



Tuesday, 25th February 1964

COMMUNICATION FROM THE CHAIR

DEATH OF MR. J.K. ARAP CHEPTIKIT

The Speaker (Mr. Slade): This being the first day on which our house has sat since the death of our colleague and friend the Hon. Jackson Kiti arap Cheptikit, I know that you will wish me now to record our deep regret, and our sympathy for his widow and children.

Though not long with us in this House, he made his mark as a man of sincerity and devotion to duty; and by his premature death, we and our country have lost a public figure who had much to give to us.

I would suggest that we stand for a minute in silence as a mark of respect for his memory.
(Hon. Members stood for one minute in silence)

INDEPENDENCE CONGRATULATIONS

Hon. Members, on a happier note I have to inform you that we have received messages of congratulations on the independence of Kenya in many forms and from many countries through out the world.

Some of these messages have taken the form of a parliamentary resolution, transmitted to this House, or to our National Assembly as a whole; but it might seem invidious to give them special publicity here, when there have been so many other written or verbal messages of goodwill to the Prime Minister and other Ministers, and Speakers in person.

It seems best therefore not to read in this House the text of any one of this messages, even though specially addressed to us; but simply to inform Hon. Members in general of this many kind and encouraging messages, and to record our gratitude for all of them.

Wednesday, 26th February 1964

COMMUNICATION OF THE CHAIR

NOTICES OF MOTIONS

The Speaker (Mr. Slade): We do try to avoid Notices of Motions which are in any way unconstitutional in the invent of there being carried. Sometimes it is a matter of argument whether a motion is or is not unconstitutional. Then I think it has to come before the house for that to be argued, and if necessary there can be reference afterwards, of course, to the Supreme Court for a decision.

I take it you are querying one of Mr. Gichoya's Motion here, but at this point I think we must accept the Notice of Motion. If there is any question as to the constitutional aspect of the motion when it comes before the house, I hope we will have the advice of the Attorney-General at that time.

Friday, 28th February 1964

COMMUNICATION FROM THE CHAIR

DEATH OF MR. J.K. ARAP CHEPTIKIT

The Speaker (Mr. Chokwe): Honorable senators will have heard of the death of one of our colleagues and friend the hon. Jackson Kiti arap Cheptikit. For the short time that he was one of us, Mr. Cheptikit endeared himself to all those with whom he come in contact. His tragic death has deprived this country of a true and devoted servant of the people and I am sure it would be the wish of all honorable senators to record our sympathy for his widow and children.

Could we please stand for a minute in silence as a mark of respect for his memory.

MESSAGES OF CONGRATULATIONS ON

ATTAINMENT OF INDEPENDENCE

The second communication is in connection with messages of congratulation received from nations throughout the world on the attainment of independence by our country.

The messages have been sent to us in the National Assembly in many forms and it would be difficult to single any one of them for mention.

The best I can do is to inform honorable senators in general of these kind messages and to record our gratitude for all of them.

4th March 1964

CONSIDERING RULING

ACCURATE REPORTING OF PROCEEDINGS IN PARLIAMENT

The Speaker (Mr. Slade): All newspapers are aware that privilege of attending this House and reporting our proceedings is dependent of accurate reporting, and it will be taken away if it is abused. It is, however, inevitable that in reporting there can sometimes be mistakes, and in such cases the only remedy is to ask newspapers to publish a correction, which I know all responsible newspapers will do. In this particular case, no doubt they will have noticed the correction now and make

publication accordingly. On other occasions it depends on the nature of the error. If it is something which concerns one Member only, it is up to him to ask the newspaper concerned for correction, if it is a matter affecting the House as a whole, then I or the Clerk will make representations to the newspapers concerned.

Friday, 6th March 1964

COMMUNICATION FROM THE CHAIR

FRAUDLENT POINT OF ORDERS

The Speaker (Mr. Slade): Hon. Members, it is now some nine months since the House first sat, and that is the period usually required for the birth of child. The child which we are still waiting to see born is a full understanding and respect by all Hon. Members of the point of order, and we cannot afford now to prolong that gestation any further. Abuse of a point of order can wreck debates, and injure the order and the dignity of the House, more easily than any other Parliamentary offence whatsoever. Once again, I say that the point of order which gives an Hon. Member the absolute right to interrupt all other proceedings is only a point relating either to the procedure of the House or to the personal conduct of Members: the procedure of the house or the personal conduct of members.

All other interruptions of any kind, under the guise of points of order, are fraudulent points of order. There may be occasions when an Hon. Member honestly believes he has a point of order which is in fact no point of order, and he cannot be blamed. But all of you must fully understand the general principal by now; and I hereby give formal and final warning that henceforth every point of order which is blatantly fraudulent will immediately result in dismissal from the chamber. This I believe to be the will of the House, which I am here to serve.

Tuesday, 10th March 1964

COMMUNICATION FROM THE CHAIR

OUTSTANDING QUESTIONS

The speaker (Mr. Slade): Honorable Members in view of the large numbers of questions which are now overdue for oral reply, and the many inquires which I have received concerning them, I wish to inform you the procedure which will in future be adopted with regard to such questions.

Paragraph (4) of Standing Orders provides, in effect, that a question for oral reply shall be placed on Order Paper for reply not later than ten days after the day upon which it was

forwarded to the Minister, or on the day on which the House meets next, whichever is the later. That applies, and was intended to apply, to all questions for oral reply, whether or not Ministers are ready to answer them; the purpose being that, if a Minister is not ready to answer a question within the prescribed period, there should nevertheless be an occasion within the period for him to say so, and to state his reasons for delay.

For various causes, including pressure of work on newly-forwarded Ministries and infrequent sittings of this House, we have not so far adhered completely to that standing order, but have placed on the Order Paper only those questions which Ministers were ready to answer; but now I think the time has come for more strict observance of the rule.

In future, therefore, the Order Paper will contain not only those questions for reply which Ministers are ready to answer but also in a second part of the list—those question for which are overdue for reply, and when the latter are called it will be for each minister concerned to state why he is not ready to reply.

Order, order, hon. Members usually hear communications from the chair in silence.

We cannot do this all at once, because there are now some fifty questions overdue for reply; but I propose to take seventeen of those questions, which have been outstanding since the beginning of this session, and place them on the order papers for tomorrow and the day after tomorrow.

When the house sits again there may still be too many outstanding questions for all of them to be placed on the order paper for the first day, in strict compliance with the standing order; but we shall see that all such questions, whether or not replies are ready, are placed on the order paper within the first few days.

Thus every hon. Member will receive, as nearly as possible within the prescribed period, either a reply to his question or else an explanation of delay in reply.

Wednesday 24th February 1965

COMMUNICATION FROM THE CHAIR

OBITUARY

The Speaker (Mr. Chokwe): Hon. Senators must have learned with horror of the tragic end of one of our colleagues, the Hon. Pio Gama Pinto, who met his death this morning at the hands of a gunman.

It is needless to say how much Hon. Pio Gama Pinto was loved by many, young and old. He was a tireless worker, devoted to the cause of human dignity throughout his career. While appreciating that Members would like to pay their tribute to this fallen Member, I must say that his passing away is a personal loss to many of us and to our country as well.

Let us all together extend our condolences to his widowed wife, children and relatives, and may God rest his soul in peace.

May I ask you all to stand up in silence for one minute as a mark of our respect to him.

Tuesday March 9th 1965

COMMUNICATION FROM THE CHAIR

MESSAGE CONCERNING BILLS FROM THE HOUSE OF REPRESENTATIVES

The Speaker (Mr. Chokwe): I have received the following message concerning Bills from the Clerk of the House of Representative:-

The Electric Power Amendment Bill (Bill No.51)

The Supplementary Appropriation Bill (Bill No.54)

The House of Representatives forwards of clean copy of each of the said Bills and desires the concurrence of the Senate thereto.

Tuesday, 30th March 1965

COMMUNICATION FROM THE CHAIR

The Speaker (Mr. Chokwe): I have received following messages concerning Bills from the House of Representatives:-

THE KENYA NATIONAL LIBRARY SERVICES BOARD BILL (BILL NO. 49)

The House of Representatives forwards of clean copy of the said Bill and desires the concurrence of the Senate thereto.

THE AGRICULTURAL DEVELOPMENT CORPORATION BILL (BILL NO. 52)

The House of Representatives forwards this corrected copy of the said Bill with the copy of the Votes and Proceedings of the 24th March 1965 indicating the amendments made to the original printed Bill and desires the concurrence of the Senate thereto.

Friday, 9th April 1965

COMMUNICATION FROM THE CHAIR

The Speaker (Senator Kebaso): I have received the following messages concerning bills from the house of representative;

THE CEREALS AND SUGAR FINANCE CORPORATION (AMENDMENT) BILL

The House of Representatives on Thursday the 25th day of March, again considered the amendments made by the Senate to the Cereals and Sugar Finance Corporation (Amendment) Bill but again disagreed with all the said amendments notwithstanding the Senate insistence on such amendments.

THE POST OFFICE SAVINGS BANK (AMENDMENT) BILL

The House of Representatives on Thursday the 25th day of March, again considered the amendments made by the Senate to the Post Office Savings Bank (Amendment) Bill but again disagreed with all the said amendments notwithstanding the Senate insistence on such amendments.

THE KENYA MEAT COMMISSION (AMENDMENT) BILL

The House of Representatives on Thursday the 25th day of March, again considered the amendments made by the Senate to the Kenya Meat Commission (Amendment) Bill but again disagreed with all the said amendments notwithstanding the Senate insistence on such amendments.

THE INDUSTRIAL DEVELOPMENT (AMENDMENT) BILL

The House of Representatives on Thursday the 25th day of March, again considered the amendments made by the Senate to the Industrial Development (Amendment) Bill but again disagreed with all the said amendments notwithstanding the Senate insistence on such amendments.

Tuesday, 27th April 1965

COMMUNICATION FROM THE CHAIR

MESSAGES CONCERNING BILLS FROM THE HOUSE OF REPRESENTATIVE

The Speaker Mr. Chokwe): I have received the following messages relative to Bills from the House of Representatives:-

THE KENYA NATIONAL LIBRARY SERVICES BOARD BILL (BILL NO. 49)

The House of Representatives returns the corrected copy of the said Bill and informs the Senate that the House of Representatives has disagreed, with the exception of one, to the Senate amendments as indicated in the attached Votes and Proceedings of the 20th April 1965, and desires the concurrence of the Senate thereto.

THE BROADCASTING RECEIVING (LICENSING) BILL (BILL NO. 58)

The House of Representatives forwards a clean copy of the said Bill as agreed to, this day, Tuesday, 20th April 1965, and desires the concurrence of the Senate.

ASSENT TO BILLS

I have to inform the Hon. Senators that His Excellency the President has assented to the following Bills which were passed by the National Assembly during November and December 1964 and March 1965:

1.	The Supplementary Appropriation Act, 1965.....	3-3-65	9-3-65	16-3-65
2.	Motor Vehicle Components and Accessories Act, 1965	10-11-64	3-12-64	30-3-65
3.	National Youth Services Act, 1965.....	11-11-64	26-12-65	30-3-65
4.	Animal Diseases Act, 1965.....	4-11-64	9-12-64	30-3-65
5.	Electric Power (Amendment) Act, 1965.....	3-3-65	12-3-65	30-3-65

Wednesday, 28th APRIL 1965

COMMUNICATION FROM THE CHAIR

The Speaker (Mr. Chokwe): I have received the following messages relative to bills from the house of representative:-

THE AGRICULTURAL (AMENDEMENT) BILL (BILL NO. 48)

THE CONSTITUTION OF KENYA (AMENDMENT) BILL (BILL NO.53)

The House of Representatives forwards of clean copy of each of the said Bills and desires the concurrence of the Senate thereto.

Act No.	Title	Passed 3 rd Reading House of Representatives	Senate	Date of Assent

Friday, 30th APRIL 1965

COMMUNICATION FRO THE CHAIR

The Speaker (Mr. Chokwe): I have received the following messages relative to Bills from the House of Representatives:-

THE LANDLORD AND TENANTS (SHOPS, HOTELS AND CATERING ESTABLISHMENTS) BILL (BILL NO.62)

The House of Representatives forwards this corrected copy of the said Bill with the copy of the Votes and Proceedings of the 29th April,

1965 indicating the amendments made to the original printed Bill and desires the concurrence of the Senate thereto.

Thursday, 13th May 1965

COMMUNICATION FROM THE CHAIR

The Speaker (Mr. Chokwe): I have the honour to inform the Hon. Senators that the following messages relative to Bills have been received from the House of Representative:-

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL (BILL. NO.65)

THE KENYA BROADCASTING CORPORATION (NATIONALIZATION) (AMENDMENT) BILL (BILL. NO. 64)

The House of Representatives forwards of clean copy of each of the said Bills and desires the concurrence of the Senate thereto.

THE TRADE DISPUTES BILL (BILL No. 6)

The House of Representatives forwards this corrected copy of the said Bill with the copy of the Votes and Proceedings of the 12th May, 1965 indicating the amendments made to the original printed Bill and desires the concurrence of the Senate thereto.

Tuesday, 1st June 1965

COMMUNICATION FROM THE CHAIR

ASSENT OF BILLS

The Speaker (Mr. Slade): Hon. Members I have a series of communications to make to you. The first is that His Excellency the President has assented to the following Bills:-

Act No.	Title	Passed 3 rd Reading House of Representatives	Senate	Date of Assent
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6.	The Sisal Industry (Amendment) Act, 1965.....	4-11-64	25-11-64	21-4-65
7.	The Agricultural Development Corporation Act, 1965.....	24-3-65	2-4-65	21-4-65
8.	The Food, Drugs and Chemical Act, 1965.....	1-4-65	9-4-65	5-5-65
9.	The Civil Contingencies Fund (Amendment) Act, 1965.....	31-3-65	9-4-65	5-5-65
10.	The Pensions (Amendment) Act, 1965.....	3-3-65	12-3-65	30-3-65
11.	The Trade Marks (Amendment) Act, 1965.....	1-4-65	9-4-65	5-5-65

SENATE MESSAGES ON BILLS

I have to inform Hon. Members that I have received messages from the Senate as follows:-

The Constitution of Kenya (Amendment) Bill (Bill No.53)

The Senate has agreed to the said Bill without amendment on Friday, 14th May, 1965.

The Agricultural (Amendment) Bill (Bill No. 48)

The Senate has agreed to the said Bill without amendment on Tuesday, 18th May, 1965.

The Trade Disputes Bill (Bill No. 61)

The Senate has agreed to the said Bill without amendment on Friday, 28th May, 1965.

Thursday, 3rd June 1965

COMMUNICATION FROM THE CHAIR

ADJOURNMENT OF DEBATE IN SUPPLEMENTARY ESTIMATES

The Speaker (Mr. Slade): Hon. Members, I have to correct a mistake which I made yesterday, when sitting as Chairman of Committee of Supply.

We were discussing supplementary estimates. an Hon. Member wished to move adjournment of the debate, pending production of certain further information promised by the government; and I ruled that adjournment of debates on supplementary estimates is not allowed by Standing Orders.

I had in mind Standing Orders 145(4), which does in fact prohibit adjournment of such debates when, as is normal understanding order 145(5), they are limited to one day.

Yesterday, however, the Committee had ordered, under Standing Order 145 (3) that debate on these Supplementary Estimates should continue for two days; and in those circumstances there was nothing to prevent adjournment of the debate from the first to the second or closing day.

I apologize for this mistake, and hope that the position is now clear. Debate on Supplementary Estimates is normally limited to one day, and then there cannot be any adjournment of the debate; but when the House orders that such a debate shall continue for more than one day, the debate can be adjourned on any other day than the last day.

Friday, 11th June 1965

COMMUNICATION FROM THE CHAIR

The Speaker (Mr. Slade) I have to inform Hon. Members that His Excellency, the president has assented to the following Bills:-

12.	The Broadcasting Receiving (Licensing), Act, 1965.....	20-4-65	5-5-65	4-6-65
13.	The Landlords and Tenants (Shops, Hotels and Catering Establishments) Act, 1965....	29-4-65	7-5-65	4-6-65
14.	The Constitution of Kenya (Amendment) Act, 1965.....	27-4-65	7-5-65	4-6-65
15.	The Trade Disputes Act, 1965.....	12-5-65	28-5-65	4-6-65

The Speaker (Mr. Slade): I have to inform Hon. Members that I have received two messages from the Senate. The Senate has agreed to the Supplementary Appropriation (No.2) Bill, on Tuesday, 8th June 1965 without amendment.

The Senate has agreed to the Kenya Broadcasting Corporation (Nationalization) (amendment) Bill on Wednesday, 9th June 1965 without amendment.

Tuesday 15th June 1965

COMMUNICATION FROM THE CHAIR

The Acting Speaker (Mr. De Souza): I have received the following messages from the senate to the House of Representatives:-

THE EXCHANGE CONTROLS AMENDEMENT (BILL NO. 67)

The Senate has agreed to the said Bill without amendment on Friday, 11th 1965.

Tuesday 13th July 1965

COMMUNICATION FROM THE CHAIR

The Speaker (Mr. Slade): Hon. Members, it is with deep regret that we have heard today of the death in Nairobi of His Excellency Hon. Arthur Bulens, who was the first ambassador of Belgium in Kenya.

<i>Act No.</i>	<i>Title</i>	<i>Passed 3rd Reading House of Representatives</i>	<i>Senate</i>	<i>Date of Assent</i>

It is just two years since his first arrival in this country, and during those two years he represented Belgium with great credit, and earned the respect and affection of all of us.

On behalf of all Hon. Members of this House, I extend to his widow and children our heartfelt sympathy, and I think that our Vice-President would also like to say a few words on behalf of the Government of Kenya.

Friday, 16th July 1965

COMMUNICATION FROM THE CHAIR

The Speaker (Mr. Slade): Before reading the next order, Hon. Members would probably like to hear about arrangements for the matters to be raised on adjournment.

As a result of notices I am allotting next Tuesday, 20th July, for Mr. Khalif to raise on the adjournment the matters of duties of General Services Unit as compared with the Police and Army, which was the subject of his question No.2218.

On Wednesday, 21st July, the matter which Mr. Omar gave notices of some time ago, the destruction of the Ramisi dam, in the Kwale district, will be raised on adjournment.

Wednesday, 21st July 1965

COMMUNICATION FROM THE CHAIR

The Speaker (Mr. Slade): Honorable Members yesterday, in response to point of order, I understood to consider-and, if necessary, to consult the Attorney-General-as to whether an editorial article which appeared in the newspaper *Taifa Leo* on Monday, 19th July constituted such contempt of this House or its proceedings as to justify a prosecution under the National Assembly Powers and Privileges Act.

Having now studied a translation of that article, and having discussed it with the Attorney General, I accept and agree with his advice that this is not a proper case for prosecution; nor do I intend to take any other action in the matter.

As I explained yesterday, Hon. Members of this House, who are free enough to criticize others, are not themselves immune from criticism. Indeed, freedom of opinion and speech is sanctioned by our constitution, and when Hon. Members discuss matters of public interest in this House, newspapers and Members of the public must be free to express disagreement with their views- even to the point of caustic criticism.

At the same time, I would say that the article in question contained certain passages, reflecting on the general attitude of Hon. Members towards their responsibilities, which could hardly be justified by the facts under discussion and come near to exceeding the bounds of "fair comment", and would take this opportunity of reminding all newspapers and Members of the public of the provisions of the National Assembly (Powers and Privileges) Act, as well as the conditions upon which reporters are privileged to attend our proceedings, and warning them to be very careful how they question the integrity or motives behind what Hon. Members say in this House.

Thursday, July 1965

COMMUNICATION FROM THE CHAIR

The Speaker (Mr. Slade): I think Hon. Members will be interested to know the arrangements for adjournment motions next week. I have received notices of various matters, and I have allotted time at the close of business next Tuesday, 27th July, for Mr. Oduya, to raise his matters concerning training of Co-operative Society Officers which came out of question No.2037; and Wednesday, 28th July; for Mr. Makone to raise his question of non- African purchasing land, which came out of his question no. 1969. I think probably in both cases, due to shortage of Hansard staff, we shall have to take those matters at 6pm instead of at 6.30pm; but we will know definitely when we come to those days.

Friday, 30th July 1965

COMMUNICATION FROM THE CHAIR

HYPOTHETICAL QUESTION

The Speaker (Mr. Slade): Hon. Members, though it is not on the Order Paper, there is a matter on which I would like to make brief communication.

Yesterday, Mr. Oduya raised a question with regard to the relationship of Hon. Members to the Speaker, which was purely hypothetical question, but I thought important enough to be answered in the House.

What I have to say is that in the ordinary way purely hypothetical question should be put to the Speaker outside the house, but if it is not of large enough importance, then I would be prepared to answer it in the House.

Tuesday 14th September, 1965

COMMUNICATION FROM THE CHAIR

The Speaker (Mr. Slade): Hon. Members, I have a series of communications to make to you. In the first place, I have received notice that His Excellency the President assented to the following Bills on the dates specified:-

Act No.	Title	Passed 3 rd Reading House of Representatives	Senate	Date of Assent
16.	The Criminal Procedure Code (Amendment), Act, 1965.....	12-54-65	25-5-65	9-6-65
17.	The Nurses, Midwives and Health Visitors) Act, 1965....	1-4-65	27-4-65	29-6-65
18.	The Finance Act, 1965.....	21-7-65	30-7-65	17-7-65
19.	The Trade Disputes Act, 1965.....	12-5-65	28-5-65	4-6-65

I have to inform Hon. Members that I have received a message from the Senate that the Senate agreed to the Customs and Excise Tariff (Amendment) Bill and the Finance bill, without amendment, Friday, 30th July 1965.

Hon. Members are aware that suddenly, a short time ago, the distinguished Speaker of the House of Commons died, and I thought it fit on behalf of the House to send the following cable to the House of Commons at Westminster: deeply regret the sudden death of fellow Speaker Sir Harry Hylton-Foster please convey our respectful sympathy to all members of your House. To which I receive the following cable reply; following tragic death of our Speakers members of the house and speaker's family greatly appreciate your kindness and sympathy notice of which will be permanently recorded in the commons journals.

I also sent a message of sympathy on behalf of the House to the Legislature of Aden on the assassination of their Speaker.

Hon. Members will have read with interest the news of His Excellency proclamation yesterday that the day was to be World Law Day. I thought it fit to respond to that proclamation on behalf of this House by the following letter, to which I hope Hon. Members will approve.

Wednesday, 15th September 1965

NOTICE OF MOTION

TEMPORARY SUSPENSION OF A MEMBER

The Speaker (Mr. Slade): I think the Hon. Member is proposing that he should move the adjournment of the House under the Standing Order which allows a motion for adjournment of the House a definite matter of urgent public importance. Before inviting Hon. Members to say whether they support that pre-position, the Speaker has to decide whether the matter is a definite matter of urgent public importance and he has to be satisfied that it is a matter can be properly handled. I am not the option that this matter is of the type suitable for that procedure. I have some more to say about this.

If the Hon. Member had wanted to adopt that procedure, Notice of Motion is not the way to do it. Before I say any more I must first apologize to the Hon. Member very sincerely for having said I thought he had altered the form of the notice which I had approved. In fact, the notice was given precisely in the form in which I passed it yesterday with I think, the addition of a few words at the end. I apologize for that.

Now, I have this to say: It is rather important Hon. Member was entitled to give that Notice of Motion, but I regard it as an abuse of the procedure of this House - I have told him so, and I have told him that I shall make this comment in the House.

There is no question of trying to prevent ventilation of any matter here. Indeed that is one of the main purpose of Parliament-that it should be a forum for ventilation of all matters of public interest. But it is important that such matters should be ventilated in the right way.

I should have thought that the main interest of the hon. member and his house in the subject matter of his proposed motion was to know immediately what Government is doing about that unfortunate incident; what inquires are being made and whether Government is prepared to adopt the course which he advocates meanwhile.

If, instead of giving Notice of Motion, he had asked a question by Private Notice, as I suggested that he should do, he could have

obtained, and the House would have heard, Government's reply today or at the latest tomorrow; and there would have been opportunity for supplementary questions. Yet he rejects that course, and insists upon giving Notice of a Motion which has little or no prospect of being debated before it is completely out of date.

In such circumstances, he is really giving Notice of his own opinion, rather than serious Notice of Motion. The purpose of a Notice of Motion is to warn the house of an impending motion, and not merely to air an opinion without real prospect of subsequent debate. This is not the first occasion on which an Hon. Member has given Notice of Motion simply for the letter purpose; but I repeat that it is an abuse of our procedure.

I have no power to prevent such abuses; but I can and will bring them to the notice of Hon. Members, as something which they should both discourage and avoid.

In this particular case, Hon. Member having adopted this particular course, and believing that Hon. Members of the house indeed do want to know how the government stands in this matter, I have invited Attorney general, in fact, invited the Attorney-General, to make a ministerial statement today, which will give hon. member the opportunity of seeking further information after the statement has been made. That will be at the usual time after we have finished with questions.

23rd September 1965

COMMUNICATION FROM THE CHAIR

DISTINGUISHED VISITORS IN SPEAKERS BOX

The Speaker (Mr. Slade): Hon. Members, it is rarely that Speaker of this House remarks on the presence of a stranger, unless it be that he is creating a disturbances but we are honored today by the Speaker's box of two exceptional visitors, namely those two intrepid astronauts who recently circled the earth for a continuous period of no less than eight days – Mr. L. Gordon Cooper, Junior, and Mr. Charles Conrad, Junior.

6th October 1965

CONSIDERING RULING

READING OF SPEECHES

The Speaker (Mr. Slade): I would now remind Mr. Mutiso and others Hon. Members of Standing Orders 55 which says, "No Members shall read his speech but he may read short

extracts from written and printed papers in support of his argument and refresh his memory by reference to notes." As a matter of fact that standing order is not usually enforced unless a Member protests against a speech being read. It is accepted that a detailed review, technicalities or complex arguments; but the house always expects a Member who moves a motion to speak spontaneously whenever he can. With that reminder I hope that when we resume this debate, Mr. Mutiso will be prepared to say what he asks for his ministry with greater spontaneity, and not read all of it from a paper.

8th October 1965

COMMUNICATION FROM THE CHAIR

BUSINESS OF THE HOUSE BEFORE END OF SESSION

The Speaker (Mr. Slade): I would like to inform Hon. Members of advice I have received from the Sessional Committee concerning plans for the next two weeks.

As Hon. Members are aware, this session is due to end with the prorogation of the House before the 2nd November when we have the State Opening of the new session. There are a lot of Bills outstanding which have to be completed both in this House and in the Senate if they are not to die through the ending of a season. So, the Sessional Committee has advised me that the adjournment of the House at the end of next week, in accordance with the provisional programme already announced, will not be moved, but will be sitting for two more weeks after today instead of one more week

Moreover, in order to give a greater chance to get through as many Bills as possible, the Sessional Committee proposes that on Tuesday of next week, in any case, and possibly Wednesday of next week, there will be a Motion for outstanding business at the time of interpretation to be exempted from Standing Orders so as to allow the House to sit for another hour; that will be up to 7:30 that will be put to the house on Tuesday and possibly on Wednesday and again, the next week according to the progress of business. I am afraid in these circumstances, while we have that procedure, we will not have any adjournment debates during these next two weeks.

Friday, 15th October 1965

COMMUNICATION FROM THE CHAIR

SENATE AGREEMENT TO BILL

The Speaker (Mr. Slade): I have to inform Hon. Members that we have received a message from the Senate that the Senate has agreed to the Kenya Tourist development Corporation Bill, without amendment on Wednesday, 13th October 1965.

Thursday, 19th October 1965

COMMUNICATION FROM THE CHAIR

CONGRATULATIONS TO THE PRESIDENT

The Speaker (Mr. Slade): I have to inform Hon. Members that yesterday, on behalf of this House, I wrote the following letter to His Excellency the Hon. Mzee Jomo Kenyatta, President of our Republic:-

“You’re Excellency,

On behalf of all Members of the House of Representatives, I am writing to congratulate you and Her Excellency Mama Ngina on your impending anniversary.

We are deeply conscious of all that our country owes to you, and we pray that you may both have many more years of health, happiness and services to Kenya.”

Thursday, 21st October 1965

COMMUNICATION FROM THE CHAIR

ARRIVAL OF THE SENATE

The Speaker (Mr. Slade): Hon. Members, we now await the arrival of the Speaker of the Senate and Hon. Senators, Sergeant-At-Arms, please inform Mr. Speaker of the Senate that we await the pleasure of the company of the senate.

The arrival of the Speaker of the Senate and Hon. Senators was announced by the Sergeant-At-Arms. Members of the House of Representatives stood in their places while the Speaker of the Senate, accompanied by the mace, and Hon. Senators entered the Chamber. The Speaker of the Senate took his sit to the right of the Speaker’s Chair and the Senate Mace was placed below the Table.

HAND-OVER OF THE CHAMBER

The Speaker (Mr. Slade): I hope Hon. Members will forgive me for two informal communications which I have to make without previous notice, which are rather like church notices.

The first is to remind Hon. Members that tomorrow is the very last day on which this

House sits in this Chamber, and by arrangement with the Speaker of the Senate, we intend to have a very brief ceremony at 2.30 pm tomorrow, to have a proper handing over of this Chamber to the Senate, with due ceremony. So, I do hope that all Hon. Members, describing the brief ceremony that we have in mind.

STATE OPENING OF PARLIAMENT AND NEW CHAMBER

The other matter is a very important notice which will be going to all Hon. Members-it may be in your hands now-concerning our procedure on Tuesday, the 2nd November, when we have the ceremony of the new building and the State Opening of a new session. It is very important that Hon. Members should understand exactly what we intend to do and be part of it.

Also, there is the matter of the labels for your cars, which will be special labels, to get into the Right Park, and provision for your guests. All these things you must know about. They are embodied in a notice going out today, and I hope you will all make a point of getting a copy of this notice; you can apply to the Serjeant-At-Arms if you do not get one anywhere else, and make sure you understand what is intended.

Friday, 22nd October 1965

COMMUNICATION FROM THE CHAIR

CORRECTION OF QUESTION ON THE ORDER PAPER

The Speaker (Mr. Speaker): Hon. Members, on two occasions recently in question time, Hon. Members have complained that their Questions on the Order Paper did not correctly reproduce the actual Questions which they had put in; but, on both occasions, subsequent checking has shown that the Order Paper did, in fact, reproduce correctly the Questions which had been sent to the Minister and, in fairness to the Clerks, this should be. It will be understood that, sometimes, Questions have to be corrected either to make them intelligible or else to comply with Standing Orders, before being sent to the Ministry concerned; but I would remind Hon. Members that always they have receive copies of the actual Questions that have gone to the Ministry, and that is their opportunity for correcting any misunderstanding of what the Question is intended to convey. They must correct there Questions then, and not wait until they appear on the Order Paper and then say that they meant something else.

HANDING OVER TO THE SENATE

I would remind Hon. Members of the ceremony to be held this afternoon and ask all Members, please, to be present punctually at 2.30pm.

STATE OPENING OF PARLIAMENT AND NEW BUILDING

I would also remind Hon. Members of the ceremony to be held this afternoon and ask all Members, please, to be present punctually at 2.30 p.m.

SENATE AGREEMENT TO BILL

The Speaker (Mr. Speaker): I have another communication to make, belatedly, which I have just received from the Senate. The Senate reports that they have agreed the City of Nairobi Agreement Bill, without amendment on Tuesday, the 19th October, 1965.

FRIDAY, 22ND OCTOBER 1965

COMMUNICATION FROM THE CHAIR

ARRIVAL OF THE SENATE

The Speaker (Mr. Slade): Hon. Members, we now await the arrival of the Speaker of the Senate and Hon. Senators. Sergeant-At-Arms, please inform Mr. Speaker of the Senate that we await the pleasure of the company of the Senate.

The arrival of the speaker of the senate and hon. Senators was announced by the sergeant-at-arms. Members of the House of Representatives stood in their places while the speaker of the senate, accompanied by the mace, and hon. Senators entered the chamber. The speaker of the senate took his sit to the right of the speaker's chair and the senate mace was placed below the table.

Hon. Members and Senators were seated.

HAND-OVER OF CHAMBER TO THE SENATE

The Speaker (Mr. Slade): Mr. Speaker, Sir, Hon. Senators and Hon. Members of the House of Representatives:-

Today the House of Representatives has sat for the last time in this Chamber, which will hence forth belong to the senate.

It has seemed fitting that the House of Representative should not leave it thankless or

ownerless but there should be a proper ceremony of handing over. It is for that purpose that we meet this afternoon.

I think that I am the only Member of either House who has sat in this Chamber continuously ever since it was built in February 1954; but several Members have been here during its most historic period, and have contributed more than I to its history.

This Chamber has indeed witnessed, in less than twelve years, the whole growth of our Parliament, from a small Colonial Legislative Council, consisting mainly of European Members with a majority of civil servants, to an independent and sovereign lower house, consisting almost entirely of the indigenous people of Kenya.

The outstanding feature of those years is that such rapid and dramatic changes have all been effected in a constitutional manner. Many of the most important battles have actually taken place in this Chamber. Their story is told in the pages of Hansard; and if you read in those pages some of the major speeches of bygone debates, you may hear again, as I do the thunder applause from drumming heels; heels which will no longer tread this floor

Bitterness, frustration, anxiety, and uproar have all had their places here; and so have inspiration, dedication, eloquence, laughter and good humor. All those facets, for better or for worse, are essentials elements of any mature chamber.

Now, Mr. Speaker, I vacate this Chair for you, your Mace takes the place of our Mace, and the House of Representatives delivers to the Senate possession of this Chamber.

Wednesday, 15th February, 1967

COMMUNICATION FROM THE CHAIR

WELCOME TO THE PRESIDENT

The Speaker: (Mr. Slade): Your Excellency, on behalf of all Hon. Members of the National Assembly, which today sits for the first time as one House, I extend to you our respectful but heartfelt welcome.

You are, of course, entitled, by virtue of your representative membership of this Assembly, to be with us at any time; but on this ceremonial occasion of the Opening of a new Session it is in your exalted office as President, representing our Republic, that we welcome

you: a President admired, trusted, and loved by all of us.

On the 14th day of December 1964, when you first addressed this Parliament as our president you made the speech which has since set our course. You told us that the Kenya Parliament is the supreme instrument of the State. You reminded us that you were addressing an institution of which you also are a part. You said that this Parliament must contribute to the Republic something far more than just machinery which can give the plans or requirements of the Government their lawful status; that it must be our forum, for discussion and proposal, for question, objection, or advice; and that it must serve as bridge between Government and people, representing fairly to Government the view of constituents, and then interpreting fairly to the people the policies and decisions of the Government. You called upon us to maintain the dignity of Parliament. You emphasized, in the name of the Republic, its demand from every Member of absolute loyalty to Parliament, to party, and to the country. And your final appeal to us was that the Republic be rooted in human respect.

Those words have not been, and will not be forgotten. I can assure your Excellency that, during the past two years, hon. Members of both Houses have striven to live up to them; and, now that we are one House, we pledge ourselves with yet greater intensity to follow this course which you have set.

We cannot, however, achieve that or anything else without the help of God, wherefore, I respectfully request our spiritual leaders now to bless the effort of this National Assembly of Kenya.

Thursday, 16th February 1967

CONSIDERED RULING

QUOTING FROM PUBLIC DOCUMENTS WHICH ARE NOT READILY AVAILABLE

The Speaker (Mr. Slade): No, I think we have to refer to the actual wording of the Standing Order, which says, "A Question, the answer to which is readily available in ordinary works of reference or official publications, shall not be asked," but I do not think even the Attorney-General would allege that the Constitution as printed in its present form, is readily available.

Thursday, 16th February 1967

CONSIDERED RULING

ALTERATIONS OF WORDING OF MOTIONS FROM WHICH NOTICE IS NOT NECESSARY - IN ORDER

The Speaker (Mr. Slade): Order! I would point out to Hon. Members that that, of course, differs from the wording on the Order Paper, but this particular kind of Motion is one which can be moved without notice and so it is in order for the Hon. Member to change the form in which he moves it. I hope hon. Members have now taken note of the difference from what is written on the Order Paper. The substance is the same, but, as well as excepting the Mover from the time limit, the Leader of the Opposition and the Minister for Commerce and Industry are also to be allowed 30 minutes, and the Mover, who I understand will be replaced by the Minister for Economic Planning and Development, is to be allowed one hour.

Wednesday, 22nd February 1967

COMMUNICATION FROM THE CHAIR

ACCIDENT TO HON. MEMBER

The Speaker (Mr. Slade): Hon. Members may have been disturbed to read in today's East African Standard the Mr. Jahazi has suffered an accident, and be surprised now to see him hale and hearty in the Chamber. I have it from Mr. Jahazi that, in fact, he was not concerned in any accident, but it was our friend, Mr. Balala, who was concerned: I gather not very seriously injured. I hope he will be with us again very soon.

Wednesday, 22nd February 1967

CONSIDERED RULING

GIVING WAY ON POINT OF INFORMATION

The Chairman (Dr. De Souza): Before I call upon Hon. Members to speak, I would like to comment on this question about a point of information. I think when an hon. Member ask any speaking Member to give way on a point of information it should be genuine information, because quite often when a person is speaking and making a point it is possible that he might have understood what somebody else said, and when he stands up and says, "On a point of information", it is usual to give way, because one might be answering a point which has not been properly comprehended, but then hon. Members should not abuse this privilege, otherwise, hon. Members will not give way in the future. I think it is only gentlemanly to give way when

ever possible as well as the hon. Member who stands up on a point of information.

Thursday, 23rd February 1967

CONSIDERED RULING

WHEN AND HOW MINISTERIAL STATEMENTS MAY BE MADE

The Speaker (Mr. Slade): No, I am afraid Ministerial Statements are not made off the cuff like that in answer to a point, but in a serious matter of this kind, it is open to the Government always to make a Ministerial Statement properly written out and submitted to the Speaker at the proper time. It would be in order for the Minister concerned to make a Ministerial Statement to deal with these matters on another day if he wishes to do so.

Thursday, 23rd February 1967

COMMUNICATION FROM THE CHAIR

FURTHER EXTENSION OF TIME WITH LEAVE OF HOUSE PERMITTED

The Speaker (Mr. Slade): I understand some Hon. Members are asking for a further extension, one extension of 20 minutes having already been informally agreed. Normally, when it is a case of amending a resolution limiting the time of speeches, there has to be a formal Motion and it requires notice. We do sometimes, informally, with reference to one particular debate, take the leave of the House for more time. It does seem that all Hon. Members are very interested in continuing this important debate. So I think, with the leave of the House – that is, no Hon. Member objecting – we could probably continue yet another 20 minutes. I will inquire if any Hon. Member objects to an addition of 20 minutes which would take the termination of the debate, or it would mean the Mover replying, at 11.30am. Does any Hon. Member object?

Thursday, 23rd February 1967

COMMUNICATION FROM THE CHAIR

QUORUM NECESSARY FOR DIVISION ON CONSTITUTIONAL AMENDMENT

The Speaker (Mr. Slade): Order! Order! There is one point I think I should mention. I think on a previous occasion when we had amendment to the Constitution I said that it was a vote of two-thirds of the Members that was required. It is actually 65 per cent. That makes a slight difference in the calculation.

Instead of the figure of 114, which is two-thirds, 111, according to my calculation, is the statutory 65 per cent. However, as I have said, in my view, I shall have to exclude from being counted in that voting the seven Hon. Members to whom I referred in my Communication from the Chair.

Wednesday, 8th March 1967

COMMUNICATION FROM THE CHAIR

PENDING ELECTION PETITIONS AND CERTAIN MEMBERS' VOTING RIGHTS ON CONSTITUTION OF KENYA (AMENDMENT) BILL.

The speaker (Mr. Slade): Hon. Members, the Constitution of Kenya (Amendment) Bill is on the Order Paper today for Second Reading. This Bill seeks to remove any doubt as to the interpretation and effect of section 42A of the Constitution, and more particularly its retrospective effect.

Hon Members will recall that this section of the Constitution was introduced by the Constitution of Kenya Amendment No.2 Act 1966, which became law on the 30th April 1966; and that it had the effect of vacating the seat of any Member who, in specified circumstances, resigns from his parliamentary party.

The Attorney-General interpreted that section as applying to Members who had already resigned from their party, as well as members who might resign after the date of commencement of the Amending Act; and so, on his advice, I declared vacant the seats of several members who had resigned from the Kenya African National Union Party before the 30th April 1966.

Seven of those Members have since petitioned the High Court for a declaration that their seats were not in fact vacant, or that the members who took their places as the results of consequent by-elections were not validly elected. One of such petitions expressly raises the question, whether section 42A had in fact any retrospective effect; and it seems possible that all or any of the other six petitions may yet be amended to raise the same question.

In these circumstances, I have to consider whether the seven members who now sit in this House, but whose right to sit and vote in

this House is at present under challenge in the High Court, can be allowed to vote on this Bill; a Bill which, if passed, will legalize their position as members, as far as the retrospective effect of section 42A of the Constitution is concerned, even if otherwise the High Court might have found against them on that point.

There is no express provision, either in the Constitution of Kenya or in our Standing Orders, to guide me on this vital question of principle; which is simply the question whether an Hon. Member of this House can ever be allowed to vote on legalization which is designed to legalize his own position in the House.

Section 56(3) of the Constitution of Kenya does say that our Standing Orders may make provision under which a Member who votes upon a question in which he has a direct pecuniary interests shall be deemed not to have voted; but these is not at present any such provision in our Standing Orders, though they did at one time containing that provision. On the other hand, Standing Orders No. 1 provides that, "all matters not hereinafter expressly provided for shall be decided by Mr. Speaker.

It is a rule of the House of Commons that the Member shall vote on any matter in which he has direct pecuniary interests or other personal interests of vital importance. We are not, of course, bound by that rule; but it does represent a funding mental principle which I am unable to ignore.

In the absence of express provision by our Standing Orders, I might not feel justified in debating a Member from his vote merely on the ground of his pecuniary interests; but when it comes to his voting on a law to legalize his very right to vote, it is a different and much more serious matter.

How can I allow any Member, whose status as a Member is in doubt, to share in making a law to remove that doubt? We might, at some future time, find in this Chamber even a majority of Members whose status as such under the Constitution was challenged. Could they be allowed to amend the Constitution simply to legalize their position as Members even when it was never contemplated by the Constitution of Kenya?

It is very serious matter to debar any Hon. Member from voting and my decision today will go on further than it has to go; which is to deal with this particular situation of Members voting on a Bill to legalize their own membership. For the reason given above, however, I am firmly of the opinion that there are seven Hon. Members whose votes cannot

be counted on the Second Reading or the Third reading of this Bill.

They are Mr. Mwaura, Mr. Bomett, Mr. Asiba, Mr. Cheboiwo, Mr. Wario, Mr. Onsando, and Mr. Cheruiyot; all of whom were replaced, in last year's by elections, the seven former Members whose election petitions are now pending.

I acknowledge, with respect and regrets, that in this matter I am going against the opinion of the Attorney-General, who advised that I have no power under the Constitution to debar these Members from voting. At all other times, I have been gratefully guided by his legal opinion; and I hope that on all future occasions he will guide me likewise. On this occasion, however, I feel so strongly on this question of principle and precedent, going to the root of constitutional stability of this National Assembly that I must act as I feel.

If I am indeed acting unconstitutionally, then am open to correction, by the High Court of Kenya, to whose decision I shall humbly bow.

Also, in anticipation of the possibility of such correction, I shall allow the votes of these seven Hon. Members, if they wish to vote, to be recorded on the second and third readings of this bill; but there votes will not be taken into account, unless and until the High Court rules that they had the right to vote o this occasion.

Thursday, 9th March 1967

COMMUNICATION FROM THE CHAIR

REINTRODUCTION OF BILLS FROM PREVIOUS SESSION

The Speaker (Mr. Slade): Hon. Members, when the Vagrancy Bill was read in this house for the first time, an Hon. Member questioned whether it could be reintroduced so soon after its rejection (near the end of the last session) by the former Senator; and the Deputy Speaker reserved that question for my ruling. This Bill is today on the order paper for second reading.

Its true that Standing Order 32 provides that, "no motion may moved which is the same in substance as any question which has been resolved during the preceding six months", except that a motion to resend the previous decision may be moved with the permission of the speaker. I have been of the opinion, however, that this Standing Order applies only to further motions during the same session, for most purposes, we begin again.

However that may be, this Standing Order seems hardly applicable to Motions for the

Second Reading or Third Reading of a Bill; because the Speaker could not give permission to rescind a resolution for the Second and Third Reading of a Bill which had since become law, nor would it make since to approve a motion to rescind a resolution that the Bill be read six months hence.

Again, now that we are one house, it seems impossible to apply Standing Order 32 to any Motion which, in the previous session, was passed by the House but rejected by the other.

For these reasons, I am of the opinion that, these Bills have been republished since the end of the last session, and the requisite further period of 14 days having since elapsed, reintroduction of this Bills was in order, and the House can today consider a Motion for its Second Reading.

As regards reintroduction of Bills generally, our Standing Orders are at present; but, pending express provision therein, I am disposed to follow the practice of the House of Commons, whereby a defeated Bill may not be reintroduced during the same session, but may be reintroduced (after fresh publication) in a subsequent session.

The Select Committee which has now Orders will doubtless give further considerations to these questions, and help us to clarify the position for the future.

Thursday, 27th July 1967

COMMUNICATION FROM THE CHAIR

WITHDRAWAL OF STRANGERS

The Speaker (Mr. Slade): We must continue now. Before we have the next two orders, I shall have to require strangers, including press to withdraw and, for the information of strangers, this business may take rather more than one hour. Would strangers please withdraw?

Thursday, 27th July 1967

CONSIDERED RULING

The Speaker Mr. Slade): Before calling on the mover of this Motion, I should like to explain to this House the exact scope of this debate which is, in fact, fairly limited. The position of Committee of Privileges, as established by the National Assembly (Powers and Privileges) Act and Rules which this House has made under that Act, is as it were that of jury which is required to make decision. It is also required to make recommendations which this house

may or may not accept. Hon. Members have the report of the committee and must accept the findings of fact of that committee as final. So, what the House is required to do is to decide whether or not to accept the recommendations of the Committee.

Now, there were two Hon. Members involved in this inquiry, hon. Mr. Kebaso and the Hon. Mr. Ngei. As regards Mr. Kebaso, the Committee recommended no disciplinary action for every obvious reasons given in their report, and according to our rules, where no disciplinary action is recommended, that is the end of the matter. So, there will be no debate on the report so far as it affects Mr. Kebaso. All we have to debate is the recommendations concerning Mr. Ngei.

In debating that, as I say, the House has accepted the findings of fact, but it is open to any Hon. Member to move an amendment of the Motion, either to the effect that there should be no disciplinary action. It may not be easy to phrase the Amendment exactly correctly according to the rules, and so, departing from the strict provisions of Standing Orders, if I sense that any Hon. Member wishes to move an Amendment, I will try to frame it in the appropriate terms for him.

CONSIDERED RULING

20th November 1968

POWERS OF THE HOUSE TO RESOLVE ON FINANCIAL MATTERS

The Speaker (Mr. Slade): It is a most an happy situation that we must resolve. To begin with, I would point out that so far as there has been any argument, it is not a financial question or, rather, the argument is not on a financial issue. True enough, the scheme does involve expenditure of public money, and to that extend of the expenditure that the scheme involves is approved by the house still. There is no attempt by the house to interfere with the amount of scheme. There is only a request, and not a resolution, for institution of the scheme with certain amendments. There is request to government that Ministers and Assistant Ministers be included. And so quite easily, if you saw fit, but quite constitutionally anyhow, the government could go ahead with the scheme as amended, but decide not to act o the request that the minister and assistant minister be included. That would be completely unconstitutional; because, as I explained to the House, the house cannot resolve on inclusion of people which would involve expenditure of further funds.

The only amendments which the house has made in the scheme itself is the alteration of the authority to decide on exact details of the insurance policy to be taken out, not the cost of it, but the benefits, and the distribution of benefits as between dependants where the contributor has not himself indicated his desire. That is the only amendment on which the house has actually resolved.

I did not want any misunderstanding that might lead to more ill-fillings that there should be on this question

Mr. Gichuru might like to speak again. I want to get this question.

CONSIDERED RULING

REASON WHY PROPOSED AMENDEMENT OUT OF ORDER- OUTSIDE POWER OF THE HOUSE

The Speaker(Mr. Slade): Before moving on to the next Order, however, I would like to mention to Hon. Members that I had received proposals from two Hon. Members of further amendments of the scheme under discussions in this debate which has now been adjourned, both relating to clause 9, one being a proposals to delete clause 9 altogether. The clause is the clause providing for termination of the scheme. It says;-

“9. This scheme maybe determined by the government at any time after the expiration of three months from the date of publication of notice to that effect in Parliament Buildings.”

As I say, one of the proposals is to delete that clause altogether. The other is to substitute the method of termination by making it a resolution of the national assembly instead of

Bill No.	Title	Passed Third Reading	Date of Assent
16	The Petroleum Duties Amendment Act 1971.	12-5-71	16-6-71
17	The Education (Amendment) Act 1971.	19-5-71	16-6-71
18	The Supplementary Appropriation (No.2) Act, 1971.	25-5-71	16-6-71

by government.

Having considered these proposals, I have to warn Hon. Members that I should not be able to allow either of them to be moved, because both of them, in effect, could involve government in expenditure of public funds for a longer period than government thought fit, and that is something beyond the power of this house. So clause 9 will have to stay unamended.

CONSIDERED RULING

Friday, 24TH June 1971

SPEAKER DOES NOT NOTICE LACK OF QUORUM UNTIL HIS ATTENTION IS DRAWN TO IT

The Speaker (Mr. Mati): May I just say a word before we adjourn on this question of quorum. As a rule, the Chair does not notice an absence of quorum. Our standing orders, and even the

Constitution, provide that it is only when Mr. Speaker's attention is drawn to the fact that there is no quorum that he takes action. we leave it to the members own common sense to decide on what is the right thing to do.

If you call for a quorum when you know by the time the bell stops, probably the time will be over, then all you are suggesting is that you don't want to continue with the business at hand. I think in future members should consider these things. So long as my attention is not drawn to it, I will not notice an absence for a quorum and we will continue for the benefit of the House.

Wednesday, 30th June 1971

COMMUNICATION FROM THE CHAIR ASSENT TO BILLS

The Speaker (Mr. Mati): Hon. Members, I have to report that His Excellency the President has assented to the following Bills which were passed by the National Assembly during May, 1971:

Wednesday, 7th July 1971

**COMMUNICATION FROM THE CHAIR
CHANGE IN THE ORDER OF BUSINESS**

The Speaker (Mr. Mati): Hon. Members, you will notice that there is a change in the order paper. This is because the Minister of State, President's office who should have moved this order today is not feeling well and cannot be here. The Minister of Agriculture was not quite ready to move his vote today and, therefore, the two ministers will not be able to move their votes today. Therefore we have recognized everything so that we take the bills instead.

**Friday 23rd July, 1971
COMMUNICATION FROM THE CHAIR**

**SERIOUS MISREPORTING OF PROCEEDING
BY THE PRESS - APPROPRIATE ACTION TO
BE TAKEN**

The Speaker (Mr. Mati): Hon. Members, before we move to the next order, I have to say something on a report which appears in one of our local newspapers. My attention has been drawn to a report in the East African standard of today where they give their vision of the proceedings on the "trade disputes (Amendment) bill, defeated", then in the report, itself, as given, it is said;-

"the amendment of the Trade Disputes Bill was defeated last night.

Debating on it after defeat, the Member for Nakuru, Mr. Mark Mwithaga, said that the Trade Union Bill was not in the interests of the workers."

First of all, I do not know what Trade Union Bill is.

The report in the paper goes on;

"Debating on it after defeat, the Member for Nakuru, Mr. Mark Mwithaga, said that the Trade Union Bill was not in the interests of the workers..."

This is clear misrepresentation that the same paper further goes on and towards the end of the report says;

"So Mr. Kibisu moved that the Bill be read for the second time, at this point, the Members of Parliament refused the leave of the House,"

The impression created there is that whatever Mr. Kibisu was moving was refused or was not allowed by the House; which is again a misreport. The fact, as known by Hon. Members, is that the Trade Disputes (Amendment) Bill went through the second reading yesterday and that what was defeated here was an amendment which aimed at killing the Bill is still going on in its original form; it has not been defeated and nothing has happened to affect it as such.

This is repetition of something that has been going on, and I am afraid the East Africa Standard seems to be the worst offender in

this respect. It was only a few weeks ago when I had to make a statement again on misreporting of this kind, and especially when it is clearly headed in block letters to emphasize exactly what happened with no doubt that the bill was defeated. The people who do not know what went on here will have the impression that this bill is off now; it is completely dead. Therefore, may I draw the attention of the press to the provision of the standing orders of this house; standing orders No.165 states:

"Any newspaper whose representative infringes these Standing Orders or any rules made by Mr. Speaker for the regulation of the admittance of strangers or persistently misreports the proceedings of the House, or neglects or any wrong report thereof to the satisfaction of Mr. Speaker, may be excluded from misrepresentation in the press gallery for such term as the House shall direct."

As I said last time, I am getting to a point where I think my warnings from here are of no effect I have, therefore, decided to consider this matter and take whatever appropriate action I deem fit.

**Tuesday, 27th July, 1971
COMMUNICATION FROM THE CHAIR
DEATH OF DR. WILLIAM TUBMAN,
PRESIDENT OF LIBERIA**

The Speaker (Mr. Mati): Hon Members, as you are all aware, the whole of Africa - indeed, the whole world - is at the moment mourning the death of one of Africa's greatest sons and an elder statesman. I refer to the death of Dr. William Tubman, the president of Liberia, who died in London last Friday.

President Tubman's long period of leadership as head of state, spanning 28 continuous years, was characterized by his constant striving towards unity, both within his own country of Liberia and in Africa as a whole. As a founder member of the organization of African unity, he was among those who spearheaded inter-Africa cooperation and played a leading role towards bringing the gap, both geographical and political, between the various African states. He was an ardent believer in Justice, peace and in the liberation of mankind.

In 1968, Kenya was honored by his visit on October 1st, that year; some of us had the pleasure of welcoming him and Mrs. Tubman in this very Chamber. It is sad to know he can never again be with us. But although he is gone, his spirits and his ideals for which he stood for remain with us.

Let us now stand in silence for a few moments to honor his memory.

Tuesday, 14th September, 1971
COMMUNICATION FROM THE CHAIR
DISTINGUISHED VISITORS IN THE
SPEAKER'S GALLERY

The Speaker (Mr. Mati): Hon Members, before we start on with our business, may I take this opportunity to welcome our friends, the Members of Swedish Parliament, who are in the Speakers Gallery. On your behalf, I wish to assure them that we are very happy to see them and hope that they will enjoy their short stay in Kenya.

Wednesday, 15th September, 1971
COMMUNICATION FROM THE CHAIR
ASSENT TO BILLS

The Speaker (Mr. Mati): Hon members, I have to report that His Excellency the President has assented to the following Bills which were passed by the National Assembly during May, June and July 1971:-

Friday 24th September, 1971

COMMUNICATION FROM THE CHAIR

REASON FOR WEDNESDAY MORNING
SITTING OF THE HOUSE-MEMBERS TO
ATTEND OFFICIAL OPENING OF NAIROBI
SHOW

The Speaker (Mr. Mati): We will go on now, but before we do so, I have to report that the Sessional Committee meeting last night, it was agreed that on Wednesday, the 29th of September, we shall sit in the morning in order to enable Hon. Members to go to the Agricultural show in the afternoon when his Excellency the President will be opening the show officially. Therefore, next Wednesday the 29th, we shall be sitting at 9 am and not in the afternoon.

Tuesday 28th September, 1971

COMMUNICATION FROM THE CHAIR

CONGRATULATION ON A MEMBER BEING
MADE A FREE MAN IN THE CITY

The Speaker (Mr. Mati): Hon. Members, before we go on, on behalf of us all may I take this opportunity to congratulate our colleague and friend, the hon. Isaac Lugonzo on the great and exceptional honor bestowed upon him by being made a free man of the City of Nairobi.

Tuesday, 12th October, 1971

COMMUNICATION FROM THE CHAIR

WELCOME TO TWO OPPOSITION MEMBERS
OF SOUTH AFRICA PARLIAMENT

The Speaker (Mr. Mati): Hon. Members, it is my very greatest pleasure to welcome two very distinguished friends of ours who are now seated in the Speaker's Row. They are Mrs. Helen Suzman, the only progressive party member of the South African Parliament, and Mr. Colin Englin, the leader of that party -the party which has spearheaded the movement against injustice and racism in that country.

We very heartedly welcome them, and assure them that we are aware and proud of the gallant fight which they have consistently put up against many odds in their relentless efforts to eliminate the evil doctrine and practice of apartheid. We wish them success in the confidence that they will ultimately overcome their opponents.

Tuesday, 26th October, 1971

CONSIDERED RULING

FAILURE TO SUBSTITUTE AN ALLEGATION
AGAINST A PUBLIC OFFICER-WITHDRAWAL
AND SUITABLE AND SINCERE APOLOGY
REQUIRED

The Speaker (Mr. Mati): Hon. Members, last Friday, Hon. Mutunga stood up in the House

Bill No.	Title	Passed Third Reading	Date of Assent
19	The Hotels and Restaurants Act, 1971	7-5-71	9-8-71
20	The Loans and Credit Facilities Act, 1971	24-6-71	9-8-71
21	The Local Government Regulations act, 1971	15-7-71	10-8-71
22	The Trade Disputes act, 1971	29-7-71	9-8-71

and substantiated an allegation which he made the previous day that a certain Permanent Secretary had allowed government-bought car to be driven by his girlfriend who,

in the process, smashed it. He gave the registration number of this car as KNN 273 and claimed that this car had stood outside Jogoo House for more than a week later, the Hon. Choge challenged the validity of the allegation pointing out that the registration number which was given was not that of the car in the possession of the Permanent Secretary whose name had been mentioned by Hon. Mutunga. Hon. Choge gave this Permanent Secretary's car registration number as KNN 283.

Hon Members will no doubt agree that this kind of allegations affecting as it does the very core of family life cannot be treated lightly for it would be the height of irresponsibility on the part of anyone to do so. We are here not to ruin other people's family life but rather for the welfare of society and the just government of men.

In his allegation the Hon. Member accuses the officer of irresponsibility in that he allowed misuse of a public vehicle but it turned out that the officer mentioned was not responsible for the vehicle referred to.

Now, let me remind you of our own Standing Orders. Standing order No. 76 states;- "Members shall be responsible for the accountancy of any fact which he alleges to be true and may be required to substantiate any such facts or withdraw his allegations with suitable apology, if Mr. Speaker so requires." Hon. Mutunga asked to be allowed a day to verify his facts and I agreed. It was his duty therefore, to be absolutely certain that the information he brought to this house the following day was accurate. When it was pointed out to him that he had misled the house, he complained of being taken to task unjustly by being challenged to substantiate his allegation. Having misled the house by giving the wrong number, which happened to belong to another car, presumably normally parked at Jogoo House, Hon. Mutunga had no reasonable grounds for complaining. He was correctly taken to task, for it is the right, and, indeed the duty, of the members of this house to demand substantiation when an allegation of such a serious nature is made. This indicates my recent ruling not to allow members to carry over's substantiation to another day, as this practice is obviously being abused. It is a gross abuse of parliamentary privilege which no-self respecting legislature can tolerate. As, I said on a previous occasion, it could be exploited for witch-hunting, which we must never allow.

If Hon. Mutunga is now satisfied that the number he gave was not the number of the car he meant, then, he must also admit that he should never have made such damaging allegations against the officer. If he was

negligent in checking the accuracy of the number he gave, then he contravened our own standing orders. Hon. Mutunga, therefore, owes the officer in question, as well as this house, very sincere apology and I require him now to make a suitable apology.

27th October 1971

COMMUNICATION FROM THE CHAIR

PROCEDURE FOR NAMING A MEMBER FOR GROSS MISCONDUCT

The Speaker (Mr. Mati): Order! We must go on now. Now, Mr. Mwamzandi did rise the question of the presence of Mr. Mutunga in the chamber after he had been sent out yesterday. I said that I had to ask him to come because we have to regularize the action we took. We would not like Mr. Mutunga to think that he was punished beyond reason; beyond what he thinks is right. This follows a point raised here immediately Mr. Mutunga left the chamber.

I said Hon. Members invited me to name Mr. Mutunga.

19th November 1971

COMMUNICATION FROM THE CHAIR

DISTINGUISHED VISITOR IN COMMONWEALTH PARLIAMENTARY ASSOCIATION'S BOX

The Acting Speaker (Dr. waiyaki): Hon. Members, it has been brought to my notice that sitting in the Commonwealth Parliamentary Association's box is the Hon. Williams Wilson, the Labor Member of Parliament for Coventry who, I gather, is from Commonwealth Parliamentary Association's conference in Malawi. I am sure that all Hon. Members would like him to have a good and enjoyable stay.

Thursday, 2nd December, 1971

COMMUNICATION FROM THE CHAIR

ASSENT TO BILLS

The Speaker (Mr. Mati): His Excellency the President assented to the following bills which were passed by the National Assembly during September and October 1971.

8th May 1979

COMMUNICATION FROM THE CHAIR

MEMBERS NOT TO MIX ENGLISH AND KISWAHILI IN THEIR SPEECHES

Mr. Speaker: Kabla hatujaendelea, kuna kitu kidogo ambacho kimefikishwa kwangu ambacho ningependa bunge lielewe. Siku ya ijumaa kulikua na mbunge mmoja wakati alipokua akizungumza katika mazungumzo yaliokua yakiendelea alikua akichanganya lugha ya Kiswahili na ile ya kingereza na ikawa vigumu sana kwa watu wa Hansard kuyatengeza mambo hayo. Kama vile nilivyoeleza mwanzoni, ukichagua kuzungumza katika lugha moja ni heri uendele kufanya hivyo mpaka mwisho wa hotuba yako. Huwezi kuzichanganya lugha mbili wakati unapozungumza kama vile mheshimiwa mbunge alivyo fanya siku hiyo.

Thursday, 10th May, 1979

COMMUNICATION FROM THE CHAIR MAINTENANCE OF STANBY GENERATOR IN PARLIAMENT BUILDINGS

Mr. Speaker: I would like to draw attention of the house to the fact that since the time the lights went off, nothing has been recorded of what we have been saying here. I do not know which is the best way of resuming our proceedings. We either start right from the beginning or start from where we stopped when the lights failed. However, I think for the benefits of those who asked their question first, what we should do is to go back, try to be a bit quicker this time. Therefore, I do not expect Hon. Members to ask as many supplementary questions as they asked at the beginning. If it is possible, perhaps those who asked supplementary questions should be the ones to ask them again, so that we can get them recorded. Therefore, I take it that nobody will stand up to ask a question if he did not ask it before.

Wednesday, 16th May 1979

COMMUNICATION FROM THE CHAIR

SITTING OF THE HOUSE

Mr. Speaker: Hon. Members, before we continue, the Sessional Committee has decided that we shall be adjourning the house on Friday, 18th May, and we shall come back on Thursday, 5th June 1979. So, that is just for the information of members so that they are aware.

Thursday, 17th May 1979

COMMUNICATION FROM THE CHAIR

ASSENT TO BILLS

Mr. Speaker: Hon. Members, I have to report that His Excellency the President has assented to the following Bills which were passed by the national assembly in April, 1974, and between May and November, 1978:

CONSIDERED RULING

AFFIDAVITS NOT ACCEPTABLE AS SUFFICIENT SUBSTANTIATION OF ALLEGATION

Mr. Deputy Speaker: Order! Niliahidi nitatoa uamuzi wangu juu la swali la bwana. Njuno kuhusu kuleta affidavit hapa. My considering here ni kwamba sitakubali affidavit, hata kama atawaletea watu wengine watatu. Sababu yangu ni kuwa bunge hili likianza kutegemea affidavits kutoka nje, hakutakuwa na mwisho wa affidavits hizo. Tukikubali mtindo huo, waziri msaidizi pia anaweza kuleta affidavits kuonyesha kwamba hakuonyesha watu wengine faili iliyo na mambo ya siri, kama ilivyo kuwa alleged. Ninaonelea nitaliweka bunge hili kwa shida nikikubali affidavits kutoka kw amheshimiwa Njuno. Kwahivyo, mheshimiwa Njuno ingefaa alete substantiation ambayo inaweza kukubaliwa, kama Photostat copy ya barua kutoka kwa faili hiyo ya siri. Lakini sitakubali affidavit. Nnalotaka ni substantiation kulingana na Standings Order, inayosema mbunge yuko responsible kwa kila analosema. Tutaliweka hili bunge katika conflict kubwa ikiwa tutakuwa tukikubalia affidavits. Hii haitakubaliwa katika bunge hili.

Tuesday, 19th June 1979

COMMUNICATION FROM THE CHAIR

DISTINGUISHED GUEST IN THE SPEAKERS BOX AUSTRALIA PARLIAMENTARIANS

Mr. Speaker: Honourable members, I have great pleasure in welcoming our Parliamentary colleagues and friends from Australia, now seated in the Speakers box, who are visiting the country as well as few other countries in Africa.

It is a great honour to us that they decided to visit Kenya first, especially since I understand that this is the first of its kind to this part of Africa by an Australian Parliamentary delegation.

On your behalf, therefore, I welcome Mr. D. M. Connolly, MP, the Leader of the delegation; Senator J. W. Kinght, Senator G. Georges, Senator K. W. Sibraa, Mr. J. W. Haslem, MP, and Dr. June Verrier, their secretary. I wish them a happy and fruitful stay in our country.

Thursday, 28th June, 1979

COMMUNICATION FROM THE CHAIR

ASSENT TO BILLS

Mr. Speaker: Hon members, His Excellency the President has assented to the following bills which were passed by the National Assembly during the months of March, April, May and June, 1979: