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REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT
(SECOND SESSION)

THE SENATE

③ Clerk
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PARLIAMENT
OF KENYA
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④ Rt. Hon. Speaker
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21/3/23

THE FIFTH
REPORT OF THE PROCEDURE AND RULES COMMITTEE
ON
THE REVIEW OF THE SENATE STANDING ORDERS

PAPERS LAID	
DATE	21/3/23
TABLED BY	<i>[Signature]</i>
COMMITTEE	Procedure & Rules
CLERK AT THE TABLE	<i>[Signature]</i>

Clerk's Chambers
The Senate
Parliament of Kenya
NAIROBI

March, 2023

Outline of the Report

1. Background to the review of the Senate Standing Orders
2. Establishment and mandate of the Procedure and Rules Committee
3. Preamble to the amendments received proposing the amendment of the Senate Standing Orders
4. Overview of proposed amendments to the Senate Standing Orders
5. Recommendations

Annexes

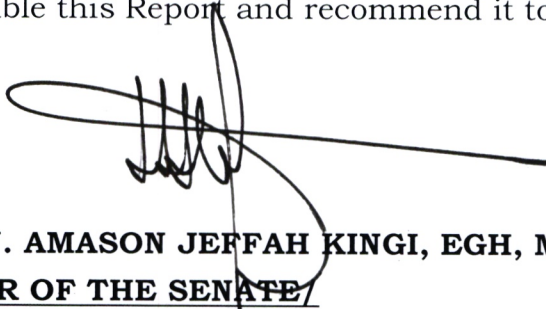
- Annex 1:* Outline of the Proposed Amendments
- Annex 2:* Memorandum from the H.E. President William Samoei Ruto, PhD, CGH
- Annex 3:* Minutes of the First Sitting of the Procedure and Rules Committee Held in Committee Room 4, Main Parliament Buildings, on Thursday, 16th March, 2023, at 9.00 am

PREFACE

1. Article 124 of the Constitution mandates each House of Parliament to establish committees and make Standing Orders for the orderly conduct of its proceedings, including the proceedings of its committees. The current Senate Standing Orders were adopted by the Senate on 16th June, 2022.
2. During the 12th Parliament, the Standing Orders were amended pursuant to Standing Orders 267 and 269 of the Senate Standing Orders as follows:
 - a) on 14th December, 2017 related to changing the structure of Standing Committees to enhance service delivery;
 - b) on 9th August, 2018 revised the manner of processing statements, among others, and giving Committees discretion in dealing with statements besides defining the scope of statements, ensuring referral to committees and making committees more accountable through periodic (quarterly) reports;
 - c) the amendments of 21st July, 2020 provided for virtual sittings, as a direct result of the COVID-19 pandemic; and
 - d) on 16th June, 2022 related to substantive amendments relating to the procedure for consideration and disposal of business before the Senate, including on Removal of President or Deputy President by impeachment, Committee reclassification, the temporary suspension of sittings, quorum at commencement of a sitting of the Senate, renaming Sessional Committees to Select Committees, and splitting of the Select Committee on Public Accounts and Investments.
3. Standing Order 269 requires that a periodic review of the Standing Orders be carried out at least once in every term of Parliament, not later than three months to the end of the term. This function is performed by the Procedure and Rules Committee, which is expected to make a report to the Senate recommending the Standing Orders, if any, to be amended.

RECOMMENDATIONS

4. The Procedure and Rules Committee now presents and recommends the proposed amendments, as set out in this Report, for approval by the Senate, and that the amended Standing Orders take effect upon resumption of the Senate from recess (for Part II of the Second Session of the Senate Calendar) on the 11th April, 2023.
5. Upon approval of this Report by the Senate, the Senate Business Committee to take steps to amend the Senate Calendar.
6. I would like to record my appreciation to the Members of the Procedure and Rules Committee for the excellent job done in carrying out the review exercise. I also wish to thank the Office of the Clerk for the support received throughout this exercise.
7. It is therefore my pleasant duty and privilege, on behalf of the Committee, to table this Report and recommend it to the Senate for adoption.



RT. HON. AMASON JEFFAH KINGI, EGH, MP

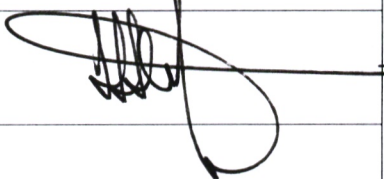
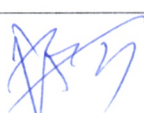
SPEAKER OF THE SENATE

CHAIRPERSON, PROCEDURE AND RULES COMMITTEE

Dated this day of , 2023

CONSIDERATION AND ADOPTION OF THE REPORT BY THE COMMITTEE

WE, the undersigned Members of the Procedure and Rules Committee, having considered this Report on the Review of the Senate Standing Orders, do hereby confirm our agreement with the content of the Report, and approve the Report for tabling before the Senate -

NO.	NAME AND DESIGNATION	SIGNATURE
1.	Rt. Hon. Amason Jeffah Kingi, EGH, MP Speaker of the Senate/ Chairperson	
2.	Sen. Kathuri Murungi, MGH, MP Deputy Speaker of the Senate/ Vice-Chairperson	
3.	Sen. Wakili Hilary Kiprotich Sigei, MP – Member	
4.	Sen. Veronica Waheti Maina, MP – Member	
5.	Sen. Abdul Mohammed Haji, MP – Member	
6.	Sen. Catherine Muyeka Mumma, MP – Member	
7.	Sen. Sheikh Mohammed Abass, MP – Member	
8.	Sen. Joseph Nyutu Ngugi, MP – Member	
9.	Sen. Beth Kalunda Syengo, MP – Member	

A. ESTABLISHMENT AND MANDATE OF THE PROCEDURE AND RULES COMMITTEE

8. Standing Order 191 of the Standing Orders establishes the Procedure and Rules Committee, with the mandate to, among others, consider and report on all matters relating to the Standing Orders including proposing amendments;
9. The membership of the Committee is as follows -
- (i) Rt. Hon. Amason Jeffah Kingi, EGH, MP - Speaker of the Senate/**Chairperson**
 - (ii) Sen. Kathuri Murungi, MGH, MP - Deputy Speaker of the Senate/Vice Chairperson
 - (iii) Sen Wakili Hilary Kiprotich Sigei, MP - Member
 - (iv) Sen. Veronica Waheti Maina, MP - Member
 - (v) Sen. Abdul Mohammed Haji, MP - Member
 - (vi) Sen. Catherine Muyeka Mumma, MP - Member
 - (vii) Sen. Sheikh Mohammed Abass, MP - Member
 - (viii) Sen. Joseph Nyutu Ngugi, MP - Member
 - (ix) Sen. Beth Kalunda Syengo, MP - Member

B. OVERVIEW OF PROPOSED AMENDMENTS TO THE STANDING ORDERS

10. The amendments carried out by the Committee may be classified under three main categories. These are –
- a) Consequential amendments including the increase in the number of sittings of the Senate;*
 - b) Alignment of membership of committee on Delegated Legislation with watchdog committees of the Senate; and,*
 - c) Amendments relating to structure of the Standing Orders – such as creation/rearrangement of parts; merging, splitting, editing and renaming of various provisions and so on, in order to give the Standing Orders better flow and clarity.*

C. PREAMBLE TO THE PROPOSED AMENDMENTS OF THE STANDING ORDERS

AMENDMENT PROPOSED BY SEN. MWINYIHAJI FAKI, MP, SENATOR FOR MOMBASA COUNTY.

11. The Senator for Mombasa County in letters dated 28th October, 2022 and 26th January, 2023 proposed an amendment to Standing Order 195 on the composition of the membership of the Committee on Delegated Legislation;
12. Senator Faki proposed that, as was the case with the other watchdog committees of the Senate in which ***the party or parties not forming Government had the majority of one member***, the Committee on Delegated Legislation ought to have a similar provision because the legislative instruments and regulations that come before the Committee are from the Executive, and may therefore constitute a conflict of interest;
13. The Senator for Mombasa therefore requested the Procedure and Rules Committee to approve an amendment to the Standing Orders as follows –

THAT, Standing Order 195 be amended by inserting the following new paragraph (7) –

(7) In the membership of the Committee on Delegated Legislation, the party or parties not forming government shall have a majority of one.

Deliberations of the Procedure and Rules Committee –

14. The Committee, in its meeting of Thursday 16th March, 2023 considered the proposed amendment by the Sen. Mwinyihaji Faki, MP, and **rejected the proposal** by the Senator.

Justification –

15. The Committee noted that the Committee on Delegated Legislation, as a Select Committee with a non-audit mandate like the County Public

Accounts and County Public Investments and Special Funds Committees, was properly constituted to effectively discharge its mandate.

AMENDMENTS PROPOSED BY THE LEADER OF THE MAJORITY PARTY

16. On Thursday, 29th September, 2022 during the opening of the 13th Parliament, His Excellency the President William Samoei Ruto, PhD, CGH asked Parliament to consider amending the Standing Orders by putting in place a mechanism to facilitate Cabinet Secretaries to articulate the Government agenda, explain Government policy, and to answer Questions on the floor of the House in a bid to enhance Executive accountability to the people of Kenya through their elected representatives;
17. In a memorandum dated Friday, 9th December, 2022 addressed to the Speakers of both Houses, His Excellency the President William Samoei Ruto, PhD, CGH requested the initiation of a collaborative exploration of amendments to the Standing Orders of both Houses to facilitate the participation of Cabinet Secretaries/Chief Administrative Secretaries in parliamentary proceedings, particularly by responding to Questions raised by MPs;
18. Consequently, on 6th December, 2022, the Clerk of the Senate appointed a Taskforce with the mandate to carry out a collaborative and comprehensive audit and compile proposed amendments to Senate Standing Orders. The Taskforce, comprising senior staff from various directorates and departments, drafted amendments and submitted its recommendations to the Procedure and Rules Committee for consideration;
19. After the commencement of the Second Session of the Thirteenth Parliament, the Senate Majority Leader, in a letter to the Speaker dated 9th March, 2023 requested feedback on the status of implementation of the proposed amendments to the Standing Orders;
20. In the Sitting of the Senate Business Committee held on 14th March, 2023 the Speaker of the Senate directed the Clerk to convene a meeting of the Procedure and Rules Committee as a matter of urgency to conclude the matter.

SUMMARY OF PROPOSED AMENDMENTS

21. The proposed amendments seek to amend the Senate Standing Orders to provide for–
- a) specific timelines for the Speaker to communicate the decision made by the Political Parties on change of membership to their leadership;
 - b) for the appearance of Cabinet Secretaries before the Senate to respond to Questions and report on matters under their dockets;
 - c) a specific day and time be designated for the attendance of Cabinet Secretaries before the Senate to respond to questions;
 - d) the procedure for asking a Question from a Cabinet Secretary by a Senator as well as the content of Questions; and
 - e) the procedure for the consideration of responses to Questions issued by Cabinet Secretaries and referral of certain matters to relevant Committees for consideration.
22. The specific amendments to the Senate Standing Orders are as follows –
23. **Amendment to Standing Order 22**

This amendment seeks to amend standing order 22 by inserting a new paragraph immediately after paragraph (7) as follows –

(8) The Speaker, upon receipt of the decision under paragraph (7), shall verify the correspondence received and deliver a communication to the Senate within three sitting days.

This amendment aims to establish specific timelines for the Speaker to communicate the decision made by the Majority Party or coalition to remove the Senate Majority Leader, Deputy Senate Majority Leader, Senate Majority Whip or Deputy Senate Majority Whip. As is, the Standing Orders do not provide clear timelines on the processing and communication of decisions

received by the Speaker regarding the change in leadership by a Majority Party.

24. Amendment to Standing Order 23

This amendment seeks to amend standing order 23 by inserting a new paragraph immediately after paragraph (6) as follows –

(7) The Speaker, upon receipt of the decision under paragraph (6), shall verify the correspondence received and deliver a communication to the Senate within three sitting days.

This amendment aims to establish specific timelines for the Speaker to communicate the decision made by the Minority Party regarding the removal of the Senate Minority Leader, Deputy Senate Minority Leader, Senate Minority Whip or Deputy Senate Minority Whip. As is, the Standing Orders do not provide clear timelines as to the processing and communication of decisions received by the Speaker regarding the change in leadership by a Minority Party.

25. Amendment to standing order 34

This amendment seeks to amend standing order 34(1) and (2) to provide for an additional sitting of the Senate on a Wednesday morning that begins at 9.30 a.m. and concludes at 1.00 p.m. This is to allow time for the attendance of Cabinet Secretaries to respond to questions that may be asked by Senators in plenary. The amendment further seeks to provide a clear framework for the later interruption of business where there is business pending conclusion and which will not require more than fifteen minutes.

26. Amendment to standing order 44

This amendment seeks to amend standing order 44 to provide for the inclusion of a schedule of the Questions to be responded to by Cabinet Secretaries in the weekly programme of business of the Senate which is required to be circulated on the Friday preceding the consideration of such business.

This schedule is required to be prepared, published on the parliamentary website, and circulated to Senators by Friday of the preceding week. In light of the Cabinet Secretaries' scheduled appearances to respond to Questions, the amendment seeks to inform Senators as well as members of the public of the Questions that are scheduled for responses and the Cabinet Secretaries who are required to appear and respond to such Questions.

27. Amendment to standing order 45

This amendment seeks to amend standing order 45 paragraph (1) by inserting the words "Questions and" at the beginning of the subparagraph (vii) to include Questions as part of the business to be considered by the Senate and in the sequence of the business to be considered by the Senate.

28. Amendment to Part XII

This amendment seeks to amend the heading to Part XII and substitute it with a new heading: PART XII – Questions and Statements.

The proposed amendment is a consequential amendment that seeks to include Questions as part of the matters to be considered under Part XII.

29. Amendment to standing order 51

This amendment seeks to delete the heading of standing order 51 and substitute it with a new heading: "Questions and Statements Time". It also seeks to designate time for Questions and Statements not exceeding –

- a) three hours during a morning sitting on Wednesday;
- b) one hour during an afternoon sitting on Tuesday, Wednesday and Thursday.

This proposed amendment provides for time for Questions when the Cabinet Secretaries appear before the Senate to respond to Questions and is in line with the proposed amendment to standing order 34.

30. Insertion of a new sub-heading.

This amendment seeks to insert a new subheading immediately after standing order 51-

a) Questions

This is to create a distinction between Questions and Statements and provide for a clear sequence and process in providing the procedure with a request to Questions and Statements.

31. Insertion of new standing orders 51A, 51B, 51C and 51D.

This amendment seeks to insert new standing orders 51A, 51B, 51C and 51D. These new insertions provide guidelines on the procedure of asking and responding to Questions. The standing orders only provide for Statements and it is, therefore, necessary to provide for an avenue through which the Cabinet Secretaries will appear in Senate to answer the Questions asked by the Senators in Plenary.

32. (i) Standing order 51A

Standing order 51A provides for the procedure for asking a Question. It proposes that a Senator must submit a written notification signed by them to the Clerk, who will then seek approval from the Speaker. The Speaker may refuse the request if the matter is not suitable for discussion in the Senate.

The Clerk will then provide the list of Questions filed by the Senators to the relevant Cabinet Secretaries and the Senate Business Committee. The Senate Business Committee will then schedule a date and time for the Cabinet Secretaries to appear before the Senate and respond to the Questions.

33. Standing order 51B

Standing order 51B provides for the content of Questions. It provides the criteria for ensuring that a Question is in proper form and suitable to be asked of the respective Cabinet Secretary. This will ensure that there is a standard to be adhered to when asking a Question and that there is a set criterion against which a proposed Question can be assessed for suitability.

In particular, this standing order prohibits the asking of Questions under the pretext of debate, that convey a point of view or that suggest their response. Questions for which the answer is readily available in official

publications or ordinary works of reference are not allowed. Questions cannot be used as a pretext for debate or contain any argument, inference, opinion, imputation, or offensive expression. They should not repeat matters already addressed, seek an expression of opinion, or refer to proceedings of a Select Committee before the report is made to the House. Additionally, Questions must not be of excessive length, include unnecessary expressions, or refer to more than one subject matter.

34. Standing Order 51C

Standing order 51C outlines the response process for Questions directed at Cabinet Secretaries. A Senator must ask their Question on the day it's scheduled, and the Speaker may vary the order in which Questions are addressed. Cabinet Secretaries must provide physical and electronic copies of their response at least twenty-four hours before appearing before the Senate. They must then appear in person on the day their Question is listed, respond to the Question, and may make a statement on any other matter pertaining to their State Department with the Speaker's permission.

If a Senator is absent, they may nominate another Senator to ask the Question on their behalf failure of which the Question will be dropped. The Speaker may allow the Senator who asked the Question to raise two supplementary Questions and any other Senator to ask a supplementary Question..

35. Standing order 51D

Standing order 51D provides for non-attendance by Cabinet Secretaries. It provides that if a Cabinet Secretary fails to appear and respond to Questions in the Senate without reasonable cause, the Senate can move a Motion to censure the Cabinet Secretary.

This is to ensure that Cabinet Secretaries are compelled to attend and where they fail to do so, there is in place, a mechanism to ensure that they are penalized for such non-attendance.

36. Insertion of a new sub-heading

This amendment seeks to insert a new subheading "Statements" immediately after the new standing order 54D.

This is to create a distinction between Statements and Questions and to provide a subpart that specifically deals with Statements.

37. Amendment to standing order 52

This amendment seeks to amend standing order 52 by deleting paragraph (3) as a consequential amendment given that there will now be in place Questions which will be dealt with by Cabinet Secretaries when they appear before the Senate in plenary.

38. Amendment to standing order 53

This amendment seeks to amend standing order 53 in paragraph (3) by deleting subparagraph (b) and it also seeks to delete paragraph (4) in relation to statements made to Committees. In particular, the amendment seeks to do away with the requirement for Committees to invite Cabinet Secretaries before Committees given that they will now be appearing before the Senate in plenary to respond to Questions. This would therefore render their appearance before Committees unnecessary. The deletion of paragraph (4) is a consequential amendment resulting from the deletion of paragraph (3)(b).

39. Amendment to standing order 56

The amendment to standing order 56 seeks to provide for the inclusion of statements requested by a Senator from a Committee as one of the statements to which a Committee Chairperson may issue a response in accordance with standing order 53.

40. Amendment to standing order 248

This amendment seeks to amend standing order 248 (2) to include the words "51B (*Response to Questions by Cabinet Secretaries*)".

This amendment seeks to enable the appearance of Cabinet Secretaries before the Senate. It exempts Cabinet Secretaries from the provision barring persons who are not Senators or authorized to be in the Senate from accessing the Chamber.

Deliberations of the Procedure and Rules Committee -

41. The Procedure and Rules Committee in a meeting held on Thursday, 16th March, 2023 considered the proposed amendments annexed to this report, and adopted its Report for consideration and approval by the Senate.

ANNEX 1 - PROPOSED AMENDMENTS TO THE SENATE STANDING ORDERS

1. Amendment to Standing Order 22

THAT Standing Order 22 be amended by inserting the following new paragraph immediately after paragraph (7) –

(8) The Speaker, upon receipt of the decision under paragraph (7), shall verify the correspondence received and deliver a communication to the Senate within three sitting days.

2. Amendment to Standing Order 23

THAT Standing Order 23 be amended by inserting the following new paragraph immediately after paragraph (6) –

(7) The Speaker, upon receipt of the decision under paragraph (6), shall verify the correspondence received and deliver a communication to the Senate within three sitting days.

3. Amendment to Standing Order 34

THAT Standing Order 34 be amended in -

- (a) paragraph (1) by inserting the words “at 9:30 a.m. on Wednesday and” immediately after the words “shall meet at”; and
- (b) by deleting paragraph (2) and substituting therefor the following new paragraph –

(2) The Speaker or the Chairperson of Committees shall, subject to paragraph (2A) direct the interruption of business at 1:00 p.m. on the occasion of a morning sitting of Wednesday or at 6:30 p.m. on the occasion of an afternoon sitting.

(2A) The Speaker or the Chairperson of the Committee of the Whole may, for the convenience of the Senate, direct the later interruption of business under paragraph (1), for a period of not more than fifteen minutes.

4. Amendment to Standing Order 44

THAT the Standing Orders be amended by deleting Standing Order 44 and substituting therefor the following new Standing Order –

44. The Clerk shall prepare, publish on the parliamentary website and circulate to Senators not later than the Friday of the week preceding such business –

- (a) a weekly schedule showing the business of the Senate;
- (b) a schedule of sittings of the various Committees; and
- (c) a schedule of Questions to be responded to by Cabinet Secretaries.

5. Amendment to Standing Order 45

THAT Standing Order 45 be amended in paragraph (i) by inserting the word “Questions and” at the beginning of subparagraph (vii).

6. Amendment to the Heading to Part XII

THAT the Standing Orders be amended by deleting the heading to Part XII appearing immediately after Standing Order 50 and substituting therefor the following new heading–

PART XII – QUESTIONS AND STATEMENTS

7. Amendment to Standing Order 51

THAT Standing Order 51 be amended –

- (a) by deleting the heading and substituting therefor the following new heading –

Questions and Statements Time

- (b) by deleting paragraph (1) and substituting therefor the following new paragraph –

(1) Notwithstanding Standing Order 45 (*Sequence of proceedings*), there shall be time, designated for Questions and Statements not exceeding -

(a) three hours during a morning sitting on Wednesday; and

(b) one hour during an afternoon sitting on Tuesday, Wednesday and Thursday.

8. Insertion of new sub-heading

THAT the Standing Orders be amended by inserting the following new subheading immediately after Standing Order 51 -

(a) *Questions*

9. Insertion of new Standing Orders 51A and 51B

THAT the Standing Orders be amended by inserting the following new Standing Orders immediately after Standing Order 51 -

51A. Procedure for asking a Question

(1) A Senator who wishes to address a question to a Cabinet Secretary shall hand to the Clerk a written notification of the matter signed by the Senator.

(2) The Clerk shall submit a notification under paragraph (1) to the Speaker for approval.

(3) The Speaker may refuse to allow a request for Question under paragraph (1) unless satisfied that the matter may properly be discussed in the Senate.

(4) The Clerk shall prepare and submit a list of the questions to be asked under paragraph (1) to -

(a) the relevant Cabinet Secretaries; and

(b) the Senate Business Committee.

(5) The Senate Business Committee shall schedule a date and time for appearance of the relevant Cabinet Secretary before the Senate to respond to a Question.

(6) In scheduling the date for response under paragraph (5), the Senate Business Committee shall provide at least seven days' notice to the respective Cabinet Secretary.

51B. Contents of Questions

(1) The facts on which a Question is based may be set briefly but extracts from newspapers and other media or quotations from speeches shall not be admissible.

(2) A Question, the response to which is readily available in ordinary works of reference or official publications, shall not be asked.

(3) A Question shall not –

- (a) be made the pretext for debate;
- (b) be framed so as to give information or suggest its own response;
- (c) convey a particular point of view;
- (d) contain any argument, inference, opinion, imputation or ironical or offensive expression;
- (e) repeat in substance any matter covered in a prior Question or already responded to, either as a Question or in the course of a debate during the same Session;
- (f) seek an expression of opinion;
- (g) ask whether any statement in the press or of a private individual or unofficial body, other than an official government report, is accurate;
- (h) refer to more than one subject matter;
- (i) be of excessive length;
- (j) include the name of any person nor any expression not strictly necessary to render the request intelligible; or
- (k) refer to proceedings of a Select Committee before that Committee has made its report to the House.

51C. Response to Questions by Cabinet Secretaries

(1) A Senator shall ask his or her Question on the day it is scheduled in the Order Paper.

(2) A Senator may, in writing, nominate another Senator to ask a Question on his or her behalf where the Senator shall be absent on the day on which the Question is listed.

(3) Where a Senator is absent and has not nominated another Senator to ask the question on his or her behalf, the Question shall be dropped.

(4) The Speaker, on his own motion, on the request of the Senator who proposes to ask a Question or the Cabinet Secretary, may vary the order in which Questions shall be disposed of.

(5) A Cabinet Secretary shall provide a physical and electronic copy of a response to a Question at least twenty-four hours before appearing before the Senate.

(6) A Cabinet Secretary—

- (a) shall appear, in person, on the day on which the respective Question is listed for response;
- (b) shall respond to the Question; and
- (c) may, with the permission of the Speaker, make a statement on any other matter pertaining to the respective State Department.

(7) Upon the issuance of a response or the making of a statement under paragraph (1), the Speaker may —

- (a) allow the Senator who asked the Question to raise a maximum of two supplementary questions that relate to that Question; and
- (b) allow any other Senator to ask a supplementary Question.

51D. Non-attendance by Cabinet Secretaries

The Senate may, where a Cabinet Secretary fails, without reasonable cause, to appear and respond to Questions under this Part, move a motion to censure the Cabinet Secretary.

10. Insertion of new sub-heading

THAT the Standing Orders be amended by inserting the following new subheading immediately after the new Standing Order 51D -

(c) Statements

11. Amendment to Standing Order 52

THAT the Standing Orders be amended by deleting paragraph (3).

12. Amendment to Standing Order 53

THAT Standing Order 53 be amended –

(a) in paragraph (3) by deleting subparagraph (b); and

(b) by deleting paragraph (4).

13. Amendment to Standing Order 56

THAT Standing Order 56 be amended in paragraph (1) by inserting the following new sub paragraph immediately after subparagraph (a) –

(aa) shall respond to a Statement requested by a Senator from the Committee relating to any matter under the mandate of the Committee.

14. Amendment to Standing Order 248

THAT Standing Order 248 be amended in paragraph (2)(a) by inserting the words “51B (*Response to Questions by Cabinet Secretaries*)” immediately after the words “(*Visiting Dignitary*)”.

THE SENATE
RECEIVED

14 FEB 2023

DIRECTOR LEGISLATIVE
PROCEDURAL SERVICES
PUBLIC OF KENYA
THE SENATE



Sen. Mohamed Fakii Mwinyi Haji, MP.

Mombasa County

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Please schedule in the
agenda and draft a
acknowledgement.

24
14/02/23

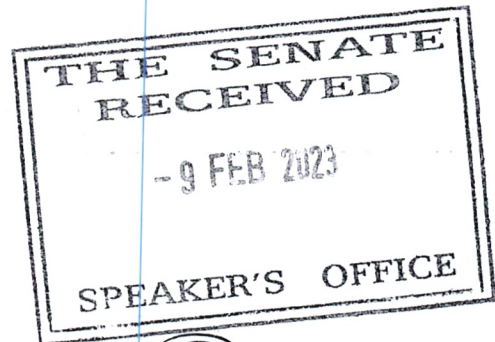
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MSA/SEN/001/01/2023

26TH January 2023

THE HONOURABLE SPEAKER OF THE SENATE,
PARLIAMENT BUILDING,
NAIROBI



Dear Sir,

RE: AMENDMENT TO STANDING ORDER NO 195
OF THE SENATE STANDING ORDERS

④ Mr. Magye CD/14/23

PS list in the
agenda for PRC

This is a follow up of my letter dated 29th October 2022 and received on 02nd
November 2022 on the above subject matter.

14/2/23

I will really appreciate if you will expedite the response on this matter as it
touches on a very important Committee which scrutinizes Regulations from
different State corporations and Bodies.

Thanking you in advance.

Yours sincerely,

HON. MOHAMMED FAKI MWINYI HAJI, MP
MOMBASA COUNTY.

① Clerk

Kindly but urgently
draft

24 the speaker

14/2/23

② DC (MA)

urgently process. Please
draft acknowledgement.

14/02/23

③ DLS
Please facilitate
14/2/23



Sen. Mohamed Fakii Mwinyi Haji, MP.
Mombasa County

Parliament Buildings
Tel: +254 20 2221291
P.O. Box 41842 - 00100 Nairobi, Kenya

Mobile: +254 722 991 383
+254 733 729 249
E-mail: mombasasenator001@gmail.com

REF: MSA/001/10/2022

DATE: 28th October 2022

The Honourable Speaker of the Senate,
Parliament Buildings,
NAIROBI

Dear Sir,

**RE: AMENDMENTS TO STANDING ORDER NO. 195
OF THE SENATE STANDING ORDERS**

The Honourable Speaker, I wish to propose Amendments to Standing Order No. 195 to include a Provision of the Composition of the Membership of the Delegated Legislation Committee of the Senate.

The Delegated Legislation Committee is one of the Sessional and also Oversight Committees of the Senate. The others are the Public Accounts Committee under Standing Order NO. 193 and the Public Investments Committee under Standing Order No. 194 of the Senate Standing Orders.

Whereas these are identical provisions under Standing Order No. 193 (3) and 194 (4) which provide that the composition of these two Committees as follows 'The party or parties not forming Government shall have the Majority of one member of these Committees'.

There is no similar Provision with regard to the Delegated Legislation Committee as such the Committee has a Majority from the Party forming Government.

The Regulations coming for scrutiny are coming from the same Government and therefore there likely conflict of interest. In comparable Jurisdictions such as the United Kingdom, the Subsidiary Legislation Committee has a Majority seven (7) Members from the Opposition side while the Government side has six (6) members from the Conservative Party.

In Australia, the same principle applies where the majority of Members of the Subsidiary Legislation Committee come from the Party not in Government.

Honourable Speaker, I move that the Standing Order No. 195 be amended to include a Provision for the composition of the Membership of this important Committee.

Thank you

Yours Sincerely,

HON. MOHAMED FAKII MWINYI HAJI, MP
SENATOR MOMBASA COUNTY

① DC(MA)
Let us process.
02/11/22

② DLPS
for PRL.
MOG
3/11/22
11/04/22

③ Mr. Mogere (DLPS)

Let us obtain the approval of the Speaker
to convene a sitting of the PRL in line
with Standing Order 268

[Signature]
31/10/22

SENATORS SUPPORTING AMENDMENT TO STANDING ORDER 195

NO	NAME	COUNTY	SIGNATURE
1.	AGNES KAVINDU M.	MAEHAKOS	Am.
2.	BETH KALUNDA STENGO	KITUI (NOMINATED)	BE
3.	BEATRICE A. OTOMO	HONIA-BAT	BE
4.	Hamida Kibungu	Naillss	H.
5.	Godfrey Osozi	Vihiga	G.
6.	BETH B. MONTI	Kajiado	B.
7.	JOSEPH GITHUKU	LAMU	J.
8.	Margaret Kamar	Nominated	M.
9.	Issa Boy	IKWALE	I.
9.	Shauile Abulla	Nominated Lamu	S.
10.	Oburu Oginga	Siaya	O.
11.	ENOCH WAMBUA	KITUI	E.
12.	Mohamed Faki	MOMBASA	M.
13.	Abdul Haji	GARISSA	A.
14.	HEZENA LEMARETIAN	SAMBURU	H.
15.	Lenku Kanar Seki	Kajiado	L.
16.	TOBIAS PERUS PESI	KAJIADO	T.
17.	Stewart Madzanga	KLR	S.
18.	Mweso Mburu	ANAMURU	M.



EXECUTIVE OFFICE OF THE PRESIDENT

MEMORANDUM

By His Excellency the Honourable
William Samoei Ruto, PhD, CGH, President
and Commander-in-Chief of the Kenya Defence
Forces.

Submitted to:

The Speaker of the National
Assembly; and
The Speaker of the Senate.

Honourable Speakers, I write to engage you as the apex of parliamentary leadership, outside the rigid framework of Executive-Parliament interaction set out in Article 132 of the Constitution.

The purpose of this engagement is to initiate a collaborative exploration of existing opportunities to enrich Kenya's democratic experience by enhancing the institutional capacities, strengthening complementary interrelationships and refining the mandates, in order to develop the potential to conform with the constitution and actualise the nation's expectations.

A number of these opportunities call for measures to adjust the constitutional framework. At the same time, I am mindful of the imperative to defer to the judiciary's guidance, laid down



through the constitutional court's determination, that the president lacks legitimate authority to initiate changes to the constitution.

Nevertheless, I hold the firm belief that as president, I can and indeed must engage authorised entities like Parliament. Accordingly, the purpose of this letter to you, dear **Honourable Speakers**, is to request that Parliament considers all policy measures necessary and sufficient to fully actualise the promise of our constitution.

In effect, I am urging Parliament to exercise its full authority and precisely calibrate the balance of constitutional powers, deepen good governance, enhance inclusion in the democratic space, strengthen parliamentary oversight of the executive and promote the responsiveness of elected representatives to citizen aspirations. Broadly, the matters in which I request this purposive intervention are:

1. Implementation of the two-thirds Gender Rule.
2. Constituency Development, Senate Oversight and National Government Affirmative Action funds.
3. The position of the leader of official opposition.
4. Parliamentary oversight of the executive.

I am persuaded that the intrinsic implications of these matters are sufficiently fundamental to mobilise effective bipartisan parliamentary collaboration and ultimately generate broad consensus among citizens throughout the country.

1. Gender Inclusion and Affirmative Action

On compliance with the gender inclusion framework of the two-thirds rule, it is regrettable that implementation has



become a conundrum that has remained unresolved for too long. There is a profound sense that we have failed Kenya's women, and I believe that it is time to make a decisive breakthrough.

There has been notable legislative endeavour to facilitate greater political participation by women, especially by encouraging more women to vie for elective positions. Equally appreciable are the significant gains made in terms of sustained increase in the number of women leaders elected to various positions. Despite this, the composition of the 13th Parliament remains far short of the constitutional minimum requirement. This non-compliance has far-reaching consequences.

We must recall that in 2020, the Chief justice wrote to the President calling for the dissolution of Parliament due to its non-conformity with the two-thirds gender inclusion principle.

I am committed to all efforts that will help us avert a similar constitutional predicament. Our government pledged to champion the promotion and realisation of women's inclusion and effective participation in every sphere of national endeavour. We have an opportunity to collaborate and deliver this critical mandate.

The constitution mandates the progressive realisation of the gender representation ratio set out in the gender inclusion principle through legislative and other policy measures.

I therefore propose that, if Parliament concurs, a constitutional amendment be enacted, establishing a



formula to guide the computation of the gender ration in the National Assembly based only on the numbers of those members elected from the constituencies (National Assembly) and counties (Senate) per Art. 97(1)(a) and 98(1)(a) respectively. The proposed amendment can be set out under Art. 97(3).

For the National Assembly, the effect of this formula would establish one-third at 97 members. There already exist 47 affirmative action seats dedicated to women leadership. The maximum number of seats required to fulfil the constitutional threshold would therefore be only 50. In the case of the current National Assembly, with 26 women elected from the constituencies, the nomination of an additional 24 women would suffice to meet the constitutional requirement.

By the same formula, the constitutional gender inclusion threshold would be met through the nomination of 16 women to the Senate.

I believe that trading off the increase in the parliamentary wage bill with the achievement of compliant inclusion of women in parliament is eminently worthwhile. I therefore encourage you to seriously consider it.

Another modality of achieving compliance is for political parties to deliberately embark on sustained, institutionalised and robust initiatives that facilitate the empowerment of women to successfully contest legislative seats in greater numbers. Apart from minimising or even eliminating the necessity of top-up nominations, this modality is superior as

it captures the proper spirit of affirmative action, and expresses the essence of the gender inclusion agenda.

There is empirical evidence to support the proposition that equipping and promoting more women to run for office will, in a few election cycles, bring the number of women contesting and winning elections to at least the same level as men.

In order to actualise this intention, I further propose that under an article 97(3)(b), existing legislation be amended to establish a Women's Inclusion and Political Participation Fund. The Fund will be drawn from a percentage of funds allocated to political parties, and will finance education and training, mentorship and capacity building as well as support for women seeking competitive elected representative positions.

It is my further suggestion, **Honourable Speakers**, that such amendments be subject to an appropriate sunset clause to retire it upon attainment of the constitutional requirement.

2. Constituency Development, Senate Oversight and National Government Affirmative Action Funds

I have followed the public discourse, parliamentary debate as well as judicial determinations on the constitutionality of the Constituency Development Fund and its successor, the National Government Constituency Development Fund, with great interest. It is essential, Honourable Speakers, that as leaders, we lead the way in following the law. It is equally paramount that we do not risk undermining our credibility by appearing to employ mischievous legalities and technicalities to skirt about constitutional boundaries. At the same time,



Parliament is the proper forum with full authority to develop laws that are not only constitutionally sound, but which are also responsive to citizens' aspirations.

In my days in Parliament, I served when there was no CDF, and also served when there was CDF. Localised problems often demand expeditious local interventions. CDF empowers legislators to perform their function of representation more effectively by keeping them in touch with the pulse of their constituencies. The CDF also makes the constituency a forum for continuous engagement on critical issues, and effective mobilisation to solve problems in the spirit of collective action. There is, therefore, a strong case to be made, rooted in the essence of the very idea of representative democracy, for the CDF to exist under an appropriate framework.

I am encouraged to note that the 13th Parliament is very much alive to the imperative of this moment, and has already taken up the issue through the Constitution of Kenya (Amendment) Bill, 2022. The proposed insertion of an Article 204A to establish the National Government Constituency Development, Senate Oversight and the National Government Affirmative Action Funds to be drawn out of the national government's shareable revenue, in my considered opinion, are sufficient for purposes of conformity with the express and implicit parameters set out by the constitutional court.

3. The Leadership of the Official Opposition

The commitment to robust democracy, rule of law and effective checks and balances comes with the mandate to respect institutions and to promote sound institutional practices. The 2010 constitution defined and entrenched the



institutions established through democratic elections. However, whilst it provided adequately for the institutional subsistence of the majority side, in my view, the constitution fell short in providing similar clarity on the full post-election fate of the minority side. This is to say that the bipartisan symmetry between the majority and minority sides does not extend to its full logical extent.

The transition to the Presidential system, coupled with the exclusion of presidential candidates from simultaneously contesting parliamentary seats in a General Election created a novel political paradigm. The consequence is that the overall political leader of the minority side is effectively excluded from meaningful political participation, and left to rely on the minority house leaderships to perform the function of oversight. No sound rationale has been proffered to adequately allay the sense that this anomaly is the result of a monumental oversight.

I believe that the idea of Official Opposition, above and beyond mere minority parliamentary leadership, makes tremendous sense in terms of institutionalising governance, strengthening oversight and deepening democracy. The time has come for us to explore the possibility of remedying this shortcoming.

I therefore propose that Parliament consider an amendment to Chapter nine, Part IV of the constitution to establish the office of the Leader of the Official Opposition, with its operational dimensions to be provided for in consequential legislation.



4. **Parliamentary Oversight of the Executive**

It is ill-considered to interpret the rigid separation of powers established under the constitution as the effective insulation of various institutions and organs of government from oversight and accountability. I believe that our government will become more responsive, accountable and effective when it is subjected to rigorous oversight. There is tremendous benefit in experiencing checks and balances in the course of policy implementation.

The Executive has a vested interest in engaging productively with Parliament because the legislature is the custodian of critical instruments that are indispensable for the functioning of government. There is profound value in prosecuting the Executive's legislative agenda and elaborating government policy from the floor of the House, as opposed to segmented committee engagements. An additional benefit of executive participation in parliamentary business is transparency of public proceedings, which can close the information gap between citizens and government, thereby enhancing trust.

For these reasons, I recommend and request that Parliament consider formulating a mechanism within its Standing Orders to facilitate the participation of Cabinet Secretaries/ Chief Administrative Secretaries in parliamentary proceedings, particularly by responding to questions raised by MPs.

Honourable Speakers,

I have taken this opportunity to transmit the foregoing proposals in good faith, trusting that Parliament will consider them in the spirit of perfecting our democratic institutions,

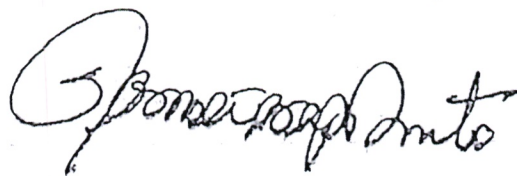


unlocking the promise of our constitutional dispensation and enhancing our nation's capacity to actualise the aspirations of Kenyans.

I am sensitive to the current state of our nation, which is settling down after a long season of vigorous political mobilisation. For this reason, it is important that we endeavour to pursue only those pathways to institutional changes by means which do not entail the resumption of disruptive and potentially divisive mobilisation for a referendum, or campaigning. The proposals set out above, in my considered view, satisfy this critical prudential safeguard.

It is my hope then, that these proposals elicit appropriate consultation and bipartisan deliberation, and, in due course, enable the people's representatives do their part in liberating the country from contradictions and dilemmas which have cost us a lot of opportunities.

I HAVE SET MY HAND unto this Memorandum on this **NINTH** Day of **DECEMBER, 2022.**



WILLIAM SAMOEI RUTO
PRESIDENT.

REPUBLIC OF KENYA

Telegraphic Address
'Bunge', Nairobi
Telephone 2848003
Fax: 2243694



The Senate
Parliament Buildings
P. O. Box 41842 -00100
Nairobi, Kenya

SEN. AARON CHERUIYOT, MP
SENATOR FOR KERICHO/ SENATE MAJORITY LEADER

REF: SML/01/2023

9th March, 2023

Rt. Hon. Amason Jeffah Kingi, EGH, MP,
Speaker of the Senate,
P. O. Box 41842 -00100,
Parliament Buildings,
NAIROBI.

Dear

RE: STATUS OF IMPLEMENTATION OF THE PRESIDENTIAL
MEMORANDUM

The subject matter refers:

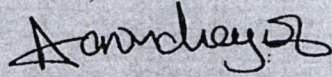
The majority party of the Senate has agreed to propose for the following legislative interventions:-

- (i) Implementation of the two-thirds Gender Rule;
- (ii) Constituency Development, Senate Oversight and National Government Affirmative Action funds;
- (iii) The position of the leader of opposition; and
- (iv) Parliamentary Oversight of the executive.

Under the sub-heading, "Parliamentary Oversight of the executive", the Party requested for the review of Standing Orders to facilitate the participation of Cabinet Secretaries/Chief Administrative Secretaries in parliamentary proceedings in order to subject the executive to rigorous oversight and make it more responsive, accountable and effective.

Considering the importance and urgency attached to this matter, I hereby write to seek information on the progress made in its implementation.

Yours,

A handwritten signature in black ink, appearing to read "A. Cheruiyot", with a stylized flourish at the end.

SEN. AARON CHERUIYOT, MGH, MP,

SENATE MAJORITY LEADER.

13TH PARLIAMENT

SECOND SESSION

PROCEDURE AND RULES COMMITTEE

MINUTES OF THE FIRST SITTING OF THE PROCEDURE AND RULES COMMITTEE HELD IN COMMITTEE ROOM 4 ON THURSDAY, 16TH MARCH, 2023 AT 9: 30 A.M.

PRESENT

- | | |
|--|----------------------|
| 1) The Rt. Hon. Amason Jeffah Kingi, EGH, MP, Speaker of the Senate | - Chairperson |
| 2) Sen. Wakili Hillary Kiprotich Sigei, MP | -Member |
| 3) Sen. Abdul Mohammed Haji, MP, | -Member |
| 4) Sen. Sheikh Mohammed Abass, MP | -Member |
| 5) Sen. Joseph Nyutu Ngugi, MP | -Member |

ABSENT WITH APOLOGIES

- | | |
|--|---------|
| 1. Sen. Kathuri Murungi, MGH, MP, Deputy Speaker - Vice Chairperson | |
| 2. Sen. Beth Kalunda Syengo, MP | -Member |
| 3. Sen. Veronica Waheti Maina, MP | -Member |
| 4. Sen. Catherine Muyeka Mumma, MP | -Member |

SECRETARIAT

- | | |
|-------------------------------|---|
| 1. Mr. Jeremiah Nyegenye, CBS | -Clerk of Senate |
| 2. Dr. Johnson Okello | -Director ,Legal Services |
| 3. Mr. Njenga Ruge, OGW | -Director ,Legislative &Procedural Services |
| 4. Ms. Elizabeth Muhia | -Deputy Director, Legal Services |
| 5. Mr. Benedict Furaha | -Chief of Staff, Speaker's office |
| 6. Mrs. Marya Adjibodou | -Principal Clerk Assistant I |
| 7. Mr. Derick Koli | -Principal Clerk Assistant I |
| 8. Ms. Colleta Sigilai | -Legal Council |

9. Mr. Polycarp Matara -Clerk Assistant (taking minutes).

10. Mr. Faustine Rotich -Clerk Assistant

PRC.MIN. NO.001/2023

PRELIMINARIES

The Chairperson called the meeting to order at 10.29 am and led in a word of prayer.

PRC.MIN. NO.002/2023

ADOPTION OF THE AGENDA

The Committee adopted the agenda of the Sitting, having been proposed by Sen. Wakili Hillary Sigei, MP and seconded by Sen. Abdul Mohammed Haji, MP.

PRC.MIN. NO.003/2023

**CONSIDERATION OF THE PROPOSED
AMENDMENTS TO STANDING ORDERS TO
FACILITATE CABINET SECRETARIES TO
ARTICULATE GOVERNMENT AGENDA AND
ANSWER QUESTIONS ON THE FLOOR OF THE
SENATE.**

Upon invitation by the Chair, the Clerk informed Members that upon receipt of the memorandum from the president he appointed a taskforce whose mandate was to carry out a collaborative and comprehensive audit and compile proposed amendments to the Senate Standing Orders.

The Clerk thereafter requested the Director Legislative and Procedural Services to take Members through the proposed amendments as proposed by the taskforce.

The Committee considered and adopted the proposed amendments with modifications as highlighted below:-

1. Amendment to Standing Order 22

THAT Standing Order 22 be amended by inserting the following new paragraph immediately after paragraph (7) –

(8) The Speaker, upon receipt of the decision under paragraph (7), shall verify and deliver a communication to the Senate within three sitting days.

2. Amendment to Standing Order 23

THAT Standing Order 23 be amended by inserting the following new paragraph immediately after paragraph (6) –

(7) The Speaker, upon receipt of the decision under paragraph (6), shall verify and deliver a communication to the Senate within three sitting days.

3. Amendment to Standing Order 34

THAT Standing Order 34 be amended in -

(a) paragraph (1) by inserting the words “at 9:30 a.m. on Wednesday and” immediately after the words “shall meet at”; and

(b) by deleting paragraph (2) and substituting therefor the following new paragraph -

(2) The Speaker or the Chairperson of the Committee of the Whole shall, subject to paragraph (2A) direct the interruption of business at 1:00 p.m. on the occasion of a morning sitting of Wednesday or at 6:30 p.m. on the occasion of an afternoon sitting.

(2A) The Speaker or Chairperson of the Committee of the Whole may, for the convenience of the Senate, direct the later interruption of business under paragraph (1), for a period of not more than fifteen minutes.

4. Amendment to Standing Order 44

THAT the Standing Orders be amended by deleting Standing Order 44 and substituting therefor the following new Standing Order -

44. The Clerk shall prepare, publish on the parliamentary website and circulate to Senators not later than the Friday of the week preceding such business -

(a) a weekly schedule showing the business of the Senate;

(b) a schedule of sittings of the various Committees; and

(c) a schedule of Questions to be responded to by Cabinet Secretaries.

5. Amendment of Standing Order 45

THAT Standing Order 45 be amended in paragraph (i) by inserting the word "Questions and" at the beginning of subparagraph (vii).

6. Amendment to the Heading to Part XII

THAT the Standing Orders be amended by deleting the heading to Part XII appearing immediately after Standing Order 50 and substituting therefor the following new heading—

PART XII – QUESTIONS AND STATEMENTS

7. Amendment to Standing Order 51

THAT Standing Order 51 be amended –

- (a) by deleting the heading and substituting therefor the following new heading –

Questions and Statements Time

- (b) by deleting paragraph (1) and substituting therefor the following new paragraph –

(1) Notwithstanding standing order 45 (*Sequence of proceedings*), there shall be time, designated for Questions and Statements not exceeding –

(a) three hours during a morning sitting on Wednesday; and

(b) one hour during an afternoon sitting on Tuesday, Wednesday and Thursday.

8. Insertion of new sub-heading

THAT the Standing Orders be amended by inserting the following new subheading immediately after Standing Order 51 –

(a) *Questions*

9. Insertion of new Standing Orders 51A and 51B

THAT the Standing Orders be amended by inserting the following new Standing Orders immediately after Standing Order 51 –

51A. Procedure for asking a Question

(1) A Senator who wishes to address a question to a Cabinet Secretary shall hand to the Clerk a written notification of the matter signed by the Senator.

(2) The Clerk shall submit a notification under paragraph (1) to the Speaker for approval.

(3) The Speaker may refuse to allow a request for Question under paragraph (1) unless satisfied that the matter may properly be discussed in the Senate.

(4) The Clerk shall prepare and submit a list of the questions to be asked under paragraph (1) to –

(a) the relevant Cabinet Secretaries; and

(b) the Senate Business Committee.

(5) The Senate Business Committee shall schedule a date and time for appearance of the relevant Cabinet Secretary before the Senate to respond to the Question.

(6) In scheduling the date for response under paragraph (5), the Senate Business Committee shall provide at least seven days' notice to the respective Cabinet Secretary.

51B. Contents of Questions

(1) The facts on which a Question is based may be set briefly but extracts from newspapers and other media or quotations from speeches shall not be admissible.

(2) A Question, the response to which is readily available in ordinary works of reference or official publications, shall not be asked.

(3) A Question shall not –

- (a) be made the pretext for debate;
- (b) be framed so as to give information or suggest its own response;
- (c) convey a particular point of view;
- (d) contain any argument, inference, opinion, imputation or ironical or offensive expression;
- (e) repeat in substance any matter covered in a prior Question or already responded to, either as a Question or in the course of a debate during the same Session;
- (f) seek an expression of opinion;
- (g) ask whether any statement in the press or of a private individual or unofficial body, other than an official government report, is accurate;
- (h) refer to more than one subject matter;
- (i) be of excessive length;
- (j) include the name of any person nor any expression not strictly necessary to render the request intelligible; or
- (k) refer to proceedings of a Select Committee before that Committee has made its report to the House.

51C. Response to Questions by Cabinet Secretaries

(1) A Senator shall ask his or her Question on the day it is scheduled in the Order Paper.

(2) A Senator may in writing, nominate another Senator to ask a Question on his or her behalf where the Senator shall be absent on the day on which the Question is listed.

(3) Where a Senator is absent and has not nominated another Senator to ask the question on his or her behalf, the Question shall be dropped.

(4) The Speaker, on his own motion, on the request of the Senator who proposes to ask a Question or the Cabinet Secretary, may vary the order in which Questions shall be disposed of.

(5) A Cabinet Secretary shall provide a physical and electronic copy of a response to a Question at least twenty-four hours before appearing before the Senate.

(6) A Cabinet Secretary—

(a) shall appear, in person, on the day on which the respective Question is listed for response;

(b) shall respond to the Question; and

(c) may, with the permission of the Speaker, make a statement on any other matter pertaining to the respective State Department.

(7) Upon the issuance of a response or the making of a statement under paragraph (1), the Speaker may –

(a) allow the Senator who asked the Question to raise a maximum of two supplementary questions that relate to that Question; and

(b) allow any other Senator to ask a supplementary Question.

51D. Non-attendance by Cabinet Secretaries

The Senate may, where a Cabinet Secretary fails, without reasonable cause, to appear and respond to Questions under this Part, move a motion to censure the Cabinet Secretary.

10. Insertion of new sub-heading

THAT the Standing Orders be amended by inserting the following new subheading immediately after the new Standing Order 51D -

(c) Statements

11. Amendment to Standing Order 53

THAT Standing Order 53 be amended –

(a) in paragraph (3) by deleting subparagraph (b); and

(b) by deleting paragraph (4).

12. Amendment to Standing Order 56

THAT Standing Order 56 be amended in paragraph (1) by inserting the following new sub paragraph immediately after sub paragraph (a) –

(aa) shall respond to a Statement requested by a Senator from the Committee relating to any matter under the mandate of the Committee.

13. Amendment to Standing Order 248

THAT Standing Order 248 be amended in paragraph (2)(a) by inserting the words “51B (*Response to Questions by Cabinet Secretaries*)” immediately after the words “(*Visiting Dignitary*)”.

PRC.MIN. NO.004/2023 AMENDMENT PROPOSED BY SEN. MWINYIHAJI FAKI, MP, SENATOR FOR MOMBASA COUNTY.

The Committee was informed that Sen. Mohamed Faki, MP, had requested the Procedure and Rules Committee to approve an amendment to the Standing Orders as follows –

THAT, Standing Order 195 be amended by inserting the following new paragraph (7) –

(7) In the membership of the Committee on Delegated Legislation, the party or parties not forming government shall have a majority of one

The Committee resolved that the Committee on Delegated Legislation was properly constituted to discharge its mandate and therefore rejected the proposal.

PRC.MIN. NO. 005/2023 ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at forty minutes past twelve O'clock. The next meeting will be by notice.

SIGNED:
(CHAIRPERSON)

DATE: 16th March, 2023