



Honourable Speaker, you will also observe from *Order No. v* cited above that the Court did not in any way direct or order for republication of any Bill. Indeed, such an interpretation is in my view a complete departure from the judgment and the settled parliamentary practice in all bicameral jurisdictions, which is that once a Bill is transmitted by the originating House to the second House, the legislative journey of the proposed law shifts to the second House.

It is the onus of the second House to **formally receive** the Bill and consider it in accordance with the relevant statutory provisions and its Standing Orders. The originating House only resumes its authority on the Bill upon the Bill being “Messaged” back to the originating House by the second House.

You are also aware that the National Assembly did file an Appeal against the whole of the judgment in the above matter together with an application to stay execution of the judgment pending the hearing and determination of the Appeal. In this regard, the Court of Appeal dispensed with the application for stay on 2<sup>nd</sup> February, 2021 and issued the following order on the Bills pending before Parliament for which I quote—

*In regard to order No. (v) issued by the High Court, on consideration of Pending Bills before the National Assembly or the Senate; pending the hearing and determination of the Appeal, we direct that both Speakers to hold consultations as may be necessary in the public interest so as to move forward with the respective business and mandates of each House.*

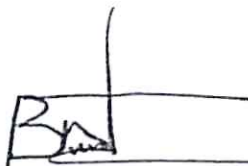
To this end Honourable Speaker and in furtherance of the requirements of Article 110(3) of the Constitution and the Orders of the Court of Appeal, you will agree with me that all the Bills listed in *Annex I* attached herein being National Assembly Bills pending in the Senate at different stages are Bills concerning county governments in terms of Article 110(1) of the Constitution. Further, you will also agree with me that all the Senate Bills pending at different stages in the National Assembly contained in *Annex II* also attached herein are Bills concerning county governments in terms of Article 110(1) of the Constitution. It is now the onus of the Houses to move forward with the said business. It is my view that taking any other position or deviating from the parliamentary practice I have referred to, will not be in public interest and will not move forward the business of the Houses.

You will indeed recall that, The Tea Bill, 2020 appearing in your list of Bills pending before the Assembly (and which you intended to republish) was passed and assented to with the concurrence of the Senate during the last days of the last Session of Parliament, following our consultations. It is noteworthy that it is this facilitative approach and consultations that have eased the processing of the Public Private Partnerships (Amendment) Bill (National Assembly Bill No. 52 of 2017) and the Early Childhood Education Bill (Senate Bill No.26 of 2018), whose *Mediated Versions* are before the Houses at the penultimate stage.

Honourable Speaker, it is incumbent upon us to continue holding our consultations to dispense with any other matters that may require our attention under Article 110(3) of the Constitution. In this regard, I will be forwarding a list of new National Assembly Bills for your view under Article 110(3) of the Constitution. Similarly, I will request you to do the same with respect to any new Senate Bills.

I do hope that this now settles the matter of republication of any Bills in the Houses on the basis of the initial *Order No. (v)* of the judgment and also the resolution sought in your letter dated 9<sup>th</sup> February, 2021, Ref. No. SSN/SNA/6/VOL.1/94 with respect to the Senate Bills already under consideration in the National Assembly.

Please accept, distinguished colleague, the assurances of my highest consideration.



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THE HON. JUSTIN B. N. MUTURI, EGH, M.P.  
SPEAKER OF THE NATIONAL ASSEMBLY

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