



REPUBLIC OF KENYA



PARLIAMENT

The National Assembly



**STANDING ORDERS**

(5<sup>th</sup> Edition)

As adopted by the National Assembly on 9<sup>th</sup> January, 2013 during the Fourth Session of the Tenth Parliament and amended on 15<sup>th</sup> June, 2017 during the Fifth Session of the Eleventh Parliament, 23<sup>rd</sup> August, 2018 during the Second Session of the Twelfth Parliament and 6<sup>th</sup> May, 2020 during the Fourth Session of the 12<sup>th</sup> Parliament.

PRINTED BY THE GOVERNMENT PRINTER, NAIROBI







The National Assembly

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# **STANDING ORDERS**

(5<sup>th</sup> Edition)









## **THE NATIONAL ASSEMBLY STANDING ORDERS**

*In Exercise of the powers conferred by Article 124 of the Constitution of the Republic of Kenya, the National Assembly, by resolution passed on 9<sup>th</sup> January, 2013, adopted these Standing Orders and the Houses of Parliament (Joint Sittings) Rules.*

## AMENDMENTS

*The 4<sup>th</sup> Edition of the Standing Orders incorporates amendments made by the National Assembly on the following dates-*

- (a) 25<sup>th</sup> April, 2013,
- (b) 6<sup>th</sup> May, 2013,
- (c) 4<sup>th</sup> December, 2013,
- (d) 11<sup>th</sup> June, 2014,
- (e) 28<sup>th</sup> August, 2014,
- (f) 15<sup>th</sup> June, 2017,
- (g) 7<sup>th</sup> December 2017,
- (h) 23<sup>rd</sup> August 2018, and
- (i) 6<sup>th</sup> May, 2020.

## TABLE OF CONTENTS

<b>PART I—INTRODUCTORY .....</b>	<b>1</b>
1. In cases not provided for, the Speaker to decide.....	1
2. Interpretation .....	1
2A. The Mace .....	6
<b>PART II—SWEARING-IN OF MEMBERS AND ELECTION OF SPEAKER.....</b>	<b>7</b>
3. Proceedings on assembly of a new House	7
4. Vacancy in the Office of Speaker .....	9
5. Nomination of candidates .....	9
6. Secret ballot .....	11
7. Election threshold .....	13
8. Withdrawal of candidate .....	13
9. Equality of votes .....	13
10. Custody of ballot papers .....	14
11. Single duly nominated candidate .....	14
12. Swearing-in of the Speaker .....	14
<b>PART IIA—VACATION OF OFFICE OF SPEAKER AND DEPUTY SPEAKER .....</b>	<b>14</b>
12A. Resignation .....	14
12B. Removal from Office .....	14

<b>PART III—DEPUTY SPEAKER AND CHAIRPERSON OF COMMITTEES .....</b>	<b>18</b>
13. Election of Deputy Speaker .....	18
14. Notification of opening of Parliament	18
15. Chairperson of Committees of the whole House .....	19
16. Chairperson’s Panel .....	19
17. Discharge of a Member from Chairperson’s Panel .....	20
18. Presiding in the House .....	21
<b>PART IV—THE LEADER OF THE MAJORITY PARTY AND THE LEADER OF THE MINORITY PARTY .....</b>	<b>21</b>
19. Leader of the Majority Party and Deputy Leader of the Majority Party .....	21
20. Leader of the Minority Party and Deputy Leader of the Minority Party.....	23
<b>PART V—ADDRESS BY PRESIDENT, VISITING DIGNITARY OR OTHER PERSONS .....</b>	<b>24</b>
21. President’s address on opening of new Parliament .....	24
22. President’s address on special sittings	24
23. President entering or leaving the Chamber.....	25
24. President’s address to Parliament .....	25
25. Visiting dignitary .....	26

25A.	Designation of a place in the Chamber for Cabinet Secretaries and other persons	26
<b>PART VI—CALENDAR, SITTINGS AND ADJOURNMENTS OF THE HOUSE</b>	<b>.....</b>	<b>27</b>
26.	Location of the first sitting of a new House	27
27.	Regular Sessions of the House	27
28.	Calendar of the Assembly	28
29.	Special sittings of the House	28
30.	Hours of meeting	30
31.	Adjournment of the House	31
33.	Adjournment on definite matter of urgent national importance	32
<b>PART VII—QUORUM OF THE HOUSE</b>	<b>.....</b>	<b>33</b>
34.	Quorum at commencement of the House	33
35.	Quorum during the proceedings of the House	33
36.	Quorum during voting or division	34
37.	Decorum when quorum not present	35
<b>PART VIII—ORDER OF BUSINESS</b>	<b>.....</b>	<b>35</b>
38.	Order Paper to be prepared and circulated	35
39.	Weekly programmes of the business of the National Assembly	35
40.	Sequence of proceedings	36

<b>PART IX—MESSAGES .....</b>	<b>37</b>
41. Messages to and from the Senate .....	37
42. Messages from the President .....	38
<b>PART IXA—QUESTIONS .....</b>	<b>39</b>
42A. Notice of Question .....	39
42B. General rules on Questions .....	41
42C. Manner of disposing Questions in a Committee .....	43
42D. Questions for written reply .....	44
42E. Timeline for reply .....	44
42F. Report on Questions .....	45
<b>PART X—STATEMENTS .....</b>	<b>45</b>
43. Members' general statements .....	45
44. Statement Hour .....	46
<b>PART XI—APPROVAL OF PUBLIC APPOINTMENTS .....</b>	<b>47</b>
45. Committal to committees .....	47
<b>PART XII—MOTIONS .....</b>	<b>48</b>
46. Application .....	48
47. Notices of Motions .....	48
48. Amendment of Notice of Motion .....	50
49. Certain Motions not to be moved .....	51
50. Time for moving Motions .....	51
51. Motion withdrawn may be moved again	52

52.	Motions which may be moved without Notice.....	52
53.	Manner of debating Motions .....	53
54.	Amendments to Motions .....	54
55.	Amendments to be in writing.....	56
56.	Amendments to be relevant to Motion.	57
57.	Question proposed after Motion made.	57
58.	Motion in possession of the House .....	57
59.	Question as amended put .....	57
60.	When amendment proposed but not made .....	58
<b>PART XIII—SPECIAL MOTIONS .....</b>		<b>58</b>
61.	Definition of Special Motion .....	58
62.	Instances where the Constitution requires a fixed majority.....	60
<b>PART XIV—PROCEDURE FOR REMOVAL FROM STATE OFFICE.....</b>		<b>61</b>
63.	Procedure for removal of President on grounds of incapacity .....	61
64.	Procedure for removal of President by impeachment.....	63
65.	Procedure for removal of Deputy President .....	66
66.	Procedure for removal of Cabinet Secretary .....	67
67.	Right to be heard .....	69

68.	Priority of Motion .....	70
<b>PART XV—VOTING AND DIVISIONS .....</b>		<b>70</b>
69.	Voting in the House .....	70
70.	Electronic voting.....	71
71.	Technical failure, confusion or error occurring .....	72
72.	Roll call Division claimed.....	72
73.	Roll call voting .....	73
74.	In case of confusion or error.....	74
75.	Errors corrected.....	74
76.	Decorum during division .....	74
<b>PART XVI—RULES OF DEBATE .....</b>		<b>75</b>
77.	Proceedings to be in Kiswahili, English or Kenyan Sign Language .....	75
78.	Members to address the Speaker .....	75
79.	Two or more Members requesting to speak.....	76
80.	Speeches may not be read .....	76
81.	No Member to speak after Question put	76
82.	Speaking twice to a Question.....	76
82A.	Member who has spoken to question may speak to amendment.....	77
82B.	Debate on amendment confined to amendment .....	77
82C.	Reserving rights of speech .....	78



83.	Points of Order .....	78
84.	Personal Statements .....	79
85.	Anticipating debate .....	79
86.	Proceedings of Select Committees not to be referred to .....	80
87.	Contents of speeches .....	80
88.	Retraction and Apologies .....	81
89.	Matters sub judice or secret .....	82
90.	Declaration of interest.....	83
91.	Responsibility for statement of fact ...	83
95.	Closure of debate.....	84
95A.	Resumption of interrupted business....	85
96.	Adjournment of debate.....	86
<b>PART XVII—LIMITATION OF DEBATE .....</b>		<b>86</b>
97.	Limitation of debate .....	86
<b>PART XVIII—ORDER IN THE HOUSE AND IN COMMITTEE OF THE WHOLE HOUSE ..</b>		<b>87</b>
98.	Maintenance of order .....	87
99.	Security checks.....	87
100.	Firearms and other offensive weapons	88
101.	Lady Members’ handbags.....	88
102.	When the Speaker rises Members to be silent .....	88
103.	Members and the Chair .....	88
104.	Members to be seated .....	89

105.	Members to remain in their places until the Speaker has left the Chamber .....	89
106.	Irrelevance or repetition .....	89
107.	Disorderly conduct.....	90
107A.	Gross disorderly conduct.....	91
108.	Member may be suspended after being named .....	92
109.	Member suspended to withdraw from precincts of Parliament.....	93
110.	Duration of suspension of a Member ...	94
110A.	Effect of suspension .....	94
110B.	Appeal against suspension .....	95
111.	Action to be taken on refusal to withdraw .....	96
112.	Grave disorder in the Assembly .....	97
112A.	Definition of a day .....	97
<b>PART XIX—PUBLIC BILLS .....</b>		<b>97</b>
113.	Application and limitation .....	97
114.	Introduction of Bills .....	97
114A.	Speaker to exempt certain legislative proposals .....	101
115.	Printing of amending provisions.....	101
116.	Enacting formula.....	102
117.	Memorandum of Objects and Reasons	102
118.	Provisions on delegated powers.....	102

119.	Limitation of fundamental rights and freedom .....	103
120.	Publication .....	103
121.	Bills concerning county government .	104
122.	Procedure upon Publication .....	105
124.	Not more than one stage of a Bill to be taken at the same sitting.....	105
125.	Reading of Bills.....	106
126.	First Reading.....	106
127.	Committal of Bills to Committees and public participation .....	106
128.	Second Reading .....	108
129.	Second Reading of a Bill to amend the Constitution.....	108
130.	Committal of Bills to Committee of the whole House .....	109
131.	Referral of proposed amendments to Committees .....	109
132.	Sequence to be observed on a Bill in Committee .....	109
133.	Procedure in Committee of the whole House on a Bill .....	110
134.	Report of Progress .....	113
135.	Bill to be reported.....	114
136.	Procedure on Bills reported from Committee of the whole House.....	114

136A.	Recommittal Procedure .....	115
137.	Procedure on Bills reported from Select Committees .....	115
138.	Procedure upon the re-committal of a Bill .....	116
139.	Third Reading.....	117
140.	Withdrawal of Bills .....	117
141.	Lapse and Re-introduction of Bills....	118
142.	Concurrence of the other House .....	119
143.	Consideration of Bills originating from the Senate .....	119
144.	Procedure on Senate Bills after Third Reading in the House.....	121
145.	Senate amendments to Bills originating in the National Assembly .....	122
146.	Consideration of Senate amendments to Bills originating in the National Assembly .....	122
147.	Procedure on Senate Amendments to Bills originating in the National Assembly .	122
148.	Conclusion of Consideration of Senate Amendments to Bills originating in the National Assembly .....	123
149.	Mediation Committee .....	123
150.	Consideration of report of Mediation Committee .....	124

151.	Special Bill concerning a county government .....	126
152.	Custody of Bills.....	126
153.	Presentation of Bills for assent.....	127
154.	Referral of Bills by President .....	127
<b>PART XX—PRIVATE BILLS</b>	<b>.....</b>	<b>130</b>
156.	Application of public Bill procedure..	130
157.	Saving clause .....	130
158.	Private Bill affecting private rights...	131
159.	Petition for leave .....	131
160.	Security for cost of printing .....	132
161.	Bills authorizing construction works..	132
162.	First Reading.....	133
163.	Right of audience before Committee on opposed Bill .....	133
164.	How Bills may be opposed.....	134
165.	Printing expenses .....	134
<b>PART XXI—COMMITTEE OF THE WHOLE HOUSE</b>	<b>.....</b>	<b>134</b>
166.	Limits on consideration of matters by Committee .....	134
167.	Committee of the whole House may not adjourn .....	135
168.	Report .....	135
169.	No debate on Motion for Report .....	135

170.	General application of rules in Committee .....	136
<b>PART XXII—SELECT COMMITTEES .....</b>		<b>136</b>
171.	House Business Committee.....	136
172.	Committee on Selection .....	138
173.	Nomination of members of select committees .....	139
174.	Criteria for nomination .....	140
175.	Approval of nomination.....	141
176.	Discharge of a member from a committee .....	142
177.	Composition of select committees ...	142
178.	Chairing of select committees and quorum .....	143
179.	Conduct of election .....	144
180.	Duties of Committee Chairperson ....	146
181.	Notice of meetings .....	147
182.	Sittings of select committees.....	147
183.	Sub-committees of select committees	147
184.	Member adversely mentioned not to sit.....	148
185.	Adjournment for lack of quorum.....	148
186.	Frequency of meetings .....	148
187.	Failure to attend meetings.....	149
188.	Absence of chairperson and vice-chairperson .....	149

189.	List of attendance .....	150
190.	Minutes of select committees .....	150
191.	Powers and privileges of committees	150
191A.	Procedure if witness fails to appear .	153
192.	Temporary absence of a Member of a Select Committee.....	154
193.	Vote of no confidence in the Chairperson or Vice-Chairperson .....	154
194.	Original vote.....	155
195.	Attendance by non-members of select committee .....	156
196.	Procedure in select committees .....	157
197.	Limitation of mandate .....	158
198.	Public access to meetings of select committees .....	158
199.	Reports of Select Committees.....	158
200.	Progress reports.....	160
200A.	Exit Reports .....	160
201.	Reports on House Resolutions .....	160
202.	Joint sitting of committees of the Assembly .....	161
202A.	Approval of joint sittings with a Senate Committee .....	162
203.	Engagement of experts .....	162
204.	Committee on Appointments .....	162
205.	Public Accounts Committee.....	163

205A.	Special Fund Accounts Committee ...	164
206.	Public Investments Committee .....	165
207.	Budget and Appropriations Committee	167
208.	Procedure and House Rules Committee	168
209.	Committee on Implementation.....	169
210.	Committee on Delegated Legislation.	170
211.	Concurrence of Senate's Resolution on Statutory Instruments.....	174
212.	Committee on Regional Integration ..	176
212A.	Procedure for presentation of reports from the East African Legislative Assembly and the Pan-African Parliament .....	177
212B.	Committee on Members' Services and Facilities.....	178
212C.	Committee on National Cohesion and Equal Opportunity .....	179
212D.	Committee on Parliamentary Broadcasting and Library.....	180
213.	Appointment of Joint Committees....	181
216.	Appointment and mandate of Departmental Committees .....	182
217.	Liaison Committee.....	185
218.	Committee to be limited to mandate	186
<b>PART XXIII—PUBLIC PETITIONS .....</b>		<b>187</b>
219.	Meaning of Petition.....	187
220.	Submission of a Petition .....	187



221.	Petition on Private Bill.....	188
222.	Notice of intention to present Petition	188
223.	Form of Petition .....	189
224.	Time for Petitions .....	190
225.	Presentation of Petitions.....	191
226.	Comments on petitions .....	192
227.	Committal of Petitions.....	192
228.	Copies of responses .....	193
229.	Register of Petitions.....	193
<b>PART XXIII A—PETITION FOR REMOVAL OF A MEMBER OF A COMMISSION OR INDEPENDENT OFFICE .....</b>		
230.	Petitions for Removal of a member of a Commission or holder of an Independent Office. ....	193
<b>PART XXIV—FINANCIAL PROCEDURES.....</b>		
231.	Restrictions with regard to certain financial measures.....	196
232.	Presentation of Budget Policy Statement and the Debt Management Strategy..	197
233.	Consideration of Division of Revenue Bill.....	200
234.	Consideration of County Allocation of Revenue Bill .....	202

235.	Presentation of Budget Estimates and committal to Committees.....	202
236.	Committee of Supply.....	203
237.	Definition of day.....	204
239.	Moving into Committee of Supply.....	204
240.	Consideration of Estimates in the Committee of Supply.....	204
240A.	Consideration of Supply Resolutions.	208
240B.	Appropriation Bill and Equalization Fund Appropriation Bill.....	208
242.	Vote on Account.....	210
243.	Procedure on Supplementary Estimates.....	210
244A.	Approval of expenditure of more than ten percent.....	211
244B.	Supplementary Appropriation Bill....	212
244C.	Pronouncement of the Budget highlights and Revenue raising measures.....	213
245.	Consideration of Finance Bill.....	214
<b>PART</b>	<b>XXV—JOURNALS, RECORDS AND BROADCAST OF PROCEEDINGS.....</b>	<b>215</b>
246.	Journals of the House.....	215
247.	Custody of Journals and Records.....	215
248.	Hansard reports.....	216
249.	Secret or personal matters.....	216
250.	Broadcast of House Proceedings.....	217

<b>PART XXVII—PUBLIC ACCESS TO THE HOUSE AND ITS COMMITTEES .....</b>	<b>217</b>
252. General provisions on access to the House .....	217
253. Restriction of access to the Chamber	218
254. Exclusion from the House or committees .....	218
255. Press representatives infringing Standing Orders or the Speaker’s Rules .....	219
<b>PART XXVIII—GENERAL .....</b>	<b>219</b>
256. Exemption of business from Standing Orders.....	219
256A. Extension of period prescribed .....	220
256B. Summons by the House.....	221
257. Attendance before the Senate .....	223
257A. Permission for absence.....	223
258. Failure to attend sittings .....	224
259. Seating in the Chamber.....	226
259A. Recognition of a Parliamentary Caucus	226
260. Members travelling outside Kenya ....	227
261. Expenses of witnesses.....	228
<b>PART XXIX—AMENDMENT OF STANDING ORDERS .....</b>	<b>228</b>
262. Proposals for amendment by the Procedure and House Rules Committee .....	228

263.	Amendment on the initiative of a Member .....	228
264.	Periodic review of Standing Orders...	229
265.	Consideration of reports of Procedure and House Rules Committee .....	230
<b>PART XXIXA— CONDUCT OF PROCEEDINGS IN EXCEPTIONAL CIRCUMSTANCES .....</b>		<b>230</b>
265A.	Application.....	230
265B.	Alternative sitting arrangements .....	231
265C.	Other arrangements .....	232
265D.	Use of technology.....	234
<b>PART XXX—TRANSITIONAL PROVISIONS ....</b>		<b>235</b>
266.	National Assembly’s Resolution on Standing Orders .....	235
267.	Revocation of previous Standing Orders.....	235
267A.	Commencement .....	236
<b>FIRST SCHEDULE .....</b>		<b>237</b>
	Broadcasting Rules.....	237
<b>SECOND SCHEDULE .....</b>		<b>241</b>
	Departmental Committees .....	241
<b>THIRD SCHEDULE.....</b>		<b>246</b>
	General Form of a Public Petition ....	246
<b>FOURTH SCHEDULE.....</b>		<b>248</b>

Joint Rules of the Houses of Parliament .....	248
<b>FIFTH SCHEDULE</b> .....	<b>253</b>
Form of Nomination Paper .....	253
<b>SIXTH SCHEDULE</b> .....	<b>256</b>
Form of Oath/Solemn Affirmation by a witness before a Committee .....	256
<b>SEVENTH SCHEDULE</b> .....	<b>257</b>
Form of Summons to Witness .....	257
<b>EIGHTH SCHEDULE</b> .....	<b>259</b>
Form of Affidavit of Service of Summons .....	259

## INDEX

## **PRAYER**

Almighty God, who in Your wisdom and goodness have appointed the offices of Leaders and Parliaments for the welfare of society and the just government of the people, we beseech You to behold with Your abundant favour, us Your servants, whom You have been pleased to call to the performance of important trusts in this Republic.

Let Your blessings descend upon us here assembled, and grant that we treat and consider all matters that shall come under our deliberation in so just and faithful a manner as to promote Your Honour and Glory, and to advance the peace, prosperity and welfare of our Country and of those whose interests You have committed to our charge.

**AMEN**

## **OMBI**

Ewe Mwenyezi Mungu, ambaye kwa hekima na wema wako umeteua nyadhifa za viongozi na mabunge kwa ustawi wa jamii na utawala wa haki wa wanadamu: twakusihii ututazame kwa neema nyingi sisi watumishi wako, ambao umeridhika kutuita ili tutekeleze shughuli muhimu za Jamhuri hii yetu.

Twakuomba ututeremshie baraka zako sisi tuliokutanika hapa, na utujalie tuyatende na kufikiria mambo yote yatakayofikishwa mbele yetu kwa njia ya haki na uaminifu ili utukufu na sifa zako ziendelezwe, na ili kustawisha amani, ufanisi na heri ya nchi hii yetu na wale ambao haja zao umezikabidhi mikononi mwetu.

**AMINA**





## **PART I—INTRODUCTORY**

### **In cases not provided for, the Speaker to decide**

1. (1) In all cases where matters are not expressly provided for by these Standing Orders or by other Orders of the House, any procedural question shall be decided by the Speaker.

(2) The decisions made in paragraph (1) shall be based on the Constitution of Kenya, statute law and the usages, forms, precedents, customs, procedures, traditions and practices of the Parliament of Kenya and other jurisdictions to the extent that these are applicable to Kenya.

### **Interpretation**

2. (1) In these Standing Orders—

(a) unless the context otherwise requires—

“Allotted Day” means a day set aside for the consideration in Committee of Supply of proposals in respect of the Annual and Supplementary Estimates, as provided by Part XXIV of these Standing Orders;

“Broadcast” includes the live transmission of the proceedings of the House by radio, television or webcast;

“Cabinet Secretary” means a person appointed as a Cabinet Secretary under Article 152(2) of the Constitution;

“Clerk” means the Clerk of the Assembly, or, if the Clerk is absent, or if the office is vacant, such other person as is for the time being performing the duties of the Clerk;

“Leave of the House” means there being no objection by any Member, either with the sympathy of the Speaker or with the support of at least five other Members;

“Leader of the Majority Party” means the person who is the leader in the National Assembly of the largest party or coalition of parties under Standing Order 19 (*Leader of Majority Party and Deputy Leader of Majority Party*);

“Leader of the Minority Party” means the person who is the leader in the National Assembly of the second largest party or coalition of parties under Standing Order 20 (*Leader of Minority Party and Deputy Leader of Minority Party*);

“Majority Party” means the largest party or coalition of parties in the National Assembly;

“Majority Whip” means the Member designated as the Majority Whip by the Leader of the Majority Party;

“Member” means a member of the National Assembly;

“Minority Party” means the second largest party or coalition of parties in the National Assembly;

“Minority Whip” means the Member designated as the Minority Whip by the Leader of the Minority Party;

“Notice Paper” means the official schedule of business intended to be transacted by the Assembly during a particular week, published and circulated by the Clerk by order of the House Business Committee under Standing Order 38 (*Order Paper to be prepared and circulated*);

“Order Paper” means the paper showing the business to be placed before or taken by the House on a particular day, published and circulated by the Clerk under Standing Order 38 (*Order Paper to be prepared and circulated*);

“Paper” means any printed or electronic material laid on the Table of the House or a

committee of the House pursuant to any law or these Standing Orders or any other material as the Speaker may determine;

“Parliamentary Party” means a party or a coalition of parties consisting of not less than five percent of the membership of the National Assembly;

“Party Whip” means a Member designated by a parliamentary party as its party whip for the purposes of the transaction of the business in the House and includes the Majority Whip and the Minority Whip;

“Precincts of Parliament” includes the Chamber of the National Assembly and of the Senate, every part of the buildings in which the Chambers are situated, the offices of Parliament, the galleries and places provided for the use and accommodation of Members of Parliament, members of the public and representatives of the Press and any forecourt, yard, garden, enclosure or open space, appurtenant thereto and used or provided for the purposes of Parliament;

“President” means the President of the Republic of Kenya and includes the Deputy-President when acting as President and any other person who for the time being performs the functions of the President

pursuant to Article 146(2) of the Constitution;

“Private Bill” means any Bill, which is intended to affect or benefit some particular person, association or corporate body;

“Public Bill” means a Bill which is intended to affect the public generally, or a section of the public;

“Recess” means a period during which the House stands adjourned to a day other than the next normal sitting day;

“Session” means the sittings of the House commencing when it first meets after a General Election or on a day provided for in Standing Order 27 (*Regular Sessions of the House*) and terminating when the National Assembly adjourns at the end of a calendar year or at the expiry of the term of Parliament;

“Sitting” means a period during which the House is sitting continuously without adjournment and includes any period during which the House is in Committee; but two or more periods of sitting within the normal period of one sitting, or within an equivalent period, shall not rank as more than one sitting;

“Sitting day” means any day on which the Assembly sits;

(b) reference to the Chairperson of Committees includes the Speaker when presiding over a Committee of the whole House or any other Member for the time being so presiding;

(c) reference to the Speaker includes the Deputy Speaker or any other Member when presiding over the Assembly pursuant to Article 107 of the Constitution.

(2) In these Standing Orders, whenever a document is required to be provided or made available to Members, the document shall be considered to have been so provided or made available if placed in the Members’ pigeon holes or in such other manner as the Speaker may direct.

### **The Mace**

**2A.** The Mace of the House embodies the authority of the Speaker and the House and shall be kept in safe custody by the Serjeant-at-Arms.

## PART II—SWEARING-IN OF MEMBERS AND ELECTION OF SPEAKER

### Proceedings on assembly of a new House

3. (1) On the first sitting of a new House pursuant to the President's notification under Article 126(2) of the Constitution, the Clerk shall—
  - (a) read the notification of the President as published in the *Gazette*;
  - (b) lay a list of the names of the persons elected as Members on the Table of the House; and
  - (c) administer the Oath or Affirmation of Office provided for in the Third Schedule to the Constitution to all members present in the House in the order set out in paragraph (2).
- (2) The Clerk shall administer the Oath or Affirmation of Office to Members in alphabetical order using the following order of precedence—
  - (a) Members with the longest cumulative period of service in the Assembly;
  - (b) Members with the longest cumulative period of service in the National Assembly, East African Legislative Assembly and the Senate;

- (c) Members with the longest cumulative period of service in the Senate;
- (d) all other Members.

(3) Pursuant to the provisions of Article 74 of the Constitution, no person shall assume or perform any functions of the office of a Member before taking and subscribing to the Oath or Affirmation of Office provided for under paragraph (1).

(4) When the Clerk is administering the Oath or Affirmation of Office to Members and before the Clerk has administered the Oath or Affirmation of Office to the Speaker, any question arising in the House shall be determined by the Clerk who shall, during that period, exercise the powers of the Speaker.

(5) At any other time, the Oath or Affirmation of Office shall be administered by the Speaker immediately after prayers.

(6) When a Member first attends to take his or her seat after the first sitting of the House, the Member shall, before taking his or her seat, be escorted to the Table by two Members and be presented by them to the Speaker who shall then administer to the Member the Oath or Affirmation of Office.



(7) Notwithstanding Standing Order 30 (*Hours of Meeting*), on the day when the election of the Speaker is to be conducted after a general election, the sitting of the House shall commence at 9.00 am.

#### **Vacancy in the Office of Speaker**

4. (1) A Speaker shall be elected when the House first meets after a General Election and before the House proceeds with the dispatch of any other business, except the administration of the Oath or Affirmation of Office to Members present.

(2) If the office of Speaker falls vacant at any time before the expiry of the term of Parliament, no business shall be transacted by the House until the election of a new Speaker.

(3) The Deputy Speaker shall preside over the election under paragraph (2) but if the Deputy Speaker is a candidate, a Member elected by the House in accordance with Article 107 of the Constitution.

#### **Nomination of candidates**

5. (1) Upon the President notifying the place and date for the first sitting of a new Assembly pursuant to Article 126(2) of the Constitution, the Clerk shall by notice in the Gazette notify that fact and invite interested persons to submit their

nomination papers for election to the office of Speaker.

(2) The names of candidates for election to the office of Speaker shall be entered upon nomination papers obtained from the Clerk and handed back to the Clerk, at least forty-eight hours before the time appointed at which the House is to meet to elect a Speaker.

(3) The nomination papers of a candidate shall be accompanied by the names and signatures of twenty Members who support the candidate and a declaration by them that the candidate is qualified to be elected as a Member of Parliament under Article 99 of the Constitution and is willing to serve as Speaker of the National Assembly.

(4) The Clerk shall maintain a register in which shall be shown the date and time when each candidate's nomination papers were received and shall ascertain that every such candidate for election to the office of Speaker is qualified to be elected as such under Article 106 of the Constitution.

(5) Immediately upon the close of the nomination period provided for in paragraph (2), the Clerk shall—

- (a) publicize and make available to all Members, a list showing all qualified candidates; and
  - (b) make available to all Members, copies of the curriculum vitae of the qualified candidates.
- (6) The Clerk shall, at least two hours before the meeting of the Assembly, prepare ballot papers upon which shall be shown the names of all candidates validly nominated under paragraph (5) of this Standing Order.

#### **Secret ballot**

6. (1) The election of the Speaker shall be by secret ballot.
- (2) The Clerk shall, at the commencement of each ballot, cause the ballot box, empty and unlocked, to be displayed to the House and shall, in the presence of the House, lock the box, which shall thereafter be kept in the full view of the House until the conclusion of the ballot.
- (3) The Clerk shall issue not more than one ballot paper to each Member who comes to the Table to obtain it and each Member who wishes to vote shall proceed to a booth or designated area provided by the Clerk for that purpose and located next to and within reasonable distance of the ballot box and shall, while there, mark the ballot

paper by placing a mark in the space opposite the name of the candidate for whom the Member wishes to vote, fold the marked ballot paper before leaving the booth or area and place the folded ballot paper in the ballot box.

(4) A Member who, before the conclusion of a ballot has marked a paper in error may, by returning it to the Clerk, obtain another in its place and the Clerk shall immediately cancel and destroy the paper so returned.

(5) The Clerk shall make such arrangements as may be necessary to enable any Member with disability to vote.

(6) When it appears to the Clerk that all Members who are present and who wish to vote have placed their ballot papers in the ballot box, the Clerk shall unlock the box, examine the ballot papers, and having rejected those unmarked or spoilt, report the result of the ballot; and no Member who has not already recorded his or her vote shall be entitled to do so after the Clerk has unlocked the ballot box.

(7) A ballot paper is spoilt, if in the Clerk's opinion, it does not identify the candidate purported to be selected by the Member voting.

### **Election threshold**

7. (1) A person shall not be elected as Speaker, unless supported in a ballot by the votes of two-thirds of all Members.

(2) If no candidate is supported by the votes of two-thirds of all Members, the candidate or candidates who received the highest number of votes in the ballot referred to in paragraph (1) and the candidate or candidates who in that ballot received the next highest number of votes shall alone stand for election in a further ballot and the candidate who receives the highest number of votes in the further ballot shall be elected Speaker.

### **Withdrawal of candidate**

8. A candidate may, by written notice to the Clerk, withdraw his or her name before a ballot is started, and in the event of such withdrawal, the Clerk shall cross-out the name of that candidate off any ballot papers issued for that or any subsequent ballot.

### **Equality of votes**

9. If, in the further ballot referred to in Standing Order 7 (*Election threshold*), more than one candidate receives the highest number of votes, the ballot shall again be taken, and if there is an equality of the highest number of votes, a further ballot shall be taken until one candidate obtains more votes than the other or others.

### **Custody of ballot papers**

10. Immediately the results are declared, all the ballot papers used in the election of a Speaker shall be packed and sealed in the presence of the House and kept in the custody of the Clerk for a period of six months and shall thereafter be destroyed.

### **Single duly nominated candidate**

11. Despite the provisions of this Part, if there is only one candidate who has been duly nominated for election as Speaker at the expiry of the nomination period, that candidate shall be declared forthwith to have been elected Speaker without any ballot or vote being required.

### **Swearing-in of the Speaker**

12. Immediately following the election of the Speaker, the Clerk shall administer the Oath or Affirmation of Office to the Speaker in the presence of the assembled House.

## **PART IIA—VACATION OF OFFICE OF SPEAKER AND DEPUTY SPEAKER**

### **Resignation**

- 12A. (1) A Speaker or Deputy Speaker who intends to resign from office shall submit a letter of resignation addressed to the House.

(2) Upon receipt of a letter of resignation, the Clerk shall, without delay—

- (a) in the case of resignation by the Speaker, inform the Deputy Speaker; or
- (b) in the case of resignation by the Deputy Speaker, inform the Speaker.

(3) The House shall be notified of a resignation under this Standing Order within seven days.

#### **Removal from Office**

**12B.** (1) A member of the National Assembly, supported by at least one-third of all the members, may move a motion for the removal of the Speaker or Deputy Speaker for—

- (a) serious violation of a provision of the Constitution or of any other law including a violation of Chapter Six;
- (b) gross misconduct, whether in the performance of the Speaker's or Deputy Speaker's functions or otherwise;
- (c) physical or mental incapacity to perform the functions of office;
- (d) incompetence; or
- (e) bankruptcy.

(2) Before giving Notice of the Motion under paragraph (1), the Member shall deliver to the Clerk a copy of the proposed Motion in writing—

- (a) stating the grounds and particulars upon which the proposed Motion is made;
  - (b) signed by the Member;
  - (c) signed in support by at least one-third of all the Members of the Assembly.
- (3) Upon receipt of the motion by the Clerk, a Member shall not withdraw a signature appended to it.
- (4) A Member shall give three days' notice of the motion under paragraph (1) within three days of the approval of the motion.
- (5) The Clerk shall set out on the Order Paper on which the Motion is listed—
- (a) the grounds and particulars upon which the proposed Motion is made;
  - (b) the name of the Member sponsoring the Motion; and
  - (c) the names of the Members in support of the Motion.
- (6) If the Motion is passed—
- (a) the Assembly shall appoint a select committee comprising eleven of its Members to investigate the matter; and



(b) the committee shall, within seven days, investigate and report to the Assembly whether it finds the allegations against the Speaker or Deputy Speaker to be substantiated.

(7) The Speaker or Deputy Speaker has the right to appear and be represented before the select committee during its investigations.

(8) If the select committee reports that it finds the allegations—

(a) unsubstantiated, no further proceedings shall be taken; or

(b) substantiated, the National Assembly shall—

(i) furnish the Speaker or Deputy Speaker with the report of the select Committee, together with any other evidence adduced and such notes or papers presented to the committee at least three days before the day scheduled for his or her appearance before the Assembly;

(ii) afford the Speaker or Deputy Speaker an opportunity to be heard;

(iii) consider the Report of the select committee; and

(iv) vote whether to approve the resolution requiring the removal from office of the Speaker or Deputy Speaker.

(9) If a resolution requiring the removal from office of a Speaker or Deputy Speaker is supported by at least two-thirds of the Members of the Assembly, the Speaker or Deputy Speaker shall cease to hold office.

### **PART III—DEPUTY SPEAKER AND CHAIRPERSON OF COMMITTEES**

#### **Election of Deputy Speaker**

13. (1) As soon as practicable after the election of a Speaker following a General Election, a Deputy Speaker shall be elected.

(2) If the office of Deputy Speaker falls vacant at any time before the end of the term of Parliament, the House shall, as soon as practicable, elect a Member to that office.

(3) The procedure for electing a Deputy Speaker shall, with necessary modifications, be the same as that prescribed for the election of the Speaker.

#### **Notification of opening of Parliament**

14. (1) After taking and subscribing to the Oath or Affirmation of Office under Standing Order 12 (*Swearing-in of the Speaker*), the Speaker shall

notify the Members of the place, date and time of the opening of Parliament, which shall be not more than thirty days after the first sitting of the House.

(2) Following the notification by the Speaker under paragraph (1), the sitting of the House shall stand adjourned until the date and time of the opening of Parliament.

#### **Chairperson of Committees of the whole House**

15. (1) The Deputy Speaker shall be the Chairperson of Committees and shall preside over all Committees of the whole House.

(2) If the Deputy Speaker is absent, or if the Deputy Speaker considers that it is desirable that he or she should take part in any proceedings in Committee otherwise than as the person presiding, the Speaker shall take the Chair.

#### **Chairperson's Panel**

16. (1) There shall be a panel to be known as the Chairperson's Panel which shall comprise four Members to be known, respectively, as the First, Second, Third and Fourth Chairperson of Committees and who shall be entitled to exercise all the powers vested in the Chairperson of Committees.

(2) As soon as practicable, after the election of the Deputy Speaker following a general election, the Speaker shall, in consultation with leaders of parliamentary parties, submit a list of four Members for consideration by the House Business Committee.

(3) The House Business Committee shall, within seven days of receipt of the names of the nominees, table the list in the House and give notice of motion for approval.

(4) Whenever a Motion for approval under paragraph (3) is moved in the House, no objection against the proposed membership on the Chairperson's Panel of any particular Member shall be permitted and objections, if any, shall be formulated and considered against the proposed membership as a whole.

(5) In nominating the Members of the Chairperson's Panel, the Speaker and the House Business Committee shall have regard to the relative party majorities in the House and shall ensure, so far as shall be practicable, that at least one member of the Panel is from either gender.

#### **Discharge of a Member from Chairperson's Panel**

17. (1) The Speaker may, in writing, to the House Business Committee give notice that a member has been discharged from the Panel.

(2) Within seven days of receipt by the House Business Committee of a notice under paragraph (1), the House Business Committee shall consider the notice and give Notice of Motion to replace the Member.

### **Presiding in the House**

**18.** (1) The Speaker shall preside at any sitting of the House but in absence of the Speaker, the Deputy Speaker shall preside and in absence of the Speaker and the Deputy Speaker, a member elected by the House for that purpose pursuant to Article 107 of the Constitution shall preside.

(2) The approval of the First, Second, Third and Fourth Chairperson of Committees under Standing Orders 16 (*Chairperson's Panel*) shall be deemed to constitute an election for purposes of paragraph (1) and either the First, Second, Third or Fourth Chairperson of Committees may preside over the House in the absence of the Speaker and the Deputy Speaker.

### **PART IV—THE LEADER OF THE MAJORITY PARTY AND THE LEADER OF THE MINORITY PARTY**

#### **Leader of the Majority Party and Deputy Leader of the Majority Party**

**19.** (1) The largest party or coalition of parties in the National Assembly shall elect—

(a) a member of the National Assembly belonging to the party or coalition of parties to be the Leader of the Majority Party;

(b) a member of the National Assembly belonging to the party or coalition of parties to be the Deputy Leader of the Majority Party.

(2) In electing members under paragraph (1), the largest party or coalition of parties in the National Assembly shall take into account—

(a) any existing coalition agreement entered into pursuant to the Political Parties Act;

(b) the need for gender balance.

(3) A member elected under paragraph (2) may be removed by a majority of votes of all members of the largest party or coalition of parties in the National Assembly.

(4) The whip of the largest party or coalition of parties in the National Assembly shall forthwith, upon a decision being made under this Standing Order, communicate to the Speaker, in writing the decision together with the minutes of the meeting at which the decision was made.

## **Leader of the Minority Party and Deputy Leader of the Minority Party**

**20.** (1) The Minority party or coalition of parties in the National Assembly shall elect—

(a) a member of the National Assembly belonging to the party or coalition of parties to be the Leader of the Minority Party;

(b) a member of the National Assembly belonging to the party or coalition of parties to be the Deputy Leader of the Minority Party.

(2) In electing members under paragraph (1), the minority party or coalition of parties in the National Assembly shall take into account—

(a) any existing coalition agreement entered into pursuant to the Political Parties Act;

(b) the need for gender balance.

(3) A member elected under paragraph (2) may be removed by a majority of votes of all members of the minority party or coalition of parties in the National Assembly.

(4) The whip of the minority party or coalition of parties in the National Assembly shall forthwith,

upon a decision being made under this Standing Order, communicate to the Speaker, in writing the decision together with the minutes of the meeting at which the decision was made.

#### **PART V—ADDRESS BY PRESIDENT, VISITING DIGNITARY OR OTHER PERSONS**

##### **President's address on opening of new Parliament**

21. (1) The President shall address the opening of each newly elected Parliament.
- (2) At the conclusion of the President's address, the sitting shall stand suspended or adjourned as the Speaker may direct until such time or to such day as may be specified by the Speaker.

##### **President's address on special sittings**

22. (1) The President shall address a special sitting of Parliament once every year and may address Parliament at any other time.
- (2) The Speaker shall notify the Members of the place, date and time of a sitting under paragraph (1).
- (3) Whenever the Speaker has been informed that the President will address a special sitting of Parliament on a specified day and time, then on that day, no Motion for the adjournment of the House shall be made before the time for which the President's arrival has been notified.



### **President entering or leaving the Chamber**

23. Members shall be called to order and stand in silence whenever the President enters or leaves the Chamber.

### **President's address to Parliament**

24. (1) The President may be accompanied in the Chamber by an *Aide-de-Camp*.

(2) Whenever the President addresses Parliament, the Speaker of the National Assembly shall take the seat on the right of the President and the Speaker of the Senate shall take the seat on the left of the President.

(3) At any sitting held under this Standing Order, the Speaker of the National Assembly shall preside and shall be assisted by the Speaker of the Senate.

(4) When delivering an address to the House, the President shall be heard in silence and the address shall not be followed by any comment or question.

(5) Whenever the President delivers an Address, a Member may as soon as practicable thereafter, lay the Address on the Table of the House following the reading of such Address.

(6) A Member may give a notice of Motion that ***“The Thanks of the House be recorded for the exposition of public policy contained in the Address of the President delivered on....;”*** but

debate on the Motion shall not exceed four sitting days.

### **Visiting dignitary**

25. (1) The Speaker may, in consultation with the Leader of the Majority Party and the Leader of the Minority Party, allow a visiting Head of State or other such visiting dignitary, to address the Assembly, and may, in consultation with the Speaker of the Senate arrange for a joint sitting of Parliament for purposes of an address by such visiting Head of State or such other visiting dignitary.

(2) Standing Order 23 (*President entering or leaving Chamber*) and paragraphs (1), (3) and (4) of Standing Order 24 (*President's address to Parliament*) shall, with necessary modifications, apply to visiting Heads of State and such other dignitaries.

### **Designation of a place in the Chamber for Cabinet Secretaries and other persons**

25A. The Speaker may designate a suitable place in the Chamber or at the bar of the House for—

- (a) the Cabinet Secretary responsible for finance to make a public pronouncement of the budget policy highlights and revenue raising measures for the national government as contemplated

under the Public Finance Management Act;

- (b) other persons to make submissions or presentations before the House.

## **PART VI—CALENDAR, SITTINGS AND ADJOURNMENTS OF THE HOUSE**

### **Location of the first sitting of a new House**

- 26.** Whenever a new House is elected, the President, by notice in the Gazette, shall appoint the place and date for the first sitting of the new House, which shall be not more than thirty days after the election.

### **Regular Sessions of the House**

- 27.** (1) Except for the Session commencing immediately after a general election, the regular Sessions of the House shall commence on the second Tuesday of February and terminate on the first Thursday of December.
  - (2) Despite paragraph (1), the House may, by resolution, alter the dates specified under paragraph (1) in respect of a particular Session.
  - (3) Subject to paragraph (1), the House shall continue to be in session and may adjourn for such number of days as it may determine in its calendar.

(4) Despite paragraphs (1), (2) and (3), a period of three months shall not intervene between the last sitting of the Assembly in one Session and the first sitting thereof in the next Session.

### **Calendar of the Assembly**

28. (1) The House Business Committee shall, with approval of the House, determine the Calendar of the House.

(2) The Calendar of the House once approved shall be published in the *gazette*, Parliamentary Website and at least two newspapers of national circulation.

(3) On a day when the Assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance with the parliamentary Calendar, the Speaker shall notify Members of the same, and at the appointed time, the Assembly shall adjourn without question put.

(4) Despite paragraph (2) the Assembly may, by resolution, alter its Calendar or the adjournment date.

### **Special sittings of the House**

29. (1) Whenever during a Session the House stands adjourned, whether or not a day has been appointed for the next meeting, the Speaker may, on the request of the Leader of the Majority Party

or the Leader of the Minority Party, appoint a day for a special sitting of the House.

(2) The Speaker may allow a request under paragraph (1) if the Speaker is satisfied that the business proposed to be transacted relates to the matters specified under Standing Order 61 (*Definition of Special Motion*) or other urgent and exceptional business as the Speaker may allow.

(3) The Speaker shall, by notice in the *Gazette*, notify the Members of the place, date and time appointed for the special sitting of the House.

(4) Despite paragraph (1), where the proposed business to be transacted by the House requires the action of the Senate, the Speaker of the National Assembly shall, in writing, notify the Speaker of the Senate of the date appointed for the special sitting.

(5) Whenever the House meets for a special sitting under paragraph (1), the Speaker shall specify the business to be transacted on the day or days appointed and the business so specified shall be the only business before the House during the special sitting, following which the House shall stand adjourned until the day appointed in the parliamentary calendar.

### Hours of meeting

30. (1) Unless the Speaker, for the convenience of the House otherwise directs, the House shall meet at 9.30 a.m. on Wednesday and at 2.30 p.m. on Tuesday, Wednesday, and Thursday, but more than one sitting may be directed during the same day.

(2) Unless for the convenience of the House the Speaker or the Chairperson (as the case may be) directs earlier or later interruption of business, at 7.00 p.m. or (if it is an Allotted Day) at 7.30 p.m., on the occasion of an afternoon sitting and at 1.00 p.m. on the occasion of a morning sitting, the Speaker or the Chairperson of Committees shall interrupt the business then under consideration and if the House is in Committee the Chairperson shall leave the Chair and report progress and ask leave to sit again.

(3) Notwithstanding paragraphs (1) and (2), the House may resolve—

- (a) to extend its sitting time; or
- (b) to meet at any other time on a sitting day; or
- (c) to meet on any other day, in order to transact business.

(4) A Motion under paragraph (3)(a) shall be moved at least thirty minutes before the time appointed for adjournment.

(5) If at the time appointed for the interruption of business, a division is in progress, or a question is being put from the Chair and a division results immediately thereon, such interruption shall be deferred until after the declaration of the numbers and the result of the division.

(6) Upon the conclusion of all proceedings under paragraphs (2), (3) or (4) of this Standing Order, or upon the earlier completion or deferment of all business standing upon the Order Paper for the sitting, the Speaker shall adjourn the House without question put.

### **Adjournment of the House**

**31.** (1) A Member may at any time, for reasons stated, seek leave to move “That, this House do now adjourn.”

(2) If the Speaker is of the opinion that such Motion for adjournment of the House is frivolous, vexatious, or an abuse of the proceedings of the House, the Speaker may forthwith put the question thereon or decline to propose it.

(3) The debate on a Motion under this Standing Order shall be confined to the matter of the Motion.

**32. (Deleted).**

**Adjournment on definite matter of urgent national importance**

**33. (1)** Any Member may at any time rise in his or her place and seek leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent national importance.

(2) A Member who wishes to seek leave to move the adjournment of the House shall, at least two hours before the commencement of the sitting, hand to the Speaker a written notification of the matter but the Speaker shall refuse to allow the claim, unless the Speaker is satisfied that the matter is definite, urgent and of national importance and may properly be raised on a Motion for adjournment of the House.

(3) If the Speaker is satisfied in terms of paragraph (2) and not less than twenty other Members rise in their places in support, the Speaker shall nominate a time on the same day at which such Motion may be moved.

(4) No Member speaking on a matter under this Standing Order shall speak for more than five



minutes without the leave of the House, except that the Mover may speak for ten minutes.

## **PART VII—QUORUM OF THE HOUSE**

### **Quorum at commencement of the House**

**34.** (1) A quorum of the House or of a Committee of the whole House shall be fifty Members.

(2) If there is not a quorum present when the Chair is taken, at the time appointed for a meeting of the House, immediately after the saying of the prayer, the Speaker shall order the bell to be rung for ten minutes, and if no quorum is present at the expiration of the ten minutes, the Speaker may direct that the bell be rung for a further five minutes and if there is still no quorum present, the Speaker shall adjourn the House forthwith to the next sitting.

### **Quorum during the proceedings of the House**

**35.** (1) If at any time after the Chair is taken, or when the House is in Committee, a Member objects that there is not a quorum present, the Speaker or the Chairperson shall count the Members in the House or the Committee as the case may be.

(2) If on the count under paragraph (1) a quorum does not appear to be present, the Speaker or the Chairperson shall cause the division bell to be rung

as on a division, and if no quorum is present at the expiration of the ten minutes—

- (a) if the Speaker is in the Chair, the Speaker shall adjourn the House until the next sitting without question put;
- (b) if the House is in Committee, the Chairperson shall leave the Chair and report the fact to the Speaker, who shall adjourn the House until the next sitting without question put.

(3) Whenever the Speaker or the Chairperson, as the case may be, is engaged in counting the House or the Committee respectively, the doors shall remain unlocked but no Member shall be allowed to leave the Chamber, except a party whip who may be permitted to leave the Chamber to seek the Members required to raise a quorum.

### **Quorum during voting or division**

**36.** If, from the number of Members taking part in an electronic voting or roll call division, it appears that the Members do not themselves constitute a quorum, the vote or division shall be invalid and the business then under consideration shall stand over until the next sitting and the Speaker shall proceed as if his or her attention had been drawn to the absence of a quorum, but if after so proceeding a quorum is then present, the next business shall be entered upon.

### **Decorum when quorum not present**

- 37.** When the Quorum bell is ringing, Members shall maintain order in the House.

## **PART VIII—ORDER OF BUSINESS**

### **Order Paper to be prepared and circulated**

- 38.** (1) The Order Paper shall be prepared by the Clerk, showing the business proposed to be transacted to be placed before or taken by the House and the order in which it is to be taken, including a notice paper showing the business for each sitting day of the week, together with such other information as the Speaker may from time to time direct.

(2) The Order Paper shall be published on the parliamentary website and shall be made available to Members, at least twelve hours before the House meets, but a supplementary Order Paper shall be made available at least one hour before the House meets.

### **Weekly programmes of the business of the National Assembly**

- 39.** The Clerk shall prepare and publish on the parliamentary website, weekly programmes showing the business of the House and the schedule of sittings of the various committees, and shall circulate such programmes to Members,

State Departments, and the media not later than the Friday of the week preceding such business.

### **Sequence of proceedings**

**40.** (1) Each day after Prayers have been said and the House has been called to order, the Business of the House shall be proceeded with in the following sequence—

- (i) Administration of Oath;
- (ii) Communication from the Chair;
- (iii) Messages;
- (iv) Petitions;
- (v) Papers;
- (vi) Notices of Motion;
- (vii) Questions and Statements;
- (viii) Motions and Bills.

(2) Business shall be disposed of in the sequence in which it appears in the Order Paper or in such other sequence as the Speaker may, for the convenience of the House, direct.

(3) On Wednesday morning a Bill or a motion not sponsored by the Majority or Minority Party or by a Committee shall have precedence over all other business in such order as the House Business Committee shall ballot.

(4) The Speaker shall direct the Clerk to read the Orders of the Day without question put.

## **PART IX—MESSAGES**

### **Messages to and from the Senate**

41. (1) A message from the Assembly to the Senate shall be in writing and shall be signed by the Speaker.

(2) The Clerk of the Assembly shall transmit a message from the House to the Clerk of the Senate and shall receive messages from the Senate.

(3) The Clerk shall deliver to the Speaker a message received from the Senate under paragraph (2) at the first available opportunity after receipt and in any event not later than the next day not being a Saturday, Sunday or public holiday.

(4) If a message is received from the Senate, at a time when the House is in session, the Speaker shall report the message to the House at the first convenient opportunity after its receipt and in any event not later than the next sitting day.

(5) If a message is received from the Senate, at a time when the House is not in session, the Speaker shall forthwith cause the message to be transmitted to every Member and shall report the

message to the House on the day the House next sits.

(6) When the Speaker reports a message from the Senate under paragraph (4) or (5), the message shall be deemed to have been laid before the House and the Speaker may either—

- (a) direct that the message be dealt with forthwith; or
- (b) appoint a day for the consideration of the message; or
- (c) refer the message to the relevant Committee of the House for consideration.

### **Messages from the President**

42. (1) The Speaker shall read to the House any message from the President delivered to the Speaker for communication to the House.

(2) If a message is received from the President, at a time when the House is not in session, the Speaker shall forthwith cause the message to be transmitted to every Member and shall report the message to the House on the day the House next sits.

(3) When a message from the President is read, the message shall be deemed to have been laid before the House and the Speaker may either—

- (a) direct that the message be dealt with forthwith; or
- (b) appoint a day for the consideration of the message; or
- (c) refer the message to the relevant Committee of the House for consideration.

(4) Paragraphs (1), (2) and (3) shall apply, with necessary modifications, to a message delivered to the Speaker by a Cabinet Secretary for communication to the House pursuant to any written law providing for conveyance of messages from the Cabinet.

## **PART IXA—QUESTIONS**

### **Notice of Question**

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

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

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

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

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

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

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



## **General rules on Questions**

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

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

- (a) is in effect a speech;
- (b) is lengthy;
- (c) is limited to give information;
- (d) is framed so as to suggest its own reply or to convey a particular point of view;
- (e) includes extracts from newspapers or quotations from speeches;
- (f) contains any argument, inference, opinion, imputation or ironical or offensive expression or epithet;
- (g) seeks an expression of opinion;
- (h) repeats in substance a matter already addressed by a Committee of the House or in the course of debate in the House during the same Session;
- (i) refers to more than one subject;
- (j) includes the name of a person or a statement not strictly necessary to render the Question intelligible;
- (k) contains an allegation which the Member is not prepared to substantiate;
- (l) implies an allegation of a personal nature or which reflects upon the conduct of a

person whose conduct can only be challenged through substantive Motion or upon the conduct of any other person otherwise than in that person's official or public capacity;

- (m) relates to a matter which is *sub judice* or which by any written law is secret pursuant to Standing Order 89 (*Matters sub judice or secret*);
- (n) falls within the functions and powers of county governments as contemplated under Part II of the Fourth Schedule to the Constitution;
- (o) seeks a reply that is readily available in ordinary works of reference or official publications;
- (p) refers discourteously to a friendly country, a Head of State or Government or the representative in Kenya of a friendly country; or
- (q) refers to a matter under consideration by the House or a Committee.

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

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

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

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

#### **Manner of disposing Questions in a Committee**

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

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

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

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

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

(6) The Chairperson of a Committee may—

- (a) defer a Question to a different time or day from its scheduled time and day; or
- (b) direct a Cabinet Secretary to provide additional information or a further reply to a Question or supplementary questions raised in the Committee.

#### **Questions for written reply**

**42D.** Where a Member prefers a written reply to his or her Question—

- (a) the Speaker shall direct that a written reply be provided in respect of the Question; and
- (b) the Clerk shall forward the Question to the relevant Cabinet Secretary and, upon receipt, provide the written reply to the Member.

#### **Timeline for reply**

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

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

### **Report on Questions**

**42F.** The Chairperson of a Committee shall submit a progress report to the House on Questions—

- (a) referred to the Committee;
- (b) replied to;
- (c) which the Committee has directed a Cabinet Secretary to provide additional information or further reply; and
- (d) pending before the Committee.

## **PART X—STATEMENTS**

### **Members' general statements**

**43.** (1) Notwithstanding Standing Order 30 (*Hours of Meeting*), the Speaker shall interrupt the business of the House every Tuesday at 6.30 pm to facilitate Members to make general statements of topical concern.

(2) A Member who wishes to seek leave to raise a matter under this Standing Order shall, before 3.00 pm on the day the statement is to be made, hand to the Speaker a written notification of the matter, but the Speaker shall refuse to allow the

request unless satisfied that the matter may properly be discussed in the House.

(3) No Member making a statement under this Standing Order shall speak for more than three minutes, unless with permission of the Speaker.

### **Statement Hour**

44. (1) Notwithstanding Standing Order 40 (*Sequence of Proceedings*), there shall be time to be designated Statements Hour, every Thursday, commencing not later than 3.00 pm.

(2) During the Statements Hour—

- (a) a Member of the House Business Committee designated by the Committee for that purpose shall, every Thursday or on the last sitting day, for not more than ten minutes, present and lay on the Table, a statement informing the House of the business coming before the House in the following week;
- (b) the Leader of the Majority Party, or the Leader of the Minority Party as the case may be, or their designees may make a statement relating to their responsibilities in the House or the activities of a Committee;

- (c) A Member may request for a statement from the Committee chairperson relating to matters under the mandate of the Committee and the Speaker may either appoint a day for the statement or direct that the statement be issued on the same day.

## **PART XI—APPROVAL OF PUBLIC APPOINTMENTS**

### **Committal to committees**

**45.** (1) Upon receipt of a notification of nomination for appointment to a State Office or such other office as is under the Constitution or under any other legislation required to be approved by the House, the nomination shall stand committed to the relevant Departmental Committee of the House for consideration.

(2) Despite paragraph (1), appointments under Article 152(2) of the Constitution shall stand committed to the Committee on Appointments.

(3) Before holding an approval hearing, a Committee to which proposed appointments have been referred shall notify the candidate and the public of the time and place for the holding of the approval hearing at least seven days prior to the hearing.

(4) The Committee shall conduct a hearing on the proposed appointment and shall, unless otherwise

provided in law, table its report in the House within fourteen days of the date on which the notification was received under paragraph (1).

## **PART XII—MOTIONS**

### **Application**

**46.** This Part shall apply to all Motions, including special Motions.

### **Notices of Motions**

**47.** (1) Except as otherwise provided by these Standing Orders, notice shall be given by a Member of any Motion which the Member proposes to move.

(2) Before giving notice of Motion, the Member shall deliver to the Clerk a copy of the proposed Motion in writing and signed by the Member, and the Clerk shall submit the proposed Motion to the Speaker.

(3) If the Speaker is of the opinion that any proposed Motion -

- (a) is one which infringes, or the debate on which is likely to infringe, any of these Standing Orders;
- (b) is contrary to the Constitution or an Act of Parliament, without expressly proposing



appropriate amendment to the Constitution or the Act of Parliament;

- (c) is too long;
- (d) is framed in terms which are inconsistent with the dignity of the House;
- (e) contains or implies allegations which the Speaker is not satisfied that the Mover can substantiate; or
- (f) calls for the commitment of public funds for which no provision is made in the Annual Estimates as adopted by the National Assembly,

the Speaker may direct either that, the Motion is inadmissible, or that notice of it cannot be given without such alteration as the Speaker may approve or that the motion be referred to the relevant committee of the Assembly, pursuant to Article 114(2) of the Constitution.

(4) A Member giving notice of a Motion approved by the Speaker shall state its terms to the House and whether the original copy received by the Clerk has been certified by a party leader or party whip for sponsorship by the Member's party.

(4A) A notice of Motion under Part XIV (*Procedure for removal from State Office*) shall be given in the House within three sitting days following approval by the Speaker, and, if not, such motion

shall be deemed to have been withdrawn and shall not be moved again in the same terms in the same session, except with the leave of the Speaker.

(5) Unless the House resolves otherwise—

- (a) a Motion sponsored by a party shall have precedence over all other Motions on such day as the House Business Committee, in consultation with the Speaker, may determine, but where a party has sponsored two or more motions, the Motion shall be considered in such order as sponsoring party may determine;
- (b) notice of an approved Motion other than those under sub-paragraph (a) may be given to Members by means of a list to be published in such manner as the Speaker may from time to time direct and the Member giving such notice shall state its terms to the House when the Motion has acquired precedence in accordance with Standing Order 50 (*Time for moving Motions*), but at least one day before the Motion appears on the Order Paper.

#### **Amendment of Notice of Motion**

**48.** The Speaker may permit a Member to move in an amended form a Motion of which notice has been given if in the opinion of the Speaker the amendment does not materially alter any

principle embodied in the Motion of which notice has been given.

### **Certain Motions not to be moved**

**49.** (1) No Motion may be moved which is the same in substance as any question which has been resolved (either in the affirmative or in the negative) during the preceding six months in the same Session.

(2) Despite paragraph (1)—

(a) a Motion to rescind the decision on such a question may be moved with the permission of the Speaker;

(b) a Motion to rescind the decision on a question on a Special Motion shall not be allowed.

### **Time for moving Motions**

**50.** (1) The House Business Committee shall allot the time and sequence of the publication in the Order Paper of every Motion approved by the Speaker.

(2) Save for a Special Motion, a Member who has a Motion standing in his or her name may authorize, in writing, another Member to move that Motion in the Member's stead.

(3) Where no Member moves a Motion at the time specified by or under these Standing Orders, such

Motion shall not again be published in the Order Paper during the same Session except with the leave of the Speaker.

**Motion withdrawn may be moved again**

51. (1) A notice of Motion may be withdrawn by the Member who gave the notice, but notice of the same Motion may be given again either by the same or by any other Member.

(2) Despite paragraph (1), notice of a Special Motion may not be withdrawn, except with leave of the House.

**Motions which may be moved without Notice**

52. The following Motions may be moved without notice—

- (a) Motion by way of amendment to a question already proposed from the Chair;
- (b) Motion for the adjournment of the House or of a debate;
- (c) Motion that the House do dissolve itself into a Committee of the whole House;
- (d) Motion moved when the House is in Committee;
- (e) Motion for the suspension of a Member;

- (f) Motion made in accordance with the Standing Orders governing the procedure as to Bills;
- (g) Motion for the agreement of the House with a Committee of the whole House in a resolution reported, or for the re-committal thereof or for the postponement of the further consideration thereof;
- (h) Motion raising a question of privilege;
- (i) Motion for the orders of the House under these Standing Orders;
- (j) Motion made under Standing Order 256 (*Exemption of business from Standing Orders*);
- (k) Motion made for the limitation of a debate under Standing Order 97 (*Limitation of debate*);
- (l) Motion made for the postponement or discharge of, or giving precedence to an order of the day; and
- (m) Motion for the extension of sitting time of the House.

### **Manner of debating Motions**

53. (1) When a Motion has been moved and if necessary seconded, the Speaker shall propose the question thereon in the same terms as the Motion, and debate may then take place upon that question.

(2) At the conclusion of the debate, the Speaker shall put the question.

(3) Despite paragraph (2), the Speaker may, on the request of a Member, defer the putting of the question to the following day in which case the Speaker shall thereupon nominate a time at which the question shall be put.

#### **Amendments to Motions**

**54.** (1) Unless otherwise provided in these Standing Orders, any amendment to a Motion which a Member wishes to propose in accordance with these Standing Orders may be moved and, if necessary seconded at any time after the question upon the Motion has been proposed and before it has been put.

(2) When every amendment under paragraph (1) has been disposed of, the Speaker shall either again propose the question upon the Motion or propose the question upon the Motion as amended as the case may require, and after any further debate which may arise thereon, shall put the question.

(3) Upon any amendment to leave out any of the words of the Motion, the question to be proposed shall be “That, the words proposed to be left out be left out.”

(4) Upon any amendment to insert words in, or add words at the end of a Motion, the question to be proposed shall be “That, the words [of the amendment] be inserted” (or “added”).

(5) Upon any amendment to leave out words and insert or add other words instead, a question shall first be proposed “That, the words proposed to be left out be left out of the question”, and if that question is agreed to, the question shall then be proposed, “That, the words [of the amendment] be therein inserted” (or “added”), but if the first question is negatived, no further amendment may be proposed to the words which it has been decided shall not be left out.

(6) When two or more amendments are proposed to be moved to the same Motion, the Speaker shall call upon the movers in the order in which their amendments relate to the text of the Motion, or in cases of doubt, in such order as the Speaker shall decide.

(7) An amendment to leave out words and replace those words with other words shall take precedence before any amendment to leave out words without proposing to replace those words with other words.

(8) No amendment may be moved which relates to any words which it has been decided shall not be left out of a Motion.

(9) An amendment to an amendment may be moved and if necessary seconded at any time after the question upon the original amendment has been proposed and before it has been put.

(10) Paragraphs (3), (4), (5), (6), (7), (8) and (9) of this Standing Order shall apply to the debate of amendments to amendments with the substitution whenever appropriate of the words “original amendment” for the word “question”.

(11) When every amendment to an amendment has been disposed of, the Speaker shall, either again propose the question upon the original amendment or propose the question upon the amendment, as amended as the case may require.

#### **Amendments to be in writing**

55. (1) The proposer of an amendment to a Motion shall, before moving it, hand the proposed amendments in writing, signed by the proposer, to the Clerk at least two hours before the order is read.

(2) Despite paragraph (1), the Speaker may, in exceptional circumstances, allow a Member to move an amendment to a Motion before the Assembly at any time during consideration of that Motion.



### **Amendments to be relevant to Motion**

**56.** (1) Every amendment shall be relevant to the Motion which it seeks to amend and shall not raise any question which, in the opinion of the Speaker, should be raised by a substantive Motion after notice given.

(2) No amendment shall be permitted if in the opinion of the Speaker, it represents a direct negative of the question proposed.

### **Question proposed after Motion made**

**57.** (1) The question on any Motion shall not be proposed unless it shall have been seconded and any Motion that is not seconded shall be deemed to have been withdrawn, and shall not be moved again in the same Session.

(2) Despite paragraph (1), a Motion made in Committee of the whole House shall not require to be seconded.

### **Motion in possession of the House**

**58.** After the question has been proposed on a Motion, the Motion shall be deemed to be in the possession of the House, and such Motion shall not be withdrawn without the leave of the House.

### **Question as amended put**

**59.** When a question has been amended it shall, when put, be put as amended.

### **When amendment proposed but not made**

60. When any amendment has been proposed but no amendment has been made, the question when put shall be put as originally proposed.

## **PART XIII—SPECIAL MOTIONS**

### **Definition of Special Motion**

61. For purposes of this Part, a Special Motion is one—
- (a) that seeks a resolution of the House to approve an appointment or re-appointment in accordance with Part XI (*Approval of Public Appointments*); or
  - (b) moved pursuant to any of the following Articles of the Constitution—
    - (i) Article 58 (*extension of state of emergency*);
    - (ii) Article 102 (*extension of the term of Parliament when Kenya is at war*);
    - (iii) Article 111 (*amending or veto of a special Bill passed by the Senate*);
    - (iiia) Article 106 (*resolution for removal of Speaker or Deputy Speaker from office*);
    - (iv) Article 132 (*declaration of war*);
    - (v) Article 144 (*removal of President on Grounds of incapacity*);

- (vi) Article 145 (*impeachment of the President*);
- (vii) Article 149 (*vacancy in the office of the deputy president*);
- (viii) Article 150 (*removal of Deputy President*);
- (ix) Article 152 (*dismissal of a cabinet secretary*);
- (x) Article 188 (*alteration of the boundaries of a county*);
- (xi) Article 211 (*borrowing by national government*);
- (xii) Article 217 (*division of revenue*);
- (xiii) Article 225 (*approval of decision to stop the transfer of funds to a State organ or any other public entity*);
- (xiv) Article 240 (*deployment of National forces outside Kenya and foreign forces in Kenya*);
- (xv) Article 241 (*deployment of Defence Forces inside Kenya*);
- (xvi) Article 251 (*petition for removal of a Member of a Commission or a holder of an independent office*);
- (xvii) Article 261 (*enactment of consequential legislation*).

(2) Unless the Constitution, any written law or these Standing Orders specify a lesser or further period, a Special Motion shall be—

- (a) disposed of by the Speaker in accordance with Standing Order 53 (*Manner of debating motions*) within seven days of receipt of notice by a Member under paragraph (2); and,
- (b) disposed of by the House within fourteen calendar days upon the notice under Standing Order 47 (*Notices of Motions*), and if not, such motion shall be deemed to have been withdrawn and shall not be moved again in the same Session, except with the consent of the Speaker.

**Instances where the Constitution requires a fixed majority**

62. (1) In every instance where the Constitution lays down that a fixed number of Members is necessary to support the moving of, or to decide any question on a motion, any amendment motion to such motion shall not be passed unless supported by the fixed number of Members required to pass the original motion.

(2) Notwithstanding paragraph (1), whenever a Bill or a special Motion the passage of which requires a special majority in the Assembly fails to obtain the required majority and the vote

results in a majority of the “Ayes” but the “Noes” have not numbered at least one third of all the Members of the Assembly, the Speaker may direct that a further vote be taken on the particular question, and the further vote shall be taken within five sitting days from the day the first vote was taken.

(3) If the Speaker does not so direct any further vote, or if on such further vote the fixed majority is not obtained, the Speaker shall declare that the Motion is negatived.

#### **PART XIV—PROCEDURE FOR REMOVAL FROM STATE OFFICE**

##### **Procedure for removal of President on grounds of incapacity**

63. (1) Before giving notice of Motion under Article 144(1) of the Constitution, the Member shall deliver to the Clerk a copy of the proposed Motion in writing—
- (a) stating the grounds and particulars upon which the proposed Motion is made;
  - (b) signed by the Member; and
  - (c) signed in support by at least a quarter of all the Members.

(1A) A motion under this Standing Order shall have its subject matter indicated on every sheet.

(2) A Motion under paragraph (1) shall be disposed of—

- (a) by the Speaker within three days of receipt of notice by a Member under paragraph (1); and
- (b) by the House within seven days of a Member giving notice under Standing Order 47 (*Notices of Motions*), and if not, such motion shall be deemed to have been withdrawn and shall not be moved again in the same session, except with the leave of the Speaker.

(3) If the National Assembly is not then sitting, the Speaker shall summon the Assembly for a special sitting to dispose of the Motion.

(4) An Order Paper on which the Motion under paragraph (1) is listed shall set out—

- (a) the grounds and particulars upon which the proposal is made;
- (b) the name of the Member sponsoring the Motion; and
- (c) the names of the Members in support of the Motion.

(5) Upon receipt of the Motion by the Clerk any signature appended to the list as provided under paragraph (4) shall not be withdrawn.

(6) When the Motion has been passed by a majority of all members of the National Assembly, the Speaker shall inform the Chief Justice of that resolution within two days.

(7) Upon receipt of the report of the tribunal pursuant to Article 144(6) of the Constitution, the Speaker shall cause the report to be tabled before the National Assembly within seven days after receiving it and—

- (a) If the tribunal reports that the President is capable of performing the functions of the office, the Speaker of the National Assembly shall so announce in the National Assembly and no further proceedings shall be taken on the matter;
- (b) If the tribunal reports that the President is incapable of performing the functions of the office, the National Assembly shall, upon a motion by the Member who moved the motion for investigation of the President, vote on whether to ratify the report and if a majority of all the Members of the National Assembly vote in favour of ratifying the report, the President shall cease to hold office.

#### **Procedure for removal of President by impeachment**

**64.** (1) Before giving notice of Motion under Article 145(1) of the Constitution, a Member shall deliver

to the Clerk a copy of the proposed Motion in writing—

- (a) stating the grounds and particulars in terms of Article 145(1) of the Constitution upon which the proposed Motion is made;
- (b) signed by the Member; and
- (c) signed in support by at least a third of all the Members.

(1A) The grounds specified in a motion under this Standing Order shall be admissible if—

- (a) framed clearly to particularize and disclose a gross violation of the Constitution or other written law, where gross violation of the Constitution or other written law is indicated as a ground for the intended removal;
- (b) stating with precision, the provisions of the Constitution or other written law that are alleged to have been grossly violated, where gross violation of the Constitution or other written law is indicated as a ground for the intended removal; and



(c) accompanied by necessary evidence, including annexures or sworn testimonies in respect of the allegations.

(2) A Motion under paragraph (1) shall be disposed of—

(a) by the Speaker in accordance with Standing Order 47 (*Notices of Motions*) within three days of receipt of notice by a Member under paragraph (1); and,

(b) by the Assembly within seven days of a Member giving notice under Standing Order 47 (*Notices of Motions*) and if not, such Motion shall be deemed to have been withdrawn and shall not be moved again in the same Session, except with the leave of the Speaker.

(3) If the National Assembly is not then sitting, the Speaker shall summon the Assembly for a special sitting to dispose of the Motion.

(4) An Order Paper on which the Motion under paragraph (1) is listed shall set out—

(a) the grounds and particulars upon which the proposal is made;

(b) the name of the Member sponsoring the Motion; and

(c) the names of the Members in support of the Motion.

(5) Upon receipt of the Motion by the Clerk any signature appended to the list as provided under paragraph (4) shall not be withdrawn.

(6) When the Motion has been passed by two-thirds of all members of the National Assembly, the Speaker shall inform the Speaker of the Senate of that resolution within two days in terms of Article 145(2)(a) of the Constitution.

#### **Procedure for removal of Deputy President**

**65.** (1) Where a Member proposes the removal of the Deputy President on the grounds of physical or mental incapacity in terms of Article 150(1)(a) of the Constitution, Standing Order 63 (*Procedure for removal of President on grounds of incapacity*) shall, with necessary modifications, apply.

(2) Where a Member proposes to impeach the Deputy President in terms of Article 150(1)(b) of the Constitution, Standing Order 64 (*Procedure for removal of President by impeachment*) shall, with necessary modifications, apply.

### **Procedure for removal of Cabinet Secretary**

**66.** (1) Before giving Notice of Motion under Article 152(6) of the Constitution, the Member shall deliver to the Clerk a copy of the proposed Motion in writing—

- (a) stating the grounds and particulars in terms of Article 152(6) of the Constitution upon which the proposed Motion is made;
- (b) signed by the Member; and
- (c) signed in support by at least one-quarter of all the Members of the Assembly.

(2) The provisions of Standing Order 64 (*Procedure for removal of President by impeachment*) shall apply to a Motion under paragraph (1).

(3) An Order Paper on which the Motion under paragraph (1) is listed shall set out—

- (a) the grounds and particulars upon which the proposed Motion is made;
- (b) the name of the Member sponsoring the Motion; and
- (c) the names of the Members in support of the Motion.

(4) Upon receipt of the Motion by the Clerk any signature appended to the list as provided under paragraph (3) shall not be withdrawn.

(5) If the Motion is supported by at least one-third of the Members of the National Assembly—

- (a) the Assembly shall, within seven days, appoint a select committee comprising eleven of its Members to investigate the matter; and
- (b) the select committee shall, within ten days, report to the Assembly whether it finds the allegations against the Cabinet Secretary to be substantiated.

(6) The Cabinet Secretary has the right to appear and be represented before the select committee during its investigations.

(7) If the select committee reports that it finds the allegations—

- (a) unsubstantiated, no further proceedings shall be taken; or
- (b) substantiated, the National Assembly shall—
  - (i) avail the Cabinet Secretary with the report of the select Committee, together with any other evidence adduced and such notes or papers presented to the committee at least three days before the day scheduled for his or

- her appearance before the Assembly;
- (ii) afford the Cabinet Secretary an opportunity to be heard; and
  - (iii) consider the Report of the select committee and vote whether to approve the resolution requiring the Cabinet Secretary to be dismissed.

(8) If a resolution requiring the President to dismiss a Cabinet Secretary is supported by a majority of the Members of the National Assembly, the Speaker shall promptly deliver the resolution to the President.

#### **Right to be heard**

- 67.** Whenever the Constitution, any written law or these Standing Orders—
- (a) require the National Assembly to consider a petition or a proposal for the removal of a person from office, the person shall be entitled to appear before the relevant Committee of the Assembly considering the matter and shall be entitled to legal representation;
  - (b) require the National Assembly to hear a person on grounds of removal from office, or in such similar circumstances, the Assembly shall hear the person—

- (i) at the date and time to be determined by the Speaker;
- (ii) for a duration of not more two hours or such further time as the Speaker may, in each case determine; and
- (iii) in such other manner and order as the Speaker shall, in each case, determine.

#### **Priority of Motion**

**68.** A Motion for the removal of a person from office under this Part shall take precedence over all other business on the Order Paper for the day.

### **PART XV—VOTING AND DIVISIONS**

#### **Voting in the House**

**69.** (1) Unless otherwise provided under the Constitution, a question arising in the House shall be decided by a majority of the Members in the House, present and voting.

(2) In ascertaining the results on a question under paragraph (1), the Speaker shall, in the first instance, collect the voices of the “Ayes” and the “Noes” and shall declare the results accordingly.

(3) On a question proposed for a decision in the House, the Speaker has no vote.

(4) In determining the number of Members of the House for the purpose of voting, the Speaker shall not be counted as a Member.

### **Electronic voting**

**70.** (1) Unless the Speaker, for the convenience of the House otherwise directs, voting on a division in the House shall be by electronic voting.

(2) When the Speaker directs that an electronic vote be taken, the Division Bell shall be rung for not more than ten minutes and the House shall proceed to a vote at the expiry of the ten minutes, or such further time as the Speaker may, for the convenience of the House, direct.

(3) During electronic voting, Members shall cast their votes by pressing either the “Yes,” “No,” or “Abstain” button.

(4) At the expiry of five minutes or as soon as the result of the voting appears on the indicator board, the Speaker or the Chairperson, as the case may be, shall announce the results of the division forthwith.

(5) A Member who is not able to cast his or her vote due to any reason considered sufficient by the Speaker, may before the result of the division is announced and after obtaining the permission of the Speaker, have his or her vote recorded

verbally by stating whether he or she is in favour of or against the Question.

(6) Where the presiding officer has an original vote, the presiding officer shall cast his or her vote from the Chair.

#### **Technical failure, confusion or error occurring**

71. In the event of a technical failure, confusion or error occurring in the course of voting which in the opinion of the Speaker cannot otherwise be corrected, the Speaker may direct the House to another round of electronic voting or proceed to a roll call voting.

#### **Roll call Division claimed**

72. (1) The Speaker shall direct a roll call vote to be taken if a Member claims a division and—

- (a) the Speaker considers that there is a reasonable doubt as to the outcome of the vote in question; or
- (b) if, on a question other than a question of procedure, thirty or more Members rise in their places to support the Member claiming the roll call division.

(2) The Speaker shall direct a division to be taken in every instance where the Constitution lays down that a fixed majority is necessary to decide any question.



### Roll call voting

73. (1) When the Speaker directs a roll call voting to be taken, the Division Bell shall be rung for ten minutes.

(2) The names of one teller for the “Ayes” and one teller for the “Noes” shall be submitted to the Speaker, and the Speaker shall direct the tellers to take seats at a designated place.

(3) At the end of ten minutes, the Speaker shall direct the doors to be locked and the Bar drawn and no Member shall thereafter enter or leave the House until after the roll call vote has been taken.

(4) When the doors have been locked and the Bar drawn and the names of the tellers have been announced, the Speaker shall put the question again and direct the Clerk to call out the names of Members in alphabetical order in the presence of the tellers.

(5) When called out, each Member shall, thereupon rise in his or her place and declare assent or dissent to the question in the following manner; “**I vote Yes**”; or, “**I vote No**”; or, “**I Abstain**,” or use appropriate Kenyan sign language.

(6) After the Clerk has read the last name in the Division list, the tellers shall present the result of

the roll call vote to the Speaker who shall thereupon announce the result of the vote to the House.

#### **In case of confusion or error**

74. In case of confusion or error occurring in the course of a roll call voting concerning the numbers or names recorded, which cannot otherwise be corrected, the Speaker shall direct the House to proceed to another roll call vote.

#### **Errors corrected**

75. If, after a roll call vote has been made, it is discovered that the number has been inaccurately reported or that an error has occurred in the names on the division list, the fact shall be reported to the House and the Speaker shall direct that the necessary corrections be made.

#### **Decorum during division**

76. (1) No Member shall be obliged to vote in a division, but those present and not voting shall either—
- (a) in the case of electronic voting, press the “Abstain” button; or
  - (b) in the case of roll call voting, record their abstention with the Clerk.

(2) It shall be disorderly conduct for a Member to fail to record his or her abstention in a division.

(3) A Member shall not vote on any question in which the Member has a pecuniary interest.

(4) During division, Members shall maintain order in the House and shall be in their designated seats and must remain seated until the result is announced.

#### **PART XVI—RULES OF DEBATE**

##### **Proceedings to be in Kiswahili, English or Kenyan Sign Language**

**77.** (1) All proceedings of the House shall be conducted in Kiswahili, English or in Kenyan Sign Language.

(2) A Member who begins a speech in any of the languages provided for under paragraph (1) shall continue in the same language until the conclusion of the Member's speech.

##### **Members to address the Speaker**

**78.** Every Member desiring to speak shall address a request to the Speaker.

### **Two or more Members requesting to speak**

**79.** If two or more Members request to speak at the same time, the Member called upon by the Speaker shall be entitled to speak.

### **Speeches may not be read**

**80.** (1) No Member shall read a speech but a Member may read short extracts from written and printed papers in support of an argument and may refresh memory by reference to notes.

(2) The Speaker may allow a Member to read a speech in particular cases where the Speaker is satisfied that this is necessary for precision in statement of facts.

### **No Member to speak after Question put**

**81.** No Member shall speak to any question after the same has been put by the Speaker.

### **Speaking twice to a Question**

**82.** (1) No Member shall speak more than once to a question except in Committee of the whole House.

(2) Despite paragraph (1)–

(a) a Member who has spoken on a question may again be heard to offer explanation of some material part of the Member's speech which has been misunderstood but must not introduce new matter;

(b) a reply shall be allowed to a Member who has moved a substantive Motion but not to a Member who has moved an amendment.

(3) The mover of a substantive Motion may surrender all or part of his or her right to reply to another Member or Members nominated by him or her who have not already spoken to such Motion.

**Member who has spoken to question may speak to amendment**

**82A.** Where an amendment has been moved, and if necessary seconded, any Member who has already spoken to the main question may speak to the amendment, and any Member who has not spoken to the main question but speaks to the amendment does not thereby forfeit the right to speak to the main question.

**Debate on amendment confined to amendment**

**82B.** (1) Where an amendment has been moved, and if necessary seconded, debate shall be confined to the amendment.

(2) Despite paragraph (1), the Speaker may direct that the debate on the amendment may include debate on the matter of the Motion where, in the Speaker's opinion, the matter of the amendment

is not conveniently severable from the matter of the Motion.

(3) Where the Speaker issues directions under paragraph (2), a Member who speaks to the amendment shall not be entitled, after the amendment has been disposed of, to speak to the Motion, and any Member who has already spoken to the Motion may in speaking to the amendment, speak only to any new matter raised thereby.

### **Reserving rights of speech**

**82C.** Upon a Motion, other than a Motion by way of amendment to a question proposed by the Speaker, a Member may second by rising in his or her place and signifying acquiescence by bowing the head, without speaking, and such Member shall thereby reserve the same rights of speech as the Member would have had if some other Member had seconded such Motion.

### **Points of Order**

**83.** (1) Any Member may raise a point of order at any time during the speech of another Member stating that the Member rises on a point of order and that Member shall be required to indicate the Standing Order upon which the point of order is based.

(2) When a Member raises a point of order during the speech of another Member, the Member who was speaking shall thereupon resume his or her

seat and the Member raising the point of order shall do likewise when he or she has concluded his or her submission, but no other Member may, except by leave of the Speaker, speak on the point of order.

(3) The Speaker shall either give a decision on the point of order forthwith or announce that the decision is deferred for consideration after which the Member who was speaking at the time the point of order was raised may continue to speak.

(4) The Speaker or the Chairperson, as the case may be, shall order any Member who unnecessarily and persistently interrupts proceedings or consults loudly and disruptively to withdraw from the Chamber and Standing Order 107 (*Disorderly conduct*) shall apply to any such Member.

### **Personal Statements**

**84.** By the indulgence of the House, a Member may explain matters of a personal nature although there is no question before the House, but such matter may not be debated.

### **Anticipating debate**

**85.** (1) It shall be out of order to anticipate the debate of a Bill which has been published as such in the *Gazette* by discussion upon a substantive Motion or an amendment, or by raising the

subject matter of the Bill upon a Motion for the adjournment of the House.

(2) It shall be out of order to anticipate the debate of a Motion of which notice has been given by discussion upon a substantive Motion or an amendment, or by raising the same subject matter upon a Motion of the adjournment of the House.

(3) In determining whether a debate is out of order on the grounds of anticipation, regard shall be had to the probability of the matter anticipated being brought before the House within a reasonable time.

**Proceedings of Select Committees not to be referred to**

**86.** No Member shall refer to the substance of the proceedings of a Select Committee before the Committee has made its report to the House.

**Contents of speeches**

**87.** (1) Neither the personal conduct of the President, nor the conduct of the Speaker or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the Head of State or Government or the representative in Kenya of any friendly country or the conduct of the holder of an office whose removal from such office is dependent upon a



decision of the House shall be referred to adversely, except upon a specific substantive Motion of which at least three days' notice has been given.

(2) It shall be out of order to introduce an argument on any specific question upon which the House has taken a decision during the same Session, except upon a Motion to rescind that decision made with the permission of the Speaker.

(3) It shall be out of order to use offensive or insulting language whether in respect of Members of the House or other persons.

(4) No Member shall impute improper motive to any other Member or to a Senator except upon a specific substantive Motion of which at least three days' notice has been given, calling in question the conduct of that Member or Senator.

(5) It shall be out of order for a Member to criticize or call to question, the proceedings in the Senate or the Speaker's Ruling in the Senate but any debate may be allowed on the structures and roles of the Senate or Parliament.

### **Retraction and Apologies**

**88.** A Member who has used exceptionable words and declines to explain and retract the words or to offer apologies for the use of the words to the

satisfaction of the Speaker shall be deemed to be disorderly and shall be dealt with in accordance with the rules pertaining to disorderly conduct.

**Matters *sub judice* or secret**

**89.** (1) Subject to paragraph (5), no Member shall refer to any particular matter which is *sub judice* or which, by the operation of any written law, is secret.

(2) A matter shall be considered to be *sub judice* when it refers to active criminal or civil proceedings and the discussion of such matter is likely to prejudice its fair determination.

(3) In determining whether a criminal or civil proceeding is active, the following shall apply—

- (a) criminal proceedings shall be deemed to be active when a charge has been made or a summons to appear has been issued;
- (b) criminal proceedings shall be deemed to have ceased to be active when they are concluded by verdict and sentence or discontinuance;
- (c) civil proceedings shall be deemed to be active when arrangements for hearing, such as setting down a case for trial, have been made, until the proceedings are ended by judgment or discontinuance;

(d) appellate proceedings whether criminal or civil shall be deemed to be active from the time when they are commenced by application for leave to appeal or by notice of appeal until the proceedings are ended by judgment or discontinuance.

(4) A Member alleging that a matter is *sub judice* shall provide evidence to show that paragraphs (2) and (3) are applicable.

(5) Notwithstanding this Standing Order, the Speaker may allow reference to any matter before the House or a Committee.

#### **Declaration of interest**

90. (1) A Member who wishes to speak on any matter in which the Member has a personal interest shall first declare that interest.

(2) Personal interests include pecuniary interest, proprietary interest, personal relationships and business relationships.

#### **Responsibility for statement of fact**

91. (1) A Member shall be responsible for the accuracy of any facts which the Member alleges to be true and may be required to substantiate any such facts instantly.

(2) If a Member has sufficient reason to convince the Speaker that the Member is unable to

substantiate the allegations instantly, the Speaker shall require that such Member substantiates the allegations not later than the next sitting day, failure to which the Member shall be deemed to be disorderly within the meaning of Standing Order 107 (*Disorderly conduct*) unless the Member withdraws the allegations and gives a suitable apology, if the Speaker so requires.

92. (Deleted).

93. (Deleted).

94. (Deleted).

#### **Closure of debate**

95. (1) After the question on a Motion the Mover of which has a right of reply has been proposed, a Member rising in his or her place may claim to move "That, the Mover be now called upon to reply," and, unless the Speaker is of the opinion that such Motion is an abuse of the proceedings of the House, or an infringement of the rights of Members, the question "That, the Mover be now called upon to reply," shall be put forthwith, and decided without amendment or debate and if that question is agreed to, the Mover may, immediately reply to the debate, and as soon as the Mover has concluded or, if the Mover does not wish to reply, immediately, the Speaker shall put

the question, subject to paragraph 3 of Standing Order 53 (*Manner of debating Motions*).

(2) After the question on a Motion the Mover of which has no right of reply has been proposed, a Member rising in his or her place may claim to move “That, the question be now put,” and, unless the Speaker is of the opinion that such a Motion is an abuse of the proceedings of the House, or an infringement of the rights of Members, the question “That, the question be now put,” shall be put forthwith, and decided without amendment or debate and if that question is agreed to, the Speaker shall immediately put the question accordingly, subject to paragraph (3) of Standing Order 53 (*Manner of debating Motions*).

### **Resumption of interrupted business**

**95A.** Any debate interrupted under this Part shall on coming again before the House or the Committee, be resumed at the point where it was interrupted and any Member whose speech was so interrupted shall have the right to speak on such resumption for the remainder of the time available to him or her; but if such Member does not avail himself or herself of this right, his or her speech shall be deemed to have been concluded.

### **Adjournment of debate**

**96.** (1) A Member who wishes to postpone to some future occasion the further discussion of a question which has been proposed from the Chair may claim to move “That, the debate be now adjourned,” or, in Committee of the whole House “That, the Chairperson do report progress.”

(2) The debate on a dilatory Motion shall be confined to the matter of the Motion.

(3) If the Speaker is of the opinion that a dilatory Motion is an abuse of the proceedings of the House, the Speaker may forthwith put the question thereon or decline to propose it.

(4) A Member who has moved or seconded a dilatory Motion which has been negatived may not subsequently move or second another such Motion during the same debate, whether in the House or in Committee of the whole House.

## **PART XVII—LIMITATION OF DEBATE**

### **Limitation of debate**

**97.** (1) The House may, on a Motion made by any Member in accordance with this Standing Order, impose a limit in respect of debate on any particular Motion or Bill by allotting a limited period of time for such debate or by limiting the time during which Members may speak in such debate or by imposing such limitations.

(2) A Motion for limitation of debate under this Standing Order may be made without notice.

(3) A Motion under paragraph (2) shall not be made in the course of the debate to which it refers unless it is moved after the adjournment of such debate and before the debate is resumed.

(4) No Member may speak in a debate on Bills, Sessional Papers, Motions or Reports of Committees for more than twenty minutes without the leave of the Speaker but the Leader of Majority Party and the Leader of Minority Party may each speak for a maximum of 60 minutes.

#### **PART XVIII—ORDER IN THE HOUSE AND IN COMMITTEE OF THE WHOLE HOUSE**

##### **Maintenance of order**

**98.** Order shall be maintained in the House by the Speaker and in a Committee of the whole House by the Chairperson of such Committee but disorder in Committee may be censured only by the House on receiving a report thereof.

##### **Security checks**

**99.** (1) A Member shall be subjected to a security check or screening before entering the Chamber.

(2) The security check or screening under paragraph (1) shall extend to a handbag or other

accessory that a Member intends to enter with into the chamber.

#### **Firearms and other offensive weapons**

- 100.** No Member shall bring a firearm or any offensive weapon into the Chamber and any such weapon must be deposited with the Serjeant-at-Arms for safe custody before entering the Chamber, and collected at the time of leaving the Chamber.

#### **Lady Members' handbags**

- 101.** A lady Member may be allowed into the Chamber with a handbag of reasonable size.

#### **When the Speaker rises Members to be silent**

- 102.** Whenever the Speaker or the Chairperson of Committees rises, any Member then speaking, or offering to speak, shall resume his or her seat and the House or the Committee shall be silent, so that the Speaker or the Chairperson of Committees may be heard without interruption.

#### **Members and the Chair**

- 103.** (1) Every Member shall bow to the Chair in passing to or from his or her seat or across the Floor of the House but, a Member may show respect in any other manner consistent with the Member's faith and with the dignity of the House.



(2) No Member shall pass between the Chair and any Member who is speaking or between the Chair and the Table except in so far as it is necessary for the purpose of the administration of Oath or Affirmation of Allegiance.

**Members to be seated**

104. Except when passing to and from his or her seat or when speaking, every Member when in the Chamber shall be seated, and shall not at any time stand in any of the passages and gangways.

**Members to remain in their places until the Speaker has left the Chamber**

105. When the House adjourns, Members shall stand in their places until the Speaker has left the Chamber.

**Irrelevance or repetition**

106. The Speaker or the Chairperson of Committees, after having called attention to the conduct of a Member who persists in irrelevance or tedious repetition either of the Member's own arguments or the arguments used by other Members in debate, may, after having first warned him or her direct that the Member discontinue his or her speech.

### **Disorderly conduct**

- 107.** (1) A Member commits an act of disorderly conduct if the Member—
- (a) creates actual disorder;
  - (b) knowingly raises a false point of order;
  - (c) unnecessarily interrupts proceedings or consults in a disruptive manner;
  - (d) fails to record abstention in a division;
  - (e) fails to declare personal interest in a matter before the House or a Committee in accordance with Standing Order 90 (*Declaration of interest*);
  - (f) deliberately gives false information to the House;
  - (g) makes allegations without, in the Speaker's opinion, adequate substantiation;
  - (h) threatens to use violence against a Member or other person in the House or Committee;
  - (i) votes more than once in breach of these Standing Orders;
  - (j) commits any other breach of these Standing Orders, that in the opinion of the Speaker, constitutes disorderly conduct.

- (2) The Speaker may call a Member whose conduct is disorderly to order, and—
- (a) caution the Member; or
  - (b) order the Member to withdraw from the precincts of the Assembly for a maximum of four days.

**Gross disorderly conduct**

- 107A.** (1) A Member commits an act of gross disorderly conduct if the Member—
- (a) defies a ruling or direction of the Speaker or Chairperson of Committees;
  - (b) declines to explain or retract use of unparliamentary words or declines to offer apologies, despite having been ordered to do so by the Speaker;
  - (c) demonstrates or makes disruptive utterances against the suspension of a Member;
  - (d) attempts to or causes disorder of whatever nature during an address by a visiting dignitary;
  - (e) uses violence against a Member or other person in the House or Committee;
  - (f) attempts to or disrupts the Speaker's Procession when the Procession is entering or leaving the Chamber;
  - (g) attempts to or removes the mace from its place in the Chamber;

- (h) acts in any other way to the serious detriment of the dignity or orderly procedure of the House; or
- (i) commits any other breach of these Standing Orders, that in the opinion of the Speaker, constitutes gross disorderly conduct.

(2) In this Standing Order, “unparliamentary language” means the use of words which, in the opinion of the person presiding, are deemed to be impolite, rude, abusive or inconsistent with parliamentary procedure or practice.

(3) The Speaker may call a Member whose conduct is grossly disorderly to order, and shall order the Member to withdraw immediately from the precincts of the Assembly for a minimum of five days and a maximum of twenty-eight days, including the day of suspension.

**Member may be suspended after being named**

**108.** (1) Any Member may at any time, on a point of order, invite the Speaker or the Chairperson of Committees to name another Member for grossly disorderly conduct, but the decision whether or not to do so shall remain with the Speaker or Chairperson.

(2) Whenever a Member shall have been named by the Speaker or by the Chairperson, then -

- (a) if the breach has been committed by such Member in the House, a Motion shall be made by any other Member present **“That, such Member (naming the Member) be suspended from the service of the House,”** and the Speaker shall forthwith put the question thereon, no amendment, adjournment, or debate being allowed;
- (b) if the breach has been committed in a Committee of the whole House, the Chairperson shall forthwith leave the Chair and report the circumstances to the House; and the Speaker shall on a Motion as aforesaid being made, forthwith put the question, no amendment, adjournment or debate being allowed, as if the offence had been committed in the House itself.

**Member suspended to withdraw from precincts of Parliament**

**109.** Whenever a Member has been named in accordance with Standing Order 108 (*Member may be suspended after being named*), the Speaker shall order the Member to withdraw from the Chamber and the precincts of the Assembly.

### **Duration of suspension of a Member**

**110.** If any Member is suspended under Standing Order 108 (*Member may be suspended after being named*) the suspension on the first occasion shall be for four days including the day of suspension; on the second occasion during the same Session for eight days, including the day of suspension; and on the third or any subsequent occasion during the same Session for twenty-eight days, including the day of suspension.

### **Effect of suspension**

**110A.** (1) A Member who is ordered to withdraw from the precincts of Assembly under Standing Order 108 (*Member may be suspended after being named*) and Standing Order 111 (*Action to be taken on refusal to withdraw*) shall during the period of such withdrawal or suspension forfeit—

- (a) the right of access to the precincts of the Assembly; and
- (b) his or her salary and all allowances payable during the period.

(2) Suspension from the service of the House shall not exempt the Member so suspended from appearing before a Committee of the House for the consideration of a Bill sponsored by the Member.

### **Appeal against suspension**

**110B.** (1) Except as provided in this Standing Order, the suspension of a Member or the application of this Standing Order shall not be subject to debate.

(2) A Member suspended from the House under this Part may appeal in writing to the Committee of Privileges within three days of the suspension.

(3) Despite paragraph (2), the Committee may, with leave of the House, admit an appeal received after three days.

(4) Upon receipt of the Member's appeal, the Committee shall within seven days—

- (a) notify the Member, in writing, of the day appointed for the hearing of the appeal;
- (b) notify the Speaker, who shall thereafter admit the Member to the precincts of Parliament on the day(s) appointed for the hearing of the appeal; and
- (c) consider the appeal and after according the Member the right to be heard, submit a report to the House either—
  - (i) upholding the suspension; or
  - (ii) reducing the period of suspension; or
  - (iii) readmitting the Member to the House.

(5) The decision of the Committee regarding the suspension shall be final.

(6) The Member who presided in the House or Committee of the whole House during suspension of an appealing Member shall not participate in the proceedings of the Committee during the appeal, except to give evidence when so required.

(7) A Member designated by the Committee shall inform the House of the decision of the Committee regarding the suspension and the Speaker shall thereupon effect the decision.

(8) The House may, in exceptional circumstances permitted by the Speaker, debate the report of the Committee without amendment or resolution.

**Action to be taken on refusal to withdraw**

**111.** If any Member shall refuse to withdraw when required to do so, by or under these Standing Orders, the Speaker or the Chairperson of Committee as the case may be, having called the attention of the House or Committee to the fact that recourse to force is necessary in order to compel such Member to withdraw, shall order such Member to be removed and such Member shall thereupon without question put be suspended from the service of the House for a minimum of twenty-one days and a maximum of



ninety days and shall during such suspension, forfeit the right of access to the precincts of Parliament and the Serjeant-at-Arms shall take necessary action to enforce the order.

### **Grave disorder in the Assembly**

**112.** (1) In the event of grave disorder arising in the House, the Speaker may, adjourn the House forthwith or suspend any sitting for a period to be determined by him or her.

(2) In the event of grave disorder arising in the Committee of the whole House, the Speaker shall resume the Chair forthwith.

### **Definition of a day**

**112A.** For the purposes of this Part, a “day” means a calendar day.”

## **PART XIX—PUBLIC BILLS**

### **Application and limitation**

**113.** The provisions of this Part shall apply in respect of all public Bills.

### **Introduction of Bills**

**114.** (1) A legislative proposal for which a Member or a Committee is in charge shall, together with a memorandum setting out its objectives and matters specified in Standing Order 117

(*Memorandum of Objects and Reasons*), be submitted to the Speaker.

(2) The Speaker shall refer the legislative proposal and the memorandum to the Clerk who shall consider the legislative proposal, draft it in proper form where necessary and submit it to the Speaker with comments on—

- (a) whether the legislative proposal affects or does not affect counties and if it does, whether it is a special or ordinary Bill;
- (b) whether the legislative proposal is a draft money Bill in terms of Article 114 of the Constitution; and
- (c) whether the legislative proposal conforms to the Constitution and the law and is in order as to format and style in accordance with the Standing Orders.

(3) Upon receipt of the legislative proposal from the Clerk under paragraph (2), the Speaker shall—

- (a) where the Speaker is of the opinion that a legislative proposal is not a draft money Bill in terms of Article 114 of the Constitution—
  - (i) direct that the proposal be referred to the relevant Departmental Committee for prepublication scrutiny in case of a legislative

proposal not sponsored by a Committee;

(ii) direct that the proposal be published into a bill, in the case of a legislative proposal sponsored by a Committee.

(b) where the Speaker is of the opinion that a legislative proposal is a draft money Bill in terms of Article 114 of the Constitution, direct that the legislative proposal be referred to the Budget and Appropriations Committee and the proposal shall be proceeded with only in accordance with the recommendations of the Budget and Appropriations Committee after taking into account the views of the Cabinet Secretary responsible for finance.

(4) The Budget and Appropriations Committee shall consider only the money-bill or financial aspects of the proposal and submit a report to the Speaker within twenty-one (21) days of receipt of the proposal.

(5) A report under paragraph (4) shall contain—

(a) the views of the Cabinet Secretary responsible for finance, if any;

(b) a detailed examination of the manner in which the legislative proposal affects

the current and future budgets and may include implications on tax measures;

- (c) a recommendation on whether or not the proposal should be proceeded with;
- (d) any other appropriate recommendation relating to money-bill aspects of the proposal.

(6) Upon receipt of the recommendations of the Budget and Appropriations Committee, the Speaker may direct that—

- (a) the proposal be subjected to prepublication scrutiny before the relevant Departmental Committee in case of a legislative proposal not sponsored by a Committee; or
- (b) the proposal be published into a bill, in the case of a legislative proposal sponsored by a committee; or
- (c) the legislative proposal not be proceeded with.

(7) The Departmental Committee to which a legislative proposal is referred to for prepublication scrutiny under paragraphs (3)(a)(i) and (6)(a) shall consider the proposal and submit a report to the Speaker within twenty-one (21) days recommending whether or not the proposal should be proceeded with.

(8) Following the recommendations of the relevant Departmental Committee, the Speaker shall direct either that the legislative proposal be published into a bill or not be proceeded with.

### **Speaker to exempt certain legislative proposals**

**114A.** (1) The Speaker may exempt a legislative proposal which originates from the Party forming the National Government from the provisions of Standing Order 114 (*Introduction of Bills*).

(2) An exemption under paragraph (1) may not be granted unless it is accompanied by a copy of the relevant Cabinet approval.

(3) The Party forming the National Government may indicate the Member under whose name the legislative proposal is proposed to be published.

(4) Upon grant of the exemption, the Speaker shall direct that the legislative proposal be published into a Bill.

### **Printing of amending provisions**

**115.** Where a Bill seeks to amend any provision of an existing Act, the text of the relevant part of such provision shall be printed and supplied as part of the Bill which is availed to Members, unless in the opinion of the Speaker, the amendment is formal, minor or self explanatory.

### **Enacting formula**

**116.** Every Bill shall contain, as the enacting formula, the words “Enacted by the Parliament of Kenya.”

### **Memorandum of Objects and Reasons**

**117.** Every Bill shall be accompanied by a memorandum containing:

- (a) a statement of the objects and reasons of the Bill;
- (b) a statement of delegation of legislative powers and limitation of fundamental rights and freedom, if any;
- (c) an indication whether it concerns county governments; and
- (d) a statement of its financial implication and if the expenditure of public moneys will be involved should the Bill be enacted, an estimate, where possible, of such expenditure.

### **Provisions on delegated powers**

**118.** Every Bill that confers on any State organ, State officer or person the authority to make provision having the force of law in Kenya in terms of Article 94(6) of the Constitution shall contain a separate and distinct part of the Bill under the title “Provisions on Delegated Powers” in which shall be expressly specified—

- (a) the purpose and objectives for which that authority is conferred;
- (b) the limits of the authority;
- (c) the nature and scope of the law which may be made; and
- (d) the principles and standards applicable to the law made under the authority.

#### **Limitation of fundamental rights and freedom**

**119.** Every Bill that contains a provision limiting a right or fundamental freedom in terms of Article 24(2) of the Constitution shall contain separate and distinct provisions—

- (a) clearly expressing the specific right or fundamental freedom to be limited; and
- (b) the nature and extent of that limitation.

#### **Publication**

**120.** No Bill shall be introduced unless such Bill together with the memorandum referred to in Standing Order 117 (*Memorandum of Objects and Reasons*), has been published in the *Gazette* (as a Bill to be originated in the Assembly), and unless, in the case of a Consolidated Fund Bill, an Appropriation Bill or a Supplementary Appropriation Bill, a period of seven days, and in the case of any other Bill a period of fourteen

days, beginning in each case from the day of such publication, or such shorter period as the House may resolve with respect to the Bill, has ended.

### **Bills concerning county government**

**121.** (1) A Bill concerning county governments is—

- (a) a special Bill, which shall be considered under Article 111 of the Constitution if it—
  - (i) relates to the election of members of a county assembly or a county executive; or
  - (ii) is the annual County Allocation of Revenue Bill referred to in Article 218 of the Constitution; or
- (b) an ordinary Bill, which shall be considered as provided under Article 112 of the Constitution, in any other case.

(2) Whenever any question arises as to whether a Bill is a Bill concerning county governments, the Speaker shall determine whether the Bill is a Bill concerning county governments and, if it is, whether it is a special or an ordinary Bill.

(3) Pursuant to Article 110(3) of the Constitution, the Speaker and the Speaker of the Senate may agree on an appropriate framework



for jointly resolving the question under paragraph (2).

### **Procedure upon Publication**

**122.** (1) Upon publication of a Bill in the *Gazette*, the Clerk shall obtain sufficient copies of the Bill and avail a copy of the Bill to every Member.

(2) A Bill shall be signed by the Member in charge of it and shall be introduced by way of First Reading in accordance with Standing Order 126 (*First Reading*).

(3) A Bill for whom a Committee is in charge shall be introduced by the Chairperson of the Committee or a Member of the Committee designated by the committee for that purpose.

**123.** (Deleted)

### **Not more than one stage of a Bill to be taken at the same sitting**

**124.** (1) Except with the leave of the House, not more than one stage of a Bill may be taken at any one sitting.

(2) Paragraph (1) shall not apply to or in respect of—

(a) an Appropriation Bill, a Consolidated Fund Bill, a County Allocation of

Revenue Bill, a Division of Revenue Bill and an Equalization Fund Bill; or

- (b) a Bill to amend the Constitution in respect of its Second and Third Reading.

### **Reading of Bills**

**125.** A Bill is read by the reading by the Clerk to the assembled House of the title of the Bill.

### **First Reading**

**126.** Every Bill shall be read a First Time without Motion made or question put.

### **Committal of Bills to Committees and public participation**

**127. (1)** A Bill having been read a First Time shall stand committed to the relevant Departmental Committee without question put.

(2) Notwithstanding paragraph (1), the Assembly may resolve to commit a Bill to a select committee established for that purpose.

(3) The Departmental Committee to which a Bill is committed shall facilitate public participation on the Bill through an appropriate mechanism, including—

- (a) inviting submission of memoranda;
- (b) holding public hearings;

- (c) consulting relevant stakeholders in a sector; and
- (d) consulting experts on technical subjects.

(3A) The Departmental Committee shall take into account the views and recommendations of the public under paragraph (3) in its report to the House.

(4) Subject to Standing Order 129 (*Second Reading of a Bill to amend the Constitution*) the Chairperson of the Departmental Committee to which a Bill is committed or a Member designated for that purpose by the Committee shall present the Committee's report to the House to inform debate within twenty-one calendar days of such committal and upon such presentation, or if the Committee's report is not presented when it becomes due, the Bill shall be ordered to be read a Second Time on such day as the House Business Committee shall, in consultation with the Member or the Committee in charge of the Bill, appoint.

(5) If for any reason, at the commencement of the Second Reading the report of the Committee has not been presented, the Committee concerned shall report progress to the House and the failure to present the report shall be noted by the Liaison Committee for necessary action.

(6) Despite paragraph (1)–

- (a) the Speaker may direct that a particular Bill be committed to such committee as the Speaker may determine.
- (b) a Consolidated Fund Bill, an Appropriation Bill, a Supplementary Appropriation Bill or a Finance Bill shall be committed to the Budget and Appropriations Committee.

### **Second Reading**

**128.** (1) On the Order of the Day being read for the Second Reading of a Bill, a Motion shall be made, **“That, the .....Bill be now read a Second Time.”**

(2) No amendment may be moved to the question **“That, the .....Bill be now read a Second Time”**, other than an amendment to leave out the word “now” and to add, at the end of the question, the words **“upon this day..... (state the period).”**

### **Second Reading of a Bill to amend the Constitution**

**129.** A Bill to amend the Constitution shall not be called for the Second Reading in the National Assembly within ninety days after the First Reading of the Bill in the National Assembly.

### **Committal of Bills to Committee of the whole House**

**130.** (1) A Bill having been read a Second Time shall stand committed to a Committee of the whole House.

(2) On the Order of the Day for Committee on a Bill being read, the Speaker shall leave the Chair without question put.

### **Referral of proposed amendments to Committees**

**131.** Where after a Bill has been Read a Second Time and before commencement of Committee of the Whole, amendments have been proposed to it, which in the opinion of the Speaker require harmonization, the Speaker may direct any Member proposing an amendment to the Bill to appear before the relevant Departmental Committee dealing with the subject matter of the Bill to present his or her proposed amendments and the Committee shall submit a report to the House on the result of the exercise before the Committee of the Whole House is taken.

### **Sequence to be observed on a Bill in Committee**

**132.** In considering a Bill in Committee, the various parts thereof shall be considered in the following sequence -

- (a) clauses as printed, excluding the clauses providing for the citation of the Bill, the

- commencement, if any, and the interpretation;
- (b) new clauses;
  - (c) schedules;
  - (d) new schedules;
  - (e) interpretation;
  - (f) preamble, if any;
  - (g) long title;
  - (h) the clauses providing for the citation of the Bill and the commencement.

**Procedure in Committee of the whole House on a Bill**

**133.** (1) The Clerk shall call severally each part of the Bill in the sequence specified in Standing Order 132 (*Sequence to be observed on a Bill in Committee*) and if no amendment is proposed or when all proposed amendments have been disposed of, the Chairperson shall propose the question “That, .... (as amended) stand part of the Bill” and, when Members who wish to speak have spoken, the Chairperson shall put that question to the Committee for decision.

(1A) Debate to a proposed amendment shall be confined to the content of the amendment.

(2) No amendment shall be moved to any part of a Bill by any Member, other than the Member in charge of the Bill, unless written notification of

the amendment shall have been given to the Clerk twenty-four hours before the commencement of the sitting at which that part of the Bill is to be considered in Committee.

(3) Despite paragraph (2), where an amendment has been moved to any part of a Bill in accordance with this paragraph, any Member may move an amendment to that amendment on delivering to the Chairperson the terms of his or her amendment in writing.

(4) A Member moving an amendment or a further amendment to any part of the Bill under paragraphs (2) and (3) shall explain the meaning, purpose and effect of the proposed amendment or further amendment.

(5) No amendment shall be permitted to be moved if the amendment deals with a different subject or proposes to unreasonably or unduly expand the subject of the Bill, or is not appropriate or is not in logical sequence to the subject matter of the Bill.

(6) No amendment shall be moved which is inconsistent with any part of the Bill already agreed to or any decision already made by the Committee, and the Chairperson may at any time during the debate of a proposed amendment, withdraw it from the consideration of the Committee if in the opinion of the

Chairperson, the debate has shown that the amendment contravenes this paragraph.

(7) In the case of a Consolidated Fund Bill, an Equalization Bill, a Division of Revenue Bill, a County Allocation of Revenue Bill or an Appropriation Bill, no amendment shall be moved whose effect would be to impose a charge or increase expenditure above that already resolved by the House or in the Committee of Supply unless the House first resolves to allow such a Motion.

(8) The Chairperson may refuse to propose the question upon any amendment which in the opinion of the Chairperson is frivolous or would make the clause or schedule which it proposes to amend unintelligible or ungrammatical.

(9) Paragraph (4) of Standing Order 54 (*Amendments to Motions*) shall apply, with necessary modifications, to the proceedings for amendment of a Bill in Committee.

(10) The consideration of any part or a clause of a Bill may be postponed until such later stage of the proceedings in Committee on such Bill as the Committee may determine.

(11) On any Motion being made for the addition of a new clause, the clause shall be deemed to have been read a First Time and the question



shall then be proposed **“That, the new clause be read a Second Time”** and if this is agreed, amendments may then be proposed to the new clause and the final question to be proposed shall be **“That, the clause (as amended) be added to the Bill”**.

(12) New schedules shall be disposed of in the same way as new clauses.

(13) The question to be put on the preamble (if any) shall be **“That, the preamble (as amended) be the preamble of the Bill.”**

(14) The question to be put on the long title of the Bill shall be **“That, the long title (as amended) be the title of the Bill”**.

(15) No question shall be put on the enacting formula.

(16) At the conclusion of the proceedings in Committee on a Bill, or, if more than one, on all such Bills, the Member in charge shall move **“That, the Bill(s) (as amended) be reported to the House,”** and the question thereon shall be decided without amendment or debate.

### **Report of Progress**

**134.** If any Member before the conclusion of proceedings on a Bill in a Committee of the whole House moves to report progress and such

Motion is carried, the Chairperson shall leave the Chair and the Chairperson, or, if the Chairperson has taken the Speaker's Chair, the Member in charge of the Bill, shall report progress to the House and shall seek leave to sit again, and a day for the resumption of the proceedings shall be determined by the House Business Committee in consultation with the Member in charge of the Bill.

#### **Bill to be reported**

**135.** When a Committee of the whole House has agreed that a Bill or a number of Bills be reported, the Chairperson, shall forthwith leave the Chair of the Committee and the House shall resume, and the Chairperson or if the Chairperson has taken the Speaker's Chair, the Member in charge of the Bill shall report the Bill to the House, and each Bill, if more than one, shall be so reported separately.

#### **Procedure on Bills reported from Committee of the whole House**

**136.** (1) When a Bill has been reported from a Committee of the whole House, the House shall consider the Bill as reported upon a Motion "That the House do agree with the Committee in the said report".

(2) The question on any Motion moved under paragraph (1) shall be put forthwith, no

amendment, adjournment or debate being allowed, unless any Member desires to delete or amend any provision contained in a Bill, or to introduce a new provision in the Bill.

### **Recommittal Procedure**

**136A.** (1) A Member who desires to amend or delete a provision contained in a Bill reported from Committee of the whole House or introduce a new provision in the Bill, may propose an amendment to add, at the end of the Motion for agreement with the Committee of the whole House, the words “subject to the re-committal of the Bill (in respect of some specified clause, part or of some proposed new clause or new schedule) to a Committee of the whole House.

(2) If the amendment to the motion for agreement with the Committee of the whole House is agreed to, the Bill shall stand so re-committed and the House shall either forthwith or upon a day named by the House Business Committee in consultation with the Member in charge of the Bill dissolve itself into a Committee to consider the matter so re-committed.

### **Procedure on Bills reported from Select Committees**

**137.** (1) The report of a Select Committee on a Bill shall be laid on the Table of the House by the

Chairperson or Vice-Chairperson of the Select Committee or by some other Member authorized by the Committee in that behalf.

(2) The House shall consider the Bill as reported from the Select Committee upon a Motion **“That the report of the Select Committee established pursuant to Standing Order 127(2) on the.....Bill be approved.”**

(3) Standing Order 136 (*Procedure on Bills reported from Committee of the whole House*) shall apply to any motion to approve the report of a Select Committee on a Bill.

#### **Procedure upon the re-committal of a Bill**

**138.** (1) When a Bill has been re-committed to a Committee of the whole House, the Committee shall consider only the matters so re-committed and any matter directly consequential thereon.

(2) Except as is provided by paragraph (1), the procedure in Committee on a Bill on first committal shall apply with the necessary modifications to a Bill on re-committal.

(3) When a Bill has been reported from a Committee of the whole House after re-committal Standing Order 136 (*Procedure on Bills reported from Committee of the whole House*) shall apply.

### **Third Reading**

**139.** (1) On the adoption of a report on a Bill, the Third Reading may, with the leave of the Speaker, be taken forthwith and if not so taken forthwith, shall be ordered to be taken on a day named by the House Business Committee in consultation with the Member in charge of the Bill.

(2) On the Third Reading of a Bill, a Motion shall be made “That, the .... Bill be now read a Third Time” and amendments may be proposed similar to those on Second Reading.

### **Withdrawal of Bills**

**140.** (1) Either before the commencement of business or on the Order of the Day for any stage of the Bill being read, the Member in charge of a Bill may, without notice, claim to withdraw a Bill.

(2) If the Speaker is of the opinion that the claim is not an abuse of the proceedings of the House, the Speaker shall direct that the Bill shall be withdrawn.

(3) A Bill that has been withdrawn may subject to Standing Order 114 (*Introduction of Bills*) and re-publication be introduced again.

(4) If a Member in charge of a Bill desires to withdraw a Bill before it is introduced in the House, the Member shall, in writing specifying

the reasons for the withdrawal, notify the Speaker of the withdrawal and paragraph (3) shall apply to such Bill.

### **Lapse and Re-introduction of Bills**

**141.** (1) A Bill, the Second Reading or Third Reading of which has been rejected may be introduced again in the next Session, or after the lapse of six months in the same Session but subject to fresh publication as provided in Standing Order 114 (*Introduction of Bills*).

(2) A Bill that has been published, read a First Time or in respect of which the Second Reading has not been concluded—

- (a) at the end of a Session in which it was published shall not lapse at the end of that Session but shall resume in the next Session of the same Parliament at the stage where it was last interrupted;
- (b) at the end of two consecutive Sessions of the same Parliament shall lapse at the end of the second Session and may be republished in the same or different form in accordance with Standing Order 114 (*Introduction of Bills*).

(3) Subject to paragraph (2), a Bill in respect of which the Second Reading has been concluded at the end of a Session shall resume in the next

Session of the same Parliament at the stage where it was interrupted at the end of the Session.

(3A) The provisions of paragraph (1), (2), and (3) of this Standing Order shall not apply to a Bill to amend the Constitution, a Division of Revenue Bill, a County Allocation of Revenue Bill or a Bill originating from the Senate.

(4) A Bill the consideration of which has not been concluded at the end of the term of a Parliament shall lapse.

#### **Concurrence of the other House**

**142.** When a Bill, other than a Bill which in terms of Article 109(3) of the Constitution is considered only in the National Assembly has been passed, a certified copy of the Bill, signed by the Clerk and endorsed by the Speaker, shall be forwarded to the Clerk of the Senate, together with a message requesting the concurrence of the Senate.

#### **Consideration of Bills originating from the Senate**

**143.** (1) Whenever the Speaker receives a Bill originating in the Senate, the Speaker shall—

- (a) cause the fact to be known to the House by way of a Message;
- (b) cause the Bill to be read a First Time.

(2) Following First Reading, the Speaker shall, within reasonable time, pronounce his or her opinion contemplated under Article 114(2) of the Constitution.

(3) Where the opinion of the Speaker under paragraph (2) is to the effect that the Bill is not a money Bill, the Bill shall be proceeded with in the same manner as a Bill originating in the National Assembly after First Reading.

(4) Where the opinion of the Speaker under paragraph (2) is to the effect that the Bill is a money Bill in terms of Article 114 of the Constitution, the Bill shall stand referred to the Budget and Appropriations Committee.

(5) The Budget and Appropriations Committee shall consider the Bill and report its recommendations to the House.

(6) Where the Budget and Appropriations Committee recommends that the House—

(a) proceeds with the Bill, the Bill shall be proceeded with in the same manner as a Bill originating in the National Assembly after First Reading in the manner recommended by the Budget and Appropriations Committee;



- (b) should not proceed with the Bill, that fact shall be recorded in the journals of the House.

**Procedure on Senate Bills after Third Reading in the House**

- 144.** When a Bill which originated in the Senate has been read a Third Time in the National Assembly, the Clerk shall either—
- (a) return the Bill with a message to the Senate “That the National Assembly has agreed to the ..... Bill without amendment”;
  - (b) return the Bill with a message to the Senate “That the National Assembly has rejected the ..... Bill and the Bill has been referred to a mediation committee”; or
  - (c) cause any amendment or amendments that may have been made to the Bill in the National Assembly to be entered in the Bill received from the Senate, and an amended copy of the Bill, signed by the Clerk and endorsed by the Speaker, shall then be returned to the Senate with a message desiring the concurrence of the Senate to the amendment or amendments made by the National Assembly.

**Senate amendments to Bills originating in the National Assembly**

145. Senate amendments to a Bill originating in the National Assembly shall be circulated to Members within seven days of receipt of the amendments from the Senate and shall be put down for consideration in a Committee of the Whole House on such day as the House Business Committee shall appoint.

**Consideration of Senate amendments to Bills originating in the National Assembly**

146. Upon a Motion being made “That the Senate amendments to the ..... Bill be now considered”, no amendment may be moved to the question other than an amendment to leave out the words “now” and to add at end of the question “upon this day .....(state period)”, and, in the event of such amendment being carried, the Clerk shall send a message to the Senate “That the Assembly has deferred consideration of the Senate amendments to the ..... Bill .....(state period).”

**Procedure on Senate Amendments to Bills originating in the National Assembly**

147. Where the National Assembly has resolved that the Senate amendments to a Bill be considered, each amendment shall be read by the Clerk and may be agreed to or rejected in accordance with Article 112(2) of the Constitution.

**Conclusion of Consideration of Senate Amendments to Bills originating in the National Assembly**

**148.** When the House has concluded the consideration of Senate amendments to a Bill originating in the National Assembly and the House—

- (a) passes the Bill as amended, the Speaker shall refer the Bill to the President within seven days for assent; or
- (b) rejects the Bill as amended, the Speaker shall refer the Bill to a mediation committee under Article 113 of the Constitution.

**Mediation Committee**

**149. (1)** A Bill shall be referred to the mediation committee whenever the Assembly—

- (a) does not agree to all or any of the amendments made by the Senate to a Bill concerning County governments which originated in the Assembly;
- (b) rejects a Motion that a Bill which originated in the Senate be read a Second or Third Time.

(2) The Speakers of both Houses shall appoint a mediation committee consisting of equal numbers of Members of each House, to attempt to develop a version of the Bill that both Houses will pass.

(3) The quorum of Members of the Assembly who shall be present to take part in a sitting of a Mediation Committee shall be a third of those Members; and no sitting of the Committee shall be validly constituted unless there is also present a like quorum of Members of the Senate.

(4) The Chairperson and Vice Chairperson of the Mediation Committee shall be appointed by the majority of the Members present at the first meeting thereof.

(5) The Chairperson and the vice-chairperson of the Mediation committee shall not be Members of the same House.

(6) If, within thirty days of referral, the Mediation Committee fails to agree on a version of the Bill to be presented to both Houses for approval, the Bill will be deemed to have been negatived.

#### **Consideration of report of Mediation Committee**

**150.** (1) The report of a Mediation Committee on a Bill prepared in terms of Article 113 of the Constitution shall be laid on the Table of the House by a Member of the Mediation Committee authorized by the committee in that behalf.

(2) Where the report of the Mediation Committee is to the effect that the committee has failed to agree on a version of the Bill or

where the Mediation Committee fails to agree on a version of the Bill within thirty days from the date the Bill was referred to it, the Bill shall stand defeated in terms of Article 113(4) of the Constitution.

(3) Where the report of the Mediation Committee includes an agreed version of the Bill in terms of Article 113(2) of the Constitution, the House shall consider the report of the Mediation Committee upon a Motion “That the report of the Mediation Committee be approved” and the House shall vote to approve or reject the Motion.

(4) If the Motion under paragraph (3) is—

- (a) disagreed to, the Clerk shall send a message to the Senate signifying such disagreement, and the Bill shall be deemed to be defeated; or
- (b) agreed to, the Clerk shall send a message to the Senate signifying such agreement, and on receipt by the Clerk of a similar message from the Senate, the Bill shall be deemed to have been passed by both Houses in the form agreed to by the Mediation Committee and the Speaker of the National Assembly shall refer the Bill to the President for assent within seven days in terms of Article 113(3) of the Constitution.

### **Special Bill concerning a county government**

**151.** (1) The National Assembly may amend or veto a special Bill that has been passed by the Senate only by a resolution supported by at least two-thirds of the members of the Assembly.

(2) If a resolution in the National Assembly to amend or veto a special Bill fails to pass, the Speaker of the Assembly shall, within seven days, refer the Bill, in the form adopted by the Senate, to the President for assent.

(3) Upon referring the Bill to the President, the Speaker of the Assembly shall notify the fact to the Speaker of the Senate.

### **Custody of Bills**

**152.** (1) Every Bill not requiring the concurrence of the Senate and which has been passed by the National Assembly, including a Bill that has been subjected to a Mediation Committee shall be certified by the Clerk and shall remain in the custody of the Clerk.

(2) Every Bill that originates in the National Assembly that requires the concurrence of the Senate and which has been passed by both Houses shall remain in the custody of the Clerk of the National Assembly and shall be certified by the Clerk of the National Assembly and the Clerk of the Senate.

(3) At any time before the certification of the Bill, the Speaker may correct formal errors or oversights therein without changing the substance of the Bill and thereafter submit the Bill to the President for assent.

(4) This Standing Order shall apply to a special Bill considered under Article 111(3) of the Constitution and a Bill approved in terms of Article 113(3) of the Constitution.

#### **Presentation of Bills for assent**

**153.** The Speaker shall sign a Bill certified under Standing Orders 148 (*Conclusion of Consideration of Senate Amendments to Bills originating in the National Assembly*) and 150 (*Consideration of report of Mediation Committee*) and shall refer the Bill to the President for assent within seven days of its passage by the National Assembly.

#### **Referral of Bills by President**

**154.** (1) Whenever the Speaker receives the President's reservations pursuant to Article 115 of the Constitution, the Speaker shall—

- (a) in case of a Bill the Senate did not consider, convey the Message to the House within three days of receipt of the President's reservations;
- (b) in case of a Bill the Senate considered, convey the message to the House and

refer the President's reservations to the Senate within seven days of receipt of the President's reservations.

(2) The Assembly shall, in accordance with the provision of Article 115 of the Constitution, consider the President's reservations conveyed to the House under paragraph (1)(a) within twenty-one days of the date when the House next meets.

(3) The Assembly may, in considering the Bill a second time, propose amendments in light of the President's reservations either fully accommodating the President's reservations, or not fully accommodating the President's reservations.

(4) The Speaker shall make the determination on whether any proposed amendment to the Bill in light of the President's reservations either fully accommodate the President's reservations or do not fully accommodate the President's reservations in terms of Article 115 of the Constitution.

(5) The Assembly shall vote on the proposed amendments and may pass the Bill—

(a) where the amendments do not fully accommodate the President's



reservations, by a vote supported by two-thirds of all the Members;

- (b) where the amendments fully accommodate the reservations of the President, in the manner contemplated under Article 122(1) of the Constitution.

(6) For purposes of considering the President's reservations conveyed under paragraph (1)(b), the Assembly and the Senate shall constitute a Joint Committee within two days of receipt of the President's reservations in the Senate.

(7) The Joint Committee shall within fourteen days consider the President's reservations and table a Report in the respective Houses.

(8) The Houses may, in considering the Bill a second time in terms of Article 115 of the Constitution, propose amendments to the Bill in light of the President's reservations either—

- (a) fully accommodating the President's reservations; or,
- (b) not fully accommodating the President's reservations.

(9) The Speakers shall jointly determine whether any proposed amendment to a Bill conveyed under paragraph (1)(b), fully accommodates the President's reservations or

does not fully accommodate the President's reservations in terms of Article 115 of the Constitution.

(10) If the Speakers fail to agree under paragraph (9), the amendment shall be deemed not to fully accommodate the President's reservations.

(11) If the Joint Committee fails to submit a report at the expiry of the period prescribed under paragraph (7) or if the report of the Joint Committee is to the effect that the Committee has failed to agree on any amendments, the Houses shall proceed to consider the Bill a second time and the provisions of paragraph (8) shall apply.

155. (Deleted).

## **PART XX—PRIVATE BILLS**

### **Application of public Bill procedure**

156. Except as otherwise provided in this Part, the Standing Orders relating to public Bills shall apply in respect of private Bills.

### **Saving clause**

157. Every private Bill shall contain a clause saving the rights of the President, the national and county governments, of all bodies politic or

corporate, and of all others, except such as are mentioned in the Bill and those claiming by, from or under them.

### **Private Bill affecting private rights**

**158.** (1) No private Bill which directly affects the private rights or property of any persons, shall originate in the House unless the provisions of this Standing Order as to notice have been complied with.

(2) A notice shall be published in not less than three separate issues of the *Gazette*, specifying the general nature and objects of the Bill; the last of such publications being not less than fourteen days before the presentation of the Petition referred to in Standing Order 159 (*Petition for Leave*).

### **Petition for leave**

**159.** (1) No private Bill shall be introduced unless a Petition for the same, headed by the short title of the Bill, and signed by the parties, being promoters of the Bill, or some of them, has been previously presented to the House with a copy of the Bill annexed.

(2) The Clerk shall scrutinize petitions presented to the House and where, after such scrutiny, the Clerk is not satisfied that the provisions of this

Part have been complied with, the Clerk shall so report to the Speaker.

(3) The promoters shall deposit with the Clerk a sufficient number of copies of the Petition with the Bill annexed, for distribution to Members and on receipt of such copies, the Clerk shall forthwith avail a copy to every Member.

(4) The Petition shall be read at the first sitting of the House after it is so deposited and thereupon the question “That, the promoters be granted leave to proceed” shall be put forthwith and decided without amendment or debate.

#### **Security for cost of printing**

**160.** (1) Where leave to proceed is granted, the Clerk shall provide an estimate of the cost of printing the Bill and the promoters of the Bill shall meet such cost.

(2) The promoters shall deposit at least twenty five percent of the estimated total cost of printing the Bill as security with the Clerk.

#### **Bills authorizing construction works**

**161.** (1) In the case of a private Bill authorizing construction works, before such Bill is read a First Time, the promoters shall—

(a) deposit with the Clerk an estimate of the expense of the undertaking, signed

- by the person making such estimate and approved by the Clerk; and
- (b) deposit with the Clerk a sum not less than four percent of the amount of the estimate under paragraph (1).

(2) In every such Bill, there shall be inserted a clause to the effect that, if the works authorized to be constructed are not completed before the expiry of a time to be set out by the Bill for such completion, the sum deposited with the Clerk shall be forfeited to the Consolidated Fund.

#### **First Reading**

**162.** When the provisions of this part have been complied with, the Clerk shall cause the Bill to be printed, distributed to Members and published in the *Gazette* and at the first sitting of the House held not less than fourteen days after such publication, the Bill shall be read a First Time.

#### **Right of audience before Committee on opposed Bill**

**163.** (1) Subject to these Standing Orders all petitions against a private Bill containing a prayer that the petitioners be heard by themselves, or by their advocates, shall stand referred to a Select Committee which shall hear any such petitioners or advocates.

(2) The promoters of an opposed private Bill shall be entitled to be heard before the Select Committee on the Bill by themselves, or by their advocates, in favour of the Bill and against any petitions against the Bill.

#### **How Bills may be opposed**

**164.** No person, other than a Member, shall be heard, whether in person or by advocate, in opposition to a private Bill unless such person has previously lodged a Petition with the Clerk, showing the nature of the person's objections to the Bill and whether the person's objections extend to the whole or some part of the Bill and praying that he or she may be heard in person or by advocate, as the case may be.

#### **Printing expenses**

**165.** As soon as practicably possible, after a private Bill is passed, rejected or abandoned, the Clerk shall make out an account showing the expenses of printing and shall, if the amount of the account is less than the security deposited, refund the balance, and if it is excess, cause the promoter to pay the balance.

### **PART XXI—COMMITTEE OF THE WHOLE HOUSE**

#### **Limits on consideration of matters by Committee**

**166.** A Committee shall not consider any matter other than a matter which has been referred to it or

which it is required by these Standing Orders to consider.

**Committee of the whole House may not adjourn**

**167.** A Committee may not adjourn its own sitting or the consideration of any matter to a future sitting, but the Chairperson may by Motion be directed notwithstanding that all matters referred to the Committee have not yet been considered, to report progress to the House and ask leave to sit again.

**Report**

**168.** When all the matters referred to a Committee of the whole House have been considered, the Chairperson shall be directed by Motion to report to the House.

**No debate on Motion for Report**

**169.** (1) When a Motion is made in Committee to report or to report progress and ask leave to sit again, the question shall be put forthwith and decided without amendment or debate and if the question is agreed to the Chairperson shall forthwith leave the chair.

(2) Except as otherwise provided by these Standing Orders, every report under paragraph (1) shall be made without question put, and may, by Motion, be agreed to or negatived by

the House or re-committed to the Committee, or postponed for further consideration.

### **General application of rules in Committee**

**170.** Except as otherwise provided in these Standing Orders, the same rules of order and of debate for the conduct of business shall be observed in Committee as in the House.

## **PART XXII—SELECT COMMITTEES**

### **House Business Committee**

**171.** (1) There shall be a select committee, to be designated the House Business Committee, consisting of—

- (a) the Speaker who shall be the Chairperson;
- (b) the Leader of the Majority Party or a representative designated in writing;
- (c) the Leader of the Minority Party or a representative designated in writing;
- (d) the Majority Party Whip or a representative designated in writing;
- (e) the Minority Party Whip or a representative designated in writing; and
- (f) seven other Members, who shall be nominated by parliamentary parties and approved by the House at the commencement of every Session, reflecting the relative majorities of the



seats held by each of the parliamentary parties in the National Assembly and taking into consideration the interests of Independents.

(2) The House Business Committee shall be appointed within seven days on assembly of a new House.

(3) In the absence of the Speaker, the Deputy Speaker shall attend and Chair the meetings of the House Business Committee.

(4) The House Business Committee shall—

- (a) prepare and, if necessary, from time to time adjust the Parliamentary Calendar with the approval of the House;
- (b) monitor and oversee the implementation of the House Business and programmes;
- (c) implement the Standing Orders respecting the scheduling or programming of the business of the House and the functioning of the Committees of the House;
- (d) determine the order in which the reports of Committees shall be debated in the House;
- (e) may take decisions and issue directives and guidelines to prioritize or postpone any business of the House acting with

- the concurrence of the Leader of the Majority Party or the Leader of the Minority Party, as the case may be; and
- (f) consider such matters as may from time to time arise in connection with the business of the House and shall have and perform such powers and functions as are conferred on and ascribed to it by these Standing Orders or from time to time by the House.

(5) The Chairperson and at least one third of the other Members of the House Business Committee shall form a quorum.

(6) If, for any reason, a Member of the House Business Committee is unable to attend, the Leader in the House of the party which nominated that Member may appoint another Member in that Member's place for the period for which the Member is unable to attend.

#### **Committee on Selection**

- 172.** (1) There shall be a select committee, to be designated Committee on Selection, consisting of—
- (a) the Leader of the Majority Party who shall be the Chairperson;
  - (b) the Leader of the Minority Party; and

(c) not less than eleven and not more than twenty-one members, who shall be nominated by parliamentary parties and approved by the House taking into consideration the interests of Independents.

(2) The Committee on Selection shall nominate Members to serve in Committees, save for the membership of the House Business Committee and Committee on Appointments.

(3) The Committee on Selection shall be appointed within ten days on assembly of a new House.

## **General Provisions**

### **Nomination of members of select committees**

**173.** (1) Unless otherwise provided by any written law or these Standing Orders, the Committee on Selection shall, in consultation with parliamentary parties, nominate Members who shall serve on a select committee.

(2) The Committee on Selection shall give consideration to the need for gender balance and shall, so far as may be practicable, ensure that no more than two-thirds of Members of a committee of the Assembly, including a committee established through a resolution of the House, shall be of the same gender.

(3) A vacancy occasioned by resignation or removal of a Member from a select committee shall be filled within fourteen days of the vacancy.

(4) A Member 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 nomination as a Member of that committee.

#### **Criteria for nomination**

174. (1) In nominating Members to serve on a select Committee, the Committee on Selection shall ensure that—

- (a) the membership of each committee reflects the relative majorities of the seats held by each of the parliamentary parties in the National Assembly;
- (b) no two Members of the House Business Committee serve in the same Departmental Committee;
- (c) so far as may be practicable, at least one independent Member is nominated to serve in the Special Fund Accounts Committee; and
- (d) majority of the Members of the Public Accounts Committee, Public Investments Committee, Committee on Implementation and the Special Fund

Accounts Committee are drawn from parties other than parliamentary parties forming the national government.

(2) Despite paragraph (1), a Member belonging to a party other than a parliamentary party or independent Member may be nominated to serve in a select committee and the allocation of membership of select committees shall be as nearly as practicable proportional to the number of Members belonging to such parties and independent Members.

(3) Except as the House may otherwise resolve, on the recommendation of the Committee on Selection for reasons to be stated—

- (a) no Member shall be appointed to serve in more than two Departmental Committees;
- (b) a Member who is a Chairperson of a committee or a member of the Parliamentary Service Commission appointed under Article 127(2)(c) of the Constitution shall not serve in more than one committee.

#### **Approval of nomination**

**175.** (1) The Committee on Selection shall, within seven days upon nomination of Members to serve in any committee of the House, present the list to the House for approval.

(2) Whenever a Motion for approval of a list under paragraph (1) is moved in the House, no objection against the proposed membership of a Member in a select committee shall be permitted and objections, if any, shall be formulated against the proposed membership as a whole.

(3) A Member shall not be a member of a committee of the House, unless the nomination of such Member into the committee is approved by the House.

#### **Discharge of a member from a committee**

**176.** (1) A parliamentary party may discharge a Member from a select committee after according the Member an opportunity to be heard.

(2) The parliamentary party whip of the party that nominated a Member to a select committee shall give notice in writing to the Speaker of the intention to discharge a Member from a select committee.

(3) The Speaker shall, within three days of receipt of the notice under paragraph (2), inform the Member of the notice.

#### **Composition of select committees**

**177.** Subject to any written law, these Standing Orders or a resolution of the House, a select

committee shall consist of an odd number of members, being not less than eleven and not more than twenty-three.

### **Chairing of select committees and quorum**

**178.** (1) Subject to paragraph (2) of Standing Order 173 (*Nomination of Members of select committees*), unless otherwise provided under any written law, these Standing Orders or by resolution of the House a select committee shall, upon appointment, elect its Chairperson and Vice-Chairperson from amongst its members.

(1A) A Member of the Parliamentary Service Commission appointed under Article 127(2) (c) of the Constitution shall not be eligible to stand for election as a Chairperson or Vice-Chairperson of a select committee.

(2) The Members of the Public Accounts Committee, the Public Investments Committee and the Committee on Implementation shall elect a Chairperson and Vice-Chairperson from amongst the members of the Committees nominated from a party other than a parliamentary party forming the national government.

(3) The Members of the Special Fund Accounts Committee shall elect a Chairperson and Vice-Chairperson from amongst—

- (a) independent members nominated to the Committee; or
- (b) the members of the Committee nominated from a party other than a parliamentary party forming the national government, in the absence of independent members.

(4) Unless otherwise provided under any written law, these Standing Orders or by resolution of the House, any five members of a select committee shall constitute a quorum.

#### **Conduct of election**

**179.** (1) The Clerk shall appoint a place, date and time for the first meeting of a Committee within seven days of its constitution by the House, or such further period as the Speaker may approve, and as soon as a majority of the Committee members are present, the Clerk shall, by a secret ballot, conduct the election of the Chairperson and Vice-Chairperson of the Committee.

(2) Whenever a vacancy occurs in the office of Chairperson or Vice-Chairperson of a select committee, the Clerk shall, within seven days of the vacancy arising, appoint a place and time for the meeting of the committee to elect the Chairperson or Vice-Chairperson.



(3) A candidate for election as Chairperson or Vice-Chairperson of a committee shall submit his or her nomination paper, in writing, to the Clerk by 5.00 pm on the day before the election.

(4) The nomination paper of a candidate shall be in the form set out in the Fifth Schedule and shall be accompanied by the name and signature of a proposer and a seconder and a declaration of the candidate's willingness to serve as a Chairperson or Vice-Chairperson.

(5) A Member shall not propose or second more than one candidate for election as Chairperson or Vice-Chairperson.

(6) The Clerk shall, as soon as practicable after the close of nominations, circulate the final list of candidates to committee Members.

(7) The Clerk shall preside over the election of the Chairperson or Vice-Chairperson of a committee and shall issue each committee member with a ballot paper.

(8) A committee member who wishes to vote in the election shall print the first and last name of their candidate of choice on a ballot paper and deposit it in a ballot box provided for that purpose.

(9) The Clerk shall, at the close of voting, count the ballot papers and report the result of the ballot.

(10) If no candidate receives a majority of votes, the Clerk shall hold a further ballot excluding the candidate with the least number of votes until one candidate receives a majority of votes.

(11) A ballot paper is spoilt if, in the opinion of the Clerk, it does not identify the candidate purported to be selected by the candidate voting.

(12) Despite the provisions of this Part, if only one candidate is nominated for election as Chairperson or Vice-Chairperson, the Clerk shall at the expiry of the nomination period forthwith declare that candidate as elected without any vote being required.

(13) The Clerk shall make necessary preparatory arrangements for the conduct of the election of a Chairperson or Vice-Chairperson of a Committee.

### **Duties of Committee Chairperson**

**180.** Subject to the provisions of these Standing Orders and the directions of the committee, a Chairperson of a committee shall—

- (a) preside at meetings of the committee;
- (b) perform the functions and exercise the powers assigned to office of the Chairperson by the committee, resolutions of the Assembly or legislation;

(c) be the spokesperson of the committee.

### **Notice of meetings**

**181.** (1) A notice of a meeting of a select committee shall be given by the Clerk to all Members of the committee showing the date, time, venue and agenda of the meeting.

(2) A notice under paragraph (1) shall be deemed to have been given upon circulation through the official email addresses of a Member, the parliamentary website, by delivery of the notice in the office of a Member or posting of the notice in the precincts of Parliament.

### **Sittings of select committees**

**182.** A sitting of a committee shall be held at such place, date and time as shall be determined by the Chairperson or on a petition made by at least seven members of that committee but no meeting of a Committee may be held outside the precincts of Parliament without the approval of the Speaker.

### **Sub-committees of select committees**

**183.** A select committee may establish such sub-committees as it may consider necessary for the proper discharge of its functions and prescribe the quorum applicable to the sub-committees.

### **Member adversely mentioned not to sit**

**184.** A Member who is adversely mentioned in a matter under deliberation by a Committee shall not be present at any meeting at which the Committee is deliberating on the matter, but the Member may appear in person or through a legal representative to adduce evidence as a witness before the Committee.

### **Adjournment for lack of quorum**

**185.** Unless quorum is achieved within thirty minutes of the appointed time, a meeting of a committee of the House shall stand adjourned to such further time or day as the chairperson of the committee may appoint.

### **Frequency of meetings**

**186.** (1) Unless the House otherwise resolves, every select committee shall meet at least once in two months.

(2) Except for the House Business Committee, a select committee shall not meet during a sitting of the House without the written permission of the Speaker.

(3) Despite paragraph (2), a sitting of a committee shall stand suspended when a division or quorum bell is rung.

(4) The proceedings of a meeting of a committee held contrary to paragraph (2) shall be void.

### **Failure to attend meetings**

**187.** (1) If a Member fails to attend four consecutive sittings of a Committee without the written permission of the Chairperson of the Committee, or the permission of the Speaker if the Member is the Chairperson, the Chairperson or the Speaker, as the case may be shall notify the Committee of the failure.

(1A) A notification under paragraph (1) shall be made through the Clerk and recorded in the minutes of the committee.

(2) The Committee having noted the notification under paragraph (1) may resolve that the Member or the Chairperson as the case may be, be suspended from the membership of the committee and that the matter be reported to the Committee on Selection.

(3) Upon receipt of a report under paragraph (2), the Committee on Selection shall consider the matter and shall propose a replacement of the Member for approval by the House.

### **Absence of Chairperson and Vice-Chairperson**

**188.** In the absence of the Chairperson and Vice-Chairperson at any meeting, the Members

present shall elect one of them to take the Chair.

#### **List of attendance**

**189.** The names of Members present, absent with apologies or absent at each sitting of a select committee shall be entered in the minutes of that sitting.

#### **Minutes of select committees**

**190.** The minutes of the proceedings of a select committee shall be laid on the Table of the House with the report of the committee and may, subject to Standing Order 247 (*Custody of Journals and Records*), be published.

#### **Powers and privileges of committees**

**191.** (1) Committees shall enjoy and exercise all the powers and privileges bestowed on Parliament by the Constitution and statute, including the power to—

- (a) summon any person to appear before it for the purposes of giving evidence or providing information;
- (b) enforce the attendance of witnesses and examine them under oath, affirmation or otherwise;
- (c) compel the production of documents;

- (d) request for and receive papers and documents from the Government and the public; and
  - (e) issue a commission or request to examine witnesses abroad.
- (2) The oath to be sworn or affirmation to be made by a witness appearing before a Committee shall be in the form set out in the Sixth Schedule.
- (3) A summons under paragraph (1) shall be—
- (a) issued by the Clerk on the direction of the Speaker or the chairperson of a committee acting in accordance with a resolution of the committee; and
  - (b) in the form set out in the Seventh Schedule.
- (4) The summons shall be served by a member of staff or a police officer who is duly authorized by the Clerk by delivering a copy of the summons—
- (a) to the person mentioned in the summons; or
  - (b) at that person's usual or last known place of residence, employment or business or left with a person who is over the age of eighteen years and who resides or is employed at that place.

(5) Where the summons is to be served on a corporation, the summons may be served—

(a) on the secretary, director or other officer authorised by the corporation; or

(b) if the officer serving the summons is unable to find any of the officers of the corporation mentioned in sub-paragraph (a)—

(i) by leaving it at the registered office of the corporation;

(ii) by sending it by prepaid registered post or by a licensed courier service provider approved by the court to the registered postal address of the corporation;

(iii) if there is no registered office and no registered postal address of the corporation, by leaving it at the place where the corporation carries on business; or

(iv) by sending it by registered post to the last known postal address of the corporation.

(6) The serving officer in all cases in which summons has been served under this Standing Order shall swear and annex or cause to be annexed to the original summons an affidavit of service stating the time when and the manner in



which summons was served and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender of summons.

(7) The affidavit of service shall be in the form set out in the Eighth Schedule with such modifications as may be necessary.

(8) A return by a person who serves a summons under this Standing Order shall be *prima facie* proof of the service of the summons.

(9) A person requested or summoned in terms of this Standing Order shall be paid such amount of money as shall be approved by the Clerk as reimbursement for expenses incurred.

#### **Procedure if witness fails to appear**

**191A.** (1) Where a witness summoned does not appear, or appears but fails to satisfy the House or committee, the House or Committee may impose upon the witness a fine not exceeding five hundred thousand shillings, having regard to the witness' condition in life and all the circumstances of the case.

(2) A person may pay the fine under paragraph (1) to the Clerk.

(3) Parliament or its committee may order the arrest of a witness who fails to honour a

summons for the purpose of compelling his or her attendance.

### **Temporary absence of a Member of a Select Committee**

**192.** (1) Unless otherwise provided for in these Standing Orders, in the event that any member of a Committee is absent or otherwise unable to attend the sittings of the committee, the party whip of that Member's party may, with permission of the Speaker, appoint another Member to act in that Member's place during the period of such absence or inability.

(2) A Member shall be considered absent or otherwise unable to attend a sitting in terms of paragraph (1) if the Member is out of the country on official parliamentary business or is indisposed.

### **Vote of no confidence in the Chairperson or Vice-Chairperson**

**193.** (1) A Committee may, by a resolution supported by a majority of its members, resolve that it has no confidence in the Chairperson or Vice-Chairperson and a Member designated by the committee for that purpose shall thereupon report the resolution to the Liaison Committee which shall, as soon as it is practicable, direct the Clerk to conduct a election for the Chairperson or Vice-Chairperson, as the case

may be, in accordance with Standing Order 179 (*Conduct of election*).

(2) The Members desiring to make a resolution under paragraph (1) shall, through the Clerk, serve the Chairperson or Vice-Chairperson with a written notice citing grounds for the intended vote of no confidence and may, if they constitute a majority, request the Clerk to call for a meeting at the expiry of three days after giving the notice.

(3) A notice by Members, under paragraph (2) shall be deemed to have been given upon delivery to the Chairperson's or Vice-Chairperson's official email address and by delivery of the notice to the office of the Chairperson or Vice-Chairperson, as the case may be.

(4) A notice by the Clerk for a meeting under paragraph (2) 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.

### **Original vote**

**194.** (1) The Chairperson of a select committee other than the House Business Committee shall have an original vote but not a casting vote.

(2) Paragraph (1) shall not apply to the Chairperson of the House Business Committee, who shall have neither an original nor a casting vote.

**Attendance by non-members of select committee**

**195.** (1) A Member may attend a meeting of any committee of the House of which he or she is not a member, but such Member shall not be entitled to vote on any matter before the committee.

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

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

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

(5) The Chairperson shall, before allowing a non-member to participate in a matter before the

committee, give priority to the Members of the Committee.

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

### **Procedure in select committees**

**196.** (1) Except as and to the extent to which the chairperson may otherwise direct for the purpose of facilitating full consideration and discussion of a matter referred to a Committee, the procedure in a select committee shall be as nearly as possible, the same as that in Committee of the whole House.

(2) Any question arising in a select committee shall be decided by vote and the resolution on any such vote shall constitute the decision of the select committee on that question.

(3) The minutes of a select committee shall be kept in the same form as the Votes and Proceedings of a Committee of the whole House and in such other form as may be prescribed in the Committee Manual.

(4) Where a vote on a question is not unanimous, the names of the members voting for and against the question and those abstaining from voting, respectively, shall be recorded in the minutes.

(5) Except as the Speaker may otherwise direct, a Committee may sit notwithstanding the adjournment of the House.

#### **Limitation of mandate**

**197.** (1) The deliberations of a select committee shall be confined to the mandate of the committee and any extension or limitation of that mandate as may be directed by the Assembly and, in the case of a select committee on a Bill, to the Bill committed to it and relevant amendments.

(2) In the exercise of its functions, a select committee may not consider any matter that is not contemplated within the mandate of the National Assembly under the Constitution.

#### **Public access to meetings of select committees**

**198.** (1) All committee proceedings shall be open to the public unless in exceptional circumstances the Speaker has determined that there are justifiable reasons for the exclusion of the public.

(2) The Committee may adjourn to seek leave of the Speaker to exclude the public.

#### **Reports of Select Committees**

**199.** (1) The report of a select committee shall be prepared and kept in the same form as the Votes and Proceedings of a Committee of the whole

House and in such other form as may be prescribed in the Committee Manual.

(2) The report of a select committee having been adopted by a majority of the Members, shall be signed by the Chairperson on behalf of the Committee.

(3) If the Chairperson is absent or is not readily available, the Vice-Chairperson shall sign the report under paragraph (1), and in the absence of both the Chairperson and the Vice-Chairperson, the committee shall nominate another Member to sign the report.

(4) A select committee shall adopt its report in a meeting attended by a majority of its Members.

(5) A report having been adopted by a majority of Members, a minority or dissenting report may be appended to the report by any Member(s) of the Committee.

(6) A report of a select committee including any minority report, together with the minutes of the proceedings of the committee, and with such note or record of any evidence by the committee as the committee may deem fit, shall be laid on the Table of the House by the Chairperson of the select committee, or the Vice-Chairperson or by a Member authorized by

the committee on its behalf within fourteen days of the conclusion of its proceedings.

(7) Within forty eight hours after the report has been laid on the Table of the House, the Clerk shall publish the report in the parliamentary website and circulate copies to Members.

### **Progress reports**

**200.** (1) Unless a more regular interval is prescribed under any written law or these Standing Orders, each select committee shall submit half yearly progress reports to the Liaison Committee.

(2) The Liaison Committee shall, within twenty one days, compile the reports under paragraph (1) and submit a report to the House.

### **Exit Reports**

**200A.** (1) A Committee which is unable to complete its work before the expiry of its term shall table an exit report to the Assembly detailing reasons for such inability.

(2) The report shall be made available to the succeeding Committee which may consider it in preparing its work plan.

### **Reports on House Resolutions**

**201.** Within sixty days of a resolution of the House or adoption of a report of a select committee, the



relevant Cabinet Secretary under whose portfolio the implementation of the resolution falls shall provide a report to the relevant committee of the House in accordance with Article 153(4)(b) of the Constitution.

### **Joint sitting of committees of the Assembly**

**202.** (1) Two committees of the Assembly considering similar matters may, with the approval of the Speaker, hold joint sittings.

(2) A joint sitting of the committees shall be chaired by one of the Chairpersons of the respective committees, and the Chairperson shall be determined based on the ranking order set out under paragraph (2) of Standing Order 3 (*Proceedings on assembly of a new House*) and the second ranking Member of the other committee shall deputise.

(3) The quorum of a joint sitting of two or more committees shall be the number obtained by adding the respective quorum of each committee, excluding the Chairpersons.

(4) The report of a joint sitting of two or more committees shall not be adopted unless supported by a resolution of a majority of the total membership of the committees.

### **Approval of joint sittings with a Senate Committee**

**202A.** (1) A Committee may, with the written permission of the Speaker, hold joint sittings with a Committee of the Senate to consider a matter related to their respective mandates.

(2) The Speaker shall notify the House of the approval under paragraph (1).

### **Engagement of experts**

**203.** A Committee may, with the approval of the Speaker, engage such experts as it may consider necessary in furtherance of its mandate.

### **Committee on Appointments**

**204.** (1) There shall be a select committee to be designated the Committee on Appointments to be appointed by the House, consisting of the Speaker as a Chairperson, the Deputy Speaker, the Leader of the Majority Party, the Leader of the Minority party, the Deputy Leader of the Majority Party, the Deputy Leader of the Minority party and not more than twenty two other Members nominated by the House Business Committee, on the basis of proportional Party Membership in the House taking into consideration the numerical strength of the Parties and interests of Independent Members.

(2) The Committee on Appointments shall be appointed within seven days on assembly of a

new House and shall serve for period of three years and that appointed thereafter shall serve for the remainder of the term of the Assembly.

(3) In the absence of the Speaker, the Committee shall elect a Member, from amongst its members, to chair the meeting.

(4) The Committee on Appointments shall consider, for approval by the House, appointments under Articles 152(2) of the Constitution (*Cabinet Secretaries*).

(5) The quorum of the Committee on Appointments shall be one half of the Members of the Committee, but the Speaker shall not be counted for the purposes of quorum and shall not vote.

#### **Public Accounts Committee**

**205.** (1) There shall be a select committee to be designated the Public Accounts Committee.

(2) The Public Accounts Committee shall be responsible for the examination of the accounts showing the appropriations of the sum voted by the House to meet the public expenditure and of such other accounts laid before the House as the Committee may think fit.

(3) The Public Accounts Committee shall consist of a Chairperson and not more than eighteen other members.

(4) In the Membership of the Public Accounts Committee, parties other than parliamentary parties forming the national government shall have a majority of one.

(5) The Public Accounts Committee constituted immediately following the general elections shall serve for the term of that Parliament.

#### **Special Funds Accounts Committee**

**205A.** (1) There shall be a select committee to be designated the Special Funds Accounts Committee.

(2) The Committee shall be responsible for the examination of the accounts of—

- (a) the Equalization Fund;
- (b) the Political Parties Fund;
- (c) the Judiciary Fund;
- (d) the National Government Constituency Development Fund; and,
- (e) such other Fund established by law as the Speaker may direct.

(3) The Committee shall consist of a Chairperson who shall, so far as is practicable, be an

Independent, and not more than eighteen other members.

(4) In the Membership of the Committee, parties other than parliamentary parties forming the national government shall have a majority of one.

(5) The Special Funds Accounts Committee constituted immediately following the general election shall serve for the term of that Parliament.

#### **Public Investments Committee**

**206.** (1) There shall be a select committee to be designated the Public Investments Committee.

(2) The Public Investments Committee shall be responsible for the examination of the working of the public investments on the basis of their audited reports and accounts.

(3) The Public Investments Committee shall consist of a Chairperson and not more than eighteen other members.

(4) In the Membership of the Public Investments Committee, parties other than parliamentary parties forming the national government shall have a majority of one.

(5) The Public Investments Committee constituted immediately following the general elections shall serve for the term of that Parliament.

(6) The functions of the Public Investments Committee shall be to—

- (a) examine the reports and accounts of the public investments;
- (b) examine the reports, if any, of the Auditor General on the public investments; and
- (c) examine, in the context of the autonomy and efficiency of the public investments, whether the affairs of the public investments, are being managed in accordance with sound financial or business principles and prudent commercial practices.

(7) Despite paragraph (6), the Public Investments Committee shall not examine any of the following—

- (a) matters of major Government policy as distinct from business or commercial functions of the public investments;
- (b) matters of day-to-day administration; and,
- (c) matters for the consideration of which machinery is established by any special

statute under which a particular public investment is established.

### **Budget and Appropriations Committee**

**207.** (1) There shall be a select Committee to be known as the Budget and Appropriations Committee.

(2) The Committee shall consist of a Chairperson, and not more than twenty-six other Members.

(3) The functions of the Committee shall be to—

- (a) investigate, inquire into and report on all matters related to coordination, control and monitoring of the national budget;
- (b) discuss and review the estimates and make recommendations to the House;
- (c) examine the Budget Policy Statement presented to the House;
- (d) examine Bills related to the national budget, including Appropriations Bills; and
- (e) evaluate tax estimates, economic and budgetary policies and programmes with direct budget outlays.

(4) The Budget and Appropriations Committee constituted by the House immediately following

the general election shall serve for a period of three calendar years and that constituted thereafter shall serve for the remainder of the parliamentary term.

(5) The Chairperson and eight members of the Budget and Appropriations Committee shall constitute a quorum.

(5A) The Committee may establish such subcommittees as it may consider necessary for the discharge of its functions including a subcommittee on legislative review.

(6) The Committee shall invite Chairpersons of all Departmental Committees to make presentations during the consideration of the budget.

### **Procedure and House Rules Committee**

**208.** (1) There shall be a select committee to be known as the Procedure and House Rules Committee.

(2) The committee shall comprise the Speaker as Chairperson, the Deputy Speaker, members of the Chairperson's Panel and not more than seventeen other members.

(3) The Procedure and House Rules Committee shall consider and report on all matters relating to these Standing Orders.



(4) The Procedure and House Rules Committee may propose amendments to these Standing Orders and any such amendments shall upon approval by the House, take effect at the time appointed by the House.

(5) The Procedure and House Rules Committee may propose rules for the orderly and effective conduct of committee business and any such rules, shall upon approval by the House, continue in force until amended or repealed by the House.

(6) Any rules approved under paragraph (5) shall be annexed to the Standing Orders and shall be binding upon Committees to the same extent as these Standing Orders.

### **Committee on Implementation**

**209.** (1) There shall be a select committee to be known as the Committee on Implementation.

(2) The Committee shall scrutinize the resolutions of the House (including adopted committee reports), petitions and the undertakings given by the National Executive and examine—

(a) whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and

whether such implementation has taken place within the minimum time necessary; and

(b) whether or not legislation passed by the House has been operationalised and where operationalised, the extent to which such operationalisation has taken place within the minimum time necessary.

(3) The Committee may propose to the House, sanctions against any Cabinet Secretary who fails to report to the relevant select Committee on implementation status without justifiable reasons.

(4) The Committee on Implementation shall consist of a Chairperson and not more than twenty-two other members.

(5) In the Membership of the Committee on Implementation, parties other than parliamentary parties forming the national government shall have a majority of one.

### **Committee on Delegated Legislation**

**210.** (1) There shall be a select committee to be known as the Committee on Delegated Legislation.

(1A) The Committee shall consist of a Chairperson and not more than twenty-two

other members.

(2) Whenever a statutory instrument is submitted to the Assembly 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 Assembly by the Chair of the relevant Departmental Committee, or any other member and shall thereafter stand referred to the Committee on Delegated Legislation.

(3) The Committee shall consider in respect of any statutory instrument whether it—

- (a) is in accordance 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) contains imposition of taxation;
- (e) directly or indirectly bars the jurisdiction of the Courts;
- (f) gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;

- (g) involves expenditure from the Consolidated Fund or other public revenues;
- (h) is defective in its drafting or for any reason the form or purport of the statutory instrument calls for any elucidation;
- (i) appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
- (j) appears to have had unjustifiable delay in its publication or laying before Parliament;
- (k) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions;
- (l) makes rights, liberties or obligations unduly dependent insufficiently defined administrative powers;
- (m) inappropriately delegates legislative powers;
- (n) imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
- (o) appears for any reason to infringe on the rule of law;

- (p) inadequately subjects the exercise of legislative power to parliamentary scrutiny; and,
  - (q) accords to any other reason that the Committee considers fit to examine.
- (4) If the Committee—
- (a) resolves that the statutory instrument, be acceded to, the Clerk shall convey that resolution to the relevant state department or the authority that published the statutory instrument;
  - (b) does not accede to the statutory instrument, the Committee may recommend to the House that the Assembly resolves that all or any part of the statutory instrument be annulled and if the instrument—
    - (i) is not made under a legislation concerning counties and a resolution is passed by the Assembly within twenty days on which it next sits after the instrument laid before it under paragraph (2), that all or part of the statutory instrument be annulled, the instrument or part thereof shall henceforth stand annulled; and

(ii) is made under a legislation concerning counties, the Clerk shall, within seven days of the resolution transmit a message to the Senate.

(5) The Clerk shall submit the resolution under paragraph (4)(b)(i) to the relevant state department or the authority that published the statutory instrument.

(6) In this Standing Order, “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 authorised to be issued.

### **Concurrence of Senate’s Resolution on Statutory Instruments**

**211.** (1) Whenever the Assembly receives a message from the Senate seeking concurrence to a resolution of the Senate, that a statutory instrument or part of a statutory instrument be annulled, the Senate resolution shall stand referred to the Committee on Delegated Legislation which shall consider the resolution, together with the statutory instrument and

report to the Assembly within twenty one days of the referral.

(2) Paragraph (3) of Standing Order 210 (*Committee on Delegated Legislation*) shall, with necessary modifications, apply to the consideration of the resolution under paragraph (1).

(3) If the Assembly—

(a) agrees with the resolution of the Senate, the Clerk shall, by way of a message, inform the Clerk of the Senate and the relevant state department or the authority that published the statutory instrument, that Parliament has annulled the statutory instrument or part thereof and the instrument or part thereof shall, henceforth be void, but without prejudice to the validity of anything previously done there under, or the making of any new delegated legislation.

(b) fails to agree with the Senate resolution, the resolution shall be referred to a Joint Committee of parliament and Standing Order 213 (*Appointment of Joint Committees*) shall, with necessary modifications, apply.

### **Committee on Regional Integration**

**212.** (1) There shall be a select committee to be designated as the Committee on Regional Integration.

- (2) Committee on Regional Integration shall—
- (a) enhance the role and involvement of the House in intensification and development of the integration process in the East African Community and the greater African region;
  - (b) examine the records of all the relevant debates and resolutions of the meetings of the East African Legislative Assembly;
  - (c) examine the Bills introduced in the East African Legislative Assembly and Acts of the East African Community;
  - (d) examine the records of all the relevant debates and resolutions of the meetings of the Pan African Parliament, the African, Caribbean and Pacific-European Union Joint Parliamentary Assembly and other regional integration bodies; and
  - (e) inquire into and examine any other matter relating to regional integration generally requiring action by the House.



(3) The Committee shall consist of a Chairperson and not more than twenty-two other members.

**Procedure for presentation of reports from the East African Legislative Assembly and the Pan-African Parliament**

**212A.** (1) A Committee or a Member of the East African Legislative Assembly or the Pan-African Parliament may present a report to or consult with the Committee for the time being responsible for matters relating to regional integration or any other committee of the House on any matter relating to the work of the East African Legislative Assembly or the Pan-African Parliament, respectively.

(2) Whenever the Clerk of the National Assembly receives copies of the records of relevant debates of the meetings of the East African Legislative Assembly, or copies of Bills introduced into the East African Legislative Assembly and Acts of the East African Community, the Clerk shall forward the records of debates, Bills or Acts of the Community to the relevant committee.

(3) The Committee shall consider a report under paragraph (1) or the records of debates, Bills or Acts of the Community, and submit its report to the House with its recommendations, if any, within twenty-one days.

(4) The National Assembly shall, within twenty-one days, consider the report of the Committee under paragraph (3) and the Clerk shall, within seven days, forward to the Clerk of the East Africa Legislative Assembly the resolution of the National Assembly on the report together with copies of the records of the debate.

### **Committee on Members' Services and Facilities**

**212B.** (1) There shall be a select committee to be designated the Committee on Members' Services and Facilities.

(2) The Committee shall be responsible for—

- (a) receiving and considering views of Members on the services and facilities provided for their benefit and well-being; and
- (b) advising and reporting on all matters connected to the services and facilities provided for Members.

(3) The Committee shall consist of a Chairperson and not more than fourteen other members who shall be approved by the House at the commencement of every Session.

**Committee on National Cohesion and Equal Opportunity**

**212C.** (1) There shall be a select committee to be designated the Committee on National Cohesion and Equal Opportunity.

(2) The Committee shall consist of a Chairperson and not more than twenty-two other members.

(3) The Committee shall—

- (a) monitor and promote measures relating to policy and program initiatives in pursuit of peace and national cohesion;
- (b) investigate, inquire into and report on all matters relating to intercommunity cohesion;
- (c) monitor and promote measures designed to enhance the equalization of opportunities and improvement in the quality of life and status of all persons, including persons who are marginalised on the basis of gender, age, disability, health status, ethnic, racial, cultural or religious background or affiliation or any other such ground;
- (d) investigate, inquire into and report on all matters relating to discrimination or marginalization of persons referred to under sub-paragraph (c);

- (e) make proposals to Parliament including legislative proposals for the protection, equalisation of opportunities and promotion of the welfare of the groups referred to under sub-paragraph (c); and
- (f) examine the activities and administration of all state departments and statutory bodies in so far as they relate to the rights and welfare of the persons referred to under sub-paragraph (c).

### **Committee on Parliamentary Broadcasting and Library**

**212D.** (1) There shall be a select committee to be designated the Committee on Parliamentary Broadcasting and Library.

(2) The Committee shall consist of a Chairperson and not more than twenty-two other members.

(3) The Committee shall—

- (a) consider and report on all matters relating to broadcasting of the proceedings of the House;
- (b) advise the House on matters related to public participation;
- (c) make reports and recommendations to the House, including proposed legislation on matters relating to broadcasting of House proceedings;

- (d) recommend to and advise the House on matters related to provision of library, publications and research services in Parliament, including improvement of the library and research services; and
- (e) assist Members in utilizing the facilities provided by the library and research services, including use of information and communication technology.

(4) The Committee shall not deal with matters related to procurement of items or services of the broadcast, the library or research services, or any matter falling within a function of the Parliamentary Service Commission.

### **Joint Committees of Parliament**

#### **Appointment of Joint Committees**

**213.** (1) The select committees to which this Standing Order refers shall be designated Joint Committees of Parliament.

(2) The Joint Committees of Parliament shall be as set out in the Fourth Schedule and shall comprise of a number of Members equal to the number of Senators appointed or to be appointed by the Senate to the Committee.

(3) The Members to serve on a Joint Committee shall be nominated by the Committee on

Selection in consultation with parliamentary parties at the commencement of a Parliament.

(4) (deleted).

(5) A Member appointed to serve on a joint committee at the commencement of a Parliament or at any other time during the term of a Parliament shall, unless the House otherwise resolves, serve for the term of that Parliament, subject to Standing Order 176 (*Discharge of a Member from a Committee*).

(6) Unless a decision is reached by consensus, any vote to be taken in a joint committee shall be by separate Houses.

214. (deleted).

215. (deleted).

### **Departmental Committees**

#### **Appointment and mandate of Departmental Committees**

216. (1) There shall be select committees to be known as Departmental Committees whose members shall—

- (a) be nominated by the Committee on Selection in consultation with parliamentary parties at the commencement of every Parliament; and

(b) not exceed nineteen in number.

(2) A Member appointed to a Departmental Committee at the commencement of a Parliament or at any other time during the term of a Parliament shall, unless the House otherwise resolves, serve for the term of that Parliament, subject to Standing Order 176 (*Discharge of a Member from a Committee*).

(3) Unless the House otherwise directs, the Departmental Committees and the subject matter respectively assigned to them shall be as set out in the Second Schedule.

(4) The mandate of Departmental Committees in respect of the subject matter assigned under the Second Schedule of these Standing Orders shall only be exercised within the limits contemplated under Part 1 of the Fourth Schedule to the Constitution.

(5) The functions of a Departmental Committee shall be to—

- (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- (b) study the programme and policy objectives of Ministries and departments

- and the effectiveness of the implementation;
- (c) study and review all legislation referred to it;
  - (d) study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
  - (e) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
  - (f) to vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (*Committee on Appointments*);
  - (fa) examine treaties, agreements and conventions;
  - (g) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
  - (h) make reports and recommendations to the House as often as possible, including



recommendation of proposed legislation;

- (i) consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
- (j) examine any questions raised by Members on a matter within its mandate.

(6) The Leader of the Majority Party shall, in consultation with the Speaker, determine the order in which Cabinet Secretaries shall appear to answer questions raised under paragraph (5)(j) before a Committee.

(7) The Speaker may, on request of the Leader of the Majority Party vary the order in which questions raised under paragraph (5)(j) shall be disposed of in a Committee, or defer a question scheduled to be responded to.

### **Liaison Committee**

**217.** (1) There shall be a select committee to be known as the Liaison Committee which shall consist of the Deputy Speaker as Chairperson, a member of the Chairperson's Panel who also is the First Chairperson of Committees who shall be the Vice-Chairperson and the Chairpersons of all committees of the House.

(2) The Liaison Committee shall—

- (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 the programmes of all Committees, including their need to travel and sit away from the precincts of Parliament;
- (d) ensure that Committees submit reports as required by these Standing Orders;
- (f) determine, whenever necessary, the committee or committees to deliberate on any matter; and
- (g) give such advice relating to the work and mandate of select committees as it may consider necessary.

(3) The Liaison Committee shall consider reports of Committee that have not been deliberated by the House and shall report to the House on the consideration of such reports.

#### **Committee to be limited to mandate**

**218.** (1) Except as expressly provided for in these Standing Orders, no matter shall be referred to a select committee except on a Motion approved after notice given.

(2) Notwithstanding paragraph (1), the Speaker may, in exceptional circumstances, on a request by a Member, refer a matter to a committee.

## **PART XXIII—PUBLIC PETITIONS**

### **Meaning of Petition**

**219.** For purposes of this Part other than Standing Order 230 (*Petitions for Removal of a member of a Commission or holder of an Independent Office*), a petition means a written prayer to the House under Article 37 or 119 of the Constitution by a member of the public requesting the House to consider any matter within its authority, as contemplated in Articles 94 and 95 of the Constitution, including enacting, amending or repealing any legislation.

### **Submission of a Petition**

- 220.** (1) A petition to the House shall be—
- (a) submitted to the Clerk by the petitioner and reported to the House by the Speaker; or
  - (b) presented by a Member on behalf of a petitioner, with the consent of the Speaker.
- (2) Notwithstanding paragraph (1)(b), a Member shall not be eligible to present a petition on his own behalf.

(3) The Clerk shall, within seven days of the date of receipt of the petition, review the petition to ascertain whether the petition meets the requirements of these Standing orders and of the law.

(4) Where the Clerk considers that a petition does not comply with paragraph (3), the Clerk may give such directions as are necessary to ensure that the petition is amended to comply with that paragraph.

(5) The Clerk shall, if satisfied that the petition meets the requirements under paragraph (3), forward the petition to the Speaker for tabling in the House.

(6) Where a petition is addressed to the Assembly in respect of a matter which is within the mandate of the Senate, the Clerk shall refer the petition to the Clerk of the Senate.

#### **Petition on Private Bill**

**221.** A Petition on a private Bill shall be dealt with in accordance with Part XX (*Private Bills*) of these Standing Orders.

#### **Notice of intention to present Petition**

**222.** A Member shall give to the Clerk two sitting days' notice of intention to present a Petition and the Clerk shall examine such Petition and

ensure that the Petition is presented in the manner, form and content required by these Standing Orders.

### **Form of Petition**

**223.** A petition shall be in the form set out in the Third Schedule and shall—

- (a) be handwritten, printed or typed;
- (b) be in English or Kiswahili and be written in respectful, decorous and temperate language;
- (c) be free of alterations and interlineations in its text;
- (d) be addressed to the House;
- (e) have its subject-matter indicated on every sheet if it consists of more than one sheet;
- (f) indicate whether any efforts have been made to have the matter addressed by a relevant body and whether there has been any response from that body or whether the response has been unsatisfactory;
- (g) indicate whether the issues in respect of which the petition is made are pending before any court of law or other constitutional or legal body;
- (h) conclude with a clear, proper and respectful prayer, reciting the definite

object of the petitioner or petitioners in regard to the matter to which it relates;

- (i) subject to paragraph (m), contain the names, addresses, identification numbers, signature or a thumb impression of the petitioner or of every petitioner, where there is more than one petitioner;
- (j) contain only signatures or thumb impressions, as the case may be, and addresses and identification numbers written directly onto the petition and not pasted thereon or otherwise transferred to it;
- (k) not have any letters, affidavits or other documents annexed to it;
- (l) in the case of a petition presented by a Member on behalf of a petitioner, be countersigned by the Member presenting it; and
- (m) be signed by the petitioner or if the petitioner is unable to sign, by a witness in whose presence the petitioner shall make his or her mark on the petition.

#### **Time for Petitions**

**224.** The total time on the Order “Petitions” shall not exceed thirty minutes.

### **Presentation of Petitions**

**225.** (1) A schedule of Petitions to be presented or reported to the House on a sitting day may be appended to the Order Paper of the Day in the order that they shall be presented or reported.

(2) When the Order “Petitions” is read, the Speaker shall—

- (a) in case of a petition presented by a Member, direct the Member to present the Petition to the House; or
- (b) in case of a Petition presented through the Clerk, report the Petition to the House.

(3) The Member presenting the Petition shall read such Petition but shall confine himself or herself to the subject of the prayer, the material allegations therein and the number of signatures attached.

(4) A Member having presented a Petition shall, without question put, lay the Petition on the Table of the House.

(5) A Member presenting a Petition shall not speak for more than five minutes, unless with permission of the Speaker.

### **Comments on petitions**

**226.** The Speaker may allow comments, observations or clarifications in relation to a Petition presented or reported and such total time shall not exceed thirty minutes.

### **Committal of Petitions**

**227.** (1) Every Petition presented or reported pursuant to this Part, shall stand committed to the relevant Departmental Committee.

(2) Whenever a Petition is committed to a Departmental Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the House and no debate on or in relation to the report shall be allowed, but the Speaker may, in exceptional circumstances, allow comments or observations in relation to the Petitions for not more than twenty Minutes.

(3) The Clerk shall, within fifteen days of the decision of the House, in writing, notify the petitioner of the decision of the House on the petition.



### **Copies of responses**

**228.** The Clerk shall forward copies of responses received under Standing Order 227 (*Committal of Petitions*) to the petitioner or petitioners.

### **Register of Petitions**

**229.** (1) The Clerk shall keep and maintain a register in which shall be recorded all petitions and supporting documents, and the decisions of the House.

(2) The register of petitions under paragraph (1) shall be accessible to the public during working hours.

## **PART XXIII—PETITION FOR REMOVAL OF A MEMBER OF A COMMISSION OR INDEPENDENT OFFICE**

### **Petitions for Removal of a member of a Commission or holder of an Independent Office**

**230.** (1) In addition to complying with the requirements of paragraphs (a), (b), (c), (d), (h), (i), (j), (l) and (m) of Standing Order 223 (*Form of Petition*), a petition to the House for removal of a member of a Commission or holder of an Independent Office under Article 251 of the Constitution –

(a) shall–

(i) indicate the grounds under Article 251(1) of the Constitution which the

member of the commission or holder of an Independent Office is in breach;

(ii) where the grounds in subparagraph (i) above relate to violation of the Constitution or any other law, state with a degree of precision the provisions of the Constitution or any other written law that have been alleged to be violated;

(iii) indicate the nexus between the member or office holder concerned and the alleged grounds on which removal is sought; and

(b) may contain affidavits or other documents annexed to it.

(2) The paragraphs (1), (3), (4) and (5) of Standing Order 220 (*Submission of a petition*), Standing Order 222 (*Notice of Intention to Present Petition*), Standing Order 225 (*Presentation of Petitions*), and Standing Order 226 (*Comments on petitions*), shall apply to a petition to the House for removal of a member of a Commission under Article 251 of the Constitution.

(3) Every Petition presented or reported pursuant to this Standing Order shall stand committed to the relevant Departmental Committee.

(4) Upon receipt of a petition under paragraph (3), the relevant Departmental Committee shall investigate the matter and shall, within fourteen days, report to the House whether the petition discloses ground for removal under Article 251(a) of the Constitution.

(5) The House shall, within ten days of the tabling of the report of the committee under paragraph (4) resolve whether or not the petition discloses a ground for removal under Article 251(a) of the Constitution.

(6) Where the House resolves that a petition discloses a ground for removal, the Speaker shall, within seven days of the resolution, transmit the resolution and the petition to the President.

(7) Consideration of a Petition under this Standing Order shall not lapse at the expiry of a term of Parliament.

## PART XXIV—FINANCIAL PROCEDURES

### General

#### Restrictions with regard to certain financial measures

231. (1) If, in the opinion of the Speaker, a motion makes provision for a matter listed in the definition of “a money Bill” in terms of Article 114 of the Constitution, the Assembly may proceed only with the recommendation of the Budget and Appropriations Committee after taking into account, the views of the Cabinet Secretary responsible for finance.

(2) “A money Bill”, as provided for in Article 114 of the Constitution means a Bill, other than a Division of Revenue Bill or a County Allocation of Revenue Bill both provided for in Article 218 of the Constitution, that contains provisions dealing with—

- (a) taxes;
- (b) the imposition of charges on a public fund or the variation or repeal of any of those charges;
- (c) the appropriation, receipt, custody, investment or issue of public money;
- (d) the raising or guaranteeing of any loan or its repayment; or

- (e) matters incidental to any of those matters.

(3) In paragraph (2), “tax”, “public money”, and “loan” do not include any tax, public money or loan raised by a county.

**Presentation of Budget Policy Statement and the Debt Management Strategy**

**232.** (1) Every year not later than 15th February the Cabinet Secretary responsible for Finance shall submit to the House a Budget Policy Statement and a Debt Management Strategy and shall be deemed to have been laid.

(2) The Budget Policy Statement shall include—

- (a) an assessment of the current state of the economy and the financial outlook over the medium term, including macro-economic forecasts;
- (b) the financial outlook with respect to Government revenues, expenditures and borrowing for the next financial year and over the medium term;
- (c) the proposed expenditure limits for the national government, including those of Parliament and the Judiciary and indicative transfers to county governments;
- (d) the fiscal responsibility principles and financial objectives over the medium

term including limits on total annual debt;

- (e) the total resources to be allocated to individual programmes and projects within a sector, Ministry or department for the period identified under sub-paragraph (a) indicating the outputs expected from each such programme or project during the period; and
- (f) a list of proposed projects for the period identified under sub-paragraph (a) indicating their respective expenditure ceilings, reconcilable to the total proposed ceilings for development expenditure.

(3) The Budget Policy Statement shall detail the criteria used to allocate or apportion the available public resources among the various programmes and projects.

(4) The Debt Management Strategy shall include—

- (a) the total stock of debt as at the date of the statement;
- (b) the sources of loans made to the national government and the nature of guarantees given by the national government;

- (c) the principal risks associated with those loans and guarantees;
  - (d) the assumptions underlying the debt management strategy; and
  - (e) an analysis of the sustainability of the amount of debt, both actual and potential.
- (5) Upon being laid before the House, the Budget Policy Statement shall stand committed to each Departmental Committee to consider and make recommendations to the Budget and Appropriations Committee within seven days of committal.
- (6) The Debt Management Strategy shall be committed to the Budget and Appropriation Committee.
- (7) Within fourteen (14) days following the tabling of the Budget Policy Statement, the Budget and Appropriations Committee shall table a report in the House for consideration in accordance with the provisions of Section 25(7) of the Public Finance Management Act.
- (8) In addition to the recommendation of the Committee, the report under paragraph (7) shall contain—
- (a) a schedule showing the vertical allocation of resources amongst the two levels of government;

- (b) the ceilings of resources recommended for the National Government, the Judiciary and Parliament; and
- (c) a recommendation on the overall debt strategy for the next financial year and the medium term.

(9) The approval by the House of the motion on the report of the Budget and Appropriations Committee on the Budget Policy Statement shall constitute the House Resolution setting forth the total overall projected revenue and borrowing, vertical allocation of resources among the two levels of government, the ceilings recommended for the National Government, the Judiciary and Parliament and where necessary, the total sums for each Vote and the allocations to individual programmes for the fiscal year in question.

(10) The resolution of the House on the Budget Policy Statement shall serve as a basis of the proposed estimates of expenditure for the next financial year and the medium term.

### **Consideration of Division of Revenue Bill**

**233.** (1) Every year, not later than 10th March, there shall be introduced in National Assembly a Division of Revenue Bill, which shall divide revenue raised by the national government among the national and county levels of



government in accordance with the Constitution.

(2) A Bill required by paragraph (1) shall be accompanied by a memorandum setting out-

- (i) an explanation of revenue allocation as proposed by the Bill;
- (ii) an evaluation of the Bill in relation to the criteria mentioned in Article 203 (1) of the Constitution; and
- (iii) a summary of any significant deviation from the Commission on Revenue Allocation's recommendations, with an explanation for each such deviation.

(3) The National Assembly shall proceed upon and conclude its consideration of a Division of Revenue Bill not later than ten sitting days after the Bill has been introduced with a view to passing it, with or without amendments.

(3A) In considering a Division of Revenue Bill, the House shall take into account any recommendation submitted by the Commission on Revenue Allocation, pursuant to provisions of Article 205 of the Constitution.

(4) The Division of Revenue Bill, having been passed by the National Assembly, shall stand referred to the Senate in accordance with

Standing Order 142 (*Concurrence of the other House*).

**Consideration of County Allocation of Revenue Bill**

**234.** (1) Whenever the County Allocation of Revenue Bill is referred to the House, the House shall consider the Bill within ten days and the provisions of Article 111 of the Constitution shall apply.

(2) In considering a County Allocation of Revenue Bill, the House shall take into account any recommendation submitted by the Commission on Revenue Allocation, pursuant to the provisions of Article 205 of the Constitution.

**Presentation of Budget Estimates and committal to Committees**

**235.** (1) The Cabinet Secretary responsible for Finance, the Accounting Officer of the Parliamentary Service Commission and the Chief Registrar of the Judiciary shall, not later than 30th April, respectively submit to the National Assembly Budget Estimates and related documents specified in law for the National Government, the Judiciary and Parliament.

(2) The budget estimates referred to in paragraph (1) shall include the estimates of expenditure from the equalization fund pursuant to Article 221(2) of the Constitution.

(3) The Estimates and related documents submitted under Paragraph (1) and (2) shall be tabled in the National Assembly within three days of submission.

(4) Upon being laid before the House—

(a) the Estimates under paragraph (1) shall stand committed to each Departmental Committee to consider and make recommendations to the Budget and Appropriations Committee within twenty one days of committal;

(b) the Estimates under paragraph (2) shall stand committed to Budget and Appropriations Committee to consider and make recommendations to the House together with the report of the Committee on the Budget Estimates.

(5) The Budget and Appropriations Committee shall discuss and review the Budget Estimates and the Estimates of Expenditure from the Equalization Fund and make recommendations to the National Assembly, taking into account the recommendations of the Departmental Committees, the views of the Cabinet Secretary and the public.

### **Committee of Supply**

**236.** The Committee of Supply shall be a Committee of the whole House.

### **Definition of day**

237. For the purposes of this Part, a day shall be deemed to consist of any period of not more than three hours prior to 1.00 p.m. or of not more than three hours between 2.30 p.m. and 7.30 p.m. or of not more than three hours after 7.30 p.m.

238. (Deleted).

### **Moving into Committee of Supply**

239. On an Order of the Day for Committee of Supply being read, the Chairperson of the Budget and Appropriations Committee or a Member designated by the Committee shall move the motion ***“The House do approve the Report of the Budget and Appropriations Committee on the Budget Estimates for the financial year.....and the Estimates of Expenditure from the Equalization Fund and the allocations to the respective votes and programmes as contained in the Schedule”*** with necessary modifications, where applicable.

### **Consideration of Estimates in the Committee of Supply**

240. (1) The report of the Budget and Appropriations Committee on the Budget Estimates and the Estimates of Expenditure from the Equalization Fund shall be considered in the Committee of Supply upon a motion that ***“The House do***

***approve the Report of the Budget and Appropriations Committee on the Budget Estimates for the financial year.....and the Estimates of Expenditure from the Equalization Fund and the allocations to the respective votes and programmes as contained in the Schedule”*** with necessary modifications, where applicable.

(2) The Chairperson shall propose a question on each of the Votes or programmes.

(3) In considering the Estimates, the House shall take into consideration its resolutions on the Budget Policy Statement and ensure that—

(a) an increase in expenditure in a proposed appropriation is balanced by a reduction in expenditure in another proposed appropriation; or

(b) a proposed reduction in expenditure is used to reduce a deficit in the Budget.

(4) An amendment to any vote to increase or reduce the sum allotted to any programme or the vote may only be moved in accordance with the recommendation of the Budget and Appropriations Committee.

(5) An amendment in the Committee of Supply may be in the form of a motion ***“That the Vote..... be increased/reduced by Ksh ..... (in***

*respect of programme .....*)” or in such a form as the Speaker may approve.

(6) An amendment to leave out a Vote shall not be in order, and shall not be placed on the Order Paper, and a Member desiring to do so should instead oppose the approval of the Vote.

(7) When notice has been given of two or more amendments to reduce the same item, sub-head, or a vote, they shall be placed in the Order Paper and considered in the order of the magnitude of the reductions proposed, the amendment proposing the largest reduction being placed first in each case. The reduced amount in respect of a Vote may be transferred to another Vote provided that other Vote has not been disposed of.

(8) Debate on every amendment shall be confined to the item, sub-head or the Vote to which the amendment refers, and after an amendment to an item or sub-head has been disposed of, no amendment or debate on a previous item or sub-head of that Vote shall be permitted.

(9) On the last of the allotted days, being a day before the 26th June, the Chairperson shall, one hour before the time for the interruption of business, forthwith put every question necessary to dispose of the debate for approval of the Vote

then under consideration, and shall then forthwith put severally the questions necessary to dispose of every Vote not yet granted; and if at that time the House is not in Committee, the House shall forthwith move into committee without question put, for that purpose.

(10) On any day upon which the Chairperson is under this order directed to put forthwith any question, the consideration of the business of Supply shall not be anticipated by a Motion for the adjournment of the House, and no dilatory Motion shall be moved in relation to that business, and the business shall not be interrupted under any Standing Order.

(11) When all amendments in respect of all Votes have been disposed of, the Chairperson shall again propose the question ***“The House do approve the Report of the Budget and Appropriations Committee on the Budget Estimates for the financial year.....and the Estimates of Expenditure from the Equalization Fund and the allocations to the respective votes and programmes as contained in the Schedule”*** with necessary modifications, where applicable.

(12) At the conclusion of the debate the Chairperson shall put the question referred to in paragraph (11) and report to the House forthwith.

## Consideration of Supply Resolutions

240A. (1) The report or any resolution of the Committee of Supply shall be considered upon a Motion, ***“That, the House do agree with the Committee in the said resolution.”***

(2) The question on any Motion moved under paragraph (1) shall be put forthwith, no amendment, adjournment or debate being allowed, unless a Member desires to amend or to add to the resolution in which case the Member may propose an amendment to add, at the end of the Motion, the words ***“subject to the re-committal of the resolution (in respect of some specific Vote or programme) to the Committee of Supply.”***

(3) If the Motion is agreed to with the Member’s amendment, the resolution shall stand re-committed to the Committee of Supply and the House shall either forthwith or upon a day determined by the Speaker dissolve itself into Committee of Supply to consider the resolution so re-committed.

(4) When any resolution of the Committee of Supply has been re-committed to the Committee, the Committee shall consider only the matters in respect of which it was so re-committed and any matter directly consequential thereon.



(5) Except as provided by paragraph (4) of this Standing Order, paragraphs (2) and (3) of the provisions of this Standing Order shall apply in respect of a resolution so re-committed.

**Appropriation Bill and Equalization Fund Appropriation Bill**

**240B.** (1) The resolution of the House on the Budget Estimates and Estimates of Expenditure from the Equalization Fund shall serve as a basis of the Appropriation Bill and the Equalization Fund Appropriation Bill.

(2) Upon approval of the budget estimates, the Chairperson of the Budget and Appropriations Committee shall introduce an Appropriation Bill and, whenever necessary, an Equalization Fund Appropriation Bill in the House.

(3) The House may proceed only in accordance with the recommendation of the Budget and Appropriations Committee in respect of any proposed amendment to a Bill under paragraph (1) after consulting the relevant Departmental Committees.

(4) The House shall consider and pass the Appropriation Bill not later than the 26th June of any given year.

**241.** (Deleted).

### **Vote on Account**

**242.** (1) Following approval of the Budget Estimates, and before the Appropriation Bill is assented to, the National Assembly may authorise withdrawals in accordance with Article 222 of the Constitution, and such authority shall be communicated to the Cabinet Secretary responsible for finance by the Speaker of the National Assembly within seven days of that authority being granted by the National Assembly.

(2) A motion seeking the authorization of withdrawals under paragraph (1) shall be known as a Vote on Account and shall be put down on any day before 30th June.

### **Procedure on Supplementary Estimates**

**243.** (1) The national government shall submit to the National Assembly for approval a supplementary budget in support of money spent under Article 223 of the Constitution.

(2) The supplementary budget shall include—

- (a) a statement showing how the additional expenditure relates to the fiscal responsibility principles and financial objectives; and
- (b) a schedule showing the list of programmes or projects that is affected

by the proposed supplementary budget.

(3) The procedure applicable to the approval of the Budget Estimates under Standing Order 240 (*Consideration of Estimates in the Committee of Supply*) and 240A (*Consideration of Supply Resolutions*) shall with the necessary modifications, apply to the approval of the Supplementary Estimates.

(4) On any day on which an Order of the Day for Committee of Supply has been set down under this Standing Order, the business of such order shall commence not later than three hours before the time for interruption of business.

**244.** (Deleted).

**Approval of expenditure of more than ten percent**

**244A.** (1) Pursuant to the provisions of Article 223(5), the House may, following a request by the National Treasury and upon recommendation of the Budget and Appropriations Committee, by resolution, approve spending of more than ten per cent above the sum appropriated in the Appropriations Act for that financial year.

(2) The Budget and Appropriations Committee shall satisfy itself that the proposed expenditure under paragraph (1) relates to special circumstances.

### **Supplementary Appropriation Bill**

**244B.** (1) The resolution of the House on the Supplementary Estimates shall serve as a basis of the Supplementary Appropriation Bill.

(2) Upon approval of the Supplementary Estimates, the Chairperson of the Budget and Appropriations Committee shall introduce a Supplementary Appropriation Bill for consideration by the House.

(3) The procedure applicable to the approval of a Appropriation Bill under Standing Order 240B (*Appropriation Bill and Equalization Fund Appropriation Bill*) shall with the necessary modifications, apply to the approval of the Supplementary Appropriation Bill.

(4) A Supplementary Appropriation Bill shall contain a schedule showing—

- (a) the amounts appropriated in the Appropriation Act; and
- (b) the net proposed change arising from the approved supplementary estimates under Standing Order 243 (*Procedure on Supplementary Estimates*) and Standing Order 244A (*Approval of expenditure of more than ten percent*).

**Pronouncement of the Budget highlights and Revenue raising measures**

**244C.** (1) The Cabinet Secretary responsible for Finance shall make a public pronouncement of the budget policy highlights and revenue raising measures for the national government as contemplated under the Public Finance Management Act.

(2) The Speaker may designate a suitable place in the Chamber for the purposes of admitting the Cabinet Secretary to make the public pronouncement of the budget policy highlights and revenue raising measures.

(3) The public pronouncement under paragraph (1) shall be heard without question or clarification.

(4) On the same date that the budget policy highlights and revenue raising measures are pronounced, the Cabinet Secretary shall submit to the National Assembly a legislative proposal, setting out the revenue raising measures for the national government, together with a policy statement expounding on those measures.

(5) The provisions of the National Assembly (Powers and Privileges) Act (Cap 6.) shall apply to a Cabinet Secretary admitted to the Chamber under this Part.

## Consideration of Finance Bill

245. (1) Following the submission of the legislative proposal by the Cabinet Secretary under Standing Order 244C (*Pronouncement of the Budget highlights and Revenue raising measures*), the Departmental Committee on Finance and National Planning shall introduce to the National Assembly the Finance Bill in the form in which the Bill was submitted as a legislative proposal by the Cabinet Secretary, together with the report of the Committee on the Bill.

(2) Any of the recommendations made by the Committee or adopted by the National Assembly on revenue matters shall -

- (a) ensure that the total amount of revenue raised is consistent with the approved fiscal framework and the Division of Revenue Act;
- (b) take into account the principles of equity, certainty and ease of collection;
- (c) consider the impact of the proposed changes on the composition of the tax revenue with reference to the direct and indirect taxes;
- (d) consider domestic, regional and international tax trends;
- (e) consider the impact on development, investment, employment and economic growth;

- (f) take into account the recommendations of the Cabinet Secretary as provided under Article 114 of the Constitution; and
- (g) take into account the taxation and other tariff agreements and obligations that Kenya has ratified, including taxation and tariff agreements under the East African Community Treaty.

(3) The recommendations of the Cabinet Secretary in paragraph (2)(f) shall be included in the report and tabled in the National Assembly.

(4) Not later than ninety days after passing the Appropriation Bill, the National Assembly shall consider and pass the Finance Bill with or without amendments.

## **PART XXV—JOURNALS, RECORDS AND BROADCAST OF PROCEEDINGS**

### **Journals of the House**

**246.** All votes and proceedings of the House shall be noted by the Clerk and shall constitute the Journals of the House.

### **Custody of Journals and Records**

**247.** (1) The custody of the Journals and Records, whether audio, electronic or any other form, including all papers and accounts howsoever presented to or belonging to the House, shall be

vested in the Clerk, who shall unless otherwise prohibited by any law, allow their access by the public.

(2) The Clerk shall publish the Votes and Proceedings of the House within forty eight hours of any sitting.

(3) The Speaker may make rules to regulate the access by the public to Journals and Records under paragraph (1).

### **Hansard reports**

**248.** (1) There shall be published within forty eight hours, a verbatim report of all proceedings of the House, unless the Speaker is satisfied that this is rendered impossible by some emergency.

(2) Every Member 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 Member actually said.

(3) Where there is doubt as to the content of the verbatim record of the House, the Speaker shall make a determination.

### **Secret or personal matters**

**249.** The Speaker may direct any matter which, in the Speaker's opinion, is secret or purely personal to be excluded from the Journals of the House and from the verbatim report of the proceedings of



the House, and to be the subject of a separate verbatim report, which shall be kept in the custody of the Clerk and made available only to Members.

### **Broadcast of House Proceedings**

**250.** (1) The proceedings of the House may be broadcast.

(2) The broadcasting of the proceedings of the House shall comply with the Rules set out in the First Schedule of these Standing Orders.

**251.** (Deleted).

## **PART XXVII—PUBLIC ACCESS TO THE HOUSE AND ITS COMMITTEES**

### **General provisions on access to the House**

**252.** (1) Except as may be expressly provided to the contrary, every person shall have access to the House and its committees.

(2) The House or a committee may not exclude any person, or any media, from a sitting of the House or of a committee unless, in exceptional circumstances, the Speaker has determined that there are justifiable reasons for the exclusion.

(3) The Speaker may, from time to time, issue rules governing public access to the House and its committees.

### **Restriction of access to the Chamber**

**253.** (1) No person other than a Member shall be admitted into any part of the Chamber appropriated to the exclusive use of Members of the House while the House or the Committee of the whole House is sitting.

(2) Paragraph (1) does not apply to the Clerk or other officers of Parliament when discharging their duties in the service of the House.

### **Exclusion from the House or committees**

**254.** (1) A Member may, at any time, rise to claim that the public or any particular person be, for reasons stated, excluded from the House or from a committee, and if the Speaker or Chairperson is of the opinion that there are justifiable reasons for the exclusion, he or she may order that the public or such person withdraw from the House or the committee.

(2) Whenever the Speaker or Chairperson has determined that any person be excluded from a sitting of the House or of a committee, the Speaker or Chairperson shall inform the House or Committee the reasons for the exclusion.

(3) A determination by the Speaker or Chairperson under paragraph (2) shall not be the subject of comment or debate.

(4) The Clerk shall ensure that an order for the withdrawal of the public or a person is complied with.

### **Press representatives infringing Standing Orders or the Speaker's Rules**

**255.** Any media institution whose representative infringes these Standing Orders or any rules made by the Speaker for the regulation of the admittance of the public to the House or to committees or persistently misreports the proceedings of the House, or neglects or refuses on request from the Speaker to correct any wrong report in respect of the proceedings of the House to the satisfaction of the Speaker, may be excluded from representation in the Press gallery for such period as the Speaker shall direct.

## **PART XXVIII—GENERAL**

### **Exemption of business from Standing Orders**

**256.** (1) Subject to paragraphs (2) and (3), a Motion may, with the approval of the Speaker, be moved by any Member, either with or without notice that the proceedings on any specified business be exempted from the provisions of Part VI (*Calendar, Sitting and Adjournments of the House*), Part VIII (*Order of Business*), Part XVII (*Limitation of Debate*), Part XIX (*Public Bills*), Part XX (*Private Bills*), Part XXI

(Committee of the whole House) Part XXIV (*Financial Procedures*), Part XXII (*Select Committees*), Part XXIII (*Public Petitions*) and Part XXVII (*Public Access to the House and its Committees*) of these Standing Orders.

(2) No Motion for the exemption of business from the Standing Orders shall be made to exempt any business from Part XIII (*Special Motions*), Part (XIV) (*Procedure for Removal from State Office*), Standing Order 120 (*Publication*) or Standing Order 231 (*Restrictions with regard to certain financial measures*).

(3) Not more than one Motion for the exemption of business from the Standing Orders may be moved at any one sitting, except with the leave of the House.

(4) A Motion under this Standing Order shall state the object of or reason for the proposed exemption and—

- (a) may be moved at any time and any other business then in progress may thereupon be interrupted;
- (b) may not be amended without the consent of the mover.

### **Extension of period prescribed**

**256A.** (1) Despite the provisions of these Standing Orders prescribing a period for doing an act by

the National Assembly or its Committee, the House may, upon a motion, resolve to extend that period.

(2) The authority of the House contemplated under paragraph (1), may be exercised only in exceptional circumstances to be permitted by the Speaker.

(3) Where an extension of time is granted under this Standing Order, the doing of all other acts consequential thereto shall be deemed to have been extended accordingly.

### **Summons by the House**

**256B.** (1) A Member may give a three days' notice of a Motion requiring the House to summon a person to appear before the House pursuant to the provisions of Article 125(1) of the Constitution.

(2) The Speaker shall refuse or decline the notice, if the Speaker is of the opinion that the proposed motion is frivolous, vexatious, an abuse of the proceedings of the House, or an attempt to unreasonably usurp matters under consideration by a particular Committee.

(3) The notice under paragraph (1) shall specify—

(a) the person or persons to be summoned;

- (b) the purpose of the summons;
- (c) the evidence to be adduced, or document to be produced, if any, before the House; and
- (d) the time and place of appearance before the House.

(4) Upon resolution of the House on a motion under paragraph (1), the Clerk shall, not later than three days from the date of the approval, issue summons to the persons named in the Motion, requiring the person to attend before the House on the date, time and place indicated in the Motion.

(5) A person shall be summoned to appear before the House under this Standing Order only if—

- (a) the purpose of the summons is not to consider a matter which is already a subject of consideration by a Committee of the House; or
- (b) the person has been previously summoned to appear before a Committee of the House but has failed or declined to appear before such committee without lawful cause.

### **Attendance before the Senate**

**257.** (1) A request by the Senate that a Member, the Clerk, or an officer of the National Assembly appears before the Senate to be examined or appears before any committee of the Senate shall be by message from the Senate requesting that the National Assembly grants leave to such Member, Clerk or other officer to attend.

(2) If the National Assembly grants leave under paragraph (1)–

(a) the Clerk or officer shall attend before the Senate or the committee of the Senate;

(b) the Member may, if the Member considers it fit to do so, attend before the Senate or the committee of the Senate.

(3) Except upon leave granted under paragraph (2), a Member, the Clerk or an officer may not, whether in person or by counsel, attend or appear before the Senate or a Committee of the Senate in response to a summons or invitation, or send an answer in writing to such summons or invitation.

### **Permission for absence**

**257A.** (1) A Member seeking to be absent from sitting of the House shall, seek the written permission of the Speaker in such form as the Speaker may determine, stating the period of

absence, the reasons and any other relevant information.

(2) The Clerk shall keep custody of requests for permission and may disclose the information with the written consent of the Speaker.

### **Failure to attend sittings**

**258.** (1) If, during any Session, a Member is absent from eight sittings of the National Assembly without permission, in writing from the Speaker, the Speaker shall report the matter to the National Assembly and the matter shall stand referred to the Committee of Privileges for hearing and determination.

(2) The Committee of Privileges shall inquire into a matter referred to it under paragraph (1) within fourteen days from the date the matter is referred to it and shall thereupon submit a report to the House.

(3) If the report of the Committee finds that the Member has offered a satisfactory explanation for the Member's absence from eight sittings of the National Assembly without the permission in writing from the Speaker, there shall be no further proceedings in the House in respect of the matter.



(4) If the report of the Committee finds that the Member has not offered a satisfactory explanation for the Member's absence from eight sittings of the National Assembly under paragraph (1), the Chairperson of the Committee or a Member of the Committee designated by the Committee for that purpose shall, upon submitting the report, give a three days' notice of a Motion that, **"This House notes the Report of the Committee of Privileges laid on the Table of the House on ... regarding....."** with other necessary modification.

(5) A Motion under paragraph (4) shall be debated in the usual manner of debating Motions, except that—

- (a) no amendment shall be permitted to the Motion;
- (b) the debate of the Motion shall not be anticipated by a Motion for the adjournment of the House, and no dilatory Motion shall be moved in relation to the business, and the business shall not be interrupted under any Standing Order.

(6) At the conclusion of the debate on a motion under paragraph (4), the Speaker shall not put a question but shall declare that, pursuant to Article 103 (1) (b) of the Constitution, the office of the Member concerned has become vacant.

### **Seating in the Chamber**

**259.** (1) There shall be reserved seats in the Chamber of the House for the exclusive use of each of the following—

- (a) the Deputy Speaker;
- (b) the Leader of the Majority Party;
- (c) the Leader of the Minority Party;
- (d) Members with disabilities.

(1A) The Speaker may designate seats in the Chamber for Members of the Chairperson's Panel, Deputy Leaders of Majority and Minority Parties, Chairpersons of Committees and Majority and Minority Party Whips.

(2) All other seats in the Chamber shall be available for the use of any Member.

(3) Subject to this Standing Order and any other order of the House, any question relating to the occupation of seats in the Chamber shall be determined by the Speaker.

### **Recognition of a Parliamentary Caucus**

**259A.** (1) The Speaker may, upon the written request of at least ten Members, recognize a parliamentary caucus formed for the purpose of advancing a common legislative objective.

(2) A request to the Speaker under this Standing Order shall—

- (a) indicate the name of the caucus;
- (b) outline the legislative objective of the caucus; and
- (c) contain the names and signatures of the members of the caucus.

(3) A parliamentary caucus shall not enjoy the powers and privileges of a Committee of the House.

#### **Members travelling outside Kenya**

**260.** (1) A Member intending to travel outside Kenya whether in an official or a private capacity, shall give to the Speaker a written notice to that effect, indicating—

- (a) the destination intended to be visited;
- (b) the dates of the intended travel and period of absence from Kenya; and
- (c) the email, telephone contact, postal or physical address of the Member during the period of absence from Kenya.

(2) All information submitted under this Standing Order shall be kept in a register which the Clerk shall maintain for that purpose and shall not be disclosed to any person without the permission of the Speaker.

### **Expenses of witnesses**

**261.** There may be paid or tendered to any person summoned to give evidence or to produce documents before the House or a Committee, such reasonable sum in respect of the person's expenses, including travelling expenses, as the Clerk may from time to time determine, either generally or specifically.

## **PART XXIX—AMENDMENT OF STANDING ORDERS**

### **Proposals for amendment by the Procedure and House Rules Committee**

**262.** The Procedure and House Rules Committee may at any time propose amendments to these Standing Orders.

### **Amendment on the initiative of a Member**

**263.** (1) A Member may, with the support of at least fifty other Members, request the Procedure and House Rules Committee to consider an amendment to the Standing Orders.

(2) A request under paragraph (1) shall be in writing and shall—

- (a) contain the text of the proposed amendment and the justification for the proposal;
- (b) contain the names and signatures of the Members supporting the request;

(c) be lodged with the Speaker.

(3) The Speaker shall, if satisfied that the requirements of paragraphs (1) and (2) have been met, forward the request to the Procedure and House Rules Committee.

(4) The Procedure and House Rules Committee shall, within twenty-one days of the receipt of a request under paragraph (3), consider the request and table a report in the House containing the amendments proposed in the request and the recommendations of the Committee on each such proposal.

(5) The House shall consider the proposed amendments to the Standing Orders as reported from the Procedure and House Rules Committee on a Motion that “The report of the Procedure and House Rules Committee be approved.”

(6) Standing Order 136 (*Procedure on Bills reported from Committee of the whole House*) shall apply to a Motion to approve the report of the Procedure and House Rules Committee on the amendments proposed to the Standing Orders.

#### **Periodic review of Standing Orders**

**264.** At least once in every term of Parliament, the Procedure and House Rules Committee shall review the Standing Orders and make a report to

the House recommending the Standing Orders, if any, to be amended.

### **Consideration of reports of Procedure and House Rules Committee**

**265.** (1) Upon the tabling of a report of the Procedure and House Rules Committee under Standing Orders 263 (*Amendment on the initiative of a Member*) and 264 (*Periodic review of Standing Orders*), the procedure set out under paragraphs (5) and (6) of Standing Order 263 (*Amendment on the initiative of a Member*) shall apply with the necessary modifications.

(2) Amendments to the Standing Orders proposed under this Part shall, upon approval by the House, take effect at the time appointed by the House.

### **PART XXIXA—CONDUCT OF PROCEEDINGS IN EXCEPTIONAL CIRCUMSTANCES**

#### **Application**

**265A.**(1) This Part shall apply to the conduct of proceedings of the House and its Committees in an exceptional circumstance.

(2) The provisions of the Standing Orders preceding this Part shall remain in force except as may be modified in this Part.

(3) Where any provision of this Part conflicts with or is inconsistent with the provision of any preceding Standing Order, whether in part or whole, the provisions of this Part shall prevail.

(4) In this Part, “exceptional circumstance” means an event or occurrence as may be lawfully declared in accordance with any written law which precludes the National Assembly from conducting a physical sitting and includes the declaration of an epidemic, pandemic, extreme natural phenomena, pestilence or an act of terrorism.

#### **Alternative sitting arrangements**

**265B.**(1) The Speaker shall invoke the provisions of this Part and permit the House and its Committees to conduct sittings either—

- (a) physically and virtually, where the House is partly precluded from conducting a physical sitting by an exceptional circumstance; or
- (b) virtually, where the House is wholly precluded from conducting a physical sitting by an exceptional circumstance.

(2)The Speaker shall, upon invoking the provisions of paragraph (1) and upon the recommendation of the Procedure and House

Rules Committee, prescribe guidelines governing—

- (a) the conduct of the proceedings;
  - (b) the manner of voting, manner of conducting a division and the ascertainment of a vote in the proceedings;
  - (c) the conduct of Members during the proceedings;
  - (d) access to the proceedings by members of public and media; (e) public participation and involvement;
  - (e) etiquette; and
  - (f) such other matter as may be relevant to the conduct of the proceedings.
- (3) The guidelines prescribed under paragraph (2) shall cease to apply upon revocation by the Speaker or the cessation of the exceptional circumstance, whichever is earlier.

**Other arrangements**

**265C.** During the pendency of an exceptional circumstance—



- (a) the House may, by resolution, vary its ordinary sittings to such a number as the circumstance permits;
- (b) the House Business Committee shall determine and prioritize essential business to be considered by the House; and
- (c) the Speaker may—
  - (i) designate a place outside the chamber but within the precincts of Parliament from where Members may participate in the proceedings;
  - (ii) prescribe the number of Members who may participate in the proceedings from the chamber or any designated place outside the chamber;
  - (iii) permit a Member or any other person required to file, deliver or table any document under the Standing Orders or any written law to file or submit the document electronically for tabling;
  - (iv) where the House is wholly precluded from conducting a physical sitting, deem a document

submitted, including a document submitted electronically, to have been tabled, subject to its admissibility; and

- (v) preclude public access to the House and committees pursuant to Standing Order 252(1).

### **Use of technology**

**265D.** (1) The Speaker may, taking into account the provisions of Article 126(1) of the Constitution, prescribe an appropriate information and communications technology platform for the conduct of the virtual proceedings under this Part.

(2) The platform prescribed under paragraph (1) shall—

- (a) incorporate video and audio or text;
- (b) allow the participation of Members in the proceedings in real-time and the broadcast of the proceedings;
- (c) facilitate the proceedings to be recorded and transcribed under Standing Order 248; and,
- (d) where the House is wholly precluded from conducting a physical sitting,

incorporate a system that allows Members to vote.

(3) The voting system incorporated under paragraph (2) (d) shall be simple, accurate, verifiable, secure, accountable, transparent and facilitate the prompt declaration of the result of each vote taken.

(4) The Clerk shall facilitate the participation of Members in virtual proceedings through the use of standard electronic devices specifically configured for the proceedings.

## **PART XXX—TRANSITIONAL PROVISIONS**

### **National Assembly’s Resolution on Standing Orders**

**266.** In Exercise of the powers conferred by Article 124 of the Constitution of the Republic of Kenya, the National Assembly, by resolution passed on 9th January, 2013, adopted these Standing Orders and the Houses of Parliament (Joint Sittings) Rules.

### **Revocation of previous Standing Orders**

**267.** The Standing Orders adopted by the National Assembly on December 10, 2008 during the Second Session of the Tenth Parliament are hereby revoked.

### **Commencement**

**267A.** Pursuant to the resolution of the National Assembly of June 15, 2017, the amendments made by the House to these Standing Orders on 15th June, 2017 shall commence upon the expiry of the term of the 11th Parliament.

**FIRST SCHEDULE**  
**BROADCASTING RULES**  
**(Standing Order 250)**

**Parliamentary Broadcasting Unit**

1. (1) There is established the Parliamentary Broadcasting Unit, which shall oversee the broadcasting of parliamentary proceedings.  
  
(2) Unless the House otherwise directs, the Parliamentary Broadcasting Unit may broadcast the proceedings of parliament and provide access to parliamentary information.

**Parliamentary privilege**

2. Audio and visual digital footage of parliamentary proceedings shall be covered by the laws relating to parliamentary privilege and shall be kept as part of the records of the House, under the custody of the Clerk of the National Assembly.

**Television broadcasting**

3. When broadcasting the proceedings of the House on television, the following guidelines shall apply—
  - (a) the camera shall focus on the Member recognized by the Chair until the Member has finished speaking;

- (b) group shots and cut-aways may be taken for purposes of showing the reaction of a group of Members to an issue raised on the Floor;
- (c) wide-angle shots of the Chamber shall be used during voting and Division and no shot shall be taken so as to show the manner in which a Member has voted in any secret ballot;
- (d) officers of the House taking an active role in the proceedings may be shown;
- (e) the occupant of the Chair shall be shown when taking and leaving the Chair and whenever he or she rises;
- (f) press and public galleries shall not be shown except as part of the wide angle shots and during important functions as may be determined by the Parliamentary Broadcasting Committee;
- (g) no close-up shots of Members' papers or reference materials may be shown.

#### **Radio broadcasting**

4. When broadcasting the proceedings of the House on radio, the following guidelines shall apply—
  - (a) audio recording shall be restricted to proceedings of the House and the Committees;
  - (b) commentaries during a live broadcast shall be limited to the introduction of a

matter under debate and of the Member on the floor.

### **Protection of the dignity of the House**

5. (1) Officers of the Parliamentary Broadcasting Unit shall conduct themselves in a professional and impartial manner, giving a fair and accurate account of proceedings.
- (2) Shots designed to embarrass unsuspecting Members of Parliament shall not be shown.
- (3) Recordings of Parliamentary proceedings may not be used for purposes of political party advertising, ridicule, commercial sponsorship or any form of adverse publicity.

### **External media houses**

6. (1) In these Rules, “external media house” refers to any media house other than the Parliamentary Broadcasting Unit.
- (2) No external media house or other person may broadcast any proceedings of the House except as received from the broadcast feed provided by the Parliamentary Broadcasting Unit or with the permission of the Speaker.
- (3) A media house that receives a broadcast feed from the Parliamentary Broadcasting Unit shall broadcast it without any manipulation or distortion.
- (4) No camera or other recording or broadcasting equipment shall be allowed in the House without authorization.

(5) Accredited journalists shall be allowed access to designated areas for purposes of following the proceedings and taking notes and any journalist so allowed shall observe the Standing Orders and these Rules.

#### **Breach of broadcasting Rules**

7. (1) Any person who fails to comply with these Rules shall be liable to such penalty as the House may, on the recommendation of the Parliamentary Broadcasting Committee, consider appropriate.  
(2) The Parliamentary Broadcasting Committee shall develop procedures for the enforcement of these Rules.

#### **Application**

8. These Rules shall apply for the broadcasting of parliamentary proceedings in the House, in Committees and, with necessary modifications, in other parliamentary proceedings and events.



**SECOND SCHEDULE**  
**DEPARTMENTAL COMMITTEES**  
**[Standing Order 216]**

<b>Committee</b>	<b>Subjects</b>
<b>A</b> <b>Administration and National Security</b>	National security, police services, home affairs, Public Administration, Public Service, Prisons, Immigration, the management of natural disasters, and community service orders.
<b>B</b> <b>Agriculture and Livestock</b>	Agriculture, livestock, irrigation, fisheries development, production and marketing.
<b>C</b> <b>Communication, Information and Innovation</b>	Communication, information, media and broadcasting (except for broadcast of parliamentary proceedings), Information Communications Technology (ICT),

development and  
advancement of  
technology and  
modernization of  
production strategies.

**D**  
**Defence and Foreign  
Relations**

Defence, intelligence,  
foreign relations,  
diplomatic and consular  
services, international  
boundaries, including  
territorial waters and  
international relations.

**E**  
**Education and Research**

Education, training and  
research.

**F**  
**Energy**

Fossil fuels exploration,  
Development, production,  
maintenance and  
regulation of energy.

<p style="text-align: center;"><b>G</b></p> <p style="text-align: center;"><b>Environment and Natural Resources</b></p>	<p>Matters relating to climate change, environment management and conservation, forestry, water resource management, wildlife, mining and natural resources, pollution and waste management.</p>
<p style="text-align: center;"><b>H</b></p> <p style="text-align: center;"><b>Finance and National Planning</b></p>	<p>Public finance, monetary policies, public debt, financial institutions (excluding those in securities exchange), investment and divestiture policies, pricing policies, banking, insurance, population, revenue policies including taxation, national planning and development.</p>
<p style="text-align: center;"><b>I</b></p> <p style="text-align: center;"><b>Health</b></p>	<p>Matters related to health, medical care and health insurance.</p>
<p style="text-align: center;"><b>J</b></p> <p style="text-align: center;"><b>Justice and Legal Affairs</b></p>	<p>Constitutional affairs, the administration of law and justice, including the Judiciary, public prosecutions, elections, ethics, integrity and anti-</p>

	corruption and human rights.
<b>K</b> <b>Labour and Social Welfare</b>	Labour, labour relations, manpower or human resource planning, gender, youth, social welfare and security, children's welfare, National Youth Service, the elderly and persons with disabilities.
<b>L</b> <b>Lands</b>	Matters related to lands and settlement.
<b>M</b> <b>Sports, Culture and Tourism</b>	Sports, culture, language, arts, national heritage, betting and lotteries, tourism and tourism promotion and management.
<b>N</b> <b>Trade, Industry and Cooperatives</b>	Trade, including securities exchange, consumer protection, pricing policies, commerce, industrialization including special economic zones, enterprise promotion and development including

small and medium-size enterprises, intellectual property, industrial standards, anti-counterfeit policies and co-operatives development.

**O**  
**Transport, Public Works and Housing**

Transport, roads, public works, construction and maintenance of roads, rails and buildings, air, seaports and housing.

**THIRD SCHEDULE**  
**GENERAL FORM OF A PUBLIC PETITION**  
**[Standing Order 223]**

**I/We, the undersigned,**

*(Here, identify in general terms, who the petitioner or petitioners are, for example, citizens of Kenya, residents of county or region, workers of industry, etc.)*

**DRAW the attention of the House to the following:**

*(Here, briefly state the reasons underlying the request for the intervention of the House by outlining the grievances or problems by summarizing the facts which the petitioner or petitioners wish the House to consider.)*

**THAT,**  
*[Here confirm that efforts have been made to have the matter addressed by the relevant body, and it failed to give satisfactory response.]*

**THAT,**  
*[Here confirm that the issues in respect of which the petition is made are not pending before any court of law, or constitutional or legal body.]*

**THEREFORE** your humble petitioner(s) pray that Parliament—

*(Here, set out the prayer by stating in summary what action the petitioners wish Parliament to take or refrain from.)*

Name of petitioner	Full Address	National ID./ Passport No.	Signature/Thumb impression
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

(Here, repeat the summary in first page)

Name of petitioner	Signature/Thumb impression
.....	.....
.....	.....
.....	.....
.....	.....

(Subsequent Pages)

**\* This form may contain such variations as the circumstances of each case may require.**

**FOURTH SCHEDULE**  
**JOINT RULES OF**  
**THE HOUSES OF PARLIAMENT**  
**(JOINT SITTINGS) RULES**  
[Standing Orders 24 (3) and 213]

**Citation**

1. These Rules may be called the Houses of Parliament (Joint Sittings) Rules.

**Interpretation**

2. In these Rules unless the context otherwise requires,—

“Houses” means the National Assembly and the Senate;

“Joint Sitting” means a joint sitting of the Houses;

“Member” means a Member of the National Assembly or of the Senate;

“the Clerks” means the Clerk of the Senate and the Clerk of the National Assembly and includes any person for the time being performing the duties of the Clerk of the Senate or of the National Assembly;



## **JOINT SITTINGS OF THE HOUSES OF PARLIAMENT**

### **Summons to Members**

3. Whenever the Houses of Parliament are to hold a joint sitting, the Clerks shall issue a summons to each Member specifying the time and place for a joint sitting.

### **Time of sittings**

4. The hour upon which a joint sitting shall adjourn and the day and hour or the part of the same day to which it shall be adjourned shall be determined by the Speakers of the Houses of Parliament.

### **Presiding in joint sittings**

5. (1) At a joint sitting of the Houses of Parliament, the Speaker of the National Assembly shall preside, assisted by the Speaker of the Senate.  
(2) If one of the Speakers is not present, the substantive Speaker present shall preside, assisted by the Deputy Speaker of the other House.

### **Quorum**

6. The quorum to constitute a joint sitting shall be fifteen Senators and fifty Members of the National Assembly.

### **Procedure at joint sittings**

7. At any joint sitting, the procedure of the National Assembly shall apply with such modifications and variations as the Speaker of the National Assembly or the person presiding may consider necessary or appropriate.

**Report of proceedings of joint sittings**

8. The Clerks shall cause to be prepared a full report of the proceedings of every joint sitting, and shall, as soon as practicable, publish it in such form and manner as the Speakers of the Houses may, from time to time, jointly direct.

**Joint Committees of Parliament**

9. (1) (deleted).
  - (2) Every resolution by a House of Parliament for the establishment of a joint committee not provided for in the Standing Orders shall be by a message to the other House, which shall state the object of such committee and the number of members to be appointed to the committee.
  - (3) A joint committee established under these Rules shall consist of at least five Members of each House.
  - (4) Prior to the commencement of any other business, every joint committee shall elect one of its members to be the Chairperson of the committee and one of its members to be the Vice-Chairperson of the committee.

(5) If the Chairperson and the Vice-Chairperson are absent at a meeting of the committee, the Members present shall appoint one of the members present to chair that meeting.

(6) Unless a decision is reached by consensus, any vote to be taken in a Joint Committee shall be by separate Houses.

(7) The report of a joint committee shall be tabled in each House for consideration.

(8) Without limiting the effect of anything contained in these Rules, the Standing Orders of the Senate and the Assembly relating to select committees shall be applied, but the Speakers of both Houses may jointly give directions in instances where the Orders of the two Houses are at variance.

#### **Clerks of a Joint Sitting**

10. The Clerk of the Assembly and the Clerk of the Senate will act as joint clerks of a joint sitting and either of them may exercise a function expressed to be exercised by the Clerk.

#### **Amendments to Joint Rules**

11. (1) An amendment may be proposed to these Rules by a joint committee.

(2) The report of the joint committee under paragraph (1) proposing amendments to these Rules shall be tabled in each House.

## **Amendment to Standing Orders affecting both Houses**

12. (1) Whenever the Speaker of a House of Parliament is of the opinion that an amendment to the Standing Orders of one House is likely to substantially alter the orderly conduct of the business or affairs between the Houses of Parliament, the Speaker shall, jointly with the Speaker of the other House, cause the respective committees dealing with the matters related to Standing Orders to jointly consider the amendments and to propose a version of the amendments that is agreeable to both Houses and report to the respective Houses.

(2) Paragraph (6) of Rule 9 (*Joint Committees of Parliament*) to these Orders will apply to voting in joint meetings of the Committee.

(3) The Committees under paragraph (3) shall submit a report to respective Houses of Parliament.

**FIFTH SCHEDULE**  
**FORM OF NOMINATION PAPER**  
(Standing Order 179(4))

***Election of the Chairperson/Vice-Chairperson of the \_\_\_\_\_ Committee of the National Assembly to be held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.***

We, the undersigned, being Members of Parliament nominated to serve in the \_\_\_\_\_ Committee of the National Assembly nominate the undermentioned person as a candidate for election as Chairperson/Vice-Chairperson of the Committee at the election.

*(1) Particulars of Candidate.*

Name in Full	
National Identity Card/Passport No.	
Sex	
Physical Address	
Political Party	
Telephone No.	

*(2) Particulars of Proposer.*

Name in Full	
National Identity Card/Passport No.	
Sex	
Physical Address	
Political Party	
Telephone No.	
Signature	

*(3) Particulars of Seconder.*

Name in Full	
National Identity Card/Passport No.	
Sex	
Physical Address	
Political Party	
Telephone No.	

And I, the aforesaid \_\_\_\_\_  
do hereby consent to my nomination as a candidate  
for election as Chairperson/Vice-Chairperson of the  
\_\_\_\_\_ Committee of the National  
Assembly.

\_\_\_\_\_  
*Signature of Candidate.*

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

**SIXTH SCHEDULE**

**FORM OF OATH/SOLEMN AFFIRMATION BY WITNESS  
APPEARING BEFORE A COMMITTEE OF THE HOUSE**

**(Standing Order 191)**

I.....do swear/affirm that the evidence I shall give before this Committee on the matter(s) under its consideration shall be the truth, the whole truth nothing but the truth. (In the case of an oath— So help me God.)



**SEVENTH SCHEDULE**

**SUMMONS TO WITNESSES**

**(Standing Order 191)**

To .....

Whereas your attendance is required before the National Assembly/\_\_\_\_\_Committee in relation to ..... (state subject matter), you are hereby required (personally) to appear before the National Assembly/\_\_\_\_\_ Committee on the ..... day of ....., 20....., at ..... o'clock in the forenoon and to bring with you ..... (specify the information/document required to be produced).

Your reasonable travelling and subsistence allowance for one day will be reimbursed upon production of sufficient proof of expenditure. If you fail to comply with this order without lawful excuse, you will be subject to the consequences of non-attendance laid down in Standing Order 191.

Given under my hand this ..... day of .....,  
20.....

---

**Clerk of the National Assembly**

**NOTICE:** If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be delivered to the Clerk on or before the day and hour aforesaid.

**EIGHTH SCHEDULE**

**AFFIDAVIT OF SERVICE OF SUMMONS  
(Standing Order 191)**

I .....  
of ..... an officer of  
the Parliamentary Service Commission/police officer  
make oath and state as follows:

1. On ..... 20..... at  
..... (time) I served the summons  
in this matter on .....  
at..... (place) by tendering a copy thereof to  
him/her and requiring a signature on the original.  
He/She signed/refused to sign the summons. He/She  
was personally known to me/ was identified to me by  
..... and admitted that  
he/she was the witness.

2. Not being able to find .....  
the witness on ..... 20.....  
at..... (time) I served the summons  
on ..... (name) an adult  
member of the family of the witness who is residing  
with him/her.

3. Not being able to find .....  
the witness or any person on whom service could be  
made, on ..... 20..... at

..... (time), I affixed a copy of the summons to the outer door of ..... being the house in which he/she ordinarily resides/carries on business/personally works for gain. I was accompanied by ..... who identified the house to me.

4. .... (Otherwise specify the manner in which the summons was served).

SWORN by the said .....  
this ..... day of....., 20.....

Before me

Commissioner for Oaths/Magistrate.

**INDEX TO**

**STANDING ORDERS, 2017**

**(3rd Edition)**

**(National Assembly)**

**(See also Table of Contents at the Beginning of this Document)**

**N.B. In this index, the figures indicate the number(s) of Standing Orders**

<b>Subject</b>	<b>Standing Order No.</b>
<b>Address by President, Visiting Dignitary or other persons</b>	
Designation of a place in the Chamber for Cabinet Secretaries and other persons.....	25A
President's Address on opening of new Parliament .....	21
President's Address on Special Sitings .....	22
President's Address to Parliament.....	24
President entering or leaving the Chamber...	23
Visiting dignitary.....	25

**Amendment of Standing Orders**

Amendment on the initiative of Member ....	263
Consideration of reports of Procedure and House Rules Committee .....	265
Periodic review of Standing Orders .....	264
Proposals for amendment by the Procedure and House Rules Committee .....	262

**Approval of Public Appointments**

Committal to Committees .....	45
-------------------------------	----

**Calendar, Sittings and Adjournments of the House**

Adjournment of the House .....	31
Adjournment on definite matter of urgent National Importance .....	33
Calendar of the Assembly .....	28
Hours of meeting .....	30
Location of the first sitting of a new House	26
Regular Sessions of the House .....	27
Special Sittings of the House .....	29

**Committee of the Whole House**

Committee of the Whole House may not adjourn .....	167
General application of rules in Committee	170
Limits on consideration of matters by Committee .....	166
No debate on Motion for Report .....	169
Report .....	168

**Deleted Standing Orders**

17(3), 19(4), 20(4), 32, 70(7), 92, 93, 94, 109(2)(3), 110(2), 122(1)(2)(3)(4)(8), 123, 136(3), 155, 171(3), 205(6), 206(5), 213(1), 214, 215, 238, 241, 242(3), 244 and 251

**Departmental Committees**

Appointment and mandate of Departmental Committees..... 216  
Committee to be limited to mandate..... 218  
Liaison Committee..... 217

**Deputy Speaker and Chairperson of Committees**

Chairperson of Committees of the Whole House ..... 15  
Chairperson’s Panel ..... 16  
Discharge of a Member from Chairperson’s Panel..... 17  
Election of Deputy Speaker ..... 13  
Notification of opening of Parliament ..... 14  
Presiding in the House ..... 18

**Financial Procedures - General**

Appropriation Bill and Equalization Fund Appropriation Bill..... 240B  
Approval of expenditure of more than ten percent ..... 244A  
Committee of Supply..... 236  
Consideration of County Allocation of Revenue Bill..... 234

Consideration of Division of Revenue Bill .	233
Consideration of Estimates in the Committee of Supply.....	240
Consideration of Finance Bill .....	245
Consideration of Supply Resolutions .....	240A
Definition of day .....	237
Moving into Committee of Supply .....	239
Presentation of Budget Estimates and Committal to Committees .....	235
Presentation of Budget Policy Statement and the Debt Management Strategy .....	232
Procedure on Supplementary Estimates .....	243
Pronouncement of Budget highlights and Revenue raising measures .....	244C
Restrictions with regard to certain financial measures .....	231
Supplementary Appropriation Bill .....	244B
Vote on Account .....	242

### **General**

Attendance before the Senate .....	257
Exemption of business from Standing Orders	256
Expenses of witnesses .....	261
Extension of period prescribed.....	256A
Failure to attend sittings.....	258
Members travelling outside Kenya.....	260
Permission for absence .....	257A
Recognition of a Parliamentary Caucus.....	259A
Seating in the Chamber.....	259
Summons by the House .....	256B



## **General Provisions**

Absence of Chairperson and Vice-Chairperson .....	188
Adjournment for lack of quorum .....	185
Approval of Joint Sittings with a Senate Committee .....	202A
Approval of nomination.....	175
Attendance by non-members of Select Committee .....	195
Budget and Appropriations Committee .....	207
Chairing of Select Committees and quorum .....	178
Committee on Appointments .....	204
Committee on Delegated Legislation .....	210
Committee on Implementation .....	209
Committee on Members' services and facilities .....	212B
Committee on Regional Integration .....	212
Committee on National Cohesion and Equal Opportunity.....	212C
Committee on Parliamentary Broadcasting and Library .....	212D
Composition of Select Committees .....	177
Concurrence of Senate's Resolution on Statutory Instruments .....	211
Conduct of election .....	179
Criteria for nomination .....	174
Discharge of a Member from a Committee..	176
Duties of Committee Chairperson .....	180

Engagement of experts .....	203
Exit reports .....	200A
Failure to attend meetings .....	187
Frequency of meetings .....	186
Joint Sittings of Committee of the Assembly .....	202
Limitation of mandate .....	197
List of attendance .....	189
Member adversely mentioned not to sit .....	184
Minutes of Select Committees.....	190
Nomination of Members of Select Committees.....	173
Notice of meetings .....	181
Original vote.....	194
Powers and privileges of Committees.....	191
Procedure and House Rules Committee .....	208
Procedure for Presentation of reports from the East African Legislative Assembly and the Pan African Parliament .....	212A
Procedure if witness fails to appear .....	191A
Procedure in Select Committees.....	196
Progress reports.....	200
Public access to meetings of Select Committees.....	198
Public Accounts Committee.....	205
Public Investments Committee.....	206
Reports of Select Committees.....	199
Reports on House Resolutions .....	201
Sittings of Select Committees .....	182
Special Fund Accounts Committee .....	205A

Sub-committees of Select Committees .....	183
Temporary absence of a Member of a Select Committee .....	192
Vote of no confidence in the Chairperson or Vice-Chairperson .....	193

**Introductory**

In cases not provided for the Speaker to decide .....	1
Interpretation .....	2
Mace .....	2A

**Joint Committees of Parliament**

Appointment of Joint Committees .....	213
---------------------------------------	-----

**Journals, Records and Broadcast of Proceedings**

Broadcast of House Proceedings .....	250
Custody of Journals and Records .....	247
Hansard reports .....	248
Journals of the House .....	246
Secret or personal matters .....	249

**Leader of Majority Party and Leader of Minority Party**

Leader of Majority Party and Deputy Leader of the Majority Party .....	19
Leader of Minority Party and Deputy Leader of Minority Party .....	20

**Limitation of Debate**

Limitation of debate ..... 97

**Messages**

Messages from the President ..... 42

Messages to and from the Senate ..... 41

**Motions**

Amendment of Notice of Motion ..... 48

Amendments to be in writing ..... 55

Amendments to be relevant to Motion ..... 56

Amendments to motions ..... 54

Application ..... 46

Certain Motions not to be moved ..... 49

Manner of debating motions ..... 53

Motion in possession of the House ..... 58

Motions which may be moved without notice 52

Motion withdrawn may be moved again ..... 51

Notices of Motions ..... 47

Question as Amended put ..... 59

Question proposed after motion made ..... 57

Time for moving motions ..... 50

When amendment proposed but not made ... 60

**Order in the House and in Committee of the Whole House**

Action to be taken on refusal to withdraw.. 111

Appeal against suspension ..... 110B

Definition of a day ..... 112A

Disorderly conduct ..... 107

Duration of suspension of a Member ..... 110

Effect of suspension ..... 110A

Firearms and other offensive weapons .....	100
Grave disorder in the Assembly .....	112
Gross disorderly conduct .....	107A
Irrelevance or repetition .....	106
Lady Members' handbags.....	101
Maintenance of order .....	98
Members and the Chair .....	103
Member may be suspended after being named .....	108
Member suspended to withdraw from precincts of Parliament .....	109
Members to be seated .....	104
Members to remain in their places until the Speaker has left the Chamber.....	105
Security checks .....	99
When the Speaker rises Members to be silent.....	102

### **Order of Business**

Order Paper to be prepared and circulated	38
Sequence of Proceedings.....	40
Weekly programmes of the business of the National Assembly .....	39

### **Petition for removal of a Member of a Commission or Independent Office**

Petitions for Removal of a Member of a Commission or holder of an Independent Office .....	230
--	-----

### **Private Bills**

Application of Public Bill procedure .....	156
Bills authorising construction works.....	161
First Reading .....	162
How Bills may be opposed .....	164
Petition for leave .....	159
Printing expenses .....	165
Private Bill affecting private rights .....	158
Right of audience before Committee on opposed Bill.....	163
Saving clause .....	157
Security for cost of printing .....	160

### **Procedure for removal from State Office**

Priority of Motion .....	68
Procedure for removal of Cabinet Secretary.....	66
Procedure for removal of Deputy President	65
Procedure for removal of President by impeachment.....	64
Procedure for removal of President on grounds of incapacity .....	63
Right to be heard .....	67

### **Public Access to the House and its Committees**

Exclusion from the House or Committees ...	254
General provisions on access to the House .	252
Press representatives infringing Standing Orders or the Speaker's Rules .....	255
Restriction of access to the Chamber .....	253

## **Public Bills**

Application and limitation .....	113
Bills concerning county government .....	121
Bill to be reported.....	135
Committal of Bills to Committees and public participation.....	127
Committal of Bills to Committee of the Whole House .....	130
Conclusion of consideration of Senate amendments to Bills originating in the National Assembly .....	148
Concurrence of the other House.....	142
Consideration of Bills originating from the Senate .....	143
Consideration of report of Mediation Committee .....	150
Consideration of Senate amendments to Bills originating in the National Assembly.....	146
Custody of Bills .....	152
Enacting formula.....	116
First Reading .....	126
Introduction of Bills .....	114
Lapse and re-introduction of Bills .....	141
Limitation of fundamental rights and freedom .....	119
Mediation Committee .....	149
Memorandum of Objects and Reasons .....	117
Not more than one stage of a Bill to be taken at the same sitting.....	124
Presentation of Bills for assent.....	153

Printing of amending provisions.....	115
Procedure in Committee of the Whole House on a Bill.....	133
Procedure on Bills reported from Committee of the Whole House.....	136
Procedure on Bills reported from Select Committees.....	137
Procedure on Senate amendments to Bills originating in the National Assembly.....	147
Procedure on Senate Bills after Third Reading in the House .....	144
Procedure upon publication .....	122
Procedure upon the re-committal of a Bill .	138
Provisions on delegated powers.....	118
Publication.....	120
Reading of Bills.....	125
Recommittal procedure .....	136A
Referral of Bills by President .....	154
Referral of proposed amendments to Committees .....	131
Report of Progress.....	134
Second Reading .....	128
Second Reading of a Bill to amend the Constitution.....	129
Senate amendments to Bills originating in the National Assembly .....	145
Sequence to be observed on a Bill in Committee .....	132
Speaker to exempt certain legislative proposals .....	114A



Special Bill concerning a county government .....	151
Third Reading .....	139
Withdrawal of Bills .....	140

**Public Petitions**

Comments on Petitions .....	226
Committal of Petitions.....	227
Copies of responses .....	228
Form of Petition .....	223
Meaning of Petition .....	219
Notice of intention to present Petition.....	222
Petition on Private Bill .....	221
Presentation of Petitions.....	225
Register of Petitions .....	229
Submission of a Petition.....	220
Time for Petitions .....	224

**Quorum of the House**

Decorum when quorum not present.....	37
Quorum at commencement of the House ...	34
Quorum during the proceedings of the House .....	35
Quorum during voting or division .....	36

**Rules of Debate**

Adjournment of debate.....	96
Anticipating debate .....	85
Closure of debate.....	95
Contents of speeches .....	87

Debate on amendment confined to amendment .....	82B
Declaration of interest .....	90
Matters <i>sub judice</i> or secret .....	89
Members to address the Speaker .....	78
Member who has spoken to Question may speak to amendment.....	82A
No Member to speak after the Question put	81
Personal Statements .....	84
Points of order .....	83
Proceedings of select Committees not to be referred to .....	86
Proceedings to be in Kiswahili, English or Kenyan Sign Language .....	77
Reserving rights of speech .....	82C
Responsibility for statement of fact .....	91
Resumption of interrupted business.....	95A
Retraction and apologies.....	88
Speaking twice to a Question.....	82
Speeches may not be read .....	80
Two or more Members requesting to speak.	79

### **Select Committees**

Committee on Selection.....	172
House Business Committee .....	171

### **Special Motions**

Definition of Special Motion .....	61
Instances where Constitution requires a fixed majority .....	62

<b>Statements</b>	
Members' general statements.....	43
Statement Hour .....	44
<b>Swearing-in of Members and election of Speaker</b>	
Custody of Ballot Papers .....	10
Election Threshold.....	7
Equality of Votes.....	9
Nomination of candidate .....	5
Proceedings of assembly of a new House ...	3
Secret Ballot.....	6
Single duly nominated candidates .....	11
Swearing-in of the Speaker .....	12
Vacancy in the Office of Speaker .....	4
Withdrawal of candidate .....	8
<b>Transitional Provisions</b>	
National Assembly's Resolution on Standing Orders .....	266
Revocation of Previous Standing Orders.....	267
<b>Vacation of Office of Speaker and Deputy Speaker</b>	
Removal from Office .....	12B
Resignation .....	12A
<b>Voting and Divisions</b>	
Decorum during division.....	76
Electronic voting.....	70
Errors corrected .....	75

In case of confusion or error.....	74
Roll call Division claimed.....	72
Roll call voting .....	73
Technical failure, confusion or error occurring .....	71
Voting in the House .....	69

## **FIRST SCHEDULE**

### **Broadcasting Rules**

*(As outlined in Standing Order 250)*

1. Parliamentary Broadcasting Unit
2. Parliamentary Privilege
3. Television Broadcasting
4. Radio Broadcasting
5. Protection of the dignity of the House
6. External media houses
7. Breach of Broadcasting Rules
8. Application

## **SECOND SCHEDULE**

### **Departmental Committees**

*(As outlined in Standing Order 216)*

- A. Administration and National Security
- B. Agriculture and Livestock
- C. Communication, Information and Innovation
- D. Defence and Foreign Relations

- E. Education and Research
- F. Energy
- G. Environment and Natural Resources
- H. Finance and National Planning
- I. Health
- J. Justice and Legal Affairs
- K. Labour and Social Welfare
- L. Lands
- M. Sports, Tourism and Culture
- N. Trade, Industry and Cooperatives
- O. Transport, Public Works and Housing

### **THIRD SCHEDULE**

#### **Form of Public Petition**

*(As outlined in Standing Order 223)*

### **FOURTH SCHEDULE**

#### **Joint Rules of the Houses of Parliament**

*(Joint Sittings and Communications)*

*[As outlined in Standing Orders 24(3) and 213]*

1. Citation
2. Interpretation
3. Summons to Members

4. Time of Sittings
5. Presiding in Joint Sittings
6. Quorum
7. Procedure at Joint Sittings
8. Report of proceedings of Joint Sittings
9. Joint Committees of Parliament
10. Clerk of a Joint Sitting
11. Amendments of Joint Rules
12. Amendment of Standing Orders affecting both Houses.

**FIFTH SCHEDULE**  
**Form of Nomination Paper**  
*(As outlined in Standing Order 179(4))*

**SIXTH SCHEDULE**  
**Form of Oath/Solemn Affirmation by Witness**  
**Appearing Before a Committee of the House**  
*(As outlined in Standing Order 191)*

**SEVENTH SCHEDULE**

**Form of Summons to Witness**  
*(As outlined in Standing Order 191)*

**EIGHTH SCHEDULE**  
**Form of Affidavit of Service of Summons**  
*(As outlined in Standing Order 191)*

**X**

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Standing Orders with Index – Fourth Edition