

REPUBLIC OF KENYA



THE SENATE

PROCEDURAL HANDBOOK

FIRST EDITION



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PROCEDURAL HANDBOOK

FIRST EDITION

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Foreword

This handbook is prepared for the guidance of senators and staff of the Senate in the performance of their duties. It sets out in brief form some of the modalities of the working of Parliament and the rules of procedure used to transact business in the Senate. The opportunity of producing this edition has also made it possible to provide some basic information on the Senate.

The handbook is not a substitute for the Constitution, the Parliamentary Powers and Privileges Act or the Senate Standing Orders. Senators are advised to study and familiarize themselves with all the legal and procedural aspects of Parliament. In addition, the Speaker shall from time to time, in consultation with the Procedure and Rules Committee, issue Speaker's Orders to regulate the conduct of senators and visitors within the precincts of Parliament.

J. M. NYEGENYE, CBS,
CLERK OF THE SENATE

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CHAPTER ONE

DEFINITIONS

- 1. Parliament:** Pursuant to Article 93 of the Constitution, the Parliament of Kenya consists of the National Assembly and the Senate. In accordance with Article 102 of the Constitution, the term of each House of Parliament expires on the date of the next General Election but when Kenya is at war, a term may be extended, for not more than six months at a time. The extension is sanctioned through a resolution in each House supported by at least two-thirds of members of the House. Article 101 of the Constitution provides that a general election of members of Parliament shall be held on the second Tuesday in August in every fifth year. Parliament commences upon a proclamation by the President through a Gazette Notice appointing a place and date of the first sitting of the new Parliament. There have been eleven Parliaments since independence. The Parliament elected on 8th August, 2017 is the 12th Parliament.
- 2. National Assembly:** The National Assembly, pursuant to Article 97 of the Constitution, consists of 350 members - 290 elected members, each from a single member constituency; 47 women, each elected by the registered voters of the counties, each county constituting a single member constituency; 12 other members nominated by political parties according to their proportion of members of the National Assembly in accordance with Article 90 of the Constitution, to represent special interests, including the youth, persons with disabilities and workers; and the Speaker, who is an ex-officio member.
- 3. Senate:** The Senate, pursuant to Article 98 of the Constitution, consists of 68 members - 47 members each elected by the registered voters of the counties, each county constituting a single member constituency; 16 women members nominated by political parties according to their proportion of members of the Senate; two members (one man and one woman) representing the youth; two members (one man and one woman) representing persons with disabilities; and the Speaker, who is an ex-officio member.
- 4. County Delegation:** Pursuant to Article 123 and Standing Order 72, all senators who are registered as voters in a particular county constitute a single delegation for purposes of voting in the Senate on a matter affecting counties.
- 5. Head of County Delegation:** On election, all members of the Senate who were registered as voters in a particular county shall collectively constitute

a county delegation. The head of a county delegation is the senator elected by the registered voters of each respective county, each county constituting a single member constituency, in accordance with Article 98(1)(a) of the Constitution. The head of the county delegation votes on behalf of the delegation, and may designate another member of the delegation to vote on behalf of the delegation when they are absent.

6. **Session:** The sittings of the Senate commencing when it first meets after a General Election or on the second Tuesday of February of each calendar year and terminating on the first Thursday of December, or at the expiry of the term of Parliament. Pursuant to the Standing Orders, a period of three months shall not intervene between the last sitting of the Senate in one session and the first sitting in the next session.
7. **Sitting:** Period during which the Senate is sitting continuously without adjournment. The sittings of the Senate are regulated by the Standing Orders.
8. **Sitting Day:** Any day on which the Senate sits.
9. **Special Sitting:** A sitting convened by the Speaker when Senate is on recess, on the request of the Senate Majority Leader or the Senate Minority Leader, with the support of at least fifteen senators.
10. **Regular Hours of Meeting:** 2.30 pm to 6.30 pm on Tuesday, Wednesday and Thursday.
11. **Recess:** period during which the Senate stands adjourned to a day other than the next normal sitting day.
12. **Oath or Affirmation of Office:** Pursuant to Article 74 of the Constitution, every person shall, before assuming a State office, take and subscribe to the Oath or Affirmation of Office. The Clerk of the Senate administers the Oath or Affirmation of Office to senators on the first sitting of a new Senate and to the Speaker in the presence of the assembled senators.
13. **Procedure on Assembly of a New Senate:** At the first sitting of a new Senate, the procedure followed is as follows:
 - a) once all senators have taken their seats, the Clerk of the Senate reads the notification of the President appointing the place and date for the first sitting of Parliament, pursuant to Article 126(2) of the Constitution after which he or she lays on the Table of the Senate, a complete list of all senators elected and nominated to the new Senate;

- b) in administering the Oath or Affirmation of Office, the following order of precedence is followed:–
 - i) Senators with the longest cumulative period of service in the Senate;
 - ii) Senators with the longest cumulative period of service in the Senate and the National Assembly;
 - iii) Senators with the longest cumulative period of service in the National Assembly;
 - iv) Senators with the longest cumulative period of service in any other legislature; and
 - v) All other senators.
- c) The Clerk calls out the full names of each senator who then proceeds to the Bar of the Senate, where he or she bows to the empty Chair, then proceeds to the left of the Table;
- d) The senator then moves into the space between the Clerks' seats at the Table, and bows again.
- e) The Clerk inquires from him or her, the religion he or she belongs to and whether he or she wishes to take an Oath or Affirmation of Office.
- f) Depending on one's faith, he or she would be given an appropriate religious book, which while lifting it by his or her right hand and holding a form containing the written Oath of office with the left hand, will proceed to read it. Where the senator elects to take the Affirmation of Office, he or she will lift his or her right hand and, holding a form containing the written Affirmation of Office with the left hand, will proceed to read it.
- g) On conclusion, the senator shakes hands with the Clerk, proceeds to the left side of the Table and signs the Oath or Affirmation book, and then returns to his or her place, amidst congratulatory bench thumping by other colleagues.
- h) The senator is at liberty to take the Oath or Affirmation of Office in any of the three languages used for communication in proceedings of the Senate.

14. Oath/Affirmation of Office of Member of Parliament

“I....., having been elected a member of the Senate do (swear in the name of the Almighty God) (solemnly affirm) that I will bear true faith and allegiance to the people and the Republic of Kenya; that I will obey, respect, uphold, preserve, protect and defend this Constitution of the Republic of Kenya; and that I will faithfully and conscientiously discharge the duties as a Member of Parliament. (So help me God)”.

The form of the Oath or Affirmation is also available in Kiswahili and in Braille for the visually impaired.

On other occasions, the administration of the Oath or Affirmation of Office is carried out by the Speaker as the first item of the proceedings at a sitting, soon after prayers. At such moments, the newly elected or nominated senator sits behind the Bar during prayers. Immediately after prayers, the Clerk of the Senate reads out the first Order of the Day which is Administration of Oath, after which he or she reads out the full names of the new senator. The Speaker, the senator, all senators, Clerks and visitors rise and remain standing to the end of the Administration of Oath. The new senator then proceeds to the Bar sandwiched between two sponsoring senators, the three bow to the Chair, proceed to stand in front of the Mace, bow to the Chair again; proceed to the space between the Clerks' seats and the Chair, facing the Speaker. The senior of the two sponsoring senators, who is normally on the new senator's right, introduces him or her to the Speaker.

The Speaker then asks the new senator his or her religion and whether he or she would take an Oath or Affirmation of Office. Depending on the reply, the Speaker is then handed the relevant material by the Clerk of the Senate which he or she hands to the new senator. The senator, taking the Bible, the Koran or such other religious book, in the right hand raises it up and holds the form containing the Oath or Affirmation of Office in his or her left hand which he or she reads out aloud. The senator then returns the religious book and the Oath/Affirmation of Office to the Speaker. The Speaker shakes hands with the new senator, utters the special words of “congratulations, welcome and best of luck”. Thereafter the new senator and his or her two sponsors proceed to the left of the Table where a Clerk is waiting with the Oath or Affirmation book, which the new senator signs. The trio then proceeds to the Bar, where they bow to the Chair before moving to their respective seats, amidst bench thumping by other colleagues.

15. **Speaker of the Senate:** The presence of the Speaker as the Presiding Officer over the Senate is provided for under Article 107 of the Constitution. His or her election and removal from office are provided for under Article 106 of the Constitution.

Constitutionally and procedurally, the Speaker presides at the sittings of the Senate. In his or her absence, the Deputy Speaker presides. In the absence of the Speaker and the Deputy Speaker, another senator elected by the Senate, presides.

The Speaker is the repository and custodian of all the powers, privileges and immunities of the Senate. He or she is the spokesperson of the Senate in all fora as well as the final authority on all matters touching on the interpretation and application of the practice and procedure of the Senate. In presiding over the proceedings of the Senate, the Speaker's decisions and the considered rulings he or she makes on matters brought to his or her attention constitute the "case law" of the Senate. As the presiding officer, he or she ensures the strict observance of the rules for preservation of order.

Senators rise and remain standing in their places, whenever the Speaker enters or leaves the Chamber. When the Senate dissolves into committee of the whole, as the Speaker rises to withdraw, senators also rise and remain standing until he or she has withdrawn from the Chair. Senators do likewise, when the Speaker resumes the Chair at the end of the committee proceedings. In the course of proceedings, whenever the Speaker speaks or rises to his or her feet, the senator then on the floor resumes his or her seat, until the Speaker has concluded speaking, or resumes his or her seat. During proceedings, the Speaker decides on all points of order raised by any senator. His or her decisions or rulings on such points of order may be made immediately or be deferred to some other time. Such decisions or rulings and other actions by the Speaker may only be questioned or criticized on a substantive motion.

In the enforcement of rules of procedure, the Speaker's powers are far-reaching. They include the exclusive right to decide on all matters not specifically provided for in the Standing Orders; in case of disorder or grave disorder, he or she could order the withdrawal of an errant senator from the Chamber; and on such a senator being named, he or she would be obligated to suspend him or her. A senator who is named for disorderly conduct on three or more occasions in the same session faces exclusion from the precincts for a maximum of twenty-eight sitting days. In the case of grave disorder, the Speaker may suspend the sitting or adjourn the Senate.

16. **The Deputy Speaker of the Senate:** The Deputy Speaker is elected by the House in accordance with Article 106 of the Constitution and pursuant to the provisions of Standing Order 13.

The Deputy Speaker is the chairperson of committees of the whole. If the Deputy Speaker is absent or if he or she wishes to take part in proceedings

in committees, the Speaker takes the Chair. In the absence of the Speaker, any member of the Speaker's Panel chairs. Any other senator presiding over a committee of the whole is referred to as acting chairperson.

17. **Members of the Speakers Panel:** The four members of the Speakers Panel are elected upon being nominated by the Speaker in consultation with parliamentary party leaders and the Senate Business Committee. The Panel is constituted pursuant to the provisions of Standing Order 17.
18. **Clerk of the Senate:** The offices of Clerk of each House of Parliament are set out under Article 128 of the Constitution. The Clerks are appointed by the Parliamentary Service Commission with the approval of the relevant House. The offices of Clerks and offices of staff in the Clerk's Chambers are offices in the Parliamentary Service.

In keeping with the age-old parliamentary traditions and conventions, the Clerk of the Senate is the repository of and principal advisor to the Speaker and all senators irrespective of their political persuasions, on matters of parliamentary traditions, conventions, practices and procedures. In the offering of advice, the Clerk does not impose it on them, but is concerned that decisions made should be on the basis of sound parliamentary know-how; as decisions of the House become precedents for future reference.

The Clerk is usually present at all sittings of the Senate, occupying the seat in front of the Speaker at the Table; from where he or she can be seen moving to and from the Speaker's Chair whenever the need for consultation arises in the course of proceedings. Procedural consultations between the two are continuous, even outside the Chamber.

The Clerk is also the administrative head of the Senate, the Accounting Officer and the Authorized Officer. The Clerk is in charge of the formulation and implementation of all policies as well as financial and administrative matters. In addition, the Clerk is the custodian of journals, papers and records of proceedings of Senate and its committees and all such material and information presented to the Senate in accordance with the law and procedure. Pursuant to Article 127(3) of the Constitution, the Clerk of the Senate also serves as Secretary to the Parliamentary Service Commission.

There exists clear-cut differentiation between the roles and functions of the Speaker and the Clerk. The tenacious hold between them is that the Clerk does offer advice on virtually all of the Speaker's powers and functions to Senate. Thus, the Clerk, acting under the specified authority takes decisions on admissibility of motions, bills, petitions and requests for statements, in the name of the Speaker. However, he or she does not work under delegated

authority. All advice, information received, decisions made and actions taken by the Clerk, in fulfillment of his or her role and functions are privileged in terms of the Parliamentary Powers and Privileges Act.

By practice, the Clerk is the honorary Secretary/Treasurer of the local branches of the Commonwealth Parliamentary Association (C.P.A.); the Inter- Parliamentary Union (IPU) and the African Caribbean and Pacific-European Union Joint Parliamentary Assembly (ACP-EU JPA).

Administrative responsibilities of these bodies are shared between the two Houses.

19. **Parliament Buildings:** The words “Parliament Buildings” refer to all the buildings in which accommodation for the use of Parliament is situated.
20. **Weekly Programme:** The programme containing the business of the Senate and schedules of sittings of committees, circulated by the Friday of the week preceding such business.
21. **Notice Paper:** The paper containing the business of the Senate for each sitting day of the week together with such other information as the Speaker may decide.
22. **Quorum:** Quorum of the Senate or a committee of the whole is fifteen (15) senators.

CHAPTER TWO

SITTINGS AND ADJOURNMENTS

- 23. Sittings:** Sittings are held on Tuesday, Wednesday and Thursday, commencing at 2.30 p.m. and are interrupted at 6.30 p.m.

The above notwithstanding, the Senate may resolve to—

- a) extend its sitting time;
- b) meet at any other time on a sitting day; or
- c) meet on any other day in order to transact business.

- 24. Adjournments:** The interruption of proceedings of normal sittings comes at 6.30 p.m.

The Senate may also be adjourned in the event of lack of Quorum. Such adjournment is without question put.

- 25. Adjournment Motions:** Additionally, the Senate may be adjourned through a motion. Such a motion may be moved at any time in the course of the proceedings. Motions in this regard include those seeking the adjournment of the Senate to facilitate attendance of the Senate to some urgent national matter outside the Senate.

Whenever the Senate has to adjourn to a day other than the next normal Sitting Day, the adjournment is secured through an adjournment motion in which case the Senate decides, by a vote, whether to adjourn or not. Such adjournment motions are moved without notice, and have often been for the convenience of the Senate.

However, if the adjournment is in accordance with the Senate Calendar, the Senate adjourns without Question put. This is for the simple fact that the date is already specified in the Calendar which is approved by the House at the commencement of each session.

The Senate may also adjourn to discuss a definite matter of urgent national importance.

An adjournment motion to discuss a definite matter of urgent national importance usually enables a senator to raise a matter considered urgent

and of national importance. Motions seeking this kind of adjournment are moved at any time and without notice. The sequence of events leading up to the moving of such motions is as follows–

- a) the senator submits a written notification of the matter to the Speaker at least one hour before the commencement of a sitting at which he or she intends to raise the matter;
- b) the Speaker decides whether the matter falls within the meaning of “a definite matter of urgent national importance”
- c) when the Speaker decides in the affirmative, he or she informs the Senate accordingly when the matter is raised and, if five or more other senators rise in their places in support, the Speaker nominates a time on the same day at which such a motion may be moved;
- d) this form of motion is intended to facilitate the discussion of a specific subject, and only that subject may be discussed. The object is not literally to adjourn the Senate but to set aside scheduled business and time to facilitate deliberation on the matter;
- e) at the conclusion of the debate, no Question is put.

- 26. Adjournment of Debate:** Motions to adjourn debate may be moved at any time after a Question has been proposed. A senator wishing to move a motion to adjourn debate does so by stating that he or she wishes to postpone to some future occasion the further discussion of the question then before the Senate. If the motion is moved when the Senate is in plenary, the motion would be “That, the debate be now adjourned”. If in the committee of the whole, the motion would be “That, the chairperson do report progress”. The Speaker or the chairperson has to decide whether such a motion is not frivolous and an abuse of the proceedings of the Senate and, if it is not, the Speaker will forthwith put the question. If it is frivolous, the Speaker may decline to propose the question.

The debate on any such motion is confined to the matters raised in the motion, which, if adopted, the debate on the question before the Senate ceases forthwith.

- 27. Closure of Debate:** A senator may at any time seek to curtail the further discussion of a question to which the mover has a right to reply, by moving a closure. The senator moving this kind of a motion rises in his or her place on a point of order and states - “That, the mover be now called upon to reply”. The Speaker has the duty to decide whether such a motion is an abuse of the

proceedings of the Senate or an infringement of the rights of senators, and, if not, the question shall be put forthwith and decided without debate; and if he or she thinks so, then the debate on the question then before the Senate shall resume. If the Speaker puts the question and it is decided in the affirmative, then the mover shall reply immediately and if he or she does not wish to reply, the Speaker shall put the question of the main question.

- 28. Dilatory Motions:** These are motions made for the purpose of evading or superseding a question with a view to delaying the consideration of a subject.

PROCEEDINGS OF THE SENATE

29. What Constitutes Proceedings: In a nutshell, the proceedings of the Senate comprise and denote all the happenings in the Senate from the moment the Speaker's procession marking the commencement of the sitting enters the Chamber, to the time the proceedings are interrupted by suspension or adjournment. The guide for the proceedings is usually the Order Paper, though not all such proceedings are indicated on it. For instance, there are matters like points of order, notices of motions of adjournment under Standing Order No. 32; motions of adjournment under Standing Order No. 34; motion which may be moved without notice under Standing Order No. 54, et cetera, which are not listed on the Order Paper.

30. The Order Paper: The Order Paper is a schedule showing the sequence of the matters to be dealt with by the Senate at a Sitting, called, Orders of the Day. It is prepared by the Clerk of the Senate under the direction of the Speaker by the authority of the Senate Business Committee.

The Order Paper is, in fact, the agenda through which the proceedings of the Senate are closely steered.

The running sequence of the Items on the Order Paper is as follows:—

- a) *Administration of Oath* – This is to enable any newly elected or nominated senator to take the Oath or Affirmation of Office.
- b) *Communication from the Chair* - This is for the Speaker to convey any message, for example notification of assent to bills by H.E. the President; or give a considered ruling or some information to the Senate regarding the Orders of the Day or some procedural guidance.
- c) *Messages* – Refer to communication between the two Houses or from the President to the Senate, or from a county assembly to the Senate, or from a county governor to the Senate. Messages have to be in writing and signed.
- d) *Petitions* – A written prayer to the Senate under Articles 37 and 119 of the Constitution by a member of the public or a group of people requesting the Senate to consider any matter within its authority as

contemplated in Articles 94 and 96 of the Constitution including enacting, amending, or repealing any legislation.

- e) *Papers* - Any printed or electronic material laid on the Table of the Senate or a committee of the Senate pursuant to any law or the Standing Orders or any other material as the Speaker may determine. This is an opportunity for official documents, such as reports of statutory bodies or those of select committees to be formally presented to the Senate.
- f) *Notices of Motion* - This is an opportunity for a senator who has a motion he or she intends to move in the future to bring the terms of such a motion to the attention of the Senate. Notices relate only to substantive motions, which will have been approved by the Speaker and balloted by the Senate Business Committee.
- g) *Statements* – Constitute general pronouncements by any senator on issues of topical concern, or information by a designated member of the Senate Business Committee bringing to the attention of the Senate the business coming before the Senate the following week, or a statement by the Senate Majority Leader or the Senate Minority Leader, as the case may be, relating to their responsibilities in the Senate, or a statement sought by a senator from a committee chairperson relating to the matters under the mandate of the committee.
- h) *Motions* - A motion is a self-contained proposal submitted for the approval of the Senate and drafted in such a way as to be capable of expressing a decision of the Senate. Save as otherwise provided by the Standing Orders, notice must be given by a senator of any motion which he or she proposes to move. Before giving notice of a motion, a senator must deliver to the Clerk a signed copy of the proposal. The Clerk submits the same to the Speaker, who may direct that it be altered or that it is inadmissible. When the motion is approved by the Speaker, the senator gives notice by reading it in the Senate when the Clerk calls “Notices of Motion”. Party-sponsored motions shall have precedence over all other motions on such days as the Senate Business Committee, in consultation with the Speaker, may determine, and in such order as the committee may determine, and subject thereto.
- i) *Bills* – A bill is a draft legislation for consideration by the Senate. After being approved by the National Assembly and the Senate, if it relates to a matter requiring consideration by both Houses, a bill is presented to the President for assent. Each senator will receive a copy of all bills which are for introduction in the Senate. A bill passes through several stages. These are:

- a) First Reading - To draw senators' attention to the bill. At this stage, the bill shall be referred to the relevant standing committee;
- b) Second Reading - Members discuss the principles of the bill;
- c) Committee of the Whole Stage - The bill is considered clause by clause, and members may propose and vote for or against proposed amendments;
- d) Report Stage - The committee of the whole informs the Senate of its consideration of the bill;
- e) Third Reading - Senators may again briefly debate the principles of what is already in the bill but further amendments should not be proposed.

When a bill has passed third reading stage in the Senate, a certified copy shall be signed by the Clerk and endorsed by the Speaker and forwarded to the Clerk of the National Assembly requesting the concurrence of the assembly.

Not more than one stage of a bill may be taken at any one sitting without the leave of the Senate, with certain exceptions.

- 31. How a Matter gets into the Order Paper:** The Senate Business Committee determines matters for inclusion in the Order Paper. There are those matters that are automatically included and those that are put by initiative of a senator.

The matters that are automatically included in the Order Paper, comprise–

- a) Prayer;
- b) Administration of Oath;
- c) Communication from the Chair;
- d) Messages;
- e) Petitions;
- f) Papers; and
- g) Notices of motions.

Matters whose inclusion arises from initiative of a senator comprise-substantive:

- a) Motions for debate;
- b) Stages of a bill;
- c) Motions for adjournment of the Senate; and
- d0 Notice of amendments to bills

32. Votes and Proceedings: The Votes and Proceedings is the precise summary of the proceedings of the Senate at each sitting. The summary contains a record of what was done or transacted at the sitting in the order in which they were dealt with or occurred. The sequence set out on the Order Paper is sometimes not strictly followed. Whenever this happens, the alteration is recorded, too. Nevertheless, there are some parts of the proceedings not recorded in the Votes and Proceedings.

The parts of the proceedings not recorded in the Votes and Proceedings include, points of order on matters of procedure, the Speaker's entry, withdrawal and departure from the Chamber and any action or noise by visitors.

The parts of the proceedings that are included in the Votes and Proceedings include—

- a) The time the Senate assembled;
- b) Prayer;
- c) Administration of Oath, if any was carried out;
- d) Communication from the Chair, if any was given;
- e) Petitions, if any were presented;
- f) Papers laid; if any were laid on the Table of the Senate;
- g) Notices of motions; if any were given;
- h) A record of the business disposed of in the sequence it was transacted, whether it was adopted, negatived, deferred, or dropped;
- i) Other proceedings in the process of disposing of business, such as motions to adjourn the Senate under Standing Orders 32 and 34;

adjournment of debate under S.O. 99; lack of Quorum in the Senate under Standing Orders 35, 36 and 37; the several motions under Standing Order 54; suspension of a senator from the precincts of the Senate under Standing Order 110, adjournment of the Senate due to grave disorder under Standing Order 115; et cetera, are also recorded, plus a brief summary of any statements requested or issued;

- j) Results of Division, by name;
- k) Time of interruption of proceedings, the name of the Presiding Officer, the day and date of reconvening, if known; and
- l) Sequence of events during committee of the whole stage, covering the transition from plenary to committee and back, et cetera.

33. Modes of Decision Making: Pursuant to Article 122 of the Constitution, decisions of the Senate are signified by voting. The voting is either by the collecting of voices (oral) or by electronic voting or by roll call. These modes of decision making apply to all matters of a substantive nature on which the Senate is required to make a decision.

However, there are four occasions in which divisions with specific majority votes are mandatory:—

- a) To impeach the President, in which case 2/3 of all senators vote to uphold any impeachment charge;
- b) To impeach the Deputy President, in which case 2/3 of all senators vote to uphold any impeachment charge;
- c) Voting on a bill referred back to Parliament by the President for reconsideration pursuant to Article 115 of the Constitution, in which case to reject or amend the Presidents reservations on the bill, a vote is carried only if supported by 2/3 of the delegations in the Senate; and
- d) Voting on a matter affecting counties, in which case a vote is carried only if supported by a majority of all county delegations.

On all other occasions, decisions are carried by a simple majority of those present and voting.

CHAPTER FOUR

PRACTICE AND PROCEDURE

- 34. Content of Parliamentary Practice and Procedure:** The processes by which Parliament transacts its proceedings, members' relation to each other, the totality of what Parliament applies in carrying out its role and functions, is in one word called procedure.

The procedure of Parliament is wide and includes the unwritten and written working processes that have come into place by way of practice, tradition, convention, etiquette, and rulings by the Speaker. The written or codified form is normally referred to as the procedure and the unwritten form, which includes all traditions, conventions and rulings of the Speaker, is normally referred to as the practice. Thus, this whole process is known as Parliamentary Practice and Procedure. The following are some of the rules of procedure.

- 35. Entering and Leaving the Chamber:** When the five-minute bell rings at the commencement of a sitting, senators should proceed with dignity to the Chamber. On the Speaker being announced, senators should make their way to their places where they should stand in silence.

The Speaker will bow at the Bar and on reaching the Chair, read a Prayer.

On concluding reading the prayer, the Speaker bows to the senators on the right, and then to the senators on the left. Senators should turn slightly towards the Speaker and return his bow. When the Speaker sits, senators sit.

At the conclusion of business, the Speaker rises and bows. Senators should also rise and return the Speaker's bow.

Senators remain standing in silence in their places until the Speaker's Procession is out of the Chamber.

When senators enter the Chamber during a sitting, they should halt at the Bar and bow to the Chair. Senators may also show respect in any other manner consistent with their faith and with the dignity of the Senate. This is a customary practice by which every senator acknowledges with respect the authority of the Chair.

A senator must not pass between the Chair and any senator who is speaking; to do this is violation of parliamentary etiquette.

A senator wishing to leave the Chamber should bow to the Speaker on rising from the seat and proceed to the Bar of the Senate where he or she should again bow.

A senator crossing the floor from one side of the Chamber to the other must pause and bow to the Chair. It is out of order to pass between the Chair and the Table, i.e. in front of the Speaker and behind the Clerks.

Should senators on opposite sides of the Senate Chamber wish to consult, they should withdraw through the main entrance or proceed to the screen behind the Speaker's Chair.

A senator wishing to leave the Chamber should do so only through the Main entrance.

- 36. In the Chamber:** Senators must not read extraneous papers such as newspapers, periodicals, et cetera, in the Chamber unless such documents are to be quoted in the course of a debate.

Conversations between senators are not out of order, but they must be in low tones.

Items such as weapons, walking sticks, and umbrellas should not be brought into the Chamber.

Senators should attend sittings of the Senate dressed respectably. Senators may wear national costumes established by tradition, or by more recent custom, but not ostentatious headgear or other dress.

When the speaker or the chairperson of committees, who is the deputy speaker rises to intervene in a debate, senators must be silent. Should a senator, at that time be speaking, or standing, he or she must resume his or her seat. It is out of order to interrupt the Speaker or the chairperson of committees while either is speaking, and any senator entering the Chamber at that time must stand in a respectful manner at the Bar until the Speaker, or the chairperson of committees, has completed speaking.

Senators may draw the attention of the Speaker to any breach of order. To do so, a senator may interrupt a Speaker by pressing the "Intervention" button on the digital congress system. The Speaker will give the senator an opportunity to raise the point of order which will be followed by a brief ruling on the matter.

37. **Personal Statements:** This mechanism provides a limited opportunity for a senator to explain matters of a personal nature although there is no question before the Senate.
38. **Speaking in the Senate:** Erskine May's *Treatise on Parliamentary Practice and Procedure* states that, "Good temper and moderation are the characteristics of parliamentary language. Parliamentary language is never more desirable than when a member is canvassing the opinions and conduct of his opponents in debate."

Reflections in the Chamber during debate against the character and proceedings of the Senate or senators which tend to degrade the Legislature are prohibited.

Save for those with physical challenges, senators must stand up to speak, and all senators should address their remarks to the Chair.

Senators must speak from their own place, except that the Majority and Minority leaders may speak from the dispatch box.

It is out of order to read a speech, although there are exceptions to this rule. For example, a party spokesperson or chairperson of a committee, while moving a motion or making or responding to a Statement, may be permitted by the Speaker to use rather full notes, as he or she may be giving utterance to authoritative announcements, or dealing with figures or technicalities, which cannot be memorized easily, or whenever the Speaker is satisfied that the necessity for precision of the statement of the facts, justifies the reading of the speech.

A senator has a right to be heard without interruption, provided he or she is not out of order, irrelevant or repetitive; though inoffensive interjections which do not seriously interrupt one's speech are not discouraged. Thus, the Speaker has ruled that an occasional interjection may add spice to a debate, but continuous interruption cannot be tolerated.

A senator who is speaking may permit interruption by another senator who wishes to elucidate a point. Such senator will attempt to rise with the words. "Will the distinguished senator permit me"? or "Would the distinguished senator kindly give way"? or "On a point of information". The senator then speaking will usually resume his or her seat while the interrupter gives explanation of a point; but if the hour is late, or if the senator then speaking suspects the other of merely trying to harass, he or she may indicate that they are not prepared to give way.

A senator speaking may be interrupted at any time on a point of order. The words used are, “Mr./Madam Speaker, on a point of order”. With the digitization of the Senate Chamber, senators need to indicate their intention on the congress system. The senator interrupting must be certain that his or her point is a point of order and not a point of explanation or a point of argument. Points of order may relate either to the propriety of what the senator then speaking has said, or to any other matter which is immediately relevant to procedure (including a proposal to move the closure of a debate).

A senator may not speak in a debate until called out by the Speaker, upon making a request through the electronic telecommunication and voting system.

A Maiden speech: which is the first speech given by a newly elected or appointed senator is given high priority and usually treated with special courtesy. The maiden Speaker should be congratulated by other Speakers from both sides of the divide. Ideally, before making a maiden speech, the senator should announce vividly his or her name and the county he or she represents, or other status as the case may be.

Senators may refer to other senators by the title, “Senator..... (name of the Senator)”.

Senators whose speeches are uninteresting, repetitive or irrelevant will soon find themselves speaking to empty benches, even if not called to order for repetition or irrelevance.

Senators may only speak once on each question in debate. This excludes matters discussed in committee of the whole or points of order. Personal explanations do not fall into the category of a debate.

No senator other than the proposer and seconder may speak in a debate until the question has been proposed from the Chair.

The occupant of the Chair is addressed as Mr. or Madam Speaker, or Mr. or Madam Deputy Speaker, as the case may be, or in committee, as Mr. or Madam Chairperson.

Senators are expected to observe moderation of language and avoid saying anything which might reflect adversely on another senator’s motives, honesty or sincerity. While there may be no exact definition of un-parliamentary expression, the Speaker has ruled such references as “ignorant”, “wasting time,” “sit down,” “stooge”, “shut up”, “nonsense”, “lie”, “liar”, “stupid”, and many others, as out of order.

Cries of “shame”, particularly if voiced loudly, are considered to be a gross form of interruption; cries of “hear, hear”, in moderation, can be used, but when frequent and loud for the purpose of interrupting a speech, are considered as un-parliamentary.

A senator may raise a point of order at any time to draw the Speaker’s attention to the fact that a quorum is not present.

SOME RULES OF DEBATE

39. **Personal Interest:** A senator who wishes to speak on any matter in which he or she has a pecuniary or proprietary interest shall first declare that interest.
40. **Relevance:** The subject matter of the motion must be studied, to ensure that speeches are relevant. Irrelevance could cause the Speaker to discontinue a senator’s speech.
41. **Matters already Decided:** When a matter has been decided by resolution of the Senate, it cannot be discussed further in the same session, except upon a motion to rescind that decision made with the permission of the Speaker.
42. **Anticipation:** It shall be out of order to anticipate the debate of a bill which has been published in the Gazette by discussing the subject matter upon a substantive motion. It is also not allowed to anticipate the debate of a motion of which notice has been given.
43. **Repetition:** Senators must not repeat, in the course of any debate, what they or other senators have already said.
44. **Reading Speeches:** Senators are not allowed to read their speeches, except so far as is necessary to refer to notes or to quote brief extracts from documents. The Speaker may allow a speech to be read in particular cases when it is necessary for precision in statement of facts.
45. **Allegations of Fact:** Senators must not allege specific matters of fact as being true unless they are prepared to substantiate them by producing some kind of evidence which reasonably justifies such allegations, though not necessarily amounting to strict proof.
46. **Considering Substantive Motions:** A substantive motion is a self-contained proposal submitted for the approval of the Senate and drafted in such a way as to be capable of expressing a decision of the Senate.

Save as otherwise provided by the Standing Orders, notice must be given by a senator of any motion which he or she proposes to move.

Before giving notice of a motion, a senator must deliver to the Clerk a signed copy of the proposed motion. The Clerk submits the same to the Speaker, who may direct that it be altered or that it is inadmissible.

When the motion is approved by the Speaker, the senator gives notice of it by reading it out in the Senate when the Clerk calls “Notices of Motion”.

Motions sponsored by the Majority Party, Minority Party or committee shall have precedence over other motions on such days as the Senate Business Committee in consultation with the Speaker may determine; and in such order as the Senate Business Committee may determine.

Having given notice of a motion, a senator waits for the motion to be scheduled on the Order Paper for debate. A motion may be withdrawn by the senator giving notice and notice of that motion may be given again either by the same or any other senator save as otherwise provided by the Standing Orders.

No motion may be moved which is the same as any question already resolved during the preceding six months unless it is to rescind the decision already taken on that question.

A Senator who has a motion standing in his or her name may authorize in writing another senator to move that motion in his or her stead.

If a senator is not present to move his or her motion at the time when it appears on the Order Paper, such motion shall not appear again on the Order Paper during the same session except with the leave of the Speaker.

The substance of a motion should be prefaced with such words as:

“That in the opinion of the Senate...”

“That the Senate approves...”

“That the Senate urges the Government to...”

“That the Senate notes...”

“That the Senate calls upon the Government to...” *et cetera*.

A motion must be seconded, and in order to reserve his or her right to speak later in the debate, the senator seconding may do so by rising in his or her place and bowing without speaking.

Upon a senator having moved his or her motion, the Speaker will, provided the motion has been seconded, propose the question by saying, “I propose the question that....” (reads out the motion). When the question has been thus proposed, the motion is open to debate and deemed to be in the possession of the Senate; and cannot be withdrawn without the leave of the Senate.

Amendments and amendments to amendments can be proposed in the course of the debate.

Only one question should be before the Senate at one time. The Senate, therefore, has to dispose of other amendments before resuming the debate on the original or amended motion, as the case may be.

If the motion has been amended, the Speaker proposes the question in the new form before the debate continues.

Any senator who has not spoken to the original motion can take part in the continued debate even though he or she has spoken to the amendment, unless the Speaker has ruled that the motion and amendment should be debated together.

Before the debate ends, the mover of the original motion has the right to reply.

A senator is not restricted to the number of times he or she may speak to a motion in committee of the whole.

When the debate is concluded, the Speaker puts the question and a vote is taken. The question is put in the following words:

“Will as many as are of that opinion say “Aye”.

“Will as many as are of contrary opinion say “No”.

The Speaker must then collect the voices and decide whether the “Ayes” or “Noes” have it;

The chair will then pause and if no one objects or claims “division” he or she will say;

“The Ayes, or Noes have it”, as the case may be, and that is the end of the matter.

Where the motion before the House is on a matter affecting counties, voting is by way of county delegations, with each county having one vote.

- 47. Division:** Unless the Speaker, for the convenience of the Senate otherwise directs, voting on any division shall be by electronic voting. When the Speaker directs that an electronic vote be taken, the Division Bell shall be rung for five minutes.

At the expiry of the five minutes, the Speaker orders the doors to be locked and the bar drawn. No senator may thereafter enter or leave the chamber.

Senators shall then cast their votes by pressing the “Yes” or “No” or “Abstain” button.

No senator shall be obliged to vote in a division, but those present but not voting either for or against the motion being voted on shall press the “Abstain” button on the electronic telecommunication and voting system.

As soon as the result of the voting appears on the indicator board and after the senators, if any who are unable to vote electronically record their vote verbally, the Speaker shall announce the results of the division.

The Speaker shall direct a division to be taken if a senator claims for a division and—

- a) The Speaker considers there is reasonable doubt as to the outcome of an electronic vote; or
- b) if, on a question other than a question of procedure, fifteen or more senators rise to support the senator claiming the division; or
- c) the Constitution requires the question to be carried by a certain majority of senators or on a matter requiring voting by county delegations.

When the Speaker directs a roll call vote to be taken, the Division Bell is to be rung for five minutes.

At the expiry of five minutes, the Speaker orders the doors to be locked and the Bar drawn. No member may thereafter enter or leave the Chamber.

The Speaker then announces the names of the tellers and directs the Clerk to call out the names of senators in alphabetical order in the presence of the tellers who shall thereupon rise in their places and declare assent or dissent or abstention.

The tellers tick off each senator’s name on a list accordingly.

After the voting has ended the Speaker shall announce the results of the division.

A senator who has a pecuniary interest in the matter which is the subject of a division shall not vote.

- 48. Considering Amendments:** A proposal before the Senate may be agreed to or negatived as it stands, or it might be agreed to if it were altered in some way by means of an amendment. This procedure is applicable to motions and bills.

Every amendment must be relevant to the question which it proposes to amend.

No amendment is permitted if it implies a direct negative of the original proposal, or elimination of its main purport. The correct way to expressing a contrary opinion is by voting against the motion.

An amendment may be moved at any time after the original motion has been proposed and before the final question has been put. Any amendment proposed in the Senate must be seconded unless it is an amendment in committee of the whole.

An amendment may take one or other of the following forms–

- a) leaving out certain words;
- b) adding or inserting certain words; or
- c) leaving out certain words and adding or inserting others.

An amendment must be handed to the Clerk in writing before it is moved.

An amendment to a bill in committee must be notified to the Clerk in writing at least twenty-four hours before the commencement of the sitting at which that bill is to be considered, unless it is moved by the senator in charge of that bill. An amendment to an amendment in committee may, however, be moved on delivering it, in writing, to the chairperson at that time.

- 49. Leave of the Senate:** Where, in accordance with the Standing Orders, any procedure requires “the leave of the Senate”, that means there being no objection by any senator, either with the sympathy of the Speaker or, with the support of at least two other senators.

50. Limitation of Debate: The senate may impose a limit on the duration of a debate on any particular motion and also a limit on the amount of time set aside for each senator wishing to speak to the debate. Both limitations could be imposed on the same motion. There are limitations imposed on certain specific business, e.g. debate on both public and private bills; adoption of reports of select committees and of the sessional papers. Senators should refer to provisions of the Standing Orders and sessional orders for the specific limitations.

51. Closure of Debate: After the question of a motion whose mover has the right to reply has been proposed, any senator may claim to move that, “The Mover be now called upon to reply,” but the decision whether to put that question or not rests with the Speaker. If he or she decides to put it and the Senate decides in the affirmative, then the mover replies immediately.

As soon as the mover has concluded, the Speaker shall forthwith put the question or on the request of a senator, defer the putting of the question to a later date.

After the question of a motion, whose mover has no right to reply has been proposed, any senator may claim to move that, “The question be now put”. The decision whether to put that question or not rests with the Speaker. If he or she decides to put it and the Senate decides in the affirmative, then, the question of the motion is put forthwith.

CHAPTER FIVE

SENATE COMMITTEES

Article 124 of the Constitution of Kenya empowers each House of Parliament to establish committees, and for Parliament to establish joint committees consisting of members of both Houses.

The procedure of the Senate provides for the formation of five kinds of committees—

- a) Committees of the Whole;
- b) Standing Committees;
- c) Sessional Committees,
- d) Joint Committees; and
- e) Ad hoc Committees.

52. Committee of the Whole: On a bill being read a second time, it stands committed to the committee of the whole, unless the Senate resolves to commit it to an ad hoc committee. The committee of the whole considers the bill clause by clause, and any proposed amendments, and is chaired by the Deputy Speaker or a member of the Speaker's Panel.

53. Sessional Committees: The lifespan of membership of these committees coincides with that of a session. The committees falling under this category are:—

- a) The Senate Business Committee which prepares and manages the Senate calendar with the approval of the Senate, monitors and oversees the implementation of Senate business and programmes; and implements the Standing Orders;
- b) The Committee on Delegated Legislation - scrutinizes statutory instruments laid in the Senate; and
- c) The County Public Accounts and Investments Committee - examines the report of the Controller of Budget on the implementation of budgets of county governments and scrutinizes reports of the Auditor-General on the annual accounts of county governments.

54. **Standing Committees:** These are nominated by the Senate Business Committee and appointed by the Senate. They consist of an odd number of members, being not less than seven and not more than nine. The lifespan of membership of these committees coincides with that of a Parliament. The committees falling under this category are set out in the Second Schedule to the Standing Orders.
55. **Ad hoc Committees:** These are appointed by the Senate as and when need arises to investigate, study and make recommendations on certain specific matters and issues for consideration by the Senate.

A Mediation Committee on a bill falls under this category.
56. **Joint Committees:** These comprise members appointed by the two Houses. They may be established by resolution of the Houses or by statute.
57. **Other Committees:** The Powers and Privileges Committee is established under the Parliamentary Powers and Privilege Act, and deals with issues regarding powers and privileges of Parliament, members, staff and witnesses.
58. **Membership of Committees:** Committees of the whole constitute all senators and assemble in the Chamber. Nominations to select committees are made by the Senate Business Committee, subject to approval by the Senate. In certain cases, the composition is made directly by the Speaker or the Senate, especially in case of ad hoc committees.
59. **Procedure in Committees:** The procedure in committees should be as nearly as possible the same as that in the committee of the whole.

The procedure in the committee of the whole is a general relaxation of that in the Senate, in which, for instance a senator may speak several times on the same question; the chairperson of committees who is the Deputy Speaker is the designated presiding officer, but the proceedings, just as those of the Senate, are privileged.

Proceedings of select committees are with a few exceptions, held in public and are as privileged as those of the Senate.

The work of a select committee can continue, notwithstanding the adjournment of the Senate except after sine die adjournment.

CHAPTER SIX

PARLIAMENTARY PRIVILEGE

- 60. What Constitutes Privilege:** Erskine May, the acknowledged authority on parliamentary practice, has defined Parliamentary Privilege as “the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals. Thus privilege, though part of the law of the land, is to a certain extent an exemption from the ordinary law”.

The distinctive mark of a privilege is its ancillary character, which puts Parliamentary Privilege in the context of the rights that are “absolutely necessary for the due execution of its powers”.

Privileges are enjoyed by individual members, because the House cannot perform its functions without unimpeded use of the services of its members; and by each House for the protection of its members and the vindication of its own authority and dignity. Indeed, the origin of privilege was as “the King’s peace (protection) enjoyed by his subjects, but in special measure by his servants (the staff of the royal courts, the Lords, et cetera.”

However, with time, newcomers to the High Court of Parliament, the Commons, began to lay claim to privileges enjoyed by the Lords.

The struggle by the House of Commons to gain some privilege from the Crown, the courts and the Lords has been fierce and prolonged. Today, the U.K. House of Commons claims parliamentary privilege as customary rights. By extension, these privileges were introduced to colonial Legislatures; hence it is part of the great parliamentary tradition that at the commencement of a new Parliament, the Speaker reminds the Executive of the Legislature’s claim to its ancient rights and privileges.

By practice, Parliamentary Privilege which is the short form of all the rights, immunities and privileges awarded to Parliament and the individual members are now enjoyed by officers of the House, witnesses appearing before the House and its committees and persons involved in the printing and production of records of its proceedings and works.

The powers, immunities, rights and privileges enjoyed by the Parliament of Kenya and its members are codified in the Parliamentary Powers and Privileges Act. The privileges awarded are double-edged. They give all due protection and facilitate the operations of the Parliament and members in their individual capacity, but in the same vein, they lay and make certain demands on them.

It is not intended to discuss here the details of the Parliamentary Powers and Privileges Act but the following are mentioned to give members an indication of the extent of privilege-

61. **Immunities and Privileges:** The object of these is to ensure that Parliament and its members go about their business without any impediment.

They include—

Immunity from legal proceedings: No legal proceedings, whether criminal or civil shall be instituted against any member for words spoken before or written in a report to the Parliament or a committee; or for any other matter in the course of members' duties.

Freedom from arrest for civil debt: A member may not be arrested for civil debt during a session, unless it is related to or has criminal intentions.

62. **Speaker's Orders:** These are issued by the Speaker from time to time for the better carrying out of the purposes of the Powers and Privileges Act. Such orders cover matters such as the deduction from members' earnings in payment of refreshments or other facilities made available to them within the precincts of Parliament. These orders are normally authenticated by the Clerk and their exhibition in a conspicuous position in the precincts of Parliament is deemed to be sufficient notice to all concerned persons.

63. **Code of Conduct:** The Parliamentary Code of Conduct, made pursuant to the Public Officer Ethics Act, regulates the conduct of senators and members of the National Assembly.

Conduct in the Chamber is governed by the Standing Orders.

64. **Committee of Privileges:** This committee inquires into reported complaints and breaches of privilege by any senator that is intended or likely to reflect adversely on the dignity or integrity of Parliament. Reports of such inquiries and any recommendations are placed before the Senate for consideration.

65. **Evidence:** The object of the powers and privileges in relation to the gathering of evidence by the Senate and its committees is to ease the processes and extend the privileges to persons co-operating in that regard. They include:–
66. **Power to Order Attendance of Witnesses:** In the course of its proceedings, a select committee has powers to order the attendance before it of any person it deems has evidence, papers, records or documents that would be useful to the committee.
67. **Witnesses may be Examined on Oath:** The persons appearing before the Senate or any of its committees to give oral evidence, may be examined on oath, as the Senate or committee finds appropriate.
68. **Privileges of Witnesses:** All persons summoned to give oral or documentary evidence before the Senate or committees enjoy the same rights and privileges as before a court of law. Except with the consent of the President, no public officer shall produce before Parliament or a committee any paper, book, record or document or give evidence relating to the correspondence of any naval, military or air force matter. Similarly, no public officer shall refuse to produce before Parliament or a committee any paper, book, record or document or give evidence relating to the correspondence of any civil department or to any matter affecting the public service except upon the direction of the President.
69. **False Evidence:** Witnesses who give false evidence before Parliament or any of its committees shall be guilty of an offence under section 108 of the Penal Code (Cap 63, Laws of Kenya). Senators are barred from receiving a reward for promotion or opposition to bills, motions, et cetera, before the House.

Any member who in the course of his or her duties receives or accepts either directly or indirectly any bribe, fee, compensation, gift or reward for the promotion of or opposition to any bill, motion or any matter submitted for the consideration of the Senate or committee, shall be guilty of an offence and liable to imprisonment for a term not exceeding two years or to a fine not exceeding ten thousand shillings, or to both; and every bribe, fee, compensation, gift or reward accepted or received by him or her shall be forfeited.

70. **Protection of Persons Responsible for Publications Authorized by Parliament:** All persons and organizations involved in the printing and publication of any reports, papers, minutes or votes and proceedings enjoy immunity from any legal process as long as a certificate issued under the hand of the Speaker shall signify that such persons or their servants

were acting under the authority of Parliament. Courts are not to exercise jurisdiction in respect of acts of the Speaker and officers of Parliament.

The exercise of any power vested or conferred upon the Speaker or any officer of Parliament shall not be subject to the jurisdiction of any court.

Every officer of Parliament shall, for the purposes of the Parliamentary Powers and Privileges Act and of the application of the provisions of the criminal law, have all the powers and enjoy all the privileges of a police officer.

The above summary is meant to guide senators who should, however, familiarize themselves with the Parliamentary Powers and Privileges Act so as to improve their understanding of parliamentary privilege and its application. It is also recommended that senators read relevant material in Erskine May's Treatise which is available in the Parliament Library.

CHAPTER SEVEN

GENERAL PROVISIONS

- 71. Management and Directorates of the Senate:** In the discharge of its mandate as set out in Article 127(6) of the Constitution, the Parliamentary Service Commission established the following offices in the Parliamentary Service for the smooth operations of the Senate—
- 72. Office of the Clerk of the Senate:** The Office of Clerk of the Senate is provided for in Article 128 of the Constitution. The Parliamentary Scheme of Service provides that the Clerk of the Senate shall be
- a) The Administrative head of the Senate and the Authorized Officer for the Senate;
 - b) Secretary and Chief Executive Officer to the Parliamentary Service Commission;
 - c) Responsible for all policy and organizational matters relating to the Senate;
 - d) Responsible for enhancing public understanding and knowledge of the work of the Senate;
 - e) Responsible for dealing with external relations including international relations, inter-parliamentary relations, conferences and protocol;
 - f) The principal adviser on all Parliamentary procedures, practices, conventions and traditions to the Speaker of the Senate, the Deputy Speaker, other Presiding Officers and to all honorable senators;
 - g) The chairman, Senate Board of Management;
 - h) The Chief advisor to the Speaker in the exercise of all powers and functions that belong to the Speaker and through him to the House; and
 - i) Responsible for marshalling all legislative measures passed by the Senate.

73. Senior Deputy Clerks: Senior deputy clerks of the Senate are the principal deputies to the Clerk of the Senate. In this capacity, they perform duties including the following–

- a) General supervision of all Directorates;
- b) Promoting and overseeing external relations including international, inter-parliamentary relations, conferences and protocol affairs;
- c) Promoting and enhancing public understanding and knowledge of the work of Parliament and increasing public access and awareness on the operations of the Senate;
- d) Offering procedural advice to the Speaker, other Presiding officers and senators as required;
- e) Preparation and presentation of orientation programmes for newly elected senators; and
- f) General management of parliamentary internship programmes.

74. Directorate of Legislative and Procedural Services: The Directorate of Legislative and Procedural Services is responsible for matters relating to procedure and business of the Senate. Duties and responsibilities of the Directorate include–

- a) Marshalling of published bills, motions and sessional papers;
- b) Processing of weekly programmes of Business and preparation and timely circulation of Order Papers and Votes and Proceedings of the Senate;
- c) Chamber duties and providing procedural advice to the Speaker, other Presiding officers and senators as required and overseeing the proceedings of the House;
- d) Carrying out procedural research;
- e) Preparation of the Senate Calendar;
- f) Facilitating the Senate Business Committee;
- g) Custody of Senate Journals and records and archiving of those records;

- h) Coordination of matters connected to Parliamentary associations such as CPA, IPU, and ACP-EU JPA; exchange programmes, friendship groups and international desks and conferences; and
- i) Facilitating public participation in the legislative process, including responding to inquiries from senators, staff, the public and other legislative bodies.

75. Directorate of Legal Services: The Directorate of Legal Services provides legal services to the Senate. Its functions include—

- a) Providing legal advice to the Speaker, the Clerk, senators and committees of the Senate;
- b) Formulation and dissemination of legal drafting policy in the Senate;
- c) Drafting bills and amendments to bills;
- d) Liaison with the Directorate of Litigation and Compliance and the Office of the Attorney General on litigation matters involving the Senate;
- e) Giving of legal opinions on matters before or relating to the Senate and Parliament and giving legal advice on commercial matters;
- f) Providing any other legal services that may be required by the Senate, its committees, Parliament, the Speaker or the Clerk; and
- g) Conducting legal research on matters before the Directorate.

76. Directorate of Committee Services: The Directorate of Committee Services is responsible for providing procedural advice to committees on parliamentary procedures and practices, drawing budgets of Senate committees and coordinating committee meetings including drawing committee schedules. Duties and responsibilities of the Directorate include—

- a) Coordination and supervision of committees of the Senate;
- b) Facilitation of public participation and involvement in the activities of the committees including committees' inquiries;
- c) Keeping custody of records of Senate committees; and
- d) Responding to inquiries on the activities of committees from the public and other legislative bodies.

77. The Serjeant-at-Arms: The Chief Serjeant-at-Arms Department provides services to the Speaker, senators, the Clerk and other staff of the Senate. The Department also performs a number of security and safety duties including the following–

- a) Maintaining custody of the Mace;
- b) Ensuring protective security for all persons and property and advising the Speaker and the Clerk on the same;
- c) Performing chamber and ceremonial duties;
- d) Providing interdepartmental and chamber support services;
- e) Enforcing and implementing the Speaker’s orders and other directives; and
- f) Allocating office accommodation to senators, Senate committees and staff.

78. The Hansard: The Hansard Department is responsible for the verbatim record of proceedings of the Senate and its committees. The duties and responsibilities of the Hansard Department include–

- a) Coordination and production of the Hansard (Official Record of the Senate);
- b) Editing transcribed records, processing manuscripts, preparing accurate drafts;
- c) Maintaining a consistent and accurate Hansard publishing format;
- d) Maintaining an accurate database of Hansard publications;
- e) Development and maintenance of policies, rules, standards and procedures governing Hansard production; and
- f) Maintaining links with Government Ministries/Department, the public media, and other Commonwealth Editors’ Associations and Unions.

79. Inter-parliamentary Relations: The Parliament of Kenya maintains close working international relations with individual parliaments and inter-parliamentary bodies. The Speaker, members and the Clerk frequently undertake visits and tours to various Parliaments on invitation; in addition

to hosting various invited parliamentarians, Presiding Officers and officers from various Parliaments from time to time.

Currently Parliament has maintained long-standing membership of the Commonwealth Parliamentary Association (C.P.A.), the Inter-Parliamentary Union (IPU), the African Caribbean and Pacific European Union Joint Parliamentary Assembly (ACP-EU JPA), the Pan African Parliament (PAP), the Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR), and the African Parliamentary Council on Population and Development (APCPD), among others.

Parliament is represented at both the annual plenary and African regional conferences organized by the CPA, IPU and the ACP-EU.

Parliament hosted several CPA annual plenary conferences in 1954, 1983 and 2010. It hosted the IPU Conferences on Population and Development in Africa in 1981 and 114th IPU conference in 2006. It also hosted the ACP-EU JPA in 2016.

Members are at liberty to take up membership of all these inter-parliamentary bodies. For the CPA, they can take up a life membership which currently requires a one-time payment of Kshs.2000. In the case of the IPU and ACP-EU, Parliament has taken group membership comprising all sitting members.

80. **Senators' Travel Abroad:** All senators desiring to be absent from Kenya should give a written notification to the Speaker prior to departure. The notice should indicate the destination, dates of travel, duration of absence and contact telephone, address (both physical and postal). The information given is kept in a register maintained by the Clerk.

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