

REPUBLIC OF KENYA



ELEVENTH PARLIAMENT - (FOURTH SESSION)

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THE NATIONAL ASSEMBLY

MESSAGE (NO. 005 OF 2016)

REFERRAL BY H.E. THE PRESIDENT OF THE PETROLEUM  
(EXPLORATION, DEVELOPMENT AND PRODUCTION) BILL, 2015  
AND THE ENERGY BILL, 2015

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**Honourable Members,**

You may recall that on the **25<sup>th</sup> August, 2016**, the House passed the Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No. 44 of 2015) and the Energy Bill (National Assembly Bill No. 50 of 2015), which were sponsored by the Leader of the Majority Party; Hon. Aden Duale, EGH, MP. Accordingly, I presented the two Bills to H.E. the President for Assent in accordance with the provisions of the Constitution and of our Standing Orders. However, H.E. the President, by way of Memoranda, dated 13<sup>th</sup> September 2016, has since returned those Bills back to Parliament for reconsideration pursuant to the provisions of Article 115(1)(b) of the Constitution.

**Honourable Members,** on the Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No. 44 of 2015), H.E. the President has expressed reservations to Clauses 51, 58 and 85 of the Bill, relating to the ratification of production sharing contracts and functions and objects of the Agency. H.E. the President has recommended amendments to that effect.

On the Energy Bill (National Assembly Bill No. 50 of 2015), the President has expressed reservations on Clauses 55, 69 and 194 of the Bill and also recommended amendments to those Clauses.

**Honourable Members,** the two Bills concern County Governments and the Memoranda will therefore require consideration by both Houses. As you may be aware, this will be the second time that Parliament will be reconsidering President's reservations on Bills concerning County Governments, the first being that of the reconsideration of the Public Procurement and Asset Disposal Bill (National Assembly Bill No. 40 of 2014) and the Public Audit Bill (National Assembly Bill No. 38 of 2014) in 2015 whereby, the two Houses.

I hasten to remind the House that on 16<sup>th</sup> June 2015, I did make a Communication guiding the House on the manner of considering President's reservations on a Bill and amendments thereto, on Bills that require passage by both Houses in which I suspended the operation of Standing Order 155, as it clearly contradicts the provisions of Article 115 of the Constitution.

In this regard, **Honourable Members,** that purpose of this Message is two-fold, as follows-

- (i) to notify the House that I have received the President's reservations to the Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No. 44 of 2015), the Energy Bill (National Assembly Bill No. 50 of 2015; and
- (ii) to notify the House that I will be reaching out to the Speaker of the Senate so that we can consult and agree on the most appropriate procedure, including the timelines, within which Parliament is to reconsider the two Bills within the requirements of Article 115 of the Constitution.

In the meantime, I direct the Clerk to circulate the Reservations of H.E. the President to all Members so that they can familiarize themselves with the contents.

**Thank you!**

**THE HON. JUSTIN B. MUTURI, EGH, MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**  
**5<sup>th</sup> October 2016**