

SPECIAL ISSUE

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2022

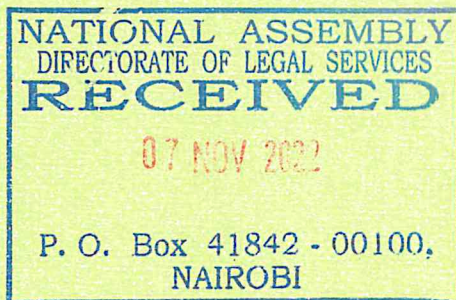
NAIROBI, 14th October, 2022

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**THE PARLIAMENTARY POWERS AND
PRIVILEGES (AMENDMENT) BILL, 2022**

A Bill for

**AN ACT of Parliament to amend the Parliamentary
Powers and Privileges Act, 2017**

ENACTED by Parliament of the Republic of Kenya
as follows—

1. This Act may be cited as the Parliamentary Powers and Privileges (Amendment) Act, 2022.

Short title.

2. Section 15 of the Parliamentary Powers and Privileges Act, 2017 is amended—

Amendment of
section 15 of No.
29 of 2017.

- (a) in subsection (1)(a)(i) by inserting the words “or a Member designated by the Speaker” immediately after the word “Speaker”;
- (b) in subsection (1)(b)(i) by inserting the words “or a Member designated by the Speaker” immediately after the word “Speaker”;
- (c) by inserting the following new subsections immediately after subsection (1)—

“(1A) In selecting members to the Committee, each House shall take into account—

- (a) previous service by a Member as—
 - (i) Speaker;
 - (ii) Leader of the Majority Party;
 - (iii) Leader of the Minority Party;
 - (iv) Deputy Speaker; or
 - (v) a member of the Speaker’s Panel;
- (b) Members’ cumulative period of service in Parliament and the East African Legislative Assembly;
- (c) educational or professional background in law, public administration, mediation, arbitration, or any other field deemed appropriate by the Speaker;

- (d) relevant experience in parliamentary practice and procedure; and
- (e) any gross disorderly conduct by the member or breach of the code of conduct applicable to a Member of Parliament within the term of Parliament.

(1B) Each Committee of Powers and Privileges shall a vice-chairperson from amongst its members.

- (d) in subsection (2)(a) by deleting the word “Speaker” appearing immediately after the words “be the” and substituting therefor the word “Chairperson”;
- (e) in subsection (2)(b) deleting the word “Speaker” appearing immediately after the words “be the” and substituting therefor the word “Chairperson”;

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons for the Bill

The principal object of this Bill is to amend the Parliamentary Powers and Privileges Act, 2017 to allow the Speaker of a House of Parliament to designate a Member to chair the Committee of Powers and Privileges in his or her absence; and to prescribe categories of Members and qualifications that may inform each House in selecting Members to serve in the Committee.

The Bill seeks to implement the resolutions made by the 12th Parliament in its approval of the 5th Report of the Procedure and House Rules Committee on Amendments to the Standing Orders.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

This Bill does not delegate legislative powers nor does it limit any fundamental rights and freedoms.

Indication of whether the Bill concerns county governments

This Bill does not concern county governments.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 11th October, 2022.

GLADYS BOSS,
Deputy Speaker.

Section 15 of No. 29 of 2017 which it is proposed amend—

Committee of Powers and Privileges

15. (1) There is established, for each House of Parliament, a committee known as the Committee of Powers and Privileges consisting of—

(a) in respect of the National Assembly—

(i) the Speaker who shall be the chairperson of the Committee; and

(ii) fourteen other members of the House appointed in accordance with the Standing Orders of the Assembly;

(b) in respect of the Senate—

(i) the Speaker who shall be the chairperson of the Committee; and

(ii) six other members of the House appointed in accordance with the Standing Orders of the Senate.

(2) The quorum of the Committee shall—

(a) in the case of the National Assembly, be the Speaker and four other members; and

(b) in the case of the Senate, be the Speaker and two other members.

(3) Subject to this Act and the Standing Orders of the relevant House of Parliament, the Committee shall regulate its own procedure.

(4) The functions of the Committee of Powers and Privileges shall be to—

(a) inquire into the conduct of a member whose conduct is alleged to constitute breach of privilege in terms of section 16;

(b) perform such other functions as may be specified in this Act.

(5) The Committee of Powers and Privileges shall, either of its own motion or as a result of a complaint made by any person, inquire into the conduct of a Member whose conduct is alleged to constitute breach of privilege in terms of section 16, within fourteen days of receipt of complaint.

(6) The Committee of Powers and Privileges shall, within fourteen days of the conclusion of an enquiry, table its findings in the relevant House of Parliament together with such recommendations as it considers appropriate.

(7) Each House of Parliament shall consider the report and recommendations by the Committee of Privileges in the manner set out in the Third Schedule.