

SCANNED

DATE	15/6/22
TABLED BY	Hon. P. Njiru
COMMITTEE	PC
LINK AT THE TABLE	Abdullah



REPUBLIC OF KENYA

TWELFTH PARLIAMENT (SIXTH SESSION)

THE SENATE

THE FOURTH  
 REPORT OF THE PROCEDURE AND RULES COMMITTEE  
 ON  
 THE REVIEW OF THE SENATE STANDING ORDERS

Hon. Speaker  
 You may approve for  
 tabling.  
 [Signature]  
 14/6/22

June, 2022

Clerk's Chambers  
 The Senate  
 Parliament of Kenya  
**NAIROBI**

APPROVED  
 [Signature]  
 15/6/2022

## **Outline of the Report**

1. Background to the review of the Senate Standing Orders
2. Establishment and mandate of the Procedure and Rules Committee
3. The periodic review of the Senate Standing Orders
4. Submissions to the committee by Senators and Resolutions of the committee during the 12th Parliament
5. Overview of proposed amendments to the Senate Standing Orders
6. Recommendations

## **Annexes**

- Annex 1:* Outline of the proposed amendments
- Annex 2:* Copies of public advert issued on 26<sup>th</sup> May 2022, and submissions received in response thereto

## **A. BACKGROUND TO THE REVIEW OF THE STANDING ORDERS**

1. Article 124 of the Constitution mandates each House of Parliament to establish committees and make standing orders for the orderly conduct of its proceedings, including the proceedings of its committees. The current Senate Standing Orders were adopted by the Senate on 14<sup>th</sup> June, 2017.
2. During the 12th Parliament, the Standing orders have been amended pursuant to Standing Orders 252 and 254 of the Senate Standing Orders as follows;-
  - a) on 14th December, 2017 related to changing the structure of Standing Committees to enhance service delivery;
  - b) on 9th August 2018 revised the manner of processing statements, among others, and giving Committees discretion in dealing with statements besides defining the scope of statements, ensuring referral to committees and making committees more accountable through periodic (quarterly) reports; and
  - c) the amendments of 21st July, 2020 provided for virtual sittings, as a direct result of the COVID-19 pandemic.
3. Standing Order 252 requires that a periodic review of the Standing Orders be carried out at least once in every term of Parliament, not later than three months to the end of the term. This function is performed by the Procedure and Rules Committee, which is expected to make a report to the Senate recommending the standing orders, if any, to be amended.

## **B. ESTABLISHMENT AND MANDATE OF THE PROCEDURE AND RULES COMMITTEE**

4. Standing Order 185 of the Standing Orders establishes the Procedure and Rules Committee, with the mandate to, among others, consider and report on all matters relating to the Standing Orders including proposing amendments.
5. The membership of the Committee is as follows -
  - (i) Sen. Kenneth Lusaka, EGH, MP - Speaker of the Senate/**Chairperson**

- (ii) Sen. (Prof) Margaret Kamar, EGH, MP - Deputy Speaker of the Senate/Vice Chairperson
- (iii) Sen (Dr.) Ltumbesi Lelegwe, MP - Member
- (iv) Sen. Rose Nyamunga, CBS, MP - Member
- (v) Sen. Judith Pareno, MP - Member
- (vi) Sen. John Kinyua Nderitu, MP - Member
- (vii) Sen. (CPA) Farhiya Abdi Ali, MP - Member
- (viii) Sen. Beth Wambui Mugo, EGH, MP - Member
- (ix) Sen. (Dr.) Agnes Zani, CBS, MP - Member

**C. THE PERIODIC REVIEW OF THE STANDING ORDERS**

6. On Tuesday 19<sup>th</sup> May, 2020, the Speaker of the Senate issued a communication on the guidelines of voting in the Senate during the COVID pandemic. In the communication, the Speaker informed the House that the Senate Business Committee had requested the Procedure and Rules Committee to consider the various dynamics that have been brought forth by the COVID-19 situation and make proposals for possible amendments of the Senate Standing Orders to include the provision for virtual sittings of the Plenary. On the 21<sup>st</sup> July 2020, the Senate Standing Orders were amended to provide for virtual sittings;
7. On 23<sup>rd</sup> September 2021, the Speaker of the Senate issued a communication from the Chair informing Senators that the periodic review of the Senate Standing Orders was underway. Among the issues under consideration by the Procedure and Rules Committee was the reintroduction of the Committee on Implementation. The Speaker therefore invited Senators with other proposed amendments to the Standing Orders to file them in the office of the Speaker as set out in Standing Order 253.
8. Consequently, in October 2021 the Clerk of the Senate set up a Taskforce with the mandate to carry out a comprehensive audit and to compile proposed amendments to Senate Standing Orders. The Taskforce, comprising senior staff from various directorates and departments, received submissions from directorates and departments in the Senate, and

submitted its recommendations to the Procedure and Rules Committee for consideration.

9. Pursuant to Article 118(1) (b) of the Constitution, which requires that Parliament '*shall facilitate public participation and involvement in the legislative and other business of Parliament*', the Clerk of the Senate published a notice in national newspapers on 26<sup>th</sup> May, 2022 inviting members of the public and interested stakeholders to submit any representations that they may have on the Senate Standing Orders.
10. The Committee carried out an in-depth review of the Standing Orders, considering submissions received from Hon. Senators, the Office of the Clerk, and members of the public. The Committee also considered the practice, customs and traditions obtaining in other bicameral Commonwealth legislatures, particularly on areas of the Senate Standing Orders that required clarification, with a view to incorporating procedural best practices in our Standing Orders.
11. The Procedure and Rules Committee subsequently held a meeting on Wednesday 8<sup>th</sup> June, 2022 to consider the amendments proposed to the Standing Orders, and adopt its Report for consideration and approval by the Senate.

#### **D. SUBMISSIONS TO THE COMMITTEE BY SENATORS AND RESOLUTIONS OF THE COMMITTEE DURING THE 12<sup>TH</sup> PARLIAMENT**

##### **a. by Senator Amos Wako, EGH, SC, MP. Senator, Busia County.**

In a letter to the Speaker dated 22<sup>nd</sup> September, 2020, Sen. Amos Wako proposed amendments to the Standing Orders to provide for –

- i. an increase in the membership of the County Public Accounts and Investments Committee to eleven (11) from the current nine (9);
- ii. the creation of a stand-alone Committee on East African Community and Regional Integration; and,
- iii. the designation of the first five Senators in the order of precedence under Standing Order 3 of the Senate Standing Orders as ranking or senior Senators and their entitlements.

*Committee Resolution:* On the matter of increasing the membership of the County Public Accounts Committee to eleven from the current nine, at its meeting held on the 3<sup>rd</sup> December 2020, the Procedure and Rules Committee resolved that due to the nature of the work of the Committee, increasing the membership would not speed up the process of examining the reports of the Auditor General that are brought before the Committee.

On the matter of the Creation of a stand-alone Committee on East African Community and Regional Integration, the Procedure and Rules Committee resolved that;-

- i. there were insufficient funds allocated to the Directorate of Committee Services budget to sustain a new committee;
- ii. there was also insufficient staffing levels in the Directorate to effectively support a new committee; and,
- iii. there was a limited reservoir of the Senators in order to ensure quorum necessitating the need for Standing Order 188(3) which states that:-

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

Finally, on the matter of designation of the first five Senators in the order of precedence under Standing Order 3 of the Senate Standing Orders as ranking or Senior Senators and their entitlements, the Procedure and Rules Committee resolved that the Standing Orders *may* be amended to incorporate the concept of a “father of the House” during the review process to be undertaken at the end of the 12<sup>th</sup> Parliament, and in the interim, the Speaker of the Senate can confer privileges to the senior Senators administratively.

**b. by Sen. (Prof.) Samson K. Ogeri, EGH, MP, Chairperson of the then Sessional Committee on County Public Accounts and Investments,**

Through a letter dated 2<sup>nd</sup> November, 2020 to the Speaker of the Senate requested to move amendments to the Standing Orders that govern the timelines of Sessional Committees. The amendment sought to ensure that the work of a sessional committee continues uninterrupted until a time when a new sessional committee is established at the commencement of a new session. The proposed amendment was informed by the experience of Sessional Committees in the 4<sup>th</sup> Session when the Sessional Committees were established on 4<sup>th</sup> May, 2020 as opposed to the commencement of the 4<sup>th</sup> Session, thereby wasting approximately three months.

*Committee Resolution:* The Procedure and Rules Committee in its meeting of 3<sup>rd</sup> December 2020, resolved that the matter of continuity of work for Sessional Committees is already provided for under Standing Order 219(4) which provides that –

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

**c. Sen. Millicent Omanga, MP – Nominated Senator**

Through a letter dated 24<sup>th</sup> October, 2019 Sen. Omanga proposed amending the Standing orders to reintroduce the Committee on Implementation.

*Committee Resolution:* In its meeting of 23<sup>rd</sup> September 2020, the Procedure and Rules Committee noted that reintroducing the Committee of Implementation would lead to duplication of mandates, and further resolved that individual Committees should

continue to follow up on implementation within their mandate, as opposed to forming an additional Committee.

**d. Sen. Kimani Wamatangi, MP – Senator, Kiambu County**

Through a letter dated 6<sup>th</sup> August, 2018 Sen. Wamatangi proposed amending the Standing orders for Committees that had clashing mandates, with specific reference to the clarification of the housing function which had been assigned to both the Standing Committee on Land, Environment and Natural Resources and the Standing Committee on Roads & Transportation in the Second Schedule of the Standing Orders.

*Committee Resolution:* The Procedure and Rules Committee in its meeting of 16<sup>th</sup> November 2020, resolved that the housing mandate would be domiciled under the Standing Committee on Roads and Transportation.

**E. OVERVIEW OF PROPOSED AMENDMENTS TO THE STANDING ORDERS**

12. The amendments carried out by the Committee may be classified under five main categories. These are –
  - a) *Editorial clean ups – including correcting indexing and grammatical errors;*
  - b) *Amendments relating to structure of the standing orders – such as rearrangement of parts; merging, splitting, editing and renaming of various provisions and so on, in order to give the standing orders better flow and clarity;*
  - c) *Codification of existing procedures and practice in the Senate – for example, vacation of office of the Speaker, Deputy Speaker and statements hour;*



- d) *Aligning provisions of the standing orders with the Constitution and relevant statutes – for instance, on the procedure for consideration of statutory instruments;*
- e) *Substantive amendments relating to the procedure for consideration and disposal of business before the Senate, including on Removal of President or Deputy President by impeachment, Committee reclassification, among others.*

13. Among the areas to which amendments have been proposed include, the temporary suspension of sittings, quorum at commencement of a sitting of the Senate, renaming Sessional Committees to Select Committees, and splitting of the Select Committee on Public Accounts and Investments.

**F. RECOMMENDATIONS**

14. Following the comprehensive review of the Standing Orders, and having considered the proposals received from Senators and members of the public, the Procedure and Rules Committee now presents the proposed amendments, as set out in this Report, for approval by the Senate, and that the amended Standing Orders take effect at the commencement of the 13<sup>th</sup> Parliament.
15. I would like to record my appreciation to the Members of the Procedure and Rules Committee for the excellent job done in carrying out the review exercise. I also wish to thank the Office of the Clerk for the support received throughout this exercise.
16. It is therefore my pleasant duty and privilege, on behalf of the Committee, to table this Report and commend it to the Senate for adoption.






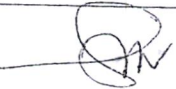

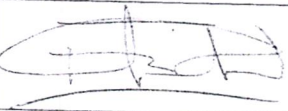



**SEN. (PROF.) MARGARET KAMAR, EGH, MP**  
**DEPUTY SPEAKER OF THE SENATE/**  
**VICE - CHAIRPERSON, PROCEDURE AND RULES COMMITTEE**

Dated this                    day of                    , 2022

**CONSIDERATION AND ADOPTION OF THE REPORT BY THE COMMITTEE**

**WE**, the undersigned Members of the Procedure and Rules Committee, having considered this Report on the Review of the Senate Standing Orders, do hereby confirm our agreement with the content of the Report, and approve the Report for Tabling before the Senate -

NO.	NAME AND DESIGNATION	SIGNATURE
1.	Sen. Kenneth Lusaka, EGH, MP Speaker of the Senate/ <b>Chairperson</b>	
2.	Sen. (Prof.) Margaret Kamar, EGH, MP Deputy Speaker of the Senate/ <b>Vice-Chairperson</b>	
3.	Sen. (Dr.) Agnes Zani, CBS, MP - Member	
4.	Sen. Rose Nyamunga, CBS, MP - Member	
5.	Sen. Beth Mugo, EGH, MP - Member	
6.	Sen. Judith Pareno, MP - Member	
7.	Sen. John Kinyua Nderitu, MP - Member	
8.	Sen. (CPA) Farhiya Abdi Ali, MP - Member	
9.	Sen. (Dr.) Ltumbesi Lelegwe, MP - Member	

## Proposed Amendments to the Senate Standing Orders

### **1. New Standing Orders**

The Standing Orders be amended by inserting the following new Standing Order immediately after standing order 14-

### **PART IIIA - VACATION OF OFFICE OF SPEAKER AND DEPUTY SPEAKER**

#### **14A. Resignation**

- (1) A Speaker or Deputy Speaker who intends to resign from office shall submit to the Clerk, a letter of resignation addressed to the House.
- (2) Upon receipt of a letter of resignation, the Clerk shall within twenty four hours—
  - (a) in the case of resignation by the Speaker, inform the Deputy Speaker; or
  - (b) in the case of resignation by the Deputy Speaker, inform the Speaker.
- (3) The Senate shall be notified of a resignation under this Standing Order within seven days.

#### **14B. Removal from Office**

- (1) A Senator, supported by at least one-third of all the Senators, may move a Motion for the removal of the Speaker or Deputy Speaker for—
  - (a) serious violation of a provision of the Constitution or of any other law;
  - (b) gross misconduct, whether in the performance of the Speaker's or Deputy Speaker's functions or otherwise;
  - (c) physical or mental incapacity to perform the functions of the office;
  - (d) incompetence; or
  - (e) bankruptcy.
- (2) A Senator who proposes to move a Motion under paragraph (1), shall deliver to the Clerk a copy of the proposed Motion in writing—
  - (a) stating the grounds and particulars upon which the proposed Motion is made;
  - (b) signed by the Senator;
  - (c) signed in support by at least one-third of all the Senators.

- (3) Upon receipt of the Motion by the Clerk, a Senator shall not withdraw a signature appended to it.
- (4) A Motion received under paragraph (3) shall be approved-
  - (a) by the Speaker if it is a Motion for the removal of the Deputy Speaker; or
  - (b) by the Deputy Speaker if it is a Motion for the removal of the Speaker.
- (5) A Senator shall give three days' notice of the Motion under paragraph (1) within three days of the approval of the Motion.
- (6) The Clerk shall set out on the Order Paper on which the Motion is listed—
  - (a) the grounds and particulars upon which the proposed Motion is made;
  - (b) the name of the Senator sponsoring the Motion; and
  - (c) the names of the Senators in support of the Motion.
- (7) If the Motion is passed—
  - (a) the Senate shall within five days, appoint a Select Committee comprising eleven of its members to investigate the matter; and
  - (b) the Committee shall, within seven days, investigate and report to the Senate on whether it finds the allegations against the Speaker or Deputy Speaker to be substantiated.
- (8) The Speaker or Deputy Speaker has the right to appear and be represented before the Committee during its investigations.
- (9) If the Select Committee reports that it finds the allegations to be —
  - (a) unsubstantiated, no further proceedings shall be taken; or
  - (b) substantiated, the Senate shall—
    - (i) furnish the Speaker or Deputy Speaker with the report of the Committee, together with any other evidence adduced and such notes or papers presented to the Committee at least three days before the day scheduled for his or her appearance before the Senate;
    - (ii) afford the Speaker or Deputy Speaker an opportunity to be heard;
    - (iii) consider the Report of the Committee; and
    - (iv) vote whether to approve the resolution requiring the removal from office of the Speaker or Deputy Speaker.

(10) If a resolution requiring the removal from office of a Speaker or Deputy Speaker is supported by at least two-thirds of all the Senators, the Speaker or Deputy Speaker shall cease to hold office.

**14C. Conduct of business during vacancy**

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

(2) The Deputy Speaker shall preside over the election under paragraph (1) but if the office of Deputy Speaker is vacant, a Senator elected by the House in accordance with Article 107(1)(c) of the Constitution shall preside.

**Justification: There is need to have a procedure in place incase such an issue arises**

**2. Standing Order 31**

Standing Order 31 be amended by inserting the following new paragraph immediately after paragraph (2)-

(2A) Paragraph (2) shall not apply to a special sitting under Standing Order 30.

**Justification: To enable the Senate to sit beyond 6:30 pm on a day appointed for Special Sitting, without having to move a Motion.**

**3. New Standing Order 34A**

The Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order 34-

**34A. Temporary suspension of a sitting**

- 1) At any time during proceedings, a Senator may, for reasons stated claim to move, **“That, the Senate do suspend its proceedings for....(time).... in order to...”**
- 2) If the Speaker is of the opinion that such Motion for suspension is frivolous, vexatious or an abuse of the proceedings of the Senate, the Speaker may forthwith put the question thereon or may decline to propose it.
- 3) The debate on a Motion under this Standing Order shall be confined to the matter of the Motion.
- 4) No Senator speaking on a matter under this Standing Order shall speak for more than five minutes, unless with the permission of the Speaker.
- 5) A suspension under this Standing Order shall not exceed sixty minutes or such other time as the Speaker may direct.

**Justification: To have a procedure as to how the Senate can be suspended temporarily to discuss a specific matter**

#### **4. New Standing Order 35A**

The Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order 35-

##### **35A. Quorum at commencement of a sitting of the Senate.**

- (1) If there is no quorum present when the Chair is taken at the time appointed for a meeting of the Senate, the Speaker shall, immediately after the prayer, order the bell to be rung for ten minutes.
- (2) If no quorum is present at the expiration of the ten minutes, the Speaker may direct that the bell be rung for a further ten minutes and if there is still no quorum present, the Speaker shall adjourn the Senate forthwith to the next sitting.

**Justification: To comply with Article 121(b) of the Constitution on quorum**

5. Standing Order 36

Standing Order 36 be amended in paragraph (1) by deleting the words “after the Chair is taken or when the Senate is in Committee” appearing immediately after the words “If at any time” and substituting therefor the words “in the course of the proceedings of the Senate”.

**Justification: Consequential amendment necessitated by the addition of the proposed 35A.**

6. Standing Order 39

Standing Order 39 be amended by deleting the words “State Departments and the media” appearing immediately after the words “programmes to Senators”.

**Justification: There is no need to circulate the Senate’s weekly programme to state departments and the media, as it is uploaded on the website**

7. Standing Order 46

Standing Order 46 be amended by deleting paragraph (1) and substituting therefor the following new paragraph-

(1) Notwithstanding Standing Order 40 (*sequence of proceedings*), there shall be time, not exceeding one hour, to be designated “Statements Hour”, every sitting day, during which a Statement under this Part may be made.

**Justification: To remove the time limits of start and end time for statements’ hour. This will make Statements Hour, an hour at whatever time within sitting hours.**

8. Standing Order 49

Standing Order 49 be amended in paragraph (1) by deleting the words “request for Statement received under standing order 46A(2) and standing order 46B (2)”

appearing immediately after the words “shall submit a” and substituting therefor the words “notification under Standing Order 47(2) or 48(2)”.

**Justification: To correct the cross-referencing error**

**9. Standing Order 51**

Standing Order 51 be amended in paragraph (2) by inserting the following new subparagraph immediately after subparagraph (d)-

(e)the status of implementation of resolutions of the Senate relating to matters within the mandate of the Committee.

**Justification: To ensure Committees follow-up on resolutions of the Senate**

**10. Standing Order 58**

Standing Order 58 be amended in paragraph (1) by deleting the word “preceding” appearing immediately after the words “moved during the” and substituting therefor the word “subsequent”.

**Justification: To correct the grammatical error**

**11. Heading to Part XIV**

The Standing Orders be amended by deleting the heading to Part XIV and substituting therefor the following new heading –

**PART XIV - NOMINATION OR APPROVAL FOR APPOINTMENT TO PUBLIC  
OFFICE**

**Justification: This Part has been reorganized and renamed to accommodate the fact that the Senate nominates or approves appointments depending on what is entailed in a specific legislation. The nomination aspect had been left out and standing orders**



71 and 72 are now clear on the activities to be undertaken by the Senate and the relevant committees.

**12. Standing Order 70**

The Standing Orders be amended by deleting Standing Order 70 and substituting therefor the following new Standing Order-

**70. Application of Part**

This Part applies to appointments to public office that require nomination or approval by the Senate.

**13. Standing Order 71**

The Standing Orders be amended by deleting Standing Order 71 and substituting therefor the following new Standing Order-

**71. Nomination for Appointment by the Senate**

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

- (a) on receipt of a notice from the Authority appointing a public officer, the Clerk shall advertise by notice published in the *Gazette*, a newspaper of nationwide circulation and the Senate website calling for applications to the public office;
- (b) upon close of application, the Clerk shall transmit all the names and documents received from interested persons, to the relevant Committee for short-listing and interview;
- (c) the Committee shall, within fourteen days of receipt of the names of interested persons under paragraph (b), –
  - (i) short-list the candidates that meet the set criteria and cause the list to be published;

- (ii) facilitate public participation on the suitability of the short-listed candidates; and
- (iii) conduct the interview and table its Report before the Senate; and
- (d) the Clerk shall notify the appointing authority of the decision of the Senate within seven days of the decision.

#### **14. Standing Order 72**

The Standing Orders be amended by deleting Standing Order 72 and substituting therefor the following new standing order-

##### **72. Approval Hearing by a Committee**

- (1) Upon receipt of a notification of nomination for appointment to a public office required to be approved by the Senate under the Constitution or any written law, the nomination shall stand committed to the relevant Standing Committee for consideration.
- (2) Before holding an approval hearing, the Committee shall notify the candidate and the public of the time and place for the holding of the approval hearing at least seven days prior to the hearing.
- (3) The Committee shall conduct a hearing on the proposed appointment and shall, unless otherwise provided in law, table its report in the Senate within fourteen days of the date on which the notification was received under paragraph (1).

#### **15. Standing Order 73**

Standing Order 73 be amended by inserting the following new paragraph immediately after paragraph (8) –

- (9) The Senate or a Special Committee of the Senate shall conduct the investigation into the matter in accordance with the rules of procedure prescribed under the Fourth (A) Schedule to these Standing Orders.

**Justification: To include the procedure for impeachment of the President and Deputy President which is currently not contained in the Standing Orders.**

**16. Standing Order 76**

Standing Order 76 be amended by inserting the words “Senate or the” immediately after the words “appear before the”.

**Justification: To ensure that the right to be heard is accorded to persons in Plenary as well. As currently drafted it implies that the right to be heard is only in Committees**

**17. Standing Order 78**

Standing Order 78 be amended by inserting the following new paragraph immediately after paragraph (2)-

(3) The head of a county delegation may, for purposes of paragraph 2(a), in a letter addressed to the Speaker, –

(a) designate another member of the delegation to cast a vote on behalf of the delegation either generally, for a specific matter or for a specific period; or

(b) revoke the designation under subparagraph (a).

**Justification: To have a procedure for delegation of the power to vote by the head of a county delegation. This is currently done administratively.**

**18. Standing Order 84**

The Standing Orders be amended by deleting Standing Order 84 and substituting therefor the following new standing order-

**84. In case of confusion or error**

In case of a technical failure, confusion or error occurring in the course of an electronic

or a roll call vote concerning the numbers or names recorded, which cannot otherwise be corrected, the Speaker shall direct the Senate to proceed to another round of electronic voting or roll call vote.

**Justification: For proper flow, this is just an exchange in the order of appearance of standing orders 84 and 85**

**19. Standing Order 85**

The Standing Orders be amended by deleting Standing Order 85 and substituting therefor the following new Standing Order-

**85. Errors corrected**

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

**Justification: For proper flow, this is just an exchange in the order of appearance of standing orders 84 and 85**

**Standing Order 118**

Standing Order 118 be amended in paragraph (1) by deleting the word “grossly” appearing immediately after the words “another Senator for” and substituting therefor the word “gross”.

**Justification: To correct the grammatical error**

**20. Standing Order 125**

Standing Order 125 be amended-

- (a) in paragraph (1) by deleting the words “for which a Senator or a Committee is in charge” appearing immediately after the words “legislative proposal” and

substituting therefor the words “which is sponsored by a Senator or a Committee”; and

(b) in paragraph (3)(a) by deleting the words “for which no Committee is in charge” appearing immediately after the words “a legislative proposal for which” and substituting therefor the words “which is not sponsored by a Committee”.

**Justification: Amended for clarity to make reference to sponsorship of a Bill by a Senator or Committee as the term” in-charge” may lead to misinterpretation.**

**21. Standing Order 126**

Standing Order 126 is amended in paragraph (1)(b) by deleting the words “the Committee may” appearing at the beginning of the paragraph.

**Justification: To delete the terms which have been repeated**

**22. Standing Order 127**

Standing Order 127 is amended –

(a) by deleting paragraph (2) and substituting therefor the following new paragraph-

(2) For purposes of paragraph (1), the Speaker shall by a letter addressed to the Speaker of the National Assembly, seek a joint resolution with the Speaker of the National Assembly whether it is a Bill concerning counties and, if it is, whether it is a special or an ordinary Bill.

(b) by deleting paragraph (4) and substituting therefor the following new paragraph-

(4) Where, upon the expiry of fourteen days from the day of the communication under paragraph (2) or such further time as the Speaker of the Senate may determine, no communication has been received from the Speaker of the National Assembly, the Speaker of the Senate shall direct

that the Bill may be Read a First time in accordance with these Standing Orders.

(c) in paragraph (7) by deleting the words “for which a Committee is in charge” appearing immediately after the words “A Bill” and substituting therefor the words “which is sponsored by a Committee”.

**Justification: To align to the terms as used in the Constitution and increase the number of days to expect a response in the concurrence process**

**23. Standing Order 128**

Standing Order 128 be amended by deleting the word “seven” appearing immediately after the words “of the Assembly within” and substituting therefor the word “fourteen”.

**Justification: To increase the number of days to expect a response in the concurrence process**

**24. Standing Order 156**

The Standing Orders be amended by deleting Standing Order 156 and substituting therefor the following new standing orders-

**156. Referral of Senate Bills to the National Assembly**

- (1) When the Senate has passed a Bill, a certified copy of the Bill signed by the Clerk and endorsed by the Speaker, shall be forwarded to the Clerk of the National Assembly, together with a message referring the Bill to the National Assembly
- (2) The Speaker may, before the certification of a Bill, correct formal or typographical errors contained in the Bill without affecting its substance.

**Justification: To allow the Speaker to correct formal errors before forwarding a Senate Bill to the National Assembly**

**156A. Co-sponsorship of Senate Bills in the National Assembly**

(1) A Senator who intends to nominate a Member or Members of the National Assembly to co-sponsor a Bill passed by the Senate, shall upon passage of the Bill, notify the Speaker in writing of the name or names of the proposed co-sponsors.

(2) The National Assembly shall be notified of the proposed co-sponsorship through the message referring the Bill to the National Assembly under standing order 156(1).

**Justification: To introduce co-sponsorship of Senate Bills in the National Assembly**

**25. Standing Order 157**

Standing Order 157 is amended by-

(a) renumbering the existing paragraph as paragraph (1);

(b) inserting the following new paragraph immediately after the new proposed paragraph (1)-

(2) Before a Bill originating from the National Assembly is Read a First Time in the Senate, the Speaker shall notify the Senate whenever a message is received from the Speaker of the National Assembly naming a Senator or Senators who have been nominated by the Sponsor of the Bill to co-sponsor the Bill in the Senate.

**Justification: To introduce co-sponsorship of National Assembly Bills in the Senate**

**26. Standing Order 160**

Standing Order 160 be amended in paragraph (6) by inserting the words “of the appointment of the Committee by the Speakers of the Houses under paragraph (2)” immediately after the words “thirty days”.

**Justification: To allow co-sponsorship of National Assembly Bills**

**27. Standing Order 161**

Standing Order 161 be amended in paragraph (3) by inserting the words, “on the (title of the Bill)” immediately after the words “of the Mediation Committee”.

**Justification: To make it clear when the 30 days for a mediation committee start running**

**28. Standing Order 180**

Standing Order 180 be amended by deleting paragraph (4) and substituting therefor the following new paragraphs-

(4) Upon being laid before the Senate, the Budget Policy Statement shall be committed to each standing Committee to consider and submit its recommendations to the Standing Committee on Finance and Budget within seven days.

(4A) The Standing Committee on Finance and Budget shall, within twelve days following the tabling of the Budget Policy Statement, consider the Policy Statement and the recommendations received under paragraph (4) and table a Report for consideration, in accordance with section 25(7) of the Public Finance and Management Act.

**Justification: To make it mandatory for standing committees to consider the relevant parts of the Budget Policy Statement and make recommendations to the Finance Committee**

**29. Standing Order 184**

Standing Order 184 be amended –

(a) in paragraph (1) by -

(i) inserting the following new subparagraphs immediately after subparagraph(c) -



- (ca) the Senate Majority Whip;
  - (cb) the Senate Minority Whip;
  - (ii) deleting the word “nine” appearing at the beginning of subparagraph (d) and substituting therefor the word “seven”;
- (b) by deleting paragraph (4); and
- (c) in paragraph (5)(c) by deleting the words “and the functioning of its committees” appearing at the end of the paragraph.

**Justification-** To reorganize the standing order to clearly set out the membership of the Senate Business committee to include the whips and remove the functioning of committees from the mandate of the Senate Business Committee, as this is a mandate of the Liaison committee

**30. Standing Order 186**

Standing Order 186 be amended in paragraph (1) by inserting the word “Deputy” immediately after the words “consist of the”.

**Justification-** To make the Deputy Speaker the chairperson of the Liaison committee

**31. New Standing Order 186A**

The standing Orders are amended by inserting the following new standing orders immediately after standing order 186-

**186A. County Public Accounts Committee**

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

(2) The functions of the Committee shall be –

- (a) pursuant to Article 96(3) of the Constitution, to exercise oversight over national revenue allocated to the county governments;

- (b) pursuant to Article 229(7) and (8), to examine the reports of the Auditor-General on the annual accounts of the county governments;
- (c) to examine special reports, if any, of the Auditor-General on county government funds; and
- (d) to exercise oversight over county public accounts .
- (e) In the membership of the County Public Accounts Committee, the party or parties not forming government shall have a majority of one.

(3) The County Public Accounts Committee constituted immediately after a general election shall serve for a period of three sessions and that constituted thereafter shall serve for the remainder of that term of Parliament.

(4) In the membership of the County Public Accounts Committee the party or parties not forming government shall have a majority of one.

**Justification- To remove the mandate of oversight of county investment agencies from the County Public Accounts Committee and make the term of the committee two and a half years from the current one year. This will make enhance efficiency and continuity.**

#### **186B. County Public Investments and Special Funds Committee**

(1) There shall be a Select Committee to be known as the County Public Investments and Special Funds Committee.

(2) The functions of the County Public Investments and Special Funds Committee shall be to-

- (a) examine the reports and accounts of county public investments; and
- (b) examine the reports, if any, of the Auditor General on the county public investments.

(3) The County Public Investments and Special Funds Committee constituted immediately after a general election shall serve for a period of three sessions and that constituted thereafter shall serve for the remainder of that term of Parliament.

(4) In the membership of the County Public Investments and Special Funds Committee the party or parties not forming government shall have a majority of one.

**Justification- To have a stand-alone committee to oversight county investment agencies in order to scrutinize audit accounts of such entities tabled in the Senate. This will enhance the oversight role of the Senate.**

### **186C. Committee on Delegated Legislation**

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

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

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

- (a) is in accord with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written law;
- (b) infringes on fundamental rights and freedoms of the public;
- (c) contains a matter which in the opinion of the Committee should more properly be dealt with in an Act of Parliament;
- (d) contains imposition of taxation;
- (e) directly or indirectly bars the jurisdiction of the courts;
- (f) gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;

- (g) involves expenditure from the Consolidated Fund or other public revenues;
  - (h) is defective in its drafting or for any reason, the form or purport of the statutory instrument calls for any elucidation;
  - (i) appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
  - (j) appears to have had unjustifiable delay in its publication or laying before Parliament;
  - (k) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions;
  - (l) makes rights, liberties or obligations unduly dependent insufficiently defined administrative powers;
  - (m) inappropriately delegates legislative powers;
  - (n) imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
  - (o) appears for any reason to infringe on the rule of law;
  - (p) inadequately subjects the exercise of legislative power to parliamentary scrutiny; and
  - (q) accords to any other reason that the Committee considers fit to examine.
- (4) If the Committee—
- (a) resolves that the Statutory Instrument, be acceded to, the Clerk shall convey that resolution to the relevant state department or the authority that published the statutory instrument;
  - (b) does not accede to the Statutory Instrument, the Committee may recommend to the Senate that the Senate resolves that the Statutory Instrument be annulled.
- (5) If the Senate—

- (a) fails to agree to the recommendation of the Committee under paragraph (4)(b), the Statutory Instrument shall be deemed to have been approved by Parliament;
- (b) resolves to annul a Statutory Instrument, the resolution shall, within seven days of the passage of the resolution, be referred to the National Assembly for concurrence.

(6) The Committee on Delegated Legislation constituted immediately after a general election shall serve for a period of three sessions and that constituted thereafter shall serve for the remainder of that term of Parliament.

**Justification-** To make the term of the committee two and a half years. This will enhance efficiency and continuity.

#### **186D. Concurrence with National Assembly's Resolution on Statutory Instrument**

(1) Whenever the Senate receives a message from the National Assembly seeking concurrence with a resolution of the National Assembly on a statutory instrument, the National Assembly's resolution shall stand referred to the Committee on Delegated Legislation which shall consider the resolution, together with the statutory instrument and report to the Senate within twenty one days of the referral.

(2) Paragraph (3) of Standing Order 186C (*Committee on Delegated Legislation*) shall, with necessary modifications, apply to the consideration of the National Assembly's resolution;

(3) If the Senate—

- (a) agrees with the resolution of the National Assembly, the Clerk shall, by way of a message, inform the Clerk of the Assembly and the relevant state department or the authority that published the statutory instrument, that Parliament has annulled the Statutory Instrument or part of the statutory instrument and the instrument or part of the Statutory

Instrument shall, henceforth, be void, but without prejudice to the validity of anything previously done there under, or the making of any new delegated legislation;

- (b) fails to agree with the National Assembly's resolution, the resolution shall be referred to a Joint Committee and Standing Order 224 (*Joint sittings of corresponding Committees of Parliament*) shall, with necessary modifications, apply.

**Justification-** This has been re-arranged for proper flow in light of the proposed amendments

**32. Standing Order 208**

Standing Order 208 be amended in paragraph (2) by inserting the words "Committee of Powers and Privileges" immediately after the words "Rules Committee" .

**Justification-** To include the Power and Privileges committee which had been left out, as one of the committees that the Speaker as a chairperson, cannot vote.

**33. Standing Order 213**

Standing Order 213 be amended in paragraph (1) by deleting the word "and" appearing immediately after the words "Committee of the Whole" and substituting therefor the word "or".

**Justification-** To correct a grammatical error

**34. Standing Order 216**

Standing Order 216 be amended in paragraph (2) by deleting the word "excluding" appearing immediately after the words "of each committee" and substituting therefor the word "including".

**Justification-** To include the chairpersons of committees as part of quorum for joint committees

**35. Standing Order 218**

Standing Order 218 be amended by deleting paragraph (4) and substituting therefor the following new paragraph-

(4) The functions of a Standing Committee shall be to—

- (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration and operations of the assigned Ministries and departments;
- (b) study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- (c) study and review all legislation referred to it;
- (d) study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- (e) consider the Budget Policy Statement in line with Committee's mandate;
- (f) report on all appointments where the Constitution or any law requires the Senate to approve;
- (g) make reports and recommendations to the Senate as often as possible, including recommendation of proposed legislation;
- (h) consider reports of Commissions and Independent Offices submitted to the Senate pursuant to the provisions of Article 254 of the Constitution;
- (i) examine any statements raised by Senators on a matter within its mandate; and
- (j) follow up and report on the status of implementation of resolutions within their mandate.

**36. Standing Order 219**

The Standing Orders be amended by deleting Standing Order 219.

**Justification: The provision has been deleted as sessional committees no longer exist**

**37. Standing Order 220**

The Standing Orders be amended by deleting Standing Order 220.

**Justification: The provision has been deleted and the content with a few amendments, moved to the new 186A for proper flow**

**38. Standing Order 221**

The Standing Orders be amended by deleting Standing Order 221.

**Justification: The provision has been deleted and the content moved to the new 186C for proper flow**

**39. Standing Order 222**

The Standing Orders be amended by deleting Standing Order 222.

**Justification: The provision has been deleted and the content moved to the new 186D for proper flow**

**40. Standing Order 240**

Standing Order 240 is amended –

(a) by inserting the following new paragraph immediately after paragraph (1)-

(1A) The Clerk shall, upon receipt of copies of records of the relevant debates of the meetings of the East Africa Legislative Assembly, copies of the Bills introduced into the East Africa Legislative Assembly, Acts of the East Africa Community or reports from the Pan-African Parliament, cause the reports to be tabled upon which they shall be committed to the Committee.

(b) by deleting paragraph (3);

(c) in paragraph (4) by deleting the words “ of receipt of the report or consultation under paragraph (1)” appearing immediately after the words “twenty-one days”.



**Justification:** The provision has been amended so that it is clear that once the documents received from the regional Parliaments are received, they have to be referred to the relevant committee

**41. Standing Order 242**

Standing Order 242 be amended in paragraph (2)(a) by inserting the number “75” immediately after the words “Deputy President by impeachment”.

**Justification:** Clean-up to make proper cross-referencing

42. The Second Schedule

The Standing Orders be amended by deleting the Second Schedule and substituting therefor the following new Schedule –

**SECOND SCHEDULE**

**STANDING COMMITTEES (Standing Order 218(3))**

<b>Standing Committee</b>	<b>Subject matter assigned</b>
Agriculture, Livestock and Fisheries	to consider all matters relating to agriculture, irrigation, livestock, fisheries development and veterinary services.
Devolution and Intergovernmental Relations	to consider all matters relating to devolution, intergovernmental and inter-county relations, governance and management of county governments, cities, towns and urban areas.
Education	to consider all matters relating to education and training.
Energy	to consider all matters relating to fossil fuels exploration, development, production, maintenance and regulation of energy.
Finance and Budget	(a) To investigate, inquire into and report on all matters relating to coordination, control and monitoring of the county budgets and to examine –  (i) the Budget Policy Statement presented to the Senate;  (ii) and report on the Budget allocated to constitutional Commissions and independent offices;  (iii) the Division of Revenue Bill, County Allocation of Revenue Bill, and cash disbursement schedule for county governments; and  (iv) and consider all matters related to resolutions and Bills for appropriations, share of national revenue amongst the counties and all matters concerning the National Budget, including public finance

Standing Committee	Subject matter assigned
	<p>and monetary policies and public debt, planning and development policy.</p> <p>(b) Pursuant to Article 228 (6) of the Constitution, to examine the report of the Controller of Budget on the implementation of the budgets of county governments.</p>
Health	to consider all matters relating to medical services, public health and sanitation.
Information, Communication and Technology	to consider all matters relating to technology, engineering and electronic research, information, broadcasting and Information, Communications and Technology (ICT) development.
Justice, Legal Affairs and Human Rights	to consider all matters relating to constitutional affairs, the organization and administration of law and justice, elections, promotion of principles of leadership, ethics, and integrity; agreements, treaties and conventions; and implementation of the provisions of the Constitution on human rights.
Labour and Social Welfare	to consider all matters relating to manpower and human resource planning, pension, gender, culture and social welfare, youth, National Youth Service, children's welfare, national heritage, betting, lotteries, sports, public entertainment, trade union relations, public amenities and recreation.
Land, Environment and Natural Resources.	to consider all matters relating to lands and settlement, environment, forestry, wildlife, mining, water resource management and development.
National Cohesion, Opportunity and Regional Integration	to consider all matters relating to the pursuit of national and intercommunity cohesion, the equalization of opportunities and improvement in the quality of life and status of all persons, regional integration, the East African Legislative Assembly and the Pan African Parliament.
National Security, Defence and Foreign Relations	to consider all matters relating to national security and foreign relations, disaster reduction and preparedness, home affairs, defence, immigration and international relations.
Roads, Transportation and Housing.	to consider all matters relating to transport, roads, public works, housing, construction and maintenance

**Standing Committee**

**Subject matter assigned**

of roads, rails and buildings, air, seaports and communications.

Trade, Industrialization and Tourism

to consider all matters relating to trade, industrialization, tourism, cooperatives, investment and divestiture policies.

**Justification: The Schedule re-arranges the committees in their proper alphabetical order and renames committees such as the Roads and Transportation to include Housing, Information and Technology to include communication.**

**43. NEW SCHEDULE**

The Standing Orders be amended by inserting the following new Schedule immediately after the Fourth Schedule –

**FOURTH (A) SCHEDULE**

**RULES OF PROCEDURE FOR REMOVAL OF PRESIDENT BY  
IMPEACHMENT (Standing Order 73)**

**Part 1: Rules of Procedure when considering the proposed removal in Plenary**

1. Upon the convening of a meeting of the Senate to hear the charges against the President, pursuant to Article 145(3)(a) of the Constitution and standing order 73 of the Senate Standing Orders, the Speaker of the Senate shall report the resolution of the National Assembly to the Senate and shall read to the Senate the charges against the President.
2. The Senate may, in plenary, –
  - (a) investigate the matter; and
  - (b) determine whether the particulars of the allegations against the President have been substantiated.
3. The Speaker of the Senate shall appoint a date for the commencement of the hearing of the evidence for the purposes of the investigation.

4. The Senate shall —
  - (a) invite the President to appear and be represented before the Senate, during its investigations; and
  - (b) notify the National Assembly of the date for the commencement of the investigation and invite the National Assembly to designate the members of the Assembly, being not more than five members, if any, who shall appear before the Senate to represent the Assembly during the investigation.
5. An invitation under rule 4 shall be under the hand of the Clerk of the Senate and may be effected by personal service or by notice in at least one newspaper of national circulation.
6. Where the President chooses to appear before the Senate, the President shall be required, within three days of the invitation under rule 4(a), on a date specified in the invitation, to file an answer to the charges with the Office of the Clerk of the Senate in which the President shall set out—
  - (a) the President's response to the particulars of the allegations;
  - (b) how the President proposes to appear before the Senate; whether in person, by advocate, or in person and by advocate;
  - (c) the names and addresses of the persons to be called as witnesses, if any, and a statement by each such witness; and
  - (d) any other evidence to be relied on.
7. Where the National Assembly chooses to appear before the Senate, the Assembly shall be required, within three days of the invitation under rule 4(b), on a date to be specified in the invitation to file, with the office of the Clerk of the Senate, documentation—
  - (a) designating the Members, if any, who shall attend and represent the National Assembly in the proceedings before Senate;
  - (b) indicating the mode of appearance by the Members before the Senate, whether in person, by advocate, or in person and by advocate;

- (c) indicating the names and addresses of the persons to be called as witnesses, if any, and a statement by each such witness; and
  - (d) specifying any other evidence to be relied on.
8. The Clerk of the Senate shall furnish each party with the documentation filed by the other party under rule 6 and rule 7.
  9. The documents submitted under rules 6 and 7 shall—
    - (a) be numbered consecutively; and
    - (b) be bound in book form, in volumes with proper titles appearing on the covers.
  10. The Senate may, at the request of the National Assembly or the President, invite or summon any person to appear and give evidence before the Senate.
  11. Where the National Assembly or the President chooses not to appear before the Senate, that fact shall be put on record and the Senate shall proceed with its investigation without further reference to the National Assembly or the President, but the Senate may, for exceptional reasons to be recorded, permit a later appearance before the Senate by the National Assembly or the President.
  12. Subject to these Rules, the hearing of the evidence, once it commences, shall proceed and continue on until the Senate concludes the hearing of the matter.
  13. The Speaker of the Senate shall, before the commencement of the hearing of the evidence, allocate time for the hearing of the case by the President and the case by the National Assembly.
  14. Any preliminary question or issue raised by the National Assembly or by the President shall be argued for not more than thirty minutes, unless the Speaker of the Senate otherwise directs.
  15. The Clerk shall administer the oath or affirmation, in the manner and form prescribed in the Sixth Schedule, to every person who appears to give evidence before the Senate before such person gives such evidence.
  16. At the commencement of the hearing before the Senate, the Clerk shall read out the

Particulars of the Allegations.

17. After the Particulars of the Allegations have been read out, the Speaker of the Senate shall allow an opening statement to be made on behalf of the National Assembly and on behalf of the President.
18. An opening statement made under rule 17 shall be for not more than thirty minutes or such other time as the Speaker of the Senate may direct.
19. After the opening statements have been made, the National Assembly, shall present its case and may, within the time allocated to it, call such witnesses as it may determine.
20. In presenting its evidence, the Assembly shall not introduce any new evidence that was not a part of the allegations against the President by the National Assembly as forwarded by the Speaker of the National Assembly to the Speaker of the Senate.
21. After the evidence on the part of the National Assembly has been presented, the evidence on the part of the President shall similarly be presented.
22. A witness presented shall be led in evidence, cross-examined and, where necessary and only for purposes of clarification of issues that may have arisen in cross-examination, may be re-examined.
23. A Senator may, in not more than two minutes or such further time as the Speaker may determine, put a question to any of the witnesses, a party or the Counsel representing a party.
24. No person, other than —
  - (a) the President;
  - (b) a person who has been called as a witness by the National Assembly or by the President; or
  - (c) a person who is invited or summoned to appear and give evidence;shall give evidence before the Senate.
25. After the parties have presented their evidence, the Speaker of the Senate shall allow a

closing statement to be made on behalf of the National Assembly and thereafter on behalf of the President.

26. A closing statement made under rule 25 shall be for not more than sixty minutes or such other time as the Speaker of the Senate may direct.
27. After the closing statements have been made, the hearing shall conclude and the Senate shall proceed into a camera session to deliberate on the issues raised.
28. Except as otherwise provided in these Rules or as the Speaker may for exceptional reasons to be stated determine, the proceedings of the Senate for the hearing of evidence shall be held in public.
29. Except as otherwise provided in these Rules, the Standing Orders shall apply.
30. Where on a particular question or matter, including but not limited to questions of evidence, materiality, relevancy, competency or admissibility of evidence and any questions consequential or incidental thereto, no provision has been made in the Standing Orders or in these Rules, the Speaker of the Senate shall rule on the question or matter and the ruling of the Speaker shall be final.

## **Part 2: Rules of Procedure when considering the proposed removal by way of a Select Committee**

1. Upon the convening of a meeting of the Senate to hear the charges against the President, pursuant to Article 145 of the Constitution and standing order 73, the Speaker shall report the resolution of the National Assembly to the Senate.
2. The Senate may, pursuant to Article 145(3)(b) of the Constitution and standing order 73(1), by resolution, appoint a special Committee to –
  - (a) investigate the matter; and
  - (b) report to the Senate within ten days on whether it finds the particulars of the allegations against the President to have been substantiated.
3. Where a special Committee is appointed, the Committee shall, within twenty-four hours



of its appointment—

- (a) elect a chairperson and vice-chairperson from amongst its members;
  - (b) appoint a date for the commencement of the hearing of evidence for the purposes of the investigation.
4. Upon the appointment of a date for the commencement of the hearing of the evidence for the purposes of the investigation, the Committee shall –
- (a) invite the President to appear and be represented before the special Committee during its investigations; and
  - (b) notify the National Assembly of the date for the commencement of the investigation and invite the National Assembly to designate members of the National Assembly, being not more than three members, if any, who shall appear before the Committee to represent the National Assembly during the investigation.
5. An invitation under rule 4 may be effected by personal service or by notice in at least one newspaper of national circulation.
6. Where the President chooses to appear before the Committee, the President shall be required, within three days of the invitation under rule 4, on a date specified by the Committee, to file an answer to the charges with the Office of the Clerk of the Senate in which the President shall set out—
- (a) the President's response to the particulars of the allegations;
  - (b) how the President proposes to appear before the Special Committee; whether in person, by advocate, or in person and by advocate;
  - (c) the names and addresses of the persons to be called as witnesses, if any, and a statement by each such witness; and
  - (d) any other evidence to be relied on.
7. Where the National Assembly chooses to appear before the Committee, the National Assembly shall be required, within three days of the invitation under rule 4, on a date to be specified by the Committee to file, with the office of the Clerk of the Senate,

documentation-

- (a) designating the Members, if any, who shall attend and represent the National Assembly in the proceedings before the Special Committee;
  - (b) indicating the mode of appearance by the Members before the Special Committee; whether in person, by advocate, or in person and by advocate;
  - (c) indicating the names and addresses of the persons to be called as witnesses, if any, and a statement by each such witness; and
  - (d) specifying any other evidence to be relied on.
8. The Clerk of the Senate shall furnish each party with the documentation filed by the other party under rule 6 and rule 7.
  9. The documents submitted under rule 6 and 7 shall—
    - (a) be numbered consecutively; and
    - (b) be bound in book form, in volumes with proper titles appearing on the covers.
  10. The Committee may, at the request of the National Assembly or the President, invite or summon any person to appear and give evidence before the Committee.
  11. Where the National Assembly or the President chooses not to appear before the Committee, that fact shall be recorded by the Committee and the Committee shall proceed with its investigation without further reference to the Assembly or the President, but the Committee may, for exceptional reasons to be recorded, permit a later appearance before the Committee by the Assembly or the President.
  12. The hearing of the evidence, once it commences, shall proceed and continue on until the Committee concludes the hearing of the matter.
  13. The Committee shall, before the commencement of the hearing of the evidence, allocate time for the hearing of the case by the President and the case by the National Assembly.
  14. Any preliminary question or issue raised by the National Assembly or by the President shall be argued for not more than thirty minutes, unless the Committee otherwise directs.

15. The Clerk shall administer the oath or affirmation, in the manner and form prescribed in the Sixth Schedule, to every person who appears to give evidence before the Committee before such person gives such evidence.
16. At the commencement of the hearing before the Committee, the Clerk shall read out the Particulars of the Allegations.
17. After the Particulars of the Allegations have been read out, the Committee shall allow an opening statement to be made on behalf of the National Assembly and on behalf of the President.
18. An opening statement made under rule 17 shall be for not more than forty minutes, unless the Committee otherwise resolves.
19. After the opening statements have been made, the witnesses on the part of the National Assembly, if any, shall present the evidence of the Assembly.
20. In presenting its evidence, the Assembly shall not introduce any new evidence that was not a part of the allegations against the President by the National Assembly as forwarded by the Speaker of the National Assembly to the Speaker of the Senate.
21. After all the witnesses on the part of the National Assembly have presented their evidence, the witnesses on the part of the President shall present their evidence.
22. Each of the witnesses shall be led in evidence, cross-examined and, where necessary and only for purposes of clarification of issues that may have arisen in cross-examination, a witness may be re-examined.
23. A Member of the Committee may put a question to any of the witnesses before the Committee.
24. No person, other than—
  - (a) the President;
  - (b) a person who has been called as a witness by the National Assembly or by the President;
  - (c) a person who is invited or summoned by the Committee to appear and give evidence;

shall give evidence before the Committee.

25. After all the witnesses have given their evidence, the Committee shall allow a closing statement to be made on behalf of the National Assembly and thereafter on behalf of the President.
26. A closing statement made under rule 25 shall be for not more than thirty minutes, unless the Committee otherwise resolves.
27. After the closing statements have been made, the hearing shall conclude and the Committee shall then proceed to prepare and conclude its report.
28. Pursuant to Article 145(4)(b) of the Constitution and standing order 73(2)(b), the Committee shall within ten days table its report in the Senate in which it shall indicate whether it finds the particulars of the allegations against the President to have been substantiated.
29. The proceedings of the Committee for the hearing of evidence shall be held in public, but the deliberations of the Committee shall be held in camera.
30. The quorum for the proceedings of the Committee shall be seven of its members.
31. Except as otherwise provided in these Rules, the Standing Orders shall apply.
32. Where on a particular question or matter, including but not limited to questions of evidence, materiality, relevancy, competency or admissibility of evidence and any questions consequential or incidental thereto, no provision has been made in the Standing Orders or in these Rules, the chairperson of the Committee shall rule on the question or matter and the ruling of the chairperson shall be final.

**Justification: The inclusion of the Schedule is in line with the proposed amendment at standing order 73(9) to include a procedure for impeachment of President and Deputy President**

#### **44. The Fifth Schedule**

The Fifth Schedule to the Standing Orders be amended –

- (a) in Part 1 by inserting the following new paragraph immediately after paragraph 8 -

8A. The documents submitted under rule 6 and 7 shall be —

(a) numbered consecutively; and

(b) bound in book form, in volumes with proper titles appearing on the covers.

(b) in Part 2 by inserting the following new paragraph immediately after paragraph 8 -

8A. The documents submitted under rule 6 and 7 shall be —

(a) numbered consecutively; and

(b) bound in book form, in volumes with proper titles appearing on the covers.

**Justification: To have uniformity in the documentation submitted by parties during the impeachment of Governors and Deputy Governors**

45. The Sixth Schedule

The Standing Orders be amended by deleting the Sixth Schedule and substituting therefor the following new Schedule—

**SIXTH SCHEDULE**

(Standing Order r.14)

**OATH/AFFIRMATION BY WITNESSES**

**OATH**

I..... do solemnly swear that the evidence that I shall give before the Senate/this Committee in respect of the matters before the Senate/this Committee shall be the truth, the whole truth and nothing but the truth, so help me God.

**AFFIRMATION**

I..... do solemnly affirm that the evidence that I shall give before the Senate/this Committee in respect of the matters before the Senate/this Committee shall be the truth, the whole truth and nothing but the truth.

**Justification: To ensure that the Oath and Affirmation are used in Plenary as well as any Committees. As it is currently contained in the Standing Orders, the Oath/Affirmation is to be used in Special Committees.**

46. Standing Order 2

Standing Order 2 be amended in paragraph (1) in the definition of the word “Session” by inserting the words “but a sitting that is held within the period between the last sitting of the Senate in one session and the first sitting in the next session shall be deemed to be a sitting of the former session”.

**Justification: To make it clear which session the period in between two sessions falls.**