



REPUBLIC OF KENYA

TWELFTH PARLIAMENT– (FOURTH SESSION) THE NATIONAL ASSEMBLY

COMMUNICATION FROM THE CHAIR (ADVANCE)

_____ (No. 17 of 2020) _____

ON

BUSINESS SCHEDULED TO BE CONSIDERED DURING THE SPECIAL SITTINGS OF WEDNESDAY, APRIL 8, 2020

Honourable Members, as you are aware, the House is scheduled to hold its *Special Sittings* on Wednesday, 8th, April, 2020 to consider urgent and important business. Please note that this *Advance Communication* is issued ahead of the *Special Sittings* for purposes of informing and guiding Hon. Members on how the scheduled business of the House is to be considered. This is in line with the Guidelines that I issued on 2nd April, 2020 on the manner in which the House shall conduct its business.

Honourable Members, the main purpose of the *Special Sittings* is to consider some of the measures proposed by the Executive to cushion the public against the effects of the COVID-19 pandemic. You will also recall that, on March 17th 2020, the House made a resolution requiring that business received from the Executive when the House is on recess, be conveyed to the responsible and relevant Committees for their consideration prior to the House resuming its Sittings. To this end, the business scheduled to be considered during the *Special Sittings* is therefore already before the relevant Committees.

Honourable Members, further, given the extra-ordinary and unprecedented times in which we find ourselves and the call to our constitutional duty, I hereby invoke my earlier Guidelines and the provisions of **Standing Order 1** (*matters not provided for*) to make this *Advance Communication* to inform and guide Honourable Members as follows-

1. Consideration of the Tax Laws (Amendment) Bill, 2020

Honourable Members, the Tax Laws (Amendment) Bill, 2020 which seeks to make various amendments to tax related laws, is, as you are already aware, one of the items of business that you will be considering during the Special Sittings. In order to ensure that the requirements of Article 118 of the Constitution and Standing Order 127 on public participation are met, I authorized the Departmental Committee on Finance and National Planning, to which the Bill stands committed, to conduct public participation before First Reading. The views submitted by the public and the Report of the Committee on the Bill shall inform debate during the Second Reading stage and Committee of the Whole House.

Any Member with proposed amendments is hereby advised to forward them to the Committee ahead of its Sitting of Tuesday, April 7, 2020, for the Committee to undertake the process contemplated under Standing Order 131 (*winnowing of various amendments*), while considering the views of the public and other stakeholders. This will facilitate the consideration of the Bill at all stages the following day, as per the notification published vide *Kenya Gazette No. 2793* on the *Special Sittings* of the National Assembly. In doing so, Hon. Members are reminded of the provisions of Standing Order 133(5) and (6) relating to relevance and suitability of amendments. Further, The Tax Laws (Amendment) Bill, 2020 is a *Money-Bill*. Therefore, the requirements of Article 114(2) of the Constitution will also apply.

2. Consideration of the Value Added Tax (Amendment of the Rate of Tax) Order, 2020

Honourable Members, the *Value Added Tax (Amendment of the Rate of Tax) Order, 2020* seeks to reduce the rate of value added tax applicable to the taxable value of taxable supply, the value of imported taxable goods and the value of taxable services from the current 16% to 14%. The Cabinet Secretary for the National Treasury has since submitted the Order to the National Assembly for its consideration. This is to acknowledge having received the Order and the Clerk did also duly register the *Order* in the Statutory Instruments Register as required by section 11(3) of the Statutory Instruments Act, 2013. Upon receipt, I did refer the *Order* to the Committee on Delegated Legislation for review and scrutiny as required under section 12 of the Statutory Instruments Act. This is intended to allow scrutiny of the Order to be undertaken before tabling to be done during the Special Sittings. This is also to ensure the Committee has ample time to consider the *Order* ahead of the *Special Sittings*.

3. Consideration of the Public Finance Management (Covid-19 Emergency Response Fund) Regulations, 2020

Honourable Members, the Public Finance Management (Covid-19 Emergency Response Fund) Regulations, 2020 seek to establish the COVID-19 Emergency Response Fund whose object is to mobilize resources for emergency response towards containing the spread, effect and impact of the COVID-19 pandemic. This, therefore, is to inform you that, we did receive a Draft copy of the Regulations which was subsequently transmitted to the Committee on Delegated Legislation to review and advise the Cabinet Secretary for National Treasury if need be, on any item that may require to be amended or reviewed further. The Committee is expected to discuss the Regulations with the regulatory-making authority in this case, the Cabinet Secretary for National Treasury and National Planning, in accordance with section 16 of the Statutory Instruments Act, 2013, ahead of publication of the final version of the Regulations.

Thereafter upon publication, the Regulations shall, after submission to the National Assembly, stand committed to the Committee on Delegated Legislation for review and scrutiny as required under section 12 of the Statutory Instruments Act. Subsequently, the Committee shall be expected to guide the House accordingly.

4. Submission and Consideration of Supplementary Estimates for the Financial Year 2019/20 and related documents

Honourable Members, during the *Special Sittings*, the Supplementary Estimates for the Financial Year 2019/2020 and related documents are also expected to be tabled having been submitted to the House pursuant to Standing Order 243. As is procedure, should the Estimates be submitted, they shall stand committed to the Departmental Committees to consider and make recommendations to the Budget and Appropriations Committee. In light of the Guidelines that I issued on the conduct of the business of the House and in light of the expanded Membership of the Budget and Appropriations Committee and the need to observe social distancing, the Budget and Appropriations Committee shall conduct its sittings at the County Hall (*Mini Chamber*). The Chairpersons of Departmental Committees shall be required to make submissions to the Budget and Appropriations Committee in intervals. The Departmental Committees and the Budget and Appropriations Committee are required to adhere to the *Guidelines* in particular paragraphs 12, 13, 14, 15, 16, 17 and 18, which provide for the manner in which Committee sittings are to be undertaken in considering the Supplementary Estimates.

5. *Consideration of the Report of the Departmental Committee on Education and Research on the approval of appointment of persons to the Teachers Service Commission*

Honourable Members, as you are aware, the House is also scheduled to consider the Report of the Departmental Committee on Education and Research on the approval of **appointment** of persons to the Teachers Service Commission. However, as required by Standing Order 199(*Reports of Select Committees*), the Report is required to be tabled and thereafter published and circulated to Members. To give sufficient time to Honourable Members to apprise themselves on the contents of the Report before the *Special Sittings*, I have directed the Clerk to circulate copies of the Report to all Members using remote means, upon my approval of the Report and ahead of the *Special Sittings*. It is notable that the Departmental Committee has already concluded and adopted the Report as required by the House Standing Orders. The circulated copies of the Report ahead of the Sitting will serve as notice to all Members and accord them an opportunity to apprise themselves on the findings and recommendations of the Committee.

6. *Facilitating Voting*

Honourable Members, as I conclude, I am cognizant of the fact that, during the *Special Sittings* or indeed thereafter when called upon, each one of you will certainly be required to make a determination on any of the matters that I have highlighted before you in terms of decision making and voting as required under Article 122 of the Constitution and Standing Order 69 which provides for the manner of voting in Parliament. However, as you are all aware, paragraph 2 of the Speaker's Guidelines provides that at any one time in the Chamber, there shall be only seventy (70) Members. To this end, and in recognition of the right of every Member to vote, I have designated and declared the Members' Lounge adjacent to the Speaker's walkway as a **Voting Lobby** for purposes of according every Member an opportunity to vote on matters where a *Division* is claimed, or upon request by a Member to use roll-call voting. Consequently, the Clerk is forthwith directed to make the necessary arrangements for roll-call voting as envisaged under Standing Order 73(*Roll call voting*). Please note that a roll-call vote shall only take place **whenever necessary, when need arises or upon request** by any Members who may wish to vote but are not in the Chamber due to the limited seating capacity.

Honourable Members, as is procedure during a roll call vote, to actualize this process, the Party Whips will be required in the usual manner to designate the tellers for the "**Ayes**" and tellers for the "**Noes**" for such business and submit their names to the Speaker, who shall direct that the tellers do take seats at designated places in the **Voting Lobby**. During voting, Members shall be required to walk in an orderly manner to the **Voting Lobby** and adhere to the relevant Guidelines including on social distancing, among others. Each Member, will then be required to declare assent or dissent to a question in the following manner "**I vote yes**" or "**I vote No**". Thereafter the tellers shall present the result of the roll call vote to the Speaker who shall collate the result of the roll call vote together with the results of the vote taken in the Chamber and thereafter announce the tallied result of the vote to the House.

Honourable Members, I will strive to ensure that, even amidst the challenges that the *COVID-19 Pandemic* has presented regarding the manner in which the business of this House is to be conducted, urgent business of the House is facilitated seamlessly, efficiently and in a manner that guarantees your health and safety and protects the right of every Member to vote.

Honourable Members, extra-ordinary circumstances call for extra-ordinary measures hence, the *Guidelines* and this *Advance Communication*. As your Speaker, I undertake to ensure the House is facilitated to transact business, to keep you updated, as necessary, and to periodically review the *Guidelines* to accord with the changing times.

The House is accordingly guided.

Let us all Stay Safe!

I thank you.



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

Monday, April 6, 2020

