



**REPUBLIC OF KENYA**

**THE SENATE**

**ELEVENTH PARLIAMENT – THIRD SESSION**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, OCTOBER 14, 2015 AT 2.30 P.M.**

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following communications from the Chair-

**a) Visiting staff and students from Tangaza University College**

“Honorable Senators,

I wish to recognize the presence of visiting staff and students from Tangaza University College seated in the Speaker’s Gallery. The students have visited the Senate today as part of their study on Sustainable and Collaborative Leadership for Development.

I commend them for choosing Senate as a House of Parliament to gain a few tips in collaborative leadership, a concept we have been implementing as a House.

In our long standing tradition of receiving and welcoming visitors to Parliament, I take this opportunity, on behalf of the Senate and on my own behalf, to extend a warm welcome to the staff and students of Tangaza University College.

I wish them a fruitful visit.

I Thank You.”

**b) Mode of dressing in the House**

“Honourable Senators, you may recall that yesterday, Tuesday 13<sup>th</sup> October, 2015, the Senator for Migori County (Sen. (Dr.) Wilfred Machage) rose on a point of order and sought the guidance of the Chair on whether the Senator for Tana River County (Sen. Ali Bule) was properly dressed within the meaning of our rules and practices. For the benefit of Senators who were not in the House at that time, Sen. Bule was dressed in a black checked *kanzu* with a matching jacket and a cap.

I allowed several Senators to comment on the matter and, consequently undertook to give a ruling on the matter.

After listening to the debate that ensued on the matter, I isolated the following issues as requiring my consideration-

- (i) whether or not it is proper for a Senator to enter this Chamber while dressed in a *kanzu*;
- (ii) what acceptable dress code for the Chamber is; and
- (iii) whether Sen. Ali Bule was properly dressed during that particular sitting.

Honourable Senators, before I deliver my ruling on this matter, let me apprise the Senate on the current requirements and practices obtaining in our Parliament and even in other Parliaments.

In our case, the manner of dressing is provided for in Chapter One (Rule 5) of the Speaker’s Rules which provides, and I quote:-

*“Members are required not to enter the Chamber, Lounge or Dining Room without being properly dressed”.*

*“Proper dressing” is defined as “a coat, tie, long trousers, socks and shoes or service uniform, or decent national dress for men; and equivalent standard for women with hats optional”.*

Honourable Senators, the question of proper dress or otherwise in the House as defined in the Rule that I have just quoted has been a recurring matter in our Parliament over the last fifty years or so. As Senators may expect, several communications have been made on the matter. For instance, on 16<sup>th</sup> April, 1968, the Chair, while responding to an objection on the dressing of a Member, ruled as follows:-

*“Honourable Members, as I have said on other occasions, we have no Standing Orders concerning dress, which I can enforce. It rests on the collective opinion of the House as to what is or is not proper dress. If Mr. Mbogoh does not meet with the approval of Hon. Members, he will doubtless hear about it”.*

Similarly, on 24<sup>th</sup> March, 1993 the Chair ruled as follows on the same subject, and I quote:-

*“Honourable Members, this morning an issue arose as to whether Hon. Shikuku, MP for Butere, was properly dressed as per the Speaker’s Rules regulating the conduct of Members of the National Assembly. The Hon. Member was dressed in long trousers, shirt, bow tie and a sleeveless outer garment”...*

*Was Hon. Shikuku properly dressed when he wore a sleeveless outer garment? I looked up the definition of a “coat” in the dictionary and it is defined as a “long outer garment with sleeves buttoned at the front”. An outer garment without sleeves is not a coat and consequently, Hon. Shikuku was not properly dressed within the meaning of the Speaker’s Rules”.*

Again, on Tuesday, 9<sup>th</sup> November, 1993, the then Speaker of the National Assembly made this ruling and I quote-

*“... As a guide, Hon. Members are allowed into the Chamber while wearing a coat, collar, tie, long trousers, socks and shoes or service uniform or decent national dress for men and an equivalent standard for ladies. As practice also, Hon. Members of the Islamic faith have in addition, been allowed to wear a white kanzu buttoned at the neck and with a jacket, preferably a black one, worn on top, a cap, socks and shoes”.*

Honourable Senators, on 11<sup>th</sup> March, 2014, I delivered a ruling to this Senate on the appropriateness of the dress worn by the Senator for Garissa County (Sen. Yusuf Haji) who came to the Chambers wearing a *kanzu*. In that ruling, I found that Sen. Haji was properly dressed on that material day.

In the U.K. House of Commons, the dress code is formal, with even requirements for neatness and tidiness; Men should wear a jacket, shirt, tie and long trousers in the Chamber as a mark of respect for both their colleagues and for the institution itself. Members are even not allowed to have their hands in their pockets. Hon. Members, the Chair of the House of Commons is on record saying that: *“It is not appropriate to address the House without being properly attired.”* Similarly, in the Parliaments of New Zealand, Canada and Australia, dress code is also very formal.

Closer home in Uganda, the rules provide that *“All Members shall dress in a decent and dignified manner, that is to say-(a) a pair of trousers with a jacket, shirt and tie, a kanzu or jacket or Safari Suit for male members; (b) a jacket, blouse and skirt or dress or Busuti (traditional wear) for lady*

*members; (c) or military attire for members of the armed forces.”* The rules also provide that any member intending to dress otherwise may do so with permission of the Speaker. This is to provide for situations when circumstances such as medical requirements or one’s faith may dictate his or her manner of dressing.

Honourable Senators, let me reiterate the position taken by the Speaker of the National Assembly on 7<sup>th</sup> May, 2009 on the same matter. I wish to quote-

*"Hon. Members, the essence of this Communication is not restricted to the concept of proper dress code, but extends to capture a deep reflection on the need to uphold the dignity of the House, which we have jealously protected and defended over the years".*

Honourable Senators, the issue of appropriate dress, therefore, is principally for upholding the dignity of the House. I however hasten to add that it is still evolving and I invite any Senator who may have a suggestion or suggestions on the appropriate mode of dressing in the Chamber, Committees, Lounge and dining areas to forward them to my office so that we can have a fresh discourse on this important matter.

As to the question under consideration, I noted that Sen. Ali Bule was dressed in a black checked *kanzu* with a matching jacket and a cap as usually worn by persons of Islamic faith.

Under the circumstances, I find that Sen. Ali Bule was properly dressed, according to our rules and practices, on that material day.

I thank you.”

#### **4. PAPERS LAID**

The following Papers were laid on the Table of the House-

- 1) The Report of the Auditor-General on the financial statements of the County Government of Kiambu for the sixteen (16) months period ended 30 June 2014;
- 2) The Report of the Auditor-General on the financial operations of Kiambu County Executive for the year ended 30 June 2014;
- 3) The Report of the Auditor-General on the financial statements of the County Government of Uasin Gishu for the sixteen (16) months period ended 30 June 2014;

- 4) The Report of the Auditor-General on the financial statements of the County Government of Nandi for the sixteen (16) months period ended 30 June 2014;
- 5) The Report of the Auditor-General on the financial statements of Makueni County Government for the year ended 30 June 2014;
- 6) The Report of the Auditor-General on the financial statements of Isiolo County Government for the year ended 30 June 2014;
- 7) The Report of the Auditor-General on the financial operations of Lamu County Executive for the year ended 30 June 2014;
- 8) The Report of the Auditor-General on the financial statements of County Government of Murang'a for the sixteen (16) months period ended 30 June 2014;
- 9) The Report of the Auditor-General on the financial statements of County Government of Nyeri for the sixteen (16) months period ended 30 June 2014; and
- 10) The Report of the Auditor-General on the financial operations of Laikipia County Executive for the year ended 30 June 2014.

*(Chairperson, Sessional Committee on County Public Accounts and Investments)*

- 11) The Public Finance Management (State Officers and Public Officers Motor Car Loan Scheme Fund) Regulations, 2015

*(Chairperson, Sessional Committee on Delegated Legislation)*

**5. STATEMENTS PURSUANT TO STANDING ORDER 45 (2) (b)**

The Senator for Nyeri County (Sen. Mutahi Kagwe) sought a Statement from the Chairperson of the Standing Committee on Finance, Commerce and Budget regarding the stability of small banks and the escalating bank interest rates in the country.

**6. MOTION- ADOPTION OF THE REPORT OF THE SELECT COMMITTEE ON CONSTITUTIONAL AND LEGAL REVIEW**

Motion made and question proposed;

**THAT**, this House adopts the Report of the Select Committee of the Senate on Constitutional and Legal Review laid on the Table of the House on Wednesday, 23<sup>rd</sup> September, 2015.

*(The Chairperson of the Select Committee)*

Debate arising;

And the time being thirty minutes past six O'clock, the Temporary Speaker (Sen. Ongoro) adjourned the business of the Senate without Question put, pursuant to the Standing Orders.

7. **SENATE ROSE** - at thirty minutes past six O'clock.

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Thursday, October 15, 2015 at 2.30 p.m.*

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