



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT— (THIRD SESSION)  
THE NATIONAL ASSEMBLY  
COMMUNICATION FROM THE CHAIR**

\_\_\_\_\_ (No. 065 of 2024) \_\_\_\_\_

**ON**

**A LEGISLATIVE PROPOSAL TO AMEND THE CONSTITUTION**

**Honourable Members,**

1. I wish to bring to the attention of the House that I have received a legislative proposal intending to amend the Constitution to entrench the **National Government Constituencies Decentralized Development Fund**, the **Senate Oversight Fund**, and the **National Government Affirmative Action Fund** in the Constitution. The proposal is **co-sponsored** by the Member for Ainabkoi, the **Hon. Samuel Chepkong'a, MP**, and the Member for Rarieda, the **Hon. (Dr.) Otiende Amolo, MP**.

2. **Hon. Members**, The procedure for amending the Constitution through parliamentary initiative is provided for under Article 256 of the Constitution. Standing Order 114 (7A) actualizes this procedure in the National Assembly by providing that, and I quote—

*"114(7A) In respect of a proposal to amend the Constitution—*

*(a) the proposal shall be accompanied by the signatures of at least 50 other Members in support, unless it is sponsored by the Majority Party or the Minority Party;*

*(b) where the Speaker approves the prepublication scrutiny of the proposal, the speaker shall notify the House of the approval and may—*

- (i) allow the sponsor to make a statement on the objectives of the proposal;*
  - (ii) allow comments on the statement made by the Member;*
  - (iii) facilitate collation of the views from the comments of Members at an appropriate forum; and,*
  - (iv) invite Members with similar or related proposals to make submissions before the committee to which the proposal is referred.*
- (c) the forum or the committee to which the legislative proposal is referred under subparagraph (b) shall—*
- (i) invite and consider submissions from the Attorney General; the commissions and independent offices established under Chapter Fifteen of the Constitution and any constitutional or statutory body with a law reform mandate; and*
  - (ii) in consultation with the sponsor, attempt to develop and recommend a harmonized version of the proposal arising from the submissions received.”*

**3. Hon. Members,** having obtained **signatures of 258 Members** of this House, the proposal submitted by Hon. Chepkong’ a and Hon. Otiende Amolo, MP, complies with the first part of Standing Order 114(7A). Consequently, as your Speaker, my obligation is to facilitate the rest of the processes as provided for in the Standing Orders.

**4. Honourable Members,** You will recall that the House has previously been seized of an essentially similar proposal to amend the Constitution co-sponsored by the Member for Matungulu, the Hon. Stephen Mule MP and the Member for Gichugu, the Hon. Githinji Gichimu, MP. With regard to this earlier proposal, I allowed the Hon. Mule and the Hon. Gichimu to make statements on the objectives of the proposal and further allowed comments from Members on the proposal.



5. Additionally, this House passed a **Resolution on 24<sup>th</sup> November 2022 on the *Establishment of a Joint Parliamentary ad hoc Committee on a Proposal to Amend the Constitution to entrench certain Specialised Funds***. Notably, the Hon. Chepkong'a was the Co-Chairperson of the Committee which was expected to collate the views of Members of both Houses and develop or recommend a harmonized version of the proposal.
6. **Hon. Members**, The *Joint Parliamentary ad hoc Committee* was, unfortunately, unable to conclude its work and table a Report. This was despite the Hon. Chepkong'a seeking a 90-day extension for the Committee, which I acceded to on **23<sup>rd</sup> March, 2023**. Presently, it would seem that the work of the *Joint Parliamentary ad hoc Committee* and the active representation of the House in NGCDF litigation matters by the co-sponsors may have informed their decision to introduce the current proposal.
7. **Hon. Members**, As your Speaker, part of my obligation is to facilitate the legislative process as provided for in the Standing Orders. In this regard and in keeping with the requirements of Standing Order 114(7A), I have approved the request by the Hon. Chepkong'a and the Hon. Otiende to make very brief statements on the objects of the proposal during this afternoon's sitting.
8. Noting that Members ventilated at length on the issue of entrenching NGCDF and other related Funds in the Constitution while considering the earlier proposal by the Hon. Mule and the Hon. Gichimu, I shall limit the comments on the proposal for the convenience of the House.
9. **Hon. Members**, This proposal and the earlier proposal introduced by the Hon. Mule and the Hon. Gichimu shall thereafter stand committed to the Departmental Committee on Justice and Legal Affairs for consideration. As required by Standing Order 114(7A)(c), the Committee shall expeditiously invite and consider submissions from the Attorney-General, the commissions and

independent offices established under Chapter Fifteen of the Constitution, and any other body with a law reform mandate.

10. Additionally, to avoid further delay, the Committee is directed to submit its recommendations on the proposals on or before **Tuesday, 11<sup>th</sup> February, 2024**, which is the date that the House is scheduled to resume for the Fourth Session.

**The House is accordingly guided.**

  
**THE RT. HON. (DR.) MOSES F.M. WETANG'ULA, EGH, MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**

Thursday, 5<sup>th</sup> December, 2024