

REPUBLIC OF



KENYA

COUNTY ASSEMBLY OF MACHAKOS **STANDING ORDERS**

In exercise of the powers conferred by section 14 of the County Governments Act, No. 17 of 2012, the County Assembly of Machakos, by resolution passed on 9th July, 2014, adopted these Standing Orders.

(Revised in July 2015, May 2017 and 17th of August, 2021)

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TABLE OF CONTENTS

PRAYER
xvii

OMBI
xviii

PART I—INTRODUCTORY 1

1. In cases not provided for, the Speaker to decide
1

2. Interpretation
1

2A The Mace 7

PART II— SWEARING-IN OF MEMBERS AND ELECTION
OF SPEAKER
7

3. Proceedings on Assembly of a new Assembly
7

4. (Deleted)
10

5. Nomination of candidates for the position of Speaker
10

6. Election of Speaker
11

7. Threshold for election of Speaker
13

8. Withdrawal of candidate
14

9.	Equality of votes	14
10.	Custody of ballot papers	15
11.	Single duly nominated candidate	15
12.	Swearing-in of the Speaker	15
13.	Notification of opening of the Assembly	15
13A.	Vacancy in the office of the Speaker	16
PART III—DEPUTY SPEAKER AND SPEAKERS PANEL ..		
		17
14.	Deputy Speaker	17
14A.	Appointment and Discharge of Members of the Speaker’s Panel	17
PART IV—MAJORITY PARTY AND MINORITY PARTY LEADERSHIP		
		19
15.	Leadership of the Majority Party	19
16.	Leadership of the Minority Party	21

PART V—ADDRESS BY GOVERNOR, SENATOR AND VISITING DIGNITARY	24
17. Governor’s address on opening of new Assembly	24
18. Governor’s address on special sitting	24
19. Governor entering or leaving the Chamber	25
20. Governor’s address to the Assembly	25
21. Address by the Senator or Visiting dignitary	26
21A. Designation of a Place in the Chamber for County Executive Committee Members	26
PART VI —CALENDAR, SITTINGS AND ADJOURNMENTS OF THE ASSEMBLY	27
22. Presiding in the Assembly	27
23. Location of the first sitting of a new Assembly	27
24. Regular Sessions of the Assembly	27
25. Calendar of the Assembly	28

26.	Special sittings of the House	29
27.	Days and Hours of Plenary Sitting	30
28.	Adjournment of the House	32
29.	Resumption of interrupted business	32
30.	Adjournment on definite matter of urgent county importance	33
PART VII—QUORUM OF THE ASSEMBLY		34
31.	Quorum at commencement of the Assembly	34
32.	Quorum during the proceedings of the Assembly	35
33.	Quorum during voting or division	36
34.	Decorum when quorum not present	36
PART VIII—ORDER OF BUSINESS		37
35.	Order Paper to be prepared and circulated	37

36.	Weekly programmes of the business of the Assembly ...	37
37.	Sequence of proceedings	38
PART IX—MESSAGES		
		39
38.	Messages to and from the Senate	39
39.	Messages from the Governor and the Senator	40
	PART X—STATEMENTS	
	41
40.	Members' general statements	41
41.	Statement Hour	42
PART XI—APPROVAL OF PUBLIC APPOINTMENTS		
		43
42.	Committal to committees	43
PART XII—PROCESSING OF MOTIONS		
		46
43.	Application	46
	43A. Special Motions	
	47
44.	Notices of Motions	48

45.	Amendment of Notice of Motion	51
46.	Certain Motions not to be moved	51
47.	Motions and Time for moving Motions	51
48.	Motion withdrawn may be moved again	52
49.	Motions which may be moved without Notice	52
50.	Manner of debating Motions	54
51.	Amendments to Motions	54
52.	Amendments to be in writing	57
53.	Amendments to be relevant to Motion	57
54.	Motion to be seconded made	57
55.	Motion in possession of the Assembly	58
56.	Question as amended put	58
57.	When amendment proposed but not made	58
PART XIII—PROCEDURE FOR REMOVAL FROM STATE		

OFFICE	58
58. Procedure for removal of the Speaker	58
59. Procedure for removal of the Governor	59
60. (Deleted)	61
61. Procedure for removal of Deputy Governor	61
62. Procedure for removal of Member of County Executive Committee	61
63. Right to be heard	64
64. Priority of Motion	65
PART XIV—VOTING AND DIVISIONS	66
65. Voting in the Assembly	66
66. Electronic voting	66
67. Technical failure, confusion or error occurring	68

67.	A. Rules of Voting	68
68.	Roll call Division claimed	68
69.	Roll call voting	69
70.	In case of confusion or error	71
71.	Errors corrected	71
72.	Decorum during division	71
PART XV—RULES OF DEBATE		
		72
73.	Proceedings to be in Kiswahili, English or Kenyan Sign Language	72
74.	Members to address the Speaker	72
75.	Two or more Members requesting to speak	72
76.	Speeches may not be read	73
77.	No Member to speak after Question put	73
78.	Speaking twice to a Question	73

79.	Points of Order	74
80.	Personal Statements	75
81.	Anticipating debate	75
82.	Proceedings of Select Committees not to be referred to .	76
83.	Contents of speeches	76
84.	Retraction and Apologies	77
85.	Matters sub Judice or secret	78
86.	Declaration of interest	79
87.	Responsibility for statement of fact	79
88.	Member who has spoken to question may speak to amendment	80
89.	Debate on amendment confined to amendment	80
90.	Reserving rights of speech	81
91.	Closure of debate	81

92.	Adjournment	of	debate	
			83
	PART XVI—LIMITATION OF DEBATE			83
93.	Limitation of debate			83
	PART XVII—ORDER IN THE HOUSE AND IN COMMITTEE OF THE WHOLE HOUSE			84
94.	Maintenance of order			84
95.	Security checks			85
96.	Firearms and other offensive weapons			85
97.	Lady Members' handbags			85
98.	When the Speaker rises Members to be silent			85
99.	Members and the Chair			86
100.	Members to be seated			86
101.	Members to remain in their places until the Speaker has left the Chamber			

	86	102.	Irrelevance	or	repetition	
						86
103.			Grossly disorderly conduct			87
104.			Member may be suspended after being named			88
105.			Member suspended to withdraw from precincts of Assembly			89
105		A.	Effect of Suspension			90
106.			Duration of suspension of a Member			91
106A.			Appeal against suspension			92
107.			Action to be taken on refusal to withdraw			93
108.			Grave disorder in the Assembly			94
			PART	XVIII—PUBLIC	BILLS	
						94
109.			Application and limitation			94
110.			Introduction of Bills			94
111.			Speaker to exempt certain legislative proposals			98
112.			Enacting formula			98
113.			Memorandum of Objects and Reasons			98

113A.	Printing of amending provisions	99
114.	Provisions on delegated powers	99
115.	Limitation of fundamental rights and freedoms	100
116.	Publication	100
116A.	Procedure upon publication	101
117.	Not more than one stage of a Bill to be taken at the same sitting	101
118.	Reading of Bills	102
119.	First Reading of Bills	102
120.	Committal of Bills to Committees and public participation	
121.	Second Reading	104
122.	Committal of Bills to Committee of the whole House ..	104
123.	Sequence to be observed on a Bill in Committee of the Whole House	104

124.	Referral of proposed amendments to Committees	105
125.	Procedure in Committee of the Whole House on a Bill106	
126.	Report of Progress	109
127.	Bill to be reported	
110 128.	Procedure on Bills reported from Committee of the Whole House	110
129.	Procedure on Bills reported from Select Committees ...	111
130.	Procedure upon the re-committal of a Bill	112
131.	Third Reading	112
132.	Withdrawal of Bills	113
133.	Lapsing and Re-introduction of Bills	113
134.	Assenting to Bills	115
135.	Custody of Bills	116
PART XIX—PRIVATE BILLS	
		116

136.	Application of public Bill procedure	116
137.	Saving clause	116
138.	Private Bill affecting private rights	117
139.	Petition for leave	117
140.	Security for cost of printing	118
141.	Bills authorizing the construction of work	119
142.	First Reading	119
143.	Right of audience before Committee on opposed Bill .	120
144.	How Bills may be opposed	120
145.	Printing expenses	121
	PART XX—COMMITTEE OF THE WHOLE HOUSE	121
146.	Limits on consideration of matters by Committee	121

147.	Committee of the whole House may not adjourn	121
148.	Report	122
149.	No debate on Motion for Report	122
150.	General application of rules in Committee	122
PART XXI—SELECT COMMITTEES		123
151.	House Business Committee	123
152.	Committee on Selection	125
GENERAL PROVISIONS		126
153.	Nomination of members of select committees	126
154.	Criteria for nomination	126
155.	Approval of nomination	127
156.	Discharge of a member from a committee	128
157.	Composition of select committees	128
158.	Chairing of select committees and quorum	129

159.	Conduct of elections	129
160.	Duties of Committee Chairperson	132
161.	Notice of meetings	132
162.	Sittings of select committees	132
163.	Sub-committees of select committees	133
163A.	<i>Adhoc</i> Committees	133
164.	Member adversely mentioned not to sit	135
165.	Adjournment for lack of quorum	135
166.	Frequency of meetings	135
167.	Failure to attend meetings	136
168.	Absence of chairperson and vice-chairperson	137
169.	List of attendance	137

170.	Minutes of select committees	137
171.	Powers and privileges of committees	137
172.	Temporary absence of a member of a Select Committee	140
173.	Vote of no confidence in the Chairperson or Vice-chairperson	
174.	Original vote	141
175.	Attendance by non-members of select committee	142
176.	Procedure in select committees	143
177.	Limitation of mandate	144
178.	Public access to meetings of select committees	144
179.	Reports of select committees	144
180.	Progress reports	146
180A.	Exit reports	146
181.	Reports on House Resolutions	147
182.	Joint sitting of Committees of the Assembly	147

183.	Engagement of experts	148
184.	Committee on Appointments	148
185.	Public Accounts and Investments Committee	149
186.	Budget and Appropriations Committee	151
187.	Procedure and House Rules Committee	152
188.	Committee on Implementation	153
189.	Committee on Devolution and Intergovernmental Relations	155
189A.	Committee of Powers and Privileges	155
189B.	Committee on Delegated County Legislation	156
189C.	General Oversight Committee	159
190.	Appointment of Sectoral Committees	160
191.	Liaison Committee	162
192.	Committee to be limited to mandate	163
	PART XXII—PUBLIC PETITIONS	163

193.	Meaning of Petition	163
194.	Submission of a Petition	164
195.	Petition on Private Bill	165
196.	Notice of intention to present Petition	165
197.	Form of Petition	165
198.	Time for Petitions	167
199.	Presentation of Petitions	167
200.	Comments on petitions	168
201.	Committal of Petitions	168
202.	Copies of responses	169
203.	Register of Petitions	169
PART XXIII—FINANCIAL PROCEDURES		170

General	170
204. Restrictions with regard to certain financial measures .	170
205. Presentation of County Fiscal Strategy Paper	171
206. Presentation of Budget Estimates and committal to Committees	173
206A. Pronouncement of Budget highlights and Revenue raising measures	175
207. Vote on Account	176
208. Procedure on Supplementary Estimates177	
209. Consideration of Finance Bill179	
210. Passage of Finance Bill	181
PART XXIV—JOURNALS, RECORDS AND BROADCAST OF PROCEEDINGS	
	181
211. Journals of the Assembly	181
212. Custody of Journals and Records	181
213. Hansard reports	182

214.	Secret or personal matters	182
215.	Broadcast of Assembly Proceedings	183
PART XXV—PUBLIC ACCESS TO THE ASSEMBLY AND COMMITTEES		
184		
216.	General provisions on access to the Assembly	184
217.	Restriction of access to the Chamber	185
218.	Exclusion from the Assembly or Committees	185
218A.	Extension of period prescribed	186
219.	Press representatives infringing Standing Orders or the Speaker's Rules	186
PART XXVI—GENERAL PROVISIONS		
187		
220.	Exemption of business from Standing Orders	187
221.	Attendance before Parliament	188
221A.	Recognition of Assembly Caucuses	189

222.	Failure to attend sittings	190
223.	Seating in the Chamber	192
224.	Members travelling outside Kenya	192
225.	Expenses of witnesses	193
	225A. Application	193
	225B. Alternative sitting arrangements	194
	225C. Other arrangements	195
	225D. Use of technology	197
	PART XXVII—AMENDMENT OF STANDING ORDERS	
	198	
226.	Proposals for amendment by the Procedure and Rules Committee	198
227.	Amendment on the initiative of a Member	198
228.	Periodic review of Standing Orders	199
229.	Consideration of reports of Procedure and Rules Committee	200
230.	Assembly’s Resolution on Standing Orders	200

231. Revocation of previous Standing Orders	200
FIRST SCHEDULE	201
GENERAL FORM OF A PUBLIC PETITION	201
SECOND SCHEDULE	203
SECTORAL COMMITTEES	203
THIRD SCHEDULE	208
BROADCASTING RULES	208
FOURTH SCHEDULE	213
FORM OF NOMINATION PAPER	213
FIFTH SCHEDULE	216
FORM OF OATH/SOLEMN AFFIRMATION BY WITNESS APPEARING BEFORE A COMMITTEE OF THE ASSEMBLY	216
SIXTH SCHEDULE	216
SUMMONS TO WITNESSES	216

SEVENTH SCHEDULE
218
AFFIDAVIT OF SERVICE OF SUMMONS
218

PRAYER

Almighty God, who in your wisdom and goodness have appointed the offices of Leaders and Legislative Assemblies for the welfare of society and the just government of the people, we beseech You to behold with Your abundant favour, us Your servants, whom You have been pleased to call to the performance of important trusts in this Republic.

Let Your blessings descend upon us here assembled, and grant that we treat and consider all matters that shall come under our deliberation in so just and faithful a manner as to promote Your Honour and Glory, and to advance the peace, prosperity and welfare of our Country and of those whose interests You have committed to our charge.

AMEN

OMBI

Ewe Mwenyezi Mungu, ambaye kwa hekima na wema wako umeteua nyadhifa za viongozi na mabunge kwa ustawi wa jamii na utawala wa haki wa wanadamu: twakusihhi ututazame kwa neema nyingi sisi watumishi wako, ambao umeridhika kutuita ili tutekeleze shughuli muhimu za Jamhuri hii yetu.

Twakuomba ututeremshie baraka zako sisi tuliokutanika hapa, na utujalie tuyatende na kufikiria mambo yote yatakayofikishwa mbele yetu kwa njia ya haki na uaminifu ili utukufu na sifa zako ziendelezwe, na ili kustawisha amani, ufanisi na heri ya nchi hii yetu na wale ambao haja zao umezikabidhi mikononi mwetu **AMINA**

PART I—INTRODUCTORY

1. In cases not provided for, the Speaker to decide

- (1) Where a matter is not expressly provided for by these Standing Orders or by other Orders of the House, any procedural question shall be decided by the Speaker.
- (2) A decisions made in paragraph (1) shall be based on the Constitution of Kenya, statute law and the usages, forms, precedents, customs, procedures and traditions of the Assembly and the Parliament of Kenya and other jurisdictions to the extent that these are applicable to this Assembly.

2. Interpretation

- (1) In these Standing Orders— (a) unless the context otherwise requires—

“Assembly” means County Assembly of Machakos;

“Assembly Party” means a political party or a coalition of political parties consisting of not less than five percent of the membership of the Assembly;

“Broadcast” includes the live transmission of the proceedings of the House by radio, television or webcast;

“Clerk” means the Clerk of the Assembly, or, if the Clerk is absent, or if the office is vacant, such other person as is for the time being performing the duties of the Clerk;

“Coalition” means an alliance of two or more political parties formed for purposes of pursuing a common goal and is governed by a written agreement deposited with the Registrar of Political Parties in accordance with the Political Parties Act, 2011;

“Committee of the Whole House” means a committee composed of all members of the Assembly;

“Deputy Speaker” means a person elected as the Deputy Speaker pursuant to section 9A(2) of the County Governments Act, 2012;

“Gazette” means a gazette or its supplement published by the authority of the county government and includes a county gazette or Kenya gazette;

“Governor” means the Governor of the County of Machakos elected in accordance with Article 180 of the Constitution and includes the Deputy Governor when acting as governor and any other person who for the time being performs the functions of the Governor pursuant to Article 182(4) of the Constitution

“Leave of the Assembly” means there being no objection by any Member, either with the sympathy of

the Speaker or with the support of at least two other Members;

“Leader of the Majority Party” means the member who is the leader in the Assembly of the largest party or coalition of parties under Standing Order 15;

“Leader of the Minority Party” means the member who is the leader in the Assembly of the second largest party or coalition of parties under Standing Order 16;

“Majority Party” means the largest party or coalition of parties in the Assembly as officially declared by the Registrar of Political Parties;

“Majority Whip” means the Member elected as the Majority Whip by the Majority Party;

“Member” means a member of the County Assembly of Machakos elected or nominated in accordance with Article 177(1) of the Constitution;

“Member of County Executive Committee” means a person appointed as a member of the County Executive Committee of Machakos County under Article 179(2) (b) of the Constitution;

“Minority Party” means the second largest party or coalition of parties in the Assembly as officially declared by the Registrar of Political Parties;

“Minority Whip” means the Member elected as the Minority Whip by the Minority Party.

“Notice Paper” means the official schedule of business intended to be transacted by the Assembly during a particular week, published and circulated by the Clerk by order of the House Business Committee under Standing Order 35 (*Order Paper to be prepared and circulated*);

“Order Paper” means the paper showing the business to be placed before or taken by the Assembly on a particular day, published and circulated by the Clerk under Standing Order 35 (*Order Paper to be prepared and circulated*);

“Paper” means any printed or electronic material laid on the Table of the Assembly or a Committee of the Assembly pursuant to any law or these Standing Orders or any other material as the Speaker may determine;

“Party Whip” means a Member designated by an Assembly political party as its party whip for the purposes of the transaction of the business in the Assembly and includes the Majority Whip and the Minority Whip;

“Precincts of Assembly” includes the Chamber of the

Assembly, every part of the buildings in which the Chambers are situated, the offices of Assembly, the galleries and places provided for the use and accommodation of Members of the Assembly, members of the public and representatives of the Press and any forecourt, yard, garden, enclosure or open space, appurtenant thereto and used or provided for the purposes of the Assembly;

“Private Bill” means any Bill, which is intended to affect or benefit a particular person, association or corporate body;

“Public Bill” means a Bill which is intended to affect the public generally, or a section of the public;

“Quorum” in reference to a sitting of the Assembly means a third of all the Members of the Assembly pursuant to section 19 of the County Governments Act No 17 of 2012;

“Recess” means a period during which the Assembly stands adjourned to a day other than the next normal sitting day;

“Session” means the sittings of the Assembly commencing when it first meets after a General Election or on a day provided for in Standing Order 24 (*Regular Sessions of the Assembly*) and terminating

when the Assembly adjourns at the end of a calendar year or at the expiry of the term of Assembly.

“Sitting” means a period during which the Assembly is sitting continuously without adjournment and includes any period during which the Assembly is in Committee; but two or more periods of sitting within the normal period of one sitting, or within an equivalent period, shall not rank as more than one sitting;

“Sitting day” means any day on which the Assembly sits;

“Special Sitting” means a sitting of the Assembly on a day appointed by the Speaker pursuant to Standing Order 18 (*Governor’s address on special sitting*) or Standing Order 26 (*Special sitting of the Assembly*); and

“Table” means the Table of the House.

- (b) Reference to the Chairperson of Committees includes the Speaker when presiding over a Committee of the whole Assembly, Members of the Speaker’s Panel or any other Member for the time being so presiding;
- (c) Reference to the Speaker includes any other Member when presiding over the Assembly pursuant to Article 178 (2) of the Constitution.

- (2) In these Standing Orders, whenever a document is required to be provided or made available to Members, the document shall be considered to have been so provided or made available if placed in the Members pigeonholes or in such other manner as the Speaker may direct.

2A The Mace

The Mace of the House is a symbol of the authority of the House and shall always be guarded and kept in safe custody by the Serjeant-at-Arms.

PART II— SWEARING-IN OF MEMBERS AND ELECTION OF SPEAKER

3. Proceedings on Assembly of a new Assembly

- (1) Whenever a new Assembly is elected, the Governor, by notice in the *Gazette*, shall appoint—
 - (a) the place of the first sitting of the new Assembly within the County; and
 - (b) the date of the first sitting of the new Assembly which shall not be more than thirty (30) days from the date on which the Assembly is fully constituted.
- (1A) Except for a sitting of a new Assembly under paragraph (1) the sittings of the Assembly may be

held at any place and day within the County as may be approved by the Assembly and may commence at any time as the Assembly may appoint.

- (1B) The business to be transacted during the first sitting shall be—
 - (a) administration of oath or affirmation of office of members of the County Assembly; and (b) election of the Speaker.
- (2) On the first sitting of a new Assembly after a general election, the Clerk shall—
 - (a) read the notification of the Governor as published in the *Gazette*;
 - (b) lay a list of the names of the persons elected as Members on the Table of the Assembly; and
 - (c) Administer the Oath or Affirmation of Office provided for in the First Schedule of the County Governments Act, 2012 to all members present in the Assembly in the order set out in paragraph (3).
- (3) The Clerk shall administer the Oath or Affirmation of Office to Members of the

Assembly in alphabetical order using the following order of precedence—

- (a) Members with the longest cumulative period of service in the Assembly;
- (b) Members with the longest cumulative period of service in the Assembly and any local authority existing prior to the promulgation of the Constitution;
- (c) Members with the longest cumulative period of service in any local authority existing prior to the promulgation of the Constitution; (d) all other Members.
- (4) (Deleted)
- (5) When the Clerk is administering the Oath or Affirmation of Office to Members and before the Clerk has administered the Oath or Affirmation of Office to the Speaker, any question arising in the Assembly shall be determined by the Clerk who shall, during that period, exercise the powers of the Speaker.
- (6) At any other time, the Oath or Affirmation of Office shall be administered by the Speaker immediately after prayers.

- (7) If a Member has not taken an oath under (3), the Member shall, before taking his or her seat be escorted to the Table by two Members and be presented by them to the Speaker who shall then administer to the Member the Oath or Affirmation of Office.
- (8) Notwithstanding Standing Order 27 (*Hours of Meeting*), on the day when the election of the Speaker is to be conducted after a General Election the sitting of the Assembly shall commence at 10.00am.

4. (Deleted)

5. Nomination of candidates for the position of Speaker

- (1) Upon the Governor notifying the place and date for the first sitting of a new Assembly pursuant to Standing Order 3 (*Proceedings on a new Assembly*), the Clerk shall by notice in the *Gazette* notify that fact and invite interested persons to submit their nomination papers for election to the office of Speaker.
- (2) The names of candidates for election to the office of Speaker shall be entered upon nomination papers obtained from the Clerk and handed back to the Clerk, at least forty-eight hours before the

time appointed at which the Assembly is to meet to elect the Speaker.

- (3) The nomination papers of a candidate shall be accompanied by the names and signatures of at least two Members who support the candidate and a declaration by them that the candidate is qualified to be elected as a Member of Assembly under Article 193 of the Constitution and is willing to serve as Speaker of the Assembly.
- (4) The Clerk shall maintain a register in which shall be shown the date and time when each candidate's nomination papers were received and shall ascertain that every such candidate for election to the office of Speaker is qualified to be elected as such under Article 193 of the Constitution.
- (5) Immediately upon the close of the nomination period provided for in paragraph (2), the Clerk shall—
 - (a) publicize and make available to all Members, a list showing all qualified candidates; and
 - (b) make available to all Members, copies of the curriculum vitae of the qualified candidates.
- (6) (Deleted)

(7) (Deleted)

6. Election of Speaker

- (1) The Speaker shall be elected during the sitting under Standing Order 3 and before the Assembly proceeds with the dispatch of any other business, except administration of the Oath or Affirmation of Office to Members present.
- (2) The Clerk shall, at least two hours before the meeting of the Assembly, prepare ballot papers upon which shall be shown the names of all candidates validly nominated under Standing Order 5.
- (3) The election of the Speaker shall be by secret ballot.
- (4) The Clerk shall, at the commencement of each ballot, cause the ballot box, empty and unlocked, to be displayed to the Assembly and shall, in the presence of the Assembly, lock the box, which shall thereafter be kept in the full view of the Assembly until the conclusion of the ballot.
- (5) The Clerk shall issue not more than one ballot paper to each Member who comes to the Table to obtain it and each Member who wishes to vote shall proceed to a booth or designated area

provided by the Clerk for that purpose and located next to and within reasonable distance of the ballot box and shall, while there, mark the ballot paper by placing a mark in the space opposite the name of the candidate for whom the Member wishes to vote, fold the marked ballot paper before leaving the booth or area and place the folded ballot paper in the ballot box.

- (6) A Member who, before the conclusion of a ballot has marked a paper in error may, by returning it to the Clerk, obtain another in its place and the Clerk shall immediately cancel and destroy the paper so returned.
- (7) The Clerk shall make such arrangements as may be necessary to enable any Member with disability to vote.
- (8) When it appears to the Clerk that all Members who are present and who wish to vote have placed their ballot papers in the ballot box, the Clerk shall unlock the box, examine the ballot papers and, having rejected those unmarked or spoilt, report the result of the ballot; and no Member who has not already recorded his or her vote shall be entitled to do so after the Clerk has unlocked the ballot box.

- (9) A ballot paper is spoilt, if in the Clerk's opinion, it does not identify the candidate purported to be selected by the member voting.

7. Threshold for election of Speaker

- (1) The Speaker shall be elected by not less than two thirds of all the members of the Assembly.
- (2) If no candidate is supported by the votes of two thirds of all Members, the candidate or candidates who received the highest number of votes in the ballot referred to in paragraph (1) and the candidate or candidates who in that ballot received the next highest number of votes shall alone stand for election in a further ballot and the candidate who receives the highest number of votes in the further ballot shall be elected Speaker.

8. Withdrawal of candidate

A candidate may, by written notice to the Clerk, withdraw his or her name before a ballot is started, and in the event of such withdrawal, the Clerk shall cross-out the name of that candidate off any ballot papers issued for that or any subsequent ballot.

9. Equality of votes

If, in the further ballot referred to in Standing Order 7 (*Election threshold*), more than one candidate receives the highest number of votes, the ballot shall again be taken, and if there is an equality of the highest number of votes a further ballot shall be take until one candidate obtains more votes than the other or others.

10. Custody of ballot papers

Immediately the results are declared, all the ballot papers used in the election of a Speaker shall be packed and sealed in the presence of the Assembly and kept in the custody of the Clerk for a period of six months and shall thereafter be destroyed.

11. Single duly nominated candidate

Despite the provisions of this Part, if there is only one candidate who has been duly nominated for election as Speaker at the expiry of the nomination period, that candidate shall be declared forthwith to have been elected Speaker without any ballot or vote being required.

12. Swearing-in of the Speaker

Immediately following the election of the Speaker, the Clerk shall administer the Oath or Affirmation of Office to the Speaker in the presence of the assembled Assembly.

13. Notification of opening of the Assembly

- (1) Immediately after taking and subscribing to the Oath or Affirmation of Office under Standing Order 12 (*Swearing in of the Speaker*), the Speaker shall notify the Members of the place, date and time of the opening of the Assembly which shall not be more than 30 days after the first sitting of the Assembly.
- (2) Following the notification by the Speaker under paragraph (1), the sitting of the Assembly shall stand adjourned until the date and time of the opening of Assembly.
- (3) The Business to be transacted in the next sitting of the Assembly shall be the address of the Assembly by the Governor, Senator and other visiting Dignitary;

13A. Vacancy in the office of the Speaker

- (1) If the office of the Speaker falls vacant at any time before the expiry of the term of Assembly, the Deputy Speaker shall preside over business to be transacted until after the election of a new Speaker.

- (2) The Deputy Speaker or a Member elected by the Assembly shall preside over the election under paragraph. (1).

**PART III—DEPUTY SPEAKER
AND SPEAKERS PANEL**

14. Deputy Speaker

- (1) As soon as practicable after the election of a Speaker following a General Election, a Deputy Speaker shall be elected.
- (2) If the office of Deputy Speaker falls vacant at any time before the end of the term of the Assembly, the House shall as soon as practicable elect a member to that office.
- (3) The procedure of electing a Deputy Speaker shall, with the necessary modifications, be the same as that prescribed for the election of the Speaker.

**14A. Appointment and Discharge of Members of
the Speaker's Panel**

- (1) There shall be a panel to be known as the Speaker's Panel which shall comprise of four members to be known respectively as the First, Second, Third and Fourth members of the

Speaker's Panel and who may exercise all the powers vested in the Deputy Speaker.

- (2) If the Speaker or the Deputy Speaker is unable to preside over the House, the Speaker shall appoint a member of the Panel to preside the House.
- (3) As soon as practicable, after the election of the Deputy Speaker, the Speaker shall, in consultation with leaders of assembly parties, submit a list of four members for consideration by the House Business Committee.
- (4) The House Business Committee shall, within seven days of receipt of the names of the nominees, table the list in the House and give notice of approval.
- (5) Whenever a motion for approval under paragraph (4) is moved in the House, no objection against the proposed membership on the Speaker's Panel of any particular member shall be permitted and objections, if any, shall be formulated and considered against the proposed membership as a whole.
- (6) In nominating the members of the Speaker's Panel, the Speaker and the House Business Committee shall have regard to the relative party

majorities in the House and shall ensure so far as practicable, that at least one member of the panel is from either gender.

- (7) The approval of the First, Second, Third and Fourth Member of the Speaker's Panel shall be deemed to constitute an election for purposes of Article 178 (2) of the Constitution and either the First, Second, Third or Fourth Member of the Speaker's Panel may preside over the House in the absence of the Speaker and the Deputy Speaker.
- (8) The Speaker may, in writing, to the House Business Committee give notice that a member is to be discharged from the Panel.
- (9) Within seven days of receipt by the House Business Committee of a notice under paragraph (7), the House Business Committee shall consider the notice and give notice of motion to replace the member.
- (10) The discharge of a member of the panel shall not take effect until the House has approved the motion for replacement under paragraph (8).

**PART IV—MAJORITY PARTY
AND MINORITY PARTY LEADERSHIP**

15. Leadership of the Majority Party

- (1) The largest party or coalition of parties in the Assembly shall be the Majority Party.
- (2) Members of the majority party referred to in paragraph (1) shall elect—
 - (a) a member belonging to the party or coalition of parties to be the Assembly Majority Leader;
 - (b) a member belonging to the party or coalition of parties to be the Deputy Assembly Majority Leader;
 - (c) a member belonging to the party or coalition of parties to be the Assembly Majority Whip; and
 - (d) a member belonging to the party or coalition of parties to be the Deputy Assembly Majority Whip.
- (3) Whenever the Assembly Majority Leader is absent or is unable to perform his or her functions; the Deputy Assembly Majority Leader shall perform the functions of the office of the Assembly Majority Leader in an acting capacity.
- (4) In the absence of both the Assembly Majority Leader and the Deputy Assembly Majority Leader, the Assembly Majority Whip shall

perform the functions of the office of the Assembly Majority Leader in an acting capacity.

- (5) In electing members under paragraph (2), the Majority Party shall take into account—
 - (a) any existing coalition agreement entered into pursuant to the Political Parties Act; and (b) the need for gender balance.
- (6) A member elected under paragraph (2) may be removed by a majority of the votes of all the members belonging to the Majority Party.
- (7) The removal of a member from office under paragraph (6) shall not take effect until another member has been elected in the manner provided for under paragraph (2).
- (8) Upon a decision being made by the Majority Party or coalition under this Standing Order, the decision of the Party or coalition shall be communicated to the Speaker in writing, together with the minutes of the meeting at which the decision was made—
 - (a) in the case of the removal of the Assembly Majority Leader or the Deputy Assembly

Majority Leader, by the Assembly Majority Whip; and

- (b) in the case of the removal of the Assembly Majority Whip or the Deputy Assembly Majority Whip, by the Assembly Majority Leader.

16. Leadership of the Minority Party

- (1) The second largest party or coalition of parties in the Assembly shall be the Minority Party.
- (2) Members of the minority party referred to in paragraph (1) shall elect—
 - (a) a member belonging to the party or coalition of parties to be the Assembly Minority Leader;
 - (b) a member belonging to the party or coalition of parties to be the Deputy Assembly Minority Leader;
 - (c) a member belonging to the party or coalition of parties to be the Assembly Minority Whip; and
 - (d) a member belonging to the party or coalition of parties to be the Deputy Assembly Minority Whip.
- (3) Whenever the Assembly Minority Leader is absent or is unable to perform his or her

functions; the Deputy Assembly Minority Leader shall perform the functions of the office of the Assembly Minority Leader in an acting capacity.

- (4) In the absence of both the Assembly Minority Leader and the Deputy Assembly Minority Leader, the Assembly Minority Whip shall perform the functions of the office of the Assembly Minority Leader in an acting capacity.
- (5) In electing members under paragraph (2), the Minority Party shall take into account—
 - (a) any existing coalition agreement entered into pursuant to the Political Parties Act; and
 - (b) the need for gender balance.
- (6) A member elected under paragraph (2) may be removed by a majority of the votes of all the members belonging to the Minority Party.
- (7) The removal of a member from office under paragraph (6) shall not take effect until another member has been elected in the manner provided for under paragraph (2).
- (8) Upon a decision being made by the Minority Party or coalition under this Standing Order, the decision of the Party or coalition shall be

communicated to the Speaker in writing, together with the minutes of the meeting at which the decision was made—

- (a) in the case of the removal of the Assembly Minority Leader or the Deputy Assembly Minority Leader, by the Assembly Minority Whip; and
- (b) in the case of the removal of the Assembly Minority Whip or the Deputy Assembly Minority Whip, by the Assembly Minority Leader.

**PART V—ADDRESS BY
GOVERNOR, SENATOR AND VISITING
DIGNITARY**

**17. Governor's address on opening of new
Assembly**

- (1) The Governor shall address the opening of each newly elected Assembly.
- (2) At the conclusion of the Governor's address, the sitting shall stand suspended or adjourned as the Speaker may direct until such time or to such day as may be specified by the Speaker.

18. Governor's address on special sitting

- (1) The Governor shall address a special sitting of Assembly once every year and may address Assembly at any other time.
- (2) The Speaker shall notify the Members of the place, date and time of a sitting under paragraph (1).
- (3) Whenever the Speaker has been informed that the Governor will address a special sitting of Assembly on a specified day and time, then on that day, no Motion for the adjournment of the Assembly shall be made before the time for which the Governor's arrival has been notified.

19. Governor entering or leaving the Chamber

Members shall be called to order and stand in silence whenever the Governor enters or leaves the Chamber.

20. Governor's address to the Assembly

- (1) The Governor may be accompanied in the Chamber by an *Aide-de Camp*.
- (2) Whenever the Governor addresses the Assembly, the Speaker shall take the seat on the right of the Governor and the Senator of the County shall take the seat on the left of the Governor.

- (3) When delivering an address to the Assembly, the Governor shall be heard in silence and the address shall not be followed by any comment or question.
- (4) Whenever the Governor delivers an Address, a Member may as soon as practicable thereafter, lay the Address on the Table of the Assembly following the reading of such Address.
- (5) A Member may give a notice of Motion that *“The Thanks of the Assembly be recorded for the exposition of public policy contained in the Address of the Governor”* but debate on the Motion shall not exceed four sitting days.

21. Address by the Senator or Visiting dignitary

- (1) The Speaker may, in consultation with the Leader of the Majority Party and the Leader of the Minority Party, allow the Senator of the County or a visiting Governor or other such visiting dignitary, to address the Assembly on such occasions as may be appropriate.
- (1) Standing Order 19 (*Governor entering or leaving Chamber*) and paragraphs (1), (3) and (4) of Standing Order 20 (*Governor’s address to Assembly*) shall, with the necessary

modifications, apply to the Senator, visiting Heads of State and such other dignitaries.

21A. Designation of a Place in the Chamber for County Executive Committee Members

The Speaker may designate a suitable place in the chamber or at the bar of the House for—

- (a) the County Executive Committee Member responsible for finance to make a public pronouncement of the budget policy highlights and revenue raising measures in accordance with the Public Finance Management Act, 2012;
- (b) other persons to make submissions or presentations before the House.

PART VI —CALENDAR, SITTINGS AND ADJOURNMENTS OF THE ASSEMBLY

22. Presiding in the Assembly

The Speaker shall preside at any sitting of the Assembly but in the absence of the Speaker, the Deputy Speaker or a member of the Speaker's Panel and in their absence, a member elected by the Assembly for that purpose pursuant to Article 178 (2) of the Constitution, shall preside.

23. Location of the first sitting of a new Assembly

Whenever a new Assembly is elected, the Governor, by notice in the Gazette, shall appoint the place within the County and date for the first sitting of the new Assembly, which shall be not more than thirty days after the day the Assembly is fully constituted.

24. Regular Sessions of the Assembly

- (1) Except for the Session commencing immediately after a general election, the regular Sessions of the Assembly shall commence on the second Tuesday of February and terminate on the first Wednesday of December.
- (2) Despite paragraph (1), the Assembly may, by resolution, alter the dates specified under paragraph (1) in respect of a particular Session.
- (3) Subject to paragraph (1), the Assembly shall continue to be in session and may adjourn for such number of days as it may determine in its calendar.
- (4) Despite paragraphs (1), (2) and (3), a period of three months shall not intervene between the last sitting of the Assembly in one Session and the first sitting thereof in the next Session.

25. Calendar of the Assembly

- (1) The House Business Committee shall, with the approval of the Assembly, determine the calendar of the Assembly.
- (2) The calendar of the Assembly once approved, shall be published in the *Gazette*, Assembly website, permitted social networking platforms and in at least two newspapers of national circulation.
- (3) On a day when the Assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance with the Assembly Calendar, the Leader of the Majority Party or the Leader of the Minority Party or another member of the House Business Committee shall move a Motion of adjournment which shall be debated for not more than three hours after which the Assembly shall adjourn without question put.
- (4) Despite paragraph (2) the Assembly may, by resolution, alter its Calendar or the adjournment date.
- (5) Notwithstanding paragraphs (1), (2) (3) and (4), the Assembly stands prorogued pursuant to

Section 124 (1) of County Governments Act, 2012 and all its Committees stands dissolved.

26. Special sittings of the House

- (1) Whenever during a Session of the House stands adjourned, whether or not a day has been appointed for the next meeting, the Speaker may appoint a day for a special sitting of the House—
 - (a) on the request of the Leader of the Majority Party or the Leader of the Minority Party, appoint a day for a special sitting of the House;
 - (b) on the signed request by Members not less than a third of the Membership of the Assembly, such a request shall be addressed to the Speaker.
- (2) The Speaker may allow a request under paragraph (1) if the Speaker is satisfied that the business proposed to be transacted is urgent or exceptional.
- (3) Notwithstanding paragraph (1) and (2), in the case of an emergency, the Speaker may call a special sitting at any time and at such place as he or she considers expedient, giving reasonable notice.
- (4) The Speaker shall, by notice in the Gazette, notify the Members of the place, date and time appointed for a special sitting of the House.

- (5) Whenever the House meets for a special sitting under paragraph (1), the Speaker shall specify the business to be transacted on the day or days appointed and the business so specified shall be the only business before the House during the special sitting, following which the House shall stand adjourned until the day appointed in the Assembly calendar.

27. Days and Hours of Plenary Sitting

- (1) Unless the Speaker directs otherwise, the House shall meet at 10.00 a.m. and at 2.30 p.m. on Tuesday and Wednesday, but more than one sitting may be directed during the same day.
- (2) Unless for the convenience of the House, the Speaker, or the Deputy Speaker or a member of the Speaker's Panel (as the case may be) directs earlier or later interruption of business, at 6.30 p.m., on the occasion of an afternoon sitting and at 12.30 pm on occasion of a morning sitting, the Speaker or the Deputy Speaker or a member of Speaker's Panel shall interrupt the business then under consideration and if the House is in Committee, the Deputy Speaker shall leave the Chair and report progress and ask for leave to sit again.

- (3) Notwithstanding paragraphs (1) and (2), the House may resolve to— (a) extend its sitting time, or
 - (b) meet at any other time on a sitting day; or
 - (c) meet on any other day, in order to transact business.
- (4) A Motion under paragraph (3) (a) shall be moved at least thirty minutes before the time appointed for adjournment.
- (4A) If at the time appointed for the interruption of business, the Committee of the Whole House is sitting, such interruption shall be deferred until the conclusion of the business being transacted.
- (5) If at the time appointed for the interruption of business, a division is in progress, or a question is being put from the Chair and a division results immediately thereon, such interruption shall be deferred until after the declaration of the numbers and the result of the division.
- (6) Upon the conclusion of all proceedings under paragraphs (2), (3) or (4) of this Standing Order, or upon the earlier completion or deferment of all business standing upon the Order Paper for the sitting, the Speaker shall adjourn the House without question put.

28. Adjournment of the House

- (1) A Member may at any time, for reasons stated, seek leave to move “That, this House do now adjourn.”
- (2) If the Speaker is of the opinion that such Motion for adjournment of the House is frivolous, vexatious, or an abuse of the proceedings of the House, the Speaker may forthwith put the question thereon or decline to propose it.
- (3) The debate on a Motion under this Standing Order shall be confined to the matter of the Motion.

29. Resumption of interrupted business

Any debate interrupted under this Part shall on coming again before the House or the Committee, be resumed at the point where it was interrupted and any Member whose speech was so interrupted shall have the right to speak on such resumption for the remainder of the time available to him or her but if such Member does not avail himself or herself of this right, his or her speech shall be deemed to have been concluded.

30. Adjournment on definite matter of urgent county importance

- (1) Any Member may at any time, rise in his or her place and seek leave to move the adjournment of the House for purposes of discussing a definite matter of urgent county importance.
- (2) A Member who wishes to seek leave to move the adjournment of the House shall, at least two hours before the commencement of the sitting, hand to the Speaker a written notification of the matter but the Speaker shall refuse to allow the claim, unless the Speaker is satisfied that the matter is definite, urgent and of county importance and may properly be raised on a Motion for adjournment of the House.
- (3) If the Speaker is satisfied in terms of paragraph (2) and not less than ten other Members rise in their places in support, the Speaker shall nominate a time on the same day at which such Motion may be moved.
- (4) No Member speaking on a matter under this Standing Order shall speak for more than five minutes without the leave of the House, except that the Mover may speak for ten minutes.

PART VII—QUORUM OF THE ASSEMBLY

31. Quorum at commencement of the Assembly

- (1) The quorum of the Assembly or of a Committee of the whole Assembly shall be one-third of its members.
- (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 the saying of 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.
- (3) The quorum and the procedure for attaining quorum under paragraphs (1) and (2) respectively shall apply with the necessary modifications to a plenary sitting held virtually provided that the Chair shall, if there is not a quorum present after the saying of the prayer, grant leave for fifteen (15) minutes to raise quorum.

32. Quorum during the proceedings of the Assembly

- (1) If at any time after the Chair is taken, or when the Assembly is in Committee, a Member objects that there is not quorum present, the Speaker, the

Deputy Speaker or a member of the Speaker's Panel or any member elected under Article 178(2) of the Constitution, who is presiding over the proceedings, shall order a count of the House or the Committee as the case may be.

- (2) If on the count under paragraph (1) a quorum does not appear to be present, the Speaker or the Chairperson shall cause the division bell to be rung as on a division, and if no quorum is present at the expiration of eight minutes—
 - (a) if the Speaker is in the Chair, the Speaker shall adjourn the Assembly until the next sitting without question put;
 - (b) if the Assembly is in Committee, the Chairperson shall leave the Chair and report the fact to the Speaker, who shall adjourn the Assembly until the next sitting without question put.
- (3) Whenever the Speaker or the Chairperson, as the case may be, is engaged in counting the Assembly or the Committee respectively, the doors of the Chamber shall remain unlocked but no Member shall be allowed to leave the Chamber, except a party whip who may be permitted to leave the Chamber to seek the Members required to raise a quorum.

- (4) A member who leaves the chamber during the counting shall be deemed to have engaged in disorderly conduct.

33. Quorum during voting or division

If, from the number of Members taking part in an electronic voting or roll call division, it appears that the Members do not themselves constitute a quorum, the vote or division shall be invalid and the business then under consideration shall stand over until the next sitting and the Speaker shall proceed as if his or her attention had been drawn to the absence of a quorum, but if after so proceeding a quorum is then present, the next business shall be entered upon.

34. Decorum when quorum not present

While the Quorum bell is ringing, members shall maintain order in the House.

PART VIII—ORDER OF BUSINESS

35. Order Paper to be prepared and circulated

- (1) The Order Paper shall be prepared by the Clerk, showing the business to be placed before or taken by the Assembly and the order in which it is to be taken, including a notice paper showing the business for each sitting day of the week,

together with such other information as the Speaker may from time to time direct.

- (2) The Order Paper shall be published and made available to Members, at least twelve hours before the Assembly meets, but a Supplementary Order Paper shall be made available at least one hour before the Assembly meets.

36. Weekly programmes of the business of the Assembly

The Clerk shall prepare and publish weekly programmes showing the business of the Assembly and the schedule of sittings of the various committees and shall circulate such programmes to Members, County Departments, and the media not later than the Friday of the week preceding such business.

37. Sequence of proceedings

- (1) Each day after Prayers have been said and the House has been called to order, the Business of the House shall be proceeded with in the following sequence—
 - (i) Administration of oath;
 - (ii) Communication from the Chair;
 - (iii) Messages;
 - (iv) Petitions;

- (v) Papers;
 - (vi) Notices of Motion;
 - (vii) Statements;
 - (viii) Motions and Bills.
- (2) Business shall be disposed of in the sequence in which it appears in the Order Paper or in such other sequence as the Speaker may, for the convenience of the House, direct.
 - (3) On Wednesday morning, a Bill or a motion not sponsored by the Majority or Minority Party or a member belonging to the Majority or Minority Party or by a Committee, shall have precedence over all other business in such order as the House Business Committee shall ballot.
 - (4) The Speaker shall direct the Clerk to read the Orders of the Day without question put.

PART IX—MESSAGES

38. Messages to and from the Senate

- (1) A message from the Assembly to the Senate shall be in writing and shall be signed by the Speaker.
- (2) The Clerk of the Assembly shall transmit a message from the Assembly to the Clerk of the

Senate and shall receive messages from the Senate.

- (3) The Clerk shall deliver to the Speaker a message received from the Senate under paragraph (2) at the first available opportunity after receipt and in any event not later than the next day not being a Saturday, Sunday or public holiday.
- (4) If a message is received from the Senate, at a time when the Assembly is in session, the Speaker shall report the message to the Assembly at the first convenient opportunity after its receipt and in any event not later than the next sitting day.
- (5) If a message is received from the Senate, at a time when the Assembly is not in session, the Speaker shall forthwith cause the message to be transmitted to every Member and shall report the message to the Assembly on the day the Assembly next sits.
- (6) When the Speaker reports a message from the Senate under paragraph (4) or (5), the message shall be deemed to have been laid before the Assembly and the Speaker may either—
 - (a) direct that the message be dealt with forthwith, or

- (b) appoint a day for the consideration of the message; or
- (c) refer the message to the relevant Committee of the Assembly for consideration.

39. Messages from the Governor and the Senator

- (1) The Speaker shall read to the Assembly any message from the Governor or the Senator of the County delivered to the Speaker for communication to the Assembly.
- (2) If a message is received from the Governor or the Senator of the County, at a time when the Assembly is not in session, the Speaker shall forthwith cause the message to be transmitted to every Member and shall report the message to the Assembly on the day the Assembly next sits.
- (3) When a message from the Governor or the Senator of the County is read, the message shall be deemed to have been laid before the Assembly and the Speaker may either—
 - (a) direct that the message be dealt with forthwith, or
 - (b) appoint a day for the consideration of the message; or

- (c) refer the message to the relevant Committee of the Assembly for consideration.

PART X—STATEMENTS

40. Members' general statements

- (1) Notwithstanding Standing Order 27 (*Hours of Meeting*), the Speaker shall interrupt the business of the House every Tuesday at 3.00 pm to facilitate members to make general statements of topical concern.
- (2) A member who wishes to seek leave to raise a matter under this Standing Order shall, before 3.00 pm on the day the statement is to be made, hand to the Speaker a written notification of the matter, but the Speaker shall refuse to allow the request unless satisfied that the matter may properly be discussed in the House.
- (3) No member making a statement under this Standing Order shall speak for more than three minutes, unless with the permission of the Speaker.

41. Statement Hour

- (1) Notwithstanding Standing Order 37 (*Sequence of Proceedings*), there shall be time, to be

designated Statements Hour, every Wednesday, commencing 3.00 pm.

- (2) During the Statements Hour—
 - (a) a member of the House Business Committee designated by the Committee for that purpose shall, every Wednesday or on the last sitting day, for not more than ten minutes, present and lay on the Table, a statement informing the House of the business coming before the House in the following week;
 - (b) the Leader of the Majority Party, or the Leader of the Minority Party as the case may be, or their designees may make a statement relating to their responsibilities in the House or the activities of a Committee;
 - (c) a member may request for a statement from the Committee chairperson relating to matters under the mandate of the Committee and the Speaker may either appoint a day for the statement or direct that the statement be issued on the same day.
- (3) Where a Member requests for a statement from a Committee Chairperson relating to matters under the mandate of the Committee, the Speaker may either appoint a day for the statement or direct

that the statement be issued on the same day, and the statement sought must be restricted to matters within the mandate of the Committee and which have been exhaustively dealt with and concluded by the Committee or where the Chairperson is authorized by Members to issue preliminary reports to the House.

PART XI—APPROVAL OF PUBLIC APPOINTMENTS

42. Committal to committees

- (1) An appointment under the Constitution or any other law for which the approval of a County Assembly is required shall not be made unless the appointment is approved by the relevant County Assembly in accordance with this Act.
- (2) Upon receipt of a notification of nomination for appointment to an office under the Constitution or any other law that requires the approval of the Assembly, the Speaker shall report the receipt of the notification to the Assembly, following which the notification shall be committed to the relevant committee of the Assembly.
- (3) The approval hearings shall be held in a public place and shall be conducted during working

hours between 8.00am and 5.00pm but the hearing can be extended with agreement of the committee.

- (4) The procedure and requirements provided for under Sections 7, 8, 9, 10 and 11 of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017 and Section 35 of the County Governments Act, 2012 shall apply during consideration of an approval hearing.
- (5) The Clerk shall notify a candidate of the time and place for the holding of an approval hearing by notice in at least two newspapers of national circulation and by writing and such other form of communication as the Clerk shall consider appropriate.
- (6) The committee shall, by notice in at least one newspaper of national circulation, notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing.
- (7) Subject to the Public Appointments (County Assemblies Approval) Act No. 5 of 2017, all committee proceedings on public appointments shall be open and transparent.

- (8) Despite paragraph (7) a committee may, on its own motion or on the application of a candidate or any other concerned person, determine that the whole or part of its sittings shall be held in camera.
- (9) An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background.
- (10) The criteria specified in First Schedule and the assessment form specified in the Second Schedule to the Public Appointments (County Assemblies Approval) Act No. 5 of 2017 shall be used by a committee during an approval hearing for purposes of vetting a candidate.
- (11) Any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated.
- (12) A candidate shall have a right to be heard on any statement or evidence submitted to the Clerk contesting the suitability of the candidate to hold the office to which the candidate has been nominated.

- (13) A candidate may, at any time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall thereupon lapse.
- (14) The Committee shall conduct a hearing on the proposed appointment and shall, unless otherwise provided in law, table its report in the House within twenty-one sitting days from the date the committee first sits to consider the nomination on which the notification was received by the committee under paragraph (2).
- (15) The decision of the Assembly shall be communicated to the Governor within 14 days.

PART XII—PROCESSING OF MOTIONS

43. Application

- (1) This part shall apply to all Motions including special Motions.
- (2) Unless the Constitution, any written law or these Standing Orders specify a lesser or further period, a Special Motion shall be—
 - (a) dispensed of by the Speaker in accordance with Standing Order 44 (*Notices of Motions*) within seven days of receipt by the Speaker of notice by a member; and

- (b) dispensed with by the Assembly within fourteen calendar days upon notice being given under Standing Order 44 (*Notices of Motions*) and if not, such Motion shall be deemed to have been withdrawn and shall not be moved again in the same Session, except with the consent of the Speaker.

43A. Special Motions

For purposes of this Part, a Special Motion is one—

- (a) that seeks a resolution of the House to approve an appointment or re-appointment in accordance with Part XI (*Approval of Public Appointments*);
- (b) the resolution of which requires a threshold of two thirds of the Members of the Assembly;
- (c) that seeks the removal of the Speaker of the Assembly;
- (d) that seeks the removal of the Deputy Speaker;
- (e) that concerns the recall of a member of the Assembly;
- (f) concerning the impeachment of the Governor;
- (g) that seeks the impeachment of the Deputy Governor;

- (h) that is about borrowing by the County Executive Committee; or
- (i) seeks the removal from office of the County Attorney.

44. Notices of Motions

- (1) Except as otherwise provided by these Standing Orders, notice shall be given by a Member of any Motion which the Member or Committee proposes to move.
- (2) Before giving notice of Motion, the Member shall deliver to the Clerk a copy of the proposed Motion in writing and signed by the Member; and the Clerk shall submit the proposed Motion to the Speaker.
- (3) If the Speaker is of the opinion that any proposed Motion—
 - (a) is one which infringes, or the debate on which is likely to infringe, any of these Standing Orders;
 - (b) is contrary to the Constitution or an Act of Parliament or of the Assembly, without expressly proposing appropriate amendment to the Constitution or the Act of Parliament or Assembly;

- (c) is too long;
- (d) is framed in terms which are inconsistent with the dignity of the House;
- (e) contains or implies allegations which the Speaker is not satisfied that the Mover can substantiate; or
- (f) calls for the commitment of public funds for which no provision is made in the Annual Estimates as adopted by the Assembly, the Speaker may direct either that, the Motion is inadmissible, or that notice of it cannot be given without such alteration as the Speaker may approve or that the motion be referred to the relevant committee of the Assembly, pursuant to Article 114(2) if it contains provisions dealing with—
 - (i) taxes;
 - (ii) the imposition of charges on a public fund or the variation or repeal of any of those charges;
 - (iii) the appropriation, receipt, custody, investment or issue of public money;
 - (iv) the raising or guaranteeing of any loan or its repayment; or
 - (v) matters incidental to any of those matters.

- (4) Unless the House resolves otherwise, a notice of Motion shall be given before the moving of the Motion and in any event shall not be given during the sitting in which the motion is to be moved unless the Speaker directs otherwise.
- (5) Unless the House resolves otherwise—
 - (a) a Motion sponsored by a party shall have precedence over all other Motions on such day as the House Business Committee, in consultation with the Speaker, may determine, but where a party has sponsored two or more motions, the Motion shall be considered in such order as sponsoring party may determine;
 - (b) a notice of an approved Motion other than those under paragraph (a) may be given to Members by means of a list to be published in such manner as the Speaker may from time to time direct and the Member giving such notice shall state its terms to the Assembly when the Motion has acquired precedence in accordance with Standing Order 47 (*Time for moving Motions*), but at least one day before the Motion appears on the Order Paper.

45. Amendment of Notice of Motion

The Speaker may permit a Member to move in amended form a Motion of which notice has been

given if in the opinion of the Speaker the amendment does not materially alter any principle embodied in the Motion of which notice has been given.

46. Certain Motions not to be moved

- (1) No Motion may be moved which is the same in substance as any question which has been resolved (either in the affirmative or in the negative) during the preceding six months in the same Session.
- (2) Despite paragraph (1)—
 - (a) a Motion to rescind the decision on such a question may be moved with the permission of the Speaker; and
 - (b) a Motion to rescind the decision on a question on a Special Motion shall not be allowed.

47. Motions and Time for moving Motions

- (1) The House Business Committee shall allot the time and sequence of the publication in the Order Paper of every Motion approved by the Speaker.
- (2) Save for a Special Motion, a Member who has a Motion standing in his or her name may

authorize, in writing, another Member to move that Motion in the Member's stead.

- (3) Where no Member moves a Motion at the time specified by or under these Standing Orders, such Motion shall not again be published in the Order Paper during the same Session except with the leave of the Speaker.

48. Motion withdrawn may be moved again

- (1) A notice of Motion may be withdrawn by the Member who gave the notice, but notice of the same Motion may be given again either by the same or by any other Member.
- (2) Despite paragraph (1), notice of a Special Motion may not be withdrawn, except with the leave of the House.

49. Motions which may be moved without Notice

The following Motions may be moved without notice, a Motion—

- (a) by way of amendment to a question already proposed from the Chair;
- (b) for the adjournment of the House or of a debate;
- (c) that the House do dissolve itself into a Committee of the whole House;

- (d) moved when the House is in Committee;
- (e) for the suspension of a member;
- (f) made in accordance with the Standing Orders governing the procedure as to Bills;
- (g) for the agreement of the House with a Committee of the whole House in a resolution reported, or for the re-committal thereof or for the postponement of the further consideration thereof;
- (h) raising a question of privilege;
- (i) for the orders of the House under these Standing Orders;
- (j) made under Standing Order 220 (*Exemption of business from Standing Orders*);
- (k) made for the limitation of a debate under Standing Order 93 (*Limitation of debate*);
- (l) made for the postponement or discharge of, or giving precedence to an order of the day; and
- (m) for the extension of sitting time of the House.

50. Manner of debating Motions

- (1) When a Motion has been moved and if necessary seconded, the Speaker shall propose the question thereon in the same terms as the Motion, and debate may then take place upon that question.
- (2) At the conclusion of the debate, the Speaker shall put the question.
- (3) Despite paragraph (2), the Speaker may, on the request of a member, defer the putting of the question to the following day in which case the Speaker shall thereupon nominate a time at which the question shall be put.

51. Amendments to Motions

- (1) Unless otherwise provided in these Standing Orders, any amendment to a Motion which a Member wishes to propose in accordance with these Standing Orders may be moved and, if necessary seconded at any time after the question upon the Motion has been proposed and before it has been put.
- (2) When every amendment under paragraph (1) has been disposed of, the Speaker shall either again propose the question upon the Motion or propose the question upon the Motion as amended as the case may require, and after any further debate which may arise thereon, shall put the question.

- (3) Upon any amendment to leave out any of the words of the Motion, the question to be proposed shall be “That, the words proposed to be left out be left out”.
- (4) Upon any amendment to insert words in, or add words at the end of a Motion, the question to be proposed shall be “That, the words [of the amendment] be inserted” (or “added”).
- (5) Upon any amendment to leave out words and insert or add other words instead, a question shall first be proposed “That, the words proposed to be left out be left out of the question”, and if that question is agreed to, the question shall then be proposed, “That, the words [of the amendment] be therein inserted” (or “added”), but if the first question is negatived, no further amendment may be proposed to the words which it has been decided shall not be left out.
- (6) When two or more amendments are proposed to be moved to the same Motion, the Speaker shall call upon the movers in the order in which their amendments relate to the text of the Motion, or in cases of doubt, in such order as the Speaker shall decide.

- (7) An amendment to leave out words and replace those words with other words shall take precedence before any amendment to leave out words without proposing to replace those words with other words.
- (8) No amendment may be moved which relates to any words which it has been decided shall not be left out of a Motion.
- (9) An amendment to an amendment may be moved and if necessary seconded at any time after the question upon the original amendment has been proposed and before it has been put.
- (10) Paragraphs (3), (4), (5), (6), (7), (8) and (9) of this Standing Order shall apply to the debate of amendments to amendments with the substitution whenever appropriate of the words “original amendment” for the word “question”.
- (11) When every amendment to an amendment has been disposed of, the Speaker shall, either again propose the question upon the original amendment or propose the question upon the original amendment as amended, as the case may require.

52. Amendments to be in writing

- (1) The proposer of an amendment to a Motion shall, before moving it, hand the proposed amendment in writing, signed by the proposer, to the Clerk at least two hours before the order is read.
- (2) Despite paragraph (1), the Speaker may, in exceptional circumstances, allow a Member to move an amendment to a Motion before the House at any time during consideration of that Motion.

53. Amendments to be relevant to Motion

- (1) Every amendment shall be relevant to the Motion which it seeks to amend and shall not raise any question which, in the opinion of the Speaker, should be raised by a substantive Motion after notice given.
- (2) No amendment shall be permitted if in the opinion of the Speaker, it represents a direct negative of the question proposed.

54. Motion to be seconded made

- (1) The question on any Motion shall not be proposed unless it shall have been seconded and any Motion that is not seconded shall be deemed to have been withdrawn, and shall not be moved again in the same Session.

- (2) Despite paragraph (1), a Motion made in Committee shall not require to be seconded.

55. Motion in possession of the Assembly

After the question has been proposed on a Motion, the Motion shall be deemed to be in the possession of the House, and such Motion shall not be withdrawn without the leave of the House.

56. Question as amended put

When a question has been amended, it shall, when put, be put as amended.

57 When amendment proposed but not made

When any amendment has been proposed but no amendment has been made, the question when put shall be put as originally proposed.

PART XIII—PROCEDURE FOR REMOVAL FROM STATE OFFICE

58. Procedure for removal of the Speaker

- (1) The procedure for the removal from office of the Speaker by the Assembly shall be—
 - (a) as prescribed in section 11 of the County Governments Act, 2012; and

- (b) through a resolution supported by not less than seventy five percent of all the members of the Assembly.
- (2) A notice of the intention to move a motion for a resolution to remove the Speaker shall be given in writing to the Clerk of the Assembly, signed by at least one third of all the members of the Assembly stating the grounds for removal.
- (3) A motion for a resolution to remove the Speaker shall be presided over by the Deputy Speaker.
- (4) Before the debate and voting on a motion under paragraph (3), the Speaker shall be accorded an opportunity to respond to the allegations on the floor of the Assembly.
- (5) The procedure relating to the removal of the Speaker shall apply with necessary modification to that of the Deputy Speaker.

59. Procedure for removal of the Governor

- (1) Before giving a notice of Motion under section 33 (1) of the County Governments Act, 2012 as read with Article 181 of the Constitution, a Member shall deliver to the Clerk a copy of the proposed Motion in writing stating the grounds

and particulars upon which the proposal is made for the removal of the Governor.

- (2) The notice of Motion shall be signed by the Member and shall be accompanied by a statutory declaration by the Member affirming that the particulars contained in the motion are true to the best of his or her knowledge and the declaration shall contain the full names, national identification number and postal Address of the member.
- (3) The motion shall be supported by at least one third of all the members, who shall append their full names, national identification numbers, signatures and date in support of the motion as endorsement on the motion.
- (4) The Clerk shall submit the proposed Motion to the Speaker for approval.
- (5) The Motion shall be tabled in the immediate next committee meeting of House Business Committee for balloting.
- (6) The House Business Committee, shall ballot Notice of the Motion which shall be given in the next sitting of the Assembly.

- (7) After the Notice of Motion is given, the Motion shall be placed in the Assembly Order Paper for the next assembly sitting; provided that if the Assembly is not then sitting, the Speaker shall call a special sitting for the motion to be considered.
- (7) A. The Governor shall have the right to appear and be represented before the Assembly during the consideration of the motion for his or her removal from office.
- (8) If the Motion is supported by at least two-thirds of all the members of the Assembly, the County Assembly Speaker shall inform the Speaker of the Senate of that resolution within two days.

60. (Deleted)

61. Procedure for removal of Deputy Governor

The Standing Orders relating to the removal of the Governor shall apply, with the necessary modifications, to the removal of the Deputy Governor.

62. Procedure for removal of Member of County Executive Committee

- (1) A Member may give Notice of Motion in writing to the Clerk requiring the Governor to remove from office, a member of the County Executive Committee under section 40 of the County Governments Act, 2012.
- (2) The notice of Motion shall be signed by the Member and shall be accompanied by a statutory declaration by the member affirming that the particulars contained in the motion are true to his or her knowledge and the declaration shall contain full names, national identification number and postal address of the Member.
- (3) The motion shall be supported by at least one third of all the Members, who shall append their full names, national identification numbers, signatures and date in support of the motion as endorsed on the motion.
- (4) The Clerk shall submit the proposed Motion to the Speaker for approval.
- (5) The Motion shall be tabled in the immediate next committee meeting of House Business Committee for balloting.
- (6) The House Business Committee, shall ballot the Notice of the Motion which shall be given in the next sitting of the Assembly.

- (7) After the Notice of Motion is given, the Motion shall be placed in the Assembly Order Paper for the next Assembly sitting; provided that if the Assembly is not then sitting, the Speaker shall call a Special Sitting for the motion to be considered.
- (8) If the motion is supported by at least one third of all the Members, the Assembly shall in the same sitting appoint a Select Committee comprising of five (5) members appointed on the basis of relative majorities of the seats held by each of the Assembly parties, to investigate on the matter.
- (8) A. The Select Committee appointed under paragraph (8) shall, within ten (10) days report to the Assembly whether the allegations against the member of County Executive Committee are substantiated.
- (9) The Clerk shall immediately in writing inform the affected member of County Executive Committee the resolutions of the Assembly.
- (10) The county Executive Committee Member has the right to appear and be represented before the select committee during its investigations.

- (11) If the select committee reports that it finds the allegations—
 - (a) unsubstantiated, no further proceedings shall be taken; or
 - (b) substantiated, the Assembly shall vote on whether to approve the resolution requiring the County Executive Committee member to be dismissed.
- (12) If a resolution under subsection (11) (b) is supported by a majority of the Members—
 - (a) the Speaker shall promptly deliver the resolution to the Governor; and
 - (b) the Governor shall dismiss the County Executive Committee Member.

63. Right to be heard

- (1) Whenever the Constitution, any written law or these Standing Orders—
 - (a) requires the Assembly to consider a petition or a proposal for the removal of a person from office, the person shall be entitled to appear before the relevant Committee of the Assembly considering the matter and shall be entitled to legal representation;

- (b) requires the Assembly to hear a person on grounds of removal from office, or in such similar circumstances, the Assembly shall hear the person—
 - (i) at the date and time to be determined by the Speaker;
 - (ii) for a duration of not more than two hours or such further time as the Speaker may, in each case determine; and
 - (iii) in such other manner and order as the Speaker shall, in each case, determine.
- (2) The person being removed from office shall be availed with the report of the Select Committee, together with any other evidence adduced and such note or papers presented to the Committee at least three days before the debate on the Motion.

64. Priority of Motion

- (1) A Motion for the removal from office under this Part shall take precedence over all other business on the Order Paper for the day.
- (2) During debate, any Member may, with the permission of the Speaker and on giving adequate

notice, produce additional evidence in support of his or her argument.

- (3) When the Speaker is satisfied that the Motion has been adequately debated, the Speaker shall call upon the person who is being removed from office to answer issues raised in the debate, and thereafter call upon the mover of the Motion to reply.

PART XIV—VOTING AND DIVISIONS

65. Voting in the Assembly

- (1) Unless otherwise provided under the Constitution or any other law, a question arising in the Assembly shall be decided by a majority of the members in the Assembly, present and voting.
- (2) In ascertaining the results on a question under paragraph (1), the Speaker shall, in the first instance, collect the voices of the “Ayes” and the “Noes” and shall declare the results accordingly.
- (3) On a question proposed for a decision in the Assembly, the Speaker has no vote.
- (4) In determining the number of Members of the Assembly for purposes of voting, the Speaker shall not be counted as a Member.

66. Electronic voting

- (1) Unless the Speaker, for the convenience of the Assembly otherwise directs, voting on a division in the Assembly shall be by electronic voting.
- (2) When the Speaker directs that an electronic voting be taken, the Division Bell shall be rung for not more than ten minutes and the Assembly shall proceed to a vote at the expiry of the five minutes, or such further time as the Speaker may, for the convenience of the Assembly, direct.
- (3) During electronic voting, Members shall cast their votes by pressing either the “Yes,” “No” or “Abstain” button.
- (4) At the expiry of five minutes or as soon as the result of the voting appears on the indicator board, the Speaker or the Chairperson, as the case may be, shall announce the results of the division forthwith.
- (5) A Member who is not able to cast his or her vote due to any reason considered sufficient by the Speaker, may, before the result of the division is announced and after obtaining the permission of the Speaker, have his or her vote recorded verbally by stating whether he or she is in favour of or against the Question.

- (6) Where the presiding officer has an original vote, the presiding officer shall cast his or her vote from the Chair.
- (7) Any Member present in the Assembly but who shall not have voted at the expiry of five minutes or after the announcing of the results, whichever is earlier, shall forfeit the right to vote and shall be deemed to have abstained from voting.

67. Technical failure, confusion or error occurring

In the event of a technical failure, confusion or error occurring in the course of voting which in the opinion of the Speaker cannot otherwise be corrected, the Speaker may direct the Assembly to another round of electronic voting or proceed to a roll call voting.

67. A. Rules of Voting

- (1) When the Speaker directs that a division be taken, the Division Bell shall be rung for not more than ten minutes and if there is quorum the members shall proceed to a vote.
- (2) If at the expiry of the ten minutes there is still no quorum, the Speaker may direct that the division bell be rung for a further five minutes.

- (3) On a question proposed for a decision under paragraph (1) in the House, voting shall be in person.
- (4) If there is no quorum, the decision shall remain as made by the House when the question was put.

68. Roll call Division claimed

- (1) Once a question is put and the Speaker pronounces a decision on the voting, any Member who is dissatisfied with the decision may claim a division by standing.
- (2) When a member claims division under (1), and at least five Members stand in support of the Member, the Speaker shall direct a roll call vote to be taken if least at five Member stand in support of the member and the Speaker considers that there is a reasonable doubt as to the outcome of the vote in question.
- (3) When the Speaker directs that division voting be taken, the Division Bell shall be rung for not more than ten minutes and if there is quorum the Assembly shall proceed to a vote. If there is no quorum at expiry of the ten minutes the bell shall be rung for further five minutes.

- (4) The Speaker shall direct a division to be taken in every instance where the Constitution or national legislation lays down that a fixed majority is necessary to decide any question.

69. Roll call voting

- (1) When the Speaker directs a roll call voting to be taken, the Division Bell shall be rung for ten minutes.
- (2) The names of one teller for the “Ayes” and one teller for the “Noes” shall be submitted to the Speaker and the Speaker shall direct the tellers to take seats at a designated place.
- (3) At the end of ten minutes, the Speaker shall direct the doors to be locked and the Bar drawn and no Member shall thereafter enter or leave the Assembly until after the roll call vote has been taken.
- (4) When the doors have been locked and the Bar drawn and the names of the tellers have been announced, the Speaker shall put the question again and direct the Clerk to call out the names of Members in alphabetical order in the presence of the tellers.
- (5) When called out, each Member shall, thereupon rise in his or her place and declare assent or

dissent to the question in the following manner “**I vote Yes**” or “**I vote No**” or “**I Abstain**” or use appropriate Kenyan sign language.

- (6) After the Clerk has read the last name in the Division list, the tellers shall present the result of the roll call vote to the Speaker who shall thereupon announce the result of the vote to the House.

70. In case of confusion or error

In case of confusion or error occurring in the course of a roll call voting concerning the numbers or names recorded, which cannot otherwise be corrected, the Speaker shall direct the House to proceed to another roll call vote.

71. Errors corrected

If after a roll call vote has been made, it is discovered that the number has been inaccurately reported or that an error has occurred in the names on the division lists, the fact shall be reported to the House and the Speaker shall direct that the necessary corrections be made.

72. Decorum during division

- (1) No Member shall be obliged to vote in a division, but those present and not voting shall either; in case of—
 - (a) electronic voting, press the ‘**Abstain**’ button; or
 - (b) roll call voting, record their abstention with the Clerk.
- (2) It shall be disorderly conduct for a Member to fail to record his or her abstention in a division.
- (3) A member shall not vote on any question in which the member has a personal interest including pecuniary interest, proprietary interest or personal relationships.
- (4) During division, members shall maintain order in the House and shall be in their designated seats and must remain seated until the result is announced.

PART XV—RULES OF DEBATE

73. Proceedings to be in Kiswahili, English or Kenyan Sign Language

- (1) All proceedings of the Assembly shall be conducted in Kiswahili, English or in Kenyan Sign Language.

- (2) A Member who begins a speech in any of the languages provided for under paragraph (1) shall continue in the same language until the conclusion of the Member's speech.

74. Members to address the Speaker

Every Member desiring to speak shall address a request to the Speaker.

75. Two or more Members requesting to speak

If two or more Members request to speak at the same time, the Member called upon by the Speaker shall be entitled to speak.

76. Speeches may not be read

- (1) No Member shall read a speech but a Member may read short extracts from written and printed papers in support of an argument and may refresh memory by reference to notes.
- (2) The Speaker may allow a Member to read a speech in particular cases where the Speaker is satisfied that this is necessary for precision in statement of facts.

77. No Member to speak after Question put

No Member shall speak to any question after the same has been put by the Speaker.

78. Speaking twice to a Question

- (1) No Member shall speak more than once to a question except in Committee of the whole Assembly.
- (2) Despite paragraph (1)—
 - (a) a Member who has spoken on a question may again be heard to offer explanation of some material part of the Member's speech which has been misunderstood but must not introduce a new matter;
 - (b) a reply shall be allowed to a Member who has moved a substantive Motion but not to a Member who has moved an amendment.
- (3) The mover of a substantive Motion may surrender all or part of his or her right to reply to another Member or Members nominated by him or her who has not already spoken to such Motion.

79. Points of Order

- (1) Any Member may raise a point of order at any time during the speech of another Member stating that the Member rises on a point of order and that Member shall be required to indicate the Standing Order upon which the point of order is based.

- (2) When a Member raises a point of order during the speech of another Member, the Member who was speaking shall thereupon resume his or her seat and the Member raising the point of order shall do likewise when he or she has concluded his or her submission, but no other Member may, except by leave of the Speaker, speak on the point of order.
- (3) The Speaker shall either give a decision on the point of order forthwith or announce that the decision is deferred for consideration after which the Member who was speaking at the time the point of order was raised may continue to speak.
- (4) The Speaker or the Chairperson shall order any Member who unnecessarily and persistently
- (5)
- (6)
- (7)
- (8)
- (9) interrupts proceedings or consults loudly and disruptively to withdraw from the Chamber and Standing Order 103 (*Grossly disorderly conduct*) shall apply to any such Member.

80. Personal Statements

By the indulgence of the House, a Member may explain matters of a personal nature although there is no question before the House, but such matter may not be debated.

81. Anticipating debate

- (1) It shall be out of order to anticipate the debate of a Bill which has been published as such in the *Gazette* by discussion upon a substantive Motion or an amendment, or by raising the subject matter of the Bill upon a Motion for the adjournment of the House.
- (2) It shall be out of order to anticipate the debate of a Motion of which notice has been given by discussion upon a substantive Motion or an amendment, or by raising the same subject matter upon a Motion of the adjournment of the House.
- (3) In determining whether a debate is out of order on the grounds of anticipation, regard shall be had to the probability of the matter anticipated being brought before the House within a reasonable time.

82. Proceedings of Select Committees not to be referred to

No Member shall refer to the substance of the proceedings of a Select Committee before the Committee has made its report to the House.

83. Contents of speeches

- (1) Neither the personal conduct of the Governor or the Deputy Governor, nor the conduct of the Speaker, the Deputy Speaker, County Attorney, Clerk of the Assembly, the fourth and fifth Members of the County Assembly Service Board, Members of the County Public Service Board or County Executive Members shall be referred to adversely, except upon a specific substantive Motion of which at least three days' notice has been given.
- (2) It shall be out of order to introduce an argument on any specific question upon which the House has taken a decision during the same Session, except upon a Motion to rescind that decision made with the permission of the Speaker.
- (3) It shall be out of order to use offensive or insulting language whether in respect of Members of the House or other persons.
- (4) No Member shall impute improper motive to any other Member or to a Member of Parliament, Head of State or Government, a representative in

Kenya of any friendly country, judge, judicial officer or any other state officer except upon a specific substantive Motion of which at least three days' notice has been given, calling in question the conduct of that State Officer.

- (5) It shall be out of order for a Member to criticize or call to question, the proceedings in Parliament or another Assembly or the Speaker's Ruling in Parliament or Assembly but any debate may be allowed on the structures and roles of Parliament or Assembly.

84. Retraction and Apologies

A Member who has used exceptionable words and declines to explain and retract the words or to offer apologies for the use of the words to the satisfaction of the Speaker shall be deemed to be disorderly and shall be dealt with in accordance with the rules pertaining to disorderly conduct.

85. Matters sub Judice or secret

- (1) Subject to paragraph (5), no Member shall refer to any particular matter which is *sub judice* or which, by the operation of any written law, is secret.
- (2) A matter shall be considered to be *sub judice* when it refers to active criminal or civil

proceedings and the discussion of such matter is likely to prejudice its fair determination.

- (3) In determining whether a criminal or civil proceeding is active, the following shall apply—
 - (a) criminal proceedings shall be deemed to be active when a charge has been made or a summons to appear has been issued;
 - (b) criminal proceedings shall be deemed to have ceased to be active when they are concluded by verdict and sentence or discontinuance;
 - (c) civil proceedings shall be deemed to be active when arrangements for hearing, such as setting down a case for trial, have been made, until the proceedings are ended by judgment or discontinuance;
 - (d) appellate proceedings whether criminal or civil shall be deemed to be active from the time when they are commenced by application for leave to appeal or by notice of appeal until the proceedings are ended by judgment or discontinuance.
- (4) A Member alleging that a matter is *sub judice* shall provide evidence to show that paragraphs (2) and (3) are applicable.

- (5) Notwithstanding this Standing Order, the Speaker may allow reference to any matter before the House or a Committee.

86. Declaration of interest

- (1) A Member who wishes to speak on any matter in which the Member has a personal interest shall first declare that interest.
- (2) Personal interests include pecuniary interest, proprietary interest, personal relationships and business relationships.

87. Responsibility for statement of fact

- (1) A Member shall be responsible for the accuracy of any facts which the Member alleges to be true and may be required to substantiate any such facts instantly.
- (2) If a Member has sufficient reason to convince the Speaker that the Member is unable to substantiate the allegations instantly, the Speaker shall require that such Member substantiates the allegations not later than the next sitting day, failure to which the Member shall be deemed to be disorderly within the meaning of Standing Order 108 (*Grave Disorder*) unless the Member withdraws the allegations and gives a suitable apology, if the Speaker so requires.

88. Member who has spoken to question may speak to amendment

Where an amendment has been moved, and if necessary seconded, any Member who has already spoken to the main question may speak to the amendment, and any Member who has not spoken to the main question but speaks to the amendment does not thereby forfeit the right to speak to the main question.

89. Debate on amendment confined to amendment

- (1) Where an amendment has been moved, and if necessary seconded, debate shall be confined to the amendment.
- (2) Despite paragraph (1), the Speaker may direct that the debate on the amendment may include debate on the matter of the Motion where, in the Speaker's opinion, the matter of the amendment is not conveniently severable from the matter of the Motion.
- (3) Where the Speaker issues directions under paragraph (2), a Member who speaks to the amendment shall not be entitled, after the amendment has been disposed of, to speak to the Motion, and any Member who has already spoken to the Motion may in speaking to the

amendment, speak only to any new matter raised thereby.

90. Reserving rights of speech

Upon a Motion, other than a Motion by way of amendment to a question proposed by the Speaker, a Member may second by rising in his or her place and signifying acquiescence by bowing the head, without speaking, and such Member shall thereby reserve the same rights of speech as the Member would have had, if some other Member had seconded such Motion.

91. Closure of debate

- (1) After the question on a Motion, the Mover of which has a right of reply has been proposed, a Member rising in his or her place may claim to move “That, the Mover be now called upon to reply”, and, unless the Speaker is of the opinion that such Motion is an abuse of the proceedings of the Assembly, or an infringement of the rights of Members, the question “That, the Mover be now called upon to reply”, shall be put forthwith, and decided without amendment or debate and if that question is agreed to, the Mover may, immediately reply to the debate, and as soon as the Mover has concluded or, if the Mover does

not wish to reply, immediately, the Speaker shall put the question, subject to paragraph 3 of Standing Order 50 (*Manner of debating motions*).

- (2) After the question on a Motion the Mover of which has no right of reply has been proposed, a Member rising in his or her place may claim to move “That, the question be now put”, and, unless the Speaker is of the opinion that such a Motion is an abuse of the proceedings of the Assembly, or an infringement of the rights of Members, the question “That, the question be now put”, shall be put forthwith, and decided without amendment or debate and if that question is agreed to, the Speaker shall immediately put the question accordingly, subject to paragraph 3 of Standing Order 50 (*Manner of debating motions*).

92. Adjournment of debate

- (1) A Member who wishes to postpone to some future occasion the further discussion of a question which has been proposed from the Chair may claim to move “That, the debate be now adjourned”, or, in Committee of the whole Assembly “That, the Chairperson do report progress”.

- (2) The debate on a dilatory Motion shall be confined to the matter of the Motion.
- (3) If the Speaker is of the opinion that a dilatory Motion is an abuse of the proceedings of the House, the Speaker may forthwith put the question thereon or decline to propose it.
- (4) A Member who has moved or seconded a dilatory Motion which has been negatived may not subsequently move or second another such Motion during the same debate, whether in the House or in Committee of the whole House.

PART XVI—LIMITATION OF DEBATE

93. Limitation of debate

- (1) The House may, on a Motion made by any Member in accordance with this Standing Order, impose a limit in respect of debate on any particular Motion or Bill by allotting a limited period of time for such debate or by limiting the time during which Members may speak in such debate or by imposing such limitations.
- (2) A Motion for limitation of debate under this Standing Order may be made without notice.
- (3) A Motion under paragraph (2) shall not be made in the course of the debate to which it refers

unless it is moved after the adjournment of such debate and before the debate is resumed.

- (4) No Member may speak in a debate on Bills, Sessional Papers, Motions or Reports of Committees for more than twenty minutes without the leave of the Speaker but the Leader of Majority Party and the Leader of Minority Party may each speak for a maximum of 30 minutes.

PART XVII—ORDER IN THE HOUSE AND IN COMMITTEE OF THE WHOLE HOUSE

94. Maintenance of order

Order shall be maintained in the Assembly by the Speaker and in a Committee of the whole House by the Chairperson of such Committee but disorder in a Committee may be censured only by the House on receiving a report thereof.

95. Security checks

- A Member shall be subjected to a security check or screening before entering the Chamber or the venue of a Committee Sitting.

96. Firearms and other offensive weapons

No Member shall bring a firearm or any offensive weapon into the Chamber or the venue of a Committee sitting and any such weapon must be

deposited with the Sergeant-at-Arms for safe custody before entering the Chamber or a Committee Sitting, and collected at the time of leaving the Chamber or a Committee sitting.

97. Lady Members' handbags

A lady Member may be allowed into the Chamber with a handbag of reasonable size.

98. When the Speaker rises Members to be silent

Whenever the Speaker, the Deputy Speaker or a presiding member of the Speaker's Panel rises, any Member then speaking, or offering to speak, shall resume his or her seat and the House or the Committee shall be silent, so that the Speaker, Deputy Speaker or a presiding member of the Speaker's Panel may be heard without interruption.

99. Members and the Chair

- (1) Every Member shall bow to the Chair in passing to or from his or her seat or across the Floor of the House but, a Member may show respect in any other manner consistent with the Member's faith and with the dignity of the House.
- (2) No Member shall pass between the Chair and any Member who is speaking or between the Chair

and the Table except in so far as it is necessary for purposes of the administration of Oath or affirmation of Allegiance.

100. Members to be seated

Except when passing to and from his or her seat or when speaking, every Member when in the Chamber shall be seated, and shall not at any time stand in any of the passages and gangways.

101. Members to remain in their places until the Speaker has left the Chamber

When the Assembly adjourns, Members shall stand in their places until the Speaker has left the Chamber.

102. Irrelevance or repetition

The Speaker, the Deputy Speaker or a presiding member of the Speaker's Panel after having called attention to the conduct of a Member who persists in irrelevance or tedious repetition either of the Member's own arguments or the arguments used by other Members in debate, may, after having first warned him or her direct that the Member discontinue his or her speech.

103. Grossly disorderly conduct

- (1) Conduct is grossly disorderly if the Member concerned—
 - (a) creates actual disorder;
 - (b) knowingly raises a false point of order;
 - (c) uses or threatens violence against a Member or other person;
 - (d) Persists in making serious allegations without, in the Speaker's opinion, adequate substantiation;
 - (e) otherwise abuses his or her privileges;
 - (f) deliberately gives false information to the House;
 - (g) votes more than once in breach of these Standing Orders;
 - (h) commits any serious breach of these Standing Orders; or
 - (i) acts in any other way to the serious detriment of the dignity or orderly procedure of the House.

- (2) The Speaker, the Deputy Speaker or a presiding member of the Speaker's Panel shall order any Member whose conduct is grossly disorderly to withdraw immediately from the precincts of the Assembly—
- (a) on the first occasion, for the remainder of that day's sitting;
 - (b) on the second or subsequent occasion during the same session, for a maximum of three sitting days including the day of suspension.
- (3) If on any occasion the Speaker or the Chairperson deems that his or her powers under this Standing Order are inadequate, the Speaker or the Chairperson may name such Member or Members, in which event the procedure specified in Standing Order 104 (*Member may be suspended after being named*) shall be followed.

104. Member may be suspended after being named

- (1) Any Member may at any time, on a point of order, invite the Speaker, the Deputy Speaker or a presiding member of the Speaker's Panel to name another Member for grossly disorderly conduct, but the decision whether or not to do so shall

(2)

remain with the Speaker the Deputy Speaker or a presiding member of the Speaker's Panel.

Whenever a Member shall have been named by the Speaker or by the Chairperson, then—

- (a) if the breach has been committed by such Member in the House, a Motion shall be made by any other Member present "That, such Member (naming the Member) be suspended from the service of the House", and the Speaker shall forthwith put the question thereon, no amendment, adjournment, or debate being allowed;
- (b) if the breach has been committed in a Committee of the whole House, the Chairperson shall forthwith leave the Chair and report the circumstances to the House; and the Speaker shall on a Motion as aforesaid being made, forthwith put the question, no amendment, adjournment or debate being allowed, as if the offence had been committed in the House itself.

105. Member suspended to withdraw from precincts of Assembly

- (2)
- (1) Whenever a member has been named in accordance with Standing Order 104 (*Member may be suspended after being named*), the Speaker shall order the Member to withdraw from the Chamber and the precincts of the Assembly.
 - (2) Any Member who is ordered to withdraw under Standing Order 103 (*Grossly disorderly conduct*) or who is suspended from the service of the Assembly under Standing Order 104 (*Member may be suspended after being named*) shall forthwith withdraw from the precincts of Assembly and shall during the period of such withdrawal or suspension (except during a recess) forfeit the right of access thereto and shall forfeit all allowances payable during the period of such suspension.
 - (3) Any Member who demonstrates or makes disruptive utterances against the suspension of a named Member shall be deemed to be disorderly in accordance with Standing Order 108 (*Grave Disorder*).

105 A. Effect of Suspension

- (2)
 - (1) A Member who is ordered to withdraw from the precincts of the Assembly under Standing Order 108 (*Member may be suspended after being named*) and Standing Order 111 (*Action to be taken on refusal to withdraw*) shall during the period of such withdrawal or suspension forfeit—
 - (a) the right of access to the precincts of the Assembly; and

- (b) his or her salary and all allowances payable during the period.
- (2) Suspension from the service of the House shall not exempt the Member so suspended from appearing before a Committee of the House for the consideration of a Bill sponsored by the Member.

106. Duration of suspension of a Member

- (1) If any Member is suspended under Standing Order 104 (*Member may be suspended after being named*) the suspension on the first occasion shall be for four sitting days including the day of suspension; on the second occasion during the same Session for eight sitting days, including the day of suspension; and on the third or any subsequent occasion during the same Session for twenty-eight sitting days, including the day of suspension.
- (2) A Member who is ordered to withdraw under Standing Order 103 (*Grossly disorderly conduct*) or who is suspended from the service of the Assembly under Standing Order 104 (*Member may be suspended after being named*) shall forfeit all allowances payable during the period of such suspension.

106A. Appeal against suspension

- (1) Except as provided in this Standing Order, the suspension of a Member or the application of this Standing Order shall not be subject to debate.
- (2) A Member suspended from the House under this Part may appeal in writing to the Powers and Privileges Committee within three days of the suspension.
- (3) Despite paragraph (2), the Committee may, with leave of the House, admit an appeal received after three days.
- (4) Upon receipt of the Member's appeal, the Committee shall within seven days—
 - (a) notify the Member, in writing, of the day appointed for the hearing of the appeal;
 - (b) notify the Speaker, who shall thereafter admit the Member to the precincts of the Assembly on the day(s) appointed for the hearing of the appeal; and
 - (c) consider the appeal and after according the Member the right to be heard, submit a report to the House either—
 - (i) upholding the suspension; or
 - (ii) reducing the period of suspension; or

- (iii) readmitting the Member to the House.
- (5) The decision of the Committee regarding the suspension shall be final.
- (6) The Member who presided in the House or Committee of the whole House during suspension of an appealing Member shall not participate in the proceedings of the Committee during the appeal, except to give evidence when so required.
- (7) A Member designated by the Committee shall inform the House of the decision of the Committee regarding the suspension and the Speaker shall thereupon effect the decision.
- (8) The House may, in exceptional circumstances permitted by the Speaker, debate the report of the Committee without amendment or resolution.

107. Action to be taken on refusal to withdraw

If any Member shall refuse to withdraw when required to do so, by or under these Standing Orders, the Speaker, the Deputy Speaker or a presiding member of the Speaker's Panel as the case may be, having called the attention of the House or Committee to the fact that recourse to force is necessary in order to compel such Member to withdraw, shall order such Member to

be removed and such Member shall thereupon without question put be suspended from the service of the Assembly for twenty eight days and shall, during such suspension, forfeit the right of access to the precincts of Assembly and the Sergeant-at-arms shall take the necessary action to enforce the order.

108. Grave disorder in the Assembly

- (1) In the event of grave disorder arising in the House, the Speaker may, adjourn the House forthwith or suspend any sitting for a period to be determined by him or her.
- (2) In the event of grave disorder arising in the Committee of the Whole Assembly, the Speaker shall resume the Chair forthwith.

PART XVIII—PUBLIC BILLS

109. Application and limitation

The provisions of this Part shall apply in respect of all public Bills.

110. Introduction of Bills

- (1) A legislative proposal for which a Member or a Committee is in charge shall, together with a memorandum setting out its objectives and matters specified in Standing Order 113

(Memorandum of objects and reasons) be submitted to the Speaker.

- (2) The Speaker shall refer the legislative proposal and the memorandum to the Clerk who shall consider the legislative proposal, draft it in proper form where necessary and submit it to the Speaker with comments on—
 - (a) whether the legislative proposal is a draft money Bill in terms of Section 21 of the County Governments Act, 2012; and
 - (b) Whether the legislative proposal conforms to the Constitution and the law and is in order as to format and style in accordance with the Standing Orders.
- (3) Upon receipt of the legislative proposal from the Clerk under paragraph (2), the Speaker shall—
 - (a) where the Speaker is of the opinion that a legislative proposal is not a draft money Bill in terms of section 21 of the County Governments Act, 2012—
 - (i) direct that the legislative proposal be referred to the relevant sectoral committee for prepublication scrutiny in case of a legislative proposal not sponsored by a committee;

- (ii) direct that the proposal be published into a Bill in the case of legislative proposal sponsored by a committee;
- (4) where the Speaker is of the opinion that a legislative proposal is a draft money Bill in terms of Section 21 of the County Governments Act, 2012, direct that the legislative proposal be referred to the Budget and appropriations committee.
- (5) The Budget and Appropriation Committee shall consider only the money Bill or financial aspect of the proposal and submit a report to the Speaker within twenty-one days of receipt of the proposal.
- (6) A report of the Budget and Appropriation Committee under paragraph 4 shall contain—
 - (a) the views of the County Executive Committee Member responsible for Finance if any;
 - (b) a detailed report of the examination of the manner in which the legislative proposal affects the current and future Budget and may include tax implications;
 - (c) a recommendation on whether or not the proposal should be proceeded with; any

- (d) any other appropriate recommendation relating to the money Bill aspects of the proposal.
- (7) Upon receipt of the recommendations by the Budget and Appropriation Committee, the Speaker may direct that—
 - (c) the proposal be subjected to pre-publication scrutiny by the relevant Committee in case of a legislative proposal sponsored by a member;
 - (d) the proposal be published to a Bill in case of a legislative proposal sponsored by a Committee; or
 - (e) the legislative proposal not be published into a Bill.
- (8) The Sectoral Committee to which a legislative proposal is referred to for pre-publication scrutiny under paragraph (3)a(1) and (6)(a) shall consider the proposal and submit a report to the Speaker within twenty-one days recommending whether or not the proposal should be proceeded with.
- (9) Following the recommendation of the relevant committee, the Speaker shall direct either that the legislative proposal be published into a Bill or not proceeded with.

111. Speaker to exempt certain legislative proposals

- (1) The Speaker may exempt a legislative proposal which originates from the Party forming the County Government from the provisions of Standing Order 113 (*introduction of Bills*).
- (2) An exemption under paragraph (1) may not be granted unless it is accompanied by an approval by the County Executive Committee.
- (3) The Party forming the County Government may indicate the member under whose name the legislative proposal is proposed to be published.
- (4) Upon the grant of the exemption the Speaker shall direct that the legislative proposal be published into a Bill.

112. Enacting formula

Every Bill shall contain, as the enacting formula, the words “ENACTED by the County Assembly of Machakos as follows—”.

113. Memorandum of Objects and Reasons

Every Bill shall be accompanied by a memorandum containing—

- (a) a statement of the objects and reasons of the Bill;
- (b) a statement of delegation of legislative powers and limitation of fundamental rights and freedom, if any; and
- (c) a statement of its financial implication and if the expenditure of public moneys will be involved should the Bill be enacted, an estimate, where possible, of such expenditure.

113A. Printing of amending provisions

Where a Bill seeks to amend any provision of an existing Act, the text of the relevant part of such provision shall be printed and supplied as part of the Bill which is availed to Members, unless in the opinion of the Speaker, the amendment is formal, minor or self-explanatory.

114. Provisions on delegated powers

Every Bill that confers on any organ, officer or person the authority to make provision having the force of law in terms of Article 94 (6) of the Constitution shall contain a separate and distinct part of the Bill under the title “Provisions on Delegated Powers” in which shall be expressly specified—

- (a) the purpose and objectives for which that authority is conferred;
- (b) the limits of the authority;
- (c) the nature and scope of the law which may be made; and
- (d) The principles and standards applicable to the law made under the authority.

115. Limitation of fundamental rights and freedoms

Every Bill that contains a provision limiting a right or fundamental freedom in terms of Article 24 (2) of the Constitution shall contain separate and distinct provisions stating— (a) the importance or purpose of the limitation;

- (b) the relation between the limitation and its purpose and whether there are less restrictive means to achieve the purpose;
- (c) clearly expressing the specific right or fundamental freedom to be limited;
- and (d) the nature and extent of that limitation.

116. Publication

No Bill shall be introduced unless such Bill together with the memorandum referred to in Standing Order 113 (*Memorandum of objects and reasons*), has been published in the *Gazette* as a Bill to be originated in the Assembly, and unless, in the case of a County Revenue Fund Bill, an Appropriation Bill or a Supplementary Appropriation Bill, a period of seven days, and in the case of any other Bill a period of fourteen days, beginning in each case from the day of such publication, or such shorter period as the House may resolve with respect to the Bill, has ended.

116A. Procedure upon publication

- (1) Upon publication of a Bill in the *Gazette*, the Clerk shall obtain sufficient copies of the Bill and avail a copy of the Bill to every Member.
- (2) A Bill shall be signed by the Member in charge of it and shall be introduced by way of First Reading in accordance with Standing Order 119 (*First Reading of Bills*).
- (3) A Bill for which a Committee is in charge shall be introduced by the Chairperson of the Committee or a Member of the Committee designated by the Committee for that purpose.

117. Not more than one stage of a Bill to be taken at the same sitting

- (1) Except with the leave of the House, not more than one stage of a Bill may be taken at any one sitting.
- (2) Paragraph (1) shall not apply to or in respect of an Appropriation Bill or a County Revenue Fund Bill.

118. Reading of Bills

A Bill is read by the reading by the Clerk to the assembled House of the title of the Bill.

119. First Reading of Bills

Every Bill shall be read a first time without Motion made or question put.

120. Committal of Bills to Committees and public participation

- (1) A Bill having been read a first time shall stand committed to the relevant Sectoral Committee without question put.
- (2) Notwithstanding paragraph (1), the Assembly may resolve to commit a Bill to a Select Committee established for that purpose.

- (3) The Sectoral Committee to which a Bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the Committee makes its report to the House.
- (4) The Chairperson of the Sectoral Committee to which a Bill is committed or a Member designated for that purpose by the Committee shall present the Committee's report to the House within twenty one calendar days of such committal and upon such presentation, or if the Committee's report is not presented when it becomes due, the Bill shall be ordered to be read a Second Time on such day as the House Business Committee shall, in consultation with the Member or the Committee in charge of the Bill, appoint.
- (5) If for any reason, at the commencement of the Second Reading the report of the Committee has not been presented, the Committee concerned shall report progress to the House and the failure to present the report shall be noted by the Liaison Committee for necessary action.
- (6) Despite paragraph (1)—

- (a) the Speaker may direct that a particular Bill be committed to such Committee as the Speaker may determine.
- (b) a County Revenue Fund Bill, an Appropriation Bill, a Supplementary Appropriation Bill or a Finance Bill shall be committed to the Budget and Appropriations Committee.

121. Second Reading

- (1) On the Order of the Day being read for the Second Reading of a Bill, a Motion shall be made, **“That, theBill be now read a Second Time”**
- (2) No amendment may be moved to the question **“That, theBill be now read a Second Time”**, other than an amendment to leave out the word “now” and to add, at the end of the question, the words **“upon this day..... (state the period)”**

122. Committal of Bills to Committee of the whole House

- (1) A Bill having been read a Second Time shall stand committed to the Committee of the Whole House.

- (2) On the Order of the Day for Committee of the Whole House on a Bill being read, the Speaker shall leave the Chair without question put.

123. Sequence to be observed on a Bill in Committee of the Whole House

In considering a Bill in the Committee of the Whole House, the various parts of the Bill shall be considered in the following sequence—

- (a) Clauses as printed, excluding the clauses providing for the citation of the Bill, the commencement, if any, and the interpretation;
- (b) new Clauses;
- (c) Schedules;
- (d) new Schedules;
- (e) interpretation;
- (f) preamble, if any;
- (g) long title;
- (h) the clauses providing for the citation of the Bill and the commencement.

124. Referral of proposed amendments to Committees

Where after a Bill has been Read a Second Time and before commencement of Committee of the Whole, more than ten amendments have been proposed to it, which in the opinion of the Speaker require harmonization, the Speaker may direct any Member proposing an amendment to the Bill to appear before the relevant Sectoral Committee dealing with the subject matter of the Bill to present his or her proposed amendments and the Committee shall submit a report to the House on the result of the exercise before the Committee of the Whole House is taken.

125. Procedure in Committee of the Whole House on a Bill

- (1) The Clerk shall call severally each part of the Bill in the sequence specified in Standing Order 123 (*Sequence to be observed on a Bill in committee*) and if no amendment is proposed or when all proposed amendments have been disposed of, the Chairperson shall propose the question “**That, (as amended) stand part of the Bill**” and, when Members who wish to speak have spoken, the Chairperson shall put that question to the Committee for decision.
- (2) No amendment shall be moved to any part of a Bill by any Member, other than the Member in

charge of the Bill, unless a written notification of the amendment shall have been given to the Clerk twenty-four (24) hours before the commencement of the sitting at which that part of the Bill is considered in Committee.

- (3) Despite paragraph (2), where an amendment has been moved to any part of a Bill in accordance with this paragraph, any Member may move an amendment to that amendment upon delivering to the Chairperson the terms of his or her amendment in writing.
- (4) A member moving an amendment or a further amendment to any part of the Bill under paragraphs (2) and (3) shall explain the meaning, purpose and effect of the proposed amendment or further amendment.
- (5) No amendment shall be permitted to be moved if the amendment deals with a different subject or proposes to unreasonably or unduly expands the subject of the Bill, or is not appropriate or is not in logical sequence to the subject matter of the Bill.
- (6) No amendment shall be moved which is inconsistent with any part of the Bill already agreed to or any decision already made by the

Committee, and the Chairperson may at any time during the debate of a proposed amendment, withdraw it from the consideration of the Committee if in the opinion of the Chairperson, the debate has shown that the amendment contravenes this paragraph.

- (7) In the case of a County Revenue Fund Bill, or an Appropriation Bill, no amendment shall be moved whose effect would be to impose a charge or increase expenditure above that already resolved by the House unless the House first resolves to allow such a motion.
- (8) The Chairperson may refuse to propose the question upon any amendment which in the opinion of the Chairperson is frivolous or would make the clause or schedule which it proposes to amend unintelligible or ungrammatical.
- (9) Paragraph (4) of Standing Order 50 (*Manner of debating Motions*) shall apply, with necessary modifications, to the proceedings for amendment of a Bill in Committee.
- (10) The consideration of any part or a clause of a Bill may be postponed until such later stage of the proceedings in Committee on such Bill as the Committee may determine.

- (11) On any Motion being made for the addition of a new clause, the clause shall be deemed to have been read a First Time and the question shall then be proposed “That, the new clause be read a Second Time” and if this is agreed, amendments may then be proposed to the new clause and the final question to be proposed shall be “That, the clause (as amended) be added to the Bill”.
- (12) New schedules shall be disposed of in the same way as new clauses.
- (13) The question to be put on the preamble (if any) shall be “That, the preamble (as amended) be the preamble of the Bill.”
- (14) The question to be put on the long title of the Bill shall be “That, the long title (as amended) be the title of the Bill”.
- (15) No question shall be put on the enacting formula.
- (16) At the conclusion of the proceedings in Committee on a Bill, or, if more than one, on all such Bills the Member in charge shall move “That, the Bill(s) (as amended) be reported to the House and the question thereon shall be decided without amendment or debate.

126. Report of Progress

If any Member before the conclusion of proceedings on a Bill in a Committee of the Whole House moves to report progress and such Motion is carried, the Chairperson shall leave the Chair and the Chairperson, or, if the Chairperson has taken the Speaker's Chair, the Member in charge of the Bill, shall report progress to the House and shall seek leave to sit again, and a day for the resumption of the proceedings shall be determined by the House Business Committee in consultation with the Member in charge of the Bill.

127. Bill to be reported

When a Committee of the Whole House has agreed that a Bill or a number of Bills be reported, the Chairperson, shall forthwith leave the Chair of the Committee and the House shall resume, and the Chairperson or if the Chairperson has taken the Speaker's Chair, the Member in charge of the Bill shall report the Bill to the House, and each Bill, if more than one, shall be so reported separately.

128. Procedure on Bills reported from Committee of the Whole House

- (1) When a Bill has been reported from a Committee of the Whole House, the Assembly shall consider the Bill as reported upon a Motion “That the House do agree with the Committee in the said report”.
- (2) The question on any Motion moved under paragraph (1) shall be put forthwith, no amendment, adjournment or debate being allowed, unless any Member desires to delete or amend any provision contained in a Bill, or to introduce a new provision in the Bill.
- (3) A Member who desires to delete or amend any provision contained in a Bill, or to introduce a new provision in the Bill under paragraph (2) may propose any amendment to add, at the end of a Motion under paragraph (1), the words “subject to the re-committal of the Bill (in respect of some specified part or of some proposed new clause or new schedule) to a Committee of the Whole House”, and if that Motion is agreed to with such an amendment, the Bill shall stand so recommitted and the House shall either forthwith or upon a day named by the House Business Committee in consultation with the Member in charge of the Bill dissolve itself into a Committee to consider the matters so re-committed.

129. Procedure on Bills reported from Select Committees

- (1) The report of a Select Committee on a Bill shall be laid on the Table of the House by the Chairperson or vice chairperson of the Select Committee or by another Member authorized by the Committee in that behalf.
- (2) The House shall consider the Bill as reported from the Select Committee upon a Motion “That the report of the Select Committee be on the.....Bill be approved”.
- (3) Standing Order 128 (*Procedure on Bills reported from Committee of the Whole House*) shall apply to any motion to approve the report of a Select Committee on a Bill.

130. Procedure upon the re-committal of a Bill

- (1) When a Bill has been re-committed to a Committee of the Whole House, the Committee shall consider only the matters so re-committed and any matter directly consequential thereon.
- (2) Except as is provided by paragraph (1), the procedure in Committee on a Bill on first committal shall apply with the necessary modifications to a Bill on re-committal.

- (3) When a Bill has been reported from a Committee of the whole House after re-committal Standing Order 128 (*Procedure on Bills reported from Committee of the whole House*) shall apply.

131. Third Reading

- (1) On the adoption of a report on a Bill, the Third Reading may, with the leave of the Speaker, be taken forthwith and if not so taken forthwith, shall be ordered to be taken on a day named by the House Business Committee in consultation with the Member in charge of the Bill.
- (2) On the Third Reading of a Bill, a Motion shall be made “That, the Bill be now read a Third Time” and amendments may be proposed similar to those on Second Reading

132. Withdrawal of Bills

- (1) Either before the commencement of business or on the Order of the Day for any stage of the Bill being read, the Member in charge of a Bill may, without notice, claim to withdraw a Bill;
- (2) If the Speaker is of the opinion that the claim is not an abuse of the proceedings of the House, the Speaker shall direct that the Bill shall be withdrawn.

- (3) A Bill that has been withdrawn may subject to Standing Order 110 (*Introduction of Bills*) and republication be introduced again.
- (4) If a Member in charge of a Bill desires to withdraw a Bill before it is introduced in the Assembly, the Member shall, in writing specifying the reasons for the withdrawal, notify the Speaker of the withdrawal and paragraph (3) shall apply to such Bill.

133. Lapsing and Re-introduction of Bills

- (1) A Bill, the Second Reading or Third Reading of which has been rejected may be introduced again in the next Session, or after the lapse of six months in the same Session but subject to fresh publication as provided in Standing Order 110 (*Introduction of Bills*).
- (2) A Bill that has been published, read a First Time or in respect of which the Second Reading has not been concluded—
 - (a) at the end of a Session in which it was published shall not lapse at the end of that Session but shall resume in the next Session of the same Assembly at the stage where it was last interrupted;

- (b) at the end of two consecutive Sessions of the same Assembly shall lapse at the end of the second Session and may be republished in the same or different form in accordance with Standing Order 110 (*Introduction of Bills*).
- (3) Subject to paragraph (2), a Bill in respect of which the Second Reading has been concluded at the end of a Session shall resume in the next Session of the same Assembly at the stage where it was interrupted at the end of the Session.
- (4) A Bill the consideration of which has not been concluded at the end of the term of an Assembly shall lapse.

134. Assenting to Bills

- (1) The Speaker shall, within fourteen days of the passing of a Bill, forward a Bill passed by the Assembly to the Governor for assent.
- (2) The Governor shall, within fourteen days after receipt of a Bill— (a) assent to the Bill; or
- (b) refer the Bill back to the Assembly with a memorandum outlining reasons for the referral.
- (3) If the Governor refers a Bill back to the Assembly, the Assembly may, following the appropriate procedures under this section—

- (a) amend the Bill taking into account the issues raised by the governor; or
- (b) pass the Bill without amendment.
- (4) If the Assembly amends the Bill taking into consideration the issues raised by the governor, the Speaker shall, within fourteen days of the passing of the Bill so amended, submit the Bill to the Governor for assent.
- (5) If the Assembly passes the Bill a second time, without amendment, or with amendments which do not accommodate the Governor's concerns by a vote supported by two-thirds of members of the Assembly, the Speaker shall, within seven days re-submit the Bill to the Governor and the Governor shall, within seven days, assent to the Bill.
- (6) If the Governor does not assent to a Bill and does not refer it back to the Assembly within the period referred to under this section, the Bill shall be taken to have been assented to on the expiry of that period.

135. Custody of Bills

- (1) Every Bill passed by the Assembly shall remain in the custody of the Clerk.

- (2) At any time before the certification and submission of a Bill to the Governor, the Speaker may correct formal errors or oversights therein without changing the substance of the Bill.

PART XIX—PRIVATE BILLS

136. Application of public Bill procedure

Except as otherwise provided in this Part, the Standing Orders relating to public Bills shall apply in respect of private Bills.

137. Saving clause

Every private Bill shall contain a clause saving the rights of the Governor, the national and county governments, of all bodies politic or corporate, and of all others, except such as are mentioned in the Bill and those claiming by, from or under them.

138. Private Bill affecting private rights

- (1) No private Bill which directly affects the private rights or property of any persons, shall originate in the House unless the provisions of this Standing Order as to notice have been complied with.
- (2) A notice shall be published in not less than three separate issues of the *Gazette*, specifying the

general nature and objects of the Bill; the last of such publications being not less than fourteen days before the presentation of the Petition referred to in Standing Order 139 (*Petition for Leave*).

139. Petition for leave

- (1) No private Bill shall be introduced unless a Petition for the same, headed by the short title of the Bill, and signed by the parties, being promoters of the Bill, or some of them, has been previously presented to the House with a copy of the Bill annexed.
- (2) The Clerk shall scrutinize petitions presented to the House and where, after such scrutiny, the Clerk is not satisfied that the provisions of this Part have been complied with, the Clerk shall so report to the Speaker.
- (3) The promoters of a Bill shall deposit with the Clerk, sufficient copies of the Petition with the Bill annexed, for distribution to Members and on receipt of such copies, the Clerk shall forthwith avail a copy to every Member.
- (4) The Petition shall be read at the first sitting of the House after it is so deposited and thereupon the question “That, the promoters be granted leave to

proceed” shall be put forthwith and decided without amendment or debate.

140. Security for cost of printing

- (1) Where leave to proceed with a Private Bill is granted, the Clerk shall provide an estimate of the cost of printing the Bill and the promoters of the Bill shall meet such cost.
- (2) The promoters shall deposit at least twenty five percent of the estimated total cost of printing the Bill as security, with the Clerk.

141. Bills authorizing the construction of work

- (1) In the case of a private Bill authorizing the construction works, before such Bill is read a First Time, the promoters shall—
 - (a) deposit with the Clerk an estimate of the expense of the undertaking, signed by the person making such estimate and approved by the Clerk; and
 - (b) deposit with the Clerk, a sum not less than four percent of the amount of the estimate under paragraph (1).
- (2) In every such Bill, there shall be inserted a clause to the effect that, if the works authorized to be done are not completed before the expiry of a time to be set out in the Bill for such completion,

the sum deposited with the Clerk shall be forfeited to the County Revenue Fund.

142. First Reading

When the provisions of this part have been complied with, the Clerk shall cause the Bill to be printed, distributed to Members and published in the *4Gazette* and at the first sitting of the House held not less than fourteen days after such publication, the Bill shall be read a First Time.

143. Right of audience before Committee on opposed Bill

- (1) Subject to these Standing Orders all petitions against a private Bill containing a prayer that the petitioners be heard by themselves, or by their advocates, shall stand referred to a Select Committee which shall hear any such petitioners or advocates.
- (2) The promoters of an opposed private Bill shall be entitled to be heard before the Select Committee on the Bill by themselves, or by their advocates, in favour of the Bill and against any petitions against the Bill.

144. How Bills may be opposed

No person, other than a Member, shall be heard, whether in person or by advocate, in opposition to a private Bill unless such person has previously lodged a Petition with the Clerk, showing the nature of the person's objections to the Bill and whether the person's objections extend to the whole or part of the Bill and praying that he or she may be heard in person or by advocate, as the case may be.

145. Printing expenses

As soon as practicably possible, after a private Bill is passed, rejected or abandoned, the Clerk shall make out an account showing the expenses of printing and shall, if the amount of the account is less than the security deposited, refund the balance, and if it is in excess, cause the promoter to pay the balance.

**PART XX—COMMITTEE OF THE WHOLE
HOUSE**

**146. Limits on consideration of
matters by Committee**

A Committee shall not consider any matter other than a matter which has been referred to it or which it is required by these Standing Orders to consider.

147. Committee of the whole House may not adjourn

A Committee may not adjourn its own sitting or the consideration of any matter to a future sitting, but the Chairperson may by Motion be directed notwithstanding that all matters referred to the Committee have not yet been considered, to report progress to the House and ask leave to sit again.

148. Report

When all the matters referred to a Committee of the Whole House have been considered, the Chairperson shall be directed by Motion to report to the Assembly.

149. No debate on Motion for Report

- (1) When a Motion is made in Committee to report or to report progress and ask leave to sit again, the question shall be put forthwith and decided without amendment or debate and if the question is agreed to, the Chairperson shall forthwith leave the Chair.
- (2) Except as otherwise provided by these Standing Orders, every report under paragraph (1) shall be made without question put, and may, by Motion, be agreed to or negatived by the House or

recommitted to the Committee, or postponed for further consideration.

150. General application of rules in Committee

Except as otherwise provided in these Standing Orders, the same rules of order and of debate for the conduct of business shall be observed in Committee as in the House.

PART XXI—SELECT COMMITTEES

151. House Business Committee

- (1) There shall be a Select Committee, to be designated the House Business Committee, consisting of—
 - (a) the Speaker who shall be the Chairperson;
 - (b) the Deputy Speaker;
 - (c) the Leader of the Majority Party;
 - (d) the Leader of the Minority Party; and
 - (e) not less than nine and not more than eleven other members, who shall be nominated by Assembly parties and approved by the House at the commencement of every Session, reflecting the relative majorities of the seats held by each of the

Assembly parties in the Assembly and taking into consideration the interests of Independents.

- (3) The House Business Committee shall be appointed within seven days for a new House after a general election and within three days at the beginning of each Session respectively
- (4) In nominating Members to the House Business Committee, each Assembly party shall include its Whip into the membership.
- (5) In the absence of the Speaker, the Deputy Speaker shall chair the meetings of the House Business Committee.
- (6) The House Business Committee shall—
 - (a) prepare and, if necessary, from time to time, adjust the Assembly Calendar with the approval of the House;
 - (b) monitor and oversee the implementation of the House Business and programmes;
 - (c) implement the Standing Orders respecting the scheduling or programming of the business of the Assembly and the functioning of the Committees of the House;

- (d) determine the order in which the reports of Committees shall be debated in the House;
- (e) make decisions and issue directives and guidelines to prioritize or postpone any business of the House acting with the concurrence of the Leader of the Majority Party or the Leader of the Minority Party, as the case may be;
- (f) consider such matters as may, from time to time arise in connection with the business of the House and shall have and perform such powers and functions as are conferred on and ascribed to it by these Standing Orders or from time to time by the House.
- (6) The Chairperson and at least one third of the members of the House Business Committee shall form a quorum.
- (7) If, for any reason, a member of the House Business Committee is unable to attend, the Leader in the House of the party which nominated that Member may appoint another Member in that Member's place for the period for which the Member is unable to attend.

152. Committee on Selection

- (1) There shall be a Select Committee, to be designated Selection Committee, consisting the Leader of the Majority party, who shall be the chairperson, the Leader of the Minority party and not less than seven and not more than eleven other members, who shall be nominated by Assembly parties and approved by the House.
- (2) The Committee on Selection shall nominate or substitute members to serve in Committees, save for the membership of the House Business Committee and Committee on Appointments.
- (3) The Committee on Selection shall be appointed within ten days on assembly of a new House.

GENERAL PROVISIONS

153. Nomination of members of select committees

- (1) Unless otherwise provided by any written law or these Standing Orders, the Committee on Selection shall, in consultation with Assembly parties, nominate Members who shall serve on a Select Committee.
- (2) The Committee on Selection shall give consideration to the need for gender balance and shall, so far as is practicable, ensure that no more than two-thirds of membership of a Committee,

including a Committee established through a resolution of the House, are of the same gender.

- (3) A vacancy occasioned by the resignation or removal of a Member from a Select Committee shall be filled within fourteen days of the vacancy.
- (4) A Member against whom an adverse recommendation has been made in a report of a Select Committee that has been adopted by the Assembly shall be ineligible for nomination as Member of that Committee.

154. Criteria for nomination

- (1) In nominating Members to serve on a select committee, the Selection Committee shall ensure that the membership of each Committee reflects the relative majorities of the seats held by each of the Assembly parties in the Assembly.
- (2) Despite paragraph (1), a member belonging to a party other than an Assembly party or Independent Member may be nominated to serve in Select Committee and the allocation of membership of Select Committees shall be as nearly as practicable proportional to the number of members belonging to such parties and Independent Members.

- (3) Except as the Assembly may otherwise resolve, on the recommendation of the Committee on Selection for reasons to be stated, no member shall be appointed to serve in more than two Sectoral committees.

155. Approval of nomination

- (1) The Selection Committee shall, within seven days upon nomination of members to serve in any Committee of the House, present the list to the House for approval.
- (2) Whenever a Motion for approval of a list under paragraph (1) is moved in the House, no objection against the proposed membership of a Member in a Select Committee shall be permitted and objections, if any, shall be formulated against the proposed membership as a whole.
- (3) A Member shall not be a member of a Committee of the House, unless the nomination of such Member into the Committee is approved by the House.

156. Discharge of a member from a committee

- (1) The Assembly party that nominated a member to a Select Committee, may discharge a member

from a Select Committee after according the member an opportunity to be heard.

- (2) The Assembly Party Whip of the party that nominated the member to a select Committee shall give notice in writing accompanied with evidence that the affected member was accorded a fair hearing, to the Speaker of the intention to discharge a member from a Select Committee.
- (3) The Speaker shall, within three days of receipt of the notice under paragraph (2) inform the member of the notice and the discharge shall take effect forthwith.

157. Composition of select committees

Subject to any written law, these Standing Orders or a resolution of the House, a Select Committee

shall consist of an odd number of members being not less than nine and not more thirteen.

158. Chairing of select committees and quorum

Subject to paragraph (2) of Standing Order 153 (*Nomination of Members of select committees*), unless otherwise provided under any written law, these Standing Orders or by resolution of the House—

- (a) a Select Committee shall, upon appointment, elect its chairperson and vice-chairperson from amongst its members;
- (b) a half of the members of a select committee shall constitute a quorum.

159. Conduct of elections

- (1) The Clerk shall appoint a place, date and time for the first meeting of a Committee within seven (7) days of its constitution by the House, or such further period as the Speaker may approve, and as soon as a majority of the Committee is present, the Clerk shall, by a secret ballot, conduct the election of the Chairperson and Vice-chairperson of the Committee.
- (2) Whenever a vacancy occurs in the office of Chairperson or Vice-chairperson of a Select Committee, the Clerk shall, within seven (7) days of the vacancy arising, appoint a place and time for the meeting of the Committee to elect the Chairperson or Vice-chairperson.
- (3) After the declaration of a vacancy for the Chairperson and Vice Chairperson, the candidate for election as Chairperson or Vice-Chairperson of a committee shall submit his or her nomination

paper, in writing, to the Clerk by 5.00 pm on the day before the election.

- (4) The nomination paper of the candidate shall be in the form set out in the Fourth Schedule and shall be accompanied by the name and signature of a proposer and a seconder and a declaration of the candidate's willingness to serve as a Chairperson or Vice-Chairperson.
- (5) A Member shall not propose or second more than one candidate for election as Chairperson or Vice-Chairperson.
- (6) The Clerk shall, as soon as practicable after the close of nominations, circulate the final list of candidates to the Members of the Committee.
- (7) The Clerk shall preside over the election of the Chairperson or Vice-Chairperson of a Committee and shall issue each Committee Member with a ballot paper.
- (8) A Committee Member who wishes to vote in the election shall print the first and last name of their candidate of choice on a ballot paper and deposit it in a ballot box provided for that purpose.
- (9) The Clerk shall, at the close of voting, count the ballot papers and report the result of the ballot.

- (10) If no candidate receives a majority of votes, the Clerk shall hold a further ballot excluding the candidate with the least number of votes until one candidate receives a majority of votes.
- (11) A ballot paper is spoilt if, in the opinion of the Clerk, it does not identify the candidate purported to be selected by the candidate voting.
- (12) Despite the provisions of this Part, if only one candidate is nominated for election as Chairperson or Vice-Chairperson, the Clerk shall at the expiry of the nomination period forthwith declare that candidate as elected without any vote being required.
- (13) The Clerk shall make the necessary preparatory arrangements for the conduct of the election of a Chairperson or Vice-Chairperson of a Committee.

160. Duties of Committee Chairperson

Subject to these Standing Orders and the directions of the Committee, a Chairperson of a Committee shall—

- (a) preside at meetings of the Committee;

- (b) perform the functions and exercise the powers assigned to the office of the Chairperson by the Committee, resolutions of the Assembly or legislation; and
- (c) be the spokesperson of the Committee.

161. Notice of meetings

- (1) A notice of a meeting of a Select Committee shall be given by the Clerk to all Members of the Committee showing the date, time, venue and agenda of the meeting.
- (2) A notice under paragraph (1) shall be deemed to have been given upon circulation through the official email addresses of a Member, electronic messaging, the Assembly website, by delivery of the notice in the office of a Member or posting of the notice in the precincts of Assembly.

162. Sittings of select committees

A sitting of a Committee shall be held at such place, date and time as shall be determined by the Chairperson or on a petition made by at least onethird of the members of that Committee but no meeting of a Committee may be held outside the precincts of Assembly without the approval of the Speaker.

163. Sub-committees of select committees

A Select Committee may establish such subcommittees as it may consider necessary for the proper discharge of its functions.

163A. *Adhoc* Committees

- (1) The Assembly may, by a resolution establish an *ad-hoc* Committee for purposes of inquiring into a matter or matters specified in the resolution.
- (2) A Notice of Motion for the establishment of an *ad-hoc* Committee shall not be admissible unless the Speaker is satisfied that its formation is necessary and will not interfere with the mandate of another Committee.
- (3) Notwithstanding Standing Order 152(1), the Speaker shall, in consultation with County Assembly parties, appoint members who shall serve in any *ad-hoc* committee.
- (4) In appointing members to serve in any *ad-hoc* committee, the Speaker shall give consideration to the need for gender balance and shall, so far as is practicable, ensure that no more than twothirds of members of an *ad-hoc* Committee are of the same gender.

- (5) Upon a resolution of the Assembly to form an *ad hoc* Committee, the Speaker shall, within three days of such a resolution, communicate the names of the Members to constitute the Committee by way of a communication from the Chair in the House.
- (6) An *ad-hoc* Committee shall at its first meeting, elect its chairperson.
- (7) An *ad-hoc* Committee established under this Standing Order—
 - (a) may not deal with a matter that falls within the mandate of another Committee; and
 - (b) shall submit its report to the Assembly within one month of the committal and shall, upon submission of the report stand dissolved.
- 8) Notwithstanding the provisions of paragraph (7) (b), the *ad-hoc* Committee may request for an extension period of 21 days to complete its report.
- (9) This Standing Order shall not apply to an *ad-hoc* Committee established for purposes of investigating a proposal for the removal of a person from office or an *ad hoc* Committee

established under paragraph (2) of Standing Order 120 (*Committal of Bills to Committees*)

- (10) A Select Committee may, with the approval of the House establish an *Ad hoc* Committee for the consideration of a specific subject matter.

164. Member adversely mentioned not to sit

A Member who is adversely mentioned in a matter under deliberation by a Committee shall not be present at any meeting at which the Committee is deliberating on the matter, but the Member may appear to adduce evidence as a witness before the Committee.

165. Adjournment for lack of quorum

Unless quorum is achieved within thirty minutes of the appointed time, a meeting of a Committee shall stand adjourned to such time or day as the Chairperson of the Committee may appoint.

166. Frequency of meetings

- (1) Unless the House otherwise resolves, every Select Committee shall meet at least once in two months.
- (2) Except for the House Business Committee, a Select Committee shall not meet during a sitting

of the House without the written permission of the Speaker.

- (3) Despite paragraph (2), a sitting of a Committee shall stand suspended when a division or quorum bell is rung.
- (4) The proceedings of a meeting of a Committee held contrary to paragraph (2) shall be void.

167. Failure to attend meetings

- (1) If a Member fails to attend four consecutive sittings of a Committee without the written permission of the Chairperson of the Committee, or the permission of the Speaker if the Member is the Chairperson, the Chairperson or the Speaker, as the case may be, shall notify the Committee of the failure.
- (2) The Committee having noted the notification under paragraph (1) may resolve that the Member or the Chairperson as the case may be, be suspended from the membership of the Committee and that the matter be reported to the Committee on Selection.
- (3) Upon receipt of a report under paragraph (2), the Committee on Selection shall consider the matter and shall propose a replacement of the member for approval by the House.

168. Absence of chairperson and vice-chairperson

In the absence of the Chairperson and vice chairperson at any meeting, a Member designated by the Chairperson shall take the Chair, and in the absence of such designated Member, the Members present shall elect one of them to take the Chair.

169. List of attendance

The names of Members present at each sitting of a Select Committee shall be entered in the minutes of that sitting.

170. Minutes of select committees

The minutes of the proceedings of a Select Committee shall be laid on the Table of the Assembly with the report of the Committee and may, subject to Standing Order 212 (*Custody of Journals and Records*), be published.

171. Powers and privileges of committees

(1) Committees shall enjoy and exercise all the powers and privileges bestowed on Assembly by the Constitution and any other law, including the power to—

- (a) summon any person to appear before it for purposes of giving evidence or providing information;
 - (b) enforce the attendance of witnesses and examine them under oath, affirmation or otherwise;
 - (c) compel the production of documents;
 - (d) request for and receive papers and documents from government officers and members of the public; and
 - (e) issue a commission or request to examine witnesses abroad.
- (2) The oath to be sworn or affirmation to be made by a witness appearing before a Committee shall be in the form set out in the fifth schedule.
- (3) A summon under paragraph (1) shall be—
- (a) issued by the Clerk on the direction of the Speaker or the Chairperson of a Committee acting in accordance with a resolution of the Committee; and
 - (b) in the form set out in the sixth schedule.
- (4) The summons shall be served by a member of staff or a police officer who is dully authorized

by the Clerk by delivering a copy of the summons—

- (a) to the person mentioned in the summon or
 - (b) at that person's usual or last known place of residence, employment or business or left with a person who is over the age of eighteen years and who is resident or is employed at that place.
- (5) Where the summons is to be served on a corporation, the summons may be served—
- (a) on the secretary, director or other officer authorized by the corporation or;
 - (b) if the officer serving the summons is unable to find any of the officers of the corporation mentioned in the sub paragraph (a)—
 - (i) by leaving it at the registered office of the corporation;
 - (ii) by sending it by prepaid registered post or by a licensed courier service provider approved by the Assembly to the registered postal address of the corporation;
 - (iii) if there is no registered office or no registered postal address of the corporation, by leaving it at

the place where the corporation carries out its business; or

- (iv) by sending it by registered post to the last known postal address of the corporation.
- (6) The serving officer in all cases in which summon has been served under this Standing Orders shall swear and annex to the original summons, an affidavit of service stating the time when and the manner in which the summons was served and the name and address of the person, if any, identifying the person served and witnessing the delivering or tender of summons.
- (7) The affidavit of service shall be in the form set out in the Seventh Schedule with the necessary modifications.
- (8) A return by a person who serves a summon under this Standing Orders shall be *prima-facie* proof of the services of the summons.
- (9) A person requested or summoned in terms of this Standing Order shall be paid such amount of money as shall be approved by the Clerk as reimbursement for expenses incurred.

172. Temporary absence of a member of a Select Committee

- (1) Unless otherwise provided for in these Standing Orders, in the event that any Member of a Committee is absent or otherwise unable to attend the sittings of the Committee, the party whip of that Member's party may, with permission of the Speaker, appoint another Member to act in that Member's place during the period of such absence or inability.
- (2) A member shall be considered absent or otherwise unable to attend a sitting in terms of paragraph (1) if the Member is out of the country on official Assembly business or is indisposed.

173. Vote of no confidence in the Chairperson or Vice-chairperson

- (1) A Committee may, by a resolution supported by a majority of its members, resolve that it has no confidence in the Chairperson or Vicechairperson and a Member designated by the Committee for that purpose shall thereupon report the resolution to the Liaison Committee which shall, as soon as it is practicable, direct the Clerk to conduct an election for the Chairperson or Vice-chairperson, as the case may be, in accordance with Standing Order 159 (*Conduct of election*).

- (2) The members desiring to make a resolution under paragraph (1) shall serve the Chairperson or Vice-chairperson with a written notice of the intended vote of no confidence and may, if they constitute a majority, request the Clerk to call for a meeting at the expiry of three days after the giving of such notice.
- (3) The notice under paragraph (2) shall be deemed to have been given upon circulation of the notice in the offices of Members and posting on notice boards in the precincts of Assembly.
- (4) A notice under paragraph (2) shall be deemed to have been given upon delivery to the Chairperson's or Vice-chairperson's official email address and by delivery of the notice to the office of the Chairperson or Vice-chairperson, as the case may be.

174. Original vote

- (1) The Chairperson of a Select Committee other than the House Business Committee shall have an original vote but not a casting vote.
- (2) Paragraph (1) shall not apply to the Chairperson of the House Business Committee, who shall have neither an original nor a casting vote.

175. Attendance by non-members of select committee

A Member may attend and participate in a meeting of any Committee of the House of which he or she is not a Member, but such Member

shall not be entitled to vote on any matter before the Committee.

176. Procedure in select committees

- (1) Except as and to the extent to which the Chairperson may otherwise direct for the purpose of facilitating full consideration and discussion of a matter referred to a Committee, the procedure in a Select Committee shall be as nearly as possible, the same as that Committee of the Whole House.
- (2) Any question arising in a Select Committee shall be decided by vote and the resolution on any such vote shall constitute the decision of the Select Committee on that question.
- (3) The minutes of a Select Committee shall be kept in the same form as the Votes and Proceedings of a Committee of the Whole House and in such other form as may be prescribed in the Committee Manual.

- (4) Where a vote on a question is not unanimous, the names of the members voting for and against the question and those abstaining from voting, respectively, shall be recorded in the minutes.
- (5) Except as the Speaker may otherwise direct, a Committee may sit notwithstanding the adjournment of the House.

177. Limitation of mandate

- (1) The deliberations of a Select Committee shall be confined to the mandate of the Committee and any extension or limitation of that mandate as may be directed by the Assembly and, in the case of a Select Committee on a Bill, to the Bill committed to it and the relevant amendments.
- (2) In the exercise of its functions, a Select Committee may not consider any matter that is not contemplated within the mandate of the Assembly under the Constitution.

178. Public access to meetings of select committees

- (1) All committee proceedings shall be open to the public unless in exceptional circumstances the Speaker has determined that there are justifiable reasons for the exclusion of the public.

- (2) The Committee may adjourn to seek leave of the Speaker to exclude the public.

179. Reports of select committees

- (1) The report of a select committee shall be prepared and kept in the same form as the Votes and Proceedings of a Committee of the Whole House and in such other form as may be prescribed in the Committee Manual.
- (2) The report of a Select Committee having been adopted by a majority of the members, shall be signed by the Chairperson on behalf of the Committee.
- (3) If the Chairperson is absent or is not readily available, the Vice-chairperson shall sign the report under paragraph (1), and in the absence of both the Chairperson and the Vice-chairperson, the Committee shall nominate another Member to sign the report.
- (4) A Select Committee shall adopt its report in a meeting attended by a majority of its Members.
- (5) A report having been adopted by a majority of Members, a minority or dissenting report may be appended to the report by any Member(s) of the Committee.

- (6) A report of a Select Committee including any minority report, together with the minutes of the proceedings of the Committee, and such note or record of any evidence by the Committee as the Committee may deem fit, shall be laid on the Table of the House by the Chairperson of the Select Committee, or the Vice-chairperson or by a Member authorized by the Committee on its behalf within fourteen days of the conclusion of its proceedings.
- (7) Within forty-eight hours after the report has been laid on the Table of the Assembly, the Clerk shall publish the report in the Assembly website and circulate copies to members.

180. Progress reports

- (1) Unless a more regular interval is prescribed under any written law or these Standing Orders, each Select Committee shall submit half yearly progress reports to the Liaison Committee.
- (2) The Liaison Committee shall, within twenty-one days, compile the reports under paragraph (1) and submit a report to the House.

180A. Exit reports

- (1) A Committee which is unable to complete its work before the expiry of its term shall table an

exit report to the Assembly detailing reasons for such inability.

- (2) The report shall be made available to the succeeding Committee which shall consider it in preparing its work plan.

181. Reports on House Resolutions

Within sixty days of a resolution of the House or adoption of a report of a Select Committee, the relevant Executive Committee Member under whose portfolio the implementation of the resolution falls, shall provide a report to the relevant Committee of the House in accordance with Article 183 (3) of the Constitution.

182. Joint sitting of Committees of the Assembly

- (1) Two committees of the Assembly, considering similar matters may, with the approval by Speaker, hold joint sittings.
- (2) A joint sitting of Committees shall be chaired by one of the Chairpersons of the respective Committees, and the Chairperson shall be determined based on the ranking order set out under paragraph (2) of Standing Order 3 (*Proceedings on Assembly of a new Assembly* the second ranking member of the other Committee shall deputize).

- (3) The quorum of a joint sitting of two or more Committees shall be the number obtained by adding the respective quorum of each Committee, excluding the Chairpersons.
- (4) The report of a joint sitting of two or more Committees shall not be adopted unless supported by a resolution of a majority of the total membership of the Committees.

183. Engagement of experts

A Committee may, with the approval of the Speaker, engage such experts as it may consider necessary in furtherance of its mandate.

184. Committee on Appointments

- (1) There shall be a Select Committee to be designated the Committee on Appointments to be appointed by the House, consisting of the Speaker as the Chairperson, the Deputy Speaker, the Leader of the Majority Party, the Leader of the Minority party, the Deputy Leader of the Majority Party, the Deputy Leader of the Minority Party and not more than four other Members nominated by the House Business Committee, on the basis of proportional Party Membership in the Assembly taking into

consideration the numerical strength of the Parties and interests of Independent Members.

- (2) The Committee on Appointments shall be appointed within seven days on assembly of a new House and shall serve for period of three years and that appointed thereafter shall serve for the remainder of the term of the Assembly.
- (3) In the absence of the Speaker, the Committee shall elect a member, from amongst its members to chair the meeting.
- (4) The Committee on Appointments shall consider, for approval by the Assembly, appointments under Articles 179 (2) (b) of the Constitution (Members of County Executive Committee).
- (5) The quorum of the Committee on Appointments shall be one half of the Members of the Committee, but the Speaker shall not be counted for purposes of quorum and shall not vote.

185. Public Accounts and Investments Committee

- (1) There shall be a Select Committee to be designated the County Public Accounts and Investments Committee.
- (2) The County Public Accounts and Investments Committee shall be responsible for—

- (a) The examination of the accounts showing the appropriations of the sum voted by the Assembly to meet the public expenditure and of such other accounts laid before the Assembly as the Committee may think fit.
- (b) the examination of the reports, accounts and workings of the county public investments;
- (c) the examination, in the context of the autonomy and efficiency of the county public investments, whether the affairs of the county public investments, are being managed in accordance with sound financial or business principles and prudent commercial practices: Provided that the Committee shall not examine any of the following, namely—
 - (i) matters of major County or National Government policy as distinct from business or commercial functions of the public investments;
 - (ii) matters of day-to-day administration; and
 - (iii) matters for the consideration of which machinery which is established by any special statute under which a particular county public investment is established.

- (6) The Public Accounts and Investments Committee shall consist of the chairperson who shall be a member elected by the Committee from amongst the party or coalition of parties not forming the county executive and not more than seven other Members, and as practically as possible, a majority of whom shall be from the party or coalition of parties not forming the county executive.
- (7) The Public Accounts and Investment Committee shall elect a Vice-chairperson from amongst its members.
- (5) The Public Accounts and Investments Committee constituted immediately following a General Election shall serve for a period of three calendar years and that constituted thereafter shall serve for the remainder of the term of the Assembly.

186. Budget and Appropriations Committee

- (1) There shall be a Select Committee to be known as the County Budget and Appropriations Committee.
- (2) The Committee shall consist of the chairperson, and not more than eight other Members.
- (3) The functions of the Committee are to—

- (a) investigate, inquire into and report on all matters related to the coordination, control and monitoring of the of the county budget;
- (b) discuss and review budget estimates and make recommendations to the Assembly;
- (c) examine the County Budget Policy Statement presented to the Assembly;
- (d) examine Bills related to the county budget, including Appropriations Bills; and
- (e) evaluate tax estimates, economic and budgetary policies and programmes with direct budget outlays.
- (4) The County Budget and Appropriations Committee constituted by the Assembly immediately following a general election shall serve for a period of three calendar years and that constituted thereafter shall serve for the remainder of the Assembly term.
- (5) Five members of the Budget Committee shall constitute a quorum.
- (6) The Committee shall invite Chairpersons of all Sectoral Committees to make presentations during the consideration of the budget.

187. Procedure and House Rules Committee

- (1) There shall be a Select Committee to be known as the Procedure and House Rules Committee.
- (2) The Committee shall comprise the Speaker as Chairperson, the Deputy Speaker, Members of the Speakers Panel and not more than three other Members.
- (3) The Procedure and House Rules Committee shall consider and report on all matters relating to these Standing Orders.
- (4) The Procedure and House Rules Committee may propose amendments to these Standing Orders and any such amendments shall, upon approval by the Assembly, take effect at the time appointed by the Assembly.
- (5) The Procedure and House Rules Committee may propose rules for the orderly and effective conduct of Committee business and any such rules, shall, upon approval by the Assembly, continue in force until amended or repealed by the Assembly.
- (6) Any rules approved under paragraph (5) shall be annexed to the Standing Orders and shall be binding upon Committees to the same extent as these Standing Orders.

188. Committee on Implementation

- (1) There shall be a select committee to be known as the Committee on Implementation whose membership shall be the Chairperson and not more than 12 other members.
- (1A) In the membership of the Committee on Implementation, parties other than Assembly Parties forming the County executive shall have a majority of one Member.
- (2) The Committee shall scrutinize the resolutions of the Assembly (including adopted Committee reports), Petitions and the undertakings given by the County Executive Committee and examine—
 - (a) whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary; and
 - (b) whether or not legislation passed by the Assembly has been operationalised and where operationalised, the extent to which such operationalisation has taken place within the minimum time necessary.

- (3) The Committee may propose to the Assembly, sanctions against any Member of the County Executive Committee who fails to report to the relevant Select Committee on the implementation status without justifiable reasons.

189. Committee on Devolution and Intergovernmental Relations

- (1) There shall be a select committee to be known as the Committee on Devolution and Intergovernmental Relations.
- (2) The Committee shall consist of the Chairperson and not more than six other members.
- (3) The functions of the Committee shall be to—
 - (a) liaise with institutions of the National Government on matters of devolution.
 - (b) liaise with institutions of the National Government on non-devolved functions
 - (c) co-ordinate activities of the Assembly with the County Assemblies Forum.
 - (d) Co-ordinate activities of the Assembly with International bodies.

- (e) promote inter-county relations on matters of common interest.
- (f) promote intergovernmental relations.

189A. Committee of Powers and Privileges

There shall be a Select Committee to be designated the Powers and Privileges Committee, pursuant to section 15 (1) (b) of the County Assemblies (Powers and Privileges) Act, 2017 consisting of—

- (a) the Speaker who shall be the chairperson;
- (b) the Deputy Speaker; and
- (c) not more than three other Members nominated by Assembly parties and approved by the House at the commencement of every Session, reflecting the relative majorities of the seats held by each of the Assembly parties and taking into consideration the interests of Independent Members.

189B. Committee on Delegated County Legislation

- (1) There shall be a Select Committee to be known as the Committee on Delegated County Legislation.

- (2) Whenever a statutory instrument is submitted to the Assembly pursuant the Constitution, any law or these Standing Orders, the statutory instrument shall, unless a contrary intention appears in the relevant legislation, be laid before the Assembly by the Chair of the relevant Sectoral Committee, or any other Member and shall thereafter stand referred to the Committee on Delegated County Legislation.
- (3) The Committee shall consider in respect of any statutory instrument whether it—
 - (a) is in accordance with the Constitution, the Act pursuant to which it is made or other relevant written law;
 - (b) infringes on fundamental rights and freedoms of the public;
 - (c) contains a matter which in the opinion of the Committee, should more properly be dealt with in an Act of the Assembly;
 - (d) contains imposition of taxes;
 - (e) directly or indirectly bars the jurisdiction of the Courts;

- (f) gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;
- (g) involves expenditure from the County Revenue Fund or other public revenues;
- (h) is defective in its drafting or for any reason the form or purport of the statutory instrument calls for any elucidation;
- (i) appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
- (j) appears to have had unjustifiable delay in its publication or laying before Assembly;
- (k) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions;
- (l) makes rights, liberties or obligations unduly dependent insufficiently defined administrative powers;
- (m) inappropriately delegates legislative powers;
- (n) imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;

- (o) appears for any reason to infringe on the rule of law;
 - (p) inadequately subjects the exercise of legislative power to Assembly scrutiny; and,
 - (q) accords to any other reason that the Committee considers fit to examine.
- (9) Subject to section 16 of the Statutory Instruments Act, No. 23 of 2013 (in this Standing Order referred to as “the Act”), the Committee may exempt certain statutory instruments or class of statutory instruments from scrutiny if the Committee is satisfied that the scrutiny is not reasonably practical due to the number of regulations in that class.
- (10) The Committee shall make a report to the Assembly containing only a resolution that the statutory instruments that stands permanently referred to the Committee be revoked.
- (11) Where the Committee does not make the report referred to in subsection (1) within twenty eight sitting days after the date of referral of the statutory instrument to the Committee under section 12 of the Act , or such other period as the House may, by resolution approve, the statutory

instrument shall be deemed to have fully met the relevant considerations referred to in section 13 of the Act.

- (12) Despite the provision of the Act or any other written law, where a time is prescribed for doing an act or taking a proceeding by the Assembly relating to the handling of a statutory instrument, the Assembly may, by resolution, extend that time by a period not exceeding twenty-one days.

189C. General Oversight Committee

- (1) There shall be a Select Committee referred to as the General Oversight Committee and which shall be composed of all the Members of the Assembly.
- (2) The General Oversight Committee shall be chaired by the Speaker, and in the absence of the Speaker, the Deputy Speaker.
- (3) The functions of the General Oversight Committee shall be to interrogate County Executive Committee Members or any other authorized person on matters of great County importance and other matters that cut across Committees.

190. Appointment of Sectoral Committees

- (1) There shall be Select Committees to be known as Sectoral Committees the members of which shall be nominated by the Selection Committee in consultation with Assembly parties at the commencement of every Assembly.
- (2) A member appointed to a Sectoral committee at the commencement of an Assembly or at any other time during the term of the Assembly shall, unless the Assembly otherwise resolves, serve for the term of that Assembly subject to Standing Order 156 (*Discharge of Member from a Committee*).
- (3) Unless the Assembly otherwise directs, the Sectoral Committees and the subject matter respectively assigned to them shall be as set out in the Second Schedule.
- (4) The mandate of Sectoral Committees in respect of the subject matter assigned under the Second Schedule of these Standing Orders shall only be exercised within the limits contemplated under Part 2 of the Fourth Schedule to the Constitution.
- (5) The functions of a Sectoral Committee shall be to—

- (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- (b) study the programme and policy objectives of departments and the effectiveness of the implementation;
- (c) study and review all county legislation referred to it;
- (d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the Assembly;
- (f) to vet and report on all appointments where the Constitution or any law requires the Assembly to approve, except those under Standing Order 184 (*Committee on Appointments*); and
- (g) make reports and recommendations to the Assembly, including recommendations of proposed legislation.

191. Liaison Committee

- (1) There shall be a Select Committee to be known as the Liaison Committee which shall consist of the Deputy Speaker as the Chairperson, the first Member of the Speakers Panel who shall be the Vice-Chairperson and the chairpersons of all Committees of the Assembly.
- (2) The Liaison Committee shall—
 - (a) guide and co-ordinate the operations, policies and mandates of all Committees;
 - (b) deliberate on and apportion the annual operating budget among the Committees;
 - (c) consider the programmes of all Committees, including their need to travel and sit away from the precincts of Assembly;
 - (d) ensure that Committees submit reports as required by these Standing Orders;
 - (e) determine, whenever necessary, the Committee or Committees to deliberate on any matter; and
 - (f) give such advice relating to the work and mandate of select committees as it may consider necessary;

- (3) The Liaison Committee shall consider reports of Committees that have not been deliberated by the Assembly and shall report to the Assembly on the consideration of such reports.

192. Committee to be limited to mandate

- (1) Except as expressly provided for in these Standing Orders, no matter shall be referred to a Select Committee except on a Motion approved after notice given.
- (2) Notwithstanding paragraph (1), the Speaker may, in exceptional circumstances, on a request by a Member, refer a matter to a Committee.

PART XXII—PUBLIC PETITIONS

193. Meaning of Petition

For purposes of this Part, a petition means a written prayer to the Assembly by a member of the public requesting the Assembly to consider any matter within its authority, including enacting, amending or repealing any legislation.

194. Submission of a Petition

- (1) A petition to the Assembly shall be—
 - (a) submitted to the Clerk by a petitioner and reported to the Assembly by the Speaker; or

- (b) presented by a Member on behalf of a petitioner, with the consent of the Speaker.
- (2) Notwithstanding paragraph (1) (b), a Member shall not be eligible to present a petition on his or her own behalf.
- (3) The Clerk shall, within seven days of the date of receipt of a petition, review the petition to ascertain whether the petition meets the requirements of these Standing Orders and of the law.
- (4) Where the Clerk considers that a petition does not comply with paragraph (3), the Clerk may give such directions as are necessary to ensure that the petition is amended to comply with that paragraph.
- (5) The Clerk shall, if satisfied that the petition meets the requirements under paragraph (3), forward the petition to the Speaker for tabling in the Assembly.

195. Petition on Private Bill

A Petition on a private Bill shall be dealt with in accordance with Part XX (*Private Bills*) of these Standing Orders.

196. Notice of intention to present Petition

A Member shall give to the Clerk two sitting days' notice of intention to present a Petition and the Clerk shall examine such Petition and ensure that the Petition is presented in the manner, form and content required by these Standing Orders.

197. Form of Petition

A petition shall be in the form set out in the Second Schedule and shall— (a)

be handwritten, printed or typed;

(b) be in English or Kiswahili languages and be written in respectful, decorous and temperate language;

(c) be free of alterations and interlineations in its text;

(d) be addressed to the Assembly;

(e) have its subject-matter indicated on every sheet if it consists of more than one sheet;

(f) indicate whether any efforts have been made to have the matter addressed by a relevant body and whether there has been any response from that body or whether the response has been unsatisfactory;

- (g) indicate whether the issues in respect of which the petition is made are pending before any court of law or other constitutional or legal body;
- (h) conclude with a clear, proper and respectful prayer, reciting the definite object of the petitioner or petitioners in regard to the matter to which it relates;
- (i) subject to paragraph (m), contain the names, addresses, identification numbers, signature or a thumb impression of the petitioner or of every petitioner, where there is more than one petitioner;
- (j) contain only signatures or thumb impressions, as the case may be, and addresses and identification numbers written directly onto the petition and not pasted thereon or otherwise transferred to it;
- (k) not have any letters, affidavits or other documents annexed to it;
- (l) in the case of a petition presented by a Member on behalf of a petitioner, be countersigned by the Member presenting it; and
- (m) be signed by the petitioner or if the petitioner is unable to sign, by a witness in whose presence

the petitioner shall make his or her mark on the petition.

198. Time for Petitions

The total time on the Order “Petitions” shall not exceed thirty minutes.

199. Presentation of Petitions

- (1) A schedule of Petitions to be presented or reported to the Assembly on a sitting day may be appended to the Order Paper of the Day in the order that they shall be presented or reported.
- (2) When the Order “Petitions” is read, the Speaker shall—
 - (a) in the case of a petition presented by a Member, direct that the Member to present the Petition to the Assembly or;
 - (b) in case of a Petition presented through the Clerk, report the Petition to the Assembly;
- (3) The Member presenting a Petition shall read such Petition but shall confine himself or herself to the subject of the prayer, the material allegations therein and the number of signatures attached.

- (4) A Member having presented a Petition shall, without question put, lay the Petition on the Table of the Assembly;
- (5) A Member presenting a Petition shall not speak for more than five minutes, unless with permission of the Speaker.

200. Comments on petitions

The Speaker may allow comments, observations or clarifications in relation to a Petition presented or reported and such total time shall not exceed thirty minutes.

201. Committal of Petitions

- (1) Every Petition presented or reported pursuant to this Part, shall stand committed to the relevant Sectoral Committee.
- (2) Whenever a Petition is committed to a Sectoral Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the House and no debate on or in relation to the report shall be allowed, but the Speaker may, in exceptional circumstances, allow comments or observations

in relation to the Petitions for not more than twenty Minutes.

- (3) The Clerk shall, within fifteen days of the decision of the Assembly, in writing, notify the petitioner of the decision of the Assembly on the petition.

202. Copies of responses

The Clerk shall forward copies of responses received under Standing Order 201 (*Committal of Petitions*) to the petitioner or petitioners.

203. Register of Petitions

- (1) The Clerk shall keep and maintain a register in which shall be recorded all petitions and supporting documents, and the decisions of the Assembly.
- (2) The register of petitions under subsection (1) shall be accessible to the public during working hours.

PART XXIII—FINANCIAL PROCEDURES

General

204. Restrictions with regard to certain financial measures

- (1) If, in the opinion of the Speaker, a motion makes provision for a matter listed in the definition of “a money Bill”, the Assembly may proceed only with the recommendation of the Budget and Appropriations Committee after taking into account, the views of the Member of County Executive Committee responsible for finance.
- (2) “A money Bill”, as provided for in section 21 of the County Governments Act means a Bill, that contains provisions dealing with—
 - (a) taxes;
 - (b) the imposition of charges on a public fund or the variation or repeal of any of those charges;
 - (c) the appropriation, receipt, custody, investment or issue of public money;
 - (d) the raising or guaranteeing of any loan or its repayment; or
 - (e) matters incidental to any of those matters.
- (3) In paragraph (2), “tax”, “public money”, and “loan” do not include any tax, public money or loan raised by a county.

205. Presentation of County Fiscal Strategy Paper

- (1) The County Treasury shall submit the County

Fiscal Strategy Paper approved by the County Executive Committee in accordance with section 117 of the Public Finance Management Act, 2012, to the Assembly, by the 28th February of each year.

- (2) The County Fiscal Strategy Paper submitted under paragraph (1) shall—
 - (a) have been aligned with the national objectives in the Budget Policy Statement;
 - (b) specify the broad strategic priorities and policy goals that will guide the County Government in preparing its budget for the coming financial year and over the medium term;
 - (c) include the financial outlook with respect to County Government revenues, expenditures and borrowing for the coming financial year and over the medium term; and
 - (d) have taken into account the views of the Commission on Revenue Allocation; the public, any interested persons or groups and any other forum that is established by legislation.
- (3) Upon being laid before the Assembly, the County Fiscal Strategy Paper shall be deemed to have been committed to each Sectoral Committee

without question put, for each such Committee to deliberate upon according to their respective mandates and make recommendations to the Budget and Appropriations Committee.

- (4) In considering the County Fiscal Strategy Paper, the Budget and Appropriations Committee shall consult each Sectoral Committee and table a report, containing its recommendation on the Statement to the Assembly for consideration
- (5) The report prepared by the Budget and Appropriations Committee pursuant to paragraph (4) shall include a schedule of ceiling of resources recommended for the County Government and Assembly.
- (6) The approval by the Assembly of the motion on the report of the Budget and Appropriations Committee on the County Fiscal Strategy Paper shall constitute the Assembly resolution setting forth the total overall projected revenue, the ceilings recommended for the County Government, and Assembly and where necessary, the total sums for each Vote and the allocations to individual programmes for the fiscal year in question.

- (7) The Assembly shall consider and may adopt the County Fiscal Strategy Paper with or without amendments not later than fourteen days after its submission under paragraph (1).
- (8) The County Treasury shall consider any recommendations made by the Assembly when finalizing the budget proposal for the financial year concerned.

206. Presentation of Budget Estimates and committal to Committees

- (1) The Member of County Executive Committee responsible for finance and the accounting officer of the County Assembly Service Board shall, not later than 30th April, respectively submit to the Assembly, Budget Estimates and related documents specified in law for the County executive and the Assembly.
- (2) The Estimates and related documents submitted under Paragraph (1) shall be tabled in the Assembly within three days of submission.
- (3) Upon being laid before the Assembly—
 - (a) the Estimates under paragraph (1) shall stand committed to each Sectoral Committee to consider, discuss, review and make

recommendations to the Budget and Appropriations Committee within twenty-one days.

- (b) the Estimates shall stand committed to the Budget and Appropriations committee to consider and make recommendation to the House.
- (4) (Deleted)
- (5) The Budget and Appropriations Committee shall discuss and review the Estimates and make recommendations to the Assembly, taking into account the recommendations of the Sectoral Committees, the views of the County Executive Committee Member responsible for finance and members of the public.
- (6) The Assembly shall, on a motion, that ***“This Assembly adopts the Report of the Budget and Appropriations Committee on the Budget Estimates for the County Government, and Assembly tabled in the Assembly on...”***, consider the Report and adopt it with or without amendments.
- (7) Upon the Assembly resolution on the Report—

- (a) the recommendation for increase or reduction on any particular Vote as resolved by the Assembly will serve as notice of intention by the Chairperson of the Budget and Appropriations Committee to move the particular amendments on the concerned Vote.
- (b) the Speaker may require that an appropriate Addendum be made to the Estimates as tabled to reflect the amendments made by the Assembly on the Estimates or respective Votes.

206A. Pronouncement of Budget highlights and Revenue raising measures

- (1) The County Executive Committee Member responsible for Finance shall make a public pronouncement of the budget policy highlights and Revenue raising measures for the County Government as contemplated under the Public Finance Management Act, 2012.
- (2) The Speaker may designate a suitable place in the Chamber for purposes of admitting the County Executive Committee member to make the public pronouncement of the budget highlights and Revenue raising measures.

- (3) The public pronouncement under paragraph (1) shall be heard without question or clarification.
- (4) On the same date that the budget policy highlights and revenue raising measures are pronounced, the County Executive Committee Member for Finance shall submit to the County Assembly a legislative proposal, setting out the Revenue raising measures for the County Government, together with a policy statement expounding on those measures.
- (5) The provisions of the County Assembly Powers and Privileges Act (*No. 6 of 2017*) shall apply to County Executive Committee Members admitted to the Chamber under this Part.

207. Vote on Account

- (1) Following approval of the Budget Estimates, if the County Appropriation Bill for a financial year has not been assented to, or is not likely to be assented to by the beginning of that financial year, the Assembly may authorise the withdrawal of money from the County Revenue Fund.
- (2) A motion seeking the authorization of withdrawals under paragraph (1) shall be known as a Vote on Account.

- (3) Money withdrawn under subsection (1)—
 - (a) may be used only for the purpose of meeting expenditure necessary to carry on the services of the county government or the Assembly during the financial year concerned until such time as the relevant appropriation law is passed; and
 - (b) may not exceed, in total, one-half of the amount included in the estimates of expenditure submitted to the Assembly for that year.
- (4) The Speaker shall, within seven days, communicate the authorization in subsection (1) to the County Executive Committee Member for finance.
- (5) The money withdrawn under subsection (1) shall be included in the appropriation law, under separate votes, for the services for which it is withdrawn.

208. Procedure on Supplementary Estimates

- 18. (1) The County Government shall submit to the Assembly for approval, a supplementary budget in support of money spent under section 135 of the Public Finance Management Act 2012.
- (2) The supplementary budget shall include a statement showing how the additional

expenditure relates to the fiscal responsibility principles and financial objectives.

- (3) On any day on which an Order of the Day for Supplementary Estimates has been set down under this Standing Order, the business of such order shall commence not later than three hours before the time for interruption of business.
- (4) Unless the Assembly orders that the business under paragraph (3) shall continue for more than one day, the Chairperson of the Committee of the Whole Assembly shall, half an hour before the time for interruption of business, forthwith put every question necessary to dispose of the Motion then under consideration and shall then forthwith put severally the questions necessary to dispose of the business.
- (5) On any day upon which the Chairperson is under this order directed to put forth with any questions, the consideration of the business shall not be anticipated by a Motion for the adjournment of the Assembly, and no dilatory Motion shall be moved in relation to the business, and the business shall not be interrupted under any Standing Order.

- (6) Except as provided in this Standing Order, the approval of the Assembly for any spending under this Standing Order shall be sought within two months after the first withdrawal of the money.
- (7) If the Assembly is not sitting during the time contemplated in paragraph (7), or is sitting but adjourns before approval has been sought, approval shall be sought within fourteen days after it next sits.
- (8) After the Assembly has approved spending under subsection (1), an Appropriation Bill shall be introduced for the appropriation of the money spent.

209. Consideration of Finance Bill

- (1) Following the submission of the legislative proposal by the Member of County Executive Committee responsible for finance, the Finance Committee shall introduce, to the Assembly, the Finance Bill in the form in which the Bill was submitted as a legislative proposal by the Member of County Executive Committee responsible for finance together with any report of the Committee on the Bill.

- (2) Any of the recommendations made by the Committee or adopted by the Assembly on revenue matters shall—
 - (a) ensure that the total amount of revenue raised is consistent with the approved fiscal framework;
 - (b) take into account the principles of equity, certainty and ease of collection;
 - (c) consider the impact of the proposed changes on the composition of the tax revenue with reference to the direct and indirect taxes;
 - (d) consider domestic, regional and international tax trends;
 - (e) consider the impact on development, investment, employment and economic growth;
 - (f) take into account the recommendations of the County Executive Committee Member for finance; and
 - (g) take into account the taxation and other tariff agreements and obligations that Kenya has ratified, including taxation and tariff agreements under the East African Community Treaty.
- (3) The recommendation of the Member of County Executive Committee responsible for finance

shall be included in the report and tabled in the Assembly.

210. Passage of Finance Bill

Not later than ninety days after passing the Appropriation Bill, the Assembly shall consider and approve the Finance Bill with or without amendments.

**PART XXIV—JOURNALS, RECORDS
AND BROADCAST OF PROCEEDINGS**

211. Journals of the Assembly

All votes and proceedings of the Assembly shall be noted by the Clerk and shall constitute the Journals of the Assembly.

212. Custody of Journals and Records

- (1) The custody of the Journals and Records, whether audio, electronic or any other form, including all papers and accounts howsoever presented to or belonging to the Assembly, shall be vested in the Clerk, who shall unless otherwise prohibited by any law, allow their access by the public.
- (2) The Clerk shall publish the Votes and Proceedings of the Assembly within forty-eight hours of any sitting.

- (3) The Speaker may make rules to regulate access by members of the public to Journals and Records under paragraph (1).

213. Hansard reports

- (1) There shall be published within forty-eight hours, a verbatim report of all proceedings of the Assembly, unless the Speaker is satisfied that this is rendered impossible by an emergency.
- (2) Every Member shall have an opportunity to correct a draft verbatim report of his or her contribution, but not so as to alter the substance of what the Member actually said.
- (3) Where there is doubt as to the content of the verbatim record of the Assembly, the Speaker shall make a determination.

214. Secret or personal matters

The Speaker may direct any matter which, in the Speaker's opinion, is secret or purely personal to be excluded from the Journals of the Assembly and from the verbatim report of the proceedings of the Assembly, and to be the subject of a separate verbatim report, which shall be kept in the custody of the Clerk and made available only to Members.

215. Broadcast of Assembly Proceedings

- (1) The proceedings of the Assembly may be broadcast.
- (2) The broadcasting of the proceedings of the Assembly shall comply with the Rules set out in the Third Schedule of these Standing Orders.
- (3) There shall be a Select Committee to be known as the Broadcasting and Library Committee whose mandate is to—
 - (a) consider and report on all matters relating to broadcasting of Assembly proceedings;
 - (b) advise the Assembly on matters related to public participation in the Assembly;
 - (c) make reports and recommendations to the Assembly, including proposed legislation on matters relating to broadcasting of Assembly proceedings and related matters;
 - (d) recommend to and advise the Assembly on matters related to the provision of library, publications, and research services in the Assembly;
 - (e) Assist members of the Assembly in utilizing the facilities provided by the library and research

services including the use of information and communication technology.

- (4) The Broadcasting and Library 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 County Assembly Service Board.
- (5) The Committee shall consist of the Speaker who shall be the Chairperson and not more than four Members.

**PART XXV—PUBLIC ACCESS TO THE
ASSEMBLY AND COMMITTEES**

216. General provisions on access to the Assembly

- (1) Except as may be expressly provided to the contrary, every person has the right to access to the Assembly and its Committees.
- (2) The Assembly or a Committee may not exclude any person, or any media, from a sitting of the Assembly or of a Committee unless, in exceptional circumstances, the Speaker has determined that there are justifiable reasons for the exclusion.

- (3) The Speaker may, from time to time, issue rules governing public access to the Assembly and its Committees.

217. Restriction of access to the Chamber

- (1) No person other than a Member shall be admitted into any part of the Chamber appropriated to the exclusive use of Members of the Assembly while the Assembly or the Committee of the whole Assembly is sitting.
- (2) Paragraph (1) does not apply to the Clerk or other officers of the Assembly when discharging their duties in the service of the Assembly.

218. Exclusion from the Assembly or Committees

- (1) A Member may, at any time, rise to claim that the public or any particular person be, for reasons stated, excluded from the Assembly or from a Committee, and if the Speaker is of the opinion that there are justifiable reasons for the exclusion, he or she may order that the public or such person withdraw from the Assembly or the Committee.
- (2) Whenever the Speaker has determined that any person be excluded from a sitting of the Assembly or of a Committee, the Speaker shall

inform the Assembly or Committee the reasons for the exclusion.

- (3) A determination by the Speaker under paragraph (2) shall not be the subject of comment or debate.
- (4) The Clerk shall ensure that an order for the withdrawal of the public or a person is complied with.

218A. Extension of period prescribed

- (1) Despite the provisions of these Standing Orders prescribing a period for doing an act by the County Assembly or its Committees, the Assembly may, upon a motion, resolve to extend that period.
- (2) The Authority of the Assembly contemplated under paragraph (1), may be exercised only in the exceptional circumstances to be permitted by the Speaker.
- (3) Where an extension of time is granted under this Standing Order, the doing of all other acts consequential thereto shall be deemed to have been extended accordingly.

219. Press representatives infringing Standing Orders or the Speaker's Rules

Any media institution whose representative infringes these Standing Orders or any rules made by the Speaker for the regulation of the admittance of the public to the Assembly or to Committees or persistently misreports the proceedings of the Assembly, or neglects or refuses on request from the Speaker to correct any wrong report in respect of the proceedings of the Assembly to the satisfaction of the Speaker, may be excluded from representation in the Press gallery for such period as the Speaker shall direct.

PART XXVI—GENERAL PROVISIONS

220. Exemption of business from Standing Orders

- (1) Subject to paragraphs (2) and (3), a Motion may, with the approval of the Speaker, be moved by any Member, either with or without notice that the proceedings on any specified business be exempted from the provisions of Part VI (*Presiding, Calendar, Sittings and Adjournments of the Assembly*), Part VIII (*Order of Business*), Part XVI (*Limitation of Debate*), Part XVIII (*Public Bills*), Part XIX (*Private Bills*), Part XVII (*Committee of the whole Assembly*) Part XXIII (*Financial Procedures*), Part XXI (*Select Committees*), Part XXII (*Public Petitions*) and

Part XXV (*Public Access to the House and its Committees*) of these Standing Orders:

- (2) No Motion for the exemption of business from the Standing Orders shall be made to exempt any business from Part XIII (*Procedure for Removal from State Office*), Standing Order 116 (*Publication*), Standing Order 117 (*Not more than one stage of a Bill to be taken at the same sitting*) or Standing Order 204 (*Restrictions with regard to certain financial measures*).
- (3) Not more than one Motion for the exemption of business from the Standing Orders may be moved at any one sitting, except with the leave of the House.
- (4) A Motion under this Standing Order shall state the object of or reason for the proposed exemption and may—
 - (a) be moved at any time and any other business then in progress may thereupon be interrupted;
 - (b) not be amended without the consent of the mover.

221. Attendance before Parliament

- (1) A request by Parliament that a Member, the Clerk, or an officer of the Assembly attends

before the Parliament to be examined or appears before any Committee of Parliament shall be by message from Parliament requesting that the Assembly grant leave to such Member, Clerk or other officer to attend.

- (2) If the Assembly grants leave under paragraph (1)—
 - (a) the Clerk or officer shall attend before Parliament or Committee of the Parliament;
 - (b) The Member may, if the Member considers it fit to do so, attend before Parliament or the Committee of Parliament.
- (3) Except upon leave granted under paragraph (2), a Member, the Clerk or an officer may not, whether in person or by counsel, attend or appear before Parliament or a Committee of Parliament in response to a summons or invitation, or send an answer in writing to such summons or invitation.

221 A. Recognition of Assembly Caucuses

- (1) The Speaker may, upon the written request of at least ten Members, recognize an Assembly caucus formed for purposes of advancing a common legislative objective.

- (2) A request to the Speaker under this Standing Orders shall—
 - (a) indicate the name of the caucus
 - (b) outline the legislative objective of the caucus and;
 - (c) contain the names and signatures of the members of the caucus.
- (3) An Assembly Caucus shall not enjoy the powers and privileges of a Committee of the Assembly.

222. Failure to attend sittings

- (1) If, during any Session, a Member is absent from eight sittings of the Assembly without permission in writing from the Speaker, the Speaker shall report the matter to the Assembly and the matter shall stand referred to the Committee of Powers and Privileges for hearing and determination.
- (2) The Committee of Powers and Privileges shall inquire into a matter referred to it under paragraph (1) within fourteen days from the date the matter is referred to it and shall thereupon submit a report to the Assembly.
- (3) If the report of the Committee finds that the Member has offered a satisfactory explanation

for the Member's absence from eight sittings of the Assembly without the permission in writing from the Speaker, there shall be no further proceedings in the Assembly in respect of the matter.

- (4) If the report of the Committee finds that the Member has not offered a satisfactory explanation for the Member's absence from eight sittings of the Assembly under paragraph (1), the Chairperson of the Committee or a Member of the Committee designated by the Committee for that purpose shall, upon submitting the report, give a three days' notice of a Motion that, "**This Assembly notes the Report of the Committee of Powers and Privileges laid on the Table of the Assembly on ... regarding.....**".with other necessary modification.
- (5) A Motion under paragraph (4) shall be debated in the usual manner of debating Motions, except that—
- (a) no amendment to the Motion shall be permitted;
 - (b) the debate of the Motion shall not be anticipated by a Motion for the adjournment of the Assembly, and no dilatory Motion shall be moved in relation to the business, and the

business shall not be interrupted under any Standing Order.

- (6) At the conclusion of the debate on a motion under paragraph (4), the Speaker shall not put a question but shall declare that, pursuant to Article 194 (1) (b) of the Constitution, the office of the Member concerned has become vacant.

223. Seating in the Chamber

- (1) There shall be reserved seats in the Chamber of the Assembly for the exclusive use of each of the following—
 - (a) the Chairperson of Committees;
 - (b) the Leader of the Majority Party;
 - (c) Leader of the Minority Party; (d) Members with disabilities.
- (2) All other seats in the Chamber shall be available for use by any Member.
- (3) Subject to this Standing Order and any other order of the Assembly, any question relating to the occupation of seats in the Chamber shall be determined by the Speaker.

224. Members travelling outside Kenya

- (1) A Member intending to travel outside Kenya whether in an official or a private capacity, shall give to the Speaker a written notice to that effect, indicating the—
 - (a) destination intended to be visited;
 - (b) dates of the intended travel and period of absence from Kenya; and
 - (c) email, telephone contact, postal or physical address of the Member during the period of absence from Kenya.
- (2) All information submitted under this Standing Order shall be kept in a register which the Clerk shall maintain for that purpose and shall not be disclosed to any person without the permission of the Speaker.

225. Expenses of witnesses

There shall be paid or tendered to any person summoned to give evidence or to produce documents before the Assembly or a Committee, such reasonable sum in respect of the person's expenses, including travelling expenses, as the Clerk may from time to time determine, either generally or specifically.

**PART XXVIA— CONDUCT OF PROCEEDINGS
IN EXCEPTIONAL CIRCUMSTANCES**

225A. Application

- (1) This Part shall apply to the conduct of proceedings of the Assembly and its Committees in exceptional circumstances.
- (2) The provisions of the Standing Orders preceding this Part shall remain in force except as may be modified in this Part.
- (3) Where any provision of this Part conflicts with or is inconsistent with the provision of any preceding Standing Order, whether in part or whole, the provisions of this Part shall prevail.
- (4) In this Part, “exceptional circumstance” means an event or occurrence as may be lawfully declared in accordance with any written law which precludes the County Assembly from conducting a physical sitting and includes the declaration of an epidemic, pandemic, extreme natural phenomena, pestilence or an act of terrorism.

225B. Alternative sitting arrangements

- (1) The Speaker shall invoke the provisions of this Part and permit the Assembly and its Committees to conduct sittings either—

- (a) physically and virtually, where the Assembly is partly precluded from conducting a physical sitting by an exceptional circumstance; or
 - (b) virtually, where the Assembly is wholly precluded from conducting a physical sitting by an exceptional circumstance.
- (2) The Speaker shall, upon invoking the provisions of paragraph (1) and upon the recommendation of the Procedure and House Rules Committee, prescribe guidelines governing—
- (i) the conduct of the proceedings;
 - (ii) the manner of voting, manner of conducting a division and the ascertainment of a vote in the proceedings;
 - (iii) the conduct of Members during the proceedings;
 - (iv) access to the proceedings by members of public and media;
 - (v) public participation and involvement;
 - (vi) etiquette; and
 - (vii) such other matter as may be relevant to the conduct of the proceedings.

- (3) The guidelines prescribed under paragraph (2) shall cease to apply upon revocation by the Speaker or the cessation of the exceptional circumstance, whichever is earlier.

225C. Other arrangements

- (1) During the pendency of an exceptional circumstance—
 - (a) the Assembly may, by resolution, vary its ordinary sittings to such a number as the circumstance permits;
 - (b) the House Business Committee shall determine and prioritize essential business to be considered by the Assembly; and
 - (c) The Speaker may—
 - (i) designate a place outside the chamber but within the precincts of Assembly from where Members may participate in the proceedings;
 - (ii) prescribe the number of Members who may participate in the proceedings from the chamber or any designated place outside the chamber;
 - (iii) permit a Member or any other person required to file, deliver or table any document under the

Standing Orders or any written law to file or submit the document electronically for tabling;

- (iv) where the Assembly is wholly precluded from conducting a physical sitting, deem a document submitted, including a document submitted electronically, to have been tabled, subject to its admissibility; and
- (v) preclude public access to the Assembly and committees pursuant to Standing Orders 216 and 217.

225D. Use of technology

- (1) The Speaker may, taking into account the provisions of Article 196(1) of the Constitution, prescribe an appropriate information and communications technology platform for the conduct of the virtual proceedings under this Part.
- (2) The platform prescribed under paragraph (1) shall—
 - (a) incorporate video and audio or text;
 - (b) allow the participation of Members in the proceedings in real-time and the broadcast of the proceedings;

- (c) facilitate the proceedings to be recorded and transcribed under Standing Order 215; and,
 - (d) where the Assembly is wholly precluded from conducting a physical sitting, incorporate a system that allows Members to vote.
- (3) The voting system incorporated under paragraph (2) (d) shall be simple, accurate, verifiable, secure, accountable, transparent and facilitate the prompt declaration of the result of each vote taken.
 - (4) The Clerk shall facilitate the participation of Members in virtual proceedings through the use of standard electronic devices specifically configured for the proceedings.

PART XXVII—AMENDMENT OF STANDING ORDERS

226. Proposals for amendment by the Procedure and Rules Committee

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

227. Amendment on the initiative of a Member

- (1) A Member may, with the support of at least two other Members, request the Procedure and

Assembly 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 Rules Committee.
- (4) The Procedure and 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 Assembly containing the amendments proposed in the request and the recommendations of the Committee on each such proposal.
- (5) The Assembly shall consider the proposed amendments to the Standing Orders as reported from the Procedure and Rules Committee on a

Motion that “The report of the Procedure and Rules Committee be approved”.

- (6) Standing Order 128 (*Procedure on Bills reported from Committee of the whole House*) shall apply to a Motion to approve the report of the Procedure and Rules Committee on the amendments proposed to the Standing Orders.

228. Periodic review of Standing Orders

At least once in every term of Assembly, not later than six months to the end of the term, the Procedure and Rules Committee shall review the Standing Orders and make a report to the Assembly recommending the Standing Orders, if any, to be amended.

229. Consideration of reports of Procedure and Rules Committee

- (1) Upon the tabling of a report of the Procedure and Rules Committee under Standing Orders 227 and 228, the procedure set out at Standing Order 227 (5) and (6) shall apply with the necessary modifications.
- (2) Amendments to the Standing Orders proposed under this Part shall, upon approval by the

Assembly, take effect at the time appointed by the Assembly.

230. Assembly's Resolution on Standing Orders

In exercise of the powers conferred by section 14 of County Governments Act, 2012, Laws of Kenya, by resolution passed on 17th August, 2021, adopted these Standing Orders.

231. Revocation of previous Standing Orders

The Standing Orders adopted by the Assembly on 23rd May, 2017 during the sixth Session of the First Assembly are hereby revoked.

FIRST SCHEDULE

GENERAL FORM OF A PUBLIC PETITION

(Standing Order 197)

I/We, the undersigned,

(Here, identify in general terms, who the petitioner or petitioners are, for example, citizens of Kenya, residents of MACHAKOS County, workers of industry, etc.)

DRAW the attention of the Assembly to the following:

(Here, briefly state the reasons underlying the request for the intervention of the Assembly by outlining the grievances or problems by summarizing the facts which the petitioner or petitioners wish the Assembly to consider.)

THAT

[Here confirm that efforts have been made to have the matter addressed by the relevant body, and it failed to give satisfactory response.]

THAT

[Here confirm that the issues in respect of which the petition is made are not pending before any court of law, or constitutional or legal body.]

HEREFORE your humble petitioner(s) Pray that Assembly—

(Here, set out the prayer by stating in summary what action the petitioners wish Assembly to take or refrain from.)

Name of petitioner	Full address	National ID/Passport No.	Signature/thumbprint
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.....
.....

.....
.....
.....
.....

(Subsequent Pages)

* This form may contain such variations as the circumstances of each case may require.

SECOND SCHEDULE

SECTORAL COMMITTEES

(Standing Order 190)

No.	Committee	Functions
1.	Agriculture.	All matters related to agriculture, including crop and animal husbandry, livestock sale yards, county abattoirs, plant and animal disease control, co-operative societies, irrigation, fisheries, and veterinary services (excluding regulation of the profession).

2. Environment and Natural Resources. All matters related to the implementation of specific national government policies on natural resources and environmental conservation, including soil and water conservation and forestry and control of air pollution, noise pollution, other public nuisances refuse removal, refuse dumps and solid waste disposal; water management systems in built up areas and water sanitation services.
- 3.Land and Energy. All matters related to County physical planning and development; land survey and mapping; boundaries and fencing; electricity and gas reticulation and energy regulation
- 4.. Transport, All matters related to County Roads and transport, including county

- Public Works. roads, housing, street lighting, traffic and parking, public transport and ferries and harbors, excluding the regulation of international and national shipping and matters related thereto; county public works and services.
5. Trade, Economic Planning and Industrialization. All matters related to economic planning; tourism, trade development and regulation including the . markets; and outdoor advertising; trade licenses (excluding regulation of professions); fair trading practices and statistics, and all matters relating to the delineation and management of decentralized units, urban areas and municipalities
6. Education, and All matters related to pre-

Social Services. primary education, village polytechnics, home craft centers, childcare and children.

7. Health and All matters relating to County Emergency health services including in Services. particular county health facilities and pharmacies,

ambulance services, promotion of primary health care, licensing and control of undertakings that sell food to the public, cemeteries, funeral parlors and crematoria, animal control and welfare, and firefighting services and disaster management.

8. Justice and Constitutional affairs, the Legal Affairs. administration of law and justice, including the elections, ethics, integrity and anticorruption and human rights.

9. Labour, Public All matters relating to labour, Service and trade union relations,

ICT. manpower or human resource planning; information, Communication and

Technology.

10. Finance and Revenue Collection. All matters relating to the management of county public finance and revenue collection.
11. Social Welfare and Sports. All matters relating to youth welfare, women affairs, empowerment of women, matters of equality, persons with disabilities affirmative action and gender related issues and sports activities and facilities.
12. Culture, and Tourism. All matters relating to cultural activities, public entertainment and public amenities, including betting, lotteries, casinos, racing, liquor licensing, cinemas, video shows and hiring, libraries, national heritage, museums and cultural activities and facilities and county parks, beaches and recreation facilities and local tourism,

culture; control of drugs and pornography; and annual animal control and welfare, including licensing of dogs and facilities for the accommodation, care and burial of animals

**THIRD SCHEDULE
BROADCASTING RULES**

(Standing Order 215(2))

1. County Assembly Broadcasting Unit

- (1) There is established the Assembly Broadcasting Unit, which shall oversee the broadcasting of Assembly proceedings.
- (2) Unless the Assembly otherwise directs, the Assembly Broadcasting Unit may broadcast the proceedings of Assembly and provide access to Assembly information.

2. Assembly privilege

Audio and visual digital footage of Assembly proceedings shall be covered by the laws relating

Assembly privilege and shall be kept as part of the records of the Assembly, under the custody of the Clerk of the Assembly.

3. Television broadcasting

When broadcasting the proceedings of the Assembly on television, the following guidelines shall apply—

- (a) the camera shall focus on the Member recognized by the Chair until the Member has finished speaking;
- (b) group shots and cut-aways may be taken for purposes of showing the reaction of a group of Members to an issue raised on the Floor;
- (c) wide-angle shots of the Chamber shall be used during voting and Division and no shot shall be taken so as to show the manner in which a Member has voted in any secret ballot;
- (d) officers of the Assembly taking an active role in the proceedings may be shown;
- (e) the occupant of the Chair shall be shown when taking and leaving the Chair and whenever he or she rises;

- (f) press and public galleries shall not be shown except as part of the wide-angle shots and during important functions as may be determined by the Assembly Broadcasting Committee; and
- (g) No close-up shots of Members' papers or reference materials may be shown.

4. Radio broadcasting

When broadcasting the proceedings of the Assembly on radio, the following guidelines shall apply—

- (a) Audio recording shall be restricted to proceedings of the Assembly and the Committees; and
- (b) Commentaries during a live broadcast shall be limited to the introduction of a matter under debate and of the Member on the floor.

5. Protection of the dignity of the Assembly

- (1) Officers of the Assembly Broadcasting Unit shall conduct themselves in a professional and impartial manner, giving a balanced, fair and accurate account of proceedings.

- (2) Shots designed to embarrass unsuspecting Members of the Assembly shall not be shown.
- (3) Recordings of Assembly proceedings may not be used for purposes of political party advertising, ridicule, commercial sponsorship or any form of adverse publicity.

6. External media

- (1) In these Rules, “external media Assembly” refers to any media Assembly other than the Assembly Broadcasting Unit.
- (2) No external media Assembly or other person may broadcast any proceedings of the Assembly except as received from the broadcast feed provided by the Assembly Broadcasting Unit or with the permission of the Speaker.
- (3) A media Assembly that receives a broadcast feed from the Assembly Broadcasting Unit shall broadcast it without any manipulation or distortion.
- (4) No camera or other recording or broadcasting equipment shall be allowed in the Assembly without authorization.

- (5) Accredited journalists shall be allowed access to designated areas for purposes of following the proceedings and taking notes and any journalist so allowed shall observe the Standing Orders and these Rules.

7. Breach of broadcasting Rules

Any person who fails to comply with these Rules shall be liable to such penalty as may be prescribed by law or under these Standing Orders.

8. Application

These Rules shall apply for the broadcasting of Assembly proceedings in the Assembly, in Committees and, with necessary modifications, in other Assembly proceedings and events.

FOURTH SCHEDULE
FORM OF NOMINATION PAPER
(STANDING ORDER 159(4))

Nomination paper for election to the office of Speaker/ Deputy Speaker Chairperson/Vice Chairperson of the County Assembly of Machakos.

1. Name of Committee, where applicable
2. Candidate
 - (a) First Name
 - (b) Other Names
 - (c) National Identity Card or Passport Number... ..
 - (d) Gender..... ..
 - (e) Date of Birth..... ..
.....
 - (f) Postal Address..... ..
 - (g) Physical address..... ..
 - (h) Political Party
 - (i) E-mail address..... ..

(j) Phone Number.....
.....

(k) Mobile Number

(l) Occupation... ..

3. Particulars of proposer and seconder

(a) Proposer

(i) First Name

(ii) Other Names

(iii) Political Party

(b) Secunder

(i) First Name

(ii) Other Names

(iii) Political Party

We, the undersigned, having been duly elected to the County Assembly of Machakos do hereby certify that, of our personal knowledge, the candidate named above is not a member of County Assembly, is willing to serve in the office of Speaker and is qualified to be elected as such, pursuant to the provisions of Article

193 of the Constitution of Kenya and section 21(1) of the Elections Act No. 24 of 2011.

4. Signature

Proposer.....Date.....

SeconderDate.....

Candidate's consent to nomination

I,.....do hereby consent to my nomination as a candidate for election as Speaker of the County Assembly of Machakos and attach herewith my Curriculum Vitae and relevant supporting documents.

Signature of Candidate.....Date.....

Certificate of the Clerk of the County Assembly

I certify that this nomination paper was delivered at the Office of the Clerk at.....a.m/p.m. on theday of20.....

.....
Clerk of County Assembly

FIFTH SCHEDULE

**FORM OF OATH/SOLEMN AFFIRMATION BY
WITNESS APPEARING BEFORE A
COMMITTEE OF THE ASSEMBLY**

(Standing Order 171(2))

I.....do swear/affirm that the evidence I shall give before this Committee on the matter(s) under its consideration shall be the truth, the whole truth and nothing but the truth. (In the case of an oath—So help me God.)

SIXTH SCHEDULE

SUMMONS TO WITNESSES

(Standing Order 171(3)(b))

To.....

Whereas your attendance is required before the County Assembly
Committee in relation to.....
(State *subject matter*)

You are hereby required (personally) to appear before the County Assembly
Committee on the Day of20.....ato'clock in the forenoon and to bring with

you(specify the information/
document required to be produced)

Your reasonable travelling and subsistence allowance for one day will be reimbursed upon production of sufficient prove of expenditure. If you fail to comply with this order without lawful excuse, you will be subject to the consequences of non-attendance laid down Standing Order 171.

Given under my hand thisday of20.....

.....

Clerk of the County Assembly

Notice: If you are summoned to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such documents to be delivered to the Clerk on or before the day and hour aforesaid.

SEVENTH SCHEDULE

AFFIDAVIT OF SERVICE OF SUMMONS

(Standing Order 171 (7))

I
of..... an officer of County
Assembly of Machakos/police officer make oath and
state as follows:-

1. THAT on20..... at
.....(time) I served the summons in this
matter on at
.....(place) by tendering a copy
thereof to him/her and requiring a signature on the
original. He/she signed/refused to sign the summons.
He/she was personally known to me/was identified to
me by and admitted
that he/she was the witness.

2. Not being able to find..... the
witness on.....20.....at
.....(time) I served the summons on
.....(name) and adult member of the family
of the witness who is residing with him/her.

3. Not being able to find
..... the witness or any person
on whom service could be made, on
..... 20.....at
.....(time) I affixed a copy of the summons to
the outer door of

being the house in which he/she ordinarily resides/carries on business/personally works for gain. I was accompanied by who identified the house to me.

4.
(otherwise specify the manner in which the summons was served)
Sworn by the said.....this.....
day of.....20.....

Before me

.....
Commissioner of oaths/Magistrate