



REPUBLIC OF KENYA

13TH PARLIAMENT
The National Assembly

STANDING ORDERS

ADDENDUM

MARCH, 2023

Addendum to the National Assembly Standing Orders

*Contains amendments approved by the National Assembly on
Thursday, 9th March, 2023 during the Second Session of the
Thirteenth Parliament.*

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(a) Amended Standing Order 25A

Designation of a place in the Chamber for Cabinet Secretaries and other persons

25A. The Speaker may designate a suitable place in the Chamber or at the bar of the House for—

- (a) the Cabinet Secretary responsible for finance to make a public pronouncement of the budget policy highlights and revenue raising measures for the national government as contemplated under the Public Finance Management Act;
- (b) a Cabinet Secretary to expound on government policy, reply to Questions and provide Reports concerning matters under his or her control;
- (c) other persons to make submissions or presentations before the House.

(b) Amended Standing Order 30

Hours of meeting

30. (1) Unless the Speaker, for the convenience of the House otherwise directs, the House shall meet at 9.30 a.m. on Wednesday and at 2.30 p.m. on Tuesday, Wednesday, and Thursday, but more than one sitting may be directed during the same day.

(2) Unless the Speaker or the Chairperson (as the case may be) directs earlier or later interruption of business for the convenience of the House, the Speaker or the Chairperson of Committees shall interrupt the business then under consideration and if the House is in Committee the Chairperson shall leave the Chair and report progress and ask leave to sit again—

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- (a) at 1.00 p.m. during a morning sitting;
- (b) at 7.00 p.m. during an afternoon sitting on Tuesday and Thursday;
- (c) at 9.00 p.m. during an afternoon sitting on Wednesday; or
- (d) if it is an Allotted Day—
 - (i) at 7.30 p.m. during an afternoon sitting on Tuesday and Thursday;
 - (ii) at 9.30 p.m. during an afternoon sitting on Wednesday.

(3) Notwithstanding paragraphs (1) and (2), the House may resolve—

- (a) to extend its sitting time; or
- (b) to meet at any other time on a sitting day; or
- (c) to meet on any other day, in order to transact business.

(4) A Motion under paragraph (3)(a) shall be moved at least thirty minutes before the time appointed for adjournment.

(5) If at the time appointed for the interruption of business, a division is in progress, or a question is being put from the Chair and a division results immediately thereon, such interruption shall be deferred until after the declaration of the numbers and the result of the division.

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(6) Upon the conclusion of all proceedings under paragraphs (2), (3) or (4) of this Standing Order, or upon the earlier completion or deferment of all business standing upon the Order Paper for the sitting, the Speaker shall adjourn the House without question put.

(c) Amended Standing Order 39

Weekly programmes of the business of the National Assembly

39. The Clerk shall prepare and publish on the parliamentary website a weekly programme showing the business of the House, a tentative list of Cabinet Secretaries scheduled to reply to Questions and provide Reports to the House, and a schedule of sittings of the various committees; and shall circulate such programmes to Members, State Departments, and the media not later than the Friday of the week preceding such business.

(d) Amended Standing Order 40

Sequence of proceedings

40. (1) Each day after Prayers have been said and the House has been called to order, the Business of the House shall be proceeded with in the following sequence—

- (a) Administration of Oath;
- (b) Communication from the Chair;
- (c) Messages;

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- (d) Petitions;
- (e) Papers;
- (f) Notices of Motion;
- (g) Questions and Statements;
- (h) Motions and Bills.

(2) Business shall be disposed of in the sequence in which it appears in the Order Paper or in such other sequence as the Speaker may, for the convenience of the House, direct.

(3) On Wednesday morning a Bill or a motion not sponsored by the Majority or Minority Party or by a Committee shall have precedence over all other business in such order as the House Business Committee shall ballot.

(3A) On Wednesday afternoon Questions and Reports by Cabinet Secretaries shall have priority over all other business for a period not exceeding three hours.

(4) The Speaker shall direct the Clerk to read the Orders of the Day without question put.

(e) Amended PART IXA

PART IXA—QUESTIONS

Notice of Question

42A. (1) A Member proposing to ask a Question in the House shall give notice to the Clerk.

(2) The Member shall deliver a signed copy of the proposed Question to the Clerk for submission to the Speaker for approval.

(3) Where the Speaker approves a Question and determines the Cabinet Secretary responsible for the matters to which it relates, the Clerk shall, at an appropriate time, publish the Question in the Order paper.

(4) In scheduling a Question in the Order Paper, the Clerk shall consider the urgency of the Question as determined by the Speaker.

(5) The Leader of the Majority Party shall inform the House of the date, time and order in which Cabinet Secretaries shall appear to reply to Questions and provide Reports to the House and committees, subject to paragraph (6).

(5A) A Member shall ask his or her Question on the day it is scheduled in the Order Paper.

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(6) In determining the date and time when a Cabinet Secretary shall be required to answer a Question, the Leader of the Majority Party shall consider the urgency of the Question as determined by the Speaker.

(6A) The Speaker may vary the order in which Questions shall be disposed of or defer a Question scheduled to be responded to.

(6B) A Cabinet Secretary shall attend and answer any Question concerning matters for which the Cabinet Secretary is responsible.

(7) Where the Minority Party is the party forming the National Government, the duties under paragraph (5) and (6) shall be undertaken by the Leader of the Minority Party.

General rules on Questions

42B. (1) These rules apply to Questions raised in the House and replied to in the House or before a committee.

(2) Except as the Speaker may otherwise allow, a Member may not ask a Question which—

- (a) is in effect a speech;
- (b) is lengthy;
- (c) is limited to giving information;

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- (d) is framed so as to suggest its own reply or to convey a particular point of view;
- (e) includes extracts from newspapers or quotations from speeches;
- (f) contains any argument, inference, opinion, imputation or ironical or offensive expression or epithet;
- (g) seeks an expression of opinion;
- (h) repeats in substance a matter already addressed by a Committee of the House or in the course of debate in the House during the same Session;
- (i) refers to more than one subject;
- (j) includes the name of a person or a statement not strictly necessary to render the Question intelligible;
- (k) contains an allegation which the Member is not prepared to substantiate;
- (l) implies an allegation of a personal nature or which reflects upon the conduct of a person whose conduct can only be challenged through a substantive motion or upon the conduct of any other person otherwise than in that person's official or public capacity;
- (m) relates to a matter which is sub judice or which by any written law is secret pursuant to Standing Order 89 (Matters sub judice or secret);

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- (n) falls within the functions and powers of county governments as contemplated under Part II of the Fourth Schedule to the Constitution;
- (o) seeks a reply that is readily available in ordinary works of reference or official publications;
- (p) refers discourteously to a friendly country, a Head of State or Government or the representative in Kenya of a friendly country; or
- (q) refers to a matter under consideration by the House or a Committee.

(3) A Member shall take responsibility for accuracy of the facts upon which a Question is based.

(4) A Member may, with leave of the Speaker, ask a supplementary question to a Question raised in the House before it is referred to a Cabinet Secretary for reply.

(5) Where the Member scheduled to raise a Question in the House is absent without the Speaker's permission, the Question shall be dropped and no further proceedings shall be allowed on the Question during the same session.

(5A) A Member scheduled to ask a Question in the House may—

- (a) request the Speaker to defer a Question to another time or day;

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- (b) withdraw a Question where it has been overtaken by events;
or
- (c) at least two hours before a sitting, nominate another Member to ask the Question in his or her absence by notifying the Speaker in writing;

(6) The Speaker may defer a Question to a different time or day from its scheduled time and day.

(7) A Question may include a request for a Report from a Cabinet Secretary concerning matters under the control of the Cabinet Secretary.

Manner of disposing Questions

42C. (1) A Cabinet Secretary shall provide physical and electronic copies of the reply to a Question at least a day before appearing before the House.

(2) Subject to Standing Order 42A (*Notice of Question*), the House shall dispose of a Question in the sequence it appears in the Schedule of Questions or as the Speaker may direct.

(3) The Speaker may—

- (a) permit the Member who raised a Question to ask a maximum of two supplementary Questions that relate to the original Question;

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- (b) permit a Member other than the Member who asked a Question to ask a further supplementary Question that relates to the original Question;
 - (c) direct a Cabinet Secretary to provide additional information or a further reply to a Question or supplementary Questions to the relevant committee of the House; or
 - (d) defer a Question to a different time or day from its scheduled time and day.
- (4) A Cabinet Secretary shall reply to a Question on the day it is scheduled for reply notwithstanding the absence of the Member who raised the Question.

Questions for written reply

42D. Where a Member prefers a written reply to his or her Question—

- (a) the Speaker shall direct that a written reply be provided in respect of the Question; and
- (b) the Clerk shall forward the Question to the relevant Cabinet Secretary and, upon receipt, provide the written reply to the Member.

Timeline for reply

42E. (1) Subject to paragraph (2), a Cabinet Secretary shall reply to a Question within fourteen days of referral of the Question.

(2) Where the Speaker determines a Question to be urgent, a Cabinet Secretary shall reply to the Question within forty-eight hours of referral of the Question.

Report on Questions

42F. The Chairperson of a Committee shall by way of a Statement report to the House on Questions—

- (a) referred to the Committee;
- (b) replied to;
- (c) which the Committee has directed a Cabinet Secretary to provide additional information or further reply; and
- (d) pending before the Committee.

Questions to Commissions and Independent Offices

42G. (1) Subject to paragraph (2) this Part shall apply to a Question directed to a Commission or Independent Office with necessary modifications.

(2) A Commission or Independent Office to which a Question is directed shall reply before the relevant Committee of the House.

(f) Amended Standing Order 216

Appointment and mandate of Departmental Committees

216. (1) There shall be select committees to be known as Departmental Committees whose Members shall—

- (a) be nominated by the Committee on Selection in consultation with parliamentary parties, parties other than parliamentary parties and Independents at the commencement of every Parliament; and
- (b) not exceed fifteen in number.

(2) A Member appointed to a Departmental Committee at the commencement of a Parliament or at any other time during the term of a Parliament shall, unless the House otherwise resolves, serve for the term of that Parliament, subject to Standing Order 176 (*Discharge of a Member from a Committee*).

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(3) Unless the House otherwise directs, the Departmental Committees and the subject matter respectively assigned to them shall be as set out in the Second Schedule.

(4) The mandate of Departmental Committees in respect of the subject matter assigned under the Second Schedule of these Standing Orders shall only be exercised within the limits contemplated under Part 1 of the Fourth Schedule to the Constitution.

(5) The functions of a Departmental Committee shall be to—

- (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- (b) study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- (ba) on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;
- (c) study and review all legislation referred to it;
- (d) study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;

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- (e) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
 - (f) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);
 - (fa) examine treaties, agreements and conventions;
 - (g) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - (h) (deleted).
 - (i) consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
 - (j) examine any questions raised by Members on a matter within its mandate.
- (6) The Leader of the Majority Party shall, in consultation with the Speaker, determine the order in which Cabinet Secretaries shall appear to answer questions raised under paragraph (5)(j) before a Committee.
- (7) The Speaker may, on request of the Leader of the Majority Party vary the order in which questions raised under paragraph (5)(j)

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shall be disposed of in a Committee, or defer a question scheduled to be responded to.

(8) Where the Minority Party is the party forming the National Government, the duties under paragraph (6) and (7) shall be undertaken by the Leader of the Minority Party.

(g) Amended Second Schedule

SECOND SCHEDULE

DEPARTMENTAL COMMITTEES

[Standing Order 216]

Committee	Subjects
	A
Administration and Internal Security	Home affairs, internal security - including police services and coast guard services, public administration, immigration and citizenship.
Agriculture and Livestock	Agriculture, livestock, food production and marketing.
	B
Blue Economy, Water and Irrigation	Use and regulation of water resources, irrigation, fisheries development including

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Committee	Subjects
	promotion of aquaculture, fish farming, marine fisheries, the sustainable use of ocean resources for economic growth and improved livelihoods, except seaports and marine transport.
	C
Communication, Information and Innovation	Communication, information, media and broadcasting (except for broadcast of parliamentary proceedings), information technology, communication technology, including development and advancement of technology, data protection and privacy, cyberspace and cyber-security, artificial intelligence, block-chain technology, and other emerging technologies.
	D
Defence, Intelligence and Foreign Relations	Defence, intelligence, foreign relations, diplomatic and consular services, international boundaries including territorial waters, international relations, and veteran affairs.

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Committee	Subjects
	E
Education	Education, training, curriculum development, and research.
Energy	Fossil fuels exploration, development, production, maintenance and distribution, nuclear energy, clean energy and regulation of energy.
Environment, Forestry and Mining	Climate change, environment management and conservation, forestry, mining and natural resources, pollution, waste management.
	F
Finance and National Planning	Public finance, public audit policies, monetary policies, financial institutions (excluding those in securities exchange), economy, investment policies, competition, banking, insurance, national statistics, population, revenue policies including taxation, national planning and development, digital finance, including digital currency.

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Committee	Subjects
	H
Health	Health, medical care and health insurance including universal health coverage.
Housing, Urban Planning and Public Works	Housing, public works, urban planning, metropolitan affairs, housing development and built environment.
	J
Justice and Legal Affairs	Judiciary, tribunals, access to justice, public prosecutions, ethics, integrity & anti-corruption, correctional services, community service orders and witness protection, Constitutional affairs, sovereign immunity, elections including referenda, human rights, political parties, the State Law Office, including, insolvency, law reform, public trusteeship, marriages and legal education.
	L
Labour	Labour, human capital and remuneration, trade union relations and public service.
Lands	Matters related to lands and settlement including, land policy, land transactions,

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Committee	Subjects
	survey & mapping, land adjudication, settlement, land registration, land valuation, administration of community and public land and land information and management system
	R
Regional Development	Regional development, including regional development authorities; refugee affairs; devolution; inclusive growth; arid and semi-arid areas; disaster risk management; drought, famine and disaster response; and post-disaster recovery and rehabilitation.
	S
Social Protection	Social welfare and security, pension matters, gender affairs, equality and affirmative action, affairs of children, youth, persons with disability and senior citizens.
Sports and Culture	Sports, culture, language, creative economy including promotion of music, arts, film promotion and development, national heritage and betting and lotteries.

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Committee	Subjects
	T
Tourism and Wildlife	Tourism & tourism promotion and management, tourism research and wildlife management.
Trade, Industry and Cooperatives	Trade, including securities exchange, consumer protection, pricing policies, commerce, industrialization including special economic zones, enterprise promotion & development including micro, small & medium enterprises (MSMEs), and small and medium enterprises (SMEs), intellectual property, industrial standards, anti-counterfeit policies and co-operatives development.
Transport and Infrastructure	Transport, including non-motorized transport, construction and maintenance of roads, rails, air and marine transport, seaports and national integrated infrastructure policies and programmes and transport safety.

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