



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, MAY 11, 2021 AT 10:00 AM**

1. The Senate assembled at Ten O'clock.
2. The proceedings were opened with a prayer said by the Speaker.
3. **COMMUNICATIONS FROM THE CHAIR ON CONVENING OF PART III OF THE FIFTH SESSION.**

The Speaker conveyed the following Communication from the Chair-

“Honorable Senators,

It is my pleasure and privilege to welcome you from a very busy recess period. We commence Part III of the Fifth Session of the Senate which, looking at the Order Paper; will be equally busy. In accordance with the Standing Orders of the Senate, this Part begins today and will run until 15<sup>th</sup> June, 2021.

Honourable Senators,

On Wednesday, 5<sup>th</sup> May, 2021, the Parliament of Kenya had the honor to host Her Excellency Honourable Samia Suluhu Hassan, President of the United Republic of Tanzania. In her speech, Her Excellency emphasized the fundamental principle of strengthening relations between Kenya and Tanzania based on cooperation, development and unity of purpose. Pursuant to Standing Order 26(3) read together with Standing Order 24(6), the Senate Majority Leader will shortly lay on the Table of the Senate Her Excellency's address to the two Houses of Parliament and give a Notice of Motion for the Senate to debate the address and express its thanks.

Honourable Senators,

Today, we resume debate on the Constitution of Kenya (Amendment) Bill, 2020 which is currently at the Second Reading stage. Contributions in the debate will continue to be guided by Standing Order 106 (4), where each Senator shall have a maximum of twenty (20) minutes when speaking and

Part XVII (17) of the Standing Orders with respect to Rules of Debate shall apply.

After conclusion of debate at the Second Reading stage and a division has been taken, I will issue a Ruling from the Chair before proceeding to the next stage, which is the Committee of the Whole stage, to guide the Senate on the question of amendments to the Bill.

Honorable Senators,

We have outstanding business across the spectra of legislative business (Bills, Motions, Petitions and Statements) before the Senate. There are twelve (12) Bills scheduled for First Reading, twelve (12) Bills at the Second Reading stage; and one (1) Bill due for the Committee of the Whole Stage. There are a further twenty one (21) Bills which are undergoing the resolution process pursuant to Article 110(3) of the Constitution. In this respect, I urge relevant Standing Committees to table reports on the Bills to facilitate speedy processing, especially considering that quite a number of the Bills have been republished in line with the Judgment of the High Court in Constitutional Petition No. 284 of 2019.

There are fifty one (51) Petitions which are yet to be reported on by respective Standing Committees that require immediate action while Statements referred to respective Committees also require to be addressed pursuant to the Standing Orders.

Honorable Senators,

Finally, I urge you to remain committed and focused, and to undertake the tasks ahead of us with utmost integrity in service to our great country.

I thank you and wish you all a fruitful Session.”

#### **4. PAPERS LAID**

The following Papers were laid on the Table of the Senate-

- i) Hotuba ya Mheshimiwa Samia Suluhu Hassan, Rais wa Jamhuri ya Muungano wa Tanzania akihutubia kikao cha pamoja cha Bunge la Seneti na Bunge la Taifa la Jamhuri ya Kenya, Nairobi, Tarehe 5 Mei, 2021.
- ii) Report of the Committee on Agriculture, Tourism and Natural Resources of the East African Legislative Assembly on budgetary enhancement in the agricultural sector.
- iii) Report of the Committee on Regional Affairs and Conflict Resolution of the East African Legislative Assembly on progress made by the East African Community on the Development of its Common Foreign and Security Policies.
- iv) Budget of the East African Community for the Financial Year 2020/2021.

- v) The East African Community Supplementary Appropriation (No. 2) Bill, 2020.
- vi) The East African Community Appropriation Bill, 2020.
- vii) Report of the Cabinet Secretary for the National Treasury and Planning to Parliament on New Loans Contracted by the Government of Kenya from 1<sup>st</sup> September, 2020 to 31<sup>st</sup> March, 2021.
- viii) The County Governments Budget Implementation Review Report for the Financial Year 2019/2020.  
*(The Deputy Senate Majority Leader)*
- ix) Report of the Standing Committee on Finance and Budget on the Salaries and Remuneration Commission (Amendment) Bill (Senate Bills No. 31 of 2020).

*(Sen. Aaron Cheruiyot, MP on behalf of the Chairperson, Standing Committee on Finance and Budget)*

**5. COMMUNICATION FROM THE CHAIR ON REPORT OF THE CABINET SECRETARY FOR THE NATIONAL TREASURY AND PLANNING TO PARLIAMENT ON NEW LOANS CONTRACTED BY THE GOVERNMENT OF KENYA FROM 1ST SEPTEMBER, 2021 TO 31ST MARCH, 2021.**

The Speaker conveyed the following Communication from the Chair-

“Honorable Senators,

Section 31(1) of the Public Finance Management Act states that “*the Cabinet Secretary [For the National Treasury] shall submit to Parliament, every four months, a report of all loans made to the national government, national government entities and county governments, in accordance with Article 211(2) of the Constitution*”. Further, Section 31(3) of the Public Finance Management Act provides that –

“*At the end of every four months, the Cabinet Secretary shall submit a report to Parliament stating the loan balances brought forward, carried down, drawings and amortizations on new loans obtained from outside Kenya or denominated in foreign currency, and such other information as may be prescribed by regulations, specifying-*

- a) the names of the parties to the loan;*
- b) the amount of the loan and the currency in which it is expressed and in which it is repayable;*
- c) the terms and conditions of the loan, including interest and other charges payable and the terms of repayment;*
- d) the amount of the loan advanced at the time the report is submitted;*  
*and*
- e) the purpose for which the loan was used and the perceived benefits of the loan; and such other information as the Cabinet Secretary may consider appropriate”.*

Honorable Senators,

The Senate Majority Leader has tabled the “*Report of the Cabinet Secretary for the National Treasury and Planning to Parliament on New Loans Contracted by the Government of Kenya from 1<sup>st</sup> September, 2020 to 31<sup>st</sup> March, 2021*”. The report stands committed to the Standing Committee on Finance and Budget for consideration. I urge the Committee to examine the report and advise the Senate appropriately.

I thank you.”

**6. NOTICE OF MOTION – DEBATE ON THE ADDRESS TO PARLIAMENT BY HER EXCELLENCY SAMIA SULUHU HASSAN, PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA.**

(The Senate Majority Leader)

THAT, pursuant to Standing Order 24 (6), the thanks of the Senate be recorded for the Address to Parliament, by Her Excellency Samia Suluhu Hassan, President of the United Republic of Tanzania, delivered on Wednesday, 5<sup>th</sup> May, 2021.

**7. NOTICE OF MOTION - PROVISION OF COLOSTOMY BAGS TO COLON CANCER PATIENTS AND SURVIVORS IN COUNTY HOSPITAL**

(Sen. (Dr.) Getrude Musuruve, MP)

THAT, AWARE THAT the colon is part of the digestive system with a major role in the absorption of water, minerals and elimination of waste;

FURTHER AWARE THAT colon cancer can cause serious blockage of the colon that may necessitate removal of parts of the colon, the entire colon or the entire colon and the rectum;

COGNIZANT THAT persons who have gone through ileostomy, colostomy and urostomy need to use a bag to empty their wastes for the rest of their lives post-surgery;

CONCERNED THAT urine bags, adult diapers, artificial breasts, colostomy or ileostomy bags are not listed as goods exempt from tax or zero rated in the First and Second Schedules of the VAT Act 2013, and therefore attract 16 per cent value added tax and customs duty;

ACKNOWLEDGING THAT Article 43(1a) of Constitution of Kenya states that everyone has a right to the highest attainable standards of health, and health is a devolved function and therefore under the mandate of the county governments;

NOW THEREFORE, the Senate calls upon the Ministry of Health and) in partnership with the Council of Governors to:

1. create and maintain a register of all the colon cancer patients and survivors in county hospitals, including the biodata of the histology of the patients;
2. provision of colostomy bags for those who are permanent users;
3. include the purchase of palliative care products in the health budgets of all county governments;
4. ensure all county hospitals stock these palliative care products to enable increased access and lower commercial prices; and
5. engage the Treasury and Kenya Revenue Authority (KRA) to waive taxes on long-term health consumables such as colostomy bags, prosthesis and others in the upcoming budgetary cycle to ease the burden on Kenyans.

**8. THE COFFEE BILL (SENATE BILLS NO. 22 OF 2020)**

(Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Agriculture, Livestock and Fisheries.

**9. THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 25 OF 2020)**

(Sen. (Dr.) Agnes Zani, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Land, Environment and Natural Resources.

**10. THE HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 26 OF 2020)**

(Sen. (Dr.) Abdullahi Ali, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Health.

**11. THE BASIC EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 4 OF 2021)**

(Sen. Beatrice Kwamboka, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Education.

**12. THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 5 OF 2011)**

(Sen. (Dr.) Getrude Musuruve, MP and Sen. (Prof.) Margaret Kamar, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Education.

**13. THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL (SENATE BILLS NO. 6 OF 2021)**

(Chairperson, Standing Committee on Education)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Education.

**14. THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 2020**

Order read;

Motion made and Question proposed;

THAT, the Constitution of Kenya (Amendment) Bill, 2020 be now read a Second time.

*(The Senate Majority Leader – 28.04.2021 – Afternoon Sitting)*

Debate interrupted on Thursday, 6<sup>th</sup> May, 2021 (Afternoon Sitting) resumed;

Debate arising;

Rising in his place on a Point of Order pursuant to Standing Order 104(1), Nominated Senator (Sen. Victor Prengei, MP) claimed to move *“That, the Mover be now called upon to reply”*

And the Speaker, acceding to the claim, forthwith put the Question;

THAT, the Mover be now called upon to reply

Question put and agreed to

The Mover replied;

Before the Question was put, the Speaker ruled that pursuant to Article 257(8) of the Constitution, all Senators have a vote on the Bill;

The House proceeded to a Division;

The Speaker directed that roll call division be taken pursuant to Standing Order 83 (1), and in line with the Guidelines issued by the Speaker for Senate

plenary and Committee sittings during the Covid-19 pandemic situation dated 17<sup>th</sup> April, 2020, and that the division bell be rung for five minute;

After the expiry of the five minute, the Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Masitsa, Naomi Shiyonga, MP – AYES
2. Sen. Cherarkey, Samson Kiprotich, MP – NOES

The Speaker put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

**AYES – 52****NOES – 12****ABSTENTIONS – 1****AYES**

1. Sen. Adan, Dullo Fatuma
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma
4. Sen. Chebeni, Mercy – voted virtually
5. Sen. Gona, Christine Zawadi
6. Sen. Haji, Abdikadir Mohamed – voted virtually
7. Sen. Haji, Farhiya Ali
8. Sen. Halake, Abshiro Soka
9. Sen. Hargura, Godana
10. Sen. Inimah, Getrude Musuruve
11. Sen. Kajwang', Moses Otieno – voted virtually
12. Sen. Kamar, Margaret Jepkoech
13. Sen. Kasanga, Sylvia Mueni – voted virtually
14. Sen. Khaniri, George – voted virtually
15. Sen. Kibiru, Charles Reubenson – voted virtually
16. Sen. Kilonzo, Mutula Junior
17. Sen. Kimani, Wamatangi Paul
18. Sen. Kirinyaga, Ephraim Mwangi Maina
19. Sen. Lokorio, Petronila Were
20. Sen. Madzayo, Stewart Mwachiru
21. Sen. Mahamud, Mohamed Maalim
22. Sen. Makori, Beatrice Kwamboka – voted virtually
23. Sen. Malalah, Cleophas Wakhungu
24. Sen. Masitsa, Naomi Shiyonga
25. Sen. Mbiti, Michael Maling'a – voted virtually
26. Sen. Mbogo, George Ochilo Ayacko – voted virtually
27. Sen. Milgo, Alice Chepkorir
28. Sen. Mogeni, Erick Okong'o
29. Sen. Moi, Gideon Kipsielei Towett
30. Sen. Mpaayei, Phillip Salau

31. Sen. Mugo, Beth Wambui – voted virtually
32. Sen. Muthama, Agnes Kavindu
33. Sen. Mwangi, Paul Githiomi
34. Sen. Mwaruma, Johnes Mwashushe – voted virtually
35. Sen. Mwaura, Isaack
36. Sen. Mwinyihaji, Mohamed Faki
37. Sen. Nderitu, John Kinyua
38. Sen. Ndwiga, Peter Njeru – voted virtually
39. Sen. Nyamunga, Rose Ogendo
40. Sen. Olekina, Ledama – voted virtually
41. Sen. Ongeru, Samson Kegengo
42. Sen. Orengo, James
43. Sen. Outa, Frederick Otieno
44. Sen. Pareno, Judith Ramaita – voted virtually
45. Sen. Poghisio, Samuel Losuron
46. Sen. Prengei, Victor
47. Sen. Sakaja, Johnson Arthur
48. Sen. Waqo, Naomi Jilo – voted virtually
49. Sen. Wako, Sitswila Amos
50. Sen. Wambua, Enoch Kiio – voted virtually
51. Sen. Wetang'ula, Moses Masika
52. Sen. Zani, Agnes Philomena

#### NOES

1. Sen. Cherarkey, Samson Kiprotich
2. Sen. Cheruiyot, Aaron Kipkirui
3. Sen. Iman, Falhada Dekow
4. Sen. Imana, Malachy Charles Ekal – voted virtually
5. Sen. Kang'ata, Irungu
6. Sen. Kihika, Susan Wakarura
7. Sen. Langat, Christopher Andrew – voted virtually
8. Sen. Lelegwe, Ltumbesi – voted virtually
9. Sen. Linturi, Franklin Mithika
10. Sen. Loiptip, Anuar
11. Sen. Murkomen, Onesimus Kipchumba – voted virtually
12. Sen. Omanga, Millicent

#### ABSTENTION

Sen. Seneta, Mary Yiane

Question agreed to

Bill read a Second time and committed to the Committee of the Whole tomorrow.



**15. COMMUNICATION FROM THE CHAIR ON ADMISSIBILITY OF AMENDMENTS TO A BILL FOR AMENDMENT OF THE CONSTITUTION PURSUANT TO ARTICLE 257 OF THE CONSTITUTION**

The Speaker conveyed the following communication -

“Honourable Senators,

As you are aware, in the course of the debate on the Constitution of Kenya (Amendment) Bill, 2020 I have been variously urged by a number of Senators to make a ruling on a number of matters which they consider to be pertinent for purposes of guiding the Senate in its disposal of the Bill. These requests have come from among others Senators Samson Cherakey, Sakaja Johnson, Mutula Kilonzo Jr and Moses Wetang'ula.

Sen. Mutula Kilonzo Jr, MP in particular, during the morning sitting of Thursday, 6<sup>th</sup> May, 2021, went so far as to give some advice to the Speaker on the matters that should be contained in such ruling and the authorities that should be cited. It is an invitation which as the Speaker of the Senate, I promptly declined. At the time, I guided the Senate that the questions on which I was being requested to rule were premature and anticipatory as they had not ripened for determination.

Honourable Senators,

As you are aware, the Constitution of Kenya (Amendment) Bill, 2020, was introduced in Parliament and read a First Time in the National Assembly and the Senate on 4<sup>th</sup> March, 2021, pursuant to Article 257(7) of the Constitution. Pursuant to Standing Order 140(1) and 140(5) of the Senate Standing Orders, the Bill was referred to the Standing Committee on Justice, Legal Affairs and Human Rights for consideration. The Standing Committee was mandated to consider the Bill jointly with the Departmental Committee on Justice and Legal Affairs of the National Assembly. The Committees tabled a joint report on Wednesday, 28<sup>th</sup> April, 2021, in both Houses of Parliament.

Honourable Senators,

As I have indicated, in the course of debate at the Second Reading, questions arose as to whether a Bill to amend the Constitution introduced by a popular initiative such as the one before us, can be amended and resultantly, whether therefore, amendments can be proposed and admitted by the Speaker for consideration by the Senate at the Committee of the Whole.

The second issue on which I was requested to rule was whether errors of form in the Bill could be corrected and if so the stage at which this could be done.

Honourable Senators,

I am of the view, having considered all circumstances, that these two questions, while they are novel in so far as the consideration of a Constitution of Kenya (Amendment) Bill by popular initiative is unprecedented in the Senate, they are not so complex as to require the kind of detailed or lengthy ruling that I was invited to pronounce.

Honourable Senators,

As you are further aware, the Constitution of Kenya (Amendment) Bill, 2020, was prepared and processed pursuant to Article 257 of the Constitution as a Bill to amend the Constitution by way of popular initiative. With regard to the consideration of the Bill by Parliament, Article 257 (7), (8), (9) and (10) of the Constitution provides as follows –

- (7) If a draft Bill has been approved by a majority of the county assemblies, it shall be introduced in Parliament without delay.*
- (8) A Bill under this Article is passed by Parliament if supported by a majority of the members of each House.*
- (9) If Parliament passes the Bill, it shall be submitted to the President for assent in accordance with Article 256(4) and (5).*
- (10) If either House of Parliament fails to pass the Bill, or the Bill relates to a matter specified in Article 255(1), the proposed amendment shall be submitted to the people in a referendum.*

Honourable Senators,

From the foregoing, the questions raised by the Honourable Senators emanate from the fact that Article 257 of the Constitution, which is the only Article of the Constitution governing the amendment of the Constitution by popular initiative, does not expressly pronounce itself on whether Parliament, in considering the Bill may or may not amend it. This position is markedly different from the position articulated by the former Constitution of Kenya which was in force immediately preceding the promulgation of the Constitution of Kenya, 2010.

The former Constitution provided at Article 47(4) as follows-

- (4) When a Bill for an Act of Parliament to alter this Constitution has been introduced into the National Assembly, no alterations shall be made in it before it is presented to the President for his assent, except alterations which are certified by the Speaker to be necessary because of the time that has elapsed since the Bill was first introduced into the Assembly.*

No corresponding provision was imported into the Constitution of Kenya 2010 in respect of constitutional amendments by popular initiative, and for that matter, even in respect of amendments by parliamentary initiative.

Honourable Senators,

It is noteworthy that when considering this question, the joint sittings of the National Assembly Departmental Committee on Justice and Legal Affairs and the Senate Standing Committee on Justice, Legal Affairs and Human Rights found that Article 94 of the Constitution vests the legislative authority of the Republic in Parliament and that Parliament has the mandate to take any legislative action, *“in appropriate circumstances, required to ensure that a constitutional amendment initiated under Article 257 of the Constitution achieves its objectives, so as to protect the sovereignty of the people as guaranteed under Article 1 of the Constitution.”* This finding is profound. It is a recognition that while Parliament, pursuant to Article 94 (3) of the Constitution, ‘represents the will of the People and exercises their sovereignty’, the extent of Parliament’s powers is not unlimited. Parliament, like all other state organs, is bound by the national values and principles of governance under Article 10 of the Constitution when applying or interpreting the Constitution, or enacting, applying, or interpreting any law.

The Constitution itself has also provided for the manner of its interpretation at Article 259, clause 1 whereof provides that the Constitution shall be interpreted in a manner that-

- a) promotes its purposes, values and principles;
- b) advances the rule of law, and the human rights and fundamental freedoms in the Bill of Rights;
- c) permits the development of the law; and
- d) contributes to good governance.

Honourable Senators,

A Bill to amend the Constitution by way of popular initiative is one that emanates from members of the public and is required to be supported by at least one million registered voters. The Bill represents the intentions of the promoters regarding provisions which they wish to be amended in order to address specific concerns or issues in the Constitution. This is a route taken by citizens who are fully aware and have forgone the route of seeking constitutional amendments by parliamentary initiative. It is a route taken by citizens who recognize that pursuant to Article 1 of the Constitution, all sovereign power belongs to the people of Kenya and that the people of Kenya may exercise their sovereign power either directly or through their democratically elected representatives. I am persuaded that a proper construction of the Constitution leads us to the conclusion that Parliament’s delegated power to exercise the sovereignty of the people by representing their will does not and cannot extend to subverting, altering or substituting that will with its own wisdom, where the people have unequivocally expressed themselves.

Honourable Senators,

Subjecting a Bill to amend the Constitution by way of popular initiative to amendments by the Senate risks altering or substituting the intentions of the promoters of the Bill with those of the Senate and hence, the overall output of

the process may be a Bill containing provisions that were neither contemplated nor desired by its promoters. This is particularly so because if the Senate can amend one clause of the Bill, it can amend two clauses of the Bill. And if the Senate can amend two clauses of the Bill, then it can amend all the clauses of the Bill resulting in a Bill that is unrecognizable from the one that was submitted to the senate by its promoters. Can such a resulting Bill still be said to be a Bill by popular initiative?

Honourable Senators,

In light of the foregoing, and as supported by the findings of the Committees, there is need to protect the sovereign will of the people. Indeed, the Committees of the two Houses which considered this Bill found at Paragraph 364 that 'pursuant to article 257(10) of the Constitution, Parliament cannot replace or usurp the people's views on a popular initiative with its own..... [and that] the ultimate authority regarding a popular initiative Bill rests with the people.' I agree. I therefore rule, in respect to the specific question asked, that, no amendments may be made to the provisions of a Bill to amend the Constitution by way of popular initiative in the Senate. The Senate has the option of either passing or rejecting the Bill *in toto* in accordance with Article 257(8) of the Constitution.

Honourable Senators,

Flowing from these findings, I declined to approve the notices of proposed amendments to the Bill at the Committee Stage submitted to my office by the Senator for Murang'a County, Sen. Irungu Kang'ata, MP; the Senator for Kitui County, Sen. Enoch Wambua, MP; the Nominated Senator, Sen. Millicent Omanga, MP; and the Senator for Nandi County, Sen. Samson Cherarkey, MP.

Honourable Senators,

The question then arises whether the Senate still proceeds to the Committee of the Whole on the Bill and if so, the manner in which the Committee Stage is to be transacted. The Committee of the Whole is a mandatory stage for the consideration of any Bill. A Bill for an amendment of the Constitution by popular initiative is no exception. The Committee Stage is the forum at which the Senate is able to consider the Bill clause by clause in a detailed manner. As Senators are aware, the procedure in the Committee of the Whole is less rigid than that of the Senate in plenary and permits any Senator to speak to any clause, including, speaking more than once to a question proposed. The only difference will be that the deliberation in the Committee of the Whole including contributions by individual Senators can only be geared towards the acceptance or rejection of the Bill as a whole.

All the clauses and the schedules will accordingly be read out and proposed as is standard procedure in the Committee of the Whole but only one question will be put which shall be that all the clauses, the schedules and the title be part of the Bill. Senators will then be expected to vote either **YES** or **NO** or **ABSTAIN**

on the Bill as a **whole** and not any particular clause or part of the Bill on its own.

Honourable Senators,

One final matter remains, which is the question whether formal errors may be corrected and if so, the manner of such correction. This matter is to be approached cautiously because, the device of correction must not be subterfuge for substantive amendments to the Bill through the back door. Indeed, on this the Committees found that *“Parliament’s legislative action includes correcting any errors of form or typographical errors that do not go to the substance of the Bill, and that bring drafting harmony to the Bill.”* (Paragraph 365).

Standing Order 162 provides for the custody of Bills and the process after passage of a Bill. Although as I have indicated earlier in this Communication, no specific provisions exist in our Standing Orders on the processing of a constitutional amendment by popular initiative, I am of the view and I rule that invoking Articles 10 and 259 of the Constitution and applying Standing Order No. 1 requiring the Speaker to decide all matters not expressly provided for by the Standing Orders, it is appropriate that the Speakers of Parliament correct ‘formal errors’ or oversights without changing the substance of the Bill before certification of the Bill and submission to the President. This would apply to those types of errors which the Committees found as inadvertent errors in the copies of the Bill which were typographical in nature, and which did not affect the substance of the Bill.

The Senate is accordingly guided.

I thank you.”

And the time being fifteen minutes past one O’clock, the Speaker adjourned the Senate without Question put, pursuant to the Standing Orders.

**16. SENATE ROSE** – at fifteen minutes past one O’clock.

### **M E M O R A N D U M**

*The Speaker will take the Chair  
on Tuesday, May 11, 2021 at 2.30 p.m.*

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