



REPUBLIC OF KENYA

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

COMMUNICATIONS FROM THE CHAIR

_____ (No. 009 of 2022) _____

**ON PROPOSED AMENDMENT TO THE CONSTITUTION-
ENTRENCHMENT OF CERTAIN FUNDS IN THE CONSTITUTION**

Honourable Members,

1. I wish to welcome you back to the House from the short recess with the hope that the recess was beneficial to you as you settle into the First Session of the 13th Parliament.
2. As the House embarks on the Second part of the Session, I wish to inform you that I have received a legislative proposal intending to amend the Constitution so as to entrench certain funds, among them, the National Government Constituencies Development Fund, in the Constitution. The proposal is co-sponsored by the Member for Matungulu Constituency, the Hon. Stephen Mule and The Member for Gichugu, the Hon. Githinji Gichumu.

Honourable Members,

3. The manner of amending our Constitution through ***parliamentary initiative*** is provided for under Article 256 of the Constitution. Standing Order 114 (7A) actualizes this process in the National Assembly by providing as follows, and I quote -

"Introduction of Bills

114 (7A) In respect of a proposal to amend the Constitution—

- (a) the proposal shall be accompanied by the signatures of at least fifty other Members in support, unless it is sponsored by the Majority Party or the Minority Party;*
- (b) where the Speaker approves the prepublication scrutiny of the proposal, the Speaker shall notify the House of the approval and may—*
 - (i) allow the sponsor to make a statement on the objectives of the proposal;*
 - (ii) allow comments on the statement made by the Member;*
 - (iii) facilitate collation of the views from the comments of Members at an appropriate forum; and*
 - (iv) invite Members with similar or related proposals to make submissions before the committee to which the proposal is referred;*

Honourable Members,

- 4.** This new procedure is informed by the recent decision of High Court that a Bill proposing to amend the Constitution cannot be amended, once it is published. As such, the new procedure is aimed at collating as many views as possible; from as many stakeholders and experts as may be practicable, **before** a proposal to amend the Constitution is published into a Bill.
- 5.** Indeed, I note that the proposal by the two Hon. Members has complied with the first part of this new provision, having obtained signatures of over two hundred Members of this House. Consequently, as your Speaker, my obligation is to facilitate the rest of the processes as provided for in the Standing Orders.

6. In this regard and in keeping with the requirements of the said Standing Order, I wish to notify the co-sponsors, that is, the Member for Matungulu and the Member for Gichugu, that, on **Tuesday, 2nd November 2022, I will accord them an opportunity, of not more than twenty minutes each**, to make statements on the proposal in the House. Their statements should outline the contents and objective of the proposal.

Honourable Members,

7. During the same sitting, in order to facilitate the initial stage of collation of Members' views, I will also allow the House to make general comments on the proposals. Thereafter, I will refer the matter to the Select Committee on the National Government Constituencies Development Fund or issue other directions, in view of the comments that will be made by Members on the proposal.

8. **Honourable Members**, in the meantime, the Clerk of the National Assembly is hereby directed to circulate the *Legislative Proposal* to all Members.

The House is accordingly guided.

I thank you!



THE RT. HON. MOSES WETANG'ULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Tuesday, 25th October 2022

