



REPUBLIC OF KENYA

**THIRTEENTH PARLIAMENT - (SECOND SESSION)
THE NATIONAL ASSEMBLY
COMMUNICATION FROM THE CHAIR**

____ (No. 78 of 2023) ____

**REFERRAL OF A BILL TO A WINNOWING PROCESS UNDER
STANDING ORDER 131– THE KENYA DRUGS AUTHORITY BILL
(NATIONAL ASSEMBLY BILL NO. 54 OF 2022)**

Honourable Members,

1. You may recall that, during the Afternoon Siting of the House yesterday, Tuesday 24th October 2023, the Member for Homa Bay Town Constituency, the Hon. Peter Kaluma, MP, rose on a Point of Order pursuant to the provisions of Standing Order 131. The Hon. Kaluma sought the indulgence of the Chair to stay the consideration of the Kenya Drugs Authority Bill (National Assembly Bill No. 54 of 2022) in Committee of the Whole House.
2. The Member for Homa Bay Town Constituency relied on the argument that proposed amendments in respect to the Bill were nearly on all the Clauses. He averred that it was an established practice of the House pursuant to Standing Order 131 that, where so many amendments are proposed on a Bill, the Speaker refers the amendments to the relevant Committee to for harmonization. A process popularly known as *winnowing*. He further implied that where the multiplicity of amendments appeared to re-write the Bill, the Speaker would order such Bill to be re-published.

3. Other Honourable Members, including the Deputy Speaker, Hon. Gladys Boss, MP and the Chairperson of the Departmental Committee on Health, Hon. (Dr.) Robert Pukose, MP, weighed in on the matter and gave their input and clarification on the nature of the proposed amendments.
4. **Honourable Members**, having considered the issues raised by the Member for Homa Bay Town Constituency in relation to the assurances by the Chairperson of the Departmental Committee on Health and other Members, I was inclined to permit the consideration of the Bill in the Committee of the Whole House. In so doing, I was hopeful that the Committee would conscientiously consider and decide each of the proposed amendments, including those that I approved after publication of the Order Paper.
5. I also guided the House that should need for certain proposed amendments to undergo winnowing arise, while in the Committee of the House, the Chairperson of the Committee would be at liberty to stay the relevant Clause to allow further consideration. For the record, Committee of the Whole House on the Kenya Drugs Authority Bill (National Assembly Bill No. 54 of 2022) commenced yesterday and progressed up to Clause 22.
6. As you are aware, **Honourable Members**, the resumption of the Committee of the Whole House during today's morning Sitting was interrupted due to lack of Quorum. The same business is scheduled to resume in this Sitting as listed under Order Number 11 of today's Order

Paper. Before proceeding to the said Order, I wish to inform the House that several Members have approached me and canvassed their concerns on the Bill and the proposed amendments.

7. Without delving into the details of the Members' concerns, the bottom-line was for the Speaker to stay further consideration of the Bill to allow winnowing of the proposed amendments. Notably, the Members' concerns resonate with the Point of Order that the Member for Homa Bay Town Constituency raised yesterday.
8. In this regard, **Honourable Members**, I am inclined to defer further consideration of the Kenya Drugs Authority Bill (National Assembly Bill No. 54 of 2022) in the Committee of the Whole House.
9. To this end, I direct that the proposed amendments to the Bill be subjected to a winnowing process before the Departmental Committee on Health. All Members with amendments, including all other Members desirous of proposing amendments to the Bill are required to appear before the Committee to prosecute their proposals.
10. For fairness **Honourable Members**, I advise the Chairperson of the Departmental Committee on Health in whose name the Bill is published to consider recusing himself during the winnowing process and allow the Vice Chairperson or another Member of the Committee to steer the process.
11. For clarity, Committee of the whole House had concluded consideration of Clauses 3 to 22. In the event contestations arise with regard to those Clauses, the House will be at liberty to recommit the clauses in accordance with Standing Order 136A. The Bill will be resumed later on

a day to be determined by the House Business Committee upon reporting of the results of the winnowing process by the Committee.

12. The House is accordingly guided.

I thank you!


THE RT. HON. (DR.) MOSES F.M. WETANG'ULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Wednesday, October 25, 2023