

## THE COUNTY ASSEMBLY OF GARISSA STANDING ORDERS

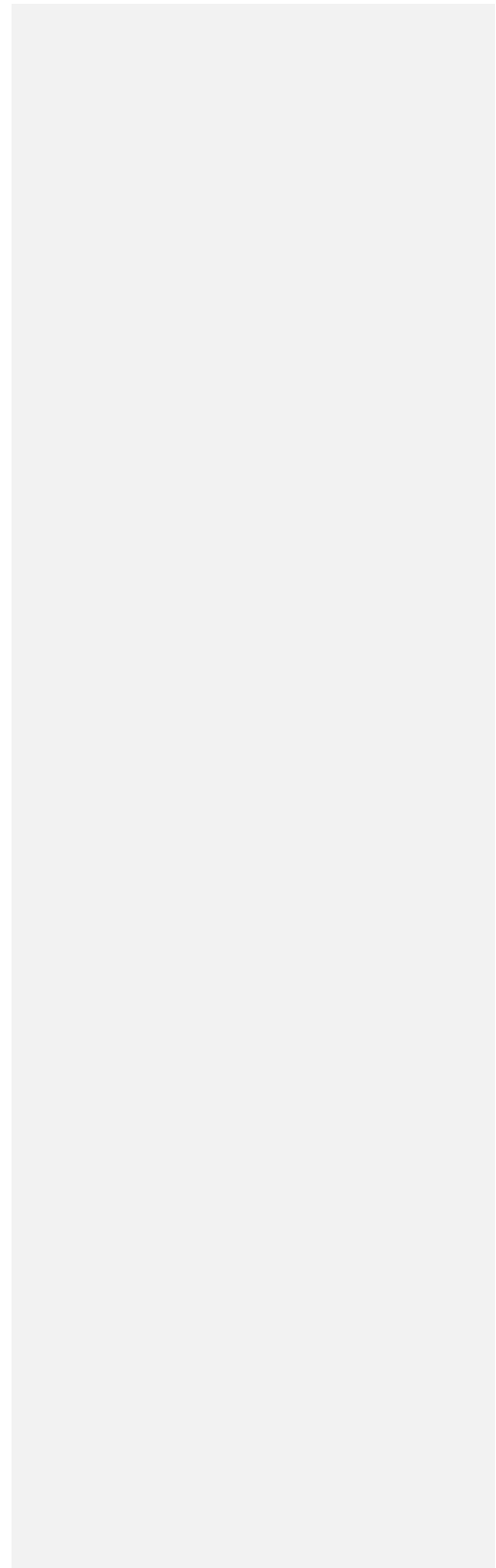
In Exercise of the powers conferred by Article 185 of the Constitution of Kenya and section 14 of the County Governments Act, the County Assembly of Garissa, by resolution passed on XXXXXXXXXXXXXXX, 2023, adopted these Standing Orders.

CONTENTS

PRAYER.....11

OMBI ..... 12

PART I – INTRODUCTORY..... 13



PRAYER.

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

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

AMEN.

## OMBI

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

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

AMIN.

## PART I – INTRODUCTORY

### In cases not provided for, the Speaker to decide

1. (1) In all cases where matters are not expressly provided for by these Standing Orders or by other Orders of the County Assembly, any procedural question shall be decided by the Speaker  
  
(2) The decisions made in paragraph (1) shall be based on the Constitution of Kenya, statute law and the usages, forms, precedents, customs, procedures traditions and practices of the legislatures of the Republic of Kenya and other jurisdictions to the extent that these are applicable to Kenya.

### Interpretation

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

“Allotted Day” means a day set aside for the debate on the Governors address to the County Assembly as provided under **Part V** of the Standing Orders or the consideration in committee of supply of proposals in respect of the annual and supplementary estimates, as provided by **Part XXIII** of these Standing Orders;

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

“Clerk” means the Clerk of the County 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;

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

“County Executive Committee” means a committee established pursuant to Article **179(2)** of the Constitution;

“Division list” means a list prepared by the Clerk containing names of Members of the County Assembly arranged in alphabetical order of—

- (i) Their Wards; and
- (ii) The special interests represented by the Members nominated under Article **177 (1) (b) (c) & 177(2)** of the Constitution.

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

“Leader of the Majority Party” means the person who is the leader in the County Assembly of the largest party or coalition of parties under **Standing Order 21 and 22**;

Commented [1]:  
Arrange in alphabetical order once the terms are agreed upon is approved.

“Leader of the Minority Party” means the person who is the leader in the County Assembly of the second largest party or coalition of parties under [Standing Order 21 and 23](#);

“Leave of the County Assembly” means there being no objection by any Member, either with the sympathy of the Speaker or with the support of at least two other Members;

“Majority Party” means the largest party or coalition of parties in the County Assembly;

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

“Member” means a member of the County Assembly of Garissa elected or nominated in accordance with Article [177\(1\)](#) of the Constitution;

“Member of County Executive Committee” means a person appointed as a member of the county executive committee of Garissa under Article [179\(2\)\(b\)](#) of the Constitution;

“Minority Party” means the second largest party or coalition of parties in the County Assembly;

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

“Notice Paper” means the official schedule of business intended to be transacted by the County Assembly during a particular week, published and circulated by the Clerk by order of the County Assembly Business Committee under [Standing Order 41](#) (*Order Paper to be prepared and circulated*)

“Order paper” means the paper showing the business to be placed before or taken by the County Assembly on a particular day, published and circulated by the Clerk under [Standing Order 41](#) (*Order Paper to be prepared and circulated*)

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

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

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

“Private Bill” means any Bill, which is intended to affect or benefit some

particular person, association or corporate body;

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

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

“Session” means the sittings of the County Assembly commencing when it first meets after a General Election or on a day provided for in Standing Order 30 (*Regular Sessions of the County Assembly*) and terminating when the County Assembly adjourns at the end of a calendar year or at the expiry of the term of County Assembly.

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

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

(b) reference to the Chairperson of Committees includes the Speaker when presiding over a Committee of the whole County Assembly or any other Member for the time being so presiding;

(c) reference to the Speaker includes any other Member when presiding over the County Assembly pursuant to Article 178(2) of the Constitution.

(d) reference to the House is a reference to the County Assembly

(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 the county assembly member’s offices or by electronic modes in such other manner as the Speaker may direct.

#### **The Mace**

3. The Mace of the House embodies the authority of the Speaker and the House and shall be kept in safe custody by the Sergeant-at-Arms.

#### **Clerk to obtain coalition agreements**

4. The Clerk shall obtain from the Registrar of Political Parties a certified copy of any coalition agreement entered into by two or more parties in the County Assembly of Garissa for purposes of ascertaining the relative majorities in the House and facilitating the transaction of the business of the House.

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

#### **Proceedings on assembly of a new County Assembly**

5. (1) Whenever a new County Assembly is elected, the Governor, by notice in the

*Gazette*, shall appoint the place and date of the first sitting of the new County Assembly which date shall not be more than thirty days from the date on which the county assembly shall be fully constituted as provided for under section 7A of the County Government Act, 2012.

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

- (a) read the notification of the convening the County Assembly as published in the *Gazette*;
- (b) lay a list of the names of the persons elected as Members on the Table of the County Assembly; and
- (c) administer the Oath or Affirmation of Office provided for in the **First Schedule** of the County Governments Act, 2012 to all members present in the County Assembly in the order set out in paragraph (2).

(3) 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)

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

- (a) Member-elect who has served in a county assembly as
  - (i) Speaker
  - (ii) Leader of the Majority Party
  - (iii) Leader of the Minority Party; or
  - (iv) Deputy Speaker
- (b) Members with the longest cumulative period of service in the County Assembly;
- (c) Members with the longest cumulative period of service in the National Assembly and Senate
- (d) All other Members elect

(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 County 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 County Assembly following a by-election, 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 33 (*Hours of Meeting*), on the day when the election of the Speaker is to be conducted after a general election the sitting of the County Assembly shall commence at 9.00 am.

#### **Election of Speaker after General Elections**

6. (1) A Speaker shall be elected when the County Assembly first meets after a General Election and before the County Assembly proceeds with the dispatch of any other business, except the administration of the Oath or Affirmation of Office to Members present.
- (1) If the office of Speaker falls vacant at any time before the expiry of the term of County Assembly, no business shall be transacted by the County Assembly until the election of a new Speaker.
- (2) A Member elected by the County Assembly in accordance with Article 178(2) of the Constitution shall preside over the election under paragraph (2).

#### **Nomination of candidates**

7. (1) Upon the Governor notifying the place and date for the first sitting of a new County Assembly pursuant to Standing Order 5 (*Proceedings on assembly of a new County Assembly*), the Clerk shall by notice in the Gazette-
  - (a) notify that fact and invite interested persons to submit their nomination papers for election to the office of Speaker; and
  - (b) appoint a nomination day and designate the place and period for the receipt of nomination papers.
- (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 County 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 County Assembly under Article 193 of the Constitution and is willing to serve as Speaker of the County Assembly.
- (4) The nomination paper of a candidate under paragraph (3) shall be in the form prescribed in the **Eighth Schedule**.
- (5) 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.
- (6) 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.

- (7) The Clerk shall, at least two hours before the sitting of the County 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 County Assembly and shall, in the presence of the County Assembly, lock the box, which shall thereafter be kept in the full view of the County 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 spoiled, 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 spoiled, if in the Clerk's opinion, it does not identify the candidate purported to be selected by the member voting

#### **Election threshold**

9. 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 County 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 County Assembly.

#### **Notification of opening of County 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 County Assembly within 30 days.  
(2) Following the notification by the Speaker under paragraph (1), the sitting of the County Assembly shall stand adjourned until the date and time of the opening of County 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) If the office of the deputy speaker falls vacant at any time before the end of the term of County Assembly, the County Assembly shall, as soon as practicable, elect a Member to that office.  
(3) The procedure for electing the deputy speaker shall, with necessary modifications, be the same as that prescribed for the election of the Speaker.

### **Chairperson of the Committees of the whole house**

17. (1) The Deputy Speaker shall be the Chairperson of Committees and shall preside over all committees of the whole house
- (2) If the deputy speaker is absent, or considers that it is desirable that he or she should take part in any proceedings in Committee otherwise than as the person presiding, the Speaker shall take the Chair.

### **Chairperson's Panel**

18. (1) There shall be a panel to be known as the Chairperson's Panel which shall comprise four Members to be known, respectively, as the First, Second, Third and Fourth Chairperson of Committees and who shall be entitled to exercise all the powers vested in the Chairperson of Committees.
- (2) As soon as practicable, after the election of the Deputy Speaker following a general election, the Speaker shall, in consultation with leaders of County Assembly parties, submit a list of four Members for consideration by the House Business Committee.
- (3) The House Business Committee shall, within seven days of receipt of the names of the nominees, table the list in the House and give notice of motion for approval.
- (4) Whenever a Motion for approval under paragraph (3) is moved in the House, no objection against the proposed membership on the Chairperson's Panel of any particular Member shall be permitted and objections, if any, shall be formulated and considered against the proposed membership as a whole.
- (5) In nominating the Members of the Chairperson's Panel, the Speaker and the House Business Committee shall have regard to the relative party majorities in the House and shall ensure, so far as shall be practicable, that at least one member of the Panel is from either gender.

### **Discharge of a Member from Chairperson's Panel**

19. (1) The Speaker may, in writing, to the House Business Committee give notice that a member has been discharged from the Panel.
- (2) Within seven days of receipt by the House Business Committee of a notice under paragraph (1), the House Business Committee shall consider the notice and give Notice of Motion to replace the Member.

### **Presiding in the House**

20. (1) The Speaker shall preside at any sitting of the House but in absence of the Speaker, the Deputy Speaker shall preside and in absence of the Speaker and the Deputy Speaker, a member elected by the House for that purpose pursuant to Article 178(2) of the Constitution shall preside.
- (2) The approval of the First, Second, Third and Fourth Chairperson of Committees under Standing Orders 18 (Chairperson's Panel) shall be deemed to constitute an election for purposes of paragraph (1) and either the First, Second, Third or Fourth Chairperson of Committees may preside over the House in the absence of the Speaker and the Deputy Speaker.

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

**Party leaders and order of precedence**

21. (1) Pursuant to Sec 10 of the County Governments Act, there shall be in each county assembly a leader of the majority party and a leader of the minority party
- (2) The leader of the majority party shall be the person who is the leader of the largest party or coalition of parties in the county assembly.
  - (3) The leader of the minority party shall be the person who is the leader of the second largest party or coalition of parties in the county assembly.
  - (4) A county assembly shall observe the following order of precedence—
    - (a) the speaker of the county assembly;
    - (b) the leader of the majority party; and
    - (c) the leader of the minority party.
  - (5) The Speaker shall facilitate the Leader of the Majority Party and the Leader of the Minority Party in the discharge of the business of the House on behalf of their respective parties or coalition of parties in the County Assembly.

**Election and removal of the Leader of the Majority Party and Deputy Leader of the Majority Party**

22. (1) The largest party or coalition of parties in the County Assembly shall elect—
- (a) a Member of the County Assembly belonging to the party or coalition of parties to be the Leader of the Majority Party; and
  - (b) a Member of the County Assembly belonging to the party or coalition of parties to be the Deputy Leader of the Majority Party.
- (2) In electing Members under paragraph (1), the largest party or coalition of parties in the County 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.
- (3) The Majority Party Whip shall communicate the name of the Members elected under paragraph (1) to the Speaker in writing on behalf of the Majority Party.
- (4) The Speaker shall, as soon as practicable following receipt of the names under paragraph (3), convey the information to the assembled House, if the House is sitting, or notify Members, if the House is not sitting.
- (5) A Member of the largest party or coalition of parties may propose the removal of a Member elected under paragraph (1) by submitting a motion for consideration by the largest party or coalition of parties together with the names and signatures of at least a quarter of all the Members of the largest party or

coalition of parties in support.

(6) A member elected under paragraph (1) may be removed by a majority of votes of all members of the largest party or coalition of parties in the County Assembly.

(7) The Majority Party Whip shall forthwith, upon a decision being made by the largest party or coalition of parties, notify the Speaker in writing of the decision of the largest party or coalition of parties to remove a Member elected under paragraph (1) and submit—

(a) the minutes of the meeting at which the decision was made by the largest party or coalition of parties; and

(b) the names and signatures of the Members who resolved to remove the Member at the meeting.

(8) Upon receipt of the notification and the documents under paragraph (7) and confirmation that the threshold for removal has been met, the Speaker shall notify the House of the decision of the largest party or coalition of parties and the office of a member elected under paragraph (1) shall fall vacant.

#### **Election and removal of the Leader of the Minority Party**

23. (1) The second largest party or coalition of parties in the County Assembly shall elect—

(a) a Member of the County Assembly belonging to the party or coalition of parties to be the Leader of the Minority Party; and

(b) a Member of the County Assembly belonging to the party or coalition of parties to be the Deputy Leader of the Minority Party.

(2) In electing Members under paragraph (1), the largest party or coalition of parties in the County 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.

(3) The Minority Party Whip shall communicate the name of the Members elected under paragraph (1) to the Speaker in writing on behalf of the Minority Party.

(4) The Speaker shall, as soon as practicable following receipt of the names under paragraph (3), convey the information to the assembled House, if the House is sitting, or notify Members, if the House is not sitting.

(5) A Member of the second largest party or coalition of parties may propose the removal of a Member elected under paragraph (1) by submitting a motion for consideration by the second largest party or coalition of parties together with the names and signatures of at least a quarter of all the Members of the second largest party or coalition of parties in support.

(6) A member elected under paragraph (1) may be removed by a majority of votes of all members of the second largest party or coalition of parties in the County

Assembly.

- (7) The Minority Party Whip shall forthwith, upon a decision being made by the second largest party or coalition of parties, notify the Speaker in writing of the decision of the second largest party or coalition of parties to remove a Member elected under paragraph (1) and submit—
  - a. the minutes of the meeting at which the decision was made by the second largest party or coalition of parties; and
  - b. the names and signatures of the Members who resolved to remove the Member at the meeting.
- (8) Upon receipt of the notification and the documents under paragraph (7) and confirmation that the threshold for removal has been met, the Speaker shall notify the House of the decision of the second largest party or coalition of parties and the office of a member elected under paragraph (1) shall fall vacant.

#### **PART V – ADDRESS BY GOVERNOR, SENATOR AND VISITING DIGNITARY**

##### **Governor’s address on opening of new County Assembly**

24. (1) The Governor shall address the opening of each newly elected County 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**

25. (1) The Governor shall address a special sitting of County Assembly once every year and may address County 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 County Assembly on a specified day and time, then on that day, no Motion for the adjournment of the County Assembly shall be made before the time for which the Governor’s arrival has been notified.

##### **Governor entering or leaving the Chamber**

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

##### **Governor’s address to County Assembly**

27. (1) The Governor may be accompanied in the Chamber by an *Aide-de-Camp*.
- (2) Whenever the Governor addresses County Assembly, the Speaker of the County 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 County 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 County Assembly following the reading of such Address.

(5) A Member may give a notice of Motion that *“The Thanks of the County Assembly be recorded for the exposition of public policy contained in the Address of the Governor delivered on...”* but debate on the Motion shall not exceed four sitting days.

#### **Address by the Senator or Visiting dignitary**

28. (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 County Assembly on such occasions as may be appropriate

(2) Standing Order 26 (*Governor entering or leaving Chamber*) and paragraphs (1), (3) and (4) of Standing Order 27 (*Governor’s address to County Assembly*) shall, with necessary modifications, apply to the Senator, visiting Heads of State and such other dignitaries.

#### **Designation of a place in the Chamber for County Executive Committees and other persons**

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

(a) the County Executive Committee member responsible for finance to make a public pronouncement of the budget policy highlights and revenue raising measures for the national government as contemplated under the Public Finance Management Act;

(b) other County Executive Committee Members or persons to make submissions or presentations before the House.

### **PART VI - CALENDAR, SITTINGS AND ADJOURNMENTS OF THE COUNTY ASSEMBLY**

#### **Regular Sessions of the County Assembly**

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

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

(3) Subject to paragraph (1), the County 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 County Assembly in one Session and the first sitting hereof in the next Session.

#### **Calendar of the County Assembly**



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

#### **Special sittings of the County Assembly**

32. (1) Whenever during a Session the County 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 County 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 any urgent and exceptional business as the Speaker may allow.
- (3) The Speaker shall, by notice in the Gazette, notify the Members of the place, date and time appointed for the special sitting of the County Assembly
- (4) Whenever the County 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 County Assembly during the special sitting, following which the County Assembly shall stand adjourned until the day appointed in the County Assembly calendar.

#### **Hours of meeting**

33. (1) Unless the Speaker, for the convenience of the County Assembly otherwise directs, the County Assembly shall meet at **9.30 a.m.** and at **2.30 p.m.** on Tuesday and Wednesday, but more than one sitting may be directed during the same day.
- (2) Unless for the convenience of the County 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 County 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 County 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 County Assembly without question put.

#### **Adjournment of the County Assembly**

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

#### **Resumption of interrupted business**

35. Any debate interrupted under this Part shall on coming again before the County 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, his or her speech shall be deemed to have been concluded.

#### **Adjournment on definite matter of urgent national and or county importance**

36. (1) Any Member may at any time rise in his or her place and seek leave to move the adjournment of the County Assembly for the purpose of discussing a definite matter of urgent national and or county importance.
  - (2) A Member who wishes to seek leave to move the adjournment of the County 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 national and or county importance and may properly be raised on a Motion for adjournment of the County Assembly.

- (3) If the Speaker is satisfied in terms of paragraph (2) and not less than five 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 County Assembly, except that the Mover may speak for ten minutes.

#### **PART VII - QUORUM OF THE COUNTY ASSEMBLY**

##### **Quorum at commencement of the County Assembly**

37. (1) A quorum of the County Assembly or of a Committee of the whole County Assembly shall be a third of its members.
  - (2) If there is not a quorum present when the Chair is taken, at the time appointed for a meeting of the County 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 County Assembly forthwith to the next sitting.

##### **Quorum during the proceeding of the County Assembly**

38. (1) If at any time after the Chair is taken, or when the County Assembly is in Committee, a Member objects that there is not a quorum present, the Speaker or the Chairperson shall count the County 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 County Assembly until the next sitting without question put;
    - (b) if the County Assembly is in Committee, the Chairperson shall leave the Chair and report the fact to the Speaker, who shall adjourn the County 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 County 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**

39. 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**

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

### **PART VIII - ORDER OF BUSINESS**

#### **Order Paper to be prepared and circulated**

41. (1) The Order Paper shall be prepared by the Clerk, showing the business to be placed before or taken by the County 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 County Assembly website and shall be made available to members, at least twelve hours before the County Assembly meets, but a supplementary Order Paper shall be made available at least one hour before the County Assembly meets.

#### **Weekly programmes of the business of the County Assembly**

42. The Clerk shall prepare and publish on the County Assembly website, weekly programmes showing the business of the County 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**

43. (1) Each day after Prayers have been said and the County Assembly has been called to order, the Business of the County Assembly shall be proceeded with in the following sequence-
- (a) Administration of Oath;
  - (b) Communication from the Chair;
  - (c) Messages;
  - (d) Petitions;
  - (e) Papers;
  - (f) Notices of Motion;
  - (g) Questions and Statements;
  - (h) Motions and Bills
- (2) Business shall be disposed of in the sequence in which it appears in the Order Paper or in such other sequence as the Speaker may, for the convenience of the County Assembly, direct.
- (3) On Wednesday morning, a Bill or a motion not sponsored by the Majority or Minority Party or by a Committee, shall have precedence over all other business in such order as the County Assembly Business Committee shall

ballot

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

## **PART IX - MESSAGES**

### **Messages to and from the Senate**

44. (1) A message from the County Assembly to the Senate shall be in writing and shall be signed by the Speaker
  - (2) The Clerk of the County Assembly shall transmit a message from the County 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 County Assembly is in session, the Speaker shall report the message to the County 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 County 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 County Assembly on the day the County 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 County 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 County Assembly for consideration.

### **Messages from the Governor and the Senator**

45. (1) The Speaker shall read to the County Assembly any message from the Governor or the Senator of the County delivered to the Speaker for communication to the County Assembly.
  - (2) If a message is received from the Governor or the Senator of the County, at a time when the County 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 County Assembly on the day the County 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 County 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 County Assembly for consideration.
- (4) Paragraphs (1), (2) and (3) shall apply, with necessary modifications, to a message delivered to the Speaker by a County Executive Committee member for communication to the House pursuant to any written law providing for conveyance of messages from the County Executive Committee

#### **PART X – QUESTIONS AND STATEMENTS**

##### **Members general statements**

46. (1) Notwithstanding Standing Order 33 (*Hours of Meeting*), the Speaker shall interrupt the business of the County Assembly every Tuesday at 6.00 pm to facilitate members to make general statements of topical concern.
- (2) A member who wishes to seek leave to raise a matter under this standing order shall, before 3.00 pm on the day the statement is to be made, hand to the Speaker a written notification of the matter, but the Speaker shall refuse to allow the request unless satisfied that the matter may properly be discussed in the County Assembly.
- (3) No member making a statement under this standing order shall speak for more than three minutes, unless with permission of the Speaker.

##### **Statement Hour**

47. (1) Notwithstanding Standing Order 43 (*Sequence of Proceedings*), there shall be time, to be designated Statements Hour, every Wednesday, commencing not later than 3.00 pm.
- (1) During the Statements Hour-
- (a) a member of the County Assembly Business Committee designated by the Committee for that purpose shall, every Wednesday or on the last sitting day, for not more than ten minutes, present and lay on the Table, a statement informing the County Assembly of the business coming before the County Assembly in the following week;
  - (b) the Leader of the Majority Party, or the Leader of the Minority Party as the case may be, or their designees may make a statement relating to their responsibilities in the County Assembly or the activities of a Committee;
  - (c) a Member may request for a Statement from the Committee Chairperson relating to matters under the mandate of the Committee and the Speaker may either appoint a day for the Statement or direct that the Statement be issued on the same day.

### **Question Time**

48. (1) Pursuant to the provisions of Article 183(3) of the Constitution, a Member of the County Executive Committee shall attend before the House to answer any question concerning a matter for which the Member is responsible.
  - (2) Unless for the convenience of the House, the Speaker otherwise directs, Question Time shall take place every Wednesday, commencing at 3.00pm.
  - (3) The Clerk shall notify the Members of the County Executive Committee on the Questions intended to be addressed, at least seven days before the day of the meeting, but the Speaker may certify a Question to be urgent, in which case it may be replied to as soon as the Speaker may recommend in accordance with Standing Order 51 (Questions by Private Notice).
  - (4) Upon Speaker's approval, the Clerk may invite more than one Member of the County Executive Committee to answer matters relating to more than one Department in one sitting of the House, but not more than three members of the County Executive Committee may be required to appear before the House.

### **List and order of Questions**

49. (1) The House Business Committee shall determine the list and order in which Members of the County Executive Committee shall appear to answer Questions before the House.
  - (2) The schedule of Questions listed for response and the Order in which questions shall be taken shall be included on the Order Paper of every Wednesday of the week when the House is sitting.
  - (3) The Speaker may vary the order in which Questions shall be disposed or defer a question.

### **Notices of Questions**

50. (1) Notices of Questions relating to issues of concern to the people shall be given by Members in writing to the Clerk and the Clerk shall, being satisfied that the notice is in accordance with Standing Order 52 (*Rules During Question Time*) submit the notice to the Speaker for approval.
  - (2) A Member desiring to ask a Question shall hand to the Clerk the written request, at least ten days before the day the Member intends to have the Question answered in the House.
  - (3) Following the approval of the Speaker under paragraph (1), the Clerk shall, within forty-eight hours, submit the request to the relevant Member of the County Executive Committee.

### **Questions by Private Notice**

51. (1) Despite Standing Order 50 (Notices of Questions), the Speaker may allow a Member to also ask a question which in the opinion of the Speaker is of urgent character or relates to exceptionally important issues of concern to the people.

- (2) A Member wishing to ask a question by private notice shall hand to the Clerk a notice of the Question at least twenty four hours before time scheduled for replies, but the question shall not be allowed unless it falls within the matters for which a Member of the County Executive Committee scheduled to reply, is responsible.
- (3) The Speaker may, in exceptional circumstances, on the request of the Leader of the Majority Party or the Leader of the Minority Party allow a Member of the County Executive Committee to attend and answer to urgent matters, notwithstanding that notice has not been given..
- (4) At the commencement of the proceedings, the Speaker shall inform the House of any approved questions by private notice and may allot time for their replies on the same sitting and, where practicable, such questions may be included in a revised agenda to be circulated.

#### **Rules during Question Time**

52. . (1) These rules apply to questions, including supplementary questions.
- (2) Except as the Speaker may otherwise allow, a Member may not ask a Question which—
  - (a) is in effect a speech;
  - (b) is lengthy;
  - (c) is limited to giving information;
  - (d) is framed so as to suggest its own reply or to convey a particular point of view;
  - (e) includes extracts from newspapers or quotations from speeches;
  - (f) contains any argument, inference, opinion, imputation or ironical or offensive expression or epithet;
  - (g) seeks an expression of opinion;
  - (h) repeats in substance a matter already addressed by a Committee of the House or in the course of debate in the House during the same Session;
  - (i) refers to more than one subject;
  - (j) includes the name of a person or a statement not strictly necessary to render the Question intelligible;
  - (k) contains an allegation which the Member is not prepared to substantiate;
  - (l) implies an allegation of a personal nature or which reflects upon the conduct of a person whose conduct can only be challenged through a substantive motion or upon the conduct of any other person otherwise than in that person's official or public capacity;
  - (m) relates to a matter which is sub judice or which by any written law is secret pursuant to Standing Order 105 (*Matters sub judice or secret*);



- (n) falls within the functions and powers of county governments as contemplated under Part 2 of the Fourth Schedule to the Constitution;
  - (o) seeks a reply that is readily available in ordinary works of reference or official publications;
  - (p) refers discourteously to a friendly country, a Head of State or Government or the representative in Kenya of a friendly country; or
  - (q) refers to a matter under consideration by the House or a Committee.
- (3) A Member shall take responsibility for accuracy of the facts upon which a Question is based.
  - (4) A Member may, with leave of the Speaker, ask a supplementary question to a Question raised in the House before it is referred to a Committee for reply.
  - (5) Where the Member scheduled to raise a Question in the House is absent without the Speaker's permission, the Question shall be dropped and no further proceedings shall be allowed on the Question during the same session.
  - (6) A Member scheduled to ask a Question in the House may, at least two hours before a sitting, nominate another Member to ask the Question in his or her absence by notifying the Speaker in writing.
  - (7) The Speaker may defer a Question to a different time or day from its scheduled time and day.

#### **Rules of debate and Manner of disposing questions**

53. (1) Each Member of the County Executive Committee shall provide five hard copies and one electronic copy of the reply at least a day before the sitting.
  - (2) Subject to Standing Order 50 (*Notices of Questions*), Questions shall be disposed of in the sequence appearing in the Order Paper.
  - (3) Not more than five questions may be put down for reply to a particular Member of the County Executive Committee at any one sitting.
  - (4) The Speaker may allow the questioner to put up to two supplementary questions, and may permit up to four other Members to ask further supplementary questions in so far as they relate to the original question.
  - (5) The question may be answered only if the questioner is present, but if the Questioner is absent without the Speaker's authority, the question shall be answered in writing, in which case, the Member of the County Executive Committee shall table the reply before the House and no further proceedings shall be allowed.
  - (6) The Speaker may defer a question not reached, or any other question appearing on the Order Paper to another time on the same day or to another day.

#### **Questions for written reply**

54. The Speaker may direct that a written answer be provided in respect of a particular

question, in which case the Clerk shall forward the question to the relevant Member of the County Executive Committee for reply and thereafter provide the written reply to the Member who gave notice.

#### **PART XI – APPROVAL OF PUBLIC APPOINTMENTS**

##### **Committal to committees**

55. (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 County Assembly, the nomination shall stand committed to the relevant Sectoral Committee of the County Assembly for consideration
- (1) Despite paragraph (1),
- (a) appointments under Article 179(2)(b) of the Constitution shall stand committed to the Committee on Appointments
  - (b) the Speaker may, in exceptional circumstances, direct that a particular appointment be committed to such committee as the Speaker may determine.
- (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 County Assembly within **fourteen days** of the date on which the notification was received under paragraph (1).

#### **PART XII – MOTIONS**

##### **Application**

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

##### **Notices of Motions**

57. 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 County Assembly, without expressly proposing appropriate

amendment to the Constitution or the Act of Parliament or County Assembly;

- (c) is too long;
  - (d) is framed in terms which are inconsistent with the dignity of the County 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 County 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 County Assembly, pursuant to **Section 21(3) of the County Governments Act, 2012**
- (4) A Member giving notice of a Motion approved by the Speaker shall state its terms to the County 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) A notice of motion under **Part XIV (Procedure for removal from Office)** shall be given in the House within three sitting days following approval by the Speaker, and, if not, such motion shall be deemed to have been withdrawn and shall not be moved again in the same terms in the same session, except with the leave of the Speaker.
- (6) Unless the County Assembly resolves otherwise—
- (a) a Motion sponsored by a party shall have precedence over all other Motions on such day as the County 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) maybe 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 County Assembly when the Motion has acquired precedence in accordance with Standing Order **60 (Time for moving Motions)**, but at least one day before the Motion appears on the Order Paper.

#### **Amendment of Notice of Motion**

58. The Speaker may permit a Member to move in amended form a Motion of which notice has been given if in the opinion of the Speaker the amendment does not materially alter any principle embodied in the Motion of which notice has been given.

#### **Certain Motions not to be moved**

59. (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**

- 60. (1) The County Assembly Business Committee shall allot the time and sequence of the publication in the Order Paper of every Motion approved by the Speaker.
  - (2) Save for a Special Motion, a Member who has a Motion standing in his or her name may authorize, in writing, another Member to move that Motion in the Member's stead.
  - (3) Where no Member moves a Motion at the time specified by or under these Standing Orders, such Motion shall not again be published in the Order Paper during the same Session except with the leave of the Speaker.

**Motion withdrawn may be moved again**

- 61. (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 County Assembly.

**Motions which may be moved without Notice**

- 62. (1) 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 County Assembly or of a debate;
  - (c) Motion that the County Assembly do dissolve itself into a Committee of the whole County Assembly;
  - (d) Motion moved when the County 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 County Assembly with a Committee of the whole County 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 County Assembly under these Standing Orders;
- (j) Motion made under Standing Order **263** (*Exemption of business from Standing Orders*);
- (k) Motion made for the limitation of a debate under Standing Order **111** (*Limitation of debate*);
- (l) an exceptional motion for the tributes of the House under Standing Order **273** (*Tributes of the House*);
- (m) Motion made for the postponement or discharge of, or giving precedence to an order of the day; and
- (n) Motion for the extension of sitting time of the County Assembly.

#### **Manner of debating Motions**

63. (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**

64. (1) Unless otherwise provided in these Standing Orders, any amendment to a Motion which a Member wishes to propose in accordance with these Standing Orders may be moved and, if necessary seconded at any time after the question upon the Motion has been proposed and before it has been put.
- (2) When every amendment under paragraph (1) has been disposed of, the Speaker shall either again propose the question upon the Motion or propose the question upon the Motion as amended as the case may require, and after any further debate which may arise thereon, shall put the question.
- (3) Upon any amendment to leave out any of the words of the Motion, the question to be proposed shall be “That, the words proposed to be left out be left out”.
- (4) Upon any amendment to insert words in, or add words at the end of a Motion, the question to be proposed shall be “That, the words [of the amendment] be inserted” (or “added”).
- (5) Upon any amendment to leave out words and insert or add other words instead, a question shall first be proposed “That, the words proposed to be left out be left out of the question”, and if that question is agreed to, the question shall then be proposed, “That, the words [of the

- amendment] be therein inserted” (or “added”), but if the first question is negatived, no further amendment may be proposed to the words which it has been decided shall not be left out.
- (6) When two or more amendments are proposed to be moved to the same Motion, the Speaker shall call upon the movers in the order in which their amendments relate to the text of the Motion, or in cases of doubt, in such order as the Speaker shall decide.
  - (7) An amendment to leave out words and replace those words with other words shall take precedence before any amendment to leave out words without proposing to replace those words with other words.
  - (8) No amendment may be moved which relates to any words which it has been decided shall not be left out of a Motion.
  - (9) An amendment to an amendment may be moved and if necessary seconded at any time after the question upon the original amendment has been proposed and before it has been put.
  - (10) Paragraphs (3), (4), (5), (6), (7), (8) and (9) of this Standing Order shall apply to the debate of amendments to amendments with the substitution whenever appropriate of the words “original amendment” for the word “question”.
  - (11) When every amendment to an amendment has been disposed of, the Speaker shall, either again propose the question upon the original amendment or propose the question upon the original amendment, as amended as the case may require.

#### **Amendments to be in writing**

- 65. (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 County Assembly at any time during consideration of that Motion.

#### **Amendments to be relevant to Motion**

- 66. (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**

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

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

**Motion in possession of the County Assembly**

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

**Question as amended put**

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

**When amendment proposed but not made**

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

**PART XIII - SPECIAL MOTIONS**

**Definition of Special Motion**

71. (1) For purposes of this Part, a special motion is one—
- (a) that seeks a resolution of the House to approve an appointment or re-appointment in accordance with **Part XI** (*Approval of Public Appointments*); or
  - (b) moved pursuant to any of the following Articles of the Constitution—
    - (i) **Article 178** read together with **Section 11** of the CGA (*Resolution for removal of Speaker or Deputy Speaker from office*);
    - (ii) **Article 181** read together with **Section 33** of the CGA (*Removal of Governor on Grounds of incapacity*);
    - (iii) **Article 212** read together with **Section 140** of the PFM (*Authority for borrowing by County Government*);
    - (iv) **Section 33** of the CGA (*Impeachment of the Governor*);
    - (v) **Section 33** of the CGA (*Removal of Deputy Governor*);
    - (vi) **Section 40** of the CGA (*Dismissal of a County Executive Committee*);
    - (vii) **Section 58(5)** of the County Governments Act (*Removal of County Public Service Board Member*); and
    - (viii) **Section 10** of the County Assembly Services Act (*Removal of County Assembly Service Board Member*)
- (2) Unless the Constitution, any written law or these Standing Orders specify a lesser or further period, a special motion shall be—
- (a) disposed of by the Speaker in accordance with **Standing Order 63** (*Manner of debating motions*) within seven days of receipt of notice

- by a Member under paragraph (2); and
- (b) disposed of by the House within fourteen calendar days upon the notice under Standing Order *57* (*Notices of Motions*), and if not, such motion shall be deemed to have been withdrawn and shall not be moved again in the same Session, except with the consent of the Speaker.

**Instances where the Constitution or any other law requires a fixed majority.**

72. (1) In every instance where the Constitution or any other 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” 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 or such other time as the Speaker may determine.
- (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.

**PART XIV- VACTION AND PROCEDURE FOR REMOVAL FROM STATE/PUBLIC OFFICE**

**Resignation by Speaker or Deputy Speaker**

73. (1) The office of the Speaker or Deputy Speaker shall become vacant if the office holder resigns from office in a letter addressed the County Assembly as contemplated in section 11 of the County Governments Act in the case of the Speaker and 11A in the case of the Deputy Speaker.
- (2) A letter under paragraph (1) shall be submitted to the Clerk
- (3) Upon receipt of a letter of resignation, the Clerk shall, without delay—
- (a) in the case of resignation by the Speaker, inform the Deputy Speaker; or
  - (b) in the case of resignation by the Deputy Speaker, inform the Speaker.
- (4) The House shall be notified of a resignation under this Standing Order within seven days.

**Removal from Office of the Speaker or Deputy Speaker**

74. (1) A Member of the County Assembly, supported by at least one-third of all the Members, may move a motion for the removal of the Speaker or Deputy Speaker for—



- (a) serious violation of a provision of the Constitution or of any other law including a violation of Chapter Six;
  - (b) gross misconduct, whether in the performance of the Speaker's or Deputy Speaker's functions or otherwise;
  - (c) physical or mental incapacity to perform the functions of office;
  - (d) incompetence; or
  - (e) bankruptcy.
- (2) Before giving notice of the motion under paragraph (1), 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;
  - (c) signed in support by at least one-third of all the Members of the Assembly
- (3) Upon receipt of the motion by the Clerk, a Member shall not withdraw a signature appended to it.
- (4) A Member shall give three days' notice of the motion under paragraph (1) within three days of the approval of the motion.
- (5) The Clerk shall set out on the Order Paper on which the motion is listed—
- (a) the grounds and particulars upon which the proposed motion is made;
  - (b) the name of the Member sponsoring the motion; and
  - (c) the names of the Members in support of the motion
- (6) If the motion is passed—
- (a) the Assembly shall appoint a select committee comprising five of its Members to investigate the matter; and
  - (b) the committee shall, within seven days, investigate and report to the Assembly whether it finds the allegations against the Speaker or Deputy Speaker to be substantiated
- (7) The Speaker or Deputy Speaker has the right to appear and be represented before the select committee during its investigations.
- (8) If the select committee reports that it finds the allegations—
- (a) unsubstantiated, no further proceedings shall be taken; or
  - (b) substantiated, the County Assembly shall—
    - (i) furnish the Speaker or Deputy Speaker with the report of the select Committee, together with any other evidence adduced and such notes or papers presented to the committee at least three

days before the day scheduled for his or her appearance before the Assembly;

- (ii) afford the Speaker or Deputy Speaker an opportunity to be heard;
- (iii) consider the report of the select committee; and
- (iv) vote whether to approve the resolution requiring the removal from office of the Speaker or Deputy Speaker

- (9) If a resolution requiring the removal from office of a Speaker or Deputy Speaker is supported by at least seventy five percent of the members of the Assembly in the case of a speaker or two-thirds of the Members of the Assembly, in the case of a Deputy Speaker, the Speaker or Deputy Speaker shall cease to hold office.
- (10) If the office of the Speaker falls vacant at any time before the expiry of the term of Parliament, no business shall be transacted by the House until the election of a new Speaker
- (11) The Deputy Speaker shall preside over the election under paragraph (1) but if the Deputy Speaker is a candidate, a Member elected by the House in accordance with Article 178(2) of the Constitution shall preside.

#### **Procedure for removal of the Governor on grounds of incapacity**

- 75. (1) Before giving notice of Motion under section 33 of the County Governments Act, 2012, the Member shall deliver to the Clerk a copy of the proposed Motion in writing stating the grounds and particulars upon which the proposal is made, and signed by the Member; and the Clerk shall submit the proposed Motion to the Speaker for approval.
- (2) A member who has obtained the approval of the Speaker to move a Motion under paragraph (1) shall give a seven (7) days' notice calling for investigation of the Governor's physical or mental capacity to perform the function of the office
- (3) Upon the expiry of seven (7) days, after notice given, the Motion shall be placed on the Order Paper and shall be disposed of within three days; Provided that if the County Assembly is not then sitting, the Speaker shall summon the Assembly to meet and cause the Motion to be considered at that meeting after notice has been given.
- (4) When the Order for the motion is read, the Speaker shall refuse to allow the member to move the motion, unless the Speaker is satisfied that the member is supported by at least a third of all Members of the County Assembly to move the motion:  
  
"Within the seven days' notice, the Clerk shall cause to be prepared and deposited in his 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 THE GOVERNOR ON GROUNDS OF INCAPACITY "
- (5) The Mover shall provide to the Speaker, at least one hour before the sitting of the Assembly, a list signed by members in support of the Motion.

- (6) Any signature appended to the list as provided under paragraph (4) shall not be withdrawn.
- (7) When the Motion has been passed by two thirds of all members of the County Assembly, the Speaker shall, within seven (7) days, appoint a tribunal consisting of—
  - (a) Three persons qualified to practice medicine under the laws of Kenya nominated by the body which by law is responsible for regulating the professional practice to 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
- (8) If the Speaker is unable to appoint a tribunal under paragraph (7), a Member of the House elected to act as Speaker as contemplated under Article 178 (2) (b) of the Constitution shall appoint such a tribunal.
- (9) If the Governor is unable to nominate the person required to be nominated under paragraph (7) (c), 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.
- (10) The tribunal shall inquire into the matter and, within fourteen days after the appointment; report to the Speaker of the Assembly.
- (11) The Speaker shall cause the report of the tribunal to be tabled before the Assembly within seven days after receiving it.
- (12) The report of the tribunal shall be final and not subject to appeal and 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.
- (13) If the tribunal reports that the Governor is incapable of performing the functions of the office, the Assembly shall vote on whether to ratify the report.
- (14) When the Motion has been passed by two thirds of all Members of the Assembly, the Speaker shall inform the Speaker of the Senate of that resolution within two days

#### **Procedure for removal of Governor by impeachment**

76. (1) Before giving notice of Motion under, section 33 of the County Governments Act, 2012 the member shall deliver to the Clerk a copy of the proposed Motion in writing stating the grounds and particulars upon which the proposal is made, for the impeachment of the Governor on the ground of a gross violation of a provision of the Constitution or of any other law; where there are serious reasons for believing that the Governor has committed a crime under national or international law; or for gross misconduct or abuse of office. The notice of Motion shall be signed by the Member who affirms that the particulars of allegations contained in the motion are true to his or her own knowledge and the same verified by each of the members constituting at least a third of all the members and that the allegations therein are true of their own

knowledge and belief on the basis of their reading and appreciation of information pertinent thereto and each of them sign a verification form provided by the Clerk for that purpose.

- (2) The Clerk shall submit the proposed Motion to the Speaker for approval.
- (3) A member who has obtained the approval of the Speaker to move a Motion under paragraph (1) shall give a seven (7) days' notice calling for impeachment of the Governor.
- (4) Upon the expiry of seven (7) days, after notice given, the Motion shall be placed on the Order Paper and shall be disposed of within three days; Provided that if the County Assembly is not then sitting, the Speaker shall summon the Assembly to meet on and cause the Motion to be considered at that meeting after notice has been given.
- (5) When the Order for the Motion is read, the Speaker shall refuse to allow the member to move the motion, unless the Speaker is satisfied that the member is supported by at least a third of all Members of the County Assembly to move the motion; Provided that within the seven days' notice, the Clerk shall cause to be prepared and deposited in his office a list of all Members of the 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" and further, that the Mover shall provide to the Speaker, at least one hour before the sitting of the Assembly, a list signed by Members in support of the Motion
- (6) Any signature appended to the list as provided under paragraph (5) shall not be withdrawn.
- (7) When the Motion has been passed by at least half of all Members of the Assembly, the Assembly shall, within seven (7) days, appoint a special Committee comprising a third of the Members to investigate the matter; and shall, within ten days, report to the Assembly whether it finds the allegations against the Governor to be substantiated.
- (8) The Governor has the right to appear and be represented before the select Committee during its investigations.
- (9) No further proceedings shall be taken on the matter if the select Committee finds the allegations unsubstantiated.
- (10) If the select Committee reports that it finds the allegations substantiated, the Assembly shall vote whether to approve the resolution to impeach the Governor.
- (11) When the Motion has been passed by two-thirds of all Members of the Assembly, the Speaker shall inform the Speaker of the Senate of that resolution within two days.

#### **Procedure for removal of Deputy Governor**

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

### **Procedure for removal of Member of County Executive Committee**

78. (1) Before giving notice of Motion under section 40 of the County Governments Act, 2012, the member shall deliver to the Clerk a copy of the proposed Motion in writing stating the grounds and particulars upon which the proposal is made, for requiring the Governor to dismiss a Member of County Executive Committee on ground of a gross violation of a provision of the Constitution or of any other law; where there are serious reasons for believing that the Member of county executive has committed a crime under national or international law; or for gross misconduct. The notice of Motion shall be signed by the Member and the Clerk shall submit the proposed Motion to the Speaker for approval.
- (2) A member who has obtained the approval of the Speaker to move a Motion under paragraph (1) shall give a three (3) days' notice calling for dismissal of a Member of County Executive Committee by the Governor.
- (3) Upon the expiry of three (3) days, after notice given, the Motion shall be placed on the Order Paper and shall be disposed of within three days;
- (4) When the Order for the Motion is read, the Speaker shall refuse to allow the member to move the motion, unless the Speaker is satisfied that the member is supported by at least one-quarter of all Members of the County Assembly to move the motion. Provided that within the seven days' notice, the Clerk shall cause to be prepared and deposited in his office a list of all Members of the 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 COUNTY EXECUTIVE COMMITTEE" Provided further that the Mover shall provide to the Speaker, at least one hour before the sitting of the Assembly, a list signed by members in support of the motion.
- (5) Any signature appended to the list as provided under paragraph (4) shall not be withdrawn.
- (6) When the Motion has been passed by at least one-third of all members of the County Assembly, the Assembly shall, within seven (7) days, appoint a special committee comprising of five Members to investigate the matter; and shall, within ten days, report to the Assembly whether it finds the allegations against the Member of county executive to be substantiated.
- (7) The Member of County Executive has the right to appear and be represented before the select committee during its investigations.
- (8) No further proceedings shall be taken on the matter if the select committee finds the allegations unsubstantiated.
- (9) If the select committee reports that it finds the allegations substantiated, the County Assembly shall-
  - (a) avail the member of County Executive with the report of the select Committee, together with any other evidence adduced and such notes or papers presented to the committee at least three days before the day scheduled for his or her appearance before the Assembly;

- (b)afford the member of county executive an opportunity to be heard; and
- (c)consider the Report of the select committee and vote whether to approve the resolution requiring the member of county executive to be dismissed If a resolution requiring the Governor to dismiss a Member of County Executive is supported by a majority of the members of the County Assembly the Speaker shall promptly deliver the resolution to the Governor and, the governor shall dismiss the County executive committee member.

#### **Right to be heard**

79. Whenever the Constitution, any written law or these Standing Orders –
- (a) requires the County Assembly to consider a petition or a proposal for the removal of a person from office, the person shall be entitled to appear before the relevant Committee of the County Assembly considering the matter and shall be entitled to legal representation;
  - (b) requires the County Assembly to hear a person on grounds of removal from office, or in such similar circumstances, the County Assembly shall hear the person-
    - (i) at the date and time to be determined by the Speaker;
    - (ii) for a duration of not more two hours or such further time as the Speaker may, in each case determine; and
    - (iii) in such other manner and order as the Speaker shall, in each case, determine.

#### **Priority of Motion**

80. (1) A Motion for the removal of a person from office under this Part shall take precedence over all other business on the Order Paper for the day.
- (2) During the debate any Member may, with the permission of the Speaker and on giving adequate notice, produce additional evidence in support of his or her argument.
  - (3) When the Speaker is satisfied that the Motion has been adequately debated, the Speaker shall call upon the person who is being removed from office to answer issues raised in the debate, and thereafter call upon the mover of the Motion to reply.

#### **Removal of County Public Service Board**

81. (1) In addition to complying with the requirements of paragraphs(a), (b), (c), (d), (h),(i),(j),(l) and (m) of Standing Order 230 (*Form of Petition*), a petition to the House for removal of a member of a County Public Service Board under Part VII of the CGA —
- (a) shall—
    - (i) indicate the grounds under Section 58(5) of the County Governments Act and further Article 251(1) of the

Constitution which the member of the Board is in breach;

(ii) where the grounds in subparagraph (i) above relate to violation of the Constitution or any other law, state with a degree of precision the provisions of the Constitution or any other written law that have been alleged to be violated;

(iii) indicate the nexus between the member or office holder concerned and the alleged grounds on which removal is sought; and

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

(2) The paragraphs (1), (3), (4) and (5) of Standing Order 227 (*Submission of a petition*), Standing Order 229 (*Notice of Intention to Present Petition*), Standing Order 231 (*Presentation of Petitions*), and Standing Order 232 (*Comments on petitions*), shall apply to a petition to the House for removal of a Chairperson or member of the County Public Service Board.

(3) Every petition presented or reported pursuant to this Standing Order shall stand committed to the relevant Departmental Committee.

(4) Upon receipt of a petition under paragraph (3), the relevant Departmental Committee shall investigate the matter and shall, within fourteen days, report to the House whether the petition discloses ground for removal under Section 58(5) of the County Governments Act and further Article 251(1) of the Constitution.

(5) The chairperson or member of the Board has the right to appear and be represented before the select committee during its investigations.

(6) The Select Committee shall lay on the table of the County Assembly the report of the investigation.

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

(8) If the select committee reports that it finds the allegations substantiated, the County Assembly shall-

(a) avail the chairperson or member of the Board with the report of the select Committee, together with any other evidence adduced and such notes or papers presented to the committee at least three days before the day scheduled for his or her appearance before the Assembly;

(b) afford chairperson or member of the Board an opportunity to be heard; and

(c) consider the Report of the select committee and vote whether to approve the resolution requiring the chairperson or member of the Board to be dismissed.

(9) The House shall, within ten days of the tabling of the report of the committee under paragraph (6), resolve whether or not the petition discloses a ground for removal under Section 58(5) of the County Governments Act and further Article 251(1) of the Constitution.

(10) Where the House resolves by 75 percent of its members that a petition discloses a ground for removal, the Speaker shall, within seven days of the resolution, transmit the resolution and the petition to the Governor and the Governor shall dismiss the County Public Service Board Chairperson or member

(11) Consideration of a petition under this Standing Order shall not lapse at the expiry of a term of County Assembly.

#### **Removal of County Assembly Service Board Member**

82. (1) A member of the county assembly service board shall vacate office—
- (a) if the person is the Speaker, when the person ceases to be such Speaker
  - (b) if the person is a member of the county assembly—
    - (i) at the end of the term of the county assembly; or
    - (ii) if the person ceases to be a member of the county assembly; or
    - (iii) if the person is an appointed member, on revocation of the person's appointment by the county assembly;
- (2) A person who is appointed as a member of the Board under section 12(3)(d) of the County Governments Act (No. 17 of 2012) may be removed from office on any of the following grounds pursuant to section 10 of the County Assembly Services Act, 2017—
- (a) violation of the Constitution;
  - (b) inability to discharge duties for any reason;
  - (c) bankruptcy; or
  - (d) if convicted of any offence with a sentence of more than six months imprisonment.
- (3) Any person may petition the county assembly for the removal of the member of the Board on the grounds specified under subsection (2).
- (4) In addition to complying with the requirements of paragraphs (a), (b), (c), (d), (h),(i),(j),(l) and (m) of Standing Order **230** (*Form of Petition*), a petition to the House for removal of a member of a County Assembly Service Board under section 10 of the County Assembly Services Act —
- (a) shall—
    - (i) indicate the grounds under Section 10 of the County Assembly Services Act which the member of the Board is in breach;
    - (ii) where the grounds in subparagraph (i) above relate to violation of the Constitution or any other law, state with a degree of precision the provisions of the Constitution or any other written law that have been alleged to be violated;
    - (iii) indicate the nexus between the member or office holder concerned and the alleged grounds on which removal is sought; and
  - (b) may contain affidavits or other documents annexed to it.
- (7) The paragraphs (1), (3), (4) and (5) of Standing Order **227** (*Submission of a petition*), Standing Order **229** (*Notice of Intention to Present Petition*), Standing Order **231** (*Presentation of Petitions*), and Standing Order **232** (*Comments on petitions*), shall apply to a petition to the House for removal of a member of the County Assembly Service Board appointed under Section



12(3)(d) of the County Governments Act and section 10 of the County Assembly Services Act.

- (8) Every petition presented or reported pursuant to this Standing Order shall stand committed to the County Assembly Service Board.
- (9) Upon receipt of a petition under paragraph (8), the County Assembly Service Board shall investigate the matter and shall, within fourteen days, report to the House whether the petition discloses ground for removal under Section 10 of the County Assembly Services Act.
- (10) The member of the Board has the right to appear and be represented before the County Assembly Service Board during its investigations
- (11) The Board shall lay on the table of the County Assembly the report of the investigation
- (12) No further proceedings shall be taken on the matter if the County Assembly Service Board finds the allegations unsubstantiated
- (13) If the County Assembly service board reports that it finds the allegations substantiated, the County Assembly shall-
  - (a) avail the member of the Board with the report of the County Assembly service board, together with any other evidence adduced and such notes or papers presented to the committee at least three days before the day scheduled for his or her appearance before the Assembly;
  - (b) afford the member of the Board an opportunity to be heard; and
  - (c) consider the Report of the County Assembly service board. and vote whether to approve the resolution requiring the member of the Board to be dismissed
- (14) The House shall, within ten days of the tabling of the report of the County Assembly Service Board under paragraph (12), resolve whether or not the petition discloses a ground for removal under Section 10 of the County Assembly Services Act.
- (15) Where the House resolves by a majority of its members that a petition discloses a ground for removal, the Speaker shall, within seven days dismiss the board member.

#### **PART XV – VOTING AND DIVISIONS**

##### **Voting in the County Assembly**

83. (1) Unless otherwise provided under the Constitution, a question arising in the County Assembly shall be decided by a majority of the members in the County 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 County Assembly, the Speaker has no vote.
- (4) In determining the number of Members of the County Assembly for the purpose of voting, the Speaker shall not be counted as a Member.

#### **Electronic voting**

84. (1) Unless the Speaker, for the convenience of the County Assembly otherwise directs, voting on a division in the County 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 County 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 County 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 County 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.

#### **Technical failure, confusion or error occurring**

85. 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 County Assembly to another round of electronic voting or proceed to a roll call voting.

#### **Roll call Division claimed**

86. (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

any other legislation lays down that a fixed majority is necessary to decide any question.

#### **Roll call voting**

87. (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 County 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 County Assembly.

#### **In case of confusion or error**

88. 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 County Assembly to proceed to another roll call vote.

#### **Errors corrected**

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

#### **Decorum during division**

90. (1) No Member shall be obliged to vote in a division, but those present and not voting shall either-
- (a) in the case of electronic voting , press the “Abstain” button ; or
  - (b) in the case of roll call voting , record their abstention with the clerk.
- (2) it shall be disorderly conduct for a Member to fail to record his or her abstention in a division.
- (3) A member shall not vote on any question in which the member has a pecuniary interest.

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

#### **PART XVI - RULES OF DEBATE**

##### **Proceedings to be in Kiswahili, English or Kenyan Sign Language**

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

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

##### **Two or more Members requesting to speak**

93. 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**

94. 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**

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

##### **Speaking twice to a Question**

96. (1) No Member shall speak more than once to a question except in Committee of the whole County 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.

##### **Member who has spoken on motion may speak on amendment**

97. 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**

98. (1) Where an amendment has been moved, and if necessary seconded, debate shall be confined to the amendment.

(2) Despite paragraph (1), the Speaker may direct that the debate on the amendment may include debate on the matter of the Motion where, in the Speaker's opinion, the matter of the amendment is not conveniently severable from the matter of the Motion.

(3) Where the Speaker issues directions under paragraph (2), a Member who speaks to the amendment shall not be entitled, after the amendment has been disposed of, to speak to the Motion, and any Member who has already spoken to the Motion may in speaking to the amendment, speak only to any new matter raised thereby.

#### **Reserving rights of speech**

99. 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.

#### **Points of Order**

100. (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 123 (*Gross disorderly conduct*) shall apply to any such Member.

#### **Anticipating debate**

101.(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 County 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 County 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 County Assembly within a reasonable time.

#### **Proceedings of Select Committees not to be referred to**

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

#### **Contents of speeches**

103. (1) Neither the personal conduct of the Governor, nor the conduct of the president, 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 County Assembly shall be referred to adversely, except upon a specific substantive Motion of which at least three days' notice has been given.

(2) It shall be out of order to introduce an argument on any specific question upon which the County Assembly has taken a decision during the same Session, except upon a Motion to rescind that decision made with the permission of the Speaker.

(3) It shall be out of order to use offensive or insulting language whether in respect of Members of the County Assembly or other persons.

(4) No Member shall impute improper motive to any other Member or to 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 or Member of Parliament.

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

#### **Retraction and Apologies**

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

#### **Matters *sub judice* or secret**

105. (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 County Assembly or a Committee.

#### **Declaration of interest**

106. 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.
  - (3) The Speaker may allow a Member to speak to a matter under deliberation after considering the nature, extent and effect of the interest declared by the Member.
  - (4) Any declaration made under this Standing Order shall be entered in the journals of the County Assembly.

#### **Responsibility for statement of fact**

107. (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 130 (*Grave Disorder*) unless the Member withdraws the allegations and gives a suitable apology, if the Speaker so requires.

### **Closure of debate**

108.(1) After the question on a Motion the Mover of which has a right of reply has been proposed, a Member rising in his or her place may claim to move “That, the Mover be now called upon to reply”, and, unless the Speaker is of the opinion that such Motion is an abuse of the proceedings of the County Assembly, or an infringement of the rights of Members, the question “That, the Mover be now called upon to reply”, shall be put forthwith, and decided without amendment or debate and if that question is agreed to, the Mover may, immediately reply to the debate, and as soon as the Mover has concluded or, if the Mover does not wish to reply, immediately, the Speaker shall put the question, subject to paragraph 3 of Standing Order 63 (*Manner of debating motions*).

(2) After the question on a Motion the Mover of which has no right of reply has been proposed, a Member rising in his or her place may claim to move “That, the question be now put”, and, unless the Speaker is of the opinion that such a Motion is an abuse of the proceedings of the County Assembly, or an infringement of the rights of Members, the question “That, the question be now put”, shall be put forthwith, and decided without amendment or debate and if that question is agreed to, the Speaker shall immediately put the question accordingly, subject to paragraph 3 of Standing Order 63 (*Manner of debating motions*).

### **Resumption of interrupted business**

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

### **Adjournment of debate**

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

(2) The debate on a dilatory Motion shall be confined to the matter of the Motion.

(3) If the Speaker is of the opinion that a dilatory Motion is an abuse of the proceedings of the County 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 County Assembly or in Committee of the whole County Assembly.

## **PART XVII - LIMITATION OF DEBATE**

### **Limitation of debate**

111. 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.

- (1) A Motion for limitation of debate under this Standing Order may be made without notice.
- (2) 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.
- (3) 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 XVIII - ORDER IN THE COUNTY ASSEMBLY AND IN COMMITTEE OF THE WHOLE COUNTY ASSEMBLY**

##### **Maintenance of order**

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

##### **Security checks**

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

##### **Registration of Firearms and other offensive weapons**

114. (1) Any Member authorized to carry a firearm shall register with the sergeant at arms any firearms and provide proof of such authority including license(s) to carry such firearm at the beginning of the term or on the first day of a member attending the county assembly precincts after such possession and a record shall be kept with the Speaker.
- (2) Any member who is authorized to carry any offensive weapon other than a firearm shall register with the sergeant at arms and present proof of any such authority to carry such offensive weapon at the beginning of the term or on the first day of a member attending the county assembly precincts after such possession and the same presented to the speaker for approval and record shall be kept with the Speaker.

##### **Firearms and other offensive weapons**

115. 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**

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

size.

**When the Speaker rises Members to be silent**

117. 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 County 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**

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

119. 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**

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

**Irrelevance or repetition**

121. 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**

122. (1) A Member commits an act of disorderly conduct if the Member—
- (a) creates actual 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) fails to declare personal interest in a matter before the House or a Committee in accordance with Standing Order 106 (*Declaration of interest*);
  - (f) deliberately gives false information to the House;

- (g) makes allegations without, in the Speaker’s opinion, adequate substantiation;
  - (h) threatens to use violence against a Member or other person in the House or Committee;
  - (i) votes more than once in breach of these Standing Orders; or
  - (j) commits any other breach of these Standing Orders, that in the opinion of the Speaker, constitutes disorderly conduct.
- (1) The Speaker 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 a maximum of four days.

**Gross Disorderly Conduct**

123. (1) A Member commits an act of gross disorderly conduct if the Member—
- (a) defies a ruling or direction of the Speaker or Chairperson of Committees;
  - (b) declines to explain or retract use of unparliamentary words or declines to offer apologies, despite having been ordered to do so by the Speaker;
  - (c) demonstrates or makes disruptive utterances against the suspension of a Member;
  - (d) attempts to or causes disorder of whatever nature during an address by a visiting dignitary;
  - (e) uses violence against a Member or other person in the House or Committee;
  - (f) attempts to or disrupts the Speaker’s Procession when the Procession is entering or leaving the Chamber;
  - (g) attempts to or removes the Mace from its place in the Chamber;
  - (h) acts in any other way to the serious detriment of the dignity or orderly procedure of the House; or
  - (i) commits any other breach of these Standing Orders, that in the opinion of the Speaker, constitutes gross disorderly conduct.
- (2) In this Standing Order, “unparliamentary language” means the use of words which, in the opinion of the person presiding, are deemed to be impolite, rude, abusive or inconsistent with parliamentary procedure or practice.
- (3) The Speaker 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 for a minimum of five days and a maximum of twenty-eight days, including the day of suspension.

**Member May Be Suspended After Being Named**

124. (1) Any Member may at any time, on a point of order, invite the Speaker or the Chairperson of Committees to name another Member for grossly disorderly conduct, but the decision whether or not to do so shall remain with the Speaker or Chairperson.
- (2) Whenever a Member shall have been named by the Speaker or by the Chairperson, then –
- (a) if the breach has been committed by such Member in the County Assembly, a Motion shall be made by any other Member present “That, such Member (naming the Member) be suspended from the service of the County 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 County Assembly, the Chairperson shall forthwith leave the Chair and report the circumstances to the County 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 County Assembly itself.

#### **Member suspended to withdraw from precincts of County Assembly**

125. (1) Whenever a member has been named in accordance with Standing Order 124 (*Member may be suspended after being named*), the Speaker shall order the Member to withdraw from the Chamber and the precincts of the County Assembly.

#### **Duration of suspension of a Member**

126. (1) If any Member is suspended under Standing Order 124 (*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.

#### **Effect of Suspension**

127. (1) A Member who is ordered to withdraw from the precincts of Assembly under Standing Order 124 (*Member may be suspended after being named*) and Standing Order 129 (*Action to be taken on refusal to withdraw*) shall during the period of such withdrawal or suspension forfeit—
- (a) the right of access to the precincts of the Assembly; and
- (b) his or her salary and all allowances payable during the period.
- (2) Suspension from the service of the House shall not exempt the Member so suspended from appearing before a Committee of the House for the consideration of a Bill sponsored by the Member.

#### **Appeal against suspension**

128. (1) Except as provided in this Standing Order, the suspension of a Member or the application of this Standing Order shall not be subject to debate.
- (2) A Member suspended from the House under this Part may appeal in writing to the Committee of Privileges within three days of the suspension.
- (3) Despite paragraph (2), the Committee may, with leave of the House, admit an

appeal received after three days.

(4) Upon receipt of the Member's appeal, the Committee shall, within seven days,—

- (a) notify the Member, in writing, of the day appointed for the hearing of the appeal;
- (b) notify the Speaker, who shall thereafter admit the Member to the precincts of the county assembly on the day(s) appointed for the hearing of the appeal; and
- (c) consider the appeal and after according the Member the right to be heard, submit a report to the House either—
  - (i) upholding the suspension; or
  - (ii) reducing the period of suspension; or
  - (iii) readmitting the Member to the House.

(5) The decision of the Committee regarding the suspension shall be final.

(6) The Member who presided in the House or Committee of the whole House during the suspension of an appealing Member shall not participate in the proceedings of the Committee during the appeal, except to give evidence when so required.

(7) A Member designated by the Committee shall inform the House of the decision of the Committee regarding the suspension and the Speaker shall thereupon effect the decision.

(8) The House may, in exceptional circumstances permitted by the Speaker, debate the report of the Committee without amendment or resolution.

#### **Action to be taken on refusal to withdraw**

129. 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 County 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 County Assembly for a minimum of twenty-one days and a maximum of sixty days and shall during such suspension, forfeit the right of access to the precincts of County Assembly and the Sergeant-at-arms shall take necessary action to enforce the order.

#### **Grave disorder in the County Assembly**

130. (1) In the event of grave disorder arising in the County Assembly, the Speaker may, adjourn the County Assembly forthwith or suspend any sitting for a period to be determined by him or her.

(1) In the event of grave disorder arising in the Committee of the whole County Assembly, the Speaker shall resume the Chair forthwith.

#### **Definition of a day**

131. For the purposes of this Part, a “day” means a calendar day.”

### **PART XIX- PUBLIC BILLS**

#### **Application and limitation**

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

#### **Introduction of Bills**

133. (1) One or more Members, or a Committee, may submit to the Speaker a legislative proposal for introduction in the House together with a memorandum setting out the objectives of the proposal and the matters specified in Standing Order 137 (*memorandum of Objects and Reasons*).

(2) In jointly submitting a proposal under paragraph (1), the Members shall indicate—

(a) the name of the main sponsor of the proposal, who shall be the Member in charge of the proposal in the House;and

(b) the names of the co-sponsors of the proposal, in alphabetical order.

(3) 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.

(4) Upon receipt of the legislative proposal from the Clerk under paragraph (2), the Speaker shall—

(a) where the Speaker is of the opinion that a legislative proposal is not a draft money Bill in terms of **Section 21** of the CGA—

- (i) direct that the proposal be referred to the relevant Departmental Committee for prepublication scrutiny in case of a legislative proposal not sponsored by a Committee; or
- (ii) direct that the proposal be published into a bill, in the case of a legislative proposal sponsored by a Committee; or

(b) 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 Budget and Appropriations Committee and the proposal shall be proceeded with only in accordance with the recommendations of the Budget and Appropriations Committee after taking into account the views of the County Executive Member responsible for finance

(5) The Budget and Appropriations Committee shall consider only the money-bill or financial aspects of the proposal and submit a report to the Speaker within thirty (30) days of receipt of the proposal.

(6) A report under paragraph (4) shall contain—

- (a) the views of the County Executive Committee member responsible for finance, if any;
- (b) a detailed examination of the manner in which the legislative proposal affects the current and future budgets and may include implications on tax measures;
- (c) a recommendation on whether or not the proposal should be proceeded with; and
- (d) any other appropriate recommendation relating to money-bill aspects of the proposal.

(7) Upon receipt of the recommendations of the Budget and Appropriations Committee, the Speaker may direct that—

- (a) the proposal be subjected to prepublication scrutiny before the relevant Departmental Committee in case of a legislative proposal not sponsored by a Committee; or
- (b) the proposal be published into a bill, in the case of a legislative proposal sponsored by a committee; or

(c) the legislative proposal not be proceeded with.

(8) The Departmental Committee to which a legislative proposal is referred to for prepublication scrutiny under paragraphs (4)(a)(i) and (7)(a) shall consider the proposal and submit a report to the Speaker within thirty (30) days recommending whether or not the proposal should be proceeded with.

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

(10) A Bill shall be signed by the Member in charge of it and shall be introduced by way of First Reading in accordance with Standing Order 143 (*First Reading of Bills*).

#### **Speaker to exempt certain legislative proposals**

134. (1) The Speaker may exempt a legislative proposal from the provisions of Standing Order 133 (*Introduction of Bills*) if the proposal—

- (a) originates from the Party forming the County Government;
- (b) seeks to implement a resolution of the House or a recommendation of the Public Petitions Committee to enact, amend or repeal any legislation;
- (c) is identical to a proposal that was passed by the House but lapsed at the expiry of the term of the preceding County Assembly; or
- (d) was introduced by the same Member and read a Second time but lapsed at the expiry of the term of the preceding County Assembly.

(2) An exemption under paragraph (1) may not be granted unless it is accompanied by a copy of the relevant County Executive Committee approval, if the legislative proposal originates from the party forming the County Government.

(3) The Party forming the County Government may indicate the Member under whose name the legislative proposal is proposed to be published.

(4) Upon grant of the exemption, the Speaker shall direct that the legislative proposal be published into a Bill.

#### **Printing of amending provisions**

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

#### **Enacting formula**

136. Every Bill shall contain, as the enacting formula, the words “Enacted by the County Assembly of Garissa”.

#### **Memorandum of Objects and Reasons**

137. Every Bill shall be accompanied by a memorandum containing—



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

**Provisions on delegated powers**

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

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

**Limitation of fundamental rights and freedom**

139. 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 and Introduction**

140. (1) A Bill shall not be introduced unless—

- (a) It is signed by the member or committee incharge of it; and
- (b) It contains the names of any co-sponsors if it is jointly sponsored
- (c) The Bill together with the memorandum referred to in Standing Order 137 (*Memorandum of objects and reasons*), has been published in the gazette and (as a Bill to be originated in the County Assembly), and unless, in the case of a County Revenue Fund Bill, an Appropriation Bill, or a Supplementary Appropriation Bill, a Finance 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 County Assembly may resolve with respect to the Bill, has ended
- (d) A Committee Bill may be signed and introduced by the Chairperson of the Committee or a Member of the Committee designated by the Committee for that purpose

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

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

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

(3) Paragraph (1) shall not apply to or in respect of—

(a) an Appropriation Bill or a County Revenue Fund Bill; or

(b) a Bill to amend the Constitution pursuant to Article 257 (*Amendment by popular Initiative*) in respect of its second and third reading

**Reading of Bills**

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

**First Reading**

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

**Committal of Bills to Committees and public participation**

144. (1) A Bill having been read a First Time shall stand committed to the relevant Sectoral Committee without question put.

(2) Save for a Finance Bill, the Speaker may refer various provisions of a Bill proposing to amend more than one statute in its principal provisions to the relevant Departmental Committees in accordance with their mandates.

(3) Notwithstanding paragraph (1), the County Assembly may resolve to commit a Bill to a select committee established for that purpose.

(4) The Sectoral Committee to which a Bill is committed shall facilitate public participation on the Bill through an appropriate mechanism, including—

(a) inviting submission of memoranda;

(b) holding public hearings;

(c) consulting relevant stakeholders in a sector; and

(d) consulting experts on technical subjects.

(5) The Sectoral Committee shall take into account the views and recommendations of the public under paragraph (4) in its report to the House.

(6) Subject to Standing Order 162 (*Amendment by popular initiative*) the Chairperson of the Sectoral Committee to which a Bill is committed or a Member designated for that purpose by the Committee shall present the Committee's report to the House to inform debate within twenty calendar days of such committal and upon such presentation, or if the Committee's report is not presented when it becomes due, the Bill shall be ordered to be read a Second Time on such day as the House Business Committee shall, in consultation with the Member or the Committee in charge of the Bill, appoint.

(7) The Speaker may extend the period for public participation under paragraph (4) where various provisions of a Bill proposing to amend more than one statute in its principal provisions are referred to separate Sectoral Committees under paragraph(2).

(8) Paragraph (7) shall not apply to or in respect of—

- (a) an Appropriation Bill, a Supplementary Appropriation Bill, a Finance Bill; or
- (b) a Bill to amend the Constitution in respect of its Second and Third Reading pursuant to Article 257 of the Constitution (*Amendment by Popular Initiative*).

(9) 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 County Assembly and the failure to present the report shall be noted by the Liaison Committee for necessary action.

(10) Despite paragraph (1) –

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

### **Second Reading**

145. (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 County Assembly**

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

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

### **Limits on consideration of matters by Committee**

147. 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 House may not adjourn**

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

### **Report**

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

**No debate on Motion for Report**

150. (1) When a Motion is made in Committee to report or to report progress and ask leave to sit again, the question shall be put forthwith and decided without amendment or debate and if the question is agreed to the Chairperson shall forthwith leave the chair.

(2) Except as otherwise provided by these Standing Orders, every report under paragraph (1) shall be made without question put, and may, by Motion, be agreed to or negatived by the House or re-committed to the Committee, or postponed for further consideration.

**General application of rules in Committee**

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

**Referral of proposed amendments to Committees**

152. Where after a Bill has been Read a Second Time and before commencement of Committee of the Whole, 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 Departmental Committee dealing with the subject matter of the Bill to present his or her proposed amendments and the Committee shall submit a report to the House on the result of the exercise before the Committee of the Whole House is taken.

**Sequence to be observed on a Bill in Committee**

153. 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.

**Procedure in Committee of the whole County Assembly on a Bill**

154. (1) The Clerk shall call severally each part of the Bill in the sequence specified in Standing Order 153 (*sequence to be observed on a Bill in committee*) and if no amendments are proposed or when all proposed amendments have been disposed of, the Chairperson shall propose the question “That,.....(as amended) stand part of the

Bill” and, when Members who wish to speak have spoken, the Chairperson shall put that question to the Committee for decision.

(2) Debate to a proposed amendment shall be confined to the content of the amendment.

(3) 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.

(4) Despite paragraph (3), 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.

(5) A Member moving an amendment or a further amendment to any part of the Bill under paragraphs (3) and (4) shall explain the meaning, purpose and effect of the proposed amendment or further amendment.

(6) 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.

(7) 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.

(8) 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 County Assembly or in the Committee of Supply unless the County Assembly first resolves to allow such a motion.

(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 64 (*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 County Assembly”**, and the question thereon shall be decided without amendment or debate.

### **Report of Progress**

155. If any Member before the conclusion of proceedings on a Bill in a Committee of the whole County 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 County Assembly and shall seek leave to sit again, and a day for the resumption of the proceedings shall be determined by the County Assembly Business Committee in consultation with the Member in charge of the Bill.

### **Bill to be reported**

156. When a Committee of the whole County 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 County 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 County Assembly, and each Bill, if more than one, shall be so reported separately.

### **Procedure on Bills reported from Committee of the whole County Assembly**

157. (1) When a Bill has been reported from a Committee of the whole County Assembly, the County Assembly shall consider the Bill as reported upon a Motion **“That the County Assembly do agree with the Committee in the said report”**.

(2) The question on any Motion moved under paragraph (1) shall be put forthwith, no amendment, adjournment or debate being allowed, unless any Member desires to delete or amend any provision contained in a Bill, or to introduce a new provision in the Bill.

### **Recommittal Procedure**

158. (1) A Member who desires to amend or delete a provision contained in a Bill reported from Committee of the whole House or introduce a new provision in the Bill, may propose an amendment to add, at the end of the Motion for agreement with the Committee of the whole House, the words “subject to the re-committal of the Bill (in respect of some specified clause, part or of some proposed new clause or new schedule) to a Committee of the whole House.

(2) If the amendment to the motion for agreement with the Committee of the whole House is agreed to, the Bill shall stand so re-committed and the House shall either forthwith or upon a day named by the House Business Committee in consultation

with the Member in charge of the Bill dissolve itself into a Committee to consider the matter so re-committee

#### **Procedure on Bills reported from Select Committees**

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

(1) The County Assembly shall consider the Bill as reported from the Select Committee upon a Motion “That the report of the Select Committee established pursuant to Standing Order 146(3) on the……. Bill be approved”.

(2) Standing Order 157 (*Procedure on Bills reported from Committee of the Whole County Assembly*) shall apply to any motion to approve the report of a Select Committee on a Bill.

#### **Procedure upon the re-committal of a Bill**

160. (1) When a Bill has been re-committed to a Committee of the whole County 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 County Assembly after re-committal Standing Order 157 (*Procedure on Bills reported from Committee of the whole County Assembly*) shall apply.

#### **Third Reading**

161. (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 County 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.

#### **Amendment by Popular Initiative**

162. In respect of a proposal to amend the Constitution under Article 257 (*Amendment by popular initiative*) —

(a) The speaker shall approve the draft Bill submitted by the IEBC for publication within seven days;

(b) The Bill shall be introduced in the county assembly for the first reading within seven days of publication.

(c) The Bill shall there after stand committed to the committee for the time being responsible for Legal Affairs for the purposes of public participation.

#### **Commented [2]:**

Irrelevant though present in NA 137. Not available in the Senate and is irrelevant since committee reports on Bills (public participation reports) is for informing the house in the second reading and for purposes of guiding amendments during committee of the whole

- (d) The committee shall convene public participation forums for the purposes of receiving views.
- (e) The committee shall submit a report of the public participation on the Bill to the county assembly within 30 days.
- (f) Upon laying of the public participation report, the Bill shall proceed to the second and third reading provided that no amendment shall be permitted on any clause of the Bill.
- (g) Provisions of Standing Orders 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 160 and 161(2) shall not apply to a proposal or a Bill to amend the Constitution under Article 257 (*Amendment by popular initiative*)
- (h) If the Bill is approved by a majority of the members of the county assembly, the Speaker shall submit the decision of the county assembly on the Bill to the Speaker of the Senate and to the Speaker of National Assembly within two days.

#### **Withdrawal of Bills**

163. (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 County Assembly, the Speaker shall direct that the Bill shall be withdrawn.
  - (3) A Bill under Standing Order 134(1)(b) may only be withdrawn with the leave of the Speaker.
  - (4) A Bill that has been withdrawn may subject to Standing Order 133 (*Introduction of Bills*) and re-publication be introduced again.
  - (5) If a Member in charge of a Bill desires to withdraw a Bill before it is introduced in the County Assembly, the Member shall, in writing specifying the reasons for the withdrawal, notify the Speaker of the withdrawal and paragraph (4) shall apply to such Bill.

#### **Lapse and Re-introduction of Bills**

164. (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 133 (*Introduction of Bills*)
- (2) A Bill in respect of which the Second Reading has been concluded at the end of a Session shall resume in the next Session of the same County Assembly at the stage where it was interrupted at the end of the Session.
  - (3) A Bill that has been published, read a First Time or in respect of which the Second Reading has not been concluded—
    - (a) at the end of a Session in which it was published shall not lapse at the end of that Session but shall resume in the next Session of the same County



Assembly at the stage where it was last interrupted;

(b) at the end of two consecutive Sessions of the same County Assembly shall lapse at the end of the second Session and may be republished in the same or different form in accordance with Standing Order 133 (*Introduction of Bills*).

(4) The provisions of paragraph (1), (2) and (3) of this Standing Orders shall not apply to a Bill to amend the Constitution under Article 257 (*amendment by popular initiative*)

(5) A Bill the consideration of which has not been concluded at the end of the term of a County Assembly shall lapse.

#### **Certification and Custody of Bills**

165. (1) Every Bill passed by the County Assembly shall be certified by the Clerk and remain in the custody of the Clerk.

(1) 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 and thereafter submit the Bill to the Governor for assent.

#### **Presentation of Bills for assent**

166. (1) The Speaker shall, sign a Bill passed by the County Assembly and certified under Standing Order 167 (*certification and custody of Bills*) and shall within fourteen days, forward the Bill to the Governor.

#### **Referral of Bills by the Governor**

167. (1) The Governor shall within fourteen days after receipt of a Bill from the Speaker—

(a) assent to the Bill; or

(b) refer the bill back to the county assembly with a memorandum outlining reasons for the referral.

(2) Whenever the Speaker receives the Governor's reservations pursuant to Section 24 of the County Governments Act, the Speaker shall convey the message to the County Assembly within three days of receipt of the Governor's reservations

(3) The County Assembly shall, in accordance with the provisions of **section 24** of the County Governments Act, consider the Governor's reservations conveyed to the County Assembly under paragraph (1) within thirty days of the date when the County Assembly next meets.

(4) The County Assembly may, in considering the Bill a second time, propose amendments in light of the Governor's reservations either fully accommodating the Governor's reservations, or not fully accommodating the Governor's reservations.

(5) The Speaker shall make the determination on whether any proposed amendment to the Bill in light of the Governor's memorandum either fully

accommodate the Governor's reservations, or not fully accommodate the Governor's reservations in terms of **section 24** of the County Governments Act.

- (6) The Assembly shall vote on the proposed amendments and may pass the Bill—
- (a) Without amendments or Where the amendments do not fully accommodate the Governor's reservations, by a vote supported by two-thirds of all the Members;
  - (b) Where the amendments fully accommodate the reservations of the Governor, in the manner contemplated in section 20 of the County Governments Act.
- (7) If the County 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 county assembly, the speaker shall—
- (a) within seven days re-submit the Bill to the Governor; and
  - (b) the Governor shall within seven days assent to the Bill.
- (8) If the County 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.
- (9) If the Governor does not assent to a Bill or refer it back within the period referred to under paragraph (1) and (7) of this standing Order, the Bill shall be taken to have been assented to on the expiry of that period.

## **PART XX - PRIVATE BILLS**

### **Application of public Bill procedure**

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

### **Saving clause**

169. Every private Bill shall contain a clause saving the rights of the President, 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**

170. (1) No private Bill which directly affects the private rights or property of any persons, shall originate in the County 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 **171** (*Petition for Leave*).

#### **Petition for leave**

171. (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 County Assembly with a copy of the Bill annexed.
- (2) Clerk shall scrutinize petitions presented to the County 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 County Assembly after it is so deposited and thereupon the question “That, the promoters be granted leave to proceed” shall be put forthwith and decided without amendment or debate.

#### **Security for cost of printing**

172. (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**

173. (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)
- (3) 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**

174. 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 *Gazette* and at the first sitting of the County Assembly held the Bill shall be read a First Time.

#### **Right of audience before Committee on opposed Bill**

175. (1) Subject to these Standing Orders all petitions against a private Bill containing a prayer that the petitioners be heard by themselves, or by their advocates, shall stand referred to a Select Committee which shall hear any such petitioners or advocates.

- (2) The promoters of an opposed private Bill shall be entitled to be heard before the Select Committee on the Bill by themselves, or by their advocates, in favour of the Bill and against any petitions against the Bill.

**How Bills may be opposed**

176. 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**

177. 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 XXI - SELECT COMMITTEES**

**County Assembly Business Committee**

178. (1) There shall be a select committee, to be designated the County Assembly Business Committee, consisting of-
- (a) the Speaker who shall be the chairperson;
  - (b) the Leader of the Majority Party or a representative designated in writing;
  - (c) the Leader of the Minority Party or a representative designated in writing;
  - (d) The Whip of the Majority Party or a representative designated in writing
  - (e) The Whip of the minority party or a representative designated in writing and
  - (f) not less than four and not more than eight members, who shall be nominated by County Assembly parties and approved by the County Assembly at the commencement of every Session, reflecting the relative majorities of the seats held by each of the County Assembly parties in the County Assembly and taking into consideration the interests of parties other than county assembly parties and Independents.
- (2) In the absence of the Speaker, the Deputy Speaker shall chair the meetings of the Committee and, in the absence of the Deputy Speaker; a member of the Speaker's Panel shall chair the meetings.
- (3) The County Assembly Business Committee shall be appointed within seven days on assembly of a new County Assembly.
- (4) In nominating the Members to the County Assembly Business Committee, each County Assembly party which is neither the majority or minority party shall include its Whip into the membership.
- (5) The County Assembly Business Committee shall –

- (a) prepare and , if necessary, from time to time adjust the County Assembly Calendar with the approval of the County Assembly;
  - (b) monitor and oversee the implementation of the County Assembly Business and programmes.
  - (c) Implement the Standing Orders respecting the scheduling or programming of the business of the County Assembly and the functioning of the Committees of the County Assembly;
  - (d) determine the order in which the reports of Committees shall be debated in the County Assembly;
  - (e) may take decisions and issue directives and guidelines to prioritize or postpone any business of the County Assembly acting with the concurrence of the Leader of the Majority Party or the Leader of the Minority Party, as the case may be.
  - (f) consider such matters as may from time to time arise in connection with the business of the County 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 County Assembly.
- (6) The Chairperson and at least one third of the other members of the County Assembly Business Committee shall form a quorum.
- (7) If, for any reason, a member of the County Assembly Business Committee is unable to attend, the Leader in the County Assembly of the party which nominated that Member may appoint another Member in that Member's place for the period for which the Member is unable to attend.

#### **Committee on Selection**

179. (1) There shall be a select committee, to be designated Selection Committee, consisting of-
- (i) the Leader of the Majority party who shall be the chairperson;
  - (j) the Leader of the Minority party; and
  - (k) not less than Seven and not more than Eleven members, who shall be nominated by County Assembly parties and taking into consideration parties other than County Assembly parties and independents and approved by the County Assembly
- (2) The Committee on Selection shall nominate members to serve in Committees, save for the membership of the County Assembly Business Committee and Committee on Appointments.
- (3) The Committee on Selection shall be appointed within ten days on assembly of a new County Assembly.

#### **General Provisions**

##### **Nomination of members of select committees**

180. Unless otherwise provided by any written law or these Standing Orders, the Committee on Selection shall, in consultation with County Assembly parties taking into consideration the interests of County Assembly parties and independents, nominate Members who shall serve on a select committee.

(2) The Committee on Selection shall give consideration to the need for gender balance and shall, so far as may be practicable, ensure that no more than two-thirds of members of a committee of the County Assembly, including a committee established through a resolution of the County Assembly, shall be of the same gender.

(3) A vacancy occasioned by resignation or removal of a Member from a select committee shall be filled within fourteen days of the vacancy.

(4) A Member against whom an adverse recommendation has been made in a report of a select committee that has been adopted by the County Assembly shall be ineligible for nomination as member of that committee.

#### **Membership of Committees**

181. (1) Every Member has the right to serve in at least one Committee of the County Assembly.

(2) A Member may waive the right to serve in a committee of the House by notifying the Speaker in writing

#### **Criteria for nomination**

182. (1) In nominating Members to serve on a select committee, the Selection Committee shall ensure that-

(a) the membership of each committee reflects the relative majorities of the seats held by each of the County Assembly parties in the County Assembly.

(b) no three Members of the House Business Committee serve in the same Departmental Committee;

(c) so far as may be practicable, at least one independent Member is nominated to serve in the Special Fund Accounts Committee;

(d) majority of the Members of the Public Accounts and Investments Committee, Committee on Implementation and the Special Fund Accounts Committee are drawn from parties other than County Assembly parties forming the County government; and

(e) Subject to Standing Order 181(2), each Member is nominated to at least one committee of the County Assembly

(2) The Speaker shall, so far as may be practicable, ensure that Members belonging to parties other than County Assembly parties and Independent Members are nominated to serve in Committees.

(3) Except as the County Assembly may otherwise resolve, on the recommendations of the Committee on Selection for reasons to be state-

- (a) No member shall be appointed to serve in more than three departmental committees;
  - (b) A member who is a chairperson of a committee or a member of the County Assembly Service Board under section 12 of the County Governments Act shall not serve in more than two committees
- (4) The Speaker may decline to approve presentation of a list of committee membership that contravenes this Standing Order to the House Business Committee.

#### **Approval of nomination**

183. (1) The Committee on Selection shall, within seven days upon nomination of members to serve in any committee of the County Assembly, present the list to the County Assembly for approval.
- (2) Whenever a Motion for approval of a list under paragraph (1) is moved in the County Assembly, no objection against the proposed membership of a Member in a select committee shall be permitted and objections, if any, shall be formulated against the proposed membership as a whole.
- (3) Except as provided for in the provisions of standing order 202 (*temporary absence of a member of a select committee*) A Member shall not be a member of a committee of the County Assembly, unless the nomination of such Member into the committee is approved by the County Assembly.

#### **Discharge of a member from a committee**

184. (1) The County Assembly party that nominated a member to a Select Committee, may give notice, in writing, to the Speaker that the Member is to be discharged from a Select Committee
- (2) The discharge of a member shall take effect upon receipt by the Speaker of a notice under paragraph (1).
- (3) A Party may discharge a Member from a Select Committee after according the Member an opportunity to be heard.
- (4) The Party Whip of the party that nominated a Member to a Select Committee shall give notice in writing to the Speaker of the intention to discharge a Member from a Select Committee.
- (5) The Speaker shall, within three days of receipt of the notice under paragraph (2), inform the Member of the notice.
- (6) The Speaker shall discharge any Member who contravenes Standing Order 123 (*Gross disorderly conduct*) or breaches the code conduct applicable to a Member of County Assembly from the committee of the House responsible for the powers and privileges of the House and the conduct of Members.

#### **Composition of select committees**

185. Subject to any written law, these Standing Orders or a resolution of the County Assembly, a Select Committee shall consist of an odd number of members, being not

less than nine and not more than thirteen.

#### **Selection of committee responsible for privileges and conduct of Members**

186. (1) In selecting members to the committee of the House responsible for the powers and privileges of the County Assembly and the conduct of Members, the Committee on Selection shall consider—

- (a) previous service by a Member to the House as—
  - (i) Speaker;
  - (ii) Leader of the Majority Party;
  - (iii) Leader of the Minority Party;
  - (iv) Deputy Speaker; or
  - (v) a member of the Chairperson's Panel;
- (b) a Member with the longest cumulative period of service in—
  - (i) the County Assembly;
  - (ii) the Senate; the National assembly and the East African Legislative Assembly;
  - (iii) the Senate;
  - (iv) The National Assembly;
  - (v) the East African Legislative Assembly; and
  - (vi) **Other Commonwealth Parliaments or Assemblies**
- (c) educational or professional background in law, public administration, mediation, arbitration, or any other deemed appropriate by the Speaker;
- (d) relevant experience in parliamentary practice and procedure; and
- (e) any contravention of Standing Order **123** (*Gross disorderly conduct*) or breach of the code of conduct applicable to a Member of County Assembly within the term of County Assembly .

#### **Chairing of select committees and quorum**

187. (1) Subject to paragraph (2) of Standing Order **180** (*Nomination of Members of select Committees*) , unless otherwise provided under any written law, these Standing Orders or by resolution of the County Assembly-

- (a) a select committee shall, upon appointment, elect its chairperson from amongst its Members except where provided for by this Standing Orders;
  - (b) elect a vice-chairperson from amongst its members; and
- (2) the Quorum of a Select Committee for purposes of election is more than half of its Members.
- (3) A Member of the County Assembly Service Board appointed under Section 12



of the County Governments Act shall not be eligible to stand for election as a Chairperson or Vice-Chairperson of a select committee.

- (4) The Members of the Public Accounts and Investment Committee, and the Committee on Implementation shall elect a Chairperson and Vice-Chairperson from amongst the members of the Committees nominated from a party other than a County Assembly party forming the County Government.
- (5) The Members of the Special Fund Accounts Committee shall elect a Chairperson and Vice-Chairperson from amongst—
  - (a) independent members nominated to the Committee; or
  - (b) the members of the Committee nominated from a party other than a County Assembly party forming the County government, in the absence of independent members.
- (6) Subject Standing Orders 209 (*Reports of Select Committees*) and paragraph (2) above, unless otherwise provided under any written law, these Standing Orders or by resolution of the House, any five members of a select committee shall constitute a quorum.

#### **Conduct of election**

188. (1) The Clerk shall appoint a place, date and time for the first meeting of a Committee within seven days of its constitution by the County Assembly, or such further period as the Speaker may approve, and as soon as a majority of the Committee is present, the Clerk shall, by a secret ballot, conduct the election of the Chairperson and Vice-chairperson of the Committee.
- (2) Whenever a vacancy occurs in the office of Chairperson or Vice-chairperson of a Select Committee, the Clerk shall, within seven days of the vacancy arising, appoint a place and time for the meeting of the committee to elect the Chairperson or Vice-chairperson.
- (3) A candidate for election as Chairperson or Vice-Chairperson of a committee shall submit his or her nomination paper, in writing, to the Clerk by 5.00 pm on the day before the election.
- (4) The nomination paper of a candidate shall be in the form set out in the **Fourth** Schedule and shall be accompanied by the name and signature of a proposer and a seconder and a declaration of the candidate's willingness to serve as a Chairperson or Vice-Chairperson.
- (5) A Member shall not propose or second more than one candidate for election as Chairperson or Vice-Chairperson.
- (6) The Clerk shall, as soon as practicable after the close of nominations, circulate the final list of candidates to committee Members.
- (7) The Clerk shall preside over the election of the Chairperson or Vice-Chairperson of a committee and shall issue each committee member with a ballot paper.
- (8) A committee member who wishes to vote in the election shall print the first and last name of their candidate of choice on a ballot paper and deposit it in a ballot box provided for that purpose.

(9) The Clerk shall, at the close of voting, count the ballot papers and report the result of the ballot.

(10) If no candidate receives a majority of votes, the Clerk shall hold a further ballot excluding the candidate with the least number of votes until one candidate receives a majority of votes.

(11) A ballot paper is spoiled if, in the opinion of the Clerk, it does not identify the candidate purported to be selected by the candidate voting.

(12) Despite the provisions of this Part, if only one candidate is nominated for election as Chairperson or Vice-Chairperson, the Clerk shall at the expiry of the nomination period forthwith declare that candidate as elected without any vote being required.

(13) The Clerk shall make necessary preparatory arrangements for the conduct of the election of a Chairperson or Vice-Chairperson of a Committee.

(14) The Chairperson of the Liaison Committee shall, by way of a Statement, notify the House of the duly elected Chairperson and Vice-Chairperson of a committee when the House next sits after the conduct of an election.

#### **Duties of Committee Chairperson**

189. 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 County Assembly or legislation;
- (c) be the spokesperson of the committee.

#### **Notice of meetings**

190. (1) A notice of a meeting of a select committee shall be given by the Clerk to all Members of the committee showing the date, time, venue and agenda of the meeting.

(2) A notice under paragraph (1) shall be deemed to have been given upon circulation through the official communication address or telephone number of a Member, the County Assembly website, by delivery of the notice in the office of a Member or posting of the notice in the precincts of County Assembly.

#### **Sittings of select committees**

191. 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 more than half of the members of that committee but no meeting of a Committee may be held outside the precincts of the County Assembly without the approval of the Speaker.

#### **Sub-committees of select committees**

192. (1) A select committee may establish such sub-committees as it may consider necessary for the proper discharge of its functions and prescribe a quorum of not less

than three Members.

(2) Unless a quorum is achieved within thirty minutes of the appointed time, the meeting of a subcommittee shall stand adjourned to such further time or days as its chairperson may appoint.

(3) The work of a subcommittee shall be subject to the direction of the committee and a subcommittee shall regularly report to the committee on any tasks assigned to it.

**Member adversely mentioned not to sit**

193. 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 in person or through a legal representative to adduce evidence as a witness before the Committee.

**Adjournment for lack of quorum**

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

**Frequency of meetings**

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

(2) Except for the County Assembly Business Committee, a select committee shall not meet during a sitting of the County 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**

196. (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) A notification under paragraph (1) shall be made through the Clerk and recorded in the minutes of the committee.

(3) 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 County Assembly Committee on Selection.

(4) Upon receipt of a report under paragraph (2), the County Assembly Committee on selection shall consider the matter and shall propose a replacement of the member for approval by the County Assembly.

### **Absence of chairperson and vice-chairperson**

197. In the absence of the chairperson and vice-chairperson at any meeting, the Members present shall elect one of them to take the Chair.

### **List of attendance**

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

### **Minutes of select committees**

199. The minutes of the proceedings of a select committee shall be laid on the Table of the County Assembly with the report of the committee and may, subject to Standing Order 255 (*Custody of Journals and Records*), be published.

### **Powers and privileges of committees**

200. (1) Committees shall enjoy and exercise all the powers and privileges bestowed on County Assembly by the Constitution and statute, including the power to summon any person to appear before it for the purposes of giving evidence or providing information;
- (a) enforce the attendance of witnesses and examine them under oath, affirmation or otherwise;
  - (b) compel the production of documents;
  - (c) request for and receive papers and documents from the Government and the public; and
  - (d) issue a commission or request to examine witnesses abroad.
- (2) The oath to be sworn or affirmation to be made by a witness appearing before a Committee shall be in the form set out in the **Fifth** Schedule.
- (3) A summons under paragraph (1) shall be—
- (a) **issued by the Clerk on the direction of the Speaker or the Chairperson of a committee acting in accordance with a resolution of the committee and approval of the Speaker; and**
  - (b) in the form set out in the **Sixth** Schedule.
- (4) The summons shall be served by a member of staff or a police officer who is duly authorized by the Clerk by delivering a copy of the summons—
- (a) to the person mentioned in the summons; or
  - (b) at that person's usual or last known place of residence, employment or business or left with a person who is over the age of eighteen years and who resides or is employed at that place.
- (5) Where the summons is to be served on a corporation, the summons may be served—
- (a) on the secretary, director or other officer authorised by the corporation; or

(b) if the officer serving the summons is unable to find any of the officers of the corporation mentioned in sub- paragraph (a)—

- (i) by leaving it at the registered office of the corporation;
- (ii) by sending it by prepaid registered post or by a licensed courier service provider approved by the court to the registered postal address of the corporation;
- (iii) if there is no registered office and no registered postal address of the corporation, by leaving it at the place where the corporation carries on business; or
- (iv) by sending it by registered post to the last known postal address of the corporation.

(6) The serving officer in all cases in which summons has been served under this Standing Order shall swear and annex or cause to be annexed to the original summons an affidavit of service stating the time when and the manner in which summons was served and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender of summons.

(7) The affidavit of service shall be in the form set out in the **Seventh** Schedule with such modifications as may be necessary.

(8) A return by a person who serves a summons under this Standing Order shall be prima facie proof of the service of the summons.

(9) A person requested or summoned in terms of this Standing Order shall be paid such amount of money as shall be approved by the Clerk as reimbursement for expenses incurred.

#### **Procedure if witness fails to appear**

201. (1) Where a witness summoned does not appear, or appears but fails to satisfy the House or committee, the House or Committee may impose upon the witness a fine not exceeding five hundred thousand shillings, having regard to the witness' condition in life and all the circumstances of the case.

(2) A person may pay the fine under paragraph (1) to the Clerk.

(3) County Assembly or its committee may order the arrest of a witness who fails to honour a summons for the purpose of compelling his or her attendance.

#### **Temporary absence of a member of a select committee**

202. (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 County Assembly business or is indisposed.

#### **Vote of no confidence in the chairperson or vice-chairperson**

203. (1) A Committee may, by a resolution supported by a majority of its members, resolve that it has no confidence in the chairperson or vice-chairperson and a member designated by the committee for that purpose shall thereupon report the resolution to the Liaison Committee which shall, as soon as it is practicable, direct the Clerk to conduct an election for the chairperson or vice-chairperson, as the case may be, in accordance with Standing Order 188 (*Conduct of election*).
- (2) The members desiring to make a resolution under paragraph (1) shall serve the chairperson or vice-chairperson with a written notice signed by the members citing grounds for the intended vote of no confidence and may, if they constitute a majority, request the Clerk to call for a meeting at the expiry of three days after the giving of such notice
- (3) Upon receipt of the written notice under paragraph (2) by the Clerk, any signature appended to the notice shall not be withdrawn
- (4) A notice by Members, under paragraph (2) shall be deemed to have been given upon delivery to the Chairperson's or Vice-Chairperson's official email address and by delivery of the notice to the office of the Chairperson or Vice-Chairperson, as the case may be.
- (5) A notice by the Clerk for a meeting under paragraph (2) shall be deemed to have been given upon circulation of the notice in the offices of Members and posting on notice boards in the precincts of the County Assembly.

**Original vote**

204. (1) The Chairperson of a select committee other than the County Assembly Business Committee shall have an original vote but not a casting vote.
- (2) Paragraph (1) shall not apply to the chairperson of the County Assembly Business Committee, who shall have neither an original nor a casting vote.

**Attendance by non-members of select committee**

205. (1) A Member may attend and participate in a meeting of any committee of the County 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.
- (2) A Member who intends to participate in a meeting of a committee of the House of which he or she is not a member shall submit a written request to the Chairperson of the committee at least twenty-four hours before the meeting, or such other period the Chairperson may in exceptional circumstances allow.
- (3) The request shall indicate any matter which the Member intends to raise at the meeting.
- (4) Where the Chairperson allows a request for participation under paragraph (2), the Member may attend the meeting and raise any matters indicated in his or her request.
- (5) The Chairperson shall, before allowing a non-member to participate in a matter before the committee, give priority to the Members of the committee.
- (6) The Chairperson may order a non-member of the committee to withdraw from a meeting for disorderly conduct.

### **Procedure in select committees**

206. (1) Except as and to the extent to which the chairperson may otherwise direct for the purpose of facilitating full consideration and discussion of a matter referred to a Committee, the procedure in a select committee shall be as nearly as possible, the same as that in Committee of the whole County Assembly.
- (1) Any question arising in a select committee shall be decided by vote and the resolution on any such vote shall constitute the decision of the select committee on that question.
  - (2) The minutes of a select committee shall be kept in the same form as the Votes and Proceedings of a Committee of the whole County Assembly and in such other form as may be prescribed in the Committee Manual.
  - (3) 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
  - (4) Except as the Speaker may otherwise direct, a committee may sit notwithstanding the adjournment of the County Assembly.

### **Limitation of mandate**

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

### **Public access to meetings of select committees**

208. (1) All committee proceedings shall be open to the public unless in exceptional circumstances the Speaker has determined that there are justifiable reasons for the exclusion of the public.
- (2) The Committee may adjourn to seek leave of the Speaker to exclude the public.

### **Reports of select committees**

209. (1) The report of a select committee shall be prepared and kept in the same forms as the Votes and Proceedings of a Committee of the whole County Assembly and in such other form as may be prescribed in the Committee Manual.
- (1) The report of a select committee having been adopted by a majority of the members, shall be signed by the chairperson on behalf of the Committee.
  - (2) 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.
  - (3) A select committee shall adopt its report in a meeting attended by a majority of its members.

- (4) 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
- (5) A report of a select committee including any minority report, together with the minutes of the proceedings of the committee, and with such note or record of any evidence by the committee as the committee may deem fit, shall be laid on the Table of the County Assembly by the chairperson of the select committee, or the vice-chairperson or by a member authorized by the committee on its behalf within fourteen days of the conclusion of its proceedings.
- (6) Within forty eight hours after the report has been laid on the Table of the County Assembly, the Clerk shall publish the report in the County Assembly website and circulate copies to members.

#### **Progress reports**

210. (1) Unless a more regular interval is prescribed under any written law or these Standing Orders, each select committee shall submit quarterly progress reports to the Liaison Committee.
- (4) The Liaison Committee shall, within twenty one days, compile the reports under paragraph (1) and submit a report to the County Assembly.

#### **Exit Reports**

211. (1) The Chairperson of a committee shall table an exit report to the Assembly at the expiry of the term of the committee outlining—
- (a) the work and any achievements of the committee during the term;
  - (b) any outstanding matter under consideration by the Committee together with reasons for its inability to conclude the matter before the expiry of its term.
- (2) The report shall be made available to the succeeding committee which may consider it in preparing its work plan.

#### **Reports on County Assembly Resolutions**

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

#### **Joint sitting of committees of the County Assembly**

213. (1) Two committees of the County 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 Standing Order 5 (*Proceedings on assembly of a new County Assembly*) the second ranking member of the other committee shall deputize.
  - (3) The quorum of a joint sitting of two or more committees shall be the number obtained by adding the respective quorum of each committee, excluding the Chairpersons.



- (4) The report of a joint sitting of two or more committees shall not be adopted unless supported by a resolution of a majority of the total membership of the committees.

#### **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 on Appointments**

215. (1) There shall be a select committee to be designated the Committee on Appointments to be appointed by the County Assembly, consisting of—
- (l) the Speaker as a Chairperson;
  - (m) the Deputy Speaker;
  - (n) the Leader of the Majority Party;
  - (o) the Leader of the Minority party; and
  - (p) not less than five and not more than nine other Members nominated by the County Assembly Business Committee, on the basis of proportional Party Membership in the County Assembly taking into consideration the numerical strength of the Parties and interests of Independent Members.
- (1) The Committee on Appointments shall be appointed within seven days on assembly of a new County Assembly and shall serve for period of three years and that appointed thereafter shall serve for the remainder of the term of the County Assembly
- (2) In the absence of the Speaker, the Committee shall elect a member, from amongst its members to chair the meeting.
- (3) The Committee on Appointments shall consider, for approval by the County Assembly, appointments under Articles 179(2) (*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**

216. (1) There shall be a select committee to be designated the County Public Investment and Accounts Committee.
- (2) The County Public Investments and Accounts Committee shall be responsible for—
- (a) the examination of the accounts showing the appropriations of the sum voted by the County Assembly to meet the public expenditure and of such other accounts laid before the County Assembly as the Committee may think fit.
  - (b) the examination of the reports, and accounts of the county public investments;

- (c) The examination, in the context of the autonomy and efficiency of the county public investments, whether the affairs of the county public investments, are being managed in accordance with sound financial or business principles and prudent commercial practices:
- (3) Provided that the Committee shall not examine any of the following namely:
- (a) matters of major County policy as distinct from business or commercial functions of the public investments;
  - (b) matters of day-to-day administration; and,
  - (c) matters for the consideration of which machinery is established by any special statute under which a particular county public investment is established.
- (4) The County Public Investments and Accounts Committee shall consist of-
- (a) a chairperson elected from among members of the Committee belonging to County assembly parties not forming the county government;
  - (b) and not more than twelve other Members who shall not be chairpersons of other committees.
- (5) The County Public Accounts Committee constituted immediately following the general election shall serve for a period of three calendar years and that constituted thereafter shall serve for the remainder of the County Assembly term.
- (6) Notwithstanding the provisions of Standing Order 182(1)(a), in the membership of the Committee, parties other than County Assembly parties forming the county government shall have a majority of one.

#### **County Budget and Appropriations Committee**

217. (1) There shall be a select Committee to be known as the County Budget and Appropriations Committee.
- (2) The Committee shall consist of a chairperson, and not more than twelve other Members who are **not chairpersons of sectoral committees**.
- (3) The functions of the Committee shall be to-
- (a) investigate, inquire into and report on all matters related to coordination, control and monitoring of the of the county budget,
  - (b) discuss and review the estimates and make recommendations to the County Assembly;
  - (c) examine the County Fiscal Strategy Paper presented to the County Assembly;
  - (d) examine Bills related to the county budget, including Appropriations Bills; and
  - (e) evaluate tax estimates, economic and budgetary policies and

programmes with direct budget outlays.

- (4) The County Budget and Appropriations Committee constituted by the County 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 County Assembly term.
- (5) Five members of the Budget Committee shall constitute a quorum.
- (6) The Committee shall invite chairpersons of all Sectoral Committees to make presentations during the consideration of the budget.

#### **Public Debt and Privatization Committee**

218. (1) There shall be a select committee to be designated the Public Debt and Privatization Committee.
- (2) The Committee shall be responsible for —
  - (a) oversight of county public debt and guarantees pursuant to Article 212 of the Constitution;
  - (b) examination of matters relating to debt guarantees by the National government in respect of Garissa County Government;
  - (c) examination of reports on the status of the economy in respect of the county public debt;
  - (d) oversight of public private partnership programmes by the county government in respect of county public debt; and
  - (e) oversight of the privatization of county assets.
- (3) With respect to the county debt, the Committee shall—
  - (a) consider and examine terms on which the county government may borrow including the debt ceiling;
  - (b) examine the extent of total county indebtedness;
  - (c) examine the use made or to be made of the proceeds of county loans guaranteed by the national government;
  - (d) examine the provisions made for servicing or repayment of county loans;
  - (e) examine the annual medium term Debt Management Strategy submitted by the County Executive Committee Member responsible for finance to the county Assembly;
  - (f) examine the progress made in the repayment of county loans;
  - (g) consider and examine proposals by the county government with respect to loans and guarantees by the National government under Article 212(a) of the Constitution;
  - (h) examine quarterly reports submitted to County Assembly by the County Executive Committee member on all loans made to the County government, in accordance with section 140 of the Public Finance Management Act; and

(i) examine the adherence to the principle of inter- generational equity in public borrowing;

(j) examine compliance of the county government with the Constitution or statute with respect to public borrowing;

(4)The Committee shall make reports and recommendations to the House as often as possible, including recommendations on proposed legislation on matters under its mandate.

(5)The Committee shall consist of a Chairperson, elected from among Members of the Committee belonging to County Assembly parties not forming the County government, and not more than eight other Members.

(6) Notwithstanding the provisions of Standing Order 182(1)(a), in the membership of the Committee, parties other than County Assembly parties forming the county government shall have a majority of one.

(7) The Public Debt and Privatization Committee constituted immediately following a general election shall serve for a period of three calendar years and the Committee constituted thereafter shall serve for the remainder of the County Assembly term.

#### **County Assembly Procedure Rules and Broadcasting Committee**

219. (1) There shall be a select committee to be known as the County Assembly Procedure, Rules and Broadcasting Committee.
- (2) The committee shall comprise the Speaker as chairperson, the Deputy Speaker as the vice chairperson, , Speakers panel members and not more than seven other Members.
- (3) The County Assembly Procedure, Rules and Broadcasting Committee shall consider and report on all matters relating to these Standing Orders.
- (4) The County Assembly Procedure, Rules and Broadcasting Committee may propose amendments to these Standing Orders and any such amendments shall upon approval by the County Assembly, take effect at the time appointed by the County Assembly.
- (5) The County Assembly Procedure, Rules and Broadcasting Committee may propose rules for the orderly and effective conduct of committee business and any such rules, shall upon approval by the County Assembly, continue in force until amended or repealed by the County 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 Order
- (7) consider and report on all matters relating to broadcasting of the proceedings of the House;
- (8) advise the House on matters related to public participation;
- (9) Make reports and recommendations to the House, including proposed legislation on matters relating to broadcasting of House proceedings;
- (10) Recommend to and advise the House on matters related to provision of library,

publications and research services in Parliament, including improvement of the library and research services; and

- (11) Assist Members in utilizing the facilities provided by the library and research services, including use of information and communication technology.
- (12) The Committee shall not deal with matters related to procurement of items or services of the broadcast, the library or research services, or any matter falling within a function of the County Assembly Service Board.
- (13) The Procedure and Rules Committee constituted immediately following a general election shall serve for a period of three calendar years and the Committee constituted thereafter shall serve for the remainder of the parliamentary term.

#### **Committee on Implementation**

220. (1) There shall be a select committee to be known as the Committee on Implementation.
- (2) 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.
- (3) 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.
- (4) The Committee on Implementation shall consist of a Chairperson and not more than twelve other Members.
- (5) Notwithstanding the provisions of Standing Order 182(1)(a), in the membership of the Committee on Implementation, parties other than County Assembly parties forming the County government shall have a majority of one.
- (6) The Committee on Implementation constituted immediately following a general election shall serve for a period of three calendar years and the Committee constituted thereafter shall serve for the remainder of the parliamentary term.

#### **Committee on Delegated County Legislation**

221. (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 twelve other Members

- (3) Whenever a statutory instrument is submitted to the County 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 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 the 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 House that the Assembly resolves that all or any part of the statutory instrument be annulled.
- (6) The Clerk shall submit the resolution under paragraph (5)(b) to the relevant state department or the authority that published the statutory instrument.
- (7) The Committee shall, on a quarterly basis, report to the County Assembly on the list of statutory instruments approved under paragraph (5)(a).
- (8) Where the House annuls part or an entire statutory instrument, the regulation making authority shall notify the Clerk and submit evidence of the publication of the annulment within twenty-one days.
- (9) The Clerk shall record information received under paragraph(8) in the register of Statutory Instruments and refer it to the Committee
- (10) The Committee on Delegated Legislation constituted immediately following a general election shall serve for a period of three calendar years and the Committee constituted thereafter shall serve for the remainder of the parliamentary term.
- (11) 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 authorized to be issued”

#### **Sectoral/Departmental Committees**

##### **Appointment of Sectoral Committees**

222. (1) There shall be select committees to be known as Sectoral Committees the members of which shall be nominated by the County Assembly Committee on selection in consultation with County Assembly parties and independents at the commencement of every County Assembly.
- (2) The Sectoral Committee shall consist of a Chairperson and not more than twelve other Members.
  - (3) 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 subject to standing order 184 (*discharge of a member from a committee*).
  - (4) 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**.
  - (5) 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.

- (6) 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) on a quarterly basis, monitor and report on the implementation of the County budget in respect of its mandate;
  - (d) study and review all county legislation referred to it;
  - (e) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
  - (f) 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;
  - (g) to vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 215 (*Committee on Appointments*); and
  - (h) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

#### **Committee on Members' Services and Facilities**

223. (1) There shall be a select committee to be designated the Committee on Members' Services and Facilities.
- (2) The Committee shall be responsible for—
- (a) receiving and considering views of Members on the services and facilities provided for their benefit and well-being; and
  - (b) advising and reporting on all matters connected to the services and facilities provided for Members.
- (3) The Committee shall consist of a Chairperson and not more than eight other Members who shall be approved by the County Assembly at the commencement of every Session.

#### **Liaison Committee**

224. (1) There shall be a select committee to be known as the Liaison Committee which shall consist of the Deputy Speaker as the chairperson and a member of the speakers panel (1<sup>st</sup>) who shall be the vice chairperson and the chairpersons of all committees of the County Assembly.
- (2) The Liaison Committee shall-



- (a) guide and co-ordinate the operations, policies and mandates of all Committees;
- (b) deliberate on and apportion the annual operating budget among the Committees;
- (c) consider the programmes of all Committees, including their need to travel and sit away from the precincts of County Assembly;
- (d) ensure that Committees submit reports as required by these Standing Orders;
- (e) determine, whenever necessary, the committee or committees to deliberate on any matter; and
- (f) give such advice relating to the work and mandate of select committees as it may consider necessary;

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

**Committee to be limited to mandate**

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

**PART XXII - PUBLIC PETITIONS**

**Meaning of Petition**

226. For purposes of this Part, without prejudice to Standing Order 81 (*Removal of a member of the County Public Service Board*) and Standing Order 82 (*Removal of a member of County Assembly Service Board*), a petition means a written prayer to the County Assembly under Article 37 of the Constitution by a member of the public requesting the County Assembly to consider any matter within its authority, as contemplated in Section 15 of the County Governments Act, including enacting, amending or repealing any legislation.

**Submission of a Petition**

227. (1) A petition to the County Assembly shall be-
- (a) submitted to the Clerk by the petitioner and reported to the County 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.

**Commented [3]:**  
Consider alignment with the Petition to County Assemblies (Procedure) Act, 2020

- (3) The Clerk shall, within seven days of the date of receipt of the petition, review the petition to ascertain whether the petition meets the requirements of these Standing orders and of the law.
- (4) Where the Clerk considers that a petition does not comply with paragraph (3), the Clerk may give such directions as are necessary to ensure that the petition is amended to comply with that paragraph.
- (5) The Clerk shall, if satisfied that the petition meets the requirements under paragraph (3), forward the petition to the Speaker for tabling in the County Assembly.

#### **Petition on Private Bill**

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

#### **Notice of intention to present Petition**

229. 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 Public Petition**

230. (1) A petition shall be in the form set out in the **Third 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 County 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.
- (2) Despite paragraph (1)(k), a petitioner shall—
- (a) attach evidence of the efforts made to have the matters raised in the petition addressed by a relevant body for purposes of paragraph (1)(f); and
  - (b) where the matters are pending before court, attach evidence of the court proceedings or judgment for purposes of paragraph (1)(g).

**Presentation of Petitions**

231. (1) A schedule of Petitions to be presented or reported to the County Assembly on a sitting day may be appended to the Order Paper of the Day in the order that they shall be presented or reported.
- (2) When the Order “Petitions” is read, the Speaker shall-
- (a) in case of a petition presented by a Member, direct that the Member to present the Petition to the County Assembly or;
  - (b) in case of a Petition presented through the Clerk, report the Petition to the County 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 County Assembly;
- (5) A Member presenting a Petition shall not speak for more than five minutes, unless with permission of the Speaker.

**Comments on petitions**

232. 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**

233. (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 County Assembly and may recommend that a report on a petition be considered for debate in the county assembly
- (3) The Clerk shall, within fifteen days of the decision of the County Assembly, in writing, notify the petitioner of the decision of the County Assembly on the petition.

### **Copies of responses**

234. The Clerk shall forward copies of responses received under Standing Order 233 (*Committal of Petitions*) to the petitioner or petitioners.

### **Register of Petitions**

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

## **PART XXIII - FINANCIAL PROCEDURES**

### **General**

#### **Restrictions with regard to certain financial measures**

236. (1) If, in the opinion of the Speaker, a motion makes provision for a matter listed in the definition of “a money Bill”, the County Assembly may proceed only with the recommendation of the Budget and Appropriations Committee after taking into account, the views of the Member of County Executive Committee responsible for finance.
- (1) “A money Bill”, as provided for in section 21 of the County Governments Act means a Bill, that contains provisions dealing with-
- (a) taxes;
  - (b) the imposition of charges on a public fund or the variation or repeal of any of those charges;
  - (c) the appropriation, receipt, custody, investment or issue of public money;
  - (d) the raising or guaranteeing of any loan or its repayment; or
  - (e) matters incidental to any of those matters.

#### **Presentation of County Fiscal Strategy Paper**

237. (1) The County Treasury shall submit the County Fiscal Strategy Paper approved by the County Executive Committee in accordance with section 117 of the Public Finance Management Act, 2012, to the County Assembly, by the 28th February of each year.
- (2) The County Fiscal Strategy Paper submitted under paragraph (1) shall –
- (a) have been aligned with the national objectives in the Budget Policy Statement;
  - (b) specify the broad strategic priorities and policy goals that will guide the county government in preparing its budget for the coming financial year and over the medium term;

- (c) include the financial outlook with respect to county government revenues, expenditures and borrowing for the coming financial year and over the medium term;
  - (d) have taken into account the views of the Commission on Revenue Allocation; the public; any interested persons or groups; and any other forum that is established by legislation.
- (3) The County Fiscal Strategy Paper shall detail the criteria used to allocate or apportion the available public resources among the various programmes and projects.
- (4) Upon being laid before the County Assembly, the County Fiscal Strategy Paper shall be deemed to have been committed to each Sectoral Committee without question put, for each such committee to deliberate upon according to their respective mandates and make recommendations to the Budget and Appropriations Committee within seven days of committal.
- (5) Within fourteen (14) days following the tabling of the County Fiscal Strategy Paper, the Budget and Appropriations Committee shall table a report in the County Assembly for consideration in accordance with the provisions of Section 117 of the Public Finance Management Act.
- (6) The report prepared by the Budget and Appropriations Committee pursuant to paragraph (5) shall include a schedule of ceiling of resources recommended for the County Government, and County Assembly.
- (7) The approval by the County Assembly of the motion on the report of the Budget and Appropriations Committee on the County Fiscal Strategy Paper shall constitute the County Assembly Resolution setting forth the total overall projected revenue, the ceilings recommended for the County Executive, and County Assembly and where necessary, the total sums for each Vote and the allocations to individual programmes for the fiscal year in question.
- (8) The County Assembly shall consider and may adopt the County Fiscal Strategy Paper with or without amendments not later than fourteen days after its submission under paragraph (1).
- (9) The resolution of the County Assembly on the County Fiscal Strategy Paper shall serve as a basis of the proposed estimates of expenditure for the next financial year and the medium term.
- (10) The County Treasury shall consider any recommendations made by the County Assembly when finalising the budget proposal for the financial year concerned

### **Presentation of Debt Management Strategy**

238. (1) Every year not later than 15<sup>th</sup> February the County Executive Committee member responsible for finance shall submit to the County Assembly a Debt Management Strategy.
- (2) The Debt Management Strategy shall include—
- (a) the total stock of debt as at the date of the statement;

- (b) the sources of loans made to the county government;
  - (c) the principal risks associated with those loans;
  - (d) the assumptions underlying the debt management strategy; and
  - (e) an analysis of the sustainability of the amount of debt, both actual and potential.
- (3) Upon being laid before the County Assembly, the Debt Management Strategy shall be committed to the County Public Debt and Privatization Committee.
- (4) Within ten (10) days following the tabling of the Debt Management Strategy, the Public Debt and Privatization Committee shall table a report in the House for consideration.
- (5) The report of the County Public Debt and Privatization Committee under paragraph (4) shall include
- (a) a schedule showing the stock of domestic and foreign public debt including guarantees, as at the date of the statement;
  - (b) an evaluation of the principal risks associated with the existing loans;
  - (c) an evaluation of the sustainability of the amount of debt, both actual and potential;
  - (d) a recommendation on the overall debt strategy for the next financial year and the medium term; and
  - (e) a recommendation on the appropriate limit on proposed borrowing for the next financial year and the following two financial years.
- (6) The County Assembly shall consider the report of the County Public Debt and Privatization Committee on the Debt Management Strategy before considering the report of the Budget and Appropriations Committee on the County Fiscal Strategy Paper.
- (7) The resolution of the House on the report of the County Public Debt and Privatization Committee on the Debt Management Strategy shall constitute the County Assembly resolution on the appropriate limit on proposed borrowing for the next financial year.
- (8) The resolution of the County Assembly on the Debt Management Strategy shall—
- (a) be the appropriate limit on proposed borrowing for the next financial year; and
  - (b) form a basis for the approval of the report of the Budget and Appropriations Committee on the County Fiscal Strategy Paper

**Presentation of Budget Estimates and committal to Committees**

239. (1) The Member of County Executive Committee responsible for finance and the accounting officer of the County Assembly Service Board shall, not later than 30<sup>th</sup> April, respectively submit to the County Assembly, Budget Estimates and related documents specified in law for the County Executive, and County Assembly.

- (1) The Estimates and related documents submitted under Paragraph (1) will be tabled in the County Assembly within three days of submission.
- (2) Upon being laid before the County 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.
- (3) Each Sectoral Committee shall consider, discuss and review the Estimates according to its mandate and submit its report and recommendations to the Budget and Appropriations Committee within twenty-one days, after being laid before the County Assembly.
- (4) The Budget and Appropriations Committee shall discuss and review the Estimates and make recommendations to the County Assembly, taking into account the recommendations of the Sectoral Committees, the views of the County Executive Committee Member and the public.
- (5) Where the Committee recommends any changes, variations or re-allocations in the Estimates, the Budget and Appropriations Committee shall include in its recommendations under paragraph (5) an itemized schedule outlining the proposed changes, variations or re-allocations specific to each vote, sub- vote, programme, project, output or target.

#### **Committee of Supply**

240. The Committee of Supply shall be a Committee of the whole County Assembly.

#### **Definition of day**

241. 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 7.30 p.m. or of not more than three hours after 7.30 p.m.

#### **Order of Votes**

242. (1) The County Assembly Business Committee after consultation with the Liaison Committee shall determine the order in which the County 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 245 (*Consideration of Supply Resolutions*) relating to the County Assembly Resolutions on the Budget and Appropriations Committee report on the Annual Estimates shall be prioritized.

#### **Moving into Committee of Supply**

243. On an Order of the Day for Committee of Supply being read, the Chairperson of the Budget and Appropriations Committee or a Member designated by the Committee shall move the motion ***“The House do approve the Report of the Budget and Appropriations Committee on the Budget Estimates for the financial year..... and the allocations to the respective votes and programmes as contained in the Schedule”*** with necessary modifications, where applicable.

#### **Consideration of Estimates in the Committee of Supply**

244. (1) The report of the Budget and Appropriations Committee on the Budget

Estimates shall be considered in the Committee of Supply upon a motion that ***“The House do approve the Report of the Budget and Appropriations Committee on the Budget Estimates for the financial year..... and the allocations to the respective votes and programmes as contained in the Schedule”*** with necessary modifications, where applicable.

(2) The Chairperson shall propose a question on each of the Votes or programmes.

(3) In considering the Estimates, the House shall take into consideration its resolutions on the County Fiscal Strategy Paper and ensure that—

(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 a deficit in the Budget.

(4) An amendment to any vote to increase or reduce the sum allotted to any programme or the vote may only be moved in accordance with the recommendation of the Budget and Appropriations Committee.

(5) An amendment in the Committee of Supply may be in the form of a motion ***“That the Vote... be increased/reduced by Ksh ..... (in respect of programme.....)”*** or in such a form as the Speaker may approve.

(6) 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.

(7) When notice has been given of two or more amendments to reduce the same item, sub-head, or a vote, 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 and, the reduced amount in respect of a Vote may be transferred to another Vote provided that other Vote has not been disposed of.

(8) 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.

(9) On the last of the allotted days, being a day before the 26th 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 House is not in Committee, the House shall forthwith move into committee without question put, for that purpose.

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

(11) When all amendments in respect of all Votes have been disposed of, the



Chairperson shall again propose the question “The House do approve the Report of the Budget *and Appropriations Committee on the Budget Estimates for the financial year..... and the allocations to the respective votes and programmes as contained in the Schedule*” with necessary modifications, where applicable.

(12) At the conclusion of the debate the Chairperson shall put the question referred to in paragraph (11) and report to the County Assembly forthwith.

### **Consideration of Supply Resolutions**

245. (1) The report or any resolution of the Committee of Supply shall be considered upon a Motion, *“That, the House do agree with the Committee in the said resolution.”*

(2) The question on any Motion moved under paragraph (1) 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 Vote or programme) to the Committee of Supply.”*

(3) If the Motion is agreed to with the Member’s amendment, the resolution shall stand re-committed to the Committee of Supply and the House shall either forthwith or upon a day determined by the Speaker 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) of this Standing Order, paragraphs (2) and (3) of the provisions of this Standing Order shall apply in respect of a resolution so re-committed.

### **Appropriation Bill**

246. (1) The resolution of the County Assembly on the Budget Estimates shall serve as the basis of the Appropriation bill.

(1) Upon approval of the Budget Estimates, the Chairperson of the Budget and Appropriations Committee shall introduce an Appropriation bill in the County Assembly.

(2) The County Assembly may proceed only in accordance with the recommendations of the Budget and Appropriations Committee in respect of any proposed amendment to the Appropriation Bill after consulting the relevant Departmental Committees.

(3) The County Assembly shall consider and pass the Appropriation Bill not later than the 26<sup>th</sup> June of any given year.

(4) Upon passage of the Appropriation Bill, the Clerk shall as soon as practicable, certify in writing any changes made to a vote or a programme and indicate any reallocations, increases, or decreases made by the County Assembly to a vote, sub-vote, programme, project, output or target to facilitate the County Executive Committee member responsible for finance to re-publish the final

approved Estimates.

- (5) Following the enactment of the Appropriations Act, the Budget and Appropriations Committee shall ensure that any reallocations, increases, or decreases made by the County Assembly to the Estimates with respect to any vote, sub-vote, programme, project, output or target are incorporated in the republished final approved budget books.

#### **Vote on Account**

247. (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 County 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 paragraph (2)—
    - (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 county assembly for that year.
  - (4) The Speaker shall, within seven days, communicate the authorization in paragraph (2) to the County Executive Committee member for finance.
  - (5) The money withdrawn under paragraph (2) shall be included in the appropriation law, under separate votes, for the services for which it is withdrawn
  - (6) If on the last allotted day the question with respect to a motion under paragraph (2) shall not have been put, the Chairperson of the Committee of the Whole County Assembly shall, half an hour before the time for the interruption of business, forthwith put the question.

#### **Procedure on Supplementary Estimates**

248. (1) The County Executive shall submit to the County 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) a statement showing how the additional expenditure relates to the fiscal responsibility principles and financial objectives;
    - (b) a schedule showing the list of programmes or projects that is affected by the proposed supplementary budget;
    - (c) justifications and necessary financial documents as evidence for the money spent;

- (d) separate schedules for expenditure made under Section 135 of the Public Finance Management Act and any ordinary re-allocations made to any vote;
  - (e) a schedule indicating the money spent and the purpose for which it was spent under each vote, programme and project; and
  - (f) the date when the first withdrawal of the said money was made.
- (3) The procedure applicable to the approval of the Budget Estimates under Standing Order 244 (*Consideration of Estimates in the Committee of Supply*) and Standing Order 245 (*Consideration of Supply Resolutions*) shall with the necessary modifications, apply to the approval of the Supplementary Estimates.
- (4) The report of the Budget and Appropriations Committee to the County Assembly on Supplementary Estimates shall—
- (a) include an examination of the compliance of the proposed Supplementary Estimates with—
    - (i) the conditions set out in Section 135 of the Public Finance Management Act and any other law; and
    - (ii) the principles and values of public finance under Article 201 of the Constitution;
  - (b) only contain provisions for money already withdrawn and spent by the County Government in accordance with Section 135 of the Public Finance Management Act; and
  - (c) contain separate schedules for expenditure made under section 135 of the Public Finance Management Act and any ordinary re-allocations made to any vote and a schedule of any financial and policy resolutions.
- (5) Paragraph (4) shall apply to a Departmental Committee examining the Supplementary Estimates and making recommendations to the Budget and Appropriations Committee under paragraph 3 of this Standing Order.
- (6) The Clerk shall maintain a specific register for noting any requests for approvals made by the County Executive Committee member responsible for finance pursuant to Section 135 of the Public Finance Management Act and facilitate the timely tabling of all such requests.
- (7) 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.

**Approval of expenditure of more than ten percent**

249. (1) Pursuant to the provisions of section 135(7) of the public Finance Management Act ,the County Assembly may, following a request by the County Treasury and upon recommendation of the Budget and Appropriations Committee, by resolution, approve spending of more than ten percent above the sum appropriated in the Appropriations Act for that financial year.
- (7) The Budget and Appropriations Committee shall satisfy itself that the proposed expenditure under paragraph (1) relates to special circumstances.

### **Supplementary Appropriation Bill**

250. (1) The resolution of the House on the Supplementary Estimates shall serve as a basis of the Supplementary Appropriation Bill.
- (2) Upon approval of the Supplementary Estimates, the Chairperson of the Budget and Appropriations Committee shall introduce a Supplementary Appropriation Bill for consideration by the County Assembly.
- (3) The procedure applicable to the approval of the Appropriation Bill under Standing Order 246 (*Appropriation Bill*) shall with the necessary modifications, apply to the approval of the Supplementary Appropriation Bill.
- (4) A Supplementary Appropriation Bill shall contain a schedule showing—
- (a) the amounts appropriated in the Appropriation Act; and
  - (b) the net proposed change arising from the approved supplementary estimates under Standing Order 248 (*Procedure on Supplementary Estimates*) and Standing Order 249 (*Approval of expenditure of more than tenpercent*).

### **Pronouncement of the Budget highlights and Revenue raising measures**

251. (1) The County Executive Committee responsible for Finance shall make a public pronouncement of the budget policy highlights and revenue raising measures for the County Government as contemplated under section 132 of Public Finance Management Act.
- (2) The Speaker may designate a suitable place in the Chamber for the purposes of admitting the County Executive Committee responsible for finance to make the public pronouncement of the budget policy highlights and revenue raising measures.
- (3) The public pronouncement under paragraph (1) shall be heard without question or clarification.
- (4) On the same date that the budget policy highlights and revenue raising measures are pronounced, the County Executive shall submit to the County Assembly a legislative proposal, setting out the revenue raising measures for the county Government, together with a policy statement expounding on those measures.
- (5) The provisions of the County Assembly (Powers and Privileges) Act shall apply to a County Executive Committee Member admitted to the Chamber under this Part.

### **Consideration of Finance Bill**

252. (1) Following the submission of the legislative proposal by the County Executive Committee Member responsible for finance under Standing Order 251 (*Pronouncement of the Budget highlights and Revenue raising measures*), the Budget and Appropriations Committee shall introduce to the County Assembly the Finance Bill in the form in which the Bill was submitted as a legislative proposal by the County Executive Committee member together with the report of the Committee on the Bill.
- (2) Any of the recommendations made by the Committee or adopted by the County

Assembly on revenue matters shall –

- (a) ensure that the total amount of revenue raised is consistent with the approved fiscal framework and the County Allocation of Revenue Act and County Government Additional Allocation 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 the tax revenue with reference to the 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 as provided under **Section 132(4)** of the Public Finance Management Act; 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 recommendations of the County Executive Committee Member in paragraph (2)(f) shall be included in the report and tabled in the County Assembly.
- (4) Not later than 30th June each year, the County Assembly shall consider and pass the Finance Bill with or without amendments.

#### **Budget Implementation Monitoring**

253. (1) The Budget and Appropriations Committee shall, in examining the implementation of the County Budget—
- (a) review quarterly reports submitted by the County Executive Committee responsible for finance pursuant to the Public Finance Management Act;
  - (b) review reports submitted by the Controller of Budget on matters relating to implementation of the Budget by the County government
  - (c) review reports submitted by the Controller of Budget relating to implementation of the Budget with respect to the County Assembly;
  - (d) examine and report on the expenditures and non-financial performance of the budget of County Assembly;
  - (e) examine conformity of the implementation process with the principles and values of public finance as set out in Article 201 of the Constitution; and
  - (f) confirm whether any new resources arising from tax revenue and grants raised by the County Government within the year are spent to reduce the fiscal deficit.
- (2) Each Sectoral/Departmental Committee shall, pursuant to Standing Order **222(6)(c)** (*Appointment of Sectoral Committees*)—
- (a) review the quarterly reports submitted by the County Executive Committee

- responsible for finance pursuant to the Public Finance Management Act;
- (b) review reports submitted by the Controller of Budget on matters relating to implementation of the Budget by the County government;
- (c) examine and report on the expenditures and non-financial performance of the budget of the County government; and
- (d) examine the conformity of the implementation process with the principles and values of public finance as set out in Article 201 of the Constitution.

## **PART XXIV – JOURNALS, RECORDS AND BROADCAST OF PROCEEDINGS**

### **Journals of the County Assembly**

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

### **Custody of Journals and Records**

255. (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 County Assembly, shall be vested in the Clerk, who shall unless otherwise prohibited by any law, allow their access by the public.
- (2) The Clerk shall publish the Votes and Proceedings of the County 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**

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

### **Secret or personal matters**

257. 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 County Assembly and from the verbatim report of the proceedings of the County Assembly, and to be the subject of a separate verbatim report, which shall be kept in the custody of the Clerk and made available only to Members.

### **Broadcast of County Assembly Proceedings**

258. (1) The proceedings of the County Assembly may be broadcast.
- (3) The broadcasting of the proceedings of the County Assembly shall comply with the Broadcasting Rules set out in the **First Schedule** of these Standing Orders.

### **PART XXV – PUBLIC ACCESS TO THE COUNTY ASSEMBLY AND ITS COMMITTEES**

#### **General provisions on access to the County Assembly**

259. (1) Except as may be expressly provided to the contrary, every person has access to the County Assembly and its committees.
- (2) The County Assembly or a committee may not exclude any person, or any media, from a sitting of the County Assembly or of a committee unless, in exceptional circumstances, the Speaker has determined that there are justifiable reasons for the exclusion.
- (3) A person required to appear before a committee of the County Assembly may request for the exclusion of the public at his or her appearance by notifying the committee in writing at least twenty-four hours before their appearance.
- (4) The committee shall consider a request under paragraph (3) as against the requirements under Article 196 of the Constitution on facilitating public access to county assembly and public interest and **upon the Speaker's approval, notify the County Assembly each time an approval is granted to such request and provide reasons for the approval.**
- (5) The Speaker may, from time to time, issue rules governing public access to the County Assembly and its committees.

#### **Restriction of access to the Chamber**

260. (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 County Assembly while the County Assembly or the Committee of the whole County Assembly is sitting.
- (2) Paragraph (1) does not apply to the Clerk or other officers of the County Assembly when discharging their duties in the service of the County Assembly.

#### **Exclusion from the County Assembly or committees**

261. (1) A Member may, at any time, rise to claim that the public or any particular person be, for reasons stated, excluded from the County 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 County Assembly or the committee.
- (1) Whenever the Speaker has determined that any person be excluded from a sitting of the County Assembly or of a committee, the Speaker shall inform the County Assembly or Committee the reasons for the exclusion.
- (2) A determination by the Speaker under paragraph (2) shall not be the subject of comment or debate.

- (3) 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**

262. 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 County Assembly or to committees or persistently misreports the proceedings of the County Assembly, or neglects or refuses on request from the Speaker to correct any wrong report in respect of the proceedings of the County Assembly to the satisfaction of the Speaker, may be excluded from representation in the Press gallery for such period as the Speaker shall direct.

#### **PART XXVI – GENERAL**

#### **Exemption of business from Standing Orders**

263. (1) Subject to paragraphs (2) and (3), a Motion may, with the approval of the Speaker, be moved by any Member, either with or without notice that the proceedings on any specified business be exempted from the provisions of **Part VI** (*Sitting and Adjournments of the County Assembly*), **Part VIII** (*Order of Business*), **Part XVII** (*Limitation of Debate*), **Part XIX** (*Public Bills*), **Part XX** (*Private Bills*), **Part XVIII** (*Committee of the whole County Assembly*) **Part XXIII** (*Financial Procedures*), **Part XXI** (*Select Committees*), **Part XXII** (*Public Petitions*) and **Part XXV** (*Public Access to the County Assembly and its Committees*) of these Standing Orders:
- (2) No Motion for the exemption of business from the Standing Orders shall be made to exempt any business from **Part XIII** (*Special Motions*), **Part XII** (*Procedure for removal from Office*) Standing Order **140** (*Publication*), and Standing Order **236** (*Restrictions with regard to financial measures*).
- (3) Not more than one Motion for the exemption of business from the Standing Orders may be moved at any one sitting, except with the leave of the County 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 mover.

#### **Extension of period prescribed**

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



### **Summons by the County Assembly**

265. (1) A Member may give a three days' notice of a Motion requiring the County Assembly to summon a person to appear before the County Assembly pursuant to the provisions of Article 195 of the Constitution.
- (2) The Speaker shall refuse or decline the notice, if the Speaker is of the opinion that the proposed motion is frivolous, vexatious, an abuse of the proceedings of the House, or an attempt to unreasonably usurp matters under consideration by a particular Committee.
- (3) The notice under paragraph (1) shall specify—
- (a) the person or persons to be summoned;
  - (b) the purpose of the summons;
  - (c) the evidence to be adduced, or document to be produced, if any, before the County Assembly; and
  - (d) the time and place of appearance before the County Assembly.
- (4) Upon resolution of the County Assembly on a motion under paragraph (1), the Clerk shall, not later than three days from the date of the approval, issue summons to the persons named in the motion, requiring the person to attend before the County Assembly on the date, time and place indicated in the Motion.
- (5) A person shall be summoned to appear before the County Assembly under this Standing Order only if—
- (a) the purpose of the summons is not to consider a matter which is already a subject of consideration by a Committee of the County Assembly; or
  - (b) the person has been previously summoned to appear before a Committee of the County Assembly but has failed or declined to appear before such committee without lawful cause.

### **Attendance before Parliament**

266. (1) A request by Parliament that a Member, the Clerk, or an officer of the County Assembly attends before Parliament to be examined or appears before any committee of Parliament shall be by message from Parliament requesting that the County Assembly grant leave to such Member, Clerk or other officer to attend.
- (2) If the County Assembly grants leave under paragraph (1)-
- (a) the Clerk or officer shall attend before Parliament or the committee of Parliament;
  - (b) the Member may, if the Member considers it fit to do so, attend before Parliament or the committee of Parliament.
- (3) Except upon leave granted under paragraph (2), a Member, the Clerk or an officer may not, whether in person or by counsel, attend or appear before the 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 absence**

267. (1) A Member seeking to be absent from sitting of the County Assembly shall, seek the

written permission of the Speaker in such form as the Speaker may determine, stating the period of absence, the reasons and any other relevant information.

(2) The Clerk shall keep custody of requests for permission and may disclose the information with the written consent of the Speaker.

#### **Failure to attend sittings**

268. (1) If, during any Session, a Member is absent from eight sittings of the County Assembly without permission, in writing from the Speaker, the Speaker shall report the matter to the County 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 County Assembly.
- (3) If the report of the Committee finds that the Member has offered a satisfactory explanation for the Member's absence from eight sittings of the County Assembly without the permission in writing from the Speaker, there shall be no further proceedings in the County Assembly in respect of the matter.
- (4) If the report of the Committee finds that the Member has not offered a satisfactory explanation for the Member's absence from eight sittings of the County 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 County Assembly notes the Report of the Committee of Privileges laid on the Table of the County Assembly on ... regarding.....".with other necessary modification
- (5) A Motion under paragraph (4) shall be debated in the usual manner of debating Motions under Standing Order 63 (*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 County Assembly, and no dilatory Motion shall be moved in relation to the business, and the business shall not be interrupted under any Standing Order.
- (6) At the conclusion of the debate on a motion under paragraph (4), the Speaker shall not put a question but shall declare that, pursuant to Article 194(1)(b) of the Constitution, the office of the Member concerned has become vacant.

#### **Seating in the Chamber**

269. (1) There shall be reserved seats in the Chamber of the County 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.

- (2) The Speaker may designate seats in the Chamber for Members of the Chairperson's Panel, Majority and Minority Party Whips, Deputy Leaders of the Majority and Minority Parties, and Chairpersons of Committees.
- (3) All other seats in the Chamber shall be available for the use of any Member.
- (4) Subject to this Standing Order and any other order of the County Assembly, any question relating to the occupation of seats in the Chamber shall be determined by the Speaker.

#### **Recognition of a County Assembly Caucus**

270. (1) The Speaker may, upon the written request of at least ten Members, recognize a County Assembly caucus formed for the purpose of advancing a common legislative objective.
- (2) A request to the Speaker under this Standing Order shall—
    - (a) indicate the name of the caucus;
    - (b) outline the legislative objective of the caucus; and
    - (c) contain the names and signatures of the Members of the caucus.
  - (3) A County Assembly caucus shall not enjoy the powers and privileges of a Committee of the County Assembly.

#### **Caucus of Independent Members**

271. The Speaker may, upon the written request of at least three Independent Members, recognize a caucus of Independent Members for purposes of facilitating Independent Members to discharge their role in the County Assembly.
- (2) A request to the Speaker under this Standing Order shall contain the names and signatures of the proposed Members of the caucus.
  - (3) For the purpose of this Standing Order, the Speaker shall only recognize one caucus.

#### ***Ad hoc Committees***

272. (1) A Member may, subject to the approval of the House Business Committee, move a motion proposing the establishment of an adhoc committee on a specific and exceptional subject not under active consideration by a committee of the County Assembly.
- (2) A motion under this Standing Order shall—
    - (a) indicate the proposed name of the committee;
    - (b) outline the proposed mandate of the committee and the exceptional nature of the subject to be considered; and
    - (c) indicate the proposed membership and leadership of the committee.
  - (2) The mover of a motion under this Standing Order shall ensure that—
    - (a) the proposed membership of the committee reflects the relative majorities of the seats held by each of the County Assembly parties in the County

Assembly and takes into account the interests of parties other than County Assembly parties and Independents; and

(b) not more than two-thirds of the proposed membership of the committee are of the same gender.

(3) Unless the House otherwise resolves, an ad hoc committee shall consider and report on the subject matter of its mandate within ninety days.

#### **Tributes of the House**

273. (1) The Speaker shall report to the assembled County Assembly the demise of a person whom the Speaker considers necessary for the County Assembly to note and tributes of the County Assembly may be made by way of an exceptional motion.

(2) A Member may, with leave of the Speaker-

(a) report the demise of a former Member; or

(b) notify the County Assembly of an exceptional national, regional or international achievement by a Kenyan.

(3) The Speaker may allow Members to make brief comments following a report made or notification given under this Standing Order.

(4) The Clerk shall convey a certified copy of the relevant Hansard to the family of a person to whom the County Assembly gives tribute.

#### **Nomination or appointment to a public office by the House**

274. Where written law or subsidiary legislation requires the County Assembly to nominate a person for appointment or to appoint a person to a public office, the Speaker may, in the absence of prescribed criteria, issue guidelines on the manner of nominating the person or making the appointment.

#### **Members' Biodata and Roll**

275. (1) At the commencement of every County Assembly or following a by-election, a Member shall submit to the Clerk bio data in the form prescribed in the **Ninth Schedule** for purposes of facilitating the Member in the affairs of the County Assembly and for public information.

(2) A Member may at any time during the term of a County Assembly update the information submitted under paragraph (1).

(3) The Clerk shall keep custody of Members' biodata and regularly update the data whenever a Member submits information and may publish the information on the County Assembly website.

(4) A Member shall be responsible for the accuracy of the information provided under this Standing Order.

(5) At least one month before the end of a term of County Assembly, the Clerk shall publish in the Gazette, a Roll of Members who served in that County Assembly in alphabetical order.

#### **Designation of Ranking Members**

276. (1) The Speaker may, from time to time, recognize and designate a Member of the House as a Ranking Member.

(2) In designating a Ranking Member, the Speaker shall—

(a) have regard to—

(i) the Members' previous service to the County Assembly as Speaker, Deputy Speaker, the Leader of the Majority Party, or the Leader of the Minority Party; and

(ii) the Members' cumulative period of service to the County Assembly; and

(b) notify the Member and the County Assembly of any privileges accompanying such recognition.

#### **Members travelling outside Kenya**

277. (1) A Member intending to travel outside Kenya whether in an official or a private capacity, shall give to the Speaker a written notice to that effect, indicating: -

(a) the destination intended to be visited;

(b) the dates of the intended travel and period of absence from Kenya; and

(c) the email, telephone contact, postal or physical address of the Member during the period of absence from Kenya.

(2) All information submitted under this Standing Order shall be kept in a register which the Clerk shall maintain for that purpose and shall not be disclosed to any person without the permission of the Speaker.

#### **Expenses of witnesses**

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

### **PART XXVII –AMENDMENT OF STANDING ORDERS**

#### **Proposals for amendment by the County Assembly Procedure, Rules and Broadcasting Committee**

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

#### **Amendment on the initiative of a Member**

280. (1) A Member may, with the support of at least two other Members, request the County Assembly Procedure, Rules and Broadcasting Committee to consider an amendment to the Standing Orders.

(2) A request under paragraph (1) shall be in writing and shall-

(a) contain the text of the proposed amendment and the justification for the proposal;

- (b) contain the names and signatures of the Members supporting the request;
  - (c) be lodged with the Speaker.
- (3) The Speaker shall, if satisfied that the requirements of paragraphs (1) and (2) have been met, forward the request to the County Assembly Procedure, Rules and Broadcasting Committee.
- (4) The County Assembly Procedure, Rules and Broadcasting Committee shall, within twenty-one days of the receipt of a request under paragraph (3), consider the request and table a report in the County Assembly containing the amendments proposed in the request and the recommendations of the Committee on each such proposal.
- (5) The County Assembly shall consider the proposed amendments to the Standing Orders as reported from the County Assembly Procedure, Rules and Broadcasting Committee on a Motion that “The report of the County Assembly Procedure, Rules and Broadcasting Committee be approved”.
- (6) Standing Order 157 (*Procedure on Bills reported from Committee of the whole County Assembly*) shall apply to a Motion to approve the report of the County Assembly Procedure, Rules and Broadcasting Committee on the amendments proposed to the Standing Orders.

#### **Periodic review of Standing Orders**

281. At least once in every term of County Assembly, the County Assembly Procedure, Rules and Broadcasting Committee shall review the Standing Orders and make a report to the County Assembly recommending the Standing Orders, if any, to be amended.

#### **Consideration of reports of County Assembly Procedure, Rules and Broadcasting Committee**

282. (1) Upon the tabling of a report of the County Assembly Procedure, Rules and Broadcasting Committee under Standing Order 280 (*Amendment on the initiative of a Member*) and Standing Order 281 (*Periodic review of Standing Orders*) the procedure set out under paragraph (5) and (6) of Standing Order 280 (*Amendment on the initiative of a Member*) shall apply with the necessary modifications.
- (2) Amendments to the Standing Orders proposed under this Part shall, upon approval by the County Assembly, take effect at the time appointed by the County Assembly.

### **PART XXVIII - CONDUCT OF PROCEEDINGS IN EXCEPTIONAL CIRCUMSTANCES**

#### **Application**

283. (1) This Part shall apply to the conduct of proceedings of the County Assembly and its Committees in an exceptional circumstance.
- (1) The provisions of the Standing Orders preceding this Part shall remain in force except as may be modified in this Part.

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

#### **Alternative sitting arrangements**

284. (1) The Speaker shall invoke the provisions of this Part and permit the County Assembly and its Committees to conduct sittings either—
- (a) physically and virtually, where the County Assembly is partly precluded from conducting a physical sitting by an exceptional circumstance; or
  - (b) virtually, where the County Assembly is wholly precluded from conducting a physical sitting by an exceptional circumstance.
- (1) The Speaker shall, upon invoking the provisions of paragraph (1) and upon the recommendation of the Procedure, Rules and Broadcasting Committee, prescribe guidelines governing—
- (a) the conduct of the proceedings;
  - (b) the manner of voting, manner of conducting a division and the ascertainment of a vote in the proceedings;
  - (c) the conduct of Members during the proceedings;
  - (d) access to the proceedings by members of public and media;
  - (e) public participation and involvement;
  - (f) etiquette; and
  - (g) such other matter as may be relevant to the conduct of the proceedings.
- (2) The guidelines prescribed under paragraph (2) shall cease to apply upon revocation by the Speaker or the cessation of the exceptional circumstance, whichever is earlier.

#### **Other arrangements**

285. (1) During the pendency of an exceptional circumstance—
- (a) the County Assembly may, by resolution, vary its ordinary sittings to such a number as the circumstance permits;
  - (b) the County Assembly Business Committee shall determine and prioritize essential business to be considered by the House; and
  - (c) the Speaker may—

- (i) designate a place outside the Chamber but within the precincts of Parliament from where Members may participate in the proceedings;
- (ii) prescribe the number of Members who may participate in the proceedings from the Chamber or any designated place outside the Chamber;
- (iii) permit a Member or any other person required to file, deliver or table any document under the Standing Orders or any written law to file or submit the document electronically for tabling;
- (iv) where the County Assembly is wholly precluded from conducting a physical sitting, deem a document submitted, including a document submitted electronically, to have been tabled, subject to its admissibility; and
- (v) preclude public access to the House and committees pursuant to Standing Order 259(2).

#### **Use of technology**

286. (1) The Speaker may, taking into account the provisions of section 7B(2) of the County Governments Act, prescribe an appropriate information and communications technology platform for the conduct of the virtual proceedings under this Part.

- (1) The platform prescribed under paragraph (1) shall—
  - (a) incorporate video and audio or text;
  - (b) allow the participation of Members in the proceedings in real-time and the broadcast of the proceedings;
  - (c) facilitate the proceedings to be recorded and transcribed under Standing Order 256 (*Hansard reports*); and
  - (d) where the House is wholly precluded from conducting a physical sitting, incorporate a system that allows Members to vote.
- (2) The voting system incorporated under paragraph (2)(d) shall be simple, accurate, verifiable, secure, accountable, transparent and facilitate the prompt declaration of the result of each vote taken.
- (3) The Clerk shall facilitate the participation of Members in virtual proceedings through the use of standard electronic devices specifically configured for the proceedings.

#### **PART XXIX –TRANSITION PROVISIONS**

##### **County Assembly’s Resolution on Standing Orders**

287. (1) In exercise of the powers conferred by Section 14 of the County Government Act, the County Assembly, by resolution passed on xxxxxxxxx 2023 adopted these Standing Orders and the Speakers Rules.



### Revocation of previous Standing Orders

288. The Standing Orders adopted by the County Assembly on ...XXXXXXXX.2013 during the first term of the County Assembly are hereby revoked.

### Commencement

289. Pursuant to the resolution of the County Assembly of ...XXXXXXXXXX 2023,—

- (a) the provisions of Standing Order XXXXXX shall commence upon the expiry of the term of the third (3<sup>rd</sup>) County Assembly;
- (b) The provision of Standing Order XXXXXXXX shall commence on ... 2023
- (c) Rest of the provisions of these standing orders take effect upon publication of the standing orders

### FIRST SCHEDULE BROADCASTING RULES (Standing Order 258)

#### County Assembly Broadcasting Unit

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

#### County Assembly privilege

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

#### Television broadcasting

3. When broadcasting the proceedings of the County Assembly on television, the following guidelines shall apply-
  - (a) the camera shall focus on the Member recognized by the Chair until the Member has finished speaking;
  - (b) group shots and cut-always may be taken for purposes of showing the reaction of a group of Members to an issue raised on the Floor;
  - (c) wide-angle shots of the Chamber shall be used during voting and Division and no shot shall be taken so as to show the manner in which a Member has voted in any secret ballot.
  - (d) officers of the County Assembly taking an active role in the proceedings may be

shown;

- (e) the occupant of the Chair shall be shown when taking and leaving the Chair and whenever he or she rises;
- (f) press and public galleries shall not be shown except as part of the wide angle shots and during important functions as may be determined by the County Assembly Procedure, Rules and Broadcasting Committee;
- (g) no close-up shots of Members' papers or reference materials may be shown.

#### **Radio broadcasting**

- 4. When broadcasting the proceedings of the County Assembly on radio, the following guidelines shall apply-
  - (a) audio recording shall be restricted to proceedings of the County Assembly and the Committees;
  - (b) commentaries during a live broadcast shall be limited to the introduction of a matter under debate and of the Member on the floor.

#### **Protection of the dignity of the County Assembly**

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

#### **External media**

- 6. (i) In these Rules, "external media Assembly" refers to any media Assembly other than the County Assembly Broadcasting Unit.
  - (ii) No external media Assembly or other person may broadcast any proceedings of the Assembly except as received from the broadcast feed provided by the County Assembly Broadcasting Unit or with the permission of the Speaker.
  - (iii) A media Assembly that receives a broadcast feed from the County Assembly Broadcasting Unit shall broadcast it without any manipulation or distortion.
  - (iv) No camera or other recording or broadcasting equipment shall be allowed in the Assembly without authorization.
  - (v) 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. (i) Any person who fails to comply with these Rules shall be liable to such penalty as

the Assembly may on the recommendation of the County Assembly Broadcasting Committee may consider appropriate.

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

**Application**

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

SECOND SCHEDULE

SECTORAL/DEPARTMENTAL COMMITTEES

[Standing Order 222]

Commented [4]:  
To be provided by the County Assembly

COMMITTEE	SUBJECTS
<b>A</b>	
Agriculture, Livestock and Pastoral Economy	Matters related to agriculture, including crop and animal husbandry, county abattoirs, plant and animal disease control, fisheries, soil and water conservation
<b>C</b>	
County Affairs, Public Service and Intergovernmental Relations	ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level;
Culture, Gender, Youth and Sports	All matters related to cultural activities, public entertainment and public amenities, including betting, casinos and other forms of gambling, racing, liquor licencing, cinemas, video shows and hiring, libraries, museums, sports facilities and county parks, beaches and recreation facilities; control of drugs and pornography; ensuring and coordinating the participation of communities, women empowerment, youth talent development and people living with disabilities (PWDs)  and animal control and welfare, including licensing of dogs and facilities for the accommodation, care and burial of animals
<b>E</b>	

Education, Information and ICT	All matters related to pre-primary education, village polytechnics, home craft centres and childcare facilities
<b>F</b>	
Finance and Economic Planning	
<b>H</b>	
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, <b>veterinary services (excluding regulation of the profession)</b> , cemeteries, funeral parlours and crematoria; and refuse removal, refuse dumps and solid waste disposal
<b>L</b>	
Lands, Physical Planning and Urban Development	All matters related to county planning and development, town management (cleaning), survey, firefighting, mapping, parking and outdoor advertising.
<b>R</b>	
Roads, Transport and Public Works	Matters related to county transport including county roads, street lighting, traffic and parking, public road transport, ferries and harbours, excluding the regulation of international and national shipping and matters related thereto county public works and services including storm water management systems in built-up areas
<b>T</b>	
Trade, Investment and Enterprise Development	All matters related to county fair trading practices, local tourism and development of cooperative societies, supporting small and medium enterprises
<b>W</b>	

Water, Environment and Natural Resources	Matters related to water and sanitation services, water distribution, regulation, marketing and sewerage services, conservation of natural resources, including soil and water conservation, forestry and control of air pollution, other public nuisance, refuse dumps and solid waste disposal
--	--

**THIRD SCHEDULE**

**GENERAL FORM OF A PUBLIC PETITION**

[Standing Order 230]

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 County Assembly to the following:

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

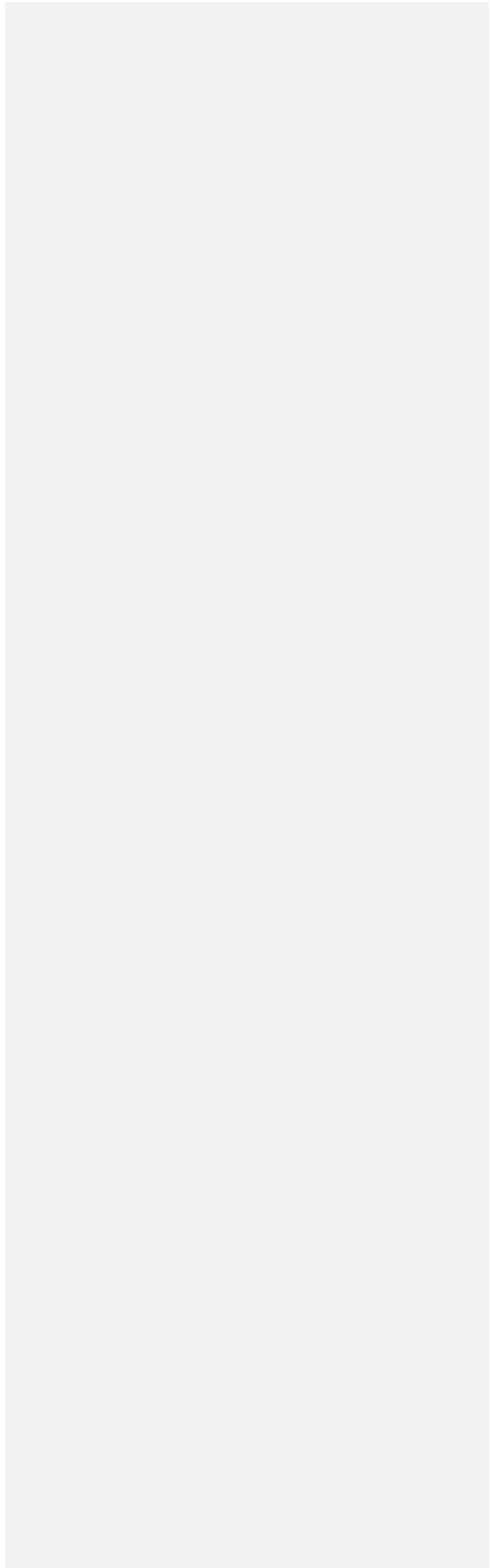
THAT

[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 County Assembly—

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

Name of petitioner	Full Address	National ID. or Passport No.	Signature/Thumb impression
..... .....	..... .....	..... .....	..... .....
..... .....	..... ..... ..... .....	..... .....	..... .....





.....

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(Subsequent Pages)

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

**FOURTH SCHEDULE**  
**FORM OF NOMINATION PAPER**  
*[Standing Order 188(4)]*

**Election of the Chairperson/Vice-Chairperson of the \_\_\_\_\_ Committee of the County Assembly of Garissa to be held on the \_\_\_\_day of \_\_\_\_20 .**

We, the undersigned, being Members of County Assembly nominated to serve in the \_\_\_\_\_ Committee of the County Assembly nominate the undermentioned person as a candidate for election as Chairperson/Vice-Chairperson of the Committee at the election.

(1)Particulars of Candidate.

Name in Full	
National Identity Card/PassportNo.	
Sex	
Physical Address	
Political Party	
Telephone No.	



(2)Particulars of Proposer.

Name in Full	
National Identity Card/PassportNo.	
Sex	
Physical Address	
Political Party	
Telephone No.	
Signature	

(3)Particulars of Seconder.

Name in Full	
National Identity Card/ PassportNo.	
Sex	
Physical Address	
Political Party	
Telephone No.	
<b>Signature</b>	

And I, the aforesaid \_\_\_\_\_ do hereby consent to my nomination as a candidate for election as Chairperson/Vice-Chairperson of the \_\_\_\_\_ committee of the County Assembly

\_\_\_\_\_  
Signature of Candidate.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

**FIFTH SCHEDULE**

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

*[Standing Order 200(2)]*

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

**SIXTH SCHEDULE  
SUMMONS TO WITNESSES**  
*[Standing Order 200(3)(b)]*

To .....

Whereas your attendance is required before the..... Committee/County Assembly of Garissa in relation to ..... (state subject matter), you are hereby required (personally) to appear before the .....Committee/ County Assembly of Garissa on the.....day of ....., 20....., at ..... o'clock in the forenoon and to bring with you.....(specify the information/document required to be produced).

Your reasonable travelling and subsistence allowance for ..... day(s) will be reimbursed upon production of sufficient proof of expenditure. If you fail to comply with this order without lawful excuse, you will be subject to the consequences of non-attendance laid down in Standing Order 203.

Given under my hand this ..... day of ....., 20.....

\_\_\_\_\_  
Clerk of the County Assembly

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

**SEVENTH SCHEDULE  
AFFIDAVIT OF SERVICE OF SUMMONS**  
*[Standing Order 200(7)]*

I ..... of .....an officer of the County Assembly Service Board/police officer make oath and state as follows:

1. On ..... 20..... at..... (time) I served the summons in this matter on ..... at..... (place) by tendering a copy thereof to him/her and requiring a signature on the original, He/She signed/refused to sign the summons. He/She was personally known to me/ was identified to me by ..... and admitted that he/she was the witness.
2. Not being able to find ..... the witness on ..... 20..... at..... (time) I served the summons on..... (name) an adult member of the family of the witness who is residing with him/her.
3. Not being able to find .....the witness or any person on whom service could be made, on ..... 20..... at (time), I affixed a copy of the summons to the outer door of.. being the house in which he/she ordinarily resides/carries on business/personally works for gain. I was accompanied by..... who identified the house to me.
4. .... (Otherwise specify the manner in which the summons was served).

SWORN by the said.....

this ..... day of....., 20.....

Before me

Commissioner for Oaths/Magistrate.

**EIGHTH SCHEDULE**  
**FORM OF NOMINATION PAPER**  
*[Standing Order 7(4)]*

**NOMINATION PAPER FOR ELECTION TO THE OFFICE OF SPEAKER OF THE COUNTY ASSEMBLY**

**1. CANDIDATE:**

- (a) Surname.....
- (b) Given Name(s) .....
- (c) National Identity Card or Passport Number.....
- (d) Gender .....
- (e) Date of Birth .....
- (f) Postal Address .....
- (g) Physical Address .....
- (h) E-mail Address .....
- (i) Mobile Phone Number.....

(j) Other Telephone Number(s) .....

(k) Occupation.....

**CANDIDATE’S CONSENT TO NOMINATION**

I .....do hereby consent to my nomination as a candidate for election as Speaker of the county Assembly of Garissa and attach hereto—

- (a) a letter from the Independent Electoral and Boundaries Commission evidencing the fact that I am qualified to be elected as a Member of County Assembly under Article 193 of the Constitution and I am not such a Member;
- (b) my curriculum vitae; and
- (c) copies of my certificates and other relevant documents.

Signature of Candidate.....

Date.....

**PROPOSERS:**

We the undersigned, having been duly elected to the County Assembly do hereby declare that in our personal knowledge, the candidate named above is not a Member of County Assembly, is qualified to be elected as a Member of County Assembly pursuant to Article 193 of the Constitution and is willing to serve as Speaker of the County Assembly and therefore propose the above-mentioned person for election as Speaker of the County Assembly—

NO.	MEMBER’S NAME (Indicate the Surname and other given names)	WARD	ID CARD NO. / PASSPORT NO.	SIGNATURE


**CERTIFICATE OF THE CLERK OF THE COUNTY ASSEMBLY**

I certify that this nomination paper was delivered to me by .....  
of

I.D.Number/PassportNo. .... at..... a.m./p.m.\* on  
the..... day of..... Year at.....(venue).

Signature of the Clerk .....

(Official Stamp)

Clerk of the County Assembly of Garissa.

Notes:

*\*A nomination paper must be delivered duly completed by the candidate to the Clerk of the County Assembly at the venue designated by the Clerk at least forty-eight (48) hours before the time appointed for the House to meet to elect a Speaker.*

**NINTH SCHEDULE**

**Biodata Form**

*[Standing Order 275]*

**MEMBERS' BIODATA FORM**

**Kindly take time to fill this form. The data gathered shall be published on the County Assembly website and used for other official purposes.**

1. Title: Mr./Mrs./Ms./Prof./Dr./Other\_\_\_(Tick one or specify)

2. Surname:\_\_\_\_\_ Other Names: \_\_\_\_\_

3. Constituency: \_\_\_\_\_

4. Ward: \_\_\_\_\_

5. Political Party\_\_\_\_\_/Independent

6. Date of Birth: Day\_Month\_\_\_Year\_\_\_

7. Gender: \_\_\_\_\_

8. Postal Address: \_\_\_\_\_

9. Office Telephone:\_\_\_\_\_Extension:

10. Email Address(es):\_\_\_\_\_

11. Cell Phone(s):\_\_\_\_\_

12. Religion: \_\_\_\_\_

13. Education Background (From highest level attained):

From	To	Institution	Qualification

14. Previous Employment/Service History:

From	To	Employer	Position held

15. Membership to Committees in previous County Assembly/Parliaments; i.e., 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> etc:

From	To	Name of House	Committee	Position held


**16. Professional affiliations:**

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**17. Honours/Awards:**

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**18. Special skill(s):**

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**19. Area(s) of interest:**

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**20. Are you a person with disability?:**  Yes  No

If 'Yes' please give details of the nature and any special requirements:

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NB: A Member shall be responsible for the accuracy of the information provided on this form.

Signature \_\_\_\_\_ Date \_\_\_\_\_