



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT

(FIRST SESSION)

THE NATIONAL ASSEMBLY

THE PROCEDURE & HOUSE RULES COMMITTEE

FIRST REPORT

OF THE PROCEDURE & HOUSE RULES

COMMITTEE ON AMENDMENTS

TO THE STANDING ORDERS

(Submitted pursuant to Standing Order 262)

April 25, 2013

Clerk's Chambers
National Assembly
Parliament Buildings
NAIROBI

April, 2013

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PREFACE

Hon. Members,

The Procedure and House Rules Committee was constituted by the House on April 24, 2013 pursuant to provisions of Standing Order 208. The Committee is mandated to, amongst other matters, “*consider and report on all matters relating to the Standing Orders*”. The Committee is also mandated to propose amendments to the Standing Orders for consideration by the House. Further, the Committee may, from time to time, propose rules for the orderly and effective conduct of business of Committees. Such rules, once approved by the House have the same effect as the Standing Orders.

Hon. Members,

The Members of the Committee are-

1. The Hon. Justin B. Muturi, MP - Speaker of the National Assembly
2. The Hon. (Dr.) Joyce Laboso, MP - Deputy Speaker
3. The Hon. Moses Cheboi, M.P. - First Chairperson of Committees
4. The Hon. Rachael Shebesh, M.P. - Second Chairperson of Committees
5. The Hon. Tom J. Kajwang'. M.P. - Third Chairperson of Committees
6. The Hon. Jessica Mbalu, M.P. - Fourth Chairperson of Committees
7. The Hon. John M. Waiganjo, MP
8. The Hon. David Were, MP

9. The Hon. Amina Abdallah, MP
10. The Hon. Sanjeev Kour Birdi, MP
11. The Hon. (Prof) Hellen Sambili, MP
12. The Hon. Silas K. Tiren, MP
13. The Hon. Benson Mbai Itwiku, MP
14. The Hon. Abass Mohamed, MP
15. The Hon. Jimmy Angwenyi, MP
16. The Hon. Abdikadri Aden, MP
17. The Hon. Florence Mutua, MP
18. The Hon. Ben Momanyi, MP
19. The Hon. Ferdinand Wanyonyi, MP
20. The Hon. Mwamkale William Kamoti, MP
21. The Hon. Regina Muia, MP

Hon. Members,

During its first sitting on April 24, 2013, attention of the Committee was drawn to the need for the Committee to propose amendment to the House on some parts of the Standing Orders. Of urgent importance, are the Standing Orders providing for the sizes of Committees, that is the number of Members comprising a Committee. It is the view of the Committee on Selection that, it would be fair for each Member to be placed in at least one Departmental Committee, in addition to any other one Committee. This is owing to the interest shown by Members to join Departmental Committees and the Audit Committees.

In this regard, Committee considered various ways of arriving at the optimum thresholds necessary to accommodate the views of the

Committee on Selection. The Committee therefore resolved to propose amendments to Standing Orders 177 (Composition of Select Committees), 205 (Public Accounts Committee) and 206 (Public Investments Committee), to increase the lower limit of the membership of Committees from eleven Members to seventeen members. The Committee also agreed to increase the upper limit from nineteen to twenty nine members.

Further, the membership of Public Accounts Committee and Public Investments Committee will rise from a maximum of 17 to a maximum of 27 members. The membership of the Committee on Implementation, Committee on Delegated Legislation, Committee on Regional Integration and Constitutional Implementation Oversight Committee will rise from a maximum of 19 Members to a maximum of 29 Members. Similarly, the membership of the Departmental Committees will rise from a maximum of nineteen Members to twenty nine Members. The Committee also agreed that the Quorum of the said Committees be reviewed to nine (9) Members, up from five (5) Members.

The Committee further agreed to propose amendments to the Standing Order 18 (Presiding in the House) to enable Members of the Chairpersons' Panel to also preside in the House, assisting the Speaker and the Deputy Speaker.

Hon. Members,

It is therefore my pleasure to present and commend this report to the House for adoption.

THE HON. JUSTIN B.N MUTURI, MP
SPEAKER OF THE NATIONAL ASSEMBLY & CHAIRPERSON,
PROCEDURE AND HOUSE RULES COMMITTEE

Thursday, April 25, 2013

ACKNOWLEDGMENT

Hon. Members, on behalf of the Committee, I wish to sincerely thank the Members of the Committee for their commitment to the work of this Committee. Their commitment to accommodate the views of the Committee on Selection and expedite the submission of their Report to the House within in a day, only demonstrates the commitment of the Members of the Committee to facilitate the House and its Committee to fulfill their mandates.

We also thank the Office of the Clerk for facilitating the Committee to undertake this assignment.

ADOPTION OF THE REPORT

The following Members were present during the meeting to adopt this Report:-

1. The Hon. Moses Cheboi, M.P. - First Chairperson of Committees
2. The Hon. Tom J. Kajwang'. M.P. - Third Chairperson of Committees
3. The Hon. Jessica Mbalu, M.P. - Fourth Chairperson of Committees
4. The Hon. John M. Waiganjo, MP
5. The Hon. David Were, MP
6. The Hon. (Prof) Hellen Sambili, MP
7. The Hon. Silas K. Tiren, MP
8. The Hon. Benson Mbai Itwiku, MP
9. The Hon. Abass Mohamed, MP
10. The Hon. Jimmy Angwenyi, MP
11. The Hon. Abdikadri Aden, MP
12. The Hon. Florence Mutua, MP
13. The Hon. Ben Momanyi, MP
14. The Hon. Ferdinand Wanyonyi, MP
15. The Hon. Mwamkale William Kamoti, MP

The Report was adopted **unanimously** by all Members present. The Committee also resolved to submit the Report to the House in the afternoon of the same day, April 25, 2013 and move a motion seeking the approval of the House.

FIRST REPORT OF THE PROCEDURE AND HOUSE RULES COMMITTEE

I. MEMBERSHIP OF THE COMMITTEE

The Committee comprises of the following Members-

1. The Hon. Justin B. Muturi, MP - Speaker of the National Assembly
2. The Hon. (Dr.) Joyce Laboso, MP - Deputy Speaker
3. The Hon. Moses Cheboi, M.P. - First Chairperson of Committees
4. The Hon. Rachael Shebesh, M.P. - Second Chairperson of Committees
5. The Hon. Tom J. Kajwang'. M.P. - Third Chairperson of Committees
6. The Hon. Jessica Mbalu, M.P. - Fourth Chairperson of Committees
7. The Hon. John M. Waiganjo, MP
8. The Hon. David Were, MP
9. The Hon. Amina Abdallah, MP
10. The Hon. Sanjeev Kaur Birdi, MP
11. The Hon. (Prof) Hellen Sambili, MP
12. The Hon. Silas K. Tiren, MP
13. The Hon. Benson Mbai Itwiku, MP
14. The Hon. Abass Mohamed, MP
15. The Hon. Jimmy Angwenyi, MP
16. The Hon. Abdikadri Aden, MP
17. The Hon. Florence Mutua, MP
18. The Hon. Ben Momanyi, MP
19. The Hon. Ferdinand Wanyonyi, MP

20. The Hon. Mwamkale William Kamoti, MP

21. The Hon. Regina Muia, MP

II. MANDATE OF THE COMMITTEE

The Committee is mandated to, amongst other matters, “consider and report on all matters relating to the Standing Orders”

The Committee is also mandated to propose amendments to the Standing Orders for consideration by the House. Further, the Committee may, from time to time, propose rules for the orderly and effective conduct of business of Committees. Such rules, once approved by the House have the same effect as the Standing Orders.

III. PROPOSED AMENDMENTS TO THE STANDING ORDERS

During its first meeting on April 24, 2013, attention of the Committee was drawn to the need for the Committee to propose amendment to the House on some parts of the Standing Orders. Of urgent importance are the Standing Orders providing for the sizes of Committees (the number of Members comprising a Committee). It was reported that the Committee on Selection was of the view that:-

- (i) it would be fair for each member to sit in at least two Committees- a Departmental Committee, in addition to any other one Committee. This is owing to the interest shown by Members to join Departmental Committees and the Audit Committees (Public Accounts and the Public Investments Committee);

(ii) to raise the quorum from five (5) to nine (9) Members;

The Committee requested the Committee on Selection to take cognizance of the fact that in allocating memberships to Committees, such as the Committee on Selection, Appointments, House Business and Procedure & House Rules Committee are not as active as other Select Committees. Therefore, those Members who have been nominated to serve on such Committees would not forfeit the opportunity to be appointed in other Committees.

The Committee considered various ways of arriving at the optimum thresholds necessary to accommodate the views of the Committee on Selection. The Committee therefore resolved to propose amendments to Standing Orders 177 (*Composition of Select Committees*), 205 (*Public Accounts Committee*) and 206 (*Public Investments Committee*), to increase the upper limit of the membership by ten positions. In this regard, It was resolved that the membership of the Public Investments Committee and the Public Accounts Committee be expanded from the current maximum of 17 Members to a maximum of 27 Members and the Departmental Committees from the current maximum of 19 Members to a maximum of 29 Members.

It was also agreed that the Quorum of the said Committees be reviewed to nine (9) Members, from five (5) Members.

The Committee also agreed to propose amendments to the Standing Order 18 to enable Members of the Chairpersons' Panel to also preside in the House, assisting the Speaker and the Deputy Speaker.

IV. MANNER OF AMENDING THE STANDING ORDERS

Procedure of Amending the Standing Orders

Standing Orders provide three avenues through which they can be amended, namely:-

- (i) The Procedure and House Rules Committee can propose amendments anytime;
- (ii) Amendment on the Initiative of a Member; and,
- (iii) Periodic Review by the Procedure and House Rules Committee.

Commencement of proposed amendments

Proposed Amendments to the Standing Orders take effect at the time appointed by the House, after approval.

V. RECOMMENDATIONS

The Committee therefore recommends-

A. **THAT**, the House resolves to amend the Standing Orders(*First Edition*) as follows-

Standing Order 18

1. **THAT**, Standing Order 18 be amended as follows-
 - (i) by renumbering Standing Order as 18(1);

- (ii) by inserting a new paragraph 18(2) to read as follows-
- (2) The approval of the First, Second, Third and Fourth Chairperson of Committees under Standing Orders 16 (Chairperson’s Panel) shall be deemed to constitute an election for purposes of paragraph (a) and either the First, Second, Third or Fourth Chairperson of Committees may preside over the House in the absence of the Speaker and the Deputy Speaker.**

Standing Order 177

2. **THAT**, Standing Order 177 be amended by deleting the words **“being not less than eleven and not more than nineteen”** and inserting therefor the words **“being not less than seventeen and not more than twenty nine”** .

Standing Order 178

3. **THAT**, Standing Order 178 be amended as follows-
- (i) By deleting the item “(1)” appearing immediately before the word **“Subject”** in the first line;
 - (ii) deleting the word “five” appearing in paragraph (b) and substituting therefor the word **“nine”**

Standing Order 205

4. **THAT**, Standing Order 205 be amended by deleting the words “**sixteen**” appearing in paragraph (3) and substituting therefor the words “**twenty six**” .

Standing Order 206

5. **THAT**, Standing Order 206 be amended by deleting the words “**sixteen**” appearing in paragraph (3) and substituting therefor the words “**twenty six**”.

Commencement

- B. **THAT**, the House resolves that the amendments take effect from April 25, 2013;

Addendum

- C. **THAT**, the House Orders that an addendum be made to the Standing Orders (*First Edition*) containing the resolution of the House on the amendments.

-----End-----