

REPUBLIC OF KENYA



ELEVENTH PARLIAMENT

THE NATIONAL ASSEMBLY – (FOURTH SESSION)

COMMUNICATIONS FROM THE CHAIR

(No. 69 of 2016)

COMMUNICATION ON THE MANNER OF RECOMMITTING CLAUSES OF A BILL, IN RESPECT OF THE RE-COMMITTAL OF THE ELECTION LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2015)

Honourable Members, before we resume business on Order No. 8, I wish to address one issue, out of the many issues that were raised in the House on Tuesday this week during the morning sitting. That issue relates to the question of procedure for *re-committal* of clauses of a Bill as raised by the Member for Laikipia East, the Hon. Anthony Kimaru and partly also sought by the Member for Ruaraka, the Hon. Tom Joseph Kajwang', MP.

Honourable Members, the Member for Laikipia East was of the view that a motion to recommit a clause ought to be moved in the Committee of the Whole House as opposed to the plenary after the Bill is reported. May I draw your attention to the provisions of Standing Order 136(3), which reads as follows and I quote-

(3) A Member who desires to delete or amend any provision contained in a Bill, or to introduce a new provision in the Bill under paragraph (2) may propose any amendment to add, at the end of a Motion under paragraph (1), the words "subject to the re-committal of the Bill (in respect of some specified part or of some proposed new clause or new schedule) to a Committee of the whole House," and if that Motion is agreed to with such an amendment, the Bill shall stand so re-committed and the House shall either forthwith or upon

a day named by the House Business Committee in consultation with the Member in charge of the Bill dissolve itself into a Committee to consider the matters so re-committed.

Honourable Members, the reading of that provision of the Standing Order is clear that the *recommital* process commences upon resumption of the House and after the question for the motion for agreement with the report of the Committee of the Whole House is proposed. That is exactly what the Leader of the Majority did during the morning sitting. Indeed, the Committee of the Whole House on Thursday, 1st December, 2016 considered the said Bill but the motion on the agreement with the report of the Committee of the whole House was not made. It is However a matter of **good practice**, but **NOT** mandatory, that the intention to recommit a clause is notified to the Chairperson of the Committee of the Whole House. This therefore settles that question of procedure.

I thank you, Honourable Members

THE HON. JUSTIN B. N. MUTURI, E.G.H., MP
SPEAKER OF THE NATIONAL ASSEMBLY

Thursday, December 22, 2016