



REPUBLIC OF KENYA

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**THIRTEENTH PARLIAMENT - (FIRST SESSION)  
THE NATIONAL ASSEMBLY**

**COMMUNICATIONS FROM THE CHAIR**

\_\_\_\_\_ (No. 2 of 2022) \_\_\_\_\_

**ON**

**THE CONSTITUTION OF THE HOUSE BUSINESS COMMITTEE  
IN THE FIRST SESSION OF THE 13<sup>TH</sup> PARLIAMENT**

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**Honourable Members,**

1. As you are aware, today is the First Sitting of the House following the Official Opening of the 13<sup>th</sup> Parliament last week. By practice, the first business of the House at the beginning of each Session is the formation of the **House Business Committee**. Subsequently, the Committee, once constituted, proceeds to determine, and set the business of the House. The next set of Business that follows is the consideration and passage of the several **Procedural Motions** under Standing Order 97 relating to Limitation of time during debates in the House. Thereafter, with respect to the first Sitting following a general election, the House debates the **President's Address** as contemplated under Standing Order 24(6).

**2. Honourable Members,** As you will note from today's Order Paper, the motion for the approval of the membership of the House Business Committee is not one of the business to be transacted today. This is because a question has since arisen relating to the constitution of the Committee with respect to the names of persons under paragraphs (b), (c), (d) and (e) of Standing Order 171(1).

**3.** To illustrate this **Honourable Members,**, allow me to refer to Standing Order 171(1). This rule provides that the House Business Committee consists of the following —

- (a) the Speaker who shall be the Chairperson;*
- (b) the Leader of the Majority Party or a representative designated in writing;*
- (c) the Leader of the Minority Party or a representative designated in writing;*
- (d) the Whip of the Majority Party or a representative designated in writing;*
- (e) the Whip of the Minority Party or a representative designated in writing; and*
- (f) nine other Members, who shall be nominated by parliamentary parties and approved by the House at the commencement of every Session, reflecting the relative majorities of the seats held by each of the parliamentary parties in the National Assembly and taking into consideration the interests of parties other than parliamentary parties and Independents.*

**4. Honourable Members,** from what I have just read, you will note that the House Business Committee consists of a total of fourteen members. It is also notable that, besides the Speaker, four Members sit in the Committee by virtue of their offices. These are the Leader of the Majority Party, the Leader of the Minority Party , the Majority Party Whip and the Minority Party Whip

**5. Honourable Members,** to this end, I wish to inform you that I received a letter dated 21<sup>st</sup> September, 2022 from the Secretary-General of the **Azimio La Umoja One Kenya Coalition Party**, the Hon. Junet Mohammed, MP. In the letter, the Member for Suna East also signs off as the Majority Whip of the Azimio La Umoja One Kenya Coalition Party .

**6. In a nutshell Honourable Members,** the letter conveys that, at its Parliamentary Group Meeting held from 16<sup>th</sup> to 17<sup>th</sup> September, 2022, the Azimio La Umoja One Kenya Coalition Party **elected** the following as its House leaders in the National Assembly-

- (i) The Hon. James Opiyo Wandayi, MP as the Leader of the Majority;
- (ii) The Hon. Robert Mbui, MP as the Deputy Leader of the Majority;
- (iii) The Hon. Junet Mohammed, MP as the Majority Whip; and
- (iv) The Hon. Sabina Chege, MP as the Deputy Majority Whip.

**7. Honourable Members,** I also wish to inform you that I received another letter dated 22<sup>nd</sup> September, 2022 from the Member for South Mugirango, the Hon. Silvanus Osoro Onyiego, MP. In the letter, which he also signs off as the Majority Chief Whip of the **Kenya Kwanza Coalition**, he notifies that, in discharge of his role under Standing Order 19A(7), the Kenya Kwanza Coalition held its Parliamentary Group meeting on 16<sup>th</sup> and 17<sup>th</sup> September, 2022 at Sawela Lodge in Naivasha and elected the following persons to the specified offices-

- (i) The Hon. Kimani Ichung'wah, MP, the Member for Kikuyu Constituency- Leader of the Majority Party; and,
- (ii) The Hon. Owen Baya, MP, the Member for Kilifi North Constituency- Deputy Leader of the Majority Party.

**8. Honourable Members,** In his letter, the Member for South Mugirango also attaches an excerpt of the Minutes of the Parliamentary Group meeting and a list of Members who attended the meeting, signed by the attendees.

**9. Honourable Members,** on the same day, I also received a letter from the Member for Kikuyu Constituency, the Hon. Kimani Ichung'wah, MP, dated 22<sup>nd</sup> September, 2022. In the letter, the Member for Kikuyu Constituency signs off as the Leader of the Majority Party and conveys that, the **Kenya Kwanza Coalition** held its Parliamentary Group meeting on 16<sup>th</sup> and 17<sup>th</sup> September, 2022 at Sawela Lodge in Naivasha and elected the following persons as the Chief Whip and Deputy Chief Whip-

- (i) The Hon. Silvanus Osoro Onyiego, MP, Member for South Mugirango- Chief Whip; and,
- (ii) The Hon. Naomi Jillo Waqo, MP, Member for Marsabit County- Deputy-Chief Whip.

**10.** Similarly **Honourable Members**, the Member for Kikuyu Constituency also attached an excerpt of the Minutes of the Parliamentary Group meeting and a list of Members who attended the meeting, duly signed by the attendees. In his letter to me, the Member for Kikuyu Constituency indicated that he was discharging his role under Standing Order 20A(3)(a), which require the name of the persons designated as the Majority Party Whip and Majority Party Deputy-Whip to be communicated to the Speaker by the Leader of the Majority Party.

**11.** **Honourable Members**, on 22<sup>nd</sup> September, 2022, I also received a letter dated 21<sup>st</sup> September, 2022 from the Hon. Jeremiah Ng'ayu Kioni identifying the following Members as the leadership of the **Jubilee Party Parliamentary Group** in the National Assembly-

- (i) The Hon. Shurie Abdi Omar, MP, Member for Mbalambala- Leader;
- (ii) The Hon. Samuel Arama, MP, Member for Nakuru Town West- Whip;
- (iii) The Hon. Sarah Korere, MP, Member for Laikipia North- Deputy Whip;
- (iv) The Hon. Adan Keynan, MP, Member for Eldas, - Secretary.

**12. Honourable Members,** The distinguished immediate former member for Ndaragwa Constituency signs off as the Secretary General of the Jubilee Party. In the letter, he also notes that **Jubilee Party remains a member of the Azimio La Umoja- One Kenya Coalition Party.**

**13. Honourable Members,** ordinarily and in keeping with the requirements of Standing Order 19A(1) (4) and 20(A) (5), following receipt of the names and attendant accompanying documentation, as your Speaker, I am supposed to convey the names of the Leadership of the Majority Party, that of the Minority Party and the Whips of any Parliamentary Party in the House, to the assembled House. If the House is not sitting, the Standing Orders require me to notify Members in the usual manner of *Speaker's Notifications to all Members.*

**14. Honourable Members,** it is this action that subsequently sets in motion the next steps. In this case, the Clerk would write to the Leader of the Majority Party and the Leader of the Minority Party, copying the respective whips, asking for the names of the nine Members nominated to sit in the House business Committee under Standing Order 171(1) (f). Thereafter, the Clerk would publish the names in the Order Paper for approval by the House at its first Sitting, each Session.

**Honourable Members,**

**15.** Faced with these conflicting correspondences, you will agree with me that it is impossible for me and the Clerk to discharge those requirements of the Standing Orders at the moment. You will also agree with me that from the foregoing, three pertinent questions arises at this moment.

These are-

- (i)** who is the bonafide Leader of the Majority Party and who is the bonafide Leader of the Minority Party in this House?
  
- (ii)** In absence a House Business Committee, what business is to be transacted by this House for the next few days before the question of the Leader of the Majority and the Minority Party is determined?
  
- (iii)** Before the question of the Leadership of the Majority and the Minority Party is determined, who is to move the business in the House, whose moving is ordinarily reserved for the Party Leaders?

16. With respect to the **first question Honourable Members**, I will reserve the rest of today's Sitting to allow the House to address me on this matter so that I can retreat to issue my guidance.
17. **Honourable Members**, with respect to the **second question** *on what business is to be transacted by this House for the next few days before the question of the Leadership of the Majority and the Minority Party is determined*, allow me to guide the House as follows-
18. **Firstly, Honourable Members**, as you may be aware, Standing Order 30 (*Hours of Meeting*) provides that the House shall meet on Tuesdays at 2.30pm for the afternoon sitting, Wednesdays at 9.30am for the morning sitting and 2.30pm for the afternoon sitting, and Thursdays at 2.30pm for the afternoon sittings. It is therefore clear that, with or without any scheduled business, the House **MUST** sit on the prescribed days and times.
19. Indeed **Honourable Members**, Standing Order 30 dictates that tomorrow, the House shall sit in the morning from 9.30 am and in the afternoon commencing at 2.30 pm. That is mandatory and your Speaker has no authority to stop commencement of a sitting of the House, unless in very exceptional circumstances. Indeed, as your Speaker, I have a constitutional obligation to ensure continuity of the business of this House at all times. The only authority granted to the Speaker with respect to the time of a sitting is to vary the time of commencement or adjournment of the sittings, but only **"for the convenience of the House"**.



**20.** Further, **Honourable Members**, Standing Order 38 providing for the preparation and circulation of the Order Paper obligates the Clerk to prepare an Order Paper indicating the business to be transacted by the House. In this regard, it is also mandatory that before every sitting of the House, there should be an Order Paper which should be published on the Parliamentary Website and made available to Members at least twelve hours before the House meets. It is for this reason that I authorized the Clerk to publish the Order Paper that is before you this afternoon and which she also published on the website during the weekend.

**21.** **Honourable Members**, if you look at the Order Paper, the business listed there is procedural Motions. For the benefit of new Members, a procedural motion is one that concerns the **manner** or **time** of consideration of a matter before the House. Procedural Motions include Motions on limitation of debate where Members are allocated a specific period of time within which they may speak on a matter before the House and a Motion for **exception** of business from specified provisions of the Standing Orders.

**22. Honourable Members,** Standing Order 24(5) provides that whenever the President delivers an Address, a Member may as soon as practicable thereafter, lay the Address on the Table of the House. Standing Order 24(6) further provides that a Member may give notice of Motion that *"The Thanks of the House be recorded for the exposition of public policy contained in the Address of the President"* but debate on the Motion shall not exceed four sitting days. What is contemplated under Standing Order 24(6) is that the debate on the speech of the President shall not be interrupted by a dilatory Motion.

**23.** By practice of our Parliament, **Honourable Members,** debate on the President's Address is **accorded priority before any other business,** save for procedural motions. It therefore naturally follows that, the business that is to be transacted by the House for the next four sitting days is debate on the President's Address. This therefore settles the second question.

**24. Honourable Members,** allow me to also note that the debate on the speech of the President ordinarily accords first time Members the solemn opportunity to make their maiden speech in the House. This opportunity for new Members in my view, should not be curtailed by the question of the Majority and Minority Party Leadership and the composition of the House Business Committee.

**25.** However, **Honourable Members**, it is worth noting that the continuity of the business of the House will not and should not in any way be seen to prejudice the determination of the question of the Leadership of the Majority and Minority Party in the House. In this regard, since **there is no objection as to who the Deputy Speaker is**, I will exercise my powers under Standing Order No. 1, and authorize the Deputy Speaker to move certain business as follows-

- 1. At Order No. 5**, I will allow the Deputy Speaker to lay certain Papers in the House which have a statutory deadline and which the law requires that they must be laid in the House when it first sits;
- 2. At Order No. 6**, I will allow the Deputy Speaker to give notice of motion on the noting of the President's Address;
- 3. At Order No. 8**, I will allow the Deputy Speaker to move the procedural motion on limitation of debate on the President's Address under Standing Order 97. Moving of the rest of the ten (10) procedural motions will stand stayed until a later time; and,
- 4. Tomorrow morning, at Order No. 8**, I will also allow the Deputy Speaker to move the business under Standing Order 24(6) being the Motion on debate on the President's Address. This shall give Hon. Members an opportunity to debate the President's Address for four sitting days starting tomorrow morning, **Wednesday, 5<sup>th</sup> October, 2022 until Tuesday, 11<sup>th</sup> October, 2022.**

**26. Honourable Members,** This now settles the third and last question.  
The House is accordingly guided.

**Honourable Members,**

**27. May I now ask the Clerk to read the next Orders. After the House concludes with Order No. 8, I will allow the Hon. Members to address me on the question of the Majority and Minority Party Leadership.**

**I thank you!**

  
**THE RT. HON. MOSES M. WETANGULA, EGH, MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**

*Tuesday, 4<sup>th</sup> October, 2022*