

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



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COUNTY ASSEMBLY OF MACHAKOS

THIRD ASSEMBLY

PROCEDURE AND HOUSE RULES COMMITTEE

PROPOSED AMENDMENTS TO STANDING ORDERS

NOVEMBER 2023

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EXECUTIVE SUMMARY

Hon. Speaker, pursuant to Standing Order 227(1), the Procedure and House Rules Committee received a written request from Hon. Hellen Ndeti, requesting the Committee to consider amendments to Standing Orders to establish a Select Committee to be known as Gender and Equality Committee.

The Procedure and House Rules Committee on receipt of the request resolved that the proposed amendments were admissible and therefore held several sittings to discuss the amendments and subsequently compiled a report.

In the report the Committee recommended establishment of a new select Committee as proposed. The specific mandate of the said Committee has been explained in this report.

1.0 INTRODUCTION

Honourable Speaker, Parliamentary procedure is a body of rules, ethics, customs governing meetings, operations of clubs, organizations and legislative bodies. Standing Orders are written rules under which a Parliament conducts its business and they regulate conduct of Honorable Members and how debates are organized in the Assembly.

Standing Orders are unique to the legislative body they govern, and thus the legislative body is free to amend or repeal any rule or create new ones depending on the prevailing circumstances.

2.0. MANDATE OF THE COMMITTEE

Hon. Speaker, the Procedure and House Rules Committee has been established pursuant to Standing Order 187 and is mandated to consider and report on all matters relating to the Standing Orders. The Committee may also propose amendments to the Standing Orders and any such amendments shall upon approval by the Assembly, take effect at the time appointed by the Assembly. In addition the Committee may also propose rules for the orderly and effective conduct of committee business.

3.0. MEMBERSHIP

This Committee comprises the following Honorable Members:

1. Hon. Anne Kiusya -Chairperson
2. Hon. Stephen Mwanthi -Vice Chairperson
3. Hon. Brian Kisila -Member
4. Hon. Boniface Katiti -Member
5. Hon. Jackson Ndaka -Member
6. Hon. Anastacia Mutevu -Member
7. Hon. Douglas Musyoka -Member
8. Hon. Loyd Mutua -Member
9. Hon. Dickson Maundu -Member

SECRETARIAT

1. Mr. Denis Mutui - Ag. Clerk
2. Mr. Hilary Muthui - Director, Legal Department
3. Ms. Susan Kiluva - Clerk Assistant
4. Ms. Mary Nzembi - Clerk Assistant
5. Mr. Dalmas Masila -Senior Research Officer
6. Ms. Dorcas Njoki -Hansard Officer

4.0. LEGAL PROVISIONS RELATING TO STANDING ORDERS

Hon. Speaker, the Committee was guided by the following legal provisions;

4.1. The County Governments Act, No.17 of 2012

Section 14 (1) (a) provides that a County Assembly may make Standing Orders consistent with the Constitution and the County Governments Act regulating the procedure of the County Assembly including, in particular, orders for the proper conduct of proceedings.

4.2. County Assembly of Machakos Standing Orders

Standing Order No.226 provides that the “Procedure and House Rules Committee may at any time propose amendments to these Standing Orders. Further Standing Order 227 (1) provides that “For amendments to Standing Orders a Member may, with the support of at least two other Members, request the Procedure and House Rules Committee to consider amendments to the Standing Orders.”

Standing Order 227 (6) dictates that the 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.

Further, in accordance to Standing Order 229(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.

5.0 PROCEDURE FOR MAKING AMENDMENTS TO STANDING ORDERS

Hon. Speaker, the procedure for making amendments to Standing Orders is provided for under Standing Order 227 as follows;

- (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”.

6.0. BACKGROUND FOR THE PROPOSED AMENDMENTS

Hon. Speaker, pursuant to Standing Order 227(1), Hon. Hellen Ndeti, supported by two (2) other Honourable Members, through the Speaker, forwarded a written request to the Committee on Procedure and House Rules requesting the Committee to consider amendments to the Standing Order by inserting the new Standing Order immediately after Standing Order No. 189C to be Standing Order Number 189D.

In the letter, the said Honourable Member requested the committee to amend the Standing order by establishing a new select Committee to be known as “Gender and Equality Committee”

The rationale of this inclusion is pegged on the fact that devolution has opened opportunities for women and other marginalized groups to participate and engage in County planning, budgeting and implementation and ensure opportunities for County Government integrate gender responsive mechanisms in development planning, budgeting, and implementation.

Hon. Speaker, on receipt of the request the Committee during a meeting held on 15th November 2023 discussed the matter and resolved that the request was admissible and that there was need for the Committee to consider it and recommend appropriately as provided in Standing Order 227(4).

7.0. PROPOSED SELECT COMMITTEE

The Committee proposed to establish a committee known as the Gender and Equality Committee. Section 14(b) of the County Governments Act, 2012 provides that a county assembly subject to standing orders made under paragraph (a), may establish committees in such manner and for such general or special purposes as it considers fit, and regulate the procedure of any committee so established.

8.0 COMPOSITION OF THE COMMITTEE MEMBERS

There shall be a Select Committee to be known as the Gender and Equality Committee.

The Committee shall consist of—

- (a) all women Members of the County Assembly;
- (b) all Members of the County Assembly representing—
 - (i) the youth;
 - (ii) persons with disabilities; and
 - (iii) any other marginalized group.

9.0 PROPOSED MANDATE OF THE COMMITTEE

The committee mandate will be:

- i. advocate for gender equality, affirmative action and removal of discrimination in all the functions of the Assembly;
- ii. promote legislation that takes into consideration the interests of marginalized groups including women, youth, persons with disabilities and the elderly;
- iii. pursue policies and administrative actions that promote the empowerment and inclusion of marginalized groups including women in development and decision-making;
- iv. collaborate with development institutions and other civil society organizations to galvanize support for the inclusion of marginalized groups in county development;
- v. ensure gender and disability mainstreaming in the county budget making process; and
- vi. Liaise with national and county government institutions on matters relating to gender and equality.

10.0 COMMITTEE RECOMMENDATIONS

Hon. Speaker, in view of the above this Committee recommends that the House approves;

- i) The establishment of a new committee to be known as Gender and Equality Committee and the proposed mandate.
- ii) Approves this report on proposed amendments to Standing Orders in accordance to Standing Orders No. 227(5) and (6).

11.0 CONCLUSION

Honourable Speaker, the Committee wishes to acknowledge the office of the Speaker and that of the Clerk for facilitating the Committee to undertake the task of amending the Standing Orders to suit well the operations of the Assembly and to be in line with the Constitution. Special credit goes to the members of the committee for their participation during preparation of this report.

The committee further acknowledges the Secretariat for their technical support and guidance in proposing and tracking the proposed amendments contained in this report.

It is therefore my pleasant duty and privilege to table before this Honourable House the report on proposed amendments to Standing Orders for discussion and adoption.

Thank you, Hon. Speaker.



HON. ANNE KIUSYA
CHAIRPERSON, PROCEDURE AND HOUSE RULES COMMITTEE