

REPUBLIC OF KENYA



ELEVENTH PARLIAMENT (THIRD SESSION)

THE NATIONAL ASSEMBLY

COMMUNICATION FROM THE CHAIR

ON THE PROCEDURE FOR APPROVAL OF NAMES OF THE HOUSE  
BUSINESS COMMITTEE

**Hon. Members,**

Before we proceed with Order No. 8 being the motion for approval of Members of the House Business Committee, I wish to make the following communication-

Hon. Members, you will recall that, yesterday I guided the House that the provisions of standing Order 175 (1) and (2) applies to the process of nomination and approval of the Members of the House Business Committee. For clarity, Standing Order 175(1) and (2) reads as follows, and I quote-

*“175(1) The Selection Committee shall, within seven days upon nomination of Members to serve in any Committee of the House, present the list to the House for approval”*

*(2) Whenever a motion for approval of a list under paragraph (1) is moved in the House, no objection against the proposed membership of a Member in a select committee shall be permitted and objections, if any, shall be formulated against the proposed membership as a whole”*

**Hon. Members,** You will all agree with me that the plain reading of that rule applies to approval processes whose nomination are made by the Committee on Selection. However, the provisions of Standing Order 172 brings in new a different dimension. Paragraph (2) of that Standing Order reads as follows-

*“ The Committee on Selection shall nominate members to serve in committees, save for the Membership of the House Business Committee and the Committee on Appointments”*

**Hon. Members** This provision therefore explicitly precludes the Committee on Selection from the process of nomination of Members to serve in the House Business Committee and two

other committees. It therefore means that Standing Order 175, including the provision that the House cannot object to any name proposed for approval, **does NOT apply to the process of approval of names of Members of the House Business Committee, the committee on Appointments and by extension, the Committee on Selection.** However, **Hon. Members**, that exemption does not give the House the authority to originate the name of any member. Should you therefore wish to move any amendment to delete any name, then you are at liberty to do so, but not to replace such name with another one, since paragraph (d) of Standing order 171(1) vests the authority of originating the individual names with the parliamentary parties. Indeed, the 9<sup>th</sup> Parliament was faced with similar circumstances on 31<sup>st</sup> March, 2004 when the House rejected the entire list of Members of the House Business Committee and had to result to rescinding its decision having realised that it was technically impossible to operate without the House Business Committee for six months. The then Speaker, Hon. Francis Ole Kaparo guided that House that, instead of rejecting the entire list, the House should have either moved amendments to delete the specific names that they desired to remove, or have the vote taken individually to each name for the House to either approve or reject.

**Hon. Members**, In the case of the motion before us today, I now rule that it is in order for any Member to move amendments to delete any name or names proposed for appointment as Members of the House Business Committee, but not to replace such name or names. Any proposal for replacement must originate from the concerned parliamentary party.

We will therefore proceed with the debate that was interrupted yesterday afternoon.

**Thank you!**

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

**February 11, 2015**