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REPUBLIC OF KENYA

NATIONAL ASSEMBLY

THIRD PARLIAMENT - (SIXTH SESSION)

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SESSIONAL PAPER NO. 10 OF 1979

(Report of the Standing
Orders Review Committee)

INTRODUCTION

1. This Select Committee was appointed by Resolution of the National Assembly dated 21st March, 1979 to review the Standing Orders.
2. The membership of this Committee is as follows:-
 - The Hon. F.M.G. Mati, M.P. (Chairman)
 - The Hon. G.N. Kalya, M.P.
 - The Hon. M. Kubo, M.P.
 - The Hon. Dr. F.S. Masinde, M.P.
 - The Hon. K.B. Mwamzandi, M.P.
 - The Hon. J. Nyamweya, M.P.
 - The Hon. I.E. Omolo-Okero, M.P.
 - The Hon. J.C.N. Osogo, M.P.
 - The Hon. C.W. Rubia, M.P.
3. Up to the date of this Report there have been Five Meetings of the Committee.
4. The Committee has considered, in addition to suggestions from its own Members, a Report (Sessional Paper No. 7 of 1974) of one of its predecessors.
5. The amendments of Standing Orders which the Committee recommends are set out in the First Schedule hereto. The minutes of proceedings are contained in the Second Schedule.

6. During the course of its deliberations, the Committee inevitably touched upon matters relating to the operation of the National Assembly Department; hence the necessity for the succeeding paragraphs.
7. To facilitate effective and meaningful implementation of these recommendations, especially with regard to the committee system, and to ensure that the Legislature plays its full part in the complex process of social engineering in a modern state, it is imperative, and indeed a pre-condition, that the Clerk's Department be reorganized and revitalized as a matter of urgency. The Committee particularly notes with concern the feckless and protracted attempts to rationalize the emoluments of parliamentary officers; lack of career structure or scheme of service; inadequate administrative personnel; declining staff morale; and the consequent unsatisfactory administrative services.

The Committee therefore strongly joins hands with the Public Accounts Committee in recommending that the necessary steps to restructure and strengthen this Department as an autonomous institution be taken forthwith. Also to be constantly kept in view is the specialized and unique nature of the staff's functions and the fact that the body which they serve is the supreme legislative body in the Nation and the ultimate repository of the sovereign power which exists in all systems of orderly government. The need for the permanence of their career and recognition of their status cannot be overemphasized.

In the past, the idea of autonomy has apparently been misconceived or deliberately distorted. The term in the present context does not mean secession (with all its connotations!).

On the contrary, experience elsewhere proves conclusively that administrative autonomy in parliamentary parlance is synonymous with efficiency, resourcefulness and durability of parliamentary institutions. It means, in practice, harmonious collaboration with the other organs of State, that is to say, the Executive and the Judiciary.

The survival and dignity of this august body, our Temple of Democracy, lies mostly in the hands of the Honourable Members themselves. Ministers and back-benchers must never forget that they are part and parcel of the institution of parliament. They must ensure that their conduct does not, directly or indirectly, sap the pedestal on which they stand.

8. The Committee feels that the time is now ripe for changing to electronic voting, and recommends that steps towards this end be initiated. This innovation will ensure expeditious transaction of parliamentary business.
9. Finally, I wish to thank Members of the Committee and all those who contributed to its work.

Dated this 9th day of May, 1979.


F.M.G. Mati
(Chairman)

FIRST SCHEDULE

Amendments of Standing Orders Recommended
by the Select Committee

1. That the Prayer be amended by substituting the word "Republic" for the word "land" in the last line of the first paragraph.
2. That Standing Order 4(3) be corrected by substituting the figures "34" and "35" for the figures "40" and "41" respectively in the ninth line.
3. That Standing Order 7 be amended
 - (a) in paragraph (1), by inserting the words "or fifty-one per cent of all the members of the National Assembly" immediately after the word "Government" in the fourth line; and
 - (b) in paragraph (2), by inserting the words "or the Members so requisitioning the meeting of the House" between the words "Government" and "may" in the sixth line.
4. That Standing Order 10 be deleted and therefor be substituted a new Standing Order as follows:-

Chairmen's Panel. 10.(1) At the commencement of every Session, or from time to time as necessity may arise, Mr. Speaker shall with the approval of the House nominate three Members (not being Ministers) who shall be known respectively as the First, Second and Third Chairman of Committees, and who shall be entitled to exercise all the powers vested in the Chairman of Committees including his powers as Deputy Speaker.

(2) The Members nominated in accordance with paragraph (1) shall constitute the Chairmen's Panel.

5. That Standing Order 14 be amended -
 - (a) in the introductory lines, by deleting ",may";
 - (b) in the first line of part (a), by inserting "may" immediately after letter "(a)"; and
 - (c) by adding the conjunction "and" after the semicolon in the last line of part (a).

6. That Standing Order 17 be amended in paragraph (1) -
 - (a) by leaving out "Fridays" and substituting therefor "Wednesday mornings", in the third line; and
 - (b) by leaving out "Tuesdays, Wednesdays, and Thursdays" and substituting therefor "Tuesday, Wednesday, and Thursday afternoons", in the third and fourth lines.

7. That Standing Order 33 be amended -
 - (a) in the third line of the first proviso, by the substitution of "Wednesday morning" for "Friday"; and
 - (b) in both parts (a) and (b) of the second proviso, by the insertion respectively of the words "or supported by at least thirty Members" between the words "by any party" and "shall have precedence".

8. That Standing Order 36 be amended by the addition thereto of a new paragraph as follows -
 - (6) Upon receiving a Question for oral reply, the Minister shall within the period specified in paragraph (5) submit to the Clerk fifteen copies of the reply.

9. That Standing Order 39 be amended -
 - (a) in the second line, by inserting "six copies of" between "Question," and "the answer"; and
 - (b) in the third line, by substituting "14" for "21".

10. That Standing Order 43 be amended by adding a new paragraph as follows, and renumbering the existing one as (2) -

(1) A Member who has a Motion standing in his name may authorize in writing some other Member to move that Motion in his stead.

11. That Standing Order 62 be deleted and the following be substituted therefor -

Proceedings to 62. All proceedings of the House shall be
be in Kiswahili conducted in either Kiswahili or the
or English. English language.

Provided that a Member who begins his speech in either of these languages shall continue in the same language until he concludes his speech.

12. That Standing Order 38 be amended in paragraph (2) by inserting the words ", or deliberately gives false information to the House or refuses to answer a legitimate Question" between the words "privileges" and ", or acts" in the seventh line.

13. That Standing Order 39 be amended in the second and third lines of paragraph (a) by leaving out the words "a Senior Minister" and substituting therefor the words "any other Member".

14. That Standing Order 95(2) be amended by inserting between "carried," and "the provisions" in the fifth line the words "the House shall be deemed to have ordered its publication in the Gazette and that Bill shall accordingly be so published, and".

15. That Standing Order 115 be amended by adding at the end of paragraph (1) the words "who shall within one month thereof arrange for its presentation to the President for assent".

16. (1) That Standing Order 120(a) be amended, in the first line, by the substitution of the expression "£10" for the words "five guineas";
(2) That Standing Order 120, parts (a) and (b), and Standing Order 125 be amended by the substitution for the sum "£50", appearing therein, the sum "£100".
17. That Standing Order 133 be amended by leaving out the date "20th June" and substituting therefor the date "1st June".
18. That Standing Order 142 be amended in paragraph (1) by substituting "one" for "two" and "day" for "days" in the first line of the proviso thereto.
19. That Standing Order 145 be amended in paragraph (1) by inserting the words "and not more than twenty" between the word "five" and the word "Members" in the third line.
20. That Standing Order 147 be amended by deleting paragraph (5) thereof.
21. That new Standing Orders be added to "PART XIX - SELECT COMMITTEES" immediately after Standing Order 147 (and that the rest of the Standing Orders be renumbered), as follows -
Public Undertakings Committee.
148. (1). There shall be a select committee to be designated the Public Undertakings Committee for the examination of the working of the public undertakings.
(2) The functions of the Public Undertakings Committee shall be -
(a) to examine the reports and accounts of the public undertakings;

./(b)

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

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

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

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

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

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

149.(1) There shall be a select committee to be designated the Library Committee comprising the Deputy Speaker as Chairman and not more than ten other Members.

(2) The functions of the Library Committee shall be -

(a) to consider and advise on such matters concerning the Library as may be referred to it by the House from time to time;

- (b) to make proposals and consider suggestions for the improvement of the Library;
- (c) to assist members of the National Assembly in fully utilizing the services provided by the Library.

150. (1) There shall be a select committee to be designated the Speaker's Committee comprising Mr. Speaker as Chairman, the Minister for the time being responsible for finance, the Minister for the time being responsible for public administration and not more than ten other members nominated by the Sessional Committee at the commencement of every session.

(2) The Speaker's Committee shall consider, advise, and report on all matters connected with the welfare of members of the National Assembly and its staff.

General
Purpose
Committees.

151. (1) There shall be select committees to be designated General Purpose Committees which shall be nominated by the House at the commencement of every Parliament.

(2) Unless the House otherwise orders, the following General Purpose Committees shall be appointed -

(a) Committee on Agriculture, Lands, Natural Resources and Environment (Committee A);

(b) Committee on Education, Health, Rural and Social Development (Committee B);

- (c) Committee on Power, Communications, Transportation and Works (Committee C);
- (d) Committee on Housing, Labour and Employment (Committee D);
- (e) Committee on Defence, Conventions, Treaties, Agreements and Foreign Relations (Committee E);
- (f) Committee on the Interior, Local Administration, Information and Justice (Committee F);
- (g) Committee on Finance, Economic Planning, Trade and Industries (Committee G);

(3) The General Purpose Committees shall investigate and enquire into the activities and administration of the Ministries or Departments assigned to them, and such investigation and enquiry may extend to proposals for legislation.

(4) A General purpose Committee shall not investigate or inquire into any matter which is being examined by a select committee of the House specially appointed to examine such matter.

Implementa- 152.
tion Commi-
tee.

(1) There shall be a select Committee to be designated the Implementation Committee which shall be appointed by the Sessional Committee at the commencement of every Session.

(2) The Committee shall scrutinize the decisions of the House and the undertakings given by the Government on the floor of the House and report on -

(a) whether or not such decisions and undertakings have been implemented; and

(b) where implemented,

(i) the extent to which they have been implemented; and

(ii) whether such implementation has taken place within the minimum time necessary for the purpose.

Standing
Orders
Committee.

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

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

22. That Standing Order 161 (as renumbered) be amended by adding a new paragraph (4) immediately after paragraph (3) (and renumbering the existing paragraphs (4) and (5) as (5) and (6) respectively), as follows -

(4) The following select committees may continue their deliberations although Parliament is prorogued -

- (a) the Public Accounts Committee;
- (b) the Public Undertakings Committee;
- (c) the Speaker's Committee;
- (d) the Implementation Committee;
- (e) the Catering Committee (as constituted by a Special resolution of the House on 14th March, 1957).

23. That Standing Order 163(1) (as renumbered) be amended by adding at the end of the proviso thereto the words "and seek leave to sit again at the commencement of the next Session".

24. That Standing Order 175(as renumbered) be deleted.

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NOTE The following amendments adopted by the House on the dates specified hereunder do not appear in the printed copies of the current Standing Orders.

1. On 16th July, 1969 the House resolved -

'That, Standing Orders be amended:-

- (a)
- (b) by substituting in Standing Order 25(1) for the words "the attention of Mr. Speaker or the Chairman of Committees is called to the fact", in the third and fourth lines thereof, the words "any Member objects".

MINUTES OF THE FIRST MEETING OF THE SELECT COMMITTEE
REVIEWING THE STANDING ORDERS HELD IN CONFERENCE ROOM 7,
PARLIAMENT BUILDINGS, ON WEDNESDAY, 11TH APRIL, 1979,
AT 10.00 A.M.

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

The Hon. F.M.G. Mati, M.P. (Chairman)
The Hon. G.N. Kalya, M.P.
The Hon. M. Kubo, M.P.
The Hon. Dr. F.S. Masinde, M.P.
The Hon. K.B. Mwamzandi, M.P.
The Hon. J. Nyamweya, M.P.
The Hon. J.C.N. Osogo, M.P.
The Hon. C.W. Rubia, M.P.

APOLOGY:- Apology for absence was received from
the Hon. I.E. Omolo-Okeru, M.P.

IN ATTENDANCE:- Mr. H.B.N. Gicheru, Clerk Assistant.

MINUTE 1:- ORDER OF REFERENCE

The Committee noted the following resolution
passed by the House on 21.3.79:-

"Kwamba, Bunge hili nalikubaliane na kufufu-
liwa kwa ile Kamati Teule iliyochaguliwa
katika kikao kilichopita, ili kuchunguza
na kusahihisha masharti ya kanuni za Bunge
na Waheshimiwa wafuatao wakiwa wana Kamati
wake:-

The Hon. F.M.G. Mati, M.P. (Chairman)
The Hon. G.N. Kalya, M.P.
The Hon. M. Kubo, M.P.
The Hon. Dr. F.S. Masinde, M.P.
The Hon. K.B. Mwamzandi, M.P.
The Hon. J. Nyamweya, M.P.
The Hon. I.E. Omolo-Okeru, M.P.
The Hon. J.C.N. Osogo, M.P.
The Hon. C.W. Rubia, M.P."

MINUTE 2:- MODUS OPERANDI

The Committee decided to adopt the Report of its predecessor, to wit, the "Sessional Paper No. 7 of 1974, as the basis for its deliberations.

MINUTE 3:- CONSIDERATION OF SESSIONAL PAPER NO. 7

The Committee considered the first eleven items of the Sessional Paper and resolved as follows:-

1. That items 1 and 2 be adopted without amendment.
2. That items 6 and 11 be deleted.
3. That item 3 be amended, in paragraph (a) by deleting "or sixty members" and substituting therefor "or fifty-one per cent of all the members of the National Assembly".
4. That item 4 be amended in the first line of the proposed new Standing Order 10 by substituting "Session" for "Parliament".
5. That item 5 be amended in the second line by deleting "at 9 a.m. on Friday and" and substituting therefor "at 9 a.m. on Wednesdays and".
6. That item 7 be rephrased to provide that there should be both morning and afternoon sittings on Wednesdays. The Morning sitting should be the "Private Members' Day" while there should be no sitting on Fridays. Thus "Government Days" should continue to be Tuesday, Wednesday and Thursday afternoons.
7. That item 8 be amended by providing that the Minister concerned shall send 15 copies of the reply to a Question under Standing Order 36(5) and six copies of the reply to a Question under Standing Order 39. The amendments should be appropriately incorporated in the particular Standing Orders.
8. That item 10 be amended by deleting the proviso to the proposed new paragraph.

MINUTE 4:- STANDING ORDER 14

It was decided that Standing Order 14 be recast from the point of view of form.

MINUTE 5:- The Committee adjourned at 12.40 p.m. until Wednesday, 18th April, 1979 at 10.00 a.m.

Confirmed F.M. G. MATI
(Chairman)

18-4-79
Date:.....

MINUTES OF THE SECOND MEETING OF
THE SELECT COMMITTEE REVIEWING
THE STANDING ORDERS HELD IN CON-
FERENCE ROOM 7, PARLIAMENT BUIL-
DINGS ON WEDNESDAY, 18TH APRIL,
1979 AT 10.00 A.M.

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

The Hon. F.M.G. Mati, M.P. (Chairman)
The Hon. G.N. Kalya, M.P.
The Hon. J.C.N. Osogo, M.P.
The Hon. C.J. Rubia, M.P.

APOLOGIES:- Apologies for absence were received from
the Hon. I.E. Omolo-Okeru, M.P., and
the Hon. M. Kubo, M.P.

IN ATTENDANCE:- Mr. H.B.N. Gicheru, Clerk Assistant.

MINUTE 6: CONSIDERATION OF SESSIONAL PAPER NO. 7

The Committee considered the remaining items of
the Sessional Paper and resolved as follows:-

1. That items 12, 13, 14, 16 and 19 be adopted
without amendment.
2. That items 15(b), 18, 22 and 23 be deleted.
3. That item 17 be amended by substituting
"1st June" for "15th May".
4. That item 20 be amended in the second line
by substituting "twenty" for "fifteen".
5. That the subjects appearing under the proposed
new Standing Select Committee 150(2) be re-
grouped and combined where necessary.

MINUTE 7:- STANDING ORDER 56

That Standing Order 56 be amended by providing
that contravention of the Standing Order should
constitute grossly disorderly conduct.

MINUTE 8:- ESTABLISHMENT OF A PUBLIC UNDERTAKINGS COMMITTEE

That a Committee on Public Undertakings be established by a Standing Order and that such undertakings be defined in due course under Standing Order 2.

MINUTE 9:- CONSIDERATION OF DRAFT REPORT

The Committee decided a Draft Report be prepared for consideration by the Committee at its next Meeting.

MINUTE 10:- ADJOURNMENT

The Committee adjourned at 1.00 p.m. until Wednesday, 25th April, 1979 at 10.00 p.m.

Confirmed: F.M.G. MATI
(Chairman)

Date..... 25 - 4 - 79

MINUTES OF THE THIRD MEETING OF
THE SELECT COMMITTEE REVIEWING
THE STANDING ORDERS HELD IN CON-
FERENCE ROOM 7, PARLIAMENT BUIL-
DINGS, ON WEDNESDAY, 25TH APRIL,
1979 AT 10.00 A.M.

PRESENT:-

The following Members of the Committee were present:-

The Hon. F.M.G. Mati, M.P. (Chairman)
The Hon. K.B. Mwamzandi, M.P.
The Hon. G.N. Kalya, M.P.
The Hon. Dr. F.S. Masinde, M.P.

APOLOGIES:-

Apologies for absence were received from the following:-

The Hon. J.C.N. Osogo, M.P.
The Hon. I.E. Omolo-Okeru, M.P.
The Hon. J. Nyamweya, M.P.
The Hon. M. Kubo, M.P.
The Hon. C.W. Rubia, M.P.

IN ATTENDANCE:-

Mr. H.B.N. Gicheru, Clerk Assistant.

MINUTE 11:-

CONFIRMATION OF MINUTES

The Minutes of the Select Committee of 18th April, 1979, were confirmed by the Members present and signed by the Chairman. (Minutes of the two previous meetings had been confirmed by the Members present and signed by the Chairman on the respective occasions.)

MINUTE 12:-

CONSIDERATION OF DRAFT REPORT

(1) The Committee considered the draft Report and resolved:-

- (a) That Standing Order 62 be amended to include both Kiswahili and English as languages of the proceedings of the House.
- (b) That Standing Order 147(5) be deleted.
- (c) That the word "ex-officio" be left out of the proposed Standing Order 149(1).
- (d) That the proposed Standing Order 152(2) be recast.

(2) The items of the First Schedule of the Report were renumbered where necessary in view of the resolutions in paragraph (1) of this Minute.

MINUTES OF THE FOURTH MEETING OF
THE SELECT COMMITTEE REVIEWING
THE STANDING ORDERS HELD IN CON-
FERENCE ROOM 7 PARLIAMENT BUIL-
DINGS, ON WEDNESDAY, 2ND MAY,
1979, AT 10.00 A.M.

PRESENT The following Members of the Committee were present:-

The Hon. F.M.G. Mati, M.P. (Chairman)
The Hon. M. Kubo, M.P.
The Hon. Dr. F.S. Masinde, M.P.
The Hon. K.B. Mwanzandi, M.P.
The Hon. J. Nyanweya, M.P.
The Hon. J.C.N. Osogo, M.P.
The Hon. C.W. Rubia, M.P.

APOLOGY:- Apology for absence was received from
the Hon. I.E. Omolo-Okeru, M.P.

IN ATTENDANCE:- Mr. H.B.N. Gicheru, Clerk Assistant.

MINUTE 14:- CONFIRMATION OF MINUTES

The Minutes of the Select Committee of 25th April, 1979, were confirmed by the Members present and signed by the Chairman.

MINUTE 15:- CONSIDERATION OF DRAFT REPORT

The Committee considered the Draft Report and resolved as follows:-

A - FIRST SCHEDULE

1. That the proposed new Standing Order 62 in item 11 be amended to read as follows:-

62. All proceedings of the House shall be conducted in either Kiswahili or the English language:

Provided that a Member who begins his speech in either of these languages shall continue in that particular language until he concludes his speech.

2. That the proposed new Standing Order 151, in item 21, be amended by substituting the word "Special" for the word "Specialist" wherever the latter appears therein.
3. That Standing Order 157(1) be amended by adding at the end the proviso thereto the words "and seek leave to sit again at the commencement of the next Session".

B - INTRODUCTION

1. That item 7, page 2, be amended -
 - (a) by deleting the words "leadership and", in the fourth line, and substituting therefor the expression "personnel; declining"; and by substituting "unsatisfactory" for "appalling" in the same line;
 - (b) by substituting the words "strengthen" and "orderly" for the words "clean up" and "ordered" in the sixth and the 11th lines respectively.
2. That a final paragraph be added to the introduction to thank all those who have participated in or rendered assistance to the deliberations of the Committee.

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MINUTE 16:- ADJOURNMENT

The Committee adjourned at 12.00 p.m. until
Wednesday, 9th May, 1979 at 10.00 a.m.

Confirmed F.M.G. MATI
(Chairman)

Date 9-5-79

MINUTES OF THE FIFTH MEETING OF
THE SELECT COMMITTEE REVIEWING
THE STANDING ORDERS HELD IN CON-
FERENCE ROOM 7, PARLIAMENT BUIL-
DINGS, ON WEDNESDAY, 9TH MAY,
1979, AT 10.00 A.M.

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

- The Hon. F.M.G. Mati, M.P. (Chairman)
The Hon. M. Kubo, M.P.
The Hon. C.W. Rubia, M.P.
The Hon. G.H. Kalyo, M.P.

APOLOGIES:- Apologies for absence were received from
The Hon. I.E. Omolo-Okeru, M.P., and
The Hon. J.C.N. Osogo, M.P.

IN ATTENDANCE:- Mr. J.K. Masya, Clerk Assistant.

MINUTE 17:- CONFIRMATION OF MINUTES

The Minutes of the Select Committee of 2nd May, 1979, were confirmed by the Members present and signed by the Chairman.

MINUTE 18:- CONSIDERATION OF DRAFT REPORT

The Committee considered the Draft Report and resolved as follows:-

- (1) That item 7 of the Introduction be amended in the last paragraph by leaving out all the words after the words "sap the pedestal on which they stand".
- (2) That Standing Order 169 be deleted.
- (3) That the date of coming into operation of the Standing Orders as amended be decided at a later date (cf Standing Order 170)

MINUTE 19:- ADJOURNMENT

The Committee approved the final Report for submission to the House and adjourned sine die at 11.00 a.m. (to be convened later if necessary).

Confirmed
(Chairman)