

KENYA NATIONAL ASSEMBLY
LIBRARY
MAIN BUILDING



PAPER LAID ON
WEDNESDAY, 7TH AUGUST, 2002
BY HON. WAMUKU KIHORO
ON BEHALF OF THE
CHAIRMAN.

S. NJIRU
13.8.02

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

PARLIAMENT
OF KENYA
LIBRARY

EIGHTH PARLIAMENT - SIXTH SESSION

**REPORT OF THE POWERS AND PRIVILEGES
COMMITTEE**

**PARLIAMENT BUILDINGS
NAIROBI.**

JULY 2002

PREFACE

- 1.1. The National Assembly Committee of Privileges comprises the following Members:

The Hon. Kausai F. X. ole Kaparo, EGH, M.P. - (Chairman)
The Hon. Amos S. Wako, M.P.
The Hon. Matthias B. Keah, M.P.
The Hon. Moody A. Awori, M.P.
The Hon. Marere wa Mwachai, M.P.
The Hon. George M. Anyona, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Paul O. Otita, M.P.
The Hon. Musikari N. Kombo, M.P.
Prof. the Hon. Peter Anyang' Nyong'o, M.P.

- 1.2. The Committee co-opted the Hon. Joab H.O. Omino, MP, Deputy Speaker, as a Member of the Committee who subsequently became a substantive Member.

- 1.3. (i) The Committee held six (6) Sittings to address increasing cases of indiscipline in the Chamber and within the precincts of Parliament. The Committee noted that indiscipline has become so prevalent that Parliament risked losing its dignity and moral authority to play its rightful role in the society.

- (ii) In order to stem this trend and to ensure that Parliament retains its dignity, the Committee of Privileges resolved to review the National Assembly (Powers and Privileges) Act, Cap.6. of the Laws of Kenya, and in particular the Speaker's Orders under sections 8 of the Act. The Committee having noted that the Code of Conduct as prescribed under section 9 of the Act did not exist, set out to write a Code for Members. The Committee further resolved to examine relevant provisions of the Standing Orders of the National Assembly and recommend amendments to the Standing Orders Committee with a view to restoring order and enforcing discipline in the House and its Committees.

- (ii) Towards this end the Committee established a Sub-Committee comprising the following Members:

- The Hon. K.F.X. ole Kaparo, MP - (Chairman)
- The Hon. Joab H.O. Omino, MP - Deputy Speaker

- The Hon. George M. Anyona, MP
- The Hon. Musikari Kombo, MP
- The Hon. Wanyiri Kihoro, MP

1.4. The Sub-Committee held twenty eight (28) Sittings.

1.5. This Report comprises :-

- (a) general observations and recommendations;
- (b) proposed amendments to:- the National Assembly (Powers and Privileges) Act, the Speakers Orders, and the relevant Standing Orders;
- (c) The proposed Code of Conduct for Members;
- (d) the Minutes of the Committee and the Sub-Committee.

1.6. I wish to record my gratitude to all Members of the Committee for their commitment to the work of the Committee. On behalf of the Committee, I wish to express the Committee's special thanks to the sitting and former Members of Parliament who made valuable contributions both oral and written to the Committee. Further, I wish to record the Committee's appreciation for the excellent services rendered by the staff of the National Assembly. Their commitment and dedication to duty made the work of the Committee enjoyable and the production of this Report possible.

1.7. On behalf of the Committee of Privileges, I wish to commend this Report to the House for adoption.

Signed.....

The Hon. Kausai F.X. ole Kaparo, EGH, MP
(Chairman)

Date: July 2002

2.0. SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS

2.1. Review of The National Assembly (Powers and Privileges) Act, Cap.6

(i) The Speaker's Orders

The Committee observed that the Speaker's Orders are also called Speakers Rules. The Committee noted that the Speaker's Orders are conspicuously exhibited in the precincts of the National Assembly as required by the Act.

(ii) Code of Conduct

The Committee observed that a code of conduct for Members of Parliament is not in place in accordance with section 9 of the National Assembly (Powers and Privileges) Act. Accordingly, the Committee has drafted a Code of Conduct for Members for adoption by the House.

2.2. Review of the Standing Orders

(a) Sittings and Adjournment of the House (Standing Order No. 17)

The Committee observed that the House sits on Tuesdays, Wednesdays and Thursdays only.

The Committee **recommends** that the sittings and hours of the House be increased so as to give opportunity to more Members to contribute to debates and to attend to the increased volume of business.

(b) Quorum of the House (Standing Order No. 24)

The Committee observed that the quorum of Members in the House and its Committees has remained the same in spite of the increase in the membership of the National Assembly since 1967.

The Committee **recommends** that the quorum be raised to 20% of the total membership, excluding the ex-officio Members.

(c) **Points of Order (Standing Order No. 68)**

The Committee observed that Points of Order are commonly used as a pretext for debate or for asking questions.

The Committee reiterates that points of Order may be used only to raise procedural matters or to question the conduct of a Member.

(d) **Suspension of Members (Standing Order No. 88)**

The Committee observed that suspension of a Member under Standing Order No. 88 was not always properly applied and understood.

The Committee, therefore, **recommends** that in suspending a Member the following procedure shall apply:

- (i) The Speaker or Chairman of the Committee shall call the Member to the Bar.
- (ii) The Speaker or Chairman of the Committee shall read out the provisions of Standing Order No.88(1) to the Member.
- (iii) The Speaker or Chairman of the Committee shall then order the Member to withdraw from the Chamber and the precincts of Parliament.
- (iv) Any Member who demonstrates or makes any utterance, whether in sympathy or against the suspension of another Member, shall be deemed disorderly and shall be dealt with according to procedure.

(e) **Departmental Committees (Standing Order No. 151)**

The Committee observed that some Members serve on more than one Departmental Committee while other Members do not serve on any Departmental Committee at all. This makes effective participation and operations of committees difficult.

The Committee **recommends** as follows:-

- (i) No Member shall serve on more than one Departmental Committee, except by a resolution of the House. The life and Membership of Departmental Committees shall be reviewed after every two years.
- (ii) Nomination and membership to Departmental Committees shall be subject to the party whip.
- (iii) Departmental Committees shall not have responsibilities for more than two Ministries.

(f) Sessional Committees (Standing Order No. 154)

- (i) The Committee observed that some Members served on more than one Select Committee while others do not serve on any select committee at all.

The Committee **recommends** that no Member shall serve on more than one Select Committee except where stipulated by the Standing Orders, Statute or resolution of the House

- (ii) The Committee observed that the appointment of Members to Select Committees is done without the resolution of the House except in the case of provisions of Standing Order Nos. 145 and 154.

The Committee **recommends** that the appointment of Members to Select Committees shall be by a resolution of the House, upon a Motion by a Member.

- (iii) The Committee observed that removal or resignation of a Member from a Committee is in accordance with the provisions of section 121 of the Constitution.

The Committee **recommends** that section 121 of the Constitution be amended so that the removal of a Member from a Committee shall be by a resolution of the House upon a motion by a Member.

3.0. PROPOSED AMENDMENTS TO THE NATIONAL ASSEMBLY (POWERS AND PRIVILEGES) ACT, CAP. 6 OF THE LAWS OF KENYA:

(a) The Committee **recommends** as follows:-

- (i) Section 5 - That the words appearing between “civil debt” and “whilst going” be deleted and insert the following “except upon production of an order by a **competent court of law to be verified by the “Speaker”**”.
- (ii) Section 6 - That the words “**While it is Sitting**” appearing immediately after the word “**Assembly**” in the third line be deleted.
- (iii) Section 9 - That section 9 be deleted and the following new section be inserted in place thereof:-
 - (i) Section 9(1) “**National Assembly shall establish by resolution a code of conduct applicable to all Members which may be reviewed from time to time**”.
 - (ii) Section 9(2) “**The Code of Conduct shall set standards of general conduct for Members to enable them discharge their legal and public duties to the Nation, Parliament, their constituents and the public in general**”.
 - (iii) Section 9(3) “**Parliament shall enforce the Code of Conduct**”

in accordance with the provisions of this Act”.

- (iv) Section 10(1) - (i) That the words “**and Standards**” be inserted after The word “**Privileges**” in the second line
- (ii) That the words “**and ten**” be deleted and insert in place thereof the words “**Deputy Speaker and nine**” in the third line.
- (v) Section 10(2) - (i) That the words “**and Standards**” be inserted after the word “**Privileges**” in the first line.
- (ii) That the word “**Sessional**” be deleted and insert therein the words “**House Business**” in the second line
- (iii) That the following words “**and provided that the House may in its own discretion change such a list**” be inserted thereof after the word “**Assembly**” in the third line.
- (vi) Section 10(3) - That the words “**and Standards**” be inserted after the word “**Privileges**” in the first line.
- (vii) Section 10(4) - That the words “**and Standards**” be inserted after the word “**Privileges**” in the first line.

- (viii) Section 10(5) - That the words “**and Standards**” be inserted after the word “**Privileges**” in the first line.
- (ix) Section 10(7) - That the words “**and loss of earning for the period of suspension**” be added after the word “**Assembly**” in the third line.
- (x) Section 11 - That the word “**a**” appearing in between the words “**consent of**” and “**Speaker**” in the sixth line be deleted and insert therein the word “**the**”.
- (xi) Section 12 - That the words “**and Standards**” be inserted after the word “**Privileges**” in the second line.
- (xii) Section 16 - (i) That the word “**or affirmation**” be inserted after the word “**oath**” in the fifth line.
- (ii) The Committee recommends that the text of an oath and affirmation should be included in Cap.100 of the Laws of Kenya.
- (xiv) Section 20 (c) - That the words appearing after the words “**in accordance with**” in the second last line be deleted and insert therein the following words “**the usages, forms precedents, customs, procedures and traditions of the National Assembly of Kenya and other jurisdictions to the extent that these are applicable to Kenya**”

- (xv) Section 22
 - (i) That the words “**five hundred**” be deleted and insert the words “**twenty thousand**”.
 - (ii) That the word “**three** ” be deleted and insert the word “**six**” thereof.
- (xvi) Section 23
 - That the word “**two**” be deleted and insert the word “**fifty**” thereof.
- (xvii) Section 26
 - That the words “**not exceeding three years**” be deleted and insert the words “**not less than two years or a fine of not less than five hundred thousand shillings or both such fine and imprisonment**” at the end thereof.

(b) Speaker’s Orders (Section 8 of the National Assembly (Powers and Privileges) Act Cap 6 of the Laws of Kenya

The following were identified as the sources of problems in Parliament Buildings:

(i) Inside the Chamber

1. **Failure by Members to read, understand and follow the Standing Orders.**

The Committee proposed the following remedies:-

- (a) Introduction of a weekly Newsletter to highlight the application of Standing Orders and other events and activities in Parliament.
- (b) Thorough induction and follow up workshops on Standing Orders at regular intervals.

2. Frequent use of points of order as a pretext for debate or for asking questions.

The Committee **recommends** that the Speaker enforces Standing Order No. 68 to ensure that points of order are only used to raise procedural matter or to question the conduct of a Member.

3. Failure by a suspended Member to leave the Chamber and the precincts of Parliament in accordance with the provisions of the Standing Order No. 88.

The Committee noted that some Members, upon suspension, proceed to behave and act in a manner that shows disaffection to the ruling of the Chair. The Committee further noted that some Members from the Floor, in support of the suspended Member, act and behave in a manner showing disaffection to the Chair.

The Committee **recommends** the following:-

- (a) The procedure outlined in respect of the Standing Order No. 88 above be applied.
- (b) Breaches of the rules, such as singing, clapping, or escorting a suspended Member shall be treated as contempt of the House and shall be punished accordingly.

4. Lack of follow-up procedure on implementation of the Resolution of the House

The Committee **recommends** that an implementation Committee be established.

5. Failure by Ministers to supply copies of written answers as required by the Standing Order No. 39 .

The Committee **recommends** that the Standing Orders Committee reviews the Standing Order No. 39 to ensure that adequate sanctions are imposed on Ministers who fail to comply.

(ii) Outside the Chamber

1. Drivers and Escorts

Due to lack of designated facility for drivers and escorts, they tend to be all over Parliament Buildings.

The Committee **recommends** that the number of persons accompanying a Member be limited to one driver and one escort.

The Committee also **recommends** that Parliament sets aside a waiting room for drivers and escorts.

2. **Former Members**

Admission of former Members should be defined.

The Committee felt that former Members of Parliament should continue to enjoy access to the Library, Dining Hall, Members Private Bar and the Lounge. The Commonwealth Parliamentary Association Room could be made available for former Members.

3. **The Press**

The current press facilities in Parliament Buildings are inadequate. The Committee recommends that a Press Centre be established for both electronic and print media.

4. **Mobs**

The Committee noted that there was tendency by mobs to frequent the precincts of Parliament with the intention of disrupting the business.

The Committee **recommends** that such mobs and any one associated with them shall be subject to disciplinary actions.

5. **Petitioners**

The Committee noted that there was no proper procedure to facilitate petitioners and other genuine lobby groups to present their cases to Members and to Parliament.

The Committee **recommends** that there should be a protocol office which shall, among other things, receive petitions and representations.

6. **Visitors**

The Committee noted that visitors come to Parliament without proper admission and escort.

The Committee **recommends** that waiting rooms be established in Parliament Buildings, County Hall and Continental House where visitors can be attended to and escorted by a Member or an officer of Parliament.

7. Security Personnel

The Committee noted that it was not clear who was in charge of security in Parliament.

The Committee **recommends** that:-

- (i) The Police Officers seconded to the National Assembly should come under the control of Parliament.
- (ii) The military personnel stationed in Parliament should be removed.
- (iii) The Mausoleum should be fenced off and placed under the relevant Government authority as a National Monument.
- (iv) All firearms, without exception, should be deposited with the Serjeant-At-Arms at all times.

8. Contract Services

The Committee noted that there were contract workers who provide various services without proper admission and control procedures.

The Committee **recommends** that admission cards be issued to these workers and proper control be exercised to ensure that the cards do not fall into wrong hands.

9. Car Parks

The Committee noted that the car parks are not properly designated to facilitate orderly parking.

The Committee **recommends** that parking bays be designated.

10. Gates

The Committee noted that the Gates were not properly designated and used.

The precincts of Parliament be redefined to include County Hall and Continental House. This will necessitate the re-designation and establishment of new Gates.

For the time being the Committee **recommends** that:-

- (i) **Main Gate** (on Parliament Road) Shall be used by government officials and members of the public.
- (ii) **Canteen Gate** shall be used by visitors coming to the Canteen and to the Public Gallery.
- (iii) **County Hall Gate** be used by Members of Parliament, Staff and Diplomats
- (iv) **Mausoleum Gate** be confined to the mausoleum only until the Mausoleum is fenced off.

The Committee **recommends** that the section of Harambee Avenue, between Parliament Buildings, County Hall and Continental be closed.

11. Members Television Room

The Committee noted that the Members Room is overcrowded with conflicting activities such as consultations, television, telephones and pigeon holes.

The Committee **recommends** that more rooms be designated for different activities.

12. Members Room

The Committee noted that the room is too small with many activities such as television, consultations and telephones.

The Committee **recommends** that more rooms for the various activities be established.

(c) PROPOSED AMENDMENT TO THE SPEAKER'S ORDERS

Mode of Dress for Members

The Committee recommends that the footnote provided in the Speaker's Orders on the Mode of Dress be amended by adding the following words "and such other respectable dress as the House may deem fit" after the word "optional" in the third line.

The Committee further recommends that the mode of dress shall not include sandals, slippers, Kikoi, Tshirts.

(d) The Committee considered the following sections of the National Assembly (Powers and Privileges) Act without proposing any amendments.

- (i) Sections 1-4
- (ii) Sections 7
- (iii) Section 10 (6)
- (iv) Section 13-15
- (v) Section 17-19
- (vi) Section 21
- (vii) Section 25
- (viii) Section 27-32

4.0. PROPOSED AMENDMENT TO THE STANDING ORDERS

The Committee examined the various Standing Orders and made the following observations and recommendations to the Standing Orders Committee:

(i) Standing Order No. 24 - Quorum

The Committee observed that the quorum of Members in the House and its Committees has remained the same inspite the increase in the membership of the Assembly since 1967.

The Committee **recommends** that the quorum be raised to 20% of the total membership, excluding the ex-officio Members.

(ii) **Standing Order Nos.35 and 88 - Questions**

The Committee observed that provisions of the Standing Orders are not strictly adhered to and on many occasions become a source of disorder in the House.

The Committee, therefore, **recommends** that the provisions of the Standing Orders be adhered to and strictly enforced.

(iii) **Standing Order No.40 - Notices of Motions**

The Committee observed that the provisions of the Standing Order 40(3) (f) are not strictly adhered to. Some Motions urge commitment of public funds when there are no provisions in the annual estimates contrary to the Standing Order.

The Committee **recommends** that the provisions of the Standing Order be adhered to observed and enforced.

(iv) **Standing Order No.68 - Point of Order**

The Committee notes that Points of Order have on many occasions, been wrongly used.

The Committee **recommends** that the Chair should ensure that Points of Order are used only on procedural matters and the conduct of Members.

(v) **Standing Order No.69 - Personal Explanation**

The Committee **recommends** that the provisions of Standing Order 69 be reviewed to ensure that it applies only to personal issues raised in the House.

(vi) **Standing Order No.72 - Use of President's Name**

The Committee **recommends** that the Standing Order be amended so that a provision is included to allow Members to raise issues or questions of public policy which have been enunciated by the President outside the House.

(vii) **Standing Order No. 74 - Sub-judice**

The Committee observed that there has been much confusion in the House and its Committees in the usage of the *sub-judice* rule.

The Committee **recommends** that the rule be removed to enable Parliament debate on matters of public interest without prejudice to any judicial proceedings on the same.

(viii) Standing Order No. 76 - Substantiation

The Committee **recommends** that the provisions of the Standing Order be reviewed to redefine more closely what substantiation is all about.

(ix) Standing Orders Nos. 88-93 - Conduct of Members in the Chamber

The Committee **recommends** that the provisions of the Standing Orders be enforced. Standing Order 92(2) to be amended to include the following clause:

92(2) "Any Member who expresses disaffection to the chair's ruling arising from the process of the Standing Order 92(1) shall be subjected to the same sanctions."

(x) Standing Order 101 A(1) - Reference of Bills to Departmental Committee

To delete the words "upon a motion". The effect of this amendment will be that all Bills shall be referred to Departmental Committees except in the Standing Order 101 A(4).

(xi) Standing Order No. 101A(3) - Powers of Committee to amend Bills

The Committee **recommends** that the provisions of Standing Order 101A(3) be reviewed to increase the period for consideration of Bills to within **fourteen days**.

(xii) **Standing Order 151 - Departmental Committees**

The Committee recommends that:

- (a) the proportionate distribution of membership to parties be reviewed to restrict Members to a maximum of two Committees except where stipulated otherwise by standing Orders, Statute or Resolution of the House.
- (b) Membership be subject to review after two sessions.
- (c) Political parties be able to exercise the sanctions of de-whipping.
- (d) Membership be by appointment on a resolution of the House.
- (e) Mandate be reviewed to ensure equitable distribution or allocation of departments, so that a Committee may be responsible for a maximum of two Ministries.

(xiii) **Standing Order 161 - Premature Publication of Evidence**

The Standing Order be reviewed to require that recommendations of the Committees shall not be made public before the report is laid before the House, but proceedings of Committees shall be open to the public, unless the subject matter is secret.

(xiv) **Standing Order No. 162 - Report of a Select Committee**

- (i) All Committees shall prepare reports which shall be signed by the Chairman on behalf of the Committee.
- (ii) All Committees shall lay their reports on the Table of the House as soon possible.

(xv) **General Observations**

Standing Orders should be written in a language that is clear, concise, understandable and in current usage. The current Standing Orders are too legalistic and difficult to comprehend. They should be simplified.

6.0. The Code of Conduct for Members of Parliament pursuant to Section 9 of the National Assembly (Powers and Privileges) Act-Chapter 6 of the Laws of Kenya (Act, No. 14 of 1966).

6.1. Objectives of the Code

This code is intended to set standards of general conduct for Members of Parliament to enable them discharge their legal and public duties to Parliament, their constituents and the members of the public.

6.2. Public duty

- (i) Members of Parliament have a duty to bear true allegiance to Parliament and country by virtue of their oath of allegiance or affirmation taken before the House after election, nomination or other induction into the House.
- (ii) Members are under a duty to uphold the law and the Constitution and act on all occasions in accordance with the public trust bestowed on them.
- (iii) Members have a general duty to act in the interests of the whole Nation and a special duty to their constituencies.
- (iv) Members are under a duty to uphold the dignity and integrity of Parliament and at all times reflect this in their personal and public activities and conduct.

6.3. Trust duties

- (i) Members of Parliament shall not make improper use of any payment, contribution or allowance made available for public purposes.
- (ii) Members of Parliament shall not use information which they have received in confidence and in the course of their parliamentary duties for any other purpose other than in connection with those duties and never at all for financial gain.
- (iii) Members of Parliament shall register all their registrable interests in the Register of Members Interests, keep the register

up to date within the stipulated time and assist the House, its committees and other authorized parties in all matters relating to the Register which might be the subject of a inquiry.

7.0. STANDARDS IN PERSONAL CONDUCT

The principles of conduct listed below shall be reflected in the behaviour and actions of Members:-

(i) **Transparency**

Members of Parliament shall be as open and transparent as possible in all their actions and decisions and so far as possible provide reasons for their decisions taken in the public arena.

(ii) **Integrity**

Members of Parliament shall not place themselves under any financial or other obligation to other individuals, organizations or governments that might lead to their being unduly influenced when performing their parliamentary duties.

(iii) **Incorruptibility**

Members of Parliament shall reject corruption in the conduct of their public and private affairs and fight it in all its manifestations to establish good and open government. Their actions shall not be prompted by financial gain or other material benefits either for themselves, their families or friends.

(iv) **Honesty**

Members of Parliament have a public and moral duty to declare any private interests relating to their public duties and to take steps to resolve any conflict arising in a way which safeguards public interest. Members shall not receive or accept any reward to promote or oppose any Bill, Motion or other matters for debate or action in the House.

(v) **Accountability**

Members of Parliament shall be accountable for their actions and decisions to the public and must be ready to submit themselves to open scrutiny as necessary.

(vi) **Objectivity**

Members of Parliament shall carry out their public business, especially in the making of public appointments, awarding contracts or recommending people for recognition or reward, on the basis of merit only. Members shall not accept fee or reward in order to influence this process.

(vii) **Non-discrimination**

Members of Parliament shall shun discrimination in all its manifestations and deal with all Kenyans on the basis of equality and respect for human rights. Members shall, especially, shun tribalism and promote unity of all Kenyans irrespective of their tribal origins.

(viii) **Leadership**

Members of Parliament, shall promote and support these principles through leadership and example.

8.0. Rules to assist Members of Parliament fulfill their obligations under the Code of Conduct pursuant to Section 9 of the National Assembly (Powers and Privileges) Act

Rule 1 Members of Parliament shall bear true allegiance to the Republic of Kenya and observe, respect and defend the Constitution and the general law of the land.

Rule 2 Members of Parliament shall act in a manner which promotes dignity, integrity and respect of Parliament and its corporate organs.

Rule 3 Members of Parliament shall ensure that their public duties take precedence over their personal and business interests.

Rule 4 Members of Parliament are expected to treat their colleagues with due respect and strive for excellence and cordial relations with all.

- Rule 5 Members of Parliament shall treat all Kenyans with equal respect and shall not discriminate against anyone on the basis of clan, tribe, race, colour, religion, sexuality, gender or disability.
- Rule 6 Members of Parliaments shall not allow personal, family, social, business, political or any other connections to influence their relationship with the members of the public irrespective of their position or status in society.
- Rule 7 Members of Parliament shall not hold office or be a member of any group, organization or movement which practices discrimination on the basis of clan, tribe, race, colour, religion, sexuality, gender or disability.
- Rule 8 Members of Parliament may engage in the arts, sports and other recreational and extra-parliamentary activities, provided that such activities do not adversely affect or compromise their public duties or bring Parliament into disrepute.
- Rule 9 Members of Parliament may be involved in the management and organization of “Harambees” provided that their participation does not compromise their accountability, honesty, integrity and transparency.
- Rule 10 Members of Parliament shall provide to the Registrar of Members Interests’ within 14 days of a “Harambee” event a full account of all public and private funds contributed by themselves and through them by the Government, friends, companies and other supporters.
- Rule 11 Members of Parliament, when voting in the House or its Committees, shall always be guided by the principles of integrity, objectivity and good leadership.
- Rule 12 Members of Parliament shall not receive money, property or be induced in any manner whatsoever to advance a cause in Parliament by way of supporting or opposing a Bill, Motion, Resolution or for asking a Question.
- Rule 13 Members of Parliament shall not be involved in corruption by giving or taking bribes, receiving favours or abetting corrupt practices and transactions in the course of their public and private

work. Members shall, at all times, fight corruption both in the public and private sector and uphold good and meritorious standards in the conduct of all their affairs.

8.1. (a) REGISTER OF MEMBERS' INTERESTS

The main purpose of the Register of Members' Interests is to give public information, on an on going basis and in a transparent manner, notice of all financial and other classified property interests. Members shall make full disclosure of their registrable property interests owned by themselves, their spouses, children, relatives, nominees or beneficial trusts within the context of the various classes of interests. If, however, there is an overlap in the class under which an interest can be registered, the Member is under a duty to register it under either one or the other of the classes of interest.

- (i) Members of Parliament shall, within 3 months of their election in a general election or a by-election or nomination, make available to the Registrar of Members' Interests such particulars of registrable interests as shall be required and shall notify the Registrar within one month of any changes which may occur in these interests.
- (ii) Members of Parliament, having registrable interest(s) which have not been registered, shall not undertake any action, speech or proceeding of the House, except voting, in respect of a matter where registration would be relevant until notification has been given to the Registrar of Members' Interests.
- (iii) Members of Parliament who fail to register their registrable interests but nonetheless proceed to participate in acts, speeches or proceedings of the House on a matter where registration is relevant shall be subject to sanctions in accordance with the National Assembly (Powers and Privileges) Act, the Standing Orders of the House and the provisions of this Code.

(b) CLASSES OF REGISTRABLE INTERESTS

Class 1 **Land, House or other real property** which has a market value, including any residential house which the Member uses with his spouse(s) or children under 18 years of age.

The details of the property shall be indicated and also the current rent.

- Class 2** **Remunerated employment, office, profession, or work outside the Member's parliamentary duties.** Members who have paid positions as consultants or advisers .
- Class 3** **Proprietorship and Directorships of Companies.** Sole, majority or minority proprietorship in companies, local or foreign, shall be registered. Similarly, directorship in public, family and private companies, whether remunerated directly or indirectly, shall be registered. Members shall include in this class all their companies including companies in which they are shareholders which undertake contract work in the public sector and are paid from public funds.
- Class 4** **Shares and equity** held by Members, their spouses, children, relatives, nominees or trustees, in all companies, partnerships and other trading associations.
- Class 5** **Remuneration, sponsorship or other material support** to a Member of Parliament made by companies, trade unions, professional, trades or other organizations.
- Class 6** **Relevant property interest** not falling within any of the above classes which, nevertheless, falls within the definition of the main purpose of the Register which is to provide information about any financial or material benefit which the Member receives which might reasonably be thought by others to influence his or her actions, speeches or vote in Parliament or action taken in his or her capacity as a Member of Parliament.

(c) **PUBLICATION OF THE REGISTER**

The Register of Members' Interests shall be published under the authority of the Committee of Privileges and Standards during the fourth month after the summoning of the new Parliament and an updated version shall be published annually thereafter.

8.1. **INSPECTION OF THE REGISTER OF MEMBERS' INTEREST**

- (i) The Register of Members' Interests shall be available for inspection by Members of Parliament.
- (ii) Members of the public may inspect the Register of Members' Interests on appointment with the Registrar of Members' Interests and may take notes on entries in the Register on any Member.

8.2. **DECLARATION OF MEMBERS' INTERESTS**

- (a) The main purpose of Declaration of Members' Interests is to ensure that Members of Parliament and the public at large are made aware, at the appropriate time when a Member speaks in the House or in Committee or while participating in any other activity in the House, of any past, present or expected monetary or property interest which might reasonably be considered to be relevant to those proceedings.
- (b) Any relevant pecuniary or property interest or benefit of whatever nature whether direct or indirect shall be declared in debate or other proceedings of the House. If, however, this interest is already entered in the Members' Register of registrable interests, then it need not be declared during proceedings.

8.3. **COMPLAINTS PROCEDURE**

- (a) Members of Parliament and the public may make complaints that the conduct of a Member is incompatible with the Code of Conduct and the rules made thereunder. The complaint against the conduct of a Member shall be substantiated by the person making it by providing some credible evidence of the infringement. Ordinarily, a media report will not be sufficient to sustain a complaint for investigation by the relevant Committee of Privileges and Standards. No

anonymous complaints will be entertained nor will receipt *per se* of a complaint by the Committee of Privileges and Standards be deemed to be an indication that the complaint is genuine.

- (b) If the Committee of Privileges and Standards is satisfied that some *prima facie* case has been made by the complainant, the complaint will go into the preliminary stage for investigation by the Committee and the complainant will be notified accordingly.
- (c) The Committee of Privileges and Standards will have the power to take evidence, summon papers and access records to establish the truth or otherwise of the complaint and take appropriate action in accordance with the provisions made under the National Assembly (Powers and Privileges) Act. Chapter 6 of the Laws of Kenya.

8.4 RULES MADE BY THE NATIONAL ASSEMBLY PURSUANT TO SECTION 10(6) OF THE NATIONAL ASSEMBLY (POWERS AND PRIVILEGES) ACT, CHAPTER 6 OF LAWS OF KENYA (ACT NO. 14 OF 1966)

- R.1. Every Report by the Committee of Privileges and Standards concerning any inquiry into the conduct of a Member shall, as soon as possible, be laid on the Table of the House by a member of the Committee.
- R.2. If such a Report does not recommend any disciplinary action, there shall be no further proceedings whatsoever in respect thereof, other than (where necessary) further inquiry and Report by the Committee of Privileges and Standards.
- R.3. If such a Report recommends any disciplinary action, then:
 - (a) A member of the Committee of Privileges and Standards shall, as soon as possible and, in any event, not more than fourteen days after the Report has been laid, but after giving at least one day's previous notice, move.

“That, this House adopts the Report and Recommendations of the Committee of Privileges and Standards dated ”.

- (b) Any such Motion shall be debated in the normal manner, except that:-

no amendment may be moved, other than an amendment of the disciplinary action recommended by the Report, in accordance with rule R.4 of these Rules; or any amendment to the effect that the Report be referred back to the Committee of Privileges and Standards for further inquiry.

- R.4. Disciplinary action recommended by any such Report may be:

- (a) formal reprimand at the Bar of the House without exclusion from the service of the House and facilities of Parliament Buildings.
- (b) formal reprimand at the Bar of the House with exclusion from the service of the House and some specified facilities of Parliament Buildings for a period not exceeding 30 calendar days regardless of Session.
- (c) formal reprimand at the Bar of the House with suspension from the service of the House and all facilities of Parliament Buildings for a period of not less than 30 and not exceeding 45 calendar days regardless of Session.

Provided that in the case of (b) and (c) above, the exclusion or suspension from the service of the House shall include forfeiture of earnings for the period of such exclusion or suspension as the case may be.

- R.5. In the event of the House adopting any recommendations of any such Report for disciplinary action, with or without amendments, the Clerk with authority of the Speaker shall forthwith take action accordingly.

APPENDICES

MINUTES OF THE FIRST SITTING OF THE POWERS AND PRIVILEGES COMMITTEE HELD IN THE SMALL DINING HALL ON TUESDAY, FEBRUARY 20, 2001 AT 10.30 A.M.

PRESENT: The following Members of the Committee were present:

The Hon. K. F. X. ole Kaparo, M.P.- Chairman
The Hon. Amos S. Wako, M.P.
The Hon. Moody A. Awori, M.P.
The Hon. George Anyona, M.P.
The Hon. Musikari Kombo, M.P.
The Hon. Orwa Otita, M.P.
The Hon. Hon. Wanyiri Kihoro, M.P.

ABSENT WITHOUT APOLOGY:

The Hon. Marere Wa Mwachai, M.P.
The Hon. Matthias B. Keah, M.P.
The Hon. Prof. Anyang' Nyong'o, M.P.

IN ATTENDANCE:

Mr. Samuel W. Ndindiri - Clerk of the National Assembly
Mr. Murumba Werunga - Deputy Clerk
Mr. Justin N. Bundi - Ag. Principal Clerk

MIN.NO. 1/2001 REMARKS BY THE CHAIRMAN

The Chairman called the meeting to order at 10.30 a.m. and welcomed Members to the First Sitting of the Committee. He informed the Committee that the mandate, role, and functions bestowed on the Committee by the House was heavy and pivotal to the well being of Parliament, hence the urgent need for the Committee to rise up to its duties.

In view of the long spell of time since the last Sitting, the Committee resolved to peruse all the relevant legislation, regulations and rules pertaining to their mandate, role and functions. Thus, the Committee reviewed all the relevant provisions of the Constitution, the National Assembly (Powers and Privileges) Act, Cap. 6, of the Laws of Kenya, the Speaker's orders, the Code of Conduct and the Standing Orders.

After going through the relevant legislation, Orders and Standing Orders, the Chairman informed the Committee that since 1993, Members have been very violent. Some have fought in the House and a few have been fought by strangers within the precincts of Parliament Buildings. The Chairman further informed the Members that a culture of violence is growing within Parliament and that it is necessary to fight the menace with the use of the Standing Orders and the National Assembly (Powers and Privileges) Act which he observed are inadequate and need to be reviewed. The Chairman invited the Members of the Committee to examine the issue of indiscipline critically, and come up with solutions on how to curb the growing menace in Parliament Buildings by the press, strangers and Members themselves.

MIN.NO. 2/2001 DISCUSSIONS ON THE WORK OF THE COMMITTEE

The Chairman informed the Committee that the scuffle between the Hon. (Dr.) Shem Ochuodho, M.P. and the Hon. Ochillo Ayacko, M.P. took place on February 01, 2001 and was widely covered by the press. On February 02, 2001, the Chief Sergeant-At-Arms made a report to the Clerk of the National Assembly on the incident. After receiving the report, the Speaker demanded a written report on the incident from both Hon. (Dr.) Shem Ochuodho, M.P. and Hon. Ochillo Ayacko, M.P. and also summoned them to appear before the Powers and Privileges Committee on Tuesday, February 20, 2001. The Hon. (Dr.) Shem Ochuodho, M.P. and two witnesses the Hon. Eric Gor Sungu, M.P. and a Mr. Peter Munyao Mbulu, made written statements. The Hon. Ochillo Ayacko, M.P. did not make any report to the Speaker as required.

To enable the Committee prepare sufficiently to receive evidence, Members resolved to meet the "accused" on Wednesday, February 21, 2001 in Committee Room No. 7 at 10.00 a.m.

MIN.NO. 3/2001 ADJOURNMENT

The Chairman adjourned the Sitting at 12.45 p.m. until 3.15 p.m.

AFTERNOON SITTING

PRESENT: The following Members of the Committee were present:
The Hon. K. F. X. ole Kaparo, M.P. - Chairman
The Hon. Amos S. Wako, M.P.
The Hon. Moody A. Awori, M.P.
The Hon. George M. Anyona, M.P.
The Hon. Musikari Kombo, M.P.
The Hon. Orwa Otita, M.P.
The Hon. Hon. Wanyiri Kihoro, M.P.

ABSENT WITHOUT APOLOGY:

The Hon. Marere wa Mwachai, M.P.
The Hon. Matthias B. Keah, M.P.
The Hon. Prof. Anyang' Nyong'o, M.P.

IN ATTENDANCE:

Mr. Samuel W. Ndindiri - Clerk of the National Assembly
Mr. Murumba Werunga - Deputy Clerk
Mr. Justin N. Bundi - Ag. Principal Clerk
Ms. Mary J. Chesire - Third Clerk Assistant

MIN. NO.4/2001 **PRESS STATEMENT**

The Chairman called the meeting to order at 3.20 p.m. and invited Members to consider and approve a press statement on the operations of the Powers and Privileges Committee. The Committee approved the statement and thereafter the Chairman addressed the press.

MIN. NO. 5/2001 **SUB-COMMITTEE ON THE POWERS AND PRIVILEGES**

The Committee was concerned with the inadequacy of the National Assembly (Powers and Privileges) Act to address the growing Indiscipline of Members and strangers within the precincts of Parliament Buildings and decided to establish a sub-Committee to review the relevant provisions and make recommendations to the House. The sub-Committee consists of the following Members:

The Hon. K. F. X. ole Kaparo, M.P.
The Hon. George M. Anyona, M.P.
The Hon. Musikari Kombo, M.P.
The Hon. Wanyiri Kihoro, M.P.

The Sub-Committee was required to begin working immediately and report as soon as possible.

MIN.NO. 6/2001 ADJOURNMENT

The Chairman adjourned the Sitting at 4.45 p.m. until Wednesday, February 21, 2001 at 10.00 a.m.

CONFIRMED _____

The Hon. Kausai F.X. ole Kaparo, EGH, MP.
(Chairman)

DATE: February 21, 2001

MINUTES OF THE SECOND SITTING OF THE POWERS AND PRIVILEGES COMMITTEE HELD IN COMMITTEE ROOM NO. 7 ON WEDNESDAY, FEBRUARY 21, 2001 AT 10.00 A.M.

PRESENT The following Members of the Committee were present:

The Hon. K. F. X. ole Kaparo, M.P.- Chairman
The Hon. Amos S. Wako, M.P.
The Hon. Moody A. Awori, M.P.
The Hon. George Anyona, M.P.
The Hon. Musikari Kombo, M.P.
The Hon. Orwa Otita, M.P.
The Hon. Hon. Wanyiri Kihoro, M.P.
The Hon. Marere Wa Mwachai, M.P.

ABSENT WITHOUT APOLOGY

The Hon. Matthias B. Keah, M.P.
The Hon. Prof. Anyang' Nyong'o, M.P.

IN ATTENDANCE

Mr. Samuel W. Ndindiri - Clerk of the National Assembly
Mr. Justin N. Bundi - Ag. Principal Clerk
Ms. Mary J. Chesire - Third Clerk Assistant

MIN.NO. 7/2001 OPENING REMARKS

The Committee assembled at 10.15 a.m.

The Chairman informed the Committee that following their meeting the previous day, he had held meetings with the Clerk, the Chief Sergeant-at-Arms and the OCS Parliament Buildings and emphasized the need to be extra-vigilant and to take stern action against anybody, including Members, who flout the Speaker's Orders. He reminded the security officials at Parliament Buildings of their powers under the Powers and Privileges Act.

The Chairman further informed the Committee that he had met the Ag. Chairman of the Public Accounts Committee, Hon. Joshua Ojodeh, M.P. and informed him that the members of his Committee had a duty to attend meetings punctually. He informed Hon. Joshua Ojodeh, M.P. that any Member who registers after the Committee has sat for thirty (30) minutes would be considered absent for the

purpose of qualifying for attendance allowance. He further informed the Ag. Chairman that it was disgraceful for a Member to merely register in order to qualify for allowance, and for witnesses to wait for hours on end because of lack of quorum.

The Chairman informed the Committee that he had discussed with the Ag. Chairman of Public Accounts Committee on the increasing habit where Members flout Standing Order 161 which prohibits Members of Committees from disclosing evidence before it has been analysed and a report presented to the House.

The Chairman further informed the Committee that issues governing the management of Committees were thoroughly discussed at the Safari Park meeting on August 10-11, 1999 and at the Aberdares County Club retreat by Party Leaders on October 13-14, 2000. He observed that the Powers and Privileges Committee should make use of the resolutions of the two meetings in amending the National Assembly (Powers and Privileges) Act, the Code of Conduct for Members and Speaker's Orders.

MIN.NO. 8/2001 CONFIRMATION OF PREVIOUS MINUTES

The minutes of the first sitting held on February 20, 2001 were confirmed and signed by the Chairman.

MIN.NO. 9/2001 MATTERS ARISING

Ex. Minute 5/2001 Sub-Committee on Powers and Privileges.

The issues to be studied and reviewed to include the Code of Conduct for Members.

Hon. Kihoro's first name to read "Wanyiri" and not "Wanhiri".

MIN.NO. 10/2001 SCUFFLE IN PARLIAMENT BUILDINGS

Dr. the Hon. Shem Ochuodho, M.P. appeared before the Committee at 10.30 a.m. and was informed that the Committee was sitting in its quasi Judicial capacity. The Chairman further informed him that he was appearing as a witness and that the Committee would take his evidence on oath. The Chairman explained that the effect of being sworn was that he would tell the Committee the truth and that if he told any untruth he would be guilty of perjury, an offence punishable by a maximum sentence of seven years imprisonment.

After being sworn, Dr. the Hon. Shem Ochuodho, M.P. informed the Committee that he was assaulted by Hon. Ochilo Ayacko, M.P. at the entrance to the Chamber on February 01, 2001 but he did not fight as it was commonly reported in the press. He informed the Committee that on February 01, 2001 he arrived at the Members Lounge at about 11.20 a.m. and found Hon. Daniel Khamasi, M.P., Hon. Oloo Otula, M.P. and Hon. Ochillo Ayacko. He informed the Committee that he had several times been attacked by National Development Party (NDP) Youth allied to Hon. Ochillo Ayacko and that he found it an opportune moment to ask Hon. Ochillo Ayacko why he organised attacks against him whenever he passes through Rongo Constituency. On asking Hon. Ochilo Ayacko why he harasses him, he (Ayacko) invited him to discuss outside the Members' Room. Getting outside, Hon. Ayacko, asked him why he insulted him within his constituency. As they continued with the discussion, Hon. Ochuodho, informed the Committee that Hon. Ayacko's voice grew coarse and drew something from his pocket and hit him on the left eye and he lost consciousness. He told the Committee that he regained consciousness at about 3.30 p.m. while at the AAR Clinic at Williamson House in the company of Hon. Eric Sungu, M.P. for Kisumu Town East.

Asked whether he remembers meeting anybody after the incident, Hon. Ochuodho said that on that material day he does not recall anything but later, on enquiry, he learnt that, a member of staff found him at the corridors.

On how many Members he met in the room before the assault, he said he saw Hon. Daniel Khamasi, MP and two or three other Members, but could not remember who they were. On whether he assaulted Hon. Ayacko, Hon. Ochuodho said he could not remember all the events of the incident but could not recall having assaulted Hon. Ayacko. Hon. Ochuodho, further informed the Committee that the allegation that he challenged Hon. Ayacko for a fight is totally untrue. He further said that he could not provoke a fight with Hon. Ochillo Ayacko because Hon. Ayacko believes in fighting and that he had fought Mr. Cheserek in the U.S.A. in August 1998 and as a result ended up being locked up in a police cell.

Pressed to identify by name or appearance of the National Development Party (NDP) Youth he saw on the corridor leading to the Chamber before he was knocked down, Hon. Ochuodho, said that he lost consciousness after being hit, and has no idea who it was that he saw. Asked whether failure to mention the National Development (NDP) Youth in the letter to the Speaker was an

oversight or deliberate, Dr. the Hon. Ochuodho, said that he thought that mentioning the National Development Party (NDP) Youth in the letter would give Hon. Ayacko an opportunity to claim that it is the unidentified youth who attacked him.

On the extent of injuries inflicted by the fight and whether there is any medical report, Hon. Shem Ochuodho said that he was hit at several places and that he was receiving treatment from Dr. Ilako of the AAR Clinic and that he receives massage every evening.

Asked whether they had differences with Hon. Ayacko, Dr. Ochuodho informed the Committee that as individuals they had no differences but that the Hon. Ochillo Ayacko, was serving the interest of other people who would reward him for assaulting him. He further informed the Committee that the attack on him was planned one year ago during a meeting in Bondo.

On whether he could not discuss the matter of their differences because he knew that if he raised the issue in Rongo they would fight and if they fought they would be charged in court and that if they fought in Parliament they would not be charged in court, Dr. Ochuodho, M.P. said he could not provoke a fight because he knows Hon. Ayacko, M.P. believes in fighting and is a fighter.

Hon. Ochillo Ayacko, M.P. appeared before the Committee at 11.55 a.m.

The Chairman informed the Hon. Ochillo Ayacko that the Committee was enquiring into the scuffle within Parliament Buildings where Dr. the Hon. Shem Ochuodho, M.P. sustained serious injuries. Hon. Ochillo Ayacko, M.P. was further informed that the matter was very serious as it involves the criminal law, erosion of the dignity of Parliament and the dignity of Hon. Members individually and collectively.

The Chairman further informed Hon. Ayacko that the Committee was sitting as a quasi-judicial authority and that witnesses must be sworn before they give evidence and that any false evidence before the Committee will be an offence under the Penal Code.

After taking oath, Hon. Ayacko was asked to explain why he did not respond to the Speaker's letter. Hon. Ayacko said he could not respond to the Speaker's letter because it should have originated from the Powers and Privileges Committee and not from the Speaker. He

further said that he thought the letter had nothing to do with the Committee and that he did not know the allegations against him.

Asked to explain why he thought it was not necessary to write to the Speaker explaining why he thought it was necessary to respond, the Hon. Ayacko informed the Committee that he was apologetic for the mistake and that he did not deliberately defy the Chair, and that in responding to the Speaker's letter he thought he would be engaging in an exchange which he thought would be disrespectful to the Speaker.

Hon. Ayacko apologised to the Committee for the erroneous interpretation of the Powers and Privileges Act. The Committee accepted the apology.

The Hon. Ayacko, thereafter stated as follows:

That on February 01, 2001 he adjourned the Public Investment Committee (PIC) at about 11.30 or 11.45 a.m. to have tea. He proceeded to the TV Room to make a telephone call. In the TV Room, he met Hon. Ochuodho, who invited him to a discussion outside the TV Room on the corridor to the Chamber. While outside Hon. Ochuodho, asked him why he organises attacks on him in Rongo. To this, he told Hon. Ochuodho to report to the police for he did not know what he goes to do in Rongo. In response, Hon. Ochuodho said he could stop (Hon. Ayacko) from going to his constituency (Rongo) and even to Parliament. As he said this, he kept poking his chest and as Hon. Ayacko was leaving, he pulled his jacket which infuriated him so much that he hit him with his open palm and went back to chair the Public Investment Committee (PIC).

Asked whether he suspected that the discussion was to do with the attack on his family in Rongo by Hon. Ochuodho's supporters, Hon. Ayacko said that the attack had taken place in December 2000 and that he did not think Hon. Ochuodho had invited him to discuss it. He also informed the Committee that on January 31, 2001 they were together with Hon. Ochuodho at the Hotel Intercontinental and therefore he thought he was inviting him to discuss the proceedings of the meeting.

On his response after being told that he could be prevented from entering Rongo and even Parliament, Hon. Ayacko, M.P. said he did not quite understand what Hon. Ochuodho was up to, but was disturbed by the fact that Hon. Ochuodho was rude and almost poking his chest which made him annoyed and hit him, leaving him falling down.

On whether he used a blunt weapon to hit him, Hon. Ayacko said he does not carry weapons and that he hit him with an open palm and as a result Hon. Ochuodho hit his head on the wall. Hon. Ayacko also informed the Committee that he is a trained fighter and a sportsman and could not remember how much force he used against Dr. Ochuodho and that he did not require any objects to fight.

Asked whether he reported the incident, Hon. Ayacko said he reported the matter to Sergeant-at-Arms later in the day. After the incident, he said he was highly agitated and had to cool down. He also informed the Committee that he regrets the incident and wishes it should not have happened.

Asked whether there was any other person on the corridors during the incident, he said he saw nobody.

As regards a meeting planning the attack on Dr. Ochuodho in Bondo, Hon. Ayacko said the meeting did not discuss Dr. Ochuodho, but discussed issues to do with the visit of H. E. the President to Kisumu last year.

On the incident in July 1998 in the U. S. A. where he was taken to the police cells, the Hon. Ayacko said that Mr. Cheserek had accused him of bringing Luos in the Hotel to "take his girls", and that as they argued he hit Mr. Cheserek with crutches and as a result he was arrested but later released.

Asked whether he had any witnesses, he said he had none. After hearing from Hon. Ochuodho and Hon. Ayacko, the Committee resolved to hear evidence from the following witnesses on Tuesday, February 27, 2001.

- (i) Dr. Shem Ochuodho's Doctor
- (ii) Hon. Eric Gor Sungu, M.P.
- (iii) Mr. Munyao Mbulu
- (iv) Mageuzi operators

MIN.NO. 11/01

ADJOURNMENT

The Chairman adjourned the meeting at 1.10 p.m. until Tuesday, February 27, 2001 at 10.00 a.m. in Committee Room No. 7, Parliament Buildings.

CONFIRMED

The Hon. Kausai F.X. ole Kaparo, EGH, MP.
(Chairman)

DATE February 27, 2001

MINUTES OF THE THIRD SITTING OF THE POWERS AND PRIVILEGES
COMMITTEE HELD IN COMMITTEE ROOM NO. 7 ON TUESDAY,
FEBRUARY 27, 2001 AT 10.00 A.M.

PRESENT: The following Members of the Committee were present:-

The Hon. F.X.K. ole Kaparo, MP (Chairman)
The Hon. Amos S. Wako, MP
The Hon. George Anyona, MP
The Hon. Musikari Kombo, MP
The Hon. Orwa Otita, MP
The Hon. Wanyiri Kihoro, MP
The Hon. Marere wa Mwachai, MP
The Hon. Mathias Keah, MP

ABSENT WITH APOLOGY

The Hon. Moody Awori, MP

ABSENT WITHOUT APOLOGY

Prof. the Hon. Anyang' Nyong'o, MP

IN ATTENDANCE - NATIONAL ASSEMBLY

Mr. Samuel W. Ndindiri - Clerk of the National Assembly
Mr. Justin N. Bundi - Ag. Principal Clerk
Ms. Mary J. Chesire - Third Clerk Assistant

MIN.NO.12/001 - CONFIRMATION OF PREVIOUS MINUTES

Minutes of the Second Sitting held on Wednesday,
February 21, 2001 were confirmed by the Members
present and signed by the Chairman.

MIN.NO.13/001 - BREACH OF PRIVILEGE BY HON. DAVID
EKWEE ETHURO, MP

The Hon. David Ekwere Ethuro appeared before the Committee at 10.15 a.m. and confessed that he breached privilege by admitting more than two visitors to Parliament and the Dining Hall without permission contrary to the Speaker's Orders. The Hon. Ethuro apologized to the Committee for the misconduct.

The Committee deliberated and resolved not to take further action and through a press release advised Members to adhere to the rules. The Committee resolved to hold a one day seminar for all Members when the House opens to discuss the powers and privileges of Members and the Code of Conduct.

MIN.NO.14/001 - EVIDENCE BY DR. NANCY WANJIKU
KIUMBURA OF AAR HEALTH SERVICES

Dr. Kiumbura appeared before the Committee at 12.10 p.m. and was sworn. She informed the Committee that Hon. (Dr) Ochuodho appeared for treatment at the AAR Clinic at Williamsons House on February 01, 2001 at 2.00p.m. She reported that Dr. Ochuodho had a fresh injury on the left side of the face and the left eye was red. He had no other injuries and his body system was normal.

MIN.NO.15/001 - EVIDENCE BY HON. GOR SUNGU,
MP AND MR. MUNYAO MBULU

It was agreed that the statements by Hon. Eric Gor Sungu and Mr. Munyao Mbulu on the incident be part of the records of the Committee.

MIN.NO.16/001 - ADJOURNMENT

And there being no other business, the Committee adjourned at 12.30 p.m. until Tuesday, March 13, 2001.

CONFIRMED

.....
The Hon. Kausai F.X. ole Kaparo, EGH, MP.
(Chairman)

DATE

March 13, 2001

MINUTES OF THE FOURTH SITTING OF THE POWERS AND PRIVILEGES COMMITTEE HELD IN THE SMALL DINING HALL ON TUESDAY, MARCH 13, 2001 AT 2.30 P.M.

PRESENT: The following Members of the Committee were present:-

The Hon. F.X.K. ole Kaparo, MP (Chairman)
The Hon. Mathias B. Keah, MP
The Hon. Moody A. Awori, MP
The Hon. George M. Anyona, MP
The Hon. Wanyiri Kihoro, MP
The Hon. Orwa Otita, MP
The Hon. Musikari Kombo, MP

ABSENT WITH APOLOGY

The Hon. Amos S. Wako, MP
The Hon. Marere wa Mwachai, MP
Prof. the Hon. Anyang' Nyong'o, MP

IN ATTENDANCE - NATIONAL ASSEMBLY

Mr. S. W. Ndindiri - Clerk National Assembly
Mr. Murumba Werunga - Deputy Clerk
Mr. J. N. Bundi - Ag. Principal Clerk
Ms. M.J. Chesire - Third Clerk Assistant

MIN.NO.17/2001 - CONFIRMATION OF PREVIOUS MINUTES

Minutes of the Third Sitting held on Tuesday, February 27, 2001 were confirmed by Members present and signed by the Chairman.

MIN.NO.18/2001 - CONSIDERATION OF THE DRAFT REPORT ON THE SCUFFLE BETWEEN DR. THE HON SHEM OCHUODHO, MP AND THE HON. OCHILLO AYACKO, MP.

- (i) The Committee considered the evidence and draft report and found both Members guilty of gross misconduct within the precincts of Parliament Buildings and recommended that they be suspended

from the service of the House for ten (10) calendar days with no pay.

- (ii) The Attorney-General should take up the matter according to the laws of the land.

MIN.NO.19/2001 - REPORT OF THE SUB-COMMITTEE ON POWERS AND PRIVILEGES

The Committee adopted the Sub-Committee Report without amendments.

MIN.NO.20/2001 - ANY OTHER BUSINESS

The Speaker invited the Deputy Speaker to attend both the Sub-Committee and full Committee and also the Speaker's Committee.

MIN.NO.21/2001 - ADJOURNMENT

The Committee adjourned the Sitting at 5.20 p.m. until Wednesday, March 21, 2001.

CONFIRMED... ..

The Hon. Kausai F.X. ole Kaparo, EGH, MP.
(Chairman)

DATE: April 04, 2001

MINUTES OF THE FIFTH SITTING OF THE POWERS AND PRIVILEGES
COMMITTEE HELD IN ROOM NO. 7, PARLIAMENT BUILDINGS ON
APRIL 05, 2001 AT 4.00 P.M.

PRESENT: The following Members of the Committee
were present:-

The Hon. Kausai F.X. ole Kaparo, M.P.(Chairman)
The Hon. Moody A. Awori, M.P.
The Hon. Marere wa Mwachai, M.P.
The Hon. George M. Anyona, M.P.
The Hon. Orwa Otita, M.P.
The Hon. Musikari Kombo, M.P.

IN ATTENDANCE - NATIONAL ASSEMBLY

Mr. Justin N. Bundi - Ag. Principal Clerk
Ms. M.J. Chesire - Third Clerk Assistant

MIN.NO.22/2001 - CONFIRMATION OF PREVIOUS
MINUTES

Minutes of the fourth Sitting held on Tuesday, March
13, 2001 were confirmed by the Members present and
signed by the Chairman.

MIN.NO.23/2001 - CONSIDERATION OF THE COMMITTEES
REPORT ON A SCUFFLE IN PARLIAMENT

The Committee considered and adopted the report on
a scuffle within Parliament Buildings between (Dr.)
the Hon. Shem Ochuodho, M.P. and the Hon. Ochillo
Ayacko, M.P. and resolved that the report be
presented to the House on Tuesday, April 10, 2001.

MIN.NO.24/2001 - ADJOURNMENT

And there being no other business, the
Sitting was adjourned at 5.30 p.m.

CONFIRMED-----

(CHAIRMAN)

DATE:-----

MINUTES OF THE FIRST SITTING OF THE POWERS AND PRIVILEGES
SUB-COMMITTEE HELD IN SMALL DINING ON WEDNESDAY,
FEBRUARY 28, 2001 AT 9.00 A.M.

PRESENT:

The following Members of the Sub- Committee were present:

The Hon. Francis K.X.ole Kaparo, MP (Chairman)
The Hon. George Anyona, MP
The Hon. Musikari Kombo, MP
The Hon. Wanyiri Kihoro, MP

IN ATTENDANCE -

NATIONAL ASSEMBLY

Mr. Samuel W. Ndindiri - Clerk of the National
Assembly
Mr. Justin N. Bundi - Ag. Principal Clerk
Ms. Mary J. Chesire - Third Clerk Assistant

MINUTE NO.1/001 -

OPERATIONS OF THE SUB-
COMMITTEE

The Sub-Committee assembled at 9.00 a.m. The Chairman informed the Members that their mandate was to review the National Assembly (Powers and Privileges) Act, the Code of Conduct of Members and the relevant Standing Orders in order to curb the growing indiscipline in the Chamber and in precincts of Parliament. The recommendations would be presented to the House.

For a start, the Committee resolved to identify problems encountered by Members in and outside the Chamber, the sources of these problems and possible remedies.

(a) Sources of problems outside the Chamber

Outside the Chamber, the Committee observed that problems emanate from strangers and parliamentary staff. The strangers comprise the following;

- (i) escorts and drivers
- (ii) former Members
- (iii) the Press
- (iv) vigilantes

- (v) Government officials
- (vi) loiterers
- (vii) ordinary strangers
- (viii) security personnel (police and military)
- (ix) contractors for various services

(b) Sources of problems in the Chamber

On the sources of the problems in the Chamber, the Committee observed that the following categories of Members are found in Parliament:

- (i) Members who came to the House immediately after Independence. They have respect for the House, they have respect for one another and they usually obey rules of the House.
- (ii) Members who belong to Single Party group which is not quite troublesome but looks intimidated.
- (iii) Members who joined Parliament in 1992, majority of whom have no respect for the House, the Chair, or each other and violate the rules of the House from time to time.

Arising from the above differences in behaviour and conduct of Members, the following were found to be the contributory factors of indiscipline in the Chamber:-

- Fighting injustice and culture of defiance which was instilled in those Members who fought for Independence.
- Multi party politics which made those who fought for multipartism to continue with the behaviour of defiance and to continue the struggle which results in countering defiance, e.g. opposition against government, opposition against opposition and government against government.
- Inadequacy of sanctions: most Members value seeking publicity instead of tackling important issues which results in some of the Members being sent out of the Chamber.
- Inability of Members to read the rules governing the operations of Parliament.

- Misuse of Points of Order: This is where Points of Order are used for supplementary questions or to insult.
- Non implementation of written rules and regulations.
- The nature and manner of answering questions sometimes creates frustration.

OUTSIDE THE CHAMBER

The Committee looked into problems encountered by the MPs from time to time.

1. The lobbies

The Lobbies are usually overcrowded with all sorts of activities going on. Some telephoning, others consulting, others watching television, etc. It was noted that the Inter Parties Parliamentary Group (IPPG) was formed in the lobbies.

4. The lounge

It was observed that the room is too small with too many strangers. The toilets are not well maintained.

5. The Private Members Bar

The room is inadequate with too many strangers particularly former Members. There is no privacy for the sitting Members as was initially intended.

6. The Dining Hall

There are too many uninvited visitors and guests most of whom are improperly dressed. The quality of food and service is substandard.

5. Car parks

6. Gates

7. Library

8. Galleries

9. Perimeter and entries

10. the Press area (the tent)

The Committee agreed to discuss item No.5 to 10 during the next meeting on March 07, 2001.

MIN.NO.2/001 - ANY OTHER BUSINESS

The Committee asked the Clerk to organize a meeting with all Chairmen of Committees with the Speaker to discuss the general management of Committees, particularly attendance, quorum and adherence to the Standing Orders

MIN.NO.3/001 - ADJOURNMENT

The Chairman adjourned the sitting at 10.20 a.m. until Wednesday, March 07, 2001.

CONFIRMED:

The Hon. George M. Anyona, MP.
(Acting Chairman)

DATE: March 07, 2001

MINUTES OF THE SECOND SITTING OF THE POWERS AND PRIVILEGES SUB-COMMITTEE HELD IN SMALL DINING ON WEDNESDAY, MARCH 07, 2001 AT 10.00 A.M.

PRESENT: The following Members of the Sub- Committee were present:

The Hon. George Anyona, MP (Ag. Chairman)
The Hon. Joab H.O. Omino, MP - Deputy Speaker
The Hon. Musikari Kombo, MP
The Hon. Wanyiri Kihoro, MP

IN ATTENDANCE - **NATIONAL ASSEMBLY**

S. W. Ndindiri - Clerk of National Assembly
Mr. Murumba Werunga - Deputy Clerk
Mr. J.N. Bundi - Ag. Principal Clerk
Ms. Mary J. Chesire - Third Clerk Assistant

MIN.NO.4/2001 - **CONFIRMATION OF MINUTES**

Minutes of the First Sitting held on February 28, 2001 were confirmed by the Members present and signed by the Acting Chairman after the following corrections.

Ex.Min.No.1/001

- (a) to insert “parliamentary staff” after the word “stranger”.
- (a) (iii) to insert “group” instead of “lot”.
- (b) last line to insert “frustration” in place of “despondency”.

MIN.NO.5/2001 - **SOURCES OF PROBLEMS OUTSIDE THE CHAMBER**

1. **CAR PARKS**

The Committee noted that there are three car parks which should be properly designated to allow for orderly parking.

(i) Ministers Car Park

In the past, only Ministers could park in the Ministers' Car Park, but currently it is free for all. As a result double parking, parking on the yellow line and on the pavements is common. In the Ministers Car Park, broken down vehicles are not uncommon.

(ii) Members' Car Park

Members prefer parking in the Ministers Car Park. There is therefore a lot of room in the Members Car Par. Strangers find their way into this park and wait there. Civil servants and others are reported to park and go about their business in town.

(iii) Staff Car Park

There is no specific car park for staff.

(iv) Public Car Park

This is the Car Park in front of the Parliament Buildings on Parliament Road. The public Car Park should be specially designated as such.

(v) Press Car Park

This is the Car Park between the Ministers and the Members' Car Parks. It is used by both members of staff and Press.

2. GATES

(i) Mausoleum Gate

It is controlled by the Military. The Mausoleum should be a public monument and should not be managed by Parliament.

(ii) Main Gate (Public Entrance)

Should be open to the public and properly managed to avoid congestion and over-crowding.

(iii) Ministers' Gate

Used by all. It is a waiting "bay for vigilantes", entrance to the guests to the public gallery, and vehicles for staff, Members and civil servants attending parliamentary business.

As a result it is congested and poses a great security risk because it may harbour people with bad intentions. People may also be knocked down by motorists passing through Harambee Avenue.

3. PERIMETER FENCE AND ENTRIES

People moving around endlessly along the Perimeter Fence and Entrances. The entrance to County Hall is particularly chaotic, it will be worse after occupying the Continental Building.

The Highway would be closed to the public to avoid fatal accidents to Members, staff and other people attending Parliament.

4. GALLERIES

(i) Public Gallery

Visitors are admitted according to space available. Visitors are not allowed to applaud and should be ejected or removed when they do so.

(ii) Speaker's Gallery

Visitors from the Speakers Gallery jam the lobbies. The seats are very steep and visitors are afraid of falling. The dressing mode for visitors to the Speakers Gallery will be considered along with the dressing code in the Chamber and the precincts of Parliament generally.

(iii) Press Gallery

It is congested due to increase in the number of media Houses. To control admittance, issuance of passes should be reviewed.

Establishing a Media Room away from the galleries would help control the influx of the press corps.

5. THE TENT (PRESS) AREA

The Tent Area should be restricted to Members and the Press. Non-

members should not join Members for Press conferences.

6. LIBRARY

- Members felt that the Library was more of a disorganized book store than a library.
- Members were of the view that essential materials should be microfilmed.
- Although the problem will be eased when the Library is relocated to the Continental House, the current Library should be used as a quick reference centre for Members and should be stocked with material relevant to parliamentary business only.
- There should be enough computers to provide e-mail service, and Members wishing to make telephone calls should do it outside the Library. The possibility of using the CPA Room for Members wishing to make telephone calls was also considered and recommended..

7. PROTOCOL

The Committee felt that it was not within the rules for Ministers and their escorts to walk about in Parliament with guns. The rule that all should surrender guns to the Serjeant-at-Arms is mandatory and applies to all Members, including Ministers.

MIN.NO.6/2001 - ANY OTHER BUSINESS

1. The Committee was grateful to the Deputy Speaker for joining both the Committee and the Sub-Committee. Since he presides over the business of the House with the Speaker, the Committee would gain a lot from his experience and advice.
2. The Clerk informed Members that a seminar to discuss the Powers and Privileges and issues of reform of Parliament was scheduled for April 2, 2001. The Powers and Privileges Committee would therefore be expected to discuss the programme of the seminar during their meeting on March 13, 2001.
3. On interview with the media on the discipline of Members, the Committee found it prejudicial to the disciplinary case which had

not been concluded. The Committee will be for interview after finalizing review of the National Assembly (Powers and Privileges) Act, the Speakers Orders and the Code of Conduct.

MIN.NO. 7/001 - ADJOURNMENT

The chairman adjourned the Sitting at 12.35 p.m. until Thursday, March 08,2001.

CONFIRMED:
The Hon. George M. Anyona, MP.
(Acting Chairman)

DATE: March 08, 2001

MINUTES OF THE THIRD SITTING OF THE POWERS AND PRIVILEGES SUB-COMMITTEE HELD IN SMALL DINING ON THURSDAY, MARCH 08, 2001 AT 11.30 A.M.

PRESENT: The following Members of the Sub- Committee were present:

The Hon. George Anyona, MP (Ag.Chairman)
The Hon. Musikari Kombo, MP
The Hon. Wanyiri Kihoro, MP

ABSENT WITH APOLOGY:

The Hon. Kausai F.X. ole Kaparo, M.P. - Chairman
The Hon. Job H.O. Omino, M.P. - Deputy Speaker

IN ATTENDANCE - NATIONAL ASSEMBLY

Mr. J.N. Bundi - Ag. Principal Clerk
Ms. Mary J. Chesire - Third Clerk Assistant

MIN.NO.8/2001 - CONFIRMATION OF THE PREVIOUS MINUTES

Minutes of the Second Sitting held on March 07, 2001 were confirmed by the Members present and signed by the Ag. Chairman.

MIN.NO.9/2001 - MATTERS ARISING

1. Ex. Min No. 5/2001(1), the following be added after the word “designated” in item number (iv).

(iv) Press Car Park.

Currently, parking space for the press is not defined. In general there should be a clear redesignation of car parks and definition of their usage.

Under Min.No.5/2001(4),(ii) be re-written to read as follows:

“Visitors to and from the gallery jam the foyer because there is no separate entrance

and exit from and to the Speakers Gallery. The elevation in the Galleries is very steep. Dressing mode for the visitors to be considered along with dressing code in the Chamber”.

- (i) Under Min.No.5/2001(5), the following be added after the word “conference”.

“Non-members to join members for press conference only on invitation”

2. Under Min.No.6/2001(i), delete the word “advice” and insert “contribution”.

MIN.NO.10/2001

- REMEDIES TO THE PROBLEMS
ENCOUNTERED BY MEMBERS OUTSIDE
THE CHAMBER

- (i) Drivers and Escorts.

The Committee discussed this issue at length and stressed that the management of Parliament should organize a Waiting Room for drivers and escorts for Members instead of loitering around the building.

At the same time, the Members should only be accompanied by a driver and one escort.

- (ii) Former Members

Former Members are too entitled entry to Parliament and the use of the Library. They should be issued with specific cards to enable them easy access.

The Committee asked the Secretariat to provide information on the following:-

- (a) The minimum facilities currently offered to former Members in Kenya and other Parliaments, for instance Botswana, Tanzania and the United Kingdoms.
- (b) What facilities can be offered to them in addition to those now available to them.

The Committee after further consultation agreed to invite some former members to brief the Committee on the facilities they enjoyed during their time and what else can be offered to former Members. The following Members to be invited:-

- The Hon. Martin Shikuku, MP
- The Hon. Achieng Oneko, MP
- The Hon. Henry Cheboiwo , MP
- The Hon. Anarita Karimi, MP
- The Hon. (Prof) Ouma Muga, MP
- The Hon. Ochola Ogur, MP
- The Hon. Osingo Migure, MP

(iii) The Press

The Committee agreed to invite the management of the following Media Houses before the final recommendation on the above is made.

- Kenya Broadcasting Corporation (KBC)
- Nation Media House
- Standard Newspaper
- The People Newspaper
- Citizen Newspaper
- Reuters

(iv) Vigilantes

The Committee stated that vigilantes should not be invited at all because they do not have any business being in Parliament.

(v) Government Officials and Witnesses to Committees.

The Committee stressed that a Waiting Room be established for Government officials and witnesses coming to Parliament.

(vi) Loiterers - they should not be allowed in Parliament.

(vii) Ordinary Strangers

They should be escorted to and out of Parliament at all times. The Committee stated that no Member or staff should bring a visitor to Parliament on behalf of another.

(viii) Security Personnel

The Committee agreed that the Military Personnel be removed from the precincts of Parliament. Parliament to be in full charge of its own security.

(ix) Contractors

Contractors for various services will be issued with admission cards.

MIN.NO.11/2001 - ANY OTHER BUSINESS

- (i) The Committee resolved to undertake a three day retreat from March 14, 2001 to March 16, 2001 at a venue to be agreed on later.
- (ii) The Committee discussed a possibility of undertaking a trip to a foreign Parliament to familiarize itself with the operations of the Powers and Privileges Committee in that Parliament.

After further deliberations, the Committee agreed to undertake the proposed trip to the South Africa Parliament in April, 2001. The trip to South Africa should coincide with the Speakers Conference, if the Parliament of South Africa will be in Session.

MIN.NO.12/2001 - ADJOURNMENT

The Acting Chairman adjourned the Sitting at 1.00 p.m. until March 09, 2001 at 10.00 a.m.

CONFIRMED: The Hon. George M. Anyona, MP.
(Acting Chairman)

DATE: March 09, 2001

MINUTES OF THE FOURTH SITTING OF THE POWERS AND PRIVILEGES SUB-COMMITTEE HELD IN SMALL DINING ON FRIDAY, MARCH 09, 2001 AT 1.30 P.M.

PRESENT: The following Members of the Sub- Committee were present:

The Hon. George Anyona, MP (Ag.Chairman)
The Hon. Musikari Kombo, MP
The Hon. Wanyiri Kihoro, MP

ABSENT WITH APOLOGY:

The Hon. K.F.X. ole Kaparo, M.P. - Chairman
The Hon. Joab H.O. Omino, M.P. - D/Speaker

IN ATTENDANCE - NATIONAL ASSEMBLY

Mr. S.W. Ndindiri - Clerk of National Assembly
Mr. J.N. Bundi - Ag.Principal Clerk
Ms. Mary J. Chesire - Third Clerk Assistant

MIN.NO.13/2001 - CONFIRMATION OF THE PREVIOUS MINUTES

Minutes of the third Sitting held on March 08, 2001 were confirmed by the Members present and signed by the Acting Chairman.

MIN.NO.14/2001 - MATTERS ARISING

1. Under Min.No.10/2001(ii), the names of the Hon. Nathan Munoko, MP, and Hon. James Osogo, MP were added to the list of former Members to be invited to the Committee.
2. Under Min.No.10/2001(viii), the Committee resolved to invite the Minister in charge of Defence to discuss issues regarding the presence of military personnel in Parliament.
3. Under Min.No.11/2001(i), the Committee resolved to undertake the three day retreat to either Delamere's

Camp or Lake Elementaita Lodge depending on which is available from March 14-16, 2001.

4. Under Min.No.11/2001(ii), the following words were deleted “if **Parliament of South Africa will be in Session**” appearing after the word “conference”.

MIN.NO.15/2001 - PROPOSALS TO ALLEVIATE INDISCIPLINE IN THE CHAMBER AND IN THE PRECINCTS OF PARLIAMENT

The Committee reviewed the sources of problems encountered by the Members in the Chamber came up with the following proposals:

(a) Strangers and staff working in Parliament

(i) Escorts and Drivers:-

The Committee was informed that currently drivers and escorts are supposed to remain in their cars. In the long run, the ideal arrangement is that when the military personnel is removed out of Parliament, their “barrack” will be converted into a Waiting Room for the escorts and drivers where they could easily be called when they are needed by their respective Members.

At the same time, no Members or their escorts should be allowed into Parliament with fire arms.

(ii) The Press

The Committee was informed that the press are given admission cards. Senior pressmen are the only persons allowed to intermingle and interview Members in the Lounge. Each Media House is accredited with only three pressmen.

(iii) Vigilantes

The Committee was informed that vigilantes are usually invited to Parliament by Members and it becomes a problem to deal with them. The Committee recommended that Members bringing vigilantes should be sanctioned.

The Perimeter Fence will be expanded to include County Hall and the Continental House to enable the security personnel man the precincts appropriately.

(iv) Petitioners:

The Committee noted that sometimes petitioners were mistaken for vigilantes. The Committee agreed that rules governing petitions be reviewed to differentiate between genuine petitions and vigilantes.

(vi) Government officials and witnesses to Committees

The Committee recommended that since these are all strangers, they should enter Parliament through the Main Entrance for identification.

(vii) Security Personnel

The Committee was informed that there was arrangement for Parliament to employ its own internal security. On the issue of National Security Intelligence Services (NSIS) personnel coming to Parliament, the Committee resolved to invite the Director NSIS to brief the Committee on the role of NSIS in Parliament.

(viii) Contractors

The Committee stated that apart from issuance of admission cards to the contractors for various services, they should be made to surrender the cards upon expiry of the

contract. At the same time the Committee noted that there is need to introduce electronic admission cards for all visitors to regulate accessibility to Parliament at all times.

(b) In the Chamber

The Committee, after deliberations, agreed on the following:-

- (i) That a Newsletter either weekly or monthly, be issued to update Members and the Public at large on the operating rules of procedure in Parliament, other activities going on in Parliament and what is expected of Members in the House.
- (ii) On the misuse of the Standing Orders, the Committee noted that when a Member is sent out of the House for gross misconduct, the Speaker should be precise that the Member leaves the precincts and not the Chamber as this has been misinterpreted in the past.
- (iii) On the nature and manner of answering questions, the Committee agreed that the Standing Orders Committee should review the issue of Questions.

(c) Outside the Chamber

- (i) The Committee was informed that, with enough manpower, the lobbies, foyer, private Members bar, the dining hall, the press area and the galleries will be managed and maintained.

(ii) The Car Parks

The Committee was informed that a traffic police officer has been introduced to manage the car parks.

MIN.NO.16/2001 - ANY OTHER BUSINESS

1. The Committee resolved that during its proposed workshop scheduled for April 2001, the following Members be invited to make proposals or send memoranda on how to alleviate indiscipline in Parliament.
 - The Hon. Mwai Kibaki, MP
 - The Hon. Katana Ngala, MP
 - The Hon. Shariff Nassir, MP
 - The Hon. Mohammed A. Galgalo, MP
 - All Party Leaders in Parliament.
2. The Committee agreed to draft a brief report on its deliberations and recommendations which will be presented to the main Committee on March 13, 2001.
3. The Committee agreed to review the following documents in the following manner:
 - (i) The Standing Orders and its relation to the Committees - Hon. George M. Anyona, MP
 - (ii) The Constitution and the National Assembly (Powers and Privileges) Act - The Hon. Wanyiri Kihoro, MP
 - (iii) The Speaker's Orders - The Hon. N. Kombo, MP

MIN.NO.17/2001 - ADJOURNMENT

The Chairman adjourned the Sitting at 12.40 p.m. until Tuesday, March 13, 2001 at 2.30 p.m.

CONFIRMED: The Hon. George M. Anyona, MP.
(Acting Chairman)

DATE: March 04, 2001

**MINUTES OF THE FIFTH SITTING OF THE POWERS AND PRIVILEGES
SUB-COMMITTEE HELD AT LAKE NAIVASHA COUNTRY CLUB ON
WEDNESDAY, MARCH 14, 2001 AT 2.30 P.M.**

PRESENT: The following Members of the Sub-Committee were present:-

The Hon. George Anyona, MP (Ag. Chairman)
The Hon. Joab H.O. Omino, MP
The Hon. Wanyiri Kihoro, MP
The Hon. Musikari Kombo, MP

IN ATTENDANCE - NATIONAL ASSEMBLY

Mr. Murumba Werunga - Deputy Clerk
Mr. Justin N. Bundi - Ag. Principal Clerk
Ms. Mary J. Chesire - Third Clerk Assistant

MIN.NO.18/2001 - CONFIRMATION OF PREVIOUS
MINUTES

Minutes of the Fourth Sitting held on Wednesday, March 09, 2001 were confirmed by the Members present and signed by the Acting Chairman.

MIN.NO.19/2001 - MATTERS ARISING

1. Under Min.No.14/2001(i), the Committee added the names of George Nthenge and Waruru Kanja to the list of former Members to be invited to the Committee.
2. Under Min. No.15/2001(a), (i), paragraph 2, the entire sentence was deleted and rephrased as follows:-

“At the same time, the Members and their escorts should surrender their firearms to the Serjeant-At-Arms immediately they enter Parliament Buildings”
3. Under Min.No.15/2001(a), (iii), the words **“The Committee stated that Members bringing vigilantes should be sanctioned”** were deleted and the following words were inserted in place thereof:-

“That Members who are associated with the vigilantes will be subject to sanctions”.

4. Under Min.No.15/2001(b) (i), the Committee noted that the Parliamentary Service Commission was addressing the need to start a Parliamentary Newsletter.
5. Under Min.No.15/2001(b)(ii), the Committee resolved that the Speaker be requested to apply the following process in suspending a Member from the House:-
 - (i) The Speaker will call the Member to the Bar.
 - (ii) The Speaker will Read out the provisions of Standing Order No.88(1).
 - (iii) The Member will then be ordered to withdraw from the Chamber and the precincts of Parliament.
 - (iv) Any Member rising or making any utterance whether in sympathy or against the suspended Member will be deemed disorderly and will be dealt with according to procedure.
6. Under Min. No.15/2001(b) (iii), regarding the inadequacy of the answers given to Questions and the ensuing frustration to Members, the Committee resolved to recommend to the Standing Orders Committee to review the admissibility of Questions and the manner in which they are answered; in to ensure that the admissibility provisions are adhered to and the replies satisfactory.

MIN.NO.20/2001 - REVIEW OF THE NATIONAL ASSEMBLY (POWERS AND PRIVILEGES) ACT, CAP.6, OF THE LAWS OF KENYA

The Committee reviewed the Act and agreed on the following amendments.

- | | | |
|--------------|---|---|
| Sections 1-4 | - | Agreed to. |
| Section 5 | - | Agreed to |
| Section 6 | - | Delete the words “While it is Sitting” appearing immediately after the word “Assembly” in the third line. |

- Section 7 and 8 - Agreed to.
- Section 9 - Delete and insert the following
“**National Assembly shall establish by resolution a code of conduct applicable to all Members**”.
- Section 10(1) - Delete the words “**and ten**” and insert in place thereof the words “**Deputy Speaker and eleven**” in the third line.

Recommendation to the Standing Orders Committee

- Section 10(3) - Agreed to.
- Section 10(4-6) - Agreed to.
- Section 10(7) - Add the words “**and loss of earning for the period of suspension**” at the end thereof.
- Section 11 - Agreed to.
- Section 12-15 - Agreed to.
- Section 16 (i) - Insert the word “**or affirmation**” after the word “**oath**” in the fifth line.
- (ii) - The Committee recommended that the text of an oath and affirmation should be included in Cap.100 of the Laws of Kenya.
- Sections 17-19 - Agreed to.
- Section 20 - The Committee recommended that the reference made to the House of Commons of the United Kingdom be reviewed and a suitable reference be established.
- Section 21 - Agreed to.
- Section 22 (i) - Delete the words “**five hundred**”

appearing after the word “not exceeding” and substitute the words “twenty thousand”.

- (ii) - Delete the word “three” and insert the word “six” in the third line.
- Section 23 - Delete the word “two” and insert the word “fifty” thereof.
- Section 25 - Agreed to.
- Section 26 - Delete the words “three years” and Substitute the words therewith “not less than two years and a fine of not less than five hundred thousand shillings or both” at the end thereof.
- Section 27-30 - Agreed to.
- Section 31 - Agreed to.
- Section 32 - Agreed to.

MIN.NO.21/2001 - ADJOURNMENT

The Acting Chairman adjourned the Sitting at 8.30 p.m. until Thursday, March 15, 2001 at 8.30 a.m.

CONFIRMED: The Hon. Kausai F.X. ole Kaparo, MP.
(Chairman)

DATE: April 06, 2001

**MINUTES OF THE SIXTH SITTING OF THE POWERS AND PRIVILEGES
SUB-COMMITTEE HELD AT LAKE NAIVASHA COUNTRY CLUB ON
THURSDAY, MARCH 15, 2001 AT 8.30 A.M.**

PRESENT: The following Members of the Sub-Committee were present:-

The Hon. George Anyona, MP (Ag. Chairman)
The Hon. Joab H.O. Omino, MP
The Hon. Wanyiri Kihoro, MP
The Hon. Musikari Kombo, MP

IN ATTENDANCE - NATIONAL ASSEMBLY

Mr. Murumba Werunga - Deputy Clerk
Mr. Justin N. Bundi - Ag. Principal Clerk
Ms. Mary J. Chesire - Third Clerk Assistant

MIN.NO.22/2001 - REVIEW OF THE SPEAKER'S RULES

1. The Committee resolved that the recommendations contained in its Report which was presented to the Main Committee on Tuesday, March 13, 2001 form the basis for a Review of both the Speaker's Orders and the Code of Conduct. However, the Sub-Committee was of the view that the following should not constitute dress code:-

- ◆ Shorts
- ◆ Jeans
- ◆ Sandals
- ◆ T-shirts
- ◆ Barefoot
- ◆ Hats
- ◆ Briefcases
- ◆ Kikoi

2. The Sub-Committee noted that there was a mix up in the provisions of Sections 8 and 9 of National Assembly (Powers & Privileges) Act, Cap. 6, of the Laws of Kenya in relation to the formulation of the Speakers Rules, Orders and the Code of Conduct. The Committee, therefore, resolved that the Code of Conduct be provided for under Section 9 and the Speaker's Orders under Section 8.

3. Regarding the Code of Conduct, the Sub-Committee resolved to recommend to the Committee to draw up a Code of Conduct for all Members to be adopted by the House on a Resolution.

MIN.NO.23/2001 - REVIEW OF THE STANDING ORDERS

The Sub-Committee reviewed various Standing Orders and made the following observations and recommendations which will be presented to the Standing Orders Committee:

- (i) Standing Order No. 24 - Quorum

The Sub-Committee observed that the Quorum of Members in the House and its Committees had remained proportionate to previous total membership of 170 despite the increase to the current 222.

The Committee recommended that the Quorum be 20% of the total membership of the House excluding ex-official Members.

- (ii) Standing Orders No.35 and 39 - Questions

The Committee recommended that if a Question is on the Order Paper and the Ministry concerned has not supplied the answer sanctions should be imposed on the Minister.

- (iii) Standing Order No.40

The Committee recommends that the provisions with reference to the Standing Order No.40 (3) (f), (4) and (5) be strictly adhered to.

- (iv) Standing Order No.68 - Point of Order

The Committee recommended that the provisions of Standing Order be strictly adhered to.

- (v) Standing Order No.69 - Personal Explanation

The Committee recommended that the provisions of Standing Order 69 be reviewed to ensure that it applies only to personal issues raised in the House.

- (vi) Standing Order No.72 - Use of Presidents name

The Committee recommended that the provisions of the Standing Order be strictly enforced.

- (vi) Standing Order No.73 - Content of Speeches

The Committee recommended that the provisions of the Standing Order be reviewed.

- (vii) Standing Order No. 74 - Sub-judice

The Committee recommended that the provisions of the Standing Order be reviewed.

- (viii) Standing Order No. 76 - Substantiation

The Committee recommended that the provisions of the Standing Order be reviewed.

- (ix) Standing Orders Nos. 88-93 - Conduct of Members in the Chamber

The Committee recommended that the provisions of the Standing Order be enforced.

- (x) Standing Order No. 101A(3) - Powers of Committee to amend Bills

The Committee recommended that the Provisions of the Standing Order 101A(3) be reviewed to increase the period for consideration of Bills to fourteen days.

- (xi) Standing Order 151 - Departmental Committees

The Committee recommends that:

- (i) the proportionate distribution of membership to parties be reviewed.
- (ii) membership be subject to review after two sessions.
- (iii) political parties be able to exercise the sanctions of de-whipping.

- (iv) membership be by appointment on a resolution of the House.
- (v) mandate be reviewed to ensure equitable distribution or allocation of departments.
- (vi) Standing Order No. 157 - Absence of Committee Chairman

The Committee recommended that provision be made for election of a substantive Vice-Chairman for each Committee.

- (vii) Standing Order No. 161 - Premature Publication of Evidence

The Committee recommended that the provision of the Standing Order be strictly observed until reviewed.

MIN.NO.24/2001 - ADJOURNMENT

The Acting Chairman adjourned the Sitting at 11.40 a.m.

CONFIRMED: The Hon. Kausai F.X. ole Kaparo, MP.
(Chairman)

DATE: April 06, 2001

MINUTES OF THE SEVENTH SITTING OF THE POWERS AND PRIVILEGES SUB-COMMITTEE HELD IN THE SMALL DINING HALL ON FRIDAY, APRIL 06, 2001 AT 10.00 A.M.

PRESENT: The following Members of the Committee were present:-

The Hon. K.F.X. ole Kaparo, M.P. (Chairman)
The Hon. George M. Anyona, MP
The Hon. Musikari Kombo, M.P.
The Hon. Wanyiri Kihoro, M.P.

ABSENT WITH APOLOGY

The Hon. Joab H.O. Omino, M.P.

IN ATTENDANCE - NATIONAL ASSEMBLY

Ms. Mary J. Chesire - Third Clerk Assistant

MIN.NO.25/2001 - CONFIRMATION OF PREVIOUS MINUTES

Minutes of the Fifth and Sixth Sittings held on March 14 and 15, 2001 were confirmed by the Members present and signed by the Chairman.

MIN.NO.26/2001 - MATTERS ARISING

- (i) Under Min. No.19/2001(3), the words “as prescribed under the National Assembly (Powers and Privileges), Act, Cap.6” were added after the word “sanctions”.
- (ii) Under Min.No.20/2001, (Section10(1)) the Committee substituted the word “thirteen” with “eleven” appearing after the word “Speaker and” in the third line.
- (iii) Under Min. No.20/2001, section 10(2), the Committee deleted the amendment and inserted the following amendment in place thereof “provided that the House may in its own discretion change such a list”.

- (iii) Under Min.No.20/2001 section 16(ii), the entire sentence was deleted.
- (iv) Under Min.No.20/2001(Section 20), the Committee recommended that this section should be amended to reflect the provision of the Standing Order No.1(a).
- (v) Under Min. No.20/2001, (General Recommendations) the Committee deleted the proposed amendment to the Constitution.
- (vi) Under Min.No.22/2001(i), the Committee deleted the amendment provided and to the footnote provided in page 1 of the Speaker's Rules the following words were added "and other respectable dress as the House may think" after the word "optional" in the third line.
- (vii) Under Min.No.22/2001(2), the Committee agreed to revisit sections 8 and 9 of the National Assembly (Powers and Privileges) Act to ensure that the Code of Conduct and the Speakers Orders are provided for under those respective sections.

MIN.NO.27/2001 - ADJOURNMENT

The Chairman adjourned the Sitting at 12.15 until Friday, April 20,2001.

CONFIRMED:

**The Hon. George M. Anyona, MP.
(Acting Chairman)**

DATE:

April 23, 2001

MINUTES OF THE EIGHTH SITTING OF THE POWERS AND PRIVILEGES SUB-COMMITTEE HELD IN THE SMALL DINING HALL ON MONDAY, APRIL 23, 2001 AT 2.30 A.M.

PRESENT: The following Members of the Sub-Committee were present:

The Hon. George M. Anyona, MP Ag. Chairman
The Hon. Joab H.O. Omino, M.P.
The Hon. Musikari Kombo, M.P.
The Hon. Wanyiri Kihoro, M.P.

ABSENT WITH APOLOGY

The Hon. K.F.X. ole Kaparo, MP - (Chairman)

IN ATTENDANCE - **NATIONAL ASSEMBLY**

Ms. Mary Chesire - Third Clerk Assistant

MIN.NO.28/2001 - **CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the Seventh Sitting held on Friday, April 06, 2001 were confirmed by the Members present and signed by the Acting Chairman.

MIN.NO.29/2001 - **CONSIDERATION OF DRAFT REPORT OF THE COMMITTEE**

The Committee considered the draft report and deferred its adoption to a later date.

MIN.NO.30/2001 - **ADJOURNMENT**

The Chairman adjourned the Sitting at 5.55 p.m.

CONFIRMED... ..
(Chairman)

Date:.....

MINUTES OF THE NINTH SITTING OF THE POWERS AND PRIVILEGES SUB-COMMITTEE HELD IN COMMITTEE ROOM, FIRST FLOOR, COUNTY HALL ON FRIDAY, APRIL 27, 2001 AT 2.30 P.M.

PRESENT: The following Members of the Committee were present:-

The Hon. Goerge M. Anyona, MP - (Acting Chairman)
The Hon. Joab H.O. Omino, MP - Deputy Speaker
The Hon. Musikari Kombo, MP
The Hon. Wanyiri Kihoro, MP

ABSENT WITH APOLOGY

The Hon. K.F.X. ole Kaparo, MP - Chairman

IN ATTENDANCE - NATIONAL ASSEMBLY

Mr. Murumba Werunga - Deputy Clerk
Ms. Mary Chesire - Third Clerk Assistant

MIN.NO.31/2001 CONFIRMATION OF PREVIOUS MINUTES

Minutes of the Eighth Sitting held on Monday, April 23, 2001 were confirmed by the Members present and signed by the Acting Chairman.

MIN.NO.32/2001 CONSIDERATION OF THE DRAFT REPORT OF THE COMMITTEE

The Committee considered the report and its adoption was deferred to a later date.

MIN.NO.33/2001 COURTESY CALL ON THE COMMITTEE BY MESSRS CHARLES WINNIFRITH AND W. H. REMNANT

Mr. Charles Winniffrith, former Clerk of Committees, House of Commons, United Kingdom and Mr. W.H. Remnant, former Clerk of the Legislative Assembly, Northern Territories, Canada, paid a courtesy call on the Committee. They were in the country to consult with the Parliamentary

Service Commission on how to strengthen the Parliament of Kenya.

After being introduced to the Committee by the Deputy Speaker, they were invited to discuss with the Committee the following:-

(a) The Speaker as a custodian of parliamentary privilege

The Committee was informed that the Speaker is the symbol of the powers and privileges of the House as it is the practice in all Commonwealth Parliaments. The Speaker advises Members irrespective of their party affiliation.

The Speaker ensures that the privileges enjoyed by Members are maintained, for instance, immunity from arrest in civil process and freedom of speech in debate at all times to allow Members discharge their duties conferred on them by their constituents. The Speaker ensures that the freedom enjoyed by Members is not abused in the belief that they were protected by the parliamentary privilege.

(b) Committee of Standards and Privileges

Mr. Winnifrith informed the Committee:-

That in the House of Commons (Britain), the Committee of Privileges has been in operation since the 17th Century with the enactment of the Privileges Act of 1740. Since the 1970's the appointment of the Committee was extended to last for the duration of the Parliament. The Committee does not sit in public and it is chaired by a backbench Member of the House but not the Speaker. The Speaker chairs the House of Commons Commission, which looks into the affairs of the Parliamentary Staff.

That the Committee enabled Members to raise complaints of breach of privilege or of contempt. For instance, disclosure of a Committee evidence before the report was laid in the House was automatically referred to the Committee of Privileges and should a Member be found to have breached privilege, the Committee was empowered to recommend punishment, for instance, suspension of a Member for fifteen days from the precincts of the House.

Mr. Remnant informed the Committee that in Canada, the Parliamentary Privileges Act was enacted in 1987 to declare the powers, privileges and immunities for each House of the Parliament and its Members. The Act ensures that Members maintain the dignity of the House. Members breaching privilege were dealt with in accordance with the provisions under the Act.

(c) Code of Conduct

Mr. Winnfrith informed the Committee that the House of Commons has had a Code of Conduct which assists the Members in the discharge of their duties to the House, their constituencies and the public. It also enabled Members to uphold the dignity of Parliament. The Code of Conduct was established in 1995.

The Code of Conduct is to ensure that Members were duty bound to uphold the Law, act in the interest of the nation and in accordance with the public trust placed on them. Members were also expected to maintain principles of conduct as identified by the Committee on Standards in Public Life of the House of Commons. These principles include accountability, integrity and honesty, etc. The Guide to the Rules relating to the Code of Conduct was established in 1996 and it provides for a Register for registration of Members' interest. The duty of compiling the Register rests with the Parliamentary Commissioner for Standards who is usually a Senior Clerk of the House.

The purpose of the Register was for Members to declare their interests in all proceedings of the House and its Committees and to provide information of any interest or other material benefits which a Member of Parliament may receive and which might affect conduct, action or voting in Parliament.

In the Register, a Member is also required to disclose the source of remuneration or benefit in trades, financial sponsorship, overseas visits and names of companies or other bodies which the Member has, either himself or with or on behalf of his spouse or children.

On whether they have a guide to the Speaker's Orders, the Committee was informed that the Speakers Orders were accommodated under the Code of Conduct and that Members

dress code was not specifically outlined, but Members were expected to uphold the dignity of the House by dressing decently.

Mr. Remnant informed the Committee that in Canada, the Code of Conduct for Members deals with financial conflicts and interests of Members which are registered in the Members Register.

MIN.NO.34/2001 - ADJOURNMENT

The Acting Chairman adjourned the Sitting at 1.30 p.m. until May 11, 2001 at 10.00 a.m.

CONFIRMED

Hon. Joab H.O. Omino, M.P.
(Acting Chairman)

DATE

June 15, 2001

**MINUTES OF THE TENTH SITTING OF THE POWERS AND PRIVILEGES
SUB-COMMITTEE HELD IN ON TUESDAY, MAY 15, 2001 IN THE SMALL
DINING HALL, PARLIAMENT BUILDINGS AT 10.00 A.M.**

PRESENT: The following Members of the Committee were present:-

The Hon. George M. Anyona, MP - Acting Chairman
The Hon. Joab H.O. Omino, - Deputy Speaker
The Hon. Musikari Kombo, MP
The Hon. Wanyiri Kihoro, MP
Prof. the Hon. Anyang' Nyong'o, MP

ABSENT WITH APOLOGY

The Hon. K.F.X. ole Kaparo, MP - Chairman

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Justin Bundi - Ag. Principal Clerk
Ms. M.J. Chesire - Third Clerk Assistant

MIN.NO.35/2001 - CONSIDERATION OF THE DRAFT REPORT

The Committee considered the report and deferred its adoption to a later date.

MIN.NO.36/2001 - ADJOURNMENT

The Chairman adjourned the Sitting at 1.00 p.m.

CONFIRMED Hon. Joab H.O. Omino, M.P.
(Ag. Chairman)

DATE: June 15, 2001

MINUTES OF THE ELEVENTH SITTING OF THE POWERS AND PRIVILEGES SUB-COMMITTEE HELD IN ON WEDNESDAY, MAY 16, 2001 IN THE SMALL DINING HALL, PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT: The following Members of the Committee were present:-

The Hon. George M. Anyona, MP - Acting Chairman
The Hon. Joab H.O. Omino, MP - Deputy Speaker
The Hon. Musikari Kombo, MP
The Hon. Wanyiri Kihoro, MP

ABSENT WITH APOLOGY

The Hon. K.F.X. ole Kaparo, MP - Chairman

IN ATTENDANCE - **NATIONAL ASSEMBLY**

Mr. Justin Bundi - Ag. Principal Clerk
Ms. M.J. Chesire - Third Clerk Assistant

MIN.NO.37/2001 - **CODE OF CONDUCT FOR MEMBERS**

The Committee discussed the Code of Conduct for Members.

MIN.NO.38/2001 - **ADJOURNMENT**

The Acting Chairman adjourned the Sitting at 12.45 p.m.

CONFIRMED **Hon. Joab H.O. Omino, M.P.**
(Ag. Chairman)

DATE: **June 15, 2001**

MINUTES OF THE TWELFTH SITTING OF THE POWERS AND PRIVILEGES SUB-COMMITTEE HELD IN ON TUESDAY, MAY 22, 2001 IN THE SMALL DINING HALL, PARLIAMENT BUILDINGS AT 11.00 A.M.

PRESENT: The following members of the Committee were present:-

The Hon. George M. Anyona, MP - Ag. Chairman
The Hon. Musikari N. Kombo, MP
The Hon. Wanyiri Kihoro, MP

ABSENT WITH POLOGY

The Hon. K.F.X. ole Kaparo, MP, - Chairman
The Hon. Joab H.O. Omino, MP - Deputy Speaker

IN ATTENDANCE: - **NATIONAL ASSEMBLY**

Mr. Justin N. Bundi - Ag. Principal Clerk
Ms. M.J. Chesire - Third Clerk Assistant

MIN.NO.39/2001 **RULES PURSUANT TO SECTION 10(6) OF THE NATIONAL ASSEMBLY (POWERS AND PRIVILEGES) ACT**

The Committee discussed the Rules pursuant to section 10(6) of the National Assembly (Powers and Privileges) Act, Cap 6.

MIN.NO.40/2001 - ADJOURNMENT

The Acting Chairman adjourned the Sitting at 12.00 p.m.

CONFIRMED Hon. Joab H.O. Omino, M.P.
(Ag. Chairman)

DATE: June 15, 2001

MINUTES OF THE THIRTEENTH SITTING OF THE POWERS AND PRIVILEGES SUB-COMMITTEE HELD IN THE SMALL DINING HALL, PARLIAMENT BUILDINGS ON WEDNESDAY, MAY 23, 2001 AT 11.00 A.M.

PRESENT: The following Members of the Committee were present:-

The Hon. George M. Anyona, MP - (Acting Chairman)
The Hon. Wanyiri Kihoro, MP
The Hon. Musikari Kombo, MP

ABSENT WITH APOLOGY:

The Hon. K.F.X. ole Kaparo, MP - (Chairman)
The Hon. Joab H.O. Omino, MP - Deputy Speaker

IN ATTENDANCE - **NATIONAL ASSEMBLY**

Ms. Mary Chesire - Third Clerk Assistant

MIN. NO. 37/2001 - **RULES MADE PURSUANT TO SECTION 9 OF THE NATIONAL ASSEMBLY (POWERS & PRIVELEGES) ACT**

The Committee discussed the rules made pursuant to Section 9 of the National Assembly (Powers and Privileges) Act, Cap 6, Laws of Kenya.

MIN. NO. 38/2001 - **ADJOURNMENT**

The Acting Chairman adjourned the Sitting at 4.40 P.M.

CONFIRMED Hon. Joab H.O. Omino, M.P.
(Ag. Chairman)

DATE: June 15, 2001

MINUTES OF THE FOURTEENTH SITTING OF THE POWERS AND PRIVILEGES SUB-COMMITTEE HELD IN THE SMALL DINING HALL, PARLIAMENT BUILDINGS ON THURSDAY, MAY 24 , 2001 AT 10.00 A.M.

PRESENT: The following Members of the Committee were present:-

The Hon. George M. Anyona, MP - (Acting Chairman)
The Hon. Wanyiri Kihoro, MP
The Hon. Musikari Kombo, MP

ABSENT WITH APOLOGY

The Hon. K.F.X. ole Kaparo, MP - (Chairman)
The Hon. Joab H.O. Omino, MP - Deputy Speaker

IN ATTENDANCE - **NATIONAL ASSEMBLY**

Mr. Justin Bundi - Principle Clerk Assistant
Ms. Mary Chesire - Third Clerk Assistant

MIN. NO. 39/2001 - **RULES PURSUANT TO SECTION 9 OF THE NATIONAL ASSEMBLY (POWERS AND PRIVILEGES) ACT**

The Committee continued with the discussion of the rules made pursuant to section 8 and 9 of the National Assembly (Powers and Privileges) Act Laws of Kenya.

MIN. NO. 40/2001 - **ADJOURNMENT**

The Ag. Chairman adjourned the Sitting at 11.50 a.m.

CONFIRMED Hon. Joab H.O. Omino, M.P.
(Ag. Chairman)

DATE: June 15, 2001

MINUTES OF THE SIXTEENTH SITTING OF THE POWERS AND PRIVILEGES SUB-COMMITTEE HELD IN COMMITTEE ROOM NO. 9, PARLIAMENT BUILDINGS ON FRIDAY, JUNE 15, 2001 AT 11.00 A.M.

PRESENT: The following Members of the Committee were present:-

The Hon. Joab H.O. Omino, M.P. - Ag. Chairman
The Hon. George M. Anyona, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Musikari Kombo, M.P.

ABSENT WITH APOLOGY:

The Hon. K.F.X. ole Kaparo, M.P. - Chairman

IN ATTENDANCE: NATIONAL ASSEMBLY

Ms. M.J. Chesire - Third Clerk Assistant

MINUTE NO.41/2001: CONFIRMATION OF PREVIOUS MINUTES

The following minutes were confirmed by the Members present and signed by the Ag. Chairman.

- (i) Minutes of the **ninth sitting** held on Friday April 27, 2001
- (ii) Minutes of the **tenth sitting** held on Tuesday May 15, 2001
- (iii) Minutes of the **eleventh sitting** held on Wednesday May 16, 2001
- (iv) Minutes of the **twelfth sitting** held on Tuesday May 22, 2001
- (v) Minutes of the **thirteenth sitting** held on Wednesday May 23, 2001
- (vi) Minutes of the **fourteenth sitting** held on Thursday May 24, 2001

MINUTE NO.42/2001: RULES UNDER SECTION 9 OF THE NATIONAL ASSEMBLY (POWERS AND PRIVILEGES) ACT

The Committee considered rules under **Section 9** of the National Assembly (Powers and Privileges) Act and proposed the following amendments.

(1) **Section 9**

The Committee proposed that Section 9 be divided into three subsections as follows:-

- (a) Section 9: sub-section(1) **“The National Assembly shall establish by resolution a code of conduct applicable to all Members which may be reviewed from time to time”**.
- (b) Section 9: sub-section(2) **“The Code of Conduct shall set standards of general conduct for Members to enable them discharge their legal and public duties to the Nation, Parliament, their constituents and the public in general”**.
- (c) Section 9:sub-section(3) **“Parliament shall enforce the Code of Conduct in accordance with the provisions of this Act”**.

(2) The Committee further proposed amendments to sections 10 and 12 of the Act as follows:

(a) **Section 10**

- (i) 10(1) insert the words **“and standards”** after the word **“privileges”** in the second line.
- (ii) 10(2) insert the words **“and standards”** after the word **“privilege”** in the first line.
- (iii) 10(3) insert the words **“and standards”** after the word **“privilege”** in the first line.
- (iv) 10(4) insert the words **“and standards”** after the word **“privileges”** in the first line.
- (v) 10(5) Insert the words **“and standards”** after the word **“privileges”** in the first line.

(b) **Section 12.**

That, the words **“and standards”** be inserted after the word **“privileges”** in the second line.

MINUTE NO.43/2001: ANY OTHER BUSINESS

The Committee agreed that Members of Parliament be invited to give their views on how to alleviate indiscipline in the Chamber and the Precincts of Parliament.

MINUTE NO.44/2001: ADJOURNMENT

The Acting Chairman adjourned the sitting at 12.30 p.m.

**CONFIRMED Hon. Joab H.O. Omino, M.P.
(Ag. Chairman)**

DATE: August 30, 2001

MINUTES OF THE SEVENTEENTH SITTING OF THE POWERS AND PRIVILEGES SUB-COMMITTEE HELD IN THE SMALL DINING ROOM , PARLIAMENT BUILDINGS ON THURSDAY , AUGUST 30, 2001 AT 10.00 A.M.

PRESENT: The following Members of the Committee were present:-

The Hon. Joab H.O. Omino, M.P. - Acting Chairman
The Hon. George M. Anyona, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Musikari Kombo, M.P.

ABSENT WITH APOLOGY:

The Hon. K.F.X. ole Kaparo, M.P. - Chairman

IN ATTENDANCE: NATIONAL ASSEMBLY

Ms. M.J. Chesire - Third Clerk Assistant

MINUTE NO.45/2001: CONFIRMATION OF PREVIOUS MINUTES

Minutes of the Fifteenth and Sixteenth sittings held on Tuesday, May 29 and Friday, June 15, 2001 were confirmed by the members present and signed by the Acting Chairman.

MINUTE NO.46/2001: MATTERS ARISING

Under Min. No. 43/2001, the Committee resolved to invite former and sitting Members of Parliament to give their views on how to alleviate indiscipline in the Chamber and the precincts of Parliament. The Committee resolved as follows:

- (i) That the following former Members be invited to meet with the Committee on the same day:-

Hon. Martin Shikuku
Hon. Achieng Oneko
Hon. Nathan Munoko
Hon. James Osogo
Hon. Dr. Taita Toweett
Hon. Jeremiah Nyagah

Hon. Grace Onyango
Hon. Fritz De Souza

- (ii) That all sitting Members of Parliament be invited to make their proposals in person or send written memoranda to the Committee.
- (iii) That all Parliamentary Party leaders to meet with the Committee together on the same day.

MINUTE NO.47/2001: ADOPTION OF THE REPORT

The Committee considered the report but deferred its adoption to a later date.

MINUTE NO.48/2001: ADJOURNMENT

The Acting Chairman adjourned the sitting at 1.10 p.m. until Monday, September 03, 2001 at 2.30 p.m.

**CONFIRMED Hon. Joab H.O. Omino, M.P.
(Ag. Chairman)**

DATE: September 03, 2001

MINUTES OF THE EIGHTEENTH SITTING OF THE POWERS AND PRIVILEGES SUB-COMMITTEE HELD IN THE SMALL DINING ROOM, PARLIAMENT BUILDINGS ON MONDAY, SEPTEMBER 03, 2001 AT 2.30 P.M.

PRESENT: The following Members of the Committee were present:-

The Hon. Joab H.O. Omino, M.P. - Acting Chairman
The Hon. George M. Anyona, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. Musikari Kombo, M.P.

ABSENT WITH AP0LOGY:

The Hon. K.F.X. ole Kaparo, M.P. - Chairman

IN ATTENDANCE: **NATIONAL ASSEMBLY**

Ms. M.J. Chesire - Third Clerk Assistant

MINUTE NO.49/2001: **CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the Seventeenth sitting held on Thursday, August 30, 2001 were confirmed by the members present and signed by the Acting Chairman.

MINUTE NO.50/2001: **CONSIDERATION OF THE REPORT**

The Committee considered the report and made amendments to paragraphs 4 and 5.

MINUTE NO.51/2001: **ADJOURNMENT**

The Acting Chairman adjourned the sitting at 1.10 p.m. until Tuesday, September 04, 2001 at 2.30 p.m.

CONFIRMED **Hon. Joab H.O. Omino, M.P.**
(Ag. Chairman)

DATE: **April 12, 2002**

MINUTES OF THE TWENTIETH SITTING OF THE POWERS AND PRIVILEGES SUB-COMMITTEE HELD IN THE SMALL DINING ROOM, PARLIAMENT BUILDINGS ON TUESDAY, SEPTEMBER 11, 2001 AT 2.30 P.M.

PRESENT: The following Members of the Committee were present:-

The Hon. George M. Anyona, M.P. - Acting Chairman
The Hon. Wanyiri Kihoro, M.P.
The Hon. Musikari Kombo, M.P.

ABSENT WITH APOLOGY:

The Hon. K.F.X. ole Kaparo, M.P. - Chairman
The Hon. Joab H.O. Omino, M.P.

IN ATTENDANCE: NATIONAL ASSEMBLY

Ms. M.J. Chesire - Third Clerk Assistant

MINUTE NO.54/2001: CONSIDERATION OF THE REPORT

The Committee considered the report and made amendments to paragraph 3(b)(i) on the Speakers Orders/Rules.

MINUTE NO.55/2001: ADJOURNMENT

The Acting Chairman adjourned the sitting at 4.00 p.m. until Wednesday, September 12, 2001 at 2.30 p.m.

CONFIRMED: **Hon. Joab H.O. Omino, M.P.**
(Ag. Chairman)

DATE: **April 12, 2002**

MINUTES OF THE TWENTY SECOND SITTING OF THE POWERS AND PRIVILEGES SUB-COMMITTEE HELD IN THE SMALL DINING ROOM , PARLIAMENT BUILDINGS ON WEDNESDAY, SEPTEMBER 19, 2001 AT 11.00 A.M.

PRESENT: The following Members of the Committee were present:-

The Hon. Musikari Kombo, M.P. - Acting Chairman
The Hon. George M. Anyona, M.P.
The Hon. Wanyiri Kihoro, M.P.

ABSENT WITH AP0LOGY:

The Hon. K.F.X. ole Kaparo, M.P. - Chairman
The Hon. Joab H.O. Omino, M.P.

IN ATTENDANCE: NATIONAL ASSEMBLY

Ms. M.J. Chesire - Third Clerk Assistant

MINUTE NO.58/2001: CONSIDERATION OF THE REPORT

The Committee considered the report and deferred its adoption to a later date.

MINUTE NO.59/2001: ADJOURNMENT

The Acting Chairman adjourned the sitting at 1.20 p.m. until Thursday, September 20, 2001 at 10.00 a.m.

CONFIRMED: Hon. Joab H.O. Omino, M.P.
(Ag. Chairman)

DATE: April 12, 2002

MINUTES OF THE TWENTY THIRD SITTING OF THE POWERS AND PRIVILEGES SUB-COMMITTEE HELD IN THE SMALL DINING ROOM , PARLIAMENT BUILDINGS ON THURSDAY, SEPTEMBER 20, 2001 AT 11.00 A.M.

PRESENT: The following Members of the Committee were present:-

The Hon. George M. Anyona, M.P. - Acting Chairman
The Hon. Musikari Kombo, M.P.
The Hon. Wanyiri Kihoro, M.P.

ABSENT WITH AP0LOGY:

The Hon. K.F.X. ole Kaparo, M.P. - Chairman
The Hon. Joab H.O. Omino, M.P. - Deputy Speaker

IN ATTENDANCE: NATIONAL ASSEMBLY

Ms. M.J. Chesire - Third Clerk Assistant

MINUTE NO.60/2001: CONSIDERATION OF THE REPORT

The Committee considered the report and deferred its adoption to a later date.

MINUTE NO.61/2001: ANY OTHER BUSINESS

The Committee discussed at length the possibility of undertaking a study tour to other Parliaments to learn from their experience on how they manage their affairs and deal with matters of privileges. The Committee identified the countries to be visited and categorized them in the following options:-

- (i) India-New Zealand-South Africa
- (ii) India-United Kingdom-Senegal United States
- (iii) India-Germany United Kingdom-United States

The Hon. George Anyona, M.P. was asked to discuss the issue with the Speaker and report back to the Committee.

MINUTE NO.62/2001: ADJOURNMENT

The Acting Chairman adjourned the sitting at 12.30 p.m. until Monday, September 24, 2001 at 2.30.00 p.m.

CONFIRMED: **Hon. Joab H.O. Omino, M.P.**
 (Ag. Chairman)

DATE: **April 12, 2002**

MINUTES OF THE TWENTY FOURTH SITTING OF THE POWERS AND PRIVILEGES SUB-COMMITTEE HELD IN THE SMALL DINING ROOM, PARLIAMENT BUILDINGS ON MONDAY, SEPTEMBER 24, 2001 AT 2.30 P.M.

PRESENT: The following Members of the Committee were present:-

The Hon. George M. Anyona, M.P. - Acting Chairman
The Hon. Musikari Kombo, M.P.
The Hon. Wanyiri Kihoro, M.P.

ABSENT WITH APOLOGY:

The Hon. K.F.X. ole Kaparo, M.P. - Chairman
The Hon. Joab H.O. Omino, M.P. - Deputy Speaker

IN ATTENDANCE: **NATIONAL ASSEMBLY**

Ms. M.J. Chesire - Third Clerk Assistant

MINUTE NO.63/2001: **CONSIDERATION OF THE REPORT**

The Committee considered the report and made amendments to paragraph 4.

MINUTE NO.64/2001: **ADJOURNMENT**

The Acting Chairman adjourned the sitting at 5.20 p.m. until Tuesday, September 25, 2001 at 9.30 a.m.

CONFIRMED: **Hon. Joab H.O. Omino, M.P.**
(Ag. Chairman)

DATE: **April 12, 2002**

MINUTES OF THE TWENTY FIFTH SITTING OF THE POWERS AND PRIVILEGES SUB-COMMITTEE HELD IN THE MAIN CONFERENCE HALL, COUNTY HALL, PARLIAMENT BUILDINGS ON TUESDAY , SEPTEMBER 25, 2001 AT 9.30 A.M.

PRESENT: The following Members of the Committee were present:-

The Hon. Joab H.O. Omino, M.P. - Acting Chairman
The Hon. George M. Anyona, M.P.
The Hon. Musikari Kombo, M.P.
The Hon. Wanyiri Kihoro, M.P.
The Hon. (Prof.) Anyang' Nyongo, M.P.

ABSENT WITH APOLOGY:

The Hon. K.F.X. ole Kaparo, M.P. - Chairman

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. S.W. Ndindiri - Clerk of the National Assembly
Mr. David K. Ziah - Second Clerk Assistant
Ms. M.J. Chesire - Third Clerk Assistant

MINUTE NO.65/2001: MEETING WITH SOME FORMER MEMBERS OF PARLIAMENT

The following former Members of Parliament appeared before the Committee, viz:-

The Hon. Dr. Fritz De Souza
The Hon. Jeremiah Nyagah
The Hon. Eliud Ngala Mwendwa
The Hon. Achieng Oneko
The Hon. Mrs. Grace Onyango
The Hon. Dr. Julius G. Kiano
The Hon. Dennis Akumu
The Hon. Joseph Martin Shikuku
The Hon. George W.N. Nthenge
The Hon. Joseph Robert Matano
The Hon. John Keen
The Hon. James Osogo

The former Members were welcomed by the Deputy Speaker and thanked them for having found time to meet the Committee's request. In return the

former Members thanked the Committee for having invited them and that they were ready at any time to exchange ideas with the sitting Members.

They informed the Committee on the following issues:-

(i) The Library

That the Library was very essential for former Members to read newspapers and other available journals. The space in the Library is too small to accommodate both former and sitting Members and that there was need for more space in the Library to cater for all Members.

That two rooms should be set aside; one for journals, papers and other periodicals while the other room which could be the current library, be left for research. The Kenyan Library is too small as compared to other libraries of Commonwealth Parliaments.

(ii) Dining Hall

They were unanimous that the Dining Hall be left for sitting Members but former Members could be allowed to use the Dining Hall once in a while to enable them meet and interact with new and old Members. Members who enjoy this facility should not be allowed to bring in strangers.

(iii) The Private Members' Bar

That the Private Members' Bar be left for sitting Members only but former Members could be allowed in once in a while to use the telephone facilities provided in the Private Members' Bar.

(iv) The Lounge

That the Lounge is frequented by so many people. There should be a waiting room for Members' visitors so that a Member could be called to meet his/her visitor. Strangers should not be allowed to enter the Lounge.

(v) Members Room

That the Members Room be used only by sitting Members as it was the case during their time as Members of Parliament.

(vi) The Car Parks

They were unanimous that preference should be given to the sitting Members and Ministers as far as car parks were concerned. They suggested that some parking spaces be reserved for former Members to be used by those who come to Parliament Buildings and especially those who are CPA life members.

That the parking spaces available be designated to each Member. That, with the extension of Parliament to include, County hall and the Continental House parking spaces could be available for all Members.

That there should be a resting room for drivers where they could be easily reached when needed. It is only in Kenyan Parliament that there was no provision for a resting room for Members' drivers.

(vii) The Commonwealth Parliamentary Association (CPA) Room

That the CPA room is available but it is hardly used because it is always locked. The CPA room be opened for Members to read CPA journals and periodicals.

(viii) A Directory for All Members

That there should be a directory for all Members in every Parliamentary life. This facility could be used to reach former and sitting Members in case need arises. Former Members could also communicate with one another through the contacts available in the Directory.

(ix) Invitation to Parliamentary Functions such as the Budget and State Opening

That from time immemorial former Members used to be invited but presently they are not. Though during such functions one hardly gets an opportunity to speak with sitting or former Members, it is important that proper invitation cards be provided for former Members. Alternatively, they could be allowed to use their Commonwealth Parliamentary Association cards.

(x) **Telephone Services**

That telephones in Parliament be mainly reserved for the sitting Members but former Members be considered when they request and that those facilities should not be misused by everybody.

(xi) **Pension Scheme**

That the Powers and Privileges Committee should look into the welfare of all Honourable Members. Some former Members were leading miserable lives because they were not enjoying the pension facility.

That most of those who fought for independence did not have time to fight for their rights but were busy fighting to dismantle the colonial structures.

(xii) **Quorum in the House**

That the quorum be made proportionate to the total membership in the House at all times. That in the 1960's the quorum was thirty (30) Members because the Members were few and currently the membership is two hundred and twenty two (222) Members thus the quorum should be proportionate to the increase and most importantly for proper business to be conducted.

(xiii) **The Standing Orders**

That Members should read, understand and master the Standing Orders. This will enable them to follow the proceedings of the House. For instance the Standing Order No. 68 on Points of Order is usually misused by Members. That Members need to be educated on what a point of order is.

That likewise to Standing Order No. 69, Personal Explanation, Members are required not to debate or ask questions on a matter raised under this Standing Order.

(xiv) **Discipline in the Chamber and within the Precincts of Parliament Buildings**

That Members of Parliament should respect the orders and rulings by the Speaker and the Deputy Speaker or Chairmen of Committees. That what matters a lot was the image portrayed by the Members of Parliament themselves, and the institution to the public as compared to the beautiful laws made by Parliament.

That it was the right picture portrayed that will make people to respect Parliament and its Members because the institution of Parliament does not mean the buildings alone but the integrity, honesty and intellectual ability of its Members.

That political parties have a role to play of instilling parliamentary discipline in their Party Members. They should discipline their Members who misbehave in the House and by doing so, they assist the Speaker in ensuring that decorum is maintained in the House.

MINUTE NO.66/2001: PRESS STATEMENT

The Committee released a press statement at 1.50 p.m. The issues raised by the former Members were explained to the press.

MINUTE NO.67/2001: ADJOURNMENT

The Acting Chairman adjourned the sitting at 2.10 p.m.

**CONFIRMED: Hon. Joab H.O. Omino, M.P.
 (Ag. Chairman)**

DATE: April 12, 2002

MINUTES OF THE TWENTY SIXTH SITTING OF THE POWERS AND PRIVILEGES SUB-COMMITTEE HELD IN THE MAIN CONFERENCE HALL, COUNTY HALL, PARLIAMENT BUILDINGS ON WEDNESDAY , SEPTEMBER 26, 2001 AT 10.00 A.M.

PRESENT: The following Members of the Committee were present:-

The Hon. Joab H.O. Omino, M.P. - Acting Chairman
The Hon. George M. Anyona, M.P.
The Hon. Musikari Kombo, M.P.
The Hon. Wanyiri Kihoro, M.P.

ABSENT WITH APOLOGY:

The Hon. K.F.X. ole Kaparo, M.P. - Chairman

IN ATTENDANCE: NATIONAL ASSEMBLY

Ms. M.J. Chesire - Third Clerk Assistant

MINUTE NO.68/2001: MEETING WITH MEMBERS OF PARLIAMENT

The following Members of Parliament appeared before the Committee:- viz

The Hon. Darius Mbela, M.P.

The Hon. Josephine Sinyo, M.P.

1. **The Hon. Sinyo, M.P. stated as follows:-**

That the Standing Orders and the Speaker's Rules be reviewed so that needs of both present and prospective Members of Parliament with disabilities were met. That as in the case of Uganda, their Constitution and Standing Orders catered for the needs of people with disabilities.

(i) Questions

That when a Member stood up to ask a question, he or she should read out the question as set out on the Order Paper because the question number alone do not suffice. This will enable the blind, illiterate and those who do not have the Order Paper to follow and participate in the proceedings of the House.

(ii) Strangers

That there should be a provision to ensure that assistants of Members with disabilities were not taken as strangers for instance guides and readers for the blind and assistant for disabled Members on wheelchairs.

(iii) Sign Language

That the sign language for deaf people be introduced in the House and be made as a third national language. This will enable the deaf Member of Parliament or a stranger in the Galleries to follow the proceedings in the House and for the Member to perform his or her duty. It should be ensured that there was an interpreter in the House at all times to interpret the sign language.

(iv) Membership to Committees

That Members be given an opportunity to choose which Committee one wants to participate instead of relying on political parties as the Laws states currently. That the Departmental Committee on Administration of Justice and Legal Affairs be broadened to deal with issues of human rights.

On car parks, Hon. Sinyo suggested that Members with disabilities be considered to park their cars at the Minister parking bay.

That an official driver be attached to blind Members to minimize their additional expenses. For instance, she buys Braille papers and Braille machine while other Members were provided with writing papers and pens.

2. **The Hon. Mbela, M.P. stated as follows:-**

(i) **Membership to Committees**

That limitation of the life and Membership to a Departmental Committee may not be in the interest of the House. That after two years a Committee will have studied many issues and its Members tend to be useful because of their experience hence removing them from the Committee would be unfair. He stressed that, de-whipping of Members by their respective parties should be respected by Parliament in order to deal with errant Members.

(ii) **Responsibilities of Committees**

That the issue of Committees not to be responsible for more than two ministries might not work because of the overlap of duties and functions of various Ministries. That with proper structuring the issue of overlapping could be minimized and ensure that Committees do not handle the same subject.

That there was need for some Committees of Parliament to look into capacity allowance for Members to ensure that they were paid well and by extension their assistants were well catered for unlike the current trend where some assistants to Members were grossly underpaid.

(iii) **Non-implementation of Committees recommendations**

That there should be a system where a Member or a Minister could be censored for not acting in accordance with the Law.

That the law be amended so that a system was put in place where Committees were given a mandate to sue, if their recommendations were not implemented.

MINUTE NO.69/2001:

ANY OTHER BUSINESS

The Committee resolved to visit parliaments of the following countries as follows:-

- (1) India-Singapore-New Zealand-South Africa.
- (2) Senegal-Germany-United States.

MINUTE NO.70/2001: ADJOURNMENT

The Acting Chairman adjourned the sitting at 12.30 p.m.

CONFIRMED: **Hon. Joab H.O. Omino, M.P.**
 (Ag. Chairman)

DATE: **April 12, 2002**

MINUTES OF THE TWENTY SEVENTH SITTING OF THE POWERS AND PRIVILEGES SUB-COMMITTEE HELD IN THE MAIN CONFERENCE HALL, COUNTY HALL, PARLIAMENT BUILDINGS ON THURSDAY , SEPTEMBER 27, 2001 AT 10.00 A.M.

PRESENT: The following Members of the Committee were present:-

The Hon. Joab H.O. Omino, M.P. - Acting Chairman
The Hon. George M. Anyona, M.P.
The Hon. Musikari Kombo, M.P.
The Hon. Wanyiri Kihoro, M.P.

ABSENT WITH APOLOGY:

The Hon. K.F.X. ole Kaparo, M.P. - Chairman

IN ATTENDANCE: NATIONAL ASSEMBLY

Ms. M.J. Chesire - Third Clerk Assistant

MINUTE NO.71/2001: MEETING WITH PARLIAMENTARY PARTY LEADERS

The following Parliamentary Party Leaders appeared before the Committee:-

The Hon. Charity K. Ngilu, M.P. - SDP
The Hon. Paul K. Muite, M.P. - SAFINA
The Hon. Suleiman R. Shakombo, M.P. - SPK

They informed the Committee on the following:-

(i) Freedom of Speech and Substantiation

That the Powers and Privileges Committee should be cautious when dealing with Members' privileges and what they say in the House lest they interfere with the freedom of speech or freedom of assembly as enshrined in the Constitution. That many times Members tend to abuse their privileges by making unsubstantiated allegations in the House.

That a code of conduct should be developed which would target investigations of cases of misconduct by a Member of Parliament who fails to substantiate allegations and not as a way of curtailing the Member's right of speech.

That the Committee be given more power to come up with uniformity and the manner in which a Member will be required to substantiate.

(ii) Warrant of Arrest of Members

That the Committee should look into ways and means of dealing with civil and criminal processes as far as Members privileges were concerned.

That Members should not be served with warrants of arrest inside the precincts of Parliament, whether the matter was civil or criminal in nature. The precincts of Parliament should be sanctified in terms of law enforcement. If a Member was to be arrested, he or she be arrested by a police officer in the rank of Inspector of Police.

(iii) Sub-judice Rule

That the sub-judice rule was developed in order to allow the courts to decide a case without being influenced by outside comments and it was never intended to curtail the freedom of speech.

That a criteria be drawn up so that debate could be conducted on the parameters of the sub-judice rule. This could be realized by the Committee seeking legal opinion locally and internationally on this issue of sub-judice.

(iv) Non-implementation of Parliamentary Reports

That there were many parliamentary reports whose recommendations have not been implemented by the executive.

(v) Funding of Political Parties

That as political party leaders, Parliament should accord them facilities just like Parliamentary Service Commissioners, at least an office and a secretary so as to conduct their activities as party leaders.

That funding of political parties could be provided for in the Exchequer. Funding will make parties more effective. That parties should be funded by the Government depending on their strength in Parliament and in their own constituencies.

(vi) Violation of rules and Inter-Parliamentary Parties Group recommendations by the Police

That police officers harass Members of Parliament when they hold public rallies by insisting that permits were not issued to legalise those rallies.

That Members of Parliament have failed to make the police understand the IPPG recommendations. The IPPG recommendations allowed a Member to just notify the police about the venue and date of a rally without necessarily being issued with a permit.

That the Minister of State be asked to explain to Parliament why the IPPG recommendations were being violated by the Provincial Administration.

MINUTE NO. 72/2001:

ANY OTHER BUSINESS

- (1) The Committee resolved to call a meeting of all Political Parties and invite the Minister of State, Office of the President to discuss issues of harassment of Members of Parliament.
- (2) The Committee suggested that Parliament should come up with a summary of all the Speaker's Rules on a weekly basis.

MINUTE NO.73/2001:

ADJOURNMENT

The Acting Chairman adjourned the sitting at 12.30 p.m. until Thursday, October 04, 2001.

CONFIRMED: Hon. Joab H.O. Omino, M.P.
(Ag. Chairman)

DATE: April 12, 2002

MINUTE NO.75/2002**MATTERS ARISING**

Under **Minute No. 61/2001**, the Committee revisited the issue of foreign trips and proposed to visit the following countries between May and June, 2002:-

- (i) India
- (ii) Sri Lanka
- (iii) Singapore
- (iv) Australia
- (v) South Africa.

MINUTE NO.76/2002**ADOPTION OF THE COMMITTEE'S REPORT**

The Committee considered the report and deferred its adoption to a later date.

MINUTE NO.77/2002**ADJOURNMENT**

The Acting Chairman adjourned the sitting at 12.30 p.m. until Thursday April, 2002 at 4.00 p.m.

CONFIRMED: Hon. Joab H.O. Omino, M.P.
(Ag. Chairman)

DATE: April 29, 2002

MINUTES OF THE TWENTY EIGHTH SITTING OF THE POWERS AND PRIVILEGES SUB-COMMITTEE HELD IN THE SMALL DINING HALL, PARLIAMENT BUILDINGS ON MONDAY, APRIL 29, 2002 AT 10.00 A.M.

PRESENT: The following Members of the Committee were present:-

The Hon. Joab H.O. Omino, M.P. - Acting Chairman
The Hon. George M. Anyona, M.P.
The Hon. Musikari Kombo, M.P.

ABSENT WITH APOLOGY:

The Hon. K.F.X. ole Kaparo, M.P. - Chairman
The Hon. Wanyiri Kihoro, M.P.

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. J.N. Bundi - Principal Clerk Assistant
Ms. M.J. Chesire - Third Clerk Assistant

MINUTE NO.78/2002: CONFIRMATION OF PREVIOUS MINUTES

Minutes of the twenty seventh sitting held on April 12, 2002 were confirmed by the Members present and signed by the Acting Chairman

MINUTE NO.79/2002 MATTERS ARISING

Under Minute No. 75/2002, the Committee was informed that there were no sufficient funds to enable the Committee undertake the foreign trips. The Acting Chairman undertook to consult the Clerk so that the Committee could be funded to visit at least two countries.

The Committee, therefore, resolved to visit India and Sri Lanka between May 17 - 29, 2002.

MINUTE NO.80/2002 CONSIDERATION OF THE REPORT

The Sub-Committee considered and adopted the report. The report will be presented to the Main Committee for adoption on May 07, 2002.

UNITED STATES
POST OFFICE
NEW YORK, N.Y.