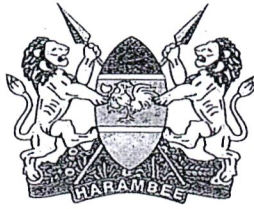


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Thursday, 26/7/2018

REPUBLIC OF KENYA



05 JUL 2018

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TWELFTH PARLIAMENT
THE NATIONAL ASSEMBLY
(SECOND SESSION)

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

(Submitted pursuant to Standing Order 262)

Clerk's Chambers
National Assembly
Parliament Buildings
NAIROBI

July 2018

Printed by the Clerk of the National Assembly

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PREFACE

The Procedure and House Rules Committee is established under Standing Order 208 and 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.

Composition of the Committee

The Committee 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, 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
8. The Hon. David Kiaraho, MP
9. The Hon. David Kangogo, MP
10. The Hon. Abdul Rahim Dawood, MP
11. The Hon. Capt. (Rtd) Didmus Wekesa Barasa, MP
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23. The Hon. Beatrice Adagala, MP
24. The Hon. Pamela Odhiambo, MP
25. The Hon. Ken Okoth, MP
26. The Hon. Teddy Mwambire, MP

Hon. Members,

It is recalled that with the operationalization of the new Constitution and the transition to a presidential system of governance, Ministers no longer sit in the House because they are not members of Parliament. The new dispensation saw the end of Question Time as it previously existed and the introduction of Statements directed at Committee Chairpersons.

Given the challenges experienced with this new process, where Chairs could not respond comprehensively or on behalf of the Executive, the Standing Orders were amended in 2014 to create the Committee on General Oversight, a committee that was suspended due to operational challenges. The proposed procedure would have admitted Cabinet Secretaries to the chamber to answer questions from Members. However, following concerns raised by the Executive regarding the constitutionality of this process, the process was reengineered to be dealt with by the respective Committees. So far, Cabinet Secretaries have been appearing before committees to respond to questions under their dockets.

However, there has been a noticeable dwindling of interest in the current Question Time in Committees, especially given that the questions submitted are not receiving timely replies. In addition, Committees have felt that they are not in control of the process as their own planned

programmes are affected by the scheduling of meetings with Cabinet Secretaries outside of the Committee.

During its meeting held on Tuesday, 4th June, 2018, the House Business Committee deliberated on the need to allow a return of Question Time in the House. Having considered the matter at length, the Committee resolved to recommend that the Procedure and House Rules Committee considers amendments to the Standing Orders to pave way for Question Time in the House.

Following this, the Procedure and House Rules Committee considered proposed amendments as recommended by the House Business Committee taking into consideration views of the Procedure and House Rules Committee on the need to ensure that Members are able to effectively carry out oversight of the Executive through the reintroduction to Question Time.

It is observed that during the 11th Parliament, over three hundred and ninety-one (391) questions were submitted, of which one hundred and eighteen (118) were responded to. In the 12th Parliament, seventy-three (73) questions have been requested, with thirty-one (31) being submitted to the Ministries and fifteen (15) being answered, so far. The proposed question time is therefore likely to reduce the number of petitions and statements and increase the visibility of the House.

Members of the Committee have provided invaluable input and expertise towards ensuring that the proposed amendments are actualized. The Committee appreciates the support of the office of the Clerk of the National Assembly for providing technical support to the Committee.

This Report contains the considerations of the Committee on the matter, the proposed amendments to the Standing Orders, the general observations of the Committee and its recommendations.

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

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

Thursday, 5th July, 2018

ADOPTION OF THE REPORT

The Report was adopted **unanimously** by all Members present (Annex 1). The Committee also resolved to submit the Report to the House on Thursday, 5th July, 2018 and move a motion seeking the approval of the House for adoption of the report and the proposed amendments.

SECOND REPORT OF THE PROCEDURE AND HOUSE RULES COMMITTEE

I. ESTABLISHMENT AND MEMBERSHIP OF THE COMMITTEE

The Committee was constituted on Tuesday, 5th December, 2017 pursuant to Standing Order 208. The Committee composition was amended on Thursday, 14th December, 2017 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, 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
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11. The Hon. Capt. (Rtd) Didmus Wekesa Barasa, MP
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22. The Hon. Zuleikha Hassan, MP
23. The Hon. Beatrice Adagala, MP
24. The Hon. Pamela Odhiambo, MP
25. The Hon. Ken Okoth, MP
26. The Hon. Teddy Mwambire, MP

Note: Three (3) Members of the Minority Party are to be discharged to bring the numbers to the limit allowable by the Standing Orders.

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 pursuant to Standing Order 262 which provides that:

“The Procedure and House Rules Committee may at any time propose amendments to these Standing Orders.”

IV. PROPOSED AMENDMENTS

Submissions by the Clerk of the National Assembly

4. On Tuesday, 26th June, 2018, the Clerk of the National Assembly through the Director, Legislative and Procedural Services made a

presentation to the Committee on the proposed changes to the Standing Orders.

5. The presentation was a culmination of extensive deliberations by the House Business Committee which had resolved on Tuesday, 4th June, 2018, to allow a return of **Question Time** in the House. This decision by the House Business Committee arose out of the need to make **Question Time more pronounced, make use of the plenary** in comparison to the current process.
6. Following this, the Procedure and House Rules Committee considered amendments as recommended by the House Business Committee. The amendments underwent further amendments taking into account the need to ensure that Members are able to effectively carry out oversight of the Executive through the reintroduction to Question Time.

Background to the Amendments

7. Background -

- (a) The decision to allow Question Time arose out of the need to make Question Time more pronounced as envisaged in Article 95(2) of the Constitution.
- (b) The advent of the new Constitution and the transition to a presidential system of governance resulted in the absence of Ministers in the House thus marking the end of Question Time in the form that it previously existed.
- (c) The requirement that Chairs of Committees respond to Members questions faced challenges as they could not comprehensively speak on behalf of the Executive.
- (d) The Standing Orders were amended in 2014 to create the Committee on General Oversight which was later suspended. It would have

admitted Cabinet Secretaries to the Chamber to answer questions from Members.

- (e) While in the 11th Parliament, three hundred and ninety (391) questions had been submitted of which one hundred and eighteen (118) had been responded to while in the 12th Parliament, seventy-three (73) questions have been requested, with thirty-one (31) being submitted to the Ministries out which fifteen (15) have been answered.
- (f) The proposed Question Time is therefore likely to reduce the number of petitions and statements in tandem with Article 95 (2) of the Constitution.

Proposed Process of Managing Questions

8. The Process -

- (a) The processing of Questions would remain the same under the new proposal in terms of drafting, getting requisite approval and forwarding them to the relevant Ministries.
- (b) Major points to note regarding the request for Questions:
 - (i) 10-15 Questions to be asked on the floor by Members;
 - (ii) Questions will be brief and placed in the Order Paper each Tuesday, Wednesday and Thursday;
 - (iii) No supplementary Questions would be allowed on the floor of the House but would be permissible in Committees;
 - (iv) The Speaker may either drop or defer a question in the House, if the Member requesting it is absent. Further, a question may be dropped at Committee level, and the written response forwarded to the Member;
 - (v) A question dropped by the Speaker shall not be asked again in the same Session, unless with the leave of the Speaker; and

- (vi) *Questions for written reply will be asked on the floor, but the response would be sent directly to the Member without going to the Committee.*

V. COMMITTEE OBSERVATIONS

9. Following the brief, the Committee observed as follows:

- (a) In the previous dispensation, Question Time created enthusiasm and expectation both by Members in the House and the public.
- (b) Whereas currently Members have the opportunity to contribute to Petitions brought before the House and thus creating interest among Members and the public, the time allocated is not sufficient.
- (c) Lack of an opportunity to ask supplementary questions by Members as proposed in the amendment would possibly be viewed as a hindrance to proper interrogation of the matters raised in a question.
- (d) It was noteworthy that while it was being proposed to have Questions being asked in the House, the Cabinet Secretaries would still not be present to respond, and that responses would still be addressed at Committees level.
- (e) There is need to ensure clarity on the time frame within which Cabinet Secretaries have to respond to Questions once asked in the House.
- (f) There is need to find a fair balance to ensure that Cabinet Secretaries did not become overburdened with the need to answer the many questions addressed to them. The Committee is to

consider a possible sit-in alternate to the Cabinet Secretary (an equivalent to an Assistant Minister in the previous dispensation).

- (g) It is imperative to consider having the Committee on Implementation following up on the status of Questions asked, the responses received from the Executive and further ensuring that these responses are satisfactory and the consequences that would apply in the event that Questions remain unanswered or are answered unsatisfactorily.
- (h) While the eventual aim was to have Cabinet Secretaries appearing to answer Questions in the House, the process ought to be gradual taking into account the views of the Executive.

10. After deliberations, the Committee resolved to **adopt** the proposed amendments as contained in *Annex 3*.

COMMITTEE RECOMMENDATIONS

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

(a) THAT, the House adopts the proposed amendments to the Standing Orders of the National Assembly; and,

(b) THAT, pursuant to the provisions of Standing Order 265(2), the House resolves that changes to the Standing Orders take effect upon adoption by the House.

.....END.....




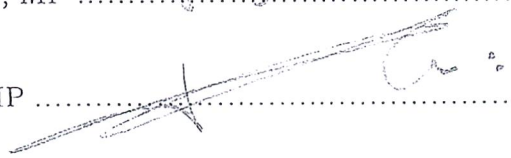
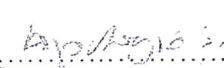
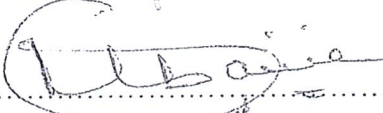

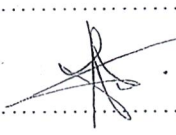
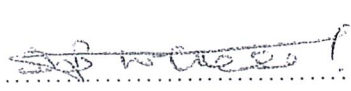

ANNEXURES

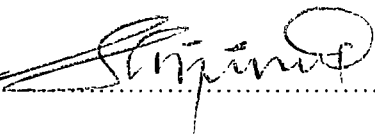
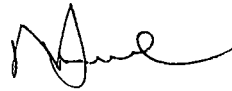
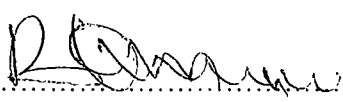
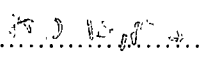
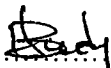
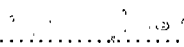
1. Adoption List
2. Minutes of the Committee Meetings
3. Proposed Amendments

ADOPTION OF THE SECOND REPORT OF THE PROCEDURE AND HOUSE RULES COMMITTEE ON AMENDMENTS TO THE STANDING ORDERS

Jul, 4th, 2017 at 11:00 AM

We, the Honourable Members of the Procedure and House Rules Committee hereby affix our signatures to the Second Report on Amendments to the Standing Orders, to affirm our approval and confirm its accuracy, validity and authenticity:

- 1. Hon. Justin B. N. Muturi, EGH, MP 
Speaker of the National Assembly/Chairperson
- 2. Hon. Moses Cheboi, MP 
- 3. Hon. Rosalinda Soipan, MP 
- 4. Hon. Patrick Mariru, MP 
- 5. Hon. Jessica Mbalu, MP
- 6. Hon. Christopher Omulele, MP 
- 7. Hon. Cecily Mbarire, MP 
- 8. Hon. David Kiaraho, MP 
- 9. Hon. David Kangogo, MP
- 10. Hon. Abdul Rahim Dawood, MP 
- 11. Hon. Capt. (rtd) Didmus Barasa, MP 
- 12. Hon. Ruweida Mohamed Obo, MP
- 13. Hon. Gathoni Wamuchomba, MP 

14. Hon. Cornelly Serem, MP
15. Hon. Samuel K. Gahobe, MP 
16. Hon. Alfred Keter, MP
17. Hon. Abdikarim Osman, MP
18. Hon. Samuel Arama, MP
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20. Hon. Ben Momanyi, MP 
21. Hon. T. J. Kajwang, MP 
22. Hon. Zuleikha Hassan, MP
23. Hon. Beatrice Adagala, MP 
24. Hon. Pamela Odhiambo, MP
25. Hon. Ken Okotho, MP 
26. Hon. Teddy Mwambire, MP



ANNEX 2

MINUTES OF COMMITTEE MEETINGS

MINUTES OF THE SECOND MEETING OF THE PROCEDURE AND HOUSE RULES COMMITTEE HELD ON TUESDAY, JUNE 26, 2018 IN THE NATIONAL ASSEMBLY SPEAKER'S BOARDROOM, MAIN PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT

1. Hon. Moses Cheboi, MP - Deputy Speaker (Chairing)
2. Hon. Patrick Mariru, MP - Second Chairperson of Committees
3. Hon. Christopher Omulele, MP - Fourth Chairperson of Committees
4. Hon. Cecily Mbarire, MP - Deputy Majority Whip
5. Hon. Olago Aluoch, MP
6. Hon. Abdul Rahim Dawood, MP
7. Hon. Capt. (Rtd.) Didmus Wekesa Barasa, MP
8. Hon. Ruweida Mohamed Obo, MP
9. Hon. Gathoni Wamuchomba, MP
10. Hon. Samuel Kinuthia Gachobe, MP
11. Hon. Abdikarim Osman, MP
12. Hon. Beatrice Adagala, MP
13. Hon. Pamela Odhiambo, MP
14. Hon. Teddy Mwambire, MP

ABSENT WITH APOLOGIES

1. Hon. Justin B. N. Muturi, EGH, MP - Speaker of the National Assembly/Chairperson
2. Hon. Rosalinda Soipan, MP - First Chairperson of Committees
3. Hon. Jessica Mbalu, MP - Third Chairperson of Committees
4. Hon. David Kiaraho, MP
5. Hon. David Kangogo, MP
6. Hon. Cornelly Serem, MP
7. Hon. Alfred Keter, MP
8. Hon. Ben Momanyi, MP
9. Hon. Samuel Arama, MP
10. Hon. T.J. Kajwang, MP
11. Hon. Zuleikha Hassan, MP
12. Hon. Ken Okoth, MP

IN ATTENDANCE

- | | | |
|-----------------------|---|------------------------------|
| 1. Mr. Samuel Njoroge | - | Ag. Director, L & P |
| 2. Mr. Michael Karuru | - | Ag. Director, Legal Services |
| 3. Mrs. Lucy Wanjohi | - | Principal Clerk Assistant |
| 4. Mr. Mainah Wanjiku | - | Clerk Assistant |
| 5. Ms. Anna Musandu | - | Clerk Assistant |
| 6. Ms. Jemimah Waigwa | - | Legal Counsel |

MIN./PHRC/008/2018

PRELIMINARIES

The Deputy Speaker of the National Assembly (Hon. Moses Cheboi) called the meeting to order at 10.27 am. The opening prayer was read by Hon. Abdikarim Osman, MP.

The Deputy Speaker informed the meeting that he would be chairing the session as the Speaker was away on official state business. The Chair, while appreciating that the Committee only met on a need basis, informed the Members present that a series of meeting had been planned in the coming days including a proposed inaugural Committee workshop to fully operationalize the Committee.

MIN./PHRC/009/2018

BRIEFING BY THE CLERK OF THE NATIONAL ASSEMBLY

On behalf of the Clerk of the National Assembly Mrs. Lucy Wanjohi (Head, IHOD) reported on:

Excess Members to the Committee

It was reported that the current membership of the Committee was in excess by three (3) Members appointed. This was occasioned by an excess appointment by the Minority Party. It was reported that the Clerk had in February 07, 2018 written to the leadership of both Majority and Minority Parties as both had excess Members. However, whereas the Majority Party had regularized its membership, the Minority Party was yet to comply occasioning the excess membership.

Committee Resolution: The Committee resolved that the Clerk immediately writes to the Minority Party to clarify and regularize the matter.

MIN./PHRC/010/2018

PROPOSED AMENDMENTS TO THE
STANDING ORDERS

On behalf of the Clerk of the National Assembly, Mr. Samuel Njoroge (Ag. Director L&P) and Mr. Lucy Wanjohi (Head, IHOD) reported on the proposed amendments to the Standing Orders. The meeting was informed that:

A. Background

1. The House Business Committee resolved, after extensive deliberations on Tuesday, 4th June 2018 to allow a return of Question Time in the House.
2. This decision arose out of the need to make Question Time more pronounced, in comparison to the current process, and also assist in mobilizing the requisite quorum in the House at the start of each sitting.
3. The advent of the new Constitution and the transition to a presidential system of governance resulted in the absence of Ministers in the House thus marking the end of Question Time in the form that it previously existed.
4. The requirement that Chairs of Committees respond to Members questions faced challenges as they could not comprehensively speak on behalf of the Executive.
5. The Standing Orders were amended in 2014 to create the Committee on General Oversight which was later suspended. It would have admitted Cabinet Secretaries to the Chamber to answer questions from Members.
6. While in the 11th Parliament, 391 questions had been submitted of which 118 had been responded to in the 12th Parliament, 73 questions have been requested, with 31 being submitted to the Ministries and 15 being answered.
7. The proposed Question Time is therefore likely to reduce the number of petitions and statements, and increase the visibility of the House.

B. The Process

1. The processing of Questions would remain the same under the new proposal in terms of drafting, getting requisite approval and forwarding them to the relevant Ministry.
2. Major points to note regarding the request for questions:
 - (i) 10-15 Questions to be asked on the floor by Members;
 - (ii) Questions will be brief and placed in the Order Paper each Tuesday, Wednesday, and Thursday;
 - (iii) No supplementary questions would be allowed on the floor and would occur only in Committees;
 - (iv) The Speaker may either drop or defer a question in the House, if the Member requesting it is absent. However, a question can be dropped at Committee level, and the written response forwarded to the Member;
 - (v) A question dropped by the Speaker shall not be asked again in the same Session, unless with the leave of the Speaker; and
 - (vi) Questions for written reply will be asked on the floor, but the response would be sent directly to the Member without going to the Committee.

C. Committee Observations

Following the brief, the Members observed the following:

1. In the previous dispensation, Question Time created enthusiasm and expectation both by Members in the House and the public.
2. Whereas Members currently have the opportunity to contribute to Petitions brought before the House and thus creating interest among Members and the public, the time allocated is not much.
3. The lack of an opportunity to ask supplementary questions by Members as proposed in the amendment would possibly be viewed as a hindrance to proper interrogation of the matters raised in a question.
4. It was noteworthy that while it was being proposed to have Questions being asked in the House, the Cabinet Secretaries would still not be present to respond, and that responses would still be addressed at Committees level.

5. There is need to ensure clarity on the time frame within which Cabinet Secretaries have to respond to Questions once asked in the House.
6. There is need to find a fair balance to ensure that Cabinet Secretaries did not become overburdened with the need to answer the many questions addressed to them. The Committee is to consider a possible sit-in alternate to the Cabinet Secretary (an equivalent to an Assistant Minister in the previous dispensation).
7. It is imperative to consider having the Committee on Implementation following up on the status of Questions asked, the responses received from the Executive and further ensuring that these responses are satisfactory and the consequences that would apply in the event that Questions remain unanswered or are answered unsatisfactorily.
8. While the eventual aim was to have Cabinet Secretaries appearing to answer Questions in the House, the process ought to be gradual taking into account the views of the Executive.
9. It was proposed that a Sub-Committee be formed to look at the finer details of the proposed amendments to the Standing Orders with regard to Question Time.

Committee Resolution: The Committee resolved that the Secretariat relooks at the proposed amendments incorporating the Committee observations and reports back in the next meeting.

MIN./PHRC/011/2018

PROPOSED COMMITTEE WORKSHOP

The meeting observed that the Committee had never held its induction workshop to, *inter alia*, set down its work plan and consider any business before the Committee. It was agreed that a workshop be organized in the second week of July to consider. This

will allow consideration of the proposed amendments to the Standing Orders with regards to *Questions* with a view to commencing the proposed process of Question Time when the House resume from recess (third week of July).

MIN./PHRC/012/2018 ANY OTHER BUSINESS

Committee's Operations

Members observed that there is need to ensure that the Committee actively carried out its mandate going forward. Members were called upon to keenly participate in the Committee's meetings and other activities.

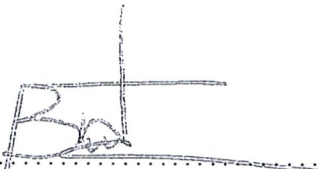
MIN./PHRC/013/2018 DATE OF NEXT MEETING

The next meeting shall be held on Tuesday, July 03, 2018 in the National Assembly Speaker's Boardroom at 10:00am.

MIN./PHRC/014/2018 ADJOURNMENT

There being no other business, the Deputy Speaker adjourned the meeting at 11.40 a.m.

Sign:


(Chairperson)

Date:

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MINUTES OF THE THIRD MEETING OF THE PROCEDURE AND HOUSE RULES COMMITTEE HELD ON TUESDAY, 3RD JULY, 2018 IN THE NATIONAL ASSEMBLY SPEAKER'S BOARDROOM, MAIN PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT

1. Hon. Justin B. N. Muturi, EGH, MP - Speaker of the National Assembly/Chairperson
2. Hon. Moses Cheboi, MP - Deputy Speaker
3. Hon. Rosalinda Soipan, MP - First Chairperson of Committees
4. Hon. Patrick Mariru, MP - Second Chairperson of Committees
5. Hon. Olago Aluoch, MP
6. Hon. Abdul Rahim Dawood, MP
7. Hon. Capt. (Rtd.) Didmus Wekesa Barasa, MP
8. Hon. Ruweida Mohamed Obo, MP
9. Hon. Gathoni Wamuchomba, MP
10. Hon. Samuel Kinuthia Gachobe, MP
11. Hon. Beatrice Adagala, MP
12. Hon. Teddy Mwambire, MP
13. Hon. Ben Momanyi, MP

ABSENT WITH APOLOGIES

1. Hon. Jessica Mbalu, MP - Third Chairperson of Committees
2. Hon. Christopher Omulele, MP - Fourth Chairperson of Committees
3. Hon. Cecily Mbarire, MP - Deputy Majority Whip
4. Hon. David Kiaraho, MP
5. Hon. David Kangogo, MP
6. Hon. Cornelly Serem, MP
7. Hon. Alfred Keter, MP
8. Hon. Samuel Arama, MP
9. Hon. T.J. Kajwang, MP
10. Hon. Zuleikha Hassan, MP
11. Hon. Ken Okoth, MP
12. Hon. Pamela Odhiambo, MP
13. Hon. Abdikarim Osman, MP

IN ATTENDANCE

- | | | |
|-----------------------|---|-------------------------------|
| 1. Mr. Samuel Njoroge | - | Ag. Director, L & P Services. |
| 2. Mrs. Lucy Wanjohi | - | Principal Clerk Assistant |
| 3. Mr. Ronald Walala | - | Legal Counsel |
| 4. Ms. Anna Musandu | - | Clerk Assistant |

MIN./PHRC/015/2018

PRELIMINARIES

The Speaker of the National Assembly, Hon. Justin B. N. Muturi, EGH, MP called the meeting to order at 10.30 am. The opening prayer was read by Hon. Patrick Mariru, MP.

MIN./PHRC/016/2018

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on Tuesday, 26th June, 2018 were proposed by Hon. Ruweida Obo, MP and seconded by Hon. Olago Oluoch and signed by the Chairperson as a true record of the proceedings.

MIN./PHRC/017/2018

MATTERS ARISING

Vide Min./PHRC/009/2018

Briefing By the Clerk of the National Assembly

Excess Members to the Committee

On behalf of the Clerk of the National Assembly, the Acting Director, Legislative & Procedural Services reported that, the Clerk of the National Assembly had on Thursday, 28th June 2018 written to the Leader of the Minority Party, Hon. John Mbadi, MP to regularize the matter regarding an excess appointment by to the

It was reported that the Leader of the Minority Party had indicated that together with the Leader of the Majority Party, a meeting of a Committee of Selection had been scheduled in order to regularize the matter.

Vide Min./PHRC/010/2018

Proposed Amendments to the Standing Orders

The Committee noted the following:

1. Both substantive and supplementary questions asked in the House and forwarded to the Ministries should form the basis for follow up by the Committee on Implementation.
2. In accordance to Article 125 (1) of the Constitution of Kenya, either House of Parliament, and any of its committees, has power to summon any person to appear before it for the purpose of giving evidence or providing evidence. It was, therefore, necessary to put in place provisions in the Standing Orders to allow for the Cabinet Secretary to be represented before a Committee to respond to Questions.
3. It was, however, noted that there was need to ensure that Cabinet Secretaries were compelled to appear before Committees rather than send representatives.
4. A scorecard be established to rate Cabinet Secretaries on various issues including the number of times a Cabinet Secretary appears or fails to appear before a Committee.
5. There was need to encourage interface between Cabinet Secretaries and Members who had directed Questions to them in order to clarify or deliberate further on Questions asked.

Committee Resolution

The Committee resolved as follows:

- (i) In the event that a Cabinet Secretary is not available to appear before a Committee, they may delegate the responsibility in writing to a representative of a rank not lower than Principal Secretary.
- (ii) Cabinet Secretaries who absent themselves from appearing before a Committee to answer Questions for three (3) consecutive sittings should be reported on the floor of the House by the Chairperson of the Committee on Wednesday afternoons, stating the days on which the Cabinet Secretary was invited. The Speaker can then make a ruling compelling the Cabinet Secretary to appear.
- (iii) Chairpersons of relevant Committees be engaged on the modalities of how Questions will be processed.
- (iv) At least once a month, Chairpersons of Committees shall report to the House on the number of Questions before their Committees, how many have been successfully responded to and how many may have been referred back to the Ministries owing to unsatisfactory responses.

Vide Min./PHRC/010/2018

Proposed Committee Workshop

It was resolved that the Workshop be held from Thursday, 12th July 2018 (departure from Nairobi to Mombasa) to Sunday, 15th July 2018 (return to Nairobi).

It was further resolved that Chairpersons of Committees that will be tasked with processing Questions be invited to attend.

The Committee conserved the proposed amendments that included the observations of the Committee as raised during the meeting on Tuesday, 26th June 2018 that included sections on:

- i. Notice of Question
- ii. General Rules on Question
- iii. Rules on Debate and Manner of Disposing the Questions in the Committees
- iv. Questions for Written Reply
- v. Responses to Questions
- vi. Report on Questions.

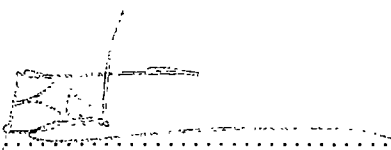
The Committee noted the role of the Leader of the Majority Party with regard to Notice of Question was mainly with regard to informing the House of the Cabinet Secretary responsible for matters relating to each Question raised in the House.

Committee Resolution: The Committee resolved to meet on Wednesday, 4th July 2018 at 1.00 p.m. to consider and adopt the Report of the Committee on the Proposed Amendments to the Standing Orders. It was further resolved that the Report of the Committee be tabled before the House goes on recess on Thursday, 12th July 2018.

The next meeting shall be held on Wednesday, 4th July, 2018 in the National Assembly Speaker's Boardroom at 1.00 pm

There being no other business, the Deputy Speaker adjourned the meeting at 11.35 a.m.

Sign:



(Chairperson)

Date:

4/7/2018

MINUTES OF THE FOURTH MEETING OF THE PROCEDURE AND HOUSE RULES COMMITTEE HELD ON WEDNESDAY, 4TH JULY, 2018 IN THE NATIONAL ASSEMBLY SPEAKER'S BOARDROOM, MAIN PARLIAMENT BUILDINGS AT 1.00 P.M.

PRESENT

1. Hon. Justin B. N. Muturi, EGH, MP - Speaker of the National Assembly/Chairperson
2. Hon. Patrick Mariru, MP - Second Chairperson of Committees
3. Hon. Cecily Mbarire, MP - Deputy Majority Whip
4. Hon. Olago Aluoch, MP
5. Hon. Abdul Rahim Dawood, MP
6. Hon. Capt. (Rtd.) Didmus Wekesa Barasa, MP
7. Hon. Ruweida Mohamed Obo, MP
8. Hon. Gathoni Wamuchomba, MP
9. Hon. Samuel Kinuthia Gachobe, MP
10. Hon. David Kiaraho, MP
11. Hon. Beatrice Adagala, MP
12. Hon. Ben Momanyi, MP

ABSENT WITH APOLOGIES

1. Hon. Moses Cheboi, MP - Deputy Speaker
2. Hon. Rosalinda Soipan, MP - First Chairperson of Committees
3. Hon. Jessica Mbalu, MP - Third Chairperson of Committees
4. Hon. Christopher Omulele, MP - Fourth Chairperson of Committees
5. Hon. Ruweida Mohamed Obo, MP
6. Hon. David Kangogo, MP
7. Hon. Cornelly Serem, MP
8. Hon. Alfred Keter, MP
9. Hon. Samuel Arama, MP
10. Hon. T.J. Kajwang, MP
11. Hon. Zuleikha Hassan, MP
12. Hon. Ken Okoth, MP
13. Hon. Pamela Odhiambo, MP
14. Hon. Abdikarim Osman, MP
15. Hon. Teddy Mwambire, MP

IN ATTENDANCE

1. Mr. Samuel Njoroge - Ag. Director, L & P Services.
2. Mrs. Lucy Wanjohi - Principal Clerk Assistant
3. Mr. Ronald Walala - Legal Counsel
4. Ms. Anna Musandu - Clerk Assistant

MIN./PHRC/021/2018

PRELIMINARIES

The Speaker of the National Assembly, Hon. Justin B. N. Muturi, EGH, MP called the meeting to order at 1.00 pm. The opening prayer was read by Hon. Beatrice Adagala, MP.

MIN./PHRC/022/2018

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Confirmation of minutes of the meeting held on Tuesday, 3rd July, 2018 was proposed by Hon. Beatrice Adagala, MP and seconded by Hon. Gathoni Wamuchomba, MP and signed by the Chairperson as a true record of the proceedings thereat.

MIN./PHRC/023/2018

CONSIDERATION AND ADOPTION OF THE REPORT ON PROPOSED AMENDMENTS TO THE STANDING ORDERS

The Committee considered the Second Report of the Procedure and House Rules Committee on the Proposed Amendments to the Standing Orders and unanimously adopted it for tabling in the House on Thursday, 5th July, 2018.

MIN./PHRC/024/2018

ANY OTHER BUSINESS

Proposed Committee Workshop

It was resolved that the proposed Committee Workshop that was to be held in Mombasa from Thursday, 12th July 2018 to Sunday, 15th July 2018 be rescheduled to be held from Thursday, 26th July 2018 to Sunday, 29th July 2018.

MIN./PHRC/025/2018

DATE OF NEXT MEETING

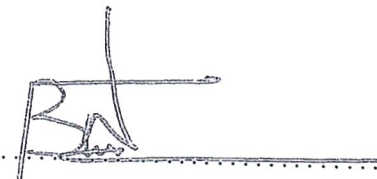
It was agreed that the date of the next meeting of the Committee would be by notice.

MIN./PHRC/026/2018

ADJOURNMENT

There being no other business, the Speaker adjourned the meeting at 1.30 p.m.

Sign:



(Chairperson)

Date:

4/7/2018.

Annex 3

PROPOSED AMENDMENTS TO THE STANDING ORDERS

STANDING ORDER 40

THAT Standing Order 40(1) be amended by deleting sub-paragraph (vii) and substituting therefor the following new sub-paragraph—

“(vii) Questions and Statements;”

NEW PART

THAT the Standing Orders be amended by inserting the following new Part immediately after Part IX—

PART IXA—QUESTIONS

Notice of Question

42A. (1) Pursuant to Standing Order 216(5)(j), a Member proposing to ask a Question in the House shall give notice to the Clerk.

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

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

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

(5) A Member shall ask his or her Question on the day it is scheduled in the Order Paper and the Leader of Majority Party shall, at an appointed date, inform the House of the date and time when a Cabinet Secretary shall be required to appear before a Committee to reply to a Question, subject to paragraph (6).

(6) In determining the date and time when a Cabinet Secretary shall be required to appear before a Committee to reply to a Question, the Leader of the Majority Party shall—

(a) consider the urgency of the Question as determined by the Speaker; and

(b) consult with the Chairperson of the Committee.

General rules on Questions

42B. (1) These rules apply to Questions raised in the House and Questions referred to Committees for reply.

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

(a) is in effect a speech;

(b) is lengthy;

(c) is limited to give information;

(d) is framed so as to suggest its own reply or to convey a particular point of view;

- (e) includes extracts from newspapers or quotations from speeches;
- (f) contains any argument, inference, opinion, imputation or ironical or offensive expression or epithet;
- (g) seeks an expression of opinion;
- (h) repeats in substance a matter already addressed by a Committee of the House or in the course of debate in the House during the same Session;
- (i) refers to more than one subject;
- (j) includes the name of a person or a statement not strictly necessary to render the Question intelligible;
- (k) contains an allegation which the Member is not prepared to substantiate;
- (l) implies an allegation of a personal nature or which reflects upon the conduct of a person whose conduct can only be challenged through substantive Motion or upon the conduct of any other person otherwise than in that person's official or public capacity;
- (m) relates to a matter which is *sub judice* or which by any written law is secret pursuant to Standing Order 89 (*Matters sub judice or secret*);
- (n) falls within the functions and powers of county governments as contemplated under Part II of the Fourth Schedule to the Constitution;
- (o) seeks a reply that is readily available in ordinary works of reference or official publications;

(p) refers discourteously to a friendly country, a Head of State or Government or the representative in Kenya of a friendly country; or

(q) refers to a matter under consideration by the House or a Committee.

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

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

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

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

Manner of disposing Questions in a Committee

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

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

- (3) The Chairperson may allow a Member to ask a supplementary question which relates to a Question referred to a Committee.
- (4) Where a Chairperson allows Members to ask supplementary questions, the Chairperson shall give first priority to the Member who asked the Question referred to a Committee for reply.
- (5) Where the Member who raised a Question referred to the Committee is absent without the Chairperson's authority, the Question shall be dropped and no further proceedings shall be allowed on the Question during the same session.
- (6) The Chairperson of a Committee may—
- (a) defer a Question to a different time or day from its scheduled time and day; or
 - (b) direct a Cabinet Secretary to provide additional information or a further reply to a Question or supplementary questions raised in the Committee.

Questions for written reply

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

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

Timeline for reply

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

(2) Where the Speaker determines a Question to be urgent, a Cabinet Secretary shall reply to the Question within three days of referral of the Question to a Committee.

Report on Questions

42F. The Chairperson of a Committee shall submit a progress report to the House on Questions—

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