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PRAYER

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

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

AMEN

OMBI

Ewe Mwenyezi Mungu, ambaye kwa hekima nawema wako umeteua nyadhifa za viongozi na mabunge kwa ustawi wa jamii na utawala wa haki wa wanadamu: twakusihi ututazame kwa neema nyingi sisi watumishi wako, ambao umeridhika kutuita ili tutekeleze shughuli muhimu za Kaunti hiiyetu.

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

AMIN

PART 1 – INTRODUCTORY

In cases not provided for, the Speaker to decide

1.(1) In all cases where matters are not expressly provided for by these Standing Orders or by other Orders of the County Assembly, any procedural question shall be decided by the Speaker subject to the provisions of Paragraph (2) of this Order.

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

Interpretation

2. (1) In these Standing Orders-
(a) unless the context otherwise requires-

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

“Clerk” means the Clerk of the County Assembly, or, if the Clerk is absent, or if the office is vacant, such other person as is for the time being performing the duties of the Clerk;

“County Assembly” means the County Assembly of Samburu established at, and elected pursuant to, Article 177 of the Constitution of Kenya, 2010.

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

“dignitary” means such a person as the Speaker may determine in consultation with the Leader of Majority and the Leader of Minority;

“Governor” means the Governor of the County of Samburu in the Republic of Kenya elected in accordance with Article 180 of the Constitution and includes the Deputy-Governor when acting as Governor and the Speaker while for the time being performing the functions of the Governor pursuant to article 182(4) of the Constitution;

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

“Leader of the Majority Party” means the person who is the leader in the County Assembly of the largest party or coalition of parties under Standing Order 15;

“Leader of the Minority Party” means the person who is the leader in the County Assembly of the second largest party or coalition of parties under Standing Order 16;

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

“Majority Whip” means the Member designated as the Majority Whip by the Leader of the Majority Party;

“Member” means a Member of the County Assembly of Samburu elected or nominated in accordance with Article 177 of the Constitution;

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

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

“Minority Whip” means the Member designated as the Minority Whip by the Leader of the Minority Party.

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

under Standing Order 37 (*Order Paper to be prepared and circulated*)

“Order Paper” means the paper showing the business to be placed before or taken by the County Assembly on a particular day, published and circulated by the Clerk under Standing Order 37 (*Order Paper to be prepared and circulated*)

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

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

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

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

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

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

“session” means the sittings of the County Assembly commencing when it first meets after a General Election or on a day provided for in Standing Order 26 (*Regular Sessions of the County Assembly*) and terminating when the County Assembly adjourns at the end of a calendar year or at the expiry of the term of County Assembly.

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

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

“Special Motion” means a Motion seeking impeachment.

(b) Reference to the Chairperson of Committees includes the Speaker when presiding over a Committee of the whole County Assembly or any other Member for the time being so presiding;

(c) reference to the Speaker includes any other Member when presiding over the County Assembly pursuant to Article 178(2) of the Constitution

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

(3) the Mace embodies the authority of the speaker and the house and shall be kept in safe custody by the sergeant-at-arms

PART 2 - SWEARING-IN OF MEMBERS AND ELECTION OF SPEAKER

Proceedings on assembly of a new County Assembly

3. (1) Whenever a new County Assembly is elected, the Governor, by notice in the Kenya Gazette, shall appoint the place and date of the first sitting of the new County Assembly, which date shall not be later than fourteen days after the gazettment of members.

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

(a) read the notification of the convening of the County Assembly as published in the Kenya Gazette;

(b) lay a list of the names of the persons elected as Members on the Table of the County Assembly;

(c) notwithstanding paragraph (b) above, the Clerk shall submit a list of Members whose election or nomination is gazetted after the first sitting of a County Assembly; and

(d) administer the Oath or Affirmation of Office provided for in the First Schedule of the County Governments Act, 2012 to all members present in the County Assembly in the order set out in paragraph (3).

(3) The Clerk shall administer the Oath or Affirmation of Office to Members of the County Assembly in alphabetical order of the surnames of the Members between 9.00 a.m and 6.00 p.m.

(4) Pursuant to Article 74 of the Constitution, no person shall assume or perform any functions of the office of a Member before taking and subscribing to the Oath or Affirmation of Office provided for under paragraph (2)(d).

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

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

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

(8) Notwithstanding Standing Order 29 (*Hours of Meeting*), on the day when the election of the Speaker is to be conducted after a general election, the sitting of the County Assembly shall commence at 9.00 am.

Vacancy in the Office of the Speaker

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

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

(3) the deputy speaker shall preside over election under paragraph (2), if the deputy is a candidate, A Member elected by the County Assembly in accordance with Article 178(2) of the Constitution shall preside over.

Nomination of candidates

5. (1) Upon the Governor notifying the place and date for the first sitting of a new County Assembly pursuant to Standing Order 3 (*Proceedings on assembly of a new County Assembly*), the Clerk shall by notice in the Kenya Gazette notify that fact and invite interested persons to

submit their nomination papers for election to the office of Speaker.

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

(3) The nomination papers of a candidate shall be accompanied by the names and signatures of at least two Members who support the candidate and a declaration by them that the candidate is qualified to be elected as a Member of County Assembly under Article 193 of the Constitution and is willing to serve as Speaker of the County Assembly.

(4) The Clerk shall maintain a register in which shall be shown the date and time when each candidate's nomination papers were received and shall ascertain that every such candidate for election to the office of Speaker is qualified to be elected as such under Article 193 of the Constitution.

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

(a) publicize and make available to all Members, a list showing all qualified candidates; and

(b) make available to all Members, copies of the curriculum vitae of the qualified candidates.

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

Election of the Speaker by secret ballot

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

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

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

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

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

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

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

Election threshold

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

(2) If no candidate is supported by the votes of two-thirds of all Members, only the candidate or candidates who

received the highest number of votes in the ballot referred to in paragraph (1) and the candidate or candidates who in that ballot received the next highest number of votes shall stand for election in a further ballot and the candidate who receives the highest number of votes in the further ballot shall be elected Speaker.

(3) If more than one candidate receives the greatest number of votes in the ballot referred to in paragraph (1), paragraph (2) shall not apply and the only candidates in the fresh election shall be those candidates who received the highest number of votes and the candidate who then receives the highest number of votes in this further ballot shall be elected Speaker.

Withdrawal of candidate

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

Equality of votes

9. If, in the further ballot referred to in paragraph 3 of Standing Order 7 (*Election threshold*), more than one candidate receives the highest number of votes again, the ballot shall again be taken, and if there is an equality of the highest number of votes a further ballot shall be taken

until one candidate obtains more votes than the other or others.

Custody of ballot papers

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

Single duly nominated candidate

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

Swearing-in of the speaker

12. Immediately following the election of the Speaker, the Clerk shall administer the Oath or Affirmation of Office to the Speaker in the presence of the assembled County Assembly.

Notification of opening of County Assembly

13. (1) Immediately after taking and subscribing to the Oath or Affirmation of Office under Standing Order 12 (*Swearing in of the Speaker*), the Speaker shall notify the

Members of the place, date and time of the opening of County Assembly.

(2) Following the notification by the Speaker under paragraph (1), the sitting of the County Assembly shall stand adjourned until the date and time of the opening of County Assembly which shall not be more than twenty-one (21) calendar days.

PART 3 –DEPUTY SPEAKER AND SPEAKER’S PANEL

Election of the Deputy Speaker.

14.(1) Immediately after the election of the Speaker following a General Election, a Deputy Speaker shall be elected amongst members of the County Assembly who shall preside over any sitting of the Assembly in absence of the Speaker as contemplated in Article 178(2)(b) of the Constitution and in matters that directly affect the speaker.

(2) the procedure for electing the deputy Speaker shall, with necessary modifications, be the same as that prescribed for the election of the Speaker under part II of these Standing Orders.

(3) The Deputy Speaker shall be the Chairperson of Committees and shall preside over all Committees of the whole County Assembly.

(4) In absence of the Chairperson of Committees, a Member of the Speaker’s Panel established under standing Order 15(1) shall preside over the committee of the whole House.

(5) If the office of the Deputy Speaker and Chairperson of Committees falls vacant at any time before the end of the

term of County Assembly, the County Assembly shall, as soon as practicable, elect a Member to that office.

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

Speaker's Panel

15.(1) There shall be a panel to be known as the Speaker's Panel which shall comprise three Members to be known, respectively, as the First, Second and Third Chairperson of Committees and who shall be entitled to exercise all the powers vested in the Chairperson of Committees.

(2) As soon as practicable, after the election of the Deputy Speaker following a general election, the Speaker shall, in consultation with leaders of County Assembly parties, submit a list of three Members for consideration by the House Business Committee.

(3) The House Business Committee shall, within seven days of

Receipt of the names of the nominees under paragraph (2) above,

table the list in the House and give notice of motion for approval of the names.

(4) Whenever a Motion for approval under paragraph(2) is moved in the House, no objection against the proposed membership on the Speaker's Panel of any particular Member shall be permitted, and objections, if any, shall be formulated and considered against the proposed membership as a whole.

(5) In nominating the Members of the Speaker's Panel, the Speaker and the House Business Committee shall have regard to the relative party majorities in the House and shall ensure, so far as shall be practicable, that at least one member of the Panel is from either gender.

Discharge of a member from Speaker's Panel

(6) The approval of the Members of Chairpersons Committees under Paragraph (9) above shall be deemed to constitute an election for purposes of Article 178(2) of the Constitution and either any one of them may preside over the House in the absence of the Speaker and the Deputy Speaker.

(7)The Speaker may, in writing, to the House Business Committee

give notice, that a member is to be discharged from the Panel.

(8) Within seven days of receipt by the House Business Committee of a notice under paragraph (7), the House Business Committee shall consider the notice and give Notice of Motion to replace the

Member.

Presiding in the Assembly

(9) The discharge of a Member of the Panel shall not take effect until the House has approved the Motion for replacement under paragraph (8).

(10) Immediately after approving the removal of a member from the Panel, the Speaker shall forward a name of another member to replace the discharged member to the House Business Committee which shall table a motion for approval of the nominee within Seven (7) days after the assembly approves removal of a member from the Speaker's Panel.

(11) The Speaker shall preside at any sitting of the Assembly but in absence of the Speaker, the Deputy Speaker shall preside and in absence of the Speaker and the Deputy Speaker, a member of the

Speaker's Panel shall preside.

(12) Whenever a member of the Speaker's Panel is presiding over a sitting of the Assembly, the approval of the members of the Speaker's Panel under Standing Order 15 (*Nomination and Approval of the Members of Speaker's Panel*) and under Standing Order 15(4) (*Approval of the member replacing a discharged member*), shall be deemed to be an election for purposes of Article 178(2) of the Constitution.

PART 4 - THE LEADER OF THE MAJORITY PARTY AND THE LEADER OF THE MINORITY PARTY

Leader of Majority Party

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

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

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

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

(5) The whip of the largest party or coalition of parties in the County Assembly shall forthwith, upon a decision being made under paragraph (4) of this Standing Order, communicate to the Speaker, in writing, the decision

together with the minutes of the meeting at which the decision was made.

Leader of Minority Party

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

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

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

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

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

PART 5– ADDRESS BY GOVERNOR, SENATOR AND VISITING DIGNITARY

Governor’s address on the opening of a new County Assembly

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

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

Governor’s address on special sitting

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

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

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

made before the time for which the Governor's arrival has been notified.

Governor entering or leaving the Chamber

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

Governor's address to County Assembly

21. (1) The Governor may be accompanied in the Chamber by an Aide-de-Camp.

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

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

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

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

Address by the Senator or visiting dignitary

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

(2) Standing Order 20 (*Governor entering or leaving Chamber*) and paragraphs (1), (3), (4) and (5) of Standing Order 21 (*Governor’s address to County Assembly*) shall, with necessary modifications, apply to the Senator, visiting Heads of State and such other dignitaries.

PART 6 - CALENDAR, SITTINGS AND ADJOURNMENTS OF THE COUNTY ASSEMBLY

Location of the first sitting of a new County Assembly

23. Whenever a new County Assembly is elected, the Governor, by notice in the Kenya Gazette, shall appoint the place and date for the first sitting of the new County Assembly, which shall not be more than fourteen days after the gazettment of members.

Regular Sessions of the County Assembly

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

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

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

(4) Despite paragraphs (1), (2) and (3), a period of three months shall not intervene between the last sitting of the

County Assembly in one Session and the first sitting thereof in the next Session.

Calendar of the County Assembly

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

(2) The calendar of the County Assembly once approved shall be published in the gazette, County Assembly website and at least two newspapers of nation-wide circulation.

(3) On a day when the County Assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance with the County Assembly Calendar, the speaker shall notify members of the same, and at the appointed time, the County Assembly shall adjourn without question put.

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

Special sittings of the County Assembly

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

of the Minority Party, appoint a day for a special sitting of the County Assembly.

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

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

(4) Whenever the County Assembly meets for a special sitting under paragraph (1), the Speaker shall specify the business to be transacted on the day or days appointed and the business so specified shall be the only business before the County Assembly during the special sitting, following which the County Assembly shall stand adjourned until the day appointed in the County Assembly calendar.

Hours of meeting

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

(2) Unless for the convenience of the County Assembly the Speaker or the Chairperson(as the case may be) directs

earlier or later interruption of business, at 6.30 p.m. or (if it is an Allotted Day) at 7.00 p.m., on the occasion of an afternoon sitting and at 12.30 p.m. on the occasion of a morning sitting, the Speaker or the Chairperson of Committees shall interrupt the business then under consideration and if the County Assembly is in Committee the Chairperson shall leave the Chair and report progress and ask leave to sit again.

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

(a) to extend its sitting time, or

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

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

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

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

(6) Upon the conclusion of all proceedings under paragraphs (2), (3) or (4) of this standing order, or upon

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

Adjournment of the County Assembly

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

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

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

Resumption of interrupted business

29. Any debate interrupted under this Part shall on coming again before the County Assembly or the Committee, be resumed at the point where it was interrupted and any Member whose speech was so interrupted shall have the right to speak on such resumption for the remainder of the time available to him or her but if such Member does not avail himself or herself of this right, his or her speech shall be deemed to have been concluded.

Adjournment on definite matter of urgent county importance

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

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

(3) If the Speaker is satisfied in terms of paragraph (2) and not less than twenty other Members rise in their places in support, the Speaker shall nominate a time on the same day at which such Motion may be moved.

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

PART 7 - QUORUM OF THE COUNTY ASSEMBLY

Quorum at commencement of the County Assembly

31. (1) A quorum of the County Assembly or of a Committee of the whole County Assembly shall be one third of its members.

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

Quorum during the proceeding of the County Assembly

32.(1) If at any time after the Chair is taken, or when the County Assembly is in Committee, a Member objects that there is not a quorum present, the Speaker or the Chairperson shall order account of the County Assembly Members or the Committee as the case may be.

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

(a) if the Speaker is in the Chair, the Speaker shall adjourn the County Assembly until the next sitting without question put;

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

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

Quorum during voting or division

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

Decorum when quorum not present

34. When the Quorum bell is ringing members shall maintain order in the County Assembly.

PART 8 - ORDER OF BUSINESS

Order Paper to be prepared and circulated

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

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

Weekly programmes of the business of the County Assembly

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

Sequence of proceedings

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

- (i) Administration of Oath;
- (ii) Communication from the Chair;
- (iii) Messages;
- (iv) Petitions;
- (v) Papers;
- (vi) Notices of Motion;
- (vii) Statements;
- (viii) Motions and Bills.

(2) Subject to the provision of Standing Order 64 (*Priority of Motion*), the Business of the County Assembly shall be disposed of in the sequence in which it appears in the Order Paper or in such other sequence as the Speaker may, for the convenience of the County Assembly, direct.

(3) On Wednesday morning, a Bill or a motion other than that sponsored by the Majority or Minority Party or by a Committee, shall have precedence over all other businesses in such order as the County Assembly Business Committee shall ballot.

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

PART 9 – MESSAGES

Messages to and from the Parliament and other County Assemblies

38. (1) A message from the County Assembly to the Parliament and other County Assemblies shall be in writing and shall be signed by the Speaker.

(2) The Clerk of the County Assembly shall transmit a message from the County Assembly to the Clerk of the relevant House of Parliament or other County Assembly and shall receive messages from the relevant House of Parliament or County Assembly.

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

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

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

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

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

Messages to and from Commissions and independent offices

Constitutional amendments in accordance to Article 257

39. (1) The provisions of paragraphs (2) to (6) of Order 38 (*Messages to and from the Parliament and other County Assemblies*) shall apply with necessary modifications to the messages received from the Commissions and independent offices.

40. (1) Notwithstanding Standing Order 39 above and Standing Order 126 (*Committal of Bills to Committees and public participation*), the draft constitution amendment Bill shall be committed to the relevant Committee for consideration and report thereupon.

(2) The draft Bill referred to under this Order shall be subjected to public participation by the Committee before the Committee makes a report to the County Assembly thereupon.

(3) Notwithstanding paragraph (1) and (2) above, no amendment may be made to the draft Bill and the draft Bill may not be subjected to the First, Second or Third Reading but shall be debated in accordance with Standing Order 52 (*Manner of debating motions*) upon a motion “*That this County Assembly approves the draft Constitution Amendment Bill, 20__*” with such necessary variations to the motion as the Speaker may approve.

(4) At least 10 days before the expiry of the three-month period after the date on which the Bill was submitted to the County Assembly by the Commission, the County Assembly shall vote to either approve or reject the Bill in the form in which it was received by the Assembly from the Commission.

(5) If the County Assembly approves the draft Bill, the Speaker shall within 7 days thereof deliver a copy of the draft Bill jointly to the Speakers of the two Houses of

Parliament, with a certificate that the County Assembly has approved it.

(6) If the County Assembly rejects the draft Bill, the Speaker shall within 7 days thereof notify the Commission to that effect.

Messages from the Governor and the Senator

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

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

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

(a) direct that the message be dealt with forthwith, or

(b) appoint a day for the consideration of the message; or

(c) refer the message to the relevant committee of the County Assembly for consideration.

PART 10 – STATEMENTS

Members' general statements

42. (1) Notwithstanding Standing Order 27 (*Hours of Meeting*), the Speaker shall interrupt the business of the County Assembly every Tuesday just before that adjournment, to facilitate Members to make general statements of topical concern.

(2) A Member who wishes to seek leave to raise a matter under this standing order shall, before 12 O'clock on the day the statement is to be made, hand to the Speaker a written notification of the matter, but the Speaker shall refer the request to the County Assembly Business Committee unless satisfied that the matter may properly be discussed in the County Assembly.

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

Statement Hour

43. (1) Notwithstanding Standing Order 37 (*Sequence of Proceedings*) there shall be time, to be designated Statements Hour, every Thursday, commencing not later than 3.00 pm.

(2) During the Statements Hour-

(a) a Member of the County Assembly Business Committee designated by the Committee for that purpose shall, every Thursday or on the last sitting day, for not more than ten minutes, present and lay on the Table, a statement informing the County Assembly of the business coming before the County Assembly in the following week;

(b) The Leader of the Majority Party, or the Leader of the Minority Party as the case may be, or their deputies may make a statement relating to their responsibilities in the County Assembly or the activities of a Committee;

(c) A Member may request for a statement from the Committee Chairperson relating to matters under the mandate of the Committee and the Speaker may either appoint a day for the statement or direct that the statement be issued on the same day.

PART 11 – APPROVAL OF PUBLIC APPOINTMENTS

Committal to Committees

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

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

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

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

PART 12 – MOTIONS

Application

45. This Part shall apply to all Motions, including Special Motions.

Notices of Motions

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

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

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

(a) is one which infringes, or the debate on which is likely to infringe, any of these Standing Orders;

(b) is contrary to the Constitution or an Act of Parliament or of the County Assembly, without expressly proposing appropriate amendment to the Constitution or the Act of Parliament or County Assembly;

(c) is too long;

(d) is framed in terms which are inconsistent with the dignity of the County Assembly;

(e) contains or implies allegations which the Speaker is not satisfied that the Mover can substantiate; or

(f) calls for the commitment of public funds for which no provision is made in the Annual Estimates as adopted by the County Assembly, the Speaker may direct either that, the Motion is inadmissible, or that notice of it cannot be given without such alteration as the Speaker may approve or that the motion be referred to the relevant committee of the County Assembly, pursuant to section 21(3) of the County Governments Act.

Provided, however, that the Speaker shall, within two sitting days, either give his direction under this Standing Order or approve the Motion.

(4) A Member giving notice of a Motion approved by the Speaker shall state its terms to the County Assembly and whether the original copy received by the Clerk has been certified by a party leader or party whip for sponsorship by the Member's party.

(5) Unless the County Assembly resolves otherwise—

(a) subject to the provision of Standing Order 67 (*Priority of Motion*) and except as otherwise provided at Standing

Order 37(1) (*Sequence of Proceedings*), a Motion sponsored by a party shall have precedence over all other Motions on such day as the County Assembly Business Committee, in consultation with the Speaker, may determine, but where a party has sponsored two or more motions, the Motions shall be considered in such order as sponsoring party may determine;

(b) notice of an approved Motion other than those under paragraph (a) maybe given to Members by means of a list to be published in such manner as the Speaker may from time to time direct and the Member giving such notice shall state its terms to the County Assembly when the Motion has acquired precedence in accordance with Standing Order 49 (*Time for moving Motions*), but at least one day before the Motion appears on the Order Paper.

Amendment of Notice of Motion

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

Certain Motions not to be moved

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

(2) Despite paragraph (1)-

(a) a Motion to rescind the decision on such a question may be moved with the permission of the Speaker;

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

Time for moving motions

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

(2) Save for a Special Motion, a Member who has a Motion standing in his or her name may authorize, in writing, another Member to move that Motion in the Members' stead.

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

Motion withdrawn may be moved again

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

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

Motions which may be moved without Notice

51. The following Motions may be moved without notice-

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

(b) Motion for the adjournment of the County Assembly or of a debate;

(c) Motion that the County Assembly do dissolve itself into a Committee of the whole County Assembly;

(d) Motion moved when the County Assembly is in Committee;

(e) Motion for the suspension of a Member;

(f) Motion made in accordance with the Standing Orders governing the procedure as to Bills;

(g) Motion for the agreement of the County Assembly with a Committee of the whole County Assembly in a resolution reported, or for the re-committal thereof or for the postponement of the further consideration thereof;

- (h) Motion raising a question of privilege;
- (i) Motion for the orders of the County Assembly under these Standing Orders;
- j) Motion made under Standing Order 238 (*Exemption of business from Standing Orders*);
- (k) Motion made for the limitation of a debate under Standing Order 98 (*Limitation of debate*);
- (l) Motion made for the postponement or discharge of, or giving precedence to an order of the day; and
- (m) Motion for the extension of sitting time of the County Assembly.

Manner of debating Motions

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

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

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

Amendments to Motions

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

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

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

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

5) Upon any amendment to leave out words and insert or add other words instead, a question shall first be proposed *“That, the words proposed to be left out be left out of the question”*, and if that question is agreed to, the question shall then be proposed, *“That, the words [of the*

amendment] be therein inserted” (or “added”),but if the first question is negative, no further amendment may be proposed to the words which it has been decided shall not be left out.

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

(7) An amendment to leave out words and replace those words with other words shall take precedence before any amendment to leave out words without proposing to replace those words with other words.

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

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

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

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

Amendments to be in writing

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

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

Amendments to be relevant to Motion

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

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

Question proposed after Motion made

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

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

Motion in possession of the County Assembly

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

Question as amended put

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

When amendment proposed but not made

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

PART 13 - PROCEDURE FOR REMOVAL FROM OFFICE

Procedure for removal of the Speaker

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

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

(3) A Motion for a resolution to remove the Speaker shall be presided over by a Member of the County Assembly elected to act as Speaker as contemplated under Article 178 (2) (b) of the Constitution.

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

(5) When the Motion has been supported by at least one-third of all members of the County Assembly, the Assembly shall, within seven (7) days, appoint a Special Committee comprising of five of its Members to

investigate the matter; and the Committee shall, within ten days, report to the Assembly whether it finds the allegations against the Speaker to be substantiated.

(6) The Speaker has the right to appear and be represented before the Special Committee during its investigations.

(7) If the Special Committee finds the allegations unsubstantiated, the Committee shall table the report in the Assembly to that effect.

(8) If the Special Committee reports that it finds the allegations substantiated, the County Assembly shall afford the Speaker an opportunity to be heard and shall vote whether to approve the resolution requiring the Speaker to be dismissed.

(9) The procedure and threshold for removal of the Speaker shall apply to the Removal of the Member elected under Article 178(2) of the Constitution and section 9(4) of the County Governments Act.

Procedure for removal of the Governor on grounds of incapacity

61. (1) Before giving notice of Motion under section 33 of the County Governments Act, 2012 (*Removal of a governor*), the Member shall deliver to the Clerk a copy

of the proposed Motion in writing stating the grounds and particulars upon which the proposal is made, and signed by the Member; and the Clerk shall submit the proposed Motion to the Speaker for approval.

(2) A member who has obtained the approval of the Speaker to move a Motion under paragraph (1) shall give a seven (7) days notice calling for investigation of the Governor's physical or mental capacity to perform the functions of the office.

(3) Upon the expiry of seven (7) days after notice given, the Motion shall be placed on the Order Paper and shall be disposed of within three days; provided that if the County Assembly is not then sitting; the Speaker shall summon the Assembly to meet and cause the Motion to be considered at that meeting after notice has been given.

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

(5) Within the seven days' notice, the Clerk shall cause to be prepared and deposited in his office a list of all Members of the County Assembly with an open space against each name for purposes of appending signatures, which list shall be entitled " SIGNATURES IN SUPPORT

OF A MOTION FOR REMOVAL OF THE GOVERNOR ON GROUNDS OF INCAPACITY ”

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

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

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

Procedure for removal of Governor by impeachment

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

Members constituting at least a third of all the Members and that the allegations therein are true of their own knowledge and belief on the basis of their reading and appreciation of information pertinent thereto and each of them sign a verification form provided by the Clerk for that purpose.

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

(3) A member who has obtained the approval of the Speaker to move a Motion under paragraph (1) shall give a seven (7) days' notice calling for impeachment of the Governor.

(4) Upon the expiry of seven (7) days, after notice given, the Motion shall be placed on the Order Paper and shall be disposed of within three days; provided that if the County Assembly is not then sitting, the Speaker shall summon the Assembly to sit and cause the Motion to be considered at that sitting after notice has been given.

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

for purposes of appending signatures, which list shall be entitled “ SIGNATURES IN SUPPORT OF A MOTION FOR REMOVAL OF GOVERNOR BY IMPEACHMENT”

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

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

Procedure for removal of Deputy Governor

63. The Standing Orders relating to removal of Governor shall apply, with the necessary modifications, to the removal of the Deputy Governor from office.

Procedure for removal of Member of County Executive Committee

64. (1) Before giving notice of Motion under section 40 of the County Governments Act, 2012, the Member shall deliver to the Clerk a copy of the proposed Motion in writing stating the grounds and particulars upon which the proposal is made, for requiring the Governor to dismiss a Member of County Executive Committee on ground of a gross violation of a provision of the Constitution or of any other law; where there are serious reasons for believing that the Member of County Executive Committee has

committed a crime under national or international law; for gross misconduct; or any grounds specified under a national legislation. The notice of Motion shall be signed by the Member and the Clerk shall submit the proposed Motion to the Speaker for approval.

(2) A Member who has obtained the approval of the Speaker to move a Motion under paragraph (1) shall give a three (3) days notice calling for dismissal of a Member of County Executive Committee by the Governor.

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

(4) When the Order for the Motion is read, the Speaker shall refuse to allow the Member to move the motion, unless the Speaker is satisfied that the Member is supported by at least one-third of all Members of the County Assembly to move the Motion. Provided that within the three days' notice, the Clerk shall cause to be prepared and deposited in his office a list of all Members of the County Assembly with an open space against each name for purposes of appending signatures, which list shall be entitled "SIGNATURES IN SUPPORT OF A MOTION FOR REMOVAL OF Mr./Mrs./Ms----- MEMBER OF COUNTY EXECUTIVE COMMITTEE"

Provided further that the Mover shall provide to the Speaker, at least one hour before the sitting of the

Assembly, a list signed by Members in support of the motion.

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

(6) When the Motion has been supported by at least one-third of all Members of the County Assembly, the Assembly shall, within seven (7) days, appoint a Special Select Committee comprising of five of its Members to investigate the matter; and the Committee shall, within ten days, report to the Assembly whether it finds the allegations against the Member of County Executive Committee to be substantiated.

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

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

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

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

Procedure for removal of Member of County public service board and County Assembly service Board

65. The Standing Orders relating to removal of County Executive Committee shall apply, with the necessary modifications, to the removal of the County Public Service Board and county Assembly service Board member.

Right to be heard

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

(a) requires the County Assembly to consider a Petition or a proposal for the removal of a person from office, the person shall be entitled to appear before the relevant Committee of the County Assembly considering the matter and shall be entitled to legal representation; or

(b) requires the County Assembly to hear a person on grounds of removal from office, or in such similar circumstances, the County Assembly shall hear the person-

(i) at the date and time to be determined by the Speaker;

Procedure for removal of Member of County public service board and County Assembly service Board

65. The Standing Orders relating to removal of County Executive Committee shall apply, with the necessary modifications, to the removal of the County Public Service Board and county Assembly service Board member.

Right to be heard

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

(a) requires the County Assembly to consider a Petition or a proposal for the removal of a person from office, the person shall be entitled to appear before the relevant Committee of the County Assembly considering the matter and shall be entitled to legal representation; or

(b) requires the County Assembly to hear a person on grounds of removal from office, or in such similar

circumstances, the County Assembly shall hear the person-

(i) at the date and time to be determined by the Speaker;

(ii) for a duration of not more than two hours or such further time as the Speaker may, in each case determine; and

(iii) in such other manner and order as the Speaker shall, in each case, determine.

(2) The person being removed from office shall be availed with the report of the select Committee, together with any other evidence adduced and such note or papers presented to the Committee at least three days before the debate on the Motion.

Priority of Motion

67. (1) Notwithstanding the provisions of Standing Orders 37(1) (*Sequence of Proceedings*) and 46(1) (*Notices of Motion*), a Motion for the removal of a person from office under this Part shall take precedence over all other business on the Order Paper for the day.

(2) During the debate any Member may, with the permission of the Speaker and on giving adequate notice,

produce additional evidence in support of his or her argument.

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

PART 14 – VOTING AND DIVISIONS

Voting in the County Assembly

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

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

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

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

Electronic voting

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

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

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

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

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

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

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

Technical failure, confusion or error occurring

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

Roll call voting

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

(a) the Speaker considers that there is a reasonable doubt as to the outcome of the vote in question; or

(b) if, on a question other than a question of procedure, five or more Members rise in their places to support the Member claiming the roll call division.

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

Roll call Division claimed

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

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

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

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

Roll call Division claimed

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

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

(3) At the end of ten minutes, the Speaker shall direct the doors to be locked and the Bar drawn and no Member

shall thereafter enter or leave the County Assembly until after the roll call vote has been taken.

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

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

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

In case of confusion or error

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

Errors corrected

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

Decorum during division

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

a) in the case of electronic voting, press the “Abstain” button; or

b) in the case of roll call voting, record their abstention with the clerk.

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

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

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

PART 15 - RULES OF DEBATE

Proceedings to be in Kiswahili, English or Kenyan Sign Language

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

(2) A Member who begins a speech in any of the languages provided for under paragraph (1) shall continue in the same language until the conclusion of the Member's speech.

Members to address the Speaker

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

Two or more Members requesting to speak

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

Speeches may not be read

79. (1) No Member shall read a speech but a Member may read short extracts from written and printed papers in

support of an argument and may refresh memory by reference to notes.

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

No Member to speak after Question put

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

Speaking twice to a Question

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

(2) Despite paragraph (1)-

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

Speaking twice to a Question

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Speaking twice to a Question

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

(2)Despite paragraph (1)-

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

(b) a reply shall be allowed to a Member who has moved a substantive Motion but not to a Member who has moved an amendment.

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

Points of Order

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

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

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

(4) The Speaker's ruling shall be final provided that the Speaker's ruling may only be challenged through a substantive motion.

(5) The Speaker or the Chairperson shall order any Member who unnecessarily and persistently interrupts proceedings or consults loudly and disruptively to

withdraw from the Chamber for the remainder of that sitting.

Points of information

83. A Member may rise on a point of information at any time during the speech of another Member and the Speaker shall seek permission from the Member on the floor whether he or she wishes to be informed or not.

Personal Statements

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

Anticipating debate

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

(2) It shall be out of order to anticipate the debate of a Motion of which notice has been given by discussion upon

a substantive Motion or an amendment, or by raising the same subject matter upon a Motion of the adjournment of the County Assembly.

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

Proceedings of Select Committees not to be referred to

86. No Member shall refer to the substance of the proceedings of a Select Committee before the Committee has made its report to the County Assembly.

Contents of speeches

87. (1) Neither the personal conduct of the Governor, nor the conduct of the Speaker or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the Head of State or Government or the representative in Kenya of any friendly country or the conduct of the holder of an office whose removal from such office is dependent upon a decision of the County Assembly shall be referred to adversely, except upon a specific substantive Motion of which at least three days' notice has been given.

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

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

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

(5) It shall be out of order for a Member to criticize or call to question, the proceedings in Parliament or another County Assembly or the Speaker's Ruling in Parliament or a County Assembly but any debate may be allowed on the structures and roles of Parliament or a County Assembly except by way of a substantive motion of which at least three days prior notice has been given.

Retraction and Apologies

88. A Member who has used exceptionable words and declines to explain and retract the words or to offer apologies for the use of the words to the satisfaction of the Speaker shall be deemed to be disorderly and shall be

dealt with in accordance with the rules pertaining to disorderly conduct.

Matters sub judice or secret

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

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

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

(a) criminal proceedings shall be deemed to be active when a charge has been made or a summons to appear has been issued;

(b) criminal proceedings shall be deemed to have ceased to be active when they are concluded by verdict and sentence or discontinuance;

(c) civil proceedings shall be deemed to be active when arrangements for hearing, such as setting down a case for trial, have been made, until the proceedings are ended by judgment or discontinuance;

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

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

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

Declaration of interest

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

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

Responsibility for statement of fact

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

(2) If a Member has sufficient reason to convince the Speaker that the Member is unable to substantiate the allegations instantly, the Speaker shall require that such Member substantiates the allegations not later than the next sitting day, failure to which the Member shall be deemed to be disorderly within the meaning of Standing Order 114 (*Grave Disorder in the County Assembly*) unless the Member withdraws the allegations and gives a suitable apology, if the Speaker so requires.

Member who has spoken to question may speak to amendment

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

Debate on amendment confined to amendment

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

(2) Despite paragraph (1), the Speaker may direct that the debate on the amendment may include debate on the matter of the Motion where, in the Speaker's opinion, the

matter of the amendment is not conveniently severable from the matter of the Motion.

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

Reserving rights of speech

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

Closure of debate

95. After the question on a Motion the Mover of which has a right of reply has been proposed, a Member rising in his or her place may claim to move "*That, the Mover be now called upon to reply*", and, unless the Speaker is of the opinion that such Motion is an abuse of the proceedings of the County Assembly, or an infringement of the rights of Members, the question "*That, the Mover be now called upon to reply*", shall be put forthwith, and

decided without amendment or debate and if that question is agreed to, the Mover may, immediately reply to the debate, and as soon as the Mover has concluded or, if the Mover does not wish to reply, immediately, the Speaker shall put the question, subject to paragraph 3 of Standing Order 52 (*Manner of debating motions*).

Where mover has no right of reply

96. After the question on a Motion the Mover of which has no right of reply has been proposed, a Member rising in his or her place may claim to move “*That, the question be now put*”, and, unless the Speaker is of the opinion that such a Motion is an abuse of the proceedings of the County Assembly, or an infringement of the rights of Members, the question “*That, the question be now put*”, shall be put forthwith, and decided without amendment or debate and if that question is agreed to, the Speaker shall immediately put the question accordingly, subject to paragraph 3 of Standing Order 52 (*Manner of debating motions*).

Adjournment of debate

97. (1) A Member who wishes to postpone to some future occasion the further discussion of a question which has been proposed from the Chair may claim to move “*That, the debate be now adjourned*”, or, in Committee of the

whole County Assembly *“That, the Chairperson do report progress”*.

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

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

(4) A Member who has moved or seconded a dilatory Motion which has been negative may not subsequently move or second another such Motion during the same debate, whether in the County Assembly or in Committee of the whole County Assembly.

PART 16 - LIMITATION OF DEBATE

Limitation of debate

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

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

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

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

PART 17 - ORDER IN THE COUNTY ASSEMBLY AND IN COMMITTEE OF THE WHOLE COUNTY ASSEMBLY

Maintenance of order

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

Security checks

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

Firearms and other offensive weapons

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

Lady Members' handbags

102. A lady Member may be allowed into the Chamber with a handbag of reasonable size.

When the Speaker rises Members to be silent

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

Members and the Chair

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

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

Members to be seated

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

Members to remain standing

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

Irrelevance or repetition

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

Grossly disorderly conduct

108.(1) Conduct is grossly disorderly if the Member concerned-

(a) creates actual disorder;

- (b) knowingly raises a false point of order;
 - (c) uses or threatens violence against a Member or other person;
 - (d) persists in making serious allegations without, in the Speaker's opinion, adequate substantiation;
 - (e) otherwise abuses his or her privileges;
 - (f) deliberately gives false information to the County Assembly;
 - (g) votes more than once in breach of these Standing Orders;
 - (h) commits any serious breach of these Standing Orders;
or
 - (i) acts in any other way to the serious detriment of the dignity or orderly procedure of the County Assembly.
- (2) The Speaker or the Chairperson of Committees shall order any Member whose conduct is grossly disorderly to withdraw immediately from the precincts of the County Assembly-
- (a) on the first occasion, for the remainder of that day's sitting;

(b) on the second or subsequent occasion during the same session, for a maximum of three sitting days including the day of suspension,

(3) If on any occasion the Speaker or the Chairperson deems that his or her powers under this Standing Order are inadequate, the Speaker or the Chairperson may name such Member or Members, in which event the procedure specified in Standing Order 109 (*Member may be suspended after being named*) shall be followed.

Member may be suspended after being named

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

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

(a) if the breach has been committed by such Member in the County Assembly, a Motion shall be made by any other Member present *“That, such Member (naming the Member) be suspended from the service of the County Assembly”*; and the Speaker shall forthwith put the question thereon, no amendment, adjournment, or debate being allowed;

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

Member suspended to withdraw from precincts of County Assembly

110.(1) Whenever a member has been named in accordance with Standing Order 109 (*Member may be suspended after being named*), the Speaker shall order the Member to withdraw from the Chamber and the precincts of the County Assembly.

(2) Any Member who is ordered to withdraw under Standing Order 104 (*Gross Disorderly conduct*) or who is suspended from the service of the County Assembly under Standing Order 105 (*Member may be suspended after being named*) shall forthwith withdraw from the precincts of County Assembly and shall during the period of such withdrawal or suspension (except during a recess) forfeit the right of access thereto and shall forfeit all allowances payable during the period of such suspension.

(3) Any Member who demonstrates or makes disruptive utterances against the suspension of a named Member shall be deemed to be disorderly in accordance with Standing Order 104 (*Gross Disorderly Conduct*).

Duration of suspension of a Member

111. (1) If any Member is suspended under Standing Order 109 (*Member may be suspended after being named*) the suspension on the first occasion shall be for four sitting days including the day of suspension; on the second occasion during the same Session for eight sitting days, including the day of suspension; and on the third or any subsequent occasion during the same Session for twenty-eight sitting days, including the day of suspension.

(2) A Member who is ordered to withdraw under Standing Order 108 (*Gross Disorderly conduct*) or who is suspended from the service of the County Assembly under Standing Order 109 (*Member may be suspended after being named*) shall forfeit all allowances payable during the period of such suspension.

Action to be taken on refusal to withdraw

112. If any Member shall refuse to withdraw when required to do so, by or under these Standing Orders, the Speaker or the Chairperson of Committees as the case may be, having called the attention of the County Assembly or

Committee to the fact that recourse to force is necessary in order to compel such Member to withdraw, shall order such Member to be removed and such Member shall thereupon without question put be suspended from the service of the County Assembly during the remainder of the Session and shall during such suspension, forfeit the right of access to the precincts of County Assembly and the Sergeant-at-arms shall take necessary action to enforce the order.

Appealing against suspension

113. (1) except as provided in this Standing order, the suspension of a member or the application of this standing order shall not be subject to debate.

(2) a member suspended from the house under this part may appeal in writing to the Committee of Privileges within three days of suspension.

(3) despite paragraph (2), the committee may with leave of the House, admit an appeal received after three days.

(4) upon receipt of the member's appeal, the Committee shall within seven days –

- (a) Notify the member in writing, of the day the appointed for the hearing of the appeal;

- (b) Notify the speaker, who shall thereafter admit the member to the precincts of the Assembly on the day(s) appointed for the hearing of the appeal; and
- (c) Consider the appeal and after according the member the right to be heard, submit a report to the House –
 - (i) Upholding the suspension; or
 - (ii) Reducing the period of suspension; or
 - (iii) Readmitting the member to the House

(5) the decision of the committee regarding suspension shall be final

(6) the member who presided in House or committee of the Whole House during suspension of an appealing member shall not participate in the proceedings of the Committee during the appeal, except to provide evidence when so required.

(7) a member designated by the committee shall inform the House of the decision of the Committee regarding the suspension and the Speaker shall thereupon effect the decision.

Grave disorder in the County Assembly

114.(1) In the event of grave disorder arising in the County Assembly, the Speaker may, adjourn the County Assembly

forthwith or suspend any sitting for a period to be determined by him or her.

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

PART 18 - PUBLIC BILLS

Application and limitation

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

Introduction of Bills

116.(1) A legislative proposal for which a Member or a Committee is in charge shall, together with a memorandum setting out its objectives and matters specified in Standing Order 119 (*Memorandum of objectives and reasons*) be submitted to the Speaker.

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

(a) whether the legislative proposal is a draft money Bill in terms of section 21 of the County Governments Act; and

(b) whether the legislative proposal conforms to the Constitution and the law and is in order as to format and style in accordance with the Standing Orders.

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

(a) where the Speaker is of the opinion that a legislative proposal is a draft money Bill in terms of section 21 of the County Governments Act,2012, direct that the legislative proposal be referred to the County Budget and Appropriations Committee and shall be proceeded with only in accordance with the recommendations of the subject Committee after taking into account the views of the Member of County Executive Committee responsible for finance and examining the manner in which the legislative proposal affects the current and future budgets;

(b) in respect of a legislative proposal for which no Committee is in charge or which is not a money Bill, refer the legislative proposal to the relevant Committee for pre-publication scrutiny and comments and the Committee shall submit its comments on the legislative proposal to the Speaker within thirty days of receipt of the legislative proposal.

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

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

(6) A Bill shall be signed by the Member in charge of it and shall be introduced by way of First Reading in accordance with Standing Order 125 (*First Reading of Bills*).

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

Printing of amending provisions

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

Enacting formula

118. Every Bill shall contain, as the enacting formula, the words "*Enacted by the County Assembly of Samburu* "

Memorandum of Objects and Reasons

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

- (a) a statement of the objects and reasons of the Bill;
- (b) a statement of delegation of legislative powers and limitation of fundamental rights and freedom; if any,
- (c) an indication whether it concerns county governments; and
- (d) a statement of its financial implication and if the expenditure of public moneys will be involved should the Bill be enacted, an estimate, where possible, of such expenditure.

Provisions on delegated powers

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

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

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

Limitation of fundamental rights and freedom

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

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

Publication

122. No Bill shall be introduced unless such Bill together with the memorandum referred to in Standing Order 119 (*Memorandum of objects and reasons*), has been published in the Kenya Gazette (as a Bill to be originated in the County Assembly), and unless, in the case of a County Revenue Fund Bill, an Appropriation Bill or a Supplementary Appropriation Bill, a period of seven days, and in the case of any other Bill a period of fourteen days,

beginning in each case from the day of such publication, or such shorter period as the County Assembly may resolve with respect to the Bill, has ended.

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

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

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

Reading of Bills

124. A Bill is read by the reading by the Clerk to the assembled County Assembly of the title of the Bill.

First Reading

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

Committal of Bills to Committees and public participation

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

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

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

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

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

(6) Despite paragraph (1) –

(a) the Speaker may direct that a particular Bill be committed to such committee as the Speaker may determine.

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

Second Reading

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

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

(3) Before committal of a Bill to the Committee of the whole County Assembly, the report contemplated at Standing Order 128 shall be tabled in accordance with **Order 180(6)(Reports of select committees)**

(4) The report together with the Bill shall be debated with the Speaker presiding.

(5) The Speaker shall thereafter put the question for adoption or rejection of the report.

Committal of Bills to Committee of the whole County Assembly

128. (1) A Bill having been read a Second Time, and the report thereon adopted with or without amendments, the Bill shall stand committed to a Committee of the whole County Assembly.

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

Sequence to be observed on a Bill in Committee

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

(a) clauses as printed, excluding the clauses providing for the citation of the Bill, the commencement, if any, and the interpretation;

(b) new clauses;

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

Referral of proposed amendments to Committees

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

Procedure in Committee of the whole County Assembly on a Bill

131. (1) The Clerk shall call severally each part of the Bill in the sequence specified in Standing Order (129) (*sequence to be observed on a Bill in committee*) and if no amendment is proposed or when all proposed amendments have been disposed of, the Chairperson shall propose the question “*That, (as amended) stand part of the Bill*” and, when Members who wish to speak have spoken, the Chairperson shall put that question to the Committee for decision.

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

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

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

(5) No amendment shall be permitted to be moved if the amendment deals with a different subject or proposes to

unreasonably or unduly expand the subject of the Bill, or is not appropriate or is not in logical sequence to the subject matter of the Bill.

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

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

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

(9) Paragraph (3) of Standing Order 52 (*Manner of debating Motions*) shall apply, with necessary modifications, to the proceedings for amendment of a Bill in Committee.

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

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

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

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

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

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

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

Report of Progress

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

Bill to be reported

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

Procedure on Bills reported from Committee of the whole County Assembly

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

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

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

Procedure on Bills reported from Select Committees

135. (1) The report of a Select Committee on a Bill shall be laid on the Table of the County Assembly by the Chairperson or vice chairperson of the Select Committee or by some other Member authorized by the Committee in that behalf.

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

(3) Standing Order 134 (*Procedure on Bills reported from Committee of the Whole County Assembly*) shall apply to any Motion to approve the report of a Select Committee on a Bill.

Procedure upon the re-committal of a Bill

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

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

(3) When a Bill has been reported from a Committee of the whole County Assembly after re-committal Standing Order 134 (*Procedure on Bills reported from Committee of the whole County Assembly*) shall apply.

Third Reading

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

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

Withdrawal of Bills

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

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

(3) A Bill that has been withdrawn may subject to Standing Order 116 (*Introduction of Bills*) and re-publication be introduced again.

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

Re-introduction of Bills

139. (1) A Bill, the Second Reading or Third Reading of which has been rejected may be introduced again in the next Session, or after the lapse of six months in the same Session but subject to fresh publication as provided in Standing Order 116 (*Introduction of Bills*).

(2) The consideration of a Bill which was interrupted at the end of a Session may, with the leave of the Speaker, resume in the next Session of the same County Assembly from where it was last interrupted.

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

Assenting to Bills

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

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

(a) assent to the Bill; or

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

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

(a) amend the Bill taking into account the issues raised by the Governor; or

(b) pass the Bill without amendment.

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

(5) If the County Assembly passes the Bill a second time, without amendment, or with amendments which do not accommodate the Governor's concerns by a vote supported by two-thirds of members of the County Assembly, the Speaker shall within seven days re-submit the Bill to the Governor and the Governor shall within seven days assent to the Bill.

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

Custody of Bills

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

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

PART 19 – PRIVATE BILLS

Application of public Bill procedure

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

Saving clause

143. Every private Bill shall contain a clause saving the rights of the Governor, the national and county governments, of all bodies politic or corporate, and of all others, except such as are mentioned in the Bill and those claiming by, from or under them.

Private Bill affecting private rights

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

(2) A notice shall be published in not less than three separate issues of the Kenya Gazette and County Gazette, specifying the general nature and objects of the Bill; the last of such publications being not less than fourteen days before the presentation of the Petition referred to in Standing Order 145 (*Petition for Leave*).

Petition for leave

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

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

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

(4) The Petition shall be read at the first sitting of the County Assembly after it is so deposited and thereupon the question "*That, the promoters be granted leave to proceed*" shall be put forthwith and decided without amendment or debate.

Security for cost of printing

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

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

Bills authorizing the construction of work

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

(a) deposit with the Clerk an estimate of the expense of the undertaking, signed by the person making such estimate and approved by the Clerk; and

(b) deposit with the Clerk a sum not less than four percent of the amount of the estimate under paragraph (1)

First Reading

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

Right of audience before Committee on opposed Bill

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

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

How Bills may be opposed

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

Printing expenses

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

PART 20 - COMMITTEE OF THE WHOLE COUNTY ASSEMBLY

Limits on consideration of matters by Committee

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

Committee of the whole County Assembly may not adjourn

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

Report

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

No debate on Motion for Report

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

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

General application of rules in Committee

156. Except as otherwise provided in these Standing Orders, the same rules of order and of debate for the conduct of business shall be observed in Committee as in the County Assembly.

PART 21 - SELECT COMMITTEES

County Assembly Business Committee

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

- (a) the Speaker who shall be the Chairperson;
- (b) the Deputy Speaker who shall be the Vice Chairperson;
- (c) the Leader of the Majority Party;
- (d) the Leader of the Minority Party;
- (e) not more than five members, who shall be nominated by the County Assembly parties and approved by the County Assembly within seven days of commencement of each session, reflecting the relative majorities of the seats held by each of the County Assembly parties in the County Assembly and taking into consideration the interests of Independent Members.

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

(3) In the absence of the Speaker, the Deputy Speaker shall Chair the meetings of the County Assembly Business Committee.

(4) The County Assembly Business Committee shall –

(a) prepare and , if necessary, from time to time adjust the County Assembly Calendar with the approval of the County Assembly;

(b) monitor and oversee the implementation of the County Assembly Business and programs;

(c) implement the Standing Orders respecting the scheduling or programming of the business of the County Assembly and the functioning of the Committees of the County Assembly;

(d) determine the order in which the reports of Committees shall be debated in the County Assembly;

(e) where necessary, take decisions and issue directives and guidelines to prioritize or postpone any business of the County Assembly acting with the concurrence of the Leader of the Majority Party or the Leader of the Minority Party, as the case may be;

(f) consider such matters as may from time to time arise in connection with the business of the County Assembly and shall have and perform such powers and functions as are

conferred on and ascribed to it by these Standing Orders or from time to time by the County Assembly.

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

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

Committee on Selection

158. (1) There shall be a select committee, to be designated Selection Committee, consisting-

(a) the Leader of the Majority party who shall be the Chairperson;

(b) the Leader of the Minority party who shall be the Vice Chairperson; and

(c) not less than three and not more than seven members, who shall be nominated by County Assembly parties and approved by the County Assembly.

(2) The Committee on Selection shall nominate members to serve in all Committees.

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

General Provisions on nomination of members of Select Committees

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

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

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

(4) A Member against whom an adverse recommendation has been made in a report of a Select Committee that has

been adopted by the County Assembly shall be ineligible for nomination as Member of that committee.

Term of Select Committees

160. (1) All Committees constituted by the County Assembly immediately following the General Election shall serve for a period of three years from the date of their constitution and approval of nomination pursuant to Standing Order 162 (Approval of nomination) and those constituted thereafter shall serve for the remainder of the term of the County Assembly.

(2) Notwithstanding paragraph (1), the Committee on Selection shall be reconstituted three months prior to the date of reconstitution of the other Committees.

(3) Immediately after its reconstitution, the Committee on Selection shall begin the process of reconstitution of the other Committees and shall table the list in the County Assembly for approval at least fourteen days before the lapse of three years.

(4) The Clerk shall ensure that any work pending before a Committee at the time of reconstitution is made available to the Chair of the Committee as reconstituted.

Criteria for nomination

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

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

(3) Except as the County Assembly may otherwise resolve, on the recommendation of the Committee on Selection for reasons to be stated, no Member shall be appointed to serve in more than two Sectoral Committees and more than one special select committee.

(4) For purposes only of paragraph (3) above, the following Special Select Committees will be regarded as Sectoral Committees:

(a) County Budget and Appropriations Committee;

(b) County Assembly Business Committee;

(c) Committee on Delegated County Legislation; and

(d) Committee on Implementation.

Approval of nomination

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

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

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

(4) For purposes of clarity, any Member who is not approved by the County Assembly for membership to a select committee shall not be entitled to a sitting allowance for the respective Committee.

Discharge of a member from a committee

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

(2) The Speaker shall verify the notice received under paragraph (1) with the relevant County Assembly Party leader.

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

Composition of select committees

164. Subject to any written law, these Standing Orders or a resolution of the County Assembly, a select committee shall consist of an odd number of members, being, not less than five and not more than nine.

Chairing of select committees and quorum

165. (1) Subject to paragraph (2) of Standing Order 159 (*Nomination of Members of select committees*), unless otherwise provided under any written law, these Standing Orders or by resolution of the County Assembly-

(a) a Select Committee shall, upon appointment, elect its Chairperson and Vice Chairperson from amongst its members;

(b) not less than half of the Members of a Select Committee shall constitute a quorum.

Conduct of election

166. (1) The Clerk shall appoint a place, date and time for the first meeting of a Committee within seven days of its constitution by the County Assembly, or such further period as the Speaker may approve and as soon as a majority of the Committee is present, the Clerk shall, by a method decided by the Committee Members, conduct the election of the Chairperson and Vice-chairperson of the Committee.

(2) Whenever a vacancy occurs in the office of Chairperson or Vice-chairperson of a Select Committee, the Clerk shall, within seven days of the vacancy arising, appoint a place and time for the meeting of the Committee to elect the Chairperson or Vice-chairperson.

Duties of Committee Chairperson

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

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

Notice of meetings

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

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

Sittings of select committees

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

Sub-committees of select committees

170. A Select Committee may establish such sub-committees as it may consider necessary for the proper discharge of its functions.

Member adversely mentioned not to sit

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

Adjournment for lack of quorum

172. Unless quorum is achieved within thirty minutes of the appointed time, a meeting of a Committee of the County Assembly shall stand adjourned to such time on another day as the Chairperson of the Committee may appoint.

Frequency of meetings

173. (1) Unless the County Assembly otherwise resolves, the meetings of the Select Committee will be as follows:

(a) all Committees may have two sittings in a week while the County Assembly is in session and four sittings in a week when the County Assembly is on recess.

(b) the County Public Investments and Accounts Committee may have four sittings in a week while the County Assembly is in session and eight sittings in a week when the County Assembly is on recess.

(2) Notwithstanding clause (1) above, committees which have statutory deadlines may, with the approval of the Liaison Committee hold more sittings.

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

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

(5) The proceedings of a meeting of a Committee held contrary to paragraph (3) shall be void.

Failure to attend meetings

174. (1) If a Member fails to attend four consecutive sittings of a Committee without the written permission of the Chairperson of the Committee, or the permission of the Speaker if the Member is the Chairperson, the

Chairperson or the Speaker, as the case may be shall notify the Committee of the failure.

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

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

Absence of Chairperson and Vice-chairperson

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

List of attendance

176. The names of Members present at each sitting of a select committee shall be entered in the minutes of that sitting.

Minutes of select committees

177. The minutes of the proceedings of a select committee shall be laid on the Table of the County Assembly with the report of the committee and may, subject to Standing Order 230 (*Custody of Journals and Records*), be published.

Powers and privileges of committees

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

(2) In exercise of its powers under paragraph (1), any committee may require that any facts, matters and things relating to the subject of inquiry before it be verified or otherwise ascertained by the oral examination of witnesses, and may cause any such witnesses to be examined upon oath, which the chairman of the committee, or other person specially appointed for that purpose may administer.

(3) The procedure for administration of oath shall be as provided for in the fourth Schedule.

Temporary absence of a member of a select committee

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

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

Vote of no confidence in the chairperson or vice-chairperson

180. (1) A Committee may, by a resolution supported by a majority of its members, resolve that it has no confidence in the Chairperson or Vice-chairperson and a member designated by the committee for that purpose shall thereupon report the resolution in writing to the Liaison Committee.

(2) The Members desiring to make a resolution under paragraph (1) shall serve the Chairperson or Vice-chairperson with a written notice of the intended vote of no confidence and may, if they constitute a majority,

request the Clerk to call for a meeting at the expiry of three days after the giving of such notice.

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

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

(5) Upon receipt of the resolution under paragraph (1), the Chair of the Liaison Committee shall within three days appoint a subcommittee of three members not being Members of the Committee contemplated in clause (1) above to mediate the matter and report back to the Liaison Committee within seven days of appointment.

(6) If the subcommittee reports that the mediation has failed, the Liaison Committee shall, as soon as it is practicable, direct the Clerk to conduct an election for the Chairperson or Vice-chairperson, as the case may be, in accordance with Standing Order 166 (*Conduct of election*).

Original vote

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

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

Attendance by non-members of select committee

182. A Member may attend and participate in a meeting of any committee of the County Assembly of which he or she is not a Member, but such Member shall not be entitled to vote on any matter before the committee and, with the exception of the Chair of Committees, will not be entitled to a sitting allowance.

Procedure in select committees

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

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

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

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

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

Limitation of mandate

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

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

Public access to meetings of select committees

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

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

Reports of select committees

186. (1) The report of a Select Committee shall be prepared and kept in the same form as the Votes and Proceedings of a Committee of the whole County Assembly and in such other form as may be prescribed in the Committee Manual.

(2) The report of a Select Committee having been adopted by a majority of the Members, shall be signed by the Chairperson if the Chairperson is in support of the report and all the other members in support thereof.

(3) Notwithstanding sub clause (2), a report not supported by the Chairperson of the Committee shall be valid if signed by all the Members in support thereof.

(4) If the Chairperson is absent or is not readily available, the Vice-chairperson shall sign the report under paragraph (2), and in the absence of both the Chairperson and the

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

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

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

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

(8) All reports laid on the Table of the County Assembly shall be read unless the Speaker, with justifiable reasons, directs otherwise.

(9) Where the Speaker directs that a report laid on the Table of the County Assembly shall not be read, a summary of that report shall be read by the Member laying it.

(10) All reports laid on the Table of the County Assembly shall be debated at such time as the County Assembly Business Committee shall schedule.

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

Progress reports

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

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

Reports on County Assembly Resolutions

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

Joint sitting of committees of the County Assembly

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

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

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

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

Engagement of experts

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

Committee on Appointments

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

(a) the Speaker as the Chairperson;

(b) the Deputy Speaker as the Vice Chairperson;

(c) the Leader of the Majority Party;

(d) the Leader of the Minority party; and

(e) not more than five other Members nominated by the Committee on Selection, on the basis of proportional Party Membership in the County Assembly taking into consideration the numerical strength of the Parties and interests of Independent Members.

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

(3) The Committee on Appointments shall consider, for approval by the County Assembly, appointments under Articles 179(2) (*Members of County Executive Committees*) and any other relevant public appointments

as may be provided by any written law and these Standing Orders.

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

County Public Investment and Accounts Committee

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

(2) The County Public Investments and Accounts Committee shall be responsible for-

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

(b) the examination of the reports, accounts and workings of the county public investments;

(c) the examination, in the context of the autonomy and efficiency of the county public investments, whether the affairs of the county public investments are being managed in accordance with sound financial or business principles and prudent commercial practices.

Provided that the Committee shall not examine any of the following, namely:

(i) matters of major County or National Government policy as distinct from business or commercial functions of the public investments;

(ii) matters of day-to-day administration; and,

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

(3) The County Public Investments and Accounts Committee shall consist of a Chairperson and not more than four other Members none of whom shall be members of any other standing Committee of the County Assembly.

(4) The County Public Investments and Accounts Committee constituted immediately following the general election shall serve for a period of three calendar years and that constituted thereafter shall serve for the remainder of the County Assembly term.

(5) The Chairperson of the Public Investments and Accounts Committee shall be from the Minority Party;

(6) In constituting the County Assembly Public Investments and Accounts Committee, the Committee on

Selection shall ensure that the majority of the membership is not drawn from the ruling party or coalition of parties.

County Budget and Appropriations Committee

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

(2) The Committee shall consist of a Chairperson and eight other Members.

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

(a) investigate, inquire into and report on all matters related to coordination, control and monitoring of the of the county budget,

(b) discuss and review the estimates and make recommendations to the County Assembly;

(c) examine the County Fiscal Strategy Paper presented to the County Assembly; and

(d) examine Bills related to the county budget, including Appropriations Bills.

(4)The County Budget and Appropriations Committee constituted by the County Assembly immediately following the general election shall serve for a period of

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

(5) Five members of the County Budget and Appropriations Committee shall constitute a quorum.

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

County Assembly Procedures and Rules Committee

194. (1) There shall be a Select Committee to be known as the County Assembly Procedures and Rules Committee.

(2) The Committee shall comprise of-

(a) the Speaker as Chairperson,

(b) the Chairperson of Committees as the Vice chairperson; and

(c) not less than three and not more than seven other Members.

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

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

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

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

Committee on Implementation

195. (1) There shall be a Select Committee to be known as the Committee on Implementation.

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

(a) whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such

implementation has taken place within the minimum time necessary; and

(b) whether or not legislation passed by the County Assembly has been operationalized and where operationalized, the extent to which they have been operationalized; and whether such operationalization has taken place within the minimum time necessary.

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

Committee on Delegated County Legislation

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

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

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

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

(b) infringes on fundamental rights and freedoms of the public;

(c) contains a matter which in the opinion of the Committee should more properly be dealt with in an Act of the County Assembly;

(d) contains imposition of taxation;

(e) directly or indirectly bars the jurisdiction of the Courts;

(f) gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;

(g) involves expenditure from the County Revenue Fund or other public revenues;

(h) is defective in its drafting or for any reason the form or purport of the statutory instrument calls for any elucidation;

(i) appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;

(j) appears to have had unjustifiable delay in its publication or laying before the County Assembly;

(k) makes rights , liberties or obligations unduly dependent upon non-reviewable decisions;

(l) makes rights , liberties or obligations unduly dependent on insufficiently defined administrative powers;

(m) inappropriately delegates legislative powers;

(n) imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;

(o) appears for any reason to infringe on the rule of law;

(p) inadequately subjects the exercise of legislative power to County Assembly scrutiny; and

(q) accords to any other reason that the Committee considers fit to examine.

(4) If the Committee-

(a) resolves that the statutory instrument, be acceded to, the Clerk shall convey that resolution to the relevant county department or the authority that published the statutory instrument; or

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

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

Powers and Privileges Committee

197. (1) There is established a Committee of the County Assembly to be known as the Powers and Privileges Committee, consisting of-

(a) the Speaker as the Chairperson,

(b) the Deputy Speaker as the Vice Chairperson; and (c) not less than three and not more than seven other Members.

(2) The Members of the Powers and Privileges Committee other than the Chairperson and the Vice Chairperson shall be nominated by the Committee on selection having regard to Standing Order 159(2) (*General provisions on nomination of members of Select Committees*).

(3) The quorum of the Powers and Privileges Committee shall not be less than half of the membership.

(4) The Powers and Privileges Committee shall, either on its own motion or as a result of a complaint made by any person, inquire into any alleged breach by any Member of the Assembly of the County Assembly Code of Conduct, any conduct of any Member of the Assembly within the precincts of the Assembly (*other than the Chamber*) which is alleged to have been intended or likely to reflect adversely on the dignity or integrity of the Assembly or the Member thereof, or to be contrary to the best interests of the Assembly or the Members thereof.

(5) The Powers and Privileges Committee shall, after such inquiry as is referred to in paragraph (4), report its findings to the Assembly together with such recommendations as it thinks appropriate.

(6) The Assembly shall, in accordance with the rules made by it (which rules need not be published in the Gazette), consider the report and the recommendations thereon and may take such disciplinary action against the member concerned as may be provided by those rules.

(7) Any disciplinary action such as is referred to in paragraph (6) may include suspension from the service of the Assembly.

Appointment of Sectoral Committees

198. (1) There shall be Select Committees to be known as Sectoral Committees the Members of which shall be nominated by the Committee on selection in consultation with County Assembly parties at the commencement of every County Assembly.

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

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

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

(a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;

(b) Study the programme and policy objectives of departments and the effectiveness of the implementation;

(c) study and review all county legislation referred to it;

(d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;

(e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;

(f) vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 191 (*Committee on Appointments*); and

(g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

Liaison Committee

199.(1) There shall be a select committee to be known as the Liaison Committee which shall consist of the Chairperson of Committees as the Chairperson and the Chairpersons of all Committees of the County Assembly as members thereof.

(2) The Liaison Committee shall-

(a) guide and co-ordinate the operations, policies and mandates of all Committees;

(b) deliberate on and apportion the annual operating budget among the Committees;

(c) consider the programmes of all Committees, including their need to travel and sit away from the precincts of the County Assembly;

(d) ensure that Committees submit reports as required by these Standing Orders;

(f) determine, whenever necessary, the Committee or Committees to deliberate on any matter; and

(g) give such advice relating to the work and mandate of select committees as it may consider necessary;

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

General Oversight Committee

200. (1) There is established a Committee of the County Assembly to be known as the General Oversight Committee, consisting of the Committee of the Whole with the Speaker and deputy Speaker as the Chairperson and Vice Chairperson respectively

(2)(a)the General Oversight Committee may, pursuant to provisions of section 39 of the County Government Act, 2012, invite members of the County Executive Committee to provide answers relating to member's responsibilities as raised by members.

(b) the committee may invite to its meeting-

- (a) More than one member of the County Executive at the same sitting so as to address matters relating to more than one County Department
- (b) The member who had raised the question being addressed by the Committee

Committee to be limited to mandate

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

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

PART 22 - PUBLIC PETITIONS

Meaning of Petition

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

Submission of a Petition

203. (1) A petition to the County Assembly shall be-

(a) submitted to the Clerk by the petitioner and reported to the County Assembly by the Speaker; or

(b) presented by a Member on behalf of a petitioner, with the consent of the Speaker.

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

(3) The Clerk shall, within seven days of the date of receipt of the petition, review the petition to ascertain whether the petition meets the requirements of these Standing Orders and of the law.

(4) Where the Clerk considers that a petition does not comply with paragraph (3), the Clerk may give such directions as are necessary to ensure that the petition is amended to comply with that paragraph.

(5) The Clerk shall, if satisfied that the petition meets the requirements under paragraph (3), forward the petition to the Speaker for tabling in the County Assembly.

Petition on Private Bill

204. A Petition on a private Bill shall be dealt with in accordance with Part 19 (*Private Bills*) of these Standing Orders.

Notice of intention to present Petition

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

Form of Petition

206. A petition shall be in the form set out in the Third Schedule and shall-

(a) be handwritten, printed or typed;

(b) be in English or Kiswahili and be written in respectful, decorous and temperate language;

(c) be free of alterations and interlineations in its text;

(d) be addressed to the County Assembly;

(e) have its subject-matter indicated on every sheet if it consists of more than one sheet;

(f) indicate whether any efforts have been made to have the matter addressed by a relevant body and whether there has been any response from that body or whether the response has been unsatisfactory;

(g) indicate whether the issues in respect of which the petition is made are pending before any court of law or other constitutional or legal body.;

(h) conclude with a clear, proper and respectful prayer, reciting the definite object of the petitioner or petitioners in regard to the matter to which it relates;

(i) subject to paragraph (m), contain the names, addresses, identification numbers, signature or a thumb impression of the petitioner or of every petitioner, where there is more than one petitioner;

(j) contain only signatures or thumb impressions, as the case may be, and addresses and identification numbers written directly onto the petition and not pasted thereon or otherwise transferred to it;

(k) not have any letters, affidavits or other documents annexed to it;

(l) in the case of a Petition presented by a Member on behalf of a petitioner, be countersigned by the Member presenting it; and

(m) be signed by the petitioner or if the petitioner is unable to sign, by a witness in whose presence the petitioner shall make his or her mark on the Petition.

Time for Petitions

207. The total time on the Order “Petitions” shall not exceed thirty minutes.

Presentation of Petitions

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

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

(a) in case of a Petition presented by a Member, direct that the Member present the Petition to the County Assembly or;

(b) in case of a Petition presented through the Clerk, report the Petition to the County Assembly.

(3) The Member presenting the Petition shall read such Petition but shall confine himself or herself to the subject of the prayer, the material allegations therein and the number of signatures attached.

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

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

Comments on petitions

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

Committal of Petitions

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

(2) Whenever a Petition is committed to a Select Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the County Assembly and no debate on or in relation to the report shall be allowed, but the Speaker may, in exceptional circumstances, allow comments or observations in relation to the Petition for not more than twenty Minutes.

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

Copies of responses

211. The Clerk shall forward copies of responses received under Standing Order 210(*Committal of Petitions*) to the petitioner or petitioners.

Register of Petitions

212. (1) The Clerk shall keep and maintain a register in which shall be recorded all Petitions and supporting documents, and the decisions of the County Assembly.

(2) The register of Petitions under subsection (1) shall be accessible to the public during working hours.

PART 23 - FINANCIAL PROCEDURES

General Restrictions with regard to certain financial measures

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

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

(a)taxes;

(b)the imposition of charges on a public fund or the variation or repeal of any of those charges;

(c)the appropriation, receipt, custody, investment or issue of public money;

(d) the raising or guaranteeing of any loan or its repayment; or

(e)matters incidental to any of those matters.

Presentation of County Fiscal Strategy Paper

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

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

(a) have been aligned with the national objectives in the Budget Policy Statement;

(b) specify the broad strategic priorities and policy goals that will guide the County Government in preparing its budget for the coming financial year and over the medium term;

(c) include the financial outlook with respect to County Government revenues, expenditures and borrowing for the coming financial year and over the medium term;

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

(3) Upon being laid before the County Assembly, the County Fiscal Strategy Paper shall be deemed to have been

committed to each Select Committee without question put, for each such committee to deliberate upon according to their respective mandates and make recommendations to the County Budget and Appropriations Committee.

(4) In considering the County Fiscal Strategy Paper, the County Budget and Appropriations Committee shall consult each Select Committee and Table a report, containing its recommendation on the Statement to the County Assembly for consideration.

(5) The report prepared by the County Budget and Appropriations Committee pursuant to paragraph (4) shall include a schedule of ceiling of resources recommended for the County Government and the County Assembly.

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

(7) The County Assembly shall consider and may adopt the County Fiscal Strategy Paper with or without amendments

not later than fourteen days after its submission under paragraph (1).

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

Presentation of Budget Estimates and committal to Committees.

215. (1) The Member of County Executive Committee responsible for finance and the Accounting Officer of the County Assembly Service Board shall, not later than 30thApril, respectively submit to the County Assembly Budget Estimates and related documents specified in law for the County Government and the County Assembly.

(2) The Estimates and related documents submitted under paragraph (1) will be tabled in the County Assembly within three days of submission.

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

(4) Each Select Committee shall consider, discuss and review the Estimates according to its mandate and submit

its report and recommendations to the County Budget and Appropriations Committee within twenty-one days after being laid before the County Assembly.

(5) The County Budget and Appropriations Committee shall discuss and review the Estimates and make recommendations to the County Assembly taking into account the recommendations of the Select Committees and the views of the County Executive Committee Member responsible for finance.

(6) The County Assembly shall, on a Motion that *“This County Assembly adopts the Report of the County Budget and Appropriations Committee on the Budget Estimates for the County Government and the County Assembly tabled in the County Assembly on.....”* consider the Report and adopt it with or without amendments.

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

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

(b) the Speaker may require that an appropriate Addendum be made to the Estimates as tabled to reflect

the amendments made by the County Assembly on the Estimates or respective Votes.

Presentation of the Annual Development Plan

216. (1) The Member of the County Executive Committee responsible for Economic Planning shall, not later than 1st September of each year, submit to the County Assembly the Annual Development Plan in accordance with Section 126 (3) of the Public Finance Management Act, 2012.

Presentation of the Annual Development Plan

216. (1) The Member of the County Executive Committee responsible for Economic Planning shall, not later than 1st September of each year, submit to the County Assembly the Annual Development Plan in accordance with Section 126 (3) of the Public Finance Management Act, 2012.

(2) The Annual Development Plan submitted under paragraph (1) will be laid on the Table of the County Assembly within three days of submission.

(3) Upon being laid before the County Assembly, the Annual Development Plan shall be deemed to have been committed to each select committee without question put, for each such committee to deliberate upon according to their respective mandates and make recommendations to

the County Assembly Budget and Appropriations Committee within twenty one days.

(4) In considering the Annual Development Plan, the County Assembly Budget and Appropriations Committee shall discuss and review the Plan and make recommendations to the County Assembly taking into account the recommendations of the select committees, the views of the County Executive Committee Member responsible for finance and general public and shall prepare and table before the County Assembly a report thereof.

(5) The County Assembly shall, on a Motion that *“This County Assembly adopts the Report of the County Assembly Budget and Appropriations Committee on the Annual Development Plan for the County Government tabled in the County Assembly on*” consider the Report and adopt it with or without amendments.

(6) Upon the County Assembly resolution on the Report, the same shall, as soon as practicable, be communicated to the County Executive Committee Member responsible for economic Planning.

Presentation of the County Budget Review and Outlook Paper

217. (1) The County Treasury shall submit the County Budget Review and Outlook Paper approved by the County Executive Committee in accordance with section 118 of the Public Finance Management Act, 2012, to the County Assembly by the 21st October of each year.

(2) Upon being laid before the County Assembly, the County Budget Review and Outlook Paper shall be deemed to have been committed to each select committee without question put, for each such committee to deliberate upon according to their respective mandates and make recommendations to the County Assembly Budget and Appropriations Committee within twenty one days.

(3) In considering the County Budget Review and Outlook Paper, the County Assembly Budget and Appropriations Committee shall discuss and review the County Budget Review and Outlook Paper and make recommendations to the County Assembly taking into account the recommendations of the select committees and shall prepare and table before the County Assembly a report thereof.

(4) The County Assembly shall, on a Motion that *“This County Assembly adopts the Report of the County Assembly Budget and Appropriations Committee on the County Budget Review and Outlook Paper for the County Government tabled in the County Assembly on*” consider the Report and adopt it with or without amendments.

(5) Upon the County Assembly resolution on the Report, the same shall, as soon as practicable, be communicated to the County Treasury.

Committee of Supply

218. The Committee of Supply shall be a Committee of the whole County Assembly.

Definition of day

219. For the purposes of this Part, a day shall be deemed to consist of any period of not more than three hours prior to 1.00 p.m. or of not more than three hours between 2.30 p.m. and 7.00 p.m. or of not more than three hours after 7.00 p.m.

Order of Votes

220. (1)The County Assembly Business Committee after consultation with the Liaison Committee shall determine the order in which the County Assembly shall consider the Votes of the various Departments.

(2) In the consideration of Votes under paragraph (1), the Votes earmarked for increase or reduction pursuant to provisions of Standing Order 226 (*Consideration of Supply Resolutions*) relating to the County Assembly Resolutions on the County Budget and Appropriations Committee report on the Annual Estimates shall be prioritized.

Moving into Committee of Supply

221. On an Order of the Day for Committee of Supply being read, the Chairperson of the relevant Select Committee or a Member designated by the Committee shall move the Motion *“That the Sum of Kshs..... be issued from the County Revenue Fund to meet the expenditure during the year ending 30th June, 20—in respect of Vote... Department ...”*

Procedure in Committee of Supply

222. (1) A maximum of seven days shall be allotted for the consideration in Committee of Supply of proposals in respect of the Annual Estimates.

(2) Not more than three hours shall be spent on any debate for approval of a Vote, and any Vote which has

not been granted within the period provided for under paragraph (1) shall be left for disposal under paragraph (13) of this Standing Order.

(3)The Chairperson of the Committee of the Whole County Assembly shall put severally the questions with respect to the Votes of the Annual Estimates namely, that, the several amounts of such Votes be granted.

(4)An amendment to the budget estimates may be made by the County Assembly only if it is in accordance with the resolutions adopted regarding the County Fiscal Strategy Paper and if—

(a) any increase in expenditure in a proposed appropriation is balanced by a reduction in expenditure in another proposed appropriation; and

(b) any proposed reduction in expenditure is used to reduce the deficit.

(5) Where a Bill originating from a Member of a County Assembly proposes amendments after the passing of budget estimates and the Appropriations Bill by the County Assembly, the County Assembly may proceed in accordance with the resolutions adopted regarding the County Fiscal Strategy Paper and ensure—

(a) an increase in expenditure in a proposed appropriation is balanced by a reduction in expenditure in another proposed appropriation; or

(b) a proposed reduction in expenditure is used to reduce the deficit.

(6) An amendment to any Vote to increase the sum allotted thereto whether in respect of any item or subhead or of the Vote itself may only be moved in accordance with the resolution made by the County Assembly during the consideration of the Report of the Committee on the Annual Estimates.

(7) An amendment in the Committee of Supply may be in the form of a Motion *“That Vote..... be increased/reduced by Kshs.....(in respect of sub-head.....item) (sub-head.....)”* or in such other form as the Speaker may approve.

(8) An amendment to leave out a Vote shall not be in order, and shall not be placed on the Order Paper, and a Member desiring to do so should instead oppose the approval of the Vote.

(9) In the case of each Vote, amendments in respect of items or sub-heads under that Vote shall be placed upon the Order Paper, and considered in the order in which the items or sub-heads, to which they refer, stand under the Vote in the Estimates.

(10) When notice has been given of two or more amendments to reduce the same item, sub-head, or the Vote itself, they shall be placed in the Order Paper and considered in the order of the magnitude of the reductions proposed, the amendment proposing the largest reduction being placed first in each case. The reduced amount in respect of a Vote may be transferred to another Vote provided that the other Vote has not been disposed of.

(11) Debate on every amendment shall be confined to the item, sub-head or the Vote to which the amendment refers, and after an amendment to an item or sub-head has been disposed of, no amendment or debate on a previous item or sub-head of that Vote shall be permitted.

(12) When all amendments in respect of any particular Vote have been disposed of, the Chairperson shall again propose the question *“That the Sum of Kshs..... be issued from the County Revenue Fund to meet the expenditure during the year ending 30th June, 20— in respect of Vote... Department ...”* or shall propose the amended question *“That the (increased) (reduced) Sum of Kshs..... be issued from the County Revenue Fund to meet the expenditure during the year ending 30th June, 20— in respect of Vote... Department ...”*

(13) Paragraphs (3), (4) and (5) shall, with necessary modifications, apply inconsideration of Budget Estimates by Select Committees.

(14) On the last of the allotted days, being a day before 20th of June, the Chairperson shall, one hour before the time for the interruption of business, forthwith put every question necessary to dispose of the debate for approval of the Vote then under consideration, and shall then forthwith put severally the questions necessary to dispose of every Vote not yet granted; and if at that time the County Assembly is not in Committee, the County Assembly shall forthwith move into committee without question put, for that purpose.

(15) On any day upon which the Chairperson is under this order directed to put forth with any question, the consideration of the business of Supply shall not be anticipated by a Motion for the adjournment of the County Assembly, and no dilatory Motion shall be moved in relation to that business, and the business shall not be interrupted under any Standing Order.

(16) On the last of the allotted days, no business other than the business of Supply shall be taken until the business of Supply has been completed.

(17) Upon approval of the budget estimates by the County Assembly, the County Budget and Appropriations Committee shall introduce the Appropriation Bill.

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

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

(2) On the same date that the budget policy highlights and revenue raising measures are pronounced, the Member of County Executive Committee responsible for finance shall submit to the County Assembly a legislative proposal, setting out the revenue raising measures for the County Government, together with a policy statement expounding on those measures.

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

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

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

(b) take into account the principles of equity, certainty and ease of collection;

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

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

(2) On the same date that the budget policy highlights and revenue raising measures are pronounced, the Member of County Executive Committee responsible for finance shall submit to the County Assembly a legislative proposal, setting out the revenue raising measures for the County Government, together with a policy statement expounding on those measures.

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

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

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

(b) take into account the principles of equity, certainty and ease of collection;

(c) consider the impact of the proposed changes on the composition of tax revenue with reference to direct and indirect taxes;

(d) consider domestic, regional and international tax trends;

(e) consider the impact on development, investment, employment and economic growth; and

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

(5) The recommendation of the Member of County Executive Committee responsible for finance shall be included in a report and tabled in the County Assembly.

Vote on Account

224. (1) Following approval of the Budget Estimates, if the County Appropriation Bill for a financial year has not been assented to, or is not likely to be assented to by the beginning of that Financial Year, the County Assembly may authorize the withdrawal of money from the County Revenue Fund.

(2) A Motion seeking the authorization of withdrawals under paragraph (1) shall be known as a Vote on Account.

(3) Money withdrawn under subsection (1)—

(a) may be used only for the purpose of meeting expenditure necessary to carry on the services of the County Government during the Financial Year concerned until such time as the relevant appropriation law is passed; and

(b) may not exceed, in total, one-half of the amount included in the estimates of expenditure submitted to the County Assembly for that year.

(4) The Speaker shall, within seven days, communicate the authorization in subsection (1) to the County Executive Committee Member for finance.

(5) The money withdrawn under subsection (1) shall be included in the appropriation law, under separate Votes, for the services for which it is withdrawn.

6) If on the last allotted day the question with respect to a Motion under paragraph (2) shall not have been put, the Chairperson of the Committee of the Whole County Assembly shall, half an hour before the time for the interruption of business, forthwith put the question.

Procedure on Supplementary Estimates

225. (1) The County Government shall submit to the County Assembly for approval, a supplementary budget in support of money spent under section 135 of the Public Finance Management Act, 2012.

(2) The supplementary budget shall include a statement showing how the additional expenditure relates to the fiscal responsibility, principles and financial objectives.

(3) Paragraphs (3) and (4) of Standing Order 222(*Procedure in Committee of Supply*) shall with the necessary modifications, apply to Supplementary Estimates.

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

(5) Unless the County Assembly orders that the business under paragraph (3) shall continue for more than one day,

the Chairperson of the Committee of the Whole County Assembly shall, half an hour before the time for interruption of business forthwith put every question necessary to dispose of the Motion then under consideration and shall then forthwith put severally the questions necessary to dispose of the business of Supply under the same Order of the Day.

(6) On any day upon which the Chairperson is under this order directed to put forthwith any questions, the consideration of the business of Supply shall not be anticipated by a Motion for the adjournment of the County Assembly, and no dilatory Motion shall be moved in relation to the business and the business shall not be interrupted under any Standing Order.

(7) Except as provided in this Standing Order, the approval of the County Assembly for any spending under this section shall be sought within two months after the first withdrawal of the money.

(8) If the County Assembly is not sitting during the time contemplated in paragraph (7), or is sitting but adjourns before approval has been sought, approval shall be sought within fourteen days after it next sits.

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

Consideration of Supply Resolutions

226. (1) The report or any resolution of the Committee of Supply shall be considered by the County Assembly forthwith, unless the County Assembly otherwise orders, upon a Motion, *“That, the County Assembly do agree with the Committee in the said resolution”*.

(2) The question on any Motion moved under paragraph (1) of this Standing Order shall be put forthwith, no amendment, adjournment or debate being allowed, unless a member desires to amend or to add to the resolution in which case the member may propose an amendment to add, at the end of the Motion, the words *“subject to the re-committal of the resolution (in respect of some specific amendment, or addition) to the Committee of Supply”*.

(3) If the Motion is agreed to with the Member’s amendment, the resolution shall stand re-committed to the Committee of Supply and the County Assembly shall either forthwith or upon a day determined by the Member dissolve itself into Committee of Supply to consider the resolution so recommitted.

(4) When any resolution of the Committee of Supply has been re-committed to the Committee, the Committee shall consider only the matters in respect of which it was so re-committed and any matter directly consequential thereon.

(5) Except as provided by paragraph (4) of this Standing Order, paragraphs (2) and(3) of the provisions of this Standing Order shall apply in respect of a resolution sore-committed.

Passage of Finance Bill

227. Not later than ninety days after passing the Appropriation Bill, the County Assembly shall consider and approve the Finance Bill with or without amendments.

Consideration of Finance Bill

228.(1) Following the submission of the legislative proposal by the Member of County Executive Committee responsible for finance under Standing Order 223 (*Pronouncement of the Budget highlights and Revenue raising measures*), the County Budget and Appropriations Committee shall introduce, to the County Assembly, the Finance Bill in the form in which the Bill was submitted as a legislative proposal by the Member of County Executive Committee responsible for finance together with any report of the committee on the Bill.

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

- (a) ensure that the total amount of revenue raised is consistent with the approved fiscal framework;
 - (b) take into account the principles of equity, certainty and ease of collection;
 - (c) consider the impact of the proposed changes on the composition of the tax revenue with reference to the direct and indirect taxes;
 - (d) consider domestic, regional and international tax trends;
 - (e) consider the impact on development, investment, employment and economic growth;
 - (f) take into account the recommendations of the County Executive Committee member for finance; and
 - (g) take into account the taxation and other tariff agreements and obligations that Kenya has ratified, including taxation and tariff agreements under the East African Community Treaty.
- (3) The recommendation of the Member of County Executive Committee responsible for finance shall be included in the report and tabled in the County Assembly.

PART 24 – JOURNALS, RECORDS AND BROADCAST OF PROCEEDINGS

Journals of the County Assembly

229. All votes and proceedings of the County Assembly shall be noted by the Clerk and shall constitute the Journals of the County Assembly.

Custody of Journals and Records

230. (1) The custody of the Journals and Records, whether audio, electronic or any other form, including all papers and accounts howsoever presented to or belonging to the County Assembly, shall be vested in the Clerk, who shall unless otherwise prohibited by any law, allow their access by the public.

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

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

Hansard reports

231. (1) There shall be published within forty eight hours, a verbatim report of all proceedings of the County

Assembly, unless the Speaker is satisfied that this is rendered impossible by some emergency.

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

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

Secret or personal matters

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

Broadcast of County Assembly Proceedings

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

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

PART 25 – PUBLIC ACCESS TO THE COUNTY ASSEMBLY AND ITS COMMITTEES

General provisions on access to the County Assembly

234. (1) Except as may be expressly provided to the contrary, every person has access to the County Assembly and its Committees.

(2) The County Assembly or a Committee may not exclude any person, or any media, from a sitting of the County Assembly or of a Committee unless, in exceptional circumstances, the Speaker has determined that there are justifiable reasons for the exclusion.

(3) The Speaker may, from time to time, issue rules governing public access to the County Assembly and its committees.

Restriction of access to the Chamber

235. (1) No person other than a Member shall be admitted into any part of the Chamber appropriated to the exclusive use of Members of the County Assembly while the County Assembly or the Committee of the whole County Assembly is sitting.

(2) Paragraph (1) does not apply to the Clerk or other officers of the County Assembly when discharging their duties in the service of the County Assembly.

Exclusion from the County Assembly or committees

236. (1) A Member may, at any time, rise to claim that the public or any particular person be, for reasons stated, excluded from the County Assembly or from a Committee, and if the Speaker is of the opinion that there are justifiable reasons for the exclusion, he or she may order that the public or such person withdraw from the County Assembly or the Committee.

(2) Whenever the Speaker has determined that any person be excluded from a sitting of the County Assembly or of a committee, the Speaker shall inform the County Assembly or Committee the reasons for the exclusion.

(3) A determination by the Speaker under paragraph (2) shall not be the subject of comment or debate.

(4) The Clerk shall ensure that an order for the withdrawal of the public or a person is complied with.

Press representatives infringing Standing Orders or the County Assembly Precincts Rules

237. Any media institution whose representative infringes these Standing Orders or any rules made by the Speaker

for the regulation of the admittance of the public to the County Assembly or to committees or persistently misreports the proceedings of the County Assembly, or neglects or refuses on request from the Speaker to correct any wrong report in respect of the proceedings of the County Assembly to the satisfaction of the Speaker, may be excluded from representation in the press gallery for such period as the Speaker shall direct.

PART 26 – GENERAL

Exemption of business from Standing Orders

238. (1) Subject to paragraphs (2) and (3), a Motion may, with the approval of the Speaker, be moved by any Member, either with or without notice that the proceedings on any specified business be exempted from the provisions of Part 6 (*Presiding, Calendar, Sittings and Adjournments of the County Assembly*), Part 8 (*Order of Business*), Part 16 (*Limitation of Debate*), Part 18 (*Public Bills*), Part 19 (*Private Bills*), Part 20 (*Committee of the whole County Assembly*) Part 23 (*Financial Procedures*), Part 21 (*Select Committees*), Part 22 (*Public Petitions*) and Part 25 (*Public Access to the County Assembly and its Committees*) of these Standing Orders.

(2) No Motion for the exemption of business from the Standing Orders shall be made to exempt any business from Standing Order 122 (*Publication*), Standing Order 123 (*Not more than one stage of a Bill to be taken at the same sitting*) or Standing Order 140 (*Assenting to Bills*).

(3) Not more than one Motion for the exemption of business from the Standing Orders may be moved at any one sitting, except with the leave of the County Assembly.

(4) A Motion under this Standing Order shall state the object of or reason for the proposed exemption and-

(a) may be moved at any time and any other business then in progress may thereupon be interrupted;

(b) may not be amended without the consent of the mover.

Attendance before Parliament

239. (1) A request by Parliament that a Member, the Clerk, or an officer of the County Assembly attends before the Parliament to be examined or appears before any committee of the Parliament shall be by message from the Parliament requesting that the County Assembly grant leave to such Member, Clerk or other officer to attend.

(2) If the County Assembly grants leave under paragraph (1)-

(a) the Clerk or officer shall attend before the Parliament or the committee of the Parliament;

b) the Member may, if the Member considers it fit to do so, attend before the Parliament or the committee of the Parliament.

(3) Except upon leave granted under paragraph (2), a Member, the Clerk or an officer may not, whether in person or by counsel, attend or appear before the Parliament or a Committee of Parliament in response to a

summons or invitation, or send an answer in writing to such summons or invitation.

Failure to attend sittings

240. (1) If, during any Session, a Member is absent from eight sittings of the County Assembly without permission in writing from the Speaker, the Speaker shall report the matter to the County Assembly and the matter shall stand referred to the Committee of Powers and Privileges for hearing and determination.

(2) The Committee of Powers and Privileges shall inquire into a matter referred to it under paragraph (1) within fourteen days from the date the matter is referred to it and shall thereupon submit a report to the County Assembly.

(3) If the report of the Committee finds that the Member has offered a satisfactory explanation for the Member's absence from eight sittings of the County Assembly without the permission in writing from the Speaker, there shall be no further proceedings in the County Assembly in respect of the matter.

(4) If the report of the Committee finds that the Member has not offered a satisfactory explanation for the Member's absence from eight sittings of the County Assembly under paragraph (1), the Chairperson of the Committee or a Member of the Committee designated by

the Committee for that purpose shall, upon submitting the report, give a three days' notice of a Motion that, *"This County Assembly notes the report of the Committee of Powers and Privileges laid on the Table of the County Assembly on ... regarding....."*.with other necessary modifications.

(5) A Motion under paragraph (4) shall be debated in the usual manner of debating Motions, except that-

(a) no amendment shall be permitted to the Motion;

(b) the debate of the Motion shall not be anticipated by a Motion for the adjournment of the County Assembly, and no dilatory Motion shall be moved in relation to the business, and the business shall not be interrupted under any Standing Order.

(6) At the conclusion of the debate on a motion under paragraph (4), the Speaker shall not put a question but shall declare that, pursuant to Article 194 (1) (b) of the Constitution, the office of the Member concerned has become vacant.

Seating in the Chamber

241. (1) There shall be reserved seats in the Chamber of the County Assembly for the exclusive use of each of the following-

- (a) the Chairperson of Committees;
- (b) the Leader of the Majority Party;
- (c) the Leader of the Minority Party;
- (d) Members with disabilities.

(2) All other seats in the Chamber shall be available for the use of any Member.

(3) Subject to this Standing Order and any other order of the County Assembly, any question relating to the occupation of seats in the Chamber shall be determined by the Speaker.

Members travelling outside Kenya

242. (1) A Member intending to travel outside Kenya whether in an official or a private capacity, shall give to the Speaker a written notice to that effect, indicating:-

- (a) the destination intended to be visited;
- (b) the dates of the intended travel and period of absence from Kenya; and
- (c) the email, telephone contact, postal or physical address of the Member during the period of absence from Kenya.

(2) All information submitted under this Standing Order shall be kept in a register which the Clerk shall maintain for that purpose and shall not be disclosed to any person without the permission of the Speaker.

Expenses of witnesses

243. There may be paid or tendered to any person summoned to give evidence or to produce documents before the County Assembly or a Committee, such reasonable sum in respect of the person's expenses, including travelling expenses, as the Clerk may from time to time determine, either generally or specifically.

PART 26—AMENDMENT OF STANDING ORDERS

Proposals for amendment by the County Assembly Procedure and Rules Committee

244. The County Assembly Rules and Procedure Committee may at any time propose amendments to these Standing Orders.

Amendment on the initiative of a Member

245. (1) A Member may, with the support of at least two other Members, request the County Assembly Rules and Procedure Committee to consider an amendment to the Standing Orders.

(2) A request under paragraph (1) shall be in writing and shall-

(a) contain the text of the proposed amendment and the justification for the proposal;

(b) contain the names and signatures of the Members supporting the request;

(c) be lodged with the Speaker.

(3) The Speaker shall, if satisfied that the requirements of paragraphs (1) and (2) have been met, forward the request to the County Assembly Procedure and Rules Committee.

(4) The County Assembly Procedure and Rules Committee shall, within twenty-one days of the receipt of a request under paragraph (3), consider the request and table a report in the County Assembly containing the amendments proposed in the request and the recommendations of the Committee on each such proposal.

(5) The County Assembly shall consider the proposed amendments to the Standing Orders as reported from the County Assembly Procedure and Rules Committee on a Motion that *“The report of the County Assembly Procedure and Rules Committee be approved”*.

(6) Standing Order 134 (*Procedure on Bills reported from Committee of the whole County Assembly*) shall apply to a Motion to approve the report of the County Assembly Procedure and Rules Committee on the amendments proposed to the Standing Orders.

Periodic review of Standing Orders

246. At least once in every term of the County Assembly, not later than six months to the end of the term, the County Assembly Procedure and Rules Committee shall review the Standing Orders and make a report to the

County Assembly recommending the Standing Orders, if any, to be amended.

Consideration of reports of County Assembly Procedure and Rules Committee

247. (1) Upon the tabling of a report of the County Assembly Rules and Procedure Committee under Standing Orders 244 and 246, the procedure set out at Standing Order 245 (5) and (6) shall apply with the necessary modifications.

(2) Amendments to the Standing Orders proposed under this Part shall, upon approval by the County Assembly, take effect at the time appointed by the County Assembly.

PART 27 –TRANSITION CLAUSES

Effective date

248. (1) In Exercise of the powers conferred by the Constitution of the Republic of Kenya and sections 14 and 15 of the County Governments Act, 2012, the County Assembly of Samburu, by resolution passed on the 13th Day of January, 2020, adopted these Standing Orders to take effect as from this and to remain in force until amended or revoked by the third or a subsequent County Assembly of Samburu in accordance with the law.

(2) The Standing Orders adopted by the County Assembly of Samburu on the 13th day of June, 2017 during the first County Assembly are hereby revoked.

FIRST SCHEDULE

BROADCASTING RULES

County Assembly Broadcasting Unit

1. (1) There is established the County Assembly Broadcasting Unit, which shall oversee the broadcasting of County Assembly proceedings.

(2) Unless the Assembly otherwise directs, the County Assembly Broadcasting Unit may broadcast the proceedings of County Assembly and provide access to County Assembly information.

County Assembly privilege

2. Audio and visual digital footage of County Assembly proceedings shall be covered by the laws relating to County Assembly privilege and shall be kept as part of the records of the County Assembly, under the custody of the Clerk of the County Assembly.

Television broadcasting

3. When broadcasting the proceedings of the County Assembly on television, the following guidelines shall apply-

(a) the camera shall focus on the Member recognized by the Chair until the Member has finished speaking;

(b) group shots and cut-always may be taken for purposes of showing the reaction of a group of Members to an issue raised on the Floor;

(c) wide-angle shots of the Chamber shall be used during voting and Division and no shot shall be taken so as to show the manner in which a Member has voted in any secret ballot.

(d) officers of the County Assembly taking an active role in the proceedings may be shown;

(e) the occupant of the Chair shall be shown when taking and leaving the Chair and whenever he or she rises;

(f) press and public galleries shall not be shown except as part of the wide angle shots and during important functions as may be determined by the County Assembly House Broadcasting Committee;

(g) no close-up shots of Members' papers or reference materials may be shown.

Radio broadcasting

4. When broadcasting the proceedings of the County Assembly on radio, the following guidelines shall apply-

(a) audio recording shall be restricted to proceedings of the County Assembly and the Committees;

(b) commentaries during a live broadcast shall be limited to the introduction of a matter under debate and of the Member on the floor.

Protection of the dignity of the County Assembly

5. (1) Officers of the County Assembly Broadcasting Unit shall conduct themselves in a professional and impartial manner, giving a balanced, fair and accurate account of the proceedings.

(2) Shots designed to embarrass unsuspecting Members of County Assembly shall not be shown.

(3) Recordings of County Assembly proceedings may not be used for purposes of political party advertising, ridicule, commercial sponsorship or any form of adverse publicity.

External media

6. (1) In these Rules, “external media Assembly” refers to any media Assembly other than the County Assembly Broadcasting Unit.

(2) No external media Assembly or other person may broadcast any proceedings of the Assembly except as received from the broadcast feed provided by the County

Assembly Broadcasting Unit or with the permission of the Speaker.

(3) A media Assembly that receives a broadcast feed from the County Assembly Broadcasting Unit shall broadcast it without any manipulation or distortion.

(4) No camera or other recording or broadcasting equipment shall be allowed in the Assembly without authorization.

(5) Accredited journalists shall be allowed access to designated areas for purposes of following the proceedings and taking notes and any journalist so allowed shall observe the Standing Orders and these Rules.

Breach of broadcasting Rules

7. (1) Any person who fails to comply with these Rules shall be liable to such penalty as the Assembly may on the recommendation of the County Assembly House Broadcasting Committee consider appropriate.

(2) The County Assembly House Broadcasting Committee shall develop procedures for the enforcement of these Rules.

Application

8. These Rules shall apply for the broadcasting of County Assembly proceedings in the Assembly, in Committees and, with necessary modifications, in other County Assembly proceedings and events.

**SECOND SCHEDULE
SECTORAL COMMITTEES
{Standing Order No. 198}**

No.	Name	Jurisdiction
1.	Agriculture, Livestock, veterinary services & fisheries	all matters related to agriculture, including crop and animal husbandry, livestock sale yards, county abattoirs, plant and animal disease control and fisheries; licensing of dogs, and facilities for accommodation, care and burial of animals.
2.	Medical services, Public health and sanitation	all matters related to county health services, including, in particular, county health facilities and pharmacies, ambulance services, promotion of primary health care, licensing and control of undertakings that sell food to the public, veterinary services (excluding regulation of the profession), cemeteries, funeral parlors and crematoria and refuse removal, refuse dumps and solid waste disposal(infrastructure.)

3.	Culture, gender, social services, Sports and youth Affairs	All matters related to Cultural activities, public entertainment and public amenities, including betting, casinos and other forms of gambling , racing, liquor licensing , cinemas , video shows and hiring , libraries, museums, sports, facilities and cultural activities and county parks, beaches and recreation facilities, Control of drugs and pornography.
4.	Education and Vocational Training	All matters related to pre-primary education, village polytechnics and youth polytechnics, home craft centers, children's and childcare facilities.
5.	Lands, Physical planning, Housing and Urban development	All matters related to Housing, land survey , mapping , boundaries and fencing .

6.	Public Works, roads and Transport	All matters related to County transport, including county roads, street lighting, traffic and parking, public transport and ferries and harbors, excluding the regulation of international and national shipping and matters related thereto; county public works and services including storm water management systems inbuilt up areas, electricity and gas reticulation and energy regulation, Firefighting services
7.	Cooperative Development, Trade and Tourism	All matters related to County Trade development and regulations including markets, trade licenses (excluding the regulation of the profession), and fair trading practices; all matters relating to local tourism, County Industrialization and Co-operative societies
8.	Environment, Water and Natural resources	All matters related to implementation of specific national government policies on natural resources and environmental conservation, including soil and water

		conservation and forestry and control of air pollution, noise pollution, other public nuisances and outdoor, refuse dumps and solid waste management, water resource management and mining
9.	Finance, Economic planning & ICT	All matters related to County public finance and planning, development including statistics, disaster management and ICT
10.	Labor, social welfare, Justice and Legal affairs	All matters related to County public service, County civic education, coordinating participation in governance at the local level and assisting communities to develop administrative capacity procedures for the effective governance.

THIRD SCHEDULE
GENERAL FORM OF A PETITION

**(Section 15, County Governments Act, 2012 and
Part 22 of the Standing Orders)**

I/We, the undersigned,

(Here, identify in general terms, who the petitioner or petitioners are, for example, citizens of Kenya, residents of Samburu County, workers of industry, etc.)

DRAW the attention of the County Assembly to the following:

(Here, briefly state the reasons underlying the request for the intervention of the County Assembly by outlining the grievances or problems by summarizing the facts which the petitioner or petitioners wish the County Assembly to consider.)

THAT

[Here confirm that efforts have been made to have the matter addressed by the relevant body, and it failed to give satisfactory response.]

THAT

[Here confirm that the issues in respect of which the petition is made are not pending before any court of law, or constitutional or legal body.]

HEREFORE your humble petitioner(s) Pray that County Assembly—

(Here, set out the prayer by stating in summary what action the petitioners wish County Assembly to take or refrain from.)

No.	Full Name of Petitioner(s)	Full Address	National ID. or Passport No.	Signature/Thumb Impression
1.				
2.				
3.				
4.				
5.				

** This form may contain such variations as the circumstances of each case may require.*

FOURTH SCHEDULE

ADMINISTRATION OF OATH OF WITNESSES BEFORE COMMITTEES

[Standing Order 172(3)]

I, do swear, that what I shall state before this Committee shall be the truth, the whole truth, and nothing but the truth. (So help me God)