

SPECIAL ISSUE

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REPUBLIC OF KENYA

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NATIONAL ASSEMBLY BILLS, 2022

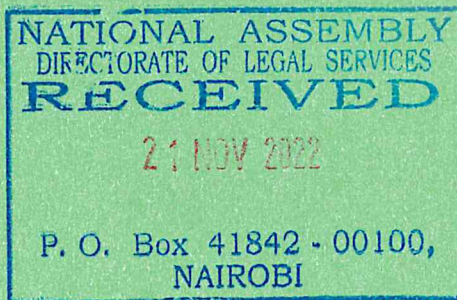
NAIROBI, 10th November, 2022

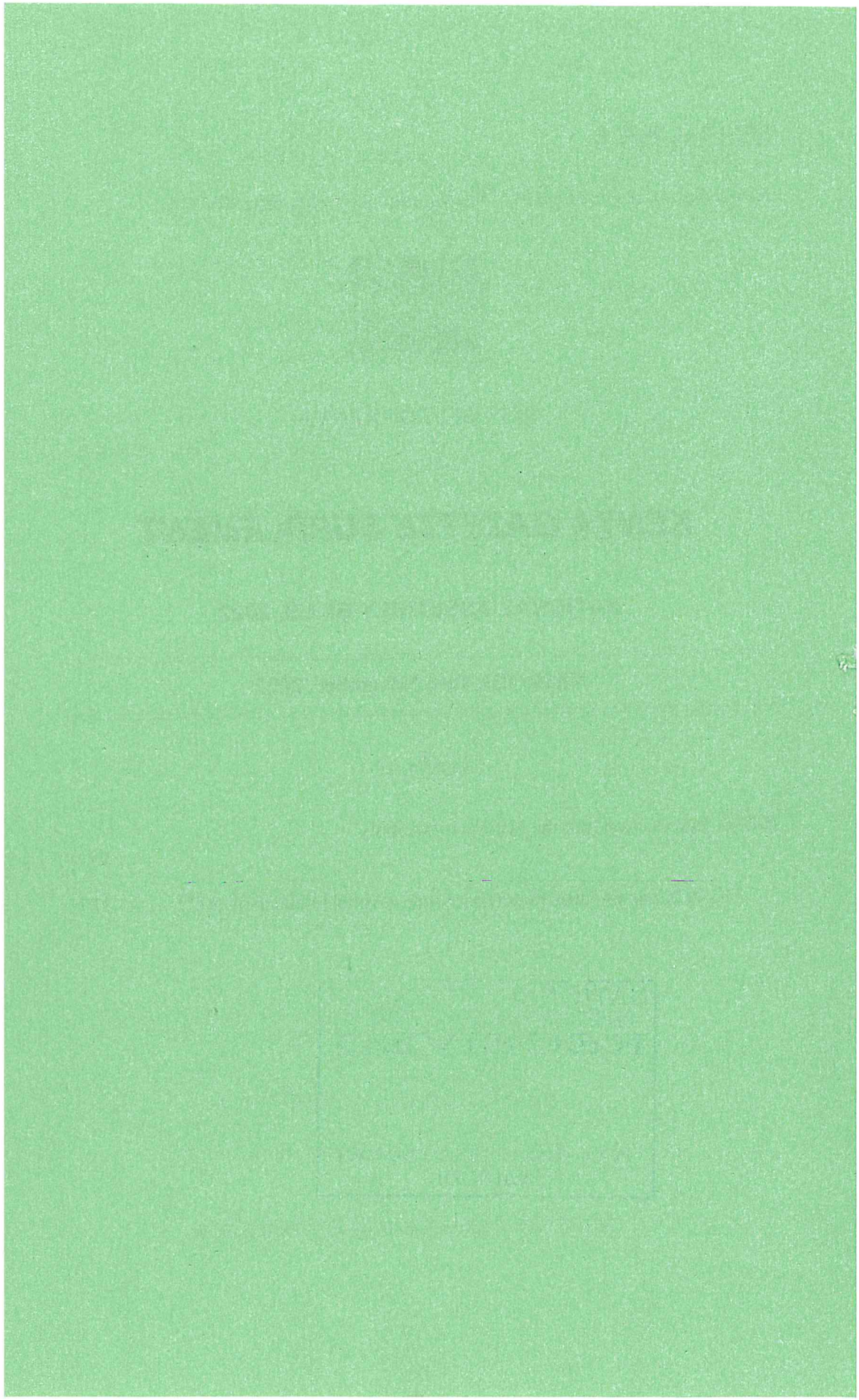
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**THE PETITIONS TO PARLIAMENT (PROCEDURE)
(AMENDMENT) BILL, 2022**

A Bill for

**AN ACT of Parliament to amend the Petitions to
Parliament (Procedure) Act, 2012**

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Petitions to Parliament (Procedure) (Amendment) Act, 2022.

Short title.

2. Section 3 of the Petitions to Parliament (Procedure) Act, 2012, in this Act referred to as the “principal Act”, is amended—

Amendment of section 3 of No. 22 of 2012.

(a) in paragraph (i) by deleting the word “addresses” appearing immediately after the word “names” and substituting therefor the words “contact information, including physical addresses, email addresses, and telephone numbers”;

(b) in paragraph (m) by inserting the words “or a minor” immediately after the words “to sign”;

(c) by renumbering the existing provision as subsection (1);

(d) by inserting the following new subsection immediately after subsection (1)—

“(2) Despite subsection (1)(k), a petitioner shall—

(a) attach evidence of the efforts made to have the matters raised in the petition addressed by a relevant body for purposes of subsection (1)(f); and

(b) where the matters are pending before court, attach evidence of the court proceedings or judgment for purposes of subsection (1)(g).

3. Section 4 of the principal Act is amended—

Amendment of section 4 of No. 22 of 2012.

(a) by deleting subsection (3) and substituting therefor the following new subsection—

“(3) The Clerk of the relevant House shall convey each petition to the relevant committee of

the House responsible for ascertaining whether the petition meets the requirements of this Act.

(b) by deleting subsection (4) and substituting therefor the following new subsections—

(4) Where the committee determines that a petition does not comply with this Act, the committee may give such directions as are necessary to ensure that the petitioner amends the petition to comply with the Act.

(4A) The committee may reject a petition where—

- (a) the issues in respect of which the petition is made are pending before any court of law or other constitutional or legal body; or
- (b) the petitioner fails to comply with the directions given under subsection (4).

(4B) If satisfied that the petition meets the requirements of this Act, the committee shall forward the petition to the Clerk of for onward transmission to the Speaker for tabling in the House.

4. The principal Act is amended by deleting section 5 and substituting therefor the following new section—

5. (1) Every petition shall upon tabling before the respective House of Parliament stand referred to the relevant committee established for the purpose of considering petitions in accordance with the Standing Orders of the House.

(2) The committee shall, in writing, notify the petitioner of the decision of the House.

Repeal and replacement of section 5 of No. 22 of 2012.

Consideration of petition.

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons for the Bill

The principal object of this Bill is to amend the Petitions to Parliament (Procedure) Act, 2012 to require petitioners to file relevant evidence of the efforts made to have the matters raised in a petition addressed by a relevant body and any matters pending before court. Where matters are pending before court, a petitioner is to attach evidence of the court proceedings or judgment. It further introduces the aspect of a petitioner indicating their contact information for ease of tracing and conveyance of a reply or requests for clarification through information and communications technology means such as mobile telephones and electronic mail.

Additionally, the Bill proposes to amend section 4 of the Act to empower a committee established to review and consider petitions to reject a petition where the issues in respect of which the petition is made are pending before any court of law or other constitutional or legal body, or the petitioner fails to comply with the directions given by the committee to amend the petition.

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 power or limit any fundamental rights or 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 3 of No. 22 of 2012 that is proposed to be amended—

Form of petition

3. A petition to Parliament shall be in the form set out in the Schedule and shall—

- (a) be handwritten, printed or typed;
- (b) be in English or Kiswahili and be written in respectful, decorous and temperate language;
- (c) be free of alterations and interlineations in its text;
- (d) be addressed to the National Assembly or the Senate;
- (e) have its subject-matter indicated on every sheet if it consists of more than one sheet;
- (f) indicate whether any efforts have been made to have the matter addressed by a relevant body and whether there has been any response from that body or whether the response has been unsatisfactory;
- (g) indicate whether the issues in respect of which the petition is made are pending before any court of law or other constitutional or legal body;
- (h) conclude with a clear, proper and respectful prayer, reciting the definite object of the petitioner or petitioners in regard to the matter to which it relates;
- (i) subject to paragraph (m), contain the names, addresses, identification numbers, signature or a thumb impression of the petitioner or of every petitioner, where there is more than one petitioner;
- (j) contain only signatures or thumb impressions, as the case may be, and addresses and identification numbers written directly onto the petition and not pasted thereon or otherwise transferred to it;
- (k) not have any letters, affidavits or other documents annexed to it;
- (l) in the case of a petition presented by a Member of Parliament on behalf of a petitioner, be countersigned by the Member presenting it; and
- (m) be signed by the petitioner, or if the petitioner is unable to sign, by a witness in whose presence the petitioner shall make his or her mark on the petition.

Section 4 of No. 22 of 2012 that is proposed to be amended—

Procedure for presenting petition

4. (1) A petition to the National Assembly or the Senate shall be—

(a) submitted to the Clerk of the relevant House by the petitioner; or

(b) presented by a member of the National Assembly or the Senate on behalf of a petitioner, with the consent of the relevant Speaker.

(2) Notwithstanding section 4(1)(b), a member of the National Assembly or the Senate shall not be eligible to present a petition on his own behalf.

(3) The Clerk of the relevant House shall, within seven days of the date of receipt of the petition, review the petition to ascertain whether the petition meets the requirements of this Act.

(4) Where the Clerk of the relevant House of Parliament considers that a petition does not comply with section 3, the Clerk may give such directions as are necessary to ensure that the petition is amended to comply with that section.

(5) A petition shall not be rejected merely because it is not addressed to the Clerk of the relevant House of Parliament, and where a petition is addressed to the Clerk of a House that has no authority to deal with the matter; the Clerk of that House shall refer the petition to the Clerk of the other House.

Section 5 of No. 22 of 2012 that is proposed to be amended—

Consideration of petition

5. (1) The Clerk shall, if satisfied that the petition meets the requirements of this Act, forward the petition to the Speaker of the relevant House for tabling in the House.

(2) A petition that is tabled in Parliament under this Act shall be considered in accordance with the Standing Orders of the relevant House.

(3) The Clerk of the relevant House of Parliament shall, within fifteen days of the decision of the relevant House, in writing, notify the petitioner of the decision of the House.

