



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT- (FIFTH SESSION)**

**THE NATIONAL ASSEMBLY**

**COMMUNICATION FROM THE CHAIR**

*(No. 32 of 2021)*

**GUIDE ON CONSIDERATION OF PROPOSED AMENDMENTS TO THE  
KENYA NATIONAL LIBRARY SERVICE BILL (NATIONAL ASSEMBLY  
BILL NO. 5 OF 2020)**

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**Honourable Members,**

Before the House proceeds to consider business appearing as Order Number **8 item (i)**, being the consideration in Committee of the whole House of the Kenya National Library Service Bill (National Assembly Bill No. 5 of 2020), I wish to guide the House with respect to amendments proposed by individual Members on the said Bill and the application of the provisions of Article 114(2) of the Constitution and Standing Order 133(5).

**Honourable Members,** as you are aware, Article 114(2) of the Constitution provides that- ***if, in the opinion of the Speaker, a motion makes provisions for a matter listed in the definition of "a Money Bill", the Assembly may proceed only in accordance with the recommendation of the relevant Committee after taking into account the views of the Cabinet Secretary responsible for Finance.***

Further, Article 114(3), defines a "money Bill" as a Bill that contains provisions dealing with, *inter alia*, taxes; the imposition of charges on a public fund; the appropriation, receipt, custody, investment or issue of public money; and, the raising and guaranteeing of any loan or its repayment. In this regard, every Bill that provides for the matters noted above ought to proceed in line with the provisions of Article 114(2) of the Constitution.

Additionally, Standing Order 133(5) provides that –

***"No amendment shall be permitted to be moved if the amendment deals with a different subject or proposes to unreasonably or unduly expand the subject of the Bill, or is not appropriate or is not in logical sequence to the subject matter of the Bill."***

**Honourable Members**, on Wednesday 19<sup>th</sup> May, 2021, I did invoke the provisions of Standing Order 131 regarding harmonization of proposed amendments to the Kenya National Library Service Bill, 2020 and referred the proposed amendments by the **Hon. Millie Odhiambo-Mabona, M.P.**, and those by the **Hon. (Dr.) Patrick Musimba, M.P.**, to the Departmental Committee on Sports, Culture and Tourism for harmonization through a process commonly referred to as *winnowing*. The Committee did consider the proposed amendments and has made observations and recommendations as follows –

**1.** With regards to the proposed amendments by the Hon. Millie Odhiambo, the Committee notes that the Hon. Member proposes that the House amends the Bill so as to introduce the following –

- a) New Part IIA to establish a Kenya Resource Identification Numbers Agency to administer international standards resource identification numbers for books, magazines, music and other resources;
- b) New part IIB to include a requirement for the deposit and registration of books and newspapers. This is already provided for in the Books and Newspapers Act. (CAP 111);
- c) New Clauses 35A to 35D to import sections of *The Books and Newspapers Act. (CAP 111)* and have the said parts incorporated into the Library Bill in a revised manner taking into account the current Constitution of Kenya and the modern state of national and international trends;
- d) New Part IVA to provide for delegated powers by the Cabinet Secretary;



- e) New Clause 39A to repeal the Books and Newspapers Act. (CAP 111); and,
- f) Fourth Schedule to provide for the conduct of business and affairs of the Board of the Kenya Resource Identification Numbers Agency.

**According to the addendum to the Report of the Committee which is a product of the *winnowing* process, the Committee notes that the proposed amendments directly fall within the provisions of Article 114 of the Constitution as well as offend the provisions of Standing Order 133(5) as they contain money Bill aspects and also unduly expand the subject of the Bill. The Committee therefore recommends that the amendments ought not to be proceeded with.**

2. With regard to the amendments proposed by the Hon. (Dr.) Patrick Musimba seeking to – establish “Presidential Library Authority” and a “Governors’ Library Authority” with respective boards and corresponding functions, the Committee similarly observed that the amendments fall within the provisions of Article 114 of the Constitution **as well as the requirements of Standing Order 133(5), and therefore ought not to be proceeded with.**


**Honourable Members,** whereas I applaud the noble ideas by the two Members whose implementation would have gone a long way in improving the management of the library services in the Country, I must reiterate the need for due legal and procedural consideration by all Members when proposing amendments. Instructively, it is noted that the amendments offend the provisions of Standing Order 133(5) which place a limitation on amendments that “***propose to unreasonably or unduly expand the subject of the Bill.***” Such amendments would only be proceeded with in accordance with the provisions of Article 118 of the Constitution on public participation as well as Article 114(2) of the Constitution on the manner of consideration of a “money bill”.

In this regard, **Honourable Members**, the cited amendments by the Hon. Millie Odhiambo and the Hon. (Dr.) Patrick Musimba **will not be proceeded with**. This includes part (c) of the proposed amendment to Clause 2 by the Hon. Millie Odhiambo and the all the amendments to Clause 2 by the Hon. (Dr.) Patrick Musimba.

For avoidance of doubt, **Honourable Members**, the proposed amendments for which a disclaimer under Standing Order 133(5) has been made in today's Order Paper, will not be proceeded with for the reasons I have stated.

The House and the Members are accordingly guided.

**I thank you!**



**THE HON. JUSTIN B.N. MUTURI, EGH, MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**  
Tuesday, July 6, 2021