

REPUBLIC OF KENYA

NYANDARUA COUNTY ASSEMBLY

1ST ASSEMBLY- 4TH SESSION

OFFICIAL REPORT

SPECIAL SITTING

Wednesday 14th December, 2016

The Assembly met at the Assembly Chamber (P.C.E.A Hall) at 9:00 A.M

The Speaker, Hon. Ndegwa Wahome, in the Chair

PRAYER

QUORUM CALL AT THE COMMENCEMENT OF THE SITTING

(There is no quorum as confirmed the clerk-at-the-table)

Speaker: Quorum having not been recognized, I direct, pursuant to article 34 of our Standing Orders, that the bell be rung for ten minutes or until such a time within the ten minutes that quorum will have been achieved.

(The bell rings for 10 minutes but quorum is not achieved as confirmed by clerk at the table)

Very well Hon. Members, quorum having not been achieved, I now invoke, at my discretion, Standing Order No. 34 (2) and direct that the bell be rung for a further five minutes.

(The bell rings for three minutes and quorum is achieved as confirmed by the clerk at the table)

Very well, quorum having been achieved, we can now proceed with the business for the morning session. First Order.

MOTION

NYANDARUA COUNTY ASSEMBLY SPEAKER'S RULES

Very well, the vice chair of the House Business Committee and the Member for North Kinangop, Hon. Edinald Wambugu King'ori.

Hon. Wambugu King'ori: Thank you Mr. Speaker, I beg to move the motion:

THAT this house does adopt the Report of the House Business Committee together with the Chair Panels and on the Speakers Rules as a report of this house and the recommendation there in as the resolution of this house.

The Speakership is the most important office in any Legislative structure. The House cannot operate without a Speaker. Under Article 178 of the Constitution of Kenya 2010, the Speaker is elected by the Members with the mandate of presiding over the Assembly. The Speaker is the principal office holder in the County Assembly.

The Speaker's authority is derived from the House, to which his or her duty lies and to which he or she is answerable. The Constitution of Kenya 2010, the County Government Act 2012 and the Nyandarua County Assembly Standing Orders provide for the position of the Speaker. Article 1 of the Nyandarua County Assembly Standing Order bestows upon the Speakership powers to decide on any matter not provided for in the Constitution, any written laws or the Standing Orders but subject to the existing usages, forms, precedents, customs, procedures and traditions of other legislatures.

The Speaker is the chairperson of the House, hence the derivation of the name Speaker. In relation with the other arms of government, he or she is the head of the Legislative Arm of the government and in this role he is expected to maintain the authority of the House, and to protect its rights and privileges while respecting and upholding the principles of checks and balances, separation of powers and parliamentary supremacy.

The Speaker is the presiding officer; the Speaker chairs the business of the house to make sure they are conducted in an orderly manner and according to the provisions of the Constitution and the Standing Orders written to the house. The duty performed by the chair are probably the speaker's most challenging.

Nyandarua County Assembly Standing Orders also provide for the House Business Committee to make rules for the better carrying out of the mandate of the Assembly and the Committees. It is in light of the above provisions about the Speaker that the House Business Committee and the Chairperson's panel decided to make the Speaker's Rules to regulate the conduct of members and regulate the admittance of the public to the assembly precincts.

Mr Speaker, the committee made deliberations under Standing Orders No. 1. Which gives the Hon. Speaker powers to decide using traditions, precedents and customs from other legislative assemblies where no provision is made in the Standing Orders, the Constitution or other written laws. The Committee decided to look into other parliaments and from their practice.

The National Assembly has the best provisions of the Speaker's Rules and Members' Handbook. Members borrowed heavily from the National Assembly with several modifications coming up on the Nyandarua County Assembly Speaker's Rules. There was also borrowing done from the Legislative Assembly of Cayman Island. Members also decided to formulate a Member's Handbook which shall contain all the procedures and practices of a legislature.

Mr. Speaker we are heading to a new precinct with all the structures of an assembly will be. We decided to come up with these Speakers' rules as directed in the Standing Orders so that they will be adhered to by other assemblies that will come after.

In it there are several items that members need to look at and be able to internalize and understand. We have regulations for conduct of the members within the precincts of the assembly. We have the general office accommodation and going to chapter two we have the orders that the

Speaker can use to regulate admission and conduct of the strangers within the precincts of the county assembly. Where the members can park their cars, how the public may be able to be admitted to the assembly or the gardens.

There are also other issues that we have also looked at on the offensive weapons, for example under the rule no 17, no stranger shall bring any firearm or any weapons in the assembly or the garden, such weapons will remain with the sergeant-at-arms at the time of entry and collected at the time of leaving.

Smoking rule no 18, shall not be allowed in the Assembly Precincts other than the smoking zone. So there are several other rules from rule number 1 to rule number 37 which members need to adhere with and be able to know them of head.

Our recommendations Mr Speaker were;

1. THAT the House does approve and adopt the Nyandarua County Assembly Speaker's Panel (*herewith annexed*) pursuant to the requirement for approval provided for under Standing Order 152 (5) (j) of the Nyandarua County Assembly Standing Orders.
2. THAT the Directorate of Information and Corporate Communication Systems undertakes the designing of the said guidelines and rules in brochure form once the report is adopted.

This will make sure that each and every Member will have a brochure once the rules are adopted and be able to look at it.

Mr Speaker that is the outline of what the Speakers rules that the House Business Committee together with the Speaker's Panels Chairs wrote in a report and agreed that if possible this Honourable should adopt. I have not gone through item by item hoping that the members have already done so and if not they should go through item by item and get to understand clearly the Speaker's rule. With those few remarks I beg to move and I call the seconder Hon. Dorcas to second.

Speaker: Very well, County Member from Githioro Hon. Dorcas Nyambura and a committee member. As the county member from Githioro seconds, I am informing the membership of the House Business Committee that we shall be sitting immediately after the session to be able to approve a supplementary Order Paper for this afternoon so that we can be able to table the Audited Accounts for the Nyandarua Water Company, the Executive and the Assembly so that we can be able to delegate to the relevant committee before we break for recess tomorrow. So members of the House Business Committee you are requested to stay behind for a few minutes after the morning session proceed.

Hon. Dorcas Kihara: Thank you Mr Speaker, I raise to support this report of the House Business Committee together with the Speaker's Panel on the Speaker's Rules. Even if we say that this is a house of procedures and rules, without the Speaker's rules we may not be able to control the house. Therefore this is a document that will guide this Assembly and other assemblies which will come in future.

The Members will also know what is expected from them, for instance when they come to the Assembly, they will know where they should park, the dos and the don'ts. Smoking is an issue of concern, we know that in big towns there are smoking zones, people are not allowed to go smoking all over because we know the hazardous effects and these rules are providing for a smoking premise for the members who smoke.

Another crucial thing is the baby care unit, we have realized that in the Assembly there are staff and members who are young and productive, and still giving birth and they have nowhere to breastfeed their babies, we get to see a scenario where we see our members breastfeeding their children in their cars or in the committee rooms. So this is a good move as long as we want to take care of our young ones and we want our county to grow, when new-borns come, our county is expanding, which is a blessing. We are moving to a new assembly from this rented premise and all these things will be taken care of. In the new premise there is enough ground to build the reserved parking, build the baby care unit and also the smoking zone.

About the public gallery, the people want to come and follow the proceedings, we have no gallery but in the new premises there is a gallery, and without guidelines we cannot be able to control them. Concerning the dressing code, with these guidelines there will be no issue of members coming to the assembly without adhering to the code.

I hope that this document will be produced in copies after we adopt it and every member be given a copy inform of a brochure or booklet so that we can go and read it. The assemblies that come after should be given these guidelines as the first document so that they can know what they are supposed to do, how to advice their visitors who are coming to the assembly on how they are to behave, what they should carry so that when they are checked they will not say that they are Hon. member and need not to be checked.

Since it will be in the guidelines that no one should carry an offensive weapon and the weapon can only be seen if there is a security checked. About the people coming to the gallery and taking photos, we will have brochures which will be a pull out of the guidelines and the public will get to know it is prohibited to take photos in the assembly, or to laugh or even to clap.

With this the proceeding of the house will be smooth and well guided and very easy. I support this motion and urge the members to adopt it. Let the guidelines be prepared in way that we will be able to have it in the pigeon holes, and also carry them in our hand bags

(Question proposed)

Speaker: Very well. Member for Kaimbaga Hon. Samuel Kimani Njiraini.

Hon. Kimani Njiraini: Thank you Mr Speaker, I first thank the House Business committee for coming up with these guidelines and as we understand this is a house of rules and orders, these guidelines will always be reminding the members of the right things to do. At times we see members coming to the office without ties or the proper attires and this brings a lot of confrontation this will not be there. This guidelines will enable when a motion is passed here of county importance or any report, I hope the members will be following rules on the areas to consult and to what extent.

On the issue of the weapons, the County Assembly of Nyandarua is within the PCEA church grounds, we do not have any area where any weapon can be kept. We also see people moving about freely but for the member for Kaimbaga and Karau wards, our freedom is limited since the assembly is within the area of our jurisdiction. These guidelines will help the members to always be in order, be smart, which is not bad and even in parking for vehicles guidelines are provided for, reserved parking for the Governor, Deputy Governor and even the Speaker and other leaders in the house. This will enable members of the County Assembly to be seen as national figures.

Mr Speaker, I know in future some of this members will be MPs and Governors, we are still young and have time to grow in politics and we shall practice the good leadership we adopted during the four years that we have been here. I pray for everyone including myself that we will be here to launch the new assembly.

I call the mover to respond.

Speaker: Very well, the motion mover Hon Edinald Wambugu King'ori.

Hon. Wambugu King'ori: Thank you Mr Speaker, there was confusion that was brought about by Hon. Kamoche, the Chairperson of Delegated County Legislation Committee, that this are guidelines that need to be taken back to Delegated County Legislation committee for further deliberations and actually it is like he was not aware that the House Business Committee is mandated by standing Order No. 152, (5) (j) if you allow me to read it, states that the House Business Committee;

May propose rules for the orderly and effective conduct of committee business and any such rules, shall upon approval by the Assembly, continue in force until amended or repealed by the Assembly, and such rules shall be annexed to the Standing Orders and shall be binding upon Committees to the same extent as these Standing Orders;

This means that the House Business Committee is mandated to that effect within the precinct of this house. Standing order 187 (5) states;

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

(Hon. Kimani Njiraini rises on a point of order)

Speaker: Yes what is it Hon. Member for Kaimbaga Hon. Samuel Njiraini?

Hon Kimani Njiraini: Mr Speaker, since this House is a House of rules and order, is it in order for the Hon. Member from Mirangine to table a report while the Deputy Speaker is moving his responses? Is it in order to disrespect the mover of the report?

Speaker: So what the member for Kaimbaga is saying is that the member for Mirangine has placed some material on the dispatch box. If it has happened that is completely out of order because the dispatch box is only receptive of materials that are laid there through laid down procedures and actually member for Mirangine that would be and upfront to the orderly conduct business in the house.

(Hon. David Ndirangu (Mirangine) rises)

What is it member from Mirangine?

Hon. David Ndirangu (Mirangine): Mr Speaker, I do apologize this has been driven by anger with the content that in well financed and gazetted, it was not my wish, it is anger.

Speaker: Well, members are always able to control their anger. Continue Member for North Kinangop.

Hon Wambugu King'ori: Thank you Mr. Speaker...

(Laughter)

Thank you Mr. Speaker, if you allow me to read Standing Order No. 187 (2) talks about the mandate of delegated county legislation committee which is entitled to deal with statutory instruments, and it is well defined under the Standing Order No. 187 (5) (v).

"Statutory instrument" means any rule, order, regulation, direction, form, tariff of costs or fees, letter, patent, commission, warrant, proclamation, by-law, resolution, guideline or other instrument issued, made or established in the execution of a power conferred by or under an Act of the County Assembly under which that statutory instrument or subsidiary legislation is expressly authorised to be issued.

The key word there is an Act of the County Assembly. Hon. Kamoche was intending to bring confusion in this Honourable House by trying to insinuate that this Speaker's Rules and other documents already tabled Mr. Speaker should be taken back to his committee that is delegated county legislation.

Mr Speaker, in general the regulations on the conduct of the Members of the County Assembly of Nyandarua, within the precinct of the Assembly, under the Item General we have No. 5 where members are required to enter the chambers, lodge or room while properly dressed, which means a coat, long trousers, suits, or coloured uniform and or a national attire with equivalent for women with hats option. This on a lighter note I am referring to Hon Kieru and Hon Gichuki who come here not properly dressed. I beg to move.

(Question put and agreed to)

Speaker: Officially, these are the Speaker's Rules that will guide the direction and management of the office of the Speaker as it relates to the assembly and its precincts, and the House Business Committee should give requisite directions to the secretariat to have the same published by Kenya Literature Bureau and if necessary the same be an addendum to our Standing Orders.

Next order.

ADJOURNMENT

Very well the business for the session having been exhausted the House will adjourn to today Wednesday 14th December 2016 at 2:30 p.m.

(House rose at 9. 45 A.M)