



**REPUBLIC OF KENYA**  
**TWELFTH PARLIAMENT**  
**THE NATIONAL ASSEMBLY – (FOURTH SESSION)**  
**COMMUNICATION FROM THE CHAIR**

*(No. 023 of 2020)*

**ON**

**THE IMPLICATION OF THE REJECTION, BY THE HOUSE OF A  
SPECIAL MOTION PROPOSING THE REJECTION OF NOMINEES  
FOR APPOINTMENT TO THE TEACHERS' SERVICE  
COMMISSION**

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**Honourable Members,**

You may recall that, early today, the House rejected a Motion under Order No. 10 of the Order Paper for the morning Sitting of today, Wednesday April 22, 2020. The Motion, which was moved by the Departmental Committee on Education and Research, was asking the House to reject the appointment of Mr. Mbage Njuguna Ng'ang'a and Ms. Leila Abdi Ali as members of the Teachers Service Commission.

**Hon. Members,**

The question now before the Speaker is, **“What is the implication of the House rejecting a Special Motion which is couched in the negative?”** Certainly, it cannot be that the House has approved the nominees, because a decision of the House to that effect ought to be unequivocal. On the same vein, it certainly cannot be that the House has rejected the appointment of the said nominees.

**Hon. Members,**

This is not the first time that the House is confronted with a scenario of the nature presented by the forestated question. In answering the question, I am therefore informed by a decision made by my predecessor in the Tenth Parliament, whereupon a Motion asking the House to reject proposed appointment of one Mr. Mumo Matemu as the Chairperson of the Ethics and Anti-Corruption Commission (EACC) was rejected by the House. At that time, in 2011, my predecessor did observe that in such circumstances, “the nominees stand”, implying that the nominees still remain before the House, considering that the nominees have neither been approved nor rejected by the by the House. The then Speaker did add that, it was incumbent on the mover of the business in question or indeed any other Member of the House to determine whether or not to move a positive Motion for the approval of the nominees by the House.

**Hon. Members,**


I hasten to state that I am not about to deviate from that precedent set by my predecessor. In fact, I agree with him, that an “approval of appointment” as contemplated by the Constitution and statutes is an **affirmative and unequivocal approval by the House**, and cannot be deduced from the rejection of a Committee Report. In such circumstances, the onus is on the relevant Committee or any other Member of this House to give notice of a motion to that effect, **phrased in positive terms**.

**Hon. Members,**

I wish to inform the House that I have this afternoon received and approved a new Notice of Motion from the Leader of the Majority Party, the Hon. Aden Duale, EGH, MP, asking the House to approve the appointment of Mr. Mbage Njuguna Ng'ang'a and Ms. Leila Abdi Ali as members of the Teachers Service Commission.

Should that Motion be carried, then the decision of the House will be construed unequivocally. Similarly, should the positive motion be negated by the House, the decision of the House will have been made unequivocally.

The House is accordingly guided.



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

Wednesday, April 22, 2020

