



REPUBLIC OF KENYA

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COUNTY ASSEMBLY OF KISUMU

## STANDING ORDERS

As adopted by the County Assembly of Kisumu on  
Tuesday 27<sup>th</sup> February, 2018 at 5:47.p.m pursuant  
to section 14 of the County Governments Act (No.  
17 of 2010)

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### **PRAYER.**

Almighty God, who in your wisdom and goodness have appointed the offices of Leaders and County Assemblies for the welfare of society and the just government of the people, we beseech you to behold with your abundant favour, us your servants, whom You have been pleased to call to the performance of important trusts in this County Let Your blessings descend upon us here assembled, and grant that we treat and consider all matters that shall come under our deliberation in so just and faithful a manner as to promote Your 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.**

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### 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 Kaunti 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.

**AMIN.**

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### PART I – INTRODUCTORY

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

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

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

#### **Interpretation**

2. (1) In these Standing Orders-

(a) Unless the context otherwise requires-  
Chairperson of committees/Liaison Chair means the person or Member elected by the Members to hold the office”

“Clerk” means the Clerk of Kisumu County Assembly, or, if the Clerk is absent, or if the office is

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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;

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

“Leave of the 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 16;

“Leader of the Minority Party” means the person who is the Leader in the County Assembly of the

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second largest party or coalition of parties under Standing Order 17;

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

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

“Member” means a Member of the County Assembly of Kisumu 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 Kisumu County under Article 179(2)(b) of the Constitution;

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

“Minority Whip” means the Member elected as the Minority Whip by the Minority Party;

“Notice Paper” means the official schedule of business intended to be transacted by the County Assembly during a particular week, published and circulated by the Clerk by order of the County

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Assembly Business Committee under Standing Order 36 (*Order Paper to be prepared and circulated*);

“Order Paper” means the paper showing the business to be placed before or taken by the County Assembly on a particular day, published and circulated by the Clerk under Standing Order 36 (*Order Paper to be prepared and circulated*);

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

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

“Precincts of County Assembly” includes the Chamber of the County Assembly, every part of the buildings in which the Chambers are situated, the offices of County Assembly, the galleries and places provided for the use and accommodation of Members of County Assembly, members of the public and

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representatives of the Press and any forecourt, yard, garden, enclosure or open space, appurtenant thereto and used or provided for the purposes of County Assembly;

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

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

“Ranking Order” means and refers to the seniority of Members in a Committee (and especially if it is a joint Committee) such that the Vice-Chairperson in such a Committee would be the second senior-most from the Party other than the Chairperson’s Party or Committee if there are more than one Party in the Assembly;

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

“Session” means the sittings of the County Assembly commencing when it first meets after a General Election or on a day provided for in Standing

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Order 25 (*Regular Sessions of the County Assembly*) and terminating when the County Assembly adjourns at the end of a calendar year or at the expiry of the term of County Assembly;

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

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

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



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

“MACE” the MACE of the House embodies the authority of the Speaker and the House, and shall be kept in safe custody by the Serjeant at arms.

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

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

3. (1) Whenever a new County Assembly is elected, the Governor, by notice in the *Gazette* shall appoint the place and date of the first sitting of the new County Assembly, which date shall not be more than thirty days from the date on which the county Assembly shall be constituted upon the gazettelement of Members of the County Assembly as provided under section 7 (a) of the County Government Act, 2012,

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

## KISUMU COUNTY ASSEMBLY

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

(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 (3).

- (a) Member with the longest cumulative service in the county assembly

## KISUMU COUNTY ASSEMBLY

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- (b) Member with the longest cumulative service in the parliament
- (c) Member with the longest cumulative service in any other legislature
- (d) All other Members

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

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

(7) When a Member first attends to take his or her seat after the first sitting of the County Assembly, 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.

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(8) Notwithstanding Standing Order 28(*Hours of Meeting*), on the day when the election of the Speaker is to be conducted after a General Election, the sitting of the County Assembly shall commence at 9.00 am.

### **Vacancy in the Office of Speaker**

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

(2) If the office of Speaker falls vacant at any time before the expiry of the term of County Assembly, the Member elected under Article 178(2) shall preside over the Assembly until the new Speaker is elected.

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.

## KISUMU COUNTY ASSEMBLY

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(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**

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

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

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

## KISUMU COUNTY ASSEMBLY

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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.

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### **Election threshold**

**6.** (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**

**7.** 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**

**8.** If, in the further ballot referred to in Standing Order 7 (*Election threshold*), more than one candidate

## KISUMU COUNTY ASSEMBLY

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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**

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

### **Single duly nominated candidate**

10.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**

11. Immediately following the election of the Speaker, the Clerk shall administer the Oath or



## KISUMU COUNTY ASSEMBLY

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Affirmation of Office to the Speaker in the presence of the assembled County Assembly.

### **Notification of opening of County Assembly**

12. (1) Immediately after taking and subscribing to the Oath or Affirmation of Office under Standing Order 11 (*Swearing- in of the Speaker*), the Speaker shall notify the Members of the place, date and time of the opening of County Assembly.

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

### **PART III – Presiding in the County Assembly**

#### **Chairperson of Committees of the whole County Assembly**

13. (1) The Speaker shall preside at any sitting of the County Assembly but in absence of the Speaker, a Member elected by the County Assembly for that purpose pursuant to Article 178(2) of the Constitution (herein referred to as the Chairperson of Committees) shall preside.

## KISUMU COUNTY ASSEMBLY

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(2) The Chairperson of Committees shall preside over all Committees of the whole County Assembly but in absence of the Chairperson of Committees, a Member elected by the County Assembly for that purpose shall preside.

(3) If the office of Chairperson of Committees falls vacant at any time before the end of the term of County Assembly, the County Assembly shall, as soon as practicable, elect a Member to that office.

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

(5) If the Chairperson of Committees considers that it is desirable that he or she should take part in any proceedings in Committee of the Whole house otherwise than as the person presiding, a Member of the Speakers panel shall take the Chair.

### **The Speakers Panel**

**14.** (1) At the commencement of every Session, or from time to time as necessity may arise, the Speaker shall, with the approval of the House, nominate three Members who shall be known respectively as the First,

## KISUMU COUNTY ASSEMBLY

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Second and Third Member of the Speakers Panel and 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

Chairperson of Committees following a general election, the list of members nominated in accordance with paragraph (1) shall be submitted for consideration by the County Assembly 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 In the House and give notice of Motion for approval of the names.

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

(5) In nominating members to the Speaker's Panel, the Speaker and the County Assembly Business

## KISUMU COUNTY ASSEMBLY

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Committee shall ensure that either gender is represented in the Panel.

### **15. Discharge of a member from the Speaker's panel.**

(1) The speaker may in writing, to the house business committee give notice, that a member is to be discharged from the panel.

(2) Within seven days of receipt by the house business committee of a notice under paragraph (1), the house business committee shall consider the notice and give notice of motion to replace the member.

(3) The discharge of a member from the panel shall not take effect until the house has approved the motion for replacement under paragraph (2)

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

#### **Leader of the Majority Party**

**16. (A)** (1) The largest party or coalition of parties in the County Assembly shall elect a Member of the County Assembly belonging to the party or coalition of parties to be the Leader of the Majority Party.

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(2) In electing Members under paragraphs (1), 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) A Member elected under paragraph (1) may be removed by a majority of votes of all Members of the largest party or coalition of parties in the County Assembly.

(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 this Standing Order, communicate to the Speaker, in writing, the decision together with the minutes of the meeting at which the decision was made.

**Majority Chief Whip.**

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**16. (B)** The largest party or coalition of parties in the County Assembly shall elect a Member of the County Assembly belonging to the party or coalition of parties to be the Chief Whip of the Majority Party whose removal from that office shall be handled by the Majority Leader as stipulated in Standing Order 16 and the Majority Leader informing the Speaker accordingly.

### **Leader of the Minority Party**

**17. (A)** (1) The Minority Party or coalition of parties in the County Assembly shall elect a Member of the County Assembly belonging to the party or coalition of parties to be the Leader of the Minority Party.

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

(3) A Member elected under paragraph (2) may be removed by a majority of votes of all Members of the

## KISUMU COUNTY ASSEMBLY

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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.

### **Minority Whip**

**17(B)** The Minority Party or the coalition of parties in the County Assembly shall elect a Member of the County Assembly belonging to the party or coalition of parties to be the Chief Whip of the Minority Party whose removal from that office shall be handled by the Minority Leader as provided under Standing Order 17 (A) and the Minority Leader informing the Speaker accordingly.

### **18. Designation of a place and admittance of a**

## KISUMU COUNTY ASSEMBLY

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### **County Executive Committee Member**

The Speaker may designate a suitable place in the Chamber for the purposes of—

(1) admitting any County Executive Committee Member for purposes of presentation of regular reports to the Assembly contemplated under Article 183 of the Constitution;

(2) admitting 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.

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

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

19. (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



## KISUMU COUNTY ASSEMBLY

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Speaker may direct until such time or to such day as may be specified by the Speaker.

### **Governor's address on special sitting**

20. (1) The Governor shall address a special sitting of County Assembly once every year and may address County Assembly at any other time.

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

(3)Whenever the Speaker has been informed that the Governor will address a special sitting of County Assembly on a specified day and time, then on that day, no Motion for the adjournment of the County Assembly shall be made before the time for which the Governor's arrival has been notified.

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

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

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

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

(2) Whenever the Governor addresses County Assembly, the Speaker of the County Assembly shall take the seat on the right of the Governor and the Senator(s) of the County shall take the seat(s) on the left of the Governor.

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

(4) Whenever the Governor delivers an Address, a Member may, as soon as practicable thereafter, lay the Address on the Table of the County Assembly following the reading of such Address.

(5) A Member may give a notice of Motion: ***That, the thanks of the County Assembly be recorded for the exposition of public policy contained in the Address of the Governor*** ; but debate on the Motion shall not exceed four sitting days.

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

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

(2) Standing Order 21 (*Governor entering or leaving Chamber*) and paragraphs (1), (3) and (4) of Standing Order 22 (*Governor's address to County Assembly*) shall, with necessary modifications, apply to the Senator, visiting Heads of State and such other dignitaries.

## KISUMU COUNTY ASSEMBLY

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

#### **Location of the first sitting of a new County Assembly**

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

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

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

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

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

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

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

**26.** (1) The County Assembly Business Committee shall, with approval of the County Assembly, determine the calendar of the County Assembly.

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

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

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

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

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

(2) A special sitting of the House may also be convened if any group of Members not being less than one half 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.

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(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 County Assembly 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 County Assembly during the special sitting, following which the County Assembly shall stand adjourned until the day appointed in the County Assembly calendar.

### **Hours of meeting**

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

(2) Unless for the convenience of the 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, on the occasion of an afternoon sitting

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and at 12.30 p.m. on the occasion of a morning sitting, the Speaker or the Chairperson of Committees shall interrupt the business then under consideration and if the County Assembly is in Committee the Chairperson shall leave the Chair and report progress and ask leave to sit again.

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

- (a) to extend its sitting time, or
- (b) to meet at any other time on a sitting day; or
- (c) to meet on any other day in order to transact business. (4) A Motion under paragraph (3)(a) shall be moved at least thirty minutes before the time appointed for adjournment.

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

(6) Upon the conclusion of all proceedings under paragraphs (2), (3) or (4) of this Standing Order, or



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upon the earlier completion or deferment of all business standing upon the Order Paper for the sitting, the Speaker shall adjourn the County Assembly without question put.

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

**29.** (1) A Member may at any time, for reasons stated, seek leave to move: *That, this County Assembly do now adjourn.*

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

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

### **Resumption of interrupted business**

**30.** Any debate interrupted under this Part shall on coming again before the County Assembly or the Committee, be resumed at the point where it was interrupted and any Member whose speech was so interrupted shall have the right to speak on such resumption for the remainder of the time available to

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him or her but if such Member does not avail himself or herself of this right, his or her speech shall be deemed to have been concluded.

### **Adjournment on definite matter of urgent County importance**

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

(2) A Member who wishes to seek leave to move the adjournment of the County Assembly shall, at least two hours before the commencement of the sitting, hand to the Speaker a written notification of the matter but the Speaker shall refuse to allow the claim, unless the Speaker is satisfied that the matter is definite, urgent and of County importance and may properly be raised on a Motion for adjournment of the County Assembly.

(3) If the Speaker is satisfied in terms of paragraph (2) and not less than six 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.

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

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

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

**32.** (1) A quorum of the County Assembly or of a Committee of the whole County Assembly shall be a third of its Members.

(2) If there is not a quorum present when the Chair is taken at the time appointed for a meeting of the County Assembly, immediately after the saying of the Prayer, the Speaker shall order the bell to be rung for five minutes, and if no quorum is present at the expiration of the five minutes, the Speaker may direct that the bell be rung for a further five minutes and if there is still no quorum present, the Speaker shall adjourn the County Assembly forthwith to the next sitting.

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

**33.** (1) If at any time after the Chair is taken, or when the County Assembly is in Committee, a

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Member objects that there is not a quorum present, the Speaker or the Chairperson shall count the County Assembly or the Committee as the case may be.

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

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

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

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### **Quorum during voting or Division**

34. 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**

35. When the Quorum Bell is ringing Members shall maintain order in the County Assembly.

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

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

36. (1) The Order Paper shall be prepared by the Clerk, showing the business to be placed before or taken by the County Assembly and the order in which it is to be taken, including a Notice Paper showing the business for each sitting day of the week, together with such other information as the Speaker may from time to time direct.

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

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

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

### **Sequence of proceedings**

**38.** (1) Each day after Prayers have been said and the County Assembly has been called to order, the business of the County Assembly shall be proceeded with in the following sequence-

- (i) Administration of Oath;
- (ii) Communication from the Chair;
- (iii) Messages;
- (iv) Petitions;
- (v) Papers;
- (vi) Notices of Motion;

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(vii) Statements;

(viii) Motions and Bills

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

(3) On Wednesday morning, a Bill or a Motion not sponsored by the Majority or Minority Party or a Member belonging to the Majority or Minority Party or by a Committee, shall have precedence over all other business in such order as the County Assembly Business Committee shall ballot.

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

### **PART IX - MESSAGES**

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

**39.** (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



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Clerk of the Senate and shall receive messages from the Senate.

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

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

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

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

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

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

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

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

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

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

### **PART X – STATEMENTS**

#### **Members general Statements**

**41.** (1) Notwithstanding Standing Order **38** (*Sequence of proceedings*), there shall be time to be designated

“Statements Hour”, every sitting day, commencing not later than 3:00 p.m.

- (2) During Statements Hour —
  - (a) a member may make a statement on a county issue or on an issue of general topical concern;
  - (b) a member may request for a statement from a Committee chairperson relating to matters under the mandate of the Committee and the Speaker may appoint a day for the statement

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to be made or direct that the statement be issued on the same day;

- (c) the Majority Leader or, in his or her absence, a member of the house Business Committee designated by the Majority Leader for that purpose shall, every Thursday or on the last sitting day of the week, present and lay on the Table, a statement informing the county assembly of the business coming before the house the following week; and
- (d) the Majority Leader, the Minority Leader, or a Committee Chairperson, as the case may be, or their designees, may make a statement relating to their responsibilities in the county assembly or the activities of a Committee.

(3) A member who wishes to seek leave to raise a matter under paragraph (2) (a) or (b) shall, before 1:00 p.m., on the day on which the Statement is proposed to be made, hand to the Speaker a written notification of the matter, but the Speaker may refuse to allow the request unless satisfied that the matter may properly be discussed in the house.

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

### **42. Personal Statements**

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

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### XI - APPROVAL OF APPOINTMENTS

#### **Committal to Committees**

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

(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

### PART XII – MOTIONS

#### **Application**

**44.** This Part shall apply to all Motions, including special Motions.

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### Notices of Motion

45. (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;

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- (d) is framed in terms which are inconsistent with the dignity of the County Assembly;
  - (e) contains or implies allegations which the Speaker is not satisfied that the Mover can substantiate; or
  - (f) calls for the commitment of public funds for which no provision is made in the Annual Estimates as adopted by the County Assembly, the Speaker may direct either that, the Motion is inadmissible, or that notice of it cannot be given without such alteration as the Speaker may approve or that the Motion be referred to the relevant Committee of the County Assembly, pursuant to Article 114(2) of the Constitution
- (4) A Member giving notice of a Motion approved by the Speaker shall state its terms to the County Assembly and whether the original copy received by the Clerk has been certified by a Party Leader or Party Whip for sponsorship by the Member's party.
- (5) Unless the County Assembly resolves otherwise—



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- (a) a Motion sponsored by a party shall have precedence over all other Motions on such day as the County Assembly Business Committee, 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; and
- (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 County Assembly when the Motion has acquired precedence in accordance with Standing Order 48 (*Time for moving Motions*), but at least one day before the Motion appears on the Order Paper.

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

**46.** 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

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does not materially alter any principle embodied in the Motion of which notice has been given.

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

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

### **Time for moving Motions**

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

(2) Save for a Special Motion, a Member who has a Motion standing in his or her name may authorize, in

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writing, another Member to move that Motion in the Member's stead.

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

### **Motion withdrawn may be moved again**

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

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

### **Motions which may be moved without Notice**

**50.** The following Motions may be moved without notice-

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

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- (b) Motion for the adjournment of the County Assembly or of a debate;
- (c) Motion that the County Assembly do dissolve itself into a Committee of the whole County Assembly;
- (d) Motion moved when the County Assembly is in Committee;
- (e) Motion for the suspension of a Member;
- (f) Motion made in accordance with the Standing Orders governing the procedure as to Bills;
- (g) Motion for the agreement of the County Assembly with a Committee of the whole County Assembly in a resolution reported, or for the re-committal thereof or for the postponement of the further consideration thereof;
- (h) Motion raising a question of privilege;
- (i) Motion for the orders of the County Assembly under these Standing Orders;

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- (j) Motion made under Standing Order 230 (*Exemption of business from Standing Orders*);
- (k) Motion made for the limitation of a debate under Standing Order 96 (*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**

51. (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

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thereupon nominate a time at which the question shall be put.

### **Amendments to Motions**

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

(2) When every amendment under paragraph (1) has been disposed of, the Speaker shall either again propose the question upon the Motion or propose the question upon the Motion as amended as the case may require, and after any further debate which may arise thereon, shall put the question.

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

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

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(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.

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

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

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

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

**53.** (1) The Proposer of an amendment to a Motion shall, before moving it, hand the proposed amendments in writing, signed by the Proposer, to the Clerk at least two hours before the order is read.

(2) Despite paragraph (1), the Speaker may, in exceptional circumstances, allow a Member to move an



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amendment to a Motion before the County Assembly at any time during consideration of that Motion.

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

**54.** (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**

**55.** (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**

**56.** After the question has been proposed on a Motion, the Motion shall be deemed to be in the

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possession of the County Assembly, and such Motion shall not be withdrawn without the leave of the County Assembly.

### **Question as amended put**

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

### **When amendment proposed but not made**

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

### **PART XIII - SPECIAL MOTIONS**

59. (1) For purposes of this Part, a Special Motion is one-

- (a) that seeks a resolution of the County Assembly to approve an appointment in accordance with Part XI( *Approval of Public Appointments*); or
- (b) moved pursuant to any of the following Articles of the Constitution and/or sections of the County Governments Act-

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- (i) Article 178 read together with section 11 of the County Governments Act;
  - (ii) Article 181 read together with section 33 of the County Governments Act; and
  - (iii) section 40 of the County Governments Act.
- (2) Unless the Constitution, any written law or these Standing Orders specify a lesser or further period, a Special Motion shall be-
- (a) disposed of by the Speaker in accordance with ( *Manner of debating Motions*) within seven days of receipt of notice by a Member under paragraph (2); and
  - (b) disposed of by the County Assembly within fourteen calendar days upon the notice under ( *Notices of Motion*) and if not, such Motion shall be deemed to have been withdrawn and shall not be moved again in the same Session, except with the consent of the Speaker.

**Instances where the Constitution requires a fixed majority**

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**60.** (1) In every instance where the Constitution 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 negatived.

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### **PART XIV- PROCEDURE FOR REMOVAL FROM OFFICE**

#### **Procedure for removal of the Speaker**

**61.** (1) The Speaker may be removed from office by the Assembly through a resolution supported by not less than seventy five percent of all the Members of the County Assembly.

(2) A notice of the intention to move a Motion for a resolution to remove the Speaker shall be given in writing to the Clerk of the County Assembly, signed by at least one third of all the Members of the County Assembly stating the grounds for removal as provided under section 11 of the County Governments Act.

(3) Once informed by the Clerk that the Motion contemplated under paragraph (2) has met the legal threshold, the Speaker shall approve the Motion and inform the County House Business Committee to slot the Motion for debate within 7 sitting days from the date of submission of the Motion to the Clerk.

(4) A Motion for a resolution to remove the Speaker shall be presided over by a Member of the County Assembly elected to act as Speaker as

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contemplated under Article 178(2)(b) of the Constitution.

(5) Before the debate and voting on a Motion under paragraph (3) are concluded, the Speaker shall be accorded an opportunity to respond to the allegations on the Floor of the Assembly.

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

**62** (1) Before giving notice of Motion under section 33 of the County Governments Act, 2012, the Member shall deliver to the Clerk a copy of the proposed Motion in writing stating the grounds and particulars upon which the proposal is made, and signed by the Member; and the Clerk shall submit the proposed Motion to the Speaker for approval.

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

(3) Upon the expiry of seven days, after notice given, the Motion shall be placed on the Order Paper

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and shall be disposed of within three days; Provided that if the County Assembly is not then sitting, the Speaker shall summon the Assembly to meet and cause the Motion to be considered at that meeting after notice has been given.

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

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

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

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

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(8) 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.

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

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



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verification form provided by the Clerk for that purpose.

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

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

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

(5) When the Order for the Motion is read, the Speaker shall refuse to allow the Member to move the Motion, unless the Speaker is satisfied that the Member is supported by at least a third of all Members of the County Assembly to move the Motion; Provided that within the seven days' notice, the Clerk shall cause to be prepared and deposited in his or her office a list of all Members of the County Assembly with an

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open space against each name for purposes of appending signatures, which list shall be entitled: **SIGNATURES IN SUPPORT OF A MOTION FOR REMOVAL OF GOVERNOR BY IMPEACHMENT.**

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

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

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

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

### **Procedure for removal of member of the County Executive Committee**

**65.** (1) Before giving notice of Motion under section 40 of the County Governments Act, 2012, the Member shall deliver to the Clerk a copy of the proposed Motion in writing stating the grounds and particulars upon which the proposal is made, for requiring the Governor to dismiss a member of the

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County Executive Committee on ground of a gross violation of a provision of the Constitution or of any other law; where there are serious reasons for believing that the member of County Executive Committee has committed a crime under national or international law; or for gross misconduct. The notice of Motion shall be signed by the Member and the Clerk shall submit the proposed Motion to the Speaker for approval.

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

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

(4) When the Order for the Motion is read, the Speaker shall refuse to allow the Member to move the Motion, unless the Speaker is satisfied that the Member is supported by at least one-quarter of all Members of the County Assembly to move the Motion; Provided that within the seven days' notice, the Clerk

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shall cause to be prepared and deposited in his or her office a list of all Members of the County Assembly with an open space against each name for purposes of appending signatures, which list shall be entitled: **SIGNATURES IN SUPPORT OF A MOTION FOR REMOVAL OF Mr./Mrs./Ms----- MEMBER OF COUNTY EXECUTIVE COMMITTEE;** Provided further that the Mover shall provide to the Speaker, at least one hour before the sitting of the Assembly, a list signed by Members in support of the Motion.

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

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

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

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

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

(10)If a resolution requiring the Governor to dismiss a member of County Executive Committee 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.

### **Right to be heard**

**66.** (1) Whenever the Constitution, any written law or these Standing Orders –

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- (a) requires the County Assembly to consider a Petition or a proposal for the removal of a person from office, the person shall be entitled to appear before the relevant Committee of the County Assembly considering the matter and shall be entitled to legal representation;
  - (b) requires the County Assembly to hear a person on grounds of removal from office, or in such similar circumstances, the County Assembly shall hear the person-
    - (i) at the date and time to be determined by the Speaker;
    - (ii) for a duration of not more than two hours or such further time as the Speaker may, in each case, determine; and
    - (iii) in such other manner and order as the Speaker shall, in each case, determine.
- (2) The person being removed from office shall be availed with the report of the select Committee,

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together with any other evidence adduced and such notes or papers presented to the Committee at least three days before the debate on the Motion.

### **Priority of Motion**

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

(2) During the debate any Member may, with the permission of the Speaker and on giving adequate notice, produce additional evidence in support of his or her argument.

(3) When the Speaker is satisfied that the Motion has been adequately debated, the Speaker shall call upon the person who is being removed from office to answer issues raised in the debate, and thereafter call upon the Mover of the Motion to reply.

## **PART XV – VOTING AND DIVISIONS**

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

**68.** (1) Unless otherwise provided under the Constitution, a question arising in the County

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Assembly shall be decided by a majority of the Members in the County Assembly, present and voting.

(2) In ascertaining the results on a question under paragraph (1), the Speaker shall, in the first instance, collect the voices of the *Ayes* and the *Nays* 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**

**69.** (1) Unless the Speaker, for the convenience of the County Assembly otherwise directs, voting on a Division in the County Assembly shall be by electronic voting.

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



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

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

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

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

(7) Any Member present in the County Assembly but who shall not have voted at the expiry of five minutes or after the announcing of the results, whichever is earlier, shall forfeit the right to vote and shall be deemed to have abstained from voting.

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

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

### **Roll call Division claimed**

**71.** (1) The Speaker shall direct a roll call vote to be taken if a Member claims a Division and-

- (a) the Speaker considers that there is a reasonable doubt as to the outcome of the vote in question; or
- (b) if, on a question other than a question of procedure, six 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.

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### **Roll call voting**

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

(2) The names of one Teller for the *Ayes* and one Teller for the *Nays* shall be submitted to the Speaker and the Speaker shall direct the Tellers to take seats at a designated place.

(3) At the end of ten minutes, the Speaker shall direct the doors to be locked and the bar drawn and no Member shall thereafter enter or leave the County Assembly until after the roll call vote has been taken.

(4) When the doors have been locked and the bar drawn and the names of the Tellers have been announced, the Speaker shall put the question again and direct the Clerk to call out the names of Members in alphabetical order in the presence of the Tellers.

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

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(6) After the Clerk has read the last name in the Division list, the Tellers shall present the result of the roll call vote to the Speaker who shall thereupon announce the result of the vote to the County Assembly.

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

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

### **Errors corrected**

**74.** If, after a roll call vote has been made it is discovered that the number has been inaccurately reported or that an error has occurred in the names on the Division lists, the fact shall be reported to the County Assembly and the Speaker shall direct that the necessary corrections be made.

### **Decorum during Division**

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

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- 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-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 County Assembly and shall be in their designated seats and must remain seated until the result is announced.

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

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

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

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

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

### **Members to address the Speaker**

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

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

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

### **79. Speeches may not be read**

(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.

### **80. No Member to speak after question put**

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

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### **Speaking twice to a question**

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

(2) Despite paragraph (1)-

- (a) a Member who has spoken on a question may again be heard to offer explanation of some material part of the Member's speech which has been misunderstood but must not introduce new matter; and
- (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 or have not already spoken to such Motion.

### **Points of Order**

**82. (1) Any Member may raise a point of order at any time during the speech of another Member stating**

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that the Member rises on a point of order and that Member shall be required to indicate the Standing Order upon which the point of order is based.

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

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

(4) The Speaker or the Chairperson shall order any Member who unnecessarily and persistently interrupts proceedings or consults loudly and disruptively to withdraw from the Chamber and Standing Order 106 (*Grossly disorderly conduct*) shall apply to any such Member.



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### **Anticipating debate**

**83** .(1) It shall be out of order to anticipate the debate of a Bill which has been published as such in the *Gazette* and the by discussion upon a substantive Motion or an amendment, or by raising the subject matter of the Bill upon a Motion for the adjournment of the County Assembly.

(2) It shall be out of order to anticipate the debate of a Motion of which notice has been given by discussion upon a substantive Motion or an amendment, or by raising the same subject matter upon a Motion of the adjournment of the County Assembly.

(3) In determining whether a debate is out of order on the grounds of anticipation, regard shall be had to the probability of the matter anticipated being brought before the County Assembly within a reasonable time.

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

**84.**No Member shall refer to the substance of the proceedings of a Select Committee before the

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Committee has made its report to the County Assembly.

### **Contents of speeches**

**85.(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 County Assembly shall be referred to adversely, except upon a specific substantive Motion of which at least three days' notice has been given.

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

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

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

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

### **Retraction and Apologies**

**86.**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.

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

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

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

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

- (a) criminal proceedings shall be deemed to be active when a charge has been made or a summons to appear has been issued;
- (b) criminal proceedings shall be deemed to have ceased to be active when they are concluded by verdict and sentence or discontinuance;
- (c) civil proceedings shall be deemed to be active when arrangements for hearing, such as setting down a case for trial, have been made, until the proceedings are ended by judgment or discontinuance; and

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(d) appellate proceedings whether criminal or civil shall be deemed to be active from the time when they are commenced by application for leave to appeal or by notice of appeal until the proceedings are ended by judgment or discontinuance.

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

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

### **Declaration of interest**

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

(2) Personal interests include pecuniary interest, proprietary interest, personal relationships and business relationships.

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

**89.** (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 106 (*Grossly disorderly conduct*) unless the Member withdraws the allegations and gives a suitable apology, if the Speaker so requires.

### **Member who has spoken to question may speak to amendment**

**90.** 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.

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### **Debate on amendment confined to amendment**

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

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

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

### **Reserving rights of speech**

**92.** 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

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

### Closure of debate

93. (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 51 (*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



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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 51 (*Manner of debating Motions*).

### **Adjournment of debate**

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

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

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

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

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subsequently move or second another such Motion during the same debate, whether in the County Assembly or in Committee of the whole County Assembly.

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

#### **Limitation of debate**

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

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

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

(4) No Member may speak in a debate on Bills, Sessional Papers, Motions or Reports of Committees for more than twenty minutes without the leave of the

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Speaker but the Leader of Majority Party and the Leader of Minority Party may each speak for a maximum of 60 minutes.

### **PART XVIII - ORDER IN THE COUNTY ASSEMBLY AND IN COMMITTEE OF THE WHOLE COUNTY ASSEMBLY**

#### **Maintenance of order**

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

#### **Security checks**

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

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

**98.**No Member shall bring a firearm or any offensive weapon into the Chamber and any such weapon must be deposited with the Sergeant-at-Arms

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for safe custody before entering the Chamber, and collected at the time of leaving the Chamber.

### **Members' handbags**

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

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

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

### **Members and the Chair**

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

(2) No Member shall pass between the Chair and any Member who is speaking or between the Chair and the Table except in so far as it is necessary for the

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purpose of the administration of Oath or affirmation of Allegiance.

### **Members to be seated**

102. 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**

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

### **Irrelevance or repetition**

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

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### **Disorderly conduct**

#### **105. Disorderly conduct**

- (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 Assembly for the remainder of that day's sitting.

**106. Gross Disorderly Conduct**

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

- (a) defies a ruling or direction of the Speaker or Chairperson of Committees;
- (b) Declines to retract use of un-parliamentary language or declines to offer apologies, despite having been ordered to do so by the Speaker;
- (c) fails to declare personal interest in a matter before the Assembly or a Committee in accordance with Standing Order 89;
- (d) persistently makes serious allegations without, in the Speaker's opinion, adequate substantiation;
- (e) deliberately gives false information to the Assembly;
- (f) votes more than once in breach of these Standing Orders or persistently fails to record abstention in a division;

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- (g) votes on any question in which the Member has a pecuniary interest contrary to Standing Order 89(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 Orders 21 and 22;
  - (j) uses violence against a Member or other person in the Assembly or Committee;
  - (k) disrupts or attempts to disrupt the Speaker's Procession;
  - (l) removes or attempts to remove the mace from its place in the Chamber;
  - (m) commits any other breach of these Standing Orders, that in the opinion of the Speaker, constitutes gross disorderly conduct.
- (2) The Speaker may call a Member whose conduct is grossly disorderly to order, and shall order



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the Member to withdraw immediately from the precincts of the Assembly—

- (a) on the first occasion, for a maximum of three sitting days, including the 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;

### **Member may be suspended after being named**

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

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

- (a) if the breach has been committed by such Member in the County Assembly, a Motion shall be made by any other Member present: *That, such Member* (naming the Member) *be suspended from the service of the County*

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*Assembly*, and the Speaker shall forthwith put the question thereon, no amendment, adjournment, or debate being allowed; and

- (b) if the breach has been committed in a Committee of the whole County Assembly, the Chairperson shall forthwith leave the Chair and report the circumstances to the County Assembly; and the Speaker shall on a Motion as aforesaid being made, forthwith put the question, no amendment, adjournment or debate being allowed, as if the offence had been committed in the County Assembly itself.

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

**108.** (1) Whenever a Member has been named in accordance with Standing Order 107 (*Member may be suspended after being named*), the Speaker shall order the Member to withdraw from the Chamber and the precincts of the County Assembly.

(2) Any Member who is ordered to withdraw under Standing Order 106 (*Grossly disorderly conduct*) or who is suspended from the service of the County

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Assembly under Standing Order 107 (*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 and shall forfeit all allowances payable during the period of such suspension.

(3) Any Member who demonstrates or makes disruptive utterances against the suspension of a named Member shall be deemed to be disorderly in accordance with Standing Order 106 (*Grossly disorderly conduct*).

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

**109.** (1) If any Member is suspended under Standing Order 107 (*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.

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(2) A Member who is ordered to withdraw under Standing Order 106 (*Grossly disorderly conduct*) or who is suspended from the service of the County Assembly under Standing Order 107 (*Member may be suspended after being named*) shall forfeit all allowances payable during the period of such suspension.

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

110. If any Member shall refuse to withdraw when required to do so, by or under these Standing Orders, the Speaker or the Chairperson of Committee as the case may be, having called the attention of the County Assembly or Committee to the fact that recourse to force is necessary in order to compel such Member to withdraw, shall order such Member to be removed and such Member shall thereupon without question put be suspended from the service of the County Assembly during the remainder of the Session and shall during such suspension, forfeit the right of access to the precincts of County Assembly and the Sergeant-at-Arms shall take necessary action to enforce the order.

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

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

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

### **PART XIX–PUBLIC BILLS**

#### **Application and limitation**

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

#### **Introduction of Bills**

113.(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 116 (*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

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form where necessary and submit it to the Speaker with comments on-

- (a) whether the legislative proposal is a draft money Bill in terms of Article 114 of the Constitution; and
  - (b) whether the legislative proposal conforms to the Constitution and the law and is in order as to format and style in accordance with the Standing Orders.
- (3) Upon receipt of the legislative proposal from the Clerk under paragraph (2), the Speaker shall-
- (a) where the Speaker is of the opinion that a legislative proposal is a draft money Bill in terms of section 21 of the County Governments Act, 2012, direct that the legislative proposal be referred to the Budget Committee and shall be proceeded with only in accordance with the recommendations of the Budget Committee after taking into account the views of the member of County Executive Committee responsible for finance and examining the manner in which the

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legislative proposal affects the current and future budgets; and

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

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

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

(6) A Bill shall be signed by the Member in charge of it and shall be introduced by way of First

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Reading in accordance with Standing Order 122 (*First Reading of Bills*).

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

### **Printing of amending provisions**

114. 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**

115. Every Bill shall contain, as the enacting formula, the words, *Enacted by the County Assembly of Kisumu*.

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

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



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- (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) an indication whether it concerns county governments; and
- (d) a statement of its financial implication and if the expenditure of public moneys will be involved should the Bill be enacted, an estimate, where possible, of such expenditure.

### **Provisions on delegated powers**

117. 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;

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

### **Limitation of rights and fundamental freedoms**

**118.** 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**

**119.** No Bill shall be introduced unless such Bill together with the memorandum referred to in Standing Order 116 (*Memorandum of objects and reasons*), has been published in the *Gazette* and the *County Gazette* (as a Bill to be originated in the County Assembly), and unless, in the case of a County Revenue Fund Bill, an Appropriations Bill or a

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Supplementary Appropriations Bill, a period of seven days, and in the case of any other Bill, a period of fourteen days, beginning in each case from the day of such publication, or such shorter period as the County Assembly may resolve with respect to the Bill, has ended.

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

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

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

### **Reading of Bills**

**121.** A Bill is read by the Clerk to the County Assembly of the title of the Bill.

### **First Reading**

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

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

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

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

(3) The Sectoral Committee to which a Bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the Committee makes its report to the County Assembly.

(4) The Chairperson of the Sectoral Committee to which a Bill is committed or a Member designated for that purpose by the Committee shall present the Committee's report to the County Assembly within twenty calendar days of such committal and upon such presentation, or if the Committee's report is not presented when it becomes due, the Bill shall be ordered to be read a Second Time on such day as the County Assembly Business Committee shall, in

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

(6) Despite paragraph (1) –

(a) the Speaker may direct that a particular Bill be committed to such Committee as the Speaker may determine; and

(b) a County Revenue Fund Bill, an Appropriations Bill, a Supplementary Appropriations Bill or a Finance Bill shall be committed to the Budget and Appropriations Committee.

### **Second Reading**

**124.** (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.*

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

### **Committal of Bills to Committee of the whole County Assembly**

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

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

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

**126.** 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;

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

### **Referral of proposed amendments to Committees**

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

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

**128.** (1) The Clerk shall call severally each part of the Bill in the sequence specified in Standing Order 126 (*Sequence to be observed on a Bill in Committee*) and if no amendment is proposed or when all proposed amendments have been disposed of, the Chairperson shall propose the question: ***That, ....*** (as amended) ***stand part of the Bill*** and, when Members who wish to speak have spoken, the Chairperson shall put that question to the Committee for decision.

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

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



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

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

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

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

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

(9) Paragraph (4) of Standing Order 51 (*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.

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

### **Report of Progress**

**129.**If any Member before the conclusion of proceedings on a Bill in a Committee of the whole County Assembly moves to report progress and such Motion is carried, the Chairperson shall leave the Chair and the Chairperson, or, if the Chairperson has taken the Speaker's Chair, the Member in charge of the Bill, shall report progress to the County Assembly and

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

### **Bill to be reported**

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

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

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

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

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

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

**132.**(1) The report of a select Committee on a Bill shall be laid on the Table of the County Assembly by

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the Chairperson or Vice Chairperson of the select Committee or by some other Member authorized by the Committee in that behalf.

(2) The County 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 131 (*Procedure on Bills reported from Committee of the whole County Assembly*) shall apply to any Motion to approve the report of a select Committee on a Bill.

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

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

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

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(3) When a Bill has been reported from a Committee of the whole County Assembly after re-committal Standing Order 131 (*Procedure on Bills reported from Committee of the whole County Assembly*) shall apply.

### **Third Reading**

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

(2) On the Third Reading of a Bill, a Motion shall be made: ***That, the ..... Bill be now read a Third Time*** and amendments may be proposed similar to those on Second Reading.

### **Withdrawal of Bills**

**135.**(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.

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

(3) A Bill that has been withdrawn may subject to Standing Order 113 (*Introduction of Bills*) and re-publication be introduced again.

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

### **Re-introduction of Bills**

**136.**(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 113 (*Introduction of Bills*).

(2) A Bill in respect of which the Second Reading has been concluded at the end of a Session shall resume in the next Session of the same County



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Assembly at the stage where it was interrupted at the end of the Session.

(3) A Bill in respect of which the Second Reading has not been concluded at the end of a Session shall lapse at the end of the Session in which it was published but may be re-published in the same or a different form in accordance with Standing Order 113 (*Introduction of Bills*).

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

### **Assenting to Bills**

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

(2) The Governor shall, within fourteen days after receipt of a Bill—

- (a) assent to the Bill; or
- (b) refer the Bill back to the County Assembly with a memorandum outlining reasons for the referral.

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(3) If the Governor refers a Bill back to the County Assembly, the County Assembly may, following the appropriate procedures under paragraph (5)—

- (a) amend the Bill taking into account the issues raised by the Governor; or
- (b) pass the Bill without amendment.

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

(5) If the County Assembly passes the Bill a second time, without amendment, or with amendments which do not accommodate the Governor's concerns by a vote supported by two-thirds of Members of the County Assembly, the Speaker shall, 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

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paragraph (5), the Bill shall be taken to have been assented to on the expiry of that period.

### **Custody of Bills**

**138.** (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.

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### **PART XX - PRIVATE BILLS**

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

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

#### **Saving clause**

**140.** Every private Bill shall contain a clause saving the rights of the Governor, the National and County Governments, of all bodies political 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**

**141.**(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

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publications not being less than fourteen days before the presentation of the Petition referred to in Standing Order 142 (*Petition for leave*).

### **Petition for leave**

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

(2) Clerk shall scrutinize Petitions presented to the County Assembly and where, after such scrutiny, the Clerk is not satisfied that the provisions of this Part have been complied with, the Clerk shall so report to the Speaker.

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

(4) The Petition shall be read at the first sitting of the County Assembly after it is so deposited and thereupon the question: *That, the promoters be granted*

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*leave to proceed* shall be put forthwith and decided without amendment or debate.

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

143.(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**

144.(1) In the case of a private Bill authorizing the construction works, before such a Bill is read a First Time, the promoters shall-

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

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(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**

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

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

**146.(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 their advocates.

(2) The promoters of an opposed private Bill shall be entitled to be heard before the select Committee on

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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**

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

### **Printing expenses**

148.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.



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### **PART XXI—COMMITTEE OF THE WHOLE COUNTY ASSEMBLY**

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

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

#### **Committee of the whole County Assembly may not adjourn**

**150.**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 County Assembly and ask leave to sit again.

#### **Report**

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

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

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

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

### **General application of rules in Committee**

**153.**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.

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### PART XXII - SELECT COMMITTEES

#### County Assembly Business Committee

154.(1) There shall be a select Committee, to be designated the County Assembly Business Committee, consisting of-

- (a) the Speaker who shall be the Chairperson;
- (b) the Chairperson of Committees/Liaison;
- (c) the Leader of the Majority Party;
- (d) the Leader of the Minority Party; and

(f) not less than seven and not more than nine other Members, who shall be nominated by County Assembly parties and approved by the County Assembly at the commencement of every Session, reflecting the relative majorities of the seats held by each of the County Assembly parties in the County Assembly and taking into consideration the interests of Independents.

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

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

(4) In the absence of the Speaker, the Chairperson of Committees shall chair the meetings of the County Assembly Business Committee.

(5) The County Assembly Business Committee shall –

- (a) prepare and , if necessary, from time to time, adjust the County Assembly calendar with the approval of the County Assembly;
- (b) monitor and oversee the implementation of the County Assembly business and programmes;
- (c) implement the Standing Orders respecting the scheduling or programming of the business of the County Assembly and the functioning of the Committees of the County Assembly;
- (d) determine the order in which the reports of Committees shall be debated in the County Assembly;

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- (e) may take decisions and issue directives and guidelines to prioritize or postpone any business of the County Assembly acting with the concurrence of the Leader of the Majority Party or the Leader of the Minority Party, as the case may be; and
- (f) consider such matters as may from time to time arise in connection with the business of the County Assembly and shall have and perform such powers and functions as are conferred on and ascribed to it by these Standing Orders or from time to time by the County Assembly.

(6) The Chairperson and at least one third of the other Members of the County Assembly Business Committee shall form a quorum.

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

### **Committee on Selection**

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**155.** (1) There shall be a select Committee, to be designated the Committee on Selection, consisting of the Leader of the Majority Party who shall be the Chairperson, the Leader of the Minority Party and not less than nine and not more than eleven other Members, who shall be nominated by the County Assembly parties and approved by the County Assembly

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

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

### **General Provisions**

#### **Nomination of Members of select Committees**

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

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

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

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

### **Criteria for nomination**

**157.** (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.

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(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 a 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 County Assembly may otherwise resolve, on the recommendation of the Committee on Selection for reasons to be stated, no Member shall be appointed to serve in more than five Sectoral Committees.

### **Approval of nomination**

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

(2) Whenever a Motion for approval of a list under paragraph (1) is moved in the County Assembly, no objection against the proposed membership of a Member in a select Committee shall be permitted and



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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**

**159.** (1) The County Assembly party that nominated a Member to a select Committee, may give notice in writing to the Speaker, that the Member is to be discharged from a select Committee.

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

### **Composition of select Committees**

**160.** 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, not being less than eleven and not more than fifteen.

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### **Chairing of select Committees and quorum**

**161.** Subject to paragraph (2) of Standing Order 156 (*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; and
- (b) one half of the Members of a select Committee shall constitute a quorum.

### **Conduct of election**

**162.** (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

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Committee, the Clerk shall, within seven days of the vacancy arising, appoint a place and time for the meeting of the Committee to elect the Chairperson or Vice-Chairperson.

### **Duties of Committee Chairperson**

**163.** Subject to the provisions of these Standing Orders and the directions of the Committee, a Chairperson of a Committee shall-

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

### **Notice of meetings**

**164.** (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

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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 County Assembly.

### **Sittings of select Committees**

**165.** 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 five 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**

**166.** A select Committee may establish such sub-Committees as it may consider necessary for the proper discharge of its functions.

### **Member adversely mentioned not to sit**

**167.** 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.

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### **Adjournment for lack of quorum**

**168.** 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**

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

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

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

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

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### **Failure to attend meetings**

**170.** (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**

**171.** 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

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absence of such designated Member, the Members present shall elect one of them to take the Chair.

### **List of attendance**

172. 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**

173. The minutes of the proceedings of a select Committee shall be laid on the Table of the County Assembly with the report of the Committee and may, subject to Standing Order 222 (*Custody of Journals and Records*), be published.

### **Powers and privileges of Committees**

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

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### **Temporary absence of a Member of a select Committee**

**175.** (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 or on official County Assembly business or is indisposed.

### **Vote of no confidence in the Chairperson or Vice-Chairperson**

**176.** (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



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the case may be, in accordance with Standing Order 162 (*Conduct of election*).

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

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

**177.** (1) The Chairperson of a select Committee, other than the County Assembly Business Committee, shall have an original vote but not a casting vote.

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

### **Attendance by non-members of select Committee**

**178.** 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.

### **Procedure in select Committees**

**179.** (1) Except as and to the extent to which the Chairperson may otherwise direct for the purpose of facilitating full consideration and discussion of a matter referred to a Committee, the procedure in a select Committee shall be as nearly as possible, the same as that Committee of the whole 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.

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(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 County Assembly and in such other form as may be prescribed in the Committee Manual.

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

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

### **Limitation of mandate**

**180.** (1) The deliberations of a select Committee shall be confined to the mandate of the Committee and any extension or limitation of that mandate as may be directed by the County Assembly and, in the case of a select Committee on a Bill, to the Bill committed to it and relevant amendments.

(2) In the exercise of its functions, a select Committee may not consider any matter that is not

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contemplated within the mandate of the County Assembly under the Constitution.

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

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

(2) The Committee may adjourn to seek leave of the Speaker to exclude the public

### **Reports of select Committees**

**182.** (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 County Assembly and in such other form as may be prescribed in the Committee Manual.

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

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

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

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

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

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

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

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### **Progress reports**

**183.** (1) Unless a more regular interval is prescribed under any written law or these Standing Orders, each select Committee shall submit half yearly progress reports to the Liaison Committee.

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

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

**184.** Within sixty days of a resolution of the County Assembly or adoption of a report of a select Committee, the relevant member of the County Executive Committee 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 153(4)(b) of the Constitution.

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

**185.** (1) Two or more Committees of the County Assembly considering similar matters may, with the approval by Speaker, hold joint sittings.

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(2) The Chairperson of a joint sitting of such Committees shall be based on the ranking order set out under paragraph (3) of Standing Order 3 (*Proceedings on assembly of a new County Assembly*) the second ranking Member of the other Committee shall deputize.

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

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

### **Engagement of experts**

**186.** 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**

**187.** (1) There shall be a select Committee to be designated the Committee on Appointments to be appointed by the County Assembly, consisting of the

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Speaker as the Chairperson, the Leader of the Majority Party, the Leader of the Minority Party and not more than nine other Members nominated by the County Assembly Business Committee, on the basis of proportional party membership in the County Assembly taking into consideration the numerical strength of the parties and interests of independent Members.

(2) The Committee on Appointments shall be appointed within seven 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 Committee shall elect a Member, from amongst its Members to chair the meeting.

(4) The Committee on Appointments shall consider, for approval by the County Assembly, appointments under Articles 179(2) of the Constitution.

(5) The quorum of the Committee on Appointments shall be one half of the Members of the



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Committee, but the Speaker shall not be counted for the purposes of quorum and shall not vote.

### **Public Accounts and Investments Committee**

**188.** (1) There shall be a select Committee to be designated the Public Accounts and Investments Committee.

(2) The Public Accounts and Investments Committee shall have two main functions:-

- (a) examination of the accounts showing the appropriations of the sum voted by the County Assembly to meet the public expenditure and of such other accounts laid before the House as the Committee may think fit; and
- (b) examination of the working of the public investments.

(3) The Public Accounts and Investments Committee shall consist of a Chairperson and not more than eight other Members.

(4) The Public Accounts and Investments Committee constituted immediately following the

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General Election shall serve for a period of three calendar years and that constituted thereafter shall serve for the remainder of the County Assembly term.

(5) The Public Accounts and Investments Committee shall elect a Chairperson and Vice Chairperson from amongst its Members.

(6) When or while discharging its mandate under paragraph 2(b), the Public Accounts and Investments Committee shall further discharge the following functions:-

- (a) examine the reports and accounts of the public investments;
- (b) examine the reports, if any, of the Auditor General on the public investments; and
- (c) examine in the context of the autonomy and efficiency of the public investments, whether the affairs of the public investments, are being managed in accordance with sound financial or business principles and prudent commercial practices.

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(7) Despite paragraph (6) 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.

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

#### **189. (1)**

There shall be a select committee to be known as budget and appropriations committee. comprising of;

1. The chairperson
2. Chairperson of Committees/liaison
3. Leader of majority
4. Finance chairperson

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5. Not less than 9 and not more than 11 other members

(2) The Committee shall consist of a Chairperson, all other Committee Chairs and not more than five other Members.

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

- (a) investigate, inquire into and report on all matters related to coordination, control and monitoring of the County budget;
- (b) discuss and review the estimates and make recommendations to the County Assembly;
- (c) examine the County Budget Policy Statement presented to the County Assembly;
- (d) examine Bills related to the County Government budget, including Appropriations Bills; and
- (e) evaluate tax estimates, economic and budgetary policies and programmes with direct budget outlays.

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

(5) Five Members of the Budget Committee shall constitute a quorum.

(6) The Committee shall invite Chairpersons of all Sectoral Committees to make presentations during the consideration of the budget.

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

**190.** (1) There shall be a select Committee to be known as the County Assembly Procedure and Rules Committee.

(2) The Committee shall comprise the Speaker as the Chairperson, the Chairperson of Committees, the Leader of the Majority Party, the Leader of the Minority Party, their Whips, Members of the Speakers panel and not more than three other Members.

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

(4) The County Assembly Procedure and 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 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**

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

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comprising the Chairperson and not less than eight and not more than ten other Members.

(2) The Committee shall scrutinize the resolutions of the County Assembly (including adopted Committee reports), Petitions and the undertakings given by the County Executive Committee and examine –

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

(3) The Committee may propose to the County Assembly, sanctions against any member of the County Executive Committee who fails to report to the relevant select Committee on implementation status of

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projects and programmes under his or her docket without justifiable reasons.

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

**192.** (1) There shall be a select Committee to be known as the Committee on Delegated County Legislation comprising the Chairperson and not less than eight and not more than ten other Members.

(2) Whenever a statutory instrument is submitted to the County Assembly pursuant to the Constitution, any law or these Standing Orders, the statutory instrument shall, unless a contrary intention appears in the relevant legislation, be laid before the County Assembly by the Chair of the relevant Sectoral Committee, or any other Member and shall thereafter stand referred to the Committee on Delegated County Legislation.

(3) The Committee shall consider in respect of any statutory instrument whether it-

- (a) is in accord with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written law;



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- (b) infringes on fundamental rights and freedoms of the public;
- (c) contains a matter which in the opinion of the Committee should more properly be dealt with in an Act of the County Assembly;
- (d) contains imposition of taxation;
- (e) directly or indirectly bars the jurisdiction of the Courts;
- (f) gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;
- (g) involves expenditure from the County Revenue Fund or other public revenues;
- (h) is defective in its drafting or for any reason the form or purport of the statutory instrument calls for any elucidation;
- (i) appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;

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- (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 upon insufficiently defined administrative powers;
  - (m) inappropriately delegates legislative powers;
  - (n) imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
  - (o) appears for any reason to infringe on the rule of law;
  - (p) inadequately subjects the exercise of legislative power to County Assembly scrutiny; and
  - (q) accords to any other reason that the Committee considers fit to examine.
- (4) If the Committee-

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

(5) In this Standing Order, “statutory instrument” means any rule, order, regulation, direction, form, tariff of costs or fees, letter patent, commission, warrant, proclamation, by-law, resolution, guideline or other instrument issued, made or established in the execution of a power conferred by or under an Act of the County Assembly under which that statutory

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instrument or subsidiary legislation is expressly authorized to be issued.

### **Sectoral Committees**

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

**193.** (1) There shall be select Committees to be known as Sectoral Committees the Members of which shall be nominated by the County Assembly Business Committee in consultation with County Assembly parties at the commencement of every County Assembly.

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

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

(4) The mandate of Sectoral Committees in respect of the subject matter assigned under the Second Schedule of these Standing Orders shall only

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be exercised within the limits contemplated under Part 2 of the Fourth Schedule to the Constitution.

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

- (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- (b) study the programme and policy objectives of departments and the effectiveness of the implementation;
- (c) study and review all County legislation referred to it;
- (d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;

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- (f) to vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 187 (*Committee on Appointments*) ; and
- (g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

(6) Each Sectoral Committee shall comprise a Chairperson and 14 other Members.

### **Liaison Committee**

**194.** (1) There shall be a select Committee to be known as the Liaison Committee which shall consist of the Chairperson of Committees as the Chairperson and the Chairpersons of all other Committees of the County Assembly.

- (2) The Liaison Committee shall-
  - (a) guide and co-ordinate the operations, policies and mandates of all Committees;

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

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

### **THE COMMITTEE ON GENERAL OVERSIGHT**

#### **Establishment**

**195.** (1) There is established a Committee to be

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known as the Committee on General Oversight comprising of all Members of the County Assembly;

(2) The Speaker shall be the Chairperson of the Committee on General Oversight.

### **Quorum**

**196.** (1) A Meeting of the Committee on General Oversight shall not commence unless there are present not less than Eleven Members, excluding the person presiding, but a meeting of the Committee may thereafter continue despite there being less than sixteen Members present, unless in exceptional circumstances, the Speaker is of the view that the agenda is of such importance that meeting requires not less than fifteen Members to be present.



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### **Mandate**

197. (1) Pursuant to the provisions of Article 183(3) of the Constitution, a County Executive Committee Member shall attend before the Committee on General Oversight to answer any question concerning a matter for which the County Executive Committee Member is responsible.

(2) Paragraph (1) does not preclude any other Committee of the Assembly from requiring the attendance of a County Executive Member before it, but not for the purposes of answering questions as provided for under this Part.

(3) The Clerk shall notify the County Executive Committee Member on the Questions intended to be addressed, at least seven days before the day of the meeting, but the Speaker may certify a Question to be urgent, in which case it may be replied to as soon as the Speaker may recommend in accordance with standing order no 201 (questions by private notice)

(4) The Committee may invite more than one Executive Committee Member so as to allow the County Executive Committee Member to answer matters relating to more than one County Department

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in one sitting of the Committee, but not more than three Executive Committee Members may be required to appear before the Committee at such meeting.

(5) The Committee on General Oversight shall invite the Member who had been given a notice of the Questions to be replied to in the Committee.

(6) Notwithstanding the above provisions, nothing shall preclude the committee from inviting any other officer or person from attending before it to answer any question concerning a matter to which the said officer/person is responsible.

(7) Pursuant to an invitation to such officer or person, paragraph 3,4 and 5 shall apply accordingly.

### **Meetings of the Committee**

**198.** (1) Unless for the convenience of the Assembly and the Committee, the Speaker otherwise directs, the Committee on General Oversight shall meet every Thursday, commencing at 10.00am, but a meeting of the Committee shall not continue after 12.30pm.

(2) For the avoidance of doubt, except with the permission of the Speaker, the Committee shall not

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meet when the Assembly is on recess.

### **The Agenda of the Committee**

**199.** (1) The Speaker shall determine the agenda of the Committee, including the list and order in which County Executive Committee Members, officers or persons shall appear to answer Questions before the Committee.

(2) The Agenda of the Committee, showing the schedule of Questions listed for response and the Order in which questions shall be taken shall be appended on the Order Paper of every Tuesday of the week when the Assembly is sitting.

(3) The Speaker may, on request of the Leader of the Majority Party vary the order in which Questions shall be disposed of in the Committee, or defer a question scheduled to be responded to.

(4) The Clerk shall, every Thursday before 5.00pm, submit to the Speaker a list showing the Questions scheduled for reply the following Thursday for publication in the Order Paper.

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### **Notices of Questions**

**200.** (1) Notices of Questions relating to issues of concern to the people shall be given by Members in writing to the Clerk and the Clerk shall, having satisfied himself/herself that the notice satisfies the requirement of the Standing Order 202 (*General Rules of Questions for the Committee*) submit the notice to the Speaker for approval.

(2) A Member desiring to ask a Question before the Committee on General Oversight shall hand to the Clerk the written request, at least seven days before the day the Member intends to have the Question addressed in the Committee.

(3) Following the approval of the Speaker under paragraph (1), the Clerk shall, within forty-eight hours, submit the request to the relevant County Executive Committee Member, officer or person.

### **Questions by Private Notice**

**201.** (1) Despite Standing Order 200 (*Notices of Questions*), the Speaker may allow a Member to also ask a question which in the opinion of the Speaker is of urgent character or relates to exceptionally

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important issues of concern to the people.

(2) A Member wishing to ask a question by private notice shall hand to the Clerk a notice of the Question at least twenty four hours before time scheduled for replies, but the question shall not be allowed unless it falls within the matters for which the County Executive Committee Member, officer or person scheduled to attend before the Committee the following day, is responsible.

(3) The Speaker may, in exceptional circumstances, on the request of the Leader of the Majority Party allow an Executive Committee Member, officer or person to attend and answer to urgent matters before the Committee, notwithstanding that notice has not been given.

(4) At the commencement of a meeting of the Committee, the Speaker shall inform the Committee of any approved questions by private notice and may allot time for their replies on the same sitting and, where practicable, such questions may be included in a revised agenda to be circulated.

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### **General rules on Questions for the Committee**

**202.** (1) These rules apply to questions, including supplementary questions.

(2) Except as the Speaker may otherwise allow, a question by a Member shall not be in effect a speech or limited to give information or framed so as to suggest its own answer or to convey a particular point of view.

(3) The facts on which the Question is based may be set out briefly, provided the Member takes responsibility for their accuracy, but extracts from newspapers or quotations from speeches shall not be admissible.

(4) A Question shall not contain any argument, inference, opinion, imputation or ironical or offensive expression or epithet and shall not seek an expression of opinion.

(5) A Question shall not repeat in substance any matter already addressed, either as a substantive or supplementary question in the Committee on General Oversight or in the course of debate in the Assembly, during the same Session.

(6) Not more than one subject shall be referred to

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in any one Question, and a question to the Committee on General Oversight shall not be of excessive length.

(7) A Question shall neither include the name of any person or any statement not strictly necessary to render the question intelligible, nor shall it contain any allegation, which the Member is not prepared to substantiate.

(8) A Question shall not be made which makes or implies any allegation of a personal nature or which reflects upon the conduct of any person whose conduct can only be challenged upon a substantive Motion or upon the conduct of any other person otherwise than in the person's official or public capacity.

(9) Reference shall not be made in a Question to any particular matter which is *sub judice*, and in determining whether a matter is *sub judice*, Standing Order 87 (*Matters sub judice or secret*) shall apply.

(10) A Question shall not seek information which, by operation of any written law, is secret.

(11) A Question, the answer to which falls within the oversight functions of County Assemblies as contemplated under Article 183(3) and the Fourth Schedule of the Constitution, shall not be made.

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(12) A Question, the answer to which is readily available in ordinary works of reference or official publications, shall not be made.

(13) A Question shall not refer discourteously to any friendly country, nor to any Head of State or Government or the representative in Kenya of any friendly country and shall not refer to proceedings of a Select Committee before that Committee has made its report to the Assembly.

### **Rules of debate and Manner of disposing question in the Committee**

**203.** (1) The rules of debate applicable in the Chamber shall apply, with necessary modifications, to the consideration of questions before the Committee.

(2) Each County Executive Committee Member, officer or person shall provide five copies of the reply at least a day before the meeting of the Committee and may also provide electronic copies of the reply.

(3) Subject to Standing Order 200 (*Notices of Questions*), Questions shall be disposed of in the sequence appearing in the Order Paper.

(4) Not more than five questions may be put



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down for reply to a particular County Executive Committee Member at any one sitting.

(5) The Speaker may allow the questioner to put up to two supplementary questions, and may permit up to four other Members to ask further supplementary questions in so far they relate to the original question.

(6) The question may be answered only if the questioner is present, but if the Questioner is absent without the Speaker's authority, the question shall be answered in writing, in which case, the County Executive Committee Member, officer or person shall table the reply before the Committee and no further proceedings shall be allowed.

(7) The Speaker may defer a question not reached, or any other question appearing in the Order Paper to another time on the same day or to another day.

(8) At a meeting of the Committee, the person presiding shall be addressed as the Speaker.

### **Questions for written reply**

**204.** The Speaker may direct that a written answer be provided in respect of a particular question,

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

### **Proceedings to be recorded**

**205.** Proceedings of the Committee shall be recorded verbatim and included in the Votes and Proceedings of the Assembly and the official *Hansard* record, and also covered live.

### **Application of privileges law**

**206.** The provisions of the County Assembly (Powers and Privileges) Act shall apply to a County Executive Committee Member admitted to the Committee on General Oversight.

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### **PART IV — COMMITTEE OF POWERS AND PRIVILEGES**

**207.** (1) There is established, a committee known as the Committee of Powers and Privileges constituting of—

- (i) the Speaker who shall be the chairperson of the Committee;
- (ii) The Majority leader;
- (iii) The Minority leader; and
- (iv) Not less than five and not more than seven other members

#### **Committee to be limited to mandate**

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

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

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### PART XXIII - PUBLIC PETITIONS

#### Meaning of Petition

**209.** For purposes of this Part, a Petition means a written prayer to the County Assembly by a member of the public requesting the County Assembly to consider any matter within its authority, including enacting, amending or repealing any legislation.

#### Submission of a Petition

**210.** (1) A Petition to the County Assembly shall be-

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

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

(3) The Clerk shall, within seven days of the date of receipt of the Petition, review the Petition to

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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 laying on the Table of the County Assembly.

### **Petition on Private Bills**

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

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

**212.** A Member shall give to the Clerk two sitting days' notice of intention to present a Petition and the Clerk shall examine such Petition and ensure that the Petition is presented in the manner, form and content required by these Standing Orders.

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### **Form of Petition**

**213.** A Petition shall be in the form set out in the Third Schedule and shall-

- (a) be handwritten, printed or typed;
- (b) be in English or Kiswahili and be written in respectful, decorous and temperate language;
- (c) be free of alterations and interlineations in its text;
- (d) be addressed to the County Assembly;
- (e) have its subject-matter indicated on every sheet if it consists of more than one sheet;
- (f) indicate whether any efforts have been made to have the matter addressed by a relevant body and whether there has been any response from that body or whether the response has been unsatisfactory;
- (g) indicate whether the issues in respect of which the Petition is made are pending before any court of law or other constitutional or legal body.;

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- (h) conclude with a clear, proper and respectful prayer, reciting the definite object of the petitioner or petitioners in regard to the matter to which it relates;
- (i) subject to paragraph (m), contain the names, addresses, identification numbers, signature or a thumb impression of the petitioner or of every petitioner, where there is more than one petitioner;
- (j) contain only signatures or thumb impressions, as the case may be, and addresses and identification numbers written directly onto the petition and not pasted thereon or otherwise transferred to it;
- (k) not have any letters, affidavits or other documents annexed to it;
- (l) in the case of a Petition presented by a Member on behalf of a petitioner, be countersigned by the Member presenting it; and
- (m) be signed by the petitioner or if the petitioner is unable to sign, by a witness in whose

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presence the petitioner shall make his or her mark on the Petition.

### **Time for Petitions**

**214.** The total time on the Order *Petitions* shall not exceed thirty minutes.

### **Presentation of Petitions**

**215.** (1) A schedule of Petitions to be presented or reported to the County Assembly on a sitting day may be appended to the Order Paper of the Day in the order that they shall be presented or reported.

(2) When the Order *Petitions* is read, the Speaker shall-

- (a) in case of a Petition presented by a Member, direct that the Member to present the Petition to the County Assembly; or
- (b) in case of a Petition presented through the Clerk, report the Petition to the County Assembly.

(3) The Member presenting the Petition shall read such Petition but shall confine himself or herself



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to the subject of the prayer, the material allegations therein and the number of signatures attached.

(4) A Member having presented a Petition shall, without question put, lay the Petition on the Table of the County Assembly.

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

### **Comments on Petitions**

**216.** The Speaker may allow comments, observations or clarifications in relation to a Petition presented or reported and such total time shall not exceed thirty minutes.

### **Committal of Petitions**

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

(2) Whenever a Petition is committed to a Sectoral Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report

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addressed to the petitioner or petitioners and laid on the Table of the County Assembly and no debate on or in relation to the report shall be allowed, but the Speaker may, in exceptional circumstances, allow comments or observations in relation to the Petitions for not more than twenty minutes.

(3) The Clerk shall, within fifteen days of the decision of the County Assembly, in writing, notify the petitioner or petitioners of the decision of the County Assembly on the Petition.

### **Copies of responses**

**218.** The Clerk shall forward copies of responses received under Standing Order 217 (*Committal of Petitions*) to the petitioner or petitioners.

### **Register of Petitions**

**219.** (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.

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### PART XXIV - FINANCIAL PROCEDURES

#### General

#### Restrictions with regard to certain financial measures

**220.** (1) If, in the opinion of the Speaker, a Motion makes provision for a matter listed in the definition of “a money Bill”, the County Assembly may proceed only with the recommendation of the Budget and Appropriations Committee after taking into account, the views of the member of County Executive Committee responsible for finance.

(2) “A money Bill”, as provided for in section 21 of the County Governments Act, means a Bill that contains provisions dealing with-

- (a) taxes;
- (b) the imposition of charges on a public fund or the variation or repeal of any of those charges;
- (c) the appropriation, receipt, custody, investment or issue of public money;
- (d) the raising or guaranteeing of any loan or its repayment; or

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(e) matters incidental to any of those matters.

(3) In paragraph (2), “tax”, “public money”, and “loan” do not include any tax, public money or loan raised by a County.

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

**221.** (1) The County Treasury shall submit the County Fiscal Strategy Paper approved by the County Executive Committee in accordance with section 117 of the Public Finance Management Act, 2012, to the County Assembly, by 28th February of each year.

(2) The County Fiscal Strategy Paper submitted under paragraph (1) shall –

- (a) have been aligned with the national objectives in the Budget Policy Statement;
- (b) specify the broad strategic priorities and policy goals that will guide the County Government in preparing its budget for the coming financial year and over the medium term;
- (c) include the financial outlook with respect to County Government revenues, expenditures

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and borrowing for the coming financial year and over the medium term; and

- (d) have taken into account the views of the Commission on Revenue Allocation; the public; any interested persons or groups; and any other forum that is established by legislation.

(3) Upon being laid before the County Assembly, the County Fiscal Strategy Paper shall be deemed to have been committed to each Sectoral Committee without question put, for each such Committee to deliberate upon according to their respective mandates and make recommendations to the Budget and Appropriations Committee.

(4) In addition to deliberating on the County Fiscal Strategy Paper, the Budget and Appropriations Committee shall consult each Sectoral Committee and compile a report containing its recommendations on the Strategy Paper and lay the report on the Table of the County Assembly for consideration.

(5) The report prepared by the Budget and Appropriations Committee pursuant to paragraph (4) shall include a schedule of ceiling of resources

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recommended for both the County Assembly and County Executive.

(6) The approval by the County Assembly of the Motion on the report of the Budget and Appropriations Committee on the County Fiscal Strategy Paper shall constitute the County Assembly Resolution setting forth the total overall projected revenue, the fixed ceilings for both the County Assembly and the County Executive and where necessary, the total sums for each Vote and the allocations to individual programmes for the fiscal year in question.

(7) The County Assembly shall consider and may adopt the County Fiscal Strategy Paper with or without amendments not later than fourteen days after its submission under paragraph (1).

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

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

**222.** (1) The member of County Executive Committee responsible for finance and the Accounting Officer of the County Assembly Service Board shall, not later than 30<sup>th</sup> April, respectively submit to the County Assembly the Budget Estimates and related documents specified in law for both the County Assembly and County Executive.

(2) The Estimates and related documents submitted under paragraph (1) ought to be laid on the Table of the County Assembly within three days of submission.

(3) Upon being laid before the County Assembly, the Estimates shall be deemed to have been committed to each Sectoral Committee without question put, for each such Committee to deliberate upon according to their respective mandates.

(4) Each Sectoral Committee shall consider, discuss and review the Estimates according to its mandate and submit its report and recommendations to the Budget and Appropriations Committee within

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twenty-one days, after being laid before the County Assembly.

(5) 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 member of the County Executive Committee responsible for finance and the public.

(6) The County Assembly shall, on a Motion: *That, this County Assembly adopts the Report of the Budget and Appropriations Committee on the Budget Estimates for the County Assembly and County Executive laid on the Table of the County Assembly on .....*”, consider the Report and adopt it with or without amendments.

(7) Upon the County Assembly resolution on the Report-

- (a) the recommendation for increase or reduction on any particular Vote as resolved by the County Assembly will serve as notice of intention by the Chairperson of the Budget and Appropriations Committee to



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move the particular amendments on the concerned Vote in the Committee of Supply; and

- (b) the Speaker may require that an appropriate Addendum be made to the Estimates as laid on the Table of the Assembly to reflect the amendments made by the County Assembly on the Estimates or respective Votes.

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

**223.** (1) The member of County Executive Committee responsible for finance shall appear before the Budget and Appropriations Committee for the purpose of making a public pronouncement of the budget policy highlights and revenue raising measures for the County Government.

(2) On the same date that the budget policy highlights and revenue raising measures are pronounced, the member of County Executive Committee responsible for finance shall submit to the County Assembly a legislative proposal, setting out the revenue raising measures for the County Government,

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together with a policy statement expounding on those measures.

(3) A Member of the County Assembly may attend and participate in the sittings of the Committee.

(4) Any recommendations made by the relevant Committee or adopted by the County Assembly on revenue matters shall –

- (a) ensure that the total amount of revenue raised is consistent with the approved fiscal framework and the County Allocation of Revenue Act;
- (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

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- (f) take into account the taxation and other tariff agreements and obligations that Kenya has ratified, including taxation and tariff agreements under the East African Community Treaty.

(5) The recommendation of the member of County Executive Committee responsible for finance shall be included in a report and laid on the Table of the County Assembly.

### **Vote on Account**

**224.** (1) Following approval of the Budget Estimates, if the County Appropriations Bill for a financial year has not been assented to, or is not likely to be assented to by the beginning of that financial year, the County Assembly may 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

## KISUMU COUNTY ASSEMBLY

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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.

(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 County Assembly shall, half an hour before the time for the interruption of business, forthwith put the question.

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### **Procedure on Supplementary Estimates**

**225.** (1) The County Executive shall submit to the County Assembly for approval, a supplementary budget in support of money spent under section 135 of the Public Finance Management Act, 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 214(*Procedure in Committee of Supply*) shall, with the necessary modifications, apply to Supplementary Estimates.

(4) On any day on which an Order of the Day for Committee of Supply has been set down under this Standing Order, the business of such order shall commence not later than three hours before the time for interruption of business.

(5) Unless the County Assembly orders that the business under paragraph (3) shall continue for more than one day, the Chairperson of the Committee of the whole County Assembly shall, half an hour before the

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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 Order.

(7) Except as provided in this Standing Order, the approval of the County Assembly 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.

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

### **Passage of Finance Bill**

**226.** (1) Not later than ninety days after passing the Appropriations Bill, the County Assembly shall consider and approve the Finance Bill with or without amendments.

(2) Notwithstanding the provision of paragraph (1), member of the County Executive Committee responsible for finance has to present the Finance Bill to the County Assembly not later than thirty days after the passage of the Appropriations Bill.

### **Consideration of Finance Bill**

**227.** (1) Following the submission of the legislative proposal by the member of County Executive Committee responsible for finance under Standing Order 223 (*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

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submitted as a legislative proposal by the member of County Executive Committee responsible for finance together with any report of the Committee on the Bill.

(2) Any of the recommendations made by the Committee or adopted by the County Assembly on revenue matters shall –

- (a) ensure that the total amount of revenue raised is consistent with the approved fiscal framework;
- (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;



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- (f) take into account the recommendations of the County Executive Committee member responsible for finance; and
- (g) take into account the taxation and other tariff agreements and obligations that Kenya has ratified, including taxation and tariff agreements under the East African Community Treaty.

(3) The recommendation of the member of County Executive Committee responsible for finance shall be included in the report and laid on the Table of the County Assembly.

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

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

**228.** All Votes and Proceedings of the County Assembly shall be noted by the Clerk and shall constitute the Journals of the County Assembly.

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

**229.** (1) The custody of the Journals and Records, whether audio, electronic or any other form, including

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all papers and accounts howsoever presented to or belonging to the County Assembly, shall be vested in the Clerk, who shall unless otherwise prohibited by any law, allow their access by the public.

(2) The Clerk shall publish the Votes and Proceedings of the County Assembly within forty-eight hours of any sitting.

(3) The Speaker may make rules to regulate the access by the public to Journals and Records under paragraph (1).

### **Hansard reports**

**230.** (1) There shall be published within forty eight hours, a verbatim report of all proceedings of the County Assembly, unless the Speaker is satisfied that this is rendered impossible by some emergency.

(2) Every Member shall have an opportunity to correct the draft verbatim report of his or her contribution, but not so as to alter the substance of what the Member actually said.

(3) Where there is doubt as to the content of the verbatim record of the County Assembly, the Speaker shall make a determination.

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### **Secret or personal matters**

**231.** The Speaker may direct any matter which, in the Speaker's opinion, is secret or purely personal to be excluded from the Journals of the County Assembly and from the verbatim report of the proceedings of the County Assembly, and to be the subject of a separate verbatim report, which shall be kept in the custody of the Clerk and made available only to Members.

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

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

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

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

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

**233.** (1) Except as may be expressly provided to the contrary, every person has access to the County Assembly and its Committees.

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(2) The County Assembly or a Committee may not exclude any person, or any media, from a sitting of the County Assembly or of a Committee unless, in exceptional circumstances, the Speaker has determined that there are justifiable reasons for the exclusion.

(3) 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**

**234.** (1) No person other than a Member shall be admitted into any part of the Chamber appropriated to the exclusive use of Members of the County Assembly while the County Assembly or the Committee of the whole County Assembly is sitting.

(2) Paragraph (1) does not apply to the Clerk or other officers of the County Assembly when discharging their duties in the service of the County Assembly.

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

**235.** (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

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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 excluded from a sitting of the County Assembly or of a Committee, the Speaker shall inform the County Assembly or Committee the reasons for the exclusion.

(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**

**236.** Any media institution whose representative infringes these Standing Orders or any rules made by the Speaker for the regulation of the admittance of the public to the County Assembly or to Committees or persistently misreports the proceedings of the County

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

### **PART XXVII – GENERAL**

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

**237.** (1) Subject to paragraphs (2) and (3), a Motion may, with the approval of the Speaker, be moved by any Member, either with or without notice that the proceedings on any specified business be exempted from the provisions of Part VI (Sitting and Adjournments of the County Assembly), Part VII (Order of Business), Part XVII (Limitation of Debate), Part XIX (Public Bills), Part XX (Private Bills), Part XXI (Committee of the whole County Assembly) Part XXIV (Financial Procedures), Part XXII (Select Committees), Part XXIII (Public Petitions) and Part XXVI (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

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business from Standing Order 119 (*Publication*), Standing Order 120(*Not more than one stage of a Bill to be taken at the same sitting*) or Standing Order 207 (*Restriction with regard to certain financial measures*).

(3) Not more than one Motion for the exemption of business from the Standing Orders may be moved at any one sitting, except with the leave of the County Assembly.

(4) A Motion under this Standing Order shall state the object 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; and
- (b) may not be amended without the consent of the Mover.

### **Attendance before Parliament**

**238.** (1) A request by Parliament that a Member, the Clerk, or an officer of the County Assembly attends before the Parliament to be examined or appears before any Committee of the Parliament shall be by message from the Parliament requesting that the

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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 Parliament or the Committee of the Parliament; and
- (b) the Member may, if the Member considers it fit to do so, attend before the Parliament or the Committee of the Parliament.

(3) Except upon leave granted under paragraph (2), a Member, the Clerk or an officer may not, whether in person or by counsel, attend or appear before the Parliament or a Committee of Parliament in response to a summons or invitation, or send an answer in writing to such summons or invitation.

### **Failure to attend sittings**

**239.** (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



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Committee of Privileges for hearing and determination.

(2) The Committee of Privileges shall inquire into a matter referred to it under paragraph (1) within fourteen days from the date the matter is referred to it and shall thereupon submit a report to the County Assembly.

(3) If the report of the Committee finds that the Member has offered a satisfactory explanation for the Member's absence from eight sittings of the County Assembly without the permission in writing from the Speaker, there shall be no further proceedings in the County Assembly in respect of the matter.

(4) If the report of the Committee finds that the Member has not offered a satisfactory explanation for the Member's absence from eight sittings of the County Assembly under paragraph (1), the Chairperson of the Committee or a Member of the Committee designated by the Committee for that purpose shall, upon submitting the report, give a three days' notice of a Motion that: ***This County Assembly notes the Report of the Committee of Privileges laid on***

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*the Table of the County Assembly on ... regarding.....*with other necessary modification.

(5) A Motion under paragraph (4) shall be debated in the usual manner of debating Motions, except that-

- (a) no amendment shall be permitted to the Motion; and
- (b) the debate on 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 the question but shall declare that, pursuant to Article 194 (1) (b) of the Constitution, the office of the Member concerned has become vacant.

### **Seating in the Chamber**

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

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- (a) the Chairperson of Committees;
- (b) the Leader of the Majority Party;
- (c) the Leader of the Minority Party; and
- (d) Members with disabilities.

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

(3) Subject to this Standing Order and any other order of the County Assembly, any question relating to the occupation of seats in the Chamber shall be determined by the Speaker.

### **Members travelling outside Kenya**

**241.** (1) A Member intending to travel outside Kenya whether in an official or 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

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(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**

**242.** 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 XXVIII –AMENDMENT OF STANDING ORDERS**

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

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

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

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

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

- (a) contain the text of the proposed amendment and the justification for the proposal;
- (b) contain the names and signatures of the Members supporting the request; and
- (c) be lodged with the Speaker.

(3) The Speaker shall, if satisfied that the requirements of paragraphs (1) and (2) have been met, forward the request to the County Assembly Procedure and Rules Committee.

(4) The County Assembly Procedure and Rules Committee shall, within twenty-one days of the receipt of a request under paragraph (3), consider the request and lay a report on the Table of the County Assembly containing the amendments proposed in the

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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 Rules Committee on a Motion that: ***The report of the County Assembly Procedure and Rules Committee be approved.***

(6) Standing Order 129 (*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 Rules Committee on the amendments proposed to the Standing Orders.

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

**245.** At least once in every term of 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.

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

**246.** (1) Upon the laying of a report on the Table of the County Assembly from the County Assembly Procedure and Rules Committee under Standing Orders 235 and 236, the procedure set out at Standing Order 234(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.

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**FIRST SCHEDULE**

**BROADCASTING RULES**

**(Standing Order 225)**

**County Assembly Broadcasting Unit**

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

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

**County Assembly privilege**

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



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### **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-aways may be taken for purposes of showing the reaction of a group of Members to an issue raised on the Floor;
- (c) wide-angle shots of the Chamber shall be used during voting and Division and no shot shall be taken so as to show the manner in which a Member has voted in any secret ballot.
- (d) officers of the 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;

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- (f) press and public galleries shall not be shown except as part of the wide angle shots and during important functions as may be determined by the County Assembly Broadcasting Committee;
- (g) no close-up shots of Members' papers or reference materials may be shown.

### **Radio broadcasting**

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

- (a) audio recording shall be restricted to proceedings of the County Assembly and the Committees;
- (b) commentaries during a live broadcast shall be limited to the introduction of a matter under debate and of the Member on the Floor.

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### **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 Assembly other than the County Assembly Broadcasting Unit.

(2) No external media Assembly or other person may broadcast any proceedings of the Assembly except as received from the broadcast feed provided by the County Assembly Broadcasting Unit or with the permission of the Speaker.

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(3) An external media that receives a broadcast feed from the County Assembly Broadcasting Unit shall broadcast it without any manipulation or distortion.

(4) No camera or other recording or broadcasting equipment shall be allowed in the Assembly without authorization.

(5) Accredited journalists shall be allowed access to designated areas for purposes of following the proceedings and taking notes and any journalist so allowed shall observe the Standing Orders and these Rules.

### **Breach of broadcasting Rules**

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

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

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### **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.

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SECOND SCHEDULE

SECTORAL COMMITTEES

[Standing Order 193]

<b>Sectoral Committee</b>	<b>Subject Area</b>
<b>Agriculture, Livestock and Fisheries</b>	All matters relating to agriculture, including crop and animal husbandry, livestock sale yards, County abattoirs, plant and animal disease control, veterinary services (excluding regulation of the profession) and fisheries; animal control and welfare, including licensing of dogs and facilities for their accommodation, care and burial of animals.
<b>Health, Housing and Sanitation</b>	All matters relating to County health services, including, in particular County health facilities and pharmacies, ambulance services, promotion of primary health care, licensing

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and control of undertakings that sell food to the public, cemeteries, funeral parlours and crematoria and refuse removal, refuse dumps and solid waste disposal; housing; and sanitation.

### **Children, Culture and Community Services**

All matters relating to cultural activities, public entertainment and public amenities, including betting, casinos and other forms of gambling, racing, liquor licensing, cinemas, video shows and hiring, libraries, museums, sports and cultural activities and facilities and County parks, beaches and recreation facilities; children's welfare; and control of drugs and pornography.

### **Public Works, Roads and Transport**

All matters relating to County transport, including county roads, street lighting, traffic and parking, public road transport and ferries and harbours,

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excluding the regulation of international and national shipping and matters related thereto; County public works and services including storm water management systems in built-up areas; fire fighting services and disaster management.

**Planning,  
Industrialization  
and ICT**

All matters relating to County planning and development, including statistics, land survey and mapping, boundaries and fencing; ensuring that development and location of industries and industrialization policies are well planned and properly executed; and monitor the spread and enhanced use of ICT in the County Government operations to increase transparency and accountability.

**Early Childhood  
Education, Adult**

All matters relating to pre-primary education, adult



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<b>Education and Vocational Training</b>	education, village polytechnics, home craft centres and childcare facilities.
<b>Labour and Social Welfare</b>	All matters relating to labour, trade union relations, manpower or human resource planning, gender, social welfare and National Youth Service.

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**Administration of  
Law, Justice,  
Constitutional  
Affairs, Good  
Governance and  
Security**

All matters relating to referendum, further Devolution in the County, issues of Integrity, Ethics and Conflicts of Interests including Anti-corruption and Human Rights; ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations in governance at the local level and assisting communities and locations to develop administrative capacity for the effective exercise of the functions and powers and participation in governance at the local levels; administration of law and justice, including working and collaborating with national government operatives within the County especially on

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security matters.

**Water,  
Environment and  
Natural Resources**

All matters relating to the provision of clean water for Domestic use; implementation of specific national government policies on natural resources and environmental conservation, including soil and water conservation and forestry and control of air pollution, noise pollution, other public nuisances and outdoor advertising.

**Cooperative,  
Finance, Trade and  
Enterprise  
Development**

All matters relating to Cooperative movement, micro finance institutions, empowerment of registered women and youth groups, insurance, proposed loans and advances by the Executive, trade development and regulations including markets; trade licenses (excluding regulation of professions); fair trading

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practices.

**Tourism, Wildlife and Heritage** All matters relating to local tourism, wildlife conservation and preservation of old buildings like churches, schools, government offices, other public buildings and buildings in private homes of important people.

**Ward Development Fund** All matters relating to allocation and payments of funds; ensure prudent management of funds; receive and discuss the annual reports and returns from the wards; ensure timely submissions to the County Assembly of various returns, reports and information as required under the Act; consider project proposals submitted for various wards in accordance with the Act and make appropriate recommendations to the County Assembly;

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Continually review, oversee the implementation, policy framework and legislative matters that may arise in relation to the Fund; and perform such other functions as may be provided for in this Act and the membership should not be more than eleven members.

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### SECOND SCHEDULE (A) – TRANSITION

1. Unless this Schedule otherwise provides, a Committee of the Assembly which immediately existed under the interim Standing Orders of the County Assembly of Kisumu, and prior to the adoption of these Standing Orders as at Wednesday 2<sup>nd</sup> March, 2016 shall continue to exist under these Standing Orders till the expiry of the term of the current County Assembly.

2. Members of the County Assembly appointed into the Committees established under the interim Standing Orders shall continue to hold or act in their respective capacities in those Committees as if appointed to those positions under these Standing Orders.

3. The provisions of these Standing Orders shall not affect the powers conferred on any of the Committees established under the interim Standing Orders.

4. For the avoidance of doubt, these Committees are;

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### [Standing Order 193]

<b>Sectoral Committee</b>	<b>Subject Area</b>
<b>Agriculture &amp; Environment Management.</b>	All matters relating to agriculture, including crop and animal husbandry, livestock sale yards, County abattoirs, plant and animal disease control; environment conservation including soil and water conservation, control of air, water and noise pollution.
<b>Fisheries, Livestock &amp; Natural Resources.</b>	All matters relating to veterinary services (excluding regulation of the profession); animal control and welfare, including licensing of dogs and facilities for the accommodation, care and burial of animals; extension services; and fisheries; implementation of specific National Government policies on natural resources including

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mining and forestry.

**Health Services.** All matters relating to County health services, including, in particular, County health facilities and pharmacies, ambulance services, promotion of primary health care, licensing and control of undertakings that sell food to the public, cemeteries, funeral parlours and crematoria and refuse removal, refuse dumps and solid waste disposal.

**Labour & Social Welfare.** All matters relating to labour, trade union, human resource and planning and development. Social welfare. Youth and sporting activities and facilities; and the National Youth Service.

**Children, Gender, Culture & Community** All matters relating to cultural activities, local heritage and gender issues; public entertainment and public



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<b>Services.</b>	amenities, including cinemas, video shows and hiring; libraries, museums; County parks, beaches and recreation facilities; control of drugs and pornography.
<b>Public Works, Roads &amp; Transport.</b>	All matters relating to County transport, including County roads, street lighting, traffic and parking, public road transport and ferries and harbours, excluding the regulation of international and national shipping and matters related thereto; County public works and services including storm water management systems in built-up areas; electricity and gas reticulation and energy regulation; fire fighting services and disaster management.
<b>Trade, Cooperative &amp; Enterprise</b>	All matters relating to trade development and regulation including markets, trade

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<b>Development.</b>	licences (excluding regulation of professions), fair trading practices, betting, casinos and other forms of gambling, racing, liquor licensing; and cooperative movement.
<b>Finance &amp; General Purpose.</b>	All matters related to financial policies and practices other than the budgetary issues including any financial institution established by the County Government.
<b>Planning, Housing &amp; Industrial Development.</b>	All matters relating to County economic planning and development; statistics; housing policy development and human settlement; industrial planning and development.
<b>Early Childhood Education, Vocational Training</b>	All matters relating to pre-primary education, village polytechnics, home craft centres; special focus on

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<b>&amp; Adult Education.</b>	children’s rights especially their access to good quality education, security and childcare facilities; and adult education.
<b>Tourism, Wildlife &amp; Heritage.</b>	All matters relating to local tourism and wildlife conservation; and local heritage like preservation of old historic buildings and other artifacts.
<b>Water, Energy &amp; Sanitation</b>	All matters relating to water conservation; water for domestic use including sanitation services; and irrigation.
<b>Administration &amp; Security.</b>	All matters relating to coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and
<b>Justice &amp; Legal Affairs.</b>	

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**Information  
Communication  
Technology.**

participation in governance at the local level; taking interest in the implementation of the *miji kumi* concept in ensuring security at the village level.

All matters relating to justice, legal and constitutional affairs including referendum.

**Welfare & Equal  
Opportunities.**

All matters relating to automation and digitization of all County Government operations especially to increase efficiency, reduce waste and eliminate corrupt practices in delivery of public service.

**Implementation.**

All matters relating to the welfare and equal opportunities particularly for minorities and people living with disabilities, special needs and various

## KISUMU COUNTY ASSEMBLY

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challenges.

### **Ward Development Fund**

All matters relating to undertakings made by the County Executive Committee members before all County Assembly Committees and their reported undertakings in other public fora on matters under their docket

All matters relating to allocation and payments of funds; ensure prudent management of funds; receive and discuss the annual reports and returns from the wards; ensure timely submissions to the County Assembly of various returns, reports and information as required under the Act; consider project proposals submitted for various wards in

## KISUMU COUNTY ASSEMBLY

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accordance with the Act and make appropriate recommendations to the County Assembly; Continually review, oversee the implementation, policy framework and legislative matters that may arise in relation to the Fund; and perform such other functions as may be provided for in this Act and the membership should not be more than eleven members.

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**THIRD SCHEDULE**

**GENERAL FORM OF A PUBLIC PETITION**

**[Standing Order 200]**

**I/We, the undersigned,**

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

**DRAW the attention of the County Assembly to the following:**

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

**THAT**

[Here confirm that efforts have been made to have the matter addressed by the relevant body, and it failed to give satisfactory response.]

**THAT**

**KISUMU COUNTY ASSEMBLY**

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[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. or Passport No.</i>	<i>Signature/Thumb impression</i>
.....	.....	.....	.....
.....	.....	.....	.....

(Here, repeat the summary in first page)

<i>Name of petitioner</i>	<i>Signature/Thumb impression</i>
.....	.....
.....	.....

(Subsequent Pages)



## KISUMU COUNTY ASSEMBLY

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

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### FOURTH SCHEDULE

#### THE MAJORITY LEADER

- a) Scheduling legislations for consideration;
- b) Work closely with the Speaker and his/her party's whips;
- c) Consults with members on issues;
- d) Lobby colleagues to support or defeat measures on the floor;
- e) Helps plan daily, weekly and annual legislative agendas for deliberations;
- f) Responsible for closely watching floor activities especially the opposition party's parliamentary maneuvers;
- g) He/she may act as public spokesman for his party-defending and explaining the party's program and agenda;

Active in constructing winning coalitions for the party's legislative priorities

#### THE MINORITY LEADER

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- Speaks for the minority party and its policies;
- Protect the minority's rights;
- Organizes and leads criticism of the majority party;
- Devises parliamentary strategies to enable his/her party influence legislative outcomes;
- Chairs his/her party's committee assignment panel