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REPUBLIC OF KENYA

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THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – THIRD SESSION

THE THIRD REPORT OF THE PROCEDURE & HOUSE RULES  
COMMITTEE

ON

THE TRANSLATION OF THE NATIONAL ASSEMBLY STANDING  
ORDERS TO KISWAHILI

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 29 OCT 2019	DAY: TUESDAY
TABLED BY:	HON. MOSES CHEBOI MEMBER, PROCEDURE AND HOUSE RULES COMMITTEE
GENERAL SECRETARY:	

Directorate of Legislative & Procedural Services  
The National Assembly  
Parliament Buildings  
**NAIROBI**

OCTOBER 2019

## **TABLE OF CONTENTS**

<b>TABLE OF CONTENTS</b> .....	2
<b>LIST OF ANNEXURES</b> .....	3
<b>FOREWORD</b> .....	4
<b>PREFACE</b> .....	6
Mandate of the Committee.....	6
Membership of the Committee.....	6
Committee Secretariat.....	7
<b>ADOPTION OF THE COMMITTEE REPORT</b> .....	8
<b>BACKGROUND</b> .....	9
The Translation of the National Assembly Standing Orders to Kiswahili.....	9
<b>COMMITTEE OBSERVATIONS</b> .....	10
<b>RECOMMENDATIONS</b> .....	11
<b>ANNEXURES</b> .....	12

## **LIST OF ANNEXURES**

Annexure 1 - Adoption List

Annexure 2 - Minutes of the Committee

Annexure 3 - Translated Copy of the National Assembly Standing Orders

## **FOREWORD**

Article 120 of the Constitution of Kenya provides that the official languages of Parliament shall be Kiswahili, English and Kenyan Sign language, and that the business of Parliament may be conducted in English, Kiswahili and Kenyan Sign language. This principle is replicated in the National Assembly Standing Order 77. Furthermore, Article 118 requires that Parliament “... facilitates public participation and involvement in the legislative and other business of Parliament and its committees.”

Over the years, there have been concerns that Parliament is inaccessible due to, among other things, the language of use in parliamentary documents. It is against this background that the National Assembly embarked on the translation of the Standing Orders to realize the spirit and letter of Articles 7 & 120 of the Constitution of Kenya and Standing Order 77.

Through the office of the Clerk of the National Assembly, a Taskforce was formed to spearhead the translation process. The team engaged various stakeholders within and outside the country and developed a draft Kiswahili translation of the National Assembly Standing Orders.

In carrying out its mandate, the Procedure and House Rules Committee considered the draft translation of the Standing Orders and recommends their adoption for usage by the National Assembly. The Committee proposes that this usage commences at the start of the Fourth Session.

The Members of the Committee have provided invaluable input and expertise towards ensuring that the draft translation of the Standing Orders is actualized. The Committee appreciates the support of the office of the Clerk of the National Assembly for providing technical support.

This Report, therefore, contains the considerations by the Procedure and House Rules Committee on the matter, the general observations of the Committee and its recommendations regarding the progress of the translation of the National Standing Orders to Kiswahili.

A handwritten signature in blue ink, appearing to read 'Moses Cheboi', is positioned above the printed name.

**HON. MOSES CHEBOI, CBS, MP**  
**DEPUTY SPEAKER OF THE NATIONAL ASSEMBLY**  
**PROCEDURE AND HOUSE RULES COMMITTEE**

## **PREFACE**

### **Mandate of the Committee**

The Procedure and House Rules Committee is established under Standing Order 208 that stipulates that the Committee:

- (i) shall consider and report on all matters relating to the Standing Orders.
- (ii) may propose amendments to the Standing Orders and any such amendments shall upon approval by the House, take effect at the time appointed by the House.
- (iii) may propose rules for the orderly and effective conduct of committee business and any such rules, shall upon approval by the House, continue in force until amended or repealed by the House.

### **Membership of the Committee**

S/No	Name/Member	Designation/Constituency	Party
1.	<b>The Hon. Justin B.N. Muturi, EGH, MP CHAIRPERSON</b>	<b>Speaker of the National Assembly</b>	
2.	The Hon. Moses Cheboi, CBS, MP	<b>Deputy Speaker</b> KURESOI NORTH	JP
3.	The Hon. Rosalinda Soipan, CBS, MP	<b>First Chairperson of Committees</b> NAROK COUNTY	JP
4.	The Hon. Patrick Mariru, MP	<b>Second Chairperson of Committees</b> LAIKIPIA	JP
5.	The Hon. Jessica Mbalu, CBS, MP	<b>Third Chairperson of Committees</b> KIBWEZI EAST	WDM
6.	The Hon. Christopher Omulele, MP	<b>Fourth Chairperson of Committees</b> LUANDA	ODM
7.	The Hon. Cecily Mbarire, MGH, MP	<b>Deputy Majority Party Whip</b> NOMINATED	JP
8.	The Hon. Ben Momanyi, MP	BORABU	WDM
9.	The Hon. David Kiaraho, MP	OL KALOU	JP
10.	The Hon. David Kangogo, MP	MARAKWET EAST	JP
11.	The Hon. Abdul Rahim Dawood, MP	IMENTI NORTH	JP
12.	The Hon. Cornelly Serem, MP	ALDAI	JP

13.	The Hon. Alfred Keter, MP	NANDI HILLS	JP
14.	The Hon. Samuel Arama, MP	NAKURU TOWN WEST	JP
15.	The Hon. Olago Aluoch, MP	KISUMU WEST	FORD-K
16.	The Hon. T. J. Kajwang, MP	RUARAKA	ODM
17.	The Hon. Zuleikha Hassan, MP	KWALE COUNTY	ODM
18.	The Hon. Beatrice Adagala, MP	VIHIGA COUNTY	ANC
19.	The Hon. (Dr.) Pamela Ochieng', MP	MIGORI COUNTY	ODM
20.	The Hon. Teddy Mwambire, MP	GANZE	ODM
21.	The Hon. Samuel K. Gachobe, MP	SUBUKIA	JP
22.	The Hon. Capt. (Rtd) Didmus Barasa, MP	KIMILILI	JP
23.	The Hon. Ruweida Mohamed Obo, MP	LAMU COUNTY	JP
24.	The Hon. Gathoni Wamuchomba, MP	KIAMBU COUNTY	JP
25.	The Hon. Abdikhaim Osman, MP	FAFI	KANU

**Party Key:**

ANC	-	Amani National Congress
FORD-K	-	Forum for the Restoration of Democracy - Kenya
JP	-	Jubilee Party
KANU	-	Kenya African National Union
ODM	-	Orange Democratic Movement
WDM	-	Wiper Democratic Movement

**Committee Secretariat**

1. Mrs. Lucy Wanjohi - Principal Clerk Assistant
2. Mr. Mainah Wanjiku - First Clerk Assistant
3. Ms. Getrude Chebet - Second Clerk Assistant
4. Mr. Ronald Walala - Legal Counsel
5. Mr. Andrew Jumanne - Serjeant-at-Arms

**ADOPTION OF THE COMMITTEE REPORT**

We, the Members of the Procedure & House Rules Committee, pursuant to Standing Order 199, have adopted this Report and affixed our signatures in affirmation of our approval and adoption and confirm its accuracy, validity and authenticity as per the attached list (Annexure 1).

## **BACKGROUND**

1. Article 7 of the Constitution of Kenya provides for Kiswahili as the national language of the Republic. Further, it is noted that Kiswahili is one of the official languages of the Republic beside English.
2. Article 120 of the Constitution provides that the official languages of Parliament shall be Kiswahili, English and Kenyan Sign language, and the business of Parliament may be conducted in English, Kiswahili and Kenyan Sign language. This principle is replicated in the National Assembly Standing Orders.
3. It is against this background that the National Assembly embarked on the translation of the Standing Orders to among other things, realize the spirit and letter of Articles 7 & 120 of the Constitution of Kenya and to further enhance integration within the East African Community.
4. Notably, the Constitution provides that in case of a conflict between different language versions of an Act of Parliament, the version signed by the President prevails.
5. It is expected that the translated Standing Orders will provide a reference tool for Members who would wish to debate in Kiswahili while also reach the wider citizenry who may find the legislative language difficult.
6. Instructively, recent developments have seen the push for the use Kiswahili as an ‘official African language.’ The Southern African Development Community (SADC) is at an advanced stage of incorporating Kiswahili as one of the official languages in the SADC bloc.

### **The Translation of the National Assembly Standing Orders to Kiswahili**

7. At its Sixth Meeting held on Monday, 28<sup>th</sup> October 2019, the Procedure & House Rules Committee was apprised on the progress on the translation of the

National Stranding Orders to Kiswahili. The presentation was made by the Deputy Director, Legislative & Procedural Services, Mr. Kipkemoi arap Kirui.

8. It was reported that –

8.1 In February 2019, the Clerk of the National Assembly, Mr. Michael Sialai, constituted a team of officers in the National Assembly to spearhead the translation of Standing Orders from English to Kiswahili.

8.2 In carrying out its terms of reference, the team engaged various stakeholders within and outside the country in a bid to develop an acceptable translation of the National Assembly Standing Orders. Among the stakeholders were experts from the sister Parliament of Tanzania.

8.3 A request was made to the Clerk of the National Assembly of Tanzania to assist in the identification of translation experts who could be engaged by the team. Through the recommendation of the Clerk of the National Assembly of Tanzania, legislative and language experts from the National Assembly of Tanzania and *Baraza la Kiswahili Tanzania (BAKITA)* were identified.

8.4 The team developed a draft copy of the Kiswahili Translation of the National Assembly Standing Orders.

### **COMMITTEE OBSERVATIONS**

The Committee observed that—

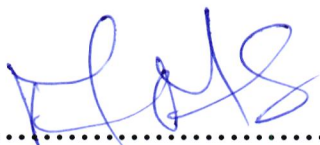
- (a) The Office of the Clerk and the Taskforce had put a lot of laudable effort in the translation of the Standing Orders into Kiswahili over a period of seven (7) months. The exercise benefitted from the input of various local and international Kiswahili experts.

- (b) A proper Kiswahili translation of the Standing Orders must take into account the literal meaning of the Standing Orders, Kenyan Kiswahili syntax and the usage of words and phrases in a parliamentary and legislative context;
- (c) Particular Kiswahili words as used in the translation need further review to harmonize with their usage in Kenya e.g. the use of the word “Ombi” to mean “prayer” *vis-à-vis* the meaning of “Petition”;
- (d) The Kiswahili Translation of the National Assembly Standing Orders needs further input from local Kiswahili experts before commencement of usage in the ordinary business of the House.

### **RECOMMENDATIONS**

Drawing from its Observations, the Committee recommends that—

1. **The House adopts the Kiswahili Translation of the National Assembly Standing Orders;**
2. **The Clerk of the National Assembly—**
  - (a) obtains views of additional local Kiswahili experts on the Kiswahili Translation of the National Assembly Standing Orders within sixty (60) days of the adoption of this Report; and
  - (b) incorporates any relevant changes under 2(a) to the Kiswahili Translation of the National Assembly Standing Orders before the commencement of the 4<sup>th</sup> Session of the 12<sup>th</sup> Parliament;
3. **The commencement of the usage of the Kiswahili Translation of the National Assembly Standing Orders be deferred to the 4<sup>th</sup> Session of the 12<sup>th</sup> Parliament.**

Signed: .....  ..... Date: 29/10/19 .....

**THE HON. MOSES CHEBOI, CBS, MP**  
**DEPUTY SPEAKER OF THE NATIONAL ASSEMBLY**  
**THE PROCEDURE & HOUSE RULES COMMITTEE**

**ANNEXURES**

**Annexure 1  
(Adoption List)**

REPUBLIC OF KENYA



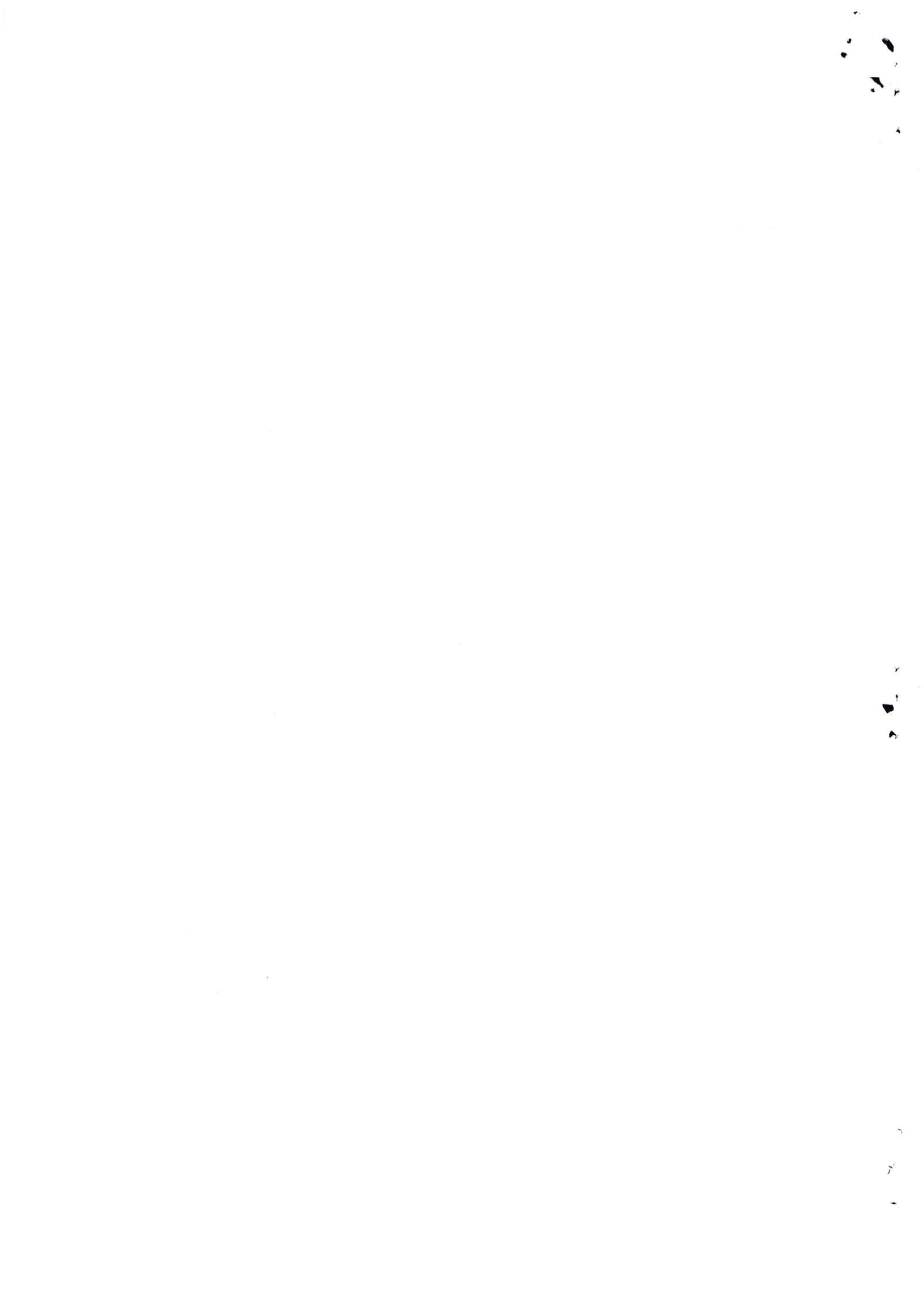
THE TWELFTH PARLIAMENT

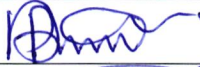
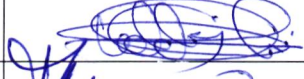


THE PROCEDURE AND HOUSE RULES COMMITTEE

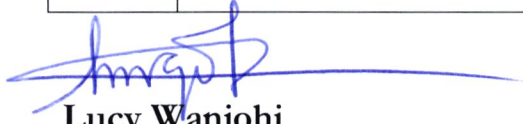
ADOPTION OF THE KISWAHILI STANDING ORDERS

28<sup>TH</sup> OCTOBER 2019

S/NO	NAME	SIGNATURE
1.	The Hon. Justin B.N. Muturi, EGH, MP	
2.	The Hon. Moses Cheboi, CBS, MP	
3.	The Hon. Rosalinda Soipan, MP	
4.	The Hon. Patrick Mariru, MP	
5.	The Hon. Jessica Mbalu, MP	
6.	The Hon. Christopher Omulele, MP	
7.	The Hon. Cecily Mbarire, MP	
8.	The Hon. David K. Bowen, MP	
9.	The Hon. Olago Aluoch, MP	
10.	The Hon. T. J. Kajwang, MP	
11.	The Hon. David Kiaraho, MP	
12.	The Hon. Cornelly Serem, MP	
13.	The Hon. Capt. (Rtd.) Didmus Barasa, MP	
14.	The Hon. Abdul Rahim Dawood, MP	
15.	The Hon. Ben Momanyi, MP	
16.	The Hon. Alfred Keter, MP	
17.	The Hon. Samuel Arama, MP	
18.	The Hon. Beatrice Adagala, MP	
19.	The Hon. Ruweida Mohamed Obo, MP	
20.	The Hon. Zuleikha Hassan, MP	
21.	The Hon. Gathoni Wamuchomba, MP	



22.	The Hon. (Dr.) Pamela Ochieng', MP	
23.	The Hon. Teddy Mwambire, MP	
24.	The Hon. Abdikhaim Osman, MP	
25.	The Hon. Samuel K. Gachobe, MP	



Lucy Wanjohi

For: Clerk of the National Assembly

## **Annexure 2**

**(Copy of Minutes of the Committee – 28.10.2019)**

**MINUTES OF THE SIXTH MEETING OF THE PROCEDURE AND HOUSE RULES COMMITTEE HELD ON MONDAY, 28<sup>TH</sup> OCTOBER, 2019 AT THE WINDSOR GOLF HOTEL & COUNTRY CLUB AT 9.30 A.M.**

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**PRESENT**

1. The Hon. Moses Cheboi, CBS, MP - Deputy Speaker (**Chairing**)
2. The Hon. Christopher Omulele, MP - 4<sup>th</sup> Chairperson of Committees
3. The Hon. Cecily Mbarire, MGH, MP - Deputy Majority Party Whip
4. The Hon. Ben Momanyi, MP
5. The Hon. T.J. Kajwang, MP
6. The Hon. Alfred Keter, MP
7. The Hon. Abdul Rahim Dawood, MP
8. The Hon. Samuel Arama, MP
9. The Hon. Ruweida Mohamed Obo, MP
10. The Hon. Samuel K. Gachobe, MP
11. The Hon. Teddy Mwambire, MP
12. The Hon. Abdihakim Osman, MP
13. The Hon. (Dr.) Pamela Ochieng', MP
14. The Hon. Capt. (Rtd.) Didmus Barasa, MP

**ABSENT WITH APOLOGIES**

1. **The Hon. Justin B. N. Muturi, EGH, MP -Speaker of the National Assembly/Chairperson**
2. The Hon. Rosalinda Soipan, CBS, MP -First Chairperson of Committees
3. The Hon. Patrick Matiru, MP -Second Chairperson of Committees
4. The Hon. Jessica Mbalu, CBS, MP -Third Chairperson of Committees
5. The Hon. Olago Aluoch, MP
6. The Hon. David Kiaraho, MP
7. The Hon. David Kangogo, MP
8. The Hon. Cornelly Serem, MP
9. The Hon. Zuleikha Hassan, MP
10. The Hon. Beatrice Adagala, MP
11. The Hon. Gathoni Wamuchomba, MP

## **IN ATTENDANCE**

1. Mr. Michael Sialai, EBS - Clerk of the National Assembly
2. Mr. Kipkemoi Arap Kirui - Deputy Director, Legislative & Procedural Services
3. Mrs. Lucy Wanjohi - Principal Clerk Assistant/ HoD, IHOD
4. Mr. Rana Tiampati - Principal Clerk Assistant/HoD, Table Office
5. Mr. Mainah Wanjiku - First Clerk Assistant
6. Ms. Getrude Chebet - Second Clerk Assistant
7. Ms. Anne Shibuko - Second Clerk Assistant
8. Mr. Ronald Walala - Legal Counsel
9. Mr. Edwin Mwambeo - Hansard Reporter

## **MIN./PHRC/008/2019**

## **PRELIMINARIES**

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The Deputy Speaker (Hon. Moses Cheboi, CBS) called the meeting to order at 9.40 am. The meeting was opened with prayers.

## **MIN./PHRC/009/2019**

## **ADOPTION OF THE AGENDA**

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The agenda for the meeting was adopted as:

1. Confirmation of the Minutes of the previous meeting
2. Matters arising
3. Report on the translation of the Standing Orders
4. Proposed Committee on Petitions
5. Any Other Business

## **MIN./PHRC/010/2019**

## **CONFIRMATION OF THE PREVIOUS MINUTES**

---

Minutes of the Fifth Meeting of the Committee held on Thursday, 14<sup>th</sup> March, 2019 were confirmed as a true record of the proceedings having been proposed by the Hon. Samuel K. Gachobe, MP and seconded by the Hon. Teddy Mwambire, MP.

Under MIN./PHRC/011/2019 on taking stock of the implementation of the new procedures of Questions, there was a concern that Cabinet Secretaries ceased coming to respond to questions in plenary and that this has denied the public the opportunity to follow proceedings whenever Cabinet Secretaries come to respond to Questions in Committees. It was clarified that the current procedure provided that Questions are asked in plenary but responded to by cabinet Secretaries before Departmental Committees.

Members were informed that the launch of live broadcast of all Committee proceedings has been scheduled for Thursday 31<sup>st</sup> October, 2019. This would enable the public to follow Committee proceedings including responses to Questions from Cabinet Secretaries.

Members also raised concern about the inordinate delays and apparent lack of seriousness by Cabinet Secretaries in responding to Questions from Members. An example was cited where a Cabinet Secretary presented a Report of 2012 that had been overtaken by events to the Departmental Committee on Education and Research. Members agreed that live broadcast of Committee proceedings would make Cabinet Secretaries more accountable when responding to Questions from Members.

It was further agreed that the Committee would review the Standing Orders to address the inordinate delays as well as improve the process of tracking Questions.

The Deputy Director of the Directorate of Legislative and Procedural Services who is also the Team Leader of the Taskforce on translation of the Standing Orders made a

presentation on the progress made in the translation of the Standing Orders to Kiswahili.

The highlights of his presentation were as follows—

- i. A Taskforce to spearhead the translation of the National Assembly Standing Orders was constituted by the Clerk of the National Assembly in March 2019.
- ii. The taskforce team engaged various stakeholders within and outside the country and developed a draft Kiswahili translation of the National Assembly Standing Orders.
- iii. Article 120 of the Constitution and Standing Order 77 provides that the official languages of Parliament shall be Kiswahili, English and Kenyan Sign language, and the business of Parliament may be conducted in English, Kiswahili and Kenyan Sign language.
- iv. This was work in progress and needed input from more stakeholders before the use of the Standing Orders.
- v. The draft Standing Orders would be launched along with other documents on Thursday, 31<sup>st</sup> October, 2019.

#### **a) Committee Observations**

The Committee made the following observations—

- i. The Office of the Clerk and the Taskforce had put a lot of laudable effort in the translation of the Standing Orders into Kiswahili over a period of seven (7) months.  

The exercise benefitted from the input of local and international Kiswahili experts.
- ii. A proper Kiswahili translation of the Standing Orders must take into account the literal and contextual meaning of the Standing Orders, Kenyan Kiswahili

- syntax and the usage of words and phrases in a parliamentary and legislative context;
- iii. Particular Kiswahili words as used in the translation need further review to accord with their usage in Kenya e.g. the use of the word “Ombi” to mean “prayer” instead of “Petition”;
  - iv. The Kiswahili Translation of the National Assembly Standing Orders would need further input from local Kiswahili experts before commencement of usage in the ordinary business of the House.

#### **b) Committee Resolutions**

That the draft Standing Orders that would be launched on Thursday 31<sup>st</sup> October, 2019 be effective at the beginning of the Fourth Session of the 12<sup>th</sup> Parliament (February, 2020) subject to:

- i. Its auditing by local Kiswahili language experts preferably from recognized universities; and
- ii. Involvement of other users of the Standing Orders who are well versed with the language and who are independent of the Taskforce.

The resolutions were unanimously adopted having been proposed by Hon. T.J. Kajwang’, MP and seconded by Hon. Ruweida Mohamed Obo, MP.

**MIN./PHRC/013/2019**

#### **PROPOSED PETITIONS COMMITTEE**

It was reported that at Leadership Retreat held in March 2019, the meeting considered a presentation by Hon. T.J. Kajwang’ on the need to establish a Committee on Petitions. This was informed by several instances where Committees handling Petitions have had to seek approval from the House for extension of time to consider petitions among many other concerns.

The presentation which was based on a Study Visit to the German Parliament in March 2019 advocated for the formation of a Committee to handle Petitions only. This would allow time for Committees to deal with other matters like Bills, Questions etc.

#### **a) Committee Observations**

Members made the following observations with regards to the proposal to introduce a Committee on Petitions –

- i. The Committee would solve the issues that arise where a Petition is crosscutting in terms of subject matter;
- ii. It will also avert situations where Petitions are committed to wrong Departmental Committees;
- iii. There's need to canvass the proposal further since Petitions make up for the bulk of committees' business.
- iv. Lumping all Petitions to one committee would create a backlog and slow the process.

#### **b) Committee Recommendation**

The Committee formed a sub-committee to look at this proposal further. The Sub-committee is composed of:-

1. The Hon. T.J. Kajwang' , MP;
2. The Hon. Ruweida Mohamed Obo, MP; and
3. The Hon. Samuel Kinuthia Gachobe, MP.

The Sub-Committee was given three weeks to report back to the main committee on the following areas:

- i. Mandate of the Committee on Petitions;
- ii. Standing Orders to be amended;
- iii. Practice in comparative jurisdictions

**1. Proposed Study Visits**

The Deputy Speaker informed the meeting that several requests for benchmarking had been made by the Committee. These included a request to the State Legislature of West Virginia, USA and the Parliament of France.

**a) State Legislature of West Virginia**

The visit to the West Virginia Legislature has been scheduled for the week commencing 9<sup>th</sup> December, 2019. The objective of the visit include:-

- i. *Meeting with the counterpart Parliamentary Committee(s) responsible for matters of the House Standing Orders of the West Virginia Legislature with a view to familiarize with their mandate, operations as well as share experiences.*
- ii. *Engaging Members and other relevant officials with a view of exploring opportunities for learning, sharing and cooperating on matters of rules of procedure, and general parliamentary practice.*

The following Members of the Committee were nominated to attend:

1. The Hon.(Dr.) Pamela Ochieng', MP
2. The Hon. Cecily Mbarire, MGH, MP
3. The Hon. Ben Momanyi, MP
4. The Hon. Samuel Arama, MP
5. The Hon. Abdul Rahim Dawood, MP

**b) Parliament of France (January/February 2020)**

The following Members were nominated to attend:-

1. The Hon. Moses Cheboi, MP
2. The Hon. Alfred Keter, MP
3. The Hon. Christopher Omulele, MP

Other Members would be nominated once the request is confirmed by the Parliament of France.


## 2. Proposed Committee Retreat

It was proposed that the Committee undertakes a retreat to consider among other things, the translated Standing Orders. The meeting agreed to have the retreat between December 2019 and January 2020. The Secretariat was directed to coordinate the activity.

### MIN./PHRC/015/2019      ADJOURNMENT AND DATE OF THE NEXT MEETING

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There being no other business, the Deputy Speaker adjourned the meeting at one o'clock. The next meeting shall be by notice.



Sign: .....

(Chairperson)

Date: 29/10/19 .....

**Annexure 3**  
**(Translated Copy of the National Assembly Standing Orders)**



**REPUBLIC OF KENYA**

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**PARLIAMENT**

**The National Assembly**

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**STANDING ORDERS  
(4th Edition)**

As adopted by the National Assembly on 9th January, 2013 during the Fourth Session of the Tenth Parliament and amended on 15th June, 2017 during the Fifth Session of the Eleventh Parliament; 7th December, 2017 during the First Session of the Twelfth Parliament and 23rd August, 2018 during the Second Session of the Twelfth Parliament

Prepared by the Office of the Clerk of the National Assembly

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**PRINTED BY THE GOVERNMENT  
PRINTER, NAIROBI**



**JAMHURI YA KENYA**

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**BUNGE**

**Bunge La Taifa**

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**KANUNI ZA KUDUMU  
(Toleo la Nne)  
(Tafsiri ya Kwanza 2019)**

Ziliidhinishwa na Bunge la Taifa Januari 9, 2013 katika Kipindi cha Nne cha Bunge la Kumi na zikarekebishwa Juni 15, 2017 katika Kipindi cha Tano cha Bunge la Kumi na Moja; Desemba 7, 2017 katika Kipindi cha Kwanza cha Bunge la Kumi na Mbili na Agosti 23, 2018 katika Kipindi cha pili cha Bunge la Kumi na Mbili.

Zimetayarishwa na Afisi ya Katibu wa Bunge La Taifa

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**ZIMECHAPISHWA NA MCHAPISHAJI WA  
SERIKALI, NAIROBI**

**The National Assembly**



**STANDING ORDERS**

**(4th Edition)**

**Bunge la Taifa**



**KANUNI ZA KUDUMU**

**(Toleo la Nne)**

**THE NATIONAL ASSEMBLY STANDING  
ORDERS**

*In Exercise of the powers conferred by Article 124 of the Constitution of the Republic of Kenya, the National Assembly, by resolution passed on 9th January, 2013, adopted these Standing Orders and the Houses of Parliament (Joint Sittings) Rules.*

**KANUNI ZA KUDUMU ZA BUNGE LA  
TAIFA**

*Katika kutekeleza mamlaka yanayokabidhiwa na ibara 124 ya Katiba ya Jamhuri ya Kenya, Bunge la Taifa, kupitia azimio la tarehe 9 Januari 2013, liliidhinisha kanuni hizi pamoja na masharti ya Vikao vya Pamoja vya Bunge la Kenya*

## AMENDMENTS

*The 4th Edition of the Standing Orders incorporates amendments made by the National Assembly on the following dates-*

- (a) 25th April, 2013,*
- (b) 6th May, 2013,*
- (c) 4th December, 2013,*
- (d) 11th June, 2014,*
- (e) 28th August, 2014,*
- (f) 15th June, 2017,*
- (g) 7th December 2017, and,*
- (h) 23rd August 2018.*

## MAREKEBISHO

*Toleo la nne la Kanuni za Kudumu linajumuisha marekebisho yaliyotekelezwa na Bunge la Taifa nyakati zifuatazo -*

- (a) Aprili 25, 2013,*
- (b) Mei 6, 2013,*
- (c) Desemba 4, 2013,*
- (d) Juni 11, 2014,*
- (e) Agosti 28, 2014,*
- (f) Juni 15, 2017,*
- (g) Desemba 7, 2017, na*
- (h) Agosti 23, 2018*

## **TABLE OF CONTENTS**

### **PART I— INTRODUCTORY**

1. In cases not provided for, the Speaker to decide
2. Interpretation
- 2A. The Mace

### **PART II —SWEARING-IN OF MEMBERS AND ELECTION OF SPEAKER**

3. Proceedings on assembly of a new House
4. Vacancy in the Office of Speaker
5. Nomination of candidates
6. Secret ballot
7. Election threshold
8. Withdrawal of candidate
9. Equality of votes
10. Custody of ballot papers
11. Single duly nominated candidate
12. Swearing-in of the Speaker

### **PART IIA— VACATION OF OFFICE OF SPEAKER AND DEPUTY SPEAKER**

- 12A. Resignation
- 12B. Removal from Office

### **PART III—DEPUTY SPEAKER AND CHAIRPERSON OF COMMITTEES**

13. Election of Deputy Speaker
14. Notification of opening of Parliament
15. Chairperson of Committees of the whole House

## **YALIYOMO**

### **SEHEMU YA I – UTANGULIZI**

1. Endapo hakuna masharti yaliyowekwa katika kanuni hizi, Spika ataamua
2. Ufafanuzi
- 2A. Siwa

### **SEHEMU YA II – KUAPISHWA KWA WAJUMBE NA UCHAGUZI WA SPIKA**

3. Matukio kwenye kikao cha kwanza cha Bunge jipya la Taifa
4. Nafasi ya Spika inapokuwa wazi
5. Uteuzi wa wagombea
6. Kura ya siri
7. Vigezo vya kuchaguliwa
8. Kujiondoa kwa mgombea
9. Usawa wa idadi ya kura
10. Utunzaji wa karatasi za kura
11. Mgombea mmoja anapoteuliwa
12. Kuapishwa kwa Spika

### **SEHEMU YA II A— NAFASI KATIKA AFISI YA SPIKA AU NAIBU SPIKA**

- 12A. Kujiuzulu
- 12B. Kuondolewa madarakani

### **SEHEMU YA III—NAIBU SPIKA NA MWENYEKITI WA KAMATI ZA BUNGE**

13. Uchaguzi wa Naibu Spika
14. Taarifa ya ufunguzi rasmi wa Bunge
15. Mwenyekiti wa Kamati za Bunge Zima

16. Chairperson's Panel	16. Jopo la Mwenyekiti
17. Discharge of a Member from Chairperson's Panel	17. Kumuondoa Mjumbe kwenye Jopo la Mwenyekiti
18. Presiding in the House	18. Kuongoza kikao cha Bunge
<b>PART IV- THE LEADER OF THE MAJORITY PARTY AND THE LEADER OF THE MINORITY PARTY</b>	<b>SEHEMU YA IV— KIONGOZI WA CHAMA CHA WALIO WENGI NA KIONGOZI WA CHAMA CHA WALIO WACHACHE</b>
19. Leader of the Majority Party and Deputy Leader of the Majority Party	19. Kiongozi wa Chama cha walio Wengi na Naibu wake
20. Leader of the Minority Party and Deputy Leader of the Minority Party	20. Kiongozi wa Chama cha walio Wachache na Naibu wake
<b>PART V - ADDRESS BY PRESIDENT, VISITING DIGNITARY OR OTHER PERSONS</b>	<b>SEHEMU YA V — HOTUBA YA RAIS, MGENI MASHUHURI AU WAGENI WENGINE</b>
21. President's address on opening of new Parliament	21. Hotuba ya Rais kwenye ufunguzi rasmi wa Bunge jipya
22. President's address on special sittings	22. Hotuba ya Rais kwenye vikao maalum
23. President's entering or leaving the Chamber	23. Rais anapoingia au anapotoka ukumbini
24. President's address to Parliament	24. Hotuba ya Rais kwa Bunge
25. Visiting dignitary	25. Mgeni mashuhuri
25A. Designation of a place in the Chamber for Cabinet Secretaries and other persons	25A. Kutenga sehemu maalum ukumbini kwa ajili ya Mawaziri na watu wengine
<b>PART VI - CALENDAR, SITTINGS AND ADJOURNMENTS OF THE HOUSE</b>	<b>SEHEMU YA VI — KALENDA, VIKAO NA MAAHIRISHO YA BUNGE LA TAIFA</b>
26. Location of the first sitting of a new House	26. Mahali pa kikao cha kwanza cha Bunge jipya
27. Regular Sessions of the House	27. Vipindi vya kawaida vya Bunge
28. Calendar of the Assembly	28. Kalenda ya Bunge la Taifa
29. Special Sittings of the House	29. Vikao maalum vya Bunge la Taifa
30. Hours of meeting	30. Nyakati za vikao

31. Adjournment of the House	31. Kuahirisha Kikao
32. <i>(Deleted)</i> .	32. <i>(Imefutwa)</i> .
33. Adjournment on a definite matter of urgent national importance	33. Kuahirisha shughuli ili kujadili jambo halisi la dharura na muhimu kwa taifa
<b>PART VII - QUORUM OF THE HOUSE</b>	<b>SEHEMU YA VII – AKIDI YA BUNGE LA TAIFA</b>
34. Quorum at commencement of the House	34. Akidi ya kuanza kikao
35. Quorum during the proceedings of the House	35. Akidi wakati wa kikao
36. Quorum during voting or division	36. Akidi wakati wa kupiga kura
37. Decorum when quorum not present	37. Staha akidi inapokosekana
<b>PART VIII- ORDER OF BUSINESS</b>	<b>SEHEMU YA VIII – MPANGILIO WA SHUGHULI</b>
38. Order Paper to be prepared and circulated	38. Orodha ya Shughuli kutayarishwa na kusambazwa
39. Weekly programmes of the business of the National Assembly	39. Ratiba za shughuli za Bunge la Taifa za kila wiki
40. Sequence of proceedings	40. Mpangilio wa shughuli
<b>PART IX- MESSAGES</b>	<b>SEHEMU YA IX – UJUMBE</b>
41. Messages to and from the Senate	41. Ujumbe kwenda na kutoka Seneti
42. Messages from the President	42. Ujumbe kutoka kwa Rais
<b>PART IXA - QUESTIONS</b>	<b>SEHEMU YA IXA – MASWALI</b>
42A. Notice of Question	42A. Arifa ya Swali
42B. General rules on Questions	42B. Masharti ya jumla kuhusu Maswali
42C. Manner of disposing -Questions in a Committee	42C. Namna ya kushughulikia Maswali katika Kamati
42D. Questions for written reply	42D. Maswali yanayohitaji majibu kwa maandishi
42E. Timeline for reply	42E. Muda wa kujibu
42F. Report on Questions	42F. Ripoti ya Maswali

**PART X- STATEMENTS**

- 43. Members' general statements
- 44. Statement Hour

**PART XI - APPROVAL OF PUBLIC APPOINTMENTS**

- 45. Committal to committees

**PART XII- MOTIONS**

- 46. Application
- 47. Notices of Motions
- 48. Amendment of Notice of Motion
- 49. Certain Motions not to be moved
- 50. Time for moving Motions
- 51. Motion withdrawn moved again
- 52. Motions which may be moved without Notice
- 53. Manner of debating Motions
- 54. Amendments to Motions
- 55. Amendments to be in writing
- 56. Amendments to be relevant to Motion
- 57. Question proposed after Motion made
- 58. Motion in possession of the House
- 59. Question as amended put
- 60. When amendment proposed but not made

**PART XIII - SPECIAL MOTIONS**

- 61. Definition of Special Motion
- 62. Instances where the Constitution

**SEHEMU YA X – KAULI MBALIMBALI**

- 43. Kauli za jumla za Wajumbe
- 44. Wakati wa Kauli

**SEHEMU YA XI – KUIDHINISHA UTEUZI WA UMMA**

- 45. Kukabidhiwa kwa Kamati

**SEHEMU YA XII– HOJA**

- 46. Matumizi
- 47. Arifa za Hoja
- 48. Marekebisho kwa Arifa ya Hoja
- 49. Hoja ambazo haziruhusiwi kutolewa
- 50. Nyakati za kutoa Hoja
- 51. Hoja iliyoondolewa inaweza kuwasilishwa tena
- 52. Hoja zinazoweza kutolewa bila arifa
- 53. Utaratibu wa kujadili hoja
- 54. Marekebisho ya Hoja
- 55. Marekebisho kuwa kwa maandishi
- 56. Marekebisho yawiane na Hoja
- 57. Hoja kuafikiwa na kutolewa ijadiliwe
- 58. Hoja kumilikiwa na Bunge
- 59. Kutoa Hoja iliyorekebishwa iamuliwe
- 60. Kutoafikiwa kwa marekebisho yaliyopendekezwa

**SEHEMU YA XIII – HOJA MAALUM**

- 61. Maana ya Hoja Maalum
- 62. Katiba inapohitaji idadi maalum

requires a fixed majority

**PART XIV – PROCEDURE FOR REMOVAL FROM STATE OFFICE**

63. Procedure for removal of President on grounds of incapacity

64. Procedure for removal of President by impeachment

65. Procedure for removal of Deputy President

66. Procedure for removal of Cabinet Secretary

67. Right to be heard

68. Priority of Motion

**PART XV—VOTING AND DIVISIONS**

69. Voting in the House

70. Electronic voting

71. Technical failure, confusion or error occurring

72. Roll call Division claimed

73. Roll call voting

74. In case of confusion or error

75. Errors corrected

76. Decorum during division

**PART XVI—RULES OF DEBATE**

77. Proceedings to be in Kiswahili, English or Kenyan Sign Language

78. Members to address the Speaker

79. Two or more Members requesting to

**SEHEMU YA XIV – UTARATIBU WA KUMUONDOA AFISA WA TAIFA MADARAKANI**

63. Utaratibu wa kumwondoa Rais madarakani kwa kushindwa kutekeleza majukumu

64. Utaratibu wa kumwondoa Rais madarakani kwa mashtaka

65. Utaratibu wa kumwondoa Naibu Rais madarakani

66. Utaratibu wa kumuondoa Waziri madarakani

67. Haki ya kusikilizwa

68. Hoja kupewa kipaumbele

**SEHEMU YA XV - UPIGAJI KURA NA KURA YA MGAWANYIKO**

69. Utaratibu wa kupiga kura Bungeni

70. Kura ya kielektroniki

71. Hitilafu ya mitambo, mkanganyiko au kosa linapotokea

72. Kura ya kuita majina inapohitajika

73. Utaratibu wa kupiga kura ya kuita majina

74. Mkanganyiko au kosa linapotokea

75. Makosa kurekebishwa

76. Staha wakati wa kura ya mgawanyiko

**SEHEMU YA XVI - MASHARTI YA MJADALA**

77. Shughuli kuendeshwa kwa Kiswahili, Kiingereza au Lugha ya Ishara ya Kenya

78. Wabunge kuelekeza maombi kwa Spika

79. Wabunge wawili au Zaidi wanapomba

speak	kuchangia
80. Speeches may not be read	80. Kutosoma Michango
81. No Member to speak after Question put	81. Mbunge kutozungumza baada ya Hoja kutolewa iamuliwe
82. Speaking twice to a Question	82. Kuchangia Hoja mara mbili
82A. Member who has spoken to question may speak to amendment	82A.Mbunge aliyechangia hoja anaweza kuchangia pendekezo la kuirekebisha
82B. Debate on amendment confined to amendment	82B. Mjadala wa rekebisho kujikita kwenye rekebisho
82C. Reserving rights of speech	82C. Kuhifadhi haki ya kuchangia
83. Points of Order	83. Kuhusu Utaratibu
84. Personal Statements	84. Kauli Binafsi
85. Anticipating debate	85. Kuwahisha mijadala
86. Proceedings of Select Committees not to be referred to	86. Kutorejea shughuli za Kamati
87. Contents of speeches	87. Maudhui ya michango
88. Retraction and Apologies	88. Kufuta kauli na kuomba radhi
89. Matters sub judice or secret	89. Mambo yanayosubiri uamuzi wa Mahakama au ya siri
90. Declaration of interest	90. Kutangaza maslahi binafsi
91. Responsibility for statement of fact	91. Kuwajibikia madai
92. <i>(Deleted)</i>	92. <i>(Imefutwa)</i>
93. <i>(Deleted)</i>	93. <i>(Imefutwa)</i>
94. <i>(Deleted)</i>	94. <i>(Imefutwa)</i>
95. Closure of debate	95. Kuhitimisha mijadala
95A. Resumption of interrupted business	95A. Shughuli iliyositishwa kuendelea
96. Adjournment of debate	96. Kuahirisha mijadala
<b>PART XVII—LIMITATION OF DEBATE</b>	<b>SEHEMU YA XVII—KUDHIBITI MJADALA</b>
97. Limitation of debate	97. Kudhibiti mijadala

**PART XVIII—ORDER IN THE HOUSE AND  
IN COMMITTEE OF THE WHOLE HOUSE**

**SEHEMU YA XVIII - UTULIVU UKUMBINI NA  
KATIKA KAMATI YA BUNGE ZIMA**

- |   |  |
|---|--|
| 98. Maintenance of order  | 98. Kudumisha utulivu  |
| 99. Security checks   | 99. Ukaguzi wa kiusalama   |
| 100. Firearms and other offensive weapons                                     | 100. Silaha za moto na silaha nyingine hatari  |
| 101. Lady Members' handbags   | 101. Mikoba ya Wabunge wa kike   |
| 102. When the Speaker rises Members to be silent                              | 102. Wabunge kuwa kimya Spika anaposimama  |
| 103. Members and the Chair  | 103. Wabunge na Kiti   |
| 104. Members to be seated   | 104. Wabunge kuketi  |
| 105. Members to remain in their places until the Speaker has left the Chamber | 105. Wabunge kusalia mahali pao hadi Spika atakapoondoka ukumbini                        |
| 106. Irrelevance or repetition  | 106. Kutoka nje ya mada au kurudiarudia  |
| 107. Disorderly conduct   | 107. Utovu wa nidhamu  |
| 107A. Gross disorderly conduct  | 107A. Utovu mkubwa wa nidhamu  |
| 108. Member may be suspended after being named                                | 108. Mbunge anaweza kusimamishwa kuhudhuria vikao kwa muda baada ya kutajwa jina lake    |
| 109. Member suspended to withdraw from precincts of Parliament                | 109. Mbunge aliyesimamishwa kuhudhuria vikao vya Bunge kwa muda kuondoka maeneo ya Bunge |
| 110. Duration of suspension of a Member                                       | 110. Muda wa Mbunge kusimamishwa kuhudhuria vikao vya Bunge kwa muda                     |
| 110A. Effect of suspension  | 110A. Athari za kusimamishwa kuhudhuria vikao vya Bunge kwa muda                         |
| 110B. Appeal against suspension   | 110B. Rufaa dhidi ya kusimamishwa kuhudhuria vikao vya Bunge kwa muda                    |
| 111. Action to be taken on refusal to withdraw                                | 111. Hatua dhidi ya Mbunge anayekaidi amri ya kuondoka katika maeneo ya Bunge            |
| 112. Grave disorder in the Assembly   | 112. Utovu wa nidhamu uliokithiri Bungeni  |

112A. Definition of a day

112A. Maana ya siku

**PART XIX—PUBLIC BILLS**

**SEHEMU YA XIX—MISWADA YA UMMA**

113. Application and limitation

113. Matumizi na udhibiti

114. Introduction of Bills

114. Uwasilishaji wa Miswada

114A. Speaker to exempt certain legislative proposals

114A. Spika kuruhusu baadhi ya mapendekezo ya miswada

115. Printing of amending provisions

115. Kuchapisha vifungu vinavyorekebisha sheria

116. Enacting formula

116. Mamlaka ya kutunga sheria

117. Memorandum of Objects and Reasons

117. Maelezo ya Madhumuni na Sababu

118. Provisions on delegated powers

118. Vifungu kuhusu ukasimishaji wa madaraka

119. Limitation of fundamental rights and freedom

119. Udhibiti wa haki na uhuru wa kimsingi

120. Publication

120. Utangazaji wa miswada

121. Bills concerning county government

121. Miswada inayohusu serikali za kaunti

122. Procedure upon Publication

122. Utaratibu baada ya Mswada Kutangazwa

123. *(Deleted)*

123. *(Imefutwa)*

124. Not more than one stage of a Bill to be taken at the same sitting

124. Mswada hautashughulikiwa kwa hatua zaidi ya moja katika kikao kimoja

125. Reading of Bills

125. Kusomwa kwa Miswada

126. First Reading

126. Mswada Kusomwa Mara ya Kwanza

127. Committal of Bills to Committees and public participation

127. Miswada kukabidhiwa kwa Kamati na ushirikishwaji wa umma

128. Second Reading

128. Mswada Kusomwa Mara ya Pili

129. Second Reading of a Bill to amend the Constitution

129. Kusomwa Mara ya Pili kwa Mswada wa kurekebisha Katiba

130. Committal of Bills to Committee of the whole House

130. Kukabidhi Miswada kwa Kamati ya Bunge Zima

131. Referral of proposed amendments to Committees	131. Mapendekezo ya marekebisho kuwasilishwa kwenye Kamati
132. Sequence to be observed on a Bill in Committee	132.Mtiririko wa Mswada kuzingatiwa wakati wa Kamati
133. Procedure in Committee of the whole House on a Bill	133. Utaratibu wa kushughulikia Mswada katika Kamati ya Bunge Zima
134. Report of Progress	134. Ripoti ya hatua iliyofikiwa
135. Bill to be reported	135. Ripoti ya Kamati ya Bunge Zima kuhusu Mswada
136.Procedure on Bills reported from Committee of the whole House	136. Utaratibu kwa Miswada iliyoripotiwa na Kamati ya Bunge Zima
136A. Recommittal Procedure	136A.Utaratibu wa Mswada kurejeshwa kwenye Kamati
137. Procedure on Bills reported from Select Committees	137. Utaratibu kwa Miswada iliyoripotiwa na Kamati
138. Procedure upon the re-committal of a Bill	138. Utaratibu utakaotumika Mswada ukirejeshwa kwenye Kamati
139. Third Reading	139. Kusomwa Mara ya Tatu
140. Withdrawal of Bills	140. Kuondolewa kwa Miswada
141. Lapse and Re-introduction of Bills	141.Mswada kutanguka na kuwasilishwa tena
142. Concurrence of the other House	142. Maafikiano na Seneti
143. Consideration of Bills originating from the Senate	143.Utaratibu wa kushughulikia Miswada iliyoanzia Seneti
144. Procedure on Senate Bills after Third Reading in the House	144. Utaratibu wa kushughulikia Miswada ya Seneti baada ya Kusomwa Mara ya Tatu
145.Senate amendments to Bills originating in the National Assembly	145. Marekebisho ya Seneti kwa Miswada iliyoanzia Bunge la Taifa
146.Consideration of Senate amendments to Bills originating in the National Assembly	146. Kushughulikia marekebisho ya Seneti kwa Miswada iliyoanzia Bunge la Taifa
147. Procedure on Senate Amendments to Bills originating in the National	147.Utaratibu wa kushughulikia marekebisho ya Seneti kwa Miswada

Assembly	iliyoanzia Bunge la Taifa
148. Conclusion of Consideration of Senate Amendments to Bills originating in the National Assembly	148. Kuhitimisha kushughulikia marekebisho ya Seneti kwa Miswada iliyoanzia Bunge la Taifa
149. Mediation Committee	149. Kamati ya Usuluhishi
150. Consideration of report of Mediation Committee	150. Kushughulikia Ripoti ya Kamati ya Usuluhishi
151. Special Bill concerning a county government	151. Mswada Maalum unaohusu serikali za kaunti
152. Custody of Bills	152. Hifadhi ya Miswada
153. Presentation of Bills for assent	153. Kuwasilisha Miswada ipate kibali
154. Referral of Bills by President	154. Miswada iliyorejeshwa na Rais
155. <i>(Deleted)</i>	155. <i>(Imefutwa)</i>
<b>PART XX—PRIVATE BILLS</b>	<b>SEHEMU YA XX - MISWADA BINAFSI</b>
156. Application of public Bill procedure	156. Utaratibu wa mswada wa umma kutumika
157. Saving clause	157. Kifungu cha hifadhi ya haki za mamlaka
158. Private Bill affecting private rights	158. Mswada binafsi unaoathiri haki binafsi
159. Petition for leave	159. Ardhilhali ya Kibali
160. Security for cost of printing	160. Dhamana ya gharama za uchapishaji
161. Bills authorizing construction works	161. Miswada inayoidhinisha ujenzi
162. First Reading	162. Mswada Kusomwa Mara ya Kwanza
163. Right of audience before Committee on opposed Bill	163. Haki ya kusikizwa mbele ya Kamati inayohusika na Mswada Binafsi unaopingwa
164. How Bills may be opposed	164. Namna ya kupinga Miswada
165. Printing expenses	165. Gharama za uchapishaji
<b>PART XXI—COMMITTEE OF THE WHOLE HOUSE</b>	<b>SEHEMU YA XXI - KAMATI YA BUNGE ZIMA</b>
166. Limits on consideration of matters by Committee	166. Mipaka ya mamlaka ya Kamati

167. Committee of the whole House may not adjourn	167. Kamati ya Bunge Zima haitaahirishwa
168. Report	168. Ripoti
169. No debate on Motion for Report	169. Hoja ya Ripoti kutojadiliwa
170. General application of rules in Committee	170. Matumizi ya jumla ya masharti kwenye Kamati
<b>PART XXII—SELECT COMMITTEES</b>	<b>SEHEMU YA XXII - KAMATI</b>
171. House Business Committee	171. Kamati ya Kuratibu Shughuli za Bunge
172. Committee on Selection	172. Kamati ya kuteua Wajumbe wa Kamati
173. Nomination of members of select committees	173. Uteuzi wa Wajumbe wa kamati
174. Criteria for nomination	174. Vigezo vya uteuzi
175. Approval of nomination	175. Kuidhinisha uteuzi
176. Discharge of a member from a committee	176. Kuondolewa kwa mjumbe kwenye kamati
177. Composition of select committees	177. Muundo wa Kamati
178. Chairing of select committees and quorum	178. Uongozi na akidi ya Kamati
179. Conduct of election	179. Utaratibu wa uchaguzi
180. Duties of Committee Chairperson	180. Majukumu ya Mwenyekiti wa Kamati
181. Notice of meetings	181. Arifa za mikutano
182. Sittings of select committees	182. Vikao vya Kamati
183. Sub-committees of select committees	183. Kamati ndogo za kamati
184. Member adversely mentioned not to sit	184. Mbunge aliyetuhumiwa kutohudhuria mikutano
185. Adjournment for lack of quorum	185. Ahirisho kutokana na akidi kutotimia
186. Frequency of meetings	186. Idadi ya mikutano
187. Failure to attend meetings	187. Kutohudhuria mikutano
188. Absence of chairperson and vice-	188. Kutokuwepo kwa Mwenyekiti na

chairperson	Makamu Mwenyekiti
189. List of attendance	189. Orodha ya mahudhurio
190. Minutes of select committees	190. Kumbukumbu za kamati
191. Powers and privileges of committees	191. Mamlaka na Haki za Kamati
191A. Procedure if witness fails to appear	191A. Utaratibu shahidi asipohudhuria
192. Temporary absence of a Member of a Select Committee	192. Mjumbe asipohudhuria kwa muda
193. Vote of no confidence in the Chairperson or Vice-Chairperson	193. Hoja ya kutokuwa na Imani na Mwenyekiti au Makamu Mwenyekiti
194. Original vote	194. Kura ya kawaida
195. Attendance by non-members of select committee	195. Mahudhurio ya wajumbe wasiokuwa wanakamati wa kamati
196. Procedure in select committees	196. Utaratibu katika kamati
197. Limitation of mandate	197. Udhhibiti wa mamlaka ya kamati
198. Public access to meetings of select committees	198. Mikutano ya Kamati kuwa wazi kwa Umma
199. Reports of Select Committees	199. Ripoti za Kamati
200. Progress reports	200. Ripoti za kazi za Kamati
200A. Exit Reports	200A. Ripoti ya mwisho wa muhula wa Kamati
201. Reports on House Resolutions	201. Ripoti za maazimio ya Bunge
202. Joint sitting of committees of the Assembly	202. Mikutano ya pamoja ya kamati za Bunge
202A. Approval of joint sittings with a Senate Committee	202A. Idhini ya mikutano ya pamoja na Kamati ya Seneti
203. Engagement of experts	203. Kushirikisha wataalamu
204. Committee on Appointments	204. Kamati ya Uteuzi
205. Public Accounts Committee	205. Kamati ya Hesabu za Serikali
205A. Special Fund Accounts Committee	205A. Kamati ya Hesabu za Mifuko Maalum

206. Public Investments Committee	206. Kamati ya Uwekezaji wa Mitaji ya Umma
207. Budget and Appropriations Committee	207. Kamati ya Bajeti na Matumizi
208. Procedure and House Rules Committee	208. Kamati ya Utaratibu na Kanuni za Bunge
209. Committee on Implementation	209. Kamati ya Utekelezaji
210. Committee on Delegated Legislation	210. Kamati ya Sheria Ndogo
211. Concurrence of Senate's Resolution on Statutory Instruments	211. Maafikiano na azimio la Seneti kuhusu sheria ndogo
212. Committee on Regional Integration	212. Kamati ya Utangamano wa Kikanda
212A. Procedure for presentation of reports from the East African Legislative Assembly and the Pan-African Parliament	212A. Utaratibu wa kuwasilisha ripoti za Bunge la Afrika Mashariki na Bunge la Afrika
212B. Committee on Members' Services and Facilities.	212B. Kamati ya Huduma na Uwezeshaji wa Wabunge
212C. Committee on National Cohesion and Equal Opportunity	212C. Kamati ya Mshikamano wa Kitaifa na Fursa Sawa
212D. Committee on Parliamentary Broadcasting and Library	212D. Kamati ya Utangazaji wa Shughuli za Bunge na Maktaba
213. Appointment of Joint Committees	213. Uteuzi wa Kamati za Pamoja
214. <i>(Deleted)</i>	214. <i>(Imefutwa)</i>
215. <i>(Deleted)</i>	215. <i>(Imefutwa)</i>
216. Appointment and mandate of Departmental Committees	216. Uteuzi na madaraka ya Kamati za kiidara
217. Liaison Committee	217. Kamati ya Kuratibu Shughuli za Kamati
218. Committee to be limited to mandate	218. Mipaka ya Madaraka ya Kamati
<b>PART XXIII—PUBLIC PETITIONS</b>	<b>SEHEMU YA XXIII - ARDHILHALI ZA UMMA</b>
219. Meaning of Petition	219. Maana ya Ardhillhali
220. Submission of a Petition	220. Kuletwa kwa Ardhillhali

221. Petition on Private Bill	221. Ardhilhali ya Mswada Binafsi
222. Notice of intention to present Petition	222. Arifa ya kusudio la kuwasilisha Ardhilhali
223. Form of Petition	223. Muundo wa Ardhilhali
224. Time for Petitions	224. Muda wa Ardhilhali
225. Presentation of Petitions	225. Uwasilishaji wa Ardhilhali
226. Comments on petitions	226. Maoni kuhusu Ardhilhali
227. Committal of Petitions	227. Ardhilhali kukabidhiwa kwa Kamati
228. Copies of responses	228. Nakala za majibu
229. Register of Petitions	229. Sajili ya Ardhilhali
<b>PART XXIII A—PETITION FOR REMOVAL OF A MEMBER OF A COMMISSION OR INDEPENDENT OFFICE</b>	<b>SEHEMU YA XXIII A— ARDHILHALI YA KUMUONDOA MWANACHAMA WA TUME AU AFISA WA AFISI HURU</b>
230. Petitions for Removal of a member of a Commission or holder of an Independent Office.	230. Ardhilhali ya kumwondoa Mjumbe wa Tume au afisa wa Afisi Huru
<b>PART XXIV—FINANCIAL PROCEDURES</b>	<b>SEHEMU YA XXIV - UTARATIBU WA KUSHUGHULIKIA MASUALA YA FEDHA</b>
231. Restrictions with regard to certain financial measures	231. Masharti kuhusu masuala ya fedha
232. Presentation of Budget Policy Statement and the Debt Management Strategy	232. Kuwasilishwa kwa Taarifa ya Sera ya Bajeti na Mkakati wa Kudhibiti Deni
233. Consideration of Division of Revenue Bill	233. Kushughulikia Mswada wa Kugawa Mapato
234. Consideration of County Allocation of Revenue Bill	234. Kushughulikia Mswada wa Kutenga Mapato kwa Serikali za Kaunti
235. Presentation of Budget Estimates and committal to Committees	235. Uwasilishaji wa Makadirio ya Bajeti na Kukabidhiwa Kamati
236. Committee of Supply	236. Kamati ya Matumizi
237. Definition of day	237. Maana ya siku
238. <i>(Deleted)</i>	238. <i>(Imefutwa)</i>

239. Moving into Committee of Supply	239. Kuingia katika hatua ya Kamati ya Matumizi
240. Consideration of Estimates in the Committee of Supply	240. Kushughulikia Makadirio katika Kamati ya Matumizi
240A. Consideration of Supply Resolutions	240A. Kuzingatia Maazimio ya Matumizi
240B. Appropriation Bill and Equalization Fund Appropriation Bill	240B. Mswada wa Matumizi ya Fedha na Mswada wa Matumizi ya Fedha ya Mfuko wa Hazina ya Usawazishaji
241. <i>(Deleted)</i>	241. <i>(Imefutwa)</i>
242. Vote on Account	242. Idhini ya kutoa Fedha
243. Procedure on Supplementary Estimates	243. Utaratibu wa Makadirio ya Nyongeza
244. <i>(Deleted)</i>	244. <i>(Imefutwa)</i>
244A. Approval of expenditure of more than ten percent	244A. Kuidhinisha matumizi yanayozidi asilimia kumi
244B. Supplementary Appropriation Bill	244B. Mswada wa Nyongeza ya Matumizi ya Fedha
244C. Pronouncement of the Budget highlights and Revenue raising measures	244C. Kutangazwa kwa dondoo za Bajeti na mikakati ya ukusanyaji Mapato
245. Consideration of Finance Bill	245. Kushughulikia Mswada wa Fedha
<b>PART XXV—JOURNALS, RECORDS AND BROADCAST OF PROCEEDINGS</b>	<b>SEHEMU YA XXV - MAJARIDA, REKODI NA URUSHAJI WA MATANGAZO YA VIKAO</b>
246. Journals of the House	246. Rekodi za Bunge
247. Custody of Journals and Records	247. Hifadhi ya Majarida na Rekodi za Bunge
248. Hansard reports	248. Taarifa Rasmi
249. Secret or personal matters	249. Mambo ya siri au ya binafsi
250. Broadcast of House Proceedings	250. Urushaji wa matangazo ya shughuli vya Bunge
251. <i>(Deleted)</i>	251. <i>(Imefutwa)</i>

**PART XXVI—PUBLIC ACCESS TO THE HOUSE AND ITS COMMITTEES**

252. General provisions on access to the House

253. Restriction of access to the Chamber

254. Exclusion from the House or committees

255. Press representatives infringing Standing Orders or the Speaker's Rules

**PART XXVII—GENERAL**

256. Exemption of business from Standing Orders

256A. Extension of period prescribed

256B. Summons by the House

257. Attendance before the Senate

257A. Permission for absence

258. Failure to attend sittings

259. Seating in the Chamber

259A. Recognition of a Parliamentary Caucus

260. Members travelling outside Kenya

261. Expenses of witnesses

**PART XXVIII—AMENDMENT OF STANDING ORDERS**

262. Proposals for amendment by the Procedure and House Rules Committee

263. Amendment on the initiative of a Member

264. Periodic review of Standing Orders

**SEHEMU YA XXVI - BUNGE NA KAMATI ZAKE KUWA WAZI KWA UMMA**

252. Masharti ya jumla ya kuingia kwenye Bunge

253. Katazo la kuingia Ukumbini

254. Kuondolewa Bungeni au kwenye Kamati

255. Wanahabari wanapokiuka Kanuni hizi au masharti ya Spika

**SEHEMU YA XXVII - JUMLA**

256. Kutengua Kanuni

256A. Kuongezwa muda uliotengewa shughuli

256B. Hati ya Wito

257. Kufika mbele ya Seneti

257A. Ruhusa ya kutohudhuria vikao

258. Kutohudhuria vikao

259. Utaratibu wa kuketi ukumbini

259A. Kutambuliwa kwa kambi za kibunge

260. Wajumbe wanaosafiri nje ya Kenya

261. Gharama za mashahidi

**SEHEMU YA XXVIII - MAREKEBISHO YA KANUNI**

262. Mapendekezo ya kukebisha Kanuni kutoka kwenye Kamati ya Utaratibu na Kanuni za Bunge

263. Rekebisho linalotokana na Mbunge

264. Mapitio ya mara kwa mara ya Kanuni

265. Consideration of reports of Procedure and House Rules Committee

265. Kushughulikia ripoti za Kamati ya Utaratibu na Kanuni za Bunge

**PART XXIX—TRANSITIONAL PROVISIONS**

**SEHEMU YA XXIX - MASHARTI YA MPITO**

266. National Assembly's Resolution on Standing Orders

266. Azimio la Bunge kuhusu Kanuni za bunge

267. Revocation of previous Standing Orders

267. Kufutwa kwa Kanuni za awali

267A. Commencement

267A. Kuanza kutumika

<hr/> <b>FIRST SCHEDULE</b> Broadcasting Rules	<hr/> <b>NYONGEZA YA KWANZA</b> Masharti ya Utangazaji
<b>SECOND SCHEDULE</b> Departmental Committees	<b>NYONGEZA YA PILI</b> Kamati za Kiidara
<b>THIRD SCHEDULE</b> General Form of a Public Petition	<b>NYONGEZA YA TATU</b> Muundo wa Jumla wa Ardhilhali
<b>FOURTH SCHEDULE</b> Joint Rules of the House of Parliament	<b>NYONGEZA YA NNE</b> Masharti ya Pamoja
<b>FIFTH SCHEDULE</b> Form of Nomination Paper	<b>NYONGEZA WA TANO</b> Fomu ya Karatasi ya Uteuzi
<b>SIXTH SCHEDULE</b> Form of Oath/Solemn Affirmation by a witness before a Committee	<b>NYONGEZA YA SITA</b> Muundo wa Kiapo/Kukiri Kuwajibika kwa shahidi aliyefika mbele ya Kamati ya Bunge
<b>SEVENTH SCHEDULE</b> Summons to Witness	<b>NYONGEZA YA SABA</b> Wito kwa Mashahidi
<b>EIGHTH SCHEDULE</b> Affidavit of Service of Summons	<b>NYONGEZA YA NANE</b> Kiapo cha Mpeleka Hati ya Wito
<b>INDEX</b>	<b>FAHARISI</b>

### **PRAYER**

Almighty God, who in Your wisdom and goodness have appointed the offices of Leaders and Parliaments for the welfare of society and the just government of the people, we beseech You to behold with Your abundant favour, us Your servants, whom You have been pleased to call to the performance of important trusts in this Republic.

Let Your blessings descend upon us here assembled, and grant that we treat and consider all matters that shall come under our deliberation in so just and faithful a manner as to promote Your Honour and Glory, and to advance the peace, prosperity and welfare of our Country and of those whose interests You have committed to our charge.

**AMEN**

### **OMBI**

Ewe Mwenyezi Mungu, ambaye kwa hekima na wema wako umeteua nyadhifa za viongozi na mabunge kwa ustawi wa jamii na utawala wa haki wa wanadamu: twakusihi ututazame kwa neema nyingi sisi watumishi wako, ambao umeridhika kutuita ili tutekeleze shughuli muhimu za Jamhuri hii yetu.

Twakuomba ututeremshie baraka zako sisi tuliokutanika hapa, na utujalie tuyatende na kufikiria mambo yote yatakayofikishwa mbele yetu kwa njia ya haki na uaminifu ili utukufu na sifa zako ziendelezwe, na ili kustawisha amani, ufanisi na heri ya nchi hii yetu na wale ambao haja zao umezikabidhi mikononi mwetu.

**AMINA**

## **PART I—INTRODUCTORY**

**In cases not provided for, the Speaker to decide**

1. (1) In all cases where matters are not expressly provided for by these Standing Orders or by other Orders of the House, any procedural question shall be decided by the Speaker.

(2) The decisions made in paragraph (1) shall be based on the Constitution of Kenya, statute law and the usages, forms, precedents, customs, procedures, traditions and practices of the Parliament of Kenya and other jurisdictions to the extent that these are applicable to Kenya.

### **Interpretation**

2.(1) In these Standing Orders—

(a) unless the context otherwise requires—

“Allotted Day” means a day set aside for the consideration in Committee of Supply of proposals in respect of the Annual and Supplementary Estimates, as provided by Part XXIV of these Standing Orders;

“Broadcast” includes the live transmission of the proceedings of the House by radio, television or webcast;

“Cabinet Secretary” means a person appointed as a Cabinet Secretary under Article 152(2) of the Constitution;

“Clerk” means the Clerk of the Assembly, or, if the Clerk is absent, or if the office is vacant, such other person as is for the time being performing the duties of the Clerk;

## **SEHEMU YA I - UTANGULIZI**

**Endapo hakuna masharti yaliyowekwa katika kanuni hizi, Spika ataamua**

1.(1) Endapo jambo lolote halikuwekewa masharti katika Kanuni hizi au kwa Amri nyingine za Bunge la Taifa, Spika ataamua utaratibu wa kufuatwa.

(2) Uamuzi utakaofanywa kwa mujibu wa fasili ya (1) utazingatia Katiba ya Kenya, sheria za nchi, mazoea, mitindo, uamuzi wa awali, desturi, taratibu, mila na mienendo ya Bunge la Kenya na mabunge mengine, ilimradi matumizi yao yatakubalika Kenya.

### **Ufafanuzi**

2. (1) Katika Kanuni hizi—

(a) isipokuwa kama muktadha utahitaji vinginevyo—

“Siku Tengwa” ni muda uliotengwa kwa Kamati ya Matumizi kushughulikia mapendekezo ya Makadirio ya Mwaka na Makadirio ya Ziada kulingana na Sehemu ya XXIV ya Kanuni hizi;

“Utangazaji” unajumuisha upeperushaji wa moja kwa moja wa matukio ya Bunge la Taifa kupitia redio, runinga ama mtandao;

“Waziri” ni mtu aliyeteuliwa kuwa Waziri kwa mujibu wa Ibara ya 152(2) ya Katiba;

“Katibu” ni Katibu wa Bunge la Taifa au mtu yeyote anayetokeleza majukumu ya Katibu endapo Katibu hayupo au nafasi yake inapokuwa wazi;

“Leave of the House” means there being no objection by any Member, either with the sympathy of the Speaker or with the support of at least five other Members;

“Leader of the Majority Party” means the person who is the leader in the National Assembly of the largest party or coalition of parties under Standing Order 19 (*Leader of Majority Party and Deputy Leader of Majority Party*);

“Leader of the Minority Party” means the person who is the leader in the National Assembly of the second largest party or coalition of parties under Standing Order 20 (*Leader of Minority Party and Deputy Leader of Minority Party*);

“Majority Party” means the largest party or coalition of parties in the National Assembly;

“Majority Whip” means the Member designated as the Majority Whip by the Leader of the Majority Party;

“Member” means a member of the National Assembly;

“Minority Party” means the second largest party or coalition of parties in the National Assembly;

“Minority Whip” means the Member designated as the Minority Whip by the Leader of the Minority Party;

“Notice Paper” means the official schedule of business intended to be transacted by the Assembly during a particular week, published and circulated by the Clerk by order of the House Business Committee under

“Idhini ya Kikao” ina maana hakutakuwa na pingamizi la Mjumbe yeyote, isipokuwa kama limepata kibali cha Spika au limeungwa mkono na Wajumbe wasiopungua watano;

“Kiongozi wa Chama cha walio Wengi” ni Mbunge ambaye ni kiongozi wa chama au muungano wa vyama wenye idadi kubwa ya Wabunge kwa mujibu wa Kanuni ya 19 (*Kiongozi wa Chama cha walio Wengi na Naibu Kiongozi wa Chama cha walio Wengi*);

“Kiongozi wa Chama cha walio Wachache” ni Mbunge ambaye ni kiongozi wa chama au muungano wa vyama wenye idadi inayofuatia kwa wingi wa Wabunge kwa mujibu wa Kanuni ya 20 (*Kiongozi wa Chama cha walio Wachache na Naibu Kiongozi wa Chama cha walio Wachache*);

“Chama cha walio Wengi” ni chama chenye idadi kubwa ya Wabunge au muungano wa vyama wenye idadi kubwa ya Wabunge katika Bunge la Taifa;

“Mratibu wa Chama cha walio Wengi” ni Mbunge aliyeteuliwa na Kiongozi wa Chama cha walio Wengi kuwa Mratibu wa Chama cha walio Wengi;

“Mbunge” ni Mbunge wa Bunge la Taifa;

“Chama cha walio Wachache” ni chama au muungano wa vyama wenye idadi inayofuatia kwa wingi wa Wabunge katika Bunge la Taifa;

“Mratibu wa Chama cha walio Wachache” ni Mbunge aliyeteuliwa na Kiongozi wa Chama cha walio Wachache kuwa Mratibu wa Chama cha walio Wachache;

“Arifa ya Shughuli” ni mpangilio rasmi wa shughuli zinazokusudiwa kutekelezwa na Bunge la Taifa kwa wiki zinazochapishwa na kusambazwa na Katibu kwa amri ya Kamati ya Kuratibu Shughuli za Bunge la Taifa kwa mujibu wa Kanuni ya 38 (*Orodha*

Standing Order 38 (*Order Paper to be prepared and circulated*); ya Shughuli kuandaliwa na kusambazwa);

“Order Paper” means the paper showing the business to be placed before or taken by the House on a particular day, published and circulated by the Clerk under Standing Order 38 (*Order Paper to be prepared and circulated*);

“Orodha ya Shughuli” ni orodha itakayochapishwa na kusambazwa na Katibu kwa mujibu wa Kanuni ya 38 (*Orodha ya Shughuli kuandaliwa na kusambazwa*) ikionyesha shughuli zitakazowasilishwa Bungeni au kushughulikiwa na Bunge la Taifa katika siku inayohusika;

“Paper” means any printed or electronic material laid on the Table of the House or a committee of the House pursuant to any law or these Standing Orders or any other material as the Speaker may determine;

“Waraka” ni ujumbe uliochapishwa au wa kielektroniki au wa namna nyingine yoyote itakayoamuliwa na Spika uliowasilishwa Mezani au kwenye kamati ya Bunge kwa mujibu wa sheria yoyote au Kanuni hizi;

“Parliamentary Party” means a party or a coalition of parties consisting of not less than five percent of the membership of the National Assembly;

“Chama Bunge” ni chama au muungano wa vyama wenye angalau asilimia tano ya Wabunge wote;

“Party Whip” means a Member designated by a parliamentary party as its party whip for the purposes of the transaction of the business in the House and includes the Majority Whip and the Minority Whip;

“Mratibu wa Chama” maana yake ni Mbunge aliyeteuliwa na Chama Bunge kuwa Mratibu wake kwa minajili ya kutekeleza shughuli Bungeni na inajumuisha Mratibu wa Chama cha walio Wengi na Mratibu wa Chama cha walio Wachache;

“Precincts of Parliament” includes the Chamber of the National Assembly and of the Senate, every part of the buildings in which the Chambers are situated, the offices of Parliament, the galleries and places provided for the use and accommodation of Members of Parliament, members of the public and representatives of the Press and any forecourt, yard, garden, enclosure or open space, appurtenant thereto and used or provided for the purposes of Parliament;

“Maeneo ya Bunge” inajumuisha Ukumbi wa Bunge la Taifa na ule wa Seneti, sehemu zote za majengo zilipo Kumbi, ofisi za Bunge, sehemu za ndani ya Ukumbi zilizotengewa wageni, sehemu zinazotumiwa na Wabunge, umma na wanahabari na nyuga, yadi, bustani, eneo wazi au mizunguko yake, inayomilikiwa au kutengwa kwa matumizi ya Bunge;

“President” means the President of the Republic of Kenya and includes the Deputy-President when acting as President and any other person who for the time being performs the functions of

“Rais” maana yake ni Rais wa Jamhuri ya Kenya na inajumuisha Naibu wa Rais anapokaimu nafasi ya Rais na mtu yeyote anayetekeleza majukumu ya Rais kwa mujibu wa Ibara ya 146(2) ya Katiba;

the President pursuant to Article 146(2) of the Constitution;

“Private Bill” means any Bill, which is intended to affect or benefit some particular person, association or corporate body;

“Public Bill” means a Bill which is intended to affect the public generally, or a section of the public;

“Recess” means a period during which the House stands adjourned to a day other than the next normal sitting day;

“Session” means the sittings of the House commencing when it first meets after a General Election or on a day provided for in Standing Order 27 (*Regular Sessions of the House*) and terminating when the National Assembly adjourns at the end of a calendar year or at the expiry of the term of Parliament;

“Sitting” means a period during which the House is sitting continuously without adjournment and includes any period during which the House is in Committee; but two or more periods of sitting within the normal period of one sitting, or within an equivalent period, shall not rank as more than one sitting;

“Sitting day” means any day on which the Assembly sits;

(b) reference to the Chairperson of Committees includes the Speaker when presiding over a Committee of the whole House or any other Member for the time being so presiding;

(c) reference to the Speaker includes the Deputy Speaker or any other Member when presiding over the Assembly pursuant to Article 107 of the Constitution.

“Mswada Binafsi” ni Mswada wowote unaokusudia kuathiri au kunufaisha mtu fulani, kikundi au shirika;

“Mswada Umma” ni Mswada wowote unaokusudia kuathiri umma kijumla au sehemu ya umma;

“Likizo” ni muda ambao Bunge la Taifa limeahirishwa kwa ajili ya mapumziko hadi siku nyingine isiyo siku inayofuata ya kawaida ya Vikao;

“Kipindi” maana yake ni Vikao vya Bunge la Taifa kuanzia linapokutana kwa mara ya kwanza baada ya uchaguzi mkuu au siku inayorejelewa na Kanuni ya 27 (*Vikao vya Kawaida vya Bunge la Taifa*) na kufikia tamati Bunge linapoahirishwa mwishoni mwa mwaka au mwishoni mwa muhula wa Bunge;

“Kikao” ni muda Bunge la Taifa linapoketi mfululizo bila kuahirishwa na injumuisha wakati wowote Bunge linapoketi kama Kamati; lakini vikao viwili au zaidi katika muda wa kawaida wa kikao kimoja, au muda sawa, haitachukuliwa kuwa zaidi ya Kikao kimoja;

“Siku ya Kikao” ni siku yoyote ambayo Bunge la Taifa linakutana;

(b) Mwenyekiti wa Kamati injumuisha Spika anapoongoza Kamati ya Bunge zima au Mbunge yeyote anayeongoza kikao;

(c) Spika injumuisha Naibu Spika au Mbunge yeyote anapoongoza kikao cha Bunge kwa mujibu wa Ibara ya 107 ya Katiba.

(2) In these Standing Orders, whenever a document is required to be provided or made available to Members, the document shall be considered to have been so provided or made available if placed in the Members' pigeon holes or in such other manner as the Speaker may direct.

#### **The Mace**

2A. The Mace of the House embodies the authority of the Speaker and the House and shall be kept in safe custody by the Serjeant-at-Arms.

### **PART II—SWEARING-IN OF MEMBERS AND ELECTION OF SPEAKER**

#### **Proceedings on assembly of a new House**

3.(1) On the first sitting of a new House pursuant to the President's notification under Article 126(2) of the Constitution, the Clerk shall—

(a) read the notification of the President as published in the *Gazette*;

(b) lay a list of the names of the persons elected as Members on the Table of the House; and

(c) administer the Oath or Affirmation of Office provided for in the Third Schedule to the Constitution to all members present in the House in the order set out in paragraph (2).

(2) The Clerk shall administer the Oath or Affirmation of Office to Members in alphabetical order using the following order of precedence—

(a) Members with the longest cumulative period of service in the Assembly;

(b) Members with the longest cumulative period of service in the National

(2) Katika Kanuni hizi, kila mara nyaraka zinapotakiwa kuwasilishwa kwa Wabunge, itachukuliwa kama zimewasilishwa endapo Wabunge watapatiwa au kuwekewa kwenye visanduku vyao au kwa namna atakavyoelekeza Spika.

#### **Siwa**

2A. Siwa ya Bunge la Taifa ni kielelezo cha mamlaka ya Spika na Bunge la Taifa na itahifadhiwa kwa usalama na Mpambe wa Bunge la Taifa.

### **SEHEMU YA II — KUAPISHWA KWA WABUNGE NA UCHAGUZI WA SPIKA**

#### **Matukio kwenye kikao cha kwanza cha Bunge jipya la Taifa**

3. (1) Katika kikao cha kwanza cha Bunge jipya la Taifa kufuatia arifa ya Rais kwa mujibu wa Ibara ya 126 (2) ya Katiba, Katibu -

(a) atasoma arifa ya Rais kama ilivyotangazwa katika Gazeti Rasmi la Serikali;

(b) atawasilisha Mezani majina ya watu waliochaguliwa kuwa Wabunge; na

(c) atasimamia kiapo au kukiri kuwajibika katika madaraka ya Mbunge kwa Wabunge wote waliomo Ukumbini kwa mujibu wa Nyongeza ya Tatu ya Katiba kwa utaratibu ulioorodheshwa katika fasili ya (2).

(2) Katibu atasimamia kiapo au kukiri kuwajibika katika madaraka ya Mbunge kwa Wabunge kwa kufuata alfabeti kwa kutumia utaratibu ufuatao -

(a) Wabunge waliohudumu kwa muda mrefu zaidi katika Bunge la Taifa;

(b) Wabunge waliohudumu kwa muda mrefu zaidi katika Bunge la Taifa, Bunge la

Assembly, East African Legislative

Jumuiya ya Afrika Mashariki na Seneti;

(c) Members with the longest cumulative period of service in the Senate;

(c) Wabunge waliohudumu kwa muda mrefu zaidi katika Seneti;

(d) all other Members.

(d) Wabunge wengine wote.

(3) Pursuant to the provisions of Article 74 of the Constitution, no person shall assume or perform any functions of the office of a Member before taking and subscribing to the Oath or Affirmation of Office provided for under paragraph (1).

(3) Kwa mujibu wa Ibara ya 74 ya Katiba, hakuna mtu atakayechukua au kutekeleza majukumu ya ofisi ya Mbunge kabla ya kula kiapo au kukiri kuwajibika kwa madaraka ya Mbunge kama inavyohitajika na fasili ya (1).

(4) When the Clerk is administering the Oath or Affirmation of Office to Members and before the Clerk has administered the Oath or Affirmation of Office to the Speaker, any question arising in the House shall be determined by the Clerk who shall, during that period, exercise the powers of the Speaker.

(4) Katibu anaposimamia Wabunge kula kiapo au kukiri kuwajibika katika madaraka ya Mbunge na kabla hajasimamia kiapo cha Spika au kukiri kuwajibika katika madaraka ya Spika, na iwapo suala lolote litaibuka wakati huo litaamuliwa na Katibu ambaye atakuwa na mamlaka ya Spika.

(5) At any other time, the Oath or Affirmation of Office shall be administered by the Speaker immediately after prayers.

(5) Wakati mwingine wowote, Spika atasimamia kiapo cha Wabunge au kukiri kuwajibika katika madaraka ya Mbunge mara tu baada ya maombi.

(6) When a Member first attends to take his or her seat after the first sitting of the House, the Member shall, before taking his or her seat, be escorted to the Table by two Members and be presented by them to the Speaker who shall then administer to the Member the Oath or Affirmation of Office.

(6) Pindi Mbunge anapohudhuria kikao kwa mara ya kwanza baada ya kikao cha kwanza cha Bunge la Taifa na kabla hajaketi, Mbunge huyo atasindikizwa na Wabunge wawili hadi kwenye Meza na kutambulishwa kwa Spika ambaye atasimamia kiapo au kukiri kuwajibika katika madaraka ya Mbunge huyo.

(7) Notwithstanding Standing Order 30 (*Hours of Meeting*), on the day when the election of the Speaker is to be conducted after a general election, the sitting of the House shall commence at 9.00 am.

(7) Bila kuathiri masharti ya Kanuni ya 30 (*Nyakati za Vikao*), siku ambayo uchaguzi wa Spika umepangwa kufanyika baada ya uchaguzi mkuu, kikao cha Bunge kitaanza saa 3.00 asubuhi.

#### **Vacancy in the Office of Speaker**

4. (1) A Speaker shall be elected when the House first meets after a General Election and before the House proceeds

#### **Nafasi ya Spika inapokuwa wazi**

4. (1) Spika atachaguliwa katika kikao cha kwanza cha Bunge la Taifa mara baada ya Uchaguzi Mkuu na kabla shughuli yoyote

with the dispatch of any other business, except the administration of the Oath or Affirmation of Office to Members present.

(2) If the office of Speaker falls vacant at any time before the expiry of the term of Parliament, no business shall be transacted by the House until the election of a new Speaker.

(3) The Deputy Speaker shall preside over the election under paragraph (2) but if the Deputy Speaker is a candidate, a Member elected by the House in accordance with Article 107 of the Constitution.

### **Nomination of candidates**

5. 1) Upon the President notifying the place and date for the first sitting of a new Assembly pursuant to Article 126(2) of the Constitution, the Clerk shall by notice in the Gazette notify that fact and invite interested persons to submit their nomination papers for election to the office of Speaker.

(2) The names of candidates for election to the office of Speaker shall be entered upon nomination papers obtained from the Clerk and handed back to the Clerk, at least forty-eight hours before the time appointed at which the House is to meet to elect a Speaker.

(3) The nomination papers of a candidate shall be accompanied by the names and signatures of twenty Members who support the candidate and a declaration by them that the candidate is qualified to be elected as a Member of Parliament under Article 99 of the Constitution and is willing to serve as Speaker of the National Assembly.

(4) The Clerk shall maintain a register in which shall be shown the date and time

kufanyika, isipokuwa shughuli ya kiapo kwa Wabunge au kukiri kuwajibika katika madaraka ya Mbunge kwa Wabunge waliomo Ukumbini.

(2) Iwapo nafasi ya Spika itakuwa wazi wakati wowote kabla ya muhula wa Bunge kumalizika, hakuna shughuli itakayoendeshwa na Bunge la Taifa hadi Spika mpya atakapochaguliwa.

(3) Naibu Spika ataongoza uchaguzi kwa mujibu wa fasili ya (2) lakini iwapo Naibu Spika ni mgombea, Mbunge atakayechaguliwa na Bunge la Taifa kwa mujibu wa Ibara ya 107 ya Katiba ataongoza uchaguzi huo.

### **Uteuzi wa wagombea**

5. (1) Baada ya Rais kutoa arifa ya mahali na tarehe ya kikao cha kwanza cha Bunge jipya kwa mujibu wa Ibara ya 126 (2) ya Katiba, Katibu, kupitia arifa katika *Gazeti Rasmi la Serikali*, atatoa taarifa ya nafasi ya Spika kuwa wazi na kuwaalika watu wenye nia ya kugombea nafasi hiyo wawasilishe nyaraka zao za uteuzi kwa ajili ya kuchaguliwa kuwa Spika.

(2) Majina ya wagombea wa nafasi ya Spika yataorodheshwa kwenye nyaraka za uteuzi na kukabidhiwa Katibu angalau saa arobaini na nane kabla ya wakati uliopangwa kwa Bunge la Taifa kukutana kumchagua Spika.

(3) Hati za uteuzi za mgombea zitaambatisha majina na saini za Wabunge ishirini wanaomuunga mkono na tamko linalohibitisha kuwa mgombea huyo ana sifa za kuchaguliwa kuwa Mbunge kwa mujibu wa Ibara ya 99 ya Katiba na ameridhia kuhudumu nafasi ya Spika wa Bunge la Taifa.

(4) Katibu atahifadhi sajili ikionyesha tarehe na wakati hati za uteuzi za kila

when each candidate's nomination papers were received and shall ascertain that every such candidate for election to the office of Speaker is qualified to be elected as such under Article 106 of the Constitution.

(5) Immediately upon the close of the nomination period provided for in paragraph (2), the Clerk shall—

(a) publicize and make available to all Members, a list showing all qualified candidates; and

(b) make available to all Members, copies of the curriculum vitae of the qualified candidates.

(6) The Clerk shall, at least two hours before the meeting of the Assembly, prepare ballot papers upon which shall be shown the names of all candidates validly nominated under paragraph (5) of this Standing Order.

#### **Secret ballot**

6. (1) The election of the Speaker shall be by secret ballot.

(2) The Clerk shall, at the commencement of each ballot, cause the ballot box, empty and unlocked, to be displayed to the House and shall, in the presence of the House, lock the box, which shall thereafter be kept in the full view of the House until the conclusion of the ballot.

(3) The Clerk shall issue not more than one ballot paper to each Member who comes to the Table to obtain it and each Member who wishes to vote shall proceed to a booth or designated area provided by the Clerk for that purpose and located next to and within reasonable distance of the ballot box and shall, while there, mark the ballot

mgombea zilipopokewa na atathibitisha iwapo kila mgombea katika uchaguzi wa ofisi ya Spika anahitimu kuchaguliwa kama Spika kwa mujibu wa Ibara ya 106 ya Katiba.

(5) Mara tu muda wa uteuzi utakapofungwa kwa mujibu wa fasili ya (2), Katibu—

(a) atatangaza na kuwapa Wabunge wote orodha ya wagombea wote wenye sifa; na

(b) atawapa Wabunge wote nakala za wasifukazi za wagombea wenye sifa.

(6) Katibu atatayarisha karatasi za kura zinazoonesha majina ya wagombea walioteuliwa angalau saa mbili kabla ya Kikao cha Bunge la Taifa kwa mujibu wa fasili ya (5) ya Kanuni hizi.

#### **Kura ya siri**

6. (1) Uchaguzi wa Spika utafanyika kwa kura ya siri.

(2) Mwanzoni mwa kila zoezi la kupiga kura, Katibu ataelekeza sanduku tupu lililo wazi lioneshwe ukumbini kisha atalifunga sanduku hilo na kuliweka hadharani kwenye Ukumbi hadi zoezi la uchaguzi litakapokamilika.

(3) Katibu atampa karatasi moja ya kura kila Mbunge atakayekuja Mezani na kila atakayetaka kupiga kura ataelekea kwenye eneo lililotengwa na Katibu kwa ajili hiyo na Mbunge huyo ataweka alama katika mraba pembeni mwa jina la Mgombea anayemtaka awe Spika kisha ataikunja na kuitumbukiza karatasi hiyo katika sanduku la kura.

paper by placing a mark in the space opposite the name of the candidate for whom the Member wishes to vote, fold the marked ballot paper before leaving the booth or area and place the folded ballot paper in the ballot box.

(4) A Member who, before the conclusion of a ballot has marked a paper in error may, by returning it to the Clerk, obtain another in its place and the Clerk shall immediately cancel and destroy the paper so returned.

(5) The Clerk shall make such arrangements as may be necessary to enable any Member with disability to vote.

(6) When it appears to the Clerk that all Members who are present and who wish to vote have placed their ballot papers in the ballot box, the Clerk shall unlock the box, examine the ballot papers, and having rejected those unmarked or spoilt, report the result of the ballot; and no Member who has not already recorded his or her vote shall be entitled to do so after the Clerk has unlocked the ballot box.

(7) A ballot paper is spoilt, if in the Clerk's opinion, it does not identify the candidate purported to be selected by the Member voting.

#### **Election threshold**

7. (1) A person shall not be elected as Speaker, unless supported in a ballot by the votes of two-thirds of all Members.

(2) If no candidate is supported by the votes of two-thirds of all Members, the candidate or candidates who received the highest number of votes in the ballot referred to in paragraph (1) and the candidate or candidates who in that ballot received the next highest number of votes shall alone stand for election in

(4) Mbunge ambaye kabla ya shughuli ya uchaguzi kumalizika atakosea katika kuweka alama kwenye karatasi ya kura ataruhusiwa kumrudishia Katibu karatasi hiyo, na papo hapo Katibu ataifuta na kuiharibu kisha kumpa Mbunge huyo karatasi nyingine.

(5) Katibu ataweka utaratibu utakaomwezesha Mbunge yeyote mwenye ulemavu kupiga kura.

(6) Baada ya Katibu kuridhika kwamba Wabunge wote waliomo ukumbini na wanaotaka kupiga kura wamepiga kura na kutumbukiza karatasi za kura kwenye masanduku ya kura, Katibu atalifungua sanduku na kukagua karatasi za kura, na akishazikagua, ataziondoa karatasi zisizo na alama au zilizoharibika kisha atatangaza matokeo ya kura; na hakuna Mbunge atakayeruhusiwa kupiga kura baada ya sanduku kufunguliwa.

(7) Karatasi ya kura itakuwa imeharibika iwapo, kwa maoni ya Katibu karatasi hiyo haibainishi mgombea aliyepigiwa kura.

#### **Vigezo vya kuchaguliwa**

7. (1) Mgombea atachaguliwa kuwa Spika iwapo atapata thuluthi mbili ya kura za Wabunge wote.

(2) Iwapo hakuna mgombea aliyepata thuluthi mbili ya kura za Wabunge wote, mgombea au wagombea waliopata idadi ya juu zaidi ya kura kwa mujibu wa fasili ya (1) na mgombea au wagombea waliopata idadi ya pili kwa wingi ya kura ndio hao tu watapigiwa kura katika awamu ya pili na mgombea atakayepata kura nyingi zaidi

a further ballot and the candidate who receives the highest number of votes in the further ballot shall be elected Speaker.

#### **Withdrawal of candidate**

8. A candidate may, by written notice to the Clerk, withdraw his or her name before a ballot is started, and in the event of such withdrawal, the Clerk shall cross-out the name of that candidate off any ballot papers issued for that or any subsequent ballot.

#### **Equality of votes**

9. If, in the further ballot referred to in Standing Order 7 (*Election threshold*), more than one candidate receives the highest number of votes, the ballot shall again be taken, and if there is an equality of the highest number of votes, a further ballot shall be taken until one candidate obtains more votes than the other or others.

#### **Custody of ballot papers**

10. Immediately the results are declared, all the ballot papers used in the election of a Speaker shall be packed and sealed in the presence of the House and kept in the custody of the Clerk for a period of six months and shall thereafter be destroyed.

#### **Single duly nominated candidate**

11. Despite the provisions of this Part, if there is only one candidate who has been duly nominated for election as Speaker at the expiry of the nomination period, that candidate shall be declared forthwith to have been elected Speaker without any ballot or vote being required.

#### **Swearing-in of the Speaker**

12. Immediately following the election of the Speaker, the Clerk shall administer the Oath or Affirmation of Office to the Speaker in the presence of the assembled House.

katika awamu ya pili atatangazwa Spika.

#### **Kujiondoa kwa mgombea**

8. Mgombea anaweza kujiondoa kwenye uchaguzi kwa kumuarifu Katibu kwa maandishi kabla ya shughuli ya uchaguzi kuanza na kujiondoa huko kunapotokea, Katibu atafuta jina la mgombea huyo kwenye karatasi za kura ya uchaguzi huo au awamu nyingine ya kura.

#### **Usawa wa idadi ya kura**

9. Iwapo zaidi ya mgombea mmoja atapata kura nyingi katika awamu nyingine ya kura kwa mujibu wa Kanuni ya (7) (*Viwango vya uchaguzi*), na zaidi ya mgombea mmoja atapata idadi ya juu zaidi ya kura, upigaji kura utarudiwa hadi mgombea mmoja atakapopata kura nyingi kuliko mwingine au wengine.

#### **Utunzaji wa karatasi za kura**

10. Mara baada ya matokeo kutangazwa, karatasi zote za kura zilizotumiwa katika uchaguzi wa Spika zitakusanywa na kufungwa ukumbini na kuhifadhiwa na Katibu kwa muda wa miezi sita na baadaye kuharibiwa.

#### **Mgombea mmoja anapoteuliwa**

11. Licha ya masharti ya Sehemu hii, endapo ni mgombea mmoja tu ameteuliwa kwa uchaguzi wa Spika kipindi cha uteuzi kinapomalizika, mgombea huyo atatangazwa mara moja kama aliyechaguliwa kuwa Spika bila uchaguzi au kura yoyote kuhitajika.

#### **Kuapishwa kwa Spika**

12. Mara tu baada ya uchaguzi wa Spika, Katibu atasimamia kiapo cha Spika au kukiri kuwajibika katika madaraka ya Spika mbele ya Wabunge ukumbini.

**PART IIA—VACATION OF OFFICE OF SPEAKER AND DEPUTY SPEAKER**

**SEHEMU YA IIA— NAFASI KATIKA OFISI YA SPIKA NA NAIBU SPIKA**

**Resignation**

12A. (1) A Speaker or Deputy Speaker who intends to resign from office shall submit a letter of resignation addressed to the House.

(2) Upon receipt of a letter of resignation, the Clerk shall, without delay,—

(a) in the case of resignation by the Speaker, inform the Deputy Speaker; or

(b) in the case of resignation by the Deputy Speaker, inform the Speaker.

(3) The House shall be notified of a resignation under this Standing Order within seven days.

**Removal from Office**

12B. (1) A member of the National Assembly, supported by at least one-third of all the members, may move a motion for the removal of the Speaker or Deputy Speaker for—

(a) serious violation of a provision of the Constitution or of any other law including a violation of Chapter Six;

(b) gross misconduct, whether in the performance of the Speaker's or Deputy Speaker's functions or otherwise;

(c) physical or mental incapacity to perform the functions of office;

(d) incompetence; or

(e) bankruptcy.

(2) Before giving Notice of the Motion

**Kujiuzulu**

12A.(1) Spika au Naibu Spika anayekusudia kujiuzulu atawasilisha barua ya kujiuzulu kwa Bunge la Taifa.

(2) Mara baada ya kupokea barua ya kujiuzulu, Katibu, bila kuchelewa—

(a) atamjulisha Naibu Spika, iwapo anayejiuzulu ni Spika; au

(b) atamjulisha Spika, iwapo anayejiuzulu ni Naibu Spika.

(3) Bunge la Taifa litajulishwa kuhusu tukio la kujiuzulu litakalotokea chini ya Kanuni hii ndani ya siku saba.

**Kuondolewa madarakani**

12B. (1) Iwapo Mbunge ataungwa mkono na angalau thuluthi moja ya Wabunge wote, Mbunge huyo anaweza kupendekeza hoja ya kumwondoa Spika au Naibu Spika kwa—

(a) ukiukaji mkubwa wa masharti ya Katiba au sheria nyingine ikijumuisha ukiukaji wa Sura ya Sita ya Katiba;

(b) utovu mkubwa wa nidhamu katika utekelezaji wa majukumu ya Spika au Naibu Spika au vinginevyo;

(c) kutokuwa na uwezo wa kimwili au kiakili wa kutekeleza majukumu ya ofisi;

(d) kushindwa kutekeleza majukumu ya ofisi; au

(e) kufilisika.

(2) Kabla ya kutoa arifa ya Hoja kwa

- under paragraph (1), the Member shall deliver to the Clerk a copy of the proposed Motion in writing—
- (a) stating the grounds and particulars upon which the proposed Motion is made;
- (b) signed by the Member;
- (c) signed in support by at least one-third of all the Members of the Assembly.
- (3) Upon receipt of the motion by the Clerk, a Member shall not withdraw a signature appended to it.
- (4) A Member shall give three days' notice of the motion under paragraph (1) within three days of the approval of the motion.
- (5) The Clerk shall set out on the Order Paper on which the Motion is listed—
- (a) the grounds and particulars upon which the proposed Motion is made;
- (b) the name of the Member sponsoring the Motion; and
- (c) the names of the Members in support of the Motion.
- (6) If the Motion is passed—
- (a) the Assembly shall appoint a select committee comprising eleven of its Members to investigate the matter; and
- (b) the committee shall, within seven days, investigate and report to the Assembly whether it finds the allegations against the Speaker or Deputy Speaker to be substantiated.
- (7) The Speaker or Deputy Speaker has the right to appear and be represented before the select committee during its investigations.
- (8) If the select committee reports that
- mujibu wa fasili ya (1), Mbunge atawasilisha kwa Katibu, kwa maandishi, nakala ya Hoja anayopendekeza—
- (a) ikitaja misingi na maelezo ya Hoja anayopendekeza;
- (b) iliyosainiwa na Mbunge huyo;
- (c) yenye saini za uungwaji mkono za angalau thuluthi moja ya Wabunge wote.
- (3) Mbunge hataruhusiwa kuondoa saini yake ya kuunga mkono hoja mara baada ya Hoja hiyo kupokelewa na Katibu.
- (4) Mbunge atatoa arifa ya siku tatu ya Hoja iliyowasilishwa kwa mujibu wa fasili ya (1) ndani ya siku tatu baada ya Hoja kuidhinishwa.
- (5) Katibu ataweka Hoja kwenye Orodha ya Shughuli ikibainisha —
- (a) misingi na maelezo ya Hoja iliyopendekezwa;
- (b) jina la Mbunge mwenye Hoja; na
- (c) majina ya Wabunge wanaounga mkono Hoja hiyo.
- (6) Iwapo Hoja itapitishwa—
- (a) Bunge la Taifa litateua kamati ya Wabunge kumi na mmoja kuchunguza suala hilo; na
- (b) Kamati itachunguza suala hilo ndani ya siku saba na kulijulisha Bunge la Taifa ikiwa tuhuma dhidi ya Spika au Naibu Spika zinathibitika.
- (7) Spika au Naibu Spika ana haki ya kufika na kuwakilishwa mbele ya kamati wakati wa uchunguzi huo.
- (8) Iwapo kamati itabaini kwamba tuhuma

it finds the allegations—

(a) unsubstantiated, no further proceedings shall be taken; or

(b) substantiated, the National Assembly shall—

(i) furnish the Speaker or Deputy Speaker with the report of the select Committee, together with any other evidence adduced and such notes or papers presented to the committee at least three days before the day scheduled for his or her appearance before the Assembly;

(ii) afford the Speaker or Deputy Speaker an opportunity to be heard;

(iii) consider the Report of the select committee; and

(iv) vote whether to approve the resolution requiring the removal from office of the Speaker or Deputy Speaker.

(9) If a resolution requiring the removal from office of a Speaker or Deputy Speaker is supported by at least two-thirds of the Members of the Assembly, the Speaker or Deputy Speaker shall cease to hold office.

### **PART III—DEPUTY SPEAKER AND CHAIRPERSON OF COMMITTEES**

#### **Election of Deputy Speaker**

13. (1) As soon as practicable after the election of a Speaker following a General Election, a Deputy Speaker shall be elected.

(2) If the office of Deputy Speaker falls vacant at any time before the end of the term of Parliament, the House shall, as soon as practicable, elect a Member to

—

(a) hazithibitiki, uchunguzi utahitimishwa; au

(b) zinathibitika, Bunge la Taifa—

(i) litampa Spika au Naibu Spika ripoti ya Kamati pamoja na ushahidi mwingine wowote uliotolewa na nyaraka zilizowasilishwa kwenye kamati angalau siku tatu kabla ya siku aliyotengewa kufika mbele ya Bunge la Taifa;

(ii) litampa Spika au Naibu Spika nafasi ya kusikilizwa;

(iii) litashughulikia Ripoti ya Kamati; na

(iv) litapiga kura kuidhinisha azimio la kumuondoa Spika au Naibu Spika madarakani.

(9) Iwapo azimio la kumuondoa Spika au Naibu Spika madarakani litaungwa mkono na angalau thuluthi mbili ya Wabunge, Spika au Naibu Spika ataondoka madarakani.

### **SEHEMU YA III—NAIBU SPIKA NA MWENYEKITI WA KAMATI**

#### **Uchaguzi wa Naibu Spika**

13. (1) Baada ya uchaguzi Mkuu na mapema iwezekanavyo baada ya uchaguzi wa Spika, uchaguzi wa Naibu Spika utafanyika.

(2) Iwapo nafasi ya Naibu Spika itakuwa wazi wakati wowote kabla ya muhula wa Bunge kumalizika, mapema iwezekanavyo, Bunge la Taifa litamchagua Mbunge yeyote

that office.

kushika nafasi hiyo.

(3) The procedure for electing a Deputy Speaker shall, with necessary modifications, be the same as that prescribed for the election of the Speaker.

(3) Kadri itakavyowezekana, uchaguzi wa Naibu Spika utafanyika kwa utaratibu unaotumika kumchagua Spika.

#### **Notification of opening of Parliament**

#### **Taarifa ya ufunguzi rasmi wa Bunge**

14. (1) After taking and subscribing to the Oath or Affirmation of Office under Standing Order 12 (*Swearing-in of the Speaker*), the Speaker shall notify the Members of the place, date and time of the opening of Parliament, which shall be not more than thirty days after the first sitting of the House.

14. (1) Baada ya kula kiapo au kukiri kuwajibika katika madaraka ya Spika kwa mujibu wa Kanuni ya 12 (*Kuapishwa kwa Spika*), Spika atawajulisha Wabunge mahali, tarehe na saa ya ufunguzi rasmi wa Bunge, ambao hautakuwa zaidi ya siku thelathini baada ya kikao cha kwanza cha Bunge la Taifa.

(2) Following the notification by the Speaker under paragraph (1), the sitting of the House shall stand adjourned until the date and time of the opening of Parliament.

(2) Baada ya arifa ya Spika iliyotolewa kwa mujibu wa fasili ya (1), kikao cha Bunge la Taifa kitaahirishwa hadi tarehe na saa ya ufunguzi rasmi wa Bunge.

#### **Chairperson of Committees of the whole House**

#### **Mwenyekiti wa Kamati za Bunge Zima**

15. (1) The Deputy Speaker shall be the Chairperson of Committees and shall preside over all Committees of the whole House.

15. (1) Naibu Spika atakuwa Mwenyekiti wa Kamati za Bunge la Taifa na ataongoza vikao vya Kamati za Bunge Zima.

(2) If the Deputy Speaker is absent, or if the Deputy Speaker considers that it is desirable that he or she should take part in any proceedings in Committee otherwise than as the person presiding, the Speaker shall take the Chair.

(2) Iwapo Naibu Spika hayupo au ataamua kushiriki mjadala wowote kwenye Kamati ya Bunge Zima kama Mbunge wa kawaida, Spika ataongoza kikao kinachohusika.

#### **Chairperson's Panel**

#### **Jopo la Mwenyekiti**

16. (1) There shall be a panel to be known as the Chairperson's Panel which shall comprise four Members to be known, respectively, as the First, Second, Third and Fourth Chairperson of Committees and who shall be entitled to exercise all the powers vested in the Chairperson of Committees.

16 (1) Kutakuwa na jopo litakalojulikana kama Jopo la Mwenyekiti litakalojumuisha Wabunge wanne ambao ni Mwenyekiti wa Kwanza, wa Pili, wa Tatu na wa Nne mtawalia na watatekeleza mamlaka aliyopewa Mwenyekiti wa Kamati.

(2) As soon as practicable, after the

(2) Baada ya uchaguzi Mkuu na mapema

election of the Deputy Speaker following a general election, the Speaker shall, in consultation with leaders of parliamentary parties, submit a list of four Members for consideration by the House Business Committee.

(3) The House Business Committee shall, within seven days of receipt of the names of the nominees, table the list in the House and give notice of motion for approval.

(4) Whenever a Motion for approval under paragraph (3) is moved in the House, no objection against the proposed membership on the Chairperson's Panel of any particular Member shall be permitted and objections, if any, shall be formulated and considered against the proposed membership as a whole.

(5) In nominating the Members of the Chairperson's Panel, the Speaker and the House Business Committee shall have regard to the relative party majorities in the House and shall ensure, so far as shall be practicable, that at least one member of the Panel is from either gender.

#### **Discharge of a Member from Chairperson's Panel**

17. (1) The Speaker may, in writing, to the House Business Committee give notice that a member has been discharged from the Panel.

(2) Within seven days of receipt by the House Business Committee of a notice under paragraph (1), the House Business Committee shall consider the notice and give Notice of Motion to replace the Member.

#### **Presiding in the House**

18. (1) The Speaker shall preside at any sitting of the House but in absence of

izezekanavyo baada ya uchaguzi wa Naibu Spika, Spika akishauriana na viongozi wa vyama bunge, atawasilisha majina ya Wabunge wanne kwa Kamati ya Kuratibu Shughuli za Bunge la Taifa kwa ajili ya kujadiliwa.

(3) Kamati ya Kuratibu Shughuli za Bunge itawasilisha majina hayo Bungeni na kutoa arifa ya Hoja ya kuwaidhinisha ndani ya siku saba baada ya kuyapokea.

(4) Kila mara Hoja ya kuidhinisha Wanajopo kwa mujibu wa fasili ya (3) inapotelewa Bungeni, hakutaruhusiwa pingamizi dhidi ya Mwanajopo mmoja na iwapo pingamizi litakuwapo, litachukuliwa kuwa dhidi ya wanajopo wote.

(5) Katika kuwateua wajumbe wa Jopo la Mwenyekiti, Spika na Kamati ya Kuratibu Shughuli za Bunge watazingatia wingi wa Wabunge katika vyama Bunge na kwa kadri itakavyowezezana, angalau mwanajopo mmoja anatakiwa kuwa wa jinsia tofauti.

#### **Kumuondoa Mjumbe kwenye Jopo la Mwenyekiti**

17. (1) Spika ataitaarifu, kwa maandishi, Kamati ya Kuratibu Shughuli za Bunge la Taifa kuhusu kuondolewa kwa Mjumbe kwenye Jopo la Mwenyekiti.

(2) Kamati ya Kuratibu Shughuli za Bunge la Taifa itashughulikia arifa hiyo na kutoa Arifa ya Hoja ya kumbadilisha mjumbe huyo ndani ya siku saba baada ya kupokea arifa kwa mujibu wa fasili ya (1).

#### **Kuongoza kikao cha Bunge**

18. (1) Spika ataongoza kikao chochote cha Bunge na asipokuwepo, kikao kitaongozwa

the Speaker, the Deputy Speaker shall preside and in absence of the Speaker and the Deputy Speaker, a member elected by the House for that purpose pursuant to Article 107 of the Constitution shall preside.

(2) The approval of the First, Second, Third and Fourth Chairperson of Committees under Standing Orders 16 (*Chairperson's Panel*) shall be deemed to constitute an election for purposes of paragraph (1) and either the First, Second, Third or Fourth Chairperson of Committees may preside over the House in the absence of the Speaker and the Deputy Speaker.

#### **PART IV—THE LEADER OF THE MAJORITY PARTY AND THE LEADER OF THE MINORITY PARTY**

##### **Leader of the Majority Party and Deputy Leader of the Majority Party**

19. (1) The largest party or coalition of parties in the National Assembly shall elect—

(a) a member of the National Assembly belonging to the party or coalition of parties to be the Leader of the Majority Party;

(b) a member of the National Assembly belonging to the party or coalition of parties to be the Deputy Leader of the Majority Party.

(2) In electing members under paragraph (1), the largest party or coalition of parties in the National Assembly shall take into account—

(a) any existing coalition agreement entered into pursuant to the Political Parties Act;

(b) the need for gender balance.

(3) A member elected under paragraph

na Naibu Spika na iwapo Spika na Naibu Spika hawapo, Mbunge aliyechaguliwa kwa ajili hiyo kwa mujibu wa Ibara ya 107 ya Katiba ataongoza kikao.

(2) Kuidhinishwa kwa Mwenyekiti wa Kwanza, wa Pili, wa Tatu na wa Nne kwa mujibu wa Kanuni ya 16 (*Jopo la Mwenyekiti*) kutachukuliwa kuwa uchaguzi kwa mujibu wa fasili ya (1) na yeyote kati yao anaweza kuongoza vikao vya Bunge la Taifa iwapo Spika na Naibu Spika hawapo.

#### **SEHEMU YA IV — KIONGOZI WA CHAMA CHA WALIO WENGI NA KIONGOZI WA CHAMA CHA WALIO WACHACHE**

##### **Kiongozi wa Chama cha walio Wengi na Naibu wake**

19. (1) Chama au muungano wa vyama wenye Wabunge wengi zaidi Bungeni utamchagua—

(a) Mbunge kutoka kwenye chama au muungano huo wa vyama kuwa Kiongozi wa Chama cha walio Wengi;

(b) Mbunge kutoka kwenye chama au muungano huo wa vyama kuwa Naibu wa Kiongozi wa Chama cha walio Wengi.

(2) Katika kuchagua wajumbe kwa mujibu wa fasili ya (1), chama au muungano wa vyama wenye idadi kubwa zaidi ya Wabunge utazingatia—

(a) mkataba wowote wa muungano ulioafikiwa kwa mujibu wa Sheria ya Vyama vya Siasa;

(b) kuwepo kwa usawa wa jinsia.

(3) Mbunge atakayechaguliwa kwa mujibu

(2) may be removed by a majority of votes of all members of the largest party or coalition of parties in the National Assembly.

(4) The whip of the largest party or coalition of parties in the National Assembly shall forthwith, upon a decision being made under this Standing Order, communicate to the Speaker, in writing the decision together with the minutes of the meeting at which the decision was made.

**Leader of the Minority Party and Deputy Leader of the Minority Party**

20. (1) The Minority party or coalition of parties in the National Assembly shall elect—

(a) a member of the National Assembly belonging to the party or coalition of parties to be the Leader of the Minority Party;

(b) a member of the National Assembly belonging to the party or coalition of parties to be the Deputy Leader of the Minority Party.

(2) In electing members under paragraph (1), the minority party or coalition of parties in the National Assembly shall take into account—

(a) any existing coalition agreement entered into pursuant to the Political Parties Act;

(b) the need for gender balance.

(3) A member elected under paragraph (2) may be removed by a majority of votes of all members of the minority party or coalition of parties in the National Assembly.

wa fasili ya (2) anaweza kuondolewa kwa wingi wa kura za Wabunge wa chama au muungano wa vyama wenye idadi kubwa zaidi ya Wabunge katika Bunge la Taifa.

(4) Mratibu wa chama au muungano wa vyama wenye idadi kubwa zaidi ya Wabunge katika Bunge la Taifa, haraka iwezekanavyo, atamwarifu Spika kwa maandishi kuhusu uamuzi uliofanywa chini ya Kanuni hii akiambatisha kumbukumbu za kikao kilichofanya uamuzi huo.

**Kiongozi wa Chama cha walio Wachache na Naibu wake**

20. (1) Chama au muungano wa vyama wenye idadi inayofuatia kwa wingi wa Wabunge katika Bunge la Taifa utamchagua—

(a) Mbunge kutoka kwenye chama au muungano huo wa vyama kuwa Kiongozi wa Chama cha walio Wachache;

(b) Mbunge kutoka kwenye chama au muungano huo wa vyama kuwa Naibu wa Kiongozi wa Chama cha walio Wachache.

(2) Katika kuchagua wajumbe kwa mujibu wa fasili ya (1), chama au muungano wa vyama unaofuatia kwa wingi wa idadi ya Wabunge katika Bunge la Taifa utazingatia—

(a) mkataba wowote wa muungano ulioafikiwa kwa mujibu wa Sheria ya Vyama vya Siasa;

(b) kuwepo kwa usawa wa jinsia.

(3) Mbunge atakayechaguliwa kwa mujibu wa fasili ya (2) anaweza kuondolewa kwa wingi wa kura za Wabunge wa chama au muungano wa vyama unaofuatia kwa wingi wa idadi ya Wabunge katika Bunge la Taifa.

(4) The whip of the minority party or coalition of parties in the National Assembly shall forthwith, upon a decision being made under this Standing Order, communicate to the Speaker, in writing the decision together with the minutes of the meeting at which the decision was made.

**PART V—ADDRESS BY PRESIDENT, VISITING DIGNITARY OR OTHER PERSONS**

**President's address on opening of new Parliament**

21. (1) The President shall address the opening of each newly elected Parliament.

(2) At the conclusion of the President's address, the sitting shall stand suspended or adjourned as the Speaker may direct until such time or to such day as may be specified by the Speaker.

**President's address on special sittings**

22. (1) The President shall address a special sitting of Parliament once every year and may address Parliament at any other time.

(2) The Speaker shall notify the Members of the place, date and time of a sitting under paragraph (1).

(3) Whenever the Speaker has been informed that the President will address a special sitting of Parliament on a specified day and time, then on that day, no Motion for the adjournment of the House shall be made before the time for which the President's arrival has been notified.

**President entering or leaving the Chamber**

23. Members shall be called to order and

(4) Mratibu wa chama au muungano wa vyama unaofuatia kwa wingi wa idadi ya Wabunge katika Bunge la Taifa, haraka iwezekanavyo, atamwarifu Spika kwa maandishi kuhusu uamuzi uliofanywa chini ya Kanuni hii akiambatisha kumbukumbu za kikao kilichofanya uamuzi huo.

**SEHEMU YA V—HOTUBA YA RAIS, MGENI MASHUHURI AU WAGENI WENGINE**

**Hotuba ya Rais kwenye ufunguzi rasmi wa Bunge jipya**

21. (1) Rais atahutubia Bunge katika ufunguzi rasmi wa kila Bunge jipya.

(2) Rais atakapomaliza hotuba yake, Spika atasitisha au kuahirisha kikao hadi wakati au siku atakayoitaja.

**Hotuba ya Rais kwenye vikao maalum**

22. (1) Rais atahutubia kikao maalum cha Bunge mara moja kila mwaka na anaweza kuhutubia Bunge wakati mwingine wowote.

(2) Kwa mujibu wa fasili ya (1), Spika atawaarifu Wabunge kuhusu mahali, tarehe na wakati wa kikao.

(3) Spika anapoarifiwa kuhusu kusudio la Rais kuhutubia kikao maalum cha Bunge kwa siku na saa iliyotajwa, siku hiyo hakutakuwa na Hoja ya kuahirisha Bunge kabla ya wakati ambao Rais amepangiwa kuwasili.

**Rais anapoingia au anapotoka ukumbini**

23. Rais anapoingia au anapotoka

stand in silence whenever the President enters or leaves the Chamber.

ukumbini, Wabunge watatakiwa kuwa watulivu na kusimama wakiwa kimya.

#### **President's address to Parliament**

#### **Hotuba ya Rais kwa Bunge**

24. (1) The President may be accompanied in the Chamber by an Aide-de-Camp.

24. (1) Rais anaweza kuambatana na Mpambe wake wa kijeshi ukumbini.

(2) Whenever the President addresses Parliament, the Speaker of the National Assembly shall take the seat on the right of the President and the Speaker of the Senate shall take the seat on the left of the President.

(2) Rais anapohutubia Bunge, Spika wa Bunge la Taifa ataketi upande wa kulia wa Rais na Spika wa Seneti ataketi upande wa kushoto wa Rais.

(3) At any sitting held under this Standing Order, the Speaker of the National Assembly shall preside and shall be assisted by the Speaker of the Senate.

(3) Kikao chochote kitakachofanyika chini ya Kanuni hii kitaongozwa na Spika wa Bunge la Taifa akisaidiwa na Spika wa Seneti.

(4) When delivering an address to the House, the President shall be heard in silence and the address shall not be followed by any comment or question.

(4) Rais anapohutubia Bunge, Wabunge watatakiwa kuwa kimya wakimsikiliza na atakapomaliza kuhutubia, hakutakuwa na maoni au swali lolote kuhusu hotuba yake.

(5) Whenever the President delivers an Address, a Member may as soon as practicable thereafter, lay the Address on the Table of the House following the reading of such Address.

(5) Kila mara Rais akishahutubia Bunge, Mbunge yeyote anaweza kuwasilisha nakala ya hotuba ya Rais kwenye Meza ya Bunge la Taifa haraka iwezekanavyo.

#### **Visiting dignitary**

#### **Mgeni mashuhuri**

25. (1) The Speaker may, in consultation with the Leader of the Majority Party and the Leader of the Minority Party, allow a visiting Head of State or other such visiting dignitary, to address the Assembly, and may, in consultation with the Speaker of the Senate arrange for a joint sitting of Parliament for purposes of an address by such visiting Head of State or such other visiting dignitary.

25. (1) Spika akishauriana na Kiongozi wa Chama cha Walio Wengi na Kiongozi wa Chama cha Walio Wachache, anaweza kuruhusu Rais wa taifa lingine au mgeni yeyote mashuhuri kuhutubia Bunge la Taifa, na anaweza kushauriana na Spika wa Seneti kupanga kikao cha pamoja cha Bunge kwa ajili ya Rais au mgeni huyo mashuhuri kuhutubia Bunge.

(2) Standing Order 23 (*President entering or leaving Chamber*) and paragraphs (1), (3) and (4) of Standing Order 24 (*President's address to Parliament*) shall, with necessary modifications, apply to visiting Heads of State and such other dignitaries.

**Designation of a place in the Chamber for Cabinet Secretaries and other persons**

**25A.** The Speaker may designate a suitable place in the Chamber or at the bar of the House for—

(a) the Cabinet Secretary responsible for finance to make a public pronouncement of the budget policy highlights and revenue raising measures for the national government as contemplated under the Public Finance Management Act;

(b) other persons to make submissions or presentations before the House.

**PART VI—CALENDAR, SITTINGS AND ADJOURNMENTS OF THE HOUSE**

**Location of the first sitting of a new House**

26. Whenever a new House is elected, the President, by notice in the Gazette, shall appoint the place and date for the first sitting of the new House, which shall be not more than thirty days after the election.

**Regular Sessions of the House**

27. (1) Except for the Session commencing immediately after a general election, the regular Sessions of the House shall commence on the second Tuesday of February and terminate on the first Thursday of December.

(2) Despite paragraph (1), the House may, by resolution, alter the dates specified under paragraph (1) in respect

(2) Kanuni ya 23 (*Rais anapoingia au anapotoka ukumbini*) na fasili ya (1), (3) na (4) ya Kanuni ya 24 (*Hotuba ya Rais kwa Bunge*), kadri inavyowezekana, zitatumika wakati Wakuu wa Nchi nyingine au mgeni yeyote mashuhuri anapohutubia Bunge.

**Kutenga sehemu maalum ukumbini kwa ajili ya Mawaziri na watu wengine**

**25A.** Spika anaweza kutenga sehemu maalum ukumbini au kwenye Kizuizi maalum cha ukumbi ili —

(a) Waziri anayehusika na masuala ya fedha aweke wazi dondoo za sera ya bajeti na mikakati ya ukusanyaji wa mapato ya serikali ya taifa kwa mujibu wa Sheria ya Usimamizi wa Fedha za Umma;

(b) watu wengine watoe mawasilisho yao ukumbini.

**SEHEMU YA VI — KALENDA, VIKAO NA MAAHIRISHO YA BUNGE LA TAIFA**

**Mahali pa kikao cha kwanza cha Bunge jipya**

26. Kila baada ya Bunge jipya kuchaguliwa, Rais atatoa arifa katika Gazeti Rasmi la Serikali akitaja mahali na tarehe ya kikao cha kwanza cha Bunge jipya ambayo haitazidi siku thelathini baada ya uchaguzi.

**Vipindi vya kawaida vya Bunge**

27. (1) Vipindi vya kawaida vya Bunge vitaanza Jumanne ya pili ya Februari na kuhitimishwa mnamo Alhamisi ya kwanza ya Desemba isipokuwa Kipindi cha kwanza baada ya uchaguzi mkuu.

(2) Licha ya fasili ya (1), Bunge linaweza kupitisha azimio kubadilisha tarehe iliyotajwa chini ya fasili ya (1) kuhusiana

of a particular Session.

(3) Subject to paragraph (1), the House shall continue to be in session and may adjourn for such number of days as it may determine in its calendar.

(4) Despite paragraphs (1), (2) and (3), a period of three months shall not intervene between the last sitting of the Assembly in one Session and the first sitting thereof in the next Session.

#### **Calendar of the Assembly**

28. (1) The House Business Committee shall, with approval of the House, determine the Calendar of the House.

(2) The Calendar of the House once approved shall be published in the gazette, Parliamentary Website and at least two newspapers of national circulation.

(3) On a day when the Assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance with the parliamentary Calendar, the Speaker shall notify Members of the same, and at the appointed time, the Assembly shall adjourn without question put.

(4) Despite paragraph (2) the Assembly may, by resolution, alter its Calendar or the adjournment date.

#### **Special sittings of the House**

29. (1) Whenever during a Session the House stands adjourned, whether or not a day has been appointed for the next meeting, the Speaker may, on the request of the Leader of the Majority Party or the Leader of the Minority Party, appoint a day for a special sitting of the House.

(2) The Speaker may allow a request under paragraph (1) if the Speaker is

na Kipindi cha Bunge.

(3) Kwa kuzingatia masharti ya fasili ya (1), Bunge la Taifa litaendelea na vikao na linaweza kuahirisha vikao hivyo kwa siku kadhaa kwa kuzingatia kalenda yake.

(4) Licha ya fasili ya (1), (2) na (3), Bunge halitakuwa na mapumziko yanayozidi miezi mitatu kutoka kikao cha mwisho cha Kipindi na kikao cha kwanza cha Kipindi kinachofuata.

#### **Kalenda ya Bunge la Taifa**

28.(1) Kamati ya kuratibu shughuli za Bunge la Taifa itapanga Kalenda itakayoidhinishwa na Bunge la Taifa.

(2) Baada ya kuidhinishwa, Kalenda ya Bunge la Taifa itachapishwa kwenye Gazeti Rasmi la Serikali, tovuti ya Bunge na angalau kwenye magazeti mawili yanayosambazwa nchini kote.

(3) Siku ambayo imepangwa Bunge la Taifa kuahirishwa hadi siku isiyo ya kawaida inayofuata kwa mujibu wa Kalenda ya Bunge la Taifa, Spika atawaarifu Wabunge, na ifikapo wakati wa kuahirisha kikao, Bunge litaahirishwa bila kutoa Hoja iamuliwe.

(4) Licha ya fasili ya (2), Bunge la Taifa linaweza kupitisha azimio la kubadilisha Kalenda yake au siku ya kuahirishwa kwake.

#### **Vikao maalum vya Bunge la Taifa**

29. (1) Bunge la Taifa linapokuwa katika likizo ndani ya Kipindi, iwe siku ya kurejea vikao imetajwa au la, Spika anaweza kuamua siku ya kikao maalum cha Bunge la Taifa baada ya kupokea ombi la Kiongozi wa Chama cha walio Wengi au Kiongozi wa Chama cha walio Wachache.

(2) Spika anaweza kuruhusu ombi lililotolewa kwa mujibu wa fasili ya (1)

satisfied that the business proposed to be transacted relates to the matters specified under Standing Order 61 (*Definition of Special Motion*) or other urgent and exceptional business as the Speaker may allow.

(3) The Speaker shall, by notice in the *Gazette*, notify the Members of the place, date and time appointed for the special sitting of the House.

(4) Despite paragraph (1), where the proposed business to be transacted by the House requires the action of the Senate, the Speaker of the National Assembly shall, in writing, notify the Speaker of the Senate of the date appointed for the special sitting.

(5) Whenever the House meets for a special sitting under paragraph (1), the Speaker shall specify the business to be transacted on the day or days appointed and the business so specified shall be the only business before the House during the special sitting, following which the House shall stand adjourned until the day appointed in the parliamentary calendar.

#### **Hours of meeting**

30.(1) Unless the Speaker, for the convenience of the House otherwise directs, the House shall meet at 9.30 a.m. on Wednesday and at 2.30 p.m. on Tuesday, Wednesday, and Thursday, but more than one sitting may be directed during the same day.

(2) Unless for the convenience of the House the Speaker or the Chairperson (as the case may be) directs earlier or later interruption of business, at 7.00 p.m. or (if it is an Allotted Day) at 7.30 p.m., on the occasion of an afternoon sitting and at 1.00 p.m. on the occasion of a morning sitting, the Speaker or the Chairperson of Committees shall

ikiwa ataridhika kuwa shughuli inayopendekezwa inahusiana na masuala yaliyotajwa katika Kanuni ya 61 (*Maana ya Hoja Maalum*) au shughuli nyingine yoyote ya dharura na ya kipekee kadri Spika atakavyoamua.

(3) Spika atawaarifu Wabunge kupitia tangazo kwenye *Gazeti Rasmi la Serikali* kuhusu mahali, tarehe na wakati ambao kikao maalum cha Bunge la Taifa kimepangwa kufanyika.

(4) Licha ya fasili ya (1), iwapo shughuli ya Bunge la Taifa inayopendekezwa inahitaji Seneti kuchukua hatua, Spika wa Bunge la Taifa atamwarifu Spika wa Seneti kwa maandishi kuhusu tarehe ambayo kikao maalum kimepangwa kufanyika.

(5) Bunge la Taifa linapokutana kwa kikao maalum kwa mujibu wa fasili ya (1), Spika atabainisha shughuli zilizopangwa kushughulikiwa siku hiyo au siku hizo na shughuli hizo ndizo zitashughulikiwa kwenye kikao hicho na baadaye kikao kitaahirishwa hadi siku iliyotajwa katika kalenda ya Bunge la Taifa.

#### **Nyakati za vikao**

30.(1) Bunge la Taifa litakutana Jumatano saa 3.30 asubuhi na saa 8.30 mchana siku ya Jumanne, Jumatano na Alhamisi isipokuwa kama Spika ataelekeza vinginevyo kwa kuangalia nafasi ya Bunge la Taifa ingawa kikao zaidi ya kimoja kinaweza kufanyika ndani ya siku moja.

(2) Isipokuwa kama Spika au Mwenyekiti wa Kamati, kwa urahisi wa shughuli za Bunge la Taifa, ataelekeza kusitishwa kwa shughuli mapema kabla ya saa 1.00 usiku au saa 1.30 usiku (ikiwa ni Siku Tengwa), kwa kikao cha mchana na saa 7.00 mchana kwa kikao cha asubuhi, Spika au Mwenyekiti wa Kamati atasitisha shughuli itakayokuwa inaendelea na iwapo Bunge

interrupt the business then under consideration and if the House is in Committee the Chairperson shall leave the Chair and report progress and ask leave to sit again.

(3) Notwithstanding paragraphs (1) and (2), the House may resolve—

(a) to extend its sitting time; or

(b) to meet at any other time on a sitting day; or

(c) to meet on any other day, in order to transact business.

(4) A Motion under paragraph (3)(a) shall be moved at least thirty minutes before the time appointed for adjournment.

(5) If at the time appointed for the interruption of business, a division is in progress, or a question is being put from the Chair and a division results immediately thereon, such interruption shall be deferred until after the declaration of the numbers and the result of the division.

(6) Upon the conclusion of all proceedings under paragraphs (2), (3) or (4) of this Standing Order, or upon the earlier completion or deferment of all business standing upon the Order Paper for the sitting, the Speaker shall adjourn the House without question put.

#### **Adjournment of the House**

31.(1) A Member may at any time, for reasons stated, seek leave to move “That, this House do now adjourn.”

(2) If the Speaker is of the opinion that such Motion for adjournment of the House is frivolous, vexatious, or an abuse of the proceedings of the House, the Speaker may forthwith put the question thereon or decline to propose it.

liko kwenye Kamati ya Bunge Zima, Bunge litarejea na Mwenyekiti kutoa taarifa ya hatua iliyofikiwa na kuomba Bunge lirejee katika Kamati ya Bunge Zima.

(3) Bila ya kuathiri masharti ya fasili ya (1) na (2), Bunge linaweza kuamua—

(a) kuongeza muda wa kikao; au

(b) kukutana saa nyingine yoyote siku ya kikao; au

(c) kukutana siku nyingine yoyote ili kutekeleza shughuli.

(4) Hoja kwa mujibu wa fasili ya (3)(a) itatolewa angalau dakika thelathini kabla ya wakati uliopangwa kuahirisha kikao.

(5) Endapo wakati uliopangwa kusitisha shughuli umewadia na kura ya mgawanyiko inaendelea au hoja imetolewa na Kiongozi wa Kikao ili iamuliwe na kura ya mgawanyiko ikazuka papo hapo, kikao hakitasitishwa hadi hesabu ya kura na matokeo ya kura ya mgawanyiko kutangazwa.

(6) Spika ataahirisha kikao bila kuhoji Bunge pindi shughuli zote zilizopangwa kwenye Orodha ya shughuli kwa mujibu wa fasili ya (2), (3) au (4) ya Kanuni hii zitakapokamilika mapema au kuahirishwa.

#### **Kuahirisha Kikao**

31. (1) Wakati wowote Mbunge, anaweza kuomba kutoa hoja “Kwamba, kikao cha Bunge kiahirishwe sasa” na kutoa sababu kwa ajili hiyo.

(2) Iwapo kwa maoni ya Spika Hoja hiyo ya kuahirisha kikao haina maana, inakera au inahujumu shughuli za Bunge, Spika anaweza kulihoji Bunge kuamua Hoja wakati huo huo au kukataa kuipendekeza.

(3) The debate on a Motion under this Standing Order shall be confined to the matter of the Motion.

32. *(Deleted).*

#### **Adjournment on definite matter of urgent national importance**

33. (1) Any Member may at any time rise in his or her place and seek leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent national importance.

2) A Member who wishes to seek leave to move the adjournment of the House shall, at least two hours before the commencement of the sitting, hand to the Speaker a written notification of the matter but the Speaker shall refuse to allow the claim, unless the Speaker is satisfied that the matter is definite, urgent and of national importance and may properly be raised on a Motion for adjournment of the House.

(3) If the Speaker is satisfied in terms of paragraph (2) and not less than twenty other Members rise in their places in support, the Speaker shall nominate a time on the same day at which such Motion may be moved.

(4) No Member speaking on a matter under this Standing Order shall speak for more than five minutes without the leave of the House, except that the Mover may speak for ten minutes.

#### **PART VII—QUORUM OF THE HOUSE**

##### **Quorum at commencement of the House**

34. (1) A quorum of the House or of a Committee of the whole House shall be fifty Members.

(2) If there is not a quorum present when the Chair is taken, at the time appointed for a meeting of the House, immediately after the saying of the prayer, the Speaker shall order the bell

(3) Mjadala kuhusu Hoja kwa mujibu wa Kanuni hii utajikita katika masuala yaliyo kwenye Hoja inayohusika.

32. *(Imefutwa).*

#### **Kuahirisha shughuli ili kujadili jambo halisi la dharura na muhimu kwa taifa**

33.(1) Mbunge yeyote anaweza kusimama mahali pake wakati wowote na kuomba kutoa Hoja ya kuahirisha shughuli za Bunge ili kujadili jambo halisi la dharura na muhimu kwa taifa.

(2) Mbunge anayekusudia kutoa hoja ya kuahirisha shughuli za Bunge atawasilisha kwa Spika, arifa iliyoandikwa ambayo inabainisha suala linalohusika angalau saa mbili kabla kikao kuanza isipokuwa Spika hataruhusu Hoja hiyo iwapo hajaridhika kuwa suala hilo ni halisi, la dharura na muhimu kwa taifa na linafaa kutolewa kupitia Hoja ya kuahirisha shughuli za Bunge.

(3) Iwapo Spika ameridhika kwa mujibu wa fasili ya (2) na Wabunge wasiopungua ishirini wamesimama kuunga mkono hoja hiyo, Spika atataja wakati wa kutoa hoja ndani ya siku hiyo.

(4) Mbunge anayezungumzia suala kwa mujibu wa Kanuni hii hataongea kwa zaidi ya dakika tano bila ruhusa ya Bunge, ila Mtoa Hoja anaweza kuongea kwa dakika kumi.

#### **SEHEMU YA VII—AKIDI YA BUNGE LA TAIFA**

##### **Akidi ya kuanza kikao**

34. (1) Akidi ya Bunge la Taifa au Kamati ya Bunge Zima itakuwa Wabunge hamsini.

(2) Iwapo akidi haijatimia wakati wa kuanza kikao cha Bunge mara baada ya Ombi, Spika ataamuru kengele kukirizwa kwa dakika kumi na iwapo akidi haitatimia baada ya dakika kumi, Spika anaweza

to be rung for ten minutes, and if no quorum is present at the expiration of the ten minutes, the Speaker may direct that the bell be rung for a further five minutes and if there is still no quorum present, the Speaker shall adjourn the House forthwith to the next sitting.

#### **Quorum during the proceedings of the House**

35. (1) If at any time after the Chair is taken, or when the House is in Committee, a Member objects that there is not a quorum present, the Speaker or the Chairperson shall count the Members in the House or the Committee as the case may be.

(2) If on the count under paragraph (1) a quorum does not appear to be present, the Speaker or the Chairperson shall cause the division bell to be rung as on a division, and if no quorum is present at the expiration of the ten minutes—

(a) if the Speaker is in the Chair, the Speaker shall adjourn the House until the next sitting without question put;

(b) if the House is in Committee, the Chairperson shall leave the Chair and report the fact to the Speaker, who shall adjourn the House until the next sitting without question put.

(3) Whenever the Speaker or the Chairperson, as the case may be, is engaged in counting the House or the Committee respectively, the doors shall remain unlocked but no Member shall be allowed to leave the Chamber, except a party whip who may be permitted to leave the Chamber to seek the Members required to raise a quorum.

#### **Quorum during voting or division**

36. If, from the number of Members taking part in an electronic voting or roll call division, it appears that the Members do not themselves constitute a quorum, the vote or division shall be invalid and the business then under consideration shall stand over until the next sitting and the Speaker shall

kuamuru kengele kukirizwa kwa dakika tano zaidi na iwapo akidi bado haijatimia, Spika ataahirisha kikao papo hapo hadi kikao kijacho.

#### **Akidi wakati wa kikao**

35. (1) Iwapo Mbunge yeyote atadai kuwa akidi haijatimia katika kikao wakati wowote kikao cha Bunge au Kamati kinapoendelea, Spika au Mwenyekiti atahesabu Wabunge walio katika ukumbi au Kamati.

(2) Iwapo akidi haitatimia baada ya hesabu kwa mujibu wa fasili ya (1), Spika au Mwenyekiti ataamuru kengele ikirizwe kama ifanyikavyo wakati wa kura ya mgawanyiko na iwapo akidi haitatimia baada ya dakika kumi kumalizika —

(a) iwapo Spika anaongoza kikao, ataahirisha Bunge hadi kikao kinachofuata bila kuhoji Bunge;

(b) iwapo Bunge liko kwenye Kamati ya Bunge Zima, Mwenyekiti atamjulisha Spika kuhusu tukio hilo na Spika ataahirisha Bunge hadi kikao kinachofuata bila kuhoji Bunge.

(3) Spika au Mwenyekiti anapohesabu Wabunge walio Bungeni au kwenye Kamati mtawalia, milango itasalia wazi lakini hakuna Mbunge atakayeruhusiwa kutoka ukumbini isipokuwa Mratibu wa chama ambaye anaweza kuruhusiwa kutoka ukumbini kwa ajili ya kutafuta Wabunge ili kutimiza akidi.

#### **Akidi wakati wa kupiga kura**

36. Iwapo wakati wa kupiga kura ya kielektroniki au kura ya mgawanyiko kwa majina inadhihirika kuwa idadi ya Wabunge wanaoshiriki kupiga kura haikidhi akidi, zoezi hilo la kupiga kura litakuwa batili na shughuli iliyokuwa ikiendelea itaahirishwa hadi kikao kinachofuata na katika wakati huo Spika atachukua hatua anazotakiwa

proceed as if his or her attention had been drawn to the absence of a quorum, but if after so proceeding a quorum is then present, the next business shall be entered upon.

#### **Decorum when quorum not present**

37. When the Quorum bell is ringing, Members shall maintain order in the House.

#### **PART VIII—ORDER OF BUSINESS**

##### **Order Paper to be prepared and circulated**

38.(1) The Order Paper shall be prepared by the Clerk, showing the business proposed to be transacted to be placed before or taken by the House and the order in which it is to be taken, including a notice paper showing the business for each sitting day of the week, together with such other information as the Speaker may from time to time direct.

(2) The Order Paper shall be published on the parliamentary website and shall be made available to Members, at least twelve hours before the House meets, but a supplementary Order Paper shall be made available at least one hour before the House meets.

##### **Weekly programmes of the business of the National Assembly**

39. The Clerk shall prepare and publish on the parliamentary website, weekly programmes showing the business of the House and the schedule of sittings of the various committees, and shall circulate such programmes to Members, State Departments, and the media not later than the Friday of the week preceding such business.

##### **Sequence of proceedings**

40.(1) Each day after Prayers have been said and the House has been called to order, the Business of the House shall be proceeded with in the following

kuchukua kama kwamba amearifiwa kuwa akidi haijatimia, isipokuwa kama akidi itatimia, shughuli inayofuata kwenye orodha itaendelea.

#### **Staha akidi inapokosekana**

37. Kengele ya Akidi inapokirizwa Wabunge watatakiwa kudumisha utulivu Bungeni.

#### **SEHEMU YA VIII – MPANGILIO WA SHUGHULI**

##### **Orodha ya Shughuli kutayarishwa na kusambazwa**

38. (1) Katibu atatayarisha Orodha ya Shughuli inayoonesha mpangilio wa shughuli ambazo zimependekezwa au zimepangwa kushughulikiwa na Bunge la Taifa, ikijumuisha Arifa ya Shughuli inayoonesha shughuli zinazokusudiwa kutekelezwa kwa kila kikao katika wiki, pamoja na taarifa yoyote ambayo Spika anaweza kuelekeza kwa kadri itakavyohitajika.

(2) Orodha ya Shughuli itawekwa kwenye tovuti ya Bunge na kusambazwa kwa Wabunge angalau saa kumi na mbili kabla ya kikao kuanza, isipokuwa kama kutakuwa na Nyongeza ya Orodha ya Shughuli itakayosambazwa angalau saa moja kabla ya kikao kuanza.

##### **Ratiba za shughuli za Bunge la Taifa za kila wiki**

39. Katibu atatayarisha na kuweka kwenye tovuti ya Bunge ratiba za shughuli za kila wiki zinazoonesha shughuli za Bunge la Taifa na mpangilio wa vikao vya Kamati za Bunge la Taifa na kusambaza ratiba hizo kwa Wabunge, Idara za Serikali na vyombo vya habari si baada ya Ijumaa ya wiki inayotangulia shughuli hizo.

##### **Mpangilio wa shughuli**

40. (1) Kila siku baada ya Ombi na mara baada ya kikao kuanza, shughuli za Bunge zitaendeshwa kwa mpangilio ufuatao -

sequence—

- |                                    |                         |
|------------------------------------|-------------------------|
| (i) Administration of Oath;        | (i) Kiapo;              |
| (ii) Communication from the Chair; | (ii) Taarifa ya Spika;  |
| (iii) Messages;                    | (iii) Ujumbe;           |
| (iv) Petitions;                    | (iv) Ardhilhali;        |
| (v) Papers;                        | (v) Nyaraka;            |
| (vi) Notices of Motion;            | (vi) Arifa za Hoja;     |
| (vii) Questions and Statements;    | (vii) Maswali na Kauli; |
| (viii) Motions and Bills.          | (viii) Hoja na Miswada  |

(2) Business shall be disposed of in the sequence in which it appears in the Order Paper or in such other sequence as the Speaker may, for the convenience of the House, direct.

(2) Shughuli zitatekelezwa kwa kufuata mpangilio katika Orodha ya Shughuli au kwa kufuata mpangilio mwingine utakaoelekezwa na Spika kwa kadri itakavyofaa.

(3) On Wednesday morning a Bill or a motion not sponsored by the Majority or Minority Party or by a Committee shall have precedence over all other business in such order as the House Business Committee shall ballot.

(3) Jumatano asubuhi, Mswada au Hoja isiyokuwa ya Chama cha walio Wengi au ya Chama cha walio Wachache au ya Kamati itapewa kipaumbele ikilinganishwa na shughuli nyingine zote kwa mpangilio utakaoamuliwa na Kamati ya Kuratibu Shughuli za Bunge.

(4) The Speaker shall direct the Clerk to read the Orders of the Day without question put.

(4) Spika atamwelekeza Katibu kusoma Shughuli za kila siku ya kikao bila kuhoji Bunge la Taifa.

## **PART IX—MESSAGES**

## **SEHEMU YA IX – UJUMBE**

### **Messages to and from the Senate**

### **Ujumbe kwenda na kutoka Seneti**

41. (1) A message from the Assembly to the Senate shall be in writing and shall be signed by the Speaker.

41. (1) Ujumbe kutoka Bunge la Taifa kwenda Seneti utakuwa kwa maandishi na utatiwa saini na Spika.

(2) The Clerk of the Assembly shall transmit a message from the House to the Clerk of the Senate and shall receive messages from the Senate.

(2) Katibu wa Bunge la Taifa atawasilisha kwa Katibu wa Seneti ujumbe kutoka Bunge la Taifa na atapokea ujumbe kutoka Seneti.

(3) The Clerk shall deliver to the Speaker a message received from the Senate under paragraph (2) at the first available opportunity after receipt and in any

(3) Katibu atawasilisha kwa Spika ujumbe atakaopokea kutoka Seneti kwa mujibu wa fasili ya (2) mapema iwezekanavyo na kwa vyovyote vile, isizidi siku inayofuata

event not later than the next day not being a Saturday, Sunday or public holiday.

(4) If a message is received from the Senate, at a time when the House is in session, the Speaker shall report the message to the House at the first convenient opportunity after its receipt and in any event not later than the next sitting day.

(5) If a message is received from the Senate, at a time when the House is not in session, the Speaker shall forthwith cause the message to be transmitted to every Member and shall report the message to the House on the day the House next sits.

(6) When the Speaker reports a message from the Senate under paragraph (4) or (5), the message shall be deemed to have been laid before the House and the Speaker may either—

- (a) direct that the message be dealt with forthwith; or
- (b) appoint a day for the consideration of the message; or
- (c) refer the message to the relevant Committee of the House for consideration.

### **Messages from the President**

42. (1) The Speaker shall read to the House any message from the President delivered to the Speaker for communication to the House.

(2) If a message is received from the President, at a time when the House is not in session, the Speaker shall forthwith cause the message to be transmitted to every Member and shall report the message to the House on the day the House next sits.

(3) When a message from the President is read, the message shall be deemed to have been laid before the House and the Speaker may either—

ilimradi siku hiyo isiwe Jumamosi, Jumapili au sikukuu.

(4) Endapo ujumbe kutoka Seneti utapokewa wakati Bunge la Taifa linaendelea na vikao vyake, Spika atawasilisha ujumbe huo Bungeni mapema iwezekanavyo baada ya kuupokea na kwa vyovyote vile, isizidi siku ya kikao kinachofuata.

(5) Endapo ujumbe kutoka Seneti utapokewa wakati Bunge la Taifa likiwa likizo, Spika ataagiza ujumbe huo utumwe kwa kila Mbunge na atawasilisha Bungeni kwenye kikao kinachofuata.

(6) Spika anapowasilisha ujumbe kutoka Seneti kwa mujibu wa fasili ya (4) au ya (5), ujumbe huo utachukuliwa kama umewasilishwa mbele ya Bunge la Taifa, na Spika anaweza—

- (a) kuelekeza ujumbe ushughulikiwe mara moja; au
- (b) kutenga siku ya kushughulikia ujumbe huo; au
- (c) kukabidhi ujumbe huo kwa Kamati inayohusika ili ushughulikiwe.

### **Ujumbe kutoka kwa Rais**

42 (1) Spika atasoma Bungeni ujumbe wowote aliopokea kutoka kwa Rais kwa minajili ya kulijulisha Bunge la Taifa.

(2) Endapo ujumbe kutoka kwa Rais utapokewa wakati Bunge la Taifa likiwa likizo, Spika ataagiza ujumbe huo utumwe kwa kila Mbunge na atawasilisha Bungeni kwenye kikao kinachofuata.

(3) Ujumbe wa Rais unaposomwa Bungeni utachukuliwa kama umewasilishwa mbele ya Bunge na Spika anaweza—

(a) direct that the message be dealt with forthwith; or

(b) appoint a day for the consideration of the message; or

(c) refer the message to the relevant Committee of the House for consideration.

(4) Paragraphs (1), (2) and (3) shall apply, with necessary modifications, to a message delivered to the Speaker by a Cabinet Secretary for communication to the House pursuant to any written law providing for conveyance of messages from the Cabinet.

## **PART IXA—QUESTIONS**

### **Notice of Question**

**42A.** (1) Pursuant to Standing Order 216(5)(j), a Member proposing to ask a Question in the House shall give notice to the Clerk.

(2) The Member shall deliver a signed copy of the proposed Question to the Clerk for submission to the Speaker for approval.

(3) Where the Speaker approves a Question and determines the Cabinet Secretary responsible for the matters to which it relates, the Clerk shall, at an appropriate time, publish the Question in the Order paper.

(4) In scheduling a Question in the Order Paper, the Clerk shall consider the urgency of the Question as determined by the Speaker.

(5) A Member shall ask his or her Question on the day it is scheduled in the Order Paper and the Leader of the Majority Party shall, at an appointed date, inform the House of the date and time when a Cabinet Secretary shall be required to appear before a Committee to reply to a Question, subject to paragraph (6).

(6) In determining the date and time when a Cabinet Secretary shall be required to appear before a Committee to reply to a Question, the Leader of the

(a) kuelekeza ujumbe ushughulikiwe mara moja; au

(b) kutenga siku ya kushughulikia ujumbe huo; au

(c) kukabidhi ujumbe huo kwa Kamati inayohusika ili ushughulikiwe.

(4) Kadri inavyowezekana masharti ya fasili ya (1), ya (2) na ya (3) yatatumika kwa ujumbe utakaopelekwa na Waziri kwa Spika ili kuwasilishwa Bungeni kwa mujibu wa sheria yoyote inayoweka masharti ya kuwasilisha Bungeni ujumbe kutoka Baraza la Mawaziri.

## **SEHEMU YA IXA - MASWALI**

### **Arifa ya Swali**

**42A.** (1) Mbunge anayekusudia kuuliza Swali Bungeni kwa mujibu wa Kanuni ya 216(5)(j) atatoa arifa kwa Katibu.

(2) Mbunge huyo atampa Katibu nakala ya swali analopendekeza ambayo imetiwa saini ili iwasilishwe kwa Spika kwa ajili ya kuidhinishwa.

(3) Spika akiidhinisha Swali na kubainisha Waziri anayehusika na Swali hilo, Katibu, katika wakati unaofaa, ataliweka Swali hilo kwenye Orodha ya Shughuli.

(4) Katika kuorodhesha Swali kwenye Orodha ya Shughuli, Katibu atazingatia dharura ya Swali ilivyoamuliwa na Spika.

(5) Mbunge atauliza Swali lake kwenye kikao ambacho Swali hilo limeorodheshwa kwenye Orodha ya Shughuli na Kiongozi wa Chama cha walio Wengi, katika siku iliyopangwa, ataliarifu Bunge siku na wakati ambao Waziri anayehusika atafika mbele ya Kamati kujibu Swali hilo kwa kuzingatia masharti ya fasili ya (6).

(6) Katika kuamua siku na wakati ambao Waziri anahitajika kufika mbele ya Kamati kujibu Swali, Kiongozi wa Chama cha Walio Wengi —

Majority Party shall—

- (a) consider the urgency of the Question as determined by the Speaker; and
- (b) consult with the Chairperson of the Committee.

### General rules on Questions

**42B.** (1) These rules apply to Questions raised in the House and Questions referred to Committees for reply.

(2) Except as the Speaker may otherwise allow, a Member may not ask a Question which—

- (a) is in effect a speech;
- (b) is lengthy;
- (c) is limited to give information;
- (d) is framed so as to suggest its own reply or to convey a particular point of view;
- (e) includes extracts from newspapers or quotations from speeches;
- (f) contains any argument, inference, opinion, imputation or ironical or offensive expression or epithet;
- (g) seeks an expression of opinion;
- (h) repeats in substance a matter already addressed by a Committee of the House or in the course of debate in the House during the same Session;
- (i) refers to more than one subject;
- (j) includes the name of a person or a statement not strictly necessary to render the Question intelligible;
- (k) contains an allegation which the Member is not prepared to substantiate;
- (l) implies an allegation of a personal nature or which reflects upon the conduct of a person whose conduct can only be challenged through substantive Motion or upon the conduct of any other person otherwise than in that person's official or public capacity;
- (m) relates to a matter which is *sub judice* or which by any written law is secret pursuant to Standing Order 89 (*Matters sub judice or secret*);

- (a) atazingatia dharura ya Swali kama ilivyoamuliwa na Spika; na
- (b) atashauriana na Mwenyekiti wa Kamati hiyo.

### Masharti ya jumla kuhusu Maswali

**42B.** (1) Masharti haya yatatumiwa kwa Maswali yanayoulizwa Bungeni na Maswali yanayopelekwa kwenye Kamati ili yajibiwe.

(2) Isipokuwa kwa ruhusa ya Spika, ni marufuku kwa Mbunge kuuliza Swali ambalo—

- (a) ni hotuba;
- (b) ni refu;
- (c) linatoa habari tu;
- (d) limetungwa kwa namna ambayo inaonesha jibu lake au kutambulisha mtazamo fulani.
- (e) linajumuisha dondoo za magazeti au nukuu za hotuba;
- (f) lina mtazamo unaozua mjadala, makisio, maoni, shutuma, kejeli au matusi;
- (g) linakusudia kutoa maoni;
- (h) linarudia maudhui ya suala ambalo tayari limeshughulikiwa na Kamati ya Bunge la Taifa au katika mjadala Bungeni katika Kipindi hicho;
- (i) linahusu jambo zaidi ya moja;
- (j) linamtaja mtu yeyote kwa jina au kutoa maelezo ila tu kama ni lazima kulifanya Swali hilo lieleweke;
- (k) lina madai ambayo Mbunge hawezi au hayuko tayari kuthibitisha;
- (l) linadokeza shutuma dhidi ya tabia au mwenendo wa mtu yeyote ambaye mwenendo wake unaweza tu kujadiliwa kwa Hoja mahususi au mwenendo binafsi wa mtu mwingine yeyote isipokuwa kwa wadhifa wake;
- (m) linahusu suala ambalo linasubiri uamuzi wa Mahakama au ni la siri kulingana na sheria yoyote kwa mujibu wa Kanuni ya 89 (Masuala yanayosubiri uamuzi

- (n) falls within the functions and powers of county governments as contemplated under Part II of the Fourth Schedule to the Constitution;
- (o) seeks a reply that is readily available in ordinary works of reference or official publications;
- (p) refers discourteously to a friendly country, a Head of State or Government or the representative in Kenya of a friendly country; or
- (q) refers to a matter under consideration by the House or a Committee.
- (3) A Member shall take responsibility for accuracy of the facts upon which a Question is based.
- (4) A Member may, with leave of the Speaker, ask a supplementary question to a Question raised in the House before it is referred to a Committee for reply.
- (5) Where the Member scheduled to raise a Question in the House is absent without the Speaker's permission, the Question shall be dropped and no further proceedings shall be allowed on the Question during the same session.
- (6) The Speaker may defer a Question to a different time or day from its scheduled time and day.
- wa Mahakama au ya siri);
- (n) linahusu masuala ambayo ni majukumu na mamlaka ya serikali za kaunti kwa mujibu wa Sehemu ya II ya Nyongeza ya Nne ya Katiba;
- (o) linahitaji jibu ambalo tayari linapatikana kwenye matini ya kawaida au machapisho rasmi;
- (p) linadhalilisha nchi rafiki, Kiongozi wa Nchi au Serikali au mwakilishi wa nchi rafiki nchini Kenya; au
- (q) linazungumzia jambo linaloshughulikiwa na Bunge la Taifa au Kamati.
- (3) Mbunge atawajibika kuhusu usahihi wa maudhui ya Swali lake.
- (4) Kwa ruhusa ya Spika, Mbunge yeyote naweza kuuliza swali la nyongeza kwa Swali ambalo limeulizwa Bungeni kabla ya Swali hilo kukabidhiwa Kamati ili lijibiwe.
- (5) Iwapo Mbunge aliyepangwa kuuliza Swali hayupo Bungeni bila ruhusa ya Spika, Swali lake litaondolewa na halitashughulikiwa tena katika Kipindi hicho.
- (6) Spika anaweza kuahirisha Swali kutoka wakati au siku iliyopangwa hadi wakati au siku nyingine.

#### **Manner of disposing Questions in a Committee**

**42C.** (1) A Cabinet Secretary shall provide physical and electronic copies of the reply to a Question at least a day before appearing before a Committee.

(2) Subject to Standing Order 42A (*Notice of Question*), a Committee shall dispose of a Question in the sequence it appears in its Schedule of Questions or as its Chairperson may direct.

(3) The Chairperson may allow a Member

#### **Namna ya kushughulikia Maswali katika Kamati**

42C. (1) Waziri atawasilisha nakala za maandishi na za kieletroniki za jibu la Swali angalau siku moja kabla ya kufika mbele ya Kamati.

(2) Kwa kuzingatia masharti ya Kanuni ya 42A (*Arifa ya Swali*), Kamati itashughulikia Swali kwa kufuata mpangilio kwenye ratiba yake ya Maswali au kwa namna Mwenyekiti wa Kamati atakavyoelekeza.

(3) Mwenyekiti anaweza kumruhusu

to ask a supplementary question which relates to a Question referred to a Committee.

(4) Where a Chairperson allows Members to ask supplementary questions, the Chairperson shall give first priority to the Member who asked the Question referred to a Committee for reply.

(5) Where the Member who raised a Question referred to the Committee is absent without the Chairperson's permission, the Question shall be dropped and no further proceedings shall be allowed on the Question during the same session.

(6) The Chairperson of a Committee may—

(a) defer a Question to a different time or day from its scheduled time and day; or

(b) direct a Cabinet Secretary to provide additional information or a further reply to a Question or supplementary questions raised in the Committee.

#### **Questions for written reply**

**42D.** Where a Member prefers a written reply to his or her Question—

(a) the Speaker shall direct that a written reply be provided in respect of the Question; and

(b) the Clerk shall forward the Question to the relevant Cabinet Secretary and, upon receipt, provide the written reply to the Member.

#### **Timeline for reply**

**42E.** (1) Subject to paragraph (2), a Cabinet Secretary shall reply to a Question within thirty days of referral of a Question to a Committee.

(2) Where the Speaker determines a Question to be urgent, a Cabinet Secretary shall reply to the Question within three days of referral of the

Mbunge kuuliza Swali la nyongeza linalohusiana na Swali lililopelekwa kwenye Kamati.

(4) Mwenyekiti anapowaruhusu Wabunge kuuliza maswali ya nyongeza, atampa kipaumbele Mbunge aliyeuliza Swali lililopelekwa kwenye Kamati ili lijibiwe.

(5) Iwapo Mbunge aliyeuliza Swali lililopelekwa kwa Kamati hayupo bila ruhusa ya Mwenyekiti, Swali hilo litaondolewa na halitashughulikiwa tena katika Kipindi hicho.

(6) Mwenyekiti wa Kamati anaweza—

(a) kuahirisha Swali kutoka wakati au siku iliyopangwa hadi wakati au siku nyingine; au

(b) kuelekeza Waziri atoe malelezo ya ziada au jibu la ziada kwa Swali au Maswali ya nyongeza yaliyoulizwa katika Kamati.

#### **Maswali yanayohitaji majibu kwa maandishi**

**42D.** Mbunge anapochagua Swali lake kujibiwa kwa maandishi —

(a) Spika ataelekeza Swali hilo lijibiwe kwa maandishi; na

(b) Katibu atawasilisha Swali hilo kwa Waziri anayehusika na Waziri, baada ya kulipokea, atatoa jibu kwa maandishi kwa Mbunge huyo.

#### **Muda wa kujibu**

**42E.** (1) Kwa kuzingatia masharti ya fasili ya (2), Waziri atajibu Swali ndani ya siku thelathini baada ya Swali hilo kupelekwa kwenye Kamati.

(2) Swali ambalo Spika ameamua kuwa ni la dharura litajibiwa na Waziri ndani ya siku tatu baada ya Swali hilo kupelekwa kwa Kamati.

Question to a Committee.

### Report on Questions

42F. The Chairperson of a Committee shall submit a progress report to the House on Questions—

- (a) referred to the Committee;
- (b) replied to;
- (c) which the Committee has directed a Cabinet Secretary to provide additional information or further reply; and
- (d) pending before the Committee.

### PART X—STATEMENTS

#### Members' general statements

43. (1) Notwithstanding Standing Order 30 (*Hours of Meeting*), the Speaker shall interrupt the business of the House every Tuesday at 6.30 pm to facilitate Members to make general statements of topical concern.

(2) A Member who wishes to seek leave to raise a matter under this Standing Order shall, before 3.00 pm on the day the statement is to be made, hand to the Speaker a written notification of the matter, but the Speaker shall refuse to allow the request unless satisfied that the matter may properly be discussed in the House.

(3) No Member making a statement under this Standing Order shall speak for more than three minutes, unless with permission of the Speaker.

#### Statement Hour

44. (1) Notwithstanding Standing Order 40 (*Sequence of Proceedings*), there shall be time to be designated Statements Hour, every Thursday, commencing not later than 3.00 pm.

- (2) During the Statements Hour—
  - (a) a Member of the House Business Committee designated by the Committee for that purpose shall, every Thursday or on the last sitting day, for not more than

### Ripoti ya Maswali

42F. Mwenyekiti wa Kamati atawasilisha Bungeni ripoti ya hatua iliyofikiwa kuhusu Maswali—

- (a) yaliyopelekwa kwenye Kamati yake;
- (b) yaliyojibiwa;
- (c) ambayo Kamati imemuelekeza Waziri kutoa maelezo au jibu la ziada; na
- (d) ambayo yanashughulikiwa na Kamati.

### SEHEMU YA X — KAULI MBALIMBALI

#### Kauli za jumla za Wajumbe

43. (1) Bila ya kuathiri masharti ya Kanuni ya 30 (*Nyakati za Vikao*), Spika atasitisha shughuli za Bunge kila Jumanne saa 12.30 jioni ili kuwawezesha Wabunge kutoa kauli za jumla kuhusu masuala yaliyotokea katika jamii kwa wakati huo.

(2) Mbunge anayekusudia kuomba ruhusa ya kutoa kauli kwa mujibu wa Kanuni hii, atampa Spika arifa ya maandishi kabla ya saa 9.00 adhuhuri ya siku anayotaka kutoa kauli hiyo na Spika hataidhinisha ombi hilo isipokuwa kama ataridhika kwamba jambo hilo linaweza kujadiliwa Bungeni.

(3) Mbunge anayetoa kauli kwa mujibu wa Kanuni hii hataongea kwa zaidi ya dakika tatu isipokuwa kwa ruhusa ya Spika.

#### Wakati wa Kauli

44. (1) Licha ya masharti ya Kanuni ya 40 (*Mpangilio wa Shughuli*), kutakuwa na muda utakaotengwa na kuitwa Wakati wa Kauli kila Alhamisi utakaanza si baada ya saa 9.00 alasiri.

- (2) Wakati wa Kauli —
  - (a) Kila Alhamisi au katika siku ya mwisho ya vikao, Mjumbe aliyeteuliwa na Kamati ya Kuratibu Shughuli za Bunge, kwa muda usiozidi dakika kumi, atatoa na kuwasilisha

ten minutes, present and lay on the Table, a statement informing the House of the business coming before the House in the following week;

(b) the Leader of the Majority Party, or the Leader of the Minority Party as the case may be, or their designees may make a statement relating to their responsibilities in the House or the activities of a Committee;

(c) A Member may request for a statement from the Committee chairperson relating to matters under the mandate of the Committee and the Speaker may either appoint a day for the statement or direct that the statement be issued on the same day.

Mezani kauli inayoarifu Bunge kuhusu shughuli inayotarajiwa kuletwa Bungeni wiki inayofuata;

(b) Kiongozi wa walio Wengi, au Kiongozi wa walio Wachache, au wawakilishi wao kwa kadri itakavyokuwa, wanaweza kutoa kauli inayohusu majukumu yao Bungeni au shughuli za Kamati;

(c) Mbunge anaweza kuomba kauli kutoka kwa mwenyekiti wa kamati kuhusu masuala ambayo yanasimamiwa na kamati hiyo na Spika anaweza kuchagua siku ambayo kauli hiyo itatolewa au kuagiza itolewe ndani ya siku hiyo.

## **PART XI—APPROVAL OF PUBLIC APPOINTMENTS**

### **Committal to committees**

45. (1) Upon receipt of a notification of nomination for appointment to a State Office or such other office as is under the Constitution or under any other legislation required to be approved by the House, the nomination shall stand committed to the relevant Departmental Committee of the House for consideration.

(2) Despite paragraph (1), appointments under Article 152(2) of the Constitution shall stand committed to the Committee on Appointments.

(3) Before holding an approval hearing, a Committee to which proposed appointments have been referred shall notify the candidate and the public of the time and place for the holding of the approval hearing at least seven days prior to the hearing.

(4) The Committee shall conduct a hearing on the proposed appointment and shall, unless otherwise provided in law, table its report in the House within fourteen days of the date on which the notification was received under paragraph (1).

## **SEHEMU YA XI—KUIDHINISHA UTEUZI WA UMMA**

### **Kukabidhiwa kwa Kamati**

45. (1) Baada ya kupokea taarifa ya uteuzi wa Afisa wa Taifa au afisi nyingine yoyote kwa mujibu wa Katiba au sheria nyingine unaotaka kuidhinishwa na Bunge, uteuzi huo utakabidhiwa kwa Kamati ya Kiidara inayohusika ili ushughulikiwe.

(2) Licha ya masharti ya fasili ya (1), uteuzi unaotajwa katika Ibara ya 152(2) ya Katiba utakabidhiwa kwa Kamati ya Uteuzi.

(3) Kabla ya kikao cha kuidhinisha uteuzi, Kamati iliyokabidhiwa uteuzi unaopendekezwa itamuarifu mteule na umma, angalau siku saba kabla ya kikao hicho, kuhusu wakati na mahali ambapo kikao cha kumuidhinisha kitafanyika.

(4) Kamati itaandaa kikao kwa ajili ya kushughulikia uteuzi uliopendekezwa na isipokuwa kama imeelezwa vinginevyo katika sheria, itawasilisha ripoti yake Bungeni ndani ya siku kumi na nne baada ya kukabidhiwa taarifa ya uteuzi kwa mujibu wa fasili ya (1).

## **PART XII—MOTIONS**

### **Application**

46. This Part shall apply to all Motions, including special Motions.

### **Notices of Motions**

47. (1) Except as otherwise provided by these Standing Orders, notice shall be given by a Member of any Motion which the Member proposes to move.

(2) Before giving notice of Motion, the Member shall deliver to the Clerk a copy of the proposed Motion in writing and signed by the Member, and the Clerk shall submit the proposed Motion to the Speaker.

(3) If the Speaker is of the opinion that any proposed Motion -

(a) is one which infringes, or the debate on which is likely to infringe, any of these Standing Orders;

(b) is contrary to the Constitution or an Act of Parliament, without expressly proposing appropriate amendment to the Constitution or the Act of Parliament;

(c) is too long;

(d) is framed in terms which are inconsistent with the dignity of the House;

(e) contains or implies allegations which the Speaker is not satisfied that the Mover can substantiate; or

(f) calls for the commitment of public funds for which no provision is made in the Annual Estimates as adopted by the National Assembly, the Speaker may direct either that, the Motion is inadmissible, or that notice of it cannot be given without such alteration as the Speaker may approve or that the motion be referred to the relevant committee of

## **SEHEMU YA XII—HOJA**

### **Matumizi**

46. Sehemu hii itatumika kwa Hoja zote, zikiwemo Hoja Maalum.

### **Arifa za Hoja**

47. (1) Isipokuwa kama Kanuni hizi zitahitaji vinginevyo, Mbunge yeyote anayekusudia kutoa Hoja atatoa Arifa ya Hoja.

(2) Kabla ya kutoa Arifa ya Hoja, Mbunge atampa Katibu nakala ya Hoja anayopendekeza kwa maandishi ikiwa imesainiwa na Mbunge huyo na Katibu atawasilisha Hoja hiyo kwa Spika.

(3) Iwapo Spika ana maoni kwamba Hoja inayopendekezwa—

(a) inakiuka au mjadala wake huenda ukakiuka Kanuni hizi;

(b) ni kinyume na Katiba au Sheria yoyote, bila kueleza wazi mabadiliko yanayofaa katika Katiba au Sheria hiyo;

(c) ni ndefu sana;

(d) imetungwa kwa namna ambayo haiendani na hadhi ya Bunge;

(e) ina tuhuma au inadokeza tuhuma ambazo Spika hajaridhika kwamba Mtoa Hoja huyo anaweza kuthibitisha; au

(f) itasababisha matumizi ya pesa za umma ambazo hazimo katika Makadirio ya Mwaka yaliyoidhinishwa na Bunge la Taifa, Spika anaweza kuagiza kwamba Hoja hiyo haikubaliki, au arifa ya Hoja hiyo haiwezi kutolewa bila kuifanyia marekebisho atakayoelekeza Spika, au kuelekeza kwamba Hoja hiyo ipelekwe kwenye Kamati inayohusika kwa mujibu wa Ibara ya

the Assembly, pursuant to Article 114(2) of the Constitution.

(4) A Member giving notice of a Motion approved by the Speaker shall state its terms to the House and whether the original copy received by the Clerk has been certified by a party leader or party whip for sponsorship by the Member's party.

(4A) A notice of Motion under Part XIV (*Procedure for removal from State Office*) shall be given in the House within three sitting days following approval by the Speaker, and, if not, such motion shall be deemed to have been withdrawn and shall not be moved again in the same terms in the same session, except with the leave of the Speaker.

(5) Unless the House resolves otherwise—

(a) a Motion sponsored by a party shall have precedence over all other Motions on such day as the House Business Committee, in consultation with the Speaker, may determine, but where a party has sponsored two or more motions, the Motion shall be considered in such order as sponsoring party may determine;

(b) notice of an approved Motion other than those under sub-paragraph (a) may be given to Members by means of a list to be published in such manner as the Speaker may from time to time direct and the Member giving such notice shall state its terms to the House when the Motion has acquired precedence in accordance with Standing Order 50 (*Time for moving Motions*), but at least one day before the Motion appears on the Order Paper.

#### **Amendment of Notice of Motion**

48. The Speaker may permit a Member to move in an amended form a Motion of which notice has been given if in the opinion of the Speaker the amendment

114(2) ya Katiba.

(4) Mbunge anayetoa arifa ya Hoja iliyoidhinishwa na Spika atasoma maudhui ya arifa hiyo Bungeni na kueleza Bunge iwapo nakala halisi ya arifa ya Hoja iliyopokewa na Katibu imethibitishwa na kiongozi wa chama au mratibu wa chama kwa ajili ya chama kudhamini Hoja ya Mbunge huyo.

(4A) Arifa ya Hoja kwa mujibu wa Sehemu ya XIV (*Utaratibu wa kuwaondoa Maafisa wa Taifa Madarakani*) itatolewa Bungeni ndani ya siku tatu za vikao baada ya kuidhinishwa na Spika la sivyo, Hoja hiyo itachukuliwa kama iliyoondolewa na haitawasilishwa tena ikiwa na maudhui yale yale katika Kipindi hicho, ila kwa ruhusa ya Spika.

(5) Isipokuwa kama Bunge la Taifa litaamua vinginevyo—

(a) Hoja ambayo imedhaminiwa na chama itapewa kipaumbele ikilinganishwa na Hoja nyingine zote katika siku ambayo Kamati ya Kuratibu Shughuli za Bunge inaweza kuamua kwa kushauriana na Spika, lakini iwapo chama kimedhamini Hoja mbili au zaidi, chama hicho kitaamua Hoja ipi ipewe kipaumbele.

(b) Arifa ya Hoja iliyoidhinishwa isipokuwa Hoja zilizotajwa katika fasili ndogo ya (a) inaweza kutolewa kwa Wabunge kupitia orodha iliyochapishwa kwa namna itakayoamuliwa na Spika angalau siku moja kabla ya Hoja hiyo kuorodheshwa kwenye Orodha ya Shughuli na Mbunge anayetoa arifa hiyo atasoma maudhui ya arifa hiyo Bungeni Hoja hiyo itakapopewa kipaumbele kwa mujibu wa Kanuni ya 50 (*Wakati wa kuwasilisha Hoja*).

#### **Marekebisho kwa Arifa ya Hoja**

48. Spika anaweza kumruhusu Mbunge kutoa Hoja yenye marekebisho kwa Hoja ambayo arifa yake ilikwishatolewa iwapo Spika atajiridhisha kwamba marekebisho

does not materially alter any principle embodied in the Motion of which notice has been given.

#### **Certain Motions not to be moved**

49. (1) No Motion may be moved which is the same in substance as any question which has been resolved (either in the affirmative or in the negative) during the preceding six months in the same Session.

(2) Despite paragraph (1)–

(a) a Motion to rescind the decision on such a question may be moved with the permission of the Speaker;

(b) a Motion to rescind the decision on a question on a Special Motion shall not be allowed.

#### **Time for moving Motions**

50. (1) The House Business Committee shall allot the time and sequence of the publication in the Order Paper of every Motion approved by the Speaker.

(2) Save for a Special Motion, a Member who has a Motion standing in his or her name may authorize, in writing, another Member to move that Motion in the Member's stead.

(3) Where no Member moves a Motion at the time specified by or under these Standing Orders, such Motion shall not again be published in the Order Paper during the same Session except with the leave of the Speaker.

yaliyofanywa hayabadilishi msingi wa Hoja hiyo.

#### **Hoja ambazo haziruhusiwi kutolewa**

49. (1) Hoja ambayo ina maudhui yanayofanana na suala ambalo lilikwishaamuliwa (kwa kukubaliwa au kukataliwa) haitaruhusiwa kutolewa ndani ya miezi sita katika Kipindi kimoja.

(2) Licha ya masharti ya fasili ya (1)–

(a) Hoja ya kutengua uamuzi wa suala lolote inaweza kutolewa kwa ruhusa ya Spika;

(b) Hoja ya kutengua uamuzi wa suala lililoamuliwa kwa Hoja Maalum haitaruhusiwa.

#### **Nyakati za kutoa Hoja**

50. (1) Kamati ya kuratibu Shughuli za Bunge la Taifa itaamua wakati na mpangilio wa kuweka Hoja zilizoidhinishwa na Spika kwenye Orodha ya Shughuli.

(2) Mbunge mwenye Hoja anaweza kumruhusu Mbunge mwingine, kwa maandishi, kutoa Hoja kwa niaba yake isipokuwa kama ni Hoja Maalum.

(3) Iwapo hakuna Mbunge atakayetoa Hoja katika muda uliotengwa na Kanuni hizi, Hoja hiyo haitawekwa tena kwenye Orodha ya Shughuli katika Kipindi kimoja cha Bunge isipokuwa kwa ruhusa ya Spika.

**Motion withdrawn may be moved again**

51. (1) A notice of Motion may be withdrawn by the Member who gave the notice, but notice of the same Motion may be given again either by the same or by any other Member.

(2) Despite paragraph (1), notice of a Special Motion may not be withdrawn, except with leave of the House.

**Motions which may be moved without Notice**

52. The following Motions may be moved without notice—

- (a) Motion by way of amendment to a question already proposed from the Chair;
- (b) Motion for the adjournment of the House or of a debate;
- (c) Motion that the House do dissolve itself into a Committee of the whole House;
- (d) Motion moved when the House is in Committee;
- (e) Motion for the suspension of a Member;
- (f) Motion made in accordance with the Standing Orders governing the procedure as to Bills;
- (g) Motion for the agreement of the House with a Committee of the whole House in a resolution reported, or for the re-committal thereof or for the postponement of the further consideration thereof;
- (h) Motion raising a question of privilege;
- (i) Motion for the orders of the House under these Standing Orders;
- (j) Motion made under Standing Order 256 (*Exemption of business from Standing Orders*);
- (k) Motion made for the limitation of

**Hoja iliyoondolewa inaweza kuwasilishwa tena**

51. (1) Arifa ya Hoja inaweza kuondolewa na Mbunge aliyeitoa lakini arifa ya Hoja hiyo inaweza kuwasilishwa tena na Mbunge huyo au na Mbunge mwingine.

(2) Licha ya masharti ya fasili ya (1), arifa ya Hoja Maalum haiwezi kuondolewa ila kwa ruhusa ya Bunge.

**Hoja zinazoweza kutolewa bila arifa**

52. Hoja zifuatazo zinaweza kutolewa bila arifa—

- (a) Hoja ya kurekebisha hoja ambayo imetolewa na Kiongozi wa kikao ili ijadiliwe;
- (b) Hoja ya kuahirisha kikao cha Bunge au mjadala;
- (c) Hoja kwamba Bunge lijigeuze kuwa Kamati ya Bunge Zima;
- (d) Hoja inayotolewa Bunge likiwa katika Kamati ya Bunge Zima;
- (e) Hoja ya kumsimamisha Mbunge kuhudhuria vikao kwa muda;
- (f) Hoja inayotolewa kwa mujibu wa Kanuni zinazoongoza utaratibu wa Miswada;
- (g) Hoja ya kuridhia ripoti ya azimio la Kamati ya Bunge Zima, au kuirejesha Hoja kwenye Kamati ya Bunge Zima au kuahirisha Hoja ili ishughulikiwe zaidi;
- (h) Hoja inayohusu suala la haki za Wabunge;
- (i) Hoja ya Bunge kutoa amri kwa mujibu wa Kanuni hizi;
- (j) Hoja kwa mujibu wa Kanuni ya 256 (*Kutengua Kanuni*);
- (k) Hoja ya kudhibiti mjadala kwa

a debate under Standing Order 97 (*Limitation of debate*);

(l) Motion made for the postponement or discharge of, or giving precedence to an order of the day; and

(m) Motion for the extension of sitting time of the House.

mujibu wa Kanuni ya 97 (*Kudhibiti mjadala*);

(l) Hoja ya kuahirisha, kuondoa au kuipa kipaumbele shughuli fulani ya siku; na

(m) Hoja ya kuongeza muda wa kikao.

#### **Manner of debating Motions**

**53.** (1) When a Motion has been moved and if necessary seconded, the Speaker shall propose the question thereon in the same terms as the Motion, and debate may then take place upon that question.

(2) At the conclusion of the debate, the Speaker shall put the question.

(3) Despite paragraph (2), the Speaker may, on the request of a Member, defer the putting of the question to the following day in which case the Speaker shall thereupon nominate a time at which the question shall be put.

#### **Amendments to Motions**

**54.** (1) Unless otherwise provided in these Standing Orders, any amendment to a Motion which a Member wishes to propose in accordance with these Standing Orders may be moved and, if necessary seconded at any time after the question upon the Motion has been proposed and before it has been put.

(2) When every amendment under paragraph (1) has been disposed of, the Speaker shall either again propose the question upon the Motion or propose the question upon the Motion as amended as the case may require, and after any further debate which may arise thereon, shall put the question.

(3) Upon any amendment to leave out any of the words of the Motion, the question to be proposed shall be "That, the words proposed to be left out be left out."

#### **Utaratibu wa kujadili hoja**

**53.** (1) Hoja ikishatolewa na ikiwa inahitaji kuafikiwa iafikiwe, Spika ataitoa Hoja hiyo ijadiliwe jinsi ilivyo na kisha mjadala unaweza kuanza.

(2) Baada ya mjadala kuhitimishwa, Spika atatoa Hoja ili iamuliwe.

(3) Licha ya masharti ya fasili ya (2), kufuatia ombi la Mbunge la kutaka uamuzi wa Hoja uahirishwe, Spika anaweza kuahirisha uamuzi wa Hoja hadi siku itakayofuata na atataja wakati ambapo Hoja hiyo itaamuliwa.

#### **Marekebisho ya Hoja**

**54.** (1) Isipokuwa kama imeelekezwa vinginevyo katika Kanuni hizi, rekebisho lolote la Hoja ambalo Mbunge anakusudia kupendekeza linaweza kutolewa na kuafikiwa, ikiwa linahitaji kuafikiwa, wakati wowote baada ya Hoja kutolewa na kabla ya kuamuliwa.

(2) Baada ya kila rekebisho kuhitimishwa kwa mujibu wa fasili ya (1), Spika atatoa tena Hoja ijadiliwe au atatoa Hoja iliyorekebishwa ijadiliwe kama inavyohitajika na baada ya kuruhusu Hoja hiyo kujadiliwa, atatoa Hoja hiyo iamuliwe.

(3) Iwapo marekebisho ni ya kuondoa maneno yoyote katika Hoja, Hoja itatolewa ijadiliwe kwa maneno yafuatayo "Kwamba, maneno yaliyopendekezwa kuondolewa yaondolewe".

(4) Upon any amendment to insert words in, or add words at the end of a Motion, the question to be proposed shall be "That, the words [of the amendment] be inserted" (or "added").

(5) Upon any amendment to leave out words and insert or add other words instead, a question shall first be proposed "That, the words proposed to be left out be left out of the question", and if that question is agreed to, the question shall then be proposed, "That, the words [of the amendment] be therein inserted" (or "added"), but if the first question is negated, no further amendment may be proposed to the words which it has been decided shall not be left out.

(6) When two or more amendments are proposed to be moved to the same Motion, the Speaker shall call upon the movers in the order in which their amendments relate to the text of the Motion, or in cases of doubt, in such order as the Speaker shall decide.

(7) An amendment to leave out words and replace those words with other words shall take precedence before any amendment to leave out words without proposing to replace those words with other words.

(8) No amendment may be moved which relates to any words which it has been decided shall not be left out of a Motion.

(9) An amendment to an amendment may be moved and if necessary seconded at any time after the question upon the original amendment has been proposed and before it has been put.

(10) Paragraphs (3), (4), (5), (6), (7), (8) and (9) of this Standing Order shall apply to the debate of amendments to amendments with the substitution whenever appropriate of the words "original amendment" for the word "question".

(4) Iwapo marekebisho ni ya kuingiza au kuongeza maneno mwishoni mwa Hoja, Hoja itatolewa ili ijadiliwe kwa maneno yafuatayo "Kwamba, maneno [ya marekebisho] yaingizwe" (au "yaongezwe").

(5) Iwapo marekebisho ni ya kuondoa maneno na kuingiza au kuongeza maneno mengine badala yake, Hoja itatolewa ili ijadiliwe kwa maneno yafuatayo "Kwamba, maneno yaliyopendekezwa kuondolewa yaondolewe kwenye Hoja", na iwapo Hoja hiyo itakubaliwa, Hoja itatolewa ili ijadiliwe kwa maneno yafuatayo "Kwamba, maneno [ya marekebisho] yaingizwe" (au "yaongezwe"), lakini iwapo Hoja ya kwanza itakataliwa, hakuna marekebisho ya nyongeza yatakayoruhusiwa kupendekezwa kwa kutumia maneno yaliyoamuliwa kuwa yasiyondolewe.

(6) Marekebisho mawili au zaidi yanapopendekezwa kwa Hoja, Spika atawaita Wabunge wenye marekebisho akizingatia jinsi marekebisho hayo yanavyoathiri maneno ya Hoja hiyo, au kukiwepo na tashwishi, kwa mpangilio utakaopangwa na Spika.

(7) Rekebisho la kuondoa maneno na kuweka mengine litapewa kipaumbele ikilinganishwa na rekebisho la kuacha maneno bila ya kupendekeza maneno mengine.

(8) Rekebisho linalohusiana na maneno yoyote ambayo yameamuliwa yasiyondolewe kwenye Hoja halitakubaliwa.

(9) Rekebisho la rekebisho linaweza kutolewa, na kuafikiwa ikiwa linahitaji kuafikiwa, wakati wowote baada ya uamuzi kuhusu rekebisho la awali kutolewa lijadiliwe na kabla ya uamuzi kufanyika.

(10) Fasili ya (3), (4), (5), (6), (7), (8) na (9) za Kanuni hii zitatumika katika mjadala wa marekebisho ya marekebisho na maneno "rekebisho la awali" yakibadilishwa na "uamuzi" popote patakapohitajika.

(11) When every amendment to an amendment has been disposed of, the Speaker shall, either again propose the question upon the original amendment or propose the question upon the amendment, as amended as the case may require.

**Amendments to be in writing**

**55.** (1) The proposer of an amendment to a Motion shall, before moving it, hand the proposed amendments in writing, signed by the proposer, to the Clerk at least two hours before the order is read.

(2) Despite paragraph (1), the Speaker may, in exceptional circumstances, allow a Member to move an amendment to a Motion before the Assembly at any time during consideration of that Motion.

**Amendments to be relevant to Motion**

**56.** (1) Every amendment shall be relevant to the Motion which it seeks to amend and shall not raise any question which, in the opinion of the Speaker, should be raised by a substantive Motion after notice given.

(2) No amendment shall be permitted if in the opinion of the Speaker, it represents a direct negative of the question proposed.

**Question proposed after Motion made**

**57.** (1) The question on any Motion shall not be proposed unless it shall have been seconded and any Motion that is not seconded shall be deemed to have been withdrawn, and shall not be moved again in the same Session.

(2) Despite paragraph (1), a Motion made in Committee of the whole House shall not require to be seconded.

**Motion in possession of the House**

**58.** After the question has been

(11) Baada ya kila rekebisho la rekebisho kuamuliwa, Spika atatoa tena rekebisho la awali ili lijadiliwe au atatoa rekebisho la awali lililorekebishwa ili lijadiliwe kwa kadri itakavyohitajika.

**Marekebisho kuwa kwa maandishi**

**55.** (1) Mbunge anayependekeza rekebisho la Hoja, kabla ya kutoa rekebisho, atamkabidhi Katibu pendekezo hilo kwa maandishi likiwa limesainiwa na Mbunge huyo, angalau saa mbili kabla ya shughuli hiyo kusomwa.

(2) Licha ya masharti ya fasili ya (1) na katika mazingira maalum, Spika anaweza kumruhusu Mbunge kutoa rekebisho la Hoja Bungeni wakati wowote Bunge linaposhughulikia Hoja hiyo.

**Marekebisho yawiane na Hoja**

**56.** (1) Kila rekebisho sharti liwiane na Hoja ambayo linapendekeza kuirekebisha na halipaswi kuibua suala lolote ambalo, kwa maoni ya Spika, linafaa kuwasilishwa kwa Hoja mahususi baada ya arifa kutolewa.

(2) Spika hataruhusu rekebisho ambalo, kwa maoni yake, ni kinyume cha hoja iliyopendekezwa.

**Hoja kuafikiwa na kutolewa ijadiliwe**

**57.** (1) Hoja haitatolewa kujadiliwa ikiwa haijaafikiwa na Hoja yoyote ambayo haijaafikiwa itachukuliwa kama imeondolewa na haitatolewa tena ndani ya Kipindi hicho.

(2) Licha ya masharti ya fasili ya (1), Hoja itakayotolewa wakati wa Kamati ya Bunge Zima haitahitaji kuafikiwa.

**Hoja kumilikiwa na Bunge**

**58.** Baada ya Hoja kutolewa ili ijadiliwe,

proposed on a Motion, the Motion shall be deemed to be in the possession of the House, and such Motion shall not be withdrawn without the leave of the House.

**Question as amended put**

59. When a question has been amended it shall, when put, be put as amended.

**When amendment proposed but not made**

60. When any amendment has been proposed but no amendment has been made, the question when put shall be put as originally proposed.

**PART XIII - SPECIAL MOTIONS**

**Definition of Special Motion**

61. For purposes of this Part, a Special Motion is one—

(a) that seeks a resolution of the House to approve an appointment or re-appointment in accordance with Part XI (*Approval of Public Appointments*); or

(b) moved pursuant to any of the following Articles of the Constitution—

(i) Article 58 (extension of state of emergency);

(ii) Article 102 (extension of the term of Parliament when Kenya is at war);

(iii) Article 111 (amending or veto of a special Bill passed by the Senate);

(iiia) Article 106 (resolution for removal of Speaker or Deputy Speaker from office);

(iv) Article 132 (declaration of war);

(v) Article 144 (removal of President on

Hoja itachukuliwa kama inamilikiwa na Bunge na Hoja hiyo haitaondolewa bila ya ruhusa ya Bunge.

**Kutoa Hoja iliyorekebishwa iamuliwe**

59. Baada ya Hoja kurekebishwa, na itakapotolewa ili iamuliwe, itatolewa na marekebisho yake ili iamuliwe.

**Kutoafikiwa kwa marekebisho yaliyopendekezwa**

60. Wakati rekebisho lolote limependekezwa lakini halijaafikiwa, Hoja ya msingi itatolewa ili iamuliwe.

**SEHEMU YA XIII — HOJA MAALUM**

**Maana ya Hoja Maalum**

61. Kwa minajili ya Sehemu hii, Hoja Maalum ni ile—

(a) inayohitaji azimio la Bunge kuidhinisha uteuzi au uteuzi wa mara ya pili kwa mujibu wa masharti ya Sehemu ya XI (*Kuidhinisha Uteuzi wa Umma*) ya Kanuni hizi; au

(b) inayotolewa kwa mujibu wa Ibara zifuatazo za Katiba—

(i) Ibara ya 58 (kuongeza muda wa tangazo la hali ya hatari);

(ii) Ibara ya 102 (kuongeza muhula wa Bunge Kenya ikiwa vitani);

(iii) Ibara ya 111 (kurekebisha au kutengua Mswada Maalum uliopitishwa na Seneti);

(iiia) Ibara ya 106 (azimio la kumwondoa Spika au Naibu Spika madarakani);

(iv) Ibara ya 132 (tangazo la vita);

(v) Ibara ya 144 (kuondolewa kwa Rais kwa

Grounds of incapacity);	misingi ya kukosa uwezo);
(vi) Article 145 (impeachment of the President);	(vi) Ibara ya 145 (kuondolewa kwa Rais kupitia kura ya kutokua na imani);
(vii) Article 149 (vacancy in the office of the deputy president);	(vii) Ibara ya 149 (nafasi ya Naibu Rais inapokuwa wazi);
(viii) Article 150 (removal of Deputy President);	(viii) Ibara ya 150 (kuondolewa kwa Naibu Rais);
(ix) Article 152 (dismissal of a cabinet secretary);	(ix) Ibara ya 152 (kumwachisha kazi waziri);
(x) Article 188 (alteration of the boundaries of a county);	(x) Ibara ya 188 (kubadilishwa kwa mipaka ya kaunti);
(xi) Article 211 (borrowing by national government);	(xi) Ibara ya 211 (utaratibu wa serikali ya taifa kukopa);
(xii) Article 217 (division of revenue);	(xii) Ibara ya 217 (mgao wa mapato ya nchi);
(xiii) Article 225 (approval of decision to stop the transfer of funds to a State organ or any other public entity);	(xiii) Ibara ya 225 (idhini ya uamuzi wa kusitisha uhamishaji wa fedha kwa kitengo fulani cha serikali au shirika lolote la serikali);
(xiv) Article 240 (deployment of National forces outside Kenya and foreign forces in Kenya);	(xiv) Ibara ya 240 (kupeleka jeshi la taifa nje ya Kenya na kuleta jeshi la kigeni nchini Kenya);
(xv) Article 241 (deployment of Defence Forces inside Kenya);	(xv) Ibara ya 241 (kupeleka Jeshi la Ulinzi ndani ya nchi ya Kenya);
(xvi) Article 251 (petition for removal of a Member of a Commission or a holder of an independent office);	(xvi) Ibara ya 251 (ardhilhali ya kumwondoa Mjumbe wa Tume au afisa wa afisi huru);
(xvii) Article 261 (enactment of consequential legislation).	(xvii) Ibara ya 261 (utungaji wa sheria zinazozingatia mabadiliko ya katiba);
(2) Unless the Constitution, any written law or these Standing Orders specify a lesser or further period, a Special Motion shall be—	(2) Isipokuwa kama Katiba, sheria nyingine au Kanuni hizi zimetaja muda mfupi au zaidi, Hoja Maalum—
(a) disposed of by the Speaker in accordance with Standing Order 53 ( <i>Manner of debating motions</i> ) within seven days of receipt of notice by a Member under paragraph (2); and,	(a) itashughulikiwa na Spika kwa mujibu wa Kanuni ya 53 ( <i>Namna ya kujadili hoja</i> ) ndani ya siku saba za kupokea arifa ya Mbunge kwa mujibu wa fasili ya (2); na,

(b) disposed of by the House within fourteen calendar days upon the notice under Standing Order 47 (Notices of Motions), and if not, such motion shall be deemed to have been withdrawn and shall not be moved again in the same Session, except with the consent of the Speaker.

#### **Instances where the Constitution requires a fixed majority**

62. (1) In every instance where the Constitution lays down that a fixed number of Members is necessary to support the moving of, or to decide any question on a motion, any amendment motion to such motion shall not be passed unless supported by the fixed number of Members required to pass the original motion.

(2) Notwithstanding paragraph (1), whenever a Bill or a special Motion the passage of which requires a special majority in the Assembly fails to obtain the required majority and the vote results in a majority of the "Ayes" but the "Noes" have not numbered at least one third of all the Members of the Assembly, the Speaker may direct that a further vote be taken on the particular question, and the further vote shall be taken within five sitting days from the day the first vote was taken.

(3) If the Speaker does not so direct any further vote, or if on such further vote the fixed majority is not obtained, the Speaker shall declare that the Motion is negatived.

#### **PART XIV—PROCEDURE FOR REMOVAL FROM STATE OFFICE**

##### **Procedure for removal of President on grounds of incapacity**

63. (1) Before giving notice of Motion

(b) itashughulikiwa na Bunge ndani ya siku kumi na nne baada ya arifa kutolewa kwa mujibu wa Kanuni ya 47 (Arifa za Hoja), vinginevyo, Hoja hiyo itachukuliwa kama imeondolewa na haitawasilishwa tena ndani ya Kipindi hicho ila kwa idhini ya Spika.

#### **Katiba inapohitaji idadi maalum**

62. (1) Kila mara Katiba inapotaja idadi maalum ya Wabunge inayohitajika kuunga mkono Hoja ili itolewe au kuamuliwa, rekebisho lolote la Hoja hiyo halitapitishwa kama idadi hiyo haijatimia.

(2) Bila ya kuathiri masharti ya fasili ya (1), kila mara Mswada au Hoja Maalum inayohitaji kuungwa mkono na idadi maalum ya Wabunge Bungeni ili kupitishwa itakosa idadi hiyo wakati wa kupiga kura na kwamba idadi ya waliopiga kura ya "La" haijafikia angalau thuluthi moja ya Wabunge wote, Spika anaweza kuelekeza awamu nyingine ya kura ili kuamua suala hilo ndani ya siku tano baada ya kura ya kwanza.

(3) Spika asipoagiza awamu nyingine ya kura au iwapo baada ya awamu nyingine ya kura idadi hiyo maalum haijatimia, Spika atatangaza kuwa Hoja hiyo haijapitishwa.

#### **SEHEMU YA XIV—UTARATIBU WA KUMWONDOA AFISA WA TAIFA MADARAKANI**

##### **Utaratibu wa kumwondoa Rais madarakani kwa kushindwa kutekeleza majukumu**

63. (1) Kabla ya kutoa arifa ya Hoja kwa

- under Article 144(1) of the Constitution, the Member shall deliver to the Clerk a copy of the proposed Motion in writing—
- (a) stating the grounds and particulars upon which the proposed Motion is made;
- (b) signed by the Member; and
- (c) signed in support by at least a quarter of all the Members.
- (1A) A motion under this Standing Order shall have its subject matter indicated on every sheet.
- (2) A Motion under paragraph (1) shall be disposed of—
- (a) by the Speaker within three days of receipt of notice by a Member under paragraph (1); and
- (b) by the House within seven days of a Member giving notice under Standing Order 47 (*Notices of Motions*), and if not, such motion shall be deemed to have been withdrawn and shall not be moved again in the same session, except with the leave of the Speaker.
- (3) If the National Assembly is not then sitting, the Speaker shall summon the Assembly for a special sitting to dispose of the Motion.
- (4) An Order Paper on which the Motion under paragraph (1) is listed shall set out—
- (a) the grounds and particulars upon which the proposal is made;
- (b) the name of the Member sponsoring the Motion; and
- (c) the names of the Members in support of the Motion.
- (5) Upon receipt of the Motion by the Clerk any signature appended to the list
- mujibu wa Ibara ya 144(1), Mbunge atawasilisha kwa Katibu, kwa maandishi, nakala ya Hoja anayopendekeza—
- (a) ikitaja misingi na maelezo ya Hoja anayopendekeza;
- (b) iliyosainiwa na Mbunge huyo; na
- (c) yenye saini za uungwaji mkono za angalau robo ya Wabunge wote.
- (1A) Hoja kwa mujibu wa Kanuni hii itaonesha mada yake katika kila ukurasa.
- (2) Hoja kwa mujibu wa fasili ya (1) itashughulikiwa—
- (a) na Spika ndani ya siku tatu baada ya kupokea arifa kutoka kwa Mbunge kwa mujibu wa fasili ya (1); na
- (b) Bunge ndani ya siku saba baada ya Mbunge kutoa arifa kwa mujibu wa Kanuni ya 47 (*Arifa za Hoja*), vinginevyo, Hoja hiyo itachukuliwa kama imeondolewa na haitatolewa tena ndani ya Kipindi hicho isipokuwa kwa idhini ya Spika.
- (3) Iwapo Bunge lipo likizo, Spika ataitisha kikao maalum cha Bunge ili kushughulikia Hoja hiyo.
- (4) Orodha ya Shughuli ambayo inaorodhesha Hoja kwa mujibu wa fasili ya (1) itaeleza—
- (a) misingi na maelezo ya Hoja inayopendekezwa;
- (b) jina la Mbunge mwenye Hoja; na
- (c) majina ya Wabunge wanaounga mkono Hoja hiyo.
- (5) Pindi Katibu anapokea Hoja, saini yoyote iliyowekwa kwenye orodha ya

as provided under paragraph (4) shall not be withdrawn.

(6) When the Motion has been passed by a majority of all members of the National Assembly, the Speaker shall inform the Chief Justice of that resolution within two days.

(7) Upon receipt of the report of the tribunal pursuant to Article 144(6) of the Constitution, the Speaker shall cause the report to be tabled before the National Assembly within seven days after receiving it and—

(a) If the tribunal reports that the President is capable of performing the functions of the office, the Speaker of the National Assembly shall so announce in the National Assembly and no further proceedings shall be taken on the matter;

(b) If the tribunal reports that the President is incapable of performing the functions of the office, the National Assembly shall, upon a motion by the Member who moved the motion for investigation of the President, vote on whether to ratify the report and if a majority of all the Members of the National Assembly vote in favour of ratifying the report, the President shall cease to hold office.

#### **Procedure for removal of President by impeachment**

64. (1) Before giving notice of Motion under Article 145(1) of the Constitution, a Member shall deliver to the Clerk a copy of the proposed Motion in writing—

(a) stating the grounds and particulars in terms of Article 145(1) of the Constitution upon which the proposed Motion is made;

Wabunge wanaounga mkono kwa mujibu wa fasili ya (4) haitaondolewa.

(6) Hoja hiyo ikipitishwa na wingi wa Wabunge wote, Spika atamjulisha Jaji Mkuu kuhusu azimio hilo ndani ya siku mbili.

(7) Pindi Spika anapokea ripoti ya baraza kwa mujibu wa Ibara ya 144 (6) ya Katiba, ataelekeza ripoti hiyo iwasilishwe Bungeni ndani ya siku saba baada ya kuipokea na—

(a) ikiwa baraza litaripoti kuwa Rais anaweza kutekeleza majukumu ya ofisi, Spika wa Bunge la Taifa atatoa tangazo hilo Bungeni na shughuli zozote kuhusu jambo hilo zitasitishwa;

(b) Iwapo baraza litaripoti kuwa Rais hawezi kutekeleza majukumu ya ofisi na baada ya Bunge kupokea Hoja ya Mbunge aliyependekeza Hoja ya kumchunguza Rais na Bunge kuridhia Hoja hiyo kwa wingi wa kura za Wabunge wote, Rais ataondoka madarakani.

#### **Utaratibu wa kumwondoa Rais madarakani kwa mashtaka**

64. (1) Kabla ya kutoa arifa ya Hoja kwa mujibu wa Ibara ya 145(1) ya Katiba, Mbunge atawasilisha kwa Katibu, kwa maandishi, nakala ya Hoja anayopendekeza—

(a) ikitaja misingi na maelezo, kwa mujibu wa Ibara ya 145(1) ya Katiba, ya Hoja anayopendekeza;

- (b) signed by the Member; and (b) iliyosainiwa na Mbunge huyo; na
- (c) signed in support by at least a third of all the Members. (c) yenye saina za uungwaji mkono za angalau thuluthi moja ya Wabunge wote.
- (1A) The grounds specified in a motion under this Standing Order shall be admissible if— (1A) Misingi inayotajwa katika Hoja kwa mujibu wa Kanuni hii itakubalika ikiwa—
- (a) framed clearly to particularize and disclose a gross violation of the Constitution or other written law, where gross violation of the Constitution or other written law is indicated as a ground for the intended removal; (a) imejengwa kwa uwazi ili kubainisha na kufichua ukiukaji mkubwa wa Katiba au sheria yoyote pale ambapo ukiukaji mkubwa wa Katiba au sheria yoyote umetajwa kama msingi wa kutaka kumwondoa;
- (b) stating with precision, the provisions of the Constitution or other written law that are alleged to have been grossly violated, where gross violation of the Constitution or other written law is indicated as a ground for the intended removal; and (b) inataja kwa usahihi vipengele vya Katiba au sheria yoyote ambayo inadaiwa kukiukwa kwa kiasi kikubwa pale ambapo ukiukaji mkubwa wa Katiba au sheria yoyote umetajwa kama msingi wa kutaka kumuondoa; na
- (c) accompanied by necessary evidence, including annexures or sworn testimonies in respect of the allegations. (c) imeambatisha ushahidi unaofaa, ukijumuisha viambatisho au ushahidi uliotolewa kwa kiapo kuhusiana na tuhuma hizo.
- (2) A Motion under paragraph (1) shall be disposed of— (2) Hoja kwa mujibu wa fasili ya (1) itashughulikiwa—
- (a) by the Speaker in accordance with Standing Order 47 (*Notices of Motions*) within three days of receipt of notice by a Member under paragraph (1); and, (a) na Spika kwa mujibu wa Kanuni ya 47 (*Arifa za Hoja*) ndani ya siku tatu baada ya kupokea arifa kutoka kwa Mbunge kwa mujibu wa fasili ya (1); na
- (b) by the Assembly within seven days of a Member giving notice under Standing Order 47 (*Notices of Motions*) and if not, such Motion shall be deemed to have been withdrawn and shall not be moved again in the same Session, except with the leave of the Speaker. (b) Bunge ndani ya siku saba baada ya Mbunge kutoa arifa kwa mujibu wa Kanuni ya 47 (*Arifa za Hoja*), vinginevyo, Hoja hiyo itachukuliwa kama imeondolewa na haitatolewa tena ndani ya Kipindi hicho isipokuwa kwa idhini ya Spika.
- (3) If the National Assembly is not then sitting, the Speaker shall summon the Assembly for a special sitting to dispose of the Motion. (3) Iwapo Bunge lipo likizo, Spika ataitisha kikao maalum cha Bunge ili kushughulikia Hoja hiyo.
- (4) An Order Paper on which the Motion (4) Orodha ya Shughuli ambayo

under paragraph (1) is listed shall set out—	inaorodhesha Hoja kwa mujibu wa fasili ya (1) itaeleza—
(a) the grounds and particulars upon which the proposal is made;	(a) misingi na maelezo ya Hoja inayopendekezwa;
(b) the name of the Member sponsoring the Motion; and	(b) jina la Mbunge mwenye Hoja; na
(c) the names of the Members in support of the Motion.	(c) majina ya Wabunge wanaounga mkono Hoja hiyo.

(5) Upon receipt of the Motion by the Clerk any signature appended to the list as provided under paragraph (4) shall not be withdrawn.	(5) Pindi Katibu anapokea Hoja, saina yoyote iliyowekwa kwenye orodha ya Wabunge wanaounga mkono kwa mujibu wa fasili ya (4) haitaondolewa.
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(6) When the Motion has been passed by two-thirds of all members of the National Assembly, the Speaker shall inform the Speaker of the Senate of that resolution within two days in terms of Article 145(2)(a) of the Constitution.	(6) Hoja hiyo ikipitishwa na angalau thuluthi mbili ya Wabunge wote, Spika atamjulisha Spika wa Seneti kuhusu azimio hilo ndani ya siku mbili kwa mujibu wa Ibara ya 152(2)(a) ya Katiba.
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<b>Procedure for removal of Deputy President</b>	<b>Utaratibu wa kumwondoa Naibu Rais madarakani</b>
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65. (1) Where a Member proposes the removal of the Deputy President on the grounds of physical or mental incapacity in terms of Article 150(1)(a) of the Constitution, Standing Order 63 ( <i>Procedure for removal of President on grounds of incapacity</i> ) shall, with necessary modifications, apply.	65. (1) Mbunge anapopendekeza kumuondoa Naibu Rais madarakani kwa misingi ya kukosa uwezo wa kimwili au wa kiakili kwa mujibu wa Ibara ya 150 (1)(a) ya Katiba, Kanuni ya 63 ( <i>Utaratibu wa kumwondoa Rais madarakani kwa kushindwa kutekeleza majukumu</i> ) itatumika kadri iwezekanavyo.
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(2) Where a Member proposes to impeach the Deputy President in terms of Article 150(1)(b) of the Constitution, Standing Order 64 ( <i>Procedure for removal of President by impeachment</i> ) shall, with necessary modifications, apply.	(2) Mbunge anapopendekeza Hoja ya kumshitaki Naibu Rais kwa mujibu wa Ibara ya 150(1)(b) ya Katiba, Kanuni ya 64 ( <i>Utaratibu wa kumuondoa Rais kwa mashtaka</i> ) itatumika kadri iwezekanavyo.
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<b>Procedure for removal of Cabinet Secretary</b>	<b>Utaratibu wa kumuondoa Waziri madarakani</b>
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66. (1) Before giving Notice of Motion under Article 152(6) of the Constitution, the Member shall deliver to the Clerk a	66. (1) Kabla ya kutoa arifa ya Hoja kwa mujibu wa Ibara ya 152(6) ya Katiba, Mbunge atawasilisha kwa Katibu, kwa
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copy of the proposed Motion in writing—	maandishi, nakala ya Hoja anayopendekeza—
(a) stating the grounds and particulars in terms of Article 152(6) of the Constitution upon which the proposed Motion is made;	(a) ikitaja misingi na maelezo, kwa mujibu wa Ibara ya 152(6) ya Katiba, ya Hoja anayopendekeza;
(b) signed by the Member; and	(b) iliyosainiwa na Mbunge huyo; na
(c) signed in support by at least one-quarter of all the Members of the Assembly.	(c) yenye saini za uungwaji mkono za angalau robo ya Wabunge wote.
(2) The provisions of Standing Order 64 ( <i>Procedure for removal of President by impeachment</i> ) shall apply to a Motion under paragraph (1).	(2) Masharti ya Kanuni ya 64 ( <i>Utaratibu wa kumuondoa Rais kwa mashtaka</i> ) yatatumika kwa Hoja kwa mujibu wa fasili ya (1).
(3) An Order Paper on which the Motion under paragraph (1) is listed shall set out—	(3) Orodha ya Shughuli ambayo inaorodhesha Hoja kwa mujibu wa fasili ya (1) itaeleza—
(a) the grounds and particulars upon which the proposed Motion is made;	(a) misingi na maelezo ya Hoja inayopendekezwa;
(b) the name of the Member sponsoring the Motion; and	(b) jina la Mbunge mwenye Hoja; na
(c) the names of the Members in support of the Motion.	(c) majina ya Wabunge wanaounga mkono Hoja hiyo.
(4) Upon receipt of the Motion by the Clerk any signature appended to the list as provided under paragraph (3) shall not be withdrawn.	(4) Pindi Katibu anapokea Hoja, saini yoyote iliyowekwa kwenye orodha ya Wabunge wanaounga mkono kwa mujibu wa fasili ya (3) haitaondolewa.
(5) If the Motion is supported by at least one-third of the Members of the National Assembly—	(5) Iwapo Hoja inaungwa mkono na angalau thuluthi moja ya Wabunge wote wa Bunge la Taifa—
(a) the Assembly shall, within seven days, appoint a select committee comprising eleven of its Members to investigate the matter; and	(a) Bunge la Taifa, ndani ya siku saba, litateua kamati ya Wabunge kumi na mmoja kuchunguza suala hilo; na
(b) the select committee shall, within ten days, report to the Assembly whether it finds the allegations against	(b) Kamati itachunguza suala hilo ndani ya siku kumi na kulijulisha Bunge la Taifa ikiwa mashtaka dhidi ya Waziri

the Cabinet Secretary to be substantiated.

(6) The Cabinet Secretary has the right to appear and be represented before the select committee during its investigations.

(7) If the select committee reports that it finds the allegations—

(a) unsubstantiated, no further proceedings shall be taken; or

(b) substantiated, the National Assembly shall—

(i) avail the Cabinet Secretary with the report of the select Committee, together with any other evidence adduced and such notes or papers presented to the committee at least three days before the day scheduled for his or her appearance before the Assembly;

(ii) afford the Cabinet Secretary an opportunity to be heard; and

(iii) consider the Report of the select committee and vote whether to approve the resolution requiring the Cabinet Secretary to be dismissed.

(8) If a resolution requiring the President to dismiss a Cabinet Secretary is supported by a majority of the Members of the National Assembly, the Speaker shall promptly deliver the resolution to the President.

### Right to be heard

67. Whenever the Constitution, any written law or these Standing Orders—

(a) require the National Assembly to consider a petition or a proposal for the removal of a person from office, the person shall be entitled to appear before the relevant Committee of the Assembly considering the matter and shall be

yanathibitika.

(6) Waziri ana haki ya kufika na kuwakilishwa mbele ya kamati wakati wa uchunguzi huo.

(7) Iwapo kamati itabaini kwamba tuhuma —

(a) hazithibitiki, uchunguzi utahitimishwa; au

(b) zinathibitika, Bunge la Taifa—

(i) litampa Waziri ripoti ya Kamati pamoja na ushahidi mwingine wowote uliotolewa na nyaraka zilizowasilishwa kwenye kamati angalau siku tatu kabla ya siku aliyotengewa kufika mbele ya Bunge la Taifa;

(ii) litampa Waziri nafasi ya kusikilizwa;

(iii) litashughulikia Ripoti ya Kamati na kupiga kura ili kuridhia au kutoridhia azimio la kumuondoa Katibu madarani.

(8) Iwapo azimio la kumtaka Rais amuondoe Waziri madarakani litaungwa mkono na wingi wa Wabunge wa Bunge la Taifa, Spika atawasilisha azimio hilo kwa Rais haraka iwezekanavyo.

### Haki ya kusikilizwa

67. Pale ambapo Katiba, sheria yoyote au Kanuni hizi zinataka Bunge—

(a) kushughulikia ardhilhali au pendekezo la kumwondoa mtu madarakani, mtu huyo atapewa haki ya kufika mbele ya Kamati ya Bunge inayoshughulikia jambo hilo na atakuwa na haki ya kuwakilishwa;

entitled to legal representation;

(b) require the National Assembly to hear a person on grounds of removal from office, or in such similar circumstances, the Assembly shall hear the person—

(i) at the date and time to be determined by the Speaker;

(ii) for a duration of not more than two hours or such further time as the Speaker may, in each case determine; and

(iii) in such other manner and order as the Speaker shall, in each case, determine.

#### **Priority of Motion**

68. A Motion for the removal of a person from office under this Part shall take precedence over all other business on the Order Paper for the day.

### **PART XV—VOTING AND DIVISIONS**

#### **Voting in the House**

69. (1) Unless otherwise provided under the Constitution, a question arising in the House shall be decided by a majority of the Members in the House, present and voting.

(2) In ascertaining the results on a question under paragraph (1), the Speaker shall, in the first instance, collect the voices of the “Ayes” and the “Noes” and shall declare the results accordingly.

(3) On a question proposed for a decision in the House, the Speaker has no vote.

(4) In determining the number of Members of the House for the purpose of voting, the Speaker shall not be counted as a Member.

#### **Electronic voting**

70. (1) Unless the Speaker, for the convenience of the House otherwise

(b) kumsikiliza mtu kuhusu misingi ya kumwondoa madarakani, au katika mazingira yanayofanana na hayo, Bunge litamsikiliza mtu huyo—

(i) siku na wakati utakaoamuliwa na Spika;

(ii) kwa muda usiozidi saa mbili, au zaidi, kama atakavyoamua Spika; na

(iii) kwa namna na mpangilio mwingine wowote kama atakavyoamua Spika.

#### **Hoja kupewa kipaumbele**

68. Hoja ya kumuondoa mtu madarakani kwa mujibu wa Sehemu hii itapewa kipaumbele ikilinganishwa na shughuli nyingine zote kwenye Orodha ya Shughuli ya siku hiyo.

### **SEHEMU YA XV - UPIGAJI KURA NA KURA YA MGAWANYIKO**

#### **Utaratibu wa kupiga kura Bungeni**

69.(1) Isipokuwa kama Katiba imeelekeza vinginevyo, hoja inayoibuka Bungeni itaamuliwa na wingi wa Wabunge watakaokuwa Bungeni na kupiga kura.

(2) Katika kuthibitisha matokeo ya Hoja kwa mujibu wa fasili ya (1), Spika atahoji na kukadiria sauti za “Ndio” na “La” mara ya kwanza bila kukawia na kutangaza matokeo ipasavyo.

(3) Spika hana kura kwa Hoja inayopendekezwa kuamuliwa na Bunge.

(4) Spika hatahesabiwa kama Mbunge katika kuamua idadi ya Wabunge waliomo Bungeni kwa minajili ya kupiga kura.

#### **Kura ya kielektroniki**

70. (1) Isipokuwa kama Spika ataelekeza vinginevyo kwa urahisi wa shughuli za

directs, voting on a division in the House shall be by electronic voting.

(2) When the Speaker directs that an electronic vote be taken, the Division Bell shall be rung for not more than ten minutes and the House shall proceed to a vote at the expiry of the ten minutes, or such further time as the Speaker may, for the convenience of the House, direct.

(3) During electronic voting, Members shall cast their votes by pressing either the "Yes," "No," or "Abstain" button.

(4) At the expiry of five minutes or as soon as the result of the voting appears on the indicator board, the Speaker or the Chairperson, as the case may be, shall announce the results of the division forthwith.

(5) A Member who is not able to cast his or her vote due to any reason considered sufficient by the Speaker, may before the result of the division is announced and after obtaining the permission of the Speaker, have his or her vote recorded verbally by stating whether he or she is in favour of or against the Question.

(6) Where the presiding officer has an original vote, the presiding officer shall cast his or her vote from the Chair.

#### **Technical failure, confusion or error occurring**

71. In the event of a technical failure, confusion or error occurring in the course of voting which in the opinion of the Speaker cannot otherwise be corrected, the Speaker may direct the House to another round of electronic voting or proceed to a roll call voting.

#### **Roll call Division claimed**

72. (1) The Speaker shall direct a roll call vote to be taken if a Member claims a division and—

Bunge, upigaji wa kura ya mgawanyiko utafanyika kielektroniki.

(2) Spika anapoamua kura ya kielektroniki itumike, Kengele ya Mgawanyiko itakirizwa kwa muda usiozidi dakika kumi na Bunge litaanza kupiga kura baada ya muda huo kuisha au katika muda mwingine wowote ambao Spika anaweza kuelekeza kwa urahisi wa shughuli za Bunge.

(3) Katika kura ya kielektroniki, Wabunge watapiga kura kwa kubofya kitufe cha "Ndio", "La" au "Mzio".

(4) Dakika tano zitakapotimia au pindi matokeo ya kura yatakapoonekana kwenye kiwambo, Spika au Mwenyekiti atatangaza matokeo ya kura ya mgawanyiko mara moja.

(5) Mbunge asiyeweza kupiga kura kutokana na sababu ambazo Spika ataridhika nazo na kabla ya matokeo ya kura ya mgawanyiko kutangazwa anaweza kupiga kura yake kwa kutamka kura ya kuunga au kupinga Hoja hiyo baada ya kupata idhini ya Spika.

(6) Iwapo Kiongozi wa kikao ana kura ya kawaida, atapiga kura yake akiwa kwenye Kiti.

#### **Hitilafu ya mitambo, mkanganyiko au kosa linapotokea**

71. Pale ambapo hitilafu ya mitambo, mkanganyiko au kosa litajitokeza wakati wa kupiga kura na kwa maoni ya Spika tatizo lililojitokeza haliwezi kurekebishwa, Spika anaweza kuelekeza kura ya kielektroniki irudiwe au kura ya kuita majina ipigwe.

#### **Kura ya kuita majina inapohitajika**

72. (1) Spika ataelekeza kura ya kuita majina itumike iwapo Mbunge atadai kura

ya mgawanyiko na—

(a) the Speaker considers that there is a reasonable doubt as to the outcome of the vote in question; or

(b) if, on a question other than a question of procedure, thirty or more Members rise in their places to support the Member claiming the roll call division.

(2) The Speaker shall direct a division to be taken in every instance where the Constitution lays down that a fixed majority is necessary to decide any question.

### **Roll call voting**

73. (1) When the Speaker directs a roll call voting to be taken, the Division Bell shall be rung for ten minutes.

(2) The names of one teller for the “Ayes” and one teller for the “Noes” shall be submitted to the Speaker, and the Speaker shall direct the tellers to take seats at a designated place.

(3) At the end of ten minutes, the Speaker shall direct the doors to be locked and the Bar drawn and no Member shall thereafter enter or leave the House until after the roll call vote has been taken.

(4) When the doors have been locked and the Bar drawn and the names of the tellers have been announced, the Speaker shall put the question again and direct the Clerk to call out the names of Members in alphabetical order in the presence of the tellers.

(5) When called out, each Member shall, thereupon rise in his or her place and declare assent or dissent to the question in the following manner; “I vote Yes”; or, “I vote No”; or, “I Abstain,” or use appropriate Kenyan sign language.

(6) After the Clerk has read the last

(a) Spika anaona kuna tashwishi kuhusu matokeo ya kura inayoendelea; au

(b) iwapo kuna suala ambalo si la utaratibu na Wabunge thelathini au zaidi watasimama mahali pao kumuunga mkono Mbunge anayedai kura ya kuita majina.

(2) Spika ataelekeza kura ya mgawanyiko itumike katika kila tukio ambalo Katiba inahitaji idadi maalum ya Wabunge itumike kuamua suala lolote.

### **Utaratibu wa kupiga kura ya kuita majina**

73. (1) Spika anapoamua kura ya kuita majina itumike, kengele itakirizwa kwa dakika kumi.

(2) Majina ya wahesabu kura ya “Ndiyo” na mwingine wa kura ya “La” yatawasilishwa kwa Spika ambaye ataelekeza wahesabu kura waketi katika sehemu zilizotengwa.

(3) Dakika kumi zitakapoisha, Spika ataagiza milango ya ukumbi na vizuizi vifungwe na hakuna Mbunge yeyote atakayeruhusiwa kuingia au kutoka ukumbini hadi zoezi la kura ya kuita majina litakapokamilika.

(4) Mara baada ya milango ya ukumbi na Kizuizi kufungwa na majina ya wahesabu kura kutangazwa, Spika atatoa tena Hoja iamuliwe na atamwelekeza Katibu kuita majina ya Wabunge kwa kufuata alfabeti mbele ya wahesabu kura.

(5) Kila Mbunge atakayeitwa atasimama mahali pake na kutamka kuridhia au kutoridhia Hoja inayohusika kwa namna ifuatayo: “Ninapiga Kura ya Ndiyo”; au, “Ninapiga Kura ya La”; au, “Ninasita,” au atumie ishara zifaazo za Lugha ya Ishara ya Kenya kupiga kura.

(6) Baada ya Katibu kusoma jina la mwisho

name in the Division list, the tellers shall present the result of the roll call vote to the Speaker who shall thereupon announce the result of the vote to the House.

#### **In case of confusion or error**

74. In case of confusion or error occurring in the course of a roll call voting concerning the numbers or names recorded, which cannot otherwise be corrected, the Speaker shall direct the House to proceed to another roll call vote.

#### **Errors corrected**

75. If, after a roll call vote has been made, it is discovered that the number has been inaccurately reported or that an error has occurred in the names on the division list, the fact shall be reported to the House and the Speaker shall direct that the necessary corrections be made.

#### **Decorum during division**

76. (1) No Member shall be obliged to vote in a division, but those present and not voting shall either—

(a) in the case of electronic voting, press the “Abstain” button; or

(b) in the case of roll call voting, record their abstention with the Clerk.

(2) It shall be disorderly conduct for a Member to fail to record his or her abstention in a division.

(3) A Member shall not vote on any question in which the Member has a pecuniary interest.

(4) During division, Members shall maintain order in the House and shall be in their designated seats and must remain seated until the result is

kwenye Orodha ya Wabunge wote, wahesabu kura watawasilisha matokeo ya kura ya kuita majina kwa Spika ambaye atatangaza matokeo hayo kwa Bunge mara moja.

#### **Mkanganyiko au kosa linapotokea**

74. Iwapo wakati wa kura ya kuita majina kutatokea mkanganyiko au kosa lisiloweza kurekebishwa kuhusiana na idadi au majina ya Wabunge waliorekodiwa, Spika ataelekeza zoezi la kupiga kura lirudiwe.

#### **Makosa kurekebishwa**

75. Iwapo baada ya kura ya kuita majina kukamilika itabainika kwamba idadi iliyoripotiwa si sahihi au kosa limetokea kwenye Orodha ya Wabunge wote, Bunge litajulishwa na Spika ataelekeza marekebisho yanayofaa yafanyike.

#### **Staha wakati wa kura ya mgawanyiko**

76. (1) Hakuna Mbunge atakayeshurutishwa kupiga kura wakati wa kura ya mgawanyiko, isipokuwa Wabunge waliopo ukumbini na hawapigi kura watatakiwa ama—

(a) kubofya kitufe cha “Mzio” iwapo ni kura ya kielektroniki; au

(b) kuandikisha kura yake ya kusita kwa Katibu iwapo ni kura ya kuita majina.

(2) Itakuwa ni utovu wa nidhamu kwa Mbunge kutoandikisha kura yake ya kusita katika kura ya mgawanyiko.

(3) Mbunge hatapiga kura kwa hoja yoyote ambayo yeye mwenyewe ana maslahi ya kifedha.

(4) Wakati wa kura ya mgawanyiko, Wabunge watadumisha utulivu ukumbini na watasalia wakiwa wameketi kwenye viti vyao hadi matokeo ya kura

announced.

yatakapotangazwa.

#### **PART XVI—RULES OF DEBATE**

#### **SEHEMU YA XVI- MASHARTI YA MJADALA**

##### **Proceedings to be in Kiswahili, English or Kenyan Sign Language**

##### **Shughuli kuendeshwa kwa Kiswahili, Kiingereza au Lugha ya Ishara ya Kenya**

77. (1) All proceedings of the House shall be conducted in Kiswahili, English or in Kenyan Sign Language.

77. (1) Shughuli zote za Bunge zitaendeshwa kwa Kiswahili, Kiingereza au Lugha ya Ishara ya Kenya.

(2) A Member who begins a speech in any of the languages provided for under paragraph (1) shall continue in the same language until the conclusion of the Member's speech.

(2) Mbunge anapoanza kutoa mchango wake katika lugha yoyote kati ya zile zilizotajwa kwa mujibu wa fasili ya (1) ataendelea kwa lugha hiyo hadi mwisho wa mchango wake.

##### **Members to address the Speaker**

##### **Wabunge kuelekeza maombi kwa Spika**

78. Every Member desiring to speak shall address a request to the Speaker.

78. Kila Mbunge anayetaka kuzungumza ataelekeza ombi lake kwa Spika.

##### **Two or more Members requesting to speak**

##### **Wabunge wawili au zaidi wanapoomba kuchangia**

79. If two or more Members request to speak at the same time, the Member called upon by the Speaker shall be entitled to speak.

79. Iwapo Wabunge wawili au zaidi wataomba kuchangia kwa wakati mmoja, Mbunge atakayeteuliwa na Spika ndiye atakayechangia.

##### **Speeches may not be read**

##### **Kutosoma Michango**

80. (1) No Member shall read a speech but a Member may read short extracts from written and printed papers in support of an argument and may refresh memory by reference to notes.

80. (1) Mbunge hatasoma mchango lakini anaweza kusoma dondoo fupi kwenye nyaraka na machapisho ili kuthibitisha madai yake na anaweza kujikumbusha kwa kurejea kumbukumbu alizoandika.

(2) The Speaker may allow a Member to read a speech in particular cases where the Speaker is satisfied that this is necessary for precision in statement of facts.

(2) Spika anaweza kumruhusu Mbunge kusoma mchango ikiwa Spika ameridhika kwamba kufanya hivyo ni muhimu katika kufafanua jambo.

##### **No Member to speak after Question put**

##### **Mbunge kutozungumza baada ya Hoja kutolewa iamuliwe**

**81.** No Member shall speak to any question after the same has been put by the Speaker.

**Speaking twice to a Question**

**82.** (1) No Member shall speak more than once to a question except in Committee of the whole House.

(2) Despite paragraph (1)—

(a) a Member who has spoken on a question may again be heard to offer explanation of some material part of the Member's speech which has been misunderstood but must not introduce new matter;

(b) a reply shall be allowed to a Member who has moved a substantive Motion but not to a Member who has moved an amendment.

(3) The mover of a substantive Motion may surrender all or part of his or her right to reply to another Member or Members nominated by him or her who have not already spoken to such Motion.

**Member who has spoken to question may speak to amendment**

**82A.** Where an amendment has been moved, and if necessary seconded, any Member who has already spoken to the main question may speak to the amendment, and any Member who has not spoken to the main question but speaks to the amendment does not thereby forfeit the right to speak to the main question.

**Debate on amendment confined to amendment**

**82B.** (1) Where an amendment has been moved, and if necessary seconded, debate shall be confined to the amendment.

(2) Despite paragraph (1), the Speaker

**81.** Mbunge hatazungumzia hoja yoyote baada ya Spika kutoa Hoja hiyo ili iamuliwe.

**Kuchangia Hoja mara mbili**

**82.** (1) Mbunge hatachangia Hoja zaidi ya mara moja ila tu katika Kamati ya Bunge Zima.

(2) Licha ya masharti ya fasili ya (1)—

(a) Mbunge ambaye amechangia Hoja anaweza tena kuruhusiwa kufafanua sehemu ya mchango wake alioutoa ambao haukueleweka vizuri ilimradi asiibue suala jipya;

(b) Mbunge aliyewasilisha Hoja mahususi atapewa haki ya kujibu lakini si Mbunge aliyewasilisha marekebisho.

(3) Mbunge mwenye Hoja ya msingi anaweza kutoa haki yake yote au sehemu ya haki yake ya kuhitimisha Hoja kwa Mbunge mwingine au wengine atakaowateua ambao hawajazungumza kuhusu Hoja hiyo.

**Mbunge aliyechangia hoja anaweza kuchangia pendekezo la kuirekebisha**

**82A.** Iwapo rekebisho limependekezwa na kuafikiwa, ikiwa lafaa kuafikiwa, Mbunge ambaye amechangia Hoja anaweza kuchangia rekebisho na Mbunge yeyote ambaye hajachangia Hoja lakini amezungumzia rekebisho hatapoteza haki yake ya kuzungumzia Hoja.

**Mjadala wa rekebisho kujikita kwenye rekebisho**

**82B.** (1) Rekebisho la Hoja likishatolewa na kuafikiwa, ikiwa lafaa kuafikiwa, mjadala wake utajikita kwenye rekebisho hilo tu.

(2) Licha ya masharti ya fasili ya (1), Spika

may direct that the debate on the amendment may include debate on the matter of the Motion where, in the Speaker's opinion, the matter of the amendment is not conveniently severable from the matter of the Motion.

(3) Where the Speaker issues directions under paragraph (2), a Member who speaks to the amendment shall not be entitled, after the amendment has been disposed of, to speak to the Motion, and any Member who has already spoken to the Motion may in speaking to the amendment, speak only to any new matter raised thereby.

#### **Reserving rights of speech**

**82C.** Upon a Motion, other than a Motion by way of amendment to a question proposed by the Speaker, a Member may second by rising in his or her place and signifying acquiescence by bowing the head, without speaking, and such Member shall thereby reserve the same rights of speech as the Member would have had if some other Member had seconded such Motion.

#### **Points of Order**

**83.** (1) Any Member may raise a point of order at any time during the speech of another Member stating that the Member rises on a point of order and that Member shall be required to indicate the Standing Order upon which the point of order is based.

(2) When a Member raises a point of order during the speech of another Member, the Member who was speaking shall thereupon resume his or her seat and the Member raising the point of order shall do likewise when he or she has concluded his or her submission, but no other Member may, except by leave of the Speaker, speak on the point of order.

(3) The Speaker shall either give a decision on the point of order forthwith or announce that the decision is

anaweza kuelekeza kuwa mjadala kuhusu rekebisho ujumuishe masuala yanayohusiana na Hoja iwapo, kwa maoni yake, masuala yanayoibuka hayatenganishi rekebisho hilo na Hoja.

(3) Spika anapotoa maelekezo kwa mujibu wa fasili ya (2), Mbunge anayechangia rekebisho atapoteza haki ya kuchangia Hoja baada ya rekebisho hilo kuamuliwa na iwapo Mbunge yeyote aliyechangia Hoja atachangia rekebisho, ataruhusiwa tu kuzungumzia suala jipya linalotokana na rekebisho hilo.

#### **Kuhifadhi haki ya kuchangia**

**82C.** Mbunge anaweza kusimama mahali pake na kuinamisha kichwa kuashiria kuafiki Hoja bila kuchangia na kwa kufanya hivyo atakuwa amehifadhi haki ya kuchangia kana kwamba Hoja hiyo imeafikiwa na Mbunge mwingine, isipokuwa kwa Hoja ya kurekebisha Hoja iliyopendekezwa na Spika.

#### **Kuhusu Utaratibu**

**83.** (1) Mbunge yeyote anaweza kudai suala—kuhusu utaratibu wakati wowote Mbunge mwingine anapochangia kwa kueleza kwamba Kanuni imekiukwa na atatakiwa kuitaja Kanuni iliyokiukwa.

(2) Mbunge anapodai suala kuhusu utaratibu wakati wa mchango wa Mbunge mwingine, Mbunge aliyekuwa akichangia ataketi na Mbunge aliyedai suala kuhusu utaratibu pia atafanya vivyo hivyo atakapomaliza kuwasilisha madai yake na Mbunge yeyote mwingine hatachangia suala hilo kuhusu utaratibu ila tu kwa ruhusa ya Spika.

(3) Spika atatoa uamuzi kuhusu suala la utaratibu papo hapo au ataeleza kwamba atatoa uamuzi kuhusu suala hilo baada ya

deferred for consideration after which the Member who was speaking at the time the point of order was raised may continue to speak.

(4) The Speaker or the Chairperson, as the case may be, shall order any Member who unnecessarily and persistently interrupts proceedings or consults loudly and disruptively to withdraw from the Chamber and Standing Order 107 (*Disorderly conduct*) shall apply to any such Member.

#### **Personal Statements**

**84.** By the indulgence of the House, a Member may explain matters of a personal nature although there is no question before the House, but such matter may not be debated.

#### **Anticipating debate**

**85.** (1) It shall be out of order to anticipate the debate of a Bill which has been published as such in the *Gazette* by discussion upon a substantive Motion or an amendment, or by raising the subject matter of the Bill upon a Motion for the adjournment of the House.

(2) It shall be out of order to anticipate the debate of a Motion of which notice has been given by discussion upon a substantive Motion or an amendment, or by raising the same subject matter upon a Motion of the adjournment of the House.

(3) In determining whether a debate is out of order on the grounds of anticipation, regard shall be had to the probability of the matter anticipated being brought before the House within a reasonable time.

#### **Proceedings of Select Committees not to be referred to**

**86.** No Member shall refer to the substance of the proceedings of a Select Committee before the Committee has made its report to the House.

kulitathmini kisha, Mbunge aliyekuwa akichangia kabla ya dai la suala kuhusu utaratibu kutolewa anaweza kuendelea kuchangia.

(4) Spika au Mwenyekiti, atamuamuru Mbunge yeyote ambaye anaendelea kuvuruga shughuli bila sababu za msingi au kwa kufanya mashauriano kwa sauti ya juu, aondoke ukumbini na masharti ya Kanuni ya 107 (*Utovu wa Nidhamu*) yatatumika kwa Mbunge huyo.

#### **Kauli Binafsi**

**84.** Mbunge yeyote anaweza, kwa idhini ya Bunge, kutoa kauli binafsi inayolenga kufafanua mambo binafsi hata kama hakuna Hoja Bungeni kuhusu kauli hiyo, isipokuwa kauli hiyo haitajadiliwa.

#### **Kuwahisha mijadala**

**85.** (1) Ni marufuku kuwahisha mijadala wa Mswada ambao tayari umechapishwa kwenye Gazeti Rasmi la Serikali kupitia kwa Hoja au kwa rekebisho, au kuibua maudhui ya Mswada huo kupitia Hoja ya kuahirisha shughuli za Bunge.

(2) Ni marufuku kuwahisha mijadala wa Hoja ambayo arifa yake imekwishatolewa Bungeni kwa kujadili Hoja au rekebisho, au kuibua jambo linalofanana na Hoja hiyo kupitia Hoja ya kuahirisha shughuli za Bunge.

(3) Katika kuamua iwapo mijadala umekiuka utaratibu kwa misingi ya kuwahishwa, uamuzi utazingatia uwezekano wa jambo hilo kuwasilishwa Bungeni ndani ya muda mfupi.

#### **Kutorejea shughuli za Kamati**

**86.** Mbunge yeyote hataruhusiwa kurejea au kujadili kiini cha mambo yanayofanyiwa kazi na Kamati yoyote ya Bunge kabla Kamati hiyo haijawasilisha ripoti yake

Bungeni.

### **Contents of speeches**

**87.(1)** Neither the personal conduct of the President, nor the conduct of the Speaker or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the Head of State or Government or the representative in Kenya of any friendly country or the conduct of the holder of an office whose removal from such office is dependent upon a decision of the House shall be referred to adversely, except upon a specific substantive Motion of which at least three days' notice has been given.

(2) It shall be out of order to introduce an argument on any specific question upon which the House has taken a decision during the same Session, except upon a Motion to rescind that decision made with the permission of the Speaker.

(3) It shall be out of order to use offensive or insulting language whether in respect of Members of the House or other persons.

(4) No Member shall impute improper motive to any other Member or to a Senator except upon a specific substantive Motion of which at least three days' notice has been given, calling in question the conduct of that Member or Senator.

(5) It shall be out of order for a Member to criticize or call to question, the proceedings in the Senate or the Speaker's Ruling in the Senate but any debate may be allowed on the structures and roles of the Senate or Parliament.

### **Retraction and Apologies**

**88.** A Member who has used exceptionable words and declines to

### **Maudhui ya michango**

**87.(1)** Mbunge hataruhusiwa kudhihaki mwenendo binafsi wa Rais, Spika, Jaji, mtu yeyote anayetokeleza majukumu ya kimahakama, mwenendo wa Kiongozi wa nchi au Serikali, mwakilishi wa nchi yoyote rafiki nchini Kenya au mwenendo wa afisa yeyote ambaye kuondolewa kwake madarakani kunahitaji uamuzi wa Bunge, isipokuwa kwa Hoja ambayo arifa yake imetolewa angalau siku tatu kabla ya Hoja hiyo kujadiliwa.

(2) Mbunge hataruhusiwa kuibua mjadala kuhusu suala ambalo limekwishaamuliwa na Bunge ndani ya Kipindi kimoja, isipokuwa kupitia Hoja ya kutengua uamuzi huo ambayo itatolewa kwa ruhusa ya Spika.

(3) Mbunge hataruhusiwa kutumia lugha ya kuudhi au ya matusi kwa Wabunge au watu wengine.

(4) Mbunge hataruhusiwa kutoa shutuma zisizo na msingi kuhusu Mbunge mwingine au Seneta isipokuwa kwa Hoja ambayo arifa yake imetolewa angalau siku tatu kabla ya Hoja ya kujadili mwenendo wa Mbunge au Seneta huyo.

(5) Mbunge hataruhusiwa kukosoa au kushutumu shughuli za Seneti au uamuzi wa Spika wa Seneti ingawa mjadala unaweza kuruhusiwa kuhusu muundo na majukumu ya Seneti au Bunge.

### **Kufuta kauli na kuomba radhi**

**88.** Mbunge ambaye ametumia maneno yanayochukiza au ya kisafihi na kukataa

explain and retract the words or to offer apologies for the use of the words to the satisfaction of the Speaker shall be deemed to be disorderly and shall be dealt with in accordance with the rules pertaining to disorderly conduct.

**Matters *sub judice* or secret**

**89.** (1) Subject to paragraph (5), no Member shall refer to any particular matter which is *sub judice* or which, by the operation of any written law, is secret.

(2) A matter shall be considered to be *sub judice* when it refers to active criminal or civil proceedings and the discussion of such matter is likely to prejudice its fair determination.

(3) In determining whether a criminal or civil proceeding is active, the following shall apply—

(a) criminal proceedings shall be deemed to be active when a charge has been made or a summons to appear has been issued;

(b) criminal proceedings shall be deemed to have ceased to be active when they are concluded by verdict and sentence or discontinuance;

(c) civil proceedings shall be deemed to be active when arrangements for hearing, such as setting down a case for trial, have been made, until the proceedings are ended by judgment or discontinuance;

(d) appellate proceedings whether criminal or civil shall be deemed to be active from the time when they are commenced by application for leave to appeal or by notice of appeal until the proceedings are ended by judgment or discontinuance.

(4) A Member alleging that a matter is

kutoa maelezo na kufuta kauli au kuomba radhi inayomridhisha Spika atachukuliwa kuwa mtovu wa nidhamu na kuchukuliwa hatua kwa mujibu wa kanuni zinazohusu utovu wa nidhamu.

**Mambo yanayosubiri uamuzi wa Mahakama au ya siri**

**89.** (1) Kwa kuzingatia masharti ya fasili ya (5), Mbunge hataruhusiwa kuzungumzia suala lolote ambalo linasubiri uamuzi wa Mahakama au ni la siri kwa mujibu wa sheria yoyote.

(2) Suala litachukuliwa kuwa linasubiri uamuzi wa Mahakama ikiwa linarejea mwenendo wa kesi ya jinai au daawa inayoendelea na mjadala kuhusu suala hilo unaweza kuathiri uamuzi wa haki.

(3) Katika kuamua iwapo kesi ya jinai au daawa inaendelea, yafuatayo yatazingatiwa—

(a) kesi ya jinai itachukuliwa kuwa inaendelea ikiwa mashtaka yamesomwa mahakamani au hati ya wito wa mahakama imetolewa kwa mtuhumiwa;

(b) kesi ya jinai itachukuliwa kuwa imekwisha iwapo itahitimishwa baada ya mtuhumiwa kutiwa hatiani na kuhukumiwa au baada ya kesi kufutwa au kuondolewa mahakamani;

(c) kesi ya daawa itachukuliwa kuwa inaendelea iwapo taratibu za kusikiliza kesi hiyo, kama vile kupanga kesi kwa ajili ya kusikilizwa, zimefanywa, hadi mwenendo wa kesi utakapohitimishwa kwa hukumu au kuondolewa mahakamani;

(d) Rufaa ya jinai au daawa itachukuliwa kuwa inaendelea kuanzia tarehe ambayo rufaa imeanzishwa kwa maombi au notisi ya rufaa hadi mwenendo wa rufaa utakapohitimishwa kwa hukumu au kuondolewa mahakamani.

(4) Mbunge anayedai kuwa suala linasubiri

*sub judice* shall provide evidence to show that paragraphs (2) and (3) are applicable.

(5) Notwithstanding this Standing Order, the Speaker may allow reference to any matter before the House or a Committee.

#### **Declaration of interest**

90. (1) A Member who wishes to speak on any matter in which the Member has a personal interest shall first declare that interest.

(2) Personal interests include pecuniary interest, proprietary interest, personal relationships and business relationships.

#### **Responsibility for statement of fact**

91. (1) A Member shall be responsible for the accuracy of any facts which the Member alleges to be true and may be required to substantiate any such facts instantly.

(2) If a Member has sufficient reason to convince the Speaker that the Member is unable to substantiate the allegations instantly, the Speaker shall require that such Member substantiates the allegations not later than the next sitting day, failure to which the Member shall be deemed to be disorderly within the meaning of Standing Order 107 (*Disorderly conduct*) unless the Member withdraws the allegations and gives a suitable apology, if the Speaker so requires.

92. (*Deleted*)

93. (*Deleted*)

94. (*Deleted*)

#### **Closure of debate**

95. (1) After the question on a Motion the Mover of which has a right of reply

uamuzi wa Mahakama atatakiwa kutoa ushahidi unaoonesha kwamba masharti ya fasili ya (2) na ya (3) yanahusika.

(5) Bila ya kuathiri masharti ya Kanuni hii, Spika anaweza kuruhusu rejea kwa jambo lolote lililopo Bungeni au kwenye Kamati.

#### **Kutangaza maslahi binafsi**

90.(1) Mbunge anayetaka kuzungumzia jambo lolote ambalo lina maslahi binafsi kwake atataja maslahi hayo kabla ya kulizungumzia jambo hilo.

(2) Maslahi binafsi yanajumuisha masuala wa fedha, umiliki, uhusiano binafsi na wa kibiashara.

#### **Kuwajibikia madai**

91. (1) Mbunge atawajibikia usahihi wa jambo lolote analodai kuwa ni la kweli na anaweza kutakiwa kuthibitisha madai hayo papo hapo.

(2) Endapo Mbunge ana sababu ya kutosha kumshawishi Spika kwamba Mbunge anayechangia hawezi kuthibitisha madai yake papo hapo, Spika atamtaka Mbunge anayechangia kuthibitisha madai yake si baada ya kikao kinachofuata, vinginevyo, atachukuliwa kuwa amekiuka masharti kwa mujibu wa Kanuni ya 107 (*Utovu wa Nidhamu*) isipokuwa kama Mbunge huyo atafuta madai hayo na kuomba radhi ifaayo, iwapo Spika atamtaka kufanya hivyo.

92. (*Imefutwa*)

93. (*Imefutwa*)

94. (*Imefutwa*)

#### **Kuhitimisha mjadala**

95. (1) Baada ya Hoja ambayo Mtoa Hoja ana haki ya kuhitimisha imetolewa

has been proposed, a Member rising in his or her place may claim to move "That, the Mover be now called upon to reply," and, unless the Speaker is of the opinion that such Motion is an abuse of the proceedings of the House, or an infringement of the rights of Members, the question "That, the Mover be now called upon to reply," shall be put forthwith, and decided without amendment or debate and if that question is agreed to, the Mover may, immediately reply to the debate, and as soon as the Mover has concluded or, if the Mover does not wish to reply, immediately, the Speaker shall put the question, subject to paragraph 3 of Standing Order 53 (*Manner of debating Motions*).

(2) After the question on a Motion the Mover of which has no right of reply has been proposed, a Member rising in his or her place may claim to move "That, the question be now put," and, unless the Speaker is of the opinion that such a Motion is an abuse of the proceedings of the House, or an infringement of the rights of Members, the question "That, the question be now put," shall be put forthwith, and decided without amendment or debate and if that question is agreed to, the Speaker shall immediately put the question accordingly, subject to paragraph (3) of Standing Order 53 (*Manner of debating Motions*).

#### **Resumption of interrupted business**

95A. Any debate interrupted under this Part shall on coming again before the House or the Committee, be resumed at the point where it was interrupted and any Member whose speech was so interrupted shall have the right to speak on such resumption for the remainder of the time available to him or her; but if such Member does not avail himself or herself of this right, his or her speech

ijadiliwe, Mbunge anaweza kusimama mahali pake na kutoa Hoja "Kwamba, Mtoa Hoja sasa aitwe kuhitimisha," na, isipokuwa kama Spika ana maoni kwamba Hoja hiyo inahujumu shughuli za Bunge au inakiuka haki za Wabunge, Hoja "Kwamba, Mtoa Hoja sasa aitwe kuhitimisha," itatolewa ili iamuliwe mara moja na itaamuliwa bila rekebisho au mjadala na ikipitishwa, Mtoa Hoja anaweza kuhitimisha papo hapo na, punde baada ya Mtoa Hoja kuhitimisha, au kama hataki kuhitimisha, Spika atalihoji Bunge kuamua Hoja hiyo mara moja kwa mujibu wa fasili ya 3 ya Kanuni ya 53 (*Namna ya kujadili Hoja*).

(2) Baada ya Hoja ambayo Mtoa Hoja hana haki ya kuhitimisha imetolewa ijadiliwe, Mbunge anaweza kusimama mahali pake na kutoa Hoja "Kwamba, Hoja sasa itolewe ili iamuliwe" na, isipokuwa kama Spika ana maoni kwamba Hoja hiyo inahujumu shughuli za Bunge au inakiuka haki za Wabunge, Hoja "Kwamba, Hoja sasa itolewe ili iamuliwe," itatolewa ili iamuliwe mara moja na itaamuliwa bila rekebisho au mjadala na ikipitishwa, Spika atalihoji Bunge kuamua Hoja hiyo mara moja kwa mujibu wa fasili ya 3 ya Kanuni ya 53 (*Namna ya kujadili Hoja*).

#### **Shughuli iliyositishwa kuendelea**

95A. Mjadala wowote uliositishwa kwa mujibu wa Sehemu hii, utakaporejelewa Bungeni au kwenye Kamati, utarejelewa mahali ulipokuwa umeishia na Mbunge yeyote ambaye mchango wake ulisitishwa atakuwa na haki ya kuchangia kwa muda wake uliosalia vinginevyo Mbunge huyo asipojitokeza kutumia haki yake, itachukuliwa kwamba alikuwa amemaliza mchango wake.

shall be deemed to have been concluded.

#### **Adjournment of debate**

96. (1) A Member who wishes to postpone to some future occasion the further discussion of a question which has been proposed from the Chair may claim to move "That, the debate be now adjourned," or, in Committee of the whole House "That, the Chairperson do report progress."

(2) The debate on a dilatory Motion shall be confined to the matter of the Motion.

(3) If the Speaker is of the opinion that a dilatory Motion is an abuse of the proceedings of the House, the Speaker may forthwith put the question thereon or decline to propose it.

(4) A Member who has moved or seconded a dilatory Motion which has been negatived may not subsequently move or second another such Motion during the same debate, whether in the House or in Committee of the whole House.

#### **PART XVII—LIMITATION OF DEBATE**

##### **Limitation of debate**

97. (1) The House may, on a Motion made by any Member in accordance with this Standing Order, impose a limit in respect of debate on any particular Motion or Bill by allotting a limited period of time for such debate or by limiting the time during which Members may speak in such debate or by imposing such limitations.

(2) A Motion for limitation of debate under this Standing Order may be made without notice.

(3) A Motion under paragraph (2) shall not be made in the course of the debate to which it refers unless it is moved after the adjournment of such debate and

#### **Kuahirisha mjadala**

96. Mbunge anayekusudia kuahirisha mjadala wa Hoja iliyotolewa na Spika au Mwenyekiti ili ijadiliwe wakati mwingine anaweza kudai "Kwamba, sasa mjadala uahirishwe," au, iwapo Bunge lipo kwenye Kamati ya Bunge Zima "Kwamba, Mwenyekiti aripoti hatua iliyofikiwa."

(2) Mjadala wa Hoja ya kuahirisha mjadala kwa muda utajikita ndani ya suala la Hoja hiyo.

(3) Iwapo Spika ana maoni kwamba Hoja ya kuahirisha mjadala kwa muda inahujumu shughuli za Bunge, anaweza kulihoji Bunge kuamua Hoja hiyo mara moja au kukataa kuitoa ijadiliwe.

(4) Mbunge ambaye ametoa au ameafiki Hoja ya kuahirisha mjadala kwa muda na kukataliwa hataruhusiwa kutoa au kuafiki Hoja nyingine kama hiyo ndani ya mjadala huo Bungeni au kwenye Kamati ya Bunge Zima.

#### **SEHEMU YA XVII—KUDHIBITI MJADALA**

##### **Kudhibiti mjadala**

97. (1) Bunge linaweza kudhibiti mjadala kuhusu Hoja au Mswada kwa kutenga muda wa mjadala huo au kwa kudhibiti muda ambao Wabunge wanaweza kuchangia mjadala huo au kwa kuweka vidhibiti vinginevyo, kufuatia Hoja iliyotolewa na Mbunge yeyote kwa mujibu wa Kanuni hii.

(2) Hoja ya kudhibiti mjadala kwa mujibu wa Kanuni hii inaweza kutolewa bila arifa.

(3) Hoja kwa mujibu wa fasili ya (2) haitatolewa iwapo inadhibiti mjadala unaoendelea isipokuwa kama Hoja hiyo imetolewa baada ya kuahirishwa kwa

before the debate is resumed.

(4) No Member may speak in a debate on Bills, Sessional Papers, Motions or Reports of Committees for more than twenty minutes without the leave of the Speaker but the Leader of Majority Party and the Leader of Minority Party may each speak for a maximum of 60 minutes.

#### **PART XVIII—ORDER IN THE HOUSE AND IN COMMITTEE OF THE WHOLE HOUSE**

##### **Maintenance of order**

98. Order shall be maintained in the House by the Speaker and in a Committee of the whole House by the Chairperson of such Committee but disorder in Committee may be censured only by the House on receiving a report thereof.

##### **Security checks**

99. (1) A Member shall be subjected to a security check or screening before entering the Chamber.

(2) The security check or screening under paragraph (1) shall extend to a handbag or other accessory that a Member intends to enter with into the chamber.

##### **Firearms and other offensive weapons**

100. No Member shall bring a firearm or any offensive weapon into the Chamber and any such weapon must be deposited with the Serjeant-at-Arms for safe custody before entering the Chamber, and collected at the time of leaving the Chamber.

##### **Lady Members' handbags**

101. A lady Member may be allowed into the Chamber with a handbag of reasonable size.

##### **When the Speaker rises Members to be silent**

102. Whenever the Speaker or the

mjadala huo na kabla ya mjadala huo kurejelewa.

(4) Mbunge yeyote hataruhusiwa kuchangia Miswada, Sera za Serikali, Hoja au Ripoti za Kamati kwa zaidi ya dakika ishirini bila ruhusa ya Spika isipokuwa Kiongozi wa Walio Wengi na Kiongozi wa Walio Wachache wanaweza kuchangia kwa muda usiozidi dakika sitini kila mmoja.

#### **SEHEMU YA XVIII - UTULIVU UKUMBINI NA KATIKA KAMATI YA BUNGE ZIMA**

##### **Kudumisha utulivu**

98. Spika atakuwa na wajibu wa kudumisha utulivu Bungeni na Mwenyekiti atadumisha utulivu katika Kamati ya Bunge Zima lakini kukosekana kwa utulivu wakati wa Kamati ya Bunge Zima kutashughulikiwa na Bunge baada ya kupokea ripoti.

##### **Ukaguzi wa kiusalama**

99. (1) Mbunge atafanyiwa ukaguzi kwa ajili ya usalama kabla ya kuingia Ukumbini.

(2) Ukaguzi wa kiusalama kwa mujibu wa fasili ya (1) utajumuisha mkoba au kitu kingine ambacho Mbunge anataka kuingia nacho Ukumbini.

##### **Silaha za moto na silaha nyingine hatari**

100. Mbunge hataruhusiwa kuingia Ukumbini na silaha ya moto au kifaa kingine chochote ambacho ni hatari na atahitajika kumkabidhi Mpambe wa Bunge silaha au kifaa hicho kabla ya kuingia Ukumbini na atarejeshewa akitoka Ukumbini.

##### **Mikoba ya Wabunge wa kike**

101. Mbunge wa kike anaweza kuruhusiwa kuingia Ukumbini na mkoba wa ukubwa kiasi.

##### **Wabunge kuwa kimya Spika anaposimama**

102. Kila wakati Spika au Mwenyekiti wa

Chairperson of Committees rises, any Member then speaking, or offering to speak, shall resume his or her seat and the House or the Committee shall be silent, so that the Speaker or the Chairperson of Committees may be heard without interruption.

#### **Members and the Chair**

103. (1) Every Member shall bow to the Chair in passing to or from his or her seat or across the Floor of the House but, a Member may show respect in any other manner consistent with the Member's faith and with the dignity of the House.

(2) No Member shall pass between the Chair and any Member who is speaking or between the Chair and the Table except in so far as it is necessary for the purpose of the administration of Oath or Affirmation of Allegiance.

#### **Members to be seated**

104. Except when passing to and from his or her seat or when speaking, every Member when in the Chamber shall be seated, and shall not at any time stand in any of the passages and gangways.

#### **Members to remain in their places until the Speaker has left the Chamber**

105. When the House adjourns, Members shall stand in their places until the Speaker has left the Chamber.

#### **Irrelevance or repetition**

106. The Speaker or the Chairperson of Committees, after having called attention to the conduct of a Member who persists in irrelevance or tedious repetition either of the Member's own arguments or the arguments used by other Members in debate, may, after having first warned him or her direct that the Member discontinue his or her speech.

#### **Disorderly conduct**

Kamati anaposimama, Mbunge yeyote anayechangia au anayetaka kuchangia ataketi kwenye kiti chake na Bunge au Kamati itakuwa kimya ili Spika au Mwenyekiti wa Kamati asikilizwe bila kukatizwa.

#### **Wabunge na Kiti**

103. (1) Kila Mbunge anapopita kutoka au kuelekea kwenye kiti chake au anapovuka Sakafu ya Ukumbi, atainaimisha kichwa kwa staha kuelekea kwa Kiti au kuonesha heshima kwa Kiti kwa namna nyingine yoyote kulingana na imani yake na hadhi ya Bunge.

(2) Mbunge hatapita kati ya Kiti na Mbunge anayechangia au kati ya Kiti na Meza isipokuwa pale itakapohitajika wakati wa kiapo au kukiri kuwajibika katika madaraka ya Mbunge.

#### **Wabunge kuketi**

104. Kila Mbunge atasalia ameketi akiwa ukumbini na hataruhusiwa kusimama kwenye njia baina ya viti isipokuwa wakati anaondoka au kurejea kwenye kiti chake au anapochangia.

#### **Wabunge kusalia mahali pao hadi Spika atakapoondoka ukumbini**

105. Kikao cha Bunge kinapoahirishwa, Wabunge watasimama mahali pao hadi Spika atakapoondoka ukumbini.

#### **Kutoka nje ya mada au kurudiarudia**

106. Spika au Mwenyekiti wa Kamati akishamjulisha Mbunge kuhusu mwenendo wake wa kuendelea kutoka nje ya mada au kurudiarudia maneno au mchango wake au michango ya Wabunge wengine katika mjadala, anaweza kumwamuru Mbunge huyo asitishie mchango wake baada ya kumpa onyo.

#### **Utovu wa nidhamu**

107. (1) A Member commits an act of disorderly conduct if the Member—

(a) creates actual disorder;  
(b) knowingly raises a false point of order;

(c) unnecessarily interrupts proceedings or consults in a disruptive manner;

(d) fails to record abstention in a division;

(e) fails to declare personal interest in a matter before the House or a Committee in accordance with Standing Order 90 (*Declaration of interest*);

(f) deliberately gives false information to the House;

(g) makes allegations without, in the Speaker's opinion, adequate substantiation;

(h) threatens to use violence against a Member or other person in the House or Committee;

(i) votes more than once in breach of these Standing Orders;

(j) commits any other breach of these Standing Orders, that in the opinion of the Speaker, constitutes disorderly conduct.

(2) The Speaker may call a Member whose conduct is disorderly to order, and—

(a) caution the Member; or  
(b) order the Member to withdraw from the precincts of the Assembly for a maximum of four days.

#### **Gross disorderly conduct**

107A. (1) A Member commits an act of gross disorderly conduct if the Member—

(a) defies a ruling or direction of the Speaker or Chairperson of Committees;

(b) declines to explain or retract use of unparliamentary words or declines to offer apologies, despite having been ordered to do so by the Speaker;

(c) demonstrates or makes disruptive utterances against the suspension of a

107. (1) Mbunge atakuwa ametenda kosa la utovu wa nidhamu ikiwa—

(a) atasababisha vurugu;  
(b) kwa makusudi, ataibua suala la uongo kuhusu utaratibu;

(c) atavuruga shughuli za Bunge bila sababu au kushauriana na mwenzie kwa namna inayovuruga shughuli;

(d) atakosa kuandikisha kura yake ya kusita katika kura ya mgawanyiko;

(e) hatatangaza maslahi binafsi katika jambo linaloshughulikiwa na Bunge au Kamati kwa mujibu wa Kanuni ya 90 (*Kutangaza maslahi binafsi*);

(f) kwa makusudi, atatoa habari za uongo Bungeni;

(g) atatoa tuhuma ambazo, kwa maoni ya Spika, hazina ushahidi wa kutosha;

(h) atatishia kutumia nguvu dhidi ya Mbunge au mtu mwingine aliye Bungeni au katika Kamati;

(i) atapiga kura zaidi ya mara moja kinyume na Kanuni hizi;

(j) atakiuka Kanuni hizi kwa namna nyingine yoyote ambayo, kwa maoni ya Spika, ni utovu wa nidhamu.

(2) Spika anaweza kumtaka Mbunge ambaye ametenda kosa la utovu wa nidhamu kujirekebisha, na—

(a) kumwonya Mbunge huyo; au  
(b) kumuamuru Mbunge huyo kuondoka maeneo ya Bunge kwa muda usiozidi siku nne.

#### **Utovu mkubwa wa nidhamu**

107A. (1) Mbunge atakuwa ametenda kosa la utovu mkubwa wa nidhamu ikiwa—

(a) atapuuza uamuzi au maelekezo ya Spika au Mwenyekiti wa Kamati;

(b) atakataa kufafanua au kufuta maneno yasiyo ya kibunge au atakataa kuomba radhi licha ya Spika kumtaka kufanya hivyo;

(c) ataonesha au kutoa matamshi ya ubishi dhidi ya uamuzi wa kumsimamisha Mbunge

Member;

(d) attempts to or causes disorder of whatever nature during an address by a visiting dignitary;

(e) uses violence against a Member or other person in the House or Committee;

(f) attempts to or disrupts the Speaker's Procession when the Procession is entering or leaving the Chamber;

(g) attempts to or removes the mace from its place in the Chamber;

(h) acts in any other way to the serious detriment of the dignity or orderly procedure of the House; or

(i) commits any other breach of these Standing Orders, that in the opinion of the Speaker, constitutes gross disorderly conduct.

(2) In this Standing Order, "unparliamentary language" means the use of words which, in the opinion of the person presiding, are deemed to be impolite, rude, abusive or inconsistent with parliamentary procedure or practice.

(3) The Speaker may call a Member whose conduct is grossly disorderly to order, and shall order the Member to withdraw immediately from the precincts of the Assembly for a minimum of five days and a maximum of twenty-eight days, including the day of suspension.

#### **Member may be suspended after being named**

108. (1) Any Member may at any time, on a point of order, invite the Speaker or the Chairperson of Committees to name another Member for grossly disorderly conduct, but the decision whether or not to do so shall remain with the Speaker or Chairperson.

(2) Whenever a Member shall have been named by the Speaker or by the Chairperson, then -

(a) if the breach has been committed by such Member in the House, a Motion

kutohudhuria vikao;

(d) atajaribu kutenda au atatenda kosa la utovu wa nidhamu wa namna yoyote wakati wa hotuba ya mgeni mashuhuri;

(e) atatumia nguvu dhidi ya Mbunge au mtu mwingine Bungeni au kwenye Kamati;

(f) atajaribu kuvuruga au atavuruga Msafara wa Spika unapoingia au kutoka ukumbini;

(g) atajaribu kuondoa au ataondoa siwa kutoka mahali pake ukumbini;

(h) atatenda jambo lolote lingine ambalo litashusha hadhi ya Bunge kwa kiasi kikubwa au kuvuruga utaratibu wa Bunge;

(i) atakiuka Kanuni hizi kwa namna nyingine yoyote ambayo, kwa maoni ya Spika, ni utovu mkubwa wa nidhamu.

(2) Katika Kanuni hii, "matamshi yasiyo ya kibunge" ni kutumia maneno ambayo, kwa maoni ya kiongozi wa kikao, yanaashiria ujeuri, kukosa adabu, matusi au kutoendana na utaratibu au desturi za Bunge.

(3) Spika anaweza kumtaka Mbunge ambaye ametenda kosa la utovu mkubwa wa nidhamu kujirekebisha, na kumuamuru Mbunge huyo kuondoka maeneo ya Bunge kwa muda usiopungua siku tano na usiozidi siku ishirini na nane, ikiwemo siku aliyosimamishwa kuhudhuria vikao.

#### **Mbunge anaweza kusimamishwa kuhudhuria vikao kwa muda baada ya kutajwa jina lake**

108. (1) Wakati wowote ule Mbunge, kupitia suala kuhusu utaratibu, anaweza kumuomba Spika au Mwenyekiti wa Kamati kumtaja Mbunge jina kwa utovu mkubwa wa nidhamu lakini uamuzi wa kufanya hivyo utasalia na Spika au Mwenyekiti.

(2) Jina la Mbunge litakapotajwa na Spika au Mwenyekiti—

(a) iwapo ukiukaji utakuwa umetendwa na Mbunge, Hoja itawasilishwa na Mbunge

shall be made by any other Member present "That, such Member (naming the Member) be suspended from the service of the House," and the Speaker shall forthwith put the question thereon, no amendment, adjournment, or debate being allowed;

(b) if the breach has been committed in a Committee of the whole House, the Chairperson shall forthwith leave the Chair and report the circumstances to the House; and the Speaker shall on a Motion as aforesaid being made, forthwith put the question, no amendment, adjournment or debate being allowed, as if the offence had been committed in the House itself.

#### **Member suspended to withdraw from precincts of Parliament**

109. Whenever a Member has been named in accordance with Standing Order 108 (*Member may be suspended after being named*), the Speaker shall order the Member to withdraw from the Chamber and the precincts of the Assembly.

#### **Duration of suspension of a Member**

110. If any Member is suspended under Standing Order 108 (*Member may be suspended after being named*) the suspension on the first occasion shall be for four days including the day of suspension; on the second occasion during the same Session for eight days, including the day of suspension; and on the third or any subsequent occasion during the same Session for twenty-eight days, including the day of suspension.

#### **Effect of suspension**

110A. (1) A Member who is ordered to withdraw from the precincts of Assembly under Standing Order 108 (*Member may*

yeyote aliye ukumbini "Kwamba, Mbunge huyo (jina la Mbunge) asimamishwe kuhudhuria vikao kwa muda," na Spika atatoa Hoja ili iamuliwe mara moja bila marekebisho, ahirisho au mjadala;

(b) iwapo ukiukaji huo umetendwa katika Kamati ya Bunge Zima, Mwenyekiti ataondoka kwenye Kiti mara moja na kuripotia suala hilo kwa Bunge; na Spika, kufuatia Hoja iliyotolewa, atatoa Hoja ili iamuliwe mara moja bila marekebisho, ahirisho au mjadala, kana kwamba kosa hilo lilitendeka wakati Bunge linaendelea.

#### **Mbunge aliyesimamishwa kuhudhuria vikao vya Bunge kwa muda kuondoka maeneo ya Bunge**

109. Mbunge anapotajwa jina lake kwa mujibu wa Kanuni ya 108 (*Mbunge anaweza kusimamishwa kuhudhuria vikao kwa muda baada ya kutajwa jina lake*), Spika atamwamuru Mbunge huyo kutoka ukumbini na maeneo ya Bunge.

#### **Muda wa Mbunge kusimamishwa kuhudhuria vikao vya Bunge kwa muda**

110. Iwapo Mbunge atasimamishwa kwa mujibu wa Kanuni ya 108 (*Mbunge anaweza kusimamishwa kuhudhuria vikao kwa muda baada ya kutajwa jina lake*), iwapo ni mara ya kwanza kusimamishwa, atasimamishwa kwa siku nne ikijumuisha siku ya kusimamishwa kwake; iwapo ni mara ya pili katika Kipindi kimoja, atasimamishwa kwa siku nane ikijumuisha siku ya kusimamishwa kwake; na iwapo ni mara ya tatu au zaidi katika Kipindi kimoja, atasimamishwa kwa siku ishirini na nane ikijumuisha siku ya kusimamishwa kwake.

#### **Athari za kusimamishwa kuhudhuria vikao vya Bunge kwa muda**

110A. (1) Mbunge anayeamriwa kuondoka katika maeneo ya Bunge kwa mujibu wa Kanuni ya 108 (*Mbunge anaweza*

*be suspended after being named) and Standing Order 111 (Action to be taken on refusal to withdraw) shall during the period of such withdrawal or suspension forfeit—*

(a) the right of access to the precincts of the Assembly; and

(b) his or her salary and all allowances payable during the period.

(2) Suspension from the service of the House shall not exempt the Member so suspended from appearing before a Committee of the House for the consideration of a Bill sponsored by the Member.

#### **Appeal against suspension**

110B. (1) Except as provided in this Standing Order, the suspension of a Member or the application of this Standing Order shall not be subject to debate.

(2) A Member suspended from the House under this Part may appeal in writing to the Committee of Privileges within three days of the suspension.

(3) Despite paragraph (2), the Committee may, with leave of the House, admit an appeal received after three days.

(4) Upon receipt of the Member's appeal, the Committee shall within seven days—

(a) notify the Member, in writing, of the day appointed for the hearing of the appeal;

(b) notify the Speaker, who shall thereafter admit the Member to the precincts of Parliament on the day(s) appointed for the hearing of the appeal;

*kusimamishwa kuhudhuria vikao kwa muda baada ya kutajwa jina lake) na Kanuni ya 111 (Hatua dhidi ya Mbunge anayekaidi amri ya kuondoka katika maeneo ya Bunge) katika kipindi ambacho atakuwa amesimamishwa kuhudhuria vikao vya Bunge atapoteza—*

(a) haki yake ya kuingia katika maeneo ya Bunge; na

(b) mshahara na marupurupu yake ambayo angelipwa katika kipindi hicho.

(2) Kusimamishwa kuhudhuria vikao vya Bunge kwa muda hakutamzuia Mbunge aliyesimamishwa kuhudhuria kikao cha Kamati ya Bunge inayoshughulikia Mswada wake.

#### **Rufaa dhidi ya kusimamishwa kuhudhuria vikao vya Bunge kwa muda**

110B. (1) Isipokuwa kama ilivyoelekezwa katika Kanuni hii, hakutakuwa na mjadala kuhusu kusimamishwa kwa Mbunge kwa muda au pale ambapo Kanuni hii itatumika.

(2) Mbunge aliyesimamishwa kuhudhuria vikao vya Bunge kwa muda kwa mujibu wa Sehemu hii anaweza kukata rufaa kwa maandishi kwa Kamati ya Haki, Maadili na Madaraka ya Bunge ndani ya siku tatu baada ya kusimamishwa kwake.

(3) Licha ya masharti ya fasili ya (2), Kamati hiyo kwa rufaa ya Bunge, inaweza kukubali rufaa iliyopokewa baada ya siku tatu kupita.

(4) Baada ya kupokea rufaa ya Mbunge, Kamati, ndani ya siku saba —

(a) itamuarifu Mbunge kwa maandishi kuhusu siku iliyotengwa kusikiliza rufaa yake;

(b) itamuarifu Spika, ambaye atamruhusu Mbunge kuingia maeneo ya Bunge siku iliyotengwa kusikiliza rufaa; na

and

(c) consider the appeal and after according the Member the right to be heard, submit a report to the House –

(i) upholding the suspension; or

(ii) reducing the period of suspension;  
Or

(iii) readmitting the Member to the House.

5) The decision of the Committee regarding the suspension shall be final.

(6) The Member who presided in the House or Committee of the whole House during suspension of an appealing Member shall not participate in the proceedings of the Committee during the appeal, except to give evidence when so required.

(7) A Member designated by the Committee shall inform the House of the decision of the Committee regarding the suspension and the Speaker shall thereupon effect the decision.

(8) The House may, in exceptional circumstances permitted by the Speaker, debate the report of the Committee without amendment or resolution

#### **Action to be taken on refusal to withdraw**

111. If any Member shall refuse to withdraw when required to do so, by or under these Standing Orders, the Speaker or the Chairperson of Committee as the case may be, having called the attention of the House or Committee to the fact that recourse to force is necessary in order to compel such Member to withdraw, shall order such Member to be removed and such Member shall thereupon without question put be suspended from the service of the House for a minimum of twenty-one days and a maximum of ninety days and shall during such suspension, forfeit the right of access to

(c) itashughulikia rufaa na baada ya kumpa Mbunge haki yake ya kusikilizwa, itawasilisha ripoti Bungeni –

(i) ikikubaliana na adhabu ya kusimamishwa; au

(ii) kupunguza muda wa kusimamishwa; au

(iii) kumrejesha Mbunge Bungeni.

(5) Uamuzi wa Kamati hiyo kuhusu kusimamishwa kuhudhuria vikao vya Bunge kwa muda utakuwa wa mwisho.

(6) Mbunge aliyeongoza Bunge au Kamati ya Bunge Zima wakati wa kumsimamisha Mbunge aliyekata rufaa hatashiriki katika vikao vya Kamati hiyo wakati wa kushughulikia rufaa, isipokuwa kama atahitajika kutoa ushahidi.

(7) Mbunge aliyeteuliwa na Kamati atalijulisha Bunge uamuzi wa Kamati kuhusu usimamishwaji huo na Spika atatekeleza uamuzi huo mara moja.

(8) Katika mazingira ya kipekee yatakayoruhusiwa na Spika, Bunge linaweza kujadili ripoti ya Kamati hiyo bila rekebisho au azimio lolote kufanywa.

#### **Hatua dhidi ya Mbunge anayekaidi amri ya kuondoka katika maeneo ya Bunge**

111. Endapo Mbunge yeyote atakataa kuondoka kama alivyoamriwa kwa mujibu wa Kanuni hizi, Spika au Mwenyekiti wa Kamati, baada ya kulifahamisha Bunge au Kamati kwamba kuna haja ya nguvu kutumika kumwondoa Mbunge huyo, ataamuru Mbunge aondolewe na Mbunge huyo atasimamishwa kuhudhuria vikao vya Bunge kwa muda usiopungua siku ishirini na moja na usiozidi siku tisini bila ya kulihoji Bunge na katika kipindi hicho, Mbunge huyo atapoteza haki ya kuingia maeneo ya Bunge na Mpambe wa Bunge atachukua hatua itakayohitajika kutekeleza amri hiyo.

the precincts of Parliament and the Serjeant-at-Arms shall take necessary action to enforce the order.

#### **Grave disorder in the Assembly**

112. (1) In the event of grave disorder arising in the House, the Speaker may, adjourn the House forthwith or suspend any sitting for a period to be determined by him or her.

(2) In the event of grave disorder arising in the Committee of the whole House, the Speaker shall resume the Chair forthwith.

#### **Definition of a day**

112A. For the purposes of this Part, a “day” means a calendar day.

### **PART XIX—PUBLIC BILLS**

#### **Application and limitation**

113. The provisions of this Part shall apply in respect of all public Bills.

#### **Introduction of Bills**

114. (1) A legislative proposal for which a Member or a Committee is in charge shall, together with a memorandum setting out its objectives and matters specified in Standing Order 117 (*Memorandum of Objects and Reasons*), be submitted to the Speaker.

(2) The Speaker shall refer the legislative proposal and the memorandum to the Clerk who shall consider the legislative proposal, draft it in proper form where necessary and submit it to the Speaker with comments on—

(a) whether the legislative proposal affects or does not affect counties and if it does, whether it is a special or ordinary Bill;

(b) whether the legislative proposal is a draft money Bill in terms of Article 114 of the Constitution; and

#### **Utovu wa nidhamu uliokithiri Bungeni**

112. (1) Endapo patatokea utovu wa nidhamu uliokithiri Bungeni, Spika anaweza kuahirisha kikao cha Bunge mara moja au kusimamisha kikao kwa muda atakaoamua.

(2) Endapo patatokea utovu wa nidhamu uliokithiri katika Kamati ya Bunge Zima, Spika atarejea kwenye Kiti chake mara moja.

#### **Maana ya siku**

112A. Kwa mujibu wa Sehemu hii, “siku” ni siku ya kalenda.

### **SEHEMU YA XIX—MISWADA YA UMMA**

#### **Matumizi na udhibiti**

113. Sehemu hii itatumika kwa miswada yote ya umma.

#### **Uwasilishaji wa Miswada**

114. (1) Pendekezo la mswada la Mbunge au la Kamati litawasilishwa kwa Spika likiwa na maelezo ya madhumuni na masuala yaliyotajwa katika Kanuni ya 117 (*Maelezo ya Madhumuni na Sababu*).

(2) Spika atamkabidhi Katibu pendekezo la mswada pamoja na maelezo ya madhumuni na sababu, na Katibu atashughulikia pendekezo hilo na kuliandika katika muundo unaofaa kisha ataliwasilisha kwa Spika likiwa na maoni kuhusu—

(a) iwapo pendekezo hilo la mswada linaathiri au haliathiri kaunti, na kama linaathiri kaunti, kueleza iwapo ni Mswada maalum au wa kawaida;

(b) iwapo pendekezo hilo la mswada linahusu masuala ya fedha kwa mujibu wa Ibara ya 114 ya Katiba; na

(c) whether the legislative proposal conforms to the Constitution and the law and is in order as to format and style in accordance with the Standing Orders.

(3) Upon receipt of the legislative proposal from the Clerk under paragraph (2), the Speaker shall—

(a) where the Speaker is of the opinion that a legislative proposal is not a draft money Bill in terms of Article 114 of the Constitution—

(i) direct that the proposal be referred to the relevant Departmental Committee for prepublication scrutiny in case of a legislative proposal not sponsored by a Committee;

(ii) direct that the proposal be published into a bill, in the case of a legislative proposal sponsored by a Committee.

(b) where the Speaker is of the opinion that a legislative proposal is a draft money Bill in terms of Article 114 of the Constitution, direct that the legislative proposal be referred to the Budget and Appropriations Committee and the proposal shall be proceeded with only in accordance with the recommendations of the Budget and Appropriations Committee after taking into account the views of the Cabinet Secretary responsible for finance.

(4) The Budget and Appropriations Committee shall consider only the money-bill or financial aspects of the proposal and submit a report to the Speaker within twenty-one (21) days of receipt of the proposal.

(5) A report under paragraph (4) shall contain—

(a) the views of the Cabinet Secretary

(c) iwapo pendekezo la mswada halikiuki masharti ya Katiba na sheria na liko sawa katika muundo na mtindo unaotakiwa na Kanuni hizi.

(3) Baada ya kupokea pendekezo la mswada kutoka kwa Katibu kwa mujibu wa fasili ya (2), Spika—

(a) endapo atakuwa na maoni kwamba pendekezo la mswada si mswada unaohusu masuala ya fedha kwa mujibu wa Ibara ya 114 ya Katiba—

(i) ataelekeza pendekezo kwa Kamati ya Kiidara inayohusika kwa ajili ya uchambuzi kabla ya kutangazwa iwapo pendekezo la mswada si la Kamati;

(ii) ataelekeza pendekezo hilo lichapishwe kuwa mswada, iwapo pendekezo hilo ni la Kamati.

(b) endapo atakuwa na maoni kwamba pendekezo la mswada linahusu masuala ya fedha kwa mujibu wa Ibara ya 114 ya Katiba, ataelekeza pendekezo hilo kwa Kamati ya Bajeti na Matumizi na pendekezo hilo litashughulikiwa kulingana na mapendekezo ya Kamati ya Bajeti na Matumizi baada ya kuzingatia maoni ya Waziri anayehusika na masuala ya fedha.

(4) Kamati ya Bajeti na Matumizi itashughulikia tu masuala ya fedha au vipengele vyenye masuala ya kifedha vilivyomo kwenye pendekezo na kutoa ripoti kwa Spika ndani ya siku ishirini na moja za kupokewa kwa pendekezo la mswada.

(5) Ripoti itakayotolewa kwa mujibu wa fasili ya (4) itakuwa na—

(a) maoni ya Waziri anayehusika na

responsible for finance, if any;

masuala ya fedha, kama yapo;

(b) a detailed examination of the manner in which the legislative proposal affects the current and future budgets and may include implications on tax measures;

(b) uchunguzi wa kina wa namna pendekezo hilo linavyoathiri bajeti iliyopo na bajeti zijazo na inaweza kujumuisha maelezo ya athari kwa masuala ya kikodi;

(c) a recommendation on whether or not the proposal should be proceeded with;

(c) maoni iwapo pendekezo la mswada lishughulikiwe au lisishughulikiwe;

(d) any other appropriate recommendation relating to money-bill aspects of the proposal.

(d) maoni mengine yoyote mwafaka yanayohusiana na vipengele vya masuala ya fedha vilivyomo kwenye pendekezo.

(6) Upon receipt of the recommendations of the Budget and Appropriations Committee, the Speaker may direct that—

(6) Baada ya kupokea maoni ya Kamati ya Bajeti na Matumizi, Spika ataelekeza kwamba—

(a) the proposal be subjected to prepublication scrutiny before the relevant Departmental Committee in case of a legislative proposal not sponsored by a Committee; or

(a) pendekezo la mswada lifanyiwe uchambuzi kabla ya kutangazwa na Kamati ya Kiidara inayohusika ikiwa pendekezo hilo si la Kamati; au

(b) the proposal be published into a bill, in the case of a legislative proposal sponsored by a committee; or

(b) pendekezo hilo lichapishwe kuwa Mswada, ikiwa pendekezo hilo ni la Kamati; au

(c) the legislative proposal not be proceeded with.

(c) pendekezo hilo la mswada lisishughulikiwe.

(7) The Departmental Committee to which a legislative proposal is referred to for prepublication scrutiny under paragraphs (3)(a)(i) and (6)(a) shall consider the proposal and submit a report to the Speaker within twenty-one (21) days recommending whether or not the proposal should be proceeded with.

(7) Kamati ya Kiidara ambayo imekabidhiwa pendekezo la mswada ili kulichambua kabla ya kutangazwa kwa mujibu wa fasili ya (3) (a) (i) na (6) (a) itashughulikia pendekezo hilo la mswada na kutoa ripoti kwa Spika ndani ya siku ishirini na moja ikitoa maoni iwapo pendekezo hilo litangazwe.

(8) Following the recommendations of the relevant Departmental Committee, the Speaker shall direct either that the legislative proposal be published into a bill or not be proceeded with.

(8) Kufuatia maoni ya Kamati ya Kiidara inayohusika, Spika ataelekeza pendekezo la mswada litangazwe kuwa mswada au lisitangazwe kuwa mswada.

**Speaker to exempt certain legislative**

**Spika kuruhusu baadhi ya mapendekezo**

## proposals

114A. (1) The Speaker may exempt a legislative proposal which originates from the Party forming the National Government from the provisions of Standing Order 114 (*Introduction of Bills*).

(2) An exemption under paragraph (1) may not be granted unless it is accompanied by a copy of the relevant Cabinet approval.

(3) The Party forming the National Government may indicate the Member under whose name the legislative proposal is proposed to be published.

(4) Upon grant of the exemption, the Speaker shall direct that the legislative proposal be published into a Bill.

## Printing of amending provisions

115. Where a Bill seeks to amend any provision of an existing Act, the text of the relevant part of such provision shall be printed and supplied as part of the Bill which is availed to Members, unless in the opinion of the Speaker, the amendment is formal, minor or self explanatory.

## Enacting formula

116. Every Bill shall contain, as the enacting formula, the words "Enacted by the Parliament of Kenya."

## Memorandum of Objects and Reasons

117. Every Bill shall be accompanied by a memorandum containing:

(a) a statement of the objects and reasons of the Bill;

(b) a statement of delegation of legislative powers and limitation of fundamental rights and freedom, if any;

(c) an indication whether it concerns county governments; and

## ya miswada

114A. (1) Spika anaweza kuruhusu pendekezo la mswada kutoka kwa Chama kinachounda Serikali ya Taifa lisifuata masharti ya Kanuni ya 114 (*Uwasilishwaji wa Miswada*).

(2) Ruhusa kwa mujibu wa fasili ya (1) haitatolewa isipokuwa kama pendekezo la mswada limeambatisha nakala ya idhini ya Baraza la Mawaziri.

(3) Chama kinachounda Serikali ya Taifa kitataja jina la Mbunge atakayewasilisha pendekezo la mswada kwa ajili ya kutangazwa.

(4) Baada ya ruhusa kutolewa, Spika ataamuru pendekezo hilo la mswada litangazwe kuwa mswada.

## Kuchapisha vifungu vinavyorekebisha sheria

115. Mswada unapokusudia kurekebisha kifungu chochote cha Sheria iliyopo, sehemu inayohusika itachapishwa na kusambazwa kwa Wabunge kama sehemu ya mswada huo, isipokuwa kama kwa maoni ya Spika, rekebicho hilo ni dogo au linaeleweka kwa urahisi.

## Mamlaka ya kutunga sheria

116. Kila Mswada utakuwa na maneno "Imepitishwa na Bunge la Kenya."

## Maelezo ya Madhumuni na Sababu

117. Kila Mswada utaambatisha maelezo yatakayoonesha:

(a) kauli ya madhumuni na sababu za Mswada;

(b) kauli ya kukasimisha madaraka ya kutunga sheria na mipaka ya haki na uhuru wa kimsingi, ikiwa ipo;

(c) kama mswada unahusu serikali za kaunti; na

(d) a statement of its financial implication and if the expenditure of public moneys will be involved should the Bill be enacted, an estimate, where possible, of such expenditure.

(d) kauli ya athari za kifedha na iwapo fedha za umma zitatumika ikiwa Mswada huo utapitishwa na ikiwezekana, kutaja makadirio ya matumizi hayo.

#### **Provisions on delegated powers**

#### **Vifungu kuhusu ukasimishaji wa madaraka**

118. Every Bill that confers on any State organ, State officer or person the authority to make provision having the force of law in Kenya in terms of Article 94(6) of the Constitution shall contain a separate and distinct part of the Bill under the title “Provisions on Delegated Powers” in which shall be expressly specified—

118. Kila Mswada ambao unakasimisha madaraka kwa chombo chochote cha serikali, afisa wa serikali au mtu yeyote, mamlaka ya kutunga masharti yenye nguvu ya kisheria nchini Kenya kwa mujibu wa Ibara ya 94(6) ya Katiba utakuwa na sehemu maalum yenye kichwa “Vifungu kuhusu ukasimishaji wa madaraka” ambayo itataja—

(a) the purpose and objectives for which that authority is conferred;

(a) kusudi na madhumuni ya kukasimisha mamlaka hayo;

(b) the limits of the authority;

(b) mipaka ya mamlaka;

(c) the nature and scope of the law which may be made; and

(c) asili na upeo wa sheria itakayotungwa; na

(d) the principles and standards applicable to the law made under the authority.

(d) misingi na viwango vitakavyotumika kwa sheria itakayotungwa na mamlaka inayohusika.

#### **Limitation of fundamental rights and freedom**

#### **Udhibiti wa haki na uhuru wa kimsingi**

119. Every Bill that contains a provision limiting a right or fundamental freedom in terms of Article 24(2) of the Constitution shall contain separate and distinct provisions—

119. Kila mswada ulio na kifungu kinachodhibiti haki au uhuru wa kimsingi kwa mujibu wa Ibara ya 24(2) ya Katiba utakuwa na vifungu tofauti—

(a) clearly expressing the specific right or fundamental freedom to be limited; and

(a) vinavyoelezea haki na uhuru wa msingi unaodhibitiwa; na

(b) the nature and extent of that limitation.

(b) vinavyoonesha asili na upeo wa mipaka hiyo.

#### **Publication**

#### **Utangazaji wa miswada**

120. No Bill shall be introduced unless such Bill together with the memorandum referred to in Standing Order 117 (*Memorandum of Objects and Reasons*), has been published in the Gazette (as a

120. Hakuna Mswada utakaowasilishwa Bungeni isipokuwa kama Mswada huo umeambatisha maelezo ya Madhumuni na Sababu yaliyotajwa katika Kanuni ya 117 (*Maelezo ya Madhumuni na Sababu*),

Bill to be originated in the Assembly), and unless, in the case of a Consolidated Fund Bill, an Appropriation Bill or a Supplementary Appropriation Bill, a period of seven days, and in the case of any other Bill a period of fourteen days, beginning in each case from the day of such publication, or such shorter period as the House may resolve with respect to the Bill, has ended.

#### **Bills concerning county governments**

121. (1) A Bill concerning county governments is—

(a) a special Bill, which shall be considered under Article 111 of the Constitution if it—

(i) relates to the election of members of a county assembly or a county executive; or

(ii) is the annual County Allocation of Revenue Bill referred to in Article 218 of the Constitution; or

(b) an ordinary Bill, which shall be considered as provided under Article 112 of the Constitution, in any other case.

(2) Whenever any question arises as to whether a Bill is a Bill concerning county governments, the Speaker shall determine whether the Bill is a Bill concerning county governments and, if it is, whether it is a special or an ordinary Bill.

(3) Pursuant to Article 110(3) of the Constitution, the Speaker and the Speaker of the Senate may agree on an appropriate framework for jointly resolving the question under paragraph (2).

#### **Procedure upon Publication**

122. (1) Upon publication of a Bill in the Gazette, the Clerk shall obtain sufficient copies of the Bill and avail a copy of the Bill to every Member.

umetangazwa katika Gazeti Rasmi la Serikali (kama Mswada utakaoanzishwa katika Bunge la Taifa) siku saba kabla ya kuwasilishwa Bungeni ikiwa ni mswada unaohusu Mfuko Mkuu wa Hazina, Mswada wa Matumizi ya Fedha au Mswada wa Nyongeza wa Matumizi ya Fedha au, siku kumi na nne kabla ya kuwasilishwa Bungeni ikiwa ni mswada mwingine wowote au katika muda mfupi zaidi baada ya kutangazwa kadiri itakavyoamuliwa na Bunge kuhusiana na Mswada wenyewe.

#### **Mswada inayohusu serikali za kaunti**

121. (1) Mswada unaohusu serikali za kaunti ni—

(a) mswada maalum, ambao utashughulikiwa kwa mujibu wa Ibara ya 111 ya Katiba endapo—

(i) unahusiana na uchaguzi wa wawakilishi wa baraza la kaunti au serikali ya kaunti; au

(ii) ni Mswada wa Kutenga Mapato kwa Serikali za Kaunti uliotajwa katika Ibara ya 218 ya Katiba; au

(b) mswada wa kawaida, ambao utashughulikiwa kwa mujibu wa Ibara ya 112 ya Katiba, au kwa utaratibu mwingine wowote.

(2) Pale ambapo itahitajika kuamua iwapo Mswada unahusu serikali za kaunti au la, Spika ataamua iwapo Mswada huo unahusu serikali za kaunti, na ikiwa unahusu serikali za kaunti, ataamua kama ni Mswada maalum au wa kawaida.

(3) Kwa mujibu wa Ibara ya 110(3) ya Katiba, Spika wa Bunge la Taifa na Spika wa Seneti wanaweza kwa pamoja kukubaliana kuhusu mfumo utakaotumika kuamua suala litakalojitokeza kwa mujibu wa fasili ya (2).

#### **Utaratibu baada ya Mswada Kutangazwa**

122. (1) Baada ya Mswada kutangazwa katika Gazeti Rasmi la Serikali, Katibu atahakikisha kuna nakala za kutosha za Mswada huo na kwamba kila Mbunge amepata nakala.

(2) A Bill shall be signed by the Member in charge of it and shall be introduced by way of First Reading in accordance with Standing Order 126 (*First Reading*).

(3) A Bill for whom a Committee is in charge shall be introduced by the Chairperson of the Committee or a Member of the Committee designated by the committee for that purpose.

123. (*Deleted*)

**Not more than one stage of a Bill to be taken at the same sitting**

124. (1) Except with the leave of the House, not more than one stage of a Bill may be taken at any one sitting.

(2) Paragraph (1) shall not apply to or in respect of—

(a) an Appropriation Bill, a Consolidated Fund Bill, a County Allocation of Revenue Bill, a Division of Revenue Bill and an Equalization Fund Bill; or

(b) a Bill to amend the Constitution in respect of its Second and Third Reading.

**Reading of Bills**

125. A Bill is read by the reading by the Clerk to the assembled House of the title of the Bill.

**First Reading**

126. Every Bill shall be read a First Time without Motion made or question put.

**Committal of Bills to Committees and public participation**

127. (1) A Bill having been read a First Time shall stand committed to the

(2) Mswada utasainiwa na Mbunge mwenye Mswada na utawasilishwa Bungeni Kusomwa Mara ya Kwanza kwa mujibu wa Kanuni ya 126 (*Mswada Kusomwa Mara ya Kwanza*).

(3) Mswada wa Kamati utawasilishwa na Mwenyekiti wa Kamati au mjumbe yeyote aliyeteuliwa na Kamati kwa ajili hiyo.

123. (*Imefutwa*)

**Mswada hautashughulikiwa kwa hatua zaidi ya moja katika kikao kimoja**

124. (1) Mswada hautashughulikiwa kwa hatua zaidi ya moja katika kikao kimoja isipokuwa kwa ruhusa ya Bunge.

(2) Masharti ya fasili ya (1) hayatumika kwa au kuhusiana na—

(a) Mswada wa Matumizi ya Fedha, Mswada wa Mfuko Mkuu wa Hazina, Mswada wa Kutenga Mapato kwa Serikali za Kaunti, Mswada wa Kugawa Mapato na Mswada wa Mfuko wa Hazina ya Usawazishaji; au

(b) Mswada wa kurekebisha Katiba unaposomwa Mara ya Pili na ya Tatu.

**Kusomwa kwa Mswada**

125. Mswada utachukuliwa kuwa umesomwa Katibu atakaposoma jina la Mswada Bungeni.

**Mswada Kusomwa Mara ya Kwanza**

126. Kila Mswada utasomwa Mara ya Kwanza bila ya Hoja kutolewa au Hoja kutolewa iamuliwe.

**Mswada kukabidhiwa kwa Kamati na ushirikishwaji wa umma**

127. (1) Baada ya Mswada Kusomwa Mara ya Kwanza, utakabidhiwa kwa Kamati ya

relevant Departmental Committee without question put.

(2) Notwithstanding paragraph (1), the Assembly may resolve to commit a Bill to a select committee established for that purpose.

(3) The Departmental Committee to which a Bill is committed shall facilitate public participation on the Bill through an appropriate mechanism, including—

(a) inviting submission of memoranda;  
(b) holding public hearings;

(c) consulting relevant stakeholders in a sector; and  
(d) consulting experts on technical subjects.

(3A) The Departmental Committee shall take into account the views and recommendations of the public under paragraph (3) in its report to the House.

(4) Subject to Standing Order 129 (*Second Reading of a Bill to amend the Constitution*) the Chairperson of the Departmental Committee to which a Bill is committed or a Member designated for that purpose by the Committee shall present the Committee's report to the House to inform debate within twenty-one calendar days of such committal and upon such presentation, or if the Committee's report is not presented when it becomes due, the Bill shall be ordered to be read a Second Time on such day as the House Business Committee shall, in consultation with the Member or the Committee in charge of the Bill, appoint.

(5) If for any reason, at the commencement of the Second Reading the report of the Committee has not been presented, the Committee concerned shall report progress to the House and the failure to present the report shall be noted by the Liaison

Kiidara inayohusika bila Hoja kutolewa iamuliwe.

(2) Bila kuathiri masharti ya fasili ya (1), Bunge linaweza kuamua kukabidhi Mswada kwa kamati iliyoundwa kwa ajili hiyo.

(3) Kamati ya Kiidara ambayo imekabidhiwa Mswada itashirikisha umma katika Mswada huo kwa utaratibu mwafaka, ikijumuisha—

(a) kualika uwasilishwaji wa maoni;  
(b) kufanya vikao vya kusikiliza maoni ya umma;

(c) kuwashirikisha wadau wa sekta inayohusika; na  
(d) kuwashirikisha wataalamu katika masuala ya kitaalamu.

(3A) Kamati ya Kiidara itazingatia mitazamo na maoni ya umma kwa mujibu wa masharti ya fasili ya (3) katika ripoti yake kwa Bunge.

(4) Kwa kuzingatia masharti ya Kanuni ya 129 (*Kusomwa Mara ya Pili kwa Mswada wa kurekebisha Katiba*) Mwenyekiti wa Kamati ya Kiidara ambayo imekabidhiwa Mswada au Mjumbe wa Kamati aliyeteuliwa kwa ajili hiyo atawasilisha ripoti ya Kamati Bungeni ndani ya siku ishirini na moja za kalenda baada ya kukabidhiwa Mswada ili kuwezesha mjadala, au endapo ripoti ya Kamati haitawasilishwa ndani ya muda huo, itaamriwa kwamba Mswada usomwe Mara ya Pili katika siku ambayo Kamati ya Kuratibu Shughuli za Bunge itapanga kwa kushauriana na mwenye Mswada au Kamati inayohusika.

(5) Endapo kwa sababu yoyote ripoti ya Kamati haitakuwa imewasilishwa mwanzoni mwa Mswada Kusomwa Mara ya Pili, Kamati inayohusika itaripoti Bungeni kuhusu hatua iliyofikia katika kushughulikia Mswada na kushindwa kuwasilisha ripoti

Committee for necessary action.

(6) Despite paragraph (1)–

(a) the Speaker may direct that a particular Bill be committed to such committee as the Speaker may determine.

(b) a Consolidated Fund Bill, an Appropriation Bill, a Supplementary Appropriation Bill or a Finance Bill shall be committed to the Budget and Appropriations Committee.

### **Second Reading**

128. (1) On the Order of the Day being read for the Second Reading of a Bill, a Motion shall be made, “That, the .....Bill be now read a Second Time.”

(2) No amendment may be moved to the question “That, the .....Bill be now read a Second Time”, other than an amendment to leave out the word “now” and to add, at the end of the question, the words “upon this day..... (state the period).”

### **Second Reading of a Bill to amend the Constitution**

129. A Bill to amend the Constitution shall not be called for the Second Reading in the National Assembly within ninety days after the First Reading of the Bill in the National Assembly.

### **Committal of Bills to Committee of the whole House**

130. (1) A Bill having been read a Second Time shall stand committed to a Committee of the whole House.

(2) On the Order of the Day for Committee on a Bill being read, the Speaker shall leave the Chair without

hiyo kutazingatiwa na Kamati ya Kuratibu Shughuli za Kamati kwa ajili ya kuchukua hatua mwafaka.

6) Licha ya masharti ya fasili ya (1)–

(a) Spika anaweza kuelekeza kwamba Mswada fulani ukabidhiwe kwa kamati ambayo ataamua.

(b) Mswada wa Mfuko Mkuu wa Hazina, Mswada wa Matumizi ya Fedha, Mswada Nyongeza wa Matumizi ya Fedha au Mswada wa Fedha utawasilishwa kwa Kamati ya Bajeti na Matumizi.

### **Mswada Kusomwa Mara ya Pili**

128. (1) Shughuli ya Siku ikisomwa kwamba Mswada usomwe Mara ya Pili, Hoja itatolewa, “Kwamba, Mswada.... sasa usomwe Mara ya Pili.”

(2) Hakuna rekebisho litatolewa kwa Hoja “Kwamba, Mswada ..... sasa usomwe Mara ya Pili”, isipokuwa kama ni rekebisho la kuondoa neno “sasa” na kuongeza maneno “baada ya....(taja muda)” mwishoni mwa Hoja.

### **Kusomwa Mara ya Pili kwa Mswada wa kurekebisha Katiba**

129. Mswada wa kurekebisha Katiba hautawasilishwa ili usomwe Mara ya Pili katika Bunge la Taifa ndani ya siku tisini baada ya Mswada huo kusomwa Mara ya Kwanza Bungeni.

### **Kukabidhi Miswada kwa Kamati ya Bunge Zima**

130. (1) Mswada utakuwa umekabidhiwa kwa Kamati ya Bunge Zima baada ya hatua ya Kusomwa kwa Mara ya Pili.

(2) Baada ya kusomwa shughuli inayohusu Mswada kwenye Orodha ya Shughuli kwa ajili ya kuingia katika hatua ya Kamati ya Bunge Zima, Spika ataondoka kwenye Kiti

question put.

#### **Referral of proposed amendments to Committees**

131. Where after a Bill has been Read a Second Time and before commencement of Committee of the Whole, amendments have been proposed to it, which in the opinion of the Speaker require harmonization, the Speaker may direct any Member proposing an amendment to the Bill to appear before the relevant Departmental Committee dealing with the subject matter of the Bill to present his or her proposed amendments and the Committee shall submit a report to the House on the result of the exercise before the Committee of the Whole House is taken.

#### **Sequence to be observed on a Bill in Committee**

132. In considering a Bill in Committee, the various parts thereof shall be considered in the following sequence -

- (a) clauses as printed, excluding the clauses providing for the citation of the Bill, the commencement, if any, and the interpretation;
- (b) new clauses;
- (c) schedules;
- (d) new schedules;
- (e) interpretation;
- (f) preamble, if any;
- (g) long title;
- (h) the clauses providing for the citation of the Bill and the commencement.

#### **Procedure in Committee of the whole House on a Bill**

133. (1) The Clerk shall call severally

bila kulihoji Bunge.

#### **Mapendekezo ya marekebisha kuwasilishwa kwenye Kamati**

131. Baada ya Mswada kusomwa Mara ya Pili na marekebisha kupendekezwa, ambayo kwa maoni ya Spika yanahitaji kuoanishwa kabla ya hatua ya Kamati ya Bunge Zima kuanza, Spika anaweza kuelekeza Mbunge yeyote anayependekeza marekebisha kwa Mswada huo kuhudhuria kikao cha Kamati ya Kiidara inayoshughulikia Mswada huo ili awasilishe mapendekezo ya marekebisha yake na Kamati itatoa ripoti kwa Bunge kuhusu matokeo ya zoezi hilo kabla ya hatua ya Kamati ya Bunge Zima kuanza.

#### **Mtiririko wa Mswada kuzingatiwa wakati wa Kamati**

132. Katika kushughulikia Mswada kwenye Kamati, sehemu tofauti za Mswada zitazingatiwa kwa mtiririko ufuatao—

- (a) vifungu kama vilivyochapishwa, bila ya kujumuisha vifungu vinavyotaja jina la Mswada, mwanzo wa kutumika, kama vipo, na ufafanuzi;
- (b) vifungu vipya;
- (c) nyongeza;
- (d) nyongeza mpya;
- (e) ufafanuzi;
- (f) dibaji, kama ipo;
- (g) jina refu;
- (h) vifungu vinavyotaja jina la Mswada na mwanzo wa kutumika.

#### **Utaratibu wa kushughulikia Mswada katika Kamati ya Bunge Zima**

133. (1) Katibu atasoma kila sehemu ya

each part of the Bill in the sequence specified in Standing Order 132 (*Sequence to be observed on a Bill in Committee*) and if no amendment is proposed or when all proposed amendments have been disposed of, the Chairperson shall propose the question "That, .... (as amended) stand part of the Bill" and, when Members who wish to speak have spoken, the Chairperson shall put that question to the Committee for decision.

(1A) Debate to a proposed amendment shall be confined to the content of the amendment.

(2) No amendment shall be moved to any part of a Bill by any Member, other than the Member in charge of the Bill, unless written notification of the amendment shall have been given to the Clerk twenty-four hours before the commencement of the sitting at which that part of the Bill is to be considered in Committee.

(3) Despite paragraph (2), where an amendment has been moved to any part of a Bill in accordance with this paragraph, any Member may move an amendment to that amendment on delivering to the Chairperson the terms of his or her amendment in writing.

(4) A Member moving an amendment or a further amendment to any part of the Bill under paragraphs (2) and (3) shall explain the meaning, purpose and effect of the proposed amendment or further amendment.

(5) No amendment shall be permitted to be moved if the amendment deals with a different subject or proposes to unreasonably or unduly expand the subject of the Bill, or is not appropriate or is not in logical sequence to the

Mswada kwa kufuata mtiririko ulioelezwa katika Kanuni ya 132 (*Mtiririko wa Mswada kuzingatiwa wakati wa Kamati*) na ikiwa hakuna marekebisho yaliyopendekezwa au iwapo mapendekezo yote ya marekebisho yatakuwa yameamuliwa, Mwenyekiti atatoa Hoja "Kwamba,... (kama ilivyorekebisha) yajumuishwe kwenye Mswada" na, baada ya Wabunge wanaokusudia kuchangia kutoa mchango wao, Mwenyekiti atatoa Hoja kwa Kamati ili iamuliwe.

(1A) Mjadala kuhusu pendekezo la rekebisho utajikita katika maudhui ya rekebisho.

(2) Mbunge hataruhusiwa kutoa rekebisho katika sehemu yoyote ya Mswada kama si mwenye Mswada, isipokuwa kama arifa ya rekebisho ya kimaandishi itakuwa imekabidhiwa kwa Katibu saa ishirini na nne kabla ya kuanza kwa kikao ambacho sehemu hiyo ya Mswada imepangwa kushughulikiwa na Kamati ya Bunge Zima.

(3) Licha ya masharti ya fasili ya (2), iwapo rekebisho limetolewa kwa sehemu yoyote ya Mswada kulingana na fasili hii, Mbunge yeyote anaweza kuwasilisha rekebisho kwa rekebisho hilo baada ya kumkabidhi Mwenyekiti rekebisho lake kimaandishi.

(4) Mbunge anayewasilisha rekebisho au rekebisho la ziada kwa sehemu yoyote ya Mswada kwa mujibu wa fasili ya (2) na ya (3) atafafanua maana, kusudi na athari za rekebisho au rekebisho la ziada linalopendekezwa.

(5) Hakuna rekebisho litakaloruhusiwa kutolewa ikiwa rekebisho hilo linahusu mada tofauti au linapendekeza kupanua maudhui ya Mswada bila sababu au isivyostahili, au halifai au haliko katika mtiririko unaoendana na maudhui ya Mswada.

subject matter of the Bill.

6) No amendment shall be moved which is inconsistent with any part of the Bill already agreed to or any decision already made by the Committee, and the Chairperson may at any time during the debate of a proposed amendment, withdraw it from the consideration of the Committee if in the opinion of the Chairperson, the debate has shown that the amendment contravenes this paragraph.

(7) In the case of a Consolidated Fund Bill, an Equalization Fund Bill, a Division of Revenue Bill, a County Allocation of Revenue Bill or an Appropriation Bill, no amendment shall be moved whose effect would be to impose a charge or increase expenditure above that already resolved by the House or in the Committee of Supply unless the House first resolves to allow such a Motion.

(8) The Chairperson may refuse to propose the question upon any amendment which in the opinion of the Chairperson is frivolous or would make the clause or schedule which it proposes to amend unintelligible or ungrammatical.

(9) Paragraph (4) of Standing Order 54 (*Amendments to Motions*) shall apply, with necessary modifications, to the proceedings for amendment of a Bill in Committee.

(10) The consideration of any part or a clause of a Bill may be postponed until such later stage of the proceedings in Committee on such Bill as the Committee may determine.

(11) On any Motion being made for the addition of a new clause, the clause shall be deemed to have been read a

(6) Rekebisha ambalo halishabihiani na sehemu yoyote ya Mswada ambayo imekubaliwa au uamuzi wake umefanywa na Kamati halitakubaliwa, na wakati wowote mjadala wa pendekezo la rekebisha unapoendelea, Mwenyekiti anaweza kuliondoa pendekezo hilo lisishughulikiwe na Kamati iwapo kwa maoni yake, mjadala umeonesha kwamba rekebisha hilo linakiuka masharti ya fasili hii.

(7) Iwapo Mswada wa Mfuko Mkuu wa Hazina, Mswada wa Mfuko wa Hazina ya Usawazishaji, Mswada wa Kugawa Mapato, Mswada wa Kutenga Mapato kwa Serikali za Kaunti, au Mswada wa Matumizi ya Fedha unashughulikiwa, rekebisha ambalo athari yake ni kutoza au kuongeza gharama ya matumizi ya fedha zaidi ya kiwango kilichoamuliwa na Bunge au na Kamati ya Matumizi halitatolewa isipokuwa kama Bunge litaruhusu Hoja hiyo.

(8) Mwenyekiti anaweza kukataa kutoa Hoja ya rekebisha ambalo kwa maoni yake halina maana au litasababisha kifungu au nyongeza ya Mswada unaokusudiwa kurekebisha kutoeleweka au kuwa na makosa ya kisarafu.

(9) Masharti ya fasili ya (4) ya Kanuni ya 54 (*Marekebisha ya Hoja*), kadiri itakavyowezekana, itatumika kurekebisha Mswada katika Kamati.

(10) Ushughulikiaji wa sehemu yoyote au kifungu cha Mswada katika Kamati unaweza kuahirishwa hadi wakati mwingine utakaoamuliwa na Kamati.

(11) Hoja yoyote ya kuongeza kifungu kipya inapotolewa, kifungu hicho kitachukuliwa kama kilichosomwa Mara ya Kwanza na

First Time and the question shall then be proposed "That, the new clause be read a Second Time" and if this is agreed, amendments may then be proposed to the new clause and the final question to be proposed shall be "That, the clause (as amended) be added to the Bill".

(12) New schedules shall be disposed of in the same way as new clauses.

(13) The question to be put on the preamble (if any) shall be "That, the preamble (as amended) be the preamble of the Bill."

(14) The question to be put on the long title of the Bill shall be "That, the long title (as amended) be the title of the Bill".

(15) No question shall be put on the enacting formula.

(16) At the conclusion of the proceedings in Committee on a Bill, or, if more than one, on all such Bills, the Member in charge shall move "That, the Bill(s) (as amended) be reported to the House," and the question thereon shall be decided without amendment or debate.

### Report of Progress

134. If any Member before the conclusion of proceedings on a Bill in a Committee of the whole House moves to report progress and such Motion is carried, the Chairperson shall leave the Chair and the Chairperson, or, if the Chairperson has taken the Speaker's Chair, the Member in charge of the Bill, shall report progress to the House and shall seek leave to sit again, and a day for the resumption of the proceedings shall be determined by the House Business Committee in consultation with

Hoja itatolewa "Kwamba, kifungu kipya kisomwe Mara ya Pili" na kama itakubaliwa, marekebisho yanaweza kutolewa kwa kifungu hicho kipya na Hoja ya mwisho itakayotolewa itakuwa "Kwamba, kifungu (kama kilivyorekebishwa) kiongezwe kwenye Mswada".

(12) Nyongeza mpya zitashughulikiwa kwa utaratibu ule ule unaotumika kushughulikia vifungu vipya.

(13) Hoja itakayotolewa iamuliwe kwa dibaji (ikiwa ipo) itakuwa "Kwamba, dibaji (kama ilivyorekebishwa) iwe dibaji ya Mswada."

(14) Hoja itakayotolewa iamuliwe kwa jina refu la Mswada itakuwa "Kwamba, jina refu (kama lilivyorekebishwa) liwe jina la Mswada".

(15) Hakuna Hoja itakayotolewa iamuliwe kuhusu mamlaka ya kutunga sheria.

(16) Mwishoni mwa shughuli za Kamati kuhusu Mswada, au, ikiwa ni zaidi ya Mswada mmoja, kwa Miswada hiyo, mwenye Mswada atatoa Hoja "Kwamba, Mswada au Miswada (kama ilivyorekebishwa) iripotowe Bungeni," na Hoja hiyo itaamuliwa bila rekebisho au mjadala.

### Ripoti ya hatua iliyofikiwa

134. Endapo Mbunge yeyote atatoa Hoja kwamba Kamati iripoti hatua iliyofikiwa kabla ya shughuli kuhusu Mswada katika Kamati ya Bunge Zima kuhitimishwa na Hoja hiyo ikapitishwa, Mwenyekiti ataondoka kwenye Kiti cha Kamati na Mwenyekiti huyo, au kama Mwenyekiti huyo amechukua Kiti cha Spika, mwenye Mswada huo, ataripoti hatua zilizofikiwa na Kamati kwa Bunge na kuomba ruhusa ya kufanyika kwa kikao kingine cha Kamati, na siku ya kurejelea shughuli itapangwa na Kamati ya Kuratibu Shughuli za Bunge ikishauriana na mwenye Mswada.

the Member in charge of the Bill.

#### **Bill to be reported**

135. When a Committee of the whole House has agreed that a Bill or a number of Bills be reported, the Chairperson, shall forthwith leave the Chair of the Committee and the House shall resume, and the Chairperson or if the Chairperson has taken the Speaker's Chair, the Member in charge of the Bill shall report the Bill to the House, and each Bill, if more than one, shall be so reported separately.

#### **Procedure on Bills reported from Committee of the whole House**

136. (1) When a Bill has been reported from a Committee of the whole House, the House shall consider the Bill as reported upon a Motion "That the House do agree with the Committee in the said report".

(2) The question on any Motion moved under paragraph (1) shall be put forthwith, no amendment, adjournment or debate being allowed, unless any Member desires to delete or amend any provision contained in a Bill, or to introduce a new provision in the Bill.

#### **Recommittal Procedure**

136A. (1) A Member who desires to amend or delete a provision contained in a Bill reported from Committee of the whole House or introduce a new provision in the Bill, may propose an amendment to add, at the end of the Motion for agreement with the Committee of the whole House, the words "subject to the recommittal of the Bill (in respect of some specified clause, part or of some proposed new

#### **Ripoti ya Kamati ya Bunge Zima kuhusu Mswada**

135. Kamati ya Bunge Zima inapokubaliana kwamba Mswada au Miswada kadhaa iripotiwe, Mwenyekiti ataondoka kwenye Kiti cha Kamati mara moja na Bunge litarejea na Mwenyekiti huyo, au kama Mwenyekiti huyo amechukua Kiti cha Spika, mwenye Mswada huo, ataripoti Mswada kwa Bunge, na kila Mswada utaripotiwa mmoja baada ya mwingine endapo itakuwa zaidi ya mmoja.

#### **Utaratibu kwa Miswada iliyoripotiwa na Kamati ya Bunge Zima**

136. (1) Mswada unaporipotiwa na Kamati ya Bunge Zima, Bunge litashughulikia Mswada huo kama ulivyoripotiwa kupitia Hoja "Kwamba Bunge likubali ripoti iliyotolewa na Kamati".

(2) Hoja itakayotolewa kwa mujibu wa fasili ya (1) itaamuliwa mara moja bila kuruhusu rekebisha, ahirisho au mjadala, isipokuwa kama Mbunge yeyote atakusudia kufuta au kurekebisha kifungu chochote kwenye Mswada, au kuingiza kifungu kipya kwenye Mswada.

#### **Utaratibu wa Mswada kurejeshwa kwenye Kamati**

136A. (1) Mbunge anayekusudia kurekebisha au kufuta kifungu cha Mswada uliyoripotiwa na Kamati ya Bunge Zima au kuingiza kifungu kipya kwenye Mswada, anaweza kupendekeza rekebisha mwishoni mwa Hoja ya kukubaliana na Kamati ya Bunge Zima kwa kuongeza maneno "kwa sharti kwamba Mswada (kuhusiana na kifungu fulani, sehemu au kifungu kipya kinachopendekezwa au nyongeza mpya) urejeshwe tena kwenye Kamati ya Bunge

clause or new schedule) to a Committee of the whole House”.

(2) If the amendment to the motion for agreement with the Committee of the whole House is agreed to, the Bill shall stand so recommitted and the House shall either forthwith or upon a day named by the House Business Committee in consultation with the Member in charge of the Bill dissolve itself into a Committee to consider the matter so recommitted.

#### **Procedure on Bills reported from Select Committees**

137. (1) The report of a Select Committee on a Bill shall be laid on the Table of the House by the Chairperson or Vice-Chairperson of the Select Committee or by some other Member authorized by the Committee in that behalf.

(2) The House shall consider the Bill as reported from the Select Committee upon a Motion “That the report of the Select Committee established pursuant to Standing Order 127(2) on the.....Bill be approved.”

(3) Standing Order 136 (*Procedure on Bills reported from Committee of the whole House*) shall apply to any motion to approve the report of a Select Committee on a Bill.

#### **Procedure upon the re-committal of a Bill**

138. (1) When a Bill has been re-committed to a Committee of the whole House, the Committee shall consider only the matters so re-committed and any matter directly consequential thereon.

(2) Except as is provided by paragraph

Zima”.

(2) Endapo rekebisho la Hoja ya kukubaliana na Kamati ya Bunge Zima litakubalika, Mswada utachukuliwa kuwa umerejeshwa tena na Bunge litarejea kwenye Kamati ya Bunge Zima mara moja au kufanya hivyo siku ambayo itatajwa na Kamati ya Kuratibu Shughuli za Bunge kwa kushauriana na mwenye Mswada, ili kushughulikia rekebisho ambalo limewasilishwa tena.

#### **Utaratibu kwa Miswada iliyoripotiwa na Kamati**

137. (1) Ripoti ya Kamati ya Bunge kuhusu Mswada itawasilishwa kwenye Meza ya Bunge na Mwenyekiti au Naibu Mwenyekiti wa Kamati hiyo au na Mjumbe mwingine aliyeidhinishwa na Kamati kwa niaba ya Kamati.

(2) Bunge litashughulikia Mswada kama ulivyoripotiwa kutoka Kamati ya Bunge kupitia Hoja “Kwamba ripoti ya Kamati iliyoundwa kwa mujibu wa Kanuni ya 127(2) kwa Mswada....iidhinishwe.”

(3) Masharti ya Kanuni ya 136 (*Utaratibu kwa Miswada iliyoripotiwa na Kamati ya Bunge Zima*) yatatumika kwa hoja yoyote ya kuidhinisha ripoti ya Kamati kuhusu Mswada.

#### **Utaratibu utakaotumika Mswada ukirejeshwa kwenye Kamati**

138. (1) Mswada utakaporejeshwa kwenye Kamati ya Bunge Zima, Kamati itashughulikia tu masuala yaliyorejeshwa na suala lolote ambalo linaathiriwa moja kwa moja na masuala yaliyorejeshwa.

(2) Isipokuwa kwa masuala yaliyotajwa

(1), the procedure in Committee on a Bill on first committal shall apply with the necessary modifications to a Bill on re-committal.

(3) When a Bill has been reported from a Committee of the whole House after recommittal Standing Order 136 (*Procedure on Bills reported from Committee of the whole House*) shall apply.

### Third Reading

139. (1) On the adoption of a report on a Bill, the Third Reading may, with the leave of the Speaker, be taken forthwith and if not so taken forthwith, shall be ordered to be taken on a day named by the House Business Committee in consultation with the Member in charge of the Bill.

(2) On the Third Reading of a Bill, a Motion shall be made "That, the .... Bill be now read a Third Time" and amendments may be proposed similar to those on Second Reading.

### Withdrawal of Bills

140. (1) Either before the commencement of business or on the Order of the Day for any stage of the Bill being read, the Member in charge of a Bill may, without notice, claim to withdraw a Bill.

(2) If the Speaker is of the opinion that the claim is not an abuse of the proceedings of the House, the Speaker shall direct that the Bill shall be withdrawn.

(3) A Bill that has been withdrawn may subject to Standing Order 114 (*Introduction of Bills*) and re-publication

katika fasili ya (1), utaratibu katika Kamati kuhusu Mswada ambao Kamati ilikabidhiwa kwa mara ya kwanza, kadri itakavyowezezana, utatumika kwa Mswada uliorejeshwa kwenye Kamati.

(3) Mswada unaporipotiwa na Kamati ya Bunge Zima baada ya kurejeshwa, masharti ya Kanuni ya 136 (*Utaratibu kwa Miswada iliyoripotiwa na Kamati ya Bunge Zima*) yatatumika.

### Kusomwa Mara ya Tatu

139. (1) Baada ya ripoti ya Mswada kukubaliwa, Spika anaweza kuruhusu Mswada usomwe kwa Mara ya Tatu papo hapo na kama hautasomwa papo hapo, itaamriwa Mswada usomwe Mara ya Tatu siku ambayo itatajwa na Kamati ya Kuratibu Shughuli za Bunge kwa kushauriana na mwenye Mswada.

(2) Mswada unaposomwa Mara ya Tatu, Hoja itatolewa "Kwamba, Mswada... sasa usomwe Mara ya Tatu" na marekebisho yanaweza kupendekezwa kama inavyofanyika wakati wa Mswada Kusomwa Mara ya Pili.

### Kuondolewa kwa Miswada

140. (1) Kabla ya shughuli kuanza au wakati wa kusoma shughuli hiyo kwenye Orodha ya Shughuli katika hatua yoyote ya kusomwa kwa Mswada, Mbunge mwenye Mswada anaweza kuomba kuondoa Mswada bila kutoa arifa.

(2) Spika ataelekeza Mswada uondolewe endapo atakuwa na maoni kwamba ombi hilo halikiuki taratibu za Bunge.

(3) Mswada ambao umeondolewa unaweza kutangazwa tena na kuwasilishwa tena kwa kuzingatia masharti ya Kanuni ya 114

be introduced again.

(4) If a Member in charge of a Bill desires to withdraw a Bill before it is introduced in the House, the Member shall, in writing specifying the reasons for the withdrawal, notify the Speaker of the withdrawal and paragraph (3) shall apply to such Bill.

#### **Lapse and Re-introduction of Bills**

141. (1) A Bill, the Second Reading or Third Reading of which has been rejected may be introduced again in the next Session, or after the lapse of six months in the same Session but subject to fresh publication as provided in Standing Order 114 (*Introduction of Bills*).

(2) A Bill that has been published, read a First Time or in respect of which the Second Reading has not been concluded—

(a) at the end of a Session in which it was published shall not lapse at the end of that Session but shall resume in the next Session of the same Parliament at the stage where it was last interrupted;

(b) at the end of two consecutive Sessions of the same Parliament shall lapse at the end of the second Session and may be republished in the same or different form in accordance with Standing Order 114 (*Introduction of Bills*).

(3) Subject to paragraph (2), a Bill in respect of which the Second Reading has been concluded at the end of a Session shall resume in the next Session of the same Parliament at the stage where it was interrupted at the end of the Session.

(3A) The provisions of paragraph (1), (2), and (3) of this Standing Order shall not

(*Uwasilishaji wa Miswada*).

(4) Endapo Mbunge mwenye Mswada atakusudia kuondoa Mswada kabla ya kuuwasilisha Bungeni, Mbunge huyo atamjulisha Spika kwa maandishi akibainisha sababu za kuondoa Mswada wake, na masharti ya fasili ya (3) yatumika kwa Mswada huo.

#### **Mswada kutanguka na kuwasilishwa tena**

141. (1) Mswada ambao kusomwa kwake Mara ya Pili na ya Tatu kumekataliwa unaweza kuwasilishwa tena katika Kipindi kinachofuata au baada ya miezi sita katika Kipindi hicho ilimradi utangazwe upya kwa mujibu wa Kanuni ya 114 (*Uwasilishwaji wa Miswada*).

(2) Mswada ambao umetangazwa, ukasomwa Mara ya Kwanza au ambao hatua ya kusomwa kwake kwa Mara ya Pili haikufikia mwisho—

(a) ifikapo mwisho wa Kipindi ambamo ulitangazwa hautatanguliwa mwishoni mwa Kipindi hicho bali utaendelezwa katika Kipindi kinachofuata Bunge hilo kuanzia hatua ambayo Mswada huo ulikatizwa.

(b) ifikapo mwisho wa Vipindi viwili vinavyofuatana katika Bunge hilohilo utatanguliwa mwishoni mwa Kipindi cha pili na unaweza kutangazwa upya ukiwa na maudhui yaleyale au tofauti kwa kuzingatia masharti ya Kanuni ya 114 (*Uwasilishwaji wa Miswada*).

(3) Kwa kuzingatia masharti ya fasili ya (2), Mswada ambao hatua ya kusomwa kwake Mara ya Pili ilikamilika mwishoni mwa Kipindi utaendelezwa katika Kipindi kinachofuata cha Bunge hilohilo kuanzia hatua iliyofikiwa wakati ulipokatizwa.

(3A) Masharti ya fasili ya (1), (2), na ya (3) ya Kanuni hizi hazitatumika kwa Mswada

apply to a Bill to amend the Constitution, a Division of Revenue Bill, a County Allocation of Revenue Bill or a Bill originating from the Senate.

(4) A Bill the consideration of which has not been concluded at the end of the term of a Parliament shall lapse.

#### **Concurrence of the other House**

142. When a Bill other than a Bill which in terms of Article 109(3) of the Constitution is considered only in the National Assembly has been passed, a certified copy of the Bill signed by the Clerk and endorsed by the Speaker shall be forwarded to the Clerk of the Senate, together with a message requesting the concurrence of the Senate.

#### **Consideration of Bills originating from the Senate**

143. (1) Whenever the Speaker receives a Bill originating in the Senate, the Speaker shall—

(a) cause the fact to be known to the House by way of a Message;

(b) cause the Bill to be read a First Time.

(2) Following First Reading, the Speaker shall, within reasonable time, pronounce his or her opinion contemplated under Article 114(2) of the Constitution.

(3) Where the opinion of the Speaker under paragraph (2) is to the effect that the Bill is not a money Bill, the Bill shall be proceeded with in the same manner as a Bill originating in the National Assembly after First Reading.

(4) Where the opinion of the Speaker under paragraph (2) is to the effect that the Bill is a money Bill in terms of Article 114 of the Constitution, the Bill shall stand referred to the Budget and Appropriations Committee.

wa kurekebisha Katiba, Mswada wa Kugawa Mapato, Mswada wa Kutenga Mapato kwa Serikali za Kaunti au Mswada unaoanzia Seneti.

(4) Mswada ambao utakuwa unashughulikiwa mwishoni mwa muhula wa Bunge utatanguka.

#### **Maafikiano na Seneti**

142. Mswada ambao haushughulikiwi na Bunge la Taifa pekee kwa mujibu wa Ibara ya 109(3) ya Katiba unapopitishwa, nakala halisi ya Mswada huo iliyotiwa saini na Katibu na kuidhinishwa na Spika itawasilishwa kwa Katibu wa Seneti, ikiambatana na ujumbe wa kuomba maafikiano na Seneti.

#### **Utaratibu wa kushughulikia Mswada iliyoanzia Seneti**

143. (1) Kila mara Spika anapopokea Mswada ulioanzia Seneti, Spika—

(a) atalijulisha Bunge la Taifa kupitia Ujumbe;

(b) ataelekeza Mswada huo usomwe Mara ya Kwanza.

(2) Baada ya Mswada Kusomwa Mara ya Kwanza, Spika, ndani ya muda unaofaa, atatoa maoni yake kwa mujibu wa Ibara ya 114(2) ya Katiba.

(3) Iwapo maoni ya Spika kwa mujibu wa fasili ya (2) ni kwamba Mswada huo hauhusu masuala ya fedha, Mswada huo utashughulikiwa kwa namna ileile kama Mswada ulioanzia Bunge la Taifa baada ya kusomwa Mara ya Kwanza.

(4) Iwapo maoni ya Spika kwa mujibu wa fasili ya (2) ni kwamba Mswada unahusu masuala ya fedha kwa mujibu wa Ibara ya 114 ya Katiba, Mswada huo utakabidhiwa Kamati ya Bajeti na Matumizi.

(5) The Budget and Appropriations Committee shall consider the Bill and report its recommendations to the House.

(6) Where the Budget and Appropriations Committee recommends that the House—

(a) proceeds with the Bill, the Bill shall be proceeded with in the same manner as a Bill originating in the National Assembly after First Reading in the manner recommended by the Budget and Appropriations Committee;

(b) should not proceed with the Bill, that fact shall be recorded in the Journals of the House.

#### **Procedure on Senate Bills after Third Reading in the House**

144. When a Bill which originated in the Senate has been read a Third Time in the National Assembly, the Clerk shall either—

(a) return the Bill with a message to the Senate “That the National Assembly has agreed to the ..... Bill without amendment”;

(b) return the Bill with a message to the Senate “That the National Assembly has rejected the ..... Bill and the Bill has been referred to a mediation committee”; or

(c) cause any amendment or amendments that may have been made to the Bill in the National Assembly to be entered in the Bill received from the Senate, and an amended copy of the Bill, signed by the Clerk and endorsed by the Speaker, shall then be returned to the Senate with a message desiring the concurrence of the Senate to the amendment or amendments made by the National Assembly.

#### **Senate amendments to Bills originating in the National Assembly**

(5) Kamati ya Bajeti na Matumizi itashughulikia Mswada huo na kuripoti mapendekezo yake kwa Bunge.

(6) Kamati ya Bajeti na Matumizi inapendekeza Bunge—

(a) lishughulikie Mswada, Mswada huo utashughulikiwa kwa namna ileile kama Mswada ulioanzia Bunge la Taifa baada ya kusomwa Mara ya Kwanza kwa namna inayopendekezwa na Kamati ya Bajeti na Matumizi;

(b) lisishughulikie Mswada, uamuzi huo utarekodiwa katika Majarida ya Bunge.

#### **Utaratibu wa kushughulikia Miswada ya Seneti baada ya Kusomwa Mara ya Tatu**

144. Mswada ulioanzia Seneti unaposomwa kwa Mara ya Tatu Bungeni, Katibu—

(a) atarudisha Mswada huo Seneti ukiwa na ujumbe “Kwamba Bunge la Taifa limeukubali Mswada wa ..... bila rekebisho”;

(b) atarudisha Mswada huo Seneti ukiwa na ujumbe “Kwamba Bunge la Taifa limeukataa Mswada wa ..... na Mswada huo umekabidhiwa Kamati ya Usuluhishi”; au

(c) ataelekeza rekebisho au marekebisho yoyote ambayo yamefanywa katika Mswada huo Bungeni kujumuishwa kwenye Mswada uliopokewa kutoka Seneti na nakala ya Mswada iliyorekebishwa na kusainiwa na Katibu na kuidhinishwa na Spika itarudishwa Seneti ikiwa na ujumbe unaoomba Seneti ikubaliane na rekebisho au marekebisho yaliyofanywa na Bunge la Taifa.

#### **Marekebisho ya Seneti kwa Miswada iliyoanzia Bunge la Taifa**

145. Senate amendments to a Bill originating in the National Assembly shall be circulated to Members within seven days of receipt of the amendments from the Senate and shall be put down for consideration in a Committee of the Whole House on such day as the House Business Committee shall appoint.

**Consideration of Senate amendments to Bills originating in the National Assembly**

146. Upon a Motion being made “That the Senate amendments to the ..... Bill be now considered”, no amendment may be moved to the question other than an amendment to leave out the words “now” and to add at end of the question “upon this day .....(state period)”, and, in the event of such amendment being carried, the Clerk shall send a message to the Senate “That the Assembly has deferred consideration of the Senate amendments to the ..... Bill .....(state period).”

**Procedure on Senate Amendments to Bills originating in the National Assembly**

147. Where the National Assembly has resolved that the Senate amendments to a Bill be considered, each amendment shall be read by the Clerk and may be agreed to or rejected in accordance with Article 112(2) of the Constitution.

**Conclusion of Consideration of Senate Amendments to Bills originating in the National Assembly**

148. When the House has concluded the consideration of Senate amendments to a Bill originating in the National Assembly and the House—

(a) passes the Bill as amended, the Speaker shall refer the Bill to the President within seven days for assent; or

145. Marekebisho ya Seneti kwa Mswada ulioanzia Bunge yatasambazwa kwa Wabunge ndani ya siku saba za kupokea marekebisho hayo kutoka Seneti na yatashughulikiwa na Kamati ya Bunge Zima siku itakayopangwa na Kamati ya Kuratibu Shughuli za Bunge.

**Kushughulikia marekebisho ya Seneti kwa Miswada iliyoanzia Bunge la Taifa**

146. Hoja “Kwamba marekebisho ya Seneti kwa Mswada wa.....sasa yashughulikiwe” inapotolewa ijadiliwe, hakuna rekebisho litakalotolewa kwa Hoja hiyo isipokuwa kama ni rekebisho la kuondoa neno “sasa” na kuongeza maneno “baada ya....(taja muda)” mwishoni mwa Hoja na, iwapo rekebisho hilo litapitishwa, Katibu atatuma ujumbe Seneti “Kwamba Bunge limeahirisha kushughulikia marekebisho ya Seneti kwa Mswada wa..... hadi.....(taja muda).”

**Utaratibu wa kushughulikia marekebisho ya Seneti kwa Miswada iliyoanzia Bunge la Taifa**

147. Pale ambapo Bunge litaamua kushughulikia marekebisho ya Seneti kwa Mswada ulioanzia Bunge la Taifa, kila rekebisho litasomwa na Katibu na linaweza kukubaliwa au kukataliwa kwa mujibu wa Ibara ya 112(2) ya Katiba.

**Kuhitimisha kushughulikia marekebisho ya Seneti kwa Miswada iliyoanzia Bunge la Taifa**

148. Bunge linapomaliza kushughulikia marekebisho ya Seneti kwa Mswada ulioanzia Bunge la Taifa na Bunge—

(a) likipitisha Mswada kama ulivyorekebishwa, Spika atauwasilisha Mswada huo kwa Rais ndani ya siku saba ili upate kibali cha Rais; au

(b) rejects the Bill as amended, the Speaker shall refer the Bill to a mediation committee under Article 113 of the Constitution.

### **Mediation Committee**

149. (1) A Bill shall be referred to the mediation committee whenever the Assembly—

(a) does not agree to all or any of the amendments made by the Senate to a Bill concerning County governments which originated in the Assembly;

(b) rejects a Motion that a Bill which originated in the Senate be read a Second or Third Time.

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

(3) The quorum of Members of the Assembly who shall be present to take part in a sitting of a Mediation Committee shall be a third of those Members; and no sitting of the Committee shall be validly constituted unless there is also present a like quorum of Members of the Senate.

(4) The Chairperson and Vice Chairperson of the Mediation Committee shall be appointed by the majority of the Members present at the first meeting thereof.

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

(6) If, within thirty days of referral, the Mediation Committee fails to agree on a version of the Bill to be presented to both Houses for approval, the Bill will be deemed to have been negatived.

(b) likiukataa Mswada kama ulivyorekebisha, Spika atakabidhi kwa Kamati ya Usuluhishi kwa mujibu wa Ibara ya 113 ya Katiba.

### **Kamati ya Usuluhishi**

149. (1) Mswada utakabidhiwa Kamati ya Usuluhishi kila mara Bunge—

(a) linapokataa marekebisha yote au rekebisha lolote lililofanywa na Seneti kwa Mswada unaohusu serikali za kaunti ambao ulianza Bunge la Taifa;

(b) linapokataa Hoja kwamba Mswada ulioanzia Seneti usomwe Mara ya Pili au ya Tatu.

(2) Spika wa Bunge la Taifa na Spika wa Seneti watateua Kamati ya Usuluhishi itakayokuwa na idadi sawa ya Wabunge kutoka Bunge la Taifa na Seneti ili ijaribu kuandaa Mswada ambao utapitishwa na Bunge la Taifa na Seneti.

(3) Akidi ya Wabunge wa Bunge la Taifa itakayohitajika kuwepo katika kikao cha Kamati ya Usuluhishi ni thuluthi moja ya Wabunge hao na kikao cha kamati hiyo hakitakuwa halali kama hakitakuwa na akidi sawa ya Maseneta.

(4) Mwenyekiti na Makamu Mwenyekiti wa Kamati ya Usuluhishi watateuliwa na wingi wa Wajumbe wa Kamati hiyo watakaohudhuria kikao cha kwanza.

(5) Mwenyekiti na Makamu Mwenyekiti wa Kamati ya Usuluhishi hawatatoka Bunge la Taifa peke yake au Seneti peke yake.

(6) Iwapo ndani ya siku thelathini za kukabidhiwa Mswada Kamati ya Usuluhishi itashindwa kukubaliana na Mswada utakaowalishwa kwenye Bunge la Taifa na Seneti, Mswada huo utachukuliwa kuwa

umekataliwa.

#### **Consideration of report of Mediation Committee**

150. (1) The report of a Mediation Committee on a Bill prepared in terms of Article 113 of the Constitution shall be laid on the Table of the House by a Member of the Mediation Committee authorized by the committee in that behalf.

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

(3) Where the report of the Mediation Committee includes an agreed version of the Bill in terms of Article 113(2) of the Constitution, the House shall consider the report of the Mediation Committee upon a Motion "That the report of the Mediation Committee be approved" and the House shall vote to approve or reject the Motion.

(4) If the Motion under paragraph (3) is—

(a) disagreed to, the Clerk shall send a message to the Senate signifying such disagreement, and the Bill shall be deemed to be defeated; or

(b) agreed to, the Clerk shall send a message to the Senate signifying such agreement, and on receipt by the Clerk of a similar message from the Senate, the Bill shall be deemed to have been passed by both Houses in the form agreed to by the Mediation Committee and the Speaker of the National Assembly shall refer the Bill to the President for assent within seven days in terms of Article 113(3) of the Constitution.

#### **Kushughulikia Ripoti ya Kamati ya Usuluhishi**

150. (1) Ripoti ya Kamati ya Usuluhishi kwa Mswada iliyoandaliwa kwa mujibu wa Ibara ya 113 ya Katiba itawasilishwa Mezani na Mjumbe aliyeidhinishwa na Kamati kwa niaba ya Kamati.

(2) Iwapo Kamati ya Usuluhishi itaripoti kuwa haijakubaliana kuhusu Mswada itakaouwasilisha au, iwapo Kamati hiyo haijakubaliana kuhusu Mswada itakaouwasilisha ndani ya siku thelathini kuanzia tarehe ambayo Kamati ilikabidhiwa Mswada, Mswada huo utachukuliwa kuwa umekataliwa kwa mujibu wa Ibara ya 113(4) ya Katiba.

(3) Iwapo ripoti ya Kamati ya Usuluhishi imejumuisha Mswada uliokubaliwa kwa mujibu wa Ibara ya 113(2) ya Katiba, Bunge la Taifa litashughulikia ripoti ya Kamati hiyo kupitia Hoja "Kwamba ripoti ya Kamati ya Usuluhishi iidhinishwe" na Bunge la Taifa litapiga kura kukubali au kukataa Hoja hiyo.

(4) Iwapo Hoja kwa mujibu wa fasili ya (3)—

(a) itakataliwa, Katibu ataitumia Seneti Ujumbe akieleza uamuzi huo, na Mswada huo utachukuliwa kuwa umekataliwa; au

(b) imekubaliwa, Katibu ataitumia Seneti Ujumbe akieleza uamuzi huo, na Katibu atakapokea Ujumbe kama huo kutoka Seneti, Mswada utachukuliwa kuwa umekubaliwa na Bunge la Taifa na Seneti kama ulivyokubaliwa na Kamati ya Usuluhishi na Spika wa Bunge la Taifa atawasilisha kwa Rais ili upate kibali ndani ya siku saba kwa mujibu wa Ibara ya 113(3) ya Katiba.

### **Special Bill concerning a county government**

151. (1) The National Assembly may amend or veto a special Bill that has been passed by the Senate only by a resolution supported by at least two thirds of the members of the Assembly.

(2) If a resolution in the National Assembly to amend or veto a special Bill fails to pass, the Speaker of the Assembly shall, within seven days, refer the Bill, in the form adopted by the Senate, to the President for assent.

(3) Upon referring the Bill to the President, the Speaker of the Assembly shall notify the fact to the Speaker of the Senate.

### **Custody of Bills**

152. (1) Every Bill not requiring the concurrence of the Senate and which has been passed by the National Assembly, including a Bill that has been subjected to a Mediation Committee shall be certified by the Clerk and shall remain in the custody of the Clerk.

(2) Every Bill that originates in the National Assembly that requires the concurrence of the Senate and which has been passed by both Houses shall remain in the custody of the Clerk of the National Assembly and shall be certified by the Clerk of the National Assembly and the Clerk of the Senate.

(3) At any time before the certification of the Bill, the Speaker may correct formal errors or oversights therein without changing the substance of the Bill and thereafter submit the Bill to the President for assent.

(4) This Standing Order shall apply to a special Bill considered under Article 111(3) of the Constitution and a Bill approved in terms of Article 113(3) of the Constitution.

### **Presentation of Bills for assent**

153. The Speaker shall sign a Bill certified under Standing Orders 148 (*Conclusion of Consideration of Senate*

### **Mswada Maalum unaohusu serikali ya kaunti**

151. (1) Bunge la Taifa linaweza kurekebisha au kubatilisha Mswada Maalum uliopitishwa na Seneti tu kupitia azimio linaloungwa mkono na angalau thuluthi mbili ya Wabunge.

(2) Iwapo azimio la Bunge la Taifa la kurekebisha au kubatilisha Mswada Maalum halitapitishwa, Spika, ndani ya siku saba, atauwasilisha Mswada huo kwa Rais kama ulivyopitishwa na Seneti ili kupata kibali cha Rais.

(3) Mswada utakapowasilishwa kwa Rais, Spika wa Bunge la Taifa atamuarifu Spika wa Seneti kuhusu uwasilishwaji huo.

### **Hifadhi ya Miswada**

152. (1) Kila Mswada ambao hauhitaji maafikiano ya Seneti na ambao umepitishwa na Bunge la Taifa, ikijumuisha Mswada ulioshughulikiwa na Kamati ya Usuluhishi, utathibitishwa na kuhifadhiwa na Katibu.

(2) Kila Mswada unaoanzia Bunge la Taifa ambao unahitaji maafikiano ya Seneti na ambao umepitishwa na Bunge la Taifa na Seneti utahifadhiwa na Katibu wa Bunge na kuthibitishwa na Katibu wa Bunge la Taifa na wa Seneti.

(3) Wakati wowote kabla ya Mswada kuthibitishwa, Spika anaweza kurekebisha makosa au kasoro ndogo kwenye Mswada bila kubadilisha maudhui ya Mswada huo na kisha atauwasilisha kwa Rais ili upate kibali.

(4) Kanuni hii itatumika kwa Mswada Maalum unaoshughulikiwa kwa mujibu wa Ibara ya 111(3) ya Katiba na Mswada ulioidhinishwa kwa mujibu wa Ibara ya 113(3) ya Katiba.

### **Kuwasilisha Miswada ipate kibali**

153. Spika atatia saina Mswada uliothibitishwa kwa mujibu wa Kanuni ya 148 (*Kuhitimisha kushughulikia*

*Amendments to Bills originating in the National Assembly) and 150 (Consideration of report of Mediation Committee) and shall refer the Bill to the President for assent within seven days of its passage by the National Assembly.*

#### **Referral of Bills by President**

154. (1) Whenever the Speaker receives the President's reservations pursuant to Article 115 of the Constitution, the Speaker shall—

(a) in case of a Bill the Senate did not consider, convey the Message to the House within three days of receipt of the President's reservations;

(b) in case of a Bill the Senate considered, convey the message to the House and refer the President's reservations to the Senate within seven days of receipt of the President's reservations.

(2) The Assembly shall, in accordance with the provision of Article 115 of the Constitution, consider the President's reservations conveyed to the House under paragraph (1)(a) within twenty-one days of the date when the House next meets.

(3) The Assembly may, in considering the Bill a second time, propose amendments in light of the President's reservations either fully accommodating the President's reservations, or not fully accommodating the President's reservations.

(4) The Speaker shall make the determination on whether any proposed amendment to the Bill in light of the President's reservations either fully accommodate the President's reservations or do not fully accommodate the President's reservations in terms of Article 115 of the Constitution.

(5) The Assembly shall vote on the proposed amendments and may pass the Bill—

*marekebisho ya Seneti kwa Mswada iliyoanzia Bunge la Taifa) na ya 150 (Kushughulikia Ripoti ya Kamati ya Usuluhishi) na atauwasilisha kwa Rais ili upate kibali ndani ya siku saba baada ya kupitishwa na Bunge la Taifa.*

#### **Mswada iliyorejeshwa na Rais**

154. (1) Spika atakapokea waraka wa kutoidhinisha mswada kutoka kwa Rais kwa mujibu wa Ibara ya 115 ya Katiba—

(a) atawasilisha Ujumbe kwa Bunge la Taifa ndani ya siku tatu baada ya kupokea waraka wa kutoidhinisha mswada ikiwa mswada huo haukushughulikiwa na Seneti;

(b) atawasilisha Ujumbe kwa Bunge la Taifa na kisha kuwasilisha waraka wa kutoidhinisha Mswada kwa Seneti ndani ya siku saba baada ya kuupokea ikiwa mswada huo ulishughulikiwa na Seneti.

(2) Bunge la Taifa, kwa mujibu wa Ibara ya 115 ya Katiba, litashughulikia waraka wa kutoidhinisha Mswada ambao umewasilishwa kwa mujibu wa fasili ya (1) (a), ndani ya siku ishirini na moja pindi Bunge litakaporejea kwenye vikao.

(3) Katika kushughulikia Mswada mara ya pili, Bunge linaweza kupendekeza marekebisho yanayozingatia waraka wa Rais wa kutoidhinisha Mswada, ama kwa kuyakubali au kutoyakubali kikamilifu mapendekezo ya Rais.

(4) Spika atatoa uamuzi ikiwa rekebisho lolote linalopendekezwa kwenye Mswada uliorejeshwa na Rais linazingatia au halizingatii kikamilifu mapendekezo ya Rais kwenye waraka wa kutoidhinisha Mswada kwa mujibu wa Ibara ya 115 ya Katiba.

(5) Bunge litapiga kura kwa marekebisho yaliyopendekezwa na linaweza kupitisha

mswada—

(a) where the amendments do not fully accommodate the President's reservations, by a vote supported by two-thirds of all the Members;

(b) where the amendments fully accommodate the reservations of the President, in the manner contemplated under Article 122(1) of the Constitution.

(6) For purposes of considering the President's reservations conveyed under paragraph (1)(b), the Assembly and the Senate shall constitute a Joint Committee within two days of receipt of the President's reservations in the Senate.

(7) The Joint Committee shall within fourteen days consider the President's reservations and table a Report in the respective Houses.

(8) The Houses may, in considering the Bill a second time in terms of Article 115 of the Constitution, propose amendments to the Bill in light of the President's reservations either-

(a) fully accommodating the President's reservations; or,

(b) not fully accommodating the President reservations.

(9) The Speakers shall jointly determine whether any proposed amendment to a Bill conveyed under paragraph (1)(b), fully accommodates the President's reservations or does not fully accommodate the President's reservations in terms of Article 115 of the Constitution.

(10) If the Speakers fail to agree under paragraph (9), the amendment shall be deemed not to fully accommodate the

(a) kwa kura ya thuluthi mbili ya Wabunge wote iwapo marekebisho hayazingatii kikamilifu mapendekezo ya Rais;

(b) kwa kufuata utaratibu uliowekwa katika Ibara ya 122(1) ya Katiba iwapo marekebisho yanazingatia kikamilifu mapendekezo ya Rais.

(6) Kwa ajili ya kuzingatia Waraka wa Rais wa kutoidhinisha Mswada uliowasilishwa kwa mujibu wa fasili ya (1) (b), Bunge la Taifa na Seneti litaunda Kamati ya Pamoja ndani ya siku mbili baada ya Seneti kupokea Waraka wa Rais wa kutoidhinisha Mswada.

(7) Kamati ya Pamoja itashughulikia Waraka wa Rais wa kutoidhinisha Mswada ndani ya siku kumi na nne na kuwasilisha Ripoti katika Bunge la Taifa na Seneti.

(8) Katika kushughulikia Mswada kwa mara ya pili kwa mujibu ya Ibara ya 115 ya Katiba, Bunge la Taifa linaweza, na Seneti inaweza, kupendekeza marekebisho kwenye Mswada kwa kuzingatia Waraka wa Rais wa kutoidhinisha Mswada ama—

(a) kwa kuzingatia kikamilifu mapendekezo ya Rais; au,

(b) kwa kutozingatia kikamilifu mapendekezo ya Rais.

(9) Spika wa Bunge la Taifa na Spika wa Seneti kwa pamoja wataamua ikiwa rekebisho lolote lililopendekezwa kwenye Mswada uliowasilishwa kwa mujibu wa fasili ya (1) (b), linazingatia au halizingatii kikamilifu mapendekezo yaliyomo kwenye Waraka wa Rais wa kutoidhinisha Mswada kwa mujibu wa Ibara ya 115 ya Katiba.

(10) Ikiwa Spika wa Bunge la Taifa na Spika wa Seneti hawatakubaliana kwa mujibu wa fasili ya (9), rekebisho

President's reservations.

(11) If the Joint Committee fails to submit a report at the expiry of the period prescribed under paragraph (7) or if the report of the Joint Committee is to the effect that the Committee has failed to agree on any amendments, the Houses shall proceed to consider the Bill a second time and the provisions of paragraph (8) shall apply.

155. *(Deleted)*

## **PART XX- PRIVATE BILLS**

### **Application of public Bill procedure**

156. Except as otherwise provided in this Part, the Standing Orders relating to public Bills shall apply in respect of private Bills.

### **Saving clause**

157. Every private Bill shall contain a clause saving the rights of the President, the national and county governments, of all bodies politic or corporate, and of all others, except such as are mentioned in the Bill and those claiming by, from or under them.

### **Private Bill affecting private rights**

158. (1) No private Bill which directly affects the private rights or property of any persons, shall originate in the House unless the provisions of this Standing Order as to notice have been complied with.

(2) A notice shall be published in not less than three separate issues of the Gazette, specifying the general nature and objects of the Bill; the last of such publications being not less than fourteen days before the presentation of the Petition referred to in Standing Order 159 (*Petition for Leave*).

litachukuliwa kuwa lisilozingatia kikamilifu Waraka wa Rais wa kutoidhinisha Mswada.

(11) Ikiwa Kamati ya Pamoja haitawasilisha ripoti ndani ya muda uliotajwa katika fasili ya (7) au ikiwa ripoti ya Kamati ya Pamoja inabainisha kwamba Kamati haijakubaliana kuhusu marekebisho yoyote, Bunge la Taifa litashughulikia, na Seneti itashughulikia, Mswada kwa mara ya pili na masharti ya fasili ya (8) yatatumika.

155. *(Imefutwa)*

## **SEHEMU YA XX- MISWADA BINAFSI**

### **Utaratibu wa Mswada wa umma kutumika**

156. Isipokuwa kama imeelekezwa vinginevyo katika sehemu hii, masharti ya kanuni kuhusu miswada ya umma yatatumika kwa Miswada Binafsi.

### **Kifungu cha hifadhi ya haki za mamlaka**

157. Kila Mswada Binafsi utakuwa na kifungu cha kuhifadhi haki za Rais, za serikali ya taifa na serikali za kaunti, za watu, mashirika na nyinginezo, isipokuwa zile zilizotajwa kwenye Mswada na wanaodai katika mswada.

### **Mswada Binafsi unaoathiri haki binafsi**

158. (1) Hakuna Mswada Binafsi ambao moja kwa moja unaathiri haki binafsi au mali ya mtu yeyote, utanzia Bunge isipokuwa kama masharti ya Kanuni hii kuhusu uwasilishaji wa arifa yamezingatiwa.

(2) Arifa itatangazwa katika matoleo yasiyopungua matatu ya Gazeti Rasmi la Serikali, ikitaja maudhui ya jumla na madhumuni ya Mswada na tangazo la mwisho litachapishwa ndani ya muda usiopungua siku kumi na nne kabla ya kuwasilisha Ardhihali iliyotajwa katika Kanuni ya 159 (*Ardhihali ya Kibali*)

### **Petition for leave**

159. (1) No private Bill shall be introduced unless a Petition for the same, headed by the short title of the Bill, and signed by the parties, being promoters of the Bill, or some of them, has been previously presented to the House with a copy of the Bill annexed.

(2) The Clerk shall scrutinize petitions presented to the House and where, after such scrutiny, the Clerk is not satisfied that the provisions of this Part have been complied with, the Clerk shall so report to the Speaker.

(3) The promoters shall deposit with the Clerk a sufficient number of copies of the Petition with the Bill annexed, for distribution to Members and on receipt of such copies, the Clerk shall forthwith avail a copy to every Member.

### **Security for cost of printing**

160. (1) Where leave to proceed is granted, the Clerk shall provide an estimate of the cost of printing the Bill and the promoters of the Bill shall meet such cost.

(2) The promoters shall deposit at least twenty five percent of the estimated total cost of printing the Bill as security with the Clerk.

### **Bills authorizing construction works**

161. (1) In the case of a private Bill authorizing construction works, before such Bill is read a First Time, the promoters shall—

(a) deposit with the Clerk an estimate of the expense of the undertaking, signed by the person making such estimate and approved by the Clerk; and

(b) deposit with the Clerk a sum not less than four percent of the amount of

### **Ardhilhali ya Kibali**

159. (1) Hakuna Mswada Binafsi utakaowasilishwa isipokuwa kupitia Ardhilhali, ambayo kichwa chake kitakuwa na jina fupi la Mswada, na kusainiwa na wahusika wote au baadhi yao, ambao ni wadhamini wa Mswada, imewasilishwa Bungeni ikiambatisha nakala ya Mswada.

(2) Katibu atahakiki ardhilhali iliyowasilishwa Bungeni na iwapo hataridhishwa kuwa masharti ya Sehemu hii hayajazingatiwa, Katibu ataripoti hali hiyo kwa Spika.

(3) Wadhamini wa Mswada watawasilisha kwa Katibu nakala za kutosha za Ardhilhali zikiwa zimeambatisha Mswada kwa ajili ya kusambazwa kwa Wabunge na baada ya kupokea nakala hizo, Katibu atazigawa kwa kila Mbunge.

### **Dhamana ya gharama za uchapishaji**

160. (1) Pale ambapo kibali kitatolewa kwamba Mswada Binafsi uwasilishwe, Katibu atatoa makadirio ya gharama ya kuchapisha Mswada na wadhamini wa Mswada watagharamia uchapishaji.

(2) Wadhamini watawasilisha kwa Katibu angalau asilimia ishirini na tano ya jumla ya makadirio ya gharama ya kuchapisha Mswada kama dhamana ya gharama za uchapishaji.

### **Miswada inayoidhinisha ujenzi**

161. (1) Iwapo ni Mswada Binafsi unaoidhinisha ujenzi, kabla ya Mswada huo kusomwa Mara ya Kwanza, wadhamini watatakiwa —

(a) kuwasilisha kwa Katibu makadirio ya gharama za shughuli hiyo, iliyosainiwa na mtu aliyefanya makadirio hayo na kuidhinishwa na Katibu; na

(b) kuwasilisha kwa Katibu angalau asilimia nne ya fedha ya makadirio

the estimate under paragraph (1).

(2) In every such Bill, there shall be inserted a clause to the effect that, if the works authorized to be constructed are not completed before the expiry of a time to be set out by the Bill for such completion, the sum deposited with the Clerk shall be forfeited to the Consolidated Fund.

### **First Reading**

162. When the provisions of this part have been complied with, the Clerk shall cause the Bill to be printed, distributed to Members and published in the Gazette and at the first sitting of the House held not less than fourteen days after such publication, the Bill shall be read a First Time.

### **Right of audience before Committee on opposed Bill**

163. (1) Subject to these Standing Orders all petitions against a private Bill containing a prayer that the petitioners be heard by themselves, or by their advocates, shall stand referred to a Select Committee which shall hear any such petitioners or advocates.

(2) The promoters of an opposed private Bill shall be entitled to be heard before the Select Committee on the Bill by themselves, or by their advocates, in favour of the Bill and against any petitions against the Bill.

### **How Bills may be opposed**

164. No person, other than a Member, shall be heard, whether in person or by advocate, in opposition to a private Bill unless such person has previously lodged a Petition with the Clerk, showing the nature of the person's objections to the

yaliyowasilishwa kwa mujibu wa fasili hii.

(2) Kila Mswada wa aina hii utakuwa na kifungu kwamba fedha zilizowasilishwa kwa Katibu zitawekwa kwenye Mfuko Mkuu wa Hazina ikiwa ujenzi ulioidhinishwa hautakamilishwa ndani ya muda uliotajwa kwenye Mswada.

### **Mswada Kusomwa Mara ya Kwanza**

162. Pale ambapo masharti ya sehemu hii yatakuwa yamezingatiwa, Katibu ataelekeza Mswada huo uchapishwe, usambaziwe Wabunge na utangazwe kwenye Gazeti Rasmi la Serikali na katika kikao cha kwanza cha Bunge kitakachofanyika angalau siku kumi na nne baada ya kutangazwa, Mswada huo utasomwa Mara ya Kwanza.

### **Haki ya kusikizwa mbele ya Kamati inayohusika na Mswada Binafsi unaopingwa**

163. (1) Kwa kuzingatia masharti ya Kanuni hizi ardhilhali zote za kupinga Mswada Binafsi wenye ombi kuwa wawasilishaji wa ardhilhali wasikilizwe wao wenyewe au kupitia mawakili wao zitakabidhiwa kwa Kamati ambayo itawasikiliza wenye ardhilhali au mawakili wao.

(2) Wadhamini wa Mswada Binafsi uliopingwa watakuwa na haki ya kusikilizwa na Kamati inayoshughulikia Mswada au kupitia mawakili wao, kwa ajili ya kuunga mkono Mswada na kupinga ardhilhali zinazopinga Mswada.

### **Namna ya kupinga Miswada**

164. Mtu ambaye si Mbunge hatasikilizwa, iwe yeye mwenyewe au wakili wake, katika kupinga Mswada Binafsi isipokuwa kama mtu huyo alishawasilisha ardhilhali kwa Katibu ikionesha asili ya mapingamizi yake kwa Mswada huo na kama mapingamizi

Bill and whether the person's objections extend to the whole or some part of the Bill and praying that he or she may be heard in person or by advocate, as the case may be.

#### **Printing expenses**

165. As soon as practicably possible, after a private Bill is passed, rejected or abandoned, the Clerk shall make out an account showing the expenses of printing and shall, if the amount of the account is less than the security deposited, refund the balance, and if it is excess, cause the promoter to pay the balance.

### **PART XXI—COMMITTEE OF THE WHOLE HOUSE**

#### **Limits on consideration of matters by Committee**

166. A Committee shall not consider any matter other than a matter which has been referred to it or which it is required by these Standing Orders to consider.

#### **Committee of the whole House may not adjourn**

167. A Committee may not adjourn its own sitting or the consideration of any matter to a future sitting, but the Chairperson may by Motion be directed notwithstanding that all matters referred to the Committee have not yet been considered, to report progress to the House and ask leave to sit again.

#### **Report**

168. When all the matters referred to a Committee of the whole House have been considered, the Chairperson shall be directed by Motion to report to the House.

#### **No debate on Motion for Report**

169.(1) When a Motion is made in Committee to report or to report progress and ask leave to sit again, the

hayo hayahusu Mswada mzima au sehemu ya Mswada na kuomba asikilizwe yeye mwenyewe au kupitia kwa wakili kwa kadri itakavyokuwa.

#### **Gharama za uchapishaji**

165. Mapema iwezekanavyo baada ya Mswada Binafsi kupitishwa, kukataliwa au kutelekezwa, Katibu ataandaa akaunti ya gharama zilizotumika katika uchapishaji na iwapo gharama hizo ni pungufu ya kiasi cha dhamana iliyotolewa, atarejesha bakaa, na kama imezidi, atamtaka mdhamini kulipa kiasi kilichozidi.

### **SEHEMU YA XXI—KAMATI YA BUNGE ZIMA**

#### **Mipaka ya mamlaka ya Kamati**

166. Kamati haitashughulikia suala lolote isipokuwa suala ambalo imekabidhiwa au ambalo linahitaji kushughulikiwa na Kamati kwa mujibu wa Kanuni hizi.

#### **Kamati ya Bunge Zima kutoahirishwa**

167. Kamati haitaahirisha kikao chake au kuahirisha kushughulikia suala lolote hadi kikao kingine, lakini Hoja inaweza kutolewa kumtaka Mwenyekiti kuripoti Bungeni hatua iliyofikiwa katika kushughulikia suala ambalo lilipelekwa kwenye Kamati licha ya kwamba haijakamilisha kushughulikia masuala iliyokabidhiwa na kuomba kibali cha kukutana tena

#### **Ripoti**

168. Pale ambapo Kamati ya Bunge Zima imemaliza kushughulikia masuala yote iliyokabidhiwa, Mwenyekiti kwa Hoja itakayotolewa, atatakiwa kuripoti Bungeni.

#### **Hoja ya Ripoti kutojadiliwa**

169. (1) Hoja inapotolewa kwamba Kamati itoe ripoti au iripoti hatua iliyofikiwa na kuomba kibali cha kukutana tena, Hoja

question shall be put forthwith and decided without amendment or debate and if the question is agreed to the Chairperson shall forthwith leave the chair.

(2) Except as otherwise provided by these Standing Orders, every report under paragraph (1) shall be made without question put, and may, by Motion, be agreed to or negated by the House or re-committed to the Committee, or postponed for further consideration.

#### **General application of rules in Committee**

170. Except as otherwise provided in these Standing Orders, the same rules of order and of debate for the conduct of business shall be observed in Committee as in the House.

### **PART XXII—SELECT COMMITTEES**

#### **House Business Committee**

171.(1) There shall be a select committee, to be designated the House Business Committee, consisting of—

- (a) the Speaker who shall be the Chairperson;
- (b) the Leader of the Majority Party or a representative designated in writing;
- (c) the Leader of the Minority Party or a representative designated in writing;
- (d) the Majority Party Whip or a representative designated in writing;
- (e) the Minority Party Whip or a representative designated in writing; and
- (f) seven other Members, who shall

itatolewa ili iamuliwe mara moja bila marekebisho au mjadala na Hoja ikikubaliwa, Mwenyekiti ataondoka kwenye Kiti mara moja.

(2) Isipokuwa kama Kanuni hizi zimeelekeza vinginevyo, kila ripoti itakayotolewa kwa mujibu wa fasili ya (1) itatolewa bila kulihoji Bunge na inaweza, kwa njia ya Hoja, kukubaliwa au kukataliwa na Bunge, au kukabidhiwa tena kwenye Kamati, au kuahirishwa ili kushughulikiwa zaidi.

#### **Matumizi ya jumla ya masharti kwenye Kamati**

170. Isipokuwa kama Kanuni hizi zinahitaji vinginevyo, masharti yale yale ya utaratibu na ya majadiliano yanayotumika katika kuendesha shughuli kwenye vikao vya Bunge yatatumika kwenye Kamati.

### **SEHEMU YA XXII— KAMATI**

#### **Kamati ya Kuratibu Shughuli za Bunge**

171. (1) Kutakuwa na Kamati itakayoitwa Kamati ya Kuratibu Shughuli za Bunge itakayojumuisha—

- (a) Spika ambaye atakuwa Mwenyekiti;
- (b) Kiongozi wa Chama cha walio Wengi au mwakilishi wake aliyeteuliwa kwa maandishi;
- (c) Kiongozi wa Chama cha walio Wachache au mwakilishi wake aliyeteuliwa kwa maandishi;
- (d) Mratibu wa Chama cha walio Wengi au mwakilishi wake aliyeteuliwa kwa maandishi;
- (e) Mratibu wa Chama cha walio Wachache au mwakilishi wake aliyeteuliwa kwa maandishi ;
- (f) Wabunge wengine saba ambao

be nominated by parliamentary parties and approved by the House at the commencement of every Session, reflecting the relative majorities of the seats held by each of the parliamentary parties in the National Assembly and taking into consideration the interests of Independents.

(2) The House Business Committee shall be appointed within seven days on assembly of a new House.

(3) In the absence of the Speaker, the Deputy Speaker shall attend and Chair the meetings of the House Business Committee.

(4) The House Business Committee shall—

(a) prepare and, if necessary, from time to time adjust the Parliamentary Calendar with the approval of the House;

(b) monitor and oversee the implementation of the House Business and programmes;

(c) implement the Standing Orders respecting the scheduling or programming of the business of the House and the functioning of the Committees of the House;

(d) determine the order in which the reports of Committees shall be debated in the House;

(e) may take decisions and issue directives and guidelines to prioritize or postpone any business of the House acting with the concurrence of the Leader of the Majority Party or the Leader of the Minority Party, as the case may be; and

(f) consider such matters as may from time to time arise in connection with the business of the House and shall have and perform such powers and functions as are conferred on and ascribed to it by these Standing Orders or from time to time by the House.

(5) The Chairperson and at least one

watateuliwa na Vyama Bunge na kuidhinishwa na Bunge mwanzoni mwa kila Kipindi, ikiakisi wingi wa idadi ya Wabunge wa kila Chama Bunge Bungeni na kuzingatia maslahi ya Wabunge Huru.

(2) Kamati ya Kuratibu Shughuli za Bunge itaundwa ndani ya siku saba baada ya Bunge jipya kukutana.

(3) Spika asipokuwepo, Naibu Spika atahudhuria na kuwa mwenyekiti kwa mikutano yote ya Kamati ya Kuratibu Shughuli za Bunge.

(4) Kamati ya Kuratibu Shughuli za Bunge —

(a) itatayarisha, na inapohitajika, kubadilisha Kalenda ya Bunge kwa idhini ya Bunge;

(b) itafuatilia na kusimamia utekelezaji wa shughuli na mipango ya Bunge;

(c) itatekeleza masharti ya Kanuni za Kudumu yanayohusiana na kupanga au kuratibu shughuli za Bunge na utendaji kazi wa Kamati za Bunge;

(d) itaamua mpangilio ambao ripoti za Kamati zitashughulikiwa Bungeni;

(e) inaweza kuamua na kutoa maelekezo na miongozo ili kuipa shughuli kipaumbele au kuiahirisha shughuli yoyote ya Bunge kwa maafikiano ya Kiongozi wa Chama cha walio Wengi au Kiongozi wa Chama cha walio Wachache, kwa kadri itakavyokuwa; na

(f) itashughulikia masuala yatakayoibuka mara kwa mara kuhusiana na shughuli za Bunge na itatekeleza madaraka na majukumu iliyopatiwa kwa mujibu wa Kanuni hizi au na Bunge mara kwa mara.

(5) Akidi ya Kamati ya Kuratibu Shughuli

third of the other Members of the House Business Committee shall form a quorum.

(6) If, for any reason, a Member of the House Business Committee is unable to attend, the Leader in the House of the party which nominated that Member may appoint another Member in that Member's place for the period for which the Member is unable to attend.

### **Committee on Selection**

172.(1) There shall be a select committee, to be designated Committee on Selection, consisting of—

(a) the Leader of the Majority Party who shall be the Chairperson;

(b) the Leader of the Minority Party;

(c) not less than eleven and not more than nineteen members, who shall be nominated by parliamentary parties and approved by the House taking into consideration the interests of Independents.

(2) The Committee on Selection shall nominate Members to serve in Committees, save for the membership of the House Business Committee and Committee on Appointments.

(3) The Committee on Selection shall be appointed within ten days on assembly of a new House.

### **General Provisions**

#### **Nomination of members of select committees**

173.(1) Unless otherwise provided by any written law or these Standing Orders, the Committee on Selection shall, in consultation with parliamentary parties, nominate Members who shall serve on a select committee.

(2) The Committee on Selection shall give consideration to the need for

za Bunge itakuwa ni Mwenyekiti na angalau thuluthi moja ya Wajumbe wa Kamati hiyo.

(6) Endapo kwa sababu yoyote, Mjumbe wa Kamati ya Kuratibu Shughuli za Bunge hawezi kuhudhuria mikutano, Kiongozi wa Chama Bungeni kilichomteua Mjumbe anaweza kuteua Mbunge mwingine kuhudhuria mikutano kwa kipindi ambacho Mjumbe huyo hataweza kuhudhuria mikutano.

### **Kamati ya Kuteua Wajumbe wa Kamati**

172. (1) Kutakuwa na Kamati itakayoitwa Kamati ya Kuteua Wajumbe wa Kamati itakayojumuisha—

(a) Kiongozi wa Chama cha walio Wengi ambaye atakuwa Mwenyekiti;

(b) Kiongozi wa Chama cha walio Wachache;

(c) Wabunge wasiopungua kumi na mmoja na wasiozidi kumi na tisa ambao watateuliwa na Vyama Bunge na kuidhinishwa na Bunge kwa kuzingatia maslahi ya Wabunge Huru.

(2) Kamati ya Kuteua Wajumbe wa Kamati itateua Wabunge kuhudumu kwa Kamati zote isipokuwa Kamati ya Kuratibu Shughuli za Bunge na Kamati ya Uteuzi.

(3) Kamati ya Kuteua Wajumbe wa Kamati itaundwa ndani ya siku kumi baada ya Bunge jipya kukutana.

### **Masharti ya jumla**

#### **Uteuzi wa Wajumbe wa Kamati**

173.(1) Isipokuwa kama imeelekezwa vinginevyo na sheria au Kanuni hizi, Kamati ya Kuteua Wajumbe wa Kamati, kwa kushauriana na Vyama Bunge, itateua Wajumbe watakaohudumu katika Kamati.

(2) Kamati ya Kuteua Wajumbe wa Kamati itazingatia haja ya kuwa na usawa wa

gender balance and shall, so far as may be practicable, ensure that no more than two-thirds of Members of a committee of the Assembly, including a committee established through a resolution of the House, shall be of the same gender.

(3) A vacancy occasioned by resignation or removal of a Member from a select committee shall be filled within fourteen days of the vacancy.

(4) A Member against whom an adverse recommendation has been made in a report of a select committee that has been adopted by a House of Parliament shall be ineligible for nomination as a Member of that committee.

#### **Criteria for nomination**

174.(1) In nominating Members to serve on a select Committee, the Committee on Selection shall ensure that—

(a) the membership of each committee reflects the relative majorities of the seats held by each of the parliamentary parties in the National Assembly;

(b) no two members of the House Business Committee serve in the same Departmental Committee;

(c) so far as may be practicable, at least one independent member is nominated to serve in the Special Fund Accounts Committee; and

(d) majority of the members of the Public Accounts Committee, Public Investments Committee, Committee on Implementation and the Special Fund Accounts Committee are drawn from parties other than parliamentary parties forming the national government.

(2) Despite paragraph (1), a Member belonging to a party other than a parliamentary party or independent Member may be nominated to serve in a select committee and the allocation of

kijinsia na kadri iwezekanavyo itahakikisha kwamba idadi isiyozidi thuluthi mbili ya Wajumbe wa Kamati, ikiwemo kamati iliyoundwa kwa azimio la Bunge, itakuwa ya jinsia moja.

(3) Nafasi itakayotokea baada ya kujiuzulu au kuondolewa kwa Mjumbe kwenye kamati itajazwa ndani ya siku kumi na nne tangu nafasi hiyo kuwa wazi.

(4) Mjumbe ambaye aliwahi kutuhumiwa kwenye ripoti ya kamati iliyopitishwa na Bunge la Taifa au Seneti hatastahili kuteuliwa kuwa Mjumbe wa kamati hiyo.

#### **Vigezo vya uteuzi**

174. (1) Katika kuwateua Wabunge watakaohudumu kwenye Kamati, Kamati ya kuteua Wajumbe wa Kamati itahakikisha kwamba—

(a) uwiano wa idadi ya wajumbe kwenye kila kamati unaakisi wingi wa Wabunge wa kila Chama Bunge katika Bunge la Taifa;

(b) wajumbe wawili wa Kamati ya Kuratibu Shughuli za Bunge hawatahudumu katika Kamati moja ya Kiidara;

(c) kadri iwezekanavyo, angalau Mbunge Huru mmoja ameteuliwa kuhudumu katika Kamati ya Hesabu za Mifuko Maalum; na

(d) Wajumbe wengi wa Kamati ya Hesabu za Serikali, Kamati ya Uwekezaji wa Mitaji ya Umma, Kamati ya Utekelezaji na Kamati ya Hesabu za Mifuko Maalum wanateuliwa kutoka kwenye Vyama Bunge ambavyo haviundi serikali ya taifa.

(2) Licha ya masharti ya fasili ya (1), Mbunge wa chama ambacho si Chama Bunge au Mbunge Huru anaweza kuteuliwa kuhudumu katika kamati na, kadri iwezekanavyo, idadi ya Wabunge katika

membership of select committees shall be as nearly as practicable proportional to the number of Members belonging to such parties and independent Members.

(3) Except as the House may otherwise resolve, on the recommendation of the Committee on Selection for reasons to be stated, no Member shall be appointed to serve in more than two Departmental Committees.

#### **Approval of nomination**

175.(1) The Committee on Selection shall, within seven days upon nomination of Members to serve in any committee of the House, present the list to the House for approval.

(2) Whenever a Motion for approval of a list under paragraph (1) is moved in the House, no objection against the proposed membership of a Member in a select committee shall be permitted and objections, if any, shall be formulated against the proposed membership as a whole.

(3) A Member shall not be a member of a committee of the House, unless the nomination of such Member into the committee is approved by the House.

#### **Discharge of a member from a committee**

176. (1) A parliamentary party may discharge a Member from a select committee after according the Member an opportunity to be heard.

(2) The parliamentary party whip of the party that nominated a Member to a select committee shall give notice in writing to the Speaker of the intention to discharge a Member from a select committee.

(3) The Speaker shall, within three days

kila Kamati ina uwiano na idadi ya Wabunge ambao ni wanachama wa vyama hivyo na Wabunge Huru.

(3) Hakuna Mbunge atakayeteuliwa kuhudumu katika Kamati za Kiidara zaidi ya mbili isipokuwa kama Bunge litaamua vinginevyo kufuatia pendekezo na sababu zitakazotolewa na Kamati ya kuteua Wajumbe wa Kamati

#### **Kuidhinisha uteuzi**

175. (1) Kamati ya Kuteua Wajumbe wa Kamati itawasilisha Bungeni orodha ya Wabunge watakaohudumu katika Kamati za Bunge, ndani ya siku saba baada ya kuwateua ili uteuzi huo uidhinishwe.

(2) Kila mara Hoja ya kuidhinisha orodha kwa mujibu wa fasili ya (1) inapotolewa Bungeni, hakutaruhusiwa pingamizi dhidi ya Mbunge yeyote anayependekezwa kuwa Mjumbe wa Kamati na iwapo pingamizi litakuwapo, pingamizi hilo litachukuliwa kuwa dhidi ya Wabunge wote wanaopendekezwa.

(3) Mbunge hatakuwa mjumbe wa Kamati ya Bunge isipokuwa kama uteuzi wake umeidhinishwa na Bunge.

#### **Kuondolewa kwa mjumbe kwenye kamati**

176. (1) Chama Bunge kinaweza kumwondoa mjumbe kwenye Kamati ya Bunge baada ya kumpa mjumbe huyo fursa ya kusikilizwa.

(2) Mratibu wa Chama Bunge kilichomteua mjumbe kwenye Kamati atamwandikia Spika arifa kuhusu nia ya kumwondoa mjumbe yeyote kwenye Kamati.

(3) Spika, ndani ya siku tatu baada ya

of receipt of the notice under paragraph (2), inform the Member of the notice.

#### **Composition of select committees**

177. Subject to any written law, these Standing Orders or a resolution of the House, a select committee shall consist of an odd number of members, being not less than eleven and not more than twenty-three.

#### **Chairing of select committees and quorum**

178. (1) Subject to paragraph (2) of Standing Order 173 (*Nomination of Members of select committees*), unless otherwise provided under any written law, these Standing Orders or by resolution of the House a select committee shall, upon appointment, elect its Chairperson and Vice-Chairperson from amongst its members;

(1A) A Member of the Parliamentary Service Commission appointed under Article 127(2) (c) of the Constitution shall not be eligible to stand for election as a Chairperson or Vice-Chairperson of a select committee.

(2) The Members of the Public Accounts Committee, the Public Investments Committee and the Committee on Implementation shall elect a Chairperson and Vice-Chairperson from amongst the members of the Committees nominated from a party other than a parliamentary party forming the national government.

(3) The Members of the Special Fund Accounts Committee shall elect a Chairperson and Vice-Chairperson from amongst—

(a) independent members nominated to the Committee; or

(b) the members of the Committee nominated from a party other than a parliamentary party forming the national government, in the absence of independent members.

kupokea arifa kwa mujibu wa fasili ya (2), atamwarifu mjumbe anayehusika kuhusu arifa hiyo.

#### **Muundo wa Kamati**

177. Kwa kuzingatia sheria yoyote, Kanuni hizi au uamuzi wa Bunge, Kamati ya Bunge itakuwa na idadi witiri ya wajumbe ambayo haitapungua kumi na moja na haitazidi ishirini na tatu.

#### **Uongozi na akidi ya Kamati**

178. (1) Kwa kuzingatia masharti ya fasili ya (2) ya Kanuni ya 173 (*Uteuzi wa Wajumbe wa Kamati*), na isipokuwa kama imelekezwa vinginevyo kwenye sheria, Kanuni hizi au uamuzi wa Bunge kamati, baada ya kuundwa, itamchagua Mwenyekiti na Makamu Mwenyekiti kutoka miongoni mwa wajumbe wake.

(1A) Mjumbe wa Tume ya Huduma za Bunge aliyeteuliwa kwa mujibu wa Ibara ya 127(2)(c) ya Katiba hatastahili kugombea uchaguzi wa Mwenyekiti au Makamu Mwenyekiti wa Kamati.

(2) Wajumbe wa Kamati ya Hesabu za Serikali, Kamati ya Uwekezaji wa Mitaji ya Umma na Kamati ya Utekelezaji wataamchagua Mwenyekiti na Makamu Mwenyekiti miongoni mwa wajumbe wa Kamati walioteuliwa na Chama Bunge kisichounda serikali ya taifa.

(3) Wajumbe wa Kamati ya Hesabu za Mifuko Maalum wataamchagua Mwenyekiti na Makamu Mwenyekiti miongoni mwa—

(a) Wabunge huru walioteuliwa kwenye kamati; au

(b) wajumbe wa kamati walioteuliwa kutoka kwenye Chama Bunge kisichounda serikali ya taifa iwapo hakuna wabunge huru.

(4) Unless otherwise provided under any written law, these Standing Orders or by resolution of the House, any five members of a select committee shall constitute a quorum.

#### **Conduct of election**

179. (1) The Clerk shall appoint a place, date and time for the first meeting of a Committee within seven days of its constitution by the House, or such further period as the Speaker may approve, and as soon as a majority of the Committee members are present, the Clerk shall, by a secret ballot, conduct the election of the Chairperson and Vice-Chairperson of the Committee.

(2) Whenever a vacancy occurs in the office of Chairperson or Vice-Chairperson of a select committee, the Clerk shall, within seven days of the vacancy arising, appoint a place and time for the meeting of the committee to elect the Chairperson or Vice-Chairperson.

(3) A candidate for election as Chairperson or Vice-Chairperson of a committee shall submit his or her nomination paper, in writing, to the Clerk by 5.00 pm on the day before the election.

(4) The nomination paper of a candidate shall be in the form set out in the Fifth Schedule and shall be accompanied by the name and signature of a proposer and a seconder and a declaration of the candidate's willingness to serve as a Chairperson or Vice-Chairperson.

(5) A Member shall not propose or second more than one candidate for election as Chairperson or Vice-Chairperson.

(6) The Clerk shall, as soon as practicable after the close of nominations, circulate the final list of candidates to committee members.

(4) Isipokuwa kama imeelekezwa vinginevyo kwenye sheria, Kanuni hizi au uamuzi wa Bunge, akidi ya Kamati itakuwa wajumbe watano.

#### **Utaratibu wa uchaguzi**

179. (1) Katibu atapanga mahali, tarehe na saa ya mkutano wa kwanza wa kamati, ndani ya siku saba baada ya Bunge kuunda kamati hiyo au muda zaidi utakaoidhinishwa na Spika, na mara tu wingi wa wajumbe watakapofika, Katibu ataendesha uchaguzi wa siri wa Mwenyekiti na Makamu Mwenyekiti wa kamati.

(2) Nafasi ya Mwenyekiti na Naibu Mwenyekiti wa Kamati inapokuwa wazi, Katibu, ndani ya siku saba baada ya nafasi hiyo kutokea, atapanga mahali na saa ya mkutano wa Kamati ili kuchagua Mwenyekiti au Makamu Mwenyekiti.

(3) Mgombea wa nafasi ya Mwenyekiti au Makamu Mwenyekiti wa Kamati atawasilisha kwa Katibu hati yake ya uteuzi kwa maandishi si baada ya saa 11.00 jioni ya siku inayotangulia siku ya uchaguzi.

(4) Hati ya uteuzi ya mgombea itakuwa na muundo unaotajwa kwenye Nyongeza ya Tano na itaambatisha jina na saina ya mjumbe anayempendekeza na jina na saina ya mwafiki wake pamoja na tamko la mgombea kuridhia kuhudumu nafasi ya Mwenyekiti au Makamu Mwenyekiti.

(5) Mbunge hatapendekeza au kuafiki zaidi ya mgombea mmoja kuchaguliwa kama Mwenyekiti au Makamu Mwenyekiti.

(6) Katibu atasambaza orodha kamili ya wagombea kwa wajumbe wa kamati mapema iwezekanavyo baada ya kukamilika kwa zoezi la uteuzi.

(7) The Clerk shall preside over the election of the Chairperson or Vice-Chairperson of a committee and shall issue each committee member with a ballot paper.

(8) A committee member who wishes to vote in the election shall print the first and last name of their candidate of choice on a ballot paper and deposit it in a ballot box provided for that purpose.

(9) The Clerk shall, at the close of voting, count the ballot papers and report the result of the ballot.

(10) If no candidate receives a majority of votes, the Clerk shall hold a further ballot excluding the candidate with the least number of votes until one candidate receives a majority of votes.

(11) A ballot paper is spoilt if, in the opinion of the Clerk, it does not identify the candidate purported to be selected by the candidate voting.

(12) Despite the provisions of this Part, if only one candidate is nominated for election as Chairperson or Vice-Chairperson, the Clerk shall at the expiry of the nomination period forthwith declare that candidate as elected without any vote being required.

(13) The Clerk shall make necessary preparatory arrangements for the conduct of the election of a Chairperson or Vice-Chairperson of a Committee.

#### **Duties of Committee Chairperson**

180. Subject to the provisions of these Standing Orders and the directions of the committee, a Chairperson of a committee shall—

(a) preside at meetings of the committee;

(b) perform the functions and exercise the powers assigned to office of

(7) Katibu ataongoza uchaguzi wa Mwenyekiti au Makamu Mwenyekiti na atampa kila mjumbe wa kamati karatasi ya kupiga kura.

(8) Mjumbe wa kamati anayetaka kupiga kura ataandika jina la kwanza na la mwisho la mgombea anayemchagua kwenye karatasi ya kupiga kura na kuitumbukiza kwenye sanduku la kura.

(9) Katibu atahesabu kura na kutangaza matokeo baada ya zoezi la kupiga kura kukamilika.

(10) Endapo hamna mgombea aliyepata wingi wa kura unaohitajik, Katibu ataongoza awamu nyingine ya upigaji kura bila kumjumuisha mgombea aliyepata kura chache zaidi, hadi mshindi atakapopatikana.

(11) Karatasi ya kura itakuwa imeharibika iwapo, kwa maoni ya Katibu karatasi hiyo haibainishi mgombea aliyepigiwa kura.

(12) Licha ya masharti ya Sehemu hii, iwapo mgombea mmoja ameteuliwa kugombea nafasi ya Mwenyekiti au Makamu Mwenyekiti, mara tu zoezi la uteuzi linapokamilika, Katibu atamtangaza mgombea huyo kuwa amechaguliwa bila ya kura kupigwa.

(13) Katibu atafanya maandalizi yanayohitajika kwa ajili ya uchaguzi wa Mwenyekiti au Makamu Mwenyekiti wa Kamati.

#### **Majukumu ya Mwenyekiti wa Kamati**

180. Kwa kuzingatia masharti ya Kanuni hizi na maelekezo ya Kamati, Mwenyekiti wa Kamati —

(a) ataongoza mikutano ya Kamati;

(b) atatekeleza majukumu na mamlaka ambayo afisi ya Mwenyekiti imekabidhiwa

the Chairperson by the committee, resolutions of the Assembly or legislation;

(c) be the spokesperson of the committee.

#### **Notice of meetings**

181. (1) A notice of a meeting of a select committee shall be given by the Clerk to all Members of the committee showing the date, time, venue and agenda of the meeting.

(2) A notice under paragraph (1) shall be deemed to have been given upon circulation through the official email addresses of a Member, the parliamentary website, by delivery of the notice in the office of a Member or posting of the notice in the precincts of Parliament.

#### **Sittings of select committees**

182. A sitting of a committee shall be held at such place, date and time as shall be determined by the Chairperson or on a petition made by at least seven members of that committee but no meeting of a Committee may be held outside the precincts of Parliament without the approval of the Speaker.

#### **Sub-committees of select committees**

183. A select committee may establish such sub-committees as it may consider necessary for the proper discharge of its functions and prescribe the quorum applicable to the sub-committees.

#### **Member adversely mentioned not to sit**

184. A Member who is adversely mentioned in a matter under deliberation by a Committee shall not be present at any meeting at which the Committee is deliberating on the

na Kamati, maazimio ya Bunge la Taifa au sheria;

(c) atakuwa msemaji wa Kamati.

#### **Arifa za mikutano**

181. (1) Arifa ya mkutano wa Kamati itatolewa na Katibu kwa Wajumbe wote ikionesha tarehe, saa, mahali na ajenda ya mkutano huo.

(2) Arifa kwa mujibu wa fasili ya (1) itachukuliwa kuwa imetolewa pindi inaposambazwa kupitia anwani rasmi ya baruapepe ya Mbunge, tovuti ya Bunge, kwa kuwasilishwa kwa afisi ya Mbunge au kubandikwa kwenye ubao wa matangazo kwenye maeneo ya Bunge.

#### **Vikao vya Kamati**

182. Kikao cha Kamati kitafanyika mahali, tarehe na saa itakayoamuliwa na Mwenyekiti au kufuatia ombi lililotolewa na angalau Wajumbe saba wa Kamati hiyo ingawa hakuna mkutano wa Kamati utakaofanyika nje ya maeneo ya Bunge bila idhini ya Spika.

#### **Kamati ndogo za Kamati**

183. Kamati, kwa kadri itakavyoona inafaa, inaweza kuunda Kamati ndogo kwa ajili ya uendeshaji bora wa shughuli zake na itaamua akidi itakayotumika katika Kamati hizo.

#### **Mbunge aliyetuhumiwa kutohudhuria mikutano**

184. Mbunge ambaye ametuhumiwa kwenye suala linaloshughulikiwa na Kamati hatahudhuria mkutano wowote wa Kamati unaoshughulikia suala hilo ingawa anaweza kuhudhuria mwenyewe au kuwakilishwa na

matter, but the Member may appear in person or through a legal representative to adduce evidence as a witness before the Committee.

wakili kwa ajili ya kutoa ushahidi mbele ya Kamati.

#### **Adjournment for lack of quorum**

#### **Ahirisho kutokana na akidi kutotimia**

185. Unless quorum is achieved within thirty minutes of the appointed time, a meeting of a committee of the House shall stand adjourned to such further time or day as the chairperson of the committee may appoint.

185. Iwapo akidi haitatimia ndani ya dakika thelathini baada ya saa iliyopangwa kwa ajili ya mkutano wa Kamati, mkutano huo utahirishwa hadi saa au siku nyingine itakayoamuliwa na Mwenyekiti wa Kamati.

#### **Frequency of meetings**

#### **Idadi ya mikutano**

186. (1) Unless the House otherwise resolves, every select committee shall meet at least once in two months.

186. (1) Isipokuwa kama Bunge limeamua vinginevyo, kila Kamati itakutana angalau mara moja ndani ya miezi miwili.

(2) Except for the House Business Committee, a select committee shall not meet during a sitting of the House without the written permission of the Speaker.

(2) Isipokuwa Kamati ya Kuratibu Shughuli za Bunge, Kamati yoyote haitakutana wakati wa kikao cha Bunge bila Spika kutoa ruhusa kwa maandishi.

(3) Despite paragraph (2), a sitting of a committee shall stand suspended when a division or quorum bell is rung.

(3) Licha ya masharti ya fasili ya (2), mkutano wa Kamati utasitishwa kengele ya mgawanyiko au ya akidi inapokirizwa.

(4) The proceedings of a meeting of a committee held contrary to paragraph (2) shall be void.

(4) Shughuli za Kamati zitakazotekelezwa kinyume na masharti ya fasili ya (2) zitakuwa batili.

#### **Failure to attend meetings**

#### **Kutohudhuria mikutano**

187. (1) If a Member fails to attend four consecutive sittings of a Committee without the written permission of the Chairperson of the Committee, or the permission of the Speaker if the Member is the Chairperson, the Chairperson or the Speaker, as the case may be shall notify the Committee of the failure.

187. (1) Mjumbe yeyote akikosa kuhudhuria mikutano minne ya Kamati mfululizo bila ruhusa ya kimaandishi ya Mwenyekiti wa Kamati, au ruhusa ya Spika ikiwa mjumbe huyo ni Mwenyekiti wa Kamati, Mwenyekiti huyo au Spika, kwa kadri itakavyokuwa, ataiarifu Kamati kuhusu kutohudhuria huko.

(1A) A notification under paragraph (1) shall be made through the Clerk and recorded in the minutes of the committee.

(1A) Arifa kwa mujibu wa fasili ya (1) itatolewa kupitia kwa Katibu na kurekodiwa kwenye kumbukumbu za Kamati.

(2) The Committee having noted the notification under paragraph (1A) may resolve that the Member or the Chairperson as the case may be, be suspended from the membership of the committee and that the matter be reported to the Committee on Selection.

(3) Upon receipt of a report under paragraph (2), the Committee on Selection shall consider the matter and shall propose a replacement of the Member for approval by the House.

#### **Absence of Chairperson and Vice-Chairperson**

**188.** In the absence of the Chairperson and Vice-Chairperson at any meeting, the Members present shall elect one of them to take the Chair.

#### **List of attendance**

**189.** The names of Members present, absent with apologies or absent at each sitting of a select committee shall be entered in the minutes of that sitting.

#### **Minutes of select committees**

**190.** The minutes of the proceedings of a select committee shall be laid on the Table of the House with the report of the committee and may, subject to Standing Order 247 (*Custody of Journals and Records*), be published.

#### **Powers and privileges of committees**

**191.** (1) Committees shall enjoy and exercise all the powers and privileges bestowed on Parliament by the Constitution and statute, including the power to—

(a) summon any person to appear before it for the purposes of giving evidence or providing information;

(b) enforce the attendance of witnesses and examine them under oath, affirmation or otherwise;

(2) Baada ya kuzingatia arifa kwa mujibu wa fasili ya (1A), Kamati inaweza kuamua kumsimamisha Mjumbe au Mwenyekiti huyo kwa muda, kwa kadri itakavyokuwa, na kuripoti kusimamisha huko kwa Kamati ya Kuteua Wajumbe wa Kamati.

(3) Baada ya kupokea ripoti kwa mujibu wa fasili ya (2), Kamati ya Kuteua Wajumbe wa Kamati itashughulikia suala hilo na itampendekeza Mbunge mwingine ili aidhinishwe na Bunge la Taifa kuchukua nafasi hiyo.

#### **Kutokuwepo kwa Mwenyekiti na Makamu Mwenyekiti**

**188.** Iwapo Mwenyekiti na Makamu Mwenyekiti hawapo, Wajumbe wataamchagua mmoja wao kuongoza mkutano.

#### **Orodha ya mahudhurio**

**189.** Majina ya Wajumbe waliohudhuria, wenye udhuru au wasiohudhuria mkutano wa Kamati yataorodheshwa kwenye kumbukumbu za Kamati.

#### **Kumbukumbu za Kamati**

**190.** Kumbukumbu za mikutano ya Kamati pamoja na ripoti ya Kamati zitawasilishwa Mezani na zinaweza kuchapishwa kwa mujibu wa masharti ya Kanuni ya 247 (*Hifadhi ya Majarida na Rekodi za Bunge*).

#### **Madaraka na Haki za Kamati**

**191.** (1) Kamati zitakuwa na madaraka na haki zote ambazo Bunge limepewa na Katiba na sheria, ikiwa ni pamoja na madaraka ya —

(a) kumuita mtu yeyote kufika mbele ya Kamati kwa ajili ya kutoa ushahidi au taarifa;

(b) kuhakikisha mashahidi wanafika mbele ya Kamati na kuwahoji kwa kiapo, kukiri kusema ukweli au vinginevyo;

- (c) compel the production of documents; (c) kutoa amri ya kuwasilisha nyaraka;
- (d) request for and receive papers and documents from the Government and the public; and (d) kuomba kupatiwa nyaraka kutoka Serikalini na umma; na
- (e) issue a commission or request to examine witnesses abroad. (e) kutoa agizo au ombi la kuwahoji mashahidi walioko nje ya nchi.
- (2) The oath to be sworn or affirmation to be made by a witness appearing before a Committee shall be in the form set out in the Sixth Schedule. (2) Kiapo au kukiri kusema ukweli mbele ya Kamati kutafanywa na shahidi aliyefika mbele ya Kamati kwa namna inayoelezwa katika Nyongeza ya Sita.
- (3) A summons under paragraph (1) shall be— (3) Hati ya wito itakayotolewa kwa mujibu wa fasili ya (1)—
- (a) issued by the Clerk on the direction of the Speaker or the chairperson of a committee acting in accordance with a resolution of the committee; and (a) itatolewa na Katibu kwa maelekezo ya Spika au Mwenyekiti wa Kamati kufuatia uamuzi wa Kamati; na
- (b) in the form set out in the Seventh Schedule. (b) itakuwa katika muundo unaoelezwa katika Nyongeza ya Saba.
- (4) The summons shall be served by a member of staff or a police officer who is duly authorized by the Clerk by delivering a copy of the summons— (4) Hati ya wito itawasilishwa na mtumishi wa Bunge au afisa wa polisi aliyeidhinishwa na Katibu kuwasilisha nakala ya hati ya wito —
- (a) to the person mentioned in the summons; or (a) kwa mtu anayetajwa kwenye hati ya wito; au
- (b) at that person's usual or last known place of residence, employment or business or left with a person who is over the age of eighteen years and who resides or is employed at that place. (b) makazi ya kawaida au mahali panapofahamika kuwa makazi ya mwisho ya mtu huyo au eneo lake la kazi au biashara au kumpatia mtu yeyote mwenye umri wa zaidi ya miaka kumi na nane ambaye anaishi au ameajiriwa mahali hapo.
- (5) Where the summons is to be served on a corporation, the summons may be served— (5) Endapo hati ya wito imetolewa kwa shirika, hati hiyo inaweza kuwasilishwa —
- (a) on the secretary, director or other officer authorised by the corporation; or (a) kwa katibu, mkurugenzi au afisa yeyote aliyeidhinishwa na shirika hilo; au
- (b) if the officer serving the summons is unable to find any of the officers of the corporation mentioned in sub- paragraph (a)— (b) ikiwa afisa anayewasilisha hati ya wito ameshindwa kuwapata maafisa wa shirika wanaotajwa kwenye fasili ya (5)(a)—
- (i) by leaving it at the registered office (i) ataiacha kwenye ofisi rasmi ya shirika

of the corporation;

(ii) by sending it by prepaid registered post or by a licensed courier service provider approved by the court to the registered postal address of the corporation;

(iii) if there is no registered office and no registered postal address of the corporation, by leaving it at the place where the corporation carries on business; or

(iv) by sending it by registered post to the last known postal address of the corporation.

(6) The serving officer in all cases in which summons has been served under this Standing Order shall swear and annex or cause to be annexed to the original summons an affidavit of service stating the time when and the manner in which summons was served and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender of summons.

(7) The affidavit of service shall be in the form set out in the Eighth Schedule with such modifications as may be necessary.

(8) A return by a person who serves a summons under this Standing Order shall be *prima facie* proof of the service of the summons.

(9) A person requested or summoned in terms of this Standing Order shall be paid such amount of money as shall be approved by the Clerk as reimbursement for expenses incurred.

#### **Procedure if witness fails to appear**

**191A.** (1) Where a witness summoned does not appear, or appears but fails to satisfy the House or committee, the House or Committee may impose upon the witness a fine not exceeding five hundred thousand shillings, having regard to the witness' condition in life

hilo;

(ii) ataituma kwa rejesta au kuituma kwa anwani ya posta ya shirika hilo kupitia kwa mtoa huduma za tarishi aliyeidhinishwa na mahakama;

(iii) ataiacha mahali ambapo shirika hilo huendesha shughuli zake iwapo hakuna ofisi rasmi wala anwani ya posta iliyosajiliwa; au

(iv) ataituma kwa rejesta, kwa anwani ya mwisho ya shirika hilo inayofahamika.

(6) Hati ya wito inapotolewa kwa namna iliyoelezwa kwenye Kanuni hii, afisa anayewasilisha hati hiyo ataapa na kuambatisha au kusababisha kuambathwa kwa hati ya kiapo kwenye hati halisi ya wito ikieleza saa na namna hati ya wito ilivyowasilishwa pamoja na jina na anwani ya mtu aliyepokea (iwapo ipo) na aliyeshuhudia kupokewa kwa hati hiyo.

(7) Hati ya kiapo itakuwa katika muundo uliyoelezwa kwenye Nyongeza ya Saba na inaweza kufanyiwa mabadiliko kwa kadri itakavyowezekana.

(8) Ripoti ya mtu aliyewasilisha hati ya wito kwa mujibu wa Kanuni hii itakuwa ni ushahidi wa awali kuwa hati hiyo imewasilishwa.

(9) Mtu yeyote aliyealikwa au kuitwa kufika mbele ya Kamati kwa mujibu wa Kanuni hii atarejeshewa gharama zake kama itakavyoidhinishwa na Katibu.

#### **Utaratibu shahidi asipohudhuria**

**191A.** (1) Endapo shahidi aliyeitwa mbele ya kamati atakataa kufika au atafika mbele ya Kamati lakini akatoa ushahidi ambao hautaliridhisha Bunge au Kamati, Bunge au Kamati inaweza kumtoza shahidi huyo faini isiyozidi shilingi laki tano ikizingatia hati ya maisha ya shahidi huyo na mambo

and all the circumstances of the case.

(2) A person may pay the fine under paragraph (1) to the Clerk.

(3) Parliament or its committee may order the arrest of a witness who fails to honour a summons for the purpose of compelling his or her attendance.

#### **Temporary absence of a Member of a Select Committee**

**192.** (1) Unless otherwise provided for in these Standing Orders, in the event that any member of a Committee is absent or otherwise unable to attend the sittings of the committee, the party whip of that Member's party may, with permission of the Speaker, appoint another Member to act in that Member's place during the period of such absence or inability.

(2) A Member shall be considered absent or otherwise unable to attend a sitting in terms of paragraph (1) if the Member is out of the country on official parliamentary business or is indisposed.

#### **Vote of no confidence in the Chairperson or Vice- Chairperson**

**193.** (1) A Committee may, by a resolution supported by a majority of its members, resolve that it has no confidence in the Chairperson or Vice-Chairperson and a Member designated by the committee for that purpose shall thereupon report the resolution to the Liaison Committee which shall, as soon as it is practicable, direct the Clerk to conduct an election for the Chairperson or Vice- Chairperson, as the case may be, in accordance with Standing Order 179 (*Conduct of election*).

(2) The Members desiring to make a resolution under paragraph (1) shall, through the Clerk, serve the Chairperson or Vice-Chairperson with a written notice citing grounds for the intended vote of no confidence and may, if they

yoyote yanayohusiana na kesi hiyo.

(2) Faini itakayotozwa kwa mujibu wa fasili ya (1) italipwa kwa Katibu wa Bunge la Taifa.

(3) Bunge la Taifa au Kamati ya inaweza kutoa amri ya kukamatwa kwa shahidi atakayekaidi hati ya wito kwa ajili ya kumfikisha mbele ya Bunge au kamati.

#### **Mjumbe asipohudhuria kwa muda**

**192.** (1) Isipokuwa kama Kanuni hizi zimeelekeza vinginevyo, iwapo Mjumbe yeyote wa Kamati hayupo au hawezi kuhudhuria mikutano ya Kamati, Mratibu wa chama chake anaweza, kwa ruhusa ya Spika, kumchagua Mbunge mwingine kukaimu nafasi yake katika kipindi ambacho hayupo au ameshindwa kuhudhuria mikutano.

(2) Mjumbe atachukuliwa kuwa hayupo au ameshindwa kuhudhuria mikutano kwa mujibu wa fasili ya (1) ikiwa Mjumbe huyo yuko nje ya nchi kwa shughuli rasmi za Bunge au kwa sababu ya ugonjwa.

#### **Hoja ya kutokuwa na imani na Mwenyekiti au Makamu Mwenyekiti**

**193.** (1) Kwa azimio lililopitishwa na wingi wa Wajumbe wa Kamati hiyo, Kamati inaweza kuamua kwamba haina imani na Mwenyekiti au Makamu Mwenyekiti, na Mjumbe atakayeteuliwa na Kamati atapeleka ripoti hiyo kwa Kamati ya Kuratibu Shughuli za Kamati ambayo, mapema iwezekanavyo, itamwelekeza Katibu kufanya uchaguzi wa Mwenyekiti au Makamu Mwenyekiti, kwa kadri itakavyokuwa, kwa mujibu wa Kanuni ya 179 (*Utaratibu wa Uchaguzi*).

(2) Wajumbe wanaokusudia kupitisha azimio kwa mujibu wa fasili ya (1) watampa Mwenyekiti au Makamu Mwenyekiti arifa kwa maandishi kupitia kwa Katibu, wakibainisha misingi ya kusudio la kupiga kura ya kutokuwa na

constitute a majority, request the Clerk to call for a meeting at the expiry of three days after giving the notice.

(3) A notice by Members, under paragraph (2) shall be deemed to have been given upon delivery to the Chairperson's or Vice-Chairperson's official email address and by delivery of the notice to the office of the Chairperson or Vice-Chairperson, as the case may be.

(4) A notice by the Clerk for a meeting under paragraph (2) shall be deemed to have been given upon circulation of the notice in the offices of Members and posting on notice boards in the precincts of Parliament.

#### **Original vote**

**194.** (1) The Chairperson of a select committee other than the House Business Committee shall have an original vote but not a casting vote.

(2) Paragraph (1) shall not apply to the Chairperson of the House Business Committee, who shall have neither an original nor a casting vote.

#### **Attendance by non-members of select committee**

**195.** (1) A Member may attend a meeting of any committee of the House of which he or she is not a member, but such Member shall not be entitled to vote on any matter before the committee.

(2) A Member who intends to participate in a meeting of a committee of the House of which he or she is not a member shall submit a written request to the Chairperson of the committee at least twenty-four hours before the meeting, or such other period the Chairperson may in exceptional circumstances allow.

(3) The request shall indicate any matter

imani na iwapo watatimiza wingi wa Wajumbe wa Kamati, watamuomba Katibu kuitisha mkutano siku tatu baada ya arifa kutolewa.

(3) Arifa ya Wajumbe iliyotolewa kwa mujibu wa fasili ya (2) itachukuliwa kuwa imetolewa itakapotumwa kwa Mwenyekiti au Makamu Mwenyekiti kupitia baruapepe au kuiwasilisha kwenye ofisi ya Mwenyekiti au Makamu Mwenyekiti, kwa kadri itakavyokuwa.

(4) Arifa ya mkutano itakayotolewa na Katibu kwa mujibu wa fasili ya (2) itachukuliwa kuwa imetolewa ikisambazwa kwa ofisi za Wajumbe na kuwekwa kwenye ubao wa matangazo kwenye maeneo ya Bunge.

#### **Kura ya kawaida**

**194.** (1) Mwenyekiti wa Kamati yoyote isipokuwa Kamati ya Kuratibu Shughuli za Bunge atakuwa na kura ya kawaida wala si kura ya uamuzi.

(2) Masharti ya fasili ya (1) hayatatumika kwa Mwenyekiti wa Kamati ya Kuratibu Shughuli za Bunge ambaye hana kura ya kawaida wala kura ya uamuzi.

#### **Utaratibu kwa Wabunge wasio wajumbe wa Kamati kuhudhuria mikutano ya Kamati**

**195.** (1) Mbunge yeyote ambaye si mjumbe wa Kamati anaweza kuhudhuria mkutano wa Kamati yoyote ya Bunge, ila Mbunge huyo hatakuwa na haki ya kupiga kura kuamua suala lolote ambalo Kamati inashughulikia.

(2) Mbunge yeyote anayekusudia kushiriki mkutano wa Kamati ya Bunge ambayo yeye si mjumbe atamwandikia Mwenyekiti wa Kamati ombi la kutaka kushiriki angalau saa ishirini na nne kabla ya mkutano huo kufanyika au muda mwingine wowote ambao Mwenyekiti anaweza kuruhusu katika mazingira maalum.

(3) Ombi hilo litataja suala ambalo Mbunge

which the Member intends to raise at the meeting.

(4) Where the Chairperson allows a request for participation under paragraph (2), the Member may attend the meeting and raise any matters indicated in his or her request.

(5) The Chairperson shall, before allowing a non-member to participate in a matter before the committee, give priority to the Members of the Committee.

(6) The Chairperson may order a non-member of the committee to withdraw from a meeting for disorderly conduct.

huyo anakusudia kulitoa kwenye mkutano huo.

(4) Mwenyekiti akiidhinisha ombi la Mbunge kushiriki kwenye mkutano wa Kamati kwa mujibu wa fasili ya (2), Mbunge huyo anaweza kuhudhuria mkutano na kuruhusiwa kutoa suala lolote alilotaja kwenye ombi lake.

(5) Kabla ya kumruhusu Mbunge yeyote ambaye si mjumbe wa Kamati kuchangia suala linaloshughulikiwa na Kamati, Mwenyekiti atawapa wajumbe wa Kamati kipaumbele.

(6) Mwenyekiti anaweza kumtaka Mbunge asiye mjumbe wa Kamati kutoka kwenye mkutano kufuatia utovu wa nidhamu wa Mbunge huyo.

#### **Procedure in select committees**

**196.** (1) Except as and to the extent to which the chairperson may otherwise direct for the purpose of facilitating full consideration and discussion of a matter referred to a Committee, the procedure in a select committee shall be as nearly as possible, the same as that in Committee of the whole House.

(2) Any question arising in a select committee shall be decided by vote and the resolution on any such vote shall constitute the decision of the select committee on that question.

(3) The minutes of a select committee shall be kept in the same form as the Votes and Proceedings of a Committee of the whole House and in such other form as may be prescribed in the Committee Manual.

(4) Where a vote on a question is not unanimous, the names of the members voting for and against the question and those abstaining from voting, respectively, shall be recorded in the minutes.

(5) Except as the Speaker may otherwise direct, a Committee may sit notwithstanding the adjournment of the

#### **Utaratibu katika Kamati**

**196.** (1) Isipokuwa na kwa kadri Mwenyekiti atakavyoelekeza kwa ajili ya kurahisisha kushughulikiwa kwa suala lililokabidhiwa kwenye Kamati, utaratibu utakaoutumika kwenye Kamati utakuwa kwa kadri itakavyowezekana, kama ule unaotumika katika Kamati ya Bunge Zima.

(2) Suala lolote litakalojitokeza kwenye Kamati litaamuliwa kwa kura na uamuzi utakaofanyika kwa kura hiyo utakuwa ni uamuzi wa Kamati kuhusu suala hilo.

(3) Kumbukumbu za Kamati zitahifadhiwa kwa namna ambayo Kumbukumbu za Kamati ya Bunge Zima zinahifadhiwa na kwa namna nyingine yoyote itakavyoelekezwa kwenye Mwongozo wa Kamati za Bunge.

(4) Pale ambapo kura ya uamuzi wa suala lolote imegawanyika, majina ya wajumbe wanaounga na wanaopinga suala hilo na wanaosita kupiga kura yataorodheshwa kwenye kumbukumbu za Kamati.

(5) Isipokuwa kama Spika ataelekeza vinginevyo, Kamati inaweza kufanya mikutano hata kama Bunge liko likizo.

House.

#### **Limitation of mandate**

**197.** (1) The deliberations of a select committee shall be confined to the mandate of the committee and any extension or limitation of that mandate as may be directed by the Assembly and, in the case of a select committee on a Bill, to the Bill committed to it and relevant amendments.

(2) In the exercise of its functions, a select committee may not consider any matter that is not contemplated within the mandate of the National Assembly under the Constitution.

#### **Public access to meetings of select committees**

**198.** (1) All committee proceedings shall be open to the public unless in exceptional circumstances the Speaker has determined that there are justifiable reasons for the exclusion of the public.

(2) The Committee may adjourn to seek leave of the Speaker to exclude the public.

#### **Reports of Select Committees**

**199.** (1) The report of a select committee shall be prepared and kept in the same form as the Votes and Proceedings of a Committee of the whole House and in such other form as may be prescribed in the Committee Manual.

(2) The report of a select committee having been adopted by a majority of the Members, shall be signed by the Chairperson on behalf of the Committee.

(3) If the Chairperson is absent or is not readily available, the Vice-Chairperson shall sign the report under paragraph (1), and in the absence of both the Chairperson and the Vice-Chairperson, the committee shall nominate another Member to sign the report.

(4) A select committee shall adopt its

#### **Udhibiti wa mamlaka ya Kamati**

**197.** (1) Majadiliano ya Kamati yatajikita kwenye mamlaka ya Kamati na nyongeza au mipaka yoyote kwenye mamlaka hayo kama itakavyoelekezwa na Bunge na iwapo ni Kamati inayoshughulikia Mswada, itajikita katika Mswada na marekebisho yanayohusika.

(2) Kamati inapotekeleza majukumu yake haitashughulikia masuala ambayo yako nje ya mamlaka ya Bunge la Taifa kwa mujibu wa Katiba.

#### **Mikutano ya Kamati kuwa wazi kwa umma**

**198.** (1) Mikutano yote ya Kamati itakuwa wazi kwa umma isipokuwa pale ambapo, kwa mazingira mahususi, Spika amebaini kuwa kuna sababu za kuridhisha kutoruhusu mkutano kuwa wazi kwa umma.

(2) Kamati inaweza kuahirisha mkutano kwa ajili ya kuomba idhini ya Spika ili kufanya mkutano kwa faragha.

#### **Ripoti za Kamati**

(3) Ripoti ya Kamati itaandaliwa na kuhifadhiwa kwa namna ambayo Kumbukumbu za Kamati ya Bunge Zima zinahifadhiwa na kwa namna nyingine yoyote itakavyoelekezwa kwenye Mwongozo wa Kamati za Bunge.

(2) Ripoti ya Kamati ikishaidhinishwa kwa wingi wa wajumbe wa Kamati itasainiwa na Mwenyekiti kwa niaba ya Kamati.

(3) Iwapo Mwenyekiti wa Kamati hayupo au hapatikani, Makamu Mwenyekiti atatia saini ripoti kwa mujibu wa fasili ya (1), na iwapo Mwenyekiti na Makamu Mwenyekiti hawapo, Kamati itamteua mjumbe kutia saini ripoti hiyo.

(4) Kamati itapitisha ripoti yake kwenye

report in a meeting attended by a majority of its Members.

(5) A report having been adopted by a majority of Members, a minority or dissenting report may be appended to the report by any Member(s) of the Committee.

(6) A report of a select committee including any minority report, together with the minutes of the proceedings of the committee, and with such note or record of any evidence by the committee as the committee may deem fit, shall be laid on the Table of the House by the Chairperson of the select committee, or the Vice-Chairperson or by a Member authorized by the committee on its behalf within fourteen days of the conclusion of its proceedings.

(6) (7) Within forty eight hours after the report has been laid on the Table of the House, the Clerk shall publish the report in the parliamentary website and circulate copies to Members.

#### **Progress reports**

200. (1) Unless a more regular interval is prescribed under any written law or these Standing Orders, each select committee shall submit half yearly progress reports to the Liaison Committee.

(2) The Liaison Committee shall, within twenty one days, compile the reports under paragraph (1) and submit a report to the House.

#### **Exit Reports**

200A. (1) A Committee which is unable to complete its work before the expiry of its term shall table an exit report to the Assembly detailing reasons for such inability.

(2) The report shall be made available to the succeeding Committee which may consider it in preparing its work plan.

mkutano utakaohudhuriwa na wingi wa wajumbe wake.

(5) Ripoti ikishapitishwa na wingi wa wajumbe wa Kamati inaweza kuambatisha ripoti ya mjumbe au wajumbe wachache wenye maoni mbadala.

(6) Ripoti ya Kamati ikijumuisha ripoti yoyote ya wachache wenye maoni mbadala, na kumbukumbu za mikutano inayohusika na rekodi ya ushahidi uliopokewa na Kamati kwa kadri itakavyoamua, itawasilishwa Mezani na Mwenyekiti au Makamu Mwenyekiti au Mbunge aliyeidhinishwa na Kamati kuiwasilisha kwa niaba ya Kamati, ndani ya siku kumi na nne baada ya Kamati kukamilisha shughuli inayohusika.

(7) Ndani ya saa arobaini na nane baada ya ripoti kuwasilishwa Mezani, Katibu ataweka ripoti hiyo kwenye tovuti ya Bunge na kusambaza nakala za ripoti hiyo kwa Wabunge.

#### **Ripoti za kazi za Kamati**

200. (1) Isipokuwa kama sheria yoyote au Kanuni hizi zimetaja vipindi maalum, kila Kamati itawasilisha kwa Kamati ya Kuratibu Shughuli za Kamati ripoti ya kazi ya Kamati kila nusu ya mwaka.

(2) Kamati ya Kuratibu Shughuli za Kamati, ndani ya siku ishirini na moja, itaandaa ripoti inayojumuisha ripoti zilizopokewa kwa mujibu wa fasili ya (1) na kuiwasilisha Bungeni.

#### **Ripoti ya mwisho wa muhula wa Kamati**

200A (1) Kamati ambayo haitaweza kukamilisha kazi yake kabla ya mwisho wa muhula wake itawasilisha Bungeni ripoti ya mwisho wa muhula wake ikieleza sababu za kutoweza kukamilisha kazi iliyokabidhiwa.

(2) Ripoti hiyo itakabidhiwa Kamati itakayofuata na ambayo inaweza kujumuisha ripoti hiyo inapoandaa mpango

kazi wake.

### **Reports on House Resolutions**

201. Within sixty days of a resolution of the House or adoption of a report of a select committee, the relevant Cabinet Secretary under whose portfolio the implementation of the resolution falls shall provide a report to the relevant committee of the House in accordance with Article 153(4)(b) of the Constitution.

### **Joint Sittings of Committees of the Assembly**

202. (1) Two committees of the Assembly considering similar matters may, with the approval of the Speaker, hold joint sittings.

(2) A joint sitting of the committees shall be chaired by one of the Chairpersons of the respective committees, and the Chairperson shall be determined based on the ranking order set out under paragraph (2) of Standing Order 3 (*Proceedings on assembly of a new House*) and the second ranking Member of the other committee shall deputise.

(3) The quorum of a joint sitting of two or more committees shall be the number obtained by adding the respective quorum of each committee, excluding the Chairpersons.

(4) The report of a joint sitting of two or more committees shall not be adopted unless supported by a resolution of a majority of the total membership of the committees.

### **Approval of joint sittings with a Senate Committee**

202A. (1) A Committee may, with the written permission of the Speaker, hold joint sittings with a Committee of the Senate to consider a matter related to their respective mandates.

### **Ripoti za maazimio ya Bunge**

201. Ndani ya siku sitini baada ya Bunge kupitisha azimio au kuidhinisha ripoti ya kamati, Waziri anayehusika na utekelezaji wa azimio hilo ataripoti kwa Kamati inayohusika kulingana na masharti ya Ibara ya 153(4)(b) ya Katiba.

### **Mikutano ya Pamoja ya kamati za Bunge**

202. (1) Kamati mbili za Bunge zinazoshughulikia masuala yanayofanana zinaweza kufanya mikutano ya pamoja kwa idhini ya Spika.

2) Mkutano wa pamoja wa Kamati utaongozwa na mmoja wa Wenyekiti wa kamati hizo, na Mwenyekiti atateuliwa kwa kuzingatia muda ambao Mbunge amehudumu katika Bunge kwa mujibu wa mpangilio ulioorodheshwa kwenye fasili ya (2) ya Kanuni ya 3 (*Matukio kwenye kikao cha kwanza cha Bunge jipya la Taifa*) na Mjumbe wa Kamati nyingine anayefuatia kwa muda wa kuhudumu Bungeni atakuwa Makamu Mwenyekiti.

(3) Akidi ya mkutano wa pamoja wa Kamati mbili au zaidi itakuwa jumla ya idadi ya akidi ya kila Kamati, bila kuwajumuisha Wenyekiti.

(4) Ripoti ya mkutano wa pamoja ya kamati mbili au zaidi haitapitishwa isipokuwa kama imeungwa mkono kwa azimio lililopitishwa na wingi wa wajumbe wote wa kamati hizo.

### **Idhini ya mikutano ya pamoja na Kamati ya Seneti**

202A. (1) Kamati, kwa idhini ya maandishi ya Spika, inaweza kufanya mikutano ya pamoja na Kamati ya Seneti ili kushughulikia suala linalohusiana na majukumu Kamati hizo.

(2) The Speaker shall notify the House of the approval under paragraph (1).

(2) Spika ataliarifu Bunge kuhusu idhini iliyotolewa na fasili ya (1).

#### **Engagement of experts**

203. A Committee may, with the approval of the Speaker, engage such experts as it may consider necessary in furtherance of its mandate.

#### **Kushirikisha wataalamu**

203. Kamati, kwa idhini ya Spika, inaweza kuwashirikisha wataalamu kwa kadri itakavyoona inafaa kwa utekelezaji bora wa majukumu ya Kamati.

#### **Committee on Appointments**

204. (1) There shall be a select committee to be designated the Committee on Appointments to be appointed by the House, consisting of the Speaker as a Chairperson, the Deputy Speaker, the Leader of the Majority Party, the Leader of the Minority party, the Deputy Leader of the Majority Party, the Deputy Leader of the Minority party and not more than twenty two other Members nominated by the House Business Committee, on the basis of proportional Party Membership in the House taking into consideration the numerical strength of the Parties and interests of Independent Members.

#### **Kamati ya Uteuzi**

204. (1) Kutakuwa na kamati itakayojulikana kama Kamati ya Uteuzi itakayoteuliwa na Bunge, ambayo itakuwa na Spika kama Mwenyekiti, Naibu Spika, Kiongozi wa Chama cha walio wengi, Kiongozi wa Chama cha walio Wachache, Naibu wa Kiongozi wa chama cha Walio Wengi, Naibu wa Kiongozi wa Chama cha Walio Wachache na Wabunge wasiozidi ishirini na wawili watakaopendekezwa na Kamati ya Kuratibu Shughuli za Bunge, kwa kuzingatia wingi wa idadi ya Wabunge kwa kila chama Bungeni na maslahi ya Wabunge Huru.

(2) The Committee on Appointments shall be appointed within seven days on assembly of a new House and shall serve for period of three years and that appointed thereafter shall serve for the remainder of the term of the Assembly.

(2) Kamati ya Uteuzi itateuliwa ndani ya siku saba baada ya kikao cha kwanza cha Bunge jipya na itahudumu kwa muda wa miaka mitatu na kamati itakayoteuliwa baada ya hapo itahudumu kwa muda uliosalia wa muhula wa Bunge.

(3) In the absence of the Speaker, the Committee shall elect a Member, from amongst its members, to chair the meeting.

(3) Ikiwa Spika hayupo, Kamati itamteua mjumbe miongoni mwao kuongoza mkutano.

(4) The Committee on Appointments shall consider, for approval by the House, appointments under Articles 152(2) of the Constitution (*Cabinet Secretaries*).

(4) Kamati ya Uteuzi itashughulikia uteuzi uliotajwa katika Ibara ya 152(2) ya Katiba (*Mawaziri*) ambao unahitaji kuidhinishwa na Bunge.

(5) The quorum of the Committee on Appointments shall be one half of the Members of the Committee, but the Speaker shall not be counted for the

(5) Akidi ya Kamati ya Uteuzi itakuwa nusu ya wajumbe wa Kamati, lakini Spika hatakuwa sehemu ya akidi na wala

purposes of quorum and shall not vote.

hatapiga kura.

#### **Public Accounts Committee**

205. (1) There shall be a select committee to be designated the Public Accounts Committee.

(2) The Public Accounts Committee shall be responsible for the examination of the accounts showing the appropriations of the sum voted by the House to meet the public expenditure and of such other accounts laid before the House as the Committee may think fit.

(3) The Public Accounts Committee shall consist of a Chairperson and not more than eighteen other members.

(4) In the Membership of the Public Accounts Committee, parties other than parliamentary parties forming the national government shall have a majority of one.

(5) The Public Accounts Committee constituted immediately following the general elections shall serve for the term of that Parliament.

#### **Special Funds Accounts Committee**

205A. (1) There shall be a select committee to be designated the Special Funds Accounts Committee.

(2) The Committee shall be responsible for the examination of the accounts of—

- (a) the Equalization Fund;
- (b) the Political Parties Fund;
- (c) the Judiciary Fund;
- (d) the National Government Constituencies Development Fund; and,

(e) such other Fund established by law as the Speaker may direct.

3) The Committee shall consist of a Chairperson who shall, so far as is practicable, be an Independent, and not more than eighteen other members.

(4) In the Membership of the Committee, parties other than parliamentary parties forming the national government shall have a majority of one.

(5) The Special Funds Accounts

#### **Kamati ya Hesabu za Serikali**

205. (1) Kutakuwa na kamati itakayojulikana kama Kamati ya Hesabu za Serikali.

(2) Kamati ya Hesabu za Serikali itakuwa na jukumu la kuchunguza hesabu zinazoonesha matumizi ya fedha zilizoidhinishwa na Bunge kwa ajili ya kukidhi matumizi ya serikali na hesabu nyingine zitakazowasilishwa Bungeni kwa kadri Kamati itakavyoona inafaa.

(3) Kamati ya Hesabu za Serikali itajumuisha Mwenyekiti na wajumbe wengine wasiozidi kumi na wanane.

(4) Vyama Bunge visivyounda Serikali ya Taifa vitakuwa na mjumbe mmoja zaidi ya Vyama Bunge vinavyounda Serikali ya Taifa kwenye idadi ya wajumbe wa Kamati ya Hesabu za Serikali.

(5) Kamati ya Hesabu za Serikali itakayoteuliwa baada ya uchaguzi mkuu itahudumu muhula wote wa Bunge hilo.

#### **Kamati ya Hesabu za Mifuko Maalum**

205A. (1) Kutakuwa na kamati itakayojulikana kama Kamati ya Hesabu za Mifuko Maalum.

(2) Kamati itawajibika na ukaguzi wa hesabu za—

- (a) Mfuko wa Hazina ya Usawazishaji;
- (b) Mfuko wa Vyama vya Siasa;
- (c) Mfuko wa Mahakama;
- (d) Mfuko wa Serikali ya Taifa wa Maendeleo ya Maeneo Bunge; na,

(e) Mifuko mingine yoyote itakayoanzishwa na sheria kwa kadri Spika atakavyoelekeza.

(3) Kamati itakuwa na Mwenyekiti ambaye, kwa kadri itakavyowezekana, atakuwa Mbunge Huru, na wajumbe wengine wasiozidi kumi na wanane.

(4) Vyama Bunge visivyounda Serikali ya Taifa vitakuwa na mjumbe mmoja zaidi ya Vyama Bunge vinavyounda Serikali ya Taifa kwenye idadi ya wajumbe wa Kamati ya Hesabu za Mifuko Maalum.

(5) Kamati ya Hesabu za Mifuko Maalum

Committee constituted immediately following the general election shall serve for the term of that Parliament.

#### **Public Investments Committee**

206. (1) There shall be a select committee to be designated the Public Investments Committee.

(2) The Public Investments Committee shall be responsible for the examination of the working of the public investments on the basis of their audited reports and accounts.

(3) The Public Investments Committee shall consist of a Chairperson and not more than eighteen other members.

(4) In the Membership of the Public Investments Committee, parties other than parliamentary parties forming the national government shall have a majority of one.

(5) The Public Investments Committee constituted immediately following the general elections shall serve for the term of that Parliament.

(6) The functions of the Public Investments Committee shall be to—

(a) examine the reports and accounts of the public investments;

(b) examine the reports, if any, of the Auditor General on the public investments; and

(c) examine, in the context of the autonomy and efficiency of the public investments, whether the affairs of the public investments, are being managed in accordance with sound financial or business principles and prudent commercial practices.

(7) Despite paragraph (6), the Public Investments Committee shall not examine any of the following—

(a) matters of major Government policy as distinct from business or commercial functions of the public investments;

itakayoteuliwa baada ya uchaguzi mkuu itahudumu muhula wote wa Bunge hilo.

#### **Kamati ya Uwekezaji wa Mitaji ya Umma**

206. (1) Kutakuwa na kamati itakayojulikana kama Kamati ya Uwekezaji wa Mitaji ya Umma.

(2) Kamati ya Uwekezaji wa Mitaji ya Umma itawajibika na uchambuzi wa uendeshaji wa mitaji ya umma kwa kuzingatia ripoti na hesabu zilizokaguliwa.

(3) Kamati ya Uwekezaji wa Mitaji ya Umma itakuwa na Mwenyekiti na wajumbe wengine wasiozidi kumi na wanane.

(4) Vyama Bunge visivyounda Serikali ya Taifa vitakuwa na mjumbe mmoja zaidi ya Vyama Bunge vinavyounda Serikali ya Taifa kwenye idadi ya wajumbe wa Kamati ya Uwekezaji wa Mitaji ya Umma.

(5) Kamati ya Uwekezaji wa Mitaji ya Umma itakayoteuliwa baada ya uchaguzi mkuu itahudumu muhula wote wa Bunge hilo.

(6) Majukumu ya Kamati ya Uwekezaji wa Mitaji ya Umma yatakuwa—

(a) kuchambua ripoti na hesabu zilizokaguliwa za uwekezaji wa mitaji ya umma;

(b) kuchambua ripoti za Mkaguzi Mkuu wa Hesabu za Serikali kama, kama ipo, kuhusu uwekezaji wa mitaji ya umma; na

(c) kuchambua, kwa misingi ya uhuru na ufanisi wa uwekezaji wa mitaji ya umma, ili kubaini iwapo masuala yanayohusu uwekezaji wa umma yanasimamiwa kwa kuzingatia kanuni za kifedha na biashara pamoja na taratibu zinazofaa za kibiashara.

(7) Licha ya masharti ya fasili ya (6), Kamati ya Uwekezaji wa Mitaji ya Umma haitachambua—

(a) masuala yanayohusu sera kuu ya Serikali ambayo hayahusiani na biashara au shughuli za kibiashara za uwekezaji wa mitaji ya umma;

(b) matters of day-to-day administration; and,

(c) matters for the consideration of which machinery is established by any special statute under which a particular public investment is established.

#### **Budget and Appropriations Committee**

207. (1) There shall be a select Committee to be known as the Budget and Appropriations Committee.

(2) The Committee shall consist of a Chairperson, and not more than twenty-six other Members.

(3) The functions of the Committee shall be to—

(a) investigate, inquire into and report on all matters related to coordination, control and monitoring of the national budget;

(b) discuss and review the estimates and make recommendations to the House;

(c) examine the Budget Policy Statement presented to the House;

(d) examine Bills related to the national budget, including Appropriations Bills; and

(e) evaluate tax estimates, economic and budgetary policies and programmes with direct budget outlays.

(4) The Budget and Appropriations Committee constituted by the House immediately following the general election shall serve for a period of three calendar years and that constituted thereafter shall serve for the remainder of the parliamentary term.

(5) The Chairperson and eight members of the Budget and Appropriations Committee shall constitute a quorum.

(5A) The Committee may establish such subcommittees as it may consider necessary for the discharge of its functions including a subcommittee on legislative review.

(6) The Committee shall invite Chairpersons of all Departmental

(b) masuala ya uendeshaji wa kila siku; na

(c) masuala ya uwekezaji wa mitaji ya umma ambayo utaratibu wa kuyashughulikia umewekwa kwa mujibu wa sheria mahususi iliyoanzisha uwekezaji huo.

#### **Kamati ya Bajeti na Matumizi**

207. (1) Kutakuwa na kamati itakayojulikana kama Kamati ya Bajeti na Matumizi.

(2) Kamati itakuwa na Mwenyekiti na wajumbe wengine wasiozidi ishirini na sita.

(3) Majukumu ya Kamati hii yatakuwa—

(a) kuchunguza na kuripoti masuala yote yanayohusiana na uratibu, udhibiti na ufuatiliaji wa utekelezaji wa bajeti ya taifa;

(b) kujadili na kuchambua makadirio ya bajeti na kutoa mapendekezo kwa Bunge;

(c) kuchunguza Taarifa ya Sera ya Bajeti iliyowasilishwa kwa Bunge;

(d) kuchambua Miswada inayohusiana na bajeti, ikijumuisha Miswada ya Matumizi ya Fedha; na

(e) kuchunguza makadirio ya kodi, sera za kiuchumi na bajeti na mipango iliyo na athari za moja kwa moja kwenye bajeti.

(4) Kamati ya Bajeti na Matumizi itakayoundwa baada ya uchaguzi mkuu itahudumu kwa muda wa miaka mitatu ya kalenda na kamati itakayoundwa baadaye itahudumu kwa muda uliosalia wa muhula wa Bunge.

(5) Akidi ya Kamati ya Bajeti na Matumizi itakuwa Mwenyekiti na wajumbe wengine wanane.

(5A) Kamati ya Bajeti na Matumizi inaweza kuunda kamati ndogo, ikiwemo kamati ndogo ya kuchambua miswada, kwa kadri itakavyoona inafaa, kwa uendeshaji bora wa majukumu yake.

(6) Kamati itawaalika Wenyeviti wa Kamati zote za Kiidara ili watoe mawasilisho ya

Committees to make presentations during the consideration of the budget.

#### **Procedure and House Rules Committee**

208. (1) There shall be a select committee to be known as the Procedure and House Rules Committee.

(2) The committee shall comprise the Speaker as Chairperson, the Deputy Speaker, members of the Chairperson's Panel and not more than seventeen other members.

(3) The Procedure and House Rules Committee shall consider and report on all matters relating to these Standing Orders.

(4) The Procedure and House Rules Committee may propose amendments to these Standing Orders and any such amendments shall upon approval by the House, take effect at the time appointed by the House.

(5) The Procedure and House Rules Committee may propose rules for the orderly and effective conduct of committee business and any such rules, shall upon approval by the House, continue in force until amended or repealed by the House.

(6) Any rules approved under paragraph (5) shall be annexed to the Standing Orders and shall be binding upon Committees to the same extent as these Standing Orders.

#### **Committee on Implementation**

209. (1) There shall be a select committee to be known as the Committee on Implementation.

(2) The Committee shall scrutinize the resolutions of the House (including adopted committee reports), petitions and the undertakings given by the National Executive and examine—

(a) whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and

kamati zao wakati wa kushughulikia bajeti.

#### **Kamati ya Utaratibu na Kanuni za Bunge**

208. (1) Kutakuwa na kamati itakayojulikana kama Kamati ya Utaratibu na Kanuni za Bunge.

(2) Kamati itakuwa na Spika kama Mwenyekiti, Naibu Spika, wajumbe wa Jopo la Mwenyekiti na Wabunge wengine wasiozidi kumi na saba.

(3) Kamati ya Utaratibu na Kanuni za Bunge itashughulikia na kuripoti masuala yote yanayohusu Kanuni hizi.

(4) Kamati ya Utaratibu na Kanuni za Bunge inaweza kupendekeza marekebisho katika Kanuni hizi na marekebisho hayo yakishaidhinishwa na Bunge, yataanza kutumika wakati utakaoamuliwa na Bunge.

(5) Kamati ya Utaratibu na Kanuni za Bunge inaweza kupendekeza masharti yatakayoongoza uendeshaji bora wa shughuli za kamati na masharti hayo yakishaidhinishwa na Bunge, yataendelea kutumika hadi yatakaporekebishwa au kufutwa na Bunge.

(6) Masharti yoyote yatakayoidhinishwa kwa mujibu wa fasili ya (5) yataambatishwa kwenye Kanuni hizi na Kamati zitafuata masharti hayo kama ilivyo kwa Kanuni hizi.

#### **Kamati ya Utekelezaji**

209. (1) Kutakuwa na kamati itakayojulikana kama Kamati ya Utekelezaji.

(2) Kamati itachambua maazimio ya Bunge (ikijumuisha ripoti za kamati zilizopitishwa), ardhilhali na ahadi zilizotolewa na Serikali ya Taifa na kuchunguza iwapo—

(a) uamuzi na ahadi zimetokelezwa au la, na pale ambapo zimetokelezwa, kiwango cha utekelezaji; na iwapo utekelezaji huo umefanywa ndani ya muda mfupi

whether such implementation has taken place within the minimum time necessary; and

(b) whether or not legislation passed by the House has been operationalised and where operationalised, the extent to which such operationalisation has taken place within the minimum time necessary.

(3) The Committee may propose to the House, sanctions against any Cabinet Secretary who fails to report to the relevant select Committee on implementation status without justifiable reasons.

(4) The Committee on Implementation shall consist of a Chairperson and not more than twenty-two other members.

(5) In the Membership of the Committee on Implementation, parties other than parliamentary parties forming the national government shall have a majority of one.

#### **Committee on Delegated Legislation**

210. (1) There shall be a select committee to be known as the Committee on Delegated Legislation.

(1A) The Committee shall consist of a Chairperson and not more than twenty-two other members.

(2) Whenever a statutory instrument is submitted to the Assembly pursuant to the Constitution, any law or these Standing Orders, the statutory instrument shall, unless a contrary intention appears in the relevant legislation, be laid before the Assembly by the Chair of the relevant Departmental Committee, or any other member and shall thereafter stand referred to the Committee on Delegated Legislation.

3) The Committee shall consider in respect of any statutory instrument whether it—

(a) is in accordance with the provisions of the Constitution, the Act pursuant to which it is made or other relevant

unaohitajika; na

(b) sheria iliyopitishwa na Bunge imetekelezwa na kama imetekelezwa, kiwango ambacho utekelezaji wake umefanywa ndani ya muda mfupi unaohitajika.

(3) Kamati inaweza kupendekeza kwa Bunge adhabu dhidi ya Waziri atakayeshindwa kutoa ripoti kwa Kamati inayohusika kuhusu kiwango cha utekelezaji wa maazimio ya Bunge bila sababu za kuridhisha.

(4) Kamati ya Utekelezaji itakuwa na Mwenyekiti na wajumbe wengine wasiozidi ishirini na wawili.

(5) Vyama Bunge visivyounda Serikali ya Taifa vitakuwa na mjumbe mmoja zaidi ya Vyama Bunge vinavyounda Serikali ya Taifa kwenye idadi ya wajumbe wa Kamati ya Utekelezaji.

#### **Kamati ya Sheria Ndogo**

210. (1) Kutakuwa na kamati itakayojulikana kama Kamati ya Sheria Ndogo.

(1A) Kamati itakuwa na Mwenyekiti na wajumbe wengine wasiozidi ishirini na wawili.

(2) Kila wakati sheria ndogo inapowasilishwa Bungeni kwa mujibu wa Katiba, sheria yoyote au Kanuni hizi, isipokuwa kama imedhamiriwa vinginevyo kwenye sheria inayohusika, sheria hiyo ndogo itawasilishwa Bungeni na Mwenyekiti wa Kamati ya Kiidara inayohusika au mjumbe mwingine yeyote wa Kamati hiyo na kisha kukabidhiwa Kamati ya Sheria Ndogo.

(3) Kamati itachunguza iwapo sheria ndogo —

(a) imezingatia masharti ya Katiba, Sheria mama au sheria nyingine yoyote;

written law;

(b) infringes on fundamental rights and freedoms of the public;

(c) contains a matter which in the opinion of the Committee should more properly be dealt with in an Act of Parliament;

(d) contains imposition of taxation;

(e) directly or indirectly bars the jurisdiction of the Courts;

(f) gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;

(g) involves expenditure from the Consolidated Fund or other public revenues;

(h) is defective in its drafting or for any reason the form or purport of the statutory instrument calls for any elucidation;

(i) appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;

(j) appears to have had unjustifiable delay in its publication or laying before Parliament;

(k) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions;

(l) makes rights, liberties or obligations unduly dependent insufficiently defined administrative powers;

(m) inappropriately delegates legislative powers;

(n) imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;

(o) appears for any reason to infringe on the rule of law;

(p) inadequately subjects the exercise of legislative power to parliamentary scrutiny; and,

(q) accords to any other reason that the Committee considers fit to examine.

(b) inakiuka haki na uhuru wa kimsingi wa umma;

(c) ina suala ambalo, kwa maoni ya Kamati, linatakiwa kushughulikiwa kwa mujibu wa sheria;

(d) ina masharti ya kutoza kodi;

(e) inazuia mamlaka ya Mahakama kwa njia ya moja kwa moja au isiyo ya moja kwa moja;

(f) ina masharti ambayo yanakusudia kutumika kwa masuala yaliyofanyika kabla ya kupitishwa kwake kinyume na mamlaka inayopewa na Katiba au Sheria;

(g) inahusisha matumizi kutoka kwenye Mfuko Mkuu wa Hazina au mapato mengine ya serikali;

(h) ina makosa ya kiuandishi au kimuundo au inahitaji kufafanuliwa zaidi;

(i) inakiuka masharti ya Katiba au sheria mama;

(j) imecheleweshwa kutangazwa kwake au kuwasilishwa Bungeni bila sababu zinazoridhisha;

(k) inatoa haki, uhuru au wajibu ambao hauwezi kufanyiwa marejeo;

(l) inaweka haki, uhuru au wajibu chini ya usimamizi wa mamlaka ya kiutawala ambayo hayajafafanuliwa kikamilifu;

(m) inakasimisha mamlaka ya kutunga kisheria isivyostahili;

(n) inatoza faini, kifungo au adhabu nyingine ambayo haijaelezwa kwenye sheria mama;

(o) inaonekana kwa sababu yoyote kukiuka misingi ya utawala wa sheria;

(p) haiweki masharti yanayoitaka kuchunguzwa na Bunge; na,

(q) ina sababu nyingine yoyote ambayo Kamati inaona inafaa kuchunguza.

(4) If the Committee—

(a) resolves that the statutory instrument, be acceded to, the Clerk shall convey that resolution to the relevant state department or the authority that published the statutory instrument;

(b) does not accede to the statutory instrument, the Committee may recommend to the House that the Assembly resolves that all or any part of the statutory instrument be annulled and if the instrument—

(i) is not made under a legislation concerning counties and a resolution is passed by the Assembly within twenty days on which it next sits after the instrument laid before it under paragraph (2), that all or part of the statutory instrument be annulled, the instrument or part thereof shall henceforth stand annulled; and

(ii) is made under a legislation concerning counties, the Clerk shall, within seven days of the resolution transmit a message to the Senate.

(5) The Clerk shall submit the resolution under paragraph (4)(b)(i) to the relevant state department or the authority that published the statutory instrument.

(7) In this Standing Order, “statutory instrument” means any rule, order, regulation, direction, form, tariff of costs or fees, letter patent, commission, warrant, proclamation, by-law, resolution, guideline or other 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 authorised to be issued.

**Concurrence of Senate’s Resolution on Statutory Instruments**

211.(1) Whenever the Assembly receives a message from the Senate seeking concurrence to a resolution of the Senate, that a statutory instrument or

(4) Iwapo Kamati—

(a) itaamua kwamba sheria ndogo ziidhinishwe, Katibu atawasilisha azimio hilo kwa idara inayohusika au mamlaka iliyotayarisha na kutangaza sheria ndogo;

(b) imeamua kutoidhinisha sheria ndogo, Kamati inaweza kutoa mapendekezo kwa Bunge kwamba sheria ndogo au sehemu yake ibatilishwe na iwapo sheria ndogo —

(i) haijatarishwa kwa mujibu wa sheria inayohusu serikali za kaunti na azimio limepitishwa na Bunge ndani ya siku ishirini Bunge lilipoketi baada ya sheria ndogo kuwasilishwa Bungeni kwa mujibu wa fasili ya (2), kwamba sheria ndogo au sehemu yake ibatilishwe, sheria ndogo au sehemu yake inayohusika itabatilishwa; na

(ii) imetayarishwa kwa mujibu wa sheria inayohusu serikali za kaunti, Katibu, ndani ya siku saba za kupitishwa kwa azimio hilo, atatuma ujumbe kwa Seneti.

(5) Katibu atawasilisha azimio lililopitishwa kwa mujibu wa fasili ya (4)(b)(i) kwa idara inayohusika au mamlaka iliyotayarisha na kutangaza sheria ndogo.

(5) Katika Kanuni hii, “sheria ndogo” ni kanuni, amri, utaratibu, maelekezo, fomu, tozo za gharama au ada, idhini maalum, kamisheni, tamko la kisheria, sheria zilizogatuliwa, azimio, mwongozo au hati zozote za kisheria zilizotungwa au kutolewa kwa ajili ya utekelezaji wa mamlaka yaliyokabidhiwa kwa mujibu wa sheria mama.

**Maafikiano na azimio la Seneti kuhusu sheria ndogo**

211. (1) Bunge linapokea Ujumbe kutoka Seneti ukiomba maafikiano kuhusu azimio la Seneti, kwamba sheria ndogo au sehemu ya sheria ndogo ibatilishwe, azimio la

part of a statutory instrument be annulled, the Senate resolution shall stand referred to the Committee on Delegated Legislation which shall consider the resolution, together with the statutory instrument and report to the Assembly within twenty-one days of the referral.

(2) Paragraph (3) of Standing Order 210 (*Committee on Delegated Legislation*) shall, with necessary modifications, apply to the consideration of the resolution under paragraph (1).

(3) If the Assembly—

(a) agrees with the resolution of the Senate, the Clerk shall, by way of a message, inform the Clerk of the Senate and the relevant state department or the authority that published the statutory instrument, that Parliament has annulled the statutory instrument or part thereof and the instrument or part thereof shall, henceforth be void, but without prejudice to the validity of anything previously done there under, or the making of any new delegated legislation.

(b) fails to agree with the Senate resolution, the resolution shall be referred to a Joint Committee of parliament and Standing Order 213 (*Appointment of Joint Committees*) shall, with necessary modifications, apply.

#### **Committee on Regional Integration**

212.(1) There shall be a select committee to be designated as the Committee on Regional Integration.

(2) Committee on Regional Integration shall—

(a) enhance the role and involvement of the House in intensification and development of the integration process in the East African Community and the greater African region;

(b) examine the records of all the relevant debates and resolutions of the meetings of the East African Legislative Assembly;

Seneti litakabidhiwa kwa Kamati ya Sheria Ndogo ambayo itashughulikia azimio hilo pamoja na sheria ndogo inayohusika na kuripoti Bungeni ndani ya siku ishirini na moja za kukabidhiwa azimio la Seneti.

(2) Masharti ya fasili ya (3) ya Kanuni ya 210 (*Kamati ya Sheria Ndogo*), kwa kadri itakavyowezezana, yatatumika katika kushughulikia azimio lililokabidhiwa kwa mujibu wa fasili ya (1).

(3) Ikiwa Bunge—

(a) litakubaliana na azimio la Seneti, Katibu atamjulisha Katibu wa Seneti kupitia ujumbe na idara inayohusika au mamlaka iliyotayarisha na kuitangaza sheria ndogo, kwamba Bunge limebatilisha sheria ndogo au sehemu yake na sheria ndogo au sehemu yake inayohusika imebatilishwa, bila kuathiri uhalali wa jambo lolote lililotendwa chini ya jambo lolote lililokuwa limefanyika awali kwa mujibu wa sheria ndogo au utayarishaji wa sheria ndogo mpya nyingine.

(b) haitakubaliana na azimio la Seneti, azimio hilo litakabidhiwa kwa Kamati ya Pamoja ya Bunge na masharti ya Kanuni ya 213 (*Uteuzi wa Kamati za Pamoja*) yakifanyiwa marekebisho yanayofaa, yatatumika.

#### **Kamati ya Utangamano wa Kikanda**

212. (1) Kutakuwa na Kamati itakayojulikana kama Kamati ya Utangamano wa Kikanda.

(2) Kamati ya Utangamano wa Kikanda—

(a) itaongeza nguvu ya ushiriki na wajibu wa Bunge katika kuimarisha na kuendeleza mchakato wa utangamano katika Jumuiya ya Afrika Mashariki na Afrika nzima;

(b) itachunguza kumbukumbu za mijadala yote inayohusika na maazimio ya mikutano yote ya Bunge la Afrika Mashariki;

(c) examine the Bills introduced in the East African Legislative Assembly and Acts of the East African Community;

(d) examine the records of all the relevant debates and resolutions of the meetings of the Pan African Parliament, the African, Caribbean and Pacific-European Union Joint Parliamentary Assembly and other regional integration bodies; and

(e) inquire into and examine any other matter relating to regional integration generally requiring action by the House.

(3) The Committee shall consist of a Chairperson and not more than twenty-two other members.

**Procedure for presentation of reports from the East African Legislative Assembly and the Pan-African Parliament**

212A. (1) A Committee or a Member of the East African Legislative Assembly or the Pan-African Parliament may present a report to or consult with the Committee for the time being responsible for matters relating to regional integration or any other committee of the House on any matter relating to the work of the East African Legislative Assembly or the Pan-African Parliament, respectively.

(2) Whenever the Clerk of the National Assembly receives copies of the records of relevant debates of the meetings of the East African Legislative Assembly, or copies of Bills introduced into the East African Legislative Assembly and Acts of the East African Community, the Clerk shall forward the records of debates, Bills or Acts of the Community to the relevant committee.

(3) The Committee shall consider a report under paragraph (1) or the records of debates, Bills or Acts of the Community, and submit its report to the

(c) itachunguza Miswada iliyowasilishwa kwenye Bunge la Afrika Mashariki na Sheria za Jumuiya ya Afrika Mashariki;

(d) itachunguza kumbukumbu za mijadala yote inayohusika na maazimio ya mikutano yote ya Bunge la Afrika, Baraza la Pamoja la Afrika, Visiwa vya Karibi na Pasifik na Umoja wa Ulaya pamoja na mashirika mengine ya utangamano wa kikanda; na

(e) itachunguza suala lingine lolote linalohusiana na utangamano wa kikanda linalohitajika kushughulikiwa na Bunge.

(3) Kamati itakuwa na Mwenyekiti na Wajumbe wengine wasiozidi ishirini na wawili.

**Utaratibu wa kuwasilisha ripoti za Bunge la Afrika Mashariki na Bunge la Afrika**

212A. (1) Kamati au Mbunge wa Bunge la Afrika Mashariki au Bunge la Afrika anaweza kuwasilisha ripoti au kushauriana na Kamati ambayo kwa wakati huo inahusika na masuala ya utangamano wa kikanda au kamati nyingine yoyote ya Bunge kuhusu suala lolote linalohusiana na kazi za Bunge la Afrika Mashariki au Bunge la Afrika.

(2) Katibu wa Bunge la Taifa anapokea nakala za kumbukumbu za mijadala inayohusika za mikutano ya Bunge la Afrika Mashariki, au nakala za Miswada zilizowasilishwa kwenye Bunge la Afrika Mashariki na sheria za Jumuiya ya Afrika Mashariki, Katibu atazikabidhi kwa Kamati inayohusika.

(3) Kamati itashughulikia ripoti itakayowasilishwa kwa mujibu wa fasili ya (1) au kumbukumbu za mijadala, Miswada au Sheria za Jumuiya na kuwasilisha ripoti

House with its recommendations, if any, within twenty-one days.

(4) The National Assembly shall, within twenty-one days, consider the report of the Committee under paragraph (3) and the Clerk shall, within seven days, forward to the Clerk of the East Africa Legislative Assembly the resolution of the National Assembly on the report together with copies of the records of the debate.

#### **Committee on Members' Services and Facilities**

212B. (1) There shall be a select committee to be designated the Committee on Members' Services and Facilities.

(2) The Committee shall be responsible for—

(a) receiving and considering views of Members on the services and facilities provided for their benefit and well-being; and

(b) advising and reporting on all matters connected to the services and facilities provided for Members.

(3) The Committee shall consist of a Chairperson and not more than fourteen other members who shall be approved by the House at the commencement of every Session.

#### **Committee on National Cohesion and Equal Opportunity**

212C. (1) There shall be a select committee to be designated the Committee on National Cohesion and Equal Opportunity.

(2) The Committee shall consist of a Chairperson and not more than twenty-two other members.

(3) The Committee shall—

(a) monitor and promote measures relating to policy and program initiatives in pursuit of peace and national

Bungeni pamoja na mapendekezo yake, kama yapo, ndani ya siku ishirini na moja.

(4) Bunge la Taifa, ndani ya siku ishirini na moja, litashughulikia ripoti ya Kamati iliyowasilishwa kwa mujibu wa fasili ya (3) na ndani ya siku saba, Katibu atawasilisha kwa Katibu wa Bunge la Afrika Mashariki azimio la Bunge la Taifa kuhusu ripoti pamoja na nakala za kumbukumbu za mjadala.

#### **Kamati ya Huduma na Uwezeshaji wa Wabunge**

212B. (1) Kutakuwa na Kamati itakayojulikana kama Kamati ya Huduma na Uwezeshaji wa Wabunge.

(2) Kamati ya Huduma na Uwezeshaji wa Wabunge—

(a) itapokea na kushughulikia maoni ya Wabunge kuhusu huduma na uwezeshaji wanaopewa kwa manufaa na ustawi wao; na

(b) itashauri na kuripoti kuhusu masuala yote yanayohusiana na huduma uwezeshaji wa Wabunge.

(3) Kamati itakuwa na Mwenyekiti na Wabunge wasiozidi kumi na wanne ambao wataidhinishwa na Bunge mwanzoni mwa kila Kipindi.

#### **Kamati ya Mshikamano wa Kitaifa na Fursa Sawa**

212C. (1) Kutakuwa na Kamati itakayoitwa Kamati ya Mshikamano wa Kitaifa na Fursa Sawa.

(2) Kamati itakuwa na Mwenyekiti na Wabunge wasiozidi ishirini na wawili.

(3) Kamati hiyo—

(a) itafuatilia na kuhimiza hatua zinazohusiana na sera na mipango ya amani na mshikamano wa kitaifa;

cohesion;

(b) investigate, inquire into and report on all matters relating to intercommunity cohesion;

(c) monitor and promote measures designed to enhance the equalization of opportunities and improvement in the quality of life and status of all persons, including persons who are marginalised on the basis of gender, age, disability, health status, ethnic, racial, cultural or religious background or affiliation or any other such ground;

(d) investigate, inquire into and report on all matters relating to discrimination or marginalization of persons referred to under sub-paragraph (c);

(e) make proposals to Parliament including legislative proposals for the protection, equalisation of opportunities and promotion of the welfare of the groups referred to under sub-paragraph (c); and

(f) examine the activities and administration of all state departments and statutory bodies in so far as they relate to the rights and welfare of the persons referred to under sub-paragraph (c).

(b) itachunguza na kuripoti kuhusu masuala yote yanayohusiana na mshikamano baina ya jamii;

(c) itafuatilia na kuhimiza hatua zilizobuniwa katika kuongeza fursa sawa na kuboresha usawa wa maisha na hali ya watu wote, ikijumusha watu waliotengwa kwa misingi ya jinsia, umri, ulemavu, hali ya kiafya, kabila, rangi, utamaduni au dini au uhusiano au misingi mingine;

(d) itachunguza na kuripoti masuala yote yanayohusiana na ubaguzi au kutengwa kwa watu kwa misingi iliyotajwa katika fasili ya (3)(c);

(e) itatoa mapendekezo Bungeni ikijumuisha mapendekezo ya Miswada kwa ajili ya kulinda, kusawazisha fursa na kuhimiza ustawi wa makundi yaliyotajwa katika fasili ya (3)(c); na

(f) itachunguza shughuli na uendeshaji wa idara za serikali na vyombo vilivyoundwa kwa mujibu wa sheria zote kwa kadri vinavyohusiana na haki na ustawi wa watu waliotengwa kwa misingi iliyotajwa katika fasili ya (3)(c).

#### **Committee on Parliamentary Broadcasting and Library**

212D. (1) There shall be a select committee to be designated the Committee on Parliamentary Broadcasting and Library.

(2) The Committee shall consist of a Chairperson and not more than twenty-two other members.

(3) The Committee shall—

(a) consider and report on all matters relating to broadcasting of the proceedings of the House;

(b) advise the House on matters related to public participation;

#### **Kamati ya Utangazaji wa Shughuli za Bunge na Maktaba**

212D. (1) Kutakuwa na Kamati itakayojulikana kama Kamati ya Utangazaji wa Shughuli za Bunge na Maktaba.

(2) Kamati itakuwa na Mwenyekiti na Wabunge wengine wasiozidi ishirini na wawili.

(3) Kamati ya Utangazaji wa Shughuli za Bunge na Maktaba—

(a) itashughulikia na kuripoti kuhusu masuala yote yanayohusiana na utangazaji wa shughuli za Bunge;

(b) italishauri Bunge kuhusu masuala yanayohusiana na ushirikishwaji wa umma;

(c) make reports and recommendations to the House, including proposed legislation on matters relating to broadcasting of House proceedings;

(d) recommend to and advise the House on matters related to provision of library, publications and research services in Parliament, including improvement of the library and research services; and

(e) assist Members in utilizing the facilities provided by the library and research services, including use of information and communication technology.

(4) The Committee shall not deal with matters related to procurement of items or services of the broadcast, the library or research services, or any matter falling within a function of the Parliamentary Service Commission.

#### **Joint Committees of Parliament**

##### **Appointment of Joint Committees**

213.(1) The select committees to which this Standing Order refers shall be designated Joint Committees of Parliament.

(2) The Joint Committees of Parliament shall be as set out in the Fourth Schedule and shall comprise of a number of Members equal to the number of Senators appointed or to be appointed by the Senate to the Committee.

(3) The Members to serve on a Joint Committee shall be nominated by the Committee on Selection in consultation with parliamentary parties at the commencement of a Parliament.

(4) *(Deleted).*

(5) A Member appointed to serve on a

(c) itaandaa ripoti na kutoa mapendekezo kwa Bunge ikijumuisha sheria zinazopendekezwa kuhusu masuala yanayohusiana na utangazaji wa shughuli za Bunge;

(d) itapendekeza na kushauri Bunge kuhusu masuala yanayohusiana na maktaba, machapisho na huduma za utafiti katika Bunge, ikijumuisha kuimarisha huduma za maktaba na utafiti; na

(e) itawasaidia Wabunge katika kutumia huduma zinazotolewa na maktaba na huduma za utafiti, ikijumuisha matumizi ya teknolojia ya habari na mawasiliano.

(4) Kamati haitashughulikia masuala yanayohusiana na ununuzi wa vifaa au huduma za utangazaji, maktaba au huduma za utafiti, au suala lolote linalohusiana na jukumu la Tume ya Huduma za Bunge.

#### **Kamati za Pamoja za Bunge**

##### **Uteuzi wa Kamati za Pamoja**

213. (1) Kamati ambazo masharti ya Kanuni hii yatatumika zitajulikana kama Kamati za Pamoja za Bunge.

(2) Kamati za Pamoja za Bunge zitakuwa zile ambazo zimeorodheshwa katika Nyongeza ya Nne na zitakuwa na idadi ya Wajumbe kutoka Bunge la Taifa inayolingana na idadi ya Maseneta walioteuliwa na Seneti kuunda Kamati hiyo.

(3) Wajumbe watakaohudumu kwenye Kamati ya Pamoja watateuliwa na Kamati ya Kuteua Wajumbe wa Kamati kwa kushauriana na Vyama Bunge mwanzoni wa muhula wa Bunge.

(4) *(Imefutwa).*

(5) Isipokuwa kama Bunge litaamua

joint committee at the commencement of a Parliament or at any other time during the term of a Parliament shall, unless the House otherwise resolves, serve for the term of that Parliament, subject to Standing Order 176 (*Discharge of a Member from a Committee*).

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

214. (*Deleted*)

215. (*Deleted*).

#### **Departmental Committees**

##### **Appointment and mandate of Departmental Committees**

216. (1) There shall be select committees to be known as Departmental Committees whose members shall—

(a) be nominated by the Committee on Selection in consultation with parliamentary parties at the commencement of every Parliament; and

(b) not exceed nineteen in number.

(2) A Member appointed to a Departmental Committee at the commencement of a Parliament or at any other time during the term of a Parliament shall, unless the House otherwise resolves, serve for the term of that Parliament, subject to Standing Order 176 (*Discharge of a Member from a Committee*).

(3) Unless the House otherwise directs, the Departmental Committees and the subject matter respectively assigned to them shall be as set out in the Second Schedule.

vinginevyo, Mjumbe atakayeteuliwa kuhudumu kwenye Kamati ya Pamoja mwanzoni mwa muhula wa Bunge au wakati mwingine wowote wa muhula wa Bunge atahudumu kwa muhula wa Bunge hilo, kwa kuzingatia masharti ya Kanuni ya 176 (*Kuondolewa kwa mjumbe kwenye Kamati*).

(6) Isipokuwa pale ambapo uamuzi kwenye kamati ya pamoja umefikiwa kwa makubaliano, kura yoyote itakayopigwa itapigwa kwa mgawanyiko wa wajumbe kutoka Bunge na wa Seneti.

214. (*Imefutwa*)

215. (*Imefutwa*).

#### **Kamati za Kiidara**

##### **Uteuzi na madaraka ya Kamati za Kiidara**

216. (1) Kutakuwa na Kamati zitakazojulikana kama Kamati za Kiidara ambazo wajumbe wake -

(a) watateuliwa na Kamati ya Kuteua Wajumbe wa Kamati ikishauriana na vyama Bunge, mwanzoni mwa muhula wa kila Bunge; na

(b) hawatazidi kumi na tisa.

(2) Isipokuwa kama Bunge litaamua vinginevyo, Mbunge atakayeteuliwa kwenye Kamati ya Kiidara mwanzoni mwa muhula wa Bunge au wakati mwingine wa muhula atahudumu kwenye Kamati hiyo kwa muhula wa Bunge hilo, kwa kuzingatia masharti ya Kanuni ya 176 (*Kuondolewa kwa mjumbe kwenye Kamati*).

(3) Isipokuwa kama Bunge litaelekeza vinginevyo, Kamati za Kiidara na masuala yatakayoshughulikiwa na kila Kamati yatakuwa kama ilivyoorodheshwa kwenye Nyongeza ya Pili.

(4) The mandate of Departmental Committees in respect of the subject matter assigned under the Second Schedule of these Standing Orders shall only be exercised within the limits contemplated under Part 1 of the Fourth Schedule to the Constitution.

(5) The functions of a Departmental Committee shall be to—

(a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;

(b) study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;

(c) study and review all legislation referred to it;

(d) study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;

(e) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;

(f) to vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (*Committee on Appointments*);

(fa) examine treaties, agreements and conventions;

(g) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;

(4) Madaraka ya Kamati za Kiidara kuhusiana na masuala yaliyokabidhiwa kwa mujibu wa Nyongeza ya Pili ya Kanuni hizi yatatekelezwa kwa kuzingatia mipaka iliyowekwa katika Sehemu ya Kwanza ya Nyongeza ya Nne ya Katiba.

(5) Majukumu ya Kamati ya Kiidara yatakuwa—

(a) kuchunguza na kuripoti masuala yote yanayohusiana na madaraka, usimamizi, shughuli, utawala, uendeshaji na makadirio ya wizara na idara inazosisimamia;

(b) kuchunguza mipango na malengo ya sera za wizara na idara na mafanikio ya utekelezwaji wake;

(c) kuchunguza na kupitia miswada yote iliyokabidhiwa kwake;

(d) kuchunguza, kutathmini na kuchambua mafanikio ya Wizara na Idara inazosisimamia yakipimwa kwa kuzingatia matokeo yake ikilinganishwa na malengo yaliyowekwa;

(e) kuchunguza masuala yote yanayohusiana na Wizara na Idara inazosisimamia kwa kadri itakavyoona na kama itakavyokabidhiwa kwake na Bunge;

(f) kuchunguza na kuripoti kuhusu uteuzi wa maafisa wote ambao Katiba au sheria yoyote inahitaji Bunge liidhinishwe uteuzi wao, isipokua uteuzi uliotajwa kwenye Kanuni ya 204 (*Kamati ya Uteuzi*);

(fa) kuchunguza mikataba, makubaliano na maagano;

(g) kuandaa ripoti na kutoa mapendekezo kwa Bunge mara kwa mara kwa kadri itakavyowezekana, ikijumuisha sheria inayopendekezwa;

(h) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;

(i) consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and

(j) examine any questions raised by Members on a matter within its mandate.

(6) The Leader of the Majority Party shall, in consultation with the Speaker, determine the order in which Cabinet Secretaries shall appear to answer questions raised under paragraph (5)(j) before a Committee.

(7) The Speaker may, on request of the Leader of the Majority Party vary the order in which questions raised under paragraph (5) (j) shall be disposed of in a Committee, or defer a question scheduled to be responded to.

#### **Liaison Committee**

217. (1) There shall be a select committee to be known as the Liaison Committee which shall consist of the Deputy Speaker as Chairperson, a member of the Chairperson's Panel who also is the First Chairperson of Committees who shall be the Vice-Chairperson and the Chairpersons of all committees of the House.

(2) The Liaison Committee shall—

(a) guide and co-ordinate the operations, policies and mandates of all Committees;

(b) deliberate on and apportion the annual operating budget among the Committees;

(c) consider the programmes of all Committees, including their need to travel and sit away from the precincts of Parliament;

(d) ensure that Committees submit reports as required by these Standing

(h) kuandaa ripoti na kutoa mapendekezo kwa Bunge mara kwa mara kwa kadri itakavyowezezana, ikijumuisha sheria inayopendekezwa;

(i) kushughulikia ripoti za Tume na Ofisi Huru zilizowasilishwa Bungeni kwa mujibu wa Ibara ya 254 ya Katiba; na

(j) kuchunguza suala lolote litakalotolewa na Wabunge ambalo lipo ndani ya madaraka yake.

(6) Kiongozi wa Chama cha walio Wengi kwa kushauriana na Spika ataamua mpangilio kwa Mawaziri kufika mbele ya Kamati ili kujibu maswali yaliyoulizwa kwa mujibu wa fasili ya (5)(j).

(7) Kufuatia ombi la Kiongozi wa Chama cha walio Wengi, Spika anaweza kubadilisha mpangilio utakaofuatwa kwenye kamati kwa kushughulikia maswali yaliyoulizwa kwa mujibu wa fasili ya (5)(j) au kuahirisha swali lililopangwa kujibiwa.

#### **Kamati ya Kuratibu Shughuli za Kamati**

217.(1) Kutakuwa na kamati itakayojulikana kama Kamati ya Kuratibu Shughuli za Kamati ambayo itakakuwa na Naibu Spika kama Mwenyekiti, Mjumbe wa Kwanza wa Jopo la Mwenyekiti atakayekuwa Makamu Mwenyekiti, na Wenyeviti wa Kamati zote za Bunge.

(2) Kamati ya Kuratibu Shughuli za Kamati—

(a) itaongoza na kuratibu uendeshaji, sera na madaraka ya Kamati zote;

(b) itajadili na kugawa bajeti za mwaka za uendeshaji wa kila Kamati;

(c) itashughulikia mipango ya Kamati zote, ikijumuisha mahitaji ya kusafiri na kufanya mikutano nje ya maeneo ya Bunge;

(d) itahakikisha kwamba Kamati zinawasilisha ripoti zinazohitajika kwa

Orders;

(f) determine, whenever necessary, the committee or committees to deliberate on any matter; and

(g) give such advice relating to the work and mandate of select committees as it may consider necessary.

(3) The Liaison Committee shall consider reports of Committee that have not been deliberated by the House and shall report to the House on the consideration of such reports.

#### **Committee to be limited to mandate**

218. (1) Except as expressly provided for in these Standing Orders, no matter shall be referred to a select committee except on a Motion approved after notice given.

(2) Notwithstanding paragraph (1), the Speaker may, in exceptional circumstances, on a request by a Member, refer a matter to a committee.

### **PART XXIII—PUBLIC PETITIONS**

#### **Meaning of Petition**

219. For purposes of this Part other than Standing Order 230 (*Petitions for Removal of a member of a Commission or holder of an Independent Office*), a petition means a written prayer to the House under Article 37 or 119 of the Constitution by a member of the public requesting the House to consider any matter within its authority, as contemplated in Articles 94 and 95 of the Constitution, including enacting, amending or repealing any legislation.

#### **Submission of a Petition**

220. (1) A petition to the House shall be—

(a) submitted to the Clerk by the petitioner and reported to the House by the Speaker; or

(b) presented by a Member on behalf of a petitioner, with the consent of the Speaker.

(2) Notwithstanding paragraph (1)(b), a

mujibu wa Kanuni hizi;

(f) kwa kadri itakavyohitajika, itaamua Kamati zitakazoshughulikia suala lolote; na

(g) itatoa ushauri kuhusiana na kazi na madaraka ya kamati kwa kadri itakavyoona inafaa.

(3) Kamati ya Kuratibu Shughuli za Kamati itashughulikia ripoti za Kamati ambazo hazijashughulikiwa na Bunge na kutoa ripoti Bungeni kuhusu kushughulikiwa kwa ripoti hizo.

#### **Mipaka ya Madaraka ya Kamati**

218. (1) Isipokuwa kama imeelezwa vinginevyo katika Kanuni hizi, hakuna suala litakalopelekwa kwenye kamati isipokuwa kupitia Hoja iliyoidhinishwa baada ya arifa kutolewa.

(2) Bila kuathiri masharti ya fasili ya (1), Spika, katika mazingira maalum na kufuatia ombi la Mbunge, anaweza kuikabidhi Kamati suala lolote.

### **SEHEMU YA XXIII- ARDHILHALI ZA UMMA**

#### **Maana ya Ardhilhali**

219. Kwa ajili ya sehemu hii isipokuwa Kanuni ya 230 (*Ardhilhali ya kumuondoa Mjumbe wa Tume au kumuondoa afisa wa Ofisi Huru*), ardhilhali ni ombi rasmi lililowasilishwa kwa Bunge kwa maandishi kwa mujibu wa Ibara ya 37 au ya 119 ya Katiba na mwananchi akiomba Bunge kushughulikia suala lililo katika wajibu wake kama ilivyobainishwa katika Ibara ya 94 na 95 ya Katiba, ikijumuisha kutunga, kurekebisha au kufuta sheria yoyote.

#### **Kuletwa kwa Ardhilhali**

220.(1) Ardhilhali kwa Bunge —

(a) italetwa kwa Katibu na mwenye ardhilhali na kuripotiwa Bungeni na Spika; au

(b) italetwa na Mbunge kwa niaba ya mwenye ardhilhali, kwa ruhusa ya Spika.

(2) Bila ya kuathiri masharti ya fasili ya 1

Member shall not be eligible to present a petition on his own behalf.

(3) The Clerk shall, within seven days of the date of receipt of the petition, review the petition to ascertain whether the petition meets the requirements of these Standing orders and of the law.

(4) Where the Clerk considers that a petition does not comply with paragraph (3), the Clerk may give such directions as are necessary to ensure that the petition is amended to comply with that paragraph.

(5) The Clerk shall, if satisfied that the petition meets the requirements under paragraph (3), forward the petition to the Speaker for tabling in the House.

(6) Where a petition is addressed to the Assembly in respect of a matter which is within the mandate of the Senate, the Clerk shall refer the petition to the Clerk of the Senate.

#### **Petition on Private Bill**

**221.** A Petition on a private Bill shall be dealt with in accordance with Part XX (*Private Bills*) of these Standing Orders.

#### **Notice of intention to present Petition**

**222.** A Member shall give to the Clerk two sitting days' notice of intention to present a Petition and the Clerk shall examine such Petition and ensure that the Petition is presented in the manner, form and content required by these Standing Orders.

#### **Form of Petition**

**223.** A petition shall be in the form set out in the Third Schedule and shall—

(a) be handwritten, printed or typed;

(b) be in English or Kiswahili and be written in respectful, decorous and temperate language;

(c) be free of alterations and

(b), Mbunge hastahili kuleta ardhilhali kwa niaba yake mwenyewe.

(3) Katibu, ndani ya siku saba za kupokea ardhilhali, ataipitia kwa ajili ya kujiridhisha iwapo imekidhi vigezo vinavyohitajika kwa mujibu wa Kanuni hizi na sheria.

(4) Pale ambapo Katibu atabaini kuwa ardhilhali haikidhi vigezo kwa mujibu wa masharti kwenye fasili ya (3), anaweza kutoa maelekezo yanayofaa kwa ajili ya kuhakikisha kwamba ardhilhali hiyo inarekebishwa ili kukidhi masharti ya fasili hiyo.

(5) Katibu akiridhika kwamba ardhilhali imekidhi vigezo vinavyohitajika kwa mujibu wa fasili ya (3), atapeleka kwa Spika ili iwasilishwe Bungeni.

(6) Pale ambapo ardhilhali ikiletwa Bungeni ikiomba Bunge lishughulikie suala ambalo liko chini ya madaraka ya Seneti, Katibu atawasilisha ardhilhali hiyo kwa Katibu wa Seneti.

#### **Ardhilhali ya Mswada Binafsi**

**221.** Ardhilhali ya Mswada Binafsi itashughulikiwa kwa mujibu wa Sehemu ya XX (*Miswada Binafsi*) ya Kanuni hizi.

#### **Arifa ya kusudio la kuwasilisha Ardhilhali**

**222.** Mbunge atampa Katibu arifa ya siku mbili za vikao kuhusu kusudio la kuwasilisha Ardhilhali na Katibu atakagua Ardhilhali hiyo na kuhakikisha kwamba imewasilishwa kwa namna, muundo na maudhui yanayotakiwa katika Kanuni hizi.

#### **Muundo wa Ardhilhali**

**223.** Ardhilhali itakuwa na muundo ulioelezwa katika Nyongeza ya Tatu na—

(a) itaandikwa kwa mkono, kuchapishwa au kupigwa taipu;

(b) itaandikwa kwa Kiingereza au Kiswahili na katika lugha ya heshima, ya kistaarabu na isiyoudhi;

(c) haitakuwa na marekebisho au

interlineations in its text;

maandishi baina ya mistari;

(d) be addressed to the House;

(d) itaelekezwa kwa Bunge;

(e) have its subject-matter indicated on every sheet if it consists of more than one sheet;

(e) kichwa cha mada yake kitaandikwa katika kila ukurasa iwapo ina kurasa zaidi ya moja;

(f) indicate whether any efforts have been made to have the matter addressed by a relevant body and whether there has been any response from that body or whether the response has been unsatisfactory;

(f) itaeleza iwapo juhudi zozote zimefanywa kukitaka chombo cha dola kinachohusika kutatua suala hilo na iwapo chombo hicho kimetoa jibu lolote au kama jibu hilo haliridhishi;

(g) indicate whether the issues in respect of which the petition is made are pending before any court of law or other constitutional or legal body;

(g) itaeleza kama masuala ambayo yamo kwenye Ardhilhali yanasubiri uamuzi wa mahakama au chombo chochote cha dola cha kikatiba au kisheria;

(h) conclude with a clear, proper and respectful prayer, reciting the definite object of the petitioner or petitioners in regard to the matter to which it relates;

(h) itahitimishwa kwa ombi wazi, linalofaa na la heshima ambalo linabainisha wazi madhumuni mahususi ya mwenye au wenye Ardhilhali kuhusiana na suala linalohusika;

(i) subject to paragraph (m), contain the names, addresses, identification numbers, signature or a thumb impression of the petitioner or of every petitioner, where there is more than one petitioner;

(i) kwa mujibu wa fasili ya (m), itakuwa na majina, anwani, nambari za vitambulisho, saini au alama ya kidole gumba cha mwenye Ardhilhali au, iwapo ni zaidi ya mmoja, wenye Ardhilhali hiyo;

(j) contain only signatures or thumb impressions, as the case may be, and addresses and identification numbers written directly onto the petition and not pasted thereon or otherwise transferred to it;

(j) itakuwa na saini au alama ya kidole gumba, kwa kadri itakavyokuwa, na anwani na nambari za vitambulisho zilizoandikwa moja kwa moja kwenye Ardhilhali na wala si za kupachikwa au zilizohamishiwa hapo;

(k) not have any letters, affidavits or other documents annexed to it;

(k) haitaambatishwa barua, hati za viapo au nyaraka nyingine;

(l) in the case of a petition presented by a Member on behalf of a petitioner, be countersigned by the Member presenting it; and

(l) pale ambapo ni Ardhilhali iliyowasilishwa na Mbunge kwa niaba ya mwenye Ardhilhali, iwe imesainiwa na Mbunge anayewasilisha; na

(m) be signed by the petitioner or if the petitioner is unable to sign, by a witness in whose presence the petitioner shall make his or her mark on the petition.

(m) iwe imesainiwa na mwenye Ardhilhali au iwapo hawezi kusaini, iwe imesainiwa na shahidi mbele ya mwenye Ardhilhali ambaye ataweka alama yake kwenye

Ardhilhali.

#### **Time for Petitions**

**224.** The total time on the Order “Petitions” shall not exceed thirty minutes.

#### **Presentation of Petitions**

**225.** (1) A schedule of Petitions to be presented or reported to the House on a sitting day may be appended to the Order Paper of the Day in the order that they shall be presented or reported.

(2) When the Order “Petitions” is read, the Speaker shall—

(a) in case of a petition presented by a Member, direct the Member to present the Petition to the House; or

(b) in case of a Petition presented through the Clerk, report the Petition to the House.

(3) The Member presenting the Petition shall read such Petition but shall confine himself or herself to the subject of the prayer, the material allegations therein and the number of signatures attached.

(4) A Member having presented a Petition shall, without question put, lay the Petition on the Table of the House.

(5) A Member presenting a Petition shall not speak for more than five minutes, unless with permission of the Speaker.

#### **Comments on petitions**

**226.** The Speaker may allow comments, observations or clarifications in relation to a Petition presented or reported and such total time shall not exceed thirty minutes.

#### **Committal of Petitions**

**227.** (1) Every Petition presented or reported pursuant to this Part, shall stand committed to the relevant Departmental Committee.

(2) Whenever a Petition is committed to

#### **Muda wa Ardhilhali**

**224.** Muda utakaotumika kwa ajili ya Shughuli ya “Ardhilhali” hautazidi dakika thelathini.

#### **Uwasilishaji wa Ardhilhali**

**225.** (1) Orodha ya Ardhilhali zitakazowasilishwa au kuripotiwa katika kikao cha Bunge itaambathishwa katika Orodha ya Shughuli ya siku ikionesha mpangilio utakaofuatwa wakati wa kuziwasilisha au kuziripoti.

(2) Shughuli ya “Ardhilhali” itakaposororwa, Spika—

(a) atamuagiza Mbunge awasilishe Ardhilhali Bungeni, ikiwa Ardhilhali hiyo ililetwa na Mbunge ; au

(b) ataripoti Ardhilhali Bungeni, ikiwa ililetwa kupitia kwa Katibu.

(3) Mbunge anayewasilisha Ardhilhali atasoma Ardhilhali hiyo lakini atajikita kwenye maudhui ya ombi, tuhuma zilizomo na idadi ya saini zilizoambathishwa.

(4) Mbunge aliyewasilisha Ardhilhali, ataiweka Mezani Ardhilhali hiyo bila Bunge kuhojiwa.

(5) Mbunge anayewasilisha Ardhilhali hataongea kwa zaidi ya dakika tano isipokuwa kwa ruhusa ya Spika.

#### **Maoni kuhusu Ardhilhali**

**226.** Spika anaweza kuruhusu maoni, mapendekezo au ufafanuzi kuhusiana Ardhilhali iliyowasilishwa au kuripotiwa na muda utakaotumika kwa ajili hiyo hautazidi dakika thelathini.

#### **Ardhilhali kukabidhiwa kwa Kamati**

**227.** (1) Kila Ardhilhali itakayowasilishwa au kuripotiwa kwa mujibu wa Sehemu hii itakabidhiwa kwa Kamati ya Kiidara inayohusika.

(2) Kila mara Kamati ya Kiidara

a Departmental Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the House and no debate on or in relation to the report shall be allowed, but the Speaker may, in exceptional circumstances, allow comments or observations in relation to the Petitions for not more than twenty Minutes.

(3) The Clerk shall, within fifteen days of the decision of the House, in writing, notify the petitioner of the decision of the House on the petition.

#### **Copies of responses**

228. The Clerk shall forward copies of responses received under Standing Order 227 (*Committal of Petitions*) to the petitioner or petitioners.

#### **Register of Petitions**

229. (1) The Clerk shall keep and maintain a register in which shall be recorded all petitions and supporting documents, and the decisions of the House.

(2) The register of petitions under paragraph (1) shall be accessible to the public during working hours.

inapokabidhiwa Ardhilhali, itahitajika kumjibu mwenye Ardhilhali ndani ya siku sitini za Ardhilhali kuwasilishwa Bungeni kupitia ripoti kwa mwenye au wenye Ardhilhali na kuwekwa Mezani na mjadala kuhusu ripoti hiyo hautaruhusiwa isipokuwa Spika, katika mazingira maalum, anaweza kuruhusu maoni yatolewe kuhusiana na Ardhilhali kwa muda usiozidi dakika ishirini.

(3) Katibu, ndani ya siku kumi na tano za uamuzi wa Bunge, atamuarifu mwenye Ardhilhali kwa maandishi kuhusu uamuzi wa Bunge.

#### **Nakala za majibu**

228. Katibu atawapa mwenye au wenye Ardhilhali nakala za majibu alizopokea kwa mujibu wa Kanuni ya 227 (*Ardhilhali kukabidhiwa kwa Kamati*).

#### **Sajili ya Ardhilhali**

229. (1) Katibu atahifadhi sajili ambamo Ardhilhali zote, nyaraka zilizoambatishwa na uamuzi wa Bunge utarekodiwa.

(2) Sajili ya Ardhilhali kwa mujibu wa fasili ya (1) itakuwa wazi kwa umma saa rasmi za kazi.

### **PART XXIIIA—PETITION FOR REMOVAL OF A MEMBER OF A COMMISSION OR INDEPENDENT OFFICE**

#### **Petitions for Removal of a member of a Commission or holder of an Independent Office**

230. (1) In addition to complying with the requirements of paragraphs (a), (b), (c), (d), (h), (i), (j), (l) and (m) of Standing Order 223 (*Form of Petition*), a petition to the House for removal of a member of a Commission or holder of an Independent Office under Article 251 of the Constitution —

### **SEHEMU YA XXIIIA — ARDHILHALI YA KUMWONDOA MJUMBE WA TUME AU OFISI HURU**

#### **Ardhilhali ya kumwondoa Mjumbe wa Tume au afisa wa Ofisi Huru**

230. (1) Pamoja na kufuata masharti ya fasili ya (a), (b), (c), (d), (h), (i), (j), (l) na (m) ya Kanuni ya 223 (*Muundo wa Ardhilhali*), Ardhilhali kwa Bunge ya kutaka kumwondoa mjumbe wa Tume au afisa wa Ofisi Huru kwa mujibu wa Ibara ya 251 ya Katiba—

(a) shall—

(i) indicate the grounds under Article 251(1) of the Constitution which the member of the commission or holder of an Independent Office is in breach;

(ii) where the grounds in subparagraph (i) above relate to violation of the Constitution or any other law, state with a degree of precision the provisions of the Constitution or any other written law that have been alleged to be violated;

(iii) indicate the nexus between the member or office holder concerned and the alleged grounds on which removal is sought; and

(b) may contain affidavits or other documents annexed to it.

(2) The paragraphs (1), (3), (4) and (5) of Standing Order 220 (*Submission of a petition*), Standing Order 222 (*Notice of Intention to Present Petition*), Standing Order 225 (*Presentation of Petitions*), and Standing Order 226 (*Comments on petitions*), shall apply to a petition to the House for removal of a member of a Commission under Article 251 of the Constitution.

(3) Every Petition presented or reported pursuant to this Standing Order shall stand committed to the relevant Departmental Committee.

(4) Upon receipt of a petition under paragraph (3), the relevant Departmental Committee shall investigate the matter and shall, within fourteen days, report to the House whether the petition discloses ground for removal under Article 251(a) of the Constitution.

(5) The House shall, within ten days of the tabling of the report of the committee under paragraph (4) resolve whether or not the petition discloses a ground for removal under Article 251(a) of the Constitution.

(a)italazimika—

(i) kuonesha sababu zilizoordheshwa katika Ibara ya 251(1) ya Katiba ambayo mjumbe huyo wa Tume au afisa wa Ofisi Huru amezikiuka;

(ii) kueleza kwa usahihi vifungu vya Katiba au sheria nyingine yoyote ambayo inadaiwa kukiukwa pale ambapo sababu zilizoordheshwa katika fasili ya 1(a)(i) zinahusiana na ukiukaji wa Katiba au sheria,;

(iii) kuonesha uhusiano wa moja moja baina ya mjumbe au afisa huyo na madai yaliyotolewa ili kumuondoa; na

(b) inaweza kuambatisha hati za viapo au nyaraka nyingine.

(2) Fasili ya (1), ya (3), ya (4) na (5) ya Kanuni ya 220 (*Kuletwa kwa Ardhihali*), Kanuni ya 222 (*Arifa ya kusudio la kuwasilisha Ardhihali*), Kanuni ya 225 (*Uwasilishaji wa Ardhihali*), na Kanuni ya 226 (*Maoni kuhusu Ardhihali*), zitatumika kwa Ardhihali kwa Bunge kumwondoa mjumbe wa Tume kwa mujibu wa Ibara ya 251 ya Katiba.

(3) Kila Ardhihali inayowasilishwa au kuripotiwa kwa mujibu wa Kanuni hii itakabidhiwa kwa Kamati ya Kiidara inayohusika.

(4) Baada ya kupokea Ardhihali kwa mujibu wa fasili ya (3), Kamati ya Kiidara inayohusika itachunguza suala hilo na, ndani ya siku kumi na nne, itaripoti Bungeni iwapo Ardhihali inabainisha sababu za kumwondoa mjumbe wa Tume au afisa wa Ofisi Huru kwa mujibu wa Ibara ya 251(a) ya Katiba.

(5) Ndani ya siku kumi za kuwasilishwa kwa ripoti ya Kamati kwa mujibu wa fasili ya (4), Bunge litaamua iwapo Ardhihali inabainisha au haibainishi sababu za kumwondoa mjumbe wa Tume au afisa wa Ofisi Huru kwa mujibu wa Ibara ya 251(a) ya Katiba.

(6) Where the House resolves that a petition discloses a ground for removal, the Speaker shall, within seven days of the resolution, transmit the resolution and the petition to the President.

(7) Consideration of a Petition under this Standing Order shall not lapse at the expiry of a term of Parliament.

#### **PART XXIV—FINANCIAL PROCEDURES**

##### **Restrictions with regard to certain financial measures**

231. (1) If, in the opinion of the Speaker, a motion makes provision for a matter listed in the definition of “a money Bill” in terms of Article 114 of the Constitution, the Assembly may proceed only with the recommendation of the Budget and Appropriations Committee after taking into account, the views of the Cabinet Secretary responsible for finance.

(2) “A money Bill”, as provided for in Article 114 of the Constitution means a Bill, other than a Division of Revenue Bill or a County Allocation of Revenue Bill both provided for in Article 218 of the Constitution, that contains provisions dealing with—

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

(3) In paragraph (2), “tax”, “public money”, and “loan” do not include any tax, public money or loan raised by a county.

(6) Pale ambapo Bunge litaamua kwamba Ardhillhali imebainisha sababu za kuwondoa mjumbe wa Tume au afisa wa Ofisi Huru, Spika, ndani ya siku saba za uamuzi huo, atapeleka uamuzi pamoja na Ardhillhali kwa Rais.

(7) Ushughulikiaji wa Ardhillhali kwa mujibu wa Kanuni hii hautakoma muhula wa Bunge utakapoisha.

#### **SEHEMU YA XXIV - UTARATIBU WA MASUALA YA FEDHA**

##### **Masharti kuhusu masuala ya fedha**

231. (1) Iwapo kwa maoni ya Spika, Hoja inahusu suala lililorejewa katika fasiri ya “Mswada unaohusu masuala ya fedha” kwa mujibu wa Ibara ya 114 ya Katiba, suala hilo linaweza kushughulikiwa na Bunge kwa kuzingatia mapendekezo ya Kamati ya Bajeti na Matumizi kwa kutilia maanani maoni ya Waziri anayehusika na masuala ya fedha.

(2) “Mswada unaohusu masuala ya fedha” uliotajwa katika Ibara ya 114 ya Katiba ni Mswada, isipokuwa Mswada wa Kugawa Mapato au Mswada wa Kutenga Mapato kwa Serikali za Kaunti ambayo imetajwa katika Ibara ya 218 ya Katiba, wenye masharti yanayohusu—

- (a) kodi;
- (b) kutoza tozo kwenye fedha za umma au kubadilisha au kufuta tozo hizo;
- (c) kutumia, kupokea, kuhifadhi, kuwekeza au kutoa pesa za umma;
- (d) kuchukua au kudhamini mkopo wowote au urejeshaji wa mkopo; au
- (e) masuala mengineyo yanayoambatana na masuala hayo.

(3) Katika fasili ya (2), “kodi”, “pesa za umma”, na “mkopo”, haijumuishi kodi, pesa za umma au mkopo unaochukuliwa na serikali za kaunti.

**Presentation of Budget Policy Statement and the Debt Management Strategy**

232.(1) Every year not later than 15<sup>th</sup> February the Cabinet Secretary responsible for Finance shall submit to the House a Budget Policy Statement and a Debt Management Strategy and shall be deemed to have been laid.

(2) The Budget Policy Statement shall include—

(a) an assessment of the current state of the economy and the financial outlook over the medium term, including macro-economic forecasts;

(b) the financial outlook with respect to Government revenues, expenditures and borrowing for the next financial year and over the medium term;

(c) the proposed expenditure limits for the national government, including those of Parliament and the Judiciary and indicative transfers to county governments;

(d) the fiscal responsibility principles and financial objectives over the medium term including limits on total annual debt;

(e) the total resources to be allocated to individual programmes and projects within a sector, Ministry or department for the period identified under sub-paragraph (a) indicating the outputs expected from each such programme or project during the period;

(f) a list of proposed projects for the period identified under sub-paragraph (a) indicating their respective expenditure ceilings, reconcilable to the total proposed ceilings for development expenditure.

(3) The Budget Policy Statement shall detail the criteria used to allocate or apportion the available public resources

**Kuwasilishwa kwa Taarifa ya Sera ya Bajeti na Mkakati wa Kudhibiti Deni**

232. (1) Kila mwaka na si baada ya tarehe 15 Februari Waziri anayehusika na masuala ya fedha atawasilisha Bungeni Taarifa ya Sera ya Bajeti na Mkakati wa Kudhibiti Deni na itachukuliwa kama imewasilishwa Mezani.

(2) Taarifa ya Sera ya Bajeti itajumuisha—

(a) tathmini ya hali ya uchumi kwa wakati huo na mwelekeo wa hali ya kifedha kwa muda wa kati ikijumuisha makisio ya hali ya jumla ya uchumi;

(b) mwelekeo wa hali ya kifedha kuhusu mapato ya Serikali, matumizi na mikopo kwa mwaka wa fedha unaofuata na katika muda wa kati;

(c) mapendekezo ya ukomo wa matumizi kwa serikali ya taifa, ikijumuisha matumizi ya Bunge na Mahakama na hawilisho kwenye serikali za kaunti;

(d) kanuni za uwajibikaji wa kifedha na malengo ya kifedha katika muda wa kati ikijumuisha ukomo kwa jumla ya mikopo katika mwaka;

(e) jumla ya rasilimali zitakazotengwa kwa ajili ya kila mpango na mradi ndani ya sekta, Wizara au idara katika kipindi kilichotajwa kwenye fasili ndogo ya (a) ikibainisha matokeo yanayotarajiwa kutoka kwa kila mpango au mradi katika kipindi hicho;

(f) orodha ya miradi inayopendekezwa katika kipindi kilichotajwa kwenye fasili ya (2)(a) ikitaja ukomo wa matumizi yake, ambao unawiana na jumla ya ukomo uliopendekezwa kwa ajili ya matumizi ya maendeleo.

(3) Taarifa ya Sera ya Bajeti itaeleza vigezo vitakavyotumika kutenga au kugawa rasilimali za umma zilizopo kwa mipango

among the various programmes and projects.

(4) The Debt Management Strategy shall include—

(a) the total stock of debt as at the date of the statement;

(b) the sources of loans made to the national government and the nature of guarantees given by the national government;

(c) the principal risks associated with those loans and guarantees;

(d) the assumptions underlying the debt management strategy; and

(e) an analysis of the sustainability of the amount of debt, both actual and potential.

(5) Upon being laid before the House, the Budget Policy Statement shall stand committed to each Departmental Committee to consider and make recommendations to the Budget and Appropriations Committee within seven days of committal.

(6) The Debt Management Strategy shall be committed to the Budget and Appropriation Committee.

(7) Within fourteen (14) days following the tabling of the Budget Policy Statement, the Budget and Appropriations Committee shall table a report in the House for consideration in accordance with the provisions of Section 25(7) of the Public Finance Management Act.

(8) In addition to the recommendation of the Committee, the report under paragraph (7) shall contain—

(a) a schedule showing the vertical allocation of resources amongst the two levels of government;

(b) the ceilings of resources recommended for the National Government, the Judiciary and Parliament;

(c) a recommendation on the overall debt strategy for the next financial year and the medium term.

na miradi mbalimbali.

(4) Mkakati wa Kudhibiti Deni utajumuisha—

(a) jumla ya deni lote hadi kufikia tarehe ya kuwasilisha Taarifa ya Sera ya Bajeti na Mkakati wa Kudhibiti Deni;

(b) vyanzo vya mikopo iliyotolewa kwa serikali ya taifa na aina ya dhamana zilizotolewa na serikali ya taifa;

(c) hatari kuu zinazohusiana na mikopo hiyo na dhamana zake;

(d) makisio yaliyo msingi wa Mkakati wa Kudhibiti Deni; na

(e) uchambuzi wa uhimilivu wa kiwango cha deni, ikiwemo deni halisi na tarajiwa.

(5) Baada ya Taarifa ya Sera ya Bajeti kuwasilishwa Mezani, taarifa hiyo itakabidhiwa kwa kila Kamati ya Kiidara kwa ajili ya kuishughulikia na kutoa mapendekezo kwa Kamati ya Bajeti na Matumizi, ndani ya siku saba za kupokea taarifa hiyo.

(6) Mkakati wa Kudhibiti Deni utakabidhiwa kwa Kamati ya Bajeti na Matumizi.

(7) Ndani ya siku kumi na nne za kuwasilishwa kwa Taarifa ya Sera ya Bajeti Bungeni, Kamati ya Bajeti na Matumizi itawasilisha ripoti Mezani ili ishughulikiwe kwa mujibu wa masharti ya kifungu cha 25(7) cha Sheria ya Usimamizi wa Fedha za Umma.

(8) Pamoja na mapendekezo ya Kamati, ripoti itakayowasilishwa kwa mujibu wa fasili ya (7) itakuwa na—

(a) jedwali linaloonesha mgao wa rasilimali kati ya serikali ya taifa na serikali za kaunti;

(b) ukomo wa jumla wa rasilimali ambao umependekezewa kwa ajili ya Serikali ya Taifa, Mahakama na Bunge;

(c) pendekezo la Mkakati wa Kudhibiti Deni kwa mwaka wa fedha unaofuata na muda wa kati.

(9) The approval by the House of the motion on the report of the Budget and Appropriations Committee on the Budget Policy Statement shall constitute the House Resolution setting forth the total overall projected revenue and borrowing, vertical allocation of resources among the two levels of government, the ceilings recommended for the National Government, the Judiciary and Parliament and where necessary, the total sums for each Vote and the allocations to individual programmes for the fiscal year in question.

(10) The resolution of the House on the Budget Policy Statement shall serve as a basis of the proposed estimates of expenditure for the next financial year and the medium term.

#### **Consideration of Division of Revenue Bill**

233. (1) Every year, not later than 10th March, there shall be introduced in National Assembly a Division of Revenue Bill, which shall divide revenue raised by the national government among the national and county levels of government in accordance with the Constitution.

(2) A Bill required by paragraph (1) shall be accompanied by a memorandum setting out-

- (i) an explanation of revenue allocation as proposed by the Bill;
- (ii) an evaluation of the Bill in relation to the criteria mentioned in Article 203 (1) of the Constitution; and
- (iii) a summary of any significant deviation from the Commission on Revenue Allocation's recommendations, with an explanation for each such deviation.

(3) The National Assembly shall proceed upon and conclude its consideration of a Division of Revenue Bill not later than ten sitting days after the Bill has been introduced with a view to passing it, with or without amendments.

(9) Idhini ya Bunge kwa Hoja kwenye ripoti ya Kamati ya Bajeti na Matumizi kwenye Taarifa ya Sera ya Bajeti itajumuisha Azimio la Bunge litakalotaja jumla ya makisio ya mapato na mikopo, mgao wa rasilimali kati ya Serikali ya Taifa na serikali za kaunti, ukomo uliopendekezewa kwa Serikali ya Taifa, Mahakama na Bunge na, pale ambapo itahitajika itaonyesha jumla ya mgao kwa kila Fungu na migao kwa kila mpango kwa mwaka wa fedha unaohusika.

(10) Azimio la Bunge kuhusu Taarifa ya Sera ya Bajeti litatumika kama msingi wa mapendekezo ya makadirio ya matumizi kwa mwaka wa fedha unaofuata na muda wa kati.

#### **Kushughulikia Mswada wa Kugawa Mapato**

233. (1) Kila mwaka, si baada ya terehe 10 Machi, Mswada wa Kugawa Mapato utawasilishwa Bungeni ambao utagawa mapato yaliyokusanywa na Serikali ya Taifa kati ya Serikali ya Taifa na serikali za kaunti kwa mujibu wa Katiba.

(2) Mswada unaohitajika kwa mujibu wa fasili ya (1) utaambathishwa maelezo yatakayobainisha-

- (i) ufafanuzi kuhusu mgao wa mapato kama ilivyopendekezwa na Mswada;
- (ii) tathmini ya Mswada kuhusiana na vigezo vilivyotajwa katika Ibara ya 203(1) ya Katiba; na
- (iii) muhtasari wa kiwango cha kutozingatia mapendekezo ya Tume ya Kugawa Mapato pamoja na maelezo ya kila kiwango cha kutozingatia huko.

(3) Bunge la Taifa litashughulikia Mswada wa Kugawa Mapato ndani ya siku kumi za vikao baada ya kukabidhiwa Mswada huo kwa ajili ya kuupitisha ukiwa na marekebisho au bila marekebisho.

(3A) In considering a Division of Revenue Bill, the House shall take into account any recommendation submitted by the Commission on Revenue Allocation, pursuant to provisions of Article 205 of the Constitution.

(4) The Division of Revenue Bill, having been passed by the National Assembly, shall stand referred to the Senate in accordance with Standing Order 142 (*Concurrence of the other House*).

#### **Consideration of County Allocation of Revenue Bill**

234. (1) Whenever the County Allocation of Revenue Bill is referred to the House, the House shall consider the Bill within ten days and the provisions of Article 111 of the Constitution shall apply.

(2) In considering a County Allocation of Revenue Bill, the House shall take into account any recommendation submitted by the Commission on Revenue Allocation, pursuant to the provisions of Article 205 of the Constitution.

#### **Presentation of Budget Estimates and committal to Committees**

235. (1) The Cabinet Secretary responsible for Finance, the Accounting Officer of the Parliamentary Service Commission and the Chief Registrar of the Judiciary shall, not later than 30th April, respectively submit to the National Assembly Budget Estimates and related documents specified in law for the National Government, the Judiciary and Parliament.

(2) The budget estimates referred to in paragraph (1) shall include the estimates of expenditure from the equalization fund pursuant to Article 221(2) of the Constitution.

(3) The Estimates and related documents submitted under Paragraph (1) and (2)

(3A) Katika kushughulikia Mswada wa Kugawa Mapato, Bunge litazingatia mapendekezo yoyote yaliyowasilishwa kwa Tume ya Kugawa Mapato, kwa mujibu wa Ibara ya 205 ya Katiba.

(4) Mswada wa Kugawa Mapato, ukishapitishwa na Bunge la Taifa, utapelekwa kwenye Seneti kwa mujibu wa Kanuni ya 142 (*Maafikiano na Seneti*).

#### **Kushughulikia Mswada wa Kutenga Mapato kwa Serikali za Kaunti**

234. (1) Kila wakati Mswada wa Kutenga Mapato kwa Serikali za Kaunti unapowasilishwa Bungeni, Bunge litaushughulikia Mswada huo ndani ya siku kumi na masharti ya Ibara ya 111 ya Katiba yatatumika.

(2) Katika kushughulikia Mswada wa Kugawa Mapato kwa Serikali za Kaunti, Bunge litazingatia mapendekezo yaliyowasilishwa na Tume ya Kugawa Mapato kwa mujibu wa Ibara ya 205 ya Katiba.

#### **Uwasilishaji wa Makadirio ya Bajeti na Kukabidhiwa Kamati**

235. (1) Waziri anayehusika na masuala ya fedha, afisa masuuli wa Tume ya Huduma za Bunge na Msajili Mkuu wa Mahakama watawasilisha Bungeni Makadirio ya Bajeti na hati nyingine zinazohitajika kisheria zinazohusiana na Serikali ya Taifa, Mahakama na Bunge si baada ya tarehe 30 Aprili.

(2) Makadirio ya bajeti yanayotajwa katika fasili ya (1) yatajumuishwa makadirio ya matumizi kutoka kwenye Mfuko wa Hazina ya Usawazishaji kwa mujibu wa Ibara ya 221(2) ya Katiba.

(3) Makadirio na nyaraka zinazohusiana na makadirio hayo zilizowasilishwa kwa

shall be tabled in the National Assembly within three days of submission.

(4) Upon being laid before the House—  
(a) the Estimates under paragraph (1) shall stand committed to each Departmental Committee to consider and make recommendations to the Budget and Appropriations Committee within twenty one days of committal;

(b) the Estimates under paragraph (2) shall stand committed to Budget and Appropriations Committee to consider and make recommendations to the House together with the report of the Committee on the Budget Estimates.

(5) The Budget and Appropriations Committee shall discuss and review the Budget Estimates and the Estimates of Expenditure from the Equalization Fund and make recommendations to the National Assembly, taking into account the recommendations of the Departmental Committees, the views of the Cabinet Secretary and the public.

#### **Committee of Supply**

236. The Committee of Supply shall be a Committee of the whole House.

#### **Definition of day**

237. For the purposes of this Part, a day shall be deemed to consist of any period of not more than three hours prior to 1.00 p.m. or of not more than three hours between 2.30 p.m. and 7.30 p.m. or of not more than three hours after 7.30 p.m.

238. *(Deleted)*

#### **Moving into Committee of Supply**

239. On an Order of the Day for Committee of Supply being read, the Chairperson of the Budget and Appropriations Committee or a Member designated by the Committee shall move the motion "The House do approve the

mujibu wa fasili ya (1) na ya (2) yatawasilishwa Mezani ndani ya siku tatu za kuwasilishwa kwake.

(4) Baada ya kuwasilishwa Mezani —  
(a) Makadirio kwa mujibu wa fasili ya (1) yatakabidhiwa kwa kila Kamati ya Kiidara kwa ajili ya kuyashughulikia na kutoa mapendekezo kwa Kamati ya Bajeti na Matumizi, ndani ya siku ishirini na moja za kupokea Makadirio hayo.

(b) Makadirio chini ya fasili ya (2) yatakabidhiwa Kamati ya Bajeti na Matumizi kwa ajili ya kuyashughulikia na kutoa mapendekezo Bungeni pamoja na ripoti ya Kamati kwenye Makadirio ya Bajeti.

(5) Kamati ya Bajeti na Matumizi itajadili na kuchambua Makadirio ya Bajeti na Makadirio ya Matumizi kutoka kwa Mfuko wa Hazina ya Usawazishaji na kutoa mapendekezo Bungeni, ikizingatia mapendekezo ya Kamati za Kiidara, maoni ya Waziri anayehusika na masuala ya fedha na maoni ya umma.

#### **Kamati ya Matumizi**

236. Kamati ya Matumizi itakuwa Kamati ya Bunge zima.

#### **Maana ya siku**

237. Kwa matumizi ya Sehemu hii, siku itachukuliwa kujumuisha kipindi chochote kisichozidi saa tatu kabla ya saa 7.00 mchana au muda usiozidi saa tatu kati ya saa 8.30 alasiri na saa 1.30 jioni au muda usiozidi saa tatu baada ya saa 1.30 jioni.

238. *(Imefutwa)*

#### **Kuingia katika hatua ya Kamati ya Matumizi**

239. Baada ya Shughuli ya Kamati ya Matumizi kusomwa, Mwenyekiti wa Kamati ya Bajeti na Matumizi au Mjumbe aliyeteuliwa na Kamati atatoa Hoja "Kwamba Bunge liidhinishe Ripoti ya Kamati ya Bajeti na Matumizi kuhusu

Report of the Budget and Appropriations Committee on the Budget Estimates for the financial year..... and the Estimates of Expenditure from the Equalization Fund and the allocations to the respective votes and programmes as contained in the Schedule” with necessary modifications, where applicable.

#### Consideration of Estimates in the Committee of Supply

240. (1) The report of the Budget and Appropriations Committee on the Budget Estimates and the Estimates of Expenditure from the Equalization Fund shall be considered in the Committee of Supply upon a motion that “The House do approve the Report of the Budget and Appropriations Committee on the Budget Estimates for the financial year..... and the Estimates of Expenditure from the Equalization Fund and the allocations to the respective votes and programmes as contained in the Schedule” with necessary modifications, where applicable.

(2) The Chairperson shall propose a question on each of the Votes or programmes.

(3) In considering the Estimates, the House shall take into consideration its resolutions on the Budget Policy Statement and ensure that—

(a) an increase in expenditure in a proposed appropriation is balanced by a reduction in expenditure in another proposed appropriation; or

(b) a proposed reduction in expenditure is used to reduce a deficit in the Budget.

(4) An amendment to any vote to increase or reduce the sum allotted to any programme or the vote may only be

Makadirio ya Bajeti kwa mwaka wa fedha wa .... na Makadirio ya Matumizi kutoka kwa Mfuko wa Hazina ya Usawazishaji na migao kwa mafungu yanayohusika na mipango iliyoorodheshwa kwenye Jedwali” kwa kufanyiwa mabadiliko kwa kadri itakavyohitajika.

#### Kushughulikia Makadirio kwenye Kamati ya Matumizi

240. (1) Ripoti ya Kamati ya Bajeti na Matumizi kwa Makadirio ya Bajeti na Makadirio ya Matumizi kutoka kwa Mfuko wa Hazina ya Usawazishaji itashughulikiwa kwenye Kamati ya Matumizi baada ya Hoja kutolewa “Kwamba Bunge liidhinishe ripoti ya Kamati ya Bajeti na Matumizi kuhusu Makadirio ya Bajeti kwa mwaka wa fedha .... na Makadirio ya Matumizi kutoka kwa Mfuko wa Hazina ya Usawazishaji na na migao kwa mafungu yanayohusika na mipango iliyoorodheshwa kwenye Jedwali” kwa kufanyiwa mabadiliko kwa kadri itakavyohitajika.

(2) Mwenyekiti atatoa Hoja iamuliwe kwa kila Fungu au mpango.

(3) Katika kushughulikia Makadirio, Bunge litazingatia maazimio yake kwenye Taarifa ya Sera ya Bajeti na kuhakikisha kwamba—

(a) ongezeko la matumizi kwenye mgao uliopendekezwa limesawazishwa kwa kupunguza matumizi kwenye mgao mwingine uliopendekezwa; au

(b) punguzo lililopendekezwa kwenye matumizi linatumika kupunguza nakisi katika Bajeti.

(4) Rekebisho kwa Fungu lolote kwa ajili ya kuongeza au kupunguza fedha zilizotengwa kwenye mpango wowote au fungu hilo

moved in accordance with the recommendation of the Budget and Appropriations Committee.

(5) An amendment in the Committee of Supply may be in the form of a motion “That the Vote..... be increased/reduced by Ksh ..... (in respect of programme .....)” or in such a form as the Speaker may approve.

(6) An amendment to leave out a Vote shall not be in order, and shall not be placed on the Order Paper, and a Member desiring to do so should instead oppose the approval of the Vote.

(7) When notice has been given of two or more amendments to reduce the same item, sub-head, or a vote, they shall be placed in the Order Paper and considered in the order of the magnitude of the reductions proposed, the amendment proposing the largest reduction being placed first in each case. The reduced amount in respect of a Vote may be transferred to another Vote provided that other Vote has not been disposed of.

(8) Debate on every amendment shall be confined to the item, sub-head or the Vote to which the amendment refers, and after an amendment to an item or sub-head has been disposed of, no amendment or debate on a previous item or sub-head of that Vote shall be permitted.

(9) On the last of the allotted days, being a day before the 26th June, the Chairperson shall, one hour before the time for the interruption of business, forthwith put every question necessary to dispose of the debate for approval of the Vote then under consideration, and shall then forthwith put severally the questions necessary to dispose of every Vote not yet granted; and if at that time the House is not in Committee, the House shall forthwith move into

linaweza kuhamishwa tu kwa kuzingatia mapendekezo ya Kamati ya Bajeti na Matumizi.

(5) Rekebisho litakalotolewa kwenye Kamati ya Matumizi linaweza kutolewa kwa njia ya Hoja “Kwamba Fungu .... liongezwe/lipunguzwe kwa Shilingi .... (kuhusiana na mpango....)” au kwa namna itakayoidhinishwa na Spika.

(6) Rekebisho la kuondoa Fungu halitaruhusiwa na halitawekwa kwenye Orodha ya Shughuli na badala yake, Mbunge anayekusudia kulitoa anaweza kupinga idhinisho la Fungu hilo.

(7) Pale ambapo Arifa ya marekebisho mawili au zaidi imetolewa ili kupunguza kipengele, kifungu kidogo au Fungu hilo, marekebisho hayo yatawekwa kwenye Orodha ya Shughuli na yatashughulikiwa kwa kuzingatia kiasi cha punguzo kilichopendekezwa, ambapo rekebisho linalopendekeza punguzo kubwa zaidi litapewa kipaumbele kwa kila hali na kiasi cha fedha kilichopunguzwa kuhusiana na Fungu lolote kinaweza kuhamishwa kwenda Fungu lingine ilimuradi Fungu hilo liwe halijashughulikiwa.

(8) Mjadala kwa kila rekebisho utajikita katika kipengele, kifungu kidogo au Fungu linalohusika, na baada ya rekebisho kwenye kipengele, kifungu kidogo au Fungu kukamilika, hakuna rekebisho au mjadala utakaoruhusiwa kwa kifungu kidogo cha Fungu hilo.

(9) Siku ya mwisho ya siku tengwa, ambayo itakuwa kabla ya tarehe 26 Juni, saa moja kabla ya muda wa kusitisha shughuli, Mwenyekiti atatoa Hoja ili mjadala wa kuidhinisha Fungu linaloshughulikiwa, na mara moja atatoa Hoja ziamuliwe kwa kila Fungu ambalo halijaidhinishwa na iwapo wakati huo Bunge haliko kwenye Kamati ya Bunge Zima, Bunge litaingia kwenye hatua ya Kamati mara moja bila Hoja kutolewa, kwa ajili hiyo.

committee without question put, for that purpose.

(10) On any day upon which the Chairperson is under this order directed to put forthwith any question, the consideration of the business of Supply shall not be anticipated by a Motion for the adjournment of the House, and no dilatory Motion shall be moved in relation to that business, and the business shall not be interrupted under any Standing Order.

(11) When all amendments in respect of all Votes have been disposed of, the Chairperson shall again propose the question "The House do approve the Report of the Budget and Appropriations Committee on the Budget Estimates for the financial year.....and the Estimates of Expenditure from the Equalization Fund and the allocations to the respective votes and programmes as contained in the Schedule" with necessary modifications, where applicable.

(12) At the conclusion of the debate the Chairperson shall put the question referred to in paragraph (11) and report to the House forthwith.

#### **Consideration of Supply Resolutions**

240A. (1) The report or any resolution of the Committee of Supply shall be considered upon a Motion, "That, the House do agree with the Committee in the said resolution."

(2) The question on any Motion moved under paragraph (1) shall be put forthwith, no amendment, adjournment or debate being allowed, unless a Member desires to amend or to add to the resolution in which case the Member may propose an amendment to add, at the end of the Motion, the words "subject to the re-committal of the resolution (in respect of some specific Vote or programme) to the Committee of Supply."

(3) If the Motion is agreed to with the

(10) Siku yoyote ambayo Mwenyekiti ameelekezwa na kanuni hii kutoa Hoja yoyote iamuliwe, ushughulikiaji wa shughuli ya Kamati ya Matumizi hautawahishwa kupitia Hoja ya kuahirisha Bunge na Hoja ya kuahirisha mjadala unaohusiana na shughuli hiyo haitatolewa, na shughuli hiyo haitasitishwa kwa mujibu wa Kanuni yoyote.

(11) Wakati ambapo marekebisho kuhusiana na Mafungu yameshughulikiwa, Mwenyekiti atatoa Hoja "Kwamba Bunge liidhinishe Ripoti ya Kamati ya Bajeti na Matumizi kuhusu Makadirio ya Bajeti kwa mwaka wa fedha... na Makadirio ya Matumizi kutoka kwa Mfuko wa Hazina ya Usawazishaji na mgao kwa kila Fungu na mipango iliyoorodheshwa kwenye Jedwali" kwa kufanyiwa mabadiliko kwa kadri itakavyohitajika.

(12) Mjadala unapohitimishwa, Mwenyekiti ataihoji Kamati kuamua Hoja iliyotajwa kwenye fasili ya (11) na kuripoti kwa Bunge mara moja.

#### **Kushughulikia Maazimio ya Matumizi**

240A. (1) Ripoti au azimio lolote la Kamati ya Matumizi litashughulikiwa kufuatia Hoja, "Kwamba, Bunge likubali azimio la Kamati."

(2) Hoja itakayotolewa kwa mujibu wa fasili ya (1) itaamuliwa mara moja bila kuruhusu rekebisho, ahirisho au mjadala, isipokuwa kama Mbunge yeyote atakusudia kurekebisha au kuongeza kwenye azimio anaweza kupendekeza kuongeza mwishoni mwa Hoja, maneno "kwa sharti kwamba azimio (kuhusiana na Fungu au mpango mahususi) lirejeshwe tena kwenye Kamati ya Matumizi"

(3) Iwapo Hoja imekubalika pamoja na

Member's amendment, the resolution shall stand re-committed to the Committee of Supply and the House shall either forthwith or upon a day determined by the Speaker dissolve itself into Committee of Supply to consider the resolution so re-committed.

(4) When any resolution of the Committee of Supply has been re-committed to the Committee, the Committee shall consider only the matters in respect of which it was so re-committed and any matter directly consequential thereon.

(5) Except as provided by paragraph (4) of this Standing Order, paragraphs (2) and (3) of the provisions of this Standing Order shall apply in respect of a resolution so re-committed.

#### **Appropriation Bill and Equalization Fund Appropriation Bill**

240B. (1) The resolution of the House on the Budget Estimates and Estimates of Expenditure from the Equalization Fund shall serve as a basis of the Appropriation Bill and the Equalization Fund Appropriation Bill.

(2) Upon approval of the budget estimates, the Chairperson of the Budget and Appropriations Committee shall introduce an Appropriation Bill and, whenever necessary, an Equalization Fund Appropriation Bill in the House.

(3) The House may proceed only in accordance with the recommendation of the Budget and Appropriations Committee in respect of any proposed amendment to a Bill under paragraph (1) after consulting the relevant Departmental Committees.

(4) The House shall consider and pass the Appropriation Bill not later than the 26th June of any given year.

241. *(Deleted).*

marekebisho ya Mbunge, azimio litarejeshwa kwenye Kamati ya Matumizi na Bunge litarejea kwenye Kamati ya Matumizi mara moja au siku ambayo Spika ataamua ili kushughulikia azimio lililorejeshwa kwenye Kamati.

(4) Pale ambapo azimio lolote limerejeshwa kwenye Kamati ya Matumizi, Kamati itashughulikia tu masuala yaliyorejeshwa na suala lolote ambalo linaathiriwa moja kwa moja na masuala yaliyorejeshwa kwenye Kamati.

(5) Isipokuwa kwa mujibu wa fasili ya (4) ya Kanuni hii, masharti ya fasili ya (2) na ya (3) ya Kanuni hizi yatatumika kuhusiana na azimio lililorejeshwa kwenye Kamati.

#### **Mswada wa Matumizi ya Fedha na Mswada wa Matumizi ya Fedha ya Mfuko wa Hazina ya Usawazishaji**

240B. (1) Azimio la Bunge kwenye Makadirio ya Bajeti na Makadirio ya Matumizi kutoka kwa Mfuko wa Hazina ya Usawazishaji litatumika kama msingi wa kuandaa Mswada wa Matumizi ya Fedha na Mswada wa Matumizi ya Fedha ya Mfuko wa Hazina ya Usawazishaji.

(2) Baada ya makadirio ya bajeti kuidhinishwa, Mwenyekiti wa Kamati ya Bajeti na Matumizi atawasilisha Bungeni Mswada wa Matumizi ya Fedha na, iwapo itahitajika, Mswada wa Matumizi ya Fedha ya Mfuko wa Hazina ya Usawazishaji.

(3) Bunge litashughulikia marekebisho yoyote yatakayopendekezwa kwenye Mswada uliotajwa kwenye fasili ya (1) kwa kuzingatia mapendekezo ya Kamati ya Bajeti na Matumizi baada ya kushauriana na Kamati za Kiidara zinazohusika.

(4) Bunge litashughulikia na kupitisha Mswada wa Matumizi Fedha ya si baada ya tarehe 26 Juni kila mwaka.

241. *(Imefutwa).*

## Vote on Account

242. (1) Following approval of the Budget Estimates, and before the Appropriation Bill is assented to, the National Assembly may authorise withdrawals in accordance with Article 222 of the Constitution, and such authority shall be communicated to the Cabinet Secretary responsible for finance by the Speaker of the National Assembly within seven days of that authority being granted by the National Assembly.

(2) A motion seeking the authorization of withdrawals under paragraph (1) shall be known as a Vote on Account and shall be put down on any day before 30<sup>th</sup> June.

## Procedure on Supplementary Estimates

243. (1) The national government shall submit to the National Assembly for approval a supplementary budget in support of money spent under Article 223 of the Constitution.

(2) The supplementary budget shall include—

(a) a statement showing how the additional expenditure relates to the fiscal responsibility principles and financial objectives; and

(b) a schedule showing the list of programmes or projects that is affected by the proposed supplementary budget.

(3) The procedure applicable to the approval of the Budget Estimates under Standing Order 240 (*Consideration of Estimates in the Committee of Supply*) and 240A (*Consideration of Supply Resolutions*) shall with the necessary modifications, apply to the approval of the Supplementary Estimates.

(4) On any day on which an Order of the

## Idhini ya kutoa Fedha

242. (1) Kufuatia kuidhinishwa kwa Makadirio ya Bajeti na kabla ya Mswada wa Matumizi ya Fedha kupata kibali cha Rais, Bunge la Taifa linaweza kuidhinisha fedha zitolewe kwenye Mfuko Mkuu wa Hazina kulingana na Ibara ya 222 ya Katiba na, ndani ya siku saba za idhini hiyo kutolewa, Spika wa Bunge la Taifa atawasilisha idhini hiyo kwa Waziri anayehusika na masuala ya fedha.

(2) Hoja ya kuomba idhini ya kutoa fedha kwenye Mfuko Mkuu wa Hazina kwa mujibu wa fasili ya (1) itaitwa “Idhini ya kutoa Fedha” na itatolewa siku yoyote kabla ya Juni 30.

## Utaratibu wa Makadirio ya Nyongeza

243. (1) Serikali ya Taifa itawasilisha Bajeti ya Nyongeza kwa Bunge la Taifa kwa ajili ya kuidhinisha bajeti ya nyongeza ili kuhalalisha fedha ambazo zimetumika kwa mujibu wa Ibara ya 223 ya Katiba.

(2) Bajeti ya Nyongeza itajumuisha—

(a) taarifa inayoonesha jinsi matumizi ya nyongeza yanavyohusiana na kanuni za uwajibikaji wa kifedha na malengo ya kifedha; na

(b) jedwali linaloonesha orodha ya mipango au miradi inayoathiriwa na Bajeti ya nyongeza iliyopendekezwa.

(3) Utaratibu wa kuidhinisha Makadirio ya Bajeti kwa mujibu wa Kanuni ya 240 (*Kushughulikia Makadirio kwenye Kamati ya Matumizi*) na Kanuni ya 240A (*Kushughulikia Maazimio ya Matumizi*) ukifanyiwa marekebisho kwa kadri itakavyowekekana, utatumika kuidhinisha Bajeti ya Nyongeza.

(4) Siku yoyote ambapo shughuli ya hatua

Day for Committee of Supply has been set down under this Standing Order, the business of such order shall commence not later than three hours before the time for interruption of business.

244. (Deleted)

#### **Approval of expenditure of more than ten percent**

244A. (1) Pursuant to the provisions of Article 223(5), the House may, following a request by the National Treasury and upon recommendation of the Budget and Appropriations Committee, by resolution, approve spending of more than ten per cent above the sum appropriated in the Appropriations Act for that financial year.

(2) The Budget and Appropriations Committee shall satisfy itself that the proposed expenditure under paragraph (1) relates to special circumstances.

#### **Supplementary Appropriation Bill**

244B. (1) The resolution of the House on the Supplementary Estimates shall serve as a basis of the Supplementary Appropriation Bill.

(2) Upon approval of the Supplementary Estimates, the Chairperson of the Budget and Appropriations Committee shall introduce a Supplementary Appropriation Bill for consideration by the House.

(3) The procedure applicable to the approval of a Appropriation Bill under Standing Order 240B (Appropriation Bill and Equalization Fund Appropriation Bill) shall with the necessary modifications, apply to the approval of the Supplementary Appropriation Bill.

(4) A Supplementary Appropriation Bill

ya Kamati ya Matumizi imewekwa kwenye Orodha ya Shughuli, shughuli hiyo itaanza si baada ya saa tatu kabla ya wakati wa kuahirisha kikao.

244. (Imefutwa)

#### **Kuidhinisha matumizi yanayozidi asilimia kumi**

244A. (1) Kwa kuzingatia masharti ya Ibara ya 223(5), Bunge, kufuatia ombi la Wizara inayohusika na Hazina ya Taifa na pendekezo la Kamati ya Bajeti na Matumizi, linaweza kupitisha azimio kwa ajili ya kuidhinisha matumizi ya fedha yanayozidi asilimia kumi zaidi ya kiasi kilichoidhinishwa kwenye Sheria ya Matumizi ya Fedha kwa mwaka huo wa fedha.

(2) Kamati ya Bajeti na Matumizi itajiridhisha kwamba matumizi yanayopendekezwa kwa mujibu ya fasili ya (1) yanahusu mazingira ya kipekee.

#### **Mswada wa Nyongeza ya Matumizi ya Fedha**

244B. (1) Azimio la Bunge kuhusu Makadirio ya Nyongeza litakuwa msingi wa kuandaa Mswada wa Nyongeza ya Matumizi ya Fedha.

(2) Makadirio ya Nyongeza yanapoidhinishwa, Mwenyekiti wa Kamati ya Bajeti na Matumizi atawasilisha Bungeni Mswada wa Nyongeza ya Matumizi ya Fedha ili ushughulikiwe.

(3) Utaratibu wa kuidhinisha Mswada wa Matumizi kwa mujibu wa Kanuni ya 240B (*Mswada wa Matumizi ya Fedha na Mswada wa Matumizi ya Fedha ya Mfuko wa Hazina ya Usawazishaji*) ukifanyiwa marekebisho kwa kadri itakavyowekekana, utatumika kuidhinisha Mswada wa Nyongeza ya Matumizi ya Fedha.

(4) Mswada wa Nyongeza ya Matumizi ya

shall contain a schedule showing—

(a) the amounts appropriated in the Appropriation Act; and

(b) the net proposed change arising from the approved supplementary estimates under Standing Order 243 (*Procedure on Supplementary Estimates*) and Standing Order 244A (*Approval of expenditure of more than ten percent*).

**Pronouncement of the Budget highlights and Revenue raising measures**

**244C.** (1) The Cabinet Secretary responsible for Finance shall make a public pronouncement of the budget policy highlights and revenue raising measures for the national government as contemplated under the Public Finance Management Act.

(2) The Speaker may designate a suitable place in the Chamber for the purposes of admitting the Cabinet Secretary to make the public pronouncement of the budget policy highlights and revenue raising measures.

(3) The public pronouncement under paragraph (1) shall be heard without question or clarification.

(4) On the same date that the budget policy highlights and revenue raising measures are pronounced, the Cabinet Secretary shall submit to the National Assembly a legislative proposal, setting out the revenue raising measures for the national government, together with a policy statement expounding on those measures.

(5) The provisions of the National Assembly (Powers and Privileges) Act (Cap 6.) shall apply to a Cabinet Secretary admitted to the Chamber

Fedha utakuwa na jedwali litakaloonesha-

(a) kiasi cha fedha kilichopangwa kutumika katika Sheria ya Matumizi ya Fedha; na

(b) kiasi halisi cha mabadiliko kinachopendekezwa kutokana na Makadirio ya Nyongeza yaliyoidhinishwa kwa mujibu wa Kanuni ya 243 (*Utaratibu wa Makadirio ya Nyongeza*) na Kanuni ya 244A (*Kuidhinisha matumizi yanayozidi asilimia kumi*).

**Kutangazwa kwa dondoo za Bajeti na mikakati ya Ukusanyaji mapato**

**244C.** (1) Waziri anayehusika na masuala ya fedha atasoma dondoo za sera ya bajeti na mikakati ya ukusanyaji wa mapato kwa ajili ya Serikali ya Taifa kulingana na Sheria ya Usimamizi wa Fedha za Umma .

(2) Spika anaweza kutenga sehemu maalum ukumbini kwa ajili ya kumruhusu Waziri anayehusika na masuala ya fedha kusoma dondoo za sera ya bajeti na mikakati ya ukusanyaji wa mapato.

(3) Waziri anaposoma dondoo za sera ya bajeti kwa mujibu wa fasili ya (1) atasikilizwa bila kuulizwa swali au kuhitajika kutoa ufafanuzi.

(4) Siku ambayo dondoo za sera ya bajeti na mikakati ya ukusanyaji mapato zitasomwa Bungeni, Waziri atawasilisha kwa Bunge la Taifa pendekezo la Mswada linaloonesha mikakati ya ukusanyaji wa mapato ya Serikali ya Taifa pamoja na taarifa ya sera inayofafanua mikakati hiyo.

(6) Masharti ya Sheria ya Mamlaka na Haki ya Bunge (Sura ya 6) yatatumika kwa Waziri aliyeruhusiwa Ukumbini kwa mujibu wa Sehemu hii.

under this Part.

### Consideration of Finance Bill

245. (1) Following the submission of the legislative proposal by the Cabinet Secretary under Standing Order 244C (*Pronouncement of the Budget highlights and Revenue raising measures*), the Departmental Committee on Finance and National Planning shall introduce to the National Assembly the Finance Bill in the form in which the Bill was submitted as a legislative proposal by the Cabinet Secretary, together with the report of the Committee on the Bill.

(2) Any of the recommendations made by the Committee or adopted by the National Assembly on revenue matters shall -

(a) ensure that the total amount of revenue raised is consistent with the approved fiscal framework and the Division of Revenue Act;

(b) take into account the principles of equity, certainty and ease of collection;

(c) consider the impact of the proposed changes on the composition of the tax revenue with reference to the direct and indirect taxes;

(d) consider domestic, regional and international tax trends;

(e) consider the impact on development, investment, employment and economic growth;

(f) take into account the recommendations of the Cabinet Secretary as provided under Article 114 of the Constitution; and

(g) take into account the taxation and other tariff agreements and obligations that Kenya has ratified, including

### Kushughulikia Mswada wa Fedha

245. (1) Baada ya Waziri kuwasilisha pendekezo la Mswada kwa Bunge la Taifa kwa mujibu wa Kanuni ya 244C (*Kutangazwa kwa dondoo za Bajeti na mikakati ya Ukusanyaji mapato*), Kamati ya Fedha na Mipango ya Taifa itawasilisha Mswada wa Fedha Bungeni kwa muundo uleule ambao uliwasilishwa na Waziri kama pendekezo la Mswada pamoja na ripoti ya Kamati kuhusu Mswada huo.

(2) Mapendekezo yoyote yaliyofanywa na Kamati au kupitishwa na Bunge la Taifa kuhusu mapato—

(a) yatahakikisha kwamba jumla ya mapato yaliyokusanywa yanalingana na mfumo wa fedha ulioidhinishwa pamoja na Sheria ya Kugawa Mapato;

(b) yatazingatia kanuni ya usawa, uhakika na wepesi wa ukusanyaji wa mapato;

(c) yatazingatia athari ya marekebisho yanayopendekezwa kwenye muundo wa kodi kuhusu kodi za moja kwa moja na zisizo za moja kwa moja;

(d) yatazingatia mienendo ya mifumo ya kodi za ndani, kikanda na kimataifa;

(e) yatazingatia athari kwa maendeleo, uwekezaji, ajira na ukuaji wa uchumi;

(f) yatazingatia mapendekezo ya Waziri yaliyotolewa kwa mujibu wa Ibara ya 114 ya Katiba; na

(g) yatazingatia mikataba ambayo imeridhiwa na Kenya kuhusu masuala ya kodi na tozo mbalimbali ikijumuisha mikataba ya masuala ya kodi na tozo kwa

taxation and tariff agreements under the East African Community Treaty.

(3) The recommendations of the Cabinet Secretary in paragraph (2)(f) shall be included in the report and tabled in the National Assembly.

(4) Not later than ninety days after passing the Appropriation Bill, the National Assembly shall consider and pass the Finance Bill with or without amendments.

mujibu wa Mkataba wa Jumuiya ya Afrika Mashariki.

(3) Mapendekezo yatakayotolewa na Waziri katika fasili ya (2)(f) yatajumuishwa kwenye ripoti na kuwasilishwa Mezani.

(4) Bunge la Taifa litashughulikia na kupitisha Mswada wa Fedha ukiwa na marekebisho au bila marekebisho si baada ya siku tisini baada ya kupitisha Mswada wa Matumizi ya Fedha.

## **PART XXV—JOURNALS, RECORDS AND BROADCAST OF PROCEEDINGS**

### **Journals of the House**

246. All votes and proceedings of the House shall be noted by the Clerk and shall constitute the Journals of the House.

### **Custody of Journals and Records**

247. (1) The custody of the Journals and Records, whether audio, electronic or any other form, including all papers and accounts howsoever presented to or belonging to the House, shall be vested in the Clerk, who shall unless otherwise prohibited by any law, allow their access by the public.

(2) The Clerk shall publish the Votes and Proceedings of the House within forty eight hours of any sitting.

(3) The Speaker may make rules to regulate the access by the public to Journals and Records under paragraph (1).

## **SEHEMU YA XXV-MAJARIDA, REKODI NA URUSHAJI WA MATANGAZO YA VIKAO**

### **Rekodi za Bunge**

246. Kumbukumbu za vikao vya Bunge zitachukuliwa na Katibu na zitakuwa sehemu ya Rekodi za shughuli za Bunge.

### **Hifadhi ya Majarida na Rekodi za Bunge**

247. (1) Hifadhi ya Rekodi za Bunge na nyaraka, iwe za sauti, kielektroniki au za namna nyingine yoyote, ikijumuisha kila nyaraka na simulizi zilizowasilishwa kwa namna yoyote ile au zinazomilikiwa na Bunge, itakabidhiwa kwa Katibu ambaye, isipokuwa kama amezuiwa na sheria yoyote, ataruhusu ziwewe wazi kwa umma.

(2) Katibu atachapisha na kutangaza Kumbukumbu za vikao vya Bunge ndani ya saa arubaini na nane za kikao chochote kuahirishwa.

(3) Spika anaweza kuweka masharti ya namna umma unavyoweza kupata Rekodi za Bunge na nyaraka zilizotajwa kwenye fasili ya (1).

### **Hansard reports**

248. (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.

### **Secret or personal matters**

249. The Speaker may direct any matter which, in the Speaker's opinion, is secret or purely personal to be excluded from the Journals of the House and from the verbatim report of the proceedings of the House, and to be the subject of a separate verbatim report, which shall be kept in the custody of the Clerk and made available only to Members.

### **Broadcast of House Proceedings**

250. (1) The proceedings of the House may be broadcast.

(2) The broadcasting of the proceedings of the House shall comply with the Rules set out in the First Schedule of these Standing Orders.

251. *(Deleted)*

### **PART XXVII—PUBLIC ACCESS TO THE HOUSE AND ITS COMMITTEES**

#### **General provisions on access to the House**

252. (1) Except as may be expressly

### **Taarifa Rasmi**

248. (1) Taarifa ya neno kwa neno ya vikao vya Bunge itachapishwa ndani ya saa arubaini na nane, isipokuwa pale ambapo Spika ameridhishwa kwamba haiwezekani kutokana na tukio la dharura.

(2) Kila Mbunge atakuwa na fursa ya kurekebisha sehemu ya mchango wake kwenye rasimu ya taarifa ya neno kwa neno ilimradi isiwe kwa ajili ya kubadilisha maudhui ya kile alichokisema.

(3) Pale ambapo patatokea shaka kuhusiana na yaliyomo kwenye taarifa ya neno kwa neno ya vikao vya Bunge, Spika atatoa uamuzi.

### **Mambo ya siri au ya binafsi**

249. Spika anaweza kuelekeza kuondolewa kwenye Rekodi za Bunge na taarifa ya neno kwa neno jambo lolote ambalo kwa maoni yake ni la siri au binafsi na kuagiza liwekwe kwenye taarifa tofauti ambayo itahifadhiwa na Katibu na kuwekwa wazi kwa Wabunge tu.

### **Urushaji wa matangazo ya shughuli za Bunge**

250.(1) Shughuli za Bunge zinaweza kutangazwa.

(2) Utangazaji wa shughuli za Bunge utazingatia masharti yaliyowekwa katika Mpangilio wa Kwanza wa Kanuni hizi.

251. *(Imefutwa)*

### **SEHEMU YA XXVII - BUNGE NA KAMATI ZAKE KUWA WAZI KWA UMMA**

#### **Masharti ya jumla ya kuingia kwenye Bunge**

252. (1) Isipokuwa kama masharti yanaeleza

provided to the contrary, every person shall have access to the House and its committees.

(2) The House or a committee may not exclude any person, or any media, from a sitting of the House or of a committee unless, in exceptional circumstances, the Speaker has determined that there are justifiable reasons for the exclusion.

(3) The Speaker may, from time to time, issue rules governing public access to the House and its committees.

#### **Restriction of access to the Chamber**

253. (1) No person other than a Member shall be admitted into any part of the Chamber appropriated to the exclusive use of Members of the House while the House or the Committee of the whole House is sitting.

(2) Paragraph (1) does not apply to the Clerk or other officers of Parliament when discharging their duties in the service of the House.

#### **Exclusion from the House or committees**

254. (1) A Member may, at any time, rise to claim that the public or any particular person be, for reasons stated, excluded from the House or from a committee, and if the Speaker or Chairperson is of the opinion that there are justifiable reasons for the exclusion, he or she may order that the public or such person withdraw from the House or the committee.

(2) Whenever the Speaker or Chairperson has determined that any person be excluded from a sitting of the House or of a committee, the Speaker or Chairperson shall inform the House or

vinginevyo, kila mtu anaruhusiwa kuingia kwenye Bunge na kamati zake.

(2) Bunge au Kamati haliwezi kumkataza mtu yeyote au chombo chochote cha habari kuingia kwenye vikao na mikutano yake isipokuwa pale ambapo, kwa mazingira mahususi, Spika amebaini kuwa kuna sababu za kuridhisha kutoruhusu kikao au mkutano kuwa wazi kwa umma.

(3) Mara kwa mara, Spika anaweza kuweka masharti ya namna umma unavyoweza kuingia kwenye vikao vya Bunge au mikutano ya kamati.

#### **Katazo la kuingia Ukumbini**

253. (1) Hakuna mtu yeyote asiye Mbunge atakayeruhusiwa kuingia katika sehemu yoyote ya Ukumbi iliyotengewa kwa ajili ya Wabunge wakati wa kikao cha Bunge au Kamati ya Bunge Zima.

(2) Masharti ya fasili ya (1) hayatumki kwa Katibu au maafisa wengine wa Bunge wakati wa kutekeleza majukumu ya uendeshaji wa kikao cha Bunge.

#### **Kuondolewa Bungeni au kwenye Kamati**

254. (1) Wakati wowote, Mbunge anaweza kusimama na kudai kwamba umma au mtu fulani, kwa sababu atakazozitaja, aondolewe Bungeni au kwenye Kamati, na ikiwa Spika au Mwenyekiti ana maoni kwamba kuna sababu za kuridhisha za kuondolewa huko, anaweza kuagiza kwamba umma au mtu huyo aondoke Bungeni au kwenye kamati.

(2) Pale ambapo Spika au Mwenyekiti ameamua kuwa mtu yeyote aondolewe kwenye kikao cha Bunge au Kamati, Spika au Mwenyekiti ataliarifu Bunge au Kamati

Committee the reasons for the exclusion. sababu za kuondolewa kwa mtu huyo.

(3) A determination by the Speaker or Chairperson under paragraph (2) shall not be the subject of comment or debate.

(3) Uamuzi wa Spika au Mwenyekiti kwa mujibu wa fasili ya (2) hautatolewa maoni wala kujadiliwa.

(4) The Clerk shall ensure that an order for the withdrawal of the public or a person is complied with.

(4) Katibu atahakikisha kuwa amri ya umma au mtu kuondolewa inafuatwa.

#### **Press representatives infringing Standing Orders or the Speaker's Rules**

#### **Wanahabari wanapokiuka Kanuni hizi au masharti ya Spika**

255. Any media institution whose representative infringes these Standing Orders or any rules made by the Speaker for the regulation of the admittance of the public to the House or to committees or persistently misreports the proceedings of the House, or neglects or refuses on request from the Speaker to correct any wrong report in respect of the proceedings of the House to the satisfaction of the Speaker, may be excluded from representation in the Press gallery for such period as the Speaker shall direct.

255. Chombo chochote cha habari ambacho mwanahabari wake atakiuka masharti ya Kanuni hizi au masharti yoyote kwenye Kanuni za Spika kuhusu ruhusa ya umma kuingia Bungeni au kwenye Kamati, au kuendelea kuripoti visivyo habari za Bunge, kupuuza au kukataa amri ya Spika ya kurekebisha taarifa yoyote yenye makosa kuhusiana na shughuli za Bunge, kinaweza kunyimwa nafasi ya kuwakilishwa kwenye sehemu ya Ukumbi iliyotengwa kwa ajili ya wanahabari kwa muda ambao Spika ataamua.

#### **PART XXVIII—GENERAL**

#### **SEHEMU YA XXVIII — JUMLA**

#### **Exemption of business from the Standing Orders**

#### **Kutengua Kanuni**

256. (1) Subject to paragraphs (2) and (3), a Motion may, with the approval of the Speaker, be moved by any Member, either with or without notice that the proceedings on any specified business be exempted from the provisions of Part VI (*Calendar, Sitting and Adjournments of the House*), Part VIII (*Order of Business*), Part XVII (*Limitation of Debate*), Part XIX

256. (1) Kwa kuzingatia masharti ya fasili ya (2) na ya (3), kwa idhini ya Spika, Hoja inaweza kuwasilishwa na Mjumbe yeyote, ama baada ya kutoa arifa au bila ya arifa kwamba masharti ya Sehemu ya VI (*Kalenda, kikao na kuahirisha Bunge*), Sehemu ya VIII (*Utaratibu wa Shughuli*), Sehemu ya XVII (*Ukomo wa Mjadala*), Sehemu ya XIX (*Miswada ya Umma*),

(Public Bills), Part XX (Private Bills), Part XXI (Committee of the whole House) Part XXIV (Financial Procedures), Part XXII (Select Committees), Part XXIII (Public Petitions) and Part XXVII (Public Access to the House and its Committees) of these Standing Orders.

(2) No Motion for the exemption of business from the Standing Orders shall be made to exempt any business from Part XIII (Special Motions), Part (XIV) (Procedure for Removal from State Office), Standing Order 120 (Publication) or Standing Order 231 (Restrictions with regard to certain financial measures).

(3) Not more than one Motion for the exemption of business from the Standing Orders may be moved at any one sitting, except with the leave of the House.

(4) A Motion under this Standing Order shall state the object of or reason for the proposed exemption and—

(a) may be moved at any time and any other business then in progress may thereupon be interrupted;

(b) may not be amended without the consent of the mover.

#### **Extension of period prescribed**

256A. (1) Despite the provisions of these Standing Orders prescribing a period for doing an act by the National Assembly or its Committee, the House may, upon a motion, resolve to extend that period.

(2) The authority of the House contemplated under paragraph (1), may be exercised only in exceptional circumstances to be permitted by the Speaker.

Sehemu ya XX (Miswada ya Binafsi), Sehemu ya XXI (Kamati ya Bunge Zima) Sehemu ya XXIV (Utaratibu wa Fedha), Sehemu ya XXII (Kamati za Bunge), Sehemu ya XXIII (Ardhilihali za Umma) na Sehemu ya XXVII (Bunge na Kamati kuwa wazi kwa Umma) yatenguliwe kuhusiana na shughuli iliyotajwa.

(2) Hoja ya kutengua Kanuni haitatolewa kuhusiana na shughuli yoyote katika Sehemu ya XIII (Hoja maalum), Sehemu ya XIV (Utaratibu wa Kuondolewa Ofisi ya serikali), Kanuni ya 120 (Uchapishaji) au Kanuni ya 231 (Katazo kuhusu hatua fulani za kifedha).

(3) Hoja zaidi ya moja ya kutengua Kanuni haitatolewa kwenye kikao kimoja, isipokuwa kwa idhini ya Bunge.

(4) Hoja kwa mujibu wa Kanuni hii itaeleza madhumuni au sababu za pendekezo la kutengua Kanuni na —

(a) inaweza kutolewa wakati wowote na shughuli yoyote itakayokuwa ikiendelea inaweza kusitishwa mara moja;

(b) haiwezi kurekebisha bila ruhusa ya mtoa Hoja.

#### **Kuongezwa muda uliotengewa shughuli**

256A. (1) Licha ya masharti ya Kanuni hizi zinazotaja muda ambao Bunge au Kamati inafaa kuchukua hatua yoyote, Bunge, kupitia hoja, linaweza kuamua kuongeza muda huo.

(2) Mamlaka ya Bunge kwa mujibu wa fasili ya (1), yanaweza kutumika tu kwa mazingira maalum yatakayoruhusiwa na Spika.

(3) Where an extension of time is granted under this Standing Order, the doing of all other acts consequential thereto shall be deemed to have been extended accordingly.

#### Summons by the House

256B. (1) A Member may give a three days' notice of a Motion requiring the House to summon a person to appear before the House pursuant to the provisions of Article 125(1) of the Constitution.

(2) The Speaker shall refuse or decline the notice, if the Speaker is of the opinion that the proposed motion is frivolous, vexatious, an abuse of the proceedings of the House, or an attempt to unreasonably usurp matters under consideration by a particular Committee.

(3) The notice under paragraph (1) shall specify—

(a) the person or persons to be summoned;

(b) the purpose of the summons;

(c) the evidence to be adduced, or document to be produced, if any, before the House; and

(d) the time and place of appearance before the House.

(4) Upon resolution of the House on a motion under paragraph (1), the Clerk shall, not later than three days from the date of the approval, issue summons to the persons named in the Motion, requiring the person to attend before the House on the date, time and place indicated in the Motion.

(5) A person shall be summoned to appear before the House under this Standing Order only if—

(a) the purpose of the summons is not to

(3) Pale ambapo ombi la kuongeza muda kwa mujibu wa Kanuni hizi limekubaliwa, muda wa hatua nyingine zinazohusiana na suala hilo utachukuliwa kama umeongezwa.

#### Hati ya Wito

256B. (1) Mbunge anaweza kutoa arifa ya siku tatu ya Hoja inayohitaji Bunge kumwita mtu yeyote afike mbele ya Bunge kwa mujibu wa masharti ya Ibara ya 125 (1) ya Katiba.

(2) Spika atakataa kukubali arifa hiyo iwapo ana maoni kwamba Hoja hiyo inakera au inahujumu shughuli za Bunge, au ni jaribio la kutwaa suala lilanoshughulikiwa na Kamati kwa namna isiyofaa.

(3) Arifa iliyotolewa kwa mujibu wa fasili ya (1) itabainisha—

(a) mtu au watu watakaoitwa.

(b) sababu ya kuitwa.

(c) ushahidi au nyaraka zitakazotolewa mbele ya Bunge, kama zipo; na

(d) saa na mahali pa kufika mbele ya Bunge.

(4) Baada ya uamuzi wa Bunge kuhusu Hoja iliyotolewa kwa mujibu wa fasili ya (1), Katibu, si baada ya siku tatu kuanzia tarehe ya uamuzi huo, atatoa Hati ya Wito kwa watu waliotajwa katika Hoja ikimtaka mtu huyo kufika mbele ya Bunge tarehe, ikionesha saa na mahali palipotajwa kwenye Hoja.

(5) Mtu ataitwa kufika mbele ya Bunge kwa mujibu wa Kanuni hii ikiwa—

(a) madhumuni ya kuitwa si kwa ajili ya

consider a matter which is already a subject of consideration by a Committee of the House; or

(b) the person has been previously summoned to appear before a Committee of the House but has failed or declined to appear before such committee without lawful cause.

#### **Attendance before the Senate**

257. (1) A request by the Senate that a Member, the Clerk, or an officer of the National Assembly appears before the Senate to be examined or appears before any committee of the Senate shall be by message from the Senate requesting that the National Assembly grants leave to such Member, Clerk or other officer to attend.

(2) If the National Assembly grants leave under paragraph (1)—

(a) the Clerk or officer shall attend before the Senate or the committee of the Senate;

(b) the Member may, if the Member considers it fit to do so, attend before the Senate or the committee of the Senate.

(3) Except upon leave granted under paragraph (2), a Member, the Clerk or an officer may not, whether in person or by counsel, attend or appear before the Senate or a Committee of the Senate in response to a summons or invitation, or send an answer in writing to such summons or invitation.

#### **Permission for absence**

257A. (1) A Member seeking to be absent from sitting of the House shall, seek the written permission of the Speaker in such form as the Speaker may

kushughulikia suala ambalo tayari linashughulikiwa na Kamati; au

(b) mtu huyo amewahi kuitwa kufika mbele ya Kamati lakini akashindwa au akakataa kufika bila sababu zinazokubalika kisheria.

#### **Kufika mbele ya Seneti**

257. (1) Ombi la Seneti likimhitaji Mbunge, Katibu, au afisa wa Bunge la Taifa afike mbele ya Seneti au kamati ya Seneti kwa ajili ya kuhojiwa itatolewa kupitia Ujumbe kutoka Seneti, ukiomba Bunge la Taifa kutoa idhini ili Mbunge, Katibu au afisa huyo afike mbele yake.

(2) Iwapo Bunge la Taifa litatoa idhini kwa mujibu wa fasili ya (1)—

(a) Katibu au afisa atafika mbele ya Seneti au kamati ya Seneti;

(b) Mbunge, pale ambapo anaona ni vyema kufanya hivyo, anaweza kufika mbele ya Seneti au Kamati yake.

(3) Isipokuwa kwa idhini iliyotolewa kwa mujibu wa fasili ya (2), Mbunge, Katibu au afisa hatafika yeye mwenyewe au kuwakilishwa na wakili mbele ya Seneti au Kamati ya Seneti kufuatia Hati ya Wito au mwaliko wa Seneti au kutuma jibu kwa maandishi kwa hati au mwaliko huo.

#### **Ruhusa ya kutohudhuria vikao**

257A. (1) Mbunge anayekusudia kutofika kwenye kikao cha Bunge atamwomba Spika ruhusa kwa maandishi kwa namna ambayo Spika ataamua, akitaja muda ambao

determine, stating the period of absence, the reasons and any other relevant information.

(2) The Clerk shall keep custody of requests for permission and may disclose the information with the written consent of the Speaker.

#### **Failure to attend sittings**

258. (1) If, during any Session, a Member is absent from eight sittings of the National Assembly without permission, in writing from the Speaker, the Speaker shall report the matter to the National Assembly and the matter shall stand referred to the Committee of Privileges for hearing and determination.

(2) The Committee of Privileges shall inquire into a matter referred to it under paragraph (1) within fourteen days from the date the matter is referred to it and shall thereupon submit a report to the House.

(3) If the report of the Committee finds that the Member has offered a satisfactory explanation for the Member's absence from eight sittings of the National Assembly without the permission in writing from the Speaker, there shall be no further proceedings in the House in respect of the matter.

(4) If the report of the Committee finds that the Member has not offered a satisfactory explanation for the Member's absence from eight sittings of the National Assembly under paragraph (1), the Chairperson of the Committee or a Member of the Committee designated by the Committee for that purpose shall, upon submitting the report, give a three days' notice of a Motion that, "This House notes the Report of the

hatafika, sababu za kutofika na taarifa nyingine yoyote inayohusika.

(2) Katibu atahifadhi maombi ya ruhusa na anaweza kutoa habari hiyo kwa idhini iliyotolewa na Spika kwa maandishi.

#### **Kutohudhuria vikao**

258. (1) Iwapo, katika Kipindi chochote, Mbunge hatahudhuria vikao vinane vya Bunge la Taifa bila ruhusa ya Spika iliyotolewa kwa maandishi, Spika ataripoti suala hilo kwa Bunge la Taifa na litakabidhiwa kwenye Kamati ya Haki, Maadili na Madaraka ya Bunge kwa ajili ya kuchunguza na kuamuliwa.

(2) Kamati ya Haki, Maadili na Madaraka ya Bunge itachunguza suala ambalo imekabidhiwa kwa mujibu wa fasili ya (1) ndani ya siku kumi na nne za kukabidhiwa suala hilo na kuwasilisha Ripoti Bungeni.

(3) Ikiwa ripoti ya Kamati itabaini kuwa Mbunge ametoa maelezo ya kuridhisha ya kutokuwepo kwake katika vikao vinane vya Kamati ya Bunge bila ruhusa kwa maandishi kutoka kwa Spika, hakutakuwa na mjadala zaidi Bungeni kuhusiana na suala hilo.

(4) Ikiwa ripoti ya Kamati itabaini kuwa Mbunge hajatoa maelezo ya kuridhisha ya kutokuwepo kwake katika vikao vinane vya Kamati ya Bunge kwa mujibu wa fasili ya (1), Mwenyekiti wa Kamati au mjumbe aliyeteuliwa na Kamati kwa ajili hiyo, atatoa arifa ya hoja ya siku tatu kwamba, "Bunge hili linatambua Ripoti ya Kamati ya Haki, Maadili na Madaraka ya Bunge iliyowekwa kwenye Meza ya Bunge mnamo ... kuhusu ....." na ikifanyiwa

**Committee of Privileges laid on the Table of the House on ... regarding.....”**  
with other necessary modification.

(5) A Motion under paragraph (4) shall be debated in the usual manner of debating Motions, except that—

(a) no amendment shall be permitted to the Motion;

(b) the debate of the Motion shall not be anticipated by a Motion for the adjournment of the House, and no dilatory Motion shall be moved in relation to the business, and the business shall not be interrupted under any Standing Order.

(6) At the conclusion of the debate on a motion under paragraph (4), the Speaker shall not put a question but shall declare that, pursuant to Article 103 (1) (b) of the Constitution, the office of the Member concerned has become vacant.

marekebisho kwa kadri itakavyofaa.

(5) Hoja itakayotolewa kwa mujibu wa fasili ya (4) itajadiliwa kwa namna ya kawaida ya kujadili Hoja, isipokuwa—

(a) hakuna rekebisho litakaloruhusiwa kwenye Hoja.

(b) mjadala wa Hoja hautawahishwa kwa Hoja ya kuahirisha Bunge, na hakuna Hoja ya kuahirisha shughuli itakayotolewa kuhusiana na shughuli hiyo na shughuli haitasitishwa kwa mujibu wa Kanuni hizi.

(6) Mjadala kwa hoja iliyotolewa kwa mujibu wa fasili ya (4) ukihitimishwa, Spika hatalihoji Bunge bali atatangaza, kwa mujibu wa Ibara ya 103(1)(b) ya Katiba, kwamba nafasi ya Mbunge huyo iko wazi.

**Seating in the Chamber**

259. (1) There shall be reserved seats in the Chamber of the House for the exclusive use of each of the following—

(a) the Deputy Speaker;

(b) the Leader of the Majority Party;

(c) Leader of the Minority Party;

(d) Members with disabilities.

(1A) The Speaker may designate seats in the Chamber for Members of the Chairperson’s Panel, Deputy Leaders of Majority and Minority Parties, Chairpersons of Committees and Majority and Minority Party Whips.

(2) All other seats in the Chamber shall

**Utaratibu wa kuketi ukumbini**

259(1) Kutakuwa na viti vilivyotengwa Ukumbini kwa ajili ya wafuatao—

(a) Naibu Spika;

(b) Kiongozi wa Chama cha walio Wengi;

(c) Kiongozi wa Chama cha walio Wachache;

(d) Wabunge wenye ulemavu.

(1A) Spika anaweza kutenga viti ukumbini kwa ajili ya Jopo la Mwenyekiti, Manaibu Viongozi wa Chama cha walio Wengi na Chama cha walio Wachache na Waratibu wa Vyama Bunge.

(2) Viti vingine vyote ukumbini vinaweza

be available for the use of any Member.

(3) Subject to this Standing Order and any other order of the House, any question relating to the occupation of seats in the Chamber shall be determined by the Speaker.

#### **Recognition of a Parliamentary Caucus**

259A. (1) 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.

(2) A request to the Speaker under this Standing Order shall—

(a) indicate the name of the caucus;

(b) outline the legislative objective of the caucus; and

(c) contain the names and signatures of the members of the caucus.

(3) A parliamentary caucus shall not enjoy the powers and privileges of a Committee of the House.

#### **Members travelling outside Kenya**

260. (1) A Member intending to travel outside Kenya whether in an official or a private capacity, shall give to the Speaker a written notice to that effect, indicating—

(a) the destination intended to be visited;

(b) the dates of the intended travel and period of absence from Kenya; and

kutumika na Mbunge yeyote.

(3) Kwa kuzingatia masharti ya Kanuni hii, utaratibu mwingine wowote wa kuketi ukumbini na suala lolote linalohusiana na kuketi ukumbini litaamuliwa na Spika.

#### **Kutambuliwa kwa kambi za kibunge**

259A. (1) Spika, kufuatia ombi lililowasilishwa kwa maandishi na angalau Wabunge kumi, anaweza kutambua kambi ya kibunge iliyoundwa kwa ajili ya kuendeleza malengo ya kibunge yanayofanana.

(2) Ombi litakalotolewa kwa Spika kwa mujibu wa Kanuni hii—

(a) litaonesha jina la kambi;

(b) litataja malengo ya kibunge ya kambi hiyo; na

(c) litakuwa na majina na saini za Wajumbe wa kambi hiyo.

(3) Kambi ya kibunge haitakuwa na mamlaka na haki sawa na Kamati ya Bunge.

#### **Wabunge wanaosafiri nje ya Kenya**

260. (1) Mbunge anayekusudia kusafiri nje ya Kenya kwa shughuli rasmi au shughuli binafsi atampa Spika arifa kwa maandishi, ikionesha—

(a) mahali anapokusudia kusafiri;

(b) tarehe aliyopanga kusafiri na muda ambao atakuwa nje ya Kenya; na

(c) the email, telephone contact, postal or physical address of the Member during the period of absence from Kenya.

(2) All information submitted under this Standing Order shall be kept in a register which the Clerk shall maintain for that purpose and shall not be disclosed to any person without the permission of the Speaker.

#### **Expenses of witnesses**

261. There may be paid or tendered to any person summoned to give evidence or to produce documents before the House or a Committee, such reasonable sum in respect of the person's expenses, including travelling expenses, as the Clerk may from time to time determine, either generally or specifically.

#### **PART XXIX—AMENDMENT OF STANDING ORDERS**

##### **Proposals for amendment by the Procedure and House Rules Committee**

262. The Procedure and House Rules Committee may at any time propose amendments to these Standing Orders.

##### **Amendment on the initiative of a Member**

263. (1) A Member may, with the support of at least fifty other Members, request the Procedure and House Rules Committee to consider an amendment to the Standing Orders.

(2) A request under paragraph (1) shall be in writing and shall—

(a) contain the text of the proposed amendment and the justification for the

(c) baruapepe, namba ya simu, anwani ya posta au anwani ya makazi ya Mbunge anapokuwa nje ya Kenya.

(2) Habari zote zitakazotolewa kwa mujibu wa Kanuni hii zitawekwa kwenye sajili ambayo itahifadhiwa na Katibu kwa ajili hiyo na haitawekwa wazi kwa mtu yeyote isipokuwa kwa ruhusa ya Spika.

#### **Gharama za mashahidi**

261. Mtu yeyote aliyelitwa kutoa ushahidi au kuwasilisha nyaraka mbele ya Bunge au Kamati anaweza kurejeshewa gharama kiasi kinachofaa cha pesa alizotumia, zikijumuisha gharama za usafiri kama Katibu atakavyoamua mara kwa mara, ama kijumla au kwa kila gharama.

#### **SEHEMU YA XXIX — MAREKEBISHO YA KANUNI**

##### **Mapendekezo ya kurebisha Kanuni kutoka kwenye Kamati ya Utaratibu na Kanuni za Bunge**

262. Kamati ya Utaratibu na Kanuni za Bunge inaweza, wakati wowote, kupendekeza marekebisho kwenye Kanuni hizi.

##### **Rekebisho linalotokana na Mbunge**

263. (1) Mbunge, kwa kuungwa mkono na angalau Wabunge wasiopungua hamsini, anaweza kuiomba Kamati ya Utaratibu na Kanuni za Bunge kushughulikia rekebisho kwenye Kanuni hizi.

(2) Ombi lililotolewa kwa mujibu wa fasili ya (1) litakuwa kwa maandishi na—

(a) litakuwa na maelezo ya marekebisho yanayopendekezwa pamoja na sababu

proposal;

(b) contain the names and signatures of the Members supporting the request;

(c) be lodged with the Speaker.

(3) The Speaker shall, if satisfied that the requirements of paragraphs (1) and (2) have been met, forward the request to the Procedure and House Rules Committee.

(4) The Procedure and House Rules Committee shall, within twenty-one days of the receipt of a request under paragraph (3), consider the request and table a report in the House containing the amendments proposed in the request and the recommendations of the Committee on each such proposal.

(5) The House shall consider the proposed amendments to the Standing Orders as reported from the Procedure and House Rules Committee on a Motion that **"The report of the Procedure and House Rules Committee be approved."**

(6) Standing Order 136 (Procedure on Bills reported from Committee of the whole House) shall apply to a Motion to approve the report of the Procedure and House Rules Committee on the amendments proposed to the Standing Orders.

#### **Periodic review of Standing Orders**

264. At least once in every term of Parliament, the Procedure and House Rules Committee shall review the Standing Orders and make a report to the House recommending the Standing Orders, if any, to be amended.

#### **Consideration of reports of Procedure and House Rules Committee**

265. (1) Upon the tabling of a report of

zake;

(b) litakuwa na majina na saini za Wabunge wanaoliunga mkono;

(c) litapelekwa kwa Spika.

(3) Spika, baada ya kujiridhisha kuwa ombi hilo limekidhi vigezo vilivyotajwa kwenye fasili ya (1) na ya (2), atalipeleka ombi hilo kwenye Kamati ya Utaratibu na Kanuni za Bunge.

(4) Kamati ya Utaratibu na Kanuni za Bunge, ndani ya siku ishirini na moja za kupokea ombi kwa mujibu wa fasili ya (3), italishughulikia ombi hilo na kuwasilisha ripoti Bungeni ikiwa na marekebisho yanayopendekezwa na mapendekezo ya Kamati kwa kila pendekezo.

(5) Bunge litashughulikia marekebisho yanayopendekezwa kwa mujibu wa ripoti ya Kamati ya Utaratibu na Kanuni za Bunge kupitia Hoja **"Kwamba, ripoti ya Kamati ya Utaratibu na Kanuni za Bunge iidhinishwe."**

(6) Kanuni ya 136 (*Utaratibu kwa Miswada iliyoripotiwa na Kamati ya Bunge Zima*) itatumika kwa Hoja ya kuidhinisha ripoti ya Kamati ya Utaratibu na Kanuni za Bunge kuhusu marekebisho yaliyopendekezwa kwenye Kanuni.

#### **Mapitio ya mara kwa mara ya Kanuni**

264. Kamati ya Utaratibu na Kanuni za Bunge itafanya mapitio katika Kanuni za Bunge na kutoa ripoti Bungeni ikipendekeza marekebisho ya Kanuni, kama yapo, angalau mara moja katika kila Muhula wa Bunge.

#### **Kushughulikia ripoti za Kamati ya Utaratibu na Kanuni za Bunge**

265. (1) Ripoti ya Kamati ya Utaratibu na

the Procedure and House Rules Committee under Standing Orders 263 (Amendment on the initiative of a Member) and 264 (Periodic review of Standing Orders), the procedure set out under paragraphs (5) and (6) of Standing Order 263 (Amendment on the initiative of a Member) shall apply with the necessary modifications.

(2) Amendments to the Standing Orders proposed under this Part shall, upon approval by the House, take effect at the time appointed by the House.

#### **PART XXX—TRANSITIONAL PROVISIONS**

##### **National Assembly's Resolution on Standing Orders**

266. In Exercise of the powers conferred by Article 124 of the Constitution of the Republic of Kenya, the National Assembly, by resolution passed on 9th January, 2013, adopted these Standing Orders and the Houses of Parliament (Joint Sittings) Rules.

##### **Revocation of previous Standing Orders**

267. The Standing Orders adopted by the National Assembly on December 10, 2008 during the Second Session of the Tenth Parliament are hereby revoked.

##### **Commencement**

267A. Pursuant to the resolution of the National Assembly of June 15, 2017, the amendments made by the House to these Standing Orders on 15th June, 2017 shall commence upon the expiry of the term of the 11th Parliament.

Kanuni za Bunge inapowasilishwa Bungeni kwa mujibu wa Kanuni za 263 (*Rekebisho linalotokana na Mbunge*) na 264 (*Mapitio ya mara kwa mara ya Kanuni*), utaratibu uliowekwa kwenye fasili ya (5) na ya (6) ya Kanuni ya 263 (*Rekebisho linalotokana na Mbunge*) itatumika kwa kadri itakavyowezekana.

(2) Marekebisho ya Kanuni za Bunge yanayopendekezwa kwa mujibu wa Sehemu hii, yakiidhinishwa na Bunge, yataanza kutumika wakati utakaoamuliwa na Bunge.

#### **SEHEMU YA XXX—MASHARTI YA MPITO**

##### **Azimio la Bunge kuhusu Kanuni za Bunge**

266. Katika kutekeleza madaraka kwa mujibu wa Ibara ya 124 ya Katiba ya Jamhuri ya Kenya, Bunge la Taifa, kupitia azimio lililopitishwa tarehe 9 Januari 2013, liliidhinisha Kanuni hizi pamoja na Kanuni za Vikao vya Pamoja vya Bunge la Kenya.

##### **Kufutwa kwa Kanuni za awali**

267. Kanuni zilizopitishwa na Bunge la Taifa tarehe 10 Desemba 2008 kwenye Kipindi cha Pili cha Bunge la Kumi zinafutwa.

##### **Kuanza kutumika**

267A. Kwa kuzingatia azimio la Bunge la Taifa la tarehe 15 Juni 2017, marekebisho yaliyofanywa na Bunge kwenye Kanuni hizi tarehe 15 Juni 2017 yataanza kutumika mwishoni mwa Muhula wa Bunge la Kumi na Moja.

**Mkinzano kati ya matoleo ya lugha tofauti  
ya Kanuni**

Iwapo kuna mkinzano kati ya matoleo ya lugha tofauti ya Kanuni hizi, fasiri ya lugha ya Kiingereza ndiyo itakayotawala.

## **FIRST SCHEDULE**

### **BROADCASTING RULES**

**(Standing Order 250)**

#### **Parliamentary Broadcasting Unit**

1. (1) There is established the Parliamentary Broadcasting Unit, which shall oversee the broadcasting of parliamentary proceedings.

(2) Unless the House otherwise directs, the Parliamentary Broadcasting Unit may broadcast the proceedings of parliament and provide access to parliamentary information.

#### **Parliamentary privilege**

2. Audio and visual digital footage of parliamentary proceedings shall be covered by the laws relating to parliamentary privilege and shall be kept as part of the records of the House, under the custody of the Clerk of the National Assembly.

#### **Television broadcasting**

3. When broadcasting the proceedings of the House on television, the following guidelines shall apply—

(a) the camera shall focus on the Member recognized by the Chair until the Member has finished speaking;

(b) group shots and cut-aways may be taken for purposes of showing the reaction of a group of Members to an issue raised on the Floor;

(c) wide-angle shots of the Chamber shall be used during voting and Division and no shot shall be taken so as to show the manner in which a Member has voted in any secret ballot;

## **NYONGEZA YA KWANZA**

### **MASHARTI YA UTANGAZAJI**

**(Kanuni ya 250)**

#### **Kitengo cha Utangazaji cha Bunge**

1. (1) Kutakuwa na Kitengo cha Utangazaji cha Bunge ambacho kitasimamia utangazaji wa shughuli za Bunge.

(2) Isipokuwa kama Bunge litaelekeza vinginevyo, Kitengo cha Utangazaji cha Bunge kinaweza kutangaza shughuli za Bunge na kuruhusu upatikanaji wa habari za Bunge.

#### **Haki za Bunge**

2. Sauti na video za kidijitali za shughuli za Bunge zitalindwa na sheria zinazohusiana na haki Bunge na zitahifadhiwa na Katibu wa Bunge kama sehemu ya rekodi za Bunge.

#### **Matangazo ya runinga**

3. Mwongozo ufuatao utafuatwa katika matangazo ya runinga ya shughuli za Bunge la Taifa—

(a) kamera itaelekezwa kwa Mbunge aliyepewa fursa na Kiti hadi Mbunge huyo atakapomaliza kuzungumza;

(b) picha za makundi zinaweza kuchukuliwa kwa minajili ya kuonesha namna ambavyo kundi fulani la Wabunge lilivyopokea suala lililotolewa Ukumbini;

(c) Uchukuaji wa picha zinazoonesha Ukumbi wote utafanyika wakati wa kupiga kura au wakati wa kura ya mgawanyiko na hakuna picha itachukuliwa kuonesha namna Mbunge fulani alivyopiga kura

katika kura yoyote ya siri;

- (d) officers of the House taking an active role in the proceedings may be shown; (d) maafisa wa Bunge wanaohusika moja kwa moja na shughuli za Bunge Ukumbini wanaweza kuoneshwa;
- (e) the occupant of the Chair shall be shown when taking and leaving the Chair and whenever he or she rises; (e) aliyekalia Kiti anaweza kuoneshwa anapoingia au kutoka kwenye Kiti na wakati wowote anaposimama;
- (f) press and public galleries shall not be shown except as part of the wide angle shots and during important functions as may be determined by the Parliamentary Broadcasting Committee; (f) majukwaa ya wanahabari na umma hayataonesha isipokuwa wakati wa kuchukua picha za Ukumbi wote na katika shughuli muhimu kwa kadri itakavyoamuliwa na Kamati ya Bunge ya Utangazaji;
- (g) no close-up shots of Members' papers or reference materials may be shown. (g) picha za karibu na karatasi za Wabunge au nyaraka za rejea hazitaoneshwa.

#### **Radio broadcasting**

4. When broadcasting the proceedings of the House on radio, the following guidelines shall apply—

- (a) audio recording shall be restricted to proceedings of the House and the Committees;
- (b) commentaries during a live broadcast shall be limited to the introduction of a matter under debate and of the Member on the floor.

#### **Protection of the dignity of the House**

5. (1) Officers of the Parliamentary Broadcasting Unit shall conduct themselves in a professional and impartial manner, giving a fair and accurate account of proceedings.

(2) Shots designed to embarrass unsuspecting Members of Parliament shall not be shown.

(3) Recordings of Parliamentary proceedings may not be used for purposes of political party advertising,

#### **Matangazo ya redio**

4. Katika kurusha matangazo ya redio ya shughuli za Bunge, mwongozo ufuatao utatumika—

- (a) sauti zitakazorekodiwa zitahusu shughuli za Bunge au Kamati pekee;
- (b) simulizi wakati wa matangazo mbashara itajikita katika kutoa utangulizi wa suala linalojadiliwa na Mbunge anayetoa mchango wake.

#### **Kulinda hadhi ya Bunge**

5. (1) Maafisa wa Kitengo cha Utangazaji cha Bunge watahakikisha kuwa wanatekeleza majukumu yao kwa weledi na bila upendeleo wowote kwa kutoa matangazo sahihi na ya haki kuhusu shughuli za Bunge.

(2) Picha zilizochukuliwa kwa ajili ya kudhalilisha Wabunge bila wenyewe kujua hazitaoneshwa.

(3) Rekodi za shughuli za Bunge hazitatumikiwa kwa matangazo ya vyama vya siasa, kejeli, udhamini wa kibiashara

ridicule, commercial sponsorship or any form of adverse publicity.

#### **External media houses**

6. (1) In these Rules, “external media house” refers to any media house other than the Parliamentary Broadcasting Unit.

(2) No external media house or other person may broadcast any proceedings of the House except as received from the broadcast feed provided by the Parliamentary Broadcasting Unit or with the permission of the Speaker.

(3) A media house that receives a broadcast feed from the Parliamentary Broadcasting Unit shall broadcast it without any manipulation or distortion.

(4) No camera or other recording or broadcasting equipment shall be allowed in the House without authorization.

(5) Accredited journalists shall be allowed access to designated areas for purposes of following the proceedings and taking notes and any journalist so allowed shall observe the Standing Orders and these Rules.

#### **Breach of broadcasting Rules**

7. (1) Any person who fails to comply with these Rules shall be liable to such penalty as the House may, on the recommendation of the Parliamentary Broadcasting Committee, consider appropriate.

(2) The Parliamentary Broadcasting Committee shall develop procedures for the enforcement of these Rules.

#### **Application**

au namna nyingine yoyote inayoathiri hadhi ya Bunge.

#### **Vyombo vya habari vya nje**

6. (1) Katika Kanuni hizi, “Vyombo vya habari vya nje” ni chombo chochote cha habari tofauti na Kitengo cha Utangazaji cha Bunge.

(2) Chombo chochote cha habari cha nje au mtu yeyote hataruhusiwa kutangaza shughuli za Bunge isipokuwa kama yalivyopokewa kutoka kwenye Kitengo cha Utangazaji cha Bunge au kwa kibali cha Spika.

(3) Chombo cha habari kitakachopokea habari kutoka Kitengo cha Utangazaji cha Bunge kitazitangaza bila kubadili au kupotosha maudhui yake.

(4) Kamera au vifaa vingine vya matangazo havitaruhusiwa ndani ya Ukumbi wa Bunge bila idhini.

(5) Wanahabari walioidhinishwa wataruhusiwa kuketi katika maeneo waliyotengewa kwa ajili ya kufuatilia shughuli za Bunge na kuchukua habari na mwanahabari yeyote aliyeruhusiwa atazingatia masharti ya Kanuni za Bunge na masharti ya Kanuni za utangazaji.

#### **Ukiukaji wa Kanuni za utangazaji**

7. (1) Mtu yeyote anayekiuka masharti ya Kanuni hizi atakuwa ametenda kosa na ataadhibiwa na Bunge kwa namna litakavyoona inafaa kufuatia mapendekezo ya Kamati ya Utangazaji ya Bunge.

(2) Kamati ya Utangazaji ya Bunge itatayarisha taratibu va kuhakikisha mashariti ya Kanuni hizi yanafuatwa.

#### **Matumizi**

8. These Rules shall apply for the broadcasting of parliamentary proceedings in the House, in Committees and, with necessary modifications, in other parliamentary proceedings and events.

Kanuni hizi zitatumika katika utangazaji wa shughuli za Bunge Ukumbini, kwenye Kamati na, kwa kadri itakavyofaa, katika shughuli au matukio mengine ya Bunge.

**SECOND SCHEDULE****DEPARTMENTAL COMMITTEES**

[Standing Order 216]

**Committee****Subjects****A****Administration  
and National  
Security**

National security, police services, home affairs, Public Administration, Public Service, Prisons, Immigration, the management of natural disasters, and community service orders.

**B****Agriculture and  
Livestock**

Agriculture, livestock, irrigation, fisheries development, production and marketing.

**C****Communication,  
Information and  
Innovation**

Communication, information, media and broadcasting (except for broadcast of parliamentary proceedings), Information Communications Technology (ICT), development and advancement of technology and modernization of production strategies.

**D****Defence and**Defence, intelligence, foreign relations<sup>173</sup>**NYONGEZA YA PILI****KAMATI ZA KIIDARA**

(Kanuni ya 216)

**Kamati****Suala****A****Utawala na Usalama  
wa taifa**

Usalama wa taifa, huduma za polisi, mambo ya ndani ya nchi, Uongozi wa umma, Utumishi wa Umma, Magereza, Uhamiaji, Usimamizi wa majanga ya asili, na Huduma Jamii.

**B****Kilimo na Mifugo**

Kilimo, Mifugo, Umwagiaji, maendeleo ya uvuvi, uzalishaji na masoko.

**C****Mawasiliano, habari  
na uvumbuzi**

Mawasiliano, habari, vyombo vya habari na utangazaji (isipokuwa utangazaji wa shughuli za Bunge), maendeleo na uendelezaji wa teknolojia na uhuishaji wa mikakati ya usambazaji wa habari.

**D****Ulinzi na Uhusiano**

Ulinzi, intelijensia, Uhusiano wa kigeni, kidiplomasia,

<b>Foreign Relations</b>	diplomatic and consular services, international boundaries, including territorial waters and international relations.	<b>wa Kigeni</b>	huduma za kibalози, mipaka ya kimataifa, ikijumuisha mipaka na uhusiano wa kimataifa.
<b>E Education and Research</b>	Education, training and research.	<b>E Elimu na Utafiti</b>	Elimu, Mafunzo na Utafiti.
<b>F Energy</b>	Fossil fuels exploration, Development, production, maintenance and regulation of energy.	<b>F Kawi</b>	Utafiti wa Mafuta ya petroli, uendelezaji, uhifadhi na udhibiti wa nishati.
<b>G Environment and Natural Resources</b>	Matters relating to climate change, environment management and conservation, forestry, water resource management, wildlife, mining and natural resources, pollution and waste management.	<b>G Mazingira na mali asili</b>	Masuala yanayohusu, mabadiliko ya tabianchi, usimamizi na hifadhi ya mazingira, misitu, usimamizi wa asili ya maji, hifadhi ya wanyamapori, uchimbaji wa madini na mali asili, usimamizi wa uchafuzi na takataka.
<b>H Finance and National Planning</b>	Public finance, monetary policies, public debt, financial institutions (excluding those in securities exchange), investment and divestiture	<b>H Fedha na Mipango ya Kitaifa</b>	Fedha za Umma, sera za kifedha, madeni ya umma, taasisi za umma (isipokuwa zile za dhamana ya fedha), kitega uchumi na sera za upanuzi wa uchumi, sera za bei, benki, bima, idadi

	policies, pricing policies, banking, insurance, population, revenue policies pricing policies, banking, insurance, population, revenue policies including taxation, national planning and development.		ya watu, sera za mapato ikiwa ni pamoja na kodi, mipango ya kitaifa na maendeleo.
<b>I</b>		<b>I</b>	
<b>Health</b>	Matters related to health, medical care and health insurance.	<b>Afya</b>	Masuala yanayohusiana na afya, huduma za matibabu na bima ya afya.
<b>J</b>		<b>J</b>	
<b>Justice and Legal Affairs</b>	Constitutional affairs, the administration of law and justice, including the Judiciary, public prosecutions, elections, ethics, integrity and anti-corruption and human rights.	<b>Sheria na Mambo ya Sheria</b>	Masuala ya Katiba, utawala wa sheria na haki, ikiwa ni pamoja na Idara ya Mahakama, Mashtaka ya umma, uchaguzi, maadili, uadilifu na mapambano dhidi ya rushwa na haki za binadamu.
<b>K</b>		<b>K</b>	
<b>Labour and Social Welfare</b>	Labour, labour relations, manpower or human resource planning, gender, youth, social welfare and security, children's welfare, National Youth Service, the elderly and persons with disabilities.	<b>Kazi na Ustawi wa Jamii</b>	Kazi, mahusiano ya kazi, nguvukazi au upangaji wa rasilimali watu, jinsia, vijana, ustawi wa jamii na usalama, ustawi wa watoto, huduma ya vijana kwa taifa, wazee na watu wenye ulemavu.
<b>L</b>		<b>L</b>	
<b>Lands</b>	Matters related to lands and settlement.	<b>Ardhi</b>	Masuala yanayohusiana na ardhi, na makazi.

<p><b>M</b></p> <p><b>Sports, Culture and Tourism</b></p>	<p>Sports, culture, language, arts, national heritage, betting and lotteries, tourism and tourism promotion and management.</p>	<p><b>M</b></p> <p><b>Michezo, Utamaduni na Utalii</b></p>	<p>Michezo, utamaduni, lugha, sanaa, urithi wa taifa, michezo ya kubahatisha, utalii, ukuzaji na usimamizi wa utalii.</p>
<p><b>N</b></p> <p><b>Trade, Industry and Cooperatives</b></p>	<p>Trade, including securities exchange, consumer protection, pricing policies, commerce, industrialization including special economic zones, enterprise promotion and development including small and medium-size enterprises, intellectual property, industrial standards, anti-counterfeit policies and co-operatives development.</p>	<p><b>N</b></p> <p><b>Biashara, Viwanda na Vyama vya ushirika</b></p>	<p>Biashara, ikiwa ni pamoja na dhamana ya fedha, kuwalinda walaji, sera za bei, biashara, sekta ya viwanda ikiwa ni pamoja na maeneo maalum ya kiuchumi, kukuza biashara na maendeleo ikiwa ni pamoja na biashara ndogo na za kati, haki miliki, viwango vya bidhaa, kupambana na sera ya bidhaa bandia na maendeleo ya vyama vya ushirika.</p>
<p><b>O</b></p> <p><b>Transport, Public Works and Housing</b></p>	<p>Transport, roads, public works, construction and maintenance of roads, rails and buildings, air, seaports and housing.</p>	<p><b>O</b></p> <p><b>Usafiri, Ujenzi wa Umma na Makazi</b></p>	<p>Usafiri, barabara, ujenzi wa umma, ujenzi na ukarabati wa barabara, reli na majengo, anga, bandari na makazi.</p>

**THIRD SCHEDULE**

**GENERAL FORM OF A PUBLIC PETITION**

[Standing Order 223]

I/We, the undersigned,

*(Here, identify in general terms, who the petitioner or petitioners are, for example, citizens of Kenya, residents of county or region, workers of industry, etc.)*

**DRAW** the attention of the House to the following:

*(Here, briefly state the reasons underlying the request for the intervention of the House by outlining the grievances or problems by summarizing the facts which the petitioner or petitioners wish the House to consider.)*

**THAT,**

*[Here confirm that efforts have been made to have the matter addressed by the relevant body, and it failed to give satisfactory response.]*

**THAT,**

*[Here confirm that the issues in respect of which the petition is made are not pending before any court of law, or constitutional or legal body.]*

**THEREFORE** your humble petitioner(s) pray that Parliament—

*(Here, set out the prayer by stating in summary what action the petitioners wish Parliament to take or refrain from.)*

**NYONGEZA YA TATU**

**MUUNDO WA JUMLA WA ARDHILHALI**

[Kanuni ya 223]

Mimi/ Sisi tuliosaini,

*[Hapa, tambulisha kwa jumla mwasilishaji ardhilhali, mfano, wananchi wa Kenya, wakazi wa Kaunti au mkoa, wafanyakazi wa kiwanda, nk]*

**NINAJULISHA** Bunge yafuatayo:

*[Hapa, eleza kwa ufupi sababu za msingi za kutaka Bunge liingilie kati kwa kubainisha malalamiko au matatizo kwa muhtasari wa masuala ambayo aliyewasilisha ama waliowasilisha ardhilhali, wanataka House ya kuzingatia.]*

**KWAMBA,**

*[Hapa thibitisha kwamba juhudi zimefanywa kuhakikisha kuwa jambo limeughulikiwa na idara husika, na imeshindwa kutoa majibu ya kuridhisha mwenye ardhilhali.]*

**KWAMBA,**

*[Hapa thibitisha kwamba masuala yaliyomo kwenye ardhilhali hayapo mbele ya mahakama yoyote au taasisi ya kikatiba au kisheria.]*

**HIVYO SASA,** Bunge linaombwa—

*[Hapa, eleza hatua ambazo zinatakiwa kushughulikiwa na Bunge kwa muhtasari]*

Name of petitioner	Full Address	National ID./Passport No.	Signature/Thumb impression	Jina la mwenye Ardhihali	Anwani kamili	Nambari ya kitambulisho / Nambari ya Paspoti	Saini/ Alama ya kidole
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....

(Here, repeat the summary in first page)

(Hapa, rudia muhtasari uliopo katika ukurasa wa kwanza)

Name of petitioner	Signature/Thumb impression	Jina la mwenye Ardhihali	Saini/ Alama ya kidole
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

(Subsequent Pages)

(Kurasa zingine)

\* This form may contain such variations as the circumstances of each case may require.

\*Fomu hii inaweza kubadilika kulingana na hali itakavyohitaji

## FOURTH SCHEDULE

### JOINT RULES

#### THE HOUSES OF PARLIAMENT

#### (JOINT SITTINGS) RULES

[Standing Orders 24 (3) and 213]

##### Citation

1. These Rules may be called the Houses of Parliament (Joint Sittings) Rules.

##### Interpretation

2. In these Rules unless the context otherwise requires,—

“Houses” means the National Assembly and the Senate;

“Joint Sitting” means a joint sitting of the Houses;

“Member” means a Member of the National Assembly or of the Senate;

“the Clerks” means the Clerk of the Senate and the Clerk of the National Assembly and includes any person for the time being performing the duties of the Clerk of the Senate or of the National Assembly;

##### Summons to Members

3. Whenever the Houses of Parliament are to hold a joint sitting, the Clerks shall issue a summons to each Member specifying the time and place for a joint sitting.

##### Time of sittings

4. The hour upon which a joint sitting shall adjourn and the day and hour or the part of the same day to which it shall be adjourned shall be determined by the Speakers of the Houses of Parliament.

## NYONGEZA YA NNE

### MASHARTI YA PAMOJA

#### KANUNI ZA BUNGE (VIKAO VYA PAMOJA)

[Kanuni ya 24(3) na 213]

##### Jina

1. Kanuni hizi zitaitwa Kanuni za Bunge Vikao vya Pamoja vya Bunge la Taifa na Seneti.

##### Fasili

2. Katika Kanuni hizi, isipokuwa kama muhtadha utaeleza vinginevyo,—

“Bunge” ni Bunge la Taifa na Seneti;

“Kikao cha Pamoja” ni kikao cha pamoja cha Bunge;

“Mbunge” ni Mbunge au Seneta;

“Makatibu” ni Katibu wa Seneti na Katibu wa Bunge la Taifa na linajumuisha mtu yeyote anayeshughulika na majukumu ya Katibu wa Seneti au ya Bunge la Taifa;

##### Mwaliko wa Wabunge

3. Makatibu watamtumia kila Mbunge mwaliko unaobainisha saa na mahali ambapo kikao cha pamoja kitafanyika.

##### Saa za vikao

4. Saa ambayo kikao cha pamoja kitaahirishwa itaamriwa na Maspika wote.

### **Presiding in joint sittings**

5. (1) At a joint sitting of the Houses of Parliament, the Speaker of the National Assembly shall preside, assisted by the Speaker of the Senate.

(2) If one of the Speakers is not present, the substantive Speaker present shall preside, assisted by the Deputy Speaker of the other House.

### **Quorum**

6. The quorum to constitute a joint sitting shall be fifteen Senators and fifty Members of the National Assembly.

### **Procedure at joint sittings**

7. At any joint sitting, the procedure of the National Assembly shall apply with such modifications and variations as the Speaker of the National Assembly or the person presiding may consider necessary or appropriate.

### **Report of proceedings of joint sittings**

8. The Clerks shall cause to be prepared a full report of the proceedings of every joint sitting, and shall, as soon as practicable, publish it in such form and manner as the Speakers of the Houses may, from time to time, jointly direct.

### **Joint Committees of Parliament**

9. (1) *(Deleted)*

(2) Every resolution by a House of Parliament for the establishment of a joint committee not provided for in the Standing Orders shall be by a message to the other House, which shall state the object of such committee and the number of members to be appointed to the committee.

(3) A joint committee established under these Rules shall consist of at

### **Uongozi wa vikao vya pamoja**

5. (1) Spika wa Bunge la Taifa ataongoza kikao cha pamoja cha Bunge akisaidiwa na Spika wa Seneti.

(2) Ikiwa mmoja wa Maspika hatakuwepo, Spika atakayekuwepo ataongoza kikao cha pamoja akisaidiwa na Naibu Spika wa Bunge jingine.

### **Akidi**

6. Akidi ya kikao cha pamoja kitakuwa Maseneta kumi ni watano na Wajumbe hamsini.

### **Utaratibu katika kikao cha pamoja**

7. Utaratibu wa Bunge la Taifa utatumika katika kikao cha pamoja kwa kadri Spika wa Bunge la Taifa au kiongozi wa kikao atakavyoona inafaa.

### **Ripoti ya mikutano ya vikao vya pamoja**

8. Makatibu wataandaa ripoti ya vikao vya pamoja kuandaliwa, na kuichapisha haraka iwezekanavyo katika umbo na mtindo utakaoelekezwa kwa pamoja na Maspika mara kwa mara.

### **Kamati za Pamoja za Bunge**

9. (1) *(Imefutwa)*

(2) Azimio la Bunge la kuunda kamati ya pamoja ambalo halijabainishwa katika Kanuni za Kudumu litakuwa kwa ujumbe kwa Jumba lingine la Bunge, na litataja lengo la kamati na idadi ya wabunge watakaoteuliwa katika kamati.

(3) Kamati ya pamoja itakayoundwa kwa mujibu wa Kanuni hizi itakuwa na wabunge watano katika Bunge la Taifa au watano

least five Members of each House.

(4) Prior to the commencement of any other business, every joint committee shall elect one of its members to be the Chairperson of the committee and one of its members to be the Vice-Chairperson of the committee.

(5) If the Chairperson and the Vice-Chairperson are absent at a meeting of the committee, the Members present shall appoint one of the members present to chair that meeting.

(6) Unless a decision is reached by consensus, any vote to be taken in a Joint Committee shall be by separate Houses.

(7) The report of a joint committee shall be tabled in each House for consideration.

(8) Without limiting the effect of anything contained in these Rules, the Standing Orders of the Senate and the Assembly relating to select committees shall be applied, but the Speakers of both Houses may jointly give directions in instances where the Orders of the two Houses are at variance.

#### **Clerks of a Joint Sitting**

10. The Clerk of the Assembly and the Clerk of the Senate will act as joint clerks of a joint sitting and either of them may exercise a function expressed to be exercised by the Clerk.

#### **Amendments to Joint Rules**

11. (1) An amendment may be proposed to these Rules by a joint committee.

(2) The report of the joint committee under paragraph (1) proposing amendments to these Rules shall be tabled in each House.

katika Seneti.

(4) Kabla ya kuanza kikao chochote, kila kamati ya pamoja itamchagua mmoja wa Wajumbe wake kuwa Mwenyekiti wa kamati na mmoja wa Wajumbe kuwa makamu Mwenyekiti wa kamati.

(5) Ikiwa Mwenyekiti au Makamu Mwenyekiti hawatakuwepo katika mkutano wa kamati, Wajumbe waliopo wataamchagua mmoja wao kuongoza mkutano.

(6) Isipokuwa kama uamuzi utafikiwa kwa maafikiano, kila kura ya Kamati ya Pamoja itakuwa kwa kila Jumba la Bunge.

(7) Ripoti ya Kamati ya Pamoja itawekwa Mezani katika Bunge la Taifa na Seneti Kwa ajili ya kushughulikiwa.

(8) Bila kuathiri masharti ya Kanuni hizi, Kanuni za Seneti na Bunge la Taifa kuhusu kamati zitatumika, lakini maspika wa Bunge wanaweza kutoa maelekezo kipamoja endapo Kanuni za Majumba hayo mawili yanakinzana.

#### **Makatibu wa Vikao vya Pamoja**

10. Katibu wa Bunge la Taifa na Katibu wa Seneti watakuwa makatibu wa vikao vya pamoja na yeyote kati yao anaweza kutimiza majukumu yanayotakiwa kutekelezwa na Katibu.

#### **Marekebisho ya Kanuni za Pamoja**

11. (1) Rekebisho la Kanuni hizi linaweza kupendekezwa na Kamati ya Pamoja.

(2) Ripoti ya Kamati ya Pamoja kwa mujibu wa fasili ya (1) inayopendekiza marekebisho ya Kanuni hizi itawekwa Mezani katika Bunge la Taifa na Seneti.

**Amendment to Standing Orders affecting both Houses**

12. (1) Whenever the Speaker of a House of Parliament is of the opinion that an amendment to the Standing Orders of one House is likely to substantially alter the orderly conduct of the business or affairs between the Houses of Parliament, the Speaker shall, jointly with the Speaker of the other House, cause the respective committees dealing with the matters related to Standing Orders to jointly consider the amendments and to propose a version of the amendments that is agreeable to both Houses and report to the respective Houses.

(2) Paragraph (6) of Rule 9 (*Joint Committees of Parliament*) to these Orders will apply to voting in joint meetings of the Committee.

(3) The Committees under paragraph (3) shall submit a report to respective Houses of Parliament.

**Marekebisho ya Kanuni za Kudumu zinazoathiri Bunge la Taifa na Seneti**

12. (1) Wakati ambapo Spika wa Seneti au Bunge la Taifa atakuwa na maoni kwamba marekebisho ya Kanuni za Kudumu za Bunge la Taifa na Seneti yanaweza kuathiri kwa kiasi kikubwa uendeshaji bora wa shughuli kati ya Seneti na Bunge la Taifa, Spika wa Bunge la Taifa na Spika wa Seneti kwa pamojawataelekeza kamati zinazohusika na Kanuni za Kudumu kutathmini kwa pamoja marekebisho hayo na kupendekeza nakala ya marekebisho yanayokubalika na Majumba ya Bunge na kuripoti kwa Jumba la Bunge husika.

(2) Fasili ya (6) ya kifungu cha 9 (*Kamati za Pamoja za Bunge*) ya Kanuni itatumika katika kura kwenye vikao vya pamoja vya kamati.

(3) Kamati zilizotajwa katika aya ya (3) zitawasilisha ripoti kwa Jumba la Bunge husika.

FIFTH SCHEDULE

FORM OF NOMINATION PAPER

(Standing Order 179(4))

Election of the Chairperson/Vice-Chairperson of the \_\_\_\_\_ Committee of the National Assembly to be held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

We, the undersigned, being Members of Parliament nominated to serve in the \_\_\_\_\_ Committee of the National Assembly nominate the undermentioned person as a candidate for election as Chairperson/Vice-Chairperson of the Committee at the election.

*(1) Particulars of Candidate*

Name in Full

National Identity Card/Passport No.

Sex

Physical Address

Political Party

Telephone No.

*(2) Particulars of Proposer*

Name in Full

National Identity Card/Passport No.

NYONGEZA YA TANO

FOMU YA KARATASI YA UTEUZI

KANUNI YA 179(4))

Uchaguzi wa Mwenyekiti/ Makamu Mwenyekiti wa \_\_\_\_\_ Kamati ya Bunge itwakuwa siku ya \_\_\_\_\_ Mwezi wa \_\_\_\_\_ Mwaka wa \_\_\_\_\_.

Sisi, kama Wabunge na wajumbe tulioteuliwa kuhudumu katika Kamati ya \_\_\_\_\_ ya Bunge tunamteua mtu aliyetajwa kugombea kuwa Mwenyekiti/Makamu Mwenyekiti wa Kamati katika uchaguzi huo.

*(1) Stakabadhi za mgombeaji*

Jina Kamili

Kitambulisho cha Taifa/ Namba ya Pasipoti

Jinsia

Anwani

Chama cha siasa

Namba ya Simu

*(2) Stakabadhi za anayependekeza*

Jina Kamili

Kitambulisho cha Taifa/Namba ya

Sex	Pasipoti
Physical Address	Jinsi
Political Party	Anwani
Telephone No.	Chama cha siasa
Signature	Namba ya Simu
	Saini

*(3) Particulars of Seconder*

*(3) Stakabadhi za anayeunga mkono*

Name in Full	Jina Kamili
National Identity Card/Passport No.	Kitambulisho cha Taifa/Namba ya Pasipoti
Sex	Jinsi
Physical Address	Anwani
Political Party	Chama cha Siasa
Telephone No.	Namba ya Simu

And I, the aforesaid \_\_\_\_\_ do hereby consent to my nomination as a candidate for election as Chairperson/Vice-Chairperson of the \_\_\_\_\_ Committee of the National Assembly

Na Mimi, \_\_\_\_\_ ninakubali kuteuliwa kuwa mgombea wa uchaguzi wa Mwenyekiti/Makamu Mwenyekiti wa Kamati ya \_\_\_\_\_ ya Bunge.

\_\_\_\_\_  
*Signature of Candidate.*

\_\_\_\_\_  
*Saini ya Mgombea.*

Dated this \_\_\_\_\_ day of Tarehe..... Mwezi wa.....  
\_\_\_\_\_20\_\_\_\_\_. Mwaka wa

**SIXTH SCHEDULE**

**FORM OF OATH/SOLEMN AFFIRMATION  
BY WITNESS APPEARING BEFORE A  
COMMITTEE OF THE HOUSE**

**(Standing Order 191)**

I \_\_\_\_\_ do swear/affirm that the evidence I shall give before this committee on the matter(s) under its consideration shall be the truth, the whole truth nothing but the truth. (In the case of an oath – so help me God.)

**NYONGEZA YA SITA**

**AINA YA KIAPO/KUKIRI KUWAJIBIKA KWA  
SHAHIDI ALIYEFIKA MBELE YA KAMATI YA  
BUNGE**

**(Kanuni ya 191)**

Mimi \_\_\_\_\_ naapa/ nakiri ya kwamba ushahidi nitakaotoa mbele ya kamati hii kuhusu masuala yanayofanyiwa kazi na Kamati utakuwa wa ukweli mtupu. (Kiapo - ewe Mwenyezi Mungu nisaidie.)

**SEVENTH SCHEDULE  
SUMMONS TO WITNESSES**

**(Standing Order 191)**

To \_\_\_\_\_

Whereas your attendance is required before the National Assembly/ \_\_\_\_\_ Committee in relation to \_\_\_\_\_ (state subject matter), you are hereby required (personally) to appear before the National Assembly/ \_\_\_\_\_ Committee on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock in the forenoon and to bring with you \_\_\_\_\_ (specify the information/document required to be produced).

Your reasonable travelling and subsistence allowance for one day will be reimbursed upon production of sufficient proof of expenditure. If you fail to comply with this order without lawful excuse, you will be subject to the consequences of non-attendance laid down in Standing Order 191.

Given under my hand this ..... day of ....., 20.....

\_\_\_\_\_  
**Clerk of the National Assembly**

**NOTICE:** If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be delivered to the Clerk on or before the day and hour aforesaid.

**NYONGEZA YA SABA  
WITO KWA MASHAHIDI**

**(Kanuni ya 191)**

Kwa \_\_\_\_\_

Unahitajika kufika mbele ya Kamati ya \_\_\_\_\_ la Bunge la Taifa kwa ajili ya \_\_\_\_\_ (taja mada), na unahitajika (kibinafsi) kuhudhuria kikao cha kufika mbele ya Bunge la Taifa/ Kamati ya \_\_\_\_\_ siku ya \_\_\_\_\_, 20\_\_\_\_\_, saa \_\_\_\_\_ asubuhi na ulete \_\_\_\_\_ (taja taarifa au nyaraka/stakabadhi zinazohitajika kuwasilishwa).

Gharama zako za usafiri na kujikimu na usafiri kwa siku moja utarejeshwa baada ya kutoa ushahidi wa kuridhisha wa matumizi hayo. Ikiwa hautatii amri hii bila sababu halali, utadhibiwa kulingana na masharti ya Kanuni ya 191.

Nimetia saina mnamo tarehe..... mwezi.....20.....

\_\_\_\_\_  
**Katibu wa Bunge la Taifa**

**ILANI:** Ikiwa umeitwa kutoa nyaraka na si kutoa ushahidi, utachukuliwa kuwa umetii mwaliko huu ikiwa utatuma nyaraka husika kwa Katibu kabla ya siku na saa iliyotajwa.

**EIGHTH SCHEDULE**

**AFFIDAVIT OF SERVICE OF SUMMONS**

**(Standing Order 191)**

I .....  
of .....  
..an officer of the Parliamentary Service Commission/police officer make oath and state as follows:

1. On ..... 20..... at ..... (time) I served the summons in this matter on ..... at..... (place) by tendering a copy thereof to him/her and requiring a signature on the original. He/She signed/refused to sign the summons. He/She was personally known to me/ was identified to me by ..... and admitted that he/she was the witness.

2. Not being able to find ..... the witness ..... on .....20..... at..... (time) I served the summons on ..... (name) an adult member of the family of the witness who is residing with him/her.

3. Not being able to find ..... the witness or any person on whom service could be made, on ..... 20..... at ..... (time), I affixed a copy of the summons to the outer door of .....

**NYONGEZA YA NANE**

**KIAPU CHA MPELEKA HATI YA WITO**

**(Kanuni ya 191)**

Mimi.....W  
a.....afisa  
wa Tume ya Huduma za Bunge/afisa wa polisi ninaapa na kueleza ifuatavyo:

1. Mnamo tarehe ..... 20..... saa ..... (saa) nilimkabidhi .....mwaliko kuhusu suala hili tarehe ..... katika..... (mahali) kwa kutoa nakala kwake na kuhitaji saini kenye hati halisi. Ametia saini/amekataa kutia saini kwenye hati ya wito. Ninamfahamu mimi mwenyewe yeye kibinafsi/alitambulishwa kwangu na..... na alikubali kuwa shahidi.

2. Baada ya kushindwa kumpata ..... shahidi mnamo ..... tarehe .....20..... saa..... (saa) nilimkabidhi.....(jina) hati ya wito mtu mzima mwanafamilia shahidi anayeishi naye.

3. Baada ya kushindwa kumpata .....shahidi au mtu yeyote ambaye alifaa kukabidhiwa mwaliko, mnamo tarehe ..... 20..... saa ..... (saa), nilibandika nakala ya wito kwenye huo mlango wa

being the house in which he/she ordinarily resides/carries business/personally works for gain. I was accompanied by ..... who identified the house to me.

4. ....  
(Otherwise specify the manner in which the summons was served).

SWORN by the said .....  
this ..... day of....., 20.....  
Before me

**Commissioner for Oaths/Magistrate**

nje.....  
ambayo ni nyumba ambayo anaishi/kufanya biashara/ kazi aliyenionesha mtu anayeitwa.....

4. ....  
(vinginevyo, bainisha jinsi ambavyo mwaliko ulikabadhiwa).

KIAPO kimetolewa.....  
mnamo..... mwezi....., 20.....  
Mbele yangu

**Kamishna wa Viapo/Hakimu**

