

REPUBLIC OF KENYA



ELEVENTH PARLIAMENT

THE NATIONAL ASSEMBLY – FOURTH SESSION

MESSAGES

MESSAGE FROM THE PRESIDENT

(No. 07 of 2016)

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**ON NOMINATION OF THE HON. LADY JUSTICE PHILOMENA
MBETE MWILU AS THE DEPUTY CHIEF JUSTICE
OF THE REPUBLIC OF KENYA**

Honourable Members,

Pursuant to the provisions of Standing Order 42(1) relating to Messages from the President, I wish to inform the House that I have received a Message from the His Excellency the President dated yesterday, 12th October 2016, regarding the appointment of **the Hon. Lady Justice Philomena Mbete Mwilu** as the **Deputy Chief Justice of the Republic of Kenya**. The Message also includes an original version of the Judicial Service Commission’s Report on recruitment and selection process for the Deputy Chief Justice and her Curriculum Vitae. This was submitted in line with the provisions of Article 166(1)(a) 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.”

In this regard, the President now 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, I hereby confirm that a proper notification in line with the said 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. Regarding the applicable statutory timelines the Public Appointments (Parliamentary Approval) Act, 2011 also require that the public be given a seven days notification for submission of views regarding the suitability of a nominee for appointment into an office requiring approval of Parliament. In this regard, and in accordance with the provision of Article 259(5)(a) of the Constitution as read together with section 5 of the said law, the counting of the seven days shall start running on the day following the day when the notice appears in the dailies.

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 ; and,
- (ii) The Committee should thereafter commence the necessary approval hearings and table its Report so that the House may consider the Report on or before **Thursday, 27th October 2016.**

I thank you!

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

Thursday, October 13, 2016