



## REPUBLIC OF KENYA

### THIRTEENTH PARLIAMENT– (SECOND SESSION) THE NATIONAL ASSEMBLY

#### GUIDANCE FROM THE CHAIR

(No.008 of 2023)

ON

#### PROPOSED AMENDMENTS TO THE SUPPLEMENTARY APPROPRIATION BILL, (NATIONAL ASSEMBLY BILL NO.4 OF 2023)

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**1. Honourable Members,**


Before the House proceeds to the next Order, which is the consideration of the Supplementary Appropriation Bill (National Assembly Bill No. 4 of 2023) in Committee of the whole House, I wish to offer following guidance with respect to amendments proposed by Members and the application of the provisions of Article 114(2) of the Constitution.

**2. Honourable Members,** I have received notices of proposed amendments from the Chairperson of the Budget & Appropriations Committee, the Hon. Ndindi Nyoro, MP and from the Hon. Patrick King'ola, MP on behalf of the Parliamentary Service Commission for consideration during the Committee of the Whole House on the Supplementary Appropriation Bill, 2023.

**3. Honourable Members,** as you are aware, Article 114(2) of the Constitution provides that- ***if, in the opinion of the Speaker, a motion makes provisions for a matter listed in the definition of "a Money Bill", the Assembly may proceed only in accordance with the recommendation of the relevant Committee after taking into account the views of the Cabinet Secretary responsible for Finance.***

Under sub-article 3 of Article 114, a "money Bill" includes matters that contain provisions dealing with, *inter alia*, the imposition of charges on a public fund; **the appropriation**, receipt, custody, investment or issue of public money; and, the raising and guaranteeing of any loan or its repayment.

4. In this regard, a Supplementary Appropriation Bill, being one that deals with appropriation of funds is clearly a money Bill. Therefore its consideration in the House squarely falls within the confines of Article 114 of the Constitution as well as other provisions relating to processing of legislation in the House.
5. Having said that **Honourable Members**, as you will notice in today's Order Paper, The amendments by the Chairperson of the Budget & Appropriations Committee, which seeks to reallocate funds to a programme in one vote (Vote D1104 – State Department for Irrigation) from a programme in another vote (Vote D1109 – Ministry of Water, Sanitation and Irrigation). While the amendments proposed by the Member for Mavoko Constituency on Vote D2043 (Parliamentary Joint Services) and Vote R2042 (The National Assembly) are reallocation across the budget of Parliament and have no net effect on the overall Estimates for the FY 2022/23.
6. In view of the foregoing, and having consulted the Chairperson of the Budget and Appropriations Committee, I have allowed for the amendments to be moved during the Committee of the whole House on the Bill as there are in line with the contravention with the provisions of Article 114 of the Constitution.
7. **The House is accordingly guided. I thank you.**

  
**THE RT. HON. MOSES WETANG'ULA, EGH, MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**  
*Wednesday, 1<sup>st</sup> March 2023*