

REPUBLIC OF KENYA



ELEVENTH PARLIAMENT THE NATIONAL ASSEMBLY – (FIFTH SESSION)

COMMUNICATION FROM THE CHAIR

No. 006 of 2017

ON A REQUEST FOR RECOMMITAL OF A CLAUSE IN THE PRIVATIZATION (AMENDMENT) BILL, 2016

Honourable Members, on Thursday, February 09, 2017, the House considered *the Privatization (Amendment) Bill, 2016 (National Assembly Bill No. 27 of 2016)* in Committee of the Whole House. The Bill is therefore due for *Third Reading* in accordance with our procedures. However, I have since received a request, in the form of a motion from the Leader of the Majority Party, for the House to rescind its decision on the agreement with the report of the Committee of the Whole House on the consideration of the Privatization (Amendment) Bill, 2016.

Honourable Members, the essence of the request is that as currently carried, the law requires the approval of “...*the relevant committee of Parliament...*” in the appointment of the members of the Privatization Commission. This poses two technicalities. First, approval for appointments is by practice the jurisdiction of the House and not a committee of the House. Secondly, though the law had been passed prior to the bicameral legislature where Parliament and the National Assembly referred to one and the same thing, the meaning of Parliament in the current scenario presupposes both Houses. It would therefore be prudent to clearly state the intention of the law as envisioned by its drafters in 2005.

Consequently **Honourable Members**, pursuant to the provisions of Standing Order 49(2)(a), I have allowed the Leader of the Majority Party to move the motion for rescission and recommital of the clause as indicated in the Supplementary Order Paper.

I thank you!

THE HON. JUSTIN B.N. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY
Tuesday, February 14, 2017