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THE NATIONAL ASSEMBLY (SECOND SESSION)

**REPORT OF THE PROCEDURE & HOUSE RULES COMMITTEE
ON ITS CONSIDERATION OF –**

1. The Petitions to Parliament (Procedure) (Amendment) Bill, 2022 (National Assembly Bill No. 51 of 2022);
2. The Political Parties (Amendment) Bill (National Assembly Bill No. 35 of 2022); and
3. The Public Finance Management (Amendment) Bill, 2022 (National Assembly Bill No. 38 of 2022).

 THE NATIONAL ASSEMBLY	
DATE: 07 DEC 2023 07 Thursday	
TABLED BY:	Hon. Peter Kalumbe, MP 5th chairperson of committee
CLERK AT THE TABLE	Ar. Shibusko

Directorate of Legislative & Procedural Services
The National Assembly
Parliament Buildings
NAIROBI, KENYA



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CHAIRPERSON'S FOREWORD

The following three (3) Bills were read a first time on various dates as indicated below and were subsequently, pursuant to Standing Order 127(2), referred to the Procedure and House Rules Committee to consider the said Bills. The Committee was also required to conduct stakeholder engagements and report back to the House –

1. The Petitions to Parliament (Procedure) (Amendment) Bill, 2022 (National Assembly Bill No. 51 of 2022), first read on 22/02/2023;
2. The Political Parties (Amendment Bill) 2022 (National Assembly Bill No. 35 of 2022), first read on 12/04/2023; and
3. The Public Finance Management (Amendment) Bill, 2022 (national Assembly Bill No. 38 of 2022), first read on 13/04/2023.

Pursuant to Article 118(1)(b) of the Constitution and Standing Order 127, the Clerk of the National Assembly placed advertisements in the print media on 3rd July 2023 inviting members of the public and stakeholders to submit memoranda on the Bills. Following the advertisement, the Committee received views from *Nature Kenya – the East Africa Natural History Society (EANHS)* on the Petitions to Parliament (Procedure) (Amendment) Bill, 2022 (National Assembly Bill No. 51 of 2022).

The Committee also wrote to various key Stakeholders and received views on the Bills from the Chairperson of the Committee on Public Petitions, the Principal Secretary for the National Treasury, the Solicitor General and the Registrar of Political Parties.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to the Committee during its consideration of the said Bills.

On behalf of the Committee and pursuant to the provisions of Standing Order 199(6), it is my pleasure to present to the House the Report of the Committee on its consideration of The Petitions to Parliament (Procedure) (Amendment) Bill, 2022 (National Assembly Bill No. 51 of 2022); The Political Parties (Amendment Bill) 2022 (National Assembly Bill No. 35 of 2022); and The Public Finance Management (Amendment) Bill, 2022 (National Assembly Bill No. 38 of 2022).



THE HON. MARTHA WANGARI, CBS, MP
FIRST CHAIRPERSON OF COMMITTEES
For: CHAIRPERSON, PROCEDURE & HOUSE RULES COMMITTEE

Thursday, December 7, 2023

EXECUTIVE SUMMARY

The following Amendment Bills were read a first time on various dates as indicated below and were subsequently, pursuant to Standing Order 127(2), referred to the Procedure and House Rules Committee to conduct stakeholder engagements and report back to the House—

1. **The Petitions to Parliament (Procedure) (Amendment) Bill, 2022 (National Assembly Bill No. 51 of 2022), read a first time on 22/02/2023** – The Bill proposes to amend the Petitions to Parliament (Procedure) Act, 2012 to require petitioners to file relevant evidence of efforts made to have the matters raised in the petition addressed by a relevant body or are pending before a court of law.

Additionally, the Bill proposes to amend Section 4 of the Act to empower a committee established to review and consider petitions to reject a petition where the issue in respect of which the petition is made is pending before any court of law or other constitutional or legal body, or the petitioner fails to comply with the directions given by the committee to amend the petition.

2. **The Political Parties (Amendment Bill) 2022 (National Assembly Bill No. 35 of 2022), read a first time on 12/04/2023** - The Bill proposes to amend the Political Parties Act, 2011 to require the Registrar of Political Parties to convey to the Clerk of each House of Parliament any coalition agreement deposited into his or her office; and
3. **The Public Finance Management (Amendment) Bill, 2022 (national Assembly Bill No. 38 of 2022), read a first time read on 13/04/2023** – The Bill seeks to amend the Public Finance Management Act, 2012 to increase the period for consideration of the Budget Policy Statement from fourteen to twenty-one days to allow for comprehensive scrutiny of the proposals contained in the Statement.

Pursuant to Article 118(1) (b) of the Constitution and Standing Order 127, the Clerk of the National Assembly placed advertisements in the print media on 3rd July 2023 inviting members of the public and stakeholders to submit memoranda on the Bills.

The Committee also wrote to the Principal Secretary of the National Treasury, the Chairperson of the Committee on Public Petitions, the Solicitor General and the Registrar of Political Parties seeking their views on the Bills.

In this regard, the Committee received views from the following stakeholders –

1. The Chairperson of the Committee on Public Petitions,
2. The Principal Secretary National Treasury
3. The Solicitor General
4. The Registrar of Political Parties
5. Nature Kenya – the East Africa Natural History Society (EANHS)

The Committee considered all the submissions from stakeholders and made the following recommendations –

The Petitions to Parliament (Procedure) (Amendment) Bill, 2022 (National Assembly Bill No. 51 of 2022), read a first time on 22/02/2023;

The Committee therefore recommends;

1. That, Clause 2 and Section 3 of the Principal Act be deleted and the contents therein be included in a form set out in the Schedule.

Save for the provisions in Clause 2(d), which should only require a Petitioner to include the case number and the name of the court where a matter is pending before court while submitting its Petition to Parliament and not to attach evidence of the court proceedings or judgement as proposed in the Bill. The petitioner may, however, attach any other document they may deem necessary.

This is to ensure that a petitioner checks all the requirements to petition Parliament in an easier and user-friendly manner.

2. That, Clause 3 be deleted to retain the administrative mandate of determining admissibility and compliance on the Clerk of the relevant House Parliament before considering any petition.
3. That, Clause 4 be deleted in order to retain, among other provisions, the timeline of seven days for review and determination of whether a petition as submitted by the public meets the requirements of the Act; as well as the timeline of fifteen days within which a petitioner should be notified of the decision of the House once their petition has been considered.
4. That, Clause 5 (b) requiring the Committee to notify the Petitioner the decision of the House be deleted. This is to retain the current provision in the Principal Act that bestows this mandate upon the Clerk of the relevant House of Parliament.

The Political Parties (Amendment Bill) 2022 (National Assembly Bill No. 35 of 2022), read a first time on 12/04/2023

The Committee therefore recommends;

1. That, the Bill be further amended to obligate the Registrar to –
 - a) convey a certified copy of the any coalition or coalition of parties' agreement to the Clerk of each House of Parliament;
 - b) publish in the gazette and on the website the contents of the agreement, within thirty days of receipt of a coalition or coalition of parties' agreement deposited in the Office of the Registrar of Political Parties; and
 - c) indicate the date on which the agreement was deposited.
2. That, the proposed amendment to include a requirement for the registrar to also publish any coalition or coalition of political parties' agreement as well as the contents of the agreements to avert recurrence of a situation where parties claim they were not aware of the contents of the agreements they signed.
3. That, Clause 3 of the Bill be deleted since the provision is already catered for in Clause 2.

The Public Finance Management (Amendment) Bill, 2022 (national Assembly Bill No. 38 of 2022), read a first time on 13/04/2023

The Committee therefore recommends;

1. That, the amendments be retained as proposed in the Bill.
2. That, a consequential amendment to Section 117(1) of the PFM, 2012 be effected to vary the date of submission of the County Fiscal Strategy Paper from 28th February each year to 7th March and a similar twenty-one days period of time be accorded to County Assemblies when considering the same.

1.0 PREFACE

1.1 Mandate of the Committee

4. The Procedure and House Rules Committee is established under **Standing Order 208** which stipulates that the Committee –
 - (i) shall consider and report on all matters relating to the Standing Orders.
 - (ii) may propose amendments to the Standing Orders and any such amendments shall upon approval by the House, take effect at the time appointed by the House.
 - (iii) may propose rules for the orderly and effective conduct of committee business and any such rules, shall upon approval by the House, continue in force until amended or repealed by the House.
5. Standing Order 262 of the National Assembly Standing Orders provides that the Procedure and House Rules Committee may propose amendments to the Standing Orders at any time.
6. Amendments to the National Assembly Standing Orders may be initiated by a Member of the Procedure and House Rules Committee. **Standing Order 263(1)** stipulates that *'A Member may, with the support of at least fifty other Members, request the Procedure and House Rules Committee to consider an amendment to the Standing Orders'*.
7. On its part, **Standing Order 264** provides that *at least once in every term of Parliament, not later than six months to the end of the term, the Procedure and House Rules Committee shall review the Standing Orders and make a report to the House recommending the Standing Orders, if any, to be amended.'*
8. Consider bills referred to the committee following a resolution of the House pursuant to Standing Order 127(2) which provides that – *'...the Assembly may resolve to commit a Bill to a select committee established for that purpose.'*

1.2 Committee Membership

9. The Committee comprises the Speaker as Chairperson, the Deputy Speaker, members of the Chairperson's Panel, and not more than thirteen other Members. They include –

1. **The Rt. Hon. Moses M. Wetang'ula, EGH, MP - Speaker of the National Assembly (Chairperson)**
2. The Hon. Gladys Boss, MGH, MP - Deputy Speaker
3. The Hon. Martha Wangari, MP - First Chairperson
4. The Hon. David Ochieng, MP - Second Chairperson
5. The Hon. Omboko Milemba, MP - Third Chairperson
6. The Hon. Farah Maalim, MP - Fourth Chairperson
7. The Hon. Peter Kaluma, MP - Fifth Chairperson
8. The Hon. (Dr.) Rachel Nyamai, MP - Sixth Chairperson
9. The Hon. Baya Yaa, CBS, MP
10. The Hon. George Murugara, MP
11. The Hon. Mpuru Aburi MP
12. The Hon. David Kiaraho, MP
13. The Hon. Anthony Oluoch, MP
14. The Hon. Lilian Gogo, MP
15. The Hon. Shimbwa Omar Mwinyi, MP
16. The Hon. Gichohi Kaguchia, MP
17. The Hon. Joseph Emathe, MP
18. The Hon. (Prof.) Bartoo Phylis, MP
19. The Hon. Kilel Richard, MP
20. The Hon. Mukunji John, MP
21. The Hon. Yakub Adow Kuno, MP

1.3 Secretariat

1. Ms. Rachel Kairu - Principal Clerk Assistant/Lead Clerk
2. Mr. Ronald Walala - Senior Legal Counsel
3. Ms. Anna Musandu - Senior Clerk Assistant
4. Ms. Perpetual Muiga - First Clerk Assistant
5. Ms. Getrude Chebet - First Clerk Assistant
6. Mr. Moses Lomale - Third Clerk Assistant

2.0 INTRODUCTION

2.1 Background Information

10. During the last termly review of the Standing Orders at the end of the 12th Parliament, the House approved a number of proposals. Key among the proposals was the creation of the Committee on Public Petitions. Where the Committee was constrained in proposing amendments owing to limits imposed by existing statute, the Committee proposed draft amendments to the laws identified to reflect the findings it arrived at after the consideration of the issues before it.
11. In this regard, the following Bills were published, read a first time and pursuant to Standing Order 127(2), referred to the Procedure and House Rules Committee for consideration –
- a) **The Petitions to Parliament (Procedure) (Amendment) Bill, 2022 (National Assembly Bill No. 51 of 2022), read a first time on 22/02/2023** – The Bill proposes to amend the Petitions to Parliament (Procedure) Act, 2012 to require petitioners to file relevant evidence of efforts made to have the matters raised in the petition addressed by a relevant body or are pending before a court of law.
 - b) **The Political Parties (Amendment Bill) 2022 (National Assembly Bill No. 35 of 2022), read a first time on 12/04/2023** - The Bill proposes to amend the Political Parties Act, 2011 to require the Registrar of Political Parties to convey to the Clerk of each House of Parliament any coalition agreement deposited into his or her office; and
 - c) **The Public Finance Management (Amendment) Bill, 2022 (National Assembly Bill No. 38 of 2022), read a first time on 13/04/2023** – The Bill seeks to amend the Public Finance Management Act, 2012 to increase the period for consideration of the Budget Policy Statement from fourteen to twenty-one days to allow for comprehensive scrutiny of the proposals contained in the Statement.
12. The Bills seek to implement the resolution made by the 12th Parliament in its approval of the 5th Report of the Procedure and House Rules Committee on Amendments to the Standing Orders.

3.0 PUBLIC PARTICIPATION AND COMMITTEE RECOMMENDATIONS

13. Article 118(1)(b) of the Constitution of Kenya provides as follows –

‘Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its committees.’

Further, Standing Order 127(3) and (3A) require the Committee to which a Bill is committed to facilitate public participation on the Bill take into account the views and recommendations of the public in its report to the House.

14. In line with the Constitution and the Standing Orders, the Clerk of the National Assembly placed an advert in the print media on 3rd July 2023 (*Annex III*). The Committee further invited relevant stakeholders to make submissions vide letters Ref: KNA/DLPS/PHRC/2023/ (002), (003), (004), (007) & (008) (*Annex IV*).

15. The Committee received views from the following stakeholders –

- a) The Chairperson, Public Petitions Committee
- b) The Solicitor General
- c) The Registrar of Political Parties
- d) The Principal Secretary National Treasury
- e) Nature Kenya – the East Africa Natural History Society (EANHS)

3.1 The Petitions to Parliament (Procedure) (Amendment) Bill, 2022 (National Assembly Bill No. 51 of 2022)

16. The principal object of this Bill is to amend the Petitions to Parliament (Procedure) Act, 2012 to require petitioners to file relevant evidence of the efforts made to have the matter raised in a petition addressed by a relevant body and any other matters pending before courts. Where matters are pending before the court, a petitioner is to attach evidence of the court proceedings or the judgment. It further introduces aspects of a Petitioner indicating their contact information for ease of tracing and conveyance of a reply or request for clarification through information and communication technology means such as mobile telephones and electronic mail.

17. Additionally, the Bill proposes to amend Section 4 of the Act to empower a committee established to review and consider petitions to reject a petition where the issue in respect of which the petition is made is pending before any court of law or other constitutional or legal body, or the petitioner fails to comply with the directions given by the committee to amend the petition. This mandate currently falls under the Clerk of the relevant House of Parliament in the Principal Act.

3.1.1 Submissions from Stakeholders

i. Submission from Nature Kenya

18. Nature Kenya in its submission in a letter dated 14th July 2023, proposed that there was need to retain the timeline of seven days provided for review and determination of whether a petition as submitted by the public meets the requirements of the Act.

Further nature Kenya also proposed the retention of the timeline of fifteen days within which a petitioner should be notified of the decision of the House once their petition has been considered.

ii. Submission from the Solicitor General

19. The Solicitor General in a letter Ref. AG/LDD/113/1/21 dated 11th October 2023 in his submission stated that he was in support of the proposed amendments and that they did not raise any significant constitutional or statutory issues.

3.1.2 Committee Observations on the submissions

20. The Committee agreed with the proposal by Nature Kenya to retain the timeline of seven days for review and determination of whether a petition as submitted by the public meets the requirements of the Act; as well as the timeline of fifteen days within which a petitioner should be notified of the decision of the House once their petition has been considered.

3.1.3 Committee Observations on the Bill

21. The Committee observed that Clause 2 (d) of the Bill required the petitioner to attach evidence of court proceedings or judgement where matters raised in a petition are pending before court. The Committee noted that the provision imposed unnecessary conditions on the constitutional right of any person to petition Parliament. It was observed that it would be expensive and time consuming for a petitioner to gather the Court evidence as required in the Clause.

The committee however agreed that the petitioner may attach any other relevant documents that may be material in assisting the committee responsible for public petitions to better consider a petition.

22. The Committee also noted that Clause 3 of the Bill mandated the Committee to handle administrative duties that include determining admissibility and compliance before considering any petition. It was noted that this function would be better handled by the Clerk of the relevant House of Parliament. This would ensure the retention of the current model where admissibility of petitions is determined by the Clerk of the relevant House of Parliament.
23. The Committee further noted that the proposal to delete Section 5 in Clause 4 would do away with the administrative role of the Clerk of processing petitions for presentation to the House. The Committee observed that all administrative roles should be handled by the Clerk of the relevant House of Parliament.

3.1.4 Committee Recommendations

The Committee therefore recommends;

24. That, Clause 2 and Section 3 of the Principal Act be deleted and the contents therein be included in a form set out in the Schedule.

Save for the provisions in Clause 2(d), which should only require a Petitioner to include the case number and the name of the court where a matter is pending before court while submitting its Petition to Parliament and not to attach evidence of the court proceedings or judgement as proposed in the Bill.

The petitioner may, however, attach any other document they may deem necessary.

This is to ensure that a petitioner checks all the requirements to petition Parliament in an easier and user-friendly manner.

25. That, Clause 3 be deleted to retain the administrative mandate of determining admissibility and compliance on the Clerk of the relevant House Parliament before considering any petition.
26. That, Clause 4 be deleted in order to retain, among other provisions, the timeline of seven days for review and determination of whether a petition as submitted by the public meets the requirements of the Act; as well as the timeline of fifteen days within which a petitioner should be notified of the decision of the House once their petition has been considered.

27. That, Clause 5 (b) requiring the Committee to notify the Petitioner the decision of the House. This is to retain the current provision in the Principal Act that bestows this mandate on the Clerk of the relevant House of Parliament.

3.2 The Political Parties (Amendment Bill) 2022 (National Assembly Bill No. 35 of 2022)

The principal object of the Bill is to amend the Political Parties Act, 2011 to require the registrar of Political Parties to convey to the Clerk of each House of Parliament any coalition agreement deposited into his or her office. The agreement shall be useful to the Houses of Parliament in relation to the determination of questions on the entitlements of the parties and coalition that are tied to the number of Members in each House.

The amendment further requires the registrar to convey any agreement existing at the commencement of its provisions to the clerk of each House of the Parliament.

3.2.1 Submissions from Stakeholders

i. Submission from the Registrar of Political Parties

28. The Registrar of Political Parties in a letter Ref. RPP/ORG/34 Vol VII (33) dated 4th October 2023 submitted as follows –

- a) With regards to Clause 5 which requires the registrar to convey a certified copy of any coalition agreement to the Clerks of each House of Parliament including the date which the agreement was deposited, the Registrar proposed that in order to align the Bill with the provisions of the Political Parties (Registration) Regulations 2019, the certified copies should be conveyed after confirmation and registration.

The Registrar further proposed that an additional Clause be included to require the Registrar to publish any coalition agreement in the Gazette and ORPP website.

- b) With regard to the transition provision in Clause 3, which requires the Registrar to convey any coalition agreement deposited with the registrar before the commencement of the Amendment Bill indicating the date, which the agreement was deposited, the registrar was of the view that the intent of such an amendment ought to be futuristic and not retrospective.

- c) The Registrar also noted that copies of coalition agreements have previously been forwarded to both the National Assembly and the Senate for purposes of proper conduct of business in the respective Houses. In this regard, the registrar proposed a deletion of the proposed amendment.

ii. Submission from the Solicitor General

29. The Solicitor General in his submission in a letter Ref. AG/LDD/113/1/20 dated 11th October 2023 stated that he was in support of the proposed amendments and that they did not raise any significant constitutional or statutory issues.

3.2.2 Committee Observations on the Submissions

30. The Committee concurred with the Registrar with regard to the transition provision in Clause 3. The provision requires the Registrar to convey a certified copy of any coalition agreement entered into and deposited with the Registrar before the commencement of the Act within seven days of commencement of the Act.
31. The proposal to require the Registrar to convey certified copies of agreements to the office of the Clerks of the Houses of Parliament only upon confirmation and registration was administrative and needed not be anchored in law.

3.2.3 Committee Observations on the Bill

32. The Committee observed that there was a need to provide a timeline within which the Registrar shall convey a certified copy of the agreement to the Clerk of each House of Parliament indicating the date on which the agreement was deposited.

3.2.4 Committee Recommendations

The Committee therefore recommends;

33. That, the Bill be further amended to obligate the Registrar to –
 - a) convey a certified copy of the any coalition or coalition of parties' agreement to the Clerk of each House of Parliament;
 - b) publish in the gazette and on the website the contents of the agreement, within thirty days of receipt of a coalition or coalition of parties' agreement deposited in the Office of the Registrar of Political Parties; and

c) indicate the date on which the agreement was deposited.

34. That, the proposed amendment to include a requirement for the registrar to also publish any coalition or coalition of political parties' agreement as well as the contents of the agreements to avert recurrence of a situation where parties claim they were not aware of the contents of the agreements they signed.
35. That, Clause 3 of the Bill be deleted since the provision is already catered for in Clause 2.

3.3 The Public Finance Management (Amendment) Bill (National Assembly Bill No. 38 of 2022)

36. The Bill seeks to amend sections 25(7) and 25(9) of the Public Finance Management Act, 2012 to increase the period for consideration of the Budget Policy Statement from fourteen to twenty-one days. Further, the amendment in Section 25(9) correspondingly seeks to increase the period for publication of the same from 15 days to twenty-two days.

3.3.1 Submissions from stakeholders

i. Submission from the Principal Secretary, National Treasury

37. The Principal Secretary of the State Department for National Treasury in a letter ES1/03 'U' (50) dated 12th October 2023 submitted as follows –
- a) That, the proposed the amendment to increase the period for consideration of the Budget Policy Statement (BPS) from fourteen (14) to twenty-one (21) days may reduce the time available for County Governments to align their County Fiscal Strategy Papers (CFSP) with the BPS as provided for in Section 117(2) of the PFM Act, 2012. According to the Principal Secretary, this would necessitate an amendment to Section 117(1) of the PFM Act, 2012 to give County Governments enough time to align the CFSP with the BPS; and
- b) That, the timelines being proposed in the Bill would result in the budget finalization circular to be issued in the second week of March. The National Treasury noted that this would lead to a lot of pressure in the finalization of the budget given that the timelines for submission of the budget by 30th April was a constitutional mandate.

38. To address the above challenges, the National Treasury proposed that the bill further amends Section 25(2) of the PFM Act, 2012 to provide for the BPS to be submitted to the National Assembly by the 7th of February each year. This would also ensure that the twenty-one days required for scrutiny of the BPS are achieved.

ii. Submission from the Solicitor General

39. The Solicitor General in his submission made in a letter Ref. AG/LDD/578/1/103 dated 6th October 2023 noted that the proposed amendment seeks to amend sections 25(7) and 25(9) of the Public Finance Management Act, 2012 to increase the period for consideration of the Budget Policy Statement. He stated that the proposed period shall also affect the National Treasury when publishing and publicizing the Budget Policy Statement after submission to Parliament under sub-section (9). He submitted that the amendment seems to be a procedural issue rather than a legal matter and there had no objection on the Bill.

3.3.2 Committee Observations on the submission

40. The Committee concurred with the National Treasury that the national objectives contained in the approved Budget Policy Statement feed into the County Fiscal Strategy Paper as per Section 117 (2) of the Public Finance Management Act, 2012. Further, that the proposed amendment would affect the timeline for submission of the County Fiscal Strategy Paper to the County Assemblies, which according to section 117(1) should be submitted by 28th February of each year.

41. The Committee noted that there was need to increase the timeline for submission of the County Fiscal Strategy Paper to the County Assemblies.

3.3.3 Committee Observations on the Bill

42. The Public Finance Management Act requires the National Treasury to submit the Budget Policy Statement (BPS) to the National Assembly the by 15th February of each year. The National Assembly is required to consider the BPS within fourteen (14) days.

Taking into account the budget cycle (*Annexure VII*), the Committee observed that the amendment to increase the period for consideration of the Budget Policy Statement from fourteen (14) days to twenty-one (21) days was still within the period before introduction of Division of Revenue Bill in the National Assembly, being 10th of March of every year.

43. The amendment to section 25(9) to increase the time for publication of the approved Budget Policy Statement was correspondingly in tandem with the time the same will take effect before approval by Parliament.

3.3.4 Committee Recommendations

The Committee therefore recommends;

That, the amendments be retained as proposed in the Bill.

44. A consequential amendment to Section 117(1) of the PFM, 2012 be affected to vary the date of submission of the County Fiscal Strategy Paper from 28th February each year to 7th March and a similar twenty-one (21) days period of time be accorded to County Assemblies when considering the same.

 THE NATIONAL ASSEMBLY	
DATE: 07 DEC 2023	
04V.	
TABLED BY:	
CLERK-AT-THE-TABLE:	

Annexure I: Schedule of Committee amendments

4.0 SCHEDULE OF AMENDMENTS

45. Arising from its observations and recommendations, the Committee proposed the following amendments to the three Bills—

A. The Petitions to Parliament (Procedure) (Amendment) Bill, 2022 (National Assembly Bill No. 51 of 2022);

CLAUSE 2

THAT, the Bill be amended by deleting Clause 2 and substituting therefor the following new Clause—

Repeal and replacement of s. 3 of No. 22 of 2012.	1. The Petitions to Parliament (Procedure) Act, 2012, in this Act referred to as the “principal Act” is amended by deleting section 3 and substituting therefor the following new section—
	Form of petition. 2. A petition to Parliament shall be in the form set out in the Schedule.

CLAUSE 3

THAT, the Bill be amended by deleting Clause 3;

CLAUSE 4

THAT, the Bill be amended by deleting Clause 4;

NEW CLAUSE

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 4—

Repeal and replacement of the Schedule to No. 22 of 2012.	5. The principal Act is amended by deleting the Schedule and substituting therefor the following new Schedule—
	SCHEDULE [s. 3] FORM OF PETITION TO PARLIAMENT

[Instructions: Please complete this form in accordance with the requirements of the Petitions to Parliament Act, 2012.]

1. Title of the Petition (To be included on the first page and subsequent pages):

[Insert the title of the petition here]

2. Petitioner(s) Information:

Name(s):

Address(es):

Telephone Number(s):

Email Address(es):

Identification Number(s):

3. Subject-Matter of the Petition:

[Indicate subject-matter here]

4. Have you made any efforts to address the matter: Yes No

If "Yes," please outline the efforts made to address the matter:
[Describe efforts made to resolve the issue and any response received]

5. Legal Status:

The matter is pending before a court of law or legal body

Not pending before any legal body

If pending, Case/Reference Number: [Enter Case/Reference Number]

6. Prayer of the Petition (Must be clear, proper, and respectful):

[Clearly indicate the prayer(s) sought from Parliament]

7. Attachments to the Petition: Yes No

If "Yes," please list and name the attachments: [List and name the attached documents]

8. Signatures/Thumb Impressions:

Petitioner 1: [Signature/Thumb Impression]

Petitioner 2: [Signature/Thumb Impression] (if applicable)

9. Member of Parliament's Information (if presented by an MP):

Name of MP:

Signature of MP:

	<p>Date of MP's signature:</p> <p><i>[Note: Please ensure that the petition is written in respectful, decorous, and temperate language. If the petitioner is unable to sign, a witness should sign in the petitioner's presence.]</i></p>
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B. The Political Parties (Amendment Bill) 2022 (National Assembly Bill No. 35 of 2022);

CLAUSE 2

THAT, the Bill be amended by deleting Clause 2 and substituting therefor the following new Clause—

Amendment of s. 10 of No. 11 of 2011.	2. Section 10 of the Political Parties Act, 2011 is amended by inserting the following new subsections immediately after subsection (4)—
	“(5) The Registrar shall, within thirty days of receipt of a coalition agreement deposited under this section—
	(a) convey a certified copy of the agreement to the Clerk of each House of Parliament; and
	(b) publish on its website the contents of the agreement.
	(6) In conveying and publishing an agreement under subsection (5), the Registrar shall indicate the date on which the agreement was deposited.”

C. The Public Finance Management (Amendment) Bill, 2022 (National Assembly Bill No. 38 of 2022).

NEW CLAUSE

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 2—

Amendment of section 117 of No. 18 of 2012.	3. Section 117 of the principal Act is amended—
	(a) in subsection (1) by deleting the expression “by the 28 th February” appearing immediately after the words “county assembly,” and substituting therefor the expression “by the 7 th March”;

	<p>(b) in subsection (6) by deleting the word "fourteen" appearing immediately after the words "not later than" and substituting therefor the word "twenty-one".</p>
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Annexure II: List of Members who attended the sitting that considered and adopted the Report

THE PROCEDURE AND HOUSE RULES COMMITTEE

ADOPTION LIST

THE REPORT OF THE PROCEDURE & HOUSE RULES COMMITTEE ON VARIOUS BILLS BEFORE THE COMMITTEE

We the undersigned Members of the Procedure and House Rules Committee, today, **Tuesday, 5th December 2023**, pursuant to the provisions of Standing Order 199, do hereby affix our signatures to **THE REPORT OF THE PROCEDURE & HOUSE RULES COMMITTEE ON ITS CONSIDERATION OF VARIOUS BILLS** to affirm our approval and confirm its accuracy, validity and authenticity.

The Bills include –

- i. The Petitions to Parliament (Procedure) (Amendment) Bill, (National Assembly Bill No. 51 of 2022);
- ii. The Political Parties (Amendment) Bill, (National Assembly Bill No. 35 of 2022);
- iii. The Public Finance Management (Amendment) Bill, 2022 (national Assembly Bill No. 38 of 2022), first read on 13/04/2023.

S.No	Name	Signature
1.	The Rt. Hon. Moses M. Wetang'ula, EGH, MP	
2.	The Hon. Gladys Boss, CBS, MP	
3.	The Hon. Martha Wangari, MP	
4.	The Hon. David Ochieng, MP	
5.	The Hon. Omboko Milemba, MP	
6.	The Hon. Farah Maalim, MP	
7.	The Hon. Peter Kaluma, MP	
8.	The Hon. (Dr.) Rachel Nyamai, CBS, MP	
9.	The Hon. Emathe Joseph Namuar, MP	
10.	The Hon. Murugara George Gitonga, MP	
11.	The Hon. (Prof.) Bartoo Phylis Jepkemoi, MP	

S.No	Name	Signature
12.	The Hon. Baya Owen Yaa, MP	
13.	The Hon. Kilel Richard Cheruiyot, MP	
14.	The Hon. Gichohi Kaguchia John Philip, MP	
15.	The Hon. Mukunji John G. Mwaniki, MP	
16.	The Hon. Aburi Lawrence Mpuru, MP	
17.	The Hon. Kiaraho David Njuguna, MP	
18.	The Hon. Oluoch Anthony Tom, MP	
19.	The Hon. Gogo Lilian Achieng, MP	
20.	The Hon. Shimbwa Omar Mwinyi, MP	
21.	The Hon. Yakub Adow Kuno, MP	

Annexure III: Minutes of the Committee sittings on its consideration of the Bill and adoption of the Report

MINUTES OF THE NINTH MEETING OF THE PROCEDURE AND HOUSE RULES COMMITTEE HELD ON TUESDAY, 5TH DECEMBER 2023 IN THE SPEAKER'S BOARDROOM, MAIN PARLIAMENT BUILDINGS AT 12:00 NOON

PRESENT

- | | |
|---------------------------------------|--------------------------------------|
| 1) The Hon. Gladys Boss, MGH, MP | - Deputy Speaker (<i>Chairing</i>) |
| 2) The Hon. Martha Wangari, MP | - First Chairperson of Committees |
| 3) The Hon. David Ochieng, MP | - Second Chairperson of Committees |
| 4) The Hon. Peter Kaluma, MP | - Fifth Chairperson of Committees |
| 5) The Hon. (Dr.) Rachael Nyamai, MP | - Sixth Chairperson of Committees |
| 6) The Hon. Anthony Oluoch, MP | |
| 7) The Hon. Joseph Emathe, MP | |
| 8) The Hon. (Prof.) Phylis Bartoo, MP | |

APOLOGIES

- | | |
|--|------------------------------------|
| 1) The Rt. Hon. (Dr.) Moses M. Wetang'ula, EGH, MP | - Speaker of the National Assembly |
| 2) The Hon. Farah Maalim, EGH, MP | - Fourth Chairperson of Committees |
| 3) The Hon. Omboko Milemba, MP | - Third Chairperson of Committees |
| 4) The Hon. Owen Baya, CBS, MP | |
| 5) The Hon. Omar Mwinyi, MP | |
| 6) The Hon. Gitonga Murugara, MP | |
| 7) The Hon. (Dr.) Lilian Gogo, MP | |
| 8) The Hon. Mpuru Aburi, MP | |
| 9) The Hon. David Kiaraho, MP | |
| 10) The Hon. John Kaguchia, MP | |
| 11) The Hon. Yakub Adow, MP | |
| 12) The Hon. Gitonga Mukunji, MP | |
| 13) The Hon. Richard Kilel, MP | |

SECRETARIAT

- | | |
|------------------------|-----------------------------|
| 1. Ms. Rachel Kairu | Principal Clerk Assistant I |
| 2. Ms. Perpetual Muiga | First Clerk Assistant |
| 3. Ms. Gertrude Chebet | First Clerk Counsel |
| 4. Ms. Jemimah Waigwa | Legal Counsel |
| 5. Mr. Moses Lomale | Third Clerk Assistant |

MIN./PHRC/49/2023: PRELIMINARIES

The Chairperson called the meeting to order at 12:20 pm, thereafter a prayer was said by the Hon. David Ochieng, MP, the Second Chairperson of Committees.

MIN./PHRC/050/2023:

ADOPTION OF AGENDA

The proposed Agenda constituting the business of the meeting was adopted having been proposed by the Hon. Peter Kaluma, MP, the Fifth Chairperson of Committees and seconded by the Hon. Martha Wangari, MP, the First Chairperson of Committees.

MIN./PHRC/051/2023:

**CONFIRMATION OF MINUTES OF
PREVIOUS MEETINGS**

- (i) The Minutes of the Seventh Meeting held on 13th October 2023 were confirmed as a true record of the deliberations of the meeting, having been proposed by the Hon. Rachel Nyamai, MP and seconded by the Hon. Martha Wangari, MP; and
- (ii) The Minutes of the Eighth Meeting held on 14th October 2023 were also confirmed, having been proposed by the Hon. (Prof.) Phylis Bartoo, MP and seconded by the Hon. (Dr.) Rachel Nyamai, MP.

MIN./PHRC/052/2023:

MATTERS ARISING

a) Arising from MIN/PHRC/46/2023 on the consideration of the Statutory Instruments (Amendment) Bill, 2022

The Committee was informed that the proposed provisions contained in **the Statutory Instruments (Amendment) Bill, 2022** sponsored by the **Procedure and House Rule Committee** had been incorporated in **the Statutory Instruments (Amendment) Bill, No, 2 of 2023** which was sponsored by the Committee on Delegated Legislation during the Committee of the Whole House.

Therefore, there was no need for the Committee to consider Bill further since **the Statutory Instruments (Amendment) Bill, No, 2 of 2023** had been passed by the House with the said amendments proposed by the Deputy Speaker and the Hon. Antony Oluoch, MP.

Further, the Committee noted that the **Parliamentary Powers and Privileges (Amendment) Bill** would not be processed by the Procedure and House Rules Committee as the Bill had since been directed referred to the Committee on Powers and Privileges Committee for consideration.

b) Arising from MIN./PHRC/47/2023 (a) on frequency of Committee Sitings

The Committee observed that it was imperative to have a sitting weekly, preferably on Tuesdays at 12 noon. Additionally, a notice of a proposed sitting would be published in advance, on the Committee's WhatsApp platform to enable Members confirm their attendance.

MIN./PHRC/053/2023: CONSIDERATION AND ADOPTION OF A DRAFT COMMITTEE'S REPORT ON CONSIDERATION OF BILLS

The Committee considered a draft Report on its consideration of the following Bills:

- i) The Petitions to Parliament (Procedure) (Amendment) Bill, (National Assembly Bill No. 51 of 2022);
- ii) The Political Parties (Amendment) Bill, (National Assembly Bill No. 35 of 2022); and
- iii) The Public Finance Management (Amendment) Bill, (National Assembly Bill No. 38 of 2022); and

Following extensive deliberations, the Committee adopted the draft Report having been proposed by the Hon. Joseph Emathe, MP and seconded by the Hon. Antony Oluoch, MP subject to inclusion of the following components in the report: -

- i) Highlights on provisions contained in the Bill;
- ii) Inclusion of the provisions of the Act being amended and the justification thereof;
- iii) Each Bill to be reported on independently.

Further, the Committee resolved to delete transition Clause 3 of *The Political Parties (Amendment) Bill, (National Assembly Bill No. 35 of 2022)*.

MIN./PHRC/054/2023: ANY OTHER BUSINESS

Proposed Retreat for the Committee

The Committee resolved to reschedule the proposed Retreat that was planned for 10th to 16th December 2023 to a later date, since majority of the Members would be participating in the EAC Inter-Parliamentary Games between 7th and 18th December 2023 in Kigali, Rwanda.

MIN./PHRC/055/2023: ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the Chairperson adjourned the meeting at 1:50 pm. The date of the next meeting will be communicated by way of a notice.

Sign: 
(Chairperson)

Date: 

MINUTES OF THE EIGHTH MEETING OF THE PROCEDURE AND HOUSE RULES COMMITTEE HELD ON SATURDAY, 14TH OCTOBER 2023 IN WINDSOR HOTEL, KIAMBU AT 9:30 AM

PRESENT

1. The Hon. David Ochieng, MP - Second Chairperson of Committees
(*Chairing*)
2. The Hon. Martha Wangari, MP - First Chairperson of Committees
3. The Hon. Peter Kaluma, MP - Fifth Chairperson of Committees
4. The Hon. (Dr.) Rachael Nyamai, MP - Sixth Chairperson of Committees
5. The Hon. (Dr.) Lilian Gogo, MP
6. The Hon. Omar Mwinyi, MP
7. The Hon. John Kaguchia, MP

APOLOGIES

1. The Rt. Hon. (Dr.) Moses M. Wetang'ula, EGH, MP - Speaker of the National Assembly
2. The Hon. Gladys Boss, MGH, MP - Deputy Speaker
3. The Hon. Farah Maalim, EGH, MP - Fourth Chairperson of Committees
4. The Hon. Omboko Milemba, MP - Third Chairperson of Committees
5. The Hon. Owen Baya, CBS, MP
6. The Hon. Gitonga Murugara, MP
7. The Hon. Anthony Oluoch, MP
8. The Hon. Mpuru Aburi, MP
9. The Hon. David Kiaraho, MP
10. The Hon. (Prof) Phylis Bartoo, MP
11. The Hon. Joseph Emathe, MP
12. The Hon. Richard Kilel, MP
13. The Hon. Yakub Adow, MP
14. The Hon. Gitonga Mukunji, MP

SECRETARIAT

1. Ms. Perpetual Muiga - First Clerk Assistant
2. Ms. Gertrude Chebet - First Clerk Assistant
3. Mr. Ronald Walala - Senior Legal Counsel
4. Mr. Edson Odhiambo - Fiscal Analyst
5. Mr. David Kimaro - Third Clerk Assistant
6. Mr. Kanda Tililei - Third Clerk Assistant

MIN./PHRC/043/2023: PRELIMINARIES

The Chairperson called the meeting to order at 9:45 am, thereafter a prayer was said by Hon. Antony Oluoch, MP, the Second Chairperson of Committees.

MIN./PHRC/044/2023: ADOPTION OF AGENDA

The proposed Agenda constituting the business of the meeting was adopted having been proposed by the Hon. (Dr.) Lilian Gogo, MP, and seconded by the Hon. (Dr.) Rachel Nyamai, MP.

MIN./PHRC/ 045/2023: MATTERS ARISING

The meeting recorded no Matters arising.

MIN./PHRC/046/2023: CONSIDERATION OF MEMORANDA ON THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2022)

a) Legal Provisions

The Legal Counsel informed the Committee that the Bill seeks to amend sections 25(7) and 25(9) of the Public Finance Management Act, 2012 to increase the period for consideration of the Budget Policy Statement from fourteen to twenty-one days. Further, the amendment in Section 25(9) correspondingly seeks to increase the period for publication of the same from 15 days to twenty-two days.

b) Submission from the Principal Secretary, National Treasury

The Principal Secretary of the State Department for National Treasury in a letter ES1/03 'U' (50) dated 12th October 2023 submitted as follows –

- i. That the proposed the amendment to increase the period for consideration of the Budget Policy Statement (BPS) from fourteen (14) to twenty-one (21) days may reduce the time available for county governments to align their County Fiscal Strategy Papers (CFSP) with the BPS as provided for in Section 117(2) of the PFM Act, 2012. According to the Principal Secretary, this would necessitate an amendment to Section 117(1) of the PFM Act, 2012 to give County Governments enough time to align the CFSP with the BPS; and
- ii. The timelines being proposed in the Bill would result in the budget finalization circular to be issued in the second week of March. The National Treasury noted that this would lead to a lot of pressure in the finalization of the budget given that the timelines for submission of the budget by 30th April was a constitutional mandate.

To address the above challenges, the National Treasury proposed that the bill further amends Section 25(2) of the PFM Act, 2012 to provide for the BPS to be submitted to the National Assembly by the 7th of February each year. This would also ensure that the twenty-one days required for scrutiny of the BPS are achieved.

c) Submission from the Solicitor General

The Solicitor General in his submission made in a letter Ref. AG/LDD/578/1/103 dated 6th October 2023, noted that the proposed amendment seeks to amend sections 25(7) and 25(9) of the Public Finance Management Act, 2012 to increase the period for consideration of the Budget Policy Statement. He stated that the proposed period shall also affect the National Treasury when publishing and publicizing the Budget Policy Statement after submission to Parliament under sub-section (9). He submitted that the amendment seems to be a procedural issue rather than a legal matter and there had no objection on the Bill.

d) Committee Observations on the submission

The Committee concurred with the National Treasury that the national objectives contained in the approved Budget Policy Statement feed into the County Fiscal Strategy Paper as per Section 117 (2) of the Public Finance Management Act, 2012. And that the proposed amendment would affect the timeline for submission of the County Fiscal Strategy Paper to the county assemblies, which according to section 117(1) should be submitted by 28th February of each year.

The Committee noted that there was need to increase the timeline for submission of the County Fiscal Strategy Paper to the county assemblies.

e) Committee Observations on the Bill

The Public Finance Management Act requires the National Treasury to submit the Budget Policy Statement (BPS) to the National Assembly the by 15th February of each year. The National Assembly is required to consider the BPS within fourteen (14) days.

According to the budget cycle (*Annexed*), the Committee observed that the amendment to increase the period for consideration of the Budget Policy Statement from fourteen (14) days to twenty-one (21) days was still within the period before introduction of Division of Revenue Bill in the National Assembly, being 10th of March of every year.

The amendment to section 25(9) to increase the time for publication of the approved Budget Policy Statement was correspondingly in tandem with the time the same will take effect before approval by Parliament.

f) Committee Recommendations

Upon deliberations on the submissions the Committee made the following recommendations;

1. That, the amendments be retained as proposed in the Bill.
2. That, a consequential amendment to Section 117(1) of the PFM, 2012 be affected to vary the date of submission of the County Fiscal Strategy Paper from 28th February each year to 7th March and a similar twenty-one days period of time be accorded to county assemblies when considering the same.

MIN./PHRC/046/2023: CONSIDERATION OF MEMORANDA ON THE STATUTORY INSTRUMENTS (AMENDMENT) BILL, 2022

a) Legal Provisions

The Committee was informed that principal object of this Bill is to amend the Statutory Instruments Act, 2013 to require the Clerk of the relevant House of Parliament to notify the public of the annulment or revocation of the Statutory Instrument. This shall ensure the timely implementation of the resolutions of the House on delegated legislation.

b) Submission from the Solicitor General

The Solicitor General in a letter Ref. AG/LDD/113/1/21 dated 11th October 2023 submitted that he was in support of the proposed amendments and that they did not raise any constitutional or statutory issues. He however noted that the amendment to Section 19 was inconsistent with the provisions of the existing Section 19. The Cabinet Secretary for a regulation-making authority was responsible for the publication of a revocation of a statutory instrument. This mandate is consistent with Section 31(c) of the Interpretation and General provisions Act (Cap. 2) which provides for the power to make (and revoke) subsidiary legislation.

The Solicitor General therefore proposed that the proposed amendment to Section 19 be revoked.

a) Committee Observations

The Committee observed that there was need to make provision for those instruments that have to go through Parliament before they are implemented particularly those that touch on the bill of rights.

b) Committee Recommendations

The Committee agreed to delete the proposed amendment to Section 19 since it was inconsistent with the provisions of the existing Section 19 and Section 31(c) of the Interpretation and General provisions Act (Cap. 2)

MIN./PHRC/047/2023: ANY OTHER BUSINESS

a) Regular Sitzings


The Committee resolved to hold regular meetings to ensure that all the pending matters were considered before the end of the Second Session.

b) Capacity Building for the Members of the Committee

The Committee resolved to undertake a capacity building activity during the period October – November 2023 in either United Arabs Emirates or Cape Town, South Africa.

MIN./PHRC/048/2023: ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the Chairperson adjourned the meeting at 12:30 pm. The date and venue of the next meeting will be communicated by notice.

Sign: 
(Chairperson)

Date: 14/10/2023

MINUTES OF THE SEVENTH MEETING OF THE PROCEDURE AND HOUSE RULES COMMITTEE HELD ON FRIDAY, 13TH OCTOBER 2023 IN WINDSOR HOTEL, KIAMBU AT 9:00 AM

PRESENT

- | | | |
|--------------------------------------|---|-------------------------------------|
| 1. The Hon. Martha Wangari, MP | - | First Chairperson - <i>Chairing</i> |
| 2. The Hon. David Ochieng, MP | - | Second Chairperson |
| 3. The Hon. Peter Kaluma, MP | - | Fifth Chairperson of Committees |
| 4. The Hon. (Dr.) Rachael Nyamai, MP | - | Sixth Chairperson of Committees |
| 5. The Hon. Omar Mwinyi, MP | | |
| 6. The Hon. John Kaguchia, MP | | |
| 7. The Hon. (Dr.) Lilian Gogo, MP | | |

APOLOGIES

- | | | |
|---|---|----------------------------------|
| 1. The Rt. Hon. (Dr.) Moses M. Wetang'ula, EGH, MP – Speaker of the National Assembly | | |
| 2. The Hon. Gladys Boss, MGH, MP | - | Deputy Speaker |
| 3. The Hon. Farah Maalim, EGH, MP | - | Fourth Chairperson of Committees |
| 4. The Hon. Omboko Milemba, MP | - | Third Chairperson of Committees |
| 5. The Hon. Owen Baya, CBS, MP | | |
| 6. The Hon. Anthony Oluoch, MP | | |
| 7. The Hon. Gitonga Murugara, MP | | |
| 8. The Hon. (Prof) Phylis Bartoo, MP | | |
| 9. The Hon. Joseph Emathe, MP | | |
| 10. The Hon. Richard Kilel, MP | | |
| 11. The Hon. Mpuru Aburi, MP | | |
| 12. The Hon. David Kiaraho, MP | | |
| 13. The Hon. Yakub Adow, MP | | |
| 14. The Hon. Gitonga Mukunji, MP | | |

SECRETARIAT

- | | | |
|------------------------|---|-----------------------|
| 1. Ms. Perpetual Muiga | - | First Clerk Assistant |
| 2. Ms. Gertrude Chebet | - | First Clerk Assistant |
| 3. Mr. Ronald Walala | - | Senior Legal Counsel |
| 4. Mr. Edson Odhiambo | - | Fiscal Analyst |
| 5. Mr. David Kimaro | - | Third Clerk Assistant |
| 6. Mr. Kanda Tililei | - | Third Clerk Assistant |

MIN./PHRC/037/2023: PRELIMINARIES

The Chairperson called the meeting to order at 9:15 am, thereafter a prayer was said by the Hon. Martha Wangari, MP, the First Chairperson of Committees.

MIN./PHRC/038/2023: ADOPTION OF AGENDA

The proposed Agenda to constitute the business of the meeting was adopted having been proposed by the Hon. (Dr.) Rachel Nyamai, MP, and seconded by the Hon. John Kaguchia, MP.

MIN./PHRC/039/2023: MATTERS ARISING

The meeting recorded no matters arising.

MIN./PHRC/040/2023: BRIEFING ON BILLS BEFORE THE COMMITTEE

The Chairperson called upon the Legal Counsel to make a presentation on the Bills committed to the Committee for consideration. The Committee was briefed as follows:

(i) **The Political Parties (Amendment) Bill, (National Assembly Bill No. 35 of 2022)**

The principal object of this Bill is to amend the Political Parties Act, 2011 to require the Registrar of Political Parties to convey to the Clerk of each House of Parliament any coalition agreement deposited into his or her office. The agreements shall be useful to the House of Parliament in relation to determination of questions on the entitlement of parties and coalitions that are tied to their number of Members in each House. The amendment further requires the Registrar to convey any agreement existing as at the commencement of its provisions to the Clerk of each House of Parliament.

The Bill seeks to implement the resolutions made by the 12th Parliament in its approval of the 5th Report of the Procedure and House Rules Committee on Amendments to the Standing Orders.

The Bill underwent the First Reading on 12/04/2023 and pursuant to Standing Order 127(6) (a) was committed to the Procedure and House Rules Committee for consideration.

(ii) **The Petitions to Parliament (Procedure) (Amendment) Bill, (National Assembly Bill No. 51 of 2022)**

The principal object of this Bill is to amend the Petitions to Parliament (Procedure) Act, 2012 to require petitioners to file relevant evidence of the efforts made to have the matters raised in a petition addressed by a relevant body and any matters pending before Court. Where matters are pending before court, a Ppetitioner is to attach evidence of the court proceedings or judgement. It further introduces the aspect of a petitioner indicating their contact information for ease of tracing and conveyance of a reply or requests for clarification through information and communications technology means such as mobile telephones and electronic mail. Further, the Bill proposes to amend section 4 of the Act to

empower a committee established to review and consider petitions to reject a petition where the issue in respect of which the petition is made are pending before any court of law or other constitutional or legal body, or the Petitioner fails to comply with the directions given by the committee to amend the petition.

The Bill seeks to implement the resolutions made by the 12th Parliament in its approval of the 5th Report of the Procedure and House Rules Committee on Amendments to the Standing Orders.

The Bill underwent the First Reading on 22/2/2023 and pursuant to Standing Order 127(6) (a) was committed to the Procedure and House Rules Committee for consideration.

(iii) **The Public Finance Management (Amendment) Bill, (National Assembly Bill No. 38 of 2022)**

The principal object of this Bill is to amend the Public Finance Management Act, 2012 to increase the period for consideration of the Budget Policy Statement from fourteen to twenty-one days to allow for comprehensive scrutiny of the proposals contained in the Statement.

The Bill seeks to implement the resolutions made by the 12th Parliament in its approval of the 5th Report of the Procedure and House Rules Committee on Amendments to the Standing Orders.

The Bill underwent the First Reading on 13/4/2023 and pursuant to Standing Order 127(6) (a) was committed to the Procedure and House Rules Committee for consideration.

(iv) **The Statutory Instruments (Amendment) Bill, 2022 (National Assembly Bill No. 37 of 2022).**

The principal object of this Bill is to amend the Statutory Instruments Act, 2013 to require the Clerk of the relevant House of Parliament to notify the public of the annulment or revocation of a statutory instrument. This shall ensure the timely implementation of the resolutions of the House on delegated legislation.

The Bill Seeks to implement the resolutions made by the 12th Parliament in its approval of the 5th Report of the Procedure and House Rules Committee on Amendments to the Standing Orders.

The Bill underwent the First Reading on 13/4/2023 and pursuant to Standing Order 127(6) (a) was committed to the Procedure and House Rules Committee for consideration.

The meeting was apprised that in compliance with Article 118(1)(b) of the Constitution and Standing Order 127(3), the Procedure and House Rules Committee published an advertisement in the local dailies requesting the public and stakeholders to submit memoranda on the Bills.

Further, the meeting noted that three (3) memoranda were submitted to the Clerk of the National Assembly for consideration by the Committee. These included: -

- (i) Memorandum from the 'Nature Kenya' with regards to *The Petitions to Parliament (Procedure) (Amendment) Bill, (National Assembly Bill No. 51 of 2022)*;
- (ii) Memorandum from the Registrar of Political Parties concerning *the Political Parties (Amendment) Bill, (National Assembly Bill No. 35 of 2022)*; and
- (iii) Memorandum from the *the National Treasury with regards to the Public Finance Management (Amendment) Bill, (National Assembly Bill No. 38 of 2022)*.

**MIN./PHRC/ 041/2023: CONSIDERATION OF THE MEMORANDA
SUBMITTED ON THE BILLS**

a) The Petitions to Parliament (Procedure) (Amendment) Bill, 2022 (National Assembly Bill No 51 of 2022)

i. Submission from Nature Kenya

Nature Kenya in its submission in a letter dated 14th July 2023, proposed that there was need to retain the timeline of seven days provided for review and determination of whether a petition as submitted by the public meets the requirements of the Act.

Further, nature Kenya also proposed the retention of the timeline of fifteen days within which a petitioner should be notified of the decision of the House once their petition has been considered.

ii. Submission from the Solicitor General

The Solicitor General in his submission in a letter Ref. AG/LDD/113/1/21 dated 11th October 2023 stated that he was in support of the proposed amendments and that they did not raise any significant constitutional or statutory issues.

b) Committee Observations on the submissions

The Committee agreed with the proposal by Nature Kenya to retain the timeline of seven (7) days for review and determination of whether a petition as submitted by the public meets the requirements of the Act; as well as the timeline of fifteen days within which a petitioner should be notified of the decision of the House once their petition has been considered.

c) **Committee Observations on the Bill**

The Committee observed that Clause 2 (d) of the Bill required the petitioner to attach evidence of court proceedings or judgement where matters raised in a petition are pending before court. The Committee noted that the provision imposed unnecessary conditions on the constitutional right of any person to petition Parliament. It was observed that it would be expensive and time consuming for a petitioner to gather the Court evidence as required in the Clause.

The Committee however agreed that the Petitioner may attach any other relevant documents that may be material in assisting the committee responsible for public petitions to better consider a petition.

The Committee also noted that Clause 3 of the Bill mandated the Committee to handle administrative duties that include determining admissibility and compliance before considering any petition. It was noted that this function would be better handled by the Clerk of the relevant House of Parliament. This would ensure the retention of the current model where admissibility of petitions is determined by the Clerk of the relevant House of Parliament.

The Committee further noted that the proposal to delete Section 5 in Clause 4 would do away with the administrative role of the Clerk of processing petitions for presentation to the House. The Committee observed that all administrative roles should be handled by the Clerk of the relevant House of Parliament.

d) **Committee Recommendations**

The Committee recommended that;

1. Clause 2 and Section 3 of the Principal Act be deleted and the contents therein be included in a form set out in the Schedule.

Save for the provisions in Clause 2(d) which should only require a petitioner to include the case number and the name of the court where a matter is pending before court while submitting its petition to Parliament, and not to attach evidence of the court proceedings or judgement as proposed in the Bill. The Committee however agreed that the petitioner may attach any other document they may deem necessary.

This is to ensure that a petitioner checks all the requirements to petition Parliament in an easier and user-friendly manner.

2. Clause 3 be deleted to retain the administrative mandate of determining admissibility and compliance on the Clerk of the relevant House Parliament before considering any petition.

3. Clause 4 be deleted in order to retain, among other provisions, the timeline of seven days for review and determination of whether a petition as submitted by the public meets the requirements of the Act; as well as the timeline of fifteen days within which a petitioner should be notified of the decision of the House once their petition has been considered.
4. Delete Clause 5 (b) requiring the Committee to notify the petitioner the decision of the House. This is to retain the current provision in the Principal Act that bestows this mandate on the Clerk of the relevant House of Parliament.

e) **The Political Parties (Amendment) Bill, (National Assembly Bill No. 35 of 2022)**

i. **Submission from the Registrar of Political Parties**

The Registrar of Political Parties in a letter Ref. RPP/ORG/34 Vol VII (33) dated 4th October 2023 submitted as follows –

With regards to Clause 5 which requires the registrar to convey a certified copy of any coalition agreement to the Clerks of each House of Parliament including the date which the agreement was deposited, the Registrar proposed that in order to align the Bill with the provisions of the Political Parties (Registration) Regulations 2019, the certified copies should be conveyed after confirmation and registration.

The Registrar further proposed that an additional Clause be included to require the Registrar to publish any coalition agreement in the Gazette and ORPP website.

With regard to the transition provision in Clause 3, which requires the Registrar to convey any coalition agreement deposited with the registrar before the commencement of the Amendment Bill indicating the date, which the agreement was deposited, the registrar was of the view that the intent of such an amendment ought to be futuristic and not retrospective.

The Registrar also noted that copies of coalition agreements have previously been forwarded to both the National Assembly and the Senate for purposes of proper conduct of business in the respective Houses. In this regard, the registrar proposed a deletion of the proposed amendment.

ii. **Submission from the Solicitor General**

The Solicitor General in a letter Ref. AG/LDD/113/1/20 dated 11th October 2023 in his submission stated that he was in support of the proposed amendments and that they did not raise any significant constitutional or statutory issues.

f) **Committee Observations on the Submissions**

The Committee concurred with the Registrar with regard to the transition provision in Clause 3. The provision requires the Registrar to convey a certified copy of any coalition agreement entered into and deposited with the registrar before the commencement of the Act within seven days of commencement of the Act.

The proposal to require the Registrar to convey certified copies of agreements to the office of the Clerks of the Houses of Parliament only upon confirmation and registration was administrative and needed not be anchored in law.

g) Committee Observations on the Bill

The Committee observed that there was need to provide a timeline within which The Registrar shall convey a certified copy of the agreement to the Clerk of each House of Parliament indicating the date on which the agreement was deposited.

h) Committee Recommendations

1. The Bill be further amended to obligate the Registrar to –

- (i) convey a certified copy of the any coalition or coalition of parties' agreement to the Clerk of each House of Parliament;
- (ii) publish in the gazette and on the website the contents of the agreement, within thirty days of receipt of a coalition or coalition of parties' agreement deposited in the Office of the Registrar of Political Parties; and
- (iii) indicate the date on which the agreement was deposited.

The proposed amendment to include a requirement for the registrar to also publish any coalition or coalition of political parties' agreement as well as the contents of the agreements to avert recurrence of a situation where parties claim they were not aware of the contents of the agreements they signed.

2. Clause 3 of the Bill be deleted since the provision is already catered for in Clause 2.

MIN./PHRC/042/2023:

ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the Chairperson adjourned the meeting at 4:30 pm. The next meeting will be held on Saturday, 14th October 2023 at the same venue.

Sign:



(Chairperson)

Date:

13/10/2023

 THE NATIONAL ASSEMBLY	
P.	
DATE: 01 DEC 2023	
n.g.v.	
TABLED BY:	
CLERK-AT THE TABLE:	

Annexure IV: Newspaper Advertisement inviting the public to submit memoranda on the Bills



DAILY NATION MONDAY, JULY 3, 2023



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - SECOND SESSION

IN THE MATTER OF ARTICLE 118(1)(b) OF THE CONSTITUTION
AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:

1. **The Political Parties (Amendment) Bill (National Assembly Bill No. 35 of 2022);**
2. **The Parliamentary Powers and Privileges (Amendment) Bill (National Assembly Bill No. 36 of 2022);**
3. **The Statutory Instruments (Amendment) Bill (National Assembly Bill No. 37 of 2022);**
4. **The Public Finance Management (Amendment) Bill (National Assembly Bill No. 38 of 2022); and**
5. **The Petitions to Parliament (Procedure) (Amendment) Bill (National Assembly Bill No. 51 of 2022).**

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution of Kenya requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees, and the National Assembly Standing Order 127 requires House Committees considering Bills to facilitate public participation;

AND WHEREAS, the Political Parties (Amendment) Bill (National Assembly Bill No. 35 of 2022); the Parliamentary Powers and Privileges (Amendment) Bill (National Assembly Bill No. 36 of 2022); the Statutory Instruments (Amendment) Bill (National Assembly Bill No. 37 of 2022); the Public Finance Management (Amendment) Bill (National Assembly Bill No. 38 of 2022); and the Petitions to Parliament (Procedure) (Amendment) Bill (National Assembly Bill No. 51 of 2022) sponsored by the **Deputy Speaker, the Hon. Gladys Boss, MGH, MP** have been read a First Time and referred to the **Procedure and House Rules Committee** for consideration and reporting to the House;

IT IS NOTIFIED that:

1. **The Political Parties (Amendment) Bill (National Assembly Bill No. 35 of 2022)** seeks to amend the Political Parties Act, 2011 to require the Registrar of Political Parties to convey to the Clerk of each House of Parliament any coalition agreement deposited into his or her office.
2. **The Parliamentary Powers and Privileges (Amendment) Bill (National Assembly Bill No. 36 of 2022)** seeks to amend the Parliamentary Powers and Privileges Act, 2017 to allow the Speaker of a House of Parliament to designate a member to chair the Committee of Powers and Privileges in his or her absence, and to prescribe categories of Members and qualifications that may inform each House in selecting Members to serve in the Committee.
3. **The Statutory Instruments (Amendment) Bill (National Assembly Bill No. 37 of 2022)** seeks to amend the Statutory Instruments Act, 2013 to require the Clerk of the relevant House of Parliament to notify the public of the annulment or revocation of a Statutory Instrument.
4. **The Public Finance Management (Amendment) Bill, (National Assembly Bill No. 38 of 2022)** seeks to amend the Public Finance Management Act, 2012 to increase the period for consideration of the Budget Policy Statement from fourteen (14) to twenty-one (21) days to allow for comprehensive scrutiny of the proposals contained in the Statement.
5. **The Petitions to Parliament (Procedure) (Amendment) Bill, (National Assembly Bill No. 51 of 2022)** seeks to amend the Petitions to Parliament (Procedure) Act, 2012 to require petitioners to file relevant evidence of the efforts made to have the matters raised in a petition addressed by a relevant body and any matters pending before Court. Where matters are pending before court, a petitioner is to attach evidence of the court proceedings or judgement. Further, the Bill proposes to amend section 4 of the Act to empower a Committee established to review and consider petitions to reject a petition where the issue in respect of which the petition is made are pending before any court of law or other constitutional or legal body, or the petitioner fails to comply with the directions given by the committee to amend the petition.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127, the Clerk of the National Assembly hereby invites members of the public and stakeholders to submit memoranda on the Bills.

Copies of the Bills are available at the National Assembly Table Office, or on www.parliament.go.ke/the-national-assembly/house-business/bills.

The memoranda should be addressed to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to cna@parliament.go.ke to be received on or before **Monday, 17th July 2023 at 5.00 p.m.**

S. NJOROGE
CLERK OF THE NATIONAL ASSEMBLY

3rd July 2023

For the Welfare of Society and the just Government of the People

Annexure V: Letters inviting stakeholders



THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK



P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref: KNA/DLPS/PHRC/2023/(002)

29th September 2023

The Hon. Shadrack J. Mose
Solicitor General
State Law Office
Sheria House, Harambee Avenue
NAIROBI

Dear *Sir*,

**RE: SUBMISSION OF VIEWS ON VARIOUS BILLS BEFORE THE
PROCEDURE AND HOUSE RULES COMMITTEE**

The Procedure and House Rules Committee is established under **Standing Order 208** and is mandated to consider and report on all matters relating to the Standing Orders. The Committee may also consider Bills referred to it following a resolution of the House pursuant to Standing Order 127(2).

The following Bills were read a first time and subsequently referred to the Procedure and House Rules Committee to facilitate public participation and report back to the House –

1. The Petitions to Parliament (Procedure) (Amendment) Bill, (National Assembly Bill No. 51 of 2022), read a first time on 22/02/2023;
2. The Political Parties (Amendment) Bill, (National Assembly Bill No. 35 of 2022), read a first time on 12/04/2023;
3. The Statutory Instruments (Amendment) Bill, (National Assembly Bill No. 37 of 2022), read on a first time 13/04/2023; and
4. The Public Finance Management (Amendment) Bill, (National Assembly Bill No. 38 of 2022), read a first time on 13/04/2023.

Notification to the Public for submission of memoranda was placed in the newspapers on 3rd July 2023. In this regard, the Committee invites you to submit your views on the **Bills either through oral submissions or by submission of memoranda.**


The memoranda should be received on or **before Thursday, 5th October 2023.** The Committee will hold a meeting to receive oral submissions on the Bills on **Friday 6th October 2023 from 10.00am.** The venue of the meeting will be communicated.

...../2

Copies of the said Bills are *attached* herewith for your reference.

The Officer facilitating this matter is **Ms. Rachel Kairu** who may be contacted on email: rachel.kairu@parliament.go.ke **Telephone: +254 20 2848262/783.**

Yours *Sincerely,*


SERAH M. KIOKO, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: The Hon. Justin B.N. Muturi, EGH
Attorney General
Office of the Attorney General & Department of Justice
Sheria House, Harambee Avenue
NAIROBI

Encls. //



**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref: KNA/DLPS/PHRC/2023/(003)

29th September 2023

The Hon. Nimrod Mbai, MP
The Chairperson, Committee on Public Petitions
Main Parliament Buildings
NAIROBI

Dear *Mheshimiwa* chairman,

**RE: SUBMISSION OF VIEWS ON THE PETITIONS TO PARLIAMENT
(PROCEDURE) (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILL
NO. 51 OF 2022)**

The Procedure and House Rules Committee is established under **Standing Order 208** and is mandated to consider and report on all matters relating to the Standing Orders. The Committee may also consider Bills referred to it following a resolution of the House pursuant to Standing Order 127(2).

The Petitions to Parliament (Procedure) (Amendment) Bill, (National Assembly Bill No. 51 of 2022) was read a first time on 22nd February 2023 and subsequently referred to the Procedure and House Rules Committee to facilitate public participation and report back to the House.

Notification to the public for submission of memoranda was placed in the newspapers on 3rd July 2023. In this regard, the Committee invites you to submit your views on the **Bill either through oral submissions or by submission of memoranda.**

The memoranda should be received on or **before Thursday, 5th October 2023.** The Committee will hold a meeting to receive oral submissions on the Bill on **Friday 6th October 2023 from 10.00am.** The venue of the meeting will be communicated.

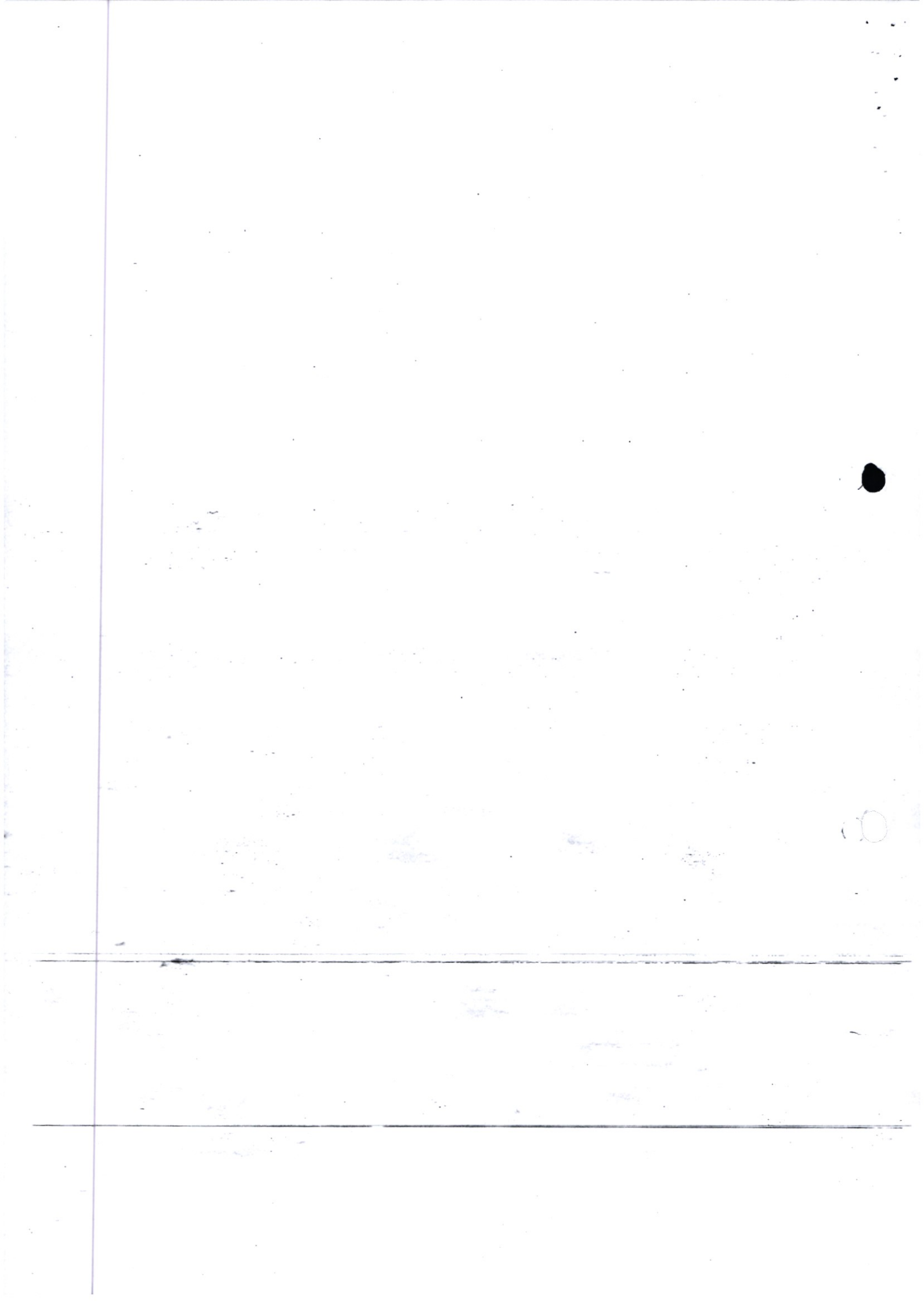
A copy of the said Bill is *attached* herewith for your reference.

The Officer facilitating this matter is **Ms. Rachel Kairu** who may be contacted on email: rachel.kairu@parliament.go.ke. Telephone: +254 20 2848262/783.

Yours *sincerely,*


SERAH M. KIOKO, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Encl.//





**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref: KNA/DLPS/PHRC/2023/(004)

29th September 2023

Ms. Ann N. Nderitu, CBS
Registrar of Political Parties
Lions Place 1st Floor, Karuna Close
Waiyaki Way, Westlands
NAIROBI

Dear *Madam,*

**RE: SUBMISSION OF VIEWS ON THE POLITICAL PARTIES
(AMENDMENT) BILL, (NATIONAL ASSEMBLY BILL NO. 35 OF 2022)**

The Procedure and House Rules Committee is established under **Standing Order 208** and is mandated to consider and report on all matters relating to the Standing Orders. The Committee may also consider Bills referred to it following a resolution of the House pursuant to Standing Order 127(2).

The Political Parties (Amendment) Bill, (National Assembly Bill No. 35 of 2022) was read a first time on 12th April 2023 and subsequently referred to the Procedure and House Rules Committee facilitate public participation and report back to the House.


Notification to the public requesting for submission of memoranda was placed in the newspapers on 3rd July 2023. In this regard, the Committee invites you to submit your views on the **Bill either through oral submissions or by submission of memoranda.**

The memoranda should be received on or **before Thursday, 5th October 2023.** The Committee will hold a meeting to receive oral submissions on the Bill on **Friday 6th October 2023 from 10.00am.** The venue of the meeting will be communicated.

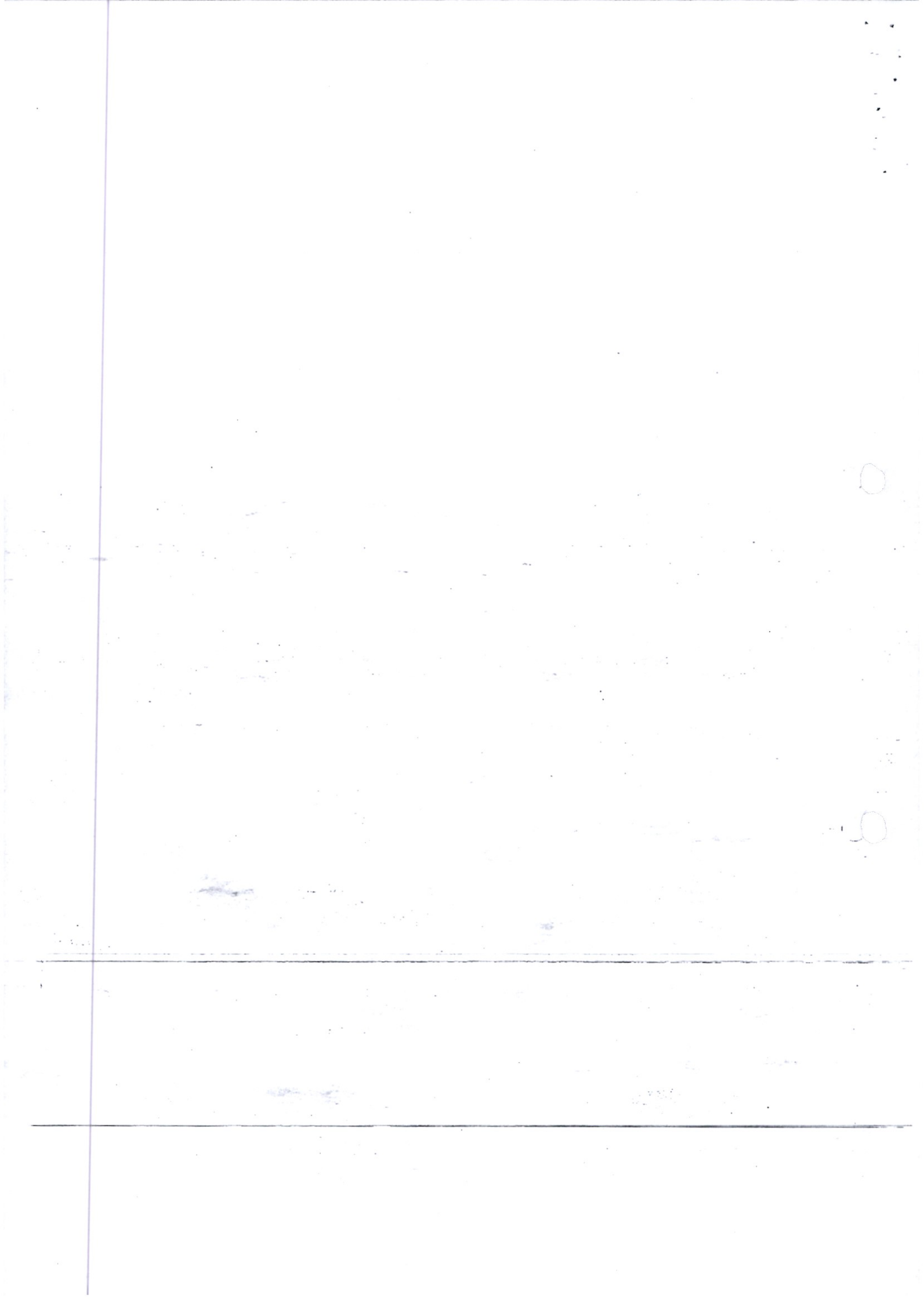
A copy of the said Bill is *attached* herewith for your reference.

The Officer facilitating this matter is **Ms. Rachel Kairu** who may be contacted on email: rachel.kairu@parliament.go.ke. Telephone: +254 20 2848262/783.

Yours *sincerely,*


SERAH M. KIOKO, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Encl.//





**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref: KNA/DLPS/PHRC/2023/(008)

29th September 2023

Dr. Chris K. Kiptoo, CBS
Principal Secretary
The National Treasury & Economic Planning
Harambee Avenue, Treasury Building
NAIROBI

Dear Sir,

**RE: SUBMISSION OF VIEWS ON THE PUBLIC FINANCE MANAGEMENT
(AMENDMENT) BILL, (NATIONAL ASSEMBLY BILL NO. 38 OF 2022)**

The Procedure and House Rules Committee is established under **Standing Order 208** and is mandated to consider and report on all matters relating to the Standing Orders. The Committee may also consider Bills referred to it following a resolution of the House pursuant to Standing Order 127(2).

The Public Finance Management (Amendment) Bill, (National Assembly Bill No. 38 of 2022) was read a first time on 13th April 2023 and subsequently referred to the Procedure and House Rules Committee to facilitate public participation and report back to the House.


Notification to the public for submission of memoranda was placed in the newspapers on 3rd July 2023. In this regard, the Committee invites you to submit your views on the Bill **either through oral submissions or by submission of memoranda.**

The memoranda should be received on or **before Thursday, 5th October 2023**. The Committee will hold a meeting to receive oral submissions on the Bill on **Friday 6th October 2023 from 10.00am**. The venue of the meeting will be communicated.

A copy of the said Bill is *attached* herewith for your reference.

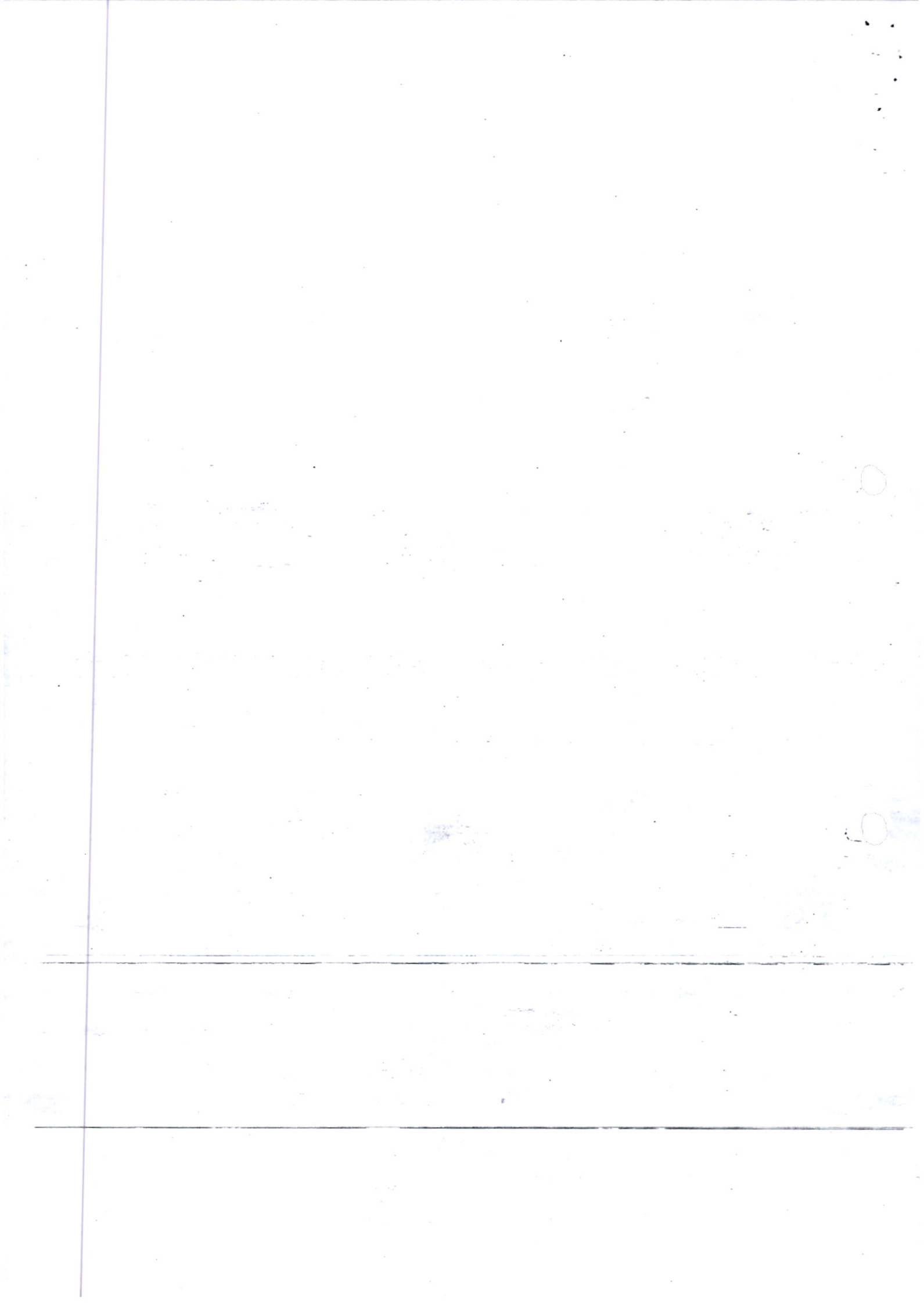
The Officer facilitating this matter is **Ms. Rachel Kairu** who may be contacted on email: rachel.kairu@parliament.go.ke. Telephone: **+254 20 2848262/783**.

Yours *sincerely,*


SERAH M. KIOKO, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Encl.//

Copy to: Prof. Njuguna Ndung'u, CBS
Cabinet Secretary
The National Treasury & Economic Planning
Harambee Avenue, Treasury Building
NAIROBI



Annexure VI: Written submissions received from stakeholders

Nature Kenya

the East Africa Natural History Society
Connecting nature and people



National Museum of Kenya, Museum Hill
BOX 44486, 00100 GPO NAIROBI
TEL: (254 20) 3537568 / 0771343138
0751624312/0750149200
office@naturekenya.org
www.naturekenya.org



The Clerk of the National Assembly
P.O. Box 41842 – 00100
Nairobi

D DL & P
7/8/23

Head-PRJ
Please deal
arguing
dd23

Belongs to
IHOD
Retain
11/8/23

14th July 2023

Dear Sir,

RE: Memoranda on The Petition to Parliament (Procedure) (Amendment) Bill (National Assembly Bill No. 51 of 2022)

Nature Kenya – the East Africa Natural History Society – appreciates this public consultation. Find below our concerns for consideration.

We note the timelines under which the relevant House committees should write back to the petitioners have been omitted in the amendment bill. Leaving the timelines open is not legally binding and comes at a cost of misuse of the provision by the relevant committee, compromising the response to the matters. The principal Act clearly required the Clerk to provide response “within seven days” and “within 15 days” for review and communication of decision of the relevant house respectively. This should remain. Setting of timelines is a useful tool to encourage transparency, accountability and helps to create a sense of urgency. We therefore recommend amendments on:

Procedure for presenting petition: Clause 4 (3) – Retain the timeline for review as “within seven days” as stipulated in the principal Act. Therefore amend clause 4 (3) currently reading, “the Clerk of the relevant House shall convey each petition to the relevant committee of the house responsible for ascertaining whether the petition meets the requirements of this Act” to insert the words “within seven days” to read:

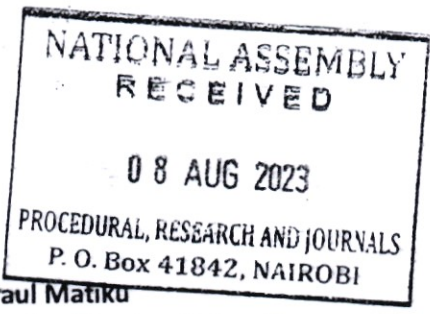
“Clause 4 (3) The Clerk of the relevant House shall convey each petition **within seven days** to the relevant committee of the house responsible for ascertaining whether the petition meets the requirements of this Act”.

Consideration of a petition: Clause 5 – Retain the words “within fifteen days of the decision of the relevant house” as stipulated in the principal Act. Therefore, amend clause 5 (2) currently reading, “the committee shall, in writing, notify the petitioner of the decision of the House” to insert the words “within fifteen days of the decision of the relevant house” to read:

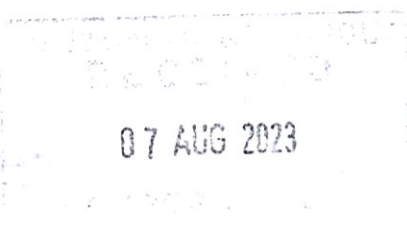
“Clause 5 (2), the committee shall **within fifteen days of the decision of the relevant house**, in writing, notify the petitioner of the decision of the House”.

Thank you.

Yours sincerely,



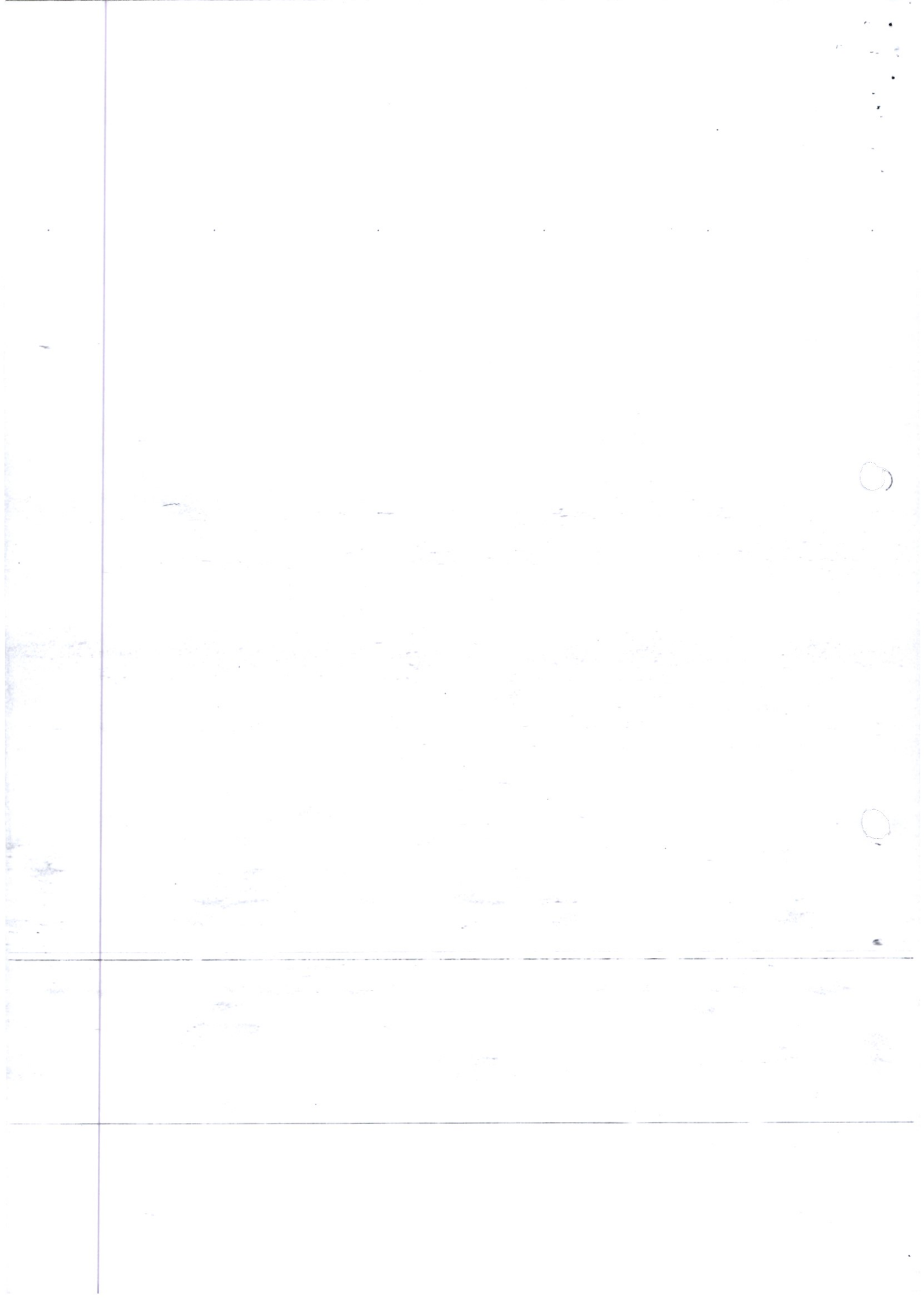
Dr Paul Matiku
Executive Director, Nature Kenya



Garbude,
Please have
it in the
PHRC files
for committee
attention
RKain



Nature Kenya is the BirdLife International partner in Kenya



A short history of Nature Kenya is attached for your information.

Background information about Nature Kenya

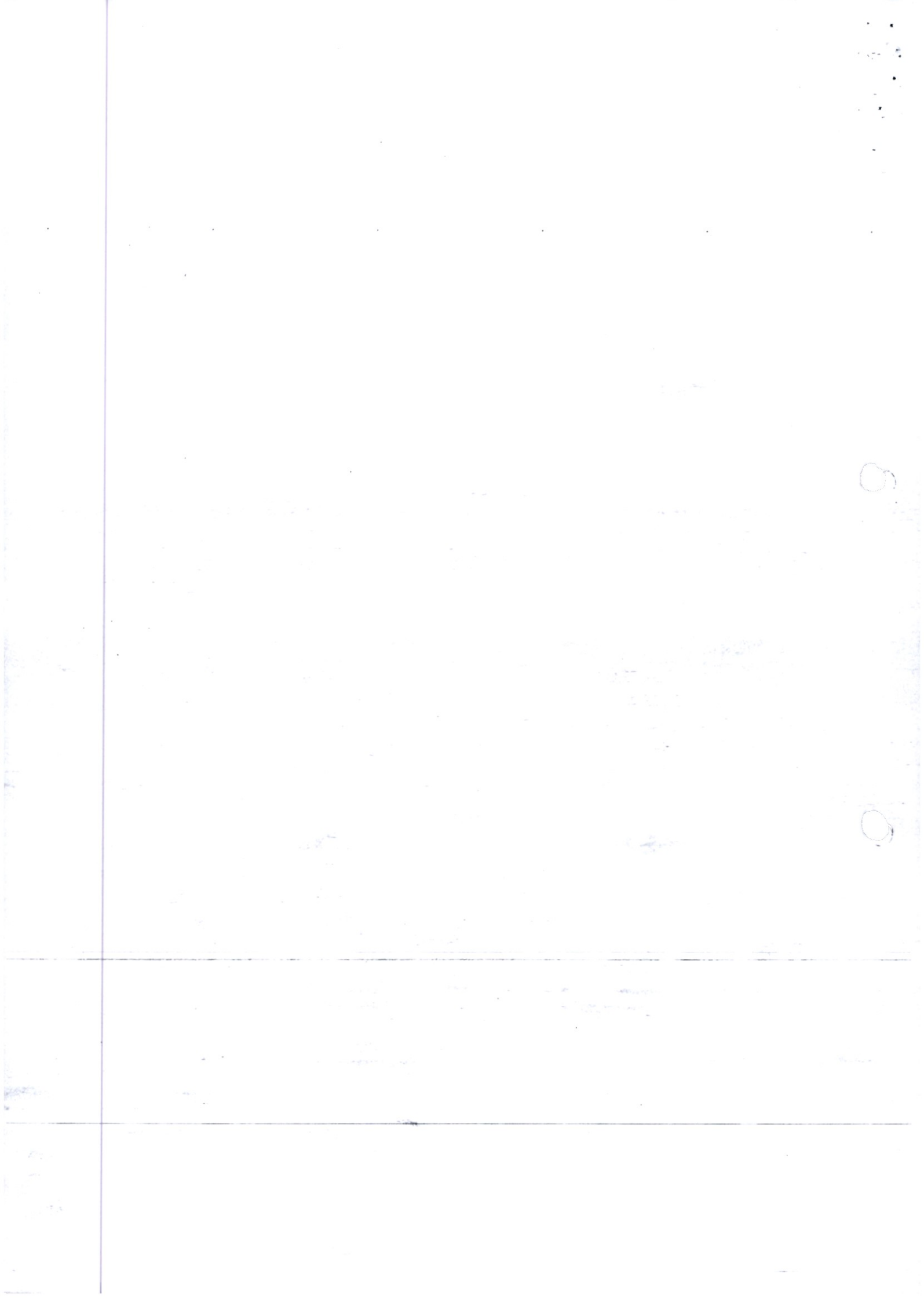
Nature Kenya - the East Africa Natural History Society (EANHS) - is Africa's oldest environmental Society, established in 1909 to promote the study and conservation of nature in eastern Africa. We remain a non-political and not for profit membership Society. Our mission is connecting nature and people. Our work is firmly based on partnership, science and action. We use the best available science to inspire positive action for biodiversity by and for partners - Government, local communities and private sector.

Nature Kenya takes practical action. We work with and for people - to improve their quality of life alongside, and as a result of, nature conservation. We collaborate with others wherever possible, at local, national, regional or global levels, linking with community groups, governments, businesses, universities and civil society groups to increase the impacts of our efforts.

Some of our achievements include:

- Founded the National Museums of Kenya, now a world-renowned institution for research and education.
- Published, since 1910, the *Journal of East African Natural History*, a respected scientific journal now jointly produced with the National Museums.
- Established and maintained, with the National Museums of Kenya, a comprehensive natural history library.
- Engaged its members in the study, enjoyment and conservation of nature in Eastern Africa, through field trips, lectures, publications, and opportunities to take part in research activities since 1909.
- Identified and designated Important Bird Areas (IBAs) for Kenya, in collaboration with the National Museums; and documented the plants, animals and other biodiversity of Eastern Africa as a contribution to expanding the taxonomic scope of priority setting from IBAs to Key Biodiversity Areas (KBAs). Since IBAs are KBAs based on birds, they are today referred to as Important Bird and Biodiversity Areas.
- Encouraged and supported community-based organizations to become Site Support Groups (SSGs) promoting conservation and alternative livelihoods at Important Bird Areas, especially those without official protection status.
- Developed partnerships among Government and non-government organizations for sustainable conservation action at IBAs through the Important Bird Areas National Liaison Committee (IBA-NLC). We work with others in the development of policies, legislation and institutional frameworks that safeguard the ecological sustainability of IBAs in Kenya
- Mobilized resources to connect nature and people to take action for biodiversity conservation through development and implementation of donor funded projects at priority IBAs in Kenya.
- Work globally through the Birdlife International Partnership and its network of like-minded organizations in Eastern Africa and beyond in 117 countries and territories.

For more information visit our website at www.naturekenya.org





REPUBLIC OF KENYA

Telephone: +254(0)204022000
Mobile: 0772281357
Email: info@orpp.or.ke
Website: www.orpp.or.ke
When replying please quote

Ref: RPP/ORG/34 Vol VIII (33)

The Clerk of the National Assembly
Parliament Buildings
P.O. Box 41842-00100
NAIROBI

Dear Sir,

RE: SUBMISSION OF VIEWS ON THE POLITICAL PARTIES (AMENDMENT) BILL, 2022

Reference is made to the above subject matter and your letter dated 29th September 2023 on the submission of views on the Political Parties (Amendment) Bill, 2022.

Annexed herewith is the memorandum from the Office of the Registrar of Political Parties. Kindly notify us once your esteemed Office settles on the venue of the meeting.

Thank you for your continued collaboration.

Yours faithfully,

Ann N. Nderitu, CBS
Registrar of Political Parties/CEO

12



Lion Place, 1st & 4th Floor
Off Waiyaki Way
P.O. Box 1131-00606
Sarit Centre, Nairobi.

Date: 4th October 2023





MEMORANDUM ON THE POLITICAL PARTIES (AMENDMENT) BILL, 2022

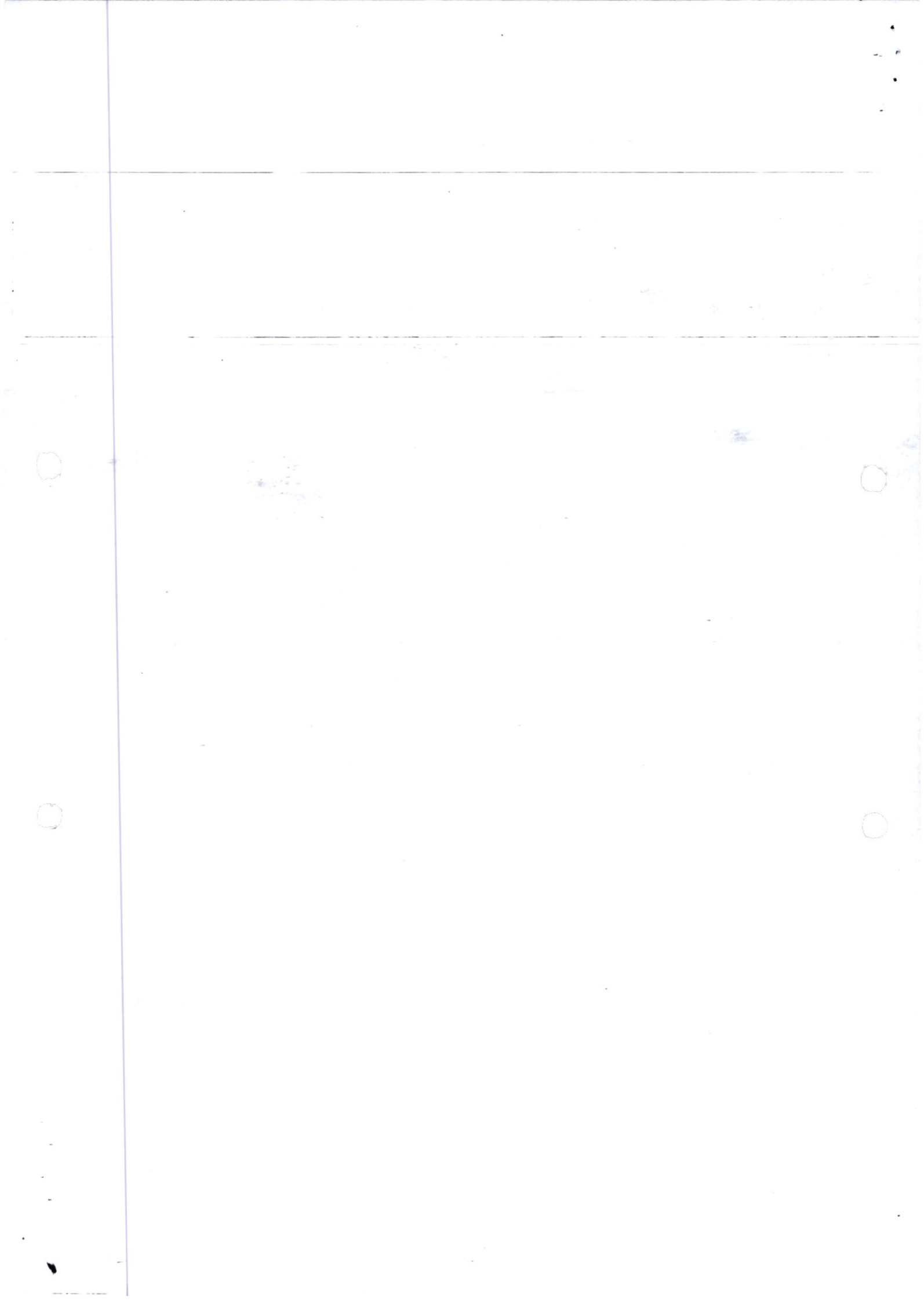
A. INTRODUCTION

1. The Office of the Registrar of Political Parties (ORPP) was established in 2011 under Section 33 of the Political Parties Act, 2011 (PPA). The broad mandate of the ORPP is to register political parties, regulate political parties, and administer the political parties fund.
2. Article 92 of the Constitution is the foundation of the Political Parties Fund as it provides for Parliament to enact a Legislation on the establishment and management of a Political Parties Fund.
3. Sections 10 of the Political Parties Act, 2011 provides for the formation of a coalition or a coalition political party which are required to deposit a coalition agreement with the Registrar.


B. COMMENTARY ON THE BILL

4. The ORPP commentary on the Bill is as indicated below;

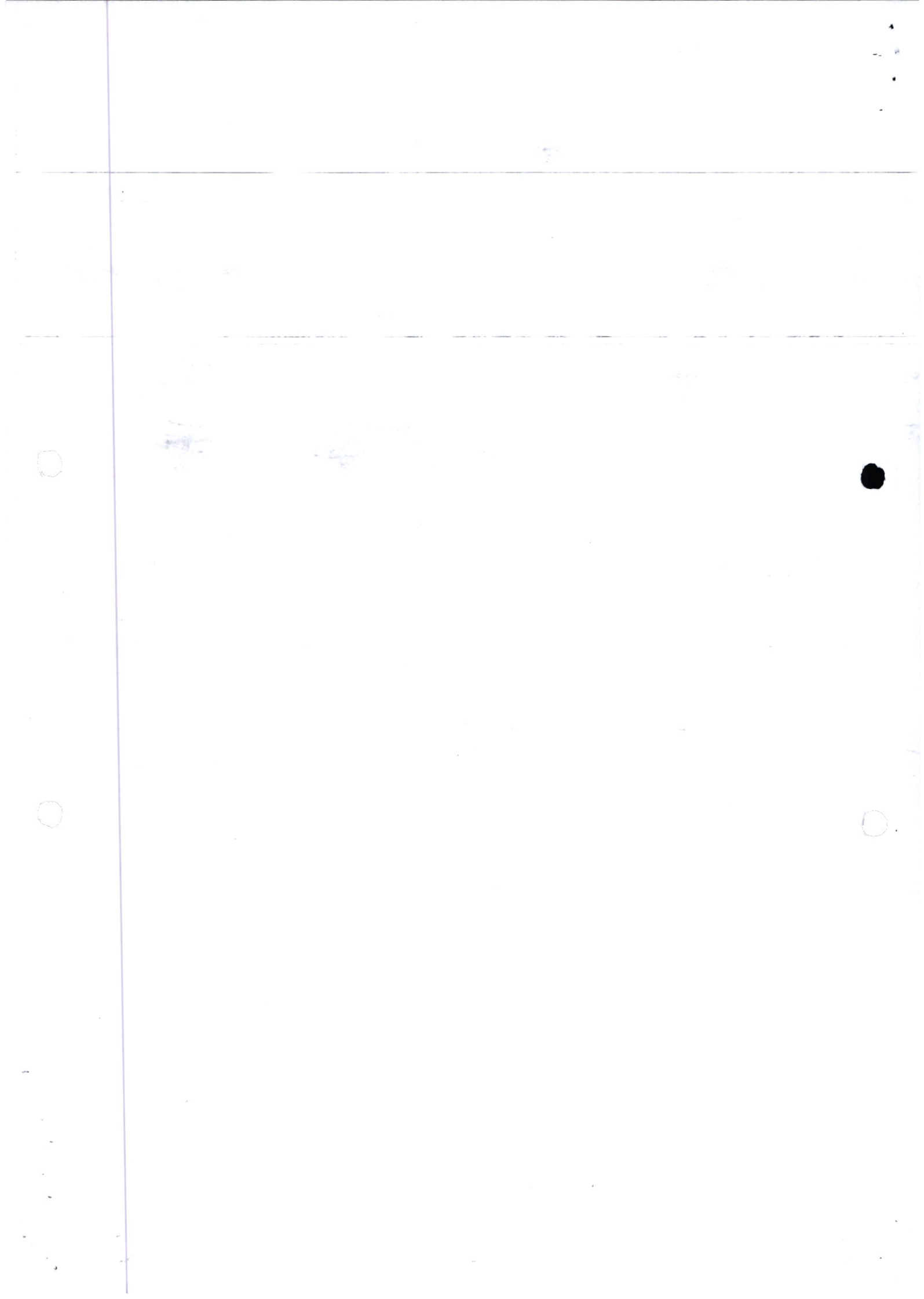
PROVISION	CONTENT	COMMENTS/PROPOSAL
Clause 5	Provides for the requirement of the Registrar to convey a certified copy of any coalition agreement to the clerks of each House of Parliament including the date which the agreement was deposited.	In a bid to align with the provisions of the Political Parties (Registration) Regulations, 2019, it is proposed that the certified copies of the coalition agreements should be conveyed after confirmation and registration of a Coalition and a Coalition Political Party respectively and subsequent publication of the notice of such confirmation and registration. Refer to Regulation 21 (2) of the Political Parties (Registration) Regulations, 2019.



<p>Transition Provision</p>	<p>Requires the Registrar to convey any coalition agreement deposited with the Registrar before the commencement of the present Amendment Bill indicating the date which the agreement was deposited.</p>	<p>Consider recrafting the clause (5) to: <i>"The Registrar shall within fifteen days after confirmation or registration of a coalition or a coalition political party respectively, and after causing a notice of the confirmation or registration to be published, convey a certified copy of the agreement to the Clerk of each House of Parliament".</i></p> <p>It is further proposed that an additional clause should be included requiring the Registrar to publish the coalition agreements in the Gazette and ORPP website.</p> <p>The proposed clause is as follows: <i>"The notice referred to under subsection (5) shall be published in the gazette and the ORPP website".</i></p> <p>The intent of the amendment clause should be futuristic and not retrospective. Copies of coalition agreements have previously been forwarded to both the National Assembly and the Senate for purposes of conduct of the respective House Business. The Committee should consider whether it is its intention to cause a resubmission despite the Registrar's previous compliance. We propose the deletion of the transition clause.</p>
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Ann N. Nderitu, CBS
Registrar of Political Parties/CEO





REPUBLIC OF KENYA
THE NATIONAL TREASURY AND ECONOMIC PLANNING

Telegraphic Address: 22921
Finance – Nairobi
FAX NO. 310833
Telephone: 2252299
When Replying Please Quote

THE NATIONAL TREASURY
P O BOX 30007 - 0010
NAIROBI

ES 1/03 'U' (50)

12th October, 2023

Mr. Samuel Njoroge
Clerk of the National Assembly
Parliament Buildings
NAIROBI

DLPS
Please deal.
13/10/23

2) Head - HOD
to deal
asaphine
15/10/23

Dear *Clerk of NA*

RE: SUBMISSION OF VIEWS ON THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILL NO.38 OF 2022)

We refer to your letter Ref. KNA/DLPS/PHRC/2023 (008) dated 29th September, 2023 on the above subject.

We note that you are requesting the National Treasury to submit views on the above mentioned Bill.

The principal object of the Bill is to amend the Public Finance Management Act, 2012 to increase the period for consideration of the Budget Policy Statement (BPS) from fourteen to twenty-one days to allow for comprehensive scrutiny of the proposals contained in the statement.

We have reviewed the Bill and would wish to advise as follows:

- (i) We note that the proposed amendment may reduce the time available for County Governments to align their County Fiscal Strategy Papers (CFSP) with the BPS as provided for in Section 117(2) of the PFM Act, 2012. This would therefore necessitate an amendment to Section 117 (1) of the PFM Act, 2012 to give County Governments enough time to align the CFSP with the BPS; and

NATIONAL ASSEMBLY
RECEIVED
★ 13 OCT 2023 ★
CLERK'S OFFICE
P O Box 41842, NAIROBI

NATIONAL TREASURY
RECEIVED
13 OCT 2023
DEPUTY CLERK
P O Box 30007

- (ii) The timelines proposed in the Bill would result to the budget finalization circular being issued in the second week of March. We note that this would lead to a lot of pressure in finalization of the budget given that the timelines for submission of the budget by 30th April is a Constitutional timeline that cannot be changed.

In this regard, the National Treasury proposes that the Bill also amends Section 25 (2) of the PFM Act, 2012 to provide that the BPS shall be submitted to the National Assembly by the 7th of February each year. The proposed amendment will ensure that the 21 days required for scrutiny of the BPS are achieved and the two challenges highlighted above are avoided at the same time.

You may therefore wish to take the necessary action.

Yours



DR. CHRIS K. KIPTOO, CBS
PRINCIPAL SECRETARY/NATIONAL TREASURY

① DLPS
Please deal
Soli
12/10/23

② Head-1403
to note & deal
araphiric
12/10/23.



REPUBLIC OF KENYA
OFFICE OF THE ATTORNEY-GENERAL
&
DEPARTMENT OF JUSTICE

Our Ref: AG/LDD/578/1/103

6th October, 2023

Mr. Samuel Njoroge
Clerk of the National Assembly
Parliament Building
P.O Box 41842-00100
NAIROBI.

Attn: Serah Kioko, MBS

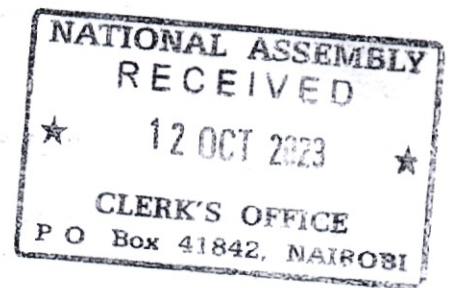
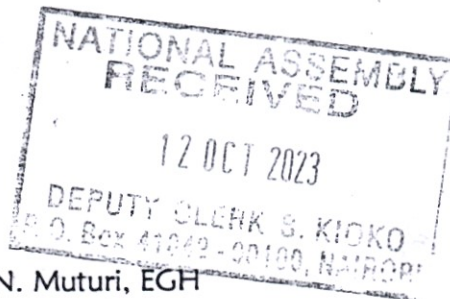
RE: SUBMISSION OF VIEWS ON VARIOUS BILLS BEFORE THE PROCEDURE AND HOUSE RULES COMMITTEE

Reference is made to the above captioned subject matter and your letter under Ref. No. KNA/DLPS/PHRC/2023/(002) dated the 29th September, 2023, of which receipt is acknowledged, with thanks.

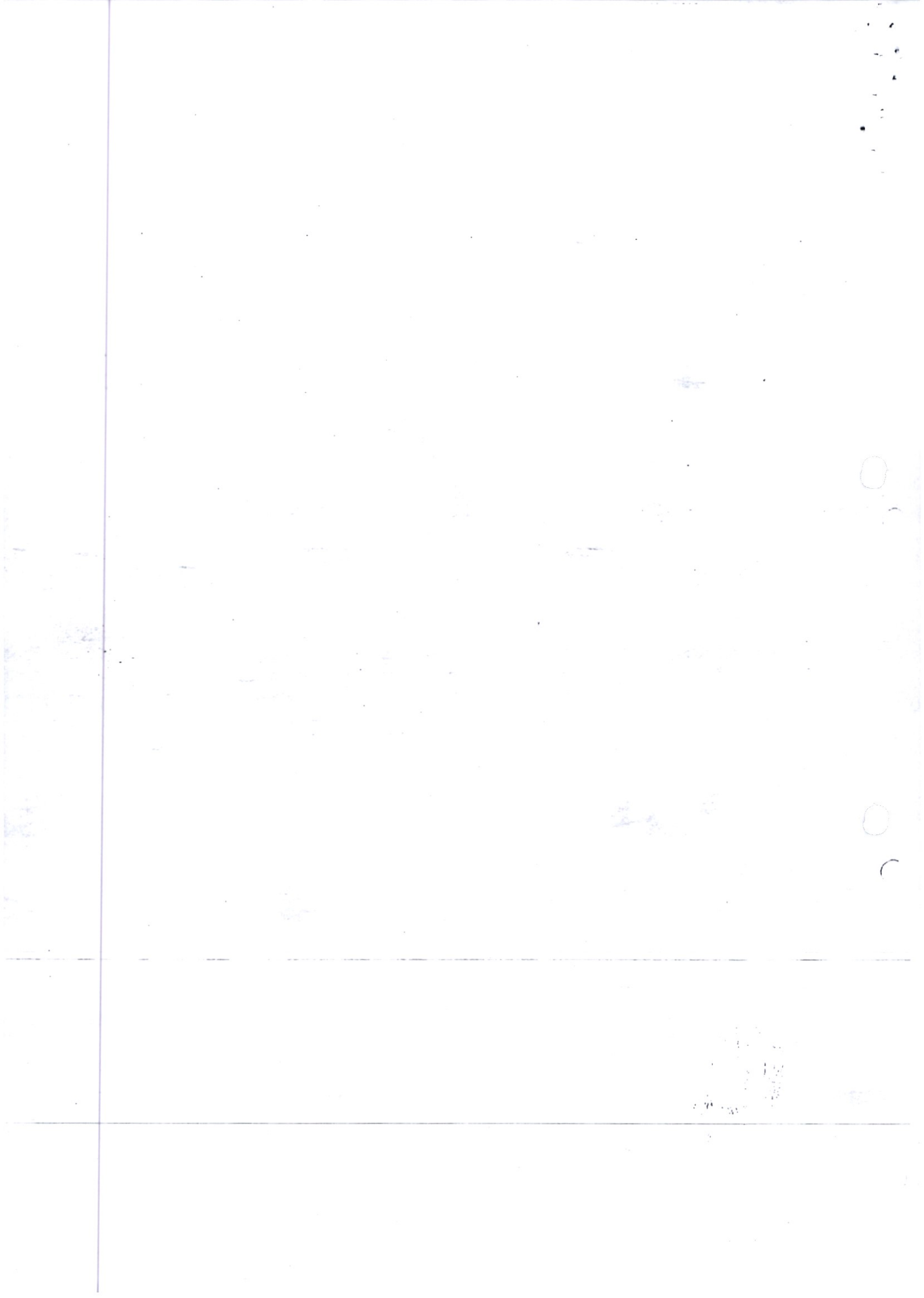
As requested, we have reviewed the content of the proposed amendments and note that the Bill proposes to amend section 25(7) and (9) of the Public Finance Management Act, 2012, to increase the period for consideration of the Budget Policy Statement from 14 to 21 days. The same proposed period shall also affect the National Treasury when publishing and publicizing the Budget Policy Statement after submission to Parliament under subsection (9). In our considered view, the amendment seems to be a procedural issue rather than a legal matter and therefore we have no objection.

We trust this is in order.


Hon. Shadrack J. Mose
SOLICITOR GENERAL



Copy to: Hon. J.B.N. Muturi, EGH
Attorney-General



DLPS
Please deal
12/10/23



REPUBLIC OF KENYA
OFFICE OF THE ATTORNEY-GENERAL
&
DEPARTMENT OF JUSTICE

Head of
to note & deal
12/10/23

Our Ref: AG/LDD/1113/1/20
Your Ref: KNA/DLPS/PHRC/2023/(002)

11th October, 2023

Mr. Samuel Njorge
Clerk of the National Assembly
Clerk's Chambers
National Assembly
Parliament Buildings
P.O. Box 41842-00100
NAIROBI

(Attn. Ms. Serah M. Kioko MBS)

RE: SUBMISSION OF VIEWS ON VARIOUS BILLS BEFORE THE PROCEDURE AND HOUSE RULES COMMITTEE

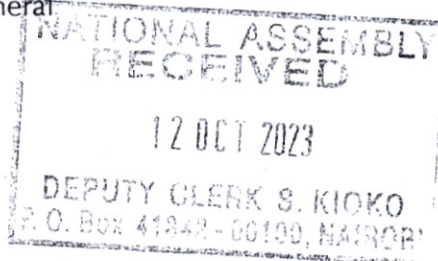
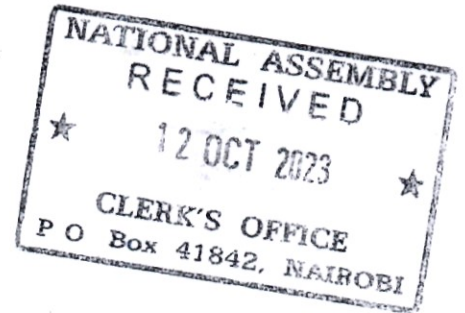
This has reference to your letter dated the 29th September, 2023, and Ref. KNA/DLPS/PHRC/2023/(002), and the request for our submissions on the proposed Political Parties (Amendment) Bill, 2022, sponsored by Hon. Gladys Boss, M.P., the Deputy Speaker of the National Assembly.

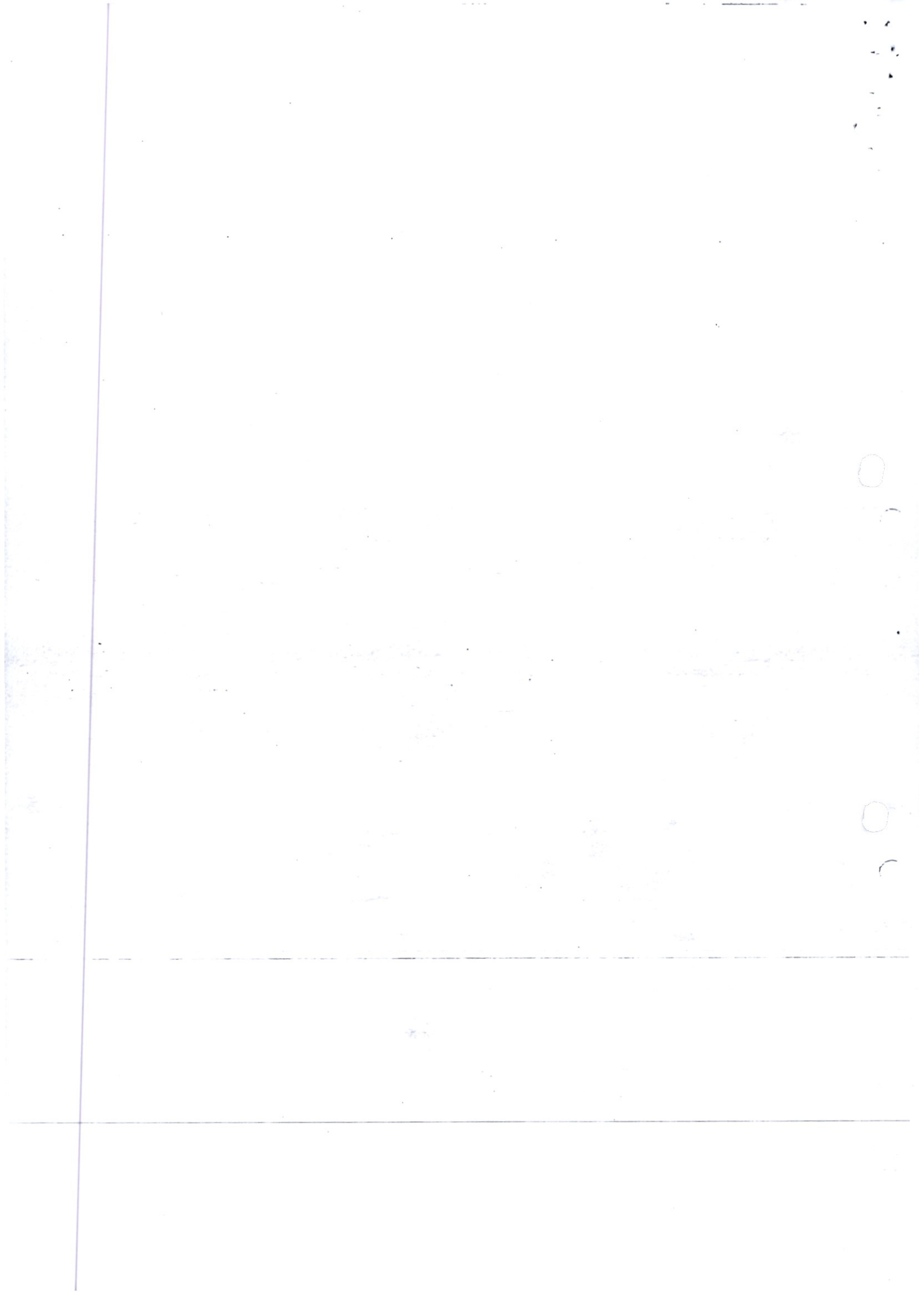
We have scrutinised the Bill and find the proposed amendments to the Political parties Act, 2011, do not raise any significant constitutional or statutory issues.

We trust that this is in order.

Hon. Shadrack J. Mose
SOLICITOR-GENERAL

Copy to: Hon J.B.N. Muturi EGH
Attorney-General





DLPS
Please deal
12/10/23

Head-1101D
to notes deal
12/10/23



OFFICE OF THE ATTORNEY-GENERAL
&
DEPARTMENT OF JUSTICE

Our Ref: AG/LDD/1113/1/21
Your Ref: KNA/DLPS/PHRC/2023/(002)

11th October, 2023

Mr. Samuel Njoroge
Clerk of the National Assembly
Clerk's Chambers
National Assembly
Parliament Buildings
P.O. Box 41842-00100
NAIROBI

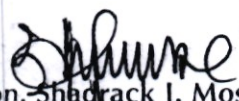
(Attn. Ms. Serah M. Kioko MBS)

RE: SUBMISSION OF VIEWS ON VARIOUS BILLS BEFORE THE PROCEDURE AND HOUSE RULES COMMITTEE

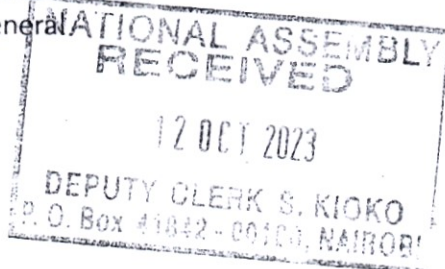
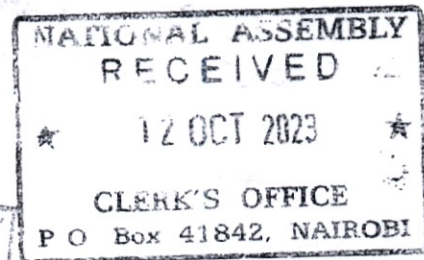
This has reference to your letter dated the 29th September, 2023, and Ref. KNA/DLPS/PHRC/2023/(002), and the request for our submissions on the proposed Petitions to Parliament (Procedure) (Amendment) Bill, 2022, sponsored by Hon. Gladys Boss, M.P., the Deputy Speaker of the National Assembly.

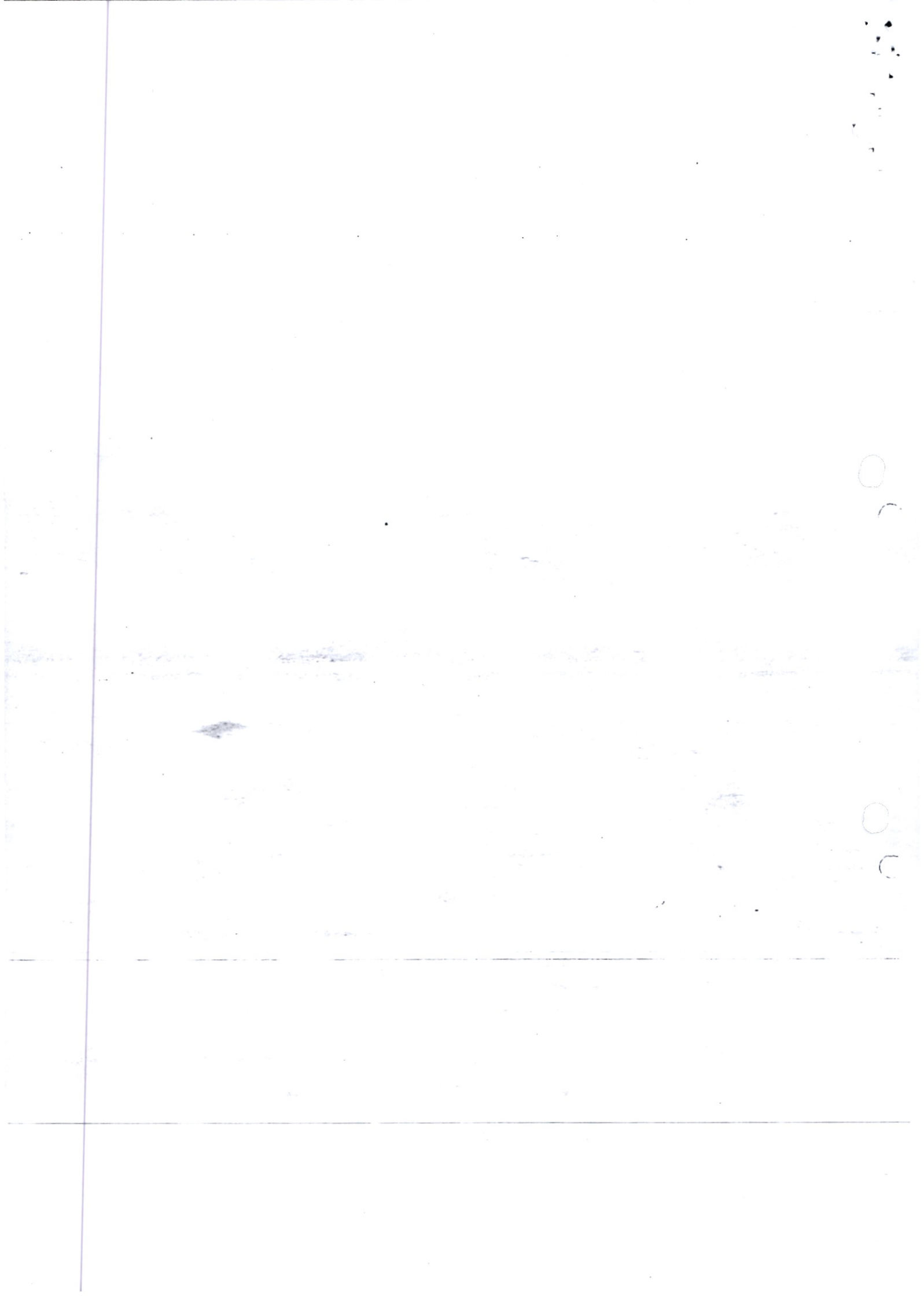
We have scrutinised the proposed Bill and find that the proposed amendments to the Petitions to Parliament (Procedure) Act, 2012, do not raise any significant constitutional or statutory issues.

We trust that this is in order.


Hon. Shadrack J. Mose
SOLICITOR-GENERAL

Copy to: Hon J.B.N. Muturi EGH
Attorney-General





Annexure VII: Budget Cycle

Timeline	Budget Document	Legal Provision	Remarks
30 th August	Budget Circular	PFMA, 2012 Sections 35(1) & (2) and 36 (2) and PFMA, 2015 NG. Reg. 32 (1)	Not later than 30th August each year the CS, NT submits the Budget Circular to all MDAs by setting out the guidelines and timelines to be followed in the budget process. The Senate and National Assembly have no role at this stage.
30 th September	Budget Review and Outlook Paper (BROP)	PFMA, 2012 Section 26	Prepared by the NT and submitted to Cabinet not later than 30th September each year. Cabinet considers and approves the BROP within 14 days of submission with or without amendments.
22 nd October	BROP Published and Publicized		Not later than 7 days of approval of the BROP by Cabinet, the NT shall submit a paper in regard to the BROP to Budget Committee of the N.A to be laid before each House of Parliament and the paper shall be published and publicized not later than 15 days after laying the Paper before Parliament
1 st January	Sector Reports CRA Recommendations on Revenue sharing	PFMA, 2015 NG. Reg. 32 (2)	On the basis of budget sector ceilings in the BROP, the budget sector working groups shall submit sector reports to the NT by January of each year comprising printed estimates for the current year, the next financial year, and two outer years on a rolling basis

Timeline	Budget Document	Legal Provision	Remarks
February	Quarterly Economic and Budgetary Review Report (QEBR)	PFMA, 2012 Section 83	NT to submit the Report to the N.A with copies to Controller of Budget, Auditor General and the Commission on Revenue Allocation, not later than 45 days after the end of each quarter.
15 th February	Budget Policy Statement (BPS)	PFMA, 2012 Section 25(2 & 7), N.A S.O 232 (1,5,7,8,9,10) and Senate S.O 186 (1, 4,5,6,7,8 &9)	The BPS is submitted to both houses not later than 15 th February each year. Each house considers and independently makes its resolutions within 14 days of tabling of the BPS.
	Medium Term Debt Management Strategy Paper (MTDMS)	PFMA, 2012 Section 33 (1), and N.A S.O 232A (1,3,4,5,6,7&8)	The MTDMS is submitted to both houses not later than the 15 th of February each year. Each House considers and independently makes its resolutions within 14 days of tabling of the MTDMS that shall be submitted to NT by the respective Clerks.
28 th February	Approved MTDMS		
28 th February	Approved BPS		
10 th March	Division of Revenue Bill (DoRB)	Article 218(1)(a) of CoK	Senate S.O 187 require the DoRB to be introduced at least two months before the end of each financial year. N.A S.O 233 require the DoRB be introduced by 10 th March. In this case both houses are involved in the processing of the DoRB.

Timeline	Budget Document	Legal Provision	Remarks
20 th March	DoRB		DoRB passed by the National Assembly(Assuming there is Mediation)
April	County Allocation of Revenue Bill (CARB)	Article 218(1)(b) of CoK	Senate S.O 188-Not later than seven days following the enactment of the annual Division of Revenue Bill, the Chairperson of the Standing Committee on Finance and Budget shall introduce a CARB. Once passed by the Senate, the CARB shall stand referred to the N.A in accordance with S.O 161. N.A S.O the House shall consider the Bill within ten days pursuant to Article 111 of the CoK.
	County Government Additional Allocation Bill (CGAAB)	Article 202 (2) of CoK and PFMA, 2012 Section 191 (1) and (3A)	CGAAB: conditional grants arising from National Government share contained in resolutions of both houses.
30 th April	Budget Estimates (Revenue and Expenditure) for NG entities excluding Parliament and Judiciary	Article 221 (1) of CoK, PFMA, Section 37(2) and N.A S.O 235	The approval of the estimates is performed by BAC and DCs pursuant to Article 221, PFMA Section 39, and S.O. 235. Article 95 (4) and Article 221 gives N.A exclusive mandate in budget processing and approval. CS, NT shall submit to N.A, by the 30 th of April.
30 th April	Budget Estimates for Parliamentary Service Commission (PSC) and Judicial	Article 221 (3) & 127 (6)(a), PFMA, 2012 Section 37 (3) and N.A S.O 235	Accounting officers for PSC and JSC shall by 30 th April in each financial year submit budget estimates for PSC to N.A. It is important to note that for PSC, the Senate is represented in PSC

Timeline	Budget Document	Legal Provision	Remarks
	Service Commission		and do participate in the making of the PSC budget at the Commission level.
	Budget Estimates for the Judiciary	Article 221 (3) & 173 (3), PFMA, 2012 Section 37 (4) and N.A S.O 235	Chief Registrar of the Judiciary shall by 30th April in each financial year submit its budget estimates to N.A
	Finance Bill	Article 209 of CoK, PFMA, 2012 Section 39A	Article 209 of the CoK spells out revenue raising measures to be used contained in the Finance Bill that shall be submitted by the CS, NT on or before 30 th April.
	Comments by CS, NT on budget estimates of PSC and Judiciary	PFMA, 2012 Section 37 (6)	CS, NT shall submit to the N.A by 15 th May any comments of the NT on the budgets proposed by the PSC and the Judiciary.
	Budget Estimates	Article 221 (2) of CoK and S.O 235 (4a)	DC & BAC deliberates on the estimates by considering the views of the CS, NT, and the public on the proposed recommendations. Public hearings pursuant to Article 221 (5) consistent with schedule 4 relating to NG functions. Public hearings report tabled alongside BAC report.
	Finance Bill	Article 201 of CoK and N.A S.O 245	Recommendations by Finance Committee shall ensure that the total amount of revenue raised is consistent with the approved fiscal framework and the Division of Revenue Act.
	Approval Budget Estimates	Article 221 (6) of CoK, PFMA, 2012 Section 39	N.A shall approve the estimates after consideration by the DCs and BAC with or without

Timeline	Budget Document	Legal Provision	Remarks
		and N.A S. O 235, 236, 239, 240 and 240A	amendments, in time for the Appropriation Bill and any other relevant Bills, required to implement the budget to be assented to by the 30 th of June each year.
	Appropriation Bill	Article 95 (3)(b) & Article 221(6) of CoK, PFMA, 2012 Section 39 and N.A S. O 240B	After the approval of the budget estimates, pursuant to Article 95(3) (b) & Article 221(6) of CoK, the House approves the Appropriation Bill in line with the House resolutions by 26 th June.
	Vote on Account	Article 222 of CoK, PFMA, 2012 Section 39 (7)	In the event the Appropriation Bill is not assented to within the required timelines, the N.A may authorize withdrawals in accordance with Article 222 of CoK, and such authority shall be communicated to the CS, NT exclusively by the Speaker of the N.A within 7 days of that authority being granted by the N.A
	Finance Bill	Article 209 of CoK, PFMA, 2012 Section 39A and S.O 245	The N.A shall consider and pass the Finance Bill, with or without amendments, in time for it to be presented for assent by 30 th June each year.
	Implementation of the Approved Budget	Article 228 (4) & Article 228 (6) of CoK	The Controller of Budget shall oversee the implementation of the budgets of the national and county governments by authorizing withdrawals from public funds under Articles 204, 206 and 207 and after every four months, the CoB shall submit to

Timeline	Budget Document	Legal Provision	Remarks
			each House of Parliament a report on the implementation of the budgets of the national and county governments for review.
	Auditor-General Reports on accounts of public funded entities	Article 229 of CoK	Submitted to each House of Parliament within 6 months after the end of each financial year. The N.A relevant oversight committees considers the audit reports for NG entities while the Senate considers the CG reports.