

Order B  
Stepped



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT– (FIRST SESSION)

THE NATIONAL ASSEMBLY

COMMUNICATIONS FROM THE CHAIR

\_\_\_\_\_ (No. 029 of 2022) \_\_\_\_\_

**GUIDE ON CONSIDERATION OF PROPOSED AMENDMENTS TO  
THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS  
(NO.2) BILL (SENATE BILL NO. 4 OF 2022)**

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**Honourable Members,**

1. Before I proceed to put the Question for *agreement with the report of the Committee of the whole House* on this particular Bill, I wish to state that my attention has been drawn to a certain procedural lapse that took place yesterday afternoon during consideration of the Bill at Committee of the Whole House stage.

It is notable that The County Governments Additional Allocations (No. 2) Bill (Senate Bill No. 4 of 2022) is a form of an annual appropriations Bill seeking to allocate certain conditional funds to specified County Governments. As such, it is a Money-Bill

**Honourable Members,**

2. Article 114(2) & (3) of the Constitution with respect to *Money-Motions* provides, and I quote –

***"114. (2) If, in the opinion of the Speaker of the National Assembly, a motion makes provision for a matter listed in the definition of "a money Bill", the Assembly may proceed only in accordance with the recommendation of the relevant Committee of the Assembly after taking into account the views of the Cabinet Secretary responsible for finance.***

***(3) In this Constitution, "a money Bill" means a Bill, other than a Bill specified in Article 218, that contains provisions dealing with—***

***(a) taxes;***

***(b) the imposition of charges on a public fund or the variation or repeal of any of those charges;***

***(c) the appropriation, receipt, custody, investment or issue of public money;***

***(d) the raising or guaranteeing of any loan or its repayment; or***

***(e) matters incidental to any of those matters."***

### **Honourable Members,**

**3.** From the above, it is observed that before the House proceeds with the consideration of any motion with monetary implications, the relevant Committee of the House, in this case the Budget & Appropriations Committee, must make recommendation, after taking into account the views of the Cabinet Secretary for The National Treasury.

**4.** As contained in the Order Paper of yesterday afternoon, there were certain proposed amendments to the Bill, which were subject to the provisions of Article 114 of the Constitution. The amendments, which were proposed by the Member for Maara, the Hon. Kareke Mbiuki, CBS, MP sought to amend the First Schedule of the Bill to reallocate certain funds for the construction of county headquarters for five Counties.



5. Instructively, it is observed that during the sitting, the Chairperson of the Budget & Appropriations Committee pronounced himself as there being agreement from the Committee regarding the amendment. However, I have not received any evidence, either by way of a Committee report or correspondence, to confirm that the consultations contemplated under Article 114 of the Constitution between the Committee and the National Treasury took place.

6. Indeed, Honourable **Members**, the Report of the Committee on its consideration of this Bill, which was Table in the House, recommended that the amendments proposed by the Member for Maara constituency and others proposed by the National Treasury relating to disbursement Court fees and fines to counties, should not be considered by the House.

**Honourable Members,**

7. The intention of actualizing Article 114 of the Constitution and the practice that started in the 11<sup>th</sup> Parliament is to avoid whimsical amendments on the floor especially amendments that touch on taxes, the imposition of charges on a public fund, the **appropriation** of public money, given the possible far-reaching implications.

**Honourable Members,**

8. Additionally, it should further be noted that this is a Bill that will be passed annually. As such, any matters that may have been left out can be revisited in the next Bill, once the requisite consultations have been undertaken.

9. As your Speaker, however, I am duty-bound to correct errors that flies agist the Constitution, our laws and the Standing Orders. The Article 114 limitations on the amendments proposed by the Member for Maara **was not lifted** before consideration at Committee of the whole House yesterday. In this regard, Hon. Members, **I therefore direct as follows-**

(i) **That, the Bill be recommitted to Committee of the whole House immediately. The Committee shall resume from the point before the amendments were considered, being the First Schedule to the Bill**

(ii) **That, in future, the Clerks-at-the Table must ensure that the provisions of Article 114 of the Constitution and the practice that was started in the 11<sup>th</sup> Parliament on actualizing the provision are upheld when guiding the Presidium on all Money-Bills.**

10. The House is accordingly guided.

**I thank you.**



**THE HON. GLADY C. BOSS , CBS, MP**  
**DEPUTY SPEAKER OF THE NATIONAL ASSEMBLY**

Thursday, 1<sup>st</sup> December 2022