

**REPUBLIC OF KENYA**  
**MACHAKOS COUNTY ASSEMBLY**

**OFFICIAL REPORT**

**Tuesday, 12<sup>th</sup> June, 2018**

The House met at 2.45 p.m.

*[The Speaker (Hon. (Mrs.) Mwangangi) in the Chair]*

**PRAYERS**

**Hon. Speaker:** Get seated. Good afternoon, Hon. Members. I am seeing one side of the House is nearly empty save for two members. Mr. Clerk, do we have quorum.

**Hon. Ndawa:** Point of information, Madam Speaker.

**Hon. Speaker:** I am on my feet Hon. Ndawa.

*(The Clerk at the Table briefed the Speaker on quorum)*

The problem is that I cannot start counting you when the Clerk is here; I just wanted to hear from the Clerk. What I would do from now on the Standing Orders, Hon. Members, Standing Order 30. Hon. Maitha, let me read; we need to follow the procedure. There will be time when you can ask; I am not the kind who shuts down members but we first follow the procedure so that we are procedurally doing the business of the House.

Standing Order 30(2) 'if there is not a quorum present when the Chair is taken, at the time appointed for a meeting of the Assembly, immediately after saying of the prayer, we have just said the prayer, the Speaker shall order the bell to be rung for ten minutes, and if no quorum is present at the expiration of the ten minutes, the Speaker may direct that the bell be rung for a further five minutes and if there is still no quorum present, the Speaker shall adjourn the Assembly forthwith to the next sitting.

So that we are guided by the procedure, Serjeant at Arms can you ring the bell for the first time for 10 minutes. Hon. Members, whoever has an issue, let us first deal with the procedure then when we are at the point when you can address the Chair, we will do so.

*(Quorum bell was rung for 10 minutes)*

*(Minority Whip stepped out to whip Members)*

Hon. Members, the bell has been ringing for the last 10 minutes to see if we can quorum. Do we have quorum after the 10 minutes ringing of the bell

*(The Clerk at the Table briefed the Speaker on quorum)*

I am still informed that there is no quorum but under Standing Order 31(1), the Speaker has discretion to have the bell rung again for a further five minutes because I appreciate the need to transact business of the House. Serjeant at Arms, ring the quorum bell again for a further five minutes

*(Quorum bell was rung for five minutes)*

Hon. Members, the ringing of the bell for a further five minutes is over. Mr. Clerk, do we have quorum?

*(The Clerk at the Table briefed the Speaker on quorum)*

I am still being informed that there is no quorum. Hon. Members, I would wish to adjourn the House but when we were beginning, there were members who wanted to express themselves; perhaps, Hon. Maitha.

**Hon. Maitha:** Madam Speaker, the Standing Order on quorum is rarely used in the National Assembly and in fact the Speaker of the National Assembly does not ask whether there is quorum; not unless a member rises and informs the Speaker that there is no quorum.

Can you, Madam Speaker, kindly in future try to use that technicality that is used all over the Commonwealth because if other members continue not coming, it means we will not transact any business. I thank you.

**Hon. Speaker:** Thank you, Hon. Maitha. I will just guide you because I am supposed to guide you. I hope you have your Standing Orders and if you don't I will read out for you. When you started by saying that the Standing Order on quorum is rarely used in the National Assembly, it is unfortunate we are not the National Assembly much as we borrow practices and procedures from it because we have our Standing Orders which are guiding us.

That is the first point because if we were to follow some practice which is clearly contrary to our Standing Orders, we will be breaching our own procedures and also we will not be a House of law. Remember we are a House of law; that is for the national Assembly.

As for to whether the Speaker asks or not whether there is quorum, I also ask you to go back and read the Standing Orders properly. Let me just read out for you; you have a point because there is situation where the Speaker does not ask whether there is quorum or not and it is left for members to notice and bring it to the attention of the Speaker but he is a situation where the Speaker will notice herself or himself that there is not quorum and then take the necessary action. Please listen carefully.

Standing Order 31 on Quorum at commencement of the Assembly; (1) 'a quorum of the Assembly or of a Committee of the whole Assembly shall be one-third of its members. We are in agreement on that one. This House has 59 members and a third of that has always been 20 members.

Standing Order 31(2) 'if there is not a quorum present when the Chair is taken, at the time appointed for a meeting of the Assembly, immediately after saying of the prayer, Hon.

Maitha, I am addressing myself to you; you appreciate that is a scenario when the House is starting to sit like it has happened this afternoon; immediately after prayer, the Speaker shall order the bell to be rung for ten minutes, if no quorum and note it is the Speaker who has noted there is no quorum because at that point, there is no information by a member to the Speaker that there is no quorum.

So the Speaker shall order the bell to be rung for ten minutes and if no quorum is present at the expiration of the ten minutes, the Speaker may direct that the bell be rung for a further five minutes and if there is still no quorum present, the Speaker shall adjourn the Assembly forthwith to the next sitting.

Hon. Maitha, you appreciate that at that point no member of the House is speaking. Then you come to Standing Order 32 and your scenario is hinged on Standing Order 32(1) on quorum during proceedings of the Assembly. 'If at any time after the Chair is taken, or when the Assembly is in Committee, a Member objects that there is not a quorum present, the Speaker or the Chairperson shall order a count of the Assembly or the Committee as the case may be.'

We don't need to go further; we notice here are two different scenarios. So, we fall under the first scenario this afternoon and unless there is any other member who has a point comment on, I will take the next course of action. I am aware on the Order Paper---

**Hon. Ngunga:** Point of information, Madam Speaker.

**Hon. Speaker:** Hon. Ngunga.

**Hon. Ngunga:** With a lot of respect, Madam Speaker, I think we are mature in this House and I think that while a lot of emphasis has been put .....Speaker, it is also important to know that members also have a say and for example, the Standing Order you have just said here does not even indicate that the Speaker is one who points out whether there is quorum or not. So, the case as it now today, it is the members or a member who points out whether there is quorum and then the Speaker will order for the bell to be rung because of course, the Speaker does not have the time to point out 1-2-3.

Assume this House was about 100; unless it is brought to the attention of the Speaker that there is no quorum, it will be difficult for her to point out because business starts immediately the House convenes. So, I believe in my opinion that, a member must always point out to the Speaker that there is no quorum for the Speaker to take action.

Again, Madam Speaker, the moment it is realized there is no quorum, no business can be transacted because of course, when there is no quorum, the House stands adjourned. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Ngunga. I will not read again Standing Orders 31 and 32 because it is clear because under Standing Orders 32, it is clear that a member objects. On Standing Order 31, there is no provision for the member objecting and so my decision earlier on will stand. Hon. Ndawa.

**Hon. Ndawa:** Thank you, Madam Speaker. I am also on the same---

**Hon. Ngunga:** Point of order, Madam Speaker.

**Hon. Speaker:** I will not take that point of order, Hon. Ngunga. Let Hon. Ndawa submit.

**Hon. Ndawa:** I am talking on the same issue of quorum; does it in some instances or it applies always because in the morning sitting, the proceedings of the House went on very well until such a time when the members walked out and after walking out, no member raised to raise the issue of quorum; it only came from the Speaker.

Why is it that you did not follow the Standing Orders in the morning and now you are following the Standing Orders in the afternoon?

**Hon. Speaker:** Thank you very much, Hon. Ndawa. Address me on the sitting of this afternoon 2.30 p.m. on 12th June, 2018; address me on that one.

### ADJOURNMENT

**Hon. Speaker:** Hon. Members, I am being that on the Order Paper, there is a motion by Hon. Kamitu to adjourn the House to 19th June, 2018 to facilitate interrogations by committees on the budget estimates 2018-2019. I do notice that there is no quorum for the business of this House to be transacted in that manner and under Standing Order 1 of the House Standing Orders, I will adjourn the House sittings from now to resume on 19th June, 2018 at 10.00 a.m. Have a good evening, Hon. Members.

The House rose at 3.14 p.m.