

FACTSHEET

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PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY

Clerk of the National Assembly

2nd Edition

Factsheet No. 11

CLERK OF THE NATIONAL ASSEMBLY

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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. 11

Clerk of the National Assembly



Mr. Michael R. Sialai, CBS - The Clerk of The National Assembly of Kenya (The 12th Parliament)

The Clerk of the National Assembly

1. Establishment of the Office of the Clerk

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

The Clerk of the National Assembly is the administrative head of the National Assembly responsible for overseeing the day-to-day operations and affairs of the National Assembly. The Clerk is also the chief adviser to the Speaker and the House on procedural and legislative matters.

2. History

The office of the Clerk has its origin in the British Parliament, with the first Clerk having been appointed in 1363. The original role of the Clerk was to read out the title of each Bill aloud three times before it is passed, signaling the Chamber’s agreement to the Bill at different stages. This practice took place before printing or literacy was widespread, and hence the Clerk had to read the whole Bill aloud to inform Members of its contents. Over time, the Clerk was institutionalized and now performs other roles and responsibilities.

The office of the Clerk in the Kenyan Parliament has existed since the inception of the Legislative Council (Legco) in 1907, which was a precursor of the post-Independence Parliament. The first Clerk of the Legislative Council was Mr. R. K. Granville. He also doubled up as the Clerk to the Executive Council since the Executive and the Legislative arms were fused together at the formative stages of the colonial administration.

Since independence, the National Assembly has had six Clerks. The first Clerk of the National Assembly at Independence was the Mr. Leonard J. Ngugi. He was succeeded by Mr. Japheth K. Masya. Other Clerks of the House were Mr. Samuel W. Ndindiri, Mr. Patrick G. Gichohi, Mr. Justin N. Bundi, and Mr. Michael R. Sialai. By the time of publication of this Factsheet in August 2022, the Acting Clerk was Mrs. Serah Kioko.



Clerk Mr. Michael R. Sialai



Clerk Mr. Justin N. Bundi



Clerk Mr. Patrick G. Gichohi



Clerk Mr. Samuel W. Ndindiri



Clerk Mr. Japheth K. Masya



The outgoing Clerk of the National Assembly Mr. Michael Sialai officially hands over to Acting Clerk Mrs. Serah Kioko on 25th July 2022 in preparation for his retirement from office on 31st July 2022.



3. Role and Functions of the Clerk

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

3.1 Chamber Role: Management of the Chamber and Procedural Advisor

The Clerk has several responsibilities in the chamber, including:

- i. advising the Speaker in the running of the House including providing advice on chamber procedure;
- ii. custody of records and documents of the House;
- iii. Preparing and publishing the order of business for each sitting day as approved by the House Business Committee;
- iv. certifying a Bill upon passage after Third Reading ;
- v. Certifying and conveying resolutions of the House to relevant Ministries and agencies;
- vi. recording the decisions and proceedings of the House in a daily publication (commonly known as Votes and Proceedings); and
- vii. assisting with ceremonial occasions, such as the opening of the House and State of the Nation Address by the President.

3.2 Presiding over a new House and election of the Speaker

At the beginning of a new Parliament, the Clerk of the National Assembly presides over the House and administers oaths/ affirmation of office to newly elected Members as the first order of business of the sitting, after which the Clerk presides and conduct the election of the Speaker. With respect to the election of the Speaker, the Clerk:

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



The Immediate former Clerk of the National Assembly, Mr. Michael Sialai addresses Members of the Kenya Parliamentary Journalists Association (KPJA) and Media Relations Officers during an annual engagement forum between the National Assembly and the Association.

3.3 Clerk of the House as an Accounting Officer

The Clerk is the authorized officer in terms of the financial expenditure of the National Assembly, hence the Accounting Officer. The Clerk is therefore responsible for the financial management and operations of the National Assembly Service. The Clerk is responsible for preparing and submitting to the Parliamentary Service Commission the budgetary and financial programmes necessary to facilitate the National Assembly to discharge its mandate. In so doing, the Clerk ensures that these programmes are aligned with the Parliamentary Service Commission's Strategic Plan.

3.4 Administrative role

The Clerk plays a crucial administrative role, including:

- i. the overall management of the staff of the National Assembly, advising the Parliamentary Service Commission and implementing Commission resolutions on all matters relating to appointment, promotion and discipline of staff, assignment of duties, supervision and training, and deployment of staff to serve in any other area in the National Assembly;
- ii. provision of services to the Speaker and Members, developing corporate identity, overseeing contractual responsibilities, and is also the lead strategic decision maker as well as the key advisor on all administrative needs and services to Members of the National Assembly and staff;
- iii. the implementation of the PSC Strategic Plan within the National Assembly Service to ensure the progressive realization of the strategic objectives contained in the Strategic Plan.
- iv. Chairperson of the National Assembly Board of Management as well as a Co-Chair of the Board of Senior Management; and
- v. coordinating external relations and official interactions with other arms of government; ministries, departments and agencies; Constitutional Commissions and Independent Offices; international parliamentary institutions; citizens and interest groups and the public.

3.5 Administrator of Parliamentary Funds

The Clerk administers the Parliamentary Mortgage Scheme, the Parliamentary Car Loan Scheme Fund as well as the Parliamentary Catering Fund, and is responsible for the day-to-day operation of these Funds.

3.6 Other key roles of the Clerk:

The Clerk is a co-opted member of the National Council for Law Reporting (commonly known as Kenya Law) and Secretary to the Parliamentary Pensions Scheme.

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