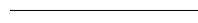




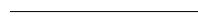
REPUBLIC OF KENYA



12TH PARLIAMENT



THE SENATE



## **STANDING ORDERS**

*As adopted by the Senate on 14th June, 2017 pursuant to Article 124 of the Constitution and Standing Orders 248 and 249 of the Senate Standing Orders, and amended on 14<sup>th</sup> December, 2017 and 9<sup>th</sup> August, 2018.*



THE SENATE

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**PRAYER**

Almighty God, we beseech you to behold with Your abundant favour and blessings, us Your servants whom you have been pleased to call to leadership positions in this Republic. We seek guidance to treat and consider all matters that shall come under our deliberation in so just and faithful a manner, as 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, twakusihii ututazame kwa neema nyingi na baraka sisi watumishi wako, ambao umeridhika kutuita kwa nyadhifa za uongozi katika Jamhuri hii yetu.

Twakuomba utujalie tuyatende na kufikiria mambo yote yatakayofikishwa mbele yetu kwa njia ya haki na uaminifu ili kustawisha amani, ufanisi na heri ya nchi hii yetu na wale ambao haja zao umezikabidhi mikononi mwetu.

**AMIN**



## **PART I—INTRODUCTORY**

### **1. In cases not provided for, the Speaker to decide**

(1) In all cases where matters are not expressly provided for by these Standing Orders or by other Orders of the Senate, 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 and traditions of the Parliament of Kenya and other jurisdictions to the extent that these are applicable to Kenya.

### **2. Interpretation**

(1) In these Standing Orders—

(a) unless the context otherwise requires—

“Cabinet Secretary” means a person appointed as a Cabinet Secretary under Article 152 (2) of the Constitution;

“Clerk” means the Clerk of the Senate, 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;

“Committee of the Whole” means a Committee composed of the whole body of Senators;

“leave of the Senate” means there being no objection by any Senator, either with the sympathy of the Speaker or with the support of at least two other Senators;

“Notice Paper” means the official schedule of business to be placed before or taken by the Senate during a particular week, published and circulated by the Clerk by order of the Senate Business Committee under Standing Order 38 (*Order Paper to be prepared and circulated*);

“Order Paper” means the paper published by the Clerk showing the business to be placed before or taken by the Senate under Standing Order 38 (*Order Paper to be prepared and circulated*);

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

“Parliamentary party” means a party or a coalition of parties consisting of not less than ten Senators;

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

“Precincts of Parliament” includes the Chamber of the Senate and of the National Assembly, every part of

the buildings in which the Chambers are situated, the offices of Parliament, the galleries and places provided for the use and accommodation of Members of Parliament, 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 Parliament;

“President” means the President of the Republic of Kenya and includes the Deputy-President when acting as President and any other person who for the time being performs the functions of the President pursuant to Article 146(2) of the Constitution;

“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 Senate stands adjourned to a day other than the next normal sitting day;

“Session” means the sittings of the Senate commencing when it first meets after a General Election or on a day provided for in Standing Order 28 (*Regular Sessions of the Senate*) and terminating when the Senate adjourns at the end of a calendar year or at the expiry of the term of Parliament;

“sitting” means a period during which the Senate is sitting continuously without adjournment and includes any period during which the Senate 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 Senate sits;

- (b) reference to the Chairperson of Committees includes the Speaker or any other Senator when presiding over a Committee of the Whole; and
- (c) reference to the Speaker includes the Deputy Speaker or any other Senator when presiding over the Senate pursuant to Article 107 of the Constitution.

(2) In these Standing Orders, whenever a document is required to be provided or made available to Senators, the document shall be considered to have been so provided or made available if placed in the Senator’s pigeon-holes or in such other place or availed in such other manner as the Speaker may direct.

## **PART II—SWEARING-IN OF SENATORS**

### **3. Proceedings on assembly of a new Senate**

(1) On the first sitting of a new Senate pursuant to the President’s notification under Article 126(2) of the Constitution, the Clerk shall—



- (a) read the notification of the President as published in the *Gazette*;
- (b) lay a list of the names of the persons elected as Senators on the Table of the Senate; and
- (c) administer the Oath or Affirmation of Office provided for in the Third Schedule to the Constitution to all Senators present in the Senate in the order set out in paragraph (2).

(2) The Clerk shall administer the Oath or Affirmation of Office to Senators in alphabetical order using the following order of precedence—

- (a) Senators with the longest cumulative period of service in the Senate;
- (b) Senators with the longest cumulative period of service in the Senate and the National Assembly;
- (c) Senators with the longest cumulative period of service in the National Assembly;
- (d) Senators with the longest cumulative period of service in any other legislature; and
- (e) all other Senators.

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

(4) When the Clerk is administering the Oath or Affirmation of Office to Senators and before the Clerk has administered the Oath or Affirmation of Office to the Speaker, any question arising in the Senate shall be determined by the Clerk who shall, during that period, exercise the powers of the Speaker.

(5) At any other time, the Oath or Affirmation of Office shall be administered by the Speaker immediately after Prayers.

(6) When a Senator first attends to take his or her seat after the first sitting of the Senate, the Senator shall, before taking his or her seat, be escorted to the Table by two Senators and be presented by them to the Speaker who shall then administer to the Senator the Oath or Affirmation of Office.

(7) Notwithstanding Standing Order 31 (*Hours of meeting*), on the day when the election of the Speaker is to be conducted after a General Election, the sitting of the Senate shall commence at 9.00 a.m.

### **PART III — ELECTION OF SPEAKER AND DEPUTY SPEAKER**

#### **4. Election of Speaker**

(1) A Speaker shall be elected when the Senate first meets after a General Election and before the Senate proceeds with the dispatch of any other business, except

the administration of the Oath or Affirmation of Office to Senators present.

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

(3) The Deputy Speaker shall preside over the election under paragraph (2) but if the Deputy Speaker is a candidate, a Senator elected by the Senate in accordance with Article 107 of the Constitution shall preside.

#### **5. Nomination of Candidates**

(1) Upon the President notifying the place and date for the first sitting of a new Senate pursuant to Article 126(2) of the Constitution, the Clerk shall, by notice in the *Gazette*, notify that fact and invite interested persons to submit their nomination papers for election to the office of the Speaker.

(2) The names of candidates for election to the office of Speaker shall be entered upon nomination paper so obtained from the Clerk and handed back to the Clerk, at least forty-eight hours before the time appointed at which the Senate is to meet to elect a Speaker.

(3) The nomination papers of a candidate shall be accompanied by the names and signatures of two Senators-elect who support the candidate and a declaration by them that the candidate is qualified to be

elected as a Member of Parliament under Article 99 of the Constitution and is willing to serve as Speaker of the Senate.

(4) The Clerk shall maintain a register in which shall be shown the date and time when each candidate's nomination papers were received and shall ascertain that every such candidate for election to the office of Speaker is qualified to be elected as such under Article 106 of the Constitution.

(5) Immediately upon the close of the nomination period provided for in paragraph (2), the Clerk shall—

- (a) publicise and make available to all Senators, a list showing all qualified candidates; and
- (b) make available to all Senators, copies of the curriculum vitae of the qualified candidates.

(6) The Clerk shall, at least two hours before the meeting of the Senate to elect a Speaker, prepare ballot papers upon which shall be shown the names of all candidates validly nominated under paragraph (5) of this Standing Order.

#### **6. Secret Ballot**

(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 Senate and shall, in the presence of the

Senate, lock the box, which shall thereafter be kept in the full view of the Senate until the conclusion of the ballot.

(3) The Clerk shall issue, in the order prescribed in Standing Order 3(2), not more than one ballot paper to each Senator who comes to the Table to obtain it and each Senator 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 Senator 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 Senator 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 Senator with disability to vote.

(6) When it appears to the Clerk that all Senators 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 ballot papers that are unmarked or spoiled, report the result of the ballot; and no Senator 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 vote is invalid if in the Clerk's opinion, it does not identify the candidate purported to be selected by the Senator voting.

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

#### **7. Election Threshold**

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

(2) If no candidate is supported by the votes of two-thirds of all the Senators, a fresh election shall be held and, in that election, the only candidates shall be—

- (a) the candidate or candidates who received the highest number of votes in the ballot referred to in paragraph (1); and
- (b) the candidate or candidates who in that ballot received the next highest number of votes.

(3) If more than one candidate receives the highest number of votes, paragraph 2(b) shall not apply and the only candidates in the fresh election shall be those contemplated in paragraph 2(a).

(4) The candidate who receives the highest number of votes in the fresh election shall be declared elected as Speaker.

### **8. Withdrawal of Candidate**

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.

### **9. Equality of Votes**

If, in the further ballot referred to in Standing Order 7 (*Election threshold*), more than one candidate receives the highest number of votes, the ballot shall again be taken, and if there is an equality of the highest number of votes, a further ballot shall be taken until one candidate obtains more votes than the other or others.

### **10. Custody of Ballot Papers**

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 Senate and kept in the custody of the Clerk for a period of six months and shall thereafter be destroyed.

### **11. Single Duly Nominated Candidate**

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.

### **12. Swearing-in of the Speaker**

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 Senate.

### **13. Election of Deputy Speaker**

(1) As soon as practicable after the election of a Speaker following a General Election, a Deputy Speaker shall be elected.

(2) The Speaker shall preside over the election of the Deputy Speaker under paragraph (1).

(3) If the office of Deputy Speaker falls vacant at any time before the end of the term of Parliament, the Senate shall, as soon as practicable, elect a Senator to that office.

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

### **14. Notification of Opening of Parliament**

(1) Immediately after taking and subscribing to the Oath or Affirmation of Office under Standing Order 3 (*Proceedings on assembly of a new Senate*) the Speaker shall notify the Senators of the place, date and time of the opening of Parliament pursuant to Article 132 (1)(a) of the Constitution.



(2) Following the notification by the Speaker under paragraph (1), the sitting of the Senate shall stand adjourned until the date and time of the opening of Parliament.

#### **PART IV—PRESIDING IN THE SENATE**

##### **15. Presiding in the Senate**

The Speaker shall preside at any sitting of the Senate but in the absence of the Speaker, the Deputy Speaker shall preside and in absence of the Deputy Speaker, pursuant to Article 107(1)(c) of the Constitution, another Senator elected by the Senate for that purpose shall preside.

##### **16. Presiding in Committees of the Whole**

(1) The Deputy Speaker shall preside over Committees of the Whole.

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

(3) In the absence of the Speaker and the Deputy Speaker, a Member of the Speaker's Panel, or a Senator elected for that purpose pursuant to Article 107(1)(c) of the Constitution, shall preside over Committees of the Whole.

### **17. Speaker's Panel**

(1) There shall be a panel to be known as the Speaker's Panel which shall comprise four Senators to be known, respectively, as the First, Second, Third and Fourth Panelist, who shall be entitled to exercise all the powers vested in the Chairperson of Committees of the Whole.

(2) As soon as practicable, after the election of the Deputy Speaker following a general election, the Speaker shall, in consultation with the parliamentary party whips, submit a list of four Senators for consideration by the Senate Business Committee for appointment to the Panel.

(3) The Senate Business Committee shall, within seven days of receipt of the names of the nominees, table the list in the Senate and give notice of Motion for approval of the names.

(4) Whenever a Motion for approval of names under paragraph (3) is moved in the Senate, no objection against the proposed membership of the Speaker's Panel on any particular Senator shall be permitted and objections, if any, shall be formulated and considered against the proposed membership as a whole.

(5) In nominating members to the Speaker's Panel, the Speaker and the Senate Business Committee shall have regard to the relative party majorities in the Senate and shall ensure that either gender is represented in the Panel.

**18. Discharge of a Senator from Speaker's Panel**

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

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

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

**PART V — SENATE POLITICAL LEADERSHIP**

**19. Senate Majority Leader, Deputy Senate Majority Leader, Senate Majority Whip and Deputy Senate Majority Whip**

(1) The largest party or coalition of parties in the Senate shall be the Majority Party and shall elect—

- (a) a Senator belonging to the party or coalition of parties to be the Senate Majority Leader;
- (b) a Senator belonging to the party or coalition of parties to be the Deputy Senate Majority Leader;
- (c) a Senator belonging to the party or coalition of parties to be the Senate Majority Whip; and

- (d) a Senator belonging to the party or coalition of parties to be the Deputy Senate Majority Whip.
- (2) Whenever the Senate Majority Leader is absent or is unable to perform his or her functions; the Deputy Senate Majority Leader shall perform the functions of the office of the Senate Majority Leader in an acting capacity
- (3) In the absence of both the Senate Majority Leader and the Deputy Senate Majority Leader, the Senate Majority Whip shall perform the functions of the office of the Senate Majority Leader in an acting capacity.
- (4) In electing Senators under paragraph (1), the Majority Party shall take into account.
  - (a) any existing coalition agreement entered into pursuant to the Political Parties Act; and
  - (b) the need for gender balance.
- (5) A Senator elected under paragraph (1) may be removed by a majority of the votes of all the Senators belonging to the Majority Party.
- (6) The removal of a Senator from office under paragraph (5) shall not take effect until another Senator has been elected in the manner provided for under paragraph (1).

(7) Upon a decision being made by the Majority Party or coalition under this Standing Order, the decision of the Party or coalition shall be communicated to the Speaker in writing, together with the minutes of the meeting at which the decision was made-

- (a) in the case of the removal of the Senate Majority Leader or the Deputy Senate Majority Leader, by the Senate Majority Whip; and
- (b) in the case of the removal of the Senate Majority Whip or the Deputy Senate Majority Whip, by the Senate Majority Leader.

**20. Senate Minority Leader, Deputy Senate Minority Leader, Senate Minority Whip and Deputy Senate Minority Whip**

(1) The second largest party or coalition of parties in the Senate shall be the Minority Party and shall elect—

- (a) a Senator belonging to the party or coalition of parties to be the Senate Minority Leader;
- (b) a Senator belonging to the party or coalition of parties to be the Deputy Senate Minority Leader;
- (c) a Senator belonging to the party or coalition of parties to be the Senate Minority Whip; and
- (d) a Senator belonging to the party or coalition of

parties to be the Deputy Senate Minority Whip.

(2) Whenever the Senate Minority Leader is absent or unable to perform his or her official duties and responsibilities, the Deputy Senate Minority Leader shall be in charge and in the absence of the Deputy Senate Minority Leader, the Senate Minority Whip or the Deputy Senate Minority Whip shall be in charge of those duties and responsibilities in an acting capacity.

(3) In electing Senators under paragraph (1), the Minority Party shall take into account-

- (a) any existing coalition agreement entered into pursuant to the Political Parties Act; and
- (b) the need for gender balance.

(4) A Senator elected under paragraph (1) may be removed by a majority of the votes of all Senators belonging to the Minority Party.

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

(6) Upon a decision being made by the Minority Party under this Standing Order, the decision of the Party shall be communicated to the Speaker in writing, together with the minutes of the meeting at which the decision was made-

- (a) in the case of the removal of the Senate Minority Leader or the Deputy Senate Minority Leader, by the Senate Minority Whip; and
- (b) in the case of the removal of the Senate Minority Whip or the Deputy Senate Minority Whip, by the Senate Minority Leader.

**PART VI—ADDRESS BY PRESIDENT AND  
VISITING DIGNITARY**

**21. President’s Address on opening of new  
Parliament**

(1) The President shall address the opening of each newly elected Parliament.

(2) At the conclusion of the President’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.

**22. President’s Address on Special Sitting**

(1) The President shall address a special sitting of Parliament once every year and may address Parliament at any other time.

(2) The Speaker shall notify the Senators of the place, date and time of a sitting under paragraph (1).

(3) Whenever the Speaker has been informed that the President will address a special sitting of Parliament

on a specified day and time, then on that day, no Motion for the adjournment of the Senate shall be made before the time for which the President's arrival has been notified.

### **23. President entering or leaving the Chamber**

Senators shall be called to order and shall stand in silence whenever the President enters or leaves the Chamber.

### **24. President's Address to Parliament**

(1) The President may be accompanied in the Chamber by an Aide-de-Camp.

(2) Whenever the President addresses Parliament, the Speaker of the Senate shall take the seat on the left of the President and the Speaker of the National Assembly shall take the seat on the right of the President.

(3) At any sitting held under this Standing Order, the Speaker of the National Assembly shall preside, assisted by the Speaker of the Senate.

(4) When delivering an Address to Parliament, the President shall be heard in silence and the Address shall not be followed by any comment or question.

(5) Whenever the President delivers an Address, a Senator may, as soon as practicable thereafter, lay the Presidential Address on the Table of the Senate following the reading of such Address.



(6) A Senator may give a notice of Motion, that **“The Thanks of the Senate be recorded for the exposition of public policy contained in the Address of the President”** but debate on the Address shall not exceed three sitting days.

(7) The Fourth Schedule shall apply to a sitting held under this Standing Order.

#### **25. President’s Address to the Senate**

(1) The Speaker may, after consultation with the Senate Majority Leader and the Senate Minority Leader, invite or accede to the request by the President to address the Senate.

(2) The provisions of Standing Orders 22 (*President’s Address on Special Sitting*), 23 (*President entering or leaving the Chamber*) and 24 (*President’s Address to Parliament*) shall, with necessary modifications, apply to such an Address to the Senate.

#### **26. Visiting Dignitary**

(1) The Speaker may, after consultation with the Senate Majority Leader and the Senate Minority Leader, allow a visiting Head of State or other visiting dignitary, to address the Senate.

(2) The Speaker may, after consultation with the Speaker of the National Assembly, arrange for a joint sitting of Parliament for purposes of an address by a visiting Head of State or such other visiting dignitary.

(3) Standing Order 23 (*President entering or leaving the Chamber*) and 24 (*President's Address to Parliament*) shall, with necessary modifications, apply to a visiting Head of State or such other dignitary.

**PART VII—CALENDAR, SITTINGS AND  
ADJOURNMENTS OF THE SENATE**

**27. Location of Sitting of a New Senate**

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

**28. Regular Sessions of the Senate**

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

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

(3) Subject to paragraph (1), the Senate 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 Senate in one Session and the first sitting thereof in the next Session.

### **29. Senate Calendar**

(1) The Senate Business Committee shall, with the approval of the Senate, determine the calendar of the Senate.

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

(3) On a day when the Senate is scheduled to adjourn to a day other than the next normal sitting day in accordance with the calendar, the Senate Majority Leader or another member of the Senate Business Committee shall move a Motion of adjournment which shall be debated for not more than two hours after which the Senate shall adjourn without question put.

(4) Despite paragraph (2), the Senate may, by resolution, alter its calendar or the adjournment date.

### **30. Special Sittings of the Senate**

(1) Whenever during a Session the Senate stands adjourned, whether or not a day has been appointed for the next meeting, the Speaker may, on the request of the Senate Majority Leader or the Senate Minority Leader, and in each case with the support of at least fifteen Senators, appoint a day for a special sitting of the Senate.

(2) The Speaker may allow a request under paragraph (1) if the Speaker is satisfied that the business proposed to be transacted relates to the matters specified under Standing Order 69 (*Definition of Special Motions*) or other urgent and exceptional business as the Speaker

may allow.

(3) The Speaker shall, by notice in the *Gazette*, notify the Senators of the place, date and time appointed for the Special Sitting of the Senate.

(4) Despite paragraph (1), where the proposed business to be transacted by the Senate requires the action of the National Assembly, the Speaker shall, in writing, notify the Speaker of the National Assembly of the date appointed for the special sitting.

(5) Whenever the Senate 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 Senate during the special sitting, following which the Senate shall stand adjourned until the day appointed in the Senate calendar.

### **31. Hours of Meeting**

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

(2) Unless for the convenience of the Senate, the Speaker or the Chairperson (as the case may be) directs earlier or later interruption of business, at 6.30 p.m. the Speaker or the Chairperson of Committees shall interrupt the business then under consideration and if the Senate is in Committee, the Chairperson shall leave the Chair and

report progress and ask for leave to sit again.

(3) Notwithstanding paragraphs (1) and (2), the Senate may resolve to—

- (a) extend its sitting time;
- (b) meet at any other time on a sitting day; or
- (c) 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), or upon the earlier completion or deferment of all business standing upon the Order Paper for the sitting, the Speaker shall adjourn the Senate without question put.

### **32. Adjournment of the Senate**

(1) A Senator may, at any time, for reasons stated, seek leave to move **“That, the Senate do now adjourn”**.

(2) If the Speaker is of the opinion that such Motion for adjournment of the Senate is frivolous,

vexatious, or an abuse of the proceedings of the Senate, the Speaker may forthwith put the question thereon or may decline to propose it.

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

### **33. Resumption of Interrupted Business**

Any debate interrupted under this Part shall, on coming again before the Senate or the Committee, be resumed at the point where it was interrupted and any Senator 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 a Senator does not avail himself or herself of this right, his or her speech shall be deemed to have been concluded.

### **34. Adjournment on Definite Matter of Urgent National Importance**

(1) A Senator may at any time rise in his or her place and seek leave, for reasons stated, to move the adjournment of the Senate for the purpose of discussing a definite matter of urgent national importance.

(2) A Senator who wishes to seek leave to move the adjournment of the Senate under paragraph (1) shall, at least one hour 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 importance and may properly be raised on a

Motion for adjournment of the Senate.

(3) The Motion to be moved shall be **“That the Senate do now adjourn to discuss a definite matter of urgent national importance, namely.....”**

(4) The Motion of adjournment under paragraph (3) shall be seconded and proposed but no question shall be put at the end of the debate.

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

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

## **PART VIII—QUORUM**

### **35. Quorum of the Senate**

A quorum of the Senate or of a Committee of the Whole shall be fifteen Senators.

### **36. Quorum during the proceeding of the Senate**

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

(3) Whenever the Speaker or the Chairperson, as the case may be, is engaged in counting the Senate or the Committee respectively, the doors shall remain unlocked.

### **37. Quorum during Voting or Division**

If, from the number of Senators taking part in electronic voting or roll call division, it appears that the Senators do not themselves constitute a quorum, the vote or division shall be invalid and the business then under consideration shall be stood 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.



## **PART IX—ORDER OF BUSINESS**

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

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

### **39. Weekly programme of business of the Senate**

The Clerk shall prepare and publish on the parliamentary website a weekly programme showing the business of the Senate and the schedule of sittings of the various committees and shall circulate such programmes to Senators, State Departments and the media not later than the Friday of the week preceding such business.

### **40. Sequence of proceedings**

(1) Each day after Prayers have been said and the Senate has been called to order, the Business of the Senate shall be proceeded with in the following sequence—

- (i) Administration of Oath;
- (ii) Communication from the Chair;
- (iii) Messages;
- (iv) Petitions;
- (v) Papers;
- (vi) Notices of Motion;
- (vii) Statements; and
- (viii) Motions and Bills.

(2) Business shall be disposed of in the sequence in which it appears in the Order Paper or in such other sequence as the Speaker may, for the convenience of the Senate, direct.

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

#### **PART X—MESSAGES**

##### **41. Messages to and from the National Assembly**

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

(2) The Clerk of the Senate shall transmit a message from the Senate to the Clerk of the National Assembly and shall receive messages from the National Assembly.

(3) The Clerk shall deliver to the Speaker a message received from the National Assembly 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 National Assembly, at a time when the Senate is in session, the Speaker shall report the message to the Senate 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 National Assembly, at a time when the Senate is not in session, the Speaker shall forthwith cause the message to be transmitted to every Senator and shall report the message to the Senate on the day the Senate next sits.

(6) When the Speaker reports a message from the National Assembly under paragraph (4) or (5), the message shall be deemed to have been laid before the Senate and the Speaker may—

- (a) direct that the message be dealt with forthwith;
- (b) appoint a day for the consideration of the message; or
- (c) refer the message to the relevant Committee of the Senate for consideration.

#### **42. Messages from the President**

(1) The Speaker shall read to the Senate any

message from the President delivered to the Speaker for communication to the Senate.

(2) If a message is received from the President at a time when the Senate is not in session, the Speaker shall forthwith cause the message to be transmitted to every Senator and shall report the message to the Senate on the day the Senate next sits.

(3) When a message from the President is read, the message shall be deemed to have been laid before the Senate and the Speaker may—

- (a) direct that the message be dealt with forthwith;
- (b) appoint a day for consideration of the message;  
or
- (c) refer the message to the relevant Committee of the Senate for consideration.

#### **43. Messages to and from County Assemblies**

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

(2) The Clerk of the Senate shall transmit a message from the Senate to a County Assembly and shall receive messages from any County Assembly.

(3) The Clerk shall deliver to the Speaker a message received from a County Assembly under paragraph (2) at the first available opportunity after receipt and in any event, not later than the next day.

(4) The Speaker of the Senate shall read to the Senate any message from a County Assembly to the Senate and such message shall be in writing and shall be signed by the Speaker of the County Assembly.

(5) If a message is received from a County Assembly, at a time when the Senate is in session, the Speaker shall report the message to the Senate at the first convenient opportunity after its receipt and in any event not later than the next sitting day.

(6) If a message is received from a County Assembly, at a time when the Senate is not in session, the Speaker shall forthwith cause the message to be transmitted to every Senator and shall report the message to the Senate on the day the Senate next sits.

(7) When the Speaker reports a message from a County Assembly under paragraph (5) or (6), the message shall be deemed to have been laid before the Senate and the Speaker may—

- (a) direct that the message be dealt with forthwith;
- (b) appoint a day for the consideration of the message; or
- (c) refer the message to the relevant Committee of the Senate for consideration.

#### **44. Messages to and from County Governors**

(1) A Senator shall deliver to the Speaker a copy of a message received from a County Governor at the

first available opportunity after receipt and in any event, not later than the next .

(2) A Senator shall read to the Senate any message from the Governor of his County to the Senate and such message shall be in writing and shall be signed by the Governor of the County.

(3) If a message is received from a County Governor, at a time when the Senate is in Session, the Senator shall report the message to the Senate at the first convenient opportunity after its receipt and in any event not later than the next sitting day.

(4) If a message is received from a County Governor, at a time when the Senate is not in Session, the Speaker shall forthwith cause the message to be transmitted to every Senator and shall call upon the Senator of that county to report the message to the Senate on the day the Senate next sits.

(5) The Clerk of the Senate shall transmit a message from the Senate to a County Governor.

(6) When a Senator reports a message from a County Governor under paragraph (3) or (4), the message shall be deemed to have been laid before the Senate and the Speaker may—

- (a) direct that the message be dealt with forthwith;
- (b) appoint a day for consideration of the message; or

- (c) refer the message to the relevant Committee of the Senate for consideration.

#### **45. Advisory Opinion by Speaker**

The Speaker may render an advisory opinion to the Speaker of a County Assembly, either at the request of the Speaker of the County Assembly or on the initiative of the Speaker.

### **PART XI—STATEMENTS**

#### **46. Statement Hour**

(1) Notwithstanding standing order 40 (*Sequence of proceedings*), there shall be time to be designated “Statements Hour”, every sitting day, commencing not later than 3:00 p.m. and ending not later than 4:00 p.m. during which a Statement under this Part may be made.

(2) A Senator making a Statement under this Part shall not speak for more than ten minutes, unless with the permission of the Speaker.

#### **47. Senators’ General Statements**

(1) A Senator may make a Statement on a matter of county-wide, inter-county, national, regional or international concern or on a matter of general topical concern.

(2) A Senator who wishes to make a Statement under paragraph (1) shall at least three hours before the Senate meets on the day on which the Statement is proposed to be made, hand to the Clerk a written notification of the matter signed by the Senator.

(3) The Speaker may, where appropriate, refer a Statement made under paragraph (1) to the relevant Committee for consideration.

#### **48. Senators' Requests for Statements**

(1) A Senator may request for a Statement from a Committee relating to any matter under the mandate of the Committee that is of county-wide, inter-county, national, regional or international concern.

(2) A Senator who wishes to raise a matter under paragraph (1) shall at least twenty-four hours before the Senate meets on the day on which the Statement is proposed to be requested, hand to the Clerk a written notification of the matter signed by the Senator.

(3) Where a statement has been requested from a Committee pursuant to paragraph (1) –

- (a) the Speaker may allow comments in relation to the Statement for not more than fifteen minutes; and
- (b) the Committee may invite the Senator who requested the Statement, the relevant Cabinet Secretary or any other person the Committee may consider necessary during deliberations on the Statement and may prepare and Table a report on the matter.

(4) The Speaker may allow the Senator who made the request for a Statement under paragraph (1) or any



other Senator to make comments or observations in relation to the report tabled under paragraph (3) (b), for not more than twenty minutes.

#### **49. Procedure for Requesting Statements**

(1) The Clerk shall submit a request for Statement received under standing order 47 (2) and standing order 48 (2) to the Speaker for approval.

(2) The Speaker may refuse to allow a request for Statement under paragraph (1) unless satisfied that the matter may properly be discussed in the Senate.

#### **50. Contents of Requests for Statements**

(1) The facts on which a request for Statement is based may be set briefly but extracts from newspapers and other media or quotations from speeches shall not be admissible.

(2) A request for Statement, the response to which is readily available in ordinary works of reference or official publications, shall not be made.

(3) A request for Statement shall not-

- (a) be made the pretext for debate;
- (b) be framed so as to give information or suggest its own response;
- (c) convey a particular point of view;
- (d) contain any argument, inference, opinion, imputation or ironical or offensive expression;

- (e) repeat in substance any matter covered in a prior request for statement or already responded to, either as a statement or in the course of a debate during the same Session;
- (f) seek an expression of opinion;
- (g) ask whether any statement in the press or of a private individual or unofficial body, other than an official government report, is accurate;
- (h) refer to more than one subject matter;
- (i) be of excessive length;
- (j) include the name of any person nor any statement not strictly necessary to render the request intelligible; or
- (k) refer to proceedings of a Select Committee before that Committee has made its report to the House.

**51. Statements by Committee Chairpersons**

- (1) A Committee Chairperson-
  - (a) may make a Statement relating to a matter for which the Committee is responsible;
  - (b) shall, at least once in every three months, on such day as shall be assigned by the Senate Business Committee, and at any other time if

so required by the Speaker, make a Statement relating to the activities of the Committee; and

- (c) who wishes to raise a matter under paragraph (a) shall at least three hours before the Senate meets on the day on which the Statement is proposed to be made, hand to the Clerk a written notification of the matter signed by the Chairperson.

(2) A Statement made under paragraph (1) (b) shall include-

- (a) the Bills, statements and petitions considered by the Committee and the status of each;
- (b) any inquiries undertaken by the Committee and the progress of any such inquiry;
- (c) any county visits undertaken by the Committee and the outcome of such visits; and
- (d) the manner and extent to which the Committee met its public participation obligations in respect of the business of the Committee.

(3) The Speaker may allow comments or observations in relation to the report tabled under paragraph (1) (b), for not more than twenty minutes.

## **52. Statements by Senate Majority Leader and Senate Minority Leader**

(1) The Senate Majority Leader or, in his or her absence, a member of the Senate Business Committee designated by the Senate Majority Leader for that purpose shall, every Thursday or on the last sitting day of the week, present and lay on the Table, a Statement informing the Senate of the business coming before the Senate in the following week.

(2) The Senate Majority Leader or the Senate Minority Leader, or their designees, may make a Statement relating to their responsibilities in the Senate.

## **53. Personal Statements**

During Statements Hour, a Senator may, by the indulgence of the Senate, explain matters of a personal nature although there is no question before the Senate, but such matter may not be debated.

## **PART XII—MOTIONS**

### **54. Application of Part**

This Part shall apply to all Motions, including Special Motions.

### **55. Notices of Motion**

(1) Except as otherwise provided by these Standing Orders, notice shall be given by a Senator of any Motion which the Senator proposes to move.

(2) Before giving notice of a Motion, the Senator shall deliver to the Clerk a copy of the proposed Motion signed by the Senator, 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 of which is likely to infringe, any of these Standing Orders;
- (b) is contrary to the Constitution or an Act of Parliament, without expressly proposing appropriate amendment to the Constitution or the Act of Parliament;
- (c) is too long;
- (d) is framed in terms which are inconsistent with the dignity of the Senate; or
- (e) contains or implies allegations which the Speaker is not satisfied that the Mover can substantiate;

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.

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

(5) A Motion sponsored by a party shall have precedence over all other Motions on such day as the Senate Business Committee may determine, but where a party has sponsored two or more motions, the Motions shall be considered in such order as the sponsoring party may determine;

(6) Notice of an approved Motion other than those under paragraph (5) may be given to Senators by means of a list to be published in such manner as the Speaker may from time to time direct and the Senator giving such notice shall state its terms to the Senate when the Motion has acquired precedence in accordance with Standing Order 59 (*Time for moving Motions*), but at least one day before the Motion appears on the Order Paper.

#### **56. Withdrawal of a Notice of Motion**

(1) A notice of Motion may be withdrawn by the Senator who gave the notice.

(2) A notice of the Motion withdrawn under paragraph (1) may be given again either by the same or by any other Senator.

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

#### **57. Moving of Motions in amended form**

The Speaker may permit a Senator to move in an 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.

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

(1) No Motion which is the same in substance as any question which has been resolved (either in the affirmative or in the negative), may be moved 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; and
- (b) a Motion to rescind the decision on a question on a Special Motion shall not be allowed.

### **59. Time for moving Motions**

(1) The Senate 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 Senator who has a Motion in his or her name may authorize, in writing, another Senator to-

- (a) move that Motion in the Senator's stead; or
- (b) on conclusion of debate and before the Question is put, to reply in the Senator's stead.

(3) Where no Senator moves a Motion at the time specified by or under these Standing Orders, such Motion shall not be published again in the Order Paper during the same Session except with the leave of the Speaker.

**60. Motions which may be moved without Notice**

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 Senate or of a debate;
- (c) Motion that the Senate do dissolve itself into a Committee of the Whole;
- (d) Motion moved when the Senate is in Committee;
- (e) Motion for the suspension of a Senator;
- (f) Motion made in accordance with the Standing Orders governing the procedure as to Bills;
- (g) Motion for the agreement of the Senate with a Committee of the Whole 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 Senate under these Standing Orders;



- (j) Motion made under Standing Order 245 (*Exemption of business from Standing Orders*);
- (k) Motion made for the limitation of a debate under Standing Order 106 (*Limitation of debate*); and,
- (l) Motion made for the postponement or discharge of, or giving precedence to an order of the day.

**61. Manner of debating Motions**

(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 Senator, defer the putting of the question to a later date in which case the Speaker shall thereupon nominate a date and time at which the question shall be put.

**62. Amendments to Motions**

(1) Unless otherwise provided in these Standing Orders, any amendment to a Motion which a Senator wishes to propose 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) An amendment to leave out words and replace them with other words shall take precedence over any amendment to leave out words without proposing to replace those words with other words.

(7) 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.

(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.

### **63. Amendments to be in Writing**

(1) The proposer of an amendment to a Motion shall, before moving it, hand the proposed amendment 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 Senator to move an amendment to a Motion before the Senate at anytime during consideration of that Motion.

**64. Amendments to be relevant to Motion**

(1) Every amendment shall be relevant to the Motion that it seeks to amend and shall not raise any question that, 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.

**65. Question proposed after Motion moved**

(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, unless with the permission of the Speaker.

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

**66. Motion in possession of the Senate**

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

**67. Question as amended put**

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

**68. When amendment proposed but not made**

When an amendment has been proposed to a Motion but no amendment has been made, the question, when put, shall be put as originally proposed.

**PART XIII—SPECIAL MOTIONS**

**69. Definition of Special Motion**

- (1) For purposes of this Part, a Special Motion is one—
- (a) that seeks a resolution of the Senate to approve an appointment or re-appointment in accordance with Part XIV (*Approval of public appointments*); or
  - (b) moved pursuant to any of the following Articles of the Constitution—
    - (i) Article 102 (*Extension of the term of Parliament when Kenya is at war*);
    - (ii) Article 106(*Removal of Speaker or Deputy Speaker*)
    - (iii) Article 145 (*Impeachment of the President*);

- (iv) Article 150 (*Impeachment of Deputy President*);
- (v) Article 181 (*Impeachment of a County Governor*);
- (vi) Article 188 (*Alteration of the Boundaries of a County*);
- (vii) Article 192 (*Suspension of a County Government*);
- (viii) Article 211 (*Borrowing by National Government*);
- (ix) Article 217 (*Division of Revenue*);
- (x) Article 225 (*Approval of decision to stop the transfer of funds to a State organ or any other public entity*); and
- (xi) Article 240 (*Deployment of National forces outside Kenya and deployment of foreign forces in Kenya*).

(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 55 (*Notices of Motions*) within seven days of receipt by the Speaker of notice by a Senator; and

- (b) disposed of by the Senate within fourteen calendar days upon notice being given under Standing Order 55 (*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.

#### **PART XIV—APPROVAL OF PUBLIC APPOINTMENTS**

##### **70. Application of Part**

This Part applies to appointments to public office requiring approval by the Senate.

##### **71. Committal to Committees**

(1) Upon receipt of a notification of nomination for appointment to a public office required to be approved by the Senate under the Constitution or any other legislation, the nomination shall stand committed to the relevant Standing Committee for consideration.

(2) Before holding an approval hearing, the Committee 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.

(3) The Committee shall conduct a hearing on the proposed appointment and shall, unless otherwise provided in law, table its report in the Senate within

fourteen days of the date on which the notification was received under paragraph (1).

### **72. Nomination for Appointment by the Senate**

Where the Senate is to nominate a person to a public office and the procedure of such nomination is not governed by the Constitution or any other law, the following procedure shall apply—

- (a) on receipt of a notice from the Authority appointing a public officer, the Clerk shall advertise in the Gazette and a newspaper of nationwide circulation calling for applications to the public office;
- (b) upon close of application, the Clerk shall transmit the names and all documents received from interested persons, to the relevant Committee for short-listing and vetting;
- (c) the Committee shall—
  - (i) short-list the candidates that meet the set criteria and cause the list to be published;
  - (ii) facilitate public participation on the suitability of the short-listed candidates; and
  - (iii) conduct the vetting exercise and table its Report before the Senate within fourteen days of receipt of the names of interested persons from the Clerk.



- (d) the Clerk shall notify the appointing authority of the decision of the Senate within seven days of the decision.

**PART XV—PROCEDURE FOR REMOVAL FROM  
STATE OFFICE**

**73. Procedure for removal of President by  
impeachment**

(1) Upon receipt of a resolution of the National Assembly pursuant to Article 145(2) of the Constitution, the Speaker shall within seven days convene a meeting of the Senate to hear the charges against the President, and the Senate, by resolution, may appoint a Special Committee comprising eleven of its members to investigate the matter.

(2) The Special Committee appointed under Article 145(3)(b) of the Constitution shall—

- (a) investigate the matter; and
- (b) report to the Senate within ten days whether it finds the particulars of the allegations against the President to have been substantiated.

(3) Members of the Special Committee shall take an Oath or Affirmation, as may be prescribed by the Speaker, submitting that they will perform their duties honestly and with due diligence.

(4) The President shall have the right to appear and be represented before the Special Committee during its investigations.

(5) The Special Committee may hear representation from the member who moved the motion in the National Assembly and other members of the National Assembly.

(6) If the Special Committee reports that the particulars of any allegation against the President—

- (a) have not been substantiated, further proceedings shall not be taken under Article 145 of the Constitution in respect of that allegation; or
- (b) have been substantiated, the Senate shall, after according the President an opportunity to be heard, vote on the impeachment charges.

(7) The Senate shall vote on each impeachment charge of the Motion.

(8) If at least two-thirds of all the Senators vote to uphold any impeachment charge, the President shall cease to hold office.

#### **74. Procedure for removal of Deputy President by impeachment**

Upon receipt of a resolution of the National Assembly on removal of the Deputy President in terms of Article 150 (1) (b) of the Constitution, Standing Order 73

*(Procedure for removal of President by impeachment)*  
shall, with necessary modifications, apply.

**75. Procedure for removal of a Governor**

(1) Within seven days after receiving notice of a resolution from the speaker of a County Assembly supporting the removal of a governor of the county pursuant to Article 181 of the Constitution—

- (a) the Speaker of the Senate shall convene a meeting of the Senate to hear charges against the governor; and
- (b) the Senate may-
  - (i) by resolution, appoint a Special Committee comprising eleven of its members to investigate the matter; or
  - (ii) investigate the matter in plenary.

(2) The Senate sitting in plenary or the Special Committee appointed under subsection (1) shall within ten (10) days -

- (a) investigate the matter; and
- (b) in the case of the Special Committee, report to the Senate on whether it finds the particulars of the allegations against the Governor to have been substantiated.

(3) The governor shall have the right to appear and be represented before the Senate or a Special Committee during the investigations.

(4) If the special committee reports that the particulars of any allegation against the governor—

- (a) have not been substantiated, no further action shall be taken under this section in respect of that allegation; or
- (b) have been substantiated, the Senate shall, after according the governor an opportunity to be heard, vote on the charges.

(5) The provisions of paragraph (4) shall apply with necessary modifications to the findings of the Senate, while investigating the matter in plenary

(6) If a majority of all the county delegations of the Senate vote to uphold any impeachment charge, the governor shall cease to hold office.

(7) If a vote in the Senate fails to result in the removal of the governor, the Speaker of the Senate shall notify the Speaker of the concerned County Assembly accordingly and the motion by the assembly for the removal of the governor on the same charges may only be re-introduced to the Senate after the expiry of three months from the date of such vote.

(8) The rules of procedure to be followed by the Senate or a Special Committee of the Senate are set out in the Fifth Schedule of these standing orders.

(9) The procedure set out in paragraphs (1) to (8) shall apply with the necessary modifications to impeachment of a Deputy Governor.

**76. Right to be heard**

Whenever the Constitution or any written law requires the Senate 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 Senate considering the matter and shall be entitled to legal representation.

**77. Priority of Motion**

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.

**PART XVI—VOTING AND DIVISIONS**

**78. County Delegations**

(1) On election, all Senators who were registered as voters in a particular county shall collectively constitute a single delegation for purposes of paragraph (2) and the Senator elected under Article 98 (1) (a) of the Constitution shall be the head of the delegation.

(2) Except as otherwise provided in the Constitution, in any matter in the Senate affecting counties—

- (a) each county delegation shall have one vote to be cast on behalf of the county by the head of the county delegation or, in the absence of the head of the delegation, by another member of the delegation designated by the head of the delegation;

- (b) the person who votes on behalf of a delegation shall determine whether or not to vote in support of or against the matter, after consulting the other members of the delegation; and
- (c) the matter is carried only if it is supported by a majority of all the delegations.

**79. Voting on a matter other than a Bill**

(1) When the Senate is to vote on any matter other than a Bill, the Speaker shall rule on whether the matter affects or does not affect counties.

(2) The Speaker's ruling under paragraph (1) shall be made after conclusion of debate on the matter but before the question is put.

(3) When the Senate votes on a matter that does not affect counties, each Senator has one vote.

**80. Voting in the Senate**

(1) Except on a matter affecting counties, any question proposed for decision in the Senate shall be decided by a majority of the Senators 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 Senate, the Speaker has no vote.

(4) In determining the number of Senators for the purpose of voting, the Speaker shall not be counted.

### **81. Electronic voting**

(1) Unless the Speaker, for the convenience of the Senate otherwise directs, voting on any division in the Senate shall be by electronic voting.

(2) When the Speaker directs that an electronic vote be taken, the Division Bell shall be rung for five minutes and the Senate shall proceed to a vote at the expiry of the five minutes, or such further time as the Speaker may, for the convenience of the Senate, direct.

(3) During electronic voting, Senators shall cast their votes by pressing 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 Senator 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 Senator present in the Senate 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.

### **82. Division Claimed**

The Speaker shall direct a roll call vote to be taken, if a Senator claims a roll call division and—

- (a) the Speaker considers that there is a reasonable doubt as to the outcome of any question in an electronic vote; or
- (b) if, on a question other than a question of procedure, fifteen or more Senators rise in their places to support the Senator claiming the roll call division.

### **83. Roll call voting**

(1) When the Speaker directs a roll call vote to be taken, the Division Bell shall be rung for five 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 expiry of five minutes, the Speaker shall direct the doors to be locked and the Bar drawn and no Senator shall thereafter enter or leave the Chamber 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 Senators in alphabetical order in the presence of the tellers.

(5) When called out, each Senator 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 Senate.

(7) The Speaker may allow a vote on several clauses at the same time.

#### **84. Errors corrected**

If, after an electronic vote or 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 Senate and the Speaker shall direct that the necessary corrections be made.

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

In case of a technical failure, confusion or error occurring in the course of an electronic or a roll call vote concerning the numbers or names recorded, which cannot

otherwise be corrected, the Speaker shall direct the Senate to proceed to another round of electronic voting or to another roll call vote.

**86. Decorum during division**

(1) No Senator shall be obliged to vote in a division, but those present and not voting shall either—

- (a) in the case of an electronic vote, press the “**Abstain**” button; or
- (b) in the case of a roll call vote, record their abstention with the Clerk.

(2) It shall be disorderly conduct for a Senator to fail to record his or her abstention in a division.

(3) A Senator shall not vote on any question in which the Senator has a pecuniary interest.

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

**PART XVII—RULES OF DEBATE**

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

(1) All proceedings of the Senate shall be conducted in Kiswahili, English or in Kenyan Sign Language.

(2) A Senator 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 Senator's speech.

**88. Senators to address the Speaker**

Every Senator desiring to speak shall address a request to the Speaker.

**89. Two or more Senators requesting to speak**

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

**90. Speeches may not be read**

(1) No Senator shall read a speech but a Senator 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 Senator to read a speech in particular cases where the Speaker is satisfied that this is necessary for precision in statement of facts.

**91. No Senator to speak after Question put**

No Senator shall speak to any Question after the Question has been put by the Speaker.

**92. Speaking twice to a Question**

(1) No Senator shall speak more than once to a Question except in the Committee of the Whole.

- (2) Despite paragraph (1)—
- (a) a Senator who has spoken on a question may again be heard to offer explanation of some material part of the Senator's speech which has been misunderstood but must not introduce new matter;
  - (b) a Senator who has moved a substantive Motion has, on conclusion of debate and before the Question is put, a right of reply, and may delegate that right to another Senator to reply in the Senator's stead.
  - (c) the mover of a Motion of amendment shall not have a right of reply to a Motion of amendment.

(3) The mover of a substantive Motion may surrender all or part of his or her right to reply to another Senator or Senators nominated by him or her who has not already spoken to such Motion.

### **93. Point of Order**

(1) Any Senator may raise a point of order at any time during the speech of another Senator stating that the Senator raises a point of order and that Senator shall be required to indicate the Standing Order upon which the point of order is based.

(2) When a Senator raises a point of order during the speech of another Senator, the Senator who was

speaking shall thereupon resume his or her seat and the Senator raising the point of order shall do likewise when he or she has concluded his or her submission, but no other Senator 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 Senator 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 Senator who unnecessarily and persistently interrupts proceedings or consults loudly and disruptively to withdraw from the Chamber and Standing Order 116 (*Disorderly conduct*) shall apply to any such Senator.

#### **94. Anticipating debate**

(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 Senate.

(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 Senate.

(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 Senate within a reasonable time.

**95. Proceedings of Select Committees not to be referred to**

No Senator shall refer to the substance of the proceedings of a Select Committee before the Committee has made its report to the Senate.

**96. Contents of Speeches**

(1) Neither the personal 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 Senate 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 Senate 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 Senators or other persons.

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

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

(6) A Senator shall refer to another Senator by the title "Senator... (name of the Senator)".

#### **97. Retraction and Apologies**

A Senator who has used exceptionable words and declines to explain or 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.

#### **98. Matters *sub judice* or secret**

(1) Subject to paragraph (5), no Senator 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 Senator 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 Senate or a Committee.

**99. Declaration of Interest**

A Senator who wishes to speak on any matter in which the Senator has a pecuniary or proprietary interest shall first declare that interest.

**100. Responsibility for statement of fact**

(1) A Senator shall be responsible for the accuracy of any facts that the Senator alleges to be true and may be required to substantiate any such facts instantly.

(2) If a Senator has sufficient reason to convince the Speaker that the Senator is unable to substantiate the allegations instantly, the Speaker shall require that such Senator substantiates the allegations not later than the next sitting day, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order 116 (*Disorderly conduct*) unless the Senator withdraws the allegations and gives a suitable apology, if the Speaker so requires.

**101. Senator who has spoken to question may speak to amendment**

Where an amendment has been moved and, if necessary, seconded, any Senator who has already spoken to the main question may speak to the amendment and, any Senator 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.

**102. Debate on amendment confined to amendment**

(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 Senator who speaks to the amendment shall not be entitled, after the amendment has been disposed of, to speak to the Motion, and any Senator who has already spoken to the Motion may, in speaking to the amendment, speak only to any new matter raised thereby.

**103. Reserving rights of speech**

Upon a Motion, other than a Motion by way of amendment to a question proposed by the Speaker, a Senator may second by rising in his or her place and signifying acquiescence by bowing the head without speaking and such Senator shall, thereby, reserve the same rights of speech as the Senator would have had if some other Senator had seconded such Motion.

**104. Closure of debate**

(1) After the question on a Motion the Mover of which has a right of reply has been proposed, a Senator

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 Senate, or an infringement of the rights of Senators, 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, the Speaker shall put the question, subject to Standing Order 61 (3) (*Speaker may defer putting of a question*).

(2) After the question on a Motion the Mover of which has no right of reply has been proposed, a Senator 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 Senate, or an infringement of the rights of Senators, 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.

(3) A Motion for closure of debate under paragraph (1) or (2) may not be moved by a Senator who has spoken to the Motion under consideration.

#### **105. Adjournment of debate**

(1) A Senator who wishes to postpone to some future occasion the further discussion of a question which

has been proposed from the Chair may, for reasons stated, claim to move **“That, the debate be now adjourned”**, or, in Committee of the Whole **“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 Senate, the Speaker may forthwith put the question thereon or decline to propose it.

(4) A Senator 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 Senate or in Committee of the Whole.

## **PART XVIII—LIMITATION OF DEBATE**

### **106. Limitation of Debate**

(1) The Senate may, on a Motion made by any Senator 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 Senators may speak in such debate or by imposing such limitations.

(2) A Motion for limitation of debate under this Standing Order may be made without notice.

(3) A Motion under paragraph (2) shall not be made in the course of the debate to which it refers unless it is moved after the adjournment of such debate and before the debate is resumed.

(4) No Senator 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—

- (a) the Senate Majority Leader and the Senate Minority Leader may each speak for a maximum of sixty minutes; and
- (b) the mover of the Motion may speak for a maximum of sixty minutes while moving the Motion and a maximum of thirty minutes while replying.

## **PART XIX—ORDER IN THE SENATE AND IN COMMITTEES**

### **107. Maintenance of Order**

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

### **108. Security checks**

A Senator shall be subjected to a security check or

screening before entering the Chamber or the venue of a Committee Sitting.

**109. Firearms and other offensive weapons**

No Senator shall bring a firearm or any offensive weapon into the Chamber or the venue of a Committee sitting, and any such weapon shall be deposited with the Serjeant-at-Arms for safe custody before entering the Chamber or the venue of a Committee sitting, and collected at the time of leaving.

**110. Senators' bags**

A Senator may be allowed into the Chamber with a handbag or a document bag of a reasonable size.

**111. When the Speaker rises Senators to be silent**

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

**112. Senators and the Chair**

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

(2) No Senator shall pass between the Chair and any Senator 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 Office.

**113. Senators to be seated**

Except when passing to and from his or her seat or when speaking, every Senator when in the Chamber shall be seated, and shall not at any time stand in any of the passages and gangways.

**114. Senators to remain in their places until the Speaker has left the Chamber**

When the Senate adjourns, Senators shall stand in their places until the Speaker has left the Chamber.

**115. Irrelevance or repetition**

The Speaker or the Chairperson of Committees, after having called attention to the conduct of a Senator who persists in irrelevance or tedious repetition either of the Senator's own arguments or the arguments used by other Senators in debate may, after having first warned him or her direct that the Senator discontinue his or her speech.

**116. Disorderly conduct**

- (1) A Senator is disorderly if the Senator-
- (a) creates disorder;
  - (b) knowingly raises a false point of order;

- (c) unnecessarily interrupts proceedings or consults in a disruptive manner;
- (d) fails to record abstention in a division;
- (e) makes allegations without, in the Speaker's opinion, adequate substantiation; or
- (f) commits any other breach of these Standing Orders that, in the opinion of the Speaker, constitutes disorderly conduct.

(2) The Speaker may call a Senator whose conduct is disorderly to order, and-

- (a) caution the Senator; or
- (b) order the Senator to withdraw from the precincts of the Senate for the remainder of that day's sitting.

#### **117. Gross Disorderly Conduct**

- (1) A Senator commits an act of gross disorderly conduct if the Senator-
  - (a) defies a ruling or direction of the Speaker or Chairperson of Committees;
  - (b) declines to retract use of un-parliamentary language or declines to offer apologies, despite having been ordered to do so by the Speaker;



- (c) fails to declare personal interest in a matter before the Senate or a Committee in accordance with Standing Order 99;
- (d) persistently makes serious allegations without, in the Speaker's opinion, adequate substantiation;
- (e) deliberately gives false information to the Senate;
- (f) votes more than once in breach of these Standing Orders or persistently fails to record abstention in a division;
- (g) votes on any question in which the Senator has a pecuniary interest contrary to Standing Order 86(3);
- (h) demonstrates or makes disruptive utterances against the suspension of a named Senator;
- (i) attempts to or causes disorder of whatever nature during an address by the President or a visiting dignitary pursuant to Standing Order 25;
- (j) uses violence against a Senator or other person in the Senate or Committee;
- (k) disrupts or attempts to disrupt the Speaker's Procession;

- (l) removes or attempts to remove the mace from its place in the Chamber;
- (m) commits any other breach of these Standing Orders, that in the opinion of the Speaker, constitutes gross disorderly conduct.

(2) The Speaker may call a Senator whose conduct is grossly disorderly to order, and shall order the Senator to withdraw immediately from the precincts of Parliament—

- (a) on the first occasion, for a maximum of three sitting days, including the sitting day of suspension; and
- (b) on the second or subsequent occasion during the same session, for a minimum of seven sitting days and a maximum of twenty-one sitting days, including the day of suspension;

**118. Senator may be suspended after being named**

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

(2) Whenever a Senator shall have been named by the Speaker or by the Chairperson, then—

- (a) if the breach has been committed by such

Senator in the Senate, a Motion shall be made by any other Senator present “**That, such Senator (naming the Senator) be suspended from the service of the Senate**”, 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, the Chairperson shall forthwith leave the Chair and report the circumstances to the Senate 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 Senate itself.

**119. Senator suspended to withdraw from precincts of Parliament**

(1) Whenever a Senator has been named in accordance with Standing Order 118 (*Senator may be suspended after being named*), the Speaker shall order the Senator to withdraw from the Chamber and the precincts of Parliament.

(2) Any Senator who is ordered to withdraw under Standing Order 116 (*Disorderly conduct*), Standing Order 117(*Gross Disorderly Conduct*) or who is suspended from the service of the Senate under Standing Order 118 (*Senator may be suspended after being named*)

shall forthwith withdraw from the precincts of Parliament and shall during the period of such withdrawal or suspension (except during a recess), forfeit the right of access thereto.

(3) Any Senator who demonstrates or makes disruptive utterances against the suspension of a named Senator shall be deemed to be disorderly in accordance with Standing Order 116 (*Disorderly conduct*).

#### **120. Duration of suspension of a Senator**

(1) If any Senator is suspended under Standing Order 118 (*Senator may be suspended after being named*) the suspension on the first occasion shall be for four sitting days including the day of suspension; on the second occasion during the same Session, for eight sitting days, including the day of suspension; and on the third or any subsequent occasion during the same Session, for twenty-eight sitting days, including the day of suspension.

(2) A Senator who is ordered to withdraw under Standing Order 116 (*Disorderly conduct*), Standing Order 117 (*Grave disorderly conduct*) or who is suspended from the service of the Senate under Standing Order 118 (*Senator may be suspended after being named*) shall forfeit all sitting allowances payable during the period of such suspension.

**121. Action to be taken on refusal to withdraw**

If any Senator 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 Senate or Committee to the fact that recourse to force is necessary in order to compel such Senator to withdraw, shall order such Senator to be removed and such Senator shall thereupon without question put be suspended from the service of the Senate for a minimum of ninety-one calendar days and a maximum of one hundred and eighty calendar days, including the day of the suspension and shall during such suspension, forfeit the right of access to the precincts of the Parliament and the Serjeant-at-arms shall take necessary action to enforce the order.

**122. Appeal against Suspension**

A Senator in respect of whom a suspension under this Part is imposed may appeal in writing to the Speaker, and the Speaker may –

- (a) uphold the suspension as pronounced; or
- (b) vary the decision and communicate the matter to the Senate.

**123. Grave disorder in the Senate**

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

(2) In the event of grave disorder arising in the Committee of the Whole, the Speaker shall resume the Chair forthwith.

## **PART XX—PUBLIC BILLS**

### **124. Application and limitation**

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

### **125. Introduction of Bills**

(1) A legislative proposal for which a Senator or a Committee is in charge shall, together with a memorandum setting out its objectives and matters specified in Standing Order 131 (*Memorandum of Objects and Reasons*) be submitted to the Speaker.

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

- (a) whether the legislative proposal affects or does not affect counties and, if it does, whether it is a Special or Ordinary Bill;
- (b) whether the legislative proposal is a draft money Bill in terms of Article 114 of the Constitution; and

- (c) whether the legislative proposal conforms to the Constitution and the law and is in order as to format and style in accordance with these Standing Orders.
- (3) Upon receipt of the comments of the Clerk under paragraph (2), the Speaker shall—
  - (a) in respect of a legislative proposal for which no Committee is in charge, refer the legislative proposal to the relevant Committee for pre-publication scrutiny and comments and the Committee shall submit its comments to the Speaker within fourteen days;
  - (b) if the legislative proposal is a draft money Bill in terms of Article 114 of the Constitution, direct that the legislative proposal be not proceeded with pursuant to Article 109 (5) of the Constitution; and
  - (c) if, in the opinion of the Speaker, the legislative proposal will not give rise to a Bill concerning county governments, direct that the legislative proposal be not proceeded with pursuant to Article 109 (3) of the Constitution.

**126. Pre-publication Scrutiny**

- (1) Where a legislative proposal is referred to the relevant Committee pursuant to paragraph (3) (a) of Standing Order 125 (*Introduction of Bills*), the Committee may:

- (a) examine the proposal and seek the views of the sponsor ,the relevant Cabinet Secretary or any other person on the likely impact, effect, outcome and consequence of the legislative proposal and any other aspect the Member or the Committee may deem necessary; or,
- (b) the Committee may suggest variations with a view to improving the legislative proposal, but the sponsor is not bound to incorporate such variations;

(2) Upon receipt of the comments of the relevant Committee under Standing Order 125 (3) (a), the Speaker may direct that the legislative proposal be accepted and, if the Speaker certifies that the legislative proposal is accepted, the legislative proposal shall be published as a Bill.

(3) The Speaker may exempt the legislative proposal from the application of this Standing Order.

#### **127. Procedure upon publication**

(1) Upon publication of a Bill, and before the First Reading of the Bill, the Speaker shall, jointly with the Speaker of the National Assembly, resolve any question as to whether it is a Bill concerning counties and, if it is, whether it is a special or an ordinary Bill.

(2) For the purposes of paragraph (1), upon publication of a Bill and before the First Reading, the Speaker shall, by way of communication, seek the



concurrence of the Speaker of the National Assembly whether it is a Bill concerning counties and, if it is, whether it is a special or an ordinary Bill.

(3) Where the Speaker of the National Assembly does not concur that the Bill is a Bill concerning counties and, if it is, whether it is a special or an ordinary Bill, the Speaker shall, jointly with the Speaker of the National Assembly, resolve the question whether it is a Bill concerning counties and, if it is, whether it is a Special or an Ordinary Bill.

(4) Where, upon the expiry of seven days from the day of the communication under paragraph (1) or such further time as the Speaker of the Senate may in any particular case determine, no communication has been received from the Speaker of the National Assembly as to either concur or differ that the Bill is a Bill concerning counties and, if it is, whether it is a special or an ordinary Bill, the Speaker of the Senate shall direct that the Bill may be Read a First time in accordance with these Standing Orders.

(5) 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 each Senator.

(6) A Bill shall be signed by the Senator in charge of it and shall be introduced by way of First Reading in accordance with Standing Order 139 (*First Reading of Bills*).

(7) A Bill for which a Committee is in charge shall be introduced by the Chairperson of the Committee or a member of the committee designated by the committee for that purpose.

**128. Concurrence on determination on Bills concerning counties**

Whenever the Speaker receives a communication from the Speaker of the Assembly seeking concurrence that a Bill concerns counties, including concurrence that the Bill is a special or ordinary Bill in terms of Article 110 (3) of the Constitution, or that a Bill originating in the Assembly does not concern counties, the Speaker shall convey his or her decision to the Speaker of the Assembly within seven days of receipt of the communication.

**129. Printing of amending provisions**

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 Senators, unless in the opinion of the Speaker, the amendment is formal, minor or self-explanatory.

**130. Enacting Formula**

Every Bill shall contain, as the enacting formula, the words “**Enacted by the Parliament of Kenya**”.

**131. Memorandum of Objects and Reasons**

Every Bill shall be accompanied by a memorandum

containing—

- (a) a statement of the objects and reasons of the Bill;
- (b) a statement of the delegation of legislative powers and limitation of fundamental rights and freedoms, if any;
- (c) a statement of how it concerns county governments; and
- (d) a statement that the Bill is not a money Bill, within the meaning of Article 114 of the Constitution.

### **132. Provisions on Delegated Powers**

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 Legislative 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.

**133. Limitation of Fundamental Rights and Freedoms**

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 specifically expressing—

- (a) the intention to limit that right or fundamental freedom; and
- (b) the nature and extent of that limitation.

**134. Publication**

No Bill shall be introduced unless such Bill together with the memorandum referred to in Standing Order 131 (*Memorandum of Objects and Reasons*), has been published in the *Gazette* (as a Bill to be originated in the Senate), and unless, in the case of a Division of Revenue Bill or a County Allocation of Revenue 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 Senate may resolve with respect to the Bill, has ended.

**135. Bills amending the Constitution of Kenya**

(1) A Bill to amend the Constitution may be introduced in the Senate, and pursuant to Article 256 of the Constitution-

- (a) may not address any other matter apart from consequential amendments to legislation arising from the Bill;
- (b) shall not be called for Second Reading within ninety days after the First Reading of the Bill; and
- (c) shall be passed at both Second and Third Readings, by not less than two-thirds of all Senators.

(2) Notwithstanding paragraph (1), whenever a Bill to amend the Constitution fails to obtain the required majority, at either Second or Third Reading when the question on the Bill is put and the vote results in a majority of the “Ayes” but the “Noes” have not numbered at least one-third of all the Senators, the Speaker may direct that a further vote be taken on the particular question and the further vote shall be taken within five sitting days from the day the first vote was taken.

(3) If the Speaker does not direct a further vote under paragraph (2) or if on such further vote the fixed majority is not obtained, the Speaker shall declare that the motion is negatived.

### **136. Bills concerning County Government**

(1) For the purposes of making a determination whether or not a Bill concerns County Government, the Speakers may appoint a joint committee to advise them in resolving any question on such a Bill.

- (2) A Bill concerning county governments is—
  - (a) a special Bill, which shall be considered under Article 111 of the Constitution if it—
    - (i) relates to the election of members of a County Assembly or a County Executive; or
    - (ii) is the Annual County Allocation of Revenue Bill referred to in Article 218 of the Constitution; or
  - (b) is an ordinary Bill, which shall be considered as provided under Article 112 of the Constitution, in any other case.

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

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

(2) Paragraph (1) shall not apply to or in respect of a County Allocation of Revenue Bill or the Division of Revenue Bill.

**138. Reading of Bills**

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

**139. First Reading**

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

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

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

(2) Despite paragraph (1), the Speaker may direct that a particular Bill be committed to such committee as the Speaker may determine.

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

(4) A Senator intending to move a motion under paragraph (2) shall give the Speaker a written notice of the Motion, at least two hours before the sitting of the Senate on the day the Bill is scheduled for First Reading.

(5) A committee to which a Bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the committee makes its report to the Senate.

(6) For the convenience of the Senate, the Senate may, by resolution, discharge a Bill from a Select Committee, and commit it to another Select Committee.

**141. Second Reading**

(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.....months**”.

**142. Power of Committee on a Bill to amend Bills**

Pursuant to Standing Order 140 (3) (*Committal of Bills to Select Committees*), a Select Committee established for the purpose of considering a Bill shall have power to make such amendments thereto relevant to the subject matter of the Bill or, pursuant to any special instruction by the Senate as it shall think fit, but if any such amendment is not within the title of the Bill, the Committee shall amend the title accordingly and report the amendment thereof specially to the Senate.

**143. Reporting by a Standing Committee**

(1) Whenever a Bill is referred to a Standing Committee, the Chairperson of the Committee, the vice-chairperson or a Senator designated by the Committee to which the Bill is committed, shall present the Committee’s report to the Senate within thirty calendar days of such committal.

(2) Upon presentation of the report under paragraph (1) or if the Committee’s report is not presented when it becomes due, the Bill shall be ordered to be read a Second Time and committed to the Committee of the Whole on such day as the Senate



Business Committee shall, in consultation with the Senator who introduced the Bill, appoint.

(3) Paragraph (1) of this Standing Order shall not apply in the case of a Constitution of Kenya (Amendment) Bill.

**144. Referral of proposed amendments to Select Committees**

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 Senator proposing an amendment to the Bill to appear before the Select 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 Senate on the result of the exercise before the Committee of the Whole is taken.

**145. Committal of Bills to Committee of the Whole**

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

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

**146. Sequence to be observed on a Bill in Committee of the Whole**

In considering a Bill in Committee of the whole, the various parts thereof shall be considered in the following sequence –

- (a) clauses as printed, excluding the clause 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) title; and
- (h) the clause providing for the citation of the Bill.

**147. Procedure in Committee of the Whole on a Bill**

(1) The Clerk shall call severally each part of the Bill in the sequence specified in Standing Order 146 (*Sequence to be observed on a Bill in Committee of the Whole*) and if no amendment is proposed or when all proposed amendments have been disposed of, the Chairperson shall propose the question “**That,.... (as amended) stand part of the Bill**” and, when Senators who wish to speak have spoken, the Chairperson shall put that question to the Committee of the Whole for decision.

(2) No amendment shall be moved to any part of a Bill by any Senator, other than the Senator in charge of the Bill, unless written notification of the amendment shall have been given to the Clerk at least twenty-four hours before the commencement of the sitting at which that part of the Bill is considered in Committee of the Whole.

(3) Despite paragraph (2), where an amendment has been moved to any part of a Bill in accordance with this paragraph, any Senator may move an amendment to that amendment on delivering to the Chairperson the terms of his or her amendment in writing.

(4) A Senator moving an amendment or a further amendment to any part of the Bill under paragraphs (2) and (3) shall explain the meaning, purpose and effect of the proposed amendment or further amendment.

(5) No amendment shall be permitted to be moved to a Bill if the amendment deals with a different subject or topic or unreasonably or unduly expands the subject of the Bill or is not appropriate or is not in logical sequence to the subject matter of the Bill.

(6) No amendment shall be moved which is inconsistent with any part of the Bill already agreed to or any decision already made by the Committee and the Chairperson may, at any time during the debate of a proposed amendment, withdraw it from the consideration of the Committee if, in the opinion of the Chairperson, the debate has shown that the amendment contravenes this paragraph.

(7) In the case of a County Allocation of Revenue Bill, no amendment shall be moved which is inconsistent with a resolution made under Article 217 of the Constitution and the Annual Division of Revenue Act.

(8) The Chairperson may refuse to propose the question upon any amendment which in the opinion of the Chairperson is frivolous or would make the clause or schedule which it proposes to amend unintelligible or ungrammatical.

(9) Paragraph (3) of Standing Order 61 (*Manner of debating Motions*) shall, with necessary modifications apply, to proceedings for amendment of a Bill in Committee of the Whole.

(10) The consideration of any part or a clause of a Bill may be postponed until such later stage of the proceedings in Committee of the Whole on such Bill as the Chairperson of the Committee of the Whole may determine.

(11) On any Motion being made for the addition of a new clause, the clause shall be deemed to have been read a First Time and the question shall then be proposed **“That, the new clause be read a Second Time”** and, if this is agreed, amendments may then be proposed to the new clause and the final question to be proposed shall be **“That, the new clause (as amended) be added to the Bill”**.

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

(13) The question to be put on the preamble (if any) shall be **“That, the preamble (as amended) be the preamble of the Bill.”**

(14) The question to be put on the long title of the Bill shall be **“That, the long title (as amended) be the title of the Bill”.**

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

(16) At the conclusion of the proceedings in Committee of the Whole on a Bill or, if more than one, on all such Bills, the Senator in charge shall move **“That, the Bill(s) (as amended) be reported to the Senate”**, and the question thereon shall be decided without amendment or debate.

#### **148. Reporting of Progress**

If any Senator, before the conclusion of proceedings on a Bill in a Committee of the Whole, 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 Senator in charge of the Bill, shall report progress to the Senate and shall seek leave to sit again, and a day for the resumption of the proceedings shall be determined by the Senate Business Committee in consultation with the Senator in charge of the Bill.

**149. Bill to be reported**

When a Committee of the Whole has agreed that a Bill or a number of Bills be reported, the Chairperson shall forthwith leave the Chair of the Committee and the Senate shall resume, and the Chairperson or if the Chairperson has taken the Speaker's Chair, the Senator in charge of the Bill shall report the Bill to the Senate, and each Bill, if more than one, shall be so reported separately.

**150. Procedure on Bills reported from Committee of the Whole**

(1) When a Bill has been reported from a Committee of the Whole, the Senate shall consider the Bill as reported upon a Motion **“That the Senate 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 Senator desires to delete or amend any provision contained in a Bill, or to introduce a new provision in the Bill.

(3) A Senator who desires to delete or amend any provision contained in a Bill, or to introduce a new provision in the Bill under paragraph (2) may propose an amendment to add, at the end of a Motion under paragraph (1), the words **“subject to the re-committal of the Bill (in respect of some specified part or of some proposed new clause or new schedule) to a Committee of the Whole”**, and if that Motion is agreed to with such

an amendment, the Bill shall stand so re-committed and the Senate shall either forthwith or upon a day named by the Senate Business Committee, in consultation with the Senator in charge of the Bill dissolve itself into a Committee to consider the matters so re-committed.

**151. Procedure on Bills reported from a Select Committee on a Bill**

(1) The report of a Select Committee on a Bill shall be laid on the Table of the Senate by the Chairperson or Vice Chairperson of the Select Committee or by another Senator authorized by the Committee in that behalf.

(2) The Senate shall consider the Bill as reported from the Select Committee upon a Motion “**That the report of the Select Committee on the...Bill, be approved**”.

(3) Standing Order 150 (*Procedure on Bills reported from Committee of the Whole*) shall apply, with necessary modifications, to any Motion to approve the report of a Select Committee on a Bill.

**152. Procedure upon the re-committal of a Bill**

(1) When a Bill has been re-committed to a Committee of the Whole, 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 of the Whole 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, after re-committal Standing Order 150 (*Procedure on Bills reported from Committee of the Whole*)) shall apply.

### **153. Third Reading**

(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 Senate Business Committee, in consultation with the Senator 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.

### **154. Withdrawal of Bills**

(1) Either before the commencement of business or on the Order of the Day for any stage of the Bill being read, the Senator in charge of a Bill may, without notice, claim to withdraw the Bill.

(2) If the Speaker is of the opinion that the claim is an abuse of the proceedings of the Senate, the Speaker shall decline to allow the withdrawal of the Bill.



(3) A Bill that has been withdrawn may, subject to Standing Order 125 (*Introduction of Bills*) and re-publication, be introduced again.

(4) If a Senator in charge of a Bill desires to withdraw a Bill before it is introduced in the Senate, the Senator shall, in writing specifying the reasons for the withdrawal, notify the Speaker of the withdrawal and paragraph (3) shall apply to such Bill.

#### **155. Re-introduction of Bills**

(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 125 (*Introduction of Bills*).

(2) The consideration of a Bill which was interrupted at the end of a Session shall resume in the next Session of the same Parliament where it was last interrupted.

(3) A Bill, consideration of which has not been concluded at the end of the term of a Parliament shall lapse.

#### **156. Concurrence of the other House**

When the Senate has passed a Bill, a certified copy of the Bill signed by the Clerk and endorsed by the Speaker, shall be forwarded to the Clerk of the National Assembly, together with a message requesting the concurrence of the National Assembly.

**157. Consideration of Bills originating from the National Assembly**

The Senate shall proceed with a Bill that originates in the National Assembly in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order 139 (*First Reading of Bills*).

**158. Procedure on National Assembly Bills after Third Reading in the Senate**

When a Bill which originated in the National Assembly has been read a Third Time in the Senate, the Clerk shall either—

- (a) return the Bill with a message to the National Assembly **“That the Senate has agreed to the .....Bill without amendment”**;
- (b) return the Bill with a message to the National Assembly **“That the Senate has rejected the Bill and the Bill has been referred to a Mediation Committee”**; or
- (c) cause the text of any amendment or amendments that may have been made to the Bill in the Senate to be forwarded to the National Assembly with a message desiring the concurrence of the National Assembly to the amendment or amendments made by the Senate.

**159. Consideration of National Assembly amendments to Bills originating in the Senate**

(1) Amendments by National Assembly to a Bill originating in the Senate shall be circulated to Senators within seven days of receipt of the amendments from the National Assembly and shall be put down for consideration in a Committee of the Whole on such day as the Senate Business Committee shall appoint.

(2) Upon a Motion being made **“That the amendments by the National Assembly to the ... Bill be now considered”**, no amendment may be moved to the question other than an amendment to leave out the words **“now”** and to add at end of the question **“upon this day...(state period)”**, and, in the event of such amendment being carried, the Clerk shall send a message to the National Assembly **“That the Senate has deferred consideration of the amendments by the National Assembly to the ...Bill..... (state period)”**.

(3) Where the Senate has resolved that the amendments by the National Assembly to a Bill be considered and, on the appointed date, the Senate shall dissolve into Committee of the Whole where each amendment shall be called out by the Clerk and may be agreed to or rejected in accordance with Article 112 (2) of the Constitution.

(4) When the Senate has concluded the consideration of the amendments by the National

Assembly to a Bill originating in the Senate and the Senate—

- (a) passes the Bill as amended, the Speaker shall refer the Bill to the President within seven days for assent; or
- (b) rejects the Bill as amended, the Speaker shall refer the Bill to a Mediation Committee under Article 113 of the Constitution.

**160. Mediation Committee**

(1) A Bill shall be referred to the Mediation Committee whenever the Senate—

- (a) does not agree to all or any of the amendments made by the National Assembly to a Bill concerning county governments which originated in the Senate; or
- (b) rejects a Motion that a Bill which originated in the National Assembly be read a Second or Third Time;

(2) The Speakers of both Houses shall appoint a Mediation Committee consisting of equal numbers of members of each House to attempt to develop a version of the Bill that both Houses will pass.

(3) The quorum of Senators who shall be present to take part in a sitting of a Mediation Committee shall be a third of the Senators of the committee and no sitting of the Committee shall be validly constituted unless there is also present a like quorum of Members of the National Assembly.

(4) The Chairperson and Vice-Chairperson of the Mediation Committee shall be appointed by the majority of the members present at the first meeting of the Committee.

(5) The Chairperson and the Vice-Chairperson of the Mediation Committee shall not be members of the same House.

(6) If the Mediation Committee fails to agree on a version of the Bill within thirty days, or if a version proposed by the committee is rejected by either House, the Bill is defeated.

**161. Consideration of report of Mediation Committee**

(1) The report of a Mediation Committee on a Bill prepared in terms of Article 113 of the Constitution shall be laid on the Table of the Senate by a Senator who is a member of the Mediation Committee authorized by the Committee in that behalf.

(2) Where the report of the Mediation Committee is to the effect that the committee has failed to agree on a version of the Bill or where the Mediation Committee fails to agree on a version of the Bill within thirty days from the date the Bill was referred to it, the Bill shall stand defeated in terms of Article 113(4) of the Constitution.

(3) Where the report of the Mediation Committee includes an agreed version of the Bill in terms of Article

113(2) of the Constitution, the Senate shall consider the report of the mediation committee upon a Motion **“That the report of the Mediation Committee be approved”** and the Senate shall vote to approve or reject the Motion.

- (4) If the Motion under paragraph (3) is—
  - (a) negatived, the Clerk shall send a message to the National Assembly signifying such disagreement, and the Bill shall be deemed to be defeated; or
  - (b) agreed to, the Clerk shall send a message to the National Assembly signifying such agreement, and on receipt by the Clerk of a similar message from the National Assembly, the Bill shall be deemed to have been passed by both Houses in the form agreed to by the Mediation Committee and the Clerk of the Senate shall forthwith send a message to the Clerk of the National Assembly conveying the decision of the Senate.

#### **162. Custody of Bills**

(1) Save for a Bill that has been subjected to a Mediation Committee, every Bill which originated in the Senate and has been passed by both Houses shall be certified by the Clerk and shall remain in the custody of the Clerk.

(2) Every Bill that originates in the Senate that requires the concurrence of the National Assembly and

which has been passed by both Houses shall remain in the custody of the Clerk of the Senate and shall be certified by the Clerk of the Senate and the Clerk of the National Assembly.

(3) At any time before the certification of the Bill, the Speaker may correct formal errors or oversights therein without changing the substance of the Bill and thereafter submit the Bill to the President for assent.

(4) This Standing Order shall apply to a special Bill considered under Article 111(3) of the Constitution and a Bill approved in terms of Article 113(3) of the Constitution.

**163. Presentation of Bills for assent**

(1) When a Bill originating in the Senate is passed by the National Assembly, without amendments, the Speaker shall certify and refer the Bill to the President for assent within seven days of its passage by the National Assembly.

(2) The Speaker shall certify and refer a Bill under Standing Order 159(4)(a) to the President for assent within seven days of its passage by the Senate.

**164. Referral of Bills by the President**

(1) Whenever the Senate receives the President's reservations on a Bill pursuant to Article 115 of the Constitution, the Speaker shall, within seven days of the receipt refer the President's reservations to the relevant Committee of the Senate for consideration;

(2) Within fourteen days of referral under paragraph (1), the report of the Committee shall be laid on the Table of the Senate by the Chairperson or Vice-Chairperson of the Committee..

(3) The Report of the Committee shall include a recommendation urging the Senate to either-

- (a) fully accommodate the President's reservations;
- (b) pass the Bill a second time without amendment; or
- (c) pass amendments that do not fully accommodate the President's reservations.

(4) Where the Committee recommends to the Senate—

- (a) to fully accommodate the President's reservations, the Senate shall vote to approve the President's reservations and the question shall be—
  - (i) carried if it is supported by a majority of all the delegations; or
  - (ii) negatived if at least two thirds of all the delegations do not support the Motion.
- (b) that the Bill be passed a second time without amendment, the Senate shall vote on a Motion to reject the President's reservations and the question shall be carried and the Bill deemed



to be passed a second time, if the Motion is supported by at least two thirds of all the delegations; or

- (c) to pass amendments that do not fully accommodate the President's reservations, the Senate shall vote to reject the President's reservations and the Motion shall be carried and the Bill passed with amendments that do not fully accommodate the President's reservations, if the Motion is supported by at least two thirds of all the delegations.

(5) Notwithstanding this standing order, whenever a question to approve or reject the President's reservations 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 Senators, 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.

(6) If the Speaker does not direct a further vote under paragraph (5) or if on such further vote the fixed majority is not obtained, the Speaker shall declare that the Motion is negatived.

## **PART XXI—PRIVATE BILLS**

### **165. Application of Public Bill procedure**

Except as otherwise provided in this Part, the Standing Orders relating to Public Bills shall apply in respect of Private Bills.

### **166. Saving clause**

Every private Bill shall contain a clause saving the rights of the President, the national and county governments, all bodies politic or corporate, and all others, except such as are mentioned in the Bill and those claiming by, from or under them.

### **167. Private Bill affecting private rights**

(1) No private Bill which directly affects the private rights or property of any persons, shall originate in the Senate 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 168 (*Petition for Leave*).

### **168. Petition for Leave**

(1) No private Bill shall be introduced unless a Petition for the Bill, 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 Senate with a copy of the Bill annexed.

(2) The Clerk shall scrutinize a petition presented to the Senate 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 of a private Bill shall deposit with the Clerk a sufficient number of copies of the Petition with the Bill annexed, for distribution to Senators and on receipt of such copies, the Clerk shall forthwith avail a copy to every Senator.

(4) The Petition shall be read at the first sitting of the Senate 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.

(5) The Speaker may allow comments, observations or clarifications in relation to the petition read under paragraph (4) for no more than thirty minutes.

#### **169. Security for cost of printing**

(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.

**170. Bills authorizing construction works**

(1) In the case of a Private Bill authorizing construction works, before such Bill is read a First Time, the promoters shall—

- (a) deposit with the Clerk an estimate of the expense of the undertaking, signed by the person making such estimate and approved by the Clerk; and
- (b) deposit with the Clerk a sum not less than four percent of the amount of the estimate under paragraph (1).

(2) In every Bill under paragraph (1), there shall be inserted a clause to the effect that, if the works authorized to be constructed are not completed before the expiry of a time to be set out by the Bill for such completion, the sum deposited with the Clerk shall be forfeited to the Consolidated Fund.

**171. First Reading**

When the provisions of this Part have been complied with, the Clerk shall cause the Bill to be printed, distributed to Senators and published in the *Gazette* and at the first sitting of the Senate held not less than fourteen days after such publication, the Bill shall be read a First Time.

**172. Right of audience before Committee on opposed Bill**

(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.

**173. How Bills may be opposed**

No person, other than a Senator, 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.

**174. Printing expenses**

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 the Bill 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 XXII—COMMITTEE OF THE WHOLE**

### **175. Limits on consideration of matters by Committee of the Whole**

A Committee of the Whole 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.

### **176. Committee of the Whole may not adjourn**

A Committee of the Whole 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 Senate and ask leave to sit again.

### **177. Report**

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

### **178. No debate on Motion for Report**

(1) When a Motion is made in Committee of the Whole 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 Senate or re-committed to the Committee of the Whole, or postponed for further consideration.

**179. General application of rules in Committee of the Whole**

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 of the Whole as in the Senate.

**PART XXIII—PROCEDURE ON FINANCIAL MATTERS**

**180. Presentation of the Budget Policy Statement**

(1) Every year not later than fifteenth February, the Cabinet Secretary responsible for Finance shall submit to the Senate a Budget Policy Statement which shall be deemed to have been laid.

(2) The Budget Policy Statement shall include-

- (a) an assessment of the current state of the economy and the financial outlook over the medium term, including macro-economic forecasts;

- (b) the financial outlook with respect to Government revenues, expenditures and borrowing for the next financial year and over the medium term;
- (c) the proposed expenditure limits for the national government, including those of Parliament and the Judiciary and indicative transfers to county governments;
- (d) the fiscal responsibility principles and financial objectives over the medium term including limits on total annual debt; and
- (e) the proposed division of revenue, raised nationally, between the National Government and county governments including proposed conditional grants, if any.

(3) The Budget Policy Statement shall detail the criteria used to allocate or apportion the available public resources among the two levels of Government and various programmes and projects.

(4) Upon being laid before the Senate, the Budget Policy Statement shall be committed to the Standing Committee on Finance and Budget to deliberate upon and table a report containing its recommendations on the Budget Policy Statement within twelve days.

(5) In considering the Budget Policy Statement, the Standing Committee on Finance and Budget shall consult the Cabinet Secretary responsible for Finance, the



Commission for Revenue Allocation, the Council of Governors and the body for the time being representing county assemblies, among other stakeholders.

(6) The report of the Standing Committee on Finance and Budget shall contain policy and financial recommendations on matters and functions related to counties and a proposal on the division of revenue between the national and county levels of government.

(7) The approval by the Senate of the Motion on the report of the Standing Committee on Finance and Budget on the Budget Policy Statement shall constitute the Senate Resolution which shall forthwith be communicated to the Cabinet Secretary responsible for Finance, in any event, not later than fourteen days after the Budget Policy Statement is submitted to the Senate.

(8) The Cabinet Secretary shall take into account the Resolution passed by the Senate in finalising the budget for the relevant financial year.

#### **181. Consideration of the annual Division of Revenue Bill**

(1) At least two months before the end of each financial year, there shall be introduced in Parliament, a Division of Revenue Bill.

(2) A Division of Revenue Bill shall divide revenue raised by the National Government among the National and County levels of Government in accordance with the Constitution and shall be accompanied by a memorandum setting out—

- (a) an explanation of revenue allocation as proposed by the Bill;
- (b) an evaluation of the Bill in relation to the criteria mentioned in Article 203 (1) of the Constitution; and
- (c) a summary of any significant deviation from the Commission on Revenue Allocation's recommendations with an explanation for each such deviation.

(3) The Senate shall proceed upon and conclude its consideration of a Division of Revenue Bill not later than fourteen days after the Bill has been introduced with a view to approving it, with or without amendments.

(4) The Division of Revenue Bill, having been passed by the Senate shall stand referred to the National Assembly in accordance with Standing Order 156 (*Concurrence of the other House*).

#### **182. Consideration of the County Allocation of Revenue Bill**

(1) Not later than seven days following the enactment of the annual Division of Revenue Bill, the Chairperson of the Standing Committee on Finance and Budget shall introduce a County Allocation of Revenue Bill, which shall divide among the counties the revenue allocated to the county level of Government on the basis determined in accordance with the resolution in force under Article 217 of the Constitution.

(2) The County Allocation of Revenue Bill shall be accompanied by a memorandum setting out—

- (a) an explanation of revenue allocations proposed by the Bill;
- (b) an evaluation of the Bill in relation to the criteria mentioned in Article 203 (1) of the Constitution; and
- (c) a summary of any significant deviation from the Commission on Revenue Allocation's recommendations with an explanation for each such deviation.

(3) The County Allocation of Revenue Bill, having been passed by the Senate shall stand referred to the National Assembly in accordance with Standing Order 156(*Concurrence of the other House*).

**183. Consideration of the Cash Disbursement Schedule for county governments**

(1) Not later than fifteen days following the enactment of the County Allocation of Revenue Bill, the Cabinet Secretary responsible for Finance shall submit to the Senate the Cash Disbursement Schedule for county governments, which shall be deemed to have been laid before the Senate.

(2) Upon being laid before the Senate, the Cash Disbursement Schedule shall be committed to the

Standing Committee on Finance and Budget to deliberate upon and table a report containing its recommendations on the Cash Disbursement Schedule, within seven days.

(3) The approval by the Senate of the Motion on the report of the Standing Committee on Finance and Budget on the Cash Disbursement Schedule shall constitute the Senate Resolution which shall forthwith be communicated to the Cabinet Secretary responsible for Finance, in any event, not later than fourteen days after the Cash Disbursement Schedule is submitted to the Senate.

#### **PART XXIV—SELECT COMMITTEES**

##### **184. Senate Business Committee**

(1) There shall be a Select Committee, to be designated the Senate Business Committee, consisting of-

- (a) the Speaker as the Chairperson;
- (b) the Senate Majority Leader;
- (c) the Senate Minority Leader; and
- (d) nine other Senators, reflecting the relative majorities of the seats held by each of the Parliamentary Parties in the Senate, who shall be nominated by the Parliamentary Parties and approved by the Senate at the commencement of every Session.

(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 Senate Business Committee shall be appointed within seven days of the assembly of a new Senate.

(4) In nominating Senators to the Senate Business Committee, each Parliamentary Party shall include its whip into the membership.

(5) The Senate Business Committee—

- (a) shall prepare and, if necessary, from time to time, adjust the Senate Calendar with the approval of the Senate;
- (b) shall monitor and oversee the implementation of Senate business and programmes, including the legislative programmes;
- (c) shall implement the Standing Orders respecting the scheduling or programming of the business of the Senate and the functioning of its Committees;
- (d) may take decisions and issue directives and guidelines to prioritise or postpone any business of the Senate in consultation with the Speaker;

(e) shall consider such matters as may from time to time arise in connection with the business of the Senate 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 Senate.

(6) The Chairperson and four other members of the Committee shall form a quorum.

(7) If, for any reason, a member of the Committee is unable to attend, the whip of the nominating party may appoint another Senator in that Senator's place for the period for which the Senator is unable to attend.

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

#### **185. Procedure and Rules Committee**

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

(2) The Committee shall comprise-

(a) the Speaker as Chairperson;

(b) the Deputy Speaker as the Vice-Chairperson;

(c) members of the Speaker's Panel; and

(d) three other Senators reflecting the relative majorities of the seats held by the Parliamentary Parties in the Senate, who shall

be nominated by the Parliamentary Parties and approved by the Senate at the commencement of the term of Parliament.

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

(4) The Procedure and Rules Committee may propose amendments to these Standing Orders and any such amendments shall, upon approval by the Senate, take effect at the time appointed by the Senate.

(5) The Procedure and Rules Committee may propose rules for the orderly and effective conduct of committee business and any such rules shall, upon approval by the Senate, continue in force until amended or repealed by the Senate.

(6) Any rules approved under paragraph (5) shall be annexed to the Standing Orders and shall be binding upon Committees to the same extent as these Standing Orders.

(7) The Chairperson and two other members of the Committee shall form a quorum.

(8) Unless the Procedure and Rules Committee otherwise resolves, meetings of the Committee shall be held *in camera*.

#### **186. Liaison Committee**

(1) There shall be a select committee to be

designated the Liaison Committee which shall consist of the Speaker as chairperson and the chairpersons of all select committees of the Senate.

- (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 programmes of all Committees, including their need to travel and sit away from the precincts of the Senate;
  - (d) deliberate on and determine the reports of the Committees to be debated in the Senate;
  - (e) ensure that Committees submit reports as required by these Standing Orders;
  - (f) determine, whenever necessary, the committees that should deliberate on a matter; and
  - (g) give such advice relating to the work and mandate of select committees as it may consider necessary.

(3) The quorum of the Liaison Committee shall be the Chairperson and a third of the members of the Committee.



## **General Provisions**

### **187. Nomination of members of Select Committees**

(1) Unless otherwise provided by any written law or these Standing Orders, the Senate Business Committee shall, in consultation with Parliamentary Parties, nominate Senators who shall serve on a Select Committee.

(2) The Senate Business Committee 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 Select Committee of the Senate, including a Committee established through a resolution of the Senate, shall be of the same gender.

(3) A vacancy occasioned by resignation or removal of a Senator from a Select Committee shall be filled within fourteen days of the vacancy.

(4) Where an adverse recommendation has been made in respect of a Senator in a report of a Select Committee that has been adopted by the Senate, the Senator shall only be nominated to serve on that Committee if the Committee of Privileges has considered the matter and tabled its recommendations in the Senate; and the Senate has considered the report of the Committee of Privileges and has resolved in favour of the Senator.

**188. Criteria for nomination**

(1) In nominating a Senator to serve in a Select Committee, the Senate Business Committee shall ensure that the membership of each Committee reflects the relative majorities of the seats held by each of the Parliamentary Parties in the Senate.

(2) Despite paragraph (1), a Senator belonging to a party other than a Parliamentary Party or an independent Senator may be nominated to serve in a Select Committee and the allocation of membership of Select Committees shall be as nearly as practicable proportional to the number of the Senators belonging to such parties and independent Senators.

(3) Except as the Senate may otherwise resolve, on the recommendation of the Senate Business Committee for reasons to be stated, no Senator shall be appointed to serve in more than two Standing Committees.

**189. Approval of nomination**

(1) The Senate Business Committee shall, within seven days of the nomination of Senators to serve in Select Committees present the list of nominees to the Senate for approval.

(2) Whenever a Motion for approval of a list under paragraph (1) is moved in the Senate, no objection against the proposed membership of a Senator in a Select Committee shall be permitted and objections, if any, shall be formulated against the proposed membership as a whole.

(3) A Senator shall not be a member of a Select Committee unless the Senate approves the nomination of such a Senator.

**190. Discharge of a Senator from a Select Committee**

(1) A Parliamentary Party that nominated a Senator to a Select Committee may give notice, in writing, to the Chairperson of the Senate Business Committee that the Senator is to be discharged from a Select Committee.

(2) The Chairperson of the Senate Business Committee shall, upon receipt of the notice under paragraph (1), forthwith convey the notice to the relevant Committee, and such notice shall take effect upon receipt by the Chairperson or Vice-Chairperson if the discharge relates to the Chairperson.

**191. Composition of Select Committees**

Subject to any written law, these Standing Orders or a resolution of the Senate, a Select Committee shall consist of an odd number of Senators, being not less than seven and not more than nine.

**192. Chairing of Select Committees and quorum**

Subject to paragraph (4) of Standing Order 187 (*Nomination of members of Select Committees*), unless otherwise provided under any written law, these Standing Orders or by resolution of the Senate—

- (a) a Select Committee shall, upon appointment, elect its Chairperson and Vice Chairperson from amongst its members;
- (b) any three members of a Select Committee shall constitute a quorum.

**193. Conduct of election**

(1) The Clerk shall appoint a place, date and time for the first meeting of a Select Committee within seven days of its constitution by the Senate, 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, date and time for the meeting of the Committee to elect the Chairperson or Vice-Chairperson.

**194. Duties of Committee Chairperson**

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 the office of the Chairperson by the Committee, resolutions of the Senate or legislation; and

(c) be the spokesperson of the Committee.

**195. Notice of meetings**

(1) A notice of a meeting of a Select Committee shall be issued by the Clerk, in writing, to all members of the Committee showing the date, time, venue and agenda of the meeting.

(2) A notice under paragraph (1) shall be deemed to have been given upon circulation through the official email address of a Senator, the parliamentary website, by delivery of the notice in the office of a Senator or posting of the notice in the precincts of Parliament or through such other means as the Clerk may determine to be expedient in the circumstances.

**196. Sittings of Select Committees**

A sitting of a Select Committee shall be held at such place, date and time as shall be determined by the Chairperson or on a petition made by at least five members of that Committee but no meeting of a Committee may be held outside the precincts of Parliament without the approval of the Speaker.

**197. Sub-committees of Select committees**

A Select Committee may establish such sub-committees as it may consider necessary for the proper discharge of its functions.

**198. Senator adversely mentioned not to sit**

A Senator who is adversely mentioned in a matter

under deliberation by a Select Committee shall not be present at any meeting at which the Committee is deliberating on the matter but the Senator may appear to adduce evidence as a witness before the Committee.

**199. Adjournment for lack of quorum**

Unless quorum is achieved within thirty minutes of the appointed time, a meeting of a Committee of the Senate shall stand adjourned to such time on the same day or a later date as the Chairperson of the Committee may appoint.

**200. Frequency of meetings**

(1) Unless the Senate otherwise resolves, every Select Committee shall meet at least once in two months.

(2) Except for the Senate Business Committee, a Select Committee shall not meet during a sitting of the Senate without the written permission of the Speaker.

(3) Despite paragraph (2) a sitting of a Select Committee of the Senate shall stand suspended when a Division or Quorum Bell is rung.

(4) The proceedings of a meeting of a Select Committee held contrary to this Standing Order shall be void.

**201. Failure to attend meetings**

(1) If a Senator fails to attend four consecutive sittings of a Committee of the Senate without the written permission of the Chairperson of the Committee, or the

permission of the Speaker if the Senator is the Chairperson, the Chairperson or the Speaker, as the case may be, shall notify the Committee of the failure.

(2) The Committee having noted the notification under paragraph (1) may resolve that the Senator or the Chairperson as the case may be, be suspended from the membership of the Committee and that the matter be reported to the Senate Business Committee

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

**202. Absence of Chairperson**

In the absence of the Chairperson and Vice-Chairperson at any meeting, a member of the Select Committee designated by the Chairperson shall take the Chair and, in the absence of such designated member, the members of the Committee present shall elect one of them to take the Chair.

**203. List of attendance**

The names of Senators present at each sitting of a Select Committee shall be entered in the minutes of that sitting.

**204. Minutes of Select Committees**

The minutes of the proceedings of a Select Committee shall be laid on the Table of the Senate with the report of the Committee and may, subject to Standing

Order 236(*Custody of Journals and Records*), be published.

**205. Powers and privileges of Committees**

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

**206. Temporary absence of a member of a Select Committee**

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 Senator's party may, with permission of the Speaker, appoint another Senator to act in that Senator's place during the period of such absence or inability.

**207. Vote of no confidence in the Chairperson or Vice-Chairperson**

(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 Senator designated by the Committee for that purpose shall thereupon report the resolution to the Senate Business Committee and the Senate Business Committee 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 193(*Conduct of election*).

(2) The members of a Committee desiring to make a resolution under paragraph (1) shall serve the Chairperson or Vice-Chairperson with a written notice of the intended vote of no confidence and may, if they constitute a majority, request the Clerk to call for a meeting at the expiry of three days after the giving of such notice.

(3) A notice by members of a Committee under paragraph (2) shall be deemed to have been given upon delivery to the Chairperson 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.

(4) A notice by the Clerk calling for a meeting under paragraph (2) shall be deemed to have been given upon circulation of the notice in the offices of Senators and posting on notice boards in the precincts of Parliament or through such other means as the Clerk may determine to be expedient in the circumstances.

#### **208. Original vote**

(1) The Chairperson of a Committee of the Senate shall have an original vote but not a casting vote.

(2) Paragraph (1) shall not apply to the Chairperson of the Senate Business Committee,

Procedure and Rules Committee and Liaison Committee ,  
who shall have neither an original nor a casting vote.

**209. Attendance by non-members of Select  
Committee**

A Senator may attend a meeting of any Select  
Committee of the Senate of which he or she is not a  
member, provided that such Senator –

- (a) may speak only when invited to do so by the  
Chairperson; and
- (b) shall not vote on any matter before the  
Committee.

**210. Procedure in Select Committees**

(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.

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

(3) The minutes of a Select Committee shall be  
kept in the same form as the Votes and Proceedings of a  
Committee of the Whole or in such other form as may be  
prescribed.

(4) Where a vote on a question is not unanimous,

the names of the Senators voting for and against the question and those abstaining from voting, respectively, shall be recorded in the minutes.

(5) Except as the Speaker may otherwise direct, a Select Committee may sit, the adjournment of the Senate notwithstanding.

**211. Limitation of mandate**

(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 Senate 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 of the Senate may not consider any matter that is not contemplated within the mandate of the Senate under the Constitution.

**212. Public access to meetings of Select Committees**

(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.

### **213. Reports of Select Committees**

(1) The report of a Select Committee shall be prepared and kept in the same form as the Votes and Proceedings of a Committee of the Whole and in such other form as may be prescribed.

(2) The report of a Select Committee having been adopted by a majority of the Senators shall be signed by the Chairperson on behalf of the Committee.

(3) If the Chairperson or Vice-Chairperson is absent or is not readily available, the Select Committee shall nominate another member of the Committee to sign the report.

(4) A Select Committee shall adopt its report in a meeting attended by a majority of its members.

(5) A report having been adopted by a majority of Senators, a Minority or Dissenting Report may be appended to the report by any member or members of the Committee.

(6) A report of a Select Committee including any minority report, together with the minutes of the proceedings of the Committee and such note or record of any evidence by the Committee as the Committee may consider appropriate, shall be laid on the Table of the Senate by the Chairperson, the Vice-Chairperson or by a member of the Select Committee authorized by the Committee on its behalf within fourteen days of the conclusion of its proceedings.

(7) Within forty eight hours after the report has been laid on the Table of the Senate, the Clerk shall publish the report in the parliamentary website and circulate copies to all Senators.

#### **214. Sessional Reports**

(1) Each Select Committee shall, at the end of every session or such other time as may be prescribed under these Standing Orders or any other written law, submit to the Liaison Committee a report of its activities and operations during the session.

(2) The Liaison Committee shall, within twenty one days, compile the reports under paragraph (1) and submit a report to the Senate.

#### **215. Reports on Senate Resolutions**

(1) The Clerk shall, within seven days of a resolution of the Senate or adoption of a report of a Select Committee, convey the resolution and where applicable, a copy of the report, to the relevant Cabinet Secretary, independent Commission or holder of an independent office under whose portfolio the implementation of the resolution falls.

(2) Within sixty days of a resolution being conveyed to the relevant Cabinet Secretary, independent Commission or holder of an independent office under paragraph (1), such persons shall provide a report to the relevant Committee of the Senate, in accordance with Articles 153 (4) (b) and 254(2) of the Constitution.

**216. Joint sittings of Committees of the Senate**

(1) Two Committees of the Senate considering similar matters may, with the approval of the Speaker, hold joint sittings.

(2) The quorum of a joint sitting of two Committees shall be the number obtained by adding the respective quorums of each Committee, excluding the Chairpersons.

(3) The report of a joint sitting of two Committees shall not be adopted unless supported by a resolution of a majority of the total membership of the Committees.

**217. Engagement of experts**

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

**Standing Committees**

**218. Appointment and Functions of Standing Committees**

(1) There shall be Select Committees to be designated Standing Committees which shall be nominated by the Senate Business Committee in consultation with parliamentary parties at the commencement of every Parliament.

(2) A Senator appointed to a Standing Committee at the commencement of a Parliament or at any other

time during the term of a Parliament shall, unless the Senator is discharged in accordance with standing order 190 (*Discharge of a Senator from a Select Committee*) or the Senate otherwise resolves, serve for the term of that Parliament.

(3) The Standing Committees shall be as set out in the Second Schedule and shall deal with the subject matters respectively assigned to them.

(4) The Standing Committees may, in dealing with the matters assigned to them under the Second Schedule, scrutinise the resolutions of the Senate (including adopted Committee reports), petitions and formal undertakings given by the National Executive and examine —

- (a) whether or not such resolutions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within a reasonable time; and
- (b) whether or not legislation or subsidiary legislation passed by the Senate has been operationalised and, where operationalised, the extent to which such operationalisation has taken place within a reasonable time.

## **Sessional Committees**

### **219. Appointment of Sessional Committees**

(1) The Select Committees to which this Standing Order refers shall be designated Sessional Committees and shall be nominated by the Senate Business Committee in consultation with Parliamentary Parties at the commencement of every Session.

(2) The Sessional Committees to which this Standing Order refers shall be—

- (a) the County Public Accounts and Investments Committee; and
- (b) the Committee on Delegated Legislation.

(3) A Senator appointed to a Sessional Committee at the commencement of a Session or at any other time during the Session shall, unless the Senator is discharged in accordance with Standing Order 190 (*Discharge of a Senator from a Select Committee*), or the Senate otherwise resolves, serve for the period of that Session.

(4) A Sessional committee may, at the end of a Session, apply in writing to the Speaker requesting for extension of time to enable the Committee conclude consideration of business pending before the Committee as at that date.

(5) Upon receipt of a request under paragraph (4), the Speaker may, in exceptional circumstances and upon being satisfied that it is necessary in the circumstances to



grant such extension, grant to the Sessional committee permission to conclude business for such additional time and on such conditions as the Speaker shall direct.

**220. County Public Accounts and Investments Committee**

(1) There shall be a Sessional Committee to be known as the County Public Accounts and Investments Committee.

(2) The Chairperson of the County Public Accounts and Investments Committee shall be a member of the second largest party or coalition of parties in the Senate.

(3) The functions of the County Public Accounts and Investments Committee shall be—

- (a) pursuant to Article 96 (3) of the Constitution, to exercise oversight over national revenue allocated to the county governments;
- (b) pursuant to Article 229 (7) and (8), to examine the reports of the Auditor-General on the annual accounts of the county governments;
- (c) to examine special reports, if any, of the Auditor-General on county government funds;
- (d) to examine the reports, if any, of the Auditor-General on the county public investments; and
- (e) to exercise oversight over county public accounts and investments.

### **221. Committee on Delegated Legislation**

(1) There shall be a Select Committee to be known as the Committee on Delegated Legislation.

(2) Whenever a statutory instrument is submitted to the Senate 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 Senate by the Chair of the Senate Committee on Delegated Legislation and thereafter stand referred to the Committee.

(3) The Committee shall consider in respect of any statutory instrument whether the statutory instrument—

- (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 Parliament;
- (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 Consolidated 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 Parliament;
  - (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 parliamentary scrutiny;
- and

- (q) accords to any other reason that the Committee considers fit to examine.
- (4) If the Committee—
  - (a) resolves that the Statutory Instrument, be acceded to, the Clerk shall convey that resolution to the relevant state department or the authority that published the statutory instrument;
  - (b) does not accede to the Statutory Instrument, the Committee may recommend to the Senate that the Senate resolves that the Statutory Instrument be annulled.
- (5) If the Senate—
  - (a) fails to agree to the recommendation of the Committee under paragraph (4)(b), the Statutory Instrument shall be deemed to have been approved by Parliament;
  - (b) resolves to annul a Statutory Instrument, the resolution shall, within seven days of the passage of the resolution, be referred to the National Assembly for concurrence.

**222. Concurrence with National Assembly's Resolution on Statutory Instrument**

(1) Whenever the Senate receives a message from the National Assembly seeking concurrence with a

resolution of the National Assembly on a statutory instrument, the National Assembly's resolution shall stand referred to the Committee on Delegated Legislation which shall consider the resolution, together with the statutory instrument and report to the Senate within twenty one days of the referral.

(2) Paragraph (3) of Standing Order 221 (*Committee on Delegated Legislation*) shall, with necessary modifications, apply to the consideration of the National Assembly's resolution;

(3) If the Senate—

- (a) agrees with the resolution of the National Assembly, the Clerk shall, by way of a message, inform the Clerk of the Assembly and the relevant state department or the authority that published the statutory instrument, that Parliament has annulled the Statutory Instrument or part of the statutory instrument and the instrument or part of the Statutory Instrument shall, henceforth, be void, but without prejudice to the validity of anything previously done there under, or the making of any new delegated legislation;
- (b) fails to agree with the National Assembly's resolution, the resolution shall be referred to a Joint Committee and Standing Order 224 (*Joint sittings of corresponding Committees of Parliament*) shall, with

necessary modifications, apply.

### **Joint Committees of Parliament**

#### **223. Joint Committees of Parliament**

(1) There shall be such Joint Committees as shall be established by a Resolution of the Houses of Parliament or by any law.

(2) The Fourth Schedule shall apply to Joint Committees.

#### **224. Joint Sitzings of corresponding committees of the Senate and the National Assembly**

A Select Committee of the Senate may hold a joint sitting with the corresponding Select Committee of the National Assembly to deliberate on matters of mutual interest and concern, and the provisions of the Fourth Schedule shall, with necessary modifications, apply to such a sitting.

### **PART XXV—PUBLIC PETITIONS**

#### **225. Meaning of Petition**

For purposes of this Part, a petition means a written prayer to the Senate under Article 37 or 119 of the Constitution by a member of the public requesting the Senate to consider any matter within its authority as contemplated in Articles 94 and 96 of the Constitution, including enacting, amending or repealing any

legislation.

**226. Submission of a Petition**

(1) A petition to the Senate shall be—

- (a) submitted to the Clerk by the petitioner and reported to the Senate by the Speaker; or
- (b) presented by a Senator on behalf of a petitioner, with the consent of the Speaker.

(2) Notwithstanding paragraph (1)(b), a Senator shall not be eligible to present a petition on his or her own behalf.

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

(6) Where a petition is addressed to Parliament in respect of a matter which is within the mandate of the National Assembly, and the Senate has no authority to

deal with the matter, the Clerk shall refer the petition to the Clerk of the National Assembly.

**227. Petition on Private Bill**

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

**228. Notice of intention to present Petition**

A Senator 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.

**229. Form of Petition**

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 Senate;
- (e) have its subject-matter indicated on every sheet if it consists of more than one sheet;
- (f) contain information on 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) contain information on 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 include any letters, affidavits or other documents annexed to it;
- (l) in the case of a petition presented by a Senator on behalf of a petitioner, be countersigned by the Senator 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.

**230. Presentation of Petitions**

(1) A schedule of Petitions to be presented or reported to the Senate 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 the case of a petition presented by a Senator, direct the Senator to present the petition to the Senate or;
- (b) in the case of a petition presented through the Clerk, report the petition to the Senate.

(3) The Senator 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 Senator having presented a Petition shall, without question put, lay the petition on the Table of the Senate.

(5) A Senator presenting a Petition shall not speak for more than ten minutes, unless with the permission of the Speaker.

**231. Comments on Petitions**

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.

**232. Committal of Petitions**

(1) Every Petition presented or reported pursuant to this Part, shall stand committed to the relevant Standing Committee.

(2) Whenever a Petition is committed to a Standing 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 Senate and no debate on or in relation to the report shall be allowed, but the Speaker may, allow comments or observations in relation to the Petition for not more than thirty Minutes.

**233. Copies of responses**

The Clerk shall, within fifteen days of tabling of the report on a petition under Standing Order 232 (*Committal of Petitions*), submit a copy of the report to the petitioner or petitioners.

**234. Register of Petitions**

(1) The Clerk shall keep and maintain a register in which shall be recorded all Petitions and supporting documents, and the decisions of the Senate.

(2) The register of Petitions under subsection (1) shall be accessible to the public during working hours.

**PART XXVI—JOURNALS, RECORDS AND  
BROADCAST OF PROCEEDINGS**

**235. Journals of the Senate**

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

**236. Custody of Journals and Records**

(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 Senate, 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 Senate 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).

**237. Hansard Reports**

(1) There shall be published within forty eight hours, a *verbatim* report of all proceedings of the Senate, unless the Speaker is satisfied that this is rendered

impossible by some emergency.

(2) Every Senator shall have an equal opportunity to correct the draft verbatim report of his or her contribution, but not so as to alter the substance of what the Senator actually said.

(3) Where there is doubt as to the content of the verbatim record of the Senate, the Speaker shall make a determination.

### **238. Secret or personal matters**

The Speaker may direct that any matter which, in the Speaker's opinion, is secret or purely personal be excluded from the Journals of the Senate and from the *verbatim* report of the proceedings of the Senate, 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 Senators.

### **239. Broadcast of Senate Proceedings**

(1) The proceedings of the Senate may be broadcast.

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

**PART XXVII—PROCEDURE ON REPORTS OF  
THE EAST AFRICAN LEGISLATIVE ASSEMBLY  
AND THE PAN-AFRICAN PARLIAMENT**

**240. Procedure for presentation of reports**

(1) The Committee on National Cohesion, Equal Opportunity and Regional Integration may receive a report or consult with a committee or a member of the East African Legislative Assembly or the Pan-African Parliament on any matter relating to the work of the East African Legislative Assembly or the Pan- African Parliament.

(2) The Committee shall consider a report under paragraph (1) or the records of debates, Bills or Acts of the Community, and submit its report to the Senate with its recommendations, if any, within twenty-one days.

(3) Whenever the Clerk receives copies of the records of relevant debates of the meetings of the East African Legislative Assembly, or copies of Bills introduced into the East African Legislative Assembly and Acts of the East African Community, the Clerk shall forward such records of debates, Bills or Acts of the Community to the relevant Committee.

(4) The Senate shall, within twenty-one days of receipt of the report or consultation under paragraph (1), consider the report of the Committee under paragraph (2) and the Clerk shall, within seven days,

forward to the Clerk of the East Africa Legislative Assembly the resolution of the Senate on the report together with copies of the records of the debate.

**PART XXVIII—PUBLIC ACCESS TO THE  
SENATE AND ITS COMMITTEES**

**241. General provisions on access to the  
Senate**

(1) Except as may be expressly provided to the contrary, every person has access to the Senate and its Committees.

(2) The Senate or a Committee may not exclude any person or any media from a sitting of the Senate or a Committee unless, in exceptional circumstances, the Speaker has determined that there are justifiable reasons for the exclusion.

(3) The Speaker may, from time to time, issue rules governing public access to the Senate and its Committees.

**242. Restriction of access to the Chamber**

(1) No person other than a Senator shall be admitted into any part of the Chamber appropriated to the exclusive use of Senators while the Senate or the Committee of the Whole is sitting.

(2) The prohibition under paragraph (1) shall not apply to –

- (a) persons admitted to the Senate pursuant to Standing Orders 25 (*President's Address to the Senate*), 26 (*Visiting Dignitary*), 73 (*Procedure for removal of President by impeachment*), 74 (*Procedure for removal of Deputy President by impeachment*) and (*Procedure for removal of a Governor*); and
- (b) the Clerk or other officers of Parliament when discharging their duties in the service of the Senate.

#### **243. Exclusion from the Senate or Committees**

(1) A Senator may, at any time, rise to claim that the public or any particular person be, for reasons stated, excluded from the Senate or from a Committee and, if the Speaker or Chairperson, as the case may be, 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 Senate or the Committee.

(2) Whenever the Speaker has determined that any person be excluded from a sitting of the Senate or of a Committee, the Speaker shall inform the Senate or the Committee the reasons for the exclusion.

(3) A determination by the Speaker under



paragraph (2) shall not be the subject of comment or debate.

(4) The Serjeant-at-Arms shall ensure that an order for the withdrawal of the public or a person is complied with.

**244. Press representatives infringing Standing Orders or the Speaker's Rules**

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

**PART XXIX — GENERAL**

**245. Exemption of business from Standing Orders**

(1) Subject to paragraphs (2) and (3), a Motion may, with the approval of the Speaker, be moved by any Senator, either with or without notice that the proceedings on any specified business be exempted from the provisions of Part VII (*Calendar, Sittings and*

*Adjournments of the Senate*), Part IX (*Order of Business*), Part XVIII (*Limitation of Debate*), Part XX (*Public Bills*), Part XXI (*Private Bills*), Part XXII (*Committee of the Whole*), Part XXIII (*Procedure on Financial Matters*), Part XXIV (*Select Committees*), Part XXV (*Public Petitions*) and Part XXVIII (*Public Access to the Senate 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 XV (*Procedure for Removal from State Office*), Standing Order 134 (*Publication*), Standing Order 137 (*Not more than one stage of a Bill to be taken at the same sitting*).

(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 Senate.

(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; or
- (b) may not be amended without the consent of the Mover.

**246. Attendance before the National Assembly**

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

- (2) If the Senate grants leave under paragraph (1) —
- (a) the Clerk or officer shall attend before the National Assembly or the Committee of the National Assembly; or
  - (b) the Senator may, if the Senator considers it fit to do so, attend before the National Assembly or the Committee of the National Assembly.

(3) Except upon leave granted under paragraph (2), a Senator, the Clerk or an officer may not, whether in person or by counsel, attend or appear before the National Assembly or a Committee of the National Assembly in response to a summons or invitation, or send an answer in writing to such summons or invitation.

**247. Attendance before a County Assembly**

(1) A Senator may, in accordance with the rules of procedure of the County Assembly in which he or she is registered as a voter, attend and address the County Assembly or a committee of the County Assembly.

(2) A Senator may, with the written permission of the Speaker and in accordance with the rules of procedure of a County Assembly, attend and address a County Assembly or a Committee of the County Assembly other than that in which he or she is registered as a voter.

(3) Except as provided in paragraphs (1) and (2), a Senator may not attend or address any sitting of a County Assembly or a Committee of a County Assembly.

**248. Failure to attend sittings**

(1) If, during any Session, a Senator is absent from eight sittings of the Senate without permission, in writing from the Speaker, the Speaker shall report the matter to the Senate 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 Senate.

(3) If the report of the Committee of Privileges finds that the Senator has offered a satisfactory explanation for his or her absence from eight sittings of the Senate without the permission in writing from the Speaker, there shall be no further proceedings in the Senate in respect of the matter.

(4) If the report of the Committee finds that the Senator has not offered a satisfactory explanation for his or her absence from eight sittings of the Senate 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, **“The Senate notes the Report of the Committee of Privileges dated ....and laid on the Table of the Senate on...regarding....”**.

(5) A Motion under paragraph (4) shall be debated in the usual manner of debating motions except that—

- (a) no amendment shall be permitted to the Motion;
- (b) the debate of the Motion shall not be anticipated by a Motion for the adjournment of the Senate and no dilatory Motion shall be moved in relation to the business, and the business shall not be interrupted under any Standing Order.

(6) At the conclusion of the debate on a motion under paragraph (4), the Speaker shall not put a question but shall declare that, pursuant to Article 103 (1) (b) of the Constitution, the office of the Senator concerned has become vacant.

**249. Seating in the Chamber**

(1) There shall be reserved seats in the Senate Chamber for the exclusive use of each of the following—

- (a) the Deputy Speaker;
- (b) the Senate Majority Leader
- (c) the Senate Minority Leader; and
- (d) Senators with disabilities.

(2) All other seats in the Chamber shall be available for the use of any Senator.

(3) Subject to this Standing Order and any other order of the Senate, any question relating to the occupation of seats in the Senate Chamber shall be determined by the Speaker.

**250. Senators travelling outside Kenya**

(1) A Senator 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 Senator 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.

**251. Expenses of witnesses**

There may be paid or tendered to any person summoned to give evidence or to produce documents before the Senate 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 XXX — AMENDMENT OF STANDING ORDERS**

**252. Proposals for amendment by the Procedure and Rules Committee**

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

**253. Amendment on the initiative of a Senator**

(1) A Senator may, with the support of at least fifteen other Senators, request the Procedure and Rules Committee to consider an amendment to the Standing Orders.

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

(a) contain the text of the proposed amendment

and the justification for the proposal;

- (b) contain the names and signatures of the Senators supporting the request; and
- (c) be lodged with the Speaker.

(3) The Speaker shall, if satisfied that the requirements of paragraphs (1) and (2) have been met, forward the request to the Procedure and Rules Committee.

(4) The Procedure and Rules Committee shall, within twenty-one days of receipt of a request under paragraph (3), consider the request and table a report in the Senate containing the amendments proposed in the request and the recommendations of the Committee on each such proposal.

(5) The Senate shall consider the proposed amendments to the Standing Orders as reported from the Procedure and Rules Committee on a Motion that **“The report of the Procedure and Rules Committee be approved”**.

(6) Standing Order 150 (*Procedure on Bills reported from Committee of the Whole*) shall apply, with necessary modifications, to a Motion to approve the report of the Procedure and Rules Committee on the amendments proposed to the Standing Orders.

#### **254. Periodic review of Standing Orders**

At least once in every term of Parliament, not later



than three months to the end of the term, the Procedure and Rules Committee shall review the Standing Orders and make a report to the Senate recommending the Standing Orders, if any, to be amended.

**255. Consideration of reports of Procedure and Rules Committee**

Upon the tabling of a report of the Procedure and Rules Committee under Standing Orders 252, 253 and 254 the procedure set out at standing order 253(5) and (6) shall, with necessary modifications, apply.

**256. Amendment to Standing Orders affecting both Houses**

Whenever the Speaker of a House of Parliament is of the opinion that an amendment to the Standing Orders of one House is likely to substantially alter the orderly conduct of the business or affairs between the Houses of Parliament, the Speaker shall, jointly with the Speaker of the other House, cause the respective committees dealing with the matters related to Standing Orders to jointly consider the amendments and to propose a version of the amendments that is agreeable to both Houses and report to the respective Houses.

**257. Coming into operation of amendments to Standing Orders**

Amendments to the Standing Orders proposed under this Part shall, upon approval by the Senate, take effect at the time appointed by the Senate.

## **FIRST SCHEDULE**

### **BROADCASTING RULES [Standing Order 233(2)]**

#### **Parliamentary Broadcasting Unit**

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

#### **Parliamentary Privilege**

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

#### **Television Broadcasting**

3. When broadcasting the proceedings of the Senate on television, the following guidelines shall apply-
  - (a) the camera shall focus on the Senator recognized by the Chair until the Senator has finished speaking;
  - (b) group shots and cut-aways may be taken for purposes of showing the reaction of a group of Senators 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 Senator has voted in any secret ballot;
- (d) officers of the Senate 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 Committee of Privileges; and
- (g) no close-up shots of Senators' papers or reference materials may be shown.

#### **Radio Broadcasting**

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

### **Protection of the dignity of the Senate**

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

### **External Media Houses**

6. (1) In these Rules, “external media house” refers to any media house other than the Parliamentary Broadcasting Unit.
- (2) No external media house or other person may broadcast any proceedings of the Senate except as received from the broadcast feed provided by the Parliamentary Broadcasting Unit or with the permission of the Speaker.
- (3) A media house that receives a broadcast feed from the Parliamentary Broadcasting Unit shall broadcast it without any manipulation or distortion.

- (4) No camera or other recording or broadcasting equipment shall be allowed in the Senate without authorization.
- (5) Accredited journalists shall be allowed access to designated areas for purposes of following the proceedings and taking notes and any journalist so allowed shall observe the Standing Orders and these Rules.

#### **Breach of Broadcasting Rules**

- 7. (1) Any person who fails to comply with these Rules shall be liable to such penalty as the Senate may on the recommendation of the Committee of Privileges consider appropriate.
- (2) The Committee of Privileges shall develop procedures for the enforcement of these Rules.

#### **Application of Rules**

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

## SECOND SCHEDULE

### STANDING COMMITTEES (Standing Order 212 (3))

<b>Standing Committee</b>	<b>Subject matter assigned</b>
<b>Committee on Agriculture, Livestock and Fisheries</b>	to consider all matters relating to agriculture, irrigation, livestock, fisheries development and veterinary services
<b>Committee on Devolution and Intergovernmental Relations</b>	to consider all matters relating to devolution, intergovernmental and inter-county relations, governance and management of county governments, cities, towns and urban areas.
<b>Committee on Education</b>	to consider all matters relating to education and training
<b>Committee on Energy</b>	to consider all matters relating to fossil fuels exploration, development, production, maintenance and regulation of energy
<b>Committee on Finance and Budget</b>	(a) To investigate, inquire into and report on all matters relating to coordination, control and monitoring of the county budgets and to examine -

- (i) the Budget Policy Statement presented to the Senate;
- (ii) and report on the Budget allocated to constitutional Commissions and independent offices;
- (iii) the Division of Revenue Bill, County Allocation of Revenue Bill, and cash disbursement schedule for county governments; and
- (iv) and consider all matters related to resolutions and Bills for appropriations, share of national revenue amongst the counties and all matters concerning the National Budget, including public finance and monetary policies and public debt, planning and development policy.

(b) Pursuant to Article 228 (6) of the Constitution, to examine the report of the Controller of Budget on the

	implementation of the budgets of county governments
<b>Committee on Health</b>	to consider all matters relating to medical services, public health and sanitation.
<b>Committee on Information and Technology</b>	to consider all matters relating technology, engineering and electronic research, information, broadcasting and Information Communications Technology (ICT) development;
<b>Committee on Justice, Legal Affairs and Human Rights</b>	to consider all matters relating to constitutional affairs, the organization and administration of law and justice, elections, promotion of principles of leadership, ethics, and integrity; agreements, treaties and conventions; and implementation of the provisions of the Constitution on human rights.
<b>Committee on Labour and Social Welfare</b>	to consider all matters relating to manpower and human resource planning, pension, gender, culture and social welfare, youth, National Youth Service, children's welfare, national



heritage, betting, lotteries, sports, public entertainment, trade union relations, public amenities and recreation.

**Land, Environment and Natural Resources**

to consider all matters relating to lands and settlement, housing, environment, forestry, wildlife, mining, water resource management and development.

**Committee on National Cohesion, Equal Opportunity and Regional Integration**

to consider all matters relating to the pursuit of national and inter-community cohesion, the equalization of opportunities and improvement in the quality of life and status of all persons, regional integration, the East African Legislative Assembly and the Pan African Parliament.

**Committee on National Security, Defence and Foreign Relations**

to consider all matters relating to national security and foreign relations, disaster reduction and preparedness, home affairs, defence, immigration and international relations.

**Committee on Tourism, Trade and Industrialization**

to consider all matters relating to trade, industrialization, tourism, cooperatives, investment and

divestiture policies.

**Committee on Roads and  
Transportation**

to consider all matters relating to transport, roads, public works, construction and maintenance of roads, rails and buildings, air, seaports, housing and communication

### **THIRD SCHEDULE**

#### **FORM OF A PUBLIC PETITION (Standing Order 223)**

##### **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 Senate to the following:**

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

##### **WHEREFORE your humble petitioner(s) Pray that the Senate—**

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

<i>Name of petitioner</i>	<i>Full Address</i>	<i>National ID. or Passport No</i>	<i>Signature/Thu mb impression</i>
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.....	.....	.....	.....
.....	.....	.....	.....

*(Here, repeat the summary in first page)*

<i>Name of petitioner</i>	<i>Signature/ impression</i>	<i>Thumb</i>
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*(Subsequent Pages)*

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

**FOURTH SCHEDULE**  
**THE HOUSES OF PARLIAMENT (JOINT**  
**SITTINGS) RULES [Standing Orders 24 (7) and 217 (2)]**

**Citation**

1. These Rules may be cited as the Houses of Parliament (Joint Sittings) Rules.

**Interpretation**

2. In these Rules unless the context otherwise requires—  
“Houses” means the Senate and the National Assembly;  
“Joint Sitting” means a joint sitting of the Houses;  
“member” means a member of the National Assembly or of the Senate; and  
“the Clerks” means the Clerk of the Senate and the Clerk of the National Assembly and includes any person for the time being performing the duties of the Clerk of the Senate or of the Clerk of the National Assembly.

**Summons to members**

3. Whenever the Houses of Parliament are to hold a Joint Sitting, the Clerks shall issue a summons to each member specifying the time and place for the Joint Sitting.

### **Time of Sittings**

4. The hour upon which a Joint Sitting of the Houses shall adjourn and the day and hour or the part of the same day to which it shall be adjourned shall be determined by the Speakers of the Houses of Parliament.

### **Presiding in Joint Sittings**

5. (1) At a Joint Sitting of the Houses of Parliament, the Speaker of the National Assembly shall preside, assisted by the Speaker of the Senate.  
(2) If one of the Speakers is not present, the substantive Speaker present shall preside, assisted by the Deputy Speaker of the other House.

### **Quorum**

6. The quorum to constitute a Joint Sitting of the Houses shall be fifteen Senators and fifty members of the National Assembly.

### **Procedure at Joint Sittings**

7. At any Joint Sitting of the Houses, the procedures of the National Assembly shall apply, with such modifications and variations as the Speaker of the National Assembly or the person presiding may consider necessary or appropriate.

### **Report of proceedings of Joint Sittings**

8. The Clerks shall cause to be prepared a full report of the proceedings of every Joint Sitting of the Houses, and shall, as soon as practicable, publish it in such form and manner as the Speakers of the Houses may, from time to time, jointly direct.

### **Joint Committees of Parliament**

9. (1) There shall be such Joint Committees as shall be established by a Resolution of the Houses of Parliament or under any law.
- (2) Every resolution by a House of Parliament for the establishment of a Joint Committee not provided for in the Standing Orders shall be by a message to the other House, which shall state the object of such Committee and the number of members to be appointed to the Committee.
- (3) A Joint Committee established under these Rules shall consist of at least five members of each House.
- (4) Prior to the commencement of any other business, every Joint Committee shall elect two co-Chairpersons, one each from the Senate and the National Assembly.
- (5) If the two co-Chairpersons are absent at a meeting of the Committee, the members present shall appoint one of the members present to chair that meeting.

- (6) Unless a decision is reached by consensus, any vote to be taken in a Joint Committee shall be by separate Houses.
- (7) Without limiting the effect of anything contained in these Rules, the Standing Orders of the Senate and the National Assembly relating to Select Committees shall be applied, but the Speakers of both Houses may jointly give directions in instances where the Orders of the two Houses are at variance.
- (8) The report of a Joint Committee shall be tabled in each House for consideration.

**Clerks of a Joint Sitting and a Joint Committee**

10. The Clerk of the Senate and the Clerk of the National Assembly shall be the Joint Clerks of a Joint Sitting of the Houses or of a Joint Committee and either of them may exercise a function expressed to be exercised by the Clerk.

**Amendments to these Rules**

11. (1) An amendment may be proposed to these Rules by a Joint Committee.
  - (2) The report of the Joint Committee under paragraph (1) proposing amendments to these Rules shall be tabled in each House.



## **FIFTH SCHEDULE**

### **RULES OF PROCEDURE FOR THE HEARING AND DETERMINATION OF THE PROPOSED REMOVAL FROM OFFICE BY IMPEACHMENT OF A GOVERNOR (Standing Order 75)**

#### **Part 1: Rules of Procedure when considering the proposed removal in Plenary**

1. Upon the convening of a meeting of the Senate to hear the charges against the Governor, pursuant to Article 181 of the Constitution, section 33 of the County Governments Act, No. 17 of 2012 and standing order 75 of the Senate Standing Orders, the Speaker of the Senate shall report the resolution of the County Assembly to the Senate and shall read to the Senate the charges against the Governor.
2. The Senate shall, in plenary, –
  - (a) investigate the matter; and
  - (b) determine whether the particulars of the allegations against the Governor have been substantiated.
3. The Speaker of the Senate shall appoint a date for the commencement of the hearing of the evidence for the purposes of the investigation.

4. The Senate shall—
  - (a) invite the Governor to appear and be represented before the Senate, during its investigations; and
  - (b) notify the County Assembly of the date for the commencement of the investigation and invite the Assembly to designate the members of the Assembly, being not more than three members, if any, who shall appear before the Senate to represent the Assembly during the investigation.
5. An invitation under rule 4 shall be under the hand of the Clerk of the Senate and may be effected by personal service or by notice in at least one newspaper of national circulation.
6. Where the Governor chooses to appear before the Senate, the Governor shall be required, within three days of the invitation under rule 4(a), on a date specified in the invitation, to file an answer to the charges with the Office of the Clerk of the Senate in which the Governor shall set out—
  - (a) the Governor's response to the particulars of the allegations;
  - (b) how the Governor proposes to appear before the Senate; whether in person, by advocate, or in person and by advocate;

- (c) the names and addresses of the persons to be called as witnesses, if any, and a statement by each such witness; and
  - (d) any other evidence to be relied on.
7. Where the County Assembly chooses to appear before the Senate, the Assembly shall be required, within three days of the invitation under rule 4(b), on a date to be specified in the invitation to file, with the office of the Clerk of the Senate, documentation-
- (a) designating the Members, if any, who shall attend and represent the Assembly in the proceedings before Senate;
  - (b) indicating the mode of appearance by the Members before the Senate, whether in person, by advocate, or in person and by advocate;
  - (c) indicating the names and addresses of the persons to be called as witnesses, if any, and a statement by each such witness; and
  - (d) specifying any other evidence to be relied on.
8. The Clerk of the Senate shall furnish each party with the documentation filed by the other party under rule 6 and 7.
9. The Senate may, at the request of the County Assembly or the Governor, invite or summon any person to appear and give evidence before the Senate.

10. Where the County Assembly or the Governor chooses not to appear before the Senate, that fact shall be put on record and the Senate shall proceed with its investigation without further reference to the Assembly or the Governor, but the Senate may, for exceptional reasons to be recorded, permit a later appearance before the Senate by the Assembly or the Governor.
11. Subject to these Rules, the hearing of the evidence, once it commences, shall proceed and continue on until the Senate concludes the hearing of the matter.
12. The Speaker of the Senate shall, before the commencement of the hearing of the evidence, allocate time for the hearing of the case by the Governor and the case by the County Assembly.
13. Any preliminary question or issue raised by the County Assembly or by the Governor shall be argued for not more than thirty minutes, unless the Speaker of the Senate otherwise directs.
14. The Clerk shall administer the oath or affirmation, in the manner and form prescribed in the Schedule, to every person who appears to give evidence before the Senate before such person gives such evidence.
15. At the commencement of the hearing before the Senate, the Clerk shall read out the Particulars of the Allegations.

16. After the Particulars of the Allegations have been read out, the Speaker of the Senate shall allow an opening statement to be made on behalf of the County Assembly and on behalf of the Governor.
17. An opening statement made under rule 16 shall be for not more than thirty minutes.
18. After the opening statements have been made, the County Assembly, shall present its case and may, within the time allocated to it, call such witnesses as it may determine.
19. In presenting its evidence, the Assembly shall not introduce any new evidence that was not a part of the allegations against the Governor by the County Assembly as forwarded by the Speaker of the County Assembly to the Speaker of the Senate.
20. After the evidence on the part of the County Assembly has been presented, the evidence on the part of the Governor shall similarly be presented.
21. A witness presented shall be led in evidence, cross-examined and, where necessary and only for purposes of clarification of issues that may have arisen in cross-examination, may be re-examined.
22. A Senator may, in not more than two minutes or such further time as the Speaker may determine, put a question to any of the witnesses, a party or the Counsel representing a party.

23. No person, other than—
  - (a) the Governor;
  - (b) a person who has been called as a witness by the County Assembly or by the Governor; or
  - (c) a person who is invited or summoned to appear and give evidence;shall give evidence before the Senate.
24. After the parties have presented their evidence, the Speaker of the Senate shall allow a closing statement to be made on behalf of the County Assembly and thereafter on behalf of the Governor.
25. A closing statement made under rule 24 shall be for not more than sixty minutes.
26. After the closing statements have been made, the hearing shall conclude and the Senate shall proceed into a camera session to deliberate on the issues raised.
27. Except as otherwise provided in these Rules or as the Speaker may for exceptional reasons to be stated determine, the proceedings of the Senate for the hearing of evidence shall be held in public.
28. Except as otherwise provided in these Rules, the Standing Orders shall apply.
29. Where on a particular question or matter, including but not limited to questions of evidence, materiality,

relevancy, competency or admissibility of evidence and any questions consequential or incidental thereto, no provision has been made in the Standing Orders or in these Rules, the Speaker of the Senate shall rule on the question or matter and the ruling of the Speaker shall be final.

**Part 2: Rules of Procedure when considering the proposed removal by way of a Select Committee**

1. Upon the convening of a meeting of the Senate to hear the charges against the Governor, pursuant to Article 181 of the Constitution, section 33 of the County Governments Act, No. 17 of 2012, and standing order 75, the Speaker shall report the resolution of the County Assembly to the Senate.
2. The Senate may, pursuant to section 33(3)(b) of the County Governments Act and standing order 69(1)(b), by resolution, appoint a special committee to-
  - (a) investigate the matter; and
  - (b) report to the Senate within ten days on whether it finds the particulars of the allegations against the governor to have been substantiated.
3. Where a special committee is appointed, the committee shall, within twenty-four hours of its appointment—

- (a) elect a chairperson and vice-chairperson from amongst its members;
  - (b) appoint a date for the commencement of the hearing of evidence for the purposes of the investigation.
- 4. Upon the appointment of a date for the commencement of the hearing of the evidence for the purposes of the investigation, the Committee shall-
  - (a) invite the Governor to appear and be represented before the special committee during its investigations; and
  - (b) notify the County Assembly of the date for the commencement of the investigation and invite the Assembly to designate the members of the Assembly, being not more than three members, if any, who shall appear before the Committee to represent the Assembly during the investigation.
- 5. An invitation under rule 4 may be effected by personal service or by notice in at least one newspaper of national circulation.
- 6. Where the Governor chooses to appear before the Committee, the Governor shall be required, within three days of the invitation under rule 4, on a date specified by the Committee, to file an answer to the charges with the Office of the Clerk of the Senate in which the Governor shall set out—



- (a) the Governor's response to the particulars of the allegations;
  - (b) how the Governor proposes to appear before the Special Committee; whether in person, by advocate, or in person and by advocate;
  - (c) the names and addresses of the persons to be called as witnesses, if any, and a statement by each such witness; and
  - (d) any other evidence to be relied on.
7. Where the County Assembly chooses to appear before the Committee, the Assembly shall be required, within three days of the invitation under rule 4, on a date to be specified by the Committee to file, with the office of the Clerk of the Senate, documentation-
- (a) designating the Members, if any, who shall attend and represent the Assembly in the proceedings before the Special Committee;
  - (b) indicating the mode of appearance by the Members before the Special Committee; whether in person, by advocate, or in person and by advocate;
  - (c) indicating the names and addresses of the persons to be called as witnesses, if any, and a statement by each such witness; and
  - (d) specifying any other evidence to be relied on.

8. The Clerk of the Senate shall furnish each party with the documentation filed by the other party under rule 6 or 7.
9. The Committee may, at the request of the County Assembly or the Governor, invite or summon any person to appear and give evidence before the Committee.
10. Where the County Assembly or the Governor chooses not to appear before the Committee, that fact shall be recorded by the Committee and the Committee shall proceed with its investigation without further reference to the Assembly or the Governor, but the Committee may, for exceptional reasons to be recorded, permit a later appearance before the Committee by the Assembly or the Governor.
11. The hearing of the evidence, once it commences, shall proceed and continue on until the Committee concludes the hearing of the matter.
12. The Committee shall, before the commencement of the hearing of the evidence, allocate time for the hearing of the case by the Governor and the case by the County Assembly.
13. Any preliminary question or issue raised by the County Assembly or by the Governor shall be argued for not more than thirty minutes, unless the Committee otherwise directs.

14. The Clerk shall administer the oath or affirmation, in the manner and form prescribed in the Schedule, to every person who appears to give evidence before the Committee before such person gives such evidence.
15. At the commencement of the hearing before the Committee, the Clerk shall read out the Particulars of the Allegations.
16. After the Particulars of the Allegations have been read out, the Committee shall allow an opening statement to be made on behalf of the County Assembly and on behalf of the Governor.
17. An opening statement made under rule 17 shall be for not more than forty minutes, unless the Committee otherwise resolves.
18. After the opening statements have been made, the witnesses on the part of the County Assembly, if any, shall present the evidence of the Assembly.
19. In presenting its evidence, the Assembly shall not introduce any new evidence that was not a part of the allegations against the Governor by the County Assembly as forwarded by the Speaker of the County Assembly to the Speaker of the Senate.
20. After all the witnesses on the part of the County Assembly have presented their evidence, the witnesses on the part of the Governor shall present their evidence.

21. Each of the witnesses shall be led in evidence, cross-examined and, where necessary and only for purposes of clarification of issues that may have arisen in cross-examination, a witness may be re-examined.
22. A Member of the Committee may put a question to any of the witnesses before the Committee.
23. No person, other than—
  - (a) the Governor;
  - (b) a person who has been called as a witness by the County Assembly or by the Governor; and
  - (c) a person who is invited or summoned by the Committee to appear and give evidence;shall give evidence before the Committee.
24. After all the witnesses have given their evidence, the Committee shall allow a closing statement to be made on behalf of the County Assembly and thereafter on behalf of the Governor.
25. A closing statement made under rule 24 shall be for not more than thirty minutes, unless the Committee otherwise resolves.
26. After the closing statements have been made, the hearing shall conclude and the Committee shall then proceed to prepare and conclude its report.

27. Pursuant to section 33(4)(b) of the County Governments Act and standing order 75(2)(b), the Committee shall within ten days table its report in the Senate in which it shall indicate whether it finds the particulars of the allegations against the Governor to have been substantiated.
28. The proceedings of the Committee for the hearing of evidence shall be held in public, but the deliberations of the Committee shall be held in camera.
29. The quorum for the proceedings of the Committee shall be seven of its members.
30. Except as otherwise provided in these Rules, the Standing Orders shall apply.
31. Where on a particular question or matter, including but not limited to questions of evidence, materiality, relevancy, competency or admissibility of evidence and any questions consequential or incidental thereto, no provision has been made in the Standing Orders or in these Rules, the chairperson of the Committee shall rule on the question or matter and the ruling of the chairperson shall be final.
32. These Rules shall, with necessary modifications, apply to the process for the removal of any other State or public officer in respect of whom the Senate has jurisdiction.

**SIXTH SCHEDULE**

**OATH/AFFIRMATION BY WITNESSES (r.14)**

**OATH**

I .....do solemnly swear that the evidence that I shall give before this Special Committee in respect of the matters before the Committee shall be the truth, the whole truth and nothing but the truth, so help me God.

**AFFIRMATION**

I .....do solemnly affirm that the evidence that I shall give before this Special Committee in respect of the matters before the Committee shall be the truth, the whole truth and nothing but the truth.

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SENATE**

**(In this Index, the figures indicate the numbers of the  
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