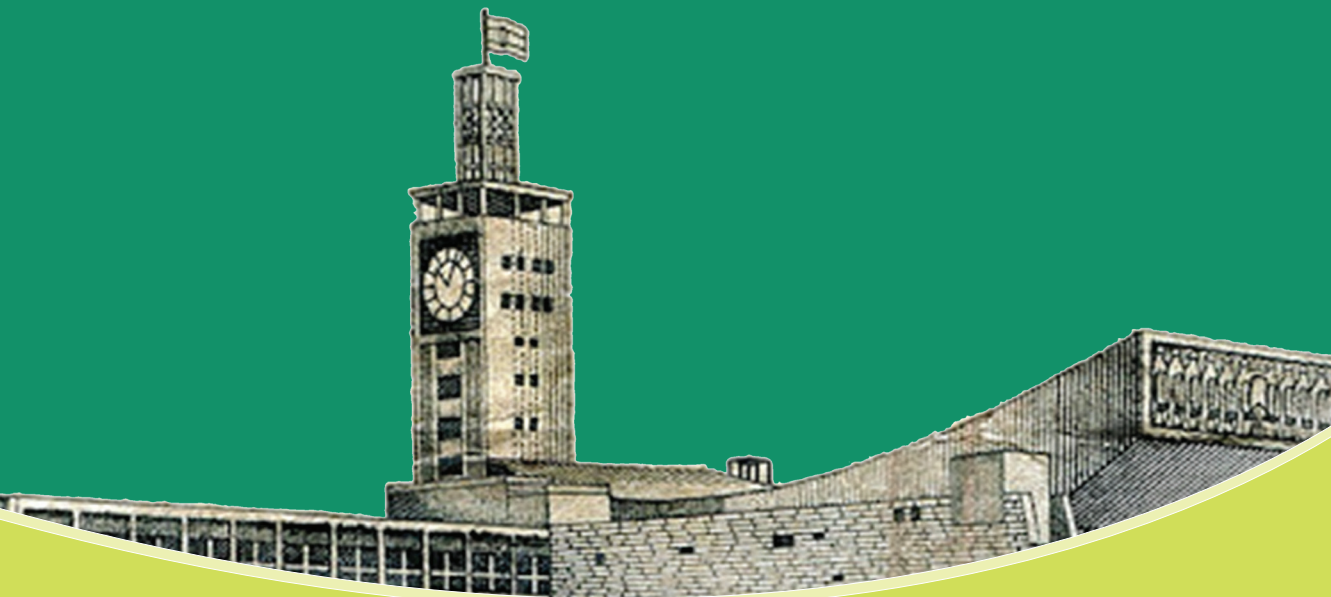




Parliament of Kenya

The National Assembly

The Clerk of the National Assembly



Fact Sheet
No. 5

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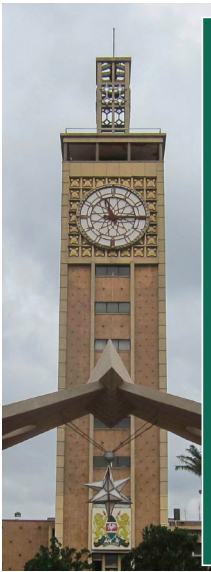
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This Factsheet on **The Clerk of the National Assembly** is part of the Kenya National Assembly Factsheets Series that are supposed to enhance public understanding, awareness and knowledge of the work of the Assembly and its operations. It is intended to serve as easy guide for ready reference by Members of Parliament, staff and the general public. The information contained here is not exhaustive and readers are advised to refer to the original sources for further information.

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FactSheet

05

The Clerk of the National Assembly

The Clerk of the National Assembly

1.0 The Establishment of the Office of the Clerk

Article 128 of the Constitution, provides for the Clerks and staff of Parliament and states that there shall be a Clerk for each House of Parliament appointed by the Parliamentary Service Commission with approval of the relevant House.

The Clerk of the National Assembly is the administrative and procedural head of the National Assembly and oversees the day-to-day operations and affairs of the National Assembly.

The Clerk of the Senate is the administrative and procedural head of the Senate and oversees the day-to-day operations and affairs of the Senate. In addition, the Clerk of the Senate as provided for in Article 127(3) of the Constitution is also the Secretary to the Parliamentary Service Commission.

2.0 History

The role of the Clerk dates back to the origins of the British Parliament, with the first Clerk appointed in 1363. In keeping with tradition, the Clerk in each House of Parliament reads the title of each Bill aloud three times before it is passed, signaling the chamber's agreement to the Bill at different stages. This practice dates back to the early British Parliament, before printing or literacy was widespread. The Clerk was required to read the whole Bill aloud to inform Members of its contents.

The office of the Clerk of the Parliament of Kenya has existed since the



Clerk Mr. Michael R. Sialai



Clerk Mr. Justin N. Bundi



Clerk Mr. Patrick G. Gichohi

inception of the Legislative Council (Legco), a precursor of the current House, in 1907. The first Clerk of the Legislative Council was Mr. R.K. Granville. He also doubled up as the Clerk to the Executive Council since the Executive and the Legislative arms were interlinked at the formative stages of the colonial administration.

Since independence, the National Assembly has had six Clerks. The first Clerk of the National Assembly at independence was Mr. Leonard J. Ngugi who was then succeeded by Mr. Japheth K. Masya. Other Clerks of the House were Mr. Samuel W. Ndindiriri, Mr. Patrick G. Gichohi and Mr. Justin N. Bundi. The current Clerk of the National Assembly is Mr. Michael R. Sialai.

3.0 Role and Functions of the Clerk

Parliamentary duties of the Clerk are conducted within the plenary, committee of the whole House, among select committees of the House and administratively in the Clerk's Chambers. The Clerk performs these duties directly or through other officers.

3.1 Chamber Role – Management of the Chamber and Procedural Advisor

The Clerk has several responsibilities in the chamber, including-

- (a) advising the Speaker in the running of chamber proceedings, including having a thorough knowledge of the rules of the House and keeping record of all documents presented to the House;
- (b) organizing the order of business for each sitting day, including providing advice on chamber procedure;
- (c) certifying the passage of Bills through the House;
- (d) recording the actions and decisions of the House in a daily publication (commonly known as Votes and Proceedings)
- (e) assisting with ceremonial occasions, such as the opening of the



Clerk Mr. Samuel W. Ndindiri



Clerk Mr. Japheth K. Masya

House, state of the nation address and the swearing-in of new Members of Parliament.

3.2 Presiding over a new House and in the election of the Speaker

At the beginning of a new Parliament, the Clerk of the House presides over the House and administers oaths to newly elected Members as the first order of business of the sitting. After which, the Clerk presides and conducts the election of the Speaker. During election of the

Speaker the Clerk-

- (a) notifies by notice in the Gazette the vacancy in the office of the Speaker and invites interested persons to submit their nomination papers for election to the office of Speaker;
- (b) prepares ballot papers upon which shall be shown the names of all candidates validly nominated;
- (c) presides over the election process;
- (d) keeps in the custody all the ballot papers for a period of six months;
- (e) administers the Oath or Affirmation of Office to the Speaker in the presence of the assembled House.

3.3 Clerk of the House as an Accounting Officer

The Clerk is the authorized officer in terms of the financial expenditure of the National Assembly, hence the accounting officer. The Clerk is therefore responsible for the financial operations and management of the National Assembly Service under the Parliamentary Service Commission. The Clerk is responsible for the preparation and submission of the Budgetary and financial programmes necessary for the achievement of the mandate of the National Assembly.

Further, the Clerk is responsible for planning and budgeting for the Assembly Service to ensure that the Assembly's objectives and goals are in congruence with Parliament's strategic objectives.

4.0 Administrative role

The Clerk plays a crucial administrative role, including-

- (a) the overall management of the staff of the National Assembly, advising the Parliamentary Service Commission and implementing Commission resolutions on all matters relating to appointment, promotion and discipline of staff, assignment of duties, supervision



The Office of the Clerk offers quality leadership that facilitates the work of MPs

and training, and deployment of staff to serve in any other area in the Parliamentary Service.

(b) provision of services to the Speaker and Members, Chair of Board of Management, lead strategic decision maker, developing corporate identity, contractual responsibilities, key advisor on all

administrative needs and services for Members of the National Assembly and staff.

- (c) the development and implementation of the Commission's Strategic Plan and annual work plans for the Assembly to ensure the progressive realization of the objectives of the Assembly and the Parliamentary Service Commission, and to enhance service delivery. responsible for the execution of the Parliamentary Service Commission decisions relating to the National Assembly;
- (d) Chairperson of the National Assembly Board of Management as well as a Member of the Board of Senior Management; and
- (e) responsibility for external relations and official interactions with arms of government; ministries, departments and agencies; constitutional commissions and independent offices; international parliamentary institutions; citizens and interest groups and the public;

5.0 Administrator of Parliamentary Scheme Funds

The Clerk administers the Parliamentary Mortgage Scheme and the Parliamentary Car Loan Scheme Fund and is responsible for the day-to-day operations of the Funds.

6.0 Other key roles of the Clerk:

Co-opted Member of the National Council for Law Reporting and Secretary to the Parliamentary Pensions Scheme.





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