
MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Tuesday, 15th April, 2014**

The House met at 3.26 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****COMMUNICATION FROM THE CHAIR**

Hon. Speaker: Hon. Members, this afternoon the Chair has two issues to communicate to you about. The first one is about the Machakos County Water Bill which was read for the first time in this house on the 10th April 2014. This Bill was committed to the Committee on Agriculture, Environment and Natural Resources. The chair directs that this committee moves with speed to discuss the Bill and comply with Article 196 of the Constitution on public participation and thereafter to bring back the Bill to the House as soon as possible for the second reading. I notice that the Agriculture committee chairman is not in this House.

Notices Hon. Mbithi (Chairman of Agriculture in the House)

Ok, sorry. But your usual seat is vacant. Hon. Members, the second issue the chair would like to communicate to you about is the sitting of the Assembly on Wednesdays morning. Hon. Members the operations of this House are governed by the relevant laws. On procedural matters, this assembly relies on its Standing Orders. The first session of this assembly adopted the Interim Standing Orders to govern the manner in which the assembly

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conducts its business. This House is in the process of reviewing these Interim Standing Orders to customize them to the particular needs of our assembly.

Standing Order number 27 (1) states that:

“Unless the Speaker, for the convenience of the County Assembly otherwise directs, the County Assembly shall meet at 9.00 am on Wednesday and at 2.30 p.m on Tuesday, Wednesday and Thursday but more than one sitting may be directed during the same day.” Hon. Members, the key words here are “unless the Speaker otherwise directs.’ This means that the Standing Orders prescribe the timing of the sittings of the House but give discretion to the Speaker to alter such timings from time to time for the convenience of the Assembly.

On 10th April, 2014 while discussing the Calendar of the Assembly, this house passed a motion which included an amendment to remove the morning sittings on Wednesday. The Speaker takes this opportunity to clarify on this matter. The hours of sitting of the Assembly are provided for by the Interim Standing Orders. It is not open to the Assembly to debate and pass an amendment to the Standing Orders on the floor of the House. Such an amendment has to be brought as a substantive motion with the proper notice and deliberation by the relevant committees.

The Speaker therefore clarifies that the amendment to remove the Wednesday morning sittings of the Assembly is void *ab initio* (in the first instance) because it seeks to amend the Standing Orders on the floor of the house.

Standing Order number 235 gives a leeway for any member of the Assembly to request the Procedure and County Assembly Rules Committee to consider an amendment to the Standing Orders. The member who makes this request has to be supported by at least two other members. This is the avenue which the members who are desirous of doing away with the morning sittings of the Assembly should follow.

This notwithstanding the Procedure and Rules Committee is still seized of the matter of reviewing the Interim Standing Orders and Honourable members can revisit this matter when the house is discussing the Interim Standing Orders.

In a nutshell, the general rule per Standing Order number 27 of the Interim Standing Orders remains that the Assembly shall sit on Wednesday morning unless the Speaker directs otherwise.

That is the communication effectively. So the Clerk can inform the House Business Committee on the position taken by that communication and the member who moved the amendment. Thank you. Proceed.

Hon. Speaker: Deputy Speaker, it is your turn to lay the papers.

Hon. Nganga: Thank you, Mr. Speaker. Mr. Speaker, Sir, I beg to lay the following paper in the table of the Assembly today, 15th April, 2014. It is a report on the Rules and Procedure committee in consideration of Machakos County Assembly standing orders. Thank you, Mr. Speaker.

I wish to give a notice of the following motion. That this House discuss and approves the rules and procedures committee report in consideration of Machakos County Assembly Standing Orders 2014 as laid the House today, 15th April, 2014.

Hon. Speaker: Thank you very much. The directions that I issue on that notice of motion, is that the same shall be heard after the Assembly retreats and is guided on Standing Orders. I direct that copies be supplied to the entire membership of the Assembly and the Office of the Clerk shall issue guidelines on how members will be taken through the Standing Orders.

ADJOURNMENT

Hon. Speaker: That's just about it. That is all for today. The Assembly adjourns. Have a good evening.

The House rose at 3.34 p.m.