



REPUBLIC OF KENYA

TWELFTH PARLIAMENT (FIFTH SESSION)

THE NATIONAL ASSEMBLY

SPEAKER'S GUIDANCE

(No. 49 of 2021)

**GUIDE ON BUSINESS UNDER ORDER NOS. 16, 18 AND 19
IN THE ORDER PAPER FOR THURSDAY 25TH NOVEMBER
2021**

Honourable Members,

This guide relates to the business appearing under Order Nos. 16, 18 and 19 in the Order Paper for today, Thursday 25th November 2021. Under Order No. 16, which is the Referendum (No.2) Bill, National Assembly Bill No. 14 of 2020, I have received representation from a number of Members, who had submitted their notice of proposed amendments to the Bill. However, the proposed amendments are yet to be processed and included in the Order Paper. In this regard, I hereby deferred the Order from today's Order Paper.

With respect to the business appearing under Order No. 18 regarding the Kenya Roads (Amendment) Bill (National, Assembly Bill No. 12 of 2020), it will be recalled that the Bill was listed in the Order Paper for Thursday, 19th August 2021 for Second Reading.

However, **Honourable Members**, the Hon. David Pkosing, CBS, MP, Chairperson of the Departmental Committee on Transport, Public Works and Housing, sought leave of the Speaker to defer consideration of the Bill to a later date in order to allow further consultations with stakeholders, among them being the Engineers Board of Kenya and the Institute of Engineers of Kenya.

Honourable Members, among the objectives of the then report of the Committee on the Bill was the proposal to introduce an amendment, the effect of which was to open up the position of the Director-General of Kenya Roads Board to professionals other than engineers only.

Further, the Office of the Speaker had received Petitions and representations from the Engineers Board of Kenya, the Institute of Engineers of Kenya and the general public cautioning against such proposal. In his request to defer the Bill, the Hon. Pkosing undertook to engage key stakeholders and the public further on the foregoing proposal and table an addendum Report thereof. It's on account of the foregoing that the Speaker granted leave and deferred consideration of the Bill until the Committee tables an addendum to their Report regarding the outcome of the engagements.

Hon. Members, it is on record that yesterday, Wednesday 24th November 2021, the Chairperson of the Departmental Committee on Transport, Public Works tabled an *Addendum to the Report of the Departmental Committee on Transport, Public Works on its consideration of the Kenya Roads (Amendment) Bill, 2021 tabled on 5th August 2021.*

In this regard, the Speaker has reinstated the Bill to proceed for consideration at Second Reading and subsequent Stages.

Hon. Members, with regard to the Advocates (Amendment) Bill (National Assembly Bill No. 43 of 2021) appearing under Order No. 19 in today's Order Paper, the Office of the Speaker is in receipt of a letter from the Chairperson of the Departmental Committee on Justice and Legal Affairs, seeking leave to withdraw the Bill pursuant to Standing Order 140. Before I guide the House, it is worth noting as follows –


- (1) The Departmental Committee on Justice and Legal Affairs introduced the Bill in furtherance of its own recommendations as contained in the Report on its consideration of Public Petition No. 20 of 2021 by Mr. George Njenga Mwaniki and 12 others *'Seeking amendment of the Advocates Act, Cap 16, to Allow Admission of Law Practitioners from the Republics of Rwanda and Burundi to the Roll of Advocates in Kenya.*
- (2) In its Report tabled in this House on 12th October, 2021, the Committee agreed to the petitioners' prayers that Parliament ought to legislate in the manner proposed in the Bill in question; and,
- (3) The Bill was read a First Time on 10th November 2021 and is undergoing public participation, and the period for submission of memoranda opened on 11th and closed on 23rd November 2021.

I can reasonably believe that the Committee might not have applied itself to the submissions made by the rest of the public and key stakeholders on the Bill, save for the submissions of the Office of the Attorney-General.

In this regard, I hereby defer the business appearing under Order No. 19 **to await the Speaker's determination of the request by the Chairperson of the Departmental Committee on Justice and Legal Affairs in light of Standing Order 140, which grants the Speaker the discretion to consider the merit of such a request before granting leave to withdraw a Bill.**

The House is accordingly guided.

I thank you!

A handwritten signature in blue ink, appearing to read 'Moses Cheboi', with a large, stylized flourish at the end.

FOR: THE HON. MOSES CHEBOI, CBS, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Thursday, 25th November, 2021.