of Kenya (Amendment) Bill, 2020 (No.47)
24. The Pharmacy and Poisons (Amendment) Bill, 2021
25. The Computer Misuse and Cybercrimes (Amendment) Bill, 2021
26. The Public Procurement and Asset Disposal (Amendment) (No.3) Bill, 2020 (No.49)
27. The Poverty Eradication Authority Bill, 2020
28. The Higher Education Loans Board (Amendment) Bill (No. 29 of 2020)
29. The Constitution of Kenya (Amendment) Bill (No. 40 of 2020)
30. The Health (Amendment) Bill, 2020 (No. 28)
31. The Institute of Social Work Professionals Bill, 2020
32. The National Government Constituencies Development Fund (Amendment) Bill, 2021 (No. 34)
33. The National Government Constituencies Development Fund (Amendment) Bill, 2021 (No. 48)
34. The Higher Education Loans Board (Amendment) Bill, 2021 (No. 52)
35. The Public Finance Management (Amendment) Bill (No. 16 of 2022)
36. The Public Service Internship Bill, 2021
37. The Traffic (Amendment) Bill, 2021 (No. 60)
38. The Public Audit (Amendment) Bill, 2021
39. The Child Justice Bill, 2022
40. The Sexual Offences (Amendment) Bill, 2020
41. The Criminal Procedure Code (Amendment) Bill, 2020
42. The Penal Code (Amendment) Bill, 2021
43. The Whistleblower Protection Bill, 2021
44. The Children (No.2) Bill, 2021
45. The Geriatric Bill, 2021
46. The National Government Constituencies Development Fund (Amendment) Bill, 2022 (No. 5)
47. The Land Control Bill, 2022
48. The Valuers Bill, 2022

#### **b)Senate Bills**

1. The County Statistics Bill, 2018
2. The County Statutory Instruments Bill, 2018
3. The Statutory Instruments (Amendment) Bill, 2018
4. The Salaries and Remuneration Commission (Amendment) Bill (Sen. Bill No. 31 of 2020)
5. The Basic Education (Amendment) Bill (Sen. Bill No. 4 of 2021)
6. The Natural Resources (Benefits Sharing) Bill (Senate Bill No. 25 of 2020)
7. The Community Health Services Bill (Senate Bill No. 34 of 2020)
8. The County Law Compliance and Enforcement Bill, 2018
9. The Determination of the Nature of Bills (Procedure) Bill, 2018
10. The Mung Beans Bill (Senate Bill No. 9 of 2020)
11. The Parliamentary Powers and Privileges (Amendment) Bill (Senate Bill No. 33 of 2020)

12. The National Flag, Emblems and Names (Amendment) Bill (Senate Bill No. 36 of 2020)
13. The County Licensing (Uniform Procedures) Bill (Sen. Bill No. 32 of 2020)
14. The Health (Amendment) Bill (Sen. Bill No. 26 of 2020)
15. The Investment Promotion (Amendment) Bill (Sen. Bill No. 2 of 2021)
16. The Office of the County Printer Bill (Sen. Bill No. 13 of 2021)
17. The Disaster Risk Management Bill (Sen. Bill No. 14 of 2021)
18. The County Boundaries Bill (Sen. Bill No. 20 of 2021)
19. The Co-operative Societies (Amendment) Bill (Senate Bill No. 11 of 2020)
20. The County Vocational Education and Training Bill (Senate Bill No. 6 of 2021)
21. The Startup Bill (Senate Bill No. 1 of 2021)
22. The County Hall of Fame Bill (Senate Bill No. 9 of 2021)
23. The Kenya Citizenship and Immigration (Amendment) Bill (Senate Bill No. 33 of 2021)
24. The Kenyan Sign Language Bill (Senate Bill No. 5 of 2021)
25. The County Oversight and Accountability Bill (Senate Bill No. 17 of 2021)
26. The Heritage and Museums Bill (Senate Bill No. 22 of 2021)
27. The County Governments (Amendment) Bill (Senate Bill No. 38 of 2021)
28. The Elections (Amendment) Bill (Senate Bill No. 42 of 2021)
29. The Pandemic Response and Management Bill, 2020
30. The Cancer Prevention and Control (Amendment) Bill, 2019
31. The Care and Protection of Child Parents Bill, 2019

### **iii)AWAITING FIRST READING**

1. The Livestock Bill, 2021
2. The Public Appointments (Parliamentary Approval) (Amendment) Bill, 2021
3. The National Transport and Safety Authority (Amendment) Bill, 2022
4. The National Land Commission (Amendment) Bill, 2022
5. The Kenya Roads (Amendment) Bill, 2022

### **iv)BILLS UNDERGOING MEDIATION**

1. The Wildlife Conservation and Management (Amendment) Bill, 2020 (Sen. Bill No. 30)
2. The Coffee Bill, 2020 (Sen. Bill No. 22)

### **v)BILLS WITHDRAWN**

1. The Mediation Bill, 2020
2. The National Aviation Management Bill, 2020
3. The Elections (Amendment) Bill, 2021
4. The Political Parties (Amendment) (No.2) Bill, 2021
5. The Kenya Revenue Authority (Amendment) Bill, 2022

## ANNEX 5

### A summary of the Bills processed by the Directorate of Legal Services in the Sixth Session of the Twelfth Parliament (2022)

PRIVATE MEMBERS' BILLS		
REF	BILL	SPONSOR
DLS/NA/BILLS/2/1/2022	Kenya Roads Board (Amendment) Bill, 2022	Hon. David Pkosing
DLS/NA/BILLS/2/2/2022	Treaty Making and Ratification (Amendment) Bill, 2022	Hon. Jude Njomo
DLS/NA/BILLS/2/3/2022	Forest Conservation and Management (Amendment) Bill, 2022	Hon. Silas K. Tiren
DLS/NA/BILLS/2/4/2022	Environmental Management and Coordination (Amendment) Bill, 2022	Hon. Silas K. Tiren
DLS/NA/BILLS/2/5/2022	Explosives (Amendment) Bill, 2022	Hon. Robert Mbui
DLS/NA/BILLS/2/6/2022	Central Bank of Kenya (Amendment) Bill, 2022	Hon. Robert Mbui
DLS/NA/BILLS/2/7/2022	Pharmacy and Poisons (Amendment) Bill, 2022	Hon. Robert Mbui
DLS/NA/BILLS/2/8/2022	Parliamentary Pensions (Amendment) Bill, 2022	Hon. Andrew Mwadime
DLS/NA/BILLS/2/9/2022	Public Service Human Resource Management Bill, 2022	Hon. Peter Mwathi
DLS/NA/BILLS/2/10/2022	Mining (Amendment) Bill, 2022	Hon. Jimmy Angwenyi
GOVERNMENT BILLS		
REF	BILL	SPONSOR
DLS/NA/BILLS/1/1/2022	Military Veterans Bill, 2022	Hon. Amos Kimunya
DLS/NA/BILLS/1/2/2022	Elections (Amendment) Bill, 2022	Hon. Amos Kimunya
DLS/NA/BILLS/1/3/2022	Environmental Management and Co-Ordination Bill, 2022	Hon. Amos Kimunya
DLS/NA/BILLS/1/4/2022	National Rating Bill, 2022	Hon. Amos Kimunya
DLS/NA/BILLS/1/5/2022	Division Of Revenue Bill, 2022	Hon. Kanini Kega
DLS/NA/BILLS/1/6/2022	Supreme Court (Amendment) Bill, 2022	Hon. Amos Kimunya
DLS/NA/BILLS/1/7/2022	Business Laws (Amendment) Bill, 2022	Hon. Amos Kimunya

DLS/NA/BILLS/1/8/2022	Kenya School of Law (Amendment) Bill, 2022	Hon. Amos Kimunya
DLS/NA/BILLS/1/9/2022	Legal Education (Amendment) Bill, 2022	Hon. Amos Kimunya
DLS/NA/BILLS/1/10/2022	Supplementary Appropriation Bill, 2022	Hon. Amos Kimunya
DLS/NA/BILLS/1/11/2022	Public Finance Management (Amendment) Bill, 2022	Hon. Amos Kimunya
DLS/NA/BILLS/1/12/2022	Finance Bill, 2022	Hon. Gladys Wanga
DLS/NA/BILLS/1/13/2022	Kenya Revenue Authority (Amendment) Bill, 2022	Hon. Amos Kimunya
DLS/NA/BILLS/1/14/2022	Statute Law (Miscellaneous Amendments) Bill, 2022	Hon. Amos Kimunya
DLS/NA/BILLS/1/15/2022	Appropriation Bill, 2022	Hon. Kanini Kega
DLS/NA/BILLS/1/16/2022	Supplementary Appropriation (No. 2) Bill, 2022	Hon. Kanini Kega