



COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

(2nd Edition)
STANDING ORDERS

IN EXERCISE of the powers conferred by Section 14 of the County Governments Act (No.17 of 2012) and Standing Orders 241 and 242 of the Bungoma County Assembly Standing Orders, the County Assembly, by resolution passed on 19th November, 2019 at 2.30 p.m., adopted these Standing Orders

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COUNTY ASSEMBLY OF BUNGOMA

(2nd Edition)

STANDING ORDERS

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PRAYER

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

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

AMEN

OMBI

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

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

AMINA

PART I—INTRODUCTORY

In cases not provided for, the Speaker to decide

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

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

(3) In deciding a question of order or practice or arriving at a decision under paragraph (1), the Speaker may cite any authority applicable to the matter.

Interpretation

2. (1) In these Standing Orders —

(a) Unless the context otherwise requires—

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

“Clerk” means the Clerk of the Assembly, or, if the Clerk is absent, or if the office is vacant, such other

person as is for the time being performing the duties of the Clerk;

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

“Committee of the Whole” means a Committee composed of the whole body of Members of the County Assembly;

“Coalition” means an alliance of two or more political parties formed for the purpose of pursuing a common goal and is governed by a written agreement deposited with the Registrar of Political Parties.

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

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

“Leader of the Minority Party” means the person who is the leader in the County Assembly of the second largest party or coalition of parties under Standing Order 23;

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

“Majority Whip” means the member designated as the majority whip by the leader of the majority party;

“Member” means a member of the County Assembly of Bungoma elected or nominated in accordance with Article 177 (1) of the Constitution;

“Member of County Executive Committee” means a person appointed as a member of the County Executive Committee of Bungoma under Article 179 (2) (b) of the Constitution;

“Mace” means an ornamental staff crafted in gold that is a symbol of the power and authority of the County Assembly. The Mace is carried into the Chamber by the Sergeant-At-Arms before commencement of every House Sitting. It is placed on a bracket on the table in front of the Speaker when the House is seating.

“Minority Party” means the second largest party or Coalition of Parties in the County Assembly;

“Minority Whip” means the Member designated as the Minority Whip by the Leader of the minority Party or Coalition of Parties;

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

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

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

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

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

“Governor” means the Governor of the County Government of Bungoma in the Republic of Kenya elected in accordance with Article 180 of the Constitution and includes the Deputy-Governor when

acting as Governor and any other person who for the time being performs the functions of the Governor pursuant to Article 182(4) of the Constitution;

“Private Bill” means any Bill, which is intended to affect or benefit some particular person, association or corporate body;

“Prorogation” signifies the end of the proceedings of term of the County Assembly;

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

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

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

- (b) reference to the Chairperson of Committees includes the Deputy Speaker when presiding over a Committee of the Whole House or any other Member for the time being so presiding; and
- (c) reference to the Speaker includes any other member when presiding over the County Assembly pursuant to Article 178 (2) of the Constitution.

(2) In these Standing Orders, whenever a document is required to be provided or made available to Members the document shall be considered to have been so provided or made available once circulated electronically or placed in Members pigeon holes or such other manner as may be directed by the Speaker.

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

Proceedings on Assembly of a New County Assembly

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

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

- (a) read the notification of the convening of the House as published in the *County Gazette* and/or *Kenya Gazette*
- (b) lay a list of elected or nominated names of the persons gazetted as members on the Table of the House, and
- (c) administer the Oath or Affirmation of Office provided for in the First Schedule of the County Governments Act, 2012 to all members present in the House in the order set out in paragraph (3).

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

- (a) Members with the longest cumulative period of service in the County Assembly;
- (b) Members with the longest cumulative period of service in the County Assembly existing prior to the final announcement of the entire result of County Assembly as contemplated under section 2 of the Sixth Schedule to the Constitution;
- (c) All other members.

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

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

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

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

(8) Notwithstanding *Standing Order 33 (Hours of Meeting)*, on the day when the election of the Speaker is to be conducted after a general election the sitting of the House shall commence at 9:00 a.m.

Vacancy in the Office of Speaker

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

(2) If the Office of the Speaker falls vacant at any time before the end of the term of the Assembly the Deputy Speaker shall preside over the business of the House until the election of a new Speaker.

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

Nomination of Candidates

5. (1) Upon the Governor notifying the place and date for the first sitting of a new County Assembly pursuant to Standing Order 3, the Clerk shall by notice in the *Gazette* notify that fact and invite interested persons to submit their nomination papers for election to the Office of Speaker.

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

(3) The nomination papers of a candidate shall be accompanied by the names and signatures of at least two Members who support the candidate and a declaration by them that the candidate is qualified to be elected as a Member of County Assembly under Article 177 of the Constitution and is willing to serve as Speaker of the County Assembly.

(4) The Clerk shall maintain a register in which shall be shown the date and time when each candidate's nomination papers were received and shall ascertain that every such candidate for election to the Office of Speaker is qualified to be elected as such under Article 177 of the Constitution.

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

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

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

Secret ballot

6. (1) Election of the Speaker shall be by secret ballot through electronic voting and shall resort to manual secret ballot in the event of failure of the electronic voting

(2) The Clerk shall, at the commencement of each ballot, cause the ballot box, empty and unlocked to be displayed to the House and shall in the presence of the County Assembly, lock the box, which shall thereafter be kept in the full view of the House until the conclusion of the ballot.

(3) The Clerk shall issue not more than one ballot paper to each Member who comes to the Table to obtain it and each Member who wishes to vote shall proceed to a booth or designated area provided by the Clerk for that purpose and located next to and within reasonable distance of the ballot box and shall, while there, mark the ballot paper by placing a mark in the space opposite the name of the candidate for whom the Member wishes to vote, fold the marked ballot paper before leaving the booth or area and place the folded ballot paper in the ballot box.

(4) A Member who, before the conclusion of a ballot has marked a paper in error may, by returning it to the Clerk, obtain another in its place and the Clerk shall immediately cancel and destroy the paper so returned.

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

(6) When it appears to the Clerk that all Members who are present and who wish to vote have placed their ballot papers in the ballot box, the Clerk shall unlock the box, examine the ballot papers and having rejected those unmarked or spoilt, report the result of the ballot, and no Member who has not already recorded his or her vote shall be entitled to do so after the Clerk has unlocked the ballot box.

(7) A ballot paper is spoilt, if in the Clerk's opinion, it does not identify the candidate purported to be selected by the member voting.

Election threshold

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

(2) If no candidate is supported by the votes of two-thirds of all Members, the candidate or candidates who received the highest number of votes in the ballot referred to in paragraph (1) and the candidate or candidates who in that ballot received the next highest number of votes shall alone stand for election in a further ballot and the candidate who receives the highest number of votes in the further ballot shall be elected Speaker.

Withdrawal of Candidate

8. A candidate may, by written notice to the Clerk, withdraw his or her name before a ballot is started and in the event of such withdrawal, the Clerk shall cross-out the name of that candidate off any ballot papers issued for that or any subsequent ballot.

Equality of Votes

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

Custody of ballot papers

10. Immediately the results are declared, all the ballot papers used in the election of a Speaker shall be packed and sealed in the presence of the House and kept in the custody of the Clerk for a period of six months and shall thereafter be destroyed.

Single duly nominated candidate

11. Despite the provisions of this Part, if there is only one candidate who has been duly nominated for election as Speaker at the expiry of the nomination period, that candidate shall be declared forthwith to have been elected Speaker without any ballot or vote being required.

Swearing in of the Speaker

12. Immediately following the election of the Speaker, the Clerk shall administer two Oaths or Affirmations of Office to the Speaker elect as—

- (a) a Member of the County Assembly; and
- (b) Speaker of the County Assembly in the presence of the assembled House respectively.

Notification of opening of County Assembly

13. (1) Immediately after taking and subscribing to the Oath or Affirmation of Office under *Standing Order 12 (swearing in of the Speaker)*, the Speaker shall notify the Members of the place, date and time of the opening of County Assembly which shall be not more than thirty days after the first sitting of the House

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

PART III—DEPUTY SPEAKER AND CHAIRPERSON OF COMMITTEES

Election of Deputy Speaker

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

(2) If the Office of Deputy Speaker falls vacant at any time before the end of the term of County Assembly, the House shall, as soon as practicable, elect a Member to that office.

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

Chairperson of Committees of the Whole House

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

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

PART IV—VACATION OF OFFICE OF SPEAKER AND DEPUTY SPEAKER

Resignation

16. (1) A Speaker or Deputy Speaker who intends to resign from office shall submit a letter of resignation addressed to the House.

(2) Upon receipt of a letter of resignation, the Clerk shall, without delay—

(a) in the case of resignation by the Speaker, inform the Deputy Speaker; or

(b) in the case of resignation by the Deputy Speaker, inform the Speaker.

(3) The House shall be notified of a resignation under this Standing Order within seven days.

Removal from Office

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

- (a) serious violation of a provision of the Constitution or of any other law including a violation of Chapter Six;
- (b) gross misconduct, whether in the performance of the Speaker's or Deputy Speaker's functions or otherwise;
- (c) physical or mental incapacity to perform the functions of office;
- (d) incompetence; or
- (e) bankruptcy.

(2) Before giving Notice of the Motion under paragraph (1), the Member shall deliver to the Clerk a copy of the proposed Motion in writing—

- (a) stating the grounds and particulars upon which the proposed Motion is made;
- (b) signed by the Member;

- (c) signed in support by at least one-third of all the Members of the Assembly.
- (3) Upon receipt of the Motion by the Clerk, a Member shall not withdraw a signature appended to it.
- (4) A Member shall give three days' notice of the Motion under paragraph (1) within three days of the approval of the Motion.
- (5) The Clerk shall set out on the Order Paper on which the Motion is listed—
 - (a) the grounds and particulars upon which the proposed Motion is made;
 - (b) the name of the Member sponsoring the Motion; and
 - (c) the names of the Members in support of the Motion.
- (6) If the Motion is passed—
 - (a) the House shall appoint a Select Committee comprising eleven of its Members to investigate the matter; and
 - (b) the Committee shall, within seven days, investigate and report to the House whether it finds the allegations against the Speaker or Deputy Speaker to be substantiated.

(7) The Speaker or Deputy Speaker has the right to appear and be represented before the Select Committee during its investigations.

(8) If the Select Committee reports that it finds the allegations—

- (a) unsubstantiated, no further proceedings shall be taken; or
- (b) substantiated, the House shall—
 - (i) furnish the Speaker or Deputy Speaker with the report of the Select Committee, together with any other evidence adduced and such notes or papers presented to the Committee at least three days before the day scheduled for his or her appearance before the House;
 - (ii) afford the Speaker or Deputy Speaker an opportunity to be heard;
 - (iii) consider the Report of the Select Committee; and
 - (iv) vote whether to approve the resolution requiring the removal from office of the Speaker or Deputy Speaker.

(9) If a resolution requiring the removal from office of a Speaker or Deputy Speaker is supported by at least not less than seventy-five percent (75%) of the Members

of the County Assembly, the Speaker or Deputy Speaker shall cease to hold office.

Speaker's Panel

18. (1) There shall be a Panel to be known as the Speaker's Panel which shall comprise Speaker, Deputy Speaker and three Members to be known, respectively, as the First, Second and Third 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 County Assembly Party Leadership, submit a list of three Members of the Speakers Panel for consideration by the House Business Committee for appointment to the Panel.

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

(4) Whenever a Motion for approval of names under paragraph (2) is moved in the County Assembly, no objection against the proposed membership of the Speaker's Panel on any particular Member of the Speakers Panel 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 House Business Committee shall have regard to the relative party majorities in the County Assembly and shall ensure that either gender is represented in the Panel.

Discharge of a Member from Speaker's Panel

19. (1) The Speaker may, in writing, to the House Business Committee give notice that a Member of the Speaker's Panel is to be discharged from the Panel.

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

Presiding in the County Assembly

20. (1) The Speaker shall preside at any sitting of the House but in absence of the Speaker, the Deputy Speaker shall preside and in the absence of the Speaker and the Deputy Speaker;

(2) The approval of the First, Second and Third Panelist under *Standing Orders 18 (Speaker's Panel)* shall be deemed to constitute an election for purposes of paragraph (1) and either the First, Second and Third Panelist may preside over the House in the absence of the Speaker and the Deputy Speaker in writing.

**PART V—COUNTY ASSEMBLY POLITICAL
LEADERSHIP**

**Leader of the Majority Party or Coalition of Parties,
Deputy Leader of the Majority Party or Coalition of
Parties, Majority Whip and Deputy Majority Whip**

21. (1)(a) The Largest party or Coalition of parties in the County Assembly shall elect two members of the County Assembly belonging to the Party or Coalition of Parties to be the Leader of the Majority Party and Deputy Leader of the Majority Party or Coalition of Parties;

(b) The largest Party or Coalition of Parties in the County Assembly may elect two members of the County Assembly belonging to the Party or Coalition of Parties to be the Whip of the Majority Party and Deputy Whip of the Majority Party;

(2) In electing members under paragraph (1)(b), the largest Party or Coalition of Parties in the County Assembly shall take into account any existing coalition agreement entered into pursuant to the Political Parties Act.

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

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

(5) The Whip of the largest Party or Coalition of Parties in the County Assembly shall forthwith, upon a decision being made under these Standing Orders, communicate to the Speaker, in writing the decision together with the minutes of the meeting at which the decision was made.

Whip of Majority Party or Coalition of Parties and Deputy Whip of Majority Party or Coalition of Parties

22. (1) The Majority Party or Coalition of Parties constituting the Majority Party or Coalition of Parties in the Assembly shall elect—

- (a) a member of the Assembly belonging to the Party or Coalition of Parties, who shall be the Whip of the Majority County Assembly Party or Coalition of Parties.
- (b) a member of the Assembly belonging to the Party or Coalition of Parties, who shall be the Deputy Whip of the Majority County Assembly Party or Coalition of Parties and who shall be entitled to deputize the Whip of the Majority Party or Coalition of Parties, in the event of his/her absence.

(2) The Whip of the Majority Party or Coalition of Parties shall be responsible for—

- (a) mobilizing members of the Majority County Assembly Party or Coalition of Parties for the purpose of transacting business in the Assembly;
- (b) any other responsibility that shall be accorded to him or her by these Standing Orders; and
- (c) any other function that the Assembly may resolve.

(3) In electing the members under Paragraph (1) above, where the Majority Party is a coalition, regard shall be accorded to any existing coalition agreement entered into pursuant to the Political Parties Act.

Leader of the Minority Party or coalition of parties, Deputy-Leader of the Minority Party or coalition of parties, Minority Whip and Deputy-Minority Whip

23. (1) (a) The Minority Party or Coalition of Parties in the County Assembly shall elect two members of the County Assembly belonging to the Party or Coalition of Parties to be the Leader of the Minority Party and Deputy Leader of the Minority Party or Coalition of Parties;

(b) The Minority party or coalition of parties in the County Assembly shall elect two members of the County Assembly belonging to the party or coalition of parties to

be the Whip of the Minority party and Deputy Whip of the Minority party or coalition of parties.

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

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

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

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

**Whip of Minority Party or Coalition of Parties and
Deputy Whip of Minority Party or Coalition of
Parties**

24. (1) The Minority Party or Coalition of Parties constituting the Minority Party or Coalition of Parties in the Assembly shall elect—

- (a) a member of the Assembly belonging to the Party or Coalition of Parties, who shall be the Whip of the Minority County Assembly Party or Coalition of Parties.
- (b) a member of the Assembly belonging to the Party or Coalition of Parties, who shall be the Deputy Whip of the Minority County Assembly Party or Coalition of Parties and who shall be entitled to deputize the Whip of the Minority Party or Coalition of Parties, in the event of his/her absence.

(2) The Whip of the Minority Party or Coalition of Parties shall be responsible for—

- (a) mobilizing members of the Minority County Assembly Party or Coalition of Parties for the purpose of transacting business in the Assembly;
- (b) any other responsibility that shall be accorded to him or her by these Standing Orders; and

(c) any other function that the Assembly may resolve.

(3) In electing the members under Paragraph (1) above, where the Minority Party is a coalition, regard shall be accorded to any existing coalition agreement entered into pursuant to the Political Parties Act.

PART VI—ADDRESS BY GOVERNOR, SENATOR AND VISITING DIGNITARY

Governor's address on opening of new County Assembly

25. (1) The Governor shall address the opening of each newly elected County Assembly.

(2) At the conclusion of the Governor's address, the sitting shall stand suspended or adjourned as the Speaker may direct until such time or to such day as may be specified by the Speaker.

Governor's address on special sitting

26. (1) The Governor shall address a special sitting of House in the Chamber once every year and may address House at any other time.

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

(3) Whenever the Speaker has been informed that the Governor will address a special sitting of House on a specified day and time, then on that day, no Motion for

the adjournment of the House shall be made before the time for which the Governor's arrival has been notified.

Governor entering or leaving the Chamber

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

Governor's address to County Assembly

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

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

(3) Whenever the Governor delivers an address, a Member may as soon as practicable thereafter, lay the address on the Table of the House following the reading of such address.

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

Address by the Senator or Visiting Dignitary

29. (1) The Speaker may, in consultation with the Leader of the Majority Party or Coalition of Parties and the Leader of the Minority Party or Coalition of Parties, allow the Senator of the County or a visiting Governor or other such visiting dignitary, to address the House on such occasions as may be appropriate.

(2) Standing Order 27 (*Governor entering or leaving Chamber*) and paragraphs (1), (3) and (4) of Standing Order 28 (*Governor's address to County Assembly*) shall, with necessary modification, apply to the Senator, visiting Heads of State and such other dignitaries.

PART VII—CALENDAR, SITTINGS AND ADJOURNMENTS OF THE COUNTY ASSEMBLY

Regular Sessions of the County Assembly

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

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

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

Calendar of the County Assembly

31. (1) The House Business Committee shall, with approval of the County Assembly, determine the Calendar of the County Assembly.

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

(3) On a day when the House is scheduled to adjourn to a day other than the next normal sitting day in accordance with the House Calendar, the Leader of the Majority Party or Coalition of Parties or the Leader of the Minority Party or Coalition of Parties or another Member of the County House Business Committee shall move a Motion of adjournment which shall be debated for not more than three hours after which the House shall adjourn.

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

(5) Notwithstanding paragraphs (1), (2) (3) and (4), the Assembly stands prorogued pursuant to Section 124 (1) of County Governments Act, 2012 and all its Committees stand dissolved.

Special sittings of the County Assembly

32. (1) Whenever during a session the House stands adjourned, whether or not a day has been appointed for the next meeting, the Speaker may, on the request of the Leader of the Majority Party or Coalition of Parties or the Leader of the Minority Party or Coalition of parties, appoint a day for special sitting of the County Assembly.

(2) A special sitting of the House may also be convened if any group of Members not being less than one third of the total membership of the House address a letter to the Speaker with their names and signatures appended to the letter requesting that the House be convened while it is on recess.

(3) The Speaker may allow a request under paragraph (1) or (2) if the Speaker is satisfied that the business proposed to be transacted relates to any urgent and exceptional business as the Speaker may allow.

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

(5) Whenever the House meets for a special sitting under paragraph (1) or (2), the Speaker shall

specify the business to be transacted on the day or days appointed and the business so specified shall be the only business before the House during the special sitting, following which the House shall stand adjourned until the day appointed in the Assembly Calendar.

Hours of Meeting

33. (1) Unless the Speaker, for the convenience of the House otherwise directs, the House shall meet at 9:30 a.m. and adjourn at 1:00 p.m. on Wednesday and at 2:30 p.m. on Tuesday, Wednesday and Thursday, but more than one sitting may be directed during the same day.

(2) Unless for the convenience of the County Assembly, the Speaker or the Chairperson (as the case may be) directs earlier or later interruption of business, at 6:30 p.m. or (if it is an Allotted Day) at 7:00 p.m., on the occasion of an afternoon sitting and at 1:00 p.m. on the occasion of a morning sitting, the Speaker or Deputy Speaker shall interrupt the business then under consideration and if the House is in Committee, the Chairperson shall leave the Chair and report progress and ask leave to sit again.

(3) Notwithstanding paragraph (1) and (2), the House may resolve—

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

(c) to meet on any other day in order to transact business.

(4) A Motion under Paragraph (3) (a) shall be moved at least thirty minutes before the time appointed for adjournment.

(5) If a time appointed for the interruption of business, a division is in progress, or a question is being put from the Chair and a division results immediately thereon, such interruption shall be deferred until after the declaration of the numbers and the result of the division.

(6) Upon the conclusion of all proceedings under paragraphs (2), (3) or (4) of this Standing Order, or upon the earlier completion or deferment of all business standing upon the Order Paper for the sitting, the Speaker shall adjourn the House without question put.

Adjournment of the House

34. (1) A member may at any time, for reasons stated, seek leave to move *“THAT, this House do now adjourn.”*

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

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

Resumption of interrupted business

35. Any debate or business interrupted shall on coming again before the House or the Committee, be resumed at the point where it was interrupted where—

- (a) any Member whose speech was so interrupted shall have the right to speak on such resumption for the remainder of the time available to him or her but if such Member does not avail himself or herself of this right, his or her speech shall be deemed to have been concluded;
- (b) in case of a Committee report, by the Mover of the Motion or any other delegated member of the Committee;
- (c) in case of a Motion, by the mover and if he/she is not present, the Motion shall be deemed withdrawn and can only be re-introduced with the leave of the Speaker.

Adjournment on definite matter of urgent County importance

36. (1) Any Member, may at any time, rise in his or her place and seek leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent County importance.

(2) A Member who wishes to seek leave to move the adjournment of the House shall, at least two hours

before the commencement of the sitting, hand to the Speaker, a written notification of the matter but the Speaker shall refuse to allow the claim, unless the Speaker is satisfied that the matter is definite, urgent and of County importance and may properly be raised on a Motion for adjournment of the County Assembly.

(3) The Motion to be moved shall be *“That the House do now adjourn to discuss a definite matter of urgent County 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 twenty other members rise in their places in support, the Speaker shall nominate a time on the same day at which such Motion may be moved.

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

PART VIII—QUORUM OF THE HOUSE

Quorum at commencement of the County Assembly

37. (1) A quorum of the House or of a Committee of the Whole House shall be a third of its Members.

(2) If there is no quorum present when the Chair is taken, at the time appointed for a meeting of the County

Assembly, immediately after the saying of the prayer, the Speaker shall order the bell to be rung for ten minutes, and if no quorum is present at the expiration of the ten minutes, the Speaker may direct that the bell be rung for a further five minutes and if there is still no quorum present, the Speaker shall adjourn the House forthwith to the next sitting without question being put.

Quorum during the proceedings of the County Assembly

38. (1) If at any time after the Chair is taken, or when the House is in Committee, a Member objects that there is no quorum present, the Speaker or the Chairperson shall count the Members present 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 eight minutes—

- (a) the Speaker shall adjourn the House until the next sitting without question put;
- (b) if the House is in Committee, the Chairperson shall leave the Chair and report the fact to the Speaker, who shall adjourn the House until the next sitting without question put.

(3) Whenever the Speaker or the Chairperson, as the case may be, is engaged in counting the Members, the doors shall remain unlocked but no Member shall be allowed to leave the Chamber, except a party whip who may be permitted to leave the Chamber to seek the Members required to raise a quorum.

Quorum during voting or division

39. If, from the number of Members taking part in an electronic voting or roll call division, it appears that the members do not themselves constitute a quorum, the vote or division shall be invalid and the business then under consideration shall stand over until the next sitting and the Speaker shall proceed as if his or her attention had been drawn to the absence of a quorum, but if after so proceeding a quorum is then present, the next business shall be entered upon.

Decorum when quorum not present

40. When the quorum bell is ringing, members shall maintain order in the House.

PART IX—ORDER OF BUSINESS

Order Paper to be prepared and circulated

41. (1) The Order Paper shall be prepared by the Clerk, showing the business to be placed before or taken by the House and the order in which it is to be taken, including a notice paper showing the business for each

sitting day of the week, together with such other information as the Speaker may from time to time direct.

(2) The Order Paper shall be published in the County Assembly website and shall be made available to members, at least twelve hours before the House meets, but a supplementary Order Paper shall be made available at least one hour before the House meets.

Weekly programmes of the business of the County Assembly

42. The Clerk shall prepare and publish on the County Assembly website, weekly programmes showing the business of the House and the schedule of sittings of the various committees and shall circulate such programmes to Members, County Departments, and the media not later than the Friday of the week preceding such business.

Sequence of proceedings

43. (1) Each day after prayers have been said and the House has been called to order, the Business of the House 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 / Answer to Question Time;
- (viii) Motions and Bills.

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

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

PART X—MESSAGES

Messages to and from the Senate

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

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

(3) The Clerk shall deliver to the Speaker a message received from the Senate under paragraph (2) at the first available opportunity after receipt and in any event not later than the next day not being a Saturday, Sunday or public holiday.

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

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

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

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

Messages from the Governor and the Senator

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

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

(3) When a message from the Governor or the Senator of the County is read, the message shall be deemed to have been laid before the House and the Speaker may either-

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

PART XI—STATEMENTS AND QUESTION TIME

Members General Statements

46. (1) Notwithstanding *Standing Order 33 (Hours of Meeting)*, the Speaker shall interrupt the business of the House every Tuesday at appropriate time to facilitate Members to make general statements of topical concern.

(2) A member who wishes to seek leave to raise a matter under this Standing Order shall, before 3.00 p.m. on the day the statement is to be made, hand to the Speaker a written notification of the matter, but the

Speaker shall refuse to allow the request unless satisfied that the matter may properly be discussed in the House.

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

Statement Hour

47. (1) Notwithstanding Standing Order 43 (*Sequence of Proceedings*), there shall be time, to be designated Statements Hour, commencing not later than 3.00 p.m.

(2) During the Statements Hour—

- (a) A Member of the House Business Committee designated by the Committee for that purpose shall, every Thursday or on the last sitting day, for not more than ten minutes, present and lay on the Table, a statement informing the County Assembly of the business coming before the House in the following week;
- (b) The Leader of the Majority Party, or the Leader of the Minority Party as the case may be, or their designees may make a statement relating to their responsibilities in the House or the activities of a Committee;
- (c) A Member may request for a statement from the Committee Chairperson relating to matters under the mandate of the Committee and the

Speaker may either appoint a day for the statement or direct that the statement be issued on the same day.

Personal Statement

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

Notice of Question

49. (1) Pursuant to these Standing Orders a Member proposing to ask a Question in the House shall give notice to the Clerk.

(2) The Member shall deliver a signed copy of the proposed Question to the Clerk for submission to the Speaker for approval.

(3) Where the Speaker approves a Question and determines the County Executive Committee Member responsible for the matters to which it relates, the Clerk shall, at an appropriate time, publish the Question in the Order Paper.

(4) In scheduling a Question in the Order Paper, the Clerk shall consider the urgency of the Question as determined by the Speaker.

(5) A Member shall ask his or her Question on the day it is scheduled in the Order Paper and the Leader of the Majority Party shall, at an appointed date, inform the

House of the date and time when a County Executive Committee Member shall be required to appear before a Committee to reply to a Question, subject to paragraph (6).

(6) In determining the date and time when a County Executive Committee Member shall be required to appear before a Committee to reply to a Question, the Leader of the Majority Party shall—

- (a) consider the urgency of the Question as determined by the Speaker; and
- (b) Consult with the Chairperson of the Committee.

General rules on Questions

50. (1) These rules apply to Questions raised in the House and Questions referred to Committees for reply.

(2) Except as the Speaker may otherwise allow, a Member may not ask a Question which—

- (a) is in effect a speech;
- (b) is lengthy;
- (c) is limited to give information;
- (d) is framed so as to suggest its own reply or to convey a particular point of view;
- (e) includes extracts from newspapers or quotations from speeches;

- (f) contains any argument, inference, opinion, imputation or ironical or offensive expression or epithet;
- (g) seeks an expression of opinion;
- (h) repeats in substance a matter already addressed by a Committee of the House or in the course of debate in the House during the same Session;
- (i) refers to more than one subject;
- (j) includes the name of a person or a statement not strictly necessary to render the Question intelligible;
- (k) contains an allegation which the Member is not prepared to substantiate;
- (l) implies an allegation of a personal nature or which reflects upon the conduct of a person whose conduct can only be challenged through substantive Motion or upon the conduct of any other person otherwise than in that person's official or public capacity;
- (m) relates to a matter which is sub judice or which by any written law is secret pursuant to *Standing Order 101 (Matters Sub Judice or Secret)*
- (n) falls within the functions and powers of National Government as contemplated under

Part I of the Fourth Schedule to the Constitution;

- (o) seeks a reply that is readily available in ordinary works of reference or official publications;
- (p) refers discourteously to a friendly country, Head of State Government or the representative in Kenya of a friendly Country;
- (q) refers to a matter under consideration by the House or a Committee.

(3) A Member shall take responsibility for accuracy to the facts upon which a Question is based.

(4) A Member may, with the leave of the Speaker, propose a supplementary question to a Question raised in the House before raising it, hand the proposed supplementary question in writing, signed by the proposer, to the Speaker at least two hours before the order is read and referred to a Committee for reply.

(5) Where the Member scheduled to raise a Question in the House is absent without the Speaker's permission, the Question shall be dropped and no further proceedings shall be allowed on the Question during the same session.

(6) The Speaker may defer a Question to a different time or day from its scheduled time and day.

Manner of disposing Questions in a Committee

51. (1) A County Executive Committee Member shall provide physical and electronic copies of the reply to a Question at least a day before appearing before a Committee.

(2) Subject to Standing Order 49 (*Notice of Question*), a Committee shall dispose of a Question in the sequence it appears in its Schedule of Questions or as its Chairperson may direct.

(3) The Chairperson may allow a Member to ask a supplementary question which relates to a Question referred to a Committee.

(4) Where a Chairperson allows Members to ask supplementary questions, the Chairperson shall give first priority to the Member who asked the Question referred to a Committee for reply.

(5) Where the Member who raised a Question referred to the Committee is absent without the permission, the Question shall be dropped and no further proceedings shall be allowed on the Question during the same session.

(6) The Chairperson of a Committee may—

- (a) defer a Question to a different time or day from its scheduled time and day; or
- (b) Direct a County Executive Committee Member to provide additional information or a further

reply to a Question or supplementary questions raised in the Committee.

Questions for written reply

52. Where a Member prefers a written reply to his or her Question—

- (a) the Speaker shall direct that a written reply be provided in respect of the Question; and
- (b) the Clerk shall forward the Question to the relevant County Executive Committee Member and, upon receipt, provide the written reply to the Member.

Timeline for reply

53. (1) Subject to paragraph (2), a County Executive Committee Member shall reply to a Question within fourteen days of referral of a Question to a Committee.

(2) Where the Speaker determines a Question to be urgent, a County Executive Committee Member shall reply to the Question within seven days of referral of the Question to a Committee.

Report on Questions

54. The Chairperson of a Committee shall submit a progress report to the House on Questions—

- (a) referred to the Committee;
- (b) replied to;

- (c) which the Committee has directed a County Executive Committee Member to provide additional information or further reply; and
- (d) pending before the Committee.

Designation of a place and admittance of County Executive Committee Members and other persons

55. (1) The Speaker may designate a suitable place in the Chamber or at the bar of the House for —

- (a) the County Executive Committee Member responsible for Finance to make a public pronouncement of the budget policy highlights and revenue raising measures for the County Government as contemplated under the Public Finance Management Act;
- (b) other persons to make submissions or presentations before the House.

PART XII—APPROVAL OF PUBLIC APPOINTMENT

Committal to Committees

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

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

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

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

PART XIII—MOTIONS

Application

57. This part shall apply to all Motions, including special Motions.

Notices of Motions

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

(2) Before giving notice of Motion, the Member shall deliver to the Clerk a copy of the proposed Motion in writing and signed by the Member, and the Clerk shall submit the proposed Motion to the Speaker.

(3) If the Speaker is of the opinion that any proposed Motion—

- (a) is one which infringes, or the debate on which is likely to infringe, any of these Standing Orders;
- (b) is contrary to the Constitution or an Act of Parliament or of the County Assembly, without expressly proposing appropriate amendment to the Constitution or the Act of Parliament or County Assembly;
- (c) is too long;
- (d) is framed in terms which are inconsistent with the dignity of the County Assembly;
- (e) contains or implies allegations which the Speaker is not satisfied that the Mover can substantiate; or 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;
- (f) calls for the commitment of public funds for which no provision is made in the Annual Estimates as adopted by the County Assembly, the Speaker may direct either that, the Motion is inadmissible, or that notice of it cannot be given without such alteration as the Speaker may approve, or that the Motion be

referred to the relevant Committee of the House pursuant to Section 21 of the County Governments Act.

(4) A Member giving notice of a Motion approved by the Speaker shall state its terms to the House and whether the original copy received by the Clerk has been certified by a Party Leader or Party Whip for sponsorship by the Member's Party.

(5) Unless the House resolves otherwise—

- (a) a Motion sponsored by a Party shall have precedence over all other Motions on such day as the House Business Committee, in consultation with the Speaker, may determine, but where a Party has sponsored two or more Motions, the Motion shall be considered in such order as sponsoring Party may determine;
- (b) notice of an approved Motion other than those under paragraph (a) may be given to Members by means of a list to be published in such manner as the Speaker may from time to time direct and the Member giving such notice shall state its terms to the House when the Motion has acquired precedence in accordance with *Standing Order 61 (Time for moving Motions)*, but at least one day before the Motion appears on the Order paper.

Amendment of Notice of Motion

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

Certain Motions not be moved

60. (1) No Motion may be moved which is the same in substance as any question which has been resolved (either in the affirmative or in the negative) during the preceding six months in the same session.

(2) Despite paragraph (1) —

- (a) a Motion to rescind the decision on such a question may be moved with the permission of the Speaker;
- (b) a Motion to rescind the decision on a question on a special Motion shall not be allowed.

Time for moving Motions

61. (1) The County House Business Committee shall allot the time and sequence of the publication in the Order Paper of every Motion approved by the Speaker.

(2) Save for a Special Motion, a Member who has a Motion in his or her name may delegate/appoint, in writing, another Member to—

- (a) move that Motion in the Member's stead; or

(b) on conclusion of debate and before the Question is put, to reply in the Member's stead.

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

Withdrawal of a Notice of Motion

62. (1) A notice of Motion may be withdrawn by the Member 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 Member.

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

Moving of Motions in amended form

63. The Speaker may permit a Member of the County Assembly 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.

Motion which may be moved without Notice

64. 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 House or of a debate;
- (c) Motion that the House do dissolve itself into a Committee of the whole County Assembly;
- (d) Motion moved when the House is in Committee;
- (e) Motion for the suspension of a Member;
- (f) Motion made in accordance with the Standing Orders governing the procedure as to Bills;
- (g) Motion for the agreement of the House with a Committee of the Whole House in a resolution reported, or for the re-committal thereof or for the postponement of further consideration thereof;
- (h) Motion raising a question of privilege;
- (i) Motion for the orders of the House under these Standing Orders;
- (j) Motion made under *Standing Order 253 (Exemption of business from Standing Orders)*;
- (k) Motion made for the limitation of a debate under Standing Order 109 (Limitation of debate);

- (l) Motion made for the postponement or discharge of, or giving precedence to an order of the day; and
- (m) Motion for the extension of sitting time of the County Assembly.

Manner of debating Motions

65. (1) When a Motion has been moved and if necessary seconded, the Speaker shall propose the question thereon in the same terms as the Motion, and debate may then take place upon that question.

(2) At the conclusion of the debate, the Speaker shall put the question.

(3) Despite paragraph (2), the Speaker may, on the request of a Member, defer the putting of the question to the following day in which case the Speaker shall thereupon nominate a time at which the question shall be put.

Amendments to Motions

66. (1) Unless otherwise provided in these Standing Orders, any amendment to a Motion which a Member wishes to propose in accordance with these Standing Orders may be moved and, if necessary seconded at any time after the question upon the Motion has been proposed and before it has been put.

(2) When every amendment under paragraph (1) has been disposed of, the Speaker shall either again propose

the question upon the Motion or propose the question upon the Motion as amended as the case may require, and after any further debate which may arise thereon, shall put the question.

(3) Upon any amendment to leave out any of the words of the Motion, the question to be proposed shall be "That, the words proposed to be left out be left out".

(4) Upon any amendment to insert words in, or add words at the end of a Motion, the question to be proposed shall be "That, the words (of the amendments) be inserted" (or "added").

(5) Upon any amendment to leave out words and insert or add other words instead, a question shall first be proposed "That, the words proposed to be left out be left out of the question", and if that question is agreed to, the question shall then be proposed, "That, the words (of the amendment) be therein inserted" (or "added"), but if the first question is negatived, no further amendment may be proposed to the words which it has been decided shall not be left out.

(6) When two or more amendments are proposed to be moved to the same Motion, the Speaker shall call upon the movers in the order in which their amendments relate to the text of the Motion, or in cases of doubt, in such order as the Speaker shall decide.

(7) An amendment to leave out words and replace those words with other words shall take precedence

before any amendment to leave out words without proposing to replace those words with other words.

(8) No amendment may be moved which relates to any words which it has been decided shall not be left out of a Motion.

(9) An amendment to an amendment may be moved and if necessary seconded at any time after the question upon the original amendment has been proposed and before it has been put.

(10) Paragraphs (3), (4), (5), (6), (7), (8) and (9) of this Standing Order shall apply to the debate of amendments to amendments with the substitution whenever appropriate of the words “original amendment” for the word “question”.

(11) When every amendment to an amendment has been disposed off, the Speaker shall, either again propose the question upon the original amendment or propose the question upon the original amendment, as amended as the case may require.

Amendments to be in writing

67. (1) The proposer of an amendment to a Motion shall before moving it, hand the proposed amendments in writing, signed by the proposer, to the Clerk and approved by the Speaker at least two hours before the order is read and circulated.

(2) Despite paragraph (1), the Speaker may, in exceptional circumstances allows a Member to move an amendment to a Motion before the House at any time during consideration of that Motion.

Amendments to be relevant to Motion

68. (1) Every amendment shall be relevant to the Motion which it seeks to amend and shall not raise any question which, in the opinion of the Speaker, should be raised by a substantive Motion after notice given.

(2) No amendment shall be permitted if in the opinion of the Speaker, it represents a direct negative of the question proposed.

Question proposed after Motion made

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

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

Motion in possession of the County Assembly

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

Question as amended put

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

When amendment proposed but not made

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

PART XIV—SPECIAL MOTIONS**Definition of Special Motion**

73. (1) For purposes of this Part Special Motion is one—

- (a) That seeks a resolution of the House to approve an
- (b) appointment in accordance with *Part XII (Approval of Public Appointments)*; or
- (c) Moved pursuant to any of the following Articles of the Constitution and/or sections of the County Governments Act—
 - (i) Article 181 read together with Section 33 of the County Governments Act;
 - (ii) Section 40 (2) of the County Governments Act;

(iii) Section 8 (1) (d) of the County Governments Act; (borrowing by Counties; and

(iv) Moved pursuant to Section 11 of the County Governments Act, 2012

(2) Unless the Constitution, any written law or these Standing Orders specify a lesser or further period, a notice of Special Motion shall be—

- (a) disposed of by the Speaker in accordance with *Standing Order 65 (Manner of debating Motions)* within seven days of receipt of notice by a Member under paragraph (2); and
- (b) given by the Member within three sitting days following the approval of the Speaker.
- (c) disposed of by the House within three calendar days upon the notice under *Standing Order 58, (Notices of Motion)*;

if the proposer of the special Motion fails to observe the timelines prescribed under paragraph 2 (b) or 2 (c) of this Standing Order such notice of Motion or Motion shall be deemed to have been withdrawn and shall not be moved again in the same Session, except with the consent of the Speaker.

Instances where the Constitution or other written law requires a fixed majority

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

(2) Notwithstanding paragraph (1), whenever a Bill or a special Motion the passage of which requires a special majority in the Assembly fails to obtain the required majority of the Ayes but the Nays have not numbered at least one third of all the Members of the Assembly, the Speaker may direct that a further vote be taken on the particular question and the further vote shall be taken within five sitting days from the first day the first vote was taken.

(3) If the Speaker does not so direct any further vote or, if on such further vote the fixed majority is not obtained, the Speaker shall declare that the Motion is negative.

PART XV—PROCEDURE FOR REMOVAL FROM OFFICE

Procedure for removal of Governor by impeachment

75. (1) Before giving notice of Motion under Section 33 of the County Governments Act, 2012, the

Member shall deliver to the Clerk a copy of the proposed Motion in writing—

- (a) stating the grounds and particulars upon which the proposed Motion is made under Article 181 of the Constitution;
- (b) signed by the Member; and
- (c) signed in support by at least a third of all the Members in a form provided under the Eight Schedule of these Standing Orders
- (d) the grounds specified in a Motion under this Standing Order shall be admissible if—
 - (i) framed clearly to particularize and disclose a gross violation of the Constitution or any other written laws, where gross violation of the Constitution or any other written laws is indicated as a ground for the intended removal;
 - (ii) stating with precision, the provisions of the Constitution or other written law that are alleged to have been grossly violated, where gross violation of the Constitution or any other written laws is indicated as a ground for the intended removal; and
 - (iii) accompanied by necessary evidence, including annexures or sworn testimonies in respect of the allegations.

(2) A Motion under paragraph (1) shall be disposed of—

- (a) by the Speaker in accordance with *Standing Order 58 (Notices of Motions)* within three days of receipt of notice by a Member under paragraph (1); and
- (b) by the House within seven days of a Member giving notice under *Standing Order 58 (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 leave of the Speaker.

(3) An Order Paper on which the Motion under paragraph (1) is listed shall set out—

- (a) the grounds and particulars upon which the proposal is made;
- (b) the name of the Member sponsoring the Motion; and
- (c) the names of the Members in support of the Motion.

(4) Upon receipt of the Motion by the Clerk any signature appended to the list as provided under paragraph (1) shall not be withdrawn.

(5) When the Motion has been passed by two-thirds of all Members of the County Assembly, the Speaker shall inform the Speaker of the Senate of that

resolution within two days in terms of Section 33(2) (a) of the County Government Act, 2012.

Procedure for removal of Deputy Governor

76. Where a Member proposes the removal of the Deputy Governor on the grounds in terms of Article 181 of the Constitution, *Standing Order 75 (Procedure for removal of Governor by impeachment)* shall, with necessary modifications, apply.

Procedure for removal of Member of County Executive Committee

77. (1) Before giving Notice of Motion under Section 40 (1) of the County Governments Act, 2012, the Member shall deliver to the Clerk a copy of the proposed Motion in writing—

- (a) stating the grounds and particulars in terms of Section 40 (1) of the County Governments Act, 2012 upon which the proposed Motion is made;
- (b) signed by the Member; and
- (c) signed in support by at least one-third of all the Members of the County Assembly in a form provided under the Eight Schedule of these Standing Orders

(2) The provisions of *Standing Order 75 (Procedure for removal of Governor by impeachment)* shall apply to a Motion under paragraph (1).

(3) An Order Paper on which the Motion under paragraph (1) is listed shall set out—

- (a) the grounds and particulars upon which the proposed Motion is made;
- (b) the name of the Member sponsoring the Motion; and
- (c) the names of the Members in support of the Motion.

(4) Upon receipt of the Motion by the Clerk any signature appended to the list as provided under paragraph (3) shall not be withdrawn.

(5) If a Motion under subsection (2) is supported by at least one-third of the Members of the County Assembly—

- (a) the House shall appoint a Select Committee comprising five of its Members to investigate the matter; and
- (b) the Select Committee shall report, within ten days, to the House whether it finds the allegations against the County Executive Committee Member to be substantiated.

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

(7) If the Select Committee reports that it finds the allegations—

- (a) unsubstantiated, no further proceedings shall be taken; or
- (b) substantiated, the House shall vote whether to approve the resolution requiring the County Executive Committee Member to be dismissed.

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

Removal of a Member of the County Public Service Board

78. (1) Pursuant to Section 58(5) of the County Governments Act, 2012, the Assembly may, by a vote supported by not less than seventy five percent of all the Members of the County Assembly, resolve to remove a Member of the County Public Service Board

(2) A person desiring to cause the Assembly to resolve to remove a Member of the County Public Service Board shall submit a petition containing the specific grounds and allegations requesting the House to recommend the removal of the Member of the County Public Service Board.

(3) In addition to complying with the requirements of paragraphs (a) (c) (d),(e) (g),(h),(i), (l) and (m) of *Standing Order 221 (Form of Petition)*, a petition to the County Assembly under this Standing Orders—

- (a) shall name the Member in question and indicate the grounds for the removal; and
- (b) may contain affidavits or other documents annexed to it.

(4) The paragraphs (1), (3), (4) and (5) of Standing Order 224 (*Submission of a petition*), Standing Order 223 (*Notice of Intention to Present Petition*), Standing Order 225 (*Presentation of Petitions*), and Standing Order 228 (*Comments on petitions*), shall apply to a petition under this Standing Orders.

(5) A Petition for the removal of a Member of the County Public Service Board shall upon presentation in the County Assembly, stands committed to the appointed Select Committee comprising Eleven Members to inquire into the allegations.

(6) Upon receipt of a Petition under paragraph (5), the Select Committee shall investigate the matter and shall, within fourteen days, report to the House whether the Petition discloses ground for removal under Article 251(1) of the Constitution and Section 58(5) of the County Governments Act (No. 17 of 2012).

(7) A Member of the County Public Service Board whose Petition for removal has been presented to the Committee has the right to appear and be represented before the Committee during its investigations.

(8) The House shall, within fourteen (14) days of the tabling of the report of the Committee under paragraph (6) resolve whether or not the Petition discloses a ground for removal.

(9) Where the County Assembly, by a vote supported by not less than seventy five percent (75%) of all the Members of the County Assembly, resolves that a Petition for removal of a Member of the County Public Service Board discloses a ground for removal, the Speaker shall, within seven days of the resolution, transmit the resolution to the Governor informing the Governor of the decision.

Revocation of Appointment of Members of the County Assembly Service Board Representing the Public

79. (1) Before giving Notice of Motion under Section 12(5) (b) of the County Governments Act, 2012 and Section 10 of the County Assembly Services Act, 2017, the Member shall deliver to the Clerk a copy of the proposed Motion in writing—

- (a) stating the grounds and particulars upon which the proposed Motion is made under Section 10 of the County Assembly Services Act, 2017;

- (b) signed by the Member; and
 - (c) signed in support by at least a third of all the Members in a form provided under the Eight Schedule of the Standing Orders;
 - (d) The grounds specified in a Motion under this Standing Order shall be admissible if—
 - (i) framed clearly to particularize and disclose a gross violation of the Constitution or other written law, where gross violation of the Constitution or other written law is indicated as a ground for the intended removal;
 - (ii) stating with precision, the provisions of the Constitution or other written law that are alleged to have been grossly violated, where gross violation of the Constitution or other written law is indicated as a ground for the intended removal; and
 - (iii) accompanied by necessary evidence, including annexures or sworn testimonies in respect of the allegations.
- (2) A Motion under paragraph (1) shall be disposed of—
- (a) by the Speaker in accordance with *Standing Order 58 (Notices of Motions)* within three

days of receipt of notice by a Member under paragraph (1); and,

- (b) by the House within seven days of a Member giving notice 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 leave of the Speaker.

(3) An Order Paper on which the Motion under paragraph (1) is listed shall set out—

- (a) the grounds and particulars upon which the proposed Motion is made;
- (b) the name of the Member sponsoring the Motion; and
- (c) the names of the Members in support of the Motion.

(4) Upon receipt of the Motion by the Clerk any signature appended to the list as provided under paragraph (3) shall not be withdrawn.

(5) If a Motion under subsection (2) is supported by at least one-third of the Members of the County Assembly—

- (a) the House shall appoint a Select Committee comprising five of its Members to investigate the matter; and

(b) the Select Committee shall report, within ten days, to the House whether it finds the allegations against the Members of the County Assembly Service Board representing the Public to be substantiated.

(6) The Member(s) of the County Assembly Service Board representing the Public has the right to appear and be represented before the Select Committee during its investigations.

(7) If the Select Committee reports that it finds the allegations—

- (i) unsubstantiated, no further proceedings shall be taken; or
- (ii) substantiated, the House shall vote whether to approve the resolution revoking the appointment.

(8) If a resolution under subsection (7)(ii) is supported by a majority of the Members of the County Assembly—

- (a) the appointment of the Member shall stand revoked and the Speaker of the County Assembly shall promptly deliver the resolution to the County Assembly Service Board for implementation;
- (b) the County Assembly Service Board shall dismiss the affected Member(s) of the County

Assembly Service Board representing the Public.

Right to be heard

80. (1) Whenever the Constitution, any written law or these Standing Orders—

- (a) requires the relevant Committee 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 House considering the matter and shall be entitled to legal representation;
- (b) requires the relevant Committee to hear a person on grounds of removal from office, or in such similar circumstances, the Committee shall hear the person at the date and time to be determined by the Committee;

(2) The person being removed from office shall be availed with the grounds of removal from office together with any other evidence adduced and such note or papers presented to the Committee at least three days before appearing before the Committee.

Priority of Motion

81. 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

Voting in the County Assembly

82. (1) Unless otherwise provided under the Constitution, a question arising in the House shall be decided by a majority of the Members in the County Assembly, present and voting.

(2) In ascertaining the results on a question under paragraph (1), the Speaker shall, in the first instance, collect the voices of the "Ayes" and the "Noes" and shall declare the results accordingly.

(3) On a question proposed for a decision in the County Assembly, the Speaker has no vote.

(4) In determining the number of Members of the County Assembly for the purpose of voting, the Speaker shall not be counted as a Member.

Electronic Voting

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

(2) When the Speaker directs that electronic voting be taken, the Division Bell shall be rung for not more than ten minutes and the House shall proceed to a vote at the expiry of the ten minutes, or such further time as the Speaker may, for the convenience of the County Assembly, direct.

(3) During electronic voting, Members shall cast their votes by pressing either the "Yes", "No" or "Abstain" button.

(4) At the expiry of ten minutes or soon as the results of the voting appears on the indicator board, the Speaker or the Chairperson, as the case may be, shall announce the results of the division forthwith.

(5) A Member who is not able to cast his or her vote due to any reason considered sufficient by the Speaker, may before the result of the division is announced and after obtaining the permission of the Speaker, have his or her vote recorded verbally by stating whether he or she is in favour of or against the Question.

(6) Where the presiding officer has an original vote, the presiding officer shall cast his or her vote from the Chair.

(7) Any Member present in the House but who shall not have voted after the announcing of the results, shall forfeit the right to vote and shall be deemed to have abstained from voting.

Technical failure, confusion or error occurring

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

Roll Call Division claimed

85. (1) The Speaker shall direct a roll call vote to be taken if a Member claims division and—

- (a) The Speaker considers that there is a reasonable doubt as to the outcome of the vote in question; or
- (b) If, on a question other than a question of procedure, five or more Members rise in their places to support the Member claiming the roll call division.

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

Roll Call Voting

86. (1) When the Speaker directs a roll call voting to be taken, the Division Bell shall be rung for ten minutes.

(2) The name of one teller for the "Ayes" and one teller for the "Noes" shall be submitted to the Speaker and the Speaker shall direct the tellers to take seats at a designated place.

(3) At the end of ten minutes, the Speaker shall direct the doors to be locked and the Bar drawn and no Member shall thereafter enter or leave the 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 Members in alphabetical order in the presence of the tellers.

(5) When called out, each Member shall, thereupon rise in his or her place and declare assent or dissent to the question in the following manner "*I vote Yes*" or "*I vote No*" or "*I Abstain*" or use appropriate Kenya 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 House.

In case of confusion or error

87. In case of confusion or error occurring in the course of a roll call voting concerning the numbers or names recorded, which cannot otherwise be corrected, the Speaker shall direct the House to proceed to another roll call vote.

Errors corrected

88. If, after a roll call vote has been made, it is discovered that the number has been inaccurately reported or that an error has occurred in the names on the division lists, the fact shall be reported to the House and

the Speaker shall direct that the necessary corrections be made.

Decorum during division

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

- (a) in the case of electronic voting, press the "Abstain" button; or
- (b) in the case of roll call voting, record their abstention with the Clerk's at the Table.

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

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

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

PART XVII—RULES OF DEBATE

Proceedings to be in Kiswahili, English or Kenyan Sign Language

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

(2) A Member who begins a speech in any of the languages provided for under paragraph (1) shall

continue in the same language until the conclusion of the Member's speech.

Members to address the Speaker

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

Two or more Members requesting to speak

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

Speeches may not be read

93. (1) No Member shall read a speech but a Member may read short extracts from written and printed papers in support of an argument and may refresh memory by reference to notes.

(2) The Speaker may allow a Member to read a speech in particular cases where the Speaker is satisfied that this is necessary for precision in statement of facts.

No Member to speak after Question put

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

Speaking twice to a Question

95. (1) No Member shall speak more than once to a question except in Committee of the Whole House.

(2) Despite paragraph (1) —

- (a) a Member who has spoken on a question may again be heard to offer explanation of some material part of the Member's speech which has been misunderstood but must not introduce new matter;
- (b) a reply shall be allowed to a Member who has moved a substantive Motion but not to a Member who has moved an amendment.

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

Points of Order, Points of Information and Points of Procedural Inquiry

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

(2) Any Member may raise a point of information, at any time during the speech of another Member stating a point of information and that Member shall be required to indicate the Standing Order upon which the point of information is based and share information of interest to the body.

(3) Any Member may raise a point of procedural inquiry, at any time during the speech of another Member stating a point of procedural inquiry, and that Member shall be required to indicate the Standing Order upon which the point of procedural inquiry is based and ask a question regarding the procedures presently being followed.

(4) When a Member raises a point of order, point of information or point of procedural inquiry during the speech of another Member, the Member who was speaking shall thereupon resume his or her seat and the Member raising the point of order shall do likewise when he or she has concluded his or her submission, but no other Member may, except by leave/permission/authority of the Speaker, speak on the point of order or point of procedural inquiry.

(5) The Speaker shall either give a decision on the point of order and point of procedural inquiry forthwith or announce that the decision is deferred for consideration after which the Member who was speaking at the time the point of order was raised may continue to speak.

(6) The Speaker or the Chairperson shall order any Member who unnecessarily and persistently interrupts proceedings or consults loudly and disruptively to withdraw from the Chamber and *Standing Order 120(2) (Disorderly conduct)* shall apply to any such Member.

Anticipating Debate

97. (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 House.

(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 House.

(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 House within a reasonable time.

Proceedings of Select Committees not to be referred to

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

Contents of Speeches

99. (1) Neither the personal conduct of the Governor, nor the conduct of the Speaker or of any Judge, nor the Judicial conduct of any other person performing judicial functions, nor any conduct of the Head of State or Government or the representative in

Kenya of any friendly Country or the conduct of the holder of an office whose removal from such office is dependent upon a decision of the House shall be referred to adversely, except upon a specific substantive Motion.

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

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

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

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

Retraction and Apologies

100. A Member who has used exceptionable words and declines to explain and retract the words or to offer apologies for the use of the words to the satisfaction of

the Speaker shall be deemed to be disorderly and shall be dealt with in accordance with the rules pertaining to disorderly conduct.

Matters *Sub-judice* or Secret

101. (1) Subject to paragraph (5), no Member shall refer to any particular matter which is *sub judice* or which by the operation of any written law is secret.

(2) A matter shall be considered to be *sub judice* when it refers to active criminal or civil proceedings and the discussion of such matter is likely to prejudice its fair determination.

(3) In determining whether a criminal or civil proceeding is active, the following shall apply—

- (a) Criminal proceedings shall be deemed to be active when a charge has been made or a summon 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 proceeding are ended by judgment or discontinuance;
- (d) appellate proceedings whether criminal or civil shall be deemed to be active from the

time when they are commenced by application for leave to appeal or by notice of appeal until the proceedings are ended by judgment or discontinuance.

(4) A Member alleging that a matter is sub judice shall provide evidence to show that paragraph (2) and (3) are applicable.

(5) Notwithstanding this Standing Order, the Speaker may allow reference to any matter before the House or a Committee.

Declaration of interest

102. (1) A Member who wishes to speak on any matter in which the Member has a personal interest shall first declare that interest.

(2) Personal interests include but not limited to pecuniary interest, proprietary interest, personal relationships and business relationships.

Responsibility for statement of fact

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

(2) If a Member has sufficient reason to convince the Speaker that the Member is unable to substantiate the allegations instantly, the Speaker shall require that such Member substantiates the allegations not later than the

next sitting day, failure to which the Member shall be deemed to be disorderly within the meaning of *Standing Order 120 (Disorderly Conduct)* unless the Member withdraws the allegations and gives a suitable apology, if the Speaker so requires.

A Member who has spoken to question may speak to amendment

104. Where an amendment has been moved, and if necessary seconded, any Member who has already spoken to the main question may speak to the amendment, and any Member who has not spoken to the main question but speaks to the amendment does not thereby forfeit the right to speak to the main question.

Debate on amendment confined to amendment

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

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

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

the amendment, speak only to any new matter raised thereby.

Reserving rights of speech

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

Closure of Debate

107. (1) After the question on a Motion the mover of which has a right of reply has been proposed, a Member rising in his or her place may claim to move *“That, the mover be now called upon to reply”* and unless the Speaker is of the opinion that such Motion is an abuse of the proceedings of the County Assembly, or an infringement of the rights of Members, the question *“That the mover be now called upon to reply”* shall be put forthwith, and decided without amendment or debate and if that question is agreed to, the mover may, immediately reply to the debate, and as soon as the mover has concluded, or if the mover does not wish to reply immediately, the Speaker shall put the question, subject to paragraph 3 of *Standing Order 65 (Manner of debating Motions)*.

(2) After the question on a Motion the mover of which has no right of reply has been proposed, a Member rising in his or her place may claim to move, *“That, the question be now put”*, and, unless the Speaker is of the opinion that such a Motion is an abuse of the proceedings of the County Assembly, or an infringement of the rights of Members, the question, *“That the question be now put”*, shall be put forthwith, and decided without amendment or debate and if that question is agreed to, the Speaker shall immediately put the question accordingly, subject to paragraph 3 of Standing Order 65 (*Manner of debating Motions*).

Adjournment of debate

108. A Member who wishes to postpone to some future occasion the further discussion of a question which has been proposed from the Chair may claim to move *“That, the debate be now adjourned”*, or, in Committee of the Whole House *“That, the Chairperson do report progress”*.

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

(3) If the Speaker is of the opinion that a dilatory Motion is an abuse of the proceedings of the County Assembly, the Speaker may forthwith put the question thereon or decline to propose it.

(4) A Member who has moved or seconded a dilatory Motion which has been negative, may not

subsequently move or second another such Motion during the same debate, whether in the House or in Committee of the Whole House.

PART XVIII—LIMITATION OF DEBATE

Limitation of Debate

109. (1) The Assembly may, or a Motion made by any Member in accordance with this Standing Order, impose a limit in respect of debate on any particular Motion or Bill by allotting a limited period of time for such debate or by limiting the time during which Members may speak in such debate or by imposing such limitations.

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

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

(4) No Member may speak in a debate on Bills, Sessional Papers, Motions or Reports of Committees for more than twenty minutes without the leave of the Speaker, but the Leader of Majority Party and the Leader of Minority Party may each speak for a maximum of 60 minutes.

**PART XIX—ORDER IN THE HOUSE,
COMMITTEE OF THE WHOLE HOUSE AND
COMMITTEE**

Maintenance of Order

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

The Mace, Commissioning and House Proceedings

111. (1) Only a properly commissioned ornamental staff crafted in gold (Mace) formally acquired and adopted by the House through a resolution with clear description of its specifications and salient features shall be used as a symbol of the power and authority of the House during House Proceedings.

(2) The Mace is carried into the Chamber by the Serjeant-at-Arms before commencement of every House Sitting and placed in a bracket on the table in front of the Speaker when the House is sitting.

(3) No Member is allowed to touch, interfere or obstruct the Serjeant-at-Arms officer in their course of discharging their duties of protecting the Mace during the House Proceedings.

Security checks by Serjeant-at-Arms

112. (1) A Member shall be subjected to a security check or screening before entering the Chamber or the venue of the Committee sitting.

(2) The security check or screening under paragraph (1) shall extend to a Members' Handbags or Document Bag or another accessory that a Member intends to enter with into the Chamber/Committee Sitting.

Firearms and other offensive weapons

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

Members' Handbags or Document Bag

114. A Member may be allowed into the Chamber or the venue of the Committee sitting with a handbag or document bag of reasonable size subject to (*Standing Order 112(2)*)

When the Speaker rises Members to be silent

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

Members and the Chair

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

(2) No Member shall pass between the Chair and any Member who is speaking or between the Chair and the Table except in so far as it is necessary for the purpose of the administration of Oath or affirmation of allegiance.

Members to be seated

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

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

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

Irrelevance or repetition

119. The Speaker or the Presiding Chairperson, after having called attention to the conduct of a Member who persists in irrelevance or tedious repetition either of the Member's own arguments or the arguments used by

other Members in debate, may, after having first warned him or her direct that the Member discontinues his or her speech.

Disorderly Conduct and Gross Disorderly Conduct

120. (1) A Member is disorderly if the Member—

- (a) creates disorder;
- (b) knowingly raises a false point of order;
- (c) unnecessarily interrupts proceedings or consults in a disruptive manner;
- (d) fails to record abstention in a division;
- (e) makes allegations without, in the Speaker's opinion, adequate substantiation; 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 Member whose conduct is disorderly to order, and—

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

(3) A Member commits an act of gross disorderly conduct if the Member—

- (a) defies a ruling or direction of the Speaker or Chairperson of Committees;
- (b) declines to retract use of unparliamentary language or offer apologies, despite having been ordered to do so by the Speaker;
- (c) fails to declare personal interest in a matter before the House or a Committee in accordance with *Standing Order 102*;
- (d) persistently makes serious allegations without, in the Speaker's opinion, adequate substantiation;
- (e) deliberately gives false information to the County Assembly;
- (f) votes more than once in breach of these Standing Orders or persistently fails to record abstention in a division;
- (g) votes on any question in which the Member has a pecuniary interest contrary to *Standing Order 102(2)*;
- (h) demonstrates or makes disruptive utterances against the suspension of a named Member;
- (i) attempts to or causes disorder of whatever nature during an address by the Governor or a visiting dignitary pursuant to *Standing Order 28 and 29*;

- (j) uses violence against a Member, an officer of the County Assembly or other person in the House or Committee;
 - (k) disrupts or attempts to disrupt the Speaker's Procession;
 - (l) removes or attempts to remove or actual seizure of the mace from its place in the Chamber;
 - (m) commits any other breach of these Standing Orders, which in the opinion of the Speaker, constitutes gross disorderly conduct.
- (4) The Speaker may call a Member whose conduct is grossly disorderly to order, and shall order the Member to withdraw immediately from the precincts of the County Assembly—
- (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;
- (5) In respect to *(Standing Order No. 120 (3) (a))* for a minimum of five days and a maximum of twenty-eight days, including the day of suspension.

(6) In respect to *(Standing Order No. 120 (3) (l))* for a maximum of twenty-eight days, including the day of suspension and shall be liable to pay the total cost of the new Mace in case of damage.

Member may be suspended after being named

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

(2) Whenever a Member shall have been named by the Speaker, then—

- (a) if the breach has been committed by such Member in the House, a Motion shall be made by any other Member present, “That, such Member (naming the Member) be suspended from the service of the County Assembly”, and the Speaker shall forthwith put the question thereon, no amendment, adjournment, or debate being allowed;
- (b) if the breach has been committed in a Committee of the Whole, the Chairperson shall forthwith leave the Chair and report the circumstances to the House 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 House itself.

Member suspended to withdraw from precincts of County Assembly

122. (1) Whenever a Member has been named in accordance with *Standing Order 121 (Member may be suspended after being named)*, the Speaker shall order the Member to withdraw from the Chamber and the precincts of County Assembly.

(2) Any Member who is ordered to withdraw under *Standing Order 120 (1), (2) (Disorderly conduct), (3), (4) (Gross Disorderly Conduct)* or who is suspended from the service of the County Assembly under *Standing Order 121 (Member may be suspended after being named)* shall forthwith withdraw from the precincts of County Assembly and shall during the period of such withdrawal or suspension (except during a recess), forfeit the right of access thereto.

(3) Any Member who demonstrates or makes disruptive utterances against the suspension of a named Member shall be deemed to be disorderly in accordance with *Standing Order 120(1), (2) (Disorderly conduct)*.

Duration of suspension of a Member

123. (1) If any Member is suspended under *Standing Order 121 (Member may be suspended after being named)* the suspension on the first occasion shall

be for four sitting days including the day of suspension; on the second occasion during the same Session, for eight sitting days, including the day of suspension; and on the third or any subsequent occasion during the same Session, for twenty-eight sitting days, including the day of suspension.

(2) A Member who is ordered to withdraw under *Standing Order 120 (1), (2) (Disorderly conduct), (3), (4) (Grave disorderly conduct)* or who is suspended from the service of the County Assembly under *Standing Order 121 (Member may be suspended after being named)* shall forfeit all sitting allowances payable during the period of such suspension.

Action to be taken on refusal to withdraw

124. If a Member refuses to withdraw when required to do so by or under these Standing Orders, the Speaker as the case may be, having called the attention of the House to the fact that recourse to force is necessary in order to compel such Member to withdraw, shall order such Member to be removed and such Member shall thereupon without question put be suspended from the service of the County Assembly for a minimum of 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 County Assembly

and the Serjeant-At-Arms shall take necessary action to enforce the order.

Appeal against Suspension

125. A Member 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 House.

Grave disorder in the County Assembly

126. (1) In the event of grave disorder arising in the House, the Speaker may adjourn the House 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 House, the Speaker shall resume the Chair forthwith.

PART XX—PUBLIC BILLS

Application and limitation

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

Introduction of Bills

128. (1) A legislative proposal for which a Member or a Committee is in charge shall, together with a

memorandum setting out its objectives and matters specified in *Standing Order 132 (Memorandum of objects and reasons)* be submitted to the Speaker.

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

- (a) whether the legislative proposal is a draft money Bill in terms of Section 21(4) of the County Governments Act, 2012; and
- (b) whether the legislative proposal conforms to the Constitution and the law and is in order as to format and style in accordance with the Standing Orders.

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

- (a) where the Speaker is of the opinion that a legislative proposal is not a draft money Bill in terms of Section 21(4) of the County Governments Act, 2012—
 - (i) direct that the proposal be referred to the relevant Sectoral Committee for prepublication scrutiny in case of a legislative proposal not sponsored by a Committee;

- (ii) direct that the proposal be published into a bill, in the case of a legislative proposal sponsored by a Committee.
- (b) where the Speaker is of the opinion that a legislative proposal is a draft money Bill in terms of Section 21(4) of the County Governments Act, 2012, direct that the legislative proposal be referred to the Budget and Appropriations Committee and shall be proceeded only in accordance with the recommendations of the Budget and Appropriations Committee after taking into account the views of Member of the County Executive Committee responsible for Finance save for Finance Bill.
- (4) The Budget and Appropriations Committee shall consider only the money-bill or financial aspects of the proposal and submit a report to the Speaker within twenty-one (21) days of receipt of the proposal.
- (5) A report under paragraph (4) shall contain—
 - (a) the views of the County Executive Committee Member responsible for Finance, if any;
 - (b) a detailed examination of the manner in which the legislative proposal affects the current and future budgets and may include implications on tax measures;

- (c) a recommendation on whether or not the proposal should be proceeded with;
 - (d) any other appropriate recommendation relating to money-bill aspects of the proposal.
- (6) Upon receipt of the recommendations of the Budget and Appropriations Committee, the Speaker may direct that—
- (a) the proposal be subjected to pre-publication scrutiny before relevant Sectoral Committee in case of a legislative proposal not sponsored by a Committee; or
 - (b) the proposal be published into a Bill, in the case of a legislative proposal sponsored by a Committee; or
 - (c) the legislative proposal not be proceeded with.
- (7) The Sectoral Committee to which a legislative proposal is referred to for pre-publication scrutiny under paragraphs (3)(a)(i) and (6)(a) shall consider the proposal and submit a report to the Speaker within twenty-one (21) days recommending whether or not the proposal should be proceeded with.
- (8) Following the recommendations of the relevant Sectoral Committee, the Speaker shall direct

either that the legislative proposal be published into a bill or not be proceeded with.

Speaker to exempt certain legislative proposals

129. (1) The Speaker may exempt a legislative proposal which originates from the Party forming the County Government from the provisions of *Standing Order 128 (Introduction of Bills)*.

(2) An exemption under paragraph (1) may not be granted unless it is accompanied by a copy of the relevant County Executive Committee approval.

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

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

Printing of amending provisions

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

Enacting formula

131. Every Bill shall contain, as the enacting formula, the words; *Enacted by the County Assembly of Bungoma.*

Memorandum of Objects and Reasons

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

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

Provisions on delegated powers

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

- (a) the purpose and objectives for which that authority is conferred;

- (b) the limits of the authority;
- (c) the nature and scope of the law that may be made; and
- (d) the principles and standards applicable to the law made under the authority.

Limitation of rights and fundamental freedoms

134. Every Bill that contains a provision limiting a right or fundamental freedom in terms of Article 24(2) of the Constitution shall contain separate and distinct provisions—

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

Publication

135. No Bill shall be introduced unless such Bill together with the memorandum referred to in *Standing Order 132 (Memorandum of Objects and Reasons)*, has been published in the Gazette (as a Bill to be originated in the Assembly), and unless, in the case of a County Finance Bill, an Appropriations Bill or a Supplementary Appropriations Bill, a period of seven days, and in the case of any other Bill a period of fourteen (14) days, beginning in each case from the day of such publication, or such shorter period as the House may resolve with respect to the Bill, has ended.

Procedure upon Publication

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

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

(3) A Bill for whom a Committee is in charge shall be introduced by the Chairperson of the Committee or a Member of the Committee designated by the Committee for that purpose.

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

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

(2) Paragraph (1) shall not apply to or in respect of an Appropriations Bill or a County Revenue Fund Bill.

Reading of Bills

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

First Reading

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

Committal of Bills to Committees and Public Participation

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

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

- (a) inviting submission of memoranda;
- (b) holding public hearings;
- (c) consulting relevant stakeholders in the sector; and
- (d) consulting experts on technical subjects.

(3) The Sectoral Committee shall take into account the views and recommendations of the public under paragraph (3) in its report to the House.

(4) Subject to *Standing Order 141 (Second Reading)* the Chairperson of the Sectoral Committee to which a Bill is committed or a Member designated for that purpose by the Committee shall present the Committee's report to the House within twenty (20) Calendar days of such committal and upon such presentation, or if the Committee's report is not presented when it becomes due, the Bill shall be ordered to be read a Second Time on such day as the House Business

Committee shall, in consultation with the Member or the Committee in charge of the Bill, appoint.

(5) If for any reason, at the commencement of the Second Reading, the report of the Committee has not been presented, the Committee concerned shall report progress to the House and the failure to present the report shall be noted by the Liaison Committee for necessary action.

(6) Despite paragraph (1) an Appropriations Bill, a Supplementary Appropriations Bill and Finance Bill shall be committed to the Budget and Appropriations Committee and Sectoral Committee on Finance and Economic Planning respectively.

Second Reading

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

(2) No amendment may be moved to the question: *That, the.....Bill be now read a Second Time, other than an amendment to leave out the word now and to add, at the end of the question, the words upon this day (state the period).*

Committal of Bills to Committee of the Whole House

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

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

Referral of proposed amendments to Committees

143. Where after a Bill has been Read a Second Time and before commencement of Committee of the Whole House and more than ten amendments have been proposed to it, which in the opinion of the Speaker require harmonization, the Speaker may direct any Member(s) proposing an amendment to the Bill to appear before the relevant Sectoral Committee dealing with the subject matter of the Bill to present his or her proposed amendments and the Committee shall submit a report to the House on the result of the exercise before the Committee of the Whole House is taken.

Sequence to be observed on a Bill in Committee

144. In considering a Bill in Committee, the various parts thereof shall be considered in the following sequence —

- (a) clauses as printed, excluding the clauses providing for the citation of the Bill, the commencement, if any, and the interpretation;
- (b) new clauses;
- (c) schedules;
- (d) new schedules;

- (e) interpretation;
- (f) preamble, if any;
- (g) long title;
- (h) the clauses providing for the citation of the Bill and the commencement.

Procedure in Committee of the Whole House on a Bill

145. (1) The Clerk shall call severally each part of the Bill in the sequence specified in *Standing Order 144 (Sequence to be observed on a Bill in Committee)* and if no amendment is proposed or when all proposed amendments have been disposed of, the Chairperson shall propose the question: *That, (as amended) stand part of the Bill* and, when Members who wish to speak have spoken, the Chairperson shall put the question to the Committee for decision.

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

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

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

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

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

(7) In the case of a County Finance Bill or an Appropriations Bill, no amendment shall be moved whose effect would be to impose a charge or increase expenditure above that already resolved by the House unless the House first resolves to allow such a Motion.

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

(9) Paragraph (3) of *Standing Order 65 (Manner of debating Motions)* shall apply, with necessary modifications, to the proceedings for amendment of a Bill in Committee.

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

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

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

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

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

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

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

Report of Progress

146. If any Member before the conclusion of proceedings on a Bill in a Committee of the whole House moves to report progress and such Motion is carried, the Chairperson shall leave the Chair and the Chairperson, or, if the Chairperson has taken the Speaker's Chair, the Member in charge of the Bill, shall report progress to the House and shall seek leave to sit again, and a day for the resumption of the proceedings shall be determined by the House Business Committee in consultation with the Member in charge of the Bill.

Bill to be reported

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

Procedure on Bills reported from Committee of the Whole House

148. (1) When a Bill has been reported from a Committee of the whole House, the House shall consider the Bill as reported upon a Motion: *That, the House does agree with the Committee in the said report.*

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

(3) A Member who desires to delete or amend any provision contained in a Bill, or to introduce a new provision in the Bill under paragraph (2) may propose any amendment to add, at the end of a Motion under paragraph (1), the words *subject to the recommittal of the Bill* (in respect of some specified part or of some proposed new clause or new schedule) *to a Committee of the Whole House*, and if that Motion is agreed to with such an amendment, the Bill shall stand so re-committed and the House shall either forthwith or upon a day named by the House Business Committee in consultation with the Member in charge of the Bill dissolve itself into a Committee to consider the matters so re-committed.

Re-Committal Procedure

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

(2) If the amendment to the Motion for agreement with the Committee of the Whole House is agreed to, the Bill shall stand so re-committed and the House shall either forthwith or upon a day named by the House Business Committee in consultation with the Member in charge of the Bill dissolve itself into a Committee to consider the matter so re-committed.

Procedure on Bills reported from Select Committees

150. (1) The report of a Select Committee on a Bill shall be laid on the Table of the House by the Chairperson or Vice-Chairperson of the Select Committee or by a Member authorized by the Committee in that behalf.

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

(3) *Standing Order 148 (Procedure on Bills reported from Committee of the Whole House)* shall apply to any Motion to approve the report of a Select Committee on a Bill.

Procedure upon the re-committal of a Bill

151. (1) When a Bill has been re-committed to a Committee of the Whole House, the Committee shall consider only the matters so re-committed and any matter directly consequential thereon.

(2) Except as is provided by paragraph (1), the procedure in Committee on a Bill on first committal shall apply with the necessary modifications to a Bill on re-committal.

(3) When a Bill has been reported from a Committee of the Whole House after re-committal, *Standing Order 148 (Procedure on Bills reported from Committee of the Whole House)* shall apply.

Third Reading

152. (1) On the adoption of a report on a Bill, the Third Reading may, with the leave of the Speaker, be taken forthwith and if not so taken forthwith, shall be ordered to be taken on a day named by the House Business Committee in consultation with the Member in charge of the Bill.

(2) On the Third Reading of a Bill, a Motion shall be made: *That, theBill be now read a Third Time*

and amendments may be proposed similar to those on Second Reading.

Withdrawal of Bills

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

(2) If the Speaker is of the opinion that the claim is not an abuse of the proceedings of the House, the Speaker shall direct that the Bill shall be withdrawn.

(3) A Bill that has been withdrawn may, subject to *Standing Order 128 (Introduction of Bills)*, be re-published and introduced again.

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

Lapse and Re-introduction of Bills

154. (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 128 (Introduction of Bills)*.

(2) A Bill that has been published, read a First Time or in respect of which the Second Reading has not been concluded —

- (a) at the end of a Session in which it was published shall not lapse at the end of that Session but shall resume in the next session of the same Assembly at the stage where it was last interrupted;
- (b) at the end of two consecutive sessions of the same Assembly shall lapse at the end of the second Session and may be republished in the same or different form in accordance with *Standing Order 128 (Introduction of Bills)*.

(3) Subject to paragraph (2), a Bill in respect of which the Second Reading has been concluded at the end of a Session shall resume in the next Session of the same Assembly at the stage where it was interrupted at the end of the Session.

(4) A Bill the consideration of which has not been concluded at the end of the term of an Assembly shall lapse.

Presentation of Bills for assent

155. (1) The Speaker and Clerk shall sign a Bill certified under these Standing Orders and forward a Bill passed by the County Assembly to the Governor for assent within fourteen days of its passage by the County

Assembly in terms of Section 24(1) of the County Governments Act, 2012.

(2) The Governor shall within fourteen days after receipt of a Bill assent to the Bill; or refer the bill back to the County Assembly with a memorandum outlining reasons for the referral in terms of Section 24(2) (a), (b) of the County Governments Act, 2012.

Referral of Bills by Governor

156. (1) Whenever the Speaker receives the Governor's reservations pursuant to Section 24(2) (b) of the County Governments Act, 2012, the Speaker shall convey the Message to the House.

(2) The Assembly shall, in accordance with the provision of Section 24(3) of the County Governments Act, 2012, consider the Governor's reservations conveyed to the House under paragraph (1) within twenty-one days of the date when the House next meets.

(3) The County Assembly may amend the Bill taking into account the issues raised by the Governor; or pass the Bill without amendment.

(4) If a County Assembly amends the Bill taking into consideration the issues raised by the Governor, the Speaker shall within fourteen days submit the Bill to the Governor for assent.

(5) If a County Assembly passes the Bill a second time, without amendment, or with amendments which do

not accommodate the Governor's concerns by a vote supported by two-thirds of Members of the County Assembly, the Speaker shall within seven days re-submit the Bill to the Governor and the Governor shall within seven days assent to the Bill.

(6) If the Governor does not assent to a Bill or refer it back within the period referred to under this section, the Bill shall be taken to have been assented to on the expiry of that period.

Coming into Force of a Law

(7) A legislation passed by the County Assembly and assented to by the Governor shall be published in the *County Gazette* and *Kenya Gazette* within seven days after assent

(8) Once the Governor assents to a Bill, shall forward to the Speaker a copy of the Bill assented to within twenty-four hours and the Speaker shall forward the Bill assented to by the Governor to the Government Printer for publication in the *County Gazette* and *Kenya Gazette*.

(9) If the Governor does not forward a copy of the Bill assented to or a memorandum on the Bill, the Bill shall be deemed to have been assented to and the Speaker shall forward the Bill for publication in the *County Gazette* and *Kenya Gazette*.

(10) Subject to paragraph (5), the Assembly legislation shall come into force on the fourteenth day after its publication in the *County Gazette* and *Kenya Gazette*, whichever comes earlier, unless the legislation stipulates a different date on or time at which it shall come into force.

(11) An Assembly legislation that confers a direct benefit whether financial or in kind on Members of the Assembly shall come into force after the next general election of Members of the Assembly.

(12) Paragraph (11) does not apply to an interest that Members of Assembly have as Members of the Public.

Custody of Bills

157. (1) Every Bill passed by the County Assembly shall remain in the custody of the Clerk.

(2) At any time before the certification and submission of a Bill to the Governor, the Speaker may correct formal errors or oversights therein without changing the substance of the Bill.

PART XXI—PRIVATE BILLS

Application of public Bill Procedure

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

Saving Clause

159. Every private Bill shall contain a clause saying the rights of the Governor, the National and County Governments, of all bodies politic or corporate, and of all others, except such as are mentioned in the Bill and those claiming by, from or under them.

Private Bill affecting private rights

160. (1) No private Bill which directly affects the private rights or property of any persons shall originate in the County Assembly unless the provisions of this Standing Order as to notice have been complied with.

(2) A notice shall be published in not less than three separate issues of the Gazette, specifying the general nature and objects of the Bill, the last of such publications being not less than fourteen days before the presentation of the Petition referred to in *Standing Order 157 (Petition for Leave)*.

Petition for Leave

161. (1) No private Bill shall be introduced unless a Petition for the same, headed by the short title of the Bill, and signed by the parties, being promoters of the Bill, or some of them, has been previously presented to the House with a copy of the Bill annexed.

(2) The Clerk shall scrutinize Petitions presented to the County Assembly and where, after such scrutiny, the Clerk is not satisfied that the provisions of this part

have been complied with, the Clerk shall so report to the Speaker.

(3) The promoters shall deposit with the Clerk a sufficient number of copies of the Petition with the Bill annexed, for distribution to Members and on receipt of such copies, the Clerk shall be avail a copy to every Member.

(4) The Petition shall be read at the first sitting of the House after it is so deposited and thereupon the question "*That, the promoters be granted leave to proceed*" shall 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 not more than thirty minutes.

Security for cost of printing

162. (1) Where leave to proceed is granted, the Clerk shall provide an estimate of the cost of printing the Bill and the promoters of the Bill shall meet such cost.

(2) The promoters shall deposit at least twenty five percent of the estimated total cost of printing the Bill as security with the Clerk.

Bills authorizing the construction of work

163. (1) In the case of a private Bill authorizing the construction works, before such Bills 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;
- (b) and (b) deposit with the Clerk a sum not less than four percent of the amount of the estimate under paragraph (1).

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

First Reading

164. When the provision of this part have been complied with, the Clerk shall cause the Bill to be printed, distributed to Members and published in the County *Gazette* and Kenya *Gazette* and at the first sitting of the House held not less than fourteen days after such publication, the Bill be read a First Time.

Right of audience before Committee on opposed Bill

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

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

How Bills may be opposed

166. No person, other than a Member, shall be heard, whether in person or by advocate, in opposition to a private Bill unless such person has previously lodged a Petition with the Clerk, showing nature of the person's objections to the Bill and whether the person's objections extend to the whole or some part of the Bill and praying that he or she may be heard in person or by advocate, as the case may be.

Printing expenses

167. As soon as practicably possible, after a private Bill is passed, rejected or abandoned, the Clerk shall make out an account showing the expenses of printing and shall, if the amount of the account is less than the security deposited, refund the balance, and if it is excess, cause the promoter to pay the balance.

PART XXII—COMMITTEE OF THE WHOLE HOUSE

Limits on consideration of matters by Committee

168. Committee shall not consider any matter other than a matter which has been referred to it or which it is required by these Standing Orders to consider.

Committee of the Whole House may not adjourn

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

Report to the County Assembly

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

No debate on Motion for Report

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

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

General application of rules in Committee

172. Except as otherwise provided in these Standing Orders, the same rules of order and of debate for the

conduct of business shall be observed in Committee as in the County Assembly.

PART XXIII—SELECT COMMITTEES

House Business Committee

173. (1) There shall be a Select Committee, to be designated the House Business Committee, consisting of—

- (a) The Speaker who shall be the Chairperson;
- (b) The Deputy Speaker;
- (c) the Leader of the Majority Party or Coalition of Parties;
- (d) the Leader of the Minority Party or Coalition of parties;
- (e) the Majority Party or Coalition of Parties Whip;
- (f) the Minority Party or Coalition of Parties Whip;
- (g) not less than four and not more than nine Members, who shall be nominated by County Assembly Parties at the commencement of every Session, reflecting the relative majorities of the seats held by each of the County Assembly Parties in the County Assembly and taking into consideration the

interests of independents, the marginalized, minorities and special interest groups.

(2) The House Business Committee shall be appointed within Seven (7) Calendar days on Assembly of a new County Assembly.

(3) In the absence of the Speaker, the Deputy Speaker shall Chair the meetings of the House Business Committee

(4) The County Assembly House Business Committee shall—

- (a) prepare and, if necessary, from time to time adjust the House Calendar with the approval of the County Assembly;
- (b) monitor and oversee the implementation of the House Business and programmes;
- (c) implement the Standing Orders respecting the scheduling or programming of the business of the House and functioning of the Committees of the County Assembly;
- (d) determine the order in which the reports of Committees shall be debated in the County Assembly;
- (e) may take decisions and issue directives and guidelines to prioritize or postpone any business of the House acting with the concurrence of the Leader of the Majority

Party or the Leader of the Minority Party, as the case may be;

- (f) consider such matters as may from time to time arise in connection with the business of the House and shall have and perform such powers and functions as are conferred on and ascribed to it by these Standing Orders or from time to time by the County Assembly.

(5) The quorum of the Committee shall be a third of the members of Committee.

(6) If, for any reason, a Member of the House Business Committee is unable to attend, the Leader in the County Assembly of the Party which nominated that Member may appoint another Member in that Member's place for the period for which the Member is unable to attend.

Committee on Selection

174. (1) There shall be a Select Committee, to be designated Committee on Selection consisting of—

- (i) The Leader of the Majority Party or Coalition of Parties who shall be the Chairperson,
- (ii) The Leader of the Minority Party or Coalition of Parties,
- (iii) Party or Coalition of Parties Chief Whips and

(iv) Seven other members, who shall be nominated by County Assembly Parties and approved by the County Assembly taking into consideration the interests of Independents.

(2) The Committee on Selection shall nominate members to serve in Committees, save for the membership of the House Business Committee, Committee on Appointments and Members of the Speaker's Panel.

(3) The Committee on Selection shall be appointed within (10) Ten Calendar days on assembly of a new County Assembly.

General Provisions

Nomination of Members of Select Committees

175. (1) Unless otherwise provided by any written law or these Standing Orders, the Committee on Selection shall, in consultation with County Assembly Parties, nominate Members who shall serve on a Select Committee.

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

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

(4) A Member against whom an adverse recommendation has been made in a report of a Select Committee that has been adopted by the House shall be ineligible for nomination as a Member of the Committee.

Criteria for nomination

176. (1) In nominating Members to serve on a Select Committee, the Committee on Selection shall ensure that the membership of each Committee reflects the relative majorities of the seats held by each of the County Assembly parties in the County Assembly.

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

(3) Except as the House may otherwise resolve, on the recommendation of the Committee on Selection for reasons to be stated, no member shall be appointed to serve in more than three Sectoral Committees.

(4) Majority of the Members of the Public Accounts and Investments Committee and Committee on

Implementation are drawn from Parties other than County Assembly or Coalition of Parties forming the County Government.

Approval of Nomination

177. (1) The Committee on Selection shall, within seven days upon nomination of Members to serve in any Committee of the County Assembly, present the list to the House for approval.

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

(3) A member shall not be a Member of a Committee of the County Assembly, unless the nomination of such Member into the Committee is approved by the County Assembly.

Discharge of a Member from a Committee

178. (1) (a) The County Assembly Party that nominated a Member to a Select Committee, may give notice, in writing to the Speaker that the member is to be discharged from a Select Committee.

(b) Before a Member is removed from a Select Committee, he/she shall be accorded a fair

hearing in accordance with Article 47 of the Constitution of Kenya.

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

Composition of Select Committees

179. Subject to any written law, these Standing Orders or a resolution of the County Assembly, a Select Committee shall consist of an odd number of Members, being, not less than eleven and not more than fifteen.

Chairing of Select Committees and Quorum

180. (1) Subject to paragraph (2) of *Standing Order 175 (nomination of Members of Select Committees)*, unless otherwise provided under any written law, these Standing Orders or by resolution of the County Assembly—

- (a) a Select Committee shall upon appointment, elect its Chairperson and Vice Chairperson from amongst its Members;
- (b) the Chairperson and a half of the Members of a Select Committee shall constitute a quorum.

Conduct of Election

181. (1) The Clerk shall appoint a place, date and time for the first meeting of a Committee within seven days of its constitution by the County Assembly, or such

further period as the Speaker may approve and as soon as a majority of the Committee is present, the Clerk shall, by a secret ballot, conduct the election of the Chairperson and Vice-Chairperson of the Committee.

(2) Whenever a vacancy occurs in the office of Chairperson or Vice-Chairperson of a Select Committee, the Clerk shall provide a Form for Nomination Paper under the Seventh Schedule of the Standing Orders, within seven days of the vacancy arising, appoint a place and time for the meeting of the Committee to elect the Chairperson or Vice-chairperson.

Duties of Committee Chairperson

182. Subject to the provisions of these Standing Orders and the directions of the Committee, a Chairperson of a Committee shall—

- (a) preside at meetings of the Committee;
- (b) perform the functions and exercise the powers assigned to office of the Chairperson by the Committee, resolutions of the House or legislation;
- (c) be the Spokesperson of the Committee.

Notice of Meetings

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

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

Sittings of Select Committees

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

Sub-Committees of Select Committees

185. A Select Committee may establish Sub-Committees as it may consider necessary for the proper discharge of its functions.

Member adversely mentioned not to sit

186. A Member who is adversely mentioned in a matter under deliberation by a Committee shall not be present at any meeting at which the Committee is deliberating on the matter, but the Member may appear to adduce evidence as a witness before the Committee.

Adjournment for lack of quorum

187. Unless quorum is achieved within thirty minutes of the appointed time, a meeting of a Committee

of the County Assembly shall stand adjourned to such time on another day as the Chairperson of the Committee may appoint.

Frequency of Meetings

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

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

(3) Despite paragraph (2), a sitting of Committee shall stand suspended when a division or quorum bell is rung.

(4) The proceedings of a meeting of a Committee held contrary to paragraph (2) shall be void.

Failure to attend meetings

189. (1) If a Member fails to attend four consecutive sittings of a Committee without the written permission of the Chairperson of the Committee, or the permission of the Speaker if the Member is the Chairperson, the Chairperson or the Speaker, as the case may be shall notify the Committee of the failure.

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

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

Absence of Chairperson and Vice-Chairperson

190. In the absence of the Chairperson and Vice Chairperson at any meeting, a Member designated by the Chairperson shall take the Chair and in the absence of such designated Member, the Members present shall elect one of them to take the Chair.

List of Attendance

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

Minutes of Select Committees

192. The minutes of the proceedings of a Select Committee shall be laid on the Table of the House with the report of the Committee and may, subject to *Standing Order 245 (Custody of Journals and Records)*, be published.

Powers and Privileges of Committees

193. (1) Committees shall enjoy and exercise all the powers and privileges bestowed on County Assembly by the Constitution and statute, including the power to -

- (a) summon any person to appear before it for the purposes of giving evidence or providing information;
- (b) enforce the attendance of witnesses and examine them under oath, affirmation or otherwise;
- (c) compel the production of documents;
- (d) request for and receive papers and documents from the Government and the public; and
- (e) issue a commission or request to examine witnesses abroad.

(2) The oath to be sworn or affirmation to be made by a witness appearing before a Committee shall be in the form set out in the Fourth Schedule.

(3) A summon under paragraph (1) shall be —

- (a) issued by the Clerk on the direction of the Speaker or the Chairperson of a Committee acting in accordance with a resolution of the Committee; and

(b) in the form set out in the Fifth Schedule.

(4) The summons shall be served by Serjeant-at-Arms or a Police Officer who is duly authorized by the Clerk by delivering a copy of the summons —

- (a) to the person mentioned in the summon(s); or

- (b) at that person's usual or last known place of residence, employment or business or left with a person who is over the age of eighteen years and who resides or is employed at that place.
- (5) Where the summon(s) is to be served on a corporation, the summons may be served—
- (a) on the secretary, director or other officer authorized by the corporation; or
 - (b) if the officer serving the summon(s) is unable to find any of the officers of the corporation mentioned in subparagraph (a) —
 - (i) by leaving it at the registered office of the corporation;
 - (ii) by sending it by prepaid registered post or by a licensed courier service provider approved by the court to the registered postal address of the corporation;
 - (iii) if there is no registered office and no registered postal address of the corporation, by leaving it at the place where the corporation carries on business; or
 - (iv) by sending it by registered post to the last known postal address of the corporation.

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

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

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

Procedure if witness fails to appear

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

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

(3) The House or its Committee may order the arrest of a witness who fails to honour summon(s) for the purpose of compelling his or her attendance.

Temporary absence of a Member of a Select Committee

195. (1) Unless otherwise provided for in these Standing Orders, in the event that any Member of a Committee is absent or otherwise unable to attend the sittings of the Committee, the Party Whip of that Member's Party may, with permission of the Speaker, appoint another Member to act in that Member's place during the period of such absence or inability.

(2) A member shall be considered absent or otherwise unable to attend a sitting in terms of paragraph (1) if the member is out of the Country on official County Assembly business or is indisposed.

Vote of no confidence in the Chairperson or Vice Chairperson

196. (1) A Committee may, by a resolution supported by a majority of its Members, resolve that it has no confidence in the Chairperson or Vice Chairperson and a Member designated by the Committee for that purpose shall thereupon report the resolution to the Liaison Committee which shall, as soon as it is practicable, direct the Clerk to conduct an election for the Chairperson or Vice Chairperson, as the case may be, in accordance with *Standing Order 181 (Conduct of election)*.

(2) The Members desiring to make a resolution under paragraph (1) shall serve the Chairperson or Vice -

Chairperson with a written notice of the intended vote of no confidence and may, if they constitute a majority, request the Clerk to call for a meeting at the expiry of three days after giving of such notice.

(3) The notice under paragraph (2) shall be deemed to have been given upon circulation of the notice in the Offices of Members and posting on notice boards in the precincts of the County Assembly.

(4) A notice under paragraph (2) shall be deemed to have been given upon delivery to the Chairperson's or Vice -Chairperson's official email address and by delivery of the notice to the office of the Chairperson or Vice -Chairperson, as the case may be.

Original vote

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

(2) Paragraph (1) shall not apply to the Chairperson of the House Business Committee, Appointment, Powers and Privileges, Rules and Procedures and Speakers Panel who shall have neither an original nor a casting vote.

Attendance by Non-Members of Select Committee

198. (1) A Member may attend and participate in a meeting of any Committee of the County Assembly of which he or she is not a Member, but such Member shall not be entitled to vote on any matter before the Committee.

(2) A member who intends to participate in a meeting of a Committee of the County Assembly, of which he or she is not a member, shall submit a written request to the Chairperson of the Committee at least 24 Hours before the meeting, or such other period the Chairperson may in exceptional circumstances allow.

(3) The request shall indicate any matter which the Member intends to raise at the meeting.

(4) Where the Chairperson allows a request for participation under paragraph (2), the Member may attend the meeting and raise any matters indicated in his or her request.

(5) The Chairperson shall, before allowing a non-member to participate in a matter before the Committee, give priority to the Members of the Committee.

(6) The Chairperson may order a non-member of the Committee to withdraw from a meeting for disorderly conduct.

Procedure in Select Committees

199. (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 of the Committee of the Whole County Assembly.

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

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

(4) Where a vote on a question is not unanimous, the names of the Members voting for and against the question and those abstaining from voting, respectively, shall be recorded in the minutes.

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

Limitation of Mandate

200. (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 House and, in the case of a Select Committee on a Bill, to the Bill committed to it and relevant amendments.

(2) In the exercise of its functions, a Select Committee may not consider any matter that is not completed within the mandate of the County Assembly under the Constitution.

Public access to House proceedings and meetings of Select Committees

201. (1) All House and Committee proceedings shall be open to the public unless in exceptional circumstances the Speaker or the Chairperson has determined that there are justifiable reasons for the exclusion of the public.

(2) The House or a Committee may adjourn to seek leave of the Speaker or Chairperson to exclude the public in considering a matter before it in its proceedings.

Reports of Select Committees

202. (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 House and in such other form as may be prescribed in the Committee Operational Manual.

(2) A Select Committee that have not concluded the business as committed by the House shall report progress by way of a statement requesting the leave of the House to extend time and shall only be limited once.

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

(4) If the Chairperson is absent or is not readily available, the Vice -Chairperson shall sign the report under paragraph (1), and in the absence of both the

Chairperson and the Vice-Chairperson, the Committee shall nominate another Member to sign the report.

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

(6) A report having been adopted by a majority of Members, a minority or dissenting report may be appended to the report by any Member(s) of the Committee.

(7) A report of a Select Committee including any minority report, together with the minutes of the proceedings of the Committee, and with such note or record of any evidence by the Committee as the Committee may deem fit, shall be laid on the Table of the House by the Chairperson of the Select Committee, or the Vice Chairperson or by a Member authorized by the Committee on its behalf within fourteen days of the conclusion of its proceedings.

(8) Within forty-eight working hours after the report has been laid on the Table of the County Assembly, the Clerk shall publish the report in the County Assembly website and circulate copies to Members.

Committee Annual Reports

203. Unless a more regular interval is prescribed under any written law or these Standing Orders, each Select Committee shall prepare and table in the House

Annual Review Reports at the end of each financial year detailing the activities undertaken during the fiscal year.

Committee Exit Reports

204. A Committee shall compile and table an exit report before the expiry of its term to the County Assembly which then shall be made available to the succeeding Committee which may consider it in preparing its Work Plan.

County Assembly Resolutions

205. (1) The Clerk shall, within seven days of a resolution of the House or adoption of a report of a Select Committee, convey the resolution and where applicable, a copy of the report, to the relevant County Executive Committee Member, independent Commission or holder of a Statutory Body under whose portfolio the implementation of the resolution falls.

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

Joint Sitting of Committees of the County Assembly

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

(2) The proceedings of a Joint Committee shall be co-chaired by the Chairpersons of the Committees involved, through chairing intervals of the period of the sitting of the Joint Committee.

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

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

Engagement of Experts

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

Committee on Appointments

208. (1) There shall be a Select Committee to be designated the Committee on Appointments to be appointed by the County Assembly, consisting of—

(a) the Speaker as the Chairperson,

- (b) the Deputy Speaker,
- (c) the Leader of the Majority Party or coalition of parties,
- (d) the Leader of the Minority Party or coalition of parties,
- (e) the Deputy Majority Party or coalition of parties,
- (f) the Deputy Leader of the Minority Party or coalition of Parties; and
- (g) not more than five other Members nominated by the County Assembly Political Parties/Coalition of Parties on the basis of proportional Party membership or Coalition membership in the County Assembly taking into consideration the numerical strength of the Parties or Coalition of Parties and interest of independent Members.

(2) The Committee on Appointments shall be appointed within Seven (7) days on Assembly of a new County Assembly and shall serve for a period of three years and that appointed thereafter shall serve for the remainder of the term of the County Assembly.

(3) In the absence of the Speaker, the Deputy Speaker shall Chair the meeting.

(4) The Committee on Appointments shall consider, for approval by the County Assembly,

appointments under Articles 179(2) (Members of County Executive Committee); appointments under Sections 32D (b); 44 (2) (b) of the County Governments Act, 2012 and Section 5 of the Office of the County Attorney Act, 2020.

(5) The quorum of the Committee on Appointments shall be one half of the Members of the Committee, but the Speaker shall not be counted for the purposes of quorum and shall not vote.

Public Accounts and Investments Committee

209. (1) There shall be a Select Committee to be designated the Public Accounts and Investments Committee.

(2) The Public Accounts and Investments Committee shall be constituted immediately following the General Election and shall serve for a period of three Calendar years and that constituted thereafter shall serve for the remainder of the Assembly term.

(3) The Chairperson of the County Public Accounts and Investments Committee shall be a Member of the Party or Coalition of Parties other than County Assembly Parties forming the County Government and shall have a majority of one.

(4) The County Public Accounts and Investments Committee shall consist of a Chairperson and not more than ten other Members who are not Chairpersons of any other Committee.

(5) The functions of Public Accounts and Investments Committee shall be—

- (a) pursuant to Article 185 (3) of the Constitution, to exercise oversight over County Executive Committee and any other County Executive Organ;
- (b) pursuant to Article 229 (7) and (8), of the Constitution, to examine the reports of the Auditor-General on the annual accounts of the County Government;
- (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.

(6) Despite paragraph (5), the Public Accounts and Investments Committee shall not examine any of the following, namely—

- (a) matters of major Government policy as distinct from business or commercial functions of the public investments;
- (b) matters of day-to-day administration; and

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

Budget and Appropriations Committee

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

(2) The Committee shall consist of the Chairperson and not more than ten other Members who are not Chairpersons of any other Committee;

(3) In nominating Members under paragraph (2) the Committee on Selection shall nominate a Member from each Sub County and two Members representing either youths, women, minority or people living with disability.

- (4) The functions of the Committee shall be to—
 - (a) discuss and review the estimates and make recommendation to the County Assembly;
 - (b) examine the County Fiscal Strategy Paper presented to the County Assembly;
 - (c) examine the County Debt Management Strategy management Paper presented to the County Assembly;

- (d) examine Bills related to the National Budget, including Appropriations Bills; and
- (e) evaluate tax estimates, economic and budgetary policies and programmes with direct budget outlays.

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

(6) The Chairperson and five Members of the Budget Committee shall constitute a quorum.

County Assembly Procedure and House Rules Committee

211. (1) There shall be a Select Committee to be known as the County Assembly Procedure and House Rules Committee.

(2) The Committee shall comprise of the Speaker as the Chairperson of the Committee, the Deputy Speaker, Members of Speaker's Panel and not more than two other Members.

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

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

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

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

Committee on Implementation

212. (1) There shall be Select Committee to be known as Committee on Implementation.

(2) The Chairperson of Implementation Committee shall be a Member of the Party or Coalition of Parties other than County Assembly Party or Parties forming the County Government and shall have a majority of one

(3) The Implementation Committee shall consist of a Chairperson and not more than ten other Members.

(4) The Committee shall scrutinize the resolutions of the House (including adopted Committee reports),

Petitions and the undertakings given by the County Executive Committee and examine—

- (a) whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; whether such implementation has taken place within the minimum time necessary; and
- (b) whether or not legislation passed by the House has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.

(5) The Committee may propose to the House, sanctions against any Member of the County Executive Committee who fails to report to the relevant Select Committee on implementation status without justifiable reasons.

Committee on Justice, Cohesion and Legal Affairs

213. (1) There shall be a Select Committee to be known as Committee on Justice, Cohesion and Legal Affairs.

(2) The Committee shall comprise of a Chairperson and not more than ten other Members.

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

- (a) carry out matters of Constitutional affairs, administration of Law and Justice, including ethics, integrity, elections and human rights; and all Petitions save for petitions under *Standing Order 78 (5)*;
- (b) monitor and promote measures relating to policy and program initiatives in pursuit of peace and County cohesion;
- (c) investigate, inquire into and report on all matters relating to inter-community cohesion in the County;
- (d) monitor and promote measures designed to enhance the equalization of opportunities and improvement in the quality of life and status of all persons, including persons who are marginalized on the basis of gender, age, disability, health status, ethnic, racial, cultural or religious background or affiliation or any other such ground;
- (e) investigate, inquire into and report on all matters relating to discrimination or marginalization of persons referred to under sub-paragraph (d);
- (f) make proposals to County Assembly including legislative proposals for the protection, equalization of opportunities and promotion of the welfare of the groups referred to under sub-paragraph (d); and

- (g) examine the activities and administration of all County Departments and statutory bodies in so far as they relate to the rights and welfare of the persons referred to under sub-paragraph (d).

Committee on Delegated County Legislation

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

(2) The Committee shall comprise of a Chairperson and not more than ten other members.

(3) Whenever a statutory instrument is submitted to the House 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 House by the Chair of the relevant Sectoral Committee, or any other Member of the Committee and shall thereafter stand referred to the Committee on Delegated County Legislation.

(4) The Committee shall consider in respect of any statutory instrument whether it—

- (a) is in accord with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written law;
- (b) infringes on fundamental rights and freedoms of the public;

- (c) contains a matter which in the opinion of the Committee should more properly be dealt with in an Act of the County Assembly;
- (d) contains imposition of taxation;
- (e) Directly or indirectly bars the jurisdiction of the Courts;
- (f) gives retrospective effect to any of the provisions in respect of the which the Constitution or the Act does not expressly give any such power;
- (g) involves expenditure from the County Revenue Fund or other public revenues;
- (h) is defective in its drafting or for any reason the form or purport of the statutory instrument calls for any elucidation;
- (i) appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
- (j) appears to have had unjustifiable delay in its publication or laying before County Assembly;
- (k) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions;

- (l) makes rights, liberties or obligations unduly dependent insufficiently defined administrative powers;
 - (m) inappropriately delegates legislative powers;
 - (n) imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
 - (o) appears for any reason to infringe on the rule of law;
 - (p) inadequately subjects the exercise of legislative power to County assembly scrutiny; and,
 - (q) accords to any other reason that the committee considers fit to examine.
- (5) If the Committee—
- (a) resolves that the statutory instrument, be acceded to, it shall issue a statement informing the House and the Clerk shall convey that resolution to the relevant County Department or the authority that published the statutory instrument.
 - (b) does not accede to the statutory instrument, the Committee may recommend to the House that the County Assembly resolves that all or any part of the statutory instrument be annulled and if the instrument if a resolution is

passed by the House within twenty days on which it next sits after the instrument laid before it under paragraph (3), that all or part of the statutory instrument be annulled, the instrument or part thereof shall henceforth stand annulled.

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

Powers and Privileges Committee

215. (1) There shall be a Select Committee to be designated the Powers and Privileges Committee.

(2) The Committee shall comprise of the Speaker as the Chairperson and not more than ten other members.

(3) The Functions of the Committee shall be to—

- (a) inquire into the conduct of a member whose conduct is alleged to constitute a breach of privileges
- (b) perform such other functions as maybe specified by an Act of parliament or any other

legislation of powers, immunities and privileges of Members.

(4) The Committee of Powers and Privileges shall, either on its own Motion or as a result of complaint made by any person, inquire into the conduct of a Member whose conduct is alleged to constitute a breach of the County Assembly privileges, or is likely to reflect adversely on the dignity and integrity of the County Assembly or of the Members.

(5) The Committee shall, within fourteen (14) calendar days of the conclusion of an inquiry, table its findings in the House together with such recommendations as it considers appropriate.

(6) The House shall, in accordance with its Standing Orders, consider the report and the recommendations thereon and may take such action against the Member concerned as may be appropriate.

(7) The quorum of the Committee shall be a third of the members of the Committee, including the Speaker.

Liaison Committee

216. (1) There shall be a Select Committee to be known as the Liaison Committee which shall consist of—

(a) The Deputy Speaker as Chairperson of the Committee;

- (b) the First Panelist of the Speaker's Panel who shall be the Vice-Chairperson;
 - (c) Chairpersons of all Committees of the County Assembly excluding the Ad hoc Committees.
- (2) The Liaison Committee shall—
- (a) guide and co-ordinate the operations, policies and mandates of all Committees as per the Constitution of Kenya, other Relevant Statutes and these Standing Orders;
 - (b) deliberate on and apportion the annual operating budget among the Committees depending on their Work Plans and Committee Budget ceilings;
 - (c) consider and schedule the programmes of all Committees businesses;
 - (d) ensure that Committees submit reports as required by these Standing Orders;
 - (e) determine, whenever necessary, the Committee or committees to deliberate on any matter; and
 - (f) give such advice relating to the work and mandate of Select Committees as it may consider necessary.
- (3) The Liaison Committee shall consider reports of Committees that have not been deliberated by the House

and shall report to the House on the consideration of such reports.

Appointment of Sectoral Committees

217. (1) There shall be Select Committees to be known as Sectoral Committees whose membership shall—

- (a) be nominated by the Committee on Selection in consultation with County Assembly Parties at the commencement of every County Assembly; and
- (b) not exceed fifteen in number.

(2) A Member appointed to a Sectoral Committee at the commencement of a County Assembly or at any other time during the term of a County Assembly shall, unless the House otherwise resolves, serve for the term of that County Assembly subject to Standing Order 178 (*Discharge of a Member from a Committee*).

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

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

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

- (a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, coordination, control and monitoring of budget;
- (b) Consider quarterly reports of the assigned departments and report to the House within twenty-one (21) sitting days upon being laid;
- (c) Study the programme and policy objectives of departments and the effectiveness of the implementation;
- (d) Study and review all county legislation referred to it;
- (e) Study, access and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (f) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- (g) to vet and report on all appointments where the constitution or any law requires the House

to approve, except those under *Standing Order 209* (Committee on Appointments); and

- (h) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

Committee to be limited to mandate

218. (1) Except as expressly provided for in these Standing Order, no matter shall be referred to a select committee except on a Motion approved after notice given.

(2) Notwithstanding paragraph (1), the Speaker may, in exceptional circumstances on a request by a Member, refer a matter to a Committee.

PART XXIV—PUBLIC PETITIONS

Meaning of Petition

219. For purposes of this part, a Petition means a written prayer to the County Assembly by a Member of the public requesting the House to consider any matter within its authority, including enacting, amending or repealing any legislation.

Form of Petition

220. A Petition shall be the form set out in the Third Schedule and shall—

- (a) be handwritten, printed or typed;

- (b) be in English or Kiswahili and be written in respectful, decorous and temperate language;
- (c) be free of alterations and interlineations in its text;
- (d) be addressed to the County Assembly;
- (e) have its subject- matter indicated on every sheet if it consists of more than one sheet;
- (f) indicate whether any efforts have been made to have the matter addressed by a relevant body or whether the response or whether the response has been unsatisfactory;
- (g) indicate whether the issues in respect of which the Petition is made are pending before any court of law or other constitutional or legal body;
- (h) conclude with a clear, proper and respectful prayer, reciting the definite object of the petitioner or petitioners in regard to the matter to which it relates;
- (i) subject to paragraph (m), contain the names, address, identification numbers, signature or a thumb impression of the petitioner or of every petitioner, where there is more than one petitioner;
- (j) contain only signatures or thumb impressions, as the case may be, and addresses and

identification numbers written directly onto the Petition and not pasted thereon or otherwise transferred to it;

- (k) not have any letters, affidavits or other documents annexed to it;
- (l) in the case of a Petition presented by a Member on behalf of a petitioner, be countersigned by the Member presenting it; and
- (m) be signed by the petitioner or if the petitioner is unable to sign, by a witness in whose presence the petitioner shall make his or her mark on the Petition.

Petition on Private Bill

221. A Petition on a Private Bill shall be dealt with in accordance with PART XXI (Private Bill) of these Standing Orders.

Notice of intention to present Petition

222. A Member shall give to the Clerk two sittings 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.

Submission of a Petition

223. (1) A Petition to the County Assembly shall be—

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

(2) Notwithstanding paragraph (i) (b), a Member shall not be eligible to present a Petition on his own behalf.

(3) The Clerk shall, within seven days of the date of receipt of the Petition, review the Petition to ascertain whether the Petition meets the requirements of these Standing Orders and of the law.

(4) Where the Clerk considers that a Petition does not comply with paragraph (3), the Clerk may give such directions as are necessary to ensure that the Petition is amended to comply with that paragraph.

(5) The Clerk shall, if satisfied that the Petition meets the requirements under paragraph (3), forward the Petition to the Speaker for tabling in the House within three (3) sittings days.

Presentation of petitions

224. (1) A schedule of Petition to be presented or reported to the House on a sitting day may be appended

to the Order Paper of the Day in the order that they shall be presented or reported.

(2) When the Order "Petitions" is read, the Speaker shall—

- (a) in case of a Petition presented by a Member, direct that the Member to present the Petition to the House or;
- (b) in case of a Petition presented through the Clerk, report the petition to the County Assembly;

(3) The Member presenting the Petition shall read such Petition but shall confine himself or herself to the subject of the prayer, the material allegations therein and the number of signatures attached.

(4) A Member having presented a Petition shall, without question put, laid the Petition on the Table of the County Assembly.

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

Committal of Petitions

225. (1) Every Petition presented or reported pursuant to this part, shall stand committed to Justice, Cohesion and Legal Affairs Committee.

(2) Whenever a Petition is committed to Justice, Cohesion and Legal Affairs Committee, it 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 House and no debate on or in relation to the report shall be allowed, but the Speaker may, in exceptional circumstances, allow comments or observations in relation to the Petitions for not more than twenty minutes.

(3) The Clerk shall, within fifteen days of the decision of the County Assembly, in writing, notify the Petitioner(s) of the decision of the House on the Petition.

Times for Petitions

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

Comments on Petitions

227. 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.

Copies of responses

228. The Clerk shall forward copies of responses received under Standing Orders 226 (*Committal of Petitions*) to the petitioner or petitioners.

Register of Petitions

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

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

PART XXV—FINANCIAL PROCEDURES

General restrictions with regard to certain financial measures

230. (1) If, in the opinion of the Speaker, a Motion makes provision for a matter listed in the definition of "a money Bill", the Assembly may proceed only with the recommendation of the Budget and Appropriations Committee after taking into account the views of the Members of County Executive Committee responsible for Finance.

(2) "A money Bill", as provided for in Section 21 (4) of the County Governments Act, 2012 means a Bill, that contains provisions dealing with—

- (a) Taxes;
- (b) The imposition of charges on a public fund or the variation or repeal of any of those charges;
- (c) The appropriation, receipt, custody, investment or issue of public money;

- (d) The raising or guaranteeing of any loan or its repayment; or
- (e) Matters incidental to any of those matters.

Presentation of County Fiscal Strategy Paper and the Debt Management Strategy

231. (1) Every year not later than *28th February* in each year, the County Executive Committee Member responsible for Finance shall submit to the House County Fiscal Strategy Paper and a Debt Management Strategy in accordance with Sections 117 and 123 of the Public Finance Management Act, 2012 and shall be laid in the House.

(2) The County Fiscal Strategy Paper submitted under paragraph (1) in terms of Regulations 26 of the Public Finance Management (County Governments) Regulations, 2015, shall contain an assessment of the current state of the County economic environment which may include—

- (a) the medium-term macroeconomic framework and its outlook as contained in the Budget Policy Statement and how it impacts on the County economic environment;
- (b) a medium-term fiscal framework defining a top-down aggregate resource envelope and broad expenditure levels;

- (c) indicative allocation of available resources among County Government entities;
- (d) the economic assumptions underlying the County budgetary and fiscal policy over the medium term;
- (e) a statement of fiscal responsibility principles, as specified in the Public Finance Management Act, 2012 and Public Finance Management (County Governments) Regulations 2015 indicating whether the fiscal strategy adheres to these principles.

(3) The County Fiscal framework in the County Fiscal Strategy Paper under Regulations 27 of the Public Finance Management (County Governments) Regulations, 2015, shall contain—

- (a) updated forecasts expressed in Kenya shillings for the current budget year and three further years and actual results for the previous budget years for the consolidated county government budgets for—
 - (i) level of budgetary revenues by classification of the main categories of revenues;
 - (ii) level of budgetary expenditures by economic and functional classifications;
 - (iii) capital expenditures;

- (iv) the overall balance and primary balance position;
 - (v) level of county public debt;
 - (vi) sensitivity analysis taking account of possible changes in macroeconomic and other conditions; and
 - (vii) any other information the County Executive Committee Member determines is material to fiscal strategy;
- (c) an explanation of the fiscal policies in relation to fiscal responsibility principles, and any temporary measures to be implemented to ensure compliance, if necessary;
- (d) an analysis and explanation of—
- (i) revenue policy, including planned changes to taxes and policies affecting other revenues;
 - (ii) deficit and debt policy, including an analysis of county debt sustainability; and
 - (iii) expenditure policy including expenditure priorities, aggregate expenditure intentions, including the county consolidated budgets, and expenditure ceilings and other targets or limits

implied by or required by the fiscal responsibility principles; and

- (e) an analysis of the consistency of the updated fiscal strategies with the previous fiscal strategies, providing an explanation of any significant changes.

(4) Upon being laid before the County Assembly, the County Fiscal Strategy Paper shall be committed to Budget and Appropriation Committee and deemed to have also been committed to each Sectoral Committee without question put, for each such Committee to deliberate upon according to their respective mandates to consider and make recommendations to the Budget and Appropriations Committee.

(5) Within fourteen (14) Calendar days following the tabling of the County Fiscal Strategy Paper, the Budget and Appropriation Committee shall table a report in the House for consideration in accordance with the provisions of Section 117(6) of the Public Finance Management Act.

(6) In addition to the recommendation of the Committee, the report under paragraph (5) shall contain—

- (a) a schedule showing the vertical allocation of resources amongst the two levels of government;

- (b) the ceilings of resources recommended for the County Executive Arm of Government and the County Assembly;
- (c) a recommendation on the overall debt strategy for the next financial year and the medium term.

(7) The approval by the House of the Motion on the report of the Budget and Appropriation Committee on the County Fiscal Strategy Paper shall constitute the House Resolution setting forth the total overall projected revenue and borrowing, vertical allocation of resources among departments of County Government, the ceilings recommended for the County Executive Arm of the County Government and the County Assembly; and where necessary, the total sums for each Vote and the allocations to individual programmes for the fiscal year in question.

(8) The resolution of the House on the County Fiscal Strategy Paper shall serve as a basis of the proposed estimates of expenditure for the next financial year and the medium term.

- (9) The Debt Management Strategy shall include—
- (a) the total stock of debt as at the date of the statement;

- (b) the sources of loans made to the County Government and the nature of guarantees given by the National Government;
- (c) the principal risks associated with those loans and guarantees;
- (d) the assumptions underlying the debt management strategy; and
- (e) an analysis of the sustainability of the amount of debt, both actual and potential.

(10) The Debt Management Strategy shall be considered and approved by the House within 28 Days.

Presentation of Budget Estimates and Committal to Committees

232. (1) The County Executive Committee responsible for Finance and Economic Planning and the Clerk of the County Assembly shall, not later than *30th April each year*, submit to the County Assembly, Budget Estimates and related documents specified for the County Government, and County Assembly.

(2) The Estimates and related documents submitted under paragraph (1) shall be tabled in the House within three days of submission.

(3) Upon being laid before the House—

- (a) the Estimates shall be deemed to have been committed to each Sectoral Committee

without question put, for each such Committee to deliberate upon according to their respective mandate;

- (b) each Sectoral Committee shall consider, discuss and review the estimates according to its mandate and submit its report and recommendations to the Budget and Appropriation Committee within twenty-one (21) Calendar Days.

(4) The Budget and Appropriations Committee shall discuss and review the Estimates and make recommendations to the County Assembly, taking into account the recommendations of the Sectoral Committees, the views of the County Executive Committee Member for the time being responsible for Finance and Economic Planning and the Public.

(5) The House shall, on a Motion, that *"This County Assembly adopts the report of the Budget and Appropriations Committee on the Budget Estimates for the County Government, and County Assembly tabled in the House on"* consider the Report and adopt it with or without amendments.

(6) Upon the House resolution on the report—

- (a) the recommendation for increase or reduction on any particular Vote as resolved by the House will serve as notice of intention by the Chairperson of the Budget and Appropriations

Committee to move the particular amendments on the concerned Vote in the Committee of Supply;

- (b) the Speaker may require that an appropriate Addendum be made to the Estimates as table to reflect the amendments made by the House on the Estimates or respective Votes.

Committee of supply

233. The Committee of supply shall be a Committee of the Whole County Assembly.

Definition of day

234. For the purpose of this part, a day shall be deemed to consist of any period of not more than three hours prior to 1:00 p.m. or of not more than three hours between 2:30 p.m. and 7:00 p.m. or of not more than three hours after 7:00 p.m.

Moving into Committee of Supply

235. On an Order of the Day for Committee of Supply being read, the Chairperson of the relevant Sectoral Committee or a Member designated by the Committee shall move the Motion " That the sum of Kshs be issued from the County Revenue Fund to meet the expenditure during the year ending 30th June, 20.....in respect of Vote Department....."

Procedure in Committee of Supply

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

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

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

(4) An amendment to the Budget Estimates may be made by the House only if it is in accordance with the resolutions adopted regarding the County Fiscal Strategy Paper and if—

- (a) any increase in expenditure in a proposed appropriation, is balanced by a reduction in expenditure in another proposed appropriation; and
- (b) any proposed reduction in expenditure is used to reduce the deficit.

(5) Where a Bill originating from a Member of a County Assembly proposes amendments after the passing of Budget Estimates and the Appropriations Bill by the

County Assembly, the House may proceed in accordance with the resolution adopted regarding the County Fiscal Strategy Paper and ensure—

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

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

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

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

(9) In the case of each Vote, amendments in respect of items or sub-heads under that Vote shall be

placed upon the Order Paper and considered in the order in which the items or sub-heads, to which they refer, stand under the Vote in the Estimates.

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

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

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

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

(14) On the last of the allotted days, being a day before 20th of June, the Chairperson shall, one hour before the time for the interruption of business, forthwith put every question necessary to dispose of the debate for approval of the Vote then under consideration, and shall then forthwith put severally the questions necessary to dispose of every Vote not yet granted; and if at that time the House is not in Committee, the House shall forthwith move into committee without question put, for that purpose.

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

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

(17) Upon approval of the Budget Estimates by the County Assembly, the Budget and Appropriation Committee shall introduce the Appropriation Bill.

Pronouncement of the Budget highlights and Revenue raising measures

237. (1) The Member of County Executive Committee Member responsible for Finance shall make a public pronouncement of the budget policy highlights and revenue raising measures for the County Government as contemplated under Section 129(2) (a) & Section 132 (1) (2) the Public Finance Management Act, 2012

(2) The Speaker may designate a suitable place in the Chamber for the purposes of admitting the County Executive Committee Member to make the public pronouncement of the budget policy highlights and revenue raising measures.

(3) The public pronouncement under paragraph (1) shall be heard without question or clarification.

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

(5) The provisions of the County Assembly (Powers and Privileges) Act, 2017 shall apply to a Member of County Executive Committee Member admitted to the Chamber under this Part.

(6) Any recommendations made by the relevant committee or adopted by the County Assembly on Revenue matters shall—

- (a) ensure the total amount of revenue raised is consistent with the approved fiscal framework and the County Allocation of Revenue Act;
- (b) take into account the principles of equity, certainty and ease of collection;
- (c) consider the impact of the proposed changes on the composition of tax revenue with reference to direct and indirect taxes;
- (d) consider domestic, regional and international tax trends;
- (e) consider the impact on development, investment, employment and economic growth; and
- (f) take into account the taxation and other tariff agreements and obligations that Kenya has ratified, including taxation and tariff agreements under the African Community Treaty.

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

Vote on Account

238. (1) Where the County Appropriation Bill for financial year has not been assented to, or is not likely to be assented to by the beginning of that financial year, the County Assembly may authorize the withdrawal of money from the County Revenue Fund.

(2) A Motion seeking the authorization of withdrawals under paragraph (1) shall be known as a Vote on Account.

(3) Money withdrawn under subsection (1) —

- (a) may be used only for the purpose of meeting expenditure necessary to carry on the services of the County Government during the financial year concerned until such time as the relevant appropriation law is passed; and
- (b) may not exceed, in total, one-half of the amount included in the estimates of expenditure submitted to the County Assembly for that year.

(4) The Speaker shall, within seven days, communicate the authorization in subsection (1) to the County Executive Committee Member for Finance and Economic Planning.

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

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

Procedure on Supplementary Estimates

239. (1) The County Government shall submit to County Assembly for approval, a supplementary budget in support of money spent under Section 135 of the Public Finance Management Act, 2012.

(2) The supplementary budget shall include a statement showing how the additional expenditure relates to the fiscal responsibility principles and financial objectives.

(3) Paragraphs (3) and 4, of Standing Order 237 (*Procedure in Committee of Supply*) shall with the necessary modifications, apply to Supplementary Estimates.

(4) On any day on which an Order of the Day for Committee of Supply has been set down under this Standing Orders, the business of such order shall commence not later than three hours before the time for interruption of business.

(5) Unless the House orders that the business under paragraph (3) shall continue for more than one day, the Chairperson of the Committee of the Whole House shall,

half an hour before the time for interruption of business forthwith put every question necessary to dispose of the Motion then under consideration and shall then forthwith put severally the questions necessary to dispose of the business of supply under the same Order of the Day.

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

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

(8) If the County Assembly is not sitting during the time contemplated in paragraph (7), or is sitting but adjourns before approval has been sought, approval shall be sought within fourteen days after it next sits.

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

Consideration of Supply Resolutions

240. (1) The report or any resolution of the Committee of Supply shall be considered by the House

forthwith, unless the House otherwise orders upon a Motion, "That, the County Assembly do agree with the Committee in the said resolution".

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

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

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

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

Passage of the Finance Bill

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

Consideration of the Finance Bill

242. (1) Following the submission of the legislative proposal by the Member of County Executive Committee responsible for Finance under Standing Order 237 (*pronouncement of the Budget Highlights and Revenue Raising measures*), the Finance Committee shall introduce, to the County Assembly, the Finance Bill in the form in which the Bill was submitted as legislative proposal by the Member of County Executive Committee responsible for Finance together with the report of the Committee on the Bill.

(2) Any of the recommendations made by the Committee or adopted by the House on revenue matters shall—

- (a) ensure that the total amount of revenue raised is consistent with the approval fiscal framework;
- (b) take into account the principles of equity, certainty and ease of collection;

- (c) consider the impact of the proposed changes on the composition of the tax revenue with reference to the direct and indirect taxes;
- (d) consider domestic, regional and international tax trends;
- (e) consider the impact on development, investment, employment and economic growth;
- (f) take into account the recommendations of the County Executive Committee Member for Finance; and
- (g) take into account the taxation and other tariff agreements and obligations that Kenya has ratified, including taxation and tariff agreements under the East Africa Community Treaty.

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

PART XXVI —JOURNALS, RECORDS AND BROADCAST OF PROCEEDINGS

Journals of the County Assembly

243. All Votes and Proceedings of the House shall be noted by the Clerk and shall constitute the Journals of the County Assembly.

Custody of Journals and Records

244. (1) The custody of the Journals and Records, whether audio, electronic or any other form, including all papers and accounts howsoever presented to or belonging to the County Assembly, shall be vested in the Clerk, who shall unless otherwise prohibited by any law, allow their access by the public.

(2) The Clerk shall publish the Votes and Proceedings of the House within forty-eight working hours of any sitting.

(3) The Speaker may make rules to regulate the access by the public to Journals and Records under paragraph (1).

Hansard Reports

245. (1) There shall be published within forty-eight working hours, a verbatim report of all proceedings of the County Assembly, unless the Speaker is satisfied that this is rendered impossible by some emergency.

(2) Every member shall have an opportunity to correct the draft verbatim report his or her contribution, but not so as to alter the substance of what the Member actually said.

(3) Where there is doubt as to the content of the verbatim record of the County Assembly, the Speaker shall make a determination.

Secret or Personal Matters

246. The Speaker may direct any matter which, in the Speaker's opinion, is secret or purely personal to be excluded from the Journals of the House and from the verbatim report of the proceedings of the County Assembly, and to be the subject of a separate verbatim report, which shall be kept in the custody of the Clerk and made available only to Members.

Broadcast of County Assembly Proceedings

247. (1) The proceedings of the House may be broadcast.

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

PART XXVII—PUBLIC ACCESS TO THE COUNTY ASSEMBLY AND ITS COMMITTEES

General provisions on access to the County Assembly

248. (1) Except as may be expressly provided to the contrary, every person has access to the County Assembly and its Committees.

(2) The County Assembly or a Committee may not exclude any person, or any media, from a sitting of the House or of a Committee unless, in exceptional circumstances, the Speaker has determined that there are justifiable reasons for the exclusion.

(3) The Speaker may, from time to time, issue rules governing public access to the County Assembly and its Committees.

Restriction of access to the Chamber

249. (1) No person other than a Member shall be admitted into the Chamber appropriated to the exclusive use of Members of the County Assembly while the County Assembly or the Committee of the Whole House is sitting.

(2) Paragraph (1) does not apply to the Clerk or other officers of the House when discharging their duties in the service of the County Assembly.

Exclusion from the County Assembly or Committees

250. (1) A Member may, at any time, rise to claim that the public or any particular person be, for reasons stated, excluded from the County Assembly or from a Committee, and if the Speaker is of the opinion that there are justifiable reasons for the exclusion, he or she may order that the public or such person withdraw from the County Assembly or the Committee.

(2) Whenever the Speaker has determined that any person be exclude from a sitting of the County Assembly or of a Committee, the Speaker shall inform the County Assembly or Committee the reasons for the exclusion.

(3) A determination by the Speaker under paragraph (2) shall not be the subject of comment or debate.

(4) The Clerk shall ensure that an order for the withdrawal of the public or a person is complied with.

Press representatives infringing Standing Orders or the Speaker's Rules

251. Any media institution whose representative infringes these Standing Order or any rules made by the Speaker for the regulation of the admittance of the public to the County Assembly or to Committees or persistently misreports the proceedings of the County Assembly, or neglects or refuses on request from the Speaker to correct any wrong report in respect to the proceedings of the County Assembly to the satisfaction of the Speaker, may be excluded from representation in the Press gallery for such period as the Speaker shall direct.

PART XXVIII—GENERAL

Exemption of business from Standing Orders

252. (1) Subject to paragraph (2) and (3), a Motion may, with the approval of the Speaker, be moved by any Member, either with or without notice that the proceedings on any specified business be exempted from the provisions of Part (Sitting and Adjournments of the County Assembly), Part (Order of Business), Part (Limitation of Debate), Part... (Public Bills), Part...(Private Bills), Part.... (Committee of the Whole County Assembly) Part.... (Supply and Ways and Means), Part.... (Select Committees), Part ... (Public

Petitions) and Part (Public Access to the County Assembly and its Committees) of these Standing Orders.

(2) No Motion for the exemption of business from the Standing Orders shall be made to exempt any business from Standing Order.... (Publication), Standing Order (Not more than one stage of a Bill to be taken at the same sitting) or Standing Order... (Governor's consent required for money measures).

(3) Not more than one Motion for the Exemption of business from the Standing Orders may be moved at any one sitting, except with the leave of the County Assembly.

(4) A Motion under this Standing Order shall state the object of or reason for the proposed exemption and—

- (a) may be moved at any time and any other business then in progress may thereupon be interrupted;
- (b) may not be amended without the consent of the mover.

Extension of period prescribed

253. (1) Despite the provisions of these Standing Orders prescribing a period for doing an Act by the County Assembly or its Committee, the House may, upon a Motion, resolve to extend that period.

(2) The authority of the House contemplated under paragraph (1), may be exercised only in exceptional circumstances to be permitted by the Speaker.

(3) Where an extension of time is granted under this Standing Order, the doing of all other Acts consequential thereto shall be deemed to have been extended accordingly.

Summons by the House

254. (1) A Member may give a three days' notice of a Motion requiring the House to summon a person to appear before the House pursuant to the provisions of Article 195 of the Constitution.

(2) The Speaker shall refuse or decline the notice, if the Speaker is of the opinion that the proposed Motion is frivolous, vexatious, an abuse of the proceedings of the House, or an attempt to unreasonably usurp matters under consideration by a particular Committee.

- (3) The notice under paragraph (1) shall specify—
- (a) the person or persons to be summoned;
 - (b) the purpose of the summons;
 - (c) the evidence to be adduced, or document to be produced, if any, before the House; and
 - (d) the time and place of appearance before the House.

(4) A person shall be summoned to appear before the House under this Standing Order only if—

- (a) the purpose of the summons is not to consider a matter which is already a subject of consideration by a Committee of the House; or
- (b) the person has been previously summoned to appear before a Committee of the House but has failed or declined to appear before such Committee without lawful cause.

(5) Upon resolution of the House on a Motion under paragraph (1), the Clerk shall, not later than three days from the date of the approval, issue summons to the persons named in the Motion, requiring the person to attend before the House on the date, time and place indicated in the Motion.

Attendance before County Assembly

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

(2) If the County Assembly grants leave under paragraph (1) —

- (a) the Clerk or officer shall attend before the County Assembly or the Committee of the County Assembly;
- (b) the Member may, if the Member considers it fit to do so, attend before the County Assembly or the Committee of the County Assembly.

(3) Except upon leave granted under paragraph (2), a Member, the Clerk or an officer may not, whether in person or by counsel, attend or appear before the County Assembly or a Committee of County Assembly in response to a summons or invitation, or send an answer in writing to such summons or invitation.

Failure to attend Sitzings

256. (1) If, during any Session, a Member is absent from eight sittings of the County Assembly without permission, in writing from the Speaker, the Speaker shall report the matter to the County Assembly and the matter shall stand referred to the Committee of Privileges for hearing and determination.

(2) The Committee of Privileges shall inquire into a matter referred to it under paragraph (1) within fourteen days from the date the matter is referred to it and shall thereupon submit a report to the County Assembly.

(3) If the report of the committee finds that the Member has offered a satisfactory explanation for the Member's absence from eight sittings of the County

Assembly without the permission in writing from the Speaker, there shall be no further proceeding in the County Assembly in respect of the matter.

(4) If the report of the Committee finds that the Member has not offered a satisfactory explanation for the Member's absence from eight sittings of the County Assembly under paragraph (1), the Chairperson of the Committee or a Member of the Committee designated by the Committee for that purpose shall, upon submitting the report, give a three days' notice of a Motion that, *"This County Assembly notes the Report of the Committee of Privileges laid on the Table of the County Assembly regarding...."* With other necessary modification.

(5) A Motion under paragraph (4) shall be debated in the usual manner of debating Motions, except that—

- (a) no amendment shall be permitted to the Motion;
- (b) the debate of the Motion shall not be anticipated by a Motion for the adjournment of the County Assembly, and no dilatory Motion shall be moved in relation to the business, and the business shall not be interrupted under any Standing Order.

(6) At the conclusion of the debate on a Motion under paragraph (4), the Speaker shall not put a question but shall declare that, pursuant to Article 103 (1) (b) of the Constitution, the Office of the Member concerned has become vacant.

Seating in the Chamber

257. (1) There shall be reserved seats in the Chamber of the County Assembly for the exclusive use by each of the following—

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

(2) The Speaker may designate seats in the Chamber for Members of the Speaker's Panel, Deputy Leaders of Majority and Minority Parties, Chairpersons of Committees and Majority and Minority Party Whips.

(3) All other seats in the Chamber shall be available for the use by any Member.

(4) Subject to this Standing Orders and any other order of the County Assembly, any question relating to the occupation of seats in the Chamber shall be determined by the Speaker.

Conduct of proceedings in exceptional circumstances

258. (1) This Part shall apply to the conduct of proceedings of the House and its Committees in an exceptional circumstance.

(2) The provisions of the Standing Orders preceding this Part shall remain in force except as may be modified in this Part.

(3) Where any provision of this Part conflicts with or is inconsistent with the provision of any preceding Standing Order, whether in part or whole, the provisions of this Part shall prevail.

(4) In this Part, "exceptional circumstance" means an event or occurrence as may be lawfully declared in accordance with any written law which precludes the County Assembly from conducting a physical sitting and includes the declaration of an epidemic, pandemic, extreme natural phenomena, pestilence or an act of terrorism.

Alternative sitting arrangements

259. (1) The Speaker shall invoke the provisions of this Part and permit the House and its Committees to conduct sittings either—

- (a) physically and virtually, where the House is partly precluded from conducting a physical sitting by an exceptional circumstance; or
- (b) virtually, where the House is wholly precluded from conducting a physical sitting by an exceptional circumstance.

(2) The Speaker shall, upon invoking the provisions of paragraph (1) and upon the recommendation of the Procedure and House Rules Committee, prescribe guidelines governing—

- (i) the conduct of the proceedings;

- (ii) the manner of voting, manner of conducting a division and the ascertainment of a vote in the proceedings;
- (iii) the conduct of Members during the proceedings;
- (iv) access to the proceedings by Members of public and media;
- (v) public participation and involvement;
- (vi) etiquette; and
- (vii) such other matter as may be relevant to the conduct of the proceedings.

(3) The guidelines prescribed under paragraph (2) shall cease to apply upon revocation by the Speaker or the cessation of the exceptional circumstance, whichever is earlier.

Other arrangements

260. During the pendency of an exceptional circumstance—

- (a) the House may, by resolution, vary its ordinary sittings to such a number as the circumstance permits;
- (b) the House Business Committee shall determine and prioritize essential business to be considered by the House; and
- (c) the Speaker may—

- (i) designate a place outside the Chamber but within the precincts of the County Assembly from where Members may participate in the proceedings;
- (ii) prescribe the number of Members who may participate in the proceedings from the chamber or any designated place outside the chamber;
- (iii) permit a Member or any other person required to file, deliver or table any document under the Standing Orders or any written law to file or submit the document electronically for tabling;
- (iv) where the House is wholly precluded from conducting a physical sitting, deem a document submitted, including a document submitted electronically, to have been tabled, subject to its admissibility; and
- (v) preclude public access to the House and Committees pursuant to *Standing Order 251*

Use of technology

261. (1) The Speaker may, taking into account the provisions of Article 126(1) of the Constitution, prescribe an appropriate information and communications

technology platform for the conduct of the virtual proceedings under this Part.

(2) The platform prescribed under paragraph (1) shall—

- (a) incorporate video and audio or text;
- (b) allow the participation of Members in the proceedings in real-time and the broadcast of the proceedings;
- (c) facilitate the proceedings to be recorded and transcribed under *Standing Order 246*; and,
- (d) where the House is wholly precluded from conducting a physical sitting, incorporate a system that allows Members to vote.

(3) The voting system incorporated under paragraph (2) (d) shall be simple, accurate, verifiable, secure, accountable, transparent and facilitate the prompt declaration of the result of each vote taken.

(4) The Clerk shall facilitate the participation of Members in virtual proceedings through the use of standard electronic devices specifically configured for the proceedings.

Recognition of a County Assembly Caucus

262. (1) The Speaker may, upon the written request of at least ten Members, recognize a County Assembly

caucus formed for the purpose of advancing a common legislative objective.

(2) A request to the Speaker under this Standing Order shall—

- (a) indicate the name of the caucus;
- (b) outline the legislative objective of the caucus; and
- (c) contain the names and signatures of the Members of the caucus.

(3) A County Assembly caucus shall not enjoy the Powers and Privileges of a Committee of the House.

Members traveling outside Kenya

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

- (a) the destination intended to be visited;
- (b) the dates of the intended travel and period of absence from Kenya; and
- (c) the email, telephone contact, postal or physical address of the Member during the period of absence from Kenya.

(2) All information submitted under this Standing Order shall be kept in a register which the Clerk shall

maintain for that purpose and shall not be disclosed to any person without the permission of the Speaker.

Expenses of witnesses

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

PART XXIX—AMENDMENTS OF STANDING ORDERS

Proposals for amendment by the County Assembly Procedure and House Rules Committee

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

Amendment on the initiative of a Member

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

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

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

- (b) contain the names and signatures of the Members supporting the request;
 - (c) be lodged with Speaker.
- (3) The Speaker shall, if satisfied that the requirements of paragraphs (1) and (2) have been met, forward the request to the County Assembly procedure and House Rules Committee.
- (4) The County Assembly Procedures and House Rules Committee shall, within twenty-one days of the receipt of a request under paragraph (3), consider the request and table a report in the County Assembly containing the amendments proposed in the request and the recommendations of the Committee on each such proposal.
- (5) The County Assembly shall consider the proposed amendments to the Standing Orders as reported from the County Assembly procedure and House Rules Committee on a Motion that "The report of the County Assembly Procedure and House Rules Committee be approved".
- (6) *Standing Order 148 (Procedure on Bills reported from Committee of the Whole County Assembly)* shall apply to a Motion to approve the report of the County Assembly Procedure and House Rules Committee on the amendments proposed to the Standing Orders.

Periodic review of Standing Orders introduction

267. At least once in every term of the County Assembly, not later than six months to the end of the term, the County Assembly Procedure and Rules Committee shall review the Standing Orders and make a report to the County Assembly recommending the Standing Orders, if any, to be amended.

Consideration of reports of the County Assembly Procedure and House Rules Committee

268. (1) Upon the tabling of a report of the County Assembly Procedure and House Rules Committee under *Standing Order 266 and 268*, the Procedure set out at *Standing Order 267 (5) and (6)* shall apply with the necessary modifications.

(2) Amendments to the Standing Orders proposed under this part shall, upon approval by the County Assembly, take effect at the time appointed by the County Assembly.

FIRST SCHEDULE
BROADCASTING RULES
(Standing Order 248 (2))

County Assembly Broadcasting Unit

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

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

County Assembly Privileges

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

Television broadcasting

3. When broadcasting the proceedings of the County Assembly on television, the following guidelines shall apply—

- (a) the camera shall focus on the Member recognized by the Chair until the Member has finished speaking;

- (b) group shots and cut-always may be taken for purpose of showing the reaction of a group of Members to an issue raised on the Floor;
- (c) Wide-angle shots of the Chamber shall be used during voting and division and no shot shall be taken so as to show the manner in which a Member has voted in any secret ballot.
- (d) officers of the County Assembly taking an active role in the proceedings may be shown;
- (e) the occupant of the chair shall be shown when taking and leaving the chair and whenever he or she rises;
- (f) press and public galleries shall be not be shown except as part of the wide-angle shots and during important functions as may be determined by the County Assembly Public Administration and ICT Committee;
- (g) No close-up shots of Members' papers or reference materials may be shown.

Radio broadcasting

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

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

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

Protection of the dignity of the County Assembly

5. (1) Officers of the County Assembly Broadcasting Unit shall conduct themselves in a professional and impartial manner, giving a balanced, fair and accurate account of proceedings

(2) Shots designed to embarrass unsuspecting Members of County Assembly shall not be shown.

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

External Media

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

(2) No external media or other person may broadcast any proceedings of the County Assembly or its Committees except as received from the broadcast feed provided by the County Assembly Broadcasting Unit with the permission of the Speaker.

(3) A media House that receives a broadcast feed from the County Assembly Broadcasting Unit shall broadcast it without any manipulation or distortion.

(4) No camera or recording or broadcasting equipment shall be allowed in Assembly without authorization.

(5) Accredited journalists shall be allowed access to designated areas for purpose of following the proceedings and taking notes and any journalist so allowed shall observe the Standing Orders and these rules.

Breach of broadcasting Rules

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

(2) The County Assembly Public Administration and ICT Committee shall develop proceedings for the enforcement of these Rules.

Application

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

SECOND SCHEDULE SECTORAL COMMITTEES
(Standing Order 218)

SECTORAL	SUBJECT AREA
Finance and Economic Planning	All matters related to the Public Finance, Monetary Policies, Revenue Policies including taxation, County Integrated Development Plan, Annual Development Plan, Mobilization of resources for funding the budgetary requirements of the County Government, including putting in place mechanisms to raise revenue and resources.
Education and Vocational Training	All matters relating to pre-primary education, Vocational Training Centres, village polytechnics, home craft centres and childcare facilities
Agriculture, Livestock, Fisheries, Irrigation, and Cooperative Development	All matters related to Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development Crop and animal husbandry, Livestock Sale Yards, County Abattoirs, animal control and welfare including licensing of

SECTORAL	SUBJECT AREA
	dogs facilities for the accommodation, care and burial of animals, veterinary services (excluding regulation of the profession), plant and animal disease control, irrigation development and cooperative societies.
Roads, Transport, Infrastructure and Public Works	All matters related to County Transport including County roads, street lighting, traffic and parking, public road transport; firefighting services and disaster management and County Public Works Services.
Tourism, Environment, Water and Natural Resources	All matters related to Local Tourism, County parks Water Environment, and Natural including implementation of specific national government policies on natural resources and environmental conservation, including soil and water conservation, refuse removal, refuse dumps, solid waste management and enforcement of solid waste management policies, standards, regulations, forestry, control of air pollution, noise

SECTORAL	SUBJECT AREA
	pollution, other public nuisance and outdoor advertising
Gender, Culture & Social Welfare	All matters related to Gender, Culture & Social Welfare including implementation of policies and legislative framework for gender and social development; cultural activities, public entertainment and public amenities including regulation of betting, casinos and other forms of gambling, promotion and supervision of racing activities in the County, promotion of cultural activities, regulation of liquor licensing, regulation of cinemas, video shows and hiring of equipment's development and management of museums, cultural activities & facilities. All matters related to social welfare, including promotion and coordination of volunteer services, implementation of policies and programmes on child protection and care including cash transfer; orphan, and vulnerable children programme, coordinating and monitoring the provision of financial subsidies to needy older

SECTORAL	SUBJECT AREA
	persons aged 65 and above and control of drugs and pornography;
Health Services	All matters related to County Health services, in particular, implementation of National policies on Health at the County level, County health facilities and pharmacies, ambulance services, promotion of primary health care, licensing and control of undertakings that sell food to the public, cemeteries, funeral parlours and crematoria, formulation and implementation of policy on sanitation and programs.
Land, Urban, Physical Planning and Housing	All matters related to County planning and development including statistics, land survey and mapping, boundaries and fencing, electricity and gas reticulation and energy regulation; Housing, County Housing Surveys, Planning and Development of Housing Infrastructure projects, Storm Water management systems in build-up areas.

SECTORAL	SUBJECT AREA
Trade, Energy and Industrialization	Trade development and regulation including markets, trade licenses (excluding regulation of professions), Investment and Divestiture Policies and fair-trading practices, electricity and gas reticulation and energy regulation
Public Administration and ICT	All matters related to Public Administration including County, Sub-County, Ward and Village Administration, public service; broadcasting of the proceedings of the House; public participation; provision of library, publications and research services in the County Assembly, including improvement of the library and research services; utilization of the facilities provided by the library and research services, including use of information and communication technology; and all matters related to Office of the County Attorney
Labour Relations, Members Service and Facilities	All matters related to County Public Service Board, County Assembly Service Board, Labour, Trade Union Relations,

SECTORAL	SUBJECT AREA
	Employment; Manpower or Human Resource Planning; receiving and considering views of Members on the services and facilities provided for their benefit and wellbeing; advising and reporting on all matters connected to the services and facilities provided for Members.
Youths Affairs and Sports	All matters related to youth including youth coordination, youth empowerment and development programs, sports and recreation activities and facilities.

THIRD SCHEDULE
GENERAL FORM OF A PUBLIC PETITION
(Standing Order 220)

I/We, the undersigned,

.....

(Here, identify in general terms, who the petitioner or petitioners are, for example, citizens of Kenya, residents of County or region, workers of industry, etc.)

DRAW the attention of the County Assembly to the following:

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

THAT

(Here confirm that efforts have been made to have the matter addressed by the relevant body, and if failed to give satisfactory response).

THAT

(Here confirm that the issues in respect of which the petition is made are not pending before any court of law, or constitutional or legal body).

HEREFORE your humble petitioner(s) Pray that County Assembly.....
 (Here, set out the prayer by stating in summary what action the petitioners wish County Assembly to take or refrain from.)

<i>Name of petitioner</i>	<i>Full address</i>	<i>National.ID/Passport print</i>	<i>Signature/Thumb</i>
.....			
.....			
.....			
.....			
.....			
.....			

(Here, repeat the summary in first page)
 Name of petitioner Signature/Thumb impression

.....

(Subsequent pages)

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

FOURTH SCHEDULE
FORM OF OATH/SOLEMN AFFIRMATION BY
WITNESS APPEARING BEFORE A COMMITTEE
OF THE HOUSE
(Standing Order 194(2))

I.....do
swear/affirm that the evidence I shall give before this
Committee on the matter(s) under its consideration shall
be the truth, the whole truth nothing but the truth.

(In the case of an oath — So help me God.)

FIFTH SCHEDULE
SUMMONS TO WITNESSES
(Standing Order 194(3), (b))

To

Whereas your attendance is required before the
County Assembly/Committee in relation
to.....(state subject matter), you are
hereby required (personally) to appear before the County
Assembly/

.....Committee on
theday of.....,20....., at o'clock in the
forenoon and to bring with you (specify the
information/document required to be produced).

If you fail to comply with this order without lawful
excuse, you will be subject to the consequences of non-
attendance laid down in *Standing Order 183*

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

Clerk of the County Assembly

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

SIXTH SCHEDULE
AFFIDAVIT OF SERVICE OF SUMMONS
(Standing Order 194 (7))

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

On..... 20..... at.....
(time) I served the summons in this matter
on.....at..... (place) by
tendering a copy thereof to him/her and requiring a
signature on the original. He/She signed/refused to sign
the summons. He/She was personally known to me/ was
identified to me by..... and
admitted that he/she was the witness.

1. Not being able to find
the witness on 20..... at.....
(time) I served the summons on.....
(name)..... an adult member of the family of
the witness who is residing with him/her.

2. Not being able to find..... the witness
or any person on whom service could be made, on
20.....at (time), I affixed a copy of the summons to
the outer door of being the house in
which he/she ordinarily resides/carries on

business/personally works for gain. I was accompanied by..... who identified the House to me.

3.
(Otherwise specify the manner in which the summons was served).

SWORN by the said.....this.....day of....., 20.....

Before me Commissioner for Oaths/Magistrate.

SEVENTH SCHEDULE
FORM OF NOMINATION PAPER
(Standing Order 181 (2))

Election of the Chairperson/Vice-Chairperson of the.....Committee of the County Assembly to be held on the.....day of20.....

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

(1) Particulars of Candidate	
National Identity Card/Passport No.	
Sex	
Physical Address	
Political Party	
Telephone No.	
(2) Particulars of Proposer	
National Identity Card/Passport No.	
Sex	
Physical Address	
Political Party	
Telephone No.	

(3) Particulars of Seconder.	
National Identity Card/Passport No.	
Sex	
Physical Address	
Political Party	
Telephone No.	

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

.....
Signature of Candidate.

Dated this.....day of.....20.....

EIGHT SCHEDULE
FORM FOR SIGNATURES IN SUPPORT OF A
MOTION FOR REMOVAL
(Standing Order 75(1), (c), 77(1), (c), 79(1), (c))

<i>No.</i>	<i>Name</i>	<i>Ward</i>	<i>ID. No</i>	<i>Signature</i>
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				

Name of the Motion Mover Signature:

.....

Date



SPEAKER'S RULES
FIRST EDITION
FEBRUARY, 2021
FOREWORD

The Speaker's Rules are made pursuant to the powers of the Speaker under Section 38 of the County Assemblies Powers and Privileges ACT, 2017. The Rules regulate the conduct of Members of County Assembly and also govern the admission and conduct of members of the public and other visitors to County Assembly. Breach of the Speaker's Rules will usually result in the matter being referred to the Committee of Privileges for consideration and action.

In addition to the Speaker's Rules, Members of County Assembly are fully conversant with all other laws which define the powers, privileges and immunities of the County Assembly and of the Members of County Assembly.

The Speaker may, after consultation with the Committee of House Rules and Procedure make amendments to these Rules whenever need arises.

PART I
CONDUCT OF MEMBERS OF THE COUNTY
ASSEMBLY WITHIN THE PRECINCTS OF
COUNTY ASSEMBLY

General

1. The conduct of Members of the County Assembly within the Chamber of the County Assembly is regulated by the Standing Orders of the County Assembly, a copy of which is supplied to every Member of County Assembly.

2. Members of the County Assembly are responsible for the selection and for the good behavior of all visitors whom they introduce to any part of the precincts of County Assembly.

3. Members of the County Assembly are required to study and to assist in enforcing the Rules regulating admission and conduct of visitors.

4. No Member of County Assembly may bring a firearm or other offensive weapon into the County Assembly precincts. All such weapons must be deposited with the Serjeant-at-Arms at the time of entry, and collected at the time of leaving.

5. Members of the County Assembly are required not to enter the Chamber, Lounge or Dining Room without being properly dressed. This means that a male Member of County Assembly shall be dressed in a coat,

collar, tie, long trousers, socks and shoes, or service uniform, religious attire of such other decent dressing as may be approved by the Speaker from time to time. An equivalent standard shall apply in respect of women Members of the County Assembly who may also wear Kitenge or such other African attire.

6. Members of the County Assembly and the staff shall be provided with catering services offered at the cafeteria upon payment.

7. Members of the County Assembly and staff are required to cooperate with the Serjeant-at-Arms and his or her Assistants in ensuring proper and seemly conduct by all persons within the precincts by complying immediately with their requests, any complaint regarding any of those officers should be addressed to the Speaker after such compliance.

Office Accommodation

8. The County Assembly Service Board in consultation with the Speaker is responsible for provision of officers and office facilities to Members of the County Assembly at County Assembly Buildings or any other building designated as precincts of the County Assembly.

9. The Serjeant-at-Arms shall co-ordinate all matters related to and connected with office accommodation and furnishings.

10. The Officers shall be equipped with telephones provided with level of facilities for calls within the Bungoma area. However, Members of the County Assembly are entitled to make calls, anywhere within the country in connection with their County Assembly work provided they go through the telephone exchange.

11. Members of the County Assembly shall be provided with shared secretarial services with photocopying facilities.

PART II
RULES REGULATING ADMISSION AND
CONDUCT OF VISITORS WITHIN THE
PRECINCTS OF COUNTY ASSEMBLY

General

1. For the purpose of these Rules, “Visitor” means any person who is neither a Member nor an Officer or other employee of County Assembly.

2. Special permission, whenever required by these Rules, may be given by the Speaker or, in his/her absence, by the Deputy Speaker, or, if neither of them is available, by the Clerk or by the Serjeant –at-Arms, or in their absence, by their respective Assistants.

Members of the County Assembly Car Park

3. No visitor may, without special permission, enter or remain in the Members of the County Assembly car park unless he or she is-

- (a) a Senior Government Official in the course of his or her duties, or
- (b) accompanied by a Member of County Assembly or Officer of the County Assembly, or Senior Government Official or
- (c) the authorized driver of a Member of County Assembly or an Officer of the County Assembly or a Senior Government Official in the course of his or her duties, possessing a driver’s pass issued by his or her employer,

and actually driving or in charge of a car bearing the official County Assembly Car Park Pass, or

- (d) a member of the Diplomatic Corps or the Head of a disciplined service or other distinguished visitor, in a flag car, or the driver of such a car.

4. No vehicle, other than a GK or CG vehicle, a flag car or a self-driven taxi shall be admitted into the Members of the County Assembly car park unless it bears the official County Assembly Car Pass on the windscreen.

Admission to precincts of County Assembly

5. No visitor shall without special permission, be admitted into or allowed to remain in any part of the precincts of County Assembly unless he or she is in possession of—

- (a) A pass bearing that day's date issued to him or her and signed by a Member of County Assembly or a senior officer of County Assembly or
- (b) A permanent pass signed by the Speaker or the Clerk.

6. No visitor shall without special permission, be permitted to remain in any part of the precincts of County Assembly, other than the main Hall of the visitors rooms, unless he or she is attended by a Member of County

Assembly or an Officer of the County Assembly, or has a permanent pass. A visitor holding a pass for the day must at all times be attended by a Member of County Assembly or an Officer of the County Assembly in all other parts of the County Assembly precincts.

7. Permanent passes shall be issued to Senior Officer of relevant County Government Departments, the spouses of Members of the County Assembly and of Staff to Members of the County Assembly, approved representatives of the Press, and to others at the discretion of the Speaker.

8. Members of the County Assembly and staff may obtain from the receptionists and issue passes for the day but shall be held responsible for the conduct of all to whom they issue such passes.

9. Any visitor seeking audience of a Member of County Assembly or Officers of the County Assembly must not only obtain the necessary pass before entering the County Assembly precincts but also unless holding a permanent pass wait at the waiting room until escorted.

10. Members of the public who only wish to see the County Assembly buildings and garden shall be admitted at a suitable hour when the County Assembly is not sitting, without passes provided that they are escorted by a member of staff.

11. No public functions shall be allowed or conducted on the Members of the County Assembly Lounge or Dining Restaurant.

Hours of admission

12. No visitor shall, without special permission, enter or be allowed to remain in any part of the building or garden after 8.00 p.m nor shall any Member of County Assembly or Officers of the County Assembly, without special permission admit or keep more than two visitors as his or her guests after 6.00 p.m.

Offensive weapons

13. No visitor shall bring any firearm or other offensive weapons into the precincts of County Assembly. All such weapons must be deposited with the Serjeant-at-Arms at the time of entry and collected at the time of leaving.

Smoking

14. Smoking shall not be allowed in the Members of the County Assembly Private Room, Lounge, Lobbies, along corridors, Stairways or County Assembly Buildings.

Photographs

15. No visitor shall without special permission, take a photograph in any part of the precincts of the County Assembly

Restriction of Admission

16. No visitor shall, without special permission, be taken into the Library; in no circumstances, shall any visitor be taken into the Members of the County

Assembly Lounge or any other room reserved for Members of the County Assembly or staff.

17. Committee Rooms shall not, without special permission, be used for meetings with visitors.

18. No person under the age of 12 years shall be taken into the Lounge or Dining Room.

19. No person, even if otherwise qualified shall be admitted to the Lounge, Dining Room, or Speaker's Gallery unless he or she is in the opinion of the Serjeant-at-Arms, properly dressed. This means that the person is dressed in a coat, collar, tie, long trousers, socks and shoes or service uniform, religious attire or such other decent dressing as the Speaker may from time to time approve. In the Lounge or the Dining Room, Members of the County Assembly or visitors may wear long trousers, clean shirts, socks, shoes or service uniform. An equivalent standard shall apply in respect of female visitors while in the Gallery, Lounge or Dining Room.

Exclusion or Expulsion

20. The Serjeant-at-Arms may exclude visitors from the precincts of County Assembly, if he or she considers such exclusion necessary for the convenience of Members of the County Assembly, or for preservation of order, or for any special occasion.

21. The Serjeant-at-Arms, an Assistant Serjeant-at-Arms, and any other person acting under specific instruction from the Serjeant-at-Arms or his or her Assistants is authorized and required to expel from the

precincts of County Assembly any person whom in his or her opinion, is infringing these Rules or otherwise behaving in an unseemly manner and no such expulsion shall be questioned except by way of appeal to the Speaker after compliance therewith. A visitor who has been so expelled shall, in default of successful appeal against such expulsion, be altogether excluded from the County Assembly precinct for such period thereafter as may be directed by the Speaker, after receiving a report from the Serjeant-at-Arms or his or her Assistant and (where practicable) giving such visitor an opportunity for explanation or apology.

22. No visitor shall be admitted to the Speaker's Gallery without an admission card signed by a Member of the County Assembly or an Officer of the County Assembly, who thereby accepts responsibility for such visitor's good behavior.

23. No Member of the County Assembly shall, without special permission, sign admission cards for more than two visitors to occupy the Speaker's Gallery at any one time and for special occasions designated by the Speaker, no such admission card shall be signed by any Member of the County Assembly, but all admissions to the Speaker's Gallery shall be at the Speaker's sole disposal.

24. No visitor shall be admitted to the Public Gallery without an admission card issued by an Officer of the County Assembly, who is satisfied that such visitor is likely to behave in an orderly manner and for special

occasions designated by the Speaker, no such admission cards shall be issued, but all admissions to the Public Gallery shall be at the Speaker's sole disposal.

25. Admission cards shall not without special permission, be issued for any Gallery otherwise than for a specified day.

26. In all galleries, all visitors shall be required to stand while—

- (a) the Governor or the Speaker formally enters or leaves the Chamber, or
- (b) prayers are read or
- (c) Oaths are administered.

27. Visitors in the gallery shall remain seated, except as required by Rule 26 above or when entering or leaving and shall not applaud, comment audibly, make signs, eat, sleep, read books, newspapers or other matter except the Order Paper for the day, or create any disturbance and shall if so required by an Officer of County Assembly, leave with the receptionist at the entrance any brief cases or other receptacles or appendages.

28. No person under the age of 12 shall without special permission be admitted to any gallery.

Press

29. Any representative of the Press approved by the Speaker shall be admitted by Press Admission Card to the Press Section of the Public Gallery, and to any special

accommodation that may be reserved for the Press in the Building.

30. Representatives of the Press shall otherwise be subject to these Rules as applicable to all visitors who hold permanent passes, but they shall not without special permission, operate as press reporters in any part of the precincts of County Assembly other than the Press Section of the Public Gallery or any special accommodation that may be reserved for the Press.

By Order of the Speaker of the County Assembly