



**REPUBLIC OF KENYA
TWELFTH PARLIAMENT- (THIRD SESSION)
THE NATIONAL ASSEMBLY**

COMMUNICATION FROM THE CHAIR

(No. 08 of 2019)

ON

**APPROPRIATE DRESS CODE IN THE CHAMBER AND IN
COMMITTEES**

Honourable Members,

You will recall that during the afternoon sitting on Wednesday 20th February 2019, the Member for Kisumu West Constituency, the Hon. Olago Aluoch, rising on a Point of Order, sought the guidance and direction of the Chair on the matter of appropriate dress code for Members in the Chamber. The Hon. Olago drew the attention of the Chair to the dress code of the Member for Rarieda, the Hon. (Dr.) Otiende Amollo, who was dressed in a collarless shirt and a matching jacket, and, without a tie as prescribed in our Rules.

Other Honourable Members, including the Deputy Speaker, the Hon. Moses Cheboi; the Leader of the Majority Party, the Hon. Aden Duale; the Leader of the Minority Party, the Hon. John Mbadi; the Hon. Chris Wamalwa; the Hon. Sakwa Bunyasi; the Hon. Abdulswamad Nassir; the Hon. Kubai Iringo; the Hon. Mohamed Mohamud, the Hon. (Dr.) Robert Pukose; the Hon. Kimani Ichung'wah; and the Hon. (Dr.) Makali Mulu

weighed in to give their input or to seek further clarification on the matter.

Honourable Members, I have perused the Hansard Report of the day's proceedings so as to appreciate the issues raised by the Hon. Olago and the issues canvassed by other Members on this subject, and I have identified the following key issues for consideration –

- (1) What constitutes a proper dress code for Members of the National Assembly while in the Chamber?
- (2) Can there be exceptions to the rule, and if so, under what circumstances?
- (3) What is a decent attire/wear in respect of Honourable Lady Members?
- (4) Whether our diverse cultural regalia should be permitted to form part of the dress code for the Chamber and in Committees of the House;
- (5) Whether the prescription of a dress code is an affront on the freedom of conscience, religion and belief of Members of this August House;
- (6) Whether, in fact, it is time to depart from the traditionally prescribed dress code that the House has been accustomed to for decades and which has been used for preserving the dignity and sartorial standards of this House.

Honourable Members, the debate as to what constitutes 'appropriate dress code' is not new to this House. History is replete with instances where the Chair has been invited to determine whether or not a Member is properly dressed. Indeed, it is a matter that is not unique to the Parliament of Kenya, or perhaps the National Assembly.

It has and shall continue to dominate discourse across parliaments theworld over. This is because a House of Parliament without basic agreed standards of dress and manners can subject itself to dishonour.

In addressing the issues raised by the Hon. Olago Aluoch and fellow Members as to what constitutes an appropriate dress code, I am at the onset, bound to address three issues, namely-

- (1) What is the rule governing the manner of dress while attending Plenary and Committee sittings in the National Assembly?
- (2) What has the practice and application of the said rule been and how does it sit with practices and precedents in comparable jurisdictions?
- (3) Should we or should we not in fact have an absolutely determinate rule governing dress code?

Honorable Members, as you may all be aware, Article 117(2) of the Constitution gives Parliament the authority, for the purpose of the orderly and effective discharge of its business, to provide for its powers, privileges and immunities. In furtherance of the said constitutional principle, Section 37 of the Parliamentary Powers and Privileges Act, 2017 provides that –

(1) "the Speaker of either House of Parliament may, from time to time, issue such orders as may be necessary or expedient for the better carrying out of the purposes of this Act.

(2) Without prejudice to the generality of the foregoing, the orders may provide for—

(a) the admittance of members of the public to the precincts of Parliament;

- (b) *the deduction of any monies due to a member in respect of refreshments or other facilities made available to members within the precincts of Parliament;*
- (c) the appropriate dress code for members (emphasis).**

Accordingly, my predecessors did prescribe the '**appropriate dress code**' for Members of the National Assembly in previous Speaker's Rules. I also did affirm the same in the current Speaker's Rules, 2017 (Revised). Rule No. 8 of the Speaker's Rules **(Dress Code for Members, Media Representatives and Guests)** states that –

"Members, members of the press and guests shall not enter the Chamber, Lounges, Dining Room or Committee Rooms without being properly dressed. For the purposes of these Rules, proper dress means –

- (a) a coat, collar, tie, long-sleeved shirt, long trousers, socks, and shoes or service uniform for men; and*
- (b) decent formal/business wear for women"*

Honourable Members may recall that the Clerk did provide a copy of the Speaker's Rules issued by myself to every Member in keeping with Section 37(4) of the Parliamentary Powers and Privileges Act, 2017.

It is instructive to note that a prescription of an '**appropriate dress code**' is not codified in our Standing Orders. In its wisdom, the House has, like in many comparable jurisdictions, left it to the discretion of the Speaker to make orders as may 'from time to time' be necessary and as exigencies call for. It is also important to note that most legislatures in comparable jurisdictions have, for good reasons, refrained from codifying 'appropriate dress code' in their Standing Orders.

Honourable Members, this takes us to the second question, which is, **'What has the practice and application of the said rule been and how does it sit with practice and precedent in comparable jurisdictions?'** A review of instances of alleged improper dressing in the House reveals that Speakers have always exercised due discretion while enforcing the rule. But, as the Hon. Olago Aluoch did admit, the matter of dress code is 'evolving fast'! Consequently, a practice has developed whereby in cases where the claimed dressing is at variance with what is prescribed in the Rules, the determination of what constitutes "an appropriate dress code" has been left to the discretion of the Speaker.

In 1968, Speaker Humphrey Slade, was invited to determine whether or not the then Member for Embu North, the Hon. Mbogoh was properly dressed. Speaker Slade ruled thus—

*"As I have said on other occasions, we have no Standing Orders concerning dress, which I can enforce. It rests on the **collective opinion of the House as to what is or is not proper dress** (emphasis). If Hon Mbogoh does not meet with the approval of hon. Members, he will doubtless hear about that."*

I am persuaded to agree with Speaker Slade that, where it is not clear whether a Member's dress is proper or not, discretion has been left to the Speaker to make a determination on the matter, taking into account the **collective opinion of the House as to what is or is not proper dress.**

Honourable Members, on July 10, 2003, Speaker Francis Kaparo was confronted with a similar situation. The then Member for Gatundu North, the Hon. Patrick Muiruri had risen on a point of order contesting that the then Member for Kisumu Town East, the Hon. Gor Sungu was

not properly dressed. My review of the Hansard reveals no description of how the Hon. Sungu was dressed then, but, when called upon by the Speaker to rise in his place, the Hansard records that the House chanted "*Shame. Shame*", indicating that the House was nearly of the unanimous view that the Hon. Gor Sungu was improperly dressed.

Before ordering the Hon. Sungu to withdraw from the Chamber, the Speaker is on record stating as follows –

*"Order! Mr. Sungu, you can hear the displeasure of the House. I obey the command of the House. **If your sight displeases the House, it is my duty to remove your sight out of the House.** ...The Chair goes by the will of the House. Once the House disapproves, I have no choice. I am a servant of the House."*

On the question of a Muslim *Kanzu*, my predecessors have ruled that being a universally recognized formal, albeit religious dress, the *Kanzu* is acceptable within the rules governing dress in this House provided that a Member wearing a *Kanzu* also wears a coat as an outer garment. I have no intention of revisiting this established practice and tradition.

As to the question of admissibility of '**African**' male attire, those who have served in previous Parliaments would recall that the matter has come up severally. I have isolated a case involving the then Member for Subukia, Hon. Koigi Wamwere. On July 10, 2003, the Hon. Wamwere entered the House dressed in a "smart" African attire. This prompted the then Member for North Horr, the Late Hon. Dr. Bonaya Godana to seek the interpretation of the Chair as to whether the Hon. Wamwere was properly dressed. The Speaker determined that, decent as he may have been, the Member was not properly dressed.

May I also remind the House that the Chair is not oblivious of the progressive attempts that the Ministry of Culture made in 2004 to have Kenya's national dress with an African theme that epitomizes the country's cultural dressing diversity. As facts stand now, the envisioned Kenyan national dress remains work in progress.

Much as the Hon. Otiende Amollo alluded to inalienability of the right to conscience, religion and culture under Chapter Four of the Constitution of Kenya, it ought not be lost that, for the case of Parliament, these entitlements must be construed to preserve our sartorial standards and ensure decency in the House. I am therefore constrained from granting latitude to male Members to dress in what they would consider as African or national dress!

Honourable Members, the Leader of the Majority Party seemed to be inviting the Chair to make a finding that nominated Member, Hon. David Sankok's manner of dressing, particularly his choice to don national colours, is outside the ambit of Rule 8 of the Speaker's Rules. However, the member still dons a coat, long-sleeved shirt, a tie, long trousers and shoes.

I do not intend to belabor to prescribe the colour, shape, and design of suits worn by honourable Members. That is a matter of personal choice and taste. That notwithstanding, should the Chair establish that the nature and colour of the said dress is intended to crusade or advertise a certain course, he would not hesitate to make a determination.

Honourable Members, allow me to briefly share with the House application of rules relating to dress code in selected jurisdictions. First, in the United Kingdom's House of Commons, from where the practice in Kenya was heavily borrowed, Rule 23 on Dress provides that –

*"(23) As with the language you use, **the way in which you dress should also demonstrate respect for the House and for its central position in the life of the nation** (emphasis). There is no exact dress code. Convention has been that for men a jacket and tie is expected; for women the equivalent level of formality should be observed."*

However, in June 2017, the House of Commons did revisit the matter of dress code for male Members of Parliament where my counterpart Speaker John Bercow did guide that Members have to be dressed in **"business-like attire"** but that ties are no longer essential. I have since checked and found that a cross-section of the British society seem to be expressing fears that Parliament's sartorial standards will decline, while others think the Commons is finally entering the 21st century. The question that begs is, has the time for a fashion revolution come or is it time to allow fashion to permeate tradition?

In Australia, the dress code is not firmly anchored in rules. In 1999, Speaker Andrew Neil observed that it was widely accepted throughout the Australian Parliament community that the standards of dressing should include good trousers, a jacket, collar and tie for men and a similar standard of formality for women. In 2005, Speaker Hawker David echoed Speaker Andrew's position, observing that **it was not in keeping with the dignity of the House for Members to arrive in casual or sportswear.**

Closer home in Zambia, the official dress code for Members of the National Assembly is codified by Standing Order 165, which provides that —

"The official dress for male Members of Parliament shall be a formal suit, a pair of long trousers, a shirt, a tie and jacket, toga or safari suit with long or short sleeves and a scarf or tie. The official dress for female Members of Parliament shall be a formal dress, dress suit or skirt suit, chitenge dress or suit, short or long sleeved and below the knee, or formal executive trouser suit."

In New Zealand, the Speaker's Rules require both male and female Members to dress in "business attire." In terms of application, it is observed that most Speakers have interpreted that rule to mean ties and jackets for men.

Our counterparts in Uganda are expected to dress in a dignified manner. Rules governing dress code prescribe suits, pairs of trousers, jackets/coats, shirts and ties or *kanzus* or safari suits for men and blouses and skirts or dresses and jackets for lady Members. By virtue of the composition of Parliament, Military Members wear their uniform. The rules further require Members to wear acceptable shoes, save for cases where a Member of Parliament could, with the Speaker's permission, wear what might not necessarily be the norm.

Honourable Members, let me address myself to the manner of dressing of the Member for Rarieda, Hon. (Dr.) Otiende Amollo. Hon. Amollo seems to have a particular taste for collarless shirts. Indeed, as I have ruled before in 2014, *Kaunda* suits and even, for lack of a better term, the Mao Zedong coats, worn without a tie, are admissible as part of proper dressing in the House.

I have relooked at the manner in which the Hon. Otiende Amollo was dressed on Wednesday, 20th February, 2019 in the context of the definition of proper dress under Rule 8.

Unlike the collarless coats that I have just described, the Hon. Otiende Amollo's coat on that particular day was collared and therefore does not therefore pass to be worn without a tie. I therefore find that the member was **NOT** properly dressed.

As I conclude, **Honourable members**, I must emphasize that, it is in the interest of Members that whenever they appear in the House or its Committees to transact business, they do so in decorous attire, befitting their stature as legislators and that of Parliament as an institution. The same does apply to Members while in the Lounge and Dining Room. I hasten to restate that, whenever the House shall find a Member to be improperly dressed, the Chair will not hesitate to enforce strict adherence to proper dressing. Members who incessantly dress improperly will be deemed to be disorderly and may be subject to applicable sanctions.

In conclusion **Honourable Members**, I will now address the Question of what constitutes an appropriate dress code for the National Assembly. In doing so, I start by reiterating that Rule 8 of the Speaker's Rules (Revised) 2017 still applies, and for the avoidance of doubt, I quote-

"Members, members of the press and guests shall not enter the Chamber, Lounges, Dining Room or Committee Rooms without being properly dressed. For the purposes of these Rules, proper dress means –

- (a) a coat, collar, tie, long-sleeved shirt, long trousers, socks, and shoes or service uniform for men; and*
- (b) decent formal/business wear for women"*

Consequently **Honourable Members**, in summary, it is my considered ruling –

- (i) **THAT**, all Members, without exception, **MUST** observe Rule 8 of the Speaker's Rules (Revised) 2017 regarding dress code for Members while in the Chamber, the Lounges, Dining Room or Committee Rooms at all times;
- (ii) **THAT**, where for very good reasons, a Presiding Officer or Chairperson of a Committee is approached by a member to exempt the application of the rule, necessary discretion shall be exercised by the Presiding Officer or Chairperson of a Committee.
- (iii) **THAT**, with regard to what is decent attire in respect of our Lady colleagues, again, Presiding Officers and Chairpersons should exercise due discretion without compromising our sartorial standards. Lady colleagues are therefore duly advised to dress appropriately;
- (iv) **THAT**, as to whether our diverse cultural regalia should be permitted to form part of appropriate dress code in the House and in Committees of the House, I wish to state that, so to ensure we do not compromise on our sartorial standards, to avoid confusion, and in order that we do not end up in utter disorder, the Committee on Procedure and House Rules shall in future explore what could be considered as acceptable 'African' or 'national dress';

- (v) **THAT**, as to whether the prescription of a dress code is an affront on the freedom of conscience, religion and belief of Members of this august House, I am of the considered opinion that the beauty with our rules is that they emanate from what we consider to be accepted standards; standards agreed on by this very House. And when this House agrees, so it shall be; and,
- (vi) **THAT**, as to whether in fact it is time to depart from the traditionally prescribed dress code that the House has been accustomed to for decades even while at the same time preserving the dignity and sartorial standards the House sets, I guide as your servant, that when the time comes for the House to review its sartorial standards and to break with tradition, we shall proceed as the House shall determine.

The House is accordingly guided.



THE HON. JUSTIN B.N. MUTURI, E.G.H, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Wednesday, March 13, 2019