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REPUBLIC OF KENYA

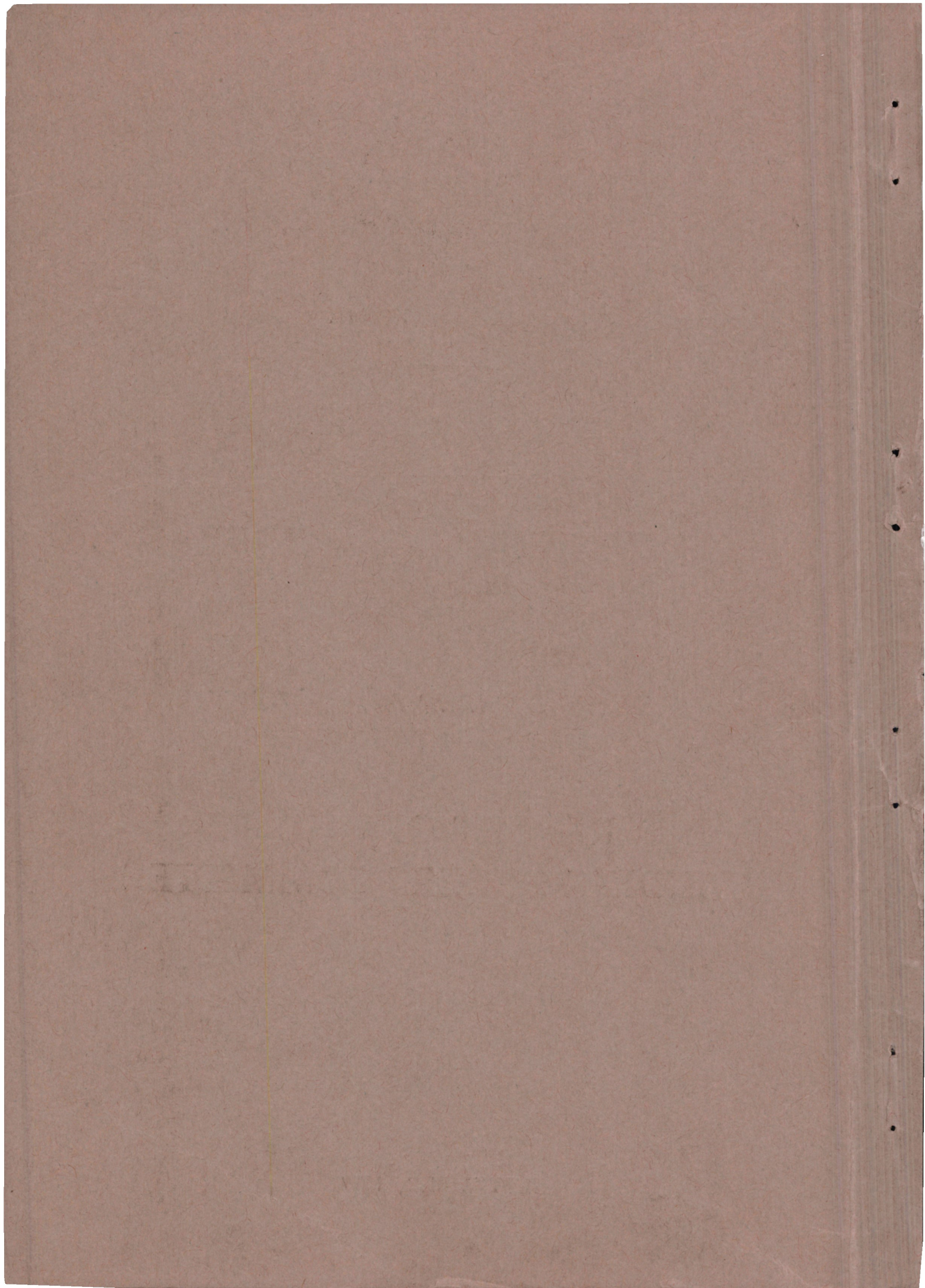
NATIONAL ASSEMBLY

**SEVENTH PARLIAMENT
(SIXTH SESSION)**

SESSIONAL PAPER No. 8 OF 1997

**REPORT OF THE
STANDING ORDERS COMMITTEE**

SEPTEMBER, 1997



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REPUBLIC OF KENYA

SEVENTH PARLIAMENT (SIXTH SESSION)

NATIONAL ASSEMBLY

SESSIONAL PAPER NO. 8 OF 1997

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REPUBLIC OF KENYA
SEVENTH PARLIAMENT (SIXTH SESSION)
NATIONAL ASSEMBLY
SESSIONAL PAPER NO. 8 OF 1997
REPORT OF THE
STANDING ORDERS COMMITTEE
SEPTEMBER 1997

PREFACE

Honourable Members,

1. All Committees of the House are established pursuant to provisions of section 56 (1) (a) and (b) of the Constitution of Kenya which states:

56 (1) Subject to this Constitution, the National Assembly may -

- (a) make standing orders regulating the procedure of the Assembly (including in particular orders for the orderly conduct of proceedings);
- (b) subject to standing orders made under paragraph (a), establish committees in such manner and for such general or special purposes as it thinks fit, and regulate the procedure of any committee so established.

On the basis of the authority vested in the Assembly by this Section, a great part of the procedure of the Assembly is codified into Standing Orders, whose part xix (i.e. S.O.s 145 to 162) deal exclusively with the modalities of formation and operation of committees.

2. The Standing Orders Committee (S.O.C.) is established pursuant to provisions of S.O. 152, which also sets out its mandate. Standing Order 152, state thus:-

152.(1) There shall be a select committee to be designated the Standing Orders Committee which shall comprise Mr. Speaker as Chairman, the Deputy Speaker and not more than ten other Members appointed by the Sessional Committee at the commencement of every Session.

(2) The Standing Orders Committee shall from time to time consider and report on all matters relating to these Standing Orders.

The provisions of both the Constitution and the Standing Orders have sufficient leeway by which Sub-Committees are formed to consider the finer details.

3. The Standing Orders Committee is one of the six standing Select Committees appointed by the House sessionally. The present Committee was first appointed on May 16, 1996; it was re-appointed on June, 18, 1997 to enable it report in the 1997 Session, having not completed most of the work started during the 1996 Session. The membership comprise:-

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

The Hon. Darius Mbela, E.G.H., M.P.

The Hon. K. N. K. Biwott, E.G.H., M.P.

Dr. the Hon. Bonaya A. Godana, M.B.S., M.P.

The Hon. James C. N. Osogo, E.G.H., M.P.

The Hon. Julius L. ole Sunkuli, M.P.

The Hon. Henry O. Obwocha, M.P.

Dr. the Hon. Oki O. Ombaka, M.P.

The Hon. Kamuiru Gitau, M.P.

The Hon. Bishop Joseph K. Kimani, M.P.

The Hon. Joseph K. Kiliku, M.P.

The Hon. Moses M. Wetang'ula, M.P.

REVIEW OF STANDING ORDERS

4. In the 1996 and 1997 Sessions, the Committee undertook an extensive review of the Standing Orders. The exercise was sparked off by a request from the Leader of Government Business (LGB) in the House. In a letter dated May 31, 1996, addressed to the Chairman of the Committee, the LGB requested the Committee to review the provisions of Standing Orders 147 and 148. The provisions of the two Standing Orders, respectively, govern the operations of the Public Accounts Committee and the Public Investments Committee. The request of the L.G.B. carried a proposal for the review to make the membership of the two committees proportional to the strengths (number of seats) held by parties in the Assembly.
5. The contents of the letter from the L.G.B. were read out to the Committee at their first sitting on July 03, 1996. At about the same time, the committee received two submissions from the Hons. Paul K. Muite and James A.B. Orengo, dated respectively, July 17 and 18, 1997. A further submission was received from the Hon. Henry O. Obwocha. These three submissions as indeed, the letter from the Leader of Government Business made proposals for amendments to the Standing Orders and the procedure in general. As it appeared eminent that, the Committee would be flooded with submissions, the Chairman hinted at the possibility of establishing a sub-committee to carry out a thorough review of the current provisions of the Standing Orders; so as to bring them in line with the changing political situation.
6. At the second and subsequent sittings, the Committee resolved to deal only with the submission by the LGB; while the others were deferred for later consideration. By the time, the Standing Orders Committee made a report of its work in the fifth Session of the Seventh Parliament (see Sessional Paper No. 2, 1996) it was clear that, it would not have sufficient time to deal with the pending submissions.

Formation of a Sub-Committee

7. In view of the foregoing, the Standing Orders Committee resolved by consensus at its fourth sitting on September 10, 1996, to constitute a Sub-Committee. The following were appointed to the Sub-Committee:-

Dr. the Hon. Bonaya A. Godana, M.B.S., M.P. - Chairman;

The Hon. Julius L. ole Sunkuli, M.P.;

The Hon. Henry O. Obwocha, M.P.;

The Hon. Bishop Joseph K. Kimani, M.P. and

The Hon. Moses M. Wetang'ula, M.P.;

The Mandate (Terms of Reference)

8. Upon formation of the Sub-Committee, the S.O.C. set the following to constitute its Mandate (Terms of Reference):-
- (a) To undertake a total review of the current Standing Orders (as amended up to and including October 28, 1992 being the date of dissolution of the Sixth Parliament of Kenya).
 - (b) To review any aspect of the procedure of the House.
 - (c) To study the submissions made by the Hons. Orengo, Muite and others.

Review and Proposals for amendment

9. The exercise undertaken by the Committee to review the Standing Orders with the possibility of proposing amendments stretched from the fifth Session (1996) into the sixth Session (1997). Most of the exercise was carried out by the Sub-Committee, which presented its report to the Committee on September 10, 1997. The Standing Orders Committee adopted the report of the Sub-Committee with amendments after extensive deliberations.

10. The report of the Sub-Committee is a result of the study of the submissions from our Members and the findings by the Sub-Committee from exchanges held with their colleagues during study visits to various Parliaments within the Commonwealth, including those of Canada, United Kingdom, New Zealand and Australia. The following brief summaries of the thirteen proposed amendments to some Standing Orders and aspects of operations of the House, bring out the envisaged thrust.

(i) **New Standing Orders**

The Sub-Committee has recommend the introduction of four (4) new Standing Orders:-

(a) **S.O. 20A - Members-Half-Hour-Statements.**

The proposed provisions will enable Members make the statements for not more than one hundred and twenty seconds (two minutes) each on, matters of their own choice during the thirty minutes extension of the sitting on Thursdays. It is envisaged that, this provisions will greatly reduce the current practise of raising points of order after Question Time.

(b) **S.O. 101A - Committal (of Bills to Committees)**

The proposed provisions amplifies on the modalities for the committal of Bills to Departmental Committees after First Reading. The modalities will involve a two tier approach to be initiated by either the Minister or a Member of the pertinent Departmental Committee.

(c) **S.O. 151A - Liaison Committee**

The proposed provisions have been necessitated by the revamping and increase in number of Departmental Committees (formerly General Purpose Committees), whose operations will be coordinated by this committee.

(d) **S.O. 173** - **Members Travelling outside Kenya**

The proposed provisions will enable the Speaker to keep in touch and avail any necessary form of assistance to all Members travelling abroad.

(ii) **Modified Standing Orders**

The Sub-Committee recommend the modification, including the rewording and the addition of new provisions to existing texts of ten (10) Standing Orders; eight of which are:-

(a) **S.O. 1** - **In cases not provided for, Mr. Speaker to decide**

The proposed provisions seek to make the reference to provisions of other Parliaments explicit.

(b) **S.O.55** - **Direction of the Ayes and Noes**

The proposed provisions will curb the unguided extension of Divisions and also check on attempts to filibuster the process. The Divisions would take a minimum of twenty-five minutes.

(c) **S.O. 81** - **Limitation of Debate**

The proposed provisions will weed out any attempts to filibuster proceedings by setting the maximum time for Members contributing in debates on specified business.

(d) **S.O. 145** - **Sessional Committee**

The proposed provision will bring the title of the Select Committee to reflect its role and functions in the operations of the House.

(e) **S.O. 147** - **Public Accounts Committee**

The proposed provisions give the ruling party a

majority of not more than two, while ensuring that the membership reflect the relative majorities of the seats held by each of the parliamentary parties in the National Assembly. The position of the titular chairman is exclusively reserved for the opposition.

(f) **S.O. 148** - **Public Investments Committee**

The proposed provisions give the ruling party a majority of not more than two, while ensuring that the membership reflect the relative majorities of the seats held by each of the parliamentary parties in the National Assembly. The position of the titular chairman is exclusively reserved for the opposition.

(g) **S.O. 151** - **Departmental Committees**

The proposed provisions seek to:-

- increase the number of the Departmental Committees from seven to eight;
- regroup the committees to reflect subjects and functions of government ministries and departments;
- expand the mandate of the committees to cover scrutiny of estimates of the assigned ministries and departments;
- empower the committees to study and review legislation after First Reading except Consolidated Fund Bills, Appropriation Bills and Constitution of Kenya (Amendment) Bills.

(h) **S.O. 172** - **Seating in the Chamber**

The proposed provisions ensure the reserve of seats on the front benches in the Chamber to the left of Mr. Speaker, for Leaders of opposition parties and the Shadow Cabinet of the Official Opposition Party.

(iii) **Repealed Standing Orders**

The Sub-Committee recommend the repeal of S.O. 146 - the Estimates Committee, consequent on the proposed expansion of the mandate of the Departmental Committees to scrutinize the estimates of ministries and departments.

11. This Sessional Paper consists of four parts; viz:

(i) Preface

- Contains the mandate of the Standing Orders Committee; a background to the review of the Standing Orders and summary of the main proposals for amendments and a word on the need for additional facilities and services for Parliament.

(ii) First Schedule

- Contains the recommendations of the Committee for proposals for amendments to the Standing Orders, 1997.

(iii) Second Schedule

- Contains the minutes of the seven (7) sittings of the Standing Orders Committee.

(iv) Third Schedule

- Contains the Report of the Sub-Committee together with the minutes of their eight (8) sittings.

Facilities and Services

12. The recommendation to revamp and expand the scope of mandate of the Departmental Committees under Standing Order 151, and specifically the vesting in them of the power to study and report on Bills and the estimates, is poised to substantially increase their work. It will be recalled that, in the past the main constraint to the effective operation of the General Purpose Committees and other aspects of the work of Parliament has been the meagre resources availed to

Parliament. With this hindsight, the Sub-Committee expressed its view at Minute No. 31 of the eighth sitting of August 21, 1997 that the successful implementation of the proposed changes hinged on the tangible increase in the resources availed to Parliament.

13. On its part the Standing Orders Committee, underscored the view expressed by the Sub-Committee. The Committee would therefore urge the Government in the strongest terms possible, to substantially increase resources availed to the National Assembly, so that, the requisite facilities and services may be provided to enable the Parliament full its role and factions as constitutionally mandated.
14. In the penultimate, I wish to record my appreciation to Members of the Standing Orders Committee for this good work and on behalf of the Committee to congratulate the Sub-Committee for the superb job done. Ultimately, I commend this Sessional Paper to the House.

The Hon. Kausai F.X. ole Kaparo, EGH, M.P.
CHAIRMAN

September, 1997

FIRST SCHEDULE

**PROPOSALS FOR AMENDMENTS
TO THE STANDING ORDERS OF THE
NATIONAL ASSEMBLY
1997**

1. STANDING ORDER 1 - In cases not provided for Mr. Speaker to decide.

THAT, Standing Order 1 be amended by deleting the existing Order and inserting the following:-

1. (1) In all cases where matters are not expressly provided for by the Standing Orders or by other Orders of the House, procedural questions shall be decided by Mr. Speaker.
- (2) The decisions made in paragraph (1) shall be based on the usages, forms, customs, procedure and traditions of the National Assembly of Kenya and other jurisdictions to the extent that these are applicable to Kenya.

2. NEW STANDING ORDER 20A - Members'-Half-Hour-Statements

THAT, the following new Standing Order be inserted immediately after Standing Order 20:

- 20A (1) Under this Standing Order and notwithstanding the provisions of Standing Order 17, Mr. Speaker shall interrupt the business of the House every Thursday at 6.30 p.m. (or 7.00 p.m. if it is an Allotted Day) to facilitate Members'-Half-Hour-Statements.
- (2) A member who wishes to seek leave to make a statement under this Standing Order shall, before One O'clock on the day the statement is to be made, through his Party Whip hand to Mr. Speaker a written notification of the matter he wishes to discuss, and Mr. Speaker shall refuse to allow the claim unless he is satisfied that the matter may properly be discussed in the House.
 - (3) If Mr. Speaker is so satisfied, Mr. Speaker shall inform the Party Whip accordingly, and the Party Whip shall notify the relevant Minister(s) of the matters to be raised before Four O'clock of the same day.
 - (4) No member making such a statement shall speak for more than one hundred and twenty seconds without leave of the House.

3. STANDING ORDER 55 - Direction of the Ayes and Noes

THAT Standing Order 55 be amended -

- (a) by inserting at the end thereof the words "and the doors of each lobby shall be locked ten minutes thereafter"; and
 - (b) by numbering the existing Standing Order as paragraph (1) and inserting the following new paragraph -
- (2) Mr. Speaker or the Chairman of the Committee shall, fifteen minutes after the locking of the lobby doors, call the House to Order, and any member who shall not have voted then shall forfeit his right to vote.

4. STANDING ORDER 65 - Speeches may not be read

That Standing Order 65 be amended by adding the following provision:-

Provided that Mr. Speaker may allow a member to read his speech in particular cases where Mr. Speaker is satisfied that this is necessary for precision in the statement of facts.

5. STANDING ORDER 81 - Limitation of Debate

THAT Standing Order Number 81 be deleted and replaced by the following:-

81. (1) The time during which members may speak in a debate on Bills shall be limited as follows:-
- (a) **In a debate of Public Bills -**
 - (i) The Leader of Government Business or designated Minister when Moving or Replying, **no time limit;**
 - (ii) The Leader of the Official Opposition Party when submitting the official position, **no time limit;** and

- (iii) Every other member when speaking on the Bill, **a maximum of thirty (30) minutes.**
 - (b) **In a debate of Private Bills -**
 - (i) The Leader of the Official Opposition Party or the member initiating the Bill when Moving or Replying, **no time limit;**
 - (ii) The Leader of Government Business or designated Minister, in submitting the official position, **no time limit;** and
 - (iii) Every other member in speaking on the Bill, **a maximum of thirty (30) minutes.**
- (2) The time during which members may speak in a debate of Sessional Papers or Reports of Committees shall be limited as follows:
- (a) **In a debate of Sessional Papers -**
 - (i) the Leader of Government Business or designated Minister, in Moving and Replying, **no time limit;**
 - (ii) the Leader of the Official Opposition Party or a Spokesman thereof, in submitting the official position, **no time limit;** and
 - (iii) every other member, in speaking on the Sessional Paper, **a maximum of thirty (30) minutes.**
 - (b) **In a debate of Reports of Committees -**
 - (i) the Chairman of the Committee or designated member of the Committee, in Moving or Replying, **no time limit;**
 - (ii) the Leader of Government Business or designated Minister, in submitting the official position, **no time limit;**

(iii) the Leader of the Official Opposition Party or spokesman thereof, **no time limit**; and

(iv) any other member speaking on the Report, **a maximum of thirty (30) minutes.**

(3) In this Standing Order "designated Minister" means the Minister in charge of the Bill or Sessional Paper to which the debate in the House relates.

6. STANDING ORDER 101 - First Reading

THAT Standing Order 101 be amended by placing a full-stop immediately after the word "put" and deleting the rest of that Standing Order.

7. NEW STANDING ORDER 101A - Committal (of Bills to Committees)

THAT the following new Standing Order be inserted immediately after Standing Order 101:-

101. A(1) A Bill having been read a First Time shall upon a Motion by the designated Minister stand committed to the relevant Departmental Committee without question put.

(2) Where the designated Minister does not move a Motion of committal under paragraph (1), a Member of the relevant Committee may move that the Bill be so committed, and Mr. Speaker shall put the question thereon forthwith.

(3) The Departmental Committee to which a Bill is committed shall present its report to the House within seven days of such committal and thereafter the Bill shall be ordered to be read a Second Time on such a day as the designated Minister shall appoint.

(4) In this Standing Order "designated Minister" means the Minister in charge of the matter to which the Bill before the House relates.

Provided that this Standing Order shall not apply in case of a Consolidated Fund Bill, an Appropriations Bill, or a Constitution of Kenya (Amendment) Bill.

8. **STANDING ORDER 103 - Committee of the Whole House**

THAT Standing Order number 103 be deleted and replaced by the following new Order:-

103. (1) A Bill having been read a Second Time shall stand committed to a Committee of the whole House.

(2) On the Order of the Day for Committee on a Bill being read, Mr. Speaker shall leave the Chair without question put.

9. **STANDING ORDER 145 - Sessional Committee**

THAT Part XIX of the Standing Orders be amended by deleting the words "Sessional Committee" wherever they occur and inserting "House Business Committee".

10. **STANDING ORDER 146 - Estimates Committee**

THAT Standing Order 146 be deleted.

11. **STANDING ORDER 147 - Public Accounts Committee**

THAT Standing Order 147 be deleted and replaced by the following new Standing Order:-

(1) There shall be a select committee to be designated the public Accounts Committee for the examination of the accounts showing the appropriation of the sum voted by the House to meet the public expenditure and of such other accounts laid before the House as the committee may think fit. The Public Accounts Committee shall consist of a Chairman who shall be a member who does not belong to the parliamentary party which is the ruling party and not more than ten members who shall be nominated by the House Business Committee to reflect the relative majorities of the seats held by each of the parliamentary parties in the National Assembly; at the commencement of every Session;

Provided that, the ruling party shall have a majority of not more than two.

- (2) The Public Accounts Committee shall elect its own Chairman.
- (3) In the absence of the Chairman, a member designated by him shall take the Chair; and in their absence, the members present shall elect one of them to act in his place.
- (4) The Chairman and four other members of the Public Accounts Committee shall constitute a quorum.
- (5) The names of members present at each sitting of the Public Accounts Committee shall be entered on the minutes.
- (6) The Minutes of the proceedings of the Public Accounts Committee shall be brought up and laid on the Table of the House with the report of the committee.

12. STANDING ORDER 148 - Public Investments Committee.

THAT Standing Order 148 be deleted and replaced by the following:-

- (1) There shall be a select committee to be designated the Public Investments Committee for the examination of the working of the public investments. The Public Investments Committee shall consist of a Chairman who shall be a member who does not belong to the parliamentary party which is the ruling party and not more than ten members who shall be nominated by the House Business Committee to reflect the relative majorities of the seats held by each of the parliamentary parties in the National Assembly at the commencement of every Session.

Provided that, the ruling party shall have a majority of not more than two.

- (2) The Public Investments Committee shall elect its own Chairman.

- (3) The Chairman and four other members of the Public Investments Committee shall constitute a quorum.
- (4) In the absence of the Chairman, a member designated by him shall take the Chair, and in their absence, the members present shall elect one of them to act in his place.
- (5) The functions of the Public Investments Committee shall be:-
 - (a) to examine the reports and accounts of the public investments;
 - (b) to examine the reports, if any, of the **(Auditor-General Corporations)** on the public investments; and
 - (c) to examine, in the context of the autonomy and efficiency of the public investments, whether the affairs of the public investments, are being managed in accordance with sound business principles and prudent commercial practices:

Provided that the Public Investments Committee shall not examine any of the following, namely:-

- (a) matters of major Government policy as distinct from business or commercial functions of the public investments;
- (b) matters of day-to-day administration; and
- (c) matters for the consideration of which machinery is established by any special statute under which a particular public investment is established.

13. **STANDING ORDER 151 - Departmental Committees.**

THAT Standing Order 151 be deleted and replaced by the following new Standing Order:-

151. (1) There shall be select committees to be designated Departmental Committees which shall be nominated by the House at the commencement of every Parliament.
- (2) Unless the House otherwise directs, the Departmental Committees shall be as set out in the Schedule.
- (3) Each Departmental Committee shall comprise of a Chairman and not more than ten other members.
- (4) The functions of the Departmental Committees shall be:-
- (a) to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
 - (b) to study the programme and policy objectives of the Ministries and departments and the effectiveness for the implementation;
 - (c) to study and review all legislation after First Reading, subject to the exemptions under Standing Order 101A(4);
 - (d) to study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with its stated objectives;
 - (e) to investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister; and
 - (f) to make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

- (4) In their deliberations, the Departmental Committees shall enjoy and exercise all the powers and privileges of Parliament including the summoning of witnesses, and the request for and receipt of papers and documents from the Government and the public.

14. STANDING ORDER 151 A - Liaison Committee

THAT A NEW Standing Order be inserted immediately after Standing Order 151 as follows:-

- 151A
- (1) There shall be a select committee to be designated the Liaison Committee which shall consist of the Deputy Speaker as Chairman and the chairmen of all Departmental Committees.
 - (2) The Liaison Committee shall:-
 - (a) guide and co-ordinate the operations, policies and mandates of the Departmental Committees;
 - (b) deliberate on and apportion the annual operating budget among the Departmental Committees;
 - (c) consider the programme of the Departmental Committees, including their need to travel and sit away from the precincts of the House;
 - (d) deliberate and decide on which reports of the Departmental Committees shall be debated in the House.

15. STANDING ORDER 172 - Seating in the Chamber.

THAT, Standing Order number 172 be deleted and replaced by the following new Standing Order:-

172. (1) All seats in the front benches of the Chamber to the right of Mr. Speaker shall be reserved for the

exclusive use of Ministers;

- (2) All seats in the front benches of the Chamber to the left of Mr. Speaker shall be reserved for Leaders of opposition parties and Members of the Official Opposition Party designated as having responsibility in particular matters.

16 **NEW STANDING ORDER 173 - Members Travelling outside Kenya**

THAT a new Standing Order be inserted immediately after Standing Order 172 as follows:-

173. (1) Members intending to travel outside Kenya whether in an official or a private capacity, shall give to Mr. Speaker a written notice to that effect, indicating:-

- (a) the destination intended to be visited;
- (b) the dates of the intended travel and period of absence from Kenya; and
- (c) the telephone contact and postal or physical address of their stay during the period of absence from Kenya.

- (2) All information submitted under this Standing Order shall be kept in a register which the Clerk may establish and maintain for that purpose.

17. THAT Standing Orders 173 and 174 be renumbered as 174 and 175 respectively.

THAT the Standing Orders be amended by inserting the following Schedule at the end thereof:-

SCHEDULE

DEPARTMENTAL COMMITTEES

(S.O. 151)

(Schedule of grouping by subject and department as per existing (01.10.97) structure of Government portfolios)

Committee	Subjects
A Agriculture, Lands and Natural Resources	Crop and livestock production and marketing; lands and settlement; water resources, land reclamation and irrigation; Co-operative development; natural resources.
B Energy, Communications and Public Works.	Energy production and distribution; transport and communications; construction and maintenance of public roads, rails and buildings, air and sea ports; information and broadcasting.
C Education, Research and Technology	Education, training and examinations; research and technological development.
D Health, Housing, Labour and Social Welfare	Labour and trade union relations, manpower planning; housing policy and development; public health, medical care and insurance; culture and social welfare.
E Administration, National Security and Local Authorities	Public administration and internal security; National Youth Service; national disasters; citizenship and immigration; local authorities; prisons, national heritage, children, betting and lotteries.
F Finance, Planning and Trade	Public finance, banking and insurance; national planning and population development; trade, commerce and industry; tourism promotion and management.

<p style="text-align: center;">G</p> <p>Administration of Justice and Legal Affairs</p>	<p>Constitutional affairs and the administration of law and justice (Police and Judiciary departments); public prosecution; elections.</p>
<p style="text-align: center;">H</p> <p>Defence and Foreign Relations</p>	<p>Defence matters; foreign relations; agreements, treaties, conventions.</p>

SECOND SCHEDULE

Contains the Minutes of the seven (7) Sittings of the Standing Orders Committee.

MINUTES OF THE FIRST SITTING OF THE STANDING ORDERS COMMITTEE HELD ON THURSDAY JULY 04, 1996 IN COMMITTEE ROOM NO. 7 PARLIAMENT BUILDINGS AT 9.30 A.M.

PRESENT: The following Members of the Committee were present:

The Hon. K.F.X. ole Kaparo, E.G.H., M.P., - Chairman
The Hon. Darius M. Mbela, E.G.H., M.P.
Dr. the Hon. B. A. Godana, M.B.S., M.P.
The Hon. Julius L. ole Sunkuli, M.P.
The Hon. K. N. K. Biwott, E.G.H., M.P.
The Hon. Henry Obwocha, M.P.
The Hon. Kamuiru Gitau, M.P.
The Hon. Bishop Joseph K. Kimani, M.P.
The Hon. Joseph K. Kiliku, M.P.
The Hon. Moses M. Wetang'ula, M.P.

APOLOGY: Apology for absence was received from the following Members:-

The Hon. James C. N. Osogo, E.G.H., M.P.
Dr. the Hon. Oki O. Ombaka, M.P.

IN ATTENDANCE: The following were in Attendance:-

Mr. Japhet K. Masya, EBS, OGW -
Clerk of the National Assembly; and

Mr. Murumba Werunga -
Principal Clerk Assistant.

MINUTE NO. 1 INTRODUCTORY REMARKS

The Chairman welcomed Members to the first sitting of the Committee in this Session. He appraised them on the work of the Committee and modalities of its operations.

MINUTE NO. 2 CONFIRMATION OF MINUTES

The Minutes of the sitting held on July 13, 1993 were approved and confirmed by the Chairman with the correction therein to substitute the name The Hon. D.M. Mbela, EGH, M.P. for the name The Hon. D.D. Mbela, M.P.

MINUTE NO. 3 WORK OF THE COMMITTEE

- (i) The Chairman informed the Committee that:-
 - (a) Its work involved a continuous review of the Standing Orders, either of their own volition or on the basis of the suggestions and proposals received from Members.
 - (b) He had received a letter dated May 31, 1996, addressed to him by the Leader of Government Business (L.G.B.). The letter which he read out to the Committee, had requested the Committee to review the current provisions of Standing Orders 147 and 148 in order for them to provide for membership to be on the basis of proportional representation of parliamentary parties; a practice prevalent in other Commonwealth Parliaments.
 - (c) His membership and chairmanship of the Committee was by virtue of his being the Speaker of the House. Thus, he would not vote when it comes to reaching a decision by Division, except to ensure the maintenance of status quo.
- (ii) Following extensive deliberations on the request from the LGB, the Committee resolved to defer discussions over the request until at the Next Sitting.

MINUTE NO. 4 PROCEEDINGS OF THE COMMITTEE

The Chairman counselled and informed the Committee of the following issues:-

- (i) There should be no Press briefing on the matters pending before the Committee or even when it had completed its tasks. The report on the work of the Committee, would be handled in the normal manner as per the prevailing provisions of Standing Orders.

- (ii) Although the Committee would finalize the task and make recommendations, it was only the House that was mandated to make/take decisions binding on the operations of the House.
- (iii) New and fresh suggestions were invited from Members of the Committee and others for the consideration by the Committee.
- (iv) He hinted at the possibility of a Sub-Committee of the Committee being formed to carry out a thorough review of the current provisions of the Standing Orders, to bring them in line with changing political situations.
- (v) Members of the Committee wishing to introduce an item for consideration by the Committee should do so in the formal manner which involves the submitting of such suggestions in writing to the Chairman.

MINUTE NO. 5 DATE FOR NEXT SITTING

It was agreed that the Next Sitting be held on Thursday, July 18, 1996 at 9.00 A.M.

MINUTE NO. 6 ADJOURNMENT

And the time being thirty Minutes past Eleven O'clock the Chairman adjourned the Sitting until Thursday, July 18, 1996 at 9.00 a.m.

CONFIRMED:

Hon. Kausai F.X. ole Kaparo, EGH, M.P.

(CHAIRMAN)

DATE:

July 18, 1996

MINUTES OF THE SECOND SITTING OF THE STANDING ORDERS COMMITTEE HELD ON THURSDAY JULY 18, 1996 IN CONFERENCE ROOM NO. 7 PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT: The following Members of the Committee were present:

The Hon. K.F.X. ole Kaparo, E.G.H., M.P., - Chairman
The Hon. Darius M. Mbela, E.G.H., M.P.
Dr. the Hon. B. A. Godana, M.B.S., M.P.
The Hon. Julius L. ole Sunkuli, M.P.
The Hon. K. N. K. Biwott, E.G.H., M.P.
The Hon. Henry O. Obwocha, M.P.
The Hon. Kamuiru Gitau, M.P.
The Hon. Bishop Joseph K. Kimani, M.P.
The Hon. Joseph K. Kiliku, M.P.
Dr. the Hon. Oki O. Ombaka, M.P.
The Hon. Moses M. Wetang'ula, M.P.

APOLOGY: Apology for absence was received from the following Member:-

The Hon. James C. N. Osogo, E.G.H., M.P.

IN ATTENDANCE: The following were in Attendance:-

Mr. Japhet K. Masya, EBS, OGW -
Clerk of the National Assembly; and

Mr. Murumba Werunga -
Principal Clerk Assistant

MINUTE NO. 7 INTRODUCTORY REMARKS

The Chairman expressed the Committee's concern on the following two issues:

- (i) The need for Members to understand their mandate and functions. Further, he counselled that, despite the divergent views that could be expressed during deliberations of the Committee, the best rules would be those arrived at on the basis of a consensus.
- (ii) The need for all Members, especially those on this Committee to operate within the established procedure. Thus, it was disheartening to note that certain Members

of this Committee breached the understanding endorsed at the previous sitting, i.e. not to brief the Press on their proceedings. The Chairman urged Members to desist from such unbecoming conduct.

MINUTE NO. 8 CONFIRMATION OF MINUTES

The Minutes of the Sitting held on July 04, 1996 were approved and confirmed by the Chairman.

MINUTE NO. 9 MATTERS ARISING

Arising from Minute No. 4 (i):-

- (i) The Committee expressed grave concern that their deliberations of the previous Sitting had been divulged to the Press. It was further noted that, despite the fact that, all Members were bound by all the rules of procedure, some of the remarks extensively quoted in the Press were attributed to them.
- (ii) Elaborate deliberations ensued on the Press coverage of the previous sitting and specifically, concern was expressed on:-
 - (a) The Press cuttings put in the Members files by the Secretariat; and
 - (b) The extensive coverage of the views on the work of the Committee, by one of the Committee's Members, the Hon. Kamuiru Gitau, M.P.
- (iii) After extensive deliberations, the Committee resolved that:-
 - (a) Press cuttings be retained in the files as they constituted a constant reminder of the breach of procedure by Members generally and in particular those on this Committee.
 - (b) The Hon. Kamuiru Gitau, M.P. should render an unconditional apology to the Committee for breach of procedure

generally, and especially after the joint undertaking by all Member of the Committee at the previous sitting not to divulge their proceedings to the Press.

(iv) Following the resolve in (iii) (b) above, the Hon. Kamuiru Gitau, M.P. tendered to the Committee an unconditional apology, for breach of the procedure in addressing the Press on the Committee's proceedings at the previous Sitting. He further tendered, a similar apology for the unfavourable comments on the work and role of this Committee also, quoted in the Press.

(vi) On the totality of the issues surrounding the Press coverage of proceedings of the previous sitting of the Committee, and having regard to the likely source of the information; and the procedure on Committee proceedings; the Chairman stated and counselled the Committee as follows:

(a) He absolved the staff of National Assembly from all aspersions cast on them and specifically, of their being the likely source of the information carried by the Press.

(b) He firmly urged all Members to operate within the existing procedure at all times.

MINUTE NO. 10 DELIBERATION ON PRESENTATION FOR REVIEW OF PROCEDURE

(i) The Chairman informed the Committee that he had received two presentation for review of the Standing Orders. These were from, the Hon. James A.B. Orenge, M.P.; and the Hon. Ramogi Achieng' Oneko, M.P.

(ii) The Committee deliberated at length on the modalities to be adopted in dealing with the three presentations so far received for the review of Standing Orders; i.e. from the Leader of Government Business; the Hons.

Orengo and Achieng' Oneko. It was noted, during the deliberations that:-

- (a) There was reasonable probability of more presentations being made to the Committee and at varied times.
- (b) There was need to co-ordinate the presentations for review, to be submitted by Members, to enable the Committee handle them together;
- (c) There was growing indication that, as urgent as the call for the review of Standing Orders 147 and 148 has been put forward; there were equally urgent calls for the review of more Standing Orders. Such a wider review had been intimated of under Minute No. 4 (iv) of July 04, 1996.
- (d) There was need for a consensual approach to presentation, deliberation and effecting of review and amendments of the current procedure and Standing Orders.

MINUTE NO. 11 INVITATION OF PRESENTATIONS FOR REVIEW OF PROCEDURE

- (i) On a proposal by the Hon. J.K. Kiliku, M.P. seconded by the Hon. (Bishop) Joseph Kimani, M.P. it was resolved that the following modalities be instituted to enable a wider review of procedure:-
 - (a) All Members of the Committee should through appropriate channels inform, consult and urge Members of their parliamentary parties to make presentations to the Chairman, indicating the areas of procedure they would like amended.
 - (b) All presentations be made by July 31, 1996.

- (c) The Committee would then study all presentations made for further action.
- (d) The Committee would consider the possibility of appointing a Sub - Committee of its Members to embark on a thorough review of procedure taking into account the presentations made by Members to the Chairman and, referred to it by the Committee.

MINUTE NO.12: DATE FOR THE NEXT SITTING

It was agreed that the Next Sitting be held on Thursday August 01, 1996 at 10.00 a.m.

MINUTE NO. 13 ADJOURNMENT

And the time being thirty Minutes past eleven O'clock the Chairman adjourned the Sitting until Thursday, August 01, 1996 at 10.00 a.m.

Hon. Kausai F.X. ole Kaparo, EGH, M.P.

CONFIRMED:

(CHAIRMAN)

July 01, 1996

DATE:

MINUTES OF THE THIRD SITTING OF THE STANDING ORDERS COMMITTEE HELD ON THURSDAY AUGUST 01, 1996 IN COMMITTEE ROOM NO. 7 PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT: The following Members of the Committee were present:

The Hon. K.F.X. ole Kaparo, E.G.H., M.P., - Chairman
The Hon. Darius M. Mbela, E.G.H., M.P.
Dr. the Hon. B. A. Godana, M.B.S., M.P.
The Hon. Julius L. ole Sunkuli, M.P.
The Hon. James C. N. Osogo, E.G.H., M.P.
Dr. the Hon. Oki O. Ombaka, M.P.
The Hon. K. N. K. Biwott, E.G.H., M.P.
The Hon. Henry O. Obwocha, M.P.
The Hon. Kamuiru Gitau, M.P.
The Hon. Bishop Joseph K. Kimani, M.P.
The Hon. Joseph K. Kiliku, M.P.
The Hon. Moses M. Wetang'ula, M.P.

IN ATTENDANCE: The following were in Attendance:-

Mr. Japhet K. Masya, EBS, OGW -
Clerk of the National Assembly; and

Mr. Murumba Werunga -
Principal Clerk Assistant.

MINUTE NO. 14: CONFIRMATION OF MINUTES

The Minutes of the Sitting held on July 18, 1996 were approved by the Members present and confirmed by the Chairman.

MINUTE NO. 15 MATTERS ARISING

(i) **Arising from Minute No. 9 (i) of July 18, 1996;**

(a) The Committee expressed grave concern that despite repeated appeals not to divulge their proceedings to the Press, the proceedings of the previous Sitting were leaked to the Press. There was a strong feeling that the likely source of information to the Press was one or more of the Members of the Committee.

- (b) Subsequently, the Hon. J. Ole Sunkuli, M.P. expressed his strong feeling that the Hon. Henry O. Obwocha, M.P. was the likely source of the leakages of the Committee's proceedings to the Press. He pleaded with him to desist from doing so. He warned that in the event of his failure to desist, the other Members would have to resort to the same approach to make their position known by the public. However, the Hon. Obwocha took strong exception to this and vehemently refuted the allegations. In the absence of any evidence on the part of Hon. Ole Sunkuli, Hon. Obwocha demanded he withdraws the allegations.
- (c) The Chairman being satisfied that, Hon. Ole Sunkuli was unable to substantiate his allegations against Hon. Obwocha, directed him to withdraw with suitable apology. The Hon. Ole Sunkuli, complied.
- (d) Still addressing the issue of leakages of its proceedings to the Press, several opinions on how to deal with it were expressed, viz:
- That, the Committee should issue an authoritative statement spelling out its mandate, functions and the purpose of the current exercise.
 - That, the reports carried by the Press on the Sitting of July 18, 1996 were not only erroneous but totally inaccurate and likely to mislead the public on the role and functions of the Committee.
 - That, there appear to be some extremely close contacts between some members of the Committee and the Press, which lends credibility to the Members' being the likely source of the leakages.

- That, the current review of the Standing Orders was the fourth since Independence, 1963 and yet, during the previous exercises the problem of leakage never occurred. Members should seek more to have a good job done than seek to portray themselves in any partisan fashion.

The Chairman summed up the feelings of the Committee on the issue of leakages to the Press by:-

- Noting that the leakages were unprecedented and in bad taste;
- Declining the request for issuance of a Press Statement; and
- Appealing to each to strive for honourable conduct so as to uphold their dignity and that of the House and the Committee.

(ii) Arising from Minute No. 10 of July 18, 1996.

- (a) The Chairman informed the Committee that he had so far received only three submission by Members, viz: by the Leader of Government Business; the Hon. J.A.B. Orengo, M.P. and the Hon. P.K. Muite, M.P. He clarified that the Hon. Ramogi Achieng Oneko had only voiced his views on the impending amendment of S.O.s 147 and 148, without making a submission.
- (b) The issue of what modality to apply in dealing with the submissions was deliberated upon at length. Two schools of thought emerged;
 - That, the Committee should deal only with the submission of LGB and defer the rest to a later date. This was supported by the Hons. Biwott, Mbela, Ole Sunkuli and Wetang'ula.

- That, the Committee should avoid a piecemeal approach and instead adopt a total review of all Standing Orders; so as to ensure coherence in the review. This was supported by the Hons. Obwocha, Kiliku, Gitau, Kimani and Ombaka.

MINUTE NO. 16 DELIBERATION OF SUBMISSIONS RECEIVED

- (a) The Chairman informed the Committee that, arising from deliberation under Minute No. 16 (ii) (b) above, it was clear that, there had emerged two modalities of dealing with the submissions so far received. However, in the absence of unanimity, the Chairman put the first part of the Question of the modalities:-

THAT, the Committee deal with the submission of the LGB in the first instance, while deferring the others to another day. This Question was moved by the Hon. Biwott and seconded by the Hon. Mbela. The Chairman put the Question to vote and the Committee divided as follows:-

AYES - 6

Hons.

MBELA, D.M.
 GODANA, B.A.
 OSOGO, J.C.N.
 OLE SUNKULI, J.
 BIWOTT, K.N.K.
 WETANG'ULA, M.M.

NOES - 5

Hons.

OBWOCHA, H.O.
 OMBAKA O.O.
 KILIKU, J.K
 GITAU, K.
 KIMANI, J. (BISHOP)

ABSTENTIONS - NIL

Consequently the Committee resolved to deal only with the submission of the LGB; while the other submissions were deferred to a future date;

- (b) The Members in support of the second part of the Question of the modalities, i.e:-

THAT, the Committee should not undertake a peacemeal approach, but rather a total review, requested for an adjournment to consult amongst themselves.

This was initially opposed by some Members. However, the Chairman noted that, the Committee needed a Tea-break. The Committee was accordingly adjourned for thirty minutes at fifteen Minutes past Eleven O'clock.

MINUTE NO. 17 THE SUBMISSION BY THE LEADER OF GOVERNMENT BUSINESS

The Chairman read out all the contents of a letter dated May 31, 1996, addressed to him by the Leader of Government Business. The gist of the letter, was a request for the Committee to examine the possibility of reviewing the current provisions of both Standing Orders 147 and 148, so that the composition of both the Public Accounts (PAC) and Public Investments Committees (PIC) would be on the basis of the proportional representation of parliamentary parties as prevalent in other Commonwealth Parliaments.

MINUTE NO. 18 DELIBERATION ON SUBMISSION BY THE LEADER OF GOVERNMENT BUSINESS

The Chairman called upon Members to make presentations on the proposal.

Presentations

(a) **Proposers**

- The Hon. Ole Sunkuli, postulated the view that the current wording of Standing Orders 147 and 148 negated the in-built desire of the procedure in majority parliaments in the Commonwealth which was that, the majority parliamentary party (parties) should always carry the day, while the minority parliamentary party (parties) are accorded the opportunity to exercise the right to criticize. This position was supported by views



expressed by the Hons. Wetang'ula, Biwott and Osogo.

(b) **Opposers**

- The Hon. Obwocha - disagreed with the position stated by Hon. Ole Sunkuli. He strongly felt that by the ruling party having a majority in the PAC and PIC it would be playing the duo role of prosecutor and judge in its own court. Further, he felt that as matters stood, the ruling party does have the final say on what constitutes the resolution of the House despite the report of any Committee; as it had sufficient majority in the House. He requested for copies of the previous editions of Standing Orders. He was supported by Hons. Kiliku, Gitau, and Kimani.

Further Presentations.

- (c) The Hon. Kiliku, advised against unbridled aping of foreign procedure, including from the Commonwealth. He called for the encouragement of home grown models. He felt that, the proposed amendments should take into account the public opinion which was not supportive.
- (d) The Hon. Osogo, counselled against rigidity; reminding his colleagues that, procedure was organic, hence capable of responding to demands of variations in the environment.
- (e) The Hon. Wetang'ula, advised against moves to embrace isolationism; adapting of what was good from any Parliament, especially, within the Commonwealth was a welcome move.
- (f) The Hon. Gitau, wondered why the Committee was in a hurry to effect the amendments. He felt that, it should seek to establish procedure based on homegrown experience; as it was not illegal to be different from other Parliaments within the Commonwealth.

- (g) The Hon. Biwott, felt that proposals to effect changes to Standing Orders was not anything new; it was quite within the mandate of the Committee.
- (h) Dr. the Hon. Ombaka, was of the view that the gist of the letter by LGB did not seek to amend Standing Orders 147 and 148, rather it only requested the Committee to examine the modalities prevailing in other Commonwealth Parliaments. Further if it had been for consideration with intend to effect amendments, the LGB had given no reasons to support any request so placed before the Committee. Therefore, the Committee should take time to do a thorough and coherent job. Consequently, he advised that the Committee should appoint a Sub-Committee of its members to visit some Parliaments within the Commonwealth to study their modalities.
- (i) The Hon. Osogo - wished to table a proposed draft of amendments to Standing Orders 147 and 148; which would draw heavily from the Ghanaian and Indian provisions for similar Committees.
- (j) The Hon. Wetang'ula wished to table a proposal to amend Standing Orders 147 and 148; though the proposal would be slightly different from the one mooted by Hon. Osogo.
- (k) The Hon. Godana wished to table a proposal to amend the proposals by the Hons Osogo and Wetang'ula so as to harmonize them.
- (l) The Hon. Obwocha requested for an adjournment to be able to draft a proposal to amend Standing Orders 147 and 148. He was supported by Hon. Kimani.

The Chairman put the Question of the adjournment to enable Hon. Obwocha draft a proposal to amend Standing Order 147 and 148. The Committee divide as follows:

AYES - 5

Hons.
OBWOCHA, H.O.
OMBAKA, O.O.
KILIKU, J.K.
GITAU, K
KIMANI J. (BISP)

NOES - 6

Hons.
BIWOTT, K.N.K.
MBELA, D.M.
GODANA, B.A.
OSOGO, J.C.N.
OLE SUNKULI, J.
WETANG'ULA, M.M.

ABSTENTIONS - NIL

The Committee resolved not to adjourn.

MINUTE NO. 19 DRAFT PROPOSALS

The Chairman called for draft proposals for amendment of Standing Orders 147 and 148.

(a) **Standing Order 147**

The Hon. Osogo tabled the following draft:-

THAT, Standing Order 147 be amended as follows:

- "(i) Delete the proviso and after the word "**Chairman**" in the seventh line, add the words "**who shall be a member who does not belong to the party which controls the Executive Branch of Government**".
- (ii) Replace the word "ten" in the same line with the word "twelve".
- (iii) And add, after the word, "**Committee**" in eighth line the words "**according to the principle of proportional representation of the parliamentary parties in the National Assembly.**"

In the procedural phraseology this would be as

follows:-

- (i) Delete the word "**ten**" appearing after the words "**more than**" in the seventh line and substitute therefor the word "**twelve**".
- (ii) Delete the **proviso** in S.O. 147(1)
- (iii) Insert the words "**who does not belong to the parliamentary party which is the ruling party**"; after the word "**Chairman**" appearing in the seventh line.
- (iv) Insert the words "**according to the principle of proportional representation of the parliamentary parties in the National Assembly** " after the word "**Committee**" appearing in the eighth line.

(b) **Standing Order 148**

The Hon. Osogo tabled the following draft:-

THAT, Standing Order 148, be amended as follows:

- "(i) Delete the proviso and after the word "**Chairman**" in the fifth line add the words "**who shall be a member who does not belong to the party which controls the Executive Branch of Government**".
- (ii) Replace the word "ten" in the same line with the word "twelve".
- (iii) And add, after the word, "**Committee**" in sixth line the words "**according to the principle of proportional representation**

of the parliamentary parties in the National Assembly."

In the procedural purarealogy this would be as follows:-

- (i) Delete the word "**ten**" appearing after the word "**than**" in the fifth line and substitute therefor the word "**twelve**".
 - (ii) Delete the **proviso** in S.O. 148(1).
 - (iii) Insert the words "**who does not belong to the parliamentary party which is the ruling party**" after the word "**Committee**" appearing in the sixth line.
 - (iv) Insert the words "**according to the principle of proportional representation of the parliamentary parties in the National Assembly**" after the word "**Committee**", appearing in the eighth line.
- (b) Following the tabling of the foregoing drafts, the Hons. Wetang'ula and Godana withdrew their intention to table proposals.
- (c) The Chairman put the Question for the adoption of the two drafts by the Hon. Osogo. The Committee divided as follows:-

AYES - 6

Hons.
BIWOTT, K.N.K.
MBELA, D.M.

GODANA, B.A.
OSOGO, J.N.C.
OLE SUNKULI, J.L.
WETANG'ULA, M.M.

NOES - 5

Hons.
OBWOCHA, H.O
KIMANI, J. K.
(BISHOP)
OMBAKA O.O.
KILIKU, J.K
GITAU, K.

ABSTENTIONS - NIL

(d) The Committee resolved:

- to adopt the drafts by the Hon. Osogo;
- the Secretariat to present appropriate wording of the two drafts for perusal at the Next Sitting.

MINUTE NO. 20 DELIBERATION ON THE OTHER SUBMISSIONS RECEIVED

The Committee resolved to deliberate on the submissions by the Hons. Orengo and Muite at the Next Sitting. Further, they resolved that, any Member having view divergent to the drafts adopted under Minute No. 19(c) above would be at liberty to move suitable amendments at the Next Sitting.

MINUTE NO. 21 DATE FOR THE NEXT SITTING

It was agreed that the Next Sitting be held on Tuesday, September 10, 1996 at Ten O'clock.

MINUTE NO. 22 ADJOURNMENT

And the time being fifteen Minutes past One O'clock the Chairman adjourned the sitting till Tuesday, September 10, 1996 at Ten O'clock.

CONFIRMED: Hon. Kausai K.X. ole Kaparo, EGH, M.P.
(CHAIRMAN)

DATE: September 10, 1996

MINUTES OF THE FOURTH SITTING OF THE STANDING ORDERS COMMITTEE HELD ON TUESDAY, SEPTEMBER 10, 1996 IN THE SMALL COMMITTEE ROOM AT COUNTY HALL (PARLIAMENT ANNEXE) AT 10.00 A.M.

PRESENT: The following Members of the Committee were present:

The Hon. K.F.X. ole Kaparo, E.G.H., M.P., - Chairman
The Hon. Darius M. Mbela, E.G.H., M.P.
Dr. the Hon. B. A. Godana, M.B.S., M.P.
The Hon. James C. N. Osogo, E.G.H., M.P.
The Hon. Bishop Joseph K. Kimani, M.P.
The Hon. Kamuiru Gitau, M.P.
The Hon. Henry O. Obwocha, M.P.
The Hon. Moses M. Wetang'ula, M.P.

APOLOGY: Apology for absence was received from the following Members:-

The Hon. Julius L. ole Sunkuli, M.P.
Dr. the Hon. Oki O. Ombaka, M.P.
The Hon. K. N. K. Biwott, E.G.H., M.P.
The Hon. Joseph K. Kiliku, M.P.

IN ATTENDANCE: The following were in Attendance:-

Mr. Japhet K. Masya, EBS, OGW -
Clerk of the National Assembly; and

Mr. Murumba Werunga -
Principal Clerk Assistant

MINUTE NO. 23 CONFIRMATION OF MINUTES

The Minutes of the third sitting held on Thursday, August 01, 1996 were approved by the Members present and confirmed by the Chairman.

MINUTE NO 24 MATTERS ARISING

Arising from Minute No. 15 of August 01, 1996, the Committee expressed concern that its repeated appeals for the Members not to divulge its deliberations to the Press remain unheeded. It was noted that, despite the consensus reached on this matter at the previous sitting some Members of the Committee, went ahead to address the Press. The Chairman counselled that, any Member was at

liberty to bring this issue to the attention of the House; for the House to take an appropriate action.

MINUTE NO. 25 DELIBERATION ON DRAFT AMENDMENTS TO S.O.s 147 AND 148

The Chairman drew the attention of the Committee to the contents of Minute No. 19 of the Sitting of August 01, 1996, and invited the Clerk of the National Assembly to present the appropriate wording of the drafts. The Clerk of the National Assembly presented the following two drafts:-

(a) **Standing Order 147**

- (i) Delete the word "**ten**" appearing after the words "**more than**" in the seventh line and substitute therefor the word "**twelve**".
- (ii) Delete the **proviso** in S.O. 147(1)
- (iii) Insert the words "**who does not belong to the parliamentary party which is the ruling party**"; after the word "**Chairman**" appearing in the seventh line.
- (iv) Insert the words "**according to the principle of proportional representation of the parliamentary parties in the National Assembly**" after the word "**Committee**" appearing in the eight line.

(b) **Standing Order 148**

- (i) Delete the word "**ten**" appearing after the word "**than**" in the fifth line and substitute therefor the word "**twelve**".
- (ii) Delete the **proviso** in S.O. 148(1).
- (iii) Insert the words "**who does not belong to the parliamentary party which is the ruling party**" after the word "**Chairman**" appearing in the fourth line.

- (iv) Insert the words "**according to the principle of proportional representation of the parliamentary parties in the National Assembly**" after the word "**Committee**", appearing in the sixth line

The two drafts were discussed at length and adopted by consensus.

MINUTE NO. 26 REQUEST OF THE PUBLIC ACCOUNTS COMMITTEE

- (i) The Chairman brought to the attention of the Committee a request from the Public Accounts Committee for it, to review the provisions of Standing Order 147 (3) along with those of Standing Order 157 in relation to the Committee's Quorum. The Chairman read out the full contents of the request of PAC as contained in its Minutes of the sitting of September 03, 1996; viz:

MIN.NO.3/96 ELECTION OF THE ACTING CHAIRMAN

In the absence of the Chairman, the Members unanimously elected the Hon. G.O. Achola, M.P. to act on behalf of the Hon. M.C. Wamalwa, M.P. The Committee, however, discussed at length the provisions of Standing Order 147(3) vis-a-vis Standing Order 157 and agreed that since the issues raised on the floor of the House seemed to suggest that, there were some ambiguity in the interpretation of these provisions, the matter should be referred to the Standing Orders Committee for the necessary consideration and action. In the meantime, the Committee agreed that in the absence of the substantive Chairman, an acting Chairman be appointed from among Members of the Opposition as, has been the practice in the past.

Thereafter, the Chairman put to the Committee the Question as to whether, the Committee should deliberate and take decision on the request of PAC at this sitting. **The Question was agreed to by consensus.**

MINUTE NO. 27

DELIBERATION ON REQUEST OF THE PUBLIC ACCOUNTS COMMITTEE (PAC)

- (i) The Committee deliberated at length, on interpretation of the Quorum of a Select Committee pursuant to provisions of Standing Order 157 *vis-a-vis* the Quorum for the PAC pursuant to Standing Order 147(3).

Following the deliberation, the following issues were identified.

- (a) That, the potential for ambiguity in application of the provisions of S.O.s 147(3) and 157 does exist, as borne out by the difficulties which the PAC faced in the 1995 Session.
- (b) That, the need for clarification so as to come up with a clear cut interpretation of the status of Quorum for PAC has been raised on the floor of the House.
- (c) That, a real danger does exist for the current ambiguous interpretation stifling the operations of PAC in the future; though, so far, practice has developed by which provisions of S.O. 157 have been largely applied to proceedings of PAC.
- (d) That, so far, practise has developed by which provisions of S.O. 157 have been largely applied to proceedings of PAC.

MINUTE NO. 28

DRAFT TO AMEND S.O. 147(3)

- (a) The Chairman invited proposals for a draft to amend S.O. 147(3).
- (i) Dr. the Hon. Godana, proposed that, in view of the high premium placed on the role and functions of the Public Accounts Committee, its Quorum should be enhanced to reflect the same. He suggested that the Quorum to be raised to seven including the Chairman. **This**

proposal was agreed to by consensus.

- (ii) The Hon. Wetang'ula tabled the following draft amendment:

"The Chairman or the Acting Chairman and six other Members of the Public Accounts Committee shall constitute a Quorum."

After some deliberation on this proposal, the Chairman put the **Question, which was agreed to by consensus.**

MINUTE NO. 29

DRAFT TO AMEND S.O. 148

The Committee in keeping with the resolution reached under Minute No. 27 (d) above, agreed that, an amendment in similar terms be incorporated in Standing Order 148. However, it was noted that, such incorporation would be by the insertion of **a new part (ii) in S.O. 148** and the renumbering of the subsequent parts. The new part (ii) would read as follows:

"The Chairman or the Acting Chairman and six other Members of the Public Investments Committee shall constitute a Quorum".

MINUTE NO. 30

STANDING ORDERS 147 AND 148 AS AMENDED

Following the resolutions reached under Minutes Nos. 28 and 29 above by which drafts of amendments to Standing Orders 147 and 148 were agreed to, the wording of the two Standing Orders after amendment would be as follows:-

Standing Order 147

(1) There shall be a select committee to be designated the Public Accounts Committee for the examination of the accounts showing the appropriation of the sum voted by the House to meet the public expenditure and of such other accounts laid before the House as the Committee may think fit. The Public Accounts Committee shall consist of a Chairman, who shall be a member who does not belong to the parliamentary party which is the ruling party and, not more than twelve Members who, shall be nominated by the Sessional Committee according to the principle of proportional representation of the parliamentary parties in the National Assembly, at the commencement of every Session.

(2) The Public Accounts Committee shall elect its own Chairman.

(3) The Chairman or the Acting Chairman and six other Members of the Public Accounts Committee shall constitute a Quorum.

(4) The names of members present at each sitting of the Public Accounts Committee shall be entered on the minutes.

(6) The minutes of the proceedings of the Public Accounts Committee shall be brought up and laid on the Table of the House with the report of the committee.

Standing Order 148

(1) There shall be a select committee to be designated the Public Investments Committee for the examination of the working of the public investments. The Public Investments Committee shall consist of a Chairman, who shall be a

member who does not belong to the parliamentary party which is the ruling party and, not more than twelve Members, who shall be nominated by the Sessional Committee according to the principle of proportional representation of the parliamentary parties in the National Assembly at, the commencement of every Session.

(2) The Chairman or the Acting Chairman and six other Members of the Public Investments Committee shall constitute a Quorum.

(3) The functions of the Public Investments Committee shall be-

- (a) to examine the reports and accounts of the public investments;**
- (b) to examine the reports, if any, of the Controller and Auditor-General on the public investments; and**
- (c) to examine, in the context of the autonomy and efficiency of the public investments, whether the affairs of the public investments are being managed in accordance with sound business principles and prudent commercial practices:**

Provided that the Public Investments Committee shall not examine or investigate any of the following, namely-

- (i) matters of major Government policy as distinct from business or commercial functions of the public investments;**
- (ii) matters of day-to-day administration; and**
- (iii) matters for the consideration of which machinery is established by any special statute under which a particular public investment is**

established.

MINUTE NO. 31

DELIBERATION OF SUBMISSIONS RECEIVED

- (a) The Chairman reminded the Committee that following the disposal of the submission by the Leader of Government Business; there remain two submissions, viz: by the Hons. J.A.B. Orengo and P.M. Muite. The Chairman further reminded the Committee of the contents of Minute No. 4 (iv) on July 04, and Minute No. 10 (ii) (c) of July 18, 1996; and invited discussion and proposals on how to deal with the two submissions.
- (b) Following some discussion;
 - (i) The Hon. Mbela proposed that, the Committee should proceed with the intention mooted in the Minutes quoted in (a) above; and appoint a Sub-Committee from amongst its Members. He further suggested that the mandate of the Sub-Committee should be open, to enable it undertake a total review of the current Standing Orders.
 - (ii) The Chairman, informed the Committee that, the Sub-Committee would be able to look at the procedure of the House in total. He further informed the Committee that, the Sub-Committee would in addition to undertaking a detailed study of the home-grown procedure, visit certain Parliaments within the Commonwealth to broaden its knowledge. The visits would be undertaken during recesses.

MINUTE NO. 32 FORMATION OF A SUB - COMMITTEE

On the basis of the deliberations in Minute No. 31, above, the Chairman put the Question of the formation of the Sub-Committee. **The Question was agreed to by consensus.** The

Committee then appointed the following to constitute the Sub-Committee.

Dr. the Hon. B.A. Godana, MBS, M.P. - Chairman
The Hon. Julius ole Sunkuli, M.P.
The Hon. Henry O. Obwocha, M.P.
The Hon. Bishop Joseph K. Kimani, M.P.
The Hon. Moses M. Wetang'ula, M.P.

MINUTE NO. 33 ANY OTHER BUSINESS

The matter relating to the sitting arrangement for the Members on the opposition side pursuant to provisions of Standing Order No. 172, and especially the need to resolve the current apparent impasse following the Speaker's ruling of July 03, 1996; was raised by the Hon. Obwocha. The Chairman noted that no presentations had been submitted to the Committee to discuss that particular Standing Order. Deliberation on this matter was therefore deferred to the Next Sitting.

MINUTE NO. 34 DATE FOR THE NEXT SITTING

It was agreed that, the Next Sitting be held on Tuesday, October 15, 1996 at 10 O'clock.

MINUTE NO. 35 ADJOURNMENT

And the time being thirty Minutes past Eleven O'clock, the Chairman adjourned the sitting till Tuesday, October 15, 1996 at Ten O'clock.

CONFIRMED: Hon. Kausai F.X. ole Kaparo, EGH, M.P.
(CHAIRMAN)

DATE: October 15, 1996

MINUTES OF THE FIFTH SITTING OF THE STANDING ORDERS COMMITTEE HELD ON TUESDAY, OCTOBER 15, 1996 IN COMMITTEE ROOM NO. 7 PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT: The following Members of the Committee were present:

The Hon. K.F.X. ole Kaparo, E.G.H., M.P., - Chairman
The Hon. Darius M. Mbela, E.G.H., M.P.
Dr. the Hon. B. A. Godana, M.B.S., M.P.
The Hon. James C. N. Osogo, E.G.H., M.P.
The Hon. Julius ole Sunkuli, M.P.
The Hon. Bishop Joseph K. Kimani, M.P.
The Hon. Kamuiru Gitau, M.P.
The Hon. Henry O. Obwocha, M.P.
The Hon. Moses M. Wetang'ula, M.P.

APOLOGY: Apology for absence was received from the following Members:-

Dr. the Hon. Oki O. Ombaka, M.P.
The Hon. K. N. K. Biwott, E.G.H., M.P.
The Hon. Joseph K. Kiliku, M.P.

IN ATTENDANCE: The following were in Attendance:-

Mr. Japhet K. Masya, EBS, OGW -
Clerk of the National Assembly; and

Mr. Murumba Werunga -
Principal Clerk Assistant

MINUTE NO. 36 CONFIRMATION OF MINUTES

The Minutes of the fourth sitting held on Tuesday, September 10, 1996 were approved by the Members present and confirmed by the Chairman.

MINUTE NO 37 MATTERS ARISING

Arising from Minute No. 33 of September 10, 1996, the Committee noted that, the Hon. Obwocha had not as yet formally presented his submission and resolved that his submission be deliberated upon at the Next Sitting.

MINUTE NO. 38 DELIBERATION ON DRAFT AMENDMENTS TO S.O.s 147 AND 148

The Chairman drew the attention of the Committee to the contents of Minute No. 30 of September 10, 1996, and invited the Clerk of the National Assembly to present the wording of the drafts on the basis of the consultation and in put by the legal draftsman. The Clerk of the National Assembly presented the following two drafts:-

Standing Order 147

1. THAT paragraph (1) of Standing Order 147 be amended-
 - (a) in the seventh line -
 - (i) by **inserting** immediately after the word "Chairman", the words "*who does not belong (to the parliamentary party which is) the ruling party*";
 - (ii) by **deleting** the word "ten" and inserting the word "twelve";
 - (b) in the ninth line -
 - by removing the colon and **inserting** immediately after the word "session", the words "*in accordance with the principle of proportional representation of parliamentary parties in the National Assembly*".
 - (c) by **deleting** the proviso.
2. THAT paragraph (3) be **deleted** and a new paragraph **inserted** as follows-
 - "(3) The Chairman or the Acting Chairman and six other members of the Public Accounts Committee shall constitute a quorum".

Standing Order 148

1. THAT paragraph (1) of Standing Order 148 be amended -
 - (a) in the fourth line -
 - by **inserting** immediately after the word "Chairman" the words "*who does not belong (to the parliamentary party which is) the ruling party*";
 - (b) in the fifth line -
 - by **deleting** the word "ten" and inserting in place thereof, the word "twelve";
 - (c) in the sixth line -
 - by removing the colon at the end of the paragraph and **inserting** immediately after the word "session" the words "*in accordance with the principle of proportional representation of parliamentary parties in the National Assembly*".
 - (d) by **deleting** the proviso.
2. THAT a new paragraph be **inserted** immediately after paragraph (1) as follows-

"(1A) The Chairman or an Acting Chairman and six other members of the Public Investments Committee shall constitute a quorum".

The two drafts were discussed at length and adopted with the following amendments:

Standing Order No. 147

- (i) THAT, part 1 of the proposed draft be amended -
 - (a) in the second line of (a) (i) -

- by **deleting** the opening quotation marks before the word "who" and **inserting** in place thereof the words or "an Acting Chairman."

(b) in the third line of (a) (i) -

- by opening the brackets and **deleting** all the words appearing therein after the word "to".

(ii) THAT, part 2 of the proposed draft be amended -

(a) in the second and third lines -

- by **deleting** all the words beginning with the words "The Chairman" up to and including the word "other"; and inserting in place thereof the word "seven".

Standing Order 148

The Committee resolved that the amendments effected in the draft to S.O. 147 be appropriately incorporated in S.O. 148.

MINUTE NO. 39

STANDING ORDERS 147 AND 148 AS AMENDED

Following the resolutions reached under Minute No. 38 above by which drafts of amendments to Standing Orders 147 and 148 were agreed to, the wording of the two Standing Orders after amendments would be as follows:-

Standing Order 147

(1) There shall be a select committee to be designated the Public Accounts Committee for the examination of the accounts showing the appropriation of the sum voted by the House to meet the public expenditure and of such other accounts laid before the House as the Committee may think fit. The Public Accounts Committee shall consist of a Chairman or an Acting Chairman who shall be a member who does not belong to the ruling party and, not

more than twelve Members who, shall be nominated by the Sessional Committee according to the principle of proportional representation of the parliamentary parties in the National Assembly, at the commencement of every Session.

(2) The Public Accounts Committee shall elect its own Chairman.

(3) The Chairman or the Acting Chairman and six other Members of the Public Accounts Committee shall constitute a Quorum.

(4) The names of members present at each sitting of the Public Accounts Committee shall be entered on the minutes.

(5) The minutes of the proceedings of the Public Accounts Committee shall be brought up and laid on the Table of the House with the report of the committee.

Standing Order 148

(1) There shall be a select committee to be designated the Public Investments Committee for the examination of the working of the public investments. The Public Investments Committee shall consist of a Chairman or an Acting Chairman, who shall be a member who does not belong to the ruling party and, not more than twelve Members, who shall be nominated by the Sessional Committee according to the principle of proportional representation of the parliamentary parties in the National Assembly at, the commencement of every Session.

(2) The Chairman or the Acting Chairman and six other Members of the Public Investments Committee shall constitute a Quorum.

(3) The functions of the Public Investments Committee shall be-

(a) to examine the reports and accounts of the public investments;

(b) *to examine the reports, if any, of the Controller and Auditor-General on the public investments; and*

(c) *to examine, in the context of the autonomy and efficiency of the public investments, whether the affairs of the public investments are being managed in accordance with sound business principles and prudent commercial practices:*

Provided that the Public Investments Committee shall not examine or investigate any of the following, namely-

(i) *matters of major Government policy as distinct from business or commercial functions of the public investments;*

(ii) *matters of day-to-day administration; and*

(iii) *matters for the consideration of which machinery is established by any special statute under which a particular public investment is established.*

MINUTE NO. 40

ANY OTHER BUSINESS

(i) An issue regarding the possible breach of privilege by Members in the course of making contributions during proceedings in the House was raised. It was claimed that, certain Members were in the habit of making allegations casting serious aspersions on the conduct and integrity of some strangers; whose damage could hardly be assuaged by a subsequent withdrawal with apology. Thus, it was felt, that such Members be held responsible beyond the Chamber.

The Chairman cautioned against any attempt to alter the privileges of

Parliament. He advised that, issues occurring during proceedings be dealt with as provided for in the procedure. While those occurring outside the Chamber, be referred to the Committee on Privilege.

- (ii) A brief deliberation ensued on the Sub-Committee appointed to review the Standing Orders under Minute No. 32 of September 10, 1996. The following matters were brought to the attention of the Committee.
 - (a) It was hoped the Sub-Committee would embark on visits to certain Parliaments within the Commonwealth, beginning February, 1997.
 - (b) It was agreed that the Sub-Committee should sit before the commencement of the visits; so as to set the date by which all submissions from Members would have been received.

MINUTE NO. 41 DATE FOR THE NEXT SITTING

It was agreed that, the Next Sitting be held on Tuesday, November 05, 1996 at Ten O'clock.

MINUTE NO. 42 ADJOURNMENT

And the time being six Minutes past Eleven O'clock, the Chairman adjourned the sitting till Tuesday, November 05, 1996 at Ten O'clock.

CONFIRMED:

Hon. Kausai F.X. ole Kaparo, EGH, M.P.

(CHAIRMAN)

DATE:

November 12, 1996

MINUTES OF THE SIXTH SITTING OF THE STANDING ORDERS COMMITTEE HELD ON TUESDAY, NOVEMBER 12, 1996 IN COMMITTEE ROOM NO. 7 PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT: The following Members of the Committee were present:

The Hon. K.F.X. ole Kaparo, E.G.H., M.P., - Chairman
The Hon. K. N. K. Biwott, E.G.H., M.P.
Dr. the Hon. B. A. Godana, M.B.S., M.P.
The Hon. James C. N. Osogo, E.G.H., M.P.
The Hon. Julius ole Sunkuli, M.P.
The Hon. Bishop Joseph K. Kimani, M.P.
The Hon. Henry O. Obwocha, M.P.
The Hon. Joseph K. Kiliku, M.P.
The Hon. Moses M. Wetang'ula, M.P.

APOLOGY: Apology for absence was received from the following Members:-

The Hon. Darius M. Mbela, E.G.H., M.P.
Dr. the Hon. Oki O. Ombaka, M.P.
The Hon. Kamuiru Gitau, M.P.

IN ATTENDANCE: The following were in Attendance:-

Mr. Japhet K. Masya, EBS, OGW -
Clerk of the National Assembly; and

Mr. Murumba Werunga -
Principal Clerk Assistant .

MINUTE NO. 43 CONFIRMATION OF MINUTES

The Minutes of the fifth sitting held on Tuesday, October 15, 1996 were approved by the Members present and confirmed by the Chairman.

MINUTE NO. 44 THE SUBMISSION BY THE HON. HENRY O. OBWOCHA, M.P.

The Chairman read out the contents of an undated letter, addressed to the Chairman by the Hon. Henry O. Obwocha. The gist of the letter was request for the Committee to examine the possibility of reviewing the current provisions of Standing Order 172; and especially the need to effect amendments that would resolve the current apparent impasse following the Speaker's ruling of

July 03, 1996. The Chairman requested Members to peruse the contents of the letter, whose copies were in their files. Further, the Chairman requested Members to peruse the excerpts of Standing Orders on the allocation of seats to Members in certain Parliaments within the Commonwealth whose copies were also in their files.

MINUTE NO 45 DELIBERATION ON THE SUBMISSION BY THE HON. HENRY O. OBWOCHA, M.P.

The Chairman called upon Members to make presentations on the submission -

Presentations

Several Members made presentations of, which the following were the salient points:-

- (a) That, if the proposal to amend provisions of Standing Order 172, were effected, it -
 - (i) Would specify the sitting arrangements in the House, especially between the Ruling party and the parties in the Opposition;
 - (ii) Would specifically provide seats on the front benches for the opposition parties;
 - (iii) Should not have an in-built basis for semblances of a coalition of parties in the Opposition as that would be *ultra vires* the constitution;
 - (iv) Should be flexible and susceptible to changes in the membership of the House.

At the end of presentations, the Chairman put the Question of whether the Committee wished to proceed to amend provisions of Standing Order 172. The Question was resolved unanimously in the affirmative.

MINUTE NO. 46 DRAFT PROPOSALS TO AMEND STANDING ORDER 172

The Chairman called for draft proposals for the amendment of Standing Order 172.

- (a) **The Hon. J.C.N. Osogo, M.P.;**
Proposed that, the amendment should incorporate the spirit and portions of Standing Order 48(2) of the Senate (Commonwealth of Australia); which reads thus

Standing Order 48 (Senator's Seats)

2. The front seats on the left of the President shall be reserved for Leaders of parties and for opposition Senators designated as having responsibility for particular matters.

- (b) **The Hon. K.N.K. Biwott, EGH, M.P.;**
Concurred with the proposal by Hon. Osogo. He felt that, such an amendment would be in line with the spirit in which the Sessional Committee is composed, whereby the leaders of parties were members.

- (c) **The Hon. Henry O. Obwocha, M.P.**
Concurred with the proposal by the Hon. Osogo and stressed the need to reserve seats on the front benches for all leaders of parties in the Opposition. He emphasised the specific recognition of the status of the Official Opposition Party, its Leader and shadow Cabinet.

- (d) **The Chairman**
Counselled on the need for the Committee to arrive at effectual and practical proposals in amending Standing Orders.

- (e) **Formal Presentation of Draft**
Arising from the above deliberation on the draft proposal the Hon. Osogo formally presented the following draft:-

Standing Order 172 (Seating in the Chamber)

All seats in the front benches of the Chamber to the right of Mr. Speaker's Chair shall be reserved for the exclusive use of Ministers:

Provided that, the front seats on the left of the Speaker shall be reserved for Leaders of Opposition Parties and members of the Official Opposition Party designated as having responsibility for particular matters.

- (g) The Chairman put the Question for the adoption of the draft amendment to Standing Order 172. The Committee adopted the draft amendment unanimously.

MINUTE NO. 47 STANDING ORDER 172, AS AMENDED

The Chairman presented to the Committee, a draft of Standing Order 172 as amended, viz:

Standing Order 172 (Seating in the Chamber)

All seats in the front benches of the Chamber to the right of Mr. Speaker's Chair shall be reserved for the exclusive use of Ministers:

Provided that, the front seats on the left of the Speaker shall be reserved for Leaders of Opposition Parties and members of the Official Opposition Party designated as having responsibility for particular matters.

MINUTE NO. 48 CALLING FOR SUBMISSIONS TO THE SUB-COMMITTEE

The issue of when and how the House should be informed of the need to present submissions to the Sub-Committee dealing with the review of Standing Orders, was raised. The Chairman informed the Committee that, the Sub-Committee would in due course decide on the modalities most appropriate to facilitate the presentation of submissions by Members.

MINUTE NO. 49 DATE FOR THE NEXT SITTING

It was agreed that the Next Sitting be held on a date to be agreed upon later.

MINUTE NO. 50 ADJOURNMENT

And the time being forty-five minutes past Eleven O'clock, the Chairman adjourned the sitting till a date to be agreed upon later.

CONFIRMED: Hon. Kausai F.X. ole Kaparo, EGH, M.P.
(CHAIRMAN)

DATE: September 10, 1997

MINUTES OF THE SEVENTH SITTING OF THE STANDING ORDERS COMMITTEE HELD ON WEDNESDAY SEPTEMBER 10, 1997 IN COMMITTEE ROOM NO. 7 PARLIAMENT BUILDINGS AT 12.30 A.M.

PRESENT: The following Members of the Committee were present:

The Hon. K.F.X. ole Kaparo, E.G.H., M.P., - Chairman
The Hon. K. N. K. Biwott, E.G.H., M.P.
Dr. the Hon. B. A. Godana, M.B.S., M.P.
The Hon. James C. N. Osogo, E.G.H., M.P.
The Hon. Julius L. ole Sunkuli, M.P.
The Hon. Bishop Joseph K. Kimani, M.P.
The Hon. Joseph K. Kiliku, M.P.
The Hon. Moses M. Wetang'ula, M.P.

APOLOGY: Apology for absence was received from the following Members:-

The Hon. Darius M. Mbela, E.G.H., M.P.
Dr. the Hon. Oki O. Ombaka, M.P.
The Hon. Kamuiru Gitau, M.P.
The Hon. Henry O. Obwocha, M.P.

IN ATTENDANCE: The following were in Attendance:-

Mr. Japhet K. Masya, EBS, OGW -
Clerk of the National Assembly; and

Mr. Murumba Werunga -
Principal Clerk Assistant .

MINUTE NO. 51 CONFIRMATION OF MINUTES

The Minutes of the sixth sitting held on Tuesday, November 12, 1996 were approved by the Members present and confirmed by the Chairman.

MINUTE NO. 52: DELIBERATION ON REPORT OF SUB-COMMITTEE

The Chairman of the Sub-Committee, Dr. the Hon. B.A. Godana, presented the report of the Sub-Committee and guided the detailed scrutiny of the First Schedule of the Report which contain the proposals for amendments to some of the Standing Orders. The Chairman elaborated and elucidated on some of the highlights of the Report, including:-

(i) **New Standing Orders**

The Sub-Committee has recommend the introduction of four (4) new Standing Orders:-

(a) **S.O. 20A** - **Members-Half-Hour-Statements.**

The proposed provisions will enable Members make the statements for not more than one hundred and twenty seconds (two minutes) each on, matters of their own choice during the thirty minutes extension of the sitting on Thursdays. It is envisaged that, this provisions will greatly reduce the current practise of raising points of order after Question Time.

(b) **S.O. 101A** - **Committal (of Bills to Committees)**

The proposed provisions amplifies on the modalities for the committal of Bills to Departmental Committees after First Reading. The modalities will involve a two tier approach to be initiated by either the Minister or a Member of the pertinent Departmental Committee.

(c) **S.O. 151A** - **Liaison Committee**

The proposed provisions have been necessitated by the revamping and increase in number of Departmental Committees (formerly General Purpose Committees), whose operations will be co-ordinated by this committee.

(d) **S.O. 173** - **Members Travelling outside Kenya**

The proposed provisions will enable the Speaker to keep in touch and avail any necessary form of assistance to all Members travelling abroad.

(ii) **Modified Standing Orders**

The Sub-Committee recommend the modification, including the rewording and the addition of new provisions to existing texts of eight (8) Standing Orders.

(a) **S.O. 1** - **In cases not provided for, Mr. Speaker to decide**

The proposed provisions seek to make the reference to provisions of other Parliaments explicit.

(b) **S.O.55** - **Direction of the Ayes and Noes**

The proposed provisions will curb the unguided extension of Divisions and also check on attempts to filibuster the process.

(c) **S.O. 81** - **Limitation of Debate**

The proposed provisions will weed out any attempts to filibuster proceedings by setting the maximum time for Members contributing in debates on specified business.

(d) **S.O. 145** - **Sessional Committee**

The proposed provision will bring the title of the Select Committee to reflect its role and functions in the operations of the House.

(e) **S.O. 147** - **Public Accounts Committee**

The proposed provisions give the ruling party a majority of not more than two, while ensuring that the membership reflect the relative majorities of the seats held by each of the parliamentary parties in the National Assembly. The position of the titular chairman is

exclusively reserved for the opposition.

(f) **S.O. 148** - **Public Investments Committee**

The proposed provisions give the ruling party a majority of not more than two, while ensuring that the membership reflect the relative majorities of the seats held by each of the parliamentary parties in the National Assembly. The position of the titular chairman is exclusively reserved for the opposition.

(g) **S.O. 151** - **Departmental Committees**

The proposed provisions seek to:-

- increase the number of the Departmental Committees from seven to eight;
- regroup the committees to reflect subjects and functions of government ministries and departments;
- expands the mandate of the committees to cover scrutiny of estimates of the assigned ministries and departments;
- empower the committees to study and review legislation after First Reading except Consolidated Fund Bills, Appropriation Bills and Constitution of Kenya (Amendment) Bills.

(h) **S.O. 172** - **Seating in the Chamber**

The proposed provisions ensure the reserve of seats on the front benches in the Chamber to the left of Mr. Speaker, for Leaders of opposition parties and the Shadow Cabinet of the Official Opposition Party.

(iii) **Repealed Standing Orders**

The Sub-Committee recommend the repeal of S.O. 146 - the Estimates Committee, consequent on the proposed expansion of the mandate of the Departmental Committees to scrutinize the estimates of ministries and departments.

MINUTE NO. 53:

ADOPTION OF THE REPORT OF THE SUB-COMMITTEE

After the exhaustive deliberation on the report, the committee, unanimously adopted the report and the recommendations in the First Schedule.

MINUTE NO. 54:

PRESENTATION OF THE REPORT OF THE STANDING ORDERS COMMITTEE TO THE HOUSE

The Committee resolved that a Sessional Paper on its work be prepared for presentation to the House.

MINUTE NO. 55:

ADJOURNMENT

The Chairman adjourned the sitting *sine die* at thirty-five minutes past One O'clock.

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THIRD SCHEDULE

Contains the Report of the Sub-Committee together with the minutes of their eight (8) sittings.

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KENYA NATIONAL ASSEMBLY

REPORT

OF THE

SUB-COMMITTEE

OF THE

STANDING ORDERS COMMITTEE

AUGUST, 1997

PREFACE

The Chairman,
Standing Orders Committee,
National Assembly,
Parliament Buildings,
NAIROBI

Establishment

1. Members of the Sub-Committee were first appointed at the fourth sitting of the Standing Orders Committee on September 10, 1996. However, as they had not accomplished their mandate by the end of the fifth Session, they were deemed to have been re-appointed on June 18, 1997. The mandate of the Sub-Committee remained the same. The Sub-Committee comprised:-

Dr. the Hon. Bonaya A. Godana, M.B.S., M.P. - Chairman;
The Hon. Julius L. ole Sunkuli, M.P.;
The Hon. Henry O. Obwocha, M.P.;
The Hon. Bishop Joseph K. Kimani, M.P.; and
The Hon. Moses M. Wetang'ula, M.P.

The Mandate (Terms of Reference)

2. Upon formation of the Sub-Committee, the S.O.C. set the following to constitute its Mandate (Terms of Reference):-
 - (a) To undertake a total review of the current Standing Orders (as amended up to and including October 28, 1992 being the date of dissolution of the Sixth Parliament of Kenya).
 - (b) To review any aspect of the procedure of the House.
 - (c) To study the submissions made by the Hons. Orenge, Muite and others.

Modus Operandi of the Sub-Committee

2. The Sub-Committee took full cognizance of the very demanding background against which it had been created. That background being that, since commencement of the Seventh Parliament, there have been wide ranging calls for a review of some of the Standing Orders and certain aspects of procedure. In view of this, the Sub-Committee decided that

in addition to a study of the submissions from our Members it would be necessary to tour some Parliaments for a first hand and on spot study of their procedure.

3. The Sub-Committee resolved to start with the tour and then a study of the submissions from Members. The programme of the tours was wide and would have enabled the Sub-Committee to cover most Parliaments in both the developed and developing countries. Also, it would have covered the Parliaments within and outside the Commonwealth. However, due to the unpredictable life of the current Session it is regrettable that it was not possible to go through the envisaged Work plan of the Sub-Committee.

Note of Gratitude

4. On the conclusion of deliberations on the submissions from Members and the findings from the study visits and in consideration of all the effort and time put into the execution of the elaborate and inexhaustible mandate, the Sub-Committee was of the unanimous view that they could not find words that would sufficiently express their gratitude to all who had played a part in this programme. Indeed, the Sub-Committee record their profound appreciation for the kindness and hospitality they received, and the willingness of the Presiding Officers, Members and the officials of Parliaments visited to take time to explain their systems and exhaustively respond to the many questions posed. Members of the Sub-Committee were agreed that the visits certainly helped to shade light on some of the issues of interest to them; at the same time, it widened their understanding of parliamentary operations and procedure. Needless to say, the Sub-Committee, interestingly found that, although there were some differences in the operations of the various parliaments, essentially they followed many of the traditions, conventions and procedures as the Parliament of Kenya.
5. The study visits were undertaken by the five Members of the Sub-Committee. The Sub-Committee was accompanied by Mr. Japhet K. Masya, E.B.S., O.G.W., Clerk of the National Assembly and Mr. Murumba Werunga, Principal Clerk Assistant, whose advise and assistance was greatly appreciated.

Result of the Review

6. The execution of the mandate of the Sub-Committee has resulted into fifteen (15) proposals for amendments. The proposals when effected would, introduce four new Standing Orders, modifications to ten others and a repeal of one. There

were other Standing Orders and aspects of procedure, which though the Sub-Committee found needing review and amendment, were deferred for consideration at a later date.

7. The Sub-Committee submitted its report to the Standing Orders Committee on September 10, 1997.

The report consists of six parts:-

- (i) Preface

- (ii) Work plan of the Sub-Committee

- Contains the modalities for the execution of the mandate.

- (iii) Findings and the Aspects of procedure to be considered by the Sub-Committee.

- Contains thirteen aspects of procedure that the Sub-committee resolved, on the basis of the findings from the study visits, would consist the basis for execution of their mandate.

- (iv) Deliberations on the Findings, Aspects, Submissions and recommendations for amendments to Standing Orders.

- (v) Appendix One

- Contains the Summary of the proposed amendments to Standing Orders (these were later refined by the Standing Orders Committee and appear in the refined form in the First Schedule).

- (vi) Appendix Two

- Contains the minutes of the eight (8) sittings of the Sub-Committee.

8. The Members of the Sub-Committee wish to commend this report to the Standing Orders Committee.

Thank you.

Dr. the Hon. Bonaya A. Godana, M.P.
Chairman

August 21, 1997

WORK PLAN OF THE SUB-COMMITTEE

1. The Sub-Committee held its first sitting on January 14, 1997 at which a Work Plan was put together and agreed upon. The Work Plan was meant to guide the Sub-Committee in the execution of its mandate. The items on the Work Plan were:-

- (i) **Study of the Submissions by Members**

- (a) The Sub-Committee noted that, so far, only two submissions had been received; i.e. from the Hon. Paul K. Muite, and the Hon James A.B. Orengo.
- (b) The Sub-Committee resolved to keep the submissions from the two Members under continuous review.

- (ii) **Familiarization with the Standing Orders and Procedure in Commonwealth Parliaments**

- (a) The Clerk of the National Assembly availed to each Member a copy each of the Standing Orders for the Parliaments of Canada (House of Commons), United Kingdom (House of Commons), Australia (House of Representatives and the Senate) and New Zealand (House of Representatives). The Standing Orders from the other Parliaments would be availed at a later date.

- (iii) **Selection and itinerary of the Parliaments to be visited**

The following proposed schedule of visits by the Sub-Committee to certain Parliaments within the Commonwealth was agreed upon.

Cluster One

The Parliaments of Canada (Federal); United Kingdom; New Zealand and Australia (Commonwealth).

Cluster Two

The Parliaments of Zambia, Zimbabwe and South Africa (Federal).

Cluster Three

The Parliaments of Tanzania (Union) and Uganda

Cluster Four

Consideration would be given to scheduling visits to the Parliaments of India, Malaysia, Federal Republic of Germany, France and Switzerland.

(iv) **Areas of interest (Cluster One)**

2. The Sub-Committee deliberated on the areas of interest that they wished to discuss with the Parliaments to be visited and, agreed as follows:-

CANADA (Federal)

Likely areas of interest

- (i) Research facilities and services for Members.
- (ii) Public information and education programmes.
- (iii) Oversight and surveillance of Executive activities - the modalities available to the Member and the Parliament.
- (iv) Legislation process - modalities for handling:-
 - Public Bills - introduced by either the Executive or the Private Member.
 - Private Bills - introduced by private interest groups.

- (v) The Committee System -
- Watchdog/investigatory models - e.g. the Public Accounts Committee, the **Ad hoc, et cetera**.
 - Consultative/Study models - e.g. the General Purpose Committees the **Ad hoc, et cetera**.
 - House keeping/Domestic/ Business aspects - e.g. Speakers, Library, Privileges, *et cetera*.
 - Legislative Committees (to study Bills).
- (vi) Member/Staff relationship - the point of contact for the roles and functions of the partisan and non-partisan staff.

UNITED KINGDOM

Likely areas of interest

- (i) The role and function of the Speaker and the Members in managing proceedings and general operations of Parliament, the place for the House-keeping-cum-Domestic Committees.
- (ii) The evolution, operations and current status of the departmentally based Select Committees.
- (iii) The procedure on finance and how to secure government accountability including the role and functions of the watchdog Committees e.g. PAC.
- (iv) Oversight and surveillance of Executive activities - the modalities for admissibility and disposal of Questions, Motions, Bills, documents laid before the House by Members as substantiation of allegations made in the House; the execution of the Private Members' role and function as representatives and custodians of the public.

- (v) Management of the business of the House through the usual channels of communication between the Ruling Party **vis-a-vis** the Official Opposition Party and the Parties in the Opposition.

NEW ZEALAND

Likely areas of interest

- (i) The role and functions; the place for the Ruling Party and the Official Opposition Party and the Parties in the Opposition; their interaction in managing the business and operations of Parliament and the procedural provisions in place.
- (ii) Parliament and the public; modalities for the right of response by strangers to attacks/aspersions cast on them under privilege (in the House); and how handled by the Chair and the House.
- (iii) The procedure for Committee operations as part of the oversight role and function of Parliament.
- (iv) The involvement of Members in the management of the Parliament; the modalities to secure that involvement.

AUSTRALIA (Commonwealth)

Likely areas of interest

- (i) The role and functions of the Parliamentary (Ruling and Official Opposition) parties in managing the business of the Parliament; modalities for participation in the process by the Speaker, the government, leaders of parliamentary parties, the Members, the Clerk of the House, *et cetera*.
- (ii) The role and functions; mandate and parameters, of watchdog investigatory committees (PAC, Ad hoc); the drafting, printing, presentation of reports (majority, minority and consensus) and their disposal by the House.

- (iii) Parliament and the strangers; modalities for access and conduct within the precincts of Parliament; responsibility of the Member to his guests.
- (iv) The place of the Speaker and Presiding Officers in managing the proceedings of the House; maintenance of order and providing guidance and direction to operations; the interactions with Members and their role and responsibility in the whole; the role and function of the Clerk of the House; penalties for disorderly conduct; *et cetera*.
- (v) Procedure for provision of the budget for the Government and for ensuring accountability.
- (vi) Members' speeches to bring to Executive attention the plight of their constituencies; right of reply by strangers to injurious utterances made in the House; the modalities for handling such occurrences by the Speaker and the House.

REPORT ON VISITS IN CLUSTER ONE

3. The Parliaments visited in Cluster One were:

- (i) Canada (Federal) at Ottawa - (10.02.97 to 13.02.97).
 - The House of Commons, and
 - The Senate
- (ii) United Kingdom at London - (17.02.97 to 20.02.97)
 - The House of Commons
- (iii) New Zealand at Wellington - (24.02.97 to 27.02.97)
 - The House of Representatives
- (iv) Australia at Sydney, Canberra and Perth - (28.02.97 to 07.03.97)

- (a) The Legislature of New South Wales in
 - Sydney - (28.02.97)

- (b) The House of Representatives and
 - The Senate - Canberra - (03.03.97 to 04.03.97).

- (c) The Legislature of Western Australia - Perth (05.03.97 to 07.03.97).

FINDINGS AND ASPECTS OF PROCEDURE TO BE CONSIDERED BY THE SUB-COMMITTEE.

4. At the end of the visit to the Federal Parliament of Canada, the Sub-Committee held a sitting on February 14, 1997 at the Citadel Hotel, Ottawa. During this sitting, the Sub-Committee deliberated at length on the discussions they had held with the various officers of the two Houses of Parliament. Subsequently, the Sub-Committee came up with eight (8) points summing up the aspects of procedure, they felt could be considered in fulfilment of their mandate. The mandate of the Sub-Committee being, to undertake an overall general review of the Standing Orders.
5. The eight (8) aspects identified at the sitting of February 14, 1997, were ideally meant to form the basis for further deliberation, in view of the forthcoming visits to the other three Parliaments. Thus, at the end of the visits in Cluster One, the Sub-Committee held a lengthy sitting on March 07, 1997 at the Sheraton Hotel in Perth, Western Australia. At this sitting, the Sub-Committee summed up their observations from the discussions held during the visit, into a fourteen (14) point package, touching on the likely areas of the current Standing Orders and procedure that would need consideration for amendment. The fourteen aspects are:-

I MANAGEMENT OF TIME.

The review would be geared at bringing about a more efficient use of the time available to the Assembly to transact the requisite business. Such management of time would entail a reduction in the amount of time previously spent on certain businesses. Concomitantly, it would also involve an increase in the hours of the sittings of the House. In the main the following were the areas the Sub-Committee focused on:-

(i) Bills.

The modalities for dealing with Bills were considered in detail and the following approaches were proposed:-

Second Reading of Bills

- No time limitation on the Mover of a Government or Private Member's Bill and the Official Opposition Respondent;
- All other Members speaking, be each limited to twenty minutes (20).
- All or certain Bills be referred to General Purpose Committees, (GPCs) or some other Standing Select Committee upon adoption of Second Reading.
- Also considered were ways and means by which the costs incurred by Private Members in introducing Bills could be reduced.

NB. The changes in this regard would be incorporated in the Standing Orders.

(ii) **Motions for adoption of Sessional Papers/Reports of Committees.**

The modalities for dealing with these type of Motions were considered in detail, and the following approaches were proposed:-

- The Movers, the Official Respondent (whether Government or Official Opposition) and all other Members speaking be limited.
- * It was, however, observed that, the practise currently in common use in the four Parliaments visited was that due to the large number of reports of Committees, most of them were rarely debated. Further, it was noted that most reports were not debated because they were arrived at by consensus in the Committees.

NB. The changes in this regard would be by way of Sessional Orders as the case currently applying to Motions in reply to the Address from the Chair, Committee of Ways and Means and Committee of Supply.

(iii) **Increase in the length of each Sitting**

The existing periods of sittings were discussed in detail; specifically against the background of repeated calls for increase in the total time available to the Assembly so as to enable it deal sufficiently with the increased volume of work. The following approach was proposed:-

- **Hours of Sitting** be increased by half an hour on each afternoon Sitting; i.e. Tuesdays, Wednesdays (Afternoon) and Thursdays (be from 14.30 Hrs. to 19.00 Hrs.).

NB. This change would be incorporated in the Standing Orders.

(iv) **Opportunities for Private Members**

In this regard, the need to set aside additional time and opportunities for Private Members to ventilate were considered. The following approaches were proposed:-

- **Statements by Members.**

A period of thirty (30) minutes be introduced on one afternoon Sitting at which Private Members would be allowed one hundred and twenty (120) seconds (2 minutes) to make a statement on a matter of concern to them. And any Minister wishing to respond be allowed one hundred and eighty (180) seconds (3 minutes) during the same period.

- **Grievance Debate**

A period lasting not more than ninety minutes (1½ hours) in one Sitting per week, be introduced at which Private Members would be allowed to make ten minute speeches raising matters or ventilating constituents' issues despite, there being no specific Question before the House. However, this is not meant to replace debate under provisions of Standing Order 20.

(v) **Limitation of Question Time**

- The current modalities for dealing with Question Time were discussed at length and though a proposal to limit the time spent on each question

was floated, the Sub-Committee felt that, any limitation in that regard be left at the discretion of the Chair for the time being. However, the Sub-Committee was confident that, a long term decision would emanate through the evolution of the present practise.

- The present practise of not repeating questions in the same Session was also discussed. The Sub-Committee agreed to maintain the status quo, while leaving it at the discretion of the Chair to encourage Members to split their questions as it suited the prevailing circumstances.
- Also dealt with in relation to questions, was the situation where it was felt that some Ministers often "declined" to answer questions. The views of the Sub-Committee were varied. Most of the Members felt that, the Chair should "assist" in bringing the Minister round to answering the questions, since the Chair took part in the processes bringing about the questions. The Chair could, not therefore, be oblivious to the fact that the question it found worthy answering is "played" about with! Others preferred that the Chair's part stop at procedural sanctioning of the questions and not the validation of the content. Thus, the Chair should remain oblivious to the suitability or efficacy of the reply. Though the Chair could tactfully encourage the Minister to meet his political obligations to the House.

II STANDING/SELECT COMMITTEES

The present format, mandate and description of the Committees other those of the whole House was discussed at length. The Sub-Committee was unanimous in agreeing on the need for an overall review of the present committee system. The following were identified as the areas requiring attention:-

(i) Committees on Legislation

The present format and extend of mandate of the General Purpose Committees (GPCs) be thoroughly reviewed to cater for the following -

- **Formation and composition** be such as to ensure representation of all parties in the House while reflecting their strengths and catering for the small and minority parties.
- **Mandate (Terms of reference)** be thoroughly reviewed and focused on specified and clear-cut government and public functions (activities); avoiding overlapping and duplication. The GPCs should consider the estimates and the Bills falling within their purview once the Bills had received a Second Reading;

(ii) **Public Hearing**

- Upon some discussions, the Sub-Committee agreed to maintain the status quo; but to keep under close the study of the suitability of introducing public hearing at some stage during the process of gathering evidence.

(iii) **Re-organization of Committees**

The Secretariat would make draft re-organization for the consideration of the Sub-Committee. The re-organization should come up with appropriate designations for the Committees in the realms of Select Committees (GPCs and **ad hocs**); Standing Committees with statutory basis for instance PAC, PIC, Powers and Privileges; Standing Committees with Domestic/House-keeping bias - for instance - Speakers, Sessional, Catering, Library, *et cetera*.

(iv) **The "modus operandi" of Committees**

The Sub-Committee would at a later date consider the mode of operation of all committees. However, consideration would be given to a more systematic approach to such issues as processes of electing Chairmen, quorum; dealing with reports of Committees (see (i) (b) above); government response.

(v) **The resources for the Committees -**

The Sub-Committee was of the view that Committees were poised to play a significant role and function in the operations of Parliament; and would therefore need more resources. The Sub-Committee, therefore, felt that, the Government be impressed upon on this matter so as to provide the necessary resources.

III. **DEFINITION OF A PARTY IN THE HOUSE.**

After some deliberations, the Sub-Committee agreed not to add new definitions, preferring to maintain the status quo.

IV. **CIRCUMSTANCES LEADING TO LOSS OF A SEAT.**

After some deliberations, the Sub-Committee agreed to abide by the present status quo which was also a constitutional issue.

V. **MEMBERS READING SPEECHES.**

The Sub-Committee noted that in virtually all the Parliaments visited, Members were allowed to read prepared texts. This was not allowed by Standing Order 65. It was felt that, the Chair should use their discretion as to Members reading prepared texts during the Grievance Period.

VI. **ABSENCE OF MEMBERS FROM KENYA**

The Sub-Committee observed that during the Seventh Parliament, some Members have had to travel abroad without informing the Speaker. Further it was observed that, some of the Members fell ill while abroad, incurring huge medical bills which they then approached the Clerk of the National Assembly for assistance to settle. Though, opinion was split, most Members felt that, Members travelling abroad (even during long recesses) should notify the Speaker. Also it was agreed that, the variant practices in other Parliaments be looked into at a later date.

VII ABSENCE OF MEMBERS FROM THE CHAMBER (ON TECHNICAL APPEARANCES).

The Sub-Committee was concerned about the increasing cases of Members making "technical appearances", which often led to lack of Quorum. It was felt that, such practise was contemptuous of the dignity of the House. However, the Sub-Committee agreed to examine this issue more closely.

VIII THE SECURITY OF MEMBERS WITHIN THE PRECINCTS

The Sub-Committee discussed some of the shortfalls in the security within the precincts of Parliament; specifically with reference to influx of strangers and the carrying of weapons by Members. The Clerk of the National Assembly counselled on the need to adhere to provisions of the Speakers Rules; and further that, all cases of breach of Code or Rules issued by the Speaker be communicated to the Speaker; preferably in writing.

IX MODALITIES OF DEBATE ON REPORT OF THE STANDING ORDERS COMMITTEE

The Sub-Committee briefly discussed the manner in which previous reports of the Standing Orders Committee have been dealt with. It was agreed to revisit this matter at a later date.

X MODALITIES FOR DEALING WITH ERRANT MEMBERS IN THE HOUSE.

The Sub-Committee deliberated at length on the efficacy of the present provisions for dealing with Members adjudged disorderly during proceedings and, felt that, those provisions were inadequate. It was agreed that a study of the variant modalities available in other Parliaments, be carried out.

XI APPEALS AGAINST THE RULINGS OF THE DEPUTY SPEAKER

The Sub-Committee noted that at least in New Zealand, rulings made by the Deputy Speaker could be appealed against before the Speaker. It was agreed that such practise would not be necessary at the present stage of the evolution of procedure in Kenya.

XII BROADCAST OF PROCEEDINGS

The Sub-Committee noted that in all the four Parliaments visited, there was either partial or total live audio-visual broadcast of proceedings. Further, it was noted that, the National Assembly did indicate a willingness to broadcast proceedings in a resolution of August 07, 1991. It was agreed that, this matter be stoodover for sometime to come.

XIII PRIVILEGE OF PARLIAMENT AND THE MEMBERS.

The Sub-Committee resolved to deal in detail with the privilege of Parliament and Members at a later date, with a view to making reference to them in the Standing Orders.

XIV MODALITIES FOR DIVISIONS.

The Sub-Committee discussed briefly the present modalities for calling for a Division, its conduct and the conduct of Members during the Division. It was agreed that further discussions be held to consider the following aspects of Divisions.

- (a) Maintenance of the status quo.
- (b) Maintenance of the present modalities for moving into a Division and its conduct.
- (c) Imposition of time limits for contacting a Division (e.g. ten to fifteen minutes).
- (d) The use of Clerks to check Members off the voting roll.
- (e) Sanctions against "disorderly" Members during Divisions.

DELIBERATION ON FINDINGS, SUBMISSIONS AND RECOMMENDATIONS ON SOME STANDING ORDERS

6. For the purpose of deliberation on the findings, submissions and recommendations on some Standing Orders, the Sub-Committee retreated to Serena Lodge, Masai Mara, from June 20 to 23, 1997. The Minutes of the two sittings of the Sub-Committee are in Appendix Two.
7. During the retreat, the Sub-Committee had lengthy deliberations on wide ranging matters of procedure. The responses to the issues or aspects of and proposals for changes to the Standing Orders or House rules of procedure in general are in bold print. The recommendations made thereafter are in Appendix One.
8. The matters of procedure deliberated upon by the Sub-Committee emanated from the following:-
 - (i) The thirteen (13) aspects of procedure agreed upon after the visits in Cluster One.
 - (ii) General review of some Standing Orders.
 - (iii) Review of the recommendation for amendments in Sessional Paper No. 2 of 1996.
 - (iv) Submissions from Members.

The thirteen (13) aspects of procedure after the Visits in Cluster One.

9. The Sub-Committee deliberated exhaustively on thirteen of the fourteen (14) aspects of procedure, taking cognizance of the experiences of other Parliaments within the Commonwealth as well as the experience in Kenya. The prime concern of the Sub-Committee was to review the rules of procedure of the House and recommend such changes so as to ensure the efficient transaction of business to meet the future requirements of the National Assembly.
10. Consideration of the thirteen (13) aspects of procedure proceeded as follows:-

I MANAGEMENT OF TIME

(i) Bills

The Sub-Committee found that within the Commonwealth, the procedure was varied, with some having codified limitations, while others relied on the application of conventions to effect limitations. Nonetheless, the Sub-Committee recommends the addition of the following amendments to provide for the limitation of speeches of Members during the Second Reading of Public Bills and Private Bills. The texts of the recommended limitations are in Appendix One.

(ii) Motions for adoption of Sessional Papers and of the Reports of Committees.

The Sub-Committee resolved to recommend some limitations of speeches of Members during debate for the adoption of both the Sessional Papers and the Reports of Committees.

(iii) Increase in the length of each Sitting

The Sub-Committee deliberated at length and resolved to maintain the status quo, with the following exceptional recommendation:-

Hours of sitting for Thursdays be increased from the current 14.30 to 18.30 Hrs., to 14.30 to 1900 Hrs. The additional thirty (30) minutes will be utilized as recommended at (iv), below.

(iv) Opportunities for Private Members

The Sub-Committee expressed concern at the current situation whereby the House spends at least thirty (30) to forty (40) Minutes after Question Time at each Sitting to entertain Points of Order by Private Members raising matters which were ventilation of grievances. Consequently, the Sub-Committee felt that specific provision was necessary to deal with this situation. It is hoped that ventilation of grievances on Points of Order after Question Time will be significantly reduced except pursuant to provisions of Standing Order 69. *Consequently the Sub-Committee recommends the creation of a Members'-Half-Hour-Statements on each*

Thursday at 18.30 to 1900 Hours. The modalities the Members-Half-Hour-Statements are in Appendix One.

(v) **Limitation of Question Time**

The Sub-Committee deliberated at length on whether to provide further guidance for proceedings during Question Time. Of grave concern was the often disruptive and frivolous Points of Order that proliferate at Question Time. The Sub-Committee was of the opinion that the Chair should continue applying discretion in handling Question Time, while completely disallowing Points of Order. It was noted that most Points of Order were in the main frivolous, and tended invariably to derail transaction of the often serious Questions, thus, denying the Member and the House at large to benefit from the outcome of the reply and the exchanges. Members aggrieved in any way by the modalities for disposal of questions, should utilize the existing provisions for redress. The Sub-Committee was of the opinion that introduction of additional provisions was likely to impinge on the discretion of the Chair and seem to stifle the smooth operation of the House.

The Sub-Committee resolved to recommend maintenance of the status quo.

II. **SELECT COMMITTEES**

The Sub-Committee deliberated at length on the present formats, mandates and groupings of the Standing Select Committees and was of the opinion that, there was a need for some changes to make them more focused towards an efficient and speedier transaction of business. The Sub-Committee was also of the opinion that, its proposed structural changes should attract more participation from Members and thus reduce the work load from the Floor of the House.

With regard to the groupings and mandates, the Sub-Committee was of the opinion that, it be by function and subject. This approach would result into two main clusters of Select Committees viz:- the Domestic and the General Purpose Committees.

(i) **The Domestic Select Committees**

The Domestic Select Committees would deal with routine, managerial-cum-administrative matters. In terms of role and functions, these would be further split into two, viz:

(a) **The House-Keeping Select Committees**

The Select Committees in this category would be involved in the house-keeping matters relating to the management and the provision of facilities and services, including procedural and administrative aspects. Under this category would be:-

The Sessional Committee;
The Speaker's Committee;
The Standing Orders Committee;
The Library Committee;
The Catering Committee; and
The Privileges Committee.

(b) **The Watch-dog Select Committees**

The Select Committees in this category would be involved in activities that further and fulfil the watchdog-cum-oversight role and function of the Parliament. Under this category would be:-

The Public Accounts Committee; and
The Public Investments Committee.

(ii) **The General Purpose Committees**

The present General Purpose Committees (GPCs) would be reformed and made to relate to the subjects of government operations, functions and activities than at present where they are closely grouped to relate to the titles of the government ministries and departments. *The Sub-Committee was of the opinion that, their proposal would enable the grouping of several government ministries and departments by similarity of subjects, functions and activities and thus make the operations of the GPCs easier and more efficient.*

The Sub-Committee was further of the opinion that, the present mandate and terms of reference of the GPCs should be expanded to include the study and report on the estimates, policies and legislation. Other than that,

the GPCs would continue to enjoy the same powers and privileges and, follow same procedure as other Select Committees.

With regard to legislation, the Sub-Committee was of the opinion that, Bills be referred to the GPCs after First Reading and prior to commencement of Second Reading. Further that where a Bill is so referred, the GPC should report within seven days.

With regard further to the name of the GPCs, the Sub-Committee was of the opinion that reference to them as Departmental Committees (DCs) would be more appropriate.

The grouping of the DCs by the subjects, the functions and activities of the present composition of government portfolios and the mode of referring a Bill to them are in Appendix One.

(iii) **The Estimates Committee**

The Sub-Committee deliberated at length on the status of the Estimates Committee, and was of the opinion that, their proposal to expand the mandate and terms of reference of the General Purpose Committees, to include a study and report on the estimates of the ministries and departments, would render the continued existence of the Committee unnecessary. Consequently, the Sub-Committee recommends its repeal. At the same time, the Sub-Committee expects that, the current mandate and terms of reference of the Estimates Committee would be fully subsumed in the relevant Departmental Committee.

(iv) **The Sessional Committee**

*The Sub-Committee deliberated at length on the status and title of the Sessional Committee and noted that, there was an appreciable amount of concern over the confusion caused by the inclusion of the word "Sessional" which is also used in reference to the Select Committees, which are "Sessional", in view of their lifespan corresponding to that of a Session. **Consequently, the Sub-Committee recommends that, the new name of this Committee be, House Business Committee. However, the role and function of the Committee remain the same.***

(v) **Management of Select/Ad hoc Committees**

The Sub-Committee deliberated at length on the present modalities for managing the operations of Departmental Committees, and noted that, there was need to re-organize and streamline them. *Thus, the Sub-Committee recommends that a new sessional committee to be designated the Liaison Committee be established.* The Liaison Committee would comprise Chairmen of all the DCs. Its role and function would be to oversee and co-ordinate the policies and mandates of the DCs as well as and apportion the annual operating budget to them. The proposed version of the mandate and terms of reference of the Liaison Committee is in Appendix One.

III **DEFINITION OF A PARTY IN THE HOUSE**

The Sub-Committee deliberated at length on whether there should be a definition of a Party in the House, and noted that so far the status of parties in the parliamentary context was generally understood. *Consequently, the Sub-Committee did not deem it necessary to provide a specific definition and recommends that the current position be maintained.*

IV **CIRCUMSTANCES LEADING TO LOSS OF A SEAT**

The Sub-Committee resolved to uphold the status quo.

V **READING OF SPEECHES BY MEMBERS**

The Sub-Committee deliberated at length on the pros and cons of regulating the reading of speeches in the course of proceedings by Members and *while recommending that, the current situation be upheld, recommends the addition of a proviso to give a specific leeway for the Chair to extend its discretion to allow the reading of prepared texts in certain circumstances.* The text of the proviso is in Appendix One.

VI **ABSENCE OF MEMBERS FROM KENYA**

The Sub-Committee deliberated at length on the merits and demerits of having Members travelling abroad seek the approval of or inform the Speaker and also to register their travels with the Clerk of the National Assembly. It was noted that, by informing the Speaker and having the visit registered with the Clerk of the National Assembly, it would greatly assist parliamentary diplomacy; by enabling the Speaker utilize the knowledge and experience of certain Members in parliamentary contact with certain parliaments whenever

parliamentarians from the latter were on visit to Kenya. It was further noted that, it would be of assistance, where a reciprocal visit was desired. The Sub-Committee also noted that, the present arrangement did not ameliorate the dignity of parliamentarians, as in certain cases where a travelling parliamentarian encountered difficulties either financial or health, it was not easy for the Speaker to respond as appropriate.

Arising from the foregoing the Sub-Committee was of the opinion that, while no restrictions of whatever kind should be put on the desire of parliamentarians to travel abroad, *it recommends a modality that would require the prior written notification of such travels to the Speaker; further that, the Clerk of the National Assembly maintain a public register of all travels abroad by Members.* The text of the recommendation is in Appendix One.

VII THE SECURITY OF MEMBERS WITHIN THE PRECINCTS

The Sub-Committee deliberated at length on what was seen as the deteriorating state of security within the precincts of Parliament. It however, noted that, the issue of the conduct of Members and strangers (whether Members' visitors, staff or otherwise) was dually provided for in the existing practise and procedure, specifically, the National Assembly Speaker's Rules and the National Assembly Members Handbook; whose application was under the purview of the Speaker's Committee. *Consequently, the Sub-Committee recommends that the prevailing situation be up held.*

VIII MODALITIES FOR DEBATE ON REPORT OF THE STANDING ORDERS COMMITTEE

The Sub-Committee deliberated on this aspect and having found no merit for a change in the present procedure, which dates back to 1967; *recommends that, the report of the Standing Orders Committee to the House continue to be in form of a Sessional Paper and its debate and disposal be in a Committee of the Whole House presided over by the Chairman of the Standing Orders Committee.*

IX MODALITIES FOR DEALING WITH ERRANT MEMBERS IN THE HOUSE

The Sub-Committee deliberated at length on the modalities for dealing with errant Members in the course of the proceedings of the House, and was of the opinion that the present provisions as contained in Standing Orders 88 to 93

and the National Assembly (Powers and Privileges) Act, Cap 6, Laws of Kenya, together with Rules of the Powers and Privileges Committee, provided sufficient modalities for handling any situation. *Consequently, the Sub-Committee recommends upholding the status quo.*

X **APPEALS AGAINST THE RULING OF THE DEPUTY SPEAKER**

The Sub-Committee deliberated on this aspect and was of the opinion that, the need for such provision has not arisen, as indeed, the present procedure has not been called into question. *Consequently, the Sub-Committee recommends upholding the status quo.*

XI **BROADCAST OF PROCEEDINGS**

The Sub-Committee deliberated at length on the need for audio-visual broadcast of proceedings of both the House and the Standing/Select Committees. The Sub-Committee noted that this aspect was the subject of a Private Member's Motion resolved in the affirmative in August, 1991 and recently, of a parliamentary question. Thus, it was satisfied that broadcast of proceedings was a matter over which the House was unanimously agreed. However, the Sub-Committee, was of the opinion that, the modalities for the introduction of broadcast of proceedings of the House and Committees was not within the armpit of its mandate. *Consequently, the Sub-Committee recommends that, the House should establish a specific Select Committee to delve into the matter of broadcast of proceedings of the House and Committees and, also the sitting of Committees in public. The report and recommendations of that Committee would then form the basis for any future decision.*

XII **PRIVILEGE OF PARLIAMENT AND THE MEMBERS**

The Sub-Committee deliberated on this aspect with regard to the merits of enshrining it in the Standing Orders and was of the opinion that, at the moment the provisions of the National Assembly (Powers and Privileges) Act, Cap 6 Laws of Kenya, were sufficient. *Consequently, the Sub-Committee recommends that, the status quo be maintained.*

XIII **MODALITIES FOR DIVISION**

The Sub-Committee deliberated at length on the modalities for moving into and transacting the Division, and noted with concern the vulnerability of the present arrangement to abuse. Specifically noted was, the ease with which

proceedings in a Division (especially, filing through the Lobbies) could last for an in-ordinate period. In particular, it was noted that in the absence of any clear guidance or practice, the Chair had almost no role or control in the entire process, except before and after the direction of the Ayes and the Noes.

The Sub-Committee having considered the foregoing and its implications for the need for efficient management of available time, was of the opinion that, some guidance would be appropriate. ***Consequently, the Sub-Committee recommends the introduction of some limitation of the time spent between the Chair's direction to the "AYES" and the "NOES" and the pronouncement of the results of the Division.*** The text of the proposal is in Appendix One.

11. **REVIEW OF RECOMMENDATIONS ON S.O.s 147, 148 AND 172 IN SESSIONAL PAPER NO. 2 OF 1996**

The Sub-Committee deliberated at length on recommendations for amendment to Standing Orders 147, 148 and 172, as per the report of the Standing Orders Committee contained in Sessional Paper No. 2 of 1996. It noted that, though the Motion on adoption of the Sessional Paper was not disposed off during the last Session, certain parts of two of the proposed recommendations i.e. 147 and 148, needed a further review.

Consequently, it is the view of the Sub-Committee that, the proposed amendments be amended to effect reduction in the membership and quorum of the two Committees; deletion of references to proportional representation and mode of appointing an Acting Chairman. The texts of the recommendations are in Appendix One.

Regarding the proposed amendment to Standing Order 172, the Sub-Committee resolved to adopt the full text contained in Sessional Paper No. 2, 1996. This text is also in Appendix One.

N.B. The Hon. Henry O. Obwocha objected to having a Member other than a Opposition Member, take the Chair in the absence of the Chairman.

12. **REVIEW OF STANDING ORDER NO.1**

The Sub-Committee deliberated on the need to define the parameters of the references the Speaker may take into account in arriving at a decision on a matter not provided for

in the Standing Orders. *The Sub-Committee recommends that, the text of Standing Order be widened to incorporate references to procedure within the Commonwealth.* The text of the recommendation is in Appendix One.

13. **THE RIGHT OF A CITIZEN TO REPLY TO PROCEEDINGS IN PARLIAMENT**

The Sub-Committee deliberated at length on the merits and demerits of making provisions to facilitate aggrieved citizens file responses where, the grief is contained in Members' utterances in the House. It was noted that, the practise of citizens' reply to injurious utterances emanating from proceedings in the House, is now in use in some Parliaments within the Commonwealth. *With regard to the situation prevailing in Kenya, the Sub-Committee was of the opinion that such provision would go along way in providing a redress to some of the injurious claims uttered from the Floor of the House. Nonetheless, the Sub-Committee deferred the further consideration this aspect of procedure to a future date.*

14. **DELIBERATION ON SUBMISSIONS BY MEMBERS**

The Sub-Committee received three submissions from Members of Parliament. The three submissions made proposals for amendments to specific Standing Orders, either by way of additions, alterations or deletions. Submissions were received from the Hons. Paul K. Muite, James A.B. Orenge, and Henry O. Obwocha. The Sub-Committee disposed of the submissions by deliberating separately on each.

As the first two of the submissions made proposals relating to individual Standing Orders, the Sub-Committee deliberated on each and made responses accordingly. However, as it is not possible to reproduce entire submissions, the Standing Orders, together with the proposals by the Members and the responses of the Sub-Committee, appearing below are deemed sufficient representation of the deliberations of the Sub-Committee on the two submissions.

SUBMISSION BY THE HON. PAUL K. MUITE

Standing Order 1 - In cases not provided for, Mr. Speaker to decide.

Proposal by the Member

Provided that where thirty (30) Members of the House object to the Speaker's decision, such decision of the Speaker shall be

put to the vote.

Response of the Sub-Committee

The recommendation of the Sub-Committee in paragraph 17, above covers the Member's proposal.

Standing Order 2 - Interpretation

First Proposal by the Member

"Official Opposition Party" means the opposition party **or coalition of opposition parties with** the highest number of seats in the House.

Provided that such a coalition of opposition parties shall hand to the Speaker written statements certifying the formation of the coalition.

Response of the Sub-Committee

The Sub-Committee recommends the upholding of the status quo as the proposal would only be consequent upon a constitutional amendment.

Second Proposal by the Member

"An Opposition Party" is a group of Members not acting as individuals but as a definite opposition in the true sense, that is to say offering to the House and to the nation an alternative government with a definite alternative policy and with their leader as an alternative President of the republic.

Response of the Sub-Committee

The Sub-Committee was of the opinion that, the prevailing practice for identifying parties in the House was sufficient.

Proposal by the Member

"The address, Mr. Speaker Sir" shall upon the election of a female Speaker be read as "Madam Speaker".

Response of the Sub-Committee

The Sub-Committee was of the opinion that, the current practice sufficiently caters for this proposal.

Standing Order 17 - Hours of Meeting

Proposal by the Member

(1) Unless for the convenience of the House, the House shall meet between 9 a.m. and 6.30 p.m. on Tuesdays, Wednesdays and Thursdays but additional sittings in the week may be directed.

Response of the Sub-Committee

The Sub-Committee was of the opinion that, as of now, no further changes were desirable, except the additional time recommended under (Paragraph 19 I (ii) and (iv) - Management of time).

Standing Order 20 - Adjournment on definite matter of urgent national importance.

Proposal by the Member

Provided that where the written notification is supported by at least thirty other members by duly affixing their signatures on the written notification then the Speaker's satisfaction as such shall be dispensed with.

Provided that where the Speaker is so satisfied and not less than 15 other members rise in their places in support or where the written notification is supported by at least thirty members, the Speaker shall nominate a time on the same day or immediately thereafter and in any case within seven days when such motion may be moved.

(5) A Motion raised under this standing order shall not be affected by interruptions and at least three (3) hours shall be reserved for debate on a motion under this standing order. This time may be extended with the leave of the House.

Response of the Sub-Committee

The Sub-Committee was of the opinion that, the present provisions were sufficient. Changes in line with the Member's proposal would unnecessarily restrain the due exercise of discretion by the Chair and, that of the House in deciding on the appropriate span of time to be set aside for motions under this provisions.

Standing Order 22 -

Adjournment to a day other than the next normal Sitting Day.

Proposal by the Member

Provided that where the House adjourns *sine die* sufficient reason to justify the adjournment is given and where thirty or more members object to the adjournment, the matter is put to the vote.

Response of the Sub-Committee

The Sub-Committee was of the opinion that the current provisions were sufficient and finds no merit to put the question of such a Motion twice!

Standing Order 33 - Government Business

Proposal by the Member

Provided that, subject to the provisions of Standing Order 7 (Summoning of House during a Session after Adjournment), on every Tuesday and Wednesday on which the House sits, business other than Government Business, shall have precedence save over business of the Financial Statement on Annual Estimates.

Response of the Sub-Committee

The Sub-Committee was of the opinion that the desire of the Member to increase time and opportunities for Private Members, has already been catered for by the recommendation under paragraph (16) (ii) and (iv) - Management of time).

Standing Order 37 - Contents of Questions

Proposal by the Member

(16) The Speaker shall at the end of every week when the House is in session publish a list of all the questions he has disallowed and the reasons for disallowing each question.

(17) The list published under paragraph (16) above shall form part of the record of the House.

Response of the Sub-Committee

The Sub-Committee was of the opinion that currently there were sufficient channels by which the Speaker conveys the

reasons for the non-admissibility of any question. Thus, the Sub-Committee resolved that the prevailing practice be upheld.

Standing Order 43- Time for Moving Motions

Proposal by the Member

(2) Where no Member moves a Motion at the time prescribed therefor by or under these Standing Orders, such Motion shall not again be published in the Order Paper during the same Session except with leave of Mr. Speaker or of the House.

Response of the Sub-Committee

The Sub-Committee was of the opinion that, the current practise which vests the Speaker with discretionary powers was sufficient. Any further provisions would impinge on the role of the Speaker and also bring the Speaker and the House into collision.

Standing Order 48 - Amendments to be relevant to Motion

Proposal by the Member

Provided that where a majority of the House by a resolution deems any amendment as a necessity, the Speaker shall allow the amendment as resolved by the House.

Response of the Sub-Committee

The Sub-Committee was of the opinion that the current provisions were sufficient and the admission of the proposal by the Member would defeat the need to uphold the requirement for relevancy.

Standing Orders 55 and 56 - Direction of Ayes and Noes and Obligation to vote.

Proposal by the Member

(2) No Member shall be entitled to vote on a question in which he has a direct pecuniary interest. Where a Member who has a direct pecuniary interest on a matter casts his vote such a vote shall not be considered as validly cast. Provided that where a Member with a direct pecuniary interest votes on a matter the net result of the vote in the House shall not be invalidated unless the vote would otherwise affected the result in the affirmative.

(ii) No Member shall be entitled to vote on a question in which he has a direct pecuniary interest. Where a Member who has a direct pecuniary interest on a matter casts his vote, such a vote shall not be considered as validly cast.

Provided that where a Member with a direct pecuniary interest votes on a matter shall not result or the vote in the House shall not be invalidated unless the vote would otherwise affected the result in the affirmative.

Response of the Sub-Committee

The Sub-Committee was of the opinion that in addition to the current provisions being sufficient, Standing Order 75, specifically addresses matters relating to pecuniary interests of Member in casting their votes.

Standing Order 64 - Two or more Members rising to speak

Proposal by the Member

Provided Mr. Speaker shall in picking a subsequent Speaker exercise fairness to the minority parties of the House.

Response of the Sub-Committee

The Sub-Committee was of the opinion that the current practise was sufficient and admission of the proposal by the Member would impinge of the discretion of the Speaker.

Standing Order 74 - Matters sub-judice

Proposal by the Member

No Member shall refer to any particular matter which is *sub judice* or to any matter which is in its nature secret in accordance with the Official Secrets Act.

Provided that matters touching on state security can be discussed under the procedure in Schedule 1 to these standing orders.

Response of the Sub-Committee

The Sub-Committee was of the opinion that, the proposal of Member was superfluous and more so, there is no schedule to the Standing Orders.

Standing Order 99 -

Not more than one stage of Bill a to be taken at the same time.

Proposal by the Member

Provided that the provisions of this Standing Order shall not apply to or in respect of any Appropriation Bill or Consolidated Fund Bill or Constitutional Bill.

Response of the Sub-Committee

The Sub-Committee was of the opinion that, the current provisions regarding transaction of Bills amending the Constitution were sufficient; and further, to handle them in any other way, would reduce the status of the Constitution.

Standing Order 115 - Custody of Bills

Proposal by the Member

(2) At any time before the certification and submission of a Bill to the President, Mr. Speaker may correct formal errors or oversights therein. Provided Mr. Speaker lays the Amendments before the House before the Bill is submitted to the President.

Response of the Sub-Committee

The Sub-Committee was of the opinion that, the current provisions were sufficient, as indeed, the discretion of the Speaker was already restricted to dealing with "formal" or "topographical" errors. Thus, there was no merit in involving the House in such matters, as it would amount to impinging on the discretion of the Speaker.

Standing Order 120 - Security for cost of printing

Proposal by the Member

(2) The House may waive all or part of the Printing express exceeding £100 upon a motion being moved by the sponsors of a private Bill.

Response of the Sub-Committee

The Sub-Committee was of the opinion that, there was merit in this proposal, but resolved to defer its full consideration to a future date, while monitoring the operation of the present provisions. Nonetheless, the merit in this proposal could not

be sufficiently gauged as there have been virtually no Private Members' Bills since the end of the Third Parliament (1975 to 1979).

Standing Order 171 - Exemption of business from Standing Orders

Proposal by the Member

(1) Subject to this standing orders, a Motion may be made either with or without notice that the proceedings on any specified business be exempted from the provisions of Part V (Sitting and Adjournments of the House), Part VIII (Order of Business), Part XIII (Limitation of Debate), Part XV (Public Bills), Part XVI (Private Bills), Part XVII (Committee of the Whole House), Part XVIII (Supply and Ways and Means), Part XIX (Select Committees), Part XX (Public Petitions), and Part XXI (Strangers) of these Standing Orders.

Provided that not more than one such Motion may be moved at any one sitting except with the leave of the House:

Provided further that no such Motion shall be made to exempt any business from the provisions of Standing Order 98 (Publication), Standing Order 99 (Not more than one stage of a Bill to be taken at the same sitting) or Standing Order 132 (President's consent required for money measures). Provided also that Constitutional Bills are exempt from the provisions of this order.

Response of the Sub-Committee

The Sub-Committee was of the opinion that, the proposal by the Member to add a preamble to this Standing Order, was superfluous. Further, the importance appertaining to Bills amending the Constitution precludes any attempts to simplify modalities for handling them.

Standing Order 175 - Interpretation (a new addition by the Member)

Proposal by the Member

In this standing order unless the context otherwise requires:

Words importing the masculine gender shall also be construed as referring to the female gender.

Response of the Sub-Committee

The Sub-Committee was of the opinion that, further interpretation of gender issues would be superfluous. Indeed, the position of the Sub-Committee in relation to Standing 1 has already been made known.

SUBMISSION BY THE HON. JAMES A.B. ORENGO

The Committee deliberated at length on the submission by the Member and noted that virtually all the proposals put forward would either be consequent upon constitutional amendments or were sufficiently covered by existing provisions. In one or two cases, the sub-Committee was of the opinion that, the proposals by the Member would be better dealt with at a later date.

The submission followed closely the present text and layout of the Standing Orders, without specifically proposing changes therein by way of putting forward the texts of the desired changes. The submission is an explanation of the changes the Member desire. It is not possible to reproduce the entire submission and the response thus, the few appearing below provide sufficient representation of the whole submission.

In this report, the format will be, the number of the Standing Order, followed by an excerpt of the write-up or a summary of the proposal by the Member and then, the response of the Sub-Committee.

Standing Order 1 - In cases not provided for, Mr. Speaker to decide

Proposal by the Member.

All matters not hereinafter expressly provided for shall be referred to and decided by the House or such of its committees as the House shall determine.

Response by the Sub-Committee

The Sub-Committee was of the opinion that, the recommendation made under paragraph 21, above would suffice. Further, the proposal by the Member would greatly restrict the use of discretion by the Chair, a practise prevalent within the Commonwealth.

Standing Orders 3 to 5 - Proceedings in Assembly of a New House.

- **Election of Speaker**
- **Swearing in of Members.**

Proposal by the Member.

THAT, the first sitting of the National Assembly after a general election should not be presided over by the Clerk of the National Assembly; but by the outgoing Speaker. The new

Speaker should take charge soon after election.

Response by the Sub-Committee

The Sub-Committee did not find merit in this proposal. The practice elsewhere is to have the father of the House (i.e. the longest serving Member) preside over that first sitting. However the Sub-Committee recommended that the status quo be upheld.

Standing Orders 6 and 7 -

Proceedings at the commencement of a Session other than the First Session after General Election.

Proposal by the Member

- Summoning of the House during a Session after Adjournment.

THAT, there should be a provision in the Constitution to enable Parliament set its own fixed term of office and a calender for each of the sessions.

Response by the Sub-Committee

The Sub-Committee deliberated on this proposal and did not deem it within their competence to deal with it as their mandate did not include making recommendations for amendment of the Constitution.

Standing Order 10 - Appointment of Chairmen's Panel

Proposal by the Member

THAT, the Chairmen's Panel should be appointed by the House and the Sessional Committee with representation from both sides of the House.

Response by the Sub-Committee

The Sub-Committee found no merit in changing the present practise, which already takes into account the wishes of the House.

Standing Order 17 - Hours of Meeting

Proposal by the Member

THAT, there should be an additional sitting on the morning of Thursdays, to be designated an Opposition Day for exclusive transaction of business other Bills sponsored by the Government. The sitting of Wednesday morning should remain a Private Member's Day.

Response by the Sub-Committee

The Sub-Committee deliberated on this proposal and was of the opinion that, if, its recommendation for a Member's-Half-Hour Statements on Thursday evening were accepted; there should be sufficient opportunity for ventilation of any particular matters [Paragraph 19 (i) (ii) and (iv) Management of Time].

Further, the Sub-Committee was of the opinion that the present practise of the Committee of Supply, whereby, most of the votes deliberated upon were those selected by the Opposition at the sittings of the Sessional Committee, provided ample opportunity for the opposition to express their views.

Standing Order 20 - Adjourment on definite matter of urgent national importance.

Proposal by the Member

THAT, other than the instances stipulated under Standing Order 20, the House should also adjourn to discuss a definite matter of urgent national importance if, there is a request in writing supported by 1/3 of Members of the House.

Response by the Sub-Committee

The Sub-Committee deliberated on this proposal and noted that, the current provisions were sufficient, as the frequency of such motions is determined by the joint approach of the Speaker and the House. There is already a provision requiring a set number of Members to support a claim for it to succeed.

Standing Order 22 -

Adjournment to a day other than the next normal sitting day.

Proposal by the Member

THAT, the House should adjourn *sine die* only if 2/3 of the Sessional Committee certifies that there is no pending business and that there are no Bills, Motions and Questions not dealt with. Questions should be allotted more time. There should be only one adjournment of more than six weeks in December and January but the period should be stated in the Constitution, statute or Standing Orders. The powers of the President to prorogue Parliament as stated earlier should be abolished and repealed.

Response by the Sub-Committee

The Sub-Committee deliberated on this proposal and found no merit for a change in the present practise, and, further that, it was not within their mandate as it calls for a constitutional amendment.

Standing Order 30 -

Order Paper to be prepared and circulated.

Proposal by the Member

THAT, the outline of Parliamentary Business in any one week including Questions, Motions and Bills should be circulated in the preceding week. The Order Paper should be circulated at least 12 hours before the House meets.

Response by the Sub-Committee

The Sub-Committee deliberated on this proposal and was satisfied that the current modalities fulfil what the proposal seeks to achieve. Nonetheless, it was further noted that the items on the Order Paper are usually determined rather late in the evening after the rise of the House.

Standing Order 40(3) -

Order Paper to be prepared and circulated.

Proposal by the Member

THAT, all motions not approved by the Speaker shall be forwarded to the Sessional Committee for consideration and if the Committee is of the opinion that the Speaker has no basis or justification for his ruling the motion will stand approved.

All motions not approved by the Speaker shall be circulated to the members with the comments of the Speaker on his refusal to approve.

Response by the Sub-Committee

The Sub-Committee deliberated on this proposal and was of the opinion that their observation under paragraph 18, above sufficiently cover it.

Standing Order 73(1) - Contents of speeches.

Proposal by the Member

THAT, although the Standing Order relates only to personal conduct and does not prohibit debate on the conduct of the President in performance or exercise of his constitutional or public duty and responsibilities, the Standing Order should be reframed for the avoidance of doubt on its application.

Response by the Sub-Committee

The Sub-Committee deliberated on this proposal and was of the opinion that its provisions were sufficiently clear and did not call for any further definition.

Part XII - RULES OF DEBATE

Proposal by the Member

THAT, although the established debating practices give provisions for the Speaker to exercise his discretion but, the order in which speakers are called should be set out in the Standing Orders in general terms including the following:

THAT, the Speaker shall determine the order in which speakers are called. In so doing, he should be guided by the need to insure that debates are conducted properly and efficiently, with due regard to the different views of the political parties, the arguments for and against the subject under debate, and the relative strengths of the parties, in particular, a divergent opinion should be heard after a speech has been delivered by a Minister or a member of the party of government. The first speaker in the debate on an item of business submitted by the Government which has been moved and seconded should not belong to the party of the government.

Response by the Sub-Committee

The Sub-Committee deliberated on this proposal at length and was satisfied that the current provisions were sufficient and that, any additional guidance as to the exercise of the discretion of the Chair would amount to removing the discretion.

Standing Order 103 - Committal

Proposal of the Member

THAT, all Bills should be referred to the General Purpose Committees after Second Reading and prior to their deliberation in the Committee of the Whole House.

Response by the Sub-Committee

The Sub-Committee deliberated on this proposal at some length and was generally in agreement with the views expressed. It was noted that the recommendation of the Sub-Committee under paragraph [19 {II (ii) (c)} (Select Committees)] above, sufficiently covers this proposal.

Part XIX - SELECT COMMITTEES

Proposal of the Member

THAT, Select Committees should conduct public hearings; and further that proceedings of the House and the Committees should be broadcast.

Response by the Sub-Committee

The Sub-Committee deliberated on the issues raised in this proposal and felt that their counsel under [paragraph XI (Broadcast of Proceedings)] - above would suffice.

Standing Orders 147 and 148 -

**Public Accounts
Committee.**

**Public Investments
Committee.**

Proposal of the Member

THAT, the proposals made in Sessional Paper No. 2 of 1996, to amend S.O.s 147 and 148 were unacceptable as that would remove the constitutional and institutional recognition given to the Opposition in Parliament.

Response by the Sub-Committee

The Sub-Committee noted that their findings from within the Commonwealth do not indicate that the absence of an opposition majority on committees result into the non-recognition of the Opposition in Parliament. Indeed, no where in the Commonwealth do these Committees contain opposition majorities. Except that, by convention, the chairmanship is mostly reserved for the Opposition. Consequently, the Sub-Committee was of the opinion that their recommendation for further amendments to S.O.s 147 and 148, under paragraph 20 above, was sufficient.

Part XX - Public Petitions

Proposal of the Member

THAT, the current provisions requiring petitions to be presented in handwritten form was archaic and should be discontinued. Further, that a Select Committee to be designated Committee on Public Petitions to which all Petitions accepted by the House should be referred; be provided for in the Standing Orders.

Response by the Sub-Committee

The Sub-Committee deliberated on this proposal and noted that though its views were plausible, the present procedure has not been put into practice for the insufficiency or otherwise to be gauged. Consequently, the Sub-Committee deferred further consideration of this proposal to a future date.

APPENDIX ONE

Contains the Summary of the proposed amendments to Standing Orders (these were later refined by the Standing Orders Committee and appear in the refined form in the First Schedule).

SUMMARY OF PROPOSED RECOMMENDATIONS

The following proposed recommendations are as closely linked to the current Standing Orders as is possible. This is done for ease of reference. It was not felt appropriate to reproduce the current Standing Orders, except that the number where applicable and the title precedes the recommendations or the proposed version of the Standing Order.

1. **Standing Order 1 Incases not provided for, Mr. Speaker to decide**

All matters not herein after expressly provided for, or by other Orders of the House, procedural questions shall be decided by the Speaker or the Chairman, whose decisions shall be based on the usages, forms, customs and precedents of the National Assembly of Kenya and on parliamentary traditions in Kenya and other jurisdictions, so far as they may be applicable to the Assembly.

2. **Standing Order 17 - Hours of meeting**

In S.O. 17 (2) insert as appropriate:-

The hours of sitting for Thursdays shall be from 14.30 Hrs to 19.00 Hrs.

3. **Members'-Half-Hour-Statements**

A new Standing Order be inserted after Standing Order 20, to contain the following provisions on the Members' - Half - Hour - Statements.

Every Thursday starting 18.30 Hrs. to 19.00 Hrs, the Speaker shall interrupt the proceedings to facilitate Members - Half - Hour - Statements, whose modalities shall be as follows:-

- Members desiring to make statements shall give a notice in writing of the matter to the Speaker before One O'clock on the same day. The notices shall be channelled through the Party Whips.
- The Speaker will decide on the appropriateness of the matter being raised.
- The Party Whips will in turn inform the relevant Minister/s of the matters to be raised at least before Four O'clock on the same day.

4. **Standing Order 55 - Direction of the Ayes and Noes**

The text of this Standing Order be rewarded to in - corporate the following -

Once the Speaker or the Chairman as the case may be, has announced the names of the Tellers, put the Question, shall direct the Members wishing to vote to proceed to the Entry Doors of the appropriate Lobby which shall be locked ten minutes thereafter.

Fifteen minutes after the locking of the Entry Doors to the Lobbies, the Speaker shall call the House to order, and any Member who shall not have voted then, shall forfeit his right to vote.

5. **Standing Order 65 - Speeches may not be read**

The following proviso be added as appropriate -

Provided that, where in the opinion of the Speaker , there is reason for precision of statement of facts, he may allow a Member to read his speech.

6. **Standing Order 81 - Limitation of Debate**

The recommendations of the Sub-Committee to limit the time during which Members may speak in debates on Second Reading of Bills and debates on adoption of Sessional Papers and Reports of Committees, would either be codified in the Standing Orders or be by way of Sessional Orders as is the practise in relation to Private Members' Motions. The following are the recommended limitations.

(i) **BILLS**

(a) **Public bills**

Bills initiated by Government

- | | | |
|---|--|-------------------------------------|
| - | The Leader of Government Business
[or the designated Minister]
In Moving and Replying. | Length of
speech
not limited. |
| - | The Leader of the Official
Opposition Party
[or the designated Spokesman]
In submitting official position | Length of
speech not
limited. |

- Every other Member speaking Length of speech limited to a maximum of thirty (30) minutes.

Bills initiated by Private Members

- The Leader of the Official Opposition Party [or the Member in-charge/the designated Spokesman] In Moving and Replying Length of Speech not limited
- The Leader of Government Business [or the designated Minister] In submitting official position Length of speech not limited.
- Every other Member speaking Length of speech limited to a maximum of thirty (30) minutes.

(b) **Private Bills**

Same provisions as for Public Bills initiated by Private Members.

(ii) **Motions for adoption of Sessional Papers or Reports of Committees.**

(a) **Sessional Papers**

The Leader of Government Business [or the designated Minister] In Moving and Replying Length of speech not limited

The Leader of the Official Opposition Party [or the designated Spokesman] Length of speech not limited

In submitting official position

Every other Member speaking	Length of speech limited to a maximum of thirty (30) minutes.
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(b) **Reports of Committees**

The Chairman of the Committee [or the designated Member of the Committee] In Moving and Replying	Length of speech not limited.
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The Leader of Government Business [the designated Minister] In submitting official position	Length of speech not limited
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Leader of the Official Opposition Party [or the designated Spokesman]	Length of speech not limited.
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Every other Member speaking	Length of speech limited to a maximum of thirty (30) minutes.
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7. **Standing Order 103 - Committal (of Bills to Committees)**

The recommendation of the Sub-Committee is that, all Bills stand referred to Departmental Committees (DCs) after First Reading, upon the moving of motion for such committal. The text of Standing Order 103 would have to be reworded appropriately to accommodate the provisions below:-

- (i) After the First Reading of a Bill, the Minister-in-Charge of the Bill may refer the Bill to the relevant Departmental Committee (DC);

Provided that, where the Minister does not indicate his desire to do so, then, any Member of the relevant Departmental Committee may move that the Bill be referred to that Committee. The Speaker shall put the question thereon forthwith.

- (ii) The Departmental Committees shall present their report on a Bill to the House within seven days, following committal.
- (iii) The provisions of this Standing Order shall not apply in case of a Consolidated Fund Bill, an Appropriation Bill, a Supplementary Appropriation Bill or a Constitution of Kenya (Amendment) Bill.

8. **Standing Order 145 - Sessional Committee**

The Sub-Committee recommends that, the new name of this committee be:-

House Business Committee.

9. **Standing Order 146 - Estimates Committee**

The Sub-Committee recommends that, the Estimates Committee be abolished. The figure 146 be now related to the proposed new Liaison Committee.

10. **Standing Order 146 - Liaison Committee**

The Sub-Committee recommends that, for the efficient and better co-ordination of operations of the Departmental Committees, a new Committee be established. The provisions of the Liaison Committee shall include:-

- (i) Membership shall comprise the Chairmen of all Departmental Committees existing at any time.
 - (ii) The Chairman of the Liaison Committee shall be the Deputy Speaker.
 - (iii) The role and functions of the Liaison Committee shall include, the general superintendence and co-ordination of the policies, mandates, apportionment of the annual operating budget, deliberation on the programmes of the Departmental Committees including travelling and decision on which of their reports should be debated in the House.
- (xii) **Standing Orders - 147 and 148 - Public Accounts and Public Investments Committees.**

The recommendations of the Sub-Committee are for the purpose of effecting changes in the texts contained in

Sessional Paper No. 2 of 1996, and as stated at paragraph 17, above. The proposed versions of the two Standing Orders would, respectively, read as follows:-

Standing Order 147

(1) There shall be a select committee to be designated the Public Accounts Committee for the examination of the accounts showing the appropriation of the sum voted by the House to meet the public expenditure and of such other accounts laid before the House as the Committee may think fit. The Public Accounts Committee shall consist of a Chairman, who shall be a Member who does not belong to the parliamentary party which is the ruling party and, not more than ten Members who, shall be nominated by the House Business Committee to reflect the relative majorities of the seats held by each of the parliamentary parties in the National Assembly; at the commencement of every Session:

Provided that, the ruling party shall have a majority of not more than two.

(2) The Public Accounts Committee shall elect its own Chairman.

Provided that, in the absence of the Chairman, a Member designated by him shall take the Chair; and in their absence, the Members present shall elect one of them to act in his stead.

(3) The Chairman or the Acting Chairman and four other Members of the Public Accounts Committee shall constitute a Quorum.

(4) The names of Members present at each sitting of the Public Accounts Committee shall be entered on the minutes.

(6) The minutes of the proceedings of the Public Accounts Committee shall be brought up and laid on the Table of the House with the report of the committee.

Standing Order 148

(1) There shall be a select committee to be designated the Public Investments Committee for the examination of the working of the public investments. The Public Investments Committee shall consist of a Chairman, who shall be a Member who does not belong to the parliamentary party which is the ruling party and, not more than ten Members, who shall be nominated by the House Business Committee to reflect the

relative majorities of the seats held by each of the parliamentary parties in the National Assembly, at the commencement of every Session:

Provided that, the ruling party shall have a majority of not more than two.

Provided further that, in the absence of the Chairman, a Member designated by him shall take Chair; and in their absence, the Members present shall elect one of them to act in his stead.

(2) The Chairman or the Acting Chairman and four other Members of the Public Investments Committee shall constitute a Quorum.

(3) The functions of the Public Investments Committee shall be-

- (a) to examine the reports and accounts of the public investments;
- (b) to examine the reports, if any, of the **Auditor-General (Corporations)** on the public investments; and
- (c) to examine, in the context of the autonomy and efficiency of the public investments, whether the affairs of the public investments are being managed in accordance with sound business principles and prudent commercial practices:

Provided that the Public Investments Committee shall not examine or investigate any of the following, namely-

- (i) matters of major Government policy as distinct from business or commercial functions of the public investments;
- (ii) matters of day-to-day administration; and
- (iii) matters for the consideration of which machinery is established by any special statute under which a particular public investment is established.

12. **Standing Order 151 - Departmental Committees**

Part (2) of Standing Order 151 shall be reworded to increase the number of DCs by one. The subjects to be covered by each Committee is at the end of Appendix One.

Part (3) of Standing Order 151 shall be reworded as follows:

- (i) To investigate and inquire into and report on all matters relating to the mandate, management, activities, administration, operations, estimates, of the assigned Ministries and departments.
- (ii) To study the programme and policy objectives of the Ministries and departments and the effectiveness of implementation of the same.
- (iii) To study and review all legislation (Bills) after First Reading; subject to the exemptions under Standing Order 103 (iii).
- (iv) To study the immediate, medium and long-term expenditure plans, including the annual estimates and the effectiveness of implementation of the same.
- (v) To study, assess and analyze the relative success of the Ministry and department as measured by the results obtained as compared with its stated objectives.
- (vi) To investigate and inquire into all matters relating to the assigned Ministries and departments as it may deem necessary and, as may be referred to them by the House or a Minister.
- (vii) To make reports and recommendations to the House as often as possible and, such recommendation may extend to proposals for legislation.
- (viii) In their deliberations, the Departmental Committees shall enjoy and exercise all the powers and privileges of Parliament, including the summoning of witnesses, sending for papers and documents; and the receiving of the same from the public.

Part (3) of Standing Order 151 shall be retained in total.

13. Standing Order 172 - Seating in the Chamber.

This amendment is as contained in Sessional Paper No. 2 of 1996.

1. THAT, Standing Order 172, be amended:-

- in the first line -

inserting the words "to the right of Mr. Speaker's", between the words "Chamber" and "shall";

2. THAT, the proviso be **deleted** and a new proviso be inserted as follows:-

"Provided that, the front seats to the left of the Speaker shall be reserved for Leaders of Opposition Parties and members of the Official Opposition Party designated as having responsibility for particular matters".

14. **MEMBERS TRAVELLING ABROAD**

In order to enable the Parliament and the individual Members benefit from the knowledge and experiences gained through opportunities availed to Members to travel abroad, the Sub-Committee recommends to streamline the modalities.

Standing Order 174 - Members travelling abroad to notify the Speaker.

A new Standing Order be inserted after Standing Order 173 to incorporate the provisions below.

- Members to give notice in writing to the Speaker, informing him of intention to travel.
- The written notice of the intention of the Member to travel should indicate dates of the absence, contact and address of destinations.
- The written notice should be given at all times, notwithstanding the fact that, the travelling is at public or private expense.

Standing Order 175 - Public Registry of Members travelling abroad

An additional new Standing Order be inserted after Standing Order 173 to incorporate the provisions below:-

The Clerk of the National Assembly shall maintain a public registry of Members travels abroad; in which Members shall register all visits they make outside Kenya, arising

from or relating to their membership of the National Assembly whether the costs of such travel is wholly or partly met from public funds; together with the names and addresses of the destination one is travelling to and the likely duration of the visit.

APPENDIX TWO

The minutes of the eight (8) Sittings held by the Sub-Committee

MINUTES OF THE FIRST SITTING OF THE SUB-COMMITTEE OF THE STANDING ORDERS COMMITTEE HELD ON TUESDAY, JANUARY 14, 1997 IN THE SMALL COMMITTEE ROOM AT COUNTY HALL (PARLIAMENT ANNEXE) AT 10.00 A.M.

PRESENT: The following Members were present:

Dr. the Hon. B. A. Godana, M.B.S., M.P. -
Chairman
The Hon. Henry O. Obwocha, M.P.
The Hon. Bishop Joseph K. Kimani, M.P.
The Hon. Moses M. Wetang'ula, M.P.

APOLOGY: Apology for absence was received from the following Member:-

The Hon. Julius L. ole Sunkuli, M.P.

IN ATTENDANCE: The following were in Attendance:-

Mr. Japhet K. Masya, EBS, OGW -
Clerk of the National Assembly; and

Mr. Murumba Werunga -
Principal Clerk Assistant.

MINUTE NO. 1 PROGRAMME OF BUSINESS

1. The Chairman drew the attention of the Members to the Programme of Business as contained in the itinerary of the proposed visits by the Sub-Committee to certain Parliaments within the Commonwealth. He then invited the Clerk of the National Assembly to expound on the itinerary.
2. **The Clerk of the National Assembly expounded on the Programme of Business thus:-**

- (i) The Sub-Committee would undertake study tours to certain Parliaments within the Commonwealth, as set out in the following schedule.

Proposed schedule of study visits by the Sub-Committee to certain Parliaments within the Commonwealth.

Cluster One

- (a) Canada 10.02.97 to 13.02.97 (confirmed)
- (b) United Kingdom 17.02.97 to 20.02.97 (confirmed)
- (c) New Zealand 24.02.97 to 27.02.97 (confirmed)
- (d) Australia 03.03.97 to 06.03.97 (confirmed)

Cluster Two

- (a) Zambia - study visit to be scheduled during the months of March/April/May, 1997
- (b) Zimbabwe - study visit to be scheduled during the months of March/April/May, 1997
- (c) South Africa - study visit to be scheduled during the months of March/April/May, 1997

Cluster Three

- (a) Tanzania - study visit to be scheduled during the months of March/April/May, 1997.

- (b) Uganda - study visit to be scheduled during the months of March/April/May, 1997

Cluster Four

- (a) Consideration would be given to scheduling study visits to the Parliaments of India, Malaysia and Singapore during the months March/April/May/June, 1997.
- (b) Consideration would be given later to mounting visits to some Parliaments outside the Commonwealth, e.g. the Federal Republic of Germany, France and Switzerland.
 - (i) The Clerk impressed upon the Sub-Committee of the need to start from the familiar Commonwealth modalities and then go on to look at other varieties.
 - (ii) The Clerk informed the Sub-Committee of the likelihood of an extended stay in Australia after the study tour, during which the Sub-Committee would be on a reciprocal visit to the Commonwealth Parliament of Australia.
 - (iii) The Clerk reminded the Members of the need to equip themselves with a "**winter gear**" during the visits to Canada and the United Kingdom.
 - (iv) The Clerk reminded the Members to carry along the copies of the Standing Orders of the various Parliaments to be visited. These had already been supplied to each

Member.

3. On the proposed schedule of the study visits, the following matters were discusses:-

- (i) Arrangements would be made for some of the evidence (discussions during the visits) to be taped and transcribed later.
- (ii) Two copies, each of the submissions by the Hons. Orengo and Muite would be carried along.
- (iii) The UNDP would fully sponsor the tours.
- (iv) Members who wish to visit territories outside those scheduled, would meet any extra costs arising there from.
- (v) The Sub-Committee would depart Nairobi on Saturday, February 08, 1997.

4. Report of the Sub-Committee

The Clerk of the National Assembly, informed the Sub-Committee that their report and recommendations would be on the basis of the totality of the submissions and findings from the proposed study visits. The report would be made to the Standing Orders Committee that would in turn report to the House. The House would then deliberate on it and decide as appropriate.

MINUTE NO. 2 DATE OF THE NEXT SITTING

It was agreed that, the Next Sitting would be on February 04, 1997 at 10.00 O'clock.

MINUTE NO.3 ADJOURNMENT

The Chairman adjourned the Sitting at fifteen minutes past Eleven O'clock, till February 04, 1997 at 10.00 O'clock.

CONFIRMED:

Dr. the Hon. B.A. Godana, M.P.

(CHAIRMAN)

DATE:

February 04, 1997

MINUTES OF THE SECOND SITTING OF THE SUB-COMMITTEE OF THE STANDING ORDERS COMMITTEE HELD ON TUESDAY, FEBRUARY 04, 1997 IN THE SMALL COMMITTEE ROOM AT COUNTY HALL (PARLIAMENT ANNEXE) AT 10.00 A.M.

PRESENT: The following Members were present:

Dr. the Hon. B. A. Godana, M.B.S., M.P. -
Chairman
The Hon. Julius L. ole Sunkuli, M.P.
The Hon. Henry O. Obwocha, M.P.
The Hon. Bishop Joseph K. Kimani, M.P.
The Hon. Moses M. Wetang'ula, M.P.

IN ATTENDANCE: The following were in Attendance:-

Mr. Japhet K. Masya, EBS, OCW -
Clerk of the National Assembly; and

Mr. Murumba Werunga -
Principal Clerk Assistant.

MINUTE NO. 4

CONFIRMATION OF MINUTES

The Minutes of the Sitting held on January 14, 1997 were approved and confirmed by the Chairman.

MINUTE NO. 5

ITINERARY OF THE STUDY VISITS OF THE SUB-COMMITTEE

Deliberations ensued on the itinerary of the visits to the Parliaments of Canada, United Kingdom, New Zealand and Australia. Members sought clarification on matters ranging from flight connections, subsistence allowance, the frequency of sittings during the visits *et cetera*. All these were satisfactorily dealt with by the Chairman and the Clerk of the National Assembly.

MINUTE NO. 6

DATE OF THE NEXT SITTING

It was resolved that the Sub-Committee would sit on the last of the days of the tour to each Parliament. Tentatively this would be on.

- February 13, 1997 in Canada
- February 20, 1997 in the United Kingdom
- February 27, 1997 in New Zealand; and
- March 06, 1997 in Australia.

However, it was also resolved that, there would be continuous discussions and exchange of views in the course of the study visits.

MINUTE NO. 7

ADJOURNMENT

The Chairman adjourned the sitting at fifty minutes past Ten O'clock, to a date to be agreed upon later.

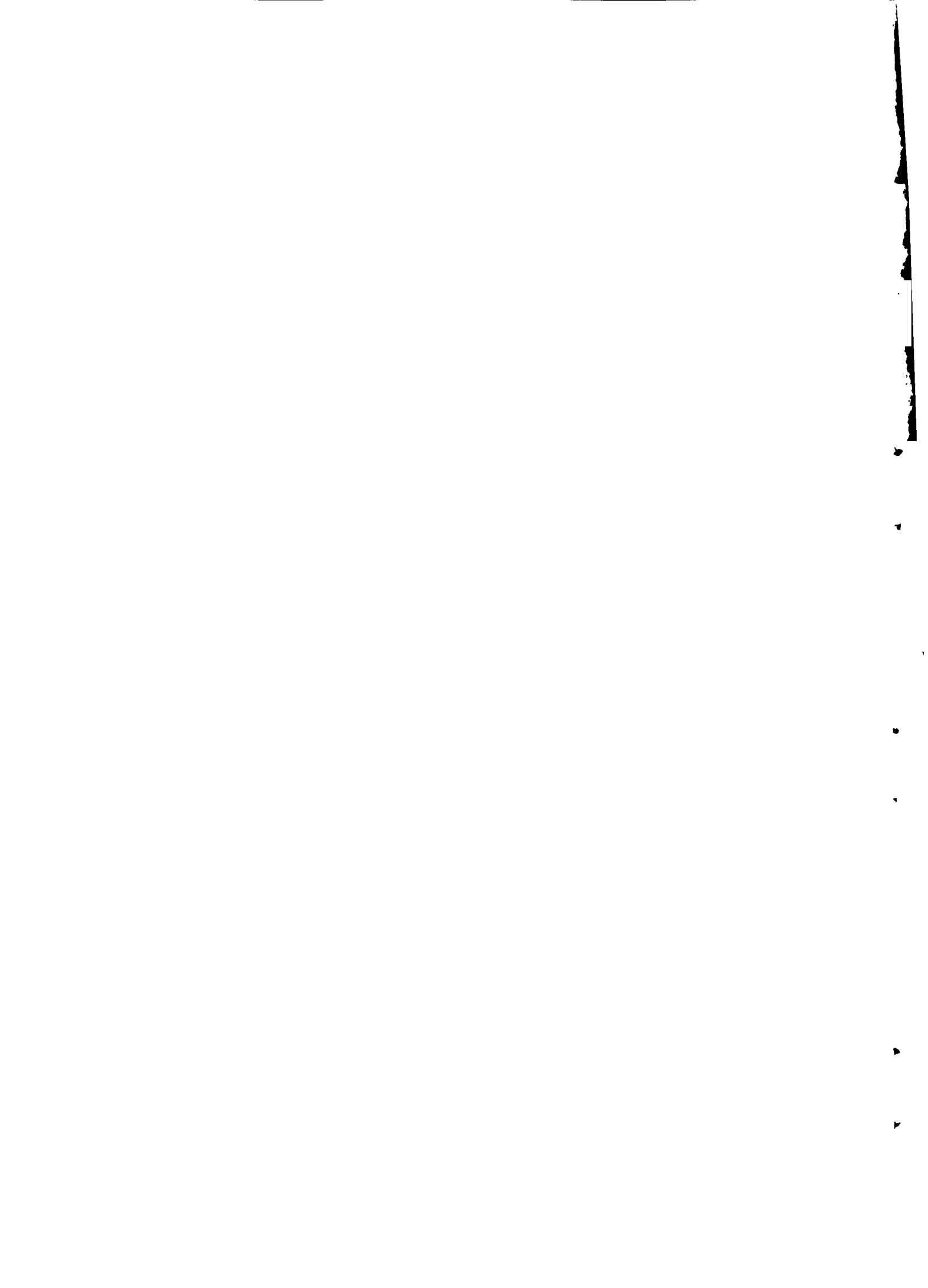
CONFIRMED:

Dr. the Hon. B.A. Godana, M.P.

Chairman

DATE:

June 21, 1997



**MINUTES OF THE THIRD SITTING OF THE SUB-COMMITTEE OF THE
STANDING ORDERS COMMITTEE HELD ON THURSDAY 12TH JUNE,
1997 IN COMMITTEE ROOM NO. 7 AT PARLIAMENT BUILDINGS
10.00 A.M.**

PRESENT: The following Members were present:

Dr. the Hon. B. A. Godana, M.B.S., M.P. - Chairman
The Hon. Julius L. ole Sunkuli, M.P.
The Hon. Moses M. Wetang'ula, M.P.

IN ATTENDANCE: The following were in Attendance:-

Mr. Japhet K. Masya, EBS, OGW -
Clerk of the National Assembly;

Mr. James N. Mwangi
Senior Clerk Assistant; and

Mr. Samwel N. Ruge
Third Clerk Assistant.

MINUTE NO. 8: RETREAT TO MASAI MARA FOR REPORT WRITING

The Committee resolved to take a retreat to Serena Lodge, Masai Mara for Friday, June 20, 1997 to Monday June 23, 1997 in order to prepare a report of the study Visits in Cluster One, i.e. to the Parliaments of Canada, United Kingdom, New Zealand and Australia and also to consider possible amendments to the Standing Orders.

MINUTE NO. 9 ADJOURNMENT

The Chairman adjourned the Sitting at forty five minutes past Ten O'clock.

Dr. the Hon. B.A. Godana, M.P.

CONFIRMED:

Chairman

June 12, 1997

DATE:

**MINUTES OF THE FOURTH SITTING OF THE SUB-COMMITTEE OF THE
STANDING ORDERS COMMITTEE HELD ON SATURDAY JUNE 21, 1997
AT SERENA LODGE, MASAI MARA AT 9.00 A.M.**

PRESENT: The following Members were present:

Dr. the Hon. B. A. Godana, M.B.S., M.P. -
Chairman
The Hon. Julius L. ole Sunkuli, M.P.
The Hon. Henry O. Obwocha, M.P.
The Hon. Moses M. Wetang'ula, M.P.

APOLOGY:- Apology for absence was received from the following Member:-

The Hon. Bishop Joseph K. Kimani, M.P.

IN ATTENDANCE: The following were in Attendance:-

Mr. Japhet K. Masya, EBS, OGW -
Clerk of the National Assembly;

Mr. Murumba Werunga,
Principal Clerk Assistant; and

Mr. James N. Mwangi
Senior Clerk Assistant.

MINUTE NO. 10 CONSIDERATION OF THE INTERIM REPORT

The Minutes of the Second and Third Sittings held on February 04, and June 12, 1997 respectively, were approved and confirmed by the Chairman.

MINUTE NO. 11 CONSIDERATION OF THE INTERIM REPORT

The Sub-Committee considered the Interim Report on the study Visits in Cluster One i.e. to the Parliaments of Canada, United Kingdom, New Zealand and Australia. After a lengthy discussion on the report the Committee resolved as follows:-

I MANAGEMENT OF TIME

It was observed that the House had become inefficient due to lack of management of

time. In order to minimize the time taken on some Bills and certain Motions, the Sub-Committee recommended, that:-

(i) **Bills**

Public Bills

All Members contributing to a Bill be limited to a maximum of 30 minutes each except, the Minister when moving and replying and the Official Opposition responder, whose contribution shall not be limited.

Private Bills

All Members contributing to Private Bills be limited to a maximum of 30 minutes each except the Mover while moving and replying and the Minister in responding.

(ii) **Motions for adoption of Sessional Papers/Reports of Committee.**

All Members contributing be limited to a maximum of 30 minutes each except, the Mover while moving and replying and the Minister in responding.

(iii) **Increase in the length of each Sitting**

The Sub-Committee deliberated on the existing periods of sittings and observed that, while there have been repeated calls for increase in the total time available to the Assembly, the sittings held in a Session (between 80-95) were at present adequate. The Sub-Committee, however, resolved to increase the Hours of Sittings on Thursdays by 30 minutes and that the 30 minutes be utilized by the Private Members in making statements on matters of interest to them (Refer to (iv) below).

(iv) **Opportunities for Private Members**

The Sub-Committee resolved that, in order to give Members opportunity to raise their grievances or ventilate, an additional 30 minutes be set aside on Thursdays (i.e. 18.30 to 19.00 Hrs). The Sub-Committee further resolved that:-

- (i) The period allocated for Statements by Members be referred to as **MEMBERS' - HALF-HOUR - STATEMENTS.**
- (ii) A Member intending to make a statement should give a notice to the Speaker through the Party Whip.
- (iii) The Whip should inform the Minister concerned.
- (iv) Each Member giving a statement (or grievances) be given a maximum of two minutes.
- (v) Each Minister desiring to respond be given two minutes.

(v) **Limitation of Question Time**

The Sub-Committee resolved to leave the Standing Orders on Questions as they are.

II **STANDING/SELECT COMMITTEES**

The Sub-Committee deliberated at length on the format, mandate and description of the Committees other than those of the whole House.

It was agreed by consensus that the present Committee system had some short comings and therefore needed to be re-organised.

The Committee resolved on the following:-

- (a) The General Purpose Committees be renamed Departmental Committees (DCs).

- (b) The secretariat would draw up a draft re-organisation of the General Purpose Committees (GPCs). These committees should be grouped according to their subjects and not on ministerial basis.
- (c) The duties of the Estimates Committee be transferred to the General Purpose Committees which will consider the estimates of the ministries/departments under their jurisdictions.
- (d) A Liaison Committee be established. This should be composed of Chairmen of the GPCs and would co-ordinate the procedure, operations and apportionment of the annual budget among the GPCs in addition to any other matters related thereto.
- (e) The Sessional Committee be renamed the House Business Committee.
- (f) Bills be referred to the relevant GPC after the First Reading.

The Committee did not however agree on the text of a Standing Order referring a Bill to the relevant GPC. Two proposals were made:-

1st Proposal

The Minister in charge of a Bill will, after the First Reading, refer the Bill to the relevant General Purpose Committee.

Provided that, where the Minister has not indicated his intention to refer the Bill to the relevant GPC, any Member of the relevant GPC may move that the Bill be referred to the Committee and the Speaker shall put the Question forthwith.

2nd Proposal

The Minister in charge of a Bill may move that the Bill be referred to the relevant General Purpose Committee and the Question shall not be put unless challenged by a Member with the support of twenty others.

- (g) When a Bill has been referred to a GPC that Committee would make its report to the House within seven days.

III DEFINITION OF A PARTY IN THE HOUSE

The Sub-Committee agreed not to add new definitions and preferred to maintain the status quo.

IV CIRCUMSTANCES LEADING TO LOSS OF A SEAT

The Sub-Committee agreed to abide by the present status quo which was also a constitutional status.

V MEMBERS READING SPEECHES

The Committee resolved to add a proviso to S.O. No. 65 on Members reading speeches. The proviso should read as follows:-

Provided that where in the opinion of Mr. Speaker there is a reason for precision of statement, he may allow the Member to read his speech.

VI ABSENCE OF MEMBERS FROM KENYA

After a lengthy discussion on this issue it was resolved that:-

- (a) Members travelling outside Kenya should notify the Speaker in writing of their intention to travel and this should indicate the dates of absence and address of contact. The notification should be made regardless of whether the visits were wholly or partially financed by the Government.
- (b) The Clerk should maintain a public register of foreign travel by Members of Parliament in which Members shall register all visits they make outside Kenya and whether the visits are wholly or partially financed by the Government.

VII ABSENCE OF MEMBERS FROM THE CHAMBER (ON TECHNICAL APPEARANCE)

The Sub-Committee felt that the issue could be

dealt with by the Whips.

VIII THE SECURITY OF MEMBERS WITHIN THE PRECINCTS

The Sub-Committee noted that this issue was under the mandate of the Speaker's Committee. Concern was, however, expressed at the manner in which Entry Cards for visitors were issued out without any restrictions.

IX MODALITIES OF DEBATE ON REPORT OF THE STANDING ORDERS COMMITTEE

The Sub-Committee discussed the manner in which reports of the Standing Orders Committee should be dealt with and resolved that, the reports be presented as Sessional Papers as has been the practise since 1967.

X MODALITIES FOR DEALING WITH ERRANT MEMBERS IN THE HOUSE

The Sub-Committee was of the view that, the present Standing Orders were adequate for dealing with the situation. The Sub-Committee, however, expressed concern at the increase in incidences of indiscipline in the House.

XI APPEALS AGAINST THE RULINGS OF THE DEPUTY SPEAKER

The Sub-Committee felt that this was not necessary in the Kenyan situation.

XII BROADCAST OF PROCEEDINGS

The Sub-Committee discussed the matter and was of the view that it was desirable to broadcast the proceedings.

The Sub-Committee, however, recommended that the issue be looked into by a committee to be appointed by the House.

XIII PRIVILEGE OF PARLIAMENT AND THE MEMBERS

The Sub-Committee found it unnecessary to reflect the establishment of the Privilege Committee in

the Standing Orders since it was provided for in the National Assembly (Powers and Privileges) Act, Cap 6, Laws of Kenya.

XIV MODALITIES FOR DIVISION

The Sub-Committee expressed concern at the time taken in Divisions and resolved that the following be incorporated in the Standing Orders:-

- (a) after the bar has been drawn a maximum of ten minutes be given to the Members to get into the Lobbies, and after the 10 minutes the entry doors to the Lobbies be locked; and
- (b) the Division be conducted within 15 minutes after which the Speaker would call the House to order and announce the results.

MINUTE NO. 12: REVIEW OF SESSIONAL PAPER NO. 2 OF 1996

The Sub-Committee reviewed Sessional Paper No. 2 of 1996 and resolved as follows:-

(i) Standing Order Nos 147 and 148

- (a) Membership of PAC and PIC be reduced from 13 to 11 i.e. 6 from the Government and 5 from the Opposition. The membership will be based on the reflection of the number of seats held by each party instead of the proportional representation as recommended **(however this will bring some complications because if membership is based on the reflection of the number of seats held by each party then the Government could require more than six Members).**
- (b) The Chairman shall be from the Opposition
- (c) In the absence of the Chairman, his designated substitute shall take the Chair and where a substitute has not been designated, the Members present shall nominate one of them to take the Chair.

- (d) The quorum of the Committees shall be five Members without the mandatory presence of the Chairman.
- (e) the Committees be empowered to allow other Members to attend their sittings but such Members may not vote.

(ii) **Standing Order No. 172**

The Sub-Committee resolved to leave Standing Order No. 172 as recommended in Sessional Paper No. 2 of 1996.

MINUTE NO. 13 OBJECTION BY A MEMBER

The Hon. Henry O. Obwocha objected to the proposal that in the absence of the Chairman, and where a substitute has not been designated, the Members present nominate one of them to take the Chair.

Hon. Obwocha had proposed that in the absence of the Chairman, the Chair should be taken by a Member of the Opposition.

MINUTE NO. 14 RIGHT OF RESPONSE BY AGGRIEVED MEMBER OF THE PUBLIC

The Sub-Committee discussed the opportunity which could be accorded to aggrieved members of the public to respond to unpalatable utterances made in the House and, deferred the matter for consideration by the Committee.

MINUTE NO. 15 AMENDMENT TO STANDING ORDER 1

The Sub-Committee resolved to amend Standing Order No. 1 in order to make it more precise. The Standing Order would read as follows:

"In all cases not provided for hereinafter or by other Orders of the House, procedural questions shall be decided by the Speaker whose decisions shall be based on the usages, forms, customs and precedents of the National Assembly of Kenya and on parliamentary tradition in Kenya and other jurisdictions, so far as they may be applicable to the House".

MINUTE NO. 16 ADJOURNMENT

The Chairman adjourned the Sitting at Six O'clock till
Sunday June 22, 1997 at 9.00 a.m.

CONFIRMED: **Dr. the Hon. B.A. Godana, M.P.**

Chairman

DATE: **July 24, 1997**

MINUTES OF THE FIFTH SITTING OF THE SUB-COMMITTEE OF THE STANDING ORDERS COMMITTEE HELD ON SUNDAY, JUNE 22, 1997 AT SERENA LODGE, MASAI MARA AT 9.00 A.M.

PRESENT: The following Members were present:

Dr. the Hon. B. A. Godana, M.B.S., M.P. -
Chairman
The Hon. Julius L. ole Sunkuli, M.P.
The Hon. Henry O. Obwocha, M.P.
The Hon. Moses M. Wetang'ula, M.P.

APOLOGY:- Apology for absence was received from the following Member:-

The Hon. Bishop Joseph K. Kimani, M.P.

IN ATTENDANCE: The following were in Attendance:-

Mr. Japhet K. Masya, EBS, OGW -
Clerk of the National Assembly;

Mr. Murumba Werunga,
Principal Clerk Assistant; and

Mr. James N. Mwangi
Senior Clerk Assistant.

MINUTE NO. 17 CONSIDERATION OF SUBMISSIONS FROM MEMBERS

The Sub-Committee considered each of the two submissions received from the Hon. James A.B. Orengo, and the Hon. Paul K. Muite, and resolved that, though some of the proposals put forward were plausible, they could not be individually incorporated as amendments to the Standing Orders because, they were either beyond the mandate of the Sub-Committee and indeed of the Standing Orders Committee as they would duly be admissible subsequent to appropriate amendments to the Constitution, or they had already been dealt with in the preceding proposed amendments. The Sub-Committee was further of the opinion that, some of the proposals called for major reform in the procedure in general e.g. the Broadcast of proceedings including public hearing of

sittings of committees which would require a restructuring of the current operations and provision of additional facilities. The response of the Sub-Committee on some of the specific proposals are, however, contained in the Third Schedule of the Sessional Paper.

MINUTE NO. 18 ANY OTHER BUSINESS

The Committee deliberated on the possibility of visiting other Parliaments before making their report but resolved that this would not be possible due to the time factor and the urgency to make their report.

MINUTE NO. 19: ADJOURNMENT

The Chairman adjourned the Sitting at forty-five minutes past Twelve O'clock till a date to be decided upon later.

CONFIRMED:

Dr. the Hon. B.A. Godana, M.P.

Chairman

DATE:

July 24, 1997

**MINUTES OF THE SIXTH SITTING OF THE SUB-COMMITTEE OF THE
STANDING ORDERS COMMITTEE HELD ON THURSDAY JULY 24, 1997
IN COMMITTEE ROOM NO. 7, PARLIAMENT BUILDINGS AT 11.00 A.M.**

PRESENT: The following Members were present:

Dr. the Hon. B. A. Godana, M.B.S., M.P. -
Chairman
The Hon. Julius L. ole Sunkuli, M.P.
The Hon. Henry O. Obwocha, M.P.
The Hon. Moses M. Wetang'ula, M.P.

APOLOGY:- Apology for absence was received from the
following Member:-

The Hon. Bishop Joseph K. Kimani, M.P.

IN ATTENDANCE: The following were in Attendance:-

Mr. Japhet K. Masya, EBS, OGW -
Clerk of the National Assembly;

Mr. Murumba Werunga,
Principal Clerk Assistant; and

Mr. James N. Mwangi
Senior Clerk Assistant.

MINUTE NO. 20 CONFIRMATION OF MINUTES

The Minutes of the Fourth and Fifth Sittings held on 21st and 22nd June 1997 respectively were approved and confirmed by the Chairman.

MINUTE NO. 21: MATTERS ARISING

Hon. Obwocha raised an issue that he had objected to the repeal of the Estimates Committee and that his objection had not recorded. He therefore wanted his objection recorded notwithstanding his concurrence with the view of the Sub-Committee that the Estimates Committee was moribund.

CONSIDERATION OF THE PROPOSED RECOMMENDATIONS

The Sub-Committee considered the proposed recommendations as contained in Appendix One of the Draft Report and resolved as follows:-

(i) **Standing Order 1 - In cases not provided for Mr. Speaker to decide.**

- recommendation as proposed agreed to.

(ii) **Standing Order 17 - Hours of meeting.**

- recommendation as proposed agreed to.

(iii) **Members' Half-Hour-Statements**

The proposed recommendation was adopted with an amendment to exclude any indication on the number of Members likely to raise statements and also the time to be allocated to a Member or a Minister wishing to respond.

(iv) **Standing Order 55 - Direction of the Ayes and Noes**

The first proposed recommendation was adopted by the Sub-Committee. The Standing Order as amendment would therefore read as follows:-

Once the Speaker or the Chairman as the case may be, has announced the names of the Tellers, put the Question, shall direct the Members wishing to vote to proceed to the Entry Doors of the appropriate Lobby which shall be locked ten minutes thereafter.

Fifteen minutes after the locking of the Entry Doors to the Lobbies, the Speaker shall call the House to order, and any Member who shall not have voted then,

shall forfeit his right to vote.

(v) **Standing Order 65 - Speeches may not be read**

- recommendation as proposed agreed to.

(vi) **Standing Order 81 - Limitation of Debate**

- recommendation as proposed agreed to.

(vii) **Standing Order 103 - Committal (of Bills to Committees)**

- the proposed recommendation was agreed to with the following amendments:-

(a) by changing the title "Departmentally Related Committees" to read "Departmental Committees".

(b) by inserting a provision to exempt a Consolidated Fund Bill, an Appropriation Bill, a Supplementary Appropriation Bill or a Constitution of Kenya (Amendment) Bill from the provisions of this Standing Order.

The Sub-Committee adopted the first proposal. The Standing Order as amended would read as follows:-

(i) *After the First Reading of a Bill, the Minister-in-Charge of the Bill may refer the Bill to the relevant Departmental Committee (DC);*

Provided that, where the Minister does not indicate his desire to do so, then, any Member of the relevant DC may move that the Bill be referred to that DC. The Speaker shall put the question thereon forthwith.

(ii) *The Departmental Committees shall present their report on a Bill to the House within seven days, following committal.*

(iii) *The provisions of this Standing Order shall not apply to a Consolidated Fund Bill, an Appropriation Bill, a Supplementary Appropriation Bill or a Constitution of Kenya (Amendment) Bill.*

(viii) **Standing Order 145 - Sessional Committee**

- recommendation as proposed agreed to.

(xi) **Standing Order 146 - Estimates Committee**

- the proposed recommendation was agreed to with an amendment substituting the word "deleted" appearing in the second line with the word "abolished".

(x) **Standing Order 146 - Liaison Committee.**

- the proposed recommendation was agreed to.

(xii) **Standing Order 147 - Public Accounts Committee.**

- The proposed recommendation was agreed to with some amendments.

The Standing Order as amendment would read as follows:-

(1) There shall be a select committee to be designated the Public Accounts Committee for the examination of the accounts showing the appropriation of the sum voted by the House to meet the public expenditure and of such other accounts laid before the House as the Committee may think fit. The Public Accounts Committee shall consist of a Chairman, who shall be a Member who does not belong to the parliamentary party which is the ruling party and, not more than ten Members who, shall be nominated by the House Business Committee to reflect the relative majorities of

the seats held by each of the parliamentary parties in the National Assembly; at the commencement of every Session:

Provided that, the ruling party shall have a majority of not more than two.

(2) The Public Accounts Committee shall elect its own Chairman.

Provided that, in the absence of the Chairman, a Member designated by him shall take the Chair; and in their absence, the Members present shall elect one of them to act in his stead.

(3) The Chairman or the Acting Chairman and four other Members of the Public Accounts Committee shall constitute a Quorum.

(4) The names of Members present at each sitting of the Public Accounts Committee shall be entered on the minutes.

(6) The minutes of the proceedings of the Public Accounts Committee shall be brought up and laid on the Table of the House with the report of the committee.

(xiii) **Standing Order 148 -** **P u b l i c
I n v e s t m e n t s
C o m m i t t e e**

The proposed recommendation was agreed to after some amendments.

The Standing Order as amended reads as follows:-

(1) There shall be a select committee to be designated the Public Investments Committee for the examination of the working of the public investments. The Public Investments Committee shall consist of a Chairman, who shall be a Member who does not belong to the parliamentary party which is the ruling party and, not more than ten Members, who shall be nominated by the House Business Committee to reflect the relative majorities of

the seats held by each of the parliamentary parties in the National Assembly, at the commencement of every Session:

Provided that, the ruling party shall have a majority of not more than two.

Provided further that, in the absence of the Chairman, a Member designated by him shall take Chair; and in their absence, the Members present shall elect one of them to act in his place.

(2) The Chairman or the Acting Chairman and four other Members of the Public Investments Committee shall constitute a Quorum.

(3) The functions of the Public Investments Committee shall be-

- (a) to examine the reports and accounts of the public investments;
- (b) to examine the reports, if any, of the **Auditor-General (Corporations)** on the public investments; and
- (c) to examine, in the context of the autonomy and efficiency of the public investments, whether the affairs of the public investments are being managed in accordance with sound business principles and prudent commercial practices:

Provided that the Public Investments Committee shall not examine or investigate any of the following, namely-

- (i) matters of major Government policy as distinct from business or commercial functions of the public investments;
- (ii) matters of day-to-day administration; and
- (iii) matters for the consideration of which machinery is established by any special statute under which a particular public

investment is established.

(xiii) **Standing Order 151 - General Purpose Committees.**

- the proposed recommendation was agreed to with the following amendments.

(a) by amending the title "Departmentally Related Committees" wherever it appears to read "Departmental Committees".

(b) by inserting the words "subject to the exemptions provided for in Standing Order No. 103 (iii).

(xiv) **Standing Order 172 - Seating in the Chamber**

- the proposed recommendation was agreed to.

(xv) **Standing Order 174 - Members Travelling Abroad**

- the proposed recommendation was agreed to.

(xvi) **Standing Order 175 - Public Registry of Members Travelling Abroad**

the proposed recommendation was agreed to.

MINUTE NO. 23: ADJOURNMENT

The Chairman adjourned the sitting at twenty Minutes past Twelve O'clock till Tuesday, July 29, 1997 at 11.00 a.m.

Dr. the Hon. B.A. Godana, M.P.

Chairman

CONFIRMED:

July 30, 1997

DATE:

**MINUTES OF THE SEVENTH SITTING OF THE SUB-COMMITTEE OF THE
STANDING ORDERS COMMITTEE HELD ON WEDNESDAY JULY 30, 1997
IN COMMITTEE ROOM NO. 7, PARLIAMENT BUILDINGS AT 11.45 A.M.**

PRESENT: The following Members were present:

Dr. the Hon. B. A. Godana, M.B.S., M.P. -
Chairman
The Hon. Henry O. Obwocha, M.P.
The Hon. Moses M. Wetang'ula, M.P.

APOLOGY:- Apology for absence was received from the
following Members:-

The Hon. Julius L. ole Sunkuli, M.P.
The Hon. Bishop Joseph K. Kimani, M.P.

IN ATTENDANCE: The following were in Attendance:-

Mr. Japhet K. Masya, EBS, OGW -
Clerk of the National Assembly;

Mr. Murumba Werunga,
Principal Clerk Assistant; and

Mr. J.N. Mwangi
Senior Clerk Assistant.

MINUTE NO. 24 CONFIRMATION OF MINUTES

The Minutes of the Sixth Sitting held on July
24, 1997 were approved and confirmed by the
Chairman.

MINUTE NO. 25: CONSIDERATION OF THE DRAFT REPORT

The Sub-Committee considered the draft
report and approved the same with
amendments as indicated under the relevant
Standing Orders below:-

- (i) **Standing Order 1 - In cases not
provided for Mr.
Speaker to
decide.**

The Sub-Committee approved the
Standing Order with an amendment

substituting the words "All matters" appearing in the first line with the words, "In all cases".

The Standing Order as amended would read:-

"In all cases not hereinafter expressly provided for, or by other Orders of the House, procedural questions shall be decided by the Speaker or the Chairman, whose decisions shall be based on the usages, forms, customs and precedents of the National Assembly of Kenya and on parliamentary traditions in Kenya and other jurisdictions, so far as they may be applicable to the Assembly".

(ii) **Standing Order 104 (as renumbered) - Committal (of Bills to Committees)**

Part "(2)" of Standing Order 104 was amended to read as follows:-

"After the First Reading of a Bill, the Minister-in-charge of the Bill may move that the Bill be referred to the relevant Departmental Committee. The Bill shall stand so referred without Question put".

(iii) **Standing Order 148 (as renumbered) - Public Accounts Committee.**

Part (3) of the Standing Order was amended to read as follows:-

"The Chairman or in his absence the person in the Chair and four other Members of the Public Accounts Committee shall constitute a Quorum".

(iv) **Standing order 149 (as renumbered) Public Investments Committee.**

Part (2) of the Standing Order was amended to read as follows:-

"The Chairman or in his absence the person in the Chair and four other Members of the Public Investments Committee shall constitute a Quorum".

MINUTE NO. 26:

SUBMISSION OF THE REPORT OF THE SUB-COMMITTEE TO THE MAIN COMMITTEE

The Sub-Committee unanimously resolved to submit its report to the main Committee on Tuesday, August 12, 1997 at 11.00 a.m. in Committee Room No. 7.

MINUTE NO. 27:

DATE FOR THE NEXT SITTING

The Sub-Committee resolved that the Next Sitting would be on Tuesday, August 12, 1997 at 10.00 a.m.

MINUTE NO. 28:

ADJOURNMENT

The Chairman adjourned the sitting at thirty minutes past Twelve O'clock till Tuesday, August 12, 1997 at 10.00 a.m.

CONFIRMED:

Dr. the Hon. B.A. Godana, M.P.

Chairman

DATE:

August 21, 1997

MINUTES OF THE EIGHTH SITTING OF THE SUB-COMMITTEE OF THE STANDING ORDERS COMMITTEE HELD ON THURSDAY AUGUST 21, 1997 IN COMMITTEE ROOM NO. 7, PARLIAMENT BUILDINGS AT 11.30 A.M.

PRESENT: The following Members were present:

Dr. the Hon. B. A. Godana, M.B.S., M.P. -
Chairman
The Hon. Julius L. ole Sunkuli, M.P.
The Hon. Henry O. Obwocha, M.P.
The Hon. Moses M. Wetang'ula, M.P.

APOLOGY:- Apology for absence was received from the following Member:-

The Hon. Bishop Joseph K. Kimani, M.P.

IN ATTENDANCE: The following were in Attendance:-

Mr. Japhet K. Masya, EBS, OGW -
Clerk of the National Assembly;

Mr. Murumba Werunga,
Principal Clerk Assistant; and

MINUTE NO. 29

CONFIRMATION OF MINUTES

The Minutes of the seventh Sitting held on July 30, 1997 were approved and confirmed by the Chairman.

MINUTE NO. 30:

CONSIDERATION OF THE FIRST SCHEDULE OF THE DRAFT REPORT

The Sub-Committee considered Appendix One of their Report as drafted with the technical advice by the Parliamentary Counsel and approved the same with amendments as indicated under the relevant Standing Orders below:-

(i) **Numbering of new Standing Orders**

The Sub-Committee resolved that, for ease of reference to the situation existing prior to effecting amendments whereby new Standing Orders are added, the new Standing Orders be

numbered by addition of letters to the existing numbers, e.g.

- The proposed new Standing Order providing for the Members-Half-Hour-Statements to be added immediately after S.O. 20, be number 20A.

(ii) **Standing Order 146 - Estimates Committee**

The Sub-Committee resolved to amend Standing Order 146 to read as below and be retained in the text.

Standing Order 146 - be deleted.

(iii) **Standing Order 101**

The Sub-Committee resolved to adopt the term "designated Minister" instead of "Minister-in-charge".

MINUTE NO. 31:

FACILITIES AND SERVICES FOR COMMITTEES

The Sub-Committee deliberated on the present level of the facilities and services available to committees and expressed grave concern at the current inadequacy. Consequently they resolved that, this status be amplified in the preface along with an appeal for additional Treasury funding to facilitate the work of Select Committees and in particular, the Departmental Committees.

MINUTE NO. 32:

SUBMISSION OF THE REPORT OF THE SUB-COMMITTEE TO THE MAIN COMMITTEE

The Sub-Committee unanimously resolved to submit its report to the main Committee on Tuesday, August 16, 1997 at 11.00 a.m. in Committee Room No. 7.

MINUTE NO. 33:

ADJOURNMENT

The Chairman adjourned the sitting at Twelve O'clock *sine die*.

