REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

STANDING ORDERS

As adopted by the County Assembly of Laikipia on January ..., 2014 during the Second Session of First Assembly pursuant to the provisions of Section 14 of the County Governments Act (No. 17 of 2012)

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Comment [K1]: Note new name of the PAC from PAIC.

Comment [K2]: Note that one Schedule has been dropped because it is superfluous for now

PRAYER

Almighty God, who in Your wisdom and goodness have appointed the offices of Leaders and Parliaments 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: twakusihi 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.

AMIN

PART I – INTRODUCTORY

In cases not provided for, the Speaker to decide

1. In all cases not hereinafter provided for and subject to the Constitution and other written laws, the Speaker shall decide having regard to the Orders of the Assembly, the usages, forms, precedents, customs, procedures and traditions of the Assembly and the National Parliament and legislative assemblies from other jurisdictions in view of the constitutional principles, the practices in other parliaments in so far as the same may be applicable to this Assembly.

Comment [K3]: The Speaker should only make the decisions after taking into account the provisions of the Constitution and other written laws.In addition, the speaker should be able to make certain decisions not provided for by borrowing from customs of legislative assemblies in various jurisdictions

Comment [K4]: Note the departure from the previous Standing Order No. 1

Interpretation

2. (1) In these Standing Orders-

(a) unless the context otherwise requires-

"Allotted Day" means a day set aside for the consideration in committee of supply of proposals in respect of the annual and supplementary estimates, as provided by Part XXIII of these Standing Orders;

"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 the purpose of pursuing a common goal and is governed by a written agreement deposited with the Registrar;

Comment [K5]: There is need to define the term coalition, in line with the Political Parties Act, 2011, as the term is used in the Standing Orders.

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

"Governor" means the Governor of the County of Laikipia in the Republic of Kenya 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"meansthe person who is the leader in the Assembly of the largest party or coalition of parties under Standing Order 19;

"Leader of the Minority Party"meansthe person who is the leader in the Assembly of the second largest party or coalition of parties under Standing Order 21;

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

Comment [K6]: Note the change to provide recognition of the Registrar of Political Parties. A coalition of parties should only be recognized as such after due process in its formation is accepted by the Registrar of Political Parties.

"Majority Whip" means the Member designated as the Majority Whip by the Leader of the Majority Party;

"Member" means a member of the Assembly of Laikipia 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 Laikipia 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;

Comment [K7]: A coalition of parties should only be recognized as such after due process in its formation is accepted by the Registrar of Political Parties.

"Minority Whip" means the Member designated as the Minority Whip by the Leader of 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 41 (*Order Paper to be prepared and circulated*)

Comment [K8]: Note the change to HBC from CABC, a mouthful

"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 39 (*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 a Assembly 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 some 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 of the Assembly" means one third of all the members of the Assembly;

Comment [K9]: Note the new definition. Pursuant to Article 200 (2) (d) of the Constitution, and Section 19 of the County Governments Act the**quorum** of the County Assembly is a third of its members

"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 28 *(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;

(b) reference to the Chairperson of Committees includes the Speaker when presiding over a Committee of the whole Assembly 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.

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

Proceedings on assembly of a new Assembly

3. (1) Whenever a new Assembly is elected, the Governor, by notice in the *Gazette* and the *County Gazette*, shall appoint the place and date of the first sitting of the new Assembly , which date shall not be later than fourteen days after the election

(2) On the first sitting of a new Assembly after a general election, the Clerk shall-

(a) read the notification of the convening the Assembly as published in the *Gazette* and the *County 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 (2).

(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 final announcement of all the results of Parliament as contemplated under section 2 of the Sixth Schedule to the Constitution;
(c) Members with the longest cumulative period of service in any local authority existing prior to the final announcement of all the results of Parliament as contemplated under section 2 of the Sixth Schedule to the Constitution;
(d) all other Members.

(4) Pursuant to Article 74 of the Constitution, no person shall assume or perform any functions of the office of a Member before taking and subscribing to the Oath or Affirmation of Office provided for under paragraph (1)

(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) When a Member first attends to take his or her seat after the first sitting of the Assembly, 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 31 (*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 9.00 am.

Vacancy in the Office of Speaker

4. (1) A Speaker shall be elected when the Assembly first meets after a General Election and before the Assembly proceeds with the dispatch of any other business, except the administration of the Oath or Affirmation of Office to Members present.

(2) If the office of Speaker falls vacant at any time before the expiry of the term of Assembly, no business shall be transacted by the Assembly until the election of a new Speaker.

(3) A Member elected by the Assembly in accordance with Article 178(2) of the Constitutionshall preside over the election under paragraph (2).

Nomination of candidates

5. (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 a 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) 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 paragraph (5) of this Standing Order.

Secret ballot

6. (1) The election of the Speaker shall be by secret ballot.

(2) 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.

(3) 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.

(4) 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.

(5) The Clerk shall make such arrangements as may be necessary to enable any Member with disability to vote.

(6) 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.

(7) 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

Election threshold

7. (1) A person shall not be elected as Speaker, unless supported in a ballot by the votes of two-thirds of all Members.

(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.

Withdrawal of candidate

8. 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.

Equality of votes

9. 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.

Custody of ballot papers

10. 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.

Single duly nominated candidate

11. 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.

Swearing-in of the Speaker

12. 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.

PART III – DEPUTY SPEAKER AND CHAIRPERSON OF COMMITTEES

Comment [K10]: Note the deletion of Chairperson of Committees of the whole County Assembly and introduction of the Panel

Election of Deputy Speaker

13. (1) At any time in the absence of the Speaker of the Assembly or in matters that directly affect the Speaker, the Assembly shall elect a member to act as Speaker as contemplated under Article 178 (2) (b) of the Constitution.

(2) Unless otherwise removed, the first member elected under paragraph (1) shall, in the absence of the Speaker, preside over the sittings of the Assembly as Deputy Speaker for the term of the Assembly.

(3) 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.

(4) The procedure for electing a Deputy Speaker shall, with necessary modifications, be the same as that prescribed for the election of the Speaker.

(5) The approval of the First, Second, Third and Fourth Chairperson of Committees under Standing Order 16 (Chairpersons Panel) shall be deemed to constitute an election for purposes of paragraph (3) and either the First, Second, Third or Fourth Chairperson of Committees may preside over the House in the absence of the Speaker and the Deputy Speaker.

Comment [K11]: Note this provision now in the National Assembly Standing Orders deeming the appointment of Panel Members as an 'election'

Notification of opening of the Assembly

14. (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 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.

Deputy Speaker to be Chairperson of Committees

15. (1) The Deputy Speaker shall be the Chairperson of Committees and shall preside over all Committees of the whole House.

(2) If the Deputy Speaker is absent, or if the Deputy Speaker considers that it is desirable that he or she should take part in any proceedings in Committee otherwise than as the person presiding, the Speaker shall take the Chair.

Chairpersons Panel

16. (1) There shall be a panel to be known as the Chairpersons Panel which shall comprise four Members to be known, respectively, as the First, Second, Third and Fourth Chairperson of Committees and who shall be entitled to exercise all the powers vested in the Chairperson of Committees.

Comment [K12]: Note

(2) As soon as practicable, after the election of the Deputy Speaker following a general election, the Speaker shall, in consultation with leaders of parliamentary parties, submit a list of four Members for consideration by the House Business Committee.

3) 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 motion for approval

(4) Whenever a Motion for approval under paragraph (3) is moved in the House, no objection against the proposed membership on the Chairperson'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.

(5) In nominating the Members of the Chairpersons 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 shall be practicable, that at least one member of the Panel is from either gender.

Discharge of a Member from Chairpersons Panel

17. (1) The Speaker may, in writing, to the House Business Committee give notice, that a member is to be discharged from the Panel.

(2) Within seven days of receipt by the House Business Committee of a notice under paragraph (1), the House Business Committee shall consider the notice and give Notice of Motion to replace the Member.

(3) The discharge of a Member of the Panel shall not take effect until the House has approved the Motion for replacement under paragraph (2).

Presiding in the Assembly

18. The Speaker shall preside at any sitting of the Assembly but in absence of the Speaker, the Deputy Speaker shall preside and in absence of the Speaker and the Deputy Speaker, a member of the Chairpersons Panel shall preside.

Comment [K13]: Note the addition of a Panel Member

PART IV - THE LEADER OF THE MAJORITY PARTY AND THE LEADER OF THE MINORITY PARTY

Leader of the Majority Party

19. (1) The largestparty or coalition of parties in the Assembly shall elect a member of the Assembly belonging to the party or coalition of parties to be the Leader of the Majority Party;

(2)In electing members under paragraph (1), the largest party or coalition of parties in the Assembly shall take into account any existing coalition agreement entered into pursuant to the Political Parties Act;

(3) A member elected under paragraph (2) may be removed by a majority of votes of all members of the largest party or coalition of parties in the Assembly;

(4) The removal of a member from office under paragraph (3) shall not take effect until a member is elected in the manner provided for under paragraph (1) in his or her place.

(5) The Whip of the largest party or coalition of parties in the Assembly shall forthwith, upon a decision being made under this Standing Order, communicate to the Speaker, in writing the decision together with the minutes of the meeting at which the decision was made.

Leader of the Minority Party

20. (1) The Minorityparty or coalition of parties in the Assembly shall elect a member of the Assembly belonging to the party or coalition of parties to be the Leader of the Minority Party;

(2) In electing members under paragraph (1), the minority party or coalition of parties in the Assembly shall take into account any existing coalition agreement entered into pursuant to the Political Parties Act;

(3) A member elected under paragraph (2) may be removed by a majority of votes of all members of the minority party or coalition of parties in the Assembly;

(4) The removal of a member from office under paragraph (3) shall not take effect until a member is elected in the manner provided for under paragraph (1).

(5) The whip of the minority party or coalition of parties in the Assembly shall forthwith, upon a decision being made under this standing Order, communicate to the Speaker, in writing the decision together with the minutes of the meeting at which the decision was made.

PART V – ADDRESS BY GOVERNOR, SENATOR AND VISITING DIGNITARY

Governor's address on opening of new Assembly

21. (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.

Governor's address on special sitting

22. (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.

Governor entering or leaving the Chamber

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

Governor's address to Assembly

24. (1) Whenever the Governor addresses Assembly, the Speaker of the Assembly shall take the seat on the right of the Governor and the Senators of the County shall take the seat on the left of the Governor.

(2) 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.

(3) 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.

(4) 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.

Address by the Senator or Visiting dignitary

25. (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.

(2) Standing Order 23 (*Governor entering or leaving Chamber*) and paragraphs (1), (3) and (4) of Standing Order 24 (*Governor's address to Assembly*) shall, with necessary modifications, apply to the Senator, visiting Heads of State andsuch other dignitaries

PART VI - PRESIDING, CALENDAR, SITTINGS AND ADJOURNMENTS OF THE ASSEMBLY

Presiding in the Assembly

26. The Speaker shall preside at any sitting of the Assembly but in absence of the Speaker, a member elected by the Assembly for that purpose pursuant to Article 178(2) of the Constitution shall preside.

Location of the first sitting of a new Assembly

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

Regular Sessions of the Assembly

28. (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 Thursday of December.

(2) Despite paragraph (1), the Assembly may, by resolution, alter the dates specified under paragraph (1) in respect of a particular Session.

(2) 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.

(3) 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.

Calendar of the Assembly

29. (1) The House Business Committee shall, with approval of the Assembly, determine the calendar of the Assembly.

(2) The calendar of the Assembly once approved shall be published in the *County Gazette,* Assembly website and at least two newspapers of national circulation.

(3) Ona day when the Assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance with the AssemblyCalendar, 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.

Special sittings of the House

30. (1) Whenever during a Session the House stands adjourned, whether or not a day has been appointed for the next meeting, the Speaker may, 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.

(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) The Speaker shall, by notice in the Gazette, notify the Members of the place, date and time appointed for the special sitting of the House.

(4) 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 parliamentary calendar.

Hours of meeting

31. (1) Unless the Speaker, for the convenience of the House otherwise directs, the House shall meet at 9.00 a.m. on Wednesday and at 2.30 p.m. on Tuesday, Wednesday, and Thursday, but more than one sitting may be directed during the same day.

(2) Unless for the convenience of the House the Speaker or the Chairperson (as the case may be) directs earlier or later interruption of business, at 6.30 p.m. or (if it is an Allotted Day) at 7.00 p.m., on the occasion of an afternoon sitting and at 12.30 p.m. on the occasion of a morning sitting, the Speaker or the Chairperson of Committees shall interrupt the business then under consideration and if the House is in Committee the Chairperson shall leave the Chair and report progress and ask leave to sit again.

(3) Notwithstanding paragraphs (1) and (2), the House may resolve-

(a) to extend its sitting time, or

(b) to meet at any other time on a sitting day; or

(c) to 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.

(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.

Adjournment of the House

32. (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.

Resumption of interrupted business

33. 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.

Adjournment on definite matter of urgent county importance

34. (1) Any Member may at any time rise in his or her place and seek leave to move the adjournment of the House for the purpose 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.

Comment [K14]: Note the number

(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

Quorum at commencement of the Assembly

35. (1)A 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.

Quorum during the proceeding of the Assembly

36. (1) If at any time after the Chair is taken, or when the Assembly is in Committee, a Member objects that there is not a quorum present, the Speaker or the Chairperson shall order a count of the Assembly or the Committee as the case may be.

(2) If on thecount 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 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.

Quorum during voting or division

37. 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.

Decorum when quorum not present

38. When the Quorum bell is ringing members shall maintain order in the Assembly.

PART VIII - ORDER OF BUSINESS

Order Paper to be prepared and circulated

39. (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.

Weekly programmes of the business of the Assembly

40. 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.

Sequence of proceedings

41. (1) Each day after Prayers have been said and the County Assembly has been called to order, the Business of the County Assembly 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 County Assembly, 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 County Assembly Business Committee shall ballot

(4) The Speaker shall direct the Clerk to read the Orders of the Day without question put.

PART IX – MESSAGES

Messages to and from the Senate

42. (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
refer the message to the relevant Committee of the Assembly for consideration.

Messages from the Governor and the Senator

43. (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

refer the message to the relevant Committee of the Assembly for consideration.

PART X – STATEMENTS

Members' general statements

44. (1) Notwithstanding Standing Order 31 (*Hours of Meeting*), the Speaker shall interrupt the business of the Assembly every Tuesday at 6.00 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 Assembly.

(3) No member making a statement under this Standing Order shall speak for more than three minutes, unless with permission of the Speaker.

Statement Hour

45. (1) Notwithstanding Standing Order 41 (*Sequence of Proceedings*), there shall be time, to be designated Statements Hour, every Thursday, commencing not later than 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 Thursday or on the last sitting day, for not more than ten minutes, present and lay on the Table, a statement informing the Assembly of the business coming before the Assembly 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 Assembly 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.

(d) 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

Committal to committees

46. (1) Upon receipt of a notification of nomination for appointment to an office as is under the Constitution or under any other legislation required to be approved by the Assembly, the nomination shall stand committed to the relevant Sectoral Committee of the Assembly for consideration.

(2) Despite paragraph (1), appointments under Article 179(2) (b) of the Constitution shall stand committed to the Committee on Appointments.

(3) Before holding an approval hearing, the Committee to which proposed appointments have been referred shall notify the candidate and the public of the time and place for the holding of the approval hearing at least seven days prior to the hearing.

(4) The Committee shall conduct a hearing on the proposed appointment and shall, unless otherwise provided in law, table its report in the Assembly within fourteen days of the date on which the notification was received under paragraph (1)

PART XII – MOTIONS

Notices of Motions

47. (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 Assembly;

(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, 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) A Member giving notice of a Motion approved by the Speaker shall state its terms to the Assembly and whether the original copy received by the Clerk has been certified by a party leader or party whip for sponsorship by the Member's party.

(5) Unless the Assembly 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) 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 50 (*Time for moving Motions*), but at least one day before the Motion appears on the Order Paper.

Amendment of Notice of Motion

48. 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.

Certain Motions not to be moved

49. (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;

(b) a Motion to rescind the decision on a question on a Special Motion shall not be allowed.

Time for moving Motions

50. (1) The County Assembly 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.

Motion withdrawn may be moved again

51. 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.

Motions which may be moved without Notice

52. The following Motions may be moved without notice-

(a) Motion by way of amendment to a question already proposed from the Chair;

(b) Motion for the adjournment of the Assembly or of a debate;

(c) Motion that the Assembly do dissolve itself into a Committee of the whole County Assembly;

(d) Motion moved when the Assembly is in Committee;

(e) Motion for the suspension of a Member;

(f) Motion made in accordance with the Standing Orders governing the procedure as to Bills;

(g) Motion for the agreement of the Assembly with a Committee of the whole Assembly in a resolution reported, or for the recommittal thereof or for the postponement of the further consideration thereof;

(h) Motion raising a question of privilege;

(i) Motion for the orders of the County Assembly under these Standing Orders;

(j) Motion made under Standing Order 225 (*Exemption of business from Standing Orders*);

(k) Motion made for the limitation of a debate under Standing Order 94 (*Limitation of debate*);

(l) Motion made for the postponement or discharge of, or giving precedence to an order of the day; and

(m) Motion for the extension of sitting time of the County Assembly.

Manner of debating Motions

53. (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.

Amendments to Motions

54. (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.

Amendments to be in writing

55. (1) The proposer of an amendment to a Motion shall, before moving it, hand the proposed amendments 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.

Comment [K15]: Note correction of error from 'Senator'

Comment [K16]: Note change from Senate. An error earlier imported.

Amendments to be relevant to Motion

56. (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.

Question proposed after Motion made

57. (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.

Motion in possession of the County Assembly

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

Question as amended put

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

When amendment proposed but not made

60. 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

Procedure for removal of the Speaker

61. (1) The Speaker may be removed from office by the assembly 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 a member of the Assembly elected to act as speaker as contemplated under Article 178 (2) *(b)* of the Constitution.

(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.

Removal of deputy speaker

Procedure for removal of the Governor on grounds of incapacity

62. (1) Before giving notice of Motion under section 33 of the County Governments Act, 2012, the 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, and signed by the Member; and the Clerk shall submit the proposed Motion to the Speaker for approval.

(2) A member who has obtained the approval of the Speaker to move a Motion under paragraph (1) shall give a seven (7) days' notice calling for investigation of the Governor's physical or mental capacity to perform the function of the office.

(3) Upon the expiry of seven (7) days, after notice given, the Motion shall be placed on the Order Paper and shall be disposed of within three days; Provided that if the Assembly is not then sitting, the Speaker shall summon the Assembly to meet and cause the Motion to be considered at that meeting after notice has been given.

(4) When the Order for the motion is read, the Speaker shall refuse to allow the member to move the motion, unless the Speaker is satisfied that the member is supported by at least a third of all Members of the Assembly to move the motion:

(5) Within the seven days' notice, the Clerk shall cause to be prepared and deposited in his office a list of all Members of the Assembly with an open space against each name for purposes of appending signatures, which list shall be entitled " SIGNATURES IN SUPPORT OF A MOTION FOR REMOVAL OF THE GOVERNOR ON GROUNDS OF INCAPACITY "

(6) The Mover shall provide to the Speaker, at least one hour before the sitting of the Assembly, a list signed by members in support of the Motion.

(7) Any signature appended to the list as provided under paragraph (4) shall not be withdrawn.

(8) When the Motion has been passed by two thirds of all members of the Assembly, the Speaker shall inform the Speaker of the Senate of that resolution within two days.

Procedure for removal of Governor by impeachment

63. (1) Before giving notice of Motion under, section 33 of the County Governments Act, 2012 the 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 impeachment of the Governor on the ground of a gross violation of a provision of the Constitution or of any other law; where there are serious reasons for believing that the Governor has committed a crime under national or international law; or for gross misconduct or abuse of office. The notice of Motion shall be signed by the Member who affirms that the particulars of allegations contained in the motion are true to his or her own knowledge and the same verified by each of the members constituting at least a third of all the members and that the allegations therein are true of their own knowledge and belief on the basis of their reading and appreciation of information pertinent thereto and each of them sign a verification form provided by the Clerk for that purpose.

(2) The Clerk shall submit the proposed Motion to the Speaker for approval.

(3) A member who has obtained the approval of the Speaker to move a Motion under paragraph (1) shall give a seven (7) days' notice calling for impeachment of the Governor.

(4) Upon the expiry of seven (7) days, after notice given, the Motion shall be placed on the Order Paper and shall be disposed of within three days; Provided that if the Assembly is not then sitting, the Speaker shall summon the Assembly to meet on and cause the Motion to be considered at that meeting after notice has been given.
(5) When the Order for the Motion is read, the Speaker shall refuse to allow the member to move the motion, unless the Speaker is satisfied that the member is supported by at least a third of all Members of the Assembly to move the motion; Provided that within the seven days' notice, the Clerk shall cause to be prepared and deposited in his office a list of all Members of the Assembly with an open space against each name for purposes of appending signatures, which list shall be entitled " SIGNATURES IN SUPPORT OF A MOTION FOR REMOVAL OF GOVERNOR BY IMPEACHMENT"

(6)Any signature appended to the list as provided under paragraph (5) shall not be withdrawn.
(7) When the Motion has been passed by two-thirds of all members of the Assembly, the Speaker shall inform the Speaker of the Senate of that resolution within two days

Procedure for removal of Deputy Governor

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

Procedure for removal of Member of County Executive Committee

65. (1) Before giving notice of Motion under section 40 of the County Governments Act, 2012, the 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 requiring the Governor to dismiss a Member of County Executive Committee on ground of a gross violation of a provision of the Constitution or of any other law; where there are serious reasons for believing that the Member of county executive has committed a crime under national or international law; or for gross misconduct. The notice of Motion shall be signed by the Member and the Clerk shall submit the proposed Motion to the Speaker for approval.

(2) A member who has obtained the approval of the Speaker to move a Motion under paragraph (1) shall give a three (3) days' notice calling for dismissal of a Member of County Executive Committee by the Governor.

(3) Upon the expiry of three (3) days, after notice given, the Motion shall be placed on the Order Paper and shall be disposed of within three days;

(4) When the Order for the Motion is read, the Speaker shall refuse to allow the member to move the motion, unless the Speaker is satisfied that the member is supported by at least one-third of all Members of the Assembly to move the motion. Provided that within the seven days' notice, the Clerk shall cause to be prepared and deposited in his office a list of all Members of the Assembly with an open space against each name for purposes of appending signatures, which list shall be entitled " SIGNATURES IN SUPPORT OF A MOTION FOR REMOVAL OF Mr./Mrs./Ms---------- MEMBER OF COUNTY EXECUTIVE COMMITTEE"

Comment [K17]: In line with Section 40 of the county Governments Act, 2011:Removal of CEC Member requires a motion to be moved by one-third of members of the County

Provided further that the Mover shall provide to the Speaker, at least one hour before the sitting of the Assembly, a list signed by members in support of the motion.

(5) Any signature appended to the list as provided under paragraph (4) shall not be withdrawn.

(6) When the Motion has been passed by at least one-third of all members of the Assembly, the Assembly shall, within seven (7) days, appoint a special committee comprising of a third of the Members to investigate the matter; and shall, within ten days, report to the Assembly whether it finds the allegations against the Member of county executive to be substantiated.

Comment [K18]: From 11. Some Counties are bound to have just above 10 members, hence the proposal to use a third as opposed to an absolute number.

(7) The Member of County Executive has the right to appear and be represented before the select committee during its investigations.

(8) No further proceedings shall be taken on the matter if the select committee finds the allegations unsubstantiated.

(9) If the select committee reports that it finds the allegations substantiated, the Assembly shall afford the Member of County Executive an opportunity to be heard and vote whether to approve the resolution requiring the Member of County Executive to be dismissed.

(10) If a resolution requiring the Governor to dismiss a Member of County Executive is supported by a majority of the members of the Assembly the Speaker shall promptly deliver the resolution to the Governor and the Member shall be considered dismissed.

Right to be heard

66. (1) Wheneverthe 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 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.

Priority of Motion

67. (1) A Motion for the removal of a person from office under this Part shall take precedence over all other business on the Order Paper for the day.

(2) During the 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

Voting in the Assembly

68. (1) Unless otherwise provided under the Constitution, 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 the purpose of voting, the Speaker shall not be counted as a Member.

Roll call Division claimed

69. (1) TheSpeaker shall direct a roll call vote to be taken if a Member claims a division and-

(a) the Speaker considers that there is a reasonable doubt as to the outcome of the vote in question; or

(b) if, on a question other than a question of procedure, five or more Members rise in their places to support the Member claiming the roll call division.

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

Roll call voting

70. (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 Assembly.

In case of confusion or error

71. 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 Assembly to proceed to another roll call vote.

Errors corrected

72. 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 Assembly and the Speaker shall direct that the necessary corrections be made.

Decorum during division

73. (1) No Member shall be obliged to vote in a division, but those present and not voting shall either-

a) in the case of electronic voting , press the "**Abstain**" button ; or
b) in the case of 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 pecuniary interest.

(4) During division, members shall maintain order in the Assembly and shall be in their designated seats and must remain seated until the result is announced.

PART XV - RULES OF DEBATE

Proceedings to be in Kiswahili, English or Kenyan Sign Language

74. (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.

Members to address the Speaker

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

Two or more Members requesting to speak

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

Speeches may not be read

77. (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.

No Member to speak after Question put

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

Speaking twice to a Question

79. (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 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.

Points of Order

80. (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 interrupts proceedings or consults loudly and disruptively to withdraw from the Chamber and Standing Order 103 (*Grosslydisorderly conduct*) shall apply to any such Member.

Personal Statements

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

Anticipating debate

82. (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 Assembly.

(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 Assembly.

(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 Assembly within a reasonable time.

Proceedings of Select Committees not to be referred to

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

Contents of speeches

84. (1) Neither the personal conduct of the Governor, nor the conduct of the Speaker or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the Head of State or Government or the representative in Kenya of any friendly country or the conduct of the holder of an office whose removal from such office is dependent upon a decision of the Assembly 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 Assembly 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 Assembly or other persons.

(4) No Member shall impute improper motive to any other Member or to a Senator except upon a specific substantive Motion of which at least three days' notice has been given, calling in question the conduct of that Member or Senator.

(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 another Assembly but any debate may be allowed on the structures and roles of Parliament or another Assembly.

Retraction and Apologies

85. 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.

Matters *sub judice* or secret

86. (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 Assembly or a Committee.

Declaration of interest

87. (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.

Responsibility for statement of fact

88. (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 (*GraveDisorder*) unless the Member withdraws the allegations and gives a suitable apology, if the Speaker so requires.

Member who has spoken to question may speak to amendment

89. 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.

Debate on amendment confined to amendment

90. (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.

Reserving rights of speech

91. 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 there by reserve the same rights of speech as the Member would have had if some other Member had seconded such Motion.

Closure of debate

92. (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 53 (*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 53 (*Manner of debating motions*).

Adjournment of debate

93. (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 Assembly, 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 Assembly or in Committee of the whole Assembly.

PART XVI - LIMITATION OF DEBATE

Limitation of debate

94. (1) The Assembly 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 60 minutes.

PART XVII - ORDER IN THE ASSEMBLY AND INCOMMITTEE OF THE WHOLE ASSEMBLY

Maintenance of order

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

Security checks

96. A Member shall be subjected to a security check or screening before entering the Chamber.

Firearms and other offensive weapons

97. No Member shall bring a firearm or any offensive weapon into the Chamber and any such weapon must be deposited with the Sergeant-at-Arms for safe custody before entering the Chamber, and collected at the time of leaving the Chamber.

Comment [K19]: Note deletion of requirement on **Lady Members' handbags after this order. It is a worthless rule**

When the Speaker rises Members to be silent

98. Whenever the Speaker or the Chairperson of Committees rises, any Member then speaking, or offering to speak, shall resume his or her seat and the Assembly or the Committee shall be silent, so that the Speaker or the Chairperson of Committees may be heard without interruption.

Members and the Chair

99. (1) Every Member shall bow to the Chair in passing to or from his or her seat or across the Floor of the Assembly but, a Member may show respect in any other manner consistent with the Member's faith and with the dignity of the Assembly.

(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 the purpose of the administration of Oath or affirmation of Allegiance.

Members to be seated

100. 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.

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

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

Irrelevance or repetition

102. The Speaker or the Chairperson of Committees, 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.

Grossly disorderly conduct

103. (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 Assembly;
(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 Assembly.

(2) The Speaker or the Chairperson of Committees 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.

Member may be suspended after being named

104. (1) Any Member may at any time, on a point of order, invite the Speaker or the Chairperson of Committees to name another Member for grossly disorderly conduct, but the decision whether or not to do so shall remain with the Speaker or Chairperson.

(2) 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 Assembly, a Motion shall be made by any other Member present "That, such Member (naming the Member) be suspended from the service of the Assembly", 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 Assembly, the Chairperson shall forthwith leave the Chair and report the circumstances to the Assembly; 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 Assembly itself.

Member suspended to withdraw from precincts of Assembly

105. (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 108(*Gross Disorder*) 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 (*GrossDisorder*).

Duration of suspension of a Member

106. (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 108 *(Gross Disorder*) 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.

Action to be taken on refusal to withdraw

107. If any Member shall refuse to withdraw when required to do so, by or under these Standing Orders, the Speaker or the Chairperson of Committee as the case may be, having called the attention of the Assembly 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 during the remainder of the Session and shall during such suspension, forfeit the right of access to the precincts of Assembly and the Sergeant-at-arms shall take necessary action to enforce the order.

Grave disorder in the Assembly

108. (1) In the event of grave disorder arising in the Assembly, the Speaker may, adjourn the Assembly 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- PUBLICBILLS

Application and limitation

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

Introduction of Bills

110. (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 objectives 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 Article 114 of the Constitution; 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 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 Committee and shall be proceeded with only in accordance with the recommendations of the Budget Committee after taking into account the views of the Member of County Executive Committee responsible for finance and examining the manner in which the legislative proposal affects the current and future budgets;

(b) in respect of a legislative proposal for which no Committee is in charge, refer the legislative proposal to the relevant Committee for pre-publication scrutiny and comments and the Committee shall submit its comments on the legislative proposal to the Speaker within fourteen days of receipt of the legislative proposal.

(4) Upon receipt of the recommendations of the Budget Committee or the comments of the relevant Committee under paragraph (3), the Speaker shall direct either that the legislative proposal be not proceeded with or that it be accepted, and if the Speaker certifies that the legislative proposal is accepted the proposal shall be published as a Bill.

(5) Upon publication of a Bill in the *County Gazette and the Kenya Gazette*, the Clerk shall obtain sufficient copies of the Bill and avail a copy of the Bill to every Member.

(6) 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*).

(7) A Bill for whom 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.

Printing of amending provisions

111. 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.

Enacting formula

112. Every Bill shall contain, as the enacting formula, the words "Enacted by the Assembly of……".

Memorandum of Objects and Reasons

113. 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,

(c) an indication whether it concerns county governments, and

(d) 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.

Provisions on delegated powers

114. Every Bill that confers on any State organ, State officer or person the authority to make provision having the force of law in Kenya 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.

Limitation of fundamental rights and freedom

115. 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-

(a) clearly expressing the specific right or fundamental freedom to be limited; and
(b) the nature and extent of that limitation

Publication

116. 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 county Gazette and the Kenya *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 Assembly may resolve with respect to the Bill, has ended.

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

117. (1) Except with the leave of the Assembly, 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.

Reading of Bills

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

First Reading of Bills

119. Every Bill shall be read a First Time without Motion made or question put.

Committal of Bills to Committees and public participation

120. (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 Assembly.

(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 Assembly within twenty 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 Assembly 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.

Second Reading

121. (1) On the Order of the Day being read for the Second Reading of a Bill, a Motion shall be made, "**That, the .....Bill be now read a Second Time,".**

(2) No amendment may be moved to the question "**That, the .....Bill 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)".**

Committal of Bills to Committee of the whole Assembly

122. (1) A Bill having been read a Second Time shall stand committed to a Committee of the whole Assembly.

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

Sequence to be observed on a Bill in Committee

123. In considering a Bill in Committee, the various parts thereof 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.

Referral of proposed amendments to Committees

124. 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 Assembly on the result of the exercise before the Committee of the Whole Assembly is taken.

Procedure in Committee of the whole Assembly on a Bill

125. (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 written notification of the amendment shall have been given to the Clerk twenty-four 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 on 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 expand 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 Assembly or in the Committee of Supply unless the Assembly 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 53 (*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 Assembly", and the question thereon shall be decided without amendment or debate.

Report of Progress

126. If any Member before the conclusion of proceedings on a Bill in a Committee of the whole Assembly 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 Assembly 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.

Bill to be reported

127. When a Committee of the whole Assembly has agreed that a Bill or a number of Bills be reported, the Chairperson, shall forthwith leave the Chair of the Committee and the Assembly 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 Assembly, and each Bill, if more than one, shall be so reported separately.

Procedure on Bills reported from Committee of the whole Assembly

128. (1) When a Bill has been reported from a Committee of the whole Assembly, the Assembly shall consider the Bill as reported upon a Motion "That the Assembly 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 Assembly", and if that Motion is agreed to with such an amendment, the Bill shall stand so re-committed and the Assembly 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.

Procedure on Bills reported from Select Committees

129. (1) The report of a Select Committee on a Bill shall be laid on the Table of the Assembly by the Chairperson or vice chairperson of the Select Committee or by some other Member authorized by the Committee in that behalf.

(2) The Assembly 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 Assembly*) shall apply to any motion to approve the report of a Select Committee on a Bill.

Procedure upon the re-committal of a Bill

130. (1) When a Bill has been re-committed to a Committee of the whole Assembly, 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 Assembly after re-committal Standing Order 128 (*Procedure on Bills reported from Committee of the whole Assembly*) shall apply.

Third Reading

131. (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

Withdrawal of Bills

132. (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 Assembly, 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 re-publication 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.

Re-introduction of Bills

133. (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 (*IntroductionofBills*).

(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 114 *(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.

Assenting to Bills

134. (1) The Speaker shall, within fourteen days, forward a Bill passed by the Assembly to the Governor.

(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 Assemblyamends the Bill taking into consideration the issues raised by the governor, the speaker shall within fourteen days submit the Bill to the Governor for assent.

(5) If the Assemblypasses 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 or refer it back within the period referred to under this section, the Bill shall be taken to have been assented to on the expiry of that period

Custody of Bills

135. (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

Application of public Bill procedure

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

Saving clause

137. 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.

Private Bill affecting private rights

138. (1) No private Bill which directly affects the private rights or property of any persons, shall originate in the Assembly 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).*

Petition for leave

139. (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 Assembly with a copy of the Bill annexed.

(2) Clerk shall scrutinize petitions presented to the Assembly 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 shall deposit with the Clerk a sufficient number of 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 Assembly 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.

Security for cost of printing

140. (1) Where leave to proceed 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.

Bills authorizing the construction of work

141. (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 constructed are not completed before the expiry of a time to be set out by the Bill for such completion, the sum deposited with the Clerk shall be forfeited to the Consolidated Fund.

First Reading

142. 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 county Gazette and Kenya *Gazette* and at the first sitting of the Assembly held not less than fourteen days after such publication, the Bill shall be read a First Time.

Right of audience before Committee on opposed Bill

143. (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.

How Bills may be opposed

144. 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 some part of the Bill and praying that he or she may be heard in person or by advocate, as the case may be.

Printing expenses

145. 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 excess, cause the promoter to pay the balance.

PART XX - COMMITTEE OF THE WHOLE ASSEMBLY

Limits on consideration of matters by Committee

146. 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.

Committee of the whole Assembly may not adjourn

147. 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 Assembly and ask leave to sit again.

Report

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

No debate on Motion for Report

149. (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 Assembly or re-committed to the Committee, or postponed for further consideration.

General application of rules in Committee

150. 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 Assembly.

PART XXI - SELECT COMMITTEES

House Business Committee

151. (1) There shall be a select committee, to be designated the House Business Committee, consisting of-

(a) the Speaker who shall be the chairperson;

Comment [K20]: Change of name and composition

(b) the Leader of the Majority Party;
(c) the Leader of the Minority Party; and
(d) not less than two other members, who shall be nominated by Assembly parties and approved by the Assembly 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.

Comment [K21]: Note composition

(2) The House Business Committee shall be appointed within seven days on assembly of a new Assembly.

(3) In nominating the Members to the House Business Committee, each Assembly party shall include its Whip into the membership.

(4) In the absence of the Speaker, the Deputy Speaker shall attend and Chair the meetings of the House Business Committee.

(5) The House Business Committee shall –
(a) prepare and , if necessary, from time to time adjust the AssemblyCalendar with the approval of the Assembly;
(b) monitor and oversee the implementation of the Assembly 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 Assembly;
(d) determine the order in which the reports of Committees shall be debated in the Assembly;
(e) may take decisions and issue directives and guidelines to prioritize or postpone any business of the Assembly 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 Assembly 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 Assembly.

(6) The Chairperson and at least one third of the other 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 Assembly 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.

Committee on Selection

152. (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 not less than two other members, who shall be nominated by Assembly parties and approved by the Assembly

Comment [K22]: Note composition

(2) The Committee on Selection shall nominate 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 Assembly.

General Provisions

Nomination of members of select committees

153. (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 may be practicable, ensure that no more than two-thirds of members of a committee of the Assembly, including a committee established through a resolution of the Assembly, shall be of the same gender.

(3) A vacancy occasioned by 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.

Criteria for nomination

154. (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 a 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 **three** Sectoral committees.

Comment [K23]: Note

Approval of nomination

155. (1) The Selection Committee shall, within seven days upon nomination of members to serve in any committee of the Assembly, present the list to the Assembly for approval.

(2) Whenever a Motion for approval of a list under paragraph (1) is moved in the Assembly, 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 Assembly, unless the nomination of such Member into the committee is approved by the Assembly.

Discharge of a member from a committee

156. (1) The Assemblyparty that nominated a member to a select committee be, may give notice, in writing, to the Speaker that the member is to be discharged from a select committee.

(2) The discharge of a member shall take effect upon receipt by the Speaker of a notice under paragraph (1).

Composition of select committees

157. Subject to any written law, these Standing Orders or a resolution of the Assembly, a select committee shall consist of an odd number of members being not less than five.

Comment [K24]: Note the change from between 11 and 17

Chairing of select committees and quorum

158. (1) 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 Assembly-

(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.

Conduct of election

159. (1)The Clerkshall appoint a place, date and time for the first meeting of a Committee within seven days of its constitution by the Assembly, 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 days of the vacancy arising, appoint a place and time for the meeting of the committee to elect the Chairperson or Vice-chairperson.

Duties of Committee Chairperson

160. Subject to the provisions of 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 office of the Chairperson by the committee, resolutions of the Assembly or legislation;

(c) be the spokesperson of the committee.

Notice of meetings

161. (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, the Assembly website, by delivery of the notice in the office of a Member or posting of the notice in the precincts of Assembly.

Sittings of select committees

162. 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 seven members of that committee but no meeting of a Committee may be held outside the precincts of Assembly without the approval of the Speaker.

Sub-committees of select committees

163. A select committee may establish such sub-committees as it may consider necessary for the proper discharge of its functions

Member adversely mentioned not to sit

164. 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.

Adjournment for lack of quorum

165. Unlessquorum is achieved within thirty minutes of the appointed time, a meeting of a committee of the Assembly shall stand adjourned to such time on another day as the chairperson of the committee may appoint.

Frequency of meetings

166. (1) Unless the Assembly 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 Assembly 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.

Failure to attend meetings

167. (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 House Business Committee.

(3) Upon receipt of a report under paragraph (2), the House Business Committee shall consider the matter and shall propose a replacement of the member for approval by the Assembly.

Absence of chairperson and vice-chairperson

168. 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.

List of attendance

169. The names of Members present at each sitting of a select committee shall be entered in the minutes of that sitting.

Minutes of select committees

170. 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 218 (*Custody of Journals and Records*), be published.

Powers and privileges of committees

171. Committees shall enjoy and exercise all the powers and privileges bestowed on Assembly by the Constitution and statute, including the power to summon witnesses, receive evidence and to request for and receive papers and documents from the Government and the public.

Temporary absence of a member of a select committee

172. (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.

Vote of no confidence in the chairperson or vice-chairperson

173. (1) A Committee may, a resolution supported by a majority of its members, resolve that it has no confidence in the chairperson or vice-chairperson 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 a 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.

Original vote

174. (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.

Attendance by non-members of select committee

175. A Member may attend and participate in a meeting of any committee of the Assembly of which he or she is not a member, but such member shall not be entitled to vote on any matter before the committee.

Procedure in select committees

176. (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 Assembly.

(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 Assembly 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 Assembly.

Limitation of mandate

177. (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 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.

Public access to meetings of select committees

178. (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

Reports of select committees

179. (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 Assembly 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 with such note or record of any evidence by the committee as the committee may deem fit, shall be laid on the Table of the Assembly 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.

Progress reports

180. (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 Assembly.

Reports on Assembly Resolutions

181. Within sixty days of a resolution of the Assembly 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 Assembly in accordance with Article 183(3) of the Constitution.

Comment [K25]: Note the change from the initial error of Cabinet Secretary

Joint sitting of committees of the Assembly

182. (1) Two committees of the Assembly considering similar matters may, with the approval by Speaker, hold joint sittings.

(2) The Chairperson of a Joint sitting of Committee shall be 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 deputise.

(4) 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.

(5) 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.

Engagement of experts

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

Committee on Appointments

184. (1) There shall be a select committee to be designated the Committee on Appointments to be appointed by the Assembly, consisting of the Speaker as a Chairperson, the Leader of the Majority Party, the Leader of the Minority party and not more than three 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.

Comment [K26]: Note

(2) The Committee on Appointments shall be appointed within seven days on assembly of a new Assembly 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) (Members of County Executive Committees).

(4) 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 the purposes of quorum and shall not vote.

County Public Accounts and Investments Committee

185. (1) There shall be a select committee to be designated the County Public Accounts and Investments Committee.

(2) The Public Accounts and Investments Committee shall examine

(a) the accounts showing the appropriations of the sum voted by the House to meet the public expenditure and of such other accounts laid before the House as the Committee may think fit.

(b) the reports and accounts of all county public investments;

(c) examine the reports, if any, of the Auditor General on the public investments; and

(d) examine, in the context of the autonomy and efficiency of the public investments, whether the affairs of the public investments, are being managed in accordance with sound financial or business principles and prudent commercial practices.

Comment [K27]: Not the change of mandate and name

(3) the Committee shall not examine any of the following-

(a) matters of major Government policy as distinct from business or commercial functions of the public investments;

(b) matters of day-to-day administration; and,

(c) matters for the consideration of which machinery is established by any special statute under which a particular public investment is established.

(4) The County Public Accounts and Investments Committee shall consist of a chairperson and not less than three other Members.

(5) The County Public Accounts and Investments Committee constituted immediately following the general election shall serve for a period of three calendar years and that constituted thereafter shall serve for the remainder of the Assembly term.

(6) The County Public Accounts and Investments Committee shall elect a chairperson and vice-chairperson from amongst its members.

County Budget and Appropriations Committee

186. (1) There shall be a select Committee to be known as the County Budget and Appropriations Committee.

Comment [K28]: The Budget and Appropriations Committee has a different mandate from the Sectoral Committee on Finance. While the Second Schedule and Section 14 (8) of the CGA provides for a Budget and Finance Committee, it remains a suggestion.

(2) The Committee shall consist of a chairperson, and not more than eight other Members.

(3) The functions of the Committee shall be to-

(a) investigate, inquire into and report on all matters related to coordination, control and monitoring of the of the county budget,

(b) discuss and review the estimates and make recommendations to the Assembly;

(c) examine the County Budget Policy Statement presented to the Assembly;

(d) examine Bills related to the national 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 the 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.

Comment [K29]: Note the change

Assembly Procedure and Rules Committee

187. (1)There shall be a select committee to be known as the Assembly Procedure and Rules Committee.

(2) The committee shall comprise the Speaker as chairperson, the Chairperson of Committees and not more than three other Members.

(3) The Procedure and Rules Committee shall consider and report on all matters relating to these Standing Orders.

(4) The Procedure and 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 Assembly Procedure and 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.

Comment [K30]: Note the change

Committee of Privileges

188. (1) There shall be established a committee, to be known as the Committee of Privileges, consisting of the Speaker and ten other members of the Assembly under the chairmanship of the Speaker

(2) The members of the Committee of Privileges other than the Speaker shall be nominated by the House Business Committee of the Assembly

(3) The quorum of the Committee of Privileges established under subsection (1) shall be six including the chairman, but otherwise, subject to the National Assembly (Powers and Privileges) Act, the Committee shall regulate its own meetings and its own procedure

(4) The Committee of Privileges shall, either of its own motion or as a result of a complaint made by any person, inquire into any alleged breach by any member of the Assembly of

the Code of Conduct issued under section 9 of the Act, or into any conduct of any member of the Assembly within the precincts of the Assembly (other than the Chamber) which is alleged to have been intended or likely to reflect adversely on the dignity or integrity of the Assembly or the member thereof, or to be contrary to the best interests of the Assembly or the members thereof

(5) The Committee of Privileges shall, after such inquiry as is referred to in subsection (4) of the Act, report its findings to the Assembly together with such recommendations as it thinks appropriate

(6) The Assembly shall, in accordance with rules made by it (which rules need not be published in the *Gazette*), consider the report and the recommendations thereon and may take such disciplinary action against the member concerned as may be provided by those rules

(7) Any disciplinary action such as is referred to in subsection (6) of the Act may include suspension from the service of the Assembly

Committee on Implementation

189. (1) There shall be a select committee to be known as the Committee on Implementation.

(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 implementation status without justifiable reasons.

Committee on Delegated County Legislation

190. (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 County 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 County 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 accord with the provisions of 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 County Assembly;
(d) contains imposition of taxation;
(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 County 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 County Assemblyscrutiny; and,
(q) accords to any other reason that the Committee considers fit to examine.

(4) If the Committee-

(a) resolves that the statutory instrument, be acceded to, the Clerk shall convey that resolution to the relevant county department or the authority that published the statutory instrument.
(b) does not accede to the statutory instrument, the Committee may recommend to the County Assembly that the County Assembly resolves that all or any part of the statutory instrument be annulled and if the instrument if a resolution is passed by the County Assembly within twenty days on which it next sits after the instrument laid before it under paragraph (2), that all or part of the statutory instrument be annulled, the instrument or part thereof shall henceforth stand annulled.

(5) In this standing order, "statutory instrument" means any rule, order, regulation, direction, form, tariff of costs or fees, letter patent, commission, warrant, proclamation, by-law, resolution, guideline or other instrument issued, made or established in the execution of a power conferred by or under an Act of the County Assembly under which that statutory instrument or subsidiary legislation is expressly authorised to be issued"

Sectoral Committees

Appointment of Sectoral Committees

191. (1) There shall be select committees to be known as Sectoral Committees the members of which shall be nominated by the Committee on Selection in consultation with Assembly parties at the commencement of every Assembly.

(2) A member appointed to a Sectoral committee at the commencement of a Assembly or at any other time during the term of a Assembly shall, unless the Assembly otherwise resolves, serve for the term of that Assembly.

(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) Themandate 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.

Comment [K31]: Note change of schedule

(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 as often as possible, including recommendation of proposed legislation.

Liaison Committee

192. (1) There shall be a select committee to be known as the Liaison Committee which shall consist of the Chairperson of Committees as the 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;
(f) determine, whenever necessary, the committee or committees to deliberate on any matter; and
(g) 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 Committee that have not been deliberated by the Assembly and shall report to the Assembly on the consideration of such reports.

Committee to be limited to mandate

193. (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

Meaning of Petition

194. 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.

Submission of a Petition

195. (1) A petition to the Assembly shall be-

(a) submitted to the Clerk by the 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 own behalf.

(3) The Clerk shall, within seven days of the date of receipt of the 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.

Petition on Private Bill

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

Notice of intention to present Petition

197. 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.

Form of Petition

198. 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 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.

Comment [K32]: Note

Time for Petitions

199. The total time on the Order "Petitions" shall not exceed thirty minutes.

Presentation of Petitions

200. (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 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 the 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.

Comments on petitions

201. 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.

Committal of Petitions

202. (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 Assembly 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.

Copies of responses

203. The Clerk shall forward copies of responses received under Standing Order 200 (*Committal of Petitions*) to the petitioner or petitioners.

Register of Petitions

204. (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

Restrictions with regard to certain financial measures

205. (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.

Presentation of County Fiscal Strategy Paper

206. (1) The County Treasury shall submit the County Fiscal Strategy Paper approved by the County Executive Committee in accordance with section 117 of the County Governments 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;

(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.

(7) 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.

(8)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).

(9) The County Treasury shall consider any recommendations made by the Assembly when finalizing the budget proposal for the financial year concerned

Presentation of Budget Estimates and committal to Committees

207. (1) The Member of County Executive Committee responsible for finance and the accounting officer of the 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 Government, and Assembly.

(2) The Estimates and related documents submitted under Paragraph (1) will be tabled in the Assembly within three days of submission.

(3) Upon being laid before the Assembly, the Estimates 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.

(4) Each Sectoral Committee shall consider, discuss and review the Estimates according to its mandate and submit its report and recommendations to the Budget and Appropriations Committee within twenty-one days, after being laid before the Assembly.

(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 Executive Committee Member in charge of Finance and the public.

Comment [K33]: Note change from Cabinet Secretary

(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 in the Committee of Supply.

(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.

(8) The Committee of Supply shall be a Committee of the whole Assembly.

Definition of day

208. For the purposes of this Part, a day shall be deemed to consist of any period of not more than three hours prior to 1.00 p.m. or of not more than three hours between 2.30 p.m. and 7.00 p.m. or of not more than three hours after 7.00 p.m.

Order of Votes

209. (1)The House Business Committee after consultation with the Liaison Committee shall determine the order in which the Assembly shall consider the Votes of the various Departments.

210. In the consideration of Votes under paragraph (1), the Votes earmarked for increase or reduction pursuant to provisions of Standing Order 214*(Consideration of Supply Resolutions)* relating to the Assembly Resolutions on the Budget and Appropriations Committee report on the Annual Estimates shall be prioritized.

Moving into Committee of Supply

211. (1) On an Order of the Day for Committee of Supply being read, the Chairperson of the relevant Sectoral Committee or a Member designated by the Committee shall move the motion "***That the Sum of Kshs…… be issued from the County Revenue Fund to meet the expenditure during the year ending 30th June, 20— in respect of Vote… Department…"***

Procedure in Committee of Supply

212. (1) A maximum of seven days shall be allotted for the consideration in Committee of Supply of proposals in respect of the Annual Estimates.

(2) Not more than three hours shall be spent on any debate for approval of a Vote, and any Vote which has not been granted within the period provided for under paragraph (1) shall be left for disposal under paragraph (13)of this Standing Order.

(2) The Chairperson of the Committee of the Whole Assembly shall put severally the questions with respect to the Votes of the Annual Estimates namely, that, the several amounts of such Votes be granted.

(3) An amendment to the budget estimates may be made by the Assembly only if it is in accordance with the resolutions adopted regarding the County Fiscal Strategy Paper and if—

(a) any increase in expenditure in a proposed appropriation, is balanced by a reduction in expenditure in another proposed appropriation; and

(b) any proposed reduction in expenditure is used to reduce the deficit.

(5) Where a Bill originating from a member of a Assembly proposes amendments after the passing of budget estimates and the Appropriations Bill by the Assembly, the Assembly may proceed in accordance with the resolutions adopted regarding the County Fiscal Strategy Paper and ensure—

(a) an increase in expenditure in a proposed appropriation is balanced by a reduction in expenditure in another proposed appropriation; or
(b) a proposed reduction in expenditure is used to reduce the deficit.

(6) An amendment to any Vote to increase the sum allotted thereto whether in respect of any item or subhead or of the Vote itself may only be moved in accordance with the resolution made by the Assembly during the consideration of the Report of the Committee on the Annual Estimates

(7) An amendment in the Committee of Supply may be in the in the form of a motion ***"That Vote…… be increased/reduced by Kshs…… (in respect of sub-head……item …..) (sub-head……)"*** or in such other form as the Speaker may approve

(8) An amendment to leave out a Vote shall not be in order, and shall not be placed on the Order Paper, and a Member desiring to do so should instead oppose the approval of the Vote.

(9) In the case of each Vote, amendments in respect of items or sub-heads under that Vote shall be placed upon the Order Paper, and considered in the order in which the items or sub-heads, to which they refer, stand under the Vote in the Estimates.

(10) When notice has been given of two or more amendments to reduce the same item, sub-head, or the Vote itself, they shall be placed in the Order Paper and considered in the order of the magnitude of the reductions proposed, the amendment proposing the largest reduction being placed first in each case. The reduced amount in respect of a Vote may be transferred to another Vote provided that other Vote has not been disposed of.

(11) Debate on every amendment shall be confined to the item, sub-head or the Vote to which the amendment refers, and after an amendment to an item or sub-head has been disposed of, no amendment or debate on a previous item or sub-head of that Vote shall be permitted.

(12) When all amendments in respect of any particular Vote have been disposed of, the Chairman shall again propose the question "***That the Sum of Kshs…… be issued from the County Revenue Fund to meet the expenditure during the year ending 30th June, 20— in respect of Vote… Department…*** or shall propose the amended question "***That the*** (increase) (reduced) ***Sum of Kshs…… be issued from the County Revenue Fund to meet the expenditure during the year ending 30th June, 20— in respect of Vote… Department…***

(13) Paragraphs (3), (4) and (5) shall, with necessary modifications, apply in consideration of Budget Estimates by Sectoral Committees.

(14) On the last of the allotted days, being a day before 20th of June, the Chairperson shall, one hour before the time for the interruption of business, forthwith put every question necessary to dispose of the debate for approval of the Vote then under consideration, and shall then forthwith put severally the questions necessary to dispose of every Vote not yet

granted; and if at that time the Assembly is not in Committee, the Assembly shall forthwith move into committee without question put, for that purpose.

(15) On any day upon which the Chairperson is under this order directed to put forth with any question, the consideration of the business of Supply shall not be anticipated by a Motion for the adjournment of the Assembly, and no dilatory Motion shall be moved in relation to that business, and the business shall not be interrupted under any Standing Order.

(16) On the last of the allotted days, no business other than the business of Supply shall be taken until the business of Supply has been completed.

(17) Upon approval of the budget estimates by the Assembly, the Budget and Appropriations Committee shall introduce the Appropriation Bill.

Pronouncement of the Budget highlights and Revenue raising measures before the Budget and Appropriations Committee

213. (1) The Member of County Executive Committee responsible for finance shall appear before the Budget and Appropriations Committee for the purpose of making a public pronouncement of the budget policy highlights and revenue raising measures for the county government.

(2)On the same date that the budget policy highlights and revenue raising measures are pronounced, the Member of County Executive Committee responsible for finance shall submit to the Assembly a legislative proposal, setting out the revenue raising measures for the county government, together with a policy statement expounding on those measures.

(3) A member of the Assembly may attend and participate in the sittings of the Committee during the occasion

(4) Any recommendations made by the relevant 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 and the County Allocation of Revenue Act;
(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 tax revenue with reference to direct and indirect taxes;
(d) consider domestic, regional and international tax trends;
(e) consider the impact on development, investment, employment and economic growth; and
(f) 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.

(5) The recommendation of the Member of County Executive Committee responsible for finance shall be included in a report and tabled in the Assembly.

Vote on Account

214. (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 authorize 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 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.

(4) The money withdrawn under subsection (1) shall be included in the appropriation law, under separate votes, for the services for which it is withdrawn

(6) If on the last allotted day the question with respect to a motion under paragraph (2) shall not have been put, the Chairperson of the Committee of the Whole Assembly shall, half an hour before the time for the interruption of business, forthwith put the question**.**

Procedure on Supplementary Estimates

215. (1) The County Government shall submit to Assembly for approval, a supplementary budget in support of money spent under section 135 of the County Government 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) Paragraphs (3) and (4), of Standing Order 210 (*Procedure in Committee of Supply*) shall with the necessary modifications, apply to Supplementary Estimates.

(4) On any day on which an Order of the Day for Committee of Supply 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.

(5) 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 of Supply under the same Order of the Day.

(6) On any day upon which the Chairperson is under this order directed to put forth with any questions, the consideration of the business of Supply 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.

(7) Except as provided in this Standing Order, the approval of the Assembly for any spending under this section shall be sought within two months after the first withdrawal of the money.

(8) 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.

(9) After Assembly has approved spending under subsection (1), an Appropriation Bill shall be introduced for the appropriation of the money spent.

Consideration of Supply Resolutions

216. (1) The report or any resolution of the Committee of Supply shall be considered by the Assembly forthwith, unless the Assembly otherwise orders, upon a Motion, "That, the Assembly do agree with the Committee in the said resolution".

(2) The question on any Motion moved under paragraph (1) of this Standing Order shall be put forthwith, no amendment, adjournment or debate being allowed, unless a member desires to amend or to add to the resolution in which case the member may propose an amendment to add, at the end of the Motion, the words "subject to the re-committal of the resolution (in respect of some specific amendment, or addition) to the Committee of Supply".

(3) If the Motion is agreed to with the member's amendment, the resolution shall stand re-committed to the Committee of Supply and the Assembly shall either forthwith or upon a day determined by the member dissolve itself into Committee of Supply to consider the resolution so re-committed.

(4) When any resolution of the Committee of Supply has been re-committed to the Committee, the Committee shall consider only the matters in respect of which it was so re-committed and any matter directly consequential thereon.

(5) Except as provided by paragraph (3) of this Standing Order, paragraphs (2) and (3) the provisions of this Standing Order shall apply in respect of a resolution so re-committed.

Passage Finance Bill

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

Consideration of Finance Bill

218. (1) Following the submission of the legislative proposal by the Member of County Executive Committee responsible for finance under Standing Order 211 (*Pronouncement of*

the Budget highlights and Revenue raising measures), 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 the 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

PART XXIV – JOURNALS, RECORDS AND BROADCAST OF PROCEEDINGS

Journals of the Assembly

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

Custody of Journals and Records

220. (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 the access by the public to Journals and Records under paragraph (1).

Hansard reports

221. (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 some emergency.

(2) Every Member shall have an opportunity to correct the 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.

Secret or personal matters

222. 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.

Broadcast of County Assembly Proceedings

223. (1) The proceedings of the County Assembly may be broadcast.

(2) The broadcasting of the proceedings of the County Assembly shall comply with the Rules set out in the First Schedule of these Standing Orders.

PART XXV – PUBLIC ACCESS TO THE ASSEMBLY AND ITS COMMITTEES

General provisions on access to the Assembly

224. (1) Except as may be expressly provided to the contrary, every person has 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.

Restriction of access to the Chamber

225. (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 Assembly when discharging their duties in the service of the Assembly.

Exclusion from the Assembly or committees

226. (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.

Press representatives infringing Standing Orders or the Speaker's Rules

227. 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

Exemption of business from Standing Orders

228. (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 XX (*Limitation of Debate*), Part XVIII (*Public Bills*), Part XIX *(Private Bills)*, Part XVII (*Committee of the whole Assembly*) Part XXIII (*Committee of Supply*), Part XXI (*Select Committees*), Part XXII (*Public Petitions*) and Part XXV (*Public Access to the House and its Committees)* of these Standing Orders:

Comment [K34]: Changes

(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 203 (*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-

(a) may be moved at any time and any other business then in progress may thereupon be interrupted;

(b) may not be amended without the consent of the mover.

Comment [K35]: After this Order, we deleted the provision on *attendance before Parliament* (SO 229 of ICASO) to allow for the independence of the Assembly

Failure to attend sittings

229. (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 Privileges for hearing and determination.

(2) The Committee of 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 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 shall be permitted to the Motion;

(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 103 (1) (b) of the Constitution, the office of the Member concerned has become vacant.

Seating in the Chamber

230. (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 the use of 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.

Members travelling outside Kenya

231. (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: -

(a) the destination intended to be visited;
(b) the dates of the intended travel and period of absence from Kenya; and

(c) the 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.

Expenses of witnesses

232. 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 XXVII –AMENDMENT OF STANDING ORDERS

Proposals for amendment by the Procedure and Rules Committee

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

Amendment on the initiative of a Member

234. (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) TheProcedure 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 Assembly)* shall apply to a Motion to approve the report of the Procedure and Rules Committee on the amendments proposed to the Standing Orders.

Periodic review of Standing Orders

235. 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.

Consideration of reports of Procedure and Rules Committee

236. (1) Upon the tabling of a report of the Procedure and Rules Committee under Standing Orders 235 and 236, the procedure set out at Standing Order .....(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.

Revocation of previous Standing Orders

237. The Interim County Assembly Standing Orders adopted by the County Assembly on ……. during the First Session of the First Assembly are hereby revoked.

FIRST SCHEDULE

SECTORAL COMMITTEES

[Standing Order 189]

Comment [K36]: Subject areas and names of Sectoral Committees

Sectoral Committee	Subject Area
Finance and County Planning	County public finance and planning, development including statistics; land survey and mapping; boundaries and fencing; housing and electricity and gas reticulation and energy regulation
Trade , Tourism and Cooperatives	Trade development and regulation including the markets; trade licenses (excluding regulation of professions); fair trading practices, local tourism and cooperative societies
Labor, Social Welfare and Community Services	All matters relating to labor, trade union relations, manpower or human resource planning, gender, culture and social welfare; all matters relating to cultural activities, public entertainment and public amenities, including betting, casinos and other forms of gambling, racing, liquor licensing, cinemas, video shows and hiring, libraries, museums, sports and cultural activities and facilities and county parks, beaches and recreation facilities; firefighting services and disaster management, 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
County Cohesion, justice and legal matters	All matters related to ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations in governance as the local level and assisting communities and locations to develop administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level; administration of law and justice, including working and collaborating with national government on security matters

Agriculture, Environment and Natural resources	All matters related to agriculture, including crop and animal husbandry, livestock sale yards, county abattoirs, plant and animal disease control and fisheries; 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 and outdoor advertising
Transport and public works	All matters related to County transport, including county roads, 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 including storm water management systems in built up areas and water sanitation services
Health Services	All matters related to County health services including in particular county health facilities and pharmacies, ambulance services, promotion of primary health care, licensing and control of undertakings that sell food to the public, veterinary services (excluding regulation of the profession), cemeteries, funeral parlors and crematoria and refuse removal, refuse dumps and solid waste disposal
Education and vocational training	All matters related to pre-primary education, village polytechnics, homecraft centers and childcare, children and youth welfare

SECOND SCHEDULE

Comment [K37]: Change of Schedule

GENERAL FORM OF A PUBLIC PETITION
[PART XXII of the Standing Orders]

I/We, the undersigned,

(Here, identify in general terms, who the petitioner or petitioners are, for example, citizens of Kenya, residents of Laikipia 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. or Passport No.**	**Signature/Thumb impression**
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

(Here, repeat the summary in first page)

Name of petitioner
Signature/Thumb impression

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

(Subsequent Pages)

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

Comment [K38]: The Fourth Schedule was deleted because it was meant only for the first sitting of the First Assembly to facilitate the election of the Speaker.

THIRD SCHEDULE
BROADCASTING RULES
(Standing Order 221)

County Assembly Broadcasting Unit

1. (1) There is established the County Assembly Broadcasting Unit, which shall oversee the broadcasting of County Assembly proceedings.

(2) Unless the Assembly otherwise directs, the County Assembly Broadcasting Unit may broadcast the proceedings of County Assembly and provide access to County Assembly information.

County Assembly privilege

2. Audio and visual digital footage of County Assembly proceedings shall be covered by the laws relating to County Assembly privilege and shall be kept as part of the records of the County Assembly, under the custody of the Clerk of the County Assembly.

Television broadcasting

3. When broadcasting the proceedings of the County 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-always 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 County 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 County Assembly Broadcasting Committee;

(g) no close-up shots of Members' papers or reference materials may be shown.

Radio broadcasting

4. When broadcasting the proceedings of the County Assembly on radio, the following guidelines shall apply-

(a) audio recording shall be restricted to proceedings of the County Assembly and the Committees;

(b) commentaries during a live broadcast shall be limited to the introduction of a matter under debate and of the Member on the floor.

Protection of the dignity of the County Assembly

5. (1) Officers of the County 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 County Assembly shall not be shown.

(3) Recordings of County Assembly proceedings may not be used for purposes of political party advertising, ridicule, commercial sponsorship or any form of adverse publicity.

External media

6. (1) In these Rules, "external media Assembly" refers to any media Assembly other than the County 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 County Assembly Broadcasting Unit or with the permission of the Speaker.

(3) A media Assembly that receives a broadcast feed from the County 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.

Breach of broadcasting Rules

7. (1) Any person who fails to comply with these Rules shall be liable to such penalty as the Assembly may on the recommendation of the County AssemblyBroadcasting Committee mayconsider appropriate.

(2) The County Assembly Broadcasting Committee shall develop procedures for the enforcement of these Rules.

Application

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