



**REPUBLIC OF KENYA**

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**THIRTEENTH PARLIAMENT - (THIRD SESSION)**

**THE NATIONAL ASSEMBLY**

**COMMUNICATIONS FROM THE CHAIR**

*(No.66 of 2024)*

**ON THE CONSIDERATION OF THE PRESIDENT'S MEMORANDUM ON  
THE COUNTY ALLOCATION OF REVENUE BILL, 2024 (SENATE BILL NO.  
25 OF 2024)**

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**Honourable Members,**

1. I wish to notify the House that I am in receipt of a Message from the Senate on its consideration of the President's Memorandum on The County Allocation of Revenue Bill (Senate Bill No.25 of 2024). The Message from the Senate conveys its resolution on the President's Memorandum on the County Allocation of Revenue Bill, 2024 passed yesterday Wednesday, 4<sup>th</sup> December, 2024. The Message further conveys that the Senate passed the Bill with amendments.
2. **Hon. Members,** To give a background on this matter, you will recall that the President's Memorandum was informed by the rejection of the Finance Bill, 2024, which resulted in a revenue shortfall of approximately Kshs. 346 Billion which had to be shared between the national and county governments.
3. To this end, and in respect of the revenue shortfall to be borne by the county governments, on 10<sup>th</sup> July, 2024, His Excellency the President referred back the County Allocation of Revenue Bill, 2024 to the Senate for reconsideration pursuant to Article 115 of the Constitution. The President's Memorandum proposed that the equitable share of revenue for the financial year 2024/2025 be reduced by **Kshs. 20 Billion, from Kshs. 400 Billion as allocated by the Division of Revenue Act, 2024 to Kshs. 380 Billion.**

However, as Members are aware, last week, both Houses approved the mediated version of the Division of Revenue (Amendment) Bill, 2024 that allocated Kshs. **387 Billion** as the equitable share of revenue for the financial year 2024/25. The Bill was subsequently assented to yesterday, 4<sup>th</sup> December, 2024 by His Excellency the President.

4. **Honourable Members**, with this background, I wish to guide the House on the manner of consideration of the President's Memorandum. Article 115 of the Constitution as read with Standing Order 154 provides for the manner of consideration of a President's Memorandum. Article 115 provides that the Assembly shall either pass a Bill with amendments that **fully accommodate** the President's reservations or with amendments that **do not fully accommodate** the President's reservations.
5. Where the House passes a Bill with amendments that fully accommodate the President's reservations, the amendments must be supported by a **simple majority of the Members in the House, present and voting, in accordance with article 122(1) of the constitution**. This implies a majority of the members in the House present and voting. However, where the House passes a Bill without fully accommodating the President's reservations, the amendments must be supported by a vote supported **by two-thirds of all the Members of this House**.
6. **Hon. Members**, with the foregoing in mind, with respect of the President's Memorandum, the House must be cognizant that by assenting to the Division of Revenue (Amendment) Bill, 2024, His Excellency the President in effect consented to the decision to set the amount of Kshs. 387 Billion as the equitable share of revenue to the counties which is to be allocated among the counties.



7. The question of whether the passage of the County Allocation of Revenue Bill, 2024, based on the figure of 387 billion fully accommodates the Presidents reservations and recommendations becomes moot in light of the passage of the mediated version of the Division of Revenue (Amendment) Bill, 2024 and its subsequent assent by H. E. the President.
8. **Hon. Members** will note that by having assented to the **Division of Revenue (Amendment) Bill, 2024**, H. E. the President effectively agreed to the amount of Kshs. 387B being shared to and allocated to the counties. Indeed, it will be noted that representatives of the National Treasury participated in the Mediation and endorsed the agreed amount of the equitable share.
9. In light of the foregoing, I wish to guide that noting that the National treasury participated in the mediation and endorsed the agreed amount of the equitable share to the county governments and the fact that H.E. the President consented to the figure by assenting to the Division of Revenue (Amendment) Bill, 2024, agreement with the President's Memorandum on the County Allocation of Revenue Bill, 2024 only requires a simple majority of the Members present and voting, subject to the attainment of quorum.
10. Given the urgent need for the Houses of Parliament to dispense with the Bill, I have instructed the Clerk of the National Assembly to include the consideration of the President's reservation and the content of the Message from the Senate to the Bill in today's Order Paper for consideration. This will unlock the balance of shareable revenue payable to our forty-seven counties without any further legislative delays.

**The House is thus accordingly guided.**

**I thank you!**

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

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