



REPUBLIC OF KENYA

TWELFTH PARLIAMENT– (FIFTH SESSION)

THE NATIONAL ASSEMBLY

GUIDANCE FROM THE CHAIR

(No. 34 of 2021)

ON THE

CONSIDERATION OF THE PARLIAMENTARY PENSIONS (AMENDMENT)
(NO. 3) BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2019) IN
COMMITTEE OF THE WHOLE HOUSE

Honourable Members, before the House proceeds to the Committee of the whole House to consider the Parliamentary Pensions (Amendment) (No. 3) Bill (National Assembly Bill No. 57 of 2019), I wish to guide the House and the Committee as follows –

1. You will recall that at the rise of the House during the afternoon sitting of Tuesday, 6th July 2021, the Committee of the Whole House had commenced reporting progress on its consideration of the Parliamentary Pensions (Amendment) (No. 3) Bill (National Assembly Bill No. 57 of 2019) pursuant to the provisions of Standing Order 134;
2. At the time, the Committee had considered the Bill up to New Clause 13A. In this regard, and in line with the provisions of Standing Order 132 providing for *Sequence on a Bill in Committee*, what remained for consideration was **New Clause 18A, Clause 3, Title and Clause 1;**
3. **Honourable Members,** As indicated in the Notice Paper, **the Member for Homa Bay Town,** the Hon. Peter Kaluma has indicated intention to move a re-committal of New Clause 13A. Further, **the Member for Kanduyi,** the Hon. Wafula Wamunyinyi proposes amendments to Clauses 8 & 9;

4. Honourable Members, You will also recall that before we proceeded on recess, I had directed that any Members proposing amendments to the Bill should appear before the Departmental Committee on Finance & National Planning in line with Standing Order 131. I am informed that no Member appeared before the Committee regarding the said matter. I have since received information to the effect that the Member for Homa Bay Town, the Hon. Peter Kaluma, no longer intends to move the House to reconsider the New Clause 13A. In this regard, the intended re-committal as indicated in the Notice Paper will not be proceeded with;

5. On the other hand, the Member for Kanduyi has proposed amendments to Clause 8 and Clause 9. In a nutshell, the amendments seek to remove the requirement for payments of interest on gratuity by a Member of Parliament who elects to buy-back into the pension scheme. Further, the amendments also propose that in calculating pension, the reckoning of service for a Member of Parliament be the aggregate period served regardless of any interruptions thereto;

6. Honourable Members, you will agree with me that the said amendments by the Member for Kanduyi have money Bill aspects as defined under Article 114 of the Constitution as they will have direct implication on the budget of the said pensions and confer a benefit which has monetary implications. In this regard, and in keeping with the provisions of Article 114(2) of the Constitution, which provides that on money motions “ **....the House may proceed only in accordance with the recommendation of the relevant Committee after taking into account the views of the Cabinet Secretary for finance**” I regret that I will NOT permit the proposed amendments to be considered by the House in the absence of a proper recommendation as envisaged in the Constitution;

7. In this regard therefore, the amendments proposed by the Member for Kanduyi to the Parliamentary Pensions (Amendment) (No. 3) Bill, 2019 as contained in today's Order Paper will not be proceeded with.

Honourable Members, I now order the Committee of the whole House to proceed in accordance with my guidance. Thank you.

Next Order!



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

Wednesday, 4th August, 2021

