



REPUBLIC OF KENYA

TWELFTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY

COMMUNICATION FROM THE CHAIR

(No. 38 of 2021)

ON

REVIEW OF THE NATIONAL ASSEMBLY STANDING ORDERS

Honourable Members,

As you are aware, it is the practice of every House to undertake a review of the rules of procedure towards the end of its term for use by subsequent Houses. The review process, which takes about a year and culminates with submission and adoption of a report by the House, is largely steered by senior parliamentary staff with the guidance of the Procedure and House Rules Committee chaired by the Speaker. Further, Standing Order 264 requires the Procedure and House Rules Committee to review the Standing Orders and recommend any amendments at least once every term of Parliament for consideration by the House.

Honourable Members, this practice, principally adopted from other established commonwealth jurisdictions, has been useful in affording Members an opportunity to enrich the rules of procedure based on their experiences and empirical interaction with the various provisions. The regular usage of the rules by Members, both in plenary and in Committee work, undoubtedly provides Members with first-hand experience on their applicability.

It is on this basis **Honourable Members**, that the review process becomes important for future Parliaments as it is premised on views of the actual users of the rules of procedure. Members are therefore best placed to highlight gaps which help in continually improving and making the rules more practical and responsive to the ever-evolving environment within the institution apart from learning from legislatures in comparable jurisdictions where individual Hon. Members and Committees have visited, and how the rules of procedure remain anchored within our nascent constitutional framework.

Honourable Members, from the foregoing and in keeping with this practice, the Clerk of the National Assembly, in consultation with the Procedure and House Rules Committee has constituted a **technical team** to commence the process of collation of views and any proposed amendments to the Standing Orders as part of the end-of-term review. In this regard, Committees of the House, Members and staff are encouraged to proffer any proposed amendments they may have on the current rules of procedure. Specifically, Committees are called upon to candidly look into and review the workings of our committee system, including ensuring constitutional and statutory compliance, and to make proposals for improvement. Additionally, Committees may consider the legislative oversight mechanisms currently in place and highlight any gaps or neglected areas that require improvement. Suffice to say that individual **Honourable Members** are free to propose amendments to any part of the Standing Orders for collation by the technical team and consideration by the Procedure and House Rules Committee.

The proposed amendments or general views should be channeled to the Committee through the office of the Clerk of the National Assembly by way of written submissions. Additionally, views will also be sought from the public and other external stakeholders in keeping with the requirements of Article 118 of the Constitution. The Committee will thereafter report to the House, isolating any provisions it may recommend for amendment or repeal. It is envisaged that this process of collation will be concluded by **15th November, 2021**. You are therefore encouraged to give your views before then.

Honourable Members, In considering the proposals from the various stakeholders, I implore the Procedure and House Rules Committee under the leadership of my very able deputy, the Hon. Moses Cheboi, CBS, MP, not to shy away from genuinely relooking at all the provisions in our current Standing Orders, including –

- (a)** The system of governance and bicameral nature of our legislature;
- (b)** The subsisting committee system focusing on areas such as size, composition, operations, effectiveness and efficiency of our Committees;
- (c)** Areas of improvement in the general parliamentary oversight focusing on any aspects or areas that may not have received due attention, including but not limited to our budget processes and oversight mechanisms over the national debt;
- (d)** The place of and mechanisms for consideration of the reports submitted to the House by Cabinet Secretaries under Article 153(4)(b) of the Constitution;
- (e)** The place of Constitutional Commissions & Independent Offices and their place in our rules of procedure including the consideration of their

reports submitted to the House pursuant to the provisions of Article 254 of the Constitution; and,

- (f) Consideration of the various Speaker's rulings, as well as judicial decisions that have a bearing on the procedures of the House.

In this regard **Honourable Members**, as your Speaker and the Chairperson of the Procedure and House Rules Committee, I therefore –

1. **Notify the House of the commencement of this important exercise being the end-of-term review of the rules of procedure of the House;**
2. **Invite all Hon. Members to make written submissions to the Committee on ANY areas they feel require review or repeal;**
3. **Require the Procedure and House Rules Committee to arrange meetings with the Leaderships of the House, including Committee Leadership, to seek their views on areas requiring review in our rules of procedure; and,**
4. **Require the Clerk of the National Assembly to facilitate the process of seeking views of the public and other external stakeholders, by way of invitations in the media.**

The House is accordingly guided.

I thank you!


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

Thursday, 23^d September, 2021