



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, AUGUST 23, 2018 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

8* . SPECIAL MOTION – APPROVAL OF NOMINEES FOR APPOINTMENT AS THE CHAIRPERSON AND MEMBERS OF THE INDEPENDENT POLICING OVERSIGHT AUTHORITY

(The Chairperson, Departmental Committee on Administration & National Security)

THAT, taking into consideration the findings of the Departmental Committee on Administration & National Security in the Report on the *Vetting of the Nominees for appointment as Chairperson and Members of the Independent Policing Oversight Authority* laid on the Table of the House on Wednesday, August 22, 2018, and pursuant to the provisions of Article 250(2)(b) of the Constitution and Section 11(6) of the Independent Policing Oversight Authority Act, this House **approves** the appointment of the following persons to the Independent Policing Oversight Authority:

- | | | | |
|--------|--------------------------------|---|-------------|
| (i) | Ms. Anne Wacheke Makori | - | Chairperson |
| (ii) | Ms. Doreen Nkatha Muthaura | - | Member |
| (iii) | Ms. Fatuma Mohamud Mohamed | - | Member |
| (iv) | Dr. Walter Owen Owour Ogony | - | Member |
| (v) | Mr. Jonathan Ltipalei Lodompui | - | Member |
| (vi) | Hon. Waiganjo John Muriithi | - | Member |
| (vii) | Ms. Praxedes Chepkoech Tororey | - | Member |
| (viii) | Dr. Jimmy Mutuku Mwithi | - | Member |

9*. MOTION - REPORT ON AMENDMENTS TO THE STANDING ORDERS

(The Chairperson, Procedure & House Rules Committee)

THAT, this House adopts the Second Report of the Procedure and House Rules Committee on the consideration of the amendments to the Standing Orders, laid on the Table of the House on Thursday, July 05, 2018, and pursuant to the provisions of Standing Order 265(2), further resolves that the amendments agreed to in the Committee of the Whole House and approved by the House take effect from August 30, 2018.

(Schedule of amendments is contained in the Order Paper)

10*. COMMITTEE OF THE WHOLE HOUSE

Proposed amendments to the National Assembly Standing Orders
(The Chairperson, Procedure and House Rules Committee)

11*. THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2018)

(The Chairperson, Departmental Committee on Finance & National Planning)

Second Reading

12*. THE URBAN AREAS AND CITIES (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2017)

(The Leader of the Majority Party)

Second Reading

13*. THE HEALTH LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2018)

(The Leader of the Majority Party)

Second Reading

14*. THE WAREHOUSE RECEIPT SYSTEM BILL (SENATE BILL NO. 10 OF 2017)

(The Leader of the Majority Party)

Second Reading

*** Denotes Orders of the Day**

NOTICES

I. PROPOSED AMENDMENTS TO THE NATIONAL ASSEMBLY STANDING ORDERS

Notice is given that pursuant to the provisions of Standing Order 262, the Chairperson of the Procedure and House Rules Committee intends to move the following amendments to the National Assembly Standing Orders—

STANDING ORDER 40 (SEQUENCE OF PROCEEDINGS)

THAT, Standing Order 40(1) be amended by deleting sub-paragraph (vii) and substituting therefor the following new sub-paragraph—

“(vii) Questions and Statements;”

NEW PART

THAT, the Standing Orders be amended by inserting the following new Part immediately after Part IX—

PART IXA—QUESTIONS

Notice of Question

42A. (1) Pursuant to Standing Order 216(5)(j), a Member proposing to ask a Question in the House shall give notice to the Clerk.

(2) The Member shall deliver a signed copy of the proposed Question to the Clerk for submission to the Speaker for approval.

(3) Where the Speaker approves a Question and determines the Cabinet Secretary responsible for the matters to which it relates, the Clerk shall, at an appropriate time, publish the Question in the Order paper.

(4) In scheduling a Question in the Order Paper, the Clerk shall consider the urgency of the Question as determined by the Speaker.

(5) A Member shall ask his or her Question on the day it is scheduled in the Order Paper and the Leader of Majority Party shall, at an appointed date, inform the House of the date and time when a Cabinet Secretary shall be required to appear before a Committee to reply to a Question, subject to paragraph (6).

(6) In determining the date and time when a Cabinet Secretary shall be required to appear before a Committee to reply to a Question, the Leader of the Majority Party shall—

- (a) consider the urgency of the Question as determined by the Speaker; and
- (b) consult with the Chairperson of the Committee.

General rules on Questions

42B. (1) These rules apply to Questions raised in the House and Questions referred to Committees for reply.

(2) Except as the Speaker may otherwise allow, a Member may not ask a Question which—

- (a) is in effect a speech;
- (b) is lengthy;
- (c) is limited to give information;
- (d) is framed so as to suggest its own reply or to convey a particular point of view;
- (e) includes extracts from newspapers or quotations from speeches;
- (f) contains any argument, inference, opinion, imputation or ironical or offensive expression or epithet;
- (g) seeks an expression of opinion;
- (h) repeats in substance a matter already addressed by a Committee of the House or in the course of debate in the House during the same Session;
- (i) refers to more than one subject;
- (j) includes the name of a person or a statement not strictly necessary to render the Question intelligible;
- (k) contains an allegation which the Member is not prepared to substantiate;
- (l) implies an allegation of a personal nature or which reflects upon the conduct of a person whose conduct can only be challenged through substantive Motion or upon the conduct of any other person otherwise than in that person's official or public capacity;
- (m) relates to a matter which is *sub judice* or which by any written law is secret pursuant to Standing Order 89 (*Matters sub judice or secret*);
- (n) falls within the functions and powers of county governments as contemplated under Part II of the Fourth Schedule to the Constitution;

(o) seeks a reply that is readily available in ordinary works of reference or official publications;

(p) refers discourteously to a friendly country, a Head of State or Government or the representative in Kenya of a friendly country; or

(q) refers to a matter under consideration by the House or a Committee.

(3) A member shall take responsibility for accuracy of the facts upon which a Question is based.

(4) A Member may, with leave of the Speaker, ask a supplementary question to a Question raised in the House before it is referred to a Committee for reply.

(5) Where the Member scheduled to raise a Question in the House is absent without the Speaker's approval, the Question shall be dropped and no further proceedings shall be allowed on the Question during the same session.

(6) The Speaker may defer a Question to a different time or day from its scheduled time and day.

Manner of disposing Questions in a Committee

42C. (1) A Cabinet Secretary shall provide physical and electronic copies of the reply to a Question at least a day before appearing before a Committee.

(2) Subject to Standing Order 42A (*Notice of Question*), a Committee shall dispose of a Question in the sequence it appears in its Schedule of Questions or as its Chairperson may direct.

(3) The Chairperson may allow a Member to ask a supplementary question which relates to a Question referred to a Committee.

(4) Where a Chairperson allows Members to ask supplementary questions, the Chairperson shall give first priority to the Member who asked the Question referred to a Committee for reply.

(5) Where the Member who raised a Question referred to the Committee is absent without the Chairperson's authority, the Question shall be dropped and no further proceedings shall be allowed on the Question during the same session.

(6) The Chairperson of a Committee may—

(a) defer a Question to a different time or day from its scheduled time and day; or

(b) direct a Cabinet Secretary to provide additional information or a further reply to a Question or supplementary questions raised in the Committee.

Questions for written reply

- 42D.** Where a Member prefers a written reply to his or her Question—
- (a) the Speaker shall direct that a written reply be provided in respect of the Question; and
 - (b) the Clerk shall forward the Question to the relevant Cabinet Secretary and, upon receipt, provide the written reply to the Member.

Timeline for reply

42E. (1) Subject to paragraph (2), a Cabinet Secretary shall reply to a Question within thirty days of referral of a Question to a Committee.

(2) Where the Speaker determines a Question to be urgent, a Cabinet Secretary shall reply to the Question within three days of referral of the Question to a Committee.

Report on Questions

- 42F.** The Chairperson of a Committee shall submit a progress report to the House on Questions—
- (a) referred to the Committee;
 - (b) replied to;
 - (c) which the Committee has directed a Cabinet Secretary to provide additional information or further reply; and
 - (d) pending before the Committee.

FURTHER AMENDMENTS PROPOSED

Notice is given that pursuant to the provisions of Standing Order 262, the Chairperson of the Procedure and House Rules Committee intends to move the following further amendment to the proposed amendments to the National Assembly Standing Orders—

Attendance by non-members of select committee

THAT, the Standing Order 195 be amended by—

- (a) renumbering the existing provision as paragraph (1);
- (b) deleting the words “and participate in” appearing immediately after the word “attend”;
- (c) inserting the following new paragraphs immediately after paragraph (1)—

“(2) A Member who intends to participate in a meeting of a committee of the House of which he or she is not a member shall submit a written request to the Chairperson of the committee at least twenty-four hours before the meeting, or such other period the Chairperson may in exceptional circumstances allow.

(3)The request shall indicate any matter which the Member intends to raise at the meeting.

(4)Where the Chairperson allows a request for participation under paragraph (2), the Member may attend the meeting and raise any matters indicated in his or her request.

(5) The Chairperson shall, before allowing a non-member to participate in a matter before the committee, give priority to the Members of the Committee.

(6) The Chairperson may order a non-member of the committee to withdraw from a meeting for disorderly conduct.”



NOTICES

The House resolved on Wednesday, February 14, 2018 as follows-

- II. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a **debate** on any **Motion**, including a **Special motion** be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
- III. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
- IV. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House, be limited as follows:- A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

NOTICE PAPER

Tentative business for
Tuesday, August 28, 2018

(Published pursuant to Standing Order 38(1))

It is **notified** that the House Business Committee, at their last meeting, approved the following tentative business to appear in the Order Paper for Tuesday, August 28, 2018:-

A. PROCEDURAL MOTION- RESOLUTION TO HOLD A SITTING ON THURSDAY MORNING
(The Leader of the Majority Party)

B.COMMITTEE OF THE WHOLE HOUSE

The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 12 of 2018)

C. MOTION- REPORTS OF THE COMMITTEE ON DELEGATED LEGISLATION ON FOUR SETS OF REGULATIONS
(The Chairperson, Committee on Delegated Legislation)

D. THE URBAN AREAS AND CITIES (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2017)
(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, August 23, 2018)

E. THE HEALTH LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2018)
(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, August 23, 2018)

F. THE WAREHOUSE RECEIPT SYSTEM BILL (SENATE BILL NO. 10 OF 2017)
(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, August 23, 2018)
