

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



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**COUNTY ASSEMBLY OF MACHAKOS**

**THIRD ASSEMBLY**

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**PROCEDURE AND HOUSE RULES COMMITTEE**  
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**PROPOSED AMENDMENTS TO STANDING ORDERS**

**MAY 2024**  
  
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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. Jackson Ndaka, requesting the Committee to consider amendments to Standing Orders to include question time where County Executive Committee Members (CECMs) to appear and respond to questions raised by the Members in the Plenary every and that the Second Schedule of the Standing Orders be amended in the name of the Committee in paragraph 13 by inserting the phrase ‘urban development’ immediately after the word ‘Units’ and immediately before the words ‘and County’.

The Procedure and House Rules Committee on receipt of the request held several committee sittings to discuss the amendments and subsequently compiled a report.

## **1.0 INTRODUCTION**

1. Honorable Speaker, Section 14 of the County Governments Act provides that a County Assembly—  
(a) may make Standing Orders consistent with the Constitution and this Act regulating the procedure of the County Assembly including, in particular, orders for the proper conduct of proceedings; and (b) 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.
2. In Parliamentary Practice, Standing Orders regulate the proceedings of a legislative body and govern the procedures to be adopted in carrying out the mandate of that body and thus the legislative body is free to amend any rule or create new ones depending on the emerging trends.

## **2.0. MANDATE OF THE COMMITTEE**

3. 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 and any such rules, shall, upon approval by the Assembly continue in force until amended or repealed by the Assembly.

## **3.0. MEMBERSHIP**

4. 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. Mathew Ndunda -Member
  5. Hon. Jackson Ndaka -Member
  6. Hon. Annastacia Mutevu -Member
  7. Hon. Douglas Musyoka -Member
  8. Hon. Loyd Mutua -Member
  9. Hon. Dickson Maundu -Member

## **SECRETARIAT**

1. Mr. Hilary Muthui - Director, Legal Department

2. Ms. Susan Kiluva - Clerk Assistant
3. Ms. Mary Nzemi - Clerk Assistant
4. Ms. Dorcas Njoki -Hansard Officer
5. Mr. Stephen Munyao - S.A.A

#### **4.0. LEGAL PROVISIONS RELATING TO STANDING ORDERS**

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

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

6. Section 39 (2) provides that a Committee of the County Assembly may require a member of the executive committee to attend or appear before the committee; and answer any question relating to the member's responsibilities.

##### **4.2. County Assembly of Machakos Standing Orders**

7. 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."

8. 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.

9. 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**

10. 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**

11. Hon. Speaker, pursuant to Standing Order 227(1), Hon. Jackson Ndaka, 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 (*annexed*). The Hon. Member, requested the Procedure and House Rules committee to amend the Assembly Standing Orders to include question time where County Executive Committee Members (CECMs) will appear and respond to questions raised by the Members in the Plenary.

12. The Proposed amendment is as follows: -

The CECMs will be required to:-

- (a) Respond to Questions raised by Members including Supplementary Questions asked by Members that relate to the original Question;
- (b) Provide the official government response/position to the House on various matters raised by Members;
- (c) Provide statements on government policy on various subjects; and
- (d) Take up any directions that may be issued on the floor of the House.

13. The rationale of the proposal was to pegged to section 18 of the County Assemblies Powers and Privileges Act (No. 6 of 2017) which provides that the Assembly has powers to invite or summon any person to appear before it for purposes of giving evidence or other information.

14. The member also requested that the Second Schedule of the Standing Orders be amended in committee number 13 (Decentralized Units and County Administration) to include Urban Development in its title.

## **7.0 COMMITTEE’S OBSERVATIONS**

15. The committee considered Hon. Jackson Ndaka's proposal on amendment to include question time where CECMs will appear and respond to questions raised by the members in the plenary and noted the following:

- I. That the Machakos County Assembly Standing Orders 189C provides for the General Oversight Committee. The function of the committee is to interrogate County Executive Committee Members or any other authorized person on matters of great County Importance and other matters that cut across committees
- II. That the following laws have given a Sectoral Committee the power to acquire any needed information from the Executive;
  - a. Article 183 (3) of the Constitution where the County Executive Committee shall provide the County Assembly with full and regular reports on matters relating to the County;
  - b. Section 39(2)(b) of the County Governments Act, 2012 which provides that a committee of the county assembly may require a member of the Executive Committee to— (a) attend or appear before the committee; and (b) answer any question relating to the member's responsibilities;
  - c. Sections 18 &19 of the County Assemblies Powers and Privileges Act 2017 which provides that the Assembly has powers to invite or summon any person to appear before it for purposes of giving evidence or other information;
  - d. Machakos County Assembly Standing Order 190 which provides that 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.

16. In view of the above the committee was convinced that the General Oversight Committee and the Sectoral committees have powers to effectively acquire all the information needed to effectively

execute their roles. The committee therefore concludes that amending the Standing Order further to achieve the same objective will be duplication of roles.

17. On the proposed amendment to amend the name 'Decentralized Units and County Administration Committee', to insert the phrase 'urban development' immediately after the word 'Units' and immediately before the words 'and County'; the committee noted that the current Standing Orders, provides for the oversight of Urban Areas and Municipalities as part of the mandate of the committee hence the proposal is covered. The committee therefore did not admit this proposal.

## 8.0 COMMITTEE RECOMMENDATIONS

18. Hon. Speaker, in view of the above the Committee recommends that:

1. The House does not approve the proposal by Hon. Jackson Ndaka to:
  - i. Amend the Standing order to include question time where County Executive Committee Members (CECMs) will appear and respond to questions raised by the Members in the Plenary.
  - ii. Amend the Second Schedule of the Standing Orders in the name of the Committee in paragraph 13 by inserting the phrase 'urban development' immediately after the word 'Units' and immediately before the words 'and County'.
2. The General oversight committee has a critical role of ensuring that all matters of County Importance and other matters that cut across committees have been over-sighted and objective advice and recommendations forwarded to the Executive for effective service delivery to residents of Machakos County. This Committee should therefore ensure all matters committed to it are executed effectively.

## 9.0 CONCLUSION

19. Honorable Speaker, It is therefore my pleasant duty and privilege to table before this Honorable House the report of Procedure and House Rules Committee on the proposed amendments to Standing Orders for discussion and adoption.

Thank you, Hon. Speaker.



**HON. ANNE KIUSYA**  
**CHAIRPERSON, PROCEDURE AND HOUSE RULES COMMITTEE**



② Procedure  
direct speaker  
03/04/2024



REPUBLIC OF KENYA  
COUNTY GOVERNMENT OF MACHAKOS  
COUNTY ASSEMBLY OF MACHAKOS

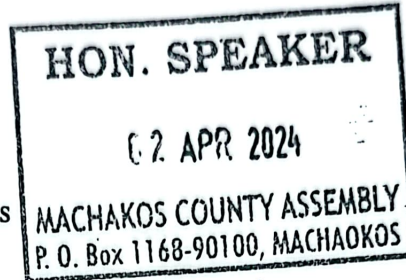
③ clerk Asst - Procedure & Rules  
Susan/Mary  
sent as per ②  
5/4/24  
②



County Hall  
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3<sup>rd</sup> Assembly

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Hon. Speaker,  
County Assembly of Machakos  
P.O. Box 1168 – 90100  
MACHAKOS



① Clerk  
Approved  
Table before the  
Rules & Procedure  
Committee  
2/4/24

2<sup>nd</sup> April, 2024

**RE: AMENDMENT TO STANDING ORDERS**

Standing Order No. 227 (1) of the Standing Orders of the County Assembly of Machakos provides that a member may, with the support of at least two other members, request the Procedure and House Rules Committee to consider an amendment to the Standing orders. Further, Standing Order 227 (2) provides that the request under Standing Order no. 227 (1) shall be in writing and shall:-

- contain the text of the proposed amendment and the justification for the proposal;
- contain the names and signatures of the Members supporting the request;
- be lodged with the Speaker.

According to the Assembly has power under section 18 of the County Assemblies Powers and Privileges Act (No. 6 of 2017), the Assembly has powers to invite or summon any person to appear before it for purposes of giving evidence or other information.

I hereby request the Procedure and House Rules Committee to amend the Assembly Standing Orders to include question time where County Executive Committee Members (CECMs) to appear and respond to questions raised by the Members in the Plenary every ..... (day) from ..... (time).

The Proposed amendment is as follows: -

The CECMs will be required to:-

- Respond to Questions raised by Members including Supplementary Questions asked by Members that relate to the original Question;

- (b) Provide the official government response/position to the House on various matters raised by Members;
- (c) Provide statements on government policy on various subjects; and
- (d) Take up any directions that may be issued on the floor of the House.



We also request that the Second Schedule of the Standing Orders be amended in committee number 13 (Decentralized Units and County Administration) to include Urban Development in its title.



Hon. Jackson Ndaka

MCA

Supported By:

1. Hon. Bonjau Kaiiri Sign 
  - MCA Muthitheni Ward
  
2. Hon. MUTUA LOYO sign 
  - MCA SPECIAL elect Ward



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**Adoption schedule for Report of the Procedure and House Rules Committee  
on amendment to Standing Orders to include introduction of question time.**

The report was adopted by the following Members:

Date: .....7<sup>th</sup> May 2024.....

	COMMITTEE MEMBERSHIP	SIGNATURE
1.	Hon. Anne Kiusya - Chair	
2.	Hon. Stephen Mwanthi – vice Chair	
3.	Hon Annastacia Mutevu - Member	
4.	Hon. Dickson Maundu - Member	
5.	Hon. Jackson Ndaka - Member	
6.	Hon. Loyd Mutua - Member	
7.	Hon. Brian Kisila - Member	
8.	Hon. Douglas Musyoka - Member	
9.	Hon. Wilson Ndunda - Member	