



**REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT- (FIRST SESSION)
THE NATIONAL ASSEMBLY**

COMMUNICATION FROM THE CLERK

(No. 01 of 2022)

ON

**NOTIFICATION OF PLACE, DATE AND TIME FOR THE FIRST
SITTING AND ADMINISTRATION OF OATH OR AFFIRMATION OF
OFFICE TO MEMBERS-ELECT**

Please be seated Hon. Members,

Having looked at the number of Members-Elect present in the House this morning, I can confirm that we have the requisite quorum necessary to transact the business before the House as set out under Article 121 of the Constitution.

I have the following Communication to make-

Honourable Members, On behalf of the staff of the National Assembly and on my own behalf, I wish to welcome you all to this First Sitting of the National Assembly of the Thirteenth Parliament. I take this opportunity to particularly welcome back all Members who have been re-elected from previous Parliaments. I also extend a special welcome to the Members joining the National Assembly for the very first time.

Congratulations to you all on your election as Members of this august House!

Honourable Members, Standing Order No. 3(1) provides as follows-

(1) On the first sitting of a new House, pursuant to the President's notification under Article 126(2) of the Constitution, the Clerk shall-

a) read the notification of the President as published in the Gazette;

b) lay a list of the names of the persons elected as Members on the Table of the House; and

c) administer the Oath or Affirmation of Office provided for in the Third Schedule to the Constitution to all Members-elect present in the House in the order set out in paragraph (3).

Hon. Members, His Excellency the President of the Republic of Kenya and Commander-in-Chief of the Defence Forces, pursuant to the provisions of Article 126(2) of the Constitution, notified this First Sitting of the National Assembly of the Thirteenth Parliament through ***Gazette Notice No. 10527*** of 5th September, 2022.

In accordance with the provisions of Standing Order 3(1)(a), I now wish to read the notification of His Excellency the President as published in the *Gazette* Notice dated 5th September, 2022, and I quote—

"FIRST SITTING OF THE NATIONAL ASSEMBLY

IN EXERCISE of the powers conferred by Article 126(2) of the Constitution of Kenya, I, Uhuru Kenyatta, President and Commander-in-Chief of the Kenya Defence Forces, appoint that the First Sitting of the National Assembly shall be held at the Main Parliament Buildings in the National Assembly Chamber, on the 8th September, 2022, at 9.00 am."

UHURU KENYATTA,
President

Accordingly, **Hon. Members**, this sitting is properly convened.

Hon. Members, in accordance with the requirements of Standing Order 3(1)(b), **I will now proceed to lay on the Table of the House a list of names of persons elected as Members to the National Assembly as published in the Kenya *Gazette* by the Independent Electoral and Boundaries Commission (IEBC) vide *Gazette* Notice No. 9948 of 23rd August, 2022, *Gazette* Notice No. 10533 of 6th September, 2022 and *Gazette* Notice No.10537 of 7th September, 2022.**

It is notable that these Gazette Notices exclude the name of one person nominated under Article 97(1)(c) of the Constitution. The IEBC indicated in the *Gazette* Notice No.10537 of 7th September, 2022 that the slot is unallocated due to an interim restraining court order. This notwithstanding, I am guided by the provisions of Articles 121 and 124 (3)(a) of the Constitution providing for **Quorum** of the House and **proceedings of the House**, respectively.

Permit me to particularly restate the provisions of Article 124(3)(a) of the Constitution, which is also relevant in the circumstances, and which provides as follows-

"(3) "The proceedings of either House are not invalid just because of –

(a) a vacancy in its Membership; "

Hon. Members, I will now guide the House on the procedure to be followed in the administration of Oath or Affirmation of Office. Standing Order 3(3) requires the Clerk of the National Assembly to administer the Oath or Affirmation of Office to Members of the House in **alphabetical order** using the following order of precedence—

(a) A Member-elect who has served in a House of Parliament as—

- (i) Speaker;**
- (ii) Leader of the Majority Party;**
- (iii) Leader of the Minority Party; or**
- (iv) Deputy Speaker;**

(b) Members-elect with the longest cumulative period of service in the National Assembly;

(c) Members-elect with the longest cumulative period of service in the National Assembly, the Senate and the East African Legislative Assembly;

(d) Members-elect with the longest cumulative period of service in the Senate;

(e) Members-elect with the longest cumulative period of service in the East African Legislative Assembly; and

(f) all other Members-elect.

In this regard **Hon. Members**, I confirm that I have, in accordance with the above provisions, prepared the list containing names of all Members-Elect as published by the Independent Electoral and Boundaries Commission in the *Gazette Notices* I have referred to.

I therefore direct the Deputy Clerk to lay, on the Table of the House, the list of Members-Elect arranged in the order of precedence prescribed under Standing Order 3(3) (*Order of Precedence*).

(Deputy Clerk lays list of Members-elect in Order of Precedence on the Table)

Hon. Members, I will allow the Serjeant-at-Arms to immediately distribute copies of the list of Members-elect in Order of Precedence to you.

(Pause)

Honourable Members, Standing Order 3(2) provides that "Pursuant to Article 74 of the Constitution, no person shall assume or perform any functions of the office of a Member before taking and subscribing to the Oath or Affirmation of Office provided for under paragraph (1)."

Indeed, Article 74 of the Constitution which is actualized in the said provision of the Standing Orders states that, "***before assuming a State office, acting in a State office, or performing any functions of a State office, a person shall take and subscribe the oath or affirmation of office, in the manner and form prescribed by the Third Schedule or under an Act of Parliament***".

Hon. Members, the Office of a Member of Parliament is among those defined as a "State Office" under Article 260 of the Constitution. As such, unless a person elected to this House takes and subscribes to the Oath or Affirmation of Office prescribed by the Third Schedule to the Constitution, he or she cannot assume or perform any functions associated with the Office of a Member of the National Assembly, including the function of electing the Speaker and the Deputy Speaker for the purposes of today's sitting.

To this end, **Hon. Members,** so as to comply with the provisions of Article 74 of the Constitution and Standing Order 3(2), the first business of any new House is the swearing-in of Members-Elect.

Honourable Members, I wish to emphasize that this is a sitting of the House. Therefore, all Members are expected to be orderly and follow the rules of procedure set out in the Standing Orders, Speakers Rules, established precedents, customs, procedures and traditions of the House. **Members are however at liberty to sit freely as there are no reserved seats today.**

Hon. Members, I shall now proceed to administer the oath or affirmation of office to all Members here present in the order of precedence set out in Standing Order 3(3). In so doing, the name of each Member-elect will be called out following which the Member-elect will proceed to the space between the Chair and the Table and indicate whether to take and subscribe to the Oath or Affirmation of Office. After taking and subscribing to the Oath or Affirmation of Office, the Member shall proceed to the designated area and subscribe to the Oath or Affirmation of office by signing the *Oath or Affirmation Book*.

Hon. Members, we are now ready to commence the process and I will shortly ask the Deputy Clerk to call out the names of the Members-Elect. However, after administering the Oath or Affirmation of office to the three Hon. Members-Elect in the category of Standing Order 3(a), that is former Leader of the Majority Party, former Leader of the Minority Party and former Deputy Speaker, I will seek the indulgence of the House to proceed to where Members with disabilities are seated and administer the Oath or Affirmation of Office to them, before resuming with the sequence under paragraphs (b) to (f) of Standing Order 3 as per the list now distributed in the House.

In the event a Member-Elect with disabilities is not present, I will accord priority to them when they come into the Chamber before the conclusion of the administration of Oath or Affirmation of Office.

Deputy Clerk, read the next Order and proceed to call out the names of Members-Elect!

SERAH M. KIOKO, MBS
Ag. Clerk of the National Assembly
8th September, 2022

**SUSPENSION OF THE HOUSE
(UPON CONCLUSION OF ORDER NO. 2)**

Honourable Members, we are about to conclude the first part of today's Sitting;

Is there any Member, present in the House, who has not taken and subscribed to the Oath or Affirmation of Office?

(PAUSE)

Honourable Members, it appears to me that all Members present in the House today have taken and subscribed to the Oath or Affirmation of Office in accordance with the requirements of the Constitution and the Standing Orders. You can now discharge the duties of Office of a Member of Parliament. **Congratulations once again!**

Hon. Members, before we proceed to the next Order and in keeping with the established practice of the House, I will suspend the Sitting of the House for..... minutes to allow officers to make the necessary arrangements to facilitate the transaction of the next Order.

And the Time now being.....minutes past.....O'clock, this Sitting stands suspended until.....pm. The Bell will be rung for five minutes before resumption of the Sitting.