



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

COMMUNICATION FROM THE CHAIR

_____ (No. 051 of 2025) _____

ON

QUORUM OF THE HOUSE DURING REPORTING OF THREE BILLS

Honourable Members,

1. It has been brought to my attention that during the reporting of the consideration of three Bills by the Committee of the Whole House on Thursday 13th November, 2025, various claims arose as to whether a Quorum of the House was present.
2. **Hon. Members**, Article 121 (a) of the Constitution sets the quorum of the House at any given time at fifty (50) Members. This requirement is replicated at Standing Order 34 of the National Assembly Standing Orders.
3. As per parliamentary practice and precedent, when presiding over the House, the Speaker *has no eyes to see or ears to hear*. As such, if a claim is made after the commencement of a sitting that a Quorum is not present, our Standing Order 35 requires the Speaker to ***ascertain and pronounce the actual number of Members in the House***. The Standing Order proceeds to guide on the steps to be taken where a Quorum is not present.
4. **Hon. Members**, I have perused the *Hansard* of the proceedings of the sitting in question and noted that there is no indication of whether the claims relating to Quorum were addressed at the time. There is an undeniable link between the Quorum of the House and the conduct of its proceedings and decisions. Consequently, I must give the benefit of the doubt that has been raised to the Members who raised an objection.
5. I have, therefore, instructed the Clerk to prepare a Supplementary Order Paper for today's sitting to address that anomaly which has also been approved by the House Business Committee.

6. Hon. Members will note from the Supplementary Order Paper that Order No. 8, 9, 10 and 11 relate to the consideration of the three Bills.
7. In relation to the Government Owned Enterprises Bill (National Assembly Bill No. 40 of 2025), I have received a request for recommitment of specific clauses of the Bill. These shall be considered in the usual manner as provided in the Standing Orders.
8. **Hon. Members**, Arising from same the proceedings of Thursday, 13th November 2025, I have received representations from the Hon. Robert Mbui, CBS, MP and the Hon. Julius Mawathe, MP, appealing against their suspension. In principle, the two Members are inviting the Speaker to consider whether the provisions of Standing Order 107A (*Grossly Disorderly Conduct*) were fairly exercised. The Standing Order provides that a Member commits an act of gross disorderly conduct if the Member ***attempts to or removes the Mace from its place in the Chamber.***
9. Standing Order 107A (3) provides that the Speaker may call a Member whose conduct is grossly disorderly to order and order the Member to withdraw immediately from the precincts of the Assembly ***for a minimum of five days and a maximum of twenty-eight days, including the day of suspension.***
10. **Hon. Members**, The established practice in commonwealth parliamentary jurisdictions, and indeed our Parliament, is that whenever an appeal is lodged against the action of a Presiding Officer, the Officer who was presiding has the prerogative to satisfy himself or herself on the merits of the appeal. I am not inclined to depart from this practice and will therefore not comment further on the matter, at the moment.
11. The House will therefore proceed as guided and as contained in the Supplementary Order Paper in circulation.

The House is accordingly guided.

I thank you!



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

Tuesday, 18th November, 2025