



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, JUNE 15, 2017

1. The House assembled at thirty minutes Two O'clock

2. The Proceedings were opened with Prayer

3. **Presiding** – the Speaker

4. **PAPERS LAID**

The following Papers were laid on the Table –

I.The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June, 2016 and the certificates therein:-

- (a) Ministry of Transport, Infrastructure, Housing and Urban Development;
- (b) Council for Legal Education;
- (c) School Equipment Production Unit;
- (d) Kenya Institute of Special Education;
- (e) Kenya Film Commission;
- (f) Kenya Cultural Centre;
- (g) Kirinyaga University College; and
- (h) Ministry of East African Community, Labour and Social Protection.

II.Annual Report and Financial Statements of the Capital Markets Authorityfor the year 2016.

(Leader of the Majority Party)

III.Reports of the Departmental Committee on Administration and National Security on Petitions by:

- (i)The family of the Late Haggai ChimakileMulati on the alleged killing of Haggai ChimakileMulati by Police Officers/Police Reservists; and
- (ii) The family of the Late Eric MuthomiMugiri on work injury benefit claim for Eric MuthomiMugiri (deceased).

(The Vice Chairperson, Departmental Committee on Administration and National Security)

IV.Report of the Departmental Committee on Education, Research and Technology on its consideration of the President's Award Bill, 2017.

V.Report of the Departmental Committee on Education, Research and Technology on its consideration of Petitions on -

- (i) the unlawful interdiction of Mr. Ephraim KamuhuWambugu by the Teachers Service Commission;
- (ii) alleged negligence of the late Emily Chelegat (daughter) and a former student of our lady of mercy secondary school, Nairobi by Mrs. Sally Bett; and

- (iii) insecurity and injustices meted upon students by police officers, victimization and infringement of their rights by students of the university of Nairobi and members of the public.

(Hon. Geoffrey Odanga, MP, Member of the Departmental Committee on Education, Research and Technology)

VI. The Legacy Report of the Select Committee on Implementation of the Eleventh Parliament (May 2013 to June 2017).

(Chairperson, Select Committee on Implementation)

VII. The Exit Report of the Eleventh Parliament Public Investments Committee covering the period May, 2013 to June, 2017.

(Chairperson, Public Investments Committee)

VIII. Report of the Departmental Committee on Agriculture, Livestock and Co-operatives on the petition by the Kenya University Biotechnology Consortium (KUBICO) on lifting of the ban imposed on consumption of GMO Foods and the issuance of a permit to conduct field trials of BT Maize.

(Vice Chairperson, Departmental Committee on Agriculture, Livestock and Co-operatives)

5. **PROCEDURAL MOTION - RESOLUTION TO HOLD ANOTHER SITTING**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 30(3)(b), this House resolves to hold another Sitting today, Thursday, June 15, 2017 for not more than three hours, following the adjournment of the current Sitting or such other time in the course of the day as the Speaker may for the convenience of the House determine.

(The Leader of the Majority Party)

Question put and agreed to;

6. **THE BREASTFEEDING MOTHERS BILL (NATIONAL ASSEMBLY BILL NO.13 OF 2017)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Supplementary Appropriation Bill (No.2) (National Assembly Bill No.30 of 2017) be now read a Second Time

(Hon. Sabina Chege – 14.06.2017)

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the Whole House tomorrow.

7. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE SUPPLEMENTARY APPROPRIATION (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2017)**

Motion made and Question proposed –

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Supplementary Appropriation (No. 2) Bill (National Assembly Bill No. 30 of 2017).

(Chairperson, Budget and Appropriations Committee)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Supplementary Appropriation Bill (No. 2) (National Assembly Bill No. 30 of 2017) be now read a Third Time

(Chairperson, Budget and Appropriations Committee)

Question put and agreed to;

Bill read a Third Time and **passed.**

8. **MOTION –REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE PRESIDENT’S AWARD BILL (NATIONAL ASSEMBLY BILL NO.7 OF 2017)**

Motion made and Question proposed –

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the President’s Award Bill (National Assembly Bill No.7 of 2017).

(Leader of the Majority Party)

Question put and agreed to;

Motion made and Question proposed –

THAT, the President’s Award Bill (National Assembly Bill No.7 of 2017) be now read a Third Time

(Leader of the Majority Party)

Question put and agreed to;

Bill read a Third Time and **passed.**

9. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE
The Speaker in the Chair

(i) **The National Assembly Standing Orders of 2017**

Resumption of consideration-

Standing Order 107- amendment proposed –

THAT, the Standing Orders be amended by deleting Standing Order 107 and substituting therefor the following new Standing Order—

Disorderly conduct

107. (1) A Member commits an act of disorderly conduct if the Member—

- (a) creates actual disorder;
- (b) knowingly raises a false point of order;
- (c) unnecessarily interrupts proceedings or consults in a disruptive manner;
- (d) fails to record abstention in a division;
- (e) fails to declare personal interest in a matter before the House or a Committee in accordance with Standing Order 90;
- (f) deliberately gives false information to the House;
- (g) makes allegations without, in the Speaker's opinion, adequate substantiation;
- (h) threatens to use violence against a Member or other person in the House or Committee;
- (i) votes more than once in breach of these Standing Orders;
- (j) fails to record abstention in a division; or
- (k) commits any other breach of these Standing Orders, that in the opinion of the Speaker, constitutes disorderly conduct.

(2) The Speaker may call a Member whose conduct is disorderly to order, and-

- (a) caution the Member; or
- (b) order the Member to withdraw from the precincts of the Assembly for a maximum of four days.

(Hon. Moses Cheboi – Procedure and House Rules Committee)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 107 as amended - agreed to

Standing Order 108 - agreed to

Standing Order 109- amendment proposed –

THAT, Standing Order 109 be amended by—

- (a) deleting paragraph (2);
- (b) deleting paragraph (3).

(Hon. Moses Cheboi)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 109 as amended - agreed to

Standing Order 110- amendment proposed –

THAT, the Standing Order 110 be amended by deleting paragraph (2).

(Hon. Moses Cheboi)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 110 as amended - agreed to

Standing Orders 111, 112 and 113 - agreed to.

Standing Order 114- amendment proposed –

THAT, Standing Order 114 be amended by—

(a) deleting paragraph (3) and substituting the following new paragraph—

“(3) Upon receipt of the legislative proposal from the Clerk under paragraph (2), the Speaker shall—

(a) where the Speaker is of the opinion that a legislative proposal is not a draft money Bill in terms of Article 114 of the Constitution—

(i) direct that the proposal be referred to the relevant Departmental Committee for prepublication scrutiny in case of a legislative proposal not sponsored by a Committee;

(ii) direct that the proposal be published into a bill, in the case of a legislative proposal sponsored by a Committee.

(b) where the Speaker is of the opinion that a legislative proposal is a draft money Bill in terms of Article 114 of the Constitution, direct that the legislative proposal be referred to the Budget and Appropriations Committee and the proposal shall be proceeded with only in accordance with the recommendations of the Budget and Appropriations Committee after taking into account the views of the Cabinet Secretary responsible for finance.

(b) deleting paragraph (4) and substituting the following new paragraph—

(4) The Budget and Appropriations Committee shall consider only the money-bill or financial aspects of the proposal and submit a report to the Speaker within twenty one (21) days of receipt of the proposal.

(c) inserting the following new paragraphs immediately after paragraph 4—

(5) A report under paragraph (4) shall contain—

(a) the views of the Cabinet Secretary responsible for finance, if any;

(b) a detailed examination of the manner in which the legislative proposal affects the current and future budgets and may include implications on tax measures;

(c) a recommendation on whether or not the proposal should be proceeded with;

(d) any other appropriate recommendation relating to money-bill aspects of the proposal.

(6) Upon receipt of the recommendations of the Budget and Appropriations Committee, the Speaker may direct that—

(a) the proposal be subjected to prepublication scrutiny before the relevant Departmental Committee in case of a legislative proposal not sponsored by a Committee, or

(b) the proposal be published into a bill, in the case of a legislative proposal sponsored by a committee, or

(c) the legislative proposal be not proceeded with.

(7) The Departmental Committee to which a legislative proposal is referred to for prepublication scrutiny under paragraphs (3)(a)(i) and (6)(a) shall consider the proposal and submit a report to the Speaker within twenty one (21) days recommending whether or not the proposal should be proceeded with.

(8) Following the recommendations of the relevant Departmental Committee, the Speaker shall direct either that the legislative proposal be published into a bill or not be proceeded with.

(Hon. Moses Cheboi)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 114 as amended - agreed to

Standing Orders 115, 116, 117, 118, 119 & 120 - agreed to

Standing Order 121- amendment proposed –

THAT Standing Order 121 be amended by—

(a) inserting a new paragraph and renumbering accordingly—

(2) Whenever any question arises as to whether a Bill is a Bill concerning county governments, the Speaker shall determine whether the Bill is a Bill concerning county governments and, if it is, whether it is a special or an ordinary Bill.

(b) inserting the following new paragraph immediately after paragraph (2)—

(3) Pursuant to Article 110(3) of the Constitution, the Speaker and the Speaker of the Senate may agree on an appropriate framework for jointly resolving the question under paragraph (2).

(Hon. Moses Cheboi)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 121 as amended - agreed to

Standing Order 122- amendment proposed –

THAT, Standing Order 122 be amended by—

(a) deleting paragraph (1);

(b) deleting paragraph (2);

(c) deleting paragraph (3);

deleting paragraph (4).

(d) deleting paragraph (8).

(Hon. Moses Cheboi)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 122 as amended - agreed to

Standing Order 123- amendment proposed –

THAT, the Standing Orders be amended by deleting Standing Order 123.

(Hon. Moses Cheboi)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 123 - deleted.

Standing Order 124- amendment proposed –

THAT, Standing Order 124 be amended by deleting paragraph (2) and substituting therefor the following new paragraph—

“(2) Paragraph (1) shall not apply to or in respect of—

- (a) an Appropriation Bill, a Consolidated Fund Bill, a County Allocation of Revenue Bill, a Division of Revenue Bill and an Equalization Fund Bill; or
- (b) a Bill to amend the Constitution, in respect of its Second and Third Reading.”

(Hon. Moses Cheboi)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 124 as amended - agreed to

Standing Orders 125&126 - agreed to

Standing Order 127- amendment proposed –

THAT, Standing Order 127 be amended—

(a) by deleting paragraph (3) and substituting therefor the following new paragraph-

- (3) The Departmental Committee to which a Bill is committed shall facilitate public participation on the Bill through an appropriate mechanism, including—

- (a) inviting submission of memoranda;
- (b) holding public hearings;
- (c) consulting relevant stakeholders in a sector; and
- (d) consulting experts on technical subjects.

(b) by inserting the following new paragraph immediately after paragraph (3)—

(3A) The Departmental Committee shall take into account the views and recommendations of the public under paragraph (3) in its report to the House.

(c) in paragraph (4) by deleting the words “Committee’s reports to the House within twenty” and substituting therefor the words “Committee’s report to the House to inform debate within twenty-one.”

(Hon. Moses Cheboi)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 127 as amended - agreed to

Standing Orders 128, 129 & 130 - agreed to

Standing Order 131- amendment proposed –

THAT, Standing Order 131 be amended by deleting the words “more than ten” appearing immediately after the words “the Whole” .

(Hon. Moses Cheboi)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 131 as amended - agreed to

Standing Orders 132 - agreed to

Standing Order 133- amendment proposed –

THAT, Standing Order 133 be amended—

(a) by inserting the following new paragraph immediately after paragraph (1)—

(1A) Debate to a proposed amendment shall be confined to the content of the amendment.

(b) in paragraph (7) by inserting the words “Division of Revenue Bill or County Allocation of Revenue Bill” immediately after the words “Equalization Bill”.

(Hon. Moses Cheboi)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 133 as amended - agreed to

Standing Orders 134 & 135 - agreed to

Standing Order 136- amendment proposed –

THAT, Standing Order 136 be amended by deleting paragraph (3).

(Hon. Moses Cheboi)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 136 as amended - agreed to

Standing Order 137- amendment proposed –

THAT Standing Order 137 be amended in paragraph (2) by inserting words “established pursuant to Standing Order 127(2)” immediately after the words “report of the Select Committee” .

(Hon. Moses Cheboi)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 137 as amended - agreed to

Standing Orders 138, 139 and 140 – - agreed to

Standing Order 141- amendment proposed –

THAT Standing Order 141 be amended—

(a) by deleting the head note and substituting therefor the following new head note-
“Lapse and Re-introduction of Bills”

(b) by inserting the following new paragraph immediately after paragraph (3)-

(3A) The provisions of paragraph (1),(2), and (3) of this Standing Order shall not apply to a Bill to amend the Constitution, a Division of Revenue Bill, County Allocation of Revenue Bill or a Bill originating from the Senate.

(Hon. Moses Cheboi)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 141 as amended - agreed to

Standing Order 142-- agreed toStanding Order 143-amendment proposed –

THAT the Standing Orders be amended by deleting Standing Order 143 and substituting therefor the following new Standing Order—

Consideration of Bills originating from the Senate

143. (1) Whenever the Speaker receives a Bill originating in the Senate, the Speaker shall—

- (a) cause the fact to be known to the House by way of a Message;
- (b) cause the Bill to be read a First Time.

(2) Following First Reading, the Speaker shall, within reasonable time, pronounce his or her opinion contemplated under Article 114(2) of the Constitution.

(3) Where the opinion of the Speaker under paragraph (2) is to the effect that the Bill is not a money Bill, the Bill shall be proceeded with in the same manner as a Bill originating in the National Assembly after First Reading.

(4) Where the opinion of the Speaker under paragraph (2) is to the effect that the Bill is a money Bill in terms of Article 114 of the Constitution, the Bill shall stand referred to the Budget and Appropriations Committee.

(5) The Budget and Appropriations Committee shall consider the Bill and report its recommendations to the House.

(6) Where the Budget and Appropriations Committee recommends that the House—

- (a) proceeds with the Bill, the Bill shall be proceeded with in the same manner as a Bill originating in the National Assembly after First Reading in the manner recommended by the Budget and Appropriations Committee;
- (b) should not proceed with the Bill, that fact shall be recorded in the journals of the House.

(Hon. Moses Cheboi)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 143 as amended- agreed toStanding Orders 144, 145, 146, 147, 148, 149, 150, 151, 152 & 153- agreed toStanding Order 154-amendment proposed –

THAT the Standing Orders be amended by deleting Standing Order 154 and substituting therefor the following new Standing Order—

Referral of Bills by President

154. (1) Whenever the Speaker receives the President's reservation pursuant to Article 115 of the Constitution, the Speaker shall-

- (a) in case of a Bill the Senate did not consider, convey the Message to the House within three days of receipt of the President's reservations.

- (b) in case of a Bill the Senate considered, convey the message to the House and refer the President's reservations to the Senate within seven days of receipt of the President's reservations.
- (2)The Assembly shall consider the President's reservations conveyed to the House pursuant to Standing Order 154(1)(a) within twenty-one days of the date when the House next meets.
- (3)The Assembly and the Senate shall for purposes of considering the President reservations conveyed under Standing Order 154 (1)(b) constitute a Joint Committee for purposes of considering the President's reservations within two days of receipt of the President Reservations by the Senate.
- (4)The Joint Committee shall within fourteen days consider the President's reservations and table a Report in the respective Houses.
- (5)The Assembly or the Joint Committee may in considering the Bill propose amendments to the Bill in light of the President Reservations either fully accommodating the President's reservations or not fully accommodating the President reservations in terms of Article 115 of the Constitution.
- (6)The Speaker of the Assembly shall make the determination on whether the proposed amendments to the Bill in light of the President Reservations either fully accommodate the President's reservations or do not fully accommodate the President reservations in terms of Article 115 of the Constitution.
- (7)The Assembly shall vote on the proposed amendments and may pass the Bill—
- (a)where the amendments do not fully accommodate the President's reservations, by a vote supported by two-thirds of all the Members;
- (b)where the amendments fully accommodate the reservations of the President, by a vote supported by a simple majority of all the Members.

(Hon. Moses Cheboi)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 154 as amended - agreed to.

Standing Order 155- amendment proposed –

THAT, the Standing Orders be amended by deleting Standing Order 155.

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 155 - deleted.

Standing Orders 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169 & 170 - agreed to

Standing Order 171- amendment proposed –

THAT, Standing Order 171 be amended by—

(a) deleting paragraph (1) and substituting therefor the following new paragraph—

“(1) There shall be a select committee, to be designated the House Business Committee, consisting of—

- (a) the Speaker who shall be the chairperson;
- (b) the Leader of the Majority Party or a representative designated in writing;
- (c) the Leader of the Minority Party or a representative designated in writing;
- (d) the Majority Party Whip or a representative designated in writing;
- (e) the Minority Party Whip or a representative designated in writing; and
- (f) seven other Members, who shall be nominated by parliamentary parties and approved by the House at the commencement of every Session, reflecting the relative majorities of the seats held by each of the parliamentary parties in the National Assembly and taking into consideration the interests of Independents.

(b) deleting paragraph (3).

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 171 as amended - agreed to.

Standing Order 172- amendment proposed –

THAT, Standing Order 172 be amended by deleting paragraph (1) and substituting therefor the following new paragraph—

“(1) There shall be a select committee, to be designated Committee on Selection, consisting of—

- (a) the Leader of the Majority party who shall be the chairperson;
- (b) the Leader of the Minority party; and
- (c) not less than eleven and not more than nineteen members, who shall be nominated by parliamentary parties and approved by the House taking into consideration the interests of Independents.”

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 172 as amended - agreed to.

Standing Order 173 – - agreed to.

Standing Order 174- amendment proposed –

THAT, Standing Order 174 be amended by deleting paragraph (1) and substituting therefore the following paragraph—

“(1) In nominating Members to serve on a select Committee, the Committee on Selection shall ensure that—

- (a) the membership of each committee reflects the relative majorities of the seats held by each of the parliamentary parties in the National Assembly;
- (b) no two members of the House Business Committee serve in the same Departmental Committee;
- (c) so far as may be practicable, at least one independent member is nominated to serve in the Special Fund Accounts Committee; and
- (d) majority of the members of the Public Accounts Committee, Public Investments Committee, Committee on Implementation and the Special Fund Accounts Committee are drawn from parties other than parliamentary parties forming the national government.

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 174 as amended - agreed to.

Standing Order 175 - agreed to

Standing Order 176- amendment proposed –

THAT, The Standing Orders be amended by deleting Standing Order 176 and substituting therefor the following new Standing Order—

“Discharge of a Member from a Committee

176. (1) A parliamentary party may discharge a Member from a select committee after according the Member an opportunity to be heard.

(2) The parliamentary party whip of the party that nominated a Member to a select committee shall give notice in writing to the Speaker of the intention to discharge a Member from a select committee.

(3) The Speaker shall, within three days of receipt of the notice under paragraph (2), inform the Member of the notice.

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 176 as amended - agreed to.

Standing Order 177- - agreed to.

Standing Order 178- amendment proposed –

THAT, the Standing Orders be amended by deleting Standing Order 178 and substituting therefor the following Standing Order—

“Chairing of select committees and quorum

178. (1) Subject to paragraph (2) of Standing Order 173 (*Nomination of Members of select committees*), unless otherwise provided under any written law, these Standing Orders or by resolution of the House a select committee shall, upon appointment, elect its chairperson and vice-chairperson from amongst its members;

(2) The Members of the Public Accounts Committee, the Public Investments Committee and the Committee on Implementation shall elect a Chairperson and Vice-Chairperson from amongst the members of the Committees nominated from a party other than a parliamentary party forming the national government.

(3) The Members of the Special Fund Accounts Committee shall elect a Chairperson and Vice-Chairperson from amongst—

(a) independent members nominated to the Committee; or

(b) the members of the Committee nominated from a party other than a parliamentary party forming the national government, in the absence of independent members.

(4) Unless otherwise provided under any written law, these Standing Orders or by resolution of the House, any nine members of a select committee shall constitute a quorum.”

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 178 as amended - agreed to.

Standing Order 179- amendment proposed –

THAT, Standing Order 179 be amended by inserting the following new paragraphs immediately after paragraph (2)—

“(3) A candidate for election as Chairperson or Vice-Chairperson of a committee shall submit his or her nomination paper, in writing, to the Clerk by 5.00 pm on the day before the election.

(4) The nomination paper of a candidate shall be in the form set out in the Fifth Schedule and shall be accompanied by the name and signature of a proposer and a seconder and a declaration of the candidate’s willingness to serve as a Chairperson or Vice-Chairperson.

(5) A Member shall not propose or second more than one candidate for election as Chairperson or Vice-Chairperson.

(6) The Clerk shall, as soon as practicable after the close of nominations, circulate the final list of candidates to committee members.

(7) The Clerk shall preside over the election of the Chairperson or Vice-Chairperson of a committee and shall issue each committee member with a ballot paper.

(8) A committee member who wishes to vote in the election shall print the first and last name of their candidate of choice on a ballot paper and deposit it in a ballot box provided for that purpose.

(9) The Clerk shall, at the close of voting, count the ballot papers and report the result of the ballot.

(10) If no candidate receives a majority of votes, the Clerk shall hold a further ballot excluding the candidate with the least number of votes until one candidate receives a majority of votes.

(11) A ballot paper is spoilt if, in the opinion of the Clerk, it does not identify the candidate purported to be selected by the candidate voting.

(12) Despite the provisions of this Part, if only one candidate is nominated for election as Chairperson or Vice-Chairperson, the Clerk shall at the expiry of the nomination period forthwith declare that candidate as elected without any vote being required.

(13) The Clerk shall make necessary preparatory arrangements for the conduct of the election of a Chairperson or Vice-Chairperson of a Committee.”

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 179 as amended - agreed to.

Standing Orders 180, 181 & 182 - agreed to

Standing Order 183 - amendment proposed –

THAT, Standing Order 183 be amended by inserting the words “and prescribe the quorum applicable to the sub-committees” immediately after the word “functions”.

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 183 as amended - agreed to.

Standing Order 184- amendment proposed –

THAT, Standing Orders 184 be amended by inserting the words “in person or through a legal representative” immediately after the word “appear”.

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 184 as amended - agreed to.

Standing Orders 185 & 186 - agreed to

Standing Order 187- amendment proposed –

THAT, Standing Order 187 be amended by inserting the following new paragraph immediately after paragraph (1)—

“(1A) a notification under paragraph (1) shall be made through the Clerk and recorded in the minutes of the committee.

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 187 as amended - agreed to.

Standing Order 188- amendment proposed –

THAT, Standing Order 188 be amended by deleting the words “a Member designated by the Chairperson shall take the chair, and in the absence of such designated Member”

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 188 as amended - agreed to.

Standing Order 189- amendment proposed –

THAT, Standing Order 189 be amended by inserting the words “absent with apologies or absent” immediately after the word “present”.

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 189 as amended - agreed to.

Standing Order 190 - agreed to

Standing Order 191 - amendment proposed –

THAT, the Standing Orders be amended by deleting Standing Order 191 and substituting therefor the following new Standing Order—

“Powers and privileges of committees

- 191.** (1) Committees shall enjoy and exercise all the powers and privileges bestowed on Parliament by the Constitution and statute, including the power to—
- (a) summon any person to appear before it for the purposes of giving evidence or providing information;
 - (b) enforce the attendance of witnesses and examine them under oath, affirmation or otherwise;
 - (c) compel the production of documents;
 - (d) request for and receive papers and documents from the Government and the public; and
 - (e) issue a commission or request to examine witnesses abroad.
- (2) The oath to be sworn or affirmation to be made by a witness appearing before a Committee shall be in the form set out in the Fifth Schedule.
- (3) A summons under paragraph (1) shall be—
- (a) issued by the Clerk on the direction of the Speaker or the chairperson of a committee acting in accordance with a resolution of the committee; and
 - (b) in the form set out in the Sixth Schedule
- (4) The summons shall be served by a member of staff or a police officer who is duly authorized by the Clerk by delivering a copy of the summons—
- (a) to the person mentioned in the summons; or
 - (b) at that person’s usual or last known place of residence, employment or business or left with a person who is over the age of eighteen years and who resides or is employed at that place.
- (5) Where the summons is to be served on a corporation, the summons may be served—
- (a) on the secretary, director or other officer authorised by the corporation; or
 - (b) if the officer serving the summons is unable to find any of the officers of the corporation mentioned in paragraph (a)—
 - (i) by leaving it at the registered office of the corporation;
 - (ii) by sending it by prepaid registered post or by a licensed courier service provider approved by the court to the registered postal address of the corporation;
 - (iii) if there is no registered office and no registered postal address of the corporation, by leaving it at the place where the corporation carries on business; or

(iv) by sending it by registered post to the last known postal address of the corporation.

(6) The serving officer in all cases in which summons has been served under this Standing Order shall swear and annex or cause to be annexed to the original summons an affidavit of service stating the time when and the manner in which summons was served and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender of summons.

(7) The affidavit of service shall be in the form set out in the Eighth Schedule with such modifications as may be necessary.

(9) A return by a person who serves a summons under this Standing Order shall be *prima facie* proof of the service of the summons.

(10) A person requested or summoned in terms of this Standing Order shall be paid such amount of money as shall be approved by the Clerk as reimbursement for the expenses incurred.

(Hon. David Gikaria – on behalf of Hon. Moses Cheboi)

Question of the amendment proposed;

Debate arising;

Further Amendment proposed–

THAT, the Standing Orders be amended by deleting Standing Order 191 and substituting therefor the following new Standing Order—

“Powers and privileges of committees

192. (1) Committees shall enjoy and exercise all the powers and privileges bestowed on Parliament by the Constitution and statute, including the power to—

- (f) summon any person to appear before it for the purposes of giving evidence or providing information;
 - (g) enforce the attendance of witnesses and examine them under oath, affirmation or otherwise;
 - (h) compel the production of documents;
 - (i) request for and receive papers and documents from the Government and the public; and
 - (j) to issue a commission or request to examine witnesses abroad.
- (2) The oath to be sworn or affirmation to be made by a witness appearing before a Committee shall be in the form set out in the Sixth Schedule”

(Hon. David Gikaria – on behalf PHRC)

Further amendment withdrawn –

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 191 as amended - agreed to.

Standing Order 192 - agreed to.

Standing Order 193- amendment proposed –

THAT, Standing Order 193 be amended by deleting paragraph (2) and substituting therefor the following paragraph—

“(2) The Members desiring to make a resolution under paragraph (1) shall, through the Clerk, serve the Chairperson or Vice-Chairperson with a written notice citing grounds for the intended vote of no confidence and may, if they constitute a majority, request the Clerk to call for a meeting at the expiry of three days after giving the notice.”

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 193 as amended - agreed to.

Standing Orders 194, 195, 196, 197, 198, 199, 200, 201, 202, 203 and 204 - agreed to.

Standing Order 205- amendment proposed –

THAT, Standing Order 205 be amended—

(a) by deleting paragraph (3) and substituting therefor the following paragraph—

“(3) The Public Accounts Committee shall consist of a Chairperson and not more than sixteen other members.”

(b) in paragraph (4) by deleting the words “the Majority party or coalition of parties” and substituting therefor the words “parties other than parliamentary parties forming the national government”;

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, Standing Order 205 be amended—

(c) by deleting paragraph (5) and substituting therefor the following new paragraph—

“(5) The Members of the Committee shall be nominated and approved by the House at the commencement of every Session.”

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Further amendment proposed –

THAT, Standing Order 205 be amended—

(d) **Deleting paragraph (5)** of the proposed Standing Order 205 and substituting thereof the following new paragraph—

“(5) The Public Accounts Committee constituted immediately following the general elections shall serve for the term of that Parliament.”

(Hon. Adan Keynan)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, Standing Order 205 be amended—

(e) by deleting paragraph (6).

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 205 as amended - agreed to.

Standing Order 206- amendment proposed –

THAT, Standing Order 206 be amended—

(a) in paragraph (2) by inserting the words “on the basis of their audited reports and accounts” immediately after the word “investments”.

(b) by deleting paragraph (3) and substituting therefor the following paragraphs—

“(3) The Public Investments Committee shall consist of a Chairperson and not more than sixteen other members.”

(c) in paragraph (4) by deleting the words “the Majority party or coalition of parties” and substituting therefor the words “parties other than parliamentary parties forming the national government.

(d) by deleting paragraph (5);

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, Standing Order 206 be amended—

(e) by deleting paragraph (6) and substituting therefor the following paragraph—

“(6) The Members of the Committee shall be nominated and approved by the House at the commencement of every Session.”

(Hon. David Gikaria)

Question of the amendment proposed;

Amendment withdrawn;

Further amendment proposed -

THAT, Standing Order 206 be amended—

(f) **Deleting paragraph (6)** of Standing Order 206 and substituting thereof the following new paragraph-

“(6) The Public Investments Committee constituted immediately following the general elections shall serve for the term of that Parliament.”

(Hon. Adan Keynan)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 206 as amended - agreed to.

Standing Order 207- amendment proposed -

THAT, Standing Order 207 be amended by inserting the following new paragraph immediately after paragraph (5)—

“(6) The Committee may establish such subcommittees as it may consider necessary for the discharge of its functions including a subcommittee on legislative review.”

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 207 as amended - agreed to.

Standing Order 208 - agreed to

Standing Order 209- amendment proposed -

THAT, Standing Order 209 be amended by inserting the following paragraphs immediately after paragraph (3)—

“(4) The Committee on Implementation shall consist of a Chairperson and not more than sixteen other members.

(5) In the Membership of the Committee on Implementation, parties other than parliamentary parties forming the national government or associated with the President shall have a majority of one”

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 209 as amended - agreed to.

Standing Order 210, 211, 212, 213, 214 & 215 - agreed to

Standing Order 216- amendment proposed –

THAT Standing Order 216 be amended—

(a) by inserting the words “and mandate” immediately after the word “Appointment” appearing in the head note.

(b) in paragraph (5) by inserting the following new subparagraph immediately after subparagraph (f)—

“(fa) examine treaties, agreements and conventions;”

(c) by inserting the following new subparagraphs immediately after subparagraph (g)—

“(h) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;

(i) consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and

(j) examine any questions raised by Members on a matter within its mandate.”

(d) by inserting the following new paragraphs immediately after paragraph (5)—

“(6) The Leader of the Majority Party shall, in consultation with the Speaker, determine order in which Cabinet Secretaries shall appear to answer questions raised under paragraph (1)(j) before a Committee.

(7) The Speaker may, on request of the Leader of the Majority Party vary the order in which questions raised under paragraph (1)(j) shall be disposed of in a Committee, or defer a question scheduled to be responded to.”

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 216 as amended - agreed to.

Standing Orders 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228 & 229

- agreed to

Standing Order 230- amendment proposed –

THAT Standing Order 230 be amended by—

(a) inserting the following heading immediately after Standing Order 229(2)—

“PART XXIIIA—PETITION FOR REMOVAL OF A MEMBER OF A COMMISSION OR INDEPENDENT OFFICE”

(b) deleting the head note and substituting therefore the following new head note—

“Petitions for Removal of a member of a Commission or holder of an Independent Office”;

(c) deleting paragraph (1)(a) and substituting therefor the following new paragraph—

“(1) In addition to complying with the requirements of paragraphs (a), (b), (c), (d), (h), (i), (j), (l) and (m) of Standing Order 223 (*Form of Petition*), a petition to the House for removal of a member of a Commission or holder of an Independent Office under Article 251 of the Constitution—

(a) shall—

- (i) indicate the grounds under Article 251(1) of the Constitution which the member of the commission or holder of an Independent Office is in breach;
- (ii) where the grounds in subparagraph (i) above relate to violation of the Constitution or any other law, state with a degree of precision the provisions of the Constitution or any other written law that have been alleged to be violated;
- (iii) indicate the nexus between the member concerned and the alleged grounds on which removal is sought; and”

(d) inserting the following new paragraph immediately after paragraph (6)-

“(7) Consideration of a Petition under this Standing Order shall not lapse at the expiry of a term of Parliament.”

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 230 as amended - agreed to.

Standing Order 231 - agreed to

Standing Order 232- amendment proposed –

THAT, the Standing Orders be amended by deleting Standing Order 232 and substituting therefor the following new Standing Order—

**Presentation of Budget Policy Statement and the Debt Management Strategy
232.**

(1) Every year not later than 15th February the Cabinet Secretary responsible for Finance shall submit to the House a Budget Policy Statement and a Debt Management Strategy and shall be deemed to have been laid.

(2) The Budget Policy Statement shall include—

- (a) an assessment of the current state of the economy and the financial outlook over the medium term, including macro-economic forecasts;
- (b) the financial outlook with respect to Government revenues, expenditures and borrowing for the next financial year and over the medium term;

(c) the proposed expenditure limits for the national government, including those of Parliament and the Judiciary and indicative transfers to county governments;

(d) the fiscal responsibility principles and financial objectives over the medium term including limits on total annual debt.

(e) the total resources to be allocated to individual programmes and projects within a sector, Ministry or department for the period identified under sub-paragraph (a) indicating the outputs expected from each such programme or project during the period.

(f) a list of proposed projects for the period identified under sub-paragraph (a) indicating their respective expenditure ceilings, reconcilable to the total proposed ceilings for development expenditure.

(3) The Budget Policy Statement shall detail the criteria used to allocate or apportion the available public resources among the various programmes and projects.

(4) The Debt Management Strategy shall include—

- (a) the total stock of debt as at the date of the statement;
- (b) the sources of loans made to the national government and the nature of guarantees given by the national government;
- (c) the principal risks associated with those loans and guarantees;
- (d) the assumptions underlying the debt management strategy; and
- (e) an analysis of the sustainability of the amount of debt, both actual and potential.

(5) Upon being laid before the House, the Budget Policy Statement shall stand committed to each Departmental Committee to consider and make recommendations to the Budget and Appropriations Committee within seven days of committal.

(6) The Debt Management Strategy shall be committed to the Budget and Appropriation Committee.

(7) Within fourteen (14) days following the tabling of the Budget Policy Statement, the Budget and Appropriations Committee shall table a report in the House for consideration in accordance with the provisions of Section 25(7) of the Public Finance Management Act.

(8) In addition to the recommendation of the Committee, the report under paragraph (7) shall contain—

- (a) a schedule showing the vertical allocation of resources amongst the two levels of government;
- (b) the ceilings of resources recommended for the National Government, the Judiciary and Parliament;
- (c) a recommendation on the overall debt strategy for the next financial year and the medium term.

(9) The approval by the House of the motion on the report of the Budget and Appropriations Committee on the Budget Policy Statement shall constitute the House Resolution setting forth the total overall projected revenue and borrowing, vertical allocation of resources among the two levels of government, the ceilings recommended for the National Government, the Judiciary and Parliament and where necessary, the total sums for each Vote and the allocations to individual programmes for the fiscal year in question.

(10) The resolution of the House on the Budget Policy Statement shall serve as a basis of the proposed estimates of expenditure for the next financial year and the medium term.

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 232 as amended - agreed to.

Standing Order 233- amendment proposed –

THAT, Standing Order 233 be amended by deleting paragraph (3) and substituting therefor the following new paragraphs—

“(3) The National Assembly shall proceed upon and conclude its consideration of a Division of Revenue Bill not later than ten sitting days after the Bill has been introduced with a view to passing it, with or without amendments.

(3A) In considering a Division of Revenue Bill, the House shall take into account any recommendation submitted by the Commission on Revenue Allocation, pursuant to provisions of Article 205 of the Constitution.”

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 233 as amended - agreed to.

Standing Order 234- amendment proposed –

THAT, the Standing Orders be amended by deleting Standing Order 234 and substituting therefor the following new Standing Order—

“Consideration of a County Allocation of Revenue Bill

234. (1) Whenever the County Allocation of Revenue Bill is referred to the House, the House shall consider the Bill within ten days and the provisions of Article 111 of the Constitution shall apply.

(2) In considering a County Allocation of Revenue Bill, the House shall take into account any recommendation submitted by the Commission on Revenue Allocation, pursuant to the provisions of Article 205 of the Constitution.”

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 234 as amended - agreed to.

Standing Order 235 - amendment proposed –

THAT, the Standing Orders be amended by deleting Standing Order 235 and substituting therefor the following new Standing Order—

**“Presentation of Budget Estimates and committal to Committees
235.**

(1) The Cabinet Secretary responsible for Finance, the Accounting Officer of the Parliamentary Service Commission and the Chief Registrar of the Judiciary shall, not later than 30th April, respectively submit to the National Assembly Budget Estimates and related documents specified in law for the National Government, the Judiciary and Parliament.

(2) The budget estimates referred to in paragraph (1) shall include the estimates of expenditure from the equalization fund pursuant to Article 221(2) of the Constitution.

(3) The Estimates and related documents submitted under Paragraph (1) and (2) shall be tabled in the National Assembly within three days of submission.

(4) Upon being laid before the House—

(a) the Estimates under paragraph (1) shall stand committed to each Departmental Committee to consider and make recommendations to the Budget and Appropriations Committee within twenty one days of committal.

(b) the Estimates under paragraph (2) shall stand committed to Budget and Appropriations Committee to consider and make recommendations to the House together with the report of the Committee on the Budget Estimates.

(5) The Budget and Appropriations Committee shall discuss and review the Budget Estimates and the Estimates of Expenditure from the Equalization Fund and make recommendations to the National Assembly, taking into account the recommendations of the Departmental Committees, the views of the Cabinet Secretary and the public.”

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 235 as amended - agreed to.

Standing Order 236 - agreed to

Standing Order 237- amendment proposed –

THAT, Standing Order 237 be amended by deleting the expression “7.00 p.m.” wherever it appears and substituting therefor the expression “7.30 p.m.”

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 237 as amended - agreed to.

Standing Order 238- amendment proposed –

THAT, the Standing Orders be amended by deleting Standing Order 238.

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 238 - deleted.

Standing Order 239- amendment proposed –

THAT, the Standing Orders be amended by deleting Standing Order 239 and substituting therefor the following new Standing Order—

“Moving into Committee of Supply

239. On an Order of the Day for Committee of Supply being read, the Chairperson of the Budget and Appropriations Committee or a Member designated by the Committee shall move the motion ***“The House do approve the Report of the Budget and Appropriations Committee on the Budget Estimates for the financial year.....and the Estimates of Expenditure from the Equalization Fund and the allocations to the respective votes and programmes as contained in the Schedule”*** with necessary modifications, where applicable.”

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 239 as amended - agreed to.

Standing Order 240 - amendment proposed –

THAT, the Standing Orders be amended by deleting Standing Order 240 and substituting therefor the following new Standing Order—

Consideration of Estimates in the Committee of Supply

240. (1) The report of the Budget and Appropriations Committee on the Budget Estimates and the Estimates of Expenditure from the Equalization Fund shall be considered in the Committee of Supply upon a motion that ***“The House do approve the Report of the Budget and Appropriations Committee on the Budget Estimates for the financial year.....and the Estimates of Expenditure from the Equalization Fund and the allocations to the respective votes and programmes as contained in the Schedule”*** with necessary modifications, where applicable.

(2) The Chairperson shall propose a question on each of the Votes or programmes.

(3) In considering the Estimates, the House shall take into consideration its resolutions on the Budget Policy Statement and ensure that—

(a) an increase in expenditure in a proposed appropriation is balanced by a reduction in expenditure in another proposed appropriation; or

(b) a proposed reduction in expenditure is used to reduce a deficit in the Budget.

(4) An amendment to any vote to increase or reduce the sum allotted to any programme or the vote may only be moved in accordance with the recommendation of the Budget and Appropriations Committee.

(5) An amendment in the Committee of Supply may be in the form of a motion ***“That the Vote..... be increased/reduced by Ksh (in respect of programme)”*** or in such a form as the Speaker may approve.

(6) An amendment to leave out a Vote shall not be in order, and shall not be placed on the Order Paper, and a Member desiring to do so should instead oppose the approval of the Vote.

(7) When notice has been given of two or more amendments to reduce the same item, sub-head, or a vote, they shall be placed in the Order Paper and considered in the order of the magnitude of the reductions proposed, the amendment proposing the largest reduction being placed first in each case. The reduced amount in respect of a Vote may be transferred to another Vote provided that other Vote has not been disposed of.

(8) Debate on every amendment shall be confined to the item, sub-head or the Vote to which the amendment refers, and after an amendment to an item or sub-head has been disposed of, no amendment or debate on a previous item or sub-head of that Vote shall be permitted.

(9) On the last of the allotted days, being a day before the 26th June, the Chairperson shall, one hour before the time for the interruption of business, forthwith put every question necessary to dispose of the debate for approval of the Vote then under consideration, and shall then forthwith put severally the

questions necessary to dispose of every Vote not yet granted; and if at that time the House is not in Committee, the House shall forthwith move into committee without question put, for that purpose.

(10) On any day upon which the Chairperson is under this order directed to put forthwith any question, the consideration of the business of Supply shall not be anticipated by a Motion for the adjournment of the House, and no dilatory Motion shall be moved in relation to that business, and the business shall not be interrupted under any Standing Order.

(11) When all amendments in respect of all Votes have been disposed of, the Chairperson shall again propose the question ***“The House do approve the Report of the Budget and Appropriations Committee on the Budget Estimates for the financial year.....and the Estimates of Expenditure from the Equalization Fund and the allocations to the respective votes and programmes as contained in the Schedule”*** with necessary modifications, where applicable.

(12) At the conclusion of the debate the Chairperson shall put the question referred to in paragraph (11) and report to the House forthwith.

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 240 as amended - agreed to.

Standing Order 241 - amendment proposed –

THAT, the Standing Orders be amended by deleting Standing Order 241.

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 241 - deleted.

Standing Order 242 - amendment proposed –

THAT, Standing Order 242 be amended—

(a) in paragraph (2) by deleting the words “a day before 26th June” appearing immediately after the words “down on” and substituting therefor the words “or any day before 30th June.”;

(b) by deleting paragraph (3).

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 242 as amended - agreed to.

Standing Order 243 - amendment proposed –

THAT, the Standing Orders be amended by deleting Standing Order 243 and substituting therefor the following new Standing Order—

Procedure on Supplementary Estimates

243. (1) The national government shall submit to Parliament for approval a supplementary budget in support of money spent under Article 223 of the Constitution.

(2) The supplementary budget shall include—

- (a) a statement showing how the additional expenditure relates to the fiscal responsibility principles and financial objectives, and
- (b) a schedule showing the list of programmes or projects that is affected by the proposed supplementary budget

(3) The procedure applicable to the approval of the Budget Estimates under Standing Order 240 (*Consideration of Estimates in the Committee of Supply*) and 240A (*Consideration of Supply Resolutions*) shall with the necessary modifications, apply to the approval of the Supplementary Estimates.

(4) On any day on which an Order of the Day for Committee of Supply has been set down under this Standing Order, the business of such order shall commence not later than three hours before the time for interruption of business.

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 243 as amended - agreed to.

Standing Order 244 - amendment proposed –

THAT, the Standing Orders be amended by deleting Standing Order 244.

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 244 - deleted.

Standing Order 245- amendment proposed –

THAT, Standing Order 245 be amended—

(a) by deleting paragraph (1) and substituting therefor the following new paragraph—

“(1) Following the submission of the legislative proposal by the Cabinet Secretary under Standing Order 244C (*Pronouncement of the Budget highlights and Revenue raising measures*), the Departmental Committee on Finance and National Planning shall introduce to the National Assembly the Finance Bill in the form in which the bill was submitted as a legislative proposal by the Cabinet Secretary, together with the report of the Committee on the Bill.”

(b) in paragraph (4) by deleting the word “approved” appearing immediately after the words “consider and” and substitute therefor the word “pass.”

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 245 as amended - agreed to.

Standing Orders 246, 247, 248, 249 & 250 - agreed to

Standing Order 251 - amendment proposed –

THAT, the Standing Orders be amended by deleting Standing Order 251.

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 251 - deleted.

Standing Orders 252 & 253 - agreed to.

Standing Order 254 - amendment proposed –

THAT Standing Order 254 be amended—

(a) in paragraph (1) by inserting the words “or Chairperson” immediately after the word “Speaker”;

(b) in paragraph (2) by inserting the words “or Chairperson” immediately after the word “Speaker”;

(c) in paragraph (3) by inserting the words “or Chairperson” immediately after the word “Speaker”.

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 254 as amended - agreed to.

Standing Order 255 - agreed to

Standing Order 256- amendment proposed –

THAT Standing Order 256 be amended in paragraph (2) by deleting the words “Standing Order 124 (*Not more than one stage of a Bill to be taken at the same sitting*)”

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 256 as amended - agreed to.

Standing Orders 257 & 258 - agreed to.

Standing Order 259- amendment proposed –

THAT Standing Order 259 be amended by inserting the following new paragraph immediately after paragraph (1)–

“(1A) The Speaker may designate seats in the Chamber for Members of the Chairperson’s Panel, Deputy Leaders of Majority and Minority Parties, Chairpersons of Committees and Majority and Minority Party Whips.”

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 259 as amended - agreed to.

Standing Orders 260, 261, 262 & 263 - agreed to.

Standing Order 264 - amendment proposed –

THAT Standing Order 264 be amended in paragraph (1) by deleting the words “not later than six months to the end of the term”.

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 264 as amended - agreed to.

NEW STANDING ORDERS**New Part IIA proposed -**

THAT, the Standing Orders be amended by inserting the following new Part immediately after Standing Order 12—

“PART IIA VACATION OF OFFICE OF SPEAKER AND DEPUTY SPEAKER

(Hon. David Gikaria)

Question of the New Part proposed;

Debate arising;

Question put and agreed to;

New Part IIA - agreed to.

New Standing Orders 12A & 12B proposed -

THAT, the Standing Orders be amended by inserting the following new Standing Orders immediately after Standing Order 12—

Resignation

- 12A.** (1) A Speaker or Deputy Speaker who intends to resign from office shall submit a letter of resignation addressed to the House.
- (2) Upon receipt of a letter of resignation, the Clerk shall, without delay,—
- (a) in the case of resignation by the Speaker, inform the Deputy Speaker; or
 - (b) in the case of resignation by the Deputy Speaker, inform the Speaker.
- (3) The House shall be notified of a resignation under this Standing Order within seven days.

Removal from Office

- 12B.** (1) A member of the National Assembly, supported by at least one-third of all the members, may move a motion for the removal of the Speaker or Deputy Speaker for—
- (a) serious violation of a provision of the Constitution or of any other law including a violation of Chapter Six;
 - (b) gross misconduct, whether in the performance of the Speaker's or Deputy Speaker's functions or otherwise;
 - (c) physical or mental incapacity to perform the functions of office;
 - (d) incompetence; or
 - (e) bankruptcy.
- (2) Before giving Notice of the Motion under paragraph (1), the Member shall deliver to the Clerk a copy of the proposed Motion in writing—
- (a) stating the grounds and particulars upon which the proposed Motion is made;
 - (b) signed by the Member;
 - (c) signed in support by at least one-third of all the Members of the Assembly.
- (3) Upon receipt of the motion by the Clerk, a Member shall not withdraw a signature appended to it.
- (4) A Member shall give three days' notice of the motion under paragraph (1) within three days of the approval of the motion.
- (5) The Clerk shall set out on the Order Paper on which the Motion is listed—
- (a) the grounds and particulars upon which the proposed Motion is made;
- the name of the Member sponsoring the Motion; and

- (b) the names of the Members in support of the Motion.
- (6) If the Motion is supported by at least fifty Members of the National Assembly—
 - (a) the Assembly shall appoint a select committee comprising eleven of its Members to investigate the matter; and
 - (b) the committee shall, within seven days, investigate and report to the Assembly whether it finds the allegations against the Speaker or Deputy Speaker to be substantiated.
- (7) The Speaker or Deputy Speaker has the right to appear and be represented before the select committee during its investigations.
- (8) If the select committee reports that it finds the allegations—
 - (a) unsubstantiated, no further proceedings shall be taken; or
 - (b) substantiated, the National Assembly shall—
 - (i) furnish the Speaker or Deputy Speaker with the report of the select Committee, together with any other evidence adduced and such notes or papers presented to the committee at least three days before the day scheduled for his or her appearance before the Assembly;
 - (ii) afford the Speaker or Deputy Speaker an opportunity to be heard;
 - (iii) consider the Report of the select committee; and
 - (iv) vote whether to approve the resolution requiring the removal from office of the Speaker or Deputy Speaker.
- (9) If a resolution requiring the removal from office of a Speaker or Deputy Speaker is supported by at least two-thirds of the Members of the Assembly, the Speaker or Deputy Speaker shall cease to hold office.”

(Hon. David Gikaria)

Question of the New Standing Orders proposed;

Debate arising;

Question put and agreed to;

New Standing Orders 12A & 12B

- agreed to.

New Standing Order 25A proposed -

THAT, the Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order 25—

“Designation of a place in the Chamber for Cabinet Secretaries and other persons

25A. The Speaker may designate a suitable place in the Chamber or at the bar of the House for—

- (a) the Cabinet Secretary responsible for finance to make a public pronouncement of the budget policy highlights and revenue raising measures for the national government as contemplated under the Public Finance Management Act;
- (b) other persons to make submissions or presentations before the House.”

(Hon. David Gikaria)

Question of the New Standing Orders proposed;

Debate arising;

Question put and agreed to;

New Standing Orders 25A

- agreed to.

New Standing Orders 82A, 82B & 82C proposed -

THAT, the Standing Orders be amended by inserting the following new Standing Orders immediately after Standing Order 82—

“Member who has spoken to question may speak to amendment

82A. Where an amendment has been moved, and if necessary seconded, any Member who has already spoken to the main question may speak to the amendment, and any Member who has not spoken to the main question but speaks to the amendment does not thereby forfeit the right to speak to the main question.

Debate on amendment confined to amendment

82B. (1) Where an amendment has been moved, and if necessary seconded, debate shall be confined to the amendment.

(2) Despite paragraph (1), the Speaker may direct that the debate on the amendment may include debate on the matter of the Motion where, in the Speaker’s opinion, the matter of the amendment is not conveniently severable from the matter of the Motion.

(3) Where the Speaker issues directions under paragraph (2), a Member who speaks to the amendment shall not be entitled, after the amendment has been disposed of, to speak to the Motion, and any Member who has already spoken to the Motion may in speaking to the amendment, speak only to any new matter raised thereby.

Reserving rights of speech

82C. Upon a Motion, other than a Motion by way of amendment to a question proposed by the Speaker, a Member may second by rising in his or her place and signifying acquiescence by bowing the head, without speaking, and such Member shall thereby reserve the same rights of speech as the Member would have had if some other Member had seconded such Motion.”

(Hon. David Gikaria)

Question of the New Standing Orders proposed;

Debate arising;

Question put and agreed to;

New Standing Orders 82A, 82B & 82C

- agreed to.

New Standing Order 107A proposed -

THAT, the Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order 107 –

“Gross disorderly conduct

107A. (1) A Member commits an act of gross disorderly conduct if the Member-

- (i) defies a ruling or direction of the Speaker or Chairperson of Committees;
- (ii) declines to explain or retract use of *unparliamentary* words or declines to offer apologies, despite having been ordered to do so by the Speaker;
- (iii) demonstrates or makes disruptive utterances against the suspension of a Member;
- (iv) attempts to or causes disorder of whatever nature during an address by a visiting dignitary;

uses violence against a Member or other person in the House or Committee;

- (v) attempts to or disrupts the Speaker's Procession when the Procession is entering or leaving the Chamber;
- (vi) attempts to or removes the mace from its place in the Chamber;
- (vii) acts in any other way to the serious detriment of the dignity or orderly procedure of the House; or commits any other breach of these Standing Orders, that in the opinion of the Speaker, constitutes gross disorderly conduct.

(2) In this Standing Order, "*unparliamentary* language" means the use of words which, in the opinion of the person presiding, are deemed to be impolite, rude, abusive or inconsistent with parliamentary procedure or practice.

(3) The Speaker may call a Member whose conduct is grossly disorderly to order, and shall order the Member to withdraw immediately from the precincts of the Assembly for a minimum of five days and a maximum of twenty eight days, including the day of suspension."

(Hon. David Gikaria)

Question of the New Standing Order proposed;

Debate arising;

Question put and agreed to;

New Standing Orders 107A

- agreed to.

New Standing Orders 110A & 110B proposed -

THAT, the Standing Orders be amended by inserting the following new Standing Orders immediately after Standing Order 110—

Effect of suspension

110A. (1) A Member who is ordered to withdraw from the precincts of Assembly under Standing Order 108 (*Member may be suspended after being named*) and Standing Order 111 (*Action to be taken on refusal to withdraw*) shall during the period of such withdrawal or suspension forfeit the right of access to the precincts of the Assembly.

(a) the right of access to the precincts of the Assembly; and

(b) his or her salary and all allowances payable during the period.

(2) Suspension from the service of the House shall not exempt the Member so suspended from appearing before a Committee of the House for the consideration of a Bill sponsored by the Member.

Appeal against suspension

110B. (1) Except as provided in this Standing Order, the suspension of a Member or the application of this Standing Order shall not be subject to debate.

(2) A Member suspended from the House under this Part may appeal in writing to the Committee of Privileges within three days of the suspension.

(3) Despite paragraph (2), the Committee may, with leave of the House, admit an appeal received after three days.

Upon receipt of the Member's appeal, the Committee shall within seven days—

- (a) notify the Member, in writing, of the day appointed for the hearing of the appeal;
 - (b) notify the Speaker, who shall thereafter admit the Member to the precincts of Parliament on the day(s) appointed for the hearing of the appeal; and
 - (c) consider the appeal and after according the Member the right to be heard, submit a report to the House either-
 - (i) upholding the suspension; or
 - (ii) reducing the period of suspension; or
 - (iii) readmitting the Member to the House.
- (4) The decision of the Committee regarding the suspension shall be final.
- (5) The Member who presided in the House or Committee of the whole House during suspension of an appealing Member shall not participate in the proceedings of the Committee during the appeal.
- (6) A member designated by the Committee shall inform the House of the decision of the Committee regarding the suspension and the Speaker shall thereupon effect the decision.
- (7) The House may, in exceptional circumstances permitted by the Speaker, debate the report of the Committee without amendment or resolution.

(Hon. David Gikaria)

Question of the New Standing Orders proposed;

Debate arising;

Question put and agreed to;

New Standing Orders 110A & 110B

- agreed to.

New Standing Order 112A proposed -

THAT, the Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order 112—

“Definition of a day

112A. For the purposes of this Part, a “day” means a calendar day.”

(Hon. David Gikaria)

Question of the New Standing Order proposed;

Debate arising;

Question put and agreed to;

New Standing Orders 112A

- agreed to.

New Standing Order 114A proposed -

THAT, the Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order 114—

“Speaker to exempt certain legislative proposals

114A. (1) The Speaker may exempt a legislative proposal which originates from the Party forming the National Government from the provisions of Standing Order 114 (pre-publication scrutiny).

(2) An exemption under paragraph (1) may not be granted unless it is accompanied by a copy of the relevant cabinet approval.

(3) The Party forming the National Government may indicate the Member under whose name the legislative proposal is proposed to be published.

(4) Upon grant of the exemption, the Speaker shall direct that the legislative proposal be published into a Bill.”

(Hon. David Gikaria)

Question of the New Standing Order proposed;

Debate arising;

Question put and agreed to;

New Standing Orders 114A

- agreed to.

New Standing Order 136A proposed -

THAT, the Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order 136—

Recommittal Procedure

136A. (1) A Member who desires to amend or delete a provision contained in a Bill reported from Committee of the whole House or introduce a new provision in the Bill, may propose an amendment to add, at the end of the Motion for agreement with the Committee of the whole House, the words “subject to the re-committal of the Bill (in respect of some specified clause, part or of some proposed new clause or new schedule) to a Committee of the whole House.”

(2) If the amendment to the motion for agreement with the Committee of the whole House is agreed to, 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 matter so re-committed.

(Hon. David Gikaria)

Question of the New Standing Order proposed;

Debate arising;

Question put and agreed to;

New Standing Orders 136A

- agreed to.

New Standing Order 191B proposed -

THAT, the Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order 191—

“Procedure if witness fails to appear

(1) Where a witness summoned does not appear, or appears but fails to satisfy the House or committee, the House or Committee may impose upon the

witness a fine not exceeding five hundred thousand shillings, having regard to the witness' condition in life and all the circumstances of the case.

(2) A person may pay the fine under paragraph (1) to the Clerk.

(3) Parliament or its committee may order the arrest of a witness who fails to honour a summons for the purpose of compelling his or her attendance.

(Hon. David Gikaria)

Question of the New Standing Order proposed;

Debate arising;

Question put and agreed to;

New Standing Orders 191A

- agreed to.

New Standing Order 200A proposed -

THAT, the Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order 200—

“Exit Reports

200A. (1) A Committee which is unable to complete its work before the expiry of its term shall table an exit report to the Assembly detailing reasons for such inability.

(2) The report shall be made available to the succeeding Committee which may consider it in preparing its workplan.”

(Hon. David Gikaria)

Question of the New Standing Order proposed;

Debate arising;

Question put and agreed to;

New Standing Orders 200A

- agreed to.

New Standing Order 202A proposed -

THAT, the Standing Orders be amended by inserting the following new Standing Order Immediately after Standing Order 202—

“Approval of joint sittings with a Senate Committee

202A. (1) A Committee may, with the written permission of the Speaker, hold joint sittings with a Committee of the Senate to consider a matter related to their respective mandates.

(2) The Speaker shall notify the House of the approval under paragraph (1).”

(Hon. David Gikaria)

Question of the New Standing Order proposed;

Debate arising;

Question put and agreed to;

New Standing Orders 202A

- agreed to.

New Standing Order 205A proposed -

THAT, the Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order 205—

“Special Fund Accounts Committee

205A. (1) There shall be a select committee to be designated the Special Fund Accounts Committee.

(2) The Committee shall be responsible for the examination of the accounts of—

- (a) the Equalization Fund;
- (b) the Political Parties Fund;
- (c) the Judiciary Fund;
- (d) the National Government Constituency Development Fund; and
- (e) such other Fund established by law as the Speaker may direct.

(3) The Committee shall consist of a Chairperson who shall be, so far as is practicable, be an Independent and not more than sixteen other members.

(4) In the Membership of the Committee, parties other than parliamentary parties forming the national government shall have a majority of one.

(5) The Members of the Committee shall be nominated and approved by the House at the commencement of every Session.”

(Hon. David Gikaria)

Question of the New Standing Order proposed;
Debate arising;

Paragraph (5) withdrawn;

Amendment proposed –

THAT, the proposed New Standing Order 205A be amended by Inserting the following new paragraph immediately after paragraph (5)-

“(6) The Special Funds Accounts Committee constituted immediately following the general elections shall serve for the term of that Parliament.”

(Hon. Adan Keynan)

Question of the amendment proposed –

Question put and agreed to.

New Standing Order 205A as amended - agreed to.

New Standing Orders 212A & 212B proposed

THAT, the Standing Orders be amended by inserting the following new Standing Orders immediately after Standing Order 212—

“Procedure for presentation of reports from the East African Legislative Assembly and the Pan-African Parliament

212A. (1) the Committee on Regional Integration may, receive a report or consult with a committee or a Member of the East African Legislative Assembly or the Pan-African, Parliament may present a report to or consult with the Committee for the time being responsible for matters relating to regional integration or any other committee of the

House on any matter relating to the work of the East African Legislative Assembly or the Pan-African Parliament, respectively.

(2) Whenever the Clerk of the National Assembly receives copies of the records of relevant debates of the meetings of the East African Legislative Assembly, or copies of Bills introduced into the East African Legislative Assembly and Acts of the East African Community, the Clerk shall forward the records of debates, Bills or Acts of the Community to the relevant committee.

(3) The Committee shall consider a report under paragraph (1) or the records of debates, Bills or Acts of the Community, and submit its report to the House with its recommendations, if any, within twenty-one days.

(4) The National Assembly shall, within twenty-one days, consider the report of the Committee under paragraph (3) and the Clerk shall, within seven days, forward to the Clerk of the East Africa Legislative Assembly the resolution of the National Assembly on the report together with copies of the records of the debate.

Committee on Members' Services and Facilities

212B. (1) There shall be a select committee to be designated the Committee on Members' Services and Facilities.

(2) The Committee shall be responsible for—

- (a) receiving and considering views of Members on the services and facilities provided for their benefit and well-being; and
- (b) advising and reporting on all matters connected to the services and facilities provided for Members.

(3) The Committee shall consist of a Chairperson and not more than six other members who shall be approved by the House at the commencement of every Session.

(Hon. David Gikaria)

Question of the New Standing Orders proposed;

Debate arising;

Question put and agreed to;

New Standing Orders 212A& 212B

- agreed to.

New Standing Orders 240A & 240B proposed -

THAT, the Standing Orders be amended by inserting the following new Standing Orders immediately after Standing Order 240—

Consideration of Supply Resolutions

240A. (1) The report or any resolution of the Committee of Supply shall be considered upon a Motion, ***“That, the House do agree with the Committee in the said resolution.”***

(2) The question on any Motion moved under paragraph (1) shall be put forthwith, no amendment, adjournment or debate being allowed, unless a Member desires to amend or to add to the resolution in which case the Member may propose an amendment to add, at the end of the Motion, the words ***“subject to the re-committal of the resolution (in respect of some specific Vote or programme) to the Committee of Supply.”***

(3) If the Motion is agreed to with the Member’s amendment, the resolution shall stand re-committed to the Committee of Supply and the House shall either forthwith or upon a day determined by the Speaker dissolve itself into Committee of Supply to consider the resolution so re-committed.

(4) When any resolution of the Committee of Supply has been re-committed to the Committee, the Committee shall consider only the matters in respect of which it was so re-committed and any matter directly consequential thereon.

(5) Except as provided by paragraph (4) of this Standing Order, paragraphs (2) and (3) of the provisions of this Standing Order shall apply in respect of a resolution so re-committed.

Appropriation Bill and Equalization Fund Appropriation Bill

240B. (1) The resolution of the House on the Budget Estimates and Estimates of Expenditure from the Equalization Fund shall serve as a basis of the Appropriation Bill and the Equalization Fund Appropriation Bill.

(2) Upon approval of the budget estimates, the Chairperson of the Budget and Appropriations Committee shall introduce an Appropriation Bill and, whenever necessary, an Equalization Fund Appropriation Bill in the House.

(3) The House may proceed only in accordance with the recommendation of the Budget and Appropriations Committee in respect of any proposed amendment to a Bill under paragraph (1) after consulting the relevant Departmental Committees.

(4) The House shall consider and pass the Appropriation Bill not later than the 26th June of any given year.

(Hon. David Gikaria)

Question of the New Standing Orders proposed;

Debate arising;

Question put and agreed to;

New Standing Orders 240A& 240B

- agreed to.

New Standing Orders 244A, 244B & 244C proposed -

THAT, the Standing Orders be amended by inserting the following new Standing Orders immediately after Standing Order 244—

Approval of expenditure of more than ten percent

244A. (1) Pursuant to the provisions of Article 223(5), the House may, following a request by the National Treasury and upon recommendation of the Budget and Appropriations Committee, by resolution, approve spending of more than ten per cent above the sum appropriated in the Appropriations Act for that financial year.

(2) The Budget and Appropriations Committee shall satisfy itself that the proposed expenditure under paragraph (1) relates to special circumstances.

Supplementary Appropriation Bill

244B. (1) The resolution of the House on the Supplementary Estimates shall serve as a basis of the Supplementary Appropriation Bill.

(2) Upon approval of the Supplementary Estimates, the Chairperson of the Budget and Appropriations Committee shall introduce a Supplementary Appropriation Bill for consideration by the House.

(3) The procedure applicable to the approval of a Appropriation Bill under Standing Order 240B (*Appropriation Bill and Equalization Fund Appropriation Bill*) shall with the necessary modifications, apply to the approval of the Supplementary Appropriation Bill.

(4) A Supplementary Appropriation Bill shall contain a schedule showing—

(a) the amounts appropriated in the Appropriation Act; and

(b) the net proposed change arising from the approved supplementary estimates under Standing Order 243 (*Procedure on Supplementary Estimates*) and Standing Order 244A (*Approval of expenditure of more than ten percent*).

Pronouncement of the Budget highlights and Revenue raising measures

244C. (1) The Cabinet Secretary responsible for Finance shall make a public pronouncement of the budget policy highlights and revenue raising measures for the national government as contemplated under the Public Finance Management Act.

(2) The Speaker may designate a suitable place in the Chamber for the purposes of admitting the Cabinet Secretary to make the public pronouncement of the budget policy highlights and revenue raising measures.

(3) The public pronouncement under paragraph (1) shall be heard without question or clarification.

(4) On the same date that the budget policy highlights and revenue raising measures are pronounced, the Cabinet Secretary shall submit to the National Assembly a legislative proposal, setting out the revenue raising measures for the national government, together with a policy statement expounding on those measures.

(5) The provisions of the National Assembly (Powers and Privileges) Act (Cap 6.) shall apply to a Cabinet Secretary admitted to the Chamber under this Part.

(Hon. David Gikaria)

Question of the New Standing Orders proposed;

Debate arising;

Question put and agreed to;

New Standing Orders 244A, 244B & 244C

- agreed to.

New Standing Orders 256A & 256B proposed -

THAT the Standing Orders be amended by inserting the following new Standing Orders immediately after Standing Order 256—

Extension of period prescribed

256A. (1) Despite the provisions of these Standing Orders prescribing a period for doing an act by the National Assembly or its Committee, the House may, upon a motion, resolve to extend that period.

(2) The authority of the House contemplated under paragraph (1), may be exercised only in exceptional circumstances to be permitted by the Speaker.

(3) Where an extension of time is granted under this Standing Order, the doing of all other acts consequential thereto shall be deemed to have been extended accordingly.

Summons by the House

256B. (1) A Member may give a three days' notice of a Motion requiring the House to summon a person to appear before the House pursuant to the provisions of Article 125(1) of the Constitution.

(2) The Speaker shall refuse or decline the notice, if the Speaker is of the opinion that the proposed motion is frivolous, vexatious, an abuse of the proceedings of the House, or an attempt to unreasonably usurp matters under consideration by a particular Committee.

(3) The notice under paragraph (1) shall specify—

- (a) the person or persons to be summoned;
- (b) the purpose of the summons;
- (c) the evidence to be adduced, or document to be produced, if any, before the House; and
- (d) the time and place of appearance before the House.

(4) Upon resolution of the House on a motion under paragraph (1), the Clerk shall, not later than three days from the date of the approval, issue summons to the persons named in the Motion, requiring the person to attend before the House on the date, time and place indicated in the Motion.

(5) A person shall be summoned to appear before the House under this Standing Order only if—

- (a) the purpose of the summons is not to consider a matter which is already a subject of consideration by a Committee of the House; or
- (b) the person has been previously summoned to appear before a Committee of the House but has failed or declined to appear before such committee without lawful cause.

(Hon. David Gikaria)

Question of the New Standing Orders proposed;

Debate arising;

Question put and agreed to;

New Standing Orders 256A& 256B

- agreed to.

New Standing Order 257A proposed -

THAT the Standing Orders be amended by inserting the following new Standing Orders immediately after Standing Order 257 –

Permission for absence

257A. (1) A Member seeking to be absent from sitting of the House shall, seek the written permission of the Speaker in such form as the Speaker may determine, stating the period of absence, the reasons and any other relevant information.

(2) The Clerk shall keep custody of requests for permission and may disclose the information with the written consent of the Speaker.

(Hon. David Gikaria)

Question of the New Standing Orders proposed;

Debate arising;

Question put and agreed to;

New Standing Orders 257A - agreed to.

New Standing Order 259A proposed -

THAT, the Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order 259—

Recognition of a Parliamentary Caucus

259A. (1) The Speaker may, upon the written request of at least ten Members, recognize a parliamentary caucus formed for the purpose of advancing a common legislative objective.

(2) A request to the Speaker under this Standing Order shall—

- (a) indicate the name of the caucus;
- (b) outline the legislative objective of the caucus; and
- (c) contain the names and signatures of the members of the caucus.

(3) A parliamentary caucus shall not enjoy the powers and privileges accorded to a Committee of the House.

Question of the New Standing Order proposed;

Debate arising;

Question put and agreed to;

New Standing Orders 259A - agreed to.

SCHEDULES

First Schedule - agreed to.

Second Schedule – Amendment proposed –

THAT the Second Schedule to the Standing Orders be amended by deleting the specified Committee and its respective subjects and substituting therefor the following new Committees and subjects—

Committee	Subjects
Agriculture and Livestock	Agriculture, livestock, irrigation, fisheries development, production and marketing.
Communication, Information and Innovation	communication, information, media and broadcasting (except for broadcast of parliamentary proceedings), Information Communications Technology (ICT), development and advancement of technology and modernization of production strategies.
Energy	Fossil fuels exploration, Development, production, maintenance and regulation of energy.
Finance and National Planning	Public finance, monetary policies, public debt, financial institutions, investment and divestiture policies, pricing policies, banking, insurance, population, revenue policies including taxation, national planning and development.
Labour and Social Welfare	Labour, labour relations, manpower or human resource planning, gender, youth, social welfare and security, children's welfare,, National Youth Service, the elderly and persons with disability.
Sports, Tourism and Culture	Sports, culture, language, arts, national heritage, betting and lotteries, tourism promotion and management.
Trade, Industry and Cooperatives	Trade, consumer protection, commerce, industrialization including special economic zones, enterprise promotion and development including small and medium-size enterprises, intellectual property, industrial standards, anti-counterfeit policies and co-operatives development.

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Second Schedule as amended - agreed to.

Third Schedule - agreed to.

Fourth Schedule - agreed to.

NEWSCHEDULES

New Fifth Schedules proposed –

THAT, the Standing Orders be amended by inserting the following new Schedules immediately after the Fourth Schedule—

**FIFTH SCHEDULE
FORM OF NOMINATION PAPER
(Standing Order 179(4))**

***Election of the Chairperson/Vice-Chairperson of the _____ Committee of the
National Assembly to be held on the ____ day of ____ 20__.***

We, the undersigned, being Members of Parliament nominated to serve in the _____ Committee of the National Assembly nominate the undermentioned person as a candidate for election as Chairperson/Vice-Chairperson of the Committee at the election.

(1) Particulars of Candidate.

Name in Full	
National Identity Card/Passport No.	
Sex	
Physical Address	
Political Party	
Telephone No.	
Name in Full	
National Identity Card/Passport No.	
Sex	
Physical Address	
Political Party	
Telephone No.	
Signature	

(2) Particulars of Proposer.

(3) Particulars of Secunder.

Name in Full	
National Identity Card/Passport No.	
Sex	
Physical Address	
Political Party	
Telephone No.	

And I, the aforesaid _____ do hereby consent to my nomination as a candidate for election as Chairperson/Vice-Chairperson of the _____ Committee of the National Assembly.

Signature of Candidate.

Dated this _____ day of _____ 20____.

(Hon. David Gikaria)

Question of the New Fifth Schedule proposed;

Debate arising;

Question put and agreed to;

New Fifth Schedule - agreed to.

New Sixth Schedule proposed -

THAT, the Standing Orders be amended by inserting the following new Schedules immediately after the Fourth Schedule—

**SIXTH SCHEDULE
FORM OF OATH/SOLEMN AFFIRMATION BY WITNESS APPEARING BEFORE A
COMMITTEE OF THE HOUSE
(Standing Order 191)**

I.....do swear/affirm that the evidence I shall give before this Committee on the matter(s) under its consideration shall be the truth, the whole truth nothing but the truth. (In the case of an oath—So help me God.)

(Hon. David Gikaria)

Question of the New Sixth Schedule proposed;

Debate arising;

Question put and agreed to;

New Sixth Schedule - agreed to.

New Seventh Schedule proposed -

THAT, the Standing Orders be amended by inserting the following new Schedules immediately after the Fourth Schedule—

**SEVENTH SCHEDULE
AFFIDAVIT OF SERVICE OF SUMMONS
(STANDING ORDER 191)**

I of an officer of the Parliamentary Service Commission/police officer make oath and state as follows:

On 20..... at (time) I served the summons in this matter on at..... (place) by tendering a copy thereof to him/her and requiring a signature on the original. He/She signed/refused to sign the summons. He/She was personally known to me/ was identified to me by and admitted that he/she was the witness.

1. Not being able to find the witness on 20..... at..... (time) I served the summons on (name) an adult member of the family of the witness who is residing with him/her.
2. Not being able to find the witness or any person on whom service could be made, on 20..... at (time), I affixed a copy of the summons to the outer door of being the house in which he/she ordinarily resides/carries on business/personally works for gain. I was accompanied by who identified the house to me.
3. (Otherwise specify the manner in which the summons was served).

SWORN by the said

this day of....., 20.....

Before me

Commissioner for Oaths/Magistrate

Question of the New Seventh Schedule proposed;

Debate arising;

Question put and agreed to;

New Seventh Schedule - agreed to.

Standing Order 2 - amendment proposed -

THAT, Standing Order 2 be amended by inserting the following new definition in its proper alphabetical sequence—

“broadcast” includes the live transmission of the proceedings of the House by radio, television or webcast;

(Hon. David Gikaria)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Standing Order 2 as amended - agreed to.

New Standing Order 2A proposed

THAT, the Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order 2—

“**2A.** The Mace of the House embodies the authority of the Speaker and the House and shall be kept in safe custody by the Serjeant-at-Arms.

Question of the New Standing Order proposed; **(No.061)**
JUNE 15, 2017

THURSDAY,

(505)

Debate arising;

Question put and agreed to;

New Standing Orders 2A - agreed to.

Title - agreed to.

Standing Orders to be reported with amendments

(ii) **Consideration of the President's Reservations on the Finance Bill, 2017**

New Clause 26

THAT, Bill be amended by inserting the following new clause:

28A. Section 29A of the Betting, Lotteries and Gaming Act is amended in subsection (1) by deleting the word "seven point five" and substituting therefor the words "thirty-five".

(Leader of the Majority Party)

Question of the recommendation proposed;

Debate arising;

Question put agreed to;

President's recommendation to New Clause 26 - approved.

New Clause 27

THAT, Bill be amended by inserting the following new clause:

28B. Section 44A of the Betting, Lotteries and Gaming Act is amended in subsection (1) by deleting the word "five" and substituting therefor the words "thirty-five"

(Leader of the Majority Party)

Question of the recommendation proposed;

Debate arising;

Question put agreed to;

President's recommendation to New Clause 27 - approved.

New Clause 28

THAT, Bill be amended by inserting the following new clause:

28C. Section 55A of the Betting, Lotteries and Gaming Act is amended in subsection (1) by deleting the word "twelve" and substituting therefor the words "thirty five".

(Leader of the Majority Party)

Question of the recommendation proposed;

Debate arising;

Question put agreed to;

President's recommendation to New Clause 28 - approved.

New Clause 29

THAT, Bill be amended by inserting the following new clause:

28D. Section 59B of the Betting, Lotteries and Gaming Act is amended in subsection (1) by deleting the word "fifteen" and substituting therefor the words "thirty-five".

(Leader of the Majority Party)

Question of the recommendation proposed;

Debate arising;

Question put agreed to;

President's recommendation to New Clause 29 - approved.

Reservations to be reported with amendments

9. **HOUSE RESUMED** - the First Chairperson in the Chair

(i) **The National Assembly Standing Orders of 2017**

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report

(Hon. Moses Cheboi)

Question put and agreed to;

(ii) **The President's Reservations to the Finance Bill (National Assembly Bill No. 16 of 2017)**

Reservations reported with amendments

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report

(Hon. Moses Cheboi)

Question deferred.

And the time being thirty two minutes past Six O'clock, the Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

12. **HOUSE ROSE** - at thirty two minutes past Six O'clock

M E M O R A N D U M

The Speaker will take the Chair today,
Thursday, June 15, 2017 at 6.50 p.m.