

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF THARAKA NITHI



COUNTY ASSEMBLY OF THARAKA NITHI

STANDING ORDERS

As Adopted by the County Assembly of Tharaka Nithi on 24th day of February, 2016
during the fourth Session of the First Assembly

The County Assembly of Tharaka Nithi Standing Orders

In exercise of the powers conferred by Section 14 of the County Governments Act, 2012, the County Assembly of Tharaka Nithi, by resolution passed on 24th day of February, 2016 adopted these Standing Orders.

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PRAYER.

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

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 Honor and Glory, and to advance the peace, prosperity and welfare of our County 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 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 Kaunti.

Twakuomba ututemshie 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 Kaunti hii yetu na wale ambao haja zao umezikabidhi mikononi mwetu.

AMINA.

PART I – INTRODUCTORY

In cases not provided for, the Speaker to decide

1. (1) In all cases where matters are not expressly provided for by these Standing Orders or by other Orders of the Assembly, any question shall be decided by the Speaker for the purposes of facilitating the execution of business in the Assembly.

(2) The decisions made in paragraph (1) shall be based on the Constitution of Kenya, statute law and the usages, forms, precedents, customs, procedures and traditions of the Assembly of Tharaka Nithi, other County Assemblies, Parliament of Kenya and other jurisdictions to the extent that these are applicable to Kenya.

(3) In deciding a question of order or practice or arriving at a decision under paragraph (1), the Speaker may state any authority applicable to the matter. No debate shall be permitted on any such decision and no such decision shall be subject to an appeal by any Member of the Assembly.

Discretion to allow reconsideration

2. (1) A Member may, in writing to the Speaker, request the Speaker to reconsider a decision or order made or issued by the person presiding in the Assembly, except those made or issued by the Speaker.

(2) The discretion to admit the request or to reconsider such decision or order shall remain with the Speaker.

(3) The Speaker shall refuse to admit the request, if the request-
 - (a) does not contain an explanation and grounds for the reconsideration; or
 - (b) may lead to rescinding a decision of the Assembly, without a resolution of the Assembly as contemplated under the provision of Standing Order 69 (*certain motions not to be moved*); or
 - (c) is a pretext to introduce a dilatory motion; or
 - (d) is framed in terms which are inconsistent with the dignity of the Assembly; or
 - (e) is not made within reasonable time; or
 - (f) is an abuse of proceedings of the Assembly.
- (4) The Speaker shall convey the contents of any admitted request by a particular Member to the Assembly and shall thereafter convey his or her determination on the decision or order to the Assembly.

Interpretation

3. (1) In these Standing Orders-

(a) unless the context otherwise requires-

‘Allotted Day^u means a day set aside for the debate of the address of the Governor as provided by Standing Order 33 (*Governor’s address to the Assembly*) or 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 XXVII (*Financial Procedures*) of these Standing Orders;

‘Clerk^u 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;

‘Assembly Party^u means a party or a coalition of parties formed in accordance with the provision of the Political Parties Act, consisting of not less than five percent of the membership of the Assembly,

‘County Corporation^u has the meaning assigned to it under the Public Finance Management Act;

‘County Government Entity^u has the meaning assigned to it under the Public Finance Management Act;

County Government-linked Corporation^u has the meaning assigned to it under the Public Finance Management Act;

‘Coalition^u has the meaning assigned to it under the Political Parties Act;

‘Governor^u means the Governor of Tharaka Nithi County in the Republic of Kenya elected in accordance with Article 180 of the Constitution;

‘Leader of the Majority Party^u means the person who is the leader in the Assembly of the largest party or coalition of parties under Standing Order 27;

‘Leader of the Minority Party^{tt} means the person who is the leader in the Assembly of the second largest party or coalition of parties under Standing Order 28;

‘leave of the Assembly^{tt} 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;

‘Majority Party^{tt} means the largest party or coalition of parties in the Assembly;

Provided that where there are two or more parties with the same number of seats in the Assembly, the party with the highest number of total votes cast in the preceding general election in respect of the election of Members of the Assembly shall be deemed to be the Majority Party and the party with the second highest number of total votes cast shall be deemed to be the Minority Party.

‘Majority Whip^{tt} means the Member designated as the Majority Whip by the Majority Party;

‘Member^{tt} means a member of the of Tharaka Nithi County Assembly;

‘Member of County Executive Committee^{tt} means a person appointed as a Member of the County Executive Committee of Tharaka Nithi under Article 179(2) (b) of the Constitution;

‘Minority Party^{tt} means the second largest party or coalition of parties in the Assembly;

‘Minority Whip^{tt} means the Member designated as the Minority Whip by the Minority Party;

‘Notice Paper^{tt} 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 Assembly Business Committee under Standing Order 49 (*Order Paper to be prepared and circulated*);

‘Order paper^{tt} 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 49 (*Order Paper to be prepared and circulated*);

'Paper'^u 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'^u means a Member designated by an Assembly party as its party whip for the purposes of the transaction of business in the Assembly;

'Precincts of Assembly'^u comprise the area of land and every building or part of a building under the control of the Assembly including-

- (i) the chambers in which the proceedings of the Assembly are conducted including the galleries and lobbies of the chambers;

all the parts of the buildings in which the chambers are situated including the entrances, forecourts, yards, gardens, enclosures or open spaces appurtenant thereto;

- (iii) committee rooms and other meeting places provided or used for the Assembly's purposes;
- (iv) the offices of the Assembly including the places within such offices that are provided for the use of members, members of staff, members of the public and the press;
- (v) places provided by the Assembly for the use or accommodation of the members, members of the public and representatives of the press used in connection with the proceedings of the Assembly or its committees; and

all other buildings or parts of a building provided or used in connection with the proceedings of an Assembly or its committees while so used by the Assembly including such premises as may be leased by an Assembly.

Provided that where the Assembly or a committee convenes outside the premises ordinarily used for its sittings, this definition shall apply as if the premises where the Assembly or the committee is sitting were within the precincts of the Assembly.

‘Private Bill^u means any Bill, which is intended to affect or benefit some particular person, association or corporate body;

‘Public Bill^u means a Bill which is intended to affect the public generally, or a section of the public;

‘Recess^u means a period during which the Assembly stands adjourned to a day other than the next normal sitting day; ;

‘Session^u means the sittings of the Assembly commencing when it first meets after a General Election or on a day provided for in Standing Order 39 (*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 the Assembly;

‘Sitting^u means a period during which the Assembly is sitting continuously without adjournment and includes any period during which the Assembly is in Committee.

‘Sitting day^u means, subject to the special definition of ‘day^u in Standing Order 246 (*Definition of a day*) any day on which the Assembly sits, including any day the Assembly sits for more than one sitting during the ordinary period of a day;

‘statutory instrument^u means any act of Parliament , 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 Assembly under which that statutory instrument or subsidiary legislation is expressly authorized to be issued;

‘un-parliamentary language^u means the use of words that are deemed to be impolite, rude, offensive or inconsistent with parliamentary procedure or practice.

(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 pigeons holes or in such other manner as the Speaker may direct.

The Mace of the Assembly

4. (1) The Mace of the Assembly shall be present at all times when the Assembly is sitting and shall embody the authority of the Speaker and the Assembly.

(2) The Mace of the Assembly shall-

(a) form part of the Speaker's procession whenever the Speaker is entering or leaving the Chamber;

(b) be positioned at a place designated for that purposes at all times whenever the Assembly is sitting, including the time when the Assembly is in Committee; and,

(c) be kept in safe custody by the Sergeant-at-Arms whenever the Assembly is not sitting.

(3) An attempt by any Member to remove the Mace of the Assembly from its place in the Chamber or to dispossess the Mace from the Sergeant-at-Arms during Speaker's Procession or at any other time, shall be dealt with in accordance with Standing Order 132 (*Grave disorderly conduct*).

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

Proceedings on assembly of a new Assembly

5. (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 to all members present in the Assembly in the order set out in paragraph (3).

(3) The Clerk shall administer the Oath or Affirmation of Office to Members of the Assembly in alphabetical order using the following order of precedence-

- (a) Members with the longest cumulative period of service in the Assembly;
- (b) Members with the longest cumulative period of service in the Assembly and any local authority existing prior to the final announcement of all the results of the election as contemplated under 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 the election as contemplated under the Sixth Schedule to the Constitution;
- (d) Members with the longest cumulative period of service in a House of Parliament; and,
- (e) 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 (2).

(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 41 (*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.

Election of the Speaker

6. 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.

Nomination of candidates

7. (1) Upon the Governor notifying the place and date for the first sitting of a new Assembly pursuant to Standing Order 3, the Clerk shall by notice in the Gazette and at least two newspapers of national circulation, 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

8. (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.

(8) The Clerk shall declare a vote to be invalid under paragraph (7) in the presence of and after inspection by the Members representing each of the candidates in the election.

Election threshold

9. (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

10. 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

11. If, in the further ballot referred to in Standing Order 9 (*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 taken until one candidate obtains more votes than the other or others.

Custody of ballot papers

12. 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

13. 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

14. 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.

Notification of opening of Assembly

15. (1) Immediately after taking and subscribing to the Oath or Affirmation of Office under Standing Order 14 (*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.

PART III – DEPUTY SPEAKER AND CHAIRPERSON OF COMMITTEES

Election of the Deputy Speaker

16. (1) As soon as practicable after the election of a Speaker following a General Election, a Deputy Speaker shall be elected.
- (2) The person elected in accordance with Article 178(2) (b) of the Constitution and referred to in section 9(5) of the County Governments Act shall be the Deputy Speaker.
- (3) If the office of Deputy Speaker falls vacant at any time before the end of the term of Assembly, the Assembly 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 procedure for removing a Deputy Speaker shall *mutatis mutandis*, be the same as that prescribed for the removal of the Speaker.

Chairperson of Committees of the Whole Assembly

17. (1) The Deputy Speaker shall be the Chairperson of Committees and shall preside over all Committees of the whole Assembly.
- (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 or a Member of the Chairpersons Panel shall take the Chair.

(3) In instances where paragraph (2) applies, the Deputy Speaker or a Member of the Chairpersons panel shall submit the report of the Committee of the whole Assembly.

Chairpersons Panel

18. (1) There shall be a panel to be known as the Chairpersons Panel which shall comprise five Members to be known, respectively, as the First, Second, and Third Chairperson of Committees.

(2) As soon as practicable, after the election of the Deputy Speaker following a general election, the Speaker shall submit names of three Members for consideration by the Assembly Business Committee.

(3) A Member of the Assembly Business Committee designated by the Committee for that purpose shall, within seven days of receipt of the names of the nominees table the list in the Assembly and give notice of motion for approval.

(4) Whenever a motion for approval under paragraph (3) is moved in the Assembly, 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) The approval of the Members of the Chairpersons Panel under paragraph (4) shall be deemed to constitute an election for purposes of Article 178(2) (b) of the Constitution.

(6) The Members elected under this Standing Order shall -

(a) in the absence of the Speaker and the Deputy Speaker preside in the Assembly;

(b) assist the Deputy Speaker in presiding over the Committee of the Whole Assembly;

(c) perform any other functions as may be provided under the Standing Orders.

Discharge of a Member from Chairpersons Panel

19. (1) The Speaker may, in writing, to the Assembly Business Committee notify his or her intention, that a Member is to be discharged from the Panel.

- (2) The discharge of a member shall take effect upon communication of the discharge by the Speaker to the Assembly.
- (3) Following the discharge the Speaker shall submit another name for consideration by the Assembly business committee as prescribed in order 18(2)

PART IV – VACANCY IN THE OFFICE OF THE SPEAKER

Vacancy in the office of the Speaker

20. Pursuant to the provisions of section 21(3) of the Elections Act as read together with section 11 of the County Governments Act, the office of speaker shall become vacant—

- (a) when a new county assembly first meets following an election;
- (b) if the office holder vacates office;
- (c) if the county assembly resolves to remove the office holder in accordance with Standing Order 21 (*Procedure for removal of the Speaker*);
- (d) if the office holder resigns from office in a letter addressed to the County Assembly; or,
- (e) if the officer holder dies.
- (f) if the office holder is of unsound mind

Procedure for removal of the Speaker

21. (1) Before giving the notice of Motion contemplated under section 21(3)(c) of the Elections Act and section 11 of the County Governments Act, the Member shall deliver to the Clerk a copy of the notice of motion in writing stating the particulars upon which the proposal is made.

(2) A notice for a motion for removal of the Speaker shall be signed by the proposing Member, in affirmation that the particulars of the allegations or claims contained in the motion are true to the Member's own knowledge.

(3) The Clerk shall satisfy himself that –

- (a) the notice of motion is in order as to form and style; and,
- (b) the notice of motion has been signed by the proposing Member and by at least a third of all members.

(4) A notice of motion to remove the speaker shall not be admissible unless signed by at least one third of all Members of the Assembly in support as affirmation that the allegations and claims therein are true of their own knowledge and belief on the basis of their reading and appreciation of information pertinent thereto.

(5) For purposes of this Standing Order, the Clerk shall provide a form which shall contain

on each page, the title of the motion, and such other necessary information.

- (6) The Clerk shall present the motion to the Speaker for approval, who shall dispose of the motion within seven days.
- (7) If the Speaker fails to dispose of the notice within seven days, the Clerk shall present the notice to the Deputy Speaker who shall dispose of the notice within three days.
- (8) If at the expiry of the periods specified under paragraphs (6) and (7), the Speaker or the Deputy Speaker have not notified the fate of the proposed motion to the Member proposing the motion, the notice of motion shall be deemed to have been approved and due for giving of notice in accordance with paragraph (9) of this standing order.
- (9) Within three days when the Assembly first meets, a Member who has obtained approval to move a motion for removal of Speaker shall give a three days' notice of his or her intention to move such motion and shall, in so doing, state the particulars or claims contained in the motion.
- (10) Where the notice of motion to remove the Speaker contains a claim of-
 - (a) gross misconduct;
 - (b) gross violation of the Constitution or any law;
 - (c) abuse of office; or,
 - (d) incompetence
 - (e) is of unsound mind

the Assembly shall, upon giving of the notice, appoint an *ad hoc* committee to investigate the claim or claims, in which case the provisions of Standing Order 22 (*Adhoc Committee on removal of Speaker*) shall apply.

Adhoc Committee on removal of Speaker

22.(1) An *ad hoc* committee to investigate a claim or claims under paragraph (10) of Standing Order 21 (*Procedure for removal of the Speaker*) shall comprise of -

- (a) five members appointed by the Assembly by way of lots in accordance with paragraph (2);
- (b) one member appointed by the Majority Party Whip; and,
- (c) one Member appointed by the Minority Party Whip.

(2) Upon the notice being given, the Clerk shall provide identical lots equal to the number of all Members of the Assembly (excluding the Speaker), five of which shall be inscribed the word '**APPOINTED**' while the remainder shall be inscribed the words '**NOT**

APPOINTED^u.

- (3) The Clerk shall satisfy himself that the lots provided are identical and the inscribed words are concealed so as not to expose the inscriptions;
- (4) The Clerk shall call the names of every Member as if in a roll call division and each Member when called shall proceed to the dispatch box, pick one lot and display it to the Clerk who shall thereupon register the name of the Member and the word inscribed on the lot.
- (5) The Deputy Speaker, the Member who gave the notice of the motion, the Leader of the Majority Party, the Majority Party Whip, the Leader of the Minority Party and the Minority Party Whip shall not be eligible to be Members of the adhoc Committee.
- (6) When all Members present have registered their respective lots, the Speaker shall announce to the Assembly the names of the five members who have picked the lots inscribed as '**APPOINTED^u**' and such Members shall be deemed to have been appointed by the Assembly as members of the adhoc committee and the Speaker shall thereupon adjourn the Assembly.
- (7) The Majority Party Whip and the Minority Party Whip shall, within three days from the day of appointment of the five members, in writing to the Clerk, appoint one Member each from amongst the Members of their respective parties who have not been appointed as Members of the adhoc committee and such Member shall be deemed to have been appointed by the respective party, but if a Whip has not submitted the party appointee to the Clerk within three days, the party shall be deemed to have forfeited the right to appoint.
- (8) In cases where the Assembly does not have a Minority Party, the Majority Party Whip shall appoint two members.
- (9) As soon as the adhoc committee is properly constituted, the Committee shall elect a chairperson from amongst the Members appointed under paragraph (1) (a) of this standing order and shall, within fourteen days, inquire into the claim or claims and table a report before the Assembly.
- (10) Before making its report to the Assembly, the adhoc committee shall accord the Speaker an opportunity to appear before it in person or by counsel or by both person and counsel to respond to the claims.

Debating the motion for removal of speaker

23.(1) The Deputy Speaker shall preside when the Assembly is considering a motion for a resolution to remove the Speaker.

(2) If for any reason, the Deputy Speaker is unable to preside, the Assembly shall be presided by any Member of the Chairpersons Panel who is not a Member of the *ad hoc* committee and the ranking order prescribed under Standing Order 18 (*Chairpersons Panel*) shall be observed.

(3) Whenever the report of an *ad hoc* Committee to investigate claims for removal of the Speaker -

- (a) finds the claims not to be substantiated, the Chairperson shall, within three days following the findings of the *ad hoc* Committee, table the report of the Committee before the Assembly and by way of a statement, make the fact known to the Assembly and no further proceedings on the matter shall be allowed in the Assembly;
- (b) finds a claim to be substantiated, the Assembly shall, after seven days following the tabling of the report, debate the motion for removal of Speaker and vote on whether to remove the Speaker, in which case, the provisions of paragraph (4) and (5) shall apply.

(4) The Speaker shall be availed with a copy of the report of the *ad hoc* Committee, together with any other evidence adduced and such note or papers presented before the Committee at least seven days before debate on the motion.

(5) Whenever the Assembly debates a motion for removal of the Speaker, opportunity to respond to the claims shall be accorded to the Speaker as follows –

- (a) upon the question for the motion being proposed; and,
- (b) at the conclusion of debate before the mover replies.

(6) 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 County Assembly.

Proceedings when the Speaker is being investigated and application of other provisions.

24.(1) The provisions of paragraphs (2) and (3) of Standing Order 82 (*Definition of a Special Motion*) shall apply to a notice of motion or a motion for removal of the Speaker.

(2) The provisions of paragraph (3) (c) and (e) of Standing Order 67 (*Notices of Motions*) shall not apply to a notice of motion under this Part.

Resignation of the Speaker

25. (1) The Speaker may resign from office in a letter addressed to the Assembly.

(2) The office of the Speaker shall be deemed to have become vacant by way of resignation upon the conveyance of the letter to the assembled Assembly.

Proceedings in the case of a vacancy in the office of the Speaker

26.(1) If the office of the Speaker falls vacant at any time before the dissolution of the Assembly, another member of the assembly shall be elected to preside over the transaction of business until after the election of a new Speaker.

(2) For purposes of paragraph (1) of this Standing Order and paragraph (2) of the First Schedule to the Elections Act, if the office of the Speaker falls vacant at any time before the dissolution of the Assembly, the business to be transacted shall only be that of the election of a new Speaker.

(3) The Deputy Speaker shall preside over the transaction of the business contemplated under paragraph (1).

(4) No business shall be transacted by a Committee until after the election of a Speaker.

PART V - POLITICAL LEADERSHIP IN THE ASSEMBLY

The Majority Party Leadership

27.(1) The largest party or coalition of parties in the Assembly shall elect Members to the following positions –

- (a) Leader of the Majority Party.
- (b) Deputy Leader of the Majority Party.

- (2) Whenever the Leader of the Majority Party is absent or is unable to perform his or her functions the Deputy Leader of the Majority Party shall perform the functions of the office of the Leader of the Majority Party in an acting capacity.
- (3) In the absence of both the Leader of the Majority Party and the Deputy Leader of the Majority Party, the Majority Party Whip shall perform the functions of the office of the Leader of the Majority Party in an acting capacity.
- (4) In electing members under paragraph (1), the largest party or coalition of parties in the Assembly shall take into account –
 - (a) any existing coalition agreement entered into pursuant to the Political Parties Act; and,
 - (b) the need for gender balance.
- (5) A Member elected under paragraph (1) may be removed by a majority of votes of all the Members belonging to the Majority Party in the Assembly.
- (6) The removal of a member from office under paragraph (5) shall not take effect until a member is elected in the manner provided for under paragraph (1) in his or her place and the decision is so conveyed by the Speaker to the Assembly.
- (7) Upon a decision being made by the Majority Party under this Standing Order relating to the removal of the Leader of the Majority Party or the Deputy Leader of the Majority Party, the decision of the Party or coalition together with the confirmed and duly signed minutes of the meeting at which the decision was made shall be communicated to the Speaker in writing by the Majority Party Whip.
- (8) A Member designated by the Majority Party as the Majority Party Whip or Majority Party Deputy Whip may be discharged from office by the Majority Party in writing to the Speaker, but the removal shall not take effect until so conveyed to the Assembly by the Speaker.
- (9) Upon a decision being made by the Majority Party under paragraph (8), the decision of the Party or coalition together with the confirmed and duly signed minutes of the meeting at which the decision was made shall be communicated to the Speaker in writing by the elected Leader of the Majority Party.

The Minority Party Leadership

28.(1) The second largest party or coalition of parties in the Assembly shall elect Members to the following positions –

- (a) Leader of the Minority Party.
 - (b) Deputy Leader of the Minority Party.
- (2) Whenever the Leader of the Minority Party is absent or is unable to perform his or her functions, the Deputy Leader of the Minority Party shall perform the functions of the office of the Leader of the Minority Party in an acting capacity.
- (3) In the absence of both the Leader of the Minority Party and the Deputy Leader of the Minority Party, the Minority Party Whip shall perform the functions of the office of the Leader of the Minority Party in an acting capacity.
- (4) In electing Members under paragraph (1), the largest party or coalition of parties in the Assembly shall take into account –
- (a) any existing coalition agreement entered into pursuant to the Political Parties Act; and,
 - (b) the need for gender balance.
- (5) A Member elected under paragraph (1) (a) and (b) may be removed by a majority of votes of all the members belonging to the Minority Party in the Assembly.
- (6) The removal of a Member from office under paragraph (5) shall not take effect until a Member is elected in the manner provided for under paragraph (1) in his or her place and the decision is so conveyed by the Speaker to the Assembly.
- (7) Upon a decision being made by the Minority Party under this Standing Order relating to the removal of the Leader of the Minority Party or the Deputy Leader of the Minority Party, the decision of the Party or coalition together with the confirmed and duly signed minutes of the meeting at which the decision was made shall be communicated to the Speaker in writing by the Minority Party Whip.
- (8) A Member designated by the Minority Party as the Minority Party Whip or Minority Party Deputy Whip may be discharged from office by the Minority Party in writing to the Speaker, but the removal shall not take effect until so conveyed to the Assembly by the Speaker.
- (9) Upon a decision being made by the Minority Party under paragraph (8), the decision of the Party or coalition together with the confirmed and duly signed minutes of the meeting at which the decision was made shall be communicated to the Speaker in writing by the elected Leader of the Minority Party.

29. The provisions of this Part do not obligate the Assembly or a Party to cause the election of Members into the positions prescribed in instances where a party does not meet the threshold required under Standing Order 2 relating to recognition of a party as an Assembly Party.

PART VI – ADDRESS BY GOVERNOR, SENATOR AND VISITING DIGNITARY

Governor’s address on opening of a new Assembly

30.(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

31. (1) The Governor shall address a special sitting of Assembly once every year and may address the 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

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

Governor’s address to Assembly

33.(1) The Governor may be accompanied in the Chamber by an *Aide*.

(2) Whenever the Governor addresses the 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.

(3) When delivering an address to the Assembly, the Governor shall be heard in silence and the address shall not be followed by any comment or question.

- (4) Whenever the Governor delivers an Address, a Member may as soon as practicable thereafter, lay the Address on the Table of the Assembly following the reading of such Address.
- (5) A Member may give a notice of Motion that '*The Thanks of the Assembly be recorded for the exposition of public policy contained in the Address of the Governor*'; but debate on the Motion shall not exceed four sitting days.

Address by the Senator or Visiting dignitary

34.(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 32 (*Governor entering or leaving Chamber*) and paragraphs (1), (3) and (4) of Standing Order 33 (*Governor's address to Assembly*) shall, with necessary modifications, apply to the Senator, visiting Heads of State and such other dignitaries.

PART VII– ADMITTANCE OF EXECUTIVE COMMITTEE MEMBERS

Application

35.This part applies to the admission of Executive Committee Members in a designated place in the Chamber only for the purposes under this Standing Order.

Designation of a place and admittance of Executive Committee Members

36.The Speaker may designate a suitable place in the Chamber for the purposes of –

- (a) admitting the County Executive Committee Member responsible for Finance to a public pronouncement of the revenue raising measures for the county government together with a policy statement expounding on those measures as contemplated under section 132(2) of the Public Finance Management Act.

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

Presiding in the Assembly

37.(1) 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) (b) of the Constitution shall preside.

(2) For purposes of presiding in the Assembly, the election of the Deputy Speaker and that of the Members of the Chairpersons Panel shall be deemed to constitute the election contemplated under Article 178(2)(b) of the Constitution.

Regular Sessions of the Assembly

38.(1) Except for the Session commencing immediately after a general election, the regular Sessions of the Assembly shall commence on the second Tuesday of February and terminate on the first Wednesday of December.

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

(3) Subject to paragraph (1), the Assembly shall continue to be in session and may adjourn for such number of days as it may determine in its calendar.

(4) Despite paragraphs (1), (2) and (3), a period of three months shall not intervene between the last sitting of the Assembly in one Session and the first sitting thereof in the next Session.

Calendar of the Assembly

39.(1) The Assembly 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) On a day when the Assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance with the Assembly Calendar, the Leader of the Majority Party or the Leader of the Minority Party or another member of the Assembly Business Committee shall move a Motion of adjournment which shall be debated for not more than three hours after which the Assembly shall adjourn without question put.

- (4) Despite paragraph (2) the Assembly may, by resolution, alter its Calendar or the adjournment date.
- (5) (a) A Member who wishes to move a motion to alter the calendar of the Assembly shall give notice in writing of such motion to the Speaker at least two hours before the commencement of the sitting on the day the Assembly is scheduled to adjourn, or at other earlier time before that day;
 - (b) Upon approval, the Speaker may allow the Member to move the motion at any time after disposal of all business appearing in the Order Paper, but before the moving of the motion for adjournment of the Assembly.
 - (c) Despite paragraph (5)(a), the Speaker may, in exceptional circumstances, allow a Member to move such motion in the Assembly, at any time before or during the consideration of the motion for adjournment of the Assembly.
 - (d) Whenever the Assembly resolves to alter its calendar, the Clerk shall publish the new calendar in the website of the Assembly and circulate to all Members and the County Executive.

Special sittings of the Assembly

- 40.**(1) Whenever during a Session the Assembly 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 Assembly.
- (2) The Speaker may allow a request under paragraph (1) if the Speaker is satisfied that the business proposed to be transacted relates to the matters specified under Standing Order 82 (*Definition of a Special Motion*) or other urgent or exceptional business as the Speaker may allow.
 - (3) The Speaker shall, by notice in the *County gazette*, notify the Members of the place, date and time appointed for the special sitting of the Assembly.
 - (4) Whenever the Assembly 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 Assembly during the special sitting, following which the Assembly shall stand adjourned until the day appointed in the Assembly calendar.

Hours of meeting

41. (1) Unless the Speaker, for the convenience of the Assembly otherwise directs, the Assembly shall meet at 9.30 a.m. and 2.30p.m on Tuesday and Wednesday.

(2) Unless for the convenience of the Assembly 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 Assembly 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 Assembly 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 Assembly without question put.

Adjournment of the Assembly

42.(1) A Member may at any time, for reasons stated, seek leave to move "That, this Assembly do now adjourn."⁴

(2) If the Speaker is of the opinion that such Motion for adjournment of the Assembly is frivolous, vexatious, or an abuse of the proceedings of the Assembly, the Speaker may forthwith put the question thereon or decline to put the question.

(3) The debate on a Motion under this Standing Order shall be confined to the matter of the Motion.

Resumption of interrupted business

43. Any debate interrupted under these Standing Orders shall on coming again before the Assembly 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 on resumption of debate, his or her speech shall be deemed to have been concluded.

Adjournment on definite matter of urgent County importance

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

(3) If the Speaker is satisfied in terms of paragraph (2) and not less than ten other Members rise in their places in support, the Speaker shall nominate a time on the same day at which such Motion may be moved.

(4) No Member speaking on a matter under this Standing Order shall speak for more than five minutes without the leave of the Assembly, except that the Mover may speak for ten minutes.

PART IX - QUORUM OF THE ASSEMBLY

Quorum at commencement of the Assembly

45.(1) A quorum of the Assembly or of a Committee of the whole Assembly shall be a third of its members.

(2) If there is no 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

46.(1) If at any time after the Chair is taken, or when the Assembly is in Committee, a Member objects that there is no quorum present, the Speaker or the Chairperson shall count the Assembly or the Committee as the case may be.

(2) If on the count under paragraph (1) a quorum does not appear to be present, the Speaker or the Chairperson shall cause the division bell to be rung as on a division, and if no quorum is present at the expiration of the ten 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

47.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

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

PART X - ORDER OF BUSINESS

Order Paper to be prepared and circulated

49.(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 in the Assembly website and shall be 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

50. The Clerk shall prepare and publish on the Assembly website, 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

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

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

PART XI - MESSAGES

Messages to and from the Senate

52.(1) A message from the Assembly to the Senate shall be in writing and shall be signed by the Speaker.

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

Messages from the Governor and the Senator

53.(1) The Speaker shall read to the Assembly any message from the Governor or the Senator of the County delivered to the Speaker for communication to the Assembly.

- (2) If a message is received from the Governor or the Senator of the County, at a time when the Assembly is not in session, the Speaker shall forthwith cause the

message to be transmitted to every Member and shall report the message to the Assembly on the day the Assembly next sits.

- (3) When a message from the Governor or the Senator of the County is read, the message shall be deemed to have been laid before the Assembly and the Speaker may either-
- (a) direct that the message be dealt with forthwith, or
 - (b) appoint a day for the consideration of the message; or
 - (c) refer the message to the relevant Committee of the Assembly for consideration.

Correspondence to and from the National Assembly

54.(1) The Speaker may convey to the Assembly the contents of a correspondence from the National Assembly.

(2) The manner of disposing off or considering a correspondence requiring an action of the Assembly shall be decided by the Speaker.

PART XII – STATEMENTS

Time for Statements Requests and Response Statements

55.(1) Notwithstanding Standing Order 51 (*Sequence of Proceedings*), there shall be time, to be designated Statements Hour, to be entered upon as follows-

(a) in respect of Members general statements as prescribed in Order 60 of the standing orders.

(b) in respect of the statement made on behalf of the Assembly Business Committee concerning business for the following week; on Tuesdays, in accordance with standing order 62 (*Statements for weekly business*).

(c) in respect of personal statements; on any day, in accordance with standing order 63 (*Personal statements*).

Notices of Requests for Statements

56.(1) A Member desiring to request for a Statement shall hand to the Clerk the written request, at least twenty one days before the day the Member intends to have the Statement addressed in the Committee.

(2) Following receipt of the request the Clerk shall satisfy himself/herself that-

- (a) In case of a request to the Committee, the Clerk to satisfy himself that the request-
 - (i) falls within the subjects under the mandate of the particular Committee;
 - (ii) its scope falls within a matter in the jurisdiction of the County of Tharaka Nithi;
 - (iii) is not seeking an expression of an opinion;
 - (iv) does not repeat in substance, any matter already addressed by the Assembly within the Session;
 - (v) does not refer or seek information on a matter already before a Committee;
 - (vi) does not seek information which is readily available in ordinary works of reference or official publications; and
 - (vii) is made to a Committee by a Member who is not a member of that particular Committee;
- (b) In case of a request to the Leader of Majority Party , the Clerk shall in addition to the requirements under paragraph (a), satisfy himself that the request-
 - (i) raises cross-cutting issues under more than one Committee or Sector;
 - (ii) may not be properly addressed by a Committee, due to its urgency or nature; and,
 - (iii) may be properly addressed under the Office of the Leader of the Majority Party.

(3) Subject to paragraph (2) of Standing Order 57 (*Seeking the requests in the Assembly*), within seven days following the approval or such other period as the Speaker may direct, a Member may request a statement in the Assembly.

(4) Following approval, the Clerk may include a summary of the request for statement in the Order Paper for the day in which the statement is scheduled to be requested.

Seeking the Requests in the Assembly

57.(1) When the order for statements is read, a Member whose request for a statement is published in the Order Paper shall, in making the request confine himself or herself to the text of the request for a statement as approved by the Speaker with such other variations as the Speaker may from time to time allow.

- (2) Except as the Speaker may otherwise direct, not more than ten requests for statements may be requested in one day in respect of statements to Committees and not more than two statements may be requested to the Leader of the Majority in one day.
- (3) Despite paragraph (3) of Standing Order 56 (*Notices for request for statements*), the Speaker may allow a Member to also request for a statement which in the opinion of the Speaker is of urgent character or relates to exceptionally important issues of concern to the people, in which case the statement may be requested at a time before the expiry of twenty one days and need not be published in the order paper.

Responsibility of a Committee

58. When a request is made to a Committee-

- (a) the Chairperson of the Committee, or the vice-chairperson or, in their absence, any other Member of the Committee shall acknowledge the request and may indicate a time when the response may be availed to the Assembly;
- (b) the Committee shall prioritize the requests according to their programmes and seek information from the relevant sectors/departments in the Executive, and where the Committee resolves to request the attendance of the concerned County executive officials, the Committee shall inform the Member or Members who sought the Statements and accord them an opportunity to interrogate the matters contained in the request; and,
- (c) where a committee has either deliberated on the matters contained in the statement with the concerned County executive Committee member or has received a written response may make a reply statement in the Assembly on a day prescribed for response to statements.

Responsibility of the Leader of the Majority Party

59. When a request is made to Leader of the Majority Party –

- (a) the Leader of the Majority Party shall acknowledge the request and may indicate a time when the response may be availed to the Assembly; and

(b) the Leader of the Majority Party shall seek information from the relevant sectors/departments in the Executive and may make a reply statement in the Assembly on a day prescribed for response to statements.

Manner of disposing of a response statement

60.(1) Following receipt of a response from the Chairperson of a Committee, the Clerk may include a schedule indicating the statements whose response will be disposed of in the Order Paper.

- (2) A Statement may be replied to only if the Member who made the request is present, but if the Member is absent without the Speaker's authority the Chairperson or vice-chairperson shall table the response before the Assembly and no further proceedings shall be allowed.
- (3) The Speaker may allow Members to seek clarifications on a response statement, but a clarification shall only be limited to the subject of the original request for statement.
- (4) The Speaker may, for the convenience of the Assembly, defer a response not issued, or any other response statement appearing in the Order Paper to another time on the same day or to another day.

Withdrawal and Re-introduction of Statements

61. (1) A Member may withdraw a request for statement appearing for request in the order paper, but once requested in the Assembly, a request for statement may not be withdrawn unless with the permission of the Speaker.

(2) A statement in respect of which a response has not been given in the Assembly shall lapse at the end of a Session but may be sought again in the next Session in the same or a different form in accordance with this Part.

Statement for weekly business

62.A Member of the Assembly Business Committee designated by the Committee for that purpose shall, every Tuesday or on the first 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.

Personal Statements

63.(1) A Member may, with the permission of the Speaker, raise a matter of a personal nature although there is no question before the Assembly, but such matter may not be debated.

(2) On the day the statement is to be made, the Member shall hand to the Speaker a written notification of the statement at least two hours before the commencement of the Sitting.

PART XIII – APPROVAL OF PUBLIC APPOINTMENTS (A)

Appointments in General

Committal to Committees

64.(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 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, a 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).

(B) Appointment of the Appointed Member of The Assembly Service Board

65.The following provisions shall apply to the appointment of an appointed member of the Assembly Service Board-

(1) Upon the convening of the first sitting of the County Assembly or whenever a vacancy arises in the position of the County Assembly Service Board under section 12(1)(d) of the County Governments Act (*member of the board appointed from amongst members of the public*), the Secretary of the Board shall, within fourteen days of that first sitting or the occurrence of the vacancy or within such time as would

be reasonable, by notice in at least two daily newspapers of national circulation, declare a vacancy and invite interested qualified persons to apply.

- (2) Any person who qualifies in accordance with the Act may make an application to the Secretary within fourteen days of the publication of the notice.
- (3) The Board shall, within fourteen days after the last date of submission of applications under paragraph (2), consider the application, shortlist, conduct interviews and by resolution, recommend to the county assembly the name of applicants qualified for the position.
- (4) A Member of the Board designated by the Board for that purpose shall, within three days following the resolution of the Board, table the Interview Report in the Assembly, containing the name of the recommended candidate(s) and any other information the Board may deem fit.
- (5) The Assembly shall, within fourteen days following laying of the Report, by a resolution, either approve or reject the name of a person recommended for appointment as a member of the Board.
- (6) Where the assembly approves a person recommended by the Board, the Secretary shall, within seven days after the approval, publish the name of the person in the Gazette and arrange for the member so appointed to take Oath of Office.
- (7) Where the assembly rejects the person recommended by the Board, the Speaker shall communicate the decision of the Assembly to the Board and shall request for a fresh of nomination by the Board from amongst the persons shortlisted and interviewed under paragraph (3).
- (8) If the County Assembly rejects any of the subsequent nominees submitted by the Board for approval under paragraph (7), the provisions of paragraphs (1) to (7) shall apply.

PART XIV – MOTIONS

Application

66. This Part shall apply to all Motions, including special Motions.

Notices of Motions

67.(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.

(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 Assembly 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 70 (*Time for moving Motions*), but at least one day before the Motion appears on the Order Paper.

Amendment of Notice of Motion

68. 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, save for notice of special motions.

Certain Motions not to be moved

69.(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

70.(1) The 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

71. (1) A notice of Motion may be withdrawn by the Member who gave the notice, but notice of the same Motion may be given again either by the same or by any other Member.

(2) Despite paragraph (1), notice of a Special Motion may not be withdrawn, except with leave of the Assembly.

Motions which may be moved without Notice

72. 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 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 re-committal thereof or for the postponement of the further consideration thereof;
- (h) Motion raising a question of privilege;
- (i) Motion for the orders of the Assembly under these Standing Orders;
- (j) Motion made under Standing Order 265 (*Exemption of business from Standing Orders*);
- (k) Motion made for the limitation of a debate under Standing Order 120 (*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 Assembly.

Manner of debating Motions

73.(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

74.(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".

(1) 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

75.(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 Assembly at any time during consideration of that Motion.

Amendments to be relevant to Motion

76.(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

77.(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 of the Whole Assembly shall not require to be seconded.

Motion in possession of the Assembly

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

Question as amended put

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

When amendment proposed but not made

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

Full and regular reports

81. (1) Whenever the Speaker receives a report provided by the County Executive Committee in accordance with Article 183(3) of the Constitution-

- (a) the Speaker shall cause the report to be tabled before the Assembly by the Leader of the Majority Party without undue delay; and,
- (b) the Speaker may, following the tabling of the report, refer the report to the relevant committee for purposes of noting if the report relates to one sector or department of the County Government.

(2) The Assembly may debate a report provided under paragraph (1) by way of a motion that **'This Assembly notes the Report of the County Executive Committee submitted on....relating to.....'** with other necessary modifications.

PART XV – SPECIAL MOTIONS

Definition of Special Motion

82.(1) For purposes of this Part, a Special Motion is one –

- (a) that seeks a resolution of the Assembly to-
 - (i) approve an appointment or re-appointment in accordance with Part XIII (*Approval of Public Appointments*); or
 - (ii) remove from office a Deputy Governor,

or

- (b) Moved pursuant to any of the following Sections of the County Government Act, 2012 –
 - (i) Section 33 (*Removal of a Governor*);
 - (ii) Section 40(2) (*Removal of Member of Executive Committee*);
 - (iii) Section 8 (1) (d) (*Borrowing by Counties*);

or

- (c) Moved pursuant to Section 11 (*Removal of Speaker from Office*) of the County Government Act and Section 21(3) (*Election of Assembly Speaker*) of the Elections Act.

(2) Unless the Constitution, any written law or these Standing Orders specify a lesser or further period-

(a) a notice of a Special Motion shall be-

- (i) disposed of by the Speaker within seven days of receipt of notice by a member under paragraph (2); and,

- (ii) given by the Member within three sitting days following the approval of the Speaker.
- (b) A Special motion shall be disposed of by the Assembly within fourteen calendar days upon the notice.
- (3) If a proposer of a special motion fails to observe the timelines prescribed under paragraph 2(a)(ii) or 2(b) of this Standing Order, such notice of motion or motion shall be deemed to have been withdrawn and shall not be moved again in the same Session, except with the consent of the Speaker.

Instances where the law provides for a fixed majority-

83.(1) In every instance where the law lays down that a fixed number of Members is necessary to support the moving of, or to decide any question on a motion, any amendment motion to such motion shall not be passed unless supported by the fixed number of members required to pass the original motion.

- (2) Notwithstanding paragraph (1), whenever a Bill or a special Motion the passage of which requires a special majority in the Assembly fails to obtain the required majority and the vote results in a majority of the 'Ayes^u' but the 'Noes^u' have not numbered at least one third of all the Members of the Assembly, the Speaker may, direct that a further vote be taken on the particular question, and the further vote shall be taken within five sitting days from the day the first vote was taken.
- (3) If the Speaker does not so direct any further vote, or if on such further vote the fixed majority is not obtained, the Speaker shall declare that the Motion is negatived.
- (4) The provisions of this Standing Order shall not apply to a vote taken on a motion for removal of a person from office.

PART XVI- PROCEDURE FOR REMOVAL FROM OFFICE

Procedure for removal of Governor by impeachment

84.(1) Before giving the notice of motion contemplated under Article 181(a), (b) or (c) of the Constitution, as read together with Section 33(1)–(8) of the County Governments Act, 2012, the Member shall deliver to the Clerk a copy of the proposed motion in writing –

(a) stating the grounds and particulars in terms of Article 181(a), (b) and (c) of the Constitution upon which the proposed Motion is made;

(b) signed by the proposing Member, in affirmation that the particulars of the allegations contained in the motion are true to the Member's own knowledge;

and,

(c) signed in support by at least a third of all the Members as affirmation that the allegations therein are true of their own knowledge and belief on the basis of their reading and appreciation of information pertinent thereto.

(2) For purposes of paragraph (1) of this Standing Order, the Clerk shall provide a form which shall contain on each page, the title of the motion, and such other necessary information.

(3) The Clerk shall submit the proposed motion to the Speaker for approval and the duly signed form shall be appended to the proposed motion.

(4) A Member who has obtained the approval of the Speaker to move a Motion under paragraph (1) shall, subject to paragraph (2) of Standing Order 82 (*Definition of a Special Motion*) give notice calling for impeachment of the Governor.

(5) Upon the expiry of seven (7) days after notice is given, the Motion shall be placed on the Order Paper and shall be disposed of within fourteen days.

(6) Following the giving of the notice of motion, the Clerk shall cause to be prepared and deposited in the Clerk's office a list of all Members of the County 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'.

(7) An Order Paper on which the motion under paragraph (1) is listed shall set out –
(a) the grounds and particulars upon which the proposal is made;
(b) the name of the Member sponsoring the motion; and
(c) the names of the Members in support of the Motion.

(8) 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.

(9) Before the question is put, the Speaker may allow the Governor to address the Assembly.

(10) When the Motion has been passed by two-thirds of all members of the Assembly, the Speaker shall, by way of a message, inform the Speaker of the Senate of that resolution within seven days.

Procedure for removal of the Governor on grounds of incapacity

85.(1) This Standing Order shall apply to the procedure for removal of a Governor on grounds of physical or mental incapacity as contemplated under Article 181(d) of the Constitution.

- (2) A Member supported by at least a quarter of all the Members, may move a motion for the investigation of the Governor's physical or mental incapacity to perform the functions of office as contemplated under Article 181(d) of the Constitution as read together with section 33(9) of the County Governments Act.
- (3) Before giving a notice of Motion under paragraph (2), the Member shall deliver to the Clerk a copy of the proposed Motion in writing –
 - (a) stating the grounds and particulars upon which the proposed motion is made;
 - (b) signed by the Member; and,
 - (c) signed in support by at least a quarter of all the Members.
- (4) An Order Paper on which the Motion under paragraph (3) is listed shall set out -
 - (a) the grounds and particulars upon which the proposal is made;
 - (b) the name of the Member sponsoring the Motion;
- (5) When the Motion has been passed by a majority of all members of the Assembly, the Speaker shall inform the Chief Justice of that resolution within two days.
- (6) Within seven days after receiving notice of the resolution from the Speaker, the Chief Justice shall appoint a tribunal consisting of—
 - (a) three persons who are qualified to practice medicine under the laws of Kenya, nominated by the body which by law is responsible for regulating the professional practice of medicine;
 - (b) one advocate of the High Court nominated by the body which by law is responsible for regulating the professional practice of advocates; and,
 - (c) one person nominated by the Governor.

(7) If the Chief Justice is unable to appoint a tribunal under paragraph (3), the Deputy Chief Justice shall appoint such a tribunal.

(8) If the Governor is unable to nominate the person required to be nominated under paragraph (7), the person shall be nominated by—

(a) a member of the family of the Governor; or

(b) if no such member is willing or able to make the nomination, by a close relative of the Governor.

(9) The tribunal shall inquire into the matter and, within fourteen days after the appointment, report to the Chief Justice and to the Speaker of the Assembly.

(10) Upon receipt of the report of the tribunal pursuant to Article 144(6) of the Constitution read together with Section 33(9) of the County Governments Act, the Speaker shall cause the report to be tabled before the Assembly within seven days after receiving it and-

(a) if the tribunal reports that the Governor is capable of performing the functions of the office, the Speaker of the Assembly shall so announce in the Assembly and no further proceedings shall be taken on the matter;

(b) if the tribunal reports that the Governor is incapable of performing the functions of the office, the Assembly shall, upon a motion by the member who moved the motion for investigation of the Governor, vote on whether to ratify the report and if a majority of all the members of the Assembly vote in favour of ratifying the report, the Governor shall cease to hold office.

Procedure for removal of Deputy Governor

86. The Standing Orders relating to removal of Governor on grounds of impeachment and on grounds of physical and mental incapacity, respectively shall apply, with the necessary modifications, to the removal of the Deputy Governor

Procedure for removal of Member of County Executive Committee

87. (1) Before giving the notice of motion contemplated under Section 40 of the County Governments Act (*Removal of Member of the County Executive Committee*), the Member shall deliver to the Clerk a copy of the proposed motion in writing –

(a) stating the grounds and particulars in terms of Section 40(1) of the County Governments Act upon which the proposed Motion is made;

(b) signed by the proposing Member, in affirmation that the particulars of the allegations or claims contained in the motion are true to the Member's own knowledge; and,

- (c) signed in support by at least a third of all the Members as affirmation that the allegations and claims therein are true of their own knowledge and belief on the basis of their reading and appreciation of information pertinent thereto.
- (2) For purposes of this Standing Order, the Clerk shall provide a form which shall contain on each page, the title of the motion, and such other necessary information.
- (3) The Clerk shall submit the proposed motion to the Speaker for approval and the duly signed form shall be appended to the proposed motion.
- (4) A Member who has obtained the approval of the Speaker to move a Motion under paragraph (1) shall, subject to paragraph (2) of Standing Order 82 (*Definition of a Special Motion*) give notice calling for the dismissal of the Member of the County Executive Committee by the Governor.
- (5) Upon the expiry of seven (7) days, after notice is given, the Motion shall be placed on the Order Paper and shall be disposed of within fourteen days.
- (6) Following the giving of the notice of motion, the Clerk shall cause to be prepared and deposited in the Clerk's office a list of all Members of the County 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 THE COUNTY EXECUTIVE COMMITTEE'.
- (7) An Order Paper on which the motion under paragraph (1) is listed shall set out –
(a) the grounds and particulars upon which the proposal is made;
(b) the name of the Member sponsoring the motion; and,
(c) the names of the Members in support of the Motion.
- (8) 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.
- (9) 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 committee comprising five (5) of its Members to investigate the matter.

(10) The Committee shall inquire into each of the allegations or claims contained in the motion and if the Committee finds all the allegations unsubstantiated, no further proceedings shall be taken on the matter.

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

(12) If the motion contains a claim on the physical or mental capacity of the Member of the County Executive Committee the committee shall cause the claim to be investigated by a panel comprising of three qualified medical practitioners under the laws of Kenya

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- (a) two of whom shall be appointed by the Assembly Service Board; and,
- (b) one appointed by the County Executive Committee Member, or appointed by a member of the family of the County Executive Committee Member, if the County Executive Committee Member is unable to appoint.

(13) The report of the medical practitioner which shall be submitted to the Committee shall be final and not subject to appeal.

(14) If the report under paragraph (13) finds that the Member of the Executive Committee Member is capable of performing the functions of the office, the Committee shall report that fact to the Assembly and if the claim of incapacity was the only ground for removal, no further proceedings shall be taken.

(15) The Chairperson of the Committee shall, within ten days, table the report of the Committee in the Assembly together with any other information the Committee may deem fit.

(16) If the committee reports that it finds any of the allegations substantiated, or if the report of the medical practitioner finds that the Member of the Executive Committee Member is incapable of performing the functions of the office on grounds of incapacity, the Assembly shall, in accordance with Standing Order 36 (*Designation of a place and admittance of County Executive Committee Members*) accord the Member of the County Executive Committee an opportunity to be heard.

(17) The Assembly shall, within fourteen days of tabling of the report, vote on whether to approve the resolution requiring the Member of County Executive to be dismissed.

(18) 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.

Removal of a member of the County Public Service Board

88.(1) Pursuant to section 58(5) of the County Governments Act, the Assembly may, by a vote supported by not less than seventy five percent of all the members of the Assembly, resolve to remove a member of the County Public Service Board.

- (2) A person desiring to cause the Assembly to resolve to remove a member of the County Public Service Board shall submit a petition requesting the Assembly to consider specified grounds for removal of the member of the County Public Service Board.
- (3) In addition to complying with the provisions of paragraphs (a), (b), (c), (d), (e), (g), (h), (i), (j), (l) and (m) of Standing Order 233 (*Form of petition*), a petition to the Assembly under this standing order –
 - (a) shall name the member in question and indicate the grounds for the removal; and,
 - (b) may contain affidavits or other documents annexed to it.
- (4) The provisions of paragraph (1),(3), (4) and (5) of Standing Order 230 (*Submission of a Petition*), Standing Order 232 (*Notice of Intention to Present Petition*), standing order 235 (*Presentation of Petitions*) and Standing order 236 (*Comments on Petitions*), shall apply to a Petition under this Standing Order.
- (5) A Petition for the removal of a member of the County Public Service Board shall, upon presentation in the Assembly, stand committed to the Sectoral Committee dealing with matters of county public service and administration.
- (6) Upon receipt of a petition under paragraph (5), the Committee shall investigate the matter and shall, within twenty one days, report to the Assembly whether the petition discloses grounds for removal under Article 251(1) of the Constitution.
- (7) A member of the County Public Service Board whose petition for removal has been presented to the Committee has the right to appear and be represented before the Committee during its investigations.
- (8) The Assembly shall, within fourteen days of the tabling of the report of the committee under paragraph (6) consider the report and resolve whether or not the petition discloses a ground for removal under Article 251(1) of the Constitution.

(9) Where the Committee finds that the petition does not disclose a ground for removal under Article 251 (1) of the Constitution, no further proceedings in the Assembly shall be taken on the matter.

(10) Where the Assembly, by a vote supported by not less than seventy five percent of all the members of the Assembly, resolves that a petition for removal of a member of the County Public Service Board discloses a ground for the removal, the Speaker shall, within seven days of the resolution, transmit the resolution to the Governor informing the Governor of the decision and the member shall be considered dismissed.

Revocation of Appointment of the Fourth Member of the County Assembly Service Board

89.(1) Pursuant to section 12(5) (b) of the County Governments Act, a Member may petition the Assembly to revoke the appointment of an appointed member of the Assembly Service Board.

(2) In addition to complying with the provisions of paragraphs (a), (b), (c), (d), (e), (g), (h), (i), (j), (l) and (m) of Standing Order 233 (*Form of petition*), a petition to the Assembly for revocation of the appointment of an appointed member of the Assembly service board –

(a) shall name the member in question and indicate the grounds for the intended revocation; and,

(b) may contain affidavits or other documents annexed to it.

(3) The provision of paragraph (1),(3), (4) and (5) of Standing Order 230 (*Submission of a Petition*), Standing Order 232 (*Notice of Intention to Present Petition*), Standing Order 235 (*Presentation of Petitions*) and Standing Order 236 (*Comments on Petitions*), shall apply to Petition under this Standing Order.

(4) A Petition for revocation of the appointment of an appointed member of the Assembly Service Board shall, upon being presented in the Assembly, stand committed to an *ad hoc* Committee.

(5) The provisions relating to appointment of an *ad hoc* Committee to investigate claims for removal of Speaker shall *mutatis mutandis* apply to the appointment of an *ad hoc* Committee to investigate a claim for the revocation of appointment of a Member of the Assembly Service Board, except that the petitioner shall not be eligible to pick lots.

- (6) Upon receipt of a petition under paragraph (4), the ad hoc shall investigate the matter and shall, within twenty one days, report to the Assembly whether the Committee recommends the revocation of the appointment.
- (7) A member of the Assembly Service Board whose petition for revocation of appointment has been presented to the Committee has the right to appear and be represented before the Committee during its investigations.
- (8) The Assembly shall, within fourteen days of the tabling of the report of the committee under paragraph (6) consider the report and take a vote on the resolution to revoke the appointment.
- (9) Where the Assembly resolves that a petition discloses a ground for revocation of the appointment of an appointed member of the Assembly Service Board, the appointment of the member shall stand so revoked and the Speaker shall, for purposes of information, convey the decision of the Assembly to County Executive.

Right to be heard

90. (1) Whenever any written law or these Standing Orders-
- (a) requires the Assembly to refer to or form a committee for purposes of considering a petition or a proposal for the removal of a person from office the person being removed from office shall be availed, in writing, the information contained in a petition or proposal and shall be entitled to legal representation and availed with the report of the 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.
 - (b) requires the Assembly to hear a person on grounds of removal from office, or in such similar circumstances, the Assembly shall hear the person-
 - (i) at the date and time to be determined by the Speaker;
 - (ii) for a duration of not more than two hours or such further time as the Speaker may, in each case determine; and
 - (iii) in such other manner and order as the Speaker shall, in each case, determine.

Priority of Motion

91. (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) 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.
- (3) For avoidance of doubt the provisions of Standing Order 82 (*Definition of a Special Motion*) shall apply to a notice of motion or a motion under this part.

Signatures appended

92. Any signature appended to a list in support of a notice of motion or in support of a motion under this part shall not be withdrawn, but the Speaker may, before the notice is given and upon written request by a Member who has appended his or her signature on the notice, allow that Member to confirm the signature so appended, in which case, the Speaker may, if that Member refutes the signature, make such fact known to the Assembly.

PART XVII – VOTING AND DIVISIONS

Voting in the Assembly

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

Electronic voting

- 94.**(1) Unless the Speaker, for the convenience of the Assembly otherwise directs, voting on a division in the Assembly shall be by electronic voting.
- (2) When the Speaker directs that an electronic voting to be taken, the Division Bell shall be rung for not more than ten minutes and the Assembly shall proceed to a vote at the expiry of the ten minutes, or such further time as the Speaker may, for the convenience of the Assembly, direct.

- (3) During electronic voting, Members shall cast their votes by pressing either the 'Yes', 'No' or 'Abstain' button.
- (4) At the expiry of five minutes or as soon as the result of the voting appears on the indicator board, the Speaker or the Chairperson, as the case may be, shall announce the results of the division forthwith.
- (5) A Member who is not able to cast his or her vote due to any reason considered sufficient by the Speaker, may before the result of the division is announced and after obtaining the permission of the Speaker, have his or her vote recorded verbally by stating whether he or she is in favour of or against the Question.
- (6) Where the presiding officer has an original vote, the presiding officer shall cast his or her vote from the Chair.
- (7) Any Member present in the Assembly but who shall not have voted at the expiry of five minutes or after the announcing of the results, whichever is earlier, shall forfeit the right to vote and shall be deemed to have abstained from voting.

Technical failure, confusion or error occurring

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

Roll call Division claimed

96.(1) The Speaker 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, any written law and these Standing Orders lays down that a fixed majority is necessary to decide any question.
 - (3) Notwithstanding paragraph (2), whenever a Bill or a special Motion the passage of which requires a special majority in the Assembly fails to obtain the required majority and the vote results in a majority of the 'Ayes' but the 'Noes' have not

numbered at least one third of all the Members of the Assembly, the Speaker may, direct that a further vote be taken on the particular question, and the further vote shall be taken within five sitting days from the day the first vote was taken, but this provision shall not apply to a motion for removal of persons from office.

Roll call voting

97.(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

98.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

99.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

100. (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) It shall be disorderly conduct for a member to fail to disclose pecuniary interest.

(5) 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 XVIII - RULES OF DEBATE

Proceedings to be in Kiswahili, English or Kenyan Sign Language

101. (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

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

Two or more Members requesting to speak

103. 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

104. (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

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

Speaking twice to a Question

106. (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.

(4) At the conclusion of debate, the Speaker shall allow the Member who has moved the substantive motion to reply if it's a motion for which a reply is required, but if the Member is not present or the Member has not designated another Member to reply on his or her behalf, the Speaker shall forthwith put the question.

Points of Order

107. (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 131 (*Gross disorderly conduct*) shall apply to any such Member.
- (5) Notwithstanding paragraph (1), the Speaker may, in exceptional circumstances, allow a Member to raise a point of order at any time during a sitting -
 - (a) even if there is not another Member speaking; or,
 - (b) that may not relate to the Order under consideration;

Anticipating debate

108. (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 Committees not to be referred to

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

Contents of speeches and discussion of conduct

110. (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) No Member shall impute improper motive to any other Member or to a Member of Parliament except upon a specific substantive Motion of which at least three days' notice has been given, calling in question the conduct of that Member of the Assembly or a Member of Parliament.
- (3) A Member wishing to move a motion for discussion of the conduct of a person under this Standing Order shall hand to the Speaker a written notice of the motion asking the Assembly to express displeasure on the conduct of the particular person and indicating the reasons for which such expression of displeasure is sought.
- (4) Following the approval of the notice of the motion by the Speaker and prioritization by the Assembly Business Committee, the Member may thereafter give notice in the Assembly.
- (5) The provisions of Standing Order 70 (*Time for moving motions*) shall apply to the scheduling of a motion for discussion of conduct of a person.
- (6) For avoidance of doubt -
 - (a) a motion under this Standing Order shall not be construed to be a special motion; and,
 - (b) a resolution of the Assembly, expressing displeasure on the conduct of a person shall not be construed to constitute removal of such person from office.
- (7) 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.
- (8) It shall be out of order to use offensive or insulting language whether in respect of Members of the Assembly or other persons.
- (9) 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

- 111.** A Member who has used un-parliamentary 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 grossly disorderly and shall be dealt with in accordance with the rules pertaining to gross disorderly conduct.

Matters *sub-judice* or secret

112. (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

113. (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

114. (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 132 (*Grave Disorderly conduct*) 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

115. 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

116. (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 right of speech

117. 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

118. (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^u, 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^u, 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, or is absent, immediately, the Speaker shall put the question, subject to paragraph 3 of Standing Order 73 (*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^u, 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^u, 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 73 (*Manner of debating motions*).

Adjournment of debate

119. (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^u, or, in Committee of the whole Assembly "That, the Chairperson do report progress^u.

(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 XIX - LIMITATION OF DEBATE

Limitation of debate

120. (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 XX - ORDER IN THE ASSEMBLY AND IN COMMITTEE OF THE WHOLE ASSEMBLY

Maintenance of order

121. 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

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

Firearms and other offensive weapons

123. 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.

Lady Members' handbags

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

When the Speaker rises Members to be silent

125. 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

126. (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

127. 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

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

Irrelevance or repetition

129. 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.

Disorderly conduct

130. (1) A Member commits an act of disorderly conduct if the Member-

- (a) creates disorder;
- (b) knowingly raises a false point of order;
- (c) unnecessarily interrupts proceedings or consults in a disruptive manner;
- (d) fails to record abstention in a division;
- (e) makes allegations without, in the Speaker's opinion, adequate substantiation;
- (f) defies a ruling or direction of the Speaker or Chairperson of Committees;
- (g) declines to explain or retract use of un-parliamentary words or declines to offer apologies, despite having been ordered to do so by the Speaker;

(h) fails to declare personal interest in a matter before the Assembly or a Committee in accordance with standing order 113 (*Declaration of Interest*);

(i) commits any other breach of these Standing Order that in the opinion of the Speaker, constitutes disorderly conduct.

(2) The Speaker or the Chairperson of Committees may call a Member whose conduct is disorderly to order, and-

(a) caution the Member; or

(b) order the Member to withdraw from the precincts of the Assembly for the remainder of that day's sitting.

Gross disorderly conduct

131. (1) A Member commits an act of gross disorderly conduct if the Member-

(a) persistently raises a false point of order;

(b) persistently interrupts proceedings or continuously consult in a disruptive manner;

(c) threatens to use violence against a Member or other person in the Assembly or Committee;

(d) persistently makes serious allegations without, in the Speaker's opinion, adequate substantiation;

(e) deliberately gives false information to the Assembly;

(f) votes more than once in breach of these Standing Orders or persistently fails to record abstention in a division;

(g) votes on any question in which the Member has a pecuniary interest contrary to Standing Order 131 (*Declaration of Interest*);

(h) demonstrates or makes disruptive utterances against the suspension of another Member;

(i) attempts to or causes disorder of whatever nature during an address by a visiting dignitary pursuant to Standing Order 34 (*Address by the Senator or visiting Dignitary*);

(j) disrupts or attempts to disrupt proceedings in Parliament or another county assembly, and the disruption or attempted disruption is communicated by a message by the relevant Speaker;

(k) acts in any other way to the serious detriment of the dignity or orderly procedure of the Assembly, or commits any other breach of these Standing Orders, that in the opinion of the Speaker, constitutes gross disorderly conduct.

(2) The Speaker or the Chairperson of Committees may call a Member whose conduct is grossly disorderly to order, and shall order the Member to withdraw immediately from the precincts of the Assembly-

- (a) on the first occasion, for a maximum of three sitting days including the day of suspension;
- (b) on the second occasion during the same session, for a minimum of four sitting days and a maximum of seven sitting days, including the day of suspension; and
- (c) on the third occasion or subsequent occasion during the same session, for a minimum of eight sitting days and a maximum of fourteen sitting days, including the day of suspension.

Grave disorderly conduct

132. (1) A Member commits an act of grave disorder if the Member-

- (a) uses violence against a Member or other person in the Assembly or Committee;
- (b) attempts to or disrupts the Speaker's Procession when the Procession is entering or leaving the Chamber;
- (c) attempts to or removes the mace from its place in the Chamber;
- (d) attempts to or causes disorder of whatever nature during the Governor's address to the Assembly;
- (e) commits any other breach of these Standing Orders, that in the opinion of the Speaker, constitutes grave disorderly conduct.

(2) The Speaker or the Chairperson of Committees shall call a Member whose conduct is gravely disorderly to order, and shall order the Member to withdraw immediately from the precincts of the Assembly-

- (a) on the first occasion, during the same Session, for a minimum of fifteen sitting days and a maximum of twenty-one sitting days, including the day of suspension;
- (b) on the second occasion, and any subsequent occasion during the same Session, for a minimum of twenty-two sitting days and a maximum of a period equivalent to a Session, including the day of suspension.

Misconduct by Members of Parliament or another County Assembly

133. (1) The Assembly may, on a Motion under Standing Order 110 (*Contents of speeches and discussion of conduct*), discuss the conduct of the Member of Parliament or the member of another county assembly and resolve that the Member of Parliament or the Member of another County Assembly has committed any of the acts of

misconduct specified under Standing Orders 130 (*Disorderly conduct*), 131 (*Gross disorderly conduct*) and 132 (*Grave disorderly conduct*).

(2) The Speaker shall decline a motion under paragraph (1) unless the Speaker is satisfied that the alleged conduct occurred in the Chamber of the Assembly or any of the committees of the Assembly.

(3) The Speaker shall convey the decision of the Assembly under paragraph (1) by a message to relevant House of Parliament or the particular county Assembly.

Member may be suspended after being named

134. (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 gross 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.

Effect of suspension

135. Any Member who is ordered to withdraw under Standing Order 130 (*Disorderly conduct*), Standing Order 131 (*Gross disorderly conduct*) and Standing Order 132 (*Grave disorderly conduct*) or who is suspended from the service of the Assembly under Standing Order 134 (*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 forfeit the right of access thereto and shall forfeit all allowances payable during the period of such suspension.

Member suspended to withdraw from precincts of Assembly

136. Whenever a member has been named in accordance with Standing Order 134 (*Member may be suspended after being named*), the Speaker shall order the Member to withdraw from the Chamber and the precincts of the Assembly.

Duration of suspension of a Member

137. If any Member is suspended under Standing Order 134 (*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.

Action to be taken on refusal to withdraw

138. 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.

Decision not to be debated

139. The decision of the Speaker or the Chairperson of Committees on suspension of a Member or the application of this Standing Order shall not be subject to any debate.

Power to suspend or take Chair

140. (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 XXI- PUBLIC BILLS

Application and limitation

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

Introduction of Bills

142. (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 146 (*Memorandum of objects and reasons*) be submitted to the Speaker.

(2) The Speaker shall refer the legislative proposal and the memorandum to the Clerk who shall consider the legislative proposal, draft it in proper form where necessary and submit it to the speaker with comments on-

(a) whether the legislative proposal is a draft money Bill in terms of Section 21 of the County Governments Act; 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 determine whether or not it is draft money Bill in terms of section 21 of the County Governments Act and -

(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, direct that the legislative proposal be referred to the Finance, Budget and Appropriations Committee for consideration and shall be proceeded with only in accordance with the recommendations of the Finance, Budget and Appropriations Committee after taking into account the views of the Member of the County Executive Committee responsible for finance;

(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.

Pre- Publication Scrutiny

143. (1) Where a legislative proposal is referred to the Finance, Budget and Appropriations Committee for consideration pursuant to paragraph (3) of Standing Order 142 (*Introduction of Bills*), the Committee shall:

(a) examine the proposal and may invite the sponsor and any other interested person;

- (b) seek the views of the Member of County Executive Committee responsible for finance on the proposal on the manner in which the legislative proposal affects the current and future budgets and any other aspect the Member or the Committee may deem necessary; and,
- (c) within 21 days, recommend to the Speaker by way of a brief , on whether or not to proceed with the legislative proposal or to proceed subject to such variations as the Committee may propose.

(2) Where a legislative proposal is referred to the relevant Committee pursuant to paragraph (3) (b) of Standing Order 142 (*Introduction of Bills*), the Committee shall:

- (a) examine the proposal and seek the views of the sponsor and the relevant Executive Committee Member on the likely impact, effect, outcome and consequence of the legislative proposal and any other aspect the Member or the Committee may deem necessary; and,
- (b) the Committee may in consultation with the sponsor of the legislative proposal, suggest variations with a view to improving the legislative proposal, but the sponsor is not bound to incorporate such variations;
- (c) within 21 days of receipt of the legislative proposal, submit its comments to the Speaker by way of a brief , on the legislative proposal.

(3) For avoidance of doubt –

- (a) The sequence contemplated under paragraph (1) and (2) of this Standing Order shall apply to a legislative proposal which in the opinion of the Speaker is a draft money Bill;
- (b) The Speaker may, where satisfied, that a legislative proposal originating from the Executive has been subjected to public participation, exempt the legislative proposal from the application of this Standing Order.

(4) Upon receipt of the comments of the relevant Committee under paragraph (2), the Speaker shall direct either that the legislative proposal be not proceeded with or that it be accepted for publication..

Printing of amending provisions

144. Where a Bill seeks to amend any provision of an existing Act, the text of the relevant part of such provision shall be printed 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

145. Every Bill shall contain, as the enacting formula, the words "Enacted by the County Assembly of Tharaka Nithi".

Memorandum of Objects and Reasons

146. Every Bill shall be accompanied by a memorandum containing:

- (a) a statement of the objects and reasons of the Bill,
- (b) a statement of delegation of legislative powers and limitation of fundamental rights and freedom, if any, and,
- (c) where necessary, 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

147. 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 Powers⁴⁴ 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

148. 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

149. (1) Whenever the Speaker certifies that a legislative proposal is accepted, the Clerk shall, upon being signed by the Member in charge of it, cause the proposal to be published as a Bill.

- (2) 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.
- (3) Upon publication, a Bill shall be introduced by way of First Reading in accordance with Standing Order 151 (*First Reading*).
- (4) 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.
- (5) No Bill shall be introduced unless such Bill together with the memorandum referred to in Standing Order 146 (*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.

Reading of Bills

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

First Reading

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

Committal of Bills to Committees and public participation

152. (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 committee established for that purpose and Standing Order 160 (*Procedure on Bills reported from Committee*) shall apply.
- (3) The 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) Subject to the provisions of Section 87 of the County Governments Act, in conducting public participation on a Bill, the Committee shall seek the views of

the concerned County Executive Committee Member and persons or institutions within the County relevant to the subject of the Bill and may seek the views of the general public by way of written submissions, public hearings, surveys, focus group discussions, direct mail or electronic platforms.

- (5) The Chairperson of a 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 Assembly Business Committee shall, in consultation with the Member or the Committee in charge of the Bill, appoint.
- (6) 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.
- (7) Despite paragraph (1) –
 - (a) a County Revenue Fund Bill, an Appropriation Bill, a Supplementary Appropriation Bill or a Finance Bill shall be committed to the Finance, Budget and Appropriations Committee.
 - (b) the Speaker may direct that a particular Bill be committed to such committee as the Speaker may determine.

Second Reading

153. (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

154. (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

155. 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

156. 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 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

157. (1) The Clerk shall call severally each clause of the Bill in the sequence specified in Standing Order 155 (*Sequence to be observed on a Bil 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 Bill¹⁴ 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) Subject to paragraphs (2) and (7)-
 - (a) an amendment to a money Bill; or,
 - (b) an amendment that has the effect of a money bill to any other Bill

shall be proceeded with only in accordance with the recommendations of the Finance, Budget and Appropriations Committee after taking into account the views of the Member of the County Executive Committee responsible for finance.

- (9) 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.
- (10) Paragraph (4) of Standing Order 74 (*Amendments to motions*) shall apply, with necessary modifications, to the proceedings for amendment of a Bill in Committee.
- (11) 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.

(12) 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".

(13) New schedules shall be disposed of in the same way as new clauses.

(14) The question to be put on the preamble (if any) shall be "That, the preamble (as amended) be the preamble of the Bill".

(15) 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".

(16) No question shall be put on the enacting formula.

(17) 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

158. 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 Assembly Business Committee in consultation with the Member in charge of the Bill.

Bill to be reported

159. 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

160. (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"^u.

- (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'^u, 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 Assembly 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 Committees

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

- (2) The Assembly shall consider the Bill as reported from the Committee upon a Motion "That the report of the Committee be on the.....Bill be approved"^u.
- (3) Standing Order 160 (*Procedure on Bills reported from Committee of the Whole Assembly*) shall apply to any motion to approve the report of a Committee on a Bill.

Procedure upon the re-committal of a Bill

162. (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 160 (*Procedure on Bills reported from Committee of the whole Assembly*) shall apply.

Third Reading

163. (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 Assembly 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.

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

164. (1) Except with the leave of the Assembly, not more than one stage of a Bill may be taken at any one sitting.

(2) Notwithstanding paragraph (1), the Assembly may consider more than one stage of an Appropriation Bill, a Supplementary Appropriation Bill or a County Revenue Fund Bill in the same sitting.

Withdrawal of Bills

165. (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 142 (*Introduction of Bills*) and re-publication be introduced again, subject to expiry of such period as the Speaker may determine.

(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

166. (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 142 (*Introduction of Bills*).
- (2) The consideration of a Bill which was interrupted at the end of a Session may, with the leave of the Speaker, resume in the next Session of the same Assembly where it was last interrupted.
- (3) A Bill the consideration of which has not been concluded at the end of the term of an Assembly shall lapse.

Assenting to Bills

167. (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 Assembly amends 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 Assembly passes the Bill a second time, without amendment, or with amendments which do not accommodate the Governor's concerns by a vote supported by two-thirds of members of the Assembly, the speaker shall within seven days re-submit the Bill to the Governor and the Governor shall within seven days assent to the Bill.
- (6) If the Governor does not assent to a Bill 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.

(7) For avoidance of doubt, when considering the Governor's referral, the Assembly shall only consider only the clauses so referred by the Governor.

Referral of Bills by the Governor

168. (1) Whenever the Assembly receives the Governor's reservations on a Bill pursuant to Section 24 of the County Governments Act, the Assembly shall consider the Governor's reservations within twenty one days of the date when the Assembly next meets.

(2) Despite paragraph (1) the Assembly may, by a resolution extend the period prescribed in paragraph (1) by a further period not exceeding fourteen (14) days only in exceptional circumstances so certified by the Speaker.

Custody of Bills

169. (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 XXII - PRIVATE BILLS

Application of public Bill procedure

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

Saving clause

171. 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

172. (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 173 (*Petition for Leave*).

Petition for leave

173. (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) The 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^u" shall be put forthwith and decided without amendment or debate.
- (5) The Speaker may allow comments, observations, or clarifications in relation to the petition read under paragraph (4).

Security for cost of printing

174. (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

175. (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 County Revenue Fund.

First Reading

176. 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

177. (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 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 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

178. 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

179. 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 XXIII - COMMITTEE OF THE WHOLE ASSEMBLY

Limits on consideration of matters by Committee

180. 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

181. 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

182. 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

183. (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

184. 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 XXIV - COMMITTEES

General Provisions

Nomination of Members of committees

185. (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 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 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 committee that has been adopted by the Assembly shall be ineligible for nomination as member of that committee.

Criteria for nomination

186. (1) In nominating Members to serve on a committee, the Selection Committee shall ensure that the membership of each committee reflects the relative majorities of the seats held by each of the Assembly parties in the Assembly.
- (2) Despite paragraph (1), a Member belonging to a party other than an Assembly party or independent Member may be nominated to serve in committee and the allocation of membership of committees shall be as nearly as practicable proportional to the number of members belonging to such parties and independent Members.
- (3) Except as the Assembly may otherwise resolve, on the recommendation of the Committee on Selection for reasons to be stated, no Member shall be appointed to serve in more than two Sectoral committees.

Approval of nomination

187. (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 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

188. (1) The Assembly party that nominated a member to a committee, may give notice, in writing, to the Speaker that the member is to be discharged from a committee.
- (2) The discharge of a member shall take effect upon receipt by the Speaker of a notice under paragraph (1).

Composition of committees

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

Chairing of committees and quorum

190. (1) Subject to paragraph (2) of Standing Order 185 (*Nomination of Members of committees*), unless otherwise provided under any written law, these Standing Orders or by resolution of the Assembly-

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

Conduct of election

191. (1) The Clerk shall, in consultation with the Speaker 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 committee, the Clerk shall in consultation of the Speaker, 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

192. (1) 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.

(2) The duties of the Chairperson shall be applicable to the Vice Chairperson of a Committee in the absence of the chair.

Absence of chairperson and vice-chairperson

193. 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.

Vote of no confidence in the chairperson or vice-chairperson

194. (1) Members claiming to make a resolution of no confidence in the chairperson or vice-chairperson shall, if they constitute a majority-

- (a) serve the chairperson or vice-chairperson with a written notice of the intended vote of no confidence, signed by such majority and disclosing the particulars of the intended vote of no confidence; and,
 - (b) deliver to the Chairperson of the Liaison Committee a notice, signed by such majority, calling for a meeting of the particular Committee to consider the particulars upon which their claim is based.
- (2) The Chairperson of the Liaison Committee shall, within seven days following receipt of the notice under paragraph (1) (b), call for a meeting of the particular Committee to hear the views of the Committee and accord the chairperson or vice-chairperson (as the case may be) an opportunity to be heard.
 - (3) Upon the hearing of the particulars of the claim, the Committee may, by a resolution supported by a majority of its Members resolve, by way of a motion, that it has no confidence in the chairperson or the vice-chairperson (as the case may be).
 - (4) The Clerk shall within three days following the resolution of the Committee, conduct the election the chairperson or the vice-chairperson.
 - (5) Any meeting under paragraphs (2) and (3) shall be chaired by the Chairperson of the Liaison Committee.
 - (6) A notice under this standing order shall be deemed to have been given either upon circulation of the notice through the telephone or email addresses of the Members and delivery to the offices of Members or by posting on notice boards in the precincts of Assembly, and in respect of the chairperson or the vice-chairperson, such notice shall be deemed to have been given upon delivery to the chairperson's or vice-chairperson's telephone and email address and by delivery of the notice to the office of the chairperson or vice-chairperson, as the case may be.

Notice of meetings

195. (1) A notice of a meeting of a 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 in the members pigeon holes or if sent through the telephone and 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 the Assembly.

Sittings of committees

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

Sub-committees of committees

197. A committee may establish such sub-committees as it may consider necessary for the proper discharge of its functions, (provisions of committees will apply where necessary).

Member adversely mentioned not to sit

198. 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

199. Unless quorum 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

200. (1) Unless the Assembly otherwise resolves, every committee shall meet at least once in two months.

(2) Except for the Assembly Business Committee, a 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

201. (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 Selection Committee.
- (3) Upon receipt of a report under paragraph (2), the Selection Committee shall consider the matter and shall propose a replacement of the Member for approval by the Assembly.
- (4) Subject to paragraph (1), a report on the failure of a Member to attend meetings of the Assembly Business Committee, the Selection Committee and the Committee on Appointments, shall be considered by the Assembly Business Committee which shall propose a replacement of the Member for approval by the Assembly.

List of attendance

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

Powers and privileges of committees

203. 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 committee

204. (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.

Original vote

205. (1) The Chairperson of a committee other than the Assembly Business Committee shall have an original vote but not a casting vote.

(2) Paragraph (1) shall not apply to the chairperson of the Assembly Business Committee, who shall have neither an original nor a casting vote.

Attendance by the Speaker or by non-members of committee

206. (1) The Speaker may, in exceptional circumstances, attend a meeting of a Committee for which he or she is not a Member.

(2) Whenever the Speaker attends a meeting of a Committee, the Speaker shall take the Chair.

(3) 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 committees

207. (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 committee shall be as nearly as possible, the same as that in Committee of the whole Assembly.

(2) Any question arising in a committee shall be decided by vote and the resolution on any such vote shall constitute the decision of the committee on that question.

(3) The minutes of a 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

208. (1) The deliberations of a 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 committee on a Bill, to the Bill committed to it and relevant amendments.

- (2) In the exercise of its functions, a committee may not consider any matter that is not contemplated within the mandate of the Assembly under the Constitution.

Public access to meetings of committees

209. (1) All committee proceedings shall be open to the public unless in exceptional circumstances where 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 committees

210. (1) The report of a 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 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 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 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 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) The Clerk shall publish the report in the Assembly website as soon as practicable after the report has been laid on the Table of the Assembly and circulate copies to Members.

Progress reports

- 211.** (1) Unless a more regular interval is prescribed under any written law or these Standing Orders, each 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

212. Within sixty days of a resolution of the Assembly or adoption of a report of a 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.

Joint sitting of committees of the Assembly

- 213.** (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 (3) of Standing Order 5 (*Proceedings on assembly of a new Assembly*) the second ranking member of the other committee shall deputise.
- (3) The quorum of a joint sitting of two or more committees shall be the number obtained by adding the respective quorum of each committee, excluding the Chairpersons.
- (4) The report of a joint sitting of two or more committees shall not be adopted unless supported by a resolution of a majority of the total membership of the committees.

Engagement of experts

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

Committee to be limited to mandate

- 215.** (1) A Committee shall-
- (a) be limited to its mandate as provided for in any law, these Standing Orders or a resolution of the Assembly;
 - (b) not deal with matters, which by operation of any written law, these Standing Orders, or in the opinion of the Speaker, relate to a function that ought to be undertaken, examined or executed by the Assembly Service Board;

- (2) Except as otherwise provided for in these Standing Orders, no matter shall be referred to a committee unless upon a resolution of the Assembly in which case Standing Order 227 (*Adhoc Committees*) shall apply.
- (3) Notwithstanding paragraph (1), the Speaker may, in exceptional circumstances, on a request by a Member, refer a matter to a committee.

Assembly Business Committee

216. (1) There shall be a committee, to be designated the Assembly Business

Committee, consisting of-

- (a) the Speaker who shall be the chairperson;
- (b) the deputy speaker
- (c) the Leader of the Majority Party; and
- (d) the Leader of the Minority Party;
- (e) the Majority Party Whip;
- (f) the Minority Party Whip;
- (g) not less than three and not more than three 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.

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

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

(5) The Assembly Business Committee shall –

- (a) prepare and, if necessary, from time to time adjust the Assembly Calendar 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; and,

(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) If, for any reason, a member of the Assembly 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.

(7) Unless, the Business Committee otherwise resolves, meetings of the Committee shall be held in camera.

Committee on Selection

217. (1) There shall be a committee, to be designated Selection Committee, consisting of-

- (a) the Leader of the Majority party who shall be the chairperson;
- (b) the Leader of the Minority party,
- (c) the Majority Whip,
- (d) the Minority Whip;
- (e) and not more than three members, who shall be nominated by Assembly parties and approved by the Assembly.

(2) The Committee on Selection shall nominate Members to serve in Committees, save for the membership of the Assembly Business Committee, Committee on Appointments.

(3) The Committee on Selection shall be appointed within ten days on assembly of a new Assembly.

Committee on Appointments

218. (1) There shall be a 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 Assembly Business Committee, on the basis of proportional Party Membership in the Assembly taking into consideration the numerical strength of the Parties and interests of Independent Members.

(2) The Committee on Appointments shall be appointed within seven days on assembly of a new 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) of the Constitution (*Members of County Executive Committees*).
- (5) The quorum of the Committee on Appointments shall be one half of the Members of the Committee, but the Speaker shall not be counted for the purposes of quorum and shall not vote.

County Public Investment and Accounts Committee

219. (1) There shall be a committee to be designated the County Public Investment and Accounts Committee.

- (2) The County Public Investments and Accounts Committee shall be responsible for-
 - (a) in respect of the accounts of the County Government-
 - (i) the examination of the annual reports of the Auditor General on the accounts relating to the appropriations of the sum voted by the Assembly to meet the public expenditure for the County Government, including the Assembly; and,
 - (ii) the examination of any other reports of the Auditor General on public funds relating to the County, including specialized reports and special reports submitted by the Auditor General on his own motion or following a request of the Assembly in accordance with the law relating to Public Audit.
 - (b) in respect of County Government Entities-
 - (i) the examination of the annual reports of the Auditor General on the accounts of county government entities, including county corporations;
 - (ii) the examining of any recommendation from the Auditor General relating to withholding of funds to a county government entity or a county corporation;
 - (iii) the examination of proposals from the county executive to declare a county corporation to be a county government entity; and,

- (iv) where a report is not available, the examination, in the context of the autonomy and efficiency of the county public investments, whether the affairs of the county public investments, are being managed in accordance with sound financial or business principles and prudent commercial practices.
- (3) The Committee may, in respect of a County Government-Linked Entity, inquire into the commercial affairs of the entity with a view to examining the prudence and commercial effectiveness of the continued investment of the County in the entity.

- (4) The Public Investments and Accounts Committee may examine the commercial effectiveness of the County Government's investment in a county government entity or a county corporation, including proposals for divestiture.
- (5) The Public Investments and Accounts Committee shall not examine the following matters as they relate to county government entities, including county corporations and county government-linked entities -
 - (a) matters of policy as distinct from business or commercial functions of the public investments in the County;
 - (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 county government entity, including county corporations or county government-linked is established.
- (6) The County Public Investments and Accounts Committee shall consist of a chairperson who shall be a member elected by the Committee from amongst the members of the Committee nominated from the minority party or coalition of parties in the Assembly and not more than four other Members.
- (7) The County Public Investments and Accounts Committee shall elect a chairperson and vice-chairperson from amongst its members.
- (8) The County Public Investments and Accounts 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.

County Finance, Budget and Appropriations Committee

220. (1) There shall be a committee to known as the Finance, Budget and Appropriations Committee.

- (2) The Committee shall consist of a Chairperson and not more than four 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 county budget;
 - (b) discuss and review the estimates and make recommendations to the Assembly;

- (c) examine the County Fiscal Strategy Paper presented to the Assembly;
 - (d) examine Bills related to the County budget, including Appropriation Bills and the Finance Bill;
 - (e) examine and consider all matters related to public finance, monetary policies and public debt;
 - (f) evaluate tax estimates, economic and budgetary policies and programmes with direct budget outlays;
 - (g) consider the reports of the Controller of Budget on the implementation of the annual county budget; and,
 - (h) in accordance with the Public Finance Management Act, examine the levels of county public debt and proposals for limitation of expenditure on the wages of public officers serving in the county.
- (4) The Finance, 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) The Committee shall invite only the Chairpersons of all Sectoral Committees to make presentations during the consideration of the Budget.

Assembly Procedure and Rules Committee

221. (1) There shall be a 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 Assembly Procedure and Rules Committee shall consider and report on all matters relating to these Standing Orders.
- (4) The Assembly 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.

- (7) The Committee may, on its own motion or following written request, make operational rules to supplement these standing orders for application by other committees in their consideration and disposal of claims or a petition for removal of persons from an office under the Constitution, any law or these standing orders.
- (8) Any rule or rules made by the Committee under paragraph (7) shall not be admissible unless such rule or rules conforms to the Constitution, relevant laws and these standing orders and obtains approval of the Assembly.

Committee on Implementation

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

- (2) The Committee shall consist of a Chairperson and not more than six other Members.
- (3) The Committee shall scrutinize the resolutions of the County 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 County Assembly has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.
- (4) The Committee may propose to the County 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

223. (1) There shall be a select committee to be known as the Committee on Delegated County Legislation.

- (2) The Committee shall consist of a Chairperson and not more than six other Members.
- (3) 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.
- (4) 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 Assembly scrutiny; and,
- (q) accords to any other reason that the Committee considers fit to examine.

(5) 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.

(6) 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

224. (1) There shall be select committees to be known as Sectoral Committees comprising of not more than seven members who shall be nominated by the Selection Committee in consultation with County Assembly parties at the commencement of every County Assembly.

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

(3) Unless the County Assembly otherwise directs, the Sectoral Committees and the subject matter respectively assigned to them shall be as set out in the Second Schedule.

(4) The mandate of Sectoral Committees in respect of the subject matter assigned under the Second Schedule of these Standing Orders shall only be exercised within the limits contemplated under Part 2 of the Fourth Schedule to the Constitution.

(5) The functions of a Sectoral Committee shall be to-

(a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;

(b) study the programme and policy objectives of departments and the effectiveness of the implementation;

(c) study and review all county legislation referred to it;

(d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;

(e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;

(f) to vet and report on all appointments where the Constitution or any law requires the

County Assembly to approve, except those under Standing Order 185 (*Committee on Appointments*) ; and

(g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

Liaison Committee

225. (1) There shall be a Committee to be known as the Liaison Committee which shall consist of:

- (a) the Deputy Speaker as Chairperson;
- (b) the First Chairperson of the Chairpersons Panel, who shall be the vice chairperson;
- (c) Chairpersons of all Committees of the Assembly excluding *ad hoc* Committees.

(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,;
- (d) ensure that Committees submit reports as required by these Standing Orders;
- (e) subject to paragraph (3) of Standing Order 15 (*Speaker may refer a matter to any committee*), determine, whenever necessary, the committee or committees to deliberate on any matter; and,
- (f) give such advice relating to the work and mandate of committees as it may consider necessary;

(3) The Liaison Committee shall consider reports of Committees that have been referred to them by the Speaker or those that have not been deliberated by the

Assembly and may submit a consolidated report containing the summaries of such reports for noting by the Assembly.

Adhoc Committees

- 226.** (1) The Assembly may, by a resolution establish an *adhoc* Committee for purposes of enquiring into a matter or matters specified in the resolution.
- (2) A notice of motion for the establishment of an *adhoc* committee shall not be admissible unless presented together with a written recommendation of the Liaison Committee.
- (3) A resolution of the Assembly to establish an *adhoc* committee may only be made once in a Session and in exceptional circumstances recommended by the Liaison Committee and certified by the Speaker.
- (4) An *adhoc* Committee established under this standing order-
- (a) may not deal with a matter that falls within the mandate of another Committee; and,
 - (b) shall submit its report to the Assembly within three months and shall, upon submission of the report stand dissolved.
- (5) The provisions of this Standing order shall not apply to an *adhoc* committee established for purposes of investigating a proposal for a removal of person from office or an *adhoc* committee established under paragraph (2) of Standing Order 152 (*Committal of Bills to Committees*).

PART XXV – STATUTORY INSTRUMENTS

- 227.** (1) Whenever a statutory instrument is submitted to the Assembly pursuant to the Constitution, any law or these Standing Orders, the statutory instrument shall, unless a contrary intention appears in the relevant legislation, be laid before the Assembly by the Leader of the Majority Party and shall thereafter stand referred to the relevant Committee.
- (2) The relevant Committee shall in considering a statutory instrument, examine 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 be dealt with in an Act of the 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 unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
- (j) appears to have had unjustifiable delay in its publication or laying before Assembly;
- (k) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions;
- (l) makes rights, liberties or obligations unduly dependent upon 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 the scrutiny of the Assembly; and,
- (q) accords to any other reason that the Committee considers fit to examine.

(3) In considering a statutory instrument, the relevant Committee shall confer with the regulation-making authority for which the statutory instrument has been made to deliberate on any desired modifications to the regulation.

(4) The Committee shall consider all statutory instruments referred to it within twenty days upon which the instrument is laid before the Assembly.

(5) If a 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 Assembly that the Assembly resolves that all or any

part of the statutory instrument be annulled and if a resolution is passed by the Assembly within seven days upon which the report of the Committee is laid before it, that all or part of the statutory instrument be annulled, the instrument or part thereof shall henceforth stand annulled.

- (6) A report of the Committee seeking the resolution of the Assembly to annul all or a part of a statutory instrument shall, in accordance with section 17 of the Statutory Instruments Act, contain a part expressly stating the overall objective of the statutory instrument, the identity of the portion of the statutory instrument in relation to which the report has been made and an indication of the manner in which it offends the criteria set out in section 10 of the Act and the recommendations thereof.
- (7) The Clerk shall submit the resolution under paragraph (5)(b) to the relevant county department or the authority that published the statutory instrument.
- (8) If, after expiry of the period for consideration of a statutory instrument specified under any law or this Standing Order, the Assembly has not resolved to annul all or a part of a statutory instrument, the Assembly shall be deemed to have expended with its scrutiny of the instrument, in which case, the regulation-making authority may proceed as if no objection has been raised on the particular instrument.
- (9) The Assembly may, in exceptional circumstances certified by the Speaker, resolve to extend the period prescribed under paragraphs (4) and (5) by a further period not exceeding fourteen days.
- (10) A resolution of the Assembly contemplated under paragraph (9) shall be exercised only once in respect of a particular statutory instrument.

PART XXVI - PUBLIC PETITIONS

Meaning of Petition

228. 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 of its legislation.

Submission of a Petition

229. (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 conveyance to the Assembly if the petition is submitted to the Clerk or for presentation to the Assembly by the Member if the petition is submitted by a Member on behalf of a petitioner

Petition on Private Bill

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

Notice of intention to present Petition

231. 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

232. 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.

Time for Petitions

233. The total time on the Order 'Petitions^u shall not exceed thirty minutes.

Presentation of Petitions

234. (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^u 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

235. 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

236. (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

237. The Clerk shall forward copies of responses received under Standing Order 237 (*Committal of Petitions*) to the petitioner or petitioners.

Register of Petitions

238. (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 XXVII - FINANCIAL PROCEDURES

General

Restrictions with regard to certain financial measures

239. (1) If, in the opinion of the Speaker, a motion makes provision for a matter listed in the definition of 'a money Bill^u', the Assembly may proceed only with the recommendation of the Finance, Budget and Appropriations Committee after taking into account, the views of the Member of County Executive Committee responsible for finance .

(2) 'A money Bill^u', 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.

Procedure for approval of the County Integrated Development Plan

240. (1) Pursuant to the provisions of section 126 of the Public Finance Management Act, the County Executive Committee member responsible for Planning shall at least once in every five years, prepare and submit to the Assembly, the draft County Integrated Development Plan.

- (2) The Speaker shall cause the draft County Integrated Development Plan to be laid before the County Assembly.
- (3) Upon being laid before the Assembly, the County Integrated Development Plan 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, within twenty one days, submit their views to the Finance, Budget and Appropriations Committee.
- (4) The Finance, Budget and Appropriations Committee shall consider and review the County Integrated Development Plan and make recommendations to the Assembly, taking into account the views of the Sectoral Committees, the views of the Executive Committee Member in charge of Planning and the public.

- (5) The approval by the Assembly of the motion on the report of the relevant Committee on the County Integrated Development Plan shall constitute the County Assembly Resolution setting forth the plan priorities for the period.
- (6) Within ninety days following the submission of the County Integrated Development Plan by the Executive Committee Member in charge of Planning, the Assembly shall consider and may, by resolution, adopt the County Integrated Development Plan with or without amendments.
- (7) The Clerk shall, within seven days of the approval of the County Integrated Development Plan, forward the resolution, including any amendments made by the Assembly to the Executive Committee Member in charge of Planning for publishing in the *Gazette*.

Amending the County Integrated Development Plan

241. (1) A proposed amendment to the County Integrated Development Plan, including a proposed amendment by a resident of Tharaka Nithi County may be submitted by way of a memorandum addressed to the Assembly.

- (2) Following the submission of a proposal to amend the County Integrated Development Plan, the Speaker shall cause the proposed amendment to be laid in the Assembly and circulated to all Members.
- (3) Within seven days following the laying of the proposed amendment in the Assembly, the Clerk shall publish the proposed amendment in the *Gazette*.
- (4) The consideration in the Assembly of a proposal to amend the County Integrated Development Plan shall, in addition to complying with the requirements set out under section 112 of the County Governments Act, follow the procedure for considering a draft County Integrated Development Plan under Standing Order 241 (*Procedure for approval of the County Integrated Development Plan*)
- (5) Despite paragraph (1), a proposal to amend the County Integrated Development Plan shall be committed only to the relevant sectoral committee.

Presentation of County Fiscal Strategy Paper

242. (1) The County Treasury shall submit the County Fiscal Strategy Paper approved by the County Executive Committee in accordance with section 117 of the Public Finance Management Act, to the Assembly, by the 28th of February of each year.

- (2) The County Fiscal Strategy Paper submitted under paragraph (1) shall –
- (a) have been aligned with the national objectives in the Budget Policy Statement;
 - (b) specify the broad strategic priorities and policy goals that will guide the county government in preparing its budget for the coming financial year and over the medium term;
 - (c) include the financial outlook with respect to county government revenues, expenditures and borrowing for the coming financial year and over the medium term; and,
 - (d) have taken into account the views of the Commission on Revenue Allocation; the public; any interested persons or groups; and any other forum that is established by legislation.
- (3) Upon being laid before the Assembly, the County Fiscal Strategy Paper shall be deemed to have been committed to each Sectoral Committee without question put, for each such committee to deliberate upon according to their respective mandates and make recommendations to the Finance, Budget and Appropriations Committee.
- (4) In considering the County Fiscal Strategy Paper, the Finance, Budget and Appropriations Committee shall consult each Sectoral Committee and Table a report, containing its recommendation on the Fiscal Strategy Paper to the Assembly for consideration
- (5) The report prepared by the Finance, Budget and Appropriations Committee pursuant to paragraph (4) shall include a schedule of ceiling of resources recommended for the County Executive, and Assembly.
- (6) The approval by the Assembly of the motion on the report of the Finance, 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 Executive, and Assembly and where necessary, the total sums for each Vote and the allocations to individual programmes for the fiscal year in question.

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

Presentation of Budget Estimates and committal to Committees

243. (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 County Executive Committee Member responsible for Finance shall submit other related documents as provided for under section 130 of the Public Finance Management Act in respect to the County Executive Budget Estimates submitted under paragraph (1).
- (3) Provided that the Budget Estimates shall not be admissible, unless the respective estimates for County Executive and the Assembly contained in the overall Budget Estimates are in accordance with the ceilings approved by the Assembly in the County Fiscal Strategy Paper.
- (4) The Leader of the Majority Party or a member designated by the Assembly Business Committee shall, within three days of submission of the Estimates and the documents contemplated under sections 129 and 130 of the Public Finance Management Act lay in the Assembly the documents.
- (5) 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.
- (6) Each Sectoral Committee shall consider, discuss and review the Estimates according to its mandate and submit its report and recommendations to the Finance, Budget and Appropriations Committee within twenty-one days, after being laid before the Assembly.
- (7) The Finance, Budget and Appropriations Committee shall consider 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.

(8) The recommendations of the Finance, Budget and Appropriations Committee shall include a schedule showing the proposed ceilings for each vote in respect of the recurrent and development expenditures and the respective proposed expenditures for each program.

(9) The Assembly shall, on a motion, that *'This Assembly adopts the Report of the Finance, Budget and Appropriations Committee on the Budget Estimates for the County Executive, and Assembly tabled in the Assembly onμ*, consider the Report and adopt it.

(10) 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 Finance, 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.

(11) The Clerk shall, within three days submit the resolution of the Assembly including a schedule containing the respective ceilings for each vote to the County Executive Member for Finance.

Committee of Supply

244. The Committee of Supply shall be a Committee of the whole Assembly.

Definition of day

245. 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

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

(2) In the consideration of Votes under paragraph (1), the Votes earmarked for increase or reduction pursuant to provisions of Standing Order 253 (*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

247. 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

- 248.** (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 (14) of this Standing Order.
- (3) 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.
- (4) 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 form of a motion *'That Vote..... be increased/reduced by Kshs..... (in respect of sub-head.....item) (sub-head.....)'*^u 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 Finance, Budget and Appropriations Committee shall introduce the Appropriation Bill prepared and submitted by the County Executive Committee Member for Finance in accordance with section 129(7) and 130(2) of the Public Finance Management Act and the ceilings as approved by the Assembly under paragraph (3) of Standing Order 244 (*Presentation of Budget Estimates and committal to Committees*)

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

- 249.** (1) The Member of County Executive Committee responsible for finance shall appear before the Assembly 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 for publication as a Finance Bill, setting out the revenue raising measures for the county government, together with a policy statement expounding on those measures.

- (3). Any recommendations made by the Finance, Budget and Appropriations 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 as contained in the Budget and Appropriations Committee report 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 the report and tabled in the Assembly.

Vote on Account

250. (1) Following approval of the Budget Estimates, if the County Appropriation Bill for a financial year has not been assented to, or is not likely to be assented to by the beginning of that financial year, the Assembly may authorise the withdrawal of money from the County Revenue Fund.

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

Procedure on Supplementary Estimates

251. (1) The County Government shall submit to Assembly for approval, a supplementary budget in support of money spent under section 135 of the Public Finance Management Act.

- (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 249 (*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) Provided that the report of the Finance, Budget and Appropriations Committee to the Assembly on Supplementary Estimates shall include a schedule showing the amounts in the estimates that have already been spent and the amounts for which the approval of the Assembly to reallocate, reduce, or increased is being sought.

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

Consideration of Supply Resolutions

252. (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"^u.
- (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'^u.
- (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 (4), paragraphs (2) and (3) shall apply in respect of a resolution so re-committed.

Passage Finance Bill

253. 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

254. (1) Following the submission of the legislative proposal by the Member of County Executive Committee responsible for finance under Standing Order 250 (*Pronouncement of the Budget highlights and Revenue raising measures*), the Finance, Budget and Appropriations 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 XXVIII – JOURNALS, RECORDS AND BROADCAST OF PROCEEDINGS

Journals of the Assembly

255. 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

256. (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 subject to any law relating to limitation of access to information or 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

257. (1) There shall be published within forty eight hours, a verbatim report of all proceedings of the Assembly, unless the Speaker is satisfied that such publication 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

258. 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 Assembly Proceedings

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

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

PART XXIX – PUBLIC ACCESS TO THE ASSEMBLY AND ITS COMMITTEES

General provisions on access to the Assembly

260. (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

261. (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

262. (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

263. 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 XXX – GENERAL Exemption of business from

Standing Orders

264. (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 these Standing Orders.

- (2) No Motion for the exemption of business from the Standing Orders shall be made to exempt any business from the provisions of –
 - (a) Part III (*Swearing-in of Members and Election Speaker*) ;
 - (b) Standing Order 16 (*Election of the Deputy Speaker*) ;
 - (c) Part VI (*Address by Governor, Senator and Visiting Dignitary*) ;
 - (d) Part IX (*Quorum of the Assembly*) ;
 - (e) Part XIII (*Approval of Public Appointments*) ;
 - (f) Part XVI (*Procedure for Removal from Office*) ;
 - (g) Standing Order 164 (*Not more than one stage of a Bil to be taken at the same sitting*);
 - (h) Standing Order 240 (*Restrictions with regard to certain financial measures*);
 - (i) Standing Order 265 (*Exemption of business from Standing Orders*) ;
 - (j) Part XXXI (*Amendment of the Standing Orders*) ;
 - (k) Part XXXII (*Repeal, Savings and Transition Provisions*).
- (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 Assembly.
- (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 Speaker.

Attendance before Parliament

265. (1) A request by Parliament that a Member, the Clerk, or an officer of the Assembly attends before Parliament to be examined or appears before any committee of the Parliament shall be by message from Parliament requesting that the Assembly grant leave to such Member, Clerk or other officer to attend.

- (2) If the Assembly grants leave under paragraph (1)-
 - (a) the Member may attend before Parliament or the committee of Parliament;
 - or
 - (b) the Clerk or officer shall attend before Parliament or the committee of Parliament .
- (3) Except upon leave granted under paragraph (2), a Member, the Clerk or an officer may not, whether in person or by counsel, attend or appear before

Parliament or a Committee of Parliament in response to a summons or invitation, or send an answer in writing to such summons or invitation.

Permission for absenteeism

266. (1) A Member seeking to be absent from sitting of the Assembly shall, seek the written permission of the Speaker, stating the period of the absenteeism, the reasons and any other relevant information;

(2) The Clerk shall keep custody of requests and shall not disclose to any other persons without written consent of the Speaker.

Failure to attend sittings

267. (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) The Assembly may, on request of the Committee extend the period prescribed under paragraph (2) by not more than fourteen further days.

(4) 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.

(5) 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 modifications.

(6) A Motion under paragraph (5) 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.

(7) At the conclusion of the debate on a motion under paragraph (5), the Speaker shall not put a question but shall declare that, pursuant to Article 194 (1) (b) of the Constitution, the office of the Member concerned has become vacant.

Seating in the Chamber

268. (1) There shall be reserved seats in the Chamber of the Assembly for the exclusive use of each of the following-

- (a) the Deputy Speaker;
- (b) the Leader of the Majority Party;
- (c) the Leader of the Minority Party;
- (d) Members with disabilities.

All other seats in the Chamber shall be available for the use of any Member.

(2) 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

269. (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.

County Assembly Service Board's Papers and replies

270. Whenever the Board is required under any law or these Standing Orders-

(a) to submit or present a report or any paper before the Assembly, such report or paper shall be made by a Member of the Board designated by the Board for such purpose;

(b) to make a statement or reply to any matter in the Assembly such statement or reply shall be made by the Leader of the Majority Party, or in his/her absence, by a Member of the Board designated by the Board for that purpose.

Speaker's Orders and code of conduct

271. (1) The Speaker's Orders issued or made by the Speaker pursuant to the law relating to powers, privileges and immunities of county assemblies, their committees and members or admittance in the precincts of county assemblies, including dress code -

- (a) shall be deemed to constitute part of these Standing Orders; and
- (b) may be appended to these Standing Orders.

(2) The Speaker may order that the code of conduct regulating the conduct of members issued or made pursuant to any law prescribing for the issuance of such code of conduct be appended to these Standing Orders for ease of reference in the Assembly.

Expenses of witnesses

272. There may 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 XXXI –AMENDMENT OF THE STANDING ORDERS

Proposals for amendment by the Assembly Procedure and Rules Committee

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

Amendment on the initiative of a Member

274. (1) A Member may, with the support of at least one third of all Members of the Assembly, request the Assembly Procedure and 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; and,
- (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 Assembly Procedure and Rules Committee.
- (4) The Assembly Procedure and Rules Committee shall, within twenty-one days of the receipt of a request under paragraph (3), consider the request and table a report in the Assembly containing the amendments proposed in the request and the recommendations of the Committee on each such proposal.
- (5) The Assembly shall consider the proposed amendments to the Standing Orders as reported from the Assembly Procedure and Rules Committee on a Motion that "The report of the Assembly Procedure and Rules Committee be approved".
- (6) Standing Order 160 (*Procedure on Bills reported from Committee of the whole Assembly*) shall apply to a Motion to approve the report of the Assembly Procedure and Rules Committee on the amendments proposed to the Standing Orders.

Periodic review of Standing Orders

275. At least once in every term of Assembly, not later than six months to the end of the term, the Assembly 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 Assembly Procedure and Rules Committee

276. (1) Upon the tabling of a report of the Assembly Procedure and Rules Committee under Standing Order 274 (*Proposals for amendment by the Assembly Procedure and Rules Committee*) and Standing Order 275 (*Amendment on the initiative of a Member*), the procedure set out at Standing Order 160 (*Procedure in Committee of the Whole Assembly on a Bill*) shall apply with the necessary modifications to the consideration of the specific amendments to the Standing Orders.

(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.

FIRST SCHEDULE
SECTORAL COMMITTEES
[Standing Order 225]

COMMITTEE

SUBJECTS

A
Agriculture, Livestock and Fisheries

all matters related to agriculture, including irrigation, crop and animal husbandry, livestock sale yards, county abattoirs, plant and animal disease control and fisheries; veterinary services (excluding regulation of the profession), and animal control and welfare, including licensing of dogs and facilities for the accommodation, care and burial of animals.

B
County Public Service and Administration

all matters relating to county public service including labour, manpower or human resource planning; delivery of county public services; decentralized units; civic education and citizen participation; and the county enforcement units.

C
Education, Science and Technology

all matters related to pre-primary education, village polytechnics, home craft centres, childcare facilities, libraries and research.

D
Health

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, cemeteries, funeral parlours and crematoria.

E
Land, Housing and Physical Planning

all matters related to county planning and development including statistics, land survey and mapping, boundaries and fencing, housing; matters related to county land use including zoning, spatial plans, sectoral plans, cities and urban areas plans.

F
**Trade, Tourism and
Cooperatives**

all matters related to county trade development and regulation, including markets, trade licences (excluding regulation of professions), fair trading practices, county investments, local tourism and cooperative societies.

G
**Transport, Public Works
and Infrastructure**

all matters related to county transport, including county roads, street lighting, traffic and parking, public road transport; county public works and services including storm water management systems in built-up areas; electricity and gas reticulation and energy regulation.

H
**Water, Environment and
Natural Resources**

all matters related to implementation of specific national government policies on natural resources and environmental conservation, including soil and water conservation and forestry and control of air pollution, sound pollution, other public nuisances and outdoor advertising and refuse removal, refuse dumps and solid waste disposal and water and sanitation services.

I
**Youth, Sports and Social
Services**

all matters relating to gender, youth and sports; cultural activities, public entertainment and public amenities, including betting, casinos and other forms of gambling, racing, liquor licensing, cinemas, video shows, museums, county parks, and other recreation facilities; fire fighting services and disaster management, control of drugs and substance abuse and pornography; and matters related to preservation of county cultural heritage.

**SECOND SCHEDULE
GENERAL FORM OF A PUBLIC PETITION
[Standing Order 233]**

I/We, the undersigned,

(Here, identify in general terms, who the petitioner or petitioners are, for example, citizens of Kenya, residents of province or region, 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
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.....
.....
.....

(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.**

THIRD SCHEDULE
BROADCASTING RULES
[Standing Order 260]

Assembly Broadcasting Unit

1. (1) The Assembly Service Board may establish a Broadcasting Unit, which shall oversee the broadcasting of Assembly proceedings.
- (2) Unless the Assembly otherwise directs, the Assembly Broadcasting Unit may broadcast the proceedings of Assembly.

Assembly privilege

2. (1) Audio and visual digital footage of Assembly proceedings shall be covered by the laws relating to Assembly privilege and shall be kept as part of the records of the Assembly, under the custody of the Clerk of the Assembly.
- (2) Despite paragraph (1), the broadcast of proceedings of the Assembly or its committees which contravenes these rules may not be covered by the law relating to Assembly privilege.

Television broadcasting

3. When broadcasting the proceedings of the Assembly on television, the following guidelines shall apply-
 - (a) the camera shall focus on the Member recognized by the Chair until the Member has finished speaking;
 - (b) group shots and cut-aways may be taken for purposes of showing the reaction of a group of Members to an issue raised on the Floor;
 - (c) wide-angle shots of the Chamber shall be used during voting and Division and no shot shall be taken so as to show the manner in which a Member has voted in any secret ballot.
 - (d) officers of the Assembly taking an active role in the proceedings may be shown;
 - (e) the occupant of the Chair shall be shown when taking and leaving the Chair and whenever he or she rises;
 - (f) press and public galleries shall not be shown except as part of the wide angle shots and during important functions as may be determined by the Assembly Committee dealing with matters relating to the broadcast of Assembly proceedings;
 - (g) no close-up shots of Members' papers or reference materials may be shown.

Radio broadcasting

4. When broadcasting the proceedings of the Assembly on radio, the following guidelines shall apply-
 - (a) audio recording shall be restricted to proceedings of the Assembly and the Committees;
 - (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 Assembly

5. (1) Officers of the Assembly Broadcasting Unit shall conduct themselves in a professional and impartial manner, giving a balanced, fair and accurate account of proceedings.
- (2) Shots designed to embarrass unsuspecting Members of Assembly shall not be shown.
- (3) Recordings of Assembly proceedings may not be used for purposes of political party advertising, ridicule, commercial sponsorship or any form of adverse publicity.

External media

6. (1) In these Rules, 'external media house'^u refers to any media house other than an Assembly Broadcasting Unit.
- (2) No external media house or other person may broadcast any proceedings of the Assembly except as received from the broadcast feed provided by the Assembly Broadcasting Unit or with the permission of the Speaker.
- (3) A media house that receives a broadcast feed from the Assembly Broadcasting Unit shall broadcast it without any manipulation or distortion.
- (4) No camera or other recording or broadcasting equipment shall be allowed in the Assembly without authorization.
- (5) Accredited journalists shall be allowed access to designated areas for purposes of following the proceedings and taking notes and any journalist so allowed shall observe the Standing Orders and these Rules.

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 Committee dealing with matters relating to the broadcast of Assembly proceedings consider appropriate.

(2) The Committee dealing with matters relating to the broadcast of Assembly proceedings shall develop procedures for the enforcement of these Rules.

Application

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