



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

11<sup>TH</sup> PARLIAMENT

**ADDENDUM**

**TO THE**

**National Assembly**

**STANDING ORDERS**

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**Containing amendments made by the National Assembly on  
11<sup>th</sup> June 2014 and 28<sup>th</sup> August 2014 during the Second Session of  
the Eleventh Parliament**

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 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), Standing Order No. 241 (Pronouncement of the Budget Highlights and Revenue raising measures before the Budget and Appropriations Committee)

- (a) *The new Part VA (Admittance of Cabinet Secretaries) has now taken effect as follows—*

## **PART VA: ADMITTANCE OF CABINET SECRETARIES**

### **Application**

**25A.** This Part applies to the admission of Cabinet Secretaries in a suitable place in the House only for the purposes specified under Standing Order 25B.

### **Designation of a place and admittance of Cabinet Secretaries**

**25B.** The Speaker may designate a suitable place in the Chamber for the purposes of—

- (a) admitting any Cabinet Secretary for purposes of presentation of regular reports to the House contemplated under Article 153 of the Constitution;
- (b) admitting 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.

### **Public pronouncement of budget policy**

**25C.** Whenever the Cabinet Secretary responsible for finance makes a public pronouncement under Standing Order 25B (b) the Speaker shall not allow any questions or clarifications to the statement by the Cabinet Secretary.

### **Application of privileges law**

**25D.** The provisions of the National Assembly (Powers and Privileges) Act (Cap 6.) shall apply to a Cabinet Secretary admitted to the Chamber under this Part.

*(b) The text of the amended Standing Order 30 (Hours of meeting) is as follows<sup>1</sup>—*

**Hours of meeting**

**30.** (1) Unless the Speaker for the convenience of the House otherwise directs, the House shall meet at 9.30 a.m. on Wednesday and at 2.30 p.m. on Tuesday, Wednesday and Thursday, but more than one sitting may be directed during the same day.

(2) Unless for the convenience of the House, the Speaker or the Chairperson (as the case may be) directs earlier or later interruption of business, at 6.30 p.m. or (if it is an Allotted Day) at 7.00p.m, on the occasion of an afternoon sitting and at 1.00 p.m. on the occasion of a morning sitting, the Speaker or the Chairperson of Committees shall interrupt the business then under consideration and if the House is in Committee the Chairperson shall leave the Chair and report progress and ask for leave to sit again.

*(c) The text of the amended Standing Order 39 (Weekly programmes of the business of the National Assembly) is as follows<sup>2</sup>—*

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<sup>1</sup> New text shown in italics.

### **Weekly programmes of the business of the National Assembly**

**39.** The Clerk shall 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, and shall circulate such programmes to Members, State Departments, and the media not later than the Friday of the week preceding such business.

(d) *The text of the amended Standing Order 44 (Statement Hour) is as follows—*

### **Statements Hour**

**44.** (1) Notwithstanding Standing Order 39 (*Sequence of proceedings*), there shall be time, to be designated Statements Hour, every Thursday, commencing not later than 3.00 pm.

(2) During the Statements Hour—

- (a) a member of the House Business Committee designated by the Committee for that purpose shall, every Thursday or on the last sitting day, for not more than ten minutes, present and lay on the Table, a statement informing the House of the business coming before the House in the following week;
- (b) the Leader of the Majority Party or the Leader of the Minority Leader as the case may be, or their designees may make a statement relating to their

responsibilities in the House or the activities of a Committee.

(e) *The new Part XA (Cabinet Secretaries' Reports) (yet to take effect)*

## **PART XA: CABINET SECRETARIES' REPORTS**

### **Application**

**44A.** This Part applies to the presentation of regular reports to the House by Cabinet Secretaries concerning matters under their control, as contemplated under Article 153 of the Constitution.

### **Cabinet Secretaries' Reporting Time**

**44B.** (1) Notwithstanding Standing Order 40 (*Sequence of proceedings*), not later than 3.00 p.m every Wednesday, there shall be a time, to be designated as the Cabinet Secretaries' Reporting Time.

(2) During the Cabinet Secretaries' Reporting Time—

(a) the House shall, in accordance with Standing Order 44C (*Number of reports to be presented*), receive full reports from Cabinet Secretaries on matters under their control as envisaged under Article 153 of the Constitution;

(b) a Cabinet Secretary shall, in presenting the report under paragraph (a), give priority to addressing matters submitted to the Cabinet Secretary under Standing Order 44E (*Submission to the Cabinet Secretary*) in the order in which they were submitted, but shall not, unless with the permission of the Speaker, report on more than twenty requests;

- (c) the Speaker may allow a Cabinet Secretary to respond to clarifications sought by Members on specific matters arising from the report, but the Speaker may limit the number of clarifications sought on a particular matter.

### **Number of reports to be presented**

**44C.** (1) The presentation of reports during the Cabinet Secretaries Reporting Time shall—

- (a) be limited to presentation by not more than three Cabinet Secretaries;
- (b) not exceed two hours;
- (c) if made upon a request by a member pursuant to Standing Order 44D (member to make request), address only the matters specified in the request;
- (d) 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 pursuant to Standing Order 44D (*member to make request*).

(2) Notwithstanding paragraph (1), the Speaker may, in exceptional circumstances—

- (a) allow more than three Cabinet Secretaries to present reports on a particular day;
- (b) extend the time for submission of reports by a maximum of one more hour.

(3) A Cabinet Secretary shall, at least two days before the day of presentation of a report, or such other period as the



Speaker may allow, submit thirty copies of the report to the Clerk.

**Member to make request**

**44D.** (1) A Member may, with the approval of the Speaker, request a particular Cabinet Secretary to provide a report to the House, but the Speaker may decline to allow a request unless satisfied that the matter—

- (a) is of a national scope;
- (b) falls within the competence of not more than one Cabinet Secretary;
- (c) due to its nature or urgency, may not be properly addressed in ordinary works of reference or official publications;
- (d) seeks information which is not readily available in ordinary works of reference or official publications;
- (e) does not suggest its own answer;
- (f) seeks information or presses for action, but not as a pretext for debate or argument;
- (g) does not seek an opinion on a question of law;
- (h) does not fall within the jurisdiction of county governments as contemplated under Part II of the Fourth Schedule to the Constitution;
- (i) refers to a matter which is not before a Committee;
- (j) relates to a matter which is not *sub judice*, within the meaning of Standing Order 89 (Matters *sub judice*);

- (k) relates to a matter whose reply has been given, pursuant to paragraph (2); and
- (l) refers to a matter which has not been addressed by a Cabinet Secretary in a report to the House under this Part, in the same Session.

(2) Where the Speaker refuses to allow a request under paragraph (1), a Member may request for a written reply to the matter from the relevant Cabinet Secretary, and the Clerk shall forward the request to the relevant Cabinet Secretary.

(3) The Speaker may if—

- (a) satisfied that the response sufficiently address the matters specified in the request, direct the Clerk to cause the reply submitted to be included in the Official Report of the House Debates of the next sitting day following the day on which the reply is received or as soon as possible thereafter; or
- (b) satisfied that the response does not sufficiently address the matters specified in the request, refer a reply submitted under paragraph (2) to the relevant Departmental Committee for further consideration by the Committee.

### **Submission to the Cabinet Secretary**

**44E.** Following the approval by the Speaker under Standing Order 44D (*Member to make request*), the Clerk shall, within forty-eight hours, submit the request to the relevant Cabinet Secretary for inclusion in the report to the House.

### **Scheduling of reporting**

**44F.** (1) The Leader of the Majority Party shall submit to the Speaker for approval a schedule containing the order in which Cabinet Secretaries shall present their reports to the House under this Part and upon approval, the Schedule shall form part of items to be presented to the House under Standing Order 44(2) (a).

(2) The Speaker may, for the convenience of the House, vary the Schedule under paragraph (1).

(f) *The new Part XXIA (The Committee on General Oversight), inserted immediately before Part XXII, has now taken effect as follows—*

## **NEW PART XXIA: THE COMMITTEE ON GENERAL OVERSIGHT**

### **Establishment**

**170A.** (1) There is established a Committee to be known as the Committee on General Oversight comprising of all Members of the National Assembly to which Cabinet Secretaries shall attend and answer any question concerning matters for which they are responsible pursuant to Article 153(3) of the Constitution.

(2) The Speaker shall be the Chairperson of the Committee on General Oversight, and the Deputy speaker may, in the absence of the Speaker, preside over the Committee.

### **Quorum**

**170B.** (1) A Meeting of the Committee on General Oversight shall not commence unless there are present not less than sixteen

Members, excluding the person presiding, but a meeting of the Committee may thereafter continue despite there being less than sixteen Members present, unless in exceptional circumstances, the Speaker is of the view that the agenda of such meeting requires not less than fifty Members to be present.

(2) The provision of Standing Order 34 (2) (*Quorum at the commencement of the House*) and Standing Order 185 (*Adjournment for lack of quorum*) shall apply to the commencement of meetings of the Committee.

## **Mandate**

**170C.** (1) Pursuant to the provisions of Article 153(3) of the Constitution, a Cabinet Secretary shall attend before the Committee on General Oversight to answer any question concerning a matter for which the Cabinet Secretary is responsible.

(2) Paragraph (1) does not preclude any other Committee of the House from requiring the attendance of a Cabinet Secretary before it, but not for the purposes of answering questions as provided for under this Part.

(3) The Clerk shall notify the Cabinet Secretaries on the Questions intended to be addressed, at least seven days before the day of the meeting, but the Speaker may certify a Question to be urgent, in which case it may be replied to as soon as the Speaker may recommend in accordance with Standing Order 170G (*Questions by Private Notice*).

(4) The Committee may invite more than one Cabinet Secretary so as to allow the Cabinet Secretaries to answer matters relating to more than one State Department in one sitting of the Committee, but not more than three Cabinet Secretaries may be required to appear before the Committee at such meeting.

(5) The Committee on General Oversight shall invite the Member who had given a notice of the Questions to be replied to in the Committee.

### **Meetings of the Committee**

**170D.** (1) Unless for the convenience of the House and the Committee, the Speaker otherwise directs, the Committee on General Oversight shall meet every Tuesday, commencing at 10.00am, but a meeting of the Committee shall not continue after 12.30pm.

(2) The Committee shall not meet when the House is on recess.

### **The Agenda of the Committee**

**170E.** (1) The Leader of the Majority Party shall, in consultation with the Speaker, determine the agenda of the Committee, including the list and order in which Cabinet Secretaries shall appear to answer Questions before the Committee.

(2) The Agenda of the Committee, showing the schedule of Questions listed for response and the Order in which questions shall be taken shall be appended on the Order Paper of every Tuesday of the week when the House is sitting.

(3) The Speaker may, on request of the Leader of the Majority Party vary the order in which Questions shall be disposed of in the Committee, or defer a question scheduled to be responded to.

(4) The Leader of the Majority Party shall, 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**

**170F.** (1) Notices of Questions relating to issues of concern to the people shall be given by Members in writing to the Clerk and the Clerk shall, having satisfied himself/herself that the notice satisfies the requirement of the Standing Order 170H (*General Rules of Questions for the Committee*) submit the notice to the Speaker for approval.

(2) A Member desiring to ask a Question before the Committee on General Oversight shall hand to the Clerk the written request, at least ten days before the day the Member intends to have the Question addressed in the Committee.

(3) Following the approval of the Speaker under paragraph (1), the Clerk shall, within forty-eight hours, submit the request to the relevant Cabinet Secretary.

### **Questions by Private Notice**

**170G.** (1) Despite Standing Order 170F (*Notices of Questions*), the Speaker may allow a Member to also ask a question which in the opinion of the Speaker is of urgent character or relates to exceptionally important issues of concern to the people.

(2) A Member wishing to ask a question by private notice shall hand to the Clerk a notice of the Question at least twenty four hours before time scheduled for replies, but the question shall not be allowed unless it falls within the matters for which a Cabinet Secretary scheduled to attend before the Committee the following day, is responsible.

(3) The Speaker may, 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.

(4) At the commencement of a meeting of the Committee, the Speaker shall inform the Committee of any approved questions by private notice and may allot time for their replies on the same sitting and, where practicable, such questions may be included in a revised agenda to be circulated.

### **General rules on Questions for the Committee**

**170H.** (1) These rules apply to questions, including supplementary questions.

(2) Except as the Speaker may otherwise allow, a question by a Member shall 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.

(3) The facts on which the Question is based may be set out briefly, provided the Member takes responsibility for their accuracy, but extracts from newspapers or quotations from speeches shall not be admissible.

(4) A Question shall not contain any argument, inference, opinion, imputation or ironical or offensive expression or epithet and shall not seek an expression of opinion.

(5) A Question shall 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.

(6) Not more than one subject shall be referred to in any one Question, and a question to the Committee on General Oversight shall not be of excessive length.

(7) A Question shall neither include the name of any person or any statement not strictly necessary to render the question intelligible, nor shall it contain any allegation, which the Member is not prepared to substantiate.

(8) A Question shall not be made which makes or implies any allegation of a personal nature or which reflects 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.

(9) Reference shall not be made in a Question to any particular matter which is *sub judice*, and in determining whether a matter is *sub judice*, Standing Order 89 (*Matters sub judice or secret*) shall apply.

(10) A Question shall not seek information which, by operation of any written law, is secret.



(11) A Question, the answer to which falls within the oversight functions of County Assemblies as contemplated under Article 185(3) and the Fourth Schedule of the Constitution, shall not be made.

(12) A Question, the answer to which is readily available in ordinary works of reference or official publications, shall not be made.

(13) A Question shall 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 shall not refer to proceedings of a Select Committee before that Committee has made its report to the House.

### **Rules of debate and Manner of disposing question in the Committee**

**170I.** (1) The rules of debate applicable in the Chamber shall apply, with necessary modifications, to the consideration of questions before the Committee.

(2) Each Cabinet Secretary shall provide five copies of the reply at least a day before the meeting of the Committee and may also provide electronic copies of the reply.

(3) Subject to Standing Order 170F (*Notices of Questions*), Questions shall be disposed of in the sequence appearing in the Order Paper.

(4) Not more than five questions may be put down for reply to a particular Cabinet Secretary at any one sitting.

(5) The Speaker may allow the questioner to put up to two supplementary questions, and may permit up to four other Members to ask further supplementary questions in so far they relate to the original question.

(6) The question may be answered only if the questioner is present, but if the Questioner is absent without the Speaker's authority, the question shall be answered in writing, in which case, the Cabinet Secretary shall table the reply before the Committee and no further proceedings shall be allowed.

(7) The Speaker may defer a question not reached, or any other question appearing in the Order Paper to another time on the same day or to another day.

(8) At a meeting of the Committee, the person presiding shall be addressed as the Speaker or Deputy Speaker, as the case may be.

### **Questions for written reply**

**170J.** The Speaker may direct that a written answer be provided in respect of a particular question, in which case the Clerk shall forward the question to the relevant Cabinet Secretary for reply and thereafter provide the written reply to the Member who gave notice.

### **Proceedings to be recorded**

**170 K.** Proceedings of the Committee shall be recorded verbatim and included in the Votes and Proceedings of the House and the official *Hansard* record, and also covered live.

### **Application of privileges law**

**170L.** The provisions of the National Assembly (Powers and Privileges) Act shall apply to a Cabinet Secretary admitted to the Committee on General Oversight.

- (g) *The text of the amended Standing Order 241 (Pronouncement of the Budget highlights and Revenue raising measures before the Budget and Appropriations Committee) is as follows—*

**Pronouncement of the Budget highlights and Revenue raising measures before the Budget and Appropriations Committee**

**241.** (1) The Cabinet Secretary responsible for Finance shall, in accordance with Standing Order 25B (Designation of a place and admittance of Cabinet Secretaries) and in accordance with the Public Finance Management Act, make a public pronouncement of the budget policy highlights and revenue raising measures for the national government.

(2) On the same date that the budget policy highlights and revenue raising measures are pronounced, the Cabinet Secretary shall submit 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.

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