

FACTSHEET

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PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY

A History of the National Assembly Standing Orders

2nd Edition

Factsheet No. 20

A HISTORY OF THE NATIONAL
ASSEMBLY STANDING ORDERS

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First Published 2017
Second Edition; August 2022

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on Factsheets, Speaker's Rulings and
Guidelines

Printed by:

Design & Layout:
Gitonga Ruchiami



Purpose and Acknowledgement

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. 20

A History of the National Assembly Standing Orders



Introduction

The Standing Orders (or Rules of Procedure) have been in use since the inception of the Legislative Council (LegCo), a precursor of The National Assembly. The formative years of the colonial administration had fused legislative and executive functions under the Commissioners and later Governors. These were LegCos constituted following elections in 1920, 1924, 1927, 1931, 1934, 1938, 1944, 1948, 1952, 1956-57 and 1961. The rules of procedure were originated and reviewed at the behest of the Executive and, for a long time, introduced for review and adoption by the LegCo and later by the National Assembly as an Executive-sponsored Sessional Paper. Later reviews of Standing Orders came with gradual re-designing of committees and borrowing of best practices from the mother parliament in the United Kingdom during the transition under the speakership of Rtd. Judge William Horne and later under Sir Humphrey Slade (1948-1970). A study is ongoing to document the different editions of the LegCo Standing Orders in greater detail.

FIRST PARLIAMENT (1963-1967)

The 1963-1967 amendments to the Standing Orders were made to realise the independence constitution that set up a bicameral legislature and provincial (regional) legislatures popularly known as *majimbo*. The notable changes undertaken are outlined as follows: -

(a) Sessional Paper No. 6 of 1964

Sessional Paper No. 6 of 1964 introduced a New Part IIIA to provide for the new role of the President as Head of State, Head of Government and a Member of the House of Representatives,

and to provide for the Head of State to open and address Parliament. Standing Orders 10 A-F provided for a Chair of State for the President in the Chamber. The new Standing Orders further provided that the President would address a joint sitting of the Senate and the House of Representatives from the Speaker's Chair. The House would also stand in silence as the President entered or left the Chamber. The amendment further included a provision that the President could be accompanied by an aide-de-camp.

(b) Sessional Paper No. 8 of 1965

Standing Order 2 was amended to redefine '*Minister*' to include the President, Vice President and the Ministers, the Attorney General, Assistant Ministers and any other person who held any such office. The word '*Governor*' was deleted and substituted with '*President*'. Amendments to Standing Order 23 changed the days of consideration of Private Members' Motions. Private Members' Motions which were ordinarily considered on Thursday afternoons were moved to Friday mornings. It had become a challenge that sittings on Fridays adjourned due to lack of quorum. The Sessional Committee was of the view that having Private Members' Business on this day would compel them to attend the sittings. Standing Order 62 substituted '*Her Majesty*' with '*President*' since Kenya was an independent Republic that no longer owed allegiance to the Queen.

(c) Sessional Paper No. 12 of 1965

Sessional Paper No. 12 of 1965 sought to ensure business of the House is conducted and dispatched more efficiently. Standing Order 27 (13) re-designated the Parliamentary Secretary as Assistant Minister as per the new constitution. Standing Order 26 (5) (*Contents of Questions*) was amended to provide that on any day where more than twelve questions are due to be placed on the Order Paper, and if the Speaker is of the opinion that the number of that question succeeding twelve cannot be spread over the next three sitting days without the questions on one of the days exceeding twelve, each Member would be limited equally to such number of questions on the Order Paper as will reduce the total number of questions to twelve and receive forthwith a written reply to all other questions which are thus excluded from the Order Paper.

The purpose of the amendment was to speed up the business of the House by enabling the Speaker to limit his or her discretion on the number of questions to twelve per day, and to direct the questions beyond that number to be replied to in writing rather than orally. The new Standing Order 145 (3) extended the number of hours for considering Committee of Supply from one hour to three hours. Amendments were also introduced to provide that Party Motions would take precedence over other Motions moved by individual Members. Standing Order 168 (A) provided for changes in the seating arrangement in the Chamber by having all seats in the front benches of the chamber reserved for the exclusive use of Ministers.

The Constitution of Kenya (Amendment) (No. 4) Act No. 19 of 1966 effectively disbanded the Senate converting the forty-one (41) Senators to Members of the House of Representatives and creating new constituencies to accommodate them. This altered the membership of the

National Assembly (hitherto House of Representatives and the Senate) and resulted in the new unicameral House retaining the name '*The National Assembly*'. This amendment influenced subsequent alterations that were made to the Standing Orders.

(d) 1967 review

On 6th December 1967, the House adopted both the interim report dated 19th July 1967 and the First Schedule to the Final Report of the Select Committee Reviewing Standing Orders dated 20th November 1967. Some of the amendments included deleting provisions making reference to the Senate since it had ceased to exist, and excluded reference to certain sections of the Constitution which no longer existed. The Standing Orders also provided for regularisation of an Acting Deputy Speaker/Temporary Speaker who would act as presiding officer in the absence of Speaker and the Deputy Speaker. Standing Order 26 provided for Questions by Private Notice and the time the Questions would be taken. The number of Questions to be listed on the Order Paper were increased from twelve (12) to fifteen (15). Standing Order 27 provided that a question shall not repeat in substance any question already answered in that session. Standing Order 30 listed grounds in which the Speaker could reject a Motion while Standing Order 32 provided for the manner in which the renewal of Motions which had already been debated would occur. Standing Order 35 provided for Motions without Notice.

The Presidency was held in high esteem during this period. Standing Order 62 was amended to provide for permission for a Minister to use the name of the President as authority of what he or she said. Members who were not Ministers would only make assertions to the President upon reference to President's recorded speeches. Standing Order 63 provided that Members should not adversely mention or use the name of the President.

Standing Order 78 proposed a definition of 'disorderly conduct' as "*creating actual disorder, curtailing unnecessary interjections which are intended to stop or deter a Member from exercising his or her right to speak in the House, knowingly raising a false or fraudulent point of order*".

The Standing Order further gave Members the right to initiate the process of naming a Member. A Member would invite the Speaker to name another Member for grossly disorderly conduct, but the decision whether or not to do so would lie with the Speaker.

Standing Order 84 relating to suspension clarified that if a Member was suspended for a certain number of sitting days and there was a break in-between such as a weekend, the Member would be excluded from the precincts of Parliament during the weekend as well. If the House went into recess before the Member had completed their suspension, the punishment would operate again from the time the House started sitting until they completed the days. The Member would continuously, except during recess, forfeit their right to access the precincts. There was a provision for a Member taking responsibility for the accuracy of their facts and liability to substantiate. The amendments also included Mondays as an additional sitting day.

It is worth noting that the Constitution of Kenya (Amendment) (No. 2) Act No. 16 of 1968 transferred the powers of electing the President from Members of the House of Representatives to the people.

SECOND PARLIAMENT (1970-1974)

A further review of the Standing Orders was undertaken culminating in the subsequent submission and tabling of Sessional Paper No. 7 of 1974. However, by end of the Second Parliament the sessional paper had not been adopted.

THIRD PARLIAMENT (1974-1979)

Sessional Paper No. 10 of 1979

The Sessional Committee decided to adopt the Report of its predecessors on Sessional Paper No. 7 of 1974 which had been introduced in the Second Parliament (1970-1974) as a basis for its deliberations. This was submitted and adopted as Sessional Paper 10 of 1979. As this was done at the end of the Third Parliament, the changes occasioned by the Standing Orders would become operational during the Fourth Parliament. The changes were as follows: -

(a) Sitting Hours

Standing Order No. 17(1) on sitting hours of the House was amended to alter the sitting hours. The House had been sitting in the afternoons of Tuesdays, Wednesdays and Thursdays and morning hours of Fridays during the Third Parliament. It was decided that the House would be sitting twice on Wednesdays from the beginning of the Fourth Parliament. Friday sittings were removed.

(b) Motions

Standing Order 43 was amended to provide for a Member who had a Motion standing in their name to authorise in writing some other Member to move that Motion in their stead.

(c) Language

An amendment to Standing Order 62 permitted Kiswahili to be used as a language of debate.

(d) Select Committees

The Committee system during this time lacked structures as Committees were still few and at the same time Parliament was understaffed. This Sessional Paper brought about a defining step in redefining Parliament's committee system in a bid to ensure that the House continued to fulfil its constitutional mandate. Another priority at the time was the reorganization of the Clerk's Department to respond to emerging needs of the House.

Standing Order 148 created new permanent committees of the House as follows:

- a) **Public Undertakings Committee:** to examine the reports and accounts of public undertakings (government funded companies); to examine the reports, if any, of the Comptroller and Auditor General on the public undertakings; and to examine, in the context of the autonomy and efficiency of the public undertakings whether the affairs of the public undertakings are being managed in accordance with sound business principles and prudent commercial practices.
- b) **Library Committee:** to consider and advise on matters concerning the Library. The Committee would comprise of the Deputy Speaker as the chair and not more than ten

other Members.

c) Speaker's Committee: to consider, advise and report on all matters connected with the welfare of Members of the National Assembly and its staff. The Committee would comprise the Speaker as the Chair, the Minister for the time being responsible for Finance, the Minister responsible for Public Administration and not more than ten other Members nominated by the Sessional Committee at the commencement of every session.

General Purpose Committees (GPCs): to investigate and inquire into the activities and administration of the Ministries or Departments assigned to them, and such investigation and inquiry would extend to proposals for legislation. This was a precursor to the current departmental committees.

The list of GPCs is given below:

S/NO.	GENERAL PURPOSE COMMITTEE
A	Committee on Agriculture, Lands, Natural Resources and Environment
B	Committee on Education, Health, Rural and Social Development
C	Committee on Power, Communication, Transport and Works
D	Committee on Housing, Labour and Employment
E	Committee on Defence, Conventions, Treaties, Agreements and Foreign Relations
F	Committee on Local Administration, Interior, Information and Justice
G	Committee on Finance, Economic Planning, Trade and Industries

Standing Order No. 152(1) introduced for the first time the Implementation Committee following a longstanding resolution of the House on 7th December 1973. Its function would be to scrutinize the decisions of the House and the undertakings given by the Government on the floor of the House and report on whether or not such decisions and undertakings had been implemented. The Select Committee would be appointed by the Sessional Committee at the commencement of every Session.

Standing Order No. 153(1) introduced the Standing Orders Committee which would from time to time consider and report on all matters relating to Standing Orders. The Committee would comprise of Speaker as the Chair, Deputy Speaker and not more than ten other Members appointed by the Sessional Committee at the commencement of every Session.

Standing Order No. 161 made provision for Select Committees which would continue working even when Parliament was prorogued. They included:

- a) The Public Accounts Committee
- b) The Public Undertakings Committee
- c) The Speaker's Committee
- d) The Implementation Committee
- e) The Catering Committee (as constituted by a special resolution of the House on 14th March 1967)

FOURTH PARLIAMENT (1979-1983)

In 1980, following the adoption of a Report on the Review of the Standing Orders, the House resolved to expunge the Implementation Committee from the Standing Orders. This followed the introduction and adoption of a short Sessional Paper on the Review of the Standing Orders by Vice President and Leader of Government Business Mwai Kibaki on 17th July 1980.

The most significant amendment to the Constitution during the Fourth Parliament was the Constitution of Kenya (Amendment) Act No. 7 of 1982, which introduced the famous Section 2A that transformed Kenya from a de facto one-party state into a de jure one party state. This in effect, outlawed the formation of opposition political parties, giving the ruling party, KANU, a monopoly.

FIFTH PARLIAMENT (1983-1988)

There were no changes to the Standing Orders during this period as a consequence of the new de jure one party system.

SIXTH PARLIAMENT (1988-1992)

The Constitution of Kenya (Amendment) Act No. 12 of 1991 repealed Section 2A of the Constitution which had converted Kenya into a one-party State in 1982. However, other parties in the opposition were not officially recognized. The need to recognize other parliamentary parties other than the official opposition party was gaining acceptance.

The re-introduction of the multiparty system opened new opportunities for the Legislature in terms of representation, oversight and legislation as the de jure one-party rule ended. Consequently, the Standing Orders were amended to provide for the introduction of an official opposition party.

SEVENTH PARLIAMENT (1993-1997)

Sessional Paper No. 2 of 1996

Sessional Paper No. 2 of 1996 was tabled by the Standing Orders Committee seeking to amend Standing Orders 147 and 148 upon request by the Leader of Government Business. It sought to provide for membership of both the Public Accounts and Public Investments Committees to be on the basis of proportional representation of parliamentary parties; a practice prevalent in other Commonwealth Parliaments. The matter was highly contentious such that some Members breached the rules of procedure and divulged Committee deliberations to the Press. The Paper also sought to amend Standing Order 172 to provide for front seats on the left of the Speaker to be reserved for the leadership of the Official Opposition Party. The Sessional Paper was never adopted by the House despite being debated a number of times.

Sessional Paper No. 8 of 1997

Sessional Paper No. 8 of 1997 sought, among other things, to adopt the recommendations in the Sessional Paper No. 2 of 1996. The amendments were as follows:

- Standing Order 20A introduced Members' half hour Statements which provided for the Speaker to interrupt business of the House at 6.30 pm to allow Members to make Statements of their choice for a period not exceeding two minutes during the half-hour extension of sittings on Thursdays. It was envisaged that this provision would significantly reduce the practice of raising points of order after Question Time.
- Standing Order 55 modified the voting process in division.
- Standing Order 65 allowed for reading of speeches in the event that the Speaker is satisfied that it was necessary for statement of facts.
- Standing Order 81 introduced Limitation of Debate by setting the maximum time for Members contributing in debates on Public Bills, Private Bills, Sessional Papers and Reports of Committees.
- Standing Order 101A introduced the committal of Bills to Departmental Committees after First Reading.
- Standing Order 145 was amended to rename the Sessional Committee as the House Business Committee.
- Standing Order 146 that provided for the Estimates Committee was deleted.
- Standing Order 147 and 148 was reviewed to provide for the membership of Public Accounts Committee and Public Investments Committee. The membership of the two Committees was reduced from 13 to 11 with 6 from the Government and 5 from the Opposition. The Chairpersons of the two Committees would be from the opposition party.
- Standing Order 151 on General Purpose Committees was renamed Departmental Committees focusing on subjects other than state departments and ministries.
- Standing Order 151A introduced the Liaison Committee composed of Chairpersons of the Departmental Committees to coordinate and manage the increasing number of committees. It was to be chaired by the Deputy Speaker.
- Standing Order 172 introduced reservation of seats for leaders of opposition parties and the shadow cabinet of the Official Opposition Party on the front benches of the Chamber to the left of the Speaker.
- Standing Order 173 provided that Members traveling outside Kenya would give details of physical address and contacts to enable the Speaker keep in touch and avail any form of assistance.

The departmental committees are given below:

NO.	DEPARTMENTAL COMMITTEE
A	Agriculture, Lands and Natural Resources
B	Energy, Communications and Public Works
C	Education, Research and Technology
D	Health, Housing Labour and Social Welfare
E	Administration, National Security and Local Authorities
F	Finance, Planning and Trade
G	Administration of Justice and Legal Affairs
H	Defence and Foreign Affairs

EIGHTH PARLIAMENT (1998-2002)

During the 8th Parliament, the clamour for constitutional reforms had reached its peak. At the same time, there was renewed vigour to also comprehensively redo the rules of procedure of the House. Indeed, there was almost unanimous agreement across the political divide that something urgent needed to be done to the Standing Orders, which were viewed as mostly inhibitive as opposed to being facilitative to Members. The focus of the proposed changes was mostly on demystifying Parliament, expanding the independence and autonomy of Parliament, allowing gender responsive rules, invigorating the Committees, opening Chamber proceedings and Committees to the public, including allowing live broadcasting of proceedings and institutionalizing multi-party democracy.

The House established an ad hoc committee, led by the then Member for Cherangany Constituency, the Hon. Kipruto arap Kirwa to study other parliamentary jurisdictions and propose necessary infrastructural changes and procedural provisions that would facilitate broadcasting of House proceedings. The Committee tabled a Report which was unanimously adopted by the House. However, its implementation did not take place until the 10th Parliament.

At that time, there was a general expectation that a new Constitution would be in place before the end of the term of the 8th Parliament. In this regard, the much-needed comprehensive review of the rules of procedure of the House was deferred to await the enactment of a new Constitution. By the time the House was dissolved on 25th October 2002, the elusive new constitution was still a mirage, and so was the review of the Standing Orders. However, there was a lot of research, memoranda and proposals that had been received from the public, Members, political parties and officers of the House that were compiled into a Draft Report.

It is important to note that during the Eighth Parliament, the Constitution was amended to set up the Parliamentary Service Commission following the introduction of a Bill sponsored by Hon. Oloo Aringo, MP. Further, the Parliamentary Service Act and general administrative changes created a greater autonomy for the institution of Parliament from the Executive.

NINTH PARLIAMENT (2003-2007)

The Draft Report of the 8th Parliament was to become the primary document for the comprehensive review of the Standing Orders that commenced in the 9th Parliament. On 20th June 2006, a sub-committee of the Standing Orders Committee was established led by then Deputy Speaker Hon. David Musila and comprising of Hon. Paul Muite, Hon. Otieno Kajwang, Hon. Mutula Kilonzo, Hon. Martin Nyagah Wambora, nominated Members Hon. Njoki Ndungu and Hon. (Dr.) Esther Keino. The sub-committee received memoranda from individual Members as well as political parties through the then Government Whip, Hon. Norman Nyagah and the Opposition Party Whip Hon. Justin Muturi. It should be noted that this was the first time that proposed amendments were initiated and driven by Members of the House as opposed to the Executive. Notable of these amendments was the review of the process of introducing Bills by private members by removing the cumbersome requirement of a motion seeking leave to introduce a Bill.

Amendments were also considered and texts developed on a number of fundamental aspects such as -

- a) allowing recall of the House during recess by the Opposition, so long as they could garner signatures of a majority of the Members;
- b) opening up of Committees and the House to the public;
- c) recognizing visiting dignitaries and allowing them to address the House;
- d) petitioning Parliament;
- e) insertion of Swahili prayer in the rules of procedure;
- f) introducing requests for statements to Ministers;
- g) limiting speaking time on debate on Bills, committee reports, Sessional papers and Bills, which were hitherto unlimited; and
- h) modest changes on the budgeting process to enhance the role of Parliament.

The rules of procedure were also amended to simplify the language used, for instance, from *“that Mr. Speaker doth leave the chair”* to *“that Mr. Speaker does leave the chair”* or *“mutatis mutandis”* to *“with necessary modification”*, etc. Further, the language was also made more gender-responsive - from use of the phrase *“he”* to *“he or she”* and even allowing the lady members to carry hand-bags into the House, for the first time. The Report had however not been tabled by the time the House was dissolved on Monday 22nd October 2007. Review of the Standing Orders was therefore not concluded until the 10th Parliament.

TENTH PARLIAMENT (2008-2013)

The first amendment of the Standing Orders in the 10th Parliament was intended to incorporate the letter and spirit of the amended Constitution to include the National Accord and Reconciliation Act and to provide for the creation of a coalition government under the Accord. Under the leadership of the then Speaker Hon. Kenneth Marende, in its first meeting of the Standing Orders Committee on 30th May 2008, appointed a six Member sub-committee comprising of then Deputy Speaker and led by Members of the Speaker's Panel Hon. Ekwee Ethuro, Hon. Gitobu Manyara and Hon. (Prof.) Margaret Kamar (who was later replaced by Hon. (Dr) Joyce Laboso following the appointment of Hon. Kamar as an Assistant Minister) to consider progress made on the review of the Standing Orders during the Ninth Parliament, receive submissions and submit a report to the Committee. The Standing Orders Committee enriched the Report prepared during the 9th Parliament by including rules on Parliamentary Broadcasting, and opening House Plenary sessions and Parliamentary Committees to the public, recognition of whips, amongst other measures.

There was also the introduction of Prime Minister's Time where the Prime Minister would make a Statement or respond to Questions put to him relating to matters of Government policy or the general performance of the Government and government agencies. The budgeting process was also revised. The House Business Committee expanded to not more than twenty-one (21) Members from eleven (11) and provided for inclusion of Party whips. The quorum of Public Investments Committee and Public Accounts Committee was reduced from five (5) to three (3) Members. Six (6) additional Committees were formed as follows: -

- a) Local Authorities and Funds Accounts Committee (LAFAC);
- b) Budget Committee;
- c) Committee on Delegated Legislation;
- d) Committee on Implementation; and
- e) Committee on Equal Opportunity

The number of Departmental Committees was increased from eight (8) to twelve (12) by splitting some of the Committees with wider mandates e.g. the Health, Housing, Labour, Sports and Social Welfare. The ultimate adoption of the report on 8th December 2010 marked the conclusion of the comprehensive review of the Standing Orders.

The promulgation of the new Constitution of Kenya in August 2010 had substantial effect on the general procedures of the House. The Procedure and House Rules Committee jointly with the Committee of Experts analyzed the impact of the proposed Constitution on the workings of Parliament with particular focus on vetting processes including the establishment of a Committee on Appointments, removal of persons from office, budgeting processes, inter-Chamber relations, phasing out of Question Time, among other issues. The Report was tabled in January 2013, a few weeks before elections.

ELEVENTH PARLIAMENT (2013-2017)

a) First Review of Standing Orders in the 11th Parliament (2013 – 2014)

Changes in composition and membership of select committees

During the 11th Parliament, several amendments to the Standing Orders have been occasioned by, among other things, the need to expand the membership of select committees and provide for election of Chairpersons and Vice Chairpersons and quorum of committees. Nine (9) members of a committee were to constitute a quorum. It was provided that a select committee shall consist of an odd number of members, being not less than seventeen (17) and not more than twenty-nine (29). These amendments were passed by the House on 25th April 2013. Prior to these amendments, the membership of a select committee was capped at eleven (11) members.

The membership of the Public Accounts Committee was expanded to consist of a Chairperson and a Vice Chairperson (who were members elected by the Committee from amongst its members and nominated from the minority Party or Coalition of parties) and not more than twenty-six (26) other members. Interestingly, it was also provided that the Majority Party or coalition of parties shall have a majority of one. Similar changes were made to the Public Investments Committee.

Lapsing of Bills

On 4th December 2013, a new amendment was inserted to Standing Order 141 to provide that a Bill that had been published, read a First Time or in respect of which the Second Reading had not been concluded at the end of a session in which it was published did not lapse at the end of that session but resumed in the next session of the same Parliament at the stage where

it had last been interrupted. Secondly, it was also provided that a Bill would lapse at the end of two consecutive sessions of the same Parliament and could be republished in the same or different form.

Admission of Cabinet Secretaries to the House

In 2013, the Standing Orders were amended to allow the Cabinet Secretary responsible for finance to present the budget highlights before the Budget and Appropriations Committee unlike under the previous Constitution where it was done in the Chamber. This was occasioned by the fact that under the Constitution of Kenya 2010, Cabinet Secretaries were not Members of Parliament and could therefore not be admitted into the Chamber. On the same date that the budget policy highlights and revenue raising measures are pronounced, the Cabinet Secretary submits 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.

On 11th June 2014, amendments were adopted by the House to provide for Cabinet Secretaries to access the plenary where the Speaker would designate a suitable place in the Chamber for the purposes of presenting regular reports to the House as contemplated under Article 153 of the Constitution, and to admit 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. These were effected through the insertion of New Part VA (Admittance of Cabinet Secretaries: Standing Order Nos. 25A – 25D), New Part XA (Cabinet Secretaries Reports: Standing Order Nos. 44A – 44F), New Part XXIA (The Committee on General Oversight – Standing Order No. 170A – 170L). Amendments were consequently made to Standing Order No. 30 (Hours of meeting), Standing Order No. 39 (Weekly Programmes of the Business of the National Assembly), Standing Order No. 44 (Statements Hour) and Standing Order No. 241 (Pronouncement of the Budget Highlights and Revenue raising measures before the Budget and Appropriations Committee). However, the new Standing Orders did not permit the Speaker to allow any Member to raise any questions or clarifications to the statement.

Later, on 28th August 2014, amendments were additionally adopted by the House to provide an opportunity for Cabinet Secretaries to report to the House, sitting as a Committee on General Oversight, to receive responses to Questions

Cabinet Secretaries enjoyed privileges and immunities under the then National Assembly (Powers and Privileges) Act (Cap 6) while in the Chamber.

Hours of meeting

Amendments were also made to the hours of meeting. The commencement of Wednesday morning sitting was pushed to 9.30am from 9.00am to end at 1.00pm from 12.30pm.

Weekly programmes of the business of the National Assembly

To enable proper preparation by stakeholders in their contribution to legislation, the Standing Orders were amended to require the Clerk to prepare and publish on the parliamentary website, tentative schedule of Cabinet Secretaries to present reports to the House, weekly programmes showing the business of the House and the schedule of sittings of the various committees. The amendment further required the Clerk to circulate such programmes to Members, State Departments, and the media not later than the Friday of the week preceding such business.

Changes to Statements Hour

At the beginning of the 11th Parliament, Questions by way of request for Statements asked by Members would be responded to in writing by the relevant Ministry. The responses would then be read out on the floor of the House by the Chairperson of the relevant Departmental Committee. Gradually, the House felt that this approach was not sustainable as there was no opportunity for Members to get satisfactory answers on Supplementary Questions. Consequently, Standing Order 44(2) (c) was deleted. This was because adequate opportunity had been provided for Questions to be asked and Statements to be sought through the Cabinet Secretaries Reporting Time.

Cabinet Secretaries' Reports

In a bid to actualize Article 153 of the Constitution on presentation of regular reports to the House by Cabinet Secretaries on matters under their control, the House introduced Cabinet Secretaries reporting time which would take place every Wednesday, not later than 3.00 pm. The reporting time would not exceed two hours and would be limited to not more than three Cabinet secretaries on a particular day. The reports would either be through the initiative of a Cabinet Secretary or upon request by a Member with the approval of the Speaker.

The number of reports was limited to a maximum of twenty (20) per sitting. The reports would address only the matters specified in the request and if made on the initiative of the Cabinet Secretary, address such matters as the Cabinet Secretary may deem necessary, but may include such matters as may be requested by a Member.

The amendments also introduced rules providing for the nature and scope of the requests to be made by Members. A Member's request for a report had to have a national scope and be within the competence of not more than one Cabinet Secretary. The request could not be admitted if due to its nature or urgency, the issue could be properly addressed in ordinary works of reference or official publications. A Member could not be allowed to seek information which was readily available in ordinary works of reference or official publications. The request could neither suggest its own answer nor seek information that was a pretext for debate or argument. The request could not seek an opinion on a Question of law. The request could not refer to a matter which had been addressed by a Cabinet Secretary in a report to the House in the same Session. Lastly, the requests were to be restricted to the functions of the national government.

The Committee on General Oversight

In an attempt at retaining questions as a tool for holding the Executive to account, Members of Parliament preferred to continue '*Question Time*' which gave them an opportunity to ask the Government to clarify its stance on particular issues, commissions or omissions in executing its mandate. One area, however, that created challenges is that of holding the Executive to account by seeking information through Statements or Questions. Members demanded that Cabinet Secretaries be required to attend before a Committee of the House and answer any question concerning a matter for which a Cabinet Secretary is responsible in line with Article 153(3) of the Constitution. In the first two sessions, Members sought answers and information on matters affecting their respective constituencies through Statements which required Committees to interact with the Cabinet Secretaries and respond to Members' queries in the House. It was a misapplication of Standing Order 44(2)(c). It was obvious that the method would present challenges, including the Leader of Majority Party and Chairpersons of Committees appearing to be holding brief for the Executive while responding to request for Statements yet the Executive and the Legislature were delinked. This was further compounded by the fact that the Chairpersons should offer leadership when their respective Departmental Committees are carrying out their oversight role on the Executive. The worst scenario was when the Deputy Minority Whip, who also happens to be a member of a Committee, responded to a Statement in the House calling to question the use of Statements for holding the Executive accountable when even the minority were responding on behalf of the Executive.

It was also found out that majority of the Departmental Committees were spending most of their time seeking information and responding to Statements instead of focusing on their mandate, like Budget scrutiny and introduction and review of Bills. The Procedure and House Rules Committee proposed to do away with the Statements and created the Committee on General Oversight.

In this regard, Members passed an amendment establishing a Committee to be known as the Committee on General Oversight comprising of all Members of the National Assembly. Cabinet Secretaries would appear before the Committee and answer any Question concerning matters for which they were responsible pursuant to Article 153(3) of the Constitution. The Committee would be chaired by the Speaker or by the Deputy speaker in the absence of the Speaker.

Quorum

The amendment provided that quorum for a meeting of the Committee on General Oversight would be sixteen (16) Members, excluding the person presiding, but a meeting of the Committee may thereafter continue despite there being less than sixteen (16) Members present, unless in exceptional circumstances, the Speaker is of the view that the agenda of such meeting requires not less than fifty (50) Members to be present.

Mandate

Pursuant to the provisions of Article 153(3) of the Constitution, a Cabinet Secretary would appear before the Committee on General Oversight to answer any question concerning a matter for which the Cabinet Secretary is responsible. This did not preclude any other Committee of the House from inviting the Cabinet Secretary to appear before it, but not for the purposes of answering Questions. The Clerk would notify the Cabinet Secretaries on the Questions intended to be addressed, at least seven days before the day of the meeting, but the Speaker could certify a Question to be urgent, in which case it could be replied to as soon as the Speaker recommended.

The Committee would invite up to three Cabinet Secretaries per sitting. The Member who had given a notice of the Questions would then be invited to receive the answers.

Meetings of the Committee

In the amendment, it was proposed that the Committee on General Oversight would meet every Tuesday from 10.00am to 12.30pm. The Committee would not meet when the House is on recess.

The Agenda of the Committee

The Leader of the Majority Party, in consultation with the Speaker, would determine the agenda of the Committee, including the list and order in which Cabinet Secretaries shall appear to answer Questions before the Committee. The Agenda of the Committee, showing the schedule of Questions listed for response and the Order in which questions would be taken would be appended on the Order Paper of every Tuesday of the week when the House was sitting.

The Speaker could, on the request of the Leader of the Majority Party vary the order in which Questions were to be disposed of in the Committee, or defer a question scheduled to be responded to.

The Leader of the Majority Party could, every Thursday before 5.00pm, submit to the Clerk a list showing the Questions scheduled for reply the following Tuesday for publication in the Order Paper.

Notices of Questions

Notices of Questions relating to issues of concern to the people were to be given by Members in writing to the Clerk and the Clerk, having satisfied himself/herself that the notice satisfied the requirements of the Standing Orders, would submit the notice to the Speaker for approval. A Member desiring to ask a Question before the Committee on General Oversight was expected to hand to the Clerk the written request, at least ten days before the day the Member intended to have the Question addressed in the Committee. After the approval by the Speaker, the Clerk, within forty-eight hours, submitted the request to the relevant Cabinet Secretary.

Questions by Private Notice

Questions of urgent character or relating to exceptionally important issues of concern to the people could be filed with a notice of the Question at least twenty-four hours before time scheduled for replies, but the question could not be allowed unless it fell within the matters for which a Cabinet Secretary scheduled to attend before the Committee the following day, was responsible. The Speaker could, in exceptional circumstances, on the request of the Leader of the Majority Party allow a Cabinet Secretary to attend and answer to urgent matters before the Committee, notwithstanding that notice has not been given.

General rules on Questions for the Committee

The following general rules applied to questions, including supplementary questions:

- (i) A question by a Member could not be in effect a speech or limited to give information or framed so as to suggest its own answer or to convey a particular point of view;
- (ii) The facts on which the Question was based could be set out briefly, provided the Member took responsibility for their accuracy, but extracts from newspapers or quotations from speeches were not admissible;
- (iii) A Question could not contain any argument, inference, opinion, imputation or ironical or offensive expression or epithet and could not seek an expression of opinion;
- (iv) A Question could not repeat in substance any matter already addressed, either as a substantive or supplementary question in the Committee on General Oversight or in the course of debate in the House, during the same Session;
- (v) Not more than one subject could be referred to in any one Question, and a question to the Committee on General Oversight could not be of excessive length;
- (vi) A Question could neither include the name of any person or any statement not strictly necessary to render the question intelligible, nor contain any allegation, which the Member was not prepared to substantiate;
- (vii) A Question could not be asked if it made or implied any allegation of a personal nature or which reflected upon the conduct of any person whose conduct can only be challenged upon a substantive Motion or upon the conduct of any other person otherwise than in the person's official or public capacity;
- (viii) Reference could not be made in a Question to any particular matter which is *sub judice*;
- (ix) A Question could not seek information which, by operation of any written law, was secret;
- (x) A Question, the answer to which fell within the oversight functions of county assemblies as contemplated under Article 185(3) and the Fourth Schedule to the Constitution, could not be asked;
- (xi) A Question, the answer to which was readily available in ordinary works of reference or official publications, could not be asked;
- (xii) A Question could not refer discourteously to any friendly country, nor to any Head of State or Government or the representative in Kenya of any friendly country and could not refer to proceedings of a Select Committee before that Committee had made its report to the House.

Rules of debate and manner of disposing Questions in the Committee

The amendment also included the application of rules of debate applicable in the Chamber to the consideration of Questions before the Committee. Each Cabinet Secretary was expected to provide five copies of the reply at least a day before the meeting of the Committee and could also provide electronic copies of the reply.

Questions were to be disposed of in the sequence appearing in the Order Paper. Not more than five questions could be put down for reply to a particular Cabinet Secretary at any one sitting. A maximum of two supplementary questions were allowed while up to four other Members were permitted to ask further supplementary questions in so far they related to the original question. It also allowed questions to be answered in writing if the Questioner was absent without the Speaker's authority. The person presiding would be addressed as the Speaker or Deputy Speaker, as the case may be.

Speaker's ruling suspending the Committee on General Oversight

On 17th October 2014, His Excellency the President submitted a Memorandum to the Speaker calling for a stay of the new Standing Orders requiring Cabinet Secretaries to appear before the Committee on General Oversight and for review of the same on account that they violated the doctrine of separation of powers.

His Excellency the President made the following two recommendations;

1. There be a stay of the newly introduced Standing Orders, New Part XXIA (*The Committee on General Oversight* - Standing Order No.170A to 170L) as they relate to the answering of questions by Cabinet Secretaries before the Committee on General Oversight.
2. The National Assembly considers revising the newly introduced Standing Orders to emphasize the principle of separation of powers.

Subsequently, the Speaker issued new guidelines that:

1. The operation of the Committee on General Oversight be suspended forthwith to enable the National Assembly seek ways to engage on how best to handle the matters that have been raised regarding its establishment. Further, that the Procedure and House Rules Committee spearheads the consultations referred by President.
2. The Cabinet Secretaries shall, once a week on every Tuesday between the hours of 10.00 a.m. and 12.30 p.m. when the House is sitting, be required to attend before Committees of the National Assembly to answer Questions submitted by Members concerning matters for which the Cabinet Secretaries are responsible. The provisions relating to Questions that applied to the Committee on General Oversight shall apply *mutatis mutandis* to Questions in the Committees. In other words, questions will be approved by the Speaker and thereafter transmitted to the concerned Cabinet Secretaries who will then appear before Committees to answer those Questions.
3. A maximum of three Committees will meet every Tuesday to give opportunity to Cabinet Secretaries to answer Questions submitted to them and on that day, the concerned Committees shall invite the Members who have given notices of the Questions to be replied to in the Committees and, indeed, all other Members who may be interested to appear to ask any other supplementary Questions.

4. The Leader of Majority Party shall, in consultation with the Executive co-ordinate and determine when the Cabinet Secretaries will appear to respond to Questions and shall, every Thursday before 5.00 p.m. submit to the Clerk a list showing Questions scheduled for reply the following Tuesday for publication in the Order Paper.
5. The agenda of the Committees having Questions showing the schedule of questions listed for response and the order in which the Questions shall be taken in the committees shall be appended on the Order Paper of every Tuesday of the week.
6. On the day Cabinet Secretaries are appearing to respond to Questions, the questions must be dealt with conclusively and any Questions not asked shall be carried over to the next meeting of the Committee to be included in the agenda of the Committee when it next meets to consider the questions.
7. To ensure optimum use of parliamentary time, no issue that has been interrogated in Committees during question time will be revisited in the normal business of the Committees and no Cabinet Secretaries will be required to appear again before a Committee of the House on the same or similar Questions.
8. The Committees having questions will sit every Tuesday within the precincts of Parliament starting 10.00 a.m. and each Committee will have a maximum of 50 minutes to deal with Questions falling within its mandate as will have been raised.

While the new Standing Orders were suspended, a part of an Addendum of the Standing Orders retaining Questions to Committees and the order applying the procedure of the Committee on General Oversight remained in force. It should be noted however that following the adoption of the report of the Procedure and House Rules Committee on Thursday 15th June 2017 the Addendum adopted in 2014 that provided for, among other things, the Committee on General Oversight was revoked.

(b) Second Review of the Standing Orders during the 11th Parliament (June 2017)

In order to facilitate the work of the Procedure and House Rules Committee in discharging its mandate and the need to comprehensively review the entire Standing Orders, the Clerk established a Taskforce to undertake the review and report back to the Committee.

The Taskforce was to undertake the following:

- (i) Review proposals presented by various Members;
- (ii) Collect and harmonize proposals from other stakeholders;
- (iii) Liaise with Senate colleagues on proposals regarding handling of business between the Houses, and changes to the Joint Rules; and
- (iv) Prepare the actual text for the amendments.

The Taskforce concluded its work and presented its Report to the Procedure and House Rules Committee for consideration, and subsequently for review by the House. Pursuant to Standing Order 263, the Taskforce considered proposals to amend the Standing Orders presented on diverse dates by various Members, discussions with the Senate Standing Orders Taskforce, representatives of Directorates and Departments, the office of the Attorney General, State

Department of East African Community Integration, civil society groups among others. The amendments were adopted with amendments by the House on June 15, 2017.

The following were the amendments:

PART I: PRELIMINARY

Standing Order 1: Matters not provided for

Expanding the scope of the guide to the Speaker's decisions: Standing Order 1(2) was amended by inserting the words "*practices*" after the word "*traditions*" to acknowledge the fact that decisions of the Speaker are made based on diverse grounds other than the ones stated therein.

Standing Order 2: Interpretation

Standing Order 2 was amended to provide that "*broadcast*" includes live transmission of the proceedings of the House by radio, television or webcast.

New Standing Order 2A: Place of the Mace

New Standing Order 2A was inserted to codify its significance in identifying the authority of the Speaker and the House and shall be kept in safe custody by the Serjeant-at-Arms. This was so as to cure the mischief of attempts to grab the Mace.

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

Standing Order 3: Proceedings on assembly of a new House;

Order of precedence for swearing-in of former Members of the East African Legislative Assembly:

Standing Order 3 (2) (b) was amended by inserting the phrase "East African Legislative Assembly" after the phrase "National Assembly." This is in recognition of the Members of the East African Legislative Assembly as Members who are only second in seniority to the Assembly, given that the Assembly has existed since 1948 and the East African Legislative Assembly has been in existence since 2001.

New Part IIA: Process of Removal of the Speaker and Deputy Speaker;

A new Part on vacation of office of the Speaker and Deputy Speaker was inserted immediately after Standing Order 12. It was deemed necessary to provide for resignation of a Speaker and a formal procedure to cater for due process and for fair hearing for the Speaker in the event of intention for his removal.

Standing Order 14: Notification of opening of Parliament

Provide for timely opening of a new Parliament:

This amendment was introduced to provide clear timelines when the House shall be opened following the First Sitting of the House after a general election. This is in order to provide for sufficient time for the President to issue the notice to open Parliament in the event that there is a dispute in the Presidential election or cater for cases where it is unknown when the President will open the next sitting of Parliament.

REPLACEMENT OF LEADERS OF THE MAJORITY PARTY AND MINORITY PARTY

Standing Orders 19 and 20: Leader of the Majority Party and Deputy Leader of the Majority Party/Leader of the Minority Party and Deputy Leader of the Minority Party:

To simplify the process of replacing the Leader of the Majority Party and the Leader of the Minority Party Standing Orders 19(4) and 20(4) were deleted. The intention of the provision was to ensure there was no vacuum in the specific offices for streamlined flow of business in the House. It was also noted that this is a political process that should be left to the parties to resolve and subsequently inform the House.

ADDRESS BY PRESIDENT, VISITING DIGNITARY AND OTHER PERSONS New Standing Order 25A

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

New Standing Order 25A was inserted immediately after Standing Order 25 to provide an avenue for presentations before the House by persons such as the Chief Justice, the Auditor General, among other State Officers, in exceptional circumstances.

PART VI - CALENDAR, SITTINGS AND ADJOURNMENTS OF THE HOUSE

Standing Order 28: Calendar of the Assembly;

Simplifying the adjournment process of the House:

Standing Order 28(3) was amended by providing for adjournment of the House without question put on a day other than the next normal sitting day. This was because the House had already approved the decision by ratifying the calendar at the beginning of the session hence there was no need for debate.

Standing Order 30: Hours of meeting

Change of sitting time

A change was effected to Standing Order 30(1) to reflect the Wednesday morning sitting hours commencing at 9.30 a.m. and ending at 1.00 p.m. to reflect the situation as contained in the Addendum to the Standing Orders in 2014.

The amendment also extended the afternoon sitting hours of the House by thirty (30) minutes. The time for interruption of business was therefore moved to 7.00 p.m. from 6.30 p.m., and to 7.30 p.m. from 7.00 p.m., in the case of an Allotted Day. This change in sitting time was necessitated by the need to create more time for House business particularly in view of the increased House membership.

PART VIII - ORDER OF BUSINESS

Standing Order 38: Order Paper to be prepared and circulated;

Making provision for a Supplementary Order Paper: A change was effected to codify the practice of allowing for the possibility of a Supplementary Order Paper in the event of change of the business to be considered after publication of the Order Paper.

PART IX – MESSAGES

New Standing Order 42 (3A);

Providing for Messages from the Executive other than the President:

New Standing Order 42(3A) was introduced to cater for receipt of Messages from the Cabinet and any other office in the Executive other than the President and from the Senate.

PART X – STATEMENTS

Standing Order 43: Member's general statements

Change of timing for Members to make general statements on Tuesdays from 6.00 p.m. to 6.30 p.m. to align with the changed timing for interruption of business of the House.

Standing Order 44: Statement Hour

Reintroduction of Chairpersons' statements: Standing Order 44(2)(c) was reintroduced so as to make provision for cases where Chairpersons of Committees have to make statements in the House on matters before their Committees.

PART XII – MOTIONS

New Standing Order 47 (4A);

Procedure for consideration of Motions for removal from State Office:

A new Standing Order 47(4A) on a notice of motion under Part XIV (*Procedure for removal from State Office*) was introduced. This was to allow for such a sensitive matter to be considered expeditiously by the House and avoid a hanging noose on the State Officer who is the subject of the removal.

PART XIII – SPECIAL MOTIONS

Standing Order 61: Definition of Special Motion

Categorising the Motion for removal of a Speaker or Deputy Speaker as a Special Motion:

An amendment was inserted to provide for a resolution for removal of a Speaker or Deputy Speaker from office as a **special Motion**.

PART XIV- PROCEDURE FOR REMOVAL FROM STATE OFFICE

Standing Orders 63 and 64 were amended to provide that a motion for removal of President on grounds of incapacity and impeachment should have its subject matter indicated on every sheet so as to ensure that Members are aware of the objective of a Motion they intend to support and ensure credibility of the Motion. Further, clear grounds for impeachment were elaborated.

Standing Order 66: Procedure for removal of Cabinet Secretary

Standing Order 66 was amended to provide that a motion for removal of President on grounds of incapacity and impeachment should have its subject matter indicated on every sheet so as to ensure that Members are aware of the objective and credibility of a Motion they intend to support.

PART XV – VOTING AND DIVISIONS

Standing Order 70: Electronic voting

Standing Order 70(7) which was applicable when voting lobbies were still in use was deleted as it contradicted Standing Order 76(2) which states that it shall be disorderly conduct for a Member to fail to record his or her abstention in a division.

PART XVIII – ORDER IN THE HOUSE AND IN COMMITTEE OF THE WHOLE HOUSE

New Standing Order 99 (2): Standing Order was amended to provide for security checks and/or screening to extend to a handbag or other accessory that a Member intends to enter with into the Chamber.

PART XVIII - ORDER IN THE HOUSE AND IN COMMITTEE OF THE WHOLE HOUSE

Standing Order 107: Disorderly conduct

This amendment was to provide for graduated scale of punishment commensurate to the disorder and manner of punishment for Members of Parliament. The Committee observed that there was need to redefine and categorize disorderly conduct into two, that is, Disorderly Conduct and Gross Disorderly Conduct.

Effect of suspension

A new Standing Order 110A provided that on suspension from the service of the House a Member may appear before a Committee for the consideration of a Bill sponsored by the Member.

Appeal against suspension

A new Standing Order 110B provided for the procedure for a Member to appeal against suspension to the Committee of Privileges.

Action for refusal to withdraw from the Chamber

Standing Order 111 was amended to vary the duration of suspension for refusal to withdraw from the Chamber from the remainder of the Session (calendar year) to a period between twenty-one and ninety days.

Definition of a day

A new Standing Order 112A was introduced to define the word “*day*” for the purposes of Part XVIII to mean a calendar day.

PART XIX – PUBLIC BILLS

Standing Order 114: Introduction of Bills

Manner of handling legislative proposals: Standing Order 114 was amended in order to provide a better mechanism of conducting pre-publication scrutiny on legislative proposals. The major changes introduced were as follows:

- a) Where the Speaker is of the opinion that a legislative proposal is a money Bill, the Speaker shall direct that the proposal be referred to the Budget and Appropriations Committee (BAC);
- b) BAC shall consider only the money-bill or financial aspects of the proposal;
- c) BAC is required to submit a report to the Speaker within twenty-one (21) days of receipt of the proposal.
- d) Once the Speaker receives the recommendations of the Budget and Appropriations Committee, the Speaker directs that the proposal be subjected to prepublication scrutiny before the relevant Departmental Committee in case of a legislative proposal not sponsored by a Committee. It should be noted that unlike previously where the Budget and Appropriations Committee did not have a timeframe within which it could submit its report, the period was fixed at twenty-one (21) days of receipt of the proposal.
- e) The period of consideration of a legislative proposal by a Departmental Committee was increased from fourteen (14) days to twenty-one (21) days.

New Standing Order 114A

New Standing Order 114A was introduced to exempt a legislative proposal which originates from the Party forming the National Government from undergoing prepublication scrutiny before it is published into a Bill.

Standing Order 121: Bills concerning county governments

Standing Order 121 was amended to realign it with the provisions of Article 110 (3) of the Constitution. The amendment was aimed at ensuring that whenever any question arises as to whether a Bill concerns county governments, the Speaker makes a determination on the nature of the Bill.

Standing Order 122: Procedure upon publication

Standing Order 122 was amended to realign it with the provisions of Article 110(3) of the Constitution on when the determination on whether a Bill concerns county governments is made and the nature of the questions to be determined.

Standing Order 123: Concurrence on Bills

The Standing Order was deleted because new Standing Order 121(3) provided for the two Speakers to agree on an appropriate framework for determination of the matter. It was expected that the change would encourage dialogue as opposed to pure correspondence when handling matters between the two Houses.

Standing Order 124: Not more than one stage of a Bill to be taken at the same sitting

The Standing Order was amended to allow more than one stage of a Bill to be taken at the same sitting with respect to a County Allocation of Revenue Bill, Division of Revenue Bill, Equalization Fund Bill, and a Bill to amend the Constitution in respect of its Second and Third Reading. This is in addition to the Appropriation Bill and the Consolidated Fund Bill.

Standing Order 127: Committal of Bills to Committees and public participation

Standing Order 127 was amended to require committees to which Bills are committed to engage the public as stakeholders and take into consideration their views while making their recommendations to the House.

Standing Order 131: Referral of proposed amendments to Committees

Standing Order 131 was amended to provide for harmonization of proposed amendments by Members to Bills which in the opinion of the Speaker require harmonization. This process is informally referred to as *winning*.

Standing Order 133: Procedure in Committee of the whole House on a Bill

Elaboration of the process of debate in Committee of the whole House:

New Standing Order 133(1A) was introduced to ensure that debate to a proposed amendment is confined to the content of the amendment.

Paragraph 7 was also amended to exempt Members from moving amendments whose effect would be to impose a charge or increase expenditure above that already resolved by the House on the Division of Revenue Bill or County Allocation of Revenue Bill. This is in addition to the Appropriation Fund Bill, Consolidated Fund Bill and Equalization Fund Bill.

Standing Order 136: Procedure on Bills reported from Committee of the whole House

New Standing Order 136 (1A) was introduced to provide a detailed explanation on the Recommittal Procedure for clarity.

Standing Order 137 was amended to link the procedure of laying a report on a Bill by a select committee to the procedure under Standing Order 127(2) regarding committal of bills to committees.

Standing Order 141 was amended to provide the following:

- a) A Bill that has been rejected at Second Reading or Third Reading may be reintroduced in the next Session, or after the lapse of six months in the same Session but subject to fresh publication;
- b) A Bill that has been published, read a First Time or in respect of which the Second Reading has not been concluded—
 - (i). 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;
 - (ii). 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.

The Constitutional Amendment Bills and Senate Bills are exempted from the above provisions.

Standing Order 143: Consideration of Bills originating from the Senate

Outlining manner of consideration of Bills from the Senate: Standing Order 143 was deleted and replaced with a new Standing Order to prescribe the manner of handling Bills originating from the Senate. These are to be referred to the Parliamentary Budget Office by the Speaker for certification. If certified as money Bills, they are to be referred to the Budget and Appropriations

Committee which is to table a report to the House recommending what action the House should take for decision.

Referral of Bills by the President

Standing Order 154 was amended to clearly elaborate the manner of consideration of Presidential Memoranda including constitution of a Joint Committee on a Bill concerning both Houses.

PART XXII - SELECT COMMITTEES

Various proposals were effected to the Standing Orders on Committees to effect the following: -

Standing Order 171: House Business Committee

Standing Order 171 was amended by incorporating the Majority Party Whip and the Minority Party Whip or their representatives to be part of the membership of the House Business Committee by virtue of the offices they hold. The amendment further reduced the number of the rest of the Members to seven.

Standing Order 172: Committee on Selection

The Standing Order was amended to provide for consideration of inclusion of independent Members in the Committee on Selection.

Standing Order 174: Criteria for nomination

Improving the efficiency of Committees: Standing Order 174 was amended to reduce multiple memberships of Members to Committees given that most Committees sit simultaneously. The Standing Order also enhanced oversight role of watchdog/ audit Committees by providing that parties other than the Parliamentary Party forming the National Government shall have a majority in the membership. Further, the Special Fund Accounts Committee is to be chaired by an Independent Member.

Standing Order 176: Discharge of a Member from a committee;

Applying due process and giving the Member a fair hearing in the discharge from a Committee:

In the past, Members were discharged from a committee with neither notice nor an opportunity to be heard.

The amendment provided for the process of discharge of Members from Committees by confining the matter to a political party after according the Member an opportunity to be heard. The amendment also provides for notice to the Member of the discharge.

Standing Order 178: Chairing of select committees and quorum;

The Standing Order was amended to provide that the position of the Chairperson and Vice-Chairperson of the Public Accounts Committee, the Public Investments Committee and the

Committee on Implementation be reserved for a Member from a party other than a parliamentary party forming the national government. The amendment was informed by the need to strengthen the oversight role of the watchdog Committees. The Special Fund Accounts Committee would elect a Chairperson and Vice-Chairperson from amongst independent members nominated to the Committee or a Member from a party other than a parliamentary party forming the national government in the absence of independent members. Its objective was to accord equal opportunity for independents by reserving for them leadership roles under the Standing Orders.

Standing Order 179: Conduct of election

Providing the procedure of conducting the election of Chairperson or Vice-Chairperson of a committee: Standing Order 179 was amended to provide for the manner of conducting elections of Chairs and Vice Chairs of committees.

Standing Order 184: Members adversely mentioned not to sit

The Standing Order was amended to provide for legal representation for a Member adversely mentioned to appear before a Committee to adduce evidence as a witness either in person or through a legal representative.

Standing Order 188: Absence of chairperson and vice-chairperson

Provision for democracy: Standing Order 188 was amended to allow Members to determine their leadership and enhance democracy at committee level by deciding on the temporary Chairperson.

Standing Order 191: Powers and Privileges of Committees

The Standing Order was amended to prescribe oaths to be sworn or affirmation to be made by a witness appearing before a committee, which would be in the form set out in the Sixth Schedule. New Standing Order 191A was introduced to provide for action to be taken 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, payable to the Clerk, having regard to the witness' condition in life and all the circumstances of the case or even order the arrest of a witness who fails to honour summonses for the purpose of compelling his or her attendance.

Standing Order 193: Vote of no confidence in the Chairperson or Vice-Chairperson

Providing process for serving of Vote of no confidence in a Committee Chairperson or vice chairperson: The Standing Order was amended to provide that Members desiring a resolution of a vote of no confidence in the Chairperson or Vice-Chairperson serve the Chairperson or Vice-Chairperson with a written notice citing grounds through the Clerk.. Such notice ought to have the support of the majority of the membership of the committee. This would instill professionalism into the process.

Standing Order 200: Exit reports

New Standing Order 200A: Providing for Exit reports at the end of a Parliamentary term.

New Standing Order 200A was introduced to provide for tabling of an exit report by a Committee which is unable to complete its work before the expiry of its term.

The report would enable the Committee in the subsequent Parliament to consider the pending issues in their work plan.

Standing Order 205, 206 and 209: Term of certain oversight committees

Strengthening of the oversight role of the oversight committees: Standing Orders 205, 206 and 209 were amended to achieve effective oversight for the Public Accounts Committee, Public Investments Committee and Committee on Implementation respectively. The Membership to the three Committees will henceforth be constituted immediately following the general elections and serve for the term of that Parliament for continuity and maintenance of institutional memory.

New Standing Order 205A

Establishment of a select committee to be designated the Special Funds Accounts Committee:

New Standing Order 205A was introduced to establish a Special Funds Account Committee which would examine audited accounts of political parties, special funds and other such funds established from time to time by the national executive. It was intended to ease workload on the Public Accounts Committee which has a large number of reports to consider.

Standing Order 207: Budget and Appropriations Committee

The Standing Order was amended to allow the Budget and Appropriations Committee to establish such sub-committees that it may consider necessary for the discharge of its functions, including sub-committee on legislative review.

New Standing Order 212A

Procedure for presentation of reports from the East African Legislative Assembly and the Pan-African Parliament:

New Standing Order 212A was introduced to formalize the practice where business considered by regional assemblies such as EALA, PAP, etc would be tabled in the House and considered by the Committee on Regional Integration.

New Standing Order 212B

Formation of a Committee on Members' Services & Facilities:

New Standing Order 212B was introduced to establish a Committee on Members' Services and Facilities. The Committee's functions are to consider, advise and report on Members' welfare and provide a forum for Members to raise concerns on these issues. The new Committee replaced the National Assembly's Catering Committee.

Standing Order 216: Appointment of Departmental Committees Reorganization of Committee mandates:

Standing Order 216 was amended by assigning additional functions to departmental committees. These functions include:

- a) examining treaties, agreements and conventions;
- b) consideration of reports by constitutional commissions and independent offices submitted to the House pursuant to provisions of Article 254 of the Constitution, and
- c) examination of any question raised by Members on a matter within its mandate.

PART XXIII - PUBLIC PETITIONS

Standing Order 230 was amended and added further requirements that a Petitioner should include in a Petition for the removal of a member of a constitutional commission or a holder of an independent office pursuant to Article 251(1) of the Constitution. The new requirements were:

- (a) The Petitioner is to state with a degree of precision the provisions of the Constitution or any other written law that have been alleged to be violated if the grounds relate to violation of the Constitution or any other law;
- (b) The Petitioner is expected to indicate the nexus between the member concerned and the alleged grounds on which removal is sought.

In addition, the amendment provided that petitions for removal of members of constitutional commissions and holders of independent offices shall not lapse at the expiry of a term of Parliament.

PART XXIV - FINANCIAL PROCEDURES

Standing Order 232: Presentation of Budget Policy Statement and the Debt Management Strategy

Inclusion of the Debt Management Strategy as a document for submission:

Standing Order 232 was amended to formally include the Debt Management Strategy as part of the documents to be submitted with the Budget Policy Statement pursuant to the Public Finance Management Act.

Standing Orders 233 and 234: Consideration of certain budget-related Bills

The role of the Commission on Revenue Allocation:

These two Standing Orders were amended to require the House to take into account the views of the Commission on Revenue Allocation in considering the Division of Revenue Bill and County Allocation of Revenue Bill.

Standing Orders 236 to 240: Committee of Supply

Actualization of the Committee of Supply

Standing Orders 237 to 240 were amended to streamline the procedure for the Committee of Supply. New Standing Order 240A was introduced to provide the text of the motion for consideration of Supply resolution by the House.

New Standing Order 240: Appropriation Bill and Equalization Fund Appropriation Bill

Manner of dealing with the Appropriation Bills:

New Standing Order 240 was introduced to stipulate the process of how the Appropriation Bill and Equalization Fund Appropriation Bill Bills are introduced to the House and processed. The provision further sets the deadline for passage of the Appropriation Bill. New Standing Order 240B further provided for the consideration of the report of the Committee of Supply.

Standings Order 243 and 244: Procedure on Supplementary Estimates

Streamlining of consideration of supplementary estimates:

Standing Orders 243 and 244 were amended to stipulate the process for dealing with supplementary estimates along with introduction of the Supplementary Estimates Bill. Further, the procedure for actualizing provisions of Article 223(5) of the Constitution on spending of sums of 10% over the approved amounts in that year's Appropriation Bill was factored into the Standing Orders.

Standing Order 245: Consideration of the Finance Bill

Standing Order 245 was amended to allow the Departmental Committee on Finance and National Planning to consider the Finance Bill, in order to have a well-rounded process. This provision is based on the consideration that the Committee handles the expenditures, which are informed by the revenues.

PART XXVII – PUBLIC ACCESS TO THE HOUSE AND ITS COMMITTEES

Standing Order 254: Exclusion from the House or committees; Strengthening the authority of a Chairperson of Committee: Standing Order 254 was amended to empower Chairpersons to enforce the Standing Order in Committee meetings.

PART XXVIII – GENERAL

Standing Order 256A: Extension of period prescribed and timelines given in the Standing Orders:

Standing Order 256A was amended to clarify the practice and modalities of extending timelines for consideration of various aspects of business. This provision was based on the fact that Committees of the House may be compelled to seek leave for extension of timelines for consideration of public petitions for removal of a constitutional office holder, among other matters.

New Standing Order 256B: Summons by the House

New Standing Order 256B was introduced to actualize Article 125(1) of the Constitution by allowing any Member to request the House to summon a person to appear before the House, with the Clerk being required to issue the said summons within three days of the approval of the House.

Standing Order 259: Seating in the Chamber

Designating seating space for leadership of the House:

Standing Order 259 was amended to include designated seating space in the Chamber for the members of the Chairperson's Panel, Leaders of Parties and Committee Chairpersons.

PART XXX –TRANSITIONAL PROVISIONS

SECOND SCHEDULE

Departmental Committees

The Second Schedule to the Standing Orders was amended to restructure the Committee system of the National Assembly primarily through splitting and merging various Committees. Subsequently, three new Departmental Committees were established, namely, Communication, Information & Innovation; Sports, Culture & Tourism; and Trade, Industry & Cooperatives. As a result, the Finance, Planning and Trade Committee; Agriculture, Livestock and Cooperatives; and the Labour and Social Welfare committees were split.

TWELFTH PARLIAMENT (2017-2022)

I. AMENDMENTS TO STANDING ORDERS TO REVIEW COMPOSITION OF COMMITTEES

On 7th December 2017, the House approved amendments to the Standing Orders so as to enable all the 349 Members of the National Assembly to effectively participate in Committee work. The number of departmental committees and other select committees were increased, and the membership for many of the committees also increased from nineteen (19) Members to twenty-three (23) to allow for as fair representation as possible. It was also provided that chairpersons of committees would not serve in any other committee. It was further provided that as much as possible Members could only serve in a maximum of two committees. Additionally, a member of the Parliamentary Service Commission would not serve in a committee. New committees were also set up and others renamed.

II. RE-INTRODUCTION OF QUESTION TIME

On 23rd August 2018, the Standing Orders were amended in order to re-introduce '*Question Time*' in addition to statements directed to committee chairpersons. The House sought to introduce Question Time so as to interest Members to be present at commencement of business, participate in legislative business generally and to increase the visibility of legislators.

It was also thought that the new procedure would greatly improve management of committees. The new amendments introduced Part IXA of the Standing Orders which included Standing Orders 42A (Notice of Question), 42B (*General rules on questions*), 42C (*Manner of disposing questions in a Committee*), 42D (*Questions for written reply*), 42E (*Time for reply*) and 42F (*Report on questions*).

III. AMENDMENTS TO STANDING ORDERS TO FACILITATE VIRTUAL SITTINGS

On 6th May 2020, the House amended the Standing Orders in light of the unprecedented COVID-19 pandemic which led to various health stipulations that included enforcement of social distancing protocols. The new amendments introduced a new PART XXIXA providing for conduct of proceedings in exceptional circumstances which included inserting new Standing Orders 265A (Application), 265B (Alternative sitting arrangements), 265C (Other arrangements), 265D (Use of technology).

IV. COMPREHENSIVE AMENDMENTS TO THE STANDING ORDERS DURING THE 6TH SESSION

On 2nd June 2022, the Standing Orders were comprehensively reviewed to provide for the following:

- a) increasing membership of the Chairperson's Panel from four (4) to six (6);
- b) increasing the period for Committees to consider Bills from the current twenty-one (21) days to thirty (30) days;
- c) introduction of co-sponsorship of Bills within the House and between the two Houses;
- d) exemption of certain legislative proposals from pre-publication scrutiny;
- e) reduction of general membership of committees to fifteen Members;
- f) splitting of the Public Investment Committee to create two (2) additional committees with a sunset provision;
- g) establishment of five (5) additional departmental committees to increase specialization and efficiency and rationalize the subjects under the mandate of the existing committees;
- h) creation of new committees including the Committee on Diaspora and Migration Matters, Public Debt and Privatization Committee, Decentralized Funds Account Committee and a Public Petitions Committee.

Specifically, the Standing Orders were amended as below:

STANDING ORDER 2

Standing Order 2 on Interpretation was amended to:

- a) include the days reserved for debate of the President's Address under the definition "*allotted day*";
- b) define and harmonize the use of the terms "*Majority Party Whip*" and "*Minority Party Whip*";
- c) amend the definitions of "*Parliamentary Party*" and "*Party Whip*" for purposes of clarity;
- d) define the term "*Division List*" as used within the Standing Orders, and
- e) provide for the use of electronic means to communicate with Members.

NEW STANDING ORDER 2B

A new Standing Order was inserted immediately after Standing Order 2A to require the Clerk to obtain from the Registrar of Political Parties certified coalition agreements for purposes of ascertaining relative majorities in the House and for facilitating transaction of business in the House.

STANDING ORDER 3

Standing Order 3 was amended to clarify the business to be transacted on the first sitting of a new Assembly. It also provided that the sequence to be used by the Clerk in administering Oath or Affirmation of Office to Members-elect based on the order of precedence and alphabetical order.

STANDING ORDER 4

Standing Order 4 was amended to recast the title of the Standing Order and for the logical flow of the provisions and to delete paragraphs (2) and (3) for reintroduction in the appropriate Standing Order that deals with a vacancy in the office of the Speaker.

STANDING ORDER 5

Standing Order 5 was amended to require the Clerk to appoint a nomination day and designate a place and period within which candidates may present nomination papers for election as Speaker, and, to anchor the nomination form to be used by candidates as a Schedule to the Standing Orders.

STANDING ORDER 6

Standing Order 6 was amended to require the Clerk to maintain custody of the ballot papers after the election for reference should the need arise.

STANDING ORDER 8

Standing Order 8 was amended to streamline the process for withdrawal of candidates before commencement of election of the Speaker and provide for action to be taken with regard to the ballot papers.

STANDING ORDER 10

Standing Order 10 was amended to require the Clerk to keep custody of any spoilt ballot papers after the election of a Speaker for period of six months and thereafter destroyed.

STANDING ORDER 12A

Standing Order 12A (*vacancy in the office of the Speaker/Deputy Speaker*) was amended to align the Standing Order with the provisions of Article 106 of the Constitution to provide clarity on the procedure for resignation of the Speaker or the Deputy Speaker.

NEW STANDING ORDER 12C

A new Standing Order 12C was inserted to provide for vacation from office by a Speaker or Deputy Speaker and to reintroduce an earlier deleted Standing Order 4(2) and 4(3) to ensure a logical flow of the Standing Orders.

STANDING ORDER 16

Standing Order 16 was amended to increase the number of the members of the Chairperson's Panel from four (4) to six (6).

STANDING ORDER 19

Standing Order 19 was amended to formally define the offices of the Leader of the Majority Party and the Leader of the Minority Party and prescribe the Order of precedence in the House in line with Article 108 of the Constitution and to require the Clerk to facilitate the discharge of House Business by the two Leaders on behalf of the Majority and Minority Parties.

NEW STANDING ORDER 19A

A new Standing Order 19A was inserted immediately after Standing Order 19 to enhance the process of election and removal from office of the Leader and Deputy Leader of the Majority Party. A Member seeking to remove the Leader or Deputy Leader shall file a motion with the Party supported by at least one-quarter of the Members of the Party. When communicating a decision to remove the Leader or Deputy Leader, the Whip must attach the minutes of the meeting and the names and signatures of the Members who attended and resolved to remove the Leader or Deputy Leader.

STANDING ORDER 20

Standing Order 20 was amended to enhance the process of election and removal from office of the Leader and Deputy Leader of the Minority Party. A Member seeking to remove the Leader or Deputy Leader would have to file a motion with the Party supported by at least one-quarter of the Members of the Party. When communicating a decision to remove the Leader or Deputy Leader, the Whip must attach the minutes of the meeting and the names and signatures of the Members who attended and resolved to remove the Leader or Deputy Leader.

NEW STANDING ORDER 20A

A new Standing Order 20A was inserted to provide for the recognition of parliamentary parties (these are parties having at least 5% membership of the National Assembly) and to require parliamentary parties, other than the Majority and Minority Parties, to designate their leaders in the House and their Whips and Deputy Whips.

STANDING ORDER 29

Standing Order 29 was amended to clarify that a special sitting that is held between two ordinary sessions of the House be deemed to have been held in the session immediately preceding the sitting.

STANDING ORDER 42A

Standing Order 42A was amended to provide that where the Minority Party is the Party forming the National Government, the Leader of the Minority Party shall be responsible for duties relating to Questions.

STANDING ORDER 42B

Standing Order 42B was amended to allow a Member to nominate another Member to ask a Question on their behalf.

STANDING ORDER 42F

Standing Order 42F was amended to require Committees to make statements on Questions and reduce instances of Members having to query the status of their Questions on the floor of the House.

NEW STANDING ORDER 42G

A new Standing Order 42G was inserted to apply the entire part on Questions to Questions directed to Constitutional Commissions and Independent Offices with necessary modifications.

STANDING ORDER 44

Standing Order 44 was amended to allow Chairpersons of Committees to make statements relating to the mandate of their Committees; to merge Standing Order 84 on Personal Statements together with other Statements; and, to provide a timeline of twenty-one (21) days or such shorter period as the Speaker may direct for Statements requested by Members from Committees.

STANDING ORDER 45

Standing Order 45 was amended to increase the period of consideration of nominees for public appointments from fourteen (14) to twenty-one (21) days in order to align it with the Public Appointments (Parliamentary Approval) Act; and to empower the Speaker to, in exceptional circumstances, commit appointment hearings to other relevant committees of the House.

STANDING ORDER 52

Standing Order 52 was amended to include an exceptional Motion for the Tributes of the House as a Motion that may be moved without notice.

STANDING ORDER 62

Standing Order 62 was amended to allow the Speaker to designate any other day beyond the initial five days on which a vote may be taken in instances where the Constitution requires a fixed majority of the Members of the House.

STANDING ORDER 84

Standing Orders were amended to **delete** Standing Order 84 and merge it with Standing Order 44 with regard to Statements.

STANDING ORDER 87

Standing Order 87 was amended to preclude a Member from quoting excerpts from the Media as authorities when addressing the House.

STANDING ORDER 90

Standing Order 90 was amended to outline the manner of recording declaration of interests by Members and to empower presiding officers to determine the nature, effect and extent of the interests that may prejudice the proceedings of the House or Committees.

STANDING ORDERS 95, 96 AND 97

Standing Order 95, 96 and 97 were amended to allow Members desirous of debating a Bill to amend the Constitution adequate opportunity to do so without the threat of a majority of the Members present resolving to move closure of debate, adjournment of debate at any point, and as well as an opportunity to do so within any time limit that the House may agree to impose.

STANDING ORDER 114

Standing Order 114 was amended to allow for co-sponsorship of legislative proposals and Bills; to increase the period of prepublication scrutiny from twenty-one (21) to thirty (30) days, and to actualize Article 256(2) of the Constitution on the introduction of a Bill to amend the Constitution.

STANDING ORDER 114A

Standing Order 114A was amended to allow the Speaker to exempt the following legislative proposals from pre-publication scrutiny—

- (a) proposals from the Party forming the National Government, provided that its accompanied by a copy of the relevant Cabinet approval,;
- (b) proposals from Chapter 15 Constitutional Commissions or Independent Offices provided that they relate to the mandate of the body and are accompanied by the policy underpinning the legislative proposal and requisite evidence of stakeholder consultations conducted;

- (c) proposals that seek to implement a resolution of the House or a recommendation for enactment of laws as a response to a petition; proposals identical to those passed by the House but lapsed in the preceding Parliament; and
- (d) proposals of re-elected Members that were read a Second time but lapsed in the preceding Parliament.

STANDING ORDER 120

Standing Order 120 was deleted and a new Standing Order substituted thereof to merge the current Standing Order 122 and Standing Order 120 for logical flow of the provisions and to permit publication of a Bill with the names of *co-sponsors* in the Assembly, if any.

STANDING ORDER 121

Standing Order 121 was amended to align it with Article 110(3) of the Constitution.

STANDING ORDER 122

Standing Order 122 was deleted to harmonize the text of the Standing Order with that of Standing Order 120 for logical flow of the Standing Orders.

STANDING ORDER 127

Standing Order 127 was amended to increase the period for the submission of a report on a Bill by a committee to the House from twenty-one (21) to sixty (60) days for purposes of enhancing public participation.

NEW STANDING ORDERS 130A, 130B, 130C, 130D and 130E

New Standing Orders 130A, 130B, 130C, 130D and 130E were inserted immediately after Standing Order 130 to move the provisions of Standing Orders 166, 167, 168, 169 and 170 to the part dealing with the Committee of the Whole House for logical flow of the Standing Orders.

STANDING ORDER 140

Standing Order 140 was amended to require that a Bill introduced following a Public Petition can only be withdrawn with the leave of the Speaker.

STANDING ORDER 142

Standing Order 142 was deleted and substituted with a new Standing Order to allow co-sponsorship of an Assembly Bill in the Senate.

STANDING ORDER 143

Standing Order 143 was deleted and substituted with a provision on consideration of Senate Bills and to allow co-sponsorship of a Senate Bill in the Assembly.

STANDING ORDER 144

Standing Order 144 was amended to codify the practice of transmitting to the Senate a Schedule containing the specific amendments made by the House to a Senate Bill for ease of tracking and consideration of the amendments.

Standing Order 149

Standing Order 149 was amended to align the provision on mediation with Article 113 of the Constitution.

PART XXI

The Standing Orders were amended by inserting a new Part XXI with a new Heading **“RATIFICATION OF TREATIES”** to provide for the manner of ratifying treaties by the House.

STANDING ORDER 166, 167, 168, 169 AND 170

Standing Order 166, 167, 168, 169 and 170 were deleted and re-introduced as Standing Orders 130A, 130B, 130C, 130D and 130E to ensure a logical flow of the Standing Orders.

NEW STANDING ORDER 170A

A new Standing Order was inserted immediately after Standing Order 170 to provide the procedure for ratification of treaties including making of reservations.

STANDING ORDER 171

Standing Order 171(1) was amended to increase the membership of the House Business Committee from twelve (12) to fourteen (14) Members.

STANDING ORDER 172

Standing Order 172(1)(c) was amended to require the Committee on Selection to take into account the interests of parties other than Parliamentary Parties and Independents when constituting committees.

STANDING ORDER 173

Standing Order 173(1) was amended to require the Committee on Selection to consult parties other than parliamentary parties and independents when constituting committees.

NEW STANDING ORDER 173A

A new Standing Order was inserted immediately after Standing Order 173 to provide for the entitlement of Members to serve in committees unless they waive such right by written notice to the Speaker.

STANDING ORDER 174

Standing Order 174 was amended to require the Committee on Selection and the Speaker to ensure the interests of parties other than Parliamentary Parties and Independents are taken into account in the placement of Members to the Committees of the House.

STANDING ORDER 176

Standing Order 176 was amended to allow parties other than parliamentary parties to discharge their Members from Committees, and to empower the Speaker to discharge any Member of the Committee of Powers and Privileges who contravenes Standing Order 107A on grossly disorderly conduct or breaches the Code of Conduct.

STANDING ORDER 177

Standing Order 177 was amended to reduce the higher limit for membership of committees from twenty-three (23) to fifteen (15) unless otherwise provided for in any written law, the Standing Orders or a resolution of the House.

NEW STANDING ORDER 177A

A new Standing Order was inserted to prescribe criteria for selecting Members to serve in the Committee of Powers and Privileges.

STANDING ORDER 179

Standing Order 179 was amended to provide for the Chairperson of Liaison Committee to notify the House, by way of a statement, on the duly elected chairperson and vice chairperson of a Committee following an election.

STANDING ORDER 181

Standing Order 181 was amended to incorporate text messages and alerts through electronic means as modes of notifying Members of the agenda of a meeting.

STANDING ORDER 183

Standing Order 183 was deleted and substituted with a new Standing Order to provide for establishment, membership, quorum and responsibilities of subcommittees.

STANDING ORDER 193

Standing Order 193 was amended to require a Member intending to remove the Chairperson of a Committee to give written notice and to preclude any Member who has signed the notice in support of the removal from withdrawing their signature.

STANDING ORDER 199

Standing Order 199 was amended to substitute reference to a “Minority Report” with “Minority Opinion”.

STANDING ORDER 200

Standing Order 200 was amended to require committees to submit quarterly progress reports to the Liaison committee.

STANDING ORDER 200A

Standing Order 200A was amended to require each committee to table in the House an exit report at the end of the term of the committee.

STANDING ORDER 204

Standing Order 204 was amended to reduce the membership of the Committee on Appointments from twenty-three (23) to twenty-one (21) Members.

STANDING ORDER 205

Standing Order 205 be amended to reserve the chairing of the Public Accounts Committee for the parties not forming the National Government and to provide for the committee constituted after a general election to serve for three years and the subsequent committee to serve for two years.

STANDING ORDER 205A

Standing Order 205A was amended to:

- a) limit the mandate of the Special Funds Accounts Committee to the examination of the audit reports of specific Funds established by statute or subsidiary legislation;
- b) empower the Speaker to issue a Schedule specifying the Funds falling within the mandate of the Committee at the beginning of a term Parliament or at any other time, and
- c) provide for the committee constituted after a general election to serve for three (3) years and the subsequent committee to serve for two (2) years.

NEW STANDING ORDER 205B

A new Standing Order 205B was inserted immediately after Standing Order 205A to establish a new committee on Decentralized Funds Accounts Committee mandated to examine the audited accounts of the National Government Constituencies Development Fund (NGCDF), National Government Affirmative Action Fund (NGAAF) and their respective Boards. The amendment also provided that the committee constituted after a general election serves for three (3) years and the subsequent one to serve for two (2) years.

STANDING ORDER 206, NEW STANDING ORDERS 206A, 206B, 206C

Standing Order 206 was amended, and New Standing Orders 206A, 206B, and 206C were introduced to:

- a) split the mandate of the Public Investments Committee into three by establishing a specific Committee to examine the audit reports of State Corporations in the governance and education; commercial affairs and energy; and social services, administration and agriculture sectors;
- b) require the Speaker to issue a schedule specifying the State Corporations falling within the mandate of the Committees for the guidance of the House;
- c) reserve the chairing of the Committees to the parliamentary parties not forming the National Government;
- d) provide a sunset provision requiring the House to reconsider the existence of the Committees as structured at the end of every term of Parliament; and
- e) provide for the committee constituted after a general election to serve for three years and the subsequent committee to serve for two years.

NEW STANDING ORDER 207A

A new Standing Order 207A was inserted immediately after Standing Order 207 to establish a committee on Public Debt and Privatization Committee to interrogate matters relating to the national debt and the privatization of national assets; to reserve the chairing of the committee to parliamentary parties not forming the National Government; and to provide for the committee constituted after a general election to serve for three years and the subsequent committee to serve for two years.

STANDING ORDER 208

Standing Order 208 was amended to reduce the membership of the Procedure and House Rules Committee from twenty-three (23) to twenty-one (21) Members and to provide for the committee constituted after a general election to serve for three years and the subsequent committee to serve for two years.

NEW STANDING ORDER 208A

A new Standing Order 208A was inserted immediately after Standing Order 208 to establish a Public Petitions Committee to consider petitions to the House and make recommendations on petitions to be debated.

NEW STANDING ORDER 208B

A new Standing Order 208B was inserted immediately after the new Standing Order 208A to establish a Diaspora Affairs and Migrant Workers Committee to consider matters relating to migrant workers and other citizens abroad.

STANDING ORDER 209

Standing Order 209 was amended to reduce the membership of the Committee on Implementation from twenty-three (23) to twenty-one (21) Members.

STANDING ORDER 210

Standing Order 210 was amended to reduce the membership of the Committee on Delegated Legislation from twenty-three (23) to twenty-one (21) Members, provide for submission of a

report on approved statutory instruments to the House on a quarterly basis, and to provide for the committee constituted after a general election to serve for three years and the subsequent committee to serve for two years. Additionally, where the House annuls a statutory instrument, the responsible body is required to publish the annulment and submit to the Clerk evidence of such annulment.

STANDING ORDER 212

Standing Order 212 was amended to reduce the membership of the Committee on Regional Integration from twenty-three (23) to twenty-one (21) Members, and to provide for the committee constituted after a general election to serve for three years and the subsequent committee to serve for two years.

STANDING ORDER 212C

Standing Order 212C was amended to reduce the membership of the Committee on National Cohesion and Equal Opportunity from twenty-three (23) to twenty-one (21) Members, and to provide for the committee constituted after a general election to serve for three years and the subsequent committee to serve for two years.

STANDING ORDER 212D

Standing Order 212D was amended to reduce the membership of the Committee on Parliamentary Broadcasting and Library from twenty-three (23) to twenty-one Members.

STANDING ORDER 213

Standing Order 213(3) was amended to require the Committee on Selection to take into account the interests of parties other than parliamentary parties and Independents when constituting joint Committees of Parliament.

STANDING ORDER 216

Standing Order 216 was amended to cap the membership of Departmental Committees to fifteen Members; and to require them to monitor implementation of the budget on a quarterly basis.

STANDING ORDER 223

Standing Order 223 was amended to require petitioners to attach evidence of their efforts to have matters addressed by other relevant bodies and any court pleadings if the matters are pending in court.

STANDING ORDER 224

Standing Order 224 was deleted to allow the House to debate public petitions.

STANDING ORDER 227

Standing Order 227 was amended to require all petitions under Part XXIII to be referred to the Public Petitions Committee and to increase the period for consideration of public petitions from sixty (60) to ninety (90) days.

STANDING ORDER 232

Standing Order 232 was amended to remove references to the Debt Management Strategy which will be examined by the Committee on Public Debt and Privatization.

NEW STANDING ORDER 232A

A new Standing Order was inserted immediately after Standing Order 232 to provide for the consideration of the Debt Management Strategy by the Committee on Public Debt and Privatization.

STANDING ORDER 235

Standing Order 235 was amended to ensure sufficient information is provided to the House during the consideration of the Estimates in the Committee of Supply. This will aid Members to make informed decisions during the consideration of every Vote and Program under consideration in the Committee of Supply.

STANDING ORDER 240B

Standing Order 240B was amended to improve transparency in budgeting and provide for the exercise of the power to review the Estimates. The amendment sought to reflect the changes made by the House during the approval of an Appropriations Bill by noting the said changes in a detailed way at the level of Vote, Program, Project, Output and Target. Apart from being a record of the decisions of the House, this information will be communicated to the National Treasury promptly to ensure the changes intended by the House are reflected in the actual implementation of the budget by the Executive.

STANDING ORDER 243

Standing Order 243 was amended to prescribe the procedure applicable for seeking approval from the National Assembly with regard to money already withdrawn and spent by the National Government pursuant to Article 223 of the Constitution.

STANDING ORDER 245

Standing Order 245 was amended to align the Standing Order with the provisions of the Public Finance Management Act on the date by which the Finance Bill should be passed.

NEW STANDING ORDER 245A

Standing Orders was amended to provide for Budget implementation monitoring by the Budget and Appropriations Committee and all Departmental Committees.

STANDING ORDER 248

Standing Order 248 was amended to require the preparation of Hansard Reports of the proceedings of Committees within seventy-two (72) hours in which evidence is given.

STANDING ORDER 249

Standing Order 249 was amended to provide for the exclusion of secret matters from the

proceedings of committees.

STANDING ORDER 250

Standing Order 250 was amended to provide for the broadcast of the proceedings of committees.

STANDING ORDER 252

Standing Order 252 was amended to provide the applicable procedure where a witness requests for in-camera proceedings.

NEW STANDING ORDERS 259B, 259C, 259D, 259E, 259F and 259G

The Standing Orders were amended by inserting new Standing Orders 259B, 259C, 259D, 259E, 259F and 259G immediately after Standing Order 259A to provide for the recognition of a Caucus of Independent Members; rules regarding the formation of Ad hoc Committees; the procedure of giving Tributes of the House; the issuance of guidelines by the Speaker where the House is required to either nominate or appoint a person to a public office; Members to submit their Biodata to the Clerk and to require the Clerk to publish a Roll of Members who served in the National Assembly at the end of each term; and the manner of designating Ranking Members and the privileges attached to such designation.

SECOND SCHEDULE

The Second Schedule was amended to provide for mandates of departmental committees pursuant to Standing Order 216.

NEW NINTH AND TENTH SCHEDULES

New Ninth and Tenth Schedules were introduced to provide for a new Form of Nomination Paper under Standing Order 5(3A) and a Biodata Form for Members under Standing Order 259E.



Published by:

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Nairobi, Kenya.

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