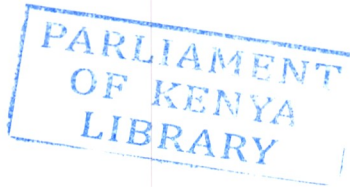




REPUBLIC OF KENYA



07 DEC 2017

**TWELFTH PARLIAMENT
(FIRST SESSION)**

THE NATIONAL ASSEMBLY

**THE FIRST REPORT
OF THE PROCEDURE & HOUSE RULES
COMMITTEE ON AMENDMENTS
TO THE STANDING ORDERS**

(Submitted pursuant to Standing Order 264)

Clerk's Chambers
National Assembly
Parliament Buildings
NAIROBI

December 2017

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PREFACE

The Procedure and House Rules Committee established under Standing Order 208 is mandated to, among other matters, “consider and report on all matters relating to the Standing Orders”. The Committee is also charged with the task of proposing amendments to the Standing Orders for consideration by the House. Further, the Committee may, from time to time, propose rules for the orderly and effective conduct of business of Committees.

Further, Standing Order 263 (1) stipulates that ‘A Member may, with the support of at least fifty other Members, request the Procedure and House Rules Committee to consider an amendment to the Standing Orders.’

Composition of the Committee

The Committee currently comprises of the following Members-

1. **The Hon. Justin B.N. Muturi, EGH, MP** - **Speaker of the National Assembly/Chairperson**
2. The Hon. Moses Cheboi, CBS, MP - Deputy Speaker
3. The Hon. Rosalinda Soipan, MP - First Chairperson of Committees
4. The Hon. Patrick Mariru, MP - Second Chairperson of Committees
5. The Hon. Jessica Mbalu, MP - Third Chairperson of Committees
6. The Hon. Christopher Omulele, MP - Fourth Chairperson of Committees
7. The Hon. Cecily Mbarire, MP - Deputy Majority Party Whip
8. The Hon. Olago Aluoch, MP

9. The Hon. David Kangogo Bowen, MP
10. The Hon. T.J. Kajwang, MP
11. The Hon. David Kiaraho, MP
12. The Hon. Janet Jepkemboi Sitienei, MP
13. The Hon. Capt. (Rtd.) Didmus Wekesa Barasa, MP
14. The Hon. Abdul Rahim Dawood, MP
15. The Hon. Ben Momanyi, MP
16. The Hon. David Gikaria, MP
17. The Hon. Beatrice Adagala, MP
18. The Hon. Ruweida Mohamed Obo, MP
19. The Hon. Zuleikha Hassan, MP
20. The Hon. Gathoni Wamuchomba, MP
21. The Hon. (Dr.) Pamela Awour Ochieng', MP

Hon. Members,

While acknowledging that the National Assembly is just settling in for business of the First Session of the Twelfth Parliament, it is noted that several issues have been raised regarding the operationalization of National Assembly Standing Orders as adopted at the end of the Eleventh Parliament. Some of these include the establishment and composition of Committees of the House, the review of language of debate in the House (S.O. 77), financial procedures as well as general reorganization of the rules of procedure.

Pursuant to Standing Order 263, the Majority Whip submitted proposals for amendment to the Standing Orders on 5th December, 2017. The main objective of the proposals was to rationalize the membership of House Committees with the aim of giving an opportunity for all Members to serve

and actively participate in committee work. The Committee deliberated on the proposals submitted considering the justification of each of the amendments proposed and produced a report on its consideration of the proposals.

It is therefore my pleasure to present this report to the House for adoption.

A handwritten signature in black ink, appearing to read 'Justin B.N. Muturi', is written over a horizontal line. The signature is stylized and somewhat cursive.

THE HON. JUSTIN B.N. MUTURI, EGH, MP
CHAIRPERSON, PROCEDURE & HOUSE RULES COMMITTEE

Thursday, 7th December, 2017

ADOPTION OF THE REPORT

The Report was adopted unanimously by all Members present (Annex I). The Committee also resolved to submit the Report to the House on December 07, 2017 and move a motion seeking the approval of the House for adoption of the report and the proposed amendments.

FIRST REPORT OF THE PROCEDURE AND HOUSE RULES COMMITTEE

I. ESTABLISHMENT AND MEMBERSHIP OF THE COMMITTEE

The Committee was established on Tuesday, 5th December 2017 pursuant to Standing Order 208 and comprises of the following Members-

1. **The Hon. Justin B.N. Muturi, EGH, MP** - **Speaker of the National Assembly/Chairperson**
2. The Hon. Moses Cheboi, CBS, MP - Deputy Speaker
3. The Hon. Rosalinda Soipan, MP - First Chairperson of Committees
4. The Hon. Patrick Mariru, MP - Second Chairperson of Committees
5. The Hon. Jessica Mbalu, MP - Third Chairperson of Committees
6. The Hon. Christopher Omulele, MP - Fourth Chairperson of Committees
7. The Hon. Cecily Mbarire, MP - Deputy Majority Party Whip
8. The Hon. Olago Aluoch, MP
9. The Hon. David Kangogo Bowen, MP
10. The Hon. T. J. Kajwang, MP
11. The Hon. David Kiaraho, MP
12. The Hon. Janet Jepkemboi Sitienei, MP
13. The Hon. Capt. (Rtd.) Didmus Wekesa Barasa, MP
14. The Hon. Abdul Rahim Dawood, MP
15. The Hon. Ben Momanyi, MP
16. The Hon. David Gikaria, MP
17. The Hon. Beatrice Adagala, MP

18. The Hon. Ruweida Mohamed Obo, MP
19. The Hon. Zuleikha Hassan, MP
20. The Hon. Gathoni Wamuchomba, MP
21. The Hon. (Dr.) Pamela Awour Ochieng', MP

II. MANDATE OF THE COMMITTEE

1. The Committee is mandated by Standing Order 208 to, among other matters, "consider and report on all matters relating to the Standing Orders". The Committee is also mandated to propose amendments to the Standing Orders for consideration by the House. Further, the Committee may, from time to time, propose rules for the orderly and effective conduct of business of Committees. Such rules, once approved by the House have the same effect as the Standing Orders.

III. AMENDMENT TO THE STANDING ORDERS

2. The Standing Orders provide that the Procedure and House Rules Committee may at any time propose amendments to the Standing Orders. The amendments can be done periodically, once in the term of a Parliament, or by an initiative of a Member.
3. The current proposed amendments of the Standing Orders are through an initiative of a Member pursuant to Standing Order 263 provides that:

"Amendment on the initiative of a Member

- (1) A Member may, with the support of at least fifty other Members, request the Procedure and House Rules Committee to consider an amendment to the Standing Orders.***
- (2) A request under paragraph (1) shall be in writing and shall-***

- (a) contain the text of the proposed amendment and the justification for the proposal;
- (b) contain the names and signatures of the Members supporting the request;
- (c) be lodged with the Speaker.
- (3)** The Speaker shall, if satisfied that the requirements of paragraphs (1) and (2) have been met, forward the request to the Procedure and House Rules Committee.
- (4)** The Procedure and House Rules Committee shall, within twenty-one days of the receipt of a request under paragraph (3), consider the request and table a report in the House containing the amendments proposed in the request and the recommendations of the Committee on each such proposal.
- (5)** The House shall consider the proposed amendments to the Standing Orders as reported from the Procedure and House Rules Committee on a Motion that "The report of the Procedure and House Rules Committee be approved."
- (6)** Standing Order 136 (Procedure on Bills reported from Committee of the whole House) shall apply to a Motion to approve the report of the Procedure and House Rules Committee on the amendments proposed to the Standing Orders."

IV. PROPOSED AMENDMENTS BY THE MAJORITY WHIP

Submissions by Hon. Benjamin Washiali, MP

- 4.** On 5th December, 2017, the Majority Whip, the Hon. Benjamin Washiali, MP wrote to the Clerk of the National Assembly (Annex II&III) proposing amendments to the Standing Orders. This fact was brought to the attention of the Speaker who, having satisfied himself that all requirements had been met, referred the proposal to the Procedure and House Rules Committee.
- 5.** The Committee met on Wednesday, December 06, 2017 to consider the proposals. The Hon. Washiali made his submission which is summarized below.

THAT-

- (a) Standing Order 172 be amended to increase the membership of the Committee on Selection from twenty-one (21) to twenty-three (23) Members;
- (b) Standing Order 174 be amended to, except as the House may otherwise resolve, on the recommendation of the Committee on Selection for reasons to be stated, limit a Chairperson or Vice-Chairperson from serving in more than one Committee;
- (c) Standing Order 205 be amended to increase the membership of the Public Accounts Committee from seventeen (17) to nineteen (19) Members;
- (d) Standing Order 205A be amended to increase the membership of the Special Fund Accounts Committee from seventeen (17) to nineteen (19) Members;
- (e) Standing Order 206 be amended to increase the membership of the Public Investments Committee from seventeen (17) to nineteen (19) Members;
- (f) Standing Order 207 be amended to increase the membership of the Budget and Appropriations Committee from twenty-three (23) to twenty-seven (27) Members;
- (g) Standing Order 208 be amended to increase the membership of the Procedure and House Rules Committee from twenty-one (21) to twenty-three (23) Members;

- (h) Standing Order 209 be amended to increase the membership of the Committee on Implementation from seventeen (17) to twenty-three (23) Members;
- (i) Standing Order 210 be amended to increase the membership of the Committee on Delegated Legislation from seventeen (17) to twenty-three (23) Members;
- (j) Standing Order 212 be amended to increase the membership of the Committee on Regional Integration from seventeen (17) to twenty-three (23) Members;
- (k) Standing Order 212B be amended to increase the membership of the Committee on Members' Services and Facilities from seven (7) to fifteen (15) Members;
- (l) Standing Order 213 be amended by deleting references to the Joint Committee on National Cohesion and Equal Opportunity and the Joint Committee on Parliamentary Broadcasting and Library;
- (m) Standing Order 214 on the Joint Committee on National Cohesion and Equal Opportunity be deleted;
- (n) Standing Order 215 on Joint Committee on Parliamentary Broadcasting and Library be deleted;
- (o) Standing Order 216 be amended to increase the membership of Departmental Committees to a maximum of nineteen (19) Members;

- (p) The Fourth Schedule to the Standing Orders be amended in rule 9 of the Joint Rules to delete references to the Joint Committee on National Cohesion and Equal Opportunity and the Joint Committee on Parliamentary Broadcasting and Library; and
- (q) Standing Orders be amended to insert two new Standing Orders establishing the Select Committee on National Cohesion and Equal Opportunity and Select Committee on Parliamentary Broadcasting and Library each comprising twenty-three (23) Members;
- (r) Standing Order 212B (**Committee on Members' Services and Facilities**) be chaired by the Leader of the Majority Party because of his position to interact with the welfare of Members; and
- (s) Standing Order 207 (**Budget and Appropriations Committee**) be amended to create two positions of Vice Chairpersons.

Justification

6. The Majority Whip observed that at the close of the Eleventh Parliament, the House reviewed the Standing Orders in line with the recommendations of the Procedure and House Rules Committee pursuant to Standing Order 264. The Committee had proposed a reduction in the membership of House Committees, making clear the mandates of existing Committees as well as establishment of new Committees. Notably, recommendations as adopted by the House, reduced the membership of Departmental Committees from twenty nine (29) to seventeen (17) Members, and the Budget and Appropriation Committee from fifty one (51) to twenty-three (23) Members.

unnecessary bureaucracies in the Committee. Further, the Committee observed that Standing Order 183 provides for the establishment of sub-committees. The Committees resolved to allow Select Committees to freely establish sub-committees as they deem necessary for the effective conduct of their business pursuant to Standing Orders.

V. OTHER PROPOSED AMENDMENTS

11. The following additional amendments were considered by the Committee-

(i) Proposal to Limit Parliamentary Service Commissioners from Sitting in Committees of the House

The Committee considered a proposed amendment to the Standing Orders to limit Commissioners of the PSC from sitting in Committees of the House.

Justification - It was observed that the Commission is often engaged in continuous schedules which require the attention of Commissioners. Further, there are committees and sub-committees within the Commission where Commissioners sit to deliberate on the various matters of the Commission. These include Committee on Members Welfare, Staff Welfare, Audit etc. It was therefore proposed that the Commissioner be relieved of their House Committee duties to allow them focus on the Commission work.

12. Committee Resolution: The Committee having noted the above proposal and its justification resolved to propose amendments to Standing Orders 174&178 to limit Commissioners to serve in only one

Committee of the House and to preclude them from standing for election as Chairperson or Vice Chairperson of Select Committees.

(ii) Proposal to provide for the term of Committees

The Committee considered a proposal to limit the term of all committees of the House.

Justification for the proposal - It was proposed that Committees established immediately after a general election serve for a term of three (3) years and the next Committee to serve for the remainder of the term of Parliament as is the case for the Budget and Appropriations Committee. This would allow for Members to rotate between Committees and give them an opportunity to learn the workings of other sectors. It would also avoid complacency and 'monopolization' of Committee oversight sectors.

Committee Consideration

13. The Committee was of the view that Members need to be given time to settle in, perform their role and build capacity in a specific area overlooked by a committee. It was observed that in normal circumstance, Committee take up to six (6) months to establish standard operating procedures and changing membership midway would disrupt Committee operations.
14. Additionally, a Committee constituted during the last two years of a term of Parliament would find it difficult creating rapport and favourable working conditions amongst its membership. This is especially so considering that the last nine to six months of a term of Parliament are occupied by election matters including party primaries and nominations processes.

7. While this was aimed at increasing the efficiency and effectiveness of Members of Committees, it is noted that these amendments reduced the number of slots available to Members of Parliament to **five hundred and fifty four (554)**. This reduction therefore effectively limits Members' participation in Committee work to at least one active Committee. Unintentionally, this reduction negates the initial intention as it limits the effectiveness of Members in the legislative process, aware that the bulk of the House business is performed through Committees.
8. Considering the effect of the review and taking into account the need for the Members to effectively participate in Committee business, it is proposed that the number of Members in Committees be increased to reflect the nature of the mandate given to the Committees under the Standing Orders. This will be in keeping with the original intention of fostering effectiveness and efficiency in Committee work. It is further observed that the proposed increment is minimal with an addition of only two (2) slots proposed for Departmental Committees and Watchdog Committees, and an addition of four (4) slots for the Budget and Appropriations Committee. The net effect of the proposed amendments will be to create a total of **six hundred and forty-two (642)** slots available for distributions amongst the general Membership of the House, an **increase of eighty-eight (88) slots**.
9. It is further noted that during the review of the Standing Orders, the National Assembly retained the provisions relating to Joint Committees of Parliament whereas the Senate scrapped the provisions. Effectively, provisions establishing the Joint Committee on National Cohesion and Equal Opportunity and the Joint Committee on

Parliamentary Broadcasting and Library exist only in the National Assembly Standing Orders. The purpose of the proposed amendments is therefore to mirror the change made by the Senate. It is further proposed that there be established two Committees to undertake the mandate of the Joint Committees considering their significance.

Committee Consideration

10. After deliberations, the Committee resolved to **adopt** the proposed amendments save for the following observations-

- (i) In the proposed amendment to Standing Order 174, the limitation of Vice-Chairpersons from sitting in more than one Committee be removed. This is to allow Vice Chairpersons to sit in other Committees other than the one that they have been elected to deputise. This will ensure equity aware that as in most instances, except in the absence of the Chairperson, Vice Chairpersons are by all intents and purposes considered ordinary Members of the Committee.
- (ii) The proposed amendment to Standing Order 212B designating the Leader of the Majority Party as the Chairperson of the **Committee on Members' Services and Facilities**. The Committee observed that the inclusion of the Leader of the Majority Party as the Chair of the Committee on Members' Services and Facilities would conflict with the position of the Leader of the Majority Party in the House.
- (iii) **The proposed amendment to Standing Order 207 (Budget and Appropriations Committee (BAC)) allocating two positions of Vice Chairpersons of the Committee.** It was the view of the Committee that having two Vice Chairs would create

Committee Resolution: The Committee resolved to stay this matter until a later date to allow for further consultation.

VI. COMMITTEE RECOMMENDATIONS

Having considered the proposed amendments to the Standing Orders, the Procedure and House Rules Committees recommends the following-

THAT, the National Assembly Standing Orders be amended as follows—

1. STANDING ORDER 172

THAT, Standing Order 172 be amended in paragraph (1)(c) by deleting the word “nineteen” appearing immediately after the words “not more than” and substituting therefor the word “twenty-one”.

2. STANDING ORDER 174

THAT, Standing Order 174 be amended by deleting paragraph (3) and substituting therefor the following new paragraph—

“(3) Except as the House may otherwise resolve, on the recommendation of the Committee on Selection for reasons to be stated—

- (a) no Member shall be appointed to serve in more than two Departmental Committees;
- (b) a Member who is a Chairperson of a committee or a member of the Parliamentary Service Commission appointed under Article 127(2)(c) of the Constitution shall not serve in more than one committee.”

3. STANDING ORDER 178

THAT, Standing Order 178 be amended by inserting the following new paragraph immediately after paragraph (1)—

“(1A) A member of the Parliamentary Service Commission appointed under Article 127(2) (c) of the Constitution shall not be eligible to stand for election as a Chairperson or Vice-Chairperson of a select committee.”

4. STANDING ORDER 205

THAT, Standing Order 205 be amended in paragraph (3) by deleting the word “sixteen” appearing immediately after the words “not more than” and substituting therefor the word “eighteen.”

5. STANDING ORDER 205A

THAT, Standing Order 205A be amended in paragraph (3) by deleting the word “sixteen” appearing immediately after the words “not more than” and substituting therefor the word “eighteen”.

6. STANDING ORDER 206

THAT, Standing Order 206 be amended in paragraph (3) by deleting the word “sixteen” appearing immediately after the words “not more than” and substituting therefor the word “eighteen”.

7. STANDING ORDER 207

THAT, Standing Order 207 be amended in paragraph (2) by deleting the word “twenty-two” appearing immediately after the words “not more than” and substituting therefor the word “twenty-six”.

8. STANDING ORDER 208

THAT, Standing Order 208 be amended in paragraph (2) by deleting the word “fifteen” appearing immediately after the words “not more than” and substituting therefor the word “seventeen”.

9. STANDING ORDER 209

THAT, Standing Order 209 be amended in paragraph (4) by deleting the word “sixteen” appearing immediately after the words “not more than” and substituting therefor the word “twenty-two”.

10. STANDING ORDER 210

THAT, Standing Order 210 be amended by inserting the following new paragraph immediately after paragraph (1)—

“(1A) The Committee shall consist of a Chairperson and not more than twenty-two other members.”

11. **STANDING ORDER 212**

THAT, Standing Order 212 be amended by inserting the following new paragraph immediately after paragraph (2)—

“(3) The Committee shall consist of a Chairperson and not more than twenty-two other members.”

12. **STANDING ORDER 212B**

THAT, Standing Order 212B be amended in paragraph (3) by deleting the word “six” appearing immediately after the words “not more than” and substituting therefor the word “fourteen”.

13. **STANDING ORDER 213**

THAT, Standing Order 213 be amended by deleting paragraph (4).

14. **STANDING ORDER 214**

THAT, Standing Order 214 be deleted.

15. **STANDING ORDER 215**

THAT, Standing Order 215 be deleted.

16. **STANDING ORDER 216**

THAT, Standing Order 216 be amended by deleting paragraph (1) and substituting therefor the following paragraph—

“(1) There shall be select committees to be known as Departmental Committees whose members shall—

(a) be nominated by the Committee on Selection in consultation with parliamentary parties at the commencement of every Parliament; and

(b) not exceed nineteen in number.”

17. **FOURTH SCHEDULE**

THAT, the Fourth Schedule to the Standing Orders be amended in rule 9 by deleting paragraph (1).

18. **NEW STANDING ORDERS**

THAT, the Standing Orders be amended by inserting the following new Standing Orders immediately after Standing Order 212B—

Committee on National Cohesion and Equal Opportunity

212C. (1) There shall be a select committee to be designated the Committee on National Cohesion and Equal Opportunity.

(2) The Committee shall consist of a Chairperson and not more than twenty-two other members.

(3) The Committee shall—

- (a) monitor and promote measures relating to policy and program initiatives in pursuit of peace and national cohesion;
- (b) investigate, inquire into and report on all matters relating to inter-community cohesion;
- (c) monitor and promote measures designed to enhance the equalization of opportunities and improvement in the quality of life and status of all persons, including persons who are marginalised on the basis of gender, age, disability, health status, ethnic, racial, cultural or religious background or affiliation or any other such ground;
- (d) investigate, inquire into and report on all matters relating to discrimination or marginalization of persons referred to under sub-paragraph (c);
- (e) make proposals to Parliament including legislative proposals for the protection, equalisation of opportunities and promotion of the welfare of the groups referred to under sub-paragraph (c); and
- (f) examine the activities and administration of all state departments and statutory bodies in so far as they relate to the rights and welfare of the persons referred to under sub-paragraph (c).

Committee on Parliamentary Broadcasting and Library

212D. (1) There shall be a select committee to be designated the Committee on Parliamentary Broadcasting and Library.

(2) The Committee shall consist of a Chairperson and not more than twenty-two other members.

(3) The Committee shall—

- (a) consider and report on all matters relating to broadcasting of the proceedings of the House;
- (b) advise the House on matters related to public participation;
- (c) make reports and recommendations to the House, including proposed legislation on matters relating to broadcasting of House proceedings;
- (d) recommend to and advise the House on matters related to provision of library, publications and research services in Parliament, including improvement of the library and research services; and
- (e) assist Members in utilizing the facilities provided by the library and research services, including use of information and communication technology.

(4) The Committee shall not deal with matters related to procurement of items or services of the broadcast, the library or research services, or any matter falling within a function of the Parliamentary Service Commission.”

.....END.....

MINUTES OF THE FIRST SITTING OF THE PROCEDURE AND HOUSE RULES COMMITTEE HELD ON WEDNESDAY 6TH DECEMBER, 2017 IN COMMITTEE ROOM 9, MAIN PARLIAMENT BUILDINGS, AT 4:00PM

PRESENT

1. The Hon. Justin B. N. Muturi, EGH, MP - Speaker of the National Assembly/**Chairperson**
2. The Hon. Cecily Mbarire, MP - Deputy Majority Whip
3. The Hon. Olago Aluoch, MP
4. The Hon. T. J. Kajwang, MP
5. The Hon. David Kiaraho, MP
6. The Hon. Janet Jepkemboi Sitienci, MP
7. The Hon. Capt. (Rtd.) Didmus W. Barasa, MP
8. The Hon. Abdul Rahim Dawood, MP
9. The Hon. Ben Momanyi, MP
10. The Hon. Zuleikha Hassan, MP
11. The Hon. Gathoni Wamuchomba, MP

ABSENT WITH APOLOGIES

1. The Hon. Moses Cheboi, CBS, MP - Deputy Speaker
2. The Hon. Rosalinda Soipan, MP - First Chairperson of Committees
3. The Hon. Patrick Mariru, MP - Second Chairperson of Committees
4. The Hon. Jessica Mbalu, MP - Third Chairperson of Committees
5. The Hon. Christopher Omulele, MP - Fourth Chairperson of Committees
6. The Hon. David Pkosing, CBS, MP
7. The Hon. David Gikaria, MP
8. The Hon. Beatrice Adagala, MP
9. The Hon. Ruweida Mohamed Obo, MP
10. The Hon. Pamela Odhiambo, MP

IN ATTENDANCE

1. The Hon. Benjamin Washiali, CBS, MP - Majority Whip
2. Mr. J.N Mwangi, EBS - Senior Deputy Clerk (House Affairs)

3. Mr. Michael Karuru - Ag. Director, Legal Services
4. Mr. Nicholas Emejen - Deputy Director, Committee Services
5. Mr. Ronald Walala - Legal Counsel II
6. Mr. Mainah Wanjiku - Clerk Assistant II
7. Ms. Rose Wanjohi - Clerk Assistant II
8. Ms. Getrude Chebet - Clerk Assistant III

MIN.NO. 01/2017: **PRELIMINARIES**

The Chairperson called the Meeting to order at twenty minutes past four o'clock, after which prayer was read by the Hon. Gathoni Wamuchomba, MP.

MIN.NO. 02/2017: **CHAIRPERSON'S BRIEF**

The Chairperson welcomed Members to the Committee and gave a brief on the mandate of the Committee to apprise new members. He informed the Committee that pursuant to Standing Order 263, the Hon. Benjamin Washiali, CBS, MP, the Majority Whip, had proposed amendments to various Standing Orders. He thereafter invited the Majority Whip to make the proposals to the Committee.

MIN.NO. 03/2017: **CONSIDERATION OF PROPOSED AMENDMENTS**
BY HON. BENJAMIN WASHIALI, MP

The Hon. Benjamin Washiali, CBS, MP, made proposals to amend various Standing Orders as follows: -

- (a) That Standing Order 172 (**Committee on Selection**) be amended to increase the membership of the Committee on Selection from twenty-one (21) to twenty-three (23) Members;
- (b) That Standing Order 174 (**Criteria for nomination**) be amended to, except as the House may otherwise resolve, on the recommendation of the Committee on Selection for reasons to be stated, limit a Chairperson or Vice-chairperson from serving in more than one Committee;
- (c) That Standing Order 205 (**Public Accounts Committee**) be amended to increase the membership of the Public Accounts Committee from seventeen (17) to nineteen (19) Members;

- (d) That Standing Order 205A (**Special Fund Accounts Committee**) be amended to increase the membership of the Special Fund Accounts Committee from seventeen (17) to nineteen (19) Members;
- (e) That Standing Order 206 (**Public Investments Committee**) be amended to increase the membership of the Public Investments Committee from seventeen (17) to nineteen (19) Members;
- (f) That Standing Order 207 (**Budget and Appropriations Committee**) be amended to increase the membership of the Budget and Appropriations Committee from twenty-three (23) to twenty-seven (27) Members;
- (g) That Standing Order 208 (**Procedure and House Rules Committee**) be amended to increase the membership of the Procedure and House Rules Committee from twenty-one (21) to twenty-three (23) Members;
- (h) That Standing Order 209 (**Committee on Implementation**) be amended to increase the membership of the Committee on Implementation from seventeen (17) to twenty-three (23) Members;
- (i) That Standing Order 210 (**Committee on Delegated Legislation**) be amended to increase the membership of the Committee on Delegated Legislation from seventeen (17) to twenty-three (23) Members;
- (j) That Standing Order 212 (**Committee on Regional Integration**) be amended to increase the membership of the Committee on Regional Integration from seventeen (17) to twenty-three (23) Members;
- (k) That Standing Order 212B (**Committee on Members' Services and Facilities**) be amended to increase the membership of the Committee on Members' Services and Facilities from seven (7) to fifteen (15) Members;
- (l) That Standing Order 213 (**Appointment of Joint Committees**) be amended by deleting references to the Joint Committee on National Cohesion and Equal Opportunity and the Joint Committee on Parliamentary Broadcasting and Library;
- (m) That Standing Order 214 (**Joint Committee on National Cohesion and Equal Opportunity**) on the Joint Committee on National Cohesion and Equal Opportunity be deleted;

- (n) That Standing Order 215 (**Joint Committee on Parliamentary Broadcasting and Library**) on Joint Committee on Parliamentary Broadcasting and Library be deleted;
- (o) That Standing Order 216 (**Appointment and mandate of Departmental Committees**) be amended to increase the membership of Departmental Committees to a maximum of nineteen (19) Members;
- (p) That the Fourth Schedule to the Standing Orders (**Joint Rules, The Houses of Parliament (Joint Sittings) Rules**) be amended in rule 9 of the Joint Rules to delete references to the Joint Committee on National Cohesion and Equal Opportunity and the Joint Committee on Parliamentary Broadcasting and Library;
- (q) That the Standing Orders be amended to insert two new Standing Orders establishing the **Committee on National Cohesion and Equal Opportunity** and **Committee on Parliamentary Broadcasting and Library** each comprising twenty-three (23) Members;
- (r) That Standing Order 212B (**Committee on Members' Services and Facilities**) be chaired by the Leader of the Majority Party because of his position to interact with the welfare of Members; and
- (s) That Standing Order 207 (**Budget and Appropriations Committee**) be amended to increase the membership of the Budget and Appropriations Committee from twenty-three (23) to twenty-seven (27) Members and have two Vice Chairpersons.

MIN.NO. 04/2017: JUSTIFICATION OF THE AMENDMENTS

- (a) The Majority Whip observed that at the close of the Eleventh Parliament, the House reviewed the Standing Orders in line with the recommendations of the Procedure and House Rules Committee. The Committee had proposed a reduction in the membership of House Committees, splitting of the mandates of existing Committees as well as establishment of new Committees. Notably, recommendations as adopted by the House, reduced the membership of

Departmental Committees to seventeen (17) Members, and the Budget and Appropriation Committee from fifty one (51) to twenty-three (23) Members.

- (b) While this was aimed at increasing the efficiency and effectiveness of Members of Committees, it is noted that these amendments reduced the number of slots available to Members of Parliament to five hundred and fifty four (554). This reduction therefore effectively limits Members' participation in Committees to at least one active Committee. Unintentionally, this reduction negates the initial intention as it limits the effectiveness of Members aware that the bulk of the House business is performed through Committees.
- (c) Considering the effect of the review and taking into account the need for the Members to effectively participate in Committee business, it is proposed that the number of Members in Committees be increased to reflect the nature of the mandate given to the Committees under the Standing Orders. This will be in keeping with the original intention of fostering effectiveness and efficiency. It is further observed that the proposed increment is minimal with an addition of only two (2) slots proposed for Departmental Committees and Watchdog Committees, and an addition of four (4) slots for the Budget and Appropriations Committee. The net effect of the proposed amendments will be to create a total of six hundred and forty-two (642) slots available for distribution amongst the general Membership of the House, an increase of eighty-eight (88) slots.
- (d) It is further noted that during the review of the Standing Orders, the National Assembly retained the provisions relating to Joint Committees of Parliament whereas the Senate scrapped the provisions. Effectively, provisions establishing the Joint Committee on National Cohesion and Equal Opportunity and the Joint Committee on Parliamentary Broadcasting and Library exist only in the National Assembly Standing Orders. The purpose of

the proposed amendments is therefore to mirror the change made by the Senate. It is further proposed that there be established two Committees to undertake the mandate of the Joint Committees considering their significance.

MIN.NO. 05/2017: COMMITTEE CONSIDERATION

Having considered the proposals, the Committee resolved to adopt all the proposed amendments. The Committee's resolution on the amendments was proposed by the Hon. T.J. Kajwang, MP and seconded by the Hon. Ben Momanyi, MP subject to the following observations:-

- (a) In the proposed amendment to Standing Order 174, the limitation of Vice Chairpersons from sitting in more than one Committee be removed. This will allow Vice Chairs to sit in other Committees other than the one that they have been elected to deputise. This will ensure equity aware that as in most instances, except in the absence of the Chair, Vice Chairs are by all intents and purposes considered ordinary Members of the Committee.
- (b) The proposed amendment to Standing Order 212B designating the Leader of the Majority Party as the Chairperson of the **Committee on Members' Services and Facilities**. The Committee observed that the inclusion of the Leader of the Majority Party as the Chair of the Committee on Members' Services and Facilities would conflict with the position of the Leader of the Majority Party. It was agreed that Members of the Committee ought to be allowed to elect a Chairperson who is popular amongst themselves pursuant to the prevailing provisions of the Standing Orders.
- (c) The proposed amendment to Standing Order 207 (**Budget and Appropriations Committee (BAC)**) allocating two positions of Vice Chairpersons of the Committee. It was the view of the Committee that having two Vice Chairs would create unnecessary bureaucracies in the Committee. Further, the justification fronted that the two vice chairs would each chair a

sub-committee of the BAC is not convincing as nothing prevent a Committee of the House from establishing a sub-committee and designating a chair from its membership.

MIN.NO. 06/2017: PROPOSED AMENDMENTS BY THE COMMITTEE

The following additional amendments were considered by the Committee-

(a) Proposal to Limit Parliamentary Service Commissioners from Sitting in Committees of the House

The Committee considered a proposed amendment to the Standing Orders to limit Commissioners of the PSC from sitting in Committees of the House.

It was observed that the Commission is often engaged in continuous schedules which require the attention of Commissioners. Further, there are committees and sub-committees within the Commission where Commissioners sit to deliberate on the various matters of the Commission. These include Committee on Members Welfare, Staff Welfare, Audit etc. It was therefore proposed that the Commissioner be relieved of their House Committee duties to allow them focus on the Commission work.

The Committee resolved to adopt this proposal and propose amendment to Standing Order 174 to provide for the exemption of Commissioners from House Committees.

(b) Proposal to provide for the term of Committees

The Committee considered a proposal to limit the term of all committees of the House.

It was proposed that Committees established immediately after a general election serve for a term of three (3) years and the next Committee to serve for the remainder of the term of Parliament. This would allow Members to rotate between Committees and give them an opportunity to learn the workings of other sectors. It

would also avoid complacency and 'monopolization' of Committee oversight sectors.

The Committee resolved to stay this matter until a later date.

MIN.NO. 07/2017:

ADJOURNMENT

The next meeting will be held on Thursday, 7th December, 2017 in Committee Room No. 9 at 11:00 a.m.

Sign:.....
(Chairperson)

Date:..... 7/12/17

MINUTES OF THE SECOND SITTING OF THE PROCEDURE AND HOUSE RULES COMMITTEE HELD ON THURSDAY 7TH DECEMBER, 2017 IN COMMITTEE ROOM 9, MAIN PARLIAMENT BUILDINGS, AT 11:00AM

PRESENT

1. The Hon. Justin B. N. Muturi, EGH, MP - Speaker of the National Assembly/**Chairperson**
2. The Hon. Rosalinda Soipan, MP - First Chairperson of Committees
3. The Hon. Cecily Mbarire, MP - Deputy Majority Whip
4. The Hon. Olago Aluoch, MP
5. The Hon. David Kiaraho, MP
6. The Hon. Janet Jepkemboi Sitienei, MP
7. The Hon. Capt. (Rtd.) Didmus W. Barasa, MP
8. The Hon. Abdul Rahim Dawood, MP
9. The Hon. Zuleikha Hassan, MP
10. The Hon. Gathoni Wamuchomba, MP
11. The Hon. Pamela Awuor Ochieng', MP

ABSENT WITH APOLOGIES

1. The Hon. Moses Cheboi, CBS, MP - Deputy Speaker
2. The Hon. Patrick Mariru, MP - Second Chairperson of Committees
3. The Hon. Jessica Mbalu, MP - Third Chairperson of Committees
4. The Hon. Christopher Omulele, MP - Fourth Chairperson of Committees
5. The Hon. T. J. Kajwang, MP
6. The Hon. David Kangogo Bowen, CBS, MP
7. The Hon. Ben Momanyi, MP
8. The Hon. David Gikaria, MP
9. The Hon. Beatrice Adagala, MP
10. The Hon. Ruweida Mohamed Obo, MP

IN ATTENDANCE

1. Mr. J.N Mwangi, EBS - Senior Deputy Clerk (House Affairs)
2. Mr. Michael Karuru - Ag. Director, Legal Services
3. Mr. Nicholas Emejen - Deputy Director, Committee Services
4. Mrs. Lucy Wanjohi - Principal Clerk Assistant I
5. Mr. Ronald Walala - Legal Counsel II
6. Mr. Mainah Wanjiku - Clerk Assistant II
7. Ms. Rose Wanjohi - Clerk Assistant II
8. Ms. Getrude Chebet - Clerk Assistant III

MIN.NO. 07/2017:

PRELIMINARIES

The Chairperson called the Meeting to order at fifteen minutes past eleven o'clock, after which prayer was read by the Hon. Pamela Awuor Ochieng', MP.

MIN.NO. 08/2017:

CONFIRMATION OF THE PREVIOUS MINUTES

Minutes of the First Meeting held on Wednesday 6th December 2017 were confirmed as a true record of the proceedings having been proposed by the Hon. Olago Aluoch, MP and seconded by the Hon. Janet Jepkemboi Sitienei, MP subject to the following corrections:-

(a) That the Hon. David Pkosing, CBS, MP be replaced by Hon. Kangogo Bowen, MP, pursuant to the House resolution establishing the Committee.

- Under **MIN.NO. 03/2017** on the consideration of proposed amendments by Hon. Benjamin Washiali, MP. It was observed that the proposal that vice chairpersons of the Public Investments Committee, the Public Accounts Committee and the Implementation committee be drawn from the party forming the national government be recorded in the minutes. And further that the Committee had resolved not to deliberate on the matter.

The Committee observed that this was an important amendment that needed to be reconsidered at a later date.



- (b) Under **MIN.NO. 06/2017(a)** on the Proposal to limit Parliamentary Service Commissioners from Sitting in Committees of the House, the Committee deliberated and resolved that this proposal be amended to allow commissioners to be selected to only one House Committee but should not be appointed as either chairpersons or vice chairpersons to committees.
- (c) Under **MIN.NO. 06/2017(b)** regarding the proposal to provide for the term of Committees, it was resolved that there was need to do a comparative analysis on this proposal with other established jurisdictions.

MIN.NO. 09/2017: **CONSIDERATION AND ADOPTION OF THE
FIRST REPORT OF THE COMMITTEE**

The Committee after consideration of the report unanimously adopted the Report as proposed by the Hon. Olago Aluoch, MP and seconded by the Hon. Abdul Rahim Dawood, MP.

MIN.NO. 10/2017: **ADJOURNMENT**

The next meeting will be by notice.

Sign:.....
(Chairperson)

Date:.....

REPUBLIC OF KENYA



THE TWELFTH PARLIAMENT

THE PROCEDURE AND HOUSE RULES COMMITTEE

ADOPTION LIST THURSDAY, DECEMBER 7, 2017

We, the Members of the Procedure and House Rules Committee hereby adopt the First Report of the Committee on proposed amendments to various Standing Orders by appending our signatures pursuant to the National Assembly Standing Orders -

| S/NO | NAME | SIGNATURE |
|------|--|-----------|
| 1. | The Hon. Justin B.N. Muturi, EGH, MP | |
| 2. | The Hon. Moses Cheboi, CBS, MP | |
| 3. | The Hon. Rosalinda Soipan, MP | |
| 4. | The Hon. Patrick Mariru, MP | |
| 5. | The Hon. Jessica Mbalu, MP | |
| 6. | The Hon. Christopher Omulele, MP | |
| 7. | The Hon. Cecily Mbarire, MP | |
| 8. | The Hon. David Pkosing, CBS, MP | |
| 9. | The Hon. Olago Aluoch, MP | |
| 10. | The Hon. T. J. Kajwang, MP | |
| 11. | The Hon. David Kiaraho, MP | |
| 12. | The Hon. Janet Jepkemboi Sitienei, MP | |
| 13. | The Hon. Capt. (Rtd.) Didmus Barasa, MP | |
| 14. | The Hon. Abdul Rahim Dawood, MP | |
| 15. | The Hon. Ben Momanyi, MP | |
| 16. | The Hon. David Gikaria, MP | |
| 17. | The Hon. Beatrice Adagala, MP | |
| 18. | The Hon. Ruweida Mohamed Obo, MP | |
| 19. | The Hon. Zuleikha Hassan, MP | |
| 20. | The Hon. Gathoni Wamuchomba, MP | |
| 21. | The Hon. (Dr.) Pamela Awuor Ochieng', MP | |





REPUBLIC OF KENYA
PARLIAMENT

Hon. Benjamin Jomo Washiali, CBS., MP.

Mumias East Constituency
Majority Chief Whip
Kenya National Assembly

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+254 734 252 521
Email: washialib@gmail.com

The Clerk
National Assembly
Parliament Buildings
Nairobi

5th December, 2017

Dear Sir,

**RE: REQUEST TO AMEND STANDING ORDERS ON THE
~~COMMITTEE MEMBERSHIP OF THE NATIONAL ASSEMBLY~~**

In accordance with Standing Order 263, I wish to propose the following amendments to the Standing Orders for consideration by the Procedure and House Rules Committee:

THAT, the National Assembly Standing Orders be amended as follows:—

- (a) That Standing Order 172 (Committee on Selection) be amended to increase the membership of the Committee on Selection from twenty-one (21) to twenty-three (23) Members;
- (b) That Standing Order 174 (Criteria for nomination) be amended to, except as the House may otherwise resolve, on the recommendation of the Committee on Selection for reasons to be stated, limit a Chairperson or Vice-chairperson from serving in more than one Committee;
- (c) That Standing Order 205 (Public Accounts Committee) be amended to increase the membership of the Public Accounts Committee from seventeen (17) to nineteen (19) Members;
- (d) That Standing Order 205A (Special Fund Accounts Committee) be amended to increase the membership of the Special Fund Accounts Committee from seventeen (17) to nineteen (19) Members;

- (e) That Standing Order 206 (Public Investments Committee) be amended to increase the membership of the Public Investments Committee from seventeen (17) to nineteen (19) Members;
- (f) That Standing Order 207 (Budget and Appropriations Committee) be amended to increase the membership of the Budget and Appropriations Committee from twenty-three (23) to twenty-seven (27) Members;
- (g) That Standing Order 208 (Procedure and House Rules Committee) be amended to increase the membership of the Procedure and House Rules Committee from twenty-one (21) to twenty-three (23) Members;
- (h) That Standing Order 209 (Committee on Implementation) be amended to increase the membership of the Committee on Implementation from nineteen (~~19~~) to twenty-three (23) Members;
- (i) That Standing Order 210 (Committee on Delegated Legislation) be amended to increase the membership of the Committee on Delegated Legislation from seventeen (17) to twenty-three (23) Members;
-
- (j) That Standing Order 212 (Committee on Regional Integration) be amended to increase the membership of the Committee on Regional Integration from seventeen (17) to twenty-three (23) Members;
- (k) That Standing Order 212B (Committee on Members' Services and Facilities) be amended to increase the membership of the Committee on Members' Services and Facilities from seventeen (~~17~~) to twenty-three (~~23~~) Members;
- (l) That Standing Order 213 (Appointment of Joint Committees) be amended by deleting references to the Joint Committee on National Cohesion and Equal Opportunity and the Joint Committee on Parliamentary Broadcasting and Library;
- (m) That Standing Order 214 (Joint Committee on National Cohesion and Equal Opportunity) on the Joint Committee on National Cohesion and Equal Opportunity be deleted;
- (n) That Standing Order 215 (Joint Committee on Parliamentary Broadcasting and Library) on Joint Committee on Parliamentary Broadcasting and Library be deleted;
- (o) That Standing Order 216 (Appointment and mandate of Departmental Committees) be amended to increase the membership of Departmental Committees to a maximum of nineteen (19) Members;
- (p) That the Fourth Schedule to the Standing Orders (Joint Rules, The Houses of Parliament (Joint Sitzings) Rules) be amended in rule 9 of the Joint Rules to delete

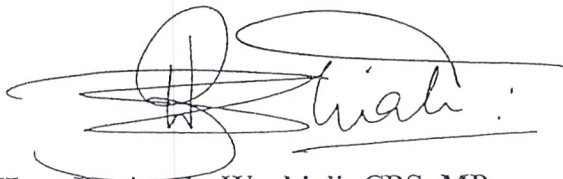
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references to the Joint Committee on National Cohesion and Equal Opportunity and the Joint Committee on Parliamentary Broadcasting and Library; and

- (q) That the Standing Orders be amended to insert two new Standing Orders establishing the Committee on National Cohesion and Equal Opportunity and each comprising twenty-three (23) Members.

The effect of the proposed amendments will be to create a total of **six hundred and forty-two (642)** slots available for distributions amongst the general Membership of the House, an **increase of eighty-eight (88)** slots.



Hon. Benjamin Washiali, CBS, MP
Mumias East Constituency
Majority Chief Whip

Copy to: The Hon. Justin Muturi, EGH, MP
The Speaker of the National Assembly &
Chairperson of the Procedure and House Rules Committee
National Assembly
Parliament Buildings

The Hon. Aden Duale, EGH, MP
Leader of the Majority Party
National Assembly
Parliament Buildings

The Hon. John Mbadi, CBS, MP
Leader of the Minority Party
National Assembly
Parliament Buildings

The Hon. Junet Mohamed, MP
Minority Party Chief Whip
National Assembly
Parliament Buildings

PSC

| NO. | COMMITTEE | Current | Proposed New |
|-----|--|---------|--------------|
| | | | |
| 1 | Administration and National Security | 17 | 19 |
| 2 | Agriculture, Livestock & Cooperatives | 17 | 19 |
| 3 | Communication, Information and Innovation | 17 | 19 |
| 4 | Environment and Natural Resources | 17 | 19 |
| 5 | Defence and Foreign Relations | 17 | 19 |
| 6 | Education, Research & Technology | 17 | 19 |
| 7 | Energy | 17 | 19 |
| 8 | Finance & National Planning | 17 | 19 |
| 9 | Health | 17 | 19 |
| 10 | Justice & Legal Affairs | 17 | 19 |
| 11 | Labour and Social Welfare | 17 | 19 |
| 12 | Lands | 17 | 19 |
| 13 | Sports, Tourism and Culture | 17 | 19 |
| 14 | Transport, Public Works & Housing | 17 | 19 |
| 15 | Trade & Industry | 17 | 19 |
| 16 | Public Accounts Committee | 17 | 19 |
| 17 | Public Investments Committee | 17 | 19 |
| 18 | Special Fund Accounts Committee | 17 | 19 |
| 19 | Budget & Appropriations Committee | 23 | 27 |
| 20 | Committee on Implementation | 17 | 23 |
| 21 | Committee on Delegated Legislation | 17 | 23 |
| 22 | Committee on Regional Integration | 17 | 23 |
| 23 | Constituencies Development Committee (NG-CDF Act) | 19 | 19 |
| 24 | Constitutional Implementation Oversight Committee | 17 | 23 |
| 25 | Committee on National Cohesion and Equal Opportunity | 17 | 23 |
| 26 | Committee on Parliamentary Broadcasting & Library | 17 | 23 |
| 27 | House Business Committee | 12 | 12 |
| 28 | Procedure & House Rules Committee | 21 | 23 |
| 29 | Committee of Powers & Privileges (PP & P Act) | 15 | 15 |
| 30 | Committee on Members' Services & Facilities | 7 | 15 |
| 31 | Committee on Selection | 21 | 23 |
| 32 | Committee on Appointments | 28 | 28 |
| | <i>TOTAL SLOTS CREATED</i> | 554 | 642 |



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Email: washialib@gmail.com

The Clerk
National Assembly
Parliament Buildings
Nairobi

5th December, 2017

Dear Sir,

**RE: REQUEST TO AMEND STANDING ORDERS ON THE COMMITTEE
MEMBERSHIP OF THE NATIONAL ASSEMBLY**

In accordance with Standing Order 263, I wish to propose the following **further** amendments to the Standing Orders for consideration by the Procedure and House Rules Committee:

THAT, the National Assembly Standing Orders be amended as follows—

- (a) That Standing Order 212B (**Committee on Members' Services and Facilities**) be chaired by the Leader of the Majority Party because of his position to interact with the welfare of Members; and
- (b) That Standing Order 207 (**Budget and Appropriations Committee**) be amended to increase the membership of the Budget and Appropriations Committee from twenty-three (23) to twenty-seven (27) Members and have two Vice Chairpersons.

Hon. Benjamin Washiali, CBS, MP
Mumias East Constituency
Majority Chief Whip

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The Speaker of the National Assembly &
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