

REPUBLIC OF KENYA



ELEVENTH PARLIAMENT

THE NATIONAL ASSEMBLY – FOURTH SESSION

MESSAGE NO. 5 OF 2016

ON NOMINATION OF JUSTICE DAVID KENANI MARAGA AS CHIEF JUSTICE OF THE REPUBLIC OF KENYA

Honourable Members,

Standing Order 42(1) relating to Messages from the President provides that “*the Speaker shall read to the House any message from the President delivered to the Speaker for communication to the House.*” In this regard therefore, I wish to inform the House that I have received a Message from the His Excellency the President dated 29th September, 2016, regarding the appointment of Justice David Kenani Maraga as Chief Justice of the Republic of Kenya. The Message also includes the original copy of the Judicial Service Commission’s Report on recruitment and selection process for the Chief Justice and his Curriculum Vitae. This was submitted in line with the provisions of Article 166 (1) of the Constitution which provides and I quote:

“The President shall appoint the Chief Justice and the Deputy Chief Justice, in accordance with the recommendation of the Judicial Service Commission, and subject to the approval of the National Assembly”

The President therefore seeks the approval of the National Assembly on the said nomination.

Honourable Members,

Section 5 of the Public Appointments (Parliamentary Approval) Act, 2011, provides that an appointing authority shall, upon nominating a person for an appointment to which this Act applies, notify the relevant House of Parliament accordingly. Consequently, a proper notification in line with the above provision has been received.

Honourable Members,

Section 8 of the Public Appointments (Parliamentary Approval) Act, 2011 further provides that the relevant Committee should table its Report for debate and decision within fourteen days from when the notification of nomination is given. I cannot over-emphasize the need to expedite this process of appointment of a substantive Chief Justice, considering that there is a vacancy in this position and in that of the Deputy Chief Justice at a time when the substantive office holders ought to perform certain statutory obligations.

Honourable Members,

Pursuant to the provisions of Standing Order 43(3)(c), I now refer the Message, including the *curriculum vitae* of the nominee, to the Departmental Committee on Justice and Legal Affairs to undertake the necessary approval hearings. I wish to guide the Committee and the House as follows:-

- (i) The Committee should notify the nominee and the general public of the time and place for holding the approval hearings expeditiously. The notification should therefore be made immediately; and,
- (ii) The Committee should thereafter commence the necessary approval hearings and table its Report on or before **Wednesday, 12th October 2016** for debate and decision in the House before the end of next week.

I thank you!

HON. JUSTIN B. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Tuesday, October 4, 2016