



TWELFTH PARLIAMENT

THE NATIONAL ASSEMBLY – FOURTH SESSION

COMMUNICATIONS FROM THE CHAIR

(No.67 of 2020)

ON CONSIDERATION OF THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 15 OF 2020)

Honourable Members,

Before we commence Second Reading of the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 15 of 2020), and the Committee of the whole House on the Bill, I wish to draw your attention to Notice No. I on page 1197 of the Supplementary Order Paper. You will realise that there are two categories of Parts of the Bill that have been withdrawn. The first category relates to parts withdrawn following joint resolution of the Speakers of the Houses of Parliament under Article 110(3) of the Constitution. These consist of all provisions proposing to amend the following Statutes as contained in the Bill-

- (i) The Housing Act (Cap. 117);
- (ii) The Basic Education Act, 2013 (No. 14 of 2013);
- (iii) The Political Parties Act 2011 (No. 11 of 2011); and,
- (iv) The Public Procurement and Asset Disposal Act, 2015 (No. 33 of 2015).

Honourable Members, the second category refers to parts withdrawn by the Leader of the Majority Party on 15th July, 30th July and 28th August 2020, with the Speaker's consent, as contained in the Notice. This means that all the fourteen provisions, as listed in the Order Paper, have been withdrawn and will not be considered at all by the House. I have also received representation in my Chambers regarding proposed amendments to the Retirement Benefits (Deputy President and Designated State Officers) Act, 2015. The proposals contained in the original Bill were intended to provide for the administration of other benefits (**NOT** pension), entitled to retired Speakers of Parliament, the Chief Justice and Deputy Chief Justice and to factor such benefits in the respective estimates of the Parliamentary Service and the Judiciary.

Honourable Members, whereas that was the intent of the initial proposal as published in the Bill, my attention has been drawn to a proposed amendment by the Departmental Committee on Finance and National Planning relating to the inclusion of pension and other benefits for retired Deputy Speakers. However noble the aim of the Committee was in its proposal, the recent Court ruling on the matter of Nairobi High Court Petition Number 284/2019 consolidated with Nairobi High Court Petition Number 353/2019: *The Senate of the Republic of Kenya & Others versus the Speaker of the National Assembly of the Republic of Kenya & Others* and for which the National Assembly has filed an application for stay of execution, will mean that any matter touching on the two Houses of Parliament contained in this Bill will be put in abeyance.

In addition, it is my view that the amendment may also encroach on the powers of the Salaries and Remuneration Commission as stipulated under Article 230(4)(a) of the Constitution, which provides that –

"(4) The powers and functions of the Salaries and Remuneration Commission shall be to –

(a) set and regularly review the remuneration and benefits of all State Officers;"

Honourable Members, as your Speaker, and even as a possible future beneficiary of part of the amendments relating to the administration of benefits, I have the option of allowing the provisions to proceed for debate. However, for the good of future holders of this office, I instead choose to order that the entire provision relating to the Retirement Benefits (Deputy President and Designated State Officers) Act, 2015 **be withdrawn** to allow for comprehensive consultations between, amongst others, the Parliamentary Service Commission, the Judicial Service Commission, the Salaries and Remuneration Commission and the National Treasury. Consequently, the provisions of the Bill relating to the Retirement Benefits (Deputy President and Designated State Officers) Act, 2015 hereby stand withdrawn and will not be considered at the Second Reading and the Committee Stage of the Bill.

Further, **Honourable Members,** as you may notice from the Order Paper, there are amendments proposed by the Hon. Gathoni Wamuchomba, MP to **the Kenya Roads Act, 2007**. However, this Act is not one of those being proposed for amendments in the Bill as published. Therefore, the amendment fall outside the scope of the Bill and go against the provisions of Standing Order 133(5).

These amendments are therefore inadmissible, and shall not be considered by the House at Committee stage if reached today or later in the week.

The House and Members affected are accordingly guided.

I thank you!

A handwritten signature in black ink, appearing to read 'B.N. Muturi', is written over a horizontal line.

THE HON. JUSTIN B.N. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Tuesday, December 1, 2020