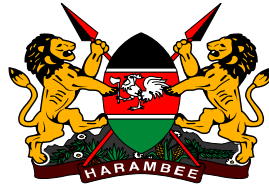


# REPUBLIC OF KENYA



## ELEVENTH PARLIAMENT

### THE NATIONAL ASSEMBLY – (FOURTH SESSION) No. 001

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#### COMMUNICATION FROM THE CHAIR: ON RECONSTITUTION OF THE PUBLIC ACCOUNTS COMMITTEE

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**Honourable Members,**

Today's sitting marks the beginning of the Fourth Session of the Eleventh Parliament. I therefore take this opportunity to welcome you all back to the National Assembly.

**Honourable Members,**

On **December 17, 2015**, I issued a Communication wherein, *inter alia*, I encouraged the Budget and Appropriations Committee, the Public Accounts Committee and the Public Investments Committee to conclude any pending matters as their terms would come to an end upon commencement of the Fourth Session in accordance with our Standing Orders. In reaction to this, the Chairperson of the Public Accounts Committee (PAC), in a letter dated **December 17, 2015** addressed to the Speaker of the National Assembly, expressed the view that the current PAC ought to serve for the remainder of the parliamentary term as it meets the provisions of Standing Order 205(6). This is on the rationale that the current PAC is **newly** reconstituted following the disbandment of the Committee earlier established in 2013 under Standing Order 205.

**Hon. Members,** Standing Order 205(6) states and I quote;

*"The Public Accounts Committee constituted immediately following the general election shall serve for a period of three calendar years and that constituted thereafter shall serve for the remainder of the parliamentary term."*

The first PAC in the Eleventh Parliament was constituted on May 16, 2013. However, following allegations of breach of privilege and/or code of conduct by its membership, the Committee of Privileges, in its Second Report, recommended that the House resolves to rescind its resolution of May 16, 2013 and that the Committee on Selection proposes another list of membership for the PAC. Consequently, following the adoption of the said Second Report of the Committee of Privileges in April 2015, the PAC was reconstituted. Key among the recommendations of the report was the exclusion of five (5) Members from nomination to the PAC (R321) but only for the period of the Third Session (R322).

This was perhaps meant to cater for instances where a reconstitution may be occasioned by other conditions including resignation of Members from a Committee or upon discharge of a Member(s) from a Committee under Standing Order 176.

**Hon. Members**, the Motion for the reconstitution of the Committee was passed on April 22, 2015. Effectively therefore, the inaugural Public Accounts Committee served between the period May 16, 2013 to April 2015 while the successive Committee began its period of service on April 22, 2015. Standing Order 205 contemplates a term of Parliament to be served broadly by two successive Committees each not going beyond a period of three years. The current Committee has to date only served a period of less than one year.

Indeed, a Committee of the House only exists and has power to act, so far as expressly directed by the House which brings it into being. While not negating the provisions of Standing Order 205 and the power of the House to appoint Members to Committees, a unique situation may arise where for the convenience of the House and smooth operations, a request from a Committee should be considered as is the case here, where

the Public Accounts Committee as appointed by the House on April 22, 2015 is asking to serve the remainder of the parliamentary term as envisaged in the Standing Orders.

Consequently;

- (i) **It is my considered view that the Committee that was appointed by the House on April 22, 2015 meets all the requirements for appointment of Members to the Committee and therefore satisfies the provisions of Standing Order 205(6) and need not be reconstituted;**
- (ii) It is observed that any disruption of the operations of the Committee as currently constituted may adversely affect its work noting that it is less than one year since the Committee was reconstituted and the committee has enormous workload to dispense off some of which have a direct implication on the budgetary process and operation of the devolved governments; and
- (iii) The Committee on Selection is hereby directed to expedite the nomination of Members to the Budget and Appropriations Committee, the Public Investments Committee, the Committee of Privileges and the Committee on Appointment for approval by the House.

I thank you.

**THE HON. JUSTIN B.N. MUTURI, EGH, MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**

**February 09, 2016**