

FACTSHEET

10



PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY

The Speaker and Other Presiding Officers

2nd Edition

Factsheet No. 10

THE SPEAKER AND OTHER PRESIDING OFFICERS

Published by:

The Clerk of the National Assembly
Parliament Buildings
Parliament Road
P.O. Box 41842-00100
Nairobi, Kenya

Tel: +254 20 221291, 2848000
Email: nationalassembly@parliament.go.ke
Website: www.parliament.go.ke

© The National Assembly of Kenya 2022

First Published 2017
Second Edition; August 2022

Prepared by:

The National Assembly Taskforce
on Factsheets, Speaker's Rulings and
Guidelines

Printed by:

Design & Layout:
Gitonga Ruchiami



Purpose and Acknowledgment

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

This work is a product of the concerted effort of all the Directorates and Departments of the National Assembly and the Parliamentary Joint Services. Special thanks go to the members of the *National Assembly Taskforce on Factsheets, Speaker's Rulings and Guidelines*, namely, Mr. Kipkemoi arap Kirui (Team Leader), Mr. Rana Tiampati, Mr. Kennedy Malinda, Ms. Anna Musandu, Mr. Samuel Kalama, Mr. Salem Lorot, Ms. Fiona Musili, Mr. Benson Inzofu, Ms. Laureen Wesonga, Ms. Anne Shibuko, Mr. James Maina Macharia, Mr. Morrice Shilungu, Mr. Finlay Muriuki, Ms. Rabeca Munyao and Mr. Stephen Omunzi.

FACTSHEET NO. 10

The Speaker and Other Presiding Officers



Hon. Justin Bundi Muturi, The Speaker of The National Assembly of Kenya (The 11th & 12th Parliaments)

The Speaker and Other Presiding Officers

Generally speaking, the Speaker holds the institution of Parliament together. On account of the importance and diverse roles undertaken by the Speaker, the House cannot transact any business in the absence of the Speaker. As a matter of fact, the very first business of every new Parliament is the election of the Speaker.

The duties and responsibilities of the Speaker are outlined in the Constitution, the Parliamentary Service Act, 2019 and the National Assembly Standing Orders.

The Speaker is an *ex-officio* Member of Parliament elected by other Members of Parliament. The Speaker presides over debates in the House and, though quite rarely, in the Committee of the whole House. He or she is the spokesperson of the House. As a representative of the House, the Speaker communicates with other arms of government, independent offices, constitutional commissions, ministries, departments, agencies and other local and international institutions. In many jurisdictions, the Speaker retains substantial power and authority and is generally expected to remain politically impartial at all times.

As a presiding officer, the Speaker oversees the orderly flow of business and further ensures that the House observes parliamentary rules and traditions, both written and unwritten. The Speaker must interpret the rules impartially to maintain order and to defend the rights and privileges of Members. The Speaker has the discretion to decide which Member is to speak in debates so that the business is conducted in an orderly way. In according Members opportunity to debate, the Speaker takes into consideration several factors including parliamentary parties' leadership structures, gender and regional balance, as well as Members' specific interest on a matter. All speeches in a debate are addressed to the Speaker in line with Standing Order 78, and are governed by Part XVI (*Rules of Debate*). The Speaker also decides on matters of procedure. For example, the Speaker decides when or whether to allow an urgent question, or to admit a complaint about breach of privilege. Further, the Speaker is always heard in silence.

The Speaker:

1. Directs all activities of the National Assembly and its Committees.
2. Administers the oath of affirmation or allegiance to Members and issues writs for vacant seats as and when they arise.
3. Presides over the proceedings of the House. In case of a joint sitting of the two Houses of Parliament, the Speaker of the National Assembly presides and is assisted by the Speaker of the Senate.
4. Interprets all matters touching on the application of the procedure and practice of Parliament at all times and acting as the final authority as provided in the Standing Orders. In cases where matters are not expressly provided for, the Speaker provides guidance and direction based on the Constitution, statutes, precedents, customs, procedures and traditions of Parliament of Kenya and other comparable jurisdictions.
5. Examines and rules on the admissibility or inadmissibility of documents, motions, legislative proposals, Bills, petitions, Committee reports among other legislative businesses.
6. Chairs the Parliamentary Service Commission.
7. Is the official spokesperson/ representative of the House in its dealings with the public, the Executive, the Judiciary, Parliaments in other jurisdictions and bodies outside Parliament.
8. Chairs key House committees that include the House Business Committee, the Procedure and House Rules Committee, the Committee of Powers and Privileges, and the Committee on Appointments.
9. Plays a key role in enhancing parliamentary diplomacy and improving parliamentary relations through attending to invitations from other Parliaments, hosting visiting delegations of parliamentarians/dignitaries and participating in international meetings of Speakers or Parliamentarians, among others. Further, the Speaker holds membership in a number of parliamentary associations and inter-parliamentary groups. These include the Inter-Parliamentary Union (IPU) and the Commonwealth Parliamentary Association (CPA) among others.

Deputy Speaker

The office of the Deputy Speaker is established in the Constitution and provided for in the Standing Orders. The Deputy Speaker is elected by Members and performs various roles under the Office of the Speaker or as delegated by the Speaker. The Deputy Speaker is the Chairperson of the Committee of the Whole House and also chairs the Liaison Committee. In the absence of the Speaker, the Deputy Speaker presides over a sitting of the House. In the event that the Speaker's office falls vacant, the Deputy Speaker presides over the election of the Speaker unless the Deputy Speaker is one of the candidates.



Hon. Moses Cheboi takes oath of office as The Deputy Speaker of The National Assembly (The 12th Parliament) on 31st August 2017

Member of the Chairpersons' Panel

- Six members constituting the Chairpersons' Panel are nominated by the Speaker in consultation with parliamentary parties at the commencement of a new House with the concurrence of the Assembly. They are ranked as the First, Second, Third, Fourth, Fifth and Sixth Chairpersons of Committees and exercise all powers enjoyed by the Speaker and the Deputy Speaker in Plenary and in Committee of the whole House. At least one of the members of the Panel is from either gender.
- The Panel is appointed for the tenure of a term of Parliament and may be replaced at the behest of the Speaker in consultation with the leader of the nominating party.

- The Deputy Speaker is the Chairperson of the Chairpersons' Panel.
- The Panel meets weekly to consider emerging procedural issues and challenges encountered whilst presiding in the House.



Members of The Chairpersons Panel of The National Assembly (The 12th Parliament)

Authority and Powers of the Presiding officers

Presiding Officers are mandated to moderate plenary sessions of the House, and maintain decorum and discipline during proceedings in the House. Further, the Presiding Officers ensure that the requisite Quorum is attained during Sittings and Voting/ Division.

Other roles of the Speaker:

- Notifying Members of the place, date and time of the opening of Parliament immediately after taking and subscribing to the Oath or Affirmation of Office;
- Issuing considered rulings and guidance. A Speaker's ruling is a judgement made by the Speaker about the manner in which the rules of the House should be applied or interpreted. A ruling may be required, for instance, when a new set of circumstances arises for which there are no clear precedents to follow. Speaker's rulings are seen as authoritative and are recorded in treatises and journals of the House. Rulings are often issued by the substantive Speaker. This role is rarely delegated.
- Review and approval of Notices of Motions, Petitions, Statements, Papers among other business prior to presentation in the House by Members of Parliament.
- Approval of Reports produced by Committees of the House before tabling.
- Appointing Members of a mediation committee from the National Assembly to attempt to develop a version of a Bill that is agreeable to both the National Assembly and the Senate.
- Appointing a day for a special sitting of the House upon request of the Leader of the Majority Party or the Leader of the Minority and publishing a gazette notice on the same.
- Notifying the House Business Committee, in writing, that a Member is to be discharged from the Chairperson's Panel

The Speaker's Procession:

The Speaker's procession takes place at the beginning and the end of every sitting. It is composed of the Speaker, Clerks Assistant, and Serjeant-at-Arms who carry the Mace.

Prior to the commencement of the Speaker's procession, the bell rings for five minutes before the designated time of Sitting so that the Serjeant-at-Arms clears the Speaker's Way. Similarly, the Speaker's Way is cleared as the Speaker leaves the Chamber.



The Speaker's attire

When presiding over the House, the Speaker wears specially-designed attire. Traditionally, the Speaker would wear the wig. In the recent past, the Speaker has been wearing the wig only in ceremonial occasions. The other presiding officers are allowed to dress formally, albeit without robes.



Holders of the Office of the Speaker of the National Assembly (1948-2022)



No	Speaker	From	To	Name of House	Parliament
1	Justice William Kenneth Horne	June 3, 1948	Oct 4, 1955	LegCo	8th and 9th LegCo
2	Sir William Cavendish-Benticks	Oct 4, 1955	Mar 1, 1960	LegCo	10th & 11th LegCo
3	Sir Humphrey Slade	Oct 25, 1960 June 7, 1963 Jan 5, 1967	June 7, 1963 Jan 5, 1967 Feb 6, 1970	LegCo House of Reps National Assembly	11th & 12th LegCo 1st Parliament 1st Parliament
4	Frederick Mbiti Gideon Mati	Feb 6, 1970	Apr 12, 1988	National Assembly	2nd, 3rd, 4th, 5th Parliaments
5	Moses Kiprono arap Keino	Apr 12, 1988	May 12, 1991	National Assembly	6th Parliament
6	Prof. J. Kimetet arap Ng'eno	June 11, 1991	Jan 26, 1993	National Assembly	6th & 7th Parliaments
7	Kausai Francis Xavier ole Kaparo	Jan 26, 1993	Jan 15, 2008	National Assembly	7th, 8th & 9th Parliaments
8	Kenneth Marende	Jan 15, 2008	Mar 28, 2013	National Assembly	10th Parliament
9	Justin B.N. Muturi	Mar 28, 2013	-	National Assembly	11th Parliament

1 Holders of the Office of the Deputy Speaker of the National Assembly (1961-2022)



No	Speaker	From	To	Name of House	Parliament
1	Jeremiah Nyaga	1961	1963	Leg Co	12 th Leg Co
2	Fitz De Sousa	1963	1969	National Assembly	1 st Parliament
3	Dr. Munyua Waiyaki	1970	1974	National Assembly	2 nd Parliament
4	Jean Marie Seroney	1975	1976	National Assembly	3 rd Parliament
5	James Kabingu Muregi	1976	1979	National Assembly	3 rd Parliament
6	Moses Keino	1979	1983	National Assembly	4 th Parliament
7	Samuel Ng'eny	1984	1988	National Assembly	5 th Parliament
8	Kalonzo Musyoka	1988	1992	National Assembly	6 th Parliament
9	Dr. Bonaya Godana	1993	1997	National Assembly	7 th Parliament
10	Joab Omino	1998	2002	National Assembly	8 th Parliament
11	David Musila	2003	2007	National Assembly	9 th Parliament
12	Farah Maalim	2008	2012	National Assembly	10 th Parliament
13	Dr. Joyce Laboso	2013	2017	National Assembly	11 th Parliament
14	Moses Cheboi	2017	2022	National Assembly	12 th Parliament



Published by:

The Clerk of The National Assembly
Parliament Buildings,
PO Box 41842 - 00100,
Nairobi, Kenya.

Email: clerk@parliament.go.ke
Tel: (254-2) 222 12 91 or 284 80 00
Fax: (254-2) 224 36 94
Website: www.parliament.go.ke