



THE SENATE

DIRECTORATE OF COMMITTEE SERVICES

HANDBOOK ON OPERATIONS OF COMMITTEES

FIRST EDITION

PREFACE

Many legislators find working in select committees (hereinafter referred to as 'committees') a fulfilling and enjoyable part of their duties and responsibilities during their parliamentary career. Committees are miniature legislatures operating in an agency relationship with the Legislature. The plenary (House) is structured for debate, ventilation and the making of decisions on varied issues. Select committees on the other hand are the key arena or legislative laboratories for investigation and detailed scrutiny of issues. Thus, it goes without saying that a sound grasp of the operational mechanisms of committees, as indeed those of the entire Legislature, is a prerequisite for all parliamentary officers who are expected to include participation in the work of assigned select committee in their overall parliamentary programme. In addition to fulfilling statutory and procedural obligations, many benefits accrue to an officer, such as; enhanced personal knowledge and understanding of the topical issues of governance since the process of executing mandates of select committees include, amongst others, interaction at close range with technocrats in the public service, consultants and the public in general. In the process, opportunities arise to facilitate interaction with the public, including the experts and stakeholders which influence a wide range of public interest policy issues brought before the House.

The staff of the Legislature (specifically at secretariats of committees) is expected to observe political impartiality and undertake their functions in an unbiased and professional manner. The job of the staff is to facilitate and make the operations of committees effective and efficient in the execution of their mandate and tasks assigned by the House. The Clerk-in-Charge of a committee and the entire secretariat are expected to work closely with the chairperson and the entire membership. Hence, the secretariat is constantly available to offer the necessary support, including the interpretation of the mandate, application of statute and procedure.

This handbook is not a substitute for the Constitution, statutes in general or the Senate Standing Orders. It is, therefore, incumbent upon readers to study and familiarize themselves with all the legal and procedural aspects of committees and Parliament.

The purpose of this handbook is to provide necessary guidelines for members of Parliament and officers working in committees to enable them execute their work more effectively. Further, the handbook is expected to serve as a model that can be utilized by the staff of county assemblies, with necessary modifications

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CLERK OF THE SENATE/SECRETARY TO THE PARLIAMENTARY SERVICE COMMISSION

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TABLE OF CONTENTS

Preface	iii
Acknowledgements	v
CHAPTER ONE	1
INTRODUCTION	1
Background	1
Role of Parliament	1
Mandate and Role of the Senate.....	1
Membership of the Senate	2
CHAPTER TWO.....	3
RATIONALE, VALUE AND PURPOSE OF SELECT COMMITTEES.....	3
Rationale, Value and Purpose of Select Committees	3
Mandate, Establishment and Classification of Senate Committees	4
House Keeping Committees.....	5
The Senate Business Committee.....	5
Mandate	5
The Senate Business Committee.....	5
The Procedure and Rules Committee.....	5
Mandate of the Procedure and Rules Committee	7
The Liaison Committee.....	7
Standing Committees.....	7
Sessional Committees.....	8
Joint Committees of Parliament.....	9
Mediation Committee.....	110
Special and Ad Hoc Committees.....	10

CHAPTER THREE	11
MANAGEMENT AND ADMINISTRATION OF SELECT COMMITTEES	11
Nomination of Members to Committees	11
Conduct of Election of the Chairperson	11
Chairing of Select Committees	11
Notices for Sittings	11
Sittings of Select Committees	12
Quorum.....	12
Frequency of Sittings	12
Failure to attend Sittings.....	12
Absence of Chairperson	12
List of attendance.....	12
Attendance by non-members of Committees	13
Vote of No Confidence in the Chairperson	13
Discharge of Members from Select Committees.....	13
Members adversely mentioned not to sit.....	13
Disqualification from chairing Select Committees	13
Voting.....	14
Powers and Privileges	14
Engagement of Experts	14
The Roles of the Chairperson, the Members and the Secretariat in a Committee .	14
The Chairperson	14
The Committee Members	16
The Clerk-in-Charge of a Committee	17
Other Technical Staff in Committees	19
Invitation and Summoning of Witnesses	19
Managing Visiting Delegations to Committees	20
Organizing Events: Workshops and Conferences for Committees	22
Conducting Public Hearings	22
Organizing Foreign Trips	24

Organizing Visits to Counties	25
Processing Statements by Committee	25
Processing Petitions by Committees	26
Processing Bills by Committees.....	27
Processing Statutory Instruments	28
Committees Processing Reports from the Executive Arm of Government	29
CHAPTER FOUR.....	31
COMMUNICATION, DRAFTING REPORTS AND MINUTES OF COMMITTEES	31
Elements of Effective Communication.....	31
Key Parts of a Report	33
Cover letter/Memo or Letter/of Transmittal	33
Part 1: Title Page	33
Part 2: Table of Contents	33
Part 3: Glossary	33
Part 4: Summary or Synopsis	33
Part 5: Introduction/ background to the Problem	33
Part 6: Scope and Limitation.....	34
Part 7: Method(s) or Way of Execution	34
Part 8: Results, Findings or Evidence	34
Part 9: Conclusion	34
Part 10: Recommendation	34
Part 11: Certification form for adoption of report.....	34
Part 12: List of References/ Bibliography	34
Part 13: Appendix (Appendices)	34
Writing of Minutes	35
Types of Minutes.....	35
Elements of Good Minutes	35
CHAPTER FIVE	37
PUBLIC PARTICIPATION IN COMMITTEES	37

Rationale and Legal Basis for Public Participation	37
Committal of Bills to Committees and Public Participation.....	38
CHAPTER SIX	41
PLANS AND BUDGETS FOR COMMITTEES	41
Budgeting and Tracking Committee Expenditure.....	41
APPENDICES	42
Appendix 1: SCHEDULE OF SENATE STANDING COMMITTEES.....	42
Appendix 2: SAMPLE TEMPLATE FOR NOTICE OF COMMITTEE MEETING.....	44
Appendix 3: SAMPLE TEMPLATE FOR REQUEST TO SIT OUTSIDE THE PRECINCTS.	46
Appendix 4: SAMPLE TEMPLATE OF ATTENDANCE REGISTER.....	49
Appendix 5A: SAMPLE ROLES OF OTHER TECHNICAL OFFICERS SERVING COMMITTEES	50
Appendix 6A: SAMPLE ROLE OF RESEARCH OFFICERS IN COMMITTEES	53
Appendix 6B: SAMPLE ROLE OF HANSARD/AUDIO OFFICERS IN COMMITTEES	55
Appendix 6C: ROLE OF FISCAL ANALYSTS/BUDGET OFFICERS IN COMMITTEES.....	56
Appendix 6D: ROLE OF SERJEANT-AT-ARMS OFFICERS IN COMMITTEES.....	58
Appendix 6E: ROLE OF SECURITY AND SAFETY OFFICERS IN COMMITTEES	60
Appendix 7A: SAMPLE TEMPLATE FOR ASSORTED CORRESPONDENCES.....	62
Appendix 7B: SAMPLE TEMPLATE FOR GENERAL CORRESPONDENCES.....	63
Appendix 7C: SAMPLE TEMPLATE FOR LETTER UNDER DIRECTION	64
Appendix 7D: SAMPLE TEMPLATE FOR LETER TO SUMMON A WITNESS	65
Appendix 8: SAMPLE TEMPLATE FOR ASSORTED COMMTEE REPORTS.....	66
Appendix 9: SAMPLE TEMPLATE FOR COMMITTEE WORK PLAN/SCHEDULE OF ACTIVITIES.....	75
Appendix 10: SAMPLE TEMPLATE FOR ANNUAL COMMITTEE BUDGET.....	82
Appendix 11: GUIDELINES ON FOREIGN TRAVEL BY SENATE COMMITTEES.....	92
Appendix 12: RULES OF PROCEDURE WHEN CONSIDERING THE PROPOSED REMOVAL OF A GOVERNOR BY WAY OF A SELECT COMMITTEE.....	95
REFERENCES	99

CHAPTER ONE

INTRODUCTION

Background

1. Pursuant to the provisions of Article 93 of the Constitution of Kenya, 2010, the Parliament of Kenya is bicameral, comprising; the National Assembly and the Senate. The Senate represents the interests of the counties and the county governments at the national level. The proceedings of the Senate, both at plenary and at committees are open to the public and are conducted in English, Kiswahili and Kenyan Sign Language.

Role of Parliament

2. Pursuant to the provisions of Article 94, the role of the Parliament of Kenya is as follows:-
 - i) Exercise of legislative authority at the national level on behalf of the people of Kenya;
 - ii) While representing the diversity of Kenya, Parliament represents the will of the people and exercises their sovereignty;
 - iii) Protection of the Constitution and promotion of democratic governance in Kenya;
 - iv) Exclusively make resolutions/decisions that have force of law in Kenya; and
 - v) May delegate, with express objectives and purposes, legislative authority through an Act of Parliament or legislation of a county, limits of the authority, nature and scope of the law that may be made and the principles and standards applicable to the law under authority.

Mandate and Role of the Senate

3. In addition to the general role of Parliament as provided in Article 94 of the Constitution, the specific mandate of the Senate as stipulated under Article 96 includes;-
 - i) Representation and protection of the interests of the counties and their governments
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- ii) Legislation - consider, debate and approve bills concerning counties
- iii) Revenue allocation and oversight over national revenue allocated to counties
- iv) Oversight of State officers by considering and determining any resolution to remove the President or Deputy President from office

Membership of the Senate

4. Pursuant to the provisions of Article 98(1), the Senate comprises—
 - i) **Forty-seven (47)** members each elected by the registered voters of the counties, each county constituting a single member constituency;
 - ii) **Sixteen (16) women** members nominated by political parties according to their proportion of members of the Senate elected under clause (a) in accordance with Article 90 of the Constitution;
 - iii) **Two (2)** members, being one man and one woman, representing the youth;
 - iv) **Two (2)** members, being one man and one woman, representing persons with disabilities; and
 - v) **The Speaker**, who shall be an *ex officio* member.
5. Committees of the Senate operate pursuant to the provisions of; the Constitution of Kenya, 2010; the Standing Orders; enabling Acts e.g. the *Parliamentary (Powers and Privileges) Act*, Resolutions of the House and established conventions, traditions and practices. The provisions of Article 124 of the Constitution allow each House of Parliament to establish committees and make Standing Orders for the orderly conduct of proceedings at the sittings of both the plenary and the committees. The Senate, as well as the National Assembly, is facilitated in conducting their work by the Parliamentary Service Commission (PARLSCOM), established by the Constitution under Article 127.

CHAPTER TWO

RATIONALE, VALUE AND PURPOSE OF SELECT COMMITTEES

Rationale, Value and Purpose of Select Committees

6. Committees are a vital tool or organ in the working processes of legislatures, without which, the proceedings of a Legislature could grind to a halt from the sheer volume of activities that would have to be considered at the plenary. Committees are agents that enable legislatures to organize their work in such a way as to perform numerous activities simultaneously and expeditiously. These include matters such as:-
 - i) Reviewing legislation;
 - ii) Reviewing and approving the budget and expenditures for the execution of governance;
 - iii) Scrutinizing governance activities, policies and programmes, assessing whether they meet the intended objectives of legislation, policy frameworks and development plans;
 - iv) Conducting investigations on special issues;
 - v) Vetting and approving executive appointments;
 - vi) Providing a platform for public participation in the execution of specified business.

 7. Committees are an efficient way of running the business of the House. Well-functioning committees expand democratic governance. Committee mandates and membership focus attention on specific issues and engender meaningful deliberations. Committees have defined mandates and memberships. They study an issue or set of issues and then report back to the House. This allows individual senators to focus their attention on a subject matter, study it in detail and deepen their understanding of the issue(s). The committee setting enhances the ability of senators to be productively engaged in the nitty-gritties of the workings of Parliament and so take ownership of its outcome. Senators are able to discuss issues informally, are less constrained by party discipline and are able to develop relationships with colleagues who belong to other parties.
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8. Select Committees are mechanisms enabling public engagement and legitimization of the operations of Parliament. It is a forum for senators to interact and involve the public and various stakeholders in the work of Parliament. Committees hold hearings and meetings that provide the democratic opportunity for various interest groups (academics, professionals and individual citizens) with varied expertise, to participate by presenting their views on a range of issues.
9. Committees are a means of establishing institutional leadership and visibility in the public arena. Members, particularly those who have served in particular committees for long periods, develop expertise. Such members become resourceful on specific issues and are recognized as reference sources by their peers, the public and the media.
10. The value and benefit accruing from the use of committees lie in the fact that they perform functions which the House is not fitted to perform in its corporate form, such as:-
 - i) summoning persons to present oral evidence and written memoranda or documents;
 - ii) sitting as frequently as is desirable, including, sitting away from the precincts of the Senate and for longer hours;
 - iii) providing an environment that can facilitate presentation of details, sifting through evidence and formulating reasoned conclusions, consistent with both the statutes and procedures;
 - iv) conducting inspection tours, inquiry on matters out of which reports with recommendations are submitted to the House; and,
 - v) forming sub-committees for the effective and efficient discharge of varied issues within the mandate of the committees.
11. These functions are more efficiently carried out by small groups of senators. Among the several advantages of committees include; the possibility of several of them operating at the same time, thus enabling many matters to be dealt with concurrently and expeditiously. Overall, by concentrating on specific matters or subjects, select committees also offer the benefits of specialization to both senators and staff. The indelible advantage that underlie evolution of select committees under the Westminster system was the opportunity they would provide to the Legislature to delve into and deal with virtually all sectors and units of departments within the Executive, by having these assigned to committees other than dealing with them at the plenary.

Mandate, Establishment and Classification of Senate Committees

12. There are five general types/ segments of Committees, namely:-

- i) House Keeping Committees
- ii) Standing Committees
- iii) Sessional Committees
- iv) Joint Parliamentary Committees
- v) Special/ Ad hoc Committees

House Keeping Committees

The House Keeping Committees are:-

1. Senate Business Committee
2. Procedures and Rules Committee
3. Liaison Committee

The Senate Business Committee – Standing Order 178

- (1) The Senate Business Committee consists of:-
 - i) The Speaker as the chairperson;
 - ii) The Senate Majority Leader;
 - iii) The Senate Minority Leader; and
 - iv) Not more than nine other senators reflecting the relative majorities of the seats held by each of the parliamentary parties in the Senate, who shall be nominated by the parliamentary parties and approved by the Senate at the commencement of every session.
- (2) In the absence of the Speaker, the Deputy Speaker shall chair the meetings of the Committee and, in the absence of the Deputy Speaker; a member of the Speaker's panel shall chair the meetings.
- (3) The Senate Business Committee shall be appointed within seven days of the assembly of a new Senate. In nominating members to the Senate Business Committee, each parliamentary party shall include its Whip.

Mandate

The Senate Business Committee:-

- i) shall prepare and, if necessary, from time to time, adjust the Senate Calendar with the approval of the Senate;
- ii) shall monitor and oversee the implementation of the Senate business and programmes, including the legislative programmes;

- iii) shall implement the Standing Orders respecting the scheduling or programming of the business of the Senate and the functioning of its committees;
- iv) may take decisions and issue directives and guidelines to prioritize or postpone any business of the Senate in consultation with the Speaker; and
- v) shall consider such matters as may from time to time arise in connection with the business of the Senate and shall have and perform such powers and functions as are conferred on and ascribed to it by the Standing Orders or from time to time by the Senate.

The chairperson and four other members of the committee shall form a quorum.

If for any reason a member of the committee is unable to attend, the Whip of the nominating party may appoint another senator in that senator's place for the period for which the senator is unable to attend.

Unless the Senate Business Committee otherwise resolves, meetings of the committee shall be held *in camera*.

The Procedure and Rules Committee – Standing Order 179

The Procedure and Rules Committee shall comprise:-

- i) The Speaker as the chairperson
- ii) The Deputy Speaker
- iii) Members of the Speaker's Panel; and
- iv) Three other senators reflecting the relative majorities of the seats held by each of the parliamentary parties in the Senate, who shall be nominated by the parliamentary parties and approved by the Senate at the commencement of every session.

Mandate of the Procedure and Rules Committee

The Procedure and Rules Committee:

- i) shall consider and report on all matters relating to the Standing Orders;
- ii) may propose amendments to the Standing Orders and any such amendments shall, upon approval by the Senate, take effect at the time appointed by the Senate;
- iii) may propose rules for the orderly and effective conduct of committee business and any such rules, shall, upon approval by the Senate, continue in force until amended or repealed by the Senate but any rules so approved

shall be annexed to the Standing Orders and shall be as binding upon committees as are the Standing Orders.

The chairperson and two other members of the Committee shall form a quorum.

Unless the Senate Business Committee otherwise resolves, meetings of the Committee shall be held *in camera*.

The Liaison Committee – Standing Order 180

- (1) The Liaison Committee consists of the Speaker as the chairperson and chairpersons of all Standing and Sessional committees of the Senate.
- (2) The Liaison Committee is mandated to:-
 - (a) guide and co-ordinate the operations, policies and mandates of all committees;
 - (b) deliberate on and apportion the annual operating budget among the committees;
 - (c) consider programmes of all committees, including their need to travel and sit away from the precincts of the Senate;
 - (d) deliberate and decide on which reports of the committees shall be debated in the Senate;
 - (e) ensure that committees submit reports as required by these Standing Orders;
 - (f) determine, whenever necessary, which committee or committees should deliberate on a matter; and
 - (g) give such advice relating to the work and mandate of select committees as it may deem necessary.
- (3) The quorum of the Liaison Committee shall be the chairperson and a third of the members of the committee

Standing Committees – Standing Order 212

- 13 The Standing Committees shall be as set out in the Second Schedule of the Standing Orders. Standing Orders provide for the establishment of Standing Committees whose members are appointed by the Senate Business Committee in consultation with parliamentary parties at the commencement of every Parliament. A senator appointed to a Standing Committee at the commencement of a Parliament or at any other time during the term of that Parliament shall,

unless the Senate otherwise resolves, serve for the term of that Parliament. The Standing Committees shall be as set out, and shall deal with the subject matters respectively assigned to them (See *Appendix 1* - Schedule of Standing Committees).

Sessional Committees – Standing Order 213

Sessional¹ Committees are established pursuant to provisions of Standing Orders and their members are nominated by the Senate Business Committee in consultation with parliamentary parties at the commencement of every Session. They include:-

a) Sessional Committee on County Public Accounts and Investments – Standing Order 214

The functions of the County Public Accounts and Investments Committee are:-

- (a) pursuant to Article 96(3) of the Constitution, to exercise oversight over national revenue allocated to the county governments;
- (b) pursuant to Article 229(7) and (8), to examine the reports of the Auditor-General on the annual accounts of the county governments;
- (c) to examine special reports, if any, of the Auditor-General on county government funds;
- (d) to examine the reports, if any, of the Auditor-General on the county public investments; and
- (e) to exercise oversight over county public accounts and investments.

b) Sessional Committee on Delegated Legislation- Standing Order 215

Shall consider in respect of any statutory instrument whether it:-

- (a) is in accord with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written law;
- (b) infringes on fundamental rights and freedoms of the public;
- (c) contains a matter which in the opinion of the Committee should more properly be dealt with in an Act of Parliament;
- (d) directly or indirectly bars the jurisdiction of the Courts;

1 "Session" means the sittings of the Senate commencing when it first meets after a General Election or on a day provided for in Standing Order 2 (*Regular Sessions of the Senate*) and terminating when the Senate adjourns at the end of a calendar year or at the expiry of the term of Parliament

- (e) gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give such power;
 - (f) would occasion/ involves expenditure from the Consolidated Fund or other public revenues;
 - (g) is defective in its drafting or for any reason the form or purport of the statutory instrument calls for elucidation;
 - (h) appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
 - (i) appears to have had unjustifiable delay in its publication or laying before Parliament;
 - (j) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions;
 - (k) makes rights, liberties or obligations unduly dependent on insufficiently defined administrative powers;
 - (l) inappropriately delegates legislative powers;
 - (m) imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
 - (n) appears for any reason to infringe on the rule of law;
 - (o) inadequately subjects the exercise of legislative power to parliamentary scrutiny; and
 - (p) accords to any other reason that the Committee considers fit to examine.
14. A senator appointed to a sessional committee at the commencement of a Session or at any other time during the Session shall, unless the Senate otherwise resolves, serve for the period of that Session.

Joint Committees of Parliament – Standing Order 217

1. There shall be such joint committees as shall be established by a Resolution of the Houses of Parliament, or by any law;
2. The Fourth Schedule (Houses of Parliament Joint Sitting Rules) of the Senate Standing Orders shall apply to joint committees.

Mediation Committees – Standing Order 152

- (a) Mediation Committees are provided for in Article 113 of the Constitution and the relevant Standing Orders of each House of Parliament.
- (b) If a bill is referred to a mediation committee under Article 112 (ordinary bills concerning counties), the speakers of both Houses, shall appoint a mediation committee consisting of equal number of members of each House to attempt to develop a version of the bill that both Houses will consider and pass.
- (c) The quorum of members of one House who shall be present to take part in a sitting of a joint committee shall be a third of the members nominated from that House; and no sitting of the committee shall be validly constituted unless there is also present a like quorum of members of the other House, excluding the chairperson. This means that the quorum of senators who shall be present to take part in a sitting of a mediation committee shall be a third of senators of the committee; and no sitting of the committee shall be validly constituted unless there is also present a like quorum of the members of the National Assembly.
- (d) The chairperson and vice-chairperson of the Mediation Committee shall be appointed by the majority of the members present at the first meeting thereof. The chairperson and the vice-chairperson shall not be members of the same House.
- (e) If within thirty days of referral, the Mediation Committee fails to agree on a version of a bill to be presented to both Houses for approval, the bill will be deemed to have been negated.

The report of a joint committee shall be submitted to each House for consideration.

Special and Ad hoc Committees

Special and Ad hoc committees are created to investigate specific matters as provided by the Constitution, Statutes (e.g. impeachment of a governor) or Resolution of Senate, for a specified period, after which their mandate or tenure expires upon submission of a report to the Senate.

CHAPTER THREE

MANAGEMENT AND ADMINISTRATION OF SELECT COMMITTEES

Nomination of Members to Committees

The Senate Business Committee shall, in consultation with parliamentary parties, nominate senators who shall serve on committees, unless otherwise provided for in any written law or the Standing Orders.

Upon nomination, the Senate Business Committee shall, within seven days, present the list to the Senate for approval. Whenever a Motion for approval is moved in the Senate, no objection against the proposed membership of a Member shall be permitted and objections, if any, shall be formulated against the proposed membership as a whole. No member shall serve on a committee unless the nomination of such member is approved by the Senate.

Conduct of Election of the Chairperson – Standing Order 187

The Clerk shall appoint a place, date and time for the first meeting of a committee within seven days of its constitution, or such further period as the Speaker may approve. As soon as a majority of the committee is present, the Clerk shall, by a secret ballot, conduct the election of the chairperson. Upon election, it is the responsibility of the chairperson to arrange time for the first meeting of a committee.

Chairing of Select Committees – Standing Order 186

A committee shall, upon appointment, elect its chairperson from amongst its members. During the meeting to elect its chairperson, the quorum shall constitute a majority of the committee. Committees should elect a vice-chairperson to preside in the absence of the chairperson. In a case where both the chairperson and the vice-chairperson are absent, the committee may appoint an acting chairperson to preside over the meeting.

Notices for Sittings – Standing Order 189

Notices for sittings of select committees shall be given by the Clerk to all members of a committee showing the date of the meeting, time, venue and agenda. The notice shall be deemed to have been given upon circulation of the notice in the offices of senators, posting on notice boards in the precincts of Parliament and or through the official committee websites or Parliament's address www.parliament.go.ke, or through other means as the Clerk may determine to be expedient in the circumstances (*See Appendix 2*).

Sittings of Select Committees

Sittings of select committees shall be held at such place, date and time as shall be determined by the chairperson or on a petition made by at least five members of that committee, but no meeting of a select committee may be held outside the precincts of Parliament without the approval of the Speaker (*see Appendix 2*)(*as per Standing Order 190*).

Quorum

Whereas the Standing Orders do not expressly provide quorum, the quorum of every committee is as set out by Standing Order 186, that is, any three (3) members, unless the House otherwise directs. Unless the quorum is achieved within thirty minutes of the appointed time, a sitting of any select committee shall stand adjourned to such time and day as the chairperson may appoint.

Frequency of Sittings – Standing Order 194

Every select committee shall sit at least once in two months, unless the House otherwise resolves but shall not sit during a sitting of the Senate, without the written permission of the Speaker, save for the Senate Business Committee.

Failure to attend Sittings – Standing Order 195

If a member fails to attend four consecutive sittings of a select committee without the written permission of the chairperson of the committee, or the permission of the Speaker, if the member is the chairperson, the Speaker or the chairperson, as the case may be, shall notify the committee of the failure and the committee having noted the matter and recorded it without reservation, the member shall remain suspended as a member of that committee and the matter shall be reported to the Senate Business Committee. The Senate Business Committee shall subsequently consider the matter and propose a replacement for approval by the Senate (*see Appendix 3*).

Absence of Chairperson – Standing Order 196

In the absence of the chairperson at any sitting, the vice-chairperson takes the Chair, and in the absence of the chairperson and the vice-chairperson, the members present shall elect one of them to take the Chair.

List of attendance – Standing Order 197

The names of members present at each sitting of a committee shall be entered in the minutes of that sitting (*see Appendix 4*).

Attendance by non-members of Committees – Standing Order 203

A senator may attend and participate in a meeting of any committee of the Senate of which he or she is not a member. The senator may only speak when invited to do so by the chairperson but shall not be entitled to vote.

Vote of No Confidence in the Chairperson – Standing Order 201

By a resolution supported by a majority of its members, a committee may resolve that it has no confidence in the chairperson and such resolution shall be reported to the Senate Business Committee which shall, as soon as it is practicable, direct the Clerk to conduct the election for the chairperson, as the case may be, in accordance with Standing Order 187 (Conduct of Election).

The members desiring to introduce such resolution shall serve the chairperson with a written notice and may, if they constitute a majority, request the Clerk to call for a meeting at the expiry of three (3) days after the giving of such notice. The notice shall be deemed to have been given upon circulation of the notice in the offices of Members and posting on notice boards in the precincts of Parliament.

Tenure and Disqualification of Membership

The tenure of membership of committees of the Senate is for the life or tenure of that committee, unless **(a)** a duly elected member resigns (in writing to the Speaker) from a sponsoring party, or if an independent candidate member, joins a party; **(b)** his /her election is disqualified by a Court of law; **(c)** s/he absents self from sittings of select committees for more than four (4) sittings respectively without written authorization from the chairperson (see also section on discharge from select committees (below)).

Discharge of Members from Select Committees – Standing Order 184

A parliamentary party that nominated a senator to a committee may give a notice, in writing, to the chairperson of the Senate Business Committee that the senator is to be discharged from the committee. The chairperson of the Senate Business Committee shall convey the notice to the relevant committee and such notice shall take effect upon receipt by the chairperson or vice-chairperson, if the discharge relates to the chairperson.

Members adversely mentioned not to sit

Members who are adversely mentioned in a matter under deliberation by a committee shall not be present at any sitting at which the committee is deliberating on the matter.

Disqualification from chairing Select Committees

A senator against whom an adverse recommendation has been made in a report of a select committee that has been adopted by a House of Parliament shall be ineligible for election as chairperson, or a member of that particular committee.

Voting

Although it is preferable to resolve all issues and questions in the committee by consensus, however, when a vote is taken and the outcome is not unanimous, the names of the senators voting for, against and those abstaining from voting, respectively, shall be recorded in the minutes. The majority vote would constitute the decision or resolution of the committee. The chairperson of a select committee shall have an original but not a casting vote.

Powers and Privileges – Standing Order 199

Committees enjoy the same powers, immunities and privileges as those bestowed on the House. The chairperson of any committee has similar powers in the committee as the chairperson in the committee of the whole House.

Engagement of Experts – Standing Order 211

Committees may, with the approval of the Speaker, engage such experts as they may consider necessary in furtherance of their mandate.

The Roles of the Chairperson, the Members and the Secretariat in a Committee

During sittings of committees, the officers below carry out specific roles and functions as follows:-

The Chairperson

- Presides over the sitting
- Plays a critical role in determining the success, in terms of effectiveness—before, during and after the sitting.

Before Sittings—

- Defines the purpose, objective;
 - Sets the agenda in consultation with the Members and the Secretariat;
 - Ensures the Secretariat facilitates the sitting;
 - Receives a brief on the agenda and activities of the select committee in general from the Clerk of the committee;
 - Develops a deliberation/execution plan.
-

During the Sittings

Arrives for the sitting at least thirty (30) minutes ahead of scheduled commencement of the sitting to receive briefing from the Secretariat:-

- (a) Calls the sitting to order after roll call, confirmation of quorum, makes opening remarks, introduces new Members (co-opted, in-attendance and observers, if any);
- (b) Proposes the adoption of the agenda;
- (c) Introduces agenda for the day and generally guides all activities, presides over the sitting, enforces rules of procedure, highlights points of convergence or divergence and summarizes deliberations; guides the sitting to arrive at conclusions on the issues in the agenda;
- (d) Allocates time to every agenda item and attempts to impress upon members to stick to set timelines;
- (e) Ensures decisions are taken within the letter and the spirit of statutes and rules of procedure;
- (f) Ensures that democracy prevails and that equity in participation of Members is respected and achieved;
- (g) Recognizes the value of Members' contributions at all times;
- (h) Exhibits familiarity with the protocol of meetings e.g. insists that only one person at a time may speak in the sitting; all speeches to be addressed to the Chair,
- (i) Introduces all agenda;
- (j) Keeps Members' contributions within reasonable time allotted per agenda;
- (k) Ensures that decisions are properly drafted and implementable;
- (l) Decisions should specify way forward – purpose, resources, time frame, terms of reference, supervision and follow-up mechanisms;
- (m) Captures the main points in the discussions, summarizes them, drives to a conclusion and suggests the way forward;
- (n) Must sign minutes when approved;
- (o) Ensures appropriate dress code;
- (p) Watches Members' body language to see who is for or against the issues at hand;

- (q) Controls disorderly Members;
- (r) Presides over voting and announces the results;
- (s) Maintains decorum in the committee room during committee sittings.

After the Sittings

- i) ensures action items are implemented;
- ii) facilitates and assists members encountering challenges in undertaking assigned tasks;
- iii) ensures that the typed minutes are a true record of previous proceedings; the minutes are confirmed at every subsequent sitting;
- iv) ensures that the Clerk circulates draft minutes and relevant documents to Members before the next sitting to engender informed deliberation;
- v) leads in the evaluation of the previous sittings (findings, recommendations and status of implementation.

The Committee Members

Before the Sitting

- i) Familiarize themselves with the agenda items and prepare adequately to participate in the deliberations;
- ii) Acquaint themselves with the necessary logistics;
- iii) Seek clarity on issues with the chairperson or the Secretariat;
- iv) Propose to the chairperson important matters that could set the agenda of the committee

During the Sitting

- (a) Attend sittings with open mind; respect the views of others;
 - (b) Be a good listener;
 - (c) Be receptive to new/other approach (es);
 - (d) Provide leadership and knowledge in his/her areas of expertise/experience;
 - (e) Present views precisely, clearly and confidently;
 - (f) Not allow personal preferences to obscure opposing views;
-

- (g) Help the chairperson maintain order; note main points of sitting for future reference;
- (h) Actively participate in the proceedings;
- (i) Support the sitting to reach consensus for purposes of collective decision-making;
- (j) Take part in voting (if any);
- (k) Volunteer to work in sub-committees or individual assignments;
- (l) Appreciate role of the Secretariat in facilitating effective operations and management of business before the committee.

After the Sitting

- i) Carry out tasks assigned during the meetings, (if any);
- ii) Evaluate the outcome of the meeting;
- iii) Consult officials or other committee members to get clarify on tasks;
- iv) Contribute to Any Other Business.

The Clerk-in-Charge of a Committee

A Clerk - in - Charge of a committee is the representative of the Clerk of the House and is the committee accounting officer and head of committee secretariat. He/ She is responsible for:-

- (a) the use and management of the committee resources;
- (b) the administration of the day-to-day operations of the committee, including management of logistics;
- (c) responsible for ensuring compliance to the timelines on the implementation of House Resolutions;
- (d) quality assurance on all documents prepared by the committee, including reports and legislative proposals;
- (e) Custody of committee records;
- (f) Responsible for agenda-setting, drafting of work plans and committee budgets and policy analysis for the committee;
- (g) Coordination of public hearings on various aspects of committee work, including petitions, bills and inquiries;
- (h) Procedural advisor to the committee.

Before Sitzings

- i) Prepares invitations and coordinates attendance of witnesses;
- ii) Works closely with the chairperson on logistical issues—notice, agenda, venue, preparation of briefs for the chairperson; preparation of relevant documentary kits and facilitation tools and services;
- iii) Secures sitting space for invited persons and members of the public through the Serjeant-at-Arms;
- iv) Ensures that all hospitality matters have been addressed before the meeting.

During the Sitzings

- i) Records the proceedings as fully and accurately as possible including the following:-
 - (a) Time and date of the sitting;
 - (b) Venue/place of the sitting;
 - (c) The key stakeholders attending (Members, staff, public, experts, civil servants);
 - (d) Agenda items dealt with and decisions made;
 - (e) Names of people responsible for action;
 - (f) Time sitting started and adjourned;
 - (g) Date, time and place of next sitting.
- ii) Guides the chairperson on enforcement of Standing Orders, Speaker's Rules, procedures, precedents, traditions and parliamentary customs and practices;
- iii) In recording attendance, the criteria for doing so should be apparent, either alphabetically or in seniority (esp. in the public service) or age, time of arrival, duration of employment, et cetera;
- iv) Provides logistical support – make available appropriate facilities and services;
- v) Indicates who is responsible for what action, time frames and resources;
- vi) Thinks through the objectives of the sitting;
- vii) Keeps Members informed about the likely sequence of work to accomplish the agenda;

- viii) Prepares and arranges the agenda in its appropriate sequence; although the chairperson and the members have the final decisions;
- ix) Consults closely with the chairperson in the course of the sitting.

After Sitings

- i) Ensures draft minutes/ correspondence are immediately compiled;
- ii) If formal resolutions were made, the exact words of each resolution should be entered and action on the same implemented;
- iii) Makes queries on unclear facts;
- iv) Facilitates referencing of agenda items;
- v) Shows the chairperson the draft minutes;
- vi) Ensures members receive minutes and relevant documents promptly;
- vii) Stores/files minutes after approval in next sitting;
- viii) Writes minutes from notes taken during the sitting;
- ix) Prepares action items for the chairperson and members for easy reference;
- x) Ensures the chairperson authenticates the minutes before circulation;
- xi) Keeps minutes under safe custody (skill of care depends on the type of sitting and minutes).

Other Technical Staff in Committees

Legislatures have come to appreciate the need to have a composite team of professionals to advise and provide technical assistance to committees in the discharge of their respective mandates. Among the relevant technical staff may include: legislative procedural experts; Legal counsel, policy/ research officers; Budget/fiscal analysts; Serjeant-at-Arms and security officers; Hansard /audio/recorders and public/Media relations experts (*See Appendix 5*).

Invitation and Summoning of Witnesses

It is a long practice of democratic systems for public servants and ordinary citizens to participate in proceedings of legislatures through select committees. Elicitation of that participation is either as an Invitation or Summonses. The former is by practice, while the latter is by Statute.

Article 125 of the Constitution gives Parliament the power to summon witnesses. It states that -

- (i) *Either House of Parliament, and any of its committees, has power to summon any person to appear before it for the purpose of giving evidence or providing information.*
- (ii) *For the purposes of clause (1), a House of Parliament and any of its committees has the same powers as the High Court—*
 - (a) *to enforce the attendance of witnesses and examine them on oath, affirmation*
or otherwise;
 - (b) *to compel the production of documents; and*
 - (c) *to issue a commission or request to examine witnesses abroad.*

Further, in accordance with the *Parliamentary (Powers and Privileges) Act*, committees enjoy and exercise all the powers and privileges bestowed on Parliament by the Constitution and statute, including the power to summon witnesses, receive evidence and to request for and receive papers and documents from the Government and the public.

45. To summon witnesses, the Clerk of the committee facilitates the process as follows:-
- i) In consultation with the chairperson, the Clerk includes the issue of invitation or summoning witnesses in the agenda for discussion, and decision-taking at the next sitting;
 - ii) Once the committee has resolved who to invite or summon, the Clerk writes to the witnesses agreed upon by the committee under the hand of the Clerk of the Senate. The letter should indicate the reason for the invitation/ summon, the date of the meeting, the venue and time (See *Appendix 7D: A sample template for summons to witnesses*).

Managing Visiting Delegations to Committees

46. Upon receipt of communication through the office of the Clerk of the Senate on a delegation requesting to visit the committee, the Clerk of the committee should get in touch with the contact person of the visiting delegation and assemble the following information:-
- i) the size of delegation, their names and official designation;
 - ii) name and brief biography of the leader of the delegation;

-
- iii) objectives of the visit, expected output and a copy of the concept note on the visit;
 - iv) duration of the visit;
 - v) consult if any of the delegates has disability;
 - vi) consult if any of the delegates has any dietary needs; and
 - vii) consult on whether the delegates will be offering any gifts.
47. Based on the information given, the committee Clerk should:-
- i) Develop a programme for the visit in consultation with the chairperson; organize a sitting of the committee to brief Members on the visit; further review and agree on the dates of the visit;
 - ii) Liaise with the offices of the Speaker and the Clerk to relay the above information, including sharing the programme and inquire if the two would be available to meet the visiting delegation;
 - iii) Liaise with the Director, Legislative and Procedural Services to facilitate the generation of a communiqué to the House about the delegation;
 - iv) Liaise with the office of the Serjeant-at-Arms to secure entry passes to the precincts for the visitors;
 - v) Liaise with the office of the Chief Public Communications and Relations Officer to make arrangements for the delegation to be taken on a guided tour of the precincts of Parliament;
 - vi) Liaise with the Catering Manager to facilitate lunch (to be done on a need basis);
 - vii) Procure gifts (to be done on a need basis);
 - viii) Secure a venue for the meeting;
 - ix) Liaise with the Protocol Office to make arrangements for the delegation to sit in the Senate gallery (to be done on a need basis);
 - x) Write to the delegation informing its Members of the logistical arrangements and share the programme; and
 - xi) The above should be on the agenda of the sitting of the committee, a few days to the visit.
-

Organizing Events: Workshops and Conferences for Committees

48. The committee must collectively resolve on the intention to hold a workshop and dates when they would like it to be held. This should be documented in the minutes of the day.
52. Notably, as the holding of workshop could result in the committee sitting away from the precincts of Parliament, provisions of Standing Orders should be taken into account. The Standing Order 190 states that, *“A sitting of a committee shall be held at such a place, date and time as shall be determined by the chairperson or on a petition made by at least five members of that committee but no meeting of a committee may be held outside the precincts of Parliament without the approval of the Speaker”* (Appendix 3).
53. The role of the committee Clerk is to facilitate the committee as follows:-
 - i) Write a memo to the Clerk seeking his consideration and approval for the workshop or conference. In the memo, the officer should include the proposed dates, list of participants, budget, programmes, concept note, invitation letters to relevant parties including resource persons and the duly signed authorization of the Speaker to sit out of the precincts of Parliament.
 - ii) Follow up on confirmations, transport, appropriate tickets, imprest, *et cetera*. with the relevant parties.
 - iii) Prepare the report of the workshop for adoption by the committee at one of the sittings and its subsequent tabling in the House.

Conducting Public Hearings

54. The Constitution has set precedence on the need and importance of engaging the public in decision-making processes for governance. In particular, Article 118 (1), states-

“Parliament shall—

 - (a) conduct its business in an open manner, and its sittings and those of its committees shall be open to the public; and*
 - (b) facilitate public participation and involvement in the legislative and other business of Parliament and its committees.”*
55. Once a bill has been read a first time pursuant to Standing Orders, it is committed to the relevant standing committee to facilitate public participation. The role of the committee Clerk is to:

- i) Write to the sponsor of the bill, inviting him or her to apprise the committee on the background of the bill. Further, request the research officer attached to the committee to prepare an analysis of the policy, objectives and purpose of the bill; the legal counsel attached to the committee to prepare a brief on the bill;
- ii) Include the bill as an agenda to be discussed at an appropriate time by the committee;

During that sitting, the committee will be taken through the bill to understand its content as well as raise any issues for clarification before engaging the public. In addition, the committee will agree on the mode of public participation (*Refer to Chapter Five*).

Once the committee has determined how to engage the public, its Clerk invites the various parties depending on the adopted mode (*Refer to the chapter on public participation*);

- iii) The Clerk secures the venue of the sitting and makes the logistical plans necessary (the public address system, refreshments for the participants, copies of the bill, equipment to project presentations, *et cetera*);
- iv) The Clerk facilitates preparation of the committee briefs, drafts welcoming and opening remarks for the chairperson and also prepares a programme for the public hearing;
- v) During the public hearing, the Secretariat works as a team, whereby the committee Clerks take down the minutes of the proceedings. The Legal Counsel takes notes and analyzes any proposals for amendment and the Researchers support in providing background information and any other necessary information. This information is then compiled into a draft report;
- vi) Once the draft report is ready, the committee sits to critically review and adopt it;
- vii) Once a report has been adopted by the committee, it is thoroughly proof read by the Clerk, signed by the chairperson and sent to the Speaker through the Clerk of the Senate for approval, then it is tabled in the Senate;
- viii) Once the Speaker approves the report, the Clerk prepares sufficient copies of the report and deposits them in the Table Office for circulation to senators and the media;
- ix) A soft copy is also shared with the ICT office to be uploaded on the website of Parliament.

Organizing Foreign Trips

56. The committee at a sitting, and pursuant to its work plan, collectively resolves on the intent to undertake a foreign trip. All the necessary information about the planned trip, including destination, dates, the delegation, *et cetera*, are documented in the minutes of the day.
57. The undertaking of a foreign trip by a Senate committee would have to comply with the provisions of Standing Orders, on the authorization by the Speaker for committee sittings outside the precincts of parliament. The committee must also have, hitherto, submitted its annual programme of work to the Liaison Committee for approval and budgetary allocation- (*See Appendices 3 and 11*).
58. The Committee Clerk is to facilitate the committee as follows:-
 - i) Write a memo to the Clerk of the Senate seeking his consideration and approval for the foreign trip. In the memo, the clerk includes the proposed dates, list of delegation, budget, programme, concept note, curriculum vitae of the delegation and the duly signed authorization by the Speaker to sit outside the precincts of Parliament.
 - ii) Write a letter to the Principal Secretary, Ministry of Foreign Affairs and International Trade, informing him/her of the intended visit and requesting the Ministry to contact the Kenyan embassy in the intended country of visit to make the necessary arrangements.
 - iii) Follow up with the Kenyan embassy in the country to be visited on the arrangements with regard to the programme, ground transport, hotel accommodation, *et cetera*.
 - iv) The Clerk liaises with the:
 - (a) Department of Human Resources in Parliament to prepare health insurance/ travel insurance for Members;
 - (b) Procurement Office on the air tickets;
 - (c) Finance Office on the imprest or travel allowance (*per Diem*) for the delegation and
 - v) The Clerk prepares a brief for Members on the travel ;
 - vi) The Clerk facilitates the committee to attend a pre-departure mission meeting to discuss the objective of the visit in detail, the programme and other logistical matters, and invites officials of the Ministry of Foreign Affairs to give a pre-departure briefing.

59. In the course of preparation and during the visit, the committee Clerk, acting as the secretary to the delegation, manages the Members' diaries and advises them on meetings to be attended. Further, she/he generates a report for the visit that is discussed and adopted once the committee returns from the visit. Thereafter, the report is tabled in the House.

Organizing Visits to Counties

60. The select committee must resolve that it intends to undertake a county visit and agree on the dates of the visit. This is documented in the minutes of the sitting at which the planned county visit is discussed and resolved.
61. The undertaking of county visits by select committees is guided by provisions pertaining to sitting outside the precincts of Parliament, in the Senate Standing Orders (*Appendix 3*). The role of the committee Clerk in this context would be to:
- i) facilitate and secure authority from the Speaker to sit outside the precincts of Parliament, in liaison with the committee chairperson;
 - ii) draft letters to the governor of the county and Speaker of the county assembly, informing them of the county visit, objectives and particulars of intended activities;
 - iii) draft letters to inform the institutions the committee plans to visit;
 - iv) write a memo to the Clerk seeking his consideration and approval for the county visit. The memo should include; the proposed dates, list of participants, budget, programme, logistics and a signed authorization by the Speaker to sit outside the precincts of Parliament.

During the visit, the committee Clerk manages the Members' diaries and advises on schedule of meetings to be attended, *et cetera*. Upon return, the Clerk generates a report of the visit that is discussed and adopted. Thereafter, the report is tabled in the House

Processing Statements by Committee

62. Senate Standing Orders states *"that a senator may request for a Statement from a chairperson of a committee relating to matters under the mandate of the committee and the Speaker may appoint a day for the Statement to be made or direct that, the Statement be issued on the same day. Similarly, the Senate Majority Leader, the Senate Minority Leader, or a committee chairperson, as the case may be, or their designees, may make a statement relating to their responsibilities in the Senate or the activities of a committee."*

63. The role of the committee Clerk is as follows:-
- i) obtain a copy of the Statement request;
 - ii) obtain a copy of the Hansard of the sitting at which the Statement request was issued;
 - iii) draft a letter to the Ministry responsible seeking a response to the Statement. The letter under the hand of the Clerk of the Senate should indicate the date on which the response is required;
 - iv) Once the Ministry responds to the letter, the Clerk notifies the committee;
 - v) makes a copy of the response and delivers it to the senator who sought the Statement;
 - vi) give a copy of the response to the chairperson to issue during plenary;
 - vii) Should the response from the Ministry take longer time than the period allotted, the Clerk notifies the chairperson and members of the committee, for direction.

Processing Petitions by Committees

64. Pursuant to Standing Orders, *"A petition is a written prayer to the Senate under Articles 37 and 119 of the Constitution by a member of the public requesting the Senate to consider any matter within its authority as contemplated in Articles 94 and 96 of the Constitution"*.
65. Every Petition presented or reported at the Senate shall stand committed by the Speaker to the relevant standing committee. The committee shall, in not more than sixty (60) calendar days from the time of the reading of the prayer, respond to the petitioner by way of a report addressed to the petitioner and laid on the Table of the Senate.
66. The role of the committee Clerk is as follows:
- i) Informs the chairperson and members about the Petition and have the committee set a date for its consideration;
 - ii) Invites the stakeholders likely to be interested in the Petition and advise them of the date the committee would be considering the Petition;
 - iii) prepares welcoming and introductory remarks for the chairperson as well as a programme for the sitting;
 - iv) once the draft report is ready, the committee convenes to review it and adopt it;

- v) once the report has been adopted by the committee, it is thoroughly proof read by the Clerk, signed by the chairperson and sent to the Speaker through the Clerk of the Senate for approval and then tabled before the Senate;
- vi) The Clerk shall within fifteen (15) days of tabling of the report on a petition, forward a copy of the report to the petitioner.

Processing Bills by Committees

- 67. **Pre-publication scrutiny:** During the pre-publication scrutiny stage, the committee scrutinizes a bill within fourteen (14) days upon referral by the Speaker, so as to determine whether it is in line with the Constitution and/or whether it contravenes other laws or national policy. The committee examines the proposal and seeks the views of the sponsor and the relevant Cabinet Secretary on the likely impact, effect, outcome and consequence of the legislative proposal and any other aspect the Member or the committee may deem necessary. The committee may in consultation with the sponsor of the legislative proposal, suggest variations with a view to improving the legislative proposal, but the sponsor is not bound to incorporate such variations. After expiry of the fourteen (14) days, the Speaker may direct the publication of the bill, with or without the pre-publication scrutiny report of the committee.
- 68. **First Reading** - Once a bill is read a first time, it is committed to the relevant standing committee which, among others, is expected to conduct public hearings and then prepare a report to the Senate within thirty (30) days.

Conducting Committee Inquiries

- 69. Ordinarily, committees execute the bulk of their work in the committee rooms within the precincts of Parliament. Occasions do arise, when it is necessary to augment the evidence gathered within the precincts with site visits. The site visits, apart from providing first-hand evidence, do provide the opportunity for the extended public participation in the inquiry underway.
- 70. To conduct an effective inquiry, the following are the necessary prerequisites:-
 - i) an in-depth scrutiny of the matter under inquiry, its objectives, expectations and the efficacy of the evidence so far received;
 - ii) the gaps in the evidence received in terms of enabling the select committee respond to the objectives and so deliver a report and recommendations able to provide solutions;
 - iii) identify the additional or new sources of evidence that would add value to the inquiry;

iv) the committee should be convinced beyond doubt that, indeed, such extended inquiry is necessary.

71. When the committee has made a resolution to conduct an inquiry, the Secretariat should proceed to put in place the administrative/ logistical framework to implement the same. At the end of the inquiry, both sets of evidence gathered should inform the production of a report with clear recommendations. The secretariat must always ensure that the proceedings at every stage (venue, list of participants/ addresses of witnesses, oral and documentary evidence) must be minuted and recorded verbatim.
72. In conducting inquiries, the Secretariat should ensure that key reference documents (the Constitution, the *Parliamentary (Powers and Privileges) Act*, the Standing Orders, working manuals and papers, texts of the oath/ affirmation of allegiance, *et cetera*, are available. Additionally, security should be assured, and relevant experts sourced.

Processing Statutory Instruments

73. Statutory Instruments, also known as Subsidiary Legislation, would be dealt with by the Senate pursuant to provisions of Standing Orders, which states thus:-

“Whenever a statutory instrument is submitted to the Senate pursuant to the Constitution, any law or these Standing Orders, the statutory instrument shall, unless a contrary intention appears in the relevant legislation, be laid before the Senate by the Chair of the Senate Committee on Delegated Legislation and thereafter stand referred to the committee.”

74. Further, Standing Orders define Statutory Instruments thus:-

“In these Standing Orders, ‘statutory instrument’ means any rule, order, regulation, direction, form, tariff of costs or fees, letter, patent, commission, warrant, proclamation, by-law, resolution, guideline or other instrument issued, made or established in the execution of a power conferred by or under an Act of Parliament under which that statutory instrument or subsidiary legislation is expressly authorized to be issued.”

75. Statutory Instruments are procedurally expected to be processed through both the Senate Committee on Delegated Legislation and the plenary. However, pursuant to provisions of Standing Orders, the National Assembly would be required to concur.
76. In processing a Statutory Instrument, the Committee on Delegated Legislation is:
- i) guided by and adheres to provisions of Article 94 (6) of the Constitution and Standing Orders;
 - ii) be guided by the general procedure and practice through which select committees execute their mandate;

- iii) invite/summon the relevant state department or the authority that published the statutory instrument;
- iv) invite/summon any specified members of the public (including experts);
- v) invite the public in general;
- vi) if necessary undertake site visits/ public hearings;
- vii) hire experts relevant to the subject of the Statutory Instrument.

Committees Processing Reports from the Executive Arm of Government

77. Processing reports from the Executive Arm of the Government would be done pursuant to existing legal framework (i.e. the Constitution, statutes, the coded procedure and practices of Parliament). For a start, it must be provided for, how the reports reach parliament and the purpose for their submission. What is Parliament expected to do with them?
78. According to existing legal framework:–
- i) Reports from the Executive Arm of the Government, are laid before Parliament and are referred to relevant select committees;
 - ii) Select committees process them initially, then finally, send their reports with recommendations that are laid before the Senate. Upon deliberation, the Senate makes the final decision.

CHAPTER FOUR

COMMUNICATION, DRAFTING REPORTS AND MINUTES OF COMMITTEES

Elements of Effective Communication

Communication is the process by which information is shared while abiding with the following principles:-

i) Completeness

The intent of the communication should be clear to the reader.

ii) Courtesy

Communication should use civil language and observe decorum.

iii) Consistency

Written communication abides by known rules of consistency including; reference to salutations, official honours' labeling or naming, numbering, spacing, font size and type, referencing, *et cetera*, to make the life of your reader less stressful.

iv) Clarity

Effective communication entails being clear in what we want to communicate and striving to do the same to our readers. It is more challenging in written communication since the writer and the reader do not interact directly and are not in a face-face contact. The reader negotiates with text, which in essence is symbolic. Avoid ambiguity in statements put on paper.

v) Compelling

Communication should strive to build a compelling case around your subject in your message through hard facts. The minute writer should enable one to access the ear and the heart of the reader.

(vi) Correct grammar

All Written communication should observe proper use of grammar (tenses, possessives, cases), *et cetera*. Apply the conventions as laid out.

vii) Construction of sentences

Construct sentences that are short and simple. Avoid long-winded sentences and paragraphs.

viii) Correct Structure

Appropriate structuring requires paying serious attention to the organization of the constituent parts of any written text—whether of reports, minutes, cabinet memos, board papers, proposals, *et cetera*. Structure is what differentiates genres/types of written communication (See Appendix 6).

Approaches to writing Reports

There is no set format for report writing. However, out of practice, a Legislature would adopt certain format. Be that as it may, the following general layout should be included when writing a Report (See Appendix 8).

Tips for writing good Reports

- i) Remember that the information needs to be organized logically, with the most important information coming first;
- ii) Keep it simple; do not try to impress; rather, try to communicate;
- iii) Keep the sentences short and to the point;
- iv) Do not go into a lot of details unless it is needed;
- v) Make sure every word that needs to be included is included and that it contributes to the purpose of the report;
- vi) Use an active rather than passive voice;
- vii) Active voice makes the writing move smoothly and easily; uses fewer words than the passive voice and gives impact to the writing by emphasizing the person or thing responsible for an action;
- viii) Good grammar and punctuation is important;
- ix) Have someone proof-read your draft;
- x) Remember that the computer cannot catch or highlight all the mistakes, especially with words that sound alike but have different meanings (homonyms) e.g. “red, read” or “there”, “their” or words that have the same spelling but have different sound and meaning (homographs), e.g. “lead” (to go in front of) or “lead” (a metal), *et cetera*;

- xi) Keep to the point; do not drift off to talk about interesting side shows;
- xii) Discuss each title on a separate page; and
- xiii) Number each paragraph and the subsequent sub-headings.

Key Parts of a Report

The key parts of a Report include:-

Cover letter/Memo or Letter/of Transmittal

Comes before the title page and, officially introduces the report to readers.

Part 1: Title Page

Identifies the report and also indicates the content and includes: title of the report, writer or author and his/her position/designation, name and address of the organization/ministry/department it has been prepared for, and date of completion.

Part 2: Table of Contents

Gives an outline of what is in the report. It is assembled from the headings and sub-headings of the major and minor sections of the report. It includes the appropriate identification numbers or letters and page numbers.

Part 3: Glossary

Arranged in an alphabetical order, this gives definitions or additional explanations of terms or words used in a report.

Part 4: Summary or Synopsis

Two types of summaries: An **Abstract** and an **Executive Summary**. This is an overview or summary of the main ideas or points of the entire report which gives the reader a quick general idea or the content of the report. The Abstract gives focus of the mandate of the select committee, a synthesis of the task to be undertaken; while the Executive Summary concisely highlights the output of findings, including divergences and convergences. The final draft should be an indication that the report has been: Well-revised, edited, and proof-read (*See Appendix 8*).

Part 5: Introduction/ background to the Problem

It explains the purpose or reason (problems or issues) for which the study or inquiry was undertaken, introduces the major topics discussed in the report and could include the scope and limitations of the report as well as any assumptions on which the report is based.

Part 6: Scope and Limitation

This could be part of the introduction or a separate section and gives the reasons why the report was written. It includes the following:-

- i) Aim (intention or purpose) of the report - uses infinitive verbs like “to assess”, “to examine”, “to investigate”, “to inquire into”, *et cetera*;
- ii) Objectives (goals or aims) of the report - to evaluate whether whatever the committee set out to achieve has been attained, *et cetera*;
- iii) Limitations of the area covered by the report (that is, relevant topics that are not addressed because of certain constraints);
- iv) Intended outcome of the inquiry, site visit, investigation, assessment, *et cetera*.

Part 7: Method(s) or Way(s) of Execution

Describes the exact steps taken or methods used to research, gather or obtain data or information for use in executing the mandate of the committee.

Part 8: Results, Findings or Evidence

Forms the nature of the research in that it presents the findings or discoveries of the research or information gathered.

Part 9: Conclusion

Makes logical conclusions based on the findings of the research or study.

Part 10: Recommendation

Based on the findings, conclusions and supported by the evidence, states the actions or suggestions that should be taken to rectify, improve, remedy or change the current problem or situation that necessitated the activity in the first place.

Part 11: Certification Form for adoption of report

Members append their signatures on this form. The committee is required to hold a sitting, specifically for adoption of a report.

Part 12: List of References/ Bibliography

A list of sources of information or references referred to or cited in the report is placed at the end of the report, is arranged in an alphabetical order of authors' surnames.

Part 13: Appendix (Appendices)

Supplementary material or additional information that supports the body of the report.

Writing of Minutes

The minutes of a committee is the vehicle/means by which members of the committee and stakeholders are able to keep track of the issues/matters dealt with at previous sittings. The minute is the abridged content of the debate, the considerations, assumptions and the decisions made on the issue. Minutes constitute the record which is an essential document of the proceedings at a sitting; a useful tool in managing operations of an organ.

Types of Minutes

Variation in minutes is determined by the purpose, whose captured details they are meant to serve, including the following:-

- i) **Verbatim Minutes** – The word-for-word record of proceedings, for example, court proceedings, parliamentary proceedings or Commissions of Inquiry. This approach is used due to the legal and political implications of such organs, which require complete, accurate and full records for future reference.
- ii) **Minutes for Resolution** - Used for the minutes of Annual General Meetings (AGMs) and statutory meetings of certain organizations. Only records the main conclusions and the resolutions reached in the meeting; is recorded for ease of reference.
- iii) **Minutes of Narration (Long Hand)** - A concise summary of the whole discussion/debate that took place, reports received, decisions made, and actions to be taken. Also known as Narrative-Action minutes.
- iv) **Action Minutes (Action Items)** - Prepared by the secretary as an *aide memoir* to the chairperson and even Members as to the actions for implementation. This makes referencing easy as it indicates who is responsible for what action, timeframes and resources, and can be prepared as a template/ table appended to the minutes.

Elements of Good Minutes

It is hardly possible to enumerate the perceived good elements in minutes. Nevertheless, the following are considered a worthy guidance:-

- i) Brief, but sufficiently detailed for clarity;
- ii) Accurate, leaving no doubt as to the meaning or intent of every word or phrase;
- iii) Largely uses past tense and reported speech;

- iv) Impersonal, as decisions belong to the group;
- v) Complete so as to remove any gaps in information being shared;
- vi) Factual, simple statement of fact, not elaboration of personal opinions;
- vii) Care must be taken in the use of language – seek written effective communication. Paying attention to: grammar, capitalization, punctuation, paragraphing, sentence constructions, vocabulary, *et cetera*.

Key points to note about Minutes

It is not possible to summarize all key points about minutes, thus the following are a guide:-

- i) Minutes become final/authentic only when they have been read at the next sitting, approved by the Members present, and signed by the chairperson;
- ii) Often, minutes are circulated to Members beforehand and at the next meeting, the chairperson confirms them after ascertaining that Members have no amendments to suggest;
- iii) If a member suggests an amendment, the chairperson seeks the opinion and approval of the other Members present at the sitting before signing them;
- iv) Any editing done by the sitting before confirmation, should be initialed by the chairperson;
- v) For major errors, retyping should be done;
- vi) Once minutes are signed by the chairperson, corrections cannot be made unless through a subsequent minute in another sitting or as the fully constituted sitting would decide by a consensus, or vote on a resolution seeking the change;
- vii) The Clerk then keeps custody of the minutes signed by the chairperson;
- viii) Good minutes are the result of regular consultation between the chairperson and the Secretary e.g. the Secretary should be able to seek clarification from the Chair where certain details escape his/her memory (*See Appendix 9*).

CHAPTER FIVE

PUBLIC PARTICIPATION IN COMMITTEES

- 96 Public participation has been defined as the involvement of individuals and groups that are positively or negatively affected by a proposed intervention, subject to a decision-making process or are interested in it.

Rationale and Legal Basis for Public Participation

- 97 Public participation is at the heart of democratic governance. It improves information flow, accountability and due process, and gives a voice to those most directly affected by public policy. Involvement of stakeholders ensures that priorities of the citizens are more correctly identified, analyzed and decisions stand a greater chance of support and success when people concerned are meaningfully engaged. Participatory decision-making also enables continuous oversight of resource allocation and utilization.
- 98 Participatory decision-making helps build social capital in decision-making. With this, there will be high trust and confidence levels making it easier for public officials to have the legitimacy to undertake their tasks and for governance to proceed smoothly, peacefully and effectively.
- 99 The legal basis for public participation in parliamentary business is found in the Constitution and the Standing Orders. Article 118 of the Constitution on public access and participation provides that:
- (1) *Parliament shall—*
 - (a) *conduct its business in an open manner, and its sittings and those of its committees shall be open to the public; and*
 - (b) *facilitate public participation and involvement in the legislative and other business of Parliament and its committees;*
 - (2) *Parliament may not exclude the public, or any media, from any sitting unless in exceptional circumstances the relevant Speaker has determined that there are justifiable reasons for the exclusion.*
-

Committal of Bills to Committees and Public Participation

100 Standing Orders state that:

- i) A bill having been read a First Time shall stand committed to the relevant standing committee without question put;
- ii) Notwithstanding paragraph (1), the Senate may resolve to commit a bill to a select committee established for that purpose;
- iii) A senator intending to move a motion under paragraph (2) shall give the Speaker a written notice of the Motion, at least two hours before the sitting of the Senate on the day the bill is scheduled for First Reading;
- iv) A committee to which a bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the committee makes its report to the Senate;
- v) The Speaker may direct that a particular bill be committed to such committee as the Speaker may determine;
- vi) For the convenience of the Senate, the Senate may, by resolution, discharge a bill from a standing committee.

Procedure in Public Participation - Notification and call for Submissions

100 Notification and call for submissions to the general public is done by way of advertisement in the Kenya Parliament website and newspapers with national circulation. Notification to specific stakeholders who are likely to be affected by the legislative business before the committee is done directly through correspondences under the hand of the Clerk of the Senate.

101 The notice used shall specify the:

- i) Business and where copies of it can be obtained;
- ii) Committee to which the business has been referred;
- iii) Manner of submissions (oral or written); and
- iv) Time within which submissions shall be made. It should be noted that the period for submission should be reasonable/adequate and enough to enable the public to peruse or interrogate documents relating to the business so as to submit their comments;
- v) venue for public participation which should be easily accessible

Public Participation- Hearings

- 102 Each committee shall determine the manner in which it will proceed with the public participation, taking note to observe the provisions of the Standing Orders as to conduct of sittings and further ensure that adequate opportunity is granted to each and every participant.

Analysis of Submissions

- 103 The committee shall, as soon as is practicable, after receiving submissions analyze such submissions. The committee may invoke relevant Senate Standing Orders for engagement of experts to assist in the analysis.

Report

- 104 The committee, while adhering to any set timelines, shall make its recommendations to the Senate by way of a report. The report shall include:-
- i) Proof of call for public participation;
 - ii) Attendance schedules;
 - iii) Submissions from the public;
 - iv) Committee observations/analysis;
 - v) Recommendations;
 - vi) Minutes of the sittings of committee.

Feedback to the public shall be deemed to be by way of a report tabled before the Senate.

CHAPTER SIX

PLANS AND BUDGETS FOR COMMITTEES

Budgeting and Tracking Committee Expenditure

- 105 Parliaments all over the world have limited resources and must, therefore, adequately plan and budget for their activities, including committees. Committees are allocated a particular amount for which they must plan and budget, to ensure that the funds are well spent.
- 106 Committees prepare draft work plans of the activities to be carried out during the year. When drafting the work plans, the committees cost each activity including local and foreign travels, workshops, consideration of bills, public hearings, estimated number of committee sittings, sitting allowances and hospitality. The committees meet and adopt the work plans and their proposed budgets. This is then presented to the Liaison Committee for approval. A consolidated budget for the Senate is then forwarded to the National Assembly's Committee on Budget and Appropriations.
- 107 The Budget Committee reviews all budgets, approves and appropriates funds to the Senate, the National Assembly and other arms of government.

It is the role of the Clerk to the committee to track the expenditure of the committee, ensuring that the committee remains within budget and carries out activities laid out in the committee work plan. However, the work of Parliament and, by extension, committees is very dynamic; therefore activities may arise that are outside committees' work plans. In such cases, committees require the approval of the Liaison Committee/Speaker for any expenses that may exceed the amount they were initially allocated.

- 108 Joint committees of the National Assembly and the Senate are funded by both Houses

(See Appendix 10).

APPENDICES

Appendix 1 : SCHEDULE OF SENATE STANDING COMMITTEES

COMMITTEE	SUBJECT MATTER ASSIGNED
Committee on Agriculture, Livestock and Fisheries	To consider all matters relating to agriculture, irrigation, livestock, fisheries development and veterinary services.
Committee on Education, Information, Communication and, Technology	To consider all matters relating to education, training, science & technology, engineering and electronics, research and innovations, communications, information, broadcasting and information technology (ICT) development.
Committee on Energy, Roads and Transportation	To consider all matters relating to renewable energy, fossil fuels exploration, development, production, maintenance and regulation of energy and reticulation, transport, roads, public works, construction and maintenance of roads, rails and buildings, air and seaports.
Committee on Finance and Budget	<p>To -</p> <p>i) Investigate, inquire into and report on all matters relating to coordination, control and monitoring of the county budgets and to -</p> <ul style="list-style-type: none"> • discuss and review the estimates of county governments and make recommendations to the Senate; • examine the Budget Policy Statement presented to the Senate; • examine and report on the Budget allocated to constitutional Commissions and independent offices; • examine the annual Division of Revenue Bill, County Allocation of Revenue bills, and cash disbursement schedule for county governments; and • examine and to consider all matters related to resolutions and bills for appropriations, share of national revenue amongst the counties and all matters concerning the National Budget, including public finance and monetary policies and public debt, planning and development policy.

COMMITTEE	SUBJECT MATTER ASSIGNED
	ii) Pursuant to Article 228(6) of the Constitution, to examine the report of the Controller of Budget on the implementation of the budgets of county governments.
Committee on Health	To consider all matters relating to medical services, public health and sanitation.
Committee on Labour and Social Welfare	To consider all matters relating to manpower and human resource planning, pension, gender, culture and social welfare, youth, National Youth Service, children's welfare, national heritage, betting, lotteries, sports, public entertainment, trade union relations, public amenities and recreation.
Land, Environment and Natural Resources	To consider all matters relating to lands and settlement, housing, environment, forestry, wildlife, mining, water resource management and development.
Committee on Justice, Legal Affairs and Human Rights	To consider all matters relating to constitutional affairs, the organization and administration of law and justice, elections, promotion of principles of leadership, ethics, and integrity; Agreements, Treaties and Conventions, implementation of the provisions of the Constitution on human rights.
Committee on National Security, Defence and Foreign Relations	To consider all matters relating to national security and foreign relations, disaster reduction and preparedness, home affairs, defense, immigration, and international relations.
Committee on Tourism, Trade and Industrialization	To consider all matters relating to trade, industrialization, tourism, cooperatives, investment and divestiture policies.
Committee on Devolution and Intergovernmental Relations	To consider all matters relating to devolution, intergovernmental and inter-county relations, governance and management of county governments, cities, towns and urban areas.
Committee on National Cohesion, Equal Opportunity and Regional Integration	To consider all matters relating to the pursuit of national cohesion and integration, the equalization of opportunities and improvement of the quality of life and status of all persons, regional integration, the East African Legislative Assembly and the Pan African Parliament.

Appendix 2: SAMPLE TEMPLATE FOR NOTICE OF COMMITTEE MEETING

REPUBLIC OF KENYA



Ref no.-

Clerk's Chambers,
The Senate,
Parliament Buildings,
P.O. Box 41842,
Nairobi.

Date

To: All Members (by Name) of the Committee

MEETING OF THE STANDING COMMITTEE ON

The Clerk of the Senate presents his compliments to the members of the Senate Committee on and, has the honour to inform them that a meeting of the Committee will be held on **day, date, Month and year e.g.** (Thursday, 2nd February, 2017) at **Venue e.g.** (the Boardroom, Ground Floor, County Hall, Parliament Buildings at 9.00am.)

AGENDA

1. Preliminaries
 - a) *Prayer*
 - b) *Introductions*
 - c) *Remarks by the chairperson*
2. Adoption of the Agenda
3. Confirmation of Minutes of the Previous Sitting
4. Consideration of the Bill on
5. Any Other Business
6. Adjournment

Circulated to:-

- The Hon. Sen., MP.
- The Hon. Sen., MP.
- The Hon. Sen., MP.
- The Hon. Sen., MP.
- The Hon. Sen., MP.
- The Hon. Sen., MP.
- The Hon. Sen., MP.
- The Hon. Sen., MP.
- The Hon. Sen., MP.

- Chairperson
- Vice-Chairperson

*The Serjeant-at-Arms to reserve the **Boardroom, Ground Floor, County Hall***

Appendix 3: SAMPLE TEMPLATE FOR REQUEST TO SIT OUTSIDE THE PRECINCTS

REPUBLIC OF KENYA



PARLIAMENT THE SENATE

Telegraphic Address
Bunge', Nairobi
Telephone 254-20-2848000
Fax 254-20-2243694
E-mail: csenate@parliament.go.ke

Clerk's Chambers,
The Senate,
Parliament Buildings,
P .O. Box 41842- 00100,
Nairobi, Kenya

When replying please quote our reference

Ref: _____ (Committee Reference Number)

Date _____

The Speaker of the Senate,
Parliament Buildings,
P.O. Box 41842-00100,
Nairobi, Kenya.

RE: REQUEST TO SIT OUTSIDE THE PRECINCTS OF THE SENATE, PURSUANT TO STANDING ORDER NO. 186 OF THE SENATE STANDING ORDERS

Honourable Speaker,

The _____ (name of committee) requests to sit outside the precincts of the Senate, pursuant to the relevant provisions of the Senate Standing Orders. The decision to sit outside the precincts of the Senate was arrived at during the _____ sitting held on _____ vide Minute No. _____.

The objective (s) of this request to sit outside the precincts of the Senate is/are to:

- a) _____
- b) _____
- c) _____

The details of the proposed sitting(s) are as follows:

- a) Destination: _____
- b) Proposed dates of travel; commencing _____ to _____ (a total of _____ days).
- c) Number of committee members to attend the proposed sitting(s)/event/travel: _____
- d) Balance of the committee's budget to date: _____
- e) Estimated budget for the proposed sitting(s)/event/travel: _____
- f) The balances in the committee's budget as shown at items (d) and (e) of this section, are: (tick as appropriate)
- i) Sufficient
- ii) Insufficient
- to cover this sitting (s)/ event/ travel.

- g) The deficit in the budget (if any) will be bridged as follows:

- i) _____
- ii) _____
- iii) _____

The legislative business pending before the Committee to date is as outlined below:

- a) Number of Petitions: _____
- b) Number of Bills: _____
- c) Number of Statements: _____
- d) Number of Reports: _____

The committee Clerk, (Mr. / Mrs. / Miss), _____
(name), certifies that the information given above is correct.

Signature: _____ Date: _____

Signed by the chairperson of the committee: Sen. _____ (name)

Signature: _____ Date: _____

The Director of Committee Services recommends/does not recommend this request (for the following reasons):

- a) _____
- b) _____

c) _____

Signature: _____ Date: _____

The Senior Deputy Clerk recommends/does not recommend this request (for the following reasons):

a) _____

b) _____

c) _____

Signature: _____ Date: _____

The Clerk of the Senate recommends/does not recommend this request (for the following reasons):

a) _____

b) _____

c) _____

Signature: _____ Date: _____

The Speaker of the Senate approves/does not approve this request (for the following reasons):

a) _____

b) _____

c) _____

Signature: _____ Date: _____

Appendix 4: SAMPLE TEMPLATE OF ATTENDANCE REGISTER

REPUBLIC OF KENYA

THE SENATE

ATTENDANCE REGISTER

COMMITTEE'S NAME: _____

Date: _____ Venue: _____ Time: _____ SITTING No. _____

No.	NAME	SIGNATURE	REMARKS
1.	Sen., MP (CHAIRPERSON)		
2.	Sen., MP (VICE CHAIRPERSON)		
3.	Sen., MP		
4.	Sen., MP		
5.	Sen., MP		
6.	Sen., MP		
7.	Sen., MP		
8.	Sen., MP		
9.	Sen., MP		

Committee Secretariat:

Signature:

Appendix 5A: SAMPLE ROLES OF OTHER TECHNICAL OFFICERS SERVING COMMITTEES

ROLE OF LEGAL COUNSEL ATTACHED TO COMMITTEES OF THE SENATE

No.	Mandate	Specific role	Output
1.	Legal advice to the committees	Render legal advice on issues that may arise in the committee	A brief/legal opinion on the matter to be presented to the committee within a period of two (2) days from the date of receipt of instructions
2.	Preparation of legislative proposals	<ul style="list-style-type: none"> • Receipt of instructions regarding any proposals that the committee may have for legislation • Where necessary, clarification of instructions with the committee • Research regarding the proposal, existing legislation and gaps, if any; a situational analysis and best practice 	<ul style="list-style-type: none"> • A brief on the research to be submitted within a period of five days from the date of receipt of instructions • Preparation of proposals within a period of two weeks of receipt of instructions • Consideration and review of the proposal with the committee • Where in agreement, submission of the legislative proposal for publication.
3.	Review of legislative proposals submitted to the committees	<ul style="list-style-type: none"> • Preparation of Brief/Digest for consideration by the committee • Scrutiny of legislative proposals that are presented before the committee • Receipt of further instructions for review of the bill 	<ul style="list-style-type: none"> • Brief/Digest to be presented to the committee • Incorporation of proposals for implementation of recommendations proposed by the committee • Where so instructed, resubmission of the bill for consideration within a period of five (5) days of receipt of proposals by the committee • Preparation of memo to the Speaker for publication of the bill within two (2) days after consideration of the bill by the committee

No.	Mandate	Specific role	Output
			<ul style="list-style-type: none"> • Follow up with committee Clerk to obtain letter prepared by the committee Clerk in relation to legislative proposal considered by the committee, pursuant to Standing Order 115(c) of the Senate • Submission of the memo to the Speaker on the date of receipt of the correspondence to the Speaker prepared by the committee Clerk • Preparation of moving notes for the senator for purposes of moving the bill during Second Reading
4.	Public hearings	Review and consolidate amendments received from members of the public regarding a bill	<ul style="list-style-type: none"> • Review of the submissions made by the public to the committee, with a view to preparing committee stage amendments in the House • Preparation of matrix regarding issues raised by the public on the bill
5.	Committee Stage Amendments	Preparation of committee stage amendments for approval by the committee	<ul style="list-style-type: none"> • Preparation of committee stage amendments based on the recommendations of the committee • Review of the committee stage amendments with the committee • Liaison with the chairperson of the committee for signature of the amendments • Submission of the committee stage amendments to the Directorate of Legislative and Procedural Services • Preparation of moving notes for the senator for purposes of moving the committee stage amendments

No.	Mandate	Specific role	Output
6.	Petitions	Advising the committee on legal issues arising out of a petition	<ul style="list-style-type: none"> • Preparation and presentation of a brief on legal issues arising out of a petition within a period of five (5) days from receipt of the petition • Preparation of recommendations arising out of the legal issues for inclusion in the report of the committee
7.	Vellum	Preparation of vellum for forwarding to National Assembly or for assent.	<ul style="list-style-type: none"> • Preparation of vellum within a period of twenty-four (24) hours from the receipt of the Votes and Hansard • Transmission of documents to the National Assembly
8.	Work Plan	Tracking of legal issues that have been or are to be considered by the relevant committee	Preparation and up-to-date record of status of the bills and other legal issues that have been or are under consideration by the committee

Appendix 6A: SAMPLE ROLE OF RESEARCH OFFICERS IN COMMITTEES

IMPORTANCE OF RESEARCH SERVICES/OFFICERS IN COMMITTEES

- A. Enhance the constitutional order and democratic principle of separation of powers by providing members/committees with in-depth and independent research and policy analysis, to enable them discharge their mandates and functions effectively;
- B. To respond to requests from committees and individual members to prepare or analyze information regarding policy and legislative issues, thus enhancing parliamentarians' core functions - Law making, oversight and representation, collectively and individually;
- C. Provision of non-partisan and impartial professional advice, information, facts, legal interpretation, analyses and overall technical support (for instance on bills, sessional papers, *et cetera.*) to parliamentary committees;
- D. Document, search, dig out and assemble information in form of facts and data on, for example, procedures and operations of Parliaments; evolution, growth and contemporary aspects of Parliament; and rulings of the Chairs, *et cetera*;
- E. To develop fact sheets on various aspects of Parliament and promote parliamentary diplomacy.

The bottom line for existence of a strong research capacity in Parliament is to fulfill certain specific purposes e.g.

- i) To sharpen the focus of scrutiny/oversight;
- ii) To improve the quality of legislation;
- iii) To promote public awareness and knowledge of Parliament itself vs. checks and balances;
- iv) To empower the people to engage with the parliamentarians;
- v) To raise the standard and quality of debate.

Specific Roles of Research staff in Committees

1. Gathering facts, analyzing policy issues and trends to enable committees track and understand current issues and historical perspectives;
2. Gathering facts and documentation on procedures and practices;
3. Facilitating specialized advice (think-tanks);

4. Supporting/Assisting committee clerks to prepare speeches, talking notes, background information, discussion papers and reports;
 5. Providing updates and country perspectives and practices in other parliamentary jurisdictions;
 6. Where deemed necessary, attend sittings/hearings, accompany members on study tours/inspection visits.
-

Appendix 6B : SAMPLE ROLE OF HANSARD/AUDIO OFFICERS IN COMMITTEES

THE HANSARD DEPARTMENT AND COMMITTEES

The mandate of the Hansard Department is derived from the Senate Standing Orders, which states as follows:—

- (1) There shall be published within forty-eight (48) hours, a verbatim report of all proceedings of the Senate, unless the Speaker is satisfied that this is rendered impossible by some emergency;
- (2) Every senator shall have an opportunity to correct the draft verbatim report of his or her contribution, but not so as to alter the substance of what the senator actually said;
- (3) Where there is doubt as to the content of the verbatim record of the Senate, the Speaker shall make a determination.

Consequently, preparation of printed copies of parliamentary and committee proceedings is the responsibility of the Hansard Department. While practicality would have demanded that all proceedings of committees be audio-recorded, the transcription of verbatim reports is done only for some select committees on a need-to basis. This is important for the following reasons:—

1. **The Hansard Report is a legislative tool:** Most business is considered in committees before being presented in the plenary for resolution. In the case of bills, verbatim reports of the committees' proceedings guide the House in the process of legislation.
2. **Records of decisions taken in committees:** The verbatim reports take note of key decisions (committee resolutions and recommendations) taken in committees. These are later on debated in plenary. The courts may on certain occasions demand for these reports to review the direction taken by a committee on a certain matter.
3. **Ensures transparency and accountability:** Verbatim reports of committees conducting scrutiny of accounts such as the CPAIC are crucial in reviewing usage of finances by counties.
4. **Records for posterity:** In some instances, verbatim reports are prepared for posterity and are often used as reference materials. For example, reports of public hearings on bills give an opportunity to the public to know what fellow Kenyans said about the proposed legislation.
5. Ad hoc Committees that are constituted by certain resolutions of the House must be covered by the Hansard because they conduct business that could affect management of various Government functions and institutions. For example, an impeachment committee determines whether a county governor will continue holding office. A verbatim report of these deliberations is, therefore, crucial.

Appendix 6C: ROLE OF FISCAL ANALYSTS/BUDGET OFFICERS IN COMMITTEES

THE POWER OF THE PURSE

The budget is the single most important vehicle available to any nation to deliver its national agenda. The national agenda to our people is an efficient and effective delivery of services. As the representatives of the people, the legislators thus have a huge mandate to scrutinize and approve the budgets.

The budget functions of The Senate

- i) Represents the interests of counties and their governments;
- ii) Determines division of nationally collected resources between the levels of government;
- iii) Exercises continuous oversight over nationally allocated resources to counties.

Functional Role of Fiscal Analysts in support of the Senate committees

They provide technical assistance to senators in terms of:–

- a) deciding on the priorities of the nation;
- b) deciding on the resource envelope;
- c) deciding on the vertical distribution of the resources: division of revenue between the two levels of government;
- d) deciding on the horizontal distribution of resources: division of revenue among the counties;
- e) reviewing of the estimates of expenditure and the Appropriation bill;
- f) In the exercise of the Senate’s watchdog role; identifying policy issues and raising the red flag or the alarm in time not too late;
- g) gate-keeping of the nation’s finances and the public purse: the in-year documents/reports must be scrutinized;
- h) exercising/implementing the Senates’ constitutional mandate on budget implementation requirement (Article 225);
- i) monitoring of transfer of funds to the counties (transfer/disbursement schedules);
- j) Implementing reports from the Controller of Budget (COB).

The analyst further helps The Senate to keep tabs on the Budget Cycle key dates, including:–

1. Submission to Parliament of the Budget Policy Statement (BPS) by 15th February each year (*Public Finance Management Act, 2012*);
2. Approval/adoption of the BPS by Parliament within fourteen (14) days. Immediately after approval of the BPS, the Division of Revenue Bill (DORB) is introduced in Parliament;
3. Introduction of the County Allocation of Revenue Bill (CARB);
4. Submission of estimates of revenue and expenditure by 30th of April each year;
5. Public hearing on the budget estimates by 21st of May each year;
6. Submission of report and approval by the National Assembly by 20th June each year;
7. Appropriation Bill passed by 30th June each year;
8. The Cabinet Secretary presents his/her Budget Policy Highlights proposing various revenue raising measures to the Budget and Appropriation Committee;
9. The Finance Bill introduced in the National Assembly;
10. Passage of the Finance Bill by the National Assembly by end of September each year.

In conclusion, budgeting is a process rather than an event, and budget cycles are ongoing and interconnected. To keep track of all relevant issues, legislators have to follow the entire process as it unfolds. Legislative oversight is now not restricted to budget approval and the review of audit findings. Continuous oversight is now more important than ever before.

Appendix 6D: ROLE OF SERJEANT-AT-ARMS OFFICERS IN COMMITTEES

The Department of Serjeant-At-Arms collaborates with the Directorate of Committee Services to offer support in their day-to-day operations in the following key areas:–

1. Allocation of committee rooms and venues for hosting of committee sittings in Parliament;
 2. Working alongside officers in the Security and Safety Department in the provision of safety and security to senators and staff during committee field visits to counties in liaison with other national security organs such as the local Police;
 3. Working with Safety and Security staff to provide security checks and crowd control during committee visits to the counties and public hearings within precincts of Parliament;
 4. Supervision of cleaning and organization of committee rooms and other meeting venues;
 5. Security clearance and escorting of dignitaries such as governors, cabinet and principal secretaries, among others, while attending meetings with the committees of the Senate;
 6. Custody of firearms belonging to members and VIPs attending committee sittings;
 7. Providing security briefs to members and Senate leadership before proceeding to visit any place outside Parliament;
 8. Making arrangements for security coverage and escorts for members while visiting any place in the counties;
 9. Providing messengerial services during committee sittings under the direction of the committee Clerk and the chairperson;
 10. Making arrangements for refreshments for MPs, staff and visiting delegations during committee sittings;
 11. Escorting errant members and witnesses out of the committee room on the direction of the chairperson;
 12. Present to committees persons to be examined as witnesses;
 13. Control and regulate admission of persons into committee rooms under the guidance of the committee clerks;
-

14. In liaison with other security apparatus, conduct risk assessment prior and during committee field visits and design suitable mitigating measures to safeguard the senators and staff;
 15. Service of summons to witnesses who may be required to give evidence.
-

Appendix 6E: ROLE OF SECURITY AND SAFETY OFFICERS IN COMMITTEES

ROLE OF SECURITY AND SAFETY DEPARTMENT OFFICERS IN COMMITTEES

The primary responsibility of the Security and Safety Department is the provision of a full range of security and safety services for the protection of members of Parliament, staff, visiting delegations and properties. The Department collaborates with the Directorate of Committee Services to offer support in their day-to-day operations in the following key areas:–

a) During Sessions within Parliament precincts

- 1) Control of access - by allowing authorised persons invited by committees to access the committee sessions e.g. cabinet secretaries, governors, state officers, constitutional commission office holders, petitioners, witnesses, *et cetera*;
- 2) Conduct security checks and crowd control in conjunction with Serjeant-at-Arms within Parliament precincts and deny access to unauthorised persons;
- 3) Accreditation and vetting of members of the media (Fourth estate) attending public hearing, impeachment sessions and committee sittings;
- 4) Sharing intelligence reports from national security agencies on likelihood of interruptions of committees' work;
- 5) Ensure that committee rooms are safe and secure from threats of explosives and other dangerous weapons;
- 6) When situations get out of hand and likely to interrupt the sessions, security officers may be called upon by the Chair of committees to assist in apprehending violent persons.

b) During Sessions outside Parliament precincts

- 1) Conduct regular security surveys of hotels and venues where committees are scheduled to hold their sittings;
- 2) Conduct security awareness and briefing to MPs and staff prior and after any movement;
- 3) Liaise with local security agencies on security situation prior to the committee visit;
- 4) Advising the committee on the current security situation within the area the committee intends to hold its sitting;

-
- 5) Coordinate security clearance, traffic control and provision of Police escort from Parliament to the meeting venues;
 - 6) Conduct security surveillance, patrols and physical security of the outer perimeter during committee sessions;
 - 7) Carry out security checks, vetting, and searching and crowd control during sessions;
 - 8) Ensure comprehensive investigations of breaches of security in committees with a view to finding root cause(s) and eliminate recurrence to improve security and safety;
 - 9) Coordinate response plans to be adopted in case of emergencies.
-

Appendix 7A: SAMPLE TEMPLATE FOR ASSORTED CORRESPONDENCES

ACKNOWLEDGEMENT LETTER

(Font: Times New Roman; Font Size: 12 or 13)

Ref.

Date (Date/Month/Year)

(e.g. 9th September, 2013)

Addressee's Name

Street

Building

P.O. Box

NAIROBI.

ATT: Name of the Officer (Optional, where a particular officer is to deal)

Dear (leave this blank)

RE: (use the same reference used in the letter that is being acknowledged)

Your letter, Ref. No., dated, refers.

We acknowledge, with thanks, receipt of your letter or copy of the letter Ref. No., dated, the contents of which we have noted.

We shall revert substantively in due course.

Yours (leave blank)

NAME OF THE CLERK,

CLERK OF THE SENATE/SECRETARY,

PARLIAMENTARY SERVICE COMMISSION

OR

YOUR NAME,

YOUR DESIGNATION,

FOR: CLERK OF THE SENATE

Copy to: If several persons are to be copied, arrange the names in order of precedence.

When replying please quote our reference

Appendix 7B: SAMPLE TEMPLATE FOR GENERAL CORRESPONDENCES

Our Ref:

Date:

Addressee’s Name,

Street,

Building,

P.O. Box,

NAIROBI.

Dear (leave blank),

RE: **(SUBJECT MATTER)**

Mr./Ms. _____, Clerk Assistant (**email: telephone number**), is the Clerk to the committee, and is responsible for arrangements relating to this matter.

Yours (leave blank)

**NAME OF THE CLERK,
CLERK OF THE SENATE/SECRETARY,
PARLIAMENTARY SERVICE COMMISSION**

Appendix 7C: SAMPLE TEMPLATE FOR LETTER UNDER DIRECTION

LETTER UNDER DIRECTION

(Font: Times New Roman; Font Size: 12 or 13)

Ref.

Date (Date/Month/Year)

(e.g. 9th September, 2013)

Addressee’s Name

Street

Building

P.O. Box

NAIROBI.

ATT: Name of the Officer (Optional, where a particular officer is to deal)

Dear (leave this blank)

RE: (if replying to a letter, use the same reference as that on the letter; if not, the reference should be a concise summary of the subject of your letter)

Your letter, Ref. No. of, refers.

Or

We acknowledge, with thanks, receipt of your letter Ref. No., of, *et cetera*.

I am directed by the Clerk of the Senate to (inform you that) (to write to you as follows)

.....
.....
.....

Yours (leave blank)

YOUR NAME,

YOUR DESIGNATION,

FOR: CLERK OF THE SENATE

Copy to: If several persons are to be copied, arrange the names in order of precedence.

When replying please quote our reference

Appendix 7D: SAMPLE TEMPLATE FOR LETTER TO SUMMON A WITNESS

LETTER TO SUMMON A WITNESS

(Font: Times New Roman; Font Size: 12 or 13)

Ref.

Date (Date/Month/Year)

(e.g. 9th September, 2013)

Addressee’s Name

Street

Building

P.O. Box

NAIROBI.

ATT: Name of the Officer (Optional, where a particular officer is to deal)

Dear (leave this blank)

RE: INVITATION TO ATTEND A MEETING OF THE COMMITTEE

The Standing Committee on is charged with the responsibility of (Mandate of the committee).

The Committee is presently considering the

At its sitting held on the Committee resolved to invite you to apprise the Committee on matters relating to

We request that you prepare to address the Committee on these and other relevant issues on(Date) at(Time) in(Venue). We further request that any relevant documentation you may wish to present to the Committee be forwarded to our offices on or before (ahead of the meeting) to enable the Committee to acquaint itself with the documentation prior to the date of the meeting.

(Name of the Clerk to the Committee), (Telephone number), (Email)....., is the Clerk to Committee and is responsible for all arrangements relating to this matter.

Yours (leave blank)

**NAME OF THE CLERK,
CLERK OF THE SENATE/SECRETARY,PSC**

OR

**YOUR NAME,
YOUR DESIGNATION,
FOR: CLERK OF THE SENATE**

Copy to: If several persons are to be copied, arrange the names in order of precedence.

When replying please quote our reference

Appendix 8: SAMPLE TEMPLATE FOR ASSORTED COMMITTEE REPORTS

TYPES OF COMMITTEE REPORTS

NB: COMMITTEE REPORTS AND COMMUNICATION TO BE DONE IN AN AGREED FONTS

There are various reports that can be generated by committees of Parliament and these include reports on; public hearings, vetting of nominees to public offices, inspection tours, inquiry, bills, study tours, annual estimates, and progress reports (quarterly, bi-annual, annual and Sessional reports).

SAMPLE TEMPLATES FOR VARIOUS REPORTS

1. PUBLIC HEARINGS REPORT

SECTION	CONTENTS	REMARKS
Cover Page	Republic of Kenya/The Coat of Arms/ Senate	
 Parliament – Session....	
	Name of the committee	
	Title of the report	
	Origin of the report(Which House)/ Month and year of authoring the report	
Table of Contents		
Preface	Mandate of the committee	
	Ministries that the committee oversees	
	Membership of the committee	
Background	Information on how the public hearing came about	
	The relevant committee directed by the Speaker to handle the matter and the timelines provided for the exercise	
Executive Summary	Centres where the public hearings took place	
	Members of Parliament who attended the public hearings and the centres that they went to	
	Summary of Findings	
	Summary of Observations	
	Recommendations	
	Acknowledgments	
	Signature/Name of the chairperson/ Name of committee and Date	

SECTION	CONTENTS	REMARKS
Body of the report	Introduction Information on how the public hearing came about	
	Evidence Submissions from all centres where the hearings took place	
	Summary of the information on any memoranda that may have been sent to the committee	
	Findings	
	Observations	
	Recommendations	
Appendixes	List of Participants/ Witnesses	
	Minutes	
	Papers laid	

2. VETTING REPORT

SECTION	CONTENTS	REMARKS
Cover Page	Republic of Kenya/The Coat of Arms/ Senate	
 Parliament – Session....	
	Name of the committee	
	Title of the report	
	Origin of the report(Which House)/ Month and year of authoring the report	
Table of Contents		
Preface	Mandate of the committee	
	Ministries that the committee oversees (In case of standing committees)	
	Membership of the committee	
Executive Summary	<ul style="list-style-type: none"> State the Act and the provisions that provides for appointment of the nominee/s State the shortlisting criteria that the panel adopted State number, names and positions of candidates who were shortlisted for the position by the selection panel 	

SECTION	CONTENTS	REMARKS
	<ul style="list-style-type: none"> State the dates when the interviews were carried out State the name/s of the candidate/s who were proposed for appointment by the President State the names of the candidates who were appointed by the president State the date when the name/s of the nominee/s got referred to the committee 	
Body of the report	Consideration of the curriculum vitae of the nominee/s	
	Observations	
	Recommendations	
Appendixes	Minutes	
	Papers laid	

3. INSPECTION TOURS REPORT

SECTION	CONTENTS	REMARKS
Cover Page	Republic of Kenya/The Coat of Arms/ Senate	
 Parliament – Session....	
	Name of the committee	
	Title of the report	
	Origin of the report(Which House)/ Month and year of authoring the report	
Table of Contents		
Preface	Mandate of the committee	
	Ministries that the committee oversees (In case of standing committees)	
	Membership of the committee	
Executive Summary	Reasons and objectives for the inspection	
	The members of the committee who undertook the inspection tour	
	Places visited/inspected	
	Number of sittings that the committee held and with whom	

SECTION	CONTENTS	REMARKS
	Findings	
	Observations	
	Recommendations	
	Acknowledgments	
	Signature/Name of the chairperson/ Name of committee and Date	
Body of the report	Introduction	
	Sub-topics on the matter under consideration	
	Evidence	
	Include names of witnesses who appeared before the committee in order in which they appeared and their submissions	
	Findings	
	Observations	
	Recommendations	
Appendixes	Minutes	
	Papers laid	

4. INQUIRY REPORT

A committee inquiry can be initiated by the committee itself, or be referred to the committee by the Senate.

SECTION	CONTENTS	REMARKS
Cover Page	Republic of Kenya/The Coat of Arms/ Senate	
 Parliament – Session....	
	Name of the committee	
	Title of the report	
	Origin of the report(Which House)/ Month and year of authoring the report	
Table of Contents		
Preface	Mandate of the committee	
	Ministries that the committee oversees	
	Membership of the committee	
Executive Summary	Information on how the enquiry came about	
	Number of sittings that the committee held and with whom	

SECTION	CONTENTS	REMARKS
	Findings	
	Observations	
	Recommendations	
	Acknowledgments	
	Signature/Name of the chairperson/ Name of committee and date	
Body of the report	Introduction Sub-topics on the matter under consideration	
	Evidence Include names of witnesses who appeared before the committee in order in which they appeared and their submissions	
	Findings	
	Observations	
	Recommendations	
Appendixes	Minutes	
	Papers laid	

5. **BILLS REPORT**

A bill is a legislative proposal that is usually presented to the House by way of First Reading. All bills in the Senate stand committed to the relevant standing committee, a select committee or such a committee as the Speaker may determine. The committee is required to facilitate public participation and thereafter, having taken into account the views and recommendations of the public present its report on the Bill within thirty (30) calendar days.

SECTION	CONTENTS	REMARKS
Cover Page	Republic of Kenya/The Coat of Arms/ Senate	
 Parliament – Session....	
	Name of the committee	
	Title of the report	
	Origin of the report(Which House)	
	Month and year of authoring the report	
Table of Contents		
Preface	Mandate of the committee	
	Ministries that the committee oversees	
	Membership of the committee	

SECTION	CONTENTS	REMARKS
Executive Summary	Information on when the bill was read a first time	
	Number of sittings that the committee held and with whom	
	Summary of the amendments	
	Signature/Name of the chairperson/ Name of committee and date	
Body of the report	Introduction Sub-topics on the matter under consideration	
	Evidence Include who appeared before the committee and their submission in order in which they appeared	
	Recommendations Committee amendments/ proposals	
Appendixes	Minutes	
	Papers laid	

6. STUDY TOURS REPORT

SECTION	CONTENTS	REMARKS
Cover Page	Republic of Kenya/The Coat of Arms/ Senate	
 Parliament – Session....	
	Name of the committee	
	Title of the report	
	Origin of the report(Which House)/ Month and year of authoring the report	
Table of Contents		
Preface	Mandate of the committee	
	Ministries that the committee oversees (In case of departmental committees)	
	Membership of the committee	
Executive Summary	Reasons and objectives for the study tour	
	Places visited/inspected	
	The members of the committee who undertook the study tour	
	Number of sittings that the committee held and with whom	
	Findings	
	Observations	

SECTION	CONTENTS	REMARKS
	Recommendations	
	Acknowledgments	
	Signature/Name of the chairperson/ Name of committee and date	
Body of the report	Introduction	
	Sub topics on the matter under consideration	
	Evidence	
	Include names of places visited, and submissions made and by whom	
	Findings	
	Observations	
	Recommendations	
Appendixes	Minutes	
	Papers laid	

7. ANNUAL ESTIMATES REPORT

SECTION	CONTENTS	REMARKS
Cover Page	Republic of Kenya/The Coat of Arms/ Senate	
 Parliament – Session....	
	Name of the committee	
	Title of the report	
	Votes considered in the report	
	Origin of the report (Which House)/ Month and year of authoring the report	
Table of Contents		
Preface	Mandate of the committee – State the Standing Order that mandates the committee	
	Committee areas of coverage e.g. ministries, departments, counties	
	Membership of the committee	
Executive Summary	Number of sittings that the committee held and with whom	
	Policy and budget documents that the committee considered	
	Areas of concern	

SECTION	CONTENTS	REMARKS
	State whether the committee agrees to the withdrawal of the monies from the Consolidated Fund for use by the Ministry	
	Recommendations	
	Acknowledgments	
	Signature/Name of the chairperson/ Name of committee and Date	
Body of the report	Introduction Sub-topics on the matter under consideration	
	Notes on various votes and recommendations for every vote	
Appendixes	Minutes	
	Papers laid	

8. QUARTERLY/ ANNUAL/BI-ANNUAL AND SESSIONAL REPORT

SECTION	CONTENTS	REMARKS
Cover Page	Republic of Kenya/The Coat of Arms/ Senate	
 Parliament – Session....	
	Name of the committee	
	Title of the report	
	Origin of the report(Which House)/ Month and year of authoring the report	
Table of Contents		
Preface	Mandate of the committee	
	Ministries that the Committee oversees (In case of departmental committees)	
	Membership of the committee	
Executive Summary	Cite the S.O that requires that the reports be produced	
	Observations	
	Recommendations	
	Acknowledgments	
	Signature/Name of the chairperson/ Name of committee and Date	

SECTION	CONTENTS	REMARKS
Body of the report	State the agreed performance targets vis-à-vis the achievements	
	Findings	
	Observations	
	Recommendations	
Appendixes	Minutes	
	Papers laid	

Appendix 9 : SAMPLE TEMPLATE FOR COMMITTEE WORK PLAN/SCHEDULE OF ACTIVITIES

COMMITTEE ON -(e.g.) LABOUR & SOCIAL WELFARE

SAMPLE ANNUAL WORK PLAN APRIL 2016 – DECEMBER 2016

Output	Performance Indicator	Activities	Responsibility	Time Frame				Sources of resources
				Q1	Q2	Q3	Q4	
Policies Reviewed	Number of existing policies reviewed	REVIEW THE EXISTING RELEVANT POLICIES AS FOLLOWS;						GoK/ Senate
		1. Affirmative Action Policy						
		a) Identify gaps	Committee					
		b) Engage key stakeholders	Committee					
		c) Propose Amendments	Committee					
		2. Sessional Paper on Social Protection						
		a) Identify gaps	Committee					
		b) Engage key stakeholders	Committee					
		c) Propose Amendments	Committee					
		3. The Employment Policy						
		a) Identify gaps	Committee					
		b) Engage key stakeholders	Committee					
		c) Propose Amendments	Committee					
		4. The National Children Policy						
		a) Identify gaps	Committee					
		b) Engage stakeholders	Committee					

Output	Performance Indicator	Activities	Responsibility	Time Frame				Sources of resources
				Q1	Q2	Q3	Q4	
		c) Propose Amendments	Committee					
		5. The National Sports Policy						
		a) Identify gaps	Committee					
		b) Engage key stakeholders	Committee					
		c) Propose Amendments	Committee					
		6. National Protection Policy						
		a) Identify gaps	Committee					
		b) Engage key stakeholders	Committee					
		c) Propose Amendments	Committee					
		7. The Foreign Employment Policy						
		a) Identify gaps	Committee					
		b) Engage key stakeholders	Committee					
		c) Propose Amendments	Committee					
		8. National Policy for Youth						
		a) Identify gaps	Committee					
		b) Engage key stakeholders	Committee					
		c) Propose Amendments	Committee					
		9. Polytechnic and Vocational Training						
		a) Identify gaps	Committee					
		b) Engage stakeholders	Committee					
		c) Propose Amendments	Committee					

Output	Performance Indicator	Activities	Responsibility	Time Frame				Sources of resources
				Q1	Q2	Q3	Q4	
Existing relevant laws and regulations reviewed	Number of existing laws and regulations reviewed	REVIEW THE EXISTING RELEVANT LAWS AND REGULATIONS						Senate
		1. Employment Act						
		a) Identify gaps in the existing laws and regulations	Committee					
		b) Engage key stakeholders to prepare necessary amendments	Committee					
		c) Propose amendments to Parliament for enactment	Committee					
		2. Labour Relations Act						
		a) Identify gaps in the existing laws and regulations	Committee					
		b) Engage key stakeholders to prepare necessary amendments	Committee					
		c) Propose amendments to Parliament for enactment	Committee					
		3. Labour Institutions Act						
		a) Identify gaps in the existing laws and regulations	Committee					
		b) Engage key stakeholders to prepare necessary amendments	Committee					
		c) Propose amendments to Parliament for enactment	Committee					
		4. Work Injury Benefits						

Output	Performance Indicator	Activities	Responsibility	Time Frame				Sources of resources
				Q1	Q2	Q3	Q4	
		a) Identify gaps in the existing laws and regulations	Committee					
		b) Engage key stakeholders to prepare necessary amendments	Committee					
		c) Propose amendments to Parliament for enactment	Committee					
		5. Occupational Health and Safety Act						
		a) Identify gaps in the existing laws and regulations	Committee					
		b) Engage key stakeholders to prepare necessary amendments	Committee					
		c) Propose amendments to Parliament for enactment	Committee					
		6. National Youth Service Act						
		a) Identify gaps in the existing laws and regulations	Committee					
		b) Engage key stakeholders to prepare necessary amendments	Committee					
		c) Propose amendments to Parliament for enactment	Committee					
		7. Children's Act						
		a) Identify gaps in the existing laws and regulations	Committee					

Output	Performance Indicator	Activities	Responsibility	Time Frame				Sources of resources
				Q1	Q2	Q3	Q4	
		b) Engage key stakeholders to prepare necessary amendments	Committee					
		c) Propose amendments to Parliament for enactment	Committee					
		8. National Library Services Act						
		a) Identify gaps in the existing laws and regulations	Committee					
		b) Engage key stakeholders to prepare necessary amendments	Committee					
		c) Propose amendments to Parliament for enactment	Committee					
		9. Kenya Cultural Centre Act						
		a) Identify gaps in the existing laws and regulations	Committee					
		b) Engage key stakeholders to prepare necessary amendments	Committee chairperson					
		c) Propose amendments to Parliament for enactment	Committee chairperson					
		PENDING BILLS						
		a) Medium Small Enterprise Bill						
		b) Family Protection Bill						
		c) Marriage Bill						
		d) Matrimonial Property Bill						

Output	Performance Indicator	Activities	Responsibility	Time Frame				Sources of resources
				Q1	Q2	Q3	Q4	
Improved budget allocation for sector institutions	Proportioned increase in budget allocation for sector institutions	PARTICIPATE IN BUDGET ANALYSIS						Senate
		Participate in pre-budget analysis (Budget Policy Statement)	Committee					
		Participate in post-budget analysis for 2016/17	Committee					
Local visits	Number of local visits conducted	IDENTIFY RELEVANT LOCAL TOURS AND CONDUCT THE INSPECTION TOURS AND COUNTY VISITS						Senate
		a) IDP Camps in Naivasha and Molo	Committee					
		b) Inspection tour to Wajir and Mandera counties	Committee					
		c) Inspection tour to Mombasa and Kwale counties	Committee					
		d) Inspection tour to Western Province	Committee					
		e) Other inspection tours	Committee					
Foreign study tours carried out	Number of foreign study tours carried out	IDENTIFY COUNTRIES TO BE VISITED AND CARRY OUT THE VISITS						Senate
		Trip 1: Tanzania	Committee					
		Trip 2: India	Committee					
Internal workshops organized	Number of internal workshops organized	Plan and participate in the workshop	Committee					
Ministries monitored	Number of Ministries monitored	IDENTIFY THE MOST CRITICAL MINISTRIES TO THE COMMITTEE'S WORK						Senate

Output	Performance Indicator	Activities	Responsibility	Time Frame				Sources of resources
				Q1	Q2	Q3	Q4	
		1. Ministry of Devolution						
		a) Monitor the Ministry's operations and programmes and policies that affect counties	Committee					
		b) Document findings and recommendations to protect the interest of counties	Committee					
		c) Present report to the Senate	Committee					
		2. Ministry of Youth Affairs and Sports						
		a) Monitor the Ministry's operations and programmes	Committee					
		b) Document findings and recommendations	Committee					
		c) Present report to Senate	Committee					
		3. Ministry of Labour						
		a) Monitor the Ministry's operations and programmes	Committee					
		b) Document findings and recommendations	Committee					
		c) Present report to Senate	Committee					

Appendix 10: SAMPLE TEMPLATE FOR ANNUAL COMMITTEE BUDGET

Activity/ Programme	Sub-activity	Key Output	Key Performance Indicator	Outcome	Target	Timeline	Estimated Budget [Break down in Broad areas for clarity]	Remarks
Planning Thematic Workshop for the committee	In the representative function of the Senate, the Sessional Committee on Devolved Government intends to meet with all chairpersons of the county assembly committees. This will act as a platform to interrogate the implementation of devolved functions as per schedule Four of the Constitution of Kenya. The expectation is that the committee	Committee work plan and report are expected at the end of the Workshop. An expected key output would be to improve the process of scrutiny and making of laws and guide legislations to fill the gaps that have affected the implementation of the devolved functions.	Committee annual work plan	Well informed legislators and orderly conduct of Business in the committees. Improved management of committee Business.	24	Feb-18	3,541,500	21 Pax, 3 Nights Out, 47 Counties, 5 Internal Resource Persons, 2 External Resource Persons doing 2 sessions each and 2 Rapporteurs

Activity/ Programme	Sub-activity	Key Output	Key Performance Indicator	Outcome	Target	Timeline	Estimated Budget [Break down in Broad areas for clarity]	Remarks
	holds a Workshop to review the state of devolution in accordance with its mandate. The chairpersons are and the committee Clerk is expected to attend the workshop.							
	Identification and procurement of the venue (Mombasa)	Venue identified and commencing of procurement	Venue procured	Venue procured and retreat held	368	Feb-18	1,080,000	
	Procurement of Conference Facility	Venue identified and commencing of procurement	Venue procured	Venue procured and retreat held	368	Feb-18	744,000	
	Procurement of transport to and from the venue	Means of transport identified	Air tickets and ground transport procured	Participants attend the retreat	368 Pax	Feb-18	780,000	
	Payment of allowances to senators (Quarter Per diem and Sitting Allowances)	Allowances paid	Allowances paid	Facilitation of senators	361 Pax	Feb-18	331,500	

Activity/ Programme	Sub-activity	Key Output	Key Performance Indicator	Outcome	Target	Timeline	Estimated Budget[Break down in Broad areas for clarity]	Remarks
	Payment of allowances for staff	Allowances paid	Allowances paid	Facilitation of staff	171 Officers	Feb-18	126,000	
	Identification of resource persons	Resource persons identified	Presentations made by resource persons	Presentations made by resource persons	7	Feb-18	480,000	
Induction of newly elected chairpersons, vice chairpersons, members of staff of each of the committees	Training/ Capacity / skills building	Strengthen the capacity for senators to execute their constitutional mandate leading to skilled and well informed legislators and work force. Inducting the committee members on procedures and management of the committee, as provided by the Constitution, Statutes, Standing Orders, traditions, precedents and	Induction reports, Programme and list of attendants, List of resource persons	Improvement in the leadership and management of the committee; Expert management of inter-governmental relations and devolution functions.	40	Nov-18	3,734,500	19 Pax , 4 Nights Out, 47 Counties, 15 Internal Resource Persons, doing 2 sessions each and 2 Rapporteurs

Activity/ Programme	Sub-activity	Key Output	Key Performance Indicator	Outcome	Target	Timeline	Estimated Budget [Break down in Broad areas for clarity]	Remarks
		practices so as to make them more effective in their decision-making.						
	Identification and procurement of the venue (Mombasa)	Venue identified and commencing of procurement	Venue procured	Venue procured and retreat held	646 Pax	Nov-18	1,632,000	
	Procurement of conference facility	Venue identified and commencing of procurement	Venue procured	Venue procured and retreat held	376 Pax	Nov-18	306,000	
	Identification of resource persons	Facilitators identified	Presentations made by resource persons	Presentations made by Resource persons	30	Nov-18	150,000	
	Procurement of transport to and from the venue	Means of transport identified	Air tickets and ground transport procured	Participants attend the retreat	250 participants	Nov-18	884,000	
	Payment of allowances for senators	Allowances paid	Allowances paid	Facilitation of staff	68 Senators	Nov-18	474,500	
	Payment of allowances for staff	Allowances paid	Allowances paid	Facilitation of staff	152 officers	Nov-18	288,000	

Activity/ Programme	Sub-activity	Key Output	Key Performance Indicator	Outcome	Target	Timeline	Estimated Budget[Break down in Broad areas for clarity]	Remarks
County Visits	County visits are essential in the oversight process that ensures effective scrutiny and oversight of the Budgets and its appropriations as per the Strategic Plan. This would also strengthen intergovernmental relations between the two levels of Government.	Accountability and ensuring that there is adherence to the principles of public finance as outlined in the Constitution and to assess the status of devolution across the county	reports on status of devolution by independent / constitutional officers and petitions handled by the committees	Accountability and good governance whereby there is equitable distribution, efficient utilization and transparency in allocation of public resources as well as proper uptake of devolved functions	16	Dec-18	11,101,500	3days and 6 county visits which may involve travel by air (5 Prados)
	Identification and procurement of the venue (Any county)	Venue identified and commencing of procurement	Venue procured	Venue procured and retreat held	1	Dec-18	5,130,000	
	Procurement of transport to and from the venue	Means of transport identified	Air tickets and ground transport procured	Participants attend the retreat	19	Dec-18	3,675,000	
	Payment of allowances for senators and staff	Allowances paid	Allowances paid	Facilitation of staff	7 officers	Dec-18	2,296,500	

Activity/ Programme	Sub-activity	Key Output	Key Performance Indicator	Outcome	Target	Timeline	Estimated Budget [Break down in Broad areas for clarity]	Remarks
Planning and organizing public hearings on legislative business	Hire of experts. e.g. Sign Language interpreters, and other specialists/ Allowances. The committee is expected to carry out Public Hearings as per the objectives as outlined in the Strategic plan. This is to build a peoples' Parliament that allows for the involvement of the public through promotion of transparency and democracy.	Reports on a bill/ policy. As per the strategic Plan objectives is that the expected output is to have a general improved public image of Parliament.	Number of hearings, attendance and their locations	10 Public Hearings	Ethical Laws /Reports sensitive to the needs of PWD's	Dec-18	1,810,000	48 Public Hearings
	Identification of expert persons	Expert persons identified	Sign Language Interpretation done by expert persons	Presentations made by resource persons	10	Dec-18	250,000	

Activity/ Programme	Sub-activity	Key Output	Key Performance Indicator	Outcome	Target	Timeline	Estimated Budget[Break down in Broad areas for clarity]	Remarks
	Payment of sitting allowances for senators	Allowances paid	Allowances paid	Facilitation of staff	16 Senators	Dec-18	1,560,000	
Hospitality	Committees' sittings. Services are being offered to stakeholders including ministries, departments and agencies, county governments and the general public such as petitioners	No. of persons served	Quorum/ attendance register	Well thought out bills/ policies from focused, refreshed and motivated senators	12 Members	Nov-17	9,625,000	Given 19 Committees, 50 Weeks, 4 Sittings in a week at 2500/= per day, 1 Directorate Meeting in a Week
	Weekly sitting schedules and the agenda before the committee or House resolution	Consideration of Legislative and inter-governmental matters of concern to counties and the devolution process	attendance and categories of legislative and Inter-governmental matters transacted	Strengthen relationships between the two levels of Governments	4,200 Sittings per annum	Nov-17	19,500,000	50 Weeks, 4 Sittings in a week at 97,500/= per Sitting
Facilitating senators to undertake their constitutional mandate of legislation, oversight and representation	Payment of Sitting allowances for senators	Allowances paid	Allowances paid	Facilitation of staff	16 Senators	Nov-18	19,500,000	

Activity/ Programme	Sub-activity	Key Output	Key Performance Indicator	Outcome	Target	Timeline	Estimated Budget [Break down in Broad areas for clarity]	Remarks
	Processing and consideration of impeachments	Impeachment processed and concluded	Number of Impeachments processed and concluded	Effective oversight	2	Jun-18	-	
	Marshalling and processing of bills in the committees	Bills marshalled, processed and Tabled	Number of bills marshalled, processed and Tabled	Good governance	25	Nov-17	-	
	Drafting, marshalling and processing of petitions in the committees	Petitions processed and concluded	Number of petitions processed and concluded	Effective oversight and representation	30	Nov-17	-	
	Marshalling and processing of response to statements in the House	Statements processed and concluded	Number of Statements marshalled, processed and concluded	Effective oversight and representation	120	Nov-17	-	

Activity/ Programme	Sub-activity	Key Output	Key Performance Indicator	Outcome	Target	Timeline	Estimated Budget[Break down in Broad areas for clarity]	Remarks
Facilitating the participation of the committee in Inter-Parliamentary Affairs and Thematic Travels	Organize /plan visits, conferences & seminars for the committee. This is based on invitations from the host for training, seminar or a study visit with the approval of the Speaker. Examples of Annual Conferences expected in the committees are W.T.O./IPU Annual Public Forum	A key output would be a report on the activity, representation/ delegation	Reports tabled and Agreements arrived at during the seminars and possibly certificates where trainings were involved.	Critical analysis of policies and practices for improved legislative outputs. There will also be enhanced international cooperation/ understanding towards projecting, promoting and protecting Kenyan interests abroad through parliamentary diplomacy. Another key outcome would be enhanced legislative skills/ knowledge about oversight, representation and legislative making in a committee.	40	apr-18	20,500,000	An average of 12 members and 4 Secretariat divided into two visits for 7 days

Activity/ Programme	Sub-activity	Key Output	Key Performance Indicator	Outcome	Target	Timeline	Estimated Budget [Break down in Broad areas for clarity]	Remarks
	Invitation received from host country	Meetings facilitated and visas secured	Report	Effective representation and participation of Parliament in parliamentary diplomacy	16 Pax	Feb-18	160,000	
	Procurement of transport to and from the venue	Means of transport identified	Air tickets and ground transport procured	Participants attend the retreat	368 Pax	Feb-18	11,100,000	
	Payment of per diem for senators	Allowances paid	Allowances paid	Facilitation of senators	361 Pax	Feb-18	7,560,000	
	Payment of Per diem for staff	Allowances paid	Allowances paid	Facilitation of staff	Officer	Feb-18	1,680,000	
Acquire necessary tools of work for effective service delivery	Procurement of working materials	Materials procured	Actual materials procured	Effective facilitation of committees		Jul-17	150,000	
	Procurement of adequate copies of the Constitution, Standing Orders, county governance laws	Documents procured	Actual documents procured	Effective facilitation of committees	20 copies of each	Jul-17	150,000	
TOTAL ESTIMATE							69,962,500	

Appendix 11: GUIDELINES ON FOREIGN TRAVEL BY SENATE COMMITTEES

1. Adherence to Standing Orders of the Senate

Each committee seeking to travel must abide by the requirements of the template for requesting to sit outside Parliament. Among others, the committee must establish if funds are available for the travel and also ensure that all legislative business (i.e. petition, bills, statements, and reports) placed by the House before it has been addressed effectively and exhaustively before date of travel.

2. Work plans and Budget estimates

Each committee should prepare work plans and budget estimates incorporating committee travel schedules for consideration by the Liaison Committee at commencement of each session or financial year in order to ensure harmony and ease of budgetary allocation.

3. Correspondence

All correspondence for foreign travel should be routed through the Ministry of Foreign Affairs and International Trade and not through foreign missions domiciled in Kenya. Such notice of intention to travel should be sent out at least two months before the date of travel.

4. Purpose of visits

Visits must always be related to an inquiry within the committee's mandate or order of reference with which it is currently concerned and on which the committee intends to make a report. In general, a visit should not be made at the beginning of an inquiry but only after preliminary work has been done.

Before proposing an overseas visit, committees should always consider whether the information they seek could be obtained by written evidence, by oral evidence given in this country by witnesses from overseas or by video-conferencing.

If one or two committees have interest in a certain destination, this needs to be harmonized and coordinated to prevent host fatigue. Senate employees serving respective committees are advised to make informal contacts with counterparts in the National Assembly for synchronized travel plans.

5. Frequency of visits

No Senate committee should normally initiate and make more than two visits in any one financial year. Exception to this may be accorded to the Standing Committee on Defence, National Security and Foreign Relations, subject to availability of funds.

Committee-initiated foreign travel will only be taken as far as practicable during recess periods i.e. in April, August and December, with exception being consideration for travel upon official invitation, funds allowing.

6. Delegation or Numbers

It is recognized that the appropriate number of senators who should take part in a visit depends on the nature and purpose of each visit, but the advantages of sending smaller groups to collect information which can be reported back to the full committee should be considered. It is recommended that discussions are better conducted by between three to five senators, at most.

7. Staff numbers

The Clerk of the committee may be accompanied by other staff with well-defined roles and responsibilities set out.

8. Duration of Foreign Travel

Where travel is planned to any Parliament abroad, this should not take more than six days (including travel time) wherein official engagements in host Parliaments should not exceed three working days.

9. Medical insurance cover

Officers should also ensure that members and staff travelling abroad have the requisite medical certificates as necessary.

10. Pre-departure briefs

Committees should get and be briefed before departure by relevant officers of the Senate and Ministry of Foreign Affairs to enable members familiarize themselves with the requisite protocol and etiquette briefs of host countries' needs and expectations.

11. Quorum

A quorum of the committee must normally be present throughout the visit although separate visits by inquorate (i.e. lacking in quorum) groups of members in the course of a single visit are permissible and may in some circumstances be advisable.

12. Attendance throughout the visit

The approval of a visit by the chairperson of the Liaison Committee is on the understanding that, except in cases of emergency, all members taking part in that visit will remain with the committee for the whole period of its work.

13. Partners of Members

The approval by the Liaison Committee of a visit is on the understanding that no partners of members will take part in that visit or attend any official meetings or social functions at which the members of the committee are present during the visit.

14. Gifts and Memorabilia

The office of the Clerk will organize to have relevant gifts and memorabilia ready for each delegation. In accordance with the *Public Officer Ethics Act* official gifts exceeding Kenya Shilling Ten Thousand (Ksh10,000) should be declared, and should be presented to the Clerk's office for custody and registration upon return.

15. Accommodation, subsistence, et cetera

All accommodation and travel costs should normally be borne by committee members' travel allowances (per diems) allocated and not by their hosts. Where requests have been made to Kenyan missions or hosts to make bookings for accommodation and transport, delegations should normally honor such bookings.

Committees should not normally accept any funding for travel from any interested private parties. Committees should not put themselves in a position of relying on, or appearing to incur debts of gratitude from interested parties whether in Kenya or abroad.

16. Reciprocal Visits by host Parliaments to the Senate

After the conclusion of a benchmarking visit by a committee or a Senate delegation to another jurisdiction, the committee or Senate delegation to extend an invitation for a reciprocal visit to Kenya for the hosts.

17. Appreciation Letter

Every foreign visit must be followed by an appreciation letter addressed to the Clerk/Secretary General of the host Parliament.

18. Report on the Committee Visit

The Secretariat will draft a report of each visit by a Senate committee and shall present it to the committee for consideration within two weeks after the travel. It will then be adopted by the committee then tabled in the Senate.

Appendix 12: RULES OF PROCEDURE WHEN CONSIDERING THE PROPOSED REMOVAL OF A GOVERNOR BY WAY OF A SELECT COMMITTEE

- i) Upon the convening of a meeting of the Senate to hear the charges against the governor, pursuant to Article 181 of the Constitution, section 33 of the *County Governments Act* (No. 17 of 2012), and Senate Standing Orders, the Speaker shall report the resolution of the county assembly to the Senate.
 - ii) The Senate may, pursuant to section 33(3)(b) of the *County Governments Act* and Standing Order 65(1)(b), by resolution, appoint a special committee to-
 - a) investigate the matter; and
 - b) report to the Senate within ten days on whether it finds the particulars of the allegations against the governor to have been substantiated.
 - iii) Where a special committee is appointed, the committee shall, within twenty-four hours of its appointment-
 - a) elect a chairperson and vice-chairperson from amongst its members;
 - b) appoint a date for the commencement of the hearing of evidence for the purposes of the investigation.
 - iv) Upon the appointment of a date for the commencement of the hearing of the evidence for the purposes of the investigation, the committee shall-
 - a) invite the governor to appear and be represented before the special committee during its investigations; and
 - b) notify the concerned county assembly of the date for the commencement of the investigation and invite the assembly to designate the members of the assembly, being not more than three, if any, who shall appear before the committee to represent the assembly during the investigation.
 - v) An invitation under Rule 5 may be effected by personal service or by notice in at least one newspaper of national circulation.
 - vi) Where the governor chooses to appear before the committee, the governor shall be required, within three days of the invitation under Rule 5, on a date specified by the committee, to file an answer to the charges with the Office of the Clerk of the Senate in which the governor shall set out-
 - a) the governor's response to the particulars of the allegations;
 - b) how the governor proposes to appear before the special committee; whether in person, by advocate, or both in person and by advocate;
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- c) the names and addresses of the persons to be called as witnesses, if any, and a statement by each such witness; and
 - d) any other evidence to be relied on.
 - vii) Where the county assembly chooses to appear before the committee, the Assembly shall be required, within three days of the invitation under Rule 5, on a date to be specified by the committee to file, with the office of the Clerk of the Senate, documentation-
 - a) designating the members, if any, who shall attend and represent the Assembly in the proceedings before the Special Committee;
 - b) indicating the mode of appearance by the members before the special committee; whether in person, by advocate, or both in person and by advocate;
 - c) indicating the names and addresses of the persons to be called as witnesses, if any, and a statement by each such witness; and
 - d) specifying any other evidence to be relied on.
 - viii) The Clerk of the Senate shall furnish each party with the documentation filed by the other party under Rule 7 or 8.
 - ix) The committee may, at the request of the county assembly or the governor, invite or summon any person to appear and give evidence before the committee.
 - x) Where the county assembly or the governor chooses not to appear before the committee, that fact shall be recorded by the committee and the committee shall proceed with its investigation without further reference to the Assembly or the governor, but the committee may, for exceptional reasons to be recorded, permit a later appearance before the committee by the Assembly or the governor.
 - xi) The hearing of the evidence, once it commences, shall proceed and continue on until the committee concludes the hearing of the matter.
 - xii) The committee shall, before the commencement of the hearing of the evidence, allocate time for the hearing of the case by the governor and the case by the county assembly.
 - xiii) Any preliminary question or issue raised by the county assembly or by the governor shall be argued for not more than thirty minutes, unless the committee otherwise directs.
 - xiv) The Clerk shall administer the Oath or Affirmation, in the manner and form prescribed in the Schedule, to every person who appears to give evidence before the committee before such person gives such evidence.
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- xv) At the commencement of the hearing before the committee, the Clerk shall read out the Particulars of the Allegations.
 - xvi) After the Particulars of the Allegations have been read out, the committee shall allow an opening statement to be made on behalf of the county assembly and on behalf of the governor.
 - xvii) An opening statement made under Rule 17 shall be for not more than forty minutes, unless the committee otherwise resolves.
 - xviii) After the opening statements have been made, the witnesses on the part of the county assembly, if any, shall present the evidence of the assembly.
 - xix) In presenting its evidence, the Assembly shall not introduce any new evidence that was not a part of the allegations against the governor by the county assembly as forwarded by the Speaker of the county assembly to the Speaker of the Senate.
 - xx) After all the witnesses on the part of the county assembly have presented their evidence, the witnesses on the part of the governor shall present their evidence.
 - xxi) Each of the witnesses shall be led in evidence, cross-examined and, where necessary and only for purposes of clarification of issues that may have arisen in cross-examination, a witness may be re-examined.
 - xxii) A member of the committee may put a question to any of the witnesses before the committee.
 - xxiii) No person, other than-
 - a) the governor;
 - b) a person who has been called as a witness by the county assembly or by the governor; and
 - c) a person who is invited or summoned by the committee to appear and give evidence shall give evidence before the committee.
 - xxiv) After all the witnesses have given their evidence, the committee shall allow a closing statement to be made on behalf of the county assembly and thereafter on behalf of the governor.
 - xxv) A closing statement made under Rule 21 shall be for not more than thirty minutes, unless the committee otherwise resolves.
 - xxvi) After the closing statements have been made, the hearing shall conclude and the committee shall then proceed to prepare and conclude its report.
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- xxvii) Pursuant to section 33(4)(b) of the *County Governments Act* and Senate Standing Order 65(2)(b), the committee shall within ten days table its report in the Senate in which it shall indicate whether it finds the particulars of the allegations against the governor to have been substantiated.
 - xxviii) The proceedings of the committee for the hearing of evidence shall be held in public, but the deliberations of the committee shall be held *in camera*.
 - xxix) The quorum for the proceedings of the committee shall be seven of its members.
 - xxx) Except as otherwise provided in these Rules, the Standing Orders shall apply.
 - xxxi) Where on a particular question or matter, including but not limited to questions of evidence, materiality, relevancy, competency or admissibility of evidence and any questions consequential or incidental thereto, no provision has been made in the Standing Orders or in these rules, the chairperson of the committee shall rule on the question or matter and the ruling of the chairperson shall be final.
 - xxxii) These Rules shall, with necessary modifications, apply to the process for the removal of any other State or public officer in respect of whom the Senate has jurisdiction.
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