



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT (FOURTH SESSION)

THE SENATE

**THE ELEVENTH REPORT OF THE PROCEDURE AND RULES
COMMITTEE**

ON

THE REVIEW OF THE SENATE STANDING ORDERS

Clerk's Chambers
The Senate
Parliament of Kenya
NAIROBI

PAPERS LAID	
DATE	19.11.25.
TABLED BY	Vice Chairperson.
COMMITTEE	-
CLERK AT THE TABLE	Belinda

November, 2025

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PREFACE

Mr. Speaker Sir,

Establishment and Mandate of the Committee

1. Standing Order 191 of the Standing Orders establishes the Procedure and Rules Committee, with the mandate to, among others, consider and report on all matters relating to the Standing Orders including proposing amendments.

Membership of the Committee

2. The Committee comprises of the following Members-

- | | |
|---|--|
| (i) Rt. Hon. Amason Jeffah Kingi, EGH, MP | - Speaker of Senate/
Chairperson |
| (ii) Sen. Kathuri Murungi, MGH, MP | - Deputy Speaker /Vice
Chairperson |
| (iii) Sen. Abdul Mohammed Haji, CBS, MP | - Member |
| (iv) Sen Wakili Hilary Kiprotich Sigei, CBS, MP | - Member |
| (v) Sen. Veronica Maina, MP | - Member |
| (vi) Sen. Catherine Muyeka Mumma, MP | - Member |
| (vii) Sen. Sheikh Mohammed Abass, CBS, MP | - Member |
| (viii) Sen. Joe Nyutu Ngugi, MP | - Member |
| (ix) Sen. Beth Kalunda Syengo, MP | - Member |

Mr. Speaker Sir,

3. The Procedure and Rules Committee received proposals from the Senate Liaison Committee vide a letter referenced SLC/RES11/2025 dated 26th May, 2025 to amend the Senate Standing Orders as outlined below-

- (a) On follow up of the implementation of the Senate resolutions;
- (b) On timely referral to committees and consideration of documents received when the Senate is on recess;

- (c) On Chairing Meetings of the Liaison Committee in the Absence of the Deputy Speaker; and
 - (d) On continuity of the work of Select Committees upon the lapse of the first three sessions during a parliamentary term
4. At its meeting held on Tuesday, 4th November, 2025, the Procedure and Rules considered the proposed amendments and made proposals for consideration by the Senate, pursuant to Standing Orders 267 and 268.

Acknowledgement

5. The Committee wishes to thank the Offices of the Speaker and the Clerk of the Senate as well as the Secretariat for the support extended to it in fulfilling its mandate.

Mr. Speaker,

6. It is now my pleasant duty, pursuant to Standing Order 270, to present the report of the Procedure and Rules Committee on proposed amendments to the Senate Standing Orders.

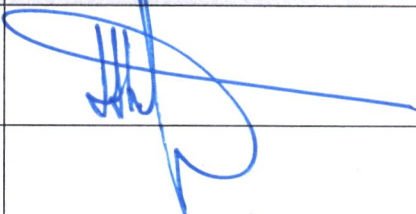
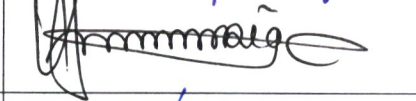
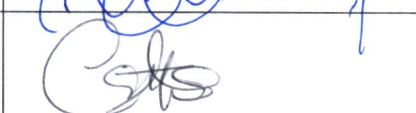
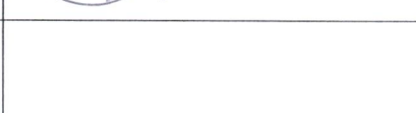
Signed.....

Date.....

**RT. HON. AMASON JEFFAH KINGI, EGH, MP,
SPEAKER OF THE SENATE/ CHAIRPERSON, PROCEDURE AND
RULES COMMITTEE.**

Consideration and Adoption of the Report by the Committee

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

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

CHAPTER ONE

BACKGROUND

1.1 Introduction

This chapter details the legal framework for amending the Standing Orders.

1.2 Overview of Review of Senate Standing Orders

Article 124 of the Constitution mandates each House of Parliament to establish committees and make Standing Orders for the orderly conduct of its proceedings, including the proceedings of its committees. The first version of the Senate Standing Orders, after the promulgation of the Constitution of Kenya, were adopted by the National Assembly on 9th January, 2013 pursuant to Article 262 and section 11 of the Sixth Schedule to the Constitution.

The Senate Standing Orders have been amended by the Senate a number of times. In the 11th Parliament, the Standing Orders were amended by the Senate on 14th February, 2014, 25th November, 2014, 16th June, 2016, 14th June, 2017 and 14th December, 2017. During the 12th Parliament, they were amended on 9th August 2018, 21st July, 2020, and 16th June, 2022. During the 13th Parliament they were amended on 23rd March, 2023 and 28th May, 2024 respectively.

1.3 Framework on Review of the Senate Standing Orders

The procedure for amending the Senate Standing Orders is provided pursuant to Standing Orders 267 and 268 which states that-

Standing Order 267:

The Procedure and Rules Committee may, at any time, propose amendments to these Standing Orders.

Standing Order 268:

- (1) A Senator may, with the support of at least fifteen other Senators, request the Procedure and 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 proposal;
 - (b) contain the names and signatures of the Senators supporting the request; and
 - (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 Rules Committee.
- (4) The Procedure and Rules Committee shall, within twenty-one days of receipt of a request under paragraph (3), consider the request and table a report in the Senate containing the amendments proposed in the request and the recommendations of the Committee on each such proposal.
- (5) The Senate shall consider the proposed amendments to the Standing Orders as reported from the Procedure and Rules Committee on a Motion that "The report of the Procedure and Rules Committee be approved".
- (6) Standing Order 155 (Procedure on Bills reported from Committee of the Whole) shall apply, with necessary modifications, to a Motion to approve the report of the Procedure and Rules Committee on the amendments proposed to the Standing Orders.

CHAPTER TWO

PROPOSED AMENDMENTS

2.1 Introduction

This chapter details the amendments that were submitted for consideration to the Procedure and Rules Committee.

2.2 Proposed Amendments

Via a letter referenced SLC/RES11/2025 dated 26th May, 2025 the Liaison Committee submitted proposals to amend the Senate Standing Orders to the Procedure and Rules Committee. In the letter, the Committee stated that -

At its 50th meeting held on Wednesday, 16th April, 2025, 51st meeting held on Wednesday, 14th May, 2025 and 52nd meeting held on 21st May, 2025, the Liaison Committee considered proposed amendments to the Senate Standing Orders, as contained in Paper Nos. 70, 70A and 70B of 2025.

During the deliberations, Members-

- i) Considered the merits and demerits of the proposed transfer of the implementation mandate from Standing Committees to the Liaison Committee;*
- ii) Deliberated on avenues to ensure the timely referral to committees and consideration of documents received when the Senate is on recess;*
- iii) Considered whether to have members elect a substantive Vice Chairperson for the Committee or to have the Deputy Speaker designate a Member of the Committee or of the Speaker's Panel to preside over meetings of the Committee in the absence of the Deputy Speaker; and*
- iv) Deliberated on ensuring continuity of the work of Select Committees upon the lapse of the first three sessions during*

a parliamentary term, particularly where such committees were required to consider documents and reports within set timelines.

Consequently, the Liaison Committee resolved that-

- (a) the implementation mandate remains with the Standing Committees and that the Liaison Committee be conferred the mandate of following up with the respective committees on the status of implementation of the resolutions directed to them;*
- (b) documents received when the Senate is on recess be transmitted to the respective committees for consideration and that this fact be reported to the Senate upon resumption from recess;*
- (c) the Deputy Speaker designates a Member of the Committee to preside over meetings of the Committee whenever the Deputy Speaker is absent; and*
- (d) the Standing Orders be amended to provide that, notwithstanding the expiry of the term of Select Committees upon lapse of the initial three sessions, the Committees shall conduct their business until the constitution of a new committee.*

The proposed amendments, as approved and submitted by the Liaison Committee via the aforementioned letter are outlined below-

*i) **STANDING ORDER 192***

THAT *Standing Order 192 be amended-*

- (a) by inserting the following new paragraph immediately after paragraph (1)-*

(1A) In the absence of the Deputy Speaker, a member of the Committee designated by the Deputy Speaker shall chair a meeting of the Liaison Committee.

- (b) in paragraph (2) by inserting the following sub-paragraph immediately after sub-paragraph (f)-*

(fa) follow up with Committees on the status of implementation of Senate Resolutions.

ii) **STANDING ORDER 193**

THAT Standing Order 193 be amended by inserting the following new clause immediately after clause (4) –

(5) A County Public Accounts Committee constituted immediately after a general election shall, notwithstanding the expiry of its term conduct the business of the Committee until the constitution of a new Committee.

iii) **STANDING ORDER 194**

THAT Standing Order 194 be amended by inserting the following new clause immediately after clause (3) –

(3A) A County Public Investments and Special Funds Committee constituted immediately after a general election shall, notwithstanding the expiry of its term conduct the business of the Committee until the constitution of a new Committee.

iv) **STANDING ORDER 195**

THAT Standing Order 195 be amended by inserting the following new clause immediately after clause (6) –

(7) A Committee on delegated legislation constituted immediately after a general election shall, notwithstanding the expiry of its term conduct the business of the Committee until the constitution of a new Committee.

v) **NEW STANDING ORDER 251A**

THAT the Senate Standing Orders be amended by inserting the following new Standing Order immediately after standing order 251 -

251A. Receipt of documents when not in session

(1) Where a report or any other document requiring to be laid before the Senate or considered within a prescribed timeline is received from an entity at a time when the Senate is not in

session, the Speaker shall forthwith cause the report or document to be referred to the relevant Committee for consideration and shall report the receipt of the report or document to the Senate on the day the Senate next sits.

(2) When the Speaker reports the receipt of a report or document under paragraph (1), the report or document shall be deemed to have been laid before the Senate.

CHAPTER THREE

ANALYSIS AND OBSERVATIONS OF THE PROPOSED AMENDMENTS

3.1 Introduction

This chapter details the considerations that were made by the Committee in making its determination on the proposed amendments.

3.2 Analysis and Observations

In its considerations, the Committee noted as follows-

(a) *Proposed amendment: Follow up on implementation of resolutions*

Committee Observations

- Standing Order 192(2)(e) confers the mandate to ensure that committees submit reports as required by these Standing Orders, to the Liaison Committee. It provides that-

“...ensure that Committees submit reports as required by these Standing Orders...”

- follow up on implementation of resolutions, the Standing Committees would be best placed to follow up with the respective Ministries on the status of the implementation of the resolutions since they have the background that led to the resolution in accordance to Standing Order 228(4)(j);
- Consequently, reading Standing Order 192(2) (e) together with Standing Order 228(4)(j), the responsibility to follow-up with the respective Standing Committees on the status of implementation of resolutions is rightfully provided for and conferred upon the Liaison Committee.

- Therefore, the proposed amendment by the Committee is recommended to be declined.

(b) Proposed amendment: Timely referral to committees and consideration of documents received when the Senate is on recess

Committee Observations

- Section 48 (1) of the Public Audit Act (Cap. 412B) states that "*within six months after the end of each financial year, the Auditor-General shall audit and report, in respect of that financial year, on the accounts specified in Article 229 of the Constitution*".
- Notably, Article 229(8) of the Constitution envisages the consideration of audit reports to be finalized by the Senate within three months of receiving the reports.
- Standing order 31(1) provides that-

"Except for the Session commencing immediately after a general election, regular Sessions of the Senate shall commence on the second Tuesday of February and terminate on the first Thursday of December".

The effect of this provision is that papers or reports received when the Senate is on recess cannot be transmitted to the relevant Committees and reported on the day the Senate sits next. In this regard the Committee loses time that could have been spent examining these reports

- The proposed new Standing Order 251A provides that "*...when the Senate is not in session, the Speaker shall forthwith cause the report or document to be referred to the*

relevant Committee for consideration...". This presents a risk in case of any prevailing circumstances where the Committee may not be in a position to meet.

The effect of the text of the amendment is that when the Speaker causes the report to be referred to the relevant Committee forthwith that is without delay the statutory timelines are activated and the countdown commences.

- It is noted that other mechanisms such as a procedural Motion can be used to address the concern raised by the Committee. Parliaments such as the House of Commons in the United Kingdom, Parliament of Zambia, and the National Assembly of the Republic of Kenya have utilized this legislative tool to facilitate consideration of business received during recess periods. This comprises- bills, statutory instruments, reports from constitutional commissions and independent offices amongst others.
- In view of the above, the proposal by the Liaison Committee is recommended to be shelved and considered during the end of term review of the Senate Standing Orders, pursuant to Standing Order 269.
- Further as we await the end of the term amendments pursuant to Standing Order 269, it is recommended that a a procedural motion should be used in the meantime subject to the revision of the proposed motion to conform to the phraseology of standing order 46 (4);

(c) Proposed amendment: Chairing Meetings of the Liaison Committee in the Absence of the Deputy Speaker

Committee Observations

- The proposed amendment was first recommended to the Procedure and Rules Committee in April, 2024 whereupon the

Committee declined it owing to the fact that Standing Order 212 makes for provision for the Chairperson to delegate chairing of meetings in their absence thus it is not necessary to amend the Standing Orders.

- Further the secretariat observed that noting that the Liaison Committee comprises all Chairpersons of Select Committees in the Senate, it would not be befitting for a Chairperson of Select Committee to be appointed as a Vice Chairperson in another Select Committee.
- Some Houses of Parliament such as the Kenya National Assembly have designated the position of Vice Chairperson to a Member of the Chairperson's Panel which is equivalent to Senate's Speakers Panel.
- Therefore, the proposed amendment by the Liaison Committee is not recommended for approval.
- However, noting the concern of the Liaison Committee, a recommendation is made to provide that in the absence of the Chairperson/Deputy Speaker that s/he delegates to a Member of the Speaker's Panel to chair the meetings of the Liaison Committee, as is the case in the Senate Business Committee.
- the Deputy Speaker under Standing Order 212 may as well designate the chairing to a member of the Committee.

(d) Proposed amendment: Continuity of the work of Select Committees upon the lapse of the first three sessions during a parliamentary term

Committee Observations

- Standing Orders 193(4) and 194(3) provide that the County Public Accounts Committee and the County Public Investments and Special Funds Committee shall serve for a period of three

(3) sessions. This may present a gap during which period the Committee will need to be constituted, pursuant to Standing Orders 197 (*Nomination of Members of Select Committees*) and 199 (*Approval of nominations*), particularly where there is a delay to constitute such committees.

- At the end of a Session, the Senate proceeds on a long recess and a new Session begins on the second Tuesday of February. This is a critical window that the said Committees may use to consider the reports and report to the Senate pursuant to Article 229(8).
- The two Committees were reconstituted on 12th February, 2025, pursuant to Standing Orders 193(4) and 194(3) thus there is no chance to renew the Committee's mandate in the current Parliament.
- The proposal by the Committee to amend the Standing Orders is a critical one to enable the Committee to undertake its oversight function. However, noting that the amendment will be applied in the 14th Parliament as the current Committee was reconstituted in 2025 it recommended that it awaits the periodic review of standing orders pursuant to Standing Order 269 to allow for further considerations on the best way address this gap.
- It also worth noting that the proposal to have the latter Committees continue working before the new ones are constituted had been provided for in the 12th Parliament. It was provided for in the following terms-

Standing Order 214(4): A Sessional committee may, at the end of a Session, apply in writing to the Speaker requesting for extension of time to enable the Committee conclude consideration of business pending before the Committee as at that date.

Standing Order 214(5): Upon receipt of a request under paragraph (4), the Speaker may, in exceptional circumstances and upon being satisfied that it is necessary in the circumstances to grant such extension, grant to the Sessional committee permission to conclude business for such additional time and on such conditions as the Speaker shall direct."

As a result of this provision, in 2020 the CPAC Committee was reconstituted in June/July hence causing anxiety amongst Senators.

- Continuity of the work of Select Committees upon the lapse of the first three sessions during a parliamentary term, the proposal for reconstitution of the said committees in November should be considered during the end of term review of the Standing Orders since the Committees were already reconstituted on 12th February, 2025 and are currently operating.
- Therefore, the proposed amendment by the Liaison Committee is recommended to be shelved for further consideration.

CHAPTER FOUR

RECOMMENDATION(S)

4.1 Introduction

This chapter entails the recommendations made by the Committee on the proposed amendments.

4.2 Recommendations

The Committee made the following recommendations -

a) That the following amendment(s) be declined-

Follow up on implementation of resolutions

b) That the following amendment(s) be shelved pending the periodic review of the Senate Standing Orders, pursuant to Standing Order 269 -

- (i) *Chairing Meetings of the Liaison Committee in the Absence of the Deputy Speaker*
- (ii) *Continuity of the work of Select Committees upon the lapse of the first three sessions during a parliamentary term*
- (iii) *Timely referral to committees and consideration of documents received when the Senate is on recess. However, a Procedural Motion be filed in the following terms-*

THAT, the Senate resolves that during the long recess of the Fourth Session of the 13th Parliament where any Statutory Instrument or Paper is transmitted for tabling in the Senate, and the Speaker determines that the Statutory Instrument or Paper is of priority, the Speaker shall forthwith refer the Statutory Instrument or

Paper to the relevant Committee for consideration and the Statutory Instrument or Paper, shall be deemed to have been tabled before the Senate and the Speaker shall report the Statutory Instrument or Paper to the Senate and cause the Statutory Instrument to be tabled in the Senate in accordance with the provisions of section 11 of the Statutory Instruments Act (No. 3 of 2013) and the Paper to be tabled before the Senate, at its next Sitting.

Further that the said Motion be part of the Sessional Orders considered and adopted by the Senate at the commencement of each Session.